

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM AIKEN COUNTY

Doyet A. Early, III, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DARRIN D. HOLSTON,

APPELLANT

RECORD ON APPEAL

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State of South Carolina	)	
County of Aiken	)	Court of General Sessions
		2010-GS-02-01899
		2010-GS-02-01903
		2010-GS-02-01905

State of South Carolina	)	
Plaintiff	)	
vs.	)	Transcript of Record
Darrin Darrell Holston	)	
Defendant	)	

May 9 - 12, 2011
Aiken, South Carolina

B E F O R E:

The Honorable Doyet A. Early, III, Judge; and a jury.

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Official Court Reporter

1 Any objections to my opening remarks by the state?

2 MR. WEEKS: No, Your Honor.

3 THE COURT: Miss Alves?

4 MISS ALVES: No, Your Honor.

5 THE COURT: Please pay close attention. Mr. Molony?

6 MR. MOLONY: Thank you, Your Honor. May it please
7 the court.

8 THE COURT: Yes, sir.

9 OPENING STATEMENT

10 MR. MOLONY: Ladies and gentlemen, this is a case
11 about bravery and about courage. I used to think that I
12 was a brave, courageous guy. I played football at
13 Presbyterian College. As you can tell I am not the
14 biggest guy in the world. I look more like the kicker
15 than the defensive back, but I played defense. I was a
16 smaller guy and thought I was a brave guy when I would go
17 up and try to hit these running backs. I thought I was
18 courageous when I would return these punts and these
19 kickoffs. I am here today to tell you that's not brave
20 and courageous.

21 Brave and courageous is Willie Walker. Willie Walker
22 is the victim in the case that we're here for today. On
23 the early morning hours of July 17, 2010 Willie Walker
24 proved that he owned both of those characteristics. See,
25 Willie was a caretaker for disabled -- mentally disabled

1 individuals at Tri-Development Center here in Aiken. It
2 is a job he had been doing for three years, going on his
3 fourth. It is a job that he liked.

4 He'll tell you here shortly what his job duties
5 entailed. He would make sure that these individuals had
6 what they needed, that they were being fed, that they were
7 being bathed, and anything they needed he would be there
8 for them.

9 Well, around 2:30 in the morning on July 17 Willie
10 Walker put three of them to sleep. He had three consumers
11 at the house that night. There are usually four. There
12 were only three that night. They were all in their rooms
13 asleep. Willie had some down time. He'll tell you he was
14 sitting up watching TV. You will see some paperwork
15 laying around. You'll see some pictures of where he was
16 sitting. The paperwork -- he had just taken his
17 commercial driver's license test and was looking through
18 some of these books and kind of reading up on the
19 profession thinking he may do that in the future, but he
20 was interrupted.

21 He was interrupted by the sound of his front door
22 being busted in by the defendant. Darrin Holston busts in
23 his front door wearing nothing but a latex glove on his
24 left hand, a cotton glove on his right hand, a gun in his
25 right hand, boxer shorts, and dress socks demanding that

1 Willie Walker give him money. Willie didn't know him. He
2 had never seen him before.

3 Willie will tell you he tried to jump out that chair
4 and tried to run, get away. He wasn't quick enough. The
5 defendant chased him down, guides him throughout the house
6 demanding money. Willie will tell you another guy walks
7 in that night. We don't know who he is. He was with the
8 defendant. We don't know who he is.

9 Willie finally tells him, Look, I don't have any
10 money. He has his ATM card. So, the defendant takes the
11 ATM card. He takes it, but he takes Willie, too. He
12 forces Willie to get into his car -- Willie's car --
13 behind the wheel. The defendant sits in the passenger
14 seat of Willie's car -- gun still there, still wearing his
15 gloves and boxers and socks, and demands Willie drive to
16 the ATM. The unknown male that was with the defendant was
17 behind them.

18 Willie will tell you here shortly he gets out in his
19 car scared to death, obviously, and as he begins to drive
20 he makes a decision -- not on a football field with
21 helmets and shoulder pads, and, you know, knee pads and
22 thigh pads and everything else on grass. He makes a
23 decision in a car traveling at a high rate of speed with
24 very thin clothing on on asphalt, he jumps. He jumps out
25 of the moving vehicle when he sees a light on the side of

1 the road -- sees a shadow -- and he is that desperate and
2 he's that courageous. He is that brave to where he jumps
3 out of his moving vehicle.

4 You'll hear from two witnesses that are standing on
5 that porch where that light was coming from and they'll
6 tell you what they saw. They were smoking a cigarette in
7 the middle of the night. They are just outside smoking a
8 cigarette and they see this happen. They see the car go
9 and crash into the trees with the defendant still in it,
10 and they see Willie Walker come running up to them begging
11 for help.

12 Now, they eventually walk down and check on the car
13 and they see the defendant in the car. One of them will
14 tell you he sees a gun in the defendant's lap. The
15 defendant is out of it -- bleeding, still wearing his
16 glove on his left, his cotton on his right, his boxers and
17 his socks. Eventually he gets out and you'll hear that
18 the victim Willie is staying away from him. Wherever he
19 is, Willie is far away, still frightened, still terrified.

20 Eventually EMS -- throughout this short process EMS
21 is called and they arrive on the scene along with law
22 enforcement and the defendant is arrested and charged with
23 the charges we're here for today: Attempted armed
24 robbery, kidnapping, and burglary in the first degree.

25 Now, as the judge stated as soon as I'm done

1 Miss Alves will have an opportunity to come up and give
2 her opening statement. We'll then do the trial portion.
3 You'll hear what I just told you. You'll see pictures of
4 the gloves. You'll see pictures of the boxer shorts and
5 the socks. You'll see pictures of the wrecked car.
6 You'll see pictures of Willie Walker. You'll see Willie
7 Walker's injuries.

8 At the end of this whole thing the judge will charge
9 you on the law, tell you what the law is. As he told you
10 the state bears the burden of proof in any criminal case
11 and this one is no different. We bear the burden of proof
12 beyond a reasonable doubt and it is a burden that
13 Mr. Weeks and I welcome with open arms in this case. We
14 will prove to you beyond a reasonable doubt that the
15 defendant is guilty of attempted armed robbery, that he is
16 guilty of kidnapping, and that he's guilty of burglary in
17 the first degree. Thank you.

18 THE COURT: Miss Alves?

19 OPENING STATEMENT

20 MISS ALVES: Ladies and gentlemen, you just heard an
21 incredible story from the solicitor. You will be sitting
22 over there saying, Wow, what is she going to do? What is
23 she going to prove? That's where we need to stop because
24 as the judge told you and as the solicitor just told you I
25 don't have to prove anything. Mr. Holston does not have

1 to prove anything. The burden in this case is on the
2 state. It is on the solicitor. They have to prove to you
3 beyond a reasonable doubt that Darrin Holston is guilty of
4 the charges that we're here for today.

5 Now, this is not going to be a long trial. This is
6 not going to be a big fancy TV trial. This is not going
7 to be some incredible sensational trial that people will
8 be interviewing you on Dateline for years to come. It's
9 not going to be happening. Sorry. You won't be writing a
10 book about this, but this case is incredibly important to
11 that man sitting right there because he has been accused
12 of to the crime of attempted robbery, burglary, and
13 kidnapping, and the only thing I am here to tell you is
14 that you're going to hear a lot of evidence in the case,
15 and you need to keep an open mind.

16 The case is not done just because the solicitor gave
17 his opening and told you what he expects the evidence to
18 show. The case won't be done just because the solicitor
19 -- the witnesses get on -- Mr. Walker gets on the stand
20 and tells you his version of what happened that day -- his
21 version that he told the police that night. The case
22 won't be done just because a couple of police officers get
23 on the stand and tell you what -- you know, what they did
24 that day.

25 You have to wait until all the evidence is presented,

1 until the solicitor and I get up at the end of this trial
2 and present our closing statements to you, and then after
3 that the judge will tell you what the law in this case is.
4 Only then will twelve of you go back into the jury room
5 and start deliberating, and all that time through all of
6 that process Mr. Holston sits there an innocent man. He
7 is presumed innocent through all of that.

8 It is only if you, the jury, find him guilty after
9 all of that process and after your deliberation if you
10 find him guilty, then he is guilty, but he sits there
11 right now presumed innocent and you have to presume him
12 innocent until such time as the state proves to you beyond
13 a reasonable doubt that he did commit these crimes. So,
14 the only thing I am asking you to do is to keep an open
15 mind. Wait until the end of the trial, until the end of
16 the evidence, until the judge has charged you until you've
17 started deliberating before you make your mind up about
18 what happened because this is not as open and shut as the
19 solicitor seems to think.

20 I'm glad they welcome their burden because I am going
21 to hold them to it and under our law you have to hold them
22 to it, too. The only thing I want is a verdict that
23 speaks the truth and if that truth is -- if you determine
24 the truth is that Mr. Holston is guilty, then that's what
25 the truth is, but I am confident that after you hear all

1 of the evidence, after you've deliberated, after you've
2 heard the judge's charges that you will find that the
3 state has not met their burden and you'll have to find
4 Mr. Holston not guilty. Thank you.

5 THE COURT: You may call your first witness. You can
6 sequester the witnesses.

7 MR. WEEKS: Thank you, Your Honor. I would ask that
8 all the witnesses in the trial leave except for
9 Investigating Officer Sanders.

10 THE COURT: Everybody in agreement that the witnesses
11 are sequestered?

12 MR. WEEKS: That's correct.

13 MISS ALVES: Yes, sir.

14 THE COURT: All right.

15 MR. WEEKS: The state would call Willie Walker, Your
16 Honor.

17 THE COURT: Come around, sir.

18 WILLIE J. WALKER, after being duly sworn,
19 testified as follows:

20 THE CLERK: Have a seat in the witness box stating
21 your name for the court spelling your last, please.

22 THE WITNESS: My name is Willie James Walker.

23 DIRECT EXAMINATION

24 BY MR. WEEKS:

25 Q Mr. Walker, how old are you?

1 A I am 27 now.

2 Q And what are you currently doing for a living?

3 A I am an employee at US Food Service in Columbia,
4 South Carolina.

5 Q What do you do for them?

6 A I am an order selector.

7 Q Are you driving trucks?

8 A No, sir.

9 Q On July 17 of 2010 where were you working?

10 A I was employee at Tri-Development Center of Aiken
11 County.

12 Q Can you tell me what Tri-Development Center is?

13 A It's the place for people with special needs. Yes,
14 sir, disability.

15 Q What do you -- What did you do for them at that time?

16 A I was a residence support provider for
17 Tri-Development.

18 Q What does that mean Willie? What were you doing?

19 A That means I go to work, make sure my guys are in the
20 house. If food needs to be cooked I cook the food for
21 tomorrow, prepare the lunches, wash the clothes, clean the
22 house, wait until it's time for my guys to get up and give
23 them breakfast and give them their meds, take them to
24 work, make sure they they're there by 8:15, come back,
25 drop the van off, and get my car.

1 Q Explain a little more how that whole process works.

2 Is there other people that work in the house besides you?

3 A Yes, sir.

4 Q And did you work a shift there?

5 A Yes, sir. I was working third shift.

6 Q On July 17 what was the hours for third shift?

7 A Well, I was working, I believe, 11 to 8 or 9.

8 Q Okay.

9 A Yes, sir.

10 Q Okay. And had you showed up for work on time?

11 A Oh, yes, sir. I showed up at 10:30.

12 Q And what was your process that night when you showed
13 up for work? What did you do?

14 A Pulled up, came in at 10:30, told the other coworker
15 she could go ahead and leave. She gave me a brief about
16 the guys. One of them had went home. I told her okay.
17 She went on and left, locked all the doors in the house,
18 made sure the house was cleaned up, the guys there --
19 filled out their accountability book out, filled it all of
20 the way out and I just sat down on the couch and looked at
21 TV. I had my truck books out. I had my left leg propped
22 up against the arm of the chair.

23 Q Slow down a little bit. Tell me how long a period of
24 time all of this took before ---

25 A What you mean?

1 Q When you were sitting on the couch. I know you were
2 going on with the ---

3 A I sat on the couch about 10:45, yes, sir.

4 Q And are you married, Willie?

5 A No, sir. I have a fiance.

6 Q And this particular night July 17 of 2010 prior to
7 that how long had you worked for Tri-Development?

8 A I worked for them for three years.

9 Q In that capacity did you do the same thing you were
10 doing that night?

11 A Yes, sir.

12 Q And I'll probably refer to that rather than use that
13 whole long list of words as house-sitting. You were
14 basically house-sitting special needs people, weren't you?

15 A Yes, sir.

16 Q The ones that you were house-sitting in this
17 particular residence, how long had you been house-sitting
18 those particular people?

19 A Two of them I have been house-sitting them for three
20 years; the other ones for about a year.

21 Q And during that period of time did you get to know
22 what their special needs were?

23 A Yes, sir.

24 Q And did you get to know what kind of demands they
25 would have on you during your third shift?

1 A Yes, sir.

2 Q And were you concerned at all about taking care of
3 those demands?

4 A Yes, sir.

5 Q Now, on this particular night, July 17, was anybody
6 up after you got there?

7 A No, sir.

8 Q Any of the residents?

9 A No, sir.

10 Q I believe you said there were three?

11 A Three in the house.

12 Q Tell me what happened on July 17 that brings us here
13 to court, Willie.

14 A I came to work. I told the other coworker she could
15 go ahead and leave. She left.

16 THE COURT: Slow down a little bit for me.

17 THE WITNESS: Yes, sir. She had left. I locked all
18 three of the doors -- the front door, the back door, and
19 there is a side door at the bottom by the privacy fence.
20 I ran through the house, make sure all of my guys are in a
21 room, came back and ---

22 Q Where is this house located?

23 A 387 Wheat Road in Aiken, South Carolina.

24 Q Is that in Aiken County?

25 A Yes, sir.

1 Q After you did that what did you do?

2 A I sat down, got my truck books out.

3 Q What are your truck books?

4 A It is like little magazines that have different
5 companies in it to tell you how much they pay and what
6 all -- how much experience you need if you need experience
7 or you don't need any experience.

8 Q Have you just made some sort of plan in your life as
9 to what you were going to do with your work?

10 A I was wanting to be like a truck driver -- a local
11 truck driver, yes, sir.

12 Q Had you taken the CDL truck driving course?

13 A Yes, sir.

14 Q Had you passed that?

15 A Yes, sir.

16 Q So, were you just doing stuff to stay awake? Is what
17 what you were doing?

18 A No. I always bring my truck books with me, yes, sir.

19 Q What else were you doing?

20 A I was looking at TV, MSNBC.

21 Q Tell me what happened while you were doing that,
22 Willie.

23 A I was sitting down on the chair. It was like a
24 single chair just like this but a little bigger. I had my
25 left leg propped up like this and I was looking at TV and

1 around 2:30 the door bust open. The young man over
2 here -- he bust in the door. He had his glove on, the gun
3 in the hand. He had some underwear on.

4 I jump out the couch and try to make it out the side
5 door. I ran in the kitchen and made a right turn so I
6 could run down the steps to try to open up the side door.
7 That's when he caught me, put the gun to my head ---

8 Q The side door -- Slow down, Willie. The side door
9 would have led you where?

10 A Led me right beside the privacy fence.

11 Q It would have led you outside of the house?

12 A Yes, sir.

13 Q Okay. And he was able to catch up with you?

14 A Yes, sir.

15 Q What happened then?

16 A He caught up with me, put the gun to my head. He was
17 like, Where the money at? Where the money at? I am like,
18 I don't have no money. I don't know what you're talking
19 about. He is like, Man, where the money at? I am going
20 to pop you. I was like, I don't know what you're talking
21 about. I don't have no money.

22 Q He said he was going to do what to you?

23 A He was going to pop me.

24 Q What did you take that to mean?

25 A He was going to shoot me in my head. Yes, sir. So,

1 we had to walk back up the stairs, come in the kitchen,
2 turn in the living room where I was sitting at, walk past
3 the living room. We went down the hallway where my guys
4 were. He took me to the back room part. Like a room was
5 over here on the left, another room on the right. I was
6 just standing just like this and he was on this side. He
7 was like, Empty out your pocket. Where the money at? I
8 was like, I don't have no money. I had my keys ---

9 MISS ALVES: Your Honor, I would ask that he please
10 slow down just ---

11 THE COURT: Slow down a little bit for us, Willie.

12 MR. WEEKS: I know you're excited, Willie. Slow it
13 down for me.

14 THE WITNESS: He came in the hallway in the back of
15 the hallway -- the hallway where my guys are asleep.

16 Q Did you go into any of the guys' rooms?

17 A No, sir.

18 Q Okay.

19 A No, sir. I was standing in the hallway just like
20 this. He was on the left side of me. He had the gun to
21 my head. He was like, Where is the money? I told him I
22 don't have no money. He told me to empty out my pocket.
23 So, I emptied out my pocket. He got my keys and my
24 Chapstick and laid them on the ground. He was like, You
25 got two minutes to get the money or I am going to pop you.

1 I was just praying to the Lord hoping those two
2 minutes take his time, and I was like, Let me check in the
3 office for the money. He was like, All right. I was
4 like, Can I get my stuff?

5 Q Is there an office there in the place?

6 A Yes, sir.

7 Q Did you have any money, Willie?

8 A The guys got paid that day, but I didn't have no
9 money.

10 Q Did you know where that money was?

11 A I knew where it was, but I wasn't giving it up.

12 Q Okay.

13 A Yes, sir. So I picked up my keys and my Chapstick,
14 put it in my pocket. He was walking down the hallway like
15 this -- Don't look at me; don't look at me the whole time.

16 Q How is he dressed? Explain to me how he's dressed.

17 A He had a cotton glove on and some underwear, yes,
18 sir.

19 Q And a pair of socks?

20 A Yes, sir.

21 Q You didn't know that at the time?

22 A No, sir.

23 Q Just underwear. No shirt?

24 A No, sir.

25 Q No hat?

1 A I thought he had a hat on, yes, sir. So we walked
2 down the hallway. We made a right where he just bust in
3 the front door; so we had to make a left to go through the
4 living room and we came through the kitchen. We came
5 through the kitchen. You had to walk through the kitchen.
6 It is a deep freeze over here, refrigerator, and the
7 office door is like right between both of them.

8 So, I walked in the office. He was sitting on the
9 deep freezer pointing the gun. He kept going like this --
10 Don't look at me. I am like, I'm getting the keys to open
11 up all of the cabinets to see if there is any money in
12 there. So, I looked and I was like, Oh, man, there is no
13 money in here. What I am going to do?

14 Then he just hit the lights off. He said, Get in
15 here. I am going to pop you. I am going to pop you. As
16 I was coming in and went in the living room he was right
17 behind me and kept going like this. That's when I seen
18 the other guy standing under the ceiling fan.

19 Q Standing under the what?

20 A Ceiling fan.

21 Q Ceiling fan?

22 A Yes, sir.

23 Q Did you know that other guy?

24 A No, sir. I didn't know ---.

25 Q Had you ever seen the fellow you're talking about

1 with the gun?

2 A No, sir; never.

3 Q What did the other guy do?

4 A He was like, We want \$400. I was like, I don't have
5 no money. He was like, Man, you got to come up with
6 something. I was just thinking I don't have no money;
7 what I am going to do? I was like, Y'all can have my ATM
8 card. They were like, We don't want the ATM card. We
9 want \$400. I am like, Whoa.

10 After that the young man over there kept going like
11 this. He was like, Don't look at me. I am going to pop
12 you. I was like, Hey, man, let me get my card. My wallet
13 is in my bookbag. I reached in and got my wallet. He is
14 like, How much on the card? I am like, I don't know. He
15 is like, It is your card. You should know. I was like, I
16 don't know. He is like, how much on it? I was like, It
17 is past \$400. He was like, All right. You're going to
18 take us to go get the money.

19 Then after that the tall guy walked out the front
20 door. I was right behind the tall guy. The young man
21 over here was right behind me with the gun. The tall guy
22 was walking across the yard and I was walking to my car
23 facing towards the road. He got in the car with me. I
24 had to unlock ---

25 Q Who is he?

1 A The young man over here.

2 Q Okay. You keep referring to the young man over
3 there.

4 A Yes, sir.

5 Q Describe him a little bit more. Are you talking
6 about the defendant?

7 A Yes, sir.

8 Q Okay. Tell me what happened then.

9 A When I was opening the door -- my driver door -- he
10 had the gun on top of the roof. He ain't want me to look
11 at him and kept going like this. I was unlocking my door
12 like that. I unlocked my door. He was like, Hurry up and
13 unlock the door. He pointed the gun at the window. I
14 hurried and unlocked the door and crunk up my car. My
15 lights was off -- headlights.

16 Q Which way were you facing, Willie?

17 A I was facing this way. My car was facing the road.

18 Q Okay. Your car was turned towards the road already?

19 A Yes, sir. It was already facing towards the road. I
20 crunk up my car. My headlights were already off and I put
21 it in drive. As I coming up the hill he was like, Make a
22 left. I am like, I got to go to the ATM to get the money.
23 The other guy is walking across the yard. I made a left.
24 He got the gun. He was going to pop me.

25 So, I came down the road a little bit. He told the

1 other guy to follow us. So I backed all the way up to the
2 four-way.

3 Q Why did you back up to the four-way?

4 A Because that's the only way I -- that's the only road
5 I know.

6 Q It is the only road you knew to get to your ATM?

7 A Yes, sir.

8 Q Okay. So, what did you end up doing?

9 A I just kept driving up the road and as I was driving
10 up the road driving with my right hand and my left hand
11 over here I was just looking towards the woods and he was
12 over like there like this and I finally seen some light
13 and I seen a shadow and I was like it's time for me to get
14 out of the car and I jumped out of the car.

15 Q Why did you jump out of your car, Willie?

16 A Because I was thinking about my life. At the time I
17 was 26 years old. I have no kids. I wanted kids. I want
18 to be married. I want to see how that life is. I want to
19 see my brothers and them having kids and everything. I
20 want to see them getting married. I ain't wanted my
21 mother to bury me or nothing.

22 Q Did you know that you didn't have \$400 or any money
23 in your account?

24 A I knew I ain't had the money.

25 Q Were you scared of getting to the ATM machine?

1 A Yes, sir.

2 Q What about the other man and the other -- What
3 happened with him? What did you see him do?

4 A Well, I done jumped out -- When I jumped out the
5 car -- As I was coming up the road I seen the light
6 looking through the woods and I seen the shadow, jumped
7 out the car. I rolled. Then after that I ran into the
8 yard screaming for help. I was telling them to help me;
9 the dude in the car has got a gun and is trying to rob me.
10 I work at 387 Wheat Road with Tri-Development. They're
11 like, Calm down, calm down, and finally ---

12 THE COURT: Slow down. Slow down.

13 THE WITNESS: Yes, sir. Then the other guy pulled up
14 in the white Explorer.

15 Q The other guy? Who are you talking about, the other
16 guy?

17 A His partner.

18 Q The guy that was in the house?

19 A Yes, sir, the tall guy.

20 Q Where did the white Explorer -- did you ever see it
21 before it pulled up then?

22 A No, sir.

23 Q The last time you saw him he was walking across the
24 yard?

25 A Yes, sir. He was parked to the side.

1 Q Okay.

2 A Yes, sir.

3 Q What do you mean he was parked to the side?

4 A He was parked like on the side of the road.

5 Q Did you see a car there?

6 A The white Explorer? Yes, sir.

7 Q Okay. And that white Explorer was following you when
8 you turned around?

9 A When I backed up I had left it. Yes, sir.

10 Q And then when you went down the road towards the ATM
11 or in the direction of the ATM did you see that car at any
12 time after that?

13 A After I jumped out, yes, sir.

14 Q Now, Willie, you literally jumped out of your car as
15 it's going down the road?

16 A Yes, sir.

17 Q Do you know how fast you were going?

18 A I don't know how fast I was going. I just jumped
19 out.

20 Q Okay.

21 A Yes, sir.

22 Q And what did the car -- What did you do -- What did
23 your body do when you hit the pavement?

24 A As soon as I jumped out I went just like this and my
25 body -- you know, I rolled, scarred up myself. I think I

1 lost my left shoe and I ran in the yard yelling for help.
2 It was two guys and two females in the yard. I told the
3 dude, The guy in the car, he got a gun. He was trying to
4 rob me. I work for Tri-Development, 387 Wheat Road.

5 Q Is that what you were telling as you run up?

6 A Yes, sir.

7 Q You're pretty excited in here today. Were you more
8 excited that night?

9 A Oh, yes, sir.

10 Q All right. Were you hurt?

11 A Oh, yes, sir. I was hurt real bad, yes, sir.

12 Q Well, the car that you are describing, that was your
13 car?

14 A Yes, sir.

15 Q Is that what you drove to work every day?

16 A Yes, sir.

17 Q Did you always park right there in front of that
18 house?

19 A Yes, sir.

20 Q Now, after you got to the point where you bailed out
21 of the car what happened?

22 A After I bailed out the car I ran in the yard and was
23 telling the guys about it -- the two guys and the girl.

24 Then the white Explorer pulled up and that's when that guy
25 jumped out of his car and ran and got the gun or whatever.

1 He ran to my car. I know that. He ran to my car. I ran
2 on the porch because I didn't know what he was about to
3 do. I was asking the guy to go in. He told the two girls
4 to go in. He was like, No, calm down.

5 Q This is one of the guys that was in the yard?

6 A Yes, sir. One of the guys I asked to call the
7 police. He was telling me he had a 2-year-old daughter in
8 the house asleep. He was like ---

9 MISS ALVES: Objection, Your Honor. Hearsay.

10 Q Don't tell me what he said. Just tell me what you
11 did at that point. What did you do after you got up there
12 and started talking to the guy?

13 A I went to go in the house because the guy got out of
14 the white Explorer and I ain't know what he was about to
15 do.

16 Q Okay.

17 A He was telling me to calm down.

18 Q He wouldn't let you go in his house right at that
19 point?

20 A He wouldn't let me go in the house.

21 Q What did you do?

22 A I just stayed over there by the porch.

23 Q Okay. The porch -- Was this a mobile home?

24 A Yes, sir, a single-wide trailer.

25 Q All right. Were you staying there by the porch at

1 that mobile home?

2 A Yes, sir.

3 Q All right. Tell me what happened after the other car
4 pulls up.

5 A After the other car -- He went to my car.

6 Q He went to your car -- This other guy?

7 A Yes, sir, the tall guy. Yes, sir.

8 Q All right. What did he do then?

9 A He just went there and then he went back to his car.

10 MISS ALVES: Objection, Your Honor. Unless this
11 witness has actual personal knowledge of what this person
12 did, I would object.

13 THE COURT: Well, he just asked him what did he do.
14 Do you know what he did?

15 THE WITNESS: No, sir. I know he went to my car.
16 That's it.

17 Q Did you see him go to your car?

18 A Yes, sir.

19 Q All right. What did he do after he went to your car?

20 A He ran back to his SUV.

21 Q And where did he go?

22 A He went up the road.

23 Q Have you ever seen him since?

24 A No, sir.

25 Q You didn't know his name or know any identification

1 on him?

2 A No, sir.

3 Q Didn't have a tag number or nothing?

4 A No, sir.

5 Q Okay. What happened next, Willie?

6 A A few minutes later the guy got out of the car. He
7 was headed towards the trailer where I was at. I went to
8 the road -- to the highway.

9 Q What do you mean he was headed towards the trailer?

10 A He was coming over to the trailer where I was at. I
11 was walking to the road.

12 Q I want to show you some pictures in a little bit. I
13 know you're trying to show us with your hands. I'll get
14 you down in a minute.

15 A Oh, yes, sir.

16 Q Just tell me what he did.

17 A He came in the yard. I walked to the road.

18 Q Was he hurt?

19 A Yes, sir, I believe so.

20 Q And you were hurt?

21 A Yes, sir.

22 Q Did you call the police?

23 A No, sir.

24 Q Who called the police?

25 A One of the guys there.

1 Q When you first went up?

2 A Yes, sir.

3 Q Now, what happened after the guy comes out of your
4 car?

5 A He came in the yard. I went to the road. I stayed
6 to the road until the police and the paramedics came.

7 Q How long did it take them to get there?

8 A I don't know about the time.

9 Q Okay. Was it fairly soon?

10 A Yes, sir.

11 Q After that what did you do? After the police got
12 there.

13 A I was telling the police what happened and the police
14 was asking me questions and everything and the paramedics
15 and the paramedics was like they arrested him first
16 because his injuries are more serious than yours. I was
17 telling them the person that worked for Tri-Development;
18 that y'all need to help me first.

19 Q Who were you telling all that to?

20 A Paramedics.

21 Q Did you tell the guys that you approached about your
22 job --

23 A Yes, sir.

24 Q -- and they needed to get a hold of somebody?

25 A Yes, sir. I was telling the police I work for

1 Tri-Development Center for Aiken County and I was like, I
2 work at 387 Wheat Road. It is down there by the four-way
3 crossing. I was like, As soon as you pass the four-way it
4 is right there on the left and I had three guys in the
5 house and the numbers are in the office on the file
6 cabinets. Yes, sir.

7 Q That's what you were telling the police as they were
8 questioning you?

9 A Yes, sir.

10 Q Did you end up going in the ambulance?

11 A Yes, sir.

12 Q Where did you go?

13 A I went to MCG.

14 Q How long did you stay there, Willie?

15 A I believe I got out Saturday or Sunday.

16 Q Can you describe your injuries to us?

17 A Yes, sir. I had injuries right here to my ulnar. I
18 had right here ---

19 Q Come on, Willie. If you don't mind, Your Honor, he
20 can step down.

21 THE WITNESS: I had injuries right here to my arm.
22 Right there.

23 THE COURT REPORTER: He needs to speak up.

24 MR. WEEKS: Speak up, Willie.

25 THE WITNESS: I had this, this little part.

1 THE COURT: Hold on one second. Miss Alves?

2 MISS ALVES: Yes, sir.

3 THE COURT: If you need to, stand over there. All
4 right.

5 Q Are those scars on your arm, Willie?

6 A Yes, sir. These are scars right there.

7 Q All right. You didn't have those ---

8 THE COURT: Speak up, Willie.

9 A No. I ain't had these before, no, sir.

10 Q I know how they look now, but tell me how they looked
11 that night.

12 A Oh, skinned up, red. You could see the redness and
13 everything and bleeding. That's my leg right here.

14 Q Is that where you took the roll on the asphalt?

15 A Yes, sir.

16 Q Okay.

17 A I have another one.

18 Q The places that you're showing them are healed up
19 scars --

20 A Yes, sir.

21 Q -- that you were left with? Willie, just stay right
22 there for me. We've shown you some photographs and shown
23 you photographs on this big ol' TV here. Are those all
24 photographs of injuries and places that you received?

25 A Yes, sir.

1 Q Or places you were that night?

2 A Yes, sir.

3 MR. WEEKS: Your Honor, it's my understanding all of
4 these photographs which I think are marked 1 through --
5 and the map -- 1 through 28 are in without objection.

6 THE COURT: Is that correct, Miss Alves?

7 MISS ALVES: One through 27. Okay. No objection; 1
8 through 28.

9 THE COURT: One through 28 without objection.

10 (WHEREUPON, State's Exhibit Nos. 1 - 28 were admitted
11 into evidence.)

12 Q Stand over here on that side. Let me ask you a few
13 questions about these pictures.

14 A Yes, sir.

15 Q Who is that?

16 A That's me.

17 MR. WEEKS: For the record that's State's Exhibit
18 No. 1, Your Honor.

19 And what is that a picture of, Willie?

20 THE WITNESS: Me at MCG Hospital and my scars on my
21 body.

22 Q Okay. Are those the bandages that were on you that
23 night?

24 A Yes, sir.

25 Q All right. All of the places that the bandages are

1 places that what I would call road-rash on you?

2 A Yes, sir.

3 Q Did you break any limbs?

4 A No, sir; no broken bones.

5 Q Okay. State's Exhibit No. 2, what were those?

6 A That was the pants -- windbreakers I had on that
7 night.

8 Q Windbreaker pants?

9 A Yes, sir.

10 Q Were they ripped up, torn up like that when you
11 started work that night?

12 A No, sir.

13 Q State's Exhibit No. 3, what are those?

14 A That was the little t-shirt I had under my regular
15 t-shirt.

16 Q You were wearing both of those t-shirts at the time?

17 A Yes, sir.

18 Q And was there blood on it before you --

19 A No, sir.

20 Q -- started work that night?

21 A No, sir.

22 Q All right. State's Number 3, what are those items?

23 A That's my card right here. That's my wallet. That's
24 my Chapstick.

25 Q This is your ATM card?

- 1 A Yes, sir.
- 2 Q This is the wallet it was in?
- 3 A Yes, sir.
- 4 Q And that's the Chapstick you described?
- 5 A Yes, sir.
- 6 Q Who gave those back to you?
- 7 A The police.
- 8 Q All right. Where at?
- 9 A The hospital.
- 10 Q Where were they when you bailed out of the car?
- 11 A Sitting in my lap.
- 12 Q All right. What is State's Exhibit No. 5?
- 13 A That's the picture of my car.
- 14 Q And where is your car located?
- 15 A At the tree.
- 16 Q What road is that on, Willie?
- 17 A That's Wheat Road; the road I work on.
- 18 Q Slow down. Wheat Road?
- 19 A Yes, sir.
- 20 Q All right. And that mailbox right there, what's that
- 21 mailbox for at the time?
- 22 A The trailer that I ran into; the yard I went into.
- 23 Q Right across the road from that is the yard you ran
- 24 into?
- 25 A Yes, sir.

1 Q Can you point out about -- Well, let's go to State's
2 Exhibit No. 6. Was your car damaged in any way when you
3 reported to work that night?

4 A No, sir.

5 Q All right. Is that how your car ended up?

6 A Yes, sir.

7 Q Where was the fellow you kept pointing to the
8 defendant in this case?

9 A He was in the passenger side seat.

10 Q Right back here in the corner you can kind of see --
11 I think we have a better picture of is ---

12 A A picture of my hat.

13 Q Whose hat was it?

14 A My hat.

15 Q Okay. State's Exhibit No. 8 -- is that a picture of
16 the front of your car after it hit the tree?

17 A Yes, sir.

18 Q All right. And the damage that's on the left of
19 it -- You didn't hit the windshield, did you?

20 A No, sir. I jumped out of the car.

21 Q Was there any blood in your car when you jumped out?

22 A No, sir.

23 Q That you knew of?

24 A No, sir.

25 Q You weren't bleeding at any point?

1 A No, sir.

2 Q Next picture. State's Number 9, what is that a
3 picture of there?

4 A Damaged car.

5 Q All right. Within the trees?

6 A Yes, sir.

7 Q Is this the passenger side of it where that blood is?

8 A Yes, sir.

9 Q All right. Next picture. Is that the trunk of your
10 car?

11 A Yes, sir.

12 Q Was there any blood on it at all before you bailed
13 out of your car?

14 A No, sir.

15 Q What is that a picture of, Willie -- State's No. 11?

16 A My keys inside of my car.

17 Q And the damage to that was all caused that night?

18 A After I jumped out of the car.

19 Q All right. Was there any blood or anything on the
20 steering wheel from you?

21 A No, sir.

22 Q You weren't bleeding until you hit the pavement, were
23 you?

24 A Right.

25 Q All of the damage that was done inside was done at

1 the wreck?

2 A Yes, sir.

3 Q This car -- State's No. 12. Was your car -- Did you
4 cut the car off before you ran in the woods?

5 A No. I just jumped out of the car.

6 Q When you jumped out the car was it still in --

7 A Drive.

8 Q -- drive? Was the car still running?

9 A I just jumped out.

10 Q After it hit the tree it wasn't running anymore?

11 A No, sir.

12 Q But you didn't turn the steering wheel. You didn't
13 turn the car off before you jumped out. Those were the
14 keys that you used to drive the car --

15 A Yes, sir.

16 Q -- as indicated in State's No. 12? State's No. 13.

17 As pointed it out what is that a picture of?

18 A My back seat and my hat.

19 Q This is your hat --

20 A Yes, sir.

21 Q -- that's depicted in there? That's the back seat of
22 your car?

23 A Yes, sir.

24 Q State's Exhibit 14 -- What is that a picture of
25 there?

1 A The guy that bust in the house.

2 Q Where is that picture taken at?

3 A On the scene where I jumped out at the trailer.

4 Q At the trailer? Is this after EMS had gotten there?

5 A Yes, sir.

6 Q That's the fellow that ---

7 A Put the gun to my head.

8 Q All right. What is that a picture of?

9 A The underwear and the gloves.

10 THE COURT: Speak up for me.

11 THE WITNESS: The underwear, the gloves, and the

12 socks.

13 MISS ALVES: What number is it?

14 Q That State's No. 15. Is that the way he was dressed
15 when he came in?

16 A Yes, sir; the underwear, the cotton gloves.

17 Q Up here are the gloves?

18 A Yes, sir.

19 Q State's 16, what is that a picture of closer?

20 A Cotton glove.

21 Q That's what you're describing his right hand had a
22 cotton glove on it?

23 A Yes, sir.

24 Q What kind of glove did you notice on his left hand or
25 did you notice?

1 A I didn't notice. I thought he had two cotton gloves
2 on.

3 Q He didn't never change gloves or anything from the
4 time he held the gun?

5 A No, sir.

6 Q And this was on the scene?

7 A Yes, sir.

8 Q State's 17, what is that a picture of?

9 A That's a picture of the yard I ran into that night.

10 Q If I was standing at the car in the trees would I be
11 looking towards that front deck of that trailer?

12 A Yes, sir.

13 Q All right. What is that a picture of?

14 A Porch.

15 Q State's No. 18, is that the porch you went up on?

16 A Yes, sir.

17 Q Are these trees in the front there significant? Did
18 you ever hide behind those trees?

19 A I went up to the porch.

20 Q What direction is this photograph looking?

21 A Where my car wrecked at over here.

22 Q Your car wrecked over here in this tree?

23 A Yes, sir.

24 MISS ALVES: What number is this?

25 Q This is 19. State's 20. What does State's No. 20

1 show, Willie?

2 A That's Tri-Development house; the house I was working
3 at that night.

4 Q Is this where you've indicated the special needs
5 adults were?

6 A Yes, sir.

7 Q And what door is this?

8 A That's my front door.

9 Q And was the numbers on the door that way when you
10 started work that night?

11 A No, sir.

12 Q Is this the front door to it?

13 A Yes, sir.

14 Q State's Exhibit 21, what is that a picture of?

15 A The door.

16 Q A little closer picture of the front door?

17 A Yes, sir.

18 Q Do you know what State's 22 is a picture of?

19 A Front door being busted in.

20 Q All right. Did you have any of that damage to the
21 door when you started work that night?

22 A No, sir.

23 Q Okay. When you started work you said you locked the
24 door?

25 A Yes, sir.

- 1 Q How did you lock the door?
- 2 A I turned the bottom knob up and I deadbolted it.
- 3 Q You deadbolted it?
- 4 A Yes, sir.
- 5 Q Did you ever fool with those locks again that night?
- 6 A No, sir; never.
- 7 Q State's Exhibit 23. Are those the two locks that
- 8 were on that door?
- 9 A Yes, sir.
- 10 Q Are those the two locks that you locked that night?
- 11 A Yes, sir.
- 12 Q Twenty-five. What is that, Willie?
- 13 A The deadbolt locks.
- 14 Q Already extended out?
- 15 A Yes, sir.
- 16 Q Was the damage to the door facing -- When did you go
- 17 back to work there?
- 18 A After I healed up from my scars.
- 19 Q You went back to work at Tri-Development?
- 20 A Yes, sir.
- 21 Q And at this same house?
- 22 A Yes, sir.
- 23 Q All right. What is depicted in State's Exhibit 25?
- 24 A The living room, the pictures of my truck books,
- 25 magazines, accountability log.

1 Q What is depicted -- What is that chair there?

2 A The chair I was sitting on.

3 Q And I would be standing where the front door is?

4 A Yes, sir.

5 Q Tell me which direction or point out the direction
6 you tried to get away?

7 A I ran in the kitchen. As soon as you come in the
8 kitchen you make a right and the side door is down that
9 way.

10 Q And the residents all stay back here?

11 A Yes, sir.

12 Q State's No. 26.

13 A A picture of my truck books -- my truck books, my
14 accountability log, my cellphone, the remote to the TV, my
15 Nike bag and my gym jug.

16 Q Your what?

17 A My gym jug.

18 Q Your gym jug?

19 A Yes, sir. That's what the solicitor takes to the
20 gym. That's where you have your --

21 A Water in it.

22 Q -- water and Diet Pepsi in?

23 THE COURT: Mr. Weeks, do you take one to the gym?

24 MR. WEEKS: I don't, Judge. It would just be
25 pointless. I would suck it up the minute I got there.

1 All right. So, when you were sitting in that chair
2 you bailed out and went which way?

3 THE WITNESS: I went that way.

4 Q Okay. State's Exhibit 27, what is that a picture of?

5 A My hoodie.

6 Q And is that -- Were you wearing that that night?

7 A I had it in my lap.

8 Q When you had it in your lap how did it end up in the
9 doorway to the kitchen?

10 A Dropped out.

11 Q When you jumped and ran?

12 A Yes, sir.

13 Q You jumped and ran and hit a right right there?

14 A Yes, sir.

15 Q State's Exhibit 28, do you know what that depicts,
16 Willie?

17 A Yes, sir.

18 Q All right. Show me where the Tri-Development house
19 is.

20 A This is a picture of where I was working at right
21 here Tri-Development.

22 Q Describe that location for me in regard to that
23 intersection. Kind of stand to the side so that the jury
24 can see that, but the little arrow there is on the
25 driveway right now?

1 A Yes, sir. That's the driveway to turn in the yard.

2 Right here -- You can't really see, but it's a privacy

3 fence. I had my car parked there facing the driveway

4 coming back out. There is a picture of the trailer that I

5 jumped out at.

6 Q All right. And you indicated when you pulled out of

7 the driveway you took a left?

8 A Yes, sir, pulled out right here. That's where the

9 other car was parked at.

10 Q The other car was parked right in here?

11 A Right here on the right.

12 Q Okay. And you said you ---

13 A I backed up to the four-way right here.

14 Q All right.

15 A I went straight away.

16 Q When you backed up to the four-way did you turn

17 around and reverse directions?

18 A Yes, sir.

19 Q All right. And this is where what happened?

20 A I jumped out of there right here.

21 Q All right. And that's the pictures of the trailer

22 and the porch that we seen?

23 A Yes, sir.

24 Q Now, when you were on that straight-of-way did you do

25 anything in particular with your car?

- 1 A No, sir.
- 2 Q Do you know how fast you were going when you bailed
3 out?
- 4 A No, sir.
- 5 Q All right. Have a seat. Willie, do you know how
6 long this ordeal took --
- 7 A No, sir.
- 8 Q -- time wise? When you were in your house and in
9 your car did you feel like you were free to leave?
- 10 A No, sir.
- 11 Q To stop and say I got something else to do; I'll see
12 you later?
- 13 A No, sir.
- 14 Q All right. Was the fact that he was holding a gun
15 having any influence on you?
- 16 A Oh, yes, sir.
- 17 Q Were you scared, Willie?
- 18 A Yes, sir.
- 19 Q And the residents -- At the time he came in you said
20 it was 2:30, but it was clearly dark outside?
- 21 A Yes, sir.
- 22 Q And when you first had any physical contact with him
23 he had a gun on him?
- 24 A Yes, sir.
- 25 Q Do you know what kind of gun it was?

1 A I just know it was a revolver. Yes, sir.

2 Q A revolver. One with the cylinder?

3 A Yes, sir.

4 Q All right. Did you ever see that gun after you
5 bailed out of the car?

6 A No, sir.

7 Q Willie, at some point were you informed or were you
8 made aware that somebody reported to the house for your
9 guys?

10 A Yes, sir; after I told the police.

11 Q And this accountability log you mentioned, what is
12 that?

13 A Where I keep up with the guys. The timelines -- I
14 have to check them every two hours or a certain amount of
15 hours I have to check each and every one of them. They
16 have different times I check them. I just note it and
17 fill it out, yes, sir.

18 Q And you filled it out is not technically the way
19 you're supposed to do it, is it?

20 A No, sir.

21 Q All right. And so you had filled it out for the
22 remainder of your shift when this event happened?

23 A Yes, sir.

24 Q Okay. Did they write you up for that?

25 A Yes, sir.

1 Q All right. Did you get fired?

2 A No, sir.

3 Q Or pay docked or anything?

4 A No, sir.

5 Q When you healed up did you go right back to work?

6 A Yes, sir.

7 Q When you put your guys to bed that night were they
8 having any problems or was there anything that you were
9 aware of that they were going to need?

10 A No, sir.

11 Q And you had been taking care of this particular group
12 for ---

13 A For a long time; three years.

14 Q Now, Tri-Development wrote you up for this?

15 A Yes, sir.

16 Q Did they also commend you?

17 A Yes, sir.

18 MISS ALVES: Objection, relevance. I don't think
19 that's relevant.

20 THE COURT: Overruled.

21 Q You went back to work at the same house as soon as
22 you --

23 A Got healed up.

24 Q -- healed up?

25 A Yes, sir.

1 Q Willie, just to be clear. The fellow that you've
2 been referring to as coming in the door is the defendant
3 over here with the glasses?

4 A Yes, sir.

5 Q Did he look like that that night?

6 A No, sir.

7 Q The other fellow that you've been describing, we have
8 never told you he's been caught. You don't know where
9 he's at to this day, do you?

10 A Right.

11 Q And did you know either one of these guys --

12 A No, sir.

13 Q -- that night?

14 A No, sir.

15 Q Thank you. Answer any questions that Miss Alves has
16 for you.

17 THE COURT: Ladies and gentlemen of the jury, are
18 y'all okay for about 30 more minutes? If you get
19 uncomfortable raise your hand.

20 Miss Alves?

21 CROSS-EXAMINATION

22 BY MISS ALVES:

23 Q Mr. Walker, when you were testifying originally you
24 said that when you got there at 10:30 the guys were
25 asleep.

1 A Yes, ma'am.

2 Q Is that correct?

3 A Yes, ma'am.

4 Q But then when one of the last few questions that
5 Mr. Weeks asked you you said that you had put them to bed.
6 Which one is it?

7 A Oh, they was already asleep.

8 Q They were asleep?

9 A Yes, ma'am.

10 Q All three of them? The three that were there?

11 A Yes, ma'am.

12 Q Now, the solicitor showed you the pictures of the
13 room and you were sitting in the chair that was referred
14 to in ---

15 MR. WEEKS: It should be 26.

16 Q I am looking at 25 and 26. I am showing you State's
17 Exhibits 25 and 26.

18 A Yes, ma'am.

19 Q So, when you're saying this door was busted open you
20 were sitting in the chair that is shown in picture 26?

21 A Yes, ma'am.

22 Q And you were -- That was the chair that's also shown
23 your drink next to the chair?

24 A Yes, ma'am.

25 Q And is that the TV remote right there on --

1 A Yes, ma'am.

2 Q -- on the arm of the chair?

3 A Yes, ma'am.

4 Q And is that the accountability log that Mr. Weeks
5 just talked to you about?

6 A Yes, ma'am.

7 Q And is that shown in picture number 26?

8 A The accountability log is right here. Yes, ma'am.

9 Q Okay. And you were sitting there studying those
10 books when they ---

11 A Looking through them, looking at TV.

12 THE COURT: Speak up, please.

13 THE WITNESS: I was looking through them and looking
14 at TV.

15 (WHEREUPON, Defendant's Exhibit Nos. 1 - 3 were
16 marked for identification only.)

17 Q Okay. Mr. Walker, I am showing you what's been
18 marked as Defense Exhibit 1, 2, and 3. Do you recognize
19 those?

20 A Yes, ma'am.

21 THE COURT: Miss Alves, speak up, please.

22 Q Do you recognize Defense Exhibits No. 1, 2, and 3?

23 A Yes, ma'am.

24 Q And do those accurately reflect how the room looked
25 that night --

1 A Yes, ma'am.

2 Q -- when you're saying this man busted in on you?

3 A Yes, ma'am.

4 Q Your Honor, I would move to enter Defense Numbers 1,
5 2, 3 into evidence.

6 THE COURT: Any objection?

7 MR. WEEKS: No objection from the state, Your Honor.

8 THE COURT: Defense 1, 2, and 3.

9 (WHEREUPON, Defendant's Exhibit Nos. 1 - 3 were
10 admitted into evidence.)

11 Q And Defense Exhibit nos. 1 and 3 are actual closer
12 pictures of the chair?

13 A Yes, ma'am.

14 Q And they show the -- just a closer picture of the
15 accountability log; is that correct?

16 A Yes, ma'am.

17 Q And Defense No. 2 is just the close-up of the
18 accountability log?

19 A Yes, ma'am.

20 Q Okay. Now, you told the -- You testified that when
21 these men came into the house they were demanding money
22 from you?

23 A Yes, ma'am.

24 Q A specific amount of money?

25 A First he ain't ask for no specific amount. The other

1 guy asked for 400.

2 Q The other guy asked for \$400 specifically?

3 A Yes, ma'am.

4 Q Somebody came to rob you and asked you for an exact
5 amount of money?

6 A Yes, ma'am.

7 Q Okay. Did you ever tell the police the exact amount
8 of money they were asking for?

9 A I believe I did.

10 Q You think you did? Which officer did you tell that
11 to?

12 A I don't remember.

13 Q You don't remember? Okay. And you testified about
14 -- Did you tell them you had a ATM card or did they ask
15 for your ATM card?

16 A I told them.

17 Q You told them. And then did they take your ATM card?

18 A No, I put it inside of my wallet.

19 Q So you put your ATM back inside your wallet?

20 A Yes, sir. As a matter of fact, this is the exact ATM
21 card I had that night. I pulled it out and I put it in my
22 wallet like this -- just like that. That's how I put it
23 in my wallet.

24 Q Okay. And then you put your wallet where?

25 A I put it in my lap when I got in the car just like

1 this.

2 Q So you had your wallet in your lap?

3 A Yes, ma'am.

4 Q When you got out of the car where was your wallet?

5 A I don't know; probably somewhere on the ground.

6 Q Okay. On the ---

7 A I jumped out of the car.

8 Q You jumped out the car; so you don't know what
9 happened to the wallet?

10 A No, ma'am.

11 Q Were you able to hang on to your wallet?

12 A No, ma'am. I just ran in the yard.

13 Q Okay. So, you were running, but you said you stopped
14 to pick up your shoe?

15 A Yes, ma'am.

16 Q And to put your shoe back on?

17 A Yes, ma'am.

18 Q Okay. How far away -- Do you know how far away you
19 drove from the Tri-Development home?

20 A What you mean?

21 Q How far did you drive from the Tri-Development car
22 before you car crashed?

23 A I don't know the distance.

24 Q You don't?

25 A No, ma'am.

1 Q Now, you said you didn't -- You told Solicitor Weeks
2 that you didn't know how long this lasted?

3 A No, ma'am. I didn't.

4 Q How long -- how long were they in the house?

5 A I don't know.

6 Q You don't know?

7 A I wasn't looking at the time.

8 Q Okay. I mean, was it hours?

9 A I don't know.

10 Q You don't know?

11 A No, ma'am. I can't stop and look at the time and
12 tell them to go ahead with what they're doing.

13 Q Okay. It was a short -- Can we agree it was a short
14 period of time or you don't know?

15 A I don't know.

16 Q You don't know? Okay. And you're saying that the
17 person who -- Are you saying that this man when he came in
18 your house or into this Tri-Development house he had a hat
19 on?

20 A I thought he had a hat on.

21 Q You thought he had a hat on?

22 A Yes, ma'am.

23 Q You're saying that he came into your house and tried
24 to rob you with just a pair of boxer shorts and some socks
25 and some gloves?

1 A Yes, ma'am.

2 Q And maybe a hat?

3 A Yes, ma'am.

4 Q But nothing covering his face?

5 A No, ma'am, but his hand.

6 Q And the other guy didn't have anything covering his
7 face?

8 A No, ma'am.

9 Q Was he dressed in his underwear, too?

10 A No, ma'am. He had some blue jeans on.

11 Q And you had injuries -- I believe we saw pictures of
12 your injuries; is that correct?

13 A Yes, ma'am.

14 Q And you were bleeding?

15 A Yes, ma'am.

16 Q And you said you went to the road and waited there
17 for the police?

18 A Yes, ma'am; after he walked in the yard.

19 Q After -- You're saying that after Mr. Holston walked
20 in the yard you went and you waited at the road for the
21 police?

22 A Yes, ma'am.

23 Q What were you doing? Were you trying to flag
24 somebody down?

25 A I am waiting on the police.

1 Q Just standing there waiting for them. Now, let's --
2 Now, you testified that you have to check on the people in
3 the house at certain intervals?

4 A Yes, ma'am. Each one of them have different times I
5 have to check on them.

6 Q Do some of them have to be checked on maybe every 30
7 minutes?

8 A Well, the one that went home we checked every hour.
9 The first two checked every two hours and the one that was
10 in the last room he checked 7 to 7.

11 Q You said 7 to 7. 7 am to 7 pm?

12 A Yes, ma'am. That's what they pushed the time to.

13 Q But the accountability logs, don't they require you
14 to keep check on all of these people to -- I mean, they
15 require you to log down what's done with all of these
16 people during the evening?

17 A Yes, ma'am; if they're present.

18 Q Excuse me?

19 A Yes, ma'am.

20 Q And you're required to note down whether or not the
21 people are awake or sleeping?

22 A Yes, ma'am.

23 Q For all of them?

24 A That was at the house.

25 Q So, all three men you're required to log down what

1 activity they're doing at a particular time?

2 A Yes, ma'am.

3 Q And you're required to do that by your job, aren't
4 you?

5 A Yes, ma'am.

6 Q And, in fact, you supervisors check this
7 accountability log, don't they?

8 A Yes, ma'am.

9 Q I mean, there is no supervisor normally with you at
10 the job, is there?

11 A No, ma'am.

12 Q So, basically, at your job you're on your own. On a
13 nightly basis you would be on your own?

14 A Yes, ma'am.

15 Q But it is possible for a supervisor or a board member
16 or someone to come by and check these records?

17 A It is possible, but none of them checked me within
18 three years that I've been there until after this accident
19 happened.

20 Q Nobody has ever stepped in there to check?

21 A No, ma'am.

22 Q But they could check?

23 A They could.

24 Q And they let you know it's possible there might be a
25 surprise check?

1 A Yes, ma'am.

2 Q But they haven't done it?

3 A Yes, ma'am.

4 Q All right. And do you know what's done with these
5 records? These records are normally kept by your
6 business, aren't they? By Tri-Development?

7 A Yes, ma'am.

8 Q And you have to list when you're working; is that
9 right?

10 A Just write down at the bottom.

11 Q And then there is a log which shows you how you --
12 details like what they're doing, like if they're on leave
13 or if they're sleeping or doing some other activity.

14 A Yes, ma'am.

15 MR. WEEKS: Side bar.

16 (Whereupon, a bench conference was held.)

17 MR. WEEKS: Your Honor, no objection. I believe it
18 would be Defense 4 and 5.

19 MISS ALVES: Yes, sir.

20 (WHEREUPON, Defendant's Exhibit Nos. 4 - 5 were
21 marked for identification and received into
22 evidence.)

23 Q I am going to show you what's been marked as Defense
24 Exhibit No. 4. Do you recognize that?

25 A Accountability book.

1 Q That's a close-up of the accountability sheet from
2 July 17 of last year; isn't that right?

3 A Yes, ma'am.

4 Q And is that the accountability log that we've been
5 seeing in all of the pictures that we just talked about?

6 A Yes, ma'am.

7 Q That's actually a close-up of the log?

8 A Yes, ma'am.

9 Q Now, on this log the first client -- Mr. Anderson --
10 What activity do you show him doing at 1 o'clock?

11 A Nothing.

12 Q Is he listed as being asleep?

13 A No, ma'am.

14 Q Now, there are two other people shown being present
15 in the house -- a Mr. Brunson and Mr. Moses; is that
16 correct?

17 A Yes, ma'am.

18 Q They're listed as being asleep, aren't they?

19 A Yes, ma'am.

20 Q And now at 2 o'clock what is Mr. Anderson listed as
21 doing?

22 A Sleep.

23 Q And what about Mr. Brunson?

24 A Sleep.

25 Q And what about Mr. Moses?

- 1 A Nothing.
- 2 Q Nothing. He's not shown as being asleep, is he?
- 3 A No, ma'am.
- 4 Q Now, at 3 o'clock what is Mr. Anderson doing?
- 5 A Sleep.
- 6 Q What is Mr. Moses doing?
- 7 A Nothing.
- 8 Q He's not listed as sleeping, is he?
- 9 A No, ma'am.
- 10 Q Mr. Brunson is listed as sleeping?
- 11 A Yes, ma'am.
- 12 Q Now at 4 o'clock what is Mr. Anderson listed as?
- 13 A Sleep.
- 14 Q And Mr. Brunson?
- 15 A Sleep.
- 16 Q And mr. Moses?
- 17 A Sleep.
- 18 Q Okay. Now, you said this incident occurred around
- 19 2:30?
- 20 A Yes, ma'am.
- 21 Q And it was around 2:30 when you were taken from the
- 22 home? Is that what you said?
- 23 A I didn't leave the house at 2:30. I didn't say that.
- 24 Q Was it around that time?
- 25 A Yea. He bust in around 2:30.

1 Q Okay. Well, while they were busting in were you
2 filling out this accountability log ---

3 A As soon as I came to work I filled the book out.
4 That was something I normally did. I knew my guys. So,
5 since I knew them, I knew they weren't going anywhere out
6 the house. I knew what type of needs they needed. So, I
7 just went on ahead and did the book like I normally did
8 it.

9 Q All right. When you came to work -- I want to
10 clarify when you came to work that night which would have
11 been July 16 -- the night before; at 11 o'clock the night
12 before -- you filled out this book all of the way up until
13 4 o'clock in the morning?

14 A Yes, ma'am. I wrote it at 11 o'clock.

15 Q You filled it out all of the way through that day?

16 A Yes, ma'am.

17 Q Are you supposed to do that?

18 A Yes, ma'am. Well, you're not supposed to, but since
19 he is on leave you can put leave all the way out.

20 Q Okay. Well, for the man that was on leave you put
21 the L's all the way?

22 A Yes, ma'am.

23 Q All right. But for the people that were there, you
24 filled it out at 3 o'clock for 3 o'clock and 4 o'clock?

25 A Yes, ma'am.

1 Q And you weren't in the house at 3 o'clock and
2 4 o'clock, were you?

3 A No, ma'am.

4 Q So, you falsified this log?

5 A Yes, ma'am.

6 Q Now, this log is very important to your job, isn't
7 it?

8 A Yes, ma'am.

9 Q And it also details when somebody is present in the
10 house?

11 A Yes, ma'am.

12 Q If somebody is in the bath or the shower?

13 A Yes, ma'am.

14 Q Whether they're eating?

15 A Yes, ma'am.

16 Q Whether they're going to a medical appointment?

17 A Yes, ma'am.

18 Q Whether they're at the hospital?

19 A Yes, ma'am.

20 Q Whether they're at work?

21 A Yes, ma'am.

22 Q Okay. So, this log is to make sure that these people
23 are accounted for at all times?

24 A Yes, ma'am.

25 Q And you accounted for at least -- you accounted for

1 these people at times beyond -- you falsified this record
2 and accounted for them when you first got there?

3 A Yes, ma'am.

4 Q But you're supposed to check on them at regular
5 intervals?

6 A Yes, ma'am.

7 Q And log down what they're doing?

8 A Right.

9 Q Now, your job wrote you up for that; is that correct?

10 A Yes, ma'am.

11 Q Do you recognize what I am showing you as Defense
12 Exhibit No. 5?

13 A Yes, ma'am.

14 Q You can take that.

15 A Okay.

16 Q What is that?

17 A A write-up; write-up paper.

18 Q It is a disciplinary action, isn't it?

19 A Yes, ma'am.

20 Q Because you got written up for falsification of
21 documentation; is that correct?

22 A Yes, ma'am.

23 Q And they're saying that the management checked the
24 accountability logs at approximately 3 am in the home
25 where you were working alone on July 17, 2010. Is that

1 what it says?

2 A Where is 3 am at?

3 Q It says right there management checked the logs --

4 A Oh, yes, ma'am.

5 Q -- and found that you had already initialed off the
6 accountability logs?

7 A Yes, ma'am.

8 Q And doesn't this go on further to say that
9 pre-documentation is never ever allowed when it comes to
10 accountability?

11 A Yes, ma'am.

12 Q Yes. You need to talk loud, okay?

13 A Oh, okay.

14 Q Is that what it says?

15 A Yes, ma'am.

16 Q And it says it is imperative the accountability
17 checks are carried out as required in order to ensure the
18 health and safety of the consumers we serve?

19 A Yes, ma'am.

20 Q Isn't that what it says?

21 A Yes, ma'am.

22 Q And you got a copy of that?

23 A Yes, ma'am.

24 Q And you signed a copy of that acknowledging receipt
25 of this disciplinary action?

1 A Yes, ma'am.

2 Q And they wrote you up for this action?

3 A Yes, ma'am. And they rewarded me for the action.

4 Q Okay. They rewarded you? How did they reward you?

5 A They gave me a letter.

6 Q A letter?

7 A Yes, ma'am.

8 Q What did the letter say?

9 A I don't remember what the letter said.

10 Q It said -- basically, it said, Willie, you did a good
11 job?

12 A It ain't said I did a good job. It was going on
13 about the accident that happened that night.

14 Q It went on about the incident?

15 A Yes, ma'am.

16 Q And what did they commend you for? Being brave?

17 A Yes, ma'am.

18 Q Okay.

19 A None of the guys got hurt that night. All of them
20 was in the house. All of them was asleep. None of them
21 ran away.

22 Q So, you got commended for your actions that night
23 when this happened?

24 A Yes, ma'am.

25 Q Did that letter mention your falsification of agency

1 documentation?

2 A Not to my knowledge.

3 Q No? It is a letter that commended you for being
4 brave, but it didn't talk about the lie that you told?

5 A No, ma'am.

6 Q All right. Now, I want to go back into the details
7 of the incident. You testified that you pulled out and
8 the second guy was pulling out right behind you?

9 A Say that again.

10 Q When you testified that you were pulling out the
11 driveway I believe you said that you came out and then you
12 came up to the four-way stop sign?

13 A I turned left. Then I backed up.

14 Q Excuse me?

15 A I turned left out of the driveway.

16 Q And where was the second car?

17 A Within a distance in front of the house on the right
18 side of the road.

19 Q In front of what house?

20 A It wasn't in front of in our house. It was like down
21 the road from the pole, but you could see the car from the
22 house.

23 Q You could see the second car from what house?

24 A The house I was working at.

25 Q Okay. So, it was down the road?

1 A It wasn't too far down the road. It was as soon as
2 you pull out the driveway you make a left and it was like
3 right here on the right.

4 Q So, when you drove away from the house what was the
5 second person doing?

6 A I don't know what he was doing.

7 Q Did he go towards his car?

8 A Yes, ma'am.

9 Q You saw him go towards his car?

10 A No, ma'am. I was backing up.

11 Q You were backing up?

12 A To the four-way.

13 Q Okay. Did they say anything to you when they were
14 taking you out of the house?

15 A Basically, all I recall he didn't say nothing to me.

16 Q He didn't say anything to you?

17 A He was saying he was going to pop me. He wasn't
18 saying nothing like, you know, give me the money or
19 anything now.

20 Q Who -- When you say he who are you referring to?

21 A Him.

22 Q Okay. You said in the house ---

23 THE COURT: What is him now? Which one?

24 THE WITNESS: The guy sitting over there.

25 Q Now, you said when you were in the house the second

1 guy was asking you for money?

2 A Yes, ma'am.

3 Q For \$400?

4 A Yes, ma'am.

5 Q And what else -- I mean, what else did the second
6 person do?

7 A What you mean?

8 Q What did he do? He asked you for money. Then what
9 did he do?

10 A He ain't do nothing. He just asked just me for the
11 money. I told him I would give him my ATM card. He ain't
12 wanted no ATM card.

13 Q So, what happened with the second person after he
14 said -- after he said he didn't want an ATM card?

15 A He wanted me to take him to go get the money.

16 Q Okay. What happened after that? You said -- Was
17 that a conversation that you had in the living room?

18 A You got a gun to your head and somebody is asking you
19 for the money, you offer them your card.

20 Q Okay. I am asking you what happened after you
21 offered the card.

22 A I put the card like I just showed you a few minutes
23 ago in my wallet; had it in my hand. All three of us just
24 walked out the door. The tall guy walked out first. I
25 was second. The guy right beside you -- he was third with

1 the gun.

2 Q All right. And where -- and you saw the tall guy
3 walk towards his vehicle?

4 A Yes, ma'am. He was walking towards the field like a
5 big old space over there in the yard. He was walking over
6 there in that direction.

7 Q In the direction of his vehicle?

8 A Yes, ma'am.

9 Q And you said you started to back up?

10 A Back up? I was going forward.

11 Q I'm sorry. You were going forward. So, when you
12 were going forward did you continue to see him?

13 A No, ma'am. I was just driving -- driving forward. I
14 turned left.

15 Q So, you just turned left and left and you don't know
16 what happened to the second guy?

17 A I guess he left.

18 Q Now, what did you do -- When you were leaving did you
19 make an attempt to lock the door?

20 A No, ma'am. I was in the middle.

21 Q Excuse me?

22 A No, ma'am. I was in the middle.

23 Q You were in the ---

24 A Middle. We was walking out the door.

25 Q Okay.

1 A The tall guy went out first. I went out second. The
2 man right beside you came out right behind me.

3 Q So you did not try to lock the door?

4 A If you have a gun to your head, would you try to lock
5 the door?

6 Q Well, I don't know. Did you tell the police that you
7 tried to lock the door?

8 A I don't remember.

9 Q You don't remember?

10 A No, ma'am.

11 Q Did you tell your job that you tried to lock the
12 door?

13 A No. I don't remember.

14 Q You don't remember telling them that you tried to
15 lock the door?

16 A No, ma'am.

17 Q So, you left the door open?

18 A I guess if it was open.

19 Q Okay. So, you're saying you were in between the two
20 of them?

21 A Yes, ma'am.

22 Q And you did not try to lock the door?

23 A No, ma'am.

24 Q And you didn't make any effort to lock it?

25 A If I have a gun at my head, no, ma'am.

1 Q Okay. I don't have any further questions. Thank
2 you.

3 MR. WEEKS: Redirect briefly, Your Honor.

4 REDIRECT EXAMINATION

5 BY MR. WEEKS:

6 Q Willie, I'm handing you what's marked State's Exhibit
7 26.

8 A Yes, sir.

9 Q There are items in that chair.

10 A Yes, sir.

11 Q Were all of those items in there when he busted in
12 the door?

13 A Yes, sir; my items.

14 Q They were your items --

15 A Yes, sir.

16 Q -- that you had brought to work?

17 A Yes, sir.

18 Q You said something during your direct about getting
19 something out of your gym bag.

20 A My wallet.

21 Q Where was your gym bag?

22 A Right here.

23 Q That's where it is now, but was it there when you got
24 busted in on?

25 A I believe it was on the floor.

1 Q All right. And you indicated that they gave you a
2 commendation or somebody gave you a letter?

3 A Yes, sir.

4 Q They also give you a monetary award?

5 A Yes, sir.

6 Q Do you recall what that was?

7 A A letter and they gave me some money on getting me a
8 car.

9 Q Your car was totaled it looked like.

10 A Yes, sir. It was totaled.

11 Q Thank you.

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

13 Ladies and gentlemen, we're going to take a morning
14 break for about 10 minutes to stretch your legs, use the
15 restroom. If you would give me a foreperson between the
16 12 of you. We'll start back at in about 10 or 15 minutes.
17 That'll put us at 11. We'll probably go until about
18 12:15, 12:30. Then we'll take about an hour for lunch.
19 Fair enough?

20 (Whereupon, the jury exited the courtroom at 10:52.)

21 THE COURT: Anything for the state before we break?

22 MR. WEEKS: No, Your Honor.

23 THE COURT: Miss Alves?

24 MISS ALVES: No, Your Honor.

25 THE COURT: Okay. We'll stand at ease for about 10

1 minutes.

2 (Whereupon, a break was taken.)

3 THE COURT: Anything for the record, Mr. Weeks?

4 MR. WEEKS: No, Your Honor.

5 THE COURT: Miss Alves?

6 MISS ALVES: No, sir.

7 THE COURT: All right. Bring the jury in.

8 (Whereupon, the jury came into open court at
9 approximately 11:11.)

10 THE COURT: Who won the election? Congratulations.

11 You get to sit in that special seat. It pays an extra
12 hundred a day.

13 THE JUROR: Yea.

14 THE COURT: See, I am testing y'all on judging
15 credibility. That was an untruth. Obviously, we're not
16 getting the proper training. That's the trainer's fault.

17 THE COURT: All right. Mr. Weeks, Mr. Molony, y'all
18 call your next witness.

19 MR. WEEKS: Thank you, Your Honor. The state would
20 call Ralph Courtney.

21 RALPH COURTNEY, after being duly sworn,
22 testified as follows:

23 THE CLERK: State your full name and spell your last
24 for the court, please.

25 THE WITNESS: Ralph Courtney; C-O-U-R-T-N-E-Y.

DIRECT EXAMINATION

1

2

BY MR. WEEKS:

3

Q Mr. Courtney, what do you do for a living?

4

A I'm the Executive Director of the Tri-Development Center and of the Aiken County Board of Disability.

5

6

Q Tell me what Tri-Development Center is and Aiken County Board of Disabilities.

7

8

A We provide a wide array of supports to people with disabilities in Aiken County. The disabilities board serves over 1100 individuals. Tri-Development serves 400. We operate a large number of homes in our county, apartment complexes, and provides day services, vocational options for people with disabilities -- primarily with disabilities of intellectual disabilities, autism, traumatic brain injuries, and spinal cord injuries.

10

11

12

13

14

15

16

Q And that would be children up to --

17

A That is correct.

18

Q -- older people?

19

A That's right.

20

Q And how long have you been doing that, Ralph?

21

A I have been working in the field since 1972. I've been the Executive Director at Tri-Development Center since December 16, 1991.

22

23

24

Q Do you -- Does your records reflect employment of

25

Willie Walker?

1 A They do.

2 Q Okay. And did y'all have a home located on Wheat
3 Road?

4 A That's correct.

5 Q 387 Wheat Road?

6 A Yes.

7 Q Is that titled in Tri-Development's name?

8 A The ownership is in Tri-Development Center's name;
9 correct.

10 Q And tell me what the function of that home is at 387
11 Wheat Road?

12 A Okay. That is a home similar to about 23 of our
13 other homes that provides services around the clock to
14 individuals with disabilities and special needs. Those
15 particular individuals have a higher level of disability
16 than those in some of our homes, but lesser disability
17 than others. Again, we have 24-hour staff on duty there.
18 Those people are not home during the day. We try to find
19 other things for them to do during the day such as attend
20 a day program or be engaged in vocational services
21 somewhere within the community.

22 Q Do some of the consumers get paid --

23 A Yes.

24 Q -- a wage or whatever for working during the day?

25 A Certainly.

1 Q Y'all employ people like Willie was employed to
2 house-sit them the entire night?

3 A Exactly. To prepare males, to assist them with
4 bathing needs, any personal needs that they might have to
5 take them shopping. You know, whatever -- It's basically
6 organized kind of like a family unit would be without the
7 primary caregiver being a family member.

8 Q And these -- All of the people -- the 1100 consumers
9 that y'all have -- range from being paraplegics to being
10 able to go out in the community but they have mental
11 illnesses or diseases?

12 A Primarily not with mental illnesses, but cognitive
13 disabilities primarily.

14 Q The ability to understand, the ability to --

15 A Exactly.

16 Q -- communicate?

17 A That's correct.

18 Q And you were obviously the executive director on
19 July 17 of last year, weren't you?

20 A That's correct.

21 Q Did you receive a call about an incident at 387 Wheat
22 Road home?

23 A I did.

24 Q Did you respond to that, Ralph?

25 A Yes, I did. When I got the call someone else had

1 said they were on the way to the home to make sure it was
2 secure and the guys were okay -- the four individuals that
3 lived there -- and I said I would go to the hospital and
4 check on the employee to see if any assistance was needed
5 there.

6 Q And did you actually go to the hospital --

7 A I did go to the hospital.

8 Q -- and talk to Willie?

9 A Yes.

10 Q Did you go to the home?

11 A I went to the home later.

12 Q Was everybody okay there?

13 A Yes.

14 Q All of the consumers?

15 A Yes. In fact, it appears they didn't really realize
16 that anything had gone on.

17 Q The accountability log that's been discussed, can you
18 tell me what that is?

19 A We utilize accountability logs so that we know that
20 someone has indeed checked on an individual to make sure
21 that they were safe and healthy at periodic intervals.
22 Different individuals have different periods of
23 accountability. In other words, they have different time
24 periods in which we feel that someone needs to check on
25 them.

1 Some people may be okay all night without having
2 somebody to check on them. Other individuals may be on an
3 hourly accountability. During the day some people may
4 need to be on 15 minute accountability and we have people
5 document that they indeed saw those individuals and that
6 they were okay. The purpose of that is for us to know
7 that somebody did see them. If something ever happens or,
8 say, somebody disappears we would know, you know, when the
9 last time they were seen or if somebody died in the middle
10 of the night we would know when that occurred.

11 Q Do you do like the hospital and go wake them up
12 whether they need waking up or not?

13 A No, we do not wake them up. We're supposed to kind
14 of see if -- check if they're breathing or whatever, but
15 we are not supposed to wake them up.

16 Q That's good. Now, there's been a State's Exhibit or
17 Defense Exhibit No. 5 appears to -- Do you recognize what
18 that is?

19 A Yes.

20 Q What is it?

21 A That's what we call a disciplinary action. And do
22 you want me to explain this particular ---

23 Q This particular one was against Willie?

24 A This particular one was against Willie and it's
25 rather ironic it happened to be for his performance on the

1 same date July 17 as the incident.

2 Q And the reason it was checked on that particular
3 day ---

4 A Somebody went and they decided to check and see when
5 the last check had been done, and, indeed, it had been
6 done in advance. We have periodic checks in which we
7 automatically go out in the middle of the night and do
8 these, and, you know, in looking through our records on
9 other times when people do the surprise visits of the
10 house in the middle of the night his had all been accurate
11 then. This particular one wasn't and even though the
12 incident occurred I was not willing to say, Hey, we're
13 going to overlook it.

14 Q He violated y'all's procedures by doing that?

15 A Yes.

16 Q And he was made aware of it, yes.

17 Q He wasn't fired for it?

18 A No, he was not.

19 Q What did y'all do to commend him?

20 A Our foundation approved -- Well, he lost his car and
21 a lot of people were very concerned with that because he
22 did not have collision. It was an older vehicle. They
23 provided him with \$1,500 to try to assist him in getting
24 another vehicle.

25 Q It wasn't covered by worker's comp or anything like

1 that?

2 A No. Worker's comp does not cover vehicles. We did
3 check on that.

4 Q Did y'all give him any letters or accommodations or
5 anything or any of the organizations that you're
6 affiliated with?

7 A The South Carolina Department of Disabilities and
8 Special Needs -- their commission is also involved with
9 another foundation. That foundation chose to give him an
10 additional \$500, I believe. I am actually pretty sure an
11 additional \$500 to show their appreciation. He was
12 commended at one of their commission meetings. I think
13 that was -- I am not positive of the date, but I think it
14 could have been at the August commission meeting of 2010.

15 Q And did you -- I hand you what's marked State's
16 Exhibit No. 31 for identification and ask if you can
17 identify that document.

18 A Yes. That is an e-mail that I had sent to our
19 personnel director saying to make another e-mail I
20 received from a commission member for the State Department
21 of Disabilities and Special Needs to make that a part of
22 his personnel record and this is, basically, a
23 commendation for -- It's saying how proud we should be,
24 basically, for having him as one of our employees who
25 reacted in the manner in which he did to the incident.

1 MR. WEEKS: Your Honor, the state moves to introduce
2 State's No. 31.

3 MISS ALVES: No objection.

4 (WHEREUPON, State's Exhibit No. 31 was admitted into
5 evidence.)

6 Q Willie had the right to have possession of 387 Wheat
7 Road on the night of July 17, did he not?

8 A Absolutely.

9 MR. WEEKS: Answer any questions of Miss Alves.

10 CROSS-EXAMINATION

11 BY MISS ALVES:

12 Q Now, Mr. Courtney, you said that there had been other
13 periodic checks in the middle of the night on Mr. Walker?

14 A Yes.

15 Q Can you tell us when those were?

16 A I cannot. I don't have copies of those, but I
17 believe that another person on your list does. We don't
18 make those a part of the regular personnel record because
19 we do them all the time. I mean, you know, personnel
20 records would just get thicker and thicker. When I say
21 all the time -- not each house all the time, but we
22 periodically do surprise checks of the homes.

23 Q Okay. But you don't have any records with you
24 here -- with you personally here right now regarding any
25 surprise checks on Willie?

1 A No, I don't.

2 Q Okay. And what is done with the accountability logs
3 after each night's shift?

4 A They go in a file of the accountability logs.

5 Q You have to keep those?

6 A We -- I don't really know. Our basic policy is that
7 we keep all of those types of records for 10 years. I
8 believe the law may say those kinds of things we should
9 keep for up to seven years.

10 Q There is actually a law saying you have to keep them
11 for a certain period of time?

12 A The accountability logs; not the middle of the night
13 checks and things.

14 Q Okay.

15 A There are two different things.

16 Q I'm talking about the accountability logs -- just the
17 logs.

18 A Right.

19 Q The law says that you actually have to keep those ---

20 A I am positive. I know any records we use for
21 medicaid purposes have to be kept for a period of seven
22 years.

23 Q Are those used for medicaid purposes?

24 A Do I know the answer to that? I would say that we
25 would keep them, yes.

1 Q Okay.

2 A I have never had -- All I can say is I have never had
3 medicaid come in and specifically ask for accountability
4 logs, but we would keep them for medicaid purposes in case
5 they did.

6 Q Okay.

7 A They might never as far as I know ever ever and I
8 have been doing this a long time.

9 Q Yes, sir. Now, were you called by the police out to
10 -- this night?

11 A No. I do not believe I received a call from the
12 police. I'm trying to think. They had called down the
13 list. They had difficulty reaching somebody, and, gosh, I
14 talked to the police and I talked to Rachel Sharp about --
15 you know, right about the same time.

16 Q Okay. But someone called you to inform you --

17 A Exactly.

18 Q -- of what had happened? And did you go to the
19 hospital?

20 A Yes, I did.

21 Q And you met with Mr. Willie Walker?

22 A Yes.

23 Q And did you talk to him about what happened?

24 A I did.

25 Q And he told you -- He told you his version of what

1 happened? He told you something about what happened that
2 night?

3 A Yes, he did.

4 Q And did he tell you that someone had busted in the
5 door -- the front door?

6 A He said someone had busted in the front door.

7 Q And he told you that he was taken away from the house
8 at gun point?

9 A Well, he also said someone else entered the home in
10 addition through another door.

11 Q Excuse me?

12 A That another individual entered the home through
13 another door prior to his being taken out.

14 Q Did he say what door the other person entered in
15 through?

16 A It would have been the door that used to be a garage
17 that we converted into a multi-purpose room. It would
18 have been a side -- I guess you would say side door.

19 Q So, someone entered in through the side door?

20 A Yea, I think he was -- I think he was getting ready
21 to go out that door and the guy came in.

22 Q That's what he told you?

23 A (Witness nods head.)

24 Q Yes, sir?

25 A Yes.

1 Q Okay. And when he was being -- when he told you he
2 was being taken from the home did he tell you -- did he
3 talk about what he might have done? What actions he might
4 have done?

5 A Yes. He said that he attempted to secure the door
6 because he was worried about the fellows inside. He said
7 that he noticed a car that was in the other direction from
8 the way that he ended up going with the defendant in the
9 car with him. So, he went and got in his car he said at
10 gun point and they went off. The other person did not get
11 in their car. They went and got in the other.

12 He said he did drive at a high rate of speed until he
13 saw some lights where some people were awake and on a
14 porch and that's when he said he decided it was time to
15 get out of the vehicle and he dove from the vehicle hoping
16 to hit the ground and he hit the road instead.

17 Q Okay.

18 A And ---

19 Q But, sir, he told you that before he left he
20 attempted to lock the door?

21 A And that may -- he did -- we did not go into any
22 detail on that. I took that to mean because we did have
23 to repair the doorway later just to try to turn the little
24 thing, you know, as you're going out.

25 Q But you don't know exactly what he tried to do?

1 A Oh, no.

2 Q You just know that he told you that there was some
3 attempt made?

4 A Uh-huh.

5 Q Yes?

6 A (Witness nods head.)

7 Q You need to answer.

8 A Yes.

9 Q And you did actually -- That same day actually you
10 made a request to have the door temporarily fixed so it
11 would lock?

12 A Yes. And then a day or two later I made a request to
13 have it permanently fixed.

14 Q So you actually had the door --

15 A Fixed twice.

16 Q -- fixed twice?

17 A Yes.

18 (WHEREUPON, Defendant's Exhibit No. 6 was marked for
19 identification and received into evidence.)

20 Q Now, Mr. Courtney, I am showing you what's been
21 marked as Defense Exhibit No. 6.

22 It is without objection, Your Honor.

23 Do you recognize that?

24 THE WITNESS: I do recognize that, yes.

25 Q That's the record that's kept -- that's a record that

1 you would keep in your business?

2 A That's correct.

3 Q And that is actually a copy of the work requisition
4 for having the door repair -- the initial door repair?

5 A For the initial door repair, yes.

6 Q And you actually had to get somebody out to repair
7 the door basically on an emergency service?

8 A Well, I wanted it fixed like immediately to the best
9 of their ability. I didn't want to have to wait until
10 they could fix it real well. So, I did another
11 requisition which I do have a copy with me.

12 Q Well, I am just asking you about the one that was
13 done that night.

14 A Yea. That was a temporary fix.

15 Q So you could make sure that door could lock?

16 A Yes.

17 Q When you were -- Now I am showing you what's marked
18 as State's Exhibit 31. This is the e-mail that actually
19 you sent to human resource showing the e-mail that was
20 sent to you from another person regarding Mr. Walker's
21 actions on that night were you were ---

22 A A commission member, yes.

23 Q A commission member -- where you were complimenting
24 his actions?

25 A Where she was complimenting the actions and I wanted

1 that made a part of his record.

2 Q Yes, sir. But this e-mail does not show -- this
3 e-mail doesn't detail the fact that he also falsified your
4 records, does it?

5 A. No, it does not.

6 MISS ALVES: No further questions.

7 THE COURT: Anything on redirect?

8 MR. WEEKS: No, Your Honor. We ask that he be
9 excused. I think he's been subpoenaed.

10 THE COURT: May he be excused?

11 MISS ALVES: Yes, sir.

12 THE COURT: All right. Have a good day. Next
13 witness.

14 MR. MOLONY: Your Honor, the state calls Bryan
15 Salley.

16 WILLIAM B. SALLEY, after being duly sworn,
17 testified as follows:

18 THE CLERK: Have a seat in the witness box stating
19 your full name and spelling your last for the court,
20 please.

21 THE WITNESS: My name is William Bryan Salley. Last
22 name is spelled S-A-L-L-E-Y.

23 DIRECT EXAMINATION

24 BY MR. MOLONY:

25 Q William, do you go by William or Bryan?

- 1 A I go by Bryan.
- 2 Q How old are you, Bryan?
- 3 A Twenty-five.
- 4 Q Where are you from?
- 5 A Aiken, South Carolina.
- 6 Q You born there?
- 7 A Yes.
- 8 Q Where do you live now?
- 9 A I still live in Aiken.
- 10 Q Do you have a job?
- 11 A Yea. I work at Bridgestone Firestone.
- 12 Q What are your job duties at Bridgestone?
- 13 A Basically work on the machines to help build the
- 14 tires, the axis machines. Just operate that.
- 15 Q Bryan, let me take you back to the early morning
- 16 hours of July 17, 2010. Where were you that night -- the
- 17 night of the 16th and early morning of the 17th of July?
- 18 A I was over at my brother-in-law's house.
- 19 Q What is his name?
- 20 A Jessie Vommond.
- 21 Q Who all was over there that night?
- 22 A It was me, my brother-in-law, my sister, and two of
- 23 her friends.
- 24 Q What were y'all doing?
- 25 A We were just having a little get-together.

1 Q A little party?

2 A Yea, just a little party.

3 Q At some point in those early morning hours did you
4 walk outside to smoke a cigarette?

5 A Yes, I did.

6 Q Where did you stand? Where were you standing?

7 A Well, he has a little porch; so we stood on the
8 porch.

9 Q Was there a light on?

10 A Yes.

11 Q Where was the light?

12 A The light was right above us.

13 Q Was it a porch light?

14 A Yea, a porch light.

15 Q As you were smoking, Bryan, what, if anything, did
16 you hear?

17 A As we smoked you could hear a car coming at a rapid
18 speed. The engine was getting faster. We heard that
19 coming in. I saw it come flying by.

20 Q Was it unusual at 2:30 in the morning -- what would
21 be after 2:30 in the morning to see a car going that fast?

22 A Yea, because it was going pretty fast.

23 Q It caught your attention?

24 A Oh, yea.

25 Q Now after you heard it did you eventually see the

1 car?

2 A Yes.

3 Q What happened next?

4 A I was watching the car fly by and as it got about
5 midway through my vision it hit the ditch and went off
6 into the tree and crashed.

7 Q Hit the ditch, went off into the tree, and crashed?

8 A Yes.

9 Q What did you do?

10 A At that time the man ran up to me. This guy run up
11 to me and he was, you know, screaming.

12 Q What did he -- What did he look like when he came up?
13 Can you tell emotionally what ---

14 A He looked terrified. He looked really scared. His
15 eyes was wide open. He was screaming and yelling and like
16 asking for help.

17 Q What did he say to you?

18 A He was like, Help me. Help me. He is trying to kill
19 me. He is trying to kill me. You got to help me.

20 Q What did you do after that?

21 A At that time we were focused on him because we didn't
22 know what was going on because that was just a big shock.
23 So, we was talking to him and then -- we was talking to
24 him and he said that the guy was in the car. So I went
25 down there to check it out just to see what was going on.

1 Q When you say in the car, in the car that had just
2 wrecked into the trees?

3 A Yes.

4 Q You were still up by the house on the porch area?

5 A Yes.

6 Q And you walked down at that point you said to ---

7 A Yea, I went down there to check it out --

8 Q The guy in the car?

9 A Yea, the guy in the car to see if what he was saying
10 was true.

11 Q What did you see when you got down to the car?

12 A I went in there and I looked through the window and
13 all I saw was the guy was leaned back like this with his
14 head back and he had blood all over him. You could tell
15 he was messed up pretty bad.

16 Q Do you see that guy in the courtroom today?

17 A Yea.

18 Q Where is he?

19 A Sitting right there.

20 THE COURT: What does he got on?

21 THE WITNESS: Glasses.

22 THE COURT: What kind of shirt?

23 THE WITNESS: Blue and white shirt; collar shirt.

24 Q Now, Bryan, did you say anything to him?

25 A I tried to see if he was all right, if he was alive.

1 I was trying to ask him a few questions like are you all
2 right? Are you okay? He responded just in gibberish
3 because I think he still -- he didn't know what was going
4 on. He was in shock.

5 Q What was he wearing, Bryan?

6 A All he was wearing was boxers and some gloves and he
7 had some socks on.

8 Q What was in his lap?

9 A He had a gun in his lap.

10 Q What color was the gun?

11 A It was silver.

12 Q Do you know what type of gun it was?

13 A It looked like a revolver.

14 Q What did you do after you went down and checked on
15 him and saw that he was in pretty bad shape? What did you
16 do next?

17 A After that I just proceeded to walk back up to where
18 my brother-in-law was to check on them and make sure
19 they're all right and see what's going on with that.

20 Q And then what happened?

21 A As I was walking back I got about half way up another
22 car pulled up.

23 Q What color was this car?

24 A This was -- it was a white SUV. It looked like an
25 Explorer and then another male -- black male got out and

1 me and him talked for a second and then we went around to
2 the car because he wanted to see who was in there.

3 Q Once he got to the car what did he do?

4 A He looked inside to see if he was alive and all
5 right. Then he reached in and grabbed the gun. Then he
6 put it in his waist line and then he went and got in the
7 car and left.

8 Q How long if you had to guess was he there from the
9 time he pulled up to the time he got out, got the gun, and
10 got back in his car and left?

11 A I mean, a minute, two minutes. He was in and out.

12 Q Real quick?

13 A Oh, yea.

14 Q Now, after he leaves what do you do? What did you
15 do -- After the white car pulls off where did you go?

16 A I went back up to my brother-in-law's and to my
17 sister and stuff and to talk -- I wanted to talk to that
18 guy because something was going on. It was crazy.

19 Q Where was the victim during all of this?

20 A He was up there by the porch. He was up there with
21 my sister and them. He was standing right there talking
22 to them.

23 Q At that point what did you see from the car that had
24 wrecked?

25 A When I walked up there I was about getting ready to

1 talk to him for a little bit and then he started freaking
2 out. He was like, Oh, God, He's getting out. He is
3 getting out. I turned around and I saw him coming
4 around ---

5 Q When you say him, who did you see getting out?

6 A The defendant.

7 Q And continue. What side of the car did he get out
8 on?

9 A He got out on the passenger side and he came
10 stumbling around, you know, because he just got in a
11 really bad wreck. He was just stumbling. He stumbled off
12 the car and was coming towards us.

13 Q As he began walking up towards where y'all were at
14 the house and trailer --

15 A Uh-huh.

16 Q -- where did the victim go?

17 A He shot off. He shot off to the left and went down
18 the side where the woods was and went and hid over there.

19 Q So, the wood line -- following the wood line down to
20 the road?

21 A Uh-huh.

22 Q Now, when the defendant came up what did you do?

23 A Well, he was still pretty out of it, you know, pretty
24 woozy, and so we asked him just to sit down on the steps
25 just to chill out because, you know, he was bleeding

1 really bad and stuff. Then after that we was just trying
2 to see what was going on with him.

3 Q Once he's on the steps what did he say?

4 A The only thing he said was, you know, where is that
5 guy at? Where is that guy at? We're like, He already
6 left. He jetted. He was like, All right. That's cool.
7 Don't call the cops. Don't call the ambulance. I'll be
8 fine. He said, Just let me chill here and then I'll
9 drive. We were like, All right.

10 Q How long was it, Bryan, from when the wreck occurred
11 until EMS or law enforcement arrived?

12 A I would say ---

13 Q If you could guess, you know.

14 A I would say probably 20 or 30 minutes.

15 Q Okay. When the defendant was on the porch did you
16 give him anything?

17 A I gave him a cigarette to smoke and then he wanted to
18 borrow my phone; so I let him use that.

19 Q Was he -- Did he smoke his cigarette?

20 A Yes.

21 Q Did he still have those gloves on?

22 A Yes.

23 Q You said he used your phone?

24 A Yes.

25 Q Do you know who he called?

1 A Well, the first time nobody answered. Then he left
2 the voicemail the next time you could tell. He was just
3 letting them know he just got in a wreck but he was all
4 right. He wanted to let them know and then the only
5 reason ---

6 Q Before you get into that, while the defendant is on
7 the porch where is the victim?

8 A The victim is still hiding. He is still over there
9 in the corner in the woods by the road.

10 MR. MOLONY: Your Honor, can I get the witness to
11 step down to show him a couple of pictures?

12 THE COURT: You can step down. He is going to show
13 you some pictures.

14 MR. MOLONY: Just stand right here.

15 THE COURT: Hold on just a second so Miss Alves can
16 get situated.

17 Q Bryan, I am going to show you State's Exhibit 17.
18 What is this?

19 A That's my brother-in-law's house that we were having
20 the get-together at.

21 Q Where were you smoking your cigarette outside? Where
22 were you smoking the cigarette at the time the car
23 wrecked?

24 A Right here.

25 Q And where was the light that was on at that time?

1 A Right here.

2 Q I am going to show you now what's State's Exhibit 1.

3 Do you recognize that guy?

4 A (Witness nods head.)

5 Q Who is that?

6 A That's the guy that when the car came flying by he
7 was the first one to run up screaming help me.

8 Q I show you State's Exhibit 11. Do you recognize
9 that?

10 A Oh, yea.

11 Q What is that?

12 A That's the car that wrecked.

13 Q Where was the defendant sitting?

14 A He was sitting in the passenger side right here.

15 Q How was he sitting?

16 A He was laid back with his head tilted like that.

17 Q So, his head tilted towards the steering wheel side?

18 A Yea, like that.

19 Q And he was sitting down right here. Where was the
20 gun?

21 A The gun was still in his lap right there on the left
22 side on his left thigh.

23 Q Now, when this accomplice comes up and grabs the gun
24 was it still sitting in the same spot that you saw it in?

25 A Uh-huh.

1 Q I show you State's Exhibit 14. Who is that?

2 A That's the defendant.

3 Q Is that the guy in the car that night?

4 A Uh-huh.

5 Q Let me show you State's Exhibit 16 lastly. What are
6 those?

7 A Those are the gloves he had on.

8 Q Thank you. You can have a seat, Bryan.

9 THE BAILIFF: Up here.

10 THE WITNESS: Oh, okay.

11 Q Bryan, did you know the defendant?

12 A No.

13 Q Did you know the victim?

14 A No. Never seen them before in my life.

15 Q Did you know the guy that pulled up in the white
16 Explorer?

17 A I didn't know him either. No.

18 Q I have no further questions, Your Honor. Please
19 answer any questions ---

20 THE COURT: Thank you. Miss Alves?

21 No, no. Hang tight for me.

22 THE WITNESS: Okay.

23 THE COURT: I'll tell you when you can go.

24 CROSS-EXAMINATION

25

1 BY MISS ALVES:

2 Q You said you heard the car coming down the road at a
3 high rate of speed?

4 A Yes, ma'am.

5 Q And did you actually see the crash?

6 A Yes, ma'am.

7 Q And did you see Mr. Walker getting out of the car,
8 the first guy?

9 A The first guy?

10 Q Yes.

11 A No. I didn't see him get out. I saw him running
12 towards me because I was following the wreck. When it
13 crashed I was following that and then he was running up.

14 Q Okay. So, you didn't actually see him coming out of
15 the car?

16 A No, ma'am.

17 Q And could you see the car crash -- Could you see
18 where the car crashed from your porch?

19 A Yes, ma'am.

20 Q And after the -- and you said after this white SUV
21 pulled up you said it was after that that Mr. -- that
22 Mr. Holston got out of the vehicle?

23 A Ma'am?

24 Q It was after the white SUV pulled up that Mr. Holston
25 got out of the vehicle?

1 A Yes, after he pulled up.

2 Q Do you remember how long it was after that before he
3 got out of the vehicle?

4 A It was shortly after; probably two or three minutes.

5 Q Okay. Did you see him get out of the car?

6 A I saw him coming around the passenger side, yes,
7 ma'am.

8 Q You saw him get out?

9 A I saw him coming around the passenger side, yes,
10 ma'am.

11 Q Did you have a view of the passenger side?

12 A No. I was on the driver's side.

13 Q So you had a view of the driver's side?

14 A Yes, ma'am.

15 Q Okay. But you didn't see him get out of the driver's
16 side?

17 A No. He didn't get out that side.

18 Q Okay. And you said he was messed up pretty bad?

19 A Yea.

20 Q And then after he got out of the car you said that
21 Mr. Walker -- the first man -- ran to the wood line?

22 A Yes. Yes, ma'am.

23 Q And could you see him during the time when -- while
24 you were waiting for the police?

25 A Could I see?

1 Q Mr. Walker?

2 A He was still standing over there by the woods by the
3 road right over there in the corner.

4 Q You saw him the entire time?

5 A Yes, ma'am.

6 Q Standing in the wood line?

7 A Yes, ma'am.

8 Q Was he standing out visibly at the side of the road.

9 A You could tell he was hiding behind a tree, but you
10 could still see him standing over there.

11 Q But he was in the trees?

12 A Yes, ma'am.

13 Q Not actually standing on the road?

14 A No, ma'am.

15 Q And Mr. Holston was sitting on the porch?

16 A Yes, ma'am.

17 Q And you said that you had from the time -- you said
18 he was about 20 or 30 minutes or so between the time while
19 you were waiting for law enforcement?

20 A Yes, ma'am.

21 Q And that whole time Mr. Holston stayed sitting on
22 your porch?

23 A Yes, ma'am.

24 Q Smoked a cigarette and called somebody? Used your
25 phone to call somebody?

1 A Yes, ma'am.

2 Q And he just stayed sitting there?

3 A (Witness nods head.)

4 Q Yes?

5 A Yes, ma'am.

6 Q How many times did he use your phone?

7 A Just once.

8 Q Just the once?

9 A Yes, ma'am.

10 Q And he called to -- You heard him telling somebody on
11 the voicemail that he had an accident?

12 A Uh-huh.

13 Q And then he stayed there and waited for the police
14 and EMS?

15 A Yes, ma'am.

16 Q Thank you. No further questions.

17 THE COURT: Anything on redirect?

18 MR. MOLONY: No, your Honor.

19 THE COURT: All right, sir. You're free to go now
20 and you're excused from your subpoena; so you can go back
21 to your porch.

22 THE WITNESS: All right, thank you, sir.

23 THE COURT: Or wherever you go to work. Be careful.
24 Thank you for coming. Next witness, please.

25 MR. MOLONY: Thank you, Your Honor. Your Honor, the

1 state calls Clinton Vomund.

2 CLINTON J. VOMUND, after being duly sworn,
3 testified as follows:

4 THE CLERK: Have a seat in the witness box stating
5 your full name and spelling your last for the court,
6 please.

7 THE WITNESS: Clinton Jessie Vomund; V-O-M-U-N-D.

8 THE COURT: Speak up loud so all of those jurors can
9 hear you. Thank you.

10 THE WITNESS: Yes, sir.

11 DIRECT EXAMINATION

12 BY MR. MOLONY:

13 Q Clinton, what name do you go by?

14 A Jessie.

15 Q Jessie, how old are you?

16 A Twenty-six.

17 Q Where are you from?

18 A Aiken County.

19 Q Are you married?

20 A Yes, sir.

21 Q Do you have any children?

22 A Yes, sir.

23 Q Do you work?

24 A Yes, sir.

25 Q Where do you work at?

- 1 A Sweetwater BP.
- 2 Q Where is that at?
- 3 A North Augusta.
- 4 Q Jessie, I am going to take you back to July 17, 2010,
- 5 the early morning hours. Where were you that night?
- 6 A At my house.
- 7 Q Where was that at the time?
- 8 A 258 Wheat Road.
- 9 Q What were you doing that night?
- 10 A Just having a get-together with some friends.
- 11 Q And who all was over there? You said friends. Who
- 12 was at your house?
- 13 A Me, my wife, two of her friends, and my
- 14 brother-in-law Bryan.
- 15 Q At some point did you and Bryan walk out and smoke a
- 16 cigarette?
- 17 A Yes, sir.
- 18 Q And where did y'all stand when you smoked?
- 19 A Stood on my front porch.
- 20 Q Was there a light on?
- 21 A Yes, sir.
- 22 Q What light was on?
- 23 A The front porch light above our heads.
- 24 Q Right above your head?
- 25 A Yes, sir.

1 Q Now, as you were smoking what, if anything, did you
2 hear?

3 A You could hear a car traveling down the road at a
4 high rate of speed.

5 Q And as that car got to your viewpoint what did you
6 see?

7 A As it started to come in front of my house the first
8 thing I noticed was you could see something rolling down
9 the road and then the car went off on to the right-hand
10 shoulder and slammed into a tree.

11 Q Now originally what did you think was rolling in the
12 road?

13 A A hub cab, something like that -- anything that could
14 have came off a tire at that speed.

15 Q After a few second what did you decide was rolling in
16 the road?

17 A A person.

18 Q Now, after you saw this person get up what did he do?

19 A He ran towards my front porch screaming.

20 Q What was he -- What was his appearance? What was his
21 emotions? Could you tell?

22 A He was extremely scared. He was very wide eyed and
23 he was shaking.

24 Q What did he say to you?

25 A He was screaming, Please help me. Call 9-1-1.

1 They're going to kill me.

2 Q After that what did you do?

3 A I told my wife to call 9-1-1 and sent her and her two
4 friends into the house and then I was talking to the young
5 man about what was going on and he kept saying that there
6 is somebody else in the car; so my brother-in-law walked
7 down there and I stayed and talked to him.

8 Q So you stayed back as Bryan walked towards the car?

9 A Yes, sir.

10 Q You never actually leaned in the car at that point?

11 A No, sir.

12 Q Did you see another car pull up?

13 A Yes, sir.

14 Q What color was that car?

15 A White.

16 Q At that time you weren't standing right where Bryan
17 was?

18 A No, sir.

19 Q You were back a little bit with the victim you said?

20 A Yes, sir.

21 Q Back towards the house?

22 A Yes, sir.

23 Q What did you see -- From the distance what did you
24 see this unknown male come out and do?

25 A He got out of his vehicle, spoke to my

1 brother-in-law, leaned in the driver's side of the car
2 that had wrecked, got back out, hopped back in his car and
3 drove off.

4 Q He wasn't there very long?

5 A No.

6 Q What happened next after he pulls off?

7 A After he pulled off I walked down to the car with my
8 brother-in-law to check on the other guy, and, you know,
9 we just told him you were in a bad wreck; just stay calm
10 and we're going to call an ambulance for you and then we
11 walked back up to the house where the other guy was.

12 Q Now, I'll take you back for a second. You said you
13 walked down to the car where Bryan was?

14 A Yes, sir.

15 Q Your brother-in-law?

16 A Yes.

17 Q And there was a guy in the car?

18 A Yes, sir.

19 Q Did you get a good look at that guy at that point?

20 A Yes, sir.

21 Q Do you see that guy in the courtroom today?

22 A Yes, sir.

23 Q What is he wearing?

24 A Plaid shirt, glasses. That night?

25 Q No, now.

1 A Okay.

2 Q What was he wearing that night?

3 A He was wearing boxers and mismatched gloves.

4 Q So after you and Bryan are down there telling them
5 things, you know, EMS has been called, what did y'all do
6 next?

7 A We went back up to the house. We were sitting there
8 talking to the other guy and we just sat there for a
9 couple of minutes just trying to figure out exactly what
10 was going on.

11 Q When you say the other guy you mean the first guy
12 that jumped out of the car?

13 A Yes, sir; the guy that dived out of the car.

14 Q Who, if anybody, was that guy telling you needed to
15 be called -- needed to be contacted?

16 A He kept saying he needed to call his supervisor.

17 Q At the time you didn't know what that meant?

18 A I had no idea what he was talking about.

19 Q Well, at sometime around then what did you see
20 occurring at the wrecked vehicle?

21 A About that time the guy that was in the passenger
22 seat had gotten out and was walking around the back
23 passenger side of the car and was coming up towards my
24 house.

25 Q That's the defendant?

1 A Yes, sir.

2 Q And he came walking up to the house. What did Willie
3 Walker do?

4 A He ran from my porch. He ran straight left towards
5 the woods and ran all the way down -- followed the wood
6 line all of the way down to the road.

7 Q So he didn't go in the woods, but he was just
8 following just getting as far as possible close to the
9 woods?

10 A Yes. He was putting as much distance between him and
11 the other guy as possible.

12 Q Did you think -- Was that a common scenario
13 throughout this whole deal was the victim staying away
14 from the defendant?

15 A Yes, sir.

16 MISS ALVES: Objection, Your Honor. Leading.

17 MR. MOLONY: I'll move on.

18 Now, Jessie, as the defendant comes walking up to you
19 what did you hear him say?

20 THE WITNESS: The first thing he said was he was
21 asking where the other guy was at and we told him that we
22 had just checked him out and let him leave because we
23 didn't, you know, want no problems and he came and sat
24 down on the porch.

25 Q When you say he was asking, do you remember what he

1 said -- what exactly he said?

2 A Well, the first thing he said was, Where is that MF
3 rat? I am going to kill him.

4 MISS ALVES: Objection, Your Honor. Hearsay.

5 THE COURT: Who is saying it?

6 THE WITNESS: This guy over here. This gentleman
7 right here.

8 THE COURT: Overruled.

9 THE WITNESS: He said, Where is that MF rat? I am
10 going to kill him.

11 Q And after y'all explained where the victim was and he
12 was gone down at the road at this point what -- what
13 happened next? Where did the defendant go next?

14 A He sat down on my steps and he just was, Don't call
15 the cops. Do not call an ambulance. Don't call anybody.
16 To keep him there I told him, Just sit down. We're going
17 to call my buddy. He works EMS. He is going to come
18 check you out and you can leave, too.

19 Q Did you give him a cigarette?

20 A Yes, sir.

21 Q He had the gloves on?

22 A Yes, sir.

23 Q Boxers?

24 A Gloves and boxers.

25 Q How soon did paramedics arrive? If you had the guess

1 at a distance or a time from the original wreck 'til EMS
2 and law enforcement arrived -- this whole scenario -- how
3 long do you think it lasted?

4 A Twenty, 30 minutes.

5 Q Twenty or 30 minutes?

6 A Yes, sir.

7 MR. MOLONY: Judge, I would ask that the witness be
8 allowed to step down for a second to show some pictures.

9 THE COURT: All right. Step down so you can go over
10 some photos, please. Mr. Witness, how about move back a
11 little bit so this lady on the back part -- can you see
12 now, ma'am?

13 THE WITNESS: I'm sorry.

14 Q Jessie, I am showing you State's Exhibit 17. What is
15 that?

16 A That's my house.

17 Q That's the house you lived in on July 17, 2010?

18 A Yes, sir.

19 Q And where were you standing -- you and Bryan -- when
20 you were smoking a cigarette that night?

21 A Just to the left of the door if you're looking at the
22 road.

23 Q And where is the light that was on while y'all were
24 smoking is the cigarette?

25 A Above to the right of the door.

1 Q I am going to show you State's 19. Do you recognize
2 this?

3 A Yes, sir. That's my driveway.

4 Q And this would be from your?

5 A From my ---

6 Q Porch to -- Where would Willie Walker have been --
7 the victim -- towards the end of this whole scenario?

8 A He would have been hiding on the other side of that
9 bush.

10 Q Over here by the road?

11 A Yes, sir.

12 Q I am going to show you State's Exhibit 1. Do you
13 recognize that guy?

14 A Yes, sir.

15 Q Who is that?

16 A That's the man that dived out of the car and ran up
17 to my house.

18 Q The one that was -- Okay. Now I show you State's
19 Exhibit 11. Is that -- Actually, No. 5. What is that?

20 A That's the car sitting down in the trees across from
21 my house.

22 Q And what is this?

23 A That's my mailbox.

24 Q Is that how you remembered it that night?

25 A Yes, sir.

1 Q I am going to show you State's Exhibit 14. Who is
2 that?

3 A That's this gentleman right here.

4 Q When you say this gentlemen -- the defendant?

5 A Yes, sir.

6 Q And lastly State's Exhibit 16. What are those?

7 A Those are the gloves.

8 Q That he had on that night?

9 A Yes, sir.

10 Q Have a seat back right over there.

11 A Yes, sir.

12 Q Thank you. Answer any questions that Miss~Alves may
13 have for you.

14 CROSS-EXAMINATION

15 BY MISS ALVES:

16 Q Mr. Vomund, did you see Mr. Walker -- Excuse me,
17 Mr. Holston get out of the car?

18 A I never actually seen him exit the vehicle, but I
19 watched him walk around the side of the car.

20 Q Okay. So, you didn't -- You never saw him actually
21 get out of the car?

22 A No, ma'am.

23 Q Where is the first place that you saw him at the car
24 after he was outside of the car?

25 A Walking behind like the passenger door, the back

1 door, he was coming from that side of the car.

2 Q Coming from that side?

3 A Yes, ma'am.

4 Q Okay. When he was coming from that way -- You saw
5 him coming from that side?

6 A Yes, ma'am.

7 Q But you weren't looking at the car the whole time to
8 see when he got out?

9 A No, ma'am.

10 Q And when he came -- So after he walked around from
11 the passenger side and walked up to you, did he walk up
12 towards you?

13 A Yes, ma'am. He was walking towards my yard.

14 Q So he crossed the road and then walked towards your
15 yard?

16 A Yes, ma'am.

17 Q And you watched him doing that?

18 A Yes, ma'am.

19 Q And then where did Mr. Walker go?

20 A He ran to the left and down the tree line.

21 Q Okay. Were you able to see Mr. Walker the entire
22 time?

23 A Yes, ma'am.

24 Q In the tree line?

25 A Well, he wasn't in the trees. He was like where my

1 yard and the trees meet he was running right beside the
2 trees.

3 Q Okay.

4 A I was standing further back so everything that was
5 going in front of me is wide open.

6 Q Okay. So you said the incident lasted about 20 to 30
7 minutes thereabouts?

8 A Yes, ma'am.

9 Q And for that entire time Mr. Walker stayed in the
10 tree line?

11 A No, ma'am. For the majority of it he stood beside my
12 porch.

13 Q Okay. About how long into this incident did he run
14 into the tree line?

15 A I would say 15 minutes.

16 Q Fifteen minutes. So, are you saying it was about 15
17 minutes after the car crashed before Mr. Holston got out
18 of the car?

19 A Yes, ma'am.

20 Q Okay. And about how long was that after the second
21 car drove up?

22 A About the same time. There was maybe 45 seconds
23 before the other car come sliding up. It was very quick.

24 Q You're saying the other car came up about 45
25 seconds ---

1 A Yea. I mean, the car hit the tree and then you could
2 hear the other car racing down the road.

3 Q So, the other car pulled up. What happened first?
4 Did you call 9-1-1 first or did the other car pull up
5 first?

6 A As soon as the car hit the tree I told my wife to
7 call 9-1-1.

8 Q Okay.

9 A She went into the house. So, exactly when she called
10 them, whether it was during this car sliding up or not I
11 do not know.

12 Q Okay. But you're saying it was about 45 seconds
13 after the first car crashed into the tree that the second
14 car came up?

15 A Yes, ma'am.

16 Q About. And then it was about 15 minutes or so later
17 before Mr. Holston got out of the vehicle?

18 A Yes, ma'am.

19 Q But all together it was about -- and I am not holding
20 you to an exact, but it's about 20 or 30 minutes --

21 A Yes, ma'am.

22 Q -- for this entire incident? Yes?

23 A Yes, ma'am.

24 Q And you're saying that Mr. Walker never actually went
25 into the woods. He just stayed at the wood line by the

1 road?

2 A Yes, ma'am.

3 Q Was he visibly standing out in the road in front of
4 your house or was he like in the tree line?

5 A No. There's a ditch and when he went down towards
6 the road I just kind of watched him go down. When he hit
7 the ditch -- There was a bush on the edge. He just kind
8 of hung out right there behind the bush and hid.

9 Q Hiding behind a bush that was down by the road?

10 A Ma'am?

11 Q Hiding behind a bush down by the road?

12 A Yes, ma'am.

13 Q And you remembered -- You talked to the investigators
14 that night about this? You talked to the police that
15 night?

16 A Yes, ma'am.

17 Q Do you remember talking to my Investigator Bennie
18 Williams? The man sitting back there in the suit and
19 checkered tie?

20 A Yes, sir. I don't remember talking to him that
21 night.

22 Q No, no; not that night.

23 A Okay. Yea.

24 Q At some point before today?

25 A Yes, ma'am.

1 Q And didn't you, in fact, tell him -- Investigator
2 Williams -- that Mr. Walker was actually hiding in the
3 woods -- like he was in the woods?

4 A I don't remember saying that.

5 Q You don't remember? Okay. And you're saying that --
6 and you had a view of the car the entire time -- the
7 crashed car?

8 A Yes, ma'am.

9 Q I mean, were you paying attention to the car the
10 entire time or were you ---

11 A Well, I was watching this guy and watching the car
12 because there is two different people and I have my wife
13 and two other women and my one-year-old daughter in the
14 house. I am trying to keep an eye on everybody.

15 Q So, you're making sure you're keeping an eye on
16 everything?

17 A Yes, ma'am.

18 Q But there was nobody else in the car itself?

19 A Just this gentle man.

20 Q I mean, after he got out.

21 A No. There was nobody else in the vehicle.

22 Q So after he was out of the vehicle what was your
23 focus on?

24 A Pretty much watching him at that point.

25 Q So you were watching him at that point?

1 A Yes, ma'am.

2 THE COURT: For the record, him is the defendant?

3 THE WITNESS: Yes, sir; the defendant.

4 Q You're talking about Mr. Holston?

5 A Yes, ma'am.

6 Q And you said you could see Mr. Walker down at the
7 tree line?

8 A Yes, ma'am.

9 Q But your focus was on Mr. Holston?

10 A Yes, ma'am.

11 Q And so were you really looking at the car that much
12 at that point once Mr. Holston was sitting on the porch?

13 A No, ma'am.

14 Q Thank you. No further questions.

15 THE COURT: Anything else on redirect?

16 MR. MOLONY: Yes, Your Honor; very briefly.

17 REDIRECT EXAMINATION

18 BY MR. MOLONY:

19 Q Jessie, did you know any of these guys?

20 A No, sir.

21 Q Now, when the victim Willie jumped out of the car did
22 he have anything in his hands?

23 MISS ALVES: Objection, Your Honor. It goes beyond
24 the scope of cross.

25 THE WITNESS: No, sir.

1 THE COURT: Hold on. Disregard that. Did he have
2 anything in his hands? I'll sustain that objection. That
3 was not brought out on cross.

4 MR. MOLONY: Thank you, Your Honor.

5 THE COURT: You may step down. May he be released
6 from his subpoena? Thank you for coming, Jessie.

7 THE WITNESS: Yes, sir. Thank you.

8 THE COURT: Any objection?

9 MISS ALVES: No, Your Honor.

10 THE COURT: All right. Next witness.

11 MR. WEEKS: Lieutenant Abdullah.

12 ERIC ABDULLAH, after being duly sworn, testified
13 as follows:

14 THE CLERK: Have a seat in the witness box stating
15 your full name and spelling your last for the court,
16 please.

17 THE WITNESS: Eric Abdullah; A-B-D-U-L-L-A-H.

18 DIRECT EXAMINATION

19 BY MR. WEEKS:

20 Q Are you okay, Eric?

21 A Yes, sir.

22 Q You had a little surgery yesterday?

23 A I did, sir.

24 Q Tell us what you do for a living.

25 A I'm the shift lieutenant at the Aiken County

1 Sheriff's Office.

2 Q How long have you been at the Aiken County Sheriff's
3 Office?

4 A Eight years.

5 Q All right. And before that were you in law
6 enforcement in any capacity?

7 A I was a military policeman with the US Army.

8 Q During the time that you've been at the Sheriff's
9 Department have you received various trainings and courses
10 and that sort of stuff?

11 A Yes, sir. I attended the basic academy as well as I
12 am a graduate of the FBI National Academy.

13 Q Were you working in the same capacity you are now on
14 July 17, 2010?

15 A Yes, sir.

16 Q Were you on the road that night?

17 A Yes, sir, I was. I was the supervisor on duty.

18 Q And being on the road you're in a marked patrol car?

19 A Yes, sir.

20 Q Did you receive a dispatch to go to a location?

21 A Yes, sir. Dispatch toned us out which is an audible
22 tone across the radio to alert us to a high priority call.
23 I responded to Wheat Road along with my other officers.

24 Q Who are the other officers that responded that night?

25 A Deputy Michael Williams and Molly Hahn.

1 Q And do you know whether EMS was there or did you get
2 there before EMS or did you get there about the same?

3 A EMS was on the scene staged down the road from a
4 single-vehicle accident location on Wheat Road.

5 Q What did you do when you got there, Eric?

6 A What I normally do especially in this incident is
7 being the supervisor I start managing the agency's
8 resources for the call and directing my deputies on what
9 actions that they needed to take.

10 Q Okay. Did you secure the crime scene?

11 A Yes, sir. That's the initial thing to find out what
12 was going on. There was a young man that was with EMS at
13 the time. He ran to them. There was also a gentleman
14 that was pointed out that was sitting on the porch at a
15 residence that was on Wheat Road. I believe it was a
16 single-wide trailer. I started directing my deputies to
17 start securing the scene and trying to find out what we
18 had going on.

19 Q What did you do in that regard?

20 A Once we had a small amount of information that a
21 kidnapping and armed robbery had occurred I had my
22 deputies to start photographing the scene as soon as
23 possible because we knew we had people injured and we had
24 other -- EMS was going to be coming into our scene; so we
25 needed to photograph everything and start separating

1 witnesses as well as I started telling my deputies exactly
2 what they needed to do so we could maintain some type of
3 control over the incident.

4 Q Did y'all place the defendant under arrest?

5 A When we saw him on the porch we asked, you know -- Of
6 course, we asked what happened. He was -- He said he
7 didn't know. After we ascertained what happened from the
8 witnesses there as well as the victim in the case, when he
9 was on the backboard we placed him in handcuffs.

10 Q Did you direct that the photographs be taken of him?

11 A I did.

12 Q Do you recall what he was wearing?

13 A He was wearing boxer shorts. He had some gloves on
14 his hand. One of them was latex and the other one was
15 cotton and he had on some black dress socks.

16 Q Was he pretty injured?

17 A Yes, sir, he was.

18 Q And you directed your officers or somebody to take
19 photographs of him there?

20 A I did. I had Deputy Hahn to take photographs of him
21 while he was on the backboard because I knew that portion
22 of the incident was going to be chained being that he was
23 going to be transported by EMS.

24 Q When he was transported by EMS who went with him?

25 A Deputy Molly Hahn did.

1 Q At that point was he in custody?

2 A Yes, sir.

3 Q And he remained in custody the rest of that evening?

4 A Yes, sir.

5 Q Now, were you in communication during this period of
6 time with investigators with the Sheriff's Department?

7 A Yes, sir. As my responsibility to notify other
8 resources of the agency that were going to be needed; so I
9 notified the on-duty investigator which was Investigator
10 Sanders as well as call for the on-duty forensic
11 investigator which is Investigator Chris Johnson.

12 Q And did you relocate or go to any other location
13 after getting there and kind of sizing the thing up?

14 A I did. Once he figured out where my victim was taken
15 from we responded to 387 Wheat Road.

16 Q What did you do there, Eric?

17 A We knocked on the door trying to make contact with
18 someone, but the door was -- The front door was closed and
19 then as we saw there was evidence that the door had been
20 damaged or forced open. We did make entry to the house
21 just to make sure everything was okay inside.

22 Q Through the front door?

23 A Yes, sir.

24 Q Was everything okay? The residents okay?

25 A The residents were okay. They were all in their own

1 individuals rooms. We tried not to disturb them. I did
2 make my way into the office area there trying to locate
3 someone to respond out there so that those folks out there
4 could be taken care of.

5 Q And had the victim told you where to find the
6 numbers?

7 A Yes. He said it would be in the office and there was
8 a list of on-call numbers.

9 Q You started trying calling people for
10 Tri-Development?

11 A Yes, sir. I called every number that was on the
12 list.

13 Q Did you finally get somebody?

14 A Yes. Someone finally called me back.

15 Q What did you do then, Eric?

16 A I had notified investigations that we did find that
17 the front door was damaged. I needed forensics to respond
18 to the incident location.

19 Q After that did you have any involvement?

20 A No, sir. I released the scene over to Investigator
21 Johnson, informed Investigator Sanders what we found, and
22 I left the incident location.

23 Q At some point did you take keys down to this location
24 or did you get -- Did you ever have possession of any
25 keys?

1 A Not that I recall.

2 Q Okay. I might be getting it confused, but did you
3 look in the car?

4 A I did look in the car.

5 Q Did you change anything, alter anything after you got
6 there?

7 A No, sir.

8 MR. WEEKS: Answer any questions that Miss~Alves has
9 for you.

10 CROSS-EXAMINATION

11 BY MISS ALVES:

12 Q You said you reported to the actual car accident
13 scene; is that right?

14 A Yes, ma'am.

15 Q And you got there you said with two other deputies,
16 Deputy Williams and Deputy Hahn?

17 A Yes, ma'am.

18 Q And then while you were there did other police
19 officers come on the scene?

20 A No, ma'am; not that I'm aware of other than the ones
21 that I called out.

22 Q The investigators?

23 A Yes, ma'am.

24 Q So the investigators came to the accident scene?

25 A Yes, ma'am.

1 Q Okay. And you met with them there?

2 A Yes, ma'am, I did.

3 Q Did you meet with the investigators there before or
4 after you went to the house?

5 A Before.

6 Q Before. And the other two officers were still there?

7 A I believe they were. Deputy Williams was still at
8 the accident location with me. Deputy Hahn rode in the
9 ambulance with Mr. Holston.

10 Q Okay. So she went to the hospital with Mr. Holston?

11 A That's correct.

12 Q Did anybody ride with Mr. Walker?

13 A No, ma'am; not that I'm aware of.

14 Q Did you talk to Mr. Walker at the scene to find out
15 his version of the story?

16 A I did briefly.

17 Q Tell us what he told you.

18 A I'm not able to recall every word that he told me,
19 but he said that he did get -- He was the day worker or
20 night time worker at the Tri-Development Center and that
21 he was taken out of the residence by force and was going
22 -- They was going to the ambulance -- I'm sorry. He was
23 going to the ATM and the defendant was in the car with him
24 and he pointed him out to us that he had been kidnapped
25 and he said that he did jump out of his vehicle while it

1 was traveling.

2 Q Did he tell you there were two people?

3 A Yes, ma'am. He said there was another person that
4 came into the residence.

5 Q What did he tell you the second person was doing
6 after he got in the car with Mr. Holston?

7 A I don't recall that.

8 Q You don't recall? Now, at some point you said you
9 went to the house and got into the house?

10 A Yes, ma'am.

11 Q And who were you with when you got into the house?

12 A Deputy Michael Williams.

13 Q All right. Do you know -- Was that the first attempt
14 to get into the house?

15 A I don't believe so, ma'am. No.

16 Q No? So someone else had -- Another police officer
17 had tried to get into the house before you got there?

18 A I believe so. I'm not sure who went down there.

19 Q Okay. Now, how were you able to get into the house?

20 A The front door was open.

21 Q You said the front door was open?

22 A I mean it was -- It was not locked, you know. It was
23 open from the damage. I was able to open the door.

24 Q Okay. At any point did anybody ask you about the
25 keys to the home?

1 A Not that I can recall at this time.

2 Q You don't recall anybody asking you about the keys?

3 A No, ma'am, I don't.

4 Q Okay. But at some point you and Officer Williams
5 went back to the house and were able to get in through the
6 front door?

7 A Yes, ma'am.

8 Q Now, when you -- and you said when you came the EMS
9 was already examining Mr. Walker?

10 A They were at a staging point down from the accident
11 location and we went beyond EMS when we responded to the
12 accident, got out of the vehicle and then that's where we
13 saw our victim and he was being seen by EMS, also.

14 Q So, he was already being -- in the process of being
15 treated when you came to the scene?

16 A He wasn't being treated yet. He ran towards them --
17 their direction.

18 Q Okay. You saw him running towards EMS?

19 A Well, he was in the roadway going towards their
20 direction.

21 Q Okay. Did you see where he was coming from?

22 A No, ma'am.

23 Q Do you recall what time you got this call?

24 A If I could refer to the incident report.

25 Q Do you have your incident report?

1 A Yes, ma'am.

2 Q May I see it?

3 THE COURT: And you may refer to it and you may
4 answer the question.

5 THE WITNESS: We were dispatched at 2:37 hours on the
6 17th of July.

7 Q So the call came in at 2:30? I'm sorry.

8 A The dispatch time was at 2:37 hours.

9 Q Okay. So that would be when the call came in to the
10 9-1-1 and then they notified you?

11 A That's the time they put the call out to us.

12 Q Okay. At 2:37?

13 A Yes, ma'am.

14 Q And you arrived at the accident scene at 2:48?

15 A Yes, ma'am.

16 Q Okay. Thank you. Now, did you see the car --

17 A Yes, ma'am.

18 Q -- that was crashed in the tree?

19 A Yes, ma'am.

20 (WHEREUPON, Defendant's Exhibit Nos. 7 - 9 were
21 marked for identification only.)

22 Q I am showing you what's been marked as
23 Defense Nos. 7, 8 and 9. Do you recognize those?

24 A Yes, ma'am. That is the car that was involved in the
25 collision in the tree line.

1 Q Those accurately show how the car looked that day in
2 the tree line?

3 A Yes, ma'am.

4 Q At least from that view?

5 A Yes, ma'am.

6 Q Okay.

7 Your Honor, I'd move numbers 7, 8 and 9 in.

8 MR. WEEKS: No objection.

9 (WHEREUPON, Defendant's Exhibit Nos. 7 - 9 were
10 admitted into evidence.)

11 Q Now, did you -- you said you looked inside the car?

12 A Yes, ma'am. I looked in it.

13 Q Did you do anything else to look around the area?

14 A No, ma'am. I looked into the car just to make sure
15 no one else was on my initial responders course is to make
16 sure no one else is in the vehicle and then look around
17 the outside of the car.

18 Q Okay. So you looked around the outside of the car?

19 A Yes, ma'am.

20 Q Okay. But did you look around in the woods or in the
21 wood line or any place like that?

22 A No, ma'am; just around the immediate area of the
23 vehicle.

24 Q Okay. Thank you. I don't have any further
25 questions.

1 THE COURT: Redirect, if any?

2 MR. WEEKS: None from this witness, Your Honor.

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

4 MR. WEEKS: Your Honor, he's got three nurses with
5 him. I don't know if they're all his nurses, but I would
6 ask that he be excused to go back home with them. That's
7 what he said they were. I don't know.

8 THE COURT: I believe you, sir.

9 THE WITNESS: Thank you.

10 THE COURT: I hope your shoulder is better or your
11 arm. All right.

12 MR. WEEKS: It would be a good stopping time.

13 THE COURT: Mr. Foreman, ladies and gentlemen, we're
14 going to break for lunch. We'll start back at 2:15.
15 That's an hour and however long that is. I won't be
16 sitting here twiddling my thumbs. I got some motions
17 starting at 12:30. I don't want y'all sitting in there
18 waiting on me. Then I got a conference call at about a
19 quarter 'til 2. I don't want y'all sitting and waiting.
20 We'll start right back at 2:15. We'll see how we go this
21 afternoon. We'll probably go until about five-something
22 if anybody needs to make arrangements.

23 Please don't discuss the case. Don't start
24 deliberating. Don't let anybody discuss it with you.
25 Have a pleasant lunch and I'll see you back. We'll start

1 right at 2:15. Please be on time.

2 (Whereupon, the jury exited the courtroom at 12:27.)

3 THE COURT: Mr. Weeks, anything for the record before
4 we break?

5 MR. WEEKS: I don't believe so, Your Honor.

6 THE COURT: Miss~Alves?

7 MISS ALVES: Your Honor, I just have one thing I want
8 to make sure before I forget. I think on Defense Exhibit
9 No. 6 that was ---

10 THE COURT: Close that door.

11 MISS ALVES: The solicitor did not have any objection
12 to it. Your Honor didn't make a comment and I just wanted
13 to make sure that was in evidence.

14 THE COURT: Didn't make any comments on it?

15 MISS ALVES: You didn't make any comment when I said
16 the solicitor had no objection. I just wanted to make
17 sure that I did actually put no. 6 into evidence.

18 THE COURT REPORTER: I did.

19 THE COURT: You're covered.

20 (Whereupon, a lunch break was taken.)

21 THE COURT: Mr. Molony, anything for the record
22 before we start back?

23 MR. MOLONY: No, sir, Your Honor.

24 THE COURT: Do you need to ask Mr. Weeks?

25 MR. MOLONY: I'm sorry.

1 MR. WEEKS: Your Honor, outside the presence of the
2 jury we had two stipulated exhibits. One is a South
3 Carolina Law Enforcement Division Forensic Service
4 Laboratory Report -- a DNA report, State's Exhibit No.29.
5 It is a three-page exhibit that it's my understanding is
6 consented to.

7 THE COURT: What does it say?

8 MR. WEEKS: They took some swabs from the automobile
9 in question from areas where there was blood and they took
10 some swabs from a hat that was inside the vehicle;
11 compared the buccal swabs of the defendant. The swabs
12 from the car -- the blood areas or the front seat of the
13 car steering wheel and the passenger side of the trunk lid
14 all came back to be the defendant's DNA one in
15 18 quadrillion chances. The hat was a mixture of three
16 individuals, none of which was the defendant.

17 THE COURT: Okay. Miss~Alves, is that correct?

18 MISS ALVES: Yes, sir. I am not objecting to the
19 report.

20 THE COURT: Ma'am?

21 MISS ALVES: I am not objecting to the report, Your
22 Honor.

23 THE COURT: Well, it'll be a stipulation that you
24 both agree to it so we're not going to have to bring in
25 the witnesses and you agree the report says what it says.

1 MR. WEEKS: That's correct.

2 MISS ALVES: Yes, sir.

3 MR. WEEKS: And, Your Honor, State's Exhibit No. 32
4 is a stipulated exhibit from the Aiken County Sheriff's
5 Office where the investigators lifted five latent --
6 potential latent fingerprints off the door frame to the --
7 or the door area of the Tri-Development house, none of
8 which were a match to the defendant and none of which were
9 sufficient quality to go in their AFIS system and that
10 would be in lieu of calling the fingerprint examiner from
11 the Sheriff's Department, also.

12 THE COURT: Miss~Alves, is that correct?

13 MISS ALVES: It am stipulating to the report. It
14 doesn't say the door frame, but it just says the
15 fingerprints that he tested.

16 MR. WEEKS: That's correct. It does not say the door
17 frame, Judge.

18 THE COURT: Anything else?

19 MR. WEEKS: That's all, Your Honor.

20 THE COURT: Miss~Alves, anything?

21 MISS ALVES: No, sir, but I do want to make it clear,
22 Judge, I am not stipulating where the fingerprints came
23 from. I just don't have any problem with the report.

24 THE COURT: You're stipulating to the report?

25 MISS ALVES: Yes, sir.

1 (WHEREUPON, State's Exhibit Nos. 29 & 32 were
2 admitted into evidence.)

3 (Whereupon, the jury came into open court at
4 approximately 2:20.)

5 THE COURT: Mr. Weeks, you may call your next
6 witness.

7 MR. WEEKS: Thank you, Your Honor. The state and
8 defense have reached a consent on two issues or two
9 exhibits: State's Exhibit No. 32 and State's Exhibit 29
10 that will be entered into evidence rather than calling the
11 person that prepared the report. State's Exhibit 32 is a
12 report from Lieutenant Clay Adams of the forensic division
13 concerning some fingerprint lifts that were found and
14 State's 29 is a report from South Carolina Law Enforcement
15 Division concerning some DNA or some swabs that were
16 tested and compared to known swabs and the report that was
17 issued from the DNA expert in Columbia, and rather than
18 call those the state and the defense agree that these
19 reports can come in.

20 THE COURT: All right. Mr. Foreman, ladies and
21 gentlemen, that eliminates two witnesses. They'll use the
22 report. Both of them agree as to the findings in the
23 report. They can argue in whatever manner they deem fit,
24 and, obviously, you'll have the reports in the jury room
25 for your deliberations. Sometimes you can eliminate the

1 necessity of bringing the witnesses down from everywhere
2 else and it's a more efficient use of our time.

3 Next witness, please.

4 MR. WEEKS: Your Honor, the state would call
5 Investigator J. D. Sanders.

6 JAMES D. SANDERS, after being duly sworn,
7 testified as follows:

8 THE CLERK: Have a seat in the witness box stating
9 your full name spelling your last for the court, please.

10 THE WITNESS: It's Jack Donald Sanders;
11 S-A-N-D-E-R-S.

12 DIRECT EXAMINATION

13 BY MR. WEEKS:

14 Q Where are you employed, J.D.?

15 A Aiken County Sheriff's Office.

16 Q And what is your job over there currently?

17 A Currently I am the lieutenant or the training manager
18 for the Sheriff's Office.

19 Q And prior to that what were you doing?

20 A Investigator in adult investigations.

21 Q How long had you been doing that?

22 A Over my career for years, but quite a few years I was
23 employed at the Sheriff's Office in 2000. So, quite a bit
24 of the time during that time in investigations.

25 Q In investigations?

1 A Yes, sir.

2 Q And prior to that where were you?

3 A Were at a couple of different agencies. May 12 of
4 this year, 31 years total.

5 Q In law enforcement?

6 A Yes, sir.

7 Q And during that time you have been trained in a
8 variety of different things. Would that be a correct
9 assessment?

10 A Yes, sir. That's correct.

11 Q Were you working for the Sheriff's Department as an
12 investigator on July 17 of last year?

13 A Yes, sir. I was the on-call duty investigator for
14 that night.

15 Q What does the on-call duty investigator get the
16 opportunity to do?

17 A Basically, we work day shift and we go home usually
18 around 5 o'clock if nothing is going on and until
19 8 o'clock the next morning if any major crime that they
20 need an investigator on they'll call us out and we'll come
21 out and do the investigation work on that night.

22 Q And what happened on July 17 of 2010 that brings us
23 here today?

24 A I was at home and got paged out to respond to the
25 Wheat Road address.

1 Q Okay. And at the Wheat Road address as been
2 discussed where the car was?

3 A Yes, sir.

4 Q And what did you do?

5 A On the way down there it is my normal practice -- I
6 live kind of far out. I live out in the country and what
7 I'll normally do I'll call and try to find who is on the
8 scene and get some idea of that person on the scene before
9 I travel 20 or 30 minutes someplace if I need some
10 resources I need. I try to get that done. So, on that
11 particular day I spoke with Lieutenant Abdullah by
12 telephone and he started briefing me of what was going on.

13 Q As a result of that telephone conversation when you
14 were in route where did you go first?

15 A At the scene of the wreck on Wheat Road. I met with
16 Lieutenant Abdullah at the wreck scene.

17 Q And as a result of conversations with him, what did
18 you do?

19 A At that particular time when I got there Investigator
20 Johnson was there processing the scene.

21 Q Is that Chris Johnson?

22 A Yes, Lieutenant Abdullah gave me a little more
23 up-to-date briefing from what they had the last time I
24 spoke with him on the telephone. After briefly speaking
25 with him I went over as Investigator Johnson was

1 photographing the vehicle and I went over there and
2 examined the vehicle, the inside of the vehicle, looked
3 around in the immediate area surrounding the vehicle.

4 Q All right. What did you do from there?

5 A At -- When I got finished with the vehicle looking at
6 the vehicle and trying to get kind of a feel for there and
7 what was going on and look at what's set up I went over
8 and spoke to the two witnesses on the front porch.

9 Q And that would be Jessie and Bryan that testified
10 today?

11 A Yes, sir, that's correct.

12 Q After speaking with them what did you do?

13 A After speaking with them I believe the next thing I
14 did, I went down to 387 -- the incident location -- 387
15 Wheat Road, Tri-Development house.

16 Q Were you given information or as a result of
17 information you were given did you know that there may be
18 people in that house?

19 A Yes, sir.

20 Q What did you do when you approached that house, J.D.?

21 A I went down there. deputy was on the scene there.
22 We went around and checked a couple of the door knobs. I
23 looked around and tried to get a feel for it. I know when
24 I looked at the house I was trying to see what was out of
25 place, what would be done, looking for any evidence of

1 anything that had been thrown on the ground or dropped.

2 So, I was there for just a few minutes. I saw the
3 387 was written on the door and the seven was upside down
4 on the door and the screw that apparently held that number
5 in was laying in the front of it. So, I was there with
6 him for just a few minutes trying to get a feel for the
7 scene.

8 Q Was the door that held the 387, was it closed?

9 A Yes, sir.

10 Q And did you try to open it? Did you try to push it
11 in any fashion?

12 A I know I went to -- I particularly went to the side
13 door where the vehicle was parked at. I turned the
14 doorknob. I didn't shove the door in. I simply grabbed
15 the doorknob. The doorknob was locked and at the front
16 door we checked the front door. The door was shut. Other
17 than the seven being down from the outside there wasn't
18 really any apparent of any other damage there. The
19 doorknob was locked. I didn't attempt to push in the door
20 to try to open it. The door was locked.

21 Q What did you do from there, J. D.?

22 A I left there and went back up and spoke with
23 Abdullah -- Lieutenant Abdullah -- briefly. It was my
24 understanding from the briefing and information I had
25 there that there were people inside the house there. We

1 knocked on the door. I think Deputy Williams had been
2 knocking on the door. No responses. So I went back up to
3 Abdullah and I needed to go over to the hospital to try to
4 talk to the witnesses. I understood that both of them
5 were injured. They were transported to the hospital. So
6 I told Lieutenant Abdullah when I was there that he needed
7 to send somebody down with Deputy Williams. Entry needed
8 to be made in that house to check on the residents inside
9 there.

10 Q Were you aware that entry was made through the front
11 door?

12 A Yes, sir.

13 Q What did you do? You said you -- Did you relocate to
14 the hospital?

15 A Yes, sir. After going back up Lieutenant Abdullah
16 was standing by the wreck scene. After I left Lieutenant
17 Abdullah I then went over to the hospital and when I got
18 to the hospital I spoke to Mr. Walker first.

19 Q Okay. What did he -- Was anything about his
20 appearance unusual?

21 A When I first saw him it was pretty identical to the
22 picture that was taken in there. He had already been
23 bandaged up. I could see where his injuries were at.
24 They had the machines hooked up to him and all that stuff
25 and I began to ask him to tell me what happened there.

1 Q And did you at some point deploy back to Aiken? What
2 did you do at that point?

3 A After I spoke to him I then went over and attempted
4 to speak with Mr. Holston.

5 Q Mr. Holston was injured more severely than
6 Mr. Walker?

7 A Yes, sir, and I had been informed that he was under
8 medication.

9 Q All right. So you didn't talk to him at that point?

10 A No, sir.

11 Q Was Mr. Holston under arrest at that time?

12 A Yes, sir.

13 Q Now, as part of being the investigator in the case do
14 you keep up with the reports that are generated from
15 expert witnesses and that sort of stuff?

16 A Yes, sir.

17 Q And you request -- Do you request reports to be done
18 or evidence to be submitted to other agencies if
19 necessary?

20 A Yes, sir. A lot of times the forensics guy sometimes
21 will automatically do it. Other times we oversee it. If
22 we see it hadn't been done we request that it be done.

23 Q Were you aware that some swabs had been taken from
24 some of the areas around the car?

25 A Yes, sir.

1 Q And maybe a hat that was in the car?

2 A Yes, sir.

3 Q Were you aware that those were sent to SLED for DNA
4 analysis?

5 A Yes, sir.

6 Q And you are aware of the results of that?

7 A Yes, sir.

8 Q Were you aware that some fingerprint cards were -- or
9 some fingerprints lifts were taken from some area in the
10 crime scene?

11 A Yes, sir.

12 Q And were you aware that none of those came back to
13 match the defendant?

14 A Yes, sir.

15 Q Okay. What's AFIS?

16 A Automated Fingerprint Identification System.

17 Q And am I in AFIS? Or if I don't have a -- Is
18 everybody in AFIS?

19 A If you've been arrested before and your fingerprints
20 are on file then you're entered into the national database
21 of AFIS.

22 Q Even when I was like 15? Oh, we won't go there. But
23 that's a computer system that they like run fingerprints
24 and compare them to it if the fingerprints lifts are
25 sufficient enough quality?

1 A Yes, sir. That's correct.

2 Q And as part of your training and part of your
3 experience with law enforcement you have lifted latent
4 lifts and taken latent lifts? Those are fingerprints that
5 are retained on a surface and you can physically put tape
6 over them, lift them, and send them to somebody for
7 analysis. You have been trained to do all of that, hadn't
8 you?

9 A Yes, sir. I lifted prints at times and submit them
10 for checking against AFIS

11 Q When you're working a crime scene or you're doing
12 anything like lifting latent lifts do you wear gloves?

13 A Yes, sir.

14 Q And why?

15 A So you don't contaminate the scene.

16 Q Contaminate it how?

17 A Put your fingerprints on there or smudges.

18 Q Do glove keep fingerprints from being deposited?

19 A Yes, sir.

20 Q Investigator Sanders, you said you looked around the
21 car?

22 A Yes, sir.

23 Q And what condition was the car in at that time?

24 A It was consistent with what I had been advised on.

25 The front end of the car was rested against a tree. It

1 was extensive damage to the vehicle. My first
2 recollection is the driver's side door was open. I
3 noticed blood on the steering wheel, blood on the seat.
4 Most of it other than the steering wheel seemed to be at
5 least from the center of the car over to the passenger
6 side. I walked around the side. There were several trees
7 that had been -- smaller trees that had been struck and
8 apparently scraped down the side of the vehicle.

9 I remember seeing blood on the passenger side of the
10 vehicle -- my recollection on the door area. There was
11 somewhere on the roof of the car, down the -- some on the
12 rear quarter panel and on the trunk lid going around.

13 Q Okay.

14 A It appeared to me that someone had gotten out of the
15 passenger side and gone around that way.

16 Q As a result of the story that you had been given from
17 the witnesses and the victim and the police officer who
18 was on the scene, was there -- were you looking for
19 anybody else in the car?

20 A No, sir.

21 Q By the time you got there?

22 A No, sir.

23 Q Had you been informed or as a result of your
24 conversation did you have any indication that anybody else
25 had been in the car?

1 A No, sir.

2 Q Okay. And are you aware or were you part of calling
3 Tri-Development supervisors to come down to the house
4 after y'all had cleared it?

5 A No, sir. That was done while I was at MCG.

6 Q Okay. No further questions of Mr. Sanders at this
7 time, Your Honor.

8 THE COURT: Miss~Alves?

9 CROSS-EXAMINATION

10 BY MISS ALVES:

11 Q Investigator Sanders, you testified that you wanted
12 to check to see who was on the scene and find out what was
13 going on before you got down there because it was a long
14 way and you wanted to make sure that the proper people
15 were on the scene?

16 A It's -- I don't do it in every case. It just depends
17 on what knowledge I have to leave the house, but it
18 wouldn't be unusual for me to call who is on scene there.
19 Sometimes in some cases forensics aren't called out and if
20 I feel like forensics needs to get there rather than wait
21 30 minutes to get to the crime scene then call forensics
22 from the home at that time to get them out there quite
23 often I'll call down there and try to ascertain what's
24 going on, are there any other resources do I need, do I
25 need to call anybody, who do I need to notify -- just get

1 a little more basics of what's going on while I am en
2 route.

3 Q Okay. And in this particular case you spoke with
4 Lieutenant Abdullah while you were en route?

5 A Yes, ma'am.

6 Q And he was telling you what was going on at the scene
7 and what the situation was?

8 A Yes, ma'am.

9 Q And he told you what Mr. Walker had told him?

10 A I believe he advised me what he had found out at the
11 scene.

12 Q Okay.

13 A My recollection would be that he got it from
14 Mr. Walker and from the witnesses there.

15 Q Okay. And you documented all of this in an actual
16 investigative report?

17 A Yes, ma'am.

18 Q And you went into great detail about what everyone
19 told you and what you observed in your report; is that
20 correct?

21 A Yes, ma'am.

22 Q And the report is very important, would you agree?

23 A Yes, ma'am.

24 Q Because how many cases do you work a year? A lot?

25 A Yes, ma'am.

1 Q Okay. I can agree with a lot. And you can't
2 remember every single detail off the top of your head
3 about every single case; isn't that right?

4 A That's correct.

5 Q So it's very important that you document as much as
6 you can as soon as you can so that you have it all
7 organized while it's still fresh in your mind?

8 A You try to, yes, ma'am.

9 Q And you were the lead investigator on this case?

10 A That's correct.

11 Q And so you were the person responsible for gathering
12 the information from the officers and the other people who
13 were at the scene to have the official case file?

14 A Yes, ma'am.

15 Q Okay. And do you have your report with you?

16 A No, ma'am.

17 Q You don't have a copy of it at all?

18 A I got a copy on my chair over there, at least part of
19 my investigative report. I am not sure if it's the
20 complete report.

21 Q Do you have your four-page supplemental in your
22 paperwork?

23 A I am not sure without looking at it.

24 Q Would showing it to you help you refresh your memory
25 about what's in the report?

1 MR. WEEKS: I have no objection to her showing it to
2 the witness, but a foundation is at issue right at this
3 point.

4 MISS ALVES: Judge, he stated that this is his report
5 and ---

6 THE COURT: He can refresh his memory with the
7 report. Show it to him and let him refresh his memory and
8 ask the question. What was the question?

9 Q I asked did you talk to Lieutenant Abdullah about
10 what Mr. Walker had told him at the scene?

11 MR. WEEKS: I think he just testified that he did.

12 MISS ALVES: Well, Your Honor, what he testified to
13 was that Lieutenant Abdullah told him what he had gotten
14 from Mr. Walker and from the other witnesses. I
15 specifically asked about what Mr. Walker told him.

16 THE COURT: Point to him where you're trying to go
17 to.

18 MISS ALVES: Yes, sir.

19 THE WITNESS: The particular sentence you asked about
20 says "Lieutenant Abdullah stated that one of the black
21 male suspects was in the victim's vehicle with the victim
22 driving and the suspect followed him in a white in color
23 Explorer. He stated while going down Wheat Road the
24 victim had jumped out." That didn't specifically tell me
25 that he got that directly from Mr. Walker or that he got

1 that based on talking to Mr. Walker and the witnesses
2 there.

3 Q Okay.

4 A My recollection was that he had talked to all three
5 of them and what he had given me was a combination from
6 what he had learned from speaking with everybody on the
7 scene.

8 Q Okay. But Lieutenant Abdullah talked to you about
9 the second person following Mr. Walker's vehicle?

10 A Yes, ma'am.

11 Q Okay. And you also talked to Mr. Walker when you
12 went to the hospital; isn't that right?

13 A That's correct.

14 Q And did he also tell you that the second vehicle was
15 following his vehicle?

16 A Yes, ma'am.

17 Q And he told you that when the people came into the
18 house they -- Did he specify what doors they came in?

19 A I don't recall him specifying where the second black
20 male came in. I remember him stating that Mr. Holston
21 kicked in the front door. Mr. Holston confronted him with
22 the gun. Mr. Holston led him around the house and at some
23 particular point during that juncture that I recall he
24 said was the first time he saw the second black male and I
25 don't recall him telling me how he got in the house or

1 where he came from, but I recall him telling me at some
2 point he saw him there.

3 Q Okay. Now, did he tell you that Mr. Holston led him
4 around the house?

5 A He said they went through the -- My recollection is
6 he said they went through the house. He kept asking where
7 the money was at, threatened to kill him. They went
8 around the house and looked and at some juncture they
9 wound up in the office there looking and, you know, there
10 was no money there.

11 Q Okay. Can you tell me in your report where it says
12 that they went through the house? You have a lot of
13 details in here about what Mr. Walker told you, but I'm
14 afraid I don't see it where it says they went through the
15 house. It says they went through the office. On page
16 three it refers to the office.

17 A Yes, ma'am. This report isn't an exact word-by-word
18 narrative. When I talked to Mr. Walker I can talk to
19 Mr. Walker five minutes and it would probably take 10
20 pages of report filled all out. So, I can tell you on the
21 stand today that that's what he told me. Now, whether I
22 documented every single thing that he told in the report,
23 I may not have done that, but that's, in fact, what he
24 told me that night.

25 Q Okay. But you did document that he said he was

1 sitting on the couch watching TV?

2 A Yes, ma'am.

3 Q And that the front door was kicked open?

4 A Yes, ma'am.

5 Q You did document that he said he tried to run and go
6 out the side door?

7 A Yes, ma'am.

8 Q Specifically you wrote side door in your report?

9 A Yes, ma'am.

10 Q And you wrote that he did say that the suspect had a
11 gun?

12 A Yes, ma'am.

13 Q And that he had cotton-type gloves on each hand and
14 boxer shorts on?

15 A That's correct.

16 Q That's specified in your report?

17 A Yes, ma'am.

18 Q And it says that he kept demanding money and
19 threatened to shoot him?

20 A Yes, ma'am.

21 Q And you did document that a second person entered the
22 residence and was also demanding money?

23 A Yes, ma'am.

24 Q But do you recall where he told you the second person
25 came from?

1 A No, ma'am. As I told you he was in the house with
2 the first -- with Mr. Holston. Mr. Holston had the gun
3 repeatedly asking him for money threatening to kill him
4 and all I know is he said at some particular point when he
5 looked up the second suspect was in the residence.

6 Q Okay. So, he didn't tell you that the second suspect
7 came in the side door when he was running to the side
8 door?

9 A I don't recall.

10 Q Okay. And you wrote down that Mr. Walker said that
11 he looked through the office area?

12 A Repeat your question, please.

13 Q You did document that Mr. Walker told you that he
14 looked through the office area?

15 A I'm not sure if it's documented there or not. I know
16 he told me there. If you want to show me what page on the
17 report, I'll be glad to ---

18 Q Page three. I'm sorry.

19 A Yes, ma'am. The victim stated the victim -- that he
20 looked through the office area and there was no money
21 there. The victim stated he kept threatening to shoot
22 him. He feared for his life and told him he only had an
23 ATM card.

24 Q Okay. And they asked him how much money he could
25 access?

1 A Yes, ma'am.

2 Q And he said he didn't know?

3 A Yes, ma'am.

4 Q Okay. And then he said he didn't want to die over
5 money and he wanted to give them money to make them go
6 away?

7 A Yes, ma'am.

8 Q All right. And then your report goes into the
9 details he gave you about leaving the residence; is that
10 right?

11 A Yes, ma'am.

12 Q All right. But you're saying that he told you about
13 walking through the residence but you don't have that
14 documented in your report?

15 A No, ma'am; other than going to the office.

16 Q Okay. When did he tell you how much money they were
17 looking for?

18 A You know, I kind of recall him saying the second
19 suspect -- what he told me that I recollect during the
20 whole time Mr. Holston never asked him for a particular
21 amount. He just kept telling him he wanted money, wanted
22 money, wanted money or he was going to kill him and
23 holding the gun on him. I do recall at one point him
24 saying when the second suspect came in there the second
25 suspect asked him for a specific amount, but to be totally

1 honest I don't recall today what amount he told me that
2 the second guy was actually asking for.

3 Q Okay. And your report doesn't document that he was
4 asked for a specific amount?

5 A No, ma'am. I did not put that in the report.

6 Q Okay. And this is the information that you got from
7 Mr. Walker that night?

8 A Yes, ma'am.

9 Q And how long after this do you recall when you did
10 your report?

11 A I'm sorry?

12 Q Do you recall when you did your report?

13 A I'm not sure. The date I have on the front of it is
14 7/22/2010.

15 Q So that would have been about five days after this
16 incident had occurred?

17 A Yes, ma'am.

18 Q About five days after your conversation with him?

19 A Yes, ma'am.

20 Q And your report is four pages?

21 A Yes, ma'am.

22 Q All right, now. You said that -- You testified that
23 you did go -- After you went to the scene where the car
24 was you then went to the house?

25 A Yes, ma'am.

1 Q And when you went to the house you met Deputy
2 Williams there?

3 A Yes, ma'am.

4 Q He was already present at the house?

5 A That's my recollection.

6 Q All right. Do you know how long he had been there?

7 A No, ma'am, I don't.

8 Q Did you ever see Deputy Williams at the scene where
9 the car was?

10 A I don't recall if he was there or not. I was
11 speaking with Lieutenant Abdullah.

12 Q Okay. Now, you said you and Deputy Williams knocked
13 on the doors?

14 A Yes, ma'am.

15 Q And that the doors to the residence were locked?

16 A Yes, ma'am. I know I tried the doorknob on the front
17 door and I tried the doorknob on the side door where the
18 vehicles. I didn't push in on the door to see if it was
19 open but I know the doorknob was locked.

20 Q Y'all were knocking on the door?

21 A Deputy Williams was knocking on the door that I
22 recall.

23 Q You were with him while he was doing that?

24 A Yes, ma'am.

25 Q And then you -- According to your report you advised

1 that entry needed to be made to the residence to check on
2 the residents there?

3 A That's correct.

4 Q Who did you advise that to?

5 A Lieutenant Abdullah.

6 Q And Lieutenant Abdullah gave you information that
7 Mr. Walker had told you where the -- had told him where
8 the keys were? Front of page two.

9 A Yes, ma'am. I was trying to -- Yes, ma'am. In my
10 report it documents Lieutenant Abdullah stated prior to
11 being transported to MCG the victim stated the key to the
12 door was on a key ring in his vehicle. He stated that and
13 Williams would check the residence and notify me of their
14 findings.

15 Q And then you were later notified that they had
16 obtained entry into the house?

17 A Yes, ma'am, while at MCG

18 Q So you weren't there when they got in. You were
19 already at the hospital?

20 A That's correct.

21 Q Did they call you right away after they got into the
22 house?

23 A I'm not sure. I was there talking to -- My
24 recollection is I was talking to Mr. Walker at the time
25 and I'm not sure if it was while I was still talking to

1 him or just gotten finished talking with him Deputy Hahn
2 who had a radio -- she was there at MCG. She came over
3 and advised me that Lieutenant Abdullah had been trying to
4 call me on the radio and get in touch with me and I
5 believe I called Lieutenant Abdullah then and spoke with
6 him. He confirmed what Deputy Hahn had told me.

7 Q That they had gotten into the house?

8 A Yes, ma'am, and found evidence where the door had
9 been forced open.

10 Q But when you were there you didn't see any evidence
11 of that because the door was shut?

12 A The door was shut. The only thing I saw was the
13 letter seven on the front door with the screw missing and
14 the seven was hanging upside down.

15 Q Okay. I beg the Court's indulgence for one moment.

16 Now, when you were talking to Mr. Walker -- When you
17 were talking to Mr. Walker at the hospital he told you --
18 He told you he locked the door on the way out, didn't he?

19 A Yes, ma'am.

20 Q And there was some testimony about the fingerprints
21 and the fingerprint report -- that the fingerprints did
22 not come become to Mr. Holston; is that correct?

23 A My recollection of the fingerprint report was it was
24 of insufficient quality, I believe, to be entered into
25 AFIS to be able to match it.

1 Q Okay. You weren't there when the fingerprints were
2 taken?

3 A Pardon me?

4 Q You weren't there when the fingerprints were taken?

5 A No, ma'am.

6 Q Do you know where they came from? Where exactly the
7 fingerprints came from?

8 A Investigator Johnson had advised me of the processing
9 the vehicle and the processing the residence. I'm aware
10 of where the fingerprints came from; yes, ma'am.

11 Q You weren't the one who took them?

12 A No, ma'am.

13 Q I don't have any further questions. Thank you.

14 THE COURT: Redirect?

15 REDIRECT EXAMINATION

16 BY MR. WEEKS:

17 Q None of the fingerprints matched the defendant that
18 were lifted. Is that what I hear you saying?

19 A Yes, sir.

20 Q But an attempt was made to get fingerprints from
21 wherever?

22 A Yes, sir.

23 Q No further questions.

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

25 MR. WEEKS: Your Honor, I just want to doublecheck

1 the record here. The only one I am a little blank on is
2 the actual CD. I believe the CD for the pictures is in
3 without objection.

4 MISS ALVES: It is. It hasn't been moved in yet, but
5 it is without objection.

6 THE COURT: All right. Put it in.

7 THE COURT REPORTER: That's 30.

8 (WHEREUPON, State's Exhibit No. 30 was admitted into
9 evidence.)

10 MR. WEEKS: Your Honor, the state rests.

11 THE COURT: All right. Mr. Foreman, ladies and
12 gentlemen, that concludes all of the testimony on behalf
13 of the state. I need to take up a couple of matters of
14 law with the parties. I'll spend a few minutes with them
15 and then I'll get you back out here in just a second.
16 Don't deliberate. Don't start talking about the case.

17 (Whereupon, the jury exited the courtroom at 2:50.)

18 THE COURT: Any motions by the state?

19 MR. WEEKS: None by the state, Your Honor.

20 THE COURT: Miss Alves?

21 MISS ALVES: Yes, Your Honor. Your Honor, taking the
22 evidence in the light most favorable to the state I would
23 move for a directed verdict on behalf of Mr. Holston for
24 all charges of attempted armed robbery, kidnapping, and
25 burglary first degree.

1 THE COURT: Well, there is ample evidence in the
2 record if the jury believes it to convict your client. I
3 am concerned right now with the existence of the evidence
4 and not the weight; so I therefore respectfully deny it.

5 MISS ALVES: Yes, sir, Your Honor.

6 THE COURT: Anything else?

7 MISS ALVES: Not from me, Your Honor. Oh, Your
8 Honor, I do have one matter. I do believe that I may be
9 putting up Mr. Holston to testify.

10 THE COURT: Okay.

11 MISS ALVES: I'm aware of what his record ---

12 THE COURT: What is his record, if any? How do you
13 spell his last name?

14 MISS ALVES: H-O-L-S-T-O-N.

15 THE COURT: Holston?

16 MISS ALVES: H-O-L-S-T-O-N.

17 MR. WEEKS: What is his record?

18 MR. WEEKS: Your Honor, the impeachable record he
19 would have would be burglary second conviction -- Well,
20 that's beyond the time. That was in 1993. That would not
21 be impeachable except I would not go into that. He's
22 got ---

23 THE COURT: What does he have in the last 10 years?

24 MR. WEEKS: I am kind of starting at the wrong end of
25 this rap sheet, Judge. He's got a conviction for first

1 degree criminal sexual conduct.

2 THE COURT: When?

3 MR. WEEKS: The rap sheet shows the conviction was
4 July 26 of 2006. I'm sorry. June 26, 2006 is the date I
5 show.

6 THE COURT: Anything else?

7 MR. WEEKS: That's the only impeachable offense that
8 I'm aware of.

9 THE COURT: Do you agree with that Miss Alves?

10 MISS ALVES: I do agree that that would be an
11 impeachable offense, but I would ask that you not allow
12 the state to use that offense of criminal sexual conduct
13 first degree. I think that the prejudice would
14 substantially outweigh the probative value to the state.
15 I don't believe that that particular offense is indicative
16 of credibility and I would ask you to not allow the state
17 to use that particular charge for impeachment purposes
18 against my client.

19 THE COURT: Do you have any caselaw to support that
20 position?

21 MISS ALVES: No, sir. I do not.

22 THE COURT: Mr. Holston, if you would stand, please.

23 MISS ALVES: Your Honor, if I may, if you do allow
24 the state to use that charge against my client I would ask
25 that you limit it to the fact that he had a felony charge

1 rather than the specific nature of the charge.

2 THE COURT: I don't think that the rule allows that.

3 MR. WEEKS: I don't believe that's in the rule
4 either, Your Honor, and just for the record this was a
5 most serious offense that he plead guilty to and as part
6 of the life without parole notice that we have served on
7 him and his attorney before you question him I do notice
8 that he has a 1999 conviction for use of vehicle without
9 permission and the reason that's relevant is he received a
10 three-year suspended upon probation for three years
11 sentence and at the same disposition a false information
12 charge.

13 You know, just to be on the safe side the only thing
14 the state intends to ask him assuming the proper
15 foundation is maintained is about the criminal sexual
16 conduct first degree charge.

17 THE COURT: All right.

18 DARRIN D. HOLSTON, after being duly sworn,
19 testified as follows:

20 THE COURT: Mr. Holston, we're at the stage of the
21 trial where you're now able to present your own defense.
22 What that means is you have the right to call witnesses,
23 to testify in your own defense. You can introduce
24 relevant exhibits and you also have the right to testify,
25 but you also have the constitutional safeguards provided

1 in the Constitution which says that you cannot be
2 compelled to give testimony in a criminal case against
3 you. If you decide to testify, then you will be subjected
4 to cross examination like everybody else is under the
5 rules, and you have a record in the past 10 years of
6 criminal sexual conduct first degree with a minor which
7 under our statute would allow the state to introduce that
8 for purposes of attacking your credibility if I determine
9 that the probative value outweighs the prejudicial.

10 MR. WEEKS: It's not a minor, Judge. It is just
11 criminal sexual conduct first degree.

12 THE COURT: Criminal sexual conduct first degree. If
13 you decide not to testify -- First of all, let me go back.
14 If I allow the state to impeach you by the introduction of
15 that record I will tell the jury they can only use it for
16 impeachment purposes and it couldn't be used to determine
17 guilt or innocence in this trial. It is for impeachment
18 purposes.

19 If you decide not to not to testify and you exercise
20 your constitutional right to remain silent then I will
21 instruct the jury that the fact you did not testify cannot
22 be held against you in any manner whatsoever. I will
23 further instruct them that the fact you did not testify
24 cannot be considered by them when they deliberated your
25 guilt or innocence.

1 I would instruct the foreperson that that is a
2 constitutional right that you have and if anybody tried to
3 discuss it they would be given instructions to stop that
4 immediately and not to discuss it, nor draw any inferences
5 whatsoever from the fact that you don't testify.

6 Now, my question to you is do you understand your
7 constitutional right to remain silent?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: You understand, obviously, your right to
10 take the stand, but if you do you'll be subjected to cross
11 examination and perhaps the introduction of your prior
12 record. Do you understand all of that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Do you understand the decision whether
15 you testify or not is yours and yours alone. Obviously,
16 you can talk to your lawyer or anyone else you want to
17 before you make the decision, but we're getting ready to
18 move forward and you have to make that decision here
19 shortly.

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Any questions you want to ask me?

22 THE DEFENDANT: No, sir.

23 THE COURT: You understood what I have told you?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: You need time to talk to your lawyer or

1 ready to make a decision?

2 THE DEFENDANT: No, sir. Yes, sir.

3 THE COURT: You need time to talk to Miss~Alves
4 before you make your decision?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: You do need to talk to her?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: All right, sir.

9 (Whereupon, the attorney conferred with the client.)

10 MISS ALVES: Judge, his decision is made.

11 THE COURT: All right, sir. What is that decision?

12 THE DEFENDANT: I choose to testify.

13 THE COURT: All right. Let's take about five
14 minutes. Everybody stretch their legs.

15 (Whereupon, a break was taken.)

16 THE COURT: All right. Miss~Alves, are you ready?

17 MISS ALVES: Yes, sir.

18 (Whereupon, the jury came into open court at
19 approximately 3:11.)

20 THE COURT: Miss~Alves, you may call your first
21 witness.

22 MISS ALVES: I'll call Deputy Mike Williams.

23 MICHAEL S. WILLIAMS, after being duly sworn,
24 testified as follows:

25 THE CLERK: Have a seat in the witness box stating

1 your full name spelling your last for the court, please.

2 THE WITNESS: My name is Michael Scott Williams. I
3 am a deputy with the Aiken County Sheriff's Office.

4 DIRECT EXAMINATION

5 BY MISS ALVES:

6 Q And Deputy Williams were you working on July 17 of
7 2010?

8 A Yes, ma'am.

9 Q And do you recall reporting to the scene on Wheat
10 Road to the scene of a car accident?

11 A Yes, ma'am.

12 Q And can you tell us what you did when you got there?

13 A On my arrival it was a brief summary from Lieutenant
14 Abdullah about what had taken [sic] place. I believe he
15 advised us that Mr. Holston was the suspect in an armed
16 robbery that just occurred which was the reason why we
17 responded to that address. At that time I then made
18 contact with Mr. Holston and detained him.

19 Q Did you also make contact with Mr. Willie Walker?

20 A Yes, ma'am.

21 Q And you did a report about this?

22 A Yes, ma'am.

23 Q And do you recall what Mr. Walker told you about what
24 happened that night?

25 A I believe he told me that Mr. Holston and an unknown

1 black male also came through the front door and attempted
2 to rob him. I believe he stated that Mr. Holston placed a
3 gun to his head and told him that he wanted money.
4 Mr. Walker stated that he didn't have money but he did
5 have money in the ATM. He stated that Mr. Holston then
6 told him to get into the vehicle and they would proceed on
7 to the ATM.

8 Q Okay. Did he say who got into the vehicle?

9 A I believe he said Mr. Holston got into the vehicle
10 with him.

11 Q And what did he say happened to the second guy?

12 A He said that the second guy followed behind him in a
13 white Explorer.

14 Q Okay. Now, when you talked to him about what
15 happened at the house he told you that they both came in
16 the front door?

17 A Yes, ma'am.

18 Q And that he saw the second guy following him?

19 A Yes, ma'am.

20 Q And did he tell you how much money they were asking
21 for?

22 A No, ma'am.

23 Q So, did you talk to anyone else at the scene?

24 A No, ma'am.

25 Q Okay. What did you do after you talked to Mr. Walker

1 at the scene where the car accident was?

2 A I believe at that time EMS was loading him up in the
3 back of the ambulance and I then advised -- spoke to
4 Lieutenant Abdullah a little bit more.

5 Q Then what happened?

6 A At that time I believe investigations had arrived on
7 the scene and myself and Investigator Sanders went to the
8 house.

9 Q Why did you go to the house?

10 A From what we were told that there was still some
11 people inside of the residence -- I believe three other
12 individuals that Mr. Walker was caring for.

13 Q Okay. So you went with Investigator Sanders to the
14 house?

15 A Yes, ma'am.

16 Q And then what happened when you got to the house?

17 A We knocked on the door. There was -- Nobody came to
18 the door. We did observe that I believe that the seven on
19 the door was kind of knocked down or something. One of
20 the screws had been knocked out of the seven that was on
21 the door.

22 Q Yes, sir. What else did you observe?

23 A That's about it.

24 Q Did you -- what did you do to try to gain entry?

25 A We checked the doorknobs. The doorknobs was locked.

1 Q Then what happened?

2 A Then we went back up to the accident scene.

3 Q You went also?

4 A Yes, ma'am.

5 Q And what happened at the accident scene?

6 A I advised Lieutenant Abdullah about what we had
7 observed at the house and I believe by that time they had
8 made it I think to MCG or half way there and I think that
9 somebody called and said that the keys for the residence
10 was on Mr. Walker's key chain. I think -- Yes, ma'am.
11 They said that the keys was on the key chain. At that
12 time I went back down to the residence with Lieutenant
13 Abdullah.

14 Q What happened when you got back down to the
15 residence?

16 A We tried the keys for the door at that time. We
17 found one key that opened the door and that's when we
18 observed that the door frame was busted.

19 Q So you said you had the keys?

20 A Yes, ma'am.

21 Q Who gave you the keys?

22 A I believe it was still in the ignition.

23 Q Okay. So, you were able to enter the home -- You had
24 to unlock the door with the key?

25 A Yes, ma'am.

1 Q And then you and Abdullah -- Lieutenant Abdullah --
2 went into the house?

3 A Yes, ma'am.

4 Q I beg the court's indulgence one moment.

5 Now, when you were talking to Mr. Walker did he tell
6 you -- Did he describe the two people who came into the
7 house?

8 A I don't believe I asked him to describe them or
9 anything.

10 Q Did he volunteer a description?

11 A I don't believe I asked him any of those questions.

12 Q Now, your report reflects a second subject as a black
13 male; is that correct?

14 A Yes, ma'am.

15 Q Who gave you that information?

16 A I believe that was information that I received from
17 one of the other witnesses.

18 Q There was a witness to the house?

19 A No, ma'am; a witness that observed the car accident
20 and then that observed the black male go over to the
21 vehicle and take some type of object from Mr. Holston.

22 Q Okay. So, Mr. Walker didn't tell you about another
23 person -- give you a description of the second person?

24 A No, ma'am.

25 Q All right. Did he tell you what Mr. Holston was

1 wearing when he came into the house?

2 A Yes, ma'am.

3 Q What was he wearing?

4 A I believe a glove, brown -- brown glove on one hand
5 and another white on the other, some boxers, and some
6 black dress socks.

7 Q Mr. Walker told you that?

8 A Yes, ma'am. He stated specifically about the boxers.

9 Q What did he say the second person had on?

10 A I don't believe that we asked him anything about the
11 second person. Well, I didn't ask him anything about the
12 second person.

13 Q Did you talk to any of the residents at the house?

14 A No, ma'am.

15 Q Thank you. No further questions. Please answer any
16 that the solicitor may have.

17 THE COURT: Cross, if any?

18 CROSS-EXAMINATION

19 BY MR. WEEKS:

20 Q Deputy Williams, you and Deputy Hahn and Deputy
21 Abdullah were all there working at the location of the car
22 wreck; that's correct?

23 A Yes, sir.

24 Q And at the location of the car wreck were some
25 witnesses that weren't involved in the thing?

1 A Yes, sir.

2 Q And were y'all just going around getting little
3 pieces of information at the time?

4 A Yes, sir.

5 Q Did you observe or did you put the cuffs on
6 Mr. Holston?

7 A Yes, sir.

8 Q Who did?

9 A I placed the handcuffs on him.

10 Q That's after doing your investigation -- your initial
11 investigation about what had happened?

12 A Yes, sir.

13 Q Okay. Now when you went to the house the second
14 time --

15 A Yes, sir.

16 Q -- with Lieutenant Abdullah, y'all had the keys that
17 were taken out of the ignition of the car?

18 A Yes, sir.

19 Q And the doors or the locks on the doors were locked;
20 weren't they?

21 A Yes, sir.

22 Q The deadbolt was out, wasn't it?

23 A Yes, sir.

24 Q And the doorknob would not turn because it was
25 locked, wasn't it?

1 A Yes, sir.

2 Q But if you threw your shoulder into it or pushed into
3 it you could have opened it. You just didn't know that
4 the first time you were down there; is that right?

5 A Yes, sir.

6 Q All right. When y'all opened it and went inside do
7 you know when forensics and Sanders got back down there or
8 forensics got down there?

9 A I believe I stayed on the scene until forensics
10 arrived.

11 Q Okay. And so did you see forensics taking pictures?

12 A Yes, sir.

13 Q Did you see them taking pictures of the door jam
14 that's busted all -- busted?

15 A Yes, sir.

16 Q And where the deadbolt was there wasn't anything
17 behind the deadbolt?

18 A No, sir. There wasn't no wood or anything.

19 Q Okay. So, the whole back side of the door frame had
20 been splintered off?

21 A Yes, sir.

22 Q But the actual doorknob -- the normal door lock knob;
23 not the deadbolt -- it was locked. It wouldn't turn?

24 A Yes, sir.

25 Q All right. Did y'all try to shoulder that in or did

1 y'all just unlock it and go in?

2 A We just unlocked it.

3 Q Okay. And because the dead bolt didn't have any wood
4 behind it, it opened?

5 A Yes, sir.

6 Q All right. And you were on the scene and saw -- You
7 put the cuffs on the defendant?

8 A Yes, sir.

9 Q When you put the cuffs on the defendant did he have
10 gloves on?

11 A Yes, sir.

12 Q And was he in boxer shorts?

13 A Yes, sir.

14 Q And did he have this church socks or thin socks or
15 whatever they were?

16 A Yes, sir.

17 Q Thank you. No further questions.

18 THE COURT: Redirect.

19 MISS ALVES: None, Your Honor.

20 THE COURT: You may step down. Next witness.

21 MISS ALVES: I call Investigator Chris Johnson.

22 CHRISTOPHER L. JOHNSON, after being duly sworn,
23 testified as follows:

24 THE CLERK: Have a seat in the witness box stating
25 your full name spelling your last for the court, please.

1 THE WITNESS: Christopher Lyn Johnson; J-O-H-N-S-O-N.

2 DIRECT EXAMINATION

3 BY MISS ALVES:

4 Q Investigator Johnson, can you tell us where you're
5 currently employed?

6 A The Aiken County Sheriff's Office.

7 Q And what is your position there?

8 A I am a forensic investigator.

9 Q Can you tell us what you do as a forensic
10 investigator?

11 A As a forensic investigator it is my duty to respond
12 to crime scenes and process crime scenes for physical
13 evidence to document and collect.

14 Q You just collect evidence?

15 A Document and collect, yes, ma'am, and process
16 evidence. Yes, ma'am.

17 Q And it is it also part of your duty that you collect
18 swabs if there is potential DNA?

19 A Yes.

20 Q And you collect -- and you dust for fingerprints and
21 collect potential -- You check for fingerprints?

22 A Yes, ma'am.

23 Q And you also take pictures of alleged crime scenes?

24 A Yes, ma'am.

25 Q Do you recall working a case on July 17, 2010?

1 A Yes, ma'am.

2 Q And do you recall reporting to a scene of a car
3 accident on Wheat Road on that date?

4 A Yes, ma'am.

5 Q Okay. Can you tell us -- you did -- Do you recall --
6 Where did you report to first?

7 A I'll have to look real quick. First place I went was
8 285 Wheat Road at the scene where the vehicle was at.

9 Q And what did you do when you got there?

10 A Basically, took photographs and processed that scene
11 for any evidence.

12 Q What did you do to process the scene for evidence?

13 A As I stated I photographed the area. I photographed
14 the vehicle, photographed inside of the vehicle, outside
15 of the vehicle, collected any evidence that could prove to
16 be pertinent to the case, swabs for blood. There was a
17 hat inside of the vehicle that I collected.

18 Q Were there other items inside of the vehicle?

19 A Yes. There's items inside of the vehicle, yes,
20 ma'am.

21 Q So were those collected as well?

22 A No, ma'am. Not everything inside of the vehicle was
23 collected, no, ma'am.

24 Q What items were collected?

25 A From the vehicle I collected three swabs from the

1 vehicle as well as a hat that was inside of the vehicle
2 between the front bench seat. The vehicle had a bench
3 seat in the front. It wasn't two bucket seats. It was
4 one long bench seat. This hat was between the bench seat
5 on the front passenger side and the door jam.

6 Q So you took that item?

7 A Yes, ma'am.

8 Q Was there anything else found inside of the vehicle
9 besides the hat?

10 A There was blood inside of the vehicle, yes, ma'am.

11 Q Other than the hat and the blood, anything else?

12 A Not to my knowledge as far as anything collected, no,
13 ma'am.

14 Q Do you know if it was collected would you have had --
15 Would you have been informed about it?

16 A Can you repeat?

17 Q If there was something collected from inside of the
18 vehicle would you have been informed about it?

19 A Not necessarily.

20 Q Who would have had that information?

21 A If anything else was collected from inside of the
22 vehicle?

23 Q Yes.

24 A The person that collected it.

25 Q Well, where would that information be found?

1 A It would probably be in their report.

2 Q Do you know if anybody else collected anything out of
3 the vehicle?

4 A Not to my knowledge.

5 Q Okay. And did you take any other items out of the
6 car?

7 A I took the three swabs of blood from the vehicle and
8 the hat from the vehicle.

9 Q Did you also find keys inside the vehicle?

10 A Yes, ma'am. The keys were in the ignition.

11 Q What did you do with the keys?

12 A I photographed them.

13 Q And then what?

14 A I left them in the vehicle.

15 Q You left the keys in the vehicle?

16 A Yes, ma'am.

17 Q Okay. Do you know what happened -- ultimately
18 happened to the vehicle?

19 A The vehicle was towed.

20 Q It was towed?

21 A Yes, ma'am.

22 Q And when -- When the vehicle was towed did you do any
23 paperwork regarding this?

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

25 Q You didn't do any paperwork?

1 A No, ma'am.

2 Q Let me ask you this. When you collect evidence what

3 -- How do you log it in? What do you log it in on?

4 A If I collect a piece of evidence I list that evidence
5 on a property and evidence sheet for receipt from the
6 Aiken County Sheriff's Office as part of our forms we fill
7 out.

8 Q Okay. And did you log the evidence that you
9 collected in on these property sheets?

10 A Yes, ma'am.

11 Q And did you log in the vehicle on the property sheet?

12 A No, ma'am. I did not collect the vehicle.

13 Q You did not? Did you sign the vehicle over to
14 anybody else?

15 A Not to my recognition, no, ma'am.

16 Q Okay. What did you do -- Did you do anything with
17 with the keys?

18 A No, ma'am.

19 Q Do you know what happened to the keys?

20 A Ultimately, no, ma'am.

21 Q Ultimately?

22 A I don't know what happened to the keys after I
23 finished processing the vehicle as a crime scene.

24 Q So you left the keys in the car and you don't know
25 what happened to them after that?

1 A Yes, ma'am.

2 Q Investigator Johnson, would it be usual for an
3 officer to just take a piece of evidence and leave a crime
4 scene? An officer other than yourself.

5 A Would it be unusual?

6 Q Yes.

7 A I'm -- Yea, it would be unusual. I wouldn't think an
8 officer would take a piece of evidence and not put it on
9 an evidence sheet. Would evidence be collected other than
10 me collecting it? Yes, ma'am. It is entirely possible.

11 Q Evidence that you have processed or taken pictures
12 of, would it be unusual for someone else to just take it
13 away from a crime scene without notifying you?

14 A You're asking if it would be unusual?

15 Q Would that ---

16 A I'm trying to understand what you're asking.

17 Q What I am asking you is would that be within
18 appropriate Sheriff's Department procedures and policy for
19 someone to take evidence away from a crime scene that you
20 have processed without informing you?

21 A Okay. Are you asking if someone removed evidence and
22 not just notify me of it? Yes, it is entirely possible.
23 If somebody sees something that I do not see I would
24 expect them to pick it up and collect it.

25 Q What I am asking you specifically is you said you

1 processed the keys to vehicle?

2 A No, I did not. I said I processed the vehicle.

3 Q You took a picture?

4 A Yes.

5 Q And you processed the vehicle?

6 A Yes.

7 Q You took the keys out of the vehicle?

8 A I took the keys from the ignition to photograph the
9 keys, yes.

10 Q And then you put them back in the ignition?

11 A I do not know if I put them back in the ignition or
12 set them back in the vehicle. The vehicle was going to be
13 towed. Nine times out of ten the keys need to be with the
14 vehicle so that they can tow the vehicle.

15 Q So, as far as you know the last you saw the keys you
16 put them somewhere back in the vehicle?

17 A Yes, ma'am.

18 Q And you don't know who took them or what happened to
19 them after you put them down?

20 A No, ma'am.

21 Q Now, you also reported to 387 Wheat Road, the house
22 where this is alleged to have occurred?

23 A Yes, ma'am.

24 Q And what did you do at the house?

25 A I photographed and then processed it for evidence.

1 Q What did you do to process it for evidence?

2 A I processed for fingerprints and also looked inside
3 the residence for any physical evidence that might have
4 been left behind.

5 Q I show you what's been marked as Defense Exhibits
6 nos. 10, 11, and 12. Do you recognize those pictures?

7 A Yes, ma'am.

8 Q Do those picture accurately reflect how the doorway
9 at 387 Wheat Road looked on that night?

10 A Yes, ma'am.

11 MISS ALVES: Your Honor, I would move Defense Nos.
12 10, 11, and 12 into evidence.

13 MR. WEEKS: No objection, Your Honor.

14 (WHEREUPON, Defendant's Exhibit Nos. 10 - 12 were
15 marked for identification and received into
16 evidence.)

17 MISS ALVES: Nothing further.

18 THE COURT: Cross.

19 CROSS-EXAMINATION

20 BY MR. WEEKS:

21 Q Chris, the car that night wasn't driveable, was it?

22 A No, sir, it hit a tree.

23 Q It would have driven off with a tree attached to it,
24 wouldn't it?

25 A Yes, sir.

1 Q The keys to the car based on what you had been told
2 were they something you needed to collect?

3 A No, sir. It was the victim's vehicle.

4 Q It was the victim's vehicle.

5 A Yes, sir.

6 Q And the picture you took of the keys in the ignition
7 and the ignition on and the car in drive, that's to show
8 what?

9 A To show that the vehicle -- that the vehicle wasn't
10 stolen. The keys were in it. The vehicle as far as all
11 that aspect of it goes it doesn't seem like the vehicle
12 was stolen. There wasn't anything suspicious about the
13 vehicle.

14 Q And it was probably running when it hit the tree?

15 A Yes, sir.

16 Q Okay. And the hat that was found in the vehicle, you
17 didn't know who that belonged to at the time; so you took
18 it?

19 A Yes, sir. I was told that there was two people in
20 the vehicle. Any normal person would -- If there's two
21 people in the vehicle and they're in the front and one is
22 driving and one is up in the front and in an accident you
23 don't know where stuff is going to wind up and for a hat
24 to be between the seat and door jam it was kind of obvious
25 that it probably...

- 1 Q Didn't find any guns?
- 2 A No, sir.
- 3 Q Didn't find anything illegal in Willie's vehicle, did
- 4 you?
- 5 A No, sir, I did not.
- 6 Q You found a lot of blood?
- 7 A Yes, sir.
- 8 Q You didn't mop up every drop of that blood and do
- 9 4000 swabs, did you?
- 10 A No, sir.
- 11 Q How many swabs did you do of the blood spots?
- 12 A I took three swabs.
- 13 Q You took one off the steering whole?
- 14 A If I am not mistaken.
- 15 Q One off the seat?
- 16 A Yes, sir.
- 17 Q And one off the trunk?
- 18 A Yes, sir.
- 19 Q Three locations?
- 20 A Yes, sir.
- 21 Q Did you know whose blood it was at the time or have
- 22 an idea whose blood it was?
- 23 A I had an idea of whose blood it was, but, no, I did
- 24 not know for sure whose blood it was.
- 25 Q And the photographs that we've all seen in

1 evidence -- You've, unfortunately, have been outside. You
2 took most of the photographs that we've showed you in
3 preparation for trial, haven't you?

4 A Yes, sir.

5 Q That's part of you -- You took a lot more photographs
6 than we have here today, don't you?

7 A Yes, sir.

8 Q I mean, you'd try to get my good side if you were
9 taking a photograph of me; so you would kind of go all the
10 way around me, wouldn't you?

11 A Yes, sir.

12 Q So, a lot of these photographs you were taking were
13 from different angles, but they were of the same thing?

14 A Yes, sir.

15 Q Okay. And you went to the house -- to the
16 Tri-Development house where this was alleged to have
17 started?

18 A Yes, sir.

19 Q And when you got there you started taking pictures as
20 you approached the door, didn't you?

21 A Yes, sir.

22 Q Did you take pictures of the number that was
23 dislocated?

24 A Yes, sir.

25 Q Did you take pictures of the door frame?

1 A Yes, sir.

2 Q Okay. And the purpose of all of that was to
3 document --

4 A Forced entry.

5 Q -- the forced entry to the house?

6 A Yes, sir.

7 Q Did you know at the time that the allegation was that
8 the defendant had gloves on?

9 A Yes. I was made aware of that at the scene of the
10 vehicle, yes, sir.

11 Q Okay. But you still took some latent lifts from
12 around the door frame, didn't you?

13 A Yes, sir.

14 Q And what was the purpose of that?

15 A Was he alone?

16 Q Okay.

17 A My understanding was that he was not alone at that
18 time.

19 Q So you might have gotten fingerprints from some other
20 bad guy?

21 A Yes, sir.

22 Q And you lifted what you could lift?

23 A Yes, sir.

24 Q And you sent them to Clay -- Lieutenant Adams for --

25 A Yes, sir.

1 Q -- identification and you are aware that he wasn't
2 able to identify them with anybody else?

3 A Yes, sir.

4 Q And he didn't say that they were the defendant's
5 fingerprints?

6 A Correct.

7 Q Okay. You didn't fingerprint the residents' rooms
8 and you didn't go into the office and fingerprint all of
9 that. Why not?

10 A It was my understanding that the majority of -- or
11 the area where most of the incident took place was going
12 through the door in that front room and then might have
13 spilled over towards the kitchen area, but that was the
14 main area where everything took place; so why go back to
15 where the residents were all sleeping and ---

16 Q Okay. Well, I mean, the point I'm making is there is
17 some judgment call that comes with forensics investigator
18 as to where you need to go look for potential evidence?

19 A Yes, sir.

20 Q And that's what you tried to do in this case?

21 A Yes, sir.

22 Q And that's what you try to do in every case, isn't
23 it?

24 A Yes, sir.

25 Q Now, this wasn't called to the scene of a crime and

1 nobody is there and you're trying to figure out what
2 happened so you're taking fingerprints off of everything.
3 Y'all kind of had an idea as to what all the witnesses
4 were saying by the time you got there?

5 A Yes, sir.

6 Q So you channeled or you narrow your focus to areas
7 that may produce something? Corroboration?

8 A Yes, sir.

9 Q Or exclusive or evidence that excludes people?

10 A Yes, sir.

11 Q Okay. Now, there weren't any clothes that didn't
12 belong to -- Well, there weren't any clothes in the car
13 when you got to it, were there?

14 A No, sir. I did not observe.

15 Q Some people might call a hat ---

16 A Yes, sir.

17 Q But other than that hat there weren't any clothes in
18 there?

19 A Not that I can recall, no, sir.

20 Q There weren't any shoes in there?

21 A No, sir.

22 Q There weren't a shirt?

23 A No, sir.

24 Q No jacket?

25 A Not that I recall, no, sir.

1 Q Okay. And when you went to the residence you did the
2 photographs showing the trail that Mr. Walker said he
3 took; is that correct?

4 A Yes, sir.

5 Q And there was a sweatshirt or something on the floor?

6 A Yes, sir, at the doorway I guess going into the
7 kitchen from the den or living room area.

8 Q You took photographs of that?

9 A Yes, sir.

10 Q But Willie Walker says that was his. You didn't see
11 any need of doing DNA and tying up 14 people in Columbia
12 to say that was Willie Walker's sweatshirt?

13 A No, sir. It was the victim's.

14 Q And the victim was supposed to be there, wasn't he?

15 A Yes, sir.

16 Q So finding his DNA or his fingerprint or whatever,
17 where he was supposed to be wasn't important to you?

18 A No, sir. It wouldn't have proved anything.

19 Q Okay. When you do the swabs and put them into
20 evidence y'all don't do DNA testing at the Sheriff's
21 Department, do you?

22 A No, sir. We don't have the capability of doing DNA
23 testing.

24 Q So y'all send it to SLED?

25 A Yes, sir.

1 Q Are you aware of the SLED results in this case?

2 A No, sir.

3 Q Okay. Well, I am going to hand you what's marked
4 State's Exhibit No. 29 and if you would look at the
5 results and tell me what they say.

6 A You want me to read it out loud?

7 Q Let me ask you after you've read that the results,
8 basically, say that there is a one in 18 quadrillion
9 chance that somebody else's blood was on those swabs other
10 than the defendant's?

11 A Yes, sir. That's what it states.

12 Q Okay. And you took swabs of blood from the front
13 seat, from the --

14 A Steering column.

15 Q -- steering column and from the back quarter panel
16 of --

17 A The trunk lid.

18 Q -- the trunk of the car. And those came back to be
19 the defendant's blood --

20 A Yes, sir.

21 Q -- based on that report?

22 A Based on this report, yes. Swab from steering wheel
23 which is item one and it says item one. Item four is swab
24 from middle of front bench seat. It says item four and
25 then item five also from that items analyzed from swabs

1 from passenger side of the trunk lid, yes, sir.

2 Q And the hat -- The swabs you took from the hat -- --
3 the DNA concluded that the defendant's DNA wasn't in
4 Mr. Walker's hat?

5 A Yes. It says that Darrin Holston is excluded as a
6 possible contributor. Yes, sir.

7 Q Thank you. The latent lifts that you got off the
8 door frame, where did you actually lift the potential
9 fingerprints from?

10 A The -- Most of the majority of the fingerprints I
11 lifted came from the storm door or the glass door that was
12 -- You have to open it to get to the front door.

13 Q And whatever you were able to lift you sent in to ---

14 A I forwarded it to AFIS for comparison, yes, sir, with
15 SLED -- or excuse me, Lieutenant Adams. He looks at them.

16 Q He examines them to see the quality and whether they
17 could be compared to anybody?

18 A Yes, sir.

19 Q You didn't take any out of the car, did you?

20 A No, sir.

21 Q Was there a reason you didn't take fingerprints out
22 of the car?

23 A It was ---

24 Q Or try to take fingerprints out the car?

25 A He was wearing -- The suspect at the time was wearing

1 gloves. I mean, I wouldn't get fingerprints.

2 Q And whose car was it?

3 A The victim's vehicle.

4 Q So you weren't trying to prove ownership of the car,
5 were you?

6 A No, sir.

7 Q Thank you. No further questions.

8 THE COURT: Redirect?

9 REDIRECT EXAMINATION

10 BY MISS ALVES:

11 Q Investigator Johnson, you said the only item that you
12 collected out of the vehicle that night was the hat other
13 than the swabs?

14 A Yes, ma'am.

15 Q You don't know -- I believe you also testified on
16 direct that you didn't know what anybody else might have
17 gotten?

18 A As far as taking out of the vehicle?

19 Q Yes.

20 A No, ma'am.

21 Q You don't know what anybody else might have taken out
22 of the car?

23 A No, ma'am. It's -- no, ma'am.

24 Q Okay. And can you tell us how far around the car did
25 you search? How far around the surrounding area did you

1 search?

2 A As far as I could. It was in the wood line.

3 Q The car was in the wood line?

4 A Yes, ma'am. It was in the wood line off the roadway.

5 I mean, it was very difficult to get around to take decent

6 photographs of it.

7 Q Because the fact the passenger side -- It was very

8 hard to get around to the passenger side, wasn't it?

9 A Yes, ma'am.

10 Q Because the passenger side was actually up against a

11 tree?

12 A I don't know that it was up against the tree. I know

13 that it was a bunch of shrubs and, you know, scrub oaks is

14 what I call them, you know. Small things.

15 Q So it was difficult to go all the way around?

16 A Yes.

17 Q All right. Now, do you know in the area -- Did

18 anybody point out to you the area where Mr. Walker had

19 been waiting before the police came?

20 A Mr. Walker is --

21 Q The victim.

22 A -- the victim? To my knowledge he was inside of the

23 house at the Tri-Development Center.

24 Q No. I mean while he was waiting for the police to

25 come to the accident scene.

1 A No, ma'am.

2 Q Nobody pointed out to you the area where he was?

3 A No, ma'am, not to my knowledge.

4 Q And you don't know where he might have gone after the
5 accident?

6 A No, ma'am.

7 Q Nobody advised you of any locations to look at where
8 he might have gone?

9 A No, ma'am.

10 Q And you didn't -- Can you tell us whether you
11 searched the complete area where he might have gone to?

12 A Where the victim might have gone to?

13 Q Yes, sir.

14 A No, ma'am. I did not search any area where the
15 victim might have gone.

16 Q Okay.

17 A Besides the vehicle that he was driving.

18 Q Most of your focus was on the vehicle?

19 A The vehicle, the area around the vehicle, and the
20 residence where the incident started.

21 Q Okay. Thank you. No further questions.

22 THE COURT: All right. You may step down. Next
23 witness.

24 MISS ALVES: Darrin Holston.

25 THE COURT: Hold on a second. Everybody okay?

1 DARRIN D. HOLSTON, after being duly sworn,
2 testified as follows:

3 THE CLERK: Have a seat in the witness box stating
4 your full name spelling your last for the court, please.

5 THE WITNESS: My name is Darrin Holston. Last name
6 is H-O-L-S-T-O-N.

7 THE COURT: Before we start with this witness -- jury
8 information. I need to call downstairs.

9 (Whereupon, an off-the-record discussion was held.)

10 DIRECT EXAMINATION

11 BY MISS ALVES:

12 Q Mr. Holston how old are you?

13 A Thirty-five.

14 Q Where do you live?

15 A Aiken, South Carolina.

16 Q And you've been sitting here listening to this case
17 this entire day?

18 A Yes, ma'am, I have.

19 Q And let me ask you this. Do you know Willie Walker?

20 A No, I don't.

21 Q Have you ever met him before?

22 A No, I haven't.

23 Q I mean, before today.

24 A No.

25 Q Have you ever had any kind of contact with Mr. Walker

1 before today?

2 A Yes.

3 Q Okay. And what contact have you had with Mr. Walker
4 before today?

5 A I went to Wheat Road to serve Mr. Walker some
6 marijuana.

7 Q What do you mean serve Mr. Walker some marijuana?

8 A Mr. Walker was purchasing marijuana.

9 Q And what role were you taking in Mr. Walker's
10 purchase of the marijuana?

11 A I was the middle man.

12 Q So what does that mean?

13 A I went to deliver, pick up money, and leave.

14 Q Do you recall around what time you got to the house?

15 A No. According to the testimony I guess it was around
16 2:30.

17 THE COURT: No, sir. Don't guess up there. Just
18 tell us what you know.

19 THE WITNESS: Yes, sir.

20 Q Do you remember -- Do you personally know what time
21 it was?

22 A No.

23 Q Okay. And was anybody with you?

24 A Yes, there was.

25 Q Who was with you?

1 A A friend.

2 Q What was this -- What was the friend's -- What was
3 your friend's role in your serving the marijuana to
4 Mr. Walker?

5 A He was just taking me.

6 Q What do you mean taking you?

7 A He was just taking me over there for a ride.

8 Q So he was your ride?

9 A Yes, yes.

10 Q Okay. And what was your intention on going to this
11 house?

12 A My intention on going to the house was to drop the
13 marijuana off, receive the money, and leave.

14 Q How much money were you supposed to get from
15 Mr. Walker?

16 A \$400.

17 Q Now did you actually go to the house?

18 A Yes.

19 Q And what happened when you got to the house? Tell us
20 what did you do first.

21 A I knocked on the door.

22 Q What happened?

23 A Willie came to the door.

24 Q And what did he do?

25 A He said come on in.

1 Q And what did you do?

2 A I went and sat on the single seat.

3 Q You sat on where?

4 A The single seat. He said, Hold on for a minute.

5 Q Do you know what room you went in? Did you go into
6 the house?

7 A Yes.

8 Q Do you know what room you entered?

9 A When I went in there?

10 Q Yes.

11 A Yes; the living room.

12 Q I am showing you what's been marked as State's
13 Exhibit No. 25. Do you recognize that?

14 A Yes.

15 Q And what is that a picture of?

16 A This is a picture of the living area.

17 Q And when did you see this room?

18 A That night.

19 Q All right. And you said you were sitting on the
20 single seat?

21 A Yes, ma'am.

22 Q All right. Can you hold up the picture and point out
23 what you're talking about?

24 A Right here.

25 Q You're talking about this chair that's over here by

1 the doorway?

2 A Yes, this chair.

3 Q Okay. What was Willie doing?

4 A Willie -- he left the area. He walked downstairs. I
5 heard the door open; so he had to look out. He left that
6 area, walked back behind -- not behind, but walked to
7 where the guys were. At that time he was coming back
8 through. He said, I don't have any money on me. We got
9 to go to the ATM. I said, Fine. That's cool with me. He
10 left there and went in the office.

11 Q Who went in the office?

12 A Willie.

13 Q Where were you?

14 A I was still on the seat.

15 Q And where was your friend?

16 A Outside.

17 Q That was your ride?

18 A Yes.

19 Q Okay. When did he ever come into the house?

20 A He never did.

21 Q And what did Willie do after you went to the office?

22 Or what happened after Willie went to the office?

23 A When Willie went to the office -- What happened --

24 What did I do?

25 Q Yes.

1 A I was bagging up some cocaine.

2 Q Let me ask you this. What were you wearing during
3 this time?

4 A I had on some green slacks, a white, green, and black
5 polo and some brown soft sandal shoes.

6 Q And you said you were bagging up cocaine?

7 A Yes, ma'am.

8 Q Were you wearing anything else?

9 A Yes, some gloves.

10 Q You had gloves on?

11 A Yes, ma'am, I did.

12 Q We've heard a lot of testimony in this courtroom
13 today about you wearing two different kind of gloves.

14 A Yes, ma'am.

15 Q Is that what you had on that night?

16 A I had the gloves. I had the gloves in my pocket when
17 I came in the house. I put them on when I sat down.

18 Q And why did you put the gloves on?

19 A Because if anyone know anything about cocaine if you
20 sweat it'll seep into your skin. It will seep into your
21 pores. I didn't want that to happen. I had the gloves on
22 and that's what I was bagging up the cocaine with my
23 gloves on.

24 Q Why were you just sitting there bagging up cocaine in
25 front of somebody you -- at someplace that you didn't even

1 know the people?

2 A Well, if you are purchasing marijuana, then I'm
3 pretty sure that wouldn't have been no secret to them.

4 THE COURT: Pretty sure what?

5 THE WITNESS: That wouldn't have been any secret to
6 him.

7 THE COURT: I see.

8 Q So, what happened -- So, you're sitting there bagging
9 up your cocaine?

10 A Yes, ma'am.

11 Q And he's -- he was in the office?

12 A Yes, ma'am.

13 Q And what happened after -- What happened next?

14 A Okay. He came out. I put it up. He said, Let's go.
15 So we walked out the door. He did lock the door. He did
16 lock the door. I was at his car. The car that I was in
17 was in the driveway as well. I asked him, Are you going
18 to go with us or are you going to drive? He said, I'll
19 drive.

20 Q So then what did you do?

21 A I got in with him, and the vehicle that I was in, it
22 pulled out. It took a right. He took a right. No; a
23 left. I'm sorry. A left. Took a left. He took a left.
24 The truck stopped at the stop sign and took a right. He
25 stopped in the middle of the street, acted like he was

1 going to adjust his seat and pulled out the pistol, told
2 me to put the money -- take my clothes off and put the
3 money and everything else on my clothes.

4 Q So what did you do?

5 A I did as instructed. I did what he asked me to do.
6 He backed the car up. At this time the truck is -- You
7 can't see the truck because it's gone. It's done turned
8 the corner. So he backed up to the four-way, turns
9 around. I feel him driving and I feel a sharp jerk. I
10 look up. He's not in the car; so I dry to grab the
11 steering wheel and I wreck it.

12 Q So during all this where is the person -- Where is
13 the second car?

14 A It's out of sight, apparently. As a matter of fact,
15 I seen it turn the corner; so it had to be out of sight.

16 Q Well, when you and Willie came out of the house did
17 you talk to your friend?

18 A Uh-huh.

19 Q Yes?

20 A Yes.

21 Q And what did you tell your friend?

22 A I told him we were going to SRP. Willie informed me
23 that he didn't have any money on him; that we had to go to
24 the credit union.

25 Q And ---

1 A Excuse me?

2 Q Why did you agree to go to the credit union?

3 A For the purpose of the money.

4 Q All right. Now, you just testified that Willie
5 pulled out a gun and pointed it at you?

6 A Yes.

7 Q When did this happen?

8 A Right after we came out of the driveway right I'll
9 say about 10 feet from the entrance of the driveway.

10 Q Okay. And where was -- Where was your friend when
11 this happened?

12 A Okay. He was already gone. We was behind him and he
13 had already done turned left on whatever road that is at
14 the stop sign.

15 Q And how long is it from the time that you're saying
16 that Mr. Walker pulled the gun on you to the time that the
17 car crashed? Do you know?

18 A No, I don't.

19 Q Do you remember -- Do you remember the car crash?

20 A Just vaguely.

21 Q Do you know if you lost consciousness?

22 A I think I did. I think I did.

23 Q Do you remember the two gentlemen Mr. Vomund and
24 Mr. Salley coming to the car? Do you remember seeing them
25 at the car?

- 1 A No.
- 2 Q Do you remember seeing them at all that night?
- 3 A Yes.
- 4 Q Where did you see them?
- 5 A On the porch. I remember one of them I think either
- 6 took off their shirt or gave me a shirt and wrapped it
- 7 around my head.
- 8 Q Do you know why they did that?
- 9 A I guess to stop the bleeding.
- 10 Q You were bleeding from your head?
- 11 A Yes.
- 12 Q You were pretty banged up, weren't you?
- 13 A Yes.
- 14 Q You actually -- You don't remember the accident?
- 15 A No.
- 16 Q You were sitting on the passenger side of the
- 17 vehicle?
- 18 A Yes, ma'am.
- 19 Q Okay. Well, do you remember how you got out of the
- 20 car?
- 21 A No, ma'am. I don't remember.
- 22 Q Do you remember getting out of the car?
- 23 A Not exactly.
- 24 Q Do you remember walking around the car?
- 25 A No.

1 Q What is the first thing you do remember?

2 A No, I do. I do. When I got out the car I walked
3 around. I did. I walked around and I was looking for my
4 clothes. I was looking for my clothes because I started
5 to pull on the passenger side door and it was wedged
6 between the tree.

7 Q What happened to your clothes?

8 A Willie had them. I don't know exactly what he did
9 with them, but I did have clothes on.

10 Q And where were your clothes the last time you saw
11 them?

12 A Between me and Willie.

13 Q How did the gun get on your lap?

14 A I don't know.

15 Q And when you got out of the car and when you left the
16 car where did you go?

17 A I went towards the light and the guys -- I think I
18 recall one of them grabbed me by my arm and I sat down and
19 I asked could I use the phone.

20 Q Do you know what happened to your shoes?

21 A No.

22 Q When you used the phone what -- Do you remember
23 having any conversation with these guys?

24 A No.

25 Q Well, what threats did you make against Willie?

1 A None.

2 Q And now, Mr. Holston, let me ask you this. In 2006
3 you were convicted of criminal sexual conduct; isn't that
4 correct?

5 A Yes, ma'am, I was.

6 Q Now, are you -- Now, that night -- And that night you
7 admit that you were acting as the middle man in a drug
8 transaction?

9 A Yes, ma'am.

10 Q And you were bringing drugs -- You were bringing
11 marijuana to Willie Walker?

12 A Yes, ma'am.

13 Q And you were supposed to collect \$400?

14 A Yes, ma'am.

15 Q Well, when did you kick in the door of this
16 Tri-Development home?

17 A I didn't.

18 Q When did you hold a gun on Mr. Walker and attempt to
19 rob him?

20 A I didn't.

21 Q And when did you kidnap him?

22 A I didn't.

23 Q And can you tell us were you sitting in the
24 Tri-Development home in your underwear?

25 A No, I wasn't.

1 Q Why were you in your underwear when the police came?

2 A Because my clothes was gone.

3 Q Excuse me?

4 A My clothes was gone.

5 Q And why were your clothes gone?

6 A Because Willie robbed me for the money.

7 THE COURT: Willie did what?

8 THE WITNESS: Robbed me. Willie robbed me.

9 Q You're saying that Willie robbed you?

10 A For the weed.

11 Q For the weed.

12 A Weed, money, and the coke that I had in my pocket.

13 Q Do you know what happened to the weed and the coke?

14 A No.

15 Q Thank you. No further questions. Please answer any
16 that the solicitor might have.

17 THE COURT: Mr. Weeks, Mr. Molony, whoever.

18 CROSS-EXAMINATION

19 BY MR. WEEKS:

20 Q Good afternoon, Mr. Holston.

21 A Good afternoon.

22 Q How are you?

23 A Under the circumstances.

24 THE COURT: You're what?

25 THE WITNESS: Under the circumstances, I am okay.

1 Q You weren't wearing glasses that night?

2 A No.

3 Q Okay. Do you wear glasses all the time?

4 A Sometimes.

5 Q Sometimes. And you didn't have a cellphone that
6 night?

7 A Did I have a cellphone that night?

8 Q Yea.

9 A No.

10 Q Okay. And you didn't have a wallet that night, did
11 you?

12 A I don't carry a wallet.

13 Q How much money did you have on you?

14 A Probably about 100 -- between \$100 and \$150.

15 Q Where were you carrying that?

16 A In my pocket.

17 Q And how much cocaine did you have?

18 A About an ounce.

19 Q How much cocaine is that for people that don't really
20 know a whole lot about cocaine?

21 A 28 grams.

22 Q How big is it?

23 A It's not big.

24 Q How much is it worth?

25 A Around 1200.

1 Q \$1,200 worth of cocaine?

2 A Yea.

3 Q How much marijuana did you have on you?

4 A 4 ounces.

5 Q Four ounces. And an ounce is 28 grams; so you had
6 four baggies or did you have one big bag -- a quarter
7 pound?

8 A I had a big bag.

9 Q It's a quarter pound, wasn't it?

10 A Yea.

11 Q How much is that worth?

12 A On the market around about six.

13 THE COURT: Six what?

14 THE DEFENDANT: About \$600 street value if you break
15 it all down.

16 Q That's a pretty good sized bag, too, isn't it?

17 A No, not compressed.

18 Q Oh, so this is professional dope. It is compressed;
19 right? You buy it in bigger quantities, cut it up, sell
20 it to your customers?

21 A If that's what they prefer.

22 Q How else would you prefer it? Some of them will buy
23 the bricks, won't they?

24 A Yes, sir.

25 Q Okay. Now, you had all of this in your pockets of

1 your pants?

2 A Yes, sir.

3 Q You didn't have a knapsack, you didn't have a bag,
4 you just had all of this stuffed in your pockets?

5 A Uh-huh.

6 Q Okay. And you knocked on the door?

7 A Yes, sir.

8 Q Mr. Walker -- When you knocked on the door how long
9 did it take him to get to the door?

10 A Not long.

11 Q Let me just ask you this, Mr. Holston. You knew all
12 about this house, didn't you? You knew who lived there?

13 A Yea.

14 Q You knew the residents were special needs kids,
15 adults?

16 A I knew that.

17 Q And you knew that because you had been sleeping with
18 or seeing the woman that Willie replaced that night,
19 didn't you?

20 A Me and her been long gone.

21 Q Long gone, but you had been to the house before,
22 hadn't you?

23 A Yes.

24 Q You knew all about the residents and who was at the
25 house and what their conditions were, didn't you?

1 A No. I didn't as far as that is concerned, no.

2 Q How do you know he went in the office? You had been
3 in the office before, hadn't you?

4 A I have been there, yes.

5 Q You go over and visit your lady there?

6 A No. She wasn't my lady, but, yes, I had been to the
7 office.

8 Q Let me get that straight. I want to go back she
9 wasn't my lady. You got anything tattooed on your chest?

10 A Uh-huh.

11 Q What is on your chest?

12 A My name.

13 Q What is it?

14 A Duke.

15 Q Duke. What's she got tattooed on her chest?

16 A Duke.

17 Q And she ain't your lady?

18 A No. Twelve years.

19 Q Twelve years and she ain't your lady?

20 A No.

21 Q You think she would disagree with that?

22 A I know she would.

23 Q Yea. All right. And this friend that you were with
24 that you were dealing dope with, he don't have a name?

25 Give me his name.

1 A Why the attitude?

2 THE COURT: Sir?

3 Q Give me his name.

4 A Jeffrey Brown.

5 Q Jeffrey Brown. Where does he live?

6 A In the Montmorenci area.

7 Q The Montmorenci area. That's a pretty big place?

8 A I don't know exactly.

9 Q You don't know exactly. Well, how about describe his
10 home for me.

11 A I haven't been.

12 Q This friend that's driving you around to deal dope
13 with you, you hadn't never been to his home?

14 A This friend was an individual that had a vehicle I
15 knew was acquaintance with that just happened to be at the
16 house I was at.

17 Q Where were you living?

18 A Where I was living at the time?

19 Q Yes.

20 A In North Carolina.

21 Q So he was in North Carolina with you?

22 A Oh, no, no, no. He wasn't in North Carolina with me.
23 You asked me where I was living at the time that this
24 particular incident took place.

25 Q Where were you living at the time this particular

1 incident took place?

2 A I was living in North Carolina. I was in Aiken.

3 Q In Aiken to rob people or deal dope?

4 A No. I had no intentions on robbing anyone.

5 Q I see. All right. Jeffrey Brown -- How old is he?

6 A I have no idea.

7 Q Well, describe what he looks like.

8 A Brown skin, around about 6, 6'1".

9 Q Thinner than you?

10 A No. No. About the same.

11 Q Drives a white SUV?

12 A Yea.

13 Q And Jeffrey Brown is his name. How did you pay him
14 for dealing dope with you?

15 A He wasn't dealing dope with me and I didn't have to
16 pay him. I asked him for a ride.

17 Q To take you where?

18 A To go handle some business.

19 Q Handle some business. And you carried around --
20 You're a dope dealer, drug dealer?

21 A I wouldn't say that.

22 Q I thought you said you were the middle man?

23 A Yes, I was.

24 Q Well, how are you the middle man if he is driving and
25 don't know nothing about it?

1 A He is not supposed to know my business. Am I
2 supposed to tell him my business?

3 Q No. I wouldn't do that if I were you. Now, also,
4 between the bag of dope, the 4 ounces of marijuana, and
5 the ounce of cocaine and your money, what else did you
6 have on you?

7 A I had on some green slacks, black, white, green polo
8 shirt with a white shirt underneath and some brown shoes,
9 soft bottom.

10 Q Had you had that on all night?

11 A Yes.

12 Q Okay. And you had gloves on?

13 A Not all night.

14 Q You had gloves on you when you say you went in to
15 Mr. Walker's?

16 A No. I had gloves on after I went in.

17 Q Okay. So you put your gloves on while you're in
18 there?

19 A Yes.

20 Q And started cutting up some cocaine?

21 A I didn't cut it up. I bagged it up.

22 Q Bagged it up?

23 A Yes.

24 Q You just reach in and grab some? Is that the way you
25 bag it up?

1 A I didn't have anything to measure it with.

2 Q Didn't have any scales?

3 A No.

4 Q Didn't have any baggies?

5 A Yea, I had baggies.

6 Q You had baggies. Where were they?

7 A In my pocket.

8 Q In your pocket. All right. You didn't have a gun?

9 You don't carry a gun when you're dealing dope?

10 A No.

11 Q Okay. And LaTasha -- That was your girlfriend for 13
12 years, wasn't she?

13 A Twelve.

14 Q Twelve; excuse me. And this is the guy right here
15 who you had been talking about as Willie, the one that you
16 say called you up on a phone that you don't have at a
17 house that you don't even know where it's at. How did he
18 get in touch with you?

19 A I never told you anything that you just mentioned.

20 Q I know I am adding a little detail to it.

21 A Exactly.

22 Q Yes.

23 A I was informed to go to the house.

24 Q You were informed?

25 A I had the address and when I got to the house I

- 1 recognized it was the house that Tasha worked at.
- 2 Q And you knew LaTasha's car?
- 3 A Of course.
- 4 Q Okay. And you knew she wasn't going to be there?
- 5 A No, I did not.
- 6 Q Well, you knew it wasn't her car out front?
- 7 A Yea, I knew that.
- 8 Q Okay. And why didn't your friend park in the
- 9 driveway like everybody else would have?
- 10 A He did.
- 11 Q Okay.
- 12 A He did.
- 13 Q So, it's your testimony that he parked in the
- 14 driveway?
- 15 A Yes.
- 16 Q LaTasha, your friend for 12 years, works there
- 17 house-sitting just like Willie does?
- 18 A Uh-huh.
- 19 Q You didn't know Willie Walker, did you?
- 20 A No, I didn't.
- 21 Q And you got informed that that is where you were
- 22 supposed to go to deliver some marijuana?
- 23 A Yea. It just so happened that that was the house.
- 24 Q It just so happened it was the house?
- 25 A Yes.

1 Q Okay. And it just so happened you knew what kind of
2 house it was and who owned it?

3 A I knew what kind of house it was, yes, I did.

4 Q And didn't know who was supposed to be buying dope
5 from you in that house?

6 A Huh-uh.

7 Q Okay. Now, you would admit that you were in the car
8 being driven by Mr. Walker, wouldn't you?

9 A Yes.

10 Q And you would admit that Mr. Walker jumped out of the
11 car?

12 A Yes.

13 Q And it's your testimony -- Well, I guess it's not
14 your testimony. You don't know what happened to your
15 clothes, do you?

16 A No.

17 Q So, Mr. Walker jumps out of the car, takes your
18 clothes, takes the marijuana, takes the dope, takes the
19 money, and jumps in the middle of a perfectly good road
20 while a car is speeding down the road to get away from
21 robbing you?

22 A It's possible he was getting away from the guy that
23 was following us. I don't know.

24 THE COURT: It's possible what?

25 THE WITNESS: He was trying to get away from the guy

1 that was following us.

2 Q Wait a minute. What guy that was following you? I
3 thought that the guy you were with turned off and you
4 didn't know where he was.

5 A Okay. He had to turn back around because earlier the
6 conversation went he pulled up. I heard testimony that he
7 pulled up afterwards.

8 THE COURT: All right, sir. I want you to testify
9 about what you know of your own knowledge. Don't be
10 speculating.

11 THE WITNESS: Okay. Yes, sir.

12 THE COURT: The rules don't allow any witness to
13 speculate.

14 THE WITNESS: Yes, sir.

15 THE COURT: Just tell us what you know.

16 THE WITNESS: Yes, sir.

17 Q So the gun -- I forgot about the gun. Mr. Walker
18 supposedly jumped out of his car onto the asphalt with a
19 gun, also.

20 A Did he jump on the asphalt with the gun? I have no
21 knowledge of that.

22 Q One minute he is driving and the next minute he ain't
23 and you're running into a tree?

24 A Yes.

25 Q There was nobody else in the car --

1 A No, sir.

2 Q -- when you ran into the tree?

3 A No, there wasn't.

4 Q And the first person you see are the people that's
5 testified here in court today at the trailer?

6 A Yes.

7 Q And when you see them you don't tell them, Hey, that
8 boy over there has got my clothes. He's got my dope.
9 He's got my money. You don't tell them anything about
10 that, do you?

11 A No, I don't.

12 Q You bum a cigarette from them?

13 A No, I didn't, actually.

14 Q And you call a girl, don't you?

15 A Yes, I do.

16 Q Which girl was this you called?

17 A I called my girlfriend.

18 Q Not the one you've been dating for 12 years --
19 another girlfriend?

20 A Yes.

21 Q You didn't call your partner who just left you?

22 A No.

23 Q You didn't call the police?

24 A No.

25 Q In fact, you told them don't call the police, didn't

1 you?

2 A I don't recall that.

3 Q You don't recall that?

4 A No, sir, I don't.

5 Q You recall Willie jumping out of the car and leaving
6 you to drive a car and sell dope at the same time but you
7 don't recall telling them not to call the police?

8 A I don't recall telling them not to call the police.

9 Q Now, Mr. Holston, you were in your youth a pretty
10 good athlete, weren't you?

11 A Wrong Holston.

12 Q Wrong one? You have lived in North Carolina all your
13 life?

14 A No.

15 Q How long had you lived up there before you came down
16 here dealing dope?

17 A Not long.

18 Q How long is not long?

19 A Not long.

20 THE COURT: All right, sir. Be specific.

21 THE WITNESS: A couple of months.

22 Q Who informed you to go to this house?

23 A (No response.)

24 Q Do you think that's a trick question?

25 A No.

1 Q Then why don't you answer it?

2 A I plead the Fifth.

3 THE COURT: Wait. Whoa. That's not incriminating
4 you. Answer the question.

5 THE WITNESS: A friend.

6 THE COURT: What is the friend's name?

7 THE WITNESS: (No response.)

8 Q I'm sorry. I didn't hear your answer.

9 A I didn't answer.

10 Q Are you gonna?

11 A (No response.)

12 Q Would that be a no, Mr. Holston?

13 A Yes.

14 Q Yes, you're going to answer it, or, no, you're not?

15 A I'm not.

16 Q Where did he make this transfer of information to
17 you?

18 A Excuse me?

19 Q Where did he tell you to go deliver some dope to the
20 person at 387 Wheat Road?

21 A Where did he tell me?

22 Q Yea. Where were y'all at?

23 A We was at a house.

24 Q So, a house?

25 A Yes.

1 Q Is that a house where you were staying?

2 A No, at the house that I was at.

3 Q The house that you were at. Is this the dope
4 dealer's house?

5 A No. This is the house that I was at when I got the
6 ride.

7 Q All right. Whose house was it at when you got the
8 ride?

9 A A friend of mines.

10 Q Pretty tough guy, aren't you, Mr. Holston?

11 A No, sir, not at all.

12 Q So, you're not going to tell us the friend that you
13 say you were getting dope orders from to go rob somebody
14 in a special needs house? You're going to stand tough by
15 constitutional rights?

16 A I didn't rob anyone at the special needs house.

17 Q Okay. And just to be clear, your lawyer asked you
18 about the CSC conviction.

19 A Yes, sir.

20 Q It was a CSC first degree, wasn't it?

21 A Yes, sir, it was.

22 MR. WEEKS: Please answer any questions that your
23 lawyer wants to ask you.

24 THE COURT: Miss Alves, anything you want to ask him?

25 MISS ALVES: Very briefly, Your Honor.

1 THE COURT: Ma'am?

2 MISS ALVES: Very briefly.

3 REDIRECT EXAMINATION

4 BY MISS ALVES:

5 Q Mr. Holston, we've heard a lot about this woman named
6 LaTasha.

7 A Yes.

8 Q Who exactly is LaTasha?

9 A LaTasha Corley was an old girlfriend of mine.

10 Q Are you still dating her?

11 A No, ma'am. We departed ways.

12 Q And on July 17, 2010 what was your relationship with
13 her?

14 A Friends.

15 Q Were you still dating?

16 A No.

17 Q And were you aware -- When you went to the house --
18 When you were en route to the location where you were
19 delivering the marijuana did you know that that was the
20 Tri-Development house?

21 A No; until I got there.

22 Q When you got there you recognized it?

23 A Yes.

24 Q And you had been there previously?

25 A Yes.

1 Q And when had you been there? Why had you been there?

2 A To pick LaTasha up and to drop her off from work.

3 Q And what was your intention on going to the house
4 that night?

5 A To sell marijuana.

6 Q Thank you. No further questions.

7 THE COURT: All right. You may step down. Next
8 witness.

9 MISS ALVES: I call Renee Tyler.

10 THE COURT: How many more witnesses you got?

11 MISS ALVES: Two more short witnesses.

12 THE COURT: Two more short witnesses. Are y'all
13 okay? All right. Let's take a quick break. Don't
14 discuss or deliberate. I understand. Did you see me get
15 up yesterday like I had to take a phonecall? Y'all are
16 right.

17 Sir, on the end -- Mr. Juror on the end, when y'all
18 get through with your bathroom break, just knock on the
19 door and we'll start right back up.

20 (Whereupon, the jury exited the courtroom at 4:21.)

21 THE COURT: Anything for the record, Miss~Alves,
22 before we take a very quick break?

23 MISS ALVES: No, sir.

24 (Whereupon, a break was taken.)

25 THE COURT: Is the state ready?

1 MR. WEEKS: Yes, sir.

2 THE COURT: Is the defendant ready?

3 MISS ALVES: Yes, sir.

4 THE COURT: Bring the jury in.

5 (Whereupon, the jury came into open court at
6 approximately 4:31.)

7 THE COURT: Call your next witness.

8 MISS ALVES: Renee Tyler.

9 THE COURT: Ma'am, come up here, please, and place
10 your left hand on the Bible and raise your right so the
11 clerk can swear you in.

12 RENEE L. TYLER, after being duly sworn,
13 testified as follows:

14 THE CLERK: Have a seat in the witness box stating
15 your full name spelling your last for the court, please.

16 THE WITNESS: Renee Louise Tyler; T-Y-L-E-R.

17 DIRECT EXAMINATION

18 BY MISS ALVES:

19 Q Miss Tyler, where do you work?

20 A Tri-Development Center of Aiken County.

21 Q And what is your position there?

22 A Community Training Home Two Coordinator.

23 Q What do you do in that position?

24 A Basically, my responsibilities are to assess, train
25 individuals with disabilities, higher and train the

1 employees for the position as a residential support
2 provider.

3 Q A residential support provider?

4 A Yes, which is the direct care.

5 Q What involvement do you have with the residential
6 homes such as the one at 387 Wheat Road?

7 A Basically, I am responsible for the overall
8 responsibility of the home making sure supplies are there,
9 the house is fully staffed, the consumer's needs are met,
10 be sure no abuse or neglect occurs.

11 Q Are you familiar with Mr. Willie Walker?

12 A Yes.

13 Q And how do you know him?

14 A He's a previous employee.

15 Q And what was your position in regards to his
16 employment?

17 A My position? Excuse me.

18 Q Yes, ma'am. You were the supervisor?

19 A Yes.

20 Q So, you were the person he reported to directly?

21 A Correct.

22 Q And are you aware of the incident that occurred at
23 the home according to Mr. Walker on July 17 of 2010?

24 A Yes.

25 Q And how did you find out about the incident? Who

1 told you? I am not asking you what they told you. I am
2 asking who told you.

3 A My immediate supervisor Rachel Sharp.

4 Q And at any point did you talk to Mr. Walker about
5 what he says happened?

6 A I got -- yes. Yes.

7 Q And you actually did a statement regarding what
8 Mr. Walker told you about this incident?

9 A Yes.

10 Q Why did you have to do a statement?

11 A For workman's comp purposes.

12 Q Because he was claiming workman's comp? He was
13 claiming worker compensation?

14 A Yes. It's automatically workman's comp because it
15 happened during the shift. So, whether he wanted to
16 report it or not I would still have to report it.

17 Q And you talked to Mr. Walker about what he said
18 happened?

19 A I briefly spoke to him via telephone.

20 Q And you documented what he told you?

21 A Correct.

22 Q And do you recall what he told you?

23 A Briefly.

24 Q All right. Would it help for you to look at the
25 statement that you wrote?

1 A Uh-huh.

2 Q It would?

3 A Yes.

4 Q Did you leave it back here?

5 A Oh, yea, I did. I looked at it already.

6 Q Was that sufficient to refresh your memory about what
7 it says.

8 A Uh-huh, yes.

9 Q Okay. So, can you tell us what Mr. Walker told you?

10 A What I can remember we had the phone conversation.

11 It wasn't immediately after the incident occurred. He

12 heard a bang or a loud burst noise at the front door. A

13 guy came in. He ran out the back.

14 Q Who ran?

15 A Mr. Walker. But he asked him for money. He made the
16 statement that he didn't have any. He informed the
17 intruders that he didn't have any money. They asked him
18 to take -- They asked him to take them to the ATM.

19 Q Let me ask you this. When he talked about the person
20 who did this, he told you there were two people?

21 A From what I can recall ---

22 THE COURT: Ma'am, why don't you get your statement
23 and let's quit trying to recall and see exactly what you
24 wrote down.

25 MISS ALVES: I'll get it.

1 THE COURT: This is a statement that you fill out
2 because of worker's comp?

3 THE WITNESS: Yes, sir.

4 THE COURT: For a worker's compensation claim?

5 THE WITNESS: Yes.

6 THE COURT: When is it dated?

7 THE WITNESS: 7/22.

8 THE COURT: What year?

9 THE WITNESS: 7/22/2010.

10 THE COURT: Ma'am, she's asking specific questions.
11 Why don't you refer to that so you can give a specific
12 answer.

13 Q How many people did Mr. Walker tell you came into the
14 house?

15 A One person entered the home.

16 Q And where did he tell you he ran to?

17 A The side door.

18 Q And what does he say happened at the side door?

19 A Well...

20 THE COURT: Ma'am, just look at your statement.
21 That's perfectly permissible.

22 THE WITNESS: It was a guy; another guy at the side
23 door.

24 Q So Mr. Walker told you that he ran to the side
25 entrance and that when he arrived at the side door there

1 was a second person standing at the door with a gun?

2 A From what I recall, yes.

3 Q But you wrote this down after he told you what his
4 version of the story is; is that right?

5 A Correct.

6 Q And you submitted this as your answer to his worker's
7 compensation claim; is that correct?

8 A Correct.

9 Q And this was done -- and you just told the judge on
10 July 22, 2010?

11 A Yes.

12 Q And you signed it saying that you had talked to him
13 about it and that's what he told you?

14 A Yes.

15 Q And you certified that the information was true to
16 the best of your knowledge and belief; is that right?

17 A Right.

18 Q Okay. And this is the information that he told you?

19 A Yea, from what I recall in ---

20 Q Okay.

21 THE COURT: Hold on. And what?

22 THE WITNESS: Yes.

23 THE COURT: Ma'am?

24 THE WITNESS: Yes.

25 Q You're saying yes, this is the information he told

1 you?

2 A Right. One sentence in here that I know that is not
3 me say that -- about the ATM. I do remember clearly
4 speaking to another staff about the ATM situation.

5 Q Okay.

6 A So...

7 Q I am just asking you about the part he told you
8 about.

9 A Right. Okay.

10 Q Thank you. No further questions.

11 THE COURT: Cross, if any?

12 THE WITNESS: I'm sorry?

13 THE COURT: He gets to ask you some questions.

14 CROSS-EXAMINATION

15 BY MR. WEEKS:

16 Q Renee, how long have you been with Tri-Development?

17 A Since November of 2009, but I previously hired in
18 June of June 28, 2002, and I moved away due to family
19 relations in Chesapeake, Virginia. So, I was rehired back
20 in November of 2009.

21 Q All right. And when you got rehired back in '09 were
22 you Willie's supervisor?

23 A Correct.

24 Q All right. And how many homes do you have under your
25 control?

1 A Five.

2 Q And I heard what you say your duties were at the
3 time. Are you doing something else now?

4 A Same thing.

5 Q Okay. I notice that the statement is not signed by
6 Willie.

7 A No, it's not.

8 Q That was something you paraphrased and put together
9 for worker's comp?

10 A Yes.

11 Q Did you go to the scene that night?

12 A No, sir. I was out of town in Atlanta, Georgia.

13 Q Okay. Did you go at some point later?

14 A Yes.

15 Q In fact, you know that Willie was drug tested right
16 after this, don't you?

17 A Correct.

18 Q And did he test positive for anything?

19 MISS ALVES: Objection, Your Honor.

20 THE COURT: What is the objection?

21 MISS ALVES: Your Honor, I don't think there's been
22 any type of proper basis leading to the question.

23 THE COURT: Well, overruled.

24 Q Are y'all all subject to random drug tests?

25 A Every employee.

1 Q And did Willie have to take a drug test after this
2 worker's comp incident?

3 A Correct.

4 Q And did he show anything? As his supervisor, did
5 anything show up?

6 A No, sir.

7 Q And are y'all given a complete drug screen?

8 A Yes.

9 Q All right. And when an employee gets hired you're
10 given a complete drug screen, aren't you?

11 A Yes.

12 Q Okay. And at various times during employment if your
13 social security number comes up random y'all are given a
14 drug screen, aren't you?

15 A Yes.

16 Q Was Willie a good employee?

17 A Very good employee.

18 Q Did you ever have any problems with Willie?

19 A No problems. He would report to work on time, very
20 seldom call. I can't remember a time he ever called out.
21 Very responsible individual.

22 Q And you train your employees?

23 A Yes.

24 Q And they are supposed to keep up with that
25 accountability log thing, aren't they?

1 A Yes.

2 Q Okay. Do you train them to jump out of cars?

3 A No, sir.

4 Q Okay.

5 THE COURT: Anything on redirect?

6 MISS ALVES: Yes, sir.

7 REDIRECT EXAMINATION

8 BY MISS ALVES:

9 Q Miss Tyler, you wrote Mr. Walker up for falsification
10 of documentation, didn't you?

11 A I was ordered to write. It was informed by my
12 immediate supervisor to give him that disciplinary action.

13 Q You were told by your supervisor to write Mr. Walker
14 up? Is that right?

15 A No. The write-up was already in place. I was
16 informed to give it to him.

17 Q Okay. So, somebody else had already prepared the
18 write-up?

19 A Correct.

20 Q But as his supervisor you were required to give it to
21 him?

22 A Correct, as his immediate supervisor.

23 Q And you signed it?

24 A Correct.

25 Q I am showing you what's been marked as Defense

1 Exhibit No. 5. Is that the write-up that you gave to
2 Mr. Walker?

3 A Correct.

4 Q And you signed it? Is that your signature right
5 there on the line?

6 A Yes.

7 Q Where it says signature of supervisor?

8 A Yes.

9 Q And so you gave him this write-up because he
10 falsified the accountability logs; is that correct?

11 A Correct.

12 Q And you signed this paperwork saying that it is
13 imperative that the accountability checks are carried out
14 as required in order to ensure the health and safety of
15 the consumers we serve. Did you sign that?

16 A Correct.

17 Q So, this good employee was lying on the
18 accountability records. Is that what this tells us?

19 A It's not correct. The documentation was improper.

20 Q What documentation was improper?

21 A Of the accountability.

22 Q Willie's documentation on the accountability logs was
23 improper?

24 A Correct.

25 Q Actually, it was faked, wasn't it?

1 A It wasn't correct.

2 Q Actually, it was done two hours ahead of time, wasn't
3 it?

4 A Right.

5 Q What's the policy on the accountability logs?

6 A Real time. It should be kept real time.

7 Q What does that mean, real time?

8 A At that specific time you mark it.

9 Q So, at 1 o'clock pm I'm supposed to -- An employee in
10 the home in Willie's former position would have to see
11 what a consumer was doing? One of the clients?

12 A Have visual contact.

13 Q And then they would have to log down what that person
14 is doing?

15 A Correct.

16 Q At 1 o'clock?

17 A Right.

18 Q And then at 2 o'clock they would have to have visual
19 contact again?

20 A If that person's accountability is at 2 o'clock;
21 correct.

22 Q If that person's accountability is at 2 o'clock
23 they'll have to log it down again?

24 A Yes.

25 Q And they'll have to log down what that person is

1 doing at 2 o'clock?

2 A Correct.

3 Q So, by real time you mean you have to fill out the
4 log at the exact time you're having the visual contact?

5 A Correct.

6 Q And according to the write-up that you signed that
7 you provided to Mr. Walker as his supervisor ---

8 MR. WEEKS: Your Honor, we've kind of beat this horse
9 and she's leading her own witness.

10 THE COURT: That's correct.

11 MISS ALVES: Yes, sir.

12 THE COURT: Restate the question. It has been asked
13 and answered.

14 MISS ALVES: Yes, sir.

15 As a result of his falsifying the logs what were you
16 told to do?

17 THE WITNESS: Give him a disciplinary action.

18 MISS ALVES: Okay. Thank you. No further questions.

19 THE COURT: You may step down.

20 MISS ALVES: I call Rachel Sharp.

21 THE COURT: May she be excused?

22 MISS ALVES: Yes, sir. Ma'am, you can be excused.

23 THE COURT: Be careful stepping down, please. Thank
24 you.

25 MARY R. SHARP, after being duly sworn, testified

1 as follows:

2 THE CLERK: Have a seat in the witness box stating
3 your full name and spelling your last for the court,
4 please.

5 THE COURT: Good afternoon.

6 THE WITNESS: I'm Mary Rachel Sharp; S-H-A-R-P, no E.

7 DIRECT EXAMINATION

8 BY MISS ALVES:

9 Q Ms. Sharp, where do you work?

10 A Tri-Development Center of Aiken County.

11 Q And what is your position there?

12 A I'm the Director of Supervised Living Supports.

13 Q What do you do specifically in that position as it
14 relates to the homes such as the one at 387 Wheat Road?

15 A Manage all of the CTH2 homes and then three other
16 programs that are similar residential programs.

17 Q So are you a supervisor over the homes?

18 A Yes.

19 Q By the homes we're talking about the homes similar to
20 387 Wheat?

21 A Right. Yes.

22 Q Were you aware of this incident on July 17, 2010?

23 A I became aware of it when I received a phonecall from
24 Aiken County Sheriff's Office.

25 Q Do you know which officer contacted you?

1 A I don't recall.

2 Q Okay. What did you do as a result of this phonecall?

3 A Once I got the basic information from the officer I
4 went to the home at Wheat Road.

5 Q Okay. And do you recall around what time you got
6 there?

7 A It was after four but it was before five; so I don't
8 know -- maybe about 4:30, 4:45, something like that.

9 Q Okay. And when you got there who was there?

10 A There was an officer there and there was a crime
11 scene forensic person there processing the crime scene.

12 Q Okay. So there were two police officers there?

13 A Right. And then the three -- three of the four
14 gentlemen who live in the home were present.

15 Q Okay.

16 A One was with his family.

17 Q Okay. So of the three residents, what were they
18 doing?

19 A Thankfully they were asleep.

20 Q And did you notice anything unusual when you got to
21 the house?

22 A The front door was busted. There were a couple of
23 like mops and brooms that were in disarray.

24 Q Mops and brooms?

25 A Yea.

1 Q Where were they?

2 A They were in the kitchen area. There's a couple of
3 doorways; so they were kind of in the kitchen area.

4 Q Okay. Was there anything else that you noticed that
5 was unusual about this home?

6 A Not immediately. I mean, as I was, you know, going
7 through the house mainly just making sure that the guys
8 were safe, looking to see if anything obvious was missing.
9 That's pretty much it. After I was there for a little bit
10 of time the -- I noticed that the medication cabinet was
11 unlocked. It is something that's usually locked.

12 Q Is that required to be locked?

13 A Yes.

14 Q And that was sitting unlocked?

15 A At that time.

16 Q Do you know how long it had been like that?

17 A I don't. I mean, our staff frequently will count
18 medications at night; so I don't know whether he was
19 getting ready to count medications or just if he forgot to
20 lock it back or what. I mean, because I really didn't
21 have any information at that point. I'm walking in pretty
22 cold.

23 Q Okay. So the things that you noticed when you got
24 there that night and you were checking the house is that
25 the doors were -- the door was broken, that there was some

1 mops and brooms in some slight disarray, and that the
2 medicine cabinet was unlocked?

3 A Correct.

4 Q And that's supposed to be locked?

5 A Right.

6 Q Did you notice that the log was falsified at that
7 time?

8 A I did not realize that at that time. It was later in
9 the morning whenever I really found out the time that the
10 incident actually took place because when I came in I
11 thought it had just occurred; so I didn't know that there
12 was, you know, a couple of hour timeframe difference in
13 what I was thinking and when I arrived.

14 Q But the next morning your realized that the log had
15 been falsified?

16 A Right. Once I realized what time the kidnapping
17 occurred, then I recalled that the log was up to date
18 until 4 o'clock when I arrived; so when I arrived after
19 4 o'clock I thought everything was up to date the way it
20 should have been.

21 Q Okay. But it really wasn't?

22 A Correct.

23 Q I don't have any more questions, Ms. Sharp. Please
24 answer any that the solicitor might have.

25 THE COURT: Any questions?

CROSS-EXAMINATION

1

2

BY MR. WEEKS:

3

Q Rachel, you were kind of embarrassed the have to

4

write up Willie?

5

A Yes. He is a wonderful employee. He is welcome to

6

come back anytime he wants to.

7

Q Thank you. No further ---

8

A It was very difficult.

9

Q And y'all didn't find any medicines missing or

10

anything like that?

11

A No, no. And like I said, I don't know what he was

12

doing at that particular time that he was kidnapped.

13

MR. WEEKS: Thank you.

14

THE COURT: Thank you, ma'am. You have a wonderful

15

evening and you're released from your subpoena.

16

THE WITNESS: Thank you.

17

THE COURT: Thank you. Next witness.

18

MISS ALVES: The defense rests, Your Honor.

19

THE COURT: Anything in reply by the state?

20

MR. WEEKS: No, Your Honor.

21

THE COURT: Let me see y'all over here.

22

(Whereupon, a bench conference was held.)

23

THE COURT: All right. Mr. Foreman, we're complete

24

with all of the testimony. What we have left are the

25

closing arguments by the lawyers and then I have to give

1 you.

2 THE COURT: Everybody okay?

3 CLOSING STATEMENT

4 MR. MOLONY: Thank you, Your Honor. May it please
5 the court.

6 THE COURT: Yes, sir.

7 MR. MOLONY: Mr. Foreman, ladies and gentlemen of the
8 jury, good morning. Credibility. That's what this comes
9 down to. Who do you believe and who don't you believe?
10 That story is almost offensive. It's almost offensive.
11 Who do you believe and who don't you believe? When you
12 ask yourself that think of what these people have to lose
13 that sit on this stand.

14 Willie Walker isn't charged with anything. He
15 shouldn't have been. He didn't have anything to lose. He
16 gets up here and tells you an emotional and powerful and
17 terrifying story of exactly what happened that night
18 without hesitation. The two eye witnesses -- They didn't
19 know anybody involved in this case. They had no reason to
20 get up here and falsify anything. They told you what they
21 heard and what they saw. I'll get into it, but nothing to
22 lose. And you hear that. Then you hear that.

23 What was his story? That he was at a house he didn't
24 know where the house was. He got directions and orders
25 from a guy he didn't know to go to a house that he had

1 been to before but just didn't recognize an address to
2 deliver 4 ounces of marijuana to Willie Walker. When he
3 gets to that house he's got all of his clothes on he said.
4 Did you hear what was in his pockets? Everything was in
5 his pockets at that time -- both of his gloves, his latex,
6 his cotton gloves, 4-ounces of marijuana, the ounce of
7 cocaine. He even said he had some baggies. Big pockets,
8 I guess.

9 He walks in that house after knocking on the door at
10 2:30 in the morning and Willie just walks up, opens the
11 door to a stranger -- Willie, who's got special needs
12 individuals in his home and cares about them and has done
13 that job for almost four years -- opens the door for him.
14 Come on in. And I am going to go run around and do
15 something. I'm not really sure what Willie was doing, but
16 in the meantime the defendant thinks, Oh, this is the
17 perfect time for me to pull out my gloves and start
18 bagging cocaine naturally when you got a second.

19 So, he pulls out his gloves and he is bagging his
20 cocaine because he said anybody that knows anything about
21 cocaine knows that it can seep through your pores. So,
22 then Willie comes back after doing whatever Willie was
23 doing according to the defendant and says, We need to go
24 to the ATM. Come on, let's go.

25 So, he offers to drive. I'll drive. Come on, guy I

1 don't know. Hop in. And a little while later Willie
2 decides to reach under the car seat and grab a pistol and
3 make him take his clothes off. And he did. He said he
4 took all of his clothes off, took his shoes off, his shirt
5 off, his pants off. He did all of that with his gloves
6 on. He didn't take those off. You have seen that and
7 you'll see that when you go back there.

8 Then Willie decide as he's going with the gun in his
9 hand with a half naked guy sitting beside him that I am
10 going to jump out of my speeding car, a \$2000 car for \$400
11 worth of marijuana in the middle of the road in the middle
12 of nowhere. Offensive. It's offensive. And then once
13 the car hits the defendant states that I'm not sure what
14 Willie did. All of this stuff that was supposedly in his
15 pockets -- all of his clothes -- Law enforcement and
16 Willie must have had some elaborate plan that they're
17 going to hide his undershirt -- the defendant's
18 undershirt, his over shirt, his pants, his left shoe, his
19 right shoe, the marijuana, the baggies, the cocaine, and I
20 guess even the cocaine that he put into the little baggies
21 while he was waiting. Did you hear either one of the eye
22 witnesses say anything about seeing any of that?

23 Now, the defendant also states that he gets out of
24 the car and doesn't remember much, but he does remember he
25 never said, Where is that MF? They're talking about

1 Willie Walker. Never said that. He never said, Don't
2 call the cops. Don't call the cops. He never smoked a
3 cigarette like our witnesses said he did. All he did was
4 call his girlfriend and sat quietly waiting on the EMS to
5 arrive. That's his story, ladies and gentlemen. That's
6 what he sat there and he said.

7 Now, what did I tell you yesterday morning when I got
8 up in the opening statement? What did I tell you the
9 evidence was going to prove? First of all, that he comes
10 into the house that night -- the Tri-Development Center --
11 wearing nothing but his boxers and his socks and his
12 gloves. Why? Miss~Alves want to know why? Because he
13 doesn't want anybody to know who he is. His name isn't
14 Duke. His name is Darrell. He's got Duke tattooed across
15 his chest. That's it. He goes in with gloves and socks
16 and boxers because there is no way to identify him at that
17 point covering his face. That's why. Because he is
18 robbing the place.

19 Then Willie Walker at the crime scene -- Go look at
20 it. It is exactly like he said it looks. He is sitting
21 there watching TV at 2:30 in the morning. He jumps up and
22 tries to run. The defendant catches him at the back door
23 with a gun. At some point Willie see he sees this other
24 guy in the house. If Willie missed a detail or two, I'm
25 pretty sure that everything that Willie said throughout

1 the whole thing was consistent. The people who wrote it
2 down may have had a miss here or there, but for the most
3 part everything is right on point. You think he would
4 forget that night?

5 Then he gets in the car after being forced to with a
6 gun to his head to go to the ATM and Willie makes that
7 decision -- makes that decision to jump. For \$400 of
8 marijuana? No. Because he's absolutely terrified. He
9 has no other choice. All he sees is a shadow and a light
10 and thinks that's his best option. That's how scared he
11 was at that time and he jumps out and you hear those
12 witnesses that saw it and they tell you exactly what
13 happened and it fits exactly what the evidence says and
14 the evidence at Tri-Development Center fit exactly to what
15 he says.

16 They tell you that when he comes running eyes wide
17 open full of fear -- never heard anything about pants and
18 shoes. I won't go through it again. You didn't hear
19 anything about that. You would think it would be
20 somewhere. If it was anywhere, it would be somewhere
21 around that scene. He said they -- Miss~Alves said that
22 the witnesses never took their eyes off of Willie Walker
23 and they weren't really worried about the defendant. Do
24 you think they were worried about the guy that had the gun
25 in his lap? Why would they lie about it? Why would these

1 two eye witnesses with nothing -- no statements. They
2 didn't know anybody. They have no reason to. Why would
3 they lie about the gun in his lap?

4 Credibility. Credibility. Jessie Vomund and Bryan
5 Salley told you exactly what the defendant said when he
6 came up -- not to call the police and where is that MF'er?
7 I am going to kill that MF'er. Don't call the police.
8 Don't call the police. They gave him a cigarette to keep
9 him there.

10 Then you got Willie Walker. First of all, I've got
11 to get this out. The accountability sheets -- You heard
12 one witness -- one of his supervisors said she was
13 embarrassed to even give it to him. He had been working
14 there for four years -- almost four years. Think he
15 didn't care about these people? Because he filled out the
16 paperowrk, was he wrong in doing that? Yea. You don't
17 think he actually got up and still checked on them? Just
18 because he filled them out. Was it right technically?
19 Probably not, but they wrote him up. It would have been
20 like the Sheriff's Office writing him up for jumping out
21 of that speeding vehicle for no seatbelt that night.
22 Technically, would it have been right? Maybe. She even
23 said she was embarrassed about what happened about writing
24 him up.

25 It's the little things that they are trying to make

1 big things. Just look at the evidence. Look exactly at
2 the evidence and the worst thing about this whole trial
3 and everything we're here for is that they take the
4 reputation of this hard-working man who has been employed
5 since then, who stayed employed with Tri-Development since
6 then, who has a fiance, who did pass his drug test, and
7 who you did hear from his supervisor had never failed a
8 drug test with them because he doesn't do drugs.

9 Now, the biggest thing at this point for you guys and
10 gals is to go back and look at the evidence. I can keep
11 going and going and going with the defendant's story. I
12 can keep going with how credible Willie is. One thing I
13 did want to go over real quick was this door. I never
14 really understood what she was getting at with the door.

15 Law enforcement did that? So they're on Willie's
16 side. Bryan and Jessie are lying; so they're on Willie's
17 side. The supervisors are on Willie's side. So you
18 either believe him or you believe all of them. Look at
19 this door. Look at the door.

20 The defendant states yesterday that when Willie is
21 leaving to go to get the ATM that Willie does lock the
22 door. You remember that? Willie closes it behind him.
23 Why is the door locked when law enforcement get there?
24 Deputy William never said he tried to forcefully open that
25 door when he got there. He grabbed the door handle and

1 it's locked because it's still locked from when Willie had
2 locked it when he got to work that night. When it busted
3 open it didn't unlock. It did this. The whole frame is
4 out of it. That's why it's unlocked.

5 I'm not -- I could stand up here all night and I am
6 not going to. The whole thing is almost offensive. They
7 made you check a lot of things in when you walked through
8 the metal detector -- your pocket knives, your keys, your
9 purses. They didn't make you check your common sense.

10 Now, the judge is going to tell you what the law is.
11 He'll tell you about kidnapping and it's not some movie
12 version of kidnapping where it has to be some
13 weird-looking man in a white van that snatches a kid off
14 the corner of the road and throws a bag on his head and
15 leaves. It is being held against your will for only a
16 moment. Willie is held against his will for a lot longer
17 than that, unfortunately.

18 Attempted armed robbery. He attempted to go in and
19 rob Willie Walker of his money with a gun. And the
20 burglary -- He broke in that house. It is a dwelling
21 place. There are three individuals that sleep there.
22 There is no doubt about that. At 2:30 in the morning at
23 night -- The defendant admitted it was from other people's
24 testimony. I guess they said it was 2:30; so I guess it
25 was 2:30 -- with the intent to rob Willie Walker. Check.

1 That's all you got to do.

2 Firmly convinced. Go back and look at this stuff.

3 Talk about it. Talk about it. Use your common sense.

4 Come back with the only verdict that the evidence and the

5 testimony from this witness stand proved and the only

6 evidence that justice in this case requires and that's a

7 verdict of guilty on all three counts. Thank y'all.

8 THE COURT: I got about 10 or 15 minutes. Everybody
9 okay? Bathroom?

10 JURY CHARGE

11 THE COURT: Mr. Foreman, ladies and gentlemen of the
12 jury, let me, first of all, start off with some general
13 propositions of criminal law that deal with all cases that
14 we try in general sessions court. These are, basically,
15 some constitutional issues and some other general
16 propositions that we charge in all criminal cases. Once
17 we conclude that or once I conclude that, then I'll go to
18 the specific indictments in this case, i.e., the burglary
19 first, attempted armed robbery, and the kidnapping.

20 Let me remind you, once again, the fact that the
21 defendant was arrested, charged, and indicted in the case
22 on these three indictments is not evidence in the case and
23 cannot be considered by you as evidence of guilt in the
24 case, nor does it create any presumptions or inferences of
25 guilt. These indictments are simply the formal written

1 documents which contain the charges against the defendant.
2 It's the formal documents by way the case is brought into
3 the court.

4 In this case we have three separate indictments -- as
5 I said, burglary first, kidnapping, and attempted armed
6 robbery. Obviously, each indictment contains a separate
7 and distinct offense and you must decide each indictment
8 separately on the evidence and the law applicable to each
9 indictment not being influenced by your decision as to any
10 other indictment.

11 He may be convicted or found not guilty on any or all
12 of the offenses charged. In other words, you'll have to
13 write a separate verdict as to each indictment and
14 consider each indictment separately. I'll have three
15 separate verdict forms which I'll explain to you in just a
16 minute as to each indictment. So, consider the burglary
17 separate and apart from that; the attempted armed robbery
18 separate and apart from that; and the kidnapping. So you
19 have three separate indictments to deal with. Make sense?

20 THE FOREPERSON: Yes, sir.

21 THE COURT: In this case, Mr. Holston has plead not
22 guilty to all three indictments and a plea of not guilty
23 puts the burden on the State of South Carolina to prove
24 the defendant guilty. The person charged with committing
25 a criminal offense in our state is never required to prove

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1 himself innocent. I charge and instruct you that it is an
2 important constitutional law that a defendant in a
3 criminal trial no matter how serious the crime may be will
4 always be presumed to be innocent of the crimes for which
5 the indictments were issued unless guilt has been proven
6 by evidence satisfying you of that guilt beyond a
7 reasonable doubt.

8 The presumption of innocence does not end when you
9 begin your deliberations, but it stays with the defendant
10 throughout the trial until you reach a verdict of guilt
11 based on evidence satisfying you of that guilt beyond a
12 reasonable doubt. The presumption of innocence is not a
13 mere legal phrase. it's not a theory. It is a substantial
14 constitutional right to which every defendant is entitled
15 unless you, the jury, are satisfied from the evidence of
16 the defendant's guilt beyond a reasonable doubt.

17 Now, what is a reasonable doubt? We have, basically,
18 two definitions that our Supreme Court has given us. One
19 is a very short definition. It simply says a reasonable
20 doubt is the kind of doubt that would cause a reasonable
21 person to hesitate to act. A reasonable doubt is the kind
22 of doubt that would cause a reasonable person to hesitate
23 to act. The state has the burden of proving the defendant
24 on all three indictments guilty beyond a reasonable doubt.
25 That is the kind of doubt that leaves you firmly convinced

1 of the defendant's guilt.

2 Obviously, there are very few things in this world
3 that we know with absolute certainty and in criminal cases
4 the law does not require proof that overcomes every
5 possible doubt. If based on your consideration of the
6 evidence you're firmly convinced that the defendant is
7 guilty of the crimes charged, then you must find him
8 guilty. If, on the other hand, there is a real
9 possibility that he is not guilty, you must give him the
10 benefit of the doubt and find him not guilty.

11 Ladies and gentlemen, let me remind you once again
12 that during the trial of this case you and I have had
13 certain duties to perform as I told you earlier in my
14 opening statement. As the trial judge my duty is to --
15 basically in a trial is to rule on the admissibility of
16 evidence. I don't think we had many objections on
17 anything that didn't come in; so all the evidence came in.

18 My other responsibility is to instruct or inform you
19 on the law which I am doing now; so I ask you to accept
20 the law as I give it to you. My job is pretty easy. I
21 just sit here and read this law and I rule on the
22 admissibility of evidence. Your job is, obviously, much
23 more difficult because you are the judges of the facts in
24 the case.

25 Now, because I am the judge of the law in the case,

1 please, if I did anything during this trial by way of
2 things I may have said or rolled my eyes or stretched or
3 took my glasses off or looked disgusted or looked happy or
4 whatever, don't infer anything from what I did up here. I
5 try to sort of maintain a poker face, but sometimes my law
6 clerk will tell me something and I'll giggle or something.
7 Just don't -- I can't have any say-so about the facts. I
8 don't have any opinion about the facts. The law doesn't
9 allow me. If I done anything to suggest I did, please set
10 that aside.

11 You are the sole finders of the facts. You are the
12 judges of the facts, and as I told you when we started
13 this case this case is like all of the rest of them I try.
14 You will hear different versions of the facts and I think
15 my suggestion was true in this case. I don't think you
16 could have heard a different diversion of the facts. You
17 have heard different versions of the facts in this matter.

18 Now, as the finders or the judges of the facts in
19 this case, obviously, what you have to do is determine the
20 credibility of the witnesses who have testified in this
21 case. That is your job to determine credibility.
22 Credibility simply means believability. It becomes your
23 duty as jurors to analyze and evaluate the evidence and
24 determine which evidence convinces you of its truth. As I
25 told you earlier use your ordinary life experiences in

1 deciding who is telling the truth dealing with wives,
2 husbands, children, employees, friends. You know how to
3 judge who is telling the truth.

4 In determining the credibility or believability of
5 witnesses who have testified in the case you can believe
6 one witness over several, several over one. You can
7 disregard everything a witness says. You can believe a
8 little bit of what he says or he or she and disregard the
9 rest. So, you have the right to believe any and all or
10 none of what somebody says.

11 You have the right to consider whether the witness
12 has exhibited to you any interest, bias, prejudice, or
13 other motive in this case, and you may also consider the
14 appearance and the manner of the witness and how he or she
15 acted on the witness stand. So, it's a task that we
16 perform every day when we're dealing with people. You
17 have to deal with this particular case and decide who you
18 believe, determine what the true facts are, and apply it
19 to the law as I give it to you.

20 One other general rule before we get to the three
21 main indictments. You have heard evidence that the
22 defendant in the past was convicted of a crime other than
23 the one for which he is now on trial. This evidence may
24 be considered by you if you conclude it is true only in
25 deciding whether the defendant's testimony is credible or

1 believable and for no other purpose. You must not
2 consider the defendant's prior record as any evidence of
3 the defendant's guilt of the charge we're trying here
4 today. So, his prior record, if you believe it to be
5 true, can only be used to judge his believability or
6 credibility and it has no bearing on the facts in this
7 case.

8 All right. Let's turn to the three charges outlined
9 in the indictment. The first is the indictment for
10 burglary in the first degree. That is codified in our
11 laws under section 16-11-0311. The defendant is charged
12 with first degree burglary. The first thing the state
13 must prove to you beyond a reasonable doubt is that the
14 defendant entered a dwelling without consent or
15 permission. Without consent. Entered without consent.

16 A dwelling is defined under our law as any building
17 or a portion of the building in which a person ordinarily
18 sleeps. In order to prove the defendant entered the
19 dwelling the state does not have to show that he -- his
20 whole body entered it, but any small entry is sufficient.

21 Next the state must prove beyond a reasonable doubt
22 that the defendant intended to commit a crime at the time
23 of the entry. Mere entry into the dwelling without
24 consent is not burglary. There must be an intent to
25 commit a crime after entering. If the intent to commit a

1 crime is formed after the entry, it's not burglary. On
2 the other hand, if the defendant intended to commit a
3 crime at the time of entry, it is burglary even if the
4 intent was abandoned after entry. It does not matter that
5 the intended crime was not completed.

6 Then the third thing the state must prove to you
7 beyond a reasonable doubt is that while entering the
8 dwelling or while fleeing in this case that the defendant
9 was armed with a deadly weapon.

10 So, three things they have to prove: They have to
11 prove to you beyond a reasonable doubt that the defendant
12 entered a dwelling without consent and the dwelling is any
13 type of building in which a person ordinarily sleeps, and
14 that when entering he intended to commit a crime, and that
15 in this case he was armed with a deadly weapon. So,
16 that's burglary in the first degree.

17 As to the armed robbery -- attempted armed robbery
18 charge, let me do this. Let me tell you how the law
19 defines attempt. It is just like any other definition of
20 attempt. An attempt is an effort to accomplish a crime
21 which does not succeed. An attempt includes a specific
22 intent to do a particular criminal act along with an act
23 failing short of the act intended. The state must show
24 more than mere preparation.

25 So, intent is like -- I'm sorry. Attempt is like

1 anything else. It is an effort to do something which does
2 not succeed. In attempted armed robbery they must show
3 that he attempted to commit armed robbery but it did not
4 succeed.

5 Armed robbery is defined or -- as such: In this case
6 the defendant is charged with attempted armed robbery. In
7 order to prove this offense the state must first prove
8 beyond a reasonable doubt that the defendant attempted to
9 take personal property from the person or presence of
10 another person. Property, obviously, is in the presence
11 of a person if it is within that person's reach, control.
12 The state must also prove beyond a reasonable doubt that
13 the defendant attempted to carry the property away
14 intending to permanently deprive the owner of the property
15 and to keep the property for his own personal use, and,
16 finally, the state must prove beyond a reasonable doubt
17 that at the time of the attempted taking of the property
18 the defendant was armed with a deadly weapon.

19 So, that's the law on armed robbery and in this case
20 it was an attempt; so he attempted to commit the crime of
21 armed robbery.

22 And the last indictment is kidnapping. In this case
23 is defendant is charged with kidnapping. The state must
24 prove beyond a reasonable doubt that the defendant
25 knowingly and unlawfully seized, confined, kidnapped, or

1 abducted or carried away another person without authority
2 of law. To do something unlawfully is to to do it
3 willfully against the law. Knowingly means with
4 knowledge, consciously, not accidentally. Seized means to
5 take hold of suddenly or forcibly. Confine means to
6 limit, restrict, or enclose within bounds, imprison or
7 shut or keep in. Kidnap is to remove a person against his
8 will by unlawful force or by fraud. Abduct means to carry
9 off secretly or by force for an illegal purpose. Carry
10 away means simply to remove.

11 The state does not have to prove the defendant did
12 all of these things. Instead, if you find beyond a
13 reasonable doubt that the defendant did any of these
14 things, you may find the defendant guilty of kidnapping.
15 The kidnapping does not have to be for any personal or
16 monetary gain or for any illegal purpose, but it may be
17 for any reason whatsoever. So, to prove kidnapping the
18 state must prove beyond a reasonable doubt that the
19 defendant knowingly and unlawfully seized, confined,
20 kidnapped, abducted or carried away another person without
21 authority of law.

22 Mr. Foreman, ladies and gentlemen of the jury, as I
23 told you you must consider each indictment separate and
24 apart from the other; so there are three indictments in
25 this case. I have a verdict form for each indictment. It

1 is pretty simple. It says we find the defendant not
2 guilty or we find him guilty. Check whichever one is
3 applicable as to each indictment: Attempted armed
4 robbery, kidnapping, and burglary first.

5 Please don't infer anything by me putting not guilty
6 before guilty. Obviously, one has got to come before the
7 other.

8 Your verdict has to be unanimous. All 12 of you must
9 unanimously agree as to the verdict. The verdict can't be
10 based on anything except what you heard in this courtroom,
11 the evidence that you've heard, what you determine the
12 true facts to be, and applying it to the law as I have
13 given it to you. You have no friends to reward, no
14 enemies to punish. It is simply based on sound
15 deliberation of the facts and applying those facts to the
16 law.

17 If at any time during your deliberation you have a
18 question that you think you need to address with me,
19 please write it out on a piece of paper, knock on the
20 door, hand it to Ms. Barbara or one of the bailiffs and
21 they'll present it to me. Sometimes I can answer it.
22 Sometimes I can't depending on what particular question
23 is. Once you have reached a verdict on all three
24 indictments, once again, let us know and we'll receive
25 your verdict back in the courtroom.

1 It is 11 o'clock. I don't know how long you're going
2 to deliberate. If it gets to be 12:30 or so and you start
3 getting hungry and you need lunch, I'll probably send for
4 you and see what you want to do.

5 THE FOREPERSON: Okay.

6 THE COURT: I am going to ask you now to return to
7 your jury room. Please put the two alternates separately.
8 Don't start deliberating quite yet. I have to ask the
9 lawyers if I left anything out, need to add anything, or
10 take anything out of my charge. Then we have to gather
11 the evidence. It's right here. It won't take but two
12 seconds. I'll send the verdict form back with the
13 evidence. Then you'll be in a position to start.

14 THE FOREPERSON: Yes, sir.

15 THE COURT: It won't be but two or three minutes
16 before we do that.

17 (Whereupon, the jury exited the courtroom at 10:56.)

18 THE COURT: Any additions to the charge, deletions
19 requested, changes, exceptions, objections, et cetera?
20 Mr. Molony? Mr. Weeks?

21 MR. MOLONY: None from the state, Your Honor.

22 THE COURT: Miss~Alves?

23 MISS ALVES: No, Your Honor.

24 THE COURT: Thank you. Would you please come review
25 the verdict form? Make sure we have all of the evidence

1 behalf. Your Honor, at this time I make a motion for a
2 new trial on Mr. Holston's behalf. Taking the evidence in
3 the light most favorable to the state I would move Your
4 Honor to grant him a new trial on the charges of
5 kidnapping, attempted armed robbery, and burglary first
6 degree.

7 THE COURT: Thank you. As I stated in the other two
8 motions it was obviously a question of fact for the jury
9 to determine and they found that your client was not
10 credible and they found him guilty on all three charges.
11 I respectfully deny the motion.

12 MISS ALVES: Yes, sir. Your Honor, I have one last
13 matter I need to put on the record. I forgot about it
14 yesterday and I do apologize, but we had a side bar
15 conversation after my motion to require the state -- to
16 ask that the state not be allowed to bring up
17 Mr. Holston's record that we did have a side bar
18 conversation where I asked you for clarification on your
19 ruling and you did advise the solicitor and myself that
20 you were allowing them to bring in that -- to bring in
21 that charge.

22 THE COURT: And I did and I found -- I made an
23 analysis under 403. I found it to be more probative than
24 prejudicial. I found it to be a proper matter for the
25 jury to have for them to determine the credibility of the

1 witnesses and they were charged that it could only be used
2 for credibility purposes.

3 MISS ALVES: Yes, sir.

4 THE COURT: So I stand by my ruling.

5 MISS ALVES: Thank you, Your Honor.

6 THE COURT: Thank you.

7 (End of Transcript of Record.)

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197

WITNESSES

Aiken County Sheriff

J Sanders

Law Enforcement Case #: 10-043544

JWW

ARREST WARRANT NUMBER

M007164

ACTION OF GRAND JURY

True Bill

[Signature]
Foreperson of Grand Jury
Date: December 9, 2010

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2010GS0201899

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

DECEMBER TERM 2010

THE STATE
vs.

DARRIN DARRELL HOLSTON

CDR #: 0079

Indictment for

BURGLARY IN THE FIRST DEGREE

§ 16-11-0311

J. STROM THURMOND, SOLICITOR

FILED Dec 9, 2010
[Signature]
C.C.P. & G.S.
[Signature] LB
Deputy Clerk

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
BURGLARY IN THE FIRST DEGREE

§ 16-11-0311

At a Court of General Sessions, convened on December 13, 2010, the Grand Jurors of Aiken County present upon their oath:

That DARRIN DARRELL HOLSTON did in Aiken County on or about July 17, 2010, wilfully and unlawfully enter the dwelling, a group home, belonging Tri-Development Center of Aiken County Inc., located at 287 Wheat Road, Aiken, South Carolina without consent and with the intent to commit a crime therein and the defendant was armed with a deadly weapon, all in violation of §16-11-311, Code of Laws of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


J. STROM THURMOND, SOLICITOR

69

WITNESSES

Aiken County Sheriff

J Sanders

Law Enforcement Case #: 10-043544

JWW

ARREST WARRANT NUMBER

M025799

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date: December 9, 2010

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2010GS0201903

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

DECEMBER TERM 2010

THE STATE
vs.

DARRIN DARRELL HOLSTON

CDR #: 0095

Indictment for

KIDNAPPING

§ 16-03-0910

J. STROM THURMOND, SOLICITOR

FILED Dec 9, 2010
L. J. Hodson
C.C.P. & G.S.
L. J. Hodson
Deputy Clerk

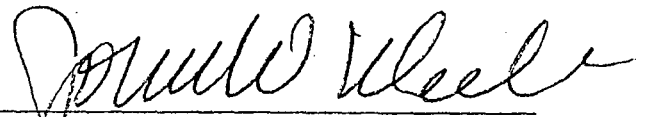
STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
KIDNAPPING
§ 16-03-0910

At a Court of General Sessions, convened on December 13, 2010, the Grand Jurors of Aiken County present upon their oath:

That DARRIN DARRELL HOLSTON did in Aiken County on or about July 17, 2010, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away Willie Walker without authority of law, all in violation of §16-3-910 of the Code of Laws of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

J Sanders

Law Enforcement Case #: 10-043544

JWW

ARREST WARRANT NUMBER

M035239

ACTION OF GRAND JURY

True Bill

[Signature]
Foreperson of Grand Jury
Date: December 9, 2010

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2010GS0201905

The State of South Carolina
County of Aiken

COURT OF GENERAL SESSIONS

DECEMBER TERM 2010

THE STATE
vs.

DARRIN DARRELL HOLSTON

CDR #: 0026

Indictment for

ATTEMPTED ARMED ROBBERY

§ 16-11-0330

J. STROM THURMOND, SOLICITOR

FILED

[Signature]
[Signature]
CLERK OF COURT
[Signature]
Deputy Clerk

STATE OF SOUTH CAROLINA)

COUNTY OF AIKEN)

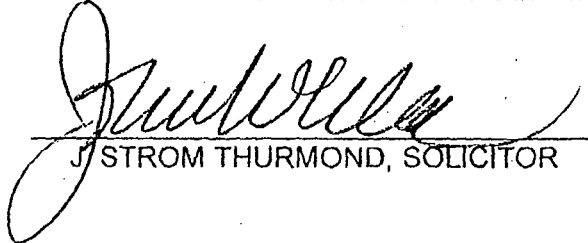
INDICTMENT FOR
ATTEMPTED ARMED ROBBERY

§ 16-11-0330

At a Court of General Sessions, convened on December 13, 2010, the Grand Jurors of Aiken County present upon their oath:

That DARRIN DARRELL HOLSTON did in Aiken County on or about July 17, 2010, while armed with a deadly weapon, attempt to feloniously take from the person or presence of Willie Walker, by means of force or intimidation goods or monies of Willie Walker, all in violation of §16-11-330 of the Code of Laws of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


J. STROM THURMOND, SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

July 16th, 2012

A handwritten signature in black ink, appearing to read "Rob M. Pachak", written over a horizontal line.

Robert M. Pachak
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA

 **ORIGINAL**

IN THE COURT OF APPEALS

Appeal from Aiken County

Doyet A. Early, III, Circuit Court Judge

THE STATE,

RESPONDENT,

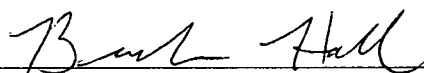
V.

DARRIN D. HOLSTON,

APPELLANT

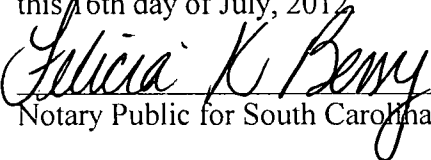
CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Christina J. Catoe, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 16th day of July, 2012.



Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 16th day of July, 2012.



(L.S.)
Notary Public for South Carolina

My Commission Expires: June 21, 2020.

RECEIVED

JUL 16 2012

SC Court of Appeals