

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County

L. Casey Manning, Circuit Court Judge

Case Nos. 08-GS-40-03948; 08-GS-40-01626; 1627, 1629, 1631, 1632

THE STATE,

RESPONDENT,

v.

JOHNNIE WALKER GASKINS,

APPELLANT.

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State's Exhibits 22-46 (Photographs) are part of the Record on Appeal and Counsel for Appellant has been requested a Transportation Order to have these photographs transported to the Court of Appeals for viewing.

* Court's Exhibit 6 is indexed in the original Trial Transcript as Statement of Roger Glover. Counsel for Respondent requested Court's Exhibit 6 in its Designation of the Matter. The document marked as Court's Exhibit 6 at trial however, is that of Lindburgh Porterfield, III.

** Exhibits numbers can be read with cross-reference to State's Exhibit 5, which is a detailed list of State's photo exhibits, for more detail concerning subject matter of each individual photograph.

1 THE COURT: Mr. Crumpton, you may invite them to
2 come back in, sir.

3 THE BAILIFF: All right, sir.

4 (The jury returned to the courtroom at
5 approximately 2:18 p.m.)

6 THE BAILIFF: The jury's present, Your Honor.

7 THE COURT: Thank you, sir.

8 Welcome back once again, Madam Forelady and
9 members of the jury.

10 Mr. Meadors, you may call your next witness,
11 sir.

12 MR. MEADORS: The State would now call
13 Investigator Kevin Isenhoward.

14 (KEVIN ISENHOWARD, having first been duly sworn,
15 testified as follows:)

16 THE CLERK: Thank you. Please have a seat in
17 the witness stand and state your full name for the
18 record.

19 THE WITNESS: My name Kevin Isenhoward.

20 DIRECT EXAMINATION

21 BY MR. MEADORS:

22 Q Are you an investigator with the Richland County
23 Sheriff's Department?

24 A Yes, sir, I am.

25 Q Investigator, please tell the ladies and gentlemen

1 of this jury where you were born, where you were
2 raised, your background, your education and in
3 particular your education that led you to law
4 enforcement and your experience in law enforcement,
5 please.

6 A I was born and raised here in Richland County. I
7 went to Spring Valley High School and I graduated
8 from Spring Valley High School. I went to
9 Spartanburg Methodist College in Spartanburg,
10 University of South Carolina. I have a degree in
11 criminal justice.

12 After college I went to the Criminal Justice
13 Academy, started working for the Richland County
14 Sheriff's Department and that's been 12 years now.
15 And started off as a officer here in the courtrooms
16 and moved my way up. Now I'm in the Major Crimes
17 Unit at the Sheriff's office. I'm a sergeant. I
18 supervise investigators who primarily handle robbery
19 and homicide investigations.

20 Q And how long have you been doing that?

21 A Which part?

22 Q The last part, in Major Crimes?

23 A About two and a half years.

24 Q Okay. And last year ---

25 A Supervising.

1 Q Last year you won an award?

2 A Yes, sir, I did.

3 Q What was that?

4 A In 2008 I won the International Investigator of the
5 Year Award.

6 Q Now, explain to the ladies and gentlemen of the jury
7 how a case -- who becomes the chief investigating
8 officer of a case?

9 A Well, it would -- a couple of ways. You can respond
10 out to the scene of the crime and take over the
11 investigation from the initial incident. Or a
12 supervisor could assign you the case to investigate
13 once the report comes in.

14 Q Now on February 4th of 2007, you were at the
15 Sheriff's Department in this same capacity?

16 A Actually, at this point I was just an investigator.
17 I was still assigned to the Major Crimes Unit but I
18 was an investigator, not a supervisor. On February
19 -- on February the 5th, I was working the evenings
20 and I was the on-call investigator.

21 Q What was the evening shift?

22 A The evening shift is for seven days straight we work
23 nights basically. Primarily we work during the day
24 but for that week you work nights through the
25 weekend. You maybe come in at around 3:00 in the

1 afternoon and work 8 and a half hours or until you
2 finish with whatever is going on.

3 Q You said you were on-call, so if anything happened
4 during that time period, you're called?

5 A Yes. And especially if you're the on-call homicide
6 investigator, when you're off you're still on-call.
7 They'll call you at home and tell you if there's
8 something that's happened that requires you to
9 respond and you'll respond from your home.

10 Q Now, in the early morning hours of February 5th,
11 2007 -- 2007, I'm sorry, were you called to Club 360
12 on I-26 and Bush River?

13 A Yes, sir, I was.

14 Q Tell the ladies and gentlemen, do you know what time
15 that was?

16 A It was around 1:00 in the morning I think. I was
17 actually on Broad River Road just a few miles away
18 at an unrelated crime, working that.

19 Q And you left that scene to come here?

20 A Yes.

21 Q Describe for the ladies and gentlemen of the jury
22 your observations as you first came to 360.

23 A When I first arrived I was actually one of the first
24 units on the scene because I was just right down the
25 road. I heard the call dispatched so I decided to

1 respond to it. When we got there, I think -- there
2 were hundreds of people running and trying to get
3 out of the parking lot. They were scared. It was
4 chaotic.

5 I came in, was able to make my way through the
6 parking lot up to the front door. There were other
7 deputies there initially. I will just state what I
8 saw. There was what appeared to be a security guard
9 lying on the -- near the front door. He was later
10 identified as John Adams. He had a gunshot wound
11 which I could see in his abdomen. I continued to --
12 at this point, I'm -- I wasn't sure whether or not
13 the person was still there, the shooter. So I'm
14 obviously, you know, very guarded. I'm moving my
15 way into the club itself to do what we call clearing
16 the building with other deputies.

17 When I move inside the front, I see a female
18 lying on the ground. She had a wound to the head.
19 She's bleeding profusely. Again, we have deputies
20 who are trying to render aid and I'm moving back
21 just investigating the scene.

22 I continue to move back. I can see a trail of
23 blood which to me appeared to be either someone
24 bleeding as they walked or being carried or drug
25 back to the restroom area of the club. There's a

1 pool table nearby that had a pool of blood on it.
2 And when I get probably back to the end of where the
3 trail of blood was, there's another female there
4 with a head wound bleeding.

5 Q What -- what if anything did you and/or the folks,
6 your folks let's just say, do, if anything, to
7 determine who was a patron or who was an employee?

8 A Well, when -- once we feel like we have the scene
9 safe, we need to identify who's there. Identify --
10 and in this case I instructed the officers to
11 separate those people who work at the business from
12 those who are there recreationally and try and
13 determine what -- what they saw, if anything, and
14 make sure we document names.

15 So in this case we had some physical evidence we
16 had to secure, make sure nobody disturbed that,
17 remove them from the scene. I had the officers take
18 the -- the employees to a back area in the club,
19 separate them and then we would -- obviously I
20 called for other investigators to help and then we
21 were going to talk to them individually.

22 Q And you mentioned earlier evidence, was there
23 anything that appeared to you to be of an
24 evidentiary value outside the club?

25 A Yeah. I forgot to mention. When I -- as I was

1 moving in, I'm looking at the ground and, again, we
2 have shattered glass, blood. I did observe shell
3 casings that were visible in the parking lot. I
4 instructed the officers to protect those and make
5 sure they weren't disturbed as I moved in.

6 Q Now you had mentioned earlier one of the security
7 guards appeared to have a gunshot wound to his
8 abdomen, I think?

9 A Yes, he did.

10 Q Did you -- was that person -- was Mr. Adams able to
11 talk when you were there?

12 A Yeah. We were actually communicating with him.
13 Deputy Fisher was telling him, you know, to hang in
14 there that we were going to get some help there.
15 And though injured, you know, he was -- he was
16 communicating with us. He seemed okay at that
17 point. But obviously gunshot wounds are very
18 dangerous.

19 Q Now, at this point did you have an occasion to come
20 in contact with a Lamont Davis?

21 A Yes. Once we, you know, kind of calmed things down
22 a bit, I went out and I'm trying to identify
23 witnesses and I located Mr. Davis, another security
24 guard there at the club and spoke with him about
25 what had -- what happened at the scene.

1 Q As a result of your investigation with Mr. Lamont
2 Davis, did you have a name?

3 A Yeah. Mr. -- I learned that earlier in the evening
4 there was an altercation with an intoxicated or
5 unruly patron which security had escorted out.
6 During that he said -- I learned they had identified
7 him by checking his driver's license or identity, ID
8 card. And that once out in the parking lot they
9 released him. He was escorted to a blue Chevrolet
10 Impala, got into the Impala and drove up to the
11 front door where shots had occurred and the shots
12 had come from the Impala.

13 Q Now, were you at some point after this able to talk
14 or did you talk to another person who was working
15 there named Quinten Harris?

16 A I did. I believe he was another bouncer or security
17 guard, I believe bouncer.

18 Q And as a result of that, did you learn about a
19 fellow names Sydney Williams?

20 A Yeah, I learned that ---

21 MR. MCCULLOCH: Your Honor, I am going to object
22 to this witness detailing what he learned in terms of ---

23 THE COURT: Y'all approach, no run-on objection.
24 That's all right.

25 (WHEREUPON, a bench conference was held off

1 the record, in the presence of the jury, but out
2 of the hearing of the jury.)

3 MR. MCCULLOCH: Thank you, Your Honor.

4 MR. MEADORS: Thank you.

5 Q Did you end up identifying someone named Sydney
6 Williams?

7 A Yes, I did. He was actually being detained at the
8 scene when I got there.

9 Q And who had detained him?

10 A One of the security officers, Epsil Palmer. And by
11 that point he had been turned over from security to
12 one of our deputies.

13 Q So Sydney Williams was now with someone with the
14 Sheriff's Department?

15 A Yes, he was.

16 Q And did you meet Mr. Porterfield?

17 A I did. He was identified as the owner and
18 proprietor of the business.

19 Q And he -- had he identified anybody in the -- his
20 establishment like that night that he knew by name
21 and sight?

22 A He did. He told me that the person who was -- I
23 learned that the person who was removed from the
24 club and identified by the security guards as being
25 escorted to the car and driving that car was a man

1 named John.

2 Q Now, did you have an occasion to interview one Erin
3 Hellman, without saying what she said?

4 A Yes.

5 Q And you mentioned a fellow named Sydney Williams.
6 Did you have an occasion to talk to Mr. Williams,
7 and if so, when?

8 A Immediately after things calmed down, I was able to
9 determine, you know, get a basic idea of what was
10 going on there. I took Sydney Williams to the
11 Richland County Sheriff's Department.

12 Q And did you have an occasion to take a statement
13 from him?

14 A I did.

15 Q And as a result of that, during the course of this
16 investigation, acquire the name of the shooter?

17 A I did.

18 Q And who was that?

19 A Johnnie Walker Gaskins.

20 Q And at this point -- had you gained prior to this
21 any information about a vehicle the person may have
22 used?

23 A Yes, we had both a description and a video. The
24 description was a dark colored or blue Chevy Impala.

25 Q And after talking to Mr. Sydney Williams, did you

- 1 have a vehicle that you believed was involved?
- 2 A Yes. He provided basically the same description.
- 3 Q So at this point in your investigation you had a
4 name, a first name?
- 5 A I did.
- 6 Q A last name?
- 7 A Yes.
- 8 Q A car?
- 9 A Yes.
- 10 Q And that's based on interviewing several witnesses?
- 11 A That's correct.
- 12 Q And looking at a video?
- 13 A That's right.
- 14 Q Do you -- did you know Johnnie Walker Gaskins at
15 that time?
- 16 A No, sir, I'd never met him or heard of him.
- 17 Q After you had acquired this information, what did
18 you do then?
- 19 A Once we had the information and we had him
20 identified, we placed a warrant on him and I did
21 some research, attempted to identify a possible
22 location for him and I did obtain a -- an address
23 for him in the Irmo area in Lexington County.
- 24 Q And that address was what?
- 25 A It was -- bear with me.

1 (Pause.)

2 A 425 Lyndhurst Drive, again in Lexington County.

3 Q Now, when you were talking to Mr. Williams, were you
4 able to establish or was there a relationship --

5 I'll slow down. I apologize. Was there a
6 relationship that you became aware of between Mr.
7 Williams and the Defendant Johnnie Gaskins?

8 A Yes. I learned that the two were friends. That they
9 knew each other and obviously that he had intervened
10 in his detainment there at the club.

11 Q Were you able to check on -- and all this is just
12 kind of happening, isn't it?

13 A Yes.

14 Q I mean, you're responding and now you're
15 investigating?

16 A Yes, sir. There's a lot of activity, especially
17 early on in investigations, one thing after another,
18 and I have a procedure that we try and follow to
19 identify.

20 Q All right. When you got through talking with Mr.
21 Williams it was what time? Or when you talked to
22 him again, I'm sorry. When did you talk to him?

23 A I talked to him right after we left the club. I
24 would say it was around 2:30, 3:00 in the morning
25 maybe. I don't have the exact time with me.

1 Q And did Mr. Williams go back -- or get back to 360?

2 A Yes, we took him back.

3 Q Are you -- did you check on the victims?

4 A Yes, we did. We checked on their status. I learned
5 that Mr. Adams had passed away and that Shannavia
6 was in dire straits, basically was on life support.

7 Q And were you able to retrieve or did you retrieve a
8 gun from Lamont Davis from 360 or did one of your
9 people do it?

10 A We did learn about a security guard firing a weapon
11 and that the weapon was secured in the trunk of a
12 vehicle, there. Obviously I had contact with other
13 officers who were at the scene still. We advised
14 them and they recovered the firearm from the trunk
15 of this vehicle.

16 Q And what if anything happened to that firearm?

17 A The firearm was obviously taken into our custody and
18 placed in the evidence for future testing.

19 Q Now, the shell casings that were at the 360, what
20 happened to them?

21 A All of those while I was there were photographed,
22 documented and collected and placed into evidence.

23 Q And projectiles also collected?

24 A Yes.

25 Q Now, did you yourself go inside and also look at the

1 inside of 360? Obviously you did.

2 A Yes, sir, I did.

3 Q And this has already been entered. I thought it had
4 not been but State's 13 has. Do you recognize
5 State's 13?

6 A Yes, sir, that's an exterior photograph of the club
7 that night.

8 Q Now, when you were looking through, you yourself,
9 Kevin Isenhoward, with your own eyes, I was going to
10 ask you if you recognize State's 106 and were you
11 involved in picking up a potential piece of evidence
12 out of 106?

13 A Yes, sir, I located a woman's wallet at the scene.

14 Q And will you identify the wallet there, State's 106?

15 A Yes, sir. That's the wallet we collected. Inside
16 was an ID from the victim, I believe Ms. Shannavia
17 (sic).

18 MR. MCCULLOCH: No objection.

19 MR. MEADORS: 139 without objection.

20 THE COURT: What is 139?

21 MR. MEADORS: It's the wallet of Shannavia
22 Williams.

23 (Whereupon, State's Exhibit Number 139, Victim's
24 Wallet, was admitted into evidence.)

25 Q Is that her wallet you found in there?

- 1 A Yes, sir, it is.
- 2 Q Does it have her name on there?
- 3 A Yes, sir.
- 4 Q And in what proximity was it to her body, if you
5 know?
- 6 A It was right near the front or I guess just inside
7 the front entrance, just a few feet away.
- 8 Q Tom Amaro has been with y'all a long time, correct?
- 9 A Yes, sir, as long as I've been there.
- 10 Q And did you meet with him with a Verizon phone
11 turned over from Amaro to you and put into evidence?
- 12 A Yes, sir, it was.
- 13 Q Now, at some appoint was Lamont Davis released from
14 the hospital? And, if so, did you have occasion to
15 talk to him?
- 16 A I did we -- I actually went to the hospital and
17 picked him up and it was him and his girlfriend, I
18 believe, or wife. Brought them back to the
19 Sheriff's office. It had been a long night. We
20 actually bought them something to eat along the way
21 and took them back to the Sheriff's office where I
22 interviewed him.
- 23 Q And you interviewed Lamont Davis at what time
24 approximately?
- 25 A Let's see. At -- the statements -- the time of his

1 actual statement is 8:10 a.m.

2 Q February 5th?

3 A Yes, sir.

4 Q That's seven hours or so after you got there?

5 A Yes, sir.

6 Q And did Mr. Lamont Davis give you a statement?

7 A Yes, he did.

8 Q Tell you what he observed?

9 A Yes, he did.

10 Q Did you have an occasion to show him a photo lineup,
11 Investigator?

12 A I did.

13 Q And I'm going to show you what I think has already
14 been entered as State's 10 and tell me do you
15 recognize that?

16 A Yes, sir, I do.

17 Q Tell these folks, what -- when you're putting
18 together a photo lineup, what are trying to do? How
19 do you put together a photo lineup. What are
20 looking for and ---

21 A The way we construct a photographic lineup, you have
22 six pictures. Obviously you're going to have a
23 target individual, a person who you believe may have
24 had something to do with the crime in question. You
25 need to find five other photographs that are similar

1 in nature. By similar I mean, basically the person,
2 it's the same race or has the same skin tone, has
3 roughly the same kind of hair or length hair. If
4 there's facial hair, they need to all have facial
5 hair, eyeglasses, anything like that. You want the
6 lineup to be fair, basically, and not suggestive.

7 Q And again, you're at the Sheriff's Department?

8 A Yes, sir, I am.

9 Q Did Mr. Lamont Davis look at this photo lineup which
10 is marked State's 10?

11 A He did.

12 Q And did he pick out anybody?

13 A Yes, he did.

14 Q Did he have any trouble picking out anybody?

15 A No, he didn't, none at all.

16 Q Did you suggest to him who to pick out?

17 A No, sir.

18 Q Did you say, Lamont, pick out number so and so?

19 A No, sir, I didn't say anything to him.

20 Q What number did Lamont Davis pick out?

21 A He identified photograph number 1 which is that of
22 Johnnie Walker Gaskins.

23 Q Did he indicate in any way that he picked him out?

24 A Yes, he circled the photograph, put his initials
25 inside the circle and then filled out basically an

1 affidavit portion where he signs it and I notarize
2 it.

3 Q And he picked out Johnnie Walker Gaskins as what?

4 A He identified him as the person who was shooting at
5 the club.

6 Q As the person who was shooting at the club?

7 A Yes.

8 Q Now, are we still on the morning hours of
9 February 5th?

10 A Yes, sir, we are.

11 Q And at this point, I believe you testified, you had
12 the -- the Defendant identified as the shooter by at
13 least two folks?

14 A Yes.

15 Q And were there other folks that worked in the club
16 that knew him by name and sight and saw him in the
17 club?

18 A Yes.

19 Q What did you do next, if anything?

20 A Well, we had to obviously go out and see if we could
21 locate Mr. Gaskins. And like I said, we had a
22 possible address. We did some procedural things,
23 contacted the Lexington County Sheriff's Department
24 and obtained a search warrant for the location
25 there.

1 Q And that's just because the house was in Lexington?

2 A Yes, sir.

3 Q And if you go to another county you've got to get
4 with that Sheriff's Department?

5 A That's right.

6 Q And were you able to locate Mr. Gaskins at that
7 point?

8 A No, I wasn't.

9 Q At this point in the investigation, did you receive
10 information from another source of that vehicle at a
11 residence? And if so, what was it?

12 A Yes, once we had completed the search at that first
13 residence, we were leaving, we received information
14 that the vehicle and person involved in the shooting
15 there was at 52 Riverview Court.

16 Q 52?

17 A In Richland County.

18 Q And where is that?

19 A It's sort of near River Drive, that area.

20 Q Armed with this information, what did you or what
21 did any of the folks that were working with you on
22 this case do, if anything?

23 A Well, I first contacted some of our uniformed
24 officers who would have been closer than I was. I
25 asked them to -- I provided them with the

1 description of the suspect vehicle and asked them to
2 check the area, which they did, and they contacted
3 me and I learned that they had in fact located a
4 blue Chevy Impala at 52 Riverview Court.

5 Q What did you do then?

6 A We responded there and made contact with some
7 persons who were in the home.

8 Q At 52 Riverview Court?

9 A Yes.

10 Q And as a result of that, did -- were you given
11 permission to look in 51 Riverview Court, initially?

12 A Yes, I spoke with a lady named Andreana Peak and we
13 did receive consent to search. Obviously, I told
14 her what was going on, why I was there, and that I
15 was looking for Mr. Gaskins. Initially she, you
16 know, didn't know.

17 We began to search the house on consent. Once I
18 entered, I almost immediately noticed this black
19 jacket with a fur collar which was laying just like
20 somebody had thrown it on the couch. And I
21 connected that with the information I received at
22 the scene. It was as described by -- being worn by
23 the suspect.

24 Q And we've looked previously at State's 18, I think.
25 Let me make sure. State's 18, you've seen this

1 before?

2 A Yes.

3 Q What is this? What does that appear to you to be?

4 A That's the black jacket with the fur collar, the
5 jacket I collected from 52 Riverview Court.

6 Q What did you do next? What happened next?

7 A Of course, we're searching the house so we're moving
8 from front to back. And we noticed that the
9 exterior of the home had video surveillance. There
10 was a monitor inside this house. So basically you
11 could see anybody coming up to the house. We then
12 turned and could see that the attic, the ladder
13 leading to the attic was open. I asked Ms. Peak,
14 you know, was there somebody -- it concerned us --
15 obviously we were concerned for our safety at this
16 point if somebody knew we were coming and could
17 hide, it would be a very dangerous thing. I asked
18 her if there was anyone inside and she kind of just
19 all of a sudden ---

20 MR. MCCULLOCH: Your Honor, I'm going to object
21 to this. This is hearsay. This person can be brought
22 here to testify ---

23 THE COURT: No run-on objections, hearsay.

24 MR. MCCULLOCH: Hearsay.

25 THE COURT: I think he said, told. We had a

1 sidebar about that earlier.

2 MR. MCCULLOCH: Your Honor, this witness ---

3 THE COURT: Members of the jury, go to the jury
4 room. Don't talk about this case.

5 (The jury retires from the courtroom at
6 approximately 2:47 p.m.)

7 THE COURT: Sorry, I wanted to stop you from
8 run-on objection because you might say something I might
9 have to caution the jury about. That's the only reason.
10 You know the rules, you've got to say hearsay but go
11 ahead now.

12 MR. MCCULLOCH: All right.

13 THE COURT: Make your point.

14 MR. MCCULLOCH: The objection is hearsay. The
15 previous objection that I made based on hearsay you
16 overruled because those people about whom the
17 investigator was recounting their testimony ---

18 THE COURT: I thought he testified they told --
19 okay, go ahead.

20 MR. MCCULLOCH: This witness that he is now
21 talking with and talking about what they -- and
22 presumably he's about to say what they told him, has
23 never testified at this trial.

24 THE COURT: So you -- this is preemptive
25 objection because he's yet to state something that would

1 be objectionable? I'm not trying to ---

2 MR. MCCULLOCH: Doesn't do me any good to let
3 the cat out of the bag.

4 THE COURT: I understand. So your objection is
5 he's fixing to say something that would be objectionable?

6 MR. MCCULLOCH: He is fixing to, Your Honor,
7 that's correct.

8 THE COURT: All right. Mr. Meadors.

9 MR. MEADORS: Your Honor, we're at the point
10 where they're waiting on the search warrant. All he's --
11 I don't know what he's going to say except that he had to
12 stop because the consent was taken away and they went and
13 got a search warrant. I don't know how else you can say
14 that -- it's not being offered as to the truth of the
15 matter. Well, what did you do next? Well, we had to
16 stop because we were told don't, stop and then we had to
17 go get a search warrant. That's what they did in the
18 course of the investigation. So I don't know how else to
19 get it out.

20 MR. MCCULLOCH: Well, Your Honor, my question
21 was to the question leading to an answer about the
22 witness who has never testified about to tell him -- or I
23 presume he was about to say ---

24 THE COURT: I went and we began a search and we
25 had to abruptly stop. Then we went to get a search

1 warrant.

2 All right. Let's take a break. That's how you
3 answer the question without it being objectionable, it
4 seems to me.

5 MR. MCCULLOCH: That's fine.

6 THE COURT: All right, good.

7 MR. MCCULLOCH: That wasn't the answer I was
8 afraid of.

9 THE COURT: But that was the answer that you
10 were trying to solicit.

11 MR. MEADORS: Yes, sir ---

12 THE COURT: All right.

13 MR. MEADORS: --- and they went to get a search
14 warrant.

15 MR. MCCULLOCH: That's easy enough.

16 THE COURT: We -- we're into a search and we had
17 to stop. We left and came back with a search warrant.

18 Thank you, take a break. I've got to give them
19 a chance to go refresh themselves.

20 (The Court was in recess.)

21 THE COURT: I got a note from a juror. I'm
22 having her copy it for both sides. I will share it with
23 y'all simultaneously, that means at the same time.

24 (Pause.)

25 THE COURT: Y'all approach.

1 (WHEREUPON, a bench conference was held off
2 the record.)

3 (Whereupon, Court's Exhibit Number 9, Juror
4 Note, was marked for identification.)

5 THE COURT: At the first sidebar, I think he
6 objected, I think properly so, he told me. As a result of
7 the conversation, I did that, okay. So it's semantics
8 but still we've got to follow the rules.

9 We're good then? All right, all right.

10 (Pause.)

11 THE COURT: All right, is everybody ready?

12 MR. MEADORS: Ready.

13 MR. MCCULLOCH: Yes, sir.

14 THE COURT: You can go get the jury.

15 (The jury returned to the courtroom at
16 approximately 3:05 p.m.)

17 THE BAILIFF: The jury's present, Your Honor.

18 THE COURT: All right. Welcome back, Madam
19 Forelady and members of the jury. I shared this note
20 with you all in the jury room and I told you I'd share it
21 with the lawyers. I've got to share it on the record.

22 And the question is: What did Mr. Gaskins say
23 to Mr. Sydney Williams? In his testimony Mr. Williams
24 stated that Mr. Gaskins had said he would do this and
25 this when they were standing by the car. I would like to

1 know what is this and this, Juror Number 21.

2 And I explained to the jury, I told the lawyers
3 and I'll tell y'all for the record, on the way you wonder
4 and then you'll know. Wait until all the testimony is
5 in. Don't worry about any questions. Wait until you
6 hear the State argue, Mr. McCulloch argue, I tell you
7 what the law is and together, collectively, y'all will be
8 able to make a fair and just decision. But don't get
9 ahead of yourselves. On the way we'll wonder and then
10 we'll know. Wait until the end and then if you have any
11 questions, I'm here to receive it or help you out in any
12 way.

13 But with that in mind -- but I appreciate this
14 in that y'all are paying strict and close attention which
15 is what everybody wants in this case. We all want a fair
16 and just verdict. And obviously y'all were paying
17 attention, so I thank you for that.

18 With that in mind, unless there's any exceptions
19 to the words I just gave to the jury, I will invite Mr.
20 Meadors to continue with his direct examination of
21 Investigator Isenhoward.

22 MR. MEADORS: May it please the Court.

23 THE COURT: Yes, sir.

24 DIRECT EXAMINATION CONTINUES

25 BY MR. MEADORS:

1 Q After initially getting consent to search 52
2 Riverview Court, was that consent taken away and you
3 got a search warrant?

4 A Yes, sir, we got a search warrant.

5 Q And what relationship, if any, did your
6 investigation reveal between Ms. Peak and Ms. Sykes?

7 A I know that Ms. Sykes is the, I guess, primary
8 homeowner or resident of the location and that the
9 blue Impala is hers basically, owned by her mother
10 but she drives it.

11 Q Okay. And y'all got a search warrant for the 52
12 Riverview Court?

13 A Yes.

14 Q Okay. Y'all, Richland County Sheriff's office.
15 What about the Impala? Was a search warrant
16 obtained for the Chevrolet Impala?

17 A We obtained a search warrant to take the Chevrolet
18 Impala, yes.

19 Q And take us out there, if you would, at 52 Riverview
20 Court while all this was going on, Investigator.
21 Once y'all arrived, what if anything was done with
22 the Impala?

23 A The only thing we did was we secured it. We didn't
24 enter it. We secured the home. In the interim
25 between removing ourselves from the home and getting

1 the search warrant, we secured the house, the
2 vehicle. In other words, nothing left or got into
3 either one.

4 When we got the search warrant, we searched the
5 home and the vehicle was actually towed from the
6 location to the Sheriff's office.

7 Q And showing you what's marked State's 150, appears
8 to be a document in the back of the seat. Was there
9 documentation found from the search warrant of the
10 vehicle that had some correspondence from Mr.
11 Gaskins in it?

12 A Yes, sir.

13 Q And was that located in this envelope?

14 A Yes.

15 MR. MEADORS: Your Honor, State's 150, I believe
16 without objection.

17 (Whereupon, State's Exhibit Number 150,
18 Photograph of Documentation in Blue Chevy
19 Impala, was admitted into evidence.)

20 Q In addition to that, I'm going to show you what's
21 marked State's 149. Do you recognize that?

22 A Yes, I do.

23 Q Is that also documentation with Mr. Johnnie Gaskins'
24 name on it that was in the Chevrolet Impala?

25 A On the driver's side.

1 MR. MEADORS: And that's State's 149, I believe
2 without objection.

3 (Whereupon, State's Exhibit Number 149, South
4 Carolina Department of Motor Vehicles Report,
5 was admitted into evidence.)

6 Q Where did the Impala go after it left 52 Riverview
7 Court, if anywhere?

8 A It was towed on a roll back and escorted to the
9 Richland County Sheriff's Department forensic garage
10 where it was maintained and searched later.

11 Q Who would have had access to -- access to it prior
12 to the forensic team looking at it?

13 A Just the forensic supervisors and the head of the
14 criminal investigative division.

15 Q So is that's a place where -- it's a secured a
16 facility?

17 A Yes. I don't have access to it.

18 Q You say you do not?

19 A No, sir.

20 Q What relationship if any did your investigation of
21 52 Riverview Court reveal about Ms. Sykes and the
22 Defendant, if anything?

23 A They were romantically involved.

24 Q And finally, before we move from there, what results
25 if any did your investigation reveal about a Ausha

1 Allen?

2 A Ms. Allen was a neighbor to 52 Riverview Court. We
3 spoke with her asking her, you know, whether or not
4 she had seen Mr. Gaskins there. She did know that
5 he, I guess, came to the house.

6 Q Let me ask you this. Did she have access to the
7 Impala?

8 A Yes, she did.

9 Q And as a result of that, what if anything request of
10 her?

11 A We checked her fingerprints.

12 Q How -- did you -- did you ever get the keys to the
13 Impala?

14 A Yes, we did.

15 Q Where did you get them from?

16 A We got them from Ms. Peak who was at the house when
17 we got there. I believe she's the niece of Ms.
18 Sykes.

19 Q Was all of this still on February 5th?

20 A Yes, sir.

21 Q And -- and what time was the search warrant executed
22 on the 5th, just for timeline purposes?

23 A Let's see here.

24 (Pause.)

25 A It would have been around noon I believe. I don't

1 have that -- let's see, yeah, 1 -- 1:15.

2 Q Now, moving on to the 6th, were you still looking
3 for the Defendant? And if so, what did you do to
4 try to find him?

5 A I was still -- yes, I was still looking for him. I
6 went back to 425 Lyndhurst to try and make contact
7 with either him or family members. And ---

8 Q Were you able to find him on the 6th?

9 A No.

10 Q What if anything did the investigation reveal about
11 Ms. Houston, one of the victims here?

12 A That she, despite the initial indication, she was
13 actually recovering from her wounds.

14 Q On to the 7th, Investigator, what if anything did
15 you do that day?

16 A Again, I went back to Lyndhurst. I left another
17 card and I then went and met with Quinten Harris,
18 one of the other victims.

19 Q And did Mr. Harris give a statement?

20 A He did.

21 Q And sometime that day, did you talk with the
22 Defendant and/or his parents as far as turning
23 himself in?

24 A Yes. Mr. Gaskins' parents called me. Like I said,
25 I had left my card and we arranged for ---

1 Q Strike that. I said on the -- did you call them on
2 the 7th?

3 A Yes.

4 Q Moving ahead to the 9th, did you receive a call from
5 the parents? I apologize.

6 A Yes, I did. They indicated -- we arranged for Mr.
7 Gaskins to come in.

8 Q On February 9th?

9 A Yes.

10 Q And up to the 9th, I think there's been some
11 testimony about it, there was a BOLO -- what's a
12 BOLO?

13 A Be on the lookout for.

14 Q Was information put out that Mr. Gaskins was wanted,
15 the Defendant?

16 A Yes, both internally, law enforcement, you know,
17 within law enforcement and media releases to the
18 general public.

19 Q Now, I believe on the 12th you got information about
20 Mr. Lyles?

21 A Yes, I learned that the second person who had been
22 escorted out by security just prior to the shooting,
23 was actually in handcuffs, was a man named
24 Christopher Lyles and that later after the shooting
25 Mr. Lyles had been involved in a traffic accident in

1 Fairfield County. During that law enforcement
2 response, a firearm had been recovered in the
3 vehicle that Mr. Lyles was driving.

4 Q I skipped over my notes. But back to the 7th,
5 February 7th, did you have occasion to speak with
6 Ms. Sykes?

7 A Yes, sir. I went back to Riverview Court and met
8 Ms. Sykes.

9 Q As a result of that, were you able to determine
10 whether or not Ms. Sykes was even in town on
11 February 4th of 2007?

12 A She was in Miami, Florida.

13 Q Now, there's been testimony from a fellow named
14 Epsil Palmer?

15 A Yes, sir.

16 Q Did you have an occasion to speak to Mr. Palmer and
17 show him a photo lineup?

18 A Yes, sir. On February the 13th, I met with Mr.
19 Palmer.

20 Q All right. And where was that?

21 A I believe at the Richland County Sheriff's
22 Department.

23 Q And can you tell the ladies and gentlemen of the
24 jury, what if anything did you tell Epsil Palmer
25 prior to showing him the lineup?

- 1 A Nothing.
- 2 Q And did you try to -- did you cheat and try to tell
3 him to pick out somebody?
- 4 A No, sir.
- 5 Q Did you indicated in any form or fashion who he
6 should pick out?
- 7 A No.
- 8 Q And did he look at what's marked State's 9?
- 9 MR. MEADORS: If I could approach. I apologize,
10 Judge.
- 11 THE COURT: Yes, sir.
- 12 Q Did he look at State's 9?
- 13 A Yes, he did.
- 14 Q And what is State's 9?
- 15 A It's a photographic lineup. It's a little different
16 from some of the others. Just out of an abundance
17 of caution, we changed it up a little bit and I
18 showed him this set of photographs.
- 19 Q Was he able to pick out anybody?
- 20 A Yes, he was.
- 21 Q Who did he pick out?
- 22 A A picture of Mr. Gaskins.
- 23 Q And did he indicate that he had picked that out?
- 24 A Yes, he did.
- 25 Q How?

1 A He circled it, put his initials in it and then
2 signed a affidavit portion which is notarized.

3 Q And what date was that?

4 A That was on the 13th of February.

5 Q And Epsil Palmer, Investigator Isenhoward, picked
6 out -- got John Gaskins as what?

7 A He identified him as the man who was escorted out of
8 the club, who was escorted to a blue Impala and that
9 was the only man in the Impala when shots came from
10 the vehicle and the vehicle drove off.

11 MR. MEADORS: Your Honor, State's 9. It's
12 already in.

13 Q Did you get the gun that Mr. Christopher Lyles had
14 submitted for...

15 A Yes, sir.

16 Q To be looked at?

17 A I got that from the Fairfield County Sheriff's
18 office where it was being stored and took it to the
19 Richland County Sheriff's office.

20 Q And I believe there was also some other information
21 that came up through the investigation about another
22 gun?

23 A Yes, sir.

24 Q And did you submit that?

25 A Yes, sir, I did.

1 Q And was that from the Perry Police Department?

2 A Yes, sir. We received it from the Perry Police
3 Department which was in Aiken County, South
4 Carolina.

5 Q Did you receive some other common information from a
6 fellow named Pickney?

7 A We received some information that we needed to --
8 that said that Mr. Pickney was ---

9 MR. MCCULLOCH: Your Honor, I'm going to object
10 to hearsay, hearsay objection.

11 Q As a result of your investigation, did Mr. Pickney
12 give you any other information that he was involved
13 in this whatsoever?

14 A Yes.

15 Q That he was involved in this whatsoever?

16 A No, we didn't have anything else that confirmed
17 that.

18 Q As a matter of fact, as a result of your
19 investigation, where was Mr. Pickney when this
20 happened?

21 A Atlanta, Georgia.

22 Q Atlanta.

23 MR. MEADORS: Beg the Court's indulgence.

24 THE COURT: Yes, sir.

25 (Pause.)

1 Q Was there any information during the course of your
2 investigation that that 40 caliber from the Perry
3 Police Department was even at the club that night?

4 A No.

5 Q Now, did you ever find the weapon that -- or find a
6 weapon that would have fired the projectile that
7 matched the casings that you did find? Did we ever
8 find the murder weapon?

9 A No. No, we did not.

10 Q And looking at State's 137, did you take what's
11 called a buccal or buccal swab from the Defendant?

12 A Yes, I did.

13 Q So it later could be tested against other potential
14 evidence?

15 A Yes, I did.

16 MR. MEADORS: 137, I believe without objection,
17 Your Honor.

18 (Whereupon, State's Exhibit Number 137, Two
19 Buccal Swabs from the Defendant, was admitted
20 into evidence.)

21 Q And is the Defendant next to Mr. McCulloch
22 (indicating) the man whose parents called and said
23 they were turning him in on February 9th, 2007,
24 Johnnie Gaskins?

25 A Yes, he is.

1 MR. MEADORS: That's all we have, thank you.

2 THE COURT: Mr. McCulloch.

3 MR. MCCULLOCH: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. MCCULLOCH:

6 Q Investigator Isenhoward, on the night that you got
7 this call about 1 in the morning, did you know where
8 the 360 Club was?

9 A Did I know where it was?

10 Q Yeah.

11 A Yes.

12 Q I mean, you know of the club?

13 A I mean, I had never been there before on any kind of
14 calls but I knew about where it was at, yes.

15 Q Did you know that they had people who pat you down
16 at the front door to check for guns?

17 A I didn't know. I don't know that.

18 Q Well, when you got there, the scene for the jury was
19 what, a lot of confusion?

20 A Yes, sir. There was a number of people moving
21 about.

22 Q Cars and people going every direction?

23 A Yes, emergency vehicles filing in.

24 Q And you were not the first officer. There were
25 several other police officers there from your

1 department?

2 A Yes and others.

3 Q E M S you said. The parking lot, would you say, is
4 not very well lit?

5 A There's light in the parking lot.

6 Q Okay. Is it well lit then, in your opinion?

7 A I mean, it's not daylight but, I mean, there's
8 lighting in the parking lot, yes.

9 Q Were there still cars parked in the parking lot?

10 A Yes.

11 Q Rows of cars?

12 A Yes, it -- there were cars in the parking lot. I
13 don't recall how many.

14 Q So as you got out of your vehicle, you, I think you
15 testified, made your way in to this club, not sure
16 whether maybe the shooter was still there?

17 A Yeah, I wasn't sure in a -- you get information
18 while you're in route but you're not positive about
19 the reliability so you take all the precautions you
20 need to.

21 Q Part of the information was shots fired inside?

22 A At that club.

23 Q Now, even with all OF that confusion, you were able
24 to notice shell casings in the parking lot as you
25 walked in with your gun drawn and -- is that right?

- 1 A Yes, sir.
- 2 Q And so you got inside and walked the perimeter or
3 walked the interior and the first people you talked
4 to upon arriving were who?
- 5 A Other officers, other deputies.
- 6 Q And somebody directed you to Mr. Williams, is that
7 right, Sydney Williams?
- 8 A Yes. Yes.
- 9 Q Where was he when you got there, when you were, you
10 know, taken to him or he was brought to you?
- 11 A He was brought to me. It was in -- I believe that
12 Deputy Owens had him.
- 13 Q And he was still in handcuffs?
- 14 A I don't recall.
- 15 Q And you learned from Deputy Owens that he had been
16 seized and cuffed by the security guard?
- 17 A Yes.
- 18 Q Mr. Williams seemed frightened?
- 19 A Yeah, I mean, there had just been a shooting at the
20 club.
- 21 Q And he was handcuffed?
- 22 A I don't recall if he was handcuffed at that time.
23 He had been handcuffed by security.
- 24 Q You know whether security was angry when they cuffed
25 him?

1 A I'm not sure.

2 Q You know whether they threatened him?

3 A I didn't get -- I didn't receive any information
4 that he had been threatened.

5 Q But you did receive information from him that he
6 identified for you the person who he said had been
7 the shooter?

8 A Yes.

9 Q As Mr. Gaskins?

10 A Yes.

11 Q And he told that Mr. Gaskins was a good friend of
12 his?

13 A Well, I don't know if he used those words. They
14 were that he knew him and he was friends with him.

15 Q Okay. I'm sorry, I apologize. I thought those were
16 your words earlier, but friend with him. So
17 certainly at that point you -- you took the cuffs
18 off of him, right? Or were the cuffs on or off at
19 this point, that you were talking ---

20 A Like I said, he came to the Sheriff's office with
21 me. He wasn't in handcuffs when I had him.

22 Q So from your conversation there, you put him in the
23 car and took him to the Sheriff's Department?

24 A Yes.

25 Q All right. Well, on the way did you say, how about

1 show me where Johnnie Gaskins stays?

2 A No, sir.

3 Q Well, why not, they're friends, maybe good friends?

4 A Yes, sir. Well, first and foremost, I have to talk
5 to him. I have to determine the reliability of what
6 he's telling me, you know. If it doesn't match up
7 with everything that we learned from the rest of the
8 scene, with the rest of the witnesses, before I go
9 out and approach someone based on information. Now
10 once I did talk to him once he was at the Sheriff's
11 office and he gave me a sworn statement, and that
12 statement matched the same thing the other witnesses
13 were saying, then I go out and I approach somebody
14 and confront them.

15 Q Now, the other witnesses were the employees that you
16 had put in a segregated area in the back of the
17 club?

18 A Some of those, some of them were.

19 Q Well, so you got to the Sheriff's Department, I
20 mean, apprehending the suspect that at that point
21 had been identified, was not like the most important
22 thing to do at that point?

23 A Well, in order to apprehend him, you have to have
24 probable cause. So I'm trying to establish that.

25 Q All right. And as soon as you compared Sydney's

1 version of events with whatever else you compared it
2 with, is that when you threw him in the car -- put
3 him in the car and drove right to where he would
4 have known -- presumably would have known Mr.
5 Gaskins lived or stayed?

6 A No, sir. I -- I had information based upon my own
7 records where he stayed.

8 Q Where you checked the driver's license info and got
9 an address?

10 A Among other things, yes.

11 Q Did -- you talked with several other people at the
12 club that night?

13 A Yes, sir, I did.

14 Q The -- Mr. Davis, Lamont Davis, I think in the
15 information provided to us, he told you that the
16 person who had done the shooting had a goatee?

17 A He may have, I don't recall every detail of the
18 statement but I can ---

19 Q Well, if you could take my word for it. The --
20 there was another witness who told you that the
21 shooter had braids or cornrows, do you remember
22 that?

23 A It's possible, rolls of some sort.

24 Q I mean, you've been in the courtroom the entire
25 trial?

1 A Yes, sir.

2 Q The -- you did obtain a driver's license photograph
3 of Mr. Gaskins that night or the next morning,
4 didn't you?

5 A Yes.

6 Q And that was the same driver's license that -- based
7 on the records, this record, 149, State's Exhibit
8 149, that document established that Mr. Gaskins had
9 gotten a new license on January 24th, is that right?

10 A January 24th, yes.

11 Q 24th?

12 A Yes, sir.

13 Q So about, well, 24 to February 5th. I'm not very
14 good at math, that's why I'm a lawyer. But how many
15 days is that roughly?

16 A A couple of weeks.

17 Q And that photograph of him, the one you got, showed
18 him to have hair about like your hair, didn't it?

19 A It did. I'm not -- I'm not sure when that
20 photograph was taken, if they renewed the photograph
21 on that picture.

22 Q You don't know whether when you have your new
23 license done that they retake the photo?

24 A Well, you don't have to have your photo taken.

25 Q Well, when arrangements were made for Mr. Gaskins to

- 1 come and see you ---
- 2 A Yes, sir.
- 3 Q --- to be charged, he looked more like you than he
- 4 does today, didn't he, hair-wise?
- 5 A His hair certainly wasn't as long as it is now.
- 6 Q Didn't have cornrows, didn't have braids, did it?
- 7 A I don't think so.
- 8 Q But all the lineups are of braided individuals,
- 9 right, State's 20?
- 10 A Yes, sir.
- 11 Q State's Exhibit 5?
- 12 A Yes, sir.
- 13 Q State's Exhibit 17?
- 14 A Yes, sir.
- 15 Q State's Exhibit 21?
- 16 A Yes, sir.
- 17 Q Six?
- 18 A Yes.
- 19 Q Eight?
- 20 A Yes.
- 21 Q 10?
- 22 A Yes.
- 23 Q You were not aware of Mr. Christopher Lyles that
- 24 night of your investigation, were you, the night of
- 25 the 5th?

1 A No, I wasn't sure who he was.

2 Q And you learned after the 5th that he in fact had
3 been in the bar and been thrown out of the bar?

4 A Yes, sir.

5 Q And you learned that he was found later on the 5th
6 after the shooting with a handcuff on one arm and a
7 gun in his car?

8 A Yes, sir.

9 Q And did you -- you talked with Mr. Lyles?

10 A Yes, sir, I did.

11 Q Did you determine whether -- determine whether he
12 owned any other guns? When I say other, I mean
13 other than the pistol, one of these, which is either
14 47 or 50, I'm sorry.

15 A The one in your right hand.

16 Q 50?

17 A Yes.

18 Q Did you determine whether he owned any other guns?

19 A No, sir, we did not.

20 Q Was Mr. Lyles, since he was apprehended early
21 morning hours of February 5th after the shooting,
22 was he G S R, gunshot residue tested?

23 A No, sir. Again, I didn't know who he was at that
24 point in time. I believe his arrest was for D U I so
25 it's not standard procedure.

1 Q Was he ever put in one of these other photo lineups?

2 A It was -- it was clear from all the witnesses that
3 he was not the person involved in the shooting based
4 on their statements.

5 Q Well, it was clear to you. Your investigation
6 focused on one person, right?

7 A My investigation focused on the crime and anybody
8 who could have committed it and the information that
9 we received pointing towards Mr. Gaskins.

10 Q The -- in securing the scene, did you -- did you ask
11 your officers to make certain that they had
12 collected all the firearms from all the security
13 guards?

14 A No, sir. Obviously, during the investigation we
15 learned that one of the security guards had fired
16 his weapon. We did collect that firearm. None of
17 the witnesses, no one else there present at the
18 scene indicated that any of the other officers had
19 fired their gun. So there was no reason for me to
20 collect their firearms.

21 Q So you just took the off -- the security officer's
22 word for it?

23 A No. There were civilian witnesses there.

24 Q Did you determine how many security guards had guns?

25 A I believe -- I don't recall an exact number to give

1 you right now.

2 Q Mr. Palmer, I think he told you or told an officer

3

4 A Yes.

5 Q --- that he had a gun?

6 A Yes, sir, he did.

7 Q Nobody tested that?

8 A I did not test it.

9 Q Now, at some point after this, you were provided
10 with the information that Mr. Meadors asked you
11 about a moment ago about the Perry -- where is
12 Perry?

13 A Apparently it's in Aiken County. I've never been
14 there.

15 Q Perry Police Department called your department to
16 report that they had two fellows named Dixon and
17 Vancito Watkins who had a 40 caliber Fabrique
18 Nationale gun that they had gotten from their cousin
19 at 360?

20 A Bear with me, let me review my notes specifically.

21 Q I think that's on page eight of nine on your
22 investigative report, 2/16/07.

23 A Okay. Yes, sir.

24 Q All right. Did you ever go see Mr. Dixon and Mr.
25 Watkins to talk to them about it?

- 1 A Again, based on the investigation, there were no
2 witnesses or no indications that either one of these
3 men were present at Club 360 during the shooting.
4 The firearm itself was collected, tested, proved not
5 to be involved with the shooting. So, no, we didn't
6 go any further with that.
- 7 Q But you never -- but, I mean, the answer to my
8 question is, no, I didn't talk to Ryan Dixon or Mr.
9 Watkins, the two people in possession of this gun?
- 10 A I just answered your question, sir.
- 11 Q You did not talk to them?
- 12 A No.
- 13 Q You didn't talk with the cousin that they told the
14 Perry Police they got the gun from?
- 15 A No.
- 16 Q And you were here when Mr. Collins testified that he
17 really couldn't eliminate that weapon as having
18 fired some of these bullets?
- 19 A That's not what I took from the testimony.
- 20 Q Now, you were also present at the -- well, let's
21 see, first, you -- you learned from someone, not Mr.
22 Williams, to go to Lyndhurst Drive where Mr. Gaskins
23 lived with his parents?
- 24 A Yes, sir.
- 25 Q And then from there you went to 53 (sic) Riverview

1 Court as I think you testified?

2 A Yes, sir.

3 Q And ---

4 A I believe it's 52.

5 Q I'm sorry?

6 A 52.

7 Q Is it 52? I apologize. And when you got there, you
8 found, I think you testified, Ms. Peak had the keys
9 to the car?

10 A Yes.

11 Q Officers were all ready at the scene when you
12 arrived?

13 A They were not -- they had not made contact with
14 anyone. They were nearby watching the vehicle so
15 that it didn't leave.

16 Q The automobile once -- once it was seized and
17 searched, you found or your technicians, your crime
18 scene experts, found evidence of blood in the
19 interior of the vehicle, is that right?

20 A I don't know. I didn't conduct any test on any of
21 the stains. I know that there was a napkin of some
22 sort that appeared to have some blood in it.

23 Q Well, like night follows the day, blood usually
24 means somebody had an injury, doesn't it?

25 A Not necessarily.

1 Q Well, when Mr. Gaskins came to see you to speak with
2 you about this, he didn't have any injury, did he?

3 A No, I didn't observe any injuries to him.

4 Q And these -- any idea why the bloody tissue was not
5 sent for D N A analysis for matching to whoever it
6 might belong to?

7 A What I observed did not appear to be as a result of
8 some kind of traumatic injury. It was -- looked
9 like a tissue with a little spot of blood on it. It
10 wasn't consistent with any kind of violent wounds or
11 anything like that.

12 Q And again, would it be consistent with perhaps a
13 ricochet or something? You're certainly not a
14 doctor, I know ---

15 A No, sir, I am not.

16 Q The -- in and about the car -- the vehicle itself,
17 you would agree that the windows all the way around
18 are tinted?

19 A They are tinted.

20 Q Did you determine whether they are tinted to a legal
21 extent or to an illegal extent?

22 A I did not conduct any test to determine that.

23 Q Well you would agree with me that standing outside
24 and trying to look in through those windows is
25 pretty darn hard, isn't it?

1 A If they're up.

2 Q Even in the daytime?

3 A If the windows are up, yes.

4 Q Do you know whether the back windows go all the way
5 down or do they only go half way down?

6 A I'm not sure. I'm not sure, sir.

7 Q Several witnesses told you that the best opportunity
8 to see who was shooting from the automobile was
9 obscured in part by windows in the back of that
10 automobile?

11 A (Affirmative response.)

12 Q Now, you testified that the murder weapon was never
13 found?

14 A Yes, sir.

15 Q Well, is it possible you had the murder weapon and
16 in the 40 caliber FN and returned it?

17 A Based on our ---

18 Q To the Perry Police Department -- I'm sorry.

19 A Based on our tests, it was not consistent with the
20 evidence we had at the scene.

21 Q All right.

22 MR. MCCULLOCH: That's all I have, thank you.

23 THE COURT: Anything on redirect?

24 MR. MEADORS: Just briefly.

25 REDIRECT EXAMINATION

1 BY MR. MEADORS:

2 Q Mr. McCulloch asked you about when you arrived,
3 about some markings or shell casings. When you
4 arrived, were they already marked?

5 A They were there. I'm not sure if they were marked
6 but, you know, part of my job is to pay attention
7 and look for things like that.

8 Q And did you acquire during the course of your
9 investigation how long the Impala had been at 52
10 Riverview?

11 A It had made it there sometime in the morning.

12 MR. MEADORS: Can we approach?

13 THE COURT: Yes, sir.

14 (WHEREUPON, a bench conference was held off
15 the record, in the presence of the jury, but out
16 of the hearing of the jury.)

17 Q Do you have in your file with the Defendant's
18 driver's license photo?

19 MR. MEADORS: Beg the Court's indulgence.

20 THE COURT: No, take your time.

21 (Pause.)

22 A It looks like the driver's license photo from
23 Mr. Gaskins was here. I have a portion of it, I
24 don't have the photograph.

25 MR. MEADORS: Your Honor, it's coming. Beg the

1 Court's indulgence.

2 THE COURT: Yes, sir.

3 (Pause.)

4 MR. MEADORS: Should be here momentarily. I
5 apologize.

6 THE COURT: What does that mean, momentarily?

7 MR. MEADORS: Sir?

8 THE COURT: What does that mean?

9 THE COURT: What does that mean?

10 (Pause.)

11 THE COURT: We're waiting on something to arrive
12 momentarily, members of the jury. Is that five minutes,
13 10 minutes?

14 MR. MEADORS: Should be here any second.

15 THE COURT: I get my watch back today.

16 (Pause.)

17 MR. MEADORS: The State's ready. Thank you.

18 THE COURT: You showed it to Mr. McCulloch?

19 MR. MEADORS: Sure, Your Honor.

20 (Pause.)

21 MR. MEADORS: Subject to some redactions.

22 THE COURT: Why don't we introduce it and you
23 can redact it later.

24 MR. MEADORS: There's some redaction that needs
25 to be done and ---

1 THE COURT: Introduce it and we'll redact it.
2 Don't publish it.

3 REDIRECT EXAMINATION

4 CONTINUES BY MR. MEADORS:

5 Q Now, Mr. McCulloch was asking you about the photo
6 lineup. When the photo lineup was put together, you
7 didn't have a picture of the South Carolina driver's
8 license photo, did you?

9 A No, sir.

10 Q So you weren't able to use that then, were you?

11 A That's right.

12 Q Now I'm showing you what's marked State's 152 and
13 State's 151. Do you recognize these?

14 A Yes, I do.

15 Q You recognize both of them?

16 A Yes, sir.

17 Q And what is that?

18 A Additional photographs of Mr. Gaskins.

19 Q And is this 152, subject to redaction, a picture of
20 -- can you tell when that was taken, if you will?

21 A I can't say specifically when the photograph was
22 taken. I can just say that the license was issued
23 -- and again, it just depends on how it happens at
24 the D M V.

25 Q And 151, can you -- when was that taken?

1 A I have no idea.

2 Q Would that be consistent with his booking picture,
3 or do you know?

4 A It could be, yes.

5 MR. MEADORS: State's 151 and 152, I believe
6 without objection.

7 THE COURT: Subject to ---

8 MR. MCCULLOCH: Subject to.

9 (Whereupon, State's Exhibit Number 151, Booking
10 Photograph of the Defendant, was admitted into
11 evidence.)

12 (Whereupon, State's Exhibit Number 152, Driving
13 Record of the Defendant, was admitted into
14 evidence.)

15 THE COURT: Anything on recross?

16 REXCROSS-EXAMINATION

17 BY MR. MCCULLOCH:

18 Q The two photographs of Mr. Gaskins that you've just
19 seen, State's 152 which is a 10 year driving record.

20 A Yes, sir.

21 Q That's the way he looked when he came to the
22 Sheriff's Department to talk to you about this -- to
23 turn himself in about this incident?

24 A His hair was longer than that. It's not saying it
25 was in rolls or anything but a little longer than

1 that.

2 Q So if it was longer than that ---

3 A A little bit, yes.

4 Q And yet State's 151 is the way he looked when he
5 walked into the Sheriff's Department?

6 A Yes, sir.

7 Q And to you there's a difference?

8 A Yes, sir.

9 Q Okay.

10 MR. MCCULLOCH: That's it, Your Honor, thanks.

11 THE COURT: Anything further.

12 MR. MEADORS: That will do it.

13 THE COURT: You may step down, sir.

14 (The witness leaves the witness stand.)

15 MR. MEADORS: Beg the Court's indulgence.

16 THE COURT: Yes, sir.

17 (Pause.)

18 MS. MCDUFFIE: Your Honor, at this time the
19 State of South Carolina rests.

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

21 Members of the jury, we've come to the point in
22 this trial where I need to take up a matter of law with
23 the attorneys involved. And once again, the only way
24 that I can do that is in your absence.

25 I'm going to send you to the jury room briefly.

1 May bring you out, may send you home, I haven't decided
2 yet. Just don't talk about the case. I'll let you know
3 momentarily.

4 (The jury retires from the courtroom at
5 approximately 3:50 p.m.)

6 THE COURT: Y'all sure, anything further at all?

7 MS. MCDUFFIE: Yes, Your Honor.

8 THE COURT: You sure, yes or no? Yes, there is
9 nothing further?

10 MS. MCDUFFIE: There is nothing further, Your
11 Honor.

12 THE COURT: All right, thank you. You want to
13 make your motions now, Mr. McCulloch?

14 MR. MCCULLOCH: Yes, Your Honor.

15 THE COURT: All right, go ahead.

16 MR. MCCULLOCH: Your Honor, I would renew the
17 previous motions including the motion for a mistrial
18 which was denied. I respect the determination of the
19 Court to strike the testimony and to instruct them.

20 I would move for a directed verdict on the basis
21 of the insufficiency of the evidence. I will not recount
22 it. The Court has heard it and I would respect your
23 ruling.

24 THE COURT: All right. Well, I think enough
25 evidence is in to make it a jury question. And I think

1 12 people from Richland County should resolve this
2 matter.

3 Anything further?

4 (No response.)

5 THE COURT: And as to all previous motions,
6 they're renewed with the same ruling, just in case we
7 missed something.

8 Does the -- Mr. Gaskins intend to present any
9 evidence?

10 MR. MCCULLOCH: Your Honor, at this time I think
11 it would be appropriate for you to have that ---

12 THE COURT: Okay.

13 MR. MCCULLOCH: --- colloquy with him. It is my
14 understanding that Mr. Gaskins does not intend ---

15 THE COURT: Okay, that's fine. Yeah, stand up
16 Mr. Gaskins. Would you raise your right hand.

17 (The Defendant was first duly sworn.)

18 THE COURT: Now, I'm going to read you -- we'll
19 it's about a page and a half of questions and
20 explanations. I ask that you listen carefully, okay. At
21 any time, I'll repeat it for you but I think even what
22 I'm going to read to you says I'll repeat it to you.

23 So you're Johnnie Gaskins. Now, Mr. Gaskins, at
24 this time I'm going to explain to you certain of your
25 rights. If you do not understand anything I say, please

1 tinted. And one person testified that the person was
2 reclining in the chair of the seat with the seat back as
3 far back as it would go. And this is one of the
4 photographs you'll have, Exhibit 115 (indicating), which
5 shows a seat back, way back. Now I don't think anybody
6 testified that this was the position of the seating when
7 the vehicle was located by police, you have only a
8 photograph.

9 These witnesses had a fleeting opportunity under
10 the worst circumstances, night, occupied with a struggle
11 apparently, from the ground or in the midst of falling to
12 the ground, scant seconds to make an identification, yet
13 they have no difficulty in making an identification of
14 Johnnie Gaskins.

15 And what is most interesting, if you pause to
16 reflect about these identifications, is the fact that one
17 of the witnesses said the person had a goatee. Another
18 witness said, I think, and I stand to be corrected by
19 your collective memory, that the shooter had braids or
20 cornrows or certainly hair that was not what could be
21 called, I guess, tight.

22 You do have in the record the testimony and two
23 exhibits, 152 and 151, which is the driver license
24 photograph of Mr. Gaskins which I think the witness, Mr.
25 Isenhoward, testified that he looked like that.

1 Certainly, the other photograph of Mr. Gaskins when he
2 came to the police department and learned he was as
3 suspect.

4 Now, this is the person that Mr. Gaskins was on
5 February the 5th. Yet, what was shown to all of these
6 folks were these lineup photographs of the fellow with, I
7 guess you call them braids. I guess if they were longer
8 they'd be dreadlocks. But I haven't had hair long enough
9 to do this since college. But this is the identification
10 platform, the identification vehicle that you're asked to
11 rely upon.

12 You heard the testimony of Mr. Christopher Lyles
13 that was arrested later that night, I think the testimony
14 was, for drunk driving and was found to have at least one
15 of these two guns on him, with him, and I think the
16 testimony was he had handcuffs on him from the problem he
17 had at 360 earlier.

18 Now, Mr. Lyles, as you may recall looked
19 remarkably like he should have been in that lineup, only
20 Mr. Lyles was never put in a lineup. Mr. Lyles, even
21 though he was apprehended that night had a connection to
22 these events, was never asked to submit to a gunshot
23 residue test. You can't know whether Mr. Lyles' vehicle
24 was searched because we don't know anything about the
25 circumstances of that other than what was testified to

1 here. So we can't know what other guns he owns or
2 whether there were other weapons in his vehicle,
3 whoever's vehicle he was in when he was apprehended later
4 that evening. We only know that the investigation really
5 did not pursue him or even include him among the range of
6 suspects. We do know that Mr. Lyles conveniently has
7 amnesia. He couldn't tell you what he was up to, where
8 he was or what he did. No memory whatsoever of that
9 evening, but he was there and something happened.

10 You know, we talk among lawyers about
11 investigative tunnel vision. It is something that occurs
12 when you make up your mind or have a predisposition when
13 things begin to work out in a specific direction. And
14 that's why you are here. Mr. Lyles could have been put
15 in one of these lineups. Heck, he could have been used
16 just because he certainly resembled the other five
17 photographs that he would have been in there with. That
18 wasn't done.

19 There are other things that you heard in
20 testimony that are somewhat confusing. You heard one
21 witness say there were two sets of gunfire. You heard a
22 lot of expert testimony and we're going to work our way
23 through that. The science, all the king's horses and all
24 the king's men stuff, that's what our dollars are used
25 for, to equip law enforcement with the best tools that

1 money can buy, the best tools that science can invent and
2 envision so that you can be sure beyond a reasonable
3 doubt.

4 You know, you saw a diagram fleetingly. This
5 nice diagram, I think it was testified that this was
6 created by Mr. Tabor who is sitting over there, works for
7 the Solicitor's Office, who was not at the scene of the
8 crime. He just happens to have been excelled in high
9 school in mechanical drawing.

10 The diagram done by the police that night by the
11 crime reconstruction team you don't have. You saw it
12 fleetingly. You've got other scientific evidence.
13 You've got these labs. You would wonder -- I think the
14 question was asked, why not put this photograph
15 (indicating) of Mr. Gaskins, this Exhibit 152, the
16 driver's license photo, why not put that in there, if
17 you're trying to get the guy that was at the club that
18 did the shooting. I think the testimony was, we couldn't
19 get that photograph, from the investigating officer.
20 Well, what do you think, can the police get a photograph?
21 And why not? Other than the fact that the shooter --
22 that a witness had said the shooter had braids so we went
23 with the braids (indicating).

24 The video. Again, we can put a man on the moon
25 but what you're given is a three minute video, incomplete

1 MS. MCDUFFIE: They just need to keep it plugged
2 up because the battery's not great.

3 THE COURT: Well, she can tell them that. Mr.
4 Bowen is out there, the Bailiff. And we have told
5 somebody to go stand there to make sure nothing happens.

6 (Pause.)

7 THE COURT: Mr. McCulloch, you need to renew all
8 your motions?

9 MR. MCCULLOCH: Yes, sir.

10 THE COURT: What ---

11 MR. MCCULLOCH: The same motion that we made at
12 the conclusion of the State's case, we would now renew at
13 the conclusion of the Defense case when we rested. I
14 outlined those before, Your Honor. I will not outline
15 them again.

16 THE COURT: That's fine. I think you're
17 protected, after their case, I think you've done it
18 twice. If you haven't, let the record reflect he made
19 all the appropriate motions at the appropriate time and
20 the same decisions apply that I've made earlier, that is
21 the rulings.

22 And now we need to revisit your three
23 objections, I do believe.

24 Go ahead.

25 MR. MCCULLOCH: With some ---

WITNESSES

(S) Isenhoward - RCSD ✓

AMENDED
DOCKET NO. 2008-GS-40-1632

The State of South Carolina
County of Richland

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

hereby appear in my own proper person and plead guilty to the within indictment or to

J555981

ARREST WARRANT NUMBER,

52
July TERM 2008

COURT OF GENERAL SESSIONS

THE STATE
vs.

Defendant

Witness:

C.C.C. PLS. AND G.S.

ACTION OF GRAND JURY

TRUE BILL

Johnnie Gaskins

[Signature] SEP 16 2009

Foreperson of Grand Jury
Date:

VERDICT

Indictment for

ASSAULT AND BATTERY
WITH INTENT TO KILL

SC Code: 16-3-620
CDR Code: 0014
Class FEL-C(V)

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA

COUNTY OF Richland
STATE

Johnnie Gaskins

AKA:

Race: B

Sex: M

Age: _____

DOB: _____

SS#: _____

Address: _____

City, State, Zip: _____

DL# _____

SID# _____

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 08 -GS- 40 - 1632

AW#: J555981

Date of Offense: February 5, 2007

S.C. Code §: 16-3-620

CDR Code #: 0014

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: ABNWK

in violation of § 16-3-620 of the S.C. Code of Laws, bearing CDR Code # 0014

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. _____ (defendant initial)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Joanna McDuffie
Solicitor

T1063
SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 20 days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 2008-GS-40-1629, 1631, 1627, 3948, 1626

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

PTUP _____
_____ days/hours Public Service Employment

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____

set by SCDPPPS _____

Recipient: _____

*Fine:	\$ _____
§14-1-206 (Assessments 107.5%)	\$ _____
§14-1-211(A)(1) (Conv. Surcharge)	\$100
§14-1-211(A)(2) (DUI Surcharge)	\$100
§56-5-2995 (DUI Assessment)	\$12
§56-1-289 (DUI Breath Test)	\$500
§35.13 (Public Def/Prob)	\$25
§73.3, 1B TP (Law Enforce. Funding)	\$25
§33.7, 1B TP (Drug Court Surcharge)	\$100
§50-21-114(BUI Breath Test Fee)	\$50
§56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$ _____
§90.11 TP (SCJA Surcharge)	\$5
TOTAL	\$ _____

Jeanette W. McBratton
Clerk of Court/ Deputy Clerk

Court Reporter: G. Hemes

Obtain GED

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal, consecutive weekly/monthly

prmts. of \$ _____ Beginning _____
\$ _____ paid to Public Defender Fund

Other: _____
\$25 \$

Appointed PD or appointed other counsel, §35.13 TP

Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE: [Signature]

Judge Code: 2061

Sentence Date: 10-27-09

WITNESSES

KEVIN ISENHOWARD, RGSD

DOCKET NO. 2008-GS-40-1631

The State of South Carolina
County of Richland

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

COURT OF GENERAL SESSIONS

JULY TERM 2008

Defendant

ARREST WARRANT NUMBER

J555980

THE STATE
vs.

Witness:
C.C.C. PLS. AND G.S.

JOHNNIE GASKINS

TRIPLE BILL

Foreperson of Grand Jury

DATE 18 2008

VERDICT

Indictment for
ASSAULT AND BATTERY
WITH INTENT TO KILL

SC Code: 16-3-620
CDR Code: 014
Class FEL-C(V)

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on July 16, 2008 the Grand Jurors of Richland County present upon their oath:

ASSAULT AND BATTERY WITH INTENT TO KILL

That Johnnie Gaskins did in Richland County on or about February 5, 2007, with malice aforethought commit an assault and battery upon one Lamont Davis, with intent to kill the said victim. All in violation of §16-03-620, *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.

W. Bary Giese

Warren B. Giese, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Richland
STATE

Johnnie Gaskins

AKA:

Race: B Sex: M Age: _____

DOB: _____ SS#: _____

Address: _____

City, State, Zip: _____

DL# _____ SID# _____

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: ABWTK

in violation of § 16-3-620 of the S.C. Code of Laws, bearing CDR Code # 0014

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45 (CSC w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. _____ (defendant initial)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Janna McDoffie 77063
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 20 days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services' standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 2008-GS-40-1627, 3948, 1626, 1632, 1629
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.
 The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:
 RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____

Total: \$ _____ plus 20% fee: _____ \$ _____ days/hours Public Service Employment

Payment Terms: _____ Obtain GED

set by SCDPPPS _____ Attend Voc. Rehab. or Job Corp. _____

Recipient: _____ May serve W/E beginning _____ Substance Abuse Counseling

*Fine: _____ Random Drug/Alcohol Testing

§14-1-206 (Assessments 107.5%) \$ _____ Fine may be pd. in equal, consecutive weekly/monthly

§14-1-211(A)(1) (Conv. Surcharge) \$100 \$ _____ prmts. of \$ _____ Beginning _____

§14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____ \$ _____ paid to Public Defender Fund

§56-5-2995 (DUI Assessment) \$12 \$ _____ Other: _____

§56-1-289 (DUI Breath Test) \$500 \$ _____ \$25 \$ _____

§35.13 (Public Def/Prob) \$25 \$ _____

§73.3, 1B TP (Law Enforce. Funding) \$25 \$ _____

§33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

§50-21-114(BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ _____

§90.11 TP (SCCJA Surcharge) \$5 \$ _____

TOTAL \$ _____

Janette W. McBride
Clerk of Court/Deputy Clerk

Court Reporter: C. Holmer

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 08 -GS- 40-1631

A/W#: J555980

Date of Offense: 2-5-07

S.C. Code §: 16-3-620

CDR Code #: 2014

SENTENCE SHEET

Judge Code: 2061
Sentence Date: 10-27-09

PRESIDING JUDGE: _____

WITNESSES

✓ KEVIN ISENHOWARD, RCSD

DOCKET NO. 2008-GS-40-1629

The State of South Carolina

County of Richland

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

JULY TERM 2008

I hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

J555979

52

THE STATE

vs.

JOHNNIE GASKINS

Defendant

Witness:

C.C.C. PLS. AND G.S.

SESSION OF GRAND JURY
TRUE BILL

Foreperson of Grand Jury

JUL 18 2008

VERDICT

Indictment for

ASSAULT AND BATTERY
WITH INTENT TO KILL

SC Code: 16-3-620

CDR Code: 014

Class FEL-C(V)

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

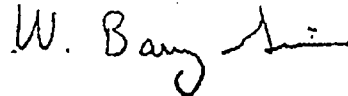
INDICTMENT

At a Court of General Sessions, convened on July 16, 2008 the Grand Jurors of Richland County present upon their oath:

ASSAULT AND BATTERY WITH INTENT TO KILL

That Johnnie Gaskins did in Richland County on or about February 5, 2007, with malice aforethought commit an assault and battery upon one Quinton Harris, with intent to kill the said victim. All in violation of §16-03-620, *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.



Warren B. Giese, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Richland
STATE

IN THE COURT OF GENERAL SESSIONS

Johnnie Gaskins vs

INDICTMENT/CASE#: 08 -GS- 40-1629

AKA: _____

AW#: J555979

Race: B Sex: M Age: _____

Date of Offense: 1-5-07

DOB: _____ SS#: _____

S.C. Code §: 16-3-620

Address: _____

CDR Code #: 0014

City, State, Zip: _____

SENTENCE SHEET

DL# _____ SID# _____

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: ABWITL

in violation of § 16-3-620 of the S.C. Code of Laws, bearing CDR Code # 0014

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, _____ (defendant initial)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Joyanna McDuffie 77063
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 30 days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services' standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 2008-GS-40-1631, 1627, 3948, 1626, 1637
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.
 The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:
 RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____ Obtain GED

set by SCDPPPS _____ Attend Voc. Rehab. or Job Corp. _____

Recipient: _____ May serve W/E beginning _____
Substance Abuse Counseling

*Fine:	\$ _____
§14-1-206 (Assessments 107.5%)	\$ _____
§14-1-211(A)(1) (Conv. Surcharge)	\$100 \$ _____
§14-1-211(A)(2) (DUI Surcharge)	\$100 \$ _____
§56-5-2995 (DUI Assessment)	\$12 \$ _____
§56-1-289 (DUI Breath Test)	\$500 \$ _____
§35.13 (Public Def/Prob)	\$25 \$ _____
§73.3, 1B TP (Law Enforce. Funding)	\$25 \$ _____
§33.7, 1B TP (Drug Court Surcharge)	\$100 \$ _____
§50-21-114 (BUI Breath Test Fee)	\$50 \$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea \$ _____
3% to County (if paid in installments)	\$ _____
§90.11 TF (SCCJA Surcharge)	\$5 \$ _____
TOTAL	\$ _____

Random Drug/Alcohol Testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ Beginning _____
\$ _____ paid to Public Defender Fund
Other: _____ \$25 \$ _____

Appointed PD or appointed other counsel, §35-13-7P
 Requires \$500 be paid to Clerk during probation.

Jeanette W. McBridge
Clerk of Court Deputy Clerk
Court Reporter: C. Holmes

Judge Code: 2061
Sentence Date: 10-27-09

PRESIDING JUDGE: [Signature]

WITNESSES

(S) INV KEVIN ISENHOWARD RCSD

DOCKET NO. 2008-GS-40-1627 - AMENDED

The State of South Carolina

County of Richland

AMENDED

COURT OF GENERAL SESSIONS

JULY TERM 2008

52

ARREST WARRANT NUMBER

J555978

THE STATE

vs.

JOHN WALKER GASKINS AKA
JOHNNIE WALKER GASKINS

ACTION OF GRAND JURY
TRUE BILL

AUG 13 2009

Foreperson of Grand Jury
Date:

VERDICT

Indictment for

Use of Firearm During Commission of
a Violent Crime
SC Code: 16-23-490
CDR Code: 0549
Class F FELONY

Foreperson of Petit Jury
Date:

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland
STATE

INDICTMENT/CASE#: 08 -GS- 40-1627

Johnnie Gaskins vs

A/W#: J555978

AKA: _____

Date of Offense: 2-5-07

Race: B Sex: M Age: _____

S.C. Code §: 16-23-490

DOB: _____ SS#: _____

CDR Code #: 0549

Address: _____

City, State, Zip: _____

DL# _____ SID# _____

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Use of a firearm during commission of a Violent Crime

in violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 0549

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45

(CSC w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. _____ (defendant initial)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Janna McOffic 77043
Solicitor SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, _____ Attorney for Defendant SC Bar #

for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 08440-3948, 1626, 1632, 1629, 1631

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

PTUP _____ days/hours Public Service Employment

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

Obtain GED

set by SCDPPPS _____

Attend Voc. Rehab. or Job Corp. _____

Recipient: _____

May serve W/E beginning _____

Substance Abuse Counseling

*Fine: _____ \$ _____

Random Drug/Alcohol Testing

§14-1-206 (Assessments 107.5%) \$ _____

Fine may be pd. In equal, consecutive weekly/monthly

§14-1-211(A)(1) (Conv. Surcharge) \$100 \$ _____

pmts. of \$ _____ Beginning _____ paid to Public Defender Fund

§14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

Other: _____ \$25 \$ _____

§56-5-2995 (DUI Assessment) \$12 \$ _____

§56-1-289 (DUI Breath Test) \$500 \$ _____

§35.13 (Public Def/Prob) \$25 \$ _____

§73.3, 1B TP (Law Enforce. Funding) \$25 \$ _____

§33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

§50-21-114(BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ _____

§90.11 TP (SCCJA Surcharge) \$5 \$ _____

TOTAL \$ _____

Appointed PD or appointed other counsel, §35.13 TP

Requires \$500 be paid to Clerk during probation

PRESIDING JUDGE: [Signature]

Jeanette W. McConda
Clerk of Court/Deputy Clerk
Court Reporter: C. Holmes

Judge Code: 2061
Sentence Date: 10-27-09

575

WITNESSES

✓ KEVIN ISENHOWARD, RCSD

DOCKET NO. 2008-GS-40-1626

The State of South Carolina

County of Richland

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

J555977

52

JULY TERM 2008

Defendant

THE STATE
vs.

Witness:

JOHNNIE GASKINS

C.C.C. PLS. AND G.S.

ACTION OF GRAND JURY
TRUE BILL

Foreperson of Grand Jury
Date: JUL 18 2008

VERDICT

Indictment for

MURDER

SC Code: 16-3-10
CDR Code:0116
Class FEL/EXM(V)

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

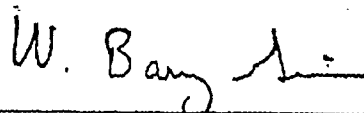
INDICTMENT

At a Court of General Sessions, convened on July 16, 2008, the Grand Jurors of Richland County present upon their oath:

MURDER

That JOHNNIE GASKINS did in Richland County on or about February 5, 2007, feloniously, willfully and with malice aforethought, kill one Shannavia Williams by means of a firearm and that the said victim died as a proximate result thereof. All in violation of SC Code of Laws § 16-3-10.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Warren B. Giese, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Richland
STATE

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 08 -GS- 40-1626

AW#: J555977

Date of Offense: 2-5-07

S.C. Code §: 16-3-10

CDR Code #: 0116

Johnnie Gaskins

AKA:

Race: B Sex: M Age:

DOB: SS#:

Address:

City, State, Zip:

DL# SID#

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Murder

in violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 0116

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45

(CSC w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

[Signature] 10429
Solicitor SC Bar #

Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of Life days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 2008-GS-40-3948 ~~1631~~ ~~1626~~ ~~2528~~

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____ Obtain GED

set by SCDPPPS _____ Attend Voc. Rehab. or Job Corp. _____

Recipient: _____ May serve W/E beginning _____

*Fine: \$ _____ Substance Abuse Counseling
\$14-1-206 (Assessments 107.5%) \$ _____ Random Drug/Alcohol Testing
\$14-1-211(A)(1) (Conv. Surcharge) \$100 \$ _____ Fine may be pd. in equal, consecutive weekly/monthly
\$14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____ pmts. of \$ _____ Beginning _____
\$56-5-2995 (DUI Assessment) \$12 \$ _____ \$ _____ paid to Public Defender Fund
\$56-1-289 (DUI Breath Test) \$500 \$ _____ Other: _____
\$35.13 (Public Def/Prob) \$25 \$ _____ \$25 \$ _____
\$73.3, 1B TP (Law Enforce. Funding) \$25 \$ _____
\$33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____
\$50-21-114(BUI Breath Test Fee) \$50 \$ _____
\$56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____
3% to County (if paid in installments) \$ _____
\$90.11 TP (SCCJA Surcharge) \$5 \$ _____
TOTAL \$ _____

Appointed PD or appointed other counsel, \$35.13 TP
 Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE [Signature]

Judge Code: 2061
Sentence Date: 10-27-09

Joanette W. McBride
Clerk of Court Deputy Clerk
Court Reporter: C. Holmes

DOCKET NO. 2008-GS-40-3948

The State of South Carolina
County of Richland

COURT OF GENERAL SESSIONS
JULY TERM 2008

52

THE STATE
vs.

JOHNNIE GASKINS

Indictment for

MURDER

SC Code: 16-3-10
CDR Code: 0116
Class FEL/EXM(V)

WITNESSES

✓ KEVIN ISENHOWARD, RCSD

ARREST WARRANT NUMBER

J555933

ACTION OF GRAND JURY

TRUE BILL

[Signature]

Foreperson of Grand Jury
Date: JUL 18 2008

VERDICT

Foreperson of Petit Jury
Date:

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

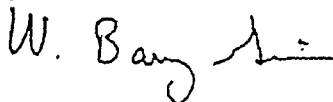
INDICTMENT

At a Court of General Sessions, convened on July 16, 2008, the Grand Jurors of Richland County present upon their oath:

MURDER

That JOHNNIE GASKINS did in Richland County on or about February 5, 2007, feloniously, willfully and with malice aforethought, kill one John Adams by means of a firearm and that the said victim died as a proximate result thereof. All in violation of SC Code of Laws § 16-3-10.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Warren B. Giese, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland
STATE

INDICTMENT/CASE#: 08 -GS- 40-3948

Johnnie Gaskins vs.

A/W#: J555933

AKA:
Race: B Sex: M Age: _____

Date of Offense: 2-5-07

DOB: _____ SS#: _____

S.C. Code §: 16-3-10

Address: _____

CDR Code #: 0116

City, State, Zip: _____

SENTENCE SHEET

DL# _____ SID# _____

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Murder
in violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 0116

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury. _____ (defendant initial)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:
J. Meadors 10429
Solicitor SC Bar # _____ Defendant Attorney for Defendant SC Bar # _____

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of Life days/months/years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 2008-GS-40-3026
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections.
 The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:
 RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____
Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

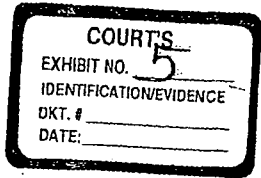
Payment Terms: _____
 set by SCDPPPS _____
Obtain GED
Attend Voc. Rehab. or Job Corp. _____

Recipient: _____
May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol Testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ Beginning _____
\$ _____ paid to Public Defender Fund
Other: _____ \$25 \$

*Fine:		\$
§14-1-206 (Assessments 107.5%)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-289 (DUI Breath Test)	\$500	\$
§35.13 (Public Def/Prob)	\$25	\$
§73.3, 1B TP (Law Enforce. Funding)	\$25	\$
§33.7, 1B TP (Drug Court Surcharge)	\$100	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$
§90.11 TP (SCCJA Surcharge)	\$5	\$
TOTAL		\$

Jeanette W. McBride
Clerk of Court/ Deputy Clerk
Court Reporter: C. Holmes

Appointed PD or appointed other counsel, §35.13 TP
 Requires \$500 to be paid to Clerk during probation.
PRESIDING JUDGE: [Signature]
Judge Code: 2061
Sentence Date: 10-27-09



State's Photo Exhibit List

- I 22 Close up
- I 23 Far shot showing where location (probative to location)

- 44 Ladies room

- S 43 Blood on bathroom floor
- S 42 Close up of blood on bathroom floor

- R* 41 Close up rear of pool table
- R* 40 Far shot est. location same blood

- Q* 39 Essentially same shot of area
- Q* 38 From slightly different angles

- P* 37 Far shot blood drops behind pool table
- P* 36 Close up of blood drops behind pool table

- O 35 Blood on pool table

- N 34 Blood and pool cue - just closer
- N 33 Shot of same view/angle

- 32 Blood splatters/different side of pool table
- 31 Close up blood splatters (shows N and O)

- M 30 Close up of blood to rear of pool table - can't see where on photo

- L 29 Close up blood smears/can't tell where except from Richards report - separation wall to rear pool table

- KLM 28 Shows blood smears and splatters

- K 27 Pool cue and blood- different angle of K

- K 26 Close up of blood drops (can't tell where)

- J&K 25 Far shot blood by pool table

- J 24 Close up

- G 45 Blood on pavement (outside front entrance)

- H 46 Blood on front door handle

* As per Richards, this is the same area

STATE OF SOUTH CAROLINA)
) S.S.
COUNTY OF RICHLAND

DATE: 02/05/07
TIME: 0215 582

Personally appeared before me, this date, an officer duly and legally authorized to administer oaths in the above-named county and state foresaid, comes one Lindburgh Petersfield III

1533 Hazel St Cayce, SC 29033

(Phone Day) 351-5088 (Phone Night)

Who makes the following statement under oath to wit:

It was around 12:25 AM Feb 5th 2007, & I was at my club Sports Grill 360 826 Bush River Rd Columbia, SC in Richland County

One of my bar managers - ~~Alan~~ Erine, was working the bar & heard my security guard - by the name of New York, who's around 31 or 32 years, asked a patron a Black male, around 5'06", 5'07", & weighed about 170-175 lbs and was wearing a Bombers jacket & fur-lined around the hood to leave. A second Security who also started tonight - I don't know his name at this time, along with my staff member by the name of the name of "Wolf" escorted the patron out of the club, to the parking lot.

This statement was made in the presence of S/SGT Tom Arnold of the Richland County Sheriff's Department.

I make this statement of my own free will and accord, without reward or intimidation. All of the above is the truth, the whole truth, and nothing but the truth, so help me God.

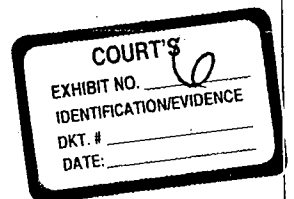
SWORN TO AND SUBSCRIBED BEFORE ME
THIS _____ DAY OF _____ 20____.

SIGNED: Lindburgh Petersfield III

WITNESS: _____

WITNESS: _____

NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES _____



Lindburgh Poterfield #1
(CONTINUED)

583

DATE: 02/05/07 TIME: 0215

I followed them to the front door & I saw them escorted the patron to his car. I walked back into the ~~club~~ Sports grill.

About twenty minutes later & I heard some gunshots & people were running everywhere. I ran to the front door & tried to assist a girl who lying on the floor by the pool table & two other girls trying to help the girl, along with a second girl who had been shot. My staff member 'wolf' was on the ground in front of the door & he had been shot on his left side. The security Guard 'New York' had also been shot & he was walking around.

I also had found a Verizon phone (803) 807-8368 around a hour before the shooting in the parking lot. I gave it to the DJ - Gitlow who held it for about 45 minutes. The guy never came & got it - according to the DJ.

This statement was made in the presence of S/SGT Tom Amore of the Richland County Sheriff's Department.

I make this statement of my own free will and accord, without reward or intimidation. All of the above is the truth, the whole truth, and nothing but the truth, so help me God.

SWORN TO AND SUBSCRIBED BEFORE ME
THIS ___ DAY OF ___ 20__.

SIGNED: Lindburgh Poterfield #1
WITNESS: _____
WITNESS: _____

NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES _____.

DATE: 02/05/07 TIME: 0215

I was going to put the Verizon ^{phone} into my office & return it to the owner.

I kept receiving phone calls on the Verizon cell phone from women asking for Black & was ^{he} at the place where you shooting at 360? TIF (864) 948-7461

I got a call from a guy who asked could he come and get the phone? Dosey 518-1266 came up on the phone.

I also received a call from another woman - asking me where I was. Her name on the Verizon phone came up -

Kim E (803) 727-9272.

I pretended to be "Black" in order to get information from the callers -

This statement was made in the presence of S/SGT Tom Amico of the Richland County Sheriff's Department.

I make this statement of my own free will and accord, without reward or intimidation. All of the above is the truth, the whole truth, and nothing but the truth, so help me God.

SWORN TO AND SUBSCRIBED BEFORE ME
THIS ___ DAY OF ___ 20__.

SIGNED: [Signature]

WITNESS: _____

WITNESS: _____

NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES _____.

COURT'S
EXHIBIT NO. <u>4</u>
IDENTIFICATION/EVIDENCE
DKT. # _____
DATE: _____

Request for Instruction

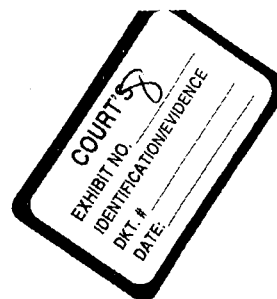
Graded

① Instruct you to disregard that portion of Mr. Postefield's testimony that made reference to any thing attributed to Mr. Adams, a victim.

② Instruct you further to disregard the testimony of Mr. Postefield that made reference to a statement made by an unknown person on ~~the~~ a telephone call received on the phone in evidence

Statement

586



State of South Carolina)
) S.S.
County of Richland)

Personally appeared before me this 5th day of February, 2007, at 0230 hours, an officer duly and legally authorized to administer oaths in the above named county and state aforesaid, comes one Sidney Patrell Williams of 25 Salvia Ct. Irmo, SC 29063. Daytime telephone number 781-9191. Nighttime telephone number.

Who makes the following statement under oath to wit:

Q: K. Isenhoward
R: Sidney Williams

Q: What happened at 826 Bush River Road tonight?

R: I went to club 360 with my girlfriend, Kimberly Jeter. We go there just after the Super Bowl ended. We had a couple of drinks. We saw Johnny Gaskins "Black". We spoke to him a while and went on talking to other people. A while later, I saw Johnny arguing with this guy. The security guards threw the guy he was arguing with out of the club. Me and my girl continued on enjoying ourselves. A little while later, it was about 12:45, I saw three security guards taking Johnny out of the club. They were by the door. It looked like it was getting physical they were arguing. Johnny was talking shit. I walked over to them and asked them what was going on. The security guard was telling him that he was about to lock him up for disorderly conduct. I pleaded with them not to lock him up. I told them that he was just drunk. I kept asking them not to lock him up. I heard one of the security guards tell someone to get Richland County out there. A girl named Diane came outside and told Johnny to shut up. Johnny was telling the security guard, "Ya'll gangsta". Just talking noise. The security guard said that he already gave him a chance and that he was going to jail. I saw that Johnny was in handcuffs. The guard told Johnny to sit down beside the black car. Johnny said, "Come on why you doing me like this, you know me". The officer said, "because you talking to me like I'm from your hood, I'm not from your hood, your being disrespectful". Johnny told him that he was sorry. The officer said, "O.K., I'm going to let you go. You are to get in your car and go home right now". I told the officer that I appreciated that. The officer said, "Make sure he goes straight to his car, don't turn around and just go home". They took him out of handcuffs and watched him as he stumbled through the parking lot. I was trying to get him to his car. He couldn't find his car because he was so drunk. He found the car but was putting the wrong set of keys in the car. He went to a car beside it and went back to his car. He drives a blue Impala and the car parked next to it was a black one. He went back to his car and found the right set of keys. He got in his car. I started walking back toward the club. Johnny pulled out fast stopped in front of the door to the club and started shooting from inside the car. He shot several times and drove off. I was walking back and the security guard started shooting back. I hit the ground. After they stopped shooting, I got up and starting walking back in the club. That's when one of the security guards who was dealing with us started

This statement was made in the presence of Inv. Kevin Isenhoward of the Richland County Sheriff's Department.

I make this statement of my own free will and accord, without reward or intimidation. All of the above is the truth, the whole truth and nothing but the truth.

Sworn to and subscribed before me this 5th day of February, 2007.

Signed: [Signature]

Witness: _____

Witness: _____

[Signature]

Notary Public for South Carolina
My commission expires 10/08/2014.

State of South Carolina)

) S.S.

County of Richland)

questioning me and put me in handcuffs. He told me that I better tell his name because he knew that I know him. That was that. I went inside and waited with them. I saw Malik the owner and explained it to him. Malik told me to tell that guys name and that I would be ok.

Q: Did you come to the club with Johnny Gaskins?

R: No just my girl Kim. We just saw him there.

Q: How long have you known Johnny Gaskins?

R: For about a year or so. My girlfriend knew him first and I kind of met him through her. He lives out there where she does.

Q: Have you had anything to drink tonight?

R: No, I don't drink or do drugs. I have seizures.

Q: Do you know anyone else by name that was outside the club and may have witnessed the shooting?

R: No. There wasn't anyone outside but me, Johnny, and the security guards. The girl that was out there left and went home before the shooting.

Q: Did anyone threaten or do anything to Johnny Gaskins to warrant him shooting at them?

R: No. They were doing their jobs.

Q: Did the security guards have Johnny in handcuffs at one time and then let him out and allow him to leave?

R: Yes.

Q: Have you ever seen Johnny with a gun before?

R: Yes. It was a while ago. He got arrested for having it.

Q: Did you see him with one tonight?

R: No, not until he started shooting.

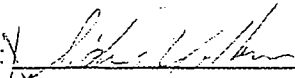
Q: Describe the car that Johnny was driving.

R: It was like a 2001-2002 Chevy Impala. It was blue I think it may have been black. It was one of the newer small Impalas.

This statement was made in the presence of Inv. Kevin Isenhoward of the Richland County Sheriff's Department.

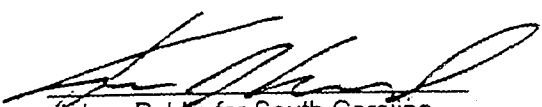
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Signed: 

Witness: _____

Witness: _____



Notary Public for South Carolina
My commission expires 10/08/2014.

State of South Carolina)

) S.S.

County of Richland)

Q: Did Johnny have anyone with him when he left?

R: No. It was just him in the car.

Q: Do you have anything else to add to your statement?


R: No.

End of Statement 02/05/07 @ 0327hrs*****

This statement was made in the presence of Inv. Kevin Isenhoward of the Richland County Sheriff's Department.

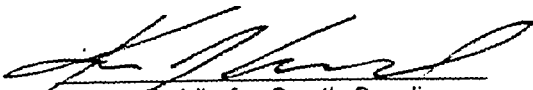
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Sworn to and subscribed before me this 5th day of February, 2007.

Signed:  _____

Witness: _____

Witness: _____


Notary Public for South Carolina
My commission expires 10/08/2014.

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BOOK 226 PAGE 831

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF GENERAL SESSIONS

The State of South Carolina)
-v-)
Johnnie Gaskins,)
Defendant.)

ORDER

WARRANT # - J555977, 78, 79, 80, & G.S. J555933

JEANETTE W. McBRIDE
C.C.P. & G.S.

2010 JAN 26 AM 9:52

RICHLAND COUNTY
FILED

On October 27, 2009, the Defendant was convicted of Murder (2 counts), ABWIK (3 counts), and Use of a Firearm During the Commission of a Violent Crime at the completion of a six day jury trial. The Defendant was sentenced to two Life sentences to run concurrently on the each Murder charge, Twenty (20) years on each ABWIK charge and Five (5) years on Use of a Firearm during the Commission of a Violent Crime each to run consecutive to the life sentence; resulting in a sentence of Life plus sixty-five years.

On October 29, 2009, the Defendant through his attorneys Joseph McCulloch and Kathy Schillaci, moved before this Court for a New Trial and Preservation of Evidence on the above listed charges.

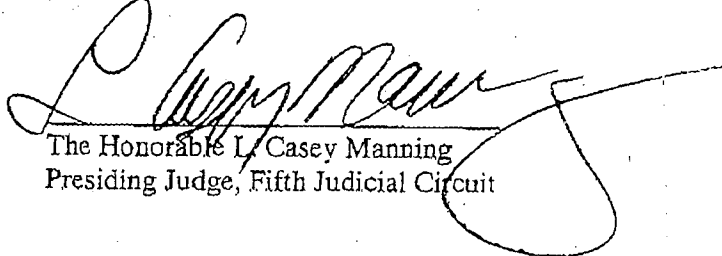
After careful review of Defendants motions and the evidence presented in the trial of this case the Court declines to grant a New Trial in this matter based on the overwhelming evidence presented by the State and for the reasons stated on the record during the trial. The Court does find that Preservation of Evidence is appropriate in this case.

NOW THEREFORE, IT IS ORDERED that Defendant's motion for a New Trial is hereby DENIED and Defendant's Motion for Preservation of Evidence is GRANTED.

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BOOK 226 PAGE 832

AND IT IS SO ORDERED.



The Honorable L. Casey Manning
Presiding Judge, Fifth Judicial Circuit

Columbia, South Carolina
January 20, 2010

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County

L. Casey Manning, Circuit Court Judge

Case Nos. 08-GS-40-03948; 08-GS-40-01626; 1627, 1629, 1631, 1632

THE STATE,

RESPONDENT,

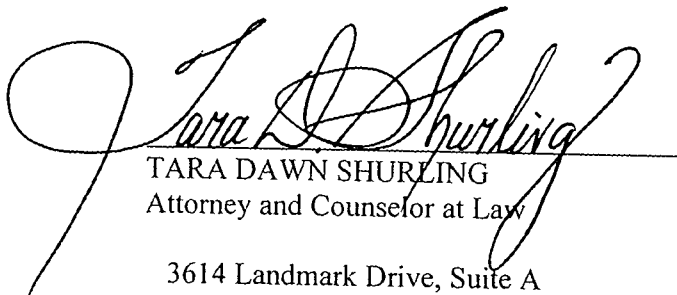
v.

JOHNNIE WALKER GASKINS,

APPELLANT.

CERTIFICATE OF COUNSEL

The undersigned hereby 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 is in compliance with the August 13, 2007 Order of the Supreme Court of South Carolina relating to the inclusion of personal data identifiers and other sensitive information in documents.

TARA DAWN SHURLING
Attorney and Counselor at Law3614 Landmark Drive, Suite A
Columbia, SC 29204
(803) 738-8622
(803) 738-1600 FAX

ATTORNEY FOR APPELLANT.

This 2nd day of May, 2012