

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM RICHLAND COUNTY

R. Knox McMahon, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JABRIEL L. SINGLETON,

APPELLANT

APPELLATE CASE NO. 2013-000543

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND } GENERAL SESSIONS COURT

STATE OF SOUTH CAROLINA)

STATE,)

v.)

TRANSCRIPT OF RECORD

12-GS-40-2982

12-GS-40-2986.

JABRIEL L. SINGLETON,)

DEFENDANT.)

March 5, 2013
Columbia, South Carolina

BEFORE :

THE HONORABLE R. KNOX MCMAHON, JUDGE;
AND JURY

APPEARANCES:

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Typed for Crystal Holmes

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1	Photo lineup	/110
2	Photo lineup	
3	Advisement of rights form	/802
4	Written statement	
5	Photo of truck	11/109
6	Photo of glove	11/106
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51	Photo	11/194
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58	Photo	11/210
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69	Photo	11/470
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72	Photo	11
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Defendant's:

No.	Description	I.D./EVD.
1	Diagram	11
2	Map	11
3	Map	11

1 (WHEREUPON, State Exhibits Nos. 5 through 65, 67,
2 69, 71, 73, 80 through 89, 92, 95, 97-130, 133, 137,
3 138, 140, 141, 142, 146, 148, 150-152, 155-235,
4 239-241, 251-255 and Defense Exhibits 1, 2 and 3
5 were marked for identification only.)

6 THE COURT: Solicitor, and Mr. Sutherland,
7 before I begin —

8 MR. SUTHERLAND: Yes, sir.

9 THE COURT: And the defendant is present.
10 I've reviewed State's Exhibit No. 4, and State's 4
11 is the document that was typed by Detective Unger as
12 a result of the verbal -- as a result of the
13 conversation that he had with Mr. Singleton. As I
14 recall his testimony, he said, well, first I, after
15 advisement of the rights, I talked to the suspect,
16 asked him to tell me what happened and he testified
17 as to that conversation. Then he says I reduced it,
18 I reduced it to writing and I'm — I forget exactly
19 how he put it. If he — he said I'm not a fast
20 typer. He said in the reverse in terms I am a slow
21 typer. I will check as we go along and then when
22 presents it to the defendant for the defendant to
23 review and make any corrections or additions. And
24 Mr. Jabriel Singleton then does not sign it. All of
25 that testimony is admissible. I do not think the

1 document itself is admissible; and the reason I say
2 that, it's in the nature of a -- it's more than a
3 mere police report, but it's still in the nature of
4 a police report; that he either -- the detective is
5 documenting what, whether it be the defendant or any
6 other witness for that matter, he could talk to any
7 other witness and then say, prepare a witness
8 statement and the witness can say, well, I am not
9 going to sign it, then it's not a written statement.
10 The officer can testify to all of that fully and
11 completely. There's no constitutional issues even
12 addressed by the Defense as far as ---

13 MR. SUTHERLAND: Yes, sir.

14 THE COURT: ---the voluntariness of the
15 verbal statement or the voluntariness of State's 4;
16 but I have, I have concerns that it would be looked
17 at more like a police report. Now I will say this,
18 Solicitor, that's as far as the case in chief. You
19 know, subject to cross-examination that's a
20 different evidentiary rule, one to look at as to
21 whether or not, whether or not the party could be
22 impeached by a document unsigned which is not his
23 written statement. He can certainly be impeached;
24 but whether or not it would be admissible ---

25 MS. SIMPSON: Your Honor, just so I'm

1 clear.

2 THE COURT: Yes, ma'am.

3 MS. SIMPSON: To make sure the witness is,
4 testifies completely. He can actually —
5 Investigator Unger can actually publish the
6 statement in question/answer format; it's just that
7 the physical statement itself is not coming in,
8 correct?

9 MR. SUTHERLAND: Well, I — as far as him
10 speaking about the conversation and what was relayed
11 to him, I mean, that's perfectly understandable.
12 Our only objection was the submission to the jury.

13 THE COURT: I think he can. I think he
14 can publish it.

15 MR. SUTHERLAND: Yes, Your Honor.

16 THE COURT: And I think perhaps if the
17 case goes to the jury — I don't prejudge a case —
18 but if the case goes to a jury, the first question
19 they may ask is can we see a copy of the documents
20 that the officer prepared on the statement of
21 defendant so he can go through it fully and
22 completely. He can testify to it, and it can be
23 identified as State's Exhibit No. 4 for
24 identification purposes only. But I don't think the
25 document itself can go into evidence. Does that

1 clarify?

2 MS. SIMPSON: It is. Thank you, Your
3 Honor.

4 THE COURT: Thank you. Mr. Sutherland?

5 MR. SUTHERLAND: Yes, sir. Thank you,
6 Your Honor.

7 THE COURT: All right. The other thing
8 is, when I looked at State versus Floyd and Tate and
9 Stevens on I believe it would be State's Exhibit No.
10 1, that's the photographic lineup that Mr. Frazier
11 identified and he circled and initialed. That's the
12 one he says he remembered. When you look at those
13 three factors under State v. Floyd, the question of
14 the introduction -- well, the statement is recorded
15 as the introduction of, quote, mug shot of the
16 defendant is reversible error unless: Number one,
17 the State has a demonstrable need to introduce the
18 photograph; number two, the photograph shown to the
19 jury does not suggest the defendant has a criminal
20 record; and number three, the photograph is not
21 introduced in such a way as to draw attention to its
22 origin or implication. Upon proper redaction of
23 State's Exhibit No. 1, I believe -- or number 1,
24 there's been no testimony that any of these are mug
25 shots or booking reports as far as testimony from

1 the witness stand as I recall it. If there has been
2 such testimony and I just don't recall it, I think
3 identification is always an issue for the State, and
4 I don't think just because a defendant says, well,
5 I'm not gonna challenge identification, that that
6 then makes that prong not provable by the State. I
7 think the State has to prove its case beyond a
8 reasonable doubt including the identification of the
9 defendant, not that the identification of the
10 defendant with the photograph circled and initialed
11 to Jabriel Singleton, but that the photograph
12 circled and initialed is the shooter of Frazier
13 and/or of Mr. Jones and is identified as such by
14 Mr. Frazier, the victim, was the alleged attempted
15 murder. So I think the State has that demonstrative
16 need to introduce the photograph, even given the
17 position of the Defendant. We're not going to
18 question the identification.

19 Number two, the photograph shown to the
20 jury does not suggest that the defendant has a
21 criminal record. If it's properly redacted it would
22 not suggest that. All of the individuals' head
23 shots, neck shots, partially their shoulders.
24 They're dressed differently in civilian clothes.
25 One may have on a jumpsuit that is still difficult

1 to determine if that's correct or not, or the
2 redaction should include the redaction of the
3 numbers below each photograph and the redactions at
4 the bottom of the page concerning jail Richland
5 Online.com. And the third aspect is the photograph
6 is not introduced in such a way to draw attention to
7 its origin or implication, and that's by way of not
8 eliciting testimony from the officer that it come
9 from a data bank of those who have previously been
10 arrested for something of this nature. So I would
11 allow, if there is proper redaction of State's 1 in
12 evidence. Mr. Frazier does not recall State's
13 Exhibit No. 2.

14 MS. CAVANAUGH: That's correct.

15 THE COURT: So that would just -- that's
16 not -- that would not be allowed into evidence. I
17 understand you're not offering that at this time.

18 MS. CAVANAUGH: No, you're okay.

19 THE COURT: All right. Anything further
20 on that point then, Solicitor?

21 MS. CAVANAUGH: As far as the redactions
22 are concerned the bottom website information will be
23 ease just to trim off. The numbers, I guess, we'll
24 just have to white it out with the -- in the least
25 obvious manner. It will be under each of them.

1 THE COURT: All right. Well, I mean, just
2 show it, show it to -- well, let me ask,
3 Mr. Sutherland, do you have anything to add?

4 MR. SUTHERLAND: No, sir. I understand
5 the Court's ruling and their redaction is going to
6 be the inmate number and of the jail at Richland
7 Online.com and on the bottom. And it's -- as long
8 as it's unapparent as possible. I know they have --
9 well, shoot. Perhaps they would be able to, perhaps
10 submit a photocopy of it if they would white
11 everything out and photocopy it and submit that, I
12 think that'd be the easiest way just in my opinion
13 to comply with.

14 THE COURT: Sure. And I'll will be glad
15 to look at the redacted version, Solicitor, and I
16 will be glad to look at it.

17 MR. SUTHERLAND: Yes, sir.

18 THE COURT: All right?

19 MS. CAVANAUGH: Yes, sir.

20 THE COURT: All right. Thank you,
21 Solicitor.

22 The third thing is, is there a firearm in
23 this case?

24 MS. CAVANAUGH: There is -- there is no
25 firearm recovered in this case. There's not a

1 firearm in evidence, Your Honor.

2 THE COURT: All right. So there would not
3 be a firearm displayed to the jury during the course
4 of this trial?

5 MS. CAVANAUGH: That's correct.

6 THE COURT: All right. By either side?

7 MR. SUTHERLAND: No, sir.

8 THE COURT: All right, thank you. Thank
9 you very much. Anything further, Solicitor, before
10 we bring out our jury?

11 MS. CAVANAUGH: Your Honor, we would just
12 like to review our reciprocal Rule 5 at this time.
13 Mr. Sutherland handed us a witness list. While it
14 is short we have not received anything in response
15 to our reciprocal Rule 5.

16 THE COURT: All right. Mr. Sutherland.

17 MR. SUTHERLAND: I have nothing for them,
18 Your Honor.

19 THE COURT: All right. Anything further
20 from the Defense, Mr. Sutherland?

21 MR. SUTHERLAND: No, sir.

22 THE COURT: All right, thank you. Thank
23 you very much. All right, see if you can wrangle
24 our jury in here for us please if they're all here.

25 THE BAILIFF: Yes, sir. All jurors are

1 present.

2 THE COURT: Thank you. Thank you very
3 much, Madam Bailiff.

4 Madam Clerk, would you place our jurors
5 under oath.

6 (Whereupon, the jury was sworn.)

7 CLERK: Thank you. You may be seated.

8 THE COURT: Madame Forelady, ladies and
9 gentlemen of the jury, good morning. I hope y'all
10 had a pleasant evening. Welcome back. I appreciate
11 your promptness. I assure you the delay of getting
12 you out in the courtroom about ten minutes after the
13 appointed start time had nothing to do with the
14 parties in this matter. They were here not on time
15 but early working very diligently to move the trial
16 along. I would be remiss if I didn't draw your
17 attention to we have our another court reporter
18 today, Ms. Holmes. I've worked with Ms. Holmes many
19 times in the past and always a pleasure to work with
20 her here in Richland County.

21 And Mr. Foreman, ladies and gentlemen, the
22 case we're about to try is the case of the State v.
23 Jabriel Laprince Singleton. I would ask you to
24 please give me your complete and undivided attention
25 as I give you some opening instructions. What I now

1 say is intended to serve as an introduction to the
2 trial of this case. My remarks at this time are not
3 a charge or instruction on the law. I will instruct
4 you on the law that applies to this case at the end
5 of the trial before you retire to your verdict.

6 This is just merely an explanation of the procedures
7 we will follow in the trial so that you will better
8 understand what may be happening.

9 I noticed you all have note pads and pens
10 and there was a request yesterday as to whether or
11 not you would be allowed to take notes. You may
12 take notes during the trial of this case; however,
13 please remember that some people are better note
14 takers than others. I actually happen to be a very
15 good note taker. I just can't read them at the end
16 when I go back and review them. A juror's notes, I
17 would advise, should not be given any greater weight
18 than the recollection or memory of other jurors.
19 The recollections of individual jurors should be
20 considered as reliable as notes taken by other
21 jurors.

22 I would also point out to you that when
23 you're taking notes you may not notice the body
24 language or the demeanor of a particular witness
25 while on the witness stand which may be used by you

1 in deciding a witness's credibility. I would also
2 advise that during the course of the trial when we
3 take breaks or lunch and recesses or over the even
4 recesses I'll ask you to leave your notes upside
5 down on your chair and then upon your return they
6 will be there. You cannot have them in your jury
7 room until the case is submitted to you for your
8 deliberations. The notes will be secured so you may
9 want to write your juror number on them. Your notes
10 will be secured by the Clerk's Office during the
11 recesses, either lunch break in the morning or
12 overnight.

13 Jabriel Laprinice Singleton, the defendant
14 in this case, is charged by indictments filed with
15 this Court with the crime of murder and attempted
16 murder, the elements of which will be explained to
17 you later. Again, ladies and gentlemen, these
18 indictments are simply the charge by which the cases
19 are brought into court, and they are not in any
20 sense evidence of any of the allegations they
21 contain. The defendant has pled not guilty to these
22 indictments the. State to my front right,
23 therefore, has the burden of proof of proving each
24 of the elements of the indictments beyond a
25 reasonable doubt. I always try to remember that the

1 party closest to the jury has the burden of proof in
2 the case. The State has the burden of proving its
3 case beyond a reasonable doubt, and it will be your
4 duty, ladies and gentlemen to decide whether the
5 State meets its burden.

6 Your purpose as jurors is to find and
7 determine the facts. You are the sole judge of the
8 facts. If at any time I make any comment concerning
9 the facts you must disregard it. You are to
10 determine the facts from the testimony that you hear
11 and any other evidence introduced into court. It is
12 you to determine the inferences which you feel may
13 properly be drawn from the evidence. It is
14 especially important that you perform your duty of
15 determining the facts diligently and conscientiously
16 because ordinarily there is no way to correct an
17 erroneous determination of the facts by a juror.

18 Now, on the other hand and with equal
19 emphasis, the same law that make you the judges of
20 the facts make me the judge of the law. The law as
21 given by the Court is the only law you may consider.
22 You must accept and follow it even though you may
23 disagree with it. I cannot tell you what the facts
24 are, and you cannot disagree with me about what the
25 law is or should be. Your job is to take the law as

1 I give it to you and apply it to the facts as you
2 find them to be from the testimony of the witnesses
3 testifying under oath and any other evidence that is
4 introduced. After doing that, you will render your
5 verdict a true and just verdicts under the solemn
6 oath that you have just taken as jurors.

7 It is important that you keep an open mind
8 and not decide any issues in the case until all of
9 the evidence has been presented, the parties have
10 made their closing arguments, and I have instructed
11 you on the law that you must apply. It is your
12 solemn responsibility to determine the guilt or the
13 innocence of the defendant, and your verdicts must
14 be based solely on the evidence as it is presented
15 to you during this trial and on the law as I
16 instruct you during and at the close of the trial.

17 Now, in just a moment the Solicitor will
18 make what is called an opening statement in which
19 the Solicitor will explain to you the issues in the
20 case or at least what the Solicitor thinks the
21 issues are in the case. Mr. Sutherland, the
22 attorney for the defendant, may also make an opening
23 statement, although he is not required to do so.
24 What the attorneys tell you during their opening
25 statements or closing arguments is not evidence in

1 the case. It is only their contention as to what
2 the issues are. Further, ladies and gentlemen, the
3 questions of the attorneys is not evidence. That is
4 the frame work by which the testimony is extracted
5 from the witnesses testifying under oath. It is the
6 responses of the witnesses to the questions of the
7 attorneys that is the evidence in the case that you
8 must base your rulings on the facts and the
9 credibility of those witnesses on. The evidence
10 will be presented to you by the testimony of those
11 sworn witnesses from the witness stand and by any
12 exhibits that may be introduced into evidence.

13 From time to time during the trial you may
14 hear -- or during this trial, you may hear one of
15 the attorneys say something like, Your Honor, I
16 believe we have a question of law or a matter of law
17 to discuss with you; or Your Honor, may we approach
18 the Bench. Or sometimes I myself might find it
19 necessary to excuse you from the courtroom for a
20 short while so that the attorneys and I can discuss
21 a matter of law. The reason for this is because you
22 are the judges of the facts in this case; and
23 sometimes when I am discussing matters of law with
24 the attorneys, it may be necessary for me to make
25 some comment as to the facts in connection with

1 ruling whether or not a particular law applies. I
2 am not supposed to tell you what I think the facts
3 are so I will excuse you from the courtroom while
4 these discussions take place so that in no way will
5 you be influenced by anything that I might say or do
6 in connection with the facts.

7 In determining what the true facts are,
8 ladies and gentlemen, in using your good judgment
9 and your common sense you must decide whether or not
10 the testimony of the witnesses is believable. It
11 will be my responsibility to rule as a matter of law
12 as to whether or not certain testimony is admissible
13 at all or not. But once the testimony is admitted,
14 whether or not you believe it is solely for you the
15 jury to determine. In deciding whether to believe a
16 witness you have right to consider the interest of
17 any witness, the bias of any witness, the prejudice
18 of any witness, the opportunity for the witness to
19 have seen or heard the things of the matters about
20 which he or she may testify and the demeanor, or the
21 way the witness acts on the witness stand. You have
22 a right to consider anything that is in the record
23 that will help you evaluate the testimony of the
24 witness. That means it will be your duty to pay
25 close attention to these witnesses, to observe them,

1 to listen to them, to pay close attention to the
2 attorneys and to the Court. Don't let your thoughts
3 wander but give strict attention to the testimony in
4 this case so that at the end of all of the testimony
5 after the closing arguments by the attorneys, the
6 instruction on the law by the Court, you will then
7 be in the position to determine what the true facts
8 are and to apply the law to those facts as you find
9 them to be and thus render fair and just verdicts in
10 this case.

11 It will be your added responsibility, Mr.
12 Foreman, to preside in the jury room and to be the
13 jury's spokesperson here in court. It will also be
14 your duty to write the verdict, but I will give you
15 further instructions about that at the conclusion
16 over the case.

17 Just a couple of administrative matters.
18 Many times during the course of the trial if a
19 document is introduced or a photograph or like, it
20 may be handed to our foreperson while you're out
21 here in the courtroom in your jury box and passed
22 among members of the jury. You may look at that
23 item or that items all you wish. Please keep in
24 mind, if I allow an item into evidence you will also
25 have it with you in your jury room at the time of

1 your deliberations so that will not be the only
2 opportunity, the only time you get to view a
3 photograph or a document or any other type of item
4 of evidence. I don't know what may or may not be
5 introduced; I just tell you that. Again, look at it
6 all you wish to in the courtroom keeping in mind you
7 will have it in your jury room also.

8 Breaks, I have a real simple rule about
9 taking break. It works really well. When I want to
10 take a break we take a break. That just works out
11 great. Well, this is not some type of a judicial
12 marathon. If you sit out here too long listening
13 is -- listening, you have to keep focused to listen.
14 If you lose your focus, if your thoughts start to
15 wander, if you need a break, please raise your hand.
16 Y'all will take y'all's break; we will take our
17 break. This is not some type of judicial marathon
18 in any manner whatsoever, so please, let me know and
19 we will accommodate you in that regard.

20 If a witness is testifying and you cannot
21 hear the witness, particularly those of you a little
22 bit further away, again, please let he know. There
23 is a speaker system in here; however, if you cannot
24 hear a particular witness just raise your hand and
25 we'll -- if you can't hear the testimony you won't

1 able to evaluate and determine what the true facts
2 are. Again, please, please, let me know.

3 All right. In order to preserve
4 everyone's rights, I will give the parties an
5 opportunity to object to anything I said to the
6 jury.

7 Any objection from the State, Solicitor?

8 MS. SIMPSON: No, Your Honor.

9 THE COURT: From the Defense,
10 Mr. Sutherland?

11 MR. SUTHERLAND: No, sir.

12 THE COURT: All right. With that we will
13 now begin the trial. Solicitor, you may address the
14 jury.

15 MS. SIMPSON: Thank you, Your Honor, may
16 it please the Court.

17 Not one, but two, two lives forever
18 changed the hands of the defendant Jabriel
19 Singleton. First, Dashawn Jones fondly referred to
20 by his friends and family as King Breeze or simply
21 Breeze. His life was changed in the most permanent
22 way, ended far too soon at the young age of 25,
23 leaving his family without a son, a brother, an
24 uncle, a cousin, and his young child without a
25 father.

1 MR. SUTHERLAND: Objection, Your Honor.
2 I'm sorry that's technically it's inflammatory.

3 THE COURT: I can't hear you.

4 MR. SUTHERLAND: It's inflammatory, Your
5 Honor.

6 THE COURT: All right. Well, Solicitor,
7 you can move along. Thank you, thank you very much.
8 I will advise the jury at the close of the case that
9 you cannot base your verdict on compassion,
10 prejudice, or any other type of emotion. That would
11 not be at issue in the case. Thank you. Thank you
12 very much.

13 You may continue, Solicitor.

14 MS. SIMPSON: Thank you, Your Honor.

15 Shawn was found in the driver's seat of
16 his girlfriend's car. He suffered eight gunshot
17 wounds, six bullets would be recovered from inside
18 his body. Eight shots: One to the right clavicle,
19 one to his right shoulder, one to his arm, one to
20 his upper leg, two to his abdomen, and one to his
21 head, and one to his forehead close range, I submit,
22 execution style. Nearly all of these shots were
23 fatal. Unarmed, he never saw it coming, never had
24 it coming, and certainly didn't deserve to die this
25 way. Not one, but two lives forever changed.

1 Second, Jonathan Frazier, left for dead by
2 the defendant. Fortunately he survived, but at what
3 cost? Sitting in the passenger seat of the vehicle
4 he hears the shots, realizes Shawn's been hit and
5 he's been hit. He passes out briefly and he comes
6 to, and he sees the defendant now standing on the
7 driver's side of the vehicle reloading his 357
8 (indicating) revolver. His only thought, I cannot
9 die this way, I don't want to die like this. And so
10 unarmed and weak, issues with breathing, he fights
11 to survive. He rushes at the defendant and they
12 struggle for the gun, but the defendant is able to
13 maintain the control he had all along. And he backs
14 Jonathan back into the car at gunpoint, more shots,
15 and Jonathan passes out again. And I submit that
16 him passing out just very well may have saved his
17 life because the defendant thought he was dead,
18 thought he finished the job. And when Jonathan came
19 to, he saw Deshawn's lifeless body in the driver's
20 seat of the car and realizes he's been shot in the
21 neck and the shoulder, is bleeding, there's a hole
22 through his hand, and he crawls to the dirt road and
23 somehow manages to get to his feet to find help and
24 he does. But Jonathan didn't just suffer the life
25 threatening injuries that day or the permanent

1 physical injuries that he carries with him now. The
2 mental damage is perhaps the greatest. His own life
3 inches away from death, seeing his best friend shot
4 and brutally murdered in front of him. Never
5 trusting, always looking over his shoulder, never
6 wanting to be around people.

7 Oh, the defendant took much more from
8 Jonathan that day, something that he will never get
9 back. And all this for what? Several hundred
10 dollars, some weed, marijuana that the defendant was
11 never going to sale them anyway. Make no mistake
12 about it, members of the jury, whatever his reasons,
13 this was, this is cold-blooded murder.

14 So what happened on January 24th of 2012?
15 Well, it started out like any other day. Dashawn
16 went to his friend Jonathan's house to pick him up
17 sometime in the late morning so that they could hang
18 out. They drove to a recording studio as they often
19 did, and Jonathan will tell you how they arrived.
20 They hung out for a short time and Dashawn was seen
21 talking to the defendant. And Dashawn tells
22 Jonathan, come on, let's go. When they get in the
23 car Dashawn tells Jonathan I've actually set up to
24 buy a few ounces of weed and an X-box from Jabriel.
25 We're supposed to meet him at his girlfriend's house

1 on Daly Street. Jonathan says, all right. So
2 they drive to the defendant's girlfriend's house,
3 and you will learn that her name is Kenyatta
4 Hickman. Well, they get there and they await for
5 the defendant to arrive for a period of time.
6 Finally the defendant shows up. When he does he
7 asked Dashawn, can you take my girlfriend and her
8 friend to Zaxby's. Shawn says, yeah, sure. And at
9 this point Dashawn is driving, Jonathan is in the
10 front passenger seat of the vehicle, the defendant
11 seated in the back seat along with Kenyatta and her
12 friend. So Dashawn goes to the Zaxby's and he drops
13 the girls off leaving only Dashawn, Jonathan, and
14 the defendant in the car.

15 Well, the defendant tells them they're
16 going to the country and that is essentially what
17 they call the Hopkins area. Now Dashawn knew
18 Hopkins, and so he drove; he knew how to get there.
19 But when they arrived it was the defendant who was
20 directing them where to go, where to turn, where
21 they needed to be. And they drove around for a
22 period of time smoking a little bit of marijuana,
23 small talk. Jonathan will tell you everything was
24 fine. The defendant even had his gun out, but
25 Jonathan didn't think anything of it. They were

1 just driving around and Jonathan knew the defendant.
2 Dashawn knew him even better. There was nothing
3 threatening or suspicious about this situation. And
4 finally, the defendant directs them down a dirt
5 road, Prioleau Road out in Hopkins. And he tells
6 him, hey, go right there (indicating). And it's in
7 front of a house. And this property you'll learn
8 about, fairly big yard, woods surrounding it, and
9 the dirt road, somewhat secluded. It's about early
10 afternoon at this point. Dashawn backs in the car,
11 puts it in park, keys still in the ignition.
12 They're still talking and everything is fine.
13 Jonathan will tell you they assumed they were just
14 waiting on T-man to show up, that this is where they
15 were supposed to be per the defendant.

16 Now the defendant gets out of the back
17 passenger side of the vehicle. Shawn and Jonathan
18 still seated in car. And he has his gun. And he
19 asked Jonathan, hey man, you want to shoot my gun?
20 Jonathan is like, no, I don't want to shoot another
21 man's gun. There in the county they're hanging out.
22 Shawn even picks at him a little bit for not wanting
23 to shoot the gun, but the next thing he hears are
24 shots. Jonathan assumes that the defendant is just
25 shooting in the air, but then the driver's side

1 window shatters and Jonathan realizes that they're
2 being shot at. He's been hit; Dashawn's been hit.
3 And Jonathan passes out, comes to, and now he sees
4 the defendant on the driver's side of the vehicle,
5 as I told you earlier, reloading that 357 revolver.
6 That takes effort. And Jonathan looking at the
7 defendant, I don't want to die, I cannot die like
8 this. Unarmed he rushes him. As I said, they
9 struggled. The defendant backs him up at gunpoint
10 to the passenger seat where he was seated and
11 demands his cell phone. Give me your cell phone,
12 man, I got to go. Jonathan tosses it. And give me
13 the keys too. But Jonathan will tell you, he didn't
14 want to turn because the minute he did he knew the
15 defendant was going to shoot him in the back of the
16 head, but more shots. And Jonathan passes out. He
17 comes to, Dashawn isn't moving, and he's bleeding
18 from the neck and shoulder. Gunshot wound, hole in
19 his hand, and he crawls through the yard to Prioleau
20 Road where he gets to his feet and walks s for help.
21 Fortunately he ends up at Monica Howell's who you'll
22 hear from. Now her front door was open, but the
23 glass storm door was closed and Jonathan makes his
24 way up to the front porch and fortunately for him,
25 Monica happened to be home helping her mother. He

1 begins banging on the storm door, help me please,
2 help me please. Monica comes to the door and sees
3 Jonathan, sees the wound, sees the blood. She
4 remembers so much blood. And she doesn't know him
5 and doesn't even realize that this is real just yet;
6 but there's Jonathan, help me please, I'm not going
7 to hurt you, I need to hide, he's going to kill me.
8 Monica calls 9-1-1. She's on the phone with the
9 9-1-1 operator telling Jonathan, help is on the way.
10 Operator is asking what's happening, what's going
11 on. And Monica is relaying that to Jonathan on the
12 front porch. Operator says, who shot him, who shot
13 him? Ja-bi-ja something, something like Jabriel.
14 Now, Jonathan is having trouble breathing. He's
15 been shot in the neck, and they're on the phone with
16 the 9-11 operator.

17 Shortly thereafter, Jonathan his face and
18 voice full of fear begins pointing, there is he,
19 that's him, he's going to kill me. Monica looks out
20 the door and sees a black male, skinny, wearing all
21 black, coming down that dirt road that is just
22 beside her house and up the road in front of her
23 towards Minervaville, which you'll learn about. And
24 he is running away from the sirens that are quickly
25 closing in. Short time after that officers arrived.

1 And you're gonna hear from Deputy Ellis who
2 encountered Jonathan, what happened, do you know who
3 shot you? Jabriel, Jabriel. But they don't know
4 about Dashawn yet until Jonathan is being loaded up
5 into EMS into the ambulance, he says what about my
6 friend, what about my friend, he's down the dirt
7 road. And Jonathan is transported with life
8 threatening injuries. And Deputy Ellis goes down
9 that dirt road because it's right by Monica's house
10 so she assumes maybe this is it. She goes down the
11 road and she finds Dashawn in the driver's seat of
12 the car. Investigators are called out to the scene.
13 Now the suspect is nowhere to be found so K-9 units
14 are called out. One K-9 unit is called out to
15 search for the suspect. A second unit is called out
16 to do what is called a particle search, essentially
17 a search for weapons. Both of those searches
18 occurred with negative results. But the
19 investigations begun and crime scene investigators
20 respond to the scene, and you're gonna hear from
21 them. And they process the scene, collected items
22 of evidence, photographed those items of evidence,
23 collected swabs for possible DNA, lifted for
24 fingerprints, and lifted for gunshot residue, GSR as
25 it's commonly referred to. You're gonna hear from

1 them. They collected a number of items in this case
2 including some spent shell casings that were found
3 at the scene. Now, you will learn from them that
4 all of those spent shell casings bore the same
5 stamp, .38 Winchester, which being shot by a 357
6 revolver and they all matched consistent with having
7 been fired by the same gun.

8 Now of importance, you're also going to
9 learn about a glove that was found at the scene a
10 short distance away from the car, a black glove with
11 a glitter-type star. And this glove becomes
12 important because Jonathan remembers that the
13 defendant had it with him at some point during this
14 shooting. Well, that glove is tested and it comes
15 back with the defendant's DNA as well as gunshot
16 residue, which is consistent with it having been
17 near a gun or holding a gun when they fired.

18 Now, you're gonna to hear about course of
19 the investigation and ultimately investigators are
20 able to develop Jabriel Singleton as the suspect,
21 and so they go to his last known address, his
22 mother's house. But they don't find him and they
23 don't find anything that would lead them to believe
24 that he'd been living there recently. But they do
25 learn the defendant's cell phone number and that

1 cell phone number will ultimately lead them to Hor
2 Hill, his father's house. Now, numerous units are
3 responding because they are on a search for a
4 suspect. They are on a search for a suspect that is
5 clearly on the run. They arrived at Coral Hill, and
6 officers observe a subject in the woods matching the
7 description of Jabriel and they attempt to apprehend
8 him but are unsuccessful. However, they do locate
9 where that subject was a jacket and a the cell phone
10 that comes back to Jabriel. The investigation
11 continues. The search continues. And ultimately
12 and finally, officers are lead to the America's Best
13 Value Inn which is just off Garner's Ferry here in
14 Columbia away from the Hopkins area, away from where
15 this crime scene occurred, and it's there that they
16 actually apprehend and arrest the defendant who is
17 found hiding behind his girlfriend, Kenyatta
18 Hickman, in the bathroom.

19 Now the defendant was arrested for these
20 charges sand advised of his rights and he spoke with
21 law enforcement and he gave a statement. And he
22 indicated in that statement that, yes, he knew them,
23 and that he'd been at the recording studio that day,
24 that he was even gonna, or supposed to sell weed to
25 them but they never got up with them and he was

1 never in Hopkins, never where this crime scene
2 occurred at the time it occurred. He was at his
3 girlfriend's house all day until he went to Club
4 Crush which was located off Broad River.
5 Fortunately for him the phone records in this case
6 and other evidence contradict his statement and
7 showed that he was not where he indicated he was;
8 but I submit that he was in Hopkins and that he did
9 commit these crimes.

10 Now, law enforcement also talked to his
11 girlfriend Kenyatta Hickman and she gave them a
12 statement. She was not under arrest at this time.
13 And they continued their investigation. They
14 reinterviewed Jonathan and at that point they
15 determined that Kenyatta needed to be charged with
16 obstruction of justice based on her statement. And
17 she is currently charged with obstructing justice,
18 and so she was arrested and advised of her rights
19 and gives a second statement, a different statement.

20 Now members of the jury, those are
21 essentially the facts that you will learn throughout
22 this week.

23 Good afternoon, my name is Nicole Simpson,
24 and I along with my cocounsels, Ms. Cavanaugh and
25 John Steadman, together we represent the State of

1 South Carolina, the citizens of Richland County, and
2 the victims in this case.

3 Now as solicitors it is our job to
4 prosecute all crimes that occur here in Richland
5 County, but I want to take just a moment to thank
6 you, to thank you for your time, your patience, and
7 your service in this case. It is often said that
8 jury duty is perhaps the greatest service that a man
9 or woman can render his or her country during times
10 of peace. Well, that couldn't be more true than it
11 is here today because this is a very important case.
12 It is important to the State, it is important to the
13 Defendant, and it is important to the victims and
14 their family. And while our system of justice could
15 do without the lawyers, could do without the judges,
16 it cannot do without you, and so I thank you.

17 Now, as a result of his actions the
18 defendant has been charged with one count of murder
19 in the death of Dashawn Jones and one count of
20 attempted murder for the shooting of Jonathan
21 Frazier. Now in every criminal case there's an
22 important, very important, legal principle, and that
23 is, that the defendant is presumed innocent until
24 proven guilty and that is how it should be. The
25 State wouldn't have it any other way. And as the

1 State, we bear the burden of proof in this case just
2 as we do in the prosecution of every criminal case.
3 And what that means is that we must prove to you
4 beyond a reasonable doubt each element of the crimes
5 for which the defendant is charged. But remember,
6 that every criminal defendant who is ever convicted
7 at a jury trial started at his trial presumed
8 innocent until he was ultimately found guilty beyond
9 a reasonable doubt by a jury of his peers. So while
10 our burden is high, as it should be, it is not
11 unsurmountable and I can tell you that we welcome
12 our burden here today.

13 Now murder is probably one of our most
14 serious offenses, and yet, has probably the shortest
15 definition. A person is guilty of murder if he
16 kills another with malice aforethought ether
17 expressed or implied. Now attempted murder is very
18 similar. It is a person who acts with an intent, an
19 intent to kill another with malice aforethought,
20 either expressed or implied. So what is malice?
21 And you'll hear more about that later, but it is
22 essentially an ill will or hatred. It does not
23 necessarily impart ill will or hatred or hostility
24 toward any specific individual, but rather, a
25 malignant and reckless disregard for the lives and

1 safety of others. It is a depraved and malignant
2 heart.

3 Now members of the jury, with at a minimum
4 nine gunshots to two unarmed victims, I can tell you
5 that this case reeks of malice. And what malice is
6 not, is motive. We don't have to prove motive, and
7 it is also not premeditation. Malice need exit at
8 the time that the fatal blow is struck. And as I
9 said earlier, whatever his motive may have been,
10 this is cold-blooded murder.

11 Now we must prove those elements to you
12 beyond a reasonable doubt. You will hear that
13 phrase a lot, but what exactly is proof beyond a
14 reasonable doubt? It is proof that leaves you
15 firmly convinced of the defendant's guilt. There
16 are very few things that we know in this world with
17 absolute certainty, and the law does not require the
18 State to produce proof that overcomes all doubt or
19 every possible doubt, but only that doubt which is
20 reasonable in the law.

21 Now the roles in this courtroom are very
22 defined. As the State, we serve as ministers of
23 justice and it's our job to bring to you the
24 relevant admissible evidence to prove our case.
25 Defense counsel's job is to represent his client to

1 the best of his ability and ensure his client's
2 right to a fair trial. And as His Honor told you
3 earlier, it is his job to instruct on the law as you
4 are to apply it to the facts in this case. And if
5 ever there's a discrepancy between what any of the
6 attorneys in this case say and His Honor, you are to
7 follow his instructions and his rulings to you. But
8 with that said, no one -- and I mean no one -- is
9 going to question that you have the most important
10 job in this case because you are the sole judges and
11 finders of fact and what that means is that each of
12 you here today is wearing a black robe and
13 individually and collectively you must decide if the
14 defendant is guilty.

15 Let's be clear, we're not here to solve a
16 mystery; this isn't TV. And we do not expect you to
17 solve a mystery. And as the State, it is our job to
18 give you all the tools that you need to do your
19 jobs, and we plan to do just that through the
20 evidence produced during this trial. Now some of
21 that evidence will be physical evidence, evidence
22 that you can see, you can touch or hear, such as the
23 9-1-1 tape, photographs, diagrams, the shell casings
24 that were collected at the scene, and the glove,
25 things of this nature. But most of that evidence is

1 going to come from right here on this witness stand,
2 and you're going to hear from the number of
3 witnesses. You're going to hear from the responding
4 officer who spoke with Jonathan, as well as Monica
5 Howell, the house that Jonathan was able to get
6 help. And you're gonna hear from the investigators
7 who investigated this case, as well as the crime
8 scene investigators who processed the scene,
9 collected evidence. You're going to here from
10 experts in this case including the DNA analyst who
11 analyzed the DNA as well as the forensic scientist
12 who analyzed the gunshot residue in this case.
13 You're going to hear from an expert regarding cell
14 phone records in this case, as well as the forensic
15 pathologist who conducted the autopsy and removed
16 those six bullets from Dashawn Jones. You're also
17 gonna hear Jonathan Frazier, and he is going to take
18 this witness stand and tell you what happened to
19 him, tell you about how the defendant shot him and
20 his best friend.

21 Now, it's up to you to judge the
22 credibility of each and every witness that takes the
23 stand; and based on your determination, you can
24 believe some of what a witness says or all of what a
25 witness says or you don't have to believe anything

1 that a witness says. You can believe one against
2 many or many against one; that is solely for you to
3 decide. But we do ask that you consider several
4 things: the witness's demeanor on the stand, was
5 that witness hesitant or forthright when testifying,
6 is the testimony of that witness corroborated by
7 other evidence, is it consistent within itself?
8 Perhaps most importantly, did this witness have any
9 reason whatsoever to be biased or prejudice in this
10 case?

11 Now there are two very important witnesses
12 that will not take this witness stand, and that is
13 common sense and human nature. And we are gonna
14 ask that you use your common sense and what you know
15 about human nature when you decide this case. The
16 law, members of the jury, is a pledge that citizens
17 will do justice to one another and the precepts of
18 the are these: To live honorably, to injure no
19 other man, and to render each man his due. I said
20 that the best measure of a society is the quality of
21 its justice, and it is your job, your duty, here
22 today and throughout this week to find the truth and
23 to seek justice and at the end of this case my
24 cocounsel Ms. Kathryn Cavanagh is going to come
25 before you, and she is going to ask you for the

1 victim that the evidence will support and that
2 justice demands. She is going to ask that you find
3 the defendant Jabriel Singleton guilty of murder and
4 guilty of attempted murder. Guilty.

5 THE COURT: Thank you. Thank you,
6 Solicitor.

7 Mr. Sutherland.

8 MR. SUTHERLAND: May it please the Court,
9 Your Honor.

10 THE COURT: Yes, sir.

11 MR. SUTHERLAND: Ladies and gentlemen, we
12 sort of met a little bit yesterday. Again, my name
13 is Tivis, T-I-V-I-S. It's an unusual name. But I'd
14 like to try to sort of bring things into focus a
15 little bit. What we did hear was a story. It's the
16 government's story in this case. It's the
17 government's version of events, their
18 characterization of individuals pleading and so
19 forth and all that kind of business. I mean, that
20 really was calculated to, you know, draw you in and
21 get you on board and to see things through the
22 prison through which they want you to view the
23 evidence in the case. It's actually pretty straight
24 forward. There are going to be a lot of witnesses.
25 As she said, there's gonna be, you know, street

1 cops, investigators, CSI technicians, the fiber
2 people like she said from TV. There are gonna be
3 their lab people, various scientists of DNA and
4 pathologists and all that. The government has
5 experts on everything from anthropology to zoology.
6 They have the resources to come hard out to an
7 American citizen who is accused of a crime. They
8 come out in single spies but then Italians after
9 people; but I think the significant thing for
10 everybody here to remember is, that this is a
11 government accusing a citizen of a crime. They will
12 have to prove that what they say happened and it
13 happened the way that they said it happened, and
14 under those particular circumstances. This isn't a
15 murder at all.

16 I know the solicitor had a chart. I don't
17 know if she showed it to you or not, but murder is
18 pretty start forward. As she said, it's an unlawful
19 killing with malice aforethought. And there was
20 talk about gravity in evil, look at the Latin root
21 of the word malice, you pretty much know anything
22 you need to know in that regard with that particular
23 instruction on malice. The Court is going to give a
24 lot of instructions on the law at the end of the
25 case. I am not going to sit up here and cherry pick

1 one or the other which is try to do a basic
2 explanation of what this is about.

3 Now, in order to get to here (indicating),
4 we have to have an unlawful killing. It may sound
5 kind of intuitive but there is such a thing as
6 lawful killing. It's called self-defense in South
7 Carolina. This is a right that's probably been
8 around since hunter gatherer times and it's
9 developed in our legal system probably going all the
10 way back to the bearings and the Magna Carta through
11 the reformation, the enlightenment, the Declaration
12 of Independence, everything that sort of falls to
13 where we are where we respect the individual more
14 than we respect the power, the authority, the
15 government. That's what this is about. They have a
16 lot of power. They're going to put it on display.
17 That's not going to change the facts of this case.
18 However many times the government lawyers can tell
19 that particular story in the opening and if they
20 want to repeat it two or three times in the closing,
21 it's not going to change the facts of this case.

22 If we don't have an unlawful killing, if
23 it's a lawful killing, we don't even reach the
24 question of malice in this case. I don't want to
25 sit up here and scattershot and potentially be

1 distracting. What I would ask all of you do is go
2 ahead and put aside what I said, put aside what any
3 lawyer has said to you, and listen to the facts
4 objectively and think critically, recognize -- she
5 was talking about credibility of witnesses and bias
6 or prejudice. Every one of these government agents
7 coming up here that's going to testify at this trial
8 is here for a purpose; and they, they don't come to
9 lose. Just critically evaluate what you hear. At
10 the end of the day there'll basically be two
11 propositions that you're looking at, was this
12 self-defense or was this murder as the State claims?
13 It's not a murder, it's a case of self-defense. I
14 know the talk of guns, drugs, and money kind of gets
15 people thinking negatively about people. Well, you
16 know, we take people as they are in this county; and
17 if people run around messing around drugs, gun, and
18 money, we still take a matter like this with the
19 utmost seriousness. It's the most great offense
20 that the government can allege against a citizen.
21 It's a dire situation. So please listen to the
22 evidence, keep it in mind, at the end of the case
23 finder of the facts I will have a lot more to say
24 once you've heard the evidence. I won't
25 characterize it beforehand other than to say that

SW - K. ELLIS - DIRECT

1 this is a case of self-defense. Thank you. We will
2 be spending a lot of time together.

3 THE COURT: Mr. Sutherland, would you mind
4 taking the —

5 MR. SUTHERLAND: Oh, yes, sir sorry.

6 THE COURT: ---down. Thank you. Thank
7 you very much, Mr. Sutherland.

8 Solicitor, you may call your first
9 witness.

10 MS. SIMPSON: The State calls Deputy
11 Kristen Ellis.

12 WHEREUPON,

13 **KRISTEN ELLIS,**
14 after having been duly sworn, testified as follows:

15 THE CLERK: Have a seat in the witness
16 chair. State your name for the record and please
17 spell your first name.

18 THE WITNESS: My name is Kristen Ellis,
19 K-R-I-S-T-E-N. Last name is E-L-L-I-S.

20 **DIRECT EXAMINATION**

21 **BY MS. SIMPSON:**

22 Q Where are you employed?

23 A Richland County Sheriff's Department.

24 Q And how long have you been with Richland County?

25 A May will be three years.

SW - K. ELLIS - DIRECT

- 1 Q Three years?
- 2 A Uh-huh.
- 3 Q And what do you do there?
- 4 A I'm a road deputy. I work the road.
- 5 Q And as a road deputy tell the jury a little bit
- 6 about what you do?
- 7 A We respond to calls of service when people are in
- 8 need of, you know, any kind of -- when you call
- 9 9-1-1 we're the one -- we're the people that respond
- 10 to y'all.
- 11 Q So any, any type of call from --
- 12 A Any type.
- 13 Q --assaults to murder?
- 14 A To losing a cat to murders to larcenies. You
- 15 know, anything that citizens need help with.
- 16 Q And back on January 24th of 2012 were you working
- 17 in that capacity as road deputy?
- 18 A Yes, I was.
- 19 Q And did you actually have the opportunity to
- 20 become involved in this case?
- 21 A Yes, I did.
- 22 Q Can you tell us about that?
- 23 A With the -- what occurred on January 24th?
- 24 Q Tell us how and when you responded?
- 25 A Okay. On January 24th, 2012, we received a

SW - K. ELLIS - DIRECT

1 dispatched call to a gentleman who had been shot.
2 All road deputies, when we get calls like that we
3 respond lights and siren. Upon arrival myself and a
4 couple of other deputies observed, ran up to the
5 house and observed the -- Mr. Frazier sitting on the
6 front porch. He was leaning against the brick
7 column. He wasn't taking very well. I immediately
8 saw a hole through his right hand. He was not being
9 able to breathe. He said he had got shot in the
10 neck. I did see a bullet hole in the side of his
11 neck. He started talking about a man was dressed in
12 all black. That got put out on the radio. Other
13 deputies immediately swarmed the area trying to find
14 the subject. He was -- he was still trying to talk.
15 He kept asking me -- I can't breathe, I can't
16 breathe, where's EMS. I said, they're coming,
17 they're coming, do you know who did this to you? He
18 said Jabriel. That's all I could get out of him.
19 And he kept asking me, you know, where's EMS. I
20 asked him, don't talk, you can't breathe well, just
21 wait for EMS, they're coming, I promise. EMS got
22 there. They started removing his clothes to make
23 sure there was no more bullet wounds. Upon getting
24 loaded up on the EMS he mentioned his friend. He
25 said, my friend, my friend. I said, who, who are

SW - K. ELLIS - DIRECT

1 you talking about? He said, my friend, he was with
2 me, he got shot, I think he's dead. And I said
3 okay. And so he got pissed off with EMS 'cause he
4 was not doing well.

5 Q Let me stop you just for a moment.

6 A Uh-huh.

7 Q And do you have your report with you?

8 A I do.

9 Q Do you recall what time you actually got the call
10 and when you responded?

11 A The call came in at 2:30 and I responded six
12 minutes later at 2:36.

13 Q Okay. so you were fairly close, quick response?

14 A Yes.

15 Q Where exactly did you respond to?

16 A We responded to Masonry Circle.

17 Q And is that here in Richland County?

18 A It is.

19 Q Okay. And so, I guess now we're up to the point
20 where Jonathan has told you about his friend?

21 A Uh-huh, yes, ma'am.

22 Q What ---

23 MR. SUTHERLAND: Judge, sorry, just, it's
24 too much hearsay, sir.

25 THE COURT: I don't know how to respond to

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1 ---

2 MR. SUTHERLAND: Objection to the hearsay
3 rule respect to what Jonathan Frazier ---

4 THE COURT: I sustain your objection as to
5 the hearsay but I don't think that question
6 specifically was.

7 MR. SUTHERLAND: Yes, sir, I had just been
8 sort of sitting there ---

9 THE COURT: Rephrase the question again,
10 Solicitor.

11 BY MS. SIMPSON:

12 Q Okay. Once you received information from
13 Jonathan -- don't tell us what it was -- but what
14 did you do?

15 A After I received that information I jumped into
16 my vehicle because he was being transported. There
17 was nothing for me to do there. I jumped,
18 immediately jumped in my vehicle, a dirt road was
19 mentioned. I drove down the dirt road creeping
20 along because I didn't know where I was supposed to
21 find his friend. My came around the corner on
22 Prioleau and noticed a vehicle backed into a
23 driveway which ended up being Prioleau.

24 Q So that's really close to Masonry?

25 A It is. The house -- Masonry Circle, the house on

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1 Masonry Circle, and then right if you're looking a
2 the house right to the left of the house is the dirt
3 road.

4 Q Okay, and that's Prioleau?

5 A Yes, ma'am. And then you go up the dirt road.
6 You round the short sharp corner to the right, and
7 then a little ways up about 100-yards up you can see
8 a house. That's where I noticed the vehicle. I
9 came over the road and said that I'd found a
10 vehicle. At that point I couldn't see anything yet.
11 I got out of my vehicle and walked up to the
12 vehicle, and that's when I immediately noticed that
13 there was a window that had been shattered. I put
14 that on my radio so I had other units coming to me
15 at this point. Upon approaching the vehicle I
16 noticed the victim in the driver's side
17 unresponsive.

18 Q And briefly, I know we said about 100-yards off
19 the road. Can you describe the location at Prioleau
20 Road, the area?

21 A Left side is nothing but woods. On the right
22 side of the house there's woods and then it opens up
23 into a, you know, the area where the house is
24 sitting in a small field, the house. And then
25 there's other woods that are separating other

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- 1 houses.
- 2 Q Okay, and so you observed Dashawn or ---
- 3 A As ---
- 4 Q Has he been identified at that point?
- 5 A He had not been identified at this point, no,
- 6 ma'am.
- 7 Q And other units are in response?
- 8 A Yes, ma'am.
- 9 Q What, what was your next step?
- 10 A Immediately, as soon as I observed, you know, it
- 11 was very obvious that he was unresponsive.
- 12 Immediately set up a -- immediately backed away from
- 13 the vehicle. My supervisors were in route. I
- 14 got -- went to my car, got out my crime scene tape
- 15 which we'll all supposed to have in the back of our
- 16 cars and taped off the area, including the vehicle
- 17 and the entire house.
- 18 Q And so you were actually the one who set up the
- 19 crime scene tape?
- 20 A I did.
- 21 Q And how large would you say this perimeter was?
- 22 A Oh, boy.
- 23 Q Just an estimate will be fine?
- 24 A Okay. I don't even know.
- 25 Q Fairly large?

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1 A Yeah, I mean, half an acre, fourth of an acre.

2 I'm not very good. It included the house. It
3 included from the wood line to the house which was
4 about 100-yards so it included from that wood line
5 all around the house. The house isn't huge but it's
6 not small either.

7 Q Uh-huh.

8 A And then back around there along the roadway.

9 Q And what exactly does a secure crime scene entail
10 as far as you were concerned?

11 A I'm ---

12 Q Setting up the crime scene tape, did do you
13 anything else?

14 A Yes. A crime scene log is immediately created
15 and the responding officer is the one who creates
16 the crime scene log which logs in anybody who comes
17 to that scene and crosses over that tape, they have
18 to be logged into this crime scene log.

19 Q And were you actually responsible for maintaining
20 the log in this case?

21 A Yes, I was.

22 Q And once investigators arrived what do you do?

23 A Stand by, continue keeping up with the crime
24 scene log and anything that the investigators need
25 from me.

SW - K. ELLIS - CROSS

1 Q Okay. So it's not really your job to interview
2 witnesses or collect evidence?

3 A No, ma'am, that's not my job.

4 Q Okay, and do you have any more involvement with
5 respect to the case?

6 A No, ma'am.

7 MS. SIMPSON: Beg the Court's indulgence.

8 THE COURT: Yes, ma'am.

9 BY MS. SIMPSON:

10 Q And we kind of have two locations, the Masonry
11 Circle and the Prioleau Road?

12 A Correct.

13 Q What county is the Prioleau Road located in?

14 A Both in Richland County.

15 Q Both in Richland County?

16 A Yes, ma'am.

17 Q Thank you.

18 THE COURT: Thank you, Solicitor.

19 Mr. Sutherland.

20 MR. SUTHERLAND: Please the Court, sir.

21 THE COURT: Yes, sir.

22 **C R O S S - E X A M I N A T I O N**

23 **BY MR. SUTHERLAND:**

24 Q Ms. Ellis, how are you?

25 A I'm good, how are you?

SW - K. ELLIS - CROSS

1 Q Good, good. I was wondering, do you have your
2 incident report with you?

3 A I do.

4 Q You mind if I take it?

5 MR. SUTHERLAND: May I approach, Judge.

6 THE COURT: Yes, sir, certainly.

7 BY MR. SUTHERLAND:

8 Q Do you mind if I take a look at it?

9 A There's a couple different copies of it. I have
10 Ace's and ---

11 THE COURT: I'm sorry, I can't hear when
12 y'all talk real close. You tend to take a little
13 soft. If you talk any softer you may as well not
14 talk at all.

15 BY MR. SUTHERLAND:

16 Q So you have the Ace's computer version?

17 A I also have my version ---

18 Q Okay. And ---

19 A ---which is not.

20 Q That's what I was interested in.

21 A It's not a complete -- you have to go to Aces.

22 Q Well, what is ---

23 A For some reason our doesn't print out the entire
24 copy.

25 Q Well, what had happened was I didn't have page

SW - K. ELLIS - CROSS

1 two of your report, and there's not going to be a
2 lot of quibbling on here, you know, with ---

3 MS. SIMPSON: Objection, Your Honor, is
4 that a question for the witness?

5 THE COURT: Yes, sir, if would you ask her
6 a question.

7 MR. SUTHERLAND: Okay, sorry.

8 THE COURT: That's all right.

9 BY MR. SUTHERLAND:

10 Q And this is what I received?

11 A Okay.

12 Q And I was wondering if you see any problems with
13 what I received from the State as far as your
14 report, like the name down there?

15 MS. SIMPSON: Objection, Your Honor, any
16 problems is a little vague and overbroad. If he
17 could just be a little more specific in what he's
18 asking.

19 THE COURT: Rephrase your question, Mr.
20 Sutherland.

21 BY MR. SUTHERLAND:

22 Q You see where your name is on your report?

23 A Yes, this isn't mine.

24 Q And that -- but that has the same language as
25 your report, doesn't it?

SW - K. ELLIS - CROSS

1 A Yes, I have no idea why that gentleman -- I know
2 who that is but he's not the one that wrote the
3 report.

4 Q Okay. And I'm just sort of curious as to how
5 that happened. The name Mark Anthony Patterson?

6 A Uh-huh.

7 Q And obviously you're Kristen Ellis?

8 A Correct.

9 Q And there a couple more, I think a couple of more
10 differences. On your report you had as the
11 suspect's name unknown black male?

12 A Correct.

13 Q And here it has Mr. Singleton, Jabriel Laprinice
14 Singleton on it?

15 A Where do you see Jabriel Singleton?

16 Q Oh, just suspect. Under suspect on there.

17 A Okay.

18 Q On yours it just says unknown black male and on
19 this one it has Singleton, Jabriel (indicating)?

20 A I mean the wording, the wording is mine so I'm --
21 I would have ---

22 Q But just on yours under suspect on the original
23 report you had on unknown black male, correct?

24 A Correct.

25 Q Okay. But on this one it's got Mark Anthony

SW - K. ELLIS - CROSS

1 Patterson as the reporting officer and it also has
2 Jabriel Singleton as the suspect rather than unknown
3 black male.

4 A Correct. That's -- he's using my narrative.

5 Q Well, I was just wondering how -- who can -- I
6 mean, who has access to this where they can generate
7 your report and change it from your name to Mark
8 Patterson?

9 A Nobody can change my report.

10 Q So that is very mysterious to you indeed I
11 suppose?

12 A Yes, sir, very much so.

13 Q Okay. And you, I mean, you wouldn't -- so as far
14 you as know nobody can go in and change your report
15 the way it has been changed?

16 A No, not the way it's been changed, no.

17 Q Okay.

18 A In order for -- when we do our reports they get
19 sent -- if there's a correction they have to be sent
20 back to the officer who wrote the report for that
21 correction to be made. Nobody can go in and change
22 my report ---

23 Q So if somebody had to ---

24 A ---except for myself.

25 Q ---come back to you and say, we're going to put

SW - K. ELLIS - CROSS

1 Mark Anthony Patterson's name in the place of your
2 name on your report in order to do this, I mean,
3 that's your understanding of the procedure at the
4 sheriff's department? I know it sounds silly but I
5 just can't figure this out.

6 A I can't really help you. I'm not sure.

7 Q All right. Well, it's just a mystery to me and
8 trying to find out really what's going on, where did
9 this come from?

10 A That would be interesting. I am not sure.

11 Q Now, your testimony — and you know, I had to
12 object about saying what other people said?

13 A Sure.

14 Q But your testimony was you arrived on the scene?

15 A Correct.

16 Q And I believe Mr. Frazier was sort of slipped
17 over on the porch?

18 A Correct.

19 Q You observed a hole, gunshot wound in his hand?

20 A A hole in his hand and a hole in his neck.

21 Q And you effectively sat there with him. You did
22 ask him some questions. I'm not asking you what his
23 responses were. But just sort of took care of him
24 until EMS was on the way, or EMS had arrived?

25 A Correct.

SW - K. ELLIS - CROSS

- 1 Q All right. That's when you made your way back
2 to, was it Prioleau?
- 3 A Prioleau.
- 4 Q Okay. Now were you speaking about Masonry Circle
5 or was it -- I think it was Prioleau where you said
6 there just a large amount of woods rights next to
7 it? Was it the ---
- 8 A Well, if you ever ---
- 9 Q Or was it both of them 'cause it's Hopkins?
- 10 A It's Hopkins.
- 11 Q Okay.
- 12 A But Prioleau, it does -- if I remember correctly,
13 it's been a while -- does along the left side is
14 nothing, but wood along the dirt road.
- 15 Q And that road short of going through the incident
16 location around to Masonry Circle sort of just
17 snakes around those woods if; do you not remember?
- 18 A Prioleau to Masonry Circle goes, goes around to
19 the right.
- 20 Q Okay.
- 21 A Bordering the woods on the left.
- 22 Q Okay. And if I were to say to you it's .41
23 miles, would that sound about ---
- 24 A .14 miles?
- 25 Q Or point -- actually .41 by the road?

SW - K. ELLIS - CROSS

1 A Probably ---

2 Q The same, next to the ---

3 A From Masonry to Prioleau? Probably, that sounds
4 right, close to being right.

5 Q Okay. And I would like to take you over to when
6 you first drove up at the address at Prioleau?

7 A Correct.

8 Q You said that you observed an SUV?

9 A On -- yes, it was an SUV on Prioleau, yes.

10 Q And the driver side window was shattered; is that
11 correct?

12 A Correct. That was the side that was facing me
13 when I drove up.

14 Q So you saw the immediately. Now the other
15 windows in the vehicle, where the passenger windows
16 rolled down or do you have a specific recollection
17 of?

18 A I don't. I know that the passenger side door was
19 opened, but as far as the rolling of windows down I
20 couldn't tell you.

21 Q Okay. And they bring people on afterwards. At
22 that point you said that he was nonresponsive. Did
23 you call that in ---

24 A Yes.

25 Q ---at that point?

SW - K. ELLIS - CROSS

1 A Of course.

2 Q And as far as securing the crime scene, once you
3 got the tape out and you said you taped off about
4 half acre or so?

5 A Yes.

6 Q Okay. Once that was done you just maintained the
7 crime scene log until the investigators came?

8 A Right. Their response was pretty immediate.

9 Q Okay. And do you recall, I believe it was 17
10 people total in and out of the crime scene according
11 to the crime scene log?

12 A That's -- I have the crime scene log right here.

13 Q Okay. If you would, I'm not asking for times or
14 anything but just to get this in the record, you can
15 just start with yourself here at the top and just
16 read through the names?

17 A Some of the names you cannot read. Myself,
18 Investigator Baker, McMahon -- I don't know if I
19 pronounced that right, not sure. Investigator
20 White, my supervisor Corporal Enzor, Investigator
21 Unger, Lieutenant Pritchard, Deputy Pierce, K-9
22 Pierce, Deputy K-9 Cilcoin (ph).

23 Q Okay.

24 A K.E. Johnson, K. Polis, the initials THH, J.
25 Powell, C. Ross, a name that I cannot --

SW - K. ELLIS - CROSS

1 Q It might be Richards.

2 A Possibly Richards, P. Elsi, and Butler.

3 Q And that last guy is just the tow guy it appears
4 from the log?

5 A He's the one that towed the vehicle.

6 Q Okay. Just back -- the last, there are two names
7 in one slot at the end of the first page and that
8 says Pierce and Cilcoin. And those are the K-9
9 officers?

10 A Correct.

11 Q Okay. And those are the only K-9 officers that
12 entered the scene. This is according to the crime
13 scene log; is that correct?

14 A Yes.

15 Q Okay, then good. And if you would, this may be
16 the last thing. Up at the top after it says crime
17 scene log, if you could just read into the record
18 what it says --

19 MS. SIMPSON: Objection, Your Honor. If
20 he wants to place the document in evidence that's
21 one thing; but just having her read from the
22 document that's not in evidence, I'm gonna object to
23 that.

24 THE COURT: If you would rephrase the
25 question.

SW - K. ELLIS - CROSS

1 MR. SUTHERLAND: Yes, sir, absolutely.

2 BY MR. SUTHERLAND:

3 Q Is anyone entering the crime scene, must they
4 complete the information below on the crime scene
5 log, must they complete information on the crimes
6 scene log, anybody entering the crime scene?

7 A They are supposed to.

8 Q Okay. Now, they're supposed to? I mean, it's
9 pretty serious, you know, as far as the integrity of
10 the crime scene?

11 A Uh-huh.

12 Q So anyone entering generally, I guess
13 specifically, people sign in on a crime scene log
14 when they enter a crime scene; don't they?

15 A Correct.

16 Q Okay. And once secured no one is allowed into
17 the crime scene until after the approval of the
18 crime scene investigator in charge of the scene; is
19 that correct?

20 A It's usually once crime scene investigators
21 respond the crime scene gets turned over to them.

22 Q And so they, like, Stan Richards, Elsi Polis,
23 those would have been the people that would have
24 been in charge of the crime scene once they showed
25 up?

SW K. ELLIS - REDIRECT

1 A Correct.

2 Q And ----

3 A As you see they were listed at the very end.

4 Q Yeah. And I did notice their individual
5 handwriting on here. Okay. Thank you. I have no
6 further questions at this time.

7 A Uh-huh.

8 THE COURT: Redirect?

9 MS. SIMPSON: Briefly, Your Honor.

10 **REDIRECT EXAMINATION**

11 **BY MS. SIMPSON:**

12 Q Counsel talked at length about your report in
13 this case?

14 A Yes, ma'am.

15 Q I believe, just to make sure, I'm not exactly
16 sure what he was referring to, but I'm going to show
17 you your report. Is that your report?

18 A That is my report.

19 Q And he mentioned that it's listed as unknown on
20 the front of that report?

21 A Correct.

22 Q Okay. And why is that?

23 A We are trying -- unless we know who the person
24 is, then we don't list them as the subject. We put
25 them on another, the possible subjects, on another

SW K. ELLIS - REDIRECT

1 sheet of paper.

2 Q Okay. And I want to direct you to the second
3 page of your report. Did you indicate a subject on
4 that page?

5 A Yes, ma'am.

6 Q And who ---

7 A This was per the investigator followup. Go
8 ahead, I'm sorry.

9 Q Who is that that's indicated on there?

10 A Jabriel.

11 Q Okay. And this is your report?

12 A That is.

13 Q Correct?

14 A That is my report.

15 Q And you do both an incident report and
16 supplemental incident report as information comes to
17 you.

18 A Right, and it just depends on the -- I mean,
19 sometimes just the incident report that on when
20 something this large. If we have extra information
21 that we need to pass on to the investigator, then
22 those go into the other report.

23 Q And did you document your conversation with
24 Jonathan as well?

25 A Yes, ma'am.

SW K. ELLIS - REDIRECT

1 Q Now going to the crime scene and the log, the
2 crime scene as it's secured is a perimeter with
3 tape, correct?

4 A Correct.

5 Q Does everyone who necessarily comes out to
6 Prioleau Road enter within that crime scene?

7 A No.

8 Q So there may be other officers out there that
9 don't necessarily cross the tape?

10 A Absolutely. It's discouraged for those people to
11 come in.

12 Q Thank you. On that crime scene log there are a
13 number of names, correct?

14 A Yes, ma'am.

15 Q Are they all from the same agencies?

16 A Richland County -- no, there's other ones.
17 Richland County Sheriff's Department?

18 Q Correct?

19 A Yeah, there's other. You've got EMS and the
20 coroner's office.

21 Q In addition to Richland County?

22 A Yes, ma'am.

23 Q Thank you.

24 MS. SIMPSON: Nothing further, Your Honor.

25 THE COURT: Recross.

SW - K. ELLIS - RECROSS

1 MR. SUTHERLAND: Just briefly, Your Honor.

2 **R E C R O S S - E X A M I N A T I O N**

3 **BY MR. SUTHERLAND:**

4 Q I mean, you remember me showing this thing that
5 says Mark Patterson, responding officer, right?

6 A His name is at the bottom of the report, but
7 that's not his report.

8 Q That's your report?

9 A That's my report.

10 Q You have no idea how that happened?

11 A I have no idea how that happened.

12 Q All right, thank you.

13 MR. SUTHERLAND: No further questions.

14 THE COURT: Thank you. Thank you very
15 much, deputy. You may step down.

16 All right, Solicitor, you may call your
17 next witness.

18 MR. STEADMAN: The State calls Rich
19 McMahan.

20 THE WITNESS: Come around and be sworn,
21 please.

22 WHEREUPON,

23 **RICH MCMAHAN,**

24 after having been duly sworn, testified as follows:

25 THE CLERK: Thank you. Have a seat in

SW - R. MCMAHAN - DIRECT

1 The witness chair. State your name for the record
2 and please spell your last name.

3 THE WITNESS: My last name is spelled
4 M-C-M-A-H-A-N.

5 THE CLERK: And first name?

6 THE WITNESS: Rich.

7 **D I R E C T E X A M I N A T I O N**

8 **BY MR. STEADMAN:**

9 Q Good morning sir, where are you employed?

10 A Richland County Emergency Medical Services.

11 Q And how long have you been employed there?

12 A Fifteen years.

13 Q What position do you hold with them?

14 A I am currently an assistant shift manager.

15 Q What is your rank?

16 A Lieutenant.

17 Q As a lieutenant and assistant shift supervisor
18 are you in charge of other units?

19 A Yes, at some point in time we're -- I'm in charge
20 of anywhere from 13 to 20 EMS's at one time.

21 Q And these are ambulance units that you're in
22 charge of?

23 A That's correct.

24 Q As part of your job do you respond to calls with
25 those ambulance units?

SW - R. MCMAHAN - DIRECT

1 A Yes, we do.

2 Q Okay. I want to take you to January 24th, 2012.

3 Were you working on that day?

4 A I was.

5 Q And did you receive information about possible

6 shooting victims near Masonry Circle in Hopkins,

7 South Carolina?

8 A That's correct.

9 Q And is that address in Richland County?

10 A It is.

11 Q What was the nature of the information that you
12 received about that call?

13 A The initial response was for gunshot wound.

14 Q How long did it take to get to the scene?

15 A Looking at the times I would have to estimate
16 probably about maybe, 12, 15 minutes at the most,
17 give or take.

18 Q Do you have a copy of the report in front of you?

19 A I do.

20 Q Feel free to respond -- refer to that.

21 A Okay.

22 Q So how long did it take you?

23 A Approximately about, like I said, about 12
24 minutes. My arrival time was at 14:37 and the
25 dispatcher to my punch-in arrival time on the scene.

SW - R. MCMAHAN - DIRECT

1 Q Now is that report that you have in front of you
2 is that something you've created?

3 A That's correct.

4 Q How about the time on the report?

5 A I did not create the time.

6 Q Who was there when you arrived at the scene?

7 A There was an additional ambulance that was on the
8 scene. I do not remember the ambulance number but
9 just the crew that was there.

10 Q And who were you with when you responded?

11 A I was by myself.

12 Q And when you responded there was one other
13 ambulance on the scene with you?

14 A One ambulance, that's correct. They were there
15 before I was.

16 Q Do you know about how long they were there before
17 you?

18 A I do not know.

19 Q Well, what did you observe once you're arrived at
20 the scene?

21 A When I arrived I saw the ambulance just sitting
22 out, and I went to the back of the ambulance. The
23 patient was — one of the victim's was still with
24 the ambulance. And I noticed to the crew that, has
25 this patient been shot, and they said, yes, time to

SW - R. MCMAHAN - DIRECT

1 get out and go.

2 Q You gave them the okay to go?

3 A Yeah, I gave a direct order to go to the hospital
4 with the shooting victim.

5 Q And who was man retrieved?

6 A I do not know the victim's name.

7 Q Okay. But do you know what the status of that
8 victim was in the ambulance?

9 A At the time he was alive.

10 Q Okay. After you did that, after you gave the
11 ambulance the okay to leave, what did do you after
12 that?

13 A I was informed by, I believe his name was
14 Investigator Johnson, there was a possible another
15 victim, and I was escorted to the scene where the
16 possible victim was.

17 Q And where was that in location to where you first
18 arrived?

19 A It was off the dirt -- I believe it was a dirt
20 road down back underneath the tree near some houses.

21 Q Off of Prioleau Road?

22 A I couldn't tell you.

23 Q And what did you observe once he took you to that
24 location?

25 A Again, Investigator Johnson escorted me to the

SW - R. MCMAHAN - DIRECT

1 SUV type vehicle, and as I -- excuse me, let me
2 remember this here. I found a black male sitting in
3 this small SUV type vehicle with an obvious hole
4 through his head, and at that time I checked for,
5 you know, for a carotid pulse as well as looking at
6 his chest, looking at his mouth to see if there was
7 any sounds of life. And after about 10 to 15
8 seconds found nothing.

9 Q And in a situation like this is that the first
10 thing you check for?

11 A Yes. When we arrive on a scene we have what we
12 call the primary survey. We assess airway for any
13 circulation, you know, for immediate and life
14 threatening situation. And this person at the time
15 did not have any, any signs of life.

16 Q The signs of life, can you just briefly describe
17 what you're looking for, the signs of life?

18 A I was feeling for pulses in the neck, the carotid
19 pulse, and I'm also looking for the chest to rise
20 and fall as the patient breathes and he did not have
21 any of that.

22 Q He did not have any of that?

23 A No.

24 Q And did you pronounce him dead on the scene?

25 A I did. And he was dead, I pronounced him dead

SW - R. MCMAHAN - CROSS

1 at 1500 hours.

2 Q And after you did that what's the procedure that
3 you follow after pronouncing somebody dead?

4 A I was escorted out of the crime scene by
5 Investigator Hayhurst (ph). When I -- when we
6 pronounce a person dead we obtain as much
7 information as possible about the victim and at that
8 time there wasn't any information available since
9 it was a crime scene I was escorted out.

10 Q So was this body transported by your ---

11 A No.

12 Q ---department?

13 A No.

14 Q And so you left the body at the crime scene?

15 A In the driver's seat of the vehicle that I found
16 him in.

17 Q Thank you. No further questions.

18 THE COURT: Thank you, Officer.

19 Mr. Sutherland.

20 MR. SUTHERLAND: Briefly, Your Honor.

21 **CROSS - EXAMINATION**

22 **BY MR. SUTHERLAND:**

23 Q Sir, you just mentioned that you were escorted
24 out, had to escorted out of the crime scene so you
25 were in the secured crime scene. You had somebody

SW - R. MCMAHAN - CROSS

1 basically with you at all time; is that correct?

2 A That's correct.

3 Q And you could not go anywhere, do anything,
4 without that person being there; is that correct?

5 A Right, without his direction.

6 Q Okay. No further questions. Thank you.

7 THE COURT: Redirect, Solicitor?

8 MR. STEADMAN: No, Your Honor.

9 THE COURT: You may step down.

10 Solicitor, you may call your next witness.

11 MS. CAVANAUGH: Your Honor, may we
12 approach.

13 THE COURT: Yes, ma'am, certainly.

14 (Whereupon, there was an off-the-record
15 Bench conference.)

16 THE COURT: All right. I realize the
17 jury's only been here about an hour and thirty-five
18 minutes, but we're gonna take our lunch and recess
19 at that this point.

20 Mr. Foreman and ladies and gentlemen of
21 the jury, I remind you that during this recess
22 you're not to discuss this case with others. That
23 includes your fellow jurors, lunch mates, family,
24 friends, or any one else. If anyone tries to talk
25 with you about the case please let me know. Do not

1 read, listen to, or watch any news reports about the
2 case should there be any. Do not use your computer,
3 cellular phone, or electronic device, or any other
4 method to obtain or disclose information about the
5 case which is prohibited. Information which is
6 prohibited includes but is not limited to the
7 following: Information about the party, a witness,
8 or attorney or court officer; prior news accounts of
9 the case, if any, information collected through
10 juror research on any topic raised or any testimony
11 offered by any witness, or information collected
12 through juror research on any topic the juror might
13 think would be helpful in deciding this case.
14 Remember, you decide the case based on the evidence
15 and testimony presented to you before the witnesses
16 testifying under oath in this courtroom and the law
17 as I tell you the law is. Do not do any independent
18 investigation or any investigation on the internet.
19 Please keep an open mind.

20 With that being said, if you leave your
21 notes I hope you all put your numbers on there. If
22 you'd leave your notes upside down on your chair
23 upon your exit the Clerk's Office will secure those
24 during the lunch and recess. I would ask you to
25 please be back promptly at 2:30. If you'd please be

1 back at 2:30 you're now excused. I hope y'all have
2 a pleasant lunch. Thank you. Thank you very much.

3 (The jury is removed from the courtroom at
4 1:03, and the following proceedings
5 commenced in open court.)

6 THE COURT: All right. Anything further
7 from the State, Solicitor?

8 MS. SIMPSON: No, Your Honor, not at this
9 time.

10 THE COURT: Defense?

11 MR. SUTHERLAND: No, sir.

12 THE COURT: If y'all would please be back
13 at 2:30. Court will be in recess until 2:15.

14 (WHEREUPON, a lunch break was taken.)

15 THE COURT: All right. Anything before we
16 bring our jury out? From the State, Solicitor?

17 MS. CAVANAUGH: Your Honor, we were able
18 to the best of our abilities to make a redacted
19 version of the photographic lineup that we are
20 introducing through the next witness Jonathan
21 Frazier and he had no objections to it. Would you
22 like to see it as well?

23 THE COURT: Yes, ma'am, please.

24 MS. CAVANAUGH: 1-B is apparently the
25 original and 1 is what we'll be introducing.

1 THE COURT: All right. Any objection, Mr.
2 Sutherland?

3 MR. SUTHERLAND: Outside my previous
4 objection, no, sir.

5 THE COURT: All right. Thank you. Thank
6 you very much. Thank you, Solicitor. Anything
7 further, Solicitor?

8 MS. CAVANAUGH: No. No, Your Honor.

9 THE COURT: Mr. Sutherland?

10 MR. SUTHERLAND: Just out an abundance of
11 caution, sir, the wrap sheet that was turned over to
12 me for their next witness doesn't show any
13 convictions, and I just move to settle his record on
14 record, Judge.

15 MS. CAVANAUGH: Yes, Your Honor, we -- at
16 Mr. Sutherland's request sometime last week or
17 before we did pull Mr. Frazier's record and there
18 appears -- there's only one arrest from 2007, simple
19 possession of marijuana that has no, that shows no
20 disposition. Even if it did, we would submit that's
21 not admissible. And then there's one from New York
22 that was dismissed with -- without prejudice back in
23 2005 it looks like. And that's the only record that
24 we -- it's actually Delaware not New York, that we
25 found on Mr. Frazier.

1 THE COURT: All right. Anything before we
2 bring the jury?

3 MR. SUTHERLAND: No, sir.

4 (The jury was returned to the courtroom at
5 2:43 p.m., and the following proceedings
6 commenced in court.)

7 THE BAILIFF: The jury panel's present,
8 Judge, Your Honor.

9 THE COURT: Thank you. Thank you very
10 much. Welcome back, ladies and gentlemen of the
11 jury, I hope y'all had a pleasant lunch. I
12 apologize for the delay. I assure you it was not
13 caused by the parties in the case; that is, they
14 were not here on time. They were here and working
15 very diligently.

16 With that being said, y'all have your
17 notes. We will continue the trial of the case by
18 the presentation of evidence and testimony by the
19 State in its case and chief.

20 Solicitor, you may call your next witness.

21 MS. CAVANAUGH: Thank you, Your Honor.
22 The State calls Jonathan Frazier.

23 THE COURT: All right. If you'd come
24 around and be sworn.

25 WHEREUPON,

SW - J. FRAZIER - DIRECT

1 **JONATHAN FRAZIER,**
2 having been duly sworn by the Clerk of Court,
3 testified as follows:

4 THE CLERK: Thank you. Please have a seat
5 in the witness stand. State your full name for the
6 record.

7 THE WITNESS: Jonathan Frazier.

8 **D I R E C T E X A M I N A T I O N**

9 **BY MS. CAVANAUGH:**

10 Q Good afternoon, Mr. Frazier.

11 A Good afternoon.

12 Q Jonathan, how old are you?

13 A 29.

14 Q And where are you from?

15 A Brooklyn, New York.

16 Q And when did you move to South Carolina?

17 A In 2006.

18 Q And who did you move to South Carolina with?

19 A My grandma.

20 Q Okay. Does your mom also live in South Carolina?

21 A Yes. Yes, ma'am.

22 Q And when did she move here?

23 A She came down here in 2006 too.

24 Q So it was you and your grandmother?

25 A Uh-huh.

SW - J. FRAZIER - DIRECT

1 Q And what -- do you live in Columbia?

2 A Yes.

3 Q And how long have you lived in the Columbia area?

4 A Since 2006.

5 Q I'm going to direct your attention to
6 January 24th, of last year?

7 A Yes.

8 Q Do you remember that day?

9 A Yes, ma'am, I remember that day.

10 Q Okay. Can you tell me how you started that day.

11 A I started that day probably 11, like 11, 11:15,
12 11:30. My cousin Dashawn Breeze, he told me that he
13 was outside and started a regular day. I went
14 outside and then we headed to the studio.

15 Q Let me stop you, you said -- who were you with?

16 A Dashawn Breeze.

17 Q And his last name, is it Jones?

18 A Yes. Yes, ma'am.

19 Q And his nickname was Breeze?

20 A Yes.

21 Q When you say he was your cousin, is he really a
22 blood relative or was he just your best friend?

23 A My best friend, not blood relative.

24 Q Okay. And so you met with Dashawn around what
25 time?

SW - J. FRAZIER - DIRECT

- 1 A Like 11:15, 11:30.
- 2 Q And where did y'all go?
- 3 A To the studio.
- 4 Q And did he pick you up?
- 5 A Yes.
- 6 Q Now how long had you known Dashawn?
- 7 A I say around 2007, around there.
- 8 Q So about five years?
- 9 A Yeah.
- 10 Q And how -- how did you know him?
- 11 A I met him from around the way. We just got tight
- 12 from then.
- 13 Q So that morning you went to the recording studio?
- 14 A Yes, ma'am.
- 15 Q And where, where was that located?
- 16 A It's in Anders Way(ph) the name of the street is?
- 17 Q In Columbia?
- 18 A Yes.
- 19 Q And what were y'all doing at the studio?
- 20 A We were really -- we went to the studio. We
- 21 pulled in there. We was talking in the car for
- 22 about like five minutes, and then that's when
- 23 Jabriel pulled up in like a little blue SUV. Then I
- 24 went into the studio and my cousin, like, I say five
- 25 or six minutes, he came and said, hey, we got to go,

SW - J. FRAZIER - DIRECT

1 and then he came and got me.

2 Q So you didn't spend a lot of time at the
3 recording studio that morning?

4 A No.

5 Q And what -- whose car was Dashawn driving that
6 day?

7 A His girl -- I ain't say a friend a girl, but it
8 was a friend.

9 Q Okay. And what color was it?

10 A Blue.

11 Q And was it just you -- initially was it just you
12 and Dashawn in the car?

13 A Yes, ma'am.

14 Q Were there other people at the recording studio
15 inside?

16 A There was a couple of people in there.

17 Q Okay.

18 A A couple.

19 Q Okay. And what, what do y'all do at the
20 recording studio? What do you mean -- what is meant
21 by the recording studio?

22 A Make music.

23 Q Okay. And is that what Dashawn liked to do?

24 A Yes, yes.

25 Q So you didn't spend much time there?

SW - J. FRAZIER - DIRECT

- 1 A No, ma'am.
- 2 Q And Dashawn spoke to you about leaving?
- 3 A Yeah, he came and got me —
- 4 Q Okay.
- 5 A —pretty much.
- 6 Q And what was your understanding, what did he want
- 7 to do?
- 8 A After he came and got me we was just supposed to
- 9 go get a couple of ounces of weed and an X-box.
- 10 Q Weed, you mean marijuana?
- 11 A Yes, yes.
- 12 Q And also an X-box?
- 13 A Yes.
- 14 Q And who you were supposed to get that from?
- 15 A We supposed to get it through the girl, through
- 16 his cousin.
- 17 Q Okay. Through whose cousin?
- 18 A Jabriel cousin (indicating).
- 19 Q But he was gonna set it up?
- 20 A Yes.
- 21 Q And again, how much did Dashawn tell you that he
- 22 wanted to buy?
- 23 A Like four ounces.
- 24 Q And about how much does that cost?
- 25 A I say about 3, 300, 350.

SW - J. FRAZIER - DIRECT

- 1 Q Dollars?
- 2 A Yes.
- 3 Q Now did you know -- did you know Jabriel before
- 4 January 24, 2012?
- 5 A Yes, ma'am.
- 6 Q About how long?
- 7 A I say about year-and-a-half, two years.
- 8 Q And how did you know him?
- 9 A From around the neighborhood.
- 10 Q And did you know what his last name was?
- 11 A No, ma'am.
- 12 Q Just you knew him by his first name?
- 13 A Yes.
- 14 Q Now when y'all left the recording studio was it
- 15 just you and Dashawn?
- 16 A Yes.
- 17 Q Okay. And where did y'all go next?
- 18 A We went to -- he had -- we had to meet him by his
- 19 girlfriend house.
- 20 Q Who is him?
- 21 A Jabriel.
- 22 Q Okay. Did know his girlfriend?
- 23 A No, ma'am.
- 24 Q Did you know her name?
- 25 A No.

SW - J. FRAZIER - DIRECT

- 1 Q Did you remember where, what her address was?
- 2 A I just remember -- it's either or .
- 3 That's the only number. I think it . I don't
- 4 know the street or anything, but it's right down the
- 5 block from Prioleau Street.
- 6 Q Okay, you just remember the numbers?
- 7 A Yes. Yes.
- 8 Q And either or --
- 9 A .
- 10 Q And you didn't know his girlfriend you said?
- 11 A No, ma'am.
- 12 Q So is that where y'all went?
- 13 A Yes.
- 14 Q And what happened once you got to her house?
- 15 A We was waiting for a little second for Jabriel to
- 16 come.
- 17 Q Okay. And when you say a little second, it was a
- 18 period of time, right?
- 19 A Yeah, like 20 minutes.
- 20 Q Okay. And y'all just waited outside?
- 21 A Yes.
- 22 Q Did you ever get out of the car?
- 23 A No.
- 24 Q Did Dashawn ever get out of the car?
- 25 A No.

SW - J. FRAZIER - DIRECT

1 Q Did Dashawn have to call and find out where he
2 was?

3 A I think he called him once or twice, yes.

4 Q And once again, Dashawn was driving?

5 A Yes, ma'am.

6 Q And is this the car, the car that y'all were in
7 that day, is the car that he was normally -- that he
8 normally drove?

9 A Yes.

10 Q Did Jabriel eventually show up to his
11 girlfriend's house?

12 A Yes, he showed up there.

13 Q Did he come in somebody else's car?

14 A Yeah, a little blue SUV.

15 Q Okay. And what happened once he got there?

16 A He came and he came, went in the house real
17 quick. Then came and asked us if we can drop his
18 girl and friend out at Zaxby's.

19 Q Okay. And did Dashawn agree to do that?

20 A Yes, ma'am.

21 Q Where did everybody sit once they got in the car?

22 A The two girls and Jabriel was in the back.
23 Breeze was driving and I was in the passenger seat.

24 Q Okay. So did you take -- did Dashawn take them
25 to Zaxby's?

SW - J. FRAZIER - DIRECT

- 1 A Yes, ma'am.
- 2 Q And who got out of the car once y'all arrived at
- 3 Zaxby's?
- 4 A They all got out of the car, Jabriel and the two
- 5 females.
- 6 Q Okay. Who came back in the car?
- 7 A Jabriel.
- 8 Q And where did he sit once he got back in the car?
- 9 A Behind me.
- 10 Q What happened -- what did y'all do once he got
- 11 back in the car?
- 12 A We got back -- we was on the way. We rolled up a
- 13 little blunt so we and then we smoked one on the way
- 14 to Hopkins.
- 15 Q Okay. And who was, who was directing where to
- 16 go? Whose idea was it to go to Hopkins?
- 17 A Jabriel.
- 18 Q Okay. And so what was -- what was the plan at
- 19 that point, what was your understanding?
- 20 A We was going to get some weed and X-box.
- 21 Q Who was supposed to be providing this?
- 22 A T-man.
- 23 Q Okay. And what was Jabriel doing while he was in
- 24 the back seat?
- 25 A We was just all talking, talking real like, like

SW - J. FRAZIER - DIRECT

1 civilized people.

2 Q Okay. And was he on the phone?

3 A He wasn't on the phone quite not yet, not yet, as
4 we going down he wasn't on the phone.

5 Q Okay. At some point did he get on the phone?

6 A Yes.

7 Q And when was that?

8 A When we got into Hopkins. As we going up one
9 spot that he had got on the phone talking, talking.
10 Then we had to go to the other place, that's where
11 we end up -- that's where the accident happen at.

12 Q Okay. And about how long were y'all driving
13 around? Can you estimate?

14 A About 30 minutes, about 30, 40 minutes.

15 Q Once y'all got into Hopkins who was telling
16 Dashawn where to go?

17 A Jabriel.

18 Q Okay. And you mentioned someone named T-man.
19 Did you know who T-man was?

20 A Yes, I saw him a few times, yes.

21 Q And who was this person supposed to be? Is this
22 somebody related to Jabriel?

23 A Yeah, supposed to be his cousin.

24 Q Okay. Did you know T-man personally?

25 A Huh-uh, not on a personal level.

SW - J. FRAZIER - DIRECT

1 Q What did Jabriel -- what did you notice that
2 Jabriel had with him?

3 A As we was getting out 'cause he had his gun on
4 his lap, but I wasn't paying any mind. I'm just
5 thinking how he got it on his lap in case if the
6 police go by and he want to throw it, he gonna run
7 with it. I wasn't thinking of anything 'cause we
8 talking, laughing, everything going on.

9 Q So at that point you didn't feel threatened at
10 all?

11 A No. No, ma'am.

12 Q And where was the gun again?

13 A On his lap.

14 Q Did you, did you get a look at it?

15 A Yes.

16 Q What did it look like?

17 A A silver 357 with a black rubber grip.

18 Q Okay. Did he say anything to you about the gun,
19 about the type of gun?

20 A No, he was just saying it was seven shots; that
21 was it.

22 Q He told you that?

23 A Yes.

24 Q What else did you notice was in the back seat?

25 A A glove with like little -- a glittery glove, a

SW - J. FRAZIER - DIRECT

1 little glittery glove.

2 Q Was it also black?

3 A Yeah, it was black, yes, ma'am.

4 MS. CAVANAUGH: Beg the Court's
5 indulgence.

6 MR. SUTHERLAND: I just object to
7 foundation, Judge.

8 THE COURT: All right, you can question
9 him about it.

10 MS. CAVANAUGH: Thank you.

11 THE COURT: See if you can lay the
12 foundation.

13 BY MS. CAVANAUGH:

14 Q Jonathan, I'm gonna show what's marked as State's
15 Exhibit Number 7. Do you recognize that?

16 A Yes.

17 Q What is that a picture of?

18 A The glove.

19 Q Does that look like the glove that you saw in the
20 back seat?

21 A Yes, it do. Yes.

22 MS. CAVANAUGH: Your Honor, at this time I
23 move to introduce State's Exhibit 7 into evidence.

24 (WHEREUPON, State Exhibit No. 7
25 was admitted into evidence.)

SW - J. FRAZIER - DIRECT

- 1 BY MS. CAVANAUGH:
2 Q Where did you see the glove?
3 A In the back seat.
4 Q With Jabriel?
5 A Yes.
6 Q Now, when was the first time you noticed the gun
7 in his lap? Was it before Zaxby's or after Zaxby's?
8 A After Zaxby's.
9 Q After his girlfriend already got out the car?
10 A Yes.
11 Q So y'all are driving around Hopkins, and you said
12 that he was giving directions once y'all got into
13 Hopkins?
14 A Yes, ma'am.
15 Q Okay. What, what type of road did he direct
16 y'all down?
17 A A dirt road.
18 Q Okay. Did you know what road it was?
19 A Huh-uh.
20 Q Were you familiar with that particular area of
21 Hopkins?
22 A No, ma'am.
23 Q What happened once Dashawn turned down the dirt
24 road?
25 A He turned around the dirt road. We going I

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1 think — we passed a few houses. I think the
2 address like . He was like, that's it right
3 there, then we backed in.

4 Q So Dashawn backed in the driveway?

5 A Yes, ma'am.

6 Q Did you know whose house this was?

7 A No, ma'am.

8 Q Did Jabriel act like he knew whose house this
9 was?

10 A Yes.

11 Q Up until this point had you ever — have you seen
12 the marijuana that Dashawn was supposed to buy from
13 Jabriel?

14 A No, no.

15 Q In fact, did you ever see it that day?

16 A No.

17 Q As Dashawn is backing into the driveway was
18 Jabriel still on the phone?

19 A No, no.

20 Q So he was off the phone at this point?

21 A Yes.

22 Q Did Dashawn park the car?

23 A Yes.

24 Q What happened when he parked the car?

25 A As we parked it then that's when he get out,

SW - J. FRAZIER - DIRECT

- 1 Jabriel get out. Then he said G, G, you want to
2 shoot the gun? I'm like, I don't want to shoot the
3 gun, I don't want to shoot another man gun. Then my
4 cuz Breeze, Dashawn, he's like you a punk, you a
5 punk. We laughed about it; we laughed about it.
6 Then a few seconds later I just heard shots.
- 7 Q Okay. So did Jabriel get out of the car?
- 8 A Yes.
- 9 Q When he was asking you about the gun was he out
10 of the car?
- 11 A Yes, ma'am.
- 12 Q What side of the car was he on?
- 13 A On my side (indicating).
- 14 Q Your side?
- 15 A Yes.
- 16 Q And how was your window, is your window all the
17 way up?
- 18 A Huh-uh, my window was kind of down.
- 19 Q So you could hear what he was saying?
- 20 A Yes.
- 21 Q So you did not want to shoot his gun?
- 22 A No, ma'am.
- 23 Q And Dashawn was joking with you about that?
- 24 A Yeah.
- 25 Q Now what happened next?

SW - J. FRAZIER - DIRECT

1 A A few seconds later I just heard shots. And
2 first I'm thinking he shoot him in the head till I
3 see the window break, the driver's seat window
4 break. And then that's when I -- shots just hearing
5 them, and I got hit in my back like upper shoulder
6 (indicating). And then my right hand hit the top of
7 the car. Then I seen my cuz, Dashawn Breeze, I seen
8 him get shot like in the back towards the back area
9 and then it was just guns, bom, bom, bom, bom, just
10 heard shots.

11 Q This all happened really fast?

12 A Yes, yes, ma'am.

13 Q And again, at this point he is on your side of
14 the car?

15 A My -- yes.

16 Q I mean, can you estimate how many gunshots you
17 heard?

18 A No.

19 Q A lot?

20 A Yeah.

21 Q And your cousin Dashawn was shot?

22 A Yes.

23 Q And you were shot?

24 A Yes.

25 Q And you're still in the passenger side?

SW - J. FRAZIER - DIRECT

1 A Yes.

2 Q And Dashawn's still on the driver's side?

3 A Yes, ma'am.

4 Q At any point ---

5 MR. SUTHERLAND: Objection to that, just
6 leading.

7 A Your Honor.

8 THE COURT: All right. You can rephrase
9 the question. Go right ahead, Solicitor.

10 BY MS. CAVANAUGH:

11 Q At this point had either you or Dashawn exited
12 the vehicle?

13 A No.

14 Q What happened to you at this point?

15 A Before -- me and my cousin, he had after we had
16 shot Dashawn throw him the money, then he still kept
17 firing and I just remember blacking out a little bit
18 after that.

19 Q So you are awake, you are conscious when you saw
20 Dashawn give him the money?

21 A He threw it. He didn't give it to him; he just
22 threw it.

23 Q And what did he say? Dashawn?

24 A He said, here, take it. That's all.

25 Q And it was a couple of hundred dollars?

SW - J. FRAZIER - DIRECT

1 A Yes.

2 Q What happened next to you?

3 A To me, that's when I had blacked out, passed out,
4 a little after that.

5 Q And were you shot at this point?

6 A Yes.

7 Q What's your next memory?

8 A I just remember kind of like getting up and
9 seeing him on the driver's side by the little --
10 away from the driver's side reloading. Then in my
11 head I'm like, I can't go out like this, I can't go
12 out this like, and I just went and rushed him.

13 Q So he -- where was he at this point? Where was
14 Jabriel at this point?

15 A By the driver's side a little distance away.

16 Q And what did it appear to you that he was doing?

17 A Reloading.

18 Q And what was your thought?

19 A That I ain't about to go out like this, go, go
20 for what I know, that's all.

21 Q And what was Dashawn's condition at this point?

22 A He was down. He was down over the steering
23 wheel.

24 Q Was he moving?

25 A Huh-uh.

SW - J. FRAZIER - DIRECT

1 Q What did you do next?

2 A I got out of the car. We rushed and we tussling
3 for a little second, tussling a little for a second.

4 Q Let me stop you. What do you mean by tussling?

5 A Like grabbing, grabbing (indicating). I was just
6 trying to grab, then he backing me down, he down, he
7 backing me down ---

8 Q How is he -- I'm sorry to interrupt you. How is
9 he backing you down?

10 A Pointing the gun to me.

11 Q Okay. And, and is he -- describe how he's
12 backing you down.

13 A Face to face, back up, back up, get back in the
14 car, get back in the car.

15 Q So he had the gun pointed at you?

16 A Yes.

17 Q And where, where did this -- where did he back
18 you around? Was it the front of the car?

19 A He backed me down back to the side like around
20 the back of the car back to the passenger side.

21 Q Okay. And then what happened, what happened
22 then?

23 A Then he told me -- he said, throw me your phone,
24 I got to get away. I said, don't kill me, look what
25 you did to my cousin.

SW - J. FRAZIER - DIRECT

1 Q Say that say that again one more time. You said
2 throw me your phone —

3 A He said throw me your phone, I got to get away.

4 Q Okay.

5 A Then he stood back and I said don't kill me, look
6 what you did to my cousin.

7 Q Did you give him the phone?

8 A Yes.

9 Q And what, what happened after you gave him the
10 phone?

11 A I get in the car.

12 Q And what happened next?

13 A I get in the car, and he tell me to pass him the
14 keys, pass me the keys. But in my head I hoped I
15 can turn around, while he got the gun on me and
16 shoot me in the back of the head.

17 Q Where are you sitting at this point?

18 A In the passenger seat.

19 Q And are the keys in the ignition?

20 A Yes, ma'am.

21 Q So did you give him -- did you reach for those
22 keys?

23 A No, ma'am.

24 Q What did you -- what happened next?

25 A Then all I heard, there it go, I heard two more

SW - J. FRAZIER - DIRECT

- 1 shots, bomb, bomb.
- 2 Q You heard, there it go?
- 3 A Yeah, there it go.
- 4 Q And who said that?
- 5 A Jabriel.
- 6 Q Did one -- did any of those shots hit you?
- 7 A Hit my hand, yes, ma'am.
- 8 Q After he shot your hand what happened?
- 9 A I just remember feeling my body, like, shaking
- 10 for a little something. Then I went out and past
- 11 out again.
- 12 Q And you were still in the passenger seat?
- 13 A Yes. No, I passed out over -- I was by the gas
- 14 pedal and the brake. That's what I remember, waking
- 15 up from over there.
- 16 Q So you -- were you still sitting?
- 17 A No, I was leaning over (indicating).
- 18 Q Say that again?
- 19 A I was leaning over.
- 20 Q What were you leaning over?
- 21 A Breeze -- Dashawn's legs.
- 22 Q Okay. So when you woke up what were you looking
- 23 at?
- 24 A His legs.
- 25 Q And was Dashawn, was he moving at all?

SW - J. FRAZIER - DIRECT

1 A No, ma'am.

2 Q What'd you do once you're waking up the second
3 time?

4 A After I got up I got, up and I just looked at him
5 and I seen him over the steering wheel. Then at
6 first I was just going to lay there. I was just
7 going to lay, just lay there, but then I got out.
8 When I got out I had fell, then I was just crawling
9 a little bit until I got to the dirt road I got up.
10 I passed, I'd say, one or two houses but I wanted to
11 pass a house, a nice house to go to. Then I seen
12 one where the door was opened, but the glass door
13 was closed at the front door.

14 Q So were you able to crawl and then walk to get
15 help?

16 A Yes, ma'am.

17 Q Do you remember where this house was in relation
18 to the dirt road? Was it right next to it?

19 A I want to say right next to it, probably the next
20 house. It was a couple ways down, not this far but
21 a couple of ways down.

22 Q Is it -- are you bleeding at this point?

23 A Yes, ma'am.

24 Q What else did you notice? Were you having any
25 other trouble?

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1 A I just felt -- I was getting weak and it felt
2 like a rock in my throat. I couldn't do anything.
3 I couldn't do nothing.

4 Q At this point, other than your hand shot and the
5 back shot that you mentioned already, did you know
6 anywhere else that you were shot?

7 A Huh-uh.

8 Q But you just felt what, your breath go away?

9 A It felt like a rock, like, I couldn't breathe or
10 swallow or anything.

11 Q And before, just to back up just a little bit,
12 before you got to that porch did you ever see anyone
13 else at this area (indicating), at the shooting
14 scene, Prioleau Road?

15 A No, ma'am.

16 Q Just you, Jabriel, and Dashawn?

17 A Yes, ma'am.

18 Q Just to be clear, did anyone other than Jabriel
19 have a gun?

20 A No, ma'am.

21 Q Once you got to the porch that you -- the house
22 that you talked about, what did you do?

23 A I was just knocking on the door asking for help.
24 That's about when I find this older lady, and I was
25 just telling her, I told her you call the cops, I'll

SW - J. FRAZIER - DIRECT

- 1 hide in your backyard, I'll hide in the backyard.
- 2 Q Okay. And why did you want to hide?
- 3 A 'cause I ain't know where he would have been at.
- 4 Q Okay. And did she call 9-1-1 for you?
- 5 A Yes, ma'am.
- 6 Q And did you know her in any way?
- 7 A No, ma'am.
- 8 Q At this point you knew who shot you?
- 9 A Yes.
- 10 Q And were you able to tell her that?
- 11 A Yes, I was trying to get it out. Yes, I told
- 12 her.
- 13 Q When you were on her porch what did you see?
- 14 A I seen Jabriel passing while she was on the phone
- 15 talking to ---
- 16 Q And where did you, where did you see him?
- 17 A On the road. I don't know the road but there's a
- 18 road right by her house, side of her house. It's
- 19 like a little distance. It's a little close but
- 20 right a little ways there.
- 21 Q And did tell her you saw him?
- 22 A Yes.
- 23 Q Are you also having trouble breathing at this
- 24 point?
- 25 A Yes, ma'am.

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1 Q Do you remember the Richland County Sheriff's
2 Department? Do you remember any of the deputies
3 coming to you?

4 A I remember somebody talking to me. I just, I
5 just kept asking them, like thinking I'm about to
6 die, thinking I'm about to die. He was just telling
7 me if you see him don't worry, that's all.

8 Q Say that, say that last part again.

9 A He was telling me, if you see him don't worry.
10 He was telling me, don't worry.

11 Q Who was telling that?

12 A The officer.

13 Q Do you remember EMS coming, the ambulance coming
14 to where you were?

15 A Yes, I remember. Yes.

16 Q Okay. And at this point were you able to tell
17 them anything about Dashawn?

18 A Yes, after they get me into the -- after they get
19 me into the vehicle they was like, what about my
20 cousin, what about my cousin. They was asking me.
21 I was like, he got shot too.

22 Q Because you didn't know if they knew about him
23 yet, right?

24 A Huh-uh.

25 Q Were you able at least point in which direction

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1 he was?

2 A Yeah, I said down the dirt road, yes.

3 Q And I'm gonna back up just a little bit.

4 MS. CAVANAUGH: Beg the Court's
5 indulgence.

6 BY MS. CAVANAUGH:

7 Q Johnathan, I'm to show you what is marked as
8 State's 5. Do you recognize that?

9 A Yes, that's the truck.

10 Q That's the truck? And where is it parked?

11 A By a tree.

12 Q Is that the house that y'all pulled up at?

13 A Yes, ma'am.

14 Q Okay. Is that the truck that Dashawn was driving
15 that day?

16 A Yes, ma'am.

17 MS. CAVANAUGH: Your Honor, at this time
18 I'd ask to move State's Exhibit 5 into evidence.

19 MR. SUTHERLAND: No objection.

20 THE COURT: State's 5 into evidence.

21 (State's Exhibit No. 5 was admitted into
22 evidence.)

23 MS. SIMPSON:

24 MS. CAVANAUGH: Permission to publish to
25 the jury.

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1 BY MS. CAVANAUGH:

2 Q I'm also gonna show you a closer photo of that
3 car. Do you recognize what's depicted in State's
4 Exhibit 6?

5 A Yes, ma'am.

6 Q What is that?

7 A The car.

8 Q That Dashawn was driving?

9 A Yeah.

10 MS. SIMPSON: Your Honor, at this time I'd
11 ask to move State's Exhibit 6 into evidence.

12 MR. SUTHERLAND: No objection, Your Honor.

13 THE COURT: State's 6 in evidence without
14 objection.

15 (State Exhibit No. 6 was admitted into
16 evidence.)

17 BY MS. CAVANAUGH:

18 Q Now were you transported to the hospital this
19 afternoon, on the 24th?

20 A Yes, ma'am.

21 Q And about how long did you spend in the hospital?

22 A Two, three weeks.

23 Q And what kind of treatment did you receive at the
24 hospital? Did you have any surgeries?

25 A No, I still got the bullet in my neck. I ain't

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1 had surgery. I just had my jaw wired and the trach,
2 that's all.

3 Q What about that — what about the bullet that
4 went through your hand?

5 A It was straight through. They just wrapped it up
6 and for me; therefore, I mean, I still can't feel
7 my — I ain't got no feeling in my fingers though.

8 Q What did you say about your neck?

9 A I just had a trach but the bullet still in there.
10 I just had a trach in there, that's all. I didn't
11 have any surgery.

12 Q Okay. And where is — to your understanding
13 where is the bullet still in you?

14 A It's like on my esophagus right here
15 (indicating).

16 Q Okay. And do you know what happened to the one
17 that went through your back?

18 A It went straight through.

19 Q But you stayed in the hospital for at least two
20 weeks?

21 A Yes, ma'am.

22 Q Do you remember investigators coming to speak to
23 you while you're at the hospital?

24 A Yes, I remember that.

25 Q Were there several?

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1 A I can't remember several. I just remember like
2 two officers.

3 Q Okay. But you remember, what did you say?

4 A I said I just remember like two officers, that's
5 all I. Don't remember several.

6 Q Okay. Do you remember what unit you were in at
7 the hospital early on, what unit of the hospital?

8 A Trauma.

9 Q Trauma. So the first couple of days you spent in
10 the trauma unit?

11 A Yes.

12 Q When the investigators came that you remember,
13 were you able to -- how were you first able to
14 answer their questions?

15 A Just -- I just remember answering them and
16 probably shaking my head or mumbling it out.

17 Q Because, what did you say was in your neck and
18 your throat?

19 A A trach.

20 Q A trach?

21 A (The witness nodded head.)

22 Q Did you also have to have your jaw wired shut at
23 some point?

24 A Yes, ma'am. When I woke up my mouth was wired.

25 Q And why was that?

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1 A Because the bullet had went through. It went
2 through the head (indicating) and then crossed over
3 to here (indicating).

4 Q How long was your jaw wired shut?

5 A Nine weeks.

6 Q I'm gonna show you what's marked as State's
7 Exhibit 1. Do you recognize that?

8 A Yes, ma'am.

9 Q And what is that? What is that?

10 A The photo lineup that the officer showed me.

11 Q Okay. And do you -- do you have a clear memory
12 of particular lineup being shown to you?

13 A Yes, ma'am. Yes.

14 Q And when the officer, when the investigator
15 showed this to you what did he say to you about it?

16 A He said ---

17 MR. SUTHERLAND: Hearsay, Your Honor.

18 THE COURT: Overruled.

19 BY MS. CAVANAUGH:

20 Q Yes, sir.

21 A He said the person might be on this paper or he
22 might not be on this paper. If you can identify
23 him, identify him.

24 Q And when you say person what do you mean?

25 A Jabriel.

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1 Q The person -- and who is that in this case?

2 A The person who shot me.

3 Q Okay. And were you able to identify the person
4 who shot you?

5 A Yes, ma'am.

6 Q And how did you identify -- which picture did you
7 pick out?

8 A The lower one on the right.

9 Q And who is that a picture of?

10 A Jabriel.

11 Q Did you memorialize that in any way as far as
12 making marks on the paper to indicate which ones?

13 A Yes, ma'am.

14 Q What did you do?

15 A I circled it and then my initials on it.

16 Q You did that yourself?

17 A Yes.

18 MS. CAVANAUGH: Your Honor, at this time I
19 move State Exhibit 1 into evidence.

20 MR. SUTHERLAND: Okay. Just renewing my
21 previous objection.

22 THE COURT: All right, State's 1 in
23 evidence.

24 (State's Exhibit No. 1, photo lineup, was
25 admitted into evidence.)

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1 MS. CAVANAUGH: Permission to publish it
2 to the jury.

3 THE COURT: Yes, ma'am.

4 BY MS. CAVANAUGH:

5 Q A couple weeks after the shooting do you remember
6 speaking with Investigator Unger?

7 A Yes, ma'am.

8 Q At that point were you able to give him a
9 statement as far as what in detail about what
10 occurred that day?

11 A Yes, ma'am.

12 Q Okay. And did you tell him to the best of your
13 knowledge everything that happened that afternoon?

14 A Yes.

15 Q Were you initially hesitant to tell members of
16 the Richland County Sheriff's Department that
17 Dashawn was there to actually purchase marijuana?

18 A Not really.

19 Q But initially did you say that you were there to
20 buy this X-box or also marijuana?

21 A I said both.

22 Q You did, okay.

23 A (The witness nodded head.)

24 Q Okay. And again, that day in the car did you
25 ever see the marijuana that Dashawn was supposed to

SW - J. FRAZIER - DIRECT

1 buy?

2 A No, ma'am.

3 Q Did you ever see the X-box that he was supposed
4 to buy?

5 A No, ma'am.

6 Q After you were released from the hospital what
7 was your recovery like from the gunshot wound?

8 A I couldn't hardly walk like I wanted to walk. My
9 insides was still weak, 'and my muscles, I had to
10 eat liquid diet for about nine weeks.

11 Q Do you have any permanent issues from the
12 shooting?

13 A Yeah, my mouth and neck still lock up time to
14 time. I can't feel my fingers.

15 Q That's in your right hand?

16 A Yes, ma'am.

17 MS. CAVANAUGH: Beg the Court's
18 indulgence.

19 THE COURT: Yes, ma'am.

20 BY MS. CAVANAUGH:

21 Q Just a few more questions. You said the first
22 couple of days you were in the trauma unit?

23 A Yes, ma'am.

24 Q Were you on medication those first couple of days
25 for pain and those types of things?

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1 A Yes.

2 Q And I know this is hard for you, but do you see
3 the person who you knew as Jabriel in the courtroom
4 today?

5 A Yes, ma'am.

6 Q Where is he sitting?

7 A Right there (indicates).

8 Q And what is he wearing?

9 A White jacket, blue shirt.

10 Q And is that the person that shot Dashawn Jones

11 ---

12 A Yes, ma'am.

13 Q ---on January 24th, 2012?

14 A Yes, ma'am.

15 Q Is that the person that shot you on January 24,
16 2012?

17 A Yes, ma'am.

18 MS. CAVANAUGH: Your Honor, let the record
19 reflect he's identified the defendant as the
20 shooter.

21 THE COURT: So reflected.

22 MS. CAVANAUGH: Thank you. No further
23 questions. Please answer any questions from the
24 Defense.

25 **CROSS - EXAMINATION**

SW - J. FRAZIER - CROSS

1 **BY MR. SUTHERLAND:**

2 Q Mr. Frazier, your name is Jonathan Frazier?

3 A Yes, sir.

4 Q And you testified that you moved here from New
5 York?4?

6 A Yes.

7 Q Was your name Jonathan Frazier in New York?

8 A I had it as Johnson but, yes, when I was in New
9 York I had got it changed in time some years ago.

10 Q Okay.

11 A My last name, changed to my father last name.
12 That's what I did.

13 Q Okay, all right. And your nickname is Crash?

14 A Yes.

15 Q Dashawn Jones, he's just a friend of yours, not
16 your cousin but his name is Dashawn Jones?

17 A Yes.

18 Q Is also Tyler Edwards?

19 A Huh-uh.

20 Q You never heard that?

21 A Huh-uh.

22 Q Okay. But you have heard King Breeze?

23 A Yes.

24 Q Okay. I really just want to ask you, you talked
25 to a couple of investigators. You testified about

SW - J. FRAZIER - CROSS

1 that. And I wanted to ask you about what you had
2 said to Investigator Golf. You had told him that
3 there were two vehicles. Do you remember that?

4 A No, sir.

5 Q And that you were following Jabriel to get some
6 X-boxes. Do you remember that?

7 A We wasn't following — we wasn't following
8 anybody.

9 Q Do you remember telling, him though, that you
10 were following him in another car?

11 A No.

12 Q That you were following him down the dirt road
13 and that he stopped?

14 MS. CAVANAUGH: Objection, he's
15 mischaracterizing this report.

16 MR. SUTHERLAND: I'm not mischaracterizing
17 the report. That's what the report says.

18 THE COURT: Direct the comment to the
19 Court. Step out please, ladies and gentlemen.
20 Leave your note on the chair.

21 (The jury is removed from the courtroom at
22 3:24 p.m.)

23 THE COURT: All right. What's the
24 objection, Solicitor?

25 MS. CAVANAUGH: What Mr. Sutherland is

1 attempting to get through Jonathan is inadmissible
2 hearsay, and he's also -- he can get this line of
3 questioning through Investigator Goff. But he's
4 mischaracterizing the report in front of the jury.

5 MR. SUTHERLAND: Your Honor, if I may, I
6 do have the report and I'm asking him if he
7 remembers telling Invest---

8 THE COURT: Well, show me the report --

9 MR. SUTHERLAND: Yes, sir.

10 THE COURT: ---one of you please.

11 MR. SUTHERLAND: Sir, I just added a
12 parenthetical around the section I was just asking
13 him.

14 THE COURT: All right. What's your
15 objection, Solicitor?

16 MS. CAVANAUGH: Your Honor, it's -- this
17 is an investigator summary of what the victim is
18 saying as he was getting ready to go into go
19 basically into surgery. He can't refresh the
20 witness's recollection about statements he made from
21 another investigator's summary. Also, there's never
22 any mention, unless Mr. Sutherland can point to
23 this, directly about two cars. Following could be
24 following Jabriel's directions. I don't see
25 anywhere in here about two cars. So he's improperly

1 refreshing this witness's recollection through
2 someone else's notes and mis---

3 THE COURT: Well, I think he can -- I'm
4 sorry, I didn't mean to interrupt you.

5 MS. CAVANAUGH: Just mischaracterizing
6 what this investigator even wrote down. There's
7 never any mention about two cars. Following could
8 mean following directions.

9 MR. SUTHERLAND: Well, following somebody
10 down a dirt road, Judge, I mean, it's speaking
11 English. Is whether you're following, is he on foot
12 maybe and they're following in the vehicle. I don't
13 know understand the solicitor's point. I mean, it's
14 pretty straight forward from the language, sir.

15 THE COURT: You can impeach the a based on
16 613(a). You can ask him if he made the statements .

17 MR. SUTHERLAND: Yes, sir.

18 THE COURT: Now, you can't re-state the
19 statements he alleged, made.

20 MR. SUTHERLAND: Yes, sir.

21 THE COURT: So prior -- if it's prior
22 inconsistent statement you can cross-examine him on
23 it, but it may only be English. You just can't add
24 English words that aren't on the paper.

25 MR. SUTHERLAND: Yes, sir, I will

1 certainly rephrase the followup.

2 THE COURT: Solicitor, you care to
3 respond?

4 MS. CAVANAUGH: Right. And just as long
5 as he's limited to 613(a). He just seems to be
6 attempting to publish Investigator Goff's summary
7 through this witness which we believe is improper.

8 MR. SUTHERLAND: And I'm just asking if he
9 told investigator Golf what's, that he told these
10 things to Investigator Golf, and I'm assuming
11 Investigator Golf is going to testify, maybe say
12 something else, but the report is what it is, sir.

13 THE COURT: I think he can impeach under
14 613 on prior inconsistent statements. He can say
15 yes, I did, or no I didn't. I mean, that's up to
16 the witness whether he says, yes, I made that
17 statement, or no, I didn't make that statement.
18 Then of course, Solicitor, you can come back and say
19 well, when was this statement taken; well, it was
20 when I was under the care and treatment at the
21 trauma unit at Richland County or Palmetto Richland
22 Hospital and I was -- had a trach or had this or
23 that or the other.

24 Bring us our jury please.

25 MR. SUTHERLAND: Yes, sir.

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1 (The jury was returned to the courtroom at
2 3:28 p.m.)

3 THE BAILIFF: All jurors are present.

4 THE COURT: Thank you. Thank you very
5 much, Solicitor.

6 Mr. Sutherland, you may continue.

7 MR. SUTHERLAND: May it please the Court.

8 THE COURT: Yes, sir.

9 BY MR. SUTHERLAND:

10 Q Do you remember saying that you were following
11 him down a dirt road and he stopped? Do you
12 remember saying that to Investigator Golf?

13 A No, no.

14 Q Do you remember saying he got out of the car and
15 pulled a gun on you and on King Breeze, do you
16 remember saying that?

17 A No.

18 Q Do you remember saying you and Mr. Singleton
19 fought over the gun?

20 A Yes.

21 Q Do you remember saying that is when you were shot
22 in the hand?

23 A No.

24 Q Do you remember saying that you started running
25 and were shot in the back while running? Do you

SW - J. FRAZIER - CROSS

1 remember saying that?

2 A No.

3 Q Okay. Now, according to your testimony here in
4 your later statement to Investigator Unger that you
5 were going to get some weed and some X-boxes?

6 A Some weed and a X-box.

7 Q One X-box?

8 A Yes.

9 Q Just taking out of your statement. Now, you
10 testified that a quarter pound of marijuana cost
11 350-dollars?

12 A Yea, 300, 350.

13 Q Now, that would be -- there's a range of prices
14 with, I mean, all marijuana doesn't cost the same.
15 Is it that particular kind that you were going to
16 get was going to cost 350-dollars?

17 A 300 or 350.

18 Q And do you know what kind it was that you were
19 going to get?

20 A Just some regular marijuana.

21 Q Okay. And retail X-boxes are expensive, but how
22 much were y'all going to pay for this X-box?

23 A Like a hundred.

24 THE COURT: Say that again.

25 THE WITNESS: Like a hundred.

SW - J. FRAZIER - CROSS

1 BY MR. SUTHERLAND:

2 Q Okay. So you were gonna pay 100-dollars for the
3 X-box and you were gonna pay 350-dollars for the
4 weed?

5 A 300, 350, yes.

6 Q Okay. So that's 4, 450-dollars?

7 A Yes.

8 Q Okay. Now, in the -- in your statement -- and
9 let me flip to it here. The solicitor had asked you
10 a question and -- or it may have been in opening; I
11 can't recall. But the solicitor had said that you'd
12 thrown several hundred dollars. Do you remember --
13 or that King Breeze had won several hundred dollars.
14 Do you remember telling Investigator Unger that he
15 threw a couple of hundred dollars at him?

16 A Yeah, he through a couple hundred dollars, yeah.

17 Q All right. Now, I believe you had 30-dollars on,
18 on you at the time, or do you -- are you sure? Do
19 you know, do you remember?

20 A No.

21 Q And I believe King Breeze had 70-dollars on him
22 at the time?

23 MS. CAVANAUGH: Objection.

24 THE COURT: There's no facts in evidence.

25 MR. SUTHERLAND: Yes, sir.

SW - J. FRAZIER - CROSS

1 THE COURT: You got to lay the foundation
2 for that. The witness has got to testify.

3 MR. SUTHERLAND: Yes, sir.

4 BY MR. SUTHERLAND:

5 Q So in order for y'all the buy the weed and the
6 X-boxes you would have had to have 450-dollars on
7 you to do that if that's what you were going to do;
8 is that correct? Do you agree?

9 A Yes.

10 Q Okay. Did you have 450-dollars?

11 A I didn't have it.

12 Q Okay. Do you know if King Breeze had
13 450-dollars?

14 A Yes.

15 Q You saw 450-dollars?

16 A He pulled out a couple of hundred.

17 Q Okay, a couple of hundred. You see, the question
18 becomes how do you buy something that's 450-dollars
19 for a couple of hundred dollars?

20 A What do you mean?

21 Q If you only have a couple of a hundred dollars on
22 you ---

23 A A couple of hundred could be two, three, four,
24 five. It's a couple.

25 Q Okay. So a couple of hundred could be

SW - J. FRAZIER - CROSS

1 500-dollars?

2 A It could be three, four, five.

3 Q Three, four, five. So a few hundred dollars
4 could be 900, 1000, 1200-dollars I guess?

5 A I don't know.

6 Q Okay, all right. Now, you had -- you had
7 testified that he had gotten out of the vehicle and
8 was on the passenger side of the vehicle?

9 A Right behind me, yes, sir.

10 Q And that he was discharging a firearm into the
11 vehicle from the passenger side?

12 A Yeah.

13 Q And that -- that you were both shot at that time?

14 A Yes.

15 Q Okay. And that you passed out?

16 A Yes, after the -- after he pull the gun and all
17 that, yeah.

18 Q Okay. Now, when you told -- did you tell
19 Investigator Unger that you passed out just for a
20 second or?

21 A I just remember telling him I passed out.

22 Q Okay. Did you ever at any time reach under the
23 front seat of the vehicle beyond your testimony that
24 you woke up reaching under the front seat of the
25 vehicle, did you ever reach under the front seat of

SW - J. FRAZIER - REDIRECT

1 the vehicle for a firearm?

2 A No. No, sir.

3 Q Did you or did King Breeze have a 9 millimeter
4 handgun in the vehicle?

5 A No, sir.

6 Q A .40 caliber handgun?

7 A No, sir.

8 Q A .45 caliber handgun?

9 A No, sir.

10 Q Did you have a shotgun in the vehicle?

11 A No, sir.

12 Q But you all had an ounce of weed back at
13 Dashawn's house; is that correct?

14 A I ain't know if he had had it.

15 THE COURT: Okay.

16 MR. SUTHERLAND: I have no further
17 questions at this time, Your Honor.

18 THE COURT: Redirect, Solicitor?

19 **REDIRECT EXAMINATION**

20 **BY MS. CAVANAUGH:**

21 Q Just a couple of questions, Jonathan. The first
22 couple of days you were in the hospital what unit
23 were you in?

24 A Trauma unit.

25 Q Did you ever tell any investigator in the case

SW - J. FRAZIER - REDIRECT

1 that there were two cars?

2 A No, ma'am.

3 Q At Prioleau Road?

4 A No, ma'am.

5 Q Did you ever tell any investigator in this case
6 that Jabriel was not in your car when y'all were
7 headed to Prioleau Road?

8 A No, ma'am.

9 Q Did you ever tell any investigator in this case
10 that you were running when you got shot?

11 A No, ma'am.

12 Q And he asked — Mr. Sutherland asked you about
13 fighting over the gun. Again, what did you do after
14 you woke up the first time?

15 A I got out of the car and then I rushed him.

16 Q And why did do that?

17 A Because I seen him reloading and I wasn't
18 gonna -- to myself I say I ain't about to go out
19 like this.

20 Q And what was Dashawn's condition at this time?

21 A He was down.

22 Q And were you shot?

23 A Yes.

24 Q So this was in an effort to save your life?

25 A Yes.

SW - J. FRAZIER - RECROSS

1 Q And again, Dashawn was the buyer this day, not
2 you, right?

3 A Yes.

4 MS. CAVANAUGH: Beg the Court's
5 indulgence.

6 Thank you, Jonathan?

7 THE COURT: Recross.

8 **RECROSS - EXAMINATION**

9 **BY MR. SUTHERLAND:**

10 Q According to your testimony you had been shot
11 several times and you got out of the car and you
12 rushed Mr. Singleton who had a firearm but he did
13 not shoot you?

14 A Yes, he reloaded. I guess he was messing up.

15 Q So well you said — you testified earlier that he
16 just backed you in the car saying back ---

17 A I said after we was tussling he backed me down.

18 Q You said after you were tussling that he backed
19 you into the car with the firearm saying get in the
20 car, get in the car ---

21 A Yeah.

22 Q ---get in the car.

23 A Yes, yes.

24 Q My only question to you is after you'd been shot
25 several times, your testimony now is that when you

SW - K. BROWN - DIRECT

1 attacked him for the first time he did not shoot
2 you; is that correct?

3 A No, he did not.

4 Q Okay. Thank you.

5 THE COURT: Thank you very much,
6 Mr. Frazier. You may step down.

7 All right, Solicitor, you may call you are
8 next witness.

9 MR. STEADMAN: The State calls Kenneth
10 Brown.

11 WHEREUPON,

12 **KENNETH BROWN,**

13 after having been duly sworn, testified as follows:

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

17 THE WITNESS: Kenneth Brown.

18 **DIRECT EXAMINATION**

19 BY MR. STEADMAN:

20 Q Good afternoon, sir, where are you employed?

21 A Columbia, Richland, 9-1-1 communications.

22 Q How long have you been employed there?

23 A As of November first of this year will be 14
24 years.

25 Q What is your position with 9-1-1?

SW - K. BROWN - DIRECT

1 A I am the training officer, training manager and
2 coordinate of all training as applies to new
3 employees, seasoned employees from the time they're
4 employed until they retire.

5 Q And you said this was Columbia Richland 9-1-1
6 communication?

7 A Yes.

8 Q What does that encompass?

9 A It is the combined 9-1-1 center that was funded
10 by the City of Columbia and Richland County
11 together.

12 Q And as you're -- you say that your position is?

13 A Training officer.

14 Q Training officer?

15 A And manager, yes, sir.

16 Q All right. So are you familiar with how 9-1-1
17 records are created and maintained?

18 A Yes, sir.

19 Q How are they created?

20 A They are created any time someone calls, any
21 incident a telephone call comes in whether it's
22 9-1-1 or administrative line, all of our phone calls
23 are recorded and they're kept for a duration of 90
24 plus days depending on what the circumstances are,
25 and we can recall that information digitally at any

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1 time.

2 Q And this is the actual recording itself?

3 A Yes, as well as the CAD report. CAD report is a
4 computer aided dispatch report. It is generated any
5 time a telecommunicator or call taker creates a call
6 for the purposes of police, fire, and EMS response.

7 Q And that CAD Report is different from a 9-1-1
8 phone call?

9 A Yes, it is.

10 Q And who actually creates the CAD report?

11 A The CAD report is created by the employee, and
12 those documents are kept archived accordingly.

13 Q And is this person that types up the CAD report
14 also the same person that's on the phone with the
15 complainant?

16 A It can be. Just to kind of a brief synopsis, if
17 you were working in the organization and you were
18 call taker, you were talking to the actual caller I
19 could be across the room from you seeing what you
20 have typed and dispatched the police, fire, and EMS
21 accordingly at the same time the call is being
22 generated.

23 Q So, the person making the CAD report and the
24 person talking on the phone, are they in the same
25 room?

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1 A Yes, sir.

2 Q And are these records, the CAD report and
3 the 9-1-1 call, are these stored or created in the
4 ordinary course of business?

5 A Yes.

6 MR. SUTHERLAND: Your Honor, I don't
7 see -- I would object. I don't see the purpose of
8 introducing the 9-1-1 call. They got the witnesses
9 here to testify.

10 MR. STEADMAN: Your Honor, may we
11 approach?

12 THE COURT: Sure, yes, sir.

13 (Whereupon, there was an off-the-record
14 Bench conference.)

15 THE COURT: Thank you very much.

16 Mr. Sutherland.

17 MR. SUTHERLAND: Yes, sir.

18 THE COURT: Subject to your objection.

19 BY MR. STEADMAN:

20 Q Sir, I'm showing you what's --

21 THE COURT: Lay the proper foundation.

22 MR. STEADMAN: Yes, sir.

23 BY MR. STEADMAN:

24 Q I show you what's marked as State's Exhibit 20,
25 do you recognize that?

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1 A Yes, sir.

2 Q Have you had the opportunity to listen to this
3 before you came here to testify?

4 A Yes, sir.

5 Q And on this CD did you listen to the recording?

6 A Yes.

7 Q And what was that recording?

8 A It was a primary recording -- there are actually
9 two recordings on the CD. The first recording is a
10 recording of the actual 9-1-1 call taken from start
11 to finish. The second portion of this recording is
12 where the dispatcher is dispatching the officers to
13 that location based on what was created.

14 Q The only one we're concerned about here today is
15 the, the actual 9-1-1 phone call, not anything else
16 that happened on the radio?

17 A Yes, sir.

18 Q Okay. And once again, how many voices can you
19 hear on this 9-1-1 phone call?

20 A You hear the call taker, and you hear the caller
21 on that particular tape.

22 Q And once again, was this 9-1-1 phone call created
23 in the ordinary course of your business?

24 A Yes, sir. Yes, sir.

25 MR. STEADMAN: Your Honor, at this point

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1 the State would offer this evidence.

2 MR. SUTHERLAND: And just with our
3 previous objection I just want to make absolutely
4 sure that the hour-and-a-half radio chatter is not
5 on there.

6 MR. STEADMAN: May we approach, Your
7 Honor?

8 THE COURT: Sure.

9 (Whereupon, there was an off-the-record
10 Bench conference.)

11 THE COURT: All right, thank you,
12 Mr. Sutherland.

13 Solicitor, you may continue.

14 MR. STEADMAN: Yes, sir. Your Honor,
15 permission to publish to the jury.

16 THE COURT: The 9-1-1 call may be
17 published to the jury.

18 MR. SUTHERLAND: Thank you, sir.

19 MR. STEADMAN: Thank you, Your Honor.

20 (Whereupon, the 9-1-1 call was published
21 to the jury.)

22 MR. STEADMAN: Thank you, sir. No further
23 questions. Answer any questions the Defense may
24 have.

25 MR. SUTHERLAND: No questions of this

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1 witness, Your Honor.

2 THE COURT: Thank you. Thank you very
3 much for being here with us. You may step down.
4 You may be excused.

5 All right, Mr. Foreman, ladies and
6 gentlemen, I believe we will take our afternoon
7 recess about 15 minutes. Please leave your notes
8 out here. Do not discuss the case during the brief
9 recess. You may now go with your bailiffs.

10 (The jury is removed from the courtroom at
11 3:58 p.m.)

12 THE COURT: All right, court will be in
13 recess 15 minutes.

14 MS. CAVANAUGH: Your Honor, just briefly,
15 we have seven witnesses here. About how long do you
16 anticipate going on? The sheriff's department ---

17 THE COURT: I work about 5:30.

18 MS. CAVANAUGH: All right, thank you.

19 THE COURT: Depending on what we have that
20 particular witness. Thank you.

21 (Whereupon, a short recess was held.)

22 THE COURT: All right, Solicitor, anything
23 before we bring in that jury, from the State?

24 MS. CAVANAUGH: Yes, Your Honor. There is
25 actually one juror, No. 145, Michael Johnson. Our

1 investigator, Kristen Polis with the Richland County
2 Sheriff's Department, recognized him when she came
3 in. He is apparently a volunteer with Richland
4 County. He's not actually employed, is my
5 understanding, but he is a volunteer so I'm assuming
6 that counsel will want for sure to question on this
7 issue. He did not stand up with respect to the
8 employment questions; but that may have been because
9 he is a volunteer, not an employee.

10 THE COURT: All right. Mr. Sutherland.

11 MR. SUTHERLAND: Well, Your Honor, I just
12 ask that he be excused from the jury, I mean,
13 withholding information from the Court, his
14 relationship to law enforcement.

15 THE COURT: Bring me jury number 145
16 please.

17 (Juror No. 145 is returned to the
18 courtroom.)

19 THE COURT: You're juror number 145?

20 THE JUROR: Yes, sir.

21 THE COURT: Are you a volunteer with the
22 Richland County Sheriff's Department?

23 THE JUROR: Yes, sir.

24 THE COURT: I have asked some questions.
25 I did not ask the question about persons that

1 volunteer with Richland County. I think I asked
2 about employment, and you're not employed with
3 Richland County Sheriff's Department?

4 THE JUROR: No, sir.

5 THE COURT: Do you know a number of
6 officers with the Richland County Sheriff's
7 Department?

8 THE JUROR: I know some of them, not real
9 close.

10 THE COURT: You know them?

11 THE JUROR: (The juror nods.)

12 THE COURT: Is that a yes?

13 THE JUROR: Yes, sir.

14 THE COURT: I'm sorry, I have to get it on
15 the record. Do you know any of those whose names I
16 called?

17 THE JUROR: Yeah, I didn't, you know,
18 realize that meant like real close relationships.

19 THE COURT: Step around here a little
20 closer. Step up here for me. Step up here.

21 (Juror approaches the Bench for an on-the-record
22 discussion.)

23 THE JUROR: I didn't realize you mean like
24 close, close, relationship but then maybe, I didn't
25 realize you mean real close. That's why I didn't

1 say anything.

2 THE COURT: All right. So there's a
3 number of them whose names I called on the witness
4 list who you know but don't have a close
5 relationship with.

6 THE JUROR: Yes, sir.

7 THE COURT: Is that a fair statement?

8 THE JUROR: Yes, sir.

9 THE COURT: You may casually know them or
10 know them on sight but not have the close
11 relationship?

12 THE JUROR: Yes, sir.

13 THE COURT: How, how -- volunteering, do
14 you put in X so many hours a week or month or?

15 THE JUROR: You got to have a current
16 number of hours during the month, usually answer
17 phones for one of the regions.

18 THE COURT: Are you a volunteer deputy?

19 THE JUROR: Volunteer. No, it's volunteer
20 for like going working at fairgrounds and special
21 events or working at a region answering phones or
22 ---

23 THE COURT: How long you been doing that?

24 THE JUROR: About almost five years.

25 THE COURT: Have you had any conversation

1 with any of your fellow jurors about that?

2 THE JUROR: (Juror shakes head.)

3 THE COURT: Is that a no?

4 THE JUROR: No, sir.

5 THE COURT: Sorry, I have to get it down.

6 THE JUROR: Oh, no, sir.

7 THE COURT: And why didn't you tell me
8 that? Why didn't share that information with me?

9 THE JUROR: I didn't realize that I though
10 when you said it talk about like if you had a close
11 relationship or employed with them, actually got a
12 paycheck with them. That's why I didn't mention it.

13 THE COURT: All right. Thank you. Thank
14 you very much. You may step right outside the door.

15 THE JUROR: Yes, sir.

16 (Juror is removed from the courtroom.)

17 THE COURT: At this time juror number 145
18 will remain the hallway, not back in the jury room.

19 THE BAILLIFF: Yes, sir.

20 THE COURT: Thank you, Madam Bailiff.

21 All right, solicitor.

22 MS. CAVANAUGH: Yes, Your Honor. We'll
23 leave it in your discretion as to what you wish to
24 do. I do know we have two alternates in this case
25 and I — we'll leave it in your discretion.

1 THE COURT: All right. Any other
2 questions you would like me to ask 145, Solicitor?

3 MS. CAVANAUGH: None from the State.

4 THE COURT: Mr. Sutherland?

5 MS. CAVANAUGH: No, sir. I mean, I'm
6 obviously concerned that he did state for the record
7 that he did not have any conversations with
8 volunteer work with any of the jurors. And taking
9 that at face value I don't see where there's any
10 sort of damage that's been done. What I am
11 concerned about his capacity to be forthcoming
12 considering in his colloquy with the Court he says,
13 I didn't know that you meant a close, close
14 relationship, I have relationships with people, I
15 just -- I didn't feel -- I just wasn't comfortable
16 with his demeanor and his answers to the questions.

17 THE COURT: You want to ask him some more
18 questions I'll bring him in here, place him under
19 oath, and you can voir dire him all you want.

20 MR. SUTHERLAND: Yes, sir, I would
21 certainly appreciate that.

22 THE COURT: I'll be glad to allow you to
23 do that.

24 MR. SUTHERLAND: Thank you, sir. It may
25 be brief, Your Honor.

1 THE COURT: You want to bring Mr. 145 back
2 in.

3 (Juror No. 145 was returned to the courtroom.)

4 THE COURT: Would you step over here for
5 me please. Would you place this juror under oath
6 for me please.

7 THE CLERK: Yes, Your Honor.

8 WHEREUPON,

9 Juror No. 145,
10 after having been duly sworn, testified as follows:

11 THE CLERK: Thank you. Please have a seat
12 in the witness stand.

13 THE COURT: Let me explain to him what I
14 am doing first, Mr. Sutherland.

15 Mr. Juror 145, I'm going to allow the
16 parties if they choose to, -- there's no right or
17 wrong answer; it's just whatever your answers are.
18 You understand what I'm saying?

19 THE JUROR: Yes, sir.

20 THE COURT: And if you would answer their
21 questions to the best of your ability I would
22 certainly thank you very much. Mr. Sutherland.

23 E-X-A-M-I-N-A-T-I-O-N

24 BY MR. SUTHERLAND:

25 Q Sir, if you would, have you had many

1 conservations with your fellow jurors?

2 THE COURT: No, sir, that's not where
3 we're going. Conversations with fellow jurors is
4 not ---

5 MR. SUTHERLAND: Yes, sir.

6 THE COURT: ---relevant.

7 MR. SUTHERLAND: Yes, sir.

8 THE COURT: Limit it to conversation
9 concerning his volunteering with the Richland County
10 Sheriff's Department.

11 BY MR. SUTHERLAND:

12 Q With respect to your volunteering with the
13 sheriff's department, your work down at the
14 fairgrounds, your knowledge that you knew some of
15 the individual officers who were going to testify,
16 have you had any conversations with juror fellow
17 jurors in that regard.

18 A No, sir.

19 Q You have not?

20 A No, sir.

21 Q Okay. Thank you.

22 THE COURT: Any other questions?

23 MR. SUTHERLAND: No, sir.

24 THE COURT: Solicitor, you have any
25 questions?

1 MS. CAVANAUGH: No, Your Honor.

2 THE COURT: All right. Juror number 145,
3 I'm going to release you from service on the jury.
4 I can -- I can take the hit so I take this hit
5 because I didn't properly ask the jurors questions
6 that would be inclusive of volunteering for a law
7 enforcement agency. You have not done anything
8 wrong whatsoever.

9 THE JUROR: (The juror nods.)

10 THE COURT: If I thought you had done
11 something wrong by withholding information from me I
12 would take a different action than I'm taking now.
13 But be that as I may, I do not feel lie you have,
14 but you've been forthcoming in your responses to the
15 Court and in the technical responses to the
16 questions which I asked the questions that the
17 parties wanted me to ask up to a certain point and
18 even the ones that I didn't ask did not cover
19 volunteering. But thank you very much for your
20 civic minds in this matter. Thank you thank you
21 very much.

22 THE JUROR: Okay.

23 THE COURT: All right.

24 (Prospective juror No. 145 was released from jury
25 service.)

1 THE COURT: I think the procedure for
2 selecting an alternate in a case such as in a
3 criminal case, you put their names in a hat and you
4 pull one out, correct?

5 THE CLERK: I have a tupperware.

6 THE COURT: You don't have a cigarette
7 box?

8 THE CLERK: No, sir.

9 MR. SUTHERLAND: I would like to express
10 my thanks to Investigator Polis for pointing that
11 out to the Solicitor's Office and bringing that to
12 the Court's attention.

13 THE COURT: Thank you, yes, sir. Well
14 put, Mr. Sutherland and Solicitor.

15 Do y'all have any objection to the clerk
16 pulling it out as opposed to a person under the age
17 of nine or unsighted individual.

18 MS. SIMPSON: No, Your Honor.

19 MR. SUTHERLAND: No, sir.

20 THE COURT: Okay, thank you.

21 THE CLERK: Number 151. 151.

22 THE COURT: All right. 151 has now been
23 promoted from alternate to a member of the jury.

24 Number 161 will be our alternate.

25 THE CLERK: Yes, sir, Your Honor.

1 THE COURT: All right. Anything further
2 before we bring in our jury, Solicitor?

3 MS. SIMPSON: Nothing else from the State.

4 MR. SUTHERLAND: Nothing from the Defense.

5 (The jury was returned to the courtroom at
6 4:34 p.m.)

7 THE BAILIFF: All the jury panel is
8 present, Judge.

9 THE COURT: All right. Juror number 151,
10 you have been promoted from alternate juror to a
11 member of the jury. Was juror number 145 taking
12 notes? Are there notes in that chair?

13 (Jurors reply no.)

14 THE COURT: All right. Thank you very
15 much. So you can now maintain the seat there for
16 us. 161 will remain in the position of alternate.

17 All right, with that being said we will
18 continue in the trial of the case by the
19 presentation of evidence and testimony by the State.

20 Solicitor, you may call the next witness.

21 MS. SIMPSON: Thank you, Your Honor, the
22 State calls Monica Howell.

23 THE COURT: If you will come around and be
24 sworn.

25 WHEREUPON,

SW - M. HOWELL - DIRECT

1 **MONICA HOWELL,**
2 after having been duly sworn, testified as follows:

3 THE CLERK: I need you to speak up please.
4 Thank you. Have seat in the witness stand. Please
5 state your full name for the record.

6 THE WITNESS: Monica Howell.

7 **DIRECT EXAMINATION**

8 **BY MS. SIMPSON:**

9 Q Good afternoon, Ms. Howell?

10 A Good afternoon.

11 Q How old are you?

12 A 33.

13 Q And do you have any children?

14 A Yes.

15 Q How many?

16 A Three.

17 Q And where do you live?

18 A Masonry Circle.

19 Q And is that in the Columbia area, Hopkins area,
20 what part of town?

21 A Hopkins.

22 Q And how long have you been living in the Hopkins
23 area?

24 A Thirty-three years.

25 Q Thirty-three years?

SW - M. HOWELL - DIRECT

1 A Uh-huh.

2 Q All of your life?

3 A Yes.

4 Q I want to go back to January 24th of 2012, the
5 reason we're here. Do you recall that day?

6 A Yes.

7 Q And can you please tell the jury what happened
8 earlier in the day, right before this incident?

9 A My mom had just came home from the hospital so
10 two times a day I had to change her wound so I was
11 in position to change her wound at the time and the
12 incident.

13 Q And do you remember, I guess, we're talking about
14 the incident, can you tell us what happened?

15 A Yes. There was a knock at the door, a desperate
16 knock at the door. I got to the door and the
17 gentleman was there, blood was everywhere. He was
18 just pleading for help.

19 Q Okay. And pleading for help, what was he saying?

20 A He kept assuring me he wasn't going to hurt me,
21 that he just needed somewhere to hide and I called
22 911 for him.

23 Q Okay. And describe for the jury when you enter
24 your house how were the doors?

25 A The front doors open and the storm door was

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- 1 locked so.
- 2 Q So you have a storm door. Is it glass, screen?
- 3 A Glass.
- 4 Q So the glass storm door was locked?
- 5 A Yes.
- 6 Q But the front door was opened?
- 7 A Yes.
- 8 Q And you didn't -- I mean, was it already opened
- 9 before --
- 10 A Yes.
- 11 Q --before he came on to the porch?
- 12 A (The witness nodded head.)
- 13 Q And upon seeing him tell us what you saw?
- 14 A I saw a hole in his hand the size of a quarter,
- 15 and he was grabbing at his throat and he couldn't,
- 16 he barely could speak, he was trying to catch his
- 17 breath but he was desperate for attention.
- 18 Q And what did you do?
- 19 A I called 9-1-1.
- 20 Q And can you -- I guess we just heard the 9-1-1
- 21 call. Were you in here for that?
- 22 A Yes.
- 23 Q And is that you?
- 24 A Yes.
- 25 Q Okay. So when you called 9-1-1 where, where was

SW - M. HOWELL - DIRECT

1 Jonathan at this point?

2 A He was still trying to get in the front door. He
3 just wanted somewhere to hide, but I told him he
4 couldn't come in.

5 Q Okay. And I'm calling him Jonathan. Did you
6 know his name at the time?

7 A No.

8 Q So you'd never seen him before?

9 A No.

10 Q So he's on your porch bloody, you don't know.

11 A (The witness nodded head.)

12 Q And he's asking -- he's saying he wants to hide?

13 A Yes, in the back until help arrived and I told
14 him he couldn't go in the back but he could stay
15 right by the brick column and I would call 9-1-1 for
16 him.

17 Q And by the brick column, I want to show you a
18 picture marked as State's Exhibit 43. Do you
19 recognize this?

20 A Yes.

21 Q What is that?

22 A The front porch and the column he was hiding
23 behind.

24 Q Does it fairly and accurately represent your
25 house and your porch on that day?

SW - M. HOWELL - DIRECT

1 A Yes.

2 MS. SIMPSON: Your Honor, at this time I'd
3 like to introduce State's Exhibit 43 into evidence.

4 MR. SUTHERLAND: Without objection.

5 THE COURT: All right, State's 43 into
6 evidence without objection.

7 (State's Exhibit No. 43 was admitted into
8 evidence.)

9 BY MS. SIMPSON:

10 Q Now, this is your front porch. The doors are
11 closed now, right?

12 A Yes.

13 Q Where was Jonathan on your front porch and if you
14 could just point that out.

15 A He was in here, the footing on the door, trying
16 to get in just behind.

17 Q Okay. So at first he's standing on the side of
18 the column trying to get in the door?

19 A Yes.

20 Q At some point does he go to another column?

21 A To this one (indicating) to hide.

22 Q Okay. So he's still on your porch but he's
23 behind the columns trying to hide. Did he say what
24 he was trying to hide from?

25 A Yes, he said he just got shot and he was trying

SW - M. HOWELL - DIRECT

1 to hide from the shooter.

2 Q Okay. And at this point, and I know a lot is
3 going on at one time.

4 A Uh-huh.

5 Q You're on the phone with 9-1-1?

6 A (The witness nodded head.)

7 Q What happens while you're on the phone with the
8 9-1-1 operator, what's she saying to you?

9 A She's asking me to ask him questions like what's
10 his name, his age, and did he know the shooter and
11 at that time he said yes.

12 Q Do you remember what he said?

13 A Yes, he said his name was Jabriel.

14 Q Okay. And was he having any difficulties with
15 speaking or talking to you?

16 A His breath was getting short, but he was
17 answering all of the questions that the 9-1-1
18 operator was asking me to ask him.

19 Q And you said there was a hole in his hand?

20 A Yes, the size of a quarter.

21 Q The size of a quarter. So you could actually see
22 through ---

23 A See through his hand.

24 Q Okay. And did he have anything in his hands?

25 A A pack of Newport cigarettes.

SW - M. HOWELL - DIRECT

1 Q Okay. So he was kind of holding ---

2 A Yes.

3 Q ---those cigarettes? And while you're on the
4 phone with 9-1-1 did you eventually lose contact
5 with them?

6 A Yes, I was on a cordless phone.

7 Q Okay, cordless phone?

8 A Uh-huh.

9 Q So it doesn't have great service everywhere you
10 go ---

11 A No.

12 Q ---out in Hopkins?

13 A Huh-uh.

14 Q And you were able to get in contact with them
15 again ---

16 A Yes.

17 Q ---a second time?

18 A I called back again.

19 Q You actually called them back?

20 A Yes.

21 Q Now, at some point while Jonathan's on the porch
22 did you see anything else before the officers
23 arrived?

24 A Yes.

25 Q Can you tell the jury about that?

SW - M. HOWELL - DIRECT

1 A Yes. Jonathan was hiding on the porch and he
2 said, there he go right there, he's going to come
3 and kill me. And then that's when I told the
4 9-1-1 dispatcher that he was running, the gentleman
5 in all black.

6 Q Okay. So the gentleman, you actually saw this
7 young man running?

8 A Yes.

9 Q And who directed you to him?

10 A Jonathan.

11 Q So he was pointing out ---

12 A Yes.

13 Q ---saying that's hit him?

14 A Uh-huh.

15 Q That's him?

16 A Uh-huh.

17 Q And what else did he say?

18 A He was going to kill me.

19 Q Okay. Now, when you observed him -- now tell us,
20 are you still in the house at this point?

21 A Yes. He's still on the outside of the glass
22 door.

23 Q Okay, but it's a glass door?

24 A Yes.

25 Q And can you see pretty well all around you?

SW - M. HOWELL - DIRECT

1 A You can see the whole neighborhood.

2 Q Okay, and what time of day was this?

3 A About two, after two. It was almost time for my
4 daughter to come home on the school bus.

5 Q Okay, so it's daylight outside, sunny?

6 A Yes.

7 Q I'm going to show you some pictures, State's
8 Exhibits 8 through 19.

9 MR. SUTHERLAND: Without objection, Your
10 Honor.

11 THE COURT: 8 through 19?

12 MS. SIMPSON: Yes, Your Honor.

13 BY MS. SIMPSON:

14 Q Can you glance through these pictures and tell us
15 if you recognize these.

16 A Yes, this is the side, this is the side of my
17 house.

18 THE COURT: Speak up just a little bit for
19 me, Ms. Howell.

20 THE WITNESS: Yes, sir. This is the side
21 of the house, and this is the side showing the front
22 of the yard.

23 THE COURT: Which one did you say is this?

24 MS. SIMPSON: And they're not introduced.

25 BY MS. SIMPSON:

SW - M. HOWELL - DIRECT

1 Q I guess, are these generally of your house ---

2 A Yes.

3 Q ---and area?

4 A Yes.

5 Q And that's actually, is that how your house looks
6 now?

7 A Yes.

8 Q So they're more recent than the photograph we
9 just saw?

10 A Yes.

11 MS. SIMPSON: Your Honor, at this time the
12 State would introduce 8 through 19 into evidence.

13 MR. SUTHERLAND: Again, without objection.

14 THE COURT: Without objection State's 8
15 through 19 is in evidence.

16 (State's Exhibits 8 through 19 were
17 admitted into evidence.)

18 BY MS. SIMPSON:

19 Q Now I'm gonna go through these kind of one at a
20 time. When you saw the young man -- and I guess,
21 describe for the jury what roads are around you?

22 A Prioleau Road, Minervaville, Cabin Creek.

23 Q And what road do you live on?

24 A Masonry Circle.

25 Q Okay. So where in respect to your house does

SW - M. HOWELL - DIRECT

1 Prioleau run?

2 A It's sitting to the right side.

3 Q Okay. And I'm showing you State's Exhibit 8.

4 A Yes.

5 Q Where — what are we seeing?

6 A If you had to come out a little closer this is
7 Prioleau Road (indicating).

8 Q Okay. So we're looking from Prioleau Road
9 towards your house?

10 A Yes.

11 Q And State's Exhibit 8. And that's the dirt road
12 beside you?

13 A Yes.

14 Q Okay. And was the gentleman wearing black, was
15 he on Prioleau Road when you saw him, or where was
16 he first?

17 A He was coming off of, through the wooded area
18 onto Minervaville Road.

19 Q Okay, so —

20 A And the wooded area is from Prioleau. You can
21 off Prioleau through woods and then.

22 Q Okay. I'm showing you State's Exhibit 11. Can
23 we kind of see the wooded area in that picture?

24 A Yes, right here (indicating).

25 Q Okay. So the wooded area over here (indicating)

SW - M. HOWELL - DIRECT

- 1 is where you saw him?
- 2 A Uh-huh.
- 3 Q Now, Minervaville, where is that road in
- 4 relationship to your house?
- 5 A This is Minervaville.
- 6 Q Okay. So Minervaville is up top (indicating)?
- 7 A Yes.
- 8 Q And in front of you you're on Masonry?
- 9 A Yes.
- 10 Q And then Cabin Creek ---
- 11 A Is the ---
- 12 Q ---runs parallel to which street?
- 13 A Masonry and Minervaville.
- 14 Q Okay.
- 15 A Is in the middle.
- 16 Q Okay.
- 17 A Yeah.
- 18 Q And so you saw the gentleman -- were you able to
- 19 get a pretty good look at him?
- 20 A I just saw he had on all black. He had on a
- 21 black war hat, black shirt, and black jeans.
- 22 Q Okay, so you were able to that. Do you remember
- 23 whether he was skinny, was he bigger, smaller?
- 24 A Slim, a slim guy. He wasn't a big guy.
- 25 Q And was he walking or he was running?

SW - M. HOWELL - DIRECT

- 1 A He was running trying to hold his pants up.
- 2 Q So he's actually running ---
- 3 A Holding his pants up.
- 4 Q ---keeping his pants up. At this point when you
- 5 see him can you hear any sirens or anything? Are
- 6 the police on their way?
- 7 A The 9-1-1 operator, she told me that they was on
- 8 their way to the scene; but after he got out of my
- 9 eyesight, that's when I heard the sirens.
- 10 Q Okay. And what direction were the sirens coming
- 11 from?
- 12 A From Cabin Creek.
- 13 Q From Cabin Creek?
- 14 A Uh-huh.
- 15 Q Now is that in the same direction as Minervaville
- 16 or were they coming from the opposite direction?
- 17 A It's on Fourth (ph) Street. This here is Cabin
- 18 Creek Way and this is Minervaville (indicating).
- 19 Q So they just missed ---
- 20 A They just had missed -- if they had come down ---
- 21 Q ---the subject?
- 22 A ---Minervaville, then they would have ran into
- 23 the suspect.
- 24 Q Okay. And I want to back up just for a little
- 25 bit. When Jonathan -- I guess you didn't actually

SW - M. HOWELL - DIRECT

1 see him come up on your porch, correct?

2 A No.

3 Q When officers arrived what did you do?

4 A I went out to show them that -- show the two
5 female deputies that he was hiding behind the brick
6 column.

7 Q Okay, and he was hurt. So you were telling
8 them ---

9 A Yes.

10 Q ---that this is the house?

11 A That he was -- this is the house and he was right
12 here.

13 Q Okay. And when they got up there what did you do
14 at that point?

15 A The EMT took over. The deputies and EMT took
16 over.

17 Q And were you standing there while all of this was
18 going on?

19 A Yes, because they had to remove his clothes.

20 Q So you saw them remove the clothes?

21 A Uh-huh.

22 Q And did those clothes stay on your porch?

23 A Yes.

24 Q What happened after the ambulance left?

25 A Went around to the second scene because the

SW - M. HOWELL - DIRECT

1 gentleman had told them that it was someone else and
2 they went around to Prioleau Road.

3 Q Okay, so he told them there was somebody else?

4 A Uh-huh.

5 Q And what are you doing? Did they just leave your
6 house or what did they tell you to do?

7 A They told me do not touch anything on the porch
8 and a deputy was on the way. And about two minutes
9 later the deputy was there and didn't leave until
10 they finished on Prioleau Road.

11 Q And did investigators come back to your house
12 later on that day?

13 A Yes, after they finished up Prioleau Road.

14 Q And when they came back did you watch what they
15 were doing, or did they just tell you we're gonna
16 work here?

17 A They just said we're gonna work here and took
18 pictures.

19 Q Okay.

20 A And at that time I was trying to calm my twins.

21 Q You got twins?

22 A Yes.

23 Q They were trying to get out ---

24 A Yes.

25 Q ---I guess. Now, at some point when they leave

SW - M. HOWELL - DIRECT

1 can you still see anything?

2 A Yes.

3 Q Tell us what was left behind.

4 A A lot of blood that we had to clean off of the
5 front porch and the door. He lost a lot of blood.

6 Q Okay. And you could see where the blood was
7 located, right?

8 A Yes.

9 Q And I want to show you State's Exhibit 12.

10 A Uh-huh.

11 Q Can you tell the jury what's in State's Exhibit
12 12?

13 A Yes, a walk way where he had a trail of blood
14 where he came up the front porch to seek help.

15 Q Okay, so he — now, this State's Exhibit 12, this
16 is a recent picture?

17 A Yes.

18 Q So the blood, y'all have already cleaned it up a
19 long time ago?

20 A Yes, yes.

21 Q So he walked up the path. It's kind of a ramp
22 almost —

23 A Yes, uh-huh.

24 Q ---to your porch. That's where the blood trail
25 was?

SW - M. HOWELL - DIRECT

- 1 A Yes.
- 2 Q What's over in that direction coming up there?
- 3 How -- is there a fence around your house or how is
- 4 that set up?
- 5 A The way that he came up from the ramp?
- 6 Q Yes, ma'am.
- 7 A He came through the fence, the gate, and came
- 8 across the grass. Then he came up the ramp and
- 9 that's where the trail of blood was.
- 10 Q Okay. And you said he lost a lot of blood?
- 11 A Yes.
- 12 Q Now, did you ever see the other victim in this
- 13 case?
- 14 A No.
- 15 Q No. And did you actually speak with law
- 16 enforcement officers at some point and tell them
- 17 what you knew?
- 18 A Yes, after they finished on Prioleau Road.
- 19 Q Okay, and did you give them a written statement?
- 20 A Yes.
- 21 Q And you didn't know Jonathan?
- 22 A No.
- 23 Q Did you see him with a weapon on your porch?
- 24 A No, and they left his clothes on the porch.
- 25 Q And so they left everything --

SW - M. HOWELL - DIRECT

1 A They left everything.

2 Q ---and you never saw anything?

3 A They left his underwear. They left everything,
4 his jacket, his hat, his cigarettes. So I didn't
5 see no sign of a gun.

6 Q Okay. And when nobody else was there and it was
7 just you and him, you didn't see a gun at that point
8 ether?

9 A No, he just kept assuring me that he wasn't going
10 to hurt me so.

11 Q He wasn't going to hurt you and he needed a place
12 to hide?

13 A Yes.

14 Q Okay. Now, we mentioned the hole in his hand and
15 Newports. What was he doing with the Newports?

16 A I guess he was trying to apply pressure to the
17 hole.

18 Q To his hand?

19 A To his hand.

20 Q So he realized there was a hole in his hand?

21 A Yes.

22 Q At some point did he let go of the Newports?

23 A Yes. Once he saw the blood just kept pouring out
24 and pouring out, he just, he was getting weak, very
25 weak, getting weaker.

SW - M. HOWELL - DIRECT

1 Q And so he was getting weaker right in front of
2 your eyes?

3 A Yes.

4 Q And he let's go of the Newports?

5 A Yes, uh-huh.

6 Q All right. Thank you.

7 A Uh-huh.

8 MR. SUTHERLAND: If it please the Court,
9 Your Honor.

10 THE COURT: Yes, sir.

11 **CROSS - EXAMINATION**

12 **BY MR. SUTHERLAND:**

13 Q Ma'am, this is not going to take too long. I'd
14 like to just quick walk you through the statement
15 that you made. I believe I it was Mat Ellis?

16 A Who?

17 Q Was it Mat Ellis that investigated, that took
18 your statement?

19 A I don't know his name.

20 Q Okay. And what I'll do is I'll just read it and
21 I'll stop —

22 MS. SIMPSON: Objection, Your Honor, with
23 respect to counsel's intention just to read her
24 statement to her.

25 MR. SUTHERLAND: Well, I'm telling her

SW - M. HOWELL - CROSS

1 what I'm going to do, Judge.

2 THE COURT: Just ask your question.

3 BY MR. SUTHERLAND:

4 Q What I will do, I'll read a little bit, I will
5 stop, and I will check with you and say, you know,
6 do you remember telling him, saying that to the
7 investigator. And that's the way I'm going to go
8 forward. Okay, the question is: Tell me what
9 happened today at your house. I was inside giving
10 my mom a bath.?

11 MS. SIMPSON: Objection, Your Honor, with
12 respect to the for of this line of questioning.

13 THE COURT: The form of the question. You
14 have to rephrase the question.

15 MR. SUTHERLAND: Okay, thank you, sir.

16 BY MR. SUTHERLAND:

17 Q You had told the investigator that you were
18 inside giving your mom a bath and that she just got
19 out the hospital, right?

20 A Uh-huh.

21 Q You said: I heard someone banging on the door
22 and told my mom I was going to see who it was?

23 A Yes.

24 Q Is that correct? And then you said: When I got
25 to the door a guy was there holding his hands

SW - M. HOWELL - CROSS

- 1 together with a pack of Newport cigarettes?
- 2 A Uh-huh, yes.
- 3 Q Is that what you said?
- 4 A (The witness nodded head.)
- 5 Q He then fell backwards on the porch post and told
- 6 me he wasn't going to hurt me, that he just needed
- 7 help?
- 8 A Yes.
- 9 Q I called 9-1-1 and was telling then what he was
- 10 telling me. You said that at that time?
- 11 A Yes.
- 12 Q I was giving him his name and date of birth. He
- 13 was saying his throat hurt and he couldn't breathe?
- 14 A Yes.
- 15 Q Okay. Dispatch asked me to ask if you knew who
- 16 shot him and you said it was Jabriel is what you
- 17 wrote down at the top?
- 18 A Yes.
- 19 Q The guy on my porch so a guy running and said,
- 20 there he goes right there?
- 21 A Uh-huh.
- 22 Q I saw this guy. He was running on Minervaville
- 23 Road towards Cabin Creek?
- 24 A Yes.
- 25 Q I told the dispatcher this and where to send the

SW - M. HOWELL - CROSS

1 police?

2 A Yes.

3 Q I could see a hole in his left hand and blood was
4 coming through the jacket on his back?

5 A Uh-huh.

6 Q Did the guy on the porch tell you anything else?
7 That answer, your answer was no. Do you recall
8 that?

9 A Yes, he didn't say anything else.

10 Q Okay, all right. I think as far as your
11 observations of everything, you looked and you saw a
12 guy running up the road as you -- and the clothing
13 you described?

14 A Yes, black wool hat, black shirt, and black
15 jeans.

16 Q And was trying to hold his pants up?

17 A Hold his pants up.

18 Q Okay, thank you.

19 MR. SUTHERLAND: No further questions,
20 Your Honor.

21 THE COURT: Thank you, Mr. Sutherland.
22 Redirect?

23 **R E D I R E C T E X A M I N A T I O N**

24 **BY MS. SIMPSON:**

25 Q Do you remember telling law enforcement that you

SW - M. HOWELL - REDIRECT

1 were able to describe the guy that you saw running?

2 A Just that he was a black male with a black wool
3 hat on, a black shirt, and black pants.

4 Q Okay, and I'm gonna show you, is that your
5 statement, part of it?

6 A Yes.

7 Q And direct your attention to the bottom. Now,
8 we're a year from the time this happened, right?

9 A Uh-huh.

10 Q Would your memory have been better then?

11 A Yeah.

12 Q And did you actually give more of a description
13 to police at this time?

14 A Yes, a dark skin black male, skin---

15 THE COURT: Speak up a little bit for me.

16 THE WITNESS: A dark skin black male skin
17 with a wool hat, black jeans and a black shirt.

18 BY MS. SIMPSON:

19 Q Okay. And you even said that he was in the late
20 20s?

21 A Yes.

22 Q And was about 5'8", 5'9"?

23 A Yes.

24 Q Right. Now, Minervaville and Cabin Creek, can
25 you kind of tell us how those roads intersect?

SW - M. HOWELL - REDIRECT

1 A Yes. Minervaville ---

2 MR. SUTHERLAND: Objection, beyond the
3 scope of the cross-exam or the ---

4 THE COURT: I will allow it under 611.
5 You may continue.

6 MS. SIMPSON: Thank you, Your Honor.

7 BY MS. SIMPSON:

8 Q Okay.

9 A It runs into Cabin Creek.

10 Q Okay. So Minervaville, and I'm gonna show you --
11 now I'm a little turned around. Bear with me just a
12 moment. Okay, State's Exhibit 11, Minervaville is
13 to the right of your house if I'm stand on the front
14 porch?

15 A Yes.

16 Q And Cabin Creek, you're saying that intersects
17 with Minervaville?

18 A Yes. On Minervaville went up and when you get to
19 the stop sign that's Cabin Creek (indicating).

20 Q Okay, thank you.

21 A Uh-huh.

22 MS. SIMPSON: Nothing further, Your Honor.

23 THE COURT: Re-cross?

24 **RECROSS - EXAMINATION**

25

SW - M. HOWELL - RECROSS

1 **BY MR. SUTHERLAND:**

2 Q As I understand on redirect from the solicitor,
3 your memory would have been better at the time you
4 wrote the statement than it is here today 14 months
5 ago?

6 A Oh, I remember it like it was yesterday.

7 Q But your testimony -- she just asked you would
8 your memory have been better back then than it would
9 be today and you answered yes.

10 A Yes, as far the description, yeah.

11 Q Okay. Well, sure, that's what I was trying to
12 make sure. Thank you.

13 A Uh-huh.

14 THE COURT: Thank you very much. You may
15 step down.

16 THE WITNESS: Okay.

17 THE COURT: All right, Solicitor, you may
18 call your next witness.

19 MS. SIMPSON: The State calls Investigator
20 Kristen Polis.

21 THE COURT: Come around to be sworn
22 please.

23 WHEREUPON,

24 **KRISTEN POLIS,**

25 after having been duly sworn, testified as follows:

SW - M. HOWELL - RECROSS

1 THE CLERK: Thank you. Please have a seat
2 on the witness stand. Please state your name for
3 the record. Please spell your first and last name.

4 THE WITNESS: Yes, ma'am. My name is
5 Kristen K-R-I-S-T-E-N, Polis, P-O-L-I-S.

6 **D I R E C T E X A M I N A T I O N**

7 **BY MS. SIMPSON:**

8 Q Investigator Polis, where are you employed?

9 A I work for the Richland County Sheriff's
10 Department in the crime scene unit.

11 Q And how long have been with Richland County?

12 A I've been with the county for ten years and this
13 is my sixth year in the crime scene division.

14 Q Okay, and what exactly is the crime scene unit?

15 A We're a group of investigators who respond out.
16 Their primary duties are to search for and locate
17 physical evidence that we'll preserve and collect
18 that we can do different forms of testing, analysis
19 on it, and when we can we'll try to interpret the
20 results of that analysis that we do.

21 Q Can you tell the jury a little bit about your
22 training in crime scene investigation?

23 A Yes. I've got a bachelors degree from Charleston
24 Southern University in criminal justice and
25 psychology. I've got a masters degree from the

SW - K . POLIS - DIRECT

1 University of South Carolina in social work. And
2 upon coming to the crime scene division, we have an
3 internal training program that we all have to
4 complete and it's a comprehensive program that
5 covers all the areas of processing that we're gonna
6 be responsible for. So we talk about fingerprints,
7 shoe impressions, tire impressions, collection of
8 DNA evidence, trajectory analysis, bloodstain
9 analysis, all those different categories. And we
10 read all of the leading forensic literature that's
11 in the field. There's written tests on each area as
12 well as practical tests. So in areas that we have
13 to work we have to pass a written test and be
14 considered proficient in the processing of that
15 particular topic. That program took me 20 months to
16 complete from beginning to end. After I completed
17 that program -- in addition to that program, some,
18 some training that we had externally where we go out
19 to different conferences and courses. And I've had
20 courses in basic and advanced photography and
21 fingerprinting, both collection and comparison.
22 I've had courses of basic and advanced bloodstain
23 analysis, DNA overview, and forensic pathology, and
24 there's more courses that we take so that we're all
25 proficient in all these areas, both trained in-house

SW - K . POLIS - DIRECT

1 and externally as well. I'm also certified through
2 the internal association for identification -- I'm
3 sorry, international association of identification
4 as a crime scene investigator. That's an outside
5 body that administers written tests that you have to
6 take and pass. And then you have certification that
7 has to be maintained so we're re-tested every five
8 years to keep that certification.

9 Q So you actually participate in continuing
10 educational courses as well?

11 A We do, yes.

12 Q Have you ever been qualified as an expert before?

13 A Yes.

14 Q About how many times?

15 A I did not count before I came. Approximately 10
16 to 12.

17 Q Okay.

18 MS. SIMPSON: Your Honor, at this time the
19 State would offer Investigator Kristen Polis as an
20 expert in crime scene investigation.

21 THE COURT: All right, Mr. Sutherland.

22 MR. SUTHERLAND: I mean, I don't doubt her
23 credentials. I mean, this is about the evidence
24 that's been collected. She just collected evidence
25 at the scene. I'm not aware that she's going to

SW - K . POLIS - DIRECT

1 offer opinion testimony.

2 THE COURT: Well I, as you know, I don't
3 know what's coming.

4 MR. SUTHERLAND: I don't object to her
5 qualifications.

6 THE COURT: All right, thank you. Thank
7 you very much, Mr. Sutherland.

8 Mr. Foreman, ladies and gentlemen of the
9 jury, normally a person cannot give opinion
10 testimony. Normally when a person testifies, they
11 must testify as to either what they saw, heard, or
12 scent by smell or something of that nature.
13 However, there is an exception to someone that's
14 qualified because of education, experience, or
15 training. They are permitted give their opinion in
16 certain areas if the Court qualifies them in that
17 way. This witness, Investigator Kristen Polis, will
18 be qualified in the area of crime scene
19 investigation to give opinion testimony in that
20 area. That does not mean that you must accept the
21 opinion or basis of the opinion, but it is evidence
22 for you, the jury, to use in any way you see fit.
23 Thank you. Thank you very much.

24 Solicitor, you may continue.

25

SW - K . POLIS - DIRECT

1 BY MS. SIMPSON:

2 Q Back on January 24 of 2012 were you still working
3 in your present capacity?

4 A Yes, I was.

5 Q And did you have occasion to become involved in
6 this case?

7 A I did.

8 Q Where did you first respond and when?

9 A The first location I was called to was
10 Prioleau Road, and I — I received the call at 2:50
11 p.m. and I arrived on the scene at 3:18 p.m.

12 Q Okay, and what did you observe when you first
13 arrived?

14 A When I got on scene I met the deputies that had
15 been there. From the time they arrived they secured
16 that location. So what that means is they put the
17 yellow crime scene tape around and began maintaining
18 log. What the crime scene log does is it tells us
19 that from the time they arrived there these are the
20 people who have entered and left the scene. I made
21 contact with them. I got the briefing about the
22 incident and what they knew. I signed in on the
23 crime scene log and began my work.

24 Q Okay. And can you tell the jury about the
25 location and what you observed about the incident?

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1 A Yes. The Prioleau road was located down a
2 dirt road. There's a residence there, and it was an
3 opened garage off to the side with no vehicles
4 underneath. And a blue SUV was parked kind of next
5 to the porch. You know, it would be backed in if
6 you were looking at it from the dirt road.

7 Q And once you arrived and made these evaluations
8 what did you do?

9 A One of the main things that we begin in our work
10 is photography because as much as we can we want to
11 preserve things in the original condition that they
12 were in. So as I'm looking at what is there, I'm
13 also taking photographs of everything, the overall
14 location up close, pictures of evidence that we
15 find, the vehicle that's there. We've -- we looked
16 on the ground in the area around and on the property
17 and located the different items of evidence and
18 marked those.

19 Q Okay. And let's go through, what were some of
20 the items that were marked?

21 A Close to the vehicle on the driver's side of the
22 vehicle there were a group of fired cartridge
23 casings, shell casings, after a gun is fired. This
24 is a piece that's left from the bullet. And there
25 were a group of five shell casings that were beside

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1 the vehicle on the ground. I marked all of those
2 with evidence markers alleged A, B, C, D, and E, and
3 that was located to the right of the driver's side
4 of that vehicle. In addition to that, on the
5 passenger side we located the Food Lion plastic bag.
6 At that time we didn't know what was in it. We went
7 ahead and marked that so that it could be
8 photographed and collected. And I believe those are
9 the only items that were in close proximity to the
10 vehicle.

11 Q To the actual vehicle itself?

12 A Yes.

13 Q I'm gonna show you what's been marked State's
14 Exhibit 21 through 32. Do you recognize these
15 photographs?

16 A Yes, I do.

17 Q And do they fairly and accurately depict the
18 scene?

19 A Yes, they do.

20 MS. SIMPSON: Your Honor, at this time the
21 State would offer State's 21 through 32 into
22 evidence.

23 MR. SUTHERLAND: Without objection, Your
24 Honor.

25 THE WITNESS: State's 21 through 32 is in

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1 evidence without objection.

2 (State's Exhibit Nos. 21 through 32 were
3 , admitted into evidence.)

4 BY MS. SIMPSON:

5 Q I'm going to show you State's Exhibit 21 and 22.

6 I believe you indicated you photograph first,
7 correct?

8 A That's correct.

9 Q And what are we seeing in those photographs?

10 A These are the fired cartridge casings and shell
11 casings that were found in the group on the ground,

12 Q Okay. So they're fairly close proximity?

13 A To the vehicle, yes -- or to each other, I'm
14 sorry.

15 Q And in State's 23, can you tell us what we see
16 there?

17 A This is the residence that I was referring to
18 (indicating). Here is the dirt road (indicating)
19 that would run down this way (indicating). You can
20 see where the officers have got the scene tapped off
21 with the yellow crime scene tape, and this the SUV,
22 the vehicle that I referred to, parked outside the
23 porch.

24 Q And in this have you marked the evidence, the
25 shell casings?

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1 A Yes, there's markers here (indicating) and
2 there's also some in the foreground we talked about,
3 yes.

4 Q And we also see some orange flags. What are,
5 what do those indicate?

6 A In this case when we located those shell casings
7 we marked them with, with the flags. We did not
8 want them to be disturbed. The flags are not
9 something that we would always use, but in this
10 particular case these were located very close to the
11 vehicle as was the deceased victim who was in the
12 driver's seat of the vehicle and we needed to be
13 able to remove his body from the vehicle so that we
14 could examine his condition. And had we left the
15 shell casings there for that process they would not
16 be in their position as they should be and anyone of
17 us could have stepped on and damaged them. So in an
18 effort to be cautious we went ahead and marked these
19 with the flags so that we'd still have the location
20 but the actual items of evidence were collected so
21 that they would be preserved.

22 Q Okay. And in State's Exhibit 26, is that just a
23 closeup version?

24 A Yes.

25 Q And the shattered window, is that window, is that

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1 how it was when you observed it?

2 A Yes, when I arrived we noticed that the driver's
3 side window was shattered.

4 Q And these casings, I believe markers A through E,
5 what's side of the car were they located on?

6 A Those are on the driver's side.

7 Q And these are photographed and marked, correct?

8 A That's correct.

9 Q And do you maintain a report in this case
10 regarding, I guess, whatever activity you may do
11 with respect to a crime scene?

12 A We issue reports on all of our -- anything
13 involved with the scene we complete a report on it.

14 Q And did you have a report in this case?

15 A Yes, ma'am.

16 Q And did you indicate in your report where those
17 cartridge cases were found?

18 A I did in two different places. In the narrative
19 I describe how cartridge cases are located in next
20 to the driver's side of the window. There's also a
21 list where I discuss those fired cartridges cases as
22 well.

23 Q And I guess first with respect to those, what,
24 what type of cartridges were those? Did they have a
25 stamp indicated on them?

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1 A They do. All cartridges have a head stamp and in
2 that case it said Winchester 38 SPL so we know
3 that's going to be a .38 caliber.

4 Q Okay. And so they all have the same stamp or
5 different stamps?

6 A They all have the same stamp, A through E.

7 Q Now, in your report I believe that you
8 indicated -- you said this in several places -- and
9 on one side it says actually the passenger side of
10 the vehicle?

11 A That's correct. In the narrative I documented it
12 correctly it's on the driver's side. I made an
13 error that I did not catch until I did my report.
14 On the list of items collected, on that side I
15 indicated that they were found on the passenger side
16 of the vehicle; but as you can see in the pictures,
17 they were on the driver's side. By memory, I know
18 they were on the driver's side and it's also
19 sketched, completed, and it demonstrates in the
20 sketch that there were on the drivers side so in
21 that one location it's just that error.

22 Q And did you actually collect those shell casings
23 as well?

24 A I did.

25 Q I'm gonna show you what's been marked State's

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1 Exhibit.

2 MS. SIMPSON: Beg the Court's indulgence.

3 BY MS. SIMPSON:

4 Q I'm gonna show you what's been marked as State's
5 Exhibit 156. Do you recognize 156?

6 A Yes. This is my packaging labeled to contain
7 fired cartridge casings A, B, C, D, and E, F, which
8 is an unfired cartridge casing and then G and H,
9 which are two other fired cartridge casings.

10 Q Okay. And you recognize this because you said
11 it's your packaging?

12 A Yes.

13 Q So you actually collected and properly sealed
14 these items?

15 A That's right.

16 Q And what did you do with these items once they
17 were packaged and sealed?

18 A We submit them to our evidence section. They
19 retain all of our evidence. Different items,
20 depending on what they are, they go to different
21 divisions for testing. And the case investigator
22 will request, if there's anything additional they
23 would have done to those. Prior to submitting those
24 they are also fingerprinted and swabbed for some
25 DNA.

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1 Q Okay. Can you tell us your process for
2 fingerprinting these cartridges.

3 A Yes. When we collect evidence at the scene we
4 bring it back to the headquarters to process. We
5 have in our lab a large fuming chamber, and what we
6 do is called cyanoacrylate fume. You may have heard
7 it called superglue fuming, and that's the same
8 thing. We have the chamber that is contained and
9 when we close it it's completely sealed off so what
10 we will just place each item of evidence inside the
11 chamber. In there we have a warming plate, and on
12 the warming plate we will place superglue, and then
13 we also have a humidifier. So we can seal that unit
14 off and we can raise the humidity in that chamber;
15 and then at that point when the humidity reaches
16 that level, that superglue will start to create
17 fumes and the fumes are gonna fall down and they're
18 going to settle over whatever items are in the
19 chamber. So if there should be a fingerprint on the
20 item, these fumes are gonna settle over it and they
21 are going to harden and that's gonna detect anything
22 that might be on the surface of an item. So we can
23 take those items, once they have the superglue
24 fuming completed, try to process them with powder.
25 The powder will enable us to see if there's

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1 fingerprints on there. When you, you know, as we
2 are all living, functioning and touching things, our
3 bodies constantly all different processes and one of
4 those is that we're sweating. Our hands are always
5 sweating and there's different that are in sweat we
6 touch things we can leave a deposit behind. So what
7 we're doing with fingerprint powders is they're
8 formulated to adhere to what is left behind so we
9 can take something that we cannot see and those
10 powders will attach to it and then it will become
11 visual, it's something that we can look at, try to
12 lift. We can photograph it first, try to lift it
13 with tapes. There's several other processing
14 techniques that we use; but in this case that's what
15 we did, superglue fuming and black powder.

16 Q And were those results positive, negative for
17 these items?

18 A They were negative.

19 Q I actually want to show you what's been marked as
20 State's Exhibits 38 through 50.

21 MR. SUTHERLAND: Without objection, Your
22 Honor.

23 THE COURT: 38 through 60, Solicitor?

24 MS. SIMPSON: I believe it's 50, Your
25 Honor.

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1 THE COURT: 50.

2 MS. SIMPSON: 50.

3 (WHEREUPON, State Exhibit Nos. 38 through
4 42, 44 through 50 were admitted into
5 evidence.)

6 BY MS. SIMPSON:

7 Q And I believe you mentioned G and H are two fired
8 cartridges as well that you collected per the
9 evidence bag.

10 A That's correct.

11 Q And those are fired cartridges for G and H,
12 correct?

13 A That's correct.

14 Q You also collected an unfired cartridge I believe
15 marker F?

16 A That's correct.

17 MS. SIMPSON: Your Honor, at this time the
18 State would introduce State's Exhibit 156 into
19 evidence.

20 MR. SUTHERLAND: No objection, Your Honor.
21 (State's Exhibit 156 was admitted into
22 evidence.)

23 THE WITNESS: Can I clarify what you just
24 said?

25 BY MS. SIMPSON:

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1 Q Yes.

2 A G and H were collected actually by Investigator

3 Holt ---

4 Q Okay.

5 A ---and then turned it over to me, ---

6 BY MS. SIMPSON:

7 Q Okay.

8 A ---but I marked and photographed them.

9 Q Okay. And so G and H, I'm gonna show you State's
10 Exhibit 42. Can you tell the jury -- I know we're
11 somewhat far away, what we're seeing there and ---

12 MR. SUTHERLAND: If I may briefly, I'm
13 sorry. I'm sorry, if I may briefly. So G and H,
14 you didn't introduce the shells. You're just asking
15 about the pictures you mentioned?

16 MS. SIMPSON: No, I introduced State's
17 156.

18 COURT: That's through -- what's the
19 objection?

20 MR. SUTHERLAND: There was previous
21 testimony that she had collected the items and then
22 corrected her testimony that Trevor Holt had
23 collected the items, and that would be -- that would
24 just be my objection, Your Honor.

25 MS. SIMPSON: I believe her testimony was

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1 that ---

2 COURT: May I see State's 156, please?

3 MS. SIMPSON: Yes.

4 THE COURT: Step out, ladies and
5 gentlemen, leave your notes, do not discuss the
6 case.

7 (The jury retires from the courtroom.) at
8 5:20 p.m.)

9 THE COURT: What's your objection,
10 Mr. Sutherland?

11 MR. SUTHERLAND: My only issue was
12 Investigator Polis had testified -- Nicole had asked
13 her do you remember collecting G and H. I believe
14 ---

15 THE COURT: Investigator Nicole?

16 MR. SUTHERLAND: I'm sorry, Ms. Simpson.

17 THE COURT: Oh, the Solicitor, okay. All
18 right.

19 MR. SUTHERLAND: Yes, sir.

20 THE COURT: Thank you.

21 MR. SUTHERLAND: And I believe
22 Investigator Polis said yes, I remember and I said
23 no objection and then I believe Investigator Polis
24 said, wait a minute, Trevor Holt collected those two
25 items and so I sort of reverse my non-objection ---

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1 THE COURT: F and G?

2 MR. SUTHERLAND: I believe it was G and H,
3 sir. So I sort of reverse myself on the
4 non-objection on G and H just on that basis, I mean,
5 if she collected them.

6 MS. SIMPSON: And Your Honor, I believe
7 her testimony was that Investigator Holt did collect
8 them, that they kind of work in teams, and turned
9 them over to her and she actually is the one who
10 sealed them and packaged and submitted them items to
11 evidence.

12 THE COURT: I wasn't tracking, Solicitor.
13 Where did F and G, where were they collected?

14 MS. SIMPSON: Well, G and H, Your Honor,
15 and ---

16 THE COURT: G and H.

17 MS. SIMPSON: They are collected at the
18 crime scene. She is photographing them. I will be
19 happy to show you a photograph if you wish. There's
20 some -- I'm not very good with distances, but a
21 little ways away from the vehicle where this
22 incident occurred on the property.

23 THE COURT: Where did F come from?

24 MS. SIMPSON: F, the unfired cartridge
25 casing is also nearby. I don't believe it's

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1 indicated in this picture, and I have not introduced
2 the pictures with respect to F. But I believe they
3 are -- F is nearby G and H, Your Honor.

4 THE WITNESS: It's centrally located.

5 MS. SIMPSON: Centrally located.

6 THE COURT: And then again your objection,
7 Mr. Sutherland, is?

8 MR. SUTHERLAND: My objection would be
9 that just Investigator Holt should testify for the
10 shell casings that he's collected as far the
11 foundation for introducing them. I mean, I didn't
12 have an objection when Investigator Polis testified
13 that she did collect them. It's just when she
14 remembered -- and it was a leading question by the
15 way, but the State had asked about G and H.

16 THE COURT: And what about F?

17 MR. SUTHERLAND: And it would be the same
18 for item F if her reversal of her testimony is the
19 same it was taken at the time as.

20 THE COURT: All right. Well, it would
21 appear to me then you have no objection to State's
22 156, items A through E.

23 MR. SUTHERLAND: That's correct.

24 THE COURT: Which is the fired shell
25 casings or cartridges on the driver's side of the

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1 vehicle.

2 MR. SUTHERLAND: That's correct, Your
3 Honor.

4 THE COURT: And I'm not sure if Detective
5 Polis or Detective Holt recovered F, G, and H.

6 MS. SIMPSON: I believe Investigator Holt
7 has testified that she actually collected F.

8 THE COURT: All right.

9 MS. SIMPSON: A and H were the only shell
10 casings that were actually collected by and turned
11 over to her.

12 MR. SUTHERLAND: And in that instance I
13 would withdraw my objection to F.

14 THE COURT: All right. So 156-A through
15 -F is in evidence without objection.

16 MR. SUTHERLAND: Yes, sir.

17 THE COURT: Although nobody is looking at
18 this unsealed package. I know there's something in
19 that package is what it says is in that package.
20 And G and H are for I.D. purposes only at this time.

21 MS. SIMPSON: Yes, Your Honor.

22 MR. SUTHERLAND: Okay. Thank you, sir.

23 THE COURT: All right. And if we find out
24 if it's something different we'll certainly revisit
25 that, but I believe it's shell casings.

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1 MR. SUTHERLAND: Certainly. Thank you,
2 Your Honor.

3 THE COURT: All right, ready for the jury,
4 Solicitor?

5 MS. SIMPSON: We are, Your Honor.

6 THE COURT: You're giving me a note?

7 THE BAILIFF: Yes, sir.

8 THE COURT: All right, thank you. All
9 right, bring us our jury please.

10 (The jury was returned to the courtroom at
11 5:27 p.m.)

12 THE BAILIFF: All jurors present, Your
13 Honor.

14 THE COURT: Thank you. Thank you very
15 much.

16 Mr. Foreman, ladies and gentlemen, I
17 received your note. I would respond to that note in
18 the following manner. I make this assumption -- if
19 this assumption is incorrect please advise me, Mr.
20 Foreman. I make the assumption that this question
21 was asked by one juror keeping his or her own
22 counsel directed to the foreperson to author the
23 note and/or to sign the note by number. Is that
24 correct?

25 THE FOREPERSON: That is correct, Your

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1 Honor.

2 THE COURT: All right. Our law has: (a)
3 not developed to the point where jurors can ask
4 questions. That's not fussing at you or anything of
5 that nature. It's just that you cannot ask
6 questions as far as during the presentation of
7 testimony. The parties will present their case in
8 the manner in which they present it. All evidence
9 doesn't necessarily come in on the point of a
10 pencil. What may come in through one witness, if
11 there are blanks I make no comment that there are or
12 not, may be filled in by another witness; may not,
13 that's up to y'all to decide. But as far as this is
14 concerned, the Court cannot respond to this in any
15 manner, and I would just ask you to -- as this
16 indicates to me, you are giving it your utmost
17 attention to the trial of this case, and I would ask
18 you to continue to give the parties your complete
19 and undivided attention. Thank you. Thank you very
20 much, Mr. Foreman, ladies and gentlemen.

21 Solicitor, you may continue.

22 MS. SIMPSON: Thank you, Your Honor.

23 BY MS. SIMPSON:

24 Q I believe we were discussing State's Exhibit 42
25 and what we're seeing in there. Can you tell us

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1 what we see in State's Exhibit 42.

2 A Yes. The items marked G and H are two fired
3 shell casings, and the item marked here, number
4 three, is actually a glove. And as you can see this
5 house is back here in the background, and again,
6 that dirt road is gonna be right up through here.
7 And these are close to the edge of the road way.

8 Q Okay. And those are items that you marked and
9 photographed?

10 A That's correct.

11 Q Who actually collected those items of evidence?

12 A All of those items were collected by Investigator
13 Holt.

14 Q I want to show you what's been marked as State's
15 Exhibits 53 through 57. Defense counsel has had an
16 opportunity to review these. Do you recognize
17 those?

18 A Yes, I do.

19 Q Okay, and what are they?

20 A They're, again, just different photographs of the
21 exterior of the residence showing the vehicle, the
22 house, and the different items of evidence.

23 Q And do they fairly and actually depict the scene
24 as you recall it from that day?

25 A Yes, they do.

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1 MS. SIMPSON: Your Honor, at this time the
2 State would introduce State's Exhibits 53 through 57
3 into evidence.

4 MR. SUTHERLAND: There's no objection,
5 sir.

6 THE COURT: State Exhibits 53 through 57
7 are in evidence without objection.

8 (State Exhibit Nos. 53 through 57 were
9 admitted into evidence.)

10 BY MS. SIMPSON:

11 Q What exactly is F?

12 A Item F is an unfired cartridge casing which means
13 it's a bore that's never been fired. That head
14 stamp on that one indicates GFL 357 magnum so that's
15 a 357.

16 Q Okay, so it's actually the full bullet,
17 everything?

18 A Correct.

19 Q And the other shell casings that you found at the
20 scene?

21 A The casings are the portion that's left behind
22 after the bullet is fired.

23 Q Okay, so this one was never fired?

24 A Correct.

25 Q And did you actually collect that item ---

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1 A I did.

2 Q ---of evidence as well?

3 A Yes.

4 Q I want to show you -- did you also have the
5 opportunity to mark some additional items of
6 evidence to include markers 2 and -- or 1 and 2?

7 A Yes, I did.

8 Q I'm showing you what's been marked as State's
9 Exhibits 33 through 37. Do you recognize these?

10 A Yes, I do.

11 Q And what are those?

12 A These are photographs of the items going to be
13 marked and photographed.

14 MS. SIMPSON: The State would introduce
15 State's 33 through 37 into evidence.

16 MR. SUTHERLAND: No objection.

17 THE COURT: State's 33 through 37 is in
18 evidence without objection.

19 (State's Exhibit Nos. 33 through 37 were
20 admitted into evidence.)

21 BY MS. SIMPSON:

22 Q State's Exhibit 33, are these the unmarked
23 locations?

24 A That's correct, they are.

25 Q And what is State's Exhibit -- or I'm sorry, I'm

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1 showing you State's Exhibit 34. What is that?

2 A This is item 1 and it is a blue cigarette
3 lighter.

4 Q And in State's Exhibit 35 are we seeing the same
5 lighter?

6 A Just a closeup of the same item.

7 Q State's Exhibit 36, what do we see there?

8 A This is a pack of Newport cigarettes marked as
9 item number 2.

10 Q Do you ever mark things with the same number or
11 are they marked individually?

12 A They're individually marked.

13 Q And was that all the evidence that you actually
14 marked or was there -- were there additional items?

15 A That's everything that was marked.

16 Q And I believe we spoke earlier you did mark the
17 Food Lion bag as well you indicated?

18 A I did.

19 Q I'm gonna show you State's Exhibit 51 and 52.

20 And what do we see in State's 51 and 52?

21 A It's a plastic Foot Lion shopping bag that we
22 found located on the passenger side of the vehicle
23 and this we marked with evidence marker number 5.

24 MS. SIMPSON: Your Honor, at this time the
25 State would introduce State's 51 and 52 into

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1 evidence.

2 MR. SUTHERLAND: No objection.

3 THE COURT: State's 51 and 52 is in
4 evidence without objection.

5 (State's Exhibit Nos. 51 and 52 were
6 admitted into evidence.)

7 BY MS. SIMPSON:

8 Q Now as far as items you collected, did you find
9 any weapons out there?

10 A I did not.

11 Q So all you found were the shell casings, correct?

12 A And the one unfired cartridge, yes.

13 Q And the one unfired. But no knife?

14 A No.

15 Q No weapons were located?

16 A No.

17 Q All right. What did you do next after marking
18 the items and photographing them?

19 A As I said before, we went in, collected the shell
20 casings that were located close to the vehicle. And
21 then at that time we moved to the vehicle where the
22 victim's body was inside. We started by taking
23 photographs of exactly how he was positioned inside
24 that vehicle.

25 Q Okay. So he was still on scene in the vehicle as

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1 he was left ---

2 A Yes.

3 Q ---at the time of the shooting?

4 A That's correct.

5 Q And what did you observe when you looked into the
6 vehicle?

7 A Okay, there was blood in the -- on a number of
8 surfaces on the inside of the vehicle. The
9 ignition, the key was in the ignition and it was
10 switched forward but the car was not cranked up. As
11 we said before the driver side window was shattered.
12 There are reddish brown stains that we believed to
13 be blood on the ignition switch. And I was advised
14 by the deputies that when they -- the front
15 passenger door was closed when I got there. They
16 said that initially had been opened but the wind had
17 blown it closed. So when I observed that it was
18 also closed.

19 Q Okay, and at some point did something happen with
20 respect to the victim's body?

21 A Yes, we -- after photographs were taken inside
22 the car we removed the body from the car so we could
23 examine the injuries a little bit more closely.

24 Q Okay, and tell us what you did.

25 A Okay. First, the victim was dressed in a black

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1 T-shirt and he had on blue jeans with boxer shorts
2 underneath. The jeans had a belt. He was also
3 wearing brown shoes. There were a couple of
4 necklaces that he was wearing and those had some
5 damage on them. He was also wearing a watch and he
6 had two band type bracelets like rubber bands.
7 We -- the corner's office at that point is on the
8 scene and when the coroner's office is there their
9 duties are actually with the body. And so what we
10 do together is we look at what's present. Jane
11 Powell was the representative from the coroner's
12 office, and she cut open the pockets of the -- back
13 pockets of the blue jeans so that we could safely
14 take the contents out of them. And what we located,
15 the black left pocket there was 40-dollars in cash
16 and the back right pocket there were two condoms.
17 Those specific items were collected by Investigator
18 Holt. In the front pockets, in his front and left
19 pocket, there was a clear plastic baggie, two tubes
20 chapstick, and blue lighter. He had 32-dollars in
21 cash and a dollar and sixty cents in change, and
22 then I collected all of those items.

23 Q Okay. And what did do you with the items once
24 they were collected?

25 A Those items were just photographed and then

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1 submitted to evidence to hold.

2 Q Okay. And did you make any observations with
3 respect to the deceased victim's clothing at the
4 scene?

5 A Yeah. We did observe on his shirt there were
6 some bright blue fibers, and those were photographed
7 and they were collected using trace tape by
8 Investigator Holt.

9 Q And what exactly is trace tape?

10 A It's just an adhesive tape or a large wide piece
11 we can use to take if you have things like hairs or
12 fibers that you would easily lose in other, you
13 know, there's not really a great way to collect
14 those. You can actually use this tape to pick them
15 up and then you have them on a piece of tape if
16 they're ever needed.

17 Q Okay. And did you observe any injuries to the
18 victim's body, ---

19 A I did.

20 Q ---the possible injuries?

21 A Yes. He had multiple injuries: One located on
22 the forehead, one kind of on the throat, upper chest
23 area; several to the abdomen; and two on the right
24 arm; and then there was also damage to the pelvic
25 area of the blue jeans. At the time on the scene we

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1 removed the clothing but you know, damage consistent
2 with gunshot on the, on the exterior clothing.

3 Q Okay. And so you actually observed on his hand
4 the potential, I guess, impact —

5 A Impact, yes.

6 Q —point of defect in his clothing as well as the
7 injury to his body?

8 A We did not remove the clothing at that time so
9 —

10 Q Okay, on the pants?

11 A Yes, on the pants. The upper body we can see.

12 Q And what did you do after you made these
13 observations?

14 A All of those injuries were photographed and
15 another step that we take prior to having the body
16 transported is we will bag the hand. And the reason
17 we do that is that will protect any trace evidence
18 that may be present on the hand so that we can
19 collect it at later time. So here we actually had
20 placed bags on the hand and we'll use tape and will
21 initial over the tape seal.

22 Q And did you actually bag the victim's hand in
23 this case?

24 A Yes, I did.

25 Q And at some point was a determination made to

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1 remove the bags?

2 A We did determine that we should go ahead and take
3 the bags off. And the reason for that was, the
4 victim's identity at that point had not been
5 absolutely confirmed so one way we can do that is
6 through fingerprinting. So we wanted to go ahead
7 and get these fingerprinted so we could expedite the
8 process making sure that we knew he was. Before we
9 were able to collect fingerprints though, we had to
10 go ahead and collect a GSR kit. That will be the
11 first thing that we do because that's going to
12 collect things that are on the skin. So before we
13 add anything like ink we're gonna go ahead and
14 collect that GSR kit.

15 Q Describe for the jury what the GSR kit is and how
16 it's collected?

17 A A GSR kit is a gunshot residue due kit, and what
18 they do is we're looking for the things that are
19 left behind. When you shoot a gun, those may be
20 deposited on the skin. So the main components of
21 the bullets are lead, barium, and antimony so what...
22 we will do is there's a collection process that's
23 been developed and it's two steps. One is
24 individual stickie tabs is what we refer to them as,
25 just little vials that they have a stickie into it,

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1 and you literally just press them on the surface of
2 the skin. We do that all over each side of the hand
3 separately. And after we collect that we will go
4 behind and we will collect swabs, and we do that
5 from the front and back of each palm moving the
6 fingers on the hands. After we collect those
7 things, then package them all, they can be submitted
8 to SLED and SLED will DO the analysis on them to so
9 if there's any residue left on the hands.

10 Q I believe you said GSR are possible shooters. A
11 person who has GSR on their hands, are they
12 necessarily a shooter in a case?

13 A Not necessarily. Handling a weapon possibly
14 leave a residue behind on your hands so there are
15 different ways that, you know, that it can because
16 it doesn't necessarily indicate that you have
17 recently shot.

18 Q Or have been around a gun when it was fired,
19 correct?

20 A That's correct, you just had the deposit on your
21 hands.

22 Q And I want to show you what's been marked as
23 State's 157. Do you recognize that?

24 A This is the packaging for the gunshot residue kit
25 that I collected.

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1 Q Okay. And so that is the kit that you collected?

2 A Should be exactly.

3 MS. SIMPSON: At this time the State would
4 introduce State's Exhibit 157 into evidence.

5 MR. SUTHERLAND: No objection.

6 THE COURT: State's 157 is in evidence
7 without objection.

8 (State Exhibit No. 157 was admitted into
9 evidence.)

10 BY MS. SIMPSON:

11 Q And once you collect this kit what is done with
12 it?

13 A We submit it to our evidence station where
14 they're gonna securely maintain it, and it's -- if
15 the case investigator wants it to be processed, we
16 will have it sent over to SLED where they will do
17 the analysis on it.

18 Q Okay. So the case investigator determines
19 whether or it will be submitted for testing?

20 A That's correct. They just know all the factors
21 of a case, and therefore, they'll make a
22 determination if they need it most of the time.

23 Q Okay. And you don't actually do the testing for
24 the GSR?

25 A That's correct. At that time my sergeant,

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1 Sergeant Richards, was also on scene, and he rolled
2 a set of fingerprints.

3 Q Okay. And after the prints had been rolled and
4 the GSR collected what, what occurred with the
5 victim's body?

6 A We have a -- there's a body removal service
7 arranged -- through the coroner's office. They
8 respond to the location and they will, they will
9 actually place the body in a bag and the bag is then
10 sealed with a lock and that will be transported for
11 autopsy.

12 Q All right. And after the items of evidence have
13 been marked and collected and the victim's body
14 removed, did you do anything else on this day?

15 A We had the vehicle towed to our forensic garage
16 so that it could be processed, and I think we were
17 complete there.

18 Q All right. And do you memorialize kind of your
19 findings with respect to collecting evidence as to
20 where, where you collected it from, how far away it
21 was, and things of that nature?

22 A In multiple ways through our photography we'll
23 take measurements of items and if we to have
24 relocate them can put them in the back ---

25 Q Okay. And do you do sketches as well?

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1 A Yes, we do at times just to kind of hands on,
2 draw a raw sketch of the location.

3 Q And did you do a crime scene sketch in this case?

4 A I did.

5 Q I want to show you what's been marked as State's
6 Exhibit 158. Do you recognize that?

7 A I do.

8 Q And what is it?

9 A This is the blown up version of the sketch that I
10 made of that scene.

11 MS. SIMPSON: Your Honor, at this time the
12 State would introduce State's Exhibit No. 158 into
13 evidence.

14 MR. SUTHERLAND: No objection.

15 THE COURT: 158 is in evidence without
16 objection.

17 (States Exhibit No. 158 was admitted into
18 evidence.)

19 MS. SIMPSON: Permission for the witness
20 to step down, Your Honor.

21 THE COURT: Yes, just keep your voice up,
22 you're away from the microphone.

23 THE WITNESS: Yes, sir.

24 BY MS. SIMPSON:

25 Q All right. So State's 158 is — and I'll trade

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1 spots so that the court reporter can hear you.

2 A Okay.

3 THE COURT: Let me come around you first
4 so I can see. Also, the solicitor stand over here.

5 MS. SIMPSON: All right.

6 THE COURT: Thank you.

7 BY MS. SIMPSON:

8 Q Okay. Now, all right, is this -- is your sketch
9 to scale?

10 A No, it is not.

11 Q And how are -- do you do something in order to
12 reflect the actual distances and things of that
13 nature?

14 A We do document the measurements of these
15 different items. In this case we took
16 measurements -- I don't have my notes in front of
17 me, but we pick out specific points of the location
18 and then we'll take two measurements from that item
19 to the specific points so that should we ever need
20 to put them back we have two measurements to get
21 them back approximately in the same position.

22 Q Okay. And just tell us what we're seeing here.

23 A Okay.

24 Q Is this --

25 A This is Prioleau Road. This is that dirt road

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1 that I was telling you about, and the house is
2 oriented this way and has the open garage
3 (indicating). And remember we said the vehicle was
4 kind of backed in if you were looking from the
5 roadway so this is the front of the vehicle, this
6 would be the back. And then I just added the
7 license plate number just to show that this would be
8 the back of the vehicle where the tag would be.

9 Q Okay. And what are we seeing over here indicated
10 on your diagram at A through E?

11 A This is the group of shell casings that we found
12 on the driver's side of the vehicle on the ground.

13 Q All right. And are there other items of evidence
14 near the car as well?

15 A Again, we have the Food Lion bag which was on the
16 passenger side.

17 Q What else is indicated on this diagram?

18 A Just centrally located on the opened area we have
19 what we marked the items one and two which over
20 here, cigarette lighter and Newport pack. And then
21 closer to the roadway we have the glove, and we also
22 have a cigarette butt that was located here. And G
23 and H are the other two fired cartridges that we
24 located.

25 Q So, and all the items that you collected are

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1 actually indicated on here?

2 A I believe so.

3 Q What is the area like around here (indicating)?

4 I know this is the dirt road. What would be on the
5 left -- I guess my right side, and your right side
6 of this diagram?

7 A Everything that mostly would be incorporated in
8 the diagram was just kind of an open field. There
9 were a few trees and then, you know, you start
10 getting in other residences and things.

11 Q And I guess the best guestimate without looking
12 at your notes, are these things fairly in close
13 proximity like you can stand in the middle of the
14 yard and see 4-G and -H as well as A through E?

15 A Yeah, I think you could. I mean, there is a good
16 bit of, you know, this is a group, this was kind of
17 centrally located and these are more grouped
18 together. But probably from the center you would be
19 able to see most everything.

20 Q But the glove was collected from the road?

21 A Yeah, that was up by the roadway.

22 Q And the one unfired shell casing, that wasn't
23 near any of the spent shell casings, correct?

24 A That's correct.

25 Q Thank you.

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1 A (The witness returned her seat.)

2 Q Okay. On January 24th, did you have the occasion
3 to respond to a different location?

4 A I did.

5 Q And where did you respond?

6 A When I left Prioleau Road I went to Masonry
7 Circle.

8 Q And what was your — what was the significance of
9 Masonry Circle?

10 A I was advised that there were clothing items that
11 had been left at that location by a second victim
12 who had been transported to the hospital who also
13 had injuries.

14 Q All right. I'm going to show you...

15 MS. SIMPSON: Beg the Court's indulgence.

16 MR. SUTHERLAND: Sorry, Your Honor.

17 BY MS. SIMPSON:

18 Q I'm gonna show you State's 58, 59, 60, 61, 67,
19 62, 63, 64 and 65. Do you recognize these?

20 A Yes these are the items of clothing. They were
21 on the porch at Masonry Circle.

22 Q Okay.?

23 MS. SIMPSON: Your Honor, at this time the
24 State would introduce State's 58 through 65. We're
25 not introducing 66, and introducing State's 67.

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1 MR. SUTHERLAND: No objection.

2 THE COURT: State's Exhibits 58 through 65
3 and State's 67 is in evidence.

4 (State Exhibits Nos. 58 through 65 and 67
5 were admitted into evidence.)

6 BY MS. SIMPSON:

7 Q When you arrived at the location what did you
8 observe?

9 A I met with Lieutenant Pritchard who is one of
10 our -- the lieutenant, one of the supervisors over
11 that area, and he was standing by with these items
12 which were located on the front porch, and they were
13 just kind of scattered around in different
14 locations. There were reddish brown stains we
15 believed to be blood on the porch and on the
16 clothing, and in addition to the items of clothings
17 there was a pack of Newport cigarettes and also a
18 cap.

19 Q I'm showing you State's 58. Is that what you
20 observed?

21 A Yes, it is.

22 Q And the clothing, what was your understanding
23 with respect to why the clothing were strung about?

24 A I was advised that the second victim had gone to
25 this residence to try to get aid, and the clothing

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1 was left behind there which was transported back to
2 EMS.

3 Q And it's hard to tell from the pictures but was
4 it becoming evening or darker at this time ---

5 A Yes.

6 Q ---when you made it to process, I guess, the
7 second location?

8 A I was 6:05 p.m. when I arrived there so, yes.

9 Q Okay. And I'm gonna show you State's Exhibit 61.
10 Are those the reddish brown stains on the ground
11 that you're referring to as possible blood?

12 A Yes, they are.

13 Q And did you, in fact, collect these items?

14 A I collected the items of clothing and the
15 cigarettes and the stocking cap.

16 Q And what did you do with those items once you
17 collected them?

18 A They were wet. They had blood on them so I took
19 them back to our main headquarters which is located
20 on Two Notch Road, and we have in our forensic
21 garage drying chambers which are just secured units
22 where we can seal things if they're potential fire
23 hazards and we can dry them in there so they'll be
24 dried safely. And all these items were placed in a
25 drying chambers to dry. We use those chambers only

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1 one case at a time so there's no other -- they're
2 not put in with other clothing, just would simply
3 contain what we have in this particular case. And
4 they're left in there for a period of time until
5 they're dry, and we can take those out and then I
6 believe are photographed and they're packaged.

7 Q All right. I want to show you dry what's been
8 marked as State Exhibit 159.

9 MR. SUTHERLAND: If it please the Court,
10 if I may discuss a matter on record, Judge.

11 THE COURT: All right. Mr. Foreman,
12 ladies and gentlemen of the jury, please leave your
13 notes, step out momentarily. Do not discuss the
14 case during the brief recess.

15 (The jury is removed from the courtroom at
16 5:55 p.m. and the following proceedings
17 were commenced.)

18 THE COURT: All right, yes, sir.

19 MR. SUTHERLAND: I'd just like to briefly
20 view the items for the condition of them and the
21 amount, potential amount of blood that might be on
22 them, just to take a look at them prior to their
23 introduction.

24 MS. SIMPSON: And Your Honor, if I may
25 just briefly, just so the Court's aware, defense

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1 counsel had the opportunity to view the evidence I
2 believe at the sheriff's department along with my
3 co-counsel Ms. Cavanaugh and Investigator Unger. He
4 had the opportunity to open up anything he wanted to
5 at that point to view all of the items. Of course I
6 have no issue with him wanting to view them now but
7 prior to their introduction he had the opportunity
8 to view each and every piece of evidence in this
9 case.

10 MR. SUTHERLAND: Yes, sir, I'm not saying
11 that they're springing this on me by any measure.

12 THE COURT: I understand. Let me ask you
13 this, Solicitor, are you going to display the items
14 to the jury this afternoon?

15 MS. SIMPSON: I was not. I was just going
16 to introduce them -- because they are bloodstained
17 and we do have the photographs, I was not actually
18 going to pull out the bloody shirt at this point.

19 THE COURT: All right. Why don't we press
20 on. I'll make them for identification purposes only
21 at this time. That will give you an opportunity to
22 look at them at a later time and we can press on
23 now.

24 MR. SUTHERLAND: Yes, sir.

25 THE COURT: Is that suitable, Solicitor?

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1 MS. SIMPSON: Yes, Your Honor.

2 THE COURT: Is that suitable, Mr —

3 MR. SUTHERLAND: Yes, sir. Thank you,
4 Your Honor.

5 THE COURT: Thank you. Bring us our jury
6 please.

7 (WHEREUPON, the jury was returned to the
8 courtroom at approximately 5:56 p.m., and
9 the following proceedings commenced in
10 open court.)

11 THE BAILIFF: All jurors present, Your
12 Honor.

13 THE COURT: Thank you. Thank you very
14 much.

15 You may proceed, Solicitor.

16 MS. SIMPSON: Okay, Your Honor.

17 BY MS. SIMPSON:

18 Q State's 159 for identification purposes, do you
19 recognize these?

20 A This is my packaging for the different items of
21 clothing that I collected from Masonry.

22 Q Okay. And what items are indicated in this
23 packaging?

24 A There's a black Nike women's sweatshirt, a white
25 Hanes hoodie sweatshirt, a blue and orange athletic

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1 jacket that has the New York Knicks on it. Koman
2 brand bluejeans, one pair of black and blue tennis
3 shoes, one pack of Newport cigarettes, and a gray
4 stocking cap.

5 Q Okay. And are these the items that you collected
6 off the porch?

7 A They are.

8 Q I'm going to show you what's been marked as
9 State's Exhibit 97 through 108. All right, do you
10 recognize these?

11 A Yes, I do.

12 Q Okay. And what are they?

13 A These are photographs of the damaged areas to the
14 clothing and also some money that was collected from
15 the pocket of the bluejeans.

16 Q Okay. And are these photographs of the items
17 collected in State's Exhibit 159?

18 A Yes, they are.

19 Q And what is State's 197 -- or 97, I apologize.

20 A These -- it was money that was in the right front
21 --

22 THE COURT: Let me ask you something, are
23 those in evidence? Have you offered them?

24 MS. SIMPSON: Oh, I'm sorry, he said
25 without objection. Your Honor, at this time the

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1 State would offer State's 97 through 108 into
2 evidence.

3 THE COURT: Did I miss that?

4 MR. SUTHERLAND: I had told her that when
5 we're together as she was walking away, and I
6 believe it just sort of got jumbled up.

7 THE COURT: 97 through 108 is in evidence
8 without objection.

9 MR. SUTHERLAND: No objection, Your
10 Honor. I believe it just got jumbled up.

11 THE COURT: Thank you. Thank you very
12 much. You may proceed.

13 MS. SIMPSON: Thank you, Your Honor.

14 (State's Exhibit Nos. 97 through 108 were
15 admitted into evidence.)

16 BY MS. SIMPSON:

17 Q What do we have here?

18 A That was some -- money that was located in the
19 right front jeans pocket: One 10-dollar bill and
20 five 1-dollar bills.

21 Q Okay, so a total of 15-dollars?

22 A Yes, ma'am.

23 Q And this is the victim who was later identified
24 as Jonathan Frazier, or at that point you knew to be
25 Jonathan Frazier?

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1 A I did know by name that I knew as the second
2 victim.

3 Q Okay. And State's Exhibit 98 and 99, what are
4 these?

5 A This is the stocking cap that was collected.
6 It's got blood stains on it.

7 Q Okay. And that was found on the porch ---

8 A Yes, ma'am.

9 Q ---as well? And State's 100, what do we see
10 there?

11 A This the Newport cigarettes also found on the
12 porch.

13 Q And the Newports, are those the reddish brown
14 stains ---

15 A Yes.

16 Q ---as probable blood?

17 A Yes.

18 Q And that's State's 100. Then finally we have
19 several pictures here and State's 102, 103, 104,
20 105, 107, and 106 I believe. What are we seeing in
21 these photographs?

22 A This is the blue and orange jacket, and what we
23 do is place the scale in there to show where a
24 defect is and also get an idea of the defect. Here
25 in this area you can see this defect is marked.

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1 Q Okay, and by defect what is meant by that
2 terminology?

3 A It's kind of an overall term for damage that
4 would be there. We may think we know what it is.
5 We may not know what it is, but it will all be
6 considered a defect. It wasn't, you know, on the
7 clothing intentionally.

8 Q Okay. And is State's 103 what we just saw?

9 A And this is a closeup.

10 Q A closeup.

11 A Yes.

12 Q And that is a defect?

13 A Correct.

14 Q And what are we seeing in State's 104?

15 A This is actually a pulled back shot just more of
16 an overall. It's kind of -- I believe it's in the
17 shoulder area. This would be down the sleeve.

18 Q Okay. And also in the jacket are there reddish
19 brown stains on the jacket itself as well?

20 A Yes, there are.

21 Q Probable bloodstains?

22 A Probable blood.

23 Q And in State's Exhibit 105, what -- are these
24 different defects?

25 A It is. It's just damage, and I believe this is

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1 on one of the sleeves.

2 Q And the color of that jacket is what?

3 A It's kind of a bright blue and it has the orange
4 and black trim.

5 Q And moving back a little bit in your testimony as
6 well, some trace evidence was collected off the
7 deceased victim as well?

8 A That's correct.

9 Q And what was that evidence?

10 A There were some blue fibers that were collected
11 from the shirt, the victim's shirt.

12 Q Okay. In State's 106 we're just seeing
13 additional defects in the clotting?

14 A That's correct.

15 Q And after photographing and marking these items
16 what did you do?

17 A They were packaged and submitted to our evidence
18 section to be held securely.

19 Q And did you do some additional processing in this
20 case?

21 A I did all of the fired cartridge casings that we
22 collected on the scene. I fingerprinted as I
23 described before.

24 Q And did you also collect some swabs in this case?

25 A Yes, there were fingerprinted and they were

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1 swabbed for DNA.

2 Q And exactly what items did you swab for potential
3 evidence?

4 A The group of fired cartridges: A, B, C, D, E.
5 That would be groupings found together by the
6 vehicle. They were swabbed. Unfired cartridge
7 which we marked as F. The cigarette lighter, which
8 we marked as evidence number one. Newport cigarette
9 pack that we wanted -- the one from the scene, not
10 the one from the porch. That one was swabbed. The
11 Food Lion plastic bag was swabbed. And then
12 evidence H and G, which were the two fired
13 cartridges casings that were found a little bit
14 closer to the roadway, those were swabbed.

15 Q All right, I'm gonna show you what's been marked
16 as State's 171.

17 MR. SUTHERLAND: No objection.

18 BY THE COURT:

19 Q Do you recognize State's 171?

20 A Yes, this is my packaging from the swabs that I
21 just listed.

22 MS. SIMPSON: And Your Honor, at this time
23 the State would introduce State's 171 into evidence.

24 THE COURT: State's 171 is in evidence
25 without objection.

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1 (State's Exhibit No. 171 was admitted into
2 evidence.)

3 BY MS. SIMPSON:

4 Q And these are the swabs. What is done with the
5 swabs?

6 A I submit them to our evidence section and they
7 can be analyzed by our DNA section. They try to
8 process them and see if they can obtain any DNA from
9 the swabs.

10 Q And do you actually make the decision as to which
11 swabs will be collected, or is that for the
12 investigator?

13 A I decide which ones to collect. As I'm
14 processing they will make the request for the ones
15 that they would like to be analyzed.

16 Q Okay. And just briefly, how are the swabs taken?
17 That may be a somewhat self-explanatory but.

18 A A swab is actually just like a Q-tip with a long,
19 long wood stick on it. We use distilled water. If
20 we're working on something that's had a dry surface,
21 and we will just moisten the tip of the swab and
22 actually scrub it on the item. What we're hoping is
23 that if anything was transferred to that item we
24 would be picking it up on that swab. It's then
25 placed into a cardboard box, and each cardboard box

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1 is labeled with the location it was collected from
2 as well as the case number, the date it was
3 collected, and the individual that collected it.
4 And all those then packaged and are then sealed with
5 evidence tape.

6 Q And I'll back up just a little bit and I
7 apologize. I should have shown this to you earlier.
8 State's Exhibit 172?

9 MR. SUTHERLAND: No objection.

10 BY MS. SIMPSON:

11 Q All right. Do you recognize State's 172?

12 A Yeah, these are the additional items that we
13 collected from Prioleau Road, the incident location,
14 the pack of Newport cigarettes, the blue lighter,
15 and the Food Lion grocery bag.

16 Q And again, all these items, that's your packaging
17 —

18 A That's correct.

19 Q —your seal?

20 A Yes.

21 Q And State's 173?

22 MR. SUTHERLAND: Without objection.

23 THE COURT: No objection?

24 MR. SUTHERLAND: No, sir.

25 BY THE COURT:

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1 Q Do you recognize State's 173?

2 A Yes. These are the -- this is the money that was
3 collected from bluejeans that were reported to me
4 that belonged to Mr. Frazier.

5 Q And again, you placed that, that's your seal ---

6 A That's correct.

7 Q ---properly collected?

8 A Yes.

9 MS. SIMPSON: Your Honor, at this time the
10 State would introduce 173.

11 THE COURT: And 173 and 172 in evidence.
12 (State's Exhibits No. 172 and 173 were
13 admitted into evidence.)

14 MS. SIMPSON: At this time I am going to
15 show you state's 174.

16 MR. SUTHERLAND: No objection, sir.

17 BY MS. SIMPSON:

18 Q Do you recognize these items as well?

19 A These items were collected -- these are the items
20 that we described that were collected from
21 Mr. Jones' pants pockets. I collected the items
22 that were in his front pocket, front left pocket.

23 Q Okay. And these items were collected at the
24 crime scene on Prioleau Road?

25 A That's correct.

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1 Q And all of this -- all these items are indicated
2 in your photographs ---

3 A That's correct.

4 Q ---as well, as you had opportunity?

5 A Yes, ma'am.

6 MS. SIMPSON: Your Honor, at this time the
7 State would introduce State's 174.

8 THE COURT: 174 is in evidence without
9 objection.

10 (State's Exhibit No. 174 was admitted into
11 evidence.)

12 MS. SIMPSON: Thank you.

13 BY MS. SIMPSON:

14 Q Investigator Polis, was that the extent of your
15 involvement in this case?

16 A Yes, ma'am.

17 Q Thank you. Please answer any questions from the
18 defense.

19 THE COURT: Thank you. Thank you,
20 Solicitor.

21 Mr. Sutherland.

22 **C R O S S - E X A M I N A T I O N**

23 **BY MR. SUTHERLAND:**

24 Q Investigator Polis, how are you?

25 A Good, and you?

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1 Q I'm doing well. I actually don't have a lot of
2 questions. I understand that took a lot of time to
3 introduce. Just general observations about the
4 crime scene when you arrived, I believe your
5 testimony was that the driver's side window was
6 shattered?

7 A Yes, sir.

8 Q And the two windows on the passenger side were
9 partially rolled down or?

10 A Let me refer to my notes. I do have the
11 passenger window was partially rolled down. I'm
12 remembering that as being the front seat.

13 Q Okay. Also, did you look around the outside of
14 the car?

15 A Yes, sir.

16 Q Did you notice any impact points on the outside
17 of the vehicle?

18 A Not that I recall; however, it was -- that
19 vehicle was towed so that it could be processed in
20 detail at a later time.

21 Q Okay. And the amount of money that was found in
22 Dashawn Jones' pocket, is that approximately
23 70-dollars?

24 A Let me check. 40-dollars in the back left
25 pocket, 32-dollars and 1.60-cent in change in the

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1 front left pocket.

2 Q Okay. And Jonathan Frazier, did he have
3 30-dollars on him?

4 THE COURT: Say that question again.

5 MR. SUTHERLAND: I asked if -- this last
6 question was, Jonathan Frazier, did he have
7 30-dollars on him?

8 THE COURT: Thank you.

9 THE WITNESS: The money that I collected
10 from the bluejeans was one 10-dollar bill and five
11 1-dollar bills. I never directly interacted with
12 Mr. Frazier, but those were the jeans and they told
13 me ---

14 BY MR. SUTHERLAND:

15 Q Okay. So it was 15-dollars?

16 A Yes, sir.

17 Q Okay. And you went through about all the shell
18 casings, the lighter, the pack of Newports, the two
19 unfired cartridges that Investigator Holt collected,
20 the glove out by the road, and I believe two more
21 shell casings. And you'd spoken about some blue
22 fibers you observed on Dashawn Jones' shirt?

23 A Yes, sir.

24 Q And those were Trevor Holt collected those with
25 trace tape?

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1 A That's correct.

2 Q Okay. And just to be sure, I don't want to dash
3 to the finish here. Oh, well, the .38 caliber shell
4 casings, the unfired cartridge was 357 magnum?

5 A That's correct.

6 Q Were they all Winchester or just the 38s?

7 A The head stamp on all the 38s were Winchester, 38
8 SPL. The head stamp on the 357 was GFL 357 mag.

9 Q Okay. You testified about the, collecting the
10 gunshot residence due abs?

11 A The -- yes, sir, it's tabs as well as swabs, yes.

12 Q Okay, tabs and swabs. And that was both from Mr.
13 Frazier and Jones?

14 A I only interacted -- I never interacted with Mr.
15 Frazier so that was just for Mr. Jones.

16 MR. SUTHERLAND: Beg the Court's
17 indulgence.

18 THE COURT: Certainly.

19 MR. SUTHERLAND: Your Honor, no further
20 questions.

21 THE COURT: Thank you.

22 MR. SUTHERLAND: Thank you.

23 THE COURT: Redirect, Solicitor.

24 MS. SIMPSON: Briefly, Your Honor.

25 MR. SUTHERLAND: Okay, your Honor, I'm

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1 sorry, I have a matter of law with respect to the
2 photographs.

3 THE COURT: That's quite all right. You
4 do not need to apologize, Mr. Sutherland.

5 Mr. Foreman, ladies and gentlemen, please
6 step out for a moment. Do not discuss the case
7 through the brief recess.

8 (The jury is removed from the courtroom at
9 6:15 p.m.)

10 THE COURT: All right, Mr. Sutherland.

11 MR. SUTHERLAND: If it please the Court,
12 sir, the State wishes to introduce photographs. And
13 based on my cross-examination which I basically just
14 went over what they went over on direct, I just feel
15 like they should have been introduced on direct.
16 And if we get beyond that, there's some bloody
17 photos. There's a shirt that's all soaked in blood,
18 and I just object to that as prejudicial so.

19 THE COURT: Let me see the photographs,
20 Ms. Solicitor.

21 MS. SIMPSON: And Your Honor, if I may
22 just briefly respond as well.

23 THE COURT: Sure.

24 MS. SIMPSON: These items are actually the
25 items in the box that we limited for identification

1 purposes only. They're not duplicates or cumulative
2 items of evidence. He asked questions regarding the
3 blue fibers. Those are indicated on these pictures
4 as well from the jacket as well as on, I believe the
5 black hoodie. So we are seeking to introduce these.
6 And as far as the prejudicial value, Your Honor, the
7 mere fact that there is blood from a shooting
8 victim, I don't know that the prejudicial value is
9 substantially outweighed by any probative value in
10 this case. It doesn't show the victim in the
11 clothing or anything of that nature; but it does
12 indicate the defects or impact points on those
13 items, which are in the box which have only been
14 introduced for identification purposes.

15 THE COURT: Which one did you have a 403
16 objection, Mr. Sutherland, to —

17 MR. SUTHERLAND: The — I'm sorry, Your
18 Honor.

19 THE COURT: To the Knicks jacket this
20 appear to be —

21 MR. SUTHERLAND: Yes, sir. Actually it's
22 just the white T-shirt, and I mean, ultimately if
23 these are introduced because I talked about fibers
24 and respond and say, then I don't see where these
25 are relative to the issue of fibers being on the

1 front of that jacket. And they're just bloody and
2 an on the jacket. And also the value, the point is
3 to show that there are blue fibers on this jacket, I
4 mean, we've discussed that certainly.

5 MS. SIMPSON: And in addition, Your Honor,
6 I will be happy to do one of those pictures of the
7 shirts if his argument is the 403. However, I
8 believe it is relevant and probative at this point
9 especially considering that those items are not in
10 evidence until defense counsel has a chance to
11 review after the witness is already off the stand.

12 THE COURT: All right. Well, y'all have
13 probably figured out my pattern. 611(D)
14 re-examination re-call, the witness may be
15 reexamined as to the same matter which he or she
16 testified only in the discretion of the Court. But
17 without exception, he or she may be re-examined as
18 to any new matter brought out during
19 cross-examination. After the examination of the
20 witness has been concluded by all the parties
21 through the action, that witness may be re-called
22 only in the discretion of the Court. This rule
23 shall not limit the right of a party to re-call a
24 witness in rebuttal. I generally let good trial
25 lawyers try their cases.

1 MR. SUTHERLAND: Yes, sir.

2 THE COURT: So the witness could actually
3 be if you conclude her testimony, the Solicitor
4 could, the witness could be excused and she could
5 re-call her in the discretion of the Court.

6 MR. SUTHERLAND: Yes, sir.

7 THE COURT: So I try to be very cognizant
8 of the fact that they can -- that she or you could
9 re-call a witness and go into the matter that could
10 have been gone in on direct. I don't think these
11 are admissible because you talked about the blue
12 fibers, and I think perhaps these, some of these
13 could have been admissible on direct if she offered
14 them. Now here's the question, if you're going to
15 have the bloody items, then why do you need pictures
16 of the bloody items?

17 MS. SIMPSON: Well, Your Honor ---

18 THE COURT: The only reason I didn't allow
19 the State to give 158 -- excuse me, 159 into
20 evidence earlier is because he just didn't have the
21 opportunity to look at them just prior to them being
22 introduced, not that he didn't have opportunity in
23 the past. So why do you need the photographs and
24 the items?

25 MS. SIMPSON: Well Your Honor, at this

1 point particularly with bloody items of evidence, if
2 the jury -- while we do want to introduce our
3 evidence so that the State presents a full and
4 complete case, as far as the jurors being required
5 to pull out the pieces of evidence, of course, they
6 have that option but the photographs are helpful if
7 they do not want to handle the bloody items of
8 evidence. Additionally, Your Honor, nothing is
9 cumulative. While I could call this witness, she's
10 going to be the only one that's really able to
11 discuss Mr. Frazier's items of clothing as I believe
12 this is the last step in the line with respect to
13 those items so you know, she's not going to have the
14 chance for me to display those bloody items which,
15 just to be quite frank, Your Honor, I would prefer
16 not to have to open up those and show the jury if we
17 have photographs available.

18 THE COURT: All right. 170 I will allow
19 in evidence, not 169, not 167 which is the closeup
20 on the T-shirt. I will allow 166. I will not 168.
21 168, 167, I will not allow under 403 and their being
22 cumulative. 169, these two evidence, those are
23 items of Mr. Frazier.

24 As to the items from Mr. Jones, I will
25 allow 160. 161 I will not allow under 403. 162 I

1 would allow. And I'm not sure what 163 is showing.

2 MS. SIMPSON: Your Honor, those are up
3 close points with the blue fibers, and this
4 (inaudible) —

5 THE COURT: I will allow 162 but not
6 allowing 161 under 403.

7 MR. SUTHERLAND: Thank you, sir.

8 THE COURT: All right, thank you. Bring
9 us our jury please.

10 MS. SIMPSON: Thank you, Your Honor.

11 (WHEREUPON, State Exhibits Nos. 160, 162,
12 163, 166 and 170 were admitted into
13 evidence.)

14 (The jury was returned to the courtroom at
15 6:23 p.m.)

16 THE BAILIFF: All jurors present, Your
17 Honor.

18 THE COURT: Thank you. Thank you very
19 much. Thank you, Mr. Sutherland.

20 MR. SUTHERLAND: Yes, sir.

21 THE COURT: Solicitor, you may proceed.

22 MS. SIMPSON: Thank you, Your Honor.

23 BY MS. SIMPSON:

24 Q Investigator Polis, let me ask you this, I show
25 you State's Exhibits 160, 162, 163 and 166 and 170.

1 Do you recognize these?

2 THE COURT: And tell me the numbers again,
3 Solicitor. State them again.

4 MS. SIMPSON: 160, 162, 163, 166 and 170.

5 THE COURT: All right. Mr. Sutherland?

6 MR. SUTHERLAND: None other than the
7 previous objections.

8 THE COURT: All right. 160, 162, 163, -66
9 and -70 are in evidence over previous objection.
10 161, 165 was not offered. Thank you, Solicitor.

11 MS. SIMPSON: Thank you, Your Honor.

12 BY MS. SIMPSON:

13 Q Tell the jury what we're seeing in State's
14 Exhibit 160.

15 A This is a photograph of the black hooded Nike
16 sweatshirt that reddish brown, red blood stain on
17 the front, probable blood.

18 Q And that's to the, I guess, upper left chest
19 area?

20 A That's correct.

21 Q And was this one of the items collected from the
22 porch —

23 A Yes, it is.

24 Q —you understood to be whose clothing?

25 A Frazier's, Mr. Frazier's.

1 Q All right. And then in State's Exhibit 162 what
2 are we seeing there? And 163?

3 A These are -- they're harder to see because it's
4 on a black background the way it's printed, but
5 these are the defects that are in the clothing area.
6 It looks like it's on a longer hood there.

7 Q All right. So these are kind of up towards the
8 upper part as well --

9 A Yes.

10 Q ---and the blood? And in State's exhibit, I
11 believe we have 166 and 170, what are we seeing on
12 those items?

13 A 166 is the white Hanes undershirt. It has
14 reddish stains and it also has two defects here at
15 the top, top of the shoulder. The other is the
16 Knicks jacket and you can see the reddish brown
17 stains here, some of the defects that you've already
18 seen in the closeup photographs.

19 Q All right. And all of these items are from
20 Masonry?

21 A That's correct, front porch of Masonry.

22 MS. SIMPSON: Thank you, Investigator
23 Polis. That's all I have.

24 THE COURT: Mr. Sutherland?

25 MR. SUTHERLAND: Nothing further, Your

1 Honor.

2 THE COURT: Thank you. Thank you very
3 much, Investigator Polis. You may step down.

4 Mr. Foreman, ladies and gentlemen, I think
5 perhaps now would be a good time for us to take our
6 evening recess. Thank you very much for your
7 diligence and hard work throughout the day. You
8 will find that my pattern is such that when a
9 witness is called I do like to try to complete that
10 witness's testimony within the same time frame. I
11 don't really like to break over lunch over the
12 evening recess for the witness. I think it's better
13 to do the direct, cross, recross, if necessary. But
14 I do appreciate y'all's willingness to work this
15 late and to be focused and attentive as you have
16 been.

17 Please, I remind you again -- you will be
18 able to repeat this back to me before the end of the
19 week -- do not discuss the case with anyone
20 including your fellow jurors, family, friends, or
21 anyone else. Do not watch any news reports about
22 the case. Do not, do not use your computer, any
23 other electronic device or communication
24 capabilities to, to research any information which
25 is prohibited by the court as I have previously

1 explained to you. Do not do any investigation on
2 the internet or on your own.

3 Remember to keep an open mind. Do not
4 begin your deliberations until you're directed to do
5 by the Court. I would ask you to please leave your
6 notes in your chair. The clerk's office will secure
7 them for the evening, and I will ask you please be
8 back promptly at 9:30 in the morning. If you'd
9 please be back promptly at 9:30 in the morning.
10 Thank you very much. I hope y'all have a pleasant
11 evening.

12 (The jury is removed from the courtroom at
13 6:30 p.m. and the following proceedings
14 commenced in open court.)

15 THE COURT: All right, where is photograph
16 161?

17 MS. SIMPSON: I believe I put them back
18 over here since they weren't being introduced.

19 THE COURT: Did you mark this please for
20 identification purposes only?

21 MS. SIMPSON: Yes, Your Honor.

22 THE COURT: 164 and 165 also?

23 MS. SIMPSON: 164, -61. And I believe I
24 also have 167, -68 and -69.

25 THE COURT: And that would be all of the

1 photographs?

2 MS. SIMPSON: Yes, Your Honor.

3 THE COURT: In other words, it was 160
4 through 170?

5 MS. SIMPSON: Yes, I believe that's
6 correct.

7 THE COURT: 161, 164, 165, 167 and 168?

8 MS. SIMPSON: Yes, Your Honor.

9 THE COURT: All right, would you mark
10 those for identification purposes only?

11 MS. SIMPSON: Uh-huh.

12 THE COURT: Madam court reporter, I know
13 you will do something. Make sure they're kept
14 separate and distinct.

15 All right, anything further from the State
16 before we take our evening recess, Solicitor?

17 MS. SIMPSON: Do we not, I guess —

18 MS. CAVANAUGH: Your Honor, if — because
19 we started, had a late start today, and obviously
20 with only five witnesses or however many we put up,
21 we went all the way to 6:30, and maybe in the
22 morning we can just instruct the jury that we
23 might — so that we don't go into the next week and
24 they can just plan for child care needs or anything
25 up until six for tomorrow and Thursday that would be

1 helpful.

2 THE COURT: All right.

3 MS. SIMPSON: Just address that in the
4 morning.

5 THE COURT: All right, I'll think about
6 it. Thank you, Ms. Solicitor.

7 MS. CAVANAUGH: Thank you, Your Honor.

8 THE COURT: All right, Mr. Sutherland?

9 MR. SUTHERLAND: Nothing further, sir.

10 THE COURT: Thank you. Thank you very
11 much. Hope y'all have a pleasant evening. See you
12 promptly at 9:30 in the morning.

13 (Whereupon, court was adjourned for the
14 day and resumed on March 6, 2013.)

15 THE COURT: One of the jurors had to walk
16 back out to his car and get his glasses; I
17 understand that.

18 Anything from the State?

19 MS. SIMPSON: No, Your Honor.

20 THE COURT: From the Defense?

21 MR. SUTHERLAND: No, sir.

22 THE COURT: All right. As soon as we get
23 the word that he's back -- all right, we have all
24 our jurors?

25 BAILIFF: Yes, sir.

1 THE COURT: All right, if you will bring
2 them out.

3 BAILIFF: Yes, sir.

4 (The jury was returned to the courtroom at
5 9:32 a.m. and the following proceedings
6 commenced.)

7 BAILIFF: The jury's seated, Your Honor.

8 THE COURT: Thank you, Mr. Bailiff.

9 Mr. Foreman, ladies and gentlemen of the
10 jury, good morning. I hope y'all had a pleasant
11 evening. Welcome back. I would remind you, again,
12 that throughout the course of this case you're not
13 to have any discussions with anyone about the case.
14 That includes your fellow jurors, family, friends,
15 or anyone else. If anyone tries to talk with you
16 about the case please let me know immediately. Has
17 anyone had any discussion about the case up to this
18 point, if so, please stand.

19 (There was on response.)

20 THE COURT: Has anyone attempted to talk
21 to any number of the jury panel about the case, if
22 so, please stand.

23 (There was no response.)

24 THE COURT: Let the record reflect that no
25 one stands upon the questioning of the Court as to

1 those inquiries.

2 With that being said, we will continue
3 with the trial of the case, the presentation of
4 evidence and testimony by the State in its case and
5 chief. I would ask you to give the parties your
6 complete and undivided attention as you have done
7 throughout the trial of this case.

8 With that being said, Solicitor, you may
9 call your next witness.

10 MS. SIMPSON: Thank you, Your Honor, may
11 it please the Court. The State calls Doctor Raymond
12 Bynoe.

13 WHEREUPON,

14 **RAYMOND BYNOE,**
15 after having been duly sworn, testified as follows:

16 THE CLERK: Thank you. Please have a seat
17 in the witness stand. State your name for the
18 record, please spell your last name.

19 THE WITNESS: Raymond Bynoe, B-Y-N-O-E.

20 **D I R E C T E X A M I N A T I O N**

21 **BY MS. SIMPSON:**

22 Q Good morning, Doctor Bynoe?

23 A Good morning.

24 Q What is your profession?

25 A I am general surgeon who has a special interest

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1 in trauma and critical care.

2 Q And how long have you been licensed to practice?

3 A Since 1979.

4 Q Where are you currently employed?

5 A I'm employed by the University South Carolina
6 School of Medicine Department of Medicine. I work
7 at Palmetto Health as the medical director for the
8 trauma and critical care services at Palmetto
9 Health.

10 Q Okay. And what do some your duties include as
11 the medical director?

12 A For basically organizing, establishing the
13 program, maintaining certification for physicians
14 who work with us on surgery for individuals who are
15 injured in critical care for people who are injured
16 who had traumatic injuries.

17 Q So you oversee as well as actually participate in
18 surgeries and trauma ---

19 A Yes, ma'am.

20 Q ---practice? Can you please tell the jury a
21 little bit about your educational background and
22 training?

23 A I went to undergraduate at Lincoln University in
24 Pennsylvania. Went to medical school at the
25 university, Medical University of South Carolina

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1 School of Medicine down in Charleston, came and did
2 my surgery training here in Columbia, South Carolina
3 at Palmetto Health Richland University of South
4 Carolina. Went to Memphis, Tennessee and then
5 returned back to be a part of the program. And
6 subsequently in 1998 became the director of the
7 program.

8 Q All right. And do you have, I guess, specialized
9 training with respect to trauma?

10 A Yes, ma'am, that's what I did in Memphis,
11 Tennessee.

12 Q And are you currently required to participate in
13 any sort of continuing educational requirements?

14 A Yes, ma'am.

15 Q As a trauma surgeon what type of surgeries are
16 you qualified to perform?

17 A Yes.

18 Q Everything?

19 A Just about everything. I mean, we do vascular
20 surgery, thoracic surgery, abdominal surgery. We do
21 those things in the chest, neck, those sort of
22 things. We don't do orthopedic injuries. We don't
23 do facial fractures but participate in the overall
24 care of the patient.

25 Q And I kind of want to talk some about trauma.

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1 Can you explain exactly what the trauma unit deals
2 with?

3 A Yes. Everything from a falls to complex falls
4 from greater heights than buildings, car crashes,
5 penetrating trauma which means stabbings, gunshots,
6 objects that people may be impaled with. We deal
7 with most of care in term of trauma that involves
8 the entire gamut. Burns, we don't necessarily treat
9 burns, but we take care of them and send them to
10 Augusta so there's a host of things that we do
11 involved in the whole process.

12 Q So is trauma essentially emergency medicine
13 somewhat, or does it include emergency medicine?

14 A Yes.

15 Q And have you been qualified as an expert before?

16 A Yes, ma'am.

17 Q About how many times?

18 A A number of times since I've been doing this
19 since 1984 as well attending. So since 1984 to now,
20 a host of times since I've dealt with trauma and
21 critical care a lot, as well as non-trauma general
22 surgery cases.

23 MS. SIMPSON: Your Honor, at this time the
24 State would offer Doctor Bynoe as an expert in
25 trauma, critical care as well as general surgery.

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1 MR. SUTHERLAND: No objections.

2 BY MS. SIMPSON:

3 Q Doctor Bynoe, do you have —

4 THE COURT: Give me just a minute please.

5 MS. SIMPSON: I'm sorry.

6 THE COURT: Trauma, critical care, and
7 general surgery.

8 MS. SIMPSON: Yes, Your Honor.

9 THE COURT: All right. Mr. Foreman,
10 ladies and gentlemen of the jury, again, normally a
11 person cannot give opinion testimony. Normally when
12 a person testifies they may testify as to what they
13 either saw or heard or sense by smell or something
14 of that nature. However, there is an exception for
15 someone who's qualified by education or training in
16 a particular art, science, or profession. They are
17 permitted to give their opinions in certain areas if
18 the court qualifies them in that way. This witness,
19 Doctor Raymond Bynoe, will be qualitted in the areas
20 of trauma surgery, critical care, and general
21 surgery.

22 Were there any others, Solicitor?

23 MS. SIMPSON: No, Your Honor, that's all.

24 THE COURT: To give opinion testimony in
25 those areas. That does not mean that you must

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1 accept the opinions, but it is evidence for you, the
2 jury, to use in any way you see fit. Thank you.

3 Thank you very much, Ms. Solicitor, you
4 may continue.

5 MS. SIMPSON: Thank you, Your Honor.

6 BY MS. SIMPSON:

7 Q Doctor Bynoe, did you have occasion to see
8 Jonathan Frazier professionally?

9 A Yes, ma'am.

10 Q And where and when did you see Mr. Frazier?

11 A He was brought to the emergency department as a
12 trauma patient on January 24th, 2012.

13 Q Okay. When he as admitted was he under your care
14 or were there other trauma surgeons treating him?

15 A Well, it's kind of a group practice. I mean,
16 it's not one of us, it's a team of individuals that
17 are involved in it. Doctor Watson and myself both
18 responded to the call on the afternoon in which he
19 was injured, and both of us arrived at the emergency
20 department in taking care of him. There were a
21 number of other things going on so Doctor Watson did
22 one thing, and I did another thing and we were there
23 with him together.

24 Q Okay. And when he was admitted to the emergency
25 room on the 24th what was his status?

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1 A Critical. Basically he presented with airway
2 issues. He had sustained an injury to from a
3 gunshot wound that basically penetrated the left
4 neck, left shoulder, and in that region, which were
5 the most critical ones because when he arrived he
6 had difficulty breathing, had stridor, which means
7 that stridor is when the windpipe is partially
8 occluding. When you breathe you're having to work
9 harder to breathe than you normally would because of
10 constriction on the pipe. It's kind of looking at
11 it as some partial occlusion thereof in the airway
12 in which making that assessment we realized that he
13 needed to have control of his airway. Normally we
14 just put the windpipe down his — tube down the
15 windpipe. Because of this and the nature of the
16 injuries to his upper face and those sort of things,
17 we felt as though he needed to have what we call a
18 tracheostomy where we make a incision in your neck
19 for over your Adams apple. Basically the section
20 down the trachea, make a opening in the trachea and
21 put a tube below the area of the potential injury is
22 what we reflected to do with him because of his
23 airway issues.

24 Q And did you actually perform the tracheotomy?

25 A Yes, ma'am.

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1 Q Am I pronouncing it right?

2 A Yes, ma'am, tracheostomy.

3 Q And during that procedure were you able to
4 actually control his airway?

5 A Yes, ma'am.

6 Q The surgery was successful?

7 A Yes, ma'am ---

8 Q Okay.

9 A ---for that.

10 Q And you said that it's a team of you all. What
11 was your position with respect to Mr. Frazier's
12 term?

13 A I was a participant actively involved in the
14 caring for that process, you know, the decision
15 making process of whether or not he needs to go into
16 the operating room, go into the operating room.
17 Those were the decisions that I made and we took him
18 up to the operating room to gain control of that.
19 Once that was done, then we were able to go back and
20 try to identify any additional injuries because
21 without an airway you can only live for about five
22 minutes if you don't have an airway. So that's the
23 nature of the process. You're trying to make sure
24 you gain control of the airway. Without that
25 there's no life on this earth and so that was our

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1 main objective at this point.

2 Q So had Mr. Frazier not received treatment to his
3 airway, could that have potentially been fatal?

4 A Yes, ma'am.

5 Q Once that was under control what did you do, or
6 what did you determine was the next course of
7 action?

8 A Well, the next course of action was to go back
9 and identify any additional injuries. So from, once
10 we were able to gain airway, get control of that, we
11 subsequently decided at that point that we needed to
12 do special imaging studies to look for where the
13 path of the missile may have gone and what it may
14 have injured. In doing that we were able to
15 identify that there was a -- we did what we call a
16 computed tomography, better known as a CAT scan, is
17 what everybody calls it now. That's where we go in.
18 It takes 3-D. We get 3-D reconstruction of the body
19 and different areas of the body to identify, help
20 identify injuries. We decided that now that we had
21 airway we could now go back and look to identify.
22 When we did the tracheostomy we did not identify any
23 active hemorrhage that was life threatening at that
24 moment, but we needed to go back and see what may,
25 what other structures may have been injured. In

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1 doing that, we did identify two injuries. One was
2 that he had a fracture of his cervical spine which
3 is at the -- there are seven cervical spine little
4 bodies, little bricks, that are stabbed in the neck.
5 His second cervical vertebrae had a fracture to it,
6 and he also had injury to the blood vessels that
7 carried blood to the brain, the carotid artery. On
8 the left side there was a what we call a pipe again.
9 And there are three different layers within the
10 pipe, the carotid, in your blood vessels. So there
11 was a injury in what we call the inner most
12 dissection which is the most, the inner most level
13 of the blood vessel that was injured. And at that
14 point in time we consulted our surgical colonies to
15 be involved and to help take care of that particular
16 process. And their decision was the fact that we
17 would put him on blood thinning medication to keep
18 this tear from dissecting and clotting up.

19 Q And what are the complications that can arise
20 when the blood vessels clot in the carotid artery?

21 A Stroke. You would have -- just like someone that
22 had a stroke from atherosclerosis, if you had
23 hardening of the blood vessels in that same manner,
24 heart attack, that sort of thing. When you get
25 calcium in that position within the vessels you

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1 would get a stroke or a heart attack because that
2 section can continue to dissect, those vessels could
3 clot off and you could end up with weakness on the
4 side. It would be the opposite side of the injury
5 so if you have a left-sided injury it would be a
6 right-sided stroke because the way the brain works
7 and how fibers cross could affect the opposite side
8 of the injury so that was our main concern.

9 Q And was anything done with respect to the
10 fractures that he suffered?

11 A They elected to keep him in a collar at that
12 point in time, and that was his medical main event
13 for that particular problem that I remember
14 correctly.

15 Q And with respect to additional consultation
16 ordered, were you able to identify any other
17 injuries to Mr. Frazier?

18 A Yeah, he had a mandible fracture which is the
19 jaw, the big bone that comes down around your face
20 and making the contour of your face. He had a
21 fracture there. We consulted doctors, an oral
22 surgeon, to come in and do oral fixation on that.

23 Q Okay. And did you identify any additional
24 injuries?

25 A He had a hand fracture as well, and the bone

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1 doctor was asked to participate in that process for,
2 for his hand.

3 Q With respect to all of the consultations that
4 were ordered, can you describe for the jury or just
5 tell us who Mr. Frazier was directed to see or what
6 areas?

7 A Say that again.

8 Q As far as the consultations, who was consulted?

9 A The orthopedics for the hand fracture, and the
10 oral surgeon who would take care of the mandible
11 fracture, the jaw bone fracture, the neurosurgeons
12 who had worked with the spinal fracture and the
13 injuries to the blood vessel.

14 Q All right. And in your review of the records did
15 you find where a bullet or bullet fragments were
16 still located inside Mr. Frazier?

17 A Yes, ma'am, he had a -- still has a fragment from
18 the bullet in his face around the mandible fracture.

19 Q And why wasn't that bullet potentially removed or
20 what might some of the reasons be?

21 A Most of the time we don't remove bullet fragments
22 unless they're right underneath the skin and you can
23 actually feel it so you're not injured trying to get
24 the bullet out to injure something else that would
25 cause more harm. The only times that we do go after

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1 bullets is if they're in the heart because they can
2 embolize or if they're in a major blood vessel and
3 they can kind of go down. Most of the time we don't
4 take bullets out anymore.

5 Q Okay, that bullet will remain in Mr. Frazier?

6 A Unless it comes to the point where you can
7 actually feel it under the skin and it's very
8 palpable, and all we'll do is make a skin incision
9 to get it out and to the fatty tissue as opposed to
10 trying to go down where you would actually injure
11 nerves and those sort of things because there are a
12 number of nerves that come out and supply
13 innervation, motor function, sensory function in
14 those areas.

15 Q And pardon my layman's knowledge, this may have
16 been addressed with respect to your conversation on
17 the mandible injuries that he received. Was his jaw
18 wired shut?

19 A Yes, ma'am.

20 Q Can you tell the jury about that based on your
21 review of the records?

22 A Basically that's done because it's like any
23 broken bone, if you're moving it it's not going to
24 heal right. So what you do is you try to fixate it,
25 try to get it sort of stable, it doesn't move. And

SW - R. BYNOE - DIRECT

1 you do that so they wire the jaw. They put in
2 plates, then they wire the jaw. Sometimes they'll
3 put plates. Sometime they just wire the jaw and
4 move it. If there's a segment missing they will put
5 the plate in for calcium growth and that sort of
6 thing in it. But you try to immobilize it so that
7 it gets a chance to heal, the calcium being laid
8 down, bone growth reoccurring. That's what it's
9 for.

10 Q Okay. And how long is that?

11 A I don't know. It depends on the x-ray findings
12 that you -- see when he goes to followup with the
13 patient doctors. They will determine whether or
14 not they feel as though that it's good bone growth,
15 that it's healing well. Most of the time it's six
16 to eight weeks, sometimes it can be longer, but it's
17 a minimum of six to eight weeks for most wiring and
18 most in that process.

19 Q So the rest would depend on the individual ---

20 A Yes.

21 Q ---in each case?

22 A And the physician taking care of him.

23 Q The records indicate that a toxicology screen was
24 taken of Mr. Frazier at the item of his admission.

25 What is that screen and what's the purpose for a

SW - R. BYNOE - DIRECT

1 doctor to perform that screen?

2 A Well, we look for drugs in the system and it's
3 mainly done to help us in terms of not saying that
4 someone had drugs in or out, but it's to help us in
5 terms of long care when they're in the hospital. We
6 identify that you have a specific issue with drugs
7 that we may -- or if we have a psychiatrist that
8 works with us on our patients that would help to
9 care for the individual pending the fact that they
10 may have withdrawal symptoms from different drugs,
11 and that's the whole purpose of it.

12 Q You didn't actually conduct the toxicology screen
13 in this case, correct?

14 A No. I -- no. I -- I mean, it's ordered on
15 everyone that comes through the hospital,
16 particularly someone involved in some traumatic
17 injury but I don't actually do it and ---

18 Q Okay. And did the records indicate whether the
19 screen on Mr. Frazier came back positive for
20 cannabinoids or marijuana?

21 MR. SUTHERLAND: I'm sorry, Judge, that --
22 I mean, that is hearsay.

23 THE COURT: Is it part of the record?

24 MS. SIMPSON: I'll move along.

25 THE COURT: I'll sustain the objection.

SW - R. BYNOE - DIRECT

1 You can call the lab tech.

2 BY MS. SIMPSON:

3 Q At some point did you determine that Mr. Frazier
4 could be discharged?

5 A Yes, ma'am.

6 Q How is that determination made?

7 A Based on his clinical condition. Was he able to
8 swallow appropriately, tolerate a diet, pain
9 control, those sort of things. That's how we make
10 that decision, that he's -- cognitively, is he okay
11 in terms of being able to understand what he needs
12 to do and not do so those things are done. And the
13 fact that when we -- when we discussed with the
14 consultants that we had, the facial doctor, the
15 neuro doctor, make sure those things that we
16 identified that they're being medically treated.

17 Q And what date did you determine that Mr. Frazier
18 could be discharged?

19 A It was February 6.

20 Q Of 2012?

21 A Yes, ma'am.

22 Q And was Mr. Frazier given instructions with
23 respect to any follow-up appointments or emergency
24 situations?

25 A Yes, ma'am.

SW - R. BYNOE - DIRECT

1 Q And was he also prescribed some medications to
2 continue on for the period of time?

3 A Should have been, yes, ma'am. I don't have ---

4 Q Okay.

5 A I don't have that specifically, the drugs that
6 we...

7 Q And I believe ---

8 A We do, yes. He went home on pain medication.
9 There's medication to help to thin the blood out.
10 It's called Flavix. It keeps the platelets from
11 sticking together so you don't extend the clot. And
12 he went home on a oral antibiotic for the fracture.

13 Q All right. And were you responsible for any of
14 the follow-up treatment, or did that go on to other
15 areas?

16 A Go on to other areas.

17 Q All right. Doctor, is it uncommon for people who
18 have been shot in the next, or just shot, to suffer
19 from some type of shock or memory loss?

20 A Posttraumatic stress. That's why we have the
21 trauma to participate in the whole process with
22 individuals.

23 Q And again, if Mr. Frazier had not received
24 treatment within a short period of time after being
25 shot would his injuries have been fatal?

SW - R. BYNOE - DIRECT

1 A Could have been.

2 Q Could have been fatal?

3 A Yes, ma'am.

4 MS. SIMPSON: Beg the Court's indulgence.

5 COURT: Yes, ma'am.

6 MS. SIMPSON: Thank you, Doctor. Please
7 answer any questions from the Defense.

8 THE COURT: Thank you, Solicitor.

9 MR. SUTHERLAND: I have no questions for
10 this witness.

11 THE COURT: Thank you very much, Doctor
12 Bynoe ---

13 THE WITNESS: Yes, sir.

14 THE COURT: ---for being with us today.
15 You may step down. You may be excused.

16 THE WITNESS: Yes, sir.

17 THE COURT: All right, Solicitor.

18 MS. CAVANAUGH: The State calls Deputy
19 Allen Thomas McLamb.

20 THE COURT: Come around to be sworn for us
21 please.

22 WHEREUPON,

23 **ALLEN THOMAS MCLAMB,**

24 after having been duly sworn, testified as follows:

25 THE CLERK: Thank you. Please have a seat

SW - A. McLAMB - DIRECT

1 in the witness stand. State your full name for the
2 record and please spell our last name.

3 THE WITNESS: Allen Thomas McLamb,
4 M-C-L-A-M-B.

5 **D I R E C T E X A M I N A T I O N**

6 **BY MS. CAVANAUGH:**

7 Q Is it Deputy McLamb?

8 A Yes, ma'am.

9 Q Deputy McLamb, where are you employed?

10 A The Richland County Sheriff's Department.

11 Q And how long have you worked there?

12 A I'm in my seventh year.

13 Q Seventh?

14 A Yes, ma'am.

15 Q What is your current position at the sheriff's
16 department?

17 A My current position is I'm on K-9 specialist. I
18 work with the K-9 team.

19 Q And can you briefly describe what's meant by the
20 K-9 team?

21 A Basically I'm a K-9 handler. I'm assigned to a
22 dog. My dog has several different functions within
23 the sheriff's department. My role is to be his
24 handler, use him on a daily basis when I'm working,
25 maintain his training, training records. We respond

SW - A. MCLAMB - DIRECT

1 to many different calls. It can be drug searches,
2 searches for people who are brand. My dog is one of
3 the ones that can do what's called an article search
4 where if someone throws something or there's an area
5 suspected that may contain evidence that's been
6 touched by a human he can go out and look for it.

7 Q And which particular dog is assigned to you?

8 A My dog is K-9 Renso (ph).

9 Q And what breed is K-9 Renso?

10 A He's a Belgian malinois.

11 Q And were you -- I'm going to direct your
12 attention to January 24th of 2012. Were you asked
13 to respond to a location?

14 A Yes, ma'am, I was. I was requested by
15 Investigator Ted Unger to respond to Masonry Circle
16 which is down in the Hopkins area.

17 Q Okay. And did you in fact respond there?

18 A I did.

19 Q And what, what did you do -- why -- what was your
20 understanding of why you were called there?

21 A I was called there -- he stated that there was an
22 area that he needed an article search dog for to
23 possibly go and locate a weapon, a gun, in a certain
24 area that possibly would be related to a shooting
25 that just occurred.

SW - A. MCLAMB - DIRECT

1 Q And what, what did you do upon arrival? Where
2 did you go with your K-9?

3 A I was pointed to a certain area off Masonry
4 Circle or -- yeah, Masonry Circle. It was between
5 -- it was near and between Masonry Circle and
6 Prioleau Road. He stated this was this area he
7 wanted me to search. At that point I got my dog out
8 of the car, walked him to that area, gave him the
9 commands. I released him from his lease. This is
10 something he does not under full control so that he
11 can have the ability to search a large area on his
12 own. And then we performed the search for the area
13 that we were given to search.

14 Q Did you ever actually -- did you observe the
15 crime scene from where, the crime scene that was
16 secured from where you were?

17 A I never observed the crime scene. My main focus
18 when I'm on scene is the dog. There's a lot of
19 different cues, a lot of body language we have to
20 read, and so my main focus is watching him, and
21 watching for any type of sudden head turns or
22 changes in his breathing, his head going up, his
23 head going down. All these things are indicators of
24 what's called being human odor. He's actually
25 smelling human odor that he's looking for.

SW - A. MCLAMB - DIRECT

1 Q So the unit yourself never went in to actually
2 secure the crime scene?

3 A No, ma'am, we never went in the crime scene.

4 Q And neither did K-9 Renso?

5 A No, ma'am.

6 Q Okay. And was a weapon, in fact, recovered in
7 the area that you responded to?

8 A No, there was never a weapon that we recovered in
9 the area that we were searching.

10 Q Did K-9 Renso locate anything during this, during
11 this search of track?

12 A No, ma'am.

13 MS. CAVANAUGH: Beg the Court's
14 indulgence.

15 Thank you, Deputy McLamb. Please answer
16 any questions from Mr. Sutherland.

17 MR. SUTHERLAND: May it please the Court.

18 THE COURT: Mr. Sutherland.

19 **CROSS - EXAMINATION**

20 **BY MR. SUTHERLAND:**

21 Q Sir, how are you?

22 A Good, how are you?

23 Q I'm doing pretty well. I'm looking at your
24 report here. I got it on my phone. They emailed it
25 to me Monday morning. It says that you searched the

SW - A. MCLAMB - CROSS

1 grass and the weeds in the back yard of 213, the
2 place where you searched?

3 A It was, it was an area between Masonry Circle.

4 It was grass, weeds, limbs, fallen trees. It was
5 just a thinned out, almost like a wooded area.

6 Q Okay. And then just the information that you had
7 was that you said you had spoke with Investigator
8 Unger?

9 A Correct.

10 Q There was a possibility that a firearm used had
11 been thrown somewhere behind the location. So
12 that's your information that you had when you got to
13 the scene?

14 A Correct.

15 Q So you testified you didn't go near the crime
16 scene?

17 A No, sir.

18 Q Okay. Thank you. No further questions.

19 THE COURT: Any redirect, Solicitor?

20 MS. CAVANAUGH: Beg the Court's

21 indulgence. No further questions.

22 THE COURT: Thank you. Thank you very
23 much, Deputy. You may step down. You may be
24 excused.

25 All right, Solicitor.

SW - A. MCLAMB - CROSS

1 MS. SIMPSON: The State calls Investigator
2 Richard Carter.

3 THE COURT: Please come around and be
4 sworn Investigator Carter.

5 WHEREUPON,

6 **RICHARD CARTER,**
7 after having been duly sworn, testified as follows:

8 THE CLERK: Thank you. Please have a seat
9 in the witness stand and state your full name for
10 the record.

11 THE WITNESS: Richard Carter.

12 **D I R E C T E X A M I N A T I O N**

13 **BY MS. SIMPSON:**

14 Q Investigator Carter, where are you employed?

15 A I'm employed with the Richland County Sheriff's
16 Department.

17 Q How long have you been with Richland County?

18 A Nine-and-a-half years.

19 Q All right. And what do you do there?

20 A Currently I am a special victim unit
21 investigator. I primarily investigate cases
22 involving sexual assaults, child abuse, and
23 vulnerable adult cases.

24 Q And as an investigator with the special victims
25 unit, what do your duties include?

SW - R. CARTER - DIRECT

1 A Well, they include primarily investigating sexual
2 assaults, child abuse cases. We -- I'm also here
3 every seven to eight weeks. We are required to be
4 on-call for a week; and when we go on-call we are,
5 you know, we could get called to respond to cases
6 that are outside of what we primarily do on a daily
7 basis.

8 Q Okay, so as an on-call investigator you can
9 respond from shootings or carjackings, anything?

10 A Correct.

11 Q And did you have occasion to assist in this case?

12 A I did.

13 Q And how did that occur?

14 A January 24th, 2012 Sergeant Ellis, who was my
15 on-call unit shift supervisor ser at the time, had
16 contacted me and requested me to respond to Masonry
17 Circle Road.

18 Q Okay, and when you responded to Masonry what
19 happened when you arrived?

20 A I actually -- when I arrived I learned that the
21 incident location was actually down the dirt road at
22 that time.

23 Q Okay, and did you proceed down the dirt road?

24 A I did.

25 Q And was that actuality Prioleau Road?

SW - R. CARTER - DIRECT

1 A That was.

2 Q Who was on scene when you arrived?

3 A When I arrived Richland County Coroner's Office
4 was there, sheriff's department crime scene unit was
5 there, the K-9 units were there, and Investigator
6 Unger was there.

7 Q Okay. And was Investigator Unger designated as
8 the lead investigator on this case?

9 A Yes, ma'am.

10 Q And at his request what did do you?

11 A At his request I proceeded to Prioleau Road
12 where Lieutenant Pritchard with the Sheriff's
13 Department, he was a Breather (ph) 1 supervisor, was
14 located.

15 Q Okay. And when you arrived at -- sorry, what,
16 down Prioleau Road and met with Lieutenant
17 Pritchard, what was your purpose of going to meet
18 with him?

19 A To go talk with him regarding a person that may
20 have information regarding what had occurred.

21 Q Okay. And what happened when you made contact
22 with Lieutenant Pritchard?

23 A When I got there he was on -- actually on the
24 phone speaking to the owner of the house at
25 Prioleau Road. He provided me with some information

SW - R. CARTER - DIRECT

1 regarding a person who actually rents that house,
2 was a man by the name of Joe Singleton.

3 Q So the status of that prop-- the owner didn't
4 live there; it was a rental property?

5 A Correct.

6 Q And you stated that Joe Singleton was renting
7 that property?

8 A Yes.

9 Q Did you have any indication of how long he'd been
10 renting the property?

11 A He had said -- he told me that he had been there
12 for about four months.

13 Q Okay. And were you able to speak with
14 Mr. Singleton at that time?

15 A No.

16 Q Okay. And did you have the opportunity, I guess,
17 or were you responsible for kind of canvassing and
18 talking to other witnesses in this case?

19 A Yes.

20 Q Or potential witnesses?

21 A Yes.

22 Q And you can't tell me what he said, but did you
23 have occasion to speak with Mr. Matthew Howell?

24 A Yes.

25 Q And did you also speak with Monica Howell?

SW - R. CARTER - DIRECT

1 A Yes.

2 Q And was she able to provide you with some
3 information about this incident?

4 A Yes.

5 Q Did you also speak with a Leon Croxton?

6 A Yes.

7 Q In this case did you have occasion to respond --
8 and I believe all this is occurring on January 24th,
9 correct?

10 A Yes.

11 Q To 842 Heartleaf Road in Columbia?

12 A Yes.

13 Q What was that location and why did you respond?

14 A That is where Mr. Prioleau who is the owner of
15 the residence at Prioleau Road lived at. My
16 purpose of going there was to obtain his rental
17 contact.

18 Q Okay. And why did you need the rental contact?

19 A To show to in, you know, Mr. Singleton, Joe
20 Singleton was the renter here and also because it
21 contained personal information pertaining to where
22 to contact him.

23 Q Okay. And so was it your understanding that
24 Mr. Singleton was not at home while this
25 investigation is going on?

SW - R. CARTER - DIRECT

1 A Correct.

2 Q So you were essentially trying to locate him?

3 A Yes.

4 Q And did you obtain a good, ultimately a good
5 number for Mr. Singleton?

6 A Yes.

7 Q And were you able to make contact with him?

8 A I believe I did.

9 Q Okay. And did you determine whether it was
10 necessary to actually meet with him and speak with
11 him yourself?

12 A No.

13 Q And why was that?

14 A I believe Investigator Unger and Sergeant Ellis
15 at the time had already made contact with him.

16 Q Okay, so they'd already spoke with Mr. Singleton
17 by the time he made contact with you?

18 A Correct.

19 Q Or you made contact with him?

20 A Correct.

21 Q And is that the extent of your involvement in
22 this case?

23 A Yes, ma'am.

24 Q All right, thank you.

25 MR. SUTHERLAND: If it please the Court.

SW - R. CARTER - DIRECT

1 THE COURT: Yes, sir.

2 CROSS - EXAMINATION

3 BY MR. SUTHERLAND:

4 Q Before the seed begins to germinate here I let a
5 little bit of hearsay in. This Joe Singleton who
6 owns this house that is not related in any way,
7 shape, or form to Mr. Jabriel Singleton; is that
8 correct?

9 A Correct.

10 Q Okay. So very briefly, I guess the most, you
11 know, the most significant thing you went and spoke
12 with Ms. Howell at the time?

13 A Yes.

14 Q Okay. And she told you —

15 MS. SIMPSON: Objection, Your Honor,
16 improper hearsay.

17 THE COURT: Sustain the objection.

18 MR. SUTHERLAND: She's previously
19 testified, Judge.

20 THE COURT: I will sustain the objection.

21 MR. SUTHERLAND: I'm sorry, Your Honor?

22 THE COURT: I will sustain the objection.

23 MR. SUTHERLAND: Okay, thank you. I have
24 no further questions.

25 THE COURT: Any redirect?

SW - R. CARTER - CROSS

1 MS. SIMPSON: No, Your Honor.

2 THE COURT: Thank you very much.

3 Detective Carter. You may step down. You may be
4 excused.

5 Solicitor, you may call your next witness.

6 MS. SIMPSON: The State calls Stan
7 Richards.

8 WHEREUPON,

9 **STAN RICHARDS,**

10 after having been duly sworn, testified as follows:

11 THE CLERK: Have a seat in the witness
12 stand and state your full name for the record.

13 THE WITNESS: Stan Richards.

14 **D I R E C T E X A M I N A T I O N**

15 **BY MS. SIMPSON:**

16 Q Good morning, Sergeant Richards.

17 A Good morning.

18 Q Where are you employed?

19 A Richland County Sheriff's Department crime scene
20 unit.

21 Q How long have you been employed at the Sheriff's
22 Department?

23 A I came to work at the Sheriff's Department in
24 1994, and I've been with the crime scene unit a
25 little over ten years.

SW - S. RICHARDS - DIRECT

1 Q Can you describe your educational background?

2 A I was in the military for 20 years before I went
3 to work with the Sheriff's Department. I attended
4 several different colleges and universities where I
5 received my degree in criminal justice from Saint
6 Louis University. I also am a graduate of U.S. army
7 command general (inaudible) offices.

8 Q Okay. And what type of training have you
9 received as a crime scene investigator?

10 A Well, I've been with the crime scene unit and
11 trained all of the disciplines that we work in,
12 where numerous courses in each, and they -- some of
13 those include numerous courses in blood stain
14 pattern analysis, shooting incident reconstruction,
15 latent print development and comparison, footwear
16 comparison and development, also some
17 reconstruction, crime scene reconstruction and crime
18 scene investigation. I'm also, have received
19 certification as a crime scene investigator as a
20 footwear examiner and a blood stain pattern examiner
21 through the International Association for
22 Identification.

23 Q Okay, thank you. Have, have you testified in
24 court before throughout your career?

25 A I have.

SW - S. RICHARDS - DIRECT

1 Q And have you been qualified as an expert in the
2 filed of crime scene investigations when you
3 testified?

4 A I have.

5 Q And approximately how many times?

6 A Thirty times.

7 Q Excuse me?

8 A Thirty.

9 Q Thirty? Okay.?

10 MS. CAVANAUGH: Your Honor, at this time
11 I'd ask Stan Richards be qualified as an expert in
12 the field of crime scene investigations.

13 MR. SUTHERLAND: No objection.

14 THE COURT: All right. Again, ladies and
15 gentlemen, you've heard my instruction concerning
16 opinion testimony. Normally a person, a witness may
17 only be allowed to testify as to what they saw,
18 heard, or sense by smell or something of that
19 nature. However, there is an exception when someone
20 has an expertise in a particular area based on
21 training or experience or some art, science, or
22 field. This witness, Sergeant Richards, will be
23 qualified as an expert in the field of crime scene
24 investigation to give opinion testimony in that
25 area. That does not mean you must accept the

SW - S. RICHARDS - DIRECT

1 opinion but you give it whatever weight you, the
2 jury, deem appropriate.

3 Thank you, Solicitor, you may continue.

4 BY MS. SIMPSON:

5 Q Sergeant Richards, did you have occasion to
6 respond to Prioleau Road on January 24th, 2012?

7 A I did.

8 Q And what time did you respond to that location?

9 A I arrived about 4:04 in the afternoon.

10 Q Okay. And who actually called you to the scene?

11 A Well, I knew that I had units responding. I knew
12 I was the acting sergeant for the crime scene unit.
13 Also, we had a on-call supervisor. Any time there
14 is -- usually every time there is a death scene a
15 supervisor responds. I knew I had units respond to
16 this location so I responded also.

17 Q Okay. And what type of scene were you notified
18 this was?

19 A Notified that it was a death scene, they had a
20 deceased victim.

21 Q Okay. So when you got to Prioleau Road who
22 all was there already?

23 A Two of my units were already there. That
24 included Investigator Polis who testified yesterday,
25 and Investigator Holt.

SW - S. RICHARDS - DIRECT

1 Q Okay. And was the crime scene secure at this
2 point?

3 A It was.

4 Q And what did you first observe once you there as
5 far the deceased?

6 A Well, I saw the deceased inside the vehicle,
7 which was a blue Suzuki, in the driver's seat and
8 what appeared to be probable blood and some
9 injuries to his face that I could tell at that
10 point. I also observed some fired cartridge casings
11 on the driver's side on the ground on the exterior
12 of the vehicle, and Investigator Holt and
13 Investigator Polis were working to document the
14 scene.

15 Q Okay. At this point was the identity of the
16 deceased known at this point?

17 A At that point, no.

18 Q Okay. And did you actually assist in determining
19 his identity?

20 A Yes. After several things were done in
21 documenting the scene and some collection was done
22 and as Investigator Holt indicated the deceased was
23 removed from the vehicle. His hands had been bagged
24 at that time in preparation for transport; however,
25 we were not able to find any indication or learn the

SW - S. RICHARDS - DIRECT

1 identification of the deceased at that time so a
2 decision was made to remove the bags to go ahead and
3 GSR his hand which had to be done first, which he
4 did, and then I will print any prints of the
5 deceased.

6 Q And you mentioned the GSR test. You didn't
7 actually do that?

8 A No.

9 Q Okay. That was done by another investigator?

10 A Yes.

11 Q But you did roll what's called post-mortem
12 prints?

13 A Yes, ma'am.

14 MS. SIMPSON: Beg the Court's indulgence.

15 BY MS. SIMPSON:

16 Q I show you what's marked as State's Exhibit 180.
17 Do you -- what is this package marked?

18 A It is marked post-mortem prints, Dashawn Jones.

19 Q Okay. And once you took these from the victim
20 what did you do with them?

21 A I proceeded the prints that I rolled at the scene
22 to Investigator Baker who also there in order to
23 transport those back to our latent print analysis so
24 we could run those prints see if we could get an
25 I.D. on the victim. I did that on a chain of

SW - S. RICHARDS - DIRECT

1 custody to him, from me to him. Then he in turn
2 back to our latent print analyst Investigator
3 Trouseau.

4 Q And were they already packaged —

5 A They were in an envelope, yes.

6 Q —when you turned them in over to Investigator
7 Baker?

8 A They were in an envelope, yes.

9 Q Sealed envelope?

10 A I don't remember if I sealed it, but they were
11 transported by him through chain of custody.

12 Q Okay.?

13 MS. SIMPSON: Beg the Court's indulgence.
14 Your Honor, at this time we offer State's Exhibit
15 180 into evidence.

16 MR. SUTHERLAND: Without objection.

17 THE COURT: All right. 180 is in evidence
18 without objection.

19 (State Exhibit No. 180 was admitted into
20 evidence.)

21 BY MS. SIMPSON:

22 Q How long did you actually stay at Prioleau
23 Road this day?

24 A Till about 6:00 that afternoon, evening.

25 Q And what else were you actually — what else was

SW - S. RICHARDS - DIRECT

1 your involvement at the crime scene? Was it just
2 supervisory role?

3 A It was, but we have a methodology that we usually
4 process any type of scene. That includes an
5 assessment observation going into documentations and
6 searching and collecting and then finally
7 processing. My role as supervisor usually entails
8 observation and assessment portion of it. That
9 means that I'm there answering any questions that
10 the lead investigator, which was Investigator Polis,
11 might have, make any suggestions about the process
12 and what's ongoing, make an assessment myself for
13 some — for the possibility of following on the
14 process if anything looks, just kind of towards the
15 vehicle itself for future processing.

16 Q Okay. And was the crime — when you, when you
17 left was the crime scene released around this
18 evening?

19 A It was released around that time, yes.

20 Q And what is meant that? What do you mean by
21 that?

22 A That means we get the — the deceased was
23 transported at that time and gone from the scene.
24 All the evidence that we had marked and documented
25 had been collected, the vehicle was going to be held

SW - S. RICHARDS - DIRECT

1 at our forensic garage for processing so that was
2 going to be towed or had been towed and everything
3 had been done that we felt we had completed the
4 processing that particular crime scene so being
5 released meant that it was no longer secured.

6 Q Thank you. What was your next involvement with
7 this case?

8 A We did receive the vehicle at our forensic garage
9 which was the '02 -- 2002 Suzuki, and I, around 9:25
10 the morning of the 25th began the processing of that
11 vehicle along with Lieutenant Ellis at that time,
12 which is now Lieutenant Cavanagh.

13 Q And where, where is this processing done?

14 A We have a forensic garage that's at our
15 headquarters, a secure forensic garage, that the
16 only access to it is individuals in the forensic
17 division and that's where we process the majority of
18 the vehicles for major crimes.

19 Q And was the car secure up until this point?

20 A Yes.

21 Q Okay. You said you started around 9:25 that
22 morning?

23 A That's correct.

24 Q And about what time did you finish?

25 A About 4:00 that afternoon.

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1 Q Now before you actually begin processing the
2 vehicle do you have the owner's con-- did you have
3 the owner's consent to process at this time?

4 A Yes.

5 Q And to your knowledge who was the owner? Did you
6 have a written consent form?

7 A Yes, I have a written consent that was given by
8 a, it looks like Rosa Marie Williamson.

9 Q Okay. And what type of vehicle was it?

10 A It was a 2002 blue Suzuki Metro.

11 MS. SIMPSON: Beg the Court's indulgence.

12 MR. SUTHERLAND: No objection.

13 BY MS. SIMPSON:

14 Q Sergeant Richards, I'm gonna show you what's
15 marked as State's Exhibit 109 through 112 and ask if
16 you recognize the vehicle depicted in that car.

17 A Yes, this is the vehicle that was transferred
18 from the scene at Prioleau --

19 Q And what did you observe about the windows of the
20 vehicle?

21 A Well, the left front driver's window was
22 shattered and that was observed at the scene --

23 THE COURT: Are these in evidence, excuse
24 me?

25 MS. SIMPSON: Oh, I apologize. Your

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1 Honor, at this time I ask to introduce State's
2 Exhibits 109 through 112 in evidence.

3 THE COURT: That's without objection, Mr.
4 Sutherland?

5 MR. SUTHERLAND: No objection, sir.

6 THE COURT: 109 through 112 is in evidence
7 without objection. Excuse me for interrupting, Ms.
8 Simpson.

9 MS. SIMPSON: You're welcome.

10 (State's Exhibit Nos. 109 through 112 were
11 admitted into evidence.)

12 BY MS. SIMPSON:

13 Q Can you go ahead about what you were doing with
14 the windows of the driver's side of the car.

15 A Yes. The driver's side window was shattered.
16 That was observed of course at the scene also and
17 the glass. Now we placed some plastic over the
18 window for transport. That was still on the window
19 in the garage when we took the photographs. On the
20 right side of the passenger side the rear window was
21 partially down a few inches. The front passenger
22 window was down almost half way.

23 Q And what about the left passenger, the left rear
24 passenger?

25 A The left rear passenger window was up.

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1 Q And what did you observe about any impact points
2 on the vehicle?

3 A Yeah, I observed a -- I called in at that point
4 what has to be to the left rear bumper of the
5 vehicle; it was quite large. It was circular and
6 larger than I felt like, and I observed this when it
7 was at the scene too and looked at it at the scene.
8 It appeared to me in my opinion a much larger than
9 what would have been a projectile impact; but it
10 was, like I say, quite large. It had protruding
11 fractures from that up to the top of the bumper
12 itself. There was some -- at the time I looked at
13 it at the scene I saw some very faint discoloration
14 around the hole itself and of the crack even though
15 it was made of plastic. And so I felt at that time
16 that probably wasn't an impact point. When we got
17 back to the forensic garage, however, and we
18 received the consent form from the owner, the owner
19 did verify that that was an old damage to the
20 vehicle. And I did look while we were at the scene
21 itself to make sure there was no impact beyond the
22 bumper itself underneath the vehicle which it was
23 not and that there was no projectiles around the
24 area on the ground where something might could have
25 ricocheted, and there was not.

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1 Q And did you also observe some, what looked like
2 rust on that?

3 A There was discoloration around there, yes.

4 Q Discoloration?

5 A It was plastic.

6 Q Once you took some photographs before you started
7 marking the car of the outside, what, did you
8 collect anything from the inside?

9 A Yes, I did. I was given information by
10 investigators that they were wanting to try to get
11 any electrical devices or phones of that nature as
12 soon as possible that might help with the
13 investigation. So I observed inside the vehicle an
14 Apple phone, an Otter box with cables, a Verizon
15 cell phone and what I call a Belton tune cast.
16 Those area things were in the console area. I was
17 very careful to initiate entry into it because I
18 knew I was going to process the gunshot residue, but
19 I did retrieve those items. Those items were turned
20 over to Lieutenant Cavanagh on a chain of custody
21 form.

22 Q And I show you what's marked as State's Exhibit
23 120. Do you recognize that?

24 A Yes, that's the console area with a photograph of
25 the electronic devices bearing that's what I

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1 retrieved.

2 MS. SIMPSON: Your Honor, at this time I
3 offer State's Exhibit 120 into evidence.

4 MR. SUTHERLAND: No objections.

5 THE COURT: 120 is in evidence without
6 objection.

7 (State's Exhibit No. 120 was admitted into
8 evidence.)

9 BY MS. SIMPSON:

10 Q Once you retrieved these items what did you do
11 next?

12 A I began the processing. I always begin with
13 documentation which is the photographs. I did not
14 want to go into the interior to start with because,
15 again, the GSR collection. So I begin the process
16 with the interior of the vehicle, photograph the
17 entire exterior of the vehicle, and begin processing
18 for latent prints at that time.

19 Q Okay. And when you processed the exterior for
20 latent prints can you briefly explain how you do
21 that?

22 A Okay. I think you have probably already talked
23 about how someone leaves a print on an item. It's
24 the same way on a vehicle because the moisture and
25 stuff on your fingertips have pores so you can leave

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1 moisture on the things that you touch. You can, but
2 that doesn't mean you always will. So those things
3 are called latent prints because you can't see them
4 so we have to try to enhance those prints if there
5 are any there. We do that by way of using powder
6 which is a carbon based powder. We use a brush, we
7 go over the entire outside of the vehicle at this
8 time for processing the interior, see if we can
9 enhance or develop any type of latent print. If we
10 find some at that time that we photograph, mark,
11 photograph, and lifted.

12 Q And when you refer to a lift does that refer to
13 potentially one latent print, or is it just appear
14 to have been a area, a concentrated area?

15 A We got a concentrated area of prints that may or
16 may not come off the same vantage. They may be
17 overlapping prints. It could be; but if we can get
18 it on one lift and put it on one card, you can have
19 multiple prints or impressions on a card.

20 Q And just because you're able to lift a latent
21 print does that necessarily mean it's going to be
22 usable later on?

23 A No. Sometimes you can tell if you have some
24 ridge detail and the ridge that I'm talking about,
25 you're able to look at them on whatever you're

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1 processing. So yeah, there's some. Sometimes you
2 can't tell. So if we have an impression that looks
3 like an impression that looks an impression of a
4 finger or something like that, we can go ahead and
5 lift those anyway, put them on a card, send them to
6 our latent print analyst who is trained in those
7 areas where most of us are; but that's her job, and
8 she will look at them in detail to see if they're
9 usable prints.

10 Q And before we actually got to marking of these
11 prints, when you refer to the right side and the
12 left side of the vehicle, is that as if you are
13 sitting in the vehicle?

14 A That's if you were sitting in the vehicle so the
15 passenger side would be the right side and the
16 driver side would be the left side.

17 Q Okay. Can you now begin to go through the prints
18 that you were actually able to lift, the latents
19 actually?

20 A Yes. Keep in mind this is the exterior of the
21 vehicle. In talking about processing the exterior
22 right side of the vehicle which is the passenger of
23 the vehicle. I collected four cards from the right
24 front window exterior, and I marked those one
25 through four and those were submitted to a latent

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1 print session. I developed one card from the right
2 front door exterior which was marked number five and
3 submitted for latent print session. I marked one
4 card from the right rear of the passenger exterior
5 window which was marked number six and submitted the
6 latent print session. I had developed one card from
7 the right rear door, the right passenger door,
8 marked number seven and submitted it to the latent
9 print session.

10 Q So it -- I'm gonna show you what's marked State's
11 113 through 115. Do you recognize these?

12 A These are -- I marked and developed latent
13 impression and lifted those.

14 Q Okay.?

15 MS. CAVANAUGH: Your Honor, at this item
16 I'd ask State's 113 through 115 be introduced into
17 evidence.

18 MR. SUTHERLAND: No objections.

19 THE COURT: State's 113, 114, 115 is
20 admitted.

21 (WHEREUPON, State Exhibits Nos. 113, 114,
22 115 were admitted into evidence.)

23 BY MS. CAVANAUGH:

24 Q Next we move on the exterior left side of the
25 vehicle?

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1 A I did.

2 Q And were you able to lift any impressions off of
3 the left side of the vehicle?

4 A I developed one card latent impression from the
5 left front door, that's exterior driver's door. It
6 was marked number eight and submitted to latent
7 print session.

8 Q I show you what's marked State's Exhibit 116. Do
9 you recognize this?

10 A Yes.

11 Q Does that show marked number 8?

12 A It does.

13 MS. SIMPSON: Your Honor, I'd like to have
14 this admitted State's Exhibit 116 into evidence.

15 THE COURT: Say that number again.

16 MS. CAVANAUGH: 116.

17 THE COURT: All right.

18 MR. SUTHERLAND: I have no objection, Your
19 Honor.

20 THE COURT: 116 is in evidence without
21 objection.

22 (State's Exhibit No. 116 was admitted into
23 evidence.)

24 BY MS. SIMPSON:

25 Q What was your next step after you finished

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1 lifting the impressions from the exterior of the
2 vehicle?

3 A After the exterior process I moved to the
4 interior. That's when we begin gunshot residue
5 collection if possible, collecting. That had to be
6 done before we did anything else. So, I processed
7 the interior which was — I processed the interior
8 four doors, right and left, and then I processed the
9 overhead ceiling of the interior of the vehicle
10 above the four seating area inside the vehicle for
11 possible gunshot residue.

12 Q And how do you actually go about making these
13 lifts?

14 A The lifts of gunshot residue on a vehicle means
15 only what we call stick tab or lift tabs. It has a,
16 on the end just a little round tab and you just
17 stick it to wherever you want to on the sides or on
18 the door areas, or up above the ceiling. It can be
19 on the seating area, anywhere you determine or you
20 think there is possibility of being gunshot
21 residue. We do that, we fill out a form that's
22 needed, place it in a sealed container, then we
23 submit those to evidence where they go to SLED and
24 SLED does the analyzing.

25 Q So SLED does the actual testing?

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1 A Yes.

2 Q And you mentioned that it's important to do this
3 before you begin the processing of the interior of
4 the vehicle?

5 A Yes.

6 Q Why is that?

7 A Because gunshot residue is very fragile. It's
8 microscopic particles we're dealing with 'cause you
9 can't see them so you're trying to determine to the
10 best of your ability where you think those will be,
11 could be. Those are the areas that you process, but
12 you to have be very careful, like I say, because
13 they can be destroyed very easily. And so that's
14 what you do first on the interior.

15 Q And I show you what's marked as State's Exhibit
16 181. Do you recognize his package?

17 A I do, that's my package. That's the GSR kit I
18 submitted to SLED.

19 Q Okay. And do you actually do the sealing before
20 you submit it to SLED?

21 A Yes, I do.

22 Q Okay.

23 A It has my initials on the back on the seal.

24 MR. SUTHERLAND: No objections.

25 MS. CAVANAUGH: Your Honor, at this time

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1 we'd move to introduce State's 181 into evidence.

2 THE COURT: 181?

3 MS. CAVANAUGH: Yes, Your Honor.

4 THE COURT: All right. State's 181 is in
5 evidence without objection.

6 (State's Exhibit 181 was admitted into
7 evidence.)

8 BY MS. CAVANAUGH:

9 Q Once you finish testing for or collecting for
10 potential gunshot residue, what did do you next?

11 A Well, there's always documentation that
12 continues, and that's the interior of the vehicle
13 like the photographs that need to be done on the
14 interior at that time. I would have taken and I did
15 take some photographs from outside when the doors
16 were opened before I went in to do the GSR. And now
17 I'm gonna get inside the vehicle and we take more
18 extensive photographs or document and I begin the
19 latent print process.

20 Now in a vehicle it can be -- latent
21 prints can be resulted just using the powder that we
22 use or we can also use these superglue that you
23 heard about yesterday that we use inside the
24 laboratory, but you do that inside the cars and
25 that's what I did in this incident. You make sure

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1 the car is secure. You did that with all the
2 windows including securing the window that had been
3 shattered and we placed a cannister of item we
4 call -- that's called hot shot. It's simply the
5 same thing that's used inside a fuming tank in the
6 lab. It's cyanoacrylate. We let that go and the
7 fumes go inside the interior of the vehicle itself.
8 After that's completed we're able to go in and
9 observe any possible prints that might have been
10 developed at that time, but then we still go over
11 that and try to enhance or develop more prints with
12 the powder throughout the interior of the vehicle.
13 Q And on the interior right side doors and windows
14 did you observe what could be potential prints?
15 A Yes. On the interior of the vehicle I developed
16 two cards from the right and rear window interior
17 which would have been the rear passenger side, and
18 they were marked 9 and 10. And those cards were
19 developed and lifted and submitted to latent print
20 section. Also, I did not get anything, made myself
21 some smudging, but no impressions from the left side
22 of the interior of the vehicle; but I did develop
23 one card from the rearview mirror which was marked
24 as number 11 and it was lifted and submitted to
25 latent print section.

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1 Q I show you what's been marked as State's Exhibit
2 117 and 118. Do you recognize these?

3 A Yes. That's 9, 10, and 11 that I marked and
4 documented and that's what I was lifting the paper
5 from.

6 Q And this was on the interior of the vehicle?

7 A It was.

8 MS. SIMPSON: Your Honor, at this time we
9 move to introduce State's Exhibit No. 117 and 118
10 into evidence.

11 MR. SUTHERLAND: No objections, sir.

12 THE COURT: 117 and 118 is in evidence
13 without objection.

14 (State's Exhibit Nos. 117 and 118 were
15 admitted into evidence.)

16 BY MS. CAVANAUGH:

17 Q And finally, as far as the print process is
18 concerned, did you put these lifts into a sealed
19 bag?

20 A Yes.

21 Q I show you what's marked as State's Exhibit 182.
22 Do you recognize this?

23 A That's my writing, and this is the eleven cards
24 that I lifted from the vehicle and sealed by me,
25 which is my initials and dated. And this was

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1 submitted to latent print section.

2 Q Okay. And is she the one who actually marks them
3 11 — 2 through 112?

4 A The latent print analyst, yes.

5 Q Okay.

6 MR. SUTHERLAND: Okay, no objections, sir.

7 THE COURT: All right.

8 MS. CAVANAUGH: Your Honor, at this time
9 we move to introduce State's Exhibit 182 into
10 evidence.

11 THE COURT: State's 182 is admitted into
12 evidence without objection.

13 (State's Exhibit No. 182 was admitted into
14 evidence.)

15 BY MS. CAVANAUGH:

16 Q Now, once you're finished lifting possible prints
17 what did you do next, Dr. Richards?

18 A Then I moved to document and mark photograph red
19 brownish stains which in my experience I believed or
20 I believed to be possible blood. And this was found
21 in the interior of the vehicle. So I did that
22 marking A and B first, which was the only two that I
23 marked on the exterior of the vehicle. Those were
24 on the right front door handle and the right rear
25 door right above the panel. The remaining reddish

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1 brown stains which I marked, which are the patterns
2 that I saw inside the vehicle, were marked as number
3 C through T.

4 Q Okay. So you said the only reddish brown stain
5 that you observed on the exterior of the vehicle
6 were marked A and B?

7 A Correct.

8 MS. CAVANAUGH: Beg the Court's
9 indulgence.

10 MS. SIMPSON: Your Honor, at this time the
11 -- I mean, excuse me. Do you have any objections?

12 MR. SUTHERLAND: No objections.

13 BY MS. CAVANAUGH:

14 Q Do you recognize this photograph?

15 A Yes, that's marker A. That would have been on
16 the right door front handle. That would have been
17 the passenger exterior door handle.

18 Q Okay.?

19 MS. CAVANAUGH: Your Honor, at this time
20 we move to introduce State's 119 into evidence,
21 which is included in the marking with the latent
22 prints.

23 (State's Exhibit 119 was
24 admitted into evidence.)
25

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1 BY MS. CAVANAUGH:

2 Q Did you not mark and photograph the interior of
3 the vehicle?

4 A I did.

5 Q And markers C through H, can you — I'm gonna ask
6 you to look through the photographs first, see if
7 you recognize the State's 122 through 130.

8 A Yes. Those were stains and/or patterns that were
9 marked by me that are documented on the interior of
10 the vehicle.

11 MS. CAVANAUGH: Beg the Court's
12 indulgence.

13 MR. SUTHERLAND: No objections.

14 MS. CAVANAUGH: Your Honor, at this time I
15 move to introduce State's Exhibits 122 through 130
16 into evidence.

17 THE COURT: All right. 122 through 130 is
18 in evidence without objection.

19 (State's Exhibits No. 122 through 130 were
20 admitted into evidence.)

21 BY MS. CAVANAUGH:

22 Q And I'm gonna ask you now to go through each
23 marker as I show to the jury. What does marker C
24 depict?

25 A Marker C are stains from the interior of the

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1 right front door.

2 Q And what do these stains appear to you to be
3 actually?

4 A I would have to see the stain. C is going to be
5 marking the interior right front door. That's on
6 the door handle itself. It appears to be a transfer
7 of some kind, transfer meaning that an item that has
8 blood on it, it touched to another item, transport
9 of blood then occurs, so this seems to be a transfer
10 in my opinion.

11 Q So they do appear to be blood?

12 A Yes.

13 Q Marker D, what does that depict?

14 A It's from the right front window. I'll have to
15 see it. That also appears to be a transfer of some
16 kind from the bloody item to the window itself
17 making the transfer.

18 Q You said the right front window?

19 A Yes.

20 Q And marker E?

21 A Marker E is from the right front dash area above
22 the passenger seat itself that is -- appears to be
23 some kind of impact stain, maybe combined with
24 tissue.

25 Q That was on the front right dashboard?

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1 A I was.

2 Q Again I show you what's marked as F, marker F.

3 Where was that located?

4 A That was on the passenger side console right down

5 at the bottom in front of the passenger seat, and

6 that appears to be a grip stain.

7 Q And where was marker G found?

8 A G is the interior of the right front seat itself,

9 and those are just stains that had went into the

10 seat and a flow top pattern across the back of the

11 seat from possible blood that saturated into the

12 seat itself, the seat being of a fiber type, or

13 cloth, and these were saturating to the seat.

14 Q Is that the front right passenger seat?

15 A Yes, it is.

16 Q And then finally marker H, what is that — where

17 was that marker taken from?

18 A That was a stain on the interior, right and rear

19 door.

20 Q And are those little dots that you can see?

21 A Yes, that was interior right rear door down at

22 the bottom of the door. These are circular stains

23 that were on that portion of the door that would

24 indicate an impact stain, impact pattern.

25 Q Okay. And then it appears you moved as far the

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1 markings go, towards the back of the vehicle; is
2 that correct?

3 A Well, I did mark some in the rear area, yes.

4 MS. CAVANAUGH: Beg the Court's
5 indulgence.

6 BY MS. CAVANAUGH:

7 Q I'm gonna show what's marked as State's Exhibit
8 137 and 138. What does this depict?

9 A State's 137 depicts the sitting in the car, right
10 side of the driver's seat, which is the area between
11 the two seats the console goes in between. Okay,
12 this is stains or patterns that is on that right
13 side of the driver's seat. That's State's 137. 138
14 is marked by me as K and that is the interior left
15 rear handle above the door itself, interior, the
16 rear handle that you pull up to get out of the
17 vehicle. It had a stain on it also.

18 Q Okay. And you marked that as K?

19 A Yes.

20 Q And what does this appear to be to you?

21 MS. CAVANAUGH: I'm sorry, at this point
22 I'd like to introduce 137 and 138 into evidence,
23 Your Honor.

24 MR. SUTHERLAND: No objection to those
25 two, sir.

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1 THE COURT: 137 and 138 is in evidence
2 without objection.

3 (State's Exhibits No. 137 and 138 were
4 admitted into evidence.)

5 BY MS. SIMPSON:

6 Q Is this the front seat?

7 A It is.

8 Q And what does this --

9 A On the driver's seat.

10 Q What do these stains appear to be to you?

11 A Those are flow pattern down the side of the seat
12 itself.

13 Q Okay. And K?

14 A K could be some kind of, I believe, an impact
15 pattern. It's got a circular indication to it, but
16 I believe there was some tissue in that also.

17 Q And you marked the -- the I marker was right
18 below the driver's seat in the back?

19 A The I marker was on the rear interior center rear
20 seat. That is between the two front seats but on
21 the back seat in the middle right behind the
22 console.

23 Q And the driver's seat was actually pulled, pushed
24 pretty far back?

25 A In the down position, yes.

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1 Q And I will show you what's marked as -- what do L
2 and M, where did you find -- where did you mark
3 these particular stains?

4 A Marked as L was the left rear interior window.
5 Marked as M was interior body left front door.

6 Q I show you what's marked as State's Exhibits 133
7 and 140. Are these depicted in that photo?

8 A Yes, they are. That was L and M.

9 Q And moving to the --

10 THE COURT: Are those in evidence?

11 MS. CAVANAUGH: Oh, I'm sorry. Your
12 Honor, I apologize, there are so many photographs.
13 At this point I would introduce 133 and 140 into
14 evidence.

15 MR. SUTHERLAND: No objections.

16 THE COURT: Say again.

17 MS. SIMPSON: 133 and 140.

18 THE COURT: 133 and 140 is in evidence
19 without objection.

20 (State's Exhibits No. 133 and 140 were
21 admitted into evidence.)

22 BY MS. CAVANAUGH:

23 Q Did you then mark the front seat, the front
24 driver's seat, and the surrounding area?

25 A The driver's seat, yes. The left driver's seat,

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1 excuse me. That was marked as N.

2 Q As N?

3 A Yes.

4 Q And did you also mark the steering wheel?

5 A Yes, that was marked as O.

6 MR. SUTHERLAND: Your Honor, if -- I may
7 have one matter of law with that just one photo.

8 THE COURT: All right. Just step up here
9 please.

10 (Whereupon, an off-the-record Bench
11 conference was held.)

12 BY MR. SIMPSON:

13 Q I'm gonna show you what's marked as State's
14 Exhibit 142 and 146. Does this depict what you
15 marked on the driver's seat and the steering wheel?

16 A Yes, it does.

17 Q And does that appear to be blood reflecting glass
18 in the driver's seat?

19 A It does.

20 SOLICITOR: Your Honor, at this time I'd
21 like introduce 142 and 146.

22 MS. CAVANAUGH: That's 142.

23 THE COURT: 146.

24 MR. SUTHERLAND: No objection as to those
25 too, sir.

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1 THE COURT: All right. 142 and 146 is in
2 evidence.

3 (State's Exhibits Nos. 142 and 146 were
4 admitted into evidence.)

5 BY MS. CAVANAUGH:

6 Q And then finally, what did you mark -- what was
7 marker Q of, Sergeant Rush?

8 A Marker Q was the driver's door.

9 Q And marker R?

10 A Was the rear floor area behind the driver's seat.

11 MR. SUTHERLAND: I have no objections,
12 Your Honor.

13 THE COURT: All right, what numbers,
14 Solicitor?

15 MS. CAVANAUGH: 148 and 150.

16 BY MS. CAVANAUGH:

17 Q Do these depict driver's seat?

18 A They do.

19 Q And is that State's Exhibit 148 and 150?

20 A Yes, it is.

21 MS. CAVANAUGH: Your Honor, at this time
22 I'd like to introduce 148 and 150 into evidence.)

23 THE COURT: Without objection?

24 MR. SUTHERLAND: Without objection, sir.

25 (State's Exhibit Nos. 148 and 150 were

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1 admitted into evidence.)

2 BY MS. CAVANAUGH:

3 Q And then finally, marker S and T, what were
4 those, what were those of?

5 A Marker S was located in the right rear door
6 frame. That appeared to be the impact stains.
7 Marker T was the right front door frame, both
8 leading to the interior, also impact stains.

9 Q And are these depicted in State's Exhibit 151 and
10 152? And again, marker T was of the right front
11 passenger?

12 THE COURT: Those have not been
13 introduced.

14 MS. CAVANAUGH: Oh, I'm sorry. Your
15 Honor, at this time I move to introduce State's
16 Exhibit 151 and 152 into evidence.

17 MR. SUTHERLAND: And without objection,
18 Your Honor.

19 THE COURT: All right. 151 and 152 is in
20 evidence.

21 (WHEREUPON, State Exhibits Nos. 151 and
22 152 were admitted into evidence.)

23 MS. CAVANAUGH: And marker T, was that in
24 the right front passenger right by the mirror or
25 the — what's the pull down called?

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1 A It was on the right interior, right front of the
2 door frame.

3 Q Okay. And that's on the passenger's side?

4 A Yes.

5 Q Where was the large majority of the blood stains
6 located in this vehicle?

7 A Probably in the front area.

8 Q Did you actually take swabs of any of these
9 markers?

10 A Yes, I did. I actually took swabs of marker A
11 and marker B which was the two stains that were on
12 the exterior of the vehicle on the right side
13 passenger's side.

14 Q And how did you package these once you obtained
15 this wallet?

16 A I placed third-degree the we used mark
17 indicating the place in the envelopes with secured
18 and submitted to evidence.

19 Q And did you also swab any of the other areas of
20 the vehicle that didn't have markers?

21 A Yes. I swabbed the exterior right front door
22 handle and exterior front passenger door handle. I
23 swabbed, of course as I already said, the stain at
24 marker A. I swabbed the exterior of the right rear
25 door handle which was the rear passenger side door

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1 handle. I also swabbed exterior top of the right
2 front door, and I swabbed the top of the right rear
3 door. (Inaudible) passenger side. Those swabs were
4 also packaged and placed into evidence.

5 MR. SUTHERLAND: Okay, no objections, sir.

6 MS. CAVANAUGH: I show you State's Exhibit
7 183. Do you recognize that?

8 A Yes. Those are swabs I just indicated in the
9 packaging and initialed by me and submitted in
10 evidence.

11 MS. CAVANAUGH: Okay. And they're sealed
12 when you package them?

13 A The packages are sealed, yes, ma'am.

14 MS. SIMPSON: Your Honor, at this time I
15 move State's Exhibit 183 into evidence.

16 THE COURT: All right, that's without
17 objection?

18 MR. SUTHERLAND: Yes, sir.

19 (State's Exhibit No. 183 was admitted into
20 evidence.)

21 MS. CAVANAUGH: And what was your purpose
22 of actually taking the swabs, not of the markers,
23 but of each of the door handles?

24 A Possibility of DNA, and you don't know if there
25 is or there isn't. Possibility also exists on the

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1 door handle, touching and opening the door, and so
2 that was the reason for those swabs on the door
3 handle.

4 Q And did another investigator actually swab the
5 other markers of the vehicle that we just went
6 through?

7 A Yes, Lieutenant Cavanagh was out there and also
8 assisting and processing the vehicle. She swabbed
9 the remaining stains which were C through T from the
10 interior of the vehicle.

11 Q And there's one more, Sergeant Richards. There's
12 one more stain that I forgot to ask you about.

13 MR. SUTHERLAND: No objections.

14 BY MS. CAVANAUGH:

15 Q I'm going to show you what's marked as State's
16 Exhibit 155. Is that of the ignition of this
17 vehicle?

18 A That is the key in the ignition of the vehicle,
19 yes.

20 Q And what is on that ignition?

21 A That's a reddish brown stain which appears to be
22 possible blood.

23 MS. CAVANAUGH: Your Honor, at this time
24 I'd move to introduce State's 155 into evidence.

25 THE COURT: 155 is in evidence without

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1 objection.

2 (State's Exhibit No. 155 admitted into
3 evidence.)

4 MS. CAVANAUGH: And did you also do any
5 trace taping of the vehicle?

6 A Yes. We did trace taping on all of the interior
7 seating areas and the trace tape is what has already
8 been alluded again yesterday. If you know what
9 trace tape is and what was important, fibers, and
10 hair, and things of that nature and that trace tape
11 is also submitted to evidence.

12 Q And what's the purpose of this process, Sergeant
13 Richards?

14 A Trace tape is exactly what it sounds like.
15 You're looking at trace evidence which could
16 possibly be hair, fibers off clothing, fibers of any
17 type, anything that would lead you to an individual
18 or individuals that may have been in that vehicle.

19 Q Test for possible DNA, if requested?

20 A For trace tape?

21 Q Yes, or not as ---

22 A You have to talk to DNA people about that. I'm
23 not sure they would be able to ---

24 Q Okay. Is this -- I'm going to show you what's
25 marked as State's Exhibit 184. Is this ---

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1 A Yes. That's the envelope that I placed in the
2 trace tape, and it was sealed and submitted to
3 evidence.

4 MS. SIMPSON: Your Honor, at this time I'd
5 move to introduce State's 184 into evidence.

6 MR. SUTHERLAND: No objection, sir.

7 THE COURT: 184 is in evidence without
8 objection.

9 (WHEREUPON, State Exhibit No. 184
10 1 admitted into evidence.)

11 BY MS. SIMPSON:

12 Q Now did you actually do anything else on the 25th
13 related to this case?

14 A Yes. Lieutenant Cavanagh and myself, after all
15 of that was completed we did research of the
16 vehicle, interior of the vehicle, for any remaining
17 or any type of items that we could find particularly
18 concentrating on the impact points of any type or
19 maybe projectile cartridge casing, anything that
20 would be significant to the shooting incident, and
21 it was negative.

22 Q Okay. And the following, the following day, did
23 you have any involvement with the investigation?

24 A The following day, which was the 26th, I returned
25 to the forensic garage along with Investigator Holt.

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1 He and I together did another search of the interior
2 of the vehicle for the same type of items just to
3 make sure, and it was also negative.

4 Q Okay. So, did you ever locate any projectiles in
5 the vehicle?

6 A No, ma'am.

7 Q And in your experience as a crime scene
8 investigator, even if there's an exiting wound from
9 a person that's sitting in the vehicle, is it
10 unusual that you wouldn't find a projectile in the
11 car?

12 A Well, you've got possibilities of windows being
13 down and windows shattered, and things of that
14 nature. It's not an impossibility, no.

15 MS. SIMPSON: Beg the Court's indulgence.

16 BY MS. SIMPSON:

17 Q Sergeant Richards, was that the extent of your
18 involvement in this case?

19 A Yes, it was.

20 Q Thank you very much. No further questions for
21 this witness. At this point please answer any
22 questions from Mr. Sutherland.

23 THE COURT: Thank you. Thank you,
24 Solicitor.

25 Mr. Sutherland.

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1 MR. SUTHERLAND: May it please the Court,
2 sir.

3 CROSS - EXAMINATION

4 BY MR. SUTHERLAND:

5 Q Mr. Richards, how you are?

6 A Fine, sir.

7 Q There were just a couple of things that seemed
8 like they went by on direct pretty quick and just
9 talking about, you know, the different sorts of
10 blood stains ---

11 A Yes, sir.

12 Q ---that were in the different pictures because I
13 have learned over time as you know, it can be kind
14 of tricky and say different things.

15 A It can.

16 Q I wanted to ask -- well, I guess the first thing
17 while I'm looking, C, your testimony was it appeared
18 to be a transfer?

19 A Yes, sir.

20 Q And I was just wondering, just if you could just
21 explain to the jury what a transfer stain is?

22 A Yeah, a transfer is when a bloody item, it can be
23 a hand or anything else, comes in contact with
24 another item and that blood, if it is blood, or any
25 type of liquid is transferred then to the second

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1 item, okay, they transfer.

2 Q Okay. So there was C and D your testimony was
3 that these were transfers? A drip stain, item F,
4 just what would distinguish the drip stain in the
5 photo?

6 A It would be -- a drip stain is a stain that is
7 freed up or falling from a blood source of higher
8 elevation. It falls through gravity. And then went
9 it hits, it's -- you can see a lip or elongated type
10 of stain because it remains in motion and flows
11 downward when it hits the target so that's what
12 you're going to see elongated type things what
13 circled when it hits 90-degree down on the ground.
14 So that's what a drip stain is and what it looks
15 like when you see one.

16 Q Okay. And what about an impact pattern?

17 A Impact pattern can be two different type stains
18 that you see. It can be circular or it can be
19 elliptical like we just talked about, the elongated
20 type. But they're smaller because impact stains are
21 smaller because of the force that's applied to the
22 blood source at the time. It's a heavier force of
23 something that could be a smaller stain, say the
24 force 100 feet or second or more which you would
25 might get in a gunshot.

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1 Q Yes, sir.

2 A And those stains will be much, much, smaller than
3 something that you would have a drip stain for
4 instance, we just talked about, that would be coming
5 from a blood source through gravity. Those could be
6 much larger. They're all impact stains. When I
7 talk about drip stain, spatter, or cast off or
8 elongated stain of any kind, all those are impact
9 stains.

10 Q All right. Thank you, sir. I just wanted to be
11 clear.

12 A Yes, sir.

13 Q Because there were several different pictures
14 that mean several different things. Now beyond that
15 I actually don't have too much more for you. Your
16 testimony of the condition of the vehicle, I think
17 it was a little more precise than other testimony
18 that we've heard, but it was the front passenger's
19 side window was a few inches down?

20 A Yes, few inches down. No, no, no, -- let me
21 refresh my notes. I don't want to say something
22 that's wrong.

23 Q Certainly, absolutely. That could be awful.

24 A Okay. The front passenger side was about half
25 way down. The rear passenger window was several

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1 inches.

2 Q Was the one ---

3 A Several.

4 Q ---with several inches down?

5 A Yes.

6 Q So I had it backwards. And just a little bit
7 more about the whole impact point on the left rear
8 of the vehicle?

9 A Uh-huh.

10 Q I believe your testimony was that you weren't
11 certain whether it was an firearm or whether it was
12 a projectile and that you had spoken with the owner
13 of the vehicle?

14 A At the scene itself I was almost certain it was a
15 projectile just because of how big it was.

16 Q Okay.

17 A Okay. And the crack that developed above it
18 also. It looked like some type of impact, but maybe
19 not from a firearm; however, saying that, you always
20 look anyway underneath to make sure there's not a
21 second impact point somewhere under there and then
22 look around and make sure there's not a projectile
23 found. You'll always do those things even though
24 you feel like that it's not. I felt like it was
25 verified the following day, just still had the

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1 vehicle there, still looking at the impact point by
2 the owner saying that there was old damage. So that
3 was my determination, yes, sir.

4 Q And you testified about the GSR enough I think.
5 And there were just -- there were two telephones
6 that you had recovered?

7 A Yes. I got it in my, in my report Verizon cell
8 phone, and an Apple phone and a Otter box.

9 Q Okay. And that's actually it. Thank you, sir.
10 No further questions at this time.

11 THE COURT: Redirect, Solicitor.

12 MS. SIMPSON: No, Your Honor.

13 THE COURT: Thank you. Thank you very
14 much. You may step down.

15 All right. Thank you very much. Ladies
16 and gentlemen of the jury, perhaps now would be a
17 good time to take our morning recess. Please
18 remember, during this recess do not discuss the case
19 with any one including your fellow jurors. Remember
20 to keep an open mind and not begin your
21 deliberations until you're instructed to do so by
22 the Court. We'll take, well, we'll say we'll get
23 back at 11:30 so that's -- 15, about 19 minutes or
24 so. Thank you. Thank you very much. You may now
25 go with your bailiff. Leave your notes.

1 (The jury is removed from the courtroom at
2 11:09 a.m.)

3 THE COURT: All right, Solicitor, would
4 you please mark State's 141 for identification
5 purposes only and state for the record what the item
6 was.

7 MS. SIMPSON: Yes, Your Honor. State's
8 141 is a photograph of the interior of the vehicle
9 driver's side. It depicts M, P, and O markers. I
10 believe Mr. Sutherland had an objection that it was
11 cumulative. We agreed to only use one of these.
12 That's what State's 141 is.

13 THE COURT: And I ruled that it was
14 cumulative so 141 is marked for identification
15 purposes only.

16 And Mr. Sutherland, on your
17 cross-examination of Investigator Carter ---

18 MR. SUTHERLAND: Yes, sir.

19 THE COURT: ---you began questioning him
20 concerning a prior statement was that he made taken
21 from Ms. Monica Howard.

22 MR. SUTHERLAND: Yes, sir.

23 THE COURT: And as part of your objection
24 you stated that, well, she's testified. My
25 understanding it still hearsay under 801-C. It

1 would not be admissible unless it met one of the
2 exceptions under 801-D. Now if it does, if you
3 allege it does, I'll certainly be happy to hear you,
4 hear you about that proffer.

5 MR. SUTHERLAND: Well, sir, it's
6 ultimately not significant. I mean, I do, I do
7 believe that I was able to sort of go through it
8 with the witness. And during the direct examination
9 she had said, you know, her memory was better then
10 than it is now; but I think everything is fine with
11 respect to that particular witness. Thank you
12 though, sir.

13 THE COURT: I don't know of a particular
14 case that says -- I think it used to be the case,
15 but I don't know a particular case that says just
16 because a witness testifies that then all of his or
17 her out of court statements ---

18 MR. SUTHERLAND: Oh, yes, sir.

19 THE COURT: ---deemed admissible except,
20 unless it's under one of those exceptions since you
21 didn't cite me one of those exceptions. But if want
22 to revisit it, I'll have Sergeant Carter re-called,
23 and you can make that proffer if you want.

24 MR. SUTHERLAND: Yes, sir. I appreciate
25 it, Your Honor, but I'm satisfied.

1 THE COURT: Okay. Anything further,
2 Solicitor, before we take our break?

3 MS. SIMPSON: No, Your Honor.

4 THE COURT: Mr. Sutherland?

5 MR. SUTHERLAND: No, sir.

6 THE COURT: All right.

7 MR. SUTHERLAND: Thank you.

8 THE COURT: We'll be in recess until
9 11:30. Thank you very much.

10 (Whereupon, a short recess was held.)

11 THE COURT: All right. Anything from the
12 State before we bring in our jury?

13 MS. SIMPSON: Nothing from the State, Your
14 Honor.

15 THE COURT: The Defense?

16 MR. SUTHERLAND: No, sir.

17 (The jury was returned to the courtroom at
18 11:32 a.m. and the following proceedings
19 commenced.)

20 THE BAILIFF: The jury's seated, Your
21 Honor.

22 THE COURT: Thank you very much. Welcome
23 back, ladies and gentlemen. Please continue to give
24 the parties your complete and undivided attention.

25 Solicitor, you may call your first

1 witness.

2 MS. SIMPSON: Thank you, Your Honor. The
3 State calls Lieutenant Anna Elsi Cavanagh.

4 THE COURT: All right, if you'd come
5 around and be sworn please.

6 WHEREUPON,

7 **ANNA CAVANAGH,**

8 after having been duly sworn, testified as follows:

9 THE CLERK: Thank you. Please have a seat
10 in the witness stand and state your full name for
11 the record, and please spell your first and last
12 name.

13 THE WITNESS: Anna Cavanagh, A-N-N-A
14 C-A-V-A-N-A-G-H.

15 **D I R E C T E X A M I N A T I O N**

16 **BY MS. SIMPSON:**

17 Q Lieutenant Cavanagh, where are you employed?

18 A The Richland County Sheriff's Department.

19 Q And what is your position there?

20 A I am the lieutenant of the crime scene latent
21 print section.

22 Q How long have you been the lieutenant?

23 A I was five years in July.

24 Q Okay. And how long have you been with Richland
25 County?

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1 A I started with the county in July of 1996 and I
2 was promoted to the crime scene unit in October of
3 '98.

4 Q Okay. So you have about, my math is horrible,
5 13?

6 A Fourteen years.

7 Q Can you tell the jury a little bit about your
8 educational background and training?

9 A I graduated from the College of Charleston with a
10 bachelors of science in biology. I received my
11 masters from University of Florida in forensic DNA
12 and serology. I had on-the-job training once I was
13 promoted to the crime scene unit internally; and
14 then I've taken part of several courses throughout
15 my career in crime scene that include blood pattern
16 analysis, bloodstain pattern analysis, crime scene
17 reconstruction, latent print, forensic ridgology,
18 latent print comparison. I am certified through the
19 International Association of Identification in crime
20 scene as a crime scene analyst. I graduated from
21 the FBI National Academy in June of 2011 and I am
22 also the assessor for that lab.

23 Q Okay. And as a lieutenant are you still active
24 in processing crime scenes and crime scene
25 investigations?

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1 A I am. My primary duties are the overall
2 operation of the unit and that includes writing and
3 implementing policies and procedures, budgeting,
4 ordering supplies, scheduling; but I am still part
5 of that supervisor on-call that Sergeant Richards
6 talked about for any major scene to assist with.

7 Q Turning to January 24th of 2012, did you become
8 involved in this case?

9 A I did.

10 Q When and where did you respond?

11 A I responded to Prioleau at around 4:11 in the
12 afternoon on the 24th.

13 Q And when you arrived at the scene were other
14 crime scene investigators already present?

15 A Yes, Investigator Polis, Investigator Hold and
16 Sergeant Richards were on scene.

17 Q Okay. And what did you observe when you arrived?

18 A The scene, the crime scene was already secured.
19 Several items of evidence were already marked and
20 had been collected prior to my arrival, and the
21 investigators on scene were in the process of
22 documenting the scene.

23 Q And what did you do next after learning that, I
24 guess, they were already in process?

25 A Yes.

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1 Q In the process of processing the scene?

2 A Sure. When I responded I just help complete
3 assessment and do a search of the area for any
4 additional evidence; and in addition to be a
5 resource for them if they needed any additional
6 equipment, any other resources on the scene, just
7 really basically just helping with the investigators
8 who were already there on the scene.

9 Q And at some point did you leave the crime scene
10 location?

11 A I did. I left a little after 6.

12 Q Okay. And where did go?

13 A I responded back to our lab at headquarters. As
14 Sergeant Richards explained to you earlier the
15 postmortem prints from the victim had been
16 transported to the lab for our latent print analyst
17 to examine, and I was responding there to verify the
18 originals.

19 Q Okay. And on January 25th, I believe the next
20 day, did you have the opportunity to process some
21 items of evidence in this case?

22 A I did. Sergeant Richards had collected a couple
23 of phones and cables from the vehicle from the
24 scene, and the investigators wanted to try to get
25 their hands on them as soon as possible to try to

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1 get any information from the phones. So he turned
2 the phones over to me and I processed them,
3 processed them for fingerprints again. It's already
4 been explained to you as cyanoacrylate -- it's a
5 fancy word for superglue -- and a black powder and I
6 then submitted them into evidence after I processed
7 and swabbed those.

8 Q With respect to your processing using the black
9 powder what were the results of that testing?

10 A They were negative.

11 Q So you weren't able to lift any fingerprints from
12 those items?

13 A No.

14 Q And I believe you indicated you collected swabs
15 as well?

16 A I did.

17 Q And what was the purpose of collecting those
18 swabs?

19 A Again, that's the touch DNA possibility
20 collecting them to see if we could, if it's
21 determined later by the investigators that those
22 need to be analyze for possible touch DNA.

23 Q And were photographs of those items taken as
24 well?

25 A Sergeant Richards took them prior to removing

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1 them from the vehicle.

2 Q Later on that day did you assist Sergeant
3 Richards in processing the vehicle associated in
4 this case?

5 A I did.

6 Q And where did that processing take place?

7 A It was at our secure garage at 5623 Two Notch
8 Road, our headquarters.

9 Q And what vehicle, or we discussed it some, but
10 what vehicle did you process?

11 A I was a 2002 Suzuki, blue in color.

12 Q And what was the significance of the vehicle?

13 A This was the vehicle that was towed from the
14 scene. The vehicle was located on Prioleau Road.

15 Q And can you explain to the jury your role in
16 processing the car?

17 A Sure. As I said earlier and actually heard
18 Sergeant Richards testify, he began processing, was
19 processing. While I was processing the phones he
20 was working on the vehicle. So I went out there to
21 assist him. I swabbed some areas of the vehicle
22 initially on the exterior of the vehicle. I swabbed
23 the handles on the driver's door and the rear
24 driver's side door handles. I also swabbed the
25 interior passenger side door handle and the front

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1 and rear door handle and the handle ---

2 Q Okay, and those were all the exterior handles on
3 the car or interior handles?

4 A The exterior I did just the driver's side.

5 Q Okay. And when you collected these swabs, were
6 there actually markers in place or were you just
7 swabbing the area ---

8 A You mean the location of the handles?

9 Q Yes.

10 A No.

11 Q I'm gonna show you what's been marked as State's
12 Exhibit 185. Do you recognize this?

13 A Yes. These are the swabs from the passenger side
14 front rear door handles and the driver's door
15 handles, the rear mirror, the gear shift and the
16 steering wheel.

17 Q Now we've talked some about swabs. What exactly
18 do you do when you swab? How do you go about
19 swabbing or determining what to swab?

20 A Sure. The actual swabs is -- I think it was
21 explained yesterday like a large Q-tip and they're
22 all sterile, all self-contained and all packaged
23 prior to us using them. We open the package. If
24 the item is still wet, we just swab the item
25 directly and put it in its own container. And that

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1 container is marked with where it's collected and
2 time we collected it and the case that it's involved
3 with. If the item is dried or if we're looking for
4 a touch DNA we would moisten that Q-tip with just
5 some water, swab it, and package it the same way.

6 Q Okay. And the swabs collected in State's 185,
7 were all these collected by you?

8 A Yes.

9 Q And properly sealed and packaged?

10 A Yes.

11 MS. SIMPSON: Your Honor, at this time the
12 State would seek to introduce State's 185 into
13 evidence.

14 MR. SUTHERLAND: No objections.

15 THE COURT: 185 is in evidence without
16 objection.

17 (State's Exhibit No. 185 was admitted into
18 evidence.)

19 BY MS. SIMPSON:

20 Q And I believe we heard from Sergeant Richards
21 regarding some of the markers in this case. What
22 observations did you make with respect to possible
23 blood stains?

24 A There were numerous stains from the vehicle that
25 were on the ground we believed to be blood that

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1 Sergeant marked and photographed, and then I went
2 through them and swabbed those markers, stains on
3 those markers.

4 Q Okay. And we've seen a number of photographs.
5 When you -- just as, for example in State's 152
6 marker T, how do you swab that area around the
7 marker?

8 A We just, again, take that Q-tip and swab as much
9 of the stain we can get on that Q-tip as we can for
10 analysis.

11 Q Okay. And did you swab all of the markers in
12 this case?

13 A I did C through 10. Sergeant Richards did A and
14 B.

15 Q Okay, I'm going to show you what's been marked as
16 State's Exhibit 186. Do you recognize these?

17 A Yes, these are the swabs for markers C through T
18 taken from the blue Suzuki.

19 Q Okay. And did you collect those swabs and
20 properly seal them --

21 A I did.

22 Q --and packaged them? And once you did that
23 where were they submitted?

24 A They were submitted to our evidence and processed
25 to be held or submitted to another section for

SW - A. CAVANAGH - DIRECT

1 analysis.

2 Q Okay.

3 MS. SIMPSON: Your Honor, at this time the
4 State would introduce State's Exhibit 186 into
5 evidence.

6 MR. SUTHERLAND: No objections.

7 THE COURT: 186 is in evidence without
8 objection.

9 (State's Exhibit 186 was admitted into
10 evidence.)

11 BY MS. SIMPSON:

12 Q And then I believe, and I passed over this, you
13 did some swabs on the exterior handles, correct?

14 A I did that initially.

15 Q I'm gonna show you what's marked State's Exhibit
16 187. Do you recognize this?

17 A Yes, this is from the four swabs I collected from
18 the exterior driver's door and door handle, and the
19 rear driver's side door handle and left (ph) door
20 handle.

21 Q And again, these swabs were?

22 A Collected by me, packaged and submitted to
23 evidence processing section.

24 MS. SIMPSON: Your Honor, at this time the
25 State would introduce State's 187 into evidence.

SW - A. CAVANAGH - DIRECT

1 MR. SUTHERLAND: No objections, sir.

2 THE COURT: State's 187 is in evidence
3 without objection.

4 (State's Exhibit No. 187 was admitted into
5 evidence.)

6 BY MS. SIMPSON:

7 Q Now Lieutenant Cavanagh, do you actually make the
8 determination as to what swabs will or will not be
9 tested?

10 A No, I do not.

11 Q Okay, who makes that determination?

12 A Generally the lead investigator will get with the
13 DNA analyst and determine what they feel is the most
14 probative.

15 Q Okay. And in this case did you also the
16 opportunity to verify or examine the conclusions of
17 the latent print examiner?

18 A I did.

19 Q And what were those prints related to?

20 A Identification of the victim.

21 Q And is that the extent of your involvement in
22 this case?

23 A Yes.

24 Q Thank you.

25 THE COURT: Thank you, Ms. Solicitor.

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1 Mr. Sutherland.

2 MR. SUTHERLAND: Yes, sir. May it please
3 the Court.

4 **CROSS - EXAMINATION**

5 **BY MR. SUTHERLAND:**

6 Q I don't have a lot for you. Lieutenant Richards
7 had given you those two cell phones?

8 A Sergeant Richards did.

9 Q Oh, sorry, Sergeant Richards. I demoted him.

10 A (The witness nodded head.)

11 Q I do want to ask you something. We went out to
12 Pal Road a couple of weeks ago to look at the
13 vehicle.

14 A (The witness nodded head.)

15 Q And looking through there, there's a bottle of
16 Hidden Ranch dressing in the back seat of the
17 vehicle. Did you see -- did you -- and I just
18 haven't heard anybody talk about it. Were you aware
19 of that, or did you see that in there or?

20 A I don't recall that specifically. I don't know
21 if that would have had any --

22 Q Okay.

23 A --bearing on what I was looking for
24 specifically. I don't recall.

25 Q Okay. It's just been sort of bugged me a little

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1 bit, just wondered where it come from. Thank you
2 though.

3 THE COURT: Redirect?

4 MS. SIMPSON: No, Your Honor.

5 THE COURT: Thank you. You may step down.
6 You may be excused.

7 Solicitor, you may call your next witness.

8 MS. SIMPSON: The State would call
9 Investigator David Goff to the stand.

10 THE COURT: Come around.

11 WHEREUPON,

12 **DAVID GOFF,**

13 after having been duly sworn, testified as follows:

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

17 THE WITNESS: David Goff.

18 **D I R E C T E X A M I N A T I O N**

19 **BY MS. SIMPSON:**

20 Q Investigator Goff, where are you employed?

21 A Richland County Sheriff's Department.

22 Q How long have been with the sheriff's department?

23 A 27 years.

24 Q And what's your position there?

25 A I'm senior investigator in arson and asset

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1 forfeitures at this time.

2 Q Okay. And what do some of your duties include?

3 I know arson is failure specialized.

4 A Yes, ma'am.

5 Q Can you tell the jury a little bit about that?

6 A In arson investigations I'm the -- I get my
7 directions from the fire marshal office. They go to
8 crime and fire scene. They determine that it's of
9 sufficient nature then they call me out. They
10 process the scene. I then pick up, I then
11 investigate and conclude who, what, when, and how.

12 Q And even though your an arson investigator do you
13 have occasion to become involved in other types of
14 investigations?

15 A Yes, ma'am.

16 Q How does that typically occur?

17 A At -- at the time of this case we had a rotation
18 shift; and I was assigned to one, with a member of
19 that shift with five investigators and the
20 supervisor. And we investigated whatever comes
21 down, comes at us.

22 Q So back on January 24th, how exactly did you
23 become involved in this case and where were you
24 requested to respond?

25 A I received a phone call from my sergeant at the

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1 time, Sergeant Mat Ellis, to respond to the Richland
2 County Memorial Hospital to a shooting, a victim was
3 in route and for me to try to talk to him.

4 Q And did you have the name of the victim at that
5 time?

6 A I did not.

7 Q What happened when you responded to the hospital?

8 A When I arrived at the hospital the victim was not
9 there. I waited a few minutes and the victim
10 arrived. I did learn that the victim's name was
11 Jonathan Frazier.

12 Q And what was Mr. Frazier's condition when he
13 arrived?

14 A He was sitting on the grand stretcher. He was
15 having trouble breathing. He had been shot in his
16 right hand, his left shoulder, and the left side of
17 his neck. They had a just an oxygen mask over his
18 face at the item.

19 Q Okay, did you request to speak with him?

20 A I did.

21 Q And were you advised by the doctors as to whether
22 you could speak with him?

23 A Yes, they were getting ready — they made the
24 determination they were gonna put a breathing tube
25 down his throat and would have to put him to sleep

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1 to do so, and for me to hurry up and talk to him
2 before they did. And so I did, I tried to talk to
3 him. I did try to speak to him at that time.

4 Q Okay. And you indicated he was still having
5 difficulty breathing?

6 A Yes, ma'am, he was gasping for breath.

7 Q Okay. So were doctors pressing you? Did you
8 have a limited amount of time?

9 A Very limited. I was basically told to hurry up.

10 Q And what was your main concern with respect to
11 this conversation?

12 A To see if he can tell me who shot him.

13 Q Okay. And you said you were able to speak with
14 him?

15 A Yes.

16 Q Briefly?

17 A And I asked him the question -- I introduced
18 myself, told him who I was and why I was there, and
19 I asked, who shot you. And ---

20 Q And did he say who shot him?

21 A He said the name Jabriel or something to that
22 effect.

23 Q Okay. And did he also -- at this point had the
24 doctors given him some medication to help him sleep?

25 A Yes, ma'am. He was already starting to show

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1 signs. His eyes were getting real heavy.

2 Q Okay. In addition to telling you who shot him,
3 was he attempting to tell you about what happened?

4 A Yes, ma'am. He was trying to tell me what
5 happened. I was having difficulty understanding him
6 between gasps and incoherence. It appeared to me
7 he said he would, had been, had went to a location
8 with Jabriel and were following him, and that he --
9 Jabriel jumped out and the gun shot, they fought
10 over it, and that's when he was shot.

11 Q And during this whole situation he's having
12 difficulty talking?

13 A Yes, ma'am.

14 Q And were you able to actually obtain a written
15 statement from him ---

16 A Oh, no, ma'am.

17 Q ---the second time?

18 A No, ma'am. He was -- one hand was bandaged up
19 and the other one had IVs in it.

20 Q Okay. So was this just centrally I guess -- did
21 you form a report in this case?

22 A Yes, ma'am.

23 Q And did your report essentially an interpretation
24 of what he was telling you --

25 A That's correct, yes.

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1 Q ---as best you can understand him?

2 A That's correct.

3 Q At some point how long, how long was that
4 conversation with Mr. Frazier?

5 A Forty-five seconds to a minute at the most.

6 Q And what happened next?

7 A They took him to CAT scan, CT scan. The doctor
8 told me it was going to be a while before he come
9 back down so I left my card told him if anything
10 changes please give me a call back. And I left, I
11 left the ER.

12 Q Okay, so was he actually drifting off to sleep

13 ---

14 A Yes, ma'am.

15 Q ---after your conversation with him?

16 A Very rapidly.

17 Q When you left the hospital where did you go?

18 A I went back to my office.

19 Q Okay. And at some point later that same day did
20 you return to the hospital?

21 A Yes, ma'am, I went back to the hospital to check
22 on, check the status of him and was advised that he
23 was -- he could not talk to me until the next day.

24 And even then he could not talk because of the tube,
25 but he would be able to acknowledge that he

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1 understand by shaking his head.

2 Q Okay, so you actually spoke with -- who were his,
3 the trauma doctors that you spoke with?

4 A The ER doctor was Doctor Jennings and the trauma
5 doctor was Doctor Watson.

6 Q And did you also make contact with a Tracey
7 Johnson?

8 A I did.

9 Q And what was her relationship to Mr. Frazier?

10 A She was the victim's mother.

11 Q And through her did you learn some information
12 about who the possible deceased victim may be?

13 A She said he -- only person she knew he hung out
14 with by a nickname. That's all she knew. She
15 didn't know a real name.

16 Q Okay. And were you also able to obtain some
17 phone numbers from her as well?

18 A I did. I got the victim, Mr. Frazier's phone
19 number and hers.

20 Q And what was Mr. Frazier's number that you
21 received?

22 A 803- -5760.

23 Q Okay. Moving to January 26 of 2012, a couple
24 days later, did you assist in getting a search
25 warrant?

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1 A I did.

2 MS. SIMPSON: Beg the Court's indulgence.

3 BY MS. SIMPSON:

4 Q And what was the location for the search warrant?

5 A The location was room number 118 at the America
6 Best Value Inn located at 131 Veterans Road in
7 Richland County.

8 Q Okay. And Veterans Road, is that -- can you tell
9 us kind of where that is.

10 A It's off Garners Ferry Road right near the VA
11 hospital.

12 Q Okay. So is it a ways down from the Hopkins kind
13 of area?

14 A It's back in bound from Hopkins, yes, ma'am.

15 Q Back in bounds towards Columbia?

16 A That's correct, yes, ma'am.

17 Q And what was the significance of that location?

18 A Received information that Mr. -- the subject had
19 been found, located there. They also found some
20 items in the room that needed -- were deemed
21 necessary to try to collect.

22 Q Okay. And I apologize, you said this was the
23 location where the defendant and his girlfriend
24 were found?

25 A That's correct.

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1 Q Were you actually there and present at the arrest
2 of the defendant?

3 A No, I was not.

4 Q Okay. So your participation was with respect to
5 the search?

6 A That's correct.

7 Q And did you assist in just getting the search
8 warrant or the actual search itself?

9 A Both.

10 Q Okay. And who else, or where there any other
11 officers assisting you?

12 A Investigator Caldwell assisted me in the search.
13 I had sent to Judge Michael Davis's office to obtain
14 a search warrant that had already been sent to me.
15 I had -- I signed it in front of the judge and then
16 proceeded to the location where I met Investigator
17 Caldwell.

18 Q And what type of items were y'all looking for?

19 A The item that we were looking for was of a
20 firearm, 38 or 357 caliber, paperwork associated
21 with firearms, and also any forensic evidence
22 related to the homicide, limited to blood, hair,
23 fiber, DNA, fingerprints.

24 Q So anything relevant --

25 A Correct.

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1 Q ---to the possible investigation? And let's be
2 clear, this location, is it a hotel room?

3 A Yes.

4 Q Okay. So it's not a permanent residence?

5 A That's correct.

6 Q And did you all actually collect some items ---

7 A We did.

8 Q ---from that room? What items did you collect?

9 A You want the whole list?

10 Q Yes, please?

11 A Okay. We recovered a black square D bag with a
12 Ziplock bag full of green leafy material, an empty
13 Ziplock bag found inside of it found on the right
14 hand side -- excuse me, right side shelf of the bed
15 that was found by Investigator Caldwell. A digital
16 scale found on the night stand on the right of the
17 bed also found by Caldwell. An empty Hennessy
18 cognac bottle found on the night stand to the right
19 side of the bed by Investigator Caldwell. Roll of
20 cigars with green leaf material found between the
21 headboards and wall by Investigator Caldwell. A
22 pair of black sized eight and half Air Jordans with
23 clear baggie with green leaf material inside the
24 left shoe found on the floor on the right side of
25 the bed. Opened box -- opened empty box of Ziploc

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1 sandwich bags found on the table by Caldwell. A
2 gray sweatshirt by hoodie found on the chair by
3 Investigator Caldwell. And a room key to room
4 number 118 found on the right side of the bed by
5 Caldwell.

6 Q Okay. And did you actually collect these items?

7 A We did, yes, ma'am.

8 Q Let me show you what's been marked as State's
9 Exhibit 189.

10 MR. SUTHERLAND: Beg the Court's
11 indulgence. I'd like to look at these items of
12 evidence from the hotel room prior to their
13 introduction.

14 THE COURT: All right. And that'd be I.D.
15 only at the time?

16 MR. SUTHERLAND: I.D. only would be fine,
17 Your Honor.

18 THE COURT: You want to look at them now?

19 MS. SIMPSON: Your Honor, there aren't
20 very many items so this probably won't take long.

21 THE COURT: What happened to State's 188?

22 MS. SIMPSON: State's 188 is marked. It's
23 not been introduced yet, Your Honor.

24 THE COURT: Okay. All right, thank you.

25 MR. SUTHERLAND: Okay. Without objection,

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1 Your Honor.

2 BY MS. SIMPSON:

3 Q I'm gonna show you State's 189. Do you recognize
4 this package as it's being opened now?

5 A Yeah, I do. This is the items that I placed in
6 evidence.

7 Q And what specific items are in this?

8 A In this box is a black square nylon bag, an empty
9 plastic bag, plastic bag containing green leaf
10 material, empty box some small sandwich bags, brown
11 cigarette, one digit-weight set of scales, and small
12 plastic bag containing green plant material.

13 Q Okay. And are these the items that you
14 collected?

15 A That's correct.

16 Q And then you properly sealed them and packaged
17 them?

18 A Correct.

19 Q And what did you do with them once you ---

20 A Take them into evidence.

21 MS. SIMPSON: Your Honor, at this time the
22 State would introduce State's 189 into evidence.

23 THE COURT: All right. State's 189 is in
24 evidence without objection.

25 (State's Exhibit No. 189 was admitted into

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1 evidence.)

2 BY MS. SIMPSON:

3 Q I'm going to show you what's also been marked as
4 State's 190.

5 MR. SUTHERLAND: Beg the Court's
6 indulgence.

7 THE COURT: Yes, sir.

8 THE WITNESS: I have — I have a knife.

9 MR. SUTHERLAND: We can't bring those
10 things in court. Okay, without objection, Your
11 Honor.

12 THE COURT: All right.

13 MS. SIMPSON: Okay.

14 BY MS. SIMPSON:

15 Q I want to show you State's Exhibit 190. Do you
16 recognize that?

17 A Yes, ma'am. The second box of evidence that I
18 packaged and put into evidence.

19 Q Okay. And are these additional items from the
20 hotel room?

21 A Correct, these are the last four items.

22 Q And with respect to the items that you found,
23 where was the marijuana located?

24 MR. SUTHERLAND: Objection, Your Honor.
25 There's been no drug analysis testimony as to the

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1 nature of the substance.

2 THE COURT: Sustained.

3 MS. SIMPSON: Your Honor, I believe my
4 question was just with respect to where it was
5 located in the hotel room.

6 THE COURT: There's no testimony in the
7 record that was what was located.

8 MS. SIMPSON: It is, Your Honor, and it's
9 evidence. May we approach.

10 THE COURT: All right.

11 (Whereupon, there was an off-the-record
12 Bench conference.)

13 THE COURT: Thank you, Solicitor. Thank
14 you, Mr. Sutherland.

15 MS. SIMPSON: Thank you.

16 BY MS. SIMPSON:

17 Q Investigator Goff, where was the green plant like
18 material located?

19 A It was found inside the black square D bag found
20 on the right side.

21 Q So ---

22 A Right side of the bed.

23 Q The right side of the bed?

24 A Yes, ma'am.

25 Q So, and I guess all these items were actually in

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1 the nylon bag?

2 A They were kind of -- they were set -- some of
3 them were found on night stands, on the table and
4 stuff inside the room.

5 Q Okay. So they've been placed in this bag?

6 A Right, that's correct.

7 Q As well as the clothing that you collected, was
8 that scattered around the room or was it found in a
9 specific location?

10 A The sweatshirt hoodie was found on the chair, and
11 the shoe were found on the floor on the right side
12 of the bed.

13 Q Okay. And backtracking just a little bit, when
14 you were at the hospital on the 24th did you
15 actually collect a pair of socks?

16 A I did.

17 Q From the victim?

18 A That's correct.

19 Q I'm gonna show you what's been marked as State's
20 188.

21 MR. SUTHERLAND: No objection, sir.

22 BY MS. SIMPSON:

23 Q Do you recognize this?

24 A Yes, ma'am.

25 Q And what is that?

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1 A It's a pair of plastic bag containing one pair of
2 white socks from Mr. Jonathan Frazier.

3 MS. SIMPSON: Your Honor, at this time
4 the State would introduce State's 188 into evidence.

5 THE COURT: State's 188 is in evidence
6 without objection.

7 Also 190, did you offer 190, Solicitor?

8 MS. SIMPSON: I did -- oh, I may not have
9 finished. Your Honor, I know it was without
10 objection, but Your Honor, I would offer State's 190
11 into evidence as well.

12 THE COURT: State's 190 is in evidence as
13 well.

14 (State's Exhibit No. 190 was admitted into
15 evidence.)

16 BY MS. SIMPSON:

17 Q This was the extent of your involvement with
18 respect to this case.

19 A Yes, ma'am.

20 MS. SIMPSON: Thank you, Investigator.

21 THE COURT: Thank you, Solicitor.

22 Mr. Sutherland.

23 **CROSS - EXAMINATION**

24 **BY MR. SUTHERLAND:**

25 Q I'm just briefly gonna ask you a little bit about

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1 your testimony about the report.

2 A Okay.

3 Q Let's see, you testified basically about this
4 already, but in your report you say that the victim
5 stated that he and his friend were following Jabriel
6 to get some X-boxes; is that correct, sir?

7 A Yes, sir.

8 Q Okay. The victim stated they followed Jabriel
9 down a dirt road and he stopped; is that correct,
10 sir?

11 A That's correct.

12 Q When he got out of the car and pulled a gun on
13 them; is that correct, sir?

14 A That's what he said.

15 Q The victim stated that he and Jabriel fought over
16 the gun and that is when he was shot in the hand; is
17 that correct, sir?

18 A Yes, sir.

19 Q He started running, and that is when he was shot
20 in the back; is that correct, sir?

21 A That's correct.

22 Q Thank you, sir. No further questions.

23 THE COURT: Redirect, Solicitor?

24 **REDIRECT EXAMINATION**

25 **BY MS. SIMPSON:**

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1 Q Again, Investigator Goff, this is your report,
2 correct?

3 A That's correct.

4 Q And not his written statement?

5 A That's correct.

6 Q And you were having difficulty understanding him
7 at this time?

8 A That's correct.

9 Q He had an oxygen mask on?

10 A Yes.

11 Q Difficulty breathing?

12 A Yes, sir.

13 Q And his state, he'd just been shot, right?

14 A Yes, sir.

15 Q This was his initial visit to the emergency room?

16 A That's correct.

17 Q Thank you.

18 THE COURT: Recross?

19 MR. SUTHERLAND: Just briefly.

20 **R E C R O S S - E X A M I N A T I O N**

21 **BY MR. SUTHERLAND:**

22 Q You believe that that same story as Mat Ellis; is
23 that correct, sir? That same information?

24 A Yes.

25 MR. SUTHERLAND: Okay, no further

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1 questions.

2 THE COURT: Thank you, Detective Goff, you
3 may step down. You may be excused.

4 Solicitor, you may call your next witness.

5 MR. STEADMAN: The State calls Trish Odom.

6 THE COURT: Come around and be sworn.

7 WHEREUPON,

8 **TRISHA ODOM,**

9 after having been duly sworn, testified as follows:

10 THE CLERK: Thank you. Please have a seat
11 in the witness stand and state your full name for
12 the record.

13 THE WITNESS: Trisha Collins Odom. My.
14 last name is O-D-O-M.

15 **DIRECT EXAMINATION**

16 **BY MR. STEADMAN:**

17 Q Good morning, ma'am. Where are you employed?

18 A I'm employed at the Richland county Sheriff's
19 Department.

20 Q And what is your position with the Richland
21 County Sheriff's Department?

22 A I am the senior latent prints analyst for the
23 crime scene latent print section.

24 Q And do you have a rank or title associated with
25 that situation?

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1 A I'm a senior investigator.

2 Q Okay. So I'll call you Investigator Odom?

3 A That will be fine, thank you.

4 Q So how long have you been a senior latent print
5 analyst?

6 A I've been an analyst since December of 1999, but
7 I believe I obtained the title of senior latent
8 prints analyst in 2006.

9 Q So you were an analyst from 1999 to 2006, then
10 you were a senior latent print analyst from 2006
11 until now?

12 A Right. The title was actually created when we
13 were getting our (inaudible) accreditation, and I
14 received the title.

15 Q Are you the only one in this position at the
16 Sheriff's Department?

17 A I'm not the only analyst, no.

18 Q And why don't you tell me a little bit about your
19 background and experience as a latent print analyst?

20 A Okay. I was promoted to crime scene lab in
21 December of 1999; and during that period I started a
22 training program, a mentor program with some of the
23 more experienced crime scene latent print analysts.
24 I started looking at latent prints and then also
25 began taking the courses outside of our internal

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1 training. I've had classes in the chemical
2 development of latent prints, advanced palm print
3 identification, basic fingerprint training, I.D.
4 tech school, forensic ridgology, recovery of
5 fingerprint evidence from human skin, a complex
6 latent prints examination class, and some other
7 local classes that were put on by the association,
8 association for identification of the local chapter.

9 Q And have you had occasion to testify in court
10 before as an expert in the field of latent print
11 analysis?

12 A I have.

13 Q About how many times have you done that?

14 A 22.

15 MR. STEADMAN: Your Honor, at this time I
16 would offer Trisha Odom as a latent print analyst
17 expert.

18 MR. SUTHERLAND: No objection, sir.

19 THE COURT: All right. Again, Mr.
20 Foreman, ladies and gentlemen, you've heard my
21 charge several times in this area. Normally a
22 person cannot give opinion testimony. Normally when
23 a person testifies they can only testify to what
24 they saw, heard, or sensed by smell or thing of this
25 nature. However, there is an exception when someone

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1 is because of education or they are permitted to
2 give their opinions in certain areas if the Court
3 qualifies them that way. This witness,
4 Investigator Trisha Odom, will be qualified in the
5 area of latent print analysis to give opinion
6 testimony in that area. That does not mean you must
7 accept the opinion; but it is evidence for you, the
8 jury, to use in any way you see fit.

9 Thank you, Solicitor, you may continue.

10 BY MR. STEADMAN:

11 Q Investigator, do you have a copy of the report
12 you did in this case with you?

13 A I do. I actually did two separate reports.

14 Q Okay. Please feel free to refer to that. When
15 did you become involved in this case?

16 A I was notified in the late afternoon hours of
17 January the 24th, 2012, that there had been a death
18 and I was asked to help identify the victim.

19 Q And did you have items submitted to you for
20 analysis in order to identify the deceased?

21 A I did. I was given a strip or two strips of
22 post-mortem fingerprints that were inked I believe
23 at the crime scene.

24 Q Do you know who did those post-mortem prints?

25 A I don't know who inked them. Investigator John

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1 Baker gave them to me.

2 Q Okay. And did you have the occasion to compare
3 those post-mortem prints with a known standard?

4 A I did.

5 Q For Dashawn Jones?

6 A That's correct.

7 Q And were you able to make any conclusions with
8 respect to that?

9 A I did. I looked at the left thumb. Excuse me, I
10 looked at the left thumb of the post-mortem prints
11 and the left thumb of the victim Dashawn Jones and
12 was able to determine that they were made by the
13 same source.

14 Q Thank you, Investigator. And what was the next
15 point you became involved with the case?

16 A I was later asked to compare known standards with
17 the latent print cards that had been collected from
18 the crime scene.

19 Q And I just want to ask you briefly about the
20 fingerprints. What is a latent print?

21 A Now a latent print, that's a relative term that
22 we use for all the prints that are recovered from
23 the crime scene; and it can't be the typical print
24 that you think of that really are latent, the ones
25 that are unseen, that you have to add powder to them

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1 or chemicals to be able to see them. It can also
2 include visible prints that are in blood or oil or
3 any other substance or also any three initial prints
4 that you might be able to find in, say, something
5 like, say, silly putty if you were to pick that up.

6 Q When you compare the fingerprints to known
7 standards what kind of indicator do you look for on
8 the prints in order to make your analysis?

9 A If you take a look at your fingertips and your
10 palms you see that the entire area is covered with
11 these little lines. We call these lines ridges,
12 they're friction ridges. And their function is to
13 help you grip. So on everybody in the entire world
14 that's ever existed, all of their fingertips, all of
15 their palm area, all of their actually the soles of
16 their feet, they're covered in these ridges and
17 there are little features that are on each of these,
18 on the ridges. You have ridges that will be flowing
19 and then split into two. We call these lacrications
20 (ph). You'll have a situation where the ridge
21 flows, then stops. We call that an ending ridge.
22 And then we have a very, very short ridge that's
23 literally just a dot and we refer to those as dots.
24 And where these, these what we call minutia points
25 are called in details that are found in relation to

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1 one another on the fingerprint how we determine
2 whether or not a particular person made the print
3 found at a crime scene or any other place.

4 Q And once again, you said latent fingerprints are
5 fingerprints that are lifted from a crime scene?

6 A Right. That's just an ongoing term to use for
7 any kind of crime scene print.

8 Q And were there latent prints submitted to you for
9 analysis in this case?

10 A There were.

11 Q Now, when you -- who submitted those latent
12 fingerprints to you?

13 A Sergeant Richards did.

14 Q And can you please briefly go over the latent
15 prints that were submitted to you for analysis.

16 A Sure. We had a total of 11 cards that were
17 submitted from the crime scene. In my report which
18 you'll see is the first one is called L-1, and that
19 would be the actual post-mortem print that we
20 identified. So everything that was L-2 and forward
21 are actually the latent prints from the crime scene.
22 When I receive a latent print card what I'll do is,
23 I'll give the card itself a number, an L number,
24 just latent number whatever. In this case the very
25 first latent that was recovered from the crime

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1 scene, that card was L-2. So I received 11 cards
2 that had varying numbers of individual latent prints
3 on them, and then I did comparisons with each of
4 those to the known prints that I was asked to look
5 at.

6 Q Now you just mentioned the known standard prints
7 that you also received. What were the known
8 standards that you received in this case for
9 analysis?

10 A I was asked to look at Dashawn Jones, Jonathan
11 Frazier, Jabriel Singleton, and Garfield Belton.

12 Q And in this case were you able to make any
13 conclusions?

14 A I was.

15 Q All right. Why don't we start off with the --
16 we'll go down the list through your report.

17 A Okay.

18 Q Tell me, what was the first conclusion that you
19 were able to come to?

20 A The first card was L-2, and it had two
21 fingerprints on it that we compared. The first one
22 which was sub-number .1 was of no value, meaning
23 that there was not enough ridge detail on it to ever
24 make a comparison or determination. So it goes no
25 further than that, and we will never be able to make

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1 a determination on that.

2 The second one and L-2 point -- I'm sorry,
3 L-2 actually came from the right front window of the
4 exterior of the blue Suzuki. The L-2.2, we were
5 able to determine that it was not made by Jones,
6 Frazier, or Singleton, and we were not able to make
7 a determination on Mr. Belton.

8 L-3 came from the right front window of
9 the exterior of the blue Suzuki, and it had three
10 sub-numbers on it: One, two and three. All three
11 of these were of no value. The next one is L-4, and
12 it came from the right front exterior window of the
13 blue Suzuki. It was also of no value.

14 Q And ma'am, if you don't mind if I stop you, what
15 do you mean by no value?

16 A There is no value. There's not enough friction
17 ridge detail on there to ever make a determination
18 of the source.

19 Q Okay, thank you. You may continue.

20 A L-5 came from the right front door of the
21 exterior of the blue Suzuki. It was sub-numbered
22 with .1 and .2 .1 was not made by any of the known
23 prints that were submitted to us, and .2 was of no
24 value. L-6 came from the right rear window of
25 exterior of the blue Suzuki, and it was inconclusive

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1 to all four subjects that we looked at. We were not
2 able to make a determination on any of them. L-6.2,
3 same location that it came from, we were able to
4 determine it was not made by any of the subjects.
5 L-7.1 was from the right rear door of the exterior
6 of the blue Suzuki and it inconclusive to all the
7 subjects that we looked at.

8 L-8.1 was found on the exterior left front
9 above the door on the blue Suzuki, and we determined
10 that was made by Mr. Belton's right palm. L-9.1,
11 which came from the ext— excuse me, the interior
12 right rear window of the blue Suzuki was not made by
13 Mr. Jones, Mr. Singleton, or Mr. Belton. We were
14 unable to make a determination on Mr. Frazier.
15 L-10.1 was from the interior right rear window of
16 the blue Suzuki. It was not made by Mr. Jones,
17 Mr. Singleton, Mr. Belton, and it was inconclusive
18 to Mr. Frazier.

19 Q Okay.

20 A L-11 had two sub-numbers on it, 1 and 2. They
21 both came from the rear view mirror of the blue
22 Suzuki. L-11.1 was made by Mr. Jones' right thumb.
23 L-11.2 of no value.

24 L-12 had three sub-numbers, 1, 2 and 3.
25 They all came from the right front window of the

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1 exterior of the blue Suzuki. L-1 -- excuse, L-12.1
2 one was of no value. L-12.2 was not made by any of
3 the subjects. And L-12.3 was of no value.

4 Q And now, so you used various classification when
5 you went through your list. You've said that some
6 were inconclusive, some were made by the same
7 source, and some were not made by the same source.
8 Can you explain just briefly of how those
9 classifications of the prints?

10 A Sure. When you look at fingerprints the first
11 thing we do is determine, are they of value? If we
12 determine they're not of value, that's all we do;
13 then we don't go any further than that. If we
14 determine they are of value, then we'll actually do
15 a comparison. And the three results we can get when
16 we do comparison are: That it was made by the same
17 source, which is called identification; it was not
18 made by the same source which means that the known
19 source was excluded as print or inconclusive, which
20 means we just cant tell. And that can be caused by
21 a couple of things. You can have an insufficient
22 latent print which means that there's just not
23 enough ridge detail on the latent fingerprint that
24 you got from the crime scene to actually make a
25 determination conclusively, or it could be that the

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1 known samples we have are not complete and we're not
2 able to see that particular area so we can't make a
3 conclusion.

4 Q And now I want to touch on the first category
5 that you mentioned, prints that were made by the
6 same source as a known standard. Which --
7 throughout your conclusion were there ones that you
8 were able to identify as prints that were made by
9 the known standard?

10 A Yes.

11 Q And which ones were there?

12 A For the latent prints only, 'cause we already
13 identified the post-mortem prints that's labeled
14 L-1.1. But L-8.1 and L-11.1 were both positively
15 identified.

16 Q And what were you able to positively identify the
17 8.1 latent print as?

18 A That was made by the right palm of Garfield
19 Belton.

20 Q And 11,1, what latent print, who made that latent
21 print?

22 A The victim Mr. Jones' right thumb.

23 Q And where was the -- Mr. Jones' print found?

24 A The rear view mirror of the blue Suzuki.

25 Q Okay. And is it unusual to find latent prints at

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1 crime scene from multiple sources?

2 A No, not at all.

3 Q And is there any way to determine when a print is
4 made?

5 A No.

6 Q And to time date it?

7 A No.

8 MR. STEADMAN: Thank you, Your Honor.

9 MR. SUTHERLAND: May it please the Court.

10 THE COURT: I'm not through.

11 MR. SUTHERLAND: Oh, I'm sorry.

12 BY MR. STEADMAN:

13 Q Now, I want to go back to how latent prints are
14 actually made. Can the surface of an item effect
15 the ability to leave a latent print?

16 A Sure, yes.

17 Q And what kind of factors would affect that?

18 A Well, what -- what affects whether or not a
19 latent print is left behind is a couple of things.
20 First of all, like we said, you have those loose
21 ridges all over your fingers; and I like to refer to
22 those, the ridges, as like an ink stain that you get
23 from a craft store. And it's gonna leave that same
24 impression behind every single time as long as it's
25 inked the same way. In this case, with fingerprints

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1 they're typically inked with sweats and the oils
2 that you naturally secret so typically that's what a
3 latent print is. It's the residue and the oils and
4 the water that come from your sweat.

5 Now the surface of the, that that's being
6 touched, can definitely affect what kind of
7 fingerprint you leave behind. You have a relatively
8 smooth surface like this wood right here but it has
9 some grain in it, so when you touch it some of that
10 oil is going into those grains and when you try to
11 process it with fingerprint powder the other
12 investigators have probably told you about, you're
13 gonna end up picking up that grain quite a bit. A
14 really good surface is something that's smooth and
15 flat. Glass windows are really good. Glass ware is
16 very good and something like that. Those are really
17 good surfaces to get fingerprints off of. If it's a
18 surface like the dashboard in your car, you know, it
19 has that little texture to it. It may not show
20 fingerprints; that's exactly what it's for and
21 that's what it does. It's not impossible to get
22 fingerprints off of that, but it's a lot less likely
23 to be something that's identifiable just because of
24 that pattern in it.

25 Q And so those are surfaces that affect the ability

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1 to leave a latent print. What about an individual's
2 body, his make of whether he's sweating or whether
3 there's oil on his hands?

4 A Sure. It's like that ink stain I was telling you
5 about. If you ink at the same point every single
6 time it's gonna leave that same print behind. If
7 you don't have any ink on it it's not going to leave
8 an impression behind. So if you're not sweating as
9 much, I mean, there area people who just don't sweat
10 as much. If you're sweating too much it can leave
11 too much of that moisture behind so how much you
12 sweat, whether you're sweating, whether you just
13 washed your hands, that can affect leaving a
14 fingerprint behind.

15 Q And as you stated before you were able to match
16 one of the latent prints to the known standard of a
17 man named Garfield Belton?

18 A That's correct.

19 Q Do you have that person's date of birth on your
20 report? I can direct your attention to page 2 I
21 believe.

22 A Yes, Mr. Belton was born on September the ,
23 .

24 Q Does any one person has the same print?

25 A No one has the same fingerprints, and all of your

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1 ten fingers are different as well.

2 Q Thank you. No further questions.

3 THE COURT: Thank you, Solicitor.

4 Mr. Sutherland?

5 MR. SUTHERLAND: Sir, I have no questions
6 for the witness.

7 THE COURT: Thank you. Thank you very
8 much. You may step down.

9 You may call your next witness, Solicitor.

10 MS. SIMPSON: Your Honor, may we approach?

11 THE COURT: Yes, ma'am.

12 (WHEREUPON, counsel approached the Bench
13 for an off-the-record discussion.)

14 THE COURT: All right. Perhaps now will
15 be a good time to take our lunch and recess, so Mr.
16 Foreman, ladies and gentlemen of the jury, as I told
17 you previously you'll probably be able to repeat
18 this back to me before the week's over. Please
19 remember during this recess do not discuss this case
20 with anyone including your fellow jurors, lunch
21 mates, family, friends, or anyone else. Do not
22 read, watch, or listen to any news reports about the
23 case should there be any. Do not use your computer
24 or cell phone or any other electronic device with
25 communication capability to research any

1 information. That is prohibited. I have explained
2 that to y'all on numerous occasions. Do not do any
3 independent investigation or any investigation on
4 the internet. Remember, you make your decision and
5 reach your verdict in the case by the evidence and
6 the testimony you give from the witnesses testifying
7 under oath from the witness stand and any exhibits
8 that are introduced dissed into evidence and the law
9 as I tell you the law is.

10 Please remember to keep an open mind and
11 not begin your deliberations until I instruct you to
12 do so. Please be back promptly at 1:45. Please be
13 back, excuse me -- yes, 1:45, quarter to 2. Thank
14 you very much. Hope y'all have a pleasant lunch.

15 (The jury was removed from the courtroom
16 at 12:30 p.m.)

17 THE COURT: Is Investigator Collins still
18 present?

19 MS. SIMPSON: Yes, sir.

20 THE COURT: Step back for a minute around
21 here please. I just want to clarify my notes on one
22 thing.

23 Investigator Collins, did you testify that
24 there was a print on L-10 that was inconclusive for
25 Frazier?

1 INVESTIGATOR COLLINS: I'm sorry, sir, I
2 didn't bring my notes. May I look in the back
3 of —

4 THE COURT: Would you look at that for me.
5 I just want to see if I wrote it down wrong, that's
6 all.

7 INVESTIGATOR COLLINS: Yes, sir. L-10.1
8 wasn't made by Mr. Jones, Mr. Singleton, or
9 Mr. Belton, but it was inconclusive to Mr. Frazier.

10 THE COURT: All right, thank you. Thank
11 you very much.

12 INVESTIGATOR COLLINS: Yes, sir.

13 THE COURT: Anything from the State before
14 we take a recess?

15 MS. SIMPSON: No, Your Honor.

16 THE COURT: Defense?

17 MR. SUTHERLAND: Not from the Defense?

18 THE COURT: Thank you very much.

19 (Whereupon, a short recess was held.)

20 THE COURT: All right. Anything before we
21 bring in our jury from the State?

22 MS. SIMPSON: No, Your Honor.

23 THE COURT: From the Defense?

24 MR. SUTHERLAND: No, sir.

25 (The jury was returned to the courtroom at

1 1:45 p.m.)

2 BAILIFF: The jury is seated, Your Honor.

3 THE COURT: Thank you, Mr. Bailiff.

4 Good afternoon, ladies and gentlemen of
5 the jury, welcome back. Hope y'all had a pleasant
6 lunch. We'll continue in the trial of the case by
7 the presentation of evidence and testimony by the
8 State in its case and chief. If you would please
9 continue to give the parties your complete and
10 undivided addition.

11 Solicitor, you may call your next witness.

12 MS. CAVANAUGH: Thank you. The State
13 calls Sergeant Andrew Caldwell.

14 WHEREUPON,

15 **ANDREW CALDWELL,**

16 after having been duly sworn, testified as follows:

17 THE CLERK: Give us your full name and
18 please spell your last name.

19 THE WITNESS: Andrew Caldwell,
20 C-A-L-D-W-E-L-L.

21 **D I R E C T E X A M I N A T I O N**

22 **BY MS. CAVANAUGH:**

23 Q Good afternoon, Sergeant Caldwell.

24 A Good afternoon.

25 Q Where do you work?

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1 A I work for the Richland County Sheriff's
2 Department.

3 Q And how long have been employed with the
4 sheriff's department?

5 A Just a tad under 25 years.

6 Q And what is your current position in the
7 sheriff's office?

8 A I'm currently one of the two sergeants assigned
9 to our narcotics enforcement division.

10 Q And how long have you been in that position?

11 A Only about five or six months.

12 Q And what was your -- what unit were you in before
13 being transferred to the narcotics unit?

14 A I was the sergeant ahead of a fugitive task force
15 unit at that time.

16 Q And what is meant by the fugitive task force?

17 A We have a group of investigators in our unit.
18 Our primary goal for that unit was to focus on
19 identifying, locating, and apprehending any wanted
20 violent offenders.

21 Q Okay. And I'm gonna bring your attention to
22 January 25th of 2012. Did you become involved in
23 the arrest and apprehension of Jabriel Singleton?

24 A Yes, ma'am, I did.

25 Q And at the point that the fugitive unit becomes

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1 involved are there already arrest warrants ---

2 A There are.

3 Q ---issued? Was that case in this case?

4 A It is. We are attempting to locate these
5 individuals and serve these arrest warrants on them
6 for whatever the particular charge is.

7 Q And as a -- as a fugitive team member what type
8 of information do you usually have as it relates as
9 to the person you are searching for?

10 A We try to conduct an entire background on that
11 particular target, friends, families, girlfriends,
12 ex-girlfriends, codefendants, codefendants. We try
13 to learn as much as we possibly can about them
14 'cause that helps us to narrow down to potential
15 locations that someone may go to, or flee to try to
16 hide from to keep from being arrested.

17 Q Did you, along with other investigators, go to
18 Hardwood Hill Road, that area, on January 25th?

19 A Yes, ma'am, we did.

20 Q And where, where is that? What area of town is
21 that in?

22 A That's considered the lower side of Richland
23 County. Leesburg Road, Forest area, that side of
24 Richland County.

25 Q Is it in Hopkins?

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1 A It is.

2 Q I'm gonna show you what's marked as State's
3 Exhibit 193 and ask you to look at that map. Do you
4 recognize that area?

5 A I do.

6 Q And what is that an aerial map of?

7 A That's an aerial map of that particular section
8 Hor Hill Road, Hor Hill Road. I believe the pin
9 there is going to be father's address of that
10 general neighborhood area of where we arrived at
11 that day.

12 Q Okay.?

13 MS. CAVANAUGH: Your Honor, at this time I
14 move to introduce State's 193 into evidence.

15 MR. SUTHERLAND: No objection, sir.

16 THE COURT: All right. State's 193 is in
17 evidence without objection.

18 (State's Exhibit No. 193 was admitted into
19 evidence.)

20 BY MS. CAVANAUGH:

21 Q What did you indicate the push pin showed?

22 A I believe that was his father's residence which
23 was Coral Hill Road.

24 Q And we'll get back to that in just a second.

25 Now, when the other investigators arrived at that

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1 location do y'all have your sirens on at this point?

2 A No.

3 Q Okay. Did you -- where did you initially respond
4 to when approaching that address?

5 A We pulled in from what would, I guess, be the
6 back street from Coral Hill that's Cross Hill road.

7 MS. CAVANAUGH: Permission for the witness
8 to step down?

9 THE COURT: Yes, sir, you may step down.
10 Just keep your voice up when you're away from the
11 microphone.

12 THE WITNESS: Like I said, we had
13 developed information to believe that the defendant
14 could possibly would be located at his father's
15 house. Following receiving that information, we
16 determined that there was a high probability that he
17 might be connected to one of these two homes here
18 which is actually Cross Hill Road; but as you can
19 see from the back yard, you can walk back and forth
20 in between the two properties from Cross Hill and
21 Coral Hill. And this was originally where we
22 entered the, the location was this house, these
23 houses here at Cross Hill.

24 BY MS. CAVANAUGH:

25 Q And did y'all, did you park your vehicles

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1 somewhere?

2 A We did. We immediately pulled into these
3 driveways here for these two homes at Cross Hill
4 where an unmarked cars but I mean, I think it's
5 fairly obvious we're police officers. As soon as we
6 got out of our cars we were all wearing our bullet
7 tactical vests that has deputy sheriff patch on the
8 front and back on them.

9 Q Okay. And about how many vehicles can you
10 estimate were out there that day?

11 A Probably a minimum of five to six.

12 Q Okay.

13 A I mean, we had the majority of the sheriff's
14 department fugitive task, as well as task force
15 officers from the State Law Enforcement Division
16 that were assisting us out that day.

17 Q Okay. And upon parking in this location that you
18 just pointed out what did y'all do next?

19 A Surrounded the homes, attempted to make contact.
20 And at that point, while we're trying to make
21 contact at either of one of these two locations I
22 believe it was Corporal Hayhurst, somebody on the
23 team observed an individual ---

24 MR. SUTHERLAND: Objection, that's
25 hearsay, sir.

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1 THE COURT: Hearsay and will be sustained.

2 BY MS. CAVANAUGH:

3 Q What happened — what happened after y'all got
4 out of the vehicles? You said you responded to
5 certain houses.

6 A An individual was observed in a very close
7 proximity to this wood line.

8 Q Okay.

9 A And when he took off running into the woods we
10 all gave chase.

11 Q Okay. You can have a seat.

12 A (Witness complies.)

13 Q Right next to his father's address?

14 A That's correct.

15 Q Now based on your memory from, from that
16 location, is it pretty open as far as where y'all
17 parked versus where the father's address is?

18 A It's all open. There were no privacy fence
19 issues that we'd sometime have to deal with. The
20 wood line looks fairly thick from that aerial photo,
21 but it's not. It's just all pine trees; it's clear
22 underneath. There's no underbrush or thickets.

23 It's all a bed of pine straw and pine trees.

24 Q So y'all began tracking the person that was
25 observed running?

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1 A Yes, ma'am.

2 Q And can you describe, can you describe that a
3 little bit?

4 A Like I said, somebody yelled out, we got one
5 running. We all took off in that general direction.
6 There's no guarantee, but we believe if somebody ran
7 from us that's the individual we're going to want to
8 talk to, or at least somebody that may have
9 information on the individual we're going to try to
10 talk to or target and place under arrest. And we
11 ran into the wood line trying to follow him or ran
12 into the woods trying to follow him.

13 Q And what, what was actually -- was anything
14 located in that wood line?

15 A It was. A short distance as you enterer the
16 woods, maybe 15 yards or so, it wasn't very far, we
17 located a hoody, a jacket, and a cell phone.

18 Q Okay. And through the use -- were you able to
19 determine whose cell phone that was?

20 A It was. It belonged to the defendant. It was --
21 the jacket and the phone both were on top of the
22 pine straw. These were not items that had been out
23 there for any length of time. They all were very
24 fresh. No debris or, you know, from leaves or pine
25 straw. They were just laying on top of the

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1 foundation of the pine straw and the phone was
2 ringing.

3 Q Okay. And again, through the use of the phone
4 number you were able to tell that that was his
5 phone?

6 A We did. At some point later on -- I don't
7 remember the exact time. We called that -- we
8 called the phone number that knew was associated
9 with the defendant and that phone that we located in
10 the woods rang.

11 Q Okay. And you've had that? You had that number
12 ---

13 A We did.

14 Q ---before you even went to the ---

15 A We did.

16 Q ---to the house? Now, did you actually come into
17 contact with that phone and that jacket at the scene
18 that day, at the?

19 A In the woods.

20 Q In the wood line?

21 A Yes, ma'am. I took possession of it; and at some
22 point later on during the evening when we called the
23 chase off, I believe I turned over the jacket and
24 phone to Sergeant Ellis.

25 Q Because you weren't necessarily going back to

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1 headquarters, right?

2 A No.

3 Q Because you're with the fugitive team?

4 A I'm with the fugitive team. We were going to
5 continue to look for possible leads or locations on
6 the defendant.

7 Q I'm going to show you what's marked as State's
8 Exhibit 191.

9 A Yes, ma'am.

10 Q Do you recognize that phone?

11 A That appears to be the phone that we found in the
12 woods.

13 MS. CAVANAUGH: Your Honor, at this time I
14 would move to introduce State's Exhibit 191 into
15 evidence.

16 MR. SUTHERLAND: No objections.

17 THE COURT: State's 191 is in evidence
18 without adjunction.

19 (State's Exhibit No. 191 was admitted into
20 evidence.)

21 BY MS. CAVANAUGH:

22 Q And I will also show you what's in the box what's
23 marked as 192. Does this appear to be the hoodie
24 that you also retrieved from the wood line?

25 A Yes, ma'am.

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1 MS. CAVANAUGH: At this point I would
2 introduce State's Exhibit 192, Your Honor.

3 MR. SUTHERLAND: No objections.

4 THE COURT: State's Exhibit 192 is in
5 evidence without objection.

6 (State's Exhibit No. 192 was admitted into
7 evidence.)

8 BY MS. CAVANAUGH:

9 Q And again, was it established that the phone
10 belongs to the defendant?

11 A We did.

12 Q And you said you turned it over to one of the
13 investigators at the sheriff's department?

14 A Yes, ma'am.

15 Q Did Richland County actually use their helicopter
16 in this case?

17 A We did. This was a fairly significant man hunt
18 at the time based on the charges obviously were very
19 violent crime, murder. We take that very seriously.
20 There's nothing higher else we can try to locate
21 somebody for. We utilized our helicopter. I
22 believe it was at least one, if not two, K-9
23 tracking teams. We continued that trail for several
24 hours into the evening going door to door at some
25 points and as well as trying to follow the trail

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1 with our K-9s that ultimately to no success.

2 Q So can you estimate about how long y'all were --
3 or you yourself were out there looking for the
4 defendant?

5 A At one point as I was tramping through the woods
6 it seemed like forever. Hours at least, going
7 through just from the roadways to the community into
8 some of the very thick harsh, heavy underbrush
9 trying to tramp through those trails looking for --
10 like I said, we had the majority of the Richland
11 County fugitive task force, members of the State Law
12 Enforcement Division's task force. We utilized the
13 uniform patrol divisions assigned to that area to
14 help establish a perimeter as best we could given
15 that it was a fairly large rural area, keeping them
16 on the roadways. Going down, if you're like walking
17 down the road and it went on probably until close to
18 dark.

19 Q Okay. At least a couple of hours?

20 A Yes, ma'am.

21 Q And this is on Hopkins area, right?

22 A It is.

23 Q Okay. The next day were you involved with this
24 investigation of the case?

25 A It did. It continued on.

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1 Q And where did you respond on January the 26th of
2 2012?

3 A Usually we received, again, some more information
4 that lead us to believe that the defendant might be
5 located at the America's Best Inn, and that's a
6 hotel that's basically right there at Garners Ferry
7 kind of next to the VA hospital behind -- I think
8 that's a Hardees Restaurant. It's more on the
9 Veterans Road but you see it if you're on Garners
10 Ferry, Garners Ferry and 77.

11 Q Okay. And did you and the other law enforcement
12 investigators get the list of occupied rooms?

13 A We did. After we developed this information that
14 led us to believe he would be at the hotel, the
15 first thing we did was make contact with management.
16 I obtained a list of every room that was registered
17 to somebody, obviously leaving off the vacant rooms.
18 We proceeded systematically to open the door of that
19 entire hotel making personal contact with somebody
20 that was in every one of those rooms. While this is
21 the kind of a building that's a long building and
22 there's rooms on each side. We maintained officer
23 presence on the opposite side of what we were going
24 to door to door to make sure we didn't lose anybody
25 that way. And ultimately, we narrowed it down to

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1 one room that was registered that we could not get
2 anybody to answer.

3 Q And when you're knocking on these doors are you
4 identifying yourselves as members of the Richland
5 County Sheriff's Department?

6 A We are.

7 Q So once no one answered the door at 118 and you
8 were aware that was occupied, what happened?

9 A We -- obviously we were extremely suspicious of
10 this room. We had information that led us to
11 believe that he's at this hotel. For some reason
12 this is the one room that's rented that nobody's
13 come to the door. We continued knocking very loudly
14 and forcibly for quite some time, probably anywhere
15 from 15 to 30 minutes. But ultimately we obtained
16 the key to that door. There was some resistance at
17 first -- I'm not sure really what caused that -- but
18 ultimately we made entry into that hotel room.

19 Q And what -- who or -- who was found in that room?

20 A The defendant and his girlfriend.

21 Q Okay. And where were they located in that room?

22 A We found the defendant and his girlfriend
23 finally. They were located, you come in, it's the
24 two beds and a dresser. Go into the bathroom, the
25 sink, and then what I would call the bathroom. They

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1 were in the bathroom in the shower with the shower
2 curtain pulled, and he was behind his girlfriend.

3 Q Were they taking a shower?

4 A No, they were fully clothed. The shower was not
5 on; they were just hiding.

6 Q He was with his girlfriend?

7 A He was.

8 Q Did you have -- did you know anything about her?
9 Did you have her name at that point?

10 A I believe we did, yes, ma'am.

11 Q Okay. Do you remember it now?

12 A It was Kenyatha (ph) Hickman.

13 Q Okay.

14 A I may be mispronouncing that first name.

15 Q What happened once the defendant was located?

16 A It's a very small bathroom. Not everybody, you
17 know, we probably had ten officers with us in there.
18 Not everybody can get into the hotel, let alone this
19 bathroom. So at that point it becomes a shuttle or
20 relay. She was grabbed, just passed from I believe
21 Agent Thrower was probably the first person to break
22 the doorway of that bathroom. I had possession of
23 her at one point just pushing her back to the next
24 officer to get to the defendant Mr. Singleton.

25 Q Okay. And was he arrested?

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1 A He was.

2 Q Now is he read his arrest warrant? He is served
3 with his arrest warrant at that time?

4 A No, I don't believe he was served with the actual
5 arrest warrant until we arrived at headquarters.

6 Q And is he read his Miranda rights at this point?

7 A Not by us.

8 Q Okay, 'cause y'all aren't attempting to do any
9 type of questioning?

10 A We're not to interview any defendant. We are
11 simply there to serve that warrant and take this
12 person into custody. Then we contact the CID
13 investigators to attempt to try to take a statement
14 if that's what the defendant wants to do, but we're
15 just -- our sole priority is to locate that person,
16 that body, and that's all.

17 Q Not question anyone?

18 A Not question anyone. Quite often I -- well, I'm
19 not -- it's almost everybody. I'm not gonna to know
20 all of the facts of the case itself. I'm trying to
21 know everything there is about that person, not the
22 facts of the case.

23 Q And to your knowledge was the defendant
24 transported to the Richland County headquarters at
25 that time?

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1 A He was.

2 MS. CAVANAUGH: Beg the Court's
3 indulgence.

4 THE COURT: Yes, ma'am.

5 BY MS. CAVANAUGH:

6 Q Sergeant Caldwell, was that the extent of your
7 involvement with this particular case?

8 A Yes -- well, to maintain custody of the room
9 until some other investigators could arrive with a
10 search warrant for the room because at this point we
11 just merely went in to retrieve the defendant Mr.
12 Singleton, search the room for evidence, maintain
13 custody of that room until that warrant was
14 delivered on site. I believe that was when I
15 physically left the premises.

16 Q Okay. All right, thank you. Please answer any
17 questions from Defense.

18 **CROSS - EXAMINATION**

19 **BY MR. SUTHERLAND:**

20 Q Sir, was there any use of force report filed with
21 respect to the arrest?

22 A I'm not aware of one. I don't have one in front
23 of me.

24 Q Yes, sir. Okay, and are you aware of whether or
25 not he was tazed?

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1 A I believe — I'm not 100 percent positive. I
2 believe attempts were made what we call dry stuns.
3 I don't know.

4 Q Okay, thank you. No further questions.

5 THE COURT: Redirect?

6 MS. CAVANAUGH: No further questions.

7 Thank you.

8 THE COURT: Thank you. Thank you very
9 much.

10 THE WITNESS: Thank you, Your Honor.

11 THE COURT: You may step down. You may be
12 excused.

13 Solicitor, you may call your next witness.

14 MR. STEADMAN: The State calls Dale
15 Blackmon.

16 THE COURT: All right, come around please.

17 MR. STEADMAN: Your Honor, may we approach
18 real quick.

19 THE COURT: Yes.

20 (Whereupon, a Bench conference was held.)

21 WHEREUPON,

22 **DALE BLACKMON,**

23 after having been duly sworn, testified as follows:

24 THE CLERK: Thank you. Please have a seat
25 in the witness stand and state your full name for

SW - D. BLACKMON - DIRECT

1 the record.

2 THE WITNESS: Dale Blackmon.

3 **DIRECT EXAMINATION**

4 **BY MR. STEADMAN:**

5 Q Good afternoon, Mr. Blackmon, where are you
6 employed?

7 A Richland County Sheriff's Department.

8 Q How long have you been employed there?

9 A About 18 months.

10 Q What is your position with Richland County
11 Sheriff's Department?

12 A I'm supervisor of the evidence property section.

13 Q And can you briefly describe your duties and
14 responsibilities with respect to that issue?

15 A We maintain the evidence that the officers pick
16 up and bring in.

17 THE COURT: Ms. Blackmon, would you pull
18 that microphone just a little bit closer to you for
19 me please.

20 THE WITNESS: Yes, sir.

21 THE COURT: Thank you.

22 THE WITNESS: We maintain the evidence as
23 the officers collect it until we have to sign it out
24 to DNA, drug, ballistics, whatever requires, but we
25 hold it in the evidence room until court.

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1 BY MR. STEADMAN:

2 Q Can you briefly describe the procedure for taking
3 in pieces of evidence?

4 A Yes, sir. An officer will bring it to us. He
5 will collect it at the scene whatever the case may
6 be, and he will bring it into the evidence room.
7 And one of us, myself and two other people that work
8 in there, will bring it directly to us. We take it
9 from them, log it in in our program which is called
10 ASIS and with the bar code on it and we assign it --
11 it has a case number already, and we assign it a
12 number. It depends on how many items are brought in
13 on this one case, and then we have a certain area we
14 store it in. It depends on what the item is as to
15 where we store it. It could be in a refrigerator,
16 to shelves, to freezers. And it stays there until
17 we have a request from the lab whether it be, like I
18 said, drugs or ballistics or whatever; and then we
19 will sign it out to whoever comes in and requests
20 that piece of evidence.

21 Q And as part of your duties as evidence custodian
22 you possess evidence in the case, correct?

23 A Yes, sir.

24 Q All right. I'm gonna show you what's been marked
25 for identification purposes as Exhibit 196 and

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1 Exhibit 197. Please just briefly take a look at
2 that?

3 A Yes, sir.

4 Q What is that piece of evidence?

5 A Which does it ---

6 Q Oh, excuse me, we'll start with 196. What is the
7 description on that bag?

8 A Okay. Now these are --- this is 147 and 145, our
9 evidence number.

10 Q Okay, let's start with --- what's the Richland
11 County Sheriff's Department number?

12 THE COURT: Let me stop you a minute. Let
13 me see those items please, Solicitor.

14 MR. STEADMAN: And I'll do one at a time,
15 Judge.

16 THE COURT: Thank you. Thank you,
17 Solicitor. You may proceed.

18 BY MR. STEADMAN:

19 Q All right, let me do this one at a time.

20 A Okay.

21 Q Exhibit 196, marked for identification purposes.
22 What is the label on that package?

23 A It says job with two plastic mats and GPM, which
24 is green plant material.

25 Q And you received custody of this evidence at some

SW - D. BLACKMON - DIRECT

1 point correct?

2 A Yes, sir.

3 Q What was the condition of the evidence when you
4 obtained it?

5 A In this envelope sealed with the evidence tape.

6 Q From who -- from whom did you obtain that piece
7 of evidence?

8 A Trevor Holt.

9 Q And where did that evidence go after you had it?

10 A (There was no response.)

11 Q And do you have your report in front of you?

12 A Yeah, I've got it in front of me.

13 Q I have that you transferred that piece of
14 evidence to Tricia Wheat; is that correct?

15 A Yes, sir.

16 Q Okay. Now I'm gonna show you what's been marked
17 as State's Exhibit 197.

18 A Okay.

19 Q Please take a look at that.

20 A Yes, sir.

21 Q What is the Richland County Sheriff Department
22 number on that piece of evidence?

23 A 147.

24 Q Number 147?

25 A Uh-huh.

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1 Q What is the description on that bag?

2 A It's a buccal swab from Jonathan Frazier
3 collected by Unger at Palmetto Richland.

4 Q And what was the condition of those when you
5 obtained it?

6 A Exactly, sealed in this bag.

7 Q Did you tamper with it in any way?

8 A No, sir.

9 Q You didn't change it?

10 A No, sir. The only thing I would do on there is
11 document that I received it on the bottom.

12 Q And you transferred it to Tricia Wheat, correct?

13 A Yes, sir.

14 Q Thank you. I believe that is it. Thank you. No
15 further questions.

16 A Yes, sir.

17 MR. SUTHERLAND: I have no questions of
18 this witness, Your Honor.

19 THE COURT: All right, thank you. Thank
20 you very much, Ms. Blackmon. You may step down.

21 MR. STEADMAN: The State calls Patricia
22 Wheat.

23 WHEREUPON,

24 **PATRICIA WHEAT,**
25 having been duly sworn by the Clerk, testified as

SW - D. BLACKMON - DIRECT

1 follows:

2 THE CLERK: Thank you. Please have a seat
3 in the witness stand and state your full name for
4 the record.

5 THE WITNESS: Patricia Wheat.

6 **DIRECT EXAMINATION**

7 **BY MR. STEADMAN:**

8 Q Good morning, ma'am, where are you employed?

9 A Richland County Sheriff's Department.

10 Q How long have you been employed there?

11 A Sixteen years.

12 Q And what is your position there?

13 A I am an investigator.

14 Q As part of your job did you take custody of any
15 piece of evidence in this case?

16 A I did, sir.

17 Q All right. I'm showing you what's been marked
18 for identification purposes as State's Exhibit 198.
19 Please take a look at that.

20 A (Witness complies.)

21 Q What is the label -- well, first of all, tell me
22 what -- where's the Richland County Department
23 number on that item?

24 A It is item 108.

25 Q From whom did you obtain this piece of evidence?

SW - P. WHEAT - DIRECT

- 1 A From CSI, Investigator Holt.
- 2 Q And what was the condition of the evidence when
- 3 you obtained that?
- 4 A It was in this envelope sealed with a red tag.
- 5 Q And you didn't tamper with it in any way?
- 6 A No, sir.
- 7 Q And you transferred it to ---
- 8 A Yes, sir ---
- 9 Q ---the South Carolina Law Enforcement Division?
- 10 A I did transfer it straight over there.
- 11 Q Thank you. I'm gonna show you what's been marked
- 12 as State's Exhibit 196. What is that?
- 13 A It's a swab of plastic bag with GPM which is
- 14 green plant material.
- 15 Q And did you obtain that from Dale Blackmon,
- 16 correct?
- 17 A I have marked on mine -- I have took it from
- 18 Christine Barrickman after it was tested.
- 19 Q Okay. And that is item number 145?
- 20 A Yes, sir.
- 21 Q So you transferred it to Christine Barrickman,
- 22 that item?
- 23 A Yes, sir.
- 24 Q Okay, thank you. Thank you. No further
- 25 questions.

SW - P. WHEAT - DIRECT

1 MR. SUTHERLAND: I have no questions of
2 this witness, Your Honor.

3 THE COURT: Thank you. Thank you very
4 much. You may step down.

5 All right, you may call your next witness.

6 MR. STEADMAN: Thank you, Your Honor. The
7 State calls Tena Goff.

8 WHEREUPON,

9 **TENA GOFF,**

10 after having been duly sworn, testified as follows:

11 THE CLERK: Thank you. Please have seat
12 in the witness stand and state your full name for
13 the record and please spell your first name.

14 THE WITNESS: Tena, T-E-N-A, Goff,
15 G-O-F-F.

16 **DIRECT EXAMINATION**

17 **BY MR. STEADMAN:**

18 Q Good afternoon, ma'am. Where are you employed or
19 where were you employed, excuse me?

20 A I was employed with the Richland County Sheriff's
21 Department.

22 Q How long were you employed there?

23 A Nineteen years.

24 Q What was your position while you were at the
25 Richland County Sheriff's Department?

SW - T. GOFF - DIRECT

- 1 A I was an evidence technician.
- 2 Q And as part of your duties as evidence
- 3 technician, you handled pieces of evidence in this
- 4 case, correct?
- 5 A Yes, sir, I did.
- 6 Q I'm showing you what's been marked as State's
- 7 Exhibit 197. Please take a look at that.
- 8 A (Pause.)
- 9 Q What is that?
- 10 A This says it's a buccal swab from Jonathan
- 11 Frazier.
- 12 Q And you received that from Rachel Grant, correct?
- 13 A I did not. This was -- this was submitted by
- 14 Investigator Unger and received by Dale Blackmon.
- 15 Q Okay, excuse me. Please take a look at this
- 16 piece of evidence. This is marked as State's
- 17 Exhibit 195. Now you received this piece of
- 18 evidence from Investigator Holt, correct?
- 19 A It was submitted by Investigator Holt and I
- 20 accepted it the next day.
- 21 Q Okay. And where did you transfer this piece of
- 22 evidence?
- 23 A I retrieved it from the lockers, our temporary
- 24 storage facility outside the evidence room after
- 25 business hours. The next morning when I came in I

SW - T. GOFF - DIRECT

1 took it out of locker number 33. Once I logged it
2 in I put it on the shelf in the back of the evidence
3 room.

4 Q And was it properly sealed and packaged when you
5 received it?

6 A Yes, it was.

7 Q And when you transferred it?

8 A Yes, sir.

9 Q Thank you. Now I'm showing you what's been
10 marked as State's Exhibit 199. Please take a look
11 at that.

12 A (Witness complies.)

13 Q You received that from Trevor Holt, correct?

14 A Yes, sir, I did.

15 Q And was it -- what condition was it in when you
16 received it from him?

17 A It was properly sealed and packaged.

18 Q When you transferred it from your custody was it
19 properly sealed and packaged?

20 A Yes, sir.

21 Q Thank you. No further questions.

22 MR. SUTHERLAND: No questions of this
23 witness, Your Honor.

24 THE COURT: Thank you. Thank you very
25 much, Detective Goff. You may step down.

SW - T. GOFF - DIRECT

1 All right, you may call your next witness.

2 MR. STEADMAN: The State calls Anthony
3 Branham.

4 WHEREUPON,

5 **ANTHONY BRANHAM,**

6 after having been duly sworn, testified as follows:

7 THE CLERK: Thank you. Please have a seat
8 in the witness stand and state your full name for
9 the record.

10 THE WITNESS: My first name is Anthony,
11 A-N-T-H-O-N-Y, last name Branham, B-R-A-N-H-A-M.

12 **D I R E C T E X A M I N A T I O N**

13 **BY MR. STEADMAN:**

14 Q Sir, were you employed with the Richland County
15 Sheriff's Department?

16 A Yes, sir.

17 Q How long were you employed there?

18 A Nearly 17 years.

19 Q And was your position within the evidence room?

20 A I was the supervisor over the evidence room
21 before I trained Ms. Dale Blackmon who testified
22 earlier.

23 Q And as part of your duties in charge of the
24 evidence room you possessed evidence in this case,
25 correct?

SW - A. BRANHAM - DIRECT

1 A That's is true.

2 Q Showing you what's been marked as State's 199.

3 Please take a look at that. What is that?

4 A Evidence containing a black glove, number 3,
5 front yard.

6 Q And you received that piece of evidence from Tena
7 Goff?

8 A Let me refer to my notes if you don't mind. Yes,
9 Tena Goff logged it into the evidence room and then
10 I turned it over to the, to Rachel Grant with our,
11 with Richland County Sheriff Department DNA lab.

12 Q Was is properly sealed and intact when you
13 received it?

14 A It was.

15 Q And was it in the same condition when you
16 transferred it to Rachel Grant?

17 A It was properly sealed and had not been modified
18 from where it had been turned in?

19 Q Thank you. Showing you what's been marked as
20 State's Exhibit 195 for identification purposes.

21 A 195 is a DNA standard from D. Jones.

22 Q And from who did you receive that?

23 A It was received from Trevor Holt. He turned it
24 in. Tena Goff received it and that's one of the
25 items that...

SW - A. BRANHAM - DIRECT

1 Q You said you received that from Tena Goff,
2 correct?

3 A Well, it was -- Tena Goff took receipt of it from
4 Trevor Holt.

5 Q Okay.

6 A And then it was turned over to Rachel Grant with
7 DNA lab by me.

8 Q And that package was properly sealed and
9 contained when you received it?

10 A It was.

11 Q And it was properly contained when you
12 transferred it to Rachel Grant.

13 A It was.

14 Q Thank you. Showing you what's been marked as
15 State's 193. Please take a look at welcome that,
16 then tell me what it is.

17 A It's a buccal swab collected from Jonathan
18 Frazier.

19 Q And you received that piece of evidence from
20 David Unger, correct?

21 A I did.

22 Q And you transferred that piece of evidence to,
23 once again, to Rachel Grant?

24 A I did.

25 Q Was it properly sealed and packaged when you

SW - A. BRANHAM - DIRECT

1 received it?

2 A Yes, investigator Unger had properly sealed it.
3 That's the only way we're able to receive it in the
4 evidence room when it's properly sealed.

5 Q And it was properly sealed when you transferred
6 it to Rachel Grant, correct?

7 A That is correct.

8 Q Thank you, no further questions.

9 THE COURT: What number was that?

10 MR. STEADMAN: This is 193.

11 THE COURT: 190 what?

12 MR. STEADMAN: State's Exhibit 193.

13 THE COURT: 193?

14 MR. STEADMAN: Yes, Your Honor.

15 THE COURT: I had 193 as an aerial map of
16 the area around Garners Ferry Road, Mr. Caldwell.

17 MR. SUTHERLAND: State's 197 is the swab
18 of Frazier.

19 MR. STEADMAN: Yes, Your Honor, this is
20 marked also as State's Exhibit 193.

21 THE COURT: All right. Mr. Foreman,
22 ladies and gentlemen of the jury, would you step out
23 momentarily. Do not discuss the case.

24 (The jury is removed from the courtroom at
25 2:29 p.m..)

SW - A. BRANHAM - DIRECT

1 THE COURT: All right. Detective, you may
2 step down and refresh yourself during the brief
3 recess. Do not discuss your testimony with anyone
4 while we're in recess. Court will be in recess ten
5 minutes. Thank you.

6 (Whereupon, a recess was held.)

7 THE COURT: All right. Anything before we
8 bring in our jury from the State, Solicitor?

9 MS. CAVANAUGH: Your Honor, Mr. Sutherland
10 brought to my attention before we submitted Mr. the
11 defendant's swab into evidence, whenever that time
12 comes we did attempt to blackout the bag that shows
13 this came from 2010. However, you can still see
14 because of the nature of the plastic, you can still
15 see it has 2010 on here. What we have agreed to do
16 if okay with Your Honor is to have Richland County
17 so that attention is not drawn to this particular
18 swab, have it put in another evidence bag that
19 doesn't have any dates on it but just has his name
20 on it and then blackout the actual date on the swab
21 box so that attention is not drawn to this
22 particular swab. We can do that on all of the other
23 buccal swabs from Mr. Frazier and Mr. Jones.

24 MR. SUTHERLAND: It cert-- that sounds
25 like that would work.

1 THE COURT: Is that what y'all agreed to?

2 MR. SUTHERLAND: Yes, sir.

3 THE COURT: That's fine with me.

4 All right. Anything before we bring the
5 jury out?

6 MS. SIMPSON: Your Honor, we do have one
7 issue.

8 THE COURT: Okay.

9 MS. SIMPSON: May we approach?

10 (Whereupon, there was an off-the-record
11 Bench conference held.)

12 THE COURT: All right, thank you. That's
13 juror 151, Solicitor?

14 MS. SIMPSON: I believe so. That should
15 be Mr...

16 THE COURT: Bring me juror 151 please.

17 BAILIFF: Yes, sir.

18 THE COURT: Is Sergeant Ellis a
19 lieutenant?

20 MS. SIMPSON: Sergeant Ellis is now an
21 investigator with the Attorney General's Office.

22 COURT: All right, so it's -- all right,
23 thank you.

24 You're juror 151?

25 THE JUROR: Correct.

1 THE COURT: When I called out a list of
2 names, among those names I called out Sergeant Mat
3 Ellis. Do you know Sergeant Ellis?

4 THE JUROR: Yes, sir, that's — I
5 actually, I didn't make out the first name when you,
6 when you went through that list.

7 THE COURT: All right.

8 THE JUROR: So I thought it was somebody
9 else. And then when I heard the prosecution mention
10 Sergeant Mat Ellis, I went, that may be the same one
11 that I know and that's why I wrote that note
12 previously.

13 THE COURT: All right. Let's say it is
14 the same one.

15 THE JUROR: Right.

16 THE COURT: How do you know him?

17 THE JUROR: We're all part of the same
18 club. I know him through Jay Russ and we're all
19 good friends ---

20 THE COURT: All right.

21 THE JUROR: And do cookouts together and
22 stuff.

23 THE COURT: As a result of your club
24 affiliation? As a result of being in the same club?

25 THE JUROR: Yes.

1 THE COURT: All right. The fact that you
2 know -- stand up for me, Mr. Ellis, that you know;
3 is that right?

4 THE JUROR: Yes, yes, that's correct.

5 THE COURT: Thank you. Thank you very
6 much. The fact that you know Mr. Ellis and you're
7 friends with Mr. Ellis and socialize with him; is
8 this correct?

9 THE JUROR: Correct.

10 THE COURT: Can you still be a fair and
11 impartial juror in the trial of this case for both
12 the State and the Defense?

13 THE JUROR: I'm not sure how to answer
14 that. It depends on the gravity of his contribution
15 to it, and so I honestly don't know how to answer
16 that.

17 THE COURT: All right. Well, me and you
18 are a lot a like. I didn't know how to answer your
19 note.

20 THE JUROR: I thought I had phrased it
21 incorrectly because I was trying to figure out
22 whether it was the same Mr. Ellis.

23 THE COURT: You didn't phrase it
24 incorrectly at all. I just cannot comment on the
25 facts with a juror.

1 THE JUROR: Sure.

2 THE COURT: I thought maybe the answer
3 would be clarified perhaps with other testimony.
4 Would you just step out in the hallway with the
5 bailiff just for a moment please.

6 THE JUROR: Certainly.

7 (Juror was removed from the courtroom.)

8 THE COURT: All right. Solicitor,
9 anything from the State?

10 MS. SIMPSON: I guess I'll hear arguments
11 from the Defense. I don't think that at this point
12 that juror -- we only have one alternate left. As I
13 said, this juror is in a substantially different
14 position than our previous juror, but we'll leave it
15 in Your Honor's discretion.

16 MR. SUTHERLAND: Sir, just my position is,
17 at least as far as I'm concerned, cooking out and
18 grilling with somebody you get pretty tight; and I
19 believe he did say that it would depend on his role
20 in the case. I just think at least out of abundance
21 of caution that he ought to be dismissed.

22 THE COURT: All right. Would somebody
23 have the bailiff bring him back in please.

24 Thank you.

25 (Juror was returned to the courtroom.)

1 THE COURT: All right. Juror number 151,
2 I'm gonna excuse you from any further service on
3 this trial. Thank you, thank you very much for your
4 responses. I try to take every experience and learn
5 something from it, and I will certainly try and be
6 clearer in my ---

7 THE JUROR: And I do apologize for not
8 recognizing the name during the qualifying process.

9 THE COURT: That's all right. Of course,
10 Matthew is not an uncommon name. Ellis necessarily
11 isn't ether. No problem. If he thinks the juror
12 did write me the note earlier as y'all recall
13 concerning clarification on Investigator Mat Ellis
14 who was just introduced by prosecution who collected
15 two cases. I took that as just being a question on
16 the facts that might be clarified later on. But
17 given your response, I appreciate it very much, I'm
18 gonna release you from jury service at this time.
19 All right. Thank you. Thank you so much.

20 THE JUROR: Thank you.

21 THE COURT: He's not to go back in the
22 jury room.

23 BAILIFF: Right.

24 THE COURT: If he needs anything you can
25 get it, Mr. Bailiff.

1 All right, promote juror number 161.

2 Anything further from the State before we
3 bring our jury in, Solicitor?

4 MS. CAVANAUGH: No, Your Honor.

5 THE COURT: The Defense?

6 MR. SUTHERLAND: None from the Defense,
7 sir.

8 THE COURT: All right.

9 THE CLERK: We ready?

10 THE COURT: Thank you, yes.

11 (The jury was returned to the courtroom at
12 2:52 p.m.)

13 BAILIFF: All jurors are present, Judge,
14 Your Honor.

15 THE COURT: Thank you very much.

16 Juror 161, you've now been promoted.

17 You're now no longer in the status of alternate.

18 You're now a member of the jury. It seems like
19 every time I take a break I lose a juror so we're
20 not going to take any more breaks, which I real did
21 on lick to take them this way as well can tell I
22 have no life outside the courtroom. Be that as it
23 may, if y'all please continue to give the parties
24 your complete and undivided attention as you have
25 done throughout the trial of this case.

1 Solicitor, you may proceed.

2 MR. STEADMAN: Thank you, Your Honor.

3 BY MR. STEADMAN:

4 Q Sir, I'm now gonna show you what's been re-marked
5 as State's Exhibit 200. Please take a look at that
6 and tell me what it is.

7 A That's a buccal swab collected from Jonathan
8 Frazier turned in to the Richland County Sheriff's
9 department evidence room by Investigator Unger.

10 Q Thank you. Did ---

11 A Received by me.

12 Q You received possession of that. Did you receive
13 possession of that from Rachel Grant?

14 A I did.

15 Q Thank you. No further questions.

16 THE COURT: All right, Mr. Sutherland.

17 MR. SUTHERLAND: No questions of this
18 witness.

19 THE COURT: Thank you. Thank you so much,
20 Officer. You may step down.

21 All right, Solicitor.

22 MR. SUTHERLAND: At this time the State
23 would re-call Patricia Wheat.

24 THE COURT: Come around please. You're
25 still under oath.

SW - P. WHEAT - DIRECT

DIRECT EXAMINATION

BY MR. STEADMAN:

Q Now I'm gonna show you what's been marked as State's Exhibit 194. Did you take custody of that piece of evidence which is a swab for Jabriel Singleton? Did you take custody of that piece of evidence?

A I took it from Christine Barrickman after it was tested.

Q Do you have a copy of the report with you?

A Uh-huh.

Q Okay. Let me just show you, I have -- looking at the same report. On this report is that -- this would be -- yes, that's the report.

A Yes, I did take custody of this and gave it to Christine Barrickman for testing.

Q Thank you. Was that piece of evidence properly sealed and packaged when you took it into custody?

A Yes, sir, it was.

Q And did you transfer that piece of evidence to Christine Barrickman?

A For -- yes.

Q Thank you. No further questions.

MR. SUTHERLAND: No questions of the witness, Your Honor.

SW - P. WHEAT - DIRECT

1 THE COURT: Thank you. You may step back
2 down, Officer.

3 MR. STEADMAN: The State calls Curtis
4 Burnett.

5 WHEREUPON,

6 CURTIS LEE BURNETT,
7 after having been duly sworn, testified as follows:

8 THE CLERK: Thank you. Please have a seat
9 in the witness stand and state your full name for
10 the record and please spell your last name.

11 THE WITNESS: Curtis Lee Burnett. It's
12 C-U-R-T-I-S and Burnett, B-U-R-N-E-T-T.

13 DIRECT EXAMINATION

14 BY MR. STEADMAN:

15 Q I'm showing you State's Exhibit 194. Please take
16 that and take a look at it. Is that a buccal swab
17 of Jabriel Singleton?

18 A Yes, sir.

19 Q And you received that piece of evidence from
20 Investigator Gabriel, correct?

21 A Yes, sir.

22 Q And it was properly sealed and packaged when you
23 received it, correct? And you didn't tamper with it
24 in any way while it was in your possession, correct?

25 A No, sir, I did not.

SW - C. BURNETT - DIRECT

1 Q Thank you. No further questions.

2 THE COURT: Mr. Sutherland.

3 MR. SUTHERLAND: No questions of the
4 witness.

5 THE COURT: Thank you. Thank you very
6 much, Officer. You may step down.

7 All right, Solicitor.

8 MS. SIMPSON: The State calls Sergeant, or
9 Investigator Mat Ellis.

10 WHEREUPON,

11 **MATTHEW ELLIS,**

12 after having been duly sworn, testified as follows:

13 THE CLERK: Thank you. Please have a seat
14 in the witness stand and state your full name for
15 the record.

16 THE WITNESS: Matthew Ellis.

17 **D I R E C T E X A M I N A T I O N**

18 **BY MS. SIMPSON:**

19 Q Where are you employed?

20 A South Carolina Attorney General's Office.

21 Q And what is your position with the Attorney
22 General's Office?

23 A I'm an investigator in the prosecution and the
24 State grand jury section of the office.

25 Q And as an investigator in the state grand jury

SW - M. ELLIS - DIRECT

1 section what do some of your duties include?

2 A The Attorney General's Office receives cases from
3 all over the state in which different circuits are
4 unable to prosecute, some kind of conflict. Those
5 cases come to the Attorney General's Office for
6 prosecution, and I assist the attorneys in prepping
7 and finding witnesses and interviewing people
8 involved in such cases.

9 Q And back in January of last year where were you
10 working?

11 A I was working for Richland County Sheriff's
12 Department.

13 Q And what was your position at the sheriff's
14 department?

15 A I was the sergeant over the major crime section,
16 typically the aggravated assault and battery
17 division.

18 Q How long have you been with Richland County?

19 A Approximately 13 years.

20 Q -- okay. And before becoming a sergeant did you
21 work in an investigative capacity or as an
22 investigator?

23 A I did. I believe I was in investigations for
24 approximately ten years, worked different sections
25 of investigations, major crimes, financial crimes,

SW - M. ELLIS - DIRECT

1 burglary, motor vehicle theft.

2 Q As a sergeant with the sheriff's department what
3 did some of your duties include?

4 A As a sergeant of the major crimes division, every
5 morning I would assign cases to the investigators
6 that were assigned to me in my unit. We would have
7 a stack of cases every morning that came in from
8 over the night, and I would assign them to my
9 manpower, monitor some cases. And then we also have
10 to work evening shift, and our evening shift rotated
11 I believe at this time about every seven weeks. We
12 had to work a night shift, and I had a different
13 group of individuals that worked for my evening
14 shift, and we would be responsible for calls,
15 particularly from around lunch time to 7:00 the next
16 morning taking -- I would receive the calls for
17 service as investigators were requested and send
18 appropriate investigators to those locations as
19 needed.

20 Q So even in a oversight capacity and
21 administrative capacity you were still intimately
22 involved with respect to the investigations?

23 A Sure.

24 Q And did you actually assign the lead
25 investigators as well, or did that depend upon

SW - M. ELLIS - DIRECT

1 rotation?

2 A Lead investigators as it pertained to homicide
3 investigations would -- we were assigned, my
4 supervisor Mr. Stan Smith was in charge of promoting
5 so to speak investigators to primary roles as
6 homicide lead investigators, and each sergeant had a
7 primary lead investigator assigned to him for his
8 evening shift work.

9 Q Okay. And did you have occasion to become
10 involved in this case?

11 A I did.

12 Q Can you tell us about that?

13 A Approximately 2:30 in the afternoon I heard radio
14 traffic in reference to shots fired with a
15 individual hit. This was broadcast over our lower
16 Richland side of the county's channel of our police
17 radios. Again, to monitor this location, it was now
18 for Masonry Circle is where they originally
19 dispatched to. Once officers would arrive on that
20 scene and they had time and I could hear what was
21 going on, I would communicate with them either radio
22 or phone to find out the extent of what was going
23 on. And once I, -- they confirmed to me that there
24 was an individual shot and possibly another
25 individual shot at another location, I began to

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1 contact my investigators working for me on my
2 evening shift and direct them to the appropriate
3 locations.

4 Q And which investigators did you contact?

5 A I believe I contacted first off Investigator
6 Unger with my primary homicide investigator even
7 though we didn't know if it was homicide at the
8 time. Any time anyone is shot that potential is
9 there so I like to go ahead and get myself involved
10 in the situation. And also, the primary homicide
11 investigator is normally probably your more seasoned
12 investigator so I had him in route to that location.
13 I believe Investigator Carter who worked for me who
14 actual office is located on Garners Ferry Road near
15 Pineview, I called him immediately because I knew
16 that he would be probably one of the closest
17 investigators I had to get to the scene. I also had
18 Investigator Goff I believe. And over radio traffic
19 I could hear other investigators already in the area
20 responding.

21 Q All right. And where did you -- and I may have
22 missed it -- where did you request that Investigator
23 Goff respond to?

24 A I believe that once I contacted him and found out
25 I had information that an individual was being

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1 transported to the hospital. I believe I had -- I
2 believe I had Investigator Goff respond to the
3 hospital to make contact with that victim.

4 Q And through the course of your investigation did
5 you deputy the defendant Jabriel Singleton as a
6 possible suspect?

7 A I was provided information of a first name of
8 Jabriel through investigators on the scene; and
9 that, yes, that information was provided to me.

10 Q And did you ultimately or eventually, were you
11 able to respond to the incident location?

12 A I did. I responded.

13 Q Where and when did respond?

14 A I, I originally heard this incident approximately
15 2:30 in the afternoon. I arrived on scene
16 approximately 3:45.

17 Q Okay. And when you arrived what did you observe
18 about the scene?

19 A When I arrived the scene was secure and there was
20 crime scene tape up. I actually arrived to
21 Prioleau. I'm not sure if that was drive or road.
22 It's just right around the corner of Mason-- it runs
23 on to Masonry Circle. I responded to that location
24 as I had been advised by that point that there was
25 there a individual in a vehicle deceased.

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1 Q And I believe that location was actually
2 Prioleau?

3 A It could be a typographical error on my part, but
4 it's Prioleau Drive.

5 Q And you said it was down a dirt road?

6 A It was on a dirt road off of Masonry Circle.
7 Prioleau is kind of a circle type road as I
8 remember. It was on the back portion. There was a
9 house that had a, kind of an opened field beside it,
10 dirt driveway I believe.

11 Q So was this location fairly, fairly secluded or
12 somewhat surrounded by wooded area and things of
13 that nature?

14 A There was wooded areas. There was the house then
15 a small, I consider a small, there was an opened
16 area field beside it to the right if you're facing
17 the house and then there's trees kind of bordering
18 from the field to another house to the right of this
19 location and there's trees all down the road.

20 Q And when you arrived at the incident location did
21 Investigator Polis advise you of certain items of
22 evidence?

23 A Yes, she did.

24 Q What were those items of evidence?

25 A She advised me that they had located .38-caliber

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1 Winchester special casings at the scene.

2 Q And was there any indication that any weapons had
3 been found at that time?

4 A I did not have any information there was ever a
5 weapon at the item at the scene.

6 Q And did you obtain information regarding the
7 vehicle where the deceased victim was found?

8 A Yes, we had -- we obviously had the vehicle
9 location which had a tag on it. That tag
10 information was run through statewide DMV system.
11 And the individual that owned that car was
12 identified, and I believe Investigator Caldwell
13 responded to that location to make contact with her
14 in an effort to try to identify the deceased
15 individual in her vehicle.

16 Q Okay. And who was the owner of that vehicle? Or
17 who was the vehicle registered to?

18 A Rosemary Williams? Yes, 2002 Suzuki.

19 Q I believe you said you sent out investigators to
20 speak or make contact with Ms. Williams?

21 A I'm not sure if I directly did or they might have
22 already been in the process of doing that when I
23 arrived on the scene but I do have noted that
24 Investigator Caldwell was working that information.

25 Q And did you learn of a connection between Ms.

SW - M. ELLIS - DIRECT

1 Williams and the deceased victim?

2 A Yes, we did.

3 Q What was the relationship?

4 A That it was boyfriend and girlfriend.

5 Q Okay. Did an investigator -- I apologize. And
6 did you, were you eventually able to learn that
7 identity of her boyfriend and the deceased victim?

8 A Yes, there were prints done.

9 Q And who was the deceased victim?

10 A Dashawn Jones.

11 Q Okay, and were y'all able to obtain a cell phone
12 number for Mr. Jones?

13 A I believe Investigator Caldwell obtained from
14 through the girlfriend Ms. Williams.

15 Q Was any information obtained during the course of
16 your investigation regarding a possible direction in
17 which the shooter had pled essentially towards
18 Minervaville?

19 A I believe this was approximately when I talked to
20 Monica Howard.

21 Q And so you spoke with her?

22 A No, excuse me. Before that the K-9 officers who
23 had been on the scene and were running the tracks,
24 when I had got there, when they finished their track
25 they told me that a witness said they had seen the

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1 subject run towards Minervaville Road.

2 Q And what was the significance -- and I'm backing
3 up just a little bit -- of the significance of the
4 shell casings located at the scene, specifically I
5 believe the seven .38 caliber stamps?

6 A I don't have the exact number, but I do recall
7 that there were shell casings located in two
8 separate areas of this -- I believe some shell
9 casings located in the vehicle. There were also
10 shell casings located near the, actually Prioleau
11 Road out by the street in that field that I was
12 describing right before the road.

13 Q And would that have been consistent with the
14 shooter reloading?

15 A Yes, it can be.

16 Q Did you also followup with Investigator Goff?

17 A I did.

18 Q And without telling me what Mr. Frazier said to
19 Investigator Goff about the shooting, did you learn
20 some useful information from him?

21 A We did.

22 Q And I believe you said you did make contact with
23 a Monica Howard?

24 A I did.

25 Q And who is she?

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1 A She actually lived on Masonry Circle and is the
2 location in which Jonathan Frazier who was the
3 victim who had been shot actually transported from
4 the original call when it came from the Howard's
5 residence.

6 Q And was she able to provide you with some
7 relevant information as to the possible subject as
8 well?

9 A She was.

10 Q Now, and we've heard a little bit about this
11 earlier, the actual residence located on the
12 property at Prioleau Road, did you assist in
13 kind of trying to figure out the status of that
14 property?

15 A As to who was living there?

16 Q Yes.

17 A We did, and I believe that I had Investigator
18 Carter working on this, or he worked on it at some
19 point trying to locate who owned the property and to
20 find out who was living there or anybody at the
21 time. And we were able to determine that a Joe
22 singleton lived at this location he was a truck
23 driver. I believe he was on his way in. And at
24 some point late that afternoon or early he did
25 arrive home. We made contact with him, and he

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1 allowed, consented for us to look through his
2 residence and nothing was found that we could tell
3 related to this incident. And we asked him did he
4 know any of the individuals involved and he stated
5 no.

6 Q So he was pretty cooperative?

7 A Very cooperative.

8 Q And we note that, I guess, Singleton and
9 Singleton, did he have any type of relationship with
10 the defendant that you were made aware of?

11 A No, I never was.

12 Q And I believe said he was a truck driver as well?

13 A Yes, ma'am, I believe he was.

14 Q Once you determined that, I guess there was
15 nothing relevant or that a crime had occurred within
16 the home, was he ultimately, I guess, was that
17 released back to him, his residence?

18 A Yes, let me back up a little bit too. When
19 Mr. Singleton arrived and we went actually up to his
20 house and into his house, the crime scene itself
21 which had consumed his property had been released by
22 our crime scene unit. It was no longer a crime
23 scene. They had released it to us and we were
24 standing by waiting on him. And then, you know, so
25 he wasn't going in while the car was being processed

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1 and all. This was afterwards when Mr. Singleton got
2 there when we approached his property.

3 Q And I believe on the same day -- and I believe
4 we're still on the 24th -- did y'all confirm the
5 identity of the victim Dashawn Jones?

6 A Yes.

7 Q And did you have the opportunity to review any
8 records in this case, phone records?

9 A Lieutenant McDonald looked into the phone records
10 and provided us some information.

11 Q Okay, so he actually researched the records and
12 relayed that information to you?

13 A Correct.

14 Q And who were those records for, whose cell phone?

15 A Jonathan Frazier and I believe at one point
16 Dashawn Jones, and then later the defendant's.

17 Q Okay. And with respect to Jonathan Frazier's
18 records, did you obtain some information that led
19 you to make contact with a Marcus Taylor?

20 A I was advised by Lieutenant McDonald that from
21 the time frame when Richland County received the
22 call shortly before there were some calls made to
23 Mr. Frazier's cell phone from a Marcus Taylor.

24 Q And were you able to ultimately exclude him from
25 being involved in this shooting?

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1 A Yes.

2 Q During the evening did Investigator Goff followup
3 with you again in regards to Mr. Frazier?

4 A Yes, some details that he received at the
5 hospital.

6 Q On January 25th were you still involved in the
7 investigation?

8 A Yes, ma'am.

9 Q What did you do first on that day?

10 A Typically the next morning we'll have a meeting
11 to include the officer assigned the case, myself,
12 and higher chain of command to go over what we have,
13 directions of the investigation and what needs to be
14 done. And we had that meeting that morning.

15 Q Okay. And were you able to establish something
16 with respect to some phone calls that had been made
17 I guess between the victim and our defendant in this
18 case?

19 A Yes, sir, we received -- excuse me, yes, ma'am.
20 We received information of a phone number of Jabriel
21 Singleton.

22 Q Okay, and what was that number that you received
23 for Jabriel Singleton?

24 A The number I have listed on my report is
25 514-3525.

SW - M. ELLIS - DIRECT

1 Q Okay. And that number came back registered to
2 Jabriel Singleton?

3 A That was the number that was provided to us, and
4 once again, Lieutenant McDonald ---

5 Q Addressed those records?

6 A ---addressed those records and they were
7 confirming that information that it was registered
8 to him.

9 Q Okay. Was a photo lineup of the defendant
10 ultimately developed?

11 A It was. Based on calls that were made and
12 information that we received the day before from the
13 victim in the hospital, a photo lineup was
14 developed.

15 Q And was that photo lineup shown to Mr. Frazier?

16 A I believe it was Investigator Unger pressing it.

17 MR. SUTHERLAND: Sir, if I may, this would
18 be hearsay. It's just, there's a whole lot that's
19 accumulating.

20 THE COURT: All right. I sustain the
21 objection.

22 MS. SIMPSON: I'll move on.

23 BY MS. SIMPSON:

24 Q After you obtained the information with respect
25 to the lineup, what did you do?

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1 A Excuse me, say that again.

2 Q After you got the information with respect to the
3 lineup from Jonathan Frazier, what did you do with
4 respect to any warrants that were sought?

5 A I believe Investigator Unger called me with the
6 information he received from the hospital, and I
7 prepared and we obtained a warrant for murder.

8 Q All right. And who was that warrant for?

9 A Jabriel Singleton. I believe at the same time
10 there was also a search warrant drafted for the
11 residence that we believed he had, that believe was
12 a family member's address.

13 Q All right. And what was the location of that
14 residence?

15 A It was — excuse me, that's not -- I believe
16 it was Saskatoon Drive.

17 Q Okay, and was a search actually conducted of that
18 location?

19 A Later in the day it was.

20 Q And who was identified as being associated with
21 that location? What was relationship to the
22 defendant?

23 A I believe that was his mother's address. I could
24 be wrong. I don't have that with me. I believe
25 that was his mother's address.

SW - M. ELLIS - DIRECT

1 Q And were y'all able to locate anything of
2 relevance?

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

4 Q So we are now on the 25th and the defendant's
5 still not been located, correct?

6 A No, ma'am. Once we had -- once I -- we had the
7 warrant, the arrest warrant obtained, on these type
8 cases like getting the fugitive team involved, the
9 fugitive aspect of this investigation we now have a
10 warrant and that's what they specialize in is
11 locating individuals with warrants.

12 Q And I guess go back up you did say the search
13 warrant at Saskatoon I believe was conducted
14 later. Prior to executing that search warrant did
15 you receive some information about possible
16 whereabouts of the defendant?

17 A Right. I was in communications with Sergeant
18 Caldwell of the fugitive team and to assist in any
19 way we could, not trying to get into their way and
20 they developed information of the address of
21 Hor Hill Road which would be an address for his
22 father.

23 Q And did you respond to that location?

24 A Yes, I was in that area, and we obtained a search
25 warrant for that location also.

SW - M. ELLIS - DIRECT

1 Q Okay, and what happened when you arrived ---

2 A When I ---

3 Q ---to Hor Hill?

4 A When I arrived at Hor Hill the fugitive team had
5 alerted her that they had tried to approach this
6 location and a individual was seen fleeing from the
7 wood line.

8 Q Okay. And I believe with respect to O that were
9 some items of evidence recovered?

10 A From the wood line I believe ---

11 Q From the wood line?

12 A From where they saw an individual take off
13 running from there was a cell phone, a black jacket
14 or possible hoodie. I don't recall exactly what it
15 was, but some kind of black outer clothing.

16 Q And I refer to State's 191 that's already in
17 evidence. Would that have been the phone that was
18 turned over to you from Investigator Caldwell from
19 the wood line?

20 A Yes, it appears to be the same phone.

21 Q And in addition to that, State's 192, the black
22 hoodie jacket?

23 A The black hoodie, yes.

24 Q And so y'all were not successful in apprehending
25 anyone at his fathers' home; is that correct?

SW - M. ELLIS - DIRECT

1 A We were not.

2 Q So the subjects had fled?

3 A There was nobody home.

4 Q Can you describe some of the additional efforts
5 made to locate the defendant with respect to the
6 perimeter and the K-9 units that were called out?

7 A Once we had this location and there was an
8 individual seen running, we -- there was already
9 multiple fugitive teams. They had individuals from
10 the Sheriff Department, from SLED. I'm not sure if
11 any of the marshals were attached to them at that
12 point in time. There was multiple people around.
13 We had K-9 that immediately started tracking from
14 this location. And the K-9 and -- I requested for
15 our helicopter to respond to this location as a,
16 provide air support because we all in the rural area
17 with lots of roads and roads and area cover fields
18 so I requested air support. And I believe that the
19 SLED's helicopter might also had come out and when
20 our helicopter had to go down to fuel the SLED up to
21 provide us continued coverage. There was a large
22 perimeter set up by the units. I was in contact
23 with our command staff at the Sheriff Department. A
24 public information officer was at the Sheriff
25 Department, we had an individual that we were

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1 looking for murder. We believe he was running
2 through the area. I had the public information
3 officer release something to the media to allow the
4 citizens of that area to be aware of what is going
5 on. I believe there were calls coming in because of
6 the large presence of large enforcement,
7 helicopters, that normally draw attention so we were
8 out there for a while searching.

9 Q Okay. And so y'all were searching, as you said,
10 it's a fairly extensive or large manhunt at this
11 point?

12 A (The witness nodded head.)

13 Q Are you receiving tips throughout the course of
14 this period of time as well?

15 A At some point in time we did start, I believe,
16 after it ran on the news as to what the sheriff
17 department was conducting in that area. There were
18 some tips that started coming in to the sheriff
19 department.

20 Q All right. And did you, I believe on the 25th,
21 did a witness or did you become aware of a possible
22 witness by the name of Joey Singleton, or Joe
23 Wilson?

24 A I did, yes.

25 Q I apologize. Did you make contact with him?

SW - M. ELLIS - DIRECT

1 A Yes, this was one individual that were called in.

2 Q So he actually called in to you?

3 A Yes, he actually called in and the reason units
4 started responding to his house; and of course, they
5 contacted me and provided me information that they
6 were being told over the phone or by dispatch and I
7 also responded to the location.

8 Q And once you made contact -- I guess you did make
9 contact with Mr. Wilson, correct?

10 A I did.

11 Q And did he speak with you about the case?

12 A He did.

13 Q And as a result of your conversation --

14 MR. SUTHERLAND: Your Honor --

15 THE COURT: Yes, sir.

16 MS. SIMPSON: I was about to object to the
17 question, asking for hearsay from Mr. Wilson, object
18 to the form of the question.

19 THE COURT: I think she -- overruled.

20 MR. SUTHERLAND: Yes, sir.

21 BY MS. SIMPSON:

22 Q And as a result of your conversation what did do
23 you?

24 A Drove to an area off Patricia Road.

25 Q And was that area a trailer park?

SW - M. ELLIS - DIRECT

1 A I was.

2 Q And was a decision made with respect to that
3 location like what to do when you got there?

4 A Once I had information to this location Kris
5 Ellis decided at the time not to attempt to locate
6 him anymore.

7 Q And did you speak with Mr. Wilson about this
8 case?

9 A Yes, ma'am.

10 Q And did you memorializes that conversation in
11 your report?

12 A Yes, it's in my file.

13 Q Going back to the tips in this case, as a result
14 of those tips who were you able to identify?

15 A Kenyatha (ph) Hickman.

16 Q And what was her relationship to the defendant?

17 A I was told she was the girlfriend of the
18 defendant.

19 Q And did you also learn of the location of her
20 residence or where she was possibly living?

21 A We did.

22 Q And what was that?

23 A Galley Street.

24 Q And is that here in Columbia or is it Columbia
25 south of Garners Ferry or more towards the Hopkins

SW - M. ELLIS - DIRECT

1 side?

2 A I ---

3 Q Or are you aware?

4 A Yes, it's off Leesburg road. It's not far from
5 Patricia Drive.

6 Q Okay, so it's near the trailer park as well?

7 A Correct, not too far from the trailer park.

8 Q Moving to January 26 of 2012, did something
9 significant happen on that date?

10 A Approximately 1:00 in the afternoon Sergeant
11 Caldwell called me and advised they had arrested
12 Mr. Singleton at the American Best Hotel and that
13 Ms. Hickman was with him.

14 Q Okay. And was a search warrant obtained for that
15 location?

16 A Yes, I had, I believe Investigator Goff.
17 Investigator Goff obtained a search warrant for the
18 room.

19 Q And did you respond to the hotel room at some
20 point?

21 A I did. I directed a fugitive team to transport
22 Mr. Singleton to our headquarters where Investigator
23 Unger would await his arrival to question him, and I
24 responded to the help -- hotel room to speak with
25 Ms. Hickman.

SW - M. ELLIS - DIRECT

1 Q And without telling me what she told you were you
2 able to actually speak with her?

3 A I did.

4 Q And did she provide you with a statement?

5 A She did.

6 Q On January 31 what did do you with respect to
7 this case?

8 A On January 31 myself and Investigator Unger and
9 Preston responded back out to the Prioleau Drive
10 location and walked the location, the field area
11 next to the Prioleau Drive residence, the woods
12 behind it, all the way to the Masonry Road, Masonry
13 Circle address, just to see in daylight if we missed
14 anything on the ground or about.

15 Q Okay. And did you locate any weapons?

16 A We didn't locate any weapons.

17 Q And did you find any additional evidence?

18 A We did not.

19 Q And was that the extent of your involvement in
20 this case?

21 A It was.

22 Q Thank you.

23 THE COURT: Thank you, Madam Solicitor.

24 Mr. Sutherland.

25 **CROSS - EXAMINATION**

SW - M. ELLIS - CROSS

1 **BY MR. SUTHERLAND:**

2 Q Mat Ellis?

3 A Yes, sir. How are you doing?

4 Q At the AG's office?

5 A Yes, sir.

6 Q All right over there?

7 A Doing well, how about yourself?

8 Q I am well, thank you. I don't want to rehash or
9 go back over the same stuff we've been hearing for
10 days. What I would like to do is just ask you,
11 really the new information is other than you were
12 the boss of this thing, that you prepared the arrest
13 warrant for Mr. Singleton, correct?

14 A I did, yes. I prepared and I typed it.

15 Q And do you remember what time?

16 A There was a morning meeting and then Unger and
17 Preston went to the hospital and spoke with Frazier.
18 I don't have an exact time when I prepared it. It
19 would have been after the photo lineup was presented
20 in the hospital and I was notified that he had ---

21 Q Picked him?

22 A ---picked him out of the lineup.

23 Q Okay. So you think it was midday afternoon or
24 just no since of it really?

25 A I don't recall. I would have to refer to the

SW - M. ELLIS - CROSS

1 photo lineup as to actually the date, I'm not sure.

2 Q All right. But just to go through this slightly,
3 you had the big meeting with McDonald, May Smith,
4 Cavanagh, Wilson Preston, Unger, Collins, all these
5 people. It looks like y'all had gone through the
6 phone records -- well, I guess for our purposes
7 here, this is the 25th, it's sometime after the
8 morning and after the part of the day where the
9 lineup was picked. That's when you typed up the
10 arrest warrant?

11 A I have that our meeting started at 8:45.

12 Q Okay, and after they left the meeting and went to
13 the hospital they got picked, then you typed up the
14 arrest warrant?

15 A Yes, it would not have happened before the pick.

16 Q Certainly not.

17 A Correct.

18 Q Okay. So the next day I had -- I seen an entry
19 in your report at 1300 on the 26th, the next day he
20 was arrested?

21 A Correct.

22 Q So the warrant was out. The warrant was in place
23 for about one day before he was arrested?

24 A Yes, give or take hours. I'm not sure exactly 24
25 hours or not.

SW - M. ELLIS - CROSS

1 Q Something, but a day ---

2 A Yeah.

3 Q ---like today, tomorrow ---

4 A Right.

5 Q ---sort of thing?

6 A He was arrested the next day.

7 Q Is that unusual?

8 A Every case is different.

9 Q All right. That's all I have for you. Thank
10 you.

11 MR. SUTHERLAND: Thank you, Your Honor.

12 **REDIRECT EXAMINATION**

13 **BY MS. SIMPSON:**

14 Q Investigator Ellis, I believe Investigator Unger
15 was the designated leader in this case, correct?

16 A Yes, this was his case.

17 Q And did he provide you with some information
18 regarding the investigation so that you could
19 prepare the arrest warrant in the case?

20 A Sure. I was also intimately aware at this point
21 of the case in itself. I had been out all night
22 working.

23 Q Long shifts?

24 A Correct.

25 Q All right, thank you.

SW - M. ELLIS - REDIRECT

1 THE COURT: Recross?

2 MR. SUTHERLAND: Just briefly.

3 **R E C R O S S - E X A M I N A T I O N**

4 **BY MR. SUTHERLAND:**

5 Q I wasn't saying you didn't do any work on the
6 case. It's just cutting to the new stuff so no
7 offense and none was taken.

8 MR. SUTHERLAND: Thank you, Your Honor.

9 THE COURT: Thank you. You may call your
10 next witness.

11 MR. STEADMAN: The State calls Sue
12 Johnson.

13 THE COURT: All right.

14 WHEREUPON,

15 **SUSAN JOHNSON,**

16 after having been duly sworn, testified as follows:

17 THE CLERK: Thank you. Have a seat in the
18 witness stand please. State your name for the
19 record.

20 THE WITNESS: Susan Johnson.

21 **D I R E C T E X A M I N A T I O N**

22 **BY MR. STEADMAN:**

23 Q Good morning, Ms. Johnson. Good afternoon, Ms.
24 Johnson, where are you employed?

25 A By T-Mobile.

SW - M. ELLIS - RECROSS

- 1 Q How long have you been employed there?
- 2 A Almost 16 years.
- 3 Q And who do you do for T-mobile?
- 4 A I am custodian of records.
- 5 Q And you being the custodian of records, where
- 6 exactly do you work?
- 7 A My office is located in New Jersey.
- 8 Q Okay. And do your duties of custodian or record
- 9 include being responsible for the records of the
- 10 business?
- 11 A Yes.
- 12 Q And are these -- can you describe how these
- 13 records are created?
- 14 A Sure. Everything is kept electronically which I
- 15 have access to the data base to retrieve the
- 16 information once we receive the subpoena.
- 17 Q So nobody actually has to go in and type
- 18 anything, they're just automatically created through
- 19 the computer?
- 20 A Correct.
- 21 Q All right. Not are these records created and
- 22 used in the normal and ordinary course of T-Mobile's
- 23 business?
- 24 A Yes, they are.
- 25 Q Do you have a copy of the record in front of you?

SW - S. JOHNSON - DIRECT

1 A I do not.

2 Q I'm gonna show you what's been marked for
3 identification purposes as State's Exhibit 203.
4 Please take a look at the records. Do you recognize
5 those records?

6 A Yes, I do.

7 Q Were you asked to respond to a subpoena in
8 providing those records?

9 A Yes.

10 Q And did you provide those exact records?

11 A Yes, we did.

12 Q Can you flip through the records and just briefly
13 tell me what those records reflect?

14 A Sure. Subscriber information, call detail
15 records, and then call detail records with cell side
16 information.

17 Q And what is the phone number associated with
18 those records?

19 A (803) -3525.

20 Q And do those records also have a customer name
21 listed?

22 A Yes.

23 Q What's that customer name?

24 THE COURT: Let me stop you a minute,
25 Solicitor. Are these in evidence?

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1 MR. SUTHERLAND: They're -- we've just had
2 them marked for identification.

3 THE COURT: All right. Well, before we
4 publish them they must be introduced into evidence.

5 MR. STEADMAN: Sorry about that, Your
6 Honor.

7 THE COURT: That's all right.

8 MR. STEADMAN: At this point we'd ask that
9 the State introduce Exhibit 203 in evidence.

10 MR. SUTHERLAND: If may, Your Honor, just
11 review.

12 THE COURT: Certainly.

13 MR. SUTHERLAND: Without objection, Your
14 Honor.

15 THE COURT: All right, State's 203 is in
16 evidence without objection. Thank you, Solicitor.
17 You may proceed.

18 MR. STEADMAN: Thank you, Your Honor.

19 (State's Exhibit No. 203 was admitted into
20 evidence.)

21 BY MR. STEADMAN:

22 Q Does it have a customer name listed on those
23 records?

24 A Yes.

25 Q What is that customer name?

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1 A I'll spell the first name, J-A-B-R-I-E-M. Last
2 name is S-I-N-G-A-T-O-N.

3 Q Would you try to pronounce that?

4 A Singaton.

5 Q Thank you. No further questions.

6 THE COURT: Mr. Sutherland.

7 MR. SUTHERLAND: No questions Your Honor.

8 THE COURT: All right. Thank you. Thank
9 you very much, ma'am. You may step down.

10 THE WITNESS: Thank you.

11 THE COURT: All right, Solicitor, you may
12 call your next witness.

13 MS. CAVANAUGH: The State calls
14 Investigator Trevor Holt.

15 THE COURT: Come around and be sworn
16 please.

17 WHEREUPON,

18 **TREVOR HOLT,**
19 after having been duly sworn, testified as follows:

20 THE CLERK: Have a seat in the witness
21 stand please. State your name for the record.

22 THE WITNESS: Trevor Holt.

23 **DIRECT EXAMINATION**

24 **BY MS. CAVANAUGH:**

25 Q Investigator Holt, where are you employed?

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1 A I'm employed with the Richland County department
2 of forensics science unit.

3 Q And how long have you been employed with Richland
4 County Sheriff's Department?

5 A I've been employed with Richland County for a
6 total of 18 years now.

7 Q And what -- 18 years you said?

8 A Yes, ma'am.

9 Q What division are you currently in?

10 A I'm assigned to the crime scene investigation
11 unit. My primary duties are latent print and crime
12 scene investigation.

13 Q And how long have you been in the crime scene
14 unit?

15 A Going on five years now.

16 Q I'm gonna take you back to January 24th of 2012?

17 A Yes, ma'am.

18 Q Were you called to respond to Prioleau Road?

19 A Yes, ma'am, I was.

20 Q And what time, what time did you respond to that
21 location?

22 A I arrived on scene approximately 1750 or 5:50
23 p.m. in the afternoon.

24 Q And who actually called you to the scene?

25 A Investigator Polis.

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1 Q And what did you observe once you arrived to the
2 scene?

3 A Upon arriving I observed the scene had already
4 been secured with crime scene, a crime scene log had
5 been started. I observed that Investigator Polis
6 had already marker placed yellow identification
7 markers depicting the location of several items of
8 evidence within the crime scene.

9 Q Okay. And did observe a vehicle parked in the
10 yard?

11 A I did. I observed a small blue Suzuki SUV type
12 vehicle parked next to the house.

13 Q Okay. And can you describe the general area of
14 Prioleau road as far as what's around it?

15 A It's very far out. It was a very long drive to
16 get there. It's a dirt road. There's -- the area
17 where the house is is a very open yard, a large
18 yard, a large grass area surround by woody area.

19 Q And what type of vehicle did you say was at the
20 scene?

21 A A small blue Suzuki SUV type vehicle.

22 Q Okay, and where was it parked?

23 A I parked next to the house at the incident
24 location.

25 Q Okay, and did you obtain the vehicle tag and

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1 color as you were documenting that?

2 A Yes, ma'am. It is a color blue, South Carolina
3 tag of .

4 Q I'm gonna show you what's marked State's 175,
5 176, 177 and 179. You recognize these pictures?

6 A Yes, I do.

7 Q And what do those depict?

8 A These are photographs of the small blue Suzuki
9 SUV type vehicle parked in front of the incident
10 location.

11 Q And does it also show the area around the home?

12 A Yes, ma'am.

13 MS. CAVANAUGH: Your Honor, at this time I
14 move to introduce State's Exhibit 175, 176, 177, and
15 179 into evidence.

16 MR. SUTHERLAND: Without objection, Your
17 Honor.

18 THE COURT: All right, 175 through 177 and
19 179 are in evidence without objection.

20 (State's Exhibits 175, 176, 177, and 179
21 were admitted into evidence.)

22 BY MS. CAVANAUGH:

23 Q And so as been stated, it's a very heavily wooded
24 area, is that correct, around it?

25 A Yes, ma'am. Around the -- the yard is a very

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1 large yard, it is surrounded by a wooded area.

2 Q And did you observe anyone in the front seat of
3 the blue vehicle?

4 A Yes, ma'am, later identified as Dashawn Jones I
5 observed him unresponsive in the driver's seat of
6 the vehicle.

7 Q And what did you actually observe about him?

8 A I observed that he had several what is referred
9 to as impact wounds is the related term to gunshot
10 wounds, about his head, his body, chest, his arm,
11 his leg, that he was kind of slumped over between
12 the seat slightly to his right side and that the
13 window, the driver window, was broken, shattered,
14 broken glass inside and outside the vehicle.

15 Q And you said impact points. What do those seem
16 to be consistent with?

17 A They were later determined they were gunshot
18 wounds.

19 Q Okay. And how was he actually lying in the
20 vehicle?

21 A He was slightly slumped to his right side with
22 his head more between the two front seats than on
23 the head rest.

24 Q And what did you notice about the driver side
25 window?

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1 A That the glass was broken, the window was
2 actually shattered.

3 Q Okay. And did you observe any markings that had
4 already been made next to the vehicle?

5 A Yes, ma'am. Investigator Polis had placed
6 several identification markers next to the vehicle
7 to depict the location of several fired shell
8 casings.

9 Q Okay. And were there other markers already on
10 the ground?

11 A Yes, ma'am, those markers were already there
12 prior to the my arrival.

13 Q Okay. And did you actually collect anything from
14 the incident location?

15 A Yes, ma'am, I collected several items I collected
16 a cigarette butt that was marked as number 4 from
17 the front yard. This was placed into evidence for
18 DNA analysis. I collected two condoms from the
19 victim's right, rear pants pocket; a watch from the
20 victim's left arm; 40-dollars in cash from the
21 victim's right, rear pants pocket. These items were
22 placed into evidence to be held. I also collected
23 some blue fibers from the chest area of the victim's
24 shirt. I collected a black glove marked as number 3
25 from the front yard. This item was held for further

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1 processing. I collected additional fibers from the
2 victim's abdominal area. I collected two paper, two
3 paper bags from the victim's right and left hand. I
4 collected two fired shell casings marked as G and H,
5 and these items were turned over to Investigator
6 Polis through the chain of custody.

7 MS. CAVANAUGH: Beg the Court's
8 indulgence.

9 BY MS. CAVANAUGH:

10 Q So you said you collected items G and H -- or
11 excuse me, F and G?

12 A G and H.

13 Q G and H. Okay, and what were these items?

14 A They were fired cartridge casings in the front
15 yard, and they were turned over to Investigator
16 Polis through the chain of custody.

17 Q Okay. I'm gonna show you what's been introduced,
18 that's marked as State's exhibit number 156. And
19 does that bag contain G and H?

20 A Yes, it does.

21 Q And what is that marked as?

22 A Fired shell casing, Winchester 38 SPL. And that
23 was marker G. Marker H is fired casing Winchester
24 38 SPL.

25 Q Okay. And you collected these?

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1 A Yes.

2 Q And when you collected them how did you package
3 them?

4 A They were placed in individual envelopes.

5 Q Okay.?

6 MS. CAVANAUGH: Your Honor, at this time
7 we move to introduce items -- well, what's marked as
8 G and H located in 156.

9 MR. SUTHERLAND: Withdraw my objection.
10 No objection.

11 THE COURT: 156 is in evidence without
12 objection.

13 BY MS. CAVANAUGH:

14 Q And did you say you collected marker F, which was
15 an unfired cartridge?

16 A No, ma'am.

17 THE COURT: What was your response?

18 THE WITNESS: No, no, sir.

19 BY MS. CAVANAUGH:

20 Q You also said -- sorry, you went to -- you went
21 quite quickly through the list. You said that you
22 mostly collected a cigarette butt that was located
23 in the front yard?

24 A Yes, ma'am.

25 MR. SUTHERLAND: No objection, Your Honor.

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1 COURT: In evidence without objection,
2 207.

3 (State's Exhibit No. 207 was admitted into
4 evidence.)

5 BY MS. CAVANAUGH:

6 Q I show you what's marked as State's Exhibit 207.
7 And you also stated that you collected items from
8 the victim Dashawn Jones' rear pants pocket. What
9 was that?

10 A I collected two condoms from the right rear pants
11 pockets, 40-dollars cash U.S. currency from the left
12 rear pants pocket. And I also collected his wrist
13 watch from his left arm.

14 Q Okay. And before you collected the items from
15 the rear pants pocket, were his pockets actually cut
16 by someone?

17 A Yes, Deputy Korn or Jane Powell cut the pockets
18 out so we can see what was inside, then they
19 photographed.

20 MR. SUTHERLAND: Without objection, Your
21 Honor.

22 MS. CAVANAUGH: Show you what's marked as
23 State Exhibit 206. Are these what you collected
24 from the victim's pants pocket and arm?

25 A Yes, ma'am.

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1 Q And that was his watch from his left hand?

2 A Yes.

3 MS. CAVANAUGH: Your Honor, at this time
4 we move to introduce 206 into evidence.

5 THE COURT: 206 in evidence without
6 objection.

7 (State Exhibit No. 206 was admitted into
8 BY MS. CAVANAUGH:

9 Q And what is the purpose of actually making the
10 cuttings from the pocket, Investigator Holt?

11 A One is a safety issue. If you don't know what's
12 in the pocket you don't know what you're sticking
13 your hand into, could be razor blades, needles,
14 anything like that so it's a safety issue to start
15 with. Secondly, we cut the pockets open, open them
16 enough where we can observe what's inside, try to
17 document it through photography before we remove
18 anything from the pockets.

19 Q Okay. And you also mentioned a black glove?

20 A Yes, ma'am.

21 Q Where was that actually located?

22 A This was located, I would say this is still in
23 the front yard area but closer to the road.

24 Q Okay. I'm gonna show you what's already been
25 introduced into evidence as State's Exhibit 158.

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1 This is a document of a blown-up version of the
2 scene diagram?

3 A Yes, ma'am.

4 Q And can you ---

5 THE COURT: What number is that,
6 Solicitor?

7 MS. CAVANAUGH: 158.

8 THE COURT: 158?

9 MS. CAVANAUGH: Yes, sir.

10 THE COURT: Thank you.

11 BY MS. CAVANAUGH:

12 Q And is where the glove is collected depicted on
13 this diagram?

14 A Yes, ma'am.

15 Q And where was that?

16 A It would be number 3 up towards the top left
17 corner of the, of the drawing.

18 Q Close to the cartridge cases?

19 A Yes.

20 Q And the unfired cartridge?

21 A Yes.

22 MS. CAVANAUGH: Beg the Court's
23 indulgence.

24 BY MS. CAVANAUGH:

25 Q I'm gonna show you what's been marked for I.D.

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1 purposes only as 199. Do you recognize that
2 package?

3 A Yes.

4 Q And what's, what is this package of?

5 A It's a black glove marked as number 3 in the
6 front yard.

7 Q Okay.?

8 MS. CAVANAUGH: Your Honor, at this time I
9 move to introduce item number 199 into evidence.

10 MR. SUTHERLAND: No objection, Your Honor.

11 THE COURT: All right. 199 in evidence
12 without objection.

13 (State Exhibit No. 199 was admitted into
14 evidence.)

15 BY MS. CAVANAUGH:

16 Q And how do you package it once you collect it?

17 A They're placed into an envelope and sealed.

18 Q Is it sealed?

19 A Yes.

20 Q And when you pick it up do you have gloves on
21 yourself?

22 A Yes, ma'am.

23 Q And does this look like the glove that you
24 collected at the scene?

25 A Yes, ma'am.

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1 Q And once again, that was found close to the road?

2 A Yes, ma'am.

3 Q Now while you are were out on the scene did you
4 take any photographs?

5 A I did. I took 35 millimeter photographs.

6 Q And you mentioned two paper bags you collected
7 from the victim's hand?

8 A Yes, ma'am.

9 Q And can you explain what those were?

10 A Yes. We have the victim, we bag their hands to
11 protect any type of evidence that may be on their
12 hands or under their fingers. The victim's hands
13 were bagged while he was still in the vehicle prior
14 to being removed from the vehicle to prevent any
15 type of contamination or evidence loss. Once he was
16 removed from the vehicle search of his pockets were
17 conducted to try to find identification. Once we
18 could not find identification, the bags were removed
19 and his fingerprints were collected at the scene.

20 Q Okay. And I show you what's marked State's
21 Exhibit — one moment, sir. State's Exhibit 204,
22 and ask if you recognize those, this box?

23 A Yes, ma'am.

24 Q And what are those?

25 A There's two paper bags from the victim's right

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1 and left hands.

2 Q Okay.

3 MS. CAVANAUGH: Your Honor, I just move to
4 introduce 204 into evidence.

5 MR. SUTHERLAND: No objection.

6 THE COURT: Any objection? Is that
7 correct?

8 MR. SUTHERLAND: No objection.

9 THE COURT: 204 is in evidence without
10 objection.

11 (State's Exhibit No. 204 was admitted into
12 evidence.)

13 BY MS. CAVANAUGH:

14 Q And you also mentioned some fibers that you
15 lifted from the abdominal area of the victim's shirt
16 as well as the chest area; is that correct?

17 A Yes, sir.

18 MR. SUTHERLAND: If I may, Your Honor, I
19 would like to take a look at these.

20 THE COURT: Sure.

21 (Pause.)

22 MR. SUTHERLAND: Without objection.

23 THE COURT: Thank you.

24 BY MS. CAVANAUGH:

25 Q I'm gonna show you what's been marked as -- beg

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1 the Court's indulgence. I'm gonna show you what's
2 been marked as State's Exhibit 208. What is that a
3 package of?

4 A That's an envelope containing fibers from the
5 chest area and fibers from the abdominal area of the
6 victim's shirt.

7 Q And you took these at the scene?

8 A Yes, ma'am.

9 Q I'm gonna briefly pull these out.

10 THE COURT: These are in evidence? Is
11 that what you just looked at?

12 MS. CAVANAUGH: Your Honor, at this time I
13 move to introduce 208 into evidence.

14 MR. SUTHERLAND: Without objection.

15 THE COURT: All right. 208 is in evidence
16 without objection.

17 (State's Exhibit No. 208 was admitted into
18 evidence.)

19 BY MS. CAVANAUGH:

20 Q What color do the majority of these fibers do
21 they appear to be?

22 A Blue in color, bright blue in color.

23 Q Okay. As well as the ones from the abdominal
24 area, blue and black?

25 A Blue and black.

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1 Q While you're at the scene did you also take
2 measurements?

3 A I did, yes, ma'am.

4 Q And you -- who did you assist with that?

5 A Investigator Polis.

6 Q And how do you go about taking pictures?

7 A We use a -- in this case we used a large
8 measuring wheel. It's a wheel that you place down.
9 It has a handle on it. You walk off the distance.
10 And it has a counter on top that clicks off the
11 inches into feet.

12 Q And why is that important to take measurements of
13 the scene?

14 A We do it for a couple of reasons. One reason
15 would be if for some reason we needed to go back and
16 place that item back into the scene to reconstruct
17 the scene, we could do that. We could get that item
18 just about where it was found the day it was there.
19 The second reason would be for a scene diagram after
20 the fact.

21 Q As far as your involvement at the scene did you
22 have anything else to do with the car that
23 afternoon?

24 A No, ma'am.

25 Q Did you assist with the chain of custody from

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1 taking the car from the scene to the actual forensic
2 garage?

3 A Yes, ma'am, I did.

4 Q And you can explain that process?

5 A Yes. Once, once the victim had been removed from
6 the scene, all evidence had been collected, it was
7 time to get the vehicle towed for further
8 processing. Vendor Mender Towing service was called
9 to the scene. The vehicle was loaded on a tow
10 truck. I then followed the tow truck from the
11 incident location to the Richland County Sheriff's
12 Department forensic garage where it was secured for
13 further processing.

14 Q Okay. And why do you -- why is someone assigned
15 to do that?

16 A To maintain the chain of custody of the vehicle.

17 Q So that the inside of the vehicle is not tampered
18 with?

19 A Right, so we can testify to the fact that nothing
20 was moved or altered, nothing was placed in or taken
21 out of the vehicle.

22 Q I take your attention back to the black glove
23 that you collected. Once you were back at
24 headquarters did you do anything else with the
25 glove?

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1 A I did. I collected three what's called GSR tabs
2 or gunshot residue due tabs from the glove.

3 MR. SUTHERLAND: No objection, Your Honor.

4 BY MS. CAVANAUGH:

5 Q I'm gonna show you what's marked State's Exhibit
6 198.) Do you recognize that package?

7 A Yes, ma'am.

8 Q And what is that?

9 A It's gunshot residue from the black glove.

10 Q Is that the actual kit?

11 A That's the kit, yes, ma'am.

12 Q And can you describe how you collect for gunshot
13 residue from — Your Honor, at this time I'd like to
14 introduce 198 into evidence.

15 THE COURT: Counsel? All.

16 MR. SUTHERLAND: May I see that,
17 Solicitor?

18 (Pause.)

19 THE COURT: No objection, Mr. Sutherland?

20 MR. SUTHERLAND: No, sir.

21 THE COURT: All right, 198 is in evidence.

22 (State's Exhibit No. 198 was admitted into
23 evidence.)

24 BY MS. CAVANAUGH:

25 Q And can you describe the process of attempting to

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1 collect gunshot residue from this glove?

2 A Yes, ma'am. Gunshot residue due kits come from
3 Tri-tech merchants. That's what it looked like. It
4 comes sealed. Contained in this kit are swabs,
5 gloves, and sticky tabs. And these are the sticky
6 tabs. They come pre-labeled, right back, left back,
7 palm, right palm, left palm. In this case the
8 sticky tabs would have been re-labeled and able to
9 be marked as, or identified as, the palm of the
10 glove, the back of the glove, and the inside of the
11 glove. Sticky tab open, just a little round disk
12 that have some sticky material on it and you just
13 tact it on whatever surface it is you're collecting
14 from, place it back in the container, place it back
15 in the envelope and then seal it, and in addition
16 it's placed in our evidence room for State Law
17 enforcement Division to conduct analysis on it.

18 Q And are you wearing gloves when you did this?

19 A Yes, ma'am.

20 Q And what did you actually do with the glove at
21 this point, not the tab, but what did you do with
22 the glove?

23 A The glove, after the collection of the sticky
24 tabs the glove was submitted into evidence for DNA
25 analysis.

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1 Q And did you re-seal the package with the glove in
2 it?

3 A Yes, ma'am.

4 Q Now you mentioned, and I'm going back a little
5 bit, you mentioned the fact that you removed certain
6 items from the victim at the scene; is that right?

7 A Yes, ma'am.

8 Q And were you the first person to actually remove
9 any items from the victim ---

10 A I don't recall if ---

11 Q ---after the pockets were cut? To your
12 understanding?

13 A I don't recall if I was the first person or not.

14 Q Okay. But it was your responsibility to collect
15 the items from the victim's pockets?

16 A I collected the items from his back pockets.
17 Investigator Polis collected from his front pockets.

18 Q Okay. As far as the back pockets are concerned
19 though, that was your responsibility?

20 A Right, yes, ma'am.

21 Q And did you locate any weapons in his back
22 pockets?

23 A No, ma'am.

24 Q And as far your report is concerned, on that
25 first day did you -- did you document everything

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1 that you do in this case?

2 A Not everything would be documented.

3 Q But you'd document as you go along ---

4 A Right, yes, ma'am.

5 Q Did you have on your -- on the date that you --
6 on your report when you responded to actual incident
7 location did you make a typo on the date?

8 A Oh, yes, ma'am.

9 Q Okay.

10 A Yes, ma'am.

11 Q You actually responded the 24th, not the 26th?

12 A Right, correct, yes. It was the 24th of January,
13 and I put the 26th January.

14 Q Okay. Now on January 25th of 2012 what was your
15 involvement with this case?

16 A I attended the autopsy of Dashawn Jones performed
17 by Doctor Durso.

18 Q And where was that autopsy conducted?

19 A It was conducted at the Palmetto Health Richland
20 Hospital in the morning.

21 Q Okay. And what time did you actually arrive at
22 the hospital?

23 A I arrived at the hospital at approximately 8:30
24 in the morning.

25 Q And what time did you finish that day?

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- 1 A 1300 or 1:00 o'clock in the afternoon.
- 2 Q So it was about a four-and-a-half hour autopsy?
- 3 A Yes, ma'am.
- 4 Q And why is it important that an investigator
- 5 actually be present at the autopsy?
- 6 A For additional collection and documentation of
- 7 evidence.
- 8 Q Now do investigators go to all autopsies?
- 9 A Crime scene investigators attend any autopsy of
- 10 suspicious nature or homicide nature.
- 11 Q And when you first -- when Doctor Dorsey first
- 12 started did the victim already, still have his
- 13 clothes on at that point?
- 14 A Yes, ma'am.
- 15 Q And what did you actually observe about the
- 16 clothing?
- 17 A There were additional fibers that were found on
- 18 the clothing that were collected at the time of
- 19 autopsy.
- 20 Q What was he wearing?
- 21 A He was wearing a black shirt over a black
- 22 sleeveless shirt, two necklaces, blue pants with
- 23 black belt, blue pattern boxers, brown shoes, black
- 24 shocks.
- 25 Q And did the victim have tattoos on various areas

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1 of his body?

2 A Yes, ma'am, he had several tattoos.

3 Q And what did you -- what did you notice about his
4 clothing as far the impact point?

5 A That there were multiple defects in the clothing
6 that may have been consistent with the trajectory
7 path of a gunshot wound.

8 Q And did you mark each of those -- did you mark
9 each of those impact points that you noted?

10 A On the clothing?

11 Q Yes.

12 A Not at that time. After the clothing was
13 collected, taken back to our laboratory they were
14 then marked as 1 through 10. The defects were
15 marked as 1 through 10 and photographed.

16 Q Now going back to the autopsy, did you document,
17 as Doctor Dorsey was indicating their findings, did
18 you document that in any way?

19 A Yes, ma'am.

20 Q And can you go through those actual impact points
21 that you noted?

22 A Sure. Impact points were marked as A through I,
23 upper left leg with a right to left trajectory.
24 Projectile was recovered from the outside of the
25 thigh area. Upper left leg -- I'm sorry, forehead.

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1 was marked as C, right to left trajectory.

2 Projectile recovered from the left neck area.

3 Q And I'll stop you right there. Come to attention
4 to made a mistake to that particular notation?

5 A It was — yes, the pathologist report lists that
6 as a left to right trajectory instead of a right to
7 left to trajectory.

8 Q And the pathology report would be the correct
9 report?

10 A Yes, the pathology report is the official report
11 for all findings.

12 Q Okay. And you can continue.

13 A Chest marker D, projectile was recovered from the
14 chest area and was lodged in the bone. Right
15 shoulder, marker E, had a right to left trajectory,
16 projectile recovered from lower abdomen. Right arm,
17 marker F, this was a perforating or a through and
18 through wound, it entered and exited. Rear right
19 side of head, marker I, projectile recovered from
20 right jaw area. Right side, marker G and H, right
21 to left trajectory, one projectile was recovered
22 from the lower spine, and the second projectile
23 perforated the victim exiting at marker B, which is
24 the abdomen area.

25 Q And these are actually, are these her markers or

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1 yours?

2 A These are my markers.

3 Q And at that point did learn the victim's cause of
4 death?

5 A Yes, ma'am. Doctor Dorsey lists the cause of
6 death as multiple gunshot wounds to head, chest, and
7 abdomen.

8 Q Now I'm gonna show you -- were there projectiles
9 actually removed from the victim's body at this
10 point?

11 A Yes, ma'am.

12 Q How many projectiles were removed, Investigator
13 Holt?

14 A Six projectiles.

15 Q And were these transferred -- I show you State's
16 Exhibit 209. Were these transferred to you at the
17 autopsy?

18 A Yes.

19 Q And ---

20 A Actually still would have been myself. Once
21 they're removed they're placed in sterile towels.
22 They're photographed with scales. I then fill out
23 an envelope depicting what it is I'm placing in the
24 envelope and where that item was collected from,
25 then placed into a Manila envelope which are then

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1 placed in a larger envelope.

2 MS. CAVANAUGH: Your Honor, at this time
3 we move State's Exhibit 209 into evidence.

4 MR. SUTHERLAND: No objection, sir.

5 THE COURT: State's 209 is in evidence
6 without objection.

7 (WHEREUPON, State Exhibit No. 209
8 was admitted into evidence.)

9 BY MS. CAVANAUGH:

10 Q There's also a fragment. Did you mention the
11 fragment you collected?

12 A I did not. There was a fragment collected from
13 the right lung and this was —

14 Q And that would be a fragment of what?

15 A A projectile fragment where the actual projectile
16 broke apart and part of the projectile was lodged in
17 the lung area.

18 Q Did you also take possession of his clothing at
19 that point?

20 A Yes, ma'am, I did.

21 Q And what — can you describe what the clothing
22 was again?

23 A It was a black shirt over a black sleeveless
24 shirt, two necklaces, blue pants with a black belt,
25 blue pattern boxers, brown shoes, and black socks.

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1 MR. SUTHERLAND: Without objection, Your
2 Honor.

3 BY MS. CAVANAUGH:

4 Q I'm gonna show you what's marked as State's 210.
5 Do you recognize that package?

6 A Yes, ma'am.

7 Q So this includes everything but the necklaces
8 that you mentioned; is that correct?

9 A Correct.

10 MS. CAVANAUGH: Your Honor, we move to
11 introduce State's Exhibit 210 into evidence.

12 THE COURT: 210 is in evidence without
13 objection.

14 BY MS. CAVANAUGH:

15 Q Did you also collect any standards from the
16 victim at the time?

17 A I did. I collected a DNA standard, a pubic hair
18 sample, head hair sample, and also collected nail
19 scrapings.

20 MS. CAVANAUGH: Beg the Court's
21 indulgence.

22 BY MS. CAVANAUGH:

23 Q Investigator Holt, I'm gonna show you what's
24 marked as State's 211, and what's already been
25 identified for identification purp— well, it's

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1 already been marked for identification purpose only
2 as 195. Do you recognize these packages?

3 A Yes, ma'am.

4 Q And what are those?

5 A This is the DNA standard that was collected from
6 Dashawn Jones. These are the pubic hair, head hair,
7 and nail scrapings collected from Dashawn Jones.

8 Q And why is it important to collect these ---

9 MS. CAVANAUGH: Oh, excuse me. Your
10 Honor, at this time I'd like to introduce State's
11 Exhibit 211 and 195 into evidence.

12 MR. SUTHERLAND: Briefly, Your Honor, may
13 we approach?

14 THE COURT: Yes, sir.

15 (Whereupon, there was an off-the-record
16 Bench conference was held.)

17 MS. CAVANAUGH: All right.

18 THE COURT: Without objection 211 and 195
19 for I.D. only.

20 BY MS. CAVANAUGH:

21 Q And as far the autopsy is concerned, you also
22 collected additional fibers that were located on the
23 victim's chest area and his actual wound; is that
24 correct?

25 A Yes, ma'am.

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1 MR. SUTHERLAND: Beg the Court's
2 indulgence.

3 (Pause.)

4 MR. SUTHERLAND: This would be without
5 objection, Your Honor.

6 THE COURT: All right, thank you.

7 MR. SUTHERLAND: 205 and 212 without
8 objection.

9 THE COURT: Okay, thank you.

10 BY MS. CAVANAUGH:

11 Q Investigator Holt, do you recognize these two
12 packages, State's Exhibits 205 and 212?

13 A This 212 is the two necklaces that were collected
14 from Dashawn Jones.

15 THE COURT: Is what? I'm sorry.

16 THE WITNESS: Two necklaces.

17 MS. CAVANAUGH: Your Honor, at this time
18 we move to introduce State's 205 and 212 into
19 evidence.

20 THE COURT: 205 and 212 is in evidence
21 without objection.

22 (WHEREUPON, State Exhibits Nos. 205 and
23 212 were admitted into evidence.)

24 BY MS. CAVANAUGH:

25 Q And how do you collect the fiber that actual

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1 autopsy, Investigator Holt?

2 A They were collected with what's called trace
3 tape, which is a very mild, adhesive type tape, then
4 placed in a clear cover as the previous ones were,
5 or they would have been collected with tweezers.

6 Q Okay. And what did you do with the buccal swab
7 that you collected from Dashawn Jones, or that you
8 obtained from ---

9 A The DNA standard?

10 Q Yes.

11 A It was placed in -- it was placed into evidence
12 for DNA analysis.

13 Q And was it sealed and packaged properly?

14 A Yes, ma'am. Yes, ma'am.

15 Q What did you do with the actual clothing that you
16 collected from the autopsy?

17 A The clothing was, again, taken back to the
18 laboratory. It was placed on a craft paper, was
19 opened up. The defects were documented as marked as
20 one through ten. They were then packaged, sealed,
21 and placed into evidence to be held.

22 Q And did they first have to be placed into the
23 drying chamber?

24 A (There was no response.)

25 MS. CAVANAUGH: May I approach? May I

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1 approach the witness?

2 THE COURT: Yes, ma'am.

3 BY MS. CAVANAUGH:

4 Q I'm just pointing to your notes of the autopsy.

5 Does that help you? Page 202 of your analysis

6 report, crime scene analysis report?

7 A Yes, ma'am. The clothing were placed in drying

8 cabinet number 1 to allow them to dry pending

9 further processing.

10 Q And why was it -- why did it have to placed in

11 the drying chamber?

12 A It was damp. And in order to keep it from mold

13 or contaminates from growing on in the dampness,

14 they're dried.

15 Q Okay. What did you do with the clothing after

16 that, once they were dried?

17 A They were -- the defects were marker

18 photographed. The clothing was then packaged and

19 placed into evidence to be held.

20 MS. CAVANAUGH: Beg the Court's

21 indulgence.

22 MR. SUTHERLAND: I have no objection.

23 BY MS. CAVANAUGH:

24 Q Investigator Holt, I'm gonna show you what's

25 marked as State's Exhibits 69, 71, 73, 82, 80, 81,

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1 84, 85, 86, 88, 89, 92 and 95 and ask if you
2 recognize those.

3 A Yes, ma'am.

4 Q And what are those pictures of?

5 A These are the photographs depicting the markers
6 and defects on the clothing that was collected from
7 the victim at autopsy.

8 Q And where did you take those photos?

9 A In our laboratory.

10 MS. CAVANAUGH: Your Honor, at this time
11 I'd like those pictures to be submitted into
12 evidence.

13 THE COURT: You have no objection?

14 MR. SUTHERLAND: No, sir.

15 THE COURT: All right. As I understand it
16 that's the following photographs: 69, 71, 73, 80,
17 81, 82, 84, 85, 86, 88, 89, 92, and 95 are in
18 evidence without objection.

19 (WHEREUPON, State Exhibit Nos. 69, 71, 73,
20 80, 81, 82, 84, 85, 86, 88, 89, 92, and 95
21 were admitted into evidence.)

22 BY MS. CAVANAUGH:

23 Q Let me get those real good of the overview of the
24 clothing and then the individual impact point; is
25 that correct?

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1 A Yes ---

2 Q What were those -- those impact wounds, what were
3 they consistent with?

4 A They possibly could have been consistent with the
5 injury sustained during the incident.

6 Q The shooting incident?

7 A The shooting incident, yes, ma'am.

8 Q On January 26, 2012 did you have another
9 involvement with this investigation? Did you assist
10 Sergeant Richards with a secondary search of the
11 vehicle?

12 A I did.

13 Q And what were the results of that secondary
14 search?

15 A I located a 1-dollar bill containing GPM on one
16 green plant like material, and it was found on the
17 front center console. And it was placed into
18 evidence. The trackers were placed into evidence to
19 be held.

20 MR. SUTHERLAND: No objection.

21 BY MS. CAVANAUGH:

22 Q I'm gonna show you what's marked as 213. Do you
23 recognize that package?

24 A Yes, ma'am, package containing 1-dollar bill
25 containing GPM. It was on the center console.

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1 MS. CAVANAUGH: Your Honor, at this time I
2 move to introduce State's Exhibit 213 into evidence.

3 THE COURT: 213 is in evidence without
4 objection.

5 (WHEREUPON, State Exhibit No. 213
6 was admitted into evidence.)

7 BY MS. CAVANAUGH:

8 Q Did you find anything else during that secondary
9 search ---

10 A No, ma'am.

11 Q ---that you notated?

12 A No, ma'am.

13 Q Once the crime scene investigators were finished
14 with the actual processing of the vehicle, what
15 happened with that vehicle next?

16 A The vehicle was turned over to Lonnie Roberts
17 Towing and it was towed to the Richland County
18 Sheriff's Department compound where it was held.

19 Q And where is that compound, do you know?

20 A It's on Powell Road, 400 block of Powell Road.

21 Q And have you ever been there?

22 A Yes, ma'am.

23 Q What is, what is, what is it like? Is it ---

24 A It is a large fenced in field surrounded with
25 razor wire. It's a place where we secure our

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1 vehicles that may have been involved in crimes.

2 Q And are there a lot of other vehicles ---

3 A Yes, ma'am.

4 Q ---around that area ---

5 A Yes, ma'am.

6 Q ---within the fence?

7 A Yes, ma'am.

8 Q And is the car transported to that location as
9 the condition to use the garage, the forensic garage
10 in?

11 A Yes, ma'am.

12 Q And on February 1st, 2012 did you have any other
13 involvement with this case?

14 A I did. I received a written request from
15 Investigator Unger to process two plastic bags
16 containing GPM or green plant like material for
17 latent prints and DNA collection.

18 Q And did you find any prints on that bag?

19 A I did not. The, the bags were cyafumed (ph) or
20 superglue fumed. They were processed with black
21 powder with negative results at which point a swab
22 was collected, DNA swab was collected from the two
23 bags and swab was placed in evidence for DNA
24 analysis.

25 MR. SUTHERLAND: No objections, Your

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1 Honor.

2 THE COURT: All right.

3 BY MS. CAVANAUGH:

4 Q I show you what's marked State's Exhibit 196.

5 You recognize that package?

6 A Yes, this is the swab that was collected from the
7 two plastic bags containing GPM of green plant
8 material.

9 Q And if you look further in your notes, what item
10 numbers are assigned to the actual green plant
11 material that you took swabs from?

12 A On the written request I received from
13 Investigator Unger the bags were listed or the bag
14 was listed as item number 115.

15 Q And I'm gonna ask you to look at State 199 that's
16 already been introduced into evidence. Does that
17 include the item number that you swabbed?

18 A Yes.

19 Q And where does it say that this was located,
20 collected from?

21 A Where the item contained in the box collected
22 from?

23 Q Yes.

24 A 131 Veterans Road.

25 Q Does that have a room number associated with it?

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1 A (There was no response.)

2 Q And who was that collected by?

3 A Investigator Goff.

4 Q But from 131 Veterans Road?

5 A Yes.

6 THE COURT: What's that number?

7 MS. CAVANAUGH: It's 199, Your Honor.

8 THE COURT: 199?

9 MS. CAVANAUGH: Yes.

10 THE COURT: All right.

11 BY MS. CAVANAUGH:

12 Q And when you collected that swab did you package
13 it appropriately?

14 A Yes, ma'am.

15 Q And did you then return it back into the evidence
16 room?

17 A The box of the green plant material was
18 re-sealed, returned to evidence, and the swab was
19 also packaged and then submitted into evidence for
20 DNA.

21 Q Okay.?

22 MS. CAVANAUGH: Beg the Court's
23 indulgence.

24 Thank you, Investigator Holt. Please
25 answer any question from Mr. Sutherland.

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1 THE COURT: Cross-examination, Mr.
2 Sutherland.

3 CROSS - EXAMINATION

4 BY MR. SUTHERLAND:

5 Q Sir, how are you?

6 A Good, sir.

7 THE COURT: What was that question? I'm
8 sorry, I couldn't hear you.

9 MR. SUTHERLAND: I said, sir, how are you.

10 THE COURT: Oh, all right, just couldn't
11 hear. Thank you.

12 MR. SUTHERLAND: I'm sorry, Your Honor.

13 BY MR. SUTHERLAND:

14 Q Looking at the crime scene log it looks like you
15 arrived at 1540, left at 1750, about two hours and
16 ten minutes?

17 A I was there at custodial parent my criminal.

18 Q Does that sound right? You ---

19 A Without looking at it I won't be able to tell
20 you. I had my arrival time about 1538 and I
21 completed about 1750 or 5:50 that p.m.

22 Q Okay, all right. And effectively the additional
23 information that you have to offer is just
24 everything that you collected, basically everything
25 you talked to the solicitor about, what you

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1 collected at the scene?

2 A Correct.

3 Q Did you or did anyone do any processing other
4 than outside the vehicle, or other than the inside
5 and outside of the vehicle? In other words,
6 anything around the house or around the back of the
7 house, or was there any sort of work done or was it
8 sort of restricted to the vehicle area and the other
9 location?

10 A The house was secured. The house was checked but
11 it was locked. An attempt was made to get someone
12 to come to the door. No one ever did. Probably ---

13 THE COURT: All right, let me stop you a
14 minute, Officer.

15 Mr. Foreman, ladies and gentlemen, if
16 y'all will step out. We will take about a 15 minute
17 recess. Thank you.

18 (The jury was removed from the courtroom
19 at 4:37 p.m.)

20 THE COURT: One of the jurors was
21 requesting a break.

22 MR. SUTHERLAND: Certainly, Your Honor.

23 THE COURT: Before I take my break or we
24 take ours, Solicitor, would you hand me, or
25 Mr. Sutherland, State's Exhibit 198 and State's

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1 Exhibit 199 please.

2 MS. CAVANAUGH: Your Honor, you said 198
3 199?

4 THE COURT: Yes, ma'am. Tell me
5 something, Mr. — is that 199?

6 MS. CAVANAUGH: It looks like it. 198 is
7 right here. Here's 199.

8 THE COURT: The box is 189, correct? All
9 right, I just want to get it straight.

10 MS. CAVANAUGH: I misread it.

11 THE COURT: So 199 is the glove. Let's
12 get it straight, Madam Court Reporter. The box that
13 she was showing this officer is 189. 199 is the
14 what's been testified to black glove number 3 in the
15 front yard. Okay, I got it. Thank you.

16 MS. CAVANAUGH: I apologize, Your Honor.

17 THE COURT: We'll take about a 15 minute
18 recess. You may step down.

19 THE WITNESS: Thank you, sir.

20 THE COURT: Refresh yourself.

21 (WHEREUPON, a recess was taken from the
22 proceedings.)

23 THE COURT: Anything from the State before
24 we bring in our jury, Solicitor?

25 MS. CAVANAUGH: Nothing from the State,

1 Your Honor.

2 THE COURT: All right. Mr. ---

3 MR. SUTHERLAND: Nothing from Defense.

4 THE COURT: Ready for the jury. I had the
5 clerk ask the jury if they were willing to work a
6 little longer tonight. They indicated that they
7 will be happy to — I'm not sure about that word
8 there. I think it says to serve one hour. That's
9 my kind of jury. I wish they would have said two
10 hours, but one hour will be sufficient. Bring us
11 our jury please.

12 (The jury was returned to the courtroom at
13 4:50 p.m.)

14 BAILLIFF: The jury is seated, Your Honor.

15 THE COURT: All right. Thank you,
16 Mr. Bailiff.

17 Mr. Foreman, ladies and gentlemen of the
18 jury, thank you very much for your continued
19 diligence and your work to fulfill your oath as
20 jurors. I also appreciate that you're willing to
21 work for an additional hour so I appreciate that
22 very much. We're continuing the trial of the case
23 by the continuing cross-examination of Detective
24 Holt by Mr. Singleton's attorney Mr. Sutherland.
25 Mr. Sutherland, you may...

1 MR. SUTHERLAND: May it please the Court.

2 BY MR. SUTHERLAND:

3 Q Investigator Holt, basically you collected a
4 cigarette butt, condoms, watch, 40-dollars cash,
5 blue fibers from the chest area of — and I'll stop
6 after a few. Just going to what you had.

7 A Right.

8 Q There was a cigarette butt, watch, and 40-dollars
9 cash?

10 A Yes.

11 Q And blue fibers from the chest area of the shirt?

12 A Yes.

13 Q Okay. And we have black gloves and fibers from
14 the abdominal area of the shirt?

15 A Yes.

16 Q The bags from the right and left hand?

17 A Yes.

18 Q And that's from when they had to do the prints?

19 A Fingerprint..

20 Q And that was at the scene, and autopsy you
21 recovered six projectiles?

22 A Yes.

23 Q Clothes, fibers from chest?

24 A Yes.

25 Q The clothes, fibers from chest?

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1 A Yes.

2 Q Fibers from the chest wound?

3 A Yes.

4 Q Let's see, fibers from the shirt, chest area.

5 And there was a DNA standard and hair and nail
6 scrapings?

7 A Yes.

8 Q And that's it?

9 A Yes, other than the fragment, yes.

10 Q And the fragment from the lung?

11 A Yes.

12 Q Okay.

13 MR. SUTHERLAND: No further questions,
14 Your Honor.

15 THE COURT: Thank you, Mr. Sutherland.
16 Redirect, Solicitor?

17 MS. CAVANAUGH: No. No, Your Honor.

18 THE COURT: Thank you. Thank you very
19 much, Detective Holt. You may step down. You may
20 be excused.

21 You may call your next witness.

22 MR. STEADMAN: The State calls John
23 Carwell.

24 WHEREUPON,

25 **JOHN CARWELL,**

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1 after having been duly sworn, testified as follows:

2 THE CLERK: Thank you. Please have a seat
3 in the witness stand and state your full name for
4 the record.

5 THE WITNESS: John Carwell, J-O-H-N
6 C-A-R-W-E-L-L.

7 **D I R E C T E X A M I N A T I O N**

8 **BY MR. STEADMAN:**

9 Q Investigator Carwell, where are you employed?

10 A Richland County Sheriff's Department.

11 Q And what is your position with the Richland
12 County Sheriff's Department?

13 A Currently a senior investigator. I'm assigned to
14 the major crime division robbery unit. I'm also a
15 primary homicide investigator.

16 Q And how long have been with the Richland County
17 Sheriff's Department?

18 A October will be ten years.

19 Q And have you always been an investigator?

20 A No, I have not.

21 Q Where did you start out?

22 A I started off in the region one lower Richland
23 area of Richland County, parole officer, a deputy.
24 Later on became master deputy which is a first line
25 supervisor. I was then promoted to field training

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1 officer training new deputies as they were hired.
2 Then I was promoted to investigations and been there
3 a little over three-and-half years.

4 Q At what point did you get involved in this case?

5 A The day of the shooting. I was sitting at my
6 desk. Investigator Unger's key was right next to
7 mine. I heard that he was responding to a shooting
8 incident. I saw that he was leaving. I told him as
9 he was leaving if he needed anything looked up, I'm
10 here at my computer. You like to have somebody
11 sitting at his computer to look up information as
12 you gather it out in the field. I just told him I
13 was available to him. As he responded down to what
14 we call is the lower side of lower Richland, he
15 called me, asked me with two different things. To
16 see if could research anything with a Jabriel, name
17 Jabriel and also provided me a tag that was on the
18 vehicle that the victim was found in.

19 Q And what was that tag number?

20 A It was .

21 Q Now going back to Jabriel, at some point
22 throughout your investigation did you obtain Jabriel
23 Singleton's address?

24 A Yes. I was able to find that it was
25 Saskatoon in Hopkins.

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1 Q Were you also able to find out any other
2 information about Jabriel Singleton?

3 A I was able to find a phone number.

4 Q And what was that phone number?

5 A It was area code (803) -3525.

6 Q Now going back to the tag number, you also
7 received the tag number from the vehicle the
8 deceased was found in?

9 A That's correct.

10 Q And were you instructed to go and try to find the
11 owner of that vehicle?

12 A Yes, I was asked to find the registered owner. I
13 have DMV access. We have a password that this
14 assigns us. So if they were to plug in that tag
15 number at the DMV website, I came up with the owner,
16 a Rosemary Williams, and she lived at --
17 Sandwood Drive, which is Columbia area close to
18 Hopkins area as well.

19 Q And after you found out through the DMV files who
20 the owner was, did you go out and meet this person?

21 A I did. I drove to her house and interviewed her.

22 Q And how soon after the incident did you have the
23 occasion to go speak with Ms. Williams?

24 A My statement says about 4:05 in the afternoon.
25 It says about 4:05 in the afternoon I spoke with

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1 Ms. Williams.

2 Q What did you find out about the use of her
3 vehicle on the did of the shooting?

4 A Well, it was early on in the investigation so I
5 didn't want to provide too much detail. We weren't
6 sure of an identity. I asked her who may have had
7 her vehicle that day. She provided me that her
8 boyfriend that she knew Tyler Edwards had her can,
9 that he had it since the night before around 8 p.m.

10 Q And so she didn't know him by the name of Dashawn
11 Jones?

12 A That's correct.

13 Q And were you able to find any information on
14 Tyler Edward?

15 A As I was there I was on the phone with my
16 lieutenant, Lieutenant McDonald. I was passing
17 along this information as I gathered his date of
18 birth, the name of Tyler Edwards. He was unable to
19 come up with a confirmed person, I guess you would
20 say. Nothing was coming back with that name or date
21 of birth so I was also speaking with Investigator
22 Unger letting him know that I was passing on.
23 Nothing would come back. So I was then asked Rose
24 for Mary Williams to drive me to his home. She
25 didn't know the exact address but she said she could

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1 point it out to me. So she got in a car that she
2 had and I followed her to the residence she
3 believed.

4 Q So she took you to her boyfriend's residence and
5 who did you speak with when you got there?

6 A Peggy Jones was actually on the front porch at
7 213 Quail Hills Road.

8 Q And who is Peggy Jones?

9 A It's the grandmother of Dashawn Jones.

10 Q At this point did you know -- was there a hundred
11 percent confirmation that Dashawn Jones was the
12 deceased victim in that car?

13 A Still not confirmed to my knowledge.

14 Q After speaking with Peggy Jones what did you
15 learn from her?

16 A She was not familiar with the Tyler Edwards name.
17 She said that her grandson Dashawn Jones, however,
18 did live at that address.

19 Q And did you all find out the nickname for Dashawn
20 Jones?

21 A Yes, he was a rapper. He went by King Breeze. I
22 believe he also had King Breeze 6000.

23 Q Did you tell Peggy Jones at any point why you
24 were there and that you had a deceased victim?

25 A I did not.

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1 Q And what's the reason for that?

2 A Like I said before, it was early on in the
3 investigation. I didn't want to provide her with
4 wrong information. We still did not have confirmed
5 the name for the victim, the deceased in the
6 vehicle.

7 Q And one more question about Rose Mary Williams'
8 relationship with Dashawn Jones. Was she able to
9 provide you with any information such as phone
10 number for Dashawn Jones?

11 A Ms. Williams did provide me with a phone number,
12 803- -5892.

13 Q And did you forward that on to Lieutenant
14 McDonald —

15 A I did.

16 Q —for further research on that issue?

17 A I did.

18 Q Okay. Now back to Peggy Jones, you didn't tell
19 her that Dashawn Jones was deceased. What was —
20 how did you finish that conversation with her?

21 A I basically just told her there was an
22 investigation and there would more than likely be
23 other investigators that were such Investigator
24 Unger who's a primary. He had a secondary. And
25 then Sergeant Ellis who you'll hear from. They

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1 would probably be the ones that would get in touch
2 with her again.

3 Q All right. Now I want to fast forward to
4 January 26, 2012. How did you become involved in
5 the case again on January 26, 2012?

6 A I was contacted by Sergeant Ellis who stated that
7 Jabriel Singleton had been arrested at a hotel, and
8 Investigator Goff was going to get a search warrant
9 for that hotel room. He asked if could assist with
10 the search warrant.

11 Q So after speaking with Peggy Jones you didn't
12 have any other involvement with this case until the
13 search warrant at America's Best Hotel?

14 A That's correct.

15 Q And so assuming at that point you were notified
16 that Jabriel had been arrested?

17 A Yes.

18 Q And but you weren't there for the arrest of
19 Jabriel Singleton?

20 A No, I wasn't.

21 Q You there specifically for the purpose of that
22 search warrant of that motel that he was found in?

23 A That's correct.

24 Q And you said you assisted Investigator Goff?

25 A That's correct, sir.

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1 Q Who requested the search warrant?

2 A What do you mean?

3 Q I believe what we heard earlier Investigator Goff
4 was the one who actually requested the search
5 warrant?

6 A Yes, yes. He went and got it originally signed
7 by the judge.

8 Q Okay, so that's what he meant by requesting
9 search warrant?

10 A Yes, yes. And then Sergeant Ellis actually
11 informed him.

12 Q And who actually instructed you to assist
13 Investigator Goff with this search warrant at the
14 hotel?

15 A Sergeant Ellis.

16 Q And what was the room number that he ordered
17 searched?

18 A Room 118.

19 Q And what exactly are you guys gonna look for at
20 the hotel?

21 A Any evidence, anything related to a murder
22 weapon, clothing, usually anything related to a
23 possible murder.

24 Q And who, who all was there while you performed
25 this search of that room?

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1 A It was Sergeant Ellis, David Goff, and myself.

2 Q And what did y'all find in that hotel room?

3 A What you call describe search warrant I jot down
4 everything that was taken from the hotel room and a
5 copy of the hotel room. What I describe in the
6 returns is what we take back to the judge to let
7 them know what was taken out of the room. The first
8 item was a black square D bag with a Ziploc baggie
9 inside with green leafy material which was believed
10 to be marijuana. Inside on the nightstand to the
11 right of the bed officer found a digital scale on
12 the nightstand to the right of the bed, an empty
13 Hennessy bottle on the nightstand as well to the
14 right of the bed. Found a rolled cigar with green
15 leafy material believed to be marijuana as well
16 between the headboard and the wall. A pair of black
17 tennis shoes, Air Jordans, eight-and-a-half with a
18 clear baggie with again green leafy material inside
19 the left shoe which was found on the floor on the
20 right side of the bed. I found an opened box of
21 Ziploc baggies, was found on the table. A gray
22 sweatshirt with a hoodie was found in the chair.
23 Then a room key for the room 118.

24 Q And did you or Investigator Goff actually take
25 that evidence and turn it in?

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1 A Investigator Goff took the evidence back to the
2 evidence room at Richland County Sheriff's
3 Department.

4 Q And after y'all conducted search warrant what was
5 your next step?

6 A I return the search warrant to Judge Davis, a
7 licensed magistrate.

8 Q All right, I want to fast forward ten days after
9 that date to February 6, 2012. I understand that
10 you went with Investigator Unger to speak with
11 Jonathan Frazier?

12 A I did.

13 Q Did Investigator Unger ask you to go with him to
14 the hospital?

15 A Yes.

16 Q And what was the purpose of visiting him on that
17 date?

18 A To be a witness who was going to take another
19 statement that his health had improved. He wanted
20 me to be there.

21 Q And do you remember where y'all met with him at
22 the hospital?

23 A He was in his hospital room.

24 Q And what were you able to observe about his
25 condition that day?

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1 A I believe when we walked in he was actually
2 walking back to the bathroom to the bed. I believe
3 his jaws were wired shut still, but the trach was
4 taken out at this point but he was able to walk
5 around the room.

6 Q So he was lucid and able to speak?

7 A Correct.

8 Q And did Investigator Unger ask him about the
9 accident and get him to provide a statement?

10 A Yes, he did.

11 Q And did, did he or you take the statement?

12 A He took it.

13 Q And again, what was your role there that day?

14 A I notarized the statement, a sworn statement by
15 Jonathan Frazier.

16 Q And you were also a witness ---

17 A Correct.

18 Q ---there for the whole statement?

19 A Yes.

20 Q Thank you. I ask that you answer any questions
21 Defense may have.

22 THE COURT: Thank you, Solicitor.

23 Mr. Sutherland.

24 MR. SUTHERLAND: Just briefly.

25 **CROSS - EXAMINATION**

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1 **BY MR. SUTHERLAND:**

2 Q Okay. Your testimony was that when you followed
3 this lady to this female's residence and you spoke
4 with her, your testimony was that she told you that
5 Dashawn Jones' name was Tyler Edwards?

6 A That's correct.

7 Q Is that correct? And she did not, in fact, know
8 his real name?

9 A No, sir.

10 Q Other than that I don't see anything. Thank you
11 for your time.

12 THE COURT: Thank you.

13 Redirect, Solicitor?

14 MR. STEADMAN: No, Your Honor.

15 THE COURT: Thank you. Thank you very
16 much. You may step down and you may be excused.

17 All right, Solicitor, you may call your
18 next witness.

19 MS. SIMPSON: The State calls John
20 Roberts.

21 THE COURT: Come around to be sworn.

22 WHEREUPON,

23 **JOHN GRAY DODD ROBERTS,**

24 After having been duly sworn, testified as follows:

25 THE CLERK: Thank you. Please have a seat

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1 in the witness stand and state your full name for
2 the record.

3 THE WITNESS: My name is John Gray Dodd
4 Roberts, R-O-B-E-R-T-S.

5 **DIRECT EXAMINATION**

6 **BY MS. SIMPSON:**

7 Q Mr. Roberts, where are you employed?

8 A South Carolina law Enforcement Division commonly
9 called SLED.

10 Q Okay. And what is the South Carolina Law
11 Enforcement Division?

12 A SLED is the assisting state agency for any of the
13 local or municipal governments that may need
14 assistance in investigations or police work or
15 forensics.

16 Q All right. What is your position within SLED?

17 A Currently I'm arson investigator with SLED.
18 Previous to that from 2005 until 2012 I was a trace
19 evidence examiner in our forensics lab.

20 Q And I guess as an arson-- you're an arson
21 investigator now, correct?

22 A Yes, ma'am.

23 Q What is an arson investigator?

24 A To investigate fire scenes for possible arson.

25 Q All right. And I believe you said prior to that

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1 you were working in trace evidence?

2 A Yes, ma'am, that's correct.

3 Q What exactly is trace evidence or included under
4 the umbrella of trace evidence?

5 A Trace evidence at SLED is the analysis of
6 evidence that you generally cannot see with your
7 naked eye. We use microscopes and chemical
8 instruments to analyze evidence that's submitted to
9 us by various agencies across the state. The things
10 that we do at trace, we do analysis on paint, fiber,
11 glass. We do analysis on explosives. We do gunshot
12 residue. We do bank dye packs. We analyze duct
13 tape, and we analyze arson evidence for a night
14 able liquors.

15 Q All right. And can you tell the jury a little
16 bit about your educational background and training?

17 A Yes, ma'am. I have a bachelor of science in
18 chemistry from Texas A&M Corpus Christie. When I
19 moved up to South Carolina a long time ago I applied
20 at SLED and eventually got hired in 2005. As I went
21 through my first seven years at SLED I started out,
22 like I said, as a trace evidence examiner. I worked
23 under another tech who had been SLED by then 20
24 years and who had been doing gunshot residue for
25 about 15 of that 20. He taught me how to work the

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1 instrumentation, how to process the gunshot residue
2 kits, how to generate data off the instruments and
3 to make conclusions on that data.

4 After about six months they gave me a
5 test. All the people in the department put together
6 a case, and I had to work the case from processing
7 all the way to the end generating a report and then
8 they grilled me in a courtroom setting, much like
9 this except a lot less friendly. And after I passed
10 that test I was given the green light to go ahead
11 and do all my own analysis which I did from
12 somewhere around the end of 2005 until November of
13 2012.

14 Q Okay. And now you said you were within trace
15 evidence. Was your speciality gunshot residue
16 during those years or did you do everything?

17 A I did almost everything else; but from 2007
18 basically until 2012, the majority of what I did was
19 gunshot residue.

20 Q And what exactly is gunshot residue?

21 A Gunshot residue is the term that we give for the
22 collection of particles when it's fired. Gunshot
23 residue is a — what we look for in gunshot the
24 metals that are contained in the primer of the
25 cartridge case. The cartridge case is the bullet

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1 basically. What we're looking for the materials
2 that are contained in the little disk in the center
3 at the back of a cartridge case. It's the explosive
4 that sets off the gun powder that's in the tube that
5 shoots the bullet down the barrel and out towards
6 the target. Now metals that we look for are lead,
7 barium, and antimony. We look for them in a couple
8 of different ways. We look for them on swabs. And
9 what we look for are amounts of the metal. We look
10 for amounts of lead and amounts of barium and
11 amounts of antimony. We also look for the particle
12 list. And a particle list we use to analyze for the
13 presence of gunshot residue itself. Rather than
14 just telling you I've got a bunch of metal that we
15 associate with gunshot residue, if I find round
16 particles that contain all three elements -- lead,
17 barium, and antimony -- I can tell you that is
18 gunshot residue; it's not anything else. It doesn't
19 come from making fishing weights where you can get
20 lead. It doesn't come from anything other than
21 gunfire.

22 Q All right. And have you actually testified as an
23 expert before in gunshot residue and trace evidence?

24 A Yes, ma'am, I have.

25 Q How many times would you say you've been