

VOL III of III

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

DAVID ALEXANDER
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

Attorney for Appellant

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211

(803) 734-3727

Attorneys for Respondent

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1 whether he or she was hesitant or forthright. You
2 may consider the -- whether or not the witness's
3 testimony was corroborated or consistent with other
4 testimony or other witnesses in the case. You would
5 do this all against the background of your good
6 judgment and your common sense individually and
7 collectively as a juror.

8 Expert witnesses. And you've heard me say
9 this several times. This is somewhat of an extended
10 charge rather than the one I give throughout the
11 trial of a case. Again, ladies and gentlemen, the
12 rules of evidence ordinarily do not permit witnesses
13 to testify to opinions or conclusions. An exception
14 to this rule exists to witness that we call expert
15 witnesses. A witness who by education and
16 experience has become expert in some art, science,
17 profession or calling, may state an opinion as to
18 relevant and material matter in which the witness
19 claims to be an expert and may also state the
20 reasons for that opinion. You should consider any
21 expert opinion received in evidence in this case;
22 and like any other evidence, give it the weight you
23 think it deserves. If you decide opinion of an
24 expert is not based on sufficient education an
25 experience or if you conclude that the reasons given

1 in support of the opinion are not sound or that the
2 opinion is outweighed by other evidence, you may
3 disregard the opinion entirely. An expert witness's
4 testimony is to be given no greater weight than of
5 other witnesses simply because the witness is
6 designated an expert. Further, you are not required
7 to accept an expert's opinion even though it is not
8 contradicted.

9 Statement of the defendant. A statement
10 alleged to have been made by the defendant has been
11 admitted into evidence in this case. While the
12 Court has determined that the statement is
13 admissible, I instruct you that you make the
14 ultimate decision of whether or not the defendant
15 made the statement. If the defendant did make the
16 statement you must determine whether the statement
17 was made by the defendant voluntarily and of his own
18 free will. This means that the statement was not
19 caused by pressure, force, fear, threats, coercion,
20 intimidation, or hope or promise of leniency, or
21 reward of any kind.

22 In determining whether the statement was
23 voluntary you should consider both the
24 characteristics of the defendant and the details of
25 the questioning. Some of the factors that you may --

1 must consider are: The age of the defendant, the
2 defendant's education or lack of education, the
3 defendant's mental ability or capacity, the
4 defendant's IQ or intelligence, the defendant's
5 background and environment, the place and length of
6 detention, the nature of the questioning, and the
7 advice or lack thereof to the defendant of his
8 constitutional rights including but not limited to
9 the right to remain silent; that any statement could
10 be used against him in a court of law; the right to
11 have a lawyer present; that if he could not afford a
12 lawyer a lawyer would be appointed to him without
13 any cost, and that he could stop making a statement
14 at any time. You must carefully consider of the
15 surrounding circumstances before you give any weight
16 to any alleged statement. The State has the burden
17 of proof beyond a reasonable doubt that the alleged
18 statement was voluntary. If you determine it was,
19 you may give the statement any further consideration
20 that you deem proper. You must decide what weight,
21 if any, should be given to the alleged statement.
22 If you determine the alleged statement was not the
23 free and voluntary statement of the defendant, you
24 should not consider the statement at all.

25 Identification. An issue in this case is

1 the identification of the defendant as the person
2 who committed the crimes charged. The State has the
3 burden of proving identification beyond a reasonable
4 doubt. You must be satisfied beyond a reasonable
5 doubt of the accuracy of the identification of the
6 defendant before you may convict the defendant.
7 Identification testimony is an expression of belief
8 or impression by a witness. You must determine the
9 accuracy of the identification of the defendant.
10 You must consider the believability of each
11 identification witness in the same manner, the same
12 way as any other witness. You may consider whether
13 the witness had an adequate opportunity to observe
14 the offender at the time of the offense. This will
15 be affected by things like how long or short a time
16 was available, how far or close the witness was, the
17 lighting conditions, and whether the witness had a
18 chance to see or know the person in the past. Once
19 again, I instruct you the burden of proof on the
20 State extends to every element of the crimes charge
21 and this specifically includes the burden of proving
22 beyond a reasonable doubt the identity of the
23 defendant as the person who committed the crime. If
24 after examining the testimony you have a reasonable
25 doubt as to the accuracy of the identification, you

1 must find the defendant not guilty.

2 Intent. In order to establish criminal
3 liability criminal intent is required. For example,
4 the mental state required to be proven by the State
5 for a particular crime might be purpose, intent,
6 knowledge, recklessness or criminal negligence.
7 Criminal intent must be proven by the State beyond a
8 reasonable doubt. Criminal intent is always a
9 matter that must be determined by the jury from the
10 circumstances surrounding the situation. There's no
11 way to prove intent to a mathematical certainty.
12 There's no way that medical science can dissect a
13 person's brain and determine what the person had in
14 mind. So the law says that criminal intent may be
15 inferred from the circumstances shown to have
16 existed. This is how you make a determination of
17 whether or not the element requiring intent was
18 present. It is not necessary to establish intent by
19 direct or positive -- and positive evidence, but
20 intent may be established by inference in the same
21 way as any other fact by taking into consideration
22 the acts of the parties and all of the surrounding
23 facts and circumstances of the case.

24 Criminal intent, ladies and gentlemen, is
25 a mental state, a conscious wrongdoing. It is up to

1 you to determine what the defendant intended to do
2 based on the circumstances shown to have existed.
3 Criminal intent can rise from action or a failure to
4 act. It may arise from negligence, recklessness, or
5 indifference to duty, or to consequences that is
6 considered by the law to be the equivalent of
7 criminal intent.

8 Oow, ladies and gentlemen, that covers the
9 general criminal law that applies to all criminal
10 cases in South Carolina. I'm now going to address
11 the charges in the indictments of murder and
12 attempted murder. I would ask you to please
13 continue to give me your complete and undivided
14 attention throughout my instructions to you.

15 Murder. The defendant is charged with
16 murder. The State must prove beyond a reasonable
17 doubt that the defendant killed another person with
18 malice aforethought. What is malice? Malice is
19 hatred, ill will or hostility towards another
20 person. It is the intentional doing of a wrongful
21 act without just cause or excuse, and with the
22 intent to inflict an injury or under circumstances
23 that the will infer an evil intent.

24 Malice aforethought does not require that
25 exists for any particular period of time before the

1 time the act is committed; but malice must exist in
2 the mind of the defendant just before and at the
3 time of the act being committed. Therefore, there
4 must be a combination of the previous evil intent
5 and the act. Malice aforethought may be expressed
6 or inferred. These terms expressed or inferred do
7 not mean different kinds of malice, but merely the
8 manner in which malice may be shown to exist. That
9 is by either direct evidence or by inference from
10 the facts and circumstances which are proved.
11 Expressed malice is shown when a person speaks words
12 which express hatred or ill will for another or when
13 the person prepared beforehand to do the act which
14 was later accomplished. For example, lying in wait
15 for a person or any other acts of preparation going
16 to show that the deed was within the defendant's
17 mind would be expressed malice.

18 Malice may be inferred from conduct
19 showing a total disregard for human life. You would
20 look at all the surrounding facts and circumstances
21 to determine if malice may be inferred. I further
22 instruct that you that motive is not an element of
23 murder; and therefore, the State need not prove
24 motive. Again, the definition of murder, the State
25 must prove beyond a reasonable doubt that the

1 defendant killed another person with malice
2 aforethought. I've explained the definition of
3 malice. I've explained the definition of malice
4 aforethought. I've explained that malice
5 aforethought may be expressed or inferred. That is
6 not two separate and distinct types of malice in the
7 manner in which it may be exhibited.

8 Attempted murder. Attempted murder in the
9 statute of South Carolina 16-3-29: The defendant is
10 charged with attempted murder. In order to prove
11 this crime the State must prove the defendant
12 attempted to kill another person with malice
13 aforethought expressed or implied. So you will hear
14 much of the same terminology and the same definition
15 again in my explanation to you of the charge of
16 attempted murder. And we look at the term attempt I
17 look to the case, some case law in South Carolina.
18 To constitute an attempt there must be an intent to
19 commit a particular criminal in this case. In my
20 instruction to you as I explain to you now, the
21 attempt to commit the crime of murder. Again,
22 malice, the definition of malice under attempted
23 murder is the same as the definition of malice under
24 murder. It is hatred, ill will, or hostility
25 towards another person. It is the intentional doing

1 of a wrongful act without just cause or excuse and
2 with an intent to inflict an injury or under
3 circumstances that the law will infer an evil
4 intent. Again, malice aforethought does not require
5 that malice exist for any particular period of time,
6 but malice must exist in the mind of the defendant
7 just before and at the time the act was committed.
8 Therefore, there must be a combination of the
9 previous evil intent and the act. Malice
10 aforethought may be expressed or inferred. These do
11 not mean different types of malice but merely the
12 manner in which malice may be shown to exist.
13 Malice may be inferred from conduct showing a total
14 disregard for human life.

15 A specific intent to kill is not an
16 element of attempted murder, but there must be a
17 general intent to commit serious or grievous bodily
18 injury. Intent means intending the result which
19 actually occurs, not accidentally or involuntary.
20 Intent may be shown by acts and conduct of the
21 defendant and other circumstances from which you may
22 naturally and reasonably infer intent. Evidence of
23 the character of the act or acts, the character of
24 the instrument used, the manner in which it was
25 used, the purpose to be accomplished and the

1 resulting wounds or injuries may be considered in
2 determining the intent with which the act was
3 committed. Intent may also be inferred when it is
4 demonstrated that the defendant voluntarily and
5 willfully committed an act the natural tendency of
6 which is to destroy another's life. That is the
7 charge on attempted murder.

8 I further charge you that voluntary
9 intoxication is never an excuse or a defense to a
10 crime. A person who voluntarily renders himself
11 intoxicated while is no less responsible for his act
12 while in such condition. If a person voluntarily
13 drinks intoxicating liquors and/or takes drugs and
14 becomes intoxicated, if while in that condition
15 commits an act which would be a crime if it had been
16 committed by a sober person, the fact of
17 intoxication or being under the influence of
18 alcohol, would not relieve the intoxicated person
19 from responsibility. Voluntary intoxication is not
20 an excuse for or a defense to a crime. This rule
21 also extends to the voluntary ingestion of drugs.

22 Ladies and gentlemen, I assure you the end
23 is in sight for you having to listen to me. I am
24 now going to cover the law of self-defense and after
25 that the form of the verdict so if you will please

1 continue to give me your complete and undivided
2 attention.

3 The defendant has raised the defense of
4 self-defense. Self-defense is a complete defense;
5 and if it is established, you must find the
6 defendant not guilty. The State has the burden of
7 disproving self-defense by proof beyond a reasonable
8 doubt. If you have a reasonable doubt of the
9 defendant's guilt after considering all of the
10 evidence including the evidence of self-defense,
11 then you must find this defendant not guilty. If on
12 the other hand, if you have no reasonable doubt as
13 to the defendant's guilt after considering all of
14 the evidence including the evidence of self-defense,
15 then you must find the defendant guilty.

16 There are four elements required by law to
17 establish self-defense in this case. First, the
18 defendant must be without fault in bringing on the
19 difficulty. Second, the defendant must actually
20 have believed he was in imminent danger of losing
21 his life or sustaining serious bodily injury or he
22 actually was in such imminent danger. Three, if the
23 defense is based upon his belief of imminent danger,
24 a reasonable prudent person of ordinary firmness and
25 courage would have entertained the same belief, if

1 the defendant actually was in imminent danger, the
2 circumstances were such as would warrant a person of
3 ordinary prudence, firmness and courage to strike
4 the fatal blow in order to save himself from serious
5 bodily harm or losing his own life. And four, the
6 defendant had no other probable means of avoiding
7 danger of losing his own life or sustaining serious
8 bodily injury other than to act as he did in the
9 particular circumstances. Those are the four
10 elements of self-defense.

11 I will further charge you as to the law of
12 self-defense, one may act on appearances.
13 Appearances may be mistaken. The law does not hold
14 one who acts on appearances to a refined assessment
15 of the danger provided, of course, he acted as a
16 person of ordinary coolness would have acted or
17 should have acted in meeting the appearances of
18 danger. One does not have to wait until an
19 assailant gets the drop on him. One has the right
20 to act under the law of self-preservation and
21 prevent his assailant from getting the drop on him.
22 If it is apparent or reasonably apparent his
23 assailant is taking steps to get the drop on him, he
24 must take steps first to prevent such assailant from
25 getting the drop on him.

1 I would further charge you the rule is
2 that ordinarily one is not justified in shooting or
3 employing a deadly weapon after the adversary has
4 been disarmed or disabled. The rule further is that
5 when a person is justified in firing the first shot
6 he is justified in continuing to shoot until it is
7 apparent that the danger to his life and body has
8 ceased. Now, ladies and gentlemen, that is the
9 charge and instruction on the law of self-defense.

10 Finally, ladies and gentlemen, there are
11 two possible verdicts you may reach as to each
12 indictment, guilty or not guilty. There's no
13 significance whatsoever in the manner in which I
14 have stated or in the manner in which I have listed
15 those two possible verdicts that you may render in
16 this case. Mr. Foreman, you will have with you in
17 the jury room a form of verdict. It will have the
18 caption of the case, the case name, and then it will
19 indicate as to the charge of murder: We, the jury,
20 unanimously find the defendant guilty, under that
21 not guilty. There will be a line to the left of
22 guilty, a line to the left of not guilty. If after
23 your consideration of the evidence in the case and
24 facts as you determine them to be, if you find that
25 the State has met its burden of prove in its case

1 beyond a reasonable doubt as to the charge of
2 murder, I would ask you to check to the left of the
3 word guilty. Circle both your check and the word
4 guilty. If you find the State has failed to meet
5 its burden of proof beyond a reasonable doubt I
6 would ask you to check to the left of the two words
7 not guilty and circle both your check mark and the
8 word of the same as to attempted murder. Again,
9 there's no significance whatsoever in the order in
10 which I've just explained where the check mark would
11 go. It's nothing whatsoever; it's just that one's
12 got to go first. The order in which you consider
13 the indictments also is the way I have them on the
14 form of verdict is not sufficient. It's however the
15 jury wants to consider it and what order they want
16 to consider it remembering they are separate and
17 distinct.

18 I would advise you, ladies and gentlemen,
19 your verdict must be unanimous. All twelve of you
20 must agree. They must be based on the evidence, the
21 inferences you may draw from the evidence, and the
22 law as I have told it. They may not be — your
23 verdict may not be based on conjecture, speculation,
24 surmise, passion, prejudice, or any other emotion
25 not in evidence in this case. Once the jury has

1 reached those unanimous verdicts, Mr. Foreman, then
2 at the bottom of the form there's a signature line
3 for presiding juror and today's date. If you would
4 sign that for us please knock on the jury room door,
5 notify the bailiff you have reached those unanimous
6 verdicts, we will receive you back into the
7 courtroom for the publication of those verdicts.

8 If you have any questions during the
9 course of your deliberations, if would you write me
10 a note. I know you know how to write me notes so
11 just write me a note. We're not going to abandon
12 you. We'll be here. And give it to the bailiff and
13 they'll bring it directly to me. Do not begin your
14 deliberations until you're directed to do so by the
15 court. The clerk -- the law requires I meet with
16 the attorneys one final time outside of your
17 presence in case I have to give you further
18 instructions or clarification on the charge. You
19 may take your notes now. Again, do no begin your
20 deliberations until you're instructed to do so by
21 the court. Thank you. Thank you very much. You
22 may now go with your bailiff.

23 (The jury is removed from the courtroom at
24 4:49 p.m.)

25 THE COURT: Any objections or additions,

1 Solicitor?

2 MS. SIMPSON: No, Your Honor, no
3 objections by the State.

4 MR. SUTHERLAND: No, sir.

5 THE COURT: Thank you. Thank you very
6 much. Have y'all got the evidence ready?

7 MS. SIMPSON: We've started.

8 MR. SUTHERLAND: Subject to limitation I
9 believe is just ---

10 THE COURT: Yes, sir.

11 MR. SUTHERLAND: ---the remaining thing.
12 I think he's working on it.

13 MS. SIMPSON: And, Your Honor, just so
14 we're clear for the record on State's 159 this is
15 where defense objected to the clothings'
16 admissibility until he could go through it. He's
17 done that at this point we would ask that it be
18 entered formally.

19 (Attorneys review the exhibits.)

20 MR. SUTHERLAND: May it please the Court,
21 I withdraw my objection to 159.

22 THE COURT: Wait.

23 MR. SUTHERLAND: I withdraw my objection
24 to 159.

25 THE COURT: Thank you.

1 (State's Exhibit No. 159 was admitted into
2 evidence.)

3 THE COURT: Get them ready, and you and
4 the solicitor check the exhibits.

5 MR. SUTHERLAND: Yes, sir.

6 THE COURT: Are you satisfied with the
7 ones ---

8 MR. SUTHERLAND: Yes, sir.

9 THE COURT: Are they the ones that were
10 introduced, some subject to your objection?

11 MR. SUTHERLAND: Yes, sir.

12 THE COURT: And the ones that are I.D.
13 have been extracted from them?

14 MR. SUTHERLAND: Yes, sir, I am satisfied.

15 THE COURT: All right. And you're
16 satisfied with that, Solicitor?

17 MS. SIMPSON: I am, Your Honor.

18 THE COURT: Okay, that's the form of
19 verdict.

20 MR. SUTHERLAND: Thank you, sir.

21 THE COURT: So whenever you get it to the
22 jury.

23 (Whereupon, court was in recess during jury
24 deliberations.)

25 THE COURT: All right, anything from the

1 State before bringing out the jury?

2 MS. CAVANAUGH: No, Your Honor.

3 THE COURT: It is.

4 MR. SUTHERLAND: No, sir.

5 THE COURT: I will remind those in
6 attendance in the courtroom, many times the taking
7 of a verdict can be an emotional time for the
8 families of the victim, the victim, for families of
9 the defendant. Please keep that in mind. I do not
10 allow any show of emotion. If you do not feel like
11 you can control your emotions, I would ask you to
12 leave at this time. I assume if you remain, then
13 you are indicating to me that you can control your
14 emotions. Thank you. Thank you very much.

15 (Whereupon, the jury was returned to the
16 courtroom at 7:28 p.m.)

17 BAILIFF: Jury's all seated, Your Honor.

18 THE COURT: Thank you. Thank you,
19 Mr. Bailiff.

20 Madam Clerk.

21 THE CLERK: Mr. Foreman, has the jury
22 reached a verdict?

23 THE FOREMAN: We have.

24 THE COURT: Please hand it to the bailiff.

25 (Verdict from was tendered to the Court.)

1 THE COURT: All right. The verdict
2 appears to be in the proper form. Madam Clerk, if
3 you would publish the verdict.

4 CLERK: Yes, Your Honor. Indictment
5 number 2012-GS-40-02982, indictment number
6 2012-GS-40-02986, the State of South Carolina versus
7 Jabriel Laprinice Singleton, indictment number
8 2012-GS-40-02982 as to murder: We, the jury,
9 unanimously find the defendant guilty. Indictment
10 number 2012-GS-40-02986, as to attempted murder:
11 We, the jury, unanimously find the defendant guilty.
12 Signed, number 219, foreperson, March the 8th, 2013.

13 Mr. Foreman, were these your verdicts and
14 the verdicts of the entire jury?

15 THE FOREMAN: They were.

16 THE CLERK: Thank you.

17 THE COURT: Anything further from the jury
18 from the State, Solicitor?

19 MS. CAVANAUGH: No, Your Honor.

20 THE COURT: From the Defense?

21 MR. SUTHERLAND: Might the jury be polled,
22 sir?

23 THE COURT: All right. Thank you,
24 certainly.

25 Madam Clerk, would you explain the

1 procedure to the jury, the polling of the jury.

2 CLERK: Yes, Your Honor.

3 Ladies and gentlemen of the jury, I'm
4 gonna ask you two questions related to your verdict.
5 Please answer yes or no to each question as I call
6 out your number.

7 Number 219, were these your verdicts?

8 JUROR 219: Yes.

9 CLERK: Are they still your verdicts?

10 JUROR 219: Yes.

11 CLERK: Number 39, are these your
12 verdicts?

13 JUROR 39: Yes.

14 CLERK: Are they still your verdicts?

15 JUROR 39: Yes.

16 CLERK: Number 66, were these your
17 verdicts?

18 JUROR 66: Yes.

19 CLERK: Are they still your verdicts?

20 JUROR 66: Yes.

21 CLERK: Number 115, were these your
22 verdicts?

23 JUROR 115: Yes.

24 CLERK: Are they still your verdicts?

25 JUROR 115: Yes.

1 CLERK: Number 152, were these your
2 verdicts?

3 JUROR 152: Yes.

4 CLERK: Are they still your verdicts?

5 JUROR 152: Yes.

6 CLERK: Number 215, are these your
7 verdicts?

8 JUROR 215: Yes.

9 CLERK: Are they still your verdicts?

10 JUROR 215: Yes.

11 CLERK: Number 185, were these your
12 verdicts?

13 JUROR 185: Yes.

14 CLERK: Are they still your verdicts?

15 JUROR 185: Yes.

16 CLERK: Number 10, were these your
17 verdicts?

18 JUROR 10: Yes.

19 CLERK: Are they still your verdicts?

20 JUROR 10: Yes.

21 CLERK: Number 189, were these your
22 verdicts?

23 JUROR 189: Yes.

24 CLERK: Are they still your verdicts?

25 JUROR 189: Yes.

1 CLERK: Number 170, were these your
2 verdicts?

3 JUROR 170: Yes.

4 CLERK: Still your verdicts?

5 JUROR 170: Yes.

6 CLERK: Number 63, were these your
7 verdicts?

8 JUROR 63: Yes.

9 CLERK: Are they still your verdicts?

10 JUROR 63: Yes.

11 CLERK: Number 161, were these your
12 verdicts?

13 JUROR 161: Yes.

14 CLERK: Are they still your verdicts?

15 JUROR 161: Yes.

16 CLERK: The jury has been polled, Your
17 Honor.

18 THE COURT: Thank you. Thank you very
19 much.

20 Anything further for the jury from the
21 Defense?

22 MR. SUTHERLAND: No, sir.

23 THE COURT: All right. Madam Clerk, do
24 you need to see...

25 All right, Mr. Foreman, ladies and

1 gentlemen of the jury, momentarily I'm gonna ask you
2 to step back to your jury room, and the clerk will
3 meet with you concerning work excuses and such like
4 that, but to make some final comments to you to make
5 them somewhat briefly, I never criticize nor commend
6 a jury for their verdict. That is not the position
7 of the Court to do that; however, if in the future
8 you find yourself a part of the system again whether
9 by way of juror or witness or otherwise which I hope
10 you don't, but if do you, I hope the panel that sits
11 on that case is as hard working and diligent and
12 focused and as attentive as you have been throughout
13 the trial of this case. Very important case to the
14 State and to many members of the victim's family.
15 And it's very important to Mr. Singleton and it's
16 citizens like yourself that make our system of
17 criminal justice work. We would not be able to do
18 it without you and your participation. I thank you
19 for it. It was my pleasure to work with y'all
20 throughout the trial of this case. With that being
21 said I am going to ask you to step back to your jury
22 room.

23 By the way, how do they get paid?

24 CLERK: I have their checks.

25 THE COURT: You have their checks?

1 CLERK: Yes, sir.

2 THE COURT: Usually it's in the mail. She
3 has your checks. I will say this, it's pitiful
4 compared to the work and service that y'all give to
5 your community during such case. With that being
6 said, thank you very. Again, it's been my pleasure
7 and privilege.

8 (The jury is removed from the courtroom at
9 7:35 p.m.)

10 THE COURT: All right, any motions from
11 the State, Solicitor?

12 MS. SIMPSON: None from the State, Your
13 Honor.

14 THE COURT: From the Defense?

15 MR. SUTHERLAND: Yes, sir, just renewing
16 all my previous motions and objections. We would
17 move at this time for a new trial, sir.

18 THE COURT: Thank you. Thank you very
19 much. I would renew all my previous trial rulings,
20 both evidentiary as far as motions and all that and
21 I would respectfully deny motion for new trial.

22 MR. SUTHERLAND: Yes, sir.

23 THE COURT: I believe the jury had
24 adequate, if not overwhelming evidence of the
25 defendant's guilt to reach the verdicts that they

1 returned in this case.

2 Solicitor, any reason that sentencing
3 should not be imposed at this time?

4 MS. CAVANAUGH: No, Your Honor. We would
5 ask that sentence be imposed at this time.

6 THE COURT: Mr. Sutherland?

7 MR. SUTHERLAND: No, sir.

8 THE COURT: All right. If you would have
9 Mr. Singleton come around please.

10 Anything additional from the State,
11 Solicitor?

12 MS. CAVANAUGH: Your Honor, beg the
13 Court's indulgence.

14 THE COURT: All right, Solicitor.

15 MS. CAVANAUGH: Thank you, Your Honor.
16 Obviously you've heard the evidence in this case. I
17 think the trial speaks for itself. The actions of
18 the defendant on January 24th, 2012 speaks for
19 themselves. I would for the Court's knowledge just
20 let you know that we did offer the minimum 30 years
21 in this case for Mr. Singleton which he declined,
22 and we therefore proceeded with this trial.

23 As far as his prior record is concerned,
24 he does have juvenile adjudications. I'd be happy
25 to hand that up.

1 THE COURT: If you'd just tell me what
2 they are.

3 MS. CAVANAUGH: Yes, sir.

4 THE COURT: Solicitor.

5 MS. CAVANAUGH: 2007 -- no, excuse me.
6 Well, I'm not sure in 2007 what he had a probation
7 violation for, but it was a juvenile probation
8 violation in 2007. And then in November 2008 he was
9 adjudicated for assault of a high and aggravated
10 nature and strong armed robbery in November of 2008
11 as well. It looks like those were from the same
12 incident. He had pending charges in our office for
13 burglary first degree, possession of a weapon during
14 a violent crime, and armed robbery from 2010;
15 however, those are still pending and are not
16 convictions.

17 THE COURT: Are you saying that -- are you
18 saying that Mr. Singleton was out on bond for
19 burglary, armed robbery, and possession with intent
20 to distribute at the time these homicides happened?

21 MS. CAVANAUGH: Yes. In February 4th of
22 2010 he was arrested for burglary in the
23 first-degree, possession of a weapon during a
24 violent crime, petty larceny, and armed robbery. He
25 was out on bond for those charges when this murder

1 occurred a year later.

2 THE COURT: And I think I said PWID. I
3 couldn't read my writing. Correct myself,
4 possession of a weapon during commission of a
5 violent crime.

6 MS. CAVANAUGH: Yes, sir.

7 MR. SUTHERLAND: Yes, sir.

8 MS. CAVANAUGH: And while none of the
9 members of Mr. Jones's family want to speak or
10 Mr. Frazier, Ms. Webster does have a statement that
11 she would like to read on behalf of the families.

12 THE COURT: All right, certainly, I'll be
13 glad to hear from anyone you want me to hear
14 from, Solicitor.

15 MS. CAVANAUGH: This is just our victim
16 advocate who is going to read a letter.

17 THE COURT: All right.

18 THE VICTIM ADVOCATE: Your Honor, we, the
19 family of the late Dashawn Jones would like to
20 express to you and the Court the impact that this
21 senseless crime on behalf of Jabriel Singleton has
22 caused the family. From the date we lost our loved
23 one it has been very, very hard for us to pick up
24 and carry on with life. There has been moments of
25 depression and times where we had no clue how to

1 move on, kind of sense of failing to thrive at life.
2 Dashawn is no longer with us. We can't see or talk
3 to him. All we can do cherish the memories. His
4 mother has been admitted into the hospital behind
5 this crime. She also feels that loss of appetite
6 where she can't do anything but sit and mourn. She
7 is in fear of being alone. She tends to live a life
8 of fear. His mother and grandmother have not since
9 that day of the death been able to look at pictures
10 of Dashawn. They're not able to go to the burial
11 site because they are in fear reliving this event
12 all over again. Effects of this loss is ongoing and
13 will be for the rest of our life. No day or holiday
14 will ever be the same because our loved one has been
15 taken from us. Aylia, Lauren, Alea, Jayla and
16 Molique, all the little ones that looked up to
17 Dashawn, and the loss of him has truly impacted
18 their life. They all went weeks without going to
19 school trying to cope with the loss of Dashawn. His
20 daughter goes -- faces or talking to herself
21 questioning the why the monster took her daddy. She
22 spent her fifth birthday opening gifts saying she
23 wished her daddy was here with her, and now she has
24 to be raised without her father and will be able to
25 develop -- and won't be able to develop a bond that

1 little girl could learn from her daddy because of
2 someone who chose to take his life. Aylia will pray
3 for her daddy in heaven and she also has been taken
4 to the pediatrician for medical treatment to see if
5 counseling was needed. But thankful so far it's not
6 needed. But who knows how little Aylia will cope
7 with this in the future. I, Ashley, the mother of
8 his daughter have moments of depression and hard
9 times of raising my daughter alone, but I know this
10 is something I have to do and Dashawn would want me
11 to do my best at making sure Aylia is raised to the
12 best of my ability. The love and bond that we
13 shared will forever last in my heart. The pain that
14 I feel can't be explained in words. How do we begin
15 to enjoy anything in life without Dashawn. He was
16 the smile of the family, the life of every family
17 event. He will truly be missed. From day one of
18 this murder we sat and cried and questioned why and
19 how could something like this happen. The murder
20 sent a shock wave through our lives. This trial has
21 been really hard as well and to sit through this
22 trial listening to all of the witnesses especially
23 Jonathan Frazier's statement is what really hurt the
24 most to listen to the events that took place to a
25 murder and to think just that quick and such a

1 senseless act Dashawn was gone.

2 People tend to say it will all get better
3 in due time, but it won't because we will never see
4 our loved one in this lifetime or get back what's
5 lost. With all the above being said, we the family,
6 ask you to sentence the man that is responsible for
7 loss of our loved one to the maximum that is allowed
8 by law. Sincerely, the family of Dashawn Jones.

9 THE COURT: Thank you. Thank you very
10 much.

11 Anything further, Solicitor?

12 MS. CAVANAUGH: No, Your Honor.

13 THE COURT: Thank you. Mr. Sutherland.

14 MR. SUTHERLAND: May it please the Court,
15 sir. Certainly this is a — this has been a tragic
16 time over the past year for everybody involved. I
17 first met Mr. Singleton in May, discussed the case
18 with him, asked him what happened. He told me what
19 happened. I have consistently been able to see in
20 reviewing the evidence how I could understand how
21 what he said happened that day could have really
22 happened. I've had complete faith in him. I
23 understand the verdict. I'm terribly sorry. It's
24 difficult to listen to that letter. Terribly sorry
25 to the family, to everyone involved in this

1 situation. I guess the -- the most significant
2 thing I can point out to the Court as far a
3 mitigation is that you -- I mean, certainly he had
4 problems as a juvenile and those were adjudicated
5 and they were dealt were as a juvenile. As an adult
6 he does not have a criminal record. Mr. Singleton's
7 got a loving family. He's got some other people
8 present throughout the trial and other family
9 members, who have been very supportive of him and
10 been in regular contact with me.

11 He had mentioned early on when he took the
12 stand, you know, he had a GED. He didn't finish
13 high school, but he did take that step in attempting
14 to better himself and improve himself. He has a
15 five year old daughter also who was born to him when
16 he was very young. It would be -- it's true that
17 the Solicitor offered the 30 years last week. It
18 would be my sincere hope that the Court would impose
19 that minimum sentence. If that were the case being
20 day for day he'd be 50 years old.

21 I understand that Mr. Jones is never
22 coming back. I understand that. I understand that,
23 that, you know, Mr. Frazier has difficulties that
24 are going to continue. As I said, you know, I
25 believed in him and I've respected him to best of my

1 ability and I just pray the Court attempt to find
2 mercy based on his youth. I know in considering the
3 jury's finding which I respect, it may be difficult
4 but I would ask the Court to consider the minimum
5 sentence on murder, sir.

6 THE COURT: Thank you. Thank you,
7 Mr. Sutherland. You did an outstanding job for your
8 client throughout your representation of him in this
9 court.

10 MR. SUTHERLAND: Thank you, sir.

11 THE COURT: All right. Anyone else want
12 to speak on Mr. Singleton's behalf?

13 MR. SUTHERLAND: I don't think anybody is
14 able to speak, sir.

15 THE COURT: All right, thank you. Thank
16 you very much.

17 Anything you'd like to say to
18 Mr. Singleton.

19 THE DEFENDANT: I just want to say I'm
20 sorry what all happened, sir, but I am innocent,
21 sir.

22 THE COURT: Can I have the sentencing
23 sheet. The attempted murder carries?

24 MS. CAVANAUGH: 0 -- 0 to 30.

25 THE COURT: 0 to 30, all right. I have

1 taken into account the facts of the case presented
2 by the State and by the Defense. I've taken into
3 account the defendant's testimony. I've taken into
4 account his age, the fact that he has no adult
5 criminal record. I've taken into account his prior
6 juvenile delinquency findings. The evidence in the
7 case is really the holy trinity, as they say, in
8 police work. It's witnesses, confession we're gonna
9 have in this case and physical evidence. You have
10 two out of three.

11 Mr. Frazier, in my opinion, was in route
12 to his road but for the millimeter one way or the
13 other. Everything in life's timing may have been
14 position of Mr. Frazier's body at the time the round
15 shot into him were saved his life might have been in
16 the position of Mr. Singleton's hand when he
17 intentionally pulled the trigger. This is just a
18 millimeter away from being a double homicide in my
19 opinion and to continually pull the trigger at least
20 six times and then reload and pull the trigger
21 multiple more times takes a degree of malice that is
22 hard to comprehend. If you look up the synonyms for
23 the word wreak you see a host of verbs that none of
24 us really want to think about. Then you have
25 overwhelming physical evidence in the case, the

1 glove, the DNA with the gunpowder residue, it just
2 fathoms my mind.

3 I hope in the world there's balance to
4 what people get what they deserve, but there's not
5 because Dashawn didn't get what he deserved. His
6 family did not get what they deserved. Jonathan
7 Frazier did not get what he deserved. Your family
8 is not getting what they deserved. They would want
9 your presence just like the Jones family wants his
10 presence. I can't give them what they deserve, nor
11 can I give your family what they want or they
12 deserve. But justice is done when the person in my
13 opinion gets what he deserves.

14 2012-GS-40-296, Jabriel Singleton
15 attempted murder, the defendant is committed to the
16 State Department of Corrections for a determinate
17 term of 30 years. 2012-GS-40-292, Jabriel
18 Singleton, murder, the defendant is committed to the
19 State Department of Corrections for life without
20 parole. Good luck to you, Mr. Singleton. Thank
21 you. Thank you very much.

22

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

24

25

1
2 **C E R T I F I C A T E O F R E P O R T E R**
3

4
5 STATE OF SOUTH CAROLINA)
6 COUNTY OF FLORENCE)

7
8 I, FRANCES BAKIS-RAY, Registered
9 Professional Reporter (RPR), court reporter for the
10 State of South Carolina, Twelfth Judicial Circuit,
11 do hereby certify that the foregoing proceeding was
12 transcribed by me for Crystal Holmes through
13 computer-aided transcription and audio; that the
14 foregoing transcript contains a true record of the
15 proceedings to the best of my ability.

16 I further certify that I am neither
17 counsel for, nor related to nor employed by any of
18 the parties connected to the action, nor am I
19 financially interested in the action.

20 Witness my hand at Florence, South
21 Carolina, this 1st day of December, 2013.

22
23 *Frances B. Ray*
24 _____
25 FRANCES BAKIS-RAY, RPR

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

STATE OF SOUTH CAROLINA)

STATE,)

v.)

JABRIEL L. SINGLETON,)

DEFENDANT.)

TRANSCRIPT OF RECORD

12-GS-40-2982

12-GS-40-2986

March 4, 2013
Columbia, South Carolina

BEFORE :

THE HONORABLE R. KNOX MCMAHON, JUDGE;
AND JURY

APPEARANCES:

KATHRYN CAVANAUGH, ESQ.
NICOLE SIMPSON, ESQ.
JOHN STEADMAN, ESQ.
Assistant Solicitors

TIVIS SUTHERLAND, ESQ.
Attorney for Defendant

FRANCES BAKIS-RAY, RPR
Circuit Court Reporter
Typed for Elizabeth Harris

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1 THE COURT: This is indictment
2 12-GS-40-2982 and 02986, indictment for murder and
3 attempted murder. The State v. Jabriel Laprinice
4 Singleton. Mr. Singleton present along with his
5 attorney?

6 MR. SUTHERLAND: Yes, Your Honor.

7 THE COURT: All right, thank you. And
8 would you state your name, Mr. Sutherland, for the
9 record.

10 MR. SUTHERLAND: Tivis Sutherland. That's
11 T-I-V-I-S Sutherland. It's like Elvis, but T-I.

12 THE COURT: Thank you. Thank you very
13 much. You may be seated. You may be seated,
14 Mr. Singleton.

15 All right. And the State is present
16 represented by Ms. Cavanaugh, Ms. Simpson, and
17 Mr. Steadman; is that correct?

18 MS. CAVANAUGH: Yes, Your Honor.

19 MR. STEADMAN: Yes, Your Honor.

20 THE COURT: State ready for trial?

21 MS. CAVANAUGH: We are, Your Honor.

22 THE COURT: And the Defense ready for
23 trial?

24 MR. SUTHERLAND: Yes, sir.

25 THE COURT: All right. Mr. Sutherland, I

1 have your requested voir dire. Do you have a
2 proposed potential witness list?

3 MR. SUTHERLAND: Oh, I did turn in a
4 witness list, Your Honor.

5 THE COURT: A witness list? Did you hand
6 it up? I'm sorry.

7 MR. SUTHERLAND: Yes.

8 THE COURT: All right, Solicitor, anything
9 from the State before we send for our jury panel?

10 MS. CAVANAUGH: Your Honor, one of the
11 pretrial motions that we have is related to the
12 co-defendant in this case. Her name is Kenyatha
13 Hickman. She is present along with her attorney
14 Brian Shealy. I'm not — I think Ms. Hickman at in
15 the back or in the lobby area. It's our
16 understanding that she's charged with obstructing
17 justice, charged with and indicted with obstructing
18 justice related to her misleading law enforcement
19 when she gave her first statement and then later,
20 two weeks later, ended up telling the truth
21 regarding what, the fact that she lied the first
22 time and how she could not necessarily provide an
23 alibi for Mr. Singleton the day of the murder and
24 attempted murder. It's my understanding that she is
25 asserting her Fifth Amendment rights in this case.

1 We just wanted to make sure that that was accurate,
2 as well as it's our understanding under case law —
3 and I beg the Court's indulgence. State supreme —
4 South Carolina Supreme Court court case State v.
5 Hughes, which I have a copy of I can provide Your
6 Honor.

7 THE COURT: All right.

8 MS. CAVANAUGH: And the cite on that case
9 is 493 Southeastern 2d 821. It's our understanding
10 that if, that she is in fact, asserting her Fifth
11 Amendment privilege against self-incrimination that
12 neither the State, nor the Defense can call her as a
13 witness in this case, Your Honor.

14 THE COURT: All right, thank you. Now
15 this case indicates that the witness cannot be
16 called to the stand solely for purposes of
17 exercising her Fifth Amendment right against
18 self-incrimination; however, the witness should
19 assert his or her privilege either in-camera or
20 otherwise, so how are we to do that?

21 MS. CAVANAUGH: Well, Your Honor, she's
22 sitting in the back of the courtroom with her
23 lawyer. If we call her as a witness in-camera and
24 just on the record have her indicate whether or not
25 she intends on invoking her Fifth Amendment right.

SW - K. HICKMAN - IN-CAMERA

1 THE COURT: All right, you may do so.

2 MS. CAVANAUGH: State calls Kenyatha
3 Hickman.

4 THE BAILIFF: Place your left hand on the
5 Bible, raise your right hand.

6 WHEREUPON,

7 **KENYATHA HICKMAN,**

8 having been duly sworn by the Clerk of Court,
9 testified as follows:

10 THE CLERK OF COURT: Please have a seat in
11 the witness stand and state your full name for the
12 record. Please spell your first name.

13 THE WITNESS: Kenyatha Hickman.

14 THE CLERK OF COURT: Spell your first
15 name.

16 THE WITNESS: K-E-N-Y-A-T-H-A.

17 MS. CAVANAUGH: Thank you. Keep your
18 voice up please.

19 **P R O F F E R E X A M I N A T I O N**

20 BY MS. CAVANAUGH:

21 Q Ms. Hickman, good morning.

22 A Good morning.

23 Q Are you currently charged and indicted with
24 obstructing of justice related to your involvement
25 in this case that we're here for today?

SW - K. HICKMAN - IN-CAMERA

1 A Yes, ma'am.

2 Q And are you currently represented by counsel?

3 A Yes, ma'am.

4 Q And who is that?

5 A Mr. Shealy.

6 Q And is it your — is it your intention to invoke
7 your Fifth Amendment rights as it relates to
8 testimony in this case?

9 A Yes, ma'am.

10 THE COURT: Thank you. Any other
11 questions, Solicitor?

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

13 THE COURT: Do you have any questions, Mr.
14 Sutherland?

15 MR. SUTHERLAND: No questions.

16 THE COURT: Thank you. Thank you very
17 much, Ms. Hickman, you may step down.

18 All right. Well, based on the case you
19 handed up, State v. Hughes, I would say she could
20 not be called as a witness before the jury solely
21 for purposes of exercising her Fifth Amendment
22 rights.

23 MS. CAVANAUGH: Yes, Your Honor. And she
24 has been served with a — as long as it's clear that
25 neither State can call her as a witness, nor

1 defense counsel can. She is served a subpoena so we
2 will be happy to release her from that subpoena
3 based on your ruling.

4 THE COURT: All right, thank you,
5 Solicitor.

6 Mr. Sutherland?

7 MR. SUTHERLAND: I wouldn't do such a
8 thing, Your Honor.

9 THE COURT: All, right, thank you. Thank
10 you very much. She is released from her subpoena.
11 All right, anything further before we bring up our
12 jury, Solicitor?

13 MS. CAVANAUGH: Yes, Your Honor. We do --
14 we have one additional witness that we realized was
15 omitted from our State's witness list. He is deputy
16 Thomas McClam with the Richland County Sheriff's
17 Department.

18 THE COURT: M-C-C-L-A-M?

19 MS. CAVANAUGH: Yes, Your Honor.

20 THE COURT: All right. Anything further?

21 MS. CAVANAUGH: Also Mr. Sutherland handed
22 us his requested voir dire, and we do have a few
23 objections to some of them specifically because
24 we -- most of our objections are related to the fact
25 that they are either repetitive or also included in

1 your general charge.

2 THE COURT: All right. If you'll direct
3 me to those you object to, Solicitor.

4 MS. CAVANAUGH: Yes, Your Honor. Number
5 2, once you get to right after subsection L. Once
6 you get to 1, 2, 3, and 4, we believe that those are
7 all included in your general charge.

8 THE COURT: All right. You have other
9 objections?

10 MS. CAVANAUGH: Yes, Your Honor. Under
11 heading number two, discussions. That's on page 3.
12 We believe that number 3 is repetitive to number 1.

13 THE COURT: All right.

14 MS. CAVANAUGH: Also under the discussions
15 heading, again, once we get to page 4 -- it's not
16 numbered on his page, but page 4 right under L.
17 Numbers 1, 2, 3, 4, again are in your general charge
18 and repetitive.

19 THE COURT: All right.

20 MS. CAVANAUGH: On the next page under the
21 heading titled opinions. Under number 6 once you
22 get past F. Again, number 1, 2, 3, and 4 are all
23 repetitive as well as they're included in your
24 general charge.

25 THE COURT: All right.

1 MS. CAVANAUGH: Skipping over to the pages
2 numbered, but it's under subsec-- or heading B,
3 which is prior experience.

4 THE COURT: All right.

5 MS. CAVANAUGH: It's actually right above,
6 right above prior experience number 12. We're okay
7 with that as long as the reciprocal question that's
8 asked, and I believe the reciprocal question is
9 included in our voir dire.

10 THE COURT: All right.

11 MS. CAVANAUGH: Under subsection, under
12 heading number 5, misconceptions regarding the law.
13 We believe that number 17, that's gonna be in your
14 jury charges and you -- I believe at the end of the
15 trial is when that's appropriate, not the beginning.
16 And it's also probably included in your standard
17 charges as well.

18 THE COURT: All right.

19 MS. CAVANAUGH: Beg the Court's
20 indulgence, Your Honor.

21 THE COURT: Yes, ma'am.

22 MS. CAVANAUGH: Number 18 and 19, this is
23 the second to last page, we believe inappropriate as
24 far as voir dire questions are concerned, and it's
25 also in generally included in your standard charges.

1 And number 20, we feel like would place an undue
2 emphasis on the facts in this case and it's not
3 appropriate question for voir dire.

4 THE COURT: Thank you, Solicitor.

5 Mr. Sutherland, do you want to address
6 those objections?

7 MR. SUTHERLAND: Just briefly, Your Honor.
8 It's just an attempt, just an attempt to be
9 thorough. I'll stand on this submission and respect
10 the Court's judgment. I have no objection to the
11 State's proposed voir dire.

12 THE COURT: Thank you. All right,
13 Solicitor, anything further from the State before we
14 bring in our panel?

15 MS. CAVANAUGH: No, Your Honor.

16 THE COURT: Anything from the Defense,
17 Mr. Sutherland?

18 MR. SUTHERLAND: No, sir.

19 THE COURT: All right, if you'd bring us
20 our panel please, Madam Clerk.

21 (WHEREUPON, the jury panel was brought to
22 the courtroom and the following
23 proceedings commenced in open court.)

24 THE COURT: All right, Solicitor, you may
25 call your case for trial.

1 MS. CAVANAUGH: Thank you, Your Honor.
2 The State calls Jabriel Laprince Singleton to trial.
3 These are indictments number 2012-GS-40-2982 for
4 murder as well as 2012-GS-40-2986 for attempted
5 murder.

6 THE COURT: Thank you. Thank you very
7 much, Solicitor.

8 Mr. Sutherland, is Mr. Singleton, your
9 client, present?

10 MR. SUTHERLAND: He is, Your Honor.

11 THE COURT: And are you ready for trial?

12 MR. SUTHERLAND: Yes, sir.

13 THE COURT: Thank you, Mr. Sutherland.
14 Thank you, Mr. Singleton, you may be seated.

15 Good afternoon, ladies and gentlemen of
16 the jury panel. If you'd please give me your
17 complete and undivided attention. My name is
18 Knox McMahon. I'm a circuit court judge from the
19 11th Judicial Circuit which includes Lexington,
20 Edgefield, Saluda and McCormick counties. At this
21 time I'm assigned for a term of Richland County
22 general sessions court in Columbia this week. As
23 you've heard, the State has called a case for trial
24 and momentarily we're going through a procedure for
25 whereby I'll select a trial jury, a fair and

1 impartial jury for the trial of this case for both
2 the State and the Defense.

3 Before I begin that procedure I would like
4 to introduce a number of individuals to you in the
5 courtroom. First to my immediate front is Ms.
6 Falcone with the Clerk's Office. Pleasure to be in
7 Richland County and work with members of the Clerk's
8 office, Ms. Falcone and the others. To my far right
9 is my assigned court reporter for the day,
10 Ms. Elizabeth Harris. Everything that is said has
11 to be taken down for future transcription, if
12 necessary, so when we get to the part if any of you
13 have to respond to some of the questions that I ask,
14 I would ask you to speak up, to speak loudly and
15 clearly so that our court reporter can get it down
16 properly and correctly.

17 To my left is my law clerk Mr. Lee
18 Nettles. Our law clerks stay with us for about a
19 year if they can put up with us that long.
20 Mr. Nettles is a graduate of the Citadel and
21 graduate of the United States of South Carolina Law
22 School and a member of the South Carolina Bar. To
23 my right this week I have -- I wrote down the exact
24 term, it's a ranarum. She's doing a week's intern.
25 This is Ms. Strohm to my right. She is a ninth

1 grade high school student and she would be observing
2 this week.

3 With that being said, ladies and
4 gentlemen, you've heard the State has called the
5 case for trial. I'm going to publish or read to you
6 the indictments in this case. Ladies and gentlemen,
7 the indictments are not evidence. The indictments
8 are the formal charging documents by which an
9 individual is placed on notice of the charges that
10 have been brought against him or her. They contain
11 mere allegations and are in no way evidence of any
12 of the allegations contained therein. I publish or
13 read these indictments to you because of the
14 questions that I will follow up. The first
15 indictment 2012-GS-40-296 -- and I'm gonna explain
16 to you those numbers. 2012 is obviously the year
17 the indictment was handed down. GS stands for
18 general sessions court which is criminal court. 4-0
19 stands for the County of Richland. It's the 40th
20 alphabetically within the 46 counties of South
21 Carolina. And 02986 is the number of the indictment
22 specifically that went before the grand jury. The
23 other indictment, 2012-40-2982. It is the State
24 versus Jabriel Laprinice Singleton.

25 The indictment reads that Jabriel Laprinice

1 Singleton did in Richland County on or about
2 January 24th, 2012, willfully, feloniously, and
3 intentionally kill the victim Dashawn Jones with
4 malice aforethought either expressed or implied by
5 means of a gunshot wound and the victim did die as a
6 proximate result thereof on or about January 24th,
7 2012 in Richland County in violation of
8 Section 16-3-10 of the South Carolina Code of Laws,
9 1976 as amended.

10 The next indictment, 2986, alleges that
11 Jabriel Laprinice Singleton did in Richland County on
12 or about January 24th, 2012, the same date as the
13 first indictment I read, did with the intent to
14 kill, attempt to kill Jonathan Frazier with malice
15 aforethought either expressed or implied, to wit,
16 the defendant did shoot the victim multiple times
17 all in violation of 16-3-29 of the South Carolina
18 Code of Laws of South Carolina 1976 as amended.
19 That is an indictment for attempted murder. Does
20 any member of the jury panel know the defendant in
21 this case Mr. Jabriel Laprinice Singleton or either
22 of the named victims listed Dashawn Jones or
23 Jonathan Frazier, if so, please stand.

24 (There was no response.)

25 THE COURT: Ladies and gentlemen, the

1 State is represented by members of the Fifth Circuit
2 Solicitor's Office staff. I would ask, Solicitor,
3 if y'all would each stand and introduce yourself to
4 the jury panel.

5 MS. CAVANAUGH: Good afternoon, my name is
6 Katherine Cavanaugh and I'm assistant solicitor for
7 Richland County.

8 MS. SIMPSON: My name is Nicole Simpson.
9 I'm also assistant solicitor for Richland County.

10 MR. STEADMAN: My name is John Steadman.
11 I'm also assistant solicitor.

12 THE COURT: Thank you. Thank you very
13 much, Solicitors.

14 The defendant is represented by
15 Mr. Sutherland. Mr. Sutherland, if you'd please
16 stand, introduce yourself to the jury panel and your
17 client.

18 MR. SUTHERLAND: Yes, sir. My name is
19 Tivis, T-I-V-I-S -- it's unusual. My last name is
20 Sutherland. I'm privileged to represent
21 Mr. Singleton. His name is Jabriel. Thanks.

22 THE COURT: Thank you. Thank you, Mr.
23 Singleton.

24 Is any member of the jury panel related by
25 blood or marriage, close personal friends, have any

1 business, personal or professional relationship with
2 any of the attorneys involved in the case or either
3 Assistant Solicitors Cavanaugh, Simpson, or
4 Steadman, or Attorney Sutherland, if so, please
5 stand.

6 (There was no response.)

7 THE COURT: Is any member of the jury
8 panel or any member of your immediate family related
9 by blood or marriage or close personal friend or
10 have any business or professional relationship with
11 any employee of the Richland County Solicitor's
12 Office, if so, please stand.

13 (There was no response.)

14 THE COURT: Has any member of the jury
15 panel or any member of your immediate family ever
16 been represented by any of the attorneys involved in
17 the case and/or by any of the attorneys involved in
18 the case, if so, please stand.

19 (There was no response.)

20 THE COURT: The indictment, the
21 indictments, allege shooting incidents that occurred
22 on Jan 24th of 2012 allegedly involving
23 Mr. Singleton and a Mr. Jonathan Frazier and a
24 Mr. Dashawn Jones. Does any member of the jury
25 panel have any knowledge about the case, if so,

1 please stand.

2 (There was no response.)

3 THE COURT: Does any member of the jury
4 panel have any bias or prejudice towards the
5 parties, that being either the State or the subject
6 matter inv-- the State or the Defense or the subject
7 matter involved in the case, if so, please stand.

8 (There was no response.)

9 THE COURT: Any member of the jury panel
10 heard or know anything about the case from any
11 source whatsoever, if so, please stand.

12 (There was no response.)

13 THE COURT: Has any member of the jury
14 panel heard anything about the case from any news
15 reports or media or on the internet or in any other
16 manner, if so, please stand.

17 (There was no response.)

18 THE COURT: Has any member of the jury
19 panel or any member of your immediate family ever
20 been employed with the Fifth Circuit Solicitor's
21 Office or any State prosecutor's office, if so,
22 please stand.

23 Yes, sir, your number and name please?

24 THE POTENTIAL JUROR: Juror number 227.

25 THE COURT: I'm sorry, not name. I forget

1 I'm in Richland County. We just go by numbers, I
2 apologize. Give me your number again please.

3 THE POTENTIAL JUROR: Juror number 227.

4 THE COURT: All right.

5 THE POTENTIAL JUROR: Laney (ph)
6 Summerford.

7 THE COURT: All right, step up here for
8 me.

9 THE POTENTIAL JUROR: Step up?

10 THE COURT: Yes, sir, step up here to my
11 court reporter please.

12 (Potential juror approached for an on-the-record
13 discussion.)

14 THE POTENTIAL JUROR: How are you doing?

15 THE COURT: I'm doing good, you?

16 THE POTENTIAL JUROR: My wife is an
17 attorney wit the Morrison Law Firm in Imo and I'm
18 not sure if she has any dealings with the
19 Solicitor's Office in Richland County. I would
20 assume so at some point but just to let you know
21 that.

22 THE COURT: All right. Given -- she does
23 criminal defense work, your wife?

24 THE POTENTIAL JUROR: No, it's
25 governmental entities. Police departments and the

1 sheriff's departments, they represent them.

2 THE COURT: All right. Given the fact
3 that she's employed with that law firm and does that
4 type of representation can you still be a fair and
5 impartial juror in the trial of this case for both
6 the State and the Defense?

7 THE POTENTIAL JUROR: I can be fair, yes,
8 sir.

9 THE COURT: Thank you very much. I
10 believe he will stay with us. Thank you.

11 MS. CAVANAUGH: Your Honor, you said the
12 number was 227. I don't have a 227 on my list.

13 (WHEREUPON, counsel approached the Bench
14 for an off-the-record discussion.)

15 THE COURT: Step back up here for me, sir.
16 Yes, sir, step back up here for me please.

17 (Potential juror Summerford approached for an
18 off-the-record discussion.)

19 THE COURT: Did y'all understand that, Mr.
20 Sutherland, Solicitor?

21 MR. SUTHERLAND: Yes, sir.

22 THE COURT: Thank you. Thank you, madam
23 clerk.

24 THE CLERK OF COURT: Yes, Your Honor.

25 THE COURT: Is any member of the jury

1 panel or any member of your immediate family
2 employed by or currently employed by the Richland
3 County Sheriff's Department, State Law Enforcement
4 Division, or the Columbia Police Department, if so,
5 please stand.

6 Yes, sir, your number and name — your
7 number please.

8 THE POTENTIAL JUROR: 148.

9 THE COURT: Step up here for me please.

10 (Potential juror approached the bench for an
11 on-the-record discussion.)

12 THE POTENTIAL JUROR: How are you doing,
13 Judge?

14 THE COURT: I'm doing good, you? Tell me
15 your number again.

16 THE JUROR: 148, Bersail Jones. My fiance
17 works at DJJ. She's the captain of DJJ. I don't
18 know if that specifies but she's around, she does
19 the youth all day long for 20 years.

20 THE COURT: Given the fact that your
21 fiance is an employee of DJJ, could you still be a
22 fair and impartial juror in the trial of this case
23 for both the State and Defense?

24 THE POTENTIAL JUROR: Yes.

25 THE COURT: Thank you. You may be seated.

1 You may stay with us.

2 (End of bench conference.)

3 THE COURT: Has any member of the jury
4 panel or any member of your immediate family ever
5 been a victim of a crime of violence, if so, please
6 stand.

7 All right, tell me your number, sir.

8 THE POTENTIAL JUROR: Juror 15.

9 THE COURT: If you'd come around to the
10 court reporter.

11 Tell me your number, ma'am.

12 THE POTENTIAL JUROR: 82.

13 THE COURT: And tell me your number,
14 ma'am.

15 THE POTENTIAL JUROR: 83.

16 THE COURT: And yes, sir.

17 THE POTENTIAL JUROR: 114.

18 THE COURT: Say again.

19 THE POTENTIAL JUROR: 114.

20 THE COURT: All right. Yes, your number.

21 THE POTENTIAL JUROR: 188.

22 THE COURT: All right, if y'all would line
23 up over on the right.

24 (Potential juror approached for an on-the-record
25 discussion.)

1 THE COURT: Tell me your number again.

2 THE POTENTIAL JUROR: Juror 15.

3 THE COURT: And was it you or a member of
4 your family.

5 THE POTENTIAL JUROR: No, my family.

6 THE COURT: Member of your family?

7 THE POTENTIAL JUROR: Yes.

8 THE COURT: What relationship?

9 THE POTENTIAL JUROR: My spouse.

10 THE COURT: And could you tell me what the
11 crime was?

12 THE POTENTIAL JUROR: The crime of
13 attempted burglary. They just kicked the back door
14 in.

15 THE COURT: Kicked it?

16 THE POTENTIAL JUROR: Yes, to my house.

17 THE COURT: And when did this happen?

18 THE POTENTIAL JUROR: December 3rd of last
19 year.

20 THE COURT: 12/3/12?

21 THE POTENTIAL JUROR: Yes, sir.

22 THE COURT: And who's prosecuting the
23 case? Who, what entity? Is it the Solicitor's
24 Office here, in Richland County?

25 THE POTENTIAL JUROR: Richland County,

1 that's all I know.

2 THE COURT: You live in the city or county
3 or?

4 THE POTENTIAL JUROR: Blythewood.

5 THE COURT: Blythewood?

6 THE POTENTIAL JUROR: Uh-huh.

7 THE COURT: All right. Given the fact
8 that your wife was a victim of attempted burglary,
9 could you be a fair and impartial juror in the trial
10 of this case for both Mr. Singleton and the State?

11 THE POTENTIAL JUROR: Yes, sir.

12 THE COURT: Thank you. Thank you very
13 much. You may stay with us.

14 All right, yes.

15 (Potential juror approached for an on-the-record
16 discussion.)

17 THE COURT: All right, tell me your number
18 again.

19 THE POTENTIAL JUROR: My number is 188.

20 THE COURT: And were you a victim or was a
21 member of your family?

22 THE POTENTIAL JUROR: My dad was a victim
23 of armed robbery.

24 THE COURT: Your dad was a victim of armed
25 robbery?

1 THE POTENTIAL JUROR: My dad was murdered.
2 He was shot five times from a robbery.

3 THE COURT: When did that happen?

4 THE POTENTIAL JUROR: About five years
5 ago, five years ago.

6 THE COURT: And did it happen here?

7 THE POTENTIAL JUROR: Uh-huh.

8 THE COURT: Did it happen in Richland
9 County?

10 THE POTENTIAL JUROR: Off of 48.

11 THE COURT: All right. Down, down Bluff
12 Road?

13 THE POTENTIAL JUROR: Yes.

14 THE COURT: Was that case prosecuted by
15 the Solicitor's office then?

16 THE POTENTIAL JUROR: Huh?

17 THE COURT: Did they catch who did it?

18 THE POTENTIAL JUROR: No, they did not.

19 THE COURT: Okay, all right.

20 THE POTENTIAL JUROR: I have a question.

21 THE COURT: All right, sure.

22 THE POTENTIAL JUROR: (inaudible.)

23 THE COURT: All right, we'll talk— no,
24 wait, I'm not finished yet.

25 THE POTENTIAL JUROR: Okay.

1 THE COURT: Given the fact that your
2 father was a victim of a crime armed robbery and a
3 victim of a homicide can you still be a fair and
4 impartial juror in the trial of this case for both
5 the State and the Defense?

6 THE POTENTIAL JUROR: Honestly, no.

7 THE COURT: All right, I'm gonna set you
8 aside for the trial of this case, okay. Have a seat
9 in the back.

10 Number 188 is set aside for the trial of
11 this case.

12 All right, yes.

13 (Potential juror approached for an on-the-record
14 discussion)

15 THE COURT: Tell me your number please.

16 THE POTENTIAL JUROR: 83.

17 THE COURT: 83. And tell me your
18 situation. Were you a victim or a member of your
19 family?

20 THE POTENTIAL JUROR: My father was
21 murdered.

22 THE COURT: When did that happen?

23 THE POTENTIAL JUROR: 1969.

24 THE COURT: '69? Here?

25 THE POTENTIAL JUROR: Cleveland.

1 THE COURT: Given the fact that that
2 occurred could you still be a fair and impartial
3 juror in the trial of this case for both the State
4 and Defense?

5 THE POTENTIAL JUROR: I believe so.

6 THE COURT: Now when you say you believe
7 so, I take part of that — have you ever been on
8 jury duty before?

9 THE POTENTIAL JUROR: No, sir.

10 THE COURT: So part of that response it'd
11 be correct to say not ever having done it before
12 wouldn't —

13 THE POTENTIAL JUROR: Correct.

14 THE COURT: And if you were selected as a
15 member of the jury in this case could you base your
16 verdict solely on the evidence presented in the
17 courtroom and the law as I tell you the law is?

18 THE POTENTIAL JUROR: Yes, sir.

19 THE COURT: And setting aside what
20 happened to your father you'd decide it based on the
21 facts of this case?

22 THE POTENTIAL JUROR: The facts of the
23 case.

24 THE COURT: Thank you. I believe you can
25 stay with us. Thank you very much.

1 Yes.

2 (Potential juror approached for an on-the-record
3 discussion.)

4 THE COURT: Good afternoon.

5 THE POTENTIAL JUROR: 114.

6 THE COURT: 114. Tell me your situation.

7 THE POTENTIAL JUROR: My wife was abducted
8 and raped when she was about 12 years old.

9 THE COURT: And about how many years ago
10 was that?

11 THE POTENTIAL JUROR: Oh, that was over
12 almost 35 years ago.

13 THE COURT: Given the fact that that
14 occurred to your wife could you be a fair and
15 impartial juror in the trial of this case for both
16 the State and the Defense?

17 THE POTENTIAL JUROR: Yes, sir.

18 THE COURT: You may stay with us. Thank
19 you very much.

20 Yes, sir.

21 (Potential juror approached for an on-the-record
22 discussion.)

23 THE POTENTIAL JUROR: Good afternoon.

24 THE COURT: Tell me your number again.

25 THE POTENTIAL JUROR: 82.

1 THE COURT: And tell me your situation.

2 THE POTENTIAL JUROR: My oldest son is 38.
3 He's the victim of a simple assault.

4 THE COURT: When did this happen?

5 THE POTENTIAL JUROR: In August on the
6 trial that's coming up the 13th of this month.

7 THE COURT: Okay. And it's simple
8 assault? Okay, given that fact could you be a fair
9 and impartial juror in the trial of this case for
10 both the State and the Defense?

11 THE POTENTIAL JUROR: Yes, sir, I think I
12 could.

13 THE COURT: Thank you. You can stay with
14 us. Thank you very much.

15 (Potential juror approached for an on-the-record
16 discussion.)

17 THE COURT: Good afternoon.

18 THE POTENTIAL JUROR: Hi.

19 THE COURT: And tell me your number
20 please.

21 THE POTENTIAL JUROR: 103.

22 THE COURT: And tell me your situation.

23 THE POTENTIAL JUROR: I have two nephews
24 that were victims of homicide. One happened here in
25 Columbia and the other one was in Alabama.

1 THE COURT: And what -- tell me the time
2 of when this occurred? When did the one in Columbia
3 occur?

4 THE POTENTIAL JUROR: Oh, god, it's been
5 so long, that's why I'd forgotten about it.

6 THE COURT: Been a while?

7 THE POTENTIAL JUROR: It's been a very
8 long time. But the one in Alabama, it's been about
9 a year. And he was in the military but he did
10 military -- somebody they found him in his
11 garage --

12 THE COURT: Speak up a little bit for Ms.
13 Harris.

14 THE POTENTIAL JUROR: Oh, I'm sorry.

15 THE COURT: It's all right.

16 THE POTENTIAL JUROR: They found him in
17 his garage, t hey shot him in the head. And that
18 case has not been solved yet; it's still ongoing.

19 THE COURT: Given those facts as far as
20 that occurred to your nephews, could you still be a
21 fair and impartial juror in the trial of this case
22 for both Mr. Singleton and the State?

23 THE POTENTIAL JUROR: I think I could
24 because I don't know, you know, the situations with
25 either of them so I can't just judge --

1 THE COURT: Would you decide —

2 THE POTENTIAL JUROR: But the one in
3 Columbia was solved but the one in Alabama, it's
4 still ongoing but —

5 THE COURT: I didn't mean to interrupt you
6 a minute ago, but you decide — if you were selected
7 as a member of the jury you would decide this case
8 based on the evidence presented —

9 THE POTENTIAL JUROR: Right.

10 THE COURT: —before you in this case —

11 THE POTENTIAL JUROR: I couldn't —

12 THE COURT: Not what had happened to your
13 —

14 THE POTENTIAL JUROR: No, sir.

15 THE COURT: —nephews; is that correct?

16 THE POTENTIAL JUROR: That's correct, I
17 couldn't.

18 THE COURT: And you'd follow the law as I
19 told you to follow it?

20 THE POTENTIAL JUROR: Oh, yes, sir.

21 THE COURT: Thank you. I believe you can
22 stay with us. Thank you very much.

23 (Potential juror approached for on-the-record
24 discussion.)

25 THE COURT: Good afternoon, how are you?

1 THE POTENTIAL JUROR: I'm fine.

2 THE COURT: Tell me your juror number
3 please.

4 THE POTENTIAL JUROR: 198.

5 THE COURT: And tell me your situation
6 please.

7 THE POTENTIAL JUROR: This occurred some
8 years ago, maybe between —

9 THE COURT: Speak up a little bit for me.

10 THE POTENTIAL JUROR: This occurred about,
11 um, maybe 15 or 20 years ago, but I had a first
12 cousin that was almost like a brother to us that was
13 murdered and they never solved the case. It was not
14 in this county. It was in Sumter County some years
15 ago so a violent crime within the family so. It
16 devastated the family.

17 THE COURT: Given that fact could you
18 still be a fair and impartial juror in the trial of
19 this case for both the State and the Defense?

20 THE POTENTIAL JUROR: I think I can.

21 THE COURT: And when you say you think you
22 can —

23 THE POTENTIAL JUROR: I just — I, yeah.

24 THE COURT: You decide the case based on
25 what you hear in this courtroom.

1 THE POTENTIAL JUROR: What I hear,
2 exactly.

3 THE COURT: And the law as I tell you the
4 law is.

5 THE POTENTIAL JUROR: Exactly.

6 THE COURT: Not what may have happened to
7 your first cousin, brother.

8 THE POTENTIAL JUROR: Right, right.

9 THE COURT: Is that right? I believe you
10 can stay with us. Thank you so much.

11 (End of bench conference.)

12 THE COURT: Has any member of the jury
13 panel or any member of your immediate family ever
14 been charged or prosecuted with or convicted of a
15 crime of violence, if so, please stand?

16 (There was no response.)

17 THE POTENTIAL JUROR: Judge, me again.

18 THE COURT: Yes, sir, step back up here
19 for me please.

20 (Potential juror approached for an on-the-record
21 discussion.)

22 THE COURT: Tell me your number again.

23 THE POTENTIAL JUROR: 148.

24 THE COURT: Tell me your situation.

25 THE POTENTIAL JUROR: My nephew, he's

1 committed a murder. He's in prison down in, down in
2 lower, state prison down there in Carolina, but he's
3 in there and he's my nephew.

4 THE COURT: All right. Given the fact
5 that your nephew is in prison and that under those
6 circumstances, could you still be a fair and
7 impartial juror during the trial of this case?

8 THE POTENTIAL JUROR: Yes. You want me to
9 just stand here? You think I might —

10 THE COURT: I just covered them all.
11 Thank you very much.

12 THE POTENTIAL JUROR: Thank you, Judge.

13 THE COURT: Thank you.

14 (End of bench conference.)

15 THE COURT: Is any member of the jury
16 panel or member of your immediate family a member of
17 any organization which involves the support of law
18 enforcement organization such as MADD, Mother's
19 Against Drunk Drivers, or SADD, Students Against
20 Drunk Drivers, CAVE, or CADRE; or does any member of
21 the jury panel or any member of your immediate
22 family belong to or contribute to any organization
23 that supports prisoners' rights such as the
24 Innocence Project, if so, please stand.

25 (There was no response.)

1 THE COURT: I'm gonna to call a list of
2 names of potential witnesses in the trial of this
3 case, ladies and gentlemen. The question, of course
4 is, is any member of the jury panel related by blood
5 or marriage or close personal friends, have any
6 business, personal or professional relationship with
7 any of these individuals whose names I call. I'll
8 ask you, if so, please stand.

9 I will advise you, I would ask if any of
10 the potential witnesses in the trial of this case
11 are present, when your names are called I would ask
12 you to please stand. However, I will advise the
13 jury panel that the witnesses are not required to be
14 present during this proceeding. You may hear names
15 called and no one stands. Further, CPD will stand
16 for Columbia Police Department. SLED will stand for
17 the State Law Enforcement Division and RCSD,
18 Richland County Sheriff's Department. The first
19 five names: Anthony Branham, CPD; Doris Yarborough,
20 SLED; Patricia Crooks, SLED; Ila Simmons,
21 SLED; Joshua Newsome, Richland County Sheriff's
22 Department. The next five names: Steve Pearce,
23 Richland County Sheriff's Department; John G.
24 Roberts, SLED; Shana B. Sorrells, SLED; Investigator
25 Patricia Reed, Richland County Sheriff's

1 Department; Christine Barrickman, Richland County
2 Sheriff's Department. The next five names all with
3 the Richland County Sheriff's Department: Tina
4 Goff, Curtis Burnett, Dayle Blackmon, David Collins,
5 Rachel Grant. The next five names all with the
6 Richland County Sheriff's Department: John Baron,
7 Tara Kinney, Investigator Trish Collins,
8 Investigator Kristin Polis, Investigator Shawn
9 Schroeder. And again, ladies and gentlemen of the
10 jury, the question is if any member of the jury
11 panel or any member of your immediate family is
12 related by blood or marriage or close personal
13 friends or have any business, professional
14 relationship with any of these individuals whose
15 names I continue to call. The next five names all
16 with the Richland County Sheriff's Department:
17 Master Deputy Charley Simpson, Investigator David
18 Unger, deputy Christian -- this is Investigator
19 Unger to my front right. Thank you, Investigator.
20 Deputy Christin Ellis, Investigator Trevor Holt,
21 Lieutenant Stan Richards. The next five names all
22 with the Richland County Sheriff's Department:
23 Lieutenant Anna Elsey Cavanaugh, Sergeant Andrew
24 Caldwell, Corporal Raymond Hayhurst, Lieutenant
25 Scott McDonald, Investigator David Goff. The next

1 five names, first four of which are with the
2 Richland County Sheriff's Department: Investigator
3 Richard Carter, Linda Houck, Investigator Kevin
4 Preston, Investigator John Carwell, and Carolyn
5 Jacobs. The next five names: Corey Scarboro,
6 George Sumter, Jr., Randall Dandy, Charles Green,
7 Monica Howell. The next five names: Matthew
8 Howell, Joey Wilson, Georgia Ann Alnur, Rosemary
9 Williams, Kathy Nathan. The next five names:
10 Jonathan Frazier, Mr. Frazier to the, my upper
11 right. Thank you, you may be seated. Robert X.
12 Geter, Doctor Raymond Bynoe, Doctor Amy Durso, Jane
13 Powell with the coroner's office.

14 The next five names: Investigator Mat
15 Ellis, South Carolina Attorney General's Office;
16 Matthew Wilhelm, Richland County EMS; Lieutenant
17 Rich McMahan, Richland County EMS; Jessie Cox,
18 Richland County EMS; Patricia McKnight, custodian of
19 the records for Verizon. The next three: Sue
20 Johnson, custodian of records for T-mobile; Captain
21 Washava Moye with the Alvin S. Glenn Detention
22 Center and a 9-1-1 records custodian; Deputy Thomas
23 McClam, Richland County Sheriff's Department; Shakur
24 Ali, and Jay Phillips. Again, ladies and gentlemen,
25 of those names I called is any member of the jury

1 panel related by blood or marriage, close personal
2 friends, have any business or professional
3 relationship with any of those individuals whose
4 names I just called, if so, please stand.

5 (There was no response.)

6 THE COURT: Any additional voir dire
7 requested from the State, Solicitor?

8 MS. CAVANAUGH: No, Your Honor.

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

11 MR. SUTHERLAND: No, sir.

12 THE COURT: Thank you. And finally,
13 ladies and gentlemen, each of you know yourselves
14 best. You know the allegation of the indictment
15 murder, attempted murder. You've heard number of
16 questions that I asked. The goal of this proceeding
17 is to select a fair and impartial juror, jury, for
18 the trial of this case for Mr. Singleton and for the
19 State. So does any member of the jury panel know
20 any reason whatsoever why you feel like you could
21 not be a fair and impartial juror in the trial of
22 this case for both Mr. Singleton and the State, if
23 so, please stand.

24 (There was no response.)

25 THE COURT: No one stands. Thank you very

1 much. I find our panel is qualified.

2 Solicitor, the strikes?

3 MS. CAVANAUGH: Your Honor, ten and five.

4 THE COURT: Do you agree with that, Mr.
5 Sutherland?

6 MR. SUTHERLAND: Yes, sir.

7 THE COURT: All right, thank you. Thank
8 you very much.

9 Madam Clerk, if you'd give us a jury panel
10 please.

11 THE CLERK OF COURT: Yes, Your Honor.
12 Ladies and gentlemen of the jury panel, as I call
13 your number if you'll please come to the microphone
14 at the front of the courtroom. Bring any personal
15 belongings with you. State your number only and
16 your occupation please.

17 Number 219 (white male).

18 THE POTENTIAL JUROR: My number is 219.
19 I'm employed with the South Carolina Department of
20 Education.

21 THE CLERK OF COURT: What says the State?

22 MS. CAVANAUGH: Please present this juror.

23 THE CLERK OF COURT: What says the
24 Defense?

25 MR. SUTHERLAND: Please swear the juror.

1 THE CLERK OF COURT: Please have a seat in
2 the jury box.

3 Number 77. (white male).

4 THE POTENTIAL JUROR: Juror number 77. I
5 work at the Regional Medical Center of Orangeburg.
6 I am a biomedical equipment repair supervisor.

7 THE CLERK OF COURT: What says the State?

8 MS. CAVANAUGH: Please present this juror.

9 THE CLERK OF COURT: What says the
10 Defense?

11 MR. SUTHERLAND: Please excuse the juror.

12 THE CLERK OF COURT: Please have a seat in
13 the back of the courtroom.

14 Number 39 (white male).

15 THE POTENTIAL JUROR: Juror number 39. My
16 name is Doug Burchett and I'm retired.

17 THE CLERK OF COURT: Retired from?

18 THE POTENTIAL JUROR: Government service.

19 THE CLERK OF COURT: What says the State?

20 MS. CAVANAUGH: Please present this juror.

21 THE CLERK OF COURT: What says the
22 Defense?

23 MR. SUTHERLAND: Please swear the juror.

24 THE CLERK OF COURT: Please have a seat in
25 the jury box.

1 Number 254 (white male).

2 THE POTENTIAL JUROR: Juror number 254
3 working as EMT at a private ambulance service.

4 THE CLERK OF COURT: What says the State?

5 MS. CAVANAUGH: Please present this juror.

6 THE CLERK OF COURT: What says the
7 Defense?

8 MR. SUTHERLAND: Please excuse the juror.

9 THE CLERK OF COURT: Please have a seat in
10 the back of the courtroom.

11 Number 66 (white female).

12 THE POTENTIAL JUROR: Juror 66. My name
13 is Anneliese Dessart. I have recently retired from
14 the University of South Carolina, however, I still
15 have (inaudible).

16 THE CLERK OF COURT: What says the State?

17 MS. CAVANAUGH: Please present this juror.

18 THE CLERK OF COURT: What says the
19 Defense?

20 MR. SUTHERLAND: Please swear the juror.

21 THE CLERK OF COURT: Please have seat in
22 the jury box.

23 Number 83 (white female).

24 THE POTENTIAL JUROR: Juror 83. I work
25 for the University of South Carolina as a director

1 of development.

2 THE CLERK OF COURT: What says the State?

3 MS. CAVANAUGH: Please present the juror.

4 THE CLERK OF COURT: What says the

5 Defense?

6 MR. SUTHERLAND: Please excuse the juror.

7 THE CLERK OF COURT: Please have a seat in
8 the back of the courtroom.

9 Number 115 (white female).

10 THE POTENTIAL JUROR: Number 115. I am a
11 librarian at the University of South Carolina.

12 THE CLERK OF COURT: What says the State?

13 MS. CAVANAUGH: Please present this juror.

14 THE CLERK OF COURT: What says the

15 Defense?

16 MR. SUTHERLAND: Please swear the juror.

17 THE CLERK OF COURT: Please have a seat in
18 the jury box.

19 Number 288 (black male).

20 THE POTENTIAL JUROR: Number 288, retired
21 Richland School District 1.

22 THE CLERK OF COURT: What says the State?

23 MS. CAVANAUGH: Please excuse this juror.

24 THE CLERK OF COURT: Please have a seat in
25 the back of the courtroom.

1 Number 152 (black female).

2 THE POTENTIAL JUROR: Juror 152. I'm
3 employed at the University of South Carolina as an
4 administrative assistant.

5 THE CLERK OF COURT: What says the State?

6 MS. CAVANAUGH: Please present this juror.

7 THE CLERK OF COURT: What says the
8 Defense?

9 MR. SUTHERLAND: Please swear the juror.

10 THE CLERK OF COURT: Please have a seat in
11 the jury box.

12 Number 269 (white female).

13 THE POTENTIAL JUROR: Juror number 269.
14 I'm a pharmacist at the South Carolina College of
15 Pharmacy.

16 THE CLERK OF COURT: What says the State?

17 MS. CAVANAUGH: Please present this juror.

18 THE CLERK OF COURT: What says Defense?

19 MR. SUTHERLAND: Please excuse the juror.

20 THE CLERK OF COURT: Please have a seat in
21 the back of the courtroom.

22 Number 174 (black male).

23 THE POTENTIAL JUROR: Number 174, employed
24 at Snyder Electric.

25 THE CLERK OF COURT: What says the State?

1 MS. CAVANAUGH: Please excuse this juror.

2 THE CLERK OF COURT: Please have a seat in
3 the back of the courtroom.

4 Number 15 (black male).

5 THE POTENTIAL JUROR: 15, retired military
6 operation technician international.

7 THE CLERK OF COURT: What says the State?

8 MS. CAVANAUGH: Please present this juror.

9 THE CLERK OF COURT: What says the
10 Defense?

11 MR. SUTHERLAND: Please excuse the juror.

12 THE CLERK OF COURT: Please have a seat in
13 the back of the courtroom.

14 Number 215 (black female).

15 THE POTENTIAL JUROR: Juror 215. I work
16 at the South Carolina Department of Motor Vehicles.

17 THE CLERK OF COURT: What says the State?

18 MS. CAVANAUGH: Please present this juror.

19 THE CLERK OF COURT: What says the
20 Defense?

21 MR. SUTHERLAND: Please swear the juror.

22 THE CLERK OF COURT: Have a seat in the
23 jury box.

24 Number 202 (white male).

25 THE POTENTIAL JUROR: Number 202, sales

1 associate.

2 MR. SUTHERLAND: It's 22?

3 THE CLERK OF COURT: 202.

4 MR. SUTHERLAND: 302?

5 THE CLERK OF COURT: Yeah, 202.

6 THE POTENTIAL JUROR: 202, sales associate
7 with Belk Department Store.

8 THE CLERK OF COURT: What says the State?

9 MS. CAVANAUGH: Please present this juror.

10 THE CLERK OF COURT: What says the
11 Defense?

12 MR. SUTHERLAND: Please excuse the juror.

13 THE CLERK OF COURT: Please have a seat in
14 the back of the courtroom.

15 Number 82 (white female).

16 THE POTENTIAL JUROR: Number 82, I'm a
17 rural mail carrier for the U.S Postal Service.

18 THE CLERK OF COURT: What says the State?

19 MS. CAVANAUGH: Please present this juror.

20 THE CLERK OF COURT: What says the
21 Defense?

22 MR. SUTHERLAND: Please excuse the juror.

23 THE CLERK OF COURT: Please have a seat in
24 the back of courtroom.

25 Number 301 (black female).

1 THE POTENTIAL JUROR: Number 301, I'm
2 retired from Bell South, working part-time
3 (inaudible).

4 THE CLERK OF COURT: What says the State?

5 MS. CAVANAUGH: Please present this juror.

6 THE CLERK OF COURT: What says the
7 Defense?

8 MR. SUTHERLAND: Please excuse the juror.

9 THE CLERK OF COURT: Please have a seat in
10 the back of the courtroom.

11 Number 185 (black female).

12 THE POTENTIAL JUROR: Juror number 185,
13 Department of Probation manager.

14 THE CLERK OF COURT: What says the State?

15 MS. CAVANAUGH: Please present this juror.

16 THE CLERK OF COURT: What says the
17 Defense?

18 MR. SUTHERLAND: Please swear the juror.

19 THE CLERK OF COURT: Please have a seat in
20 the jury box.

21 Number 10 (black female).

22 THE POTENTIAL JUROR: Juror number 10, I'm
23 employed with Blue Cross Blue Shield South Carolina.

24 THE CLERK OF COURT: What says the State?

25 MS. CAVANAUGH: Please present this juror.

1 THE CLERK OF COURT: What says the
2 Defense?

3 MR. SUTHERLAND: Please swear the juror.

4 THE CLERK OF COURT: Please have a seat in
5 the jury box.

6 Number 98 (black female).

7 THE POTENTIAL JUROR: Juror 98, retired
8 from Richland School District 1.

9 THE CLERK OF COURT: What says the State?

10 MS. CAVANAUGH: Please present this juror.

11 THE CLERK OF COURT: What says the
12 Defense?

13 MR. SUTHERLAND: Please excuse the juror.

14 THE CLERK OF COURT: Please have a seat in
15 the back of the courtroom.

16 Strike count is 9 for the Defense, 2 for
17 the State. Number 179 (black male).

18 THE POTENTIAL JUROR: Juror number 179,
19 disabled.

20 THE CLERK OF COURT: What says the State?

21 MS. CAVANAUGH: Please excuse this juror.

22 THE CLERK OF COURT: Please have a seat in
23 the back of the courtroom.

24 Number 189 (black male).

25 THE POTENTIAL JUROR: Juror number 189,

1 work for U.S. Food Service quality control.

2 THE CLERK OF COURT: What says the State?

3 MS. CAVANAUGH: Please present this juror.

4 THE CLERK OF COURT: What says the

5 Defense?

6 MR. SUTHERLAND: Please swear the juror.

7 THE CLERK OF COURT: Please have a seat in
8 the jury box.

9 Number 145 (white male).

10 THE POTENTIAL JUROR: Carpet laying
11 services, number 145,

12 MS. CAVANAUGH: I'm sorry, could he repeat
13 that please.

14 THE POTENTIAL JUROR: 145, carpet laying
15 services.

16 THE CLERK OF COURT: What says the State?

17 MS. CAVANAUGH: Please present this juror.

18 THE CLERK OF COURT: What says the

19 Defense?

20 MR. SUTHERLAND: Please swear the juror.

21 THE CLERK OF COURT: Please have a seat in
22 the jury box.

23 Number 170 (white female).

24 THE POTENTIAL JUROR: Juror 170, I am a
25 registered nurse at Memorial (ph) School District 5.

1 THE CLERK OF COURT: What says the State?

2 MS. CAVANAUGH: Please present this juror.

3 THE CLERK OF COURT: What says the
4 Defense?

5 MR. SUTHERLAND: Please swear the juror.

6 THE CLERK OF COURT: Please have a seat in
7 the jury box.

8 Number 295 (white female).

9 THE POTENTIAL JUROR: Juror 295, I work
10 for Michael Baker, Jr., Incorporated in the
11 financial aid office.

12 THE CLERK OF COURT: What says the State?

13 MS. CAVANAUGH: Please present this juror.

14 THE CLERK OF COURT: What says the
15 Defense?

16 MR. SUTHERLAND: Please excuse the juror.

17 THE CLERK OF COURT: Please have a seat in
18 the back of the courtroom.

19 Number 63 (white female).

20 THE POTENTIAL JUROR: Juror 63, customer
21 service rep/manager at Travelers Insurance.

22 THE CLERK OF COURT: What says the State?

23 MS. CAVANAUGH: Please present this juror.

24 THE CLERK OF COURT: Does Defense
25 challenge for cause?

1 MR. SUTHERLAND: Defense does not
2 challenge for cause.

3 THE CLERK OF COURT: Please have a seat in
4 the jury box.

5 We proceed to strike alternate. State one
6 strike and the Defense two.

7 Number 151 (white male).

8 THE POTENTIAL JUROR: 151, land and
9 building development and maintenance Rockford (ph)
10 Club.

11 THE CLERK OF COURT: What says the State?

12 MS. CAVANAUGH: Please present this juror.

13 THE CLERK OF COURT: What says the
14 Defense?

15 MR. SUTHERLAND: Please swear the juror.

16 THE CLERK OF COURT: Please have a seat in
17 the jury box.

18 Number 161 (black male).

19 THE POTENTIAL JUROR: Juror 161,
20 (inaudible) hospital, (inaudible) assistant.

21 THE CLERK OF COURT: What says the State?

22 MS. CAVANAUGH: Please present this juror.

23 THE CLERK OF COURT: What says Defense?

24 MR. SUTHERLAND: Please swear the juror.

25 THE DEPUTY CLERK OF COURT: You can have a

1 seat in the jury box.

2 THE COURT: Any motions regarding the jury
3 selection process from the State?

4 MS. CAVANAUGH: Nothing on behalf of the
5 State, Your Honor.

6 THE COURT: Defense, Mr. Sutherland?

7 MR. SUTHERLAND: Nothing from Defense.

8 THE COURT: Thank you. Thank you very
9 much.

10 All right, juror number 219.

11 THE JUROR: Yes, sir.

12 THE COURT: You may be seated, remain
13 seated. I'm going to appoint you as foreperson of
14 this jury. If you would please serve in that
15 capacity I will advise you later concerning your
16 duties and responsibilities as the foreperson.
17 Thank you very much for volunteering. It's very
18 important service. Momentarily I'm gonna release
19 the members of the jury that were selected for the
20 trial of this case for the remainder of the day.
21 This case is like most cases. I have certain
22 pretrial matters to take up, and there's no need to
23 hold y'all captive in a jury room while I take those
24 matters up so I'm gonna release you from your jury
25 service for the remainder of the afternoon, the

1 remainder of the evening. And after I give you some
2 further instructions I'll advise you what time
3 you'll return.

4 I remind you while you're on jury duty
5 you're not to discuss this case with others. That
6 includes your fellow jurors, family members, lunch
7 mates, family, friends, or anyone else. If anyone
8 tries to talk with you about the case please let me
9 know immediately. Further, you're not to read,
10 watch, or listen to any news reports or news
11 accounts about the case should there be any. Also,
12 you may not use your computer, cellular phone, or
13 other electronic device with communication
14 capabilities while in attendance at trial or during
15 deliberations. These devices certainly may be used
16 during lunch breaks, evening recesses and such; but
17 they may not be used to obtain and disclose
18 information which is prohibited. Information which
19 is prohibited includes but is not limited to the
20 following, information about a party, a witness, an
21 attorney, or court officer, news accounts or prior
22 news accounts about the case if there were any,
23 information collected through juror research on any
24 topics raised or testimony offered by any witness or
25 information collected through juror research on any

1 other topic that the juror might think would be
2 helpful in deciding the case. Cases are decided
3 based on the evidence and the testimony presented to
4 you to from the witness stand, from the witnesses
5 testifying under oath, and any exhibits, diagrams,
6 photographs, or physical items that are allowed into
7 evidence by the court. You then determine the facts
8 of the case and you would apply it to the law as I
9 tell you the law is. You're the judges of the
10 facts. I cannot tell you what the facts are. I am
11 the judge of the law. You cannot disagree with me
12 as to what the law is or what the law ought to be.
13 Remember to keep an open mind. Do not begin your
14 deliberations until you heard all the evidence, all
15 the testimony in the case. The closing arguments by
16 the attorneys and the instructions on the law by the
17 Court and then directed by the court to begin your
18 deliberations with your fellow jurors in your jury
19 room.

20 Further, just administratively a couple of
21 things. I need to keep up with 14 individuals and
22 as far as seating arrangements I need to keep up
23 with our foreperson that I have appointed and our
24 two alternates. If you, Mr. Foreman, and our two
25 alternates, if y'all would always maintain those

1 seats I would appreciate it very much. As to the
2 other jurors, you may sit anywhere you like in the
3 first three rows. I have found it's been my
4 experience that many jurors are very territorial.
5 They like to sit at the same place each and every
6 time and that's certainly fine. If you want the
7 same view, the same vision of the witness stand, I
8 have no objections to that whatsoever; but remember,
9 you do not have to do that. You can just come in
10 and file in and sit wherever you like in those first
11 three rows. With that being said, I will have some
12 further instructions for you upon your return
13 tomorrow.

14 Tomorrow morning you will get a late
15 start, not the attorneys or the Court. I would ask
16 you to please be back promptly at 11:30. If you'd
17 please be back promptly at 11:30. So you get an
18 afternoon off and you get a late morning in the
19 morning. Of course I'm sure all of you are early
20 risers from hearing the occupations and such. But
21 be that as it may, I'm gonna release you. The
22 bailiff, your bailiff will show you how to exit and
23 enter in the morning upon your return. Any
24 questions?

25 THE JUROR: We enter straight back here

1 or?

2 THE COURT: Yes, ma'am, and the bailiff
3 will show you how to come back and where to report
4 to in your jury room, all right, upon your being
5 excused momentarily. Any other questions? Yes,
6 sir.

7 THE JUROR: Can we bring a note pad?

8 THE COURT: Yes, I will have — I will
9 make those arrangements for you. The clerk's office
10 will provide note pads; is that correct, madam?

11 THE CLERK OF COURT: That's correct.

12 THE COURT: And pens.

13 THE CLERK OF COURT: Yes, Your Honor.

14 THE COURT: And I will have to give you
15 certain instructions concerning the taking of notes.
16 I will do that tomorrow before we begin the trial of
17 the case. Is there another question? All right,
18 thank you very much. Your bailiffs to your right
19 rear, if you would follow your bailiff. Thank you
20 very much. Hope you have a pleasant afternoon and
21 evening.

22 (WHEREUPON, the jury was removed from the
23 courtroom at 1:19 p.m., and the following
24 proceedings commenced in open court.)

25 THE COURT: Any objections to anything

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1 I've told the jury, from the State?

2 MS. CAVANAUGH: No, Your Honor.

3 THE COURT: The Defense?

4 MR. SUTHERLAND: No, sir.

5 THE COURT: All right. Anything further
6 before we take our lunch and recess, Solicitor?

7 MS. CAVANAUGH: No, Your Honor.

8 THE COURT: Mr. Sutherland?

9 MR. SUTHERLAND: No, sir.

10 THE COURT: All right, thank you. Thank
11 you very much. Court will be in recess until, let's
12 say, 2:45. Thank you. Thank you very much.

13 (WHEREUPON, a lunch break was taken.)

14 THE COURT: Solicitor and Mr. Sutherland,
15 I understood y'all had some pretrial motions; is
16 that correct?

17 MR. SUTHERLAND: I defer to the State at
18 this time.

19 MS. CAVANAUGH: Yes, Your Honor, we do.
20 Even though Mr. Sutherland indicated that he has no
21 objection to the photographic lineup coming in,
22 based on the fact the victim and defendant know each
23 other in this case we still out of abundance of
24 caution would like to have a Neil versus Biggers
25 hearing.

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1 MR. SUTHERLAND: Just to clarify, Judge,
2 it was as far as the identification goes, I mean, I
3 would object to the photographic lineup going in
4 based on the mug shots being prejudicial so.

5 THE COURT: Well, that's two separate
6 issues, correct?

7 MR. SUTHERLAND: Yes, sir.

8 THE COURT: All right. All right, well
9 Solicitor, you may proceed.

10 MS. CAVANAUGH: Thank you. At this time
11 the State calls Investigator David Unger.

12 THE COURT: All right, if you'd come
13 around to be sworn please.

14 WHEREUPON,

15 **DAVID UNGER,**
16 having been duly sworn by the Court, testified as
17 follows:

18 THE COURT: Thank you. If you'd please be
19 seated. State your full name spelling your last.

20 THE WITNESS: David Unger, U-N-G-E-R.

21 **DIRECT EXAMINATION**

22 BY MS. CAVANAUGH:

23 Q Is it Investigator?

24 A It is.

25 Q Investigator Unger, where are you employed?

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1 A I'm employed with the Richland County Sheriff's
2 Department.

3 Q And how long have you been employed with them?

4 A Just under ten years.

5 Q And what is your current position with the
6 Sheriff's Department?

7 A I'm currently a senior narcotics agent.

8 Q January of 2012 —

9 THE COURT: Is that for seniors who take
10 narcotics or what is that?

11 THE WITNESS: I'm a senior investigator
12 with the narcotics unit.

13 THE COURT: All right, thank you. Thank
14 you, Solicitor, excuse me, go right ahead.

15 BY MS. CAVANAUGH:

16 Q And back in January 2012 what was your position
17 then with the Sheriff's Department?

18 A I was a major crimes investigator and a primary
19 homicide investigator.

20 Q And that was your position on November 24th of
21 2012?

22 A Yes, ma'am.

23 Q And were you the lead investigator in the murder
24 of Dashawn Jones and attempted murder of Jonathan
25 Frazier?

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1 A Yes, ma'am, I was.

2 Q And in this case as relates to Jonathan Frazier,
3 what was his after the incident occurred, what was
4 his condition?

5 A He was in critical condition in ICU at Richland
6 Memorial.

7 Q Okay. And you said Richland memorial. What was
8 the reason for his condition?

9 A Numerous gunshot wounds, one being to the neck.

10 Q Okay. And which investigator went to actually --
11 did you go speak to Jonathan first?

12 A I did. Well, Investigator Goff up there the day
13 of the shooting, but he was not able to speak to
14 him. He was in critical condition. He was being
15 treated by the emergency staff.

16 Q Well, he didn't speak to him, just was able to
17 get limited information; is that correct?

18 A That's correct, yes, ma'am.

19 Q And at that point to your knowledge was
20 Mr. Frazier at least able to relay the first name of
21 the person who shot him?

22 A Yes.

23 Q And what was that?

24 A Jabriel.

25 Q Now did you yourself have opportunity to speak

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- 1 with Jonathan Frazier the next day on the 25th?
- 2 A Yes, ma'am, I did.
- 3 Q And before you spoke to him did you speak to the
- 4 nurse?
- 5 A I did.
- 6 Q And did she indicate to you whether he was aware
- 7 of his surroundings and able to actually somewhat
- 8 communicate with you?
- 9 A Yes, ma'am, I spoke with Nurse Vickers. She
- 10 stated that he could not. She also stated he was
- 11 aware of what was happening. At that time I
- 12 introduced myself to Mr. Frazier.
- 13 Q And why couldn't he talk at this point?
- 14 A He had a tube, a trachea tube in him.
- 15 Q And is that how he appeared to you, aware of his
- 16 surroundings and what was going on?
- 17 A Yes, ma'am.
- 18 Q And was he able to answer the questions as you
- 19 asked?
- 20 A He was.
- 21 Q And how was he able to do that?
- 22 A Either by nodding yes or no, nodding up and down,
- 23 or left and right.
- 24 Q Okay. And do you have your original photo lineup
- 25 in this case?

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A Yes, ma'am, I do.

(WHEREUPON, State Exhibits Nos. 1 and 2
were marked for identification only.)

BY MS. CAVANAUGH:

Q I'm gonna first show you what's marked as State's
Exhibit 2 for identification purposes. Do you
recognize this document?

A Yes, ma'am.

Q And what is that?

A That's the photographic lineup that I showed
Jonathan Frazier on the 25th of January.

Q And is this the actual original lineup that you
presented him?

A Yes, ma'am.

Q And do you know who actually developed the
lineup?

A I believe it was Lieutenant McDonald.

Q Okay. And what did you say, what did you say if
anything, to Jonathan Frazier, the victim in this
case, before you showed it to him?

A Before I showed the lineup I told him that I was
gonna show him a series of six photographs. I said
the person that shot him may or may want be in these
photographs, at which time I said take your time and
take look at each photograph individually and if you

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1 see the person that shot you please point him out to
2 me.

3 Q And did he indicate the person who shot him was,
4 in fact, in that lineup?

5 A Yes, ma'am, he did.

6 Q And which picture was that?

7 A Number 6.

8 Q Did he memorialize that in any way? Did he make
9 any marks on the paper to indicate that?

10 A Yes, ma'am. At that time he had his hands tied
11 down which is common for patients in ICU. Nurse
12 McVickers untied his hand, gave him a pen, and he
13 scribbled on the picture itself.

14 Q And it's common — because of his trachea, right?

15 A They didn't want him pulling out his trachea when
16 he wakes up. At any given time somebody might wake
17 up and not know what's going on so they didn't want
18 him to pull his trachea out.

19 Q And actually, even in your investigative report
20 you identified or you indicated that this first
21 lineup is the one he scribbled on it; is that right?

22 A Yes, ma'am. Yes, ma'am.

23 Q And which photograph did he pick out?

24 A It would be number 6, the far right bottom
25 picture.

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1 Q And who is that a photograph of?

2 A Jabriel Singleton.

3 Q Now on the 25th had you already developed a
4 suspect at that time?

5 A Yes, we had.

6 Q And who was that?

7 A Jabriel Singleton.

8 Q And on the 25th when you were asking Mr. Frazier
9 questions was he, he was able to identify that he --
10 was he able to say that he knew who shot him?

11 A He -- not verbally, through nodding up and down
12 and left and right.

13 Q And he was also able to nod as far as like
14 details when you asked him about the incident?

15 A Yes, ma'am. I asked specific questions
16 formulated in yes or no answers. I could ask him
17 yes or no, then he would give me a yes or a no.

18 Q Okay. Now two days later did you go back to the
19 hospital to speak with Mr. Frazier?

20 A Yes, ma'am, I did.

21 Q And what day was that?

22 A That was on January 27th, 2012.

23 Q Okay. At this point what was his condition?

24 A He still had the trachea in, but he was much more
25 alert. He was as alert as we're talking. He just

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1 couldn't speak with me because his mouth was wired
2 shut and he still had the trachea in; but he was
3 completely alert, was no longer in immediate threat.

4 Q No longer critical condition?

5 A Yes, ma'am.

6 Q Again, at that point on the 27th did he same
7 aware of his surroundings and able to understand
8 your questions?

9 A Yes, ma'am.

10 Q Now by January 27th, 2012 had -- was Mr.
11 Singleton already arrested at that point?

12 A Yes, ma'am, he had been arrested on the 26th.

13 Q And through the course of your investigation did
14 you learn that the victim actually was familiar with
15 Mr. Singleton?

16 A Yes, ma'am.

17 Q Okay. I'm gonna show you what's marked as
18 State's Exhibit Number 1. Do you recognize this
19 document?

20 A Yes, ma'am, I do. It's the second photographic
21 lineup that I showed Jonathan Frazier on the 27th.

22 Q And is it, in fact, the same one which you showed
23 him from the 25th?

24 A It is.

25 Q And once again, who developed that lineup?

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1 A Lieutenant McDonald.

2 Q And when you presented that to Mr. Frazier before
3 you presented it to him what did you say?

4 A Same thing I said before. I said, I'm gonna show
5 you a series of photographs, six photographs. I
6 said, the person that shot you may or may not be in
7 this photograph. I want you to look at each
8 photograph individually, and if you see the person
9 that shot you please point him out to me.

10 Q And was he able to identify who the shooter was
11 in that photographic lineup?

12 A Yes, ma'am, he picked out number 6 which is the
13 far right bottom picture.

14 Q And who is that a picture of?

15 A Jabriel Singleton.

16 Q And how did he memorialize or document in any way
17 that he picked number six?

18 A Yes, ma'am, he did. He circled it and initialed
19 it which is common for us. The first time he wasn't
20 able to because of his condition but this time he
21 was.

22 MS. CAVANAUGH: Beg the Court's
23 indulgence.

24 THE COURT: Yes, ma'am.

25 BY MS. CAVANAUGH:

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1 Q As far as developing a photo lineup, what
2 considerations are taken into account?

3 A We try to get obviously the age, body features,
4 facial features, as close as we can without, without
5 trying to make any kind of prejudice towards the
6 actual photo that we want, which would be the
7 defendant. We look at everything we can. We try to
8 get skin tone correct. We try to get, you know, if
9 there's tattoos or something of that nature we try
10 to omit that or put it in whether the defendant has
11 one or not.

12 Q And that's done in all photographic lineups?

13 A Yes, ma'am.

14 Q And was that done in this case?

15 A Yes, ma'am.

16 MS. CAVANAUGH: Beg the Court's
17 indulgence. Thank you no further questions.

18 THE COURT: Thank you, Solicitor.
19 Mr. Sutherland.

20 MR. SUTHERLAND: If it please the Court,
21 briefly, Your Honor.

22 **CROSS-EXAMINATION**

23 BY MR. SUTHERLAND:

24 Q Sir, as I understand your testimony, the photo
25 identification and the photo line-up, the ID in the

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1 lineup was accurate for a number of reasons. You
2 stated that he answered your questions and he
3 understood the questions?

4 A Yes, sir.

5 Q Is that correct? And you felt that he fully
6 understood everything that you were asking him at
7 that time?

8 A Yes, sir. I asked other questions as well. It
9 wasn't just a photographic lineup.

10 Q Sure, sure.

11 A A brief yes or no interview.

12 Q But despite his condition which was, you know, he
13 was in a trauma center there?

14 A Yes, sir.

15 Q He was alert, aware, knew what was going on?

16 A That's correct, sir.

17 Q And so he observed the photo lineup. What was
18 his reaction, was there any delay?

19 A No, sir.

20 Q And so immediately?

21 A Correct, yes, sir.

22 Q But you did testify that you had to sort of help
23 him as far as getting where he could scribble on it?

24 A They had to untie -- his hands were actually
25 tied, one hand was tied down; the other one bandaged

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1 up. And she had that untied. I handed him my pad.
2 He scribbled it.

3 Q So but again, as I understand you he was fully
4 alert and aware and lucid at that time?

5 A Correct.

6 MR. SUTHERLAND: No further questions,
7 Your Honor.

8 THE COURT: Redirect solicitor.

9 MS. CAVANAUGH: No further questions of
10 Mr. Unger on this issue.

11 THE COURT: Thank you, Investigator. You
12 may step down.

13 THE WITNESS: Thank you, Your Honor.

14 THE COURT: Solicitor, you may call your
15 next witness.

16 MS. CAVANAUGH: At this time the State
17 calls Jonathan Frazier.

18 WHEREUPON,

19 **JOHNATHAN FRAZIER,**
20 having been duly sworn by the Clerk of Court,
21 testified as follows:

22 THE CLERK OF COURT: Thank you. Please
23 have a seat in the witness stand and state your full
24 name for the record.

25 THE WITNESS: Jonathan Frazier.

SW - J. FRAZIER - IN-CAMERA

DIRECT EXAMINATION

1
2 BY MS. CAVANAUGH:

3 Q Good afternoon, Mr. Frazier?

4 A Good afternoon.

5 THE COURT: Speak up.

6 BY MS. CAVANAUGH:

7 Q Where are you from?

8 A All right. I was from New York, New York, born
9 and raised.

10 Q Okay. And where do you live now?

11 A On Leesburg Road.

12 Q Okay. Where did you live -- where did you move
13 to, when did you move from New York to here?

14 A 2006.

15 Q Okay. And where did you move in 2006, what area
16 of Columbia?

17 A Leesburg, Leesburg.

18 Q Leesburg?

19 A Yeah.

20 Q Okay. I'm gonna bring your attention to why
21 we're here today, bring your attention to
22 January 24th of 2012. What occurred on that day
23 just in general terms to you?

24 A We was ---

25 Q Just, were you shot on November 24th?

SW - J. FRAZIER - IN-CAMERA

1 A Yes, ma'am.

2 Q Okay, multiple times?

3 A Yes, ma'am.

4 Q Were you familiar with the person who shot you?

5 A Yes, ma'am.

6 Q Okay. And who did you know him? What -- what
7 did you know him by?

8 A Jabriel.

9 Q And how did you know him?

10 A From around the way, like neighborhood from
11 around the neighborhood.

12 Q And approximately how long before January 24th of
13 2012 did you know him?

14 A About a year-and-a-half, two years.

15 Q Okay. And just estimate, if you can, how many
16 times did you have occasion to hang around him or
17 see him or talk to him?

18 A Quite a few, a couple. A couple of times, a
19 couple of times.

20 Q I'm gonna direct your attention to the time that
21 you spent at the Richland Memorial Hospital, okay?

22 A Yes.

23 Q Approximately how long were you in the hospital?

24 A I think three weeks, three weeks. Yeah, three
25 weeks.

SW - J. FRAZIER - IN-CAMERA

1 Q Maybe two, two weeks?

2 A Yeah, yeah, two.

3 Q Okay. While you were at the hospital do you
4 remember speaking to several investigators and
5 members of the Richland County Sheriff's Department?

6 A Yes, I remember speaking to them.

7 Q Okay. Do you remember being shown -- I'm gonna
8 show you what's marked as State's Exhibit Number 1.
9 Do you recognize this document?

10 A Yes, ma'am.

11 Q Okay. And what is that?

12 A That's Jabriel. That's the dude that shot me.
13 That's Jabriel.

14 Q I know but what is this actual document?

15 A Photo lineup.

16 Q Is this what you were shown by one of the
17 investigators while you were at the hospital?

18 A Yes. Yes, ma'am.

19 Q Okay. Do you remember it being Investigator
20 Unger that showed it to you?

21 A Yes..

22 Q Okay. Now when he presented that to you did he
23 indicate that the shooter was definitely in that
24 lineup?

25 A Huh-uh.

SW - J. FRAZIER - IN-CAMERA

- 1 Q Okay. Did you recognize anyone in that lineup?
- 2 A Yes.
- 3 Q And who did you recognize? Which picture did you
- 4 recognize?
- 5 A By the one on the right.
- 6 Q And who is that a picture of?
- 7 A Jabriel.
- 8 Q And did you write on here indicating number 6 was
- 9 who you recognized?
- 10 A Yeah, yes, ma'am.
- 11 Q What did you do?
- 12 A I circled it. I wrote my initials on it.
- 13 Q And that's your writing?
- 14 A Yes.
- 15 Q Now did this incident, did this occur during the
- 16 daytime?
- 17 A Yes, yes, ma'am.
- 18 Q And approximately how long were you around the
- 19 defendant before he shot you?
- 20 A I'd say about, about like two hours.
- 21 Q Okay. And do you see the person that you know as
- 22 Jabriel, the person who shot you in the courtroom
- 23 today?
- 24 A Yes, ma'am.
- 25 Q And what is he wearing?

SW - J. FRAZIER - IN-CAMERA

1 A Blue shirt, white jacket.

2 Q And is he sitting over there at the defense
3 table?

4 A Yes.

5 MS. CAVANAUGH: Your Honor, let the record
6 reflect he's identified Mr. Singleton as the
7 shooter.

8 THE COURT: So reflected.

9 BY MS. CAVANAUGH:

10 Q Now I'm gonna show you what's marked as State's
11 Exhibit Number 2. You — do you know what this is?

12 A Yeah, that's the same.

13 Q Do you remember being shown this photographic
14 lineup?

15 A I can't remember that.

16 Q You can't remember this one?

17 A Huh-uh.

18 Q But you clearly remember being shown this one?

19 A Yes, yes.

20 Q And identifying that bottom right picture as the
21 shooter?

22 A Yes.

23 MS. CAVANAUGH: Beg the Court's
24 indulgence. No further questions at this time.

25 THE COURT: Thank you, Ms. Solicitor.

SW - J. FRAZIER - IN-CAMERA

1 Mr. Sutherland.

2 MR. SUTHERLAND: Please the Court, briefly
3 Your Honor.

4 **RECROSS-EXAMINATION**

5 BY MR. SUTHERLAND:

6 Q Mr. Frazier, you just testified that you don't
7 remember being shown one of these lineups. You only
8 remember being shown the lineup one time?

9 A Yes, sir.

10 Q But it was that initial lineup when you were
11 first in there that you -- I mean, you definitely
12 remember that, no two ways about it; is that
13 correct?

14 A The initials, the one with the initials. That's
15 the only one that I remember.

16 Q Speak up a little more so the judge can hear
17 you.

18 A The one with my initials, that's the only one
19 that I seen, that I can remember seeing.

20 Q Yeah, but it was the first one that they showed
21 you?

22 A Yes, the first one, yes.

23 Q So the first in time. And you recall the events
24 surrounding your being shown that lineup, I mean,
25 you remember that pretty good?

1 A Yes.

2 Q Okay. No further questions.

3 MR. SUTHERLAND: Thank you, Your Honor.

4 THE COURT: Redirect, Solicitor?

5 MS. CAVANAUGH: Just one question, Your
6 Honor, or two questions.

7 **REDIRECT EXAMINATION**

8 BY MS. CAVANAUGH:

9 Q Mr. Frazier, you only remember being shown one
10 photographic lineup; is that right?

11 A Yes, ma'am.

12 Q And I show you what's marked State's Exhibit
13 Number 1. This is the one you remember, right?

14 A Yes, ma'am.

15 Q Where you initialed?

16 A Yes, ma'am.

17 Q And circled?

18 A Yes, ma'am.

19 MS. CAVANAUGH: No further questions.

20 THE COURT: Recross?

21 MR. SUTHERLAND: No, sir.

22 THE COURT: Thank you very much,
23 Mr. Frazier. You may step down.

24 All right, Solicitor.

25 MS. CAVANAUGH: Your Honor, at this time

1 we just ask for the admission of the photographic
2 lineup, only the one that Mr. Frazier clearly
3 remembers which is State's Exhibit. I believe it's
4 number 1. Yes, it's number 1.

5 THE COURT: All right. Would you hand up
6 the exhibit please, Solicitor.

7 (Tendered to the Court.)

8 THE COURT: Thank you, Solicitor. All
9 right, Mr. Sutherland, does the defendant intend to
10 offer or present any evidence or testimony in this
11 regard?

12 MR. SUTHERLAND: No, sir, it's, I mean,
13 it's the position of the Defense that they knew one
14 another. We're not challenging that fact. We're
15 not challenging the identification in any way that
16 where he looks at a photo lineup and sees someone
17 he's known for a year-and-a-half, two years, he's
18 able to pick him out of that lineup. We don't have
19 an issue with the identification, Your Honor.

20 THE COURT: All right. So what -- tell me
21 what your motion is then.

22 MR. SUTHERLAND: Oh, just with respect to
23 the introduction of the mug shots themselves I just
24 feel that it would be cumulative to the
25 identification, and we're not challenging the

1 identification in any way and that it would have —
2 there would be no probative value to it in that the
3 defense isn't challenging the identification.
4 Therefore, whatever, however limiting any prejudice
5 may be with the introduction of the line-up, it
6 would still outweigh the probative value since the
7 defense isn't challenging identifications.

8 THE COURT: All right, thank you.

9 MR. SUTHERLAND: And if I may briefly,
10 just there's no demonstrable mean for them to do so
11 in light of those circumstances.

12 THE COURT: All right, Solicitor, you care
13 to respond?

14 MS. CAVANAUGH: Beg the Court's
15 indulgence. Your Honor, we would cite State v.
16 Stephens. It's a — that's Court of Appeals case,
17 South Carolina recent case. The cite is 728
18 Southeastern Second 68, and that these — first of
19 all, these aren't, these aren't necessarily mug
20 shots. These are actually booking photos.
21 Neither — no one in the photographic lineup has
22 jail clothing on. There's no information on the
23 lineup to indicate that these are mug shots
24 suggestive of a prior criminal record, and if — I
25 mean, I don't believe there is. No, there's not.

1 If Mr. Sutherland is concerned about the numbers
2 below that, we will be happy to redact those numbers
3 but those in no way indicate those are photos taken
4 from, you know, the jail. They could come from DMV
5 or any other source, right. And at the bottom where
6 it does have the evidence web cite information we
7 will be happy to redact that before it's shown to
8 the jury. As far as it being unnecessary for our
9 case, we aren't limited in any way to prove to sim--
10 to admit any all the evidence in this case that led
11 to the defendant's arrest. It is -- it was part of
12 their investigation even though Mr. Frazier was
13 familiar with him. At this point he only knew, he
14 only was familiar with Jabriel's first name so it is
15 probative for our case -- just to show that the
16 investigator stood up in the course of their
17 investigation actually make the arrest of this
18 defendant.

19 THE COURT: All right, thank you.

20 Yes, sir, Mr. Sutherland.

21 MR. SUTHERLAND: If I may, circumstance I
22 believe that Stephens was a case where the defense
23 had vigorously challenged the identification
24 throughout the trial and had really made a big deal
25 about the identification throughout the trial. What

1 I was relying on was just that I recall old rule. I
2 believe think it was State versus Tate about the
3 potentially about the introduction of mug shots
4 being potentially reversible error where again, the
5 State needs to show a demonstrable need for that. I
6 don't believe that they have shown that need for
7 that in light of that fact that we're not
8 challenging that identification between two people
9 that know one another. Further, it's — I believe
10 that the State just argued, you know, that they're
11 entitled to introduce, you know, their evidence to
12 decide which of their evidence — that's, I think
13 that's what I heard, that they put in to prove a
14 certain fact and that it's probative. There's no
15 need for anything probative on the issue. We're not
16 challenging the identification, and at no point
17 throughout this process would we challenge
18 identification. I know that they knew each. And
19 Mr. Frazier knows that they knew each other.
20 Mr. Singleton knows that they knew each other so
21 just identification is not an issue in this case,
22 sir.

23 THE COURT: Perhaps I missed something. I
24 don't recall testimony there were mug shots or
25 booking reports. The only statements I heard about

1 that is from the lawyers. Nobody's told me, or
2 nobody's testified that these photographs are either
3 mug shots or booking. I don't disbelieve you, you
4 or the Solicitor, I don't mean it like that, but...

5 MR. SUTHERLAND: Certainly.

6 THE COURT: I don't decide issues based on
7 attorney arguments in that regard.

8 MR. SUTHERLAND: Yes, sir.

9 THE COURT: Factually now, did I miss
10 that? I didn't recall Detective Unger testifying —
11 what I recall him testifying to is Lieutenant
12 McDonald compared it.

13 MR. SUTHERLAND: You know, 'cause I
14 actually believe his only testimony in that regard
15 was that they entered the different thing. I
16 remember him testifying about tattoos, height, and
17 weight. But I do believe that the system that they
18 use, they — don't y'all use the Alvin S. Glenn —
19 well, we can't go there now, but I do believe they
20 use the Alvin S. Glenn jail web site to create
21 lineups apparently.

22 THE COURT: Now I don't disagree with you.

23 MR. SUTHERLAND: Yes, sir.

24 THE COURT: You, nor the solicitor
25 probably be qualified to testify on that. I'm not

1 saying that; I'm just saying I didn't hear it in the
2 record. I do agree with you it appears that
3 Stephens was a hotly contested identification issue
4 and it cites State versus Ford and State versus
5 Tate. And when you go to State versus Ford it says
6 the introduction of a mug shot, quote mug shot, of a
7 defendant is reversible error unless, number one,
8 the State has a demonstrable need to introduce the
9 photograph. Number two, the photograph shown to the
10 jury does not suggest the defendant has a prior
11 criminal record; and three, the photograph is not
12 introduced in such a way as to draw intention to its
13 origin or implication citing State versus Tate.
14 These photographs, the individuals in them as was
15 pointed out in Stephens all appear to be in civilian
16 or street right clothes. They do not appear to be
17 in jail jumpsuits although the one in the lower left
18 may be; I'm not exactly sure. That would be number
19 86954. There are numbers under there which I would
20 circumstantially somewhat assume would go to a
21 booking number because as the Solicitor pointed out
22 at the bottom, there is a web site
23 jail@richlandonline.com secure lineup default so
24 that does lead one to that circumstantial assumption
25 that's it's either a booking photograph or a mug

1 shot and I'm not sure the difference between those
2 two items. I think given the numbers, they may not
3 be relevant or they're not actually probative that
4 they have those numbers on them, nor the information
5 down at the bottom. The only concern I have is the
6 State has a demonstrable need to introduce the
7 photograph. And if you're saying that we stipulate
8 to identification as the, as the defendant is the
9 shooter, that's one issue. The other issue of
10 course is that demonstrable need may be the
11 credibility of Mr. Frazier, living victim, with the
12 ability to and the credibility to properly identify
13 the individual that shot him. Do you care to
14 address any of those issues, Mr. Sutherland?

15 MR. SUTHERLAND: Sir, I understand where
16 the State might with respect to bolstering his
17 credibility regarding the identification, the
18 Defense certainly would not challenge his
19 credibility with regard to the identification. We
20 aren't saying that they don't know each other and
21 that's, I mean, that's where we are with respect to
22 that to the I.D. We're not going to challenge the
23 I.D. in any fashion. I'm glad that Your Honor did
24 point out to me that jail@richlandonline is at the
25 bottom of —

1 THE COURT: Well, the Solicitor actually
2 had already addressed it also. She, in those terms,
3 as I did see it but she addressed it before I did.
4 You can thank the solicitor also.

5 MR. SUTHERLAND: So I hope that that may
6 suffice to show that those are mug shots. And
7 myself, mug shots, booking photos, I just refer to
8 them as mug shots because of the case law from the
9 way Tate and Ford, I mean -- more often when I hear
10 booking photos I hear officers and investigators
11 talking about booking photos. And having been
12 outside the law, a regular person most of my life, I
13 use those sorts of terms mug shots rather than the
14 official terms. But, I would say I do believe that
15 they fail on demonstrable need in that we're not
16 challenging the identification between two people
17 that have known each other for two years, sir.

18 THE COURT: Thank you very much,
19 Mr. Sutherland.

20 MR. SUTHERLAND: Thank you, Your Honor.

21 THE COURT: Yes, Solicitor.

22 MS. CAVANAUGH: Your Honor, we, at this
23 point we have no idea what the defendant's defense
24 is going to be. It's not about bolstering Jonathan
25 Frazier's credibility. The victim Mr. Frazier only

1 knew Jabriel by his first name so this was one of
2 the steps in the investigation that the
3 investigators took to establish that the person he
4 knew as Jabriel and the person who shot him was
5 indeed Jabriel Singleton. It was one that they took
6 to establish that. So we do, and again, it just
7 goes to, it does go to our credibility as far as his
8 awareness level and ability to give the
9 investigators details about the incident through
10 nodding his head and shaking his head, including
11 identification of the shooter. So we do feel that
12 we have a demonstrable need to introduce the
13 photographic line up as admissible evidence in this
14 case.

15 THE COURT: Well, let me do this,
16 Solicitor. Certainly the testimony that was offered
17 is admissible, but I would like to take the
18 opportunity to re-read State versus Tate and do a
19 little bit of further research so the photographs
20 themselves, testimony is admissible. The testimony
21 from Detective Unger and Mr. Frazier about being
22 shown photographic lineups about, identifying the
23 individual, about that individual being Jabriel
24 Singleton, the officer testified to that. I just
25 want to look a little bit further at the actual

1 photographs themselves so I'll take that issue under
2 advisement. I'll look at those cases tonight.

3 MS. CAVANAUGH: On one more thing, Your
4 Honor.

5 THE COURT: Yes, ma'am.

6 MS. CAVANAUGH: As far as the -- I pointed
7 out on the photographic line up where it says
8 jailrichlandonline.com, we will be happy to so it's
9 not obvious anything has been whited out or
10 redacted, we'll be happy to trim the bottom off of
11 that lineup so that the jail website is not shown to
12 the jurors in this case.

13 THE COURT: And perhaps the numbers under
14 the individuals' names. I don't know if that can
15 be -- well, I know some people that can do it where
16 you can scan it in and remove it like that and
17 remove the numbers, I'm not one of them, but I do
18 know people that can do such things as that perhaps.
19 But let me look at those other cases about the
20 actual photographs themselves. The testimony is
21 clearly admissible.

22 MS. CAVANAUGH: Okay.

23 THE COURT: All right. Thank you,
24 Solicitor. All right, our next pretrial motion?

25 MS. SIMPSON: Your Honor, at this time the

1 State will move under Jackson v. Denno to admit the
2 defendant's statement.

3 THE COURT: All right.

4 MS. SIMPSON: The State calls Investigator
5 Unger to the stand.

6 THE COURT: You're still under oath.

7 THE WITNESS: Yes, Your Honor.

8 THE COURT: Thank you.

9 **DIRECT EXAMINATION**

10 BY MS. SIMPSON:

11 Q Investigator Unger, where are you employed?

12 A Richland County Sheriff's Department.

13 Q And what do you do there?

14 A I'm currently a senior narcotics agent.

15 Q And back on January 24th of 2012 were you working
16 at Richland County?

17 A Yes, ma'am, I was.

18 Q And did you have occasion to become involved in
19 this case?

20 A Yes, ma'am, I was assigned as the primary
21 homicide investigator for this case.

22 Q And did you have the opportunity to speak with
23 the defendant on January 26th of 2012?

24 A Yes, ma'am, I did.

25 Q Was the defendant actually under arrest at that

1 time?

2 A He was.

3 Q And was he advised of his rights?

4 A He was.

5 Q Can you tell us how that was done.

6 A Yes, ma'am. On the 26th he was brought up to our
7 headquarters which is 5623 Two Notch Road. We have
8 a large open area with a bunch of cubicles and
9 against the wall there's offices. I used one of the
10 offices, there's Sergeant Don Robinson's office. He
11 was brought in. Handcuffs were taken off. He was
12 sat down in the presence of myself and Investigator
13 Preston. We have a common form that we use up at
14 CID for advisement of rights.

15 Q And hold on just a moment.

16 (WHEREUPON, State Exhibit No. 3 was marked
17 for identification only.)

18 BY MS. SIMPSON:

19 Q And I'm showing you State's Exhibit 3. What is
20 that?

21 A That is our Richland County Sheriff's Department
22 interrogation advice of rights.

23 Q Okay. And how was this procedure conducted?

24 A Okay. The way that I do it, you know, everybody
25 does it a little bit different; but the way I do it

1 is I fill out demographic information on the top;
2 the suspect's name Jabriel Singleton; the place
3 where it's being administered, 5623 Two Notch
4 Road; the officers present during the interview
5 which would be Unger and Preston; the date it was
6 conducted which is January 26th, 2012; and then the
7 time that I started it, which was 13:14 or 1:14 p.m.

8 Q And then do you actually go through those rights?

9 A Yes, ma'am. The first section we have is your
10 rights. The way I do it is, I read each sentence by
11 itself, I stop, I ask the person that I'm reading
12 this to, if this person Jabriel Singleton, if he
13 understands that. If he indicates he does
14 understand it, I put a check mark by it. So I would
15 do the first question. I would ask -- before we ask
16 you any questions you must understand your rights.
17 I would ask Mr. Singleton if he understands it. He
18 indicated he did and I put a check mark next to it.
19 The next question I ask, you have the right to
20 remain silent. I ask him if he understands. He
21 says he does and put a check mark next to it.
22 Anything you say can be used against you in court.
23 I asked if he understood that; he said he did. I
24 put a check next to it. You have the right to talk
25 to a lawyer for advice before we ask you any

1 questions and to have a lawyer with you during any
2 questioning. If he understands that, he indicated
3 he did. I put a check mark next to it. If you
4 cannot afford a lawyer one would be appointed for
5 you before any questioning if you wish. I asked if
6 he understand that; he indicated he did. I put a
7 check mark by it. If you decide to stop -- I'm
8 sorry, if you decide to answer questions now without
9 a lawyer present you still have the right to stop
10 answering at any time. You also have the right to
11 stop answering at any time until then you talk to a
12 lawyer. I asked if he understood that; he indicated
13 he did. I put a check mark next it to.

14 Q And as you're reading in addition to him telling
15 you that he understood, did he appear to understand
16 his rights?

17 A Yes, ma'am, he did.

18 Q Was he under the influence or anything that
19 seemed to be hindering him --

20 A No, he did not appear.

21 Q --in his ability to understand?

22 A No, ma'am.

23 Q Is there another portion on that on --

24 A Yes, ma'am.

25 Q --State's Exhibit 3 regarding the waiver of

1 rights?

2 A Yes, ma'am, there is. Same thing applies as the
3 above. I read it. It's a paragraph, and then I
4 asked if he understood. The paragraph is: "I have
5 read this statement of my rights, understand what my
6 rights are. I am willing to talk and answer
7 questions. I understand and know what I am doing.
8 No promises have been made to me. No pressure or
9 coercion of any kind has been used against me. And
10 I asked him if he understood that." He indicated he
11 did and put a check mark next to it.

12 Q And looking at both, backing up just a little
13 bit, in addition to the checks as he understood did
14 he actually acknowledge his understanding in some
15 way?

16 A He did. He signed it with his signature.

17 Q And under the waiver of rights, the second part
18 of the form, did he also acknowledge that he waived
19 his rights?

20 A Yes, ma'am, he did. He acknowledged by his
21 signature.

22 Q And did he indicate he wished to speak with you?

23 A Yes, ma'am, he did.

24 Q And was he willing to speak with you?

25 A Yes, ma'am, he was.

1 Q Did he ask for an attorney at any point?

2 A He did not.

3 Q Did anyone, or anyone — did you or anyone in
4 your presence threaten or coerce him in any way to
5 talk to you?

6 A No, ma'am, I did not.

7 Q Did you make him any promises?

8 A I did not.

9 Q Tell us about your interview with the defendant.
10 Was it strictly written statement or did you speak
11 verbally? How did that happen?

12 A It started out speaking verbally. I like to hear
13 everything that happened. Once I've gotten what
14 they have to say verbally, at that time I will then
15 put it in writing. I'll have them go over the exact
16 thing they went over with me initially, and I will
17 do it word for word as much as I can into the
18 statement written.

19 Q Okay. Did you, in fact, do that in this case?

20 A Yes, ma'am, I did.

21 Q Okay, so speaking after your conversation, I
22 guess verbal conversations as well as your just
23 general interview of the defendant, do you
24 memorialize that interview in some way within your
25 own notes?

1 A Yes, ma'am, I put it into my investigative
2 followup.

3 Q And basing a little bit, is the information in
4 your follow up, I guess, more expansive or is there
5 other information that's not provided in the written
6 statement?

7 A Yes, ma'am. Whatever that he told me I put into
8 my investigative followup.

9 Q And can you go through that conversation for the
10 Court at this time.

11 A Yes, ma'am, I can. You want line by line or just
12 read the whole thing?

13 Q Line by line from the point where you began
14 interviewing him.

15 A All right. I would put, I advised Singleton of
16 his Miranda warnings and writing at 13:14 hours,
17 which he waived stating he was willing to talk about
18 the event. I told Singleton he's being arrested for
19 homicide of Dashawn Breeze Jones and the attempted
20 murder of Jonathan Crash Frazier. Singleton stated
21 that he met his -- you want me to put a meeting or
22 is it okay in pretrial?

23 Q For purposes of this hearing go ahead. I'm sure
24 we have an issue regarding the probation agent that
25 the defendant claimed he was meeting with.

1 A Singleton stated that he met his probation
2 officer at 1100 hours. He stated that after the
3 meeting he went to a recording studio on Anwood
4 Drive. He stated that Breeze and Crash were at the
5 studio. Singleton stated there was others at the
6 studio as well. Singleton stated that he was
7 chilling and smoking weed inside and outside. He
8 stated that he left the studio at 12 or 1300 hours
9 and went to girlfriend Kenyatha Hickman's house off
10 of Leesburg Road. Singleton stated that he was
11 there, he was at her house all day. Singleton
12 stated he did not leave until later in the evening.
13 Singleton stated that he went to Club Crush. I
14 asked if he left his girlfriend's house at all
15 before going to Club Crush in the evening; he stated
16 no. He stated he left at 21 or 2200 hours to go to
17 the club. I asked if he spoke with Breeze or Crash
18 after he left the studio and he stated that Breeze
19 called wanting to buy some weed. He told Breeze
20 that he did not have any yet. Singleton stated that
21 he would be a few minutes and he might have some.
22 Singleton stated that he called back and he told him
23 that he was not giving him enough time to get the
24 weed. I asked if he was in Hopkins at all during
25 the afternoon, and he stated that, stated no. I

1 asked if he killed Breeze and shot Crash and he
2 stated that he did not. I printed the statement and
3 presented it to Singleton.

4 Q And so at this point y'all are talking and you're
5 also writing a statement, correct?

6 A Yes, ma'am.

7 Q And at any point during this verbal conversation
8 did he request an attorney?

9 A No, ma'am.

10 Q Did he say he wanted to stop talking to you?

11 A No, ma'am.

12 Q And did he speak with you freely and voluntarily?

13 A Yes, ma'am.

14 (WHEREUPON, State Exhibit No. 4 was marked
15 for identification only.)

16 BY MS. SIMPSON:

17 Q Investigator Unger, I'm gonna show you State's
18 Exhibit 4. So you recognize that?

19 A Yes, ma'am, that's the written statement that I
20 produced and typed for Jabriel.

21 Q And on what date and time did this occur?

22 A The actual written statement was on the 26th of
23 January, 2012, and I started typing it at 1322 or
24 1:22 p.m.

25 Q Okay. And at this point had the defendant been

1 advised of his rights?

2 A He had.

3 Q And he was actually under arrest at this point as
4 well?

5 A He was.

6 Q And did the written statement come subsequent to
7 your verbal conversation with him or kind of was it
8 mixed ---

9 A Yes, ma'am.

10 Q ---together?

11 A No, it was -- I got the verbal portion first, and
12 once he finished that then I had him give it to me
13 again at which point I did it in writing.

14 Q Okay. And tell us about this statement and how
15 it went with respect to your writing of the
16 statement, typing out the statement.

17 A Okay, I asked him to -- I'll let him know that
18 I'm gonna stop him often when we do these because at
19 this point I'm doing it word for word what he says.

20 Q So you're actually typing as he indicates his
21 answers?

22 A Yes, ma'am. I'm not a very fast typer, either so
23 I will stop them, and when I start to lose track
24 I'll stop them, tell them stop for me. And I warn
25 them about it before I take the statement as well.

1 I say, I'm gonna stop you numerous times, I'm not
2 trying to be rude, I just need to write what you
3 say. And that's what we'll do.

4 Q Okay. And what exactly was said in this
5 statement?

6 A All right. The first written portion is again
7 another advisement of rights with his name on it.
8 Would you like me to go over that again?

9 Q Yes, word for word.

10 A Word for word. I, Jabriel Singleton, — first it
11 says Columbia, South Carolina. This is the first
12 day of — or I'm sorry, January 26th, 2012 at 1322
13 in the presence of Investigator Unger/Preston of the
14 Richland County Sheriff's Department. I, Jabriel
15 Singleton, understand I have the right to remain
16 silent. Anything I say can be used against me in
17 court. I have the right to talk to a lawyer for
18 advice before you ask me any questions and have a
19 lawyer with me during my questioning. I understand
20 if I cannot afford a lawyer one will be appointed
21 for me before any questioning if you wish. If I
22 decide to answer questions now without a lawyer
23 present I still have the right to stop answering at
24 any time. I also have the right to stop answering
25 at any time until I talk to a lawyer. Do make the

1 following statement, the first thing I put is a
2 question with my name Unger/Preston, question mark.
3 The next thing is answer, Singleton. The first
4 question I asked: Tell me about your day on
5 Tuesday, January 24th, 2012 while you were with
6 Dashawn Breeze Jones and Jonathan Crash Frazier.
7 Q And just so we're clear here, we have some
8 nicknames. Breeze is referring to who?
9 A Dashawn Jones.
10 Q And that is, is he the murder victim?
11 A Yes.
12 Q And who is Crash referring to?
13 A Jonathan Frazier.
14 Q Okay, continue.
15 A His answer is: "I had to meet my probation
16 officer 11 a.m. in the morning. After that I went
17 to the studio on Anwood Drive. Breeze and Crash
18 were at the studio, Nick, and some others. There
19 were so many people. We were hanging out smoking
20 weed and chilling. That was outside and inside. I
21 left the studio at 12:01. I went to my girlfriend's
22 Kenyatha Hickman's house on Leesburg Road. I was
23 over there all day, did not leave until later that
24 night. I went to Club Crush later in the evening.
25 The next question I asked, do you have any — or did

1 you leave your girlfriend's house at all before
2 going to Club Crush in the evening. Answer is no.
3 Question, the next question was, what time in the
4 evening did you go to Club Crush? Answer was nine
5 or ten p.m. The next question, did you speak with
6 Breeze or Crash after you left the studio? Answer
7 is, yes, he called me and asked to buy some weed. I
8 told him that I did not have any yet. I told him it
9 would be a few minutes and I might have some. He
10 called back again. It did not take time -- I'm
11 sorry, it did not take him time to call me back. It
12 seemed like he was in a hurry to do something. I
13 told him that he was not giving me enough time to
14 get it. It seemed like he was in a hurry to make a
15 play. The next question was, did you go to Hopkins
16 at all that afternoon? The answer is no. The next
17 question is, did you kill Breeze and shoot Crash?
18 Answer is no, sir. The next question, is there
19 anything else you want to add to your statement?
20 Answer is, no, sir.
21 Q Now as you're doing this, as I said, did he ask
22 for an attorney?
23 A No, ma'am, he did not.
24 Q Did you deprive him of any creature comforts
25 during this process?

1 A No, I did not.

2 Q If he wanted to go to the restroom what would you
3 have done?

4 A I would have taken him to the restroom.

5 Q And what about food? Would you have allowed him
6 to eat?

7 A Yes.

8 Q And in this case did you actually allow him to go
9 to the restroom or eat?

10 A I did. Give me one second and I will — he was
11 given water at 14:35 hours and used the bathroom at
12 14:54 hours.

13 Q Okay. And during the statement did you threaten
14 or coerce him in any way?

15 A No, ma'am, I did not.

16 Q I want to turn your attention to the portion
17 where a signature is required. Did he actually sign
18 this statement?

19 A No, ma'am, he did not. He told me he wasn't
20 going to sign anything.

21 Q Okay. And so he did not sign a statement?

22 A He did not.

23 Q Did you give him the statement to review?

24 A I did.

25 Q Can you tell us about that?

1 A After we're done the first thing we tell him once
2 I'm done printing it is you need to read over this
3 statement, make sure I didn't add anything or take
4 anything out that you said, at which time I hand him
5 the statement to do that.

6 Q And did he actually -- did you hand him State's
7 Exhibit 4?

8 A Yes, ma'am, I did.

9 Q Did he look through it?

10 A Yes, ma'am, he did.

11 Q Did he appear to understand what the statement
12 was saying?

13 A Yes, ma'am, he did.

14 Q Did he ask to change anything in the statement?

15 A He did not.

16 Q Did he indicate that anything that was written
17 here was inaccurate or was not what he said?

18 A No, he did not.

19 Q So essentially the only thing he didn't do was
20 sign the statement?

21 A That's correct.

22 Q And do you force anyone to sign a statement?

23 A No, ma'am.

24 Q And do you threaten or coerce them to sign it?

25 A No, ma'am.

1 Q So since he didn't want to sign the statement you
2 didn't require them to sign it?

3 A That's correct.

4 Q But he did, in fact, sign State's Exhibit 3, the
5 advice of rights form?

6 A Yes, ma'am.

7 Q Including the waiver?

8 A Yes, ma'am.

9 Q And he indicated that — or he did speak with you
10 freely and voluntarily?

11 A Yes, ma'am.

12 Q Going back to your verbal conversation, I believe
13 you stopped at a portion in your followup. There's
14 actually another portion beginning I inform
15 Singleton that I believed he was lying?

16 A Yes, ma'am.

17 Q Can you read from that portion on — was this
18 part of your conversation with him?

19 A Yes, ma'am.

20 Q Can you tell us about that?

21 A Yes, ma'am. "I informed Singleton I believed he
22 was lieing. I told him Crash picked him out of the
23 photographic lineup, ad he stated he was lying. I
24 told him that his cell phone bounced off towers in
25 Hopkins. He stated that was his father's house. I

1 asked if his father's house was moving; he did not
2 answer. Singleton made the comment that there's not
3 a self-defense law in South Carolina." Singleton
4 did not make any other statements.

5 Q So outside of those verbal statements to you as
6 well as the written statement was that all the
7 conversation that you had with him?

8 A Yes, ma'am.

9 Q With respect to this case?

10 A Yes, ma'am.

11 Q And he was never promised anything—

12 A No, ma'am.

13 Q —to give these statements, correct?

14 A No, ma'am.

15 Q Thank you.

16 THE COURT: All right, Mr. Sutherland.

17 MR. SUTHERLAND: Please the Court, sir.

18 THE COURT: Yes, sir.

19 **CROSS-EXAMINATION**

20 BY MR. SUTHERLAND:

21 Q Sir, how long was Mr. Singleton in custody when
22 he got to you? It wasn't too long, was it?

23 A No, sir. 12:57 I was notified that he was under
24 arrest. He had been arrested from Best Hotel room
25 118. He arrived at headquarters 13:10. I advised

1 him 13:14.

2 Q All right. What sort of condition was he in when
3 he arrived?

4 A As what do you mean?

5 Q Physical condition?

6 A He seemed fine.

7 Q Did you ask him if he'd been roughed up during
8 the arrest?

9 A No, sir.

10 Q Did not ask him that?

11 A No.

12 Q Had he been tazed?

13 A I did not ask him.

14 Q Were you — are you aware today whether he had
15 been tazed?

16 A No, sir, I'm not.

17 Q So you're not aware today—

18 A No.

19 Q —that he got tazed?

20 A No.

21 Q Okay. You testified, let's see, 13:14 so that
22 puts water about an hour out, bathroom
23 hour-and-a-half out?

24 A That's correct.

25 Q You also testified that he said he didn't want a

1 lawyer and he did not want to stop talking, right?

2 A That's correct.

3 Q But he did stop talking?

4 A Yes.

5 Q All right. At the point that he stopped talking

6 he said — you said that he refused to sign the

7 statement?

8 A That's correct.

9 Q Is that when he stopped talking or when you —

10 A No.

11 Q The litany you just went through?

12 A The litany I just went through. No more

13 statements were taken after that or no more talking

14 was after that.

15 Q Okay, so just -- you're saying I think you're

16 lying about X, you're lying about Y, and that was

17 pretty much the end of it?

18 A He made -- I believe he made one last comment

19 which was that there's no self-defense law in South

20 Carolina and that was it.

21 Q Okay. Now he hadn't requested a lawyer or

22 anything at that point?

23 A No, sir.

24 Q So when he says there's no self-defense law in

25 South Carolina, I mean, I'm looking at the page in

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1 your report, it doesn't look like you said anything
2 else to him?

3 A No, it was over. We were, I mean, I took him to
4 the bathroom, got him some water. The warrants were
5 read to him and I believe he was transported shortly
6 after that.

7 Q All right. There -- well, there is a
8 self-defense law in South Carolina.

9 A It's not my statement, it's his statement.

10 MR. SUTHERLAND: Your Honor, I have no
11 further questions.

12 THE COURT: Thank you, Mr. Sutherland.
13 Redirect, Solicitor?

14 MS. SIMPSON: No, Your Honor, not from the
15 State.

16 THE COURT: Thank you. Thank you again,
17 Detective Unger. You may step down.

18 THE WITNESS: Thank you, Your Honor.

19 MS. SIMPSON: Your Honor, that's all the
20 witnesses from the State on this issue.

21 THE COURT: All right, thank you. Thank
22 you, Solicitor.

23 Mr. Sutherland.

24 MR. SUTHERLAND: Beg the Court's
25 indulgence.

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1 THE COURT: Certainly.

2 MR. SUTHERLAND: May it please the Court,
3 sir, I'd like to call Jabriel Singleton to the
4 stand.

5 THE COURT: All right. If you'd come
6 around to be sworn please.

7 WHEREUPON,

8 **JABRIEL SINGLETON,**
9 having been duly sworn by the Clerk of Court,
10 testified as follows:

11 THE CLERK OF COURT: Thank you. Please
12 have a seat in the witness stand. State your full
13 name for the record and please spell your first
14 name.

15 THE WITNESS: My name is Jabriel
16 Singleton, J-A-B-R-I-E-L.

17 **DIRECT EXAMINATION**

18 BY MR. SUTHERLAND:

19 Q Sorry to surprise you like this, I just have one
20 question for you. Why did you refuse to sign that
21 statement?

22 A Because that's not all that I said.

23 THE COURT: Speak up for me please.

24 THE WITNESS: That's not all that I said.

25 MR. SUTHERLAND: Okay, thank you. No

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1 further questions, Your Honor.

2 **CROSS-EXAMINATION**

3 BY MS. SIMPSON:

4 Q So your counsel just asked you why you refused to
5 sign the statement?

6 A Yes, ma'am.

7 Q And you responded that's not all that you said,
8 right?

9 A Yes.

10 Q So you said some of it, but that wasn't all?

11 A Yes.

12 Q What else did you say that's not in the
13 statement?

14 MR. SUTHERLAND: I believe that's out of
15 the scope of the hearing, Your Honor.

16 THE COURT: Explain that to me,
17 Mr. Sutherland.

18 MR. SUTHERLAND: Well, his testimony is
19 that it didn't contain everything that I said,
20 that's why I refused to sign it. She's attempting
21 to elicit further testimony for what did you say.
22 The point of his testimony is that he refused to
23 sign it because it didn't have everything that he
24 said in it.

25 THE COURT: Well, I'm the fact finder at

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1 this stage under the standard of preponderance of
2 the evidence which means I would have to weigh the
3 credibility of the witnesses that testify during the
4 in-camera hearing. With that being said I overrule
5 your objection.

6 MR. SUTHERLAND: Thank you, sir.

7 MS. SIMPSON: Thank you, Your Honor.

8 BY MS. SIMPSON:

9 Q I'm showing you State's Exhibit 4, do you
10 recognize this?

11 A Yes, ma'am.

12 Q And is that the statement that you refused to
13 sign?

14 A Some of it, yes, ma'am.

15 Q Some of it —

16 THE COURT: Speak up, I'm sorry, I
17 couldn't understand you.

18 THE WITNESS: Some of it.

19 BY MS. SIMPSON:

20 Q Still can't hear, speak up a little bit so
21 everybody can hear.

22 A I say, yes, ma'am, that is some of the statement.

23 Q That some of it? So there was more?

24 A Yes, ma'am.

25 Q More typed stuff?

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1 A Yes, ma'am.

2 Q Well, what else did that other typed statement
3 have in it?

4 A Just like a few other things, nothing much.

5 Q A few other things, nothing much? Well, what
6 exactly is a few other things, nothing much?

7 A Basically like more questions that he asked.

8 Q More questions, okay. Let me back you up. This
9 is your statement, right? It's just not all of it,
10 correct?

11 A Yes, ma'am.

12 Q So you did -- Investigator Unger did ask you
13 these questions?

14 A Yes, ma'am.

15 Q And you responded with your answers?

16 A Yes, ma'am.

17 Q But there's something else he asked you about?

18 A Yes, ma'am.

19 Q Well, what else did he ask you about that wasn't
20 in here? And I can show you State's Exhibit 4.

21 A Basically like the beginning part when I came in,
22 when I came in they did ask me if I was roughed up,
23 roughed up a little bit.

24 Q Okay. So let me just, and I need to just make
25 sure I'm clear. When you came into the interview

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1 after they advised you, right?

2 A Yes, ma'am.

3 Q Then you're saying that Investigator Unger asked
4 whether you were roughed up?

5 A Yes, ma'am.

6 Q And what did you say?

7 A Yes, ma'am. I said yes, I was roughed up a
8 little bit.

9 Q You said you were roughed up a little bit?

10 A Yes, ma'am.

11 Q Did you expand any further, tell him anything
12 else about being roughed up?

13 A Nothing other than the questions he asked.

14 Q So he asked you more questions about being
15 roughed up?

16 A No, just the question on the statement after
17 that.

18 Q So the only reason you didn't sign your statement
19 is because they didn't put that portion about
20 roughing you up. Is that your testimony today?

21 A I just didn't feel comfortable with signing the
22 statement.

23 Q So you just didn't feel comfortable with signing
24 it?

25 A Yes, ma'am.

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1 Q But the statement is your statement?

2 A Most of it.

3 Q Most of it?

4 A Yes, ma'am.

5 Q So some of that statement is not your statement?

6 A Yeah, I don't really remember like everything he
7 asked me all that day, but I know it's not
8 everything 'cause there was more to it.

9 Q So there was more -- and I'm sorry, just bear
10 with me. So there was more than what's provided in
11 State's Exhibit 4?

12 A Yes, ma'am.

13 Q But this is accurate, this is what they showed
14 you, this was your statement?

15 A Yes, ma'am.

16 Q And you just didn't sign it because you didn't
17 feel comfortable?

18 A Yes, ma'am.

19 Q And did you understand everything he was asking
20 you?

21 A Most of it, yes, ma'am.

22 Q Most of it? 'Cause he was asking you about what
23 happened?

24 A Yes, ma'am.

25 Q And so the only reason you didn't sign is because

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1 the roughing up part was left out?

2 A And I didn't feel comfortable without signing it.

3 Q Why didn't you feel comfortable?

4 A What I leave repetition, I just didn't feel
5 comfortable.

6 Q Okay, but you talked to them and you gave them a
7 statement?

8 A Yes, ma'am.

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

10 THE COURT: Yes, ma'am.

11 BY MS. SIMPSON:

12 Q Now just so we're clear 'cause some stuff's a
13 little vague, I want to make sure that your answers
14 are the answers that you provided in this statement,
15 okay. You remember Investigator Unger asking you or
16 saying, tell me about your day on Tuesday,
17 January 24th of 2012, while you were with Dashawn
18 Breeze Jones and Jonathan Crash Frazier, right?

19 A Yes, ma'am.

20 Q You answered, "I had to meet my probation officer
21 at 11 a.m. in the morning. After that I went to the
22 studio on Anwood Drive. Breeze and Crash were at
23 the studio, Nick, and some others. There were so
24 many people. We were hanging out smoking weed and
25 chilling. I was outside and inside. I left the

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1 studio around 12 or 1. I went to my girlfriend's
2 Kenyatha Hickman's house off Leesburg Road. I was
3 over there all day. I did not leave there until
4 later that night. I went to Club Crush later that
5 evening." Is that your answer?

6 A Yes, some of what I said.

7 Q So you said some more?

8 A Yeah, some of it — yes, ma'am, I said a little
9 more. Some of it, like that's not all the statement
10 though. There's more questions he asked me.

11 Q Okay, so, well, I'm going into the other
12 questions —

13 MR. SUTHERLAND: Your Honor, I think we're
14 getting towards asked and answered. He keeps saying
15 that's not everything I said, and she keeps saying,
16 going over the same thing. I believe he's asked and
17 answered. I believe his answer is that's not
18 everything I said.

19 MS. SIMPSON: Your Honor, if I may respond
20 briefly. With respect to the defendant's responses,
21 he is being vague as to, yeah, that's some of what I
22 said, not what I said. At this point I am merely
23 going through the questions and the answers to make
24 sure that those were, in fact, the answers to the
25 questions that Investigator Unger asked him limited

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1 to the statement.

2 THE COURT: All right, you may proceed,
3 Solicitor.

4 MS. SIMPSON: Thank you, Your Honor.

5 BY MS. SIMPSON:

6 Q So that was your answer. And I'll show you so
7 we're clear on State's Exhibit 4, that was your
8 answer that I just read to you, correct?

9 A Yes, ma'am.

10 Q Okay. And then the next question, did you leave
11 your girlfriend's house at all before going to Club
12 Crush in the evening? Your answer, no. Is that
13 correct?

14 A Yes, ma'am.

15 Q Okay. Next question, what time in the evening
16 did you go to Club Crush? Your response, about 9 or
17 10 p.m.?

18 A Yes, ma'am.

19 Q Next question, did you speak with Breeze or Crash
20 after you left the studio? Your response, yes, he
21 called me and asked me to buy some weed. I told him
22 that I did not have any yet. I told him that it
23 would be a few minutes and I might have some. He
24 called back again. It did not take long to call
25 back, or call me back. It seemed like he was in a

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1 hurry to do something. I told him that he is not
2 giving me enough time to get it. It seemed like he
3 was in a hurry to make a play. Was that your
4 answer?

5 A Some of it. It's not exactly like what I said.

6 Q Do you remember what you said?

7 A I mean, saying I could get him some.

8 Q Okay, so you -- additionally you were saying you
9 could get him some?

10 A Yes, ma'am.

11 Q Okay. So you added that would have been
12 something that was left out of your statement that
13 you could get him the weed?

14 A Yes, ma'am.

15 Q Okay. Anything else on that question?

16 A No.

17 Q Okay. Next question, did you go to Hopkins at
18 all that afternoon? Your response, no. Is that
19 right?

20 A I don't remember.

21 Q Okay, you don't remember if that was your
22 response?

23 A No, ma'am.

24 Q Did you kill Breeze and shoot Crash? Your
25 answer, no, sir.

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1 A Yes, ma'am.

2 Q That's right. And finally, is there anything
3 else you want to add to your statement? Right? And
4 you answered, no, sir.

5 A Yes, ma'am.

6 Q So Investigator Unger gave you the opportunity to
7 add to your statement, right? That's that question
8 and I'll show you.

9 A I believe so but I'm not too sure.

10 Q Well, was that your response, no, sir, or is that
11 wrong too?

12 A I believe so; I'm not too sure.

13 Q You believe so. So you don't want to add
14 anything else to your statement?

15 A No, ma'am.

16 Q That was it? And then you just didn't sign it
17 because you didn't comfortable?

18 A Yes, ma'am.

19 MS. SIMPSON: That's all I have of this
20 witness.

21 THE COURT: Thank you, Solicitor.

22 Redirect, Mr. Sutherland?

23 MR. SUTHERLAND: Yes, sir, thank you, Your
24 Honor.

25 THE COURT: Certainly.

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REDIRECT EXAMINATION

1

2

BY MR. SUTHERLAND:

3

Q So to go all the way back where we started, I did
4 hear additional reason why you didn't want to sign
5 it; but you didn't want to sign the statement
6 because it didn't have everything that you told to
7 the investigator in it. That's your testimony as I
8 understand it, right?

9

A Yes, sir.

10

Q You also mentioned that you weren't comfortable
11 signing anything without an attorney present?

12

A Yes, sir.

13

MR. SUTHERLAND: No further questions,

14

Your Honor.

15

THE COURT: We have recross?

16

MS. SIMPSON: Brief. Briefly, Your Honor.

17

RECROSS-EXAMINATION

18

BY MS. SIMPSON:

19

Q Now the fact you felt uncomfortable you just felt
20 uncomfortable, right? You didn't tell Investigator
21 Unger that you felt uncomfortable?

22

A Yes, ma'am, basically I told him that.

23

Q Well, you told him that you refused to sign it,
24 right?

25

A I refused to sign it because I didn't feel

1 comfortable with everything that was in that.

2 Q And that's what you told him, you refused to sign
3 it because you didn't feel comfortable with
4 everything that was in it?

5 A I didn't feel comfortable, didn't want to sign
6 it.

7 MS. SIMPSON: All right. Nothing further.

8 THE COURT: Thank you. Thank you very
9 much, Mr. Singleton. You may step down.

10 Any additional witnesses from the Defense?

11 MR. SUTHERLAND: No, sir.

12 THE COURT: Anything further from the
13 State as far as witnesses or testimony, Solicitor?

14 MS. SIMPSON: No, Your Honor, not on this
15 issue.

16 THE COURT: All right, I'll be glad to
17 hear from you, Solicitor.

18 MS. SIMPSON: Your Honor, respectfully I
19 believe we heard from Investigator Unger on this
20 issue regarding voluntariness of the statement. The
21 defendant was, in fact, arrested at this time. He
22 was in custody so the question of whether Miranda
23 was required is not an issue. In this case Miranda
24 was given. State's Exhibit 3, I believe, the
25 defendant was advised of his rights. He did

1 indicate on that form that he understood those
2 rights by both signing his name under that; and as
3 Investigator Unger went through and checked them off
4 individually he indicated he understood. He also
5 signed a waiver of rights, and State's Exhibit 3
6 indicating that he read his rights, understood what
7 they were and were willing to answer questions. At
8 that point Investigator Unger has testified that
9 there was a verbal conversation with the defendant
10 in addition to a statement that was reduced to
11 writing. At no point did the defendant ask for an
12 attorney. He was not promised anything, no threats
13 were made. He was not coerced. It was clear to
14 Investigator Unger that he understood those rights
15 that were being given to him, that he was not under
16 the influence of anything that might affect his
17 ability to understand; and he did in fact, speak
18 with him on that issue.

19 Your Honor, we have I guess essentially
20 two statements or two conversations that we're
21 seeking, Investigator Unger's verbal conversation
22 with him that's memorialized in his investigative
23 report as well as his written statements. I believe
24 that we've met our burden of a preponderance of the
25 evidence that his waiver was given freely and

1 voluntarily. Even with the defendant's own
2 testimony, Your Honor, at no point did he indicate
3 to Investigator Unger that he required an attorney
4 or that he did not wish to speak with him. The only
5 issue we get to the defendant's, I guess,
6 comfortable level is with respect to signing the
7 statement at the end. I believe my last question to
8 him was what was told to Investigator Unger
9 regarding him not wanting to sign. He said that he
10 was uncomfortable; he just didn't feel like signing
11 it because everything wasn't in there. Not that he
12 was requesting an attorney, not that that was not
13 his statement, and at no point did he himself
14 indicate that he did not willingly talk to law
15 enforcement in this case.

16 THE COURT: Thank you, Solicitor.
17 Mr. Sutherland.

18 MR. SUTHERLAND: Thank you, Your Honor.
19 While I do believe that the testimony that was
20 elicited by the solicitor was that he wasn't
21 comfortable signing anything without an attorney
22 present, and his testimony from him was in the very
23 beginning of things that he didn't want to sign it
24 because it didn't have everything that he said in
25 it. I think I've got just a pretty straight forward

1 and simple proposition on this. He refused to sign
2 this. This is not signed by him. This is not
3 notarized. This is not his statement. This is the
4 investigator typing on a piece of — typing on a
5 computer and printing out a piece of paper. I don't
6 believe that this could be said to be his statement
7 both in light of the testimony but in light of the
8 fact that it's not signed and it's not notarized.
9 It is a piece of paper with the investigator's
10 typing on it. Now whether the State wants to go
11 into, well this particular detail is on this
12 particular detail is oh, he said this one is okay
13 and you know, he's quibbling with this, that, and
14 the other. The bottom line is he didn't sign the
15 thing and he refused to sign it. I mean, that's a
16 fact irrespective of anything that they might argue
17 here, and I believe that his refusal to sign it
18 should be dispositive of whether or not he agreed
19 that that was his statement. He testified that it
20 wasn't, that he disagreed with certain things in it
21 in addition to the material that was developed with
22 respect to wanting to have an attorney present. But
23 in the end, if people don't sign things, you know,
24 they're not signed, and it — that statement doesn't
25 become his until it's signed and notarized.

1 Now if they want to introduce, which if
2 they want to introduce the testimony about the
3 things that they said to one another, that's one
4 thing. He disagrees with it to whatever extent, he
5 didn't sign it, I don't think that the statement
6 itself should be admitted. The conversations, I
7 mean, those I haven't heard anything about awful
8 things being done to him. I mean, he — the
9 investigator testified he didn't know that he was
10 tazed. He wasn't in custody that long. He wasn't
11 deprived food or water. I didn't hear any testimony
12 about any threats. I don't see where the
13 conversation itself could be rendered involuntary.
14 But what I do see is that he refused to sign the
15 statement and that should be dispositive of whether
16 or not that's his statement, Your Honor.

17 THE COURT: Thank you. You have a case
18 that says that?

19 MR. SUTHERLAND: I do not have a case.
20 There's a — there was an appeal State versus Wilder
21 but I think that was actually my case and the
22 written statement was kept out. I'm not aware of an
23 unsigned written statement being admitted. Of
24 course, I haven't been doing this forever.

25 THE COURT: You implying I have?

1 MR. SUTHERLAND: No, sir, not at all.
2 It's just, there's a lot of things have gone on, and
3 I was overseas for a while and kind of unaware of.

4 THE COURT: I understand. Thank you.

5 MR. SUTHERLAND: Thank you.

6 THE COURT: Solicitor, may I see State's 3
7 and State's 4.

8 MS. SIMPSON: Yes, Your Honor.

9 THE COURT: All right. At this stage I
10 review it to determine under preponderance of the
11 evidence whether or not the statement was made and
12 whether or not the statement was voluntary. As both
13 attorneys state it's not — it's clearly a situation
14 of custodial interrogation Miranda required. I
15 mean, there's no issue that but that Miranda was
16 given properly, that he was properly advised of his
17 rights, that he waived those rights. And looking at
18 State's Exhibit Number 3 there are two signatures
19 there. Clearly there was no coercion, undue
20 influence, threats, promises, anything of that
21 nature. The officer explained the procedure he
22 uses, whereby, he just talks to an individual after
23 they've been properly advised; and if they have
24 waived their rights and then he reduces that to a
25 typed document. When I look at the typed document

1 it's consistent — it also has another explanation
2 of his rights, but it's consistent with the
3 statements that the officer said the defendant
4 verbalized to him. He's reducing it to writing. I
5 know of no case that says that would be dispositive
6 by his failure to, failure to sign. The jury must
7 first determine whether or not the statement was
8 made and then determine if it was made voluntarily.
9 It's clear that it was made by a preponderance of
10 the evidence at this stage voluntarily made under
11 the proper constitutional guidelines. State's 3 and
12 4 are admissible.

13 Why don't we take — we have other
14 pretrial motions, is that correct, Solicitor?

15 MS. SIMPSON: That is correct.

16 THE COURT: Let's take about a 15 minute
17 recess. Thank you very much.

18 (WHEREUPON, a recess was taken from the
19 proceedings.)

20 THE COURT: All right, you have other
21 motions, Solicitor?

22 MS. SIMPSON: Well, Your Honor, I just had
23 a conversation with defense counsel and it's
24 actually his, I guess, motion or issue; but I've
25 agree, the State agrees, the mention of the

1 probation agent or the fact that the defendant was
2 visiting with his probation agent. In both the
3 statement from Investigator Unger as well as the
4 actual written statement, we can agree to redact
5 that out of his written statement and the
6 investigator will, understands that he doesn't
7 didn't need to testify regarding, I guess, the
8 defendant's probation status.

9 MR. SUTHERLAND: Any of the witnesses.

10 MS. SIMPSON: Yeah, we'll -- and our
11 witnesses will know not to discuss the fact that the
12 defendant was on probation.

13 THE COURT: All right. Thank you,
14 Solicitor.

15 Is that correct, Mr. Sutherland?

16 MR. SUTHERLAND: Yes, sir. And Judge,
17 there's also been a development with my DNA motion.
18 They've given me this consent form so it's --

19 THE COURT: They've given you what, I
20 apologize.

21 MR. SUTHERLAND: A consent to, for DNA
22 evidence, gave me an consent form from, it's
23 February 23rd, 2010, so it appears my client didn't
24 remember even giving the swab. It's an old 2010
25 case; and they apparently had, had consented to DNA

1 swab in that case and that's the swab that they used
2 to test in this case. I, you know, I was unaware of
3 this, part of my motion was -- I checked, I don't
4 see any Smerber order or anything like that, and I
5 don't have a consent form. I didn't see a consent
6 form when we went through their trial notebooks up
7 there so that was really the big where did it come
8 from; and now that I understand that there was
9 consent -- albeit it may be a little bit late
10 here -- there won't be an issue with respect to DNA
11 in that regard, you know, being involuntary because
12 they produced the consent form and I was looking for
13 either a court order or consent form.

14 THE COURT: All right.

15 MR. SUTHERLAND: So what -- that would
16 turn into a motion in limine with respect to this
17 2010 case is, I wouldn't want them mentioning that
18 they got the DNA swab in another case. I think that
19 would be improper introduction of prior bad acts
20 evidence so I certainly wouldn't be opening the door
21 to them asking them when they took it or anything
22 like that. I think, you know, just the standard
23 question about packaging and handling it would be
24 appropriate; but I just wouldn't want them to
25 mention this 2010 case either in addition to the

1 juvenile probation case.

2 THE COURT: All right. Solicitor?

3 MS. SIMPSON: Thank you, Your Honor. In
4 Investigator Unger's investigative report it does
5 state that Mr. Singleton's profile was already
6 available so Mr. Sutherland was aware of that. We
7 also provided the chain of custody and the property
8 report for that 2010 case last week when Mr.
9 Sutherland asked for the property report. We will
10 be happy -- and he was aware that Mr. Singleton did
11 have a prior burglary, armed robbery case pending in
12 our office. We will be happy to limit our questions
13 as it relates to the chain of custody witnesses for
14 Mr. Singleton's buccal swab. We'll just ask -- we
15 will not mention any dates whatsoever about when it
16 was obtained, just did you come into contact with
17 his, a known standard, how is it packaged, that sort
18 of thing. We will not ask about dates or times so
19 that that prior burglary is not implied in any
20 manner.

21 THE COURT: Mr. Sutherland.

22 MR. SUTHERLAND: Just to be clear, that
23 property report Thursday afternoon giving this
24 today, filed Rule 5 back in May on this case and
25 filed renewed Rule 5 three weeks ago today when I

1 fun out we were trying the case today so, I mean, I
2 didn't have it. I have it, it's consent form, it's
3 my client's signature. Ultimately just deep in my
4 concern is now any mention of the other case so if
5 they're not gonna mention it we should just be able
6 to proceed, sir.

7 THE COURT: All right. Thank you, Mr.
8 Sutherland.

9 Does that cover it, Solicitor?

10 MS. SIMPSON: Yes, Your Honor.

11 THE COURT: All right, thank you.

12 MR. SUTHERLAND: Thank you, Your Honor.

13 THE COURT: So do we have other motions
14 or?

15 MS. SIMPSON: Your Honor, we have just
16 three brief motions relates to certain, just a few
17 suppression motions. One is related to the deceased
18 victim Dashawn Jones' prior record. Mr. Sutherland
19 did ask for that specifically; we provided it to
20 him. He does have a couple of convictions on his
21 record, but we would ask that absolutely no mention
22 whatsoever is made as far as Dashawn Jones' prior
23 record. He is not available to testify obviously so
24 we would just make that motion at this time. His
25 credibility is not an issue because he's not here.

1 THE COURT: Mr. Sutherland.

2 MR. SUTHERLAND: Well, I hadn't actually
3 anticipated, anticipated asking, I guess it would be
4 Investigator Unger, about his prior record. Now you
5 know, where he lived previously, things of that
6 nature which I was able to gleam from the wrap sheet
7 from New York and from here in South Carolina. But
8 I don't believe drug offenses he has on there, I
9 don't think there's any question once we get into
10 the evidence there's gonna be any question about
11 what this is, this all about, it's about drugs. I
12 didn't see any grounds of violence on his record so
13 I wasn't planning on asking about his prior record.

14 THE COURT: You're not plan—

15 MR. SUTHERLAND: No, sir. No, sir.

16 THE COURT: All right, thank you, Mr.
17 Sutherland.

18 MS. SIMPSON: Another motion we have, Your
19 Honor, is we have in Mr. Sutherland referencing,
20 there's one time this is mentioned, it's on the DNA
21 analyst Rachel Grant bench note. It's mentioned
22 that the victim Jonathan Frazier is suspected in
23 other crimes; that's the only time that this is
24 mentioned. It has no relevance to this particular
25 case, and we just move to exclude any mention of

1 that of 402 and 403.

2 MR. SUTHERLAND: I do intend to ask Rachel
3 Grant about the report that says that the victim was
4 a suspect in other crimes, Your Honor. He will be
5 here; he will be testifying. I think it's relevant.
6 I don't — that's about all I got to say, sir.

7 THE COURT: Yes, ma'am.

8 MS. SIMPSON: And I believe the standard
9 is that there has to be clear and convincing
10 evidence of any type of prior bad act, and in this
11 case that literally is the only time that it's
12 mentioned that he's a suspect in other crimes and I
13 don't believe that that meets the standard of clear
14 and convincing evidence in order for Mr. Sutherland
15 to be able to reference that or ask the victim about
16 that. It doesn't mention specifics or anything like
17 that.

18 THE COURT: May I see the report.

19 MS. SIMPSON: Yes, Your Honor. In
20 addition to that, Your Honor, the investigator, our
21 lead investigator, Investigator Unger, can't even
22 remember why that was even mentioned or as no
23 additional information related to this comment.

24 THE COURT: All right, Mr. Sutherland.

25 MR. SUTHERLAND: And I would just add, you

1 know, Your Honor, here we've got the lead
2 investigator in this case talking to the DNA analyst
3 after he turns the alleged victims' in this case DNA
4 over to her telling her that he's a suspect in other
5 cases. I think it's a legitimate area of inquiry.
6 I mean, they -- when they turned over the, the DNA
7 analysis stuff in this case, there wasn't anything
8 turned over to with respect to him. I think it
9 would be appropriate for me to ask her if there were
10 any matches in any particular cases, that this is
11 certainly potentially exculpatory. It might support
12 the defense self-defense if it is the case that, you
13 know, he's linked to other robberies involving drugs
14 or whatever the case might be. I mean, I certainly
15 wouldn't make suggestions leading was it a armed
16 case, was it a this case, what kind of case it is.
17 I think it's relevant from a defense standpoint.
18 And again, I think it's a valid line of questioning,
19 sir.

20 THE COURT: Was his DNA, Mr. Frazier's DNA
21 put into the data base?

22 MS. SIMPSON: Well, it was put into the
23 Richland County Sheriff's Department data base. I'm
24 not sure if they had to ask Ms. grant If they'd
25 limit it to just this case since he was a victim in

1 this case, if they'd limit it to just analysis in
2 this case or if it's just put in the data base in
3 general. I don't know the answer to that question.-----

4 THE COURT: Why would a DNA analyst who is
5 familiar with the data base and familiar with the
6 manner in which cases are solved or DNA analysis be
7 informed that this person's, this person whose DNA
8 you have is a suspect in other crimes, why would
9 that DNA analyst then not put it in the data base,
10 Solicitor?

11 MS. SIMPSON: She may have, Your Honor. I
12 don't know, I don't know the answer to that question
13 without her specifically telling me that. But in
14 this particular case I believe it is a fishing
15 expedition. It has no bearing on her analysis of
16 the evidence in this case, and Mr. -- and the
17 standard for any prior bad act is clear and
18 convincing evidence.

19 THE COURT: I understand the standard,
20 Solicitor, but I'm not sure who is holding the rod
21 when they're fishing. If it's DNA put into data
22 base and it it comes back that it doesn't hit in
23 anything, well then that's, looks like to me that
24 would be to the benefit to the State.

25 MS. SIMPSON: Yes, Your Honor, I agree.

1 THE COURT: I don't know the answer to
2 this legal question until I hear the analyst or to
3 this evidentiary question until I hear the analyst
4 testify in camera concerning what steps, if any, she
5 took to make a determination. Right now it's, it
6 doesn't even rise to the level of speculation right
7 now, or perhaps it does rise to level of speculation
8 right now. I know the solicitor referred to
9 Detective Unger not having memory of telling her
10 this, is that correct, Solicitor, what you told me?

11 MS. SIMPSON: That is my understanding
12 from the investigator, yes, sir.

13 THE COURT: I'll be glad to hear from the
14 analyst in-camera before I make a decision as to
15 that; but right now it is, it does not rise to a
16 level of an evidentiary standard that I will allow
17 but I'll be glad to hear the proffer in-camera
18 Mr. Sutherland and Solicitor.

19 MS. SIMPSON: And Your Honor, we can do —
20 is it okay with the Court we do that right before
21 she testifies in the case.

22 THE COURT: Certainly, yes, ma'am,
23 certainly.

24 MS. SIMPSON: And then the other —

25 THE COURT: Y'all, I leave that up to

1 y'all to remind me, keep it on your radar, which I
2 know you will.

3 MR. SUTHERLAND: Yes, sir.

4 THE COURT: Thank you.

5 MS. SIMPSON: If I may approach again.

6 THE COURT: Yes, ma'am, certainly. All
7 right, there was a third area, Solicitor.

8 MS. SIMPSON: Yes, Your Honor. There was
9 a search warrant executed at the victim, both
10 victims' homes actually to obtain any evidence
11 relevant to this case. Dashawn Jones' home, there
12 was various — I can't estimate, maybe ten rounds of
13 ammunition located of different brand, different
14 caliber in his home in I believe like a cigar type
15 box. There was also I believe marijuana located at
16 his home and paraphernalia associated with smoking
17 marijuana. We have no, we do not object to any of
18 any of the testimony related to marijuana being
19 found in this home since this did, on both the
20 defendant and the living victims' account, involve
21 marijuana so we have no issue with what. However,
22 we do have a motion to suppress any mention of the
23 various rounds ammunition that was located at his
24 home. We have absolutely no evidence in this case,
25 even from the defendant's own account, at this point

1 based on his statement to the investigator. We have
2 no other evidence that there were ever any other
3 guns that were seen other than the one that the
4 victim had, I mean the defendant, Jabriel Singleton
5 had, excuse me. The cartridge casings and that were
6 collected at the scene, all were consistent from
7 being fired from the same weapon except for I
8 believe there was one unfired cartridge located at
9 the scene that's consistent with a 357 revolver
10 which the State submits was used in this case. The
11 shell, the ammunition that was located in the
12 victim's home, Dashawn Jones', is not consistent
13 with any of the shell casings or the unfired
14 cartridge that was located at the home we move to
15 suppress any mention of that under relevance 42, as
16 well as confusion of the issue in front of the jury
17 430.

18 THE COURT: Thank you. Thank you,
19 Solicitor.

20 Mr. Sutherland.

21 MR. SUTHERLAND: Please the Court, I
22 believe that their argument is that there was no
23 other weapon found at the scene. Well, they didn't
24 find the weapon that they're claiming was used by
25 Mr. Singleton. They're saying he didn't mention it

1 in his statement anything about another firearm.
2 Well, I mean, it's pretty plain that that statement
3 is not true. It's plain to everybody involved that
4 the statement is not true. And in order, in a
5 situation where he's likely to take the stand or
6 even if he weren't likely to take the stand, in a
7 situation where there were firearms involved I think
8 it's relevant where the victim had I lie like 12712
9 gauge rounds four, five 40 caliber rounds, a couple
10 of 45 caliber rounds, ammunition for several
11 different firearms was found in this house pursuant
12 to their search warrant. They searched for it; they
13 found it. They're keeping it in evidence. I don't
14 see where that can confuse any sort of issue in this
15 case. Obviously I'm not telling them completely
16 what, you know, what we're going to do and I do
17 anticipate him taking the stand and I don't see what
18 their interest is -- frankly, I don't see them
19 having any legitimate interest in keeping the jury
20 from knowing that all these various forms of
21 ammunition were in this house. I think that's
22 actually probably something that the jury should
23 know and the jury should be able to consider, Your
24 Honor.

25 THE COURT: I can't, I can't figure out

1 the relevancy of the ammo in a victim's home. I
2 assume that the -- I don't know where the homicide
3 happened, of course, and the shooting.

4 MR. SUTHERLAND: Yes, sir.

5 THE COURT: I mean, I take it it was not
6 at the victim's home, either victims' home.

7 MR. SUTHERLAND: It was not -- it was in
8 the vehicle that was being driven by Mr. Jones, by
9 Dashawn Jones.

10 THE COURT: At this point I don't see the
11 relevancy of it. Now relevancy can change,
12 Mr. Sutherland, as you know, but.

13 MR. SUTHERLAND: Yes, sir, and perhaps if
14 the need should arise I might be able to re-call
15 Investigator Unger during the defense case.

16 THE COURT: Certainly, yes, sir.

17 MR. SUTHERLAND: Thank you, sir.

18 THE COURT: If evidence becomes relevant
19 or any time during the trial you or the solicitor,
20 I've ruled one way and you think the other side has
21 opened the door or something like that, all you have
22 to do is tell me. If you have a matter of law you'd
23 like to take up with me and I will be glad to
24 revisit that issue. Just because I rule now when I
25 haven't heard anything but the limited testimony on

1 the lineup and the statement on relevancy does not
2 mean that that may not shift as the testimony
3 unfolds before me and before the jury.

4 MR. SUTHERLAND: Yes, sir.

5 THE COURT: All right. So these are
6 in-camera rulings, at least the two out of three I
7 made.

8 MS. SIMPSON: Your Honor, that is the
9 extent of our, of the State's motions, pretrial
10 motions.

11 THE COURT: Thank you, Solicitor. Did you
12 have any other motions, Mr. Sutherland.

13 MR. SUTHERLAND: That's everything from
14 Defense, sir.

15 THE COURT: All right, thank you. Thank
16 you very much. And Court will be in recess until
17 11:30 did we say?

18 MR. SUTHERLAND: Yes, sir.

19 THE COURT: 11:30 in the morning. Thank
20 you. Thank you very much. Hope y'all have a
21 pleasant evening.

22 (WHEREUPON, the proceedings were concluded
23 and reconvened on March 5, 2013.)

24

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

1 **C E R T I F I C A T E O F R E P O R T E R**

2

3

4 STATE OF SOUTH CAROLINA)

5 COUNTY OF FLORENCE)

6

7 I, FRANCES BAKIS-RAY, Registered

8 Professional Reporter (RPR), court reporter for the

9 State of South Carolina, Twelfth Judicial Circuit,

10 do hereby certify that the foregoing proceeding was

11 transcribed for Elizabeth Harris through

12 computer-aided transcription; that the foregoing

13 transcript contains a true record of the proceedings

14 to the best of my ability.

15 I further certify that I am neither

16 counsel for, nor related to nor employed by any of

17 the parties connected to the action, nor am I

18 financially interested in the action.

19 Witness my hand at Florence, South

20 Carolina, this 5th day of March, 2014.

21

22 *Frances B. Ray*

23 _____
24 FRANCES BAKIS-RAY, RPR

25

1175

WITNESSES

(S) Inv. David Unger – RCSD

ARREST WARRANT NUMBER

1902595

ACTION OF GRAND JURY

TRUE BILL

Jill Koenigs
Foreperson of Grand Jury
Date:

JUL 19 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012-GS-40-02986

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

JULY TERM 2012

116

**THE STATE
vs.**

Jabriel Laprinice Singleton

**Indictment for
ATTEMPTED MURDER**

**SC Code: 16-03-0029
CDR Code: 3410**

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

Defendant

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

Defendant

Witness:

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

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on July 18, 2012, the
Grand Jurors of Richland County present upon their oath:

ATTEMPTED MURDER

That Jabriel Laprince Singleton did in Richland County on or about
January 24, 2012, did with the intent to kill, attempt to kill JONATHAN
FRAZIER with malice aforethought, either expressed or implied, to wit:
defendant did shoot the victim multiple times. All in violation of § 16-3-29 of
the S.C. Code of Laws, (1976, as amended).

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


DAN JOHNSON, SOLICITOR

1177

WITNESSES

(S) Inv. David Unger – RCSD

ARREST WARRANT NUMBER

1902594

ACTION OF GRAND JURY

TRUE BILL

Jill Koenigs
Foreperson of Grand Jury
Date:

JUL 19 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012-GS-40-02982

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

JULY TERM 2012

116

**THE STATE
vs.**

Jabriel Laprince Singleton

**Indictment for
MURDER**

SC Code: 16-03-0010
CDR Code: 0116

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

Defendant

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

Defendant

Witness:

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

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on July 18, 2012, the
Grand Jurors of Richland County present upon their oath:

MURDER

That Jabriel Laprince Singleton did in Richland County, on or about
January 24, 2012, willfully, feloniously, and intentionally kill the victim,
Dashawn Jones, with malice aforethought, either express or implied, by
means of gunshot wound, and the victim did die as a proximate result
thereof on or about January 24, 2012 in Richland County, in violation of
Section 16-03-0010, S. C. Code of Laws, (1976, as amended).

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


DAN JOHNSON, SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

September 19th, 2014



David Alexander
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

RECEIVED

SEP 19 2014

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County

R. Knox McMahon, Circuit Court Judge.

ORIGINAL

RECEIVED

SEP 19 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

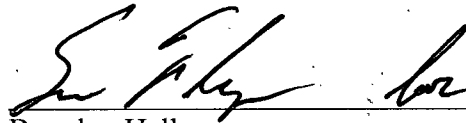
V.

JABRIEL L. SINGLETON,

APPELLANT

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Donald J. Zelenka, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, and Mr. Jabriel L. Singleton # 331891, at Broad River Correctional Institution, 4460 Broad River Road, Columbia, SC 29210, this 19th day of September, 2014.



Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 19th day of September, 2014.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: July 3, 2023.