

VOLUME I OF II

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM RICHLAND COUNTY

Clifton Newman, Circuit Court Judge

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OCT 30 2014

S.C. Supreme Court

THE STATE,

RESPONDENT,

V.

VICTOR A. WHITE,

APPELLANT

APPELLATE CASE NO. 2011-201286

RECORD ON APPEAL

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THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:

STATE'S EXHIBIT #2 (CD OF INTERVIEW)

1 STATE OF SOUTH CAROLINA
2 COUNTY OF RICHLAND

CIRCUIT COURT
2010-GS-40-01178, 01179

3 STATE OF SOUTH CAROLINA,

4 -vs-

TRANSCRIPT OF RECORD

5 VICTOR A. WHITE,
6 Defendant.

7
8 HEARD ON MONDAY, OCTOBER 3, 2011,
9 TUESDAY, OCTOBER 4, 2011
10 WEDNESDAY, OCTOBER 5, 2011 &
THURSDAY, OCTOBER 6, 2011

11 BEFORE:

12 THE HONORABLE CLIFTON NEWMAN
13 AND A JURY
14

15 APPEARANCES:

16 Counsel on Behalf of the State:

17 Kathryn Campbell Hubbard, Esq.
18 Meghan L. Walker, Esq.

19 Counsel on Behalf of the Defendant:

20 Courtney Ann Gibbes, Esq.
21 Mark A. Sawyer, Jr., Esq.

22 Cheri L. Young, RPR
23 Official Court Reporter
24 P O Box 1154
25 Aiken, SC 29802-1154

1 than 10 days before the hearing or proceeding, not within
2 30 days prior to trial has been furnished with a copy of
3 the court order and accompanying application under which
4 the interception was authorized and approved.

5 There was a court order which, again, I have not been
6 under the impression until today that there was one. We
7 have not been provided one prior to 30 days of trial.

8 THE COURT: The type of order that we're talking
9 about, Ms. Campbell, is what type? Is it a type where
10 the -- they're trying to locate a defendant?

11 MS. CAMPBELL: Exactly.

12 THE COURT: And monitoring the whereabouts through --

13 MS. CAMPBELL: Through telephone.

14 THE COURT: An order from the court, circuit court?

15 MS. CAMPBELL: Yes, sir. It's my understanding.

16 THE COURT: All right. Anything else on this issue?

17 MR. SAWYER: Your Honor, I think it's actually more
18 than that. And if I may, there's one point as alluded to
19 in one of the investigator's reports that an Ebony
20 Thomas. Did get a live text message from a person they
21 believed to be Ebony Thomas to meet at Tree Street and --
22 excuse me. If you'd bear with me, please, Your Honor.

23 MS. CAMPBELL: If you can just tell me which file
24 you're in.

25 MR. SAWYER: I'm trying to find it in here.

1 But there was a live text message that actually
2 Investigator Pegram later mentioned that he wants to have
3 preserved when SLED informs him of that. I know they
4 mentioned it within Investigator Pegram's report, they get
5 it from this live communication of where Mr. White is.

6 So more than just following him, it is actual live
7 communication that they are intercepting which I believe
8 again would fall under this statute.

9 THE COURT: And you're contesting that -- that the
10 order was illegally obtained, that they're seeking to
11 introduce evidence gathered as a result of the order,
12 monitoring or introduce conversations from the -- from it
13 all, or your beef is that they arrested him as a result of
14 getting a court order?

15 MR. SAWYER: Well, Judge, I'll say -- first of all,
16 I'm not sure if the order -- what was the situation behind
17 the obtaining of the order?

18 Again, I don't know. As I spoke earlier, there is a
19 lengthy list of items that must be satisfied before that
20 court order. I have no idea if they were or were not as
21 we do not have the court order.

22 As to what should be suppressed, my contention, Your
23 Honor, is that the Tree Street address Mr. White was
24 staying at -- law enforcement did not know where he was
25 at. This was not his mother's address. This was not the

1 address for probation, pardon and parole. But for this
2 order, they never would have been able to find Mr. White.

3 And who knows what would have happened thereafter in
4 this case. He could have vanished for six months at that
5 point.

6 I mean, we're simply just talking about what if, what
7 if, what if. My point is, Judge, but for this order they
8 never would have been able to get in contact with
9 Mr. White who then never would have talked to the
10 investigators and basically broken this case wide open for
11 them.

12 THE COURT: All right. Anything else, Ms. Campbell?

13 MS. CAMPBELL: Your Honor, just if you feel that would
14 be appropriate to bring in testimony as to exactly how
15 they did. I don't know where -- we don't have the warrant
16 because it is under seal is my information; therefore we
17 wouldn't have access to it without a court order.

18 Had this been requested we might have been able to do
19 something, but it wasn't.

20 THE COURT: We'll, I'm going to order that the seal be
21 lifted to the extent that it be presented to me for an
22 in-camera review.

23 MS. CAMPBELL: Thank you.

24 THE COURT: And then we'll finish resolving this issue
25 tomorrow morning.

1 MR. SAWYER: Thank you, Your Honor.

2 THE COURT: It does not appear to me, based on what I
3 heard at this point, we have any -- there's anything out
4 of the ordinary about this situation.

5 But I want to review the order and see whether it is
6 the nature -- the same nature of the orders that are
7 becoming more and more routine for tracking and locating
8 suspects. So...

9 MS. CAMPBELL: Okay. Your Honor, we'll get that. And
10 my understanding is it's with SLED. So we'll contact them
11 immediately and get them to bring it tonight or in the
12 morning, Your Honor.

13 THE COURT: Well, I need to see it today. I mean,
14 generally the copy is left with the judge who signs it.
15 You can fax it or whatever. I need to see it to study it
16 over night.

17 MS. CAMPBELL: Yes, sir.

18 THE COURT: All right. Well, aside from that as far
19 as beginning the testimony, what else is there?

20 MS. CAMPBELL: The only other thing, Your Honor, we
21 have handed up a copy of the actual statement. Apparently
22 they are not contesting the voluntariness.

23 THE COURT: All right. Is that right?

24 MS. GIBBES: Your Honor, it was my understanding the
25 State was going to do a Jackson V Denno hearing.

1 THE COURT: All right. Well, do you have witnesses
2 available?

3 MS. CAMPBELL: Yes, sir. I just sent one out to make
4 a phone call to SLED. He'll be back in just a second.

5 THE COURT: We'll let the jury go and have them, we'll
6 have them come back at 10 tomorrow morning.

7 MS. CAMPBELL: Thank you.

8 THE COURT: And we'll come back before 10. We'll come
9 back at 9:30 and we'll do the Jackson-Denno before we
10 leave today.

11 So if you'll bring the jury back.

12 (Jury enters courtroom at 4:32 P.M..)

13 THE COURT: Ladies and gentlemen, thank you very
14 much.

15 The plan is for us to clear up some matters that we
16 need to discuss before we get into the actual testimony
17 and trial with you all. So we're going to do those
18 matters this afternoon and then first thing in the
19 morning. And, have y'all come in at 10 tomorrow morning.
20 So y'all can leave and please be back into the jury room
21 at 10 tomorrow morning.

22 Please do not at any point in time come through the
23 courtroom. Please do not spend any time milling around
24 outside where people who may have some involvement with
25 this case might be talking or discussing things. Please

1 come directly into the jury room and please be there at 10
2 o'clock tomorrow morning.

3 Have a good evening.

4 Let me say this one additional thing. I'll say it in
5 greater detail, but once you are selected as a juror in
6 the case you're duty bound to decide the case solely based
7 on the testimony presented in the courtroom.

8 And you're not to engage in any form of discussion
9 with anyone who is not on the jury, nor are you to discuss
10 it with each other until you have heard the entire case
11 and I've given you the instructions to begin deliberating.

12 And above and more importantly of any of that is that
13 you're not to engage in any form of independent research.
14 You're not to engage in any form of Googling, texting,
15 social networking, or any other computer-related
16 investigation to find out about what this case is about.

17 Everything that you need to know to decide the case
18 will be presented in the courtroom. And please abide by
19 that instruction among others that will be given later
20 on.

21 Thank you. We'll see you tomorrow. At what time?

22 THE JURY (COLLECTIVELY): Ten.

23 THE COURT: Ten o'clock. All right.

24 (Jury exits courtroom at 4:34 P.M.)

25 THE COURT: All right. Jackson V Denno.

KEVIN REESE - DIRECT

1 MS. CAMPBELL: May it please the Court.

2 THE COURT: Yes.

3 MS. CAMPBELL: The State would call Investigator Kevin
4 Reese.

5 KEVIN REESE, having been duly sworn, was examined and
6 testified as follows:

7 THE CLERK: Have a seat on the witness stand, please,
8 and state your name for the record.

9 THE WITNESS: My name is Kevin Reese.

10 DIRECT EXAMINATION

11 BY MS. CAMPBELL:

12 Q. Investigator Reese, where are you employed?

13 A. Columbia Police Department.

14 Q. And how long have you worked there, sir?

15 A. Second tour around, since '91.

16 Q. I want to turn your attention back to February the 3rd
17 of 2010. Did you become involved in the investigation of
18 a murder that occurred at the Kentucky Fried Chicken here
19 in Columbia?

20 A. Yes, ma'am.

21 Q. And during the course of the next several days, did
22 y'all develop information as to who the possible subjects
23 were?

24 A. Yes, we did.

25 Q. And specific in that, was it important to you that

KEVIN REESE - DIRECT

1 there was some phone records that were obtained and some
2 phone numbers?

3 A. Absolutely, it was.

4 Q. I want to turn your attention specifically to the
5 evening of February the 10th of 2010. And tell this Judge
6 where your investigation led you the night he was
7 apprehended.

8 A. You mean the location?

9 Q. Yes, the location.

10 A. The investigation took us to, I'm not sure of the
11 numbers. I don't have the information here with me, but
12 Tree -- a residence on Tree Street in Cayce.

13 Q. Cayce, South Carolina?

14 A. South Carolina. Yes.

15 Q. And when you responded to the residence at Cayce,
16 South Carolina, did you observe anyone in the yard?

17 A. Yes, ma'am.

18 Q. And who did you observe initially in the yard as you
19 approached the residence?

20 A. We observed Victor White in the yard.

21 Q. And at that point, was he a suspect or a person of
22 interest in your case?

23 A. He was a person of interest in the case at that point.

24 Q. And at that point, were you also aware of certain
25 information about an outstanding warrant for the Defendant

KEVIN REESE - DIRECT

1 in this case?

2 A. Yes, I was.

3 Q. And who had an outstanding warrant for the Defendant's
4 arrest?

5 A. I believe it was the Lexington County Office of
6 Probation, Pardon and Parole.

7 Q. And that evening as you approached Tree Street and
8 observed Victor White, did you also have the arrest
9 warrant available to be executed?

10 A. Yes, we did.

11 Q. Tell this Judge what happened after you observed him
12 in the yard.

13 A. As I recall it in the beginning, Your Honor, we were
14 in the area because that's what the electronics took us --
15 where the electronics took us to. We had several
16 investigators out in the area. We had been knocking on
17 different doors.

18 There was a elderly -- an elderly gentleman at one of
19 the houses. I think it was next to the house Mr. White
20 came out of. We actually saw him come out of the door.
21 He was giving us some problems and he was talking loud. I
22 think that brought some of the people out in the areas.
23 We didn't know which house it was because it was dark, and
24 I think one of the agents from SLED, one of the
25 investigators, whichever one, recognized him from a photo

KEVIN REESE - DIRECT

1 that it was Mr. White standing out in the yard.

2 Q. And at that point, was Mr. White taken into custody?

3 A. Yes, he was.

4 Q. And where was he actually when y'all took him into
5 custody?

6 A. Where was he?

7 Q. Uh-huh.

8 A. He was in the front yard at a residence. I'm assuming
9 it was his parents'; I'm not sure.

10 Q. And at that point, he was arrested on the outstanding
11 warrant?

12 A. Yes, he was.

13 Q. Where was he transported to once he was placed under
14 arrest?

15 A. Transported to my office at the Columbia Police
16 Department.

17 Q. And what was the purpose of transporting him to your
18 office that evening?

19 A. We wanted to give him a chance to see whether he would
20 talk with us, let us interview him.

21 Q. And that evening, did you and another investigator
22 from the City Police Department make contact with him and
23 ultimately interview him that night?

24 A. Myself and Investigator Thomas.

25 Q. Were both of you present for the entire interview?

KEVIN REESE - DIRECT

1 A. Yes, we were.

2 Q. Prior to talking to him -- and where did this
3 interview take place? I'm sorry. You said it, but I
4 missed it.

5 A. At my office.

6 Q. At your office?

7 A. That's right.

8 Q. And approximately what time of night was it when you
9 were first making contact with him once you transported
10 him back to your office?

11 A. I'd have to see the --

12 Q. I show you what's been marked as State's Exhibit
13 Number One. Do you recognize that?

14 A. Yes, I do.

15 Q. And what is that, sir?

16 A. It is the waiver of rights.

17 Q. Is that the waiver of rights you used on that evening
18 when you made contact with Victor White once he was back
19 to your office?

20 A. Yes.

21 Q. And prior to getting to your office and you advising
22 him of his rights, did you try to get any information
23 about the case from him?

24 A. No. We didn't talk about this case.

25 Q. Tell the Judge exactly how you went about advising

KEVIN REESE - DIRECT

1 Mr. White of his rights that evening.

2 A. Okay. Your Honor, as practice, my practice, I have in
3 my hand a form that is an interrogation and advice of
4 rights. It is standard for us to fill out this form as we
5 start the initial interview. Generally we'll put the
6 date, the time and place that we started the interview.

7 And there are a list of warnings here that I'll read
8 to the person that I'm talking to. I'll read them first
9 aloud and then I'll ask him, does he understand it. If he
10 says yes, I'll have him to initial each line.

11 In this case, this is exactly what happened.

12 At the bottom, the last paragraph is the waiver
13 itself. I'll ask the Defendant, and this is a way to
14 check to see whether the Defendant can understand what
15 he's saying and understands what he's reading. We'll ask
16 him to read that aloud to us. If he reads it aloud to us,
17 we'll ask him to sign that. And by signing it, he's
18 simply saying that he's read it and he understands what
19 that line's talking about.

20 Q. And for the record, can you just go through the rights
21 exactly as you advised him that night?

22 A. Okay. The first line is: Before we ask you any
23 questions you must understand your rights. You have the
24 right to remain silent.

25 And you can always tell by my checks because my checks

KEVIN REESE - DIRECT

1 are backwards. I have my checks there as well as his
2 initials, which he did.

3 You have the right to remain silent. That was
4 checked, he initialed it.

5 Anything you say can be used against you in court.
6 That was checked, he initialed it.

7 You have the right to talk to a lawyer for advice
8 before we ask any questions and to have him with you
9 during questioning. Checked, he initialed it.

10 If you cannot afford a lawyer, one will be appointed
11 to you before any questions if you wish. It was checked,
12 and he initialed it.

13 If you decide to answer questions now without a lawyer
14 present, you will still have the right to stop answering
15 questions at any time. You also have the right to stop
16 answering questions at any time until you talk to a
17 lawyer. That was checked by me and he initialed it.

18 The last line of the paragraph: I have read this
19 statement of my rights and I understand what my rights
20 are. I am willing to make a statement and answer
21 questions. I do not want a lawyer at this time. I
22 understand and know what I am doing. No promises or
23 threats have been made to me, and no pressure or coercion
24 of any kind has been used against me.

25 I didn't check that because I didn't read that. He

KEVIN REESE - DIRECT

1 read it himself, and he also initialed it.

2 It was witnessed by myself and witnessed by
3 Investigator Thomas. It started at 11:55 P.M. He signed
4 it waiving his rights, that he waived his rights and that
5 he understood what this document was all about.

6 Q. Okay. At any time during the time period that you
7 advised him of his rights on into when -- the actual
8 statement was ultimately recorded; correct?

9 A. Yes, it was.

10 Q. At any time did you promise him anything to make him
11 talk to you?

12 A. No, I did not.

13 Q. Did you pressure him in any way?

14 A. No, we did not.

15 Q. Did you try to use any coercion or any threats to make
16 him talk?

17 A. No, we did not.

18 Q. Did you become physically abusive with him?

19 A. No, we did not.

20 Q. Did he -- in fact, in your opinion, was he
21 cooperative?

22 A. He was cooperative.

23 Q. And did he appear to understand your questions and
24 answer you coherently?

25 A. Yes, he did.

KEVIN REESE - DIRECT

1 Q. Did he appear to be under the influence of any drugs
2 or alcohol?

3 A. No, he did not.

4 Q. Was any promise of leniency or anything like that made
5 to make him talk to you?

6 A. No.

7 Q. And in fact, once he had signed off on his rights did
8 you in fact record what the conversation was between y'all
9 that night?

10 A. Yes, we did.

11 Q. I'm going to show you, and you've reviewed this, I
12 think, the opportunity, a CD, that I'll have marked, Your
13 Honor, and a transcript.

14 Does that contain substantially what the conversation
15 was that night after he had been advised of his rights?

16 A. That's right. Prior to -- right after advising him of
17 his rights, and him agreeing to talk with the
18 investigators, we went through what we call a rough ride.
19 The beginning of it, to see what his story is going to be
20 and what kind of reaction he's going to give us during the
21 process.

22 And we advised him about that, that that's what we're
23 going to be doing. And after that is done -- this is how
24 we form some of our questions. After that is done then is
25 when we record the statement. We go all the way back over

KEVIN REESE - DIRECT

1 it, our interview.

2 Q. Okay. And in fact on the first page of this interview
3 of White, you even go back through whether or not he's
4 been advised of his rights again as shown in that
5 transcript --

6 A. That's right.

7 Q. -- just to recap at that point?

8 A. That's right.

9 Q. And then there was a recorded statement taken when he
10 put on the record what he wanted to?

11 A. Yes.

12 Q. At any point during the time period you were in his
13 presence and he was giving you information about this
14 shooting or this murder, did he ever tell you he didn't
15 want to talk to you any more?

16 A. No, I don't think it was him that said that, no.

17 Q. At any point did he ever tell you he wanted to talk to
18 an attorney?

19 A. No.

20 Q. Did he ever invoke any of his rights that night?

21 A. No.

22 Q. In your opinion, during the time period you were with
23 him, was he freely and voluntarily talking to you after
24 being advised of his rights?

25 A. Yes, he was.

KEVIN REESE - DIRECT

1 Q. Did anyone while in your presence threaten him, coerce
2 him, or do anything to make him talk?

3 A. No, ma'am.

4 Q. Was he deprived of any creature comforts?

5 A. No.

6 Q. And in fact, his statement was recorded?

7 A. His statement was recorded.

8 MS. CAMPBELL: Your Honor, at this time we'd mark the
9 actual recording itself and the manuscript, Two and Three.

10 (Thereupon, State's Exhibit No. 2, CD of interview,
11 and State's Exhibit No. 3, transcript of interview, was
12 marked for identification.)

13 MS. CAMPBELL: And, Your Honor, I believe we provided
14 the Court with a copy of those.

15 THE COURT: All right.

16 BY MS. CAMPBELL:

17 Q. Was Sergeant Thomas present during the entire
18 conversation?

19 A. Yes, ma'am.

20 Q. Once the Defendant had given you his version of
21 events, was he then placed under arrest for additional
22 charges?

23 A. Yes, he was.

24 Q. And what were those charges, sir?

25 A. Murder and armed robbery.

KEVIN REESE - CROSS

1 Q. And at no time did he ever invoke any of his rights
2 while he was with you?

3 A. At no time.

4 MS. CAMPBELL: Thank you, Your Honor.

5 MS. GIBBES: May it please the Court.

6 THE COURT: Yes.

7 CROSS-EXAMINATION

8 BY MS. GIBBES:

9 Q. Just briefly, Investigator Reese. So, at no time
10 prior to 11:55 you didn't speak with him about the case?

11 A. At 11:55 we -- I think we -- which is what we always
12 do, we just have a generalized conversation. We don't go
13 into the case.

14 Q. Did he know that he was being investigated for a
15 homicide?

16 A. I would assume that he had some suspicion that that's
17 what this was all about, yeah.

18 Q. Okay. And then you got him into your office?

19 A. Right.

20 Q. Is that where the interview took place?

21 A. To the building which I work, but in one of the
22 interview rooms, not necessarily my office.

23 Q. Okay. And so when he signed this at 11:55 P.M., that
24 was when you first initiated a conversation about the
25 case?

1 A. That was when we read him his rights. I think we may
2 have told him that's what we wanted to talk with him about
3 at some point, then we went directly into the rights.

4 Q. You showed him some pictures?

5 A. During the interview?

6 Q. After Miranda, or was it during the rough meeting?

7 A. No, it definitely would have been after.

8 Q. Okay. So between -- you had a Miranda at 11:55 and
9 you started recording at 1:04 A.M.; correct?

10 A. Yeah.

11 Q. So that's --

12 A. Miranda -- Miranda, conversation, getting down to
13 the --

14 Q. So his story didn't change from the pre-recorded to
15 the recorded. Were there any big changes to his story?

16 A. No, not very many, no.

17 MS. GIBBES: I have no further questions.

18 THE WITNESS: Okay.

19 THE COURT: All right. Anything further?

20 MS. CAMPBELL: No, sir.

21 THE COURT: All right. Thank you, sir.

22 THE WITNESS: Thank you, Your Honor.

23 THE COURT: Any argument?

24 THE WITNESS: Step down?

25 THE COURT: Yes. Any argument?

VICTOR A WHITE - DIRECT

1 MS. GIBBES: We would actually call Victor White to
2 the stand, if appropriate, at this time.

3 THE COURT: All right. No further witnesses by the
4 State?

5 MS. CAMPBELL: Not at this point, Your Honor.

6 THE COURT: Mr. White, if you will come forward and be
7 sworn again.

8 VICTOR A. WHITE, having been duly sworn, was examined
9 and testified as follows:

10 THE CLERK: Have a seat on the witness stand. State
11 your name for the record.

12 THE DEFENDANT: Victor White.

13 DIRECT EXAMINATION

14 BY MS. GIBBES:

15 Q. Mr. White, I just briefly want to talk about the night
16 of February 3rd that you were arrested -- or February
17 10th. I'm sorry.

18 Where were you when you were arrested?

19 A. At my house.

20 Q. Okay. Is -- do your parents live there?

21 A. No, ma'am.

22 Q. Okay. And tell me a little bit about what happened.
23 Who knocked on your door?

24 A. Well, I don't know because it was just one knock. And
25 I didn't answer the door. So, I got up, like, a few

VICTOR A WHITE - DIRECT

1 minutes later. When I looked out the window I seen a lot
2 of flashing lights across the street.

3 That's when I came outside. And when I came outside,
4 I seen all the investigators across the street. And then
5 that's when they turned around and looked at me. They
6 asked me my name. And I told them my name. Once I told
7 them my name, that's when I got arrested.

8 Q. Who arrested you?

9 A. One of the Columbia officers. I'm not sure which one.

10 Q. Do you know whether it was the police department?

11 A. I believe so.

12 Q. Was it parole, probation?

13 A. It was Columbia Police Department.

14 Q. Okay. And at that time did you know why you were
15 under arrest?

16 A. No, ma'am.

17 Q. And then what happened after that?

18 A. I got in the back of the car and I asked the officer
19 driving what was I being charged with. He said he don't
20 know. And that's when he took me to the headquarters and
21 then that's when I began talking to the investigators.

22 Q. Okay. And when you got to the headquarters, where did
23 they take you?

24 A. Into one of the rooms.

25 Q. Okay. Were you by yourself for a little bit?

VICTOR A WHITE - DIRECT

- 1 A. No, ma'am.
- 2 Q. Was the door closed?
- 3 A. I believe so, yeah.
- 4 Q. And had anybody told you why you were there?
- 5 A. No, not then.
- 6 Q. Okay. And you remember about what time this was?
- 7 A. I'd say around midnight.
- 8 Q. Around midnight. And do you remember signing this
- 9 form?
- 10 A. Yes, ma'am.
- 11 Q. Okay. And that's your signature?
- 12 A. Yes, ma'am.
- 13 Q. Okay. And you see what time it says?
- 14 A. Yes, ma'am.
- 15 Q. What time does it say?
- 16 A. 11:55.
- 17 Q. Okay. When you first got in there, was this the first
- 18 thing you signed?
- 19 A. No, ma'am.
- 20 Q. Okay. Tell me what happened.
- 21 A. When I got in there one of the investigators, he put a
- 22 picture of Pierre in front of me. He asked me if I know
- 23 who that was.
- 24 Q. And what did you say?
- 25 A. I told him yeah. That's when he asked me, did I know

VICTOR A WHITE - CROSS

1 what happened because he showed me a picture of the car
2 and asked me, do I know what happened that night. And
3 that's when I began telling him what I knew.

4 Q. And do you remember how long you spoke? I mean, did
5 you tell your whole statement --

6 A. Yes, ma'am.

7 Q. -- at this point? Was it recorded at that point?

8 A. No, it wasn't.

9 Q. And you hadn't signed that piece of paper yet?

10 A. No, ma'am.

11 Q. Okay. And do you remember when you signed this
12 piece? Was it after you made your statement?

13 A. After I made my first statement, yeah.

14 Q. Okay. And then what happened after you signed this
15 piece of paper?

16 A. That's when they got the tape recorder and said they
17 needed a video, I mean, an audio.

18 Q. Okay. And then you told him your story?

19 A. I told them the same thing I told them the first time.

20 Q. Okay. And what happened after that?

21 A. That's when they brought me to the Alvin S. Glenn.

22 Q. At that point you knew what was -- you were being
23 charged with something?

24 A. Yes, ma'am.

25 Q. Okay.

VICTOR A WHITE - CROSS

1 MS. GIBBES: I have no further questions.

2 CROSS-EXAMINATION

3 BY MS. CAMPBELL:

4 Q. Let me ask you this: Did you understand what your
5 rights were?

6 A. Yes, ma'am.

7 Q. And you actually signed off on that piece of paper?

8 A. Yes, ma'am.

9 Q. And you signed off acknowledging these were your
10 rights?

11 A. Yes, ma'am.

12 Q. So you understood what they were saying to you, you
13 weren't under the influence of anything that made you not
14 understand?

15 A. No, ma'am.

16 Q. And you agreed to talk to them that night?

17 A. Yes, ma'am.

18 Q. And, in fact, at the beginning of this -- have you had
19 an opportunity to review the recording?

20 A. No, ma'am.

21 Q. You haven't listened to it?

22 A. No, ma'am.

23 Q. Have you read the transcript?

24 A. Yes, ma'am.

25 Q. Is it accurate about what you said that night?

VICTOR A WHITE - CROSS

1 A. Yes, ma'am.

2 Q. And in the beginning it talks about how you've been
3 advised of your rights?

4 A. Yes, ma'am.

5 Q. And you understood them?

6 A. Yes, ma'am.

7 Q. And you wanted to waive them?

8 A. Yes, ma'am.

9 Q. And then you talk about your phone and what happened
10 that night and all kinds of things. And this is accurate;
11 right?

12 A. Yes, ma'am.

13 Q. And you wanted to talk to the police so you were
14 cooperating voluntarily?

15 A. Yes, ma'am.

16 Q. To give your version of what happened?

17 A. Yes, ma'am.

18 Q. And your only contention is that, according to you,
19 they showed you some pictures first and you talked a
20 little while before they advised you of your rights?

21 A. Yes, ma'am.

22 Q. But you admit you were advised of your rights and you
23 were voluntary?

24 A. Yes, ma'am.

25 Q. And that's your signature?

1 A. Yes, ma'am.

2 Q. And you never invoked any of your rights?

3 A. No, ma'am.

4 MS. CAMPBELL: I don't have anything further, Your
5 Honor.

6 THE COURT: Anything further?

7 MS. GIBBES: Nothing further.

8 THE COURT: Thank you. Mr. White, you may step down.
9 Any additional witnesses?

10 MS. GIBBES: No, Your Honor.

11 THE COURT: Any argument?

12 MS. GIBBES: Your Honor, we're not arguing that this
13 is not a voluntary statement. We're arguing on the basis
14 of obviously there's conflicting testimony as to when the
15 statement actually began.

16 Mr. White testified that he actually gave some sort of
17 testimony that was not recorded prior to signing his
18 Miranda warnings. Obviously, I was not there.

19 So, by his testimony we'd move to suppress because the
20 Miranda was not properly read at the correct time.

21 THE COURT: All right. What says the State?

22 MS. CAMPBELL: Your Honor, I believe the credibility
23 issue -- at this point, we feel like the credible
24 testimony would be that he was advised of his rights
25 properly as required by law. He even said he got there

1 around midnight and that's the time period reflected on
2 the advice of rights.

3 THE COURT: I find that the statement was freely and
4 voluntarily given and the jury will be able to hear the
5 statement. I deny the motion to suppress.

6 Of course, the jury must make a finding of
7 voluntariness beyond a reasonable doubt. To that extent
8 it's a jury issue.

9 MS. GIBBES: Thank you, Your Honor.

10 THE COURT: All right. Well, what else do we need to
11 take care of today?

12 MS. CAMPBELL: Your Honor, if we could, maybe I can
13 just meet with defense counsel and agree what's going to
14 be redacted. Then I can get that done overnight.

15 MS. GIBBES: Yeah, that will be fine.

16 MS. CAMPBELL: I have a few lines that I marked. If
17 they can just review it.

18 (Attorneys conferring.)

19 MS. CAMPBELL: Your Honor, the only other issue that
20 we could take up, real quick.

21 THE COURT: Yes.

22 MS. CAMPBELL: As was mentioned earlier, there was an
23 outstanding warrant for his arrest. We just don't want
24 the jury to be under the impression that they just went
25 out there and scooped him up for no reason.

1 I think the defense will stipulate at this time that
2 it was appropriate for the police to take him into
3 custody.

4 MS. GIBBES: Yes, Your Honor. We'll stipulate to
5 that.

6 MS. CAMPBELL: So that we don't have to mention the
7 warrant.

8 THE COURT: All right.

9 MS. CAMPBELL: Your Honor, we've agreed to take out
10 lines, starting halfway through line 10 through the first
11 part of line 15 on the front page which references that
12 warrant.

13 And then on page 35, lines four through 13 is the only
14 mention of the gang.

15 MS. GIBBES: Yes.

16 THE COURT: All right.

17 MS. CAMPBELL: And we would have that redacted out of
18 the transcript itself and then out of the actual
19 recording.

20 THE COURT: All right.

21 MS. CAMPBELL: Do you agree?

22 MS. GIBBES: I agree, Your Honor.

23 THE COURT: Concerning the trap and trace or whatever,
24 warrant that might be under seal.

25 MS. CAMPBELL: I believe Investigator Reese just

OPENING STATEMENTS TO THE JURY ON BEHALF OF THE STATE

1 of you decide you want to, let me know and we'll make
2 arrangements for you to do that.

3 But the notes must not be used as a substitute for the
4 recollection of others who did not take notes. And they
5 cannot be used at all until the deliberations begin as far
6 as reviewing them or taking them out of the courtroom.

7 We'll proceed now with opening statements first from
8 the State. Ms. Walker?

9 MS. WALKER: May it please the Court, Your Honor.

10 THE COURT: Yes.

11 MS. WALKER: Good morning.

12 THE JURY (COLLECTIVELY): Good morning.

13 MS. WALKER: You're not going to hear this week about a
14 victim who fought for his life, or about a victim who ran
15 for his life because the victim in this case, Steven
16 Pierre Duckett, did not have that opportunity. The victim
17 in this case was shot in the back of the head at point-
18 blank range without any warning whatsoever by the
19 Defendant, Victor White.

20 And that's what brings us here to the Richland County
21 Courthouse this week, ladies and gentlemen. The
22 Defendant, Victor White, has been charged with two crimes;
23 murder and armed robbery.

24 In South Carolina, murder is defined as the unlawful
25 killing of any person with malice aforethought whether

OPENING STATEMENTS TO THE JURY ON BEHALF OF THE STATE

1 that malice be expressed or implied. An armed robbery is
2 defined as the taking of personal property from another
3 person while armed with a deadly weapon.

4 I'm Meghan Walker, and I work for the solicitor here
5 in Richland County. And this week, Assistant Solicitor
6 Luck Campbell and I will prove to all of you beyond a
7 reasonable doubt that in the early-morning hours of
8 February 3rd, 2010, Victor White shot and killed Steven
9 Pierre Duckett and then robbed him.

10 You're going to have the opportunity to hear from many
11 witnesses this week. And they will tell you that in the
12 early-morning hours of February 3rd, between midnight and
13 two o'clock in the morning, Victor White placed a call to
14 the victim in this case, Steven Pierre Duckett, and
15 arranged to buy marijuana from him.

16 Steven Duckett then left his brother's home in a Chevy
17 Tahoe and began making his way to the Kentucky Fried
18 Chicken Restaurant located on Taylor Street right here in
19 Richland County.

20 What Pierre did not know as he was making that drive
21 that Victor White never intended on buying marijuana from
22 him. While Pierre Duckett was driving to Taylor Street,
23 Victor White was on the campus of Benedict College with
24 his co-defendants, Reginald Miller and Demond Sanford,
25 planning an armed robbery. He needed them to be his

OPENING STATEMENTS TO THE JURY ON BEHALF OF THE STATE

1 muscle. And they made their way from Benedict's campus to
2 that Kentucky Fried Chicken Restaurant.

3 Demond Sanford was told to stand back and act as a
4 lookout, which he did. And Reginald Miller and Victor
5 White approached the Chevy Tahoe that was being driven by
6 Pierre Duckett. They got into the car. Pierre was in the
7 driver's seat. Reginald Miller got into the front
8 passenger seat and Victor White got into the back seat.

9 And then without so much as saying a word, he took out
10 a gun and shot Pierre Duckett in the back of the head.

11 The car began to roll forward, it was no longer under
12 Pierre's control, at which point Reginald Miller yanked
13 the steering wheel which caused the car to run up on a
14 curb at the Kentucky Fried Chicken parking lot where the
15 KFC employees found the car later that morning when they
16 were opening for business.

17 Reggie Miller then jumped out of the car. Victor
18 White followed him. And they went back to Gambrell Hall
19 located on the campus of Benedict College. They went to a
20 dorm room belonging to Jeremiah Henderson and Nathaniel
21 Jones.

22 You will hear from both of those young men this week.
23 And they will tell you that Victor White bragged about
24 shooting Pierre Duckett. He couldn't believe Pierre made
25 it so easy by letting him get into the back seat of the

OPENING STATEMENTS TO THE JURY ON BEHALF OF THE STATE

1 car.

2 The entire time he bragged about the murder he just
3 committed, he had a smile on his face.

4 He then went to divide the marijuana he stole from
5 Pierre Duckett and realized he did not have a scale on
6 which to weigh the marijuana. So then Victor White and
7 Demond Sanford went back across Benedict's campus, back to
8 that KFC and into the pockets of a dead or dying Pierre
9 until they retrieved a scale.

10 They went back to Gambrell Hall, back to that same
11 dorm room, and measured the marijuana and split it among
12 themselves.

13 They then went their separate ways. And I'm sure they
14 thought they were home free at this point in time but will
15 hear from investigators with the Columbia Police
16 Department who will tell you that when they got the
17 victim's cell phone records after discovering the dead
18 body in the KFC parking lot, the last call that was made
19 was to the Defendant, Victor White, and when they talked
20 to the Defendant about this murder, he gave a statement
21 putting himself in the car when the murder happened.

22 But he blamed Reggie Miller, his co-defendant, for
23 actually pulling the trigger. And I imagine that's
24 exactly what he'll continue to try to do here this week.

25 Make no mistake about it, ladies and gentlemen,

OPENING STATEMENTS TO THE JURY ON BEHALF OF THE DEFENSE

1 everyone involved in that armed robbery is responsible for
2 the murder of Pierre Duckett. Once they agreed to commit
3 this armed robbery, the hand of one of them became the
4 hand of all of them. And they're all responsible.

5 But the evidence this week will prove that one man got
6 into the back seat of that Chevy Tahoe, that one man
7 pulled the trigger, that one man shot Pierre Duckett in
8 the back of the head, and that one man bragged about it
9 and that man is Victor White.

10 That's what the evidence will prove this week, ladies
11 and gentlemen.

12 Judge Newman told you that the burden in this case is
13 beyond a reasonable doubt. And that is undoubtedly a high
14 and heavy burden, but it is one that we welcome perhaps in
15 this case more than any other because this is a serious
16 matter. There is no crime more serious than one like the
17 murder committed by the Defendant. There's a 25-year-old
18 man that is dead.

19 This is serious to the Defendant. This is serious to
20 the State. This is serious to Pierre Duckett's family.

21 Once we've met our burden, once we've proven the
22 Defendant's guilt beyond a reasonable doubt, we're going
23 to come back before you and we're going to ask you for two
24 guilty verdicts; one for armed robbery and one for
25 murder.

OPENING STATEMENTS TO THE JURY ON BEHALF OF THE DEFENSE

1 Thank you.

2 THE COURT: Defense, Mr. Sawyer?

3 MR. SAWYER: Thank you, Your Honor. May it please the
4 Court.

5 THE COURT: Yes, sir.

6 MR. SAWYER: February 3rd, 2010, Steven Pierre Duckett
7 was in his car when he was shot in the back of the head
8 outside of the Kentucky Fried Chicken on Taylor Street by
9 Benedict College. We don't dispute that in the
10 slightest.

11 There's only one thing that you all have to figure out
12 this week, ladies and gentlemen; who shot Pierre Duckett.

13 I'm Mark Sawyer. Along with Ms. Gibbes here, we're
14 representing Victor White.

15 Now the State says that our client, Victor, shot him.
16 And I ask y'all: How are they going to prove that to
17 you? Well, you heard that exhaustive list of witnesses
18 they read out to you when we were first sitting here
19 before we first selected you, about 107, I think, by my
20 count.

21 There is forensic experts, DNA experts. There's a
22 coroner. There's a firearm expert. I'm going to tell you
23 right now, not a single one of those experts are going to
24 be able to help you solve this crime.

25 You're going to hear extensively from the City of

OPENING STATEMENTS TO THE JURY ON BEHALF OF THE DEFENSE

1 Columbia Police Department. Now, for approximately a week
2 and a half they weren't able to answer this question,
3 either. They did some research and eventually they got to
4 one witness that they sat down and they talked with, was
5 able to give them all the information that they needed.

6 That witness was our client, Victor White. He told
7 them everything. They believed him so much so that they
8 then proceeded to interview four other boys whom were
9 staying at Benedict. I'll give you their proper names;
10 Reginald Miller, Demond Sanford, Jeremiah Henderson and
11 Nathaniel Jones.

12 They went so far as to arrest Demond Sanford and
13 Reginald Miller for these activities, and even wrote in
14 their arrest warrant that Reginald Miller shot Pierre
15 Duckett in the back of the head.

16 Additionally, each one of these four boys as they were
17 interviewing them, the investigators recorded each one of
18 their statements. So y'all are going to get to hear audio
19 recordings made a week and a half to two weeks later from
20 each one of these four boys saying what happened.

21 The State also has to put them on that witness stand.
22 So not only do you get to hear what they said immediately
23 after, you're going to get to hear them now as to what
24 they're saying.

25 Now, they'll agree that Victor shot Pierre Duckett.

OPENING STATEMENTS TO THE JURY ON BEHALF OF THE DEFENSE

1 That's to be assumed. These four boys were all Benedict
2 students. Victor was not. They had a week and a half
3 after they committed this heinous act to get their story
4 straight. They all lived at Benedict. They all saw each
5 other every day. They were able to talk to one another.
6 The only person who didn't was our client, Victor.

7 Now, the biggest thing you need to listen to about
8 these four boys is the differences in their testimony
9 because, see, truth is easy. The truth is the facts. The
10 truth is what happened.

11 But the way you can tell a group of people are lying
12 or have gotten together to agree to a lie is the
13 differences that they say. The differences that make no
14 sense. The differences they should not be getting away
15 with, the differences every one should be in agreement on.

16 So that's all I'm asking y'all to do right now, is to
17 listen and pay attention.

18 As the Judge said, he'll allow you to take notes. I
19 would encourage you to do that. And I would encourage
20 that every time you hear a difference that doesn't make
21 sense to you, from Demond Sanford, a difference that
22 shouldn't be, from Reggie Miller, a difference from
23 Jeremiah Henderson and Nathaniel Jones that just shouldn't
24 be different, I'd ask you to write that down.

25 And I'll tell you all, ladies and gentlemen of the

BRENDON GANTT - DIRECT

1 jury, by the end of the week you're going to have a stack
2 this big (indicating) of differences from those four
3 boys. And I don't think you're going to believe either
4 one (sic) of them.

5 And if you can't believe what they're saying, you'll
6 have to find our client not guilty. Thank you.

7 THE COURT: Your first witness?

8 MS. WALKER: Thank you, Your Honor. The State calls
9 Brendon Gantt to the stand.

10 BRENDON GANTT, having been duly sworn, was examined
11 and testified as follows:

12 THE CLERK: Have a seat on the witness stand. State
13 your name for the record.

14 THE WITNESS: Brendon Gantt.

15 DIRECT EXAMINATION

16 BY MS. WALKER:

17 Q. Sir, where are you currently employed?

18 A. The City of Columbia Police Department.

19 Q. And how long have you been with the police department?

20 A. Just over three years.

21 Q. I'd like to direct your attention back to February the
22 3rd of 2010. You were with the police department then?

23 A. I was. I was assigned to the metro region doing
24 patrol.

25 Q. The metro region. Which area of town is that,

BRENDON GANTT - DIRECT

1 exactly?

2 A. It includes the Vista area as well as Two Notch,
3 Benedict College. At the time I was assigned to the
4 Benedict College area.

5 Q. And on February the 3rd of 2010, did you have occasion
6 to respond to the Kentucky Fried Chicken located on Taylor
7 Street?

8 A. I was.

9 Q. And is that located here in Richland County?

10 A. It is.

11 Q. What did you observe when you got there?

12 A. When I arrived on the scene, I observed, there was a
13 maroon Chevy Tahoe, a two-door. It was in the middle of
14 the parking area beside the building, not running, just
15 turned off, with someone inside of it.

16 Q. What observation did you make about the person inside
17 of the vehicle?

18 A. When I walked up EMS was already on the scene and I
19 asked them what was going on. They said there was a male
20 inside that was unresponsive. Began speaking with them
21 and they stated they did not put leads on him due to his
22 condition.

23 Q. What are leads?

24 A. It's to do the pulse to revive someone, and checks the
25 heart rate monitor.

BRENDON GANTT - CROSS

1 Q. What did you -- could you tell -- or what could you
2 see when you looked inside the car?

3 A. There was a black male slumped over and there was
4 blood around his mouth.

5 Q. What did you do after talking to EMS?

6 A. I immediately phoned my supervisor to come to the
7 scene, asked for another unit and began notifying the
8 proper channels.

9 Q. Did you secure the crime scene?

10 A. I did. I had crime scene tape in the rear of my
11 patrol car that I immediately placed around the scene.

12 Q. What is the purpose of doing that?

13 A. It keeps people off the scene and also establishes a
14 point where if someone does enter what's established to be
15 the crime scene, it is written down onto a sheet to keep a
16 record of who entered the crime scene.

17 Q. And was that the extent of your involvement with this?

18 A. It was.

19 MS. GIBBES: May it please the Court.

20 MS. WALKER: No further questions, Your Honor.

21 THE COURT: Yes.

22 CROSS-EXAMINATION

23 BY MS. GIBBES:

24 Q. Officer Gantt, so you basically initiated the
25 investigation?

FRANKLIN MICHAEL BROWN - DIRECT

1 A. I was the first person on the scene. I wouldn't say
2 there was an investigation. I established it was, taking
3 down the names of the complainant as well as the EMS
4 workers that were on the scene and notifying my sergeant
5 who then notifies other people.

6 Q. Okay. And from what you learned you were unable to
7 determine who the shooter was at that point?

8 A. Yes.

9 MS. GIBBES: Okay. No further questions.

10 THE COURT: All right. You may step down. Next
11 witness?

12 MS. WALKER: Your Honor, the State calls Franklin
13 Michael Brown. He's outside.

14 FRANKLIN MICHAEL BROWN, having been duly sworn, was
15 examined and testified as follows:

16 THE CLERK: Have a seat on the witness stand. State
17 your name for the record.

18 THE WITNESS: Michael Brown.

19 DIRECT EXAMINATION

20 BY MS. WALKER:

21 Q. Good morning, Mr. Brown.

22 A. Good morning.

23 Q. Sir, where are you currently employed?

24 A. Yes.

25 Q. I said, where are you currently employed?

FRANKLIN MICHAEL BROWN - DIRECT

1 A. Kentucky Fried Chicken.

2 Q. And that's which location?

3 A. Taylor Street.

4 Q. And were you working there back on February 3rd of
5 2010?

6 A. Yes, ma'am.

7 Q. I want to turn your attention back to February 3rd of
8 2010. Did you make a phone call to 9-1-1 that morning?

9 A. Uh-huh.

10 Q. Can you tell us or can you describe for the jury the
11 events that led you to make that phone call?

12 A. I do, like, a walk in the morning to pick trash up.
13 And I seen a vehicle. And I went to the vehicle, saw a
14 young man in there. And I had my reed stick and I was
15 calling him, sir, sir. And I poked him one time. And he
16 didn't respond.

17 So I immediately went back in the building and called
18 9-1-1. When I called 9-1-1, they came and said that he
19 was dead on arrival.

20 Q. Did you have any other -- did you do anything else
21 other than call his name and try to poke him to get a
22 response?

23 A. No, ma'am.

24 Q. And then you immediately called 9-1-1 when you got no
25 response?

VERONICA NOWELL - DIRECT

1 A. Right.

2 MS. WALKER: No further questions, Your Honor.

3 THE COURT: All right. From the defense?

4 MR. SAWYER: Thank you, Your Honor. Just briefly.

5 CROSS-EXAMINATION

6 BY MR. SAWYER:

7 Q. Mr. Brown, did you see who shot that gentleman?

8 A. No, sir.

9 MR. SAWYER: No further questions.

10 THE COURT: Thank you, Mr. Brown. You may step down,
11 you're excused to go. Next witness?

12 MS. WALKER: Your Honor, the State calls Veronica
13 Nowell. She's also outside.

14 VERONICA NOWELL, having been duly sworn, was examined
15 and testified as follows:

16 THE CLERK: Have a seat on the witness stand. State
17 your name for the record.

18 THE WITNESS: Veronica Nowell.

19 DIRECT EXAMINATION

20 BY MS. WALKER:

21 Q. Ms. Nowell, did you know Steven Pierre Duckett?

22 A. Yes.

23 Q. How did you know him?

24 A. Boyfriend.

25 Q. I'm sorry. Would you speak up a little?

VERONICA NOWELL - CROSS

1 A. Boyfriend.

2 Q. On February 3rd, 2010, did you speak with him that
3 day?

4 A. Yes.

5 Q. Do you remember what time you spoke with him?

6 A. It was late that morning, early morning.

7 Q. It was early morning?

8 A. About 1:45, 1:47, something like that.

9 Q. Did you know where he was going?

10 A. Not exactly. When I asked him where he was going he
11 said he was headed to the city.

12 Q. Was it uncommon for him to come -- when you said
13 headed to the city, where did Pierre live?

14 A. With his mom in Leesburg.

15 Q. I'm sorry. I can't hear you.

16 A. With his mother.

17 Q. And where was that?

18 A. Leesburg.

19 Q. After that phone call, did you ever speak to Pierre
20 again?

21 A. No.

22 MS. WALKER: No further questions, Your Honor.

23 THE COURT: Defense?

24 MS. GIBBES: If it please the Court.

25

DEMOND SANFORD - DIRECT

CROSS-EXAMINATION

BY MS. GIBBES:

Q. So, you didn't know who he was going to go meet that night?

A. No.

MS. GIBBES: Thank you. No further questions.

THE COURT: All right. Thank you, ma'am. You may step down.

MS. CAMPBELL: The State would call Demond Sanford.

DEMOND SANFORD, having been duly sworn, was examined and testified as follows:

THE CLERK: Thank you. Have a seat on the witness stand. State your name for the record.

THE WITNESS: Demond Sanford.

DIRECT EXAMINATION

BY MS. CAMPBELL:

Q. Mr. Sanford, how old are you?

A. Twenty years old.

Q. And are you currently in school?

A. Not right now.

Q. Where did you attend school?

A. Cincinnati State.

Q. Cincinnati State. And are you from the Cincinnati area?

A. Yes, ma'am.

DEMOND SANFORD - DIRECT

1 Q. And how long have you lived up there?

2 A. My whole life.

3 Q. At some point, did you have the opportunity to move to
4 South Carolina?

5 A. To move to?

6 Q. To come here.

7 A. No, I just went to school here.

8 Q. Okay. And what school did you attend here?

9 A. Benedict College.

10 Q. And what year did you actually enroll in Benedict
11 College here in South Carolina?

12 A. It was '09.

13 Q. '09?

14 A. Uh-huh.

15 Q. And what part of '09 did you start school?

16 A. After the summer.

17 Q. After the summer?

18 A. (Nods head.)

19 Q. Did you continue into the Spring of 2010, attending
20 Benedict College?

21 A. (Nods head.)

22 Q. Where did you actually live while you were here?

23 A. On campus.

24 Q. On campus. Can you speak up a little bit? It's hard
25 to hear in here. Okay? Thank you. On campus?

DEMOND SANFORD - DIRECT

- 1 A. Yes, ma'am.
- 2 Q. And what dorm were you actually living in?
- 3 A. Gambrell.
- 4 Q. Did you have a roommate?
- 5 A. Yes.
- 6 Q. Who was your roommate?
- 7 A. Jonathan Spencer.
- 8 Q. I couldn't hear you.
- 9 A. Jonathan Spencer.
- 10 Q. And what dorm room were you living in?
- 11 A. Gambrell.
- 12 Q. Do you remember the room number?
- 13 A. Oh. I don't remember the room number. It was on the
- 14 first floor.
- 15 Q. Did you know some -- a young man named Jeremiah
- 16 Henderson?
- 17 A. Yes, ma'am.
- 18 Q. And how did you know Jeremiah Henderson?
- 19 A. He stay in the same dorm with me.
- 20 Q. In the same dorm?
- 21 A. (Nods head.)
- 22 Q. But in a different room?
- 23 A. In the basement.
- 24 Q. Did you know his roommate, I think his name was
- 25 Nathaniel?

DEMOND SANFORD - DIRECT

1 A. Uh-huh.

2 Q. And did you know him from living in the same dorm,
3 also?

4 A. (Nods head.)

5 Q. Did you know a guy named Reggie Miller?

6 A. Yes, ma'am.

7 Q. And tell this jury how you knew Reggie Miller.

8 A. We went to Benedict. We were cool through our time
9 being there.

10 Q. I'm sorry. I couldn't hear you.

11 A. We were friends during our time being there. He was a
12 student at Benedict.

13 Q. Was he also a freshman?

14 A. I think so. I'm not sure.

15 Q. Not sure?

16 A. (Shakes head.)

17 Q. And finally, did you know Victor White?

18 A. Huh?

19 Q. Did you know Victor White?

20 A. I didn't know him until after the second term.

21 Q. And how did you come to know Victor White?

22 A. Through Reggie.

23 Q. Was he friends with Reggie?

24 A. Yes.

25 Q. Did Victor go to school with y'all?

DEMOND SANFORD - DIRECT

1 A. Huh-uh.

2 Q. But would he hang with y'all?

3 A. Sometimes.

4 Q. And did you become friends with him?

5 A. He was cool. I mean, at that time when I first met
6 him I had no reason not to be suspecting of him or
7 anything or not to be cool with him.

8 Q. I want to turn your attention to February of 2010.
9 Were you attending classes then?

10 A. Yes, ma'am.

11 Q. I want to turn your attention to the evening of
12 February the 2nd, into the early morning hours of February
13 the 3rd. Tell this jury what you were doing.

14 A. February 3rd?

15 Q. The early morning hours of February 3rd, from that
16 evening the night before, what were you doing?

17 A. Talking about that night?

18 Q. That night, yeah.

19 A. The February 3rd?

20 Q. Yes, sir. The night that the shooting happened.

21 A. Oh. Well, I was in my room after 12 because that's
22 when my curfew was. Then I had got a call from Reggie and
23 Vic, but it was a missed call from both of them because I
24 had left my phone when I was gone. When I came back I
25 seen I had missed calls.

DEMOND SANFORD - DIRECT

1 Q. Where had you gone?

2 A. To the bathroom.

3 Q. And is there a curfew or something at the dorm?

4 A. Yeah, at 12. I mean, you ain't got to follow it but
5 if you're caught on the campus after 12, then you get
6 wrote up but you can stay out though.

7 Q. And you mentioned that this missed phone call was
8 sometime after midnight that night?

9 A. Yes, ma'am.

10 Q. And do you have a nickname?

11 A. Yes, ma'am.

12 Q. What's your nickname?

13 A. Mooney.

14 Q. Mooney?

15 A. (Nods head.)

16 Q. That night when you said you had gone to the bathroom
17 and you came back and what did you see?

18 A. I seen I had two missed phone calls.

19 Q. And who were they from?

20 A. Reggie and Vic.

21 Q. How did you know they were from Reggie and Vic?

22 A. Because that's what my phone said.

23 Q. They're programmed into your phone? And I understand
24 some of my questions are stupid.

25 A. Yes, ma'am.

DEMOND SANFORD - DIRECT

1 Q. They were programmed into your phone?

2 A. Yes, ma'am.

3 Q. And that's who came up?

4 A. Yes, ma'am.

5 Q. And when you saw that you had missed those calls, what
6 did you do?

7 A. I called Reggie back.

8 Q. And without going into what Reggie said to you, did
9 you all make plans to get together that night?

10 A. Yes, ma'am.

11 Q. And tell the jury about that.

12 A. Well, they had called me -- well, Reggie had -- well,
13 I called Reggie back and asked him what he had wanted. He
14 said him and Vic, they had this guy they were trying to
15 get marijuana from.

16 Q. Okay. And did you know where he was calling you from
17 at that point?

18 A. No.

19 Q. Once you had the conversation with Reggie, what did
20 you do?

21 A. Well, I had called him -- well, I found out what they
22 were doing. And then I had -- I think I called Mike at
23 that time, too, because we needed somebody to watch the
24 door.

25 Q. And why did you call Mike?

DEMOND SANFORD - DIRECT

1 A. Because I was going to go with them but we needed
2 somebody to watch the door.

3 Q. You're going to have to explain this to me a little
4 bit better. Okay? What was the plan when you called
5 Mike?

6 A. Well, they told me that they needed me to watch the
7 street.

8 Q. And who did you actually talk to?

9 A. Reggie.

10 Q. And why did they need you to actually watch the street
11 that night?

12 A. Well, to my understanding, it was because there was an
13 open area and they were just going to be sitting out I
14 guess they didn't want to be caught doing what I thought
15 they was, was a deal.

16 Q. A deal?

17 A. It was an open area. So I thought they wanted me to
18 watch out for cops.

19 Q. So they wanted you to go along with them and they were
20 going to make their deal, to watch out for cops. And then
21 you said you called Mike?

22 A. Uh-huh.

23 Q. Who's Mike?

24 A. The guy that stays in the basement of Gambrell.

25 Q. And what's his real name; do you know?

DEMOND SANFORD - DIRECT

1 A. Well, I knew him as Mike. I know him now as Jeremiah.

2 Q. Jeremiah. Who we referred to earlier?

3 A. Yeah.

4 Q. And why were you calling Jeremiah?

5 A. So we could get back in our dorm.

6 Q. And was that because of the curfew?

7 A. Uh-huh. And because the doors were locked.

8 Q. So what was the plan you made with Jeremiah or Mike as
9 you knew him?

10 A. That he just -- when I called him he had the door
11 open, the back door.

12 Q. So, that night after these phone calls did you meet up
13 with anybody?

14 A. I met up with Reggie and Vic. Well they came to the
15 dorm first.

16 Q. And I can barely hear you. Who came?

17 A. They came to the dorm first.

18 Q. And who was together when they came to the dorm that
19 night?

20 A. Reggie and Vic.

21 Q. Did they come inside the dorm?

22 A. At first, yes.

23 Q. Did they come to your room?

24 A. Not to my room.

25 Q. Where did you meet them?

DEMOND SANFORD - DIRECT

1 A. We were in, I think, the hallway where the stairs
2 were.

3 Q. Then, what happened?

4 A. Then we had walked out. I guess the dude, whoever it
5 was, whoever the guy was, I don't know his name but he had
6 called so he told us to come on. So we was walking down
7 the street then Reggie told me to stay at the end at the
8 corner.

9 Q. Where is Gambrell Hall located in connection with the
10 Kentucky Fried Chicken Restaurant? Is it nearby?

11 A. It's in walking distance.

12 Q. And when y'all left Gambrell dorm that night, where
13 did you walk to?

14 A. I stayed at, like, the corner of the street, like --

15 Q. The corner of the street, where?

16 A. Across from Gambrell. Right across the street.

17 Q. And at that point, what was the plan?

18 A. That say they were going to go in the car and get it
19 and come back.

20 Q. How were they going to get it and what were they going
21 to get?

22 A. They were going to get the marijuana but I think -- I
23 thought that they were just going to, like, shortchange
24 him or try to rip him off or something. They didn't --
25 like the word robbery never came up, was never understood

DEMOND SANFORD - DIRECT

1 to me.

2 Q. You just thought they were going to rip him off?

3 A. Yeah.

4 Q. For the marijuana?

5 A. Yeah.

6 Q. And why were you interested in participating in this
7 rip off?

8 A. I mean, it was stupid. I'm not going to lie. I was
9 in college, just being down there having fun and I was
10 smoking marijuana at the time.

11 Q. So you stayed on the street corner?

12 A. Yes, ma'am.

13 Q. And who continued on walking on down the street?

14 A. Reggie and Vic.

15 Q. And were you able to still see them?

16 A. Until they got down, further down by the KFC, yeah.

17 Q. And then where did they go? Where was the last point
18 you could see them?

19 A. Like the KFC sits right (indicating). There's like, a
20 little wrap-through drive through. I seen the car go down
21 the street and they wrapped around the KFC.

22 Q. And went back up. You said you saw a car coming down
23 the street. What kind of car was it; do you remember?

24 A. It was a truck.

25 Q. It was a truck. Like a truck SUV or like a truck,

DEMOND SANFORD - DIRECT

1 pickup truck?

2 A. SUV.

3 Q. And where did you see that truck go?

4 A. It was coming down the street then they pulled into
5 the KFC then it wrapped around the KFC.

6 Q. And was that before or after Vic and Reggie got down
7 there?

8 A. It was around the same time.

9 Q. And you mentioned that you saw Vic and Reggie go into
10 the KFC parking lot?

11 A. Yeah.

12 Q. And were they on foot or were they driving a vehicle?

13 A. On foot.

14 Q. What happened next?

15 A. They dis-- well, I guess they got into the car because
16 I couldn't see them anymore. And I could barely see the
17 car but I could see the lights.

18 Q. The lights?

19 A. Yeah. They were like faced out toward the street.

20 Q. What happened next?

21 A. I was just standing there for a little bit, just
22 pacing. And then I heard a loud pop. I didn't know what
23 it was at the time, at first.

24 Q. What went through your mind when you heard the loud
25 pop?

DEMOND SANFORD - DIRECT

1 A. Just that, because it was so quiet out and that noise
2 just came out of nowhere.

3 Q. Then what happened?

4 A. So then I started -- I started to, like, take a few
5 steps down towards where they were. And then I seen
6 Reggie coming back up the street towards me.

7 Q. What was Reggie's demeanor like?

8 A. He was like walking real fast, like panicking.

9 Q. Panicking?

10 A. Not panicking but like mad, but he was walking real
11 fast.

12 Q. And did you say anything to him?

13 A. I asked him what was that noise.

14 Q. And what was said?

15 A. He said that Victor had --

16 MS. GIBBES: Objection. Hearsay, Your Honor.

17 THE COURT: The objection's hearsay.

18 MS. CAMPBELL: Your Honor, I think it falls under the
19 present-sense impression or res jecti or co-conspirator.
20 There are a number of exceptions.

21 MS. GIBBES: Your Honor, I would argue Crawford.

22 Mr. Miller can come to the stand and testify to what he
23 said.

24 THE COURT: All right. Response?

25 MS. CAMPBELL: This is not a Crawford situation, Your

DEMOND SANFORD - DIRECT

1 Honor. This is not a police interrogation.

2 THE COURT: Anything further?

3 MS. GIBBES: No, Your Honor.

4 THE COURT: I overrule your objection. You may answer
5 the question.

6 THE WITNESS: He -- I asked him what had happened and
7 why was he like so angry, and he said that Vic had shot
8 the guy. And then, well -- then I asked him like why was
9 he -- like, why. That he didn't say anything about
10 shooting anybody. I didn't even know they had a gun. But
11 he never answered my questions. He just kept telling me
12 to c'mon. We kept walking.

13 BY MS. CAMPBELL:

14 Q. What did you do?

15 A. I walked on back to the dorm.

16 Q. Where was Vic at this point?

17 A. I wasn't -- like I had -- we was already walking. I
18 had looked back and he was coming up behind us.

19 Q. Vic was coming up behind you?

20 A. Yeah.

21 Q. So you were actually walking with Reggie?

22 A. Yeah.

23 Q. Where did y'all go?

24 A. We went to the -- Gambrell.

25 Q. Once you got to Gambrell, what happened?

DEMOND SANFORD - DIRECT

1 A. We had went to Jeremiah's room.

2 Q. The guy you know as Mike?

3 A. Yeah.

4 Q. And who actually left you back in the dorm?

5 A. Jeremiah.

6 Q. Did you call him?

7 A. Uh-huh.

8 Q. To let you in?

9 A. Uh-huh.

10 THE COURT: Yes or no, sir.

11 THE WITNESS: Yes, sir -- I mean, yes, ma'am.

12 BY MS. CAMPBELL:

13 Q. What happened next?

14 A. We went to his room, was sitting there. And then we
15 was trying to divide up the marijuana.

16 Q. Did you go check on the guy that Reggie told you had
17 just been shot?

18 A. Huh-uh. Well, not at that time. We had tried to
19 divide it up but we had needed a scale to weigh it out.
20 And then Vic had asked me to go with him. So I said,
21 yeah, be that I feel like -- because how I was thinking
22 like, I'm here down by myself on a college campus. Like,
23 anything could happen to me. Like if anybody wanted to
24 find me, they could.

25 So I was just trying to keep myself safe since I'm

DEMOND SANFORD - DIRECT

1 down here by myself. I don't have any family nowhere to
2 turn to. Like, I'm limited to a college campus. I don't
3 know where -- I don't know left from right in that
4 neighborhood. I don't know where to go. So I'm just
5 trying to -- and in my mind set at that time was, I'm down
6 here by myself, right, do whatever you need to do to keep
7 yourself safe.

8 Q. And what was Vic saying when you got back to the room?

9 A. He had said something about him being in back -- I
10 can't recall exactly what he had said about him being in
11 the back of the car, but I remember him saying that he was
12 in back.

13 Q. What was his demeanor like?

14 A. He was just calm.

15 Q. Did he talk about what he did?

16 A. Huh-uh.

17 Q. You don't remember that?

18 A. All I remember him saying he was in the back of the
19 car.

20 Q. You mentioned that y'all, when you got back to the
21 room trying to split up something?

22 A. The marijuana.

23 Q. The marijuana?

24 A. (Nods head.)

25 Q. Did y'all split it up?

DEMOND SANFORD - DIRECT

1 A. Uh-huh.

2 Q. Do you know where the marijuana came from?

3 A. I'm guessing that guy.

4 Q. What happened next?

5 A. Well, we was trying to divide it up. Vic asked me to
6 go back to the car with him. So me saying like, I'm
7 trying to keep myself safe, I did just so he wouldn't
8 suspect me or try to question, like, me trusting him or
9 anything or getting him in trouble or anything. So I just
10 went back with him.

11 I went over to the driver's side of the car, opened
12 the door. And I seen the scale, like, right by the, by
13 the driver seat and I grabbed it and left.

14 Q. Where was Vic?

15 A. He was on the other side of the car.

16 Q. What was he doing?

17 A. Just, we was just looking through the car.

18 Q. Then what happened?

19 A. We left.

20 Q. Where did you go?

21 A. Back to Mike's room or Jeremiah's.

22 Q. At any point did you see the gun?

23 A. No, not in that whole night.

24 Q. What was going through your mind?

25 A. Through that whole night?

DEMOND SANFORD - DIRECT

1 Q. (Nods head.)

2 A. Keep myself safe. Like, don't give anybody any reason
3 to try to suspect me of anything. Like -- just really I
4 wanted to go home at that point. I was trying to figure
5 out, like, should I go home, should I just leave, drop,
6 quit school right now and just leave.

7 Q. What happened next?

8 A. Well, we went back to the room, divided up the
9 marijuana and I went back to my room.

10 Q. You went back to your own room at Gambrell?

11 A. Uh-huh.

12 Q. Did you take the marijuana?

13 A. Yes, ma'am.

14 Q. Did you smoke it?

15 A. Some of it.

16 Q. At any point that night, did you call the police?

17 A. No, ma'am.

18 Q. Why not?

19 A. Well, once again, like, I don't know. I was just
20 panicking because I was just thinking, I'm down here by
21 myself, like, no family, nobody I really know now because
22 at that point I didn't really think that you could, well,
23 I'm not saying because I wasn't there, but at that point I
24 didn't think that could happen.

25 I thought, like, oh I know this guy, he's real cool,

DEMOND SANFORD - DIRECT

1 but like when things started to happen I was, like, do I
2 really know this guy. So I was just panicking for just
3 thinking, like, well, what's going to happen to me. Who's
4 going to come after me. Like, do he feel like he can
5 trust me enough to not do anything to me.

6 Q. The next day, did you tell anybody what happened?

7 A. Huh-uh.

8 Q. Over the course of the next week, did you tell anybody
9 what happened?

10 A. No, ma'am.

11 Q. When you went back to the car and you got the scale,
12 was the guy moving?

13 A. No, ma'am.

14 Q. Did you know him?

15 A. No.

16 Q. And days continued to go by and you didn't tell
17 anybody?

18 A. Not really, no.

19 Q. Eventually, did the police make contact with you?

20 A. Yes, ma'am.

21 Q. How did that happen?

22 A. They came to my room and arrested me.

23 Q. And what were you arrested for?

24 A. This right here, this case.

25 Q. What charges?

DEMOND SANFORD - DIRECT

1 A. My charges say murder and armed robbery.

2 Q. Murder and armed robbery?

3 A. (Nods head.)

4 Q. And after you were arrested for murder and armed
5 robbery for your participation, you're familiar with the
6 hand of one hand of all?

7 A. I am now. Now I am.

8 Q. You've gotten a lawyer since then; right?

9 A. (Nods head.)

10 Q. That day on the 12th of February when they arrested
11 you, did they take you down to headquarters?

12 A. Uh-huh.

13 Q. Did they advise you of your rights?

14 A. Uh-huh.

15 THE COURT: Use words, sir; yes or no.

16 THE WITNESS: Yes, ma'am.

17 BY MS. CAMPBELL:

18 Q. And did you agree to talk to them?

19 A. Yes.

20 Q. And did they record a statement from you about what
21 all you knew?

22 A. Yes.

23 Q. And you knew at that point you had been charged with
24 murder?

25 A. After everything was said and done.

DEMOND SANFORD - DIRECT

1 Q. And armed robbery?

2 A. Yes.

3 Q. And did you tell them what you knew about what had
4 happened that night?

5 A. I told them everything I just told you.

6 Q. And on the -- today, you're in this courtroom, you're
7 still charged with murder?

8 A. Yes, ma'am.

9 Q. And armed robbery?

10 A. Yes, ma'am.

11 Q. And you're aware that murder carries a sentence, a
12 possible sentence of either 30 years or life, up to life?

13 A. Yes, ma'am.

14 Q. And armed robbery carries a possible sentence of 10 to
15 30?

16 A. Yes, ma'am.

17 Q. And you're still charged with those? You have a
18 lawyer; right?

19 A. Yes.

20 Q. Have you made any deals in exchange for your testimony
21 here today?

22 A. Huh-uh. No, ma'am.

23 Q. Do you hope this will help you down the road?

24 A. I hope so.

25 Q. Your truthful testimony?

DEMOND SANFORD - DIRECT

1 A. Yes.

2 Q. But no deals have been made to you by the State or
3 anyone from my office?

4 A. No, ma'am.

5 Q. And your lawyer's made that clear to you?

6 A. Yes, ma'am.

7 Q. And in fact, you and I have never spoken?

8 A. This is our first time.

9 Q. Why didn't you go to the police?

10 A. I was just -- I don't know. Because I felt like
11 anybody could find me if they wanted to, like what could
12 they have done ready. Where would they put me at. Like,
13 I was scared for my life, like, because I'm down here by
14 myself on my own.

15 Q. After you were arrested did you quit school, Benedict
16 at least?

17 A. Yeah. I was expelled.

18 Q. When you talked to the police, did you tell them the
19 truth about what happened?

20 A. Yes, ma'am.

21 Q. Did you tell the truth about what Victor said and what
22 you knew about what happened?

23 A. Yes, ma'am.

24 Q. The person that you know as Victor White that was
25 talking about how he got up behind him, do you see him

DEMOND SANFORD - CROSS

1 here in the courtroom?

2 A. Yes, ma'am.

3 Q. Can you point him out for the jury?

4 A. (Complying). The guy sitting right there.

5 Q. Is he seated?

6 A. Yes, ma'am.

7 Q. And what's he wearing?

8 A. A suit.

9 Q. Between his lawyers?

10 A. Yes, ma'am.

11 MS. CAMPBELL: Your Honor, may the record reflect he's
12 identified the Defendant.

13 THE COURT: It does.

14 MS. CAMPBELL: That's all I have, Your Honor.

15 MS. GIBBES: May it please the Court, Your Honor.

16 THE COURT: Yes.

17 CROSS-EXAMINATION

18 BY MS. GIBBES:

19 Q. Mr. Sanford, how are you?

20 A. I'm good.

21 Q. Great. Okay. Just to clear up your relationship.

22 Would it be fair to say that you know Reggie more than you
23 know Victor?

24 A. I met, I met Reggie before Victor. I like knew him a
25 term before I even met him.

DEMOND SANFORD - CROSS

1 Q. Okay. But you're better friends with Reggie than with
2 Victor?

3 A. I guess. I mean, Reggie introduced me to Victor.

4 Q. And Jeremiah, you're friends with him?

5 A. Yeah.

6 Q. Longer than you were with Victor?

7 A. Yeah.

8 Q. Okay. Going back to that night. You say you got, you
9 had two missed phone calls, one from Victor and one from
10 Reggie. And you actually ended up speaking to Reggie?

11 A. (Nods head.)

12 Q. Okay. And he didn't tell you he wanted some muscle?

13 A. No. He just said that he wanted me to come with him
14 to get -- he never said, you know -- no, he never said he
15 needed muscle but he wanted me to come with him though.

16 Q. Okay. Because you knew he was going to go buy weed?

17 A. That's what I thought.

18 Q. Okay. In your mind you thought he and Victor were
19 going to go buy weed?

20 A. Yes.

21 Q. Okay. And then based on that you called Jeremiah?

22 A. Yes.

23 Q. To keep the door open?

24 A. Yes.

25 Q. And for that reason -- that's so y'all didn't get

DEMOND SANFORD - CROSS

1 locked out?

2 A. Yes.

3 Q. And just to back up. You thought he was going to
4 shortchange the --

5 A. Yeah. Like rip him off. Like give him money and then
6 leave before he could count it out or something like that.

7 Q. Okay. So just not give him enough money and then take
8 the weed and run?

9 A. Yeah.

10 Q. Okay. So they wanted you there to be the lookout for
11 that?

12 A. Yes.

13 Q. To make sure there's no cops around?

14 A. Yes.

15 Q. Okay. So you saw them walk to the car, Reggie and
16 Victor?

17 A. Uh-huh.

18 Q. And did you see -- did Victor get in the car first,
19 could you tell?

20 A. I couldn't really tell. I didn't see them, like, open
21 the door and get in the car but --

22 Q. It was dark?

23 A. Yeah.

24 Q. Okay. And about how far back were you?

25 A. Well, I was, like, at the corner. I don't know how

DEMOND SANFORD - CROSS

1 far that is.

2 Q. Okay.

3 A. It was kind of --

4 Q. But you were far enough you couldn't see who got in
5 the car first?

6 A. Yeah.

7 Q. But you could see a flash and you heard a pop?

8 A. I heard a pop.

9 Q. Okay. You heard a pop?

10 A. Yeah. After a few minutes, after I knew that they got
11 in the car after a few minutes there.

12 Q. Okay. And did you know what that was?

13 A. Not -- not at the time, no. Not when I heard it.

14 Q. Okay. Did you think about what it could be?

15 A. I mean, not really. I was just wondering like what
16 was it. I didn't put my own thing into it and not know
17 what it was.

18 Q. Because they were just going to go buy weed?

19 A. Yeah.

20 Q. So you didn't think anything of it?

21 A. (Shakes head.)

22 Q. Okay. So after you heard that pop you heard -- you
23 saw Reggie came back running at you?

24 A. He was walking.

25 Q. He was walking?

DEMOND SANFORD - CROSS

1 A. Yeah.

2 Q. Back towards you?

3 A. Yeah.

4 Q. And he told you that Victor shot that man?

5 A. Yeah.

6 Q. But you didn't actually -- you couldn't see who, who
7 was shot after you heard the gunshot; could you?

8 A. No, ma'am.

9 Q. Okay. And you said you and Reggie -- I mean, did you
10 call Jeremiah at that point?

11 A. Me and Reggie were walking back and that's when I got
12 on the phone and called Jeremiah to open the door.

13 Q. And you told him to open the door for you?

14 A. Yeah.

15 Q. You already had that planned out that he was going to
16 have the door open for you?

17 A. (Nods head.)

18 Q. Okay. You got back to the dorm and you testified
19 basically Victor was calm?

20 A. Uh-huh.

21 Q. Okay?

22 A. Yes, ma'am.

23 Q. And it was Reggie and Victor who divided up some weed
24 that they had?

25 A. Talking about, like, who actually divided it?

DEMOND SANFORD - CROSS

1 Q. Yeah.

2 A. I mean --

3 Q. I know you're -- I'm sorry. Go ahead.

4 A. We divided it amongst ourselves.

5 Q. Okay. And, but you testified that you were, you
6 didn't have a scale to divide it up with?

7 A. Huh-uh.

8 Q. And so you decided you needed a scale?

9 A. Uh-huh.

10 THE COURT: Yes or no, please. You got to use words,
11 not just grunt.

12 THE WITNESS: Okay.

13 BY MS. GIBBES:

14 Q. And at that point you knew that there may be a scale
15 at the car?

16 A. Uh-huh. Yes, ma'am.

17 Q. Because they went there to buy weed?

18 A. Yes, ma'am.

19 Q. Okay. So at that point you and Victor decided to go
20 back to that car?

21 A. Yes, ma'am.

22 Q. Even knowing that you had heard that he may have shot
23 somebody, you went back to that car with him?

24 A. Yes, but the only reason was because, like I didn't
25 know if he still had a gun on him. I didn't know a gun

DEMOND SANFORD - CROSS

1 was present that night.

2 Q. Because you never saw Victor with a gun that night?

3 A. I never saw anybody with a gun.

4 Q. Okay. So you weren't scared?

5 A. Yes, I was. That's why I went. So nobody wouldn't
6 suspect me or you're not with us so you must be against
7 us.

8 Q. And when you got there, did you turn the lights off on
9 the car?

10 A. Huh-uh.

11 Q. No. You just went for that scale?

12 A. Yes.

13 Q. And how do you know it was in his pockets?

14 A. I had seen it. It was, like, out -- when -- by the
15 light when he had it open.

16 Q. Okay. And you knew what a marijuana scale would look
17 like?

18 A. Yes, ma'am.

19 Q. Okay. And then y'all just went back to the room?

20 A. Yes, ma'am.

21 Q. Okay. And you smoked some of that weed?

22 A. In the days following, yes. Yes, ma'am.

23 Q. Okay. And after that, you never spoke about this
24 again; did you?

25 A. To nobody, no.

DEMOND SANFORD - CROSS

1 Q. Until you got arrested?

2 A. Yes.

3 Q. Okay. And when you got arrested, did you immediately
4 tell the truth about this?

5 A. Not immediately.

6 Q. What did you say at first?

7 A. I said that -- I can't remember it word for word.

8 Q. Okay. I mean, did you deny any role in this?

9 A. Yes, ma'am.

10 Q. And this is prior to your recorded statement?

11 A. Yes, ma'am.

12 Q. Okay. But you don't remember what you said. I mean,
13 did you admit to any role in this or you denied it?

14 A. I admitted to talking to him that night.

15 Q. Okay.

16 A. I can't remember exactly, like, what I said I did.

17 Q. Okay, I understand. Beg the Court's indulgence.

18 (Pause.)

19 Just briefly. Just to be clear, Reggie called you
20 that night at the beginning of the night?

21 A. They both did, but I returned Reggie's phone call.

22 Q. And you spoke to him because you're better friends
23 with Reggie?

24 A. I mean, not -- I mean, I didn't return his phone call
25 because I'm better friends. Just like Reggie, how it was,

DEMOND SANFORD - REDIRECT

1 I seen both their names.

2 Q. Uh-huh.

3 A. And, like, it was already on Reggie's name to call so
4 I just --

5 Q. Okay.

6 A. -- did it.

7 Q. And then after all of this, when you were dividing up
8 the weed with the scale, did Reggie help divide up the
9 weed?

10 A. We all had our, like, something to put it in.

11 Q. Okay. And Reggie took his share?

12 A. Uh-huh. Yes, ma'am.

13 Q. Okay. And you took your share?

14 A. Yes, ma'am.

15 Q. And that was it?

16 A. Yes. Then I went back to my room.

17 MS. GIBBES: I have no further questions.

18 THE COURT: Yes?

19 MS. CAMPBELL: May it please the Court.

20 THE COURT: Yes.

21 REDIRECT EXAMINATION

22 BY MS. CAMPBELL:

23 Q. You don't want to be here today; do you?

24 A. No, ma'am.

25 Q. Do you remember back when you gave a statement? She

DEMOND SANFORD - REDIRECT

1 asked you about why, what you knew about what they wanted
2 you to do. Do you remember giving a statement when you
3 told the police --

4 MS. GIBBES: Objection, Your Honor. This statement
5 has not been entered into evidence. I would object.

6 MS. CAMPBELL: It can't be entered into evidence.
7 It's not admissible, but I can use it for impeachment or
8 refreshing his memory.

9 MS. GIBBES: I mean, we haven't had an opportunity to
10 look at the transcript. We would assume they would enter
11 the actual recorded statement into evidence.

12 MS. CAMPBELL: Your Honor, may we approach?

13 THE COURT: All right. Ladies and gentlemen, let's
14 stand for a moment.

15 THE JURY (COLLECTIVELY): (Complies.)

16 (Off-the-record discussion.)

17 THE COURT: All right. Everybody be seated.
18 Objection overruled.

19 MS. CAMPBELL: Thank you, Your Honor.

20 BY MS. CAMPBELL:

21 Q. Do you remember talking to the police?

22 A. Yes, ma'am.

23 Q. And they asked you why Vic and them needed you that
24 night?

25 A. Yes, ma'am.

DEMOND SANFORD - REDIRECT

1 Q. And do you now remember what you told them?

2 A. Well, it says that --

3 Q. You have to repeat it for me.

4 A. They said they just wanted us to be there to scare
5 them.

6 Q. To scare them?

7 A. Yeah.

8 Q. And who is that that wanted you to be there?

9 A. I guess both of them.

10 Q. And who are them?

11 A. Reggie and Vic.

12 Q. Do you remember -- I think she asked you specifically
13 about what Vic said when you got back to the room. Does
14 that help refresh your memory what you told the police
15 when you finally told them the truth?

16 A. What are you asking?

17 Q. Does that refresh your memory of what you told the
18 police about when you finally told them the truth that day
19 when they were interviewing you?

20 A. Well, what it was -- they asked me, what did Vic say
21 in the room. I said, I can't really remember. Then they
22 said, well, the guy that was in there asleep he remembers
23 so I know you do.

24 Q. And what does this say that you said? Right there.

25 Those are your words --

1 A. And that --

2 Q. -- your voice.

3 A. And he had, and uh, he said he had shot him.

4 Q. And who was it was saying that he had shot him?

5 A. I guess it's talking about Vic.

6 Q. Is that what you heard?

7 A. I heard about him being in the back seat. I didn't
8 hear him say, oh, I shot the guy.

9 Q. And who was it that wanted you to go back to the car
10 to search for the scales or whatever?

11 A. Vic had asked.

12 Q. Vic. Where was Reggie?

13 A. He was in the room.

14 Q. What was he doing?

15 A. Just sitting there with a blank look on his face.

16 MS. CAMPBELL: Thank you. I don't have anything
17 further.

18 MS. GIBBES: Nothing further.

19 THE COURT: Thank you. You may step down. Next
20 witness?

21 MS. CAMPBELL: Your Honor, may we approach?

22 THE COURT: Ladies and gentlemen, we'll have you go to
23 the jury room for a break. Please do not discuss the
24 case.

25 (Jury exits courtroom at 12:06 p.m.)

REGINALD MILLER - DIRECT

1 REGINALD MILLER, having been duly sworn, was examined
2 and testified as follows:

3 THE CLERK: Have a seat in the jury box, please.
4 State your name for the record.

5 THE WITNESS: Reginald Miller.

DIRECT EXAMINATION

7 BY MS. CAMPBELL:

8 Q. Mr. Miller, how old are you?

9 A. I'm 21.

10 Q. Where are you from?

11 A. Originally -- I was born in Philadelphia but I was
12 raised in Nantucket, Massachusetts.

13 Q. Is that where you went to high school?

14 A. Yes.

15 Q. Did you graduate from high school?

16 A. Yes.

17 Q. During high school, you were in certain classes?

18 A. Yes.

19 Q. What kind of classes?

20 A. I was in reading classes and I had speech therapy.

21 Q. Were you in some special education classes?

22 A. Yes, I was.

23 Q. And once you graduated from high school, did you apply
24 to colleges?

25 A. Yes.

REGINALD MILLER - DIRECT

1 Q. And where did you end up going to college?

2 A. Benedict College.

3 Q. Benedict, here in town?

4 A. Yes.

5 Q. So you left Nantucket and moved down to South
6 Carolina?

7 A. Yes.

8 Q. And what year did you enroll in Benedict College; do
9 you remember?

10 A. 2009, I believe.

11 Q. Was it the Fall of 2009?

12 A. I'm not sure. August, in August.

13 Q. August?

14 A. Yes.

15 Q. And what year were you in 2009, the Fall of 2009?

16 A. I was a freshman.

17 Q. Did you live on campus?

18 A. Yes. I stayed on the off-campus apartments.

19 Q. The off-campus apartments?

20 A. Yes; in English Meadows, yes.

21 Q. In English Meadows?

22 A. Yes.

23 Q. And what street is that on; do you remember?

24 A. Farrow.

25 Q. Farrow Road?

REGINALD MILLER - DIRECT

1 A. Yes.

2 Q. How would you get to school every day?

3 A. I would take the bus.

4 Q. During the course of being at Benedict, did you meet
5 certain people that lived in Gambrell Hall?

6 A. Yeah, I guess.

7 Q. And who all did you know that lived at Gambrell Hall?

8 A. Demond Sanford and Jeremiah, and Chuck. I call him
9 Chuck, but that was Jeremiah's roommate. That's about it.

10 Q. That's who you knew at Gambrell?

11 A. Yes.

12 Q. Would you hang out with them sometimes?

13 A. Yes. Yes, ma'am.

14 Q. Did you also, while you were here in South Carolina,
15 meet a guy named Victor White?

16 A. Yes.

17 Q. And tell this jury how you met Victor White.

18 A. I met him through a female. Her name was April. And
19 he used to hang out with her brother and I met him. I met
20 him like that.

21 Q. So you met him through a mutual friend?

22 A. Yes.

23 Q. And what kind of relationship did you strike up with
24 Victor White?

25 A. It was rocky at first because he had stole money from

REGINALD MILLER - DIRECT

1 me.

2 Q. What happened? Did you have a friendship?

3 A. No. We weren't friends. He had called up and asked
4 me one day, and had asked me if I wanted to hang out.

5 Q. And you knew him. Did Victor White go to Benedict?

6 A. No. No, ma'am.

7 Q. But he would sometimes hang out with y'all?

8 A. Yes.

9 Q. Demond Sanford, he was one of the people you knew at
10 Gambrell?

11 A. Yes.

12 Q. And does he have a nickname?

13 A. Mooney.

14 Q. Mooney?

15 A. (Nods head.)

16 Q. Back on February the 3rd in the early-morning hours,
17 were you at your apartment on Farrow Road or where were
18 you that night when the shooting happened?

19 A. Excuse me. Can you repeat the question?

20 Q. Where were you that night?

21 A. The night?

22 Q. Yes, sir.

23 A. I was on campus.

24 Q. And what were you doing on campus at Benedict?

25 A. I was at the Gambrell Hall.

REGINALD MILLER - DIRECT

1 Q. Uh-huh. And who were you with?

2 A. I was with -- I was with Vic, Victor. I was with
3 Victor.

4 Q. And what were y'all doing that night?

5 A. We, we had -- well, he had called me up earlier for a
6 robbery.

7 Q. For a robbery?

8 A. Yeah. Concerning him.

9 Q. Can you speak a little bit louder for me? Okay. And
10 you can take your time. Okay? Who had called you?

11 A. Vic. Victor. Victor White.

12 Q. And what did he want you to participate in?

13 A. In the robbery.

14 Q. And what was your role going to be?

15 A. Just the scape person -- is going to be his, basically
16 the muscle.

17 Q. The muscle.

18 A. I thought my role was, was to grab the marijuana and
19 run. That's what my intentions was. That's what I
20 thought I was going to do.

21 Q. Let me back up a little bit. Your role was to be the
22 muscle.

23 A. Yeah.

24 Q. What's that mean?

25 A. My, my intentions was like -- my intentions was what I

REGINALD MILLER - DIRECT

1 was led out to believe was to grab the marijuana and run.

2 Q. And who led you to believe that?

3 A. Victor White.

4 Q. And you were going to grab what and run?

5 A. Marijuana.

6 Q. And why did he want you along to be the muscle?

7 A. He had called me up and asked he if I wanted to make,
8 make money. I said yes.

9 Q. He asked you if you wanted to make money?

10 A. Yes.

11 Q. Where did you meet up with Victor that night?

12 A. He had -- he showed up at my apartment on, off campus.

13 Q. And where did y'all go from there?

14 A. Had went to the school.

15 Q. And how did y'all get there?

16 A. On the bus.

17 Q. And do you remember what time of night it was when you
18 got to the school?

19 A. I'm not sure.

20 Q. Was it dark?

21 A. Yes.

22 Q. Once you got to the school, did y'all make contact
23 with anybody else?

24 A. Demond Sanford and Jeremiah.

25 Q. Does Jeremiah have another nickname?

REGINALD MILLER - DIRECT

- 1 A. Mike. I call him Cabin Mike.
- 2 Q. Mike?
- 3 A. Yeah. I call him Cabin Mike.
- 4 Q. Where did y'all -- did you meet up with any of those
- 5 people?
- 6 A. Yes.
- 7 Q. And where did that take place; do you remember?
- 8 A. I'm, I'm, I'm not too sure right now. I believe I had
- 9 seen them on campus, but I remember seeing them on campus.
- 10 Q. On campus?
- 11 A. Yeah.
- 12 Q. Do you remember what dorm they lived in?
- 13 A. In Gambrell.
- 14 Q. Gambrell?
- 15 A. Yes.
- 16 Q. What do you remember happening next?
- 17 A. Can't -- can you rephrase the question?
- 18 Q. Okay. Once you got on campus, what did y'all do about
- 19 the robbery?
- 20 A. Well, Vic had made the call. And he had told me to
- 21 come on to KFC. And he said the guy was on his way. I
- 22 said where is he. And I'm not sure whether he or the guy
- 23 had called, but he said that, he had said that he's on his
- 24 way. And that's when he pulled up.
- 25 Q. Who pulled up?

REGINALD MILLER - DIRECT

1 A. The victim.

2 Q. The victim?

3 A. Yes.

4 Q. Did you know the victim before that night?

5 A. No.

6 Q. And who had actually made contact? You don't know who
7 called who, but who was actually talking between -- to the
8 victim?

9 A. Well, Victor said he knew the victim.

10 Q. Victor?

11 A. (Nods head.)

12 Q. So who arranged for the meeting that night?

13 A. Vic. Victor.

14 Q. Where did y'all end up going?

15 A. We went --

16 Q. At that time, where you go to meet up with the victim?

17 A. At the KFC.

18 Q. Where is the KFC? Is it located near Benedict?

19 A. Yeah, on Taylor Street.

20 Q. Is it within walking distance?

21 A. Yes.

22 Q. And how did you all get to the KFC that night?

23 A. We all walked.

24 Q. Who all was with you when you left to go to the KFC?

25 A. Me and Victor, we had left together. We left

REGINALD MILLER - DIRECT

1 together. It was just me and him that went together.

2 Q. Do you remember where Demond was that night?

3 A. He, he was some ways behind us.

4 Q. Behind you?

5 A. Yeah. Behind us.

6 Q. Okay. And what was the plan when you got to the KFC?

7 What was supposed to happen?

8 A. I thought I was going to grab it and run.

9 Q. So it was a robbery?

10 A. Yeah.

11 Q. What happened when you got to the KFC? Did y'all walk
12 there together?

13 A. Yes.

14 Q. And what happened when you got there?

15 A. When we, when I got there, both of us had got into the
16 car. I had got into the front seat and Vic got into the
17 back seat. And seconds later, once we had went around the
18 corner, I see a flash. And I heard a ringing in my ear
19 and I thought I had gotten shot.

20 And the car went into the curb and my head hit the
21 window. And once I realized what happened, I seen the
22 victim, I started panicking. I tried to open the door. I
23 was reaching for the door. I was opening it, shaking the
24 door, but the door wouldn't open. I thought it was locked
25 but later I found out that the door was broken.

REGINALD MILLER - DIRECT

1 And I, I reached over the victim's body and I dove out
2 of the car. And I kept saying, what are you doing, what
3 are you doing, what are you doing, you're being stupid,
4 what are you doing.

5 I started walking, speed walking. I didn't know what
6 -- whether to walk or run. So I was just speed walking
7 between them. I saw Demond, Mooney. He was walking
8 towards me. He's like, what happened. I said Vic shot
9 him, he just shot this guy, he shot him, he shot him. The
10 guy's dead.

11 And I kept walking. And all I kept saying was, I need
12 to wash my face, I need to wash my face.

13 Q. Okay. Let me back up a little bit. Where were you
14 seated in the car?

15 A. I was seated in the front seat.

16 Q. And where was Victor?

17 A. He was in the back seat.

18 Q. And where was the victim?

19 A. He was driving.

20 Q. And you mentioned that you -- when you were in the car
21 you started to go around the corner. Around what corner?

22 A. Around the corner of the drive-through window of KFC.

23 Q. Of the drive-through window at the KFC?

24 A. Yes.

25 Q. And how long were you in the car, do you remember,

REGINALD MILLER - DIRECT

1 before you heard --

2 A. It was seconds later.

3 Q. Was anything said?

4 A. Nothing was said.

5 Q. Did anyone make any moves?

6 A. Excuse me?

7 Q. Did anyone make any sudden moves or anything? Did you
8 do anything?

9 A. No, no.

10 Q. And when you heard the noise and you got the ringing
11 in your ears, could you tell where it came from?

12 A. I felt -- I had felt a breeze on the side of my face.
13 I didn't know what it was. That's why I kept repeating, I
14 need to wash my face, I need to wash my face, because I
15 felt, like, a wind on the side of my face. I'm not sure
16 what it was.

17 Q. Okay. You mentioned then you tried to get out of the
18 car?

19 A. Yes.

20 Q. And you ended up diving out of the driver's side?

21 A. Yes.

22 Q. And where was Victor when you dove out of the car; do
23 you know?

24 A. He was in the back seat.

25 Q. What were you trying to do when you dove out of the

REGINALD MILLER - DIRECT

1 car?

2 A. I was trying to get out. I didn't know what was going
3 on. I was just trying -- I -- I was panicking. And I
4 tried to get out. I just, I -- I'm -- I'm not sure how to
5 answer that question. I was just trying to get out.

6 Q. And you mentioned that you started walking?

7 A. Yes.

8 Q. And then you met up with who?

9 A. I had passed by Demond Sanford.

10 Q. Mooney?

11 A. Yes.

12 Q. And that's when you told him what had happened?

13 A. Yeah.

14 Q. Where did you go?

15 A. I went back to Gambrell Hall.

16 Q. And who was with you?

17 A. I, I -- I was walking fast but I know Demond Sanford
18 and Victor ended up being there inside the room but I was,
19 I wasn't paying attention to anybody. I was panicking.

20 Q. Pretty panicked?

21 A. Yeah, I was panicking. And I was -- I ended up
22 downstairs in Cabin Mike's room before --

23 Q. In whose room?

24 A. Cabin Mike's.

25 Q. Mike?

REGINALD MILLER - DIRECT

1 A. Jeremiah. Yeah.

2 Q. Who you also know as Jeremiah?

3 A. I man I know him. I can't remember the whole time. I
4 know him.

5 Q. You mentioned that -- you kept saying, you kept
6 wanting to doing something. You kept saying you wanted to
7 do something. What was it you wanted to do?

8 A. Wash my face.

9 Q. Once you got -- how did you get back into the dorm?

10 A. The back door was open.

11 Q. And who facilitated that for you; do you know?

12 A. I believe, I believe it was Cabin Mike.

13 Q. Captain Mike?

14 A. Cabin Mike. Jeremiah.

15 Q. Okay. Once you got into Jeremiah's room or Mike's
16 room or whatever you call him, what happened?

17 A. I was panicking. And I was shaking. I kept saying
18 the whole time, I need to wash my face, I need to wash my
19 face. He grabbed me by my shoulders and said, sit down.
20 So I sat down and I put my hands over my face. And I
21 said, I can't believe -- I was just in shock. I couldn't
22 believe what had just happened.

23 I never seen anything like that. I -- I did not
24 expect that at all. I didn't know that was going to
25 happen. I, I was panicking. I was just, I was -- I

REGINALD MILLER - DIRECT

1 didn't know what to do. I didn't know what to think. I
2 didn't know how to feel.

3 Q. Who all ended up back in that room; do you remember?

4 A. It was me, Demond Sanford, Jeremiah and Victor and the
5 roommate. And the roommate was asleep.

6 Q. The roommate was asleep?

7 A. Yes.

8 Q. And once you got back into the room, what was
9 everybody doing?

10 A. Victor, he had said -- he had -- he tried to get me to
11 go back to the car. And I told him, no. I said, I'm not
12 going back. I'm not going back. And he told -- he had
13 told Demond --

14 Q. Demond?

15 A. Demond, Mooney -- to go back to the car. And end up
16 they had went back to the car. All three of them left the
17 room, but -- all three of them left the room. All three
18 of them left the room.

19 And, I told Demond, I said, don't go, dude. That's
20 stupid. That's stupid. Don't go back. And they just
21 left. They left.

22 And I was just, I had my hands over my face and I was
23 just, was panicking. I was shaking. I went in the
24 bathroom. I looked inside the mirror. I never end up
25 washing my face, but I was looking in the mirror and I

REGINALD MILLER - DIRECT

1 went back to the room, I put my hands over my head.

2 They came back with marijuana and a scale.

3 Q. And who came back?

4 A. I saw Victor White with the marijuana and the scale.

5 Q. And was Demond with him; do you remember?

6 A. Yes.

7 Q. Once they got back to the room, what happened to the
8 marijuana?

9 A. It was divided with the scale that was -- with the
10 scale.

11 Q. Once the marijuana got divided, what happened?

12 A. We -- I -- I went upstairs to Demond's room. And I
13 laid on the floor, and Demond was in the bed. And I was
14 up all night looking at the TV. And I kept hearing sirens
15 and I was panicking. I was just waiting. I tried to go
16 to sleep. I couldn't go to sleep.

17 And as soon as it was early enough for me to catch the
18 first bus, I had got on the first bus and I went home.
19 And I got ready for class. I was going to try to go along
20 with my day, keep going to school.

21 Once, once I went to class, I was sitting in class and
22 I couldn't -- I couldn't pay attention in class. I had
23 butterflies in my stomach. And I had this empty feeling
24 in my stomach. I felt like my heart was in my gut. I cut
25 class. I got up. I had left. I had left out the

REGINALD MILLER - DIRECT

1 classroom.

2 I went back home. I didn't leave -- I didn't leave
3 the house for probably, like, three days. I was, I was
4 just sitting there and I told myself, I have to continue
5 with class. I have to continue with school.

6 So, I started trying to show up to school more, class
7 more.

8 Q. Did you go to the police?

9 A. No. I was, I was -- I was scared to go to the police.

10 Q. About a week or 10 days after this happened, did the
11 police find you?

12 A. Yes.

13 Q. And where did they find you?

14 A. I was in class.

15 Q. And tell the jury what happened when the police found
16 you in class.

17 A. Well, I was in class. The Benedict police officers
18 came and got my teacher and told my teacher that they
19 wanted to see me in the hallway. So I went out to the
20 hallway.

21 And they had a Tazer pointed towards me. So, they,
22 they had told me to put one hand over my head and the
23 other behind my back. So I did. I said, what am I
24 getting arrested for? Nobody would tell me. And they
25 told me to put my other hand behind my back. I put my

REGINALD MILLER - DIRECT

1 other hand behind my back. And I asked them again, what
2 am I getting arrested for? They wouldn't tell me.

3 So I went to -- I had went to the -- they had put me
4 in the Benedict police car, the police car. And we drove
5 to the, we drove to the, the station at Benedict.

6 And they had threw my Miranda rights in front of me
7 and they told me to sign. I told them, no, I'm not going
8 to sign it if I don't know what I'm getting arrested for.
9 They still wouldn't tell me. And they said, so, you're
10 not going to sign it. I said, no, I'm not going to sign
11 this. What am I getting arrested for?

12 So the homicide detectives came in and they asked
13 that, so you're not going to sign this. I said no, I'm
14 not going to sign this. And they said -- they said, what
15 are you going to school for? I said, criminal justice.
16 Oh, so you think you're a smart ass. No, I don't think
17 I'm a smart ass. I'm just not going to sign it until I
18 know what I'm getting arrested for.

19 Q. Okay. And did you find out what you were getting
20 arrested for that day?

21 A. Once, once I got to the homicide detectives' office
22 and once the arrest warrant was read out to me.

23 Q. And at that point they advised you of your rights?

24 A. At the --

25 Q. You cooperated with them?

REGINALD MILLER - DIRECT

1 A. Yes.

2 Q. And after they had given your advice of rights; right?

3 A. Yes.

4 Q. And then they recorded a statement?

5 A. Yes.

6 Q. And you talked to them?

7 A. Yes.

8 Q. And told them what you knew about what had happened
9 that night?

10 A. Yes.

11 Q. That day when they arrested you, do you remember what
12 you got arrested for?

13 A. That same day?

14 Q. That day when they arrested you, what were the
15 warrants? You mentioned the warrants. What were the
16 warrants? What were you arrested for?

17 A. Murder and armed robbery.

18 Q. Okay. And you understand here today that you're still
19 facing those charges?

20 A. Yes.

21 Q. And you got a lawyer on those charges?

22 A. Yes.

23 Q. And murder carries 30 to life. Do you know that?

24 A. Yes.

25 Q. And armed robbery carries 10 to 30; right?

REGINALD MILLER - DIRECT

- 1 A. Yes.
- 2 Q. Has anybody made you any promises or any deals today?
- 3 A. No.
- 4 Q. Do you hope this will help you if you testify
- 5 truthfully?
- 6 A. Yes, I do.
- 7 Q. And you understand the essential part of that is
- 8 telling the truth?
- 9 A. Yes.
- 10 Q. But nobody has offered to do anything for you --
- 11 A. No.
- 12 Q. -- from the State?
- 13 A. No.
- 14 Q. And you're aware of that?
- 15 A. Yes.
- 16 Q. And you're testifying here today?
- 17 A. Yes.
- 18 Q. Why?
- 19 A. I'm hoping that -- to get less time, to -- that this
- 20 will help me out to get less time.
- 21 Q. And has anybody talked to you about telling the truth?
- 22 A. My lawyer told me to tell the truth.
- 23 Q. After that night of the shooting, after you finally
- 24 got on the bus and went home, did you have any more
- 25 contact with Victor?

REGINALD MILLER - DIRECT

1 A. Yes. He had -- he came by my apartment, the house
2 apartment.

3 Q. Your house apartment?

4 A. Yes.

5 Q. Where you lived?

6 A. Yes.

7 Q. Over on Farrow Road?

8 A. Uh-huh.

9 Q. And do you remember how long after the night of the
10 shooting it was?

11 A. I believe it was the first or second night.

12 Q. And what, if anything, did Victor say to you when he
13 came by?

14 A. He had came over to show me some clothes he had
15 bought. And he asked if I called him Yip, the same name.
16 And I wasn't picking up the phone. And somebody came in
17 and said your friend's downstairs. I said, who. And I
18 realized it was Victor.

19 So I told one of my roommates, told him to look out
20 the window just in case anything had happened to me.

21 Q. Do you remember what Victor said to you that day about
22 the shooting?

23 A. He didn't say anything.

24 Q. Did you have any other contact with Victor after that?

25 A. After that, no, not until the -- the -- I had got

REGINALD MILLER - CROSS

1 arrested.

2 Q. And the person that you know that you were with that
3 night that you planned to do the robbery with, who
4 actually shot the victim in this case?

5 A. Victor White.

6 Q. Do you see him here in the courtroom?

7 A. Yes.

8 Q. Will you point him out for the jury?

9 A. Right there.

10 Q. And what's he wearing?

11 A. What is he wearing now?

12 Q. What is he wearing now?

13 A. A black shirt (sic) a white button-down with a tie.

14 Q. Sitting at the table between his lawyers?

15 A. Yes.

16 MS. CAMPBELL: Your Honor, let the record reflect he's
17 identified the Defendant.

18 THE COURT. You said he's wearing what? He's wearing,
19 what?

20 THE WITNESS: A black, a black dress coat with a white
21 shirt underneath and a tie.

22 THE COURT: The record will so reflect.

23 MS. CAMPBELL: Thank you, Your Honor. That's all I
24 have, Your Honor.

25 THE COURT: Cross-examination?

REGINALD MILLER - CROSS

1 MR. SAWYER: Thank you, Your Honor. May it please the
2 Court.

3 CROSS-EXAMINATION

4 BY MR. SAWYER:

5 Q. All right. Mr. Miller, let's start out a little
6 earlier that night. You said Victor came to you at your
7 apartment off campus; is that correct?

8 A. Yes.

9 Q. And what did he say when he came to you?

10 A. He had called me up earlier that day concerning the
11 robbery.

12 Q. And what did he say about the robbery?

13 A. He told me that, he had asked me if I wanted to make
14 any money.

15 Q. And you said yes?

16 A. Yes.

17 Q. So you agreed to rob somebody?

18 A. Yes.

19 Q. When did you say -- then you met up at his apartment
20 -- at your apartment; correct?

21 A. Yes.

22 Q. You then went over to Benedict; is that correct?

23 A. Yes.

24 Q. Did you call anyone?

25 A. At Benedict?

REGINALD MILLER - CROSS

1 Q. Yeah. Did you call anyone while you were leaving your
2 apartment as a student at Benedict?

3 A. Demond Sanford.

4 Q. What did you say to Demond Sanford?

5 A. I asked him if he wanted to go along with the robbery.

6 Q. So you actually told Demond Sanford you were going to
7 rob somebody?

8 A. Yes.

9 Q. You didn't tell him you were just going to buy weed?

10 A. No.

11 Q. You said you were going to rob somebody?

12 A. Yes.

13 Q. Did you call up Jeremiah or Mike that day?

14 A. No, no, I didn't.

15 Q. Didn't call up Mike at all?

16 A. No.

17 Q. All right. And how long have you known Mike and -- or
18 Jeremiah and Demond?

19 A. Two semesters. Almost two semesters.

20 Q. Would you consider them friends of yours?

21 A. I considered Demond a friend.

22 Q. Now, when you were in the car that day, who got in the
23 front seat?

24 A. I, I got in the front seat.

25 Q. Who got in the car first?

REGINALD MILLER - CROSS

1 A. Victor had got into the car first.

2 Q. Why was that?

3 A. Because it was a two-door car.

4 Q. And so who had to open up the back seat?

5 A. Excuse me?

6 Q. Who pulled the seat forward?

7 A. I pulled the seat forward.

8 Q. Okay. And Victor got in there?

9 A. Yes.

10 Q. You didn't know who this gentleman was; did you?

11 A. No. No, sir, I didn't.

12 Q. Okay. who told you to get in the front seat?

13 A. The, the victim. He said, hop in. And Victor told me
14 to get into the front seat and then the victim, he rushing
15 us to hop into the car. So I opened -- I pulled the seat
16 back and Victor got into the back. I had got into the
17 front.

18 Q. Okay. So the gentleman who didn't know you told you
19 to get into the front seat?

20 A. Victor told me to get into the front seat.

21 Q. Okay. But he never said anything about you getting in
22 the front seat? He seemed okay with you getting into the
23 front seat?

24 A. He seemed okay.

25 Q. You said -- obviously there was a gunshot. You said

REGINALD MILLER - CROSS

1 the door was open. Which door was that?

2 A. That was the door on my side.

3 Q. The passenger side door?

4 A. Yes.

5 Q. Okay. How did you get out of the car?

6 A. I had opened the victim's door and dove out of the
7 car.

8 Q. What position was he in at this point?

9 A. After the gunshot, I was panicking. And that's kind
10 of foggy to me. But I remember -- I know that I reached
11 over him and I opened his door and I dove out the car,
12 head first.

13 Q. Okay. Was he leaning toward you?

14 A. I'm not sure.

15 Q. Okay.

16 A. I'm not too sure.

17 Q. So where was he? I mean, was he just sitting
18 perfectly upright?

19 A. I'm not sure. He -- I know that I opened the car door
20 and I dove out the car.

21 Q. Okay. Did he fall over on you at all after the
22 gunshot?

23 A. I don't believe so.

24 Q. Okay. Did he fall out of the car after the gunshot,
25 after you opened the door?

REGINALD MILLER - CROSS

1 A. I don't believe so. I dove out the car. I did, I did
2 not look back. I just -- I was just panicking. I was
3 panicking and I was speed walking.

4 Q. Okay. So you reached over this gentleman, you opened
5 the door and you said you dove out?

6 A. I dove out; yes, sir.

7 Q. How did you dive out?

8 A. I dove out head first.

9 Q. Did --

10 A. When the car -- excuse me. I'm sorry.

11 Q. Did you hit head first when you hit the pavement?

12 A. I hit my elbow.

13 Q. You hit your elbow?

14 A. Yeah.

15 Q. Okay. So you didn't climb actually over him?

16 A. I didn't climb. I dove out the car.

17 Q. You didn't touch him at all?

18 A. I don't believe so.

19 Q. Okay. Now at that point, did you look behind you at
20 all?

21 A. No.

22 Q. Did you hear anything behind you?

23 A. I heard the gunshot. I felt the wind on the side of
24 my face and I heard, I heard, I heard a whizzing, like a
25 whistling sound in my ear. I saw a flash.

REGINALD MILLER - CROSS

1 Q. Okay. I'm saying after you got out of the car, did
2 you hear anything else?

3 A. No.

4 Q. Do you remember closing the door behind you?

5 A. No.

6 Q. Did you let Victor out of the car?

7 A. No.

8 Q. So you just started walking at this point; correct?

9 A. Yes.

10 Q. And who did you run into?

11 A. I had ran into Demond Sanford.

12 Q. Okay.

13 A. Walking.

14 Q. Did you continue walking past him or did you talk to
15 him?

16 A. I continued walking.

17 Q. Okay. Where did you go at this point then?

18 A. I went back to Gambrell Hall.

19 Q. How did you get in?

20 A. Through the back door.

21 Q. Okay. Was it locked?

22 A. No.

23 Q. How was it that you got in through the back door?

24 A. The -- Gambrell Hall, the back door is usually always
25 unlocked.

REGINALD MILLER - CROSS

1 Q. So you wouldn't have had to have someone prop the door
2 open?

3 A. I -- I didn't ask anybody to prop the door open. I
4 know the door was open.

5 Q. Do you remember if you just pulled on the handle and
6 the door opened up?

7 A. Yes.

8 Q. Okay. Once you got back to the room, who was in the
9 room?

10 A. Excuse me?

11 Q. Who was in the room when you got back to the room?

12 A. Everybody met up back inside the room.

13 Q. No. I'm saying when you first walked back into the
14 room, were you by yourself?

15 A. The, the roommate was on the bed sleeping.

16 Q. Was Jeremiah in the room?

17 A. Yeah. He was in the room.

18 Q. He was in the room.

19 A. Yeah.

20 Q. What about Demond? He was not in the room?

21 A. Demond and Victor might have came in after.

22 Q. Okay. He came in after you?

23 A. Yeah.

24 Q. Did he and Victor come in together?

25 A. I'm not sure.

REGINALD MILLER - CROSS

1 Q. Okay. You don't remember?

2 A. No.

3 Q. Did they have marijuana at that point?

4 A. No.

5 Q. They did not have marijuana at that point?

6 A. No.

7 Q. Okay. So no one then pulled out a bag of marijuana at
8 that point?

9 A. Victor, Victor, Victor had -- when they came back, I
10 remember seeing Victor with the marijuana and I seen
11 Victor with the scale.

12 Q. But that was after they went back to the car?

13 A. Yes. That was after they came back.

14 Q. So when everyone first came back, you're saying no one
15 had any marijuana at that point; is that right?

16 A. Not that I know of.

17 Q. Okay. And when they first came back you're saying
18 that you didn't help divide up the marijuana at that
19 point?

20 A. I, I didn't help to divide it up. Victor, he had
21 split the marijuana up and everybody got a portion. And
22 the portion I had got, I gave it away. I didn't want
23 anything to do with it.

24 Q. Okay. But, I understand that. What I'm asking you
25 is: When you first got back to the room before they went

REGINALD MILLER - CROSS

1 back to the car, you weren't helping to divide up any
2 marijuana at that point?

3 A. Wasn't helping, no.

4 Q. Because they didn't have any marijuana at that point?

5 A. Not that I know of, no.

6 Q. Was there any conversation about going to get a scale
7 at that point?

8 A. No.

9 Q. Okay. So no one said, we need to go back to look for
10 a scale?

11 A. No, they didn't.

12 Q. Demond --

13 A. Victor said that, let's go back and search the car.

14 Q. So Demond never said anything about going back --

15 MS. CAMPBELL: Objection, Your Honor. I believe he's
16 interrupting. If he'd let him finish his sentences.

17 THE COURT: All right. Let him finish his answers.

18 Next question.

19 THE WITNESS: I had got lost. Can you repeat the
20 question?

21 BY MR. SAWYER:

22 Q. Did Demond at any point before they went back to the
23 car say, let's go back and get a scale?

24 A. No.

25 Q. Who went back to the car after that?

REGINALD MILLER - CROSS

1 A. Victor White Demond and Cabin Mike, they all left the
2 room. And I had my hand over my face.

3 Q. Okay. So, you're saying Jeremiah Henderson left the
4 room with the two of them?

5 A. They left the room. All of them left the room.

6 Q. Okay. How long were they gone for?

7 A. I'm not sure.

8 Q. Okay. Were you scared at this point?

9 A. I was. I was scared, panicking.

10 Q. Why didn't you decide to leave?

11 A. I didn't know what to do. I, I, I just didn't know
12 what to do. I stayed on a off-campus apartment with a
13 friend. I just did not know what to do.

14 Q. Could you have walked away at that point?

15 A. I didn't know what to do at the time. I was just
16 panicking. I was -- I did not know what to do.

17 Q. Okay.

18 A. I didn't know what to do.

19 Q. Did you talk to this roommate Nathaniel at all?

20 A. Nathaniel? No.

21 Q. Did he ever wake up?

22 A. He didn't wake up. To my knowledge he was still
23 sleeping. To my knowledge he was still sleeping.

24 Q. Now, once Jeremiah and Demond and Victor came back,
25 did they have marijuana at that point?

REGINALD MILLER - CROSS

1 A. Yeah.

2 Q. Okay. Did they mention anything about going back to
3 get a scale then?

4 A. No.

5 Q. They had a scale at that point?

6 A. They had a scale.

7 Q. And so they divide up the marijuana; correct?

8 A. Yes.

9 Q. Did you help them to divide the marijuana?

10 A. I had, I didn't help to divide the marijuana but I
11 received some.

12 Q. So you never touched the marijuana?

13 A. I didn't help divide the marijuana.

14 Q. Okay. Did you take the marijuana?

15 A. I had took it and I gave it away the same day. I
16 didn't want it. I didn't want anything to do with it.

17 And I had asked -- I told them I was, like, no, I can't be
18 around you guys no more. I stayed in my room. I didn't
19 come out for at least three days then, and after I
20 attended classes again.

21 Q. So you did leave the room with marijuana, though?

22 A. Yes.

23 MR. SAWYER: Beg the Court -- bear with me just for
24 one minute, please. (Pause.)

25 BY MR. SAWYER:

REGINALD MILLER - CROSS

1 Q. All right. Do you remember talking with the
2 investigators about this incident?

3 A. After I had got arrested?

4 Q. Yes, sir.

5 A. Yes.

6 Q. Okay. Do you remember what you said to them that day?

7 A. Not --

8 Q. You don't?

9 A. I, I didn't -- I'm not sure how to answer that. I
10 remember, I ... I'm not sure how to answer that.

11 Q. Just backing up. And I apologize for this. Do you
12 remember Victor saying anything to Demond or Jeremiah
13 about what happened in the car?

14 A. Yes. He asked -- what he had said?

15 Q. Yes.

16 A. He said he had killed that guy and he can't believe
17 that the man had let him, let him in the back seat. And
18 he was laughing about it.

19 Q. Okay. So you're saying Victor told Demond Sanford he
20 shot him in the back of the head?

21 A. He -- yes. I can't believe that he let us in the back
22 seat -- that the guy let him sit in the back seat.

23 Q. All right. So, again, and I apologize for this. You
24 said only Nathaniel was in the room when you got back; is
25 that correct?

REGINALD MILLER - CROSS

1 A. Excuse me?

2 Q. You said only Nathaniel, Jeremiah's roommate, was in
3 the room when you got back; is that right?

4 A. Yes -- I'm not sure. I can't -- I'm not sure if, if
5 the guy opened the door for me or if I walked inside the
6 room. I'm not too sure. I just know that I was
7 panicking.

8 Q. Did you ever tell anyone else about this?

9 A. I had told -- I had called up my brother the same
10 night to tell him about it, but my brother, he didn't pick
11 up the phone. So then I had called on my friend from back
12 home, Nikita, and I hold her about it. And when I was
13 talking about it I couldn't finish. And I told her --
14 actually I was about to bust. I said, I'm going to call
15 you back. And I couldn't call back for a little while. I
16 ended up calling her back and I had things I wanted to
17 tell her, what was going on.

18 Q. Okay. All right. So you said that everyone got back
19 into the room and then they went to go get marijuana at
20 that point; correct?

21 A. Excuse me? Can you repeat that?

22 Q. Everyone got back into the room first and then when
23 you went to go, they all went to go leave and get the
24 marijuana then; correct?

25 A. They went to go search the car.

REGINALD MILLER - CROSS

1 Q. Okay. Did Victor grab Demond Sanford to go search the
2 car before they got back to the room?

3 A. He had said, let's go search the car.

4 Q. Was this before or after everyone got back to the
5 room?

6 A. Once I got back, once -- once we all got back. It was
7 after that.

8 Q. Okay. All right. Again, do you remember talking to
9 the investigators?

10 A. Remember talking to them?

11 Q. These two gentlemen right here. Those two
12 investigators?

13 A. Somewhat, yes.

14 Q. Okay. Would it refresh your recollection to read what
15 you told them that night?

16 A. Could I read it?

17 Q. Yeah. (Hands document to witness.)

18 A. Okay.

19 Q. Okay. Why don't you go ahead and let me ask you: Did
20 you walk back -- did Mooney walk back with you? What do
21 you say to them, right there?

22 A. Yes. Can you rephrase that, though? What do you
23 mean -- what do you mean by Mooney walking back with me?

24 Q. When the investigators asked --

25 A. Could you -- I didn't go back to the car, if that's

REGINALD MILLER - CROSS

1 what you mean.

2 Q. Oh, I understand that. I'm saying, when they asked
3 you where Mooney went after you left the car, what did you
4 tell them? Right there.

5 A. (Reviewing document.) Yeah, yeah. Then I left. I
6 continued going back to the dorm room, yes.

7 Q. What do you say right there that Mooney does, though?
8 That Demond Sanford does. You can read it out loud.

9 A. And where did Mooney go. And I said, I said, he was
10 walking. He was walking back. I said, he was walking
11 back with me and then Victor grabbed him and -- and Victor
12 grabbed him. And didn't say anything else.

13 Q. Okay. So, you said right there that Victor grabbed
14 Demond and took him back to the car while you were walking
15 away from the car; is that right?

16 A. I -- see, that whole day when the investigators was
17 questioning me, I didn't really have a chance to really
18 explain myself. I didn't really -- the way -- I didn't --
19 I didn't know how to explain myself. And I was
20 panicking. I really didn't know how to explain myself
21 that day.

22 I was trying to explain everything the best way I
23 could. And --

24 Q. Why were you panicking that day with the
25 investigators?

REGINALD MILLER - CROSS

1 A. I was scared. I was nervous. I never been in no --
2 in any situation like this.

3 Q. Did they say that you had killed him?

4 A. Yes.

5 Q. The victim, Pierre Duckett?

6 A. The investigator said that. They had told me -- said
7 that I had killed, killed the man.

8 Q. Okay. And what did you tell them then?

9 A. What did I tell them?

10 Q. Uh-huh.

11 A. I said, I didn't do it. I said, that's not true.

12 Q. So you were trying to convince them in any way you
13 could at that point that you did not kill him; correct?

14 A. I guess.

15 Q. Here today you're testifying in the hopes that you
16 might get an offer; right?

17 A. Yes.

18 Q. Okay. And you're hoping that your testimony is good
19 enough so you don't go to prison; right?

20 A. Yes.

21 Q. Okay. And you understand if your testimony isn't
22 (sic) good enough, you might get an offer in this case;
23 right?

24 A. Yes.

25 MR. SAWYER: Beg the Court's indulgence briefly.

1 (Pause.) Thank you, Your Honor. No further
2 questions.

3 THE COURT: Any redirect?

4 MS. CAMPBELL: Just a couple questions.

5 REDIRECT EXAMINATION

6 BY MS. CAMPBELL:

7 Q. And do you understand, that everybody has explained to
8 you that truthful testimony here today --

9 A. Yes.

10 Q. -- could possibly help you?

11 A. Yes.

12 MS. CAMPBELL: Thank you.

13 THE COURT: Anything further?

14 MR. SAWYER: No, Your Honor.

15 THE COURT: All right. Thank you, sir. You may step
16 down.

17 We will break for lunch and reconvene, we'll start
18 back at 2:30. At 2:30. Have a good lunch and we'll see
19 you then. Please do not discuss the case.

20 THE BAILIFF: Please remain seated until the jury is
21 out.

22 (Jury exits courtroom at 1:04 p.m.)

23 THE COURT: So we're through until 2:30. Anything we
24 need to talk about?

25 MS. CAMPBELL: Nothing from the State, Your Honor.

JOSEPH TRAWICKI - DIRECT

1 THE COURT: After you submitted your request?

2 MS. GIBBES: Yes.

3 THE COURT: All right.

4 MS. CAMPBELL: That's unbelievable, isn't it?

5 THE COURT: We'll read that one. All right.

6 Let's take a two-minute stretch and then bring the
7 jury on it.

8 (Pause.)

9 (Jury enters courtroom at 2:58 p.m.)

10 THE COURT: All right. Jury's back. You may call
11 your next witness.

12 MS. WALKER: Your Honor, the State calls Joseph
13 Trawicki.

14 JOSEPH TRAWICKI, having been duly sworn, was examined
15 and testified as follows:

16 THE CLERK: Thank you. Have a seat on the witness
17 stand. State your name for the record.

18 THE WITNESS: Joseph Trawicki. T-R-A-W-I-C-K-I.

19 DIRECT EXAMINATION

20 BY MS. WALKER:

21 Q. Sir, where are you currently employed?

22 A. Sprint Nextel.

23 Q. What is your role there at Sprint Nextel?

24 A. I'm one of the records custodians.

25 Q. And what does that involve?

JOSEPH TRAWICKI - DIRECT

1 A. My primary responsibility is to travel all over the
2 country and testify in Court regarding records that's been
3 produced.

4 Q. Did you at some point last year get a request from the
5 Columbia Police Department regarding a phone number of
6 803-518-6564?

7 A. Yes, ma'am.

8 Q. Do you recognize this?

9 A. Yes, ma'am.

10 Q. And what do you recognize that to be?

11 A. This is the return from our subpoena compliance
12 department including call detail records, cell site
13 information and the subscriber information.

14 Q. Is that a true and accurate representation of those
15 records?

16 A. Yes, ma'am.

17 MS. WALKER: Your Honor, at this point in time, we'd
18 like to move State's Exhibit 81 into evidence.

19 THE COURT: What says the defense?

20 MS. GIBBES: No objection.

21 THE COURT: Admitted without objection.

22 (Thereupon, State's Exhibit No. 81, Sprint Nextel
23 record, was received into evidence.)

24 MS. WALKER: No further questions.

25 MS. GIBBES: No questions for this witness.

VICTOR TAYLOR - DIRECT

1 THE COURT: All right. Thank you, sir.

2 THE WITNESS: Thank you, sir.

3 THE COURT: Next witness?

4 MS. WALKER: Your Honor, the State calls Victor Taylor.

5 VICTOR TAYLOR, having been duly sworn, was examined
6 and testified as follows:

7 THE CLERK: Have a seat on the witness stand, please.
8 State your name for the record.

9 THE WITNESS: My name is Victor Taylor.

10 DIRECT EXAMINATION

11 BY MS. WALKER:

12 Q. Mr. Taylor, where are you currently employed?

13 A. Verizon Wireless, Lexington, South Carolina.

14 Q. And what do you do there for Verizon?

15 A. I'm a sales representative.

16 Q. Are you a custodian of records for Verizon Wireless?

17 A. I'm not.

18 Q. Do you -- do you know if Verizon Wireless at some
19 point received a request for phone records with the number
20 803-391-[REDACTED]?

21 A. No, ma'am. I don't.

22 MS. WALKER: One moment. (Pause).

23 BY MS. WALKER:

24 Q. I want to show you these phone records. Do you
25 recognize these to be Verizon Wireless phone records?

NATHANIEL JONES - DIRECT

1 A. When you say numbers, do you mean like prefix or what
2 do you mean?

3 Q. The phone records themselves.

4 A. I've never seen the phone records before, you know. I
5 mean, I guess they could be Verizon numbers. I'm not too
6 sure, to be honest with you.

7 MS. WALKER: No more questions, Judge.

8 THE COURT: Anything from the defense?

9 MR. SAWYER: No questions, Your Honor.

10 THE COURT: Thank you, sir.

11 THE WITNESS: Okay.

12 THE COURT: You may step down.

13 MS. CAMPBELL: If it please the Court.

14 THE COURT: Yes.

15 MS. CAMPBELL: The State calls Nathaniel Jones.

16 NATHANIEL JONES, having been duly sworn, was examined
17 and testified as follows:

18 THE CLERK: Thank you. Have a seat on the witness
19 stand. State your name for the record.

20 THE WITNESS: Nathaniel Jones.

21 DIRECT EXAMINATION

22 BY MS. CAMPBELL:

23 Q. Mr. Jones, how old are you?

24 A. Twenty-three.

25 Q. And where do you currently live?

NATHANIEL JONES - DIRECT

1 A. In North Charleston.

2 Q. North Charleston?

3 A. Yes, ma'am.

4 Q. Can you get a little closer to that microphone? It's
5 hard to hear in here. Okay?

6 A. North Charleston.

7 Q. Where did you go to college?

8 A. Benedict.

9 Q. And how many years were you at Benedict?

10 A. Two years.

11 Q. Two years?

12 A. Yes, ma'am.

13 Q. And do you remember what years you were at Benedict
14 College?

15 A. '09, '010.

16 Q. '09 and '010?

17 A. Yes, ma'am.

18 Q. So you were actually attending Benedict College in
19 February of 2010; is that correct?

20 A. Yes, ma'am.

21 Q. And where were you living back then in February of
22 2010?

23 A. In Gambrell Hall.

24 Q. And where is Gambrell Hall?

25 A. It's a dorm on Benedict campus.

NATHANIEL JONES - DIRECT

1 Q. Who were you living in the dorm with at Gambrell Hall?

2 A. Mike Henderson.

3 Q. Mike Henderson.

4 A. Yes, ma'am.

5 Q. Is that his real name?

6 A. Michael Henderson.

7 Q. Michael Henderson?

8 A. Yes, ma'am.

9 Q. And do you remember what room number y'all had?

10 A. B-4.

11 Q. B-4?

12 A. Yes, ma'am.

13 Q. Is that down on the bottom floor?

14 A. Yes, ma'am.

15 Q. Did you know a young man named Reggie Miller?

16 Reginald Miller?

17 A. Yes, ma'am.

18 Q. And tell this jury, how did you know Reginald Miller?

19 A. From school.

20 Q. Was he also a student there?

21 A. Yes, ma'am.

22 Q. And did you also know a young man named Demond

23 Sanford?

24 A. Yes, ma'am.

25 Q. Did he have a nickname?

NATHANIEL JONES - DIRECT

- 1 A. Mooney.
- 2 Q. Mooney?
- 3 A. Yes, ma'am.
- 4 Q. And how did you know Mooney?
- 5 A. He just be around.
- 6 Q. Did Mooney live in the same dorm you did; do you
- 7 remember?
- 8 A. Yes, ma'am.
- 9 Q. He did?
- 10 A. Yes, ma'am.
- 11 Q. Did you know a young man named Victor?
- 12 A. Yes, ma'am.
- 13 Q. And how did you know Victor White?
- 14 A. He just come around.
- 15 Q. He just comes around?
- 16 A. Yeah.
- 17 Q. And who did you meet him through; do you remember?
- 18 A. Huh-uh, I can't remember.
- 19 Q. Can't remember. How long had you known these people,
- 20 this group of young men?
- 21 A. Like, probably like a year, a couple months.
- 22 Q. A few months?
- 23 A. Yes, ma'am.
- 24 Q. When did you actually enroll in Benedict, was it the
- 25 fall before, February?

NATHANIEL JONES - DIRECT

1 A. Yes, ma'am.

2 Q. And what year were you in school?

3 A. I don't know.

4 Q. What were you majoring in?

5 A. Computer engineer.

6 Q. Computer engineer?

7 A. (Nods head.)

8 Q. I want to turn your attention to the early-morning
9 hours of February the 3rd, the reason we're here. Do you
10 remember that morning?

11 A. Yes, ma'am.

12 Q. And were you in your dorm room that morning, in the
13 early-morning hours around two A.M.?

14 A. Yes, ma'am.

15 Q. Who else -- was your roommate then?

16 A. Michael Henderson.

17 Q. What were you doing in your dorm room around two A.M.
18 or trying to do?

19 A. Sleep.

20 Q. What happened? What do you remember? Tell this
21 jury.

22 A. Victor White and Reggie Miller came and, and I had my
23 back towards them.

24 Q. Were you asleep?

25 A. Yes, ma'am. I heard them talking about, they hit a

NATHANIEL JONES - DIRECT

1 lick or something on some marijuana. And they got on with
2 the story, and they said somebody got killed in the story.

3 Q. Who do you specifically remember talking about it?

4 A. Victor.

5 Q. Victor?

6 A. Yes, ma'am.

7 Q. And what do you remember Victor saying that night when
8 he came in your dorm room?

9 You don't want to be here; do you?

10 A. No, ma'am.

11 Q. You said something about marijuana?

12 A. Yes, ma'am.

13 Q. What did he say about marijuana?

14 A. They had hit a lick.

15 Q. They hit a lick?

16 A. Yeah.

17 Q. What does that mean when someone says -- or to you,
18 what does that mean when someone says they hit a lick?

19 A. Get something for free. Basically you take, you take
20 something.

21 Q. You rob somebody?

22 A. Yeah. You take something.

23 Q. Did he say anything else about doing something to
24 somebody else?

25 A. Yeah. Killing somebody.

NATHANIEL JONES - DIRECT

1 Q. Who said that?

2 A. Victor.

3 Q. What was his demeanor like? What was he acting like?

4 A. Like, he wasn't nervous or nothing.

5 Q. And what about Reggie?

6 A. He ain't really saying nothing.

7 Q. He didn't really say anything?

8 A. No, ma'am.

9 Q. Do you remember what Reggie was doing while Victor was
10 talking?

11 A. No, I couldn't, like, see him doing nothing.

12 Q. And do you remember talking to the police back on
13 February the 11th of 2010?

14 A. Yes, ma'am.

15 Q. And do you remember when they asked you about what
16 Reggie was doing?

17 You can use this to refresh your memory. There at the
18 bottom.

19 A. He was sitting across.

20 Q. And do you remember what you answered?

21 A. He was scared and, something.

22 Q. Scared and trembling?

23 A. Yes, ma'am.

24 Q. Is that what Reggie was doing; do you remember?

25 A. Yes, ma'am.

NATHANIEL JONES - DIRECT

1 Q. Do you remember them asking you about, are you telling
2 them about what Victor was doing and how he was acting
3 that morning?

4 A. He wasn't scared, you know, like, bragging about it.
5 He was talking with them.

6 Q. And you can use this to refresh your memory what you
7 told the police back when this happened; right?

8 A. He was laughing.

9 Q. And is that true?

10 A. Yes, ma'am.

11 Q. And, again, you don't want to be here today?

12 A. No, ma'am.

13 Q. Did Victor or anyone else talk about taking anything?

14 A. No, ma'am.

15 Q. What about the marijuana?

16 A. Oh, yeah. They took the marijuana.

17 Q. Do you remember who else was in your dorm room during
18 that period of time or were you in and out of sleep?

19 A. I mean, I know my roommate came in there, Reggie and
20 Victor.

21 Q. Do you remember seeing Mooney that night?

22 A. No, ma'am.

23 Q. You just don't remember seeing him?

24 A. No, ma'am.

25 Q. What were you doing while they were having these

NATHANIEL JONES - DIRECT

1 conversations and talking about this?

2 A. I had my back turned, asleep.

3 Q. Were you trying to stay out of it?

4 A. Yes, ma'am.

5 Q. Were you there when some marijuana was pulled out?

6 Did you see some marijuana in the room that night?

7 A. I smelled it.

8 Q. Do you remember talking to the police back on February

9 11th and talking about, that two of them left the room

10 together and then came back? Do you remember that part?

11 A. No, ma'am.

12 Q. Did you ever get out of the bed that evening?

13 A. No, ma'am.

14 Q. And as far as anything else was said, do you remember

15 anything else that was said that evening?

16 A. No, ma'am.

17 Q. But Mike was there as well?

18 A. Yes, ma'am.

19 Q. And you just don't remember seeing Mooney?

20 A. No, ma'am.

21 Q. Could there have been other people in the room you

22 didn't see because your back was turned?

23 A. Voices-wise, I didn't hear no more voices.

24 Q. And the person that you heard say that he had shot

25 somebody, who was it?

NATHANIEL JONES - CROSS

1 A. Victor.

2 Q. Do you see him here in the courtroom?

3 A. That him right there.

4 Q. Can you point him out for the Judge?

5 A. (Complying.)

6 Q. And what's he wearing?

7 A. Black suit, white shirt, purple tie.

8 Q. Seated between the two lawyers at the table?

9 A. Yeah.

10 MS. CAMPBELL: Your Honor, let the record reflect he's

11 identified the Defendant.

12 THE COURT: It does.

13 MS. CAMPBELL: That's all I have.

14 THE COURT: Cross-examination?

15 MS. GIBBES: May it please the Court.

16 THE COURT: Yes.

17 CROSS-EXAMINATION

18 BY MS. GIBBES:

19 Q. Okay. Just to be clear. You were sleeping when

20 Reggie and Victor came in the room?

21 A. Yes, ma'am.

22 Q. And was it dark in the room?

23 A. Yes, ma'am.

24 Q. And you had your back turned to the wall?

25 A. Yes, ma'am.

NATHANIEL JONES - CROSS

1 Q. So you never saw anything during this whole scene?

2 A. No, ma'am.

3 Q. You said when you talked about it, you saw Reggie
4 trembling?

5 A. I didn't -- I don't -- I know he was scared, but I
6 didn't see him.

7 Q. Okay. And then just to be clear. You never heard
8 Mooney in the room?

9 A. No.

10 Q. Demond. And you actually -- you heard Victor and
11 Reggie talk about going back to the car?

12 A. No, ma'am.

13 Q. You did not?

14 A. (Shakes head.)

15 Q. Do you remember making a statement on February 11th to
16 the police? Would it help if you looked at it? It says,
17 okay, all right. And then what did Victor suggest doing
18 again? If you wouldn't mind reading that.

19 A. He wanted to go back to the scene to see if the man
20 had -- he had some money.

21 Q. And then it says: Who left the dormitory room with
22 Victor to go back to the scene?

23 A. Reggie and Victor.

24 Q. Okay. And when you spoke to the police, they recorded
25 your statement?

JEREMIAH HENDERSON - DIRECT

1 A. Yes, ma'am.

2 Q. Okay. And did you say anything to them before they
3 recorded your statement?

4 A. Can't remember.

5 MS. GIBBES: Begging the Court's indulgence. (Pause.)

6 I have no further questions.

7 THE COURT: Anything further?

8 MS. CAMPBELL: No, sir.

9 THE COURT: Thank you. You may step down. Next
10 witness?

11 MS. CAMPBELL: The State would call Jeremiah
12 Henderson.

13 JEREMIAH HENDERSON, having been duly sworn, was
14 examined and testified as follows:

15 THE CLERK: Thank you. Have a seat on the witness
16 stand. State your name for the record.

17 THE WITNESS: Jeremiah Henderson.

18 DIRECT EXAMINATION

19 BY MS. CAMPBELL:

20 Q. Mr. Henderson, how old are you?

21 A. I'm 20 years old.

22 Q. And do you go to school?

23 A. Not at the moment.

24 Q. Did you used to attend Benedict College?

25 A. Yes, ma'am.

JEREMIAH HENDERSON - DIRECT

1 Q. Where did you grow up?

2 A. In Sacramento, California.

3 Q. When did you come to South Carolina to attend college?

4 A. Fall of 2009.

5 Q. Would that have been your freshman year?

6 A. Yes.

7 Q. And once you got here, what were you originally
8 majoring in?

9 A. Business management.

10 Q. Business management?

11 A. Yes.

12 Q. When you attended Benedict College starting in the
13 Fall of 2009, where were you living?

14 A. Gambrell Hall in a dorm room, B-4.

15 Q. B-4?

16 A. Yes.

17 Q. And who else lived there with you?

18 A. Nathaniel Jones.

19 Q. And that was someone you met once you got into
20 Benedict?

21 A. Yes.

22 Q. While you were attending Benedict College, did you
23 meet Demond Sanford?

24 A. Yes.

25 Q. And how did you know Demond Sanford?

JEREMIAH HENDERSON - DIRECT

- 1 A. Just as a peer at college.
- 2 Q. A peer at college?
- 3 A. Yeah.
- 4 Q. Did he live in the same dormitory with you?
- 5 A. Yes.
- 6 Q. Did you also meet someone named Reggie or Reginald
- 7 Miller?
- 8 A. Yes.
- 9 Q. And how did you meet him?
- 10 A. Same thing; college peer.
- 11 Q. Finally, did you meet a young man named Victor White?
- 12 A. Yes.
- 13 Q. And how did you meet Victor White?
- 14 A. He was -- he wasn't a student. I met him just through
- 15 people on campus.
- 16 Q. He would hang out on campus?
- 17 A. Yeah.
- 18 Q. What kind of relationship did you develop with these
- 19 young men?
- 20 A. Me and Demond and Reginald, we were college peers, you
- 21 know. We were just friends. We hang around school. We
- 22 started to see each other a lot, so we became kind of
- 23 close. And Victor, we had become close, like, he even
- 24 been to my room, we kicking and stuff.
- 25 Q. Kicking and stuff?

JEREMIAH HENDERSON - DIRECT

- 1 A. Yeah.
- 2 Q. That means hanging out?
- 3 A. Yeah. Hanging out, yeah.
- 4 Q. Kind of friends?
- 5 A. Yeah. Uh-huh.
- 6 Q. I want to turn your attention back to the early-
- 7 morning hours of February the 3rd. Were you in your dorm
- 8 that night?
- 9 A. Yes. I was on my -- yes, in my room.
- 10 Q. And was your roommate in the dorm that night as well?
- 11 A. Yes, ma'am.
- 12 Q. And when did you first make contact with one of these
- 13 young men we've been talking about?
- 14 A. I received a phone call from Demond Sanford.
- 15 Q. From Demond Sanford?
- 16 A. Yes.
- 17 Q. And Demond goes by a nickname?
- 18 A. Mooney.
- 19 Q. Mooney?
- 20 A. Yes.
- 21 Q. And when you received a phone call from Demond
- 22 Sanford, what was discussed?
- 23 A. Nothing except they wanted to meet with me.
- 24 Q. Excuse me?
- 25 A. Nothing. They said they just wanted to meet with me.

JEREMIAH HENDERSON - DIRECT

1 Q. And did you actually meet up with them that night?

2 A. No.

3 Q. Did you have any additional phone calls from any one
4 of these young men that night?

5 A. Yes.

6 Q. And tell the jury what else happened that night.

7 A. I got -- received a phone call asking me to make sure
8 the door was propped open, the back door.

9 Q. And that would be the back door of Gambrell Hall?

10 A. Yes.

11 Q. And why would they want the back door to Gambrell Hall
12 to be propped open?

13 A. Because a lot of times people stay out past curfew.

14 Q. What was curfew?

15 A. Twelve o'clock, midnight. And so we opened the door.
16 This was a everyday occurrence.

17 Q. What were you doing while these phone calls were going
18 back and forth and they were asking you to do things?

19 A. I was in the basement. I was with friends, playing
20 cards and we was drinking a couple beers.

21 Q. Playing cards and drinking some beer?

22 A. Yeah.

23 Q. Where was your roommate; do you know?

24 A. He was in the room.

25 Q. And did you prop open the doors as you were requested?

JEREMIAH HENDERSON - DIRECT

1 A. Yes.

2 Q. What happened next?

3 A. I went back to doing what I was doing.

4 Q. And then what happened?

5 A. After that they came in through the door and walked
6 down the hallway and signaled for me to follow them.

7 Q. And when you say, they came in the door, who did you
8 see?

9 A. Demond Sanford, Reginald Miller and Victor White.

10 Q. And where did y'all go?

11 A. We went to my room, B-4.

12 Q. And that's down on the bottom floor?

13 A. Yes.

14 Q. And when you got into your room, who all was in the
15 room at first when you got there?

16 A. When I got there, my roommate was laying down asleep.
17 And then me, Reggie, Mooney and Victor.

18 Q. And what happened next?

19 A. We began to talking. They began to tell me about what
20 had just happened.

21 Q. What do you recall them saying about what happened
22 that night?

23 A. First, I mean, it was just a conversation and they
24 said they had robbed somebody.

25 Q. And who was doing the talking; do you remember?

JEREMIAH HENDERSON - DIRECT

1 A. Victor White.

2 Q. And what specifically did Victor White tell you that
3 night about what had happened before coming to your room?

4 A. He told me that he shot that man. And that was his
5 words; I shot that man.

6 Q. He shot that man?

7 A. Yeah.

8 Q. And was he talking about that in connection with the
9 robbery?

10 A. Yes.

11 Q. And prior to them coming to your room, did you know
12 anything specific about the plans or anything about the
13 robbery?

14 A. No.

15 Q. What else did he say?

16 A. Well, I mean, it was, it was kind of, just like a
17 small-talk conversation. But then the next main point
18 was, he said that, I can't believe he let me sit behind
19 him.

20 Q. Sit behind him?

21 A. Yeah.

22 Q. And what was Victor White's demeanor when he was
23 telling you about shooting the man and sitting behind him?

24 A. Very nonchalant.

25 Q. Did you observe Victor White with anything in his

JEREMIAH HENDERSON - DIRECT

1 possession that night?

2 A. Yes.

3 Q. And what did he have with him when he came to that
4 room, when he told y'all this?

5 A. He got a bag of weed and two cell phones and a gun.

6 Q. And a gun?

7 A. Yes.

8 Q. So you actually saw him with a gun that night?

9 A. Yes.

10 Q. Did you see anyone else with a gun that night?

11 A. Not that I can remember.

12 Q. What happened next?

13 A. Well, they -- well, we was -- they was going through
14 everything and then it was brought up to go back to the
15 car to make sure that everything had been taken out.

16 Q. And who actually left the room to go back to the car;
17 do you remember?

18 A. Victor White and Demond Sanford.

19 Q. Mooney and Victor?

20 A. Yes.

21 Q. And do you remember whose idea it was to go back to
22 the car and search?

23 A. Victor White's.

24 Q. Did they actually leave the room?

25 A. Yes.

JEREMIAH HENDERSON - DIRECT

1 Q. Did you go with them?

2 A. No.

3 Q. Did you actually walk outside the room then?

4 A. I walked outside for a couple seconds, and I had a
5 couple words with Demond.

6 Q. And what did you tell Demond that night when you
7 walked outside prior to him going back and searching the
8 car?

9 A. I simply told him to be smart.

10 Q. To be what?

11 A. Be smart?

12 Q. Be smart?

13 A. Yeah.

14 Q. And what did that mean?

15 A. I could see that -- I mean, obviously the situation
16 that was going on. So, I mean, I really couldn't see
17 anything else really to tell him.

18 Q. You couldn't say anything else because of why?

19 A. I mean, I couldn't see anything else to tell him. I
20 just told him to be smart. Hopefully he, he'd catch on.

21 Q. Is that kind of like saying, be careful?

22 A. Yeah.

23 Q. When they came back to the room you mentioned that
24 Victor was nonchalant. What was Reggie's demeanor like?

25 A. He was -- he was shaken up.

JEREMIAH HENDERSON - DIRECT

1 Q. Once they left, did you go back into your dorm room?

2 A. Yes.

3 Q. And at that point, who's in there?

4 A. After, after that it's Reggie, Reginald Miller and my
5 roommate, asleep.

6 Q. And what's Reggie doing?

7 A. His hands -- his hands -- his face is in his hands.

8 Q. And where is he in the room?

9 A. He's sitting on my bed.

10 Q. And is your roommate still asleep?

11 A. Yes.

12 Q. As far as you know?

13 A. Yes.

14 Q. Did the two, Mooney and Victor, come back?

15 A. Yes, they did.

16 Q. And, what happened? Tell the jury what happened when
17 they came back to the dorm room.

18 A. They came back with a scale and they began to separate
19 the weed and give it out.

20 Q. And eventually was the weed or the marijuana, I guess
21 we're talking about?

22 A. Yes. Marijuana, yes.

23 Q. Was it given to different people?

24 A. Yes. Or, you're talking about the people in the
25 room?

JEREMIAH HENDERSON - DIRECT

- 1 Q. Uh-huh.
- 2 A. Yes.
- 3 Q. Including yourself?
- 4 A. Yes, ma'am.
- 5 Q. Then what happened?
- 6 A. After that they, everything -- I mean, everybody just
- 7 started to leave.
- 8 Q. Do you know what happened to the scale?
- 9 A. No.
- 10 Q. Do you know what happened to the gun?
- 11 A. No.
- 12 Q. And eventually who ended up in your room?
- 13 A. It was just me and my roommate. And then I ended up
- 14 leaving and going back into the hall.
- 15 Q. And what did you do when you went back into the
- 16 hallway?
- 17 A. Played cards and drank beer.
- 18 Q. When Victor White was telling you about shooting
- 19 someone that night, did you believe him?
- 20 A. I had no reason not to.
- 21 Q. Did you call the police that night?
- 22 A. No, I didn't.
- 23 Q. Why not?
- 24 A. I honestly didn't want anything to do with it.
- 25 Q. You mentioned that when he first came in the room,

JEREMIAH HENDERSON - DIRECT

1 too, he also had some cell phones?

2 A. Yes.

3 Q. Do you know what happened to the cell phones?

4 A. From what I had heard later on, that he had attempted
5 to sell them on my floor.

6 Q. Later that night, did you get another phone call?

7 A. Yes.

8 Q. From whom?

9 A. Victor White.

10 Q. Victor?

11 A. Yes.

12 Q. And what was the purpose of that phone call?

13 A. He had called me and told me to meet up with him.

14 Q. Did you go meet him?

15 A. He was coming downstairs. I was already in the
16 hallway. So, yes, I did.

17 Q. So he was still in the building?

18 A. Yes.

19 Q. And he came down?

20 A. Yes.

21 Q. And what did he want from you?

22 A. He wanted to use my cell phone to call a taxi.

23 Q. And did you allow him to do that?

24 A. Yes, ma'am.

25 Q. What happened after that?

JEREMIAH HENDERSON - DIRECT

1 A. After that he called the taxi and then we had small
2 talk for a while until the taxi came.

3 Q. And when you said you had small talk with him, what
4 was he taking about?

5 A. I mean, at first he attempted to talk about what
6 happened but I told him really didn't want to hear about
7 it, really didn't care.

8 So we just started talking about a whole bunch of
9 nothing. I couldn't really tell you specifically.

10 Q. So at first he started wanting to tell you about what
11 happened that might?

12 A. Yes.

13 Q. And specifically, what did he want to tell you?

14 A. I mean, the only thing that ended up coming out is,
15 just like, saying about the robbery and saying he shot him
16 and I had -- I had stopped the conversation.

17 Q. So he repeated that he had shot him?

18 A. Yes.

19 Q. Were you there when the taxi actually responded for
20 this call?

21 A. Yes.

22 Q. And did he leave the dorm at that point?

23 A. Yes.

24 Q. And did you have any further conversations with him
25 about this?

JEREMIAH HENDERSON - DIRECT

1 A. No.

2 Q. Over the next several days, did you ever report this
3 to the police?

4 A. No, ma'am.

5 Q. Did the police actually make contact with you on
6 February the 12th?

7 A. No. I'd -- I got a call from somebody that stayed at
8 my dorm that said my roommate got searched. And that's
9 when I turned myself in to the Benedict police.

10 Q. To the City police?

11 A. No. The Benedict police.

12 Q. Benedict police?

13 A. And then the next day I went to City police.

14 Q. And then the next day you went to City police. When
15 you met with the City police, do you remember them talking
16 to you?

17 A. Yes.

18 Q. And did you cooperate with them and give them a
19 statement about what you knew about this matter?

20 A. Yes.

21 Q. And is that pretty much what you told this jury here
22 today?

23 A. Yes, ma'am.

24 Q. The things that you know about what happened that
25 night, is what you heard from Victor White afterwards?

JEREMIAH HENDERSON - DIRECT

- 1 A. Yes.
- 2 Q. And what you observed in your dorm room?
- 3 A. Yes.
- 4 Q. Are you still in school?
- 5 A. No, not at the moment.
- 6 Q. And, in fact, are you back in California?
- 7 A. Yes.
- 8 Q. The person, Victor White, who was bragging to you
- 9 about what happened, do you see him here in the courtroom?
- 10 A. The person that he was bragging about?
- 11 Q. The person that was telling you about what he had done
- 12 that night, the shooting.
- 13 A. Uh-huh.
- 14 Q. Victor White?
- 15 A. Yeah.
- 16 Q. Do you see him here in the courtroom?
- 17 A. Yes, ma'am.
- 18 Q. Can you point him out for the jury?
- 19 A. Right there.
- 20 Q. And what's he wearing?
- 21 A. He's wearing a suit with a white shirt and I can't
- 22 really tell what color tie.
- 23 Q. Okay. Is he in between his lawyers?
- 24 A. Yes.
- 25 MS. CAMPBELL: Your Honor, may the record reflect he's

JEREMIAH HENDERSON - CROSS

1 identified the Defendant?

2 THE COURT: It does.

3 MS. CAMPBELL: Thank you, sir.

4 MS. GIBBES: May it please the Court.

5 THE COURT: Yes.

6 CROSS-EXAMINATION

7 BY MS. GIBBES:

8 Q. All right. Jeremiah?

9 A. Uh-huh.

10 Q. You testified you got a phone call from Demond Sanford
11 about 12:30 A.M., February 3rd?

12 A. Yes.

13 Q. Okay. And he said they wanted to meet with you?

14 A. I couldn't, I couldn't tell you the exact words.

15 Q. Okay. Does that mean Victor and Reggie?

16 A. Yeah, I assume.

17 Q. That's what you assumed?

18 A. Yeah.

19 Q. And you didn't know what they wanted?

20 A. No.

21 Q. No? You had no idea. They just wanted you to prop
22 the door open?

23 A. No, when I got the call at first they just asked me to
24 meet them.

25 Q. Okay. So they didn't mention anything?

JEREMIAH HENDERSON - CROSS

1 A. No.

2 Q. And so you just kind of did your own thing?

3 A. Yeah.

4 Q. Hung out with your friends?

5 A. Yeah.

6 Q. And then you got a call to prop the door open from
7 Demond?

8 A. Yeah.

9 Q. Okay. And then when they all came in you testified
10 that you saw Victor holding weed, cell phones and a gun?

11 A. Yeah.

12 Q. Okay. Do you remember -- do you remember making a
13 statement to the police?

14 A. Yeah.

15 Q. Okay. Do you remember answering a question: Did you
16 see Victor White with any items when he came in your room?

17 A. Yeah.

18 Q. Okay. Do you remember what you said --

19 A. No.

20 Q. -- back then? Would it help if I showed you what you
21 said?

22 A. Uh-huh.

23 Q. And this is your statement?

24 A. Uh-huh.

25 Q. Okay. It's notarized. So you're telling the truth?

JEREMIAH HENDERSON - CROSS

1 A. Yes.

2 Q. The question right here: Did you see Victor White
3 with any items when he came into your room? What did you
4 say?

5 A. He pulled out what appeared to be, and what I was told
6 was a half pound of weed and two cell phones.

7 Q. At that point, you didn't mention that you saw him
8 with a gun?

9 A. No, I didn't.

10 Q. Okay. But you just testified you saw him with a gun?

11 A. Yeah.

12 Q. Okay. And this part of the statement, you still
13 recognize your signature?

14 A. Yes, ma'am.

15 Q. It's notarized, you're telling the truth?

16 A. Uh-huh.

17 Q. What did you say when -- this question: Did you see
18 anyone with a gun on that day or night? What did you say?

19 A. No.

20 Q. And right here when it says: Have you ever seen
21 Victor with a gun?

22 A. Yes, I believe I have seen him --

23 THE COURT: Sir, you're kind of mumbling.

24 THE WITNESS: I said, yes, I believe I have seen him
25 with a .380 revolver.

JEREMIAH HENDERSON - CROSS

1 BY MS. GIBBES:

2 Q. So that wasn't referring to that night?

3 A. No.

4 Q. And so when you testified today you saw him with a
5 gun, that's different than your statement you gave to the
6 police; correct?

7 A. Yes.

8 Q. So are you telling the truth now or were you telling
9 the truth then?

10 A. I'm -- honestly kind of, may have gotten my words
11 mixed up. I'm not here really trying to mix up somebody's
12 statement.

13 Q. I understand. It's been a while.

14 A. Yes.

15 Q. And you testified that at some point Reggie and Demond
16 left -- I mean. I'm sorry. Victor and Demond left to go
17 back to the car?

18 A. Yeah.

19 Q. Would it surprise you that -- would it surprise you to
20 learn that Reggie might have testified that you went --

21 MS. CAMPBELL: Objection, Your Honor.

22 THE COURT: You can't pit witnesses.

23 MS. GIBBES: I'll withdraw that, Your Honor.

24 BY MS. GIBBES:

25 Q. Have you ever been threatened with prosecution in this

JEREMIAH HENDERSON - REDIRECT

1 case?

2 A. Not -- I mean, to some point but, no.

3 MS. GIBBES: Okay. I have no further questions.

4 THE COURT: Redirect?

5 MS. CAMPBELL: A few points in response, Your Honor.

6 REDIRECT EXAMINATION

7 BY MS. CAMPBELL:

8 Q. Specifically, when they asked you about whether or not
9 you had ever seen Victor or Reggie with a gun, in your
10 statement, as you've testified here, who had you seen with
11 a .380?

12 A. Victor White.

13 Q. And had you ever seen, as you told the police back
14 then, Reggie Miller with a gun?

15 A. No.

16 Q. She asked you about Victor White. And you also in
17 addition to that statement, there was a recorded statement
18 as well?

19 A. Uh-huh.

20 Q. And they asked you about his demeanor?

21 A. Uh-huh.

22 Q. And do you remember what you told them as Victor White
23 was telling you about how he shot a guy that robbed him,
24 what he was doing?

25 A. He was laughing.

TAMMIE DAVIS-MOORE - DIRECT

1 Q. He was laughing?

2 A. Yes.

3 MS. CAMPBELL: That's all I have, Your Honor.

4 THE COURT: Anything further?

5 MS. GIBBES: Just briefly.

6 RECROSS-EXAMINATION

7 BY MS. GIBBES:

8 Q. But to your knowledge you really don't know if Victor
9 had a gun that night? I mean, your first statement was he
10 did not have a gun?

11 A. I mean, honestly, I mean, I believe he did, but to say
12 that I know for a fact, I mean, I'm not --

13 Q. Okay. When you first talked to the police, you
14 believed you were telling the truth?

15 A. Yes.

16 Q. And you said he did not have a gun?

17 A. Yeah.

18 MS. GIBBES: No further questions.

19 THE COURT: All right. You can step down. Next
20 witness?

21 MS. CAMPBELL: State would call Tammie Moore.

22 TAMMIE DAVIS-MOORE, having been duly sworn, was
23 examined and testified as follows:

24 THE CLERK: Have a seat on the witness stand. State
25 your name for the record.

TAMMIE DAVIS-MOORE - DIRECT

1 THE WITNESS: Tammie Davis-Moore.

2 DIRECT EXAMINATION

3 BY MS. CAMPBELL:

4 Q. Ms. Moore, where are you employed?

5 A. City of Columbia Police Department.

6 Q. What do do there, ma'am?

7 A. I'm in the crime scene investigations.

8 Q. Can you tell this jury a little bit about your
9 education and your training in the field of crime scene
10 investigation?

11 A. I currently hold a degree in chemistry with a minor in
12 math. I've been in crime scene investigations for a
13 little over three years. I've been to basic crime scene
14 photography, crime scene collection, and I just finished
15 blood spatter.

16 Q. And have you testified before as an expert in the area
17 of screen investigation?

18 A. This is my first time but I testified in court before.

19 Q. How long have you been on the job?

20 A. I have over 20 years of law enforcement experience.

21 Q. And you've been in the crime scene unit for how many
22 years now?

23 A. Three years.

24 Q. And during that entire time as well as having specific
25 training, do you also learn while you're on the job?

TAMMIE DAVIS-MOORE - DIRECT

1 A. Yes, ma'am.

2 Q. And approximately do you know how many crime scenes
3 you've responded to?

4 A. I can't even -- I can't even imagine.

5 Q. And as part of your duties and your training in crime
6 scene investigation, you're trained to also photograph the
7 scene?

8 A. Photograph.

9 Q. As well as collecting potential evidence?

10 A. Collect evidence.

11 Q. As well as potential DNA swabs that may or may not be
12 probative later?

13 A. Yes, ma'am; and also process for prints.

14 MS. CAMPBELL: Your Honor, at this time we offer her
15 as an expert in crime scene investigation.

16 THE COURT: Any objection, any voir dire?

17 MR. SAWYER: No objection, Your Honor.

18 THE COURT: All right. She is admitted as an expert
19 witness.

20 Ladies and gentlemen, when a witness is admitted as an
21 expert witness, they can offer opinions as to certain
22 matters within their expertise provided those opinions are
23 offered pursuant to the rules of evidence.

24 You may continue.

25 MS. CAMPBELL: Thank you, Your Honor.

TAMMIE DAVIS-MOORE - DIRECT

1 Q. I want to turn your attention to February the 3rd.
2 Did you respond to a crime scene at the Kentucky Fried
3 Chicken?

4 A. Yes, ma'am. I did.

5 Q. And is that located there on Taylor Street near
6 Benedict College?

7 A. Yes, it is.

8 Q. And is that here in Richland County?

9 A. Yes, it is.

10 Q. And when you responded, approximately what time was it
11 when you got there that morning?.

12 A. I was notified at 9:44 in the morning, and I arrived
13 at 10:11.

14 Q. At 10:11 in the morning?

15 A. Yes, ma'am.

16 Q. And when you got there, had other officers already
17 responded to that crime scene?

18 A. Yes, ma'am.

19 Q. And as part of your duties is that typical for there
20 to be responding officers first and then you?

21 A. Yes, ma'am.

22 Q. When you got to the crime scene that morning, had any
23 precautions been taken to ensure the integrity of the
24 crime scene itself?

25 A. It was roped off.

TAMMIE DAVIS-MOORE - DIRECT

1 Q. And what does that mean?

2 A. Crime scene tape is placed around the perimeter of the
3 scene in a wide enough area to where evidence won't be
4 trampled or discarded or anything like that.

5 In other words, it gives a broad enough area to
6 enclose anything that may be in it that may be considered
7 evidence.

8 Q. And whenever you respond to a crime scene, do you know
9 that day exactly what may or may not be probative down the
10 road as the investigation develops?

11 A. No, ma'am.

12 Q. So as a precaution do you try to photograph everything
13 prior to collecting any evidence?

14 A. Yes, ma'am. That's the first thing I do. I take
15 photographs.

16 Q. Was there already a crime scene log set up when you
17 got there monitoring who had come in and out of the scene?

18 A. Yes. Someone had already started a crime scene log.

19 Q. And that's simply to keep account of who's been in and
20 out of the scene because there's certain people that have
21 to be there?

22 A. Yes, ma'am.

23 Q. And prior to your getting there, too, had EMS
24 responded to make sure that there was no hope of reviving
25 this victim?

TAMMIE DAVIS-MOORE - DIRECT

1 A. Yes. Crime scene was indicated -- I mean, EMS was
2 noted on the crime scene log.

3 Q. And they were there to check to see if there's any
4 possible way to save the victim?

5 A. Yes, ma'am.

6 Q. And had they been able to do anything to help this
7 victim in this case?

8 A. I wasn't there when they did the preliminary exam.
9 They were standing by when I got there. They were just
10 standing by.

11 Q. And was the victim still in car?

(12 A. He was in the car.

13 Q. So he had not been transported to the hospital?

14 A. No, ma'am.

15 Q. As would be protocol if there was any hope of saving
16 him?

17 A. Yes, ma'am.

18 Q. Once you got there and basically assessed the crime
19 scene, tell this jury what you observed.

20 A. First I noticed that there was several officers on the
21 scene along with EMS. There was -- I think there was some
22 investigators there by the time I got there. The scene
23 was roped off. When I say roped off, it had crime scene
24 tape placed around the perimeter.

25 The vehicle was on the drive-through window side which

TAMMIE DAVIS-MOORE - DIRECT

1 the vehicle in that fence line, the shrubbery was kind of
2 weaved into the fence. And it looked like it had been
3 struck by a vehicle.

4 The victim was seated in the driver's seat. He was
5 more like laying on his right hip. There was a bottle of
6 orange drink underneath his hip, and his arm was across
7 his chest. And his hand, I think his right hand, was, I
8 think it was kind of laying in the back. And his front
9 seat was tilted, tilted back. And the front passenger
10 seat was leaning forward.

11 Q. Okay. And those were your general observations there
12 at the scene?

13 A. Yes.

14 Q. And did you photograph those to memorialize that?

15 A. Yes.

16 Q. I'm going to show you what's been marked as State's
17 Exhibits One, Four, Five and Six. Do those show the
18 exterior of the Kentucky Fried Chicken itself?

19 A. Yes. I always take -- well, in this case I always
20 take a picture of the front of the place to establish the
21 incident location. And then I zoom in on the number. And
22 then I try to tie in the front of the -- I try to tie in
23 the front of the building to where the car was located and
24 this is a mid-range view of the front of the vehicle.

25 Q. Okay. I'm going to show you some additional pictures

TAMMIE DAVIS-MOORE - DIRECT

1 before I ask you to step down and show the jury. State's
2 Exhibit Numbers 16 through 37. Are those also photographs
3 you took? If you'd just flip through them and say just
4 yes or no.

5 A. Yes, ma'am. These are photographs that I took.

6 Q. And do those fairly and accurately represent the scene
7 as you got there that morning?

8 A. Yes, ma'am. Just like I find it.

9 Q. And finally specific items in State's Exhibit Seven
10 through 15, are those also photographs you took?

11 A. Yes.

12 Q. And, again, those memorialize the exterior area around
13 the car?

14 A. Yes, ma'am. These are photos that I took.

15 MS. CAMPBELL: Your Honor, may the witness step down?

16 THE COURT: Yes.

17 MS. CAMPBELL: Thank you.

18 BY MS. CAMPBELL:

19 Q. If you would come stand on this side and talk loudly
20 I'm going to show you State's Exhibit Number One. What
21 does this show the jury?

22 A. That shows the incident location. The incident
23 occurred at the Kentucky Fried Chicken. This shows the
24 business, the front of the business.

25 Q. And then if you put it in perspective with State's

TAMMIE DAVIS-MOORE - DIRECT

1 Exhibit Number Five, does that show the area where the car
2 was found?

3 A. Yes. This shows -- if you see, I have the emblem, the
4 Kentucky emblem here. I picked up on it here. So you can
5 see in relationship to where the vehicle is from here.

6 Q. And then as a closer-up view in State's Exhibit Number
7 Six, what does that show?

8 A. That's a close up of this picture right here.

9 Q. Showing the vehicle that we're referring to. And what
10 kind of vehicle was that; do you remember?

11 A. A Chevrolet. I don't exactly -- I think it was a
12 Tahoe.

13 Q. A Tahoe?

14 A. I think it was Tahoe. Chevrolet Tahoe. A 1999
15 Chevrolet Tahoe, maroon in color.

16 Q. I'm going to show you what's been marked as State's
17 Exhibit Number 15. You mentioned an area on the fence
18 line that you noticed might be significant?

19 A. Yes. That was the area on the fence line right in
20 front of the vehicle.

21 Q. And what was significant about what you observed and
22 you photographed in this?

23 A. The damage to the -- you can tell where the shrubbery
24 looked like. It was damaged and the fence was damaged.

25 Q. And you mentioned earlier about the front bumper of

TAMMIE DAVIS-MOORE - DIRECT

1 the actual Tahoe itself?

2 A. Yes, ma'am.

3 Q. I'll get back to that, but did it have leaves and
4 things that were consistent with what was in the
5 shrubbery?

6 A. Yes, ma'am, it did.

7 Q. As shown in State's Exhibit Number 27?

8 A. Here are the leaves. Here's the bent license plate.

9 Q. Did you also photograph more of the exterior of the
10 car --

11 A. Yes.

12 Q. -- in order to memorialize it?

13 A. Yes, ma'am. And here, again, you can see --

14 Q. And that's State's Exhibit 16?

15 A. Yes, ma'am. Here you can see the fence and I also
16 took photos of the tires. Here's another one of the --

17 Q. Which is State's Exhibit Number 18?

18 A. Number 18. Of -- in relationship to where the vehicle
19 is to the fence line and to the curb.

20 Q. And there are actual marks as exhibited right here on
21 this?

22 A. (Nods head.)

23 Q. And what do those appear to be in your expert opinion?

24 A. Tire marks.

25 Q. And State's Exhibit Number 17, the back one, is that a

TAMMIE DAVIS-MOORE - DIRECT

1 closer-up view of that?

2 A. What?

3 Q. That is a closer-up view?

4 A. Oh, yes, ma'am. That's a closer-up view of the tire
5 mark in the dirt behind the vehicle.

6 Q. Also in State's Exhibit 16 which side of the car does
7 that show?

8 A. That's the passenger side.

9 Q. And that's how it was when you got there?

10 A. No, huh-uh. The door was open on that picture. When
11 I got there, the door was closed.

12 Q. As shown in State's Exhibit 21, to make sure they
13 understand the time relation. So some of these
14 photographs were taken during the processing itself?

15 A. Yes, ma'am.

16 Q. But the door was actually closed when you got there?

17 A. Yes, ma'am. The door was actually closed.

18 Q. I'm going to show you State's 28 and 29.

19 A. Again the door was closed.

20 Q. And does that show the front part of the car?

21 A. Uh-huh, yes. That's the front of the car. Yes,
22 ma'am.

23 Q. And when you got there as well as far as on the
24 driver's side, how was the door?

25 A. The door was closed.

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1 Q. And how many doors did this car actually have on it?

2 A. It has the driver's door, the passenger door and it
3 have the, the two doors in the rear.

4 Q. The two doors in the rear?

5 A. Yes, ma'am.

6 Q. Going on to State's Exhibit Numbers 34 and 35, are
7 those just two taken a little further away?

8 A. Yes, ma'am. I try -- whenever I take pictures I take
9 far away so you can see where the vehicle is in
10 relationship to the entire scene. Then I take an up
11 close, up-close picture so you can see more detail and
12 then I do a real up-close picture.

13 I do a far away, a mid range and an up close.

14 Q. And in this case, I show you what's been marked as
15 State's Exhibits 24, 25, and 26 and 27. But do those show
16 things that were consistent with the tire marks you found?

17 A. Yes, ma'am. It was an up close of the tires.

18 Q. And is there actual dirt to be consistent with what
19 you observed?

20 A. Yes.

21 Q. As far as items you mentioned that you found in and
22 around the vehicle I show you State's Exhibit Number 19.
23 What side of the car does that show?

24 A. That's the driver's side.

25 Q. And what's the item that's memorialized? And to be

TAMMIE DAVIS-MOORE - DIRECT

1 fair for the jury, these numbers are put in by you after?

2 A. Yes. Those numbers are put in by me. We use this is
3 to mark the evidence.

4 Q. What does that show right there?

5 A. That's the empty triple A battery package that was
6 found on the driver's side.

7 Q. State's Exhibit Number 13, what does that show?
8 State's Exhibits Number 9 and 10, is this prior to you
9 marking it?

10 A. Yes, ma'am.

11 Q. And then what's shown in State's Exhibit Number 10?

12 A. That's the dollar bill that's found underneath the
13 vehicle.

14 Q. State's Exhibit Number 11?

15 A. Those are the items that was on the curb in front of
16 the vehicle, the DVD, the cable box, and the cable ties.

17 Q. State's Exhibit Number 12?

18 A. That's the child's photo that was found at the drive-
19 through speaker.

20 Q. State's Exhibits Number 13, is a closer up, I believe,
21 of Number Eight?

22 A. Yes. This was the crumbled-up receipt that was found
23 several feet behind the vehicle in the same parking lot.
24 That's just a closer up of it.

25 Q. And, again, when you're collecting these items you

TAMMIE DAVIS-MOORE - DIRECT

1 don't know whether they're significant or not?

2 A. No, ma'am. I have no knowledge of that.

3 Q. Okay. Once you had processed or actually photographed
4 the exterior of the vehicle, did you also take some
5 photographs of the interior?

6 A. Yes, ma'am. I do.

7 Q. You can come back down.

8 A. (Complying.)

9 Q. Over on this side, if you don't mind. And just, do
10 State's Exhibit Numbers 38 and 39 show the VIN number?

11 A. Yes.

12 Q. And in State's Exhibit Number 40, what is that?

13 A. That's a photo of the victim's ID.

14 Q. And State's Exhibits Number 41 and 42, what does that
15 show?

16 A. Those are, that's a receipt of the gun that was found
17 in the vehicle. These items were actually found by the
18 deputy coroner. And I just took pictures of them.

19 Q. And State's Exhibit Number 43, does that show where
20 they were actually found?

21 A. No. He -- I don't know where he found them but we
22 placed them, we placed them together so I could take one
23 big picture of them all.

24 Q. As far as the position of the victim when you got
25 there, State's Exhibit Number 45, is that a photograph of

TAMMIE DAVIS-MOORE - DIRECT

1 how he appeared when you got there?

2 A. Yes, ma'am.

3 Q. This is after EMS responded as well; is that correct?

4 A. Yes, ma'am.

5 Q. State's Exhibit Number 44 and 46, you mentioned his
6 position in the car?

7 A. Yes, ma'am.

8 Q. Does that represent what you observed when you got
9 there?

10 A. Yes, ma'am.

11 Q. And where is -- what part of the car does it show?

12 A. This is -- this picture was actually taken from the
13 passenger side because he was leaning over towards the
14 passenger side. This was taken from the passenger side.
15 This is showing that the seat was tilted back and he was
16 kind of leaning in the back seat.

17 Q. State's Exhibit Number 47, is that another angle that
18 shows that?

19 A. Yes. That's another view.

20 Q. And then State's Exhibit Number 44, which is upside
21 down, what does that show his arm in?

22 A. That shows that his arm looks like it's leaning in the
23 console, the console in between the seats.

24 Q. And State's Exhibit Number 49, what does that show?

25 A. I tried to show the blood puddling underneath the

TAMMIE DAVIS-MOORE - DIRECT

1 body's hand. That's on the floorboard in the back.

2 Q. And then this is another picture of the console?

3 A. Yes. And here also, I was trying to show the blood on
4 his hands.

5 Q. Finally, State's Exhibit Number 51, what does that
6 show?

7 A. That's to show that the keys were in the ignition.

8 Q. And that's how you found it?

9 A. And that's how I found it. And the car was turned
10 off.

11 Q. Did you take photographs of the inside of the vehicle?

12 A. Yes.

13 Q. Which is State's Exhibits 52 and 54?

14 A. Yes. This -- I was showing the blood on the headrest.

15 Q. And you also memorialized the back of the car?

16 A. The back of the car.

17 Q. And that's after you opened it up?

18 A. Yes. That's after we opened it up.

19 Q. And you mentioned that you actually recovered, I
20 believe, a weapon in the car?

21 A. Yes, I did.

22 Q. I show you State's Exhibits 63 and 64. Do you
23 recognize those?

24 A. Yes, ma'am.

25 Q. And was that the weapon that was recovered in the car?

TAMMIE DAVIS-MOORE - DIRECT

- 1 A. Yes, ma'am.
- 2 Q. And where was it located when you found it?
- 3 A. It was located in between the driver's seat and the
4 console. The slide was locked back and the only thing you
5 could see was the top end of the slide. It was stuck down
6 in between the driver's seat and the console.
- 7 Q. And in fact, it was not readily visible?
- 8 A. It was not visible until he was removed.
- 9 Q. State's Exhibit 65, at a later time was the car towed
10 to headquarters?
- 11 A. It was. The car was towed to headquarters.
- 12 Q. And did you do a more thorough search of the interior
13 of the car at that point?
- 14 A. Investigators did.
- 15 Q. And I show you State's Exhibit Numbers 65 and 66. Do
16 you recognize that?
- 17 A. Yes.
- 18 Q. And what does this show?
- 19 A. That's a shell casing that was found in the back of
20 the vehicle once those speakers and other items were
21 removed.
- 22 Q. And that was actually found in the back of the
23 vehicle?
- 24 A. In the back of the vehicle.
- 25 Q. Which would be the area that's shown here?

TAMMIE DAVIS-MOORE - DIRECT

1 A. Yes. Once the speakers and things were removed, that
2 was the shell casing that was found in the back. And
3 that's one, that's with the speakers removed.

4 Q. And this, 67, is just a close up of the shell casing
5 itself?

6 A. That's a close up of the shell casing.

7 Q. You can get back on the stand.

8 A. (Complying.)

9 Q. I want to show you what's been marked as State's
10 Exhibit Number 80. Is that the actual shell casing that
11 was recovered from the back of the car once the speakers
12 had been removed?

13 A. Yes, ma'am.

14 Q. Without objection?

15 MS. CAMPBELL: Your Honor, at this time we'd offer
16 this into evidence.

17 THE COURT: What says the defense?

18 MR. SAWYER: Your Honor, just I want to make sure the
19 chain has been preserved on this. I'm not sure who sealed
20 it up and who took it back to the evidence room.

21 THE COURT: All right. Defense objects.

22 MS. CAMPBELL: Your Honor, I'll lay a foundation.

23 BY MS. CAMPBELL:

24 Q. State's Exhibit Number 80, does that have your
25 initials down there at the bottom?

TAMMIE DAVIS-MOORE - DIRECT

1 A. Yes.

2 Q. And are you the person that actually collected it and
3 placed it into evidence?

4 A. I collected it. I placed it into evidence. I signed
5 it out of evidence and I took it down to Richland County
6 Sheriff's Department for analysis. And this is my
7 signature on the bag.

8 Q. During the time period it was in your possession, did
9 you alter it or tamper with it in any way?

10 A. No, ma'am. Because it's sealed. I have to seal it in
11 the bag prior to --

12 MS. CAMPBELL: Your Honor, at this time we'd offer it
13 into evidence.

14 MR. SAWYER: No objection.

15 THE COURT: Admitted without objection.

16 (Thereupon, State's Exhibit No. 80, shell casing, was
17 received into evidence.)

18 BY MS. CAMPBELL:

19 Q. Once you collected items there, did you try to collect
20 any possible DNA evidence from the car itself?

21 A. That would have been through, at the time of the
22 search warrant?

23 Q. Uh-huh.

24 A. I swabbed the headlight switch for possible DNA.

25 Q. For possible DNA?

TAMMIE DAVIS-MOORE - DIRECT

1 A. Yes, ma'am.

2 Q. And as far as you could tell, that was an area that
3 possibly somebody could have left DNA other than the
4 victim?

5 A. Yes, ma'am.

6 Q. That next day, did you go and attend an autopsy at
7 Richland Memorial Hospital?

8 A. On the 4th. Yes, ma'am, I did.

9 Q. On the 4th?

10 A. Yes.

11 Q. And were you present during the autopsy?

12 A. Yes, I was.

13 Q. And what's the purpose of a crime scene investigator
14 going to an autopsy?

15 A. To document the injuries on the victim. And if there
16 is any projectiles or evidence that may be present on the
17 body to collect, like, hairs or fibers. If there is --
18 the victim was shot, to collect the projectile; anything
19 that may be evidence on the body that we couldn't see at
20 the scene.

21 Q. While there, did you collect certain items of clothing
22 from the victim?

23 A. Yes, I collected his clothing.

24 Q. And instead of putting the actual bloody clothing in,
25 I'm going to show you State's Exhibits 69, 70, and 71.

TAMMIE DAVIS-MOORE - DIRECT

1 A. Yes, ma'am. Those are his clothing. Those are the
2 ones I got from the autopsy.

3 Q. From the autopsy?

4 A. Yes, ma'am.

5 Q. And that's standard procedure to collect any clothing
6 or any other items found on the victim?

7 A. That's standard procedure.

8 Q. In addition to that, during the course of the autopsy,
9 was the pathologist, Dr. Nichols, able to recover any
10 projectiles or bullets from his body?

11 A. Yes, he did.

12 Q. And is your role as a evidence person been to collect
13 that and forward it to whatever appropriate agency?

14 A. Yes. I collect it.

15 Q. And I'm going to show you what's been marked as
16 State's Exhibit Number 79. Do you recognize this?

17 A. That's, that's my signature.

18 Q. And, again, what is that item?

19 A. This is the projectile that came from the victim.

20 Q. It came from the victim?

21 A. Yes, ma'am.

22 Q. And when you collected that at the autopsy, did you
23 properly store it?

24 A. Yes, ma'am.

25 Q. And was it sealed?

TAMMIE DAVIS-MOORE - DIRECT

1 A. Sealed.

2 Q. And then was it submitted for testing for ballistics
3 at a later date?

4 A. Yes.

5 Q. And during the time period that you had it in your
6 custody, did you alter it or tamper with it in any way?

7 A. No.

8 MS. CAMPBELL: Your Honor, at this time I offer the
9 projectile.

10 MR. SAWYER: No objection.

11 THE COURT: Admitted without objection.

(12 (Thereupon, State's Exhibit No. 79, projectile, was
13 received into evidence.)

14 BY MS. CAMPBELL:

15 Q. Did you do any processing at the crime scene for
16 possible fingerprints?

17 A. No, not at the crime scene.

18 Q. Later, once the vehicle had been towed, did you
19 attempt to process any items?

20 A. During the search warrant -- during the search of the
21 vehicle, some of the items were, I attempted to process
22 some of the items for fingerprints.

(23 Q. And tell this jury what process you go through when
24 you're attempting to collect fingerprints left at a crime
25 scene.

TAMMIE DAVIS-MOORE - DIRECT

1 A. It all depends on the item.

2 Let's see. Item number one. Okay. The items, the
3 items that were collected from the scene, I took them back
4 to headquarters and I attempted to process them, which was
5 the battery package, the DVD, and the cable ties and the
6 photos.

7 The battery package if it's, if it's a porous-type of
8 thing, we can use what is called ninhydrin and it turns,
9 it has -- ninhydrin is a chemical that will adhere itself
10 to the oils that are emitted from my skin when we touch
11 something. And if it's a porous type of thing we can use
12 that to turn the print purple if there is an identifiable
13 print on it.

14 With the DVD, we use, I use latent powder and it
15 adheres itself to the oil in the same manner and it will
16 turn black.

17 And, what was the other item? Crumbled papers.

18 Since it's porous, it will -- I can use the ninhydrin
19 on it also. And some of the items I use ninhydrin and
20 some of the items I use just regular fingerprint powder.
21 But I wasn't able to obtain an identifiable print from
22 either one of those items.

23 Q. Let me ask you that. From the items that you
24 processed that you thought were appropriate that someone
25 may have touched. If I walk up here and I touch this

TAMMIE DAVIS-MOORE - DIRECT

1 surface right here, am I necessarily going to leave a
2 print?

3 A. No, ma'am. Just because you touched something doesn't
4 mean you're going to leave a print because our skin
5 secrete oil. And sometimes our hands are dry. And, a lot
6 of times we don't leave anything behind, if our skin is
7 really dry.

8 Q. And when you say that the items that you processed for
9 fingerprints, there were no identifiable prints; what does
10 that mean to me?

11 A. That, that could mean that either I didn't find
12 anything at all or what was there was so -- it wasn't --
13 it wasn't suitable for entering into a known database. It
14 was -- it could have been smeared, could have been -- most
15 of the time it's smeared or swiped or anything that
16 degrades the print itself.

17 Q. Okay. And in order for a person to actually leave a
18 print of course they're going to have to have touched an
19 object; is that correct?

20 A. Yes.

21 Q. That sounds stupid. And, of course, depending on the
22 surface that they actually touched, it may inhibit the
23 ability to leave a print?

24 A. Some surfaces do.

25 Q. And some people leave prints more easily than others?

TAMMIE DAVIS-MOORE - DIRECT

1 A. Yes.

2 Q. And even if a print was there, can you say how long a
3 print's been there?

4 A. No.

5 Q. And in this case when you processed items that looked
6 like they had been removed or touched by different people
7 inside the vehicle, were you able to get any identifiable
8 prints?

9 A. No.

10 Q. Is that unusual in a crime scene?

11 A. No, that's not unusual at all.

12 Q. And was any processing done on the interior of the
13 car? Was it suitable for that?

14 A. I processed some -- tried to process some items in the
15 car, two items that was found out of the car.

16 Q. That you thought might be suitable?

17 A. Yes.

18 Q. But nothing was obtained from those?

19 A. No, ma'am.

20 Q. And all the swabs and everything else that were
21 collected in this case for possible DNA were submitted for
22 further testing; right?

23 A. Yes, ma'am. Submitted for further testing.

24 Q. Moving on to February 11th. Did you actually respond
25 to Benedict College to photograph a dorm room?

TAMMIE DAVIS-MOORE - DIRECT

1 A. Yes, I did.

2 Q. And to assist in a search warrant. I'm going to show
3 you what's been marked as State's Exhibit 75, 76, 77, and
4 78. Do you recognize these photographs?

5 A. Yes, I do.

6 Q. Are those photographs that were actually taken by you
7 of the interior of the dorm room in Gambrell Hall?

8 A. Yes, they were taken by me.

9 Q. And is the number of the dorm room located on one of
10 those photographs?

11 A. B-4.

12 Q. B-4?

13 A. Yes.

14 Q. And then those are just general overall views?

15 A. Overall views.

16 Q. Of the interior of that dorm room?

17 A. Yes, ma'am.

18 Q. And those were taken by you on February 11th; is that
19 correct?

20 A. They were taken by me.

21 Q. Beg the Court's indulgence? (Pause.)

22 And at a later time, were you requested to collect
23 certain known samples or what's known as buccal swabs from
24 the three defendants in this case for DNA testing?

25 A. Yes.

TAMMIE DAVIS-MOORE - DIRECT

1 Q. And tell this jury: When you collect a buccal swab
2 from a person, what is that? And what are you attempting
3 to get?

4 A. Generally a buccal swab is, consists of no more than
5 rubbing the inside of the cheeks with really long Q-tips
6 and just rub the inside of the cheeks real good until we
7 figure, you know, we have enough DNA on the Q-tip for
8 submission. And we place it inside of a box, inside of
9 the box that the swabs go into and we seal the package.

10 Q. Okay. And did you actually collect a known swab or a
11 known DNA sample or a buccal swab from each of the three
12 Defendants in this case, Demond Sanford --

13 A. I have Reginald Miller, Demond Sanford --

14 Q. And Victor White?

15 A. Let me check back on that. Yes.

16 Q. Thank you.

17 A. Victor White, Reginald Miller and Demond Sanford.

18 Q. Are the three you collected?

19 A. Yes.

20 Q. And when you collected those you kept those separate
21 from each other; correct?

22 A. Yes, ma'am.

23 Q. And those were sealed properly and later submitted for
24 testing at the Richland County Sheriff's Department?

25 A. Yes, ma'am. They were actually --

TAMMIE DAVIS-MOORE - CROSS

1 Q. During the time period those buccal swabs were in your
2 possession, were they altered with or tampered with or
3 anything done with them in any way?

4 A. No, ma'am.

5 MS. CAMPBELL: Thank you. That's all I have.

6 THE COURT: Cross-examination?

7 MR. SAWYER: Thank you, Your Honor. May it please the
8 Court.

9 CROSS-EXAMINATION

10 BY MR. SAWYER:

11 Q. I'm sorry. Just briefly, Ms. Moore. You did say all
12 three of them were submitted for testing? I don't
13 think you answered, you were still flipping through.

14 A. I swabbed all three. I did an oral swab on all three.
15 I'm trying to see. 18, 19 and 20. (Reviewing
16 records.)

17 Yes. All three were taken to Richland County
18 Sheriff's Department for analysis.

19 Q. Okay. Sticking with that DNA, where exactly did you
20 swab other than the light, I believe you said it was the
21 headlight switch; is that correct?

22 A. Yes.

23 Q. Where else did you swab for DNA?

24 A. In the car?

25 Q. Yes, ma'am. Where exactly in the car? You're saying

TAMMIE DAVIS-MOORE - CROSS

1 the only place was the light switch?

2 A. In the car, yes.

3 Q. Was anywhere else swabbed for DNA?

4 A. No, I didn't swab anywhere else.

5 Q. Do you remember if the door handles were swabbed for
6 DNA?

7 A. I don't see where it's indicated on any of my reports.

8 Q. Okay. Just the light switch. How about for
9 fingerprints? Was anywhere on the interior or exterior of
10 the car actually checked for fingerprints?

11 A. No, no, other than those couple of items on the inside
12 of the car.

13 Q. But the physical car itself was never checked for
14 fingerprints?

15 A. No.

16 Q. Now -- I'm sorry. How long did you say you've been a
17 crime scene investigator?

18 A. Three years.

19 Q. From just your experience and your opinion, can you
20 tell if the shooting in this case took place inside or
21 outside the car?

22 A. Inside of the car.

23 Q. Inside the car?

24 A. Uh-huh.

25 Q. Okay. Is it common not to swab for -- I mean, can you

TAMMIE DAVIS-MOORE - CROSS

1 tell if the doors were opened or closed? They were
2 closed, I think you testified to; correct?

3 A. Yes.

4 Q. But DNA wasn't swabbed for if someone tried to exit
5 the car at some point after this?

6 A. No.

7 Q. Fingerprints weren't checked on the door handles or
8 anything along those lines, either, if someone might try
9 to exit the car?

10 A. No.

11 Q. From the position of the body then, in your opinion,
12 can you tell if that was the position Mr. Duckett was in
13 as soon as he was shot or if he was moved? Were you able
14 to tell that at all?

15 A. No.

16 Q. You can't. Okay.

17 I know you had mentioned you just got qualified in
18 blood splatter training; is that correct?

19 A. Blood spatter.

20 Q. Spatter. Excuse me. Were you qualified in this prior
21 to --

22 A. No.

23 Q. Was there anyone else at the City of Columbia that was
24 qualified in blood spatter training at the time?

25 A. Not to my knowledge.

TAMMIE DAVIS-MOORE - CROSS

1 Q. Have you ever used SLED, for example, to do blood
2 spatter analysis in a case?

3 A. No.

4 Q. Okay. Would that have assisted you if you had been
5 trained or someone had come in to be trained -- that was
6 trained in it to try to determine from which seat, say,
7 someone might have shot Mr. Duckett in this case?

8 A. Restate the question.

9 Q. I'm sorry, ma'am. By analyzing the blood spatter
10 within the car --

11 A. Uh-huh.

12 Q. -- would that have been able to assist you as to where
13 the shooter was in the car in relation to the victim?

14 A. At the time I was not trained in blood spatter.

15 Q. Oh, I understand that. I'm just asking you now that
16 you are, looking back on that, would that have assisted
17 you in possibly being able to determine what seat the
18 shooter was in?

19 A. I don't know how to answer that.

20 Q. I understand it never was done, so it's hard to tell.

21 The pooling of the blood, I believe you testified that
22 there was blood pooling beneath his hand --

23 A. Yes.

24 Q. -- when you entered the car; is that correct?

25 A. I could see it from his hand.

TAMMIE DAVIS-MOORE - REDIRECT

1 Q. Do you know how long he would have needed to have been
2 in that position for it to have pooled to that amount?

3 A. I have no knowledge of that.

4 Q. Okay. When you -- when did you finally finish up with
5 collecting all of your evidence and analyzing it; do you
6 remember?

7 A. I can't tell you.

8 Q. Okay. Well, I'll just ask you one more question. Did
9 any of your analysis from the crime scene help you to
10 identify who the shooter was in this case?

11 A. No.

12 MR. SAWYER: Thank you. No further questions.

13 MS. CAMPBELL: Just a couple questions.

14 REDIRECT EXAMINATION

15 BY MS. CAMPBELL:

16 Q. And is that unusual when the victim's the only one
17 hurt?

18 A. Ma'am?

19 Q. Is that unusual if the victim's the only one hurt, not
20 to be able to identify it?

21 A. No, not unusual.

22 Q. And one thing I just missed and I need to go over.
23 When you were at the autopsy, did you also collect item
24 number seven which was the gunshot residue kit from the
25 victim?

1 A. Yes.

2 Q. And was that also transmitted to SLED?

3 A. Yes.

4 Q. And during the time period you had it in your
5 possession, did anyone alter it or tamper with it in any
6 way?

7 A. No.

8 MS. CAMPBELL: Thank you. I have no further
9 questions.

10 THE COURT: Anything further?

11 MR. SAWYER: No, Your Honor.

12 THE COURT: Thank you. You may step down. And we'll
13 take a break, ladies and gentlemen, for a few minutes. If
14 you'd go to the jury room, please. And do not discuss the
15 case.

16 (Jury exits courtroom at 4:20 p.m.)

17 THE COURT: All right. We'll take a break for about
18 15 minutes.

19 (Thereafter, at 4:21 p.m., a break was taken until
20 4:39 p.m.)

21 THE COURT: Ready for the next witness?

22 MS. CAMPBELL: State's ready.

23 (Jury enters courtroom 4:40 p.m.)

24 THE COURT: Juror number 93, you've been holding the
25 seat where the foreperson typically sits so I'm going to

WALTER ROSE - DIRECT

1 have you to be the foreperson of the jury to serve as the
2 spokesperson for the jury, and let us know of any and all
3 concerns the jurors may have.

4 And you also have the responsibility of presiding over
5 the jury deliberations and completing the verdict form
6 representing the unanimous verdict of the jury. Do you
7 understand?

8 THE JUROR: Yes.

9 THE COURT: All right. Very good. Next witness,
10 please.

11 MS. CAMPBELL: May it please the Court. State calls
12 Sergeant Rose.

13 WALTER ROSE, having been duly sworn, was examined and
14 testified as follows:

15 THE CLERK: Have a seat on the witness stand, please.
16 State your name for the record.

17 THE WITNESS: Walter Rose.

18 DIRECT EXAMINATION

19 BY MS. CAMPBELL:

20 Q. Sergeant Rose, where are you employed?

21 A. City of Columbia.

22 Q. What do you do there, sir?

23 A. I'm the crime scene sergeant.

24 Q. And as the crime scene sergeant, what do your duties
25 include?

WALTER ROSE - DIRECT

1 A. Manage the crime scene unit which involves
2 documenting, collecting and analyzing evidence.

3 Q. I want to turn your attention back to February the 3rd
4 of 2010. Were you involved although somewhat peripherally
5 with the investigation in this case?

6 A. Yes.

7 Q. And did you actually assist in the execution of a
8 search warrant once the '99 Tahoe had been towed to
9 headquarters?

10 A. I did.

11 Q. And once the car has been towed to headquarters such
12 as in this case, the victim's car, what type of search are
13 y'all going to do once it gets there as it was done in
14 this case?

15 A. Search for evidence involved in the crime.

16 Q. And while you were assisting in that search, I believe
17 either that day or the next day they actually recovered a
18 shell casing, was recovered by one of the investigators in
19 this case?

20 A. Yes, ma'am.

21 Q. And in addition to that, while the car after it had
22 been towed and once it was placed in your compound, did
23 you also swab certain areas of the car and attempt to get
24 DNA samples?

25 A. I did.

WALTER ROSE - CROSS

1 Q. And what areas of the car did you swab, sir?

2 A. The inside door handle on the right side of the
3 vehicle and the outside door handle on the right side of
4 the vehicle.

5 Q. On the right side of the vehicle?

6 A. Yes, ma'am.

7 Q. And were those swabs as they were collected by you --
8 once those were collected by you, did you then seal them
9 properly?

10 A. I did.

11 Q. And while they were in your possession, did anyone
12 alter them or change them in any way?

13 A. No, ma'am.

14 Q. And were those properly submitted into evidence for
15 further testing?

16 A. Yes.

17 Q. And that's all you did in this case that we need
18 today?

19 A. Yes, ma'am.

20 MS. CAMPBELL: Thank you.

21 THE COURT: From the defense?

22 MR. SAWYER: Yes, briefly, Your Honor.

23 CROSS-EXAMINATION

24 BY MR. SAWYER:

25 Q. Passenger side; is that correct?

WALTER ROSE - CROSS

1 A. Right side; yes, sir.

2 Q. Did you swab the driver's side door handle at all?

3 A. I only swabbed the right side door handle, inside and
4 outside.

5 Q. Okay. This might seem like a silly question, but how
6 does the car actually get to your impound lot?

7 A. It was towed.

8 Q. Okay. Who did you use to tow it; do you know?

9 A. I'm not sure who towed it that day.

10 Q. Do you cover up the car, wrap it up, try to keep it
11 from being contaminated from the scene to the impound
12 level?

13 A. It was secured, and probably followed. I don't have
14 those case notes in front of me.

15 Q. I'm curious if you're looking for DNA --

16 A. Yes, sir.

17 Q. -- that's probative in a case like this, on the door
18 handles and the windows and stuff like that, could that be
19 contaminated or lost during the course of transit on the
20 exterior of the car?

21 A. It could be damaged, sure.

22 Q. Thank you. No further -- oh. Did you at any point do
23 any investigation or once you were done with what you were
24 doing, you just swabbed, you weren't able to identify
25 actually anyone from what you did; correct?

DEIDRE GRADEAN - DIRECT

1 A. No.

2 MR. SAWYER: Okay. Thank you. No further questions.

3 THE COURT: Anything else?

4 MS. CAMPBELL: No, sir.

5 THE COURT: Thank you. You may step down. Next
6 witness?

7 MS. WALKER: Your Honor, the State calls Deidre
8 Gradean.

9 DEIDRE GRADEAN, having been duly sworn, was examined
10 and testified as follows:

11 THE CLERK: Thank you. Have a seat on the witness
12 stand. State your name for the record;

13 THE WITNESS: Deidre Gradean.

14 DIRECT EXAMINATION

15 BY MS. WALKER:

16 Q. Ms. Gradean, where are you currently employed?

17 A. Verizon Wireless.

18 Q. And was there a mix up at Verizon today and the wrong
19 person was sent here?

20 A. Yes.

21 Q. Are you custodian of records for Verizon Wireless?

22 A. Yes.

23 Q. I would like to show you what's been marked as State's
24 Exhibit 82. Do you recognize these?

25 A. Yes, sir. These are Verizon phone records.

1 Q. And are these kept in the regular course of business?

2 A. Yes.

3 Q. And is this pertaining to phone number 803-391-?

4 A. Yes.

5 MS. WALKER: Your Honor, at this point in time I'd
6 like to offer State's Exhibit 82 into evidence.

7 MS. GIBBES: No objection.

8 THE COURT: Admitted without objection.

9 MS. WALKER: Thank you, Your Honor.

10 (Thereupon, State's Exhibit No. 82, Verizon Wireless
11 record, was received into evidence.)

12 MS. WALKER: No further questions.

13 THE COURT: Anything from the defense?

14 MS. GIBBES: Just briefly.

15 CROSS-EXAMINATION

16 BY MS. GIBBES:

17 Q. Do you know from those records whose records they are?

18 A. There wasn't a name on the records but they are
19 Verizon Wireless records.

20 Q. So you just know the phone number?

21 A. Yes.

22 MS. GIBBES: Okay. No further questions.

23 THE COURT: Anything further?

24 MS. WALKER: No, Your Honor.

25 THE COURT: All right. Thank you.

DAVID COLLINS - DIRECT

1 THE WITNESS: Uh-huh.

2 THE COURT: Next witness?

3 MS. CAMPBELL: The State would call David Collins.

4 DAVID COLLINS, having been duly sworn, was examined
5 and testified as follows:

6 THE CLERK: Have a seat on the witness stand, please.
7 State your name for the record.

8 THE WITNESS: David Collins.

9 DIRECT EXAMINATION

10 BY MS. CAMPBELL:

11 Q. Investigator Collins, where are you employed?

12 A. I'm employed by the Richland County Sheriff's
13 Department.

14 Q. What do you do there, sir?

15 A. I work in the forensic sciences laboratory as a
16 firearms and tool marks examiner.

17 Q. And what does a firearms and tool marks examiner do?

18 A. A firearms and tool marks examiner examines firearm
19 and firearms-related evidence and tool mark evidence that
20 is submitted to the laboratory, primarily with the
21 intention of determining whether a fired ammunition
22 component such as bullets and cartridge cases have been
23 fired by a specific firearms, although there are various
24 other examinations we also perform.

25 Q. Can you tell the jury a little bit about your

DAVID COLLINS - DIRECT

1 education and your training in firearms examination?

2 A. I received a bachelor's degree from the Citadel in
3 1984. After becoming employed at SLED in 1990, I began a
4 training program as a firearms and tool marks examiner.
5 That training program lasted for approximately two and a
6 half years. It is virtually all on-the-job training, you
7 know, type of a -- apprenticeship-type training.

8 After completing that training at SLED, I was
9 certified by them as a firearms and tool marks examiner
10 and began to do casework on my own.

11 Since that time I have performed other training,
12 continuing training in my field of expertise. And in
13 19 -- excuse me, 2002, left SLED to work for the Richland
14 County Sheriff's Department where I worked to establish a
15 firearms laboratory for that agency.

16 Q. And have you been qualified before as an expert in
17 firearms and tool mark examination?

18 A. Yes. I have been qualified in the circuit courts in
19 South Carolina in excess of 200 times as a firearms and
20 tool marks examiner. I've also been qualified in the
21 state courts of Georgia and North Carolina, in the federal
22 court system and in the military court System.

23 MS. CAMPBELL: Your Honor, at this time I'd offer him
24 as an expert.

25 MR. SAWYER: No objection.

DAVID COLLINS - DIRECT

1 THE COURT: So admitted.

2 BY MS. CAMPBELL:

3 Q. I want to turn your attention to this case. Were
4 certain items submitted by the Columbia Police Department
5 for your examination?

6 A. Yes, they were.

7 Q. And the first of these items I want to look at is
8 State's Exhibit Number 79. Do you recognize that?

9 A. Yes. This is a projectile that was submitted to me in
10 the laboratory.

11 Q. And State's Exhibit Number 80?

12 A. Yes. This is the cartridge case that was submitted to
13 me in the laboratory.

14 Q. And in addition to that, was there a gun that was
15 found inside the vehicle that was also submitted? And
16 I'll show you a picture, State's Exhibit Number 64?

17 A. This is a picture of a firearm that matches the
18 description of the firearm that I examined in this case,
19 yes.

20 Q. And when you got those items -- and that's all the
21 evidence you received as far as your examination is
22 concerned; is that correct?

23 A. That is correct.

24 Q. Tell this jury what, if anything, you're able to do
25 with those items, generally, and then specifically in this

DAVID COLLINS - DIRECT

1 case.

2 A. The first thing that we do when we receive any type of
3 firearms-related evidence is we take notes as to its
4 condition as it's received. We photograph those items.
5 And then we'll attempt to perform microscopic comparisons
6 of those items with each other, if necessary, or with test
7 firings from a specific firearm.

8 In this particular case, I received a fired cartridge
9 case which I identified as being a .380 auto caliber
10 cartridge case. I received a fired bullet which my
11 examinations revealed to be consistent with bullets
12 commonly found in .380 auto caliber ammunition.

13 The firearm that was submitted was a nine millimeter
14 lugger caliber Ruger brand firearm. And what I did at
15 that point was test fire the pistol to obtain test
16 standards that I could use to compare with the bullet in
17 the cartridge case.

18 In some cases you can automatically exclude some
19 firearms as being a potential source if they're of a
20 different caliber than the items that were submitted. In
21 this particular case, .380 auto ammunition can sometimes
22 be fired in a nine millimeter Luger caliber firearm. So I
23 wanted to have some test standards that I could use for
24 comparisons.

25 The initial comparisons or the initial examinations

DAVID COLLINS - DIRECT

1 were sufficient for me to exclude the bullet as having
2 been fired by this gun due to the fact that the rifling
3 characteristics that were pressed onto the bullet by the
4 firearm as it was fired were different, obviously, than
5 those on this firearm.

6 But when I'm talking about rifling characteristics,
7 what I'm referring to are the spiral and grooves called
8 rifling that are in the barrel of the firearm. These
9 grooves are placed there by the manufacturer and serve to
10 cause the bullet to spin in flight or stabilize.

11 When the manufacturer places those grooves in the
12 barrel there's going to be a certain number of them,
13 they're going to twist or turn a certain way, either to
14 the left or to the right. And they're going to have
15 certain dimensions.

16 The firearm that was submitted had six grooves with a
17 right twist. In other words, the bullet would have spun
18 to the right. The bullet that was submitted had six
19 grooves to the left twist. So I was able to automatically
20 exclude this gun as having fired the bullet.

21 With the cartridge case, I went on to perform a
22 microscopic comparison of the test cartridge cases fired
23 by the submitted firearm with the cartridge case that was
24 submitted and was then able to exclude the firearm as
25 having fired that particular cartridge case due to

DAVID COLLINS - DIRECT

1 differences that I found in certain other characteristics
2 left by the gun.

3 Q. And you mentioned that there were two different
4 calibers of, one was the gun versus the ammunition you
5 found in this case?

6 A. That's correct.

7 Q. And what was the ammunition of the shell casing that
8 you found?

9 A. The shell casing and the projectile were both .380
10 auto caliber.

11 Q .380?

12 A. Yes.

13 Q. And what was the gun that was submitted?

14 A. A nine millimeter Luger caliber.

15 Q. And there are various and different types of guns and
16 semiautomatic weapons; is that correct?

17 A. That is correct.

18 Q. And are certain weapons simply incapable of firing a
19 different caliber of ammunition in certain cases?

20 A. In certain cases it is completely physically
21 impossible for a firearm to fire a different caliber of
22 ammunition. In this particular case, because there are
23 minor differences in the dimensions between a .380 auto
24 and a nine millimeter Luger, we had the additional testing
25 to confirm that the cartridge case wasn't fired by this

DAVID COLLINS - DIRECT

1 gun.

2 Q. And as far as the spent shell casing and the actual
3 projectile that was recovered from the autopsy, those were
4 not fired by the nine millimeter gun that was submitted to
5 you?

6 A. No, they were not.

7 Q. Let me ask you this: As far as when you're referring
8 to things such as shell casings versus what I call
9 projectiles, and you may call a bullet, I don't know, what
10 parts of the original bullet are we talking about and how
11 do they end up separating?

12 A. In this particular caliber, what you'll -- or with any
13 type of, you know, pistol ammunition or fired ammunition,
14 you may have what's known as a cartridge. The cartridge
15 is a fully assembled, intact, unfired, unit of ammunition
16 that contains the bullet, the powder, contained in a
17 cartridge case.

18 When a semiautomatic firearm is fired, what happens is
19 the bullet is fired. When it goes through the barrel of
20 the firearm and exits from the muzzle, the cartridge case
21 will then be ejected from the gun through the ejection
22 port.

23 Q. And when -- you mentioned a cartridge case and you
24 said it's ejected from the gun?

25 A. Yes.

DAVID COLLINS - DIRECT

1 Q. And when it is ejected, say in a semiautomatic, and in
2 this case -- what's the difference between a revolver and
3 a semiautomatic gun?

4 A. Well, a revolver would be a firearm that has a
5 cylinder in it with multiple chambers. And the number of
6 chambers indicates how many rounds it will hold or how
7 many cartridges it will hold.

8 When a revolver is fired it does not eject a cartridge
9 case. It has to be manually opened and the cartridge
10 cases ejected by the user after it is fired.

11 With a semiautomatic firearm, the cartridge case, so
12 long as the gun is functioning properly, will be ejected
13 from the gun at the time it is fired.

14 Q. And in determining -- you first said that the first
15 thing you ever do is eliminate the nine millimeter as
16 firing these two other items that were submitted to you.
17 I'm going to show you what I've taken out of State's
18 Exhibit Number 79. Is this the actual projectile from the
19 autopsy?

20 A. Yes, it is.

21 Q. And that was examined by you?

22 A. Yes, it was. There are markings I placed on the
23 container with the case number and the item number.

24 Q. And then I show you what's been marked as State's
25 Exhibit Number 80. What is that?

DAVID COLLINS - DIRECT

1 A. This is also the cartridge case that I examined. This
2 also bears -- the container bears my markings and there
3 are markings on the cartridge case itself. This is a
4 fired .380 auto caliber cartridge case.

5 Q. And if it were a semiautomatic handgun, that's the
6 part that would be expelled from the gun as the projectile
7 goes through the barrel?

8 A. As the projectile leaves the muzzle of the firearm,
9 the gun, the slide would come to the rear and extract this
10 from the chamber and eject it from the gun. The gun would
11 then automatically chamber another round to be fired.

12 Q. And can you tell exactly, without having the gun
13 itself, how far or which way the actual -- would have been
14 fired -- would have been ejected?

15 A. No. There are too many variables to try to determine
16 that, without having the gun to examine.

17 Q. But if the prior shell casing that you're referring to
18 there, if it were found inside a car, would that be
19 consistent with a gun having been fired inside the car?

20 A. It could be, yes.

21 Q. And the area in which it's found could be
22 significant. It just depends. There's many variables,
23 what it hit, how far it rolls; things of that nature?

24 A. Yes, there are a lot of variables that come into play
25 with that type analysis. You're talking about ejection

DAVID COLLINS - DIRECT

1 pattern analysis. We can only perform that type of
2 analysis if we are able to nail down many of the variables
3 that were involved.

4 Q. And as far as State's Exhibit 79 and 80, the
5 projectile as well as the shell casing, those were both
6 .380 caliber?

7 A. Both the cartridge case and the shell casing are
8 consistent with a .380 caliber, yes.

9 Q. And based on your examination of those, were you able
10 to determine what type of gun shot those?

11 A. Yes. What I did in this particular case, especially
12 with the projectile, is I'll examine the projectile again
13 and take measurements of the actual widths of those
14 rifling impressions on the surface of the bullet.

15 And with that information, I can go into a database
16 that is provided by the Federal Bureau of Investigations,
17 or FBI, and that database when given that data will
18 generate for us and give us a list of possible brands or
19 sources of firearms that could have fired that particular
20 projectile.

21 Q. And in this case, were you ever able to match the
22 ammunition or the rifling characteristics to the actual
23 murder weapon in this case? Was it ever recovered and
24 submitted to you?

25 A. I never received a firearm that I was able to identify

DAVID COLLINS - CROSS

1 these items to, no.

2 Q. And is that unusual in your course of business?

3 A. No, it is not.

4 MS. CAMPBELL: Beg the Court's indulgence. (Pause.)

5 Q. And the type of weapon that would have fired that
6 would have been a .380?

7 A. Yes. These would have -- these are consistent with
8 having been fired in a .380 auto caliber ammunition.

9 There are no indications that these items have been fired
10 in a different caliber firearm.

11 MS. CAMPBELL: Thank you, sir. I don't have anything
12 further.

13 THE COURT: Cross?

14 MR. SAWYER: Thank you, Your Honor. Just briefly.

15 CROSS-EXAMINATION

16 BY MR. SAWYER:

17 Q. Am I to understand you -- I might have misunderstand
18 you, or misunderstood you, rather. That bullet and that
19 shell, were you able to match it as coming from the same,
20 that they were together at one point?

21 A. I was unable to determine if the bullet and the
22 cartridge case were fired by the same firearm. I couldn't
23 do that unless I had both, had the firearm to individually
24 compare the bullet to and the cartridge case.

25 The reason for that is they are both marked by

JERRY MALDINADO - DIRECT

1 different parts of the firearm when they are fired. And
2 so without having that particular firearm, I could not
3 tell you if this bullet came from the same firearm that
4 fired this cartridge case.

5 MR. SAWYER: Thank you. No further questions.

6 THE COURT: Anything further?

7 REDIRECT EXAMINATION

8 BY MS. CAMPBELL:

9 Q. But they would have been consistent and they are the
10 same caliber?

11 THE WITNESS: They are the same caliber, yes.

12 MS. CAMPBELL: Thank you.

13 THE COURT: You may step down. Next witness?

14 MS. WALKER: Your Honor, the State calls Jerry
15 Maldinado.

16 JERRY MALDINADO, having been duly sworn, was examined
17 and testified as follows:

18 THE CLERK: Thank you. Have a seat on the witness
19 stand. State your name for the record.

20 THE WITNESS: Jerry Maldinado.

21 DIRECT EXAMINATION

22 BY MS. WALKER:

23 Q. Where are you currently employed?

24 A. I'm a first sergeant for the Richland County Sheriff's
25 Department, narcotics unit.

JERRY MALDINADO - DIRECT

1 Q. How long have you been with the sheriff's department?

2 A. Twenty years.

3 Q. Back in February of last year, were you in a different
4 department in the narcotics department?

5 A. Yes, I was a supervisor over the evidence unit.

6 Q. And in the evidence unit, what goes on there?

7 A. We receive and hand out evidence pertaining to
8 different cases.

9 Q. And are there certain precautions or standards that
10 that unit has to make sure that evidence is in no way
11 tampered with?

12 A. Absolutely. When evidence comes in it has to be
13 packaged correctly. It has to be labeled, dated, timed.
14 And if it's not done correctly, we'll call that officer
15 back in, have him correct it before it's submitted in.

16 Q. And during your course of employment in that unit, did
17 you come into contact with evidence that was recovered as
18 part of a homicide investigation?

19 A. I did.

20 Q. And the homicide investigation involving this
21 Defendant, Victor White?

22 A. Correct. From the City.

23 Q. I'd like to go over a few of those individual items of
24 evidence with you, sir.

25 A. All right.

JERRY MALDINADO - DIRECT

1 Q. Item number 1002950105.1 listed as a bullet. Did you
2 come into contact with that item?

3 A. I did.

4 Q. And did you receive that item from Deputy Moore?

5 A. Initially it was received in by -- Patty Weed was the
6 one that --

7 Q. And she received that from?

8 A. At that point Investigator David Collins who just
9 testified came down on the 5th of February to check it out
10 and I checked it out to him.

11 Q. And what about item 1002950105.3 which is described as
12 a swab on the light switch. Did you come into contact
13 with that item?

14 A. Let's see. Number three?

15 Q. Yes, sir.

16 A. I apologize. I don't see item number three where I
17 handled that one. What date do you see on that, ma'am?

18 Q. We'll get the property report right now. The next
19 item that you came into contact with, what was that?

20 A. The next item I came in contact with was the GSR kit,
21 item number 6.6. I released it to Officer Tammie
22 Moore on 2-16 of '10.

23 And then after that I received back from Gray Amick
24 item number four and five, on 3-12-10, where he returned
25 item four and five which is the swabs from the inside door

1 handle and the outside door handle.

2 MS. WALKER: Okay. Beg the Court's indulgence, Your
3 Honor. (Pause.) No further questions, Your Honor.

4 THE COURT: All right. Cross-examination?

5 MR. SAWYER: No questions, Your Honor.

6 THE COURT: All right. Thank you. Next witness?

7 MS. WALKER: May we approach, Your Honor?

8 THE COURT: Sure.

9 (Off-the-record discussion.)

10 THE COURT: We're going to quit for the day and start
11 at 9:30, at 9:30 tomorrow morning. Y'all have good
12 evening. We'll see you tomorrow, 9:30. At 9:30 tomorrow
13 morning.

14 (Jury exits courtroom at five o'clock p.m.)

15 THE COURT: Any other matters before we break for the
16 day?

17 MS. CAMPBELL: No, sir.

18 MS. GIBBES: No, Your Honor.

19 THE COURT: All right. We'll convene at 9:30.

20 END OF DAY'S PROCEEDINGS: 5:04 P.M.

21 * * * *

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25

CLAY ALLEN NICHOLS - DIRECT

1 ON WEDNESDAY, OCTOBER 5, 2011 AT 9:51 A.M.:

2 (Jury enters courtroom at 9:51 a.m.)

3 THE BAILIFF: Jury's seated, Your Honor.

4 THE COURT: All right. Good morning.

5 THE JURY: Good morning.

6 THE COURT: All right. Day number three. Your next
7 witness.

8 MS. CAMPBELL: May it please the Court. The State
9 calls Dr. Clay Nichols.

10 CLAY ALLEN NICHOLS, having been duly sworn, was
11 examined and testified as follows:

12 THE CLERK: Have a seat on the witness stand, please.
13 State your name for the record,

14 THE WITNESS: Clay Allen Nichols, N-I-C-H-O-L-S. Good
15 morning.

16 DIRECT EXAMINATION

17 BY MS. CAMPBELL:

18 Q. Dr. Nichols, where are you employed?

19 A. Right now I'm the Deputy Chief Medical Examiner for
20 the State of North Carolina.

21 Q. And back in February of 2010, where were you working?

22 A. I was employed as a pathologist at Richland Memorial
23 Hospital and Baptist Hospital. I was also the Chief
24 Medical Examiner for Richland County.

25 Q. Can you tell this jury a little bit about your

CLAY ALLEN NICHOLS - DIRECT

1 education and your training in the field of pathology and
2 specifically forensic pathology?

3 A. I received my bachelor of science degree from the
4 University of Oklahoma in 1981. I received my MD degree
5 also from Oklahoma in 1985. After that I entered a
6 residency program in both anatomic and forensic pathology
7 at MUSC, completing that in 1989.

8 After that I was on the faculty at MUSC for 10 years
9 where I was an associate professor teaching clinical
10 pathology and pathology to forensic fellows, residents,
11 medical students and dental students.

12 Following that I had a private practice here in the
13 Columbia area for another 10 years. And after that I
14 became the Deputy Chief Medical Examiner for the State of
15 North Carolina.

16 I'm board certified by the American Board of Pathology
17 in both anatomic and forensic pathology. And I hold
18 unrestricted licenses to practice medicine and surgery in
19 both North Carolina and South Carolina.

20 Q. And have you testified before as an expert in forensic
21 pathology?

22 A. Numerous times, yes.

23 MS. CAMPBELL: Your Honor, at this time I'd offer him
24 as an expert in forensic pathology.

25 MR. SAWYER: Without objection.

CLAY ALLEN NICHOLS - DIRECT

1 THE COURT: He is so qualified.

2 BY MS. CAMPBELL:

3 Q. I want to turn your attention back to February the 4th
4 of 2010. Were you requested to do an autopsy on Steven
5 Duckett?

6 A. Yes, I was.

7 Q. And tell this jury when you're requested to do an
8 autopsy, what your procedure would be.

9 A. The first thing that happens is you get information
10 from a phone call. And it could be a lot of information,
11 it could be very little information depending on the
12 circumstances.

13 The body is then moved to the morgue which is at
14 Richland Memorial Hospital. After that the body is looked
15 at with the clothes on and with the clothes off. And
16 we're looking for any sort of injury or other evidence of
17 an injury that would cause death.

18 Following that, dissections are performed of all the
19 major organ systems. Pieces of those organs are retained
20 for histologic examination, underneath the microscope.
21 And fluids are collected at that point for toxicologic
22 evaluation.

23 After that's all done, the body is released and a
24 report is generated.

25 Q. In this case, when you first came in contact with the

CLAY ALLEN NICHOLS - DIRECT

1 victim in this case, Steven Pierre Duckett, what were your
2 initial observations and your initial examination?

3 A. Mr. Duckett had a gunshot wound to the back of his
4 head. Specifically the wound was located to the back of
5 the right head at a distance of four inches from the top
6 of the head to two inches to the right of midline. The
7 wound was circular, measuring 0.3 inch in diameter.

8 An obvious circular abrasion border is present
9 measuring between 0.1 and 0.2 inch. No soot or powder
10 stippling is identified. There was no evidence of a
11 muzzle stamp which indicated that the gun was directly up
12 against the decedent's skin when the trigger was pulled.

13 The bullet was found to enter the skull at this site
14 traveling roughly 80 degrees to the front and 10 degrees
15 upward with no significant deviation from the left or
16 right. And what that means is essentially the bullet went
17 in the back of the head approximately here (indicating)
18 and pretty much went forward, going up a little bit.

19 The recovered projectile is a copper jacketed medium
20 caliber projectile. The number 29, which was the autopsy
21 number assigned to Mr. Duckett for the year 2010, as well
22 as the initials CN, were inscribed on the base of the
23 bullet by myself.

24 In addition to that injury, the left eye was noted to
25 be swollen as a result of the gunshot wound and apparent

CLAY ALLEN NICHOLS - DIRECT

1 cranial matter protrudes from the nostrils.

2 Q. So in your initial examination and in your internal
3 examination, obviously, the only injury you found on this
4 person was a gunshot wound to the back of the head?

5 A. Yes.

6 Q. And that was what we call an entrance wound?

7 A. That's correct.

8 Q. And in this case, was there any exit wound
9 corresponding to that entrance wound?

10 A. No. And that's why the bullet was recovered.

11 Q. And is that unusual in a shot, especially to the head?

12 A. Sometimes a bullet does exit. Sometimes it doesn't.
13 It depends on the type of ammunition and the thickness of
14 the skull and the type of gun used.

15 Q. And you also mentioned that the bullet entered
16 towards -- in the back of his head?

17 A. That's correct.

18 Q. Approximately four inches from the top?

19 A. Uh-huh.

20 Q. And it traveled in what kind of line once it entered
21 the skull?

22 A. Pretty much straight forward.

23 Q. Straight forward?

24 A. Uh-huh.

25 Q. And did it go straight into the front of his head or

CLAY ALLEN NICHOLS - DIRECT

1 where was the projectile itself?

2 A. It would have been recovered from the front part of
3 his brain.

4 Q. I'm going to show you what's marked and is already
5 into evidence as State's Exhibit Number 79. Do you
6 recognize that?

7 A. This appears to be the bullet recovered from
8 Mr. Duckett's brain. It's in a container with my label on
9 it.

10 Q. And that would have been the bullet that was recovered
11 at that autopsy you performed?

12 A. That's correct.

13 Q. And that would have been turned over to city police --

14 A. Yes.

15 Q. -- for any further examinations? You mentioned the --
16 also as far as any other obvious injuries to the head area
17 other than the gunshot entrance wound to the back of the
18 head, that there was some trauma to the eye area?

19 A. There was. That often happens as a result of a
20 gunshot wound. They're -- besides the bullet penetrating
21 through the skull, that results in fractures of the skull
22 elsewhere, much like a bullet going through glass, that
23 not only does the bullet go through the glass but the
24 glass will then shatter.

25 The skull has some of the same characteristics. And

CLAY ALLEN NICHOLS - DIRECT

1 as a result of that, the orbit over the left eye was also
2 fractured.

3 Q. And in addition to that, I believe you also said that
4 there was some brain matter extruding from the front part
5 of his face?

6 A. And, once again, that's also the result of fractures
7 that your nose, actually, for the most part, has nerves
8 that go right to the brain. And that's known as the
9 cribriform plate attached prior to. The brain material
10 was also coming out the nostrils.

11 Q. As far as any other trauma to the head area, you did
12 not note any?

13 A. That's correct.

14 Q. And as part of the autopsy did -- you go ahead and
15 examine the entire body; is that correct?

16 A. Yes.

17 Q. In your examination of Mr. Duckett, were there any
18 other signs of injury or trauma that would have caused his
19 death?

20 A. No.

21 Q. As far as with your, in your expertise -- well, let me
22 back up for a second.

23 I want to show you a number of photographs, State's
24 Exhibits Number 72, 73 and 74. First of all, I'll ask you
25 if you recognize those?

CLAY ALLEN NICHOLS - DIRECT

1 A. (Reviewing photographs). These appear to be the
2 gunshot wound as a result of the shooting on Mr. Duckett.

3 Q. And in State's Exhibit Number 72 and 74, does that
4 show, after it's been cleaned up, actually the entrance
5 wound we've been referring to the back of the head?

6 A. Yes, it does.

7 Q. And those pictures would have been taken at the
8 autopsy; is that correct?

9 A. That's correct. They were taken by crime scene.

10 Q. And you also -- when you were talking to the jury you
11 described the actual shape of gunshot wound itself. Why
12 is that significant to you as far as being able to tell
13 the -- and we'll get to that in a minute -- as far as
14 distance and things of that nature?

15 A. The circular nature, that indicates that the bullet
16 was pretty much perpendicular going straight into the back
17 of Mr. Duckett's head.

18 Q. And State's Exhibit Number 73, is that just a
19 photograph of, what?

20 A. Of the recovered bullet.

21 Q. The one we just referred to in State's Exhibit Number
22 79?

23 A. That's correct.

24 Q. You also mentioned in describing this wound that there
25 was no stippling or soot around the entrance wound itself?

CLAY ALLEN NICHOLS - DIRECT

1 A. That's correct.

2 Q. And is that significant to you as a forensic
3 pathologist?

4 A. Yes, it is.

5 Q. Why is that significant?

6 A. That indicates a relative distance that the muzzle was
7 or the end of the gun was away from the victim's head when
8 the trigger was pulled.

9 Q. And you're familiar with the term contact wound?

10 A. Yes, I am.

11 Q. And what is a contact wound?

12 A. A contact wound is where the muzzle of the gun is
13 placed directly up against the skin. When the trigger is
14 pulled, the bullet and everything else in the barrel,
15 smoke, unburned gun powder, rust, whatever else is in
16 there, will enter the wound tract. And in addition the
17 muzzle of the gun will slap up against the skin leaving an
18 outline of the muzzle of the gun on the skin.

19 Q. And was that present in this case?

20 A. No, it was not.

21 Q. And what does that indicate to you as a forensic
22 pathologist?

23 A. That the gun was some inches away from the decedent
24 when the trigger was pulled.

25 Q. And as a forensic pathologist you also -- there's no

CLAY ALLEN NICHOLS - DIRECT

1 presence of stippling as the gun goes away. What is
2 stippling?

3 A. Stippling is unburned gun powder that gets deposited
4 on the skin. It looks like a salt and pepper pattern or
5 like someone took a pencil point and punched the skin with
6 little black dots.

7 Q. And in this case there was no evidence of any
8 stippling?

9 A. That's correct.

10 Q. And how is the stippling transferred, say, onto the
11 skin if there's a close gunshot wound?

12 A. When the trigger is pulled the gun, once again, when
13 the gun is several inches away, the bullet will enter the
14 decedent. Smoke which is lighter and wisper will
15 dissipate but unburned gun powder which is heavier will
16 actually get deposited onto the skin almost like a spray
17 can spraying paint onto a surface.

18 Q. And in this case there was no stippling. And what
19 does that indicate to you as a forensic pathologist?

20 A. That indicates, once again, that the gun was some
21 distance away from the decedent's head when the trigger
22 was pulled.

23 Q. And you're saying a matter of feet or a few inches?

24 A. A few inches. It depends on the gun and the
25 ammunition used. And there may have been some intervening

CLAY ALLEN NICHOLS - DIRECT

1 manner that I'm unaware of as well.

2 Q. And in this case, can you say exactly the number of
3 inches the gun was held away from his head when he was
4 shot?

5 A. No, I cannot.

6 Q. This gunshot wound is pretty much straight to the back
7 of the head?

8 A. That's correct.

9 Q. But you can't tell this jury either how he was holding
10 the gun when he was shot or anything of that nature?

11 A. No, I cannot.

12 Q. In your examination, after performing this autopsy in
13 this case, were there any other contributing factors to
14 this man's death?

15 A. No. A significant finding as far as natural disease,
16 he had an enlarged heart and coronary artery decease.

17 Q. But did that contribute to his death in this case?

18 A. No, it did not.

19 Q. And as far as your conclusions to the cause of death
20 or the manner of death in this case, what were your
21 conclusions as reported out in your autopsy?

22 A. Steven Duckett died as a result of cerebral
23 lacerations due to a distant penetrating gunshot wound to
24 the head which meant that the bullet tore through his
25 brain causing death.

CHRISTINE BARRICKMAN - DIRECT

1 Q. And when you say distant, it was a matter of at least
2 inches or more?

3 A. Inches or more, yes.

4 MS. CAMPBELL: That's all I have, Your Honor.

5 THE COURT: Questions by the defense?

6 MR. SAWYER: None, Your Honor.

7 THE COURT: Thank you, sir.

8 THE WITNESS: It's a pleasure.

9 MS. WALKER: Your Honor, the State calls Christine
10 Barrickman.

11 CHRISTINE BARRICKMAN, having been duly sworn, was
12 examined and testified as follows:

13 THE CLERK: Have a seat on the witness stand, please.
14 State your name for the Court, please.

15 THE WITNESS: Christine Barrickman.

16 DIRECT EXAMINATION

17 BY MS. WALKER:

18 Q. Ma'am, where are you currently employed?

19 A. Richland County Sheriff's Department.

20 Q. How long have you been with the sheriff's department?

21 A. Approximately five years.

22 Q. What do you do there?

23 A. I work in the DNA laboratory, assisting analysts with
24 the casework.

25 Q. And what do your duties involve in the laboratory?

CHRISTINE BARRICKMAN - DIRECT

1 A. There are numerous things. I'm -- the main goal is to
2 assist the analysts with casework which is to pick it up
3 from the evidence room, fill out the paperwork, inventory
4 it and process it and then turn it over to the analysts.

5 Q. Did you become involved in a homicide investigation
6 involving Steven Pierre Duckett?

7 A. I did.

8 Q. Can you please tell the jury about your involvement?

9 A. I picked up four items of evidence from the evidence
10 room, items two through five, a shell casing and some
11 swabs. And I brought them upstairs, opened them, filled
12 out the paperwork on them, inventoried them.

13 For the shell casing, I actually had to swab it which
14 was, you take a Q-tip swab and add distilled water. You
15 just swab the outside of the shell casing. And then that
16 one and the other swabs, I cut the swabs and put it into a
17 tube.

18 And then that evidence is turned over to the analyst
19 who would run it on the instrumentation.

20 Q. And this is the prep work for the DNA analysis?

21 A. Correct.

22 Q. And are there standards and procedures that you must
23 follow?

24 A. Yes.

25 Q. And could you tell the jury a little bit about those?

GRAY AMICK - DIRECT

1 A. Mainly you just want to make sure, you know, you do
2 one case at a time so that you don't confuse any
3 evidence. You start with, your counter has to be
4 completely clean. You sterilize your scissors in between
5 your cuttings. You keep everything separate, labeled
6 correctly.

7 Q. And were those standards and procedures followed in
8 this case?

9 A. Yes.

10 Q. Once you prepared the swabs, what did you do with
11 them?

12 A. I transferred them over to the DNA analyst.

13 Q. And was that the extent of your involvement with this
14 case?

15 A. Yes.

16 MS. WALKER: No further questions, Judge.

17 THE COURT: Defense?

18 MR. SAWYER: None, Your Honor.

19 THE COURT: Thank you.

20 MS. CAMPBELL: The State calls Gray Amick.

21 GRAY AMICK, having been duly sworn, was examined and
22 testified as follows:

23 THE CLERK: Have a seat. Please state your name for
24 the record.

25 THE WITNESS: My name is Gray Amick.

GRAY AMICK - DIRECT

DIRECT EXAMINATION

BY MS. CAMPBELL:

Q. Sir, where are you employed?

A. Richland County Sheriff's Department.

Q. And what do you do there, sir?

A. I'm a supervisor of the forensic DNA laboratory.

Q. Can you tell this jury a little bit about your education and your training in the field of DNA analysis?

A. Yes. I have a BS in biology from 1989, and a Ph.D. in biochemistry in 1993 from the University of South Carolina. From then I was employed by the State Law Enforcement Division, commonly known as SLED, where I worked for 11 years.

In 2004, I was hired by the Richland County Sheriff's Department to start the DNA laboratory. Have been working at Richland County since 2004. All protocol is validated procedures and have been involved in the field with continuing education since I've been in DNA.

Q. And have you been qualified before as an expert in the field of DNA analysis?

A. Yeah, approximately 80 times.

MS. CAMPBELL: Your Honor, at this time I'd offer him as an expert in the field of DNA analysis.

MR. SAWYER: No objection

THE COURT: So admitted.

GRAY AMICK - DIRECT

1 BY MS. CAMPBELL:

2 Q. Sir, can you tell this jury what your job is and what
3 type of evidence you are asked to evaluate on a daily
4 basis?

5 A. Basically the job entails attempting to develop DNA
6 profiles from evidence in crimes and controls or standards
7 of people involved and compare the two to see if they can
8 be either included or excluded.

9 Q. And when getting samples, say, from a crime scene,
10 typically how are those collected and submitted for you to
11 analyze?

12 A. Typically they're collected by crime scene -- crime
13 scene team or an individual or sometimes even by line
14 officers in the case of property crimes.

15 Q. And at a crime scene -- well, with DNA analysis, what
16 types of -- how do you develop a DNA profile? Like, what
17 can leave behind DNA profiles?

18 A. Well, the main sources of DNA would be body fluids;
19 blood, semen, saliva. They are the most common. But also
20 touch, anything you touch now is basically a candidate to
21 possibly do a DNA profile.

22 So basically anything you touch, put your mouth to,
23 you bleed on.

24 Q. Uh-huh. You mentioned the primary way to leave DNA at
25 a crime scene or anywhere is through body fluids; is that

GRAY AMICK - DIRECT

1 correct?

2 A. That's correct.

3 Q. And those body fluids we're referring to, I believe
4 you said, saliva?

5 A. That's one.

6 Q. Blood?

7 A. Yes.

8 Q. Semen in rape cases?

9 A. Yes.

10 Q. And in those cases, there is -- if those are present,
11 there's a likelihood of getting a result?

12 A. Yes.

13 Q. You also mentioned something you referred to as touch
14 DNA. How is touch DNA, or can it be left at a scene?

15 A. It can be left by the simple act of touching
16 something, grabbing a handle, grabbing an item, pushing a
17 button, that kind of thing; anything you would touch.

18 Q. And if I walk up and, say, grab this photograph, am I
19 necessarily going to leave touch DNA on this?

20 A. You might and you might not.

21 Q. And why is that, sir?

22 A. It's -- it's kind of like, you may have heard
23 testimony about fingerprints. It depends on the oils in
24 your skin. It depends on if you shed cells. It just
25 depends on the person. It depends on the surface. It

GRAY AMICK - DIRECT

1 depends on the environment.

2 So there's lots of factors involved in whether you
3 will or will not get a DNA print.

4 Q. If I were to grab this same picture and, say, bleed on
5 it or spit on it, as long as it's not degraded, is there a
6 much better chance of getting a DNA result?

7 A. Yes. There's a much higher likelihood if there's --
8 if there's -- an actual body fluid is deposited there.

9 Q. But your protocol is to test for the possible presence
10 of touch DNA?

11 A. Yes. It's the same protocol, same procedure whether
12 --

13 Q. That's where I was going. And it's no different, the
14 testing is no different, it's just how you're referring to
15 it?

16 A. That's correct. If it's a swab, either the swab has
17 blood, semen, saliva on it, or it is a swab from a
18 potential touch evidence item, you treat it the same way.

19 Q. And as with fingerprints as you just mentioned with
20 DNA, can you tell this jury how long the DNA would have
21 been present on the object it was collected from?

22 A. No, you cannot tell how long the DNA has been there.

23 Q. And just because I go up and even if I swab an area
24 that's, like a high-traffic area such as a door handle or
25 a switch or something of that nature, and just because I

GRAY AMICK - DIRECT

1 swab it, am I necessarily going to get a result or will
2 DNA be there to be tested necessarily?

3 A. Again, it may be there, it may not be; so not
4 necessarily.

5 Q. So in every test you run, you aren't necessarily going
6 to get a result involving DNA?

7 A. That's correct.

8 Q. In order to compare standards, do you need to get
9 known samples from a suspect in a case?

10 A. Yes. Like I mentioned before, they attempted to try
11 to get a profile from the evidence. If you do that, then
12 it's -- potentially you could compare that to individuals
13 involved in a case.

14 So to do that, you have to get DNA standards from
15 those individuals.

16 Q. And in this case, I want to show you what's been
17 marked as State's Exhibits 83, 84, and 85. Do you
18 recognize those?

19 A. Yes, I do.

20 Q. Are those known standards from Reginald Miller, Demond
21 Sanford and Victor White?

22 A. Yes.

23 Q. And were these used in your testing in this case?

24 A. Yes, they were.

25 MS. CAMPBELL: Your Honor, at this time we'd offer

GRAY AMICK - DIRECT

1 these into evidence..

2 MR. SAWYER: No objection.

3 THE COURT: So admitted.

4 (Thereupon, State's Exhibit Nos. 83, 84 and 85, known
5 standards of Reginald Miller, Demond Sanford and Victor
6 White, were received into evidence.)

7 BY MS. CAMPBELL:

8 Q. When you get a known standard, is that testing done
9 separately from the testing of the evidence itself?

10 A. Yes, it is. But standards in any case are analyzed in
11 a separate time and space from the evidence.

12 Q. And that was done in this case?

13 A. Yes.

14 Q. And once you test the evidence, you come up with
15 what's known as a DNA profile; is that correct?

16 A. That's the intent, yes.

17 Q. And that's actually produced through a computer by its
18 program, I believe, in your laboratory; is that correct?

19 A. The computer assists in the development of the print,
20 but the analyst ultimately decides whether the calls the
21 computer makes are correct or not.

22 Q. Okay. So they're involved in some comparison. Once
23 you get a standard, say, from the crime scene you then
24 compare it to the profile you get from the known standard?

25 A. That's right.

GRAY AMICK - DIRECT

1 Q. And that's the comparison basically, I'll put this in
2 very simple terms, that you do?

3 A. That's correct.

4 Q. I'm going to show you a number of swabs that were
5 submitted to you. And, State's Exhibit Number 87, do you
6 recognize that?

7 A. Yes, I do. That's my initials on it.

8 Q. State's Exhibit Number 86?

9 A. This one I do not recognize.

10 Q. Excuse me. State's Exhibit Number 88?

11 A. Yes. That's my initials.

12 Q. And were those swabs that were all tested by you?

13 A. Yes, they were. My items would be items three, four
14 and five.

15 Q. Three, four and five in your report?

16 A. Yes.

17 Q. And in those cases where were those swabs from as
18 delineated on your report?

19 A. Swab three was a swab from the headlight switch. Swab
20 four was a swab from outside door handle. And swab five
21 was a swab from inside door handle.

22 Q. And those swabs were the four that were submitted from
23 the crime scene for you to be tested by CPD?

24 A. There was an additional swab, item two, swab from a
25 shell casing.

GRAY AMICK - DIRECT

1 Q. From a shell casing that was recovered?

2 A. Yes.

3 Q. And those were the four items that you actually tested
4 in this case?

5 A. Four evidence items; that's correct.

6 Q. And then you compared it to three known standards that
7 were submitted?

8 A. That's correct.

9 Q. And item number two which is a swab from a shell
10 casing, what, if any, determinations were you able to make
11 on that?

12 A. Item two. No DNA profile was developed from item two.

13 Q. That would have been the swab from the shell casing?

14 A. That's correct.

15 Q. And is that unusual in the case of a shell casing?

16 A. No, it's not.

17 Q. And why is that, sir?

18 A. We very rarely get a DNA profile from a shell casing.

19 Several reasons. It's simply not enough DNA there to
20 obtain a profile. And then the conditions that shell
21 casings go through when they're fired or if they're not
22 fired. But if they're fired, the heat that's involved
23 also inhibits us from getting a DNA profile.

24 Q. You also got a swab from a headlight switch; is that
25 correct?

GRAY AMICK - DIRECT

1 A. Yes.

2 Q. And what were your results of doing the testing on the
3 swab from the headlight switch?

4 A. The DNA profile developed from item three, which was a
5 swab from the headlight switch, was a mixture. Victor
6 White, Demond Sanford and Reginald Miller were excluded
7 from being a contributor to that mixture.

8 Q. So that would be the headlight switch from the car,
9 they were all three excluded?

10 A. Correct.

11 Q. And the DNA that was present there belonged to someone
12 else, other than those three people?

13 A. It was not -- those people were not included; correct.

14 Q. So as a result of that, even if one of those people
15 had touched the headlight they could have touched it and
16 not left DNA?

17 A. That's correct.

18 Q. But in this case, it was someone else's DNA. And you
19 don't know who that car belonged to; do you?

20 A. No.

21 Q. Item number four, which is the swab from the outside
22 door handle on the car?

23 A. Yes.

24 Q. What was the result there?

25 A. Same result. The DNA profile developed from item four

GRAY AMICK - DIRECT

1 was a mixture. And Victor White, Demond Sanford and
2 Reginald Miller are excluded from being contributors to
3 that mixture.

4 Q. As a result of your testing, can you say with any
5 certainty whether or not those three people may or may not
6 have touched that door handle?

7 A. I cannot say whether they may or may not have touched
8 it.

9 Q. But you can say their DNA was not present?

10 A. I can say that they were not included in the mixtures
11 on those two items.

12 Q. And as far as the DNA that was present on that door
13 handle, you can't say how long it was there either?

14 A. I cannot.

15 Q. When you talk about mixtures, can you explain to this
16 jury what you mean by that?

17 A. What I mean is taking this item of evidence, for
18 example, a door handle, more than one person obviously,
19 could touch a door handle.

20 So, when we swab an item like that and run it, then
21 obviously there's no way to separate those people. So
22 anybody who's touched that, anybody who left DNA on that
23 item could potentially be developed in the DNA profile.

24 So it's going to be more than one person that could be
25 there. When I say mixture, I'm just saying there's more

GRAY AMICK - DIRECT

1 than one individual's DNA that I developed.

2 And something like a door handle, that's pretty
3 common.

4 Q. That's pretty common?

5 A. Yes.

6 Q. And why is that?

7 A. Well, I mean, it's like a door handle, it's like an
8 elevator button. It's like any item that can be touched
9 by multiple people, then multiple people can have left
10 their DNA on it.

11 Q. And finally the last item that you tested was a swab
12 from the inside door handle?

13 A. Yes.

14 Q. And what were the results of your testing on the DNA
15 results from the inside door handle?

16 A. The DNA profile I developed from item five, which was
17 the inside door handle, is too weak to reliably interpret.

18 Q. What does that mean to me?

19 A. It simply means there wasn't enough DNA there to get a
20 profile of sufficient strength that I could make an
21 interpretation at all, that I could say this person is
22 included or excluded.

23 Q. Is that unusual?

24 A. Again, no. These items are touched items. So you can
25 get a mixture, you can get nothing, you can get a little

GRAY AMICK - DIRECT

1 something and you can interpret it.

2 So it's kind of what you get when you do touch DNA on
3 these type of items.

4 Q. And especially on places such as door handles or cars
5 where there are different people in and out?

6 A. That's correct.

7 Q. And, again, from your findings based on your DNA
8 findings you can't say whether or not any of the three
9 people belonging to the known samples submitted to you
10 were in or out of that car one way or the other?

11 A. That's correct. I can't say that they were included
12 or excluded. I'm sorry. I can't say they were excluded
13 from those mixtures there.

14 Q. They were excluded from the two you were able to get
15 findings from?

16 A. That's correct.

17 Q. But that doesn't indicate to you whether or not they
18 were in that car, you can't say that?

19 A. I cannot say that they were in that car, no.

20 Q. In your testing and were you starting to go there a
21 minute ago as far as in these cases, there was no
22 indication of any body fluids that you were testing for.

23 This was all touch DNA?

24 A. That's correct.

25 Q. So no blood, no saliva, semen, things of that nature,

GRAY AMICK - CROSS

1 that were you testing for?

2 A. No.

3 Q. The findings in this case, were they unusual in your
4 experience?

5 A. No, it's pretty much what you could probably expect to
6 get with touch DNA evidence items.

7 MS. CAMPBELL: Thank you.

8 THE COURT: Questions by the defense?

9 MR. SAWYER: Yes, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. SAWYER:

12 Q. So, with touch DNA, it sounds like and correct me if
13 I'm wrong, it's sort of volume is the name of the game.
14 The more samples you get the more likelihood that you
15 might be able to get a profile off of it?

16 A. The more DNA that's left there, I think, yes, it's
17 more likelihood that you can develop a profile.

18 Q. Okay. So you could swab the same item 10 times and
19 you could get different DNA profiles each time you swab it
20 with a different swab. Would that be possible?

21 A. No, that's probably not accurate. Generally what
22 happens when you swab it, you're lifting any DNA that's
23 there. So if you go back and swab it again, you'd
24 probably get nothing.

25 Q. Okay. But, again though, the more you would swab, not

GRAY AMICK - CROSS

1 necessarily the same item, but a general area or the more
2 swabs that are submitted to you for DNA testing, the more
3 likelihood that you might be able to eventually find touch
4 DNA?

5 A. I don't know -- I don't know the answer.

6 Q. Okay.

7 A. I mean, statistically if you run a thousand swabs, I
8 guess you could possibly get a, more DNA profile. I'm not
9 sure how to answer that.

10 Q. That's what I'm asking you. So with three swabs, you
11 know, you're just saying statistically a hundred swabs you
12 might be able to get more of a profile off of than say
13 three?

14 A. I mean, I don't like -- the hypothetical is kind of
15 wishy-washy to me. I mean, I could speak to the swabs
16 that were taken --

17 Q. Okay.

18 A. -- pretty much. So, you know, and the type swabs they
19 are and the type evidence.

20 I feel more comfortable probably answering questions
21 about that.

22 Q. Okay. But you're just limited to what you're given,
23 basically?

24 A. That's correct. I mean, I'm going to test what I'm
25 given and then author a report.

NIKKI PERRY HUGHES - DIRECT

1 MR. SAWYER: Okay. Thank you. Nothing further.

2 THE COURT: Anything further?

3 MS. CAMPBELL: Just a couple questions.

4 REDIRECT EXAMINATION

5 BY MS. CAMPBELL:

6 Q. And with touch DNA, it's true some people are more,
7 may leave touch DNA and some people may not?

8 A. That's correct.

9 Q. It doesn't mean whether they were there or not,
10 necessarily?

11 A. That's correct.

12 MS. CAMPBELL: Thank you.

13 THE COURT: Anything else?

14 MR. SAWYER: Nothing, Your Honor.

15 THE COURT: Thank you, sir. Next witness?

16 MS. WALKER: Yes, sir, Your Honor. The State calls
17 Nikki Perry.

18 NIKKI PERRY HUGHES, having been duly sworn, was
19 examined and testified as follows:

20 THE CLERK: Have a seat on the witness stand. State
21 your name for the record.

22 THE WITNESS: Nikki Perry Hughes. H-U-G-H-E-S.

23 DIRECT EXAMINATION

24 BY MS. WALKER:

25 Q. Ma'am, where are you currently employed?

NIKKI PERRY HUGHES - DIRECT

1 A. I'm employed with the South Carolina Law Enforcement
2 Division, commonly known as SLED.

3 Q. And what do you do for SLED?

4 A. I work in the evidence control department. I'm a
5 forensic technician.

6 Q. How long have you been doing that?

7 A. Since June of 2006.

8 Q. Regarding this case specifically, did you receive an
9 item of evidence from the Columbia Police Department?

10 A. I did.

11 Q. And what item of evidence was that?

12 A. According to my chain of custody, I received item
13 number six. And it's described as GSR kit from Steven
14 Duckett.

15 Q. And did you turn that item over to the trace
16 department?

17 A. I did.

18 Q. And was the item sealed when you, when you received it
19 from the Columbia Police Department?

20 A. Yes, ma'am.

21 Q. And it remained sealed while it was with you?

22 A. Yes, ma'am.

23 Q. And is that the proper procedure when handling items
24 such as this one?

25 A. It is. In my department all evidence remains sealed.

JOHN ROBERTS - DIRECT

1 We do not open any seals in the evidence control
2 department.

3 MS. WALKER: No further questions.

4 MR. SAWYER: None, Your Honor.

5 THE COURT: Thank you.

6 THE WITNESS: Thank you.

7 THE COURT: Next witness?

8 MS. CAMPBELL: The State calls John Roberts.

9 JOHN ROBERTS, having been duly sworn, was examined and
10 testified as follows:

11 THE CLERK: Have a seat on the witness stand. State
12 your name for the record.

13 THE WITNESS: John Roberts.

14 DIRECT EXAMINATION

15 BY MS. CAMPBELL:

16 Q. Agent Roberts, where are you employed?

17 A. South Carolina Law Enforcement Division, more commonly
18 called SLED.

19 Q. And what do you do there, sir?

20 A. I work in the forensic services unit in the trace
21 evidence department.

22 Q. And in the trace evidence department, what do y'all
23 do?

24 A. We analyze evidence that you generally can't see with
25 your naked eye. We do gunshot residue, paint, fiberglass,

JOHN ROBERTS - DIRECT

1 explosives, duct tape, bank dye packs. I believe that's
2 about it.

3 Q. And tell this jury a little about your education and
4 training in this field.

5 A. I have a bachelor of science degree in chemistry from
6 Texas A&M-Corpus Christi. When I moved up here and got
7 the job at SLED, I underwent a training program in gunshot
8 residue analysis which required me to follow around my
9 lieutenant at the time and help him work his cases. It
10 was almost a hundred percent on-the-job training.

11 I worked his cases and he supervised me as I did them
12 for about three or four months. After that, I was given
13 my own case to do. And I was tested by my court-qualified
14 peers and after that I started taking my own gunshot
15 residue kits -- or cases. And this was back in 2005.

16 Q. And since then you have performed how many tests on
17 gunshot residue, approximately?

18 A. Thousands.

19 Q. Okay. And you've been qualified before as an expert
20 in gunshot residue examination?

21 A. Yes, ma'am. I am.

22 Q. Your Honor, at this time we'd offer him as an expert
23 in trace evidence, specifically as to gunshot residue.

24 MR. SAWYER: No objection.

25 THE COURT: So admitted.

JOHN ROBERTS - DIRECT

1 BY MS. CAMPBELL:

2 Q. In this case we're going to talk about gunshot
3 residue. Basically, is there a basic test that can be
4 done for the presence of gunshot residue on someone?

5 A. Yes, ma'am.

6 Q. How is that test performed and what generally does it
7 indicate to you?

8 A. What happens is when you shoot a gun, the smoke and
9 fire that comes out, either out of the muzzle or out of an
10 ejector port if it's a semiautomatic firearm or out of the
11 cylinder gap if it's a revolver, comes out and it lands on
12 your hands or it lands on anything that's near the gun
13 when it goes off.

14 Most commonly what we test is hands. There are four
15 areas that we test; there are the right palm of the hand,
16 the right back of the hand, the left palm, and the left
17 back.

18 What happens is that there are two different types of
19 sampling that we do. There are particle lifts which are
20 sticky tabs with some tape on that are dabbed on the hand,
21 kind of like bingo dabbers. They pick up particles of
22 gunshot residue if they're present.

23 The second type of the sampling is a swab. Those
24 swabs are treated with a dilute nitric acid that dissolves
25 any metal that may be left on the hands. And that's what

JOHN ROBERTS - DIRECT

1 we're looking at is we're looking for metals that may be
2 present in the primer of the firearm when it's fired.

3 What we look for is lead, barium and antimony.

4 Q. And you aren't the person that actually collects the
5 evidence itself, it's forward to you and you do the
6 assessment; is that correct?

7 A. That's correct.

8 Q. I want to turn your attention to this case. Did you
9 do testing on a gunshot residue kit that was collected
10 from a Steven Pierre Duckett?

11 A. Yes, ma'am. I did.

12 Q. I'm going to show you what's been marked as State's
13 Number 89. Do you recognize that?

14 A. Yes, ma'am, I do.

15 Q. And what is that, sir?

16 A. This is -- have to look inside.

17 Q. Okay.

18 A. These are the remnants of gunshot residue kit. And by
19 remnants what I mean is when we gets these kits in, what
20 we do is we test the swabs first because we get a lot of
21 gunshot residue kits and the swabs are the fastest way to
22 tell if anybody has got any metals that we find consistent
23 with gunshot residue on their hands.

24 Once those are tested, based on the type of case it is
25 and the amount of metals that may be present on their

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1 hands, we go and test the particle lifts. Those take
2 significantly longer. So what we like to do is use the
3 swabs as a weeding-out process. The more that we can get
4 done with the swabs, the less time it takes to get the
5 case out.

6 In this case what happened is we tested the swabs
7 first as we always do. And they're consumed in analysis
8 which means that the swabs that were used to sample
9 Mr. Duckett's hands are not in here anymore, but the
10 particle lifts are.

11 So that's what I mean when I say the remnants of the
12 GSR kit. It's just the particle lifts now it's not swabs.

13 Q. And in this case when that was submitted to you for
14 testing, was it packaged properly and submitted properly?

15 A. Yes, ma'am; it was.

16 MS. CAMPBELL: Your Honor, at this time I'd offer, I
17 believe, State's Number 89 into evidence.

18 THE COURT: So admitted.

19 (Thereupon, State's Exhibit No. 89, gunshot residue
20 kit, was received into evidence.)

21 BY MS. CAMPBELL:

22 Q. The collection of the actual particles themselves, you
23 indicated there were four places on the hands that were
24 swabbed or particle lifts were done?

25 A. Yes, ma'am.

JOHN ROBERTS - DIRECT

1 Q. And what's a particle lift?

2 A. Particle lift, it's a dabber. It's got sticky tape on
3 it that when we scan it with our microscope we can
4 actually pick up the particles and look for the particles
5 themselves.

6 Q. And you briefly explained to the jury but I want to
7 talk about it a little more about how is gunshot residue
8 typically deposited on, say, someone's hands to indicate
9 to you something further on down the line?

10 A. In general, there are three ways you can get it on
11 your hands; you either shoot a gun, or you're near
12 somebody when they shoot, or you pick up a gun that's been
13 recently fired.

14 Every morning when I get up and I go and I get my gun
15 out, it's been recently fired but I'm constantly touching
16 it, picking it in the morning, putting it away in the
17 evening. So there may not be much gunshot residue left on
18 it because I've handled it. Plus, I clean it after I
19 shoot it. So, it's clean.

20 If I go to the range and me and my wife are standing
21 next to each other and she's not shooting because she's
22 not all into the shooting sports but I am, and I fire four
23 or five rounds, all that smoke that's coming out of that
24 gun can drift and settle on her. Generally it settles on
25 the clothing most of all if you're not shooting, but if

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1 she's got her hands up and she's plugging her ears or
2 something like that, it can settle on her hands as well.

3 It will be on my hands because I'm shooting. It will
4 be on the palms and backs because I've handled the gun,
5 first of all, and then I've shot. Since it's a
6 semiautomatic, it's coming out of that ejector port on the
7 side and it's landing on the backs of my hands.

8 So in general that's the way you get gunshot residue
9 on you.

10 Q. And gunshot residue once it's deposited on your hands,
11 you talked about cleaning guns and things of that nature,
12 is it fragile in nature?

13 A. Yes, ma'am; it is. It's like baking. If you go to
14 make biscuits or pancakes or something and you're dusting
15 your hands with flour to keep everything from sticking to
16 you, you stick your hands under the water and that flour
17 is gone, like that (snaps fingers).

18 Now it may not be gone from the middle of your
19 fingertips if you're like me and you're really messy and
20 you get it all in there. But if you scrub your hands
21 together just a little bit, it disappears.

22 Gunshot residue is the same way. Stick your hands
23 under running water and it disappears quick. Rub your
24 hands on your shirt, stick your hands in your pocket and
25 it goes away just as fast.

JOHN ROBERTS - DIRECT

1 Q. And is there actually a time limit in which a gunshot
2 residue kit can be done on a live person versus say a
3 person in autopsy?

4 A. Yes, ma'am. Our protocol at SLED is six hours on a
5 live person from the time that the shooting happens until
6 the time that the gunshot residue kit is performed. We
7 found that after six hours the metals that we look for are
8 not present in detectable levels.

9 On a deceased person, because they're not breathing
10 and they're not moving and the metals aren't getting
11 absorbed into their skin, the metals will remain there
12 until it's physically removed, either by somebody washing
13 the body or by washing their hands or by somebody
14 performing a gunshot residue kit.

15 So there's no -- there's really no time limit on a
16 deceased person for doing the gunshot residue kits.

17 Q. So in this case the autopsy was performed the next day
18 and that would be appropriate to -- sufficient to do the
19 lifts at the autopsy in this case?

20 A. Yes, ma'am; that's correct.

21 Q. But you mentioned with a live person after six hours
22 per your protocol at SLED, you won't even test even if
23 there is a gunshot residue kit done; is that correct?

24 A. That's correct.

25 Q. And if a person say, isn't apprehended for 10 days or

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1 so, or over a week, let's say, is there any point or would
2 y'all even test if they tried to do a gunshot residue kit
3 after that amount of time?

4 A. I wouldn't even test it.

5 Q. The four areas of the gunshot residue kit for Steven
6 Duckett, the victim in this case, when you examined him,
7 again, you're looking for the certain lead -- the presence
8 of lead that's consistent with gunshot residue?

9 A. What I'm looking for is lead, barium and antimony and
10 in any combination.

11 Q. Lead, barium --

12 A. And antimony.

13 Q. -- antimony?

14 A. Yeah. Almost any combination thereof of those three
15 metals.

16 Q. And when you did the testing on the victim in this
17 case indicating whether he had a gunshot residue
18 consistent with having shot a gun, handled it or whatever,
19 what were your findings?

20 A. All four areas of the hands were negative. And if I
21 can read from my report.

22 Q. Yes, sir.

23 A. It will be all the same, right palm, right back, left
24 palm, left back, the quantities of metals found did not
25 indicate the presence of gunshot residue.

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1 Q. And, again, those were testings that were done
2 separately on each area?

3 A. On each area; yes, ma'am.

4 Q. So as to not cross contaminate?

5 A. That's correct.

6 Q. But in this case you didn't find anything on him
7 anyway?

8 A. No, ma'am; I did not.

9 Q. And is that consistent with the victim not firing a
10 gun?

11 A. It could be; yes, ma'am.

12 Q. And is that -- well, just like you just explained to
13 the jury typically how you get gunshot residue on your
14 hands, either handling a gun?

15 A. Handling the gun, firing a weapon, or being near it
16 when it goes off.

17 Q. And in this case, even if the victim is in a car when
18 he's shot from behind, how far is the gunshot residue
19 necessarily going to travel?

20 A. It usually travels somewhere between four and eight
21 feet depending on how powerful the firearm is, but getting
22 it on your hands is depending on where your hands are.

23 Q. If there's a barrier from the front seat to the back
24 seat, say a seat in between or something in between, would
25 that inhibit?

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1 A. Yes, ma'am.

2 Q. And in this case it's not unusual at all for a victim
3 of a shooting even if it's in close range not to have
4 gunshot residue on their hands?

5 A. No, with those factors present it's not.

6 MS. CAMPBELL: Beg the Court's indulgence. (Pause).
7 That's all I have, Your Honor.

8 MR. SAWYER: Thank you, Your Honor. May it please the
9 Court.

10 THE COURT: Yes, sir.

11 CROSS-EXAMINATION

12 BY MR. SAWYER:

13 Q. I'm more curious about inanimate objects with gunshot
14 residue. For clothing, for seat fabric, that sort of
15 stuff, how long would gunshot residue stay on those sort
16 of surfaces?

17 A. Until it's removed.

18 Q. Okay. So, I mean, if a piece of clothing is handled
19 multiple times though not washed, will it wash off?

20 A. It can be transferred which is why I wear the same
21 shirt to go shooting with.

22 Q. Uh-huh.

23 A. That shirt will transfer gunshot residue to anything
24 else possibly that I've got on me, but once it's washed
25 it's gone.

1 Q. Okay. But that shirt until you wash it it's probably
2 going to stay present in there?

3 A. It probably will.

4 Q. Okay. And the same thing with any sort of fabric on a
5 seat, leather or cloth; does it make a difference?

6 A. It doesn't make a difference but those are harder to
7 test. Some surfaces are harder to test than others.

8 Q. But in this case you didn't receive any testing for
9 any of those sort of items?

10 A. No, sir; I did not.

11 MR. SAWYER: Thank you, no further questions.

12 THE COURT: Anything further?

13 MS. CAMPBELL: Nothing, Your Honor.

14 THE COURT: All right. Thank you. Next witness?

15 MS. CAMPBELL: May I approach?

16 (Off-the-record discussion.)

17 THE COURT: Ladies and gentlemen, we'll have you go to
18 the jury room for a short break.

19 (Jury exits courtroom at 10:42 a.m.)

20 THE COURT: Yes, ma'am?

21 MS. CAMPBELL: Your Honor, I'm sorry. We just need a
22 second to get set up. We're going to use a Power Point
23 with the next witness. I just wanted a minute to kind of
24 set it up to make sure we don't hold you up.

25 THE COURT: All right. We'll take a break.

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1 THE COURT: All right. Your next witness?

2 MS. CAMPBELL: May it please the Court. The State
3 calls Sergeant Pegram.

4 WILLIAM PEGRAM, having been duly sworn, was examined
5 and testified as follows:

6 THE CLERK: Thank you. Have a seat on the witness
7 stand. State your name for the record.

8 THE WITNESS: William Pegram, P-E-G-R-A-M.

9 DIRECT EXAMINATION

10 BY MS. CAMPBELL:

11 Q. Sergeant, are you -- where are you employed?

12 A. Columbia Police Department.

13 Q. What do you do there, sir?

14 A. I'm the supervisor of the violent crimes unit.

15 Q. Back in February of 2010, were you an investigator
16 with that unit?

17 A. I was.

18 Q. And as an investigator with the major crime unit, what
19 do your duties include?

20 A. To investigate all violent assaults, armed robberies
21 and homicides.

22 Q. In this case, did you become aware on February 3rd
23 that a murder had occurred at the Kentucky Fried Chicken
24 on Taylor Street?

25 A. That's correct.

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1 Q. And did you actually respond to the scene that day?

2 A. I did.

3 Q. Once you got to the scene, were there other officers
4 and other investigators already there?

5 A. Yes.

6 Q. Who was the primary or the case officer in this case?

7 A. Investigator Reeves.

8 Q. Reeves?

9 A. I'm sorry. Reese was, I believe, was the lead
10 initially, right from the beginning.

11 Q. While you were at the Kentucky Fried Chicken, did you
12 make contact with the victim's brother in this case?

13 A. I did. I met with a man named Reggie Floyd at the
14 scene. After speaking to him, he was able to provide the
15 victim's cell phone number to me.

16 Q. And why is that significant in a investigation such as
17 this, such as a homicide?

18 A. Well, the part -- the role I was playing in this
19 investigation was the technical end of it.

20 Q. Uh-huh.

21 A. And when I have a crime scene like that, the first
22 thing I do is look for electronic data which would be a
23 cell phone. The victim's cell phone is the one link that
24 can help us determine who he was talking with, who he met
25 with, where he traveled to and times that we would use to

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1 determine the time of the incident.

2 Q. And is that pretty much standard procedure in cases
3 such as this --

4 A. It is.

5 Q. -- in a murder investigation?

6 A. Yes.

7 Q. And were you able to determine whether or not the
8 victim actually had a cell phone from the victim's
9 brother?

10 A. Yes.

11 Q. Were you able to get a phone number on that?

12 A. I did.

13 Q. And what was the phone number that you were able to
14 get that day there at the scene?

15 A. It's 803-518-.

16 Q. Once you are able to get that information as far as
17 just a cell phone number, are you able to, through your
18 experience and expertise, determine what company would
19 have actually issued that cell phone number?

20 A. Yes.

21 Q. And in this case, were you able to prepare a search
22 warrant in order to get the victim's cell phone records?

23 A. Yes.

24 Q. And was that done that day?

25 A. It was.

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1 Q. And who did you actually get the search warrant from?

2 -- for, I mean.

3 A. The search warrant was for the number of the victim.

4 That victim's cell phone number which was a subscriber of

5 Mobile or Sprint.

6 Q. Sprint?

7 A. Yeah.

8 Q. What kind of information is a cell phone company able

9 to provide you in addition to just who he may have talked

10 to or what number he may have talked to or things of that

11 nature?

12 A. A variety of things. Serial numbers, GPS coordinates,

13 locations of cell sites, times, dates, telephone incoming,

14 outgoing, voice mail, just text messages. There's a whole

15 variety of things that you can get from a cell phone to

16 include photographs.

17 Q. And you requested that information in this case?

18 A. I did.

19 Q. While at the scene that day, did you and Investigator

20 Sumpter also canvas the area and also take a video that

21 may show some relation to this crime?

22 A. Yes.

23 Q. Did you actually go to the Benedict Gym as well as the

24 hair supply across the street?

25 A. Yes.

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1 Q. Were you able to determine if there was any
2 surveillance cameras there?

3 A. There was a camera at one of the locations but we were
4 unable to obtain video from it. We did not obtain video,
5 to my knowledge, from any of the other locations.

6 Q. During the course of the investigation -- you still
7 weren't the investigator, but were you aware of any video
8 that showed anything in reference to this case?

9 A. I'm not aware of it, no.

10 Q. The next day on February the 4th, that morning, did
11 you attend an autopsy at Richland Memorial Hospital?

12 A. I did.

13 Q. And that would be the one involving this victim,
14 Steven Pierre Duckett?

15 A. Yes.

16 Q. And did the crime scene investigator also attend that,
17 Ms. Moore?

18 A. Yes.

19 Q. And she would've been the one that actually collected
20 the gunshot residue kit in this case; is that correct?

21 A. Yes.

22 Q. She would've also been the one that collected the
23 projectile --

24 A. Yes.

25 Q. -- recovered?

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1 A. Yes.

2 Q. While you were there at the autopsy however, did you
3 make observations of the projectile that were significant
4 to you?

5 A. Yes.

6 Q. And what were those observations, sir?

7 A. Well, the first thing I looked for was the wound
8 itself. And in my notes, I know I documented it was an
9 occipital region which was the back of the head. And it
10 was right of center meaning he was shot from the back of
11 the head.

12 The projectile was a small caliber. Just, I could
13 tell it just by seeing it. I couldn't tell you what
14 caliber it was. I could just tell you it was a small
15 projectile.

16 Q. Did you make any other observations that you then
17 followed up on there at the autopsy as far as what kind of
18 weapon may have been used?

19 A. If my memory serves right, I think that it was
20 determined it was probably a nine millimeter or a .380 at
21 the autopsy, and I think they base that on weight.

22 Q. Okay. Are you familiar with the difference between a
23 revolver and semiautomatic pistol?

24 A. I am.

25 Q. And basically, can you tell the jury what the

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1 difference between those two are?

2 A. Yes. A revolver is like a cowboy gun. If you've ever
3 seen, it's got the round thing. You put the bullets in.
4 When you pull the trigger that cylinder turns and when it
5 fires those shell casings that's left over from the
6 bullet, those stay in the gun.

7 The semiautomatic or automatic on the other hand is,
8 when you shoot that gun, the bullet comes out of the shell
9 casing and that shell casing's automatically ejected out
10 of that gun. And then the next round loads so it's ready
11 to shoot again.

12 Q. And, making the determination that it could have been
13 a nine millimeter or a .380, did you then return to the
14 scene to search for something?

15 A. I did.

16 Q. What were you searching for?

17 A. I was searching for a shell casing because generally
18 you're not going to find, in my experience, a .380 or a
19 nine millimeter in a revolver. Mostly the common weapons
20 that fire that caliber are semiautomatic handguns. So I
21 was looking for an ejected shell casing.

22 I went back out to the scene, searched the area where
23 I believed the shell casing would be if the shooter was on
24 the outside of the vehicle. And I did not find the shell
25 casing.

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1 Q. Once you searched the area outside of the vehicle if
2 the person had been on the outside of the vehicle shooting
3 in and you did not find the shell casing, did you continue
4 to search another area for the shell casing?

5 A. I did. I went back to the victim's vehicle. And
6 based on the entry wound on the victim, I had determined
7 that the shooter was behind the victim in the vehicle.

8 And based on that with my knowledge of semiautomatic
9 handguns, when a semiautomatic weapon is fired, the shell
10 casing ejects back and to the right in an upward angle.
11 And so, putting myself in the vehicle where I believed the
12 shell casing would have gone to is where we went straight
13 to check.

14 And the shell casing was in fact ejected back to the
15 right and into the very back of the vehicle.

16 Q. And that would have been the victim's vehicle where he
17 was found in the driver's seat?

18 A. That's correct.

19 Q. And this was after it had been towed to headquarters?

20 A. Yes.

21 Q. And did you have to remove anything from the vehicle
22 in order to find the shell casing that was left after it
23 had been towed?

24 A. Yes. When we first looked into the back of the
25 vehicle there was a large speaker box. I didn't see the

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1 shell casing, but there was areas around the box that the
2 shell casing could have fallen into.

3 So we actually removed the speaker box. And when we
4 moved the speaker box out the shell casing was concealed
5 behind the speaker box.

6 Q. Behind the speaker box?

7 A. Uh-huh.

8 Q. Underneath it or behind it?

9 A. It was in between the wall of the vehicle and the
10 speaker box, from my remembrance.

11 Q. Back towards the right where it would have been
12 ejected into the back seat?

13 A. Yes.

14 Q. Was that collected that day by the ID tech, Moore?

15 A. It was.

16 Q. And were you able to observe when you found the shell
17 casing what type of ammunition it was?

18 A. I don't remember the brand, but it was a .380 shell
19 casing.

20 Q. And was that consistent with what you had found -- the
21 projectile from the autopsy?

22 A. Yes.

23 Q. You mentioned earlier that you had set up a search
24 warrant for the victim's cell phone records. Did you
25 receive those at a later date?

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1 A. I did.

2 Q. And when did you receive the victim's cell phone
3 records?

4 A. I believe I received them on the 7th. I don't have
5 the actual warrant in front of me, but I'm pretty sure it
6 was on the 7th.

7 Q. And what -- once you received the cell phone records,
8 what type of information were you looking for when you
9 first went to the cell phone records?

10 A. Well, I wanted to first corroborate the information
11 from the victim's brother that he had attempted to call
12 the victim. I was looking for a telephone number that
13 would have called the victim at the time that the victim's
14 brother said that the victim had left the house.

15 And by narrowing down the time, I could tell who was
16 actually calling the victim to get him to leave the
17 residence.

18 So that's initially what we were looking for.

19 Q. Were you able to determine a phone number that called
20 around the time we're talking about?

21 A. Yes, I did.

22 Q. And what phone number was that?

23 A. That was 803-391-[REDACTED].

24 Q. And once you were able to determine that this phone
25 number showed up on the victim's cell phone records around

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1 that time of night, did you do any further checking as far
2 as who that phone number belonged to?

3 A. I did. In addition to obtaining a search warrant, I
4 wanted to see if -- we have a law enforcement database
5 called Accurint and you can input names and addresses and
6 telephone numbers. And if there's anything registered in
7 that person's name, it will come back to you.

8 So I entered this unknown telephone number and it
9 actually came back to the Defendant.

10 Q. Victor White?

11 A. Yes.

12 Q. And that was who was associated in your program with
13 391-██████?

14 A. That's correct.

15 Q. Did you then do anything about getting the cell phone
16 record belonging to the 803-391-██████ number?

17 A. I did.

18 Q. And that's the one associated with Victor White?

19 A. That's correct. That's Victor White's telephone
20 number.

21 Q. Later that day, were you able to receive at least some
22 of those cell phone records?

23 A. Yes.

24 Q. Over the course of the next day or two, into February
25 the 10th, did you continue to receive information from the

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1 cell phone records company as far as this phone number?

2 A. Yes.

3 Q. And did that include actually at one point a text
4 message which alerted you to an address on Tree Street?

5 A. That's correct.

6 Q. And at that point when you got that information, had
7 the Defendant been located yet?

8 A. No.

9 Q. You all were looking for him?

10 A. Yes.

11 Q. Once you got the information that he may be associated
12 with a Tree Street address, did your department respond to
13 the Tree Street area?

14 A. Yes, we did.

15 Q. Where is Tree Street?

16 A. It's in Cayce?

17 Q. Cayce?

18 A. Yes.

19 Q. Once you got to the Tree Street area, tell the jury
20 what you did.

21 A. What we did is we actually paired off. It was several
22 of us, and we went door to door. We began knocking on all
23 the doors.

24 At one point while we were knocking on a door across
25 the street, Victor White comes out of the house directly

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1 across from us. I mean, he actually walks out of the
2 house and is taken into custody at that point.

3 Q. And you didn't actually take him into custody that
4 day, you just observed him walk out of the house?

5 A. That's correct.

6 Q. And the reason you had to go door to door is you
7 didn't have any actual physical address on Tree Street,
8 you just had the Tree Street name?

9 A. That's correct.

10 Q. And once the Defendant was taken into custody, he was
11 interviewed but that was not by you. That was by other
12 investigators in your department?

13 A. That's correct.

14 Q. Over the course of this investigation, did you -- were
15 you able to review and analyze certain telephone records
16 in this case?

17 A. Yes.

18 Q. Let me show you what's been marked as State's Exhibit
19 81 and 82 which are going to be the two numbers we
20 referred to, the victim's cell phone records as well as
21 the Defendant's cell phone records. And --

22 A. Exhibit 82.

23 Q. Let me move on. Based on your evaluation of the two
24 phone numbers we're talking about --

25 A. Right.

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1 Q. -- the victim's cell phone, were you able to analyze
2 those and actually trace the Defendant's and the victim's
3 movements on the date in question?

4 A. Yes.

5 Q. And how was that done, roughly? And do you have
6 specialized training in that area?

7 A. I do.

8 Q. You don't have to go into what all of that is.

9 A. Yes.

10 Q. How is it you're able to, when you're reviewing
11 telephone records, actually determine --

12 A. Well, there's certain things that you would have to
13 request in the search warrant. One thing you're
14 requesting is a thing called telemetry. And once you
15 receive the telemetry information or cell sites back from
16 the phone record, you can locate the cell phone tower by
17 GPS coordinates, and then look at the sectors on the cell
18 phone tower and determine distance and which sector that
19 transmission is coming from, from the cell phone.

20 Q. Let me back up a little bit so I'll understand it
21 because I don't get this stuff. Basically when someone
22 uses a telephone, does it have to hit what's known as a
23 cell phone tower?

24 A. It does.

25 Q. And typically what cell phone tower is it going to

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1 hit? Say if I'm standing in this courthouse and there's a
2 cell phone tower, say, a mile away and there's one 15
3 miles away, which one typically will it hit?

4 A. The phone itself is going to seek out the closest
5 tower or the closest tower that has -- provides service
6 to, like, for Verizon. But generally it's the closest
7 tower.

8 Q. And that is information that's actually recorded by
9 the cell phone company?

10 A. That's correct.

11 Q. And that was information that was actually provided to
12 you in this case?

13 A. Yes.

14 Q. As far as these two cell phone numbers?

15 A. Yes.

16 Q. And in reviewing all the information, were you able to
17 track basically -- in that information as well, are you
18 also able -- given data about telephone calls, what phone
19 number they're made to and the time period?

20 A. Yes.

21 Q. And all of that was provided to you?

22 A. Yes.

23 Q. And have you reviewed some information or some slides
24 that may be helpful to you as far as explaining this to
25 the jury?

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1 A. Yes.

2 MS. CAMPBELL: Your Honor, at this time we'd offer
3 State's Exhibit Number 90 into evidence. And it's on one
4 of those drives.

5 THE COURT: What says the defense?

6 MR. SAWYER: In evidence or just for demonstration
7 purposes?

8 MS. CAMPBELL: Into evidence.

9 MR. SAWYER: We have no objection.

10 THE COURT: So admitted.

11 (Thereupon, State's Exhibit No. 90, CD of Power Point
12 presentation, was received into evidence.)

13 MS. CAMPBELL: Your Honor, may the witness step down?

14 THE COURT: Yes.

15 MS. CAMPBELL: If you'll come over on this side.

16 THE WITNESS: (Complies.)

17 BY MS. CAMPBELL:

18 Q. If you need this, don't shine it in the jurors' face.
19 Let me step over here.

20 A. This first slide just is kind of an explanation of
21 what -- how this thing works. I know you've all been
22 riding around, you've seen these cell phone towers that
23 look like this.

24 Q. Speak real loud so that the court reporter can hear
25 you.

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1 A. That is the antenna itself. In order to have complete
2 coverage from a tower, it has to have the omni-directional
3 or 360 degrees.

4 So what they've done is they designed these towers in
5 three sections. And each section covers 120 degrees. Now
6 with the 120-degree section here, it's designated a
7 sector, as one, two or three.

8 Q. What is this?

9 A. This is a list from the information received which
10 this is basically what I'm looking at. If you see here,
11 you have a February 3rd, 2010, at 24 minutes after
12 midnight. This is the duration of the call. That means
13 that the call lasted 59 seconds. The I indicates that
14 it's an incoming call meaning that Victor White is
15 actually calling our victim in this case.

16 And other things we're looking for is the time frame
17 where you go on down to where -- what I'm looking for is
18 the actual, the last call, incoming or outgoing, answered
19 call, by the victim's phone. That helps me determine the
20 time of the crime or the time of death.

21 As you see down here at 02:02 on the same date,
22 there's a 12-second call. If you think about it, 12
23 seconds doesn't sound like a long time but if you pick up
24 a phone and you time it, it's actually -- you can have
25 significant communications within 12 seconds. And that is

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1 actually an incoming call from Victor White.

2 Same thing. This corroborates the information that
3 goes along with the victim's search warrant and now the
4 suspect's search warrant.

5 In this, what you're looking at is the same thing.
6 You've got the date of the call. You've got the actual
7 time of the call. The zero is outgoing. MM is mobile to
8 mobile, two phones communicating with each other.

9 And then you've got a voice mail down here at the
10 bottom.

11 The tower locations are the physical location of the
12 tower that that phone is pinging off of, the one that's
13 sending the signal out.

14 And over here this is the -- in yellow is the name of
15 the person that the Defendant is calling at that time.

16 So this corroborates the information I'm looking at
17 with the victim's phone. So it puts the two together. So
18 you know that they are actually communicating back and
19 forth.

20 Q. These are two different cell phones; correct?

21 A. They are...

22 Q. And they're set up a little bit differently as far as
23 how they produce records?

24 A. Yes.

25 Q. And is each call necessarily going to be recorded on

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1 there whether it's outgoing, not answered, things of that
2 nature? Could they vary a little bit?

3 A. They can vary a little bit. Even the format varies.
4 It's just a matter of understanding each format you look
5 at, but it provides the same information.

6 Q. Of course, the time should be about the same but
7 sometimes, too, the time could be off a little, depending
8 on the clock used by the company?

9 A. That's correct. There again, more information. But
10 on this, something that was interesting is at 2:02, you
11 have that call that I talked about on the victim's phone.
12 Now, this is the call from the Defendant's phone to our
13 victim.

14 The very last call made is from, is actually from our
15 Defendant to our victim. It's, like -- and it's a
16 substantial call. It's 28 seconds. So it's communication
17 there.

18 What's interesting about it is after that time frame
19 there's no more communication with the victim. And in
20 fact, there's nobody communicating with the victim.
21 There's attempts made to communicate with the victim after
22 this time, but they're not from the Defendant. And none
23 of those calls are answered.

24 Q. That's what I was getting to. And none of those calls
25 were answered. So the time period we're talking about,

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1 the last call he answered was at 2:04?

2 A. 2:04 and 50 seconds.

3 Q. According to that clock?

4 A. Yes.

5 Q. And that was from who?

6 A. That was from the Defendant to the victim.

7 Q. The Defendant, Victor White's phone?

8 A. (Nods head). This kind of --this explains telemetry,
9 okay. You've got your range of signal which is 360
10 degrees. You have the location of the tower that was
11 providing service to the suspect's phone.

12 In those sectors we could determine that sector one
13 and two was the area that was active with the signal that
14 places the Defendant, Victor White, in this area. This is
15 our crime scene.

16 And the tower's actually 430 yards from the crime
17 scene. So we had a strong, good signal.

18 Q. And typically, how far or can you say or it just
19 depends whether it's rural, urban, things of that nature,
20 as to how far --

21 A. I can't say.

22 Q. But that would have been the closest tower?

23 A. That is the closest tower, yeah.

24 This is an overlay. And what this shows is the
25 victim's cell phone and the Defendant's cell phone.

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1 The victim at 1:59 is traveling to the crime scene.
2 And this is his tower that he's pinging off of and this is
3 the signal which corroborates the information that he was
4 here and he was on his way to the crime scene itself.

5 This is the -- it's Victor White's phone tower that
6 he's pinging off of. And because he's so close, he's 430
7 yards from that tower, he's showing an omni-directional
8 360-degree signal.

9 So that places the -- Victor White and the victim at
10 this time in very close proximity to one another.

11 Q. And what time was that?

12 A. This ping was 1:59:45.

13 Q. Thank you.

14 A. Well, it's actually showing that it's -- that
15 represents a duration between 1:59 A.M. and 2:02 A.M. So
16 it puts him there.

17 Q. Thank you. Is that it?

18 A. Yeah.

19 Q. Cell phone tower records, phone records, those have
20 become more and more significant in your investigations as
21 a major crime investigator?

22 A. Yes.

23 Q. And for the very reasons you've just explained to the
24 jury?

25 A. That's correct.

WILLIAM PEGRAM - CROSS

1 MS. CAMPBELL: Beg the Court's indulgence. (Pause).

2 Thank you, sir. I have nothing further.

3 THE COURT: The defense?

4 MR. SAWYER: Thank you, Your Honor. May it please the
5 Court.

6 CROSS-EXAMINATION

7 BY MR. SAWYER:

8 Q. I apologize, Investigator Pegram. I'll probably have
9 you help me out with this a little more in a minute.

10 A. Okay.

11 Q. If you could set that back up again?

12 MS. CAMPBELL: Uh-huh. (Pause).

13 BY MR. SAWYER:

14 Q. Let's just begin. First of all, going back to
15 initially before you were searching for cell phone
16 records, you said you were searching for video around the
17 crime scene; is that correct?

18 A. Yeah. That's, that's a routine thing that we do.

19 Q. Do you know if you checked Gambrell Hall for video or
20 if it has video at all?

21 A. I know I didn't. There again, we're split up into
22 teams.

23 Q. And you never went over to Gambrell Hall?

24 A. Not that I recall.

25 Q. Now you got a search warrant for Mr. Duckett's phone;

WILLIAM PEGRAM - CROSS

1 is that correct?

2 A. That's correct.

3 Q. You got a search warrant for Victor White's phone; is
4 that correct?

5 A. Yes.

6 Q. Did you get a search warrant for Demond Sanford's
7 phone?

8 A. I would have to look through the search warrants to
9 tell you that. I don't recall.

10 Q. What about Reggie Miller?

11 A. There again, I couldn't tell you.

12 Q. What about Jeremiah Henderson?

13 A. No.

14 Q. But at least to your recollection you've never, I
15 guess, the best way to put, did any sort of telemetry from
16 what you remember with Demond Sanford, Reggie Miller, or
17 Jeremiah Henderson?

18 A. No. What I do is I determine the most-likely target
19 and that most-likely target would be Victor White's cell
20 phone. So, I would focus on that in obtaining that
21 telemetry.

22 Q. But later you can get additional information that
23 would allow you to go back --

24 A. Yes, you can.

25 Q. -- and check again. So if you were to find out, say,

WILLIAM PEGRAM - CROSS

1 that Demond Sanford, Reggie Miller, or Jeremiah Henderson
2 might have been in the area you could have checked the
3 telemetry on their phones to see if they were in the area;
4 correct?

5 A. I could have, yeah.

6 Q. But you don't remember --

7 A. I don't recall. I don't recall having those numbers.

8 Q. Can you come on down here?

9 A. (Complying.)

10 Q. Can you pull up the phone records? (Pause).

11 So the target time next to, for each time you see Victor
12 White's phone number and you see Steven Duckett's phone
13 number; is that correct?

14 A. Yeah.

15 Q. Let's start at, looks like about midnight 0.441
16 (sic). I think that's the first one on the top there.
17 What's that number next to? That's 59, that's 59 seconds;
18 right?

19 A. Yes.

20 Q. Okay. And I says incoming; right? So what does that
21 mean? Is Pierre Duckett calling Victor on that first one?

22 A. It would be -- the number, the incoming would be to
23 the subscriber.

24 Q. Okay.

25 A. So if Mr. Duckett's telephone number is, this the

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1 record for it, then I would represent someone outside
2 calling into.

3 Q. Well, what does -- that first line, what does that say
4 to you? I mean, who's calling who there?

5 A. Well, the first line based on the slide is that Victor
6 White is calling Mr. Duckett.

7 Q. Okay. And they talk for 59 seconds?

8 A. Correct.

9 Q. All right. And then it looks like about at 0:40, so
10 about 16 minutes later they talk for about 13 seconds?

11 A. That's correct.

12 Q. Okay. And then they call each other, looks like
13 Victor tries calling about three or four more times at
14 0:50, 0:51, 0:55; is that right?

15 A. That's correct.

16 Q. And then at 0:56, is that Mr. Duckett calling Victor
17 or just 0 for outgoing?

18 A. 0:56?

19 Q. Yeah.

20 A. I don't see it.

21 Q. 0:56. Right there.

22 A. Yeah. Outgoing from the victim to the Defendant,
23 Victor White.

24 Q. And then we can go down a couple more lines looks.
25 Like about 1:12 at night. Again, a 59-second call from

WILLIAM PEGRAM - CROSS

1 the victim to Victor White; is that right?

2 A. Correct.

3 Q. Calls him again at 1:23, talked for 231 seconds?

4 A. That's correct.

5 Q. And Pierre Duckett calls Victor again at 1:48 and they
6 talk for 17 seconds?

7 A. That's correct.

8 Q. All right. And then again towards the bottom of the
9 page the last thing it looks like Pierre calls Victor, 75
10 seconds. Two minutes later Victor calls Pierre, 15
11 seconds. And two minutes later Victor calls Pierre again,
12 12 seconds; is that right?

13 A. That's correct.

14 Q. Could you flip to the next one? Okay. That's all I
15 need to know. Okay. That's all I need for that.

16 A. (Returns to witness stand.)

17 Q. So, I mean, looking there, they're calling each other
18 the whole time?

19 A. Yes.

20 Q. So they're carrying on a conversation of some type
21 with each other?

22 A. That's correct.

23 Q. Do you have in front of you the 391 set of phone
24 records?

25 A. I do.

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1 Q. Can you flip through there? I think they're in
2 backwards order. That's the way I got them.

3 A. These are going to be a little difficult to look at up
4 here simply because it's in a format that exceeds the
5 landscape.

6 Q. I printed out landscape. Would that be easier?

7 A. I've got a standardized copy here.

8 Q. Like I said, I think they're in backwards order
9 starting at the date you subpoenaed them and going back.
10 So if you would turn to about, about when you said the
11 last phone call was, about, I guess, two o'clock in the
12 morning on the 3rd?

13 A. Yeah, 2:02 at 11 seconds. That -- that's an inbound
14 call from the Defendant to the victim.

15 Q. And then -- okay. Go up a couple lines at 2:29:06 it
16 looks like. Is that an incoming call or outgoing call
17 843-200-XXXX?

18 A. What time is that call?

19 Q. 2:29:08. Or, I'm sorry, 2:29:06. Excuse me. Would
20 be--

21 A. Okay. I'm not going to be able to determine that from
22 this format.

23 Q. Would you like help?

24 A. Yeah.

25 Q. Is there a spare copy?

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1 MS. GIBBES: No.

2 BY MR. SAWYER:

3 Q. I'm going to have to share with you if you don't mind,
4 We got right about here so that's the last phone call we
5 were talking about right at that 2:02 mark, 2:04 mark;
6 correct?

7 A. Yeah.

8 Q. Now we got -- is this an outgoing call or an incoming
9 call to that number?

10 A. That appears to be a mobile outgoing.

11 Q. Okay. So Victor calls 843-200- and talks for
12 about 323 seconds; is that right?

13 A. That is correct.

14 Q. Do you remember ever trying to get in touch with that
15 number or trying to see what they were talking about?

16 A. I don't recall.

17 Q. Let me see. We got another one here. Got a couple
18 other calls. Again, it looks like that same phone number,
19 3800, seven-second call a little while later; is that
20 right?

21 A. Yes.

22 Q. All right. And then there's a whole bunch of other
23 phone calls it's looking like it's taking place within
24 minutes or, you know, no more than 40-minute intervals
25 from when the last phone call was to 2:42; right?

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1 A. Yeah, but what's significant to that about me, just in
2 my position looking at that is if you look at the times
3 and very close together, well, if this -- Victor White is
4 making these phone calls, that tells me that the person
5 he's calling is not with him.

6 Q. Okay. Oh, I agree with that. I'm just asking, we got
7 about, you know, a good chunk of phone calls here that
8 he's calling other people?

9 A. Right.

10 Q. But you never followed up with the other people to see
11 what they were calling about?

12 A. I didn't, no.

13 MR. SAWYER: Beg the Court's indulgence briefly.

14 (Pause). No further questions.

15 THE COURT: Anything further?

16 MS. CAMPBELL: Nothing, Your honor.

17 THE COURT: You may step down, sir. Next witness?

18 MS. CAMPBELL: The State would call Sergeant
19 Thomas.

20 ARTHUR L. THOMAS, having been duly sworn, was examined
21 and testified as follows:

22 THE CLERK: Thank you. Have a seat on the witness
23 stand. State your name for the record.

24 THE WITNESS: Arthur L. Thomas.

25

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DIRECT EXAMINATION

BY MS. CAMPBELL:

Q. Sergeant, where are you employed?

A. City of Columbia Police Department.

Q. What do you do there?

A. I'm a supervisor over the special victims unit.

Q. Back in February of 2010, what were you doing at the Columbia Police Department?

A. I was an investigator with the homicide unit.

Q. And how long have you been in law enforcement, sir?

A. Twenty-one years.

Q. Part of your duties as an investigator in the violent crimes unit, would you be assigned to investigate homicides as well as other violent crimes such as robbery and kidnapping?

A. That's correct.

Q. February 3rd, that morning, did you respond to a crime scene at Kentucky Fried Chicken?

A. I did.

Q. And why were you going to a crime scene that morning at Kentucky Fried Chicken?

A. We were advised that a employee of Kentucky Fried Chicken found a vehicle with a body that appeared to be dead. EMS apparently had arrived on the scene prior to our arrival and confirmed that. So our team was

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1 dispatched.

2 Q. And is it typical in a crime scene even if the
3 Defendant appears not to have any signs of life to call in
4 EMS first and have them examine him?

5 A. Correct. If there's any hope of escorting him to the
6 hospital for revival, they'll do so.

7 Q. And in this case were they able -- did they remove him
8 from the scene?

9 A. No, they were unable to do anything.

10 Q. However they did an examination prior to you getting
11 there?

12 A. They did.

13 Q. And as such, they would be allowed to enter into the
14 crime scene area?

15 A. Yes.

16 Q. When you responded to the scene, EMS had already been
17 there, but what did you observe initially?

18 A. Upon my personal arrival at the scene we actually
19 observed the vehicle. It was parked towards the curb by
20 the drive-through area, heading towards a slight incline.

21 The tires had scuff marks like it actually hit the
22 curb. There was leaves, vines and dirt and debris on the
23 top of the vehicle hood.

24 Again, appeared the vehicle ran off the road. There
25 were also articles, DVD player, electronic cable box,

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1 plastic cable ties and so forth in the vehicle.

2 There was a dollar bill outside of the vehicle. The
3 vehicle's doors were closed. The driver's side window was
4 up, dark tint, but the passenger side window was actually
5 halfway down.

6 The vehicle's glove box was opened. It appeared to
7 have been rumbled through by someone so they were looking
8 for something and the passenger side seat was pushed
9 toward the dash as though someone had exited the rear of
10 the vehicle to get out. It was a two-door Tahoe. So you
11 actually had to push the seat forward in order to exit if
12 you had gotten into the rear.

13 Another oddity was the ignition was in the on position
14 even though the engine was actually off, the lights were
15 off. And then of course the victim's body was found in
16 the driver's side seat leaning towards the right of the
17 vehicle.

18 There was blood visible about his head and face area.
19 His clothes at the time was black shoes, blue jeans and a
20 plaid shirt. We also found a driver's license which
21 helped us to identify him as Steven Duckett, date of birth
22 of [REDACTED] [REDACTED].

23 There was also a handgun believed to be a nine
24 millimeter found in the vehicle in the driver's seat side
25 console. And some receipts were also found to show he

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1 actually purchased that weapon and it was his.

2 Q. So that was his weapon that he purchased locally?

3 A. Yes, it was.

4 Q. And where was it -- was it even visible when you first
5 looked in the vehicle?

6 A. No, it was not visible until the subject was removed
7 from the vehicle itself.

8 Q. So it was down, kind of shoved down in the seat?

9 A. Correct.

10 Q. Were you able to determine who the owner of the
11 vehicle was?

12 A. The owner of the vehicle was a Reggie Floyd which
13 turned out to be the victim's brother.

14 Q. And I believe it was actually Investigator Pegram that
15 actually made contact with Mr. Floyd?

16 A. That is correct.

17 Q. And was he able to interview him and get some
18 pertinent information as far as your investigation was
19 concerned?

20 A. Yes, he did. He got pertinent information, cell phone
21 information and other information dealing with the victim
22 himself.

23 Q. And in this case as in every case, why is it important
24 for y'all to be requesting cell phones immediately to try
25 to get information?

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1 A. As previously stated, we want to try to find out who
2 was the last individual communicating with the victim just
3 prior to possible death. It also allows us to put
4 together a time line of events leading up to us arriving
5 on the scene.

6 So it's very pertinent and in this case was very
7 positive in the results that we got.

8 Q. So it can be a useful tool that you use --

9 A. Oh, absolutely.

10 Q. -- in addition to everything else?

11 A. Yes.

12 Q. Did you also make contact with the victim's
13 girlfriend, Ms. Nowell?

14 A. Yes.

15 Q. And was she able to give you information about a phone
16 call and what she said in that phone call?

17 A. Yes, she was, which assisted in the time line.

18 Q. That day as is protocol, was the victim's vehicle
19 towed to the CPD headquarters?

20 A. It was.

21 Q. And the next day was a search of that vehicle done
22 that revealed some pertinent information?

23 A. Yes.

24 Q. And, in fact, Investigator Pegram again was the one
25 that found a significant piece of evidence?

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1 A. That is correct.

2 Q. And what was that evidence, sir?

3 A. It was a shell casing discovered in the rear of the
4 vehicle. Apparently the weapon used, when discharged, a
5 shell casing was found near the speaker area as it was
6 ejected out of the weapon which was some critical
7 information needed.

8 Q. That was significant to you as far as placing the
9 shooter in position?

10 A. Correct. With the placement of that shell casing the
11 subject had to be sitting in the rear of the vehicle for
12 it to land in the very rear of the Tahoe itself.

13 Q. I want to turn your attention to February the 7th of
14 2010.

15 A. Okay.

16 Q. On that date did y'all receive some telephone records
17 from the victim's phone?

18 A. That is correct. Investigator Pegram obtained search
19 warrants and we were advised that he had received the
20 return information which gave us a cell phone number of
21 391-██████ as one of the last numbers called prior to the
22 victim no longer communicating on his cell phone.

23 Q. And did y'all then do a search as far as who was
24 associated with that actual cell number?

25 A. That is correct. And Mr. White was identified as the

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1 owner of that particular number.

2 Q. And, again, this is on the 7th or 8th of February, so
3 at least four or five days after the crime. This is the
4 first time you would have come on any information as far
5 as Victor White?

6 A. Yes, it is.

7 Q. And this comes from the telephone records?

8 A. That is correct.

9 Q. Were you also able to get information about the cell
10 phone tower record that the company made as far as placing
11 Victor White's phone there at the scene?

12 A. That's correct. As previously stated by Investigator
13 Pegram, we were able to identify that both cell phones
14 were in close proximity to one another which was near the
15 KFC which is one of the closest towers there which is
16 solid information.

17 Q. Over the next days, and don't go into any specifics,
18 but did you all make attempts to locate Victor White?

19 A. Yes, we did.

20 Q. And those attempts occurred on the 8th and the 9th,
21 into the evening of the 10th; is that correct?

22 A. Yes, ma'am.

23 Q. And the others that you were searching included
24 Benedict College. And then was a text message secured by
25 Investigator Pegram --

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1 A. Yes, it was.

2 Q. -- related to the Cayce area?

3 A. Yes. There was information in the search warrant
4 information that Pegram received of a Tree Street address,
5 and we saturated that area.

6 Q. Once you got out on the Tree Street, I believe that
7 would have been on the evening of February 10th, 2010; is
8 that correct?

9 A. That's correct.

10 Q. And again, through the days and we're skipping over
11 some of this, y'all have been attempting to interview
12 acquaintances of the victim and follow up on any other
13 information?

14 A. That is correct.

15 Q. But the first big break in the case was the telephone
16 number?

17 A. That broke the case.

18 Q. For the next several days you all attempted to find
19 Victor White and then you got the Tree Street information?

20 A. That's correct.

21 Q. The evening of February 10th you all went out to Tree
22 Street. And what did you all do?

23 A. Again, we saturated the Tree Street area with a task
24 force of law enforcement. We knocked on doors, making
25 contact with individuals.

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1 Mr. White exited his home because of seeing all law
2 enforcement out there. As agents turned around, he was
3 identified as the subject we were looking for. He was
4 actually apprehended by one of the agents at that time.

5 Q. And he was lawfully taken into custody at that point?

6 A. Yes.

7 Q. And at that point also, was he transported to the
8 Columbia Police Department headquarters?

9 A. Yes. Investigator Reese and myself transported
10 Mr. White personally to our office.

11 Q. And what was the purpose of transporting him down to
12 headquarters?

13 A. With the intent of interviewing him and questioning
14 him with reference to this incident.

15 Q. Once he was in your custody -- and what time was it
16 approximately that y'all actually found him on Tree
17 Street?

18 A. Approximately 12 o'clock. Between 11-something and
19 12.

20 Q. Around 11:30 maybe?

21 A. Yeah. Around 11:30.

22 Q. Once he was transported to headquarters and he was in
23 custody, did you then take any precautions to ensure his
24 rights were protected?

25 A. Yes, we did. Any time we attempt to interview anyone

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1 we advise them of their rights, their Miranda rights. And
2 he was advised of his rights.

3 Q. Let me show you what's been marked as State's Exhibit
4 Number One. Do you recognize that in this case?

5 A. Yes, I do. This is the actual form of Mr. White's
6 rights that we advised on that morning, or evening.

7 Q. And for the jury, who was actually reading him his
8 rights that day?

9 A. From the handwriting and so forth, it looks like
10 Investigator Reese actually did the advisement.

11 Q. Were you present for that?

12 A. But I was present, yes.

13 Q. And prior to talking to anyone, do y'all go through
14 and advise them of what their rights are?

15 A. Yes.

16 Q. That was done in this case?

17 A. That's correct.

18 Q. Do y'all make sure he acknowledges and understands
19 what his rights are?

20 A. As the rights are being advised, we show a habit of
21 making a check off area on the side as we read the
22 rights. Advise him, do you understand those rights and if
23 you do put your initials, please. And he did so on each
24 line as requested, advising him that he understood his
25 rights.

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1 Q. And, in this case in addition to that do y'all then do
2 an additional thing asking whether or not they want to
3 waive their rights?

4 A. That is correct.

5 Q. And that was done in this case?

6 A. It was.

7 Q. And everything -- and I'll ask Investigator Reese more
8 about this, but everything as far as the advice of rights
9 and whether or not he wanted to talk to you, that was gone
10 over with him and he actually signed off indicating he
11 wanted to talk to y'all that day?

12 A. He did.

13 Q. During the time period that you were talking to him,
14 was he coherent?

15 A. He was very coherent.

16 Q. Did he appear to understand what you were saying to
17 him?

18 A. He did. And he was actually cooperative.

19 Q. Did you promise him anything to make him talk to you?

20 A. No, we did not.

21 Q. Did you threaten him in any way?

22 A. No, we did not.

23 Q. Did you use coercion or other means to make him talk?

24 A. We did not.

25 Q. And was he deprived of any creature comforts or

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1 anything else during the time that you were with him?

2 A. He was allowed to go to the restroom or anything he
3 needed, water, what have you.

4 Q. And at the time as indicated when you all actually
5 advised him of his rights there on State's Exhibit Number
6 One, what time was it that night that you advised him of
7 his rights Once he was transported?

8 A. On -- the time on the advisement of rights was at
9 11:55 P.M.

10 Q. Okay. At any time while y'all were talking to him
11 that night, did he tell you he didn't want to talk to you?

12 A. No, he did not. He was quite cooperative in giving a
13 statement.

14 Q. Did he ever invoke any of his rights?

15 A. He never invoked his rights.

16 Q. In your opinion, having done this for 21 years, was he
17 talking to you voluntarily?

18 A. Yes, he was.

19 Q. And did he want to tell you his story?

20 A. He wanted to give us a version.

21 Q. Once he had been advised of his rights, did y'all then
22 sit down and talk to him?

23 A. We did.

24 Q. And what information were you giving him as far as why
25 you were talking to him?

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1 A. We advised him that we wanted to speak in reference to
2 the murder at the KFC on Two Notch Road. We advised him
3 that we had information via phone records and so forth
4 that he was at that location. And then he started
5 speaking with us.

6 Q. And during that time period did you also ask him about
7 the cell phone?

8 A. Yes.

9 Q. The number, 391- [REDACTED] number?

10 A. Right. He advised that that number in fact was his
11 number. That he had -- it was currently being used. And
12 he also advised he had communicated with the victim on
13 that evening.

14 Q. And did y'all also show him a photo of the victim as
15 well as the crime scene vehicle?

16 A. Yes. And he identified both the vehicle and the
17 victim, having knowledge of both of them.

18 Q. And during the course of talking to him, did he also
19 indicate who was with him on the night in question as far
20 as when you met up with the victim?

21 A. Yes, he did. He indicated that he was with Reggie
22 Miller and Moody, which was Demond Sanford.

23 Q. Was there a recording that was actually made of the
24 story the Defendant wanted to tell you?

25 A. That is correct. Investigator Reese and I have the

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1 habit of actually doing audio recordings of our interviews
2 with our defendants and so forth and we did one.

3 Q. Okay. And I want to show you what's been marked as
4 State's Exhibit Two and State's Exhibit Number Three. Is
5 that actually a transcript of what's in State's Exhibit
6 Number Three?

7 A. Yes, it is.

8 Q. And does that accurately reflect what's reflected in
9 that recording, the story that the Defendant told you that
10 night about what happened --

11 A. Yes, it does.

12 Q. -- as far as his version?

13 A. Yes, it does.

14 Q. Did the Defendant during the course of this
15 conversation with you indicate whether or not he was the
16 shooter in the case?

17 A. In his version of the scenario, and you'll hear it in
18 the recording, he initially was about to put himself in
19 the back seat and then he'll change his position in the
20 car because he realized the guy was shot in the back of
21 the head.

22 And so in his version it switched roles. He put
23 Mr. Miller as the shooter but when he starts his statement
24 he says Miller allowed me to get in the back seat, oh, no,
25 no, no. I got in front seat and Miller got in the back

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1 seat.

2 And then he proceeded to telling the story making
3 Reggie Miller the actual shooter.

4 Q. And even in his version of events that he is just
5 there, did he indicate why they were meeting up with the
6 victim that night?

7 A. He did indicate that there was a plan for robbery, for
8 marijuana. And that Miller suddenly shot the victim and
9 that was not the intent. The intent was to pull a robbery
10 only.

11 Q. And did he also admit to you actually taking items
12 from the victim that night?

13 A. He admitted to taking \$400 in currency and marijuana,
14 and he also admitted to going back to the scene with
15 Sanford in order to get the scales so they could properly
16 divide the marijuana.

17 Q. At some point, does his story change a little bit
18 about who's idea it was to rob the victim?

19 A. Yes. Again, placing blame on Miller as the planner
20 and the person that actually set this particular robbery
21 slash murder up. He tried to take himself out of actually
22 being involved in that regard.

23 Just going along for the ride is how he tried to
24 portray it.

25 Q. On the evening of February the 10th into the early

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1 morning hours of the 11th when you were interviewing him,
2 at that point was he arrested for the murder and the armed
3 robbery in this case?

4 A. He was.

5 Q. Even though at that point the only information you had
6 was that he was participating but not the shooter?

7 A. That's correct.

8 Q. And that was the appropriate charge in this case based
9 on his version?

10 A. Yes, it was. Hand of one hand of all. A death that
11 occurs during a robbery that leads to murder, all subjects
12 are charged.

13 Q. The next day did y'all make contact based on
14 information you got from the Defendant with a Reginald
15 Miller?

16 A. Yes, we did.

17 Q. And was Miller initially cooperative?

18 A. Initially Miller was not cooperative. He --

19 Q. Let me back up for a second. Was he also advised of
20 his rights?

21 A. He was advised of his rights.

22 Q. And initially was he cooperative?

23 A. Initially he was not cooperative. He did not wish to
24 speak to us. He wanted to terminate the interview.

25 Q. And at that point had you gotten an arrest warrant for

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1 Reginald Miller?

2 A. We had.

3 Q. And that was basically information from Victor White?

4 A. That is correct.

5 Q. That day, did you serve those warrants on Reginald
6 Miller?

7 A. That is correct. And once we served the warrants on
8 Mr. Miller, he had a change of heart. And he decided that
9 he did want to speak and give his version of the incident
10 that happened.

11 Q. It's been a mention of -- and it wasn't until you read
12 through the warrant with him and what the allegations were
13 by Victor White that --

14 A. Correct.

15 Q. -- he decided he wanted to talk to you?

16 A. Correct.

17 Q. Was that significant?

18 A. It was.

19 Q. Why?

20 A. The warrant itself indicated that Mr. Miller was the
21 actual shooter and that Mr. White was merely a passenger
22 and assisting in the robbery. And Mr. Miller advised that
23 that was not accurate.

24 Q. And there's been some question about what was actually
25 put in the warrant.

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1 A. Uh-huh.

2 Q. If you'll read the highlighted part about what was
3 actually in warrant that was read to Reginald Miller.

4 A. Okay. Subsequent investigations determined that the
5 victim had been shot once in the head. Telephone numbers
6 later determined that sometime prior to the shooting the
7 victim had several telephone contacts with a co-defendant
8 named Victor White. On 2/10 of '10 --

9 Q. Wait. I'm sorry. Go ahead.

10 A. On 2/10 of '10, White was arrested. He was
11 interviewed and advised of his rights. And he gave a
12 statement that during a potential drug buy between the
13 victim, himself and the Defendant, Reggie Miller, the
14 victim was shot by Miller.

15 Q. And what you just read, was what the -- Victor White
16 had told you?

17 A. That's correct.

18 Q. And that was the information that was given to
19 Reginald Miller?

20 A. Yeah. He became very upset by that information and
21 decided he in fact did want to speak with us and be quite
22 candid on what happened that night.

23 Q. And did you then take a recorded statement from him?

24 A. We did.

25 Q. Did you also make contact with Nathaniel Jones based

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1 on the information from Reginald Miller?

2 A. That's correct.

3 Q. And were you able to take a statement from Reginald
4 Miller?

5 A. Yeah, we did get a statement from Reginald Miller.

6 Q. I'm sorry. Not Reginald Miller, Nathaniel Jones.

7 A. And we did get a statement from Mr. Jones as well.

8 Q. Did you also make contact with Jeremiah Henderson or
9 Mike?

10 A. Yes.

11 Q. And was he actually interviewed in this case?

12 A. Yes. Mr. Henderson was interviewed as well.

13 Q. Was he actually -- did he actually give you
14 information about what happened that night as far as what
15 he did?

16 A. Actually he gave us candid information about what
17 happened as well, advising that he was not a participant
18 but he did have information that was crucial to the
19 investigation of what he heard, what was said in his
20 presence and evidence of the murder-robbery that was
21 advised between all parties including himself in the dorm
22 room.

23 And his version that he gave Investigator Reeves and I
24 is that he was communicated with to come along on this
25 venture. He decided not to. He knew that it was going to

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1 be some type of robbery. He was later contacted to leave
2 the door open for the perpetrators and he did so.

3 He was out playing cards and they nodded to him or
4 made reference that he needed to come inside the dorm
5 room. They actually went into the dorm room where
6 Mr. White bragfully (sic) stated what they had just done,
7 the fact that he had actually shot the guy in the back of
8 the head, he couldn't believe that the guy was letting him
9 sit behind him during a drug deal.

10 And Mr. Henderson advised that he was quite boastful
11 non-emotional but Miller was apparently very nervous,
12 distraught and quiet.

13 Q. And your investigation is ongoing at this point in
14 time?

15 A. Yes, it is.

16 Q. And you're just trying to gather information?

17 A. That's correct.

18 Q. When you interview someone do you all tell them what
19 to say?

20 A. No, we do not.

21 Q. And do you have any stake or any interest in who's
22 actually the shooter or are you just trying to get to the
23 truth?

24 A. We're just trying to get to the truth.

25 Q. Then on the 12th of February, did you also make

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1 contact with a Demond Sanford?

2 A. Yes, we did.

3 Q. And was he also advised of his rights?

4 A. He was.

5 Q. And was he interviewed?

6 A. He was.

7 Q. And was he able to give you some new version?

8 A. He gave his version as well. Demond played down a lot
9 of things during the statement but he did admit to knowing
10 about the robbery. He did admit to being the lookout for
11 law enforcement during the commencement of the robbery
12 slash drug buy.

13 In his statement he actually advised that he saw a
14 flash, smelled a flash, heard a gunshot, that Miller came
15 walking to him hastefully (sic) shortly after this muzzle
16 flashed gunshot and advised that Victor White was
17 wallowing and he shot the guy and then they both
18 hastefully went back toward the dorm. He stated Victor
19 didn't come immediately but came some moments later and
20 kind of caught up with them as they were heading back to
21 the dorm area.

22 Q. And did he also indicate what he heard or some of what
23 he heard in the dorm room?

24 A. He also indicated that he heard Victor bragging about
25 how he had shot the victim in the back of the head and he,

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1 again, as everybody else stated, was being boastful about
2 it and laughing and so forth.

3 Q. Was Demond Sanford charged with anything?

4 A. Yes.

5 Q. What was he charged with?

6 A. He was charged with murder and robbery as the other
7 two were.

8 Q. Was that based on your investigation?

9 A. That is correct.

10 Q. And again the hand of one, hand of all?

11 A. Hand of one, hand of all.

12 Q. In the area where this occurred and Gambrell Hall --
13 Kentucky Fried Chicken and Gambrell Hall, are those
14 located near each other?

15 A. Quite close proximity. I would give it a block to a
16 block and a half, tops. You can actually walk right out
17 of the back gate of Benedict College and again walk
18 approximately a block and you're right at Kentucky Fried
19 Chicken.

20 Q. I'm going to show you what's been marked as State's
21 Exhibits Number 91 and 92.

22 A. Yes.

23 Q. Do you recognize these?

24 A. That's the satellite view of the actual location of
25 the crime scene.

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1 MS. CAMPBELL: Your honor, at this time we'd offer
2 these into evidence.

3 MR. SAWYER: No objection.

4 THE COURT: So admitted.

5 (Thereupon, State's Exhibit Nos. 91 and 92, aerial
6 photographs, were received into evidence.)

7 MS. CAMPBELL: Your Honor, may the witness step down?

8 THE COURT: Yes.

9 BY MS. CAMPBELL:

10 Q. State's Exhibit Number 91, what does this show?

11 A. This is actually a satellite view of the crime scene
12 in the area that we're talking about, Taylor Street. You
13 actually have a KFC right here. In the back of this area
14 it's actually going toward Benedict College area. Like I
15 told you, it's approximately a block in distance if you
16 were walking you could get into the actual campus area.

17 Q. And as far as the KFC, is this --

18 A. That's the KFC right there.

19 Q. And where the truck was found that morning?

20 A. Was in the drive-through area, up in here. And
21 apparently they circled, came to that location where he
22 was shot and then it rested.

23 Q. State's Exhibit Number 92, does this show the Benedict
24 campus as well as the relation to the Kentucky Fried
25 Chicken?

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1 A. Yes, it does.

2 Q. And the area that's kind of got that cloud over it, is
3 that the Benedict campus area?

4 A. That's the Benedict campus area, yes.

5 Q. And I believe this is Taylor Street here?

6 A. Correct.

7 Q. So what would this be right here?

8 A. That's the KFC.

9 Q. The Kentucky Fried Chicken?

10 A. Right.

11 Q. And we've heard references to Gambrell Hall. Is that
12 shown on there?

13 A. Gambrell Hall is right in this area. Again you can
14 exit the back gate and walk a block, you're right at the
15 KFC.

16 Q. And I believe it's right here?

17 A. Correct.

18 Q. So you can actually -- it looks like less than a
19 block?

20 A. Less than a block actually.

21 Q. Thank you. Return to the seat.

22 A. (Complying.)

23 Q. There's been some questions about whether or not there
24 was any videos that were secured in this case that was
25 pertinent. Did y'all attempt to get videos from several

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1 places?

2 A. We did attempt several locations. There was a local
3 bank right next to the KFC. There is actually a gas
4 station adjacent to it. We actually went on the campus as
5 well.

6 We could not get any type of video to aid us in this
7 particular case.

8 Q. And in this case there is no direct link with DNA or
9 fingerprint evidence to the Defendant. Is that unusual in
10 your murder investigations?

11 A. It's not unusual. As explained to you by the DNA
12 analysts themselves, there are so many factors that come
13 into play when it comes to touch DNA to actually leaving
14 specific DNA at certain locations.

15 And this case is just one of those type of things
16 where everything happened so quickly, the touch was
17 brief. And so we didn't have any DNA evidence that we
18 could present.

19 Q. Did you ever recover the gun that was used in this
20 case?

21 A. The weapon was not recovered, no.

22 Q. Is that unusual?

23 A. Not unusual.

24 Q. And how many days actually elapsed from the 3rd I
25 believe it was to the 10th --

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1 A. 10th.

2 Q. -- before you took him into custody?

3 A. Approximately a week, seven days before he was
4 actually taken into custody. Plenty of time to discard
5 the weapon and so forth.

6 Q. During the course of his testimony, Reggie Miller or
7 Reginald Miller indicated that he had contacted a friend
8 of his and told some or part of what had happened?

9 A. That is correct.

10 Q. Was that confirmed by anyone?

11 A. Yes. Mr. Miller during the course of his interview
12 became tearful and advised that he did in fact contact a
13 young lady and advised her of what had transpired. I did
14 make contact through telephone with her and confirmed that
15 he told her of the incident.

16 Q. The person who y'all took into custody on the 10th who
17 you interviewed in this recording you referred to --

18 A. Yes.

19 Q. -- do you see him here in the courtroom?

20 A. Yes, I do.

21 Q. And during the time period when you were with him
22 during that recording when y'all were talking to him that
23 day, did anyone threaten him or promise him anything to
24 make him talk to you?

25 A. No, we did not.

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1 Q. Can you point him out for the jury?

2 A. The gentleman in the stripe shirt in between his two
3 attorneys there.

4 Q. Mr. White?

5 A. Yeah. That's Victor White.

6 MS. CAMPBELL: Your Honor, may the record reflect that
7 he's identified the Defendant?

8 THE COURT: Yes.

9 MS. CAMPBELL: Thank you. No further questions, Your
10 Honor.

11 THE COURT: Defense?

12 MR. SAWYER: Thank you, Your Honor. May it please the
13 Court.

14 CROSS-EXAMINATION

15 BY MR. SAWYER:

16 Q. Investigator Thomas, I just want to touch on a few
17 things first before we kind of talk about what you and
18 these other gentlemen were talking about.

19 Do you remember if there was ever any video
20 specifically at Gambrell Hall?

21 A. To my recollection we didn't have any video that we
22 could access. And I want to say that's including Gambrell
23 Hall. We inquired about video everywhere.

24 Q. Did you ever visit Gambrell Hall yourself?

25 A. I did.

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1 Q. You did?

2 A. Uh-huh. We actually executed a search warrant of the
3 dormitories.

4 Q. And I believe from what you gathered it was B-4, was
5 sort of the location of where a lot of these events
6 happened?

7 A. Correct. The meeting location after the murder and
8 robbery.

9 Q. Yes.

10 A. Yes.

11 Q. Did you ever interview anyone on the other dorms on
12 that level?

13 A. I don't believe we did. I think we stayed in the
14 target area, that I can recall.

15 Q. Okay. So you didn't try to get any independent
16 confirmation about what happened that night from anyone
17 else on that floor?

18 A. We had a great deal of cooperation by the individuals
19 that we interviewed at that point so there was no need to
20 go door to door.

21 Q. Okay. So no B-1, B-2, B-3?

22 A. No. The information that we were seeking was the
23 direct information received by all bodies in that dorm
24 during Victor White's bragging and so forth about the
25 murder. None of the adjacent rooms gave us any

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1 information that they heard him bragging in that room. So
2 we focused on four bodies in that room.

3 Q. Did any of the adjacent rooms testify that they saw
4 individuals going in and out that night?

5 A. Not to my knowledge.

6 Q. Is that because you didn't ask them about that or
7 because you don't remember them saying?

8 A. Again, the information that we were focusing on was
9 the core information, probative information in that
10 dormitory room by all parties including the young man that
11 was asleep.

12 Q. Traditionally though in an investigation you try to
13 confirm independently from non-participants about what
14 happened; right?

15 A. Well, due to all the defendants confessing to certain
16 portions and implicating one another, the information we
17 received from those individuals were all corroborated by
18 all parties and there was no need to seek anything else
19 outside.

20 Q. Each one of these five, well three defendants and two
21 witnesses, all told somewhat of a different story,
22 correct, none of them really matched up with one another?

23 A. Again, depending upon whom you spoke to, yes, but
24 generally it was corroborated.

25 Q. So, you know, the issue of course then becomes you got

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1 to figure out independently who's telling the truth;
2 right?

3 A. Correct.

4 Q. But you didn't -- other than these five participants
5 you never interviewed anyone else to verify any of the
6 information from their statements?

7 A. There was no need. Parties, again, in the room all
8 corroborated that Victor White was the subject bragging,
9 boasting, including the young man that was asleep and did
10 not want to be a part of any of the conversation, which
11 was corroborated throughout this investigation.

12 Q. Okay. Do you have that transcript in front of you?

13 A. Victor's transcript?

14 Q. Yes.

15 A. Yes, I do.

16 Q. I want to just go back on a couple of things you said
17 about what he said that night.

18 A. Certainly.

19 Q. Let's go to page eight, I believe, it is.

20 A. Page eight?

21 Q. Yes, sir.

22 A. All right.

23 Q. If you'd just want to glance through there. Who does
24 he say he was with during the course of this situation?

25 A. One moment here.

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1 Q. If you want to obviously look on page nine, page ten,
2 et cetera?

3 A. Okay. Hold on one moment.

4 All right. He's saying he's with Philly which he
5 refers to as Reggie later when we asked him who was
6 Philly.

7 Q. Can you tell me there where he says he was with Demond
8 that night?

9 A. I don't see anything on this page mentioning Demond.

10 Q. Okay. So, you said earlier he said he was with Demond
11 but looking back -- and I know it's been almost a year
12 plus.

13 A. Uh-huh.

14 Q. But looking back on it it looks like he actually
15 didn't say he was with Demond; right?

16 A. Well, on this page, I don't see him saying anything
17 about Demond.

18 Q. If you want to flip through a couple more pages that's
19 okay.

20 A. No, that's fine.

21 Q. Okay.

22 A. I'm good.

23 Q. Let's go to, if you would -- I know you said that he
24 switched his story about the seats in the car, right, and
25 that was important because if he was in the back or the

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1 front seat.

2 A. Right.

3 Q. If we can go to page 15, I believe it is.

4 A. Correct, fifteen.

5 Q. Okay. And I think it's line eight. What does --

6 where does Victor say he was?

7 A. Line eight. At first I was in the back.

8 Q. Okay.

9 A. You got in the back.

10 Q. Okay.

11 A. Okay.

12 Q. And then what does he say at line 11 where Reggie was?

13 A. On 11. He's in the front.

14 Q. Okay. Then what's he say after that?

15 A. What line are you referring to?

16 Q. Still line 11, the second part through that.

17 A. Oh. He's saying he got in the back.

18 Q. So Victor says he was in the front, referring to

19 Reggie, and then he says Reggie then got into the back;

20 right?

21 A. Correct. That is what I'm referring to.

22 Q. Okay.

23 A. This is a two seater. And if any of you have ever

24 ridden in a two seater, once you make the motion to get in

25 the back, people are not going to switch off and get back

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1 out. It's very inconvenient.

2 He initially states, I'm in back, Reggie's in the
3 front. But then he thought about it, and he says, no, no,
4 no, we switched.

5 Q. All right. And then if you go to page 16 now line 24?

6 A. Uh-huh. Twenty-four, 24. What page?

7 Q. Line 24 page 16?

8 A. Page 16.

9 Q. Okay. Can you just go ahead and read for me what
10 Victor says starting just with, no, through the end of
11 that paragraph.

12 A. Going into 24. No, Reggie didn't get in the front.
13 He was letting me sit down because it's like, it's two --
14 it's a -- it's a two-door so I got in. He was just
15 letting me sit down like in the front.

16 Is that what you wanted?

17 Q. Yeah. Then keep going.

18 A. I'm like, hold on brother. Let me get in the front.
19 And then that's when I got in the front seat and he got
20 behind me.

21 Q. Okay. So his entire statement wasn't that he switched
22 it later in there. He actually was explaining to you that
23 they'd switched seats before they actually got in there,
24 or not switched seats, but --

25 A. Again his initial statement is I got in the back.

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1 When he realized what he said, he started trying to
2 explain how he did not get in the back.

3 Q. But he did -- I mean, this was within a sentence or
4 two when he's saying how everything happened?

5 A. Correct.

6 Q. Okay. And you had said that he told you the plan was
7 to rob Pierre Duckett that night; right?

8 A. That's correct.

9 Q. Let's go to page -- I apologize. All right. Page
10 15.

11 A. Which page is that, counselor?

12 Q. Page 15?

13 A. Fifteen?

14 Q. Yes.

15 A. All right.

16 Q. All right. What in response to a question by
17 Investigator Reese was he saying Reggie was wanting to do
18 that day, on line 24?

19 A. Twenty-four. He wanted to rob someone.

20 Q. Okay. And then we can flip over to line, or page 16.

21 A. Uh-huh.

22 Q. Can you read line one, that two lines right there?

23 A. Well, he wasn't actually saying that. He said he
24 needed money. He needed to hit a lick.

25 Q. And that's in reference to Reggie; right?

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1 A. Right. And the street terminology of lick is rob
2 someone.

3 Q. Uh-huh. And then line eight, what does he say about
4 Reggie saying that?

5 A. Line eight, same page?

6 Q. Uh-huh.

7 A. Right. I said, no, you couldn't do it because that's
8 my brother's friend. That's my brother's peoples.

9 Q. And?

10 A. Okay. All right. So we can't do that. And he said,
11 cool with me.

12 Q. He said, and he's cool with me?

13 A. And he's cool with me. I'm sorry. And he's cool with
14 me.

15 Q. And then -- Investigator Reese asked him: Do you
16 think we called off the robbery. What does Victor say on
17 line 13?

18 A. I thought we did.

19 Q. All right. I think that's enough in the transcript at
20 least for right now.

21 Now when you sat down and talked with Reggie Miller,
22 he initially invoked and didn't want to talk to you;
23 right?

24 A. That's correct.

25 Q. And then he's just sitting there, I guess, and then

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1 you served a warrant on him saying Reggie Miller, I guess,
2 you're under arrest for murder and armed robbery?

3 A. Correct.

4 Q. He reads the warrant and what's his reaction?

5 A. He started freaking out.

6 Q. Freaking out?

7 A. Yeah.

8 Q. Okay. Why is that? Because the first time he
9 suddenly --

10 A. The first time he saw the warrant and that he saw the
11 implication of who the shooter really was.

12 Q. So he decided he wanted to talk to you; right?

13 A. That is correct.

14 Q. Did you start recording him right away once he wanted
15 to talk to you?

16 A. I believe we spoke with him and then we recorded him.

17 Q. I mean -- let me back up. Do you commonly record --
18 in fact, you're actually one of the city officers who is
19 real good about that.

20 A. Investigator Reese and I do record all of our cases.

21 Q. Why is that?

22 A. Just so that the person's words can be heard in court
23 if need be, if they don't take the stand.

24 Q. During the course of a recording, do you have a
25 practice between when you start recording when you start

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1 talking to them and when you actually record?

2 A. Yes.

3 Q. And what is that practice?

4 A. Pretty much the subject says they want to speak with
5 us after they've been advised of their rights. We just
6 listen to what they have to say. All right, speak.

7 Okay. They may give what I call the Citadel version,
8 the angel version, so forth so on. We may ask a few
9 questions, get a little more specific. Then they'll clean
10 it up, clear up some things.

11 And as we're talking to them, if it seems like they
12 are fully cooperating, wanting to go through with it, then
13 we'll record it.

14 Q. But then if they do want to cooperate then do you
15 record; correct?

16 A. Uh-huh.

17 Q. Did you do this with Victor?

18 A. With Victor, I think we spoke with him after advising
19 him of his rights and then we started recording him.

20 Q. You started recording him immediately after advising
21 him of his rights?

22 A. We spoke with him as well.

23 Q. Okay. So we'll call that a pre-interview I think it
24 has been referred to at some point?

25 A. Yeah. Kind of a pre-interview. We call it a dry run

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1 how we refer to it.

2 Q. From your memory between pre-interview and the
3 recorded interview, did Victor's story change?

4 A. As far as I can recall, he was steadfast to whatever
5 version he was giving at the time, yes.

6 Q. Okay. And then after his recorded interview, you
7 never interviewed him again; right?

8 A. No, we did not.

9 Q. All right. So then we got Reggie. And you were
10 thinking you would start recording, you didn't do a
11 pre-interview?

12 A. For which one? For Reggie?

13 Q. For Reggie.

14 A. No. We spoke with Reggie as well.

15 Q. Okay. So you had a pre-interview with Reggie as
16 well?

17 A. Yes.

18 Q. And then you had a recorded interview?

19 A. Correct.

20 Q. And during the course of both of those, did Reggie's
21 story change at all?

22 A. Reggie's version, to my recollection, was pretty much
23 about the same. It's just they -- both parties switched
24 their role in the car is pretty much what happened on
25 these statements. One stated the other was in the back

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1 seat basically.

2 Q. Okay. Did you ever at any point accuse him of lying
3 and he not telling you the whole truth?

4 A. I could have said that.

5 Q. Okay. Do you actually remember going pretty hard
6 after Reggie during that interview?

7 A. We go pretty hard at several folks. It's a part of
8 this job.

9 Q. Okay. And do you remember him having to keep changing
10 his story on several different points as to who was in the
11 room, who wasn't, et cetera?

12 A. Well, it was a little obvious to myself and
13 Investigator Reese that Reggie may be a little special.
14 We didn't know his full background actually until he
15 testified on the stand of his educational background and
16 being in special classes.

17 But, yeah, we had to repeat some things and go over it
18 several times similar to what he did on the stand.

19 Q. But the whole time you're still accusing at him and
20 screaming at him about his story?

21 A. There may be some words of profanity.

22 Q. Excuse me?

23 A. I don't know about screaming but, yeah, certainly may
24 have been some words of profanity.

25 Q. Okay. Jeremiah Henderson, when you interviewed him he

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1 said he was playing cards and drinking some beer with some
2 people before all of this went down; is that right?

3 A. Yes.

4 Q. Do you ever remember trying to get in touch with any
5 of those boys involved?

6 A. No, I did not.

7 Q. Or did they ever talk to you?

8 A. No, I did not. No one implicated him as a participant
9 in the robbery or a lookout. So there was no need to
10 further do anything with Jeremiah. He seemed to be very
11 frank and honest about what he heard, what he observed and
12 so forth. And he corroborated the information we had.

13 Q. Just interesting, do you keep case notes from all
14 these interviews?

15 A. No. Investigator Reese and I when we work together he
16 does the notes. If I'm the chief, then I do the notes.

17 Q. Okay. Probably just save it for him?

18 A. Save a few trees.

19 Q. I'm sorry?

20 A. Save a few trees.

21 Q. Okay. So any specific questions about your interview,
22 he's going to be able to answer a little better?

23 A. That is correct.

24 MR. SAWYER: Beg the Court's indulgence. (Pause). No
25 further questions, Your Honor.

ARTHUR L THOMAS - REDIRECT

1 THE COURT: State?

2 MS. CAMPBELL: Just a few questions.

3 REDIRECT EXAMINATION

4 BY MS. CAMPBELL:

5 Q. He asked you about corroboration. Was it pertinent to
6 your investigation who was playing cards out in the hall
7 that night?

8 A. No.

9 Q. And was there any indication from your investigation
10 that there was anyone else that may have any relevant,
11 pertinent information in this case that wasn't
12 interviewed?

13 A. No, ma'am.

14 Q. And he asked you about corroboration. Telephone
15 records, were those corroborated?

16 A. Yes, they were.

17 Q. The two co-defendants, did they corroborate each
18 other?

19 A. Yes, they did.

20 Q. And the two independent witnesses that you did
21 interview, did they corroborate?

22 A. Yes, they did.

23 Q. And the girlfriend of Reggie Miller, did she
24 corroborate?

25 A. She did as well.

ARTHUR L THOMAS - REDIRECT

1 Q. And the family members of the victim, did they
2 corroborate?

3 A. They did as well.

4 Q. And he also asked you your opinions as far as who was
5 the shooter. Were you able to determine based on the
6 entire investigation once it was concluded who was the
7 shooter in this case, based on the credible evidence?

8 A. Mr. White was the shooter.

9 Q. He also asked you a number of questions about what
10 their intent was when they were meeting up with the victim
11 that night?

12 A. Correct.

13 Q. He went through some pages, but he didn't go to page
14 17 which is what I'll play (sic) for the jury.

15 A. All right.

16 Q. And the highlighted parts there, does he indicate --
17 is there a series of questions and answers for you, the
18 investigators and Victor White?

19 A. Yes.

20 Q. About what the intent was that night?

21 A. Correct.

22 Q. And can you publish that for the jury?

23 A. All right. If Reggie told you that he was going to
24 rob Pierre, what did you think was going to go -- what did
25 you think going to rob him with -- what do you think he

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1 was going to rob him with? How did you think he was going
2 to -- y'all excuse me. Highlights mess me up.

3 How did you think he was going to pull off this
4 robbery? White -- I mean with, I mean it can go either
5 way. It really didn't matter. Well, explain to me either
6 way that you're talking about. Beating him or choking him
7 out or something because, I mean, it's just the box.

8 He, and he -- he -- y'all forgive me. And he knows
9 mix martial arts. So he's saying he's boxing.

10 Who used to box and mix martial arts. Reggie. Okay.
11 So Reggie is saying, I'm going to rob him and you think
12 that's what he's going to use, martial arts or box the
13 man. I thought he was going to choke him out or
14 something.

15 Q. And that was in reference to the robbery?

16 A. That's correct.

17 Q. He also asked you whether or not you ever interviewed
18 Victor White after he was charged in that case. You did
19 not?

20 A. No.

21 Q. That would be improper; wouldn't it?

22 A. Correct.

23 MS. CAMPBELL: I don't have anything further.

24 THE COURT: Thank you.

25 MR. SAWYER: Yes, just briefly, Your Honor. Just

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1 briefly, Your Honor.

2 RECROSS-EXAMINATION

3 BY MR. SAWYER:

4 Q. Just in reference, you just said just now to the
5 solicitor that you didn't feel like there was anyone of
6 any merit, anyone worth interviewing other than these five
7 boys that might have been on the Benedict campus; is that
8 right?

9 A. Correct.

10 Q. Can we go -- and I hate to keep doing this to you --
11 to page 10 on this transcript?

12 A. That's fine. I may do better without the highlights.

13 All right. Page 10?

14 Q. Yes, sir. Does he -- line 17, Investigator Reese.
15 Who's he start talking about? He starts talking about
16 someone; right?

17 A. On which line is it?

18 Q. Line 17.

19 A. 17?

20 Q. Yes, sir.

21 A. Where it says C-four, C-five?

22 Q. Yeah. Who does he start talking about as a person in
23 this?

24 A. He mentions a name of Flocker. Who is Flocker?

25 Q. Exactly. Do you remember what Victor said about

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1 Flocker during the course of that interview?

2 A. Not off the top of my head. My home boy. That's
3 what's in the statement here.

4 Q. Do you remember him saying that's who he got money
5 from to go buy money from Pierre that day?

6 A. Can you reference what line he's saying that in,
7 counselor?

8 Q. I apologize. I think that's the first time he -- I
9 think you talked about that in pre-interviews so I think
10 that the first time you actually talk about Flocker in
11 there?

12 A. I do recall during his statement that he talked about
13 gathering \$20 from subjects to purchase marijuana. I
14 can't remember exactly which subjects he was referring to.

15 Q. And then at the end on page 27?

16 A. Twenty-seven?

17 Q. Actually, I'm sorry; 26.

18 A. Twenty-six. Okay.

19 Q. About line four. Is that what you're referring to
20 where they're saying who has money. And I think
21 Investigator Reese asked Victor: You got 20 bucks and
22 Flocker gave 20 bucks for marijuana that day; right?

23 A. Right.

24 Q. And so, just kind of without getting into specifics
25 but in the whole course of this you're asking about this

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1 Flocker character who's supposed to be in on the
2 marijuana; right?

3 A. But that's on buying marijuana, not robbery.

4 Q. Absolutely. Absolutely. But then on page 27, he
5 says -- actually, he goes back to Flocker's room which is
6 314; is that right?

7 A. 314, okay.

8 Q. I don't need you to read it per se. Just kind of
9 glance over it. I'm paraphrasing but he said they go back
10 to see Flocker in 314?

11 A. Right.

12 Q. And then on page 28 he actually talks about giving
13 marijuana to Flocker; is that right?

14 A. Twenty-eight. Okay.

15 Q. Is that what he says that he's giving marijuana to
16 Flocker? I think it's line nine-ish.

17 A. Right.

18 Q. Did you ever get the identity of this Flocker
19 character?

20 A. I believe Flocker was one of the subjects --

21 Q. Does the name Wilkerson ring a bell to you?

22 A. Off the top of my head, I can't recall.

23 Q. I'm sorry. Beg the Court's indulgence? (Pause).

24 I'm sorry. Ryan Wilford. Does that name ring a bell at
25 all to you?

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1 A. To be honest, because he was not a lookout, setup or
2 go back to the truck, I didn't show a great deal of
3 interest. I'm not certain, off the top of my head. I --

4 Q. Do you remember if there was ever a search warrant
5 executed at this Room 314 where he said this Flocker lived
6 at?

7 A. I believe they did a search warrant of 314; yes.
8 Uh-huh.

9 Q. Okay. Why did you search it if he wasn't one of the
10 initial people?

11 A. Again, because 314 was mentioned by your client as one
12 of the areas he went back to, along with B-4 or something
13 like that.

14 Q. But you don't remember actually interviewing any of
15 the subjects in 314?

16 A. Off the top of my head, I cannot recall Flocker. We
17 may have spoken with him but at this juncture I cannot
18 say, to be honest.

19 Q. Would he have been able to provide some sort of
20 independent verification of whether Victor was telling the
21 truth in this or not?

22 A. Again, because he put in \$20 to buy the weed but he
23 did not plan or participate in the robbery, I can't tell.

24 Q. Okay. But, I mean, he could have told you if he
25 remembered Victor that night; right?

1 A. Whether he gave him \$20 wasn't important to me. It
2 was the parties that participated in the murder and the
3 robbery that we focused on in this investigation.

4 MR. SAWYER: Okay. Nothing further, Your Honor.

5 THE COURT: All right. Thank you, sir.

6 MS. CAMPBELL: May we approach?

7 THE COURT: Pardon?

8 MS. CAMPBELL: May we approach?

9 THE COURT: You may step down.

10 THE WITNESS: All right. Thank you, sir.

11 THE COURT: We'll break for lunch now until two
12 o'clock. Y'all have a good lunch until two o'clock.

13 (Jury exits courtroom at 12:39 p.m.)

14 THE COURT: Is there anything else before we break?

15 MS. CAMPBELL: Nothing from the State, Your honor.

16 MS. GIBBES: No, Your Honor.

17 THE COURT: All right. We'll be in recess until two.

18 (Thereupon the luncheon recess was taken from
19 12:39 p.m. until 2:37 p.m.)

20 MS. CAMPBELL: Your Honor, I don't know if this would
21 be an appropriate time. There was that stipulation we
22 were talking about earlier. I didn't know if you want to
23 go through that or not prior to this witness or after.

24 THE COURT: What is the stipulation?

25 MS. CAMPBELL: The stipulation was that on the evening

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1 it.

2 And that the parties agree that on February the 10th,
3 2010, the Defendant was lawfully arrested.

4 Is that the stipulation by the State?

5 MS. CAMPBELL: Yes, sir.

6 THE COURT: By the defense?

7 MS. GIBBES: Yes, Your Honor.

8 THE COURT: All right. Very good. Call your next
9 witness.

10 MS. CAMPBELL: Thank you, Your Honor. The State would
11 call Investigator Kevin Reese.

12 KEVIN REESE, having been duly sworn, was examined and
13 testified as follows:

14 THE CLERK: Thank you. Have a seat on the witness
15 stand. State your name for the record.

16 THE WITNESS: Kevin Reese.

17 DIRECT EXAMINATION

18 BY MS. CAMPBELL:

19 Q. Investigator Reese, where are you employed?

20 A. Columbia Police Department.

21 Q. What do you there, sir?

22 A. I am a homicide investigator.

23 Q. How long have you been in law enforcement?

24 A. 1978.

25 Q. Can you tell this jury a little about your education

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1 and background?

2 A. I hold a bachelor of science degree in criminal
3 justice from Benedict College, and a graduate degree in
4 conflict resolution and human behavior from Columbia
5 College, police academy, various schools within my chosen
6 fields.

7 Q. And you've been in law enforcement since, I believe,
8 1978?

9 A. Since '78; right.

10 Q. And were you the lead investigator on this case?

11 A. Yes, ma'am; I was.

12 Q. I want to turn your attention back to February the 3rd
13 of 2010. Did you actually respond to the crime scene at
14 Kentucky Fried Chicken on Taylor Street?

15 A. I did.

16 Q. And when you got there, what initially did you
17 observe? Can you tell this jury?

18 A. At first I responded because we received a call about
19 a possible dead body in a vehicle parked behind the KFC on
20 Taylor Street. It's my job to respond so we responded.
21 And when I got there, I made a few notations, preliminary
22 notations of what I saw.

23 Is that what you're talking about?

24 Q. Yes, sir.

25 A. Okay. Yeah. I -- in addition to realizing that the

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1 person that eventually turned out to be Steven Pierre
2 Duckett was in the vehicle, I also realized that he, from
3 a preliminary examination that he had no signs of life.

4 Paramedics had already been there and they had already
5 established that fact anyway but, you know, we have to go
6 through the motions and re-establish it, which is what we
7 did.

8 I noticed that he was laying inside the vehicle. He
9 was, like everybody else said that got up here, he was
10 leaning backwards and his body was sort of like this
11 (indicating) partially between the console, the seat to
12 the right and the seat to the left.

13 On the outside of the vehicle, I noticed that it
14 was -- the vehicle was parked in sort of like an isolated
15 area. If you know anything about the KFC, the one over
16 here on Taylor Street, if you enter, or if you're going
17 toward West Columbia from the Providence Hospital and you
18 enter into the parking lot, you make that right into the
19 parking lot and you can drive around the back or you can
20 park over to the side.

21 In this case the car apparently drove around the side,
22 from the side, around the back and then around to the
23 other side which is where the driver -- drive-through
24 window was. And so that area, especially at night is
25 pretty, pretty isolated.

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1 On the right side -- that vehicle was pretty much
2 parked up on a curb. There's a concrete curb there with a
3 fence and a lot of bushes, trees and debris right there at
4 the fence. And that vehicle was parked right there close,
5 close to that.

6 And so it was parked near the outside curb. And it
7 was away from the drive-up window. It was not directly at
8 the drive-up window, maybe a couple of yards away from the
9 drive-up window in back, behind it a little bit.

10 Two front tires were turned partially to the right
11 which would have put the tires into the, into the curb.
12 There was some skid marks, some scuff marks. It was
13 apparent that those were from the tires. And it looked
14 like the vehicle hit that curb and hit that curb with a
15 slight amount of force. That was clear because the --
16 inspecting a vehicle on the inside there was not in
17 gear -- it was not in park or anything.

18 There were leaves, vines and dirt and other type of
19 debris on top of the hood which was an indication that it
20 did hit that curb with some force and it shook the bushes
21 there, so leaves dropped all over the vehicle as well as
22 dirt and that kind of stuff.

23 It appeared that the vehicle had been running when it
24 hit the curb, just like I just said, because of the way it
25 was parked. And there was, like, a, a DVD, the movie

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1 Boomerang. There was a DVD case from the movie, a black
2 electronic cable box and a pack of plastic cable ties were
3 found about five feet in front of the vehicle.

4 And it looked like those items had been taken out of
5 the vehicle and discarded because on the inside of the
6 vehicle, it was clear that the vehicle was ransacked.
7 That was no problem.

8 There was also a \$1 bill that was found underneath the
9 vehicle. And it was obvious that all of that stuff
10 belonged inside the vehicle out there on closer
11 inspection.

12 I noticed that the vehicle doors were closed, they
13 weren't open. The driver's side window was rolled
14 completely up and a passenger side window was rolled
15 partially down, halfway down.

16 The glove compartment box of the vehicle was opened
17 and it appeared to have been rummaged through. The
18 passenger side seat was pushed towards the dashboard. And
19 the back seat was pushed, it was pushed forward. And of
20 course the vehicle was a two-door truck.

21 The other observations that I made was that inside the
22 vehicle, the gear shift was -- I'm sorry. I must have
23 misspoke on that. The gear shift was in drive. The
24 engine was not running but the ignition was still in the
25 on position. The lights and the heater of the vehicle was

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1 turned off. The radio, although it wasn't on was, like,
2 in the down position. And the vehicle did contain about a
3 half tank of gasoline. At least that's what the gauges
4 showed on the vehicle.

5 It was -- a partially full bottle of Gatorade was
6 underneath the young man inside the vehicle, the victim's,
7 underneath his right side. In the middle console there
8 was a red plastic cup in the console's holder.

9 Q. You mentioned some skid marks or something that
10 indicated that the truck may have hit the curb. I show
11 you what's been marked as State's Exhibit Number 17 and
12 Number 18. Are those some of the marks we're talking
13 about?

14 A. Yes. This is what I'm talking about.

15 Q. And in 17 and 18, it actually shows the marks. Are
16 those on the pavement or are those up above the curb?

17 A. Okay. I'm sorry. Turn around, please, and ask me the
18 question one more time, please.

19 Q. The marks in the grassy area --

20 A. Yes.

21 Q. -- that is consistent with, what?

22 A. That the vehicle ran up, off of the pavement onto that
23 little dirt area, the dirt and grass area there.

24 Q. You also mentioned that there was an area as shown in
25 State's Exhibit Number 18 with the fence?

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1 A. That's right.

2 Q. With some bushes on it?

3 A. Right.

4 Q. And then on front of the vehicle you observed what
5 items?

6 A. That would be the debris, the leaves, some of the
7 twigs from the bushes there.

8 Q. And would that be consistent with that vehicle having
9 either brushed that fence or been near where those leaves
10 were?

11 A. That's right.

12 Q. Once you made your observations at the scene, then
13 crime scene investigators were brought in to process the
14 appropriate items?

15 A. Right.

16 Q. That day was contact made with the Defendant's (sic)
17 brother?

18 A. Yes, ma'am.

19 Q. Was he able to give y'all some information as part of
20 your investigation that proved to be more crucial later
21 on?

22 A. Yeah. He spoke with Investigator Pegram and I believe
23 Sumpter. And as is my practice, somebody that would have
24 been that important to the case, I go back and talk to
25 them again. And I did.

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1 And he gave me pretty much the same information that
2 he gave Pegram.

3 Q. That he gave Pegram?

4 A. Right.

5 Q. One of the items of information that he was able to
6 give you, was that a phone number?

7 A. His brother's phone number.

8 Q. And was that significant as to your investigation? Or
9 in a homicide investigation, do you want to try to get
10 cell phone numbers?

11 A. Yes, ma'am.

12 Q. And why is that, sir?

13 A. It's usually -- especially in situation like this, it
14 could be very helpful in pinpointing the last person that
15 the victim in this case would have had some sort of
16 telephone contact.

17 We would have even known if he made any phone calls or
18 anybody made any calls to him but did not get him or
19 whether he carried on a conversation for any length of
20 time.

21 And it would put, it helps to put a time line to the
22 entire scenario there. So that's why it's so important to
23 the case.

24 Q. Okay. And in this case was the victim's cell phone
25 ever recovered in the car or anywhere else?

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1 A. No, it was not.

2 Q. Who was assigned to follow up on the cell phone
3 information as it developed in this case?

4 A. I assigned Investigator Pegram -- the cell phone
5 information?

6 Q. Yes, sir.

7 A. Investigator Pegram.

8 Q. So that day as part of your investigation, were you
9 aware that he actually got a search warrant for the
10 victim's cell phone records?

11 A. I was.

12 Q. During the next several days, did you continue to try
13 to follow up on information, especially following up on
14 the victim's acquaintances and things of that nature?

15 A. That's right, yes.

16 Q. And did you also speak to his girlfriend?

17 A. Yes, I did.

18 Q. Was she able to give you some information about the
19 time line the night before, what little bit she knew?

20 A. Yes, she did.

21 Q. And over the next several days, did you continue to
22 talk to acquaintances of the victim in an attempt to try
23 to get information?

24 A. Yes.

25 Q. I want to turn your attention specifically to February

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1 the 7th of 2010. Did y'all receive a return from your
2 search warrant the victim's cell phone records?

3 A. That's --

4 Q. Cell phone records themselves I guess is actually what
5 you got?

6 A. February the 7th.

7 Q. And at that point, were y'all focusing on a certain
8 time period of night that was significant in your
9 investigation?

10 A. Yes, we were.

11 Q. And was that around two A.M.?

12 A. Yes, ma'am.

13 Q. As a result of reviewing the cell phone records, what
14 if anything did y'all do?

15 A. As a result of reviewing the cell phone records?

16 Q. Yes. Was there a specific number on the cell phone
17 record that jumped out at y'all as being possibly
18 significant in this case?

19 A. That's right. We targeted pretty much that number
20 because it actually presented itself to us. We'd have
21 been remiss not to target that number.

22 Q. And that would be the area code 803-391-[REDACTED] number?

23 A. That's it.

24 Q. And what do the records show you about, around that
25 time period, leading up to that two A.M. time period and

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1 everything at that point? Was there -- were there phone
2 calls back and forth between those two numbers?

3 A. That's right. After analyzing the documents from the
4 phone company, the records, it was determined that the
5 victim's phone and that number you just read out was,
6 communicated with one another simultaneously. And of
7 course at some point pinging off of the same towers that
8 was in that area.

9 They were also in the same area.

10 Q. Did you also conduct some searches in an attempt to
11 figure out whose phone or who was using the phone at that
12 time?

13 A. Yes, we did.

14 Q. And whose name came up at that point?

15 A. The phone came back to someone named Cameron Jay Bowen
16 but other records showed that the phone was at that time
17 being used by the Defendant, Victor White, that it turned
18 out to be.

19 Q. And were you later able to confirm that this was
20 Victor White's phone through information he gave, Victor
21 White gave you?

22 A. Yes.

23 Q. And in your search of the Accurint records confirmed
24 that?

25 A. That's correct.

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1 Q. Over the next two days, did y'all canvas the area in
2 an attempt to find Victor White?

3 A. Yes, we did.

4 Q. And at some point, I believe on the afternoon of
5 February the 10th, did you become -- were you able to
6 gather information about a Tree Street address?

7 A. Yes, we did.

8 Q. And as a result of the information you were able to
9 get, did you then proceed to Tree Street in Cayce, South
10 Carolina?

11 A. That's right.

12 Q. What happened when y'all got out to the Tree Street
13 area?

14 A. Myself and several other investigators, my partner,
15 different other agencies, went to that area. We wasn't
16 sure exactly of the appropriate address. So what we had
17 to do is do door-to-door knock, knock kind of thing.
18 While we were in the process of doing that we had a lot of
19 investigators out there and it was clear to everyone that
20 we were the police.

21 And at some point Mr. White appeared in the front yard
22 of this Tree Street address. And we already had photos of
23 him so we knew who we were looking for. He was
24 immediately identified by one of the investigators out
25 there. And at that point we approached him.

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1 Q. And at that point you approached him?

2 A. Yes, ma'am.

3 Q. And was he, as has been stipulated, lawfully taken
4 into custody at that point?

5 A. That's right.

6 Q. Who actually transported him to headquarters that day?

7 A. I think Investigator Thomas and myself. That's
8 normally our practice.

9 Q. Once the Defendant -- and about what time of night was
10 it when you actually took him into custody; do you
11 remember?

12 A. It was, I think, somewhere, somewhere around 10:30,
13 around in that area that we came in contact with him. And
14 got him to headquarters at some point.

15 Q. And once you got him to headquarters -- let me ask you
16 this first: While you were transporting him, did you try
17 to interrogate him or ask him any questions about this
18 case while you were transporting him?

19 A. No, ma'am. We wouldn't do that.

20 Q. And in fact, prior to talking to him that day since he
21 was in lawful custody, is there a procedure you used to
22 ensure his rights were observed?

23 A. Yeah. You have to advise a person of his rights.

24 Q. And in this case once he got to headquarters, where
25 did y'all go in order to talk to him?

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1 A. My office is on the second floor. And most of the
2 investigators' offices are on the second floor so that's
3 where we took him. That's where other interviews are, on
4 the second floor.

5 Q. And you went to one of those interview rooms?

6 A. That's right.

7 Q. And prior to talking to him about anything about this
8 case, did you in fact advise him of his rights?

9 A. Yes.

10 Q. I show you what's been marked as State's Exhibit
11 Number One. Do you recognize that form?

12 A. That's the advisement of rights form.

13 Q. And is that a form that you use as a practice to make
14 sure that you go over all of the rights that a Defendant
15 has prior to talking to them?

16 A. That's right

17 Q. And did you do that in this case?

18 A. Yes, ma'am.

19 Q. And is that the form you used?

20 A. That's the form.

21 MS. CAMPBELL: Your Honor, at this time we'd offer
22 State's Exhibit One into evidence.

23 MS. GIBBES: No objection.

24 THE COURT: So admitted.

25 (Thereupon, State's Exhibit No. 1, advice of rights

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1 form, was received into evidence.)

2 BY MS. CAMPBELL:

3 Q. Can you go through with the jury basically how he was
4 advised of his rights and what rights he was advised of
5 and then what happened?

6 A. Yes, I can. Of course it's in our Constitution that if
7 you want to ask a person any questions that's going to
8 lead to incriminating, you have to advise him of his
9 rights particularly if he's in custody.

10 And my department uses this form here. It's called an
11 Interrogation Advice of Rights form. We do this with
12 everybody that we're going to talk to. And it's pretty
13 much basically self-explanatory.

14 When explaining the person their rights, normally what
15 I do is I'll read the top portion up here to the person
16 which explains to them their rights. And I need to make
17 sure that they understand and hear every word I say. And
18 I ask them that. I don't read the whole thing and then
19 ask them. I read it individually and I read everything
20 here.

21 And in this case this is what I did. And in the case
22 of Mr. White, I asked him -- I read the form to him. The
23 first line says: Before we ask you any questions you must
24 understand your rights. You have the right to remain
25 silent.

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1 When I asked him that, I asked him: Do you understand
2 it? He says, yes. I check here. And you can always tell
3 my checks because my checks are backwards. I drew lines
4 here and I asked him to initial it. Initialed it. Simply
5 means it was read to you. You said you understood it.

6 Anything you say can be used against you in court.
7 Same thing. You understand it? Yes. Initial it there.
8 Check.

9 You have a right to talk to a lawyer for advice before
10 we ask you any questions and to have him with you during
11 questioning. Same process. Check. He initialed it. He
12 understood it.

13 If you cannot afford a lawyer one will be appointed to
14 you before questioning if you wish. Same thing. Check.
15 He initialed it.

16 If you decide to answer questions now without a lawyer
17 present, you still have the right to stop answering
18 questions at any time. You also have the right to stop
19 answering questions at any time until you talk to a
20 lawyer. Same thing. I checked after he initialed it
21 saying that he understood it.

22 Now if he tells me he doesn't understand it, then I'll
23 go through the process of trying to explain it to him. If
24 I do that then I'll ask you again, did you understand it?
25 If he says yes, then I'll sign off on it and let you sign,

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1 initial it.

2 Down here at the bottom when it gets to the waiver
3 part, now bear in mind that at no time -- up at the top
4 here, where he initialed. Is he giving me permission to
5 go on and talk to him? Not at that point. He's simply
6 saying, I heard you read it to me and I understand it.

7 So at the bottom where, the waiver of rights
8 paragraph, I ask the individuals to read that, too.
9 The reason I do that is because I need to gauge
10 his ability to read. If you can't read, there's no point
11 in me trying to get you to understand. If normally a
12 person cannot read, then I try to go through some other
13 measures about getting this thing done.

14 In this case he read it on his own. And it says: I
15 have read this statement of my rights and I understand
16 what my rights are. I am willing to make a statement and
17 answer questions. I do not want a lawyer at this time.
18 I understand and know what I am doing. No promises or
19 threats have been made to me. No pressure or coercion of
20 any kind has been used against me.

21 Do you understand it? He says, yes. He signed off on
22 it.

23 Now, if you -- when you take this back there, if
24 you're going to take it back there, you'll notice that all
25 my checks are up here. There's no check right here from

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1 me. And that's because I didn't read this to him. He
2 read this himself.

3 But you'll also notice that his initials are on that
4 line right there.

5 And then of course Investigator Thomas and myself were
6 in the interview room with him. I witnessed it or sign
7 off to say he was advised of his rights. Thomas did the
8 same thing, and we put the time here 11:55.

9 Do you want to talk to us at this time? Yes. Then
10 sign right here that your rights were read to you. If he
11 really truly understood all of this, he knows that he can
12 be in the middle of a conversation with us, five minutes,
13 15, 55 minutes if he wanted, Reese, I don't want to talk
14 to you no more. I got to shut it down.

15 In this case, he continued talking to me. That's it.

16 Q. Once you advised him of his rights, at any point
17 during the advisement of rights, after the advisement of
18 rights, or the entire time you talked to him that evening,
19 did you promise him anything to make him talk to you?

20 A. No, ma'am.

21 Q. Did you promise him any leniency? Did you threaten
22 him?

23 A. No threats, no promises.

24 Q. Did you try to coerce him in any way to make him talk
25 to you?

KEVIN REESE - DIRECT

1 A. No.

2 Q. And did he appear to understand your questions?

3 A. He appeared to everything, every word I said to him.

4 Q. Were his responses coherent?

5 A. Yes, they were.

6 Q. Did he appear to be talking to you voluntarily, in
7 your estimation?

8 A. Yes.

9 Q. And at any point did he invoke any of his rights? Ask
10 for a lawyer? Tell you he didn't want to talk any more?

11 A. No.

12 Q. Did you deprive him of any creature comforts or beat
13 him or do anything to make him talk to you that day?

14 A. No, ma'am.

15 Q. Once he had been advised of his rights, did you then
16 start talking to him about the murder at the Kentucky
17 Fried Chicken?

18 A. Yes, I did.

19 Q. Preliminarily, what happened in this case as far as
20 talking to him? How did the conversation start?

21 A. If -- Thomas and I generally record all of the people
22 we interview, especially in our homicide cases.

23 And you can interview a person you can -- you know, if
24 you don't do it the way we normally do it, you can be
25 there all day and all night interviewing a person because

KEVIN REESE - DIRECT

1 you never get anything straight.

2 So what we do is we do a pre-interview or we call it
3 just simply a dry run. We run through your scenario. We
4 ask you some questions so we can get your scenario
5 straight, our facts straight and make any determination
6 whether this is going to be a playful BS-kind of session
7 or whether you're going to be serious about the
8 information that you're giving us.

9 So in this case what we did was we gave him a
10 pre-interview. Once that was done then it's time to get
11 down to the nitty-gritty which is what we done, the real
12 statement. We advise you then and even if we didn't
13 advise you, you know it because there's the recorder
14 sitting there in front of you. Cut it on, you're going to
15 be recorded and you talk about this and that and that's
16 what happened here.

17 Q. During that time period did you also confirm that that
18 was, in fact, the phone number, the 391-[REDACTED]?

19 A. That's right.

20 Q. And did you also show him, I believe, a photograph of
21 the truck in the driveway as well as a photo of the victim
22 so he knew who you were talking about?

23 A. There was the BOLO information we put out with -- and
24 the -- I had a photo of Steven made up with the vehicle on
25 the same sheet. I showed it to him. Asked him: Do you

KEVIN REESE - DIRECT

1 recognize this vehicle? And do you recognize the young
2 man there being called the names or anything? He said,
3 yes, he recognized both.

4 Q. During this time period, both prior to recording and
5 During the recording, was he cooperative?

6 A. Yes, he was cooperative.

7 Q. Did he want to give you his version of events?

8 A. His version; right.

9 Q. And did he acknowledge knowing the victim in the
10 case?

11 A. Yes, he acknowledged.

12 Q. Once you had gotten the preliminary matters out of the
13 way, did you then record his statement?

14 A. Right.

15 Q. And I show you State's Exhibit Three. Did you have
16 the opportunity to review that at my request?

17 A. Yes.

18 Q. And does that fairly and accurately depict the
19 conversation that took place between you and the
20 Defendant, Victor White, and Investigator Thomas on that
21 date?

22 A. That's right.

23 MS. CAMPBELL: Your Honor, at this time I'd offer
24 State's Exhibit Three into evidence.

25 MS. GIBBES: Your Honor, I would object for purposes of

KEVIN REESE - DIRECT

1 the record. I would refer to all my pretrial motions
2 referring to the admissibility of this statement in regard
3 to Denno and any other pretrial motions that we argued.

4 THE COURT: All right. It is admitted over objection.

5 MS. GIBBES: Thank you, Your Honor.

6 MS. CAMPBELL: Thank you, Your Honor. Permission to
7 publish it, Your Honor?

8 THE COURT: Yes.

9 MS. CAMPBELL: Thank you. Your Honor, do I have
10 permission to hand out transcripts that we will then take
11 back up from the jury?

12 THE COURT: Any objection?

13 MS. GIBBES: No objection.

14 THE COURT: All right. You may do so.

15 (Thereupon, State's Exhibit No. 3, audiotape, was
16 received into evidence and played for the jury.)

17 BY MS. CAMPBELL:

18 Q. There was some reference to some different people and
19 we referred earlier to a text message that was intercepted
20 for the Tree Street address?

21 A. Right.

22 Q. Where did y'all get the name Ebony Thomas from?

23 A. I think that was -- one of the text messages that were
24 intercepted was from her.

25 Q. And she was a friend of the Defendant's in this case?

KEVIN REESE - DIRECT

1 A. I believe so.

2 Q. And also, the Flocker person that he refers to getting
3 money from sometime that night before this actually
4 occurred --

5 A. Right.

6 Q. -- did you all do anything to follow up on Room 314 in
7 this case as far as looking for any evidence or trying to
8 talk to Flocker?

9 A. Yes, we did. We served a search warrant. Flocker was
10 supposed to be in Room 314 at Benedict, in Gambrell dorm.
11 We served a search warrant there. We went looking for
12 him. We think we had him identified but, you know, if you
13 go hunting for people and you try to get in touch with
14 them, you can't produce them, you can't make them come
15 forward if they don't want to. But we put forth a pretty
16 strenuous effort trying to locate this person.

17 Q. And I believe in this tape he actually refers to him
18 as his friend or his home boy?

19 A. Yes.

20 Q. Which you would interpret that to be a close
21 relationship?

22 A. A close friend.

23 Q. And despite your attempts to find Flocker he never
24 came forward or talked to anybody?

25 A. No, he never did..

KEVIN REESE - DIRECT

1 Q. In your search warrant for Room 314, were you able to
2 find anything of evidentiary value in this case?

3 A. No, we didn't find anything.

4 Q. During the course of this investigation did you
5 attempt to find the gun in this case?

6 A. Yes, we did.

7 Q. Was it ever recovered?

8 A. No, it was not.

9 Q. Is that unusual in a murder case?

10 A. No. Very rarely do you find -- if the perpetrator had
11 a decent amount of time to get away, and in this case used
12 a firearm, last thing he's going to want you to do is find
13 that firearm. So it's not unusual for us not to find it.

14 Q. In this case you also referred to in his statement
15 some tennis shoes and some clothing you were looking for.
16 Were you able to find anything with any blood on it in
17 reference to this case that could be sent for
18 identification?

19 A. No.

20 Q. Once you had concluded your interview with Victor
21 White, this is the first time that you talked to anyone
22 that's come forward with any information about what
23 actually happened that night other than what you were able
24 to surmise from your assessment at the scene?

25 A. Right.

KEVIN REESE - DIRECT

1 Q. And the telephone records?

2 A. Right.

3 Q. And at that point the name he gives you is who?

4 A. Reggie Miller.

5 Q. At any point during the course of your investigation
6 or your conversations with Victor White on that night, did
7 he ever mention Demond Sanford?

8 A. No.

9 Q. Did he ever mention Jeremiah -- I forget his last
10 name.

11 A. Henderson.

12 Q. Thank you.

13 A. He didn't mention that name, either.

14 Q. Did he ever mention Jeremiah's roommate who was asleep
15 other than he was in the room at 314?

16 A. No. He never mentioned anybody except the Flocker
17 person and Reggie Miller.

18 Q. And how did he liken his relationship to Reggie
19 Miller?

20 A. I think he said he was a friend.

21 Q. Based on the information that you were given that
22 night by Victor White, were arrest warrants procured in
23 this case?

24 A. Yes. I secured the arrest warrant.

25 Q. And who all at that point did you get arrest warrants

KEVIN REESE - DIRECT

1 for?

2 A. At that point the only person that I got an arrest
3 warrant for was Reggie Miller, murder and armed robbery.

4 Q. And did you also place this Defendant under arrest for
5 the murder and armed robbery that night?

6 A. Reggie? No.

7 Q. The Defendant.

8 A. Oh yeah. We did. I'm sorry.

9 Q. And that was based on his statement of what?

10 A. Friday.

11 Q. And this was prior to -- so he was arrested for murder
12 and armed robbery prior to you even having the opportunity
13 to talk to Reginald Miller?

14 A. Right.

15 Q. Jeremiah?

16 A. Right.

17 Q. Nathaniel?

18 A. Right.

19 Q. Or Demond Sanford?

20 A. Right.

21 Q. Once you got the information about Reginald Miller,
22 you secured arrest warrants. And what, if anything, did
23 you do as far as apprehending him?

24 A. Reggie Miller?

25 Q. Uh-huh.

KEVIN REESE - DIRECT

1 A. Is a student at Benedict College so we don't just want
2 to just go over to Benedict College. We got in touch with
3 the police officers over there. So that we can work in
4 concert to try to apprehend him.

5 Q. And did the Benedict College Police Department
6 actually assist y'all in apprehending Mr. Miller?

7 A. Yes, they did.

8 Q. Once he was taken into custody, I believe that would
9 have been on February the 11th; is that correct?

10 A. That's right.

11 Q. Was he then transported to your headquarters as well?

12 A. Right.

13 Q. And once he was there, you don't have to go into as
14 much detail, but did you go through the same scenario
15 about advising him of his rights?

16 A. Absolute same detail.

17 Q. When you made contact with Mr. Miller and you advised
18 him of his rights, did he indicate whether or not he
19 wanted to talk to you at that point?

20 A. No. I think he -- in the beginning he said something
21 about, I think it was this one -- he was a criminal
22 justice major and he didn't have to talk to us and that
23 kind of stuff.

24 You know, that was fine with us. And he made it plain
25 that he didn't want to talk to us and after which we

KEVIN REESE - DIRECT

1 A. It would have been Reggie Miller.

2 Q. That didn't come from the Defendant, Mr. White?

3 A. No, it did not.

4 Q. When you made contact with Nathaniel Jones, did you
5 also interview him that day?

6 A. Yes, we did.

7 Q. And where did that interview take place; do you
8 remember?

9 A. At the Benedict Police Department.

10 Q. And at that point were you able to get information
11 corroborating Reggie Miller at that point?

12 A. Yes, we did.

13 Q. That day, had you also -- or investigators also
14 getting in contact with Jeremiah?

15 A. I'd have to -- I think --

16 Q. Did other investigators other than you actually make
17 contact with Jeremiah?

18 A. Yeah. I believe that would have been Thomas and
19 Investigator Lance Reeves.

20 Q. Actually, I'm wrong on the date. I apologize.

21 A. Okay.

22 Q. On February 12th?

23 A. Okay.

24 Q. And, again, Jeremiah's name came up through whom?

25 A. Reggie Miller.

KEVIN REESE - DIRECT

1 started the paperwork on him. Investigator Thomas read
2 him his -- the narrative in the warrant and that changed
3 everything about his attitude.

4 Q. And in the face of the warrant -- a warrant's not
5 admissible but we can talk about what's in it. In the
6 face of the warrant is there a reference to the statement
7 that was given by Victor White implicating Reggie Miller
8 as the shooter?

9 A. Yes, it is.

10 Q. And was that information in the warrant that was read
11 to Reggie Miller?

12 A. Yes, it is.

13 Q. And it was at that point that he wanted to cooperate?

14 A. That's right.

15 Q. And then did you proceed to talk to him that day?

16 A. Yeah, we did.

17 Q. And did you also take a recorded statement, just as
18 you did with Victor White, with him?

19 A. Yes, ma'am.

20 Q. That day did you also make contact with Nathaniel
21 Jones who was the roommate that was asleep?

22 A. Yes, we did.

23 Q. And where did you get the name Nathaniel Jones? Who
24 was the first person to provide you with information of
25 that witness?

KEVIN REESE - DIRECT

1 Q. And was contact made with him and was a statement
2 taken from him as well?

3 A. Yes, it was.

4 Q. And was he able to corroborate the information that
5 was given to you by Reggie Miller?

6 A. He did.

7 Q. That next day, too, on February 12, did you also make
8 contact with Demond Sanford?

9 A. Yes.

10 Q. And was he also contacted by the Benedict Police
11 Department assisting y'all in this case?

12 A. Yes, he was.

13 Q. Was he interviewed, a statement taken from him as
14 well?

15 A. Yes, ma'am.

16 Q. He was also advised of his rights, I believe?

17 A. That's right.

18 Q. And his statement was recorded as well?

19 A. Right.

20 Q. And did his statement corroborate Reggie Miller's
21 version or Victor White's?

22 A. It corroborated Reggie's version.

23 Q. And each of these people were interviewed
24 individually?

25 A. They were.

KEVIN REESE - DIRECT

1 Q. And you don't have any stake in who's the shooter or
2 who's not the shooter; is that correct?

3 A. No.

4 Q. You're just trying to take it where the evidence
5 leads?

6 A. Right.

7 Q. And that's what you did in this case?

8 A. That's correct.

9 Q. Is it unusual in a case when you're interviewing the
10 Defendant to minimize his role in a crime?

11 A. No, it's not unusual.

12 Q. There were a number of other -- based on the
13 information that you got from all these witnesses -- and
14 as far as being witnesses to the crime or the events
15 immediately after the crime, were those the witnesses that
16 we talked about, Nathaniel, Jeremiah, Demond Sanford,
17 Reginald Miller and Victor White?

18 A. That's right.

19 Q. And no one else's name came up as to knowing anything
20 pertinent about the facts of this murder?

21 A. No, no other names.

22 Q. There was also references in the statement that was
23 taken from Victor White where he referenced to the phone
24 actually belonging to a Cameron Bowen, I believe?

25 A. Uh-huh.

KEVIN REESE - DIRECT

1 Q. Was that information you had gotten?

2 A. Yeah, we had that information.

3 Q. But he acknowledged that he was the one using the
4 phone and that it was his phone that night?

5 A. Victor White did. That's right.

6 Q. During the course of the search of the vehicle, were
7 there any significant amounts of money or any drugs found
8 in the vehicle during the search of the vehicle?

9 A. No.

10 Q. During the course of your investigation, did y'all
11 attempt to get videotape that might shed some light on
12 what happened that night from the surrounding businesses
13 as well as Benedict College itself?

14 A. Went to Allen University, they got a place across the
15 street from the crime scene. We went to a little store on
16 the corner of Two Notch and Taylor. Every place in that
17 block we went and checked to see if there were any
18 videos.

19 I think the only person that did have any video at the
20 time would have been Allen University, across the street.
21 But their cameras were not up and running. They were
22 inoperable at this -- that time.

23 Q. So you attempted to get it but there's simply no video
24 to shed any light on any of this?

25 A. That's right.

KEVIN REESE - DIRECT

1 Q. There were also a number of search warrants. We've
2 already talked about the search warrant you did in
3 response to the Flocker information at Room 314 at
4 Gambrell Hall.

5 Did you also do a search warrant for the B-4 room
6 which I believe would have been the room of Jeremiah and
7 Nathaniel?

8 A. That's right.

9 Q. And during that search, was anything significant --
10 the gun wasn't found or anything of that nature?

11 A. No.

12 Q. Did you also as a result of your investigation do a
13 search warrant at the Tree Street address where the
14 Defendant was apprehended? Or was there a search warrant
15 done?

16 A. There was a search warrant done.

17 Q. And, again, as far as this crime, there's nothing
18 found there as far as any clothing, a gun or anything of
19 that nature?

20 A. No.

21 Q. And finally, did you also do a search warrant at
22 Bendale Drive which would have been Reginald Miller's
23 address?

24 A. Yeah. I had some other investigators do it. I wasn't
25 there when that was served but, yeah, it was one.

KEVIN REESE - DIRECT

1 Q. And that's that off-campus housing he was talking
2 about?

3 A. Right.

4 Q. And did you find anything significant there?

5 A. No.

6 Q. In this case one of the young men, I believe, it was
7 the man asleep, the roommate from the Charleston area?

8 A. Uh-huh.

9 Q. There was some discussion about a 843-200-
10 number. Was that associated with anyone involved in this
11 case?

12 A. No, it was not.

13 Q. When you talked to Mr. Miller he indicated that he did
14 speak to some extent to a girlfriend of his up north about
15 what had gone on that night?

16 A. Right.

17 Q. Did you make contact with her to confirm that?

18 A. Investigator Thomas did.

19 Q. Thank you. There was also a question about whether or
20 not there was any video recovered from Gambrell Hall. Was
21 there any video available to be recovered from Gambrell
22 Hall?

23 A. They don't have cameras there.

24 Q. And the person whose statement you took that was just
25 played for the jury --

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1 A. Uh-huh.

2 Q. -- Victor White, do you see him here in the courtroom?

3 A. Yeah. He's the Defendant sitting at the table there
4 in the middle, black T-shirt on, blue and white striped
5 shirt sitting between counsel.

6 MS. CAMPBELL: Your Honor, let the record reflect that
7 he's identified the Defendant.

8 THE COURT: Yes.

9 MS. CAMPBELL: I don't have anything further.

10 THE COURT: Defense?

11 MS. GIBBES: May it please the Court.

12 CROSS-EXAMINATION

13 BY MS. GIBBES:

14 Q. Investigator Reese?

15 A. Hey.

16 Q. I don't want to get too repetitive because I know
17 we've gone through this twice. We just heard the
18 statement, but you're the lead investigator?

19 A. Right.

20 Q. That means you kind of control the flow of the case?

21 A. Right.

22 Q. And on February 3rd, you were called to the scene.

23 And basically when you first get there your role's kind of
24 to assign duties, kind of assess the situation and decide
25 what to do next?

KEVIN REESE - CROSS

1 A. Well, yeah. That's the initial part of it, yes.

2 Q. And as you testified, I believe you got some
3 information, somebody you spoke to, the victim's brother?

4 A. Right.

5 Q. Reggie?

6 A. Uh-huh.

7 Q. You were able to get at least some information that he
8 might have spoken to his girlfriend, Veronica Nowell?

9 A. Yeah. You asked me did I get that from his brother
10 or --

11 Q. Well from -- from that information you were able to at
12 least determine who his girlfriend was?

13 A. Yeah.

14 Q. And then speaking to her, you didn't get much
15 information about what Pierre was doing in that area that
16 time that night?

17 A. She said she didn't know. She said she thought he was
18 going to his mama's house.

19 Q. At this point in the investigation you're trying to
20 speak to as many people as you can to see what happened?

21 A. Right.

22 Q. I know you spoke to his family and you got some
23 information about some of his friends?

24 A. We spoke to family members, friends down in the
25 Hopkins, Gaskin, we were all over the place. Any name

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1 that came up we tried to get around to them.

2 Q. Okay. And this is basically what you did for the
3 first several days of your investigation?

4 A. Uh-huh.

5 Q. And as noted, things didn't really change in the
6 investigation until February 7th?

7 A. Right.

8 Q. That's when you received the cell phone records of
9 Pierre Duckett?

10 A. Right.

11 Q. And I know you actually noted that the initial
12 interviews weren't giving you much information.

13 A. What I meant by that it was not any information that
14 we could, you know, pretty much sink our teeth into. It
15 wasn't helping.

16 Q. You didn't really have any leads at that point?

17 A. Nobody knew anything.

18 Q. Okay. And then based on those cell phone records of
19 Pierre, you got a phone number?

20 A. Right.

21 Q. And after some investigation you determined that it
22 belonged to Victor White?

23 A. Right.

24 Q. So based on that you took him into custody?

25 A. That's right.

KEVIN REESE - CROSS

1 Q. And when you took Victor into custody after he was
2 Miranda'd and all of that good stuff, you showed him some
3 pictures?

4 A. Uh-huh.

5 Q. Of Pierre and the car?

6 A. Right.

7 Q. Okay. And he admitted he knew who that was?

8 A. Yes, ma'am.

9 Q. And I know we talked about you doing kind of a rough
10 draft or, you know, a rough go-over of the interview
11 before you record it?

12 A. Right.

13 Q. So you gave him his Miranda rights and then you spoke
14 to him?

15 A. Right.

16 Q. Prior to recording it?

17 A. Right.

18 Q. And I'm going to use your language, you said you want
19 to make sure there's no playful BS?

20 A. Yeah.

21 Q. Okay. So you spoke to him and you didn't determine
22 that was the case because you recorded him pretty quick?

23 A. I didn't, and -- I been doing this a long time. And,
24 you know, basically as a homicide investigator that's been
25 doing this a long time, you pretty much eat, sleep,

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1 breathe this kind of stuff. And you can pretty much tell
2 when you're interviewing somebody what path they're trying
3 to take you down, whether they're being truthful or not.

4 And when, when you get an answer or answers to any
5 particular question that you just got that feeling for it,
6 then you expand on those answers and those questions.

7 So I don't think Thomas was either, we weren't -- I
8 know that he wasn't lying about everything, but I also
9 know that he wasn't telling the truth about everything
10 either. It just wasn't adding up. The answers to his
11 questions were, if I said, what's two plus two, his answer
12 would not have been four. It just didn't make any sense.

13 Q. But and I don't have any of your experience at all,
14 but just from listening to it he seemed pretty straight
15 forward from the beginning.

16 A. You said he seemed straight forward?

17 Q. Victor White.

18 A. He seemed straight forward to you. Yeah, I'll go
19 along with that.

20 Q. Because, I mean, basically -- I mean, based on that
21 recording and I know in hindsight, you know, it's
22 different but at that time you believed him enough to get
23 an arrest warrant for Reggie Miller?

24 A. Based on what he said. I didn't believe he was
25 telling -- he was fabricating 100 percent about Reggie

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1 Miller. Reggie Miller -- he placed him at the scene
2 places him in the car, places him with him discussing what
3 they were going to do in terms of the robbery prior to
4 even going up there.

5 That's called probable cause for us and that's what we
6 used to get a warrant.

7 So it was based on what he said at that point. It was
8 a given that there was going be an arrest warrant for
9 Reggie Miller.

10 Q. And I guess what I'm getting at is this is the first
11 indication that you're actually talking to somebody that
12 was involved in all of this?

13 A. That's right.

14 Q. Okay. And he sat down and he told you what his cell
15 phone number was?

16 A. Victor?

17 Q. Victor White. I'm sorry. And Victor White, he told
18 you that he knew Pierre Duckett?

19 A. Yeah.

20 Q. And he told you that he had a prior relationship
21 through his brother with him?

22 A. That's right.

23 Q. They were somewhat good friends?

24 A. Yes, ma'am.

25 Q. And that he told you that he had -- that Victor had

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1 bought marijuana in the past from Pierre Duckett?

2 A. Victor told me --

3 Q. Yes.

4 A. -- that he had. That's right. That's right.

5 Q. And so he brought this up immediately?

6 A. Right.

7 Q. Okay. And so based on that statement you got an
8 arrest warrant for Reggie Miller saying that he was the
9 shooter, that Reggie Miller was the shooter?

10 A. That was our understanding.

11 Q. And you also got several search warrants and that
12 based on those search warrants that Reggie Miller was the
13 shooter?

14 A. That's right.

15 Q. Okay. And I know there was a mention, the solicitor
16 mentioned that Victor White never mentioned Demond
17 Sanford; did he?

18 A. No.

19 Q. Okay. But he never mentioned that he went back to
20 Gambrell Hall at all to hang out with all those boys in
21 Jeremiah Henderson's room?

22 A. Not really, no.

23 Q. And he mentioned that -- he actually mentioned that he
24 went back to Gambrell and went into Flocker's room?

25 A. Right.

KEVIN REESE - CROSS

1 Q. And he said he gave him that weed?

2 A. Right.

3 Q. Okay. And they didn't discuss what happened?

4 A. Right. They didn't. That's what he said, they didn't
5 discuss it.

6 Q. And that Reggie Miller was with him at that time?

7 A. Right.

8 Q. Okay. And based on that statement you got a search
9 warrant for Flocker's room?

10 A. Right.

11 Q. And the basis for that search warrant was that Reggie
12 was in that room and y'all were searching for a weapon?

13 A. Yeah, we weren't going to take chances, if somebody
14 left it in there.

15 Q. And I understand. And the search warrant was served
16 on that room?

17 A. Uh-huh.

18 Q. And just because I don't know the process, if nobody
19 is there do you just leave it with somebody?

20 A. That's right.

21 Q. Okay. So there's no -- I know it's Benedict and you
22 don't have a lot of protection with a Benedict student,
23 but there's no requirement under the statute to actually
24 give it to the resident of the room?

25 A. No. Even at a private house if we do a search warrant

KEVIN REESE - CROSS

1 if nobody's there, we're required to leave a copy of the
2 warrant in a place where they will find easily.

3 Q. Okay. So Flocker -- was anybody in the room when you
4 served that search warrant?

5 A. I don't -- no, I don't think so. Flocker was not
6 there, that's for sure.

7 Q. Okay. Does he have a roommate to your knowledge?

8 A. Yeah, he had a roommate but the roommate wasn't there
9 either.

10 Q. Okay. And so after all of this you go and arrest
11 Reggie Miller and he's in class?

12 A. Benedict Police took him into custody.

13 Q. Okay. And when he was first arrested he acted like he
14 didn't know what was going on; correct?

15 A. I don't know. I wasn't there when he was first
16 arrested. Are you talking about when he got out of
17 class? When they pulled him out of class?

18 Q. Well, I know in just looking through his statement and
19 maybe listening to some testimony yesterday --

20 A. Uh-huh.

21 Q. -- it was mentioned he acted like he didn't know what
22 was going on. He, he, he maybe was inquiring why the
23 police were coming to arrest him in class?

24 A. Yes, ma'am. I can't speak to that.

25 Q. Okay. I understand. And when y'all got him down to

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1 the station, you read him his Miranda?

2 A. Right.

3 Q. You went through all of that?

4 A. Uh-huh.

5 Q. And you're actually pretty hard on Reggie during that
6 interview?

7 A. I've been known to be harder.

8 Q. And I know you got to do it, but you were definitely
9 pretty hard on him?

10 A. Uh-huh.

11 Q. And it seems like you indicated he wasn't being very
12 forthcoming to you, several times throughout that
13 interview?

14 A. Right.

15 Q. Because you thought he was lying at certain points?

16 A. I thought he was lying because of the way he was
17 giving us his answers.

18 And, you know, I really didn't even realize it until
19 yesterday because during -- when we interviewed him that
20 was the last time we saw him. We didn't make contact with
21 him any more. And so I didn't know until yesterday that
22 he had some mental issues.

23 And I think in retrospect now in interviewing him,
24 that's what he was dealing with which forced us to have to
25 deal with that unknowingly.

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1 Q. Of course. And in hindsight, but at the time, you
2 know, you felt like he was not being very forthcoming on
3 some points?

4 A. Yeah. That's a fair assessment.

5 Q. And at the time, I mean, you didn't -- you didn't have
6 any concerns about whether he understood what was going
7 on?

8 A. No, ma'am.

9 Q. I mean, at the time during this interview it didn't
10 seem like you had any concerns about whether he knew what
11 was going on.

12 A. If I had any concerns whether he knew what was going
13 on?

14 Q. As far as his mental capacity or maybe, maybe he was
15 in a situation that he couldn't understand what he was
16 talking about. And you didn't have any of those concerns?

17 A. No, huh-uh.

18 Q. Okay. I mean, it seems to me, I mean, he was a
19 criminal justice major; correct?

20 A. What's what he say.

21 Q. And he kind of played that role?

22 A. Right.

23 Q. I mean, he wanted a polygraph. Several times he
24 requested that.

25 A. Did I request a polygraph?

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1 MS. CAMPBELL: Objection, Your Honor. We have a
2 matter of law.

3 THE COURT: All right. Ladies and gentlemen, I'll
4 have you go to the jury room while we discuss this matter
5 of law.

6 (Jury exits courtroom at 04:10 p.m.)

7 THE COURT: All right.

8 MS. CAMPBELL: Your Honor, at this point we would just
9 simply ask that any further inquiry into a polygraph would
10 cease and desist. It's not admissible under the law as I
11 understand it.

12 I guess, I just assumed that we weren't going there
13 because it's never admissible as far as I know, according
14 to the case law. And I just --

15 MS. GIBBES: I mean, Your Honor, I won't go any
16 further with that.

17 THE COURT: All right. I may be one of the few who
18 have admitted it. We do a hearing, just like anything
19 else.

20 MS. GIBBES: And, I apologize. I mean, it was my
21 understanding I could mention it if you request it or of
22 course if you took one, any results or anything like that.

23 THE COURT: All right.

24 MS. CAMPBELL: Thank you, Your Honor.

25 THE COURT: We can conduct the hearing and the SLED,

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1 with the SLED agents that it's reliable and they testified
2 for the defense that it was reliable and the State had
3 nothing to offer to counter it, it was admitted; but
4 that's not this situation.

5 All right. We'll take a few minutes.

6 MS. CAMPBELL: Thank you.

7 (Thereupon at 4:13 P.M., a break was taken.)

8 THE COURT: Let's see if we can get them to come on
9 back.

10 (Jury enters courtroom at 4:26 P.M.)

11 THE BAILIFF: Jury seated, Your Honor.

12 THE COURT: Okay. Very good. You may continue.

13 MS. GIBBES: Thank you, Your Honor.

14 BY MS. GIBBES:

15 Q. Investigator Reese, we were talking about your
16 interview with Reggie Miller.

17 A. Yes, ma'am.

18 Q. And you're saying at that time you believed he
19 understood what he was doing?

20 A. I thought he did; correct.

21 Q. And in fact, actually I know you read him his Miranda
22 rights and he signed it?

23 A. Right.

24 Q. And of course when you go through it and he initials
25 it, you know, besides the basic questions he has to say he

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1 understands his rights and then he initials it?

2 A. Right.

3 Q. And he says, I understand and know what I am doing.

4 No promises or threats have been made to me. No pressure
5 or coercion. And he signs that saying he knows what he's
6 doing?

7 A. That's correct.

8 Q. So at that time he's signed that?

9 A. Right.

10 Q. And I know you spoke to Victor White. He gave you his
11 phone number?

12 A. Right.

13 Q. Okay. And Victor White actually mentioned that maybe
14 he had spoken to Reggie Miller throughout the day that
15 day?

16 A. Yes.

17 Q. Okay. And to your knowledge does that mean they had
18 spoken on the telephone?

19 A. Yeah, to my knowledge. That's what I was getting at,
20 yeah.

21 Q. Okay. And did you get Reggie Miller's phone number?

22 A. Say that again. I'm sorry.

23 Q. Did you ever get Reggie Miller's phone number?

24 A. I don't think so. I don't even know whether he had a
25 cell phone, but I don't recall getting a number from him.

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1 Q. So is it safe to say you don't remember the cell phone
2 records if he actually communicated with Victor White that
3 day?

4 A. No.

5 Q. Okay. And since this time to your knowledge has
6 Reggie Miller ever heard Victor White's statement?

7 A. No, I don't -- I don't see any reason why he would
8 have.

9 Q. Okay. That's not common practice to your knowledge?

10 A. That I gave him a copy of a statement or tell him
11 about a statement?

12 Q. Or just to your knowledge the solicitor's office -- or
13 to your knowledge Reggie Miller has heard Victor White's
14 statement?

15 A. I don't know.

16 Q. Okay. Fair enough. And based on Reggie Miller's
17 statement you got Demond Sanford?

18 A. Right.

19 Q. And Demond Sanford, seems you knew he was lying from
20 the very beginning? Just at the very beginning he didn't
21 seem to be very forthcoming?

22 A. Who was that?

23 Q. Demond Sanford.

24 A. I'd have to look at it again. I don't know why you're
25 asking me that.

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1 Q. Well, just from looking at his transcript, or it seems
2 when you first attempted to speak to him you stopped the
3 conversation because he was not being forthcoming.

4 A. Demond Sanford?

5 Q. Yes.

6 A. I'd have to see what you're talking about to properly
7 answer that one.

8 Q. Beg the Court's indulgence. I apologize. (Pause).

9 Would it help if you looked at this transcript?

10 A. It should.

11 Q. Okay. Would you mind, Investigator Reese, just
12 reading -- and this is when you first, you first re
13 initiated conversation. And what did you say?

14 A. This right here?

15 Q. Yes.

16 A. It says, at the point, the point during our interview
17 it was apparent to the investigators that Mr. Sanford was
18 not being very forthcoming. He elected to terminate -- we
19 elected to terminate interview. Do you recall that?

20 Yeah. If I got that in there, that's accurate.

21 Q. Do you remember exactly what he said at the beginning
22 that made you believe he was not being forthcoming?

23 A. No, I don't but if you got it in there, I'll be more
24 than happy to look at it again.

25 Q. And I don't -- I believe it was in that pre-recorded

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1 conversation?

2 A. Okay. Well, then that's probably one of those
3 instances that I spoke about earlier, that we can pretty
4 much tell when they're not telling the truth.

5 Q. Playful BS?

6 A. Yeah.

7 Q. All right. And you spoke to Nathaniel Jones and I
8 believe that might have been before Demond Sanford, very
9 close in time; correct?

10 A. That's right. Thomas, Reeves and myself interviewed
11 him.

12 Q. Okay. And he also said that he never saw Demond
13 Sanford that night?

14 A. Again, what I'm looking at is case notes. So if you
15 got it in there.

16 Q. Okay. But you were in here when he testified
17 yesterday, Nathaniel Jones?

18 A. Uh-huh.

19 Q. Did you hear him testify?

20 A. I did.

21 Q. And did you hear him say that --

22 MS. CAMPBELL: Objection, Your Honor. Pitting
23 witnesses.

24 BY MS. GIBBES:

25 Q. Let's move to Jeremiah Henderson. Do you remember at

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1 the time that you interviewed him what he said when you
2 asked him if Victor had anything on him after that
3 incident?

4 MS. CAMPBELL: Objection, Your Honor. I don't believe
5 he interviewed him.

6 MS. GIBBES: I'm talking about the actual interview,
7 the recorded interview.

8 THE WITNESS: I think that might have been Thomas and
9 Reeves that interviewed him.

10 BY MS. GIBBES:

11 Q. I'll withdraw that.

12 A. Okay.

13 Q. And so after you -- basically after you spoke to all
14 these boys, did this pretty much conclude your
15 investigation?

16 A. After I spoke to all the people that you're talking
17 about?

18 Q. Yes.

19 A. Not necessarily but, I mean, it's --

20 Q. What -- I'm sorry. I apologize.

21 A. -- you get to a point where you can't go any further.

22 Q. I understand. But you felt you had your man, you had
23 your boys?

24 A. I thought so; uh-huh.

25 Q. Okay. And you didn't interview any other Benedict

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1 students to confirm any of those stories?

2 A. We attempted to find, I think it was, the Flocker
3 guy. It might have been a couple other people, you know.
4 We weren't successful so...

5 Q. But the majority of the evidence that helped you with
6 these arrest warrants came from the statements of these
7 five boys?

8 A. Yes, ma'am.

9 Q. Okay. Because you don't have to -- you don't have DNA
10 to help you prove who the shooter was?

11 A. No.

12 Q. And you don't have fingerprints to show who the
13 shooter was?

14 A. I got the statement from your client and I got the
15 statements from the other people.

16 Q. So is it safe to say that the big break in your case
17 came when you spoke to Victor White?

18 A. It's not safe to say that at all. I think in
19 interviewing Victor White I came to the conclusion, if not
20 at the end of the interview pretty close to the end of the
21 interview, that there was some things he was telling me
22 that were true, other things he was telling me that was
23 not true.

24 He tried to get his version in to make it fit the
25 scenario the way he wanted us to believe.

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1 And I interviewed Reginald Miller as well. And it's
2 just kind of hard for me to see that Reginald Miller, the
3 state of mind he operates, would have the power to
4 influence four or five other people into putting the death
5 of this young man on your client.

6 I just don't think he's that powerful. There is
7 nothing he presented that would ever make me believe that.
8 I don't think he would have, quite frankly, the
9 intelligence to encourage these boys to take a chance on
10 going to prison for telling the police a lie during an
11 investigation this serious. I just don't think he had it
12 in him.

13 Q. Okay. But based on Victor White's statement, you got
14 to Reginald Miller?

15 A. That would be right.

16 Q. And based on Reginald Miller's statement, you got to
17 Demond Sanford?

18 A. Right.

19 Q. And do you recall that Demond Sanford said in his
20 initial interview with you that he spoke to Reginald
21 Miller before this all happened?

22 A. I'd have to see it again, what you're -- what you're
23 talking about.

24 Q. Did you hear Demond Sanford testify yesterday?

25 A. I did.

KEVIN REESE - REDIRECT

1 Q. That he initially spoke to Reginald Miller before this
2 all happened?

3 A. Quite frankly, I heard them all testify. And I really
4 tried to pay attention to it, but I can't pinpoint exactly
5 what you're talking about now.

6 Again, if you can show it to me, I'll submit to it but
7 I don't remember, quite frankly, everything he said.

8 Q. Bear with me. I'm sorry. I just have to find it --

9 A. Okay.

10 Q. -- and I will be finished. (Pause).

11 MS. GIBBES: I'll waive it. No further questions.

12 THE COURT: All right. Redirect?

13 MS. CAMPBELL: Just a few, Your Honor.

14 REDIRECT EXAMINATION

15 BY MS. CAMPBELL:

16 Q. She asked you about search warrants and how your
17 search warrants were served. Were all your search
18 warrants lawfully gotten in this case, signed off by a
19 judge?

20 A. Absolutely.

21 Q. And everything in this case was done by the book?

22 A. That's right.

23 Q. She also referred to a warrant that was read to
24 Reginald Miller and was saying that you said Reginald
25 Miller was the shooter in this case?

KEVIN REESE - REDIRECT

1 A. Uh-huh.

2 Q. If you look at the highlighted portion in that
3 warrant, what does that say who said Reginald Miller was
4 the shooter in the case?

5 A. Highlights say, the investigation determined that the
6 victim had been shot once in the head. Telephone records
7 later determined that sometimes prior to the shooting that
8 the victim had several telephone contacts with Defendant
9 by -- with a co-defendant by the name of Victor White.

10 On February 10th, 2010, White was arrested and
11 interviewed by investigators. After being advised of his
12 rights, gave a statement that Reginald -- that the victim
13 was shot by Miller. I'm sorry.

14 Q. And that was what you put in your warrant was that
15 that was what Victor White told you, not what you thought?

16 A. Well, I don't mix it up. What they say is what goes
17 in the affidavit.

18 Q. She asked you about Reginald Miller not being
19 forthcoming. Another way to describe that is, he was a
20 little slow?

21 A. Yeah. That's putting it mildly.

22 Q. And in going through statements of all these witnesses
23 as far as who saw the gun, Victor White clearly admitted
24 that he saw the gun?

25 A. That's right.

KEVIN REESE - RECROSS

1 Q. And Reginald Miller -- did Reginald Miller, did he
2 ever provide you with what caliber gun was used in this
3 case?

4 A. No, he didn't.

5 Q. Who was the only person that was ever actually able to
6 describe the gun and give you the caliber of the gun in
7 this case?

8 A. Victor White.

9 Q. In your investigation of this case, and this has been
10 your case since back February of 2010, who's the shooter?

11 A. Victor White.

12 MS. CAMPBELL: Thank you. I don't have anything
13 further.

14 THE COURT: Anything further?

15 MS. GIBBES: Just briefly.

16 RECROSS-EXAMINATION

17 BY MS. GIBBES:

18 Q. At the time you interviewed Reggie Miller, you felt
19 that he was competent enough to sign an advice of rights?

20 A. Yes, I do.

21 Q. And he understood what he was doing when he signed
22 that?

23 A. I thought he understood what he was doing.

24 MS. GIBBES: No further questions.

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

1 THE WITNESS: Thank you, Your Honor.

2 MS. CAMPBELL: Your Honor, may I check one thing with
3 the court reporter? (Pause).

4 Your Honor, the State would rest.

5 THE COURT: All right. Ladies and gentlemen, that is
6 the State's case.

7 I'm going to have you step to the jury room for a few
8 minutes as I talk with the lawyers. Then we'll see where
9 we're going from here.

10 Please do not discuss the case.

11 (Jury exits courtroom at 4:43 p.m.)

12 THE COURT: All right. Any matters of law?

13 MS. GIBBES: Your Honor, at this time I would move for
14 a directed verdict.

15 If you look at the evidence as presented in the light
16 most favorable to the State, as you must in this case, I
17 believe there's a lot of discrepancies with the
18 testimony.

19 There's no physical evidence to go by. We're going by
20 the statements of five boys. There are many differences.
21 And I don't think they've met that burden, Your Honor.

22 THE COURT: What says the State?

23 MS. CAMPBELL: Your Honor, we feel like we've met our
24 burden under the law and that the evidence is pretty
25 overwhelming.

1 THE COURT: I reviewed the evidence in the light most
2 favorable to the State, as I'm required to do at this
3 time, taking into consideration the testimony that says
4 that the Defendant admitted to killing the victim and
5 robbing the victim, that he admitted it in the presence of
6 several witnesses.

7 In addition to his own admissions of being the shooter
8 and killer of the Defendant -- of the victim and the
9 robber of the victim, he could also be found guilty under
10 the accomplice liability theory where all the parties plan
11 to commit a robbery and death ensued as a consequence of
12 that plan and the actions that were taken pursuant to that
13 plan.

14 So I deny the directed verdict motion.

15 MS. GIBBES: Thank you, Your Honor. And I would also
16 just renew all the previous motions and objections at this
17 time, Your Honor.

18 THE COURT: All right. And same rulings. With regard
19 to the issue that we had with SLED and the trap and trace
20 of the Defendant, I believe that the statutes that were
21 being cited to me by the State and the Defense were not
22 the proper statutes to apply to what occurred in this
23 case.

24 The statutes that were cited to me and that were the
25 basis of my rulings was the statute that prohibited the

1 interception of wire, oral or electronic communications.

2 And that statute requires the -- that statute requires
3 SLED or whatever the law enforcement who might seek to
4 intercept communications to contact the judge in the event
5 of exigent circumstances and the judge must make a record
6 of that.

7 So, and I found that SLED did not comply with that
8 statute in this case. But, it further appears that there
9 were no interceptions of communications.

10 So, that particular statute does not apply.

11 And it does appear that the trap and trace statute
12 might apply where SLED was attempting to assist the
13 Columbia Police Department in locating the Defendant by
14 installing or utilizing the trap and trace device
15 procedures or getting cooperation from the phone company
16 to locate on the towers but not to intercept any
17 communications.

18 But the trap and trace statute has no provision for
19 SLED to operate without getting a court order. So I still
20 don't follow the procedures that they used to locate the
21 Defendant without a trapping or tracing of his telephone
22 location without getting a court order.

23 So I think the reasoning that I gave in my ruling
24 still applies, but I think the statutes that were being
25 cited, those statutes do not apply.

1 But, despite all of that, the basis of my ruling is
2 the same. And that is that there's nothing to suppress
3 that the Defendant would have otherwise been apprehended
4 based on the independent investigation of the Columbia
5 Police Department, and that there's no suppressible
6 evidence obtained through the participation of SLED in
7 this case.

8 So, that's -- I wanted to clarify the record.

9 And the folks that appeared from SLED didn't give any
10 clear information on this. They appeared with their
11 counsel and generally you expect that someone would come,
12 would be able to clearly explain whatever they did and why
13 they did it and all of that, but I didn't get that through
14 the testimony. But I have continued to think about.

15 And I wanted to clarify that ruling up to this extent
16 but none of that affects, in my mind, the Defendant
17 receiving a fair and impartial trial in this case.

18 And I deny the, reiterate my denial of my motion to
19 suppress and all other motions that were made and
20 previously ruled upon.

21 Now with respect to proceeding with the defense, what
22 do you have, Ms. Gibbes?

23 MS. GIBBES: Your Honor, I believe Mr. White has been
24 going back and forth. If we could have a few moments to
25 talk this over with him.

1 in at 10 tomorrow morning for closing. All right.

2 You can bring them on in.

3 There were some photographs not referenced in
4 testimony today, they've been admitted through the
5 agreement of parties?

6 MS. CAMPBELL: Yes, Your Honor. there were, like,
7 five photos that were ID only that we did not show the
8 witness and we did not actually put those in evidence, but
9 everything else is in pursuant to the agreement.

10 THE COURT: Is that right, Ms. Gibbes?

11 MS. GIBBES: Yes, Your Honor.

12 THE COURT: All right.

13 (Jury enters courtroom at 5:10 p.m.)

14 THE COURT: Thank you very much, ladies and
15 gentlemen. You've heard the State's case. It's now the
16 Defendant's turn. Ms. Gibbes?

17 MS. GIBBES: The defense rests, Your Honor.

18 THE COURT: All right. Ladies and gentlemen, the
19 defense has rested. That means you have heard all of
20 testimony in this case. You have received all of the
21 evidence in this case.

22 The next thing will be closing arguments by the
23 lawyers, then the jury charge by me to you on the law, and
24 then your deliberations.

25 We'd need you back tomorrow morning at 10:15. 10:15

1 tomorrow morning. Hope y'all have a good night. And so
2 what time are you going to be here tomorrow morning?

3 THE JURY (COLLECTIVELY): 10:15.

4 THE COURT: 10:15. All right. Have a good evening.
5 We'll see you then.

6 (Jury exits courtroom at 5:11 p.m.)

7 THE COURT: All right. The defense has rested. Any
8 renewal of any motions?

9 MS. GIBBES: I would renew all previous motions, Your
10 Honor.

11 THE COURT: All right. And my ruling as to the
12 previous, as to all motions is the same.

13 I find that the issues are jury issues of guilt or
14 innocence. And I reaffirm all my prior rulings.

15 MS. GIBBES: Thank you, Your Honor.

16 THE COURT: All right. Well, now, with respect to
17 requested charges, anything of note by anyone?

18 MS. CAMPBELL: Your Honor, as far as the defense
19 charges?

20 THE COURT: Yes.

21 MS. CAMPBELL: I don't know that -- whatever you think
22 is appropriate under mere presence charge, Your Honor,
23 however on accessory after the fact on the case law that
24 came out recently, I don't know that it would be a lesser
25 included in this case.

1 THE COURT: All right.

2 MS. CAMPBELL: Thank you.

3 MS. GIBBES: And, Your Honor, as to mere presence it's
4 been, you know, obviously this case is based on
5 conflicting statements by Mr. White and the rest of the
6 State's witnesses.

7 If you go by Mr. White's statement, I mean, he does
8 allege that he believed there was a drug deal. He
9 believed that he was going there to buy weed. He does say
10 in his statement that he didn't think Reggie was going to
11 do a robbery because he told him it was his brother's
12 friend, he couldn't do it. He didn't think it was still
13 an issue.

14 And I would argue that it would be appropriate if the
15 jury does believe Mr. White's statement, I think the facts
16 would lead to a mere presence charge, Your Honor.

17 THE COURT: Mere presence is part of the hand of one
18 charge. And that part of it says that, of course, if two
19 or more people are together, acting together, assisting
20 each other in committing the offense, the act of one is
21 the act of all as is sometimes said, the hand of one is
22 the hand of all.

23 Prior knowledge that a crime is going to be committed
24 without more is not sufficient to make a person guilty of
25 that crime. Mere knowledge that a person is going to

1 commit a crime, even if the Defendant is present when the
2 crime is committed, is not sufficient to convict the
3 Defendant as a principal. Guilt as a principal is shown
4 by actual or constructive presence at the scene as a
5 result of prior arrangement. Therefore, a finding of a
6 prior-arranged plan or common scheme is necessary for a
7 finding of guilt as a principal.

8 A principal in a crime is one who either actually
9 commits the crime or who is present aiding, abetting or
10 assisting in committing the crime.

11 When a person does an act in the presence of and with
12 the assistance of another, the act is done by both. Where
13 two or more acting with a common plan or intent are
14 present at the commission of a crime, it does not matter
15 who actually commits the crime, all are guilty. The hand
16 of one is the hand of all.

17 Present at the scene of a crime means to be
18 sufficiently near to aid and abet and assist in the
19 commission of the crime. However, the mere presence at
20 the scene of a crime is not sufficient to convict one as a
21 principal under the theory of aiding and abetting.

22 Intent is also a necessary element where there must be
23 -- must have been a common design or intent to commit the
24 crime or crimes. And the crime or crimes must have been
25 committed pursuant thereto by the person aiding or

1 abetting by some overt act, and the State has proved these
2 elements beyond a reasonable doubt.

3 Now, aside from telling them that, what else do you
4 want me to tell them?

5 MS. GIBBES: Well, Your Honor, as far as mere
6 presence, I would be okay with that. I guess I would have
7 an issue with the wording of the common scheme or plan.
8 As far as there could be an incident that the jury could
9 believe that there was a common scheme or plan to go buy
10 marijuana. I think that could be misleading, Your Honor.

11 THE COURT: Well, I guess the problem is, is that his
12 statement says that he robbed him. His statement says he
13 took \$400 out of his pocket.

14 MS. GIBBES: Well, I would argue that would be more
15 accessory after the fact, Your Honor, but that would go to
16 my next argument.

17 THE COURT: Well, you know, that works if he wasn't
18 there, if he said, I wasn't there and then later on I went
19 there and did that. But that was -- he said that occurred
20 at the same time at the same setting where the guy was
21 shot and killed; right?

22 MS. GIBBES: Yes, Your Honor.

23 THE COURT: So, I mean, you're present and
24 participating in committing the crime. I don't know how
25 that can be an accessory after the fact.

1 MS. GIBBES: Well, as to my accessory request for an
2 accessory after the fact, and I did see the case
3 Dickerson, I requested the accessory after the fact based
4 on the specific facts that was testified to, pretty much
5 by everybody. Victor White admitted that he went back.
6 After the shooting, they went back to the dorm room and at
7 some point he admitted he went back to that car. You
8 know, there was a scale taken, the car was rifled
9 through. And I think on those facts he could have been
10 charged with accessory after the fact.

11 And in this Dickerson case, I believe, you know, I
12 believe jury charges fact-specific. In the Dickerson case
13 the facts are it is that it was an absolute -- I believe
14 it's a capital case. It's an absolutely brutal, brutal
15 murder and torturing. The Defendant Dickerson I believe
16 many times called other witnesses and documented exactly
17 what he was doing during this torture.

18 And I believe the argument was that accessory after
19 the fact is not a lesser charge to murder because if the
20 facts don't support it, it means that the jury believes
21 that the prosecutor should have argued that -- you know,
22 puts the burden on the prosecutor to argue facts that are
23 not in evidence.

24 So I believe in that case there is absolutely no
25 evidence offered to accessory after the fact.

1 I think in this case there's a whole scenario where
2 most of these boys could have been charged with accessory
3 after the fact. And that's what -- if they believe, you
4 know, mere presence they could still believe that he went
5 back to the car. He admitted to that.

6 THE COURT: Well, I mean, going back to the car, how
7 is that significant if they had already killed him and
8 robbed him and went back and got a scale?

9 MS. GIBBES: Well, Your Honor, I mean, I believe that,
10 you know, exactly what happened that first time in that
11 car, if the jury believes that he was merely present, he's
12 not guilty of that. They could believe that he did know
13 something happened. He heard from Reggie Miller that, you
14 know, or he was there and saw what happened and he went
15 back.

16 THE COURT: The problem is, I mean, you have to have
17 some version to support what you're saying.

18 MS. GIBBES: And I understand. I mean, I guess our
19 argument would be if you -- I think the problem is we're
20 taking a lot of different statements. That's all we
21 have. And we're trying to make the version that fits.
22 And my --

23 THE COURT: And so you're -- all of everyone else's
24 version is that he was there and he did the shooting. He
25 pulled the trigger, he's the trigger man.

1 MS. GIBBES: Well, Your Honor, I would argue --

2 THE COURT: That's everyone's version. And then you
3 added his version, he wasn't the trigger man but he robbed
4 him of \$400. So, so you still -- but there was a plan to
5 rob him, but not a plan to kill him.

6 That's your client's version through his statement.

7 You know, I'm the very first to charge the law if
8 there's any scenario that supports it. I'm trying to see
9 where there's any scenario that supports anything
10 concerning accessory after the fact when he was right
11 there. According to his own version of things, he's right
12 there participating in the crime. The crime being an
13 armed robbery and also murder under the -- where there's a
14 murder committed during the commission of a robbery, a
15 killing during the commission of a robbery.

16 MS. GIBBES: Well, I guess, you know, I would argue if
17 you take his version of events as true, which the jury is
18 going to have to determine whose version of events are
19 true, he basically to me argued, he didn't think robbery
20 was still going on.

21 He went into that car to buy marijuana. He was there
22 not in the incident to rob. He didn't know there was any
23 common design to rob. And at the time after the killing,
24 I would argue it would be more petty larceny, maybe spur-
25 of-the-moment taking out of the pocket.

1 THE COURT: This occurred, a robbery of \$400.

2 MS. GIBBES: Yes. And along with it, you know, let's
3 go back and let's rob the scale.

4 THE COURT: All right. What says the State?

5 MS. CAMPBELL: Your Honor, it's only -- the only
6 evidence that mitigates his involvement in any way is his
7 own statement.

8 In his own statement he says the guy was shot, he
9 reaches over and he takes \$400 out of his pocket which
10 would be armed robbery at that point. He doesn't say that
11 he took it before he knew that the guy was robbed. This
12 was after the shot.

13 In addition to that, he then says he leaves the
14 scene. He keeps the \$400. Nobody else gets any. They
15 then go back and split up the marijuana at which point
16 then he goes back and commits a second robbery, or if she
17 wants to call it a larceny, from his person of the scale
18 when they go back.

19 By his own admission -- at no point does he make
20 himself an accessory in any way. I don't know if she's
21 requesting larceny, but it -- I don't see how that would
22 make him an accessory after the fact in any scenario.

23 And the best case scenario would be his own version of
24 events. And even in his own version of events, according
25 to the law he would be guilty of armed robbery and

1 murder. And I don't think accessory would be appropriate.

2 THE COURT: All right. What law do you have that
3 supports what you're trying to tell me to do?

4 MS. GIBBES: I mean, honestly, Judge, I just am going
5 by fact based, you know, this is a case where we're going
6 primarily by -- our defense is Victor White's statement.
7 Their prosecution is a group of boys' statements. We
8 don't know exactly what is true.

9 I think there has to be some connection between
10 knowing, there's got to be some mental state that he knew
11 that an armed robbery was going to happen, that a murder
12 was going to happen. And if he was in that car and
13 thinking it was a drug deal and at that time, you know,
14 everything went awful, but who knows. Maybe he saw the
15 money poking out of his pocket. I don't know. I just
16 think it's separate.

17 THE COURT: All right. Well, you know, I will review
18 everything again over night but, you know, it's highly
19 unlikely that I will charge accessory where he was there
20 participating in the crime, through his own statement, and
21 either he killed him or robbed him or robbed him and
22 killed him and of course he's the one who set the whole
23 thing up based on his own phone calls. So --

24 MS. GIBBES: Yes, Your Honor.

25 THE COURT: -- we will take a look at everything.

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1 MS. CAMPBELL: Thank you, Your Honor.

2 THE COURT: Ms. Campbell. Good morning.

3 THE JURY (collectively): Good morning.

4 MS. CAMPBELL: The first thing I want to do on behalf
5 of the State of South Carolina and on behalf of the
6 Duckett family is to thank you for your service this
7 week. I know when you showed up on Monday morning, you
8 may have anticipated what type of trial you would be on,
9 whether it would be criminal? Civil? What would the
10 issues be? Would it be an insurance issue?

11 And perhaps when you reached the courthouse (sic) as
12 it quickly became apparent, you would be sitting here on a
13 jury involving evidence, involving testimony of the most
14 heinous crime that can be committed under our laws. And
15 that's on a murder case.

16 On behalf of the State, we want to thank you for your
17 service. I know at times the testimony in this case has
18 been unpleasant. You've heard from the pathologist.
19 You've heard from the experts. You've heard about what
20 happened that night back on February the 3rd.

21 Now I'm going to have an opportunity now to talk to
22 you a little bit about the law in the case. And the Judge
23 is the ultimate controller of what the law is that you
24 must apply in this case.

25 So I'm going to talk about some of the issues, though,

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1 but the Judge is going to give you the complete charge and
2 that's the charge that you must take because that's going
3 to be the law, what he tells you, and apply it to the
4 facts in this case once you get back to your jury room.

5 If I misquote anything or if I word anything slightly
6 different from him, it's not intentional. It's just the
7 law as I collected it. So take the law as the Judge gives
8 it.

9 And in that same vein, if either side mischaracterizes
10 the facts when they're up here before you, you remember,
11 because you, ladies and gentlemen, each of you
12 individually and then once you get back there
13 collectively, are the sole finders of the facts in this
14 case. You must determine what the credible evidence
15 shows.

16 You know, the most important thing you bring with you
17 this week is something you didn't check at the door, and
18 that's your common sense. Because in this case you have
19 heard two versions of the story. And nobody's going to
20 get up here, I submit, and dispute that this is not a
21 murder, that this is not an armed robbery. You aren't
22 going to hear the Judge charge you about lesser-included
23 offenses.

24 The defense, the first thing out of their mouth was
25 they don't dispute that Pierre or Steven Duckett was shot

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1 maliciously in the back of the head at the Kentucky Fried
2 Chicken.

3 So those are believable issues in the case. The issue
4 in the case and I submit, ladies and gentlemen, under even
5 under the defense's defense, their client's own statement,
6 Victor White is guilty of murder and armed robbery.

7 Now they may get up here and they may ask you, oh,
8 ignore this part of the statement where he talks about the
9 robbery and the planning of it. Oh, he was just merely
10 present. Almost as if he was the victim for this drug
11 deal-robbery he set up for the perfect mark. Because on
12 that night Victor White needed some things; he needed
13 money and he needed drugs. And he knew the perfect mark.

14 No one, I submit, and I could be wrong, is going to
15 get up here and argue that he didn't set this whole chain
16 of events into motion.

17 And I submit, they can't. The phone records alone are
18 overwhelming on that issue.

19 Now, you've heard all the evidence you can consider in
20 this case. You must base your verdict on the evidence,
21 what you heard. What the Judge has ruled is admissible is
22 relevant. As to the facts of the murder and the armed
23 robbery, we are limited to evidence that is relevant and
24 probative as to what happened that night.

25 So you have now heard all the evidence. And what is

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1 evidence? It's the sworn testimony and the exhibits that
2 are entered in this case.

3 Questions by the lawyers, fishing expeditions,
4 innuendos, conjecture, that's not evidence. Just plain
5 wishful thinking is not evidence. You must base it, and
6 it's limited, on the sworn testimony, the credible
7 evidence and the physical evidence that's before you.

8 Now, I want to take this opportunity to apologize if
9 we have done anything to offend you this week. Sometimes
10 in our haste to get evidence out our questioning has been
11 sloppy. In this case, even though this has never happened
12 before, Verizon had sent the wrong person to the right
13 courthouse and we had to get the right one.

14 So we did it by the book because when we come here in
15 court, evidence before it's admissible must be
16 authenticated. If we have done anything, you've been sent
17 out, you had to wait in the jury room, pass the time
18 before we start because of legal arguments, we apologize.
19 Please, please don't hold it against the State, against
20 the citizens of Richland County, against Steven Pierre
21 Duckett's family, against him.

22 Criminal cases are unique. As you have heard
23 reference to prior statements by witnesses, you have heard
24 reference to reports by DNA analysts. You have heard
25 references of that.

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1 In a criminal case in this country as he should, the
2 Defendant has a right to confront each and every witness
3 that comes before you, the right to confront them, to
4 cross-examine them; that is his absolute right as it
5 should be.

6 The reason for that is very simple. It's so that you,
7 the jury, will have the opportunity to judge the
8 credibility of each witness, not just to read a report and
9 assume it's true, not just to get a statement and
10 interpret what it meant. The witnesses have to come
11 before you and that's why each and every witness has come
12 before you.

13 You've also heard from a number of witnesses that may
14 not make sense to you, but before evidence is admissible
15 such as forensic evidence, we have to prove a chain of
16 custody to prove that there was no tampering, no police
17 misconduct, no anything of that sort in this case.

18 And I submit, in this case, ladies and gentlemen
19 everything was done by the book.

20 In that same vein, you've also heard reference to
21 search warrants where other officers were present, to
22 other people maybe being there. We can't bring forth
23 every single person to say the same thing over and over.
24 We're only allowed what's called cumulative evidence. We
25 are only allowed to bring before you what may or may not

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1 be relevant on a certain issue in this case.

2 So when you've heard reference to other people being
3 present during a search warrant or other people
4 participating, that's the reason you may not have heard
5 from them is because they may not have anything else to
6 add, anything different. We are only allowed to bring
7 forth people who have relevant evidence as far as what
8 happened on that night.

9 Now as Ms. Walker told you in the opening statement,
10 the burden of proof is on the State of South Carolina to
11 prove Victor White's guilt beyond a reasonable doubt. As
12 it should be.

13 And, ladies and gentlemen, I submit the State welcomes
14 in this case perhaps more than any other, with this case
15 with these facts, the State welcomes that burden. It's
16 the highest level of burden in the country, as it should
17 be. It is there to protect each and every defendant, as
18 it should be.

19 Now what is guilt beyond a reasonable doubt? The
20 Judge will charge you that there are many ways that have
21 been used to define reasonable doubt. The simplest
22 definition that's been used before is it's the type of
23 doubt that would make a reasonable person hesitate to
24 act.

25 But our courts have gone a little further in defining

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1 reasonable doubt. The US Supreme Court and ultimately the
2 South Carolina Supreme Court has defined proof beyond a
3 reasonable doubt as follows: Proof beyond a reasonable
4 doubt is proof that leaves you firmly convinced of the
5 Defendant's guilt.

6 There are very few things in this world that we know
7 with absolute certainty. And in criminal cases the law
8 does not require proof that overcomes every possible
9 doubt. If based on your consideration of the evidence you
10 are firmly convinced that the Defendant is guilty of the
11 crime charged, you must find him guilty.

12 If, on the other hand, you think that there is a real
13 possibility that he is not guilty, you must give him the
14 benefit of the doubt and find him not guilty.

15 So proof that leaves you firmly convinced. The law
16 even recognizes that no matter what, there may be fleeting
17 doubts. It does not require proof that overcomes every
18 possible doubt, just proof that leaves you firmly
19 convinced of the Defendant's guilt.

20 And I submit, ladies and gentlemen, if you listen to
21 Reggie Miller alone, just that one witness, without all
22 the rest we had, that is proof beyond a reasonable doubt.
23 But in this case you aren't required just to do that. We
24 have so much more.

25 And this case is a little more unique about it because

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1 the Judge is going to charge you on the hand of one is the
2 hand of all which I'm going to get to in a minute. If you
3 believe the Defendant's own words which were played to you
4 yesterday in court, he is guilty under the hand of one,
5 hand of all.

6 And listen carefully as the Judge charges you on that
7 charge. That is the law.

8 Now you will have two indictments. You must decide
9 each of those indictments separately. You must come to
10 separate verdicts on those. In certain cases where more
11 than one crime is committed at one time, then there are
12 separate indictments.

13 In this case, the only two indictments that are going
14 to go back there with y'all are the indictment for murder
15 and the indictment for armed robbery and the only two
16 possible verdicts on either of those is going to be guilty
17 or not guilty.

18 I know we've all seen TV and sometimes you hear about
19 different levels of murder, lesser-included offenses.
20 That does not apply in this case. It is either guilty or
21 not guilty of both murder and armed robbery.

22 Now murder to be the most heinous offense known in
23 this country. In South Carolina, it probably has the
24 shortest definition of any law of our state. And it's got
25 some terms that I want to go over with you and then I want

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1 to go over the terms of hand of one, hand of all.

2 What is murder? Murder is the killing of any person
3 with malice aforethought, either express or inferred or
4 implied. That is the simplest definition.

5 Murder is a killing, an intention act of some sort.
6 And nobody's going to get up here and argue, you're never
7 going to hear the Judge charge you on accident. You will
8 not hear the Judge charge you that self-defense is
9 involved here. You will not -- under these facts. You
10 will not hear the Judge tell you that in order for it to
11 be murder there must be premeditation.

12 Although I submit, ladies and gentlemen, under a
13 felony murder rule, which we'll get to in a minute, there
14 is premeditation in this case. You will never ever hear
15 from the Judge that we have to prove motive although we
16 are allowed to and can in this case. But those are not
17 requirements.

18 The very definition of murder which is the indictment
19 and will go back with you or one of them, is the
20 intentional -- is the killing of another with malice
21 aforethought, either expressed or inferred.

22 What's the definition of malice? Malice is a term in
23 the courts. If you think about the word malicious, malice
24 is the base of that word. Was it a malicious act? The
25 courts have defined it and the Judge's charge may be a

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1 little bit different than this as far as what malice is.

2 Malice is a term that imparts wickedness, excludes
3 just cause or legal excuse. It is something that springs
4 from wickedness, depravity, a depraved spirit, from a
5 heart void of social duty. It connotes hostility and
6 ill will towards another, though not necessarily towards
7 the specific person injured. It is the intentional doing
8 of a wrongful act without just cause or excuse with an
9 intent to inflict an injury or under circumstances that
10 the law will infer such evil intent.

11 The law recognizes and when they talk about malice
12 aforethought either expressed or inferred, it's not that
13 there are two types of different malice. It's just the
14 manner in which they are done.

15 Express malice, it's being defined as someone taking
16 an action such as of I walk up to someone else and I look
17 at them and I say, I am going to kill you, and then pull
18 out a gun and shoot them, that is express malice. Other
19 examples of that are, like, lying in wait to ambush them
20 and then kill them. That is express malice.

21 But the law recognizes in most cases when murders
22 occur it is not necessarily express malice that's going to
23 be there. They're not necessarily the words that
24 accompany the act or the lying in wait that accompanies
25 the act. That does not mean that it's not murder.

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1 Then malice may be inferred. And I'll talk about a
2 number of ways you can infer malice. Look at the actions,
3 the events surrounding what happened that night.

4 The law recognizes that you can infer malice from the
5 actions or the inactions of the Defendant or anyone else
6 who's acting in concert with him, as in this case. So
7 that's how you get to malice.

8 The law says, and listen carefully to the Judge, that
9 malice may be inferred from conduct showing a total
10 disregard for human life. And, ladies and gentlemen,
11 taking a gun to do a robbery, pulling it out and shooting
12 someone in the back of the head, I submit, it doesn't get
13 any more malicious than that.

14 An execution-style killing in the middle of a drug
15 deal is malice.

16 Inferred malice may also arise when the deed is done
17 with a deadly weapon. In other words, not by accident.
18 There has to be a weapon involved. You may infer malice
19 from that, from either of these. We don't have to prove
20 all of them.

21 Now, when you hear the term malice aforethought, what
22 does that mean? As I just said to you, murder does not
23 require premeditation. Malice must exist in the mind of
24 the accused just before and at the time of the commission
25 of the act.

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1 And in this case, ladies and gentlemen, you're going
2 to hear me talk a little bit about how robbery alone, the
3 commission of a felony, any intentional act done during
4 that commission infers malice, that alone. Because the
5 law recognizes that when people go out to do bad deeds and
6 then the worse things happen, that in fact that elevates
7 it to malice.

8 Malice must exist in the mind just before and at the
9 time of the commission of the act. It does not require
10 that the malice exist for any particular amount of time.
11 There must be a combination of the previous evil intent
12 and the act producing the fatal result. In other words,
13 just before and at the time was there malice in his
14 heart?

15 As with criminal intent, the law recognizes we can't
16 take someone and dissect their brain to figure out exactly
17 what was in their mind at that point. So the law
18 recognizes that in order to determine malice you look at
19 the circumstances surrounding the acts. You can also take
20 into account the circumstances just after. Bragging about
21 it. Laughing. I can't believe he let me get behind him.

22 I submit, ladies and gentlemen, no one is going to get
23 up here and argue that there is no malice in this case.

24 There is what we call the felony murder rule. And
25 what is that? The law recognizes that when people

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1 participate in crimes that rise to the level of felony and
2 a murder results because of those actions or that plan,
3 that in fact that is malice.

4 The law says if one intentionally kills another during
5 the commission of a felony, the inference of malice may
6 arise. If facts are proven beyond a reasonable doubt
7 sufficient to raise an inference of malice to your
8 satisfaction, this inference could be an evidentiary fact
9 taken into consideration by you along with the evidence in
10 this case.

11 The Judge will charge you that robbery or armed
12 robbery in this case is a felony under our state law.
13 It's the felony murder rule.

14 The legislators in their wisdom, the courts in their
15 wisdom have recognized when people go out and do crimes
16 that are inherently dangerous and then bad things happen
17 and people get killed, that should be considered murder.
18 It's the felony murder rule.

19 Listen carefully to the Judge.

20 Now, the second indictment you're going to have back
21 there with you is one indictment for armed robbery. There
22 again, it's going to be no lesser-included offense. No
23 one, I submit, will get up here and argue that this is not
24 an armed robbery. Clearly there was a gun used that
25 killed the Defendant (sic).

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1 A person who commits robbery while armed with a
2 pistol, dirth, slingshot, metal knuckles, razor, or other
3 deadly weapon or even while alleging, either by action or
4 words he was armed by using a representation of a deadly
5 weapon or any object which a person present during the
6 commission of a robbery reasonably believed to be a deadly
7 weapon is guilty of armed robbery.

8 The law recognizes that when people go out and just
9 act like they have a gun and threaten people, bad things
10 can happen. And that's what raises it to the level of
11 armed robbery.

12 But in this case, ladies and gentlemen, you don't even
13 have to determine -- a toy gun is sufficient even. But
14 you don't even have to -- because in this case there is no
15 question that there was a real gun that was capable of
16 killing people that was used that night.

17 Now there has been testimony that at different points
18 people went back after the victim was either dead or dying
19 and took the scales in this case. The law recognizes that
20 it's not essential that the victim of an armed robbery
21 must be alive when the robbery occurs, however, in order
22 to be guilty of armed robbery in conjunction with a
23 homicide, the State must prove the victims in the taking
24 are part of a continuous chain of events so interconnected
25 as to be inseparable.

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1 The events of that night, ladies and gentlemen, are so
2 interconnected but for him taking the \$400 while Steve
3 Pierre Duckett's brains are dripping out of the front of
4 his face having just been shot in the head, no one is
5 going to get up here and argue that's not armed robbery.

6 Now, the Judge will charge you on a rule of law, and
7 it's kind of a hard one to get the concept of. Because in
8 this case, as you have become aware, there were three
9 different people, one shooter. No dispute. Three
10 different people charged with murder, three different
11 people charged with armed robbery and one shooter.

12 And the reason for that, ladies and gentlemen, that
13 those people were indicted is because the law recognizes
14 what's the concept known as the hand of one is the hand of
15 all.

16 And under that concept, if two or more people gather
17 together to do any kind of illegal transaction, be it
18 robbery, be it burglary, be it buying drugs, be it
19 whatever, and then bad things happen as a result of that,
20 the hand of one is the hand of all. It doesn't matter
21 who, each are considered principals in the crime.

22 This isn't an accessory case. You won't hear the
23 Judge tell you anything about accessory. Principals in
24 the crime.

25 Now the Judge will charge you on the law, and again,

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1 his version may be a little bit different than this one.
2 You take it as he gives it to you. It is the law in this
3 state that if a crime is committed by two or more persons
4 who are acting together in the commission of an offense --
5 and, ladies and gentlemen, the credible and only testimony
6 that makes sense, and I'll get to that in a minute, is
7 that they all go there for the purpose of robbing Pierre
8 Duckett at the very least. He had to take his muscle.
9 Why else on this one occasion of purchasing drugs from
10 Pierre Duckett would he have to take Reggie along? Why
11 was it necessary to have a lookout if he's just going to
12 purchase drugs? He needed the lookout. He needs the
13 muscle to do a robbery. That's the only thing that makes
14 any sense in this case.

15 If two or more combine together to commit an unlawful
16 act and the execution of a criminal act is committed by
17 one of the actors is a probable or natural consequence of
18 the acts done in pursuance of the common design. In other
19 words, was the homicide a probable or natural consequence
20 of the robbery? And I submit, ladies and gentlemen,
21 without the pre-formed plan to do the robbery, there would
22 be no homicide. They are inextricably intertwined.

23 All present participating in the unlawful undertaking
24 are as guilty as the one who committed the fatal act.
25 Under our law it does not matter who actually pulled the

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1 trigger although I submit in this case the overwhelming
2 evidence, and I'll get to that, is Victor White.

3 But under our law, it doesn't matter. If they
4 combined together to commit an unlawful act and as a
5 consequence of that act bad things happened even if one's
6 telling the other one not to do it, they're still
7 responsible under the law. Because, again, the
8 legislature, the judiciary understands that when people
9 combine together to do evil things and bad things happen,
10 everyone is held responsible.

11 If both are together, acting together, assisting each
12 other in the commission of the offense, the law says that
13 under those circumstances the act of one is the act of
14 all. And it is sometimes said as the hand of one is the
15 hand of all.

16 The Judge will charge you further in charging you on
17 the law in this case because it is an important concept
18 and one that you kind of have to grasp. If a crime is
19 committed by two or more people who are acting together in
20 committing a crime, the act of one is the act of all. A
21 person who joins with another to commit an unlawful act is
22 criminally responsible for everything done by the other
23 person which happens as a probable or a natural
24 consequence of acts done in carrying out the common plan
25 and purpose.

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1 For example, two people can be guilty of killing
2 another person and only one of the two had a gun and there
3 was only one bullet and only one of the two fired a shot.
4 If two or more people are together, acting together,
5 assisting each other in committing the offense, the act of
6 one is act of all or is sometimes said, the hand of one is
7 the hand of all.

8 Now the Judge will refer to guilt as a principal. And
9 what does that mean? Again the three, why are they all
10 guilty as principals? Guilt as a principal is shown by
11 actual or constructive presence at the scene as a result
12 of prior arrangement. A principal in a crime is one who
13 either actually commits the crime or is present aiding and
14 abetting or assisting in committing a crime. When a person
15 does an act in the presence of and with the assistance of
16 another, the act is done by both.

17 Now, ladies and gentlemen, the Judge will also tell
18 you it is a very important rule, mere presence at the
19 scene of a crime does not make him guilty.

20 If he is not there participating in some type of
21 offense, Victor White is not guilty. His own statement
22 puts him there, or at the very least, depending on which
23 part of the statement you believe, for the offense of
24 buying drugs. And I submit, if you read through or if you
25 listen to his statement, he knows that they were there to

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1 rob him. There's no other reason he needs Reggie Miller.

2 There's no other reason he needs a lookout.

3 His own statement puts him way beyond mere presence.

4 And I'm not even talking about what all happened

5 afterwards.

6 Now intent is also a necessary element. There must

7 have been a common design or intent to commit the crime.

8 And that's the underlying crime. And the crime must have

9 been committed pursuant thereto with the person aiding and

10 abetting by some overt act. Intent may be shown by acts

11 and conduct of the Defendant and other circumstances from

12 which you may naturally and reasonably infer intent.

13 Again the law recognizes, you've got to look at the

14 whole picture, the events of that night, what was led up

15 to it, what happened there, and then what was said

16 afterwards. You look at all of that in determining what

17 their intent was.

18 And I submit, ladies and gentlemen, no one is going to

19 get up here and argue to you that Victor White did not

20 have evil intent on that night.

21 Now, the Judge will also tell you that there are two

22 types of evidence you can consider when making your

23 decision on the case. There's what is called

24 circumstantial evidence and direct evidence.

25 And what's the difference between the two? Very

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1 simply, ladies and gentlemen, direct evidence is the type
2 of evidence that you get through your senses. Eyewitness
3 testimony. You have heard from a number of witnesses up
4 here that have testified. One, Reginald Miller, was an
5 actual eyewitness and a co-defendant. He's guilty by his
6 own testimony of murder.

7 That's direct evidence. What you get through your
8 senses, what you hear, see, smell, touch, feel. That's
9 direct testimony.

10 Circumstantial evidence is different. Basically it's
11 a chain of events that point to the existence or
12 nonexistence of another fact. And what does that mean?
13 The simplest example is if I go home tonight and I go to
14 bed, when I go to bed the ground is dry. There is nothing
15 on the ground outside my window. I wake up the next
16 morning and I look out the window and there is snow as far
17 as the eye can see. Circumstantially that is proof that
18 it snowed while I was asleep. That is circumstantial
19 evidence.

20 The Judge will tell you, you don't have to put any
21 greater weight on direct evidence than circumstantial, one
22 or the other. But in this case circumstantial evidence
23 is, say, circumstantially you can infer where the shooter
24 was based on the trajectory of the shell casing. That's
25 circumstantial evidence in this case.

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1 But in this case it's not just that you have direct
2 evidence or just that you have circumstantial evidence.
3 And the Judge will charge you one's not better than the
4 other, you aren't to give one more weight than the other.
5 In this case however use all the circumstantial evidence
6 to corroborate what your eyewitnesses told you.

7 That's circumstantial evidence versus direct.

8 Now the Judge will also tell you that before you can
9 consider whether or not the Defendant's statement and use
10 it in this case, you must determine whether or not he gave
11 that statement voluntarily. And in this case luckily
12 there's an actual recording that has been admitted and
13 will go back with you of what the Defendant actually told
14 the police after he was apprehended that evening on
15 February 10th.

16 But in determining voluntariness in whether the
17 Defendant wanted to get his version of his story
18 implicating Reggie Miller out there, you must consider
19 many factors. Was he coherent? You heard me ask a number
20 of questions that may have sounded stupid. Was he
21 threatened in any way? Did the police do anything but
22 their job?

23 He acknowledges, he signs off on the advice of
24 rights. His own signature. That's the undisputed
25 evidence. He also on the tape in very beginning

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1 acknowledges that he knows what his rights are. He was
2 read his rights. He wants to cooperate. You can hear him
3 on that tape. Whether or not it's voluntary in this case,
4 ladies and gentlemen, with these police officers, there
5 was no police misconduct. It was a voluntary statement.

6 The content of the statement itself pointing the
7 finger away from him. Do remember the end? I just want
8 to go home.

9 He didn't understand the hand of one, hand of all.

10 He pointed the finger to Reggie Miller. Voluntary
11 statement.

12 In determining whether or not a statement is voluntary
13 one of the things judge will tell you is whether or not he
14 was advised of his Miranda rights, his right not to
15 incriminate himself. His right to have an attorney
16 present if he wanted and then whether or not he waived
17 those rights. There is no evidence in this case that the
18 statement was anything but voluntarily.

19 The Judge will also instruct you that there was some
20 expert testimony you can consider in this case. Certain
21 people were allowed to be qualified as experts and testify
22 as to their opinions.

23 Normally a lay witness such as myself if I took the
24 stand, I have no expertise, no specialized training in
25 anything in order that I can, say, review data from DNA

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1 and then give an opinion. If certain people have certain
2 training and certain education, then they are allowed to
3 get up there and give opinions. You'll notice the lay
4 witness weren't giving opinions. They were just reciting
5 what they observed and what they saw. That's the
6 difference between expert testimony and lay witness
7 testimony.

8 The Judge will tell you there's absolutely no
9 difference in weighing the credibility. You can consider
10 the credibility of an expert in the same manner you do any
11 other witness.

12 And that leads me to the last thing I want to talk
13 about. Credibility. This case boils down, what is the
14 credible, believable evidence before you? Because that's
15 all credibility is, is believability. Who was
16 believable? What does the evidence corroborate? Who --
17 when considering credibility, you can believe one against
18 many, many against one. You can believe part of a
19 witness's testimony, none of it, all of it.

20 It's totally up to you. Because by far the most
21 important role in this courtroom, ladies and gentlemen, is
22 yours. The State's role is to try to get before you all
23 the admissible evidence as far as this crime. We're
24 limited to that.

25 The defense's role is very simple, defend their

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1 client. The Judge's role is to determine the
2 admissibility of the evidence and ultimately when we all
3 sit down here today to charge you on what the law is that
4 you have to take and apply in this case, the concepts that
5 apply in this case. But by the far the most important
6 role, ladies and gentlemen, is each of you, individually
7 and then collectively once you get back there, because you
8 have to determine what happened.

9 I submit however, ladies and gentlemen, that if you
10 listen to the law as the Judge gives it to you in this
11 case, your job is a little bit easier, made by the
12 Defendant's own statement because under his version of
13 events in which he thought he was dumping the blame on
14 Reginald Miller, his own statement makes him guilty under
15 the law in this state of murder and of armed robbery.

16 Credibility. The Judge will also tell you when you
17 consider the credibility of each witness, did they have
18 something to gain? Or something to lose?

19 You can consider their demeanor on the stand. Did
20 they want to be here? There were four witnesses that came
21 before you and told you, only four witnesses that were
22 there leading up to and surrounding the events of that
23 night. Judge their credibility.

24 Two of them at least -- well, all of them didn't want
25 to be here. None of them wanted to come before you. That

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1 was obvious. Are they credible? The defense will get up
2 here and tell you you can't believe them. And I believe
3 they said in their opening, it was interesting, there are
4 four Benedict students and those Benedict students in the
5 week after, according to their theory from what I got, the
6 week after this happened got together and manufactured
7 this story in order to shift the blame from their friend,
8 Reginald Miller, to Victor White. Innocent, innocent,
9 Victor White. That is their theory.

10 Because if you believe any one of those witnesses,
11 Victor White is not only guilty of murder as he is under
12 the hand of one, hand of all, he is the murderer.
13 Credibility?

14 They're going to say, well there's differences between
15 their statements. One point, I believe, Nathaniel Jones
16 says that the three of them walk out of the room. Well,
17 remember Jeremiah Henderson said, yeah, he walked out of
18 the room because he wanted to tell Demond, be smart. But
19 then he came back in.

20 Consider their credibility. They're going to say,
21 well, Reggie isn't credible, for whatever reasons they
22 come up with. He didn't do this. They're going to say,
23 he's slow. He can't tell the truth.

24 I submit, ladies and gentlemen, that's what makes
25 Reggie Miller credible. Because Victor White thought if

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1 he just shifted the blame to Reggie Miller no one would
2 believe him. He's too stupid.

3 And it's interesting. Who was the only one witness he
4 gives up in his statement? The one he thinks no one would
5 believe. Oh he can confuse him. He's slow. And he's
6 supposed to be the mastermind of this grand conspiracy.
7 Credibility?

8 There are slight differences. Who saw who in the room
9 at the time. I think the Nathaniel Jones said he didn't
10 see Demond Sanford. He didn't remember it. That's what
11 makes it credible.

12 Each one, like if two people are standing on separate
13 corners and see a car crash. One thinks the car is beige
14 the other thinks the car is a light green car. One thinks
15 the light was yellow, one thinks the light may have just
16 turned red. It's perception. If they're going to make up
17 a story, it's going to match perfectly. This is real
18 life.

19 That's what makes them credible.

20 So there better be some slight differences. They
21 better not all use the exact terminology because if that
22 does happen, then there is a problem. And it's very
23 ironic that their theory of this case, shifting the blame,
24 under their theory, in order to try to exculpate Reginald
25 Miller, their testimony, Reginald Miller's own testimony,

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1 makes him guilty of murder and armed robbery.

2 That's the defense theory.

3 Now in trying to anticipate the defense in every case
4 in a murder case typically, is it self-defense? Was it an
5 accident? Was it really just a lesser-included offense
6 that occurred? Or maybe it was just a single witness who
7 saw the murder occur, didn't know the person who did it
8 and misidentified him.

9 But this case is somewhat unique, ladies and
10 gentlemen, because it's none of those theories. Because
11 in this case as far as I can tell the defense theory is
12 that Victor White is a victim. He was just in the wrong
13 place at the wrong time. He is in fact the victim of
14 Reginald Miller, of Demond Sanford, of Nathaniel Jones.
15 They have all collaborated along with the Columbia Police
16 Department, along with a number of other people in order
17 to victimize -- I guess even with the phone company, to
18 victimize Victor White.

19 They are going to get up here and say you can't
20 convict because there's no DNA. That is a theory. This
21 is a conspiracy and then you can't convict because there's
22 no DNA.

23 I submit, ladies and gentlemen, then they're going to
24 go one step further and they're going to say, don't
25 convict him based on his statement but don't pay attention

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1 or ignore certain parts of the statement which are
2 damning.

3 Ignore the part about the robbery because that makes
4 him guilty. He was just present. He didn't want this to
5 go down. That was his claim.

6 Ladies and gentlemen, I want to take a moment and talk
7 about the facts in this case. And the overwhelming
8 evidence of what really happened on that night.

9 You heard from a number of witnesses. And what did
10 they tell you? And each one heard different things, a
11 little bit. Franklin Brown, who was a KFC employee who
12 just found the body, called the police, did everything by
13 the book. What normal people would do when someone's been
14 shot.

15 Veronica Nowell was the girlfriend. And all she did
16 was set up a time line for the last time she talked to the
17 Defendant (sic) on the night when this happened which was
18 shortly before two A.M.

19 Then you heard from Demond Sanford. And, ladies and
20 gentlemen, Demond Sanford did not want to be here. Demond
21 Sanford did not want to testify. That was obvious.

22 But what did Demond Sanford tell you under oath? And
23 by the way, each one of these people, they're exposing
24 themselves to criminal penalties. Because they have it
25 out for Victor White and not Reggie Miller. Does it

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1 really matter to them which one of their friends -- and
2 these people are friends -- did the actual killing that
3 they as freshman in college have the wherewithal to frame
4 innocent Victor White?

5 I beg you, does that make sense? You heard from
6 Demond Sanford, his role. Demond Sanford, what did he get
7 out of this, his testimony? He's charged with murder.
8 He's willing to go so far as to be charged with murder in
9 order to help out his friend who he then gives testimony
10 against Reggie Miller that makes him guilty of murder.
11 Does this make sense? I submit, ladies and gentlemen
12 that's what makes them credible.

13 Reggie Miller. His testimony and I beg you, judge
14 him. Did he have to answer the questions a little bit
15 slowly? Yes. But his testimony has been consistent since
16 day one. Now was he wrong? Were each one of these young
17 men wrong for not coming forward to the police? Yes.

18 But once they were contacted, they came forward. And
19 they told what parts they knew about what happened that
20 night. Nathaniel Jones, he was asleep. He didn't even
21 want to be there. He knew he didn't want to be involved
22 in this. You remember he had his back to them and he just
23 glanced over?

24 Jeremiah Henderson. And I submit, ladies and
25 gentlemen, Jeremiah Henderson, what discrepancies there?

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1 He told you what he knew. None of them wanted to be
2 here. Can you blame them? None of them wanted to be
3 involved in a murder. It wasn't theirs.

4 What's unique about the incident is what they tell you
5 and what they don't tell you because each has a piece of
6 the puzzle. Does it make any sense that they would try to
7 help out Reggie Miller and concoct a story? And remember,
8 they're talking about whose demeanor? Reggie Miller,
9 everybody says upset, frightened.

10 The Defendant, laughing, I got behind him, I can't
11 believe he let me behind him. It was a game. A game, he
12 needed that night was money, drugs, he had the gun, he
13 planned the robbery. He went there thinking, it almost
14 went through his head. He gets in there. He's behind
15 him. He can't believe he let him behind him. Then he
16 goes, oh God, if I rob him he's a witness. So he shoots
17 him in the back of the head.

18 You know the reason that drugs and illegal guns on the
19 street are illegal is because it makes people do things
20 that aren't good. Victor White is the one that set it
21 up. Victor White, it's undisputed, is the only one that
22 knew Pierre. Victor White is the one that made the phone
23 calls. Victor White is the one that set up the isolated
24 place for the deal.

25 Or what Pierre Duckett thought was a deal. And don't

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1 get me wrong, Pierre Duckett shouldn't have been there to
2 sell drugs. But that doesn't mean that he's justified in
3 executing him.

4 Victor White is the only one that was able to tell the
5 police what caliber gun this was and describe it.

6 And I'll go on.

7 You also heard from the phone records, and I'll get
8 back to that because they're extremely important in this
9 case. Law enforcement. You heard from the first officer
10 on the scene. He roped it off to keep it secure. You
11 heard from Tammie Moore. And the defense is going to get
12 up here and say she didn't do her job, she didn't process
13 the scene.

14 And you know what's ironic about that is she did
15 process the area, the items that were removed from the
16 vehicle, she thought there might be fingerprints. She did
17 take DNA swabs that she thought it might be probative.

18 And we heard a lot of testimony about the differences
19 between touch DNA and regular DNA. DNA that's left at a
20 crime scene such as blood, semen, saliva which can be
21 readily tested and you can get results. Touch DNA's a
22 much more fragile type of evidence.

23 And what's ironic is even if she had taken a swab and
24 by a miracle gotten some DNA, some touch DNA to the
25 Defendant in that car, well, he would just explain it in

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1 his statement.

2 I mean, my God, he said he was in the back seat. He
3 said he was in the front seat. He said he reached over
4 towards the victim. His DNA would be there. He explains
5 it away, perhaps he's anticipating it's going to be
6 there.

7 The defense will get up here and say you can't convict
8 because there's no DNA.

9 I submit, ladies and gentlemen, this is the kind of
10 case where it's good old fashioned evidence. This is good
11 old fashioned police work. The Defendant's own words, his
12 voluntary statement, convicts him under our law.

13 But they will get up here and say he's merely
14 present.

15 Tammie Moore. They even questioned her on, well,
16 would blood spatter evidence help you? The only blood
17 spatter in this as far as telling who was where in the
18 car, and I submit later you heard the evidence about how
19 the trajectory of the bullet puts the gun in the back seat
20 at the time. The bullet goes in the back of his head.
21 The blood is on the back of the headrest, other than the
22 blood that drips down. There is no blood spatter to be
23 analyzed.

24 They will tell you how in this case as was it -- there
25 was no forensic fingerprints, no DNA. And, ladies and

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1 gentlemen, I submit in this case, even if there were they
2 would tell you that proves nothing because then they would
3 just say of course he's in the car. He admitted he was in
4 the car. He was all over the car. What does that prove?
5 And they're right.

6 The evidence in this case between the phone records
7 and the testimony of the witnesses and the Defendant's
8 statement are the probative evidence in this case. You
9 heard from Dr. Nichols who talked to about how far away
10 the muzzle of the gun would have been at the time the shot
11 was fired.

12 You heard from Investigator Collins. You heard from
13 Agent John Roberts. And why did we put him up? He did
14 the gunshot residue kit. Remember? If someone's
15 apprehended within six hours and they're alive you can do
16 the gunshot residue kit. The police weren't able to do
17 this in this case because nobody was apprehended for a
18 week. And then if someone dies then you can do it at the
19 autopsy. The gunshot residue on this victim's hands was
20 negative.

21 There is no claim of self-defense in this case. There
22 was a gun in the car which we put before you because that
23 was what was found in the car, that the victim had
24 lawfully purchased, according to the receipts. He kept it
25 stuck down in the seat where you couldn't even see it.

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1 There is no one that's going to get up here and say
2 this is self-defense. There is absolutely no evidence of
3 that. No one is going to argue that this is anything but
4 a murder. The only argument is whether or not the
5 Defendant was present aiding and abetting and was the
6 shooter or if he was just merely present at the scene.

7 You heard from Dr. Amick who talked to you about the
8 type of DNA. And finally you heard from three witnesses
9 who were able to give you some information about what went
10 on and who they interviewed and what steps they took to
11 try to gather evidence in this case.

12 And I think the most telling thing the investigators
13 said in this case was basically they went where the
14 evidence took them. They did their work. They developed
15 it from phone records which they subpoenaed the first day,
16 the victim's phone records. Because sometimes that can
17 reveal telling information about who the victim was in
18 contact with right before this happened. Information that
19 loved ones or others may not have.

20 And that's just what happened in this case because
21 when they got the search warrant back, when Investigator
22 Pegram got the search warrant back the first number he
23 noticed was around the time of death, around two A.M., and
24 you'll have that blow up because the phone records
25 themselves are so garbled you can't read them but you'll

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1 have that blow up that shows that time period which is
2 relevant in this case.

3 And in this case the last phone call that this victim
4 ever made or received was to the victim -- to the
5 Defendant -- excuse me -- Victor White.

6 Once they got that phone number, they acted on it.
7 They ran it through a system. They wanted to know who it
8 belonged to. It's registered to some guy named Cam who
9 it's who he claims he got the phone from in his statement,
10 but it's his phone.

11 And over the course of the next two days they searched
12 and they finally came up with a text message from a
13 girlfriend that leads them to Tree Street.

14 And when they go there they apprehend the Defendant.
15 They take him into custody and they do everything by the
16 book. They advise him of his rights they make sure that
17 all his rights are honored and they go by the book and
18 that's important and they take his statement.

19 And I want to talk to you a little bit about the
20 statement and what it says and represents. These are his
21 words as you remember them, you can't have the transcript
22 back there but you'll have the actual tape itself. What
23 was he saying on the date and time? When y'all made
24 contact with him did y'all get the victim? And this is
25 telling because what's going through his mind at this

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1 point? What story am I going to tell them? Why does he
2 put himself getting in the back seat? Does he think his
3 DNA is going to be back there? Did he think maybe he left
4 a fingerprint even though it's difficult to get?

5 We see so much TV we assume automatically if I come up
6 and touch this there's going to be one. Is that what was
7 going through his head? Is that why he goes to the length
8 to put himself getting in back seat and then changing
9 positions to the front seat? Because he knows that the
10 shooter, they're going to be able to tell the shooter was
11 in the back seat.

12 So what does he say? What position did you get inside
13 the vehicle? At first I was in the back. Investigator
14 Reeves: You got in back in the position Philly got in.
15 Philly is who he calls Reggie Miller. He was in the
16 front, then he got in the back.

17 Ladies and gentlemen, that absolutely makes no sense.
18 This was a two-door car. In order to get into the back
19 seat, the front seat has to be pulled up, the person in
20 the front seat has to either lean over into the victim's
21 lap or get out of the car in order for them to change
22 positions. And why on earth would they change positions
23 once they're in the car if all they're doing there that
24 day is a simple drug deal?

25 It makes no sense. And even more, the victim in this

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1 case, Pierre Duckett, only knew this man. Who according
2 to him was his friend. He trusted him. He didn't think
3 twice when his friend got behind him.

4 Okay. Well, I'm going to get to that in a minute.
5 Let me take you back before you met up with him. Y'all
6 had a discussion. He was saying that, no, all the way
7 through the day. You're talking about Pierre or are you
8 talking about Philly? Philly. What did Philly want? He
9 wanted to rob someone. He wanted to rob someone.

10 Once again, who is he making into the bad guy?

11 And it's kind of ironic because he says Philly wanted
12 to rob someone. But once this victim was shot in the
13 head, according to his own statement which I'll get to in
14 a minute, who's the first person that reaches into his
15 pocket to get the money? He wanted to rob someone?

16 Then he backs off. Doesn't know if that's going to be
17 good or bad. Well, he actually -- wasn't actually saying
18 that. He said he needed money. He needed to hit a lick.

19 And I submit, ladies and gentlemen, no one's going to
20 get up here and say hit a lick is anything but a robbery.
21 Be it a ripping someone off, be it a lick, be it a
22 robbery. However you want to term it, it's robbery.

23 Goes back. So he shows up. You get in back seat or
24 you get in the front seat? Yes, sir. In the beginning.
25 In the beginning I was in the back seat. You got in the

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1 back and Reggie got in the front? Yes, sir. What
2 happened? No, no. He catches himself, and this is
3 telling, because all of a sudden he realizes he better not
4 be in the back seat because the shooter's in the back
5 seat. That's problematic.

6 Reggie didn't get in the front. He was letting my
7 seat down because it's like, it's like a two door. So I
8 got in. He was letting my seat down, like, in the front.
9 I'm like, hold brother, let me get in the front. And
10 that's when I got in the front seat and he got behind me.

11 His story changes midstream for a reason. He's
12 thinking while he's making up this story. And sometimes
13 it's hard when you're making it up to keep it straight.
14 Little details, where you are in car, that are significant
15 especially when the shooter's in the back seat.

16 You've seen the gun before? Did you see it in the
17 car? well if Reggie told you he was going to rob Pierre,
18 what did you think he was going to rob him with? How did
19 you think he was going to pull off that robbery? I mean,
20 it can go either way. It really don't matter. Well,
21 explain to me either way that you're talking about.
22 Beating him up, choking him out or something because I
23 mean, he used to box and he knows mixed martial arts. Who
24 used to box and mix martial arts? Reggie. Okay.

25 So if Reggie is saying, I'm going to rob him and you

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1 think that that's -- that he was going to use martial arts
2 or box. I thought he was going to choke him out or
3 something.

4 And this is the last reference he made about what he
5 thought they were going there to do that night. He first
6 makes it into a drug deal which is what Pierre Duckett
7 thought it was. There's no dispute about that. And
8 that's what he represented to him it was. And it was a
9 drug deal of sorts. It just wasn't a purchase
10 arrangement.

11 I am going to rob him. I thought he was going to
12 choke him out or something. He admits they went there for
13 the purpose of robbery. Be it robbery or armed robbery,
14 that was the purpose.

15 He goes on in his statement. Why did Reggie --
16 talking about how Reggie hopped out of the car. I
17 couldn't get the door open. So, at this point, earlier
18 you told me about reaching in Pierre's pocket; is that
19 correct? Yes, sir. You need to speak louder. Is that
20 correct? Which pocket did you reach in? His right
21 pocket. His right pants pocket? Yes, sir. You reached
22 in Reggie's (sic) right pants pocket? This is after he
23 had been shot? That's right.

24 His story and he talks about it, even tries to get
25 emotional on the tape, is that he wouldn't do this because

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1 this is his friend. He has a child, he thinks. He knows
2 his brother. This is his friend. And his defense is he
3 wouldn't do this.

4 I submit, ladies and gentlemen, this is his mark.
5 This is his dealer. He wouldn't do this because this is
6 his friend? And yet when his friend -- he's horrified
7 that Reggie does what he told him not to do. He's
8 horrified that his friend gets shot in the head. He's
9 horrified in these seconds afterwards. So what does
10 Victor White do when his friend gets shot and executed in
11 front of him? Does he run? No. Does he call the
12 police? Does he make an anonymous call to EMS to help his
13 friend? Does he tell anybody?

14 I submit, yes. No. after his friend who he would
15 never do this to, has been executed in front of him in a
16 small space, what does he do? He reaches over, and
17 reached into -- it says Reggie here. That's wrong. It
18 should be Pierre's right pants pocket. This was after he
19 had been shot. What did you pull out here of his pocket,
20 son? Some money. How much money? \$400.

21 So this person who's part of this statement they want
22 you to believe, reaction to his friend being shot and
23 executed in front of him is not to get help, not to do
24 anything, not to report who did it, but to rob him.

25 That's his reaction to his friend.

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1 And who else would know which pocket he kept the money
2 in? At the time you didn't know it was \$400; is that
3 right? No, I just grabbed it and put it in my pocket.
4 Then we left. I never saw his cell phone. There was a
5 bag of marijuana inside that vehicle; is that right?

6 Yes. Did y'all take it? Yes. Before you left.

7 I started thinking as I listened to the tape. Yes,
8 sir. No, sir. Low voice. And it's not until the end of
9 tape that he starts getting worried. Why would he do this
10 to his friend? Pierre Duckett wasn't a friend. Drugs.
11 Guns. Money. People do things.

12 He was the perfect mark. He knew he could get him to
13 an isolated area and rob him. He knew that he would have
14 the advantage because Pierre Duckett had dealt with him
15 before and would trust him. It was the perfect mark.

16 Drugs. Money. Guns. They aren't a good
17 combination. They make people do things. Crime of
18 opportunity. He needed the money. He needed the drugs.
19 He didn't have any way to purchase them, so he did
20 whatever it took to get it.

21 And while he's in there getting ready to do the armed
22 robbery he decided he didn't want to leave any credible
23 witness that could implicate him in that robbery. He
24 might as well just make sure that the police would never
25 be able to convict him for what he did. So he shot and

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1 killed Duckett for the money and for the drugs, by his own
2 admission.

3 Then he goes up about how much he was supposed to sell
4 it, how he got the money. And then he comes up all of a
5 sudden with his friend, Flocker. Do you remember
6 Flocker? Flocker who we never found. Flocker who they
7 looked for to try to corroborate his story. Flocker who
8 wouldn't corroborate. They can't make people talk.
9 That's not allowed.

10 They went to Room 314 based on his statement to try to
11 corroborate what he said, because at this point the police
12 don't have a real stake in who did this. They're just
13 trying to get to the truth.

14 And what's interesting in this whole statement, as you
15 go through it, they went to Flocker's room. And why would
16 he intentionally not tell the truth on that? Because he
17 didn't want any of the credible witnesses, Jeremiah
18 Henderson, Demond Sanford, Nathaniel Jones -- notice he's
19 not -- they're not mentioned anywhere in his statement.
20 He's diverting them to his friend's room.

21 Tells them, we went to Flocker's room. Which one is
22 that, 314? Yes. Was anybody in his room? He was there
23 but he was asleep. Diversion. Why would he tell this
24 untruth, this lie, other than to try to cover up, to keep
25 the police from finding the real truth, the real credible

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1 people.

2 And you know, the one thing he counted on and he was
3 almost dead on this. He never thought Reggie Miller would
4 give him up. Never in a million years. He took Reggie
5 Miller under his wing. Reggie was his friend. And Reggie
6 would never give him up.

7 And what's interesting, remember, when the police
8 testified, at first when they first talked to Reggie they
9 advised him of his rights. Everything. Reggie Miller
10 wasn't talking. He wasn't giving him up. The only time
11 that Reggie Miller finally decides to talk to the police
12 and tell them what happened was when he's being read the
13 arrest warrant. The arrest warrant that says, not that
14 the police thought that Reggie had shot the victim, but
15 that the Defendant, Victor White, said Reggie Miller shot
16 the victim.

17 And at that point Reggie Miller decided to cooperate.
18 He would have protected him all day long. But that was
19 too much. Don't put it on him.

20 And that's what makes him credible.

21 But for Reggie Miller talking, you never find Demond
22 Sanford. You never find Nathaniel Jones. You never find
23 Jeremiah Henderson, because he doesn't give them up,
24 because he knows they aren't in special ed.

25 Kills his friend. Robs him there at the scene. But

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1 that's not enough. Talks about how they go to Flocker's
2 room. Flocker is there. We never found Flocker. Then
3 what happens next? No, we went back. His friend, who's
4 just been executed, he's robbed him, but that's not good
5 enough because they need the scales.

6 Who went back? Me and Philly. Why did you all go
7 back? To cut the lights off and to search. To search for
8 what? What did you find when you went back? Oh, he got a
9 scale.

10 And then he continues his story about how they went
11 back to Gambrell and then he ultimately splits up the
12 weed. He gives a handful to somebody, which makes no
13 sense. And then he calls a cab and leaves.

14 And what's interesting is, remember when you heard
15 from, is it Jeremiah Henderson, whichever one, talks about
16 how he called the cab. How would he know that if he
17 wasn't there? He says he was alone. He did call a cab.
18 That's corroboration. One piece of evidence.

19 Ask about the gun. The gun that he just happened to
20 see for that fleeting moment or some time earlier that
21 day, I believe is his testimony. How do you describe it?
22 It was black and chrome. Does that mean black and
23 silver? Yes. What caliber? I don't know. I don't know.
24 What are you thinking? I'm thinking, I'm going to say a
25 .380.

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1 So this gun he just saw for a moment earlier in the
2 day, he happens to know the caliber. And let's face it,
3 ladies and gentlemen, the gun's gone. It's not
4 recovered. That happens in most murder cases.

5 But he happens to be the one that can describe the
6 gun. And then in the end when all is said and done at the
7 end of his statement, as he's blaming Reggie Miller
8 because he thinks he won't, all he's worried about is,
9 well, I'm scared now, I'm thinking now I'm fixing to go to
10 jail. I'll be fixing to go to jail. I mean, that would
11 have been the right thing to do to tell the police but at
12 the time I was scared. I ain't never been in this type
13 situation. I want to go home.

14 And at one point at the bottom of this page he talks
15 about how, you know, I would have been guilty as an
16 accessory if he had told. But, ladies and gentlemen,
17 under the law in South Carolina, even under his version of
18 events, Victor White is not guilty of being anything but a
19 principal.

20 And listen to the Judge's charge on that law.

21 On February the 3rd in the early-morning hours, Steven
22 Pierre Duckett shouldn't have been there selling drugs but
23 he didn't deserve to be executed for it. He didn't
24 deserve to be shot in back of the head by a person he knew
25 while the muscle sat in the front seat. He didn't deserve

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1 to be robbed, and he didn't deserve to be murdered.

2 And, I submit, no one's going to get up here and say
3 this is anything but an armed robbery and a murder.
4 Victor White counted on the fact that if he just got rid
5 of the only credible witness the police would never find
6 out, but even if the police were smart enough to do their
7 job and actually track down leads, that even if it led
8 back to them they would never have any real evidence, a
9 phone call, maybe. Nothing else.

10 He counted on the fact that even if the police came
11 and found him, he could just explain it away and blame
12 Reggie. Reggie's an easy target. He's slow. His friend
13 wasn't going to talk. He counted on that. And even if
14 Reggie did come forward and talked who's going to believe
15 him? He's got issues. And he counted on the fact that
16 everybody else was too scared to tell the police what they
17 knew.

18 I submit, ladies and gentlemen, Victor White
19 miscalculated. All we ask is that you follow the law as
20 the Judge gives it to you, and listen to it, and then find
21 him guilty for what he admits he did and what the credible
22 evidence even more than what he admits he did shows he
23 did.

24 Because under the law in South Carolina, Victor White
25 is guilty of murder and of armed robbery. Thank you.

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1 THE COURT: We'll take a break for a few minutes.
2 Please go to the jury room and do not discuss the case.

3 (Jury exits courtroom at 11:44 A.M.)

4 THE COURT: We'll take about five minutes.

5 MS. CAMPBELL: Thank you, Your Honor.

6 (Thereupon at 11:45 A.M., a break was taken. At 11:59
7 A.M. the trial resumed:)

8 THE COURT: All right. Bring the jury.

9 (Jury enters courtroom at 12:00 P.M.)

10 THE BAILIFF: Your Honor, the jury is present.

11 THE COURT: All right. Ms. Gibbes?

12 MS. GIBBES: May it please the Court.

13 THE COURT: Yes.

14 MS. GIBBES: It has been a long week. We've sat here
15 for hours and hours and hours listening to testimony by
16 the witnesses put up by the State because that's their
17 case. They have to prove this beyond a reasonable doubt.
18 They need to put up an impressive show, and they did.
19 They put up so many people to try and prove who shot
20 Pierre Duckett.

21 And me, for one, I enjoyed learning a lot about what
22 happens when a crime happens and how they investigate from
23 start to finish. You heard from a lot of people who did
24 all sorts of things on this case.

25 And I know the State has said that I'm going to do

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1 this, that I'm going to go through all their witnesses and
2 tell you what they did wrong, what they could have done,
3 what they should have done, who's lying. Who's not. I'm
4 going to do it, because that's the case. That's the only
5 thing you have to consider are those witnesses.

6 And they put it up because they wanted you to consider
7 them because this case is about witness credibility. But
8 you also have to look at, could they have done more? Did
9 they not do everything they needed to do? Who's lying on
10 the stand?

11 Because, true, they're up here on the stand. They're
12 under oath. Do you think that means they're telling the
13 truth? Just because the State tells you they're telling
14 you the truth doesn't mean it's the truth. That's your
15 job. You are the only people that are here to tell us
16 who's telling the truth.

17 I'm going to go through those witnesses because you
18 heard a lot. You first heard from Investigator Reese --
19 he was the last. You heard how at the beginning they
20 didn't have a lot of leads on this case. They talked to
21 witnesses for several days. They did everything they
22 could. But they didn't, they didn't know what happened.

23 And then you heard from forensics. You heard from
24 Officer Moore, Officer Rose, Dr. Gray Amick and you heard
25 from them that DNA was taken from the crime scene people

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1 and that was tested.

2 And Dr. Amick, he's a smart guy. I mean, he was
3 telling us stuff about the science of DNA that I would
4 never even try to understand. But what you learned from
5 them, what did we learn? We learned they only tested four
6 things for DNA; the headlight switch, inside and outside
7 the door handles, and the shell casing. And there's no
8 DNA on that.

9 And I'm going to do it. I'm going to say: Why didn't
10 they test for more? Why didn't they test that Gatorade
11 bottle that was under the victim, Pierre Duckett? You
12 heard that saliva is more likely to maybe produce a DNA
13 profile. They didn't test that.

14 They didn't test anywhere else inside that car. A car
15 where apparently a shooting happened. We're not denying
16 that. As far as fingerprints, the only fingerprints they
17 tested for were on items that, it was a battery package.
18 They tested a picture, a DVD, a crumbled piece of paper.
19 Basically trash.

20 Why didn't they test anything else? I mean, these
21 people are in that car. Why didn't they test the steering
22 wheel? The steering wheel that Reggie Miller and Victor
23 White both admitted separately to touching. They grabbed
24 that steering wheel after the shooting, but they didn't.

25 And you heard that after they did all of this they

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1 towed the car. And they towed the car to the police
2 station. And you heard that that could have damaged the
3 DNA on the outside of the car. I don't think they were
4 going to test that anyways.

5 And the State tried to gloss over that with
6 Dr. Amick. Got him to say, well, that's normal. It's
7 very normal that sometimes you don't have a DNA profile or
8 you can't find testable DNA because it's touch DNA. I
9 know this isn't CSI, but in my very short, you know, four
10 years of being a public defender I've seen many cases
11 solved on DNA alone. That's the whole case.

12 And who else did you hear from? I'm going to keep
13 going. You heard from the ballistics expert, Dave
14 Collins. I thought he was pretty cool. I learned a lot
15 about guns. I don't know much about that. But you also
16 learned that they couldn't match for certain shell casing
17 of the gun in the car with a bullet that they took out of
18 the victim. They couldn't match that for sure.

19 I mean, there's all sort of could haves, maybes.

20 And you also learned that there's no murder weapon.
21 They couldn't test that. And, again, the State tries to
22 gloss over on that. Well, it's normal. It's normal. A
23 shooting happens and of course there's never a weapon.

24 But again, I've had cases set aside based on a murder
25 weapon but --

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1 MS. CAMPBELL: Objection, Your Honor, to specific
2 references.

3 THE COURT: Pardon?

4 MS. CAMPBELL: Objection to specific references to
5 other cases.

6 MS. GIBBES: I was being general, Your Honor, but I
7 apologize.

8 MS. CAMPBELL: Thank you.

9 THE COURT: All right.

10 MS. GIBBES: In general, cases are solved with a
11 murder weapon. And then you also heard from a GSR
12 expert. You learned a lot about gunshot residue. Learned
13 how when a gun is fired it goes everywhere. But all we
14 learned from that is that Steven Duckett did not fire a
15 gun immediately prior to his death.

16 And we also learned that maybe they should have tested
17 inside that vehicle for gunshot residue. It could have
18 given us an idea of where that gun was fired. They didn't
19 do that.

20 And you also heard from the coroner. You had to hear
21 about the autopsy. That's tough to hear about, but all we
22 learned was that he died from a gunshot wound. And you
23 also heard from other investigators who walked the crime
24 scene looking for videos, any other evidence. They don't
25 have any videos but they tried. I mean, I'm not saying

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1 they didn't do their job. Not at all.

2 And you have Investigator Pegram. Tells you all about
3 cell phones, cell phone towers, how you can use that
4 evidence to help you in your case. And they actually
5 learned something from that. They learned the last cell
6 phone number that called Pierre Duckett. That was a big
7 piece of evidence.

8 But you also heard there was some other numbers that
9 called Pierre Duckett. They never followed up on that.
10 You also heard there was some other people in this case
11 directly involved, they never got search warrants on those
12 cell phones. Never corroborated any of their stories. So
13 based on all of that they had this, this number.

14 And then you last heard from Investigator Thomas and
15 Investigator Reese. And you have all their experience,
16 all their years of experience. They're kind of the end of
17 the case for the State. They're kind of the bow, the
18 pretty package the State wants to give to you because they
19 get up there and tell you, I spoke to these witnesses, I
20 spoke to these people.

21 But I can tell you, from all my years of experience,
22 they're lying. I thought they were lying. I thought
23 there was all this petty BS, playful BS. They can tell.
24 Well it's not right, because you're the fact-finders.
25 You're here to determine the truth.

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1 So the State, the investigators, even the witnesses,
2 they can get up there and tell you what the truth is but
3 it's your job to determine what it is because you're going
4 to get to hear -- you heard testimony, you heard Victor
5 White's statement, and you have to consider that. Just
6 you, consider that.

7 Because based on that phone number they did, they got
8 to Victor White. And Victor White when they arrested him,
9 he was very cooperative. He spoke to them. He didn't
10 change his story. He was very forthcoming. He got shown
11 a picture of the victim and the car. And he didn't say, I
12 don't know what you're talking about, I don't know.

13 He immediately -- and you can listen in the
14 statement. No hesitation. Yeah, I know him. That's
15 Pierre. I buy weed from him. I called him that night. I
16 wanted to buy weed. I brought him into the area, and I
17 was in the car when he got shot. He admitted that.

18 And you heard that they pre -- you know, they got a
19 statement before they record. His statement did not
20 change one letter. The same.

21 And you're going to hear his statement. So I'm not
22 going to pick parts from the statement, and my favorite.
23 I mean, I could. Why would I? You're going to hear it.

24 But the bottom line is from that statement he told you
25 he was his friend, he wanted to buy weed. He had talked

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1 to Reggie Miller earlier in that day. Reggie Miller did
2 say, I want money, I wanted to do a lick.

3 But he said no, I thought he called it off. I didn't
4 know he was going to do it. So you listen to it.

5 But I do want to point out, they're making a very big
6 deal about where Victor White sat in the car. How in the
7 statement he said one thing and realizes, oh, I can't say
8 that. And he changed it.

9 Listen to the flow of how he's saying it. It doesn't
10 sound like that at all. It sounds like Victor White's
11 giving you a statement and he says, I was opening the
12 door -- I'm not going to play it, but they pulled things
13 out of that to make you think he was changing his story.
14 But listen to that. Does it sound like that? I don't
15 think it does.

16 And based on Victor White's statement, they did, they
17 believed him. And it's easy in hindsight to get up here
18 and say, oh, I knew he was lying. I knew he wanted me to
19 believe something.

20 But I'm telling you, they believed him enough to
21 legal documents drawn up, an arrest warrant. You have to
22 go to a judge for that. They got search warrants. And,
23 yes, it was based on Victor White's statement. And that's
24 what they had. And that said that Reggie Miller was the
25 shooter.

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1 And they got to Reggie Miller. And I'm going to talk
2 to you about Reggie Miller because I heard him testify.
3 It was uncomfortable. That was the first time that I
4 believe anybody knew that he might be sort of special,
5 mentally handicapped. So I'm telling you when they
6 arrested Reggie Miller the first thing he did is said, I
7 don't know, I don't know why you're arresting me.

8 And they read him his rights. His legal rights. They
9 went through every single piece of it. He initialed it.
10 You have the right to an attorney. You have the right to
11 remain silent. I understand what I am doing.

12 And do you know what he did? He did the one thing
13 that I wish all my clients would do. But they never do.
14 He said, I want an attorney. I don't want to talk. He
15 invoked his rights. He was a criminal justice major.

16 And, I'm sorry, that's when he knows what is going
17 on. And we can blame it on him. And say, oh, he's the
18 victim. Victor White was exploiting him.

19 But just think about the difference between that and
20 what you saw. Because when they spoke to Reggie Miller,
21 he admitted, yeah, Victor, he said that, planning an armed
22 robbery. And I called Demond Sanford and I called
23 Jeremiah Henderson because I needed muscle. And he's the
24 only one of all these boys, including Victor White, who
25 admitted planning an armed robbery, actually tried to get

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1 other people involved. So he's not an angel. Neither is
2 Victor White for that matter. He's not a victim, either.

3 But I don't feel sorry for Reggie Miller. And it
4 would be easy to watching him on that stand, because he is
5 involved.

6 So they spoke to Reggie and, you know, you heard
7 Reggie testify. There are significant differences in some
8 of the story. When Investigator Reese started
9 interrogating him the first time, they thought he was
10 lying. They were hard on him. They didn't think he was
11 being forthcoming. He was changing his story.

12 But there was some differences. They went back to the
13 room afterwards. He says he thought he saw Jeremiah,
14 Victor and Demond leave to go back to the car.

15 That's the only person who said that Jeremiah left.
16 And I know it can be explained that he went to the
17 bathroom, but nobody else said that.

18 And based on Reggie Miller they get Demond Sanford.
19 Now, Demond Sanford you saw him testify, too. Because
20 when he first got interrogated, he didn't want to tell the
21 truth either at the beginning. And that's when they
22 stopped talking to him. They stopped.

23 But you heard him when he got up here, he said,
24 Reggie, I talked to Reggie. And Reggie said, Victor and I
25 are planning a weed deal. We're going to buy weed. But

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1 we might shortchange him.

2 And I asked him what that meant and he said, they
3 might just not have enough money, they're going to take
4 the weed and not give him enough money. So he was going
5 to be the lookout. I mean, that backs up -- think about
6 it. That backs up Victor's story that they were going to
7 buy weed. You just got to think about it.

8 And he says, I was going to be the lookout. Reggie --
9 we all three left, Demond, Reggie and myself. Reggie told
10 me to back off, because I was going to be the lookout to
11 look for cops. He said it was dark, that he couldn't see
12 who got in the car first, where they sat. He said he
13 heard a noise, he heard a pop.

14 Demond, his story is very -- it's different. It
15 supports what Victor is saying. And then they go back.
16 Demond calls Jeremiah to open the door, and they go back
17 to the room. And he says that Victor was calm. He says
18 that he never heard Victor brag about killing somebody
19 because that's what's said in somebody's other statement.
20 You'll hear that. You heard that. And he says that they
21 went back. They were going to go back to get the scales.

22 And what I think is interesting is that Demond Sanford
23 willingly went back to that car with somebody that he
24 thought shot somebody. That makes no sense. That makes
25 no sense at all to me. But he did. And he took the

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1 scales. Demond said they took the scales and they left
2 and he says Victor White left at that point.

3 And then there's Jeremiah Henderson. Jeremiah
4 Henderson, he looked pretty good up here, I thought. He
5 was a smart kid. Nicely dressed. Very polite. What
6 really bothers about Jeremiah Henderson, he downplays his
7 role. He really does. He got up there and, I don't know,
8 he acts like I was just hanging out, hanging out with my
9 boys playing cards. I don't know if they talked to those
10 boys to see if his story is even true. I mean, it's
11 Benedict. It's a small campus. You can talk to people.
12 They're all hanging out in hallways.

13 And he was hanging out there, playing cards. He got a
14 call. He didn't know what they were doing. He had no
15 idea. But he said he opened his door, which he did. And
16 then they go back to his room and smoke the weed and they
17 don't really know what's going on.

18 What really bothers me about Jeremiah was when he
19 first spoke to the police he wrote a written statement
20 that he signed. It was notarized. And you heard him, I
21 signed it. I was telling the truth.

22 And two times in that statement he said, Victor White
23 didn't have a gun. I didn't see Victor White with a gun.
24 Twice. And then a year and a half later he gets up here
25 and suddenly Victor White had a gun. Where did that come

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1 from?

2 Was he scared he was going to get prosecuted? What
3 was that? Because that's a lie. That is a complete -- I
4 mean, most obvious thing that's ever been, a change of
5 testimony now where they're under oath. You're supposed
6 to believe them. Basically you're supposed to believe
7 him. Lie.

8 Then there's Nathaniel, the sleeping kid. I like that
9 kid, because he didn't want any part of this. That kid he
10 just wants to sleep, but he's not quite asleep. He's you
11 know, in bed, facing the wall.

12 He says he didn't see anything. He didn't even try to
13 say he saw Reggie trembling which doesn't make sense. But
14 the one thing that I thought was big is he makes an effort
15 to say, Demond Sanford, never saw him, never heard him.
16 Whatever it was. Just didn't. I mean, these are big
17 facts.

18 And I know that I'm telling it to you in the way
19 that's to my favor, just like the State just said.

20 And I know that's our jobs but that's their whole
21 case. Their whole case are these witnesses that got up on
22 that stand. And really, I think the investigators, the
23 forensics, I mean, they did their job. Could they have
24 done more? Absolutely.

25 But all you need to do is pay attention to the four

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1 kids who got up here; Demond Sanford, Reginald Miller,
2 Jeremiah Henderson and Nathaniel Jones.

3 And you also got to listen to Victor White because he
4 didn't have to testify, it's the State's burden. His
5 testimony is what his recording was. When he first got
6 arrested, when things just happened and they're the
7 freshest. I mean, he's telling the truth. It didn't
8 change.

9 And think about these four boys. And I know I'm not
10 trying to say Victor White was a victim. Absolutely not.
11 None of these boys, I mean, they are bad. That's bad.
12 This is scary stuff going on at the Benedict College
13 campus. But just think about it.

14 Victor White's an outsider. He's doesn't go to
15 college with them. Jeremiah Henderson, Reggie Miller,
16 Nathaniel Jones.

17 Jeremiah Henderson. Jeremiah said they're school
18 peers. They go to Benedict. They go to classes
19 together. They live in the same area. And they have a
20 week and a half. And whatever defense I'm giving you, you
21 know I can't tell you exactly what happened. Neither can
22 the State.

23 So at this point what we're working off of are these
24 four boys and Victor White. Is it really such a stretch
25 when you have a week and a half, Victor White, he's not a

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1 student, but they're friends because they knew they were
2 all in trouble. Every single one of these boys did
3 something wrong. They're all part of it in some way.

4 I find it really hard to believe that Reggie could
5 have shot that boy and all those other boys were scared
6 and knew that they did something wrong, too. They want to
7 protect Reggie Miller because if they protect Reggie they
8 protect themselves. And I don't think that's too much of
9 a stretch. I really don't, because it's not a case where
10 you know exactly what happened. Because I can get up here
11 and tell you what I think. The State can get up there and
12 tell you what they think.

13 It's about reasonable doubt.

14 And I kind of think of it as buying a used car. You
15 get in that car lot, you're so excited. You see all the
16 shiny cars, different colors. They're clean. They're
17 detailed. They look brand new.

18 But if you find out that the transmission, something's
19 wrong with it, you find out that that engine is bad,
20 you're not going to buy it. Don't buy that car the
21 State's selling because all you have to go by are those
22 boys. And there are problems with their story, all over
23 the place. And if you can't believe -- if you think
24 they're lying about something, how can you believe
25 everything? Especially something as big as murder.

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1 And that bothers me. And if you want to -- let's see
2 there is a car and there's something wrong with it, the
3 car dealer always go to a mechanic to get it fixed so that
4 you know what you're getting is good. But they didn't do
5 that. They didn't go talk to any other witnesses to maybe
6 verify one small part of any of these stories.

7 Benedict campus, it is small. It's my understanding
8 that these kids hang out in the hallways. It's a small
9 group. Do you really believe that these five boys,
10 they're the only ones who know something about what
11 happened?

12 And Flocker, Ryan Wilford, he's there. They served a
13 search warrant on his door. Now, maybe he wasn't there
14 but he could have said, I don't know what you're talking
15 about. I didn't give Victor White \$20. I didn't give him
16 money to buy weed. They didn't come to my room, just
17 simple as that. Didn't do it.

18 They didn't get search warrants on all the phones,
19 Reggie Miller's, Demond Sanford's, Nathaniel Jones. You
20 know, Demond's getting calls from people. You know,
21 people are calling people. At least prove they're at
22 least calling each other. They didn't do that.

23 So don't consider that. Don't buy that car just
24 because they're selling it. Don't believe everything you
25 hear just because it's the State.

CLOSING STATEMENTS ON BEHALF OF THE DEFENSE

1 I mean, it's the State of South Carolina. Just
2 because they're saying that doesn't mean that's true.
3 Just because I tell you something doesn't mean it's true.
4 But it's their burden. It is their absolute burden.
5 Don't buy that lemon. Don't do it.

6 I'm going to talk a little bit about the law, not a
7 lot. You saw the board. This is a lot. It's tedious.
8 The Judge is going to go through a lot, the law. Instruct
9 you on all different kinds of things, like murder and
10 felony murder and armed robbery, hand of one, hand of all.

11 And you listen to that because it's the law.

12 This is what really bothers me. The whole State's
13 case, these witnesses. If you believe them, they say that
14 Victor White's the shooter. He might have -- he planned
15 the armed robbery, he's the shooter. That's murder. And
16 you have to believe the State's witnesses if that's true.

17 But -- and like I tell you, you don't have to believe
18 them. But it's almost like they want it both ways because
19 they also want to say, okay, if you don't think my
20 witnesses are telling the truth and maybe Victor is
21 telling the truth or maybe something is wrong and you
22 can't -- my witnesses are lying about who the shooter was,
23 he's still guilty.

24 And my problem is you have to believe those
25 witnesses. If they're credible, you can find him guilty

JUDGE'S CHARGE TO THE JURY

1 under their theory. But if you listen to everything I've
2 been telling you and examine all the issues with this
3 case, because even after hours and hours and hours and
4 hours of testimony by the State, there's really only a
5 really small part that you need to pay attention to.

6 And from that you need to look at, it doesn't make
7 sense, there's too many holes, there's too many things
8 that don't match. And if you can't believe one part of
9 it, I'm asking you not to believe it because that's
10 reasonable doubt. And they have to prove it beyond a
11 reasonable doubt.

12 And I'm asking you to consider all of that and find
13 Victor White not guilty. Thank you.

14 JUDGE'S CHARGE TO THE JURY

15 THE COURT: Ladies and gentlemen of the jury, Madam
16 Forelady, and members of the jury. You've heard the
17 testimony, evidence, and arguments from the State and the
18 Defendant. I will now explain to you the law that applies
19 to this case.

20 Under the Constitution and laws of South Carolina, you
21 are the finders of the facts in this case. I do not have
22 the right to pass upon the facts or even to express any
23 opinion that I might have as to them because this is a
24 matter solely for you, the jury, to determine.

25 As jurors then, it is your duty to determine the

JUDGE'S CHARGE TO THE JURY

1 effect, the value, the weight, and the truth of the
2 evidence presented during this trial.

3 In evaluating the evidence, please remember that
4 questions posed by counsel and arguments of counsel are
5 not evidence. The evidence consists of testimony from the
6 witnesses and exhibits that have been introduced into
7 evidence.

8 As the Trial Judge, it is my responsibility to preside
9 over the trial of this case and to rule upon the
10 admissibility of the evidence offered during the trial.
11 You are to consider only the testimony which has been
12 presented from this witness stand, together with any
13 exhibits which have been made a part of the record in this
14 case.

15 I have the additional duty to charge you the law
16 applicable to this case. And as the Presiding Judge, I am
17 the sole judge of the law of this case. It is your duty
18 as jurors to accept as correct and apply the law as I now
19 state it to you and then reach your verdict.

20 And, finally, I charge you in this regard that you
21 should not be concerned about what you think the law ought
22 to be, but rather what I charge you that the law is.

23 Now you are also the judges, the sole judges of the
24 credibility, that is, the believability of the witnesses
25 who have testified and of the evidence which has been

JUDGE'S CHARGE TO THE JURY

1 presented in this case.

2 In passing upon credibility, you may take into
3 consideration many things such as the demeanor or manner
4 of testifying, whether the witness had a reason to be
5 biased or prejudiced, whether a witness's testimony was
6 contradicted on the one hand or supported and corroborated
7 on the other hand.

8 All of these things you will consider, bearing in mind
9 that you should give the Defendant the benefit of any
10 reasonable doubt.

11 It becomes your duty as jurors to analyze and to
12 evaluate the evidence and determine that evidence which
13 convinces you of its truth.

14 Now I instruct you and emphasize that the fact that
15 the Defendant did not testify is not a factor to be
16 considered by you in any way in your deliberations, and in
17 your consideration of the question of the guilt or the
18 innocence of the Defendant. It must not be considered by
19 you in any manner whatsoever.

20 A defendant has the constitutional right to remain
21 silent. And the assertion of this right must not be
22 considered by you in your deliberations. I repeat. Under
23 your oath you are to draw no conclusion whatsoever from
24 the fact that the Defendant in this case did not testify.
25 The fact that this Defendant did not testify should not

JUDGE'S CHARGE TO THE JURY

1 even be discussed in the jury room.

2 The burden of proof, as I have stated to you, is on
3 the State. The Defendant is not required to prove his
4 innocence. The burden of proof remains on the State to
5 prove guilt beyond a reasonable doubt.

6 A statement alleged to have been made by the Defendant
7 has been admitted into evidence in this case. While the
8 Court has determined that the statement is admissible, I
9 instruct you that you make the ultimate decision on
10 whether or not the Defendant made the statement.

11 If the Defendant did make the statement, you must
12 determine whether the statement was made by the Defendant
13 voluntarily and of his own free will. This means that the
14 statement was not caused by pressure, force, fear, threat,
15 coercion, or intimidation or by hope or a promise of
16 leniency or a reward of any kind.

17 In determining whether the statement was voluntary you
18 should consider both the characteristics of the Defendant
19 and the details of the questioning. Some of the factors
20 that you must consider are the age of the Defendant, the
21 Defendant's education or lack of education, the
22 Defendant's mental capacity or ability, the Defendant's IQ
23 or intelligence, the Defendant's background, environment,
24 the place and length of the detention, the nature of the
25 questioning and the advice or lack thereof to the

JUDGE'S CHARGE TO THE JURY

1 Defendant of his constitutional rights, including but not
2 limited to the right to remain silent; that any statement
3 could be used against him in a court of law; the right to
4 have a lawyer present; that if he could not afford a
5 lawyer a lawyer would be appointed to represent him
6 without any cost; and that he could stop making a
7 statement at any time.

8 You must consider all the surrounding circumstances
9 before you give any weight to an alleged statement.

10 The State has the burden of proving beyond a
11 reasonable doubt that the alleged statement was
12 voluntary. If you determine that it was, you may give the
13 statement any further consideration that you deem proper.

14 You must decide what weight, if any, should be given
15 to the alleged statement. If you determine that the
16 alleged statement was not the free and voluntary statement
17 of the Defendant, you should not consider the statement at
18 all.

19 There are two types of evidence which are generally
20 presented during a trial; direct evidence and
21 circumstantial evidence. Direct evidence is the testimony
22 of a person who claims to have actual knowledge of a fact,
23 such as an eyewitness. It is evidence which immediately
24 establishes the main fact to be proved.

25 Circumstantial evidence is proof of a chain of facts

JUDGE'S CHARGE TO THE JURY

1 and circumstances indicating the existence of a fact. It
2 is evidence which immediately establishes collateral facts
3 from which the main fact may be inferred. Circumstantial
4 evidence is based on inference and not on personal
5 knowledge or observation.

6 The law makes absolutely no distinction between the
7 weight or the value to be given either direct or
8 circumstantial evidence, nor is a greater degree of
9 certainty required of circumstantial evidence than of
10 direct evidence.

11 You should weigh all of the evidence in the case.
12 After weighing all of the evidence if you are not
13 convinced of the guilt of the Defendant beyond a
14 reasonable doubt, you must find the Defendant not guilty.

15 The fact that the Defendant was arrested, charged and
16 indicted is not evidence in this case and cannot be
17 considered as evidence of guilt in this case, nor does it
18 create any presumption or inference of guilt.

19 The indictment is simply the formal written instrument
20 which contains the charges made against the Defendant. An
21 indictment is the formal document by which this case is
22 brought into court.

23 The Defendant has pled not guilty to the charges in
24 the indictments. And that plea places the burden on the
25 State to prove the Defendant guilty. A person charged

JUDGE'S CHARGE TO THE JURY

1 with committing a criminal offense in South Carolina is
2 never required to prove himself innocent.

3 I charge you that it is an important rule of the law
4 that the defendant in a criminal trial, no matter what the
5 seriousness of the charge may be, will always be presumed
6 to be not guilty of the charge for which the indictment
7 was issued unless guilt has been proven by evidence
8 satisfying you of that guilt beyond a reasonable doubt.

9 This presumption of innocence does not end when you
10 begin your deliberations, but it accompanies the Defendant
11 throughout the trial until you reach a verdict of guilt
12 based on evidence satisfying you of that guilt beyond a
13 reasonable doubt.

14 The presumption of innocence is like a robe of
15 righteousness placed about the shoulders of the Defendant
16 which remains with the Defendant until it has been
17 stripped from the Defendant by evidence satisfying you of
18 that guilt beyond a reasonable doubt.

19 The presumption of innocence is not a mere legal
20 theory. It's not just a legal phrase. It is a
21 substantial right to which every defendant is entitled
22 unless you, the jury, are satisfied from the evidence of
23 the Defendant's guilt beyond a reasonable doubt.

24 The State must prove the Defendant guilty beyond a
25 reasonable doubt.

JUDGE'S CHARGE TO THE JURY

1 So what is a reasonable doubt in the law? A
2 reasonable doubt is a doubt which makes an honest, sincere
3 juror in search of the truth to hesitate to act. Proof
4 beyond a reasonable doubt must therefore be proof of such
5 a convincing character that a reasonable person would not
6 hesitate to rely and act upon it in the most important of
7 his or her own affairs. Proof beyond a reasonable doubt
8 can also be described as proof of that leaves you firmly
9 convinced of the Defendant's guilt.

10 There are very few things in this world that we know
11 with absolute certainty. And in criminal cases, the law
12 does not require proof that overcomes every possible
13 doubt.

14 If, based on your consideration of the evidence, you
15 are firmly convinced that the Defendant is guilty, then
16 you must find him guilty. If, on the other hand, you
17 think that there's a real possibility that he is not
18 guilty, you must then give him the benefit of the doubt
19 and find him not guilty.

20 The indictments in this case allege two different
21 offenses against the Defendant. The charges are murder
22 and armed robbery. Each indictment charges a separate and
23 distinct offense. You must decide each indictment
24 separately on the evidence and the law applicable to, it
25 uninfluenced by your decision as to any other indictment.

JUDGE'S CHARGE TO THE JURY

1 The Defendant may be convicted or acquitted on any or
2 both of the offenses charged. You will be asked to write
3 a separate verdict of guilty or not guilty for each
4 indictment.

5 The Defendant is charged with murder. The State must
6 prove beyond a reasonable doubt that the Defendant killed
7 another person with malice aforethought. Malice is
8 hatred, ill will or hostility towards another person. It
9 is the intentional doing of a wrongful act without just
10 cause or excuse, and with an intent to inflict an injury
11 or under circumstances that the law will infer an evil
12 intent.

13 Malice aforethought does not require that malice exist
14 for any particular time before the act is committed, but
15 malice must exist in the mind of the Defendant just before
16 and at the time that the act is committed. Therefore,
17 there must be a combination of the previous evil ill
18 intent and the act.

19 Malice aforethought may be express or inferred. These
20 terms, express and inferred, do not mean different kind of
21 malice, but merely the manner in which malice may be shown
22 to exist. That is, either by direct evidence or by
23 inference from the facts and circumstances which are
24 proved.

25 Express malice is shown when a person speaks words

JUDGE'S CHARGE TO THE JURY

1 which express hatred or ill will for another or when the
2 person prepared beforehand to do the act which was later
3 accomplished, for example, lying in wait for a person or
4 any other acts of preparation going to show that the deed
5 was within the Defendant's mind would be express malice.

6 Malice may be inferred from conduct showing a total
7 disregard for human life.

8 Inferred malice may also arise when the deed is done
9 with a deadly weapon. A deadly weapon is any article,
10 instrument or substance which is likely to cause death or
11 great bodily harm. Whether an instrument has been used as
12 a deadly weapon depends on the facts and circumstances of
13 each case.

14 If one intentionally kills another during the
15 commission of a felony, the inference of malice may arise.
16 In that regard, armed robbery is a felony under our law.

17 If facts are proved beyond a reasonable doubt
18 sufficient to raise an inference of malice to your
19 satisfaction, this inference would simply be an
20 evidentiary fact to be taken into consideration by you
21 along with all other evidence in the case and you may give
22 it the weight that you decide it should receive.

23 The Defendant is charged with armed robbery. In order
24 to prove the Defendant guilty of armed robbery, the State
25 must prove beyond a reasonable doubt that the Defendant

JUDGE'S CHARGE TO THE JURY

1 took personal property from the person or presence of
2 another. Property is in the presence of another if it is
3 within the person's control so that the person could, if
4 not overcome with violence, keep possession of the
5 property.

6 The State must also prove beyond a reasonable doubt
7 that the Defendant carried the property away intending to
8 permanently deprive the owner of the property and to keep
9 the property for the Defendant's own use.

10 The taking and carrying away of the property must have
11 been done with violence.

12 The State must prove beyond a reasonable doubt that
13 the Defendant was armed with a deadly weapon during the
14 robbery. And as I stated before, a deadly weapon is any
15 instrument which is likely to cause death or great bodily
16 harm.

17 One can be guilty of committing an armed robbery of a
18 victim who is already dead if the murder of that person
19 and the taking of the property are part of the continuous
20 sequence of events so interconnected as to be inseparable.

21 Now if a crime is committed by two or more people who
22 are acting together in committing the crime, the act of
23 one is the act of all. A person who joins with another to
24 commit an unlawful act is criminally responsible for
25 everything done by the other person which happens as a

JUDGE'S CHARGE TO THE JURY

1 probable or natural consequence of the acts done in
2 carrying out the common plan and purpose.

3 If two or more people are together, acting together,
4 assisting each other in committing the offense, the act of
5 one is the act of all. Or as it is sometimes said, the
6 hand of one is the hand of all.

7 Prior knowledge that a crime is going to be committed
8 without more is not sufficient to make a person guilty of
9 that crime. Mere knowledge that another person is going
10 to commit a crime is not sufficient to convict the person
11 of the crime as a principal even if the person is present
12 when the crime is committed.

13 The principal in a crime is one who either actually
14 commits the crime, or who is present, aiding, abetting or
15 assisting in committing the crime.

16 When a person does an act in the presence of and with
17 the assistance of another, the act is done by both. Where
18 two or more acting with a common plan or intent are
19 present at the commission of a crime, it does not matter
20 who actually commits the crime. All are guilty. The hand
21 of one is the hand of all.

22 Present at the commission of a crime means to be
23 sufficiently near to aid and abet and assist in the
24 commission of the crime. However, mere presence at the
25 scene of a crime is not sufficient to convict one as a

JUDGE'S CHARGE TO THE JURY

1 principal under the theory of aiding and abetting or hand
2 of one is the hand of all.

3 Intent is also a necessary element. There must have
4 been a common design or intent to commit the crime or
5 crimes and the crime or crimes must have been committed
6 pursuant thereto with the person aiding and abetting by
7 some overt act. Intent means intending the result which
8 actually occurs, not accidentally or involuntary. Intent
9 may be shown by acts and conduct of the Defendant and
10 other circumstances from which you may naturally and
11 reasonably infer intent.

12 The State must prove these elements beyond a
13 reasonable doubt. The State must prove beyond a
14 reasonable doubt by competent evidence the theory of the
15 hand of one is the hand of all.

16 Madam Forelady and members of the jury, you have been
17 selected by both the State and the Defendant to be fair
18 and impartial jurors. It is your duty, then, in your
19 joint deliberations to determine the truth in this case,
20 giving the Defendant the benefit of every reasonable doubt
21 on each and every issue. And from the facts which you
22 determine to be true, you take and apply the law which I
23 have just given you and thus arrive at a verdict which
24 speaks the truth of this case.

25 I've told you the standards you have to apply to the

JUDGE'S CHARGE TO THE JURY

1 charges of murder and armed robbery.

2 I will give you a copy of these instructions in
3 written form. During your deliberations you may refer to
4 the instructions to guide your decision making. You must
5 consider the instructions as a whole and not follow some
6 and ignore others.

7 Please return the instructions to the Court at the
8 time your verdict is rendered.

9 You've heard the evidence and now you have heard the
10 law. Whatever your verdict as to each charge, Madam
11 Forelady, you will indicate by writing the word guilty or
12 not guilty on the back of each indictment. You will sign
13 and date them.

14 I'm certain there is no significance in the order I
15 mention the verdicts, simply one must be stated first. On
16 the back of the verdict form, the indictment, there's a
17 section for verdict. You will write guilty or not guilty
18 and sign and date on each indictment as to the verdict.

19 Remember that although the Foreperson is the only
20 person, the only juror who writes the verdict, they are
21 not hers alone. The verdicts have to be unanimous. Madam
22 Forelady, you're not authorized to write the verdicts
23 until all of you have agreed as to what the verdict should
24 be.

25 Now, ladies and gentlemen, I'm going to send you to

JUDGE'S CHARGE TO THE JURY

1 the jury room but do not begin to discuss the case until
2 you've received a copy of this jury charge, the
3 indictments and the exhibits.

4 Once you receive these things, that will be your
5 signal to begin your deliberations. Once you begin your
6 deliberations you will deliberate until you have reached a
7 verdict at which time you'll knock on the door, advise the
8 bailiff and we will bring you out to receive your verdict.

9 Now we have selected 14 jurors but only 12 can
10 participate in the deliberations. So out of the first 12
11 jurors, if you are able to continue with the jury
12 deliberations, please let me know by raising your right
13 hand, the first 12 selected.

14 (Twelve jurors comply.)

15 All right. Since the first 12 are able to continue
16 with deliberations, when they go to the jury room the two
17 alternate jurors will stay with us.

18 We have ordered lunch. It should be here by now. You
19 can eat-deliberate, deliberate-eat, it's up to you. The
20 case is in your hands to begin deliberates once you
21 receive the exhibits, the jury charge, and the verdict
22 forms.

23 Please go to the jury room at this time, everyone
24 except the alternates.

25 (Jury exits courtroom at 12:52 P.M.)

1 jury. Deliberations commenced at 12:57 P.M. At 1:04
2 P.M., the trial continued:)

3 MS. WALKER: On the record, Judge.

4 THE COURT: Yes. Regarding sending items in the jury
5 room that's not in evidence for the jury to play the CD
6 on.

7 MR. SAWYER: I'm fine, Your Honor. I already reviewed
8 the laptop once before. It's the same laptop. There's no
9 additional data on there that would influence the jury in
10 any way. So I'm all right with sending that back.

11 MS. WALKER: As does the State, Judge.

12 THE COURT: That should be put on the record during the
13 course of the trial. It seems as if every place we go we
14 get a question and there's some delay based on no prior
15 arrangements for the jury to hear things that's in
16 evidence.

17 So that's what you clear up during the trial on the
18 record so that it won't be a problem at end of the trial.

19 (Thereupon, the Court stood at recess until 2:42 P.M.,
20 when the trial continued:)

21 THE COURT: Question from jury.

22 The note says the murder indictment states Victor
23 intentionally killed the victim, Steven Duckett, with a
24 shot to the head. We need to know are basing (sic) our
25 verdict on the above paper or are we basing it on that he

1 was the principal in an armed robbery in which a murder
2 occurred?

3 And it's signed by someone by the name Rose Peyton.
4 What says the State?

5 MS. CAMPBELL: I don't believe -- the answer to that
6 would be that they are basing it on the law as you had
7 charged them. The indictment is not evidence in the
8 case. It merely sets out the allegations.

9 MS. GIBBES: I agree, Your Honor.

10 MS. CAMPBELL: So that they would be basing it on the
11 law that you talked about.

12 THE COURT: All right. If you can have the jury come
13 in.

14 (Thereupon, a note from the jury was marked and
15 received as Court's Exhibit No. 2.)

16 (Jury enters courtroom at 2:50 P.M.)

17 THE BAILIFF: Jury is present.

18 THE COURT: All right.

19 Ladies and gentlemen, a note was submitted to me which
20 reads as follows: The murder indictment states Victor
21 intentionally killed the victim, Steven Duckett, with a
22 shot to the head.

23 We need to know -- I'm assuming a word must have been
24 left out. We need to know if we are basing our verdict on
25 the above paper or are we basing it on that he was a

1 principal in an armed robbery in which a murder occurred?

2 Ladies and gentlemen, the Foreperson serves as the
3 spokesperson for the jury. Any communications with the
4 Court should come from the Foreperson.

5 Aside from that fact, however, I'm going to respond to
6 your question.

7 The indictment is not evidence. The indictment is
8 simply the formal written instrument which contains the
9 charges made against the Defendant. The indictment is the
10 formal document by which this case is brought into court.

11 You are to base your verdict on the facts as you find
12 them to be, applying the law as I have stated it to you.
13 And that's -- you determine the facts, you apply the law
14 and you reach a verdict.

15 Thank you. I hope that answers your question. If you
16 all will return to the jury room to your deliberations.

17 (Jury exits courtroom at 2:55 P.M.)

18 THE COURT: Any additions or exceptions from the
19 State?

20 MS. CAMPBELL: No, Your Honor.

21 THE COURT: From the defense?

22 MS. GIBBES: No, Your Honor.

23 THE COURT: All right. We are back in holding.

24 (Thereafter, another matter was heard by the Court.

25 The trial of this cause resumed as follows at 3:33 P.M.:)

VERDICT & SENTENCING

1 THE COURT: I understand that we have a verdict. Can
2 you bring the jury?

3 (Jury enters courtroom at 3:34 P.M.)

4 THE COURT: Madam Forelady, if you'll stand for me?
5 Forelady only. Have you reached a verdict?

6 THE FOREPERSON: Yes, we have.

7 THE COURT: Is it unanimous?

8 THE FOREPERSON: Yes, it is.

9 THE COURT: All right. If you will pass it up. You
10 may be seated.

11 THE FOREPERSON: (Complies.)

12 THE COURT: The Defendant will stand.

13 THE DEFENDANT: (Complies.)

14 THE COURT: Madam clerk, you may publish the verdict.

15 THE CLERK: Docket number 2010-GS-40-1179, the State
16 of South Carolina, County of Richland, the Court of
17 General Sessions, the State versus Victor A. White. This
18 is an indictment for armed robbery. The jury finds the
19 Defendant guilty.

20 Docket 2010-GS-40-1178, the State of South Carolina,
21 the County of Richland, the State versus Victor A. White.
22 This is an indictment for murder. The jury finds the
23 Defendant guilty.

24 Madam Forelady, is this your verdict and the verdict
25 of the entire jury?

VERDICT & SENTENCING

1 THE JUROR: Yes.

2 THE CLERK: Are they still your verdicts?

3 THE JUROR: Yes.

4 THE CLERK: Number 263, were these your verdicts?

5 THE JUROR: Yes.

6 THE CLERK: Are they still your verdicts?

7 THE JUROR: Yes.

8 THE CLERK: Number 17, are these your verdicts?

9 THE JUROR: Yes.

10 THE CLERK: Are -- were -- were these your verdicts?

11 THE JUROR: Yes.

12 THE CLERK: Are they still your verdicts?

13 THE JUROR: Yes.

14 THE CLERK: Thank you. Jury's been polled, Your
15 Honor.

16 THE COURT: All right. The jurors have been polled
17 individually. The verdict is the unanimous verdict. Any
18 post-trial motions?

19 MS. GIBBES: Yes, Your Honor. At this time I'd make a
20 motion to set aside a verdict and for a new trial. I
21 would also renew all prior objections and motions, Your
22 Honor.

23 THE COURT: All right. Any response by the State?

24 MS. CAMPBELL: Respectfully, Your Honor, we just defer
25 to you, and the motions she requested should be denied.

VERDICT & SENTENCING

1 THE COURT: The matters to be decided were for the
2 jury to decide. They have decided that the Defendant is
3 guilty.

4 I believe that all of the rulings made by the Court
5 during the course of the trial, those rulings were
6 correct.

7 According to the law, the Defendant has been afforded
8 the opportunity of a fair trial before a fair and
9 impartial jury, and I respectfully deny the motions for a
10 new trial and setting aside the verdict.

11 MS. GIBBES: Thank you, Your Honor.

12 THE COURT: Ladies and gentlemen, I want to thank you
13 for your services. You did not volunteer for this. You
14 were drafted, but you responded to the call to duty.

15 It's not often that you'll be asked to be put into the
16 position that you were put in, but you have responded and
17 you have served. Certainly if you were to find yourself
18 in any position of anyone in the courtroom who has any
19 other role in the case, you would certainly want the case
20 to be listened to by an attentive jury, a jury who
21 deliberates thoroughly on the issues, and a jury who
22 returns a verdict that -- a jury that returns a verdict
23 that is according to the law and the evidence.

24 And you've done that in this case. I want to thank
25 you.

1 THE DEFENDANT: Yes, sir.

2 THE COURT: What do you base that on?

3 THE DEFENDANT: I have, really liked Benedict, was
4 going to start going to school there.

5 THE COURT: That was your plan?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: How did you know those boys?

8 THE DEFENDANT: Well, I met all of them through
9 Reggie, but I met Reggie through another friend.

10 THE COURT: And you planned to start going to school
11 there?

12 THE DEFENDANT: Yeah. Yes, sir.

13 THE COURT: Were they real students?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: All right, Mr. White. FOR THE OFFENSE OF
16 MURDER, THE SENTENCE IS THAT YOU BE COMMITTED TO THE STATE
17 DEPARTMENT OF CORRECTIONS FOR A PERIOD OF 35 YEARS. FOR
18 ARMED ROBBERY, YOU'RE SENTENCED TO 20 YEARS. THE
19 SENTENCES WILL RUN CONCURRENT WITH EACH OTHER AND YOU'LL
20 RECEIVE CREDIT FOR ANY TIME THAT YOU SERVED.

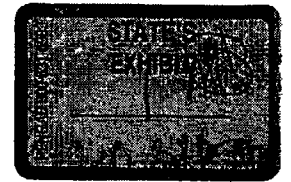
21 MS. GIBBES: Thank you, Your Honor.

22 THE COURT: Good luck to you.

23 MR. SAWYER: Thank you, Your Honor.

24 MS. CAMPBELL: Thank you, Your Honor.

25 THE COURT: Ladies and gentlemen, now you know the



INTERROGATION; ADVICE OF RIGHTS

YOUR RIGHTS

Place #1 Justice Sq
Date 2-10-10
Time 11:55 pm

Before we ask you any questions, you must understand your rights.

- VW You have the right to remain silent.
- VW Anything you say can be used against you in court.
- VW You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.
- VW If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.
- VW If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

WAIVER OF RIGHTS

VW I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Signed [Signature]

Witness: [Signature]

Witness: [Signature]

Time: 11:55 pm

1 INTERVIEW OF VICTOR WHITE

2 FEBRUARY 11, 2010

3 INVESTIGATOR REESE: Okay, today's date is
4 February the -- it's February the 11th now. The time is
5 1:04 -- you got 1:04?

6 INVESTIGATOR THOMAS: Yes.

7 REESE: 1:04 a.m., in the morning. I am
8 Investigator Kevin E. Reese, and we are at the Columbia
9 Police Department in an interview room. I have with me my
10 partner, Investigator Arthur Thomas. We have taken into
11 custody tonight Victor --

12 THOMAS: White.

13 REESE: -- white. Victor was taken into custody
14 in West Columbia on a Lexington County parole violation
15 warrant. Victor was brought to our office in reference to
16 a homicide case that we were already investigating that
17 occurred last Wednesday behind the KFC on Taylor Street.

18 Victor has been advised of his rights.

19 Is that right, Victor?

20 VICTOR WHITE: Yes, sir.

21 REESE: Okay. When you speak, son, just speak -

22 -

23 THOMAS: Speak clearly.

24 REESE: -- clearly enough and loud enough so
25 those tape recorders can pick you up. Okay?

1 WHITE: Yes, sir.

2 REESE: All right. You have been advised of
3 your rights. Is that right?

4 WHITE: Yes, sir.

5 REESE: All right. And you indicated that you
6 did understand those rights?

7 WHITE: Yes, sir.

8 REESE: And you initialed those rights. Is that
9 correct?

10 WHITE: Yes, sir.

11 REESE: And here at the bottom, where it says
12 you have read these rights, the waiver, you also initialed
13 that. You read that aloud to us. Is that correct?

14 WHITE: Yes, sir.

15 REESE: And you also signed this form indicating
16 that you understood the rights, and you were waiving your
17 rights, and you wished to speak to investigators. Is that
18 correct?

19 WHITE: Yes, sir.

20 REESE: All right. Now, we started the
21 conversation earlier. I showed you a picture of a white
22 male, driver's license picture. Is that correct?

23 WHITE: Yes, sir.

24 REESE: All right. So now I'm going to show it
25 to you again, and you tell me who this person is. Just

1 call his name out.

2 WHITE: Cam.

3 REESE: Cam? And that's the only thing you know

4 -- person you know him as -- name you know him by. Is

5 that right?

6 WHITE: Yes.

7 REESE: And how long have you been knowing him?

8 WHITE: Four years.

9 REESE: And in fact about it, you're looking at

10 a photo of a driver's license, and the name on that photo

11 is Cameron Jeffrey Bowen. Is that correct?

12 WHITE: Yes, sir.

13 REESE: And is that the person that you know as

14 Cam?

15 WHITE: Yes, sir.

16 REESE: All right. I asked you has Cam ever -

17 - earlier -- has Cam ever bought anything from you -- for

18 you or given you anything. And I showed you a cell phone,

19 and you had some issues with that. And I do have this

20 cell phone with me.

21 WHITE: Yes, sir.

22 REESE: Is that right? All right. The cell

23 phone that I have with me is a Verizon Samsung. We took

24 this phone off your person tonight when we arrested you at

25 your house in West Columbia.

1 WHITE: Yes, sir.

2 REESE: Is that right? Okay, speak up a little

3 for me.

4 WHITE: Yes, sir.

5 REESE: All right. What is the number to this

6 cell phone?

7 WHITE: 391-.

8 REESE: Okay, 391-? All right, where did

9 you get this cell phone from?

10 WHITE: From Cam.

11 REESE: From Cam?

12 WHITE: Not actually from him, but, I mean, he

13 left it at my friend's house, and I got it and put minutes

14 on it. He said I could have it. (Indistinct.)

15 REESE: Okay. And how long have you had this

16 phone?

17 WHITE: Since like September.

18 REESE: Since September of --

19 WHITE: Last year.

20 REESE: -- last year, 2009?

21 WHITE: Yes, sir.

22 REESE: And you've been using this phone and

23 that number ever since?

24 WHITE: Yes, sir.

25 REESE: Is that correct?

1 WHITE: Yes, sir.
2 REESE: Okay.
3 (Cell phone ringtone.)
4 REESE: All right. I showed you a photograph of
5 a van and a black male on this photograph. Do you recall
6 that?
7 WHITE: Yes, sir.
8 REESE: Okay. Did you indicate to me at the
9 time when I showed you this photograph that you know that
10 young man that's in that picture?
11 WHITE: Yes, sir.
12 REESE: Okay. Who is that young man?
13 WHITE: I call him P.
14 REESE: You call him P? Do you know P's real
15 name?
16 WHITE: No, sir.
17 REESE: Okay. That vehicle in the photograph,
18 do you recognize that vehicle?
19 WHITE: Yes, sir.
20 REESE: Okay. How do you recognize that
21 vehicle?
22 WHITE: That's the vehicle he drives. That's
23 his car.
24 REESE: All right, that's his car? Describe
25 that vehicle for me real quick.

1 WHITE: It's a burgundy two-door.
2 REESE: Burgundy two-door what?
3 WHITE: Um, Tahoe.
4 REESE: Tahoe?
5 WHITE: I believe so.
6 REESE: Have you ever been inside that burgundy,
7 two-door Tahoe?
8 WHITE: Yes, sir.
9 REESE: Have you ever been in the company of the
10 young man whose picture is underneath that burgundy Tahoe.
11 WHITE: Yes, sir.
12 REESE: Okay.
13 I'm going to rewrite on that today's date and
14 that we -- that's the picture we presented to him --
15 THOMAS: Yeah.
16 REESE: -- as well as this picture here.
17 All right. During our conversation that
18 Investigator Thomas and I had with you, we asked you about
19 your relationship with him and the last time you saw him.
20 And I'm going to just tell you what you initially told us
21 during the beginning of the conversation.
22 You said you knew him, and you were supposed to
23 meet with him and buy some works from him or from wood.
24 Is that right?
25 WHITE: Yes, sir.

1 REESE: Okay. What did you say, works or wood?
2 WHITE: Wood.
3 REESE: Wood. Okay. Tell me what is wood.
4 WHITE: Weed.
5 REESE: Okay. Tell me what is weed.
6 WHITE: Marijuana.
7 REESE: Marijuana. And so you were saying that
8 you had to -- you set up a meeting with the person you
9 call P to buy some marijuana from him.
10 WHITE: Yes, sir.
11 REESE: Is that correct? Do you recall the day
12 and the time that was, what day that was?
13 WHITE: No, sir.
14 REESE: Could it have been last Wednesday?
15 WHITE: Yes, sir, I, I guess so. When was that
16 day?
17 THOMAS: You know it was last week?
18 WHITE: Yes, sir.
19 THOMAS: You're not certain exactly which day?
20 WHITE: Not (inaudible).
21 THOMAS: Could it have been Tuesday night,
22 Wednesday morning?
23 WHITE: Yes, sir.
24 REESE: Okay, but you're not sure what day it
25 is. You just know you met him.

1 WHITE: (Inaudible) last week.
2 REESE: And where did you meet him at?
3 WHITE: KFC.
4 REESE: And you said you just -- you just said
5 you saw him last week?
6 WHITE: Yes, sir.
7 REESE: And you met him at KFC? Would KFC be
8 Kentucky Fried Chicken?
9 WHITE: Yes, sir.
10 REESE: And where is this KFC located?
11 WHITE: Taylor Street.
12 REESE: Taylor Street, over by Two Notch Road?
13 WHITE: Yes, sir.
14 REESE: All right. Was you with anybody when
15 you met him?
16 WHITE: Yes, sir.
17 REESE: And who was that person you were with?
18 WHITE: Philly.
19 REESE: Philly? And what is Philly's real name?
20 WHITE: Reggie.
21 REESE: Reggie what?
22 WHITE: Miller.
23 REESE: Reggie Miller? Okay. How long have you
24 been knowing Reggie Miller.
25 WHITE: Since about June.

1 REESE: Since about June?
2 WHITE: Last June.
3 REESE: So you would know Reggie Miller by name
4 and sight. If you saw him on the street, you would know
5 who he is.
6 WHITE: Yes, sir.
7 REESE: If you saw him on the street, you would
8 know his name.
9 WHITE: Yes, sir.
10 REESE: All right. Investigator Thomas showed
11 you a photo of a subject named Reggie Miller. I'm going
12 to show you that photo again. Is that the Reggie Miller
13 there that you're talking about?
14 WHITE: Yes, sir.
15 REESE: Okay. And where do you know this Reggie
16 Miller from?
17 WHITE: From Cayce.
18 THOMAS: Cayce?
19 REESE: Cayce? All right. Do you know him from
20 anywhere else, other than Cayce?
21 WHITE: No, sir.
22 REESE: Do you know him from Benedict College?
23 WHITE: Oh, yes, sir.
24 REESE: Is he a student at Benedict College?
25 WHITE: Yes, sir.

1 REESE: What is he majoring in?
2 WHITE: Criminal justice.
3 REESE: And does he live on campus?
4 WHITE: He stay off campus.
5 REESE: Okay, where at? Where does he stay?
6 WHITE: At the Meadows?
7 REESE: In the Meadows? Where is the Meadows,
8 son?
9 WHITE: Farrow Road.
10 REESE: Farrow Road? Is the Meadows Benedict
11 property?
12 WHITE: Yes, sir.
13 REESE: So he stays off campus, but he --
14 WHITE: It's an off-campus apartment.
15 REESE: Okay. What is the apartment number?
16 WHITE: It's either [REDACTED].
17 REESE: [REDACTED]? Okay. You also mentioned
18 the name Flocker. Who is Flocker?
19 WHITE: He's my homeboy.
20 REESE: Your homeboy? And where do you know
21 this homeboy Flocker from?
22 WHITE: From Benedict.
23 REESE: From Benedict? Is he a Benedict student
24 as well?
25 WHITE: Yes, sir.

1 REESE: What dorm does he live in?
2 WHITE: Gambrell.
3 REESE: Gambrell? What room?
4 WHITE: 314.
5 REESE: Room 314. All right. You told us that
6 in order for you to set up a meeting with P, you had to
7 have called him on the telephone. Is that right?
8 WHITE: Yes, sir.
9 REESE: Did you in fact call him on the phone?
10 WHITE: Yes, sir.
11 REESE: Okay. I need you to speak up just a
12 little louder for me, okay?
13 WHITE: Yes, sir.
14 REESE: Otherwise, I'm going to have to close
15 that door because it's the air conditioning -- the heater
16 that you hear. All right. But you called him on the
17 telephone.
18 WHITE: Yes, sir.
19 REESE: What is his cell phone number. Do you
20 know?
21 WHITE: Not by heart..
22 REESE: How did you get his cell phone number?
23 WHITE: He gave it to me.
24 REESE: How did you get his cell phone number
25 the day you called him?

1 WHITE: I had it saved in my phone.

2 REESE: And so it's in this phone here, this
3 phone that I have in my possession. Okay.

4 WHITE: Yes, sir.

5 REESE: And you called him on his cell phone, P,
6 from this cell phone that I have in my possession, right?

7 WHITE: Yes, sir.

8 REESE: Do you remember how many times a day you
9 called him to set up this meeting?

10 WHITE: I mean, I was calling him all throughout
11 the day because I ain't even have a ride to go meet him.

12 REESE: Okay.

13 WHITE: So I was calling him to let him know
14 that I was still trying to find a way to meet him. He was
15 like, "All right. Just call me when you get around to my
16 side."

17 REESE: Okay. So you called him a number of
18 times, then, is what you're saying.

19 WHITE: Yes, sir.

20 REESE: All right. And eventually, you got in
21 touch with him. Do you recall what time that was you
22 finally got in touch with him?

23 WHITE: No, sir, I can't tell you.

24 REESE: All right. Then, at some point, you got
25 in touch with him, and y'all set up a meeting.

1 WHITE: Yes, sir.

2 REESE: Do you know what time that was you got
3 in touch with him when y'all set up the meeting?

4 WHITE: No, sir.

5 REESE: Okay. Do you know what time y'all set
6 the meeting for?

7 WHITE: (Inaudible.)

8 THOMAS: Well, was it daylight?

9 WHITE: It was at nighttime.

10 REESE: You set a meeting for night?

11 WHITE: Yes, sir.

12 REESE: And where were you supposed to meet?

13 WHITE: In the parking lot at KFC.

14 REESE: And did he show up there?

15 WHITE: Yes, sir.

16 REESE: Was he with anybody?

17 WHITE: No, sir.

18 REESE: Did you show up there?

19 WHITE: Yes, sir.

20 REESE: Were you with anybody?

21 WHITE: Yes, sir.

22 REESE: And who is the person you were with?

23 WHITE: Reggie.

24 REESE: Reggie. Reggie Miller?

25 WHITE: Yes, sir.

1 REESE: That's the person who's picture you just
2 picked out?

3 WHITE: Yes, sir.

4 REESE: All right. How do you know P?

5 WHITE: Through my brother.

6 REESE: Through your brother? What's your
7 brother's name?

8 WHITE: Tyrone.

9 REESE: So Tyrone and P are friends?

10 WHITE: Yes, sir.

11 REESE: And you met him through Tyrone.

12 WHITE: Yes, sir.

13 REESE: All right. When y'all -- when you got
14 to KFC, you and Philly, and P was there -- and I'm going
15 to call him Pierre, okay? And when you hear me say
16 Pierre, I'm talking about P. So when you got there and
17 Philly got there, which is Reggie, Pierre was already
18 there. Is that right?

19 WHITE: No, actually, we got there before him.
20 As soon as we was pulling up, I was at the phone with him,
21 like, "where you at?"

22 He was like, "I'm pulling in right now."

23 REESE: Okay. So you called him on the phone.
24 He wasn't -- because he wasn't there, and he tells you,
25 "Okay, I'm pulling in." And then that's where y'all made

1 contact with him. Is that right?

2 WHITE: Yes, sir.

3 REESE: All right. When y'all made contact with
4 him, did y'all get in the vehicle?

5 WHITE: Yes, sir.

6 REESE: Okay. And what position you got inside
7 the vehicle?

8 WHITE: At first, I was in the back.

9 REESE: You got in the back. And the position
10 Philly got in?

11 WHITE: He was in the front. Then he got in the
12 back.

13 REESE: Okay, well, I'm going to get to that in
14 a minute. Let me take you back before y'all got -- before
15 y'all met up with him, y'all had a discussion. You and --

16 WHITE: No, he was saying that all through the
17 day.

18 REESE: Oh, you're talking about Pierre --
19 you're talking about Philly.

20 THOMAS: Philly, correction.

21 WHITE: Yes, sir.

22 REESE: What was Reggie saying all through the
23 day.

24 WHITE: He wanted to rob someone.

25 REESE: He wanted to rob someone.

1 WHITE: Well, he wasn't actually saying that.
2 He said he needed money. He needed to hit a lick.
3 REESE: Okay. But you told us a few moments ago
4 that he had talked about robbing Pierre.
5 WHITE: Yes, sir.
6 REESE: Is that right? And when he said he was
7 going to rob Pierre, what did you say?
8 WHITE: I said no, we couldn't do it because
9 that's my brother's friend. That's my brother peoples.
10 So we can't do that. And he cool with me.
11 REESE: Did you decided not to do it? Did he
12 call off the robbery?
13 WHITE: I thought we did.
14 REESE: All right. So he shows up, and you get
15 in the back seat -- or you get in the front seat --
16 WHITE: Yes, sir.
17 REESE: -- and -- in the beginning.
18 WHITE: In the beginning, I was in the back
19 seat.
20 REESE: You got in the back, and Reggie got in
21 the front.
22 WHITE: Yes.
23 REESE: All right. What happened to --
24 WHITE: No, Reggie didn't get in the front. He
25 was letting my seat down because it's like -- it's a two-

1 door. So I got in. He was letting my seat down like in
2 the front. I'm like, "Hold, brother, let me get in the
3 front." And that's when I got in the front seat, and he
4 got behind me.

5 REESE: Okay, he got behind you. On the way up
6 there to meet him, did you know Reggie had a gun on him?

7 WHITE: No, sir.

8 REESE: But you had seen that gun before.

9 WHITE: Yes, sir.

10 REESE: When is it that you saw the gun?

11 WHITE: Earlier that day.

12 REESE: Earlier that day. Well, if Reggie told
13 you that he was going to rob Pierre, what did you think he
14 was going to rob him with? How did you think he was going
15 to pull off this robbery?

16 WHITE: I mean, with bro, I mean, it can go
17 either way. It really don't matter --

18 REESE: Well, explain to me the either way that
19 you're talking about.

20 WHITE: Beating him up or choking him out or
21 something because, I mean, he used to box, and he know
22 mixed martial arts.

23 REESE: Who used to box and mixed martial arts?

24 WHITE: Reggie.

25 REESE: Okay. So Reggie is saying, "I'm going

1 to rob him," and you think that's the -- what he was going
2 to use, martial arts or box the man.

3 WHITE: I thought he was going to choke him out
4 or something.

5 REESE: You thought he was going to choke him
6 out. Did y'all discuss whether to choke him out or shoot
7 him or hit him or anything like that?

8 WHITE: No, sir.

9 REESE: You didn't. All right, so you're inside
10 the vehicle now.

11 WHITE: Yes, sir.

12 REESE: Is the door closed on the vehicle?

13 WHITE: Yes, sir.

14 REESE: All right. All right. And I think you
15 said earlier that when y'all got inside the vehicle,
16 Pierre started driving.

17 WHITE: Yes, sir.

18 REESE: And you were in the, in the, on the
19 opposite side of KFC.

20 WHITE: What do you mean?

21 REESE: Near the street, in the parking lot.

22 WHITE: No, we, we are -- we in line like as if
23 we was in the fast lane, like as if we was fixing to
24 order.

25 THOMAS: In the drive-through lane.

1 WHITE: In the drive-through, yeah.

2 THOMAS: You're saying fast lane, but you mean

3 drive-through.

4 WHITE: Drive-through. We was coming around --

5 THOMAS: So he was coming around like he's

6 coming through the drive-through.

7 WHITE: Yeah, we're coming around as if --

8 REESE: All right. So you're coming around.

9 And then what happened?

10 WHITE: He got shot.

11 REESE: He got shot?

12 WHITE: He got shot.

13 REESE: Okay. Who did he get shot by.

14 WHITE: By Reggie.

15 REESE: So you're saying Reggie shot Pierre.

16 WHITE: Yes, sir.

17 REESE: Did Pierre do anything to provoke Reggie

18 to shoot him? Did Pierre say anything or reach for Reggie

19 or anything like that?

20 WHITE: No, sir.

21 REESE: So what you're saying is Reggie just

22 fired a shot with no warning?

23 WHITE: No warning, I mean, because I was fixing

24 to talk to him. I was fixing to talk to him.

25 REESE: Talk to who?

1 WHITE: I was fixing to talk to P.

2 REESE: Okay.

3 WHITE: I was fixing to actually say something
4 to him.

5 REESE: Okay.

6 WHITE: And next thing you know, the shot went
7 off, and it was a loud, ringing noise.

8 REESE: All right. When the shot went off, did
9 Reggie say anything?

10 WHITE: No.

11 REESE: Did Reggie say it was -- "Oops, I'm
12 sorry. It was an accident," or, "Bro, I didn't mean to do
13 it," or anything like that/

14 WHITE: No, sir.

15 REESE: He didn't say a word.

16 WHITE: No, sir.

17 REESE: All right. So when you heard the shot,
18 what happened with Pierre?

19 WHITE: It's like he slumped back, and his foot
20 went on the gas.

21 REESE: Pierre slumped back, and his foot went
22 on the gas? And then what happened with the vehicle?

23 WHITE: It went up the wall.

24 REESE: The vehicle went on the wall?

25 WHITE: It went up --