

VOLUME ONE OF TWO

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S.C. Supreme Court

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Charleston County

Deadra L. Jefferson, Circuit Court Judge

ROGER RAYNARD PARKER,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2014-002162

APPENDIX

LARA M. CAUDY
Appellate Defender

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR PETITIONER

ALAN WILSON
Attorney General

ASHLEIGH R WILSON
Assistant Attorney General
P. O. Box 11549
Columbia, SC 29211

ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF CHARLESTON	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 07-GS-10-4293
	)	
Roger Raynard Parker, Jr.,	)	
	)	
Defendant.	)	

TRANSCRIPT OF JURY TRIAL

The within Jury Trial was held on February 25-27, 2008, before The Honorable R. Markley Dennis, Jr. in Courtroom 4C of the Charleston County Courthouse, 100 Broad Street, Charleston, South Carolina; attended by Counsel, as follows:

APPEARANCES:

Jennifer Shealy, Assistant Solicitor
 Chad Simpson, Assistant Solicitor
 9TH CIRCUIT SOLICITORS OFFICE
 Charleston, South Carolina 29401
 Appearing for State of South Carolina

Andrew Grimes, Public Defender
 Jason Mikell, Public Defender
 CHARLESTON COUNTY PUBLIC DEFENDER
 Charleston, South Carolina 29401
 Appearing for Defendant

COURT REPORTER: Vivian Cross
 TRANSCRIBED BY: Deborah Garrison

DEBORAH GARRISON
Circuit Court Reporter - 9th Judicial Circuit
 Post Office Box 901
 Johns Island, South Carolina 29457
dGarrison@sccourts.org

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1 face the jury for me, please.

2 DEFENDANT: (Complies).

3 THE COURT: This is Mr. Roger
4 Parker, the man in the middle. Thank you,
5 you may be seated.

6 Are there any members of the jury
7 panel who are related by blood or marriage
8 or have any business dealings with, who are
9 socially or casually acquainted with, have any
10 connection with Mr. Parker? If so, please
11 stand. (No response). Thank you, there are
12 none.

13 Mr. Parker is represented by Mr.
14 Grimes and Mr. Mikell. If you would, identify
15 yourselves please.

16 MR. GRIMES: Good morning, my name
17 is Andrew Grimes. I am an attorney with the
18 Charleston County Public Defenders Office.
19 To assist me is another public defender, Jason
20 Mikell.

21 THE COURT: Thank you. Are there
22 any members of the jury panel who are related
23 by blood or marriage, have any business
24 dealings with, socially or casually acquainted
25 with or ever been represented by Mr. Grimes or

1 Mr. Mikell? If so, please stand.

2 JUROR NO. 180: (Stands)

3 THE COURT: Yes, sir, Mr. Roddy?

4 JUROR NO. 180: Your Honor, I think
5 that this will go for all of it. I have had
6 business dealings with Mr. Grimes as well as
7 the Solicitor's table, as well.

8 THE COURT: Would that influence you
9 in this case, sir?

10 JUROR NO. 180: No, Your Honor.

11 THE COURT: Would you base your
12 decision on the evidence and the law and would
13 that decision be fair and impartial to both
14 parties?

15 JUROR NO. 180: Yes, Your Honor.

16 THE COURT: Your number, please, for
17 the record?

18 JUROR NO. 180: 180.

19 THE COURT: Thank you, sir. Yes,
20 ma'am?

21 JUROR NO. 54: I have a very
22 casual acquaintance with Mr. Mikell. He jogs
23 in the park where I walk my dogs every morning.

24 THE COURT: All right. The fact
25 that you have that connection, would that

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1 affect or influence you in this case?

2 JUROR NO. 54: No, sir.

3 THE COURT: Would you base your
4 decision on the evidence and the law and would
5 that decision be fair to both sides?

6 JUROR NO. 54: Yes, sir.

7 THE COURT: Your name and number,
8 please?

9 JUROR NO. 54: Evelyn Coley, 54.

10 THE COURT: Thank you, you may be
11 seated. Are there others?

12 JUROR NO. 156: I have seen Mr.
13 Parker at some basketball games, with his
14 cousin, and I talk to his cousin all the time.

15 THE COURT: With Mr. Parker?

16 JUROR NO. 156: His cousin, I talk
17 to him all the time.

18 THE COURT: Would that affect your
19 ability to be fair and impartial in this
20 matter?

21 JUROR NO. 156: Yes, it would.

22 THE COURT: It would?

23 JUROR NO. 156: Yes.

24 THE COURT: Your name and number,
25 please?

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1 JUROR NO. 156: Lauren Nelson.

2 THE COURT: Mr. Nelson will be
3 excused from participation in this case.
4 Have a good day.

5 COURT REPORTER: I'm sorry, I didn't
6 understand her number?

7 THE COURT: 156. Call the number
8 after 6:00 and follow that instruction.

9 JUROR NO. 156: Thank you.

10 THE COURT: Are there any others?
11 (No response). There appear to be none.

12 Are there any members of the jury
13 panel who are related by blood or marriage,
14 have any business dealings with, socially or
15 casually acquainted with anyone employed in the
16 Public Defender's Office for Charleston County?
17 If so, please stand. Obviously those that just
18 previously announced their connection do not
19 have to respond to that question. Are there
20 others? (No response). There are none.

21 The State is represented in this
22 matter by Ms. Shealy. If you would, identify
23 yourself and anyone that will be assisting you,
24 please.

25 MS. SHEALY: Good morning. I am

1 Jennifer Kneece Shealy with the Solicitor's
2 office here in Charleston. Chad Simpson is my
3 assistant during this trial, and this is Julian
4 Malsey (phonetic), who is a paralegal in our
5 office.

6 THE COURT: What is the last name?

7 MR. MALSY: Malsey.

8 THE COURT: Thank you. Mr. Malsey.

9 Are there any members of the jury panel who are
10 related by blood or marriage, have any business
11 dealings with, socially or casually acquainted
12 with Ms. Shealy, Mr. Simpson, Mr. Malsy or ever
13 been represented by Ms. Shealy or Mr. Simpson?
14 If so, please stand.

15 MS. SHEALY: Your Honor, I failed to
16 introduce my investigator and the chief
17 investigator in the case. Is that necessary?

18 THE COURT: Is he going to be a
19 witness?

20 MS. SHEALY: The chief investigator
21 is but my investigator is not.

22 THE COURT: What is your name?

23 INVESTIGATOR HAIRE: Keith Haire.

24 THE COURT: Are there any members
25 of the jury panel who is related by blood or

1 marriage or who has any business dealings with
2 or who are socially or casually acquainted with
3 Mr. Keith Haire? If so, please stand. (No
4 response). Thank you, there are none.

5 I am going to identify a number of
6 persons, Ladies and Gentlemen. If you are
7 related by blood or marriage, have any business
8 dealings with, socially or casually acquainted
9 with any of these persons, I would ask you to
10 please stand and share that information:

11 Demitria Grant
12 Cassandra Ward
13 Emmanuel Johnson
14 Yvette Choise
15 Angel Suitt
16 Fredys Coreas
17 Jaywan Washington
18 Angelo Simmons
19 Brandon Moore

20 Or the following persons, who are employed with
21 the North Charleston Police Department:

22 Keith Elmore
23 Shawn Patrick
24 Adrienne Riley
25 Scott Wyant

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1 Andrew Coker
2 Scott Tugya, with the Charleston
3 Police Department
4 B.K. Sommerfield with the Charleston
5 Sheriff's Office
6 Kim Collins, a physician with the
7 Medical University
8 Eric Jourdan, North Charleston
9 Todd Morgan, North Charleston
10 Tracey Thrower and John Roberts,
11 all of whom are employed with the State Law
12 Enforcement Division;
13 David Osborne, who is employed with
14 the City of Charleston Police Department;
15 Roger Johnson
16 Virginia Johnson
17 Jeff Hollifield
18 Don Grindt
19 David Wolf
20 Lauree Hensley
21 E. Lee Ginn or
22 Beattie Butler
23 Any of those persons?
24 JUROR NO. 180: (Stands)
25 THE COURT: Yes, sir, Mr. Roddy?

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1 JUROR NO. 180: Your Honor, I have
2 business dealings with quite a few of the names
3 on there in my -- the kind of work that I do.

4 THE COURT: Very well. The fact
5 that you have that connection with those
6 persons, would that affect you or influence you
7 in this case?

8 JUROR NO. 180: No, Your Honor.

9 THE COURT: If any of those persons
10 should testify in this case, would you consider
11 their testimony the same as any witness who
12 would testify?

13 JUROR NO. 180: Yes, Your Honor.

14 THE COURT: And, again, Would you
15 base your decision on the evidence and the law
16 and would it be fair and impartial to both
17 sides?

18 JUROR NO. 180: Yes, Your Honor.

19 THE COURT: Your number again, Mr.
20 Roddy?

21 JUROR NO. 180: 180.

22 THE COURT: Thank you, sir. Are
23 there others?

24 MS. SHEALY: Your Honor, there is one
25 other on that list. William Greene.

1 THE COURT: William Greene. (No
2 response). Thank you. There appear to be
3 none.

4 The dispute, Ladies and Gentlemen,
5 as I mentioned to you -- or what brings the
6 parties here today is this document, which as I
7 mentioned is an indictment. It merely accuses
8 Mr. Parker of committing this offense.

9 He is accused basically by this
10 indictment -- what I am going to share with you
11 is not evidence but so that I can ask you
12 certain questions about the alleged incident.
13 He is accused of, on April the 18th, 2006, with
14 malice aforethought killing and murdering
15 Carlise Grant by shooting him. It further
16 alleges that Mr. Grant died in Charleston
17 County as a proximate result of the shooting on
18 April 18th, 2006; which is in violation of our
19 laws in this state.

20 I share that with you to find out,
21 first of all, if any member of the jury panel
22 has heard anything, read anything, if you have
23 any prior knowledge of this alleged dispute.
24 If so, please stand. (No response). Thank
25 you, there are none.

1 Is there anything about the nature of
2 this dispute that you, because of something
3 that has happened in your life, something that
4 has happened to a family member or a close
5 personal friend that would affect or influence
6 your ability to be a fair and impartial juror?
7 That is, that you would decide this case fairly
8 and impartially based on the evidence and the
9 law and render a decision that would be fair to
10 both sides. If you feel that because of some
11 philosophy or something that has happened in
12 your life that you couldn't do that, please
13 stand.

14 I am going to ask the individual(s)
15 standing to please come forward. Attorneys may
16 approach, as well.

17 BENCH CONFERENCE:

18 THE COURT: Your name and
19 number?

20 JUROR NO. 196: Eula Simmons.
21 My son, there was a conflict with some other
22 members and he was in prison and then he was
23 acquitted. I don't see myself judging
24 anything.

25 THE COURT: Do you think that

1 you would have trouble in this case?

2 JUROR NO. 196: Yes.

3 (BENCH CONFERENCE CONCLUDED)

4 THE COURT: Number 196 will be
5 excused from participation in this dispute.
6 Please call the number after 6:00 and follow
7 that instruction.

8 MS. SHEALY: I want to name one other
9 witness just out of an abundance of caution.
10 There is a juror named Wyant and I've spoke
11 with him on the phone. He is my son's soccer
12 coach. I have not met him, but just in case.

13 THE COURT: Okay. Thank you.

14 Are there any members of the jury
15 panel or members of your immediately family
16 that have ever been involved in a criminal
17 dispute before, that you have been connected
18 with the prosecutor's office or where you were
19 on the other side of the prosecutor's office,
20 in any capacity? If so, please stand.
21 Obviously Mr. Roddy ---

22 JUROR: Could you repeat that?

23 THE COURT: Yes. If you've ever
24 been involved in a criminal dispute where you
25 were either a witness, you were accused, a

1 family member was, any connection where you
2 were involved with a dispute, either on the
3 side of the person who was accused or the
4 opposite side or the person who was accused.
5 Just stand, please. (Number of jurors respond
6 by standing).

7 I will ask that you come forward,
8 please, one at a time. Attorneys may approach,
9 as well.

10 BENCH CONFERENCE:

11 THE COURT: Come forward, sir.
12 Your name and number?

13 JUROR NO. 123: Conrad
14 Jeremiah.

15 THE COURT: What is your
16 situation?

17 JUROR NO. 123: I have two sons
18 that were murdered in Charleston.

19 THE COURT: Were you involved
20 in the trials of that?

21 JUROR NO. 123: I wasn't in the
22 trial, they were my sons.

23 THE COURT: Did you testify in
24 those matters?

25 JUROR NO. 123: I think so.

1 THE COURT: Were they handled
2 by this Solicitor's office?

3 JUROR NO. 123: Schwacke was.

4 THE COURT: Schwacke was the
5 Solicitor?

6 JUROR NO. 123: (Affirmative
7 nod).

8 THE COURT: Would that affect
9 or influence you in this case?

10 JUROR NO. 123: No, sir.

11 THE COURT: Would you base your
12 decision on the evidence and the law and would
13 it be fair and impartial to both parties?

14 JUROR NO. 123: Yes, sir.

15 (BENCH CONFERENCE CONCLUDED)

16 THE COURT: Juror Number 123 will
17 remain. Thank you, sir. You may take your
18 seat.

19 BENCH CONFERENCE:

20 THE COURT: Your name and
21 number?

22 JUROR NO. 256: Ed Brogan.

23 THE COURT: Mr. Brogan, what
24 has been your involvement?

25 JUROR NO. 256: My stepson is

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1 currently in Charleston County Detention
2 Center, accused of murder.

3 THE COURT: Being prosecuted by
4 this office?

5 JUROR NO. 256: Yes.

6 THE COURT: All right. So
7 there is a pending matter?

8 JUROR NO. 256: (Affirmative
9 nod).

10 THE COURT: Are you involved in
11 that? As a possible character witness for him?

12 JUROR NO. 256: Yes.

13 THE COURT: Okay. Do you know
14 who is handling that case for him? Is he
15 represented?

16 JUROR NO. 256: Sanders.

17 THE COURT: Okay. And is it an
18 ongoing dispute?

19 JUROR NO. 256: Yes.

20 THE COURT: All right. Your
21 number again?

22 JUROR NO. 256: 256.

23 (BENCH CONFERENCE CONCLUDED)

24 THE COURT: Juror Number 256 will be
25 excused from participation in this dispute.

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1 (JUROR NUMBER 256 EXCUSED)

2 THE COURT: Your situation?

3 BENCH CONFERENCE:

4 THE COURT: Yes, ma'am?

5 JUROR NO. 23: Your name

6 and number?

7 JUROR NO. 23: Alethia Blake,

8 Number 23.

9 COURT REPORTER: I thought the
10 one before was 23.

11 THE COURT: 123.

12 COURT REPORTER: 123, 256.

13 Okay, I am with you.

14 JUROR NO. 23: (Inaudible)

15 COURT REPORTER: I can't hear
16 her.

17 THE COURT: Speak up so that
18 the reporter can hear you.

19 JUROR NO. 23: In 2001, my
20 daughter was raped and I was a witness as far
21 as the time that she was in the car.

22 THE COURT: 2001?

23 JUROR NO. 23: (Affirmative
24 nod).

25 THE COURT: Was that prosecuted

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1 by this Solicitor's office?

2 JUROR NO. 23: (Affirmative
3 nod).

4 THE COURT: Did you testify?

5 JUROR NO. 23: Yes.

6 THE COURT: Has that matter
7 been concluded?

8 JUROR NO. 23: Yes.

9 THE COURT: Would that affect
10 or influence you in any way in this dispute?

11 JUROR NO. 23: No, sir.

12 THE COURT: Would you base your
13 decision on the evidence and the law and would
14 it be fair and impartial to both parties?

15 JUROR NO. 23: Yes, sir.

16 THE COURT: You have had no
17 involvement with that office since that
18 problem?

19 JUROR NO. 23: No, sir.

20 THE COURT: Thank you, you may
21 take your seat.

22 (BENCH CONFERENCE CONCLUDED)

23 THE COURT: Juror Number 23 will
24 remain.

25 BENCH CONFERENCE:

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1 THE COURT: Your name and
2 number?

3 JUROR NO. 239: 239, Susan
4 White. My name is Susan White. I wasn't sure
5 whether the question that you were asking
6 pertained to small claims court. I have court
7 a week from today, I am the defendant.

8 THE COURT: Would that affect
9 you in any way in this dispute?

10 JUROR NO. 239: No, not at all.

11 THE COURT: Would you base your
12 decision on the evidence and the law and would
13 it be fair and impartial to both parties?

14 JUROR NO. 239: Absolutely.

15 THE COURT: Thank you, Ms.
16 White, you may take a seat.

17 (BENCH CONFERENCE CONCLUDED)

18 THE COURT: Juror Number 239 will
19 remain with us.

20 BENCH CONFERENCE:

21 THE COURT: Hi. Your number?

22 JUROR NO. 83: Sandra Gibbs,
23 Juror Number 83.

24 THE COURT: Ms. Gibbs, what is
25 your situation.

1 JUROR NO. 83: I had an
2 incident one morning, about 2:30 in the morning
3 -- I don't know if I would be judgmental about
4 this case right here.

5 THE COURT: In other words, you
6 think that it would affect you?

7 JUROR NO. 83: Yes, it would.

8 THE COURT: Thank you. Your
9 number, again?

10 JUROR NO. 83: 83.

11 (BENCH CONFERENCE CONCLUDED)

12 THE COURT: Juror Number 83 will be
13 excused from participation in this dispute.
14 Thank you, ma'am. Call the number after 6:00
15 tonight.

16 Are there others? (No response).
17 Thank you, there appear to be none.

18 Are there any members of the jury
19 panel or members of your immediate family that
20 have been employed, either now employed or
21 formerly employed, in law enforcement in any
22 capacity? As a law enforcement officer, as an
23 investigator, research person, any capacity at
24 all. If so, please stand. (Number of jurors
25 stand).

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1 We will start here. Yes, ma'am?

2 JUROR NO. 270: Not in this state,
3 in California.

4 THE COURT: Is that you?

5 JUROR NO. 270: No, it is my cousin
6 in California.

7 THE COURT: Would that affect or
8 influence you in this dispute?

9 JUROR NO. 270: No, sir.

10 THE COURT: Your name and number,
11 please?

12 JUROR NO. 270: Rena Lasch, 270.

13 THE COURT: Thank you, Ms. Lasch.

14 Yes, sir?

15 JUROR NO. 169: I am a flight deck
16 officer.

17 THE COURT: You are now?

18 JUROR NO. 169: Yes, I am.

19 THE COURT: Would that affect you in
20 this dispute?

21 JUROR NO. 169: No, it wouldn't.

22 THE COURT: Would you use your
23 life's experience(s), your knowledge gleaned
24 in that profession to fairly and impartially
25 analyze the evidence?

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1 JUROR NO. 169: Yes, sir.

2 THE COURT: And your decision would
3 be fair to both sides?

4 JUROR NO. 169: It would.

5 THE COURT: Your number, please?

6 JUROR NO. 169: 169.

7 THE COURT: 116?

8 JUROR NO. 169: 169.

9 THE COURT: Thank you, sir. Yes?

10 JUROR NO. 10: My father was a
11 police officer in Cleveland.

12 THE COURT: Would that affect or
13 influence you in this matter?

14 JUROR NO. 10: No, sir.

15 THE COURT: Your name and number,
16 please?

17 JUROR NO. 10: Brian Baltimore,
18 Number 10.

19 THE COURT: Thank you, Mr.
20 Baltimore. Yes, ma'am?

21 JUROR NO. 267: Alice Keeney.
22 Cousins. I have one cousin who is a U.S. air
23 marshal, one cousin who is a police officer,
24 and -- does that include lawyers, as well?

25 THE COURT: Just law enforcement

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1 JUROR NO. 267: Okay.

2 THE COURT: Would that affect or
3 influence you in any way in this matter?

4 JUROR NO. 267: No, sir.

5 THE COURT: Would you base your
6 decision on the evidence and the law and would
7 it be fair and impartial to both parties?

8 JUROR NO. 267: Yes, sir.

9 THE COURT: Your name and number,
10 again?

11 JUROR NO. 267: Alice Keeney, 267.

12 THE COURT: Thank you. Yes, sir?

13 JUROR NO. 180: I was previously in
14 the military ---

15 THE COURT: And would that affect or
16 influence you in this case?

17 JUROR NO. 180: No, it would not.

18 THE COURT: Would you apply your
19 experience and knowledge fairly and impartially
20 in analyzing the evidence?

21 JUROR NO. 180: I would.

22 THE COURT: And your decision would
23 be based on the evidence and the law, and be
24 fair to both sides?

25 POTENTIAL JUROR 180: Yes, sir.

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1 THE COURT: Your number again?

2 JUROR NO. 180: 180.

3 THE COURT: Thank you. Yes, sir?

4 JUROR NO. 275: My brother-in-law
5 and my father-in-law were police officers.

6 THE COURT: Were police officers?

7 JUROR NO. 275: (Affirmative nod).

8 THE COURT: Would that affect you in
9 this case, sir?

10 JUROR NO. 275: No, sir.

11 THE COURT: Would you base your
12 decision on the evidence and the law and would
13 your decision be fair and impartial to both
14 parties?

15 JUROR NO. 275: Yes, sir.

16 THE COURT: Your name and number,
17 please?

18 JUROR NO. 275: Jason Santavicca,
19 Number 275.

20 THE COURT: Yes?

21 JUROR NO. 207: My husband is a
22 police officer and I know someone in the
23 solicitor's office.

24 THE COURT: Here?

25 JUROR NO. 207: Yes.

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1 THE COURT: Who is the solicitor?

2 JUROR NO. 207: Kat-something.

3 THE COURT: Would that affect or
4 influence you in this matter?

5 JUROR NO. 207: No.

6 THE COURT: Would you base your
7 decision on the evidence and the law and would
8 it be fair and impartial to both parties?

9 JUROR NO. 207: Yes.

10 THE COURT: Your name and number,
11 please?

12 JUROR NO. 207: Margaret Smith,
13 Number 207.

14 THE COURT: Yes, ma'am?

15 JUROR NO. 227: My husband was a
16 police detective.

17 THE COURT: Would that in any way
18 influence or affect you in this case?

19 JUROR NO. 227: No, sir.

20 THE COURT: Your name and number?

21 JUROR NO. 227: Bonnie Waldman,
22 Number 227.

23 THE COURT: Yes?

24 JUROR NO. 23: I work for the
25 Charleston County Sheriff's Office.

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1 THE COURT: You presently work for
2 the Sheriff's Office?

3 JUROR NO. 23: Yes.

4 THE COURT: In what capacity?

5 JUROR NO. Operator/supervisor.

6 THE COURT: Is the Charleston
7 Sheriff's Office involved in the case?

8 MS. SHEALY: (Affirmative nod).

9 THE COURT: Out of an abundance of
10 caution, I am going to excuse you. Were you
11 working for them -- what was the date of this
12 alleged incident?

13 MS. SHEALY: April 2006.

14 THE COURT: Were you working -- in
15 April of 2006, were you still employed at that
16 time?

17 JUROR NO. 23: Yes.

18 THE COURT: Just out of an abundance
19 of caution, I -- I think that they are
20 peripherally involved and just to protect that,
21 I think that I will excuse you. Your name and
22 number, please?

23 JUROR NO. 23: Number 23.

24 (BENCH CONFERENCE CONCLUDED)

25 THE COURT: Number 23 will be

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1 excused. Call the number after 6:00 tonight.

2 JUROR NO. 23: Thank you.

3 THE COURT: Yes, ma'am?

4 JUROR NO. 274: I work with the

5 Charleston County Department of Social

6 Services, a division of law enforcement.

7 THE COURT: Would that affect or
8 influence you in this matter?

9 JUROR NO. 274: No, sir.

10 THE COURT: Would you base your
11 decision on the evidence and the law and would
12 it be fair and impartial to both parties?

13 JUROR NO. 274: Number 297.

14 THE COURT: 297? Nelson?

15 JUROR NO. 274: (Affirmative nod).

16 THE COURT: No, we don't go that
17 high.

18 JUROR NO. 274: 274! Thank you.

19 THE COURT: Yes, sir?

20 JUROR NO. 263: My brother is a
21 retired police officer.

22 THE COURT: Would that affect or
23 influence you?

24 JUROR NO. 263: No, sir.

25 THE COURT: And your name and

1 number?

2 JUROR NO. 263: Jason Goucher,
3 Number 263.

4 THE COURT: Thank you, sir.

5 (BENCH CONFERENCE CONCLUDED)

6 THE COURT: Are there others? (No
7 response). There appear to be none.

8 Are there any members of the jury
9 panel or member of your immediately family who
10 are presently members or involved, affiliated
11 with any group that basically is involved in
12 law enforcement, some capacity of law
13 enforcement; such as:

14 Mothers Against Drunk Driving;

15 known as MADD;

16 Student Against Drunk Driving,

17 known as SADD;

18 Citizens Against Violence, CAV

19 or similar organizations? If so, please stand.

20 JUROR NO. 266: I am a member of
21 the Citizens Patrol Against Drugs.

22 THE COURT: Okay. Your name and
23 number, please?

24 JUROR NO. 266: Coakley Hilton,
25 Number 266.

1 THE COURT: Mr. Coakley, would you
2 apply your experiences fairly and impartially
3 in this matter?

4 JUROR NO. 266: Yes, sir.

5 THE COURT: And would you base your
6 decision on the evidence and the law and would
7 it be fair and impartial to both parties?

8 JUROR NO. 266: Yes, sir.

9 THE COURT: Thank you, sir. You may
10 be seated. Are there others? (No response).
11 There appear to be none.

12 There are a number of issues and, of
13 course, one of the parts we talked about, that
14 you would have the responsibility if you are
15 selected to be the judge of the facts of
16 considering the evidence; once you decide the
17 facts, then it would be your duty to take the
18 law and apply the law fairly and impartially to
19 the facts that you've determined. That's how
20 we reach a decision in this case.

21 Certainly I would instruct you -- this
22 is a criminal dispute and in criminal disputes
23 of this nature in this state, and as far as I
24 know every state in this country, the party who
25 makes the claim is the only party that has a

1 burden of proof. That is, the State has to
2 prove their case. It has to prove each element
3 to a level known as beyond a reasonable doubt.
4 I will explain that term to you as a part of my
5 instruction.

6 If they do not prove that to your
7 satisfaction, beyond a reasonable doubt, then
8 your instruction would be to return a verdict
9 of not guilty, because the State must meet that
10 level. In fact, that is what a verdict of
11 Guilty or Not Guilty means in a criminal
12 dispute.

13 Guilty simply means that the jury has
14 assessed the evidence and decided that the
15 State has met its burden of prove and
16 established each element to that level, beyond
17 a reasonable doubt.

18 Not Guilty means that the State failed
19 on one or more elements, and therefore you
20 would return a verdict of Not Guilty.

21 That will be part of the instruction.

22 I will also instruct you that there is
23 a possibility that this case may be -- there
24 may be some discussion or suggestion of
25 possibly self-defense; meaning that the person

1 accused fired a weapon or used some means to
2 defend himself or herself. Part of that
3 instruction would be that the State has to
4 prove the charge of Murder beyond a reasonable
5 doubt and all the elements associated with it,
6 including the issue of self-defense. That
7 means simply that they have to disprove self-
8 defense beyond a reasonable doubt.

9 Is there anything about those elements
10 that I've discussed now, that would be a part
11 of this proceeding, that you because of
12 something that has happened in your life, some
13 strong feeling or some philosophy that you have
14 that would affect or influence your ability to
15 accept and apply that law fairly and
16 impartially to the facts? If so, please stand.
17 (No response). Thank you, there are none.

18 Are there any members of the jury
19 panel that presently have a license to carry a
20 concealed weapon? If so, please stand. Thank
21 you, there are none.

22 Are there any members of the jury
23 panel who -- you do?

24 JUROR NO. 15: I'm sorry.

25 THE COURT: You have one?

1 JUROR NO. 155: I've had one, but
2 it has expired.

3 THE COURT: You had one in the past?

4 JUROR NO. 155: I had one.

5 THE COURT: Thank you. Your name
6 and number, please?

7 JUROR NO. 155: Joanne Nelson,
8 Number 155.

9 THE COURT: Thank you. Are there
10 others? (No response). Thank you. There
11 appear to be none.

12 Are there any members of the jury
13 panel who have ever fired a firearm? In any
14 situation. If so, please stand. (Number of
15 jurors stand). That doesn't surprise me. What
16 I am going to do is I will ask you, we will
17 start with this lady here and we will work our
18 way down the rows, back and forth.

19 This side can be seated for a few
20 minutes if you would like, give you a rest.

21 Just tell me the firearm that you
22 fired or firearms that you have fired in the
23 past, and give me your name and number.

24 JUROR NO. 145: I am Mary McCarthy,
25 Number 145. I think that it was a .45. It was

1 back in approximately 1977. Someone had broken
2 into our apartment complex.

3 THE COURT: You fired ---

4 JUROR NO. 145: Yes.

5 THE COURT: Thank you. Again, I am
6 going to assume -- for each person, unless you
7 tell me otherwise, I am going to assume that
8 would not influence or affect your ability to
9 be fair and impartial in deciding this case.
10 Is that correct?

11 JUROR NO. 145: That's right.

12 THE COURT: Yes, ma'am?

13 JUROR NO. 232: Shelley Warters.

14 Two incidents, both recreational. A shotgun,
15 .22, whatever. It was years ago. I got a
16 handgun at Christmas time and practiced at the
17 rifle range.

18 THE COURT: Thank you, ma'am. Yes?

19 JUROR NO. 54: Evelyn Coley,
20 Number 54. Recreational. I grew up in the
21 mountains of Virginia.

22 THE COURT: Okay. Thank you.

23 JUROR NO. 255: Daniel Woodstock,
24 Number 255. Also recreational: targets,
25 shotguns, rifles, handguns. Would not

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1 influence me.

2 THE COURT: Thank you. Yes, sir?

3 JUROR NO. 266: Coakley Hilton,
4 Number 266. Recreational, a lot of different
5 types, firing range(s).

6 THE COURT: Thank you, sir. Yes?

7 JUROR NO. 251: Patricia Anderson,
8 251. Recreational.

9 THE COURT: Thank you.

10 JUROR NO. 169: Chris Redden. I am
11 Number 169. Various weapons over the years,
12 recently in the .40 caliber range.

13 THE COURT: Thank you, sir. Okay?

14 JUROR NO. 10: Bryan Baltimore,
15 Number 10. Recreational: shotguns, handguns.

16 THE COURT: Okay, thank you.

17 JUROR NO. 126: Michael Jones,
18 Number 126. U.S. Navy, .45's, M60 and M14.
19 I worked at a gun shop and have fired numerous
20 weapons. I've been around guns all my life.

21 THE COURT: Very well, sir. Thank
22 you.

23 JUROR NO. 273: Debbie McKelvey,
24 273, recreational. Years ago.

25 THE COURT: Okay.

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1 JUROR NO. 179: Georgina Rock,
2 Number 179. Recreational.

3 COURT REPORTER: Repeat your name
4 and number.

5 THE COURT: Would you repeat your
6 name and number?

7 JUROR NO. 179: Georgiana Rock,
8 R-o-c-k. Number 179.

9 THE COURT: Thank you, Ms. Rock.
10 Okay, anyone on this side? (No response).
11 Thank you.

12 Now, this side. Yes, sir?

13 JUROR NO. 192: David Shea, Number
14 192. Just a shotgun, handgun, at a range.
15 That's it.

16 THE COURT: Okay.

17 JUROR NO. 180: Grew up around
18 guns, fired everything: shotgun, handgun,
19 rifles, target practice, hunting, lots, a whole
20 bunch.

21 THE COURT: Okay.

22 JUROR NO. 160: Elizabeth Parker,
23 recreational, growing up.

24 THE COURT: I'm sorry?

25 JUROR NO. 160: Recreational.

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1 THE COURT: All right. Yes, sir?

2 JUROR NO. 181: David Rokusek,
3 Number 181. Recreational, hunting, pistols,
4 crossbows.

5 THE COURT: Okay.

6 JUROR NO. 9: Richard Balland,
7 Number 9. It was recreational.

8 THE COURT: Rifles? Handguns?
9 Both?

10 JUROR NO. 9: Shotguns, rifles.

11 THE COURT: Thank you, sir. Yes,
12 ma'am?

13 JUROR NO. 52: Rifles.

14 THE COURT: I'm sorry?

15 JUROR NO. 52: Rifles.

16 THE COURT: Okay.

17 JUROR NO. 52: Recreational.

18 THE COURT: Thank you. Yes, ma'am?

19 JUROR NO. 239: Susan White, Number
20 239. A .45, recreational.

21 THE COURT: Okay.

22 JUROR NO. 265: Debra Henson,
23 Number 265. Recreational, rifles, handguns.

24 COURT REPORTER: The number, again?

25 THE COURT: What was your number?

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1 JUROR NO. 265: 265.

2 THE COURT: Yes, ma'am?

3 JUROR NO. 68: Anna Lee Cromwell,
4 Number 68. It was recreational, years and
5 years ago.

6 THE COURT: Rifles? Shotgun?

7 JUROR NO. 68: Shotgun.

8 THE COURT: Okay.

9 JUROR NO. 275: 275, Jason
10 Santavicca. Recreational. Shotgun.

11 THE COURT: Thank you, sir.

12 JUROR NO. 263: Jason Goucher,
13 Number 263, recreational, shotgun.

14 THE COURT: Thank you.

15 JUROR NO. 257: Mary Collins.
16 Recreational, shotgun.

17 THE COURT: Shotgun?

18 JUROR NO. 257: (Affirmative nod).

19 THE COURT: Thank you.

20 COURT REPORTER: That number again?

21 JUROR NO. 257: 257.

22 THE COURT: 257. Yes, ma'am.

23 JUROR NO. 111: I am Carleath
24 Hinson, Number 111. A BB gun, years ago.

25 THE COURT: Okay.

1 JUROR NO. 268: Maria Kessler,

2 Number 268. Shotgun, target practice.

3 THE COURT: Okay.

4 JUROR NO. 155: Joanne Nelson,

5 Number 155. I did take the concealed weapons
6 permit course after I heard a lecture by Chief
7 Greenberg.

8 THE COURT: Thank you, ma'am.

9 Are there others? (No response). Thank you,
10 there appear to be none.

11 Are there any members of the jury
12 panel who, or a member of your immediate
13 family, who now or formerly have lived at
14 Ashley Shores Apartments complex in North
15 Charleston? If so, please stand. (No
16 response). Thank you, there appear to be none.

17 Are there any members of the jury
18 panel, or member of your immediate family, and
19 some of you have already responded to this, but
20 if you have you probably need to come forward
21 to make sure that -- again. If you or a member
22 of your family has been a victim of a crime of
23 violence, such as an assault and battery,
24 murder, manslaughter, sexual assaults and the
25 like; if so, please stand. (Number of jurors

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1 stand). I will ask you'all to come forward.

2 BENCH CONFERENCE:

3 THE COURT: Your name and
4 number?

5 JUROR NO. 145: One was
6 burglary in '70s and I was raped.

7 THE COURT: When did that
8 occur.

9 JUROR NO. 145: Approximately
10 1975. There was one in Columbia, as well.

11 THE COURT: Would that affect
12 or influence you in this case?

13 JUROR NO. 145: No, sir, I --
14 I don't think so.

15 THE COURT: I appreciate that
16 and I understand that, but if you are selected
17 for this jury you would be -- would it in any
18 way influence your decision?

19 JUROR NO. 145: I think so.

20 THE COURT: Thank you.

21 (BENCH CONFERENCE CONCLUDED)

22 THE COURT: Juror Number 145 will be
23 excused from participation in this dispute.
24 Please call the number after 6:00 and follow
25 those instructions.

1 BENCH CONFERENCE:

2 THE COURT: Yes, sir?

3 JUROR NO. 123: You told us the
4 situation that you testified in.

5 JUROR NO. 123: Right.

6 THE COURT: Any other incidents
7 other than ---

8 JUROR NO. 123: No.

9 THE COURT: And I believe that
10 you indicated previously that that would not
11 influence you.

12 JUROR NO. 123: Right.

13 THE COURT: In other words, you
14 could take an oath and make a commitment to
15 both sides, be fair to both the State and the
16 defense?

17 JUROR NO. 123: Yes.

18 (BENCH CONFERENCE CONCLUDED)

19 THE COURT: Juror Number 123 will
20 remain with us.

21 BENCH CONFERENCE:

22 THE COURT: Your name?

23 JUROR NO. 201: Judy Singleton.

24 THE COURT: What is your
25 situation?

1 JUROR NO. 201: When my son was
2 a juvenile, he was charged and I stood in court
3 with him.

4 THE COURT: And that would not
5 affect you in any way?

6 JUROR NO. 201: No, it would
7 not.

8 THE COURT: You could make a
9 commitment to both sides that it would not
10 affect you in any way?

11 JUROR NO. 201: No, it would
12 not affect me.

13 THE COURT: Would you base your
14 decision on the evidence and the law and would
15 it be fair and impartial to both parties?

16 JUROR NO. 201: Yes.

17 (BENCH CONFERENCE CONCLUDED)

18 THE COURT: Juror Number 201 will
19 remain with us.

20 BENCH CONFERENCE:

21 THE COURT: Yes, your name and
22 number?

23 JUROR NO. 74: Jean Emig,
24 Number 74.

25 THE COURT: Your situation?

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1 JUROR NO. 74: My son's son
2 was beaten up and assaulted. He is a child.
3 He hasn't gone to court yet. He goes next
4 week.

5 THE COURT: Is that going to
6 be handled by this Solicitor's office?

7 JUROR NO. 74: No.

8 THE COURT: Where is it?

9 JUROR NO. 74: I don't
10 know. He hasn't called me back.

11 THE COURT: You haven't been
12 involved with the solicitor's office here?

13 JUROR NO. 74: No, he just
14 called me and told me that they were going to
15 court.

16 THE COURT: Would that affect
17 or influence you in this case?

18 JUROR NO. 74: No.

19 THE COURT: You would be able
20 to make a commitment to both sides that that
21 would not influence your decision in any way?

22 JUROR NO. 74: Yes.

23 THE COURT: Yes.

24 JUROR NO. 74: Your number
25 again, please?

1 JUROR NO. 74: 74.

2 (BENCH CONFERENCE CONCLUDED)

3 THE COURT: Juror Number 74 will
4 remain with us. Thank you.

5 BENCH CONFERENCE:

6 THE COURT: Yes, ma'am?
7 Your name and number?

8 JUROR NO. 264: Patricia Grant,
9 Number 264.

10 THE COURT: What is your
11 situation, Ms. Grant?

12 JUROR NO. 264: (Inaudible) --
13 Kansas City bus station in Kansas City --
14 (inaudible).

15 COURT REPORTER: I can't hear
16 her.

17 THE COURT: Thank you.

18 (BENCH CONFERENCE CONCLUDED)

19 THE COURT: Juror Number 264 will be
20 excused from participating in this dispute.
21 Please call the number after 6:00 tonight and
22 follow that instruction.

23 BENCH CONFERENCE:

24 THE COURT: Your number?

25 JUROR NO. 275: Number 275.

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1 THE COURT: Yes, sir?

2 JUROR NO. 275: My father-in-
3 law was manslaughtered in Berkeley County.

4 THE COURT: Berkeley County?

5 JUROR NO. 275: Were you
6 involved in that case?

7 THE COURT: It was my wife's
8 dad.

9 THE COURT: Would that affect
10 you in this case?

11 JUROR NO. 275: I think it
12 would.

13 THE COURT: Thank you.

14 (BENCH CONFERENCE CONCLUDED)

15 THE COURT: Number 275 will be
16 excused from participation in this dispute.

17 BENCH CONFERENCE:

18 THE COURT: Yes, sir?

19 JUROR NO. 58: Anna Lee
20 Cromwell.

21 THE COURT: Your number?

22 JUROR NO. 58: 58.

23 THE COURT: Your situation, Ms.
24 Cromwell?

25 JUROR NO. 58:

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1 (Inaudible)

2 COURT REPORTER: I can't hear
3 her.

4 THE COURT: You need to speak
5 up.

6 JUROR NO. 58: In 1995, --
7 (inaudible).

8 THE COURT: Would that affect
9 you in any way in this case?

10 JUROR NO. 58: No.

11 THE COURT: Would you be able
12 to make a commitment to both sides that it
13 would not influence your decision?

14 JUROR NO. 58: Yes.

15 THE COURT: You could make
16 that?

17 JUROR NO. 58: Yes.

18 (BENCH CONFERENCE CONCLUDED)

19 THE COURT: Juror Number 58 will
20 remain with us.

21 BENCH CONFERENCE:

22 THE COURT: Yes, ma'am? Your
23 name and number?

24 JUROR NO. 111: Carly Hinson,
25 Juror Number 111.

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1 THE COURT: Your situation?

2 JUROR NO. 111: My mother and
3 her sisters were sexually assaulted by their
4 father.

5 THE COURT: Would that in any
6 way affect you in this case?

7 JUROR NO. 111: It would not.

8 THE COURT: You could make a
9 commitment to both sides that it would not
10 influence your decision in any way?

11 JUROR NO. 111: Yes, sir.

12 THE COURT: Thank you, you may
13 take your seat.

14 (BENCH CONFERENCE CONCLUDED)

15 THE COURT: Juror Number 111 will
16 remain with us. Thank you.

17 Are there others? (No response).
18 Thank you, there appear to be none.

19 Are there any specific questions now
20 from the State?

21 MS. SHEALY: Nothing further, Your
22 Honor. Thank you.

23 THE COURT: Any specific questions
24 from the Defendant?

25 MR. GRIMES: No, sir.

1 THE COURT: Based on what we have
2 discussed thus far and what you have heard
3 about this case, what I have shared with you as
4 having been alleged in this case, and as some
5 of you have already heard, as I told you this
6 morning, one of the things that will happen --
7 as a matter of fact, one of the first things
8 that will happen when you are selected, before
9 we start, is that the clerk will ask you to
10 stand and raise your hand and you will make a
11 commitment that you will at the appropriate
12 time apply your common sense, your sense of
13 logic and reasoning fairly and impartially in
14 analyzing the evidence and in deciding what you
15 believe to be the true facts.

16 Then once deciding those facts, you
17 will fairly and impartially take the law as I
18 give it to you and apply that law to those
19 facts and report your decision.

20 Is there anything about this case that
21 you have heard that gives you any, anything
22 about this dispute that gives you any concern
23 about your ability to make that commitment to
24 the State and to Mr. Parker? If so, please
25 come forward. (Number of jurors stand). The

1 attorneys may approach, as well.

2 BENCH CONFERENCE:

3 THE COURT: Yes, ma'am?

4 JUROR NO. 270: Rena Lasch.

5 Number 270. If someone were to found guilty,
6 do you know what the penalty is?

7 THE COURT: You are not to be
8 involved in that, but ---

9 JUROR NO. 270: Is it the death
10 penalty?

11 THE COURT: The death penalty
12 is not involved in this case. The jury would
13 not be involved in this. I know that you've
14 lived in another state where they are but the
15 only one in this state where jurors are
16 directly involved in the penalty phase is the
17 death penalty.

18 JUROR NO. 270: Okay, that was
19 my concern.

20 THE COURT: So your concern
21 deals with your philosophy about the death
22 penalty?

23 JUROR NO. 270: Right.

24 THE COURT: The instruction
25 would be that you determine the facts but you

1 would have nothing to do with the penalty
2 imposed.

3 JUROR NO. 270: Okay. I
4 understand that.

5 THE COURT: Would that affect
6 your decision ---

7 JUROR NO. 270: Yes, it would
8 if it were the death penalty.

9 THE COURT: So the murder
10 situation, you could be fair ---

11 JUROR NO. 270: Right.

12 THE COURT: Just as long as it
13 is not the death penalty?

14 JUROR NO. 270: Right. If it
15 is not an option, then everything else is fine.

16 THE COURT: I can tell you that
17 the death penalty is not an option. You would
18 not be concerned with any issue in this case
19 other than deciding what you believe to be the
20 true facts.

21 JUROR NO. 270: That's okay, I
22 can do that.

23 THE COURT: You would decide if
24 the State has met its burden of proof and ---

25 JUROR NO. 270: Right.

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1 THE COURT: Would you base your
2 decision on the evidence and the law and would
3 it be fair and impartial to both parties?

4 JUROR NO. 270: Yes.

5 THE COURT: Any questions from
6 the State?

7 MS. SHEALY: No, sir.

8 THE COURT: From the defense?

9 MR. GRIMES: No, sir.

10 THE COURT: Thank you so much.
11 I appreciate you sharing that.

12 (BENCH CONFERENCE CONCLUDED)

13 THE COURT: Juror 270 will remain
14 with us.

15 BENCH CONFERENCE:

16 THE COURT: Yes, ma'am? Your
17 name and number?

18 JUROR NO. 268: Maria Kessler.

19 THE COURT: Your concern?

20 JUROR NO. 268: I used to teach
21 at Stahl High School, so I may know some of
22 them. I didn't recognize any names but Ashley
23 Shores would go to Stahl.

24 THE COURT: If there is any
25 person -- if you should see someone that you

1 recall, would that affect or influence you in
2 any way?

3 JUROR NO. 268: No.

4 THE COURT: Would you be -- if
5 that person should testify, would you consider
6 that person's testimony just as you would any
7 other witness' testimony?

8 JUROR NO. 268: Yes.

9 THE COURT: So your decision
10 would be focused/based on the evidence?

11 JUROR NO. 268: Yes.

12 THE COURT: And you would not
13 be influenced by ---

14 JUROR NO. 268: No.

15 THE COURT: Would you base your
16 decision on the evidence and the law and would
17 it be fair and impartial to both parties?

18 JUROR NO. 268: Yes.

19 THE COURT: Thank you, ma'am.
20 Any others questions?

21 MR. GRIMES: No.

22 MS. SHEALY: No.

23 THE COURT: Thank you. You may
24 take your seat.

25 (BENCH CONFERENCE CONCLUDED)

1 THE COURT: Yes, ma'am?

2 BENCH CONFERENCE:

3 THE COURT: Hi.

4 JUROR NO. 54: Evelyn
5 Coley.

6 THE COURT: Yes, ma'am?

7 JUROR NO. 54: I just wanted
8 to let it be known that I am a reporter at the
9 *Post & Courier*, crime reporting.

10 THE COURT: Would that affect
11 you in any way?

12 JUROR NO. 54: No.

13 THE COURT: It would not
14 influence your decision in any way?

15 JUROR NO. 54: No.

16 THE COURT: You would apply
17 your experience fairly and impartially in
18 analyzing the evidence and in arriving at a
19 verdict?

20 JUROR NO. 54: Yes.

21 THE COURT: Would you base your
22 decision on the evidence and the law and would
23 it be fair and impartial to both parties?

24 JUROR NO. 54: Yes.

25 (BENCH CONFERENCE CONCLUDED)

1 THE COURT: Number 54 will remain.
2 Are there any others? (No response). Thank
3 you, there are none.

4 Ladies and Gentlemen, what will happen
5 now is that your name is going to be drawn at-
6 random. Mr. Michele will draw your name and he
7 will ask you to come forward. When you come
8 forward, you will stand where I am standing
9 here, facing the parties and the attorneys.

10 The State will have the first
11 opportunity to say whether they seat the juror
12 or excuse the juror.

13 Each side can excuse jurors under
14 certain rights. The State in this case will
15 have five and the defendant will have ten.

16 We will go through that process. If
17 the State says, for instance, that a juror is
18 excused, you may take your seat. Please don't
19 take offense if that should happen to you.
20 There isn't anything personal about this
21 process.

22 If the State says to seat the juror,
23 then Mr. Parker will have the opportunity to do
24 the same thing.

25 They can seat the juror or excuse the

1 juror and we go through that process until we
2 have selected our jury. Just follow the
3 instructions of Mr. Michele and it won't take
4 too much longer.

5 Thank you, Mr. Michele. I will turn
6 it over to you.

7 CLERK: As Judge Dennis said, when I
8 call your name please come forward and bring
9 all of your belongings.

10 Juror Number 161, Dinesh Patel.

11 CLERK: What say you for the State?

12 MS. SHEALY: Please seat the juror.

13 CLERK: What say you for the
14 defense?

15 MR. GRIMES: Please seat the juror.

16 CLERK: Please have a seat in the
17 jury box over to your right. You have been
18 selected for trial in this case.

19 (JUROR NUMBER 161 SEATED)

20 CLERK: Juror Number 160, Elizabeth
21 Parker. What say you for the State?

22 MS. SHEALY: Please seat the juror.

23 CLERK: What say you for the
24 defense?

25 MR. GRIMES: Please seat the juror.

1 CLERK: Ms. Parker, please have a
2 seat in the jury box. You have been selected
3 for the trial of this case.

4 (JUROR NUMBER 160 SEATED)

5 CLERK: Juror Number 227, Bonnie
6 Waldman. What say you for the State?

7 MS. SHEALY: Please seat the juror.

8 CLERK: What say you for the
9 defense?

10 MR. GRIMES: Please excuse the juror.

11 CLERK: Please have a seat back in
12 the audience. You have been excused from the
13 trial in this case.

14 (JUROR NUMBER 227 EXCUSED)

15 CLERK: Juror Number 193, Rebecca
16 Shull. What say you for the State?

17 MS. SHEALY: Please seat the juror.

18 CLERK: What say you for the
19 defense?

20 MR. GRIMES: Please seat the juror.

21 CLERK: Ms. Shull, please have a
22 seat in the jury box. You have been selected
23 for trial in this case.

24 (JUROR NUMBER 193 SEATED)

25 CLERK: Juror Number 239, Susan White.

1 What say you for the State?

2 MS. SHEALY: Please excuse the juror.

3 CLERK: Ms. White, you've been
4 excused from the trial of this case. Please
5 have a seat in the audience.

6 (JUROR NUMBER 239 EXCUSED)

7 CLERK: Juror Number 122, Mashana
8 Jenkins. What say you for the State?

9 MS. SHEALY: Please seat the juror.

10 CLERK: What say you for the
11 Defendant?

12 MR. GRIMES: Please seat the juror.

13 CLERK: Please have a seat in the
14 jury box. You have been selected for trial in
15 this case.

16 (JUROR NUMBER 122 SEATED)

17 CLERK: Juror Number 87, Frederick
18 Gillians. What say you for the State?

19 MS. SHEALY: Please excuse the juror.

20 CLERK: Mr. Gilliams, please have a
21 seat back in the audience. You have been
22 excused from the trial of this case.

23 (JUROR NUMBER 87 EXCUSED)

24 CLERK: Juror Number 255, Daniel
25 Blumenstock. What say you for the State?

1 MS. SHEALY: Please seat the juror.

2 CLERK: What say you for the
3 defense?

4 MR. GRIMES: Please seat the juror.

5 CLERK: Please have a seat in the
6 jury box. You have been selected for trial in
7 this case.

8 (JUROR NUMBER 255 SEATED)

9 CLERK: Juror Number 10, Bryan
10 Baltimore. What say you for the State?

11 MS. SHEALY: Please seat the juror.

12 CLERK: What say you for the
13 defense?

14 MR. GRIMES: Please excuse the juror.

15 CLERK: Mr. Baltimore, please have a
16 seat in the audience. You have been excused
17 from the trial of this case.

18 (JUROR NUMBER 10 EXCUSED)

19 CLERK: Juror Number 58, Annalee
20 Cromwell. What say you for the State?

21 MS. SHEALY: Please seat the juror.

22 CLERK: What say you for the
23 defense?

24 MR. GRIMES: Please seat the juror.

25 CLERK: Please have a seat in the

1 jury box. You have been selected for trial in
2 this case.

3 (JUROR NUMBER 58 SEATED)

4 CLERK: Juror Number 179, Georgiana
5 Rock. What say you for the State?

6 MS. SHEALY: Please seat the juror.

7 CLERK: What say you for the
8 Defendant?

9 MR. GRIMES: Please excuse the juror.

10 CLERK: Ms. Rock, please have a seat
11 back in the audience. You have been excused
12 from the trial in this case.

13 (JUROR NUMBER 179 EXCUSED)

14 CLERK: Juror Number 201, Judy
15 Singleton. What say you for the State?

16 MS. SHEALY: Please excuse the juror.

17 CLERK: Ms. Singleton, please have a
18 seat back in the audience. You have been
19 excused from the trial in this case.

20 (JUROR NUMBER 201 EXCUSED)

21 CLERK: The State has exhausted four
22 strikes.

23 MS. SHEALY: Thank you.

24 CLERK: Juror Number 180. What say
25 you for the State?

1 MS. SHEALY: Please excuse the juror.

2 CLERK: Mr. Roddy, you may have a
3 seat back in the audience. You have been
4 excused from the trial in this case.

5 (JUROR NUMBER 180 EXCUSED)

6 CLERK: Juror Number 273, Deborah
7 McKelvey. What say you for the State?

8 MS. SHEALY: Please seat the juror.

9 CLERK: What say you for the
10 defense?

11 MR. GRIMES: Please excuse the juror.

12 CLERK: Ms. McKelvey, please have a
13 seat in the jury box. You have been selected
14 for the trial in this case.

15 (JUROR NUMBER 273 SEATED)

16 CLERK: Juror Number 274, Lauren
17 Nelson. What say you for the State?

18 MS. SHEALY: Please seat the juror.

19 CLERK: What say you for the
20 defense?

21 MR. GRIMES: Please excuse the juror.

22 CLERK: Ms. Nelson, please have a
23 seat back in the audience. You have been
24 excused from the trial in this case.

25 (JUROR NUMBER 274 EXCUSED)

1 CLERK: Juror Number 25, Anita

2 Bouani. What say you for the State?

3 MS. SHEALY: Please seat the juror.

4 CLERK: What say you for the

5 defense?

6 MR. GRIMES: Please seat the juror.

7 CLERK: Please have a seat in the

8 jury box. You have been selected for the trial

9 in this case.

10 (JUROR NUMBER 25 SEATED)

11 CLERK: Juror Number 181, David

12 Rokusek. What say you for the State?

13 MS. SHEALY: Please seat the juror.

14 CLERK: What say you for the

15 Defendant?

16 MR. GRIMES: Please excuse the juror.

17 (JUROR NUMBER 181 EXCUSED)

18 CLERK: Juror 111, Carletha Hinson.

19 What say you for the State?

20 MS. SHEALY: Please seat the juror.

21 CLERK: What say you for the

22 defense?

23 MR. GRIMES: Please excuse the juror.

24 CLERK: Please have a seat back in

25 the audience, you have been excused from the

1 trial in this case.

2 (JUROR NUMBER 111 EXCUSED)

3 CLERK: Juror Number 74, Jean A.

4 Emig. What say you for the State?

5 MS. SHEALY: Please seat the juror.

6 CLERK: What say you for the

7 defense?

8 MR. GRIMES: Please excuse the juror.

9 CLERK: Please have a seat back in
10 the jury -- in the audience. You have been
11 struck in the trial of this case.

12 (JUROR NUMBER 74 EXCUSED)

13 CLERK: Juror Number 266, Coakley

14 Hilton. What say you for the State?

15 COURT REPORTER: I'm sorry, could I
16 get the juror's number again?

17 CLERK: 266, Coakley Hilton.

18 MS. SHEALY: Please seat the juror.

19 CLERK: What say you for the

20 defense?

21 MR. GRIMES: Please seat the juror.

22 CLERK: Please have a seat in the
23 jury box. You have been selected for the trial
24 in this case.

25 (JUROR NUMBER 266 SEATED)

1 CLERK: David J. Shea, Juror Number
2 192. What say you for the State?

3 MS. SHEALY: Please seat the juror.

4 CLERK: What say you for the
5 defense?

6 MR. GRIMES: Please seat the juror.

7 CLERK: Mr. Shea, please have a seat
8 in the jury box. You have been selected for
9 the trial of this case.

10 (JUROR NUMBER 192 SEATED)

11 CLERK: Juror Number 123, Conrad A.
12 Jeremiah. What say you for the State?

13 MS. SHEALY: Please seat the juror.

14 CLERK: What say you for the
15 defense?

16 MR. GRIMES: Please excuse the juror.

17 CLERK: Mr. Jeremiah, please have a
18 seat back in the audience. You have been
19 excused from the trial of this case.

20 (JUROR NUMBER 123 EXCUSED)

21 CLERK: Juror Number 232, Shelly A.
22 Waters. What say you for the State?

23 MS. SHEALY: Please seat the juror.

24 CLERK: What say you for the
25 defense?

1 MR. GRIMES: Please excuse the juror.

2 CLERK: Ms. Waters, please have a
3 seat back in the audience, you have been
4 excused from the trial in this case.

5 (JUROR NUMBER 232 EXCUSED)

6 CLERK: Juror Number 155, Joanne K.
7 Nelson. What say you for the State?

8 MS. SHEALY: Please seat the juror.

9 CLERK: What say you for the
10 defense?

11 MR. GRIMES: Please seat the juror.

12 CLERK: Please have a seat in the
13 jury box. You have been selected for trial in
14 this case.

15 (JUROR NUMBER 155 SEATED)

16 CLERK: Juror Number 265, Debra
17 Henson. What say you for the State?

18 MS. SHEALY: Please excuse the juror.

19 CLERK: Ms. Henson, please have a
20 seat back in the audience. You have been
21 excused from the trial in this case.

22 (JUROR NUMBER 265 EXCUSED)

23 CLERK: Juror Number 270, Rena
24 Lasch. What say you for the State?

25 MS. SHEALY: Please seat the juror.

1 CLERK: What say you for the
2 defense?

3 MR. GRIMES: Please seat the juror.

4 CLERK: Please have a seat in the
5 jury box. You have been selected for trial in
6 this case.

7 (JUROR NUMBER 270 SEATED)

8 CLERK: One alternate?

9 THE COURT: Two.

10 CLERK: Striking for the first
11 alternate, the strikes are one and two.

12 Juror Number 267, Alice L. Keeney.
13 What say you for the State?

14 MS. SHEALY: Please seat the juror.

15 CLERK: What say you for the
16 defense?

17 MR. GRIMES: Please seat the juror.

18 CLERK: Please have a seat in the
19 jury box. You have been selected for trial in
20 this case.

21 (JUROR NUMBER 267 SEATED

22 AS ALTERNATE JUROR #1)

23 CLERK: Striking now for the second
24 alternate. Juror Number 169, Christopher
25 Redden. What say you for the State?

1 MS. SHEALY: Please excuse the juror.

2 CLERK: Mr. Redden, please have a
3 seat back in the audience. You have been
4 excused from the trial in this case.

5 (JUROR NUMBER 169 EXCUSED)

6 CLERK: Juror Number 207, Margaret
7 Smith. What say you for the State?

8 MS. SHEALY: Please seat the juror.

9 CLERK: What say you for the
10 defense?

11 MR. GRIMES: Please excuse Ms. Smith.

12 CLERK: Ms. Smith, please have a
13 seat back in the audience. You have been
14 excused from the trial in this case.

15 (JUROR NUMBER 207 EXCUSED)

16 CLERK: Juror Number 263, Jason
17 Goucher. What say you for the State?

18 MS. SHEALY: Please excuse the juror.

19 CLERK: Mr. Goucher, please have a
20 seat back in the audience. You have been
21 excused from the trial of this case.

22 (JUROR NUMBER 263 EXCUSED)

23 CLERK: Juror Number 82, Robert
24 Getsinger. Any challenge from the State?

25 MS. SHEALY: No. Please seat the

1 juror.

2 CLERK: Any challenge from the
3 defense?

4 MR. GRIMES: (Negative gesture).
5 Please seat the juror.

6 CLERK: Please have a seat in the
7 jury box. You have been selected for trial in
8 this case.

9 (JUROR NUMBER 82 SEATED
10 AS ALTERNATE JUROR #2)

11 CLERK: The jury is seated, Your
12 Honor.

13 THE COURT: Thank you. Any Motions
14 from the State regarding the selection process?

15 MS. SHEALY: No, Your Honor. Thank
16 you.

17 THE COURT: Motions from Mr. Parker
18 regarding the selection process?

19 MR. GRIMES: No, sir.

20 THE COURT: Ladies and Gentlemen,
21 those of you who were not selected, thank you
22 very much for your patience and your partici-
23 pation. I now am pleased to excuse you for the
24 balance of the day. Call the number, please,
25 after 6:00 tonight and follow the instructions

1 that you find on that message. Mr. Michele,
2 I'm sure, went through the possible options.
3 If we need you, we will tell you to come back
4 at a time.

5 If the message is to call back
6 tomorrow night after 6:00, then you will know
7 that tomorrow is going to be your day. You
8 won't have to worry about coming in. If it
9 says to call at a certain time, that means that
10 we may need you but we don't want you to come
11 in unnecessarily. We try to minimize that as
12 much as possible. I would love to say that we
13 try to eliminate it, but we do the best that we
14 can.

15 I hope that you have a good day.
16 Thank you for helping us get this case started.
17 You are free to leave.

18 (JURY PANEL EXCUSED @ 12:48)

19 THE COURT: Ladies and Gentlemen,
20 those of you who were selected, Thank you for
21 your participation. It is now almost 1:00
22 o'clock. We will go ahead and take our lunch
23 break at this part.

24 You, of course, have heard no evidence
25 in this case. There is certainly nothing to

1 discuss about this case. Please -- and you
2 will hear this throughout -- do not discuss
3 this case among yourselves or with anyone else
4 outside of the courtroom. That would violate
5 the oath that you will take. I will tell you
6 that in advance. That would be deliberating in
7 the case and you're not to do that. You will
8 make a commitment not to do that until the
9 court gives you that instruction.

10 Please do not allow anybody to talk
11 about this case in your presence or talk to you
12 about serving on this case. If that should
13 occur while you are out, away from the
14 courtroom, please report that immediately on
15 your return.

16 I would ask that you return at 2:15.
17 If you would, exit through door so you will
18 know where to come when you report back at
19 2:15.

20 JUROR: Will we definitely be done
21 by 5:30 or 6:00?

22 THE COURT: I will make certain that
23 -- we will probably recess between 5:00 and
24 5:30. It might be a little earlier, just
25 depending on how we proceed but I will assure

1 you that you will be out of here by 5:30.

2 JUROR: I heard what you said about
3 the time. I have a rental that my son needs to
4 get back today.

5 THE COURT: What time?

6 JUROR: Well, before the rental
7 place closes.

8 THE COURT: I know, but what time is
9 that?

10 JUROR: He gets off at 4:00.

11 THE COURT: He may have to rush if
12 we get out at 5:00, but we will try to work
13 with you.

14 JUROR: Thank you.

15 THE COURT: Any other questions?
16 (No response). Please be back in your jury
17 room by 2:15. Thank you.

18 (JURY OUT @ 12:50 P.M.)

19 THE COURT: Anything further?

20 MS. SHEALY: No, sir. I guess we
21 should inquire whether the court reporter would
22 like to discuss the exhibits now or come back
23 ---

24 THE COURT: Come back after lunch.
25 If you'all will be back by 2:00 o'clock, no

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1 later than 2:00, then she can mark the
2 exhibits.

3 MS. SHEALY: Thank you.

4 THE COURT: Thank you, we will be
5 at-ease.

6 (LUNCH RECESS 12:53 - 2:00 P.M.)

7 (STATE'S EXHIBITS 1 THROUGH 105 PREMARKED)

8 (IN CHAMBERS CONFERENCE)

9 (DEFENDANT PRESENT)

10 THE COURT: Let the record reflect
11 that Mr. Parker is present.

12 I am advised that the jury has
13 returned from lunch. Is the State ready to
14 proceed?

15 MS. SHEALY: We are, Your Honor.

16 THE COURT: Is the Defendant to
17 proceed?

18 MR. GRIMES: Yes, Your Honor.

19 THE COURT: For purposes of the
20 record, you have filed a Motion to Dismiss,
21 which we discussed in chambers; which Motion,
22 a copy of it, has been submitted to me. Is
23 that correct?

24 MR. GRIMES: Yes, Your Honor.

25 THE COURT: And the original has

1 been filed?

2 MR. GRIMES: I believe so.

3 THE COURT: Make sure that you have
4 filed the original.

5 THE COURT: The State has been
6 afforded a copy of it; is that correct, Ms.
7 Shealy?

8 MS. SHEALY: That's right, Your
9 Honor.

10 THE COURT: You have cited -- you
11 have a brief memorandum attached to it, do you
12 wish to supplement the memorandum in any
13 fashion?

14 MR. GRIMES: No, sir.

15 THE COURT: All right. Does the
16 State wish to respond, briefly?

17 MS. SHEALY: Your Honor, pursuant to
18 *Winns v State*, W-i-n-n-s.

19 THE COURT: I am familiar with it.
20 It is cited in the brief.

21 MS. SHEALY: (Affirmative nod), in
22 the brief. And then, Your Honor, also *State v*
23 *Culbertson* (phonetic), it is our position that
24 the indictment meets the requirements
25 necessary.

1 THE COURT: Okay. Do you wish to
2 reply, Mr. Grimes?

3 MR. GRIMES: No, sir.

THE COURT: Very well. The court, having reviewed it and having read the decisions submitted to the court, I agree with the majority in the *Winns* case. Having read the indictment in a real sense, a real world sense, considering it in a practical sense, considering all the surrounding circumstances, and it is a notice situation, as the court noted, certainly the Indictment could be made more definite and certain but the court finds that this Indictment meets the test argued at the time and place and clearly it falls on a specific date. I have reviewed *Winns* case and I think it to be probative. Therefore, I deny your Motion to Dismiss. I have read the other case cited as well by the State.

20 You may rely on your Motion fully and
21 if we come to any part of the record that is
22 prior to it, I will -- I will swear in the jury
23 in this cause for whatever purposes ---

24 MR. GRIMES: Thank you, Your Honor.

25 THE COURT: All right, are we ready?

1 MS. SHEALY: Yes, sir.

2 MR. GRIMES: (Affirmative nod).

3 THE COURT: All right, let's bring
4 in our jury, please.

5 (JURY IN @ 2:25 P.M.)

6 THE COURT: Ladies and Gentlemen,
7 good afternoon. Thank you very much. I hope
8 that you had a good lunch.

9 We are ready now to continue the
10 matter that we started this morning. Before I
11 turn it over to Mr. Michele to administer your
12 oath, let me just deal with a couple of things.

13 Mr. Getsinger and Ms. Keeney, you've
14 been selected as Alternates. That term really
15 has no significance at this point. While you
16 are alternate jurors and you are designated as
17 that, those are your chairs. You may alternate
18 them however you wish, but they are yours, to
19 be occupied by you. At the end of this case,
20 ultimately twelve jurors will decide. If the
21 first twelve selected as able to continue, then
22 you will not participate in the final
23 deliberations. But since neither you nor I
24 know the status of those jurors, you are very
25 much a part of the jury notwithstanding the

1 "Alternate" designation. Please feel free to
2 sit there and know that you are totally
3 included in this process and you are certainly
4 expected to pay the same attention that all
5 other jurors pay. I know that you will. Thank
6 you for that.

7 The only other designated seat, this
8 lady is occupying on the first row. That is
9 the seat that will be occupied by your
10 presiding juror, foreperson, foreman, forelady.
11 I call them the "presiding juror".

12 Someone has to be responsible for
13 signing the verdict form on behalf of the jury
14 when the jury has completed its deliberations.
15 Exhibits that are introduced, it is the
16 presiding juror's responsibility to receive
17 those and when the jury has completed its
18 deliberations, then returning those to the
19 court. There may be, from time to time,
20 communication from the jury to the court and
21 it would be your responsibility to serve as a
22 "clerk" for the jury in drafting that
23 communication. Other than that, there really
24 are no additional responsibilities. You are
25 not given any greater power, you don't earn any

1 more money. I used to say that you get an
2 assigned seat, but there are plenty of seats,
3 so that really is no benefit.

4 The statute permits me to select that
5 juror or for you to select the presiding juror.
6 I let the jury pick the presiding juror. At
7 some point during one of the breaks, if you
8 would designate that person and once that
9 person has been designated, I would simply ask
10 that that individual occupy that seat for the
11 balance of the trial.

12 Until then, anyone is free to occupy
13 it. Again, the two seats that are assigned at
14 this point are the two that Ms. Kenney and Mr.
15 Getsinger are occupying, the Alternates.

16 Please give your attention now to Mr.
17 Michele as he administers your oath.

18 (JURY SWORN)

19 THE COURT: Now you've become the
20 judge that I mentioned that you would be. Now
21 you and I will work together to resolve this
22 dispute.

23 I told you that you would make that
24 commitment and each one of you indicated before
25 we selected you that there was nothing about

1 this dispute that would give you any concern
2 about your ability to make the commitment that
3 you just made to both parties. I am confident
4 that you will honor that commitment in every
5 respect.

6 As I said to you this morning, you
7 brought with you this morning when you came,
8 when you reported, everything that you are
9 going to need to preform the task that you just
10 accepted. Please rest assured of that. You
11 have everything that is necessary, because all
12 that you are going to be asked to do is to
13 apply your commonsense, your sense of logic and
14 reasoning fairly and impartially at the
15 appropriate time.

16 You also brought something else which
17 is really a part of that oath that you just
18 took. You remember me asking questions of all
19 the jurors, and maybe of some of you, 'Would
20 that affect your ability to be fair and
21 impartial? Would you base your decision on the
22 evidence and the law? Would that decision be
23 fair to both sides?' Basically each of you,
24 either by responding or not responding,
25 indicated that you could do that.

1 Secondly, when I asked you did you
2 know anything about that or was there anything
3 that would give you any concern about your
4 ability to apply your common sense, you
5 basically said, sort of indirectly, 'No, Judge,
6 there is not. In fact, I have an open mind
7 about this dispute.' That is critical to this
8 process.

9 It is critical that you brought your
10 common sense, your sense of logic and
11 reasoning, and critical that you have that open
12 mind that you brought with you when you walked
13 in here. Please maintain that at all times.
14 That is very important.

15 I say that because of the instruction,
16 because of the oath. You said that you would
17 make your decision based on the evidence and
18 the law. The law is the last thing that you
19 are going to hear. In fact, part of the law --
20 in fact, the last instruction that I give to
21 you before you retire to begin your
22 deliberation is when those deliberations may
23 commence.

24 Until you receive that, if you were to
25 start your deliberations, either individually

1 or collectively, -- and "individually" means
2 that you begin to decide certain things. You
3 can do it internally, you don't have to talk
4 with someone, but you have promised that you
5 are not going to do that. That's important.
6 It's important, and I will give you some
7 reasons why in just a moment. First of all,
8 it would be a violation of the law. That's
9 important.

10 Also it violates this process of
11 dispute resolution because there are very --
12 there are four distinct parts to this process.
13 In one part and one part only, you will hear
14 evidence. That's the evidentiary portion. But
15 there are three other very important parts to
16 the process.

17 One will occur in just a moment when
18 the attorneys have their first opportunity to
19 speak to you in this matter. They speak to you
20 before you hear the evidence and after you hear
21 the evidence.

22 Before -- we call that opening
23 statements, where they will give you basically
24 an overview of the dispute. They may discuss
25 some of the issues with you. Basically they

1 will give you somewhat of a roadmap, if you
2 will, of how the evidence may unfold. That
3 will be helpful to you.

4 After you have heard the evidence, it
5 is proper for them to speak to you again. They
6 will discuss that evidence with you and suggest
7 reasonable inferences that you may draw from
8 that evidence.

9 I am very confident that you will find
10 their remarks very helpful to you, both in
11 opening statements and in closing arguments.
12 Please give them your attention. Again, very
13 important parts of this process. But,
14 remember, their remarks, just as my remarks,
15 should never be considered evidence by you in
16 any fashion whatsoever.

17 The next phase we call the evidentiary
18 portion. I mentioned to you that the State in
19 this case is the party who has made the
20 complaint, who has accused Mr. Parker of
21 violating the law. The State brings this case,
22 so to speak, and therefore it is the party
23 that, as I mentioned, has the burden of proof.
24 The only party.

25 The Defendant has absolutely nothing

1 to prove, nothing to disprove, nothing to
2 explain, because the law says that persons who
3 are accused of committing criminal offenses in
4 this state don't have to do anything. They are
5 not required to, because the law says that the
6 State has the sole responsibility. So you will
7 never look to the Defendant to prove anything
8 at all.

9 You will analyze the case, once you
10 have been assigned the case, based on the
11 evidence presented by the State. The State
12 will present the evidence. They have the
13 burden of proving each elements of the crime
14 charged.

15 The crime in this case is the crime of
16 Murder and I will define that for you in the
17 charge portion. I will tell you the elements
18 of the crime and will discuss it fully with
19 you.

20 When you begin your deliberations,
21 then you will be going back and analyzing the
22 evidence and deciding for yourself as to
23 whether or not you are convinced to the
24 standard of beyond a reasonable doubt. I will
25 define that standard for you during the charge.

1 I will tell you now, simply stated, a
2 reasonable doubt is that doubt that would make
3 an honest, conscientious juror searching for
4 the truth in a case to hesitate to act or take
5 some action. That is the standard that you
6 will be applying.

7 Maybe some of you have been involved
8 in civil disputes before, civil trials before.
9 If you did, you heard a burden of proof which
10 applies there called the preponderance of the
11 evidence or the greater weight of the evidence.
12 It is a probability standard, more probable
13 than not. That applies solely in an civil
14 case. It has no application in a criminal case
15 because the burden of proof beyond a reasonable
16 doubt is greater than a probability standard.
17 It is the standard that rises to that level
18 that I just mentioned and will discuss with you
19 during my charge portion.

20 When you go back, you will be
21 specifically asking yourself in deciding
22 whether or not you are convinced that the State
23 has met that burden of proof.

24 If at the end of that analysis you are
25 satisfied beyond a reasonable doubt as to each

1 element, then consistent with the instruction
2 you must return a verdict of Guilty. Why?
3 Because the State has met its burden of proof
4 as to each element and they are entitled to
5 that verdict.

6 On the other hand, if in your analysis
7 you are not satisfied with one or more
8 elements, then I would instruct you that you
9 must return a verdict of Not Guilty. Why?
10 Because the State has failed to convince you to
11 the standard required.

12 Again, the State is the only party
13 that has any burden of proof. The State --
14 because of that, you will hear from the State's
15 case first.

16 This in no way lessens what I said to
17 you. The defendant in this case has nothing to
18 prove whatsoever. However, should he choose to
19 present evidence, which is his choice -- he
20 doesn't have to, but if he should choose to do
21 that, you won't hear that until you've heard
22 all of the State's case. Another very
23 important reason that you don't make any
24 premature decisions in this case. You need to
25 hear all of the evidence. Again, he is not

1 required to but if he choose to then that will
2 not occur until the State completes its
3 presentation. So remember that. Keep that
4 open mind.

5 After we have closing arguments, then
6 I will give you the charge, at which time we
7 will discuss a number of these legal principles
8 in greater detail.

9 At the conclusion of that, then you
10 will retire and begin your deliberations and
11 resolve this dispute. I thank you for your
12 willingness to participate in this process. I
13 thank you for the commitment that you just
14 made. It is an honor to serve with each one of
15 you as a judge in this case. Thank you for
16 your attention to my remarks. Please now give
17 that same attention to the attorneys as they
18 give their opening statements on behalf of
19 their clients. Ms. Shealy, Mr. Simpson?

20 MR. SIMPSON: Yes, sir. May it
21 please the court?

22 THE COURT: Yes, sir.

23 MR. SIMPSON: On April the 18th,
24 2006, Cassandra Ward, a loving mother of four
25 adult children, stood in front of her

1 daughter's apartment in the Ashley Shores
2 apartment complex in North Charleston. She
3 stood frozen, paralyzed in fear. Not fearful
4 so much for her own safety but that of her
5 oldest son, Carlise Grant.

6 Carlise Grant, who had been already
7 hit in the back with a baseball bat.

8 Carlise Grant, who had already been
9 shot in the left shoulder with a 9mm handgun.

10 Carlise Grant, who lay at this moment
11 on the pavement on [REDACTED] in North
12 Charleston.

13 Cassandra Ward stood frozen and
14 watched as this man, Roger Parker, Jr.,
15 approached her son's body, stood over him and
16 put a bullet in the top of his skull and then
17 ran down the street emptying that magazine into
18 the air.

19 My name is Chad Simpson. Along with
20 Jennifer Shealy, I have the special honor today
21 of representing the State of South Carolina in
22 the case against Roger Parker. The charge is
23 Murder.

24 One more tragic aspect of this case is
25 the fact that it initially arose from something

1 very mundane and trivial, a silly disagreement
2 between neighbors.

3 If I could take a moment, briefly, to
4 introduce you some of the people that you will
5 be meeting during the next couple of days on
6 the stand.

7 We have [REDACTED] [REDACTED] That is the
8 home of Demetria Grant. Demetria Grant was
9 there with her boyfriend, Jaywan, her two young
10 children, Marquee and Monet, and her cousin,
11 Emmanuel, fifteen years old. Now, 2876 also
12 has some frequent visitors that play a part in
13 this story. You have already heard about
14 Casandra Ward. That is Demetria's mother.

15 The second, sadly, is Demetria's older
16 brother, Carlise Grant. The oldest male in the
17 family and somewhat of a father figure to the
18 family.

19 Both frequented [REDACTED] [REDACTED]

20 Now, next-door to Demetria, at [REDACTED]
21 [REDACTED] lived Roger Johnson, the step-
22 father of the Defendant. Now, you will be
23 hearing a lot about Roger Johnson in the next
24 couple of days. You will have plenty of
25 opportunities to make your own opinions as to

1 what kind of person Roger Johnson is. Roger
2 Johnson was there, with his stepson, Roger
3 Parker, Jr., and his wife, Virginia Johnson.

4 Now, the Defendant's name is Roger
5 Parker, Jr. but you are going to hear him often
6 referred to by his nickname. That's what his
7 family called him, that's what the neighbors
8 called him, that's what his friends called him.
9 That's "Stinka." I don't want you to get
10 confused. Whenever you hear the name "Stinka",
11 that is Defendant, Roger Parker, Jr.

12 His stepfather's name is Roger
13 Johnson. That can get a little confusing, as
14 well. You have Roger Johnson, the stepfather.
15 The stepson, the Defendant, Roger Parker, Jr.,
16 "Stinka".

17 Well, like I said before, this whole
18 case unfortunately revolved around a rather
19 trivial dispute between neighbors. On the day
20 in question, Roger Johnson, the defendant's
21 father came home. Emanuel, the fifteen year
22 old cousin of Demetria, was playing on the
23 porch. There was some distrust between the
24 two. Emmanuel had told the police about the
25 defendant's father. The defendant's father

1 felt disrespected by Emmanuel. When the
2 defendant's father came home that day, Emmanuel
3 was on the porch. When I say that they are
4 neighbors, I really mean that they are
5 neighbors. They live in an apartment complex
6 and their front doors are about five feet away
7 from each other.

8 Emmanuel, the fifteen-year old cousin
9 of Demetria Grant, acted like a fifteen year
10 old, a strong fifteen year old. There were
11 some words exchanged between a fifteen year old
12 kid and the defendant's father.

13 Now, Demetria and Cassandra are home
14 at this time, they hear these words being
15 exchanged. So they come out. They come out to
16 intervene, in the right way to intervene, to
17 take Emmanuel back into the house.

18 Roger Johnson, the Defendant's father,
19 he reacted, too. He reacted in a rather
20 telling manner. Roger Johnson walked into his
21 apartment and grabbed his metal baseball bat
22 and he comes back out of the apartment door
23 like he is going to use it. He is coming at
24 Emmanuel Grant.

25 Now, bravely, Demetria and Cassandra

1 jump in between the two. They put their bodies
2 between the bat and the Defendant's father and
3 the fifteen year old kid, Emmanuel Grant. They
4 grab Emmanuel Grant and pull him back in the
5 apartment. What could have gotten very bad at
6 this moment ended up subsiding by them pulling
7 Emmanuel Grant back into the apartment.

8 Now, there is someone else present
9 when this happened and that is the Defendant,
10 Roger Parker, Jr., "Stinka". During this first
11 altercation, he had come down the street from
12 his cousin's house, his cousin lives right down
13 the street on [REDACTED] Although he didn't
14 intervene, not in the way that Cassandra and
15 Demetria did, he saw what happened. He'd seen
16 the exchange between the fifteen year old kid
17 and his father, Roger Johnson.

18 Like I said, luckily, because of the
19 intervention of Demetria and Cassandra, this
20 incident ended the way that it should have.

21 Now, a person not present at this
22 first disagreement was Carlise Grant,
23 Demetria's oldest brother. Carlise Grant was
24 where he often was, which was at work. He
25 worked as a kitchen manager at the Sheraton,

1 doing banquets and things of that nature. He
2 was at work when this first disagreement
3 happened.

4 But he learned of it. He learned of
5 it and he was concerned. He was concerned
6 about an adult with a baseball bat and his
7 fifteen year old little cousin. So he decided
8 to leave work. He felt very much, as the sort
9 of father figure of the house, that this was
10 something that needed to be resolved but not
11 resolved with a baseball bat.

12 So he left work. He left work with
13 his manager. You are going to hear from his
14 manager. He wasn't irate, he wasn't upset, he
15 wasn't flustered. They walked out as friends,
16 as they often did.

17 Carlise Grant went over to [REDACTED]
18 [REDACTED]. Demetria and Cassandra were still there
19 and they exchanged some words, then Carlise
20 went over to the neighbor's apartment to talk
21 to them. He went to the front door and he
22 knocked on the front door and Roger Johnson,
23 the Defendant's father, who knew Carlise,
24 invited him in. He went in.

25 At this time, while they were inside

1 the house, Demetria and Cassandra are right
2 next door -- and you will see the pictures, the
3 doors are four feet away -- sitting on their
4 porch.

5 Roger Johnson closes the screen door
6 but he leaves the regular door open, so they --
7 they say that they couldn't hear every word
8 that was being exchanged inside the house but
9 they could hear most of it. They could hear
10 the gist of it. You are going to hear that
11 this wasn't a rumble, it wasn't a physical
12 altercation, it wasn't a screaming match, it
13 wasn't a disagreement. It was a discussion.
14 Oddly, a discussion that seemed to resolve
15 itself because a short time after Carlise Grant
16 went into the house, Carlise Grant came out of
17 the house with Roger Johnson.

18 Now, it is was around this point in
19 time that the tone of this argument changes,
20 changes drastically. It changes with the
21 addition of another person in the picture.
22 Once again, the Defendant, Stinka, Roger
23 Parker, Jr. comes down from his cousin's house,
24 down [REDACTED] and joins this disagreement.
25 Once he gets there the tone of the disagreement

1 changes drastically.

2 Roger Johnson, the Defendant's father
3 started to get upset. We have already seen
4 what Roger Johnson, the Defendant's father,
5 does when he gets upset. Once again, he goes
6 into the house, reaches in the door and comes
7 out with that baseball bat. This time, rather
8 than just threaten, he swings the bat. You
9 will hear from a neighbor down the street that
10 he swung like he was hitting a home run.
11 Crack! On Carlise's back.

12 Now, once Carlise was hit with the
13 bat, once again Cassandra and Demetria find
14 themselves in the position of putting their
15 body between their loved one and the bat of
16 Roger Johnson. They come in between the two.

17 Now, unfortunately they are not the
18 only ones that choose at this time to
19 intervene. You will hear from all present that
20 this man, Stinka, comes in between them, grabs
21 his father, pushes his father over to the
22 doorway of their apartment, says 'I got this
23 one, Dad. I got this one.' And he had a 9mm,
24 in his waistband, and he comes up (illustrating
25 with hand gesture).

1 Now, the reaction of the residents, of
2 Carlise's family, is kind of interesting here
3 once the gun comes up. Demetria Grant, like
4 any mother, her maternal instincts kick in at
5 this moment and all that she can think about
6 are her two little kids -- he is pulling a gun
7 out in the front yard. Demetria scoops up the
8 two young children and goes in the house, just
9 like any mother.

10 Sadly, Cassandra's maternal instincts
11 kick in as well, because she knows that it is
12 her oldest son that is most likely the target
13 of this man's gun. She freezes. She freezes
14 and locked her eyes on her son.

15 Carlise Grant, also knowing that he
16 was the most likely target of that 9mm when it
17 comes out, he takes off. But unfortunately he
18 is not fast enough, because when Stinka pulled
19 out his nine (9mm) he's got a purpose and that
20 trigger finger starts pulling. Even though
21 Carlise takes off with the first bullet to come
22 out of that gun, it goes through his left
23 shoulder, in and out of his left shoulder.
24 At this point, Carlise has still got some hope
25 because Carlise is still on his feet,

1 amazingly. Carlise has still got enough
2 strength to get away from there, to -- just
3 like any of us would do, seek cover.

4 Then perhaps the saddest part in this
5 case, Carlise Grant found that hiding place,
6 Carlise Grant found that cover. He got between
7 two cars and he hit the deck. He got a whole,
8 entire automobile between his body and the
9 barrel of this man's gun.

10 Now, Ladies and Gentlemen, I am going
11 to ask that you pay special attention to this
12 moment right here because while things had
13 certainly gone to hell at this point, things
14 proceeded going forward to result with all of
15 us being here today in a murder trial.

16 Now, you have already heard how things
17 proceeded. Carlise Grant, bloody, shot in the
18 shoulder, hit in the back with a baseball bat,
19 laying on the pavement of [REDACTED] this man
20 (indicating Defendant) coming around the car,
21 with Carlise's mother mere feet away, taking
22 that nine millimeter and putting a bullet in
23 the top of his skull.

24 Now, when you are making your decision
25 on this case you are allowed to look at all the

1 circumstances, and that includes circumstances
2 that occurred after a crime. Because even
3 though, sadly, Carlise Grant's life ended right
4 there, the story of Roger Parker, Jr., the
5 story of Stinka, continued. After firing that
6 fatal shot into Carlise Grant's skull, mere
7 feet away from his mother, in apparent
8 celebration, Roger Parker, Jr. runs back down
9 the street towards his cousin's house. Now, at
10 this point, with all the commotion, you've got
11 neighbors outside, you will hear that there
12 were children outside, but he runs down the
13 street and he empties every single shell that
14 was left in that magazine as he runs down the
15 street towards his cousin's house. He takes
16 off around the corner right by where his cousin
17 lives. His mom and dad, rather than console
18 their neighbor, jump in their car and take off
19 after him.

20 Now, it didn't take the police very
21 long to develop a suspect in this. As I am
22 sure you can imagine, Roger Parker, Stinka,
23 became a wanted man as soon as the police
24 arrived and put together the facts of this
25 case. But they didn't find Stinka in the next

1 hour that day, they didn't find Stinka ---

2 MR. MIKELL: Your Honor, may we
3 approach?

4 THE COURT: Yes, sir.

5 (SIDEBAR)

6 MR. SIMPSON: The police couldn't
7 find Roger Parker, Jr. that evening. They
8 couldn't find Roger Parker, Jr. the next day or
9 the next week. Roger Parker, Jr. remained as a
10 Wanted man for almost eight months, until an
11 anonymous Crime Stoppers tip from an interested
12 citizen and good police part on the part of the
13 North Charleston Police Department tracked him
14 down in January of 2007.

15 In the next couple of days you are
16 going to hear from the people whose lives were
17 ruined by this man (Defendant).

18 You are going to hear from the
19 officers who were the first to arrive on the
20 scene. You are going to hear from the
21 detectives who investigated the case.

22 You are going to hear from Crime
23 Scene, who re-enacted and collected the
24 evidence, mapped it out. You will see that
25 diagram.

1 When all is said and done, when you
2 have this big picture and you go back into that
3 jury room, I have a feeling that you are going
4 to find yourselves coming back to the same
5 moment over and over again. That moment,
6 Ladies and Gentlemen, is the moment where
7 Carlise Grant, twenty-five years old, lay
8 bleeding on the pavement of [REDACTED] and
9 where this man (Defendant) walked around cars,
10 stood directly over his body and pointed a 9mm
11 and put a bullet in the top of his head.

12 Ladies and Gentlemen, the charge is
13 Murder. I have the utmost confidence that
14 after you hear the facts of this case that you
15 will return a verdict of Guilty, as charged.
16 Thank you.

17 THE COURT: Mr. Grimes.

18 MR. GRIMES: Thank you, Your Honor.
19 May it please the Court?

20 THE COURT: Yes, sir.

21 MR. GRIMES: Good afternoon, Ladies
22 and Gentlemen of the jury. We are here today
23 to answer basically one question. The question
24 that we are here to answer is whether Roger
25 acted in self-defense on April 18th, 2006, or

1 whether he murdered Carlise Grant.

2 This case -- you have already from Mr.
3 Simpson about Mr. Johnson and about Roger
4 standing over him and shooting him. I want you
5 to listen carefully to everything that Mr.
6 Simpson said, keep that in mind throughout the
7 trial and when you go back to your jury room.
8 See if the evidence matches up with what he
9 said.

10 In particular, I want you to pay
11 attention to some of the physical evidence and
12 see if that matches what their witnesses will
13 say and with what Mr. Simpson said.

14 If the physical evidence does not
15 match what they say, then we believe that you
16 will find Mr. Johnson -- I mean Roger, excuse
17 me -- Roger not guilty of Murder.

18 One thing you do need to see is if
19 there was malice aforethought in this case.
20 That is what you need to have to have Murder.
21 "Murder" is the unlawful killing of another
22 with malice aforethought.

23 "Malice" is essentially to have an
24 evil mind, evil intent.

25 "Aforethought" means that there was

1 some kind of previous plan involved.

2 In this case, the evidence of malice
3 aforethought is shown by Carlise Grant's
4 actions. You heard about this long-running
5 dispute between the neighbors.

6 There was a dispute that afternoon and
7 you will hear evidence that Roger walked over
8 there and calmed it down. You will hear
9 evidence that Ms. Ward said, "Well, I'm calling
10 the police." Roger said, "Go ahead. Please
11 call the police." But no police were called at
12 that time.

13 We believe the evidence will show that
14 Ms. Ward went and called her son, Carlise,
15 home. You will hear evidence that Carlise
16 called William Greene and said, 'What's the
17 problem? What is going on? Who's messing with
18 Emmanuel? If I have to come over there, things
19 are going to get bad.' You will hear that
20 evidence.

21 You will hear evidence of Carlise sort
22 of making threats before he even got there.
23 That he was coming over there to 'solve this
24 problem', that he was 'putting an end to it
25 today.'

1 You will hear evidence that he got to
2 Ms. Grant's house. We don't know what he did
3 there but he went in there and he got
4 something, then he got something from his car
5 and after that he walked over to Mr. Johnson's
6 house, knocked on the door and Roger Johnson --
7 Roger's real dad, not his stepdad -- let him in
8 and they started talking.

9 Then the evidence will show that they
10 started arguing. There is going to be a lot of
11 rough language that you will hear. The
12 evidence will show that Carlise was making
13 threats, saying that he was 'going to wipe this
14 place up', he's going to 'shut Ashley Shores
15 down', that he was going to 'F'ing Mr. Johnson
16 up.' You will hear what Carlise was saying.

17 You will hear that Mr. Johnson raised
18 his voice and started arguing with him.

19 Ms. Johnson's, Roger's mom will
20 testify that she was sleeping, she'd had her
21 birthday the night before, had worked the day
22 before, was asleep and was woken up by this
23 argument. She came down and told Carlise to
24 get out of the house.

25 Carlise refused to get out. He stayed

1 in there even though he had been told to get
2 out, and while he was in there, he kept making
3 threats. Ladies and Gentlemen, that's evidence
4 of malice.

5 Then after they eventually went
6 outside, instead of Roger going back to his
7 mom's place, or going to his sister's place, or
8 leaving to call the police, he stayed in Roger
9 Johnson's yard. He was making threats, 'I am
10 going to light this place up.' 'You better not
11 mess with me.' Words to those affect.

12 You'll hear that his shirt was sort of
13 out, he was wearing baggy clothes and he was
14 doing things with his hands, like he was
15 reaching for something.

16 You'll hear evidence about Mr.
17 Johnson. You heard Mr. Simpson say that he
18 came out of the door swinging for the fences,
19 like he was Barry Bonds or something. Mr.
20 Johnson is on dialysis. He can't swing for
21 fences. He can swing for the fences like a T-
22 ball swing but it certainly is not going to be
23 anything with which he could hit a home run.

24 You will see that Roger, Roger Parker,
25 was concerned about his family. He tried to

1 get them inside. He didn't know what Carlise
2 was going to do. He didn't know if Carlise had
3 a weapon. He saw him making threats, reaching
4 for something while coming at him -- and you
5 will also hear that Emmanuel had picked up a
6 chair and was coming at him. He saw two people
7 converging, getting ready to come into their
8 house. He didn't know what was going to
9 happen.

10 In hindsight, you know, 20/20 may show
11 that it could have been resolved another way.
12 But at that point, looking at what Roger was
13 facing, whether he believed he was in danger
14 for his life, whether he believed that his
15 father was in danger, whether he believed that
16 someone was basically going to invade his
17 house, and was that at that time reasonable?
18 That's the time that he took the gun out and
19 started firing.

20 Now, I will be candid. We do have
21 some witnesses in our self-defense argument.
22 Honestly, Mr. Grant was shot in the back of the
23 head and the evidence will show that. But when
24 you look at the angle, see how the shot enters
25 and where it entered at, is it consistent with

1 what the State considers the case?

2 We don't know what Carlise was doing.

3 He had been military-trained, he was in the
4 Army. So if someone is running, is he going to
5 grab something? Or running to take cover? At
6 that point, you don't know where Mr. Grant is.
7 Once he's made his decision to use deadly
8 force, you don't like stop and go investigate.
9 You keep using deadly force until the threat is
10 over. Otherwise, if he'd stopped it might have
11 allowed Carlise to get the drop on him -- on
12 Roger -- and shoot him, shoot his mother, shoot
13 his father.

14 Ladies and Gentlemen of the jury,
15 there are a couple of other things that I would
16 ask you to keep in mind during the course of
17 the trial. You will hear a lot of eyewitness
18 testimony and physical evidence.

19 I also want to ask you to keep in mind
20 how the police investigated this case. At the
21 beginning of the case, I think that they did a
22 very good job investigating it, collected a lot
23 of evidence. But after they started getting
24 other evidence that may have indicated that
25 Carlise had a weapon, such as gunshot residue,

1 such as unmatched bullets out there, do they do
2 any followup investigation? The answer to that
3 question is going to be "no". Ask yourself
4 why, why is that. Was it a rush to judgement?
5 They just assumed that Roger was guilty because
6 they had taken the word of Demetria Grant,
7 Cassandra Ward?

8 If they were taking their word, take a
9 look at their biases. If someone saw him get
10 shot, they're going to testify in a way that
11 will protect themselves and so that the other
12 person will go to jail.

13 If they didn't rely on what they were
14 saying, there should have been some followup
15 investigation. In this case, there wasn't.

16 All that I ask, just like Judge Dennis
17 said, is for you to keep an open mind
18 throughout the case. It may be hard at first,
19 you may ask 'Well, if someone is shot in the
20 back of the head, how can it be self-defense?'
21 That's a natural question. That's why it is
22 important to keep an open mind until you hear
23 all the evidence.

24 If you simply do the best that you
25 can, as Judge Dennis said this morning, we are

1 confident that you will find that Roger acted
2 in self-defense. He was acting to protect his
3 mother and his father, that Carlise posed a
4 threat to them and therefore you will find him
5 not guilty of murder. Thank you.

6 THE COURT: Thank you, Mr. Grimes.
7 Call your first witness.

8 MS. SHEALY: May it please the court?

9 THE COURT: Yes, ma'am.

10 MS. SHEALY: We call Fredys Coreas.

11 (WITNESS TAKES STAND)

12 FREDYS COREAS, being duly
13 sworn to tell the truth, the whole truth and
14 nothing but the truth, testified, as follows:

15 DIRECT EXAMINATION

16 BY MS. SHEALY:

17 Q. Mr. Coreas, do people call you "Tony"?

18 A. Yes, ma'am.

19 Q. Okay. Would you tell the jury where you
20 are living currently?

21 A. Right now, I am at [REDACTED] (phonetic)
22 [REDACTED] Simpsonville.

23 Q. Are you married?

24 A. Yes, ma'am.

25 Q. Do you have any children?

1 A. Four.

2 Q. Okay. What are the ages of your children?

3 A. Uh, -- 5, 7, 9 and 12.

4 Q. I ask you, back in April, specifically
5 April 18th, 2006, were you living in Charleston?

6 A. That's right.

7 Q. And would you tell the jury, please, where
8 you were employed?

9 A. I was at The Sheraton hotel.

10 Q. The Sheraton hotel?

11 A. Yes, ma'am.

12 Q. And that is located where?

13 A. I can't recall the exact address. It's
14 off Montague Road, I believe.

15 Q. Montague Road?

16 A. Yes.

17 Q. What was your position at The Sheraton?

18 A. I was the culinary director at that point.

19 Q. Food and beverage director?

20 A. Yes, ma'am.

21 Q. If you could do me a favor and speak a
22 little bit more slowly, just so that court
23 reporter can figure out what you're saying.

24 Okay?

25 A. Yes, ma'am.

1 Q. Did you have an employee named Carlise
2 Grant?

3 A. Yes, ma'am.

4 Q. If you would, please, tell the jury what
5 he did for The Sheraton.

6 A. He was my kitchen manager. Basically at
7 the Sheraton hotel we serve banquets, serve for
8 the restaurants, and he would go out on the
9 contract side and cook all the food.

10 Q. Was he in a supervisory position?

11 A. He was the kitchen management, culinary
12 management, yes.

13 Q. And who was he supervising?

14 A. He supervised everybody else below him.

15 Q. In the kitchen?

16 A. Yes, ma'am.

17 Q. And in his capacity, was there a uniform
18 that he would wear to work?

19 A. Yes, ma'am.

20 Q. Could you describe that uniform for the
21 jury?

22 A. At that point it was checkered pants and a
23 black chef's coat that I'd just got for him
24 recently.

25 Q. A black chef coat?

1 A. Yes, ma'am.

2 Q. And you said checkered pants?

3 A. (Affirmative nod), checkered pants.

4 Q. When you are in a supervisory position at
5 the Sheraton, does the Sheraton give you a cell
6 phone?

7 A. A Nextel, equal to a cell phone. Yes,
8 ma'am.

9 Q. Nextel?

10 A. Yes.

11 Q. Equal to a cell phone?

12 A. Yes, it is a phone.

13 Q. Focusing your attention to that specific
14 day, April 18th of 2006. Did you see Mr. Grant
15 that day?

16 A. I did.

17 Q. Did you see Mr. Grant as he was leaving
18 that day?

19 A. Yes, ma'am.

20 Q. Would you describe your encounter with Mr.
21 Grant and how he appeared to you?

22 A. In regards to the whole day or that moment
23 on leaving?

24 Q. When leaving?

25 A. Well, we were just talking walking toward

1 the door, which we usually exited the back of
2 the building. We were just throwing high
3 five's, we'd had a great day that day and were
4 basically each one of us going our way, shaking
5 hands, I told him, 'Great job! Like always',
6 -- 'see you tomorrow'.

7 Q. Did he appear to be in any type of rush
8 when you saw him?

9 A. No, ma'am.

10 Q. If you could describe his demeanor, how
11 was he behaving when you saw him?

12 A. Very very happy, happy that the job was
13 done and he were going back home to his family.

14 Q. After seeing him there, did you receive a
15 phone call later from someone in his family?

16 A. It takes about fifteen minutes for me to
17 get home and I said hello to my wife and kids,
18 hugged the kids, and the phone rang, my Nextel.
19 His mother was crying and kind of -- I couldn't
20 understand exactly what she was saying but she
21 was saying something like he was on the ground.
22 I asked, 'What are you talking about?' And she
23 said, "Carlise, Carlise is dead. He's gone."
24 She said "Carlise is gone" and I am like, 'I
25 don't what you are talking about.' She would

1 repeat again that "He's dead." I was like, 'He
2 can't be dead, we just left the building, I
3 just say goodbye to him.' It finally came out
4 to me what she was saying and I just couldn't
5 believe it. I thought that his mother was
6 playing.

7 Q. You thought at first that she was just
8 joking with you?

9 A. That's what I thought for a couple of
10 minutes.

11 Q. After understanding that she was serious,
12 did you in fact go somewhere?

13 A. I say to my wife it isn't possible because
14 we'd just left. I said to my wife, you know,
15 'I need to go to show (sic) for myself.' So I
16 clarified it, I went to the scene and that's
17 when I saw Carlise on the ground.

18 MS. SHEALY: Mr. Coreas, I have no
19 other questions. Answer any questions that the
20 defense may have. Thank you.

21 THE COURT: Just one second, sir.
22 Mr. Grimes, you may cross-examine.

23 CROSS EXAMINATION

24 BY MR. GRIMES:

25 Q. Good afternoon, Mr. Coreas. What time did

1 Carlise get out?

2 A. I want to say between 4:00 and 6:00, I
3 know that it was daylight. We don't use time
4 cards, so -- you know.

5 Q. Was he on salary? Is that why you don't
6 use time cards?

7 A. That's correct.

8 Q. I believe that you said about fifteen
9 minutes after you last saw him you got a phone
10 call from his mother?

11 A. Yes, that's how long it takes from the
12 hotel to my residence at that time.

13 Q. And you thought that she was joking at
14 first?

15 A. Yes. I knew the family well, had spent
16 time with Carlise and got to know them and his
17 kids.

18 Q. You don't know what happened between the
19 time that he left and the time of the shooting,
20 do you?

21 A. No, sir.

22 MR. GRIMES: Thank you. I have no
23 further questions, Your Honor.

24 THE COURT: Redirect, Ms. Shealy?

25 MS. SHEALY: No, thank you, Your

1 Honor. We would ask that he be excused.

2 THE COURT: Any objection?

3 MR. GRIMES: No, sir.

4 THE COURT: You are free to leave,
5 sir. You may step down.

6 (WITNESS STEPS DOWN)

7 MS. SHEALY: Demetria Grant.

8 (WITNESS TAKES STAND)

9 DEMETRIA GRANT, being
10 duly sworn to tell the truth, the whole truth
11 and nothing but the truth, testified, as
12 follows:

13 DIRECT EXAMINATION

14 BY MS. SHEALY:

15 Q. Demetria, how are you feeling today?

16 A. Fine.

17 Q. Do you in fact have the flu?

18 A. Yes, ma'am.

19 Q. If you need any water or anything, just
20 let me know. But I need you to make sure that
21 sit closely enough to the microphone so that
22 everyone can hear you, and slowly enough that
23 the court reporter can take down what you say.
24 Okay?

25 A. All right.

1 Q. If you would, Demetria, tell the jury how
2 old that you are?

3 A. I am thirty years old.

4 Q. Where are you currently living?

5 A. Ravenel.

6 Q. How long have you lived in Ravenel?

7 A. Two months.

8 Q. Are you living with your children out
9 there?

10 A. Yes, I am.

11 Q. How many children do you have?

12 A. Two.

13 Q. How old are those children?

14 A. Ten and nine.

15 Q. Back in April of 2006, your children were
16 how old?

17 A. Eight and seven.

18 Q. Then you were living where? On April the
19 18th, 2006?

20 A. [REDACTED]

21 Q. [REDACTED]

22 A. Uh-huh, (affirmative nod).

23 Q. Is that in the Ashley Shores apartment
24 complex?

25 A. Yes, ma'am.

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1 Q. Tell us a little bit more about you.

2 Are you working somewhere right now?

3 A. Yes, ma'am.

4 Q. Where do you work?

5 A. Ashley River Retirement Home.

6 Q. What do you do at the retirement home?

7 A. Housekeeping/server.

8 Q. Prior to that where were you working?

9 A. West Ashley Hair Styling.

10 Q. And is that where you were working in
11 April of 2006?

12 A. No, ma'am.

13 Q. Where were you working then?

14 A. At the Meeting Street Inn.

15 Q. At the Meeting Street Inn?

16 A. (Affirmative nod).

17 Q. Who is Carlos Grant to you?

18 A. My oldest brother.

19 Q. Does he have the formal name of Carlise?

20 A. Yes.

21 Q. But his family called him?

22 A. Carlos.

23 Q. And he was your oldest brother?

24 A. Yes, ma'am.

25 Q. How many other siblings do you have?

1 A. Two.

2 Q. Are those others brothers or sisters?

3 A. Brothers.

4 Q. Who is your mother?

5 A. Cassandra Ward.

6 Q. And is she seated in the courtroom now?

7 A. Yes, ma'am.

8 Q. When you were living in the Ashley Shores
9 Apartments in April of 2006, would you tell the
10 jury who was living in the apartment with you?

11 A. Yes, ma'am. Me, my two kids, my cousin
12 and my boyfriend at the time.

13 Q. Okay. What is your cousin's name?

14 A. Emmanuel Johnson.

15 Q. How old was Emmanuel in April of 2006?

16 A. Fifteen.

17 MS. SHEALY: Your Honor, I have a few
18 photographs that I would like to show the
19 witness. It is my understanding that the
20 defense has no objection to them.

21 THE COURT: Very well.

22 MS. SHEALY: I would offer them into
23 evidence now, at this time.

24 MR. GRIMES: No objection, Your
25 Honor.

1 THE COURT: What are the numbers?

2 MS. SHEALY: That would be number 15,
3 State's Exhibit 20, 1, 2, 7 and 32.

4 THE COURT: 15, 20, 21, 27 and 32?
5 State's Exhibit?

6 MS. SHEALY: 15, 20, 1, 2, 7 and 32.

7 THE COURT: Okay. State's Exhibits
8 15, 20, 1, 2, 7 and 32 are admitted without
9 objection.

10 (SO ENTERED AS STATE'S EXHIBIT 15)

11 (SO ENTERED AS STATE'S EXHIBIT 20)

12 (SO ENTERED AS STATE'S EXHIBIT 1)

13 (SO ENTERED AS STATE'S EXHIBIT 2)

14 (SO ENTERED AS STATE'S EXHIBIT 7)

15 (SO ENTERED AS STATE'S EXHIBIT 32)

16 THE COURT: You may continue.

17 DIRECT EXAMINATION CONTINUED

18 BY MS. SHEALY:

19 Q. Demetria, I am showing you what has been
20 marked as State's Exhibit 2 and am asking that
21 it be pulled up so that the jury can see it
22 behind you. Would you describe for the jury
23 what that area is?

24 A. That's my apartment ---

25 Q. I see that we are having a little

1 technical problem. Okay. Now, I know that you
2 don't feel well but could you stand up and turn
3 around so that you can point something out for
4 us.

5 A. Okay, (complies).

6 Q. First of all, Ashley Shores Apartments, is
7 that located in Charleston county?

8 A. Yes, ma'am.

9 Q. Okay. If you would, point to where your
10 apartment was.

11 A. That's my apartment right here.

12 Q. If you would, point to where the Johnsons'
13 apartment was.

14 A. (Complies), this one here.

15 Q. Showing you what has been marked as
16 State's Exhibit 2, that is just another view of
17 the same location?

18 A. Yes, ma'am.

19 MS. SHEALY: I beg the Court's
20 indulgence for just one moment.

21 DIRECT EXAMINATION CONTINUED

22 BY MS. SHEALY:

23 Q. Could you (clerk) show State's Exhibit 1?

24 Okay. That is just a little closer view of it.

25 The sidewalks lead to each individual apartment

1 and then each apartment has a stoop right
2 there, is that right?

3 A. Yes, ma'am.

4 Q. Showing you State's Exhibit 20, I would
5 ask you if you could describe for us that area,
6 what we are looking at in that picture.

7 A. Looking at where the cars are parked.

8 Q. If you would, stand up and point out to
9 the jury where your apartment is in looking at
10 that photograph.

11 A. My apartment is this way.

12 Q. Seeing the two white cars at the front
13 door, could you tell whose cars those are?

14 A. This is my car and this is my -- was my
15 next-door neighbor's, Aletha's, car.

16 Q. That is your car?

17 A. Yes, ma'am.

18 Q. Okay, we can turn that off now. Now, your
19 mother, Cassandra Ward, did not live in the
20 apartment with you but would she come to visit
21 you frequently?

22 A. Yes, ma'am.

23 Q. In the afternoon hours of April the 18th,
24 did she come to visit you that day?

25 A. Yes, ma'am.

1 Q. Was there an incident that occurred
2 between your cousin, Emmanuel Johnson and Mr.
3 Johnson, Roger Johnson?

4 A. Yes, ma'am.

5 Q. Would you describe to the jury what
6 happened?

7 A. Well, Mr. Johnson came up and Emmanuel
8 said some little words to Mr. Johnson. Mr.
9 Johnson went into his house ---

10 Q. You'll have to slow down for me.

11 A. Mr. Johnson went in the house and he came
12 right back out with a bat and he was swinging
13 the bat around in Emmanuel's face. He was
14 about to swing, to hit him with the bat. My
15 mom got in the middle, between the two of them.

16 Q. Let me slow you down a little bit. When
17 Mr. Johnson came out of his house with the bat,
18 what stopped the bat from hitting Emmanuel?

19 A. My mother.

20 MS. SHEALY: Your Honor, this is
21 without objection.

22 THE COURT: What is the number?

23 MS. SHEALY: It is State's Exhibit
24 106.

25 MR. GRIMES: No objection.

1 THE COURT: Without objection,
2 State's Exhibit 106 is admitted.

3 (SO ENTERED AS STATE'S EXHIBIT 106)

4 DIRECT EXAMINATION CONTINUED

5 BY MS. SHEALY:

6 Q. Showing you State's Exhibit 106, could you
7 tell the jury whether or not you recognize this
8 bat?

9 A. Yes, ma'am.

10 Q. When was the first time that afternoon
11 that you saw this bat?

12 A. When he went in his house and got it and
13 started swinging it at Emmanuel.

14 Q. Okay. Will you tell us again, what did
15 you and your mother do after he started
16 swinging?

17 A. My mom went over there and told him that
18 he was not going to hit him with the bat.

19 Q. Could you describe to the jury whether
20 things settled down after that or whether
21 things were still tense?

22 A. Well, Emmanuel grabbed a chair and my mom
23 calmed everything, settled down and Mr. Johnson
24 went back, and I went back in my apartment with
25 my mother.

1 Q. When you say that Emmanuel grabbed a chair
2 -- first of all, where would the chair have
3 been before he grabbed it?

4 A. It was on my porch.

5 Q. When you say your porch, are you talking
6 about that stoop?

7 A. Yes, ma'am.

8 Q. At what point does Emmanuel grab that
9 chair?

10 A. When Mr. Johnson came out there with the
11 bat and tried to swing it at him.

12 Q. So did Emmanuel strike anyone with the
13 chair?

14 A. No, ma'am.

15 Q. And after your mother intervened, where
16 did Emmanuel go?

17 A. He went inside my apartment.

18 Q. And where did Mr. Johnson go?

19 A. He went inside his apartment.

20 Q. Okay. And when you were telling us, at
21 the beginning of that incident with Mr.
22 Johnson, did you say that he drove up to the
23 scene?

24 A. Yes, ma'am.

25 Q. That is when words were exchanged between

1 them?

2 A. Yes, ma'am.

3 Q. Now, after Emmanuel goes back into your
4 apartment, do you see your brother Carlos at
5 some point that afternoon?

6 A. Yeah, he came later on that afternoon.

7 Q. When you see Carlos, could you describe
8 for us what he had on?

9 A. He had on his uniform.

10 Q. And when you say his uniform, that's from
11 work?

12 A. Yes, ma'am.

13 Q. When Carlos first got there, did you have
14 a conversation with Carlos at all?

15 A. No, ma'am.

16 Q. Were you inside your apartment or outside
17 your apartment?

18 A. I was inside my apartment.

19 Q. Okay. Did you hear what was going on in
20 the yard?

21 A. No. Then he came out -- he had knocked
22 on Mr. Roger's door and he invited him in.

23 Q. Mr. Roger Johnson invited him in?

24 A. He invited him.

25 Q. Now, Roger Johnson has a stepson; is that

1 correct?

2 A. Huh?

3 Q. Roger Johnson has a son or stepson?

4 A. A son.

5 Q. Is that Roger Parker, Jr.?

6 A. Yes, ma'am.

7 Q. He has another son, as well?

8 A. Yes, ma'am.

9 Q. What did you call Roger Parker?

10 A. "Stinka".

11 Q. Stinker? Stanka?

12 A. Stinka.

13 Q. At the point at which Carlos drives up,
14 had you seen Stinka?

15 A. No, ma'am.

16 Q. Had you seen him earlier in the afternoon?

17 A. Yes, ma'am.

18 Q. Would you describe to the jury when you
19 saw Stinka before ---

20 MR. GRIMES: Your Honor, may we
21 approach?

22 THE COURT: Yes, sir.

23 (SIDEBAR)

24 DIRECT EXAMINATION CONTINUED

25 BY MS. SHEALY:

1 Q. Demetria, I was asking you about when you
2 had seen Roger Parker that day? First of all,
3 identify Roger Parker for us. Do you see him
4 in the courtroom?

5 A. Yes, ma'am.

6 Q. Could you point him out to the jury?

7 A. He's right over there.

8 Q. Is he in the middle over there?

9 A. Yeah.

10 Q. Tell us then about when you first saw Mr.
11 Parker that afternoon.

12 A. He came up, he asked me what was going on
13 and I was explaining to him what was going on.

14 Q. What is this that you are talking about?

15 A. What happened between his father and my
16 cousin.

17 Q. Did Mr. Parker stay at the scene at that
18 point?

19 A. No, he left.

20 Q. Did someone leave with him?

21 A. Yes. I believe her name was Keisha. I
22 don't know her full name.

23 Q. When you see Carlos, did you see Roger
24 Parker as well?

25 A. Well, when Carlos came up, Mr. Parker

1 wasn't out there at that time.

2 Q. Now, is there a fellow named William
3 Greene that lives over in that area, or lived
4 in that area at the time?

5 A. Yes, ma'am.

6 Q. And showing you what has been previously
7 marked as State's Exhibit 32, I am going to ask
8 you to point out where William Greene lived.
9 First of all, kind of orient us again and tell
10 us where your apartment is.

11 A. (Indicating), my apartment is down this
12 way right here and Mr. Green's apartment is
13 right there next to the house with the bullet
14 on the window.

15 Q. Okay. After you hear Mr. Johnson, Roger
16 Parker's father, let Carlos into his house, did
17 at some point then did you go outside?

18 A. Yes, ma'am.

19 Q. Would you tell the jury whether you heard
20 angry tones when Carlos first drove up?

21 A. No, ma'am.

22 Q. Did you hear anything loud from inside the
23 house when you walked outside?

24 A. No, ma'am.

25 Q. Where were your children?

1 A. They came outside when I came out there.

2 Q. Okay. But at some point did the people
3 inside Mr. Johnson's house actually come
4 outside?

5 A. Yes.

6 Q. Could you describe for the jury what you
7 see happen next?

8 A. Well, he came outside with Carlos, Mr.
9 Roger, and his wife. All three of them came
10 out. That is, Stinka came out and one thing
11 led to another.

12 Q. Okay. When you state that one thing led
13 to another, let me ask you. Okay? Did you at
14 any point that afternoon see your brother with
15 any type of weapon?

16 A. No, ma'am.

17 Q. Okay. Tell the jury whether you heard
18 your brother make any threatening comments when
19 you were there?

20 A. No, he did not.

21 Q. When you say that one thing led to
22 another, could you describe for the jury what
23 you mean by that?

24 A. Well, when Stinka came out. Mr. Roger
25 started acting totally different, he started

1 acting -- you know, huffing and carrying on,
2 then went in the house and got his bat. And
3 that's when my brother was going towards my
4 car, and he hit my brother with the bat.

5 Q. Let me get you to slow down for a second.

6 A. Okay.

7 Q. When you say that your brother was heading
8 back towards your car, do you know what vehicle
9 your brother arrived there in?

10 A. Yes, he arrived in my car, a Mazda 626.

11 Q. Who had taken your car earlier in the day?

12 A. My friend, Jaywan.

13 Q. Jaywan?

14 A. Yes.

15 Q. Where did he work?

16 A. At the Sheraton.

17 Q. Okay. So when Carlos drove up, he came by
18 himself or with someone else?

19 A. He came by himself.

20 Q. When you indicated that Mr. Johnson went
21 back into the apartment to get the bat, could
22 you take us through that a little bit more
23 slowly? You said that Mr. Johnson's behavior
24 changed when who came out?

25 A. Roger Parker.

1 Q. In what way did Mr. Johnson's behavior
2 change?

3 A. His attitude changed.

4 Q. Can you describe for us in what way that
5 it changed?

6 A. He began like, you know, 'who was he to
7 come here and tell him, you know, what to do'.
8 Whatever. Like that.

9 Q. Did you hear what Carlos was telling Mr.
10 Johnson before Mr. Johnson got upset?

11 A. Yes.

12 Q. What was he saying about Emmanuel?

13 A. It was like Emmanuel was a child. 'You
14 know, I come over here every day and you need
15 to let me, my mom or my sister know what is
16 going on. We are the adults.'

17 Q. When Mr. Johnson then got the bat -- now,
18 this was the second time that afternoon that
19 he'd gotten the bat?

20 A. Yes, ma'am.

21 Q. Did he get the bat that I previously
22 showed you?

23 A. Yes, ma'am.

24 Q. What did Mr. Johnson do with the bat at
25 that time?

1 A. He swung and hit Carlos on the shoulder
2 with the bat.

3 Q. He swung and hit Carlos' shoulder with the
4 bat?

5 A. Yes.

6 Q. What area of the apartments did this
7 happen in?

8 A. Right in between where -- the walkway.

9 Q. Showing you again State's Exhibit 2, if
10 you could just point to the general area where
11 this took place.

12 A. (Indicating).

13 Q. Can you stand up and show us where you are
14 talking about?

15 A. (Indicating), this area right here.

16 Q. And at that point, that is when Carlos was
17 walking to leave?

18 A. Yes, ma'am.

19 Q. After Mr. Johnson took the bat to Carlos,
20 can you describe the way that he actually held
21 the bat and what he did with it?

22 A. Yes, ma'am.

23 Q. Show me with your arms. Don't pick up the
24 bat.

25 A. He took the bat and did like this.

1 Q. Can you stand up for me and show what he
2 did?

3 A. (Complies), he did like that with the bat.

4 Q. After that happened, what happened next?

5 A. Then that's when me and my mom got between
6 them and Virginia -- Carlos was going towards
7 Mr. Johnson and we was going to get between
8 them and we try to break them up.

9 Q. When you say that Carlos was going towards
10 him, do you mean towards Mr. Johnson?

11 A. Yes, ma'am.

12 Q. And this was before or after he was struck
13 with the bat?

14 A. After he was struck with the bat.

15 Q. And Mr. Johnson's wife did what to Mr.
16 Johnson?

17 A. She grabbed Mr. Johnson.

18 Q. And what did your mother do?

19 A. She grabbed Carlos.

20 Q. Could you tell us then what did Roger
21 Parker do at that point?

22 A. Roger Parker, he came out and he said 'I
23 got this' and then he pulled the gun.

24 Q. Okay. When he pulled out the gun, let me
25 ask you. From the time that Carlos had arrived

1 there until this point, did you ever hear

2 Carlos threaten anyone?

3 A. No, ma'am.

4 Q. Did you ever see Carlos pull anything that
5 was a weapon?

6 A. No, ma'am.

7 Q. Did you ever see him strike anyone?

8 A. No, ma'am.

9 Q. When Roger Parker said, 'I got this',
10 could you describe for the jury, please, what
11 happened next?

12 A. He pulled his gun.

13 Q. Okay. When he pulled out his gun, what
14 did you do?

15 A. I was right there, I was standing by the
16 side of Carlos and when he shot Carlos I just
17 -- he fired once and I saw smoke and I got the
18 kids and got them in the house.

19 Q. When you say that he shot once and you saw
20 smoke, what did you think might have happened?

21 A. I thought I got shot.

22 Q. And that was because of what?

23 A. The smoke on the side of it.

24 Q. After that occurred, you said that you did
25 what with your children?

1 A. I hurried and got them in the house.

2 Q. Did you see the remainder of the shooting?

3 A. No, ma'am.

4 Q. Once you had taken your children inside,
5 what did you do then?

6 A. I came back out and saw my brother on the
7 ground and Stinka was running down the street
8 shooting the gun in the air.

9 Q. Okay. Showing you State's Exhibit 32, is
10 that where your brother was laying when you saw
11 him?

12 A. Yes, ma'am.

13 Q. Where was your mother at that point?

14 A. Well, when I came back out she was right
15 here holding him.

16 Q. She was right where his body was?

17 A. Yes, ma'am.

18 Q. You've shown us before but just to make
19 sure that it is clear, show us where your
20 apartment is in this photograph.

21 A. (Indicating), it's right over here.

22 Q. You are so tiny that you can't really
23 point but your apartment is over by those two
24 white cars?

25 A. Yes, ma'am.

1 Q. You didn't see what happened to get Carlos
2 to that point in the road?

3 A. No, ma'am.

4 Q. Now, were you wearing flip-flops that day?

5 A. Yes, ma'am.

6 Q. Are those your flip-flops depicted in the
7 picture next to the body?

8 A. Yes, ma'am.

9 Q. Did the police arrive at the scene?

10 A. Yes, ma'am.

11 Q. When you came back out after taking your
12 children inside, before the police got there,
13 did you see which way Stinka left?

14 A. Yes.

15 Q. Which way did he go?

16 A. He was going down this way towards where
17 William Greene lived.

18 Q. Where William Greene lived?

19 A. Yes, ma'am.

20 Q. Did you see him going down the street?

21 A. Yes, ma'am.

22 Q. Could you describe for the jury what he
23 was doing as he went down the street?

24 A. He was running down the street just
25 shooting the gun up in the air.

1 Q. Okay. Now, this is an apartment complex
2 that has primarily families, or single people,
3 or both or do you know?

4 A. Both.

5 Q. And is there a neighborhood basketball
6 goal near where your apartment was?

7 A. Sometimes it was in the front, sometimes
8 in the back.

9 Q. Do the children in the neighborhood enjoy
10 the basketball goal?

11 A. Yes, ma'am.

12 Q. This was the time of day that was after-
13 school hours?

14 A. Yes, ma'am.

15 MR. GRIMES: Your Honor, we object
16 to all of this.

17 THE COURT: Overruled.

18 DIRECT EXAMINATION CONTINUED

19 BY MS. SHEALY:

20 Q. You can answer the question. Was it
21 after-school hours?

22 A. Yes, ma'am.

23 Q. I know that your attention was drawn to
24 what was going on, but did you see children in
25 the area?

1 A. Yes, ma'am.

2 Q. In fact, your children had been out there?

3 A. Yes, ma'am.

4 Q. When the police officers got there, where
5 was your mother in relationship to Carlos?

6 A. She was right there by him, holding a
7 towel over his face.

8 Q. Did you have the opportunity to talk to
9 the police that evening?

10 A. Yes, ma'am.

11 Q. Do you recall whether you spoke to them at
12 the scene?

13 A. No, I was taken down to the station to
14 talk to them.

15 Q. You were taken down to the station?

16 A. (Affirmative nod).

17 Q. Or you went to the station?

18 A. Yes, ma'am.

19 MS. SHEALY: I beg the court's
20 indulgence just a moment.

21 THE COURT: Yes, ma'am.

22 DIRECT EXAMINATION CONTINUED

23 BY MS. SHEALY:

24 Q. After you took your children back inside
25 after the shooting, did you see Roger Johnson

1 and his wife, Virginia Johnson?

2 A. Yes, ma'am.

3 Q. Could you describe for the jury, please,
4 what they did after the shooting?

5 A. They got in their car and went down to
6 William Greene's house, they told Stinka to get
7 in the car, Stinka got in the car and they
8 drove off with him.

9 MS. SHEALY: I have no further
10 questions, Demetria. Thank you. The defense
11 may have some questions for you.

12 THE COURT: You may cross examine.

13 MR. GRIMES: Thank you, Your Honor.

14 CROSS EXAMINATION

15 BY MR. GRIMES:

16 Q. Good afternoon, Ms. Grant. You lived at
17 [REDACTED] in North Charleston when this
18 happened in April, 2006?

19 A. Yes, sir.

20 Q. You lived there with your boyfriend?

21 A. Yes, sir.

22 Q. Okay. Your boyfriend used to take a gun
23 out and shoot out back from the patio; right?

24 MS. SHEALY: Objection, Your Honor,
25 to the relevance.

1 THE COURT: Overruled.

2 WITNESS: Not to my knowledge.

3 CROSS EXAMINATION CONTINUED

4 BY MR. GRIMES:

5 Q. And your brother, Carlos, he'd been in the
6 service?

7 A. Yes, he used to be.

8 Q. Was that the Army?

9 A. Yes.

10 Q. How long had he been in the Army?

11 A. I can't answer that.

12 Q. And he had a quick temper, didn't he?

13 A. He used to have a temper.

14 Q. And he liked to solve problems with guns,
15 right?

16 A. No, sir.

17 Q. Today, on the record, you testified that
18 Roger Johnson tried to swing the bat at
19 Emmanuel.

20 A. Yes, sir.

21 Q. Under oath?

22 A. Yes, sir.

23 Q. You also testified that you gave a
24 statement to the police.

25 A. Yes, sir.

1 Q. That was a written statement?

2 A. Um-humm.

3 THE COURT: Was that a "yes"?

4 WITNESS: Yes, sir.

5 CROSS EXAMINATION CONTINUED

6 BY MR. GRIMES:

7 Q. When you made the statement to the police,
8 you wanted to give as much information as you
9 could; is that correct?

10 A. Yes, sir.

11 Q. Because you wanted to make sure that they
12 caught Roger Parker?

13 A. Yes, sir.

14 Q. And you were telling them everything that
15 you know, right?

16 A. Yes, sir.

17 Q. And Detective Patrick wrote the statement
18 for you, correct?

19 A. Yes, sir.

20 Q. And then he gave you an opportunity to
21 read it before you signed it?

22 A. Yes, sir.

23 Q. And you did review the statement before
24 you signed it?

25 A. Yes, sir.

1 Q. And at the bottom of the statement it says
2 that it has been read to you and that it is
3 correct to the best of your knowledge?

4 A. Yes, sir.

5 Q. Do you have a copy of your statement?

6 A. No.

7 Q. Do you remember in your statement that you
8 told Detective Patrick that Mr. Johnson tried
9 to swing the bat at Emmanuel?

10 A. (No response).

11 Q. Do you remember that or do you need to
12 take a look at it?

13 A. Yeah, let me take a look at the statement.

14 MR. GRIMES: May I approach, Your
15 Honor?

16 THE COURT: You may.

17 MR. GRIMES: I would submit this as
18 Defendant's Exhibit 1 for identification.

19 THE COURT: All right.

20 (SO ENTERED AS DEFENDANT'S EXHIBIT 1
21 FOR IDENTIFICATION)

22 CROSS EXAMINATION CONTINUED

23 BY MR. GRIMES:

24 Q. (Tenders Defendant's Exhibit 1 to
25 witness).

1 A. (Upon review), okay.

2 Q. Do you recognize what that is?

3 A. Yes, sir.

4 Q. Where does it say in the statement that
5 Mr. Johnson tried to hit Emmanuel with the bat?

6 A. It don't say it.

7 Q. All right. You said that when Carlos came
8 to your house that he just kind of went right
9 next-door to Mr. Johnson's house?

10 A. Yes, sir.

11 Q. That you did not talk to him?

12 A. No, I did not.

13 Q. Again, you're telling that to the jury
14 under oath; is that correct?

15 A. Yes, sir.

16 Q. Now, have you had a chance -- and in your
17 statement, didn't you tell the police that
18 Carlos told you that he was going to "resolve
19 this today".

20 A. No, I did not tell them that.

21 Q. Would you look at that bottom of page one,
22 the last line, halfway down that line?

23 A. (Reviewing).

24 Q. Is it fair to say that says, "He didn't
25 get mad. He just said that he was going to

1 resolve this today."?

2 A. (Upon review), I don't see that.

3 MR. GRIMES: May I approach the
4 witness, Your Honor?

5 THE COURT: You may.

6 CROSS EXAMINATION CONTINUED

7 BY MR. GRIMES:

8 Q. May I see it, please?

9 A. (Tenders)

10 A. It says "he didn't get mad"; is that
11 correct?

12 A. Yeah.

13 Q. "He said he was going to resolve this
14 today." Top of page two.

15 A. I didn't talk to Carlos that day.

16 Q. But you told the police that you talked to
17 Carlos that day, didn't you?

18 A. No, sir.

19 Q. Going back to page one, second line from
20 the bottom, doesn't that say, "We told Carlos
21 that Roger, Sr. had two boys trying to beat up
22 Emmanuel"?

23 A. (Upon review), I don't see that. Maybe I
24 am not focusing. I did not talk to him that
25 day.

1 Q. All right. You testified that Mr. Johnson
2 hit Carlos in the shoulder, correct?

3 A. Yes, sir.

4 Q. So he didn't hit him in the face?

5 A. No, sir.

6 Q. Okay. When you got out after the
7 shooting was over, you were out at the scene
8 and you saw your mother over Carlos' body?

9 A. Yes, sir.

10 Q. At Carlos' body?

11 A. Yes, sir.

12 Q. But you didn't see Yvette Choise over his
13 body, did you?

14 A. No, Yvette came out and walked over to the
15 body. She was not there when I first came out.

16 Q. All right. I believe that you also, on
17 direct, testified that once Roger came over
18 that was when Mr. Johnson started acting up?

19 A. Yes, sir.

20 Q. You didn't tell that to the police, did
21 you, in your statement?

22 A. I was -- (inaudible).

23 Q. And you gave a statement on April 18th,
24 2006?

25 A. Yes, sir.

1 Q. Did the police ever come back to ask you
2 for the rest of the details in this case?

3 A. No, sir.

4 Q. Did you ever go to Detective Patrick and
5 tell him, 'Detective Patrick, I may have left
6 out some things, some other details about the
7 case that I could tell you. I need to give you
8 another statement.'?

9 A. No. Well, when I spoke to Ms. Shealy, I
10 told her that there was information that I
11 probably left out.

12 Q. Oh, really? When you spoke to Ms. Shealy,
13 did she take notes?

14 A. Um-humm.

15 THE COURT: Is that a "yes"?

16 WITNESS: Yes, sir.

17 MR. GRIMES: Your Honor, may we
18 approach?

19 (SIDEBAR)

20 MR. GRIMES: Your Honor, I believe
21 that we need to take up a matter of law.

22 THE COURT: All right. Ladies and
23 Gentlemen, I am going to let you go to your
24 jury room. Don't begin your deliberations,
25 don't discuss the case. We will be with you --

1 we will probably take a break when we finish
2 this matter of law, so we will take about ten
3 minutes or so. Don't begin your discussions
4 about this case. You may retire to your jury
5 room.

6 (JURY OUT @ 3:46 P.M.)

7 THE COURT: Mr. Grimes?

8 MR. GRIMES: Thank you, Your Honor.

9 I apologize for the interruption. I believe
10 that it may be a *Brady* issue. The witness has
11 given ---

12 THE COURT: What is the *Brady* issue?
13 All I've heard at this point, Mr. Grimes, --
14 not to cut you off -- but that she talked to
15 Jennifer Shealy. Jennifer Shealy may have been
16 taking notes. What is the *Brady* issue, where
17 is the *Brady* issue there?

18 MR. GRIMES: I would like to see a
19 copy of the notes to see ---

20 THE COURT: You want to see the
21 lawyer's notes? Is that what you're saying
22 that you're entitled to under the -- under what
23 principle of law?

24 MR. GRIMES: I believe under *Brady*.
25 I don't believe that it would qualify under

1 work product if the notes are inconsistent with
2 her testimony.

3 THE COURT: Where is the evidence
4 that they are inconsistent with the testimony?

5 MR. GRIMES: I have no evidence that
6 they are.

7 THE COURT: Precisely my point. The
8 State has complied. You made a *Brady* Motion.
9 The State has complied. The State does not --
10 I assume, Ms. Shealy, that if you took any
11 notes you don't believe that they qualify to
12 be ---

13 MS. SHEALY: That's correct.

14 THE COURT: All right. I don't have
15 any evidence to show that it was anything other
16 than work product; which is what attorneys do
17 everyday. Just because she took notes of a
18 conversation, just because she had a
19 conversation -- you can cross-examine but you
20 certainly are not entitled to look at her
21 notes, sir. Thank you, sir.

22 MR. GRIMES: Thank you.

23 THE COURT: Thank you, sir. We will
24 take about five minutes.

25 (BRIEF RECESS 3:50 to 4:00 P.M.)

1 (DEFENDANT PRESENT)

2 THE COURT: Are you ready to
3 proceed, Ms. Shealy?

4 MS. SHEALY: Yes, sir. I would bring
5 to your attention that it is 4:30, 4:30'ish.
6 We have one other witness and then the next two
7 witnesses are the ones that I approached the
8 bench about, so it would be great ---

9 THE COURT: That's fine. We will
10 break after that.

11 MS. SHEALY: Thank you very much.

12 THE COURT: Is the State ready to
13 continue?

14 MS. SHEALY: Yes, sir.

15 THE COURT: Is the Defense ready to
16 continue?

17 MR. GRIMES: Yes, sir.

18 THE COURT: Let the record reflect
19 that Mr. Parker is present. Bring the jury
20 back in.

21 (JURY IN @ 4:02 P.M.)

22 THE COURT: Thank you, Ladies and
23 Gentlemen. Mr. Grimes, you may continue your
24 examination.

25 MR. GRIMES: Thank you.

1 CROSS EXAMINATION

2 BY MR. GRIMES:

3 Q. I just want to ask you a couple more
4 questions about your statement to the police.

5 Okay?

6 A. Yes, sir.

7 Q. Now, today you testified that when Roger
8 first came over and tried to resolve the
9 conflict between Emmanuel and Roger Johnson
10 that Keisha was with him. Is that right?

11 A. Yes, sir.

12 Q. And you didn't mention anything about
13 Keisha in your statement, did you?

14 A. No, sir.

15 Q. And today you also testified that Emmanuel
16 started to or picked up a chair; is that right?

17 A. Yes, sir.

18 Q. And you didn't tell anything to the police
19 about Emmanuel picking up the chair, did you?

20 A. No, sir.

21 Q. And you also didn't tell the police that
22 after Roger Johnson hit Mr. Grant with the bat
23 that Mr. Grant sort of came at Mr. Johnson, did
24 you?

25 A. I just said that he went towards Mr.

1 Johnson and that was when everybody tried to
2 break them up.

3 Q. What page did you tell the police that?

4 A. I am not sure, but my mother tried to stop
5 them.

6 Q. Is it fair to say that that part of your
7 statement doesn't say anything about Carlos
8 coming at Mr. Johnson, does it?

9 A. No, sir.

10 Q. If I understand your direct testimony
11 today, it is also your testimony that Carlos
12 never raised his voice towards Mr. Johnson.

13 A. No, sir.

14 Q. Is that correct? That he never made any
15 threats towards Mr. Johnson. He was not
16 outside making threats?

17 A. No, sir.

18 Q. Never reached under his shirt for
19 anything?

20 A. No, sir.

21 Q. And, finally, we can agree that you didn't
22 see the shot in the head, did you?

23 A. No, I never saw the shot in the head.

24 MR. GRIMES: Thank you, Ms. Grant.

25 THE COURT: Redirect, Ms. Shealy?

1 MS. SHEALY: Thank you, Your Honor.

2 REDIRECT EXAMINATION

3 BY MS. SHEALY:

4 Q. Demetria, describe for the jury when it
5 was that you gave your statement that night.

6 Do you remember when it was in relationship to
7 what had happened?

8 A. It was like after all of this had went on.

9 Q. So you testified that you came out of the
10 house and you saw your mother holding Carlos?

11 A. Yes, ma'am.

12 Q. And when you sat down with Detective
13 Patrick, you were at the police station?

14 A. Yes, ma'am.

15 Q. And was your mother there with you?

16 A. No, ma'am.

17 Q. And you physically drove there with
18 Detective Patrick?

19 A. Yes, ma'am.

20 Q. And your brother had been shot just
21 minutes or an hour or so before that?

22 A. It had just happened.

23 Q. Mr. Grimes asked you whether or not you
24 were trying to give good information to the
25 police that evening. Were you?

1 A. I was trying to, with all that was going
2 on.

3 Q. Do you still have a copy of your statement
4 in front of you?

5 A. Yes, ma'am.

6 Q. In looking at the beginning of the state-
7 ment, focusing your attention about midway down
8 -- if I could just point it out to you,
9 starting at about right here. Would you tell
10 the jury what you state regarding what Mr.
11 Johnson did with the bat?

12 A. (Reading): "He shook it at Emmanuel and
13 said, 'What'd you say?' He said, 'You a child,
14 stay in a child's place.'

15 Q. When you say in your statement that Mr.
16 Johnson shook the bat, can you stand up and
17 show what you mean by that? Not holding the
18 bat but using your arms.

19 MR. GRIMES: Your Honor, I object.
20 It's outside the scope of cross.

21 THE COURT: Overruled. You asked
22 her about the statement, it's clarification of
23 the statement.

24 WITNESS: He hold it and he shake it
25 like that (gesturing).

1 REDIRECT EXAMINATION CONTINUED

2 BY MR. GRIMES:

3 Q. When you -- later, down on that same page,
4 when you were -- Mr. Grimes asked you about
5 your statement, "We told Carlos that Roger, Sr.
6 had two boys try to beat up Emmanuel." When
7 you say that "we" told Carlos, you stated that
8 you didn't speak directly with Carlos that day?

9 A. Right, I didn't speak to Carlos.

10 Q. And do you remember what you meant by "we
11 told Carlos"?

12 A. To be honest with you; no. I was saying
13 what Emmanuel was saying when he come in the
14 house, what Mr. Roger said, that he'd paid
15 someone to jump him.

16 Q. Regarding that, the sentence that Mr.
17 Grimes pointed out, Emmanuel believed that
18 Mr. Johnson had paid someone to jump him?

19 A. Yes, ma'am.

20 Q. And that was why Emmanuel was upset that
21 day?

22 A. Yes, ma'am.

23 Q. And the part that Mr. Grimes asked you
24 about, "He didn't get mad, he just said that he
25 was going to resolve this today." Was that

1 said in any type of threatening manner or do
2 you not remember how that was said?

3 A. I don't even remember that.

4 Q. What was your understanding of why Carlos
5 did come over there to go talk with Mr.
6 Johnson?

7 A. My understanding, my mama told me, say
8 that he was just coming over to try to solve
9 the problem, trying to squash the beef between
10 us and Mr. Roger because, I mean, we are
11 neighbors.

12 Q. Okay. Was there anything on the part of
13 your brother that afternoon that made you
14 believe that he was going to use violence to
15 accomplish that?

16 A. No, ma'am.

17 MS. SHEALY: I have no further
18 questions. Thank you, Your Honor.

19 THE COURT: Recross?

20 MR. GRIMES: Briefly.

21 THE COURT: Sure.

22 RECROSS EXAMINATION

23 BY MR. GRIMES:

24 Q. You said that you don't remember the part
25 about that he said that he didn't get mad and

1 that he was going to resolve this that day?

2 That is your signature on this page, right?

3 A. Yes, sir.

4 Q. You testified that you had a chance to
5 read it before you signed it?

6 A. Yes, sir.

7 Q. And you've never given another statement
8 correcting that, have you?

9 A. No, sir.

10 Q. It's been over two years since this
11 incident happened?

12 A. Yes, sir.

13 MR. GRIMES: Thank you.

14 THE COURT: You may come down.

15 (WITNESS STEPS DOWN)

16 THE COURT: Call your next witness.

17 MS. SHEALY: The State calls

18 Cassandra Ward. Your Honor, it is my under-
19 standing that State's Exhibit 1 through 71 are
20 admitted without objection.

21 THE COURT: Some have already been
22 admitted once.

23 MS. SHEALY: I understand.

24 THE COURT: 1, 2 and 7 were
25 admitted, so they already are admitted into

1 evidence.

2 COURT REPORTER: As well as 15, 20
3 and 32.

4 THE COURT: Right.

5 MS. SHEALY: I'm sorry, could you --
6 we include those, as well.

7 THE COURT: You want to say now that
8 1 through 31 are ---

9 MS. SHEALY: One (1) through 71.

10 THE COURT: One (1) through 71.

11 MS. SHEALY: Without objection.

12 THE COURT: Very well. By
13 agreement, State's Exhibits 1 through 71 are
14 admitted without objection. Is that correct,
15 sir?

16 MR. GRIMES: Yes, sir.

17 THE COURT: Thank you. I am sorry
18 for the confusion. I misunderstood you. I
19 appreciate you helping me.

20 (SO ENTERED AS STATE'S EXHIBIT

21 1 THROUGH 71)

22 (WITNESS TAKES STAND)

23 CASSANDRA WARD, being
24 duly sworn to tell the truth, the whole truth
25 and nothing but the truth, testified, as.

1 follows:

2 DIRECT EXAMINATION

3 BY MS. SHEALY:

4 Q. Ms. Ward, I need for you to scoot up a
5 little bit closer to the microphone for me.
6 Let me know if you need any water. Okay?

7 A. Yes, ma'am.

8 Q. Tell us how old you are, Ms. Ward?

9 A. 48.

10 Q. Where do you currently reside?

11 A. I stay with my son at [REDACTED]

12 [REDACTED].

13 Q. And how many children did you have?

14 A. Four.

15 Q. Carlise Grant was your oldest son?

16 A. Yes, ma'am.

17 Q. Are you working now?

18 A. Yes, ma'am.

19 Q. Where do you work?

20 A. I work for Berkeley-Dorchester Head Start
21 in Goose Creek, and I also work for the
22 Sheraton.

23 Q. How long have you been working with the
24 Head Start Program?

25 A. I've been working with Head Start for

1 twenty-five years.

2 Q. Twenty-five years?

3 A. Yes, ma'am.

4 Q. And what do you do at the Sheraton?

5 A. I am a supervisor.

6 Q. With your work at Head Start, what is your
7 position there?

8 A. I am the head cook.

9 Q. Head cook?

10 A. Yes, ma'am.

11 Q. I want to focus your attention on April
12 18th, 2006, and ask you first did you have an
13 occasion to go over to your daughter's,
14 Demetria's, house?

15 A. Yes, ma'am.

16 Q. And two of your grandchild at that time
17 were there?

18 A. Yes, ma'am.

19 Q. What relationship is Emmanuel Johnson to
20 you?

21 A. He's my nephew.

22 Q. He is your nephew?

23 A. Yes, ma'am.

24 Q. So did Demetria, her boyfriend, her two
25 children and Emmanuel live in that apartment?

1 A. Yes, ma'am.

2 Q. Did you have the occasion on April 18th to
3 go over there?

4 A. Yes, ma'am.

5 Q. Were you there when something occurred
6 between Mr. Johnson and Emmanuel?

7 A. Yes, ma'am.

8 Q. Would you please describe to the jury what
9 you saw happen?

10 A. Well, I was in my car when I saw Mr.
11 Johnson pull up ---

12 Q. I'm sorry. I am getting a motion from the
13 court reporter. I am going to need you to slow
14 down and speak up, I believe. Take your time.

15 A. When I was sitting in my car, I saw Mr.
16 Johnson pull up and I don't know what he said,
17 but I got out of my car and Mr. Johnson went
18 into the house and he came over and -- was
19 swinging a bat. I got in between Emmanuel and
20 him. Far as I know, Emmanuel grabbed a chair
21 up while Mr. Johnson had a bat. As short as I
22 am, I could have got hit in the head.

23 Q. Ma'am?

24 A. As short as I am, I could have got hit in
25 the head with the bat or the chair.

1 Q. Because of where you were standing?

2 A. Yes.

3 Q. And what happened to prevent you from
4 getting hit, from anyone getting hit at that
5 point?

6 A. All I said was, 'This is a child and I'm
7 not going to allow you to hit this child.'
8 He's a grown man and 'you've got to be the
9 better person, that is all that I am saying.'

10 Q. That is what you told Mr. Parker?

11 A. Yeah.

12 Q. And after that, where did Emmanuel go?

13 A. He went in the house.

14 Q. Where did Mr. Johnson go?

15 A. He went in his house.

16 Q. At some point then Carlos drove up?

17 A. Not right then.

18 Q. At some later time, did Carlos drive up?

19 A. Yes, ma'am.

20 Q. Whose car was he driving?

21 A. Demetria's.

22 Q. What kind of car did you drive over there
23 that day?

24 A. I drove a Dodge Durango.

25 Q. Showing you what has been marked as

1 State's Exhibit 42, if you could turn around
2 and take a look at that. Was that the vehicle
3 that you were driving that day?

4 A. Yes.

5 Q. And you've got your back to the court
6 reporter right now. Turn the other way so that
7 she can hear you.

8 A. (Complies).

9 Q. Could you tell us where Demetria's
10 apartment is compared to where your car is?

11 A. (Indicating), my car is right here. You
12 walk right over this way to Demetria's
13 apartment right here.

14 Q. Tell us about Carlos driving up. When he
15 drove up, were you outside and saw him drive
16 up?

17 A. Yes, ma'am.

18 Q. Would you describe for the jury how he
19 appeared when he got out of the vehicle?

20 A. He was very calm. He wasn't upset or
21 nothing.

22 Q. Did you see where he went?

23 A. Yes, ma'am.

24 Q. Where did he go?

25 A. He went straight to Mr. Johnson's house.

1 Q. Was he going over there to talk to Mr.
2 Johnson?

3 A. Yes, ma'am.

4 Q. Did you go in the house with him?

5 A. No, ma'am.

6 Q. Did you see how he got into the house?

7 A. Yes, ma'am.

8 Q. How did that happen?

9 A. By him knocking on the screen door and Mr.
10 Johnson opened the screen door.

11 Q. By what?

12 A. He opened the screen door.

13 Q. Now, tell us whether or not you could hear
14 any loud conversation while they were in the
15 house?

16 A. I didn't hear no conversation while they
17 were in the house.

18 Q. Are you still outside when Carlos comes
19 out of Mr. Johnson's house?

20 A. Yes, ma'am.

21 Q. Would you describe for the jury what
22 happens once he gets out of the apartment?

23 A. When they came out of the apartment, Mrs.
24 Johnson and Mr. Johnson came out. Mrs. Johnson
25 is explaining to Carlos, 'How would you feel if

1 somebody had broken in your house and you're
2 afraid for yourself?'

3 Q. Who said this?

4 A. Mrs. Johnson.

5 Q. Can you tell us what that references?
6 What did the Johnsons, as you understood, think
7 had happened?

8 A. They were talking about my other nephew.

9 Q. Had there been some earlier accusation by
10 Mr. Johnson regarding Emmanuel's brother?

11 A. Yes, ma'am.

12 Q. Okay. How long ago was that, in relation
13 to when this happened?

14 A. Probably about a year and half before this
15 happened.

16 Q. Okay. And because of that, did Mr.
17 Johnson appear to have some harsh feelings
18 towards Emmanuel?

19 A. I didn't know that at first.

20 Q. Okay. Did that change at some point?

21 A. Yes, ma'am.

22 Q. On the day on question, did Emmanuel think
23 that Mr. Johnson had arranged something against
24 Emmanuel?

25 A. (No response).

1 Q. Did Emmanuel say anything about what he
2 believed something that Mr. Johnson had done?

3 A. Yes, ma'am.

4 Q. Can you describe that for the jury?

5 A. Well, Emmanuel said that Mr. Johnson had
6 some boys to jump him.

7 Q. And it was your understanding that all of
8 that was because of what Mr. Johnson thought
9 that his brother had done?

10 A. Yes, ma'am.

11 Q. Now, was Carlos involved in any of that?

12 A. No, ma'am.

13 Q. And when Carlos comes back out of Mr.
14 Johnson's house and Mrs. Johnson says what
15 you've told us that she said, what happens
16 then?

17 A. When -- when Roger Parker had came over,
18 Mr. Johnson's attitude had changed.

19 Q. In what way?

20 A. It was like he got upset because when my
21 son told Mrs. Johnson that he doesn't want to
22 hear that because what happened with my other
23 nephew shouldn't be held against Emmanuel.

24 Q. Just to make sure that I understand, you
25 are saying that Mr. Johnson got irritated

1 because what happens with one brother shouldn't
2 have been held against another brother?

3 A. Yes, ma'am.

4 Q. After Mr. Johnson starts getting upset,
5 would you describe him as being angry or
6 agitated or ---

7 A. Yes, ma'am.

8 Q. What happened next, what did Mr. Johnson
9 do?

10 A. All I know is that he left from his wife's
11 side and he went in the house.

12 Q. Did he come back out?

13 A. Yes, ma'am.

14 Q. And when he comes back out, does he have
15 anything with him?

16 A. Yes, ma'am.

17 Q. And what did he have with him?

18 A. He had a bat.

19 MS. SHEALY: May I approach, Your
20 Honor?

21 THE COURT: You may.

22 DIRECT EXAMINATION CONTINUED

23 BY MS. SHEALY:

24 Q. Showing you what has been marked as
25 State's Exhibit 106, is this the bat that Mr.

1 Johnson had?

2 A. Yes, ma'am.

3 Q. Is this also the bat that you had seen
4 earlier in the afternoon?

5 A. Yes, ma'am.

6 Q. When Mr. Johnson comes back out, if you
7 would, describe to the jury what he does with
8 the bat.

9 A. Do you want me to stand?

10 Q. Sure, if you need to.

11 A. He was holding the bat this way. After my
12 son had told Mrs. Johnson that, he started to
13 walk -- and I was over on the right side and my
14 daughter was over on the other side.

15 Q. Let me get you to come down here for me.
16 Can you come down here?

17 A. (Complies).

18 MS. SHEALY: Pull up Number 16.

19 DIRECT EXAMINATION CONTINUED

20 BY MS. SHEALY:

21 Q. I am going to show you a photograph that
22 has been previously marked as State's Exhibit
23 16. What does this picture depict?

24 A. This is Ms. Johnson's side and this is my
25 daughter's side.

1 Q. First of all, can you describe for us the
2 general area where Carlos is at that point?

3 A. When he came out, we were right in here.

4 Q. Right in the middle?

5 A. Yes, ma'am.

6 Q. And what is Carlos walking towards at that
7 point?

8 A. He was walking towards -- he was going
9 back to the car.

10 COURT REPORTER: I can't hear her.

11 THE COURT: Ma'am, this is not going
12 to work. I can barely hear you. You are going
13 to have to keep your voice up, and -- use the
14 mic so that we can hear your testimony. I'm
15 sorry.

16 MS. SHEALY: That's okay. I will do
17 it in a bifurcated way.

18 THE COURT: Ms. Ward, you're going
19 to have to pull up. Get as close to the mic as
20 you can, pull the mic down so that you can
21 speak into it comfortably.

22 WITNESS: Okay.

23 THE COURT: Thank you, ma'am.

24 MS. SHEALY: You can describe -- if I
25 need you to, you can come down but won't have

1 to talk. Okay?

2 DIRECT EXAMINATION CONTINUED

3 BY MS. SHEALY:

4 Q. So after Mr. Johnson comes out with the
5 bat, what did Carlos do?

6 A. Carlos didn't see that he come with the
7 bat. I saw him with the bat.

8 Q. What was Carlos doing then?

9 A. He was leaving.

10 Q. In what direction was he walking?

11 A. He was walking towards my daughter's car.

12 Q. Showing you what has been previously
13 marked as State's Exhibit 20. Would you point
14 out the direction that Carlos was walking? You
15 can do it behind you, but you are going to have
16 to speak louder.

17 A. When Carlos was this way, he was walking
18 towards this car right here.

19 Q. Okay. I am showing you State's Exhibit 15,
20 looking back, if you could look over there
21 again, could you show us where, in what
22 direction Carlos was walking at this time? Of
23 course the police car was not there at that
24 time.

25 A. He was in the middle, he was walking

1 towards -- because they were more closer to the
2 end. By him, towards the car, right here.

3 Q. Thank you. You can go ahead and take your
4 seat.

5 A. (Complies).

6 Q. He is walking towards the car, then what
7 happens?

8 A. (Affirmative nod).

9 Q. What happened?

10 A. That is when I saw Mr. Johnson start to
11 swing the bat and I hollered.

12 Q. Did Carlos actually get struck with the
13 bat?

14 A. Yes, ma'am.

15 Q. Did you see what part of the body was hit?

16 A. He got hit on the shoulder.

17 Q. After he gets hit in the shoulder area,
18 what then happens? What do you do?

19 A. When he got hit, Carlos actually turned
20 around. So what I did is, I got in between
21 them and Mrs. Virginia and Stinka -- at that
22 time, Stinka had already came and got inbetween
23 them as well.

24 Q. Stinka got in between them?

25 A. Yes, ma'am.

1 Q. What happened after you and Stinka
2 intervened?

3 A. Stinka got his mama and his daddy, told
4 them to go in the house. I was getting Carlos
5 to the car and that's when Stinka said, 'Come
6 here, I want to talk to you.'

7 Q. Stinka said what?

8 A. He wanted to talk to Carlos.

9 Q. What is the next thing that happened once
10 Stinka said that?

11 A. As far as my understanding that he would
12 -- that they needed to resolve the problem, but
13 that was it. I guess the hit of the bat was it
14 for Carlos. He didn't want to hear that.

15 Q. What did Carlos, did he say anything at
16 that point about whether he wants to keep
17 talking about it?

18 A. He said, "That's it."

19 Q. Where does he go at that point? Where is
20 he headed?

21 A. He was going -- he was leaving, but he
22 just threw up his hands and said, "That's it."

23 Q. Did he at any point threaten to do
24 something to Roger Johnson at that point?

25 A. No, ma'am.

1 Q. Did Carlos have any type of weapon?

2 A. No, ma'am.

3 Q. Did Carlos strike Mr. Johnson?

4 A. No, ma'am.

5 Q. Did he strike Mr. Parker?

6 A. No, ma'am.

7 Q. Did he threaten to hurt them?

8 A. No, ma'am.

9 Q. When he turned then to leave, what did
10 Stinka do at that point?

11 A. Well, Carlos didn't turn his back on
12 Stinka. I guess he didn't want to take no
13 chances.

14 Q. What happened?

15 A. He just had his hands up and that was it.

16 Q. What did Stinka do at that point?

17 A. After about -- that's all I saw. I kind
18 of froze, looking at them at that point in
19 time.

20 Q. What are Carlos' hands like at that point?

21 A. Like this, (illustrating by gesture). He
22 had the job cell phone in his hand.

23 Q. He had his cell phone in his hand?

24 A. (Affirmative nod).

25 Q. Could you tell if he had anything in the

1 other hand?

2 A. Probably his keys.

3 Q. The keys and his cell phone?

4 A. Right.

5 Q. After Mr. Parker shot the first shot, did
6 you see whether or not -- what did Carlos do at
7 that point?

8 A. Well, when the first shot got shot, he
9 jumped back and he -- he probably didn't pay
10 much attention and when he realized that he did
11 got shot, he start running.

12 Q. Can you tell the jury, please, which way
13 that he started running?

14 A. With me on this side of Carlos and my
15 daughter grabbing children on this side, and
16 instead of him going this way or that way, he
17 went right straight in the middle.

18 Q. Showing you State's Exhibit 15, could you
19 tell us if this was happening in slow motion or
20 was it happening pretty quickly?

21 A. It was happening real fast.

22 Q. If you would, pointing at that photograph
23 would you show the jury which way that Carlos
24 would be running?

25 A. (Indicating).

1 Q. If you could point this (laser pointer) in
2 the area that you are pointing to. Just push
3 the button -- see how it will do a dot? You
4 can show us the direction.

5 A. Stinka was standing right here ---

6 Q. You've got to talk louder.

7 A. When he got shot, Carlos started running
8 in this direction. He got closer to Ms.
9 Leatha's door, when he ended up turning and
10 going onto the street where he slipped down and
11 fall between Leatha's car and Demetria's car.

12 Q. So what I want you to -- don't sit down
13 yet. Without talking, just take the pointer
14 and show the jury in what direction that he
15 goes.

16 A. (Indicating).

17 Q. He goes in front of the car that is owned
18 by the neighbor?

19 A. Yes, ma'am.

20 Q. You can have a seat now. As you see him
21 running in that direction, does he fall at any
22 point while running?

23 A. He slipped the first time and he catch
24 himself and then he ran -- that's when he ran
25 in front of the car, Leath's car, and then he

1 slipped again.

2 Q. Okay. What are you doing at that point?

3 A. I am still watching every motion. I was
4 frozen but I was still keeping my eye on
5 whatever because my understanding is that a
6 bullet doesn't have nobody in their mind, so I
7 am watching where the bullets are.

8 Q. Could you tell the jury what Stinka is
9 doing as Carlos was running from him?

10 A. Running behind him, shooting. Everywhere
11 Carlos ran, he shot.

12 Q. What did Stinka do after ---

13 MR. GRIMES: Objection, Your Honor.

14 MS. SHEALY: Excuse me.

15 DIRECT EXAMINATION CONTINUED

16 BY MS. SHEALY:

17 Q. What did Mr. Parker do when Carlos falls
18 to the ground?

19 A. I watched him stand over my child and he
20 shot him in his head.

21 Q. I would ask that you come down in front of
22 the jury and show us what Stinka did, but I am
23 going to ask that you not speak while you are
24 up here. Just ---

25 MR. GRIMES: Objection, again.

1 THE COURT: Approach, please.

2 (SIDEBAR)

3 THE COURT: Thank you. Overruled.

4 DIRECT EXAMINATION CONTINUED

5 BY MS. SHEALY:

6 Q. Ms. Ward, if you will come down.

7 A. (Complies).

8 Q. Just stand back this way so that the jury
9 can see you. If Carlos is laying down, would
10 you just show the jury what Mr. Parker did.

11 A. (Gesturing).

12 Q. Go ahead and take your seat.

13 A. (Complies).

14 Q. When Carlos was laying in the street, was
15 he laying face down on the street or face up,
16 or do you remember?

17 A. Far as my recollection his face was to the
18 side.

19 Q. What did Stinka do after he takes the shot
20 that you were describing?

21 A. He ran down the street, shooting up into
22 the air.

23 Q. Where were you -- what did you do with
24 Carlos once Stinka started going down the
25 street?

1 A. I think that when he left -- after he left
2 my son's body and ran down the street, I ran to
3 my son and started holding his head, yelling
4 for someone to please bring me a towel.

5 Q. And at that time, did someone bring you a
6 towel?

7 A. Yes.

8 Q. What did you do with the towel?

9 A. I put the towel on top of his head. I
10 thought that I could stop the bleeding.

11 Q. When the police got there that afternoon,
12 where were you in relationship to Carlos' body?

13 A. I was beside him, holding his head.

14 Q. Did they have to ask you to leave his body
15 alone?

16 A. Yes, but I told them that was my baby and
17 I couldn't do that.

18 Q. Do you remember -- and I don't know if you
19 do, but just let us know. What were you saying
20 as you were sitting there holding Carlos?

21 A. "That's my baby", "that's my oldest
22 child."

23 MS. SHEALY: I beg the court's
24 indulgence.

25 THE COURT: Sure.

1 MS. SHEALY: I have no further
2 questions at this time. Please answer any that
3 the defense may have.

4 THE COURT: You may cross examine.

5 MR. GRIMES: May it please the Court?

6 THE COURT: Yes, sir.

7 MR. GRIMES: Thank you.

8 CROSS EXAMINATION

9 BY MR. GRIMES:

10 Q. At the time of the event, in April of
11 2006, you lived in Goose Creek?

12 A. No, sir, I lived over Ashley Phosphate.

13 Q. At [REDACTED]?

14 A. Yes, sir.

15 Q. How long did you live there?

16 A. I lived there for two years.

17 Q. Had you lived at [REDACTED] before
18 that?

19 A. Yes, sir.

20 Q. How long was Carlos in the Army for?

21 A. He'd been there about two years, two or
22 three years.

23 Q. Carlise Grant also had a pretty quick
24 temper, didn't he?

25 A. Only if somebody come at him.

1 Q. And he liked to solve his problems with
2 guns, right?

3 A. No, sir.

4 Q. I believe that you also gave a statement
5 to the police in this case?

6 A. Yes, sir.

7 Q. Did you write the statement or did
8 Detective Elmore write it for you?

9 A. The detective wrote it.

10 Q. Was it this detective over here or was it
11 another one?

12 A. It was another one.

13 Q. Did you read the statement before you
14 signed it?

15 A. Yes, I did.

16 Q. Was it -- and when you read it, was it
17 accurate?

18 A. As far as my knowledge, yes.

19 Q. Did you see Keisha that day?

20 A. I don't know who is Keisha.

21 Q. Did you see any women that day?

22 A. There was a lady that came ---

23 Q. Was it a lady or William Greene?

24 A. It was a young lady.

25 Q. You didn't mention that to the police in

1 your statement, did you?

2 A. At the moment, I wasn't thinking about
3 that. I was upset.

4 Q. That is understandable. Since April 18th,
5 2006, you never went back to give the police a
6 supplemental statement, did you?

7 A. No, sir.

8 Q. And they never came to you and asked for a
9 supplemental statement?

10 A. No, sir.

11 Q. In your statement you said that Emmanuel
12 pulled out a chair, grabbed a chair?

13 A. Yes, sir.

14 Q. Do you have a copy of your statement?

15 A. No, sir.

16 MR. GRIMES: May I approach the
17 witness, Your Honor?

18 THE COURT: You may.

19 MR. GRIMES: I would like to get this
20 marked for Defendant's Exhibit 2, for identi-
21 fication.

22 (SO MARKED AS DEFENDANT'S EXHIBIT 2
23 FOR IDENTIFICATION)

24 CROSS EXAMINATION CONTINUED

25 BY MR. GRIMES:

1 Q. Let me give you this, (tendering). This
2 has been marked as Defendant's Exhibit 2 for
3 identification. Do you recognize this exhibit?

4 A. Yes, sir.

5 Q. Is that your statement?

6 A. Yes, that is my signature. Yes, sir.

7 Q. If you could help me out a little bit,
8 where in your statement do you say that
9 Emmanuel had a chair?

10 A. (Upon review), I must not have said it.
11 It's not in here.

12 Q. Do you remember Roger coming over at that
13 time?

14 A. Yeah. Yes, sir.

15 Q. When he came over, he talked to you and
16 he told you that he never disrespected you,
17 correct?

18 A. No, sir.

19 Q. He never told you that?

20 A. No, sir.

21 Q. Did he ever tell you ---

22 A. Do you want me to really tell you what he
23 told me?

24 THE COURT: Answer the question.

25 Yes, ma'am.

1 WITNESS: He told me that he would
2 never disrespect my husband.

3 CROSS EXAMINATION CONTINUED

4 BY MR. GRIMES:

5 Q. Did he tell you that Emmanuel was just a
6 boy?

7 A. No, sir.

8 Q. That Emmanuel just needed to stay in a
9 boy's place?

10 A. No, sir.

11 Q. After he came over, that's when he left?

12 A. No, when he talking to me then -- after
13 they called him, he left.

14 Q. He got a call and he left?

15 A. Yes, sir.

16 Q. And subsequently your son showed up?

17 A. Fifteen, twenty minutes after this had
18 happened.

19 Q. Can you recall what time that was?

20 A. No, sir.

21 Q. If you could look at your statement, would
22 that refresh your memory as to what time that
23 was?

24 A. He got there around about 5:15.

25 Q. Okay. After Carlos came over, did he say

1 that he was going to go ahead and resolve this
2 problem today?

3 A. He was going to have a talk with Mr.
4 Johnson.

5 Q. Did he say that he was going to resolve it
6 or did he say that he was going to have a talk?

7 A. He was going to have a talk.

8 Q. Did Demetria talk to Carlos?

9 A. No, sir.

10 Q. Do you know if Demetria's boyfriend had a
11 gun?

12 A. No, sir.

13 Q. In your testimony today, you testified
14 that Roger Johnson took the bat and hit Carlos?

15 A. Yes, sir.

16 Q. Was it over the top?

17 A. No, sir.

18 Q. How did you say that he swung the bat?

19 A. I said that he had the bat like this
20 (gesturing).

21 Q. Came at him sort of like that?

22 A. Yes, sir.

23 Q. And you're sure that is what happened?

24 A. Yes, sir.

25 Q. If you could look at your statement, sort

1 of towards the bottom of page one, isn't it
2 true in the statement that you told the police
3 that Roger Johnson almost hit Carlos in the
4 head?

5 A. Yes, sir.

6 Q. You never told the police that he may have
7 hit him in the head?

8 A. I told him that I thought he'd wind up
9 hitting his head.

10 Q. But you never said in your statement to
11 the police that Roger Johnson hit Carlos in the
12 shoulder?

13 A. I don't know where the bat landed. I just
14 know that the bat got swunged (sic).

15 Q. After that you said that Carlos got mad
16 and tried to fight Roger Johnson.

17 A. He turned around from reaction.

18 Q. What?

19 A. From reaction. If someone hits you, you
20 want to turn around.

21 Q. Did he try to fight Roger Johnson?

22 A. No, he didn't try. I got in between them.

23 Q. In your statement you tell the police that
24 he was trying to fight Roger, right?

25 A. I said that he was trying to go fight.

1 Yes, I did.

2 Q. And you never -- you never told the police
3 that you heard Roger Parker say, "Mom, Dad, go
4 in. I got this." Did you?

5 A. I didn't hear that, sir. If it is not in
6 my statement, then no, I didn't say it.

7 Q. Then when Roger Parker came over there the
8 second time, you said you were trying to break
9 up this fight?

10 A. Yes, sir.

11 Q. You never told the police in your state-
12 ment that he was yelling at Carlise Grant, did
13 you?

14 A. If it is not in the statement, I didn't
15 say it.

16 Q. And he never made any threats towards
17 Carlos?

18 A. If it is not in my statement, I didn't say
19 it.

20 Q. That he didn't try to punch Carlos in any
21 way?

22 A. If it is not in my statement, I didn't say
23 that.

24 Q. Never threatened to kill Carlos?

25 A. If it is not in my statement, I did not

1 say it.

2 Q. So you would agree with me that if some-
3 thing is not in your statement, you wouldn't
4 have said it?

5 A. That's true.

6 Q. So when you testified today differently
7 than what is in your statement, which one is
8 the truth, today or when you told the police?

9 A. I couldn't remember with my son lying down
10 on the ground. I did the best that I could to
11 remember.

12 Q. I can understand that. You were probably
13 very upset.

14 A. Yes, sir. I apologize for that statement.

15 Q. I appreciate that. It's been almost two
16 years since that happened, right?

17 A. Yes, sir.

18 Q. And you are still working?

19 A. Yes, sir. I've got to live.

20 Q. You never went back and gave any type of
21 supplemental report?

22 A. No, sir.

23 Q. Anything that was important, you never
24 went back and told the police about it, did
25 you?

1 A. If I remembered anything, when I talked to
2 my lawyer, Ms. Shealy, I told her -- after I
3 calmed down, whatever, I told her.

4 Q. And it's not written down anywhere, is it?

5 A. It is not written in the statement that
6 the police had taken.

7 Q. Answer one last question about the
8 shooting, you sort of -- you're a hundred
9 percent sure that Roger was standing over your
10 son?

11 A. Yes, sir.

12 Q. Pointing a gun at him while he was on the
13 ground?

14 A. Yes, sir.

15 Q. There is no doubt in your mind about that,
16 is there?

17 A. No doubt.

18 Q. Now, you're sure about that?

19 A. Positive.

20 Q. You're under oath. You realize that?

21 A. I'm under oath. I'm a Christian and I am
22 not going to lie on the Bible.

23 Q. Thank you.

24 A. You're welcome.

25 THE COURT: Redirect?

1 MS. SHEALY: Just a few followups.

2 REDIRECT EXAMINATION

3 BY MS. SHEALY:

4 Q. Ms. Ward, tell this jury where you were
5 when you gave this statement to the police?

6 A. I was still standing outside the apartment
7 complex when the police pull up and the police
8 told me to try to calm down and give them a
9 statement to the best of my knowledge that I
10 could recall from when this incident happened.

11 Q. Did Detective Elmore take you to the
12 police car at the scene to give your statement?

13 A. Yes.

14 Q. Tell the jury where your son was lying
15 while you were giving your statement to the
16 police?

17 A. He was lying on the cold ground until they
18 could finish collecting all their evidence.

19 All I was worrying about -- I know that I had
20 to try and think to give the statement but all
21 that I was thinking about then was trying to
22 get my child off the ground.

23 Q. Ms. Ward, you've got the statement in
24 front of you; is that correct?

25 A. Yes.

1 Q. Tell the jury who you told the police that
2 night shot and killed your son?

3 A. I told them -- the only name that I know
4 him by is "Stinka", and I said Stinka shot my
5 child.

6 Q. And did you tell the police that evening,
7 when giving your statement, that Stinka -- that
8 Carlos started running down the street and
9 Stinka was still shooting at Carlos?

10 A. Yes, I did.

11 Q. You told the police that that evening?

12 A. Yes, ma'am.

13 Q. And did you tell the police that Carlos
14 ran next to Leath's car parked in the street?

15 A. Yes, ma'am.

16 Q. Did you tell them that you saw Carlos
17 fall?

18 A. Yes, ma'am.

19 Q. Did you tell them that Stinka was standing
20 by Carlos?

21 A. Yes, ma'am.

22 Q. Did you tell the police that evening that
23 Stinka shot Carlos while he was laying on the
24 ground?

25 A. Yes, ma'am.

1 MS. SHEALY: I have no further
2 questions. Thank you, Ms. Ward.

3 THE COURT: Recross?

4 MR. GRIMES: No questions, Your
5 Honor.

6 THE COURT: Thank you. You may come
7 down, Ms. Ward.

8 (WITNESS STEPS DOWN)

9 THE COURT: At this point, Ladies
10 and Gentlemen, there is a matter that I have to
11 take up that is totally unrelated to this case.
12 I scheduled it for this afternoon about 4:30 or
13 as quickly I as could reach a breaking point.
14 I think it's a good time to -- I think there
15 were some persons who needed to be away from
16 here by 5:00 o'clock, so we will take a break.

17 Please understand that you are not at
18 liberty to discuss this case amongst yourself
19 or with anyone else. I imagine when you go
20 home tonight that the first question is going
21 to be, 'What are you doing?' That would be a
22 normal question and it would be very normal to
23 respond. But if you do respond, you will have
24 at that point violated your oath because you
25 would have commenced your deliberations if you

1 talk about it. You can talk about it when
2 you're finished, but for now talk about
3 something else.

4 Also, I would ask you -- I don't know
5 whether there will be any news accounts of this
6 trial but do not watch any accounts if you
7 watch any news. If you see something about
8 this trial, please turn it off or turn to
9 another station.

10 I would also ask -- I don't know what
11 your practice is and I don't know about any
12 newspaper coverage. If there is anything in
13 the paper, I would ask that you do not read
14 that, as well.

15 Again, I don't know if it would
16 influence you or change anything or cause you
17 to violate our oath but it is the appearance,
18 again. Your commitment is to decide this case
19 based on what happens in the courtroom and
20 considering only that. So you are preserving
21 and protecting the sanctity of this process by
22 doing so. I am pretty sure that you will do
23 that. Put the paper aside, you can read it in
24 a couple of days without any problem.

25 Have a good evening. I would ask that

1 you return, please, to your jury room at 9:30
2 in the morning.

3 Do not -- again, I think -- do not
4 call the number. That does not apply to you,
5 so you don't need to call the number.

6 Thank you very much. Have a good
7 evening. You are free to leave.

8 (JURY OUT @ 5:49 P.M.)

9 THE COURT: Anything from the State
10 before recessing?

11 MS. SHEALY: No. Thank you.

12 THE COURT: Anything from the
13 Defendant before recessing?

14 MR. GRIMES: No, sir.

15 THE COURT: Very well, we will be
16 at-ease until 9:30 in the morning.

17 (TRANSCRIPT CONTINUED NEXT PAGE)

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22 THE COURT: 107 through 116, those
23 exhibits, having been premarked, reviewed by
24 the Defendant, they are admitted without
25 objection?

1 MR. GRIMES: Yes, sir.

2 (SO ENTERED AS STATE'S EXHIBITS 107 THRU 116)

3 MS. SHEALY: Your Honor, I believe
4 that there were some marked yesterday that we
5 have not yet moved into evidence. Is that
6 correct?

7 THE COURT: Yes.

8 MS. SHEALY: So for the record, all
9 exhibits between the numbers one ---

10 THE COURT: Are there any exhibits
11 that are not ---

12 MS. SHEALY: There are. There are
13 still some autopsy photographs ---

14 THE COURT: Just don't -- why don't
15 we do this? At the conclusion of your case,
16 at that point you may move -- if we get to --
17 well, why don't we -- all exhibits, with the
18 exception of these exhibits are admitted
19 without objection.

20 MS. SHEALY: Okay.

21 THE COURT: They are numbers what?
22 Well, are those ---

23 MS. SHEALY: They are, Your Honor.

24 THE COURT: Okay. All right. Why
25 don't we just deal with those at the

1 appropriate time?

2 MS. SHEALY: That's fine.

3 THE COURT: Give me that grouping.

4 COURT REPORTER: 72, 73, 74 and 75.

5 THE COURT: Exhibits 72, 73, 74

6 and 75 at this point no -- they have been

7 marked ---

8 MS. SHEALY: I'm sorry, Judge.

9 THE COURT: It doesn't matter. But
10 72, 73, 74, 75, those exhibits, which are
11 photographs, those will be introduced at the
12 appropriate time through the testimony.

13 All other exhibits that have been
14 previously marked are admitted without
15 objection. Is that correct?

16 MR. GRIMES: Yes, sir.

17 THE COURT: Thank you, that takes
18 care of it.

19 MS. SHEALY: Your Honor, ---

20 COURT REPORTER: 76 and 78 are
21 autopsy photos.

22 THE COURT: Are there additional
23 autopsy photos?

24 MR. GRIMES: May I approach the court
25 reporter?

1 THE COURT: You may.

2 (OFF RECORD REVIEW OF STATE'S EXHIBITS)

3 MS. SHEALY: Your Honor?

4 THE COURT: Yes, ma'am?

5 MS. SHEALY: My apologies. We see
6 copies of those photographs that have
7 previously been marked but we don't see the
8 ones that were marked. So if we could just do
9 the ---

10 THE COURT: We will deal with the
11 autopsy -- all previously marked photographs
12 dealing with the autopsy are not admitted, they
13 are marked and will be introduced or withdrawn
14 at the appropriate time. Everything except the
15 photographs of the autopsy are admitted. Only
16 the photographs of the autopsy are not
17 admitted.

18 MS. SHEALY: I understand. May we
19 approach?

20 (OFF RECORD BENCH CONFERENCE)

21 THE COURT: Would you (bailiff) see
22 if Mr. Hilton (Juror No. 266) is here and see
23 if he could step in here just a moment? Do you
24 wish for the parties to be present?

25 MR. GRIMES: No, sir.

1 THE COURT: Good morning, Mr.

2 Hilton. Are you this morning?

3 JUROR NO. 266: Fine, and you?

4 THE COURT: I am well. Thank you,

5 sir. Come forward and we will do this way,

6 rather than -- (bench conference).

7 (OFF RECORD EXAMINATION OF JUROR)

8 THE COURT: Thank you so much.

9 (JUROR EXITS COURTROOM)

10 THE COURT: Anything further from

11 the State concerning the juror?

12 MS. SHEALY: Nothing from the State,

13 Your Honor. Thank you.

14 THE COURT: Anything further from

15 the Defense?

16 MR. GRIMES: No, sir.

17 THE COURT: Thank you very much.

18 The court finds on examination of the juror

19 that it would not influence him one way or the

20 other, that it is casual, totally unrelated to

21 the legal profession, his involvement as he

22 stated with Mr. Neeley. Mr. Neeley is known of

23 by this juror. But Mr. Neeley has worked for

24 the public defender's office as well as the

25 solicitor's office, but he is not involved in

1 this case in any capacity.

2 The court does not find that juror to
3 be prejudiced in any fashion. Thank you. Is
4 the State ready to proceed?

5 MS. SHEALY: We are, Your Honor.

6 THE COURT: Is the Defendant ready
7 to proceed?

8 MR. GRIMES: Yes, sir.

9 THE COURT: Invite the jury to
10 return, please.

11 (JURY IN @ 9:53 A.M.)

12 THE COURT: Good morning, Ladies and
13 Gentlemen. Thank you very much. I hope that
14 you had a good evening. We are now ready to
15 resume with the trial of this case. Please
16 give your attention to the next witness.
17 Solicitor, you may call your next witness.

18 MS. SHEALY: Thank you, Your Honor.
19 Yvette Choise.

20 (WITNESS TAKES STAND)

21 YVETTE CHOISE, being
22 duly sworn to tell the truth, the whole truth
23 and nothing but the truth, testified, as
24 follows:

25 DIRECT EXAMINATION

1 BY MS. SHEALY:

2 Q. Yvette, ---

3 THE COURT: Hold on. If you will
4 pull up and speak directly into that mic. We
5 need to be able to hear you.

6 WITNESS: Okay.

7 THE COURT: Thank you.

8 DIRECT EXAMINATION CONTINUED

9 BY MS. SHEALY:

10 Q. Yvette, if you would, please, tell the
11 jury how old you are?

12 A. I am 28.

13 Q. Where do you currently live?

14 A. [REDACTED]. [REDACTED].

15 Q. Is that the Ashley Shores Apartments?

16 A. Right.

17 Q. Do you live there with your children?

18 A. Yes.

19 Q. How many children do you have?

20 A. Five.

21 Q. Do you know the defendant, Roger Parker?

22 A. Right.

23 Q. And could you describe whether or not you
24 know his family, as well?

25 A. Correct.

1 Q. Would you consider him a family friend?

2 A. Correct.

3 Q. Are you here today because I subpoenaed
4 you?

5 A. Correct.

6 Q. Focusing your attention then back to April
7 the 18th, 2006, let me show you what has been
8 previously marked as State's Exhibit 2. I will
9 show it behind you in just a moment. Okay.

10 I am going to hand you this (laser
11 pointer), Yvette, and you push the button to
12 point out what I ask you. Push it.

13 A. (Complies).

14 Q. Would you point out for the jury, please,
15 where your apartment is?

16 A. (Complies).

17 Q. Where is the door to your apartment?

18 A. Right here, (indicating).

19 THE COURT: Speak up, please, ma'am.
20 If you could just raise your voice, I need for
21 you to raise your voice so that the jurors can
22 hear you.

23 WITNESS: Right here.

24 DIRECT EXAMINATION CONTINUED

25 BY MS. SHEALY:

1 Q. Behind that tree?

2 A. Yeah.

3 Q. Is that the apartment that you were living
4 in on April the 18th, 2006?

5 A. Yes, ma'am.

6 Q. That afternoon, could you tell us who was
7 home with you?

8 A. Me and my three little ones.

9 Q. Do your children play outside in that
10 area?

11 A. Yes, ma'am.

12 Q. How old are your children? How old is the
13 oldest?

14 A. The oldest one that is living with me, she
15 is now seven.

16 Q. On that afternoon, could you tell us if
17 any of your children were outside playing?

18 A. Yes, ma'am.

19 Q. How many of your children were outside?

20 A. Just one.

21 Q. How old was that child?

22 A. At the time she was approximately four or
23 five.

24 Q. Could you describe for the jury whether or
25 not other people who live in the apartment

1 complex let their small children play outside?

2 A. Yes, ma'am.

3 Q. When your child was playing outside that
4 day, do you recall whether or not you saw other
5 children playing?

6 A. Not that I can remember.

7 Q. Did something call your attention to
8 outside?

9 A. I stepped out just to call her in because
10 we were getting ready to fix dinner.

11 Q. What drew your attention?

12 A. The commotion.

13 Q. When you say "commotion", could you -- let
14 me just let you hang onto this (laser pointer).
15 Could you point to the area where you heard
16 some commotion?

17 A. Right here.

18 Q. Would you describe for the jury what you
19 saw at that point?

20 A. They were arguing back and forth.

21 Q. At any point did you see Mr. Johnson -- do
22 you know Roger Johnson?

23 A. (Affirmative nod).

24 Q. Correct?

25 A. Um-humm.

1 Q. Did you at any point see Mr. Johnson with
2 something in his hand?

3 A. Correct.

4 Q. Would you tell the jury, please, what you
5 saw in his hand?

6 A. A bat.

7 Q. If you would, describe to the jury --
8 first of all, did you know Carlise Grant?

9 A. No, ma'am.

10 Q. You didn't know him before that day?

11 A. No, ma'am.

12 Q. Would you describe for the jury what you
13 see Mr. Johnson do with the bat?

14 A. He swung like he was a baseball player.

15 Q. Can you stand up and show up how he used
16 his arms?

17 A. (Illustrating), he swung, up in the air.

18 Q. Did you see whether or not when he used
19 the bat if it struck anyone?

20 A. Yes, ma'am.

21 Q. Who did it strike?

22 A. The victim.

23 Q. And when you say the victim, was that the
24 person that got shot that day?

25 A. Yes, ma'am.

1 Q. What do you do after you see Mr. Johnson
2 hit the victim with the bat?

3 A. I was in the middle of the road, I was
4 coming across the road.

5 Q. Would you show us where you were crossing
6 the street to your apartment? Over?

7 A. Yes, ma'am, (indicating).

8 Q. Can you show us with the pointer?

9 A. Approximately about right here, right in
10 here.

11 Q. As you were coming across, did something
12 else happen?

13 A. Yes, ma'am.

14 Q. Would you please describe to the jury what
15 happened?

16 A. He started to swing the bat again and his
17 wife was fussing at him, and after that gun-
18 shots rang out.

19 Q. Could you see from whom the gunshots were
20 coming?

21 A. Yes, ma'am.

22 Q. Who was shooting the gun?

23 A. Stinka.

24 Q. Is "Stinka" Roger Parker?

25 A. Um-humm.

1 Q. Roger Parker, Jr.

2 A. Yes, ma'am.

3 Q. Do you see Stinka in the courtroom?

4 A. Yes, I do.

5 Q. Could you point to the jury where he is
6 sitting?

7 A. (Indicating Defendant).

8 MS. SHEALY: Let the record reflect
9 that she has identified the Defendant.

10 THE COURT: It shall so reflect.

11 DIRECT EXAMINATION CONTINUED

12 BY MS. SHEALY:

13 Q. Do you say anything or yell anything out
14 once the gunshots start?

15 A. I was telling Stinka to stop.

16 Q. Could you see where the victim was running
17 at that point?

18 A. He ran in between two cars.

19 Q. As the victim runs between the two cars --
20 if you could, pull up State's Exhibit 8,
21 please. As the victim -- this is just another
22 shot of the area. Would you, using that
23 pointer, again show us where you say the
24 commotion was starting?

25 A. About right here.

1 Q. And State's Exhibit 15, do you see the two
2 vehicles in State's Exhibit 15, where the
3 victim, Mr. Grant, was running?

4 A. Right about there.

5 Q. Can you see that there are three cars
6 there?

7 A. (Affirmative nod).

8 Q. The police car that is in the right-hand
9 corner was not there at the time this occurred,
10 is that correct?

11 A. No, ma'am.

12 Q. Can you see -- and if you are not able,
13 that's fine -- on that photograph where he ran?

14 A. This car wasn't here, this car was.

15 Q. Well, after you see Carlos running, what
16 is the next thing that you see?

17 A. He touched the car and when he touched the
18 back of the car, that is when he -- I didn't
19 see him actually fall but when I got to between
20 the cars he was laying on the ground.

21 Q. When you got to between the car?

22 A. Yes.

23 Q. What were you doing as you were watching
24 this happen? Where was your child?

25 A. My cousin had her.

1 Q. Did you approach Mr. Grant's, the victim,
2 body at all after the shooting?

3 A. As I got in between the car.

4 Q. Could you tell us, if you know, how many
5 times you heard the weapon fired?

6 A. Approximately five times.

7 Q. Do you see Mr. Parker, Stinka, near the
8 victim's body at any point?

9 A. Yes, ma'am.

10 Q. Could you describe that for us?

11 A. After the first shot rang it, he touched
12 the car -- and it's like you see in the movies,
13 it's like he turned, like his body jerked.

14 Q. Whose body are you talking about right
15 now?

16 A. The victim's.

17 Q. Okay.

18 A. After that happened he, Stinka, was
19 standing over him. I thought that maybe he was
20 shooting to scare him because things like that
21 go on in Ashley Shores. When I got to the
22 cars, he was there.

23 Q. Who was there?

24 A. The victim.

25 Q. Did you see Roger Parker at any point near

1 the victim?

2 A. Which one?

3 Q. Mr. Parker is Stinka. I will just refer
4 to him as Stinka. Okay?

5 A. Okay.

6 Q. When you see the victim, Mr. Grant, go
7 running between the cars, you see him fall at
8 some point or you thought that he -- you
9 weren't sure whether he fell?

10 A. I wasn't sure.

11 Q. Do you see Stinka then approach the victim
12 at any point near the road?

13 A. Correct.

14 Q. Describe that for me.

15 A. As he got -- I guess as the guy fell, I
16 saw Stinka standing over him and he was
17 shooting down.

18 Q. What was Mr. Grant doing on the roadway
19 before Stinka shot him?

20 A. Just laying.

21 Q. And then you saw Stinka shoot at Mr. Grant
22 while Mr. Grant was on the ground?

23 A. Correct.

24 Q. What did Stinka do after shooting Mr.
25 Grant as he was on the road?

1 A. He ran down between the two buildings.

2 Q. Okay.

3 A. Shooting in the air.

4 Q. Which way did he head down that street?

5 A. Right here (indicating with pointer).

6 Q. Do you remember how many times you heard
7 him shooting in the air?

8 A. Probably three or four times.

9 Q. When you were telling us earlier that
10 after one of the shots that it was like in the
11 movies, what are you talking about.

12 A. Like you see in the movies. Like if you
13 see somebody shot, his body just turns. It was
14 just something like out of a movie.

15 Q. That was as Mr. Grant was running?

16 A. Yes.

17 Q. And your testimony is that he runs until
18 he gets into the roadway?

19 A. Correct.

20 Q. Were you out there when the victim's
21 mother approached the victim's body?

22 A. Right, he was lying.

23 Q. Pardon?

24 A. He was lying in the street.

25 Q. Could you describe her reaction to what

1 was going on?

2 A. Yes, ma'am. She was screaming.

3 Q. Did you see his sister, as well?

4 A. Just a brief moment.

5 Q. And the mother got to her son's body
6 first?

7 A. They got there about the same time, she
8 was asking for a towel.

9 Q. Did you in fact call 911?

10 A. I picked up the cell phone of the victim
11 and I attempted to dial 911.

12 Q. Do you know someone named William Greene,
13 or "Glass", that lives over in that area?

14 A. He doesn't live in Ashley Shores.

15 Q. He doesn't live there anymore?

16 A. No.

17 Q. Could you point with the pointer and show
18 us where William Greenelived?

19 A. (Indicating).

20 Q. Did you see him out there that night?

21 A. Not as I recall.

22 Q. When you said that it wasn't unusual to
23 hear shots in Ashley Shores, what -- could you
24 describe that for me.

25 A. Like I said, there's -- in Ashley Shores

1 there's a lot of shots.

2 MS. SHEALY: I beg the court's
3 indulgence just a moment.

4 THE COURT: Yes, ma'am.

5 MS. SHEALY: I have no other
6 questions, Mr. Choise. Answer any questions
7 that the Defense may have. Thank you.

8 THE COURT: Cross-examine?

9 MR. GRIMES: Thank you, Your Honor.

10 CROSS EXAMINATION

11 BY MR. GRIMES:

12 Q. Good morning, Ms. Choise.

13 A. Good morning.

14 Q. I am going to ask you a couple of
15 questions about Ashley Shores, your last answer
16 to the Solicitor. Did you say that gunshots
17 are sort of like an activity in Ashley Shores?

18 A. Correct.

19 Q. Do a lot of people carry guns in Ashley
20 Shores?

21 A. Correct.

22 Q. If someone -- do people often actually
23 shoot guns in Ashley Shores, too?

24 A. Correct.

25 Q. If someone is making a threat, is it more

1 likely that they may have a gun on them than
2 not have a gun?

3 MS. SHEALY: Your Honor, I would
4 object to the form of that question.

5 THE COURT: Well, -- I would sustain
6 the objection unless you can tie it
7 specifically, and I don't know how you could do
8 that. Under 602, you will have to lay a
9 greater foundation. I sustain the objection.

10 MR. GRIMES: Thank you, Your Honor.

11 CROSS EXAMINATION CONTINUED

12 BY MR. GRIMES:

13 Q. How often have you heard gunshots in
14 Ashley Shores?

15 A. Very often.

16 Q. I want to ask you a few questions about
17 the shooting, all right, Ms. Choise?

18 A. (No response).

19 Q. You said that you saw Roger standing over
20 Carlos?

21 A. Correct.

22 Q. And that Roger shot him five times?

23 A. No, not all at one time, not while he was
24 laying on the ground.

25 Q. Do you recall giving a statement to the

1 police in this case?

2 A. Yes, I do.

3 Q. And you gave that statement to Detective
4 Usinto (phonetic)?

5 A. I don't recall his name.

6 MR. GRIMES: May I approach, Your
7 Honor?

8 THE COURT: You may.

9 MR. GRIMES: Will you mark this?

10 COURT REPORTER: ID?

11 MR. GRIMES: Yes, ma'am.

12 (SO MARKED AS DEFENDANT'S EXHIBIT 3
13 FOR IDENTIFICATION ONLY)

14 CROSS EXAMINATION CONTINUED

15 BY MR. GRIMES:

16 Q. And you gave your statement on April 18th?

17 A. Correct.

18 Q. At about 7:20?

19 A. I don't recall the time.

20 Q. Maybe about an hour after the shooting?

21 A. Maybe.

22 Q. At the North Charleston Police station?

23 A. Correct.

24 Q. The detective wrote it for you, correct?

25 A. Yes.

1 Q. And after -- so you would tell the
2 detective what you saw and the detective would
3 write it down?

4 A. Yes.

5 Q. And you were giving the detective accurate
6 information?

7 A. As I recall.

8 Q. So you were doing your best to tell the
9 detective what you saw?

10 A. Yes.

11 Q. Because this is a serious matter?

12 A. Yes.

13 Q. Someone dies?

14 A. Right.

15 Q. And you want to make sure that the person
16 responsible was held responsible; right?

17 A. Correct.

18 Q. And if someone is acting in self-defense,
19 you would want the police to know that,
20 wouldn't you?

21 A. (No verbal response).

22 Q. If someone was acting in self-defense, you
23 would want the police to know that?

24 A. Yes, sir.

25 Q. And you read the statement before you

1 signed it, correct?

2 A. I think so.

3 Q. And you signed the statement, correct?

4 A. I did.

5 Q. Do you recall it being a three-page
6 statement?

7 A. I believe.

8 Q. Do you recall signing each page?

9 A. (No verbal response).

10 Q. If I showed you the statement, would that
11 refresh your memory?

12 A. Sorry?

13 Q. If I showed you the statement, would that
14 refresh your memory?

15 A. Yes.

16 THE COURT: Yes, go ahead and show
17 her the statement, Mr. Grimes.

18 CROSS EXAMINATION CONTINUED

19 BY MR. GRIMES:

20 Q. Is that your signature at the bottom of
21 each page?

22 A. Correct.

23 Q. Above your signature is a line that says,
24 "I have read the foregoing statement or had it
25 read to me" ---

1 A. Correct.

2 Q. I would like to direct your attention to
3 page two of the statement.

4 A. Two?

5 Q. Yes, ma'am. Near the bottom of that page.

6 A. Okay.

7 Q. Do you recall telling the police that
8 "Stinka stood over the man and just fired shots
9 down, like six shots rang out as I was running
10 towards them."?

11 A. Correct.

12 Q. And after the shooting, you said that you
13 picked up the cell phone near Carlos' body?

14 A. Correct.

15 Q. And you called 911?

16 A. Yes.

17 Q. Finally, let me ask you a couple of
18 questions about this argument. You said before
19 that your children were outside playing?

20 A. My daughter, (affirmative nod).

21 Q. And you were inside the house at that
22 time?

23 A. Correct, until I came outside.

24 Q. And you came outside because you heard a
25 loud argument?

1 A. No.

2 Q. There was not a loud argument?

3 A. I came out because I heard the gun.

4 Q. If I could direct your attention to page
5 one of your statement. In the first sentence
6 there, it says "I heard a loud argument coming
7 from outside, in front of the house." Is that
8 true?

9 A. No, I came out because I came to get my
10 daughter and then I heard the argument.

11 Q. But in your statement you told the police
12 that "I heard a loud argument coming from
13 outside, in front of the house."

14 A. The argument that I heard was when I got
15 outside of my door, by the tree.

16 Q. That close?

17 A. About right here?

18 Q. Did you tell the police this, that you
19 heard a loud argument?

20 A. (Affirmative nod), after I got outside.

21 Q. And in your statement you don't say that
22 you heard it after you got outside, do you?

23 A. I believe that I did.

24 Q. Could you show me where you said that?

25 A. I don't see it in here.

1 MR. GRIMES: Thank you, Your Honor.

2 I have no further questions.

3 THE COURT: Redirect?

4 MS. SHEALY: May it please the Court.

5 REDIRECT EXAMINATION

6 BY MS. SHEALY:

7 Q. Do you still have a copy of your statement
8 up there with you?

9 A. Yes.

10 Q. First of all, regarding what Mr. Grimes
11 was asking you, would you tell the jury what
12 the first statement beginning with "tonight" --
13 could you just read that sentence to us,
14 please? What did you tell the law?

15 A. (Reading): "Tonight, I heard a loud
16 argument that was coming from outside in front
17 of the house."

18 Q. When Mr. Grimes was asking you if that is
19 what made you go outside, what were you trying
20 to explain?

21 A. I was trying to explain that I was going
22 outside to get my daughter and after I got
23 outside to get my daughter I heard the
24 argument.

25 Q. And because you heard an argument, that

1 is not what caused you to go outside?

2 A. Correct.

3 Q. And when you gave your statement that
4 evening then, looking towards the end of that
5 paragraph in your statement, did you tell the
6 officers -- do you see the sentence that begins
7 with "Roger hit him"?

8 A. Correct.

9 Q. Could you tell the jury what you told them
10 about Roger hitting him with that bat?

11 A. The father hit him with the bat.

12 Q. Sorry?

13 A. The father hit him with the bat.

14 Q. I'm sorry. It's Roger Johnson, the
15 father. Roger Parker, the son. But you refer
16 to Roger Parker as "Stinka"?

17 A. Correct.

18 Q. When you were talking here about the bat,
19 you are talking about the father?

20 A. Yes.

21 Q. Would you just read what you told the
22 police about that?

23 A. I just told them that Roger hit him with
24 the bat and that Stinka was outside with a gun.

25 Q. Then what did you tell the police officer

1 in the next sentence regarding what Roger then
2 did, meaning Roger Johnson?

3 A. I say, "Roger hit him again."

4 Q. If you would -- since Mr. Grimes has asked
5 you about this, would you just read to us,
6 please, "then Roger went" and that part at the
7 top of the page.

8 MR. GRIMES: Your Honor, I would
9 object. I didn't ask any questions about that.

10 THE COURT: I agree. Sustained.

11 REDIRECT EXAMINATION CONTINUED

12 BY MS. SHEALY:

13 Q. Regarding the details that you gave in the
14 statement that Mr. Grimes was asking you about,
15 as it related to Stinka pulling the gun,
16 looking on the second page of your statement,
17 could you tell the jury, please, what you
18 indicated when you gave the statement that
19 evening about Stinka pulling the gun?

20 A. I didn't -- I mean, I told them after the
21 incident with the bat that gunshots rang out.
22 That's what happened.

23 Q. Do you recall telling the police officers
24 that the man went to run and that Stinka shot
25 him?

1 A. Correct.

2 Q. So when you were giving your three-page
3 statement that evening, you did give that
4 information to the police officers?

5 A. I did.

6 Q. You gave your statement down at the
7 Sheriff's Department, is that correct?
8 At the police station?

9 A. Yes.

10 Q. And Mr. Grimes has asked you about the
11 details of your statement and you gave as many
12 details as you could that evening?

13 A. Correct.

14 MS. SHEALY: I have no further
15 questions. Thank you.

16 THE COURT: Recross?

17 MR. GRIMES: No questions, Your
18 Honor.

19 THE COURT: Thank you. You may come
20 down.

21 (WITNESS STEPS DOWN)

22 THE COURT: Call you next witness.

23 MR. SIMPSON: The State calls
24 Angel Suitt.

25 (WITNESS TAKES STAND)

1 ANGEL SUITT, being duly
2 sworn to tell the truth, the whole truth and
3 nothing but the truth, testified, as follows:

4 DIRECT EXAMINATION

5 BY MR. SIMPSON:

6 Q. Ms. Suitt, how are you today?

7 A. Fine.

8 Q. Would you state your age for the record?

9 A. 26.

10 Q. And your educational background?

11 A. Graduated high school, Trident Tech, and
12 some paralegal work.

13 Q. Where are you currently employed?

14 A. Direct TV.

15 Q. Do you have any children?

16 A. Yes.

17 Q. How many?

18 A. Two.

19 Q. How old are they?

20 A. My son is ten and my daughter is one.

21 Q. Where do you currently live?

22 A. [REDACTED].

23 Q. Just to get this out of the way, how do
24 you feel about being here?

25 A. Uh, -- basically I was told that I had to

1 come here. I was subpoenaed, I had to come
2 here.

3 Q. You don't want to be here?

4 A. No.

5 Q. Did you live in Ashley Shores Apartments
6 on April 18th, 2006?

7 A. Yes.

8 Q. Can you tell us a little bit about what
9 you had been doing that day?

10 A. Gone to work, worked 8:00 to 5:30, picked
11 my son up, came home, let them go outside ---

12 Q. Let me show you what has already been
13 introduced into evidence as State's Exhibit 20.
14 Would you show the jury ---

15 MR. SIMPSON: May I approach the
16 witness?

17 THE COURT: You may.

18 DIRECT EXAMINATION CONTINUED

19 BY MR. SIMPSON:

20 Q. Would you show the jury where your
21 apartment is?

22 A. Right there, (indicating).

23 Q. And when -- okay. When you got home, did
24 you let your son outside to play?

25 A. Um-humm.

1 Q. And how old was ---

2 THE COURT: Was that a "yes"?

3 WITNESS: Yes, sir.

4 DIRECT EXAMINATION CONTINUED

5 BY MR. SIMPSON:

6 Q. And how old was he at the time?

7 A. He was about eight at the time.

8 Q. Do you know if he was outside, playing
9 with other children?

10 A. Yes, sir.

11 Q. Is that common in the neighborhood, to let
12 the children outside to play?

13 A. Yes, sir.

14 Q. Now, as your son was outside playing, you
15 heard something from outside; correct?

16 A. You know, I hear a gun shot or I heard the
17 commotion. There's always a lot involving
18 something going on in Ashley Shores, so I
19 didn't think too much about it. After that, I
20 heard the shots and that is when I decided to
21 come outside.

22 Q. And what did you see when you came
23 outside?

24 A. I came outside. The kids were running one
25 way and there was a young man in the middle of

1 the ---

2 Q. Let me stop you for a second and show you
3 what has been admitted as State's Exhibit 30.
4 Could you show the area that you are referring
5 to, within the pointer?

6 A. The apartment was right there and they was
7 right there.

8 Q. In what direction did the children run?

9 A. The children ran up this way, off the
10 grass and into the trees.

11 Q. As you approached this commotion, could
12 you describe to the jury what you saw?

13 A. Basically he was on the ground and he --
14 basically my main reason for coming out was to
15 see where the kids were since I'd heard shots.
16 Like I said, they're not unusual but I came out
17 there to see what was going on, where was my
18 son. I see a guy running up, coming up, going
19 up the road this way (indicating) up [REDACTED]

20 Q. What was this male doing as he was running
21 up [REDACTED]

22 A. He was running down the street.

23 Q. Did you hear anything as he was running
24 down the street?

25 A. I heard a couple more shots as he was

1 coming down the street.

2 Q. Was there anything in his hands as he was
3 running down the street?

4 A. Nothing obviously. I mean, I guess there
5 must have been a weapon in his hand. I just
6 seen him running down the street. My main
7 purpose was, you know, I was focusing in the
8 direction of the kids that was out there.

9 Q. Just as you left your apartment and came
10 to [REDACTED] where was the man at the point
11 right when you first saw him?

12 A. By the time that I got out there, he was
13 still standing right there and then -- my
14 attention was basically towards the kids. He
15 started running up with way and I took off in
16 the direction of the kids.

17 Q. As you took off in the direction of the
18 kids, did you notice the body of the victim in
19 the roadway?

20 A. Um-humm.

21 THE COURT: Was that a "yes"?

22 WITNESS: I'm sorry. "Yes."

23 Yes, sir.

24 THE COURT: Thank you.

25 DIRECT EXAMINATION CONTINUED

1 BY MR. SIMPSON:

2 Q. And this other man with the gun was in
3 close proximity to the body in the roadway?

4 A. Um-humm. Yes, sir.

5 MR. GRIMES: Leading, Your Honor.

6 THE COURT: Excuse me?

7 MR. GRIMES: Leading.

8 THE COURT: Yes. Sustained.

9 DIRECT EXAMINATION CONTINUED

10 BY MR. SIMPSON:

11 Q. Now, once -- did you locate your kid that
12 you went after?

13 A. Yes, sir.

14 Q. Did you then come back to your apartment?

15 A. There was a pile of kids, so I made sure
16 that everyone was all right and after that --
17 by the time that I was coming back to the
18 apartment, the cops had already been called and
19 they were coming, so -- (pause).

20 Q. Could you describe for the jury what this
21 area appeared like as you walked back to your
22 apartment?

23 A. Cops were pretty much coming in, the
24 victim's mother and them was still out there.
25 You know, his sister was out there and it

1 started to get crowded pretty bad.

2 Q. What were they doing?

3 A. Basically what anybody would do when your
4 child is laying on the ground. She was
5 basically there for her son. You know,
6 distraught.

7 Q. So she was in close proximity to the
8 victim?

9 A. Yes, sir.

10 Q. Did you see Roger and Virginia Johnson, at
11 all?

12 A. No, I didn't see them.

13 MR. SIMPSON: The State would ask
14 for the court's indulgence.

15 THE COURT: Yes, sir.

16 MR. SIMPSON: The State has no
17 further questions.

18 THE COURT: Cross-examine, Mr.
19 Grimes?

20 MR. GRIMES: We have no questions,
21 Your Honor.

22 THE COURT: You may step down.

23 (WITNESS STEPS DOWN)

24 THE COURT: Call your next witness,
25 please.

1 MR. SIMPSON: The State calls
2 Officer Brandon Moore.

3 (WITNESS TAKES STAND)

4 BRANDON MOORE, being
5 duly sworn to tell the truth, the whole truth
6 and nothing but the truth, testified, as
7 follows:

8 DIRECT EXAMINATION

9 BY MR. SIMPSON:

10 Q. Officer Moore, what is your occupation?

11 A. I am a corporal with the North Charleston
12 Police Department.

13 Q. How long have you been with North
14 Charleston Police Department?

15 A. One year.

16 Q. What do you do at the North Charleston
17 Police Department?

18 A. I am currently assigned to Special
19 Operations.

20 Q. What was your assignment back on April
21 18th, 2006?

22 A. I was assigned to the Patrol division.

23 Q. Do you recall responding to a call at
24 Ashley Shores Apartments complex?

25 A. Yes, sir.

1 Q. Were you the first officer to arrive at
2 that location?

3 A. Yes, sir.

4 Q. Can you describe to the jury the scene as
5 it was when you arrived?

6 A. Yes, sir. When I arrived, I actually
7 parked on the back side of [REDACTED] When I
8 exited my car, myself and the detective vehicle
9 arrived pretty much at the same time. I got
10 out of my car and the -- what was later known
11 to me as the mother was there with the victim
12 who was laying on the ground.

13 Q. Can you describe her demeanor to the jury?

14 A. Yes, she was extremely distraught, very
15 hysterical. She was crying and she was yelling
16 over and over again that he was already down,
17 'he was already down, he didn't have to shoot
18 him again.'

19 Q. Let me show you what has already been
20 submitted into evidence as State's Exhibit 32.
21 Could you describe the scene as it was when you
22 arrived as it relates to this exhibit?

23 A. Yes, sir. When I arrived, my car was
24 actually -- this is the way it was facing, so
25 this is what I saw when I arrived on the scene.

1 I immediately came up to the victim, was going
2 to attempt to get vital signs from the victim.
3 We had to, with the help of other detectives on
4 the scene that night, physically remove the
5 mother from her son. She did not want to
6 leave.

7 I believe, later known to me, that his
8 sister was also there with the mother. She was
9 holding the towel to his head and didn't want
10 to let go.

11 Q. Are you referring to that the mother was
12 holding the towel?

13 A. Yes, sir. Once we were able to remove
14 her, I was able to attempt to gain vital signs,
15 which I was not able to obtain.

16 Q. While you were there, did you notice any
17 injuries to the victim?

18 A. Yes, sir. I could notice a small pool of
19 blood from his left shoulder that was facing
20 the ground. There was a larger pool of blood
21 coming from his head, and you could see a small
22 entry wound to his head.

23 Q. Did you stay with the victim until the
24 coroner arrived?

25 A. Yes, sir.

1 Q. Officer, could you briefly describe what
2 the victim was wearing?

3 A. Yes, sir. He had on checkered black-and-
4 white pants, also gray. They are the kind of
5 pants that -- I knew them to be pants that
6 cooks wear. Also, I believe that he had on a
7 black tee-shirt.

8 MR. SIMPSON: No further
9 questions.

10 THE COURT: Cross-examine?

11 MR. GRIMES: Thank you, Your Honor.

12 CROSS EXAMINATION

13 BY MR. GRIMES:

14 Q. The North Charleston Police Department has
15 been accredited; right?

16 A. Yes, sir.

17 Q. And to become accredited, it has to go
18 through a lot of procedures and meet a lot of
19 guidelines; correct?

20 A. Yes, sir.

21 Q. And it's a pretty intensive process, I
22 believe.

23 A. (No response).

24 Q. And because it is accredited, North
25 Charleston Police Department will issue

1 guidelines to officers as to how they do work;
2 correct?

3 A. Yes, sir.

4 Q. And they have the responsibilities of a
5 first responder; correct?

6 A. Yes, sir.

7 Q. What it does is the first responder is to
8 render aid?

9 A. Yes, sir.

10 Q. To preserve potential items of evidence?

11 A. Yes.

12 Q. To maintain the crime scene?

13 A. Yes, sir.

14 Q. And to set the inner and outer perimeters
15 of the crime scene with barrier tape?

16 A. Yes, sir.

17 Q. And to thoroughly documented any actions
18 that you may have taken at the scene?

19 A. Yes, sir.

20 Q. And it is important to document in your
21 report the scene, correct?

22 A. Yes.

23 Q. To do incident reports?

24 A. (Affirmative nod).

25 Q. And sometimes you do supplemental reports?

1 A. Yes, sir.

2 Q. One reason that is important is that there
3 may be a delay in time from the time of the
4 incident until the time of trial; is that fair
5 to say?

6 A. Yes, sir.

7 Q. The better you document a case the better
8 your testimony will be?

9 A. Yes.

10 Q. So your testimony is that the better your
11 documentation is, the more it helps the jury
12 out; is that correct?

13 A. Yes, sir.

14 Q. It also helps you to investigate cases, to
15 find out who is guilty and who is not guilty?

16 A. Yes.

17 Q. It helps you to convict guilty people;
18 correct?

19 A. Yes.

20 Q. And to clear innocent people?

21 A. Yes, sir.

22 Q. And you did a report in this case,
23 correct?

24 A. The initial report. Yes, sir.

25 Q. Do you have a copy of that in your hand?

1 A. No, sir, I don't.

2 MR. GRIMES: (Tenders document to be
3 marked as exhibit).

4 COURT REPORTER: Defendant's Exhibit
5 4 for identification.

6 (SO MARKED AS DEFENDANT'S EXHIBIT 4
7 FOR IDENTIFICATION)

8 MR. GRIMES: May I approach the
9 witness, Your Honor?

10 THE COURT: Yes, sir.

11 CROSS EXAMINATION CONTINUED

12 BY MR. GRIMES:

13 Q. Let me show you what has been marked as
14 Defendant's Exhibit 4 for identification. What
15 is that?

16 A. The incident report.

17 Q. Did you -- in preparing an incident
18 report, you put as many details -- you follow
19 procedures, correct?

20 A. Correct.

21 Q. And you would document any actions that
22 you had taken?

23 A. Yes, sir.

24 Q. And you would reserve or write down any
25 important information or evidence in the case?

1 A. As much as I could, yes.

2 Q. In this case, I believe that you testified
3 that Mr. Carlos' mom, Mr. Grant's mom, was over
4 him saying, "Why did they shoot him? He was on
5 the ground."

6 A. Yes, sir.

7 Q. That would be important for a case of
8 murder. If someone shoots someone while they
9 are on the ground, that's pretty cold-blood;
10 isn't it?

11 A. Yes, sir.

12 Q. That would be an important piece of
13 evidence?

14 A. Yes, sir.

15 Q. You didn't put that in the report, did
16 you?

17 A. No, sir.

18 Q. Let me ask you a couple of other questions
19 about your report. I notice on there, starting
20 with the narrative of the 911 case, is that
21 standard?

22 A. In situations like these, yes.

23 Q. Beginning at the top, I was a little
24 confused. On page one, the narrative title,
25 it says "Narrative CAD".

1 A. Yes.

2 Q. What is CAD?

3 A. That is the computer-aided dispatch.
4 That is what our dispatcher uses, these would
5 be dispatcher notes.

6 Q. How reliable is CAD -- if someone calls in
7 evidence, the dispatcher would let you know
8 that?

9 A. Correct.

10 Q. And if someone called in evidence, you
11 know, that there had been a shooting, you would
12 follow up on that?

13 A. Yes.

14 Q. Is that information pretty reliable?

15 A. Yes.

16 MR. GRIMES: If I could have one
17 moment, Your Honor?

18 THE COURT: Sure.

19 CROSS EXAMINATION CONTINUED

20 BY MR. GRIMES:

21 Q. Just a couple of questions that I'd like
22 for you to response upon. You said that you
23 arrived there as the detective arrived, about
24 the same time?

25 A. They pulled in just right after I did,

1 yes.

2 Q. That would have been Detective Patrick?

3 A. Yes, sir.

4 Q. And Detective Elmore?

5 A. Yes, sir.

6 Q. You'all had the opportunity to see the
7 same things?

8 A. I believe that they pulled into the area
9 differently, so they would have had a different
10 view, but you could say that we would seen the
11 same things. Yes, sir.

12 Q. I was a little confused by your direct
13 testimony. Did you say that Mr. Grant's sister
14 was outside by the body?

15 A. I don't know if it was his mother or his
16 sister. There was a lady with the victim.

17 Q. And your policy of knowing who is at a
18 crime scene is important, right?

19 A. Right.

20 Q. But that is not in your report, about the
21 sister being there with the body?

22 A. No, sir.

23 MR. GRIMES: Thank you.

24 THE COURT: Redirect?

25 REDIRECT EXAMINATION

1 BY MR. SIMPSON:

2 Q. Were you the lead investigator on the
3 case?

4 A. No.

5 Q. And you've already stated that the
6 detectives arrived about the same time that
7 you did?

8 A. Yes, sir.

9 Q. Were there other law enforcement officers
10 on the scene?

11 A. Yes, there were several that arrived
12 shortly after I did.

13 Q. So we have the detectives -- were there
14 crime scene officers on the scene?

15 A. Crime Scene was called to respond but they
16 weren't there initially. They arrived later.

17 Q. Once the coroner arrived on the scene,
18 what did you do?

19 A. My duty there at the time was as the first
20 responder, so I stayed with the body until the
21 coroner got there; yes.

22 Q. So as the first responder, how did you see
23 or what did you see as your number one priority
24 on arriving at the scene?

25 A. My first response was to assist with any

1 medical help that I could give, any aid that I
2 could render.

3 Q. The initial investigation would be left to
4 whom?

5 A. It would be left to detectives on the
6 scene.

7 Q. So is it fair to say that you saw your
8 position of first responder of being ---

9 MR. GRIMES: Your Honor?

10 THE COURT: Sir?

11 MR. GRIMES: I object, leading.

12 THE COURT: Overruled.

13 WITNESS: Yes, sir.

14 MR. SIMPSON: No further
15 questions.

16 THE COURT: Recross?

17 MR. GRIMES: No, sir.

18 THE COURT: Come down, please.

19 (WITNESS STEPS DOWN)

20 THE COURT: Call your next witness
21 -- or, approach, please.

22 (SIDEBAR)

23 THE COURT: Call your next witness.

24 MR. SIMPSON: The State calls
25 Detective Keith Elmore.

1 (WITNESS TAKES STAND)

2 KEITH ELMORE, being duly
3 sworn to tell the truth, the whole truth and
4 nothing but the truth, testified, as follows:

5 DIRECT EXAMINATION

6 BY MR. SIMPSON:

7 Q. Detective Elmore, how long have you been
8 a detective with the North Charleston Police
9 Department?

10 A. I have been a detective for six years.

11 Q. How long have you been with the Police
12 Department, altogether?

13 A. Seven.

14 Q. Were you working in that capacity on April
15 18th, 2006?

16 A. Yes, I was.

17 Q. Do you recall responding to a call at the
18 Ashley Shores Apartments?

19 A. Yes, I do.

20 Q. Were there any other officers on the scene
21 when you arrived?

22 A. Myself and Detective Patrick were working
23 as a double team, in the same vehicle we was
24 driving, and so we arrived at the same time,
25 and I do remember Officer Moore -- (pause).

1 Q. Being on the scene?

2 A. Yes, sir. We got there at the exact same
3 time as Officer Moore.

4 Q. I show you what has already been admitted
5 into evidence as State's Exhibit 2. Could you
6 describe the scene as you arrived in relation
7 to this photograph?

8 A. When we arrived, there was no one, more or
9 less, over in this area, so we parked there.
10 This is Detective Patrick's vehicle. All of
11 the commotion was pretty much over here in the
12 street.

13 Q. I show you what has been marked as State's
14 Exhibit 30. Again, could you describe the
15 scene as you arrived related to this photo?

16 A. When we arrived, we -- this is Detective
17 Patrick's vehicle, so I was on the passenger
18 side. The vehicle was pointed this way, so
19 this is my view.

20 I think this was Officer Brandon Moore's
21 vehicle.

22 We came to the body and I saw a female on
23 top of the body with a towel.

24 There was another female in this area, on
25 a cell phone, walking back this way.

1 Q. Did you have an opportunity to interview
2 Sandra Ward?

3 A. Yes.

4 Q. Shortly after you arrived?

5 A. Yes, I did.

6 Q. Where did that interview take place?

7 A. In a marked unit, police vehicle.

8 Q. Why was that?

9 A. Why did I interview her in a police
10 vehicle?

11 Q. Yes, sir.

12 A. Due to the commotion, we didn't want to
13 take her back inside the house. There were
14 family members there, uh, the only safe place
15 that I could have taken her was in the vehicle
16 and try to listen to what she had to say.

17 Q. Did you notice Demetria Grant on the scene
18 when you arrived?

19 A. Yes, I believe that I do remember that.
20 If I am not incorrect, she was the victim's
21 sister.

22 Q. Did you do anything with the victim's body
23 at the scene?

24 A. Yes, when I arrived, the victim was laying
25 right he is. I exited my vehicle and I came

1 right straight to the body. The victim's
2 mother was laying on him. She had a towel kind
3 of wrapped around his head. It looked like she
4 was holding something just very delicate. She
5 was very hysterical. She was yelling,
6 screaming.

7 MR. GRIMES: Objection, Your Honor.

8 THE COURT: Sustained. Just answer
9 the question(s), Officer. Don't be
10 volunteering.

11 DIRECT EXAMINATION CONTINUED

12 BY MR. SIMPSON:

13 Q. Officer, do you see a sheet on the body in
14 that picture?

15 A. Yes.

16 Q. Were you responsible for placing that
17 sheet over the body?

18 A. No.

19 Q. Were there any objects at the scene that
20 you recognized as potential evidence when you
21 arrived?

22 A. I later looked at the crime scene and seen
23 shell casings scattered about.

24 Q. Did you speak with a gentleman named
25 William Greene that evening?

1 A. Yes, I did.

2 Q. Where did that take place?

3 A. At William Greene's apartment where he was
4 staying at the time.

5 Q. Let me show you what has been marked as
6 State's Exhibit 15. Can you indicate where
7 William Greene's apartment is?

8 A. (Indicating), the door right there where
9 this tree is. That residence right in there.

10 Q. Did you also aid in executing a search
11 warrant on the Defendant's residence in this
12 case?

13 A. Yes, I did.

14 Q. Can you describe what was located in the
15 residence?

16 A. A baseball bat.

17 Q. Showing you what has been marked as
18 State's Exhibit 7, is that the baseball bat
19 that you found?

20 A. Yes, it was.

21 Q. State's Exhibit 8?

22 A. (No response).

23 Q. State's Exhibit 6?

24 A. (No response).

25 Q. Is this the location of the baseball bat

1 as it was found when you entered the apartment?

2 A. Yes, it was.

3 Q. In relation to this photograph, what is
4 the relationship of the front door of the
5 apartment?

6 A. Right where this chair is, this is a
7 refrigerator, this chair right here, in between
8 the chair and the refrigerator is a hallway
9 that leads basically straight out this way.
10 When you enter into the kitchen, you come this
11 way. The front door would basically be here,
12 then there is a living room and once you enter
13 you can basically see into the living room and
14 into the kitchen.

15 Q. Would the location of the bat, where you
16 found it, make it easily accessible to the
17 front door?

18 A. Yes. As a matter of fact, when you walked
19 into the residence you see this portion of the
20 bat laying there.

21 Q. Detective, did the living area of the
22 apartment appear to you that any sort of
23 scuffle had taken place inside the apartment?

24 A. No.

25 Q. Detective, did your investigation

1 ultimately lead to a suspect in the death of
2 Carlise Grant?

3 A. Yes.

4 Q. Who was that suspect?

5 A. Stinka.

6 Q. Roger Parker, Jr.?

7 A. Correct.

8 Q. Was the suspect apprehended on the night
9 of the murder?

10 A. No, he was not.

11 Q. Was he apprehended in the days following
12 the murder?

13 A. Not days following the murder.

14 Q. In the months following the crime?

15 A. It was months. I don't know exactly,
16 might have been close to a year.

17 Q. Moving to January of '07, was there a
18 break-through in the search for Roger Parker,
19 Jr.?

20 A. Yes.

21 Q. How did that occur? What was that break-
22 through?

23 A. Detective Patrick received a tip.

24 Q. Was that a Crime Stoppers tip?

25 A. I can't say exactly for sure how he got

1 the tip but I was notified by Detective Patrick
2 that he got a tip and that we needed to go and
3 search for the Defendant.

4 Q. How did you proceed in following up on
5 this anonymous tip?

6 A. I met with Detective Patrick. He informed
7 me of the tip that he had gotten. Do you want
8 me to tell the whole story?

9 Q. Please.

10 A. I met with Detective Patrick. There was
11 a cab driver, we picked up the person and took
12 him from one location to another that was
13 supposed to have been Stinka. I got with
14 the ---

15 MR. GRIMES: Your Honor, I don't
16 believe that he'd laid an appropriate
17 foundation. We would object as to hearsay.

18 THE COURT: Approach, please.

19 (SIDEBAR)

20 THE COURT: You may continue.

21 DIRECT EXAMINATION CONTINUED

22 BY MR. SIMPSON:

23 Q. Detective Elmore, regarding the victim's
24 body at the scene, were you there when the body
25 was moved?

1 A. Yes, I was.

2 Q. Was there anything located in the area of
3 the body when it was moved?

4 A. Yes.

5 Q. Could you describe that for the jury?

6 A. When they moved the body over, I heard a
7 sound which appeared -- at that time it was a
8 slug underneath the victim's body.

9 MR. SIMPSON: No further
10 questions, Your Honor.

11 THE COURT: You may cross examine.

12 MR. GRIMES: Thank you.

13 CROSS EXAMINATION

14 BY MR. GRIMES:

15 Q. I believe that you were in here during
16 Corporal Moore's testimony?

17 A. Correct.

18 Q. And you heard the questions that I asked
19 about North Charleston being accredited?

20 A. Correct.

21 Q. Would you agree with Corporal Moore's
22 answers to those questions?

23 A. Correct.

24 Q. That may save us a little time. I want to
25 ask you a couple of questions about interview

1 techniques. North Charleston has a policy for
2 interview techniques, correct?

3 A. I don't know of any policy on techniques.

4 Q. Well, "techniques" may not be the right
5 word. Policies or procedures on the way that
6 interviews should be done?

7 A. (No response).

8 Q. You have some policies on that, don't you?

9 A. I am not aware of that policy.

10 MR. GRIMES: (Tenders document to be
11 marked as exhibit.)

12 (SO MARKED AS DEFENDANT'S EXHIBIT 5
13 FOR IDENTIFICATION)

14 CROSS EXAMINATION CONTINUED

15 BY MR. GRIMES:

16 Q. I hand you what has been marked as
17 Defendant's Exhibit 5 for identification.
18 Under the "Purpose" section, it says that it is
19 to establish procedures for criminal incidents
20 and management by investigators of the North
21 Charleston Police Department." Is that fair to
22 say?

23 A. Yes, sir.

24 Q. The next paragraph says, (reading): "It
25 is the policy of the North Charleston Police

1 Department to employ thoroughly, highly-
2 investigative techniques in order to ensure
3 efficient and effective management of criminal
4 investigations."

5 A. Correct.

6 Q. If we could turn to page seven, what is
7 the title of Paragraph J?

8 A. "Interviewing and Interrogation".

9 Q. And I am going to sort of skip around a
10 little bit. Subparagraph two says, "Interviews
11 and interrogations are to be held in a quiet
12 and private location free from outside
13 distractions."

14 A. Correct.

15 Q. Now, in this case, you testified that you
16 interviewed Ms. Ward in your car or a police
17 car?

18 A. Correct.

19 Q. Because that was the only safe place?

20 A. At that time.

21 Q. Now, you're aware that Demetria Grant was
22 interviewed at the North Charleston Police
23 Department by Detective Patrick; correct?

24 A. Would you repeat the question for me? I'm
25 sorry.

1 Q. You are aware that Detective Patrick,
2 about the same time, took Demetria Grant to the
3 North Charleston Police Department for an
4 interview?

5 A. Correct.

6 Q. And that's a safe place for an interview;
7 right?

8 A. Correct.

9 Q. It says "free from outside distractions."
10 If you are interviewing someone's mom, whose
11 son has just passed away, is it fair to say
12 that would be an outside distraction?

13 A. Yes.

14 Q. In Paragraph K, it talks says that
15 custodial or interview rooms are to be used
16 for custodial and noncustodial interviews of
17 persons suspected of, witness to, victim of
18 or ---

19 MR. SIMPSON: I don't believe
20 that the defense attorneys is even asking a
21 question here.

22 THE COURT: Well, he's publishing
23 from a document that has not been admitted.
24 You are not going to publish any more from the
25 document until it's an exhibit, Mr. Grimes.

1 You don't do that, sir. If you want to admit
2 it, go ahead and admit it and then we can go on
3 from there.

4 MR. GRIMES: I move to introduce it
5 as an exhibit.

6 THE COURT: Any objection to its
7 admission?

8 MS. SHEALY: Your Honor, I don't
9 believe it is a document that we have been
10 afforded the opportunity to review.

11 THE COURT: Well, take a few moments
12 and looked at it.

13 MR. SIMPSON: (Reviewing with Ms.
14 Shealy).

15 THE COURT: Ladies and Gentlemen, at
16 this point, I will let you go to your jury
17 room. Do not begin your deliberations, don't
18 discuss the case. We will be with you in about
19 ten minutes or so.

20 (JURY OUT @ 10:55 A.M.)

21 THE COURT: All right, take a few
22 moments and look at the document. I will be
23 happy to hear you when we come back.

24 Detective Elmore, if you need to step
25 down during this break, feel free to do so.

1 Just don't have any conversation with any of
2 the attorneys. Okay?

3 WITNESS: Yes, sir.

4 THE COURT: We will be at-ease.

5 Let me remind you of something. I don't know
6 how far you are going with this, Mr. Grimes,
7 but ---

8 MR. GRIMES: I think I am fairly
9 close to the end.

10 THE COURT: Well, you may have just
11 gone a little bit too far by making the
12 statement. It wasn't just somebody's whose son
13 -- I have forgotten specifically your term,
14 "deceased" or "died". You stopped something
15 and went right into, so -- I don't know why you
16 did that. But now, clearly, we've got -- I
17 will let you'all be the judge of what sort of
18 followup questions that you want to ask about
19 that. You need to keep in mind, what you are
20 doing. This is a mother that he was inter-
21 viewing. I don't know why you wasted the time
22 talking about that for, but that's your
23 business. Whether or not he followed a policy
24 is all discretionary, but be careful of
25 argumentative questions, because I might just

1 stop you.

2 MR. GRIMES: Thank you, Your Honor.

3 (BRIEF RECESS)

4 (DEFENDANT PRESENT)

5 (OFF RECORD DISCUSSION)

6 THE COURT: I am just saying that is
7 the basis -- I think those statements are
8 probably more effective -- who am I to say that
9 it is more effective? You already have it in
10 as evidentiary, and I think that if necessary
11 you can address that at another stage.

12 MS. SHEALY: Yes, sir.

13 THE COURT: Thank you. Do you want
14 it admitted or are you not going to publish any
15 more of that statement?

16 MR. GRIMES: No, sir.

17 THE COURT: That's fine. When they
18 come back, if there are no further questions
19 you can just say 'no further questions' or
20 however you want to do it, Mr. Grimes.

21 MR. GRIMES: Yes, sir.

22 THE COURT: Bring in our jury. Are
23 you going to redirect?

24 MR. SIMPSON: Yes, Your Honor.

25 Briefly.

1 THE COURT: Very briefly. Be
2 careful.

3 MR. SIMPSON: Okay.

4 MR. GRIMES: I still have some more
5 questions.

6 THE COURT: You still have some
7 cross?

8 MR. GRIMES: I am not going into ---

9 THE COURT: You're not pursuing that
10 any more?

11 MR. GRIMES: No, sir.

12 THE COURT: Okay. Thank you.

13 (JURY IN @ 11:13 A.M.)

14 THE COURT: You may continue your
15 examination.

16 CROSS EXAMINATION RESUMED

17 BY MR. GRIMES:

18 Q. Detective Elmore, I want to ask you just a
19 couple of more questions about your interview
20 with Ms. Ward. You said that you arrived at
21 the scene and you saw Ms. Ward over her son's
22 body?

23 A. Yes.

24 Q. When did you take her to your car?

25 A. I didn't have a car.

1 Q. To a car and talked to her?

2 A. It was sometime later, a few minutes
3 later.

4 Q. How many minutes?

5 A. I am not sure how many, a few minutes
6 later.

7 Q. And I believe that you took her statement
8 about 6:55?

9 A. Possibly.

10 MR. GRIMES: May I approach the
11 witness, Your Honor?

12 THE COURT: Yes, sir.

13 CROSS EXAMINATION CONTINUED

14 BY MR. GRIMES:

15 Q. I want to show you a copy of Ms. Ward's
16 statement. Do you see the time?

17 A. (Upon review), yes.

18 Q. About 6:55?

19 A. Yes.

20 Q. Is that the time that you started the
21 interview or was that the time that the
22 interview was ended?

23 A. That would have been the time the
24 interview started.

25 Q. How long did it last?

1 A. Anywhere between thirty minutes, forty-
2 five minutes.

3 Q. And you responded on the scene about 6:20,
4 6:22?

5 A. Yes, approximately.

6 Q. Did Ms. Ward have a cell phone at that
7 time?

8 A. At which time?

9 Q. While you were talking to her?

10 A. I think that she may have had one. I
11 can't say for sure.

12 Q. Well, while you were interviewing her, did
13 she make any calls?

14 A. Not while I was interviewing her.

15 Q. And while she was in your car, did she
16 make any phone calls?

17 A. Did she make any?

18 Q. Phone calls?

19 A. No.

20 MR. GRIMES: Thank you, Your Honor.
21 Nothing further.

22 THE COURT: Redirect?

23 MR. SIMPSON: Yes, sir, Your
24 Honor. Sure.

25 REDIRECT EXAMINATION

1 BY MR. SIMPSON:

2 Q. Detective, when investigating a serious
3 crime, is it important to gather information
4 as quickly as you can?

5 A. Correct.

6 Q. The Defense referred to the fact that you
7 interviewed Cassandra Ward on the scene rather
8 than taking her somewhere else; correct?

9 A. Correct.

10 Q. Can you explain to the jury why you did?

11 A. First of all, I didn't have a vehicle.

12 Like I explained earlier, I came with Detective
13 Patrick and he left with his witness in his
14 vehicle. Officers arrived and they were doing
15 what their job requirements are. I was walking
16 around the crime scene, doing my job and
17 gathering witnesses. I had to make do with
18 what the circumstances provided me with.

19 MR. SIMPSON: Thank you, sir.

20 Nothing further.

21 THE COURT: Recross?

22 MR. GRIMES: Nothing, Your Honor.

23 THE COURT: Detective Elmore, you
24 may step down.

25 (WITNESS STEPS DOWN)

1 THE COURT: Call your next witness.

2 MS. SHEALY: Andrew Coker.

3 (WITNESS TAKES STAND)

4 ANDREW COKER, being duly
5 sworn to tell the truth, the whole truth and
6 nothing but the truth, testified, as follows:

7 DIRECT EXAMINATION

8 BY MS. SHEALY:

9 Q. Mr. Coker, would you please tell the jury
10 where you are currently employed?

11 A. I am employed with the City of North
12 Charleston Police Department.

13 Q. How long have you worked for North
14 Charleston?

15 A. Just shy of seventeen years.

16 Q. What is your role at North Charleston now?

17 A. Currently, I'm a crime scene investigator,
18 fingerprint analyst.

19 Q. On April 18th, 2006, what were you?

20 A. I was a crime scene investigator.

21 Q. Could you tell us -- first of all, what
22 does it mean to be a crime scene investigator?

23 A. I am called to the scene of a crime to
24 locate and collect any evidence, photograph,
25 photo document everything.

1 Q. Okay. We have also seen crime scene tape.

2 Can you explain what the use of that?

3 A. That is to create a protective barrier
4 around the crime scene.

5 Q. Were you called out to [REDACTED] on
6 April 18th, 2006?

7 A. I actually responded to the scene after I
8 heard the incident had taken place.

9 Q. Over your dispatch?

10 A. Over the radio, yes.

11 Q. When you arrived there, had anyone put the
12 crime scene tape up?

13 A. I believe that there had been crime scene
14 tape strung by the time that I got there.

15 Q. With regard to the victim's body, was
16 there a blue sheet over his body at that point,
17 or not yet?

18 A. I ---

19 Q. Or do you recall?

20 A. I don't recall. I don't know if -- I
21 photographed the scene, and ---

22 Q. Was there another member of the crime
23 scene unit that responded to [REDACTED]

24 A. Yes, Corporal Wyant did.

25 Q. That is Scott Wyant?

1 A. Yes.

2 Q. You indicated that you photographed the
3 scene. Had any type of markers been put out
4 at the scene for possible evidence?

5 A. I believe that one or more of the parole
6 officers, when they arrived on the scene, had
7 located several shell casings around the scene
8 and had taken small business cards that we use
9 for writing down case numbers, had folded them
10 and placed them over the location of the shell
11 casings.

12 Q. Those would have been the officers that
13 arrived prior to your getting there?

14 A. That's correct, parole officers.

15 Q. What is the purpose of marking the
16 location of evidence prior to crime scene
17 getting there?

18 A. To show the location, to remember the
19 location of the items without having to post
20 someone to stand beside it. Also to protect
21 the items so that when we are walking around
22 the scene that we don't accidentally kick
23 whatever particular items.

24 Q. When you arrived there, did you or
25 Corporal Wyant do something different with the

1 cards marking locations?

2 A. Yes, at that time we had alphabetical
3 markers, yellow in color, that we would take
4 and place at each of the locations, items of
5 evidence.

6 Q. Those are placards? Is that the proper
7 word for them?

8 A. Placards, yes.

9 Q. What kind of markings did they?

10 A. They had a letter, alphabetical.

11 Q. So when you would approach a piece of
12 evidence, what would you do with the existing
13 marker when putting a placard down?

14 A. Those were moved aside or collected and
15 removed from the scene.

16 Q. You indicated that you were taking
17 photographs that evening, was Corporal Wyant
18 also taking photographs?

19 A. Yes, he was using a 35mm.

20 Q. You told us that a crime scene location is
21 kind of cordoned off; is that correct?

22 A. That's correct.

23 Q. Would you describe for the jury the
24 general area that was blocked out?

25 A. The apartment complex, where the

1 apartments were set up on both sides of the
2 road. They have a small front yard for each of
3 them. It's multiple buildings along one
4 street.

5 The crime scene tape is then set up to
6 block off one building on each side of the road
7 from one end of the building to the other end
8 of the building, to keep a parameter, to keep
9 observers out.

10 Q. When you say keep observers out, could you
11 kind of describe the atmosphere at Ashley
12 Shores Apartments that afternoon. Were there
13 many people out there?

14 A. Yes. Quite a few people came out to see
15 what the commotion -- what was going on, and
16 wanted to find out what was happening in the
17 neighborhood.

18 Q. Okay. And when you collect the items of
19 evidence, are they ever sent somewhere else
20 after you physically collect them?

21 A. Yes, ma'am. Depending on what the item is
22 and what necessary testing needs to be done on
23 it, we will package the item, submit it to the
24 State Law Enforcement Division for further
25 testing.

1 Q. And the State Law Enforcement Division is
2 also known as SLED?

3 A. That's correct.

4 Q. That is located, where?

5 A. In Columbia.

6 Q. So your role that evening, other than
7 taking photographs and putting the placards
8 out, did you actually collect evidence that
9 evening?

10 A. Yes, I did.

11 Q. Showing you what has been previously
12 marked as State's Exhibit 1 -- and while we are
13 waiting to that (ELMO) to come up, let me ask
14 you: While you were at the scene that
15 afternoon, did the gentleman from the traffic
16 unit that does mapping, did they (sic) come out
17 to the scene, as well?

18 A. Yes, they did.

19 Q. Could you describe briefly for the jury
20 what the purpose of the mapping is?

21 A. The mapping unit is used to create a scale
22 diagram for later reference, to determine
23 locations of items at the scene. It's all done
24 to scale.

25 Q. I think that you may have a pointer up

1 there. Do you see one?

2 A. I have.

3 Q. Showing you State's Exhibit 1, could you
4 please describe that for the jury?

5 A. This is the front of the apartment where
6 the victim's family resided.

7 Q. Are there in fact some items of evidence
8 in the front yard there?

9 A. Yes, there are.

10 Q. I show you State's Exhibit 2. Here, could
11 you show the jury where there are any placards
12 marking the evidence?

13 A. Yes, the placards are indicated, located
14 in the yard, along the sidewalk and directly
15 out in front.

16 Q. State's Exhibit 3. Would you tell us what
17 this picture depicts?

18 A. This depicts a damaged window in the first
19 apartment. It appears to have been from a rock
20 or a gun -- a projectile of some type had
21 traveled through the window and also traveled
22 through the blind.

23 Q. The ladder that is shown in that photo-
24 graph, was that ladder there when you arrived?

25 A. It was. It was provided by the North

1 Charleston Fire Department.

2 Q. Okay. Showing you State's Exhibit 4, is
3 that a closer up shot of what we were looking
4 at?

5 A. That's correct.

6 Q. State's Exhibit 5, is anything depicted
7 in this photograph that was of interest to
8 you'all?

9 A. Yes, there appears to be a projectile hole
10 in this right here (indicating).

11 Q. State's Exhibit 6. Were you present for
12 the search warrant?

13 A. No, I was not.

14 Q. State's Exhibit 8. Is this another shot
15 showing the placards that were used?

16 A. That's correct.

17 Q. State's Exhibit 9. Looking at what has
18 been previously marked as -- I'm sorry. The
19 photograph, State's Exhibit 9, that was marked
20 as "J", can you tell the jury what that
21 photograph depicts?

22 A. "J" appears to be a projectile fragment.

23 Q. Now, after you photographed everything and
24 marked everything, once you began collecting
25 items, could you explain to the jury how you

1 actually physically take the item and what you
2 put it in and how you mark what you put it in?

3 A. Yes. Typically at a scene, we bring with
4 us multiple items to use as packaging: such as
5 envelope, cartons, paper and/or plastic bags.

6 At this particular scene I had multiple
7 paper envelopes, which when I went around and
8 collected each of the items prior to placing
9 them in the bag, I would indicate the letter
10 marker of the position where I removed the item
11 from.

12 Q. Showing what has been previously entered
13 into evidence as State's Exhibit 88, could you
14 tell the jury what this is?

15 A. This is a projectile.

16 Q. What was it labeled as?

17 A. It was labeled J.

18 Q. And, again, that is because the placard
19 that was marking it was lettered "J"?

20 A. Yes.

21 Q. Next exhibit, please. State's Exhibit 10.
22 If you would, take just a moment for us and
23 tell us what is depicted in State's Exhibit 10,
24 marked "E".

25 A. That is a spent shell casing.

1 Q. Showing you what has previously been
2 marked into evidence as State's Exhibit 80,
3 could you tell the jury what that is?

4 A. Another shell casing, with the letter "E".

5 Q. Would you please explain to the jury, when
6 you say "shell casing", how does that compare
7 to a projectile? What is the difference?

8 A. The casing contains -- initially contains
9 the projectile and the propellant that is used
10 to fire the projectile. After the projectile
11 is fired from the bullet itself, the casings
12 are ejected from semiautomatic weapons. This
13 remains behind.

14 Q. The next photograph, State's Exhibit 11.
15 That is marked as "F". Could you tell the jury
16 what that picture depicts?

17 A. That is a damaged cell phone.

18 Q. When you say damaged cell phone, could you
19 describe for the jury in what way it was
20 damaged?

21 A. It appeared that the cell phone had been
22 struck by some form of a projectile and broke
23 apart.

24 Q. Showing you what has previously been
25 marked as State's Exhibit 101, would you open

1 that envelope and show the jury, please, what
2 you marked?

3 A. This would be the cell phone in question
4 and the damaged projectile on the side of the
5 cell phone.

6 Q. Okay. And in the photograph it is not put
7 back together; is that correct?

8 A. That's correct. It is as it was found at
9 the scene.

10 Q. Could you open that back up and show the
11 jury?

12 A. (Complies). The battery is not in the
13 bag.

14 Q. Okay. If you would, hold it up to the
15 jury?

16 A. (Displaying), the main portion of the cell
17 phone was damaged to the side here and the ---

18 Q. A little louder for us.

19 A. --- the rear cover of the cell phone also
20 has indication of being struck.

21 Q. The next photograph, State's Exhibit 12.
22 Is that a closer up view of how the cell phone
23 appeared, reflecting that evening?

24 A. Yes, an overhead view.

25 Q. State's Exhibit 13. Would you describe

1 for us what is depicted in that?

2 A. The leather and plastic cell phone case.

3 Q. Okay. Showing you what previously has

4 been marked and entered into evidence as

5 State's Exhibit 102, would you describe to the

6 jury, please, what is found in that envelope?

7 A. This would be the shell casing depicted.

8 Q. The next photograph, State's Exhibit 14.

9 Could you show us please -- tell us, please,
10 what is depicted in that photograph.

11 A. It is an soda can, orange soda.

12 Q. Showing you what has been marked as

13 State's Exhibit 107, would you please describe

14 for the jury what is in there?

15 A. It is the orange soda can, now with black
16 powder on it because it has been processed for
17 fingerprints.

18 Q. Take a moment and explain that to us. You
19 explained previously that some evidence is sent
20 up, where, to be analyzed?

21 A. That's right.

22 Q. And I believe that you testified that SLED
23 is one of the places that does that?

24 A. That's correct.

25 Q. In this instance, regarding the soda can,

1 where was that sent?

2 A. That was not sent anywhere. That was
3 processed at police headquarters.

4 Q. And what was the purpose of processing it?

5 A. We dusted it with black powder in an
6 attempt to locate any usable fingerprints for
7 later analyses.

8 Q. Are you aware of the results of that?

9 A. As far as -- no, I am not.

10 Q. That's fine. Showing you the next
11 photograph, State's Exhibit 15. The items that
12 we just looked at -- the soda can, the shell
13 casing, the cell phone, -- would you show us in
14 this picture where those items were located.
15 If you could just point them out.

16 A. Oh, yeah. Uh -- this is the cell phone.

17 Q. You're going to need to speak a little
18 louder.

19 A. This is the cell phone case right here, I
20 believe. Item "E", shell casing. Item "J" is
21 a projectile. Item "F", phone. Item "H" was
22 the soda can.

23 Q. Showing you State's Exhibit 16, was this
24 an item also located in that general area?

25 A. Yes, this was an item that was found from

1 a further search of the area.

2 Q. That was marked 16?

3 A. Yes.

4 Q. Showing you what has previously been
5 entered into evidence as State's Exhibit 94,
6 could you tell the jury how this is labeled and
7 what it has in it?

8 A. It is labeled "P" contained inside is a
9 spent shell casing.

10 Q. Showing you State's Exhibit 17, would you
11 tell the picture what that depicts?

12 A. That is an overhead view of the spent
13 shell casing, item "P".

14 Q. That is the one that we just looked at up
15 closer?

16 A. Yes.

17 Q. State's Exhibit 18?

18 A. Item "R" is also a spent shell casing.

19 Q. And showing you what has previously been
20 marked as State's Exhibit 96. Would you tell
21 the jury what is contained in this bag?

22 A. A spent shell casing and an enveloped
23 labeled "R".

24 Q. State's Exhibit 19.

25 A. That is also a spent shell casing.

1 Q. And State's Exhibit 95, previously
2 admitted into evidence. What is that ---

3 A. Yes, spent shell casing.

4 Q. State's Exhibit 20. Now, the cars that
5 were involved that evening, what type of car
6 was the white one, behind the other vehicle?

7 A. A Mazda.

8 Q. And the car in front of that is what type
9 of vehicle?

10 A. Saturn.

11 Q. Okay. Was there anything of evidentiary
12 value on either of those two cars?

13 A. There was a projectile hole in the left
14 rear door of the white Saturn, which is in the
15 lower left corner.

16 Q. State's Exhibit 21. That is the Mazda
17 behind that car?

18 A. That's correct.

19 Q. State's Exhibit 22. Can you show us on
20 that picture where you are talking about? The
21 bullet entry?

22 A. Yes, the projectile entered the vehicle
23 through the side of the vehicle, the left rear
24 door.

25 Q. State's Exhibit 23. Is that a closer

1 image of it?

2 A. Yes, it is.

3 Q. State's Exhibit 24. Show us what this is
4 depicting.

5 A. This is the interior side of the same
6 door.

7 Q. State's Exhibit 25. Is that a closer
8 picture?

9 A. Yes, that's correct. That is from the
10 projectile, fragmented.

11 Q. When you say "fragmented", what does that
12 mean?

13 A. It broken apart when it struck a solid
14 object.

15 Q. So when a bullet comes out of a gun and it
16 strikes something solid, it fragments?

17 MR. GRIMES: Leading.

18 THE COURT: Rephrase your question.

19 DIRECT EXAMINATION CONTINUED

20 BY MS. SHEALY:

21 Q. If you would, describe ---

22 A. Yes. When a projectile strikes a solid
23 object, sometimes projectiles do break apart
24 upon striking that object.

25 Q. State's Exhibit 26. Let me go back a

1 minute, if I could, to Exhibit 25. Was
2 Corporal Wyant involved in looking at this door
3 with you?

4 A. Yes, he actually took these photos.

5 Q. Could you describe to the jury what was
6 done to the door?

7 A. Corporal Wyant, with permission of the
8 owner, disassembled the plastic frame that you
9 can see on the door right here and we located
10 and removed the fragments, pieces of the
11 projectile, from the door. Corporal Wyant then
12 reassembled the door.

13 Q. Showing you what has been previously
14 marked as State's Exhibit 104, could you tell
15 the jury please what is contained within this
16 envelope?

17 A. This is fragmented pieces of what appears
18 to be a projectile.

19 Q. Showing you what has been marked as
20 State's Exhibit 26. What, if anything, was
21 found on the back of the Saturn?

22 A. On the back side of the Saturn, there was
23 blood spatter, blood droplets located on the
24 rear trunk lid and on the windshield -- the
25 rear window of the car.

1 Q. State's Exhibit 27. Can you point out to
2 the jury what you saw on the car?

3 A. Yes, it is marked with the letter "S" to
4 indicate there were blood droplets. You can
5 see various little spots on the vehicle, which
6 on initial examination appeared to be blood
7 droplets.

8 Q. State's Exhibit 28. Is that a closer view
9 of the blood droplets?

10 A. That's correct.

11 Q. Now, did you do anything to collect the
12 blood samples off of that?

13 A. I did not. Corporal Wyant did.

14 Q. State's Exhibit 29. Is that still the
15 area that was marked for that?

16 A. That's correct.

17 Q. State's Exhibit 30. And we move down from
18 the front yard into the road area, is that
19 correct?

20 A. That's correct.

21 Q. Could you just point out to the jury the
22 placards that you -- you may not be able to see
23 the letters from that far.

24 A. Correct. Letter "A" is marking a shall
25 casing. This is one of the cards that I

1 mentioned earlier that had been removed from
2 letter "A". More letters down the street
3 marking other evidentiary items.

4 Q. State's Exhibit 31. Does this photograph
5 come before the markings and the placards?

6 A. That's correct.

7 Q. This is just to show us what it looked
8 like prior to placing the placard(s)?

9 A. Yes, these are the folded business cards
10 which I referred to earlier that were marking
11 items of evidentiary value.

12 Q. State's Exhibit 32. This view depicted in
13 this photograph shows what?

14 A. This view would be from behind me when I
15 initially started photographing. This would be
16 the view from the opposite side of the previous
17 photograph, showing down the road, [REDACTED]
18 towards Scarpe Drive.

19 Q. And the vehicle that we see more fully and
20 to the left is which vehicle?

21 A. That is the Saturn.

22 Q. State's Exhibit 33. Could you describe
23 what we see in this photograph? That is
24 actually a picture of you?

25 A. Yes, that's me. I believe that this photo

1 was taken by Corporal Wyant.

2 Q. And the placards mark items in that photo-
3 graph?

4 A. That's correct.

5 Q. State's Exhibit 34.

6 A. That is a spent shell casing.

7 Q. If we could go back just for a second to
8 State's Exhibit 31, -- State's Exhibit 30. The
9 letter "A" is marking an item in that
10 photograph?

11 A. That's correct.

12 Q. Showing you what has been previously
13 marked as State's Exhibit 79 and I ask you
14 whether this envelope contains what you found
15 at spot "A"?

16 A. Yes, this envelope contains the spent
17 shell casing.

18 Q. Now going back to State's Exhibit 33.
19 There is an area here marked with a "B". I
20 show you State's Exhibit 89 and ask you whether
21 this bag reflects what was gathered at "B"?

22 A. Yes, that's correct.

23 Q. What was it that was gathered?

24 A. An additional spent shell casing.

25 Q. Spent shell casing?

1 A. (Affirmative nod).

2 Q. "C" is also depicted in that photograph.

3 I show you what has been marked as State's
4 Exhibit 90 and ask you whether that reflects
5 what was gathered from spot "C"?

6 A. A spent shell casing in the envelope,
7 marked "C".

8 Q. And "D". Could you describe for the jury
9 where that was found?

10 A. "D" was actually found underneath the
11 vehicle. It was also a spent shell casing.

12 Q. Showing you what has been marked as
13 State's Exhibit 91, I ask you whether that
14 reflects what was gathered from "D"?

15 A. Yes, it is. A spent shell casing from
16 "D".

17 Q. State's Exhibit 34. Is that a closer view
18 of what was found at "D"?

19 A. Yes, an overhead shot.

20 Q. (State's Exhibit) 35, is that a closer
21 shot of "D"?

22 A. Yes.

23 Q. State's Exhibit 36. Now, this is item
24 "K".

25 A. That's correct.

1 Q. Now, let me ask you, prior to using "K" at
2 that spot, had you used "K" in another area at
3 the crime scene?

4 A. Yes, that's correct. Several shell
5 casings had been found to the rear of an
6 apartment near the scene and had been pointed
7 out to myself and Corporal Wyant. Using
8 letters "K" through "O" --
9 I believe that it was -- let me refer to my
10 notes here. Yes, "K" through "O" we marked the
11 photograph and collected those empty shell
12 casing. We thought that it possible could
13 relate to the scene, possibly not, but we
14 wanted to get testing done on those. After
15 they were photographed and collected, then we
16 reused those markers because we ran out of
17 markers to use -- we'd already used all 26 that
18 were available to us.

19 Q. Was there something about the letter "K"
20 depicted in this photograph that came up later
21 when you had marked other areas of the scene?

22 A. I believe that this is a projectile that
23 was found underneath the victim when he was
24 moved.

25 Q. Okay. Also depicted in that photograph is

1 a towel?

2 A. Yes, that's correct.

3 Q. State's Exhibit 37. Is that a closer shot
4 of where he was found?

5 A. Yes, that's correct.

6 Q. That was actually a shell casing?

7 A. Yes, ma'am.

8 Q. Okay. State's Exhibit 38. Even a closer
9 shot?

10 A. Yes.

11 Q. State's Exhibit 39. There is a placard
12 there, "I". Could you tell the jury what "I"
13 was?

14 A. Yes, ma'am. The letter "I" was a key ring
15 containing two keys, one to the Mazda and one
16 that appeared to be a residential door key.

17 Q. Okay. Did you actually take that into
18 evidence?

19 A. They were collected at the scene, however
20 they were turned over to the owner of the
21 Mazda, who happened to be the victim's mother.

22 Q. Okay. And a black baseball cap is
23 depicted in that photograph.

24 A. That's correct.

25 Q. Showing you what has been previously

1 marked as State's Exhibit 103 and ask you if
2 you can describe what was found, in that bag?

3 A. This is the black ball cap that was
4 collected.

5 Q. State's Exhibit 40. In examining this
6 photograph, are those the keys that you
7 collected?

8 A. Yes.

9 Q. State's Exhibit 41. That shows where they
10 were in relationship to ---

11 A. To the Dodge Durango that was parked on
12 the opposite side of the street.

13 Q. Looking at the photograph of the Dodge
14 Durango, was there something significant about
15 the tires?

16 A. Yes, the tire itself had actually gone
17 flat while we were at the scene. On arriving
18 at the scene, when initially photographing, I
19 could hear the air being let out of the tire.

20 Q. Tell us, if you would, what you did in
21 relationship to that tire?

22 A. After photographing it and collecting
23 other evidence at the scene, with the
24 permission of the owner of that vehicle, I then
25 changed the tire, removed that tire from the

1 vehicle, placed the spare in its place,
2 retained that tire until the next day when I
3 took the tire to our City garage. They removed
4 the tire from the rim and we collected a
5 projectile from inside of the tire.

6 Q. What did you do with the projectile that
7 came out of the tire?

8 A. The projectile was logged into the
9 evidence locker. It had been severely damaged
10 upon going into the tire. It did not appear to
11 have any evidentiary value as far as analysis.

12 Q. Showing you State's Exhibit 42, does that
13 reflect where the Durango was when you were
14 investigating the scene?

15 A. Yes, ma'am.

16 Q. State's Exhibit 43. That is just a closer
17 shot of the tire?

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

19 Q. State's Exhibit 44. In this photograph
20 it just shows where the items that we just
21 discussed were in relationship to the
22 apartment?

23 A. Yes, ma'am.

24 Q. State's Exhibit 45. That is the marker
25 that we just saw, the shell casing that I've

1 already handed up to you?

2 A. Yes, ma'am.

3 Q. State's Exhibit 46. If you would, please
4 tell the jury what this area depicts.

5 A. This depicts the rear of [REDACTED]
6 Lane, which is one building down from the
7 incident scene, at the rear of the building.
8 The scene itself was in the roadway in front of
9 the adjacent building. These shell casings
10 were located -- by patrol officers searching
11 the items. These are the items that I referred
12 to earlier that I had marked, photographed and
13 collected.

14 Q. Do you remember anything about the way
15 that those shell casings appeared in comparison
16 to the other ones that you found that day that
17 distinguished them?

18 A. Yes, they appear to be more tarnished.
19 They also had bits of debris, dirt and -- at
20 the time, there was an oak tree pollen buds
21 that had collected from the wind blowing and
22 some of these had pollen buds on them.

23 Q. Showing you State's Exhibit 47. Is that a
24 closer up photograph of the shell casing found
25 at placard "K"?

1 A. That's correct.

2 Q. And again this is distinguished from the
3 other casings that we have seen?

4 A. Yes, ma'am.

5 Q. Showing you what has marked as State's
6 Exhibit 85. Could you tell us whether that
7 contains what was marked as "K"?

8 A. Yes, that's correct. It is the shell
9 casing with the letter "K" on the envelope.

10 Q. State's Exhibit 48. I am showing you what
11 has been marked as State's Exhibit 92, I ask
12 you whether this bag contains what you have
13 labeled as "L"?

14 A. Yes, envelope "L" also contains a spent
15 shell casing.

16 Q. State's Exhibit 49. Showing you State's
17 Exhibit 86, I ask you whether this item
18 contained in "M" is what you gathered from that
19 placard?

20 A. Yes, it is. A spent shell casing labeled
21 "M".

22 Q. State's Exhibit 50. That is a picture of
23 "M"?

24 A. Yes, it is.

25 Q. State's Exhibit 93 reflects what was

1 gathered from "M"?

2 A. Yes, another spent shell casing.

3 Q. And State's Exhibit 51, that being marked
4 "O". State's Exhibit 87 contains what was
5 collected from spot "O"?

6 A. That's correct.

7 Q. I would ask that you, with the court's
8 permission, step down for a second with the
9 ones that were found in that area. If you
10 could -- if you are able to point out to the
11 jury, what made them basically appear different
12 than the other shell casings.

13 A. If we could use one for comparison.

14 THE COURT: Keep your voice
15 elevated, please.

16 WITNESS: Yes, sir.

17 THE COURT: Thank you.

18 DIRECT EXAMINATION CONTINUED

19 BY MS. SHEALY:

20 Q. Which one is that?

21 A. Item "D", which was collected from under-
22 neath the white Saturn is a spent shell casing.

23 These other five spent shell casings were
24 found at the rear of the other apartment,
25 marked "K" through "O". They appeared to be

1 more tarnished than this initial one.

2 Q. I think that you might -- if you could
3 move down more toward this end.

4 A. (Displaying along jury rail).

5 Q. Okay. You can take your seat.

6 A. (Complies)

7 Q. State's Exhibit 51 is "O". We have
8 already gone over "O".

9 A. Yes, we have.

10 Q. State's Exhibit 52. Do you recall if you
11 took this photograph or if Corporal Wyant ---

12 A. That appears to be a photograph that I
13 took upon my arrival at the scene. There were
14 no placards placed yet.

15 Q. Did that crime scene tape actually get
16 moved while you were out there?

17 A. I believe the tape -- the scene was
18 actually extended a ways on later in the
19 investigation when additional shell casings
20 were found further down the roadway on [REDACTED]
21 towards Scarpe. From where I was first
22 standing to the rear.

23 Q. If you will take the pointer and point to
24 which piece of tape you are talking about that
25 was actually moved so that the crime scene could

1 be expanded.

2 A. This tape would remain, however additional
3 tape would have been placed further down the
4 roadway, to the rear.

5 Q. State's Exhibit 53.

6 A. That is a distance shot further behind the
7 crime scene.

8 Q. And, in general, can you point to whether
9 there is any spot on the left-hand part of the
10 photograph that is also relevant to the scene?

11 A. Yes. In the front yard, specifically that
12 yard, is where the traffic officers who
13 responded to the scene placed their mapping
14 device to map the scene.

15 Q. What about other shell casings? Were
16 there any found ---

17 A. Yes, additional shell casings were
18 actually found along the roadway and in the
19 yards of the apartment buildings going back up
20 the road.

21 Q. Okay. If you would, take the pointer and
22 show where the two apartments in question are.

23 A. Yes, the apartment where the victim's
24 family was was right here, and next door was
25 the apartment with the damaged window.

1 Q. State's Exhibit 54. When you'all are out
2 there in the afternoon, obviously it becomes
3 dark at some point?

4 A. That's correct.

5 Q. And in this photograph are there some --
6 are there placards or folded blue papers
7 depicting where shell casings were found?

8 A. Yes, these appear to be the placards that
9 were placed showing where additional shell
10 casings were found.

11 Q. If you would, does this photograph show
12 where the victim's family's apartment was?

13 A. Yes, this shows the apartments down at
14 the other end of the street and if the victim
15 had been out in the roadway, this is here
16 approximately.

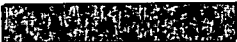
17 Q. State's Exhibit 55. Is this a closer shot
18 of the shell casing?

19 A. Yes, that's correct.

20 Q. And are you able to identify what letters
21 are depicted on that photograph?

22 A. The letters "X" and "Y", and it appears to
23 be "U" and "B". I can't read that one.

24 Q. State's Exhibit 56. This shows placard
25 "F", could you tell us where that was found?

1 A. That would be additionally down the street
2 on South 

3 Q. Showing you what has been marked as
4 State's Exhibit 97. Could you tell the jury
5 whether this was found where you marked "F"?

6 A. Yes.

7 Q. And if you could just take one moment, the
8 white pieces of paper that are in each of these
9 envelopes, does that reflect a letter that is
10 applicable to the shell casings?

11 A. Yes, the envelopes, the opening to the
12 envelope being on this end. There is a letter
13 that is indicated on the envelopes, also a
14 description at that top, the date that it was
15 collected, where it was collected from and the
16 case number involved in the incident.

17 Q. Showing you State's Exhibit 57. That is
18 a closer shot of that shell casing?

19 A. Yes.

20 Q. State's Exhibit 58. What placard is
21 depicted in this photograph?

22 A. That is Placard "C".

23 Q. All right. State's Exhibit 59. Is that
24 also "D"?

25 A. That's to show -- that shows the last

1 shell casing that was found along the roadway.

2 Q. Showing you what has been marked as
3 State's Exhibit 84, I ask you whether the item
4 that was marked "C" is contained within that?

5 A. Yes, that's correct.

6 Q. State's Exhibit 60, does that show Placard
7 "T"?

8 A. Yes.

9 Q. And State's Exhibit 61, is that a closer
10 picture of "T"?

11 A. Yes, a closer-up view of item "T".

12 Q. Now, it's a little darker in this
13 photograph. Can you use the pointer and show
14 the jury where ---

15 A. Yeah, "T" is a spent shell casing that is
16 in the grass.

17 Q. Showing you what has been marked as
18 Exhibit 81, I ask you whether this -- if this
19 is what was reflected at "T"?

20 A. It is.

21 Q. Okay. (State's Exhibit) 62, is that
22 Placard "U"?

23 A. Yes.

24 Q. Showing you what has been marked as
25 State's Exhibit 82, I ask you whether it is

1 what is reflected at "U"?

2 A. Yes, that's correct.

3 Q. State's Exhibit 63. Again, is that a
4 closer depiction of what was found at "U"?

5 A. Yes, closer. Again, that's the shell
6 casing that was found amongst the grass in the
7 darkness.

8 Q. State's Exhibit 64. Those are Placards
9 "W" and "V".

10 A. Yes.

11 Q. Showing you what has been marked as
12 State's Exhibit 99, I ask you whether or not
13 that is what was found at "W"?

14 A. Yes, a spent shell casing and it is
15 labeled "W".

16 Q. And State's Exhibit 98, is this what was
17 found at "V"?

18 A. Yes, an additional spent shell casing.

19 Q. State's Exhibit 65, a closer up depiction?

20 A. Yes, again of the grass and a shell
21 casing.

22 Q. 66.

23 A. Shell casing.

24 Q. 67?

25 A. "Y", depicting a spent shell casing.

1 Q. Showing you what has been marked as
2 State's Exhibit 100, is that what was found at
3 "Y"?

4 A. Yes, it is.

5 Q. 68?

6 A. Same shell casing.

7 Q. 69?

8 A. Marker "X".

9 Q. 70?

10 A. An overhead view of marker "X", slightly
11 visible beneath the shadowing is the shell
12 casing.

13 Q. Showing you what has been marked as
14 State's Exhibit 83, is that what you found at
15 "X"?

16 A. Yes, that's correct.

17 MS. SHEALY: I beg the court's
18 indulgence just a moment.

19 THE COURT: Certainly.

20 DIRECT EXAMINATION CONTINUED

21 BY MS. SHEALY:

22 Q. We had discussed earlier the fragments
23 that were found in the Dodge Durango tire?

24 A. Yes.

25 Q. Showing you (State's) Exhibit 105, can you

1 tell the jury what is contained in this
2 envelope?

3 A. Yes. It is one spent bullet. Contained
4 inside a spent projectile which is deformed,
5 having passed through the tire.

6 MS. SHEALY: Thank you very much. I
7 have no further questions, but answer any that
8 the defense has.

9 THE COURT: You may cross-examine.

10 MR. GRIMES: Thank you, Your Honor.
11 May it please the court?

12 THE COURT: Yes, sir.

13 CROSS EXAMINATION

14 BY MR. GRIMES:

15 Q. I believe on direct that you testified
16 that an automatic gun will leave shell casing?

17 A. Semiautomation weapons typically eject a
18 spent shell casing.

19 Q. And revolvers don't eject shell casings?

20 A. They have to be manually ejected by
21 removing the cylinder out of the weapon or by
22 holding it out to the side and manually
23 releasing the spent shell casings.

24 Q. So if someone is firing an automatic, the
25 shell casings come out automatically?

1 A. That's correct.

2 MR. GRIMES: Thank you. I have no
3 further questions.

4 THE COURT: Redirect?

5 MS. SHEALY: I have nothing further.
6 Thank you.

7 THE COURT: You may come down.

8 (WITNESS STEPS DOWN)

9 THE COURT: What is the length of
10 your next witness?

11 MS. SHEALY: It will be shorter than
12 that one but it is another crime scene
13 investigator.

14 THE COURT: Why don't we go ahead
15 and take our lunch break at this point? Ladies
16 and Gentlemen, while you are out for lunch,
17 please remember that you are certainly not at
18 liberty to discuss the case among yourselves or
19 to permit anyone to talk to you about the case
20 or talk about it in your presence. Have a good
21 lunch. I would ask that you please return to
22 your jury room by 1:30.

23 (JURY OUT @ 11:58 A.M.)

24 THE COURT: Anything from the State
25 before recessing?

1 MS. SHEALY: Just one scheduling
2 matter, Your Honor.

3 THE COURT: Certainly.

4 MS. SHEALY: We have another crime
5 scene officer, a couple of -- one other
6 officer, a lay person and our detective, two
7 SLED officers. My question is this, our
8 pathologist from MUSC has the flu. She was
9 hoping that she could go up tomorrow. But if
10 she needs to go up today, she is prepared to do
11 so. I just didn't know if I would -- we
12 thought that we would ---

13 THE COURT: We will just have to
14 wait and see how it ---

15 MS. SHEALY: If it was late in the
16 afternoon, would you entertain her being here
17 in the morning?

18 THE COURT: I will just have to wait
19 and see.

20 MS. SHEALY: Thank you.

21 THE COURT: Just have her on
22 standby. Obviously we can get a feel for that
23 after lunch.

24 MS. SHEALY: Thank you. What time do
25 we start back?

1 THE COURT: 1:30.

2 MS. SHEALY: Thank you.

3 THE COURT: Anything from the
4 defense before recessing?

5 MR. GRIMES: No, sir.

6 THE COURT: Thank you.

7 (LUNCH RECESS)

8 (DEFENDANT PRESENT)

9 THE COURT: Let the record reflect
10 that the defendant is present. Is the State
11 ready?

12 MS. SHEALY: Yes, sir, Your Honor.

13 THE COURT: Defense ready?

14 MR. GRIMES: Yes, sir.

15 THE COURT: Bring in our jury,
16 please.

17 (JURY IN @ 1:42 P.M.)

18 THE COURT: Ladies and Gentlemen,
19 thank you. I hope that you had a good lunch
20 and that you were able to get back before the
21 weather turned so treacherous.

22 Mr. Blumenstock, I've noticed that you
23 have been occupying that seat now, this is the
24 third time. I assume that you have been
25 selected as the presiding juror. Is that

1 correct?

2 JUROR NO. 255: Yes, Your Honor.

3 THE COURT: Thank you very much.

4 Your number for the record, please?

5 JUROR NO. 255: Number 255.

6 THE COURT: Thank you, Ladies and
7 Gentlemen, for taking care of that. Of course
8 that will remain your seat for the balance of
9 the trial.

10 Solicitor, you may call your next
11 witness.

12 MS. SHEALY: Thank you, Your Honor.
13 Scott Wyant.

14 (WITNESS TAKES STAND)

15 CAMERON SCOTT WYANT,
16 being duly sworn to tell the truth, the whole
17 truth and nothing but the truth, testified, as
18 follows:

19 DIRECT EXAMINATION

20 BY MS. SHEALY:

21 Q. It is Corporal Wyant; is that correct?

22 A. That's correct.

23 Q. Would you state for the jury, please,
24 where you are currently employed?

25 A. City of North Charleston Police

1 Department.

2 Q. How long have you worked with North
3 Charleston?

4 A. Thirteen years now.

5 Q. What is your current position there?

6 A. I am a crime scene investigator.

7 Q. In April of 2006, what was your position?

8 A. Crime scene investigator.

9 Q. How long have you been in the crime scene
10 section?

11 A. A little over ten years.

12 Q. And would you tell the jury what types of
13 crimes that you typically work with?

14 A. Uh, they have us respond to major crimes
15 and -- and usually in fatalities, accidents,
16 fatalities, break-in, murders, armed robberies,
17 high-dollar burglaries, things of that nature.

18 Q. When you process a scene, could you
19 describe for the jury, please, what duties that
20 you have in processing a scene, other than
21 identifying and collecting evidence?

22 A. Yes, ma'am. When we got to a scene
23 initially, we photograph it to document what
24 we see what when we get there.

25 Then we may put out -- like in this case,

1 put out our placards or numbers and take more
2 photographs.

3 We process items for fingerprints.

4 Collect evidence.

5 Collect blood, DNA samples to send off to
6 SLED.

7 We attend autopsies in certain incidents,
8 like in murders and suspicious deaths.

9 Q. Regarding your duties as it relates to
10 this case, would you tell the jury what all
11 that you did in this case in those categories?
12 Did you take any fingerprint evidence?

13 A. No, ma'am.

14 Q. Did you do any swabs in this case?

15 A. Yes, I did.

16 Q. Did you -- would that include both gunshot
17 residue swabs and swabs of blood?

18 A. Yeah, we do GSR test kits on people's
19 hands. We also do swabs of people's hands, do
20 finger-prints, swab for blood and such things.

21 Q. First of all, regarding the location on
22 [REDACTED] is that location in Charleston
23 county?

24 A. Yes, ma'am, it is.

25 Q. When you got the call to come out there,

1 were you still on duty; is that right?

2 A. No, ma'am. I had actually gone off-duty,
3 was on my way home when Corporal Coker had
4 called me and said that there was a homicide in
5 Ashley Shores and asked for me to come back out
6 to the scene.

7 Q. Is it unusual to have two crime scene
8 techs at a scene of an alleged crime?

9 A. No, it's not unusual at all.

10 Q. Now, regarding -- let me show you what has
11 been previously marked as State's Exhibit 113.
12 And I ask that you come down for a second.

13 A. (Complies).

14 Q. This is a satellite image of the area in
15 question. Could you point out -- make sure
16 that the court reporter and the judge can hear
17 you, as well as the jury -- and kind of orient
18 us?

19 A. Okay.

20 Q. Could you describe where the entrance to
21 the apartment complex is?

22 A. The entire entrance to the apartment
23 complex is off of Azalea Drive, which is here.

24 Q. Okay.

25 A. Azalea Drive runs between Cosgrove and

1 Leeds Avenue.

2 Q. When you are entering the apartment
3 complex, to head towards [REDACTED] which road
4 would turn down?

5 A. The main drag here ---

6 THE COURT: You are going to need to
7 turn so that everyone can hear you.

8 WITNESS: I apologize.

9 DIRECT EXAMINATION CONTINUED

10 BY MS. SHEALY:

11 Q. We can do it at an angle.

12 A. I am having trouble seeing.

13 Q. Just make sure that you speak loudly
14 enough.

15 A. When coming into Ashley Shores, you come
16 into the main drag here, which is off Azalea.
17 It is called Ashley Shores Drive. This is the
18 main entrance into Ashley Shores, the entire
19 community.

20 Q. Okay. If would, point out to the jury,
21 please, where [REDACTED] is.

22 A. [REDACTED] is right here, which is -- as
23 Corporal Coker explained -- heading towards
24 Scarpe Street.

25 Q. Could you show where on [REDACTED] the

1 defendant's family and the victim's family
2 lived?

3 A. These two apartments right here.

4 Q. You can take your seat again.

5 A. (Complies).

6 Q. When you arrived at the scene, would you
7 describe for the jury what you did at that
8 point?

9 A. When I initially arrived at the scene,
10 Corporal Coker had already gotten there and the
11 scene was cordoned off with the yellow crime
12 scene tape.

13 I arrived and began -- at the time we had
14 a policy where we had just started digital
15 photography. Our policy was that someone would
16 photograph the scene with a digital camera and
17 somebody would go back and photograph it with a
18 35mm. Corporal Coker photographed the scene
19 with his digital camera.

20 I also went back and assisted him in
21 placing the placards that you see in the
22 picture and took 35mm photographs.

23 Q. At some point do you get another agency
24 involved after they report to the scene?

25 A. Yes, ma'am. That's correct.

1 Q. Would you describe to the jury who you
2 called and why you called them?

3 A. For a couple of different reasons, I
4 called the North Charleston Fire Department.

5 The reason being is that, as Corporal
6 Coker pointed out, the hole in that upstairs
7 window. We wanted to see if it was involved in
8 this incident and we needed a ladder to get up
9 there. The fire department frequently assists
10 us in situation like that.

11 The second reason was that there was a
12 large crowd gathered and was looking on. We
13 wanted the fire department to bring out like a
14 tarp to kind of block the view of the general
15 public, so as to not get people upset, you
16 know, once we expose the body. So that we can
17 do the examination without upsetting anybody.

18 Q. Showing you what has previously been
19 marked as State's Exhibit 3. The ladder that
20 is depicted in that photograph, that's what the
21 fire department brought?

22 A. Yes, ma'am. That's correct.

23 Q. Were you one of the officers that
24 participated in the search of Mr. Johnson's
25 residence? That would be Mr. Parker's

1 father's.

2 A. Yes, I was.

3 Q. And there was a search warrant issued?

4 A. That's correct.

5 Q. After having the fire department look at
6 the windows from the outside, did someone also
7 go inside to look inside the bedroom?

8 A. That's correct. When we had the search
9 warrant, I went in the apartment and ultimately
10 got the bullet out, whatnot, I had got upstairs
11 and looked at that bedroom upstairs.

12 Q. What was the purpose of looking in that
13 bedroom?

14 A. Well, from looking at the bedroom -- from
15 looking at from outside, you could see that the
16 window was broken and the blind was damaged..
17 We really couldn't tell at that point if that
18 was old damage or new damage. So -- as someone
19 testified earlier, there seems to be a lot of
20 gunfire in Ashley Shores. So we did a search
21 warrant and I went upstairs to see if there was
22 a projectile hole in any of the walls, if there
23 was broken glass on the floor and that kind of
24 thing.

25 Q. Showing you Photograph 4, State's Exhibit

1 4, and also State's Exhibit 5, when you went
2 inside those bedrooms, would you tell the jury
3 whether or not you in fact found any broken
4 glass or any signs of any recent activity in
5 those rooms according to the windows?

6 A. No, I did not find any broken glass,
7 projectile holes or damage to the premises.

8 Q. As you mentioned, during the search of the
9 house that you did in fact collect a bat?

10 A. That's correct.

11 Q. Showing you previously what has been
12 marked as State's Exhibits 6 and 7. Showing
13 you 6 first, does this picture depict where the
14 bat was found when you went in the residence?

15 A. Yes, ma'am. That's correct.

16 Q. Also number 7?

17 A. Yes, ma'am. That's correct.

18 Q. And we have admitted previously State's
19 Exhibit 106, and I would ask you whether this
20 is the bat that you collected from the house?

21 A. (Upon review), yes, ma'am. It is, that's
22 correct.

23 Q. Regarding State's Exhibit 26, if we could
24 turn to that, this was the Saturn that was at
25 the scene?

1 A. That's correct.

2 Q. And showing you State's Exhibits 27, 28
3 and 29, would you tell the jury what, if
4 anything, that you did regarding the blood
5 spatters on the back of that vehicle?

6 A. Yes, ma'am. I used a sterile swab
7 moistened distilled water to collect blood
8 samples from the trunk of the car in that area
9 where you see the letter "S".

10 Q. Is that State's Exhibit 29 -- looking back
11 at 28 for a second. That marker was to show
12 where those blood spatters were?

13 A. That's correct.. Yes, ma'am.

14 Q. And you said that you actually collected
15 -- how did you do that?

16 A. We have prepackaged sterile swabs that are
17 in a sealed package. We moist a swab with
18 distilled water and then collect blood samples
19 from the area that you are interested in.

20 Q. Showing you what is marked State's Exhibit
21 108, I ask you whether that sealed envelope
22 contains what you in fact sent to SLED?

23 A. Yes, ma'am, it does.

24 Q. When you described the process of
25 collecting blood, doing the blood swab, that

1 you send to SLED, has SLED approved the way
2 that you'all collect the samples?

3 A. Yes, ma'am. That's correct.

4 Q. Have you received training in that?

5 A. Yes, ma'am. I have, at SLED.

6 Q. Do you know whether in fact those blood
7 swabs were sent to SLED?

8 A. I believe so, yes.

9 Q. Regarding the scene itself, there had been
10 an Orange Crush can out at the scene.

11 A. Yes, ma'am.

12 Q. Do you remember that?

13 A. Yes, ma'am.

14 Q. What, if anything, was done with that can
15 for purposes of further analysis?

16 A. The can was processed with black finger-
17 print powder and I believe that a few finger-
18 prints were collected from that can and turned
19 over to our fingerprint examiner, who at the
20 time was Sargent Hollman.

21 Q. And did that ---

22 A. I'm sorry, Sargent Garrison.

23 Q. As a result of the can being dusted for
24 fingerprints, are you aware if the fingerprints
25 matched anyone involved in this case?

1 A. No, they were not.

2 Q. Showing you State's Exhibits 22 and 23,
3 would you describe for the jury what your
4 involvement with State's Exhibit 22, regarding
5 that bullet hole, what if anything did you do
6 regarding that?

7 A. I assisted Corporal Coker in photographing
8 the Saturn, with the permission of the owner of
9 the car we were able to get inside the car and,
10 uh, -- you can see in his photograph, well, in
11 all photographs, inside the car you can see
12 where there is a little bit of damage to the
13 interior of the door but the projectile never
14 made it out. So I used a toolbox that I've got
15 to disassemble the interior door paneling and
16 we collected projectile fragments from within
17 the door.

18 Q. And Officer Coker actually collected those
19 after you removed them?

20 A. Yes, ma'am, Corporal Coker.

21 Q. Regarding the scene itself, as you'all
22 were out there in a dual capacity, Corporal
23 Coker collected the evidence from the scene;
24 is that right?

25 A. That's correct.

1 Q. And included in that were some shell
2 casings that were found in different areas than
3 the area in question.

4 A. That's correct.

5 Q. I want to get you to step back down for a
6 second, if you would.

7 A. (Complies)

8 Q. Showing you again State's Exhibit 113, if
9 you would orient the jury again as to where the
10 Defendant's family's home was and where the
11 victim's family's home was.

12 A. The two homes that she is discussing are
13 right here, the victim's and the Defendant's
14 families' homes.

15 The victim was somewhere in this area, I
16 believe. Shell casing were scattered down the
17 street this way.

18 Q. Then the area that you found some shell
19 casings in that looked different from the other
20 ones, could you show us on this diagram where
21 those were found?

22 A. Yes, ma'am. They were actually in this
23 area right here, right behind.

24 Q. Okay. Right behind the apartment
25 building?

1 A. Yeah, behind the apartment buildings. The
2 actual incident was all up in here.

3 Q. You know, it might work a little better if
4 you use your finger to point to it.

5 A. Okay. Sorry.

6 Q. That (laser pointer) is kind of jumping
7 around.

8 A. The actual incident was over here.
9 Officers found shell casings back here behind
10 the apartment complex that she is speaking of,
11 so they were back right at this corner.

12 Q. Thank you. You can take your seat.

13 A. (Complies).

14 Q. Showing you State's Exhibit 46. Is that
15 the area that you were just pointing out to us?

16 A. That's correct, that corner right there.

17 Q. Okay. Using your finger, if you will show
18 me where the roadway is?

19 A. This is the roadway where the victim was
20 actually found, sort of in front of Corporal
21 Coker's van, right in the area, in the roadway.

22 Q. One of the letters in that area is a "K",
23 is that right?

24 A. That's correct.

25 Q. If you will show us State's Exhibit 47,

1 please. Would you describe for the jury what
2 is depicted by that marker, "K".

3 A. It is one fired/spent shell casing.

4 Q. Going back for a second to 46, the shell
5 casings that were found on these letters: "K",
6 "L", "M", "N" and "O", could you describe for
7 the jury whether they appeared differently from
8 the shell casings that were found at the scene?

9 A. Yes, ma'am. These five shell casings,
10 when we first saw them they were tarnished.
11 Some of them had dirt inside the shell casing
12 itself and they had like pollen stuff on top of
13 them. We were pretty sure that they weren't
14 involved, but we wanted to collect them just in
15 case.

16 Q. What would be the significance of their
17 having dirt or pollen on them?

18 A. (No response).

19 Q. What was significant about that, to you?

20 A. (No response).

21 Q. What does that mean?

22 A. It means that they had been there for
23 awhile. The shell casings that we were finding
24 out in the roadway, up in here close to the
25 victim's body and down the roadway were shiny,

1 brass-colored shell casings.

2 The ones back here were tarnished this
3 color, which is indicative of being old, having
4 been there for a while.

5 Q. But nonetheless, you indicated that you
6 also sent those items to SLED?

7 A. Yes, ma'am, we did.

8 Q. All of the other shell casings that were
9 found, did they also go to SLED?

10 A. Yes, ma'am. They did.

11 Q. Now showing you State's Exhibit 36. This
12 item is also marked with the letter "K".

13 A. Yes, ma'am.

14 Q. The item that Placard "K" is marking,
15 could you describe that for us?

16 A. It is a copper fragment from a 9mm
17 projectile. A lot of projectiles are copper
18 coated and actually have lead with them. When
19 they break apart, you have pieces of copper and
20 pieces of lead. This is a piece of copper from
21 a projectile.

22 Q. And this letter "K" was found -- could you
23 describe the area where it was found in?

24 A. When the coroner began to examine the
25 body, the victim's body, and the victim was

1 rolled over, this was found underneath the
2 victim's body.

3 Q. Now, regarding ---

4 MS. SHEALY: I beg the court's
5 indulgence just one moment?

6 THE COURT: Certainly.

7 DIRECT EXAMINATION CONTINUED

8 BY MS. SHEALY:

9 Q. Now, later you actually did attend the
10 autopsy?

11 A. That's correct.

12 Q. What was your role at the autopsy?

13 A. I went -- when I went to the autopsy, I,
14 uh, first saw the victim's body on the table
15 as soon as I get there.

16 I go ahead and go gunshot residue on the
17 victim's hands. That is standard procedure.

18 Then I went ahead and fingerprinted the
19 victim. The reason that we do that is because
20 we want to have the fingerprints on file in
21 case we need to later compare it to something
22 at the scene. You know, you need to get it
23 while you can.

24 Also, I take note of anything that the
25 medical examiner finds, photograph it, document

1 it.

2 Q. Would you describe to the jury, when
3 you'all collect evidence at the scene, what
4 do you physically do with it once you have
5 collected it?

6 A. What we do with it is -- of course, we
7 package it at the scene. We, you know, -- like
8 in this, Corporal Coker labeled the envelopes
9 with the letters that corresponded to the
10 placards that we had out there. We package it,
11 initial and seal the envelope and then it is
12 actually logged into the property room with a
13 chain of custody.

14 Once it is in the property room, we can
15 type up the forms as necessary to have it sent
16 to SLED to be examined, tested, fired,
17 examination and stuff.

18 Q. Okay. So regarding what you collected at
19 the autopsy, you indicated that you had
20 collected his items of clothing?

21 A. Yes, ma'am.

22 Q. What did you do with the clothing once you
23 took it back to the evidence room?

24 A. Well, first, the clothing was still bloody
25 so we -- we have a forensic dryer, a two-door

1 cabinet. I actually had to bring his clothes
2 back to the station and hang it in the dryer.
3 It actually circulates air across the clothes
4 until they dry. Once dry, then the clothes
5 have be packaged and logged into the property
6 room.

7 Q. Okay. Regarding taking a sample of his
8 blood, the victim's blood, did the pathologist
9 assist you with that?

10 A. Yes, ma'am. That's correct.

11 Q. Did you, in fact, at Mr. Grant's autopsy
12 collect a blood sample?

13 A. Yes, his blood was collected. It's
14 collected in a little purple-top glass tube.

15 Q. What was done to the purple-topped tube in
16 this case?

17 A. Well, the first thing that I do is to try
18 to get that vial into the refrigerator. It has
19 a short shelf life, you can't leave it out in
20 the natural climate without, you know. So it
21 was logged into the evidence refrigerator and
22 subsequently sent to SLED, later on.

23 Q. What would SLED be analyzing -- or, what
24 was the request of SLED to analyze the blood.
25 What were you comparing that to?

1 A. In this case, I didn't type the particular
2 blood form but I believe that it was sent up
3 there to be compared to the blood swab taken
4 from the trunk of the Saturn.

5 Q. Showing you what has been marked as
6 State's Exhibit 109, is this the -- sort of the
7 leftovers of what was collected from the victim
8 regarding his blood after it had gone to SLED?

9 A. Yes, ma'am, it is.

10 Q. And you did say that you send it in a
11 tube, but the testing process gets rid of the
12 actual tube itself?

13 A. Yes, ma'am. What they do is they actually
14 have a swatch, a round shaped swatch and they
15 will take blood from the tube, actually
16 saturate the swatch and allow it to dry. That
17 way they can -- you know, if there is any
18 future testing say a month later if we need
19 something tested, they will be able to draw DNA
20 from that swatch that has been saturated with
21 blood.

22 Q. The gunshot residue, what did you actually
23 collect from the victim regarding that?

24 A. While at the autopsy, I did a gunshot
25 residue test kit on his hand; which has two

1 parts to it and, uh, and once that is done you
2 seal it in a package, initial it, seal, put the
3 information on the front and log that into the
4 property room, as well. That is sent to SLED,
5 to the trace lab, to get it examined for
6 gunshot residue particles.

7 Q. Did you have any gunshot powder residue
8 sample from the Defendant in this case?

9 A. Not that I -- no.

10 Q. But Mr. Grant's gunshot residue sample was
11 sent to SLED?

12 A. That's correct.

13 Q. Showing you what's been marked as State's
14 Exhibit 110, could you take a look at that and
15 let us know whether or not that was the gunshot
16 residue kit that you sent to SLED?

17 A. (Upon review), yes, ma'am, it is.

18 Q. And you indicated that you collected it at
19 the autopsy, not at the scene; is that correct?

20 A. That's correct, it was done during the
21 autopsy.

22 Q. Is there a reason that it was at the
23 autopsy and not at the scene?

24 A. I am not sure of the reason it was done at
25 the autopsy. I know that if a person is living

1 and you do a gunshot residue test kit on them,
2 you have a six-hour span of time that you can
3 do it, from the time that the incident starts
4 until you do the GSR kit. So you only have a
5 six-hour time frame to do it in.

6 Once a person is deceased, you have -- as
7 long as the body is not washed down or its
8 hands are not washed, you have an unlimited
9 time span to do it on them.

10 Q. While at the autopsy, did you also collect
11 any kind of bullet or bullet fragments from the
12 Defendant's (sic) himself, I mean the
13 Defendant's (sic) body?

14 A. Do you mean the victim?

15 Q. I'm sorry. The victim, (affirmative nod).

16 A. Yes, ma'am.

17 Q. Showing you what has been marked as
18 State's Exhibit 116, could you tell us what in
19 fact you collected?

20 A. I wrote on the packet that it is "jacketed
21 projectile from victim's head". I have it
22 dated April 19th, '06, at 1:20 in the afternoon
23 -- or 13:20. And, that I recovered it at MUSC
24 and I put my signature on it.

25 Q. While you were at the scene were the

1 gentlemen from the traffic unit, that do the
2 mapping, were they present at the scene, as
3 well?

4 A. Yes, ma'am, they were.

5 MS. SHEALY: I beg the court's
6 indulgence just a moment?

7 THE COURT: Certainly.

8 MS. SHEALY: I have no further
9 questions. Please answer any questions that
10 the defense may have.

11 WITNESS: All right.

12 THE COURT: Cross-examine.

13 MR. GRIMES: Thank you, Your Honor.

14 CROSS EXAMINATION

15 BY MR. GRIMES:

16 Q. I show you what has been marked as State's
17 Exhibit 112, are you familiar with this
18 diagram?

19 A. Yes, sir, I am.

20 MR. GRIMES: I believe that it has
21 been entered into evidence?

22 MS. SHEALY: It has.

23 CROSS EXAMINATION CONTINUED

24 BY MR. GRIMES:

25 Q. I would ask that you step down.

1 A. (Complies).

2 Q. I have some questions about item "K" that
3 I hope that you can clear up for me. This is
4 the item "K" that was found under Mr. Grant's
5 body?

6 A. That's correct.

7 Q. And you said that was like a copper
8 projectile or the part of a projectile that was
9 copper?

10 A. Yes, it was a copper jacket from a
11 projectile.

12 Q. And you said that somewhere over here is
13 where the other "K" was?

14 A. Right.

15 Q. Are you familiar with the chain of custody
16 reports, such as the report on the evidence
17 collected in this case?

18 A. Chain of custody?

19 Q. (Affirmative nod).

20 A. Yes, sir, I am.

21 Q. How many projectiles were there? We have
22 the one right here at "K", the one at "J" --
23 the one from the Saturn?

24 A. Yes, from the Saturn.

25 Q. One from the tire of the Dodge Durango?

1 A. Yes, sir, that's correct.

2 Q. So a total of four?

3 A. One, two, three -- there should be four,
4 yes.

5 Q. Let me show you what I believe has been
6 published before, -- how many projectiles do
7 you see up here?

8 A. (Reviewing).

9 MS. SHEALY: Your Honor, is he asking
10 him to review another officer's report?

11 THE COURT: I really don't know what
12 the question was, what he was identifying for
13 him to review.

14 MS. SHEALY: I object, Your Honor.

15 THE COURT: I sustain the objection
16 unless he prepare the report.

17 MR. GRIMES: Yes, sir.

18 CROSS EXAMINATION CONTINUED

19 BY MR. GRIMES:

20 Q. And when you prepare a report, you detail
21 the evidence recovered; right?

22 A. That's correct.

23 Q. Is this a copy of your report here?

24 A. (Upon review), yes, this is my report.

25 Q. Is there anything in your report showing

1 how many projectiles were recovered at the
2 scene?

3 A. No. Corporal Coker had -- the only thing
4 that I really had, aside from the photographs,
5 the only thing that I acquired from the scene
6 was the aluminum bat and the swabs from the
7 trunk of the car.

8 Item "I", which was the key to Mazda, I
9 did collect but they were signed over to
10 Cassandra Ward, who owned the car.

11 Q. You helped prepare the chain of custody in
12 this case, right?

13 A. The only thing I did a chain of custody on
14 was, I believe, the items that I collected.
15 Yes.

16 Q. And your name is on various reports,
17 correct?

18 A. Yes, sir.

19 Q. I am going to ask you to review the
20 reports. Tell us where the four projectiles
21 that were recovered are listed ---

22 MS. SHEALY: Again, Your Honor,
23 objection. It is not ---

24 THE COURT: I sustain the objection.

25 MR. GRIMES: Thank you, Your Honor.

1 THE COURT: If he did not prepare
2 the report, you are not allowed to question him
3 about it, Mr. Grimes. Move on to something
4 else, please.

5 MR. GRIMES: May I approach?

6 THE COURT: You may.

7 (SIDEBAR)

8 MR. GRIMES: Thank you, Your Honor.

9 CROSS EXAMINATION RESUMED

10 BY MR. GRIMES:

11 Q. If you could step back down, Officer.

12 A. (Complies).

13 Q. You were present at the autopsy in this
14 case?

15 A. Yes, sir.

16 Q. You obtained his clothes at the autopsy?

17 A. That's correct. I did.

18 Q. You sent those clothes up to SLED for a
19 gunshot residue test?

20 A. No, I did not.

21 Q. And you also obtained a hair sample from
22 the autopsy, correct?

23 A. A hair standard from the victim's head,
24 (affirmative nod). I believe that he had a
25 full head of hair.

1 Q. Mr. Grant's hair?

2 A. That's correct, the victim's hair.

3 Q. Well, everyone keeps saying "victim". But
4 if he was acting in -- if Mr. Parker acted in
5 self-defense, he wouldn't be a victim, would
6 he?

7 MS. SHEALY: Object to the question.

8 THE COURT: Sustain. That's a
9 conclusionary question, beyond this witness'
10 scope of knowledge. That would be speculating.

11 CROSS EXAMINATION CONTINUED

12 BY MR. GRIMES:

13 Q. And you did obtain a sample of Mr. Grant's
14 hair, correct?

15 A. That's correct.

16 Q. Was that sent to SLED for testing of
17 gunshot residue?

18 A. No, it was not.

19 Q. And after Mr. Grant's body was recovered
20 from the scene, were his hands bagged in any
21 way?

22 A. I don't remember if they were or not.

23 Q. And you testified that you have a six-hour
24 window to test for gunshot residue; correct?

25 A. That's correct.

1 Q. And if a person had passed away, the time
2 is unlimited?

3 A. Yes, except under certain circumstances.

4 Q. And that would be if they had blood or
5 dirt on their hands?

6 A. Sorry?

7 Q. Would that be unless they wash their hands
8 or if they ---

9 A. Yes. During a portion of the autopsy,
10 they will actually -- before they actually
11 start making an incision, they actually will
12 wash, scrub down the body, put soap on them,
13 scrub them down, clean them. Aside from that,
14 we like to do the GSR before they do that.
15 Also, I try to do it before I fingerprint them
16 because that could cause problems.

17 Q. When you took that gunshot residue test of
18 Mr. Grant's hands, was there still blood on his
19 hands?

20 A. I don't recall.

21 Q. Was there any dirt on his hands?

22 A. I don't recall. I can look at the kit.
23 There is actual paperwork that you fill out and
24 you explain whether there is dirt, debris,
25 blood or whatever on their hands.

1 Q. Is that information submitted to SLED?

2 A. Yes, it is paperwork that is actually
3 provided inside the GSR kit.

4 Q. Is this the type of paperwork that you are
5 referring to?

6 A. Yes, it is.

7 Q. And that would indicate if there was any
8 blood or dirt on the victim's hands?

9 A. That's correct.

10 MR. GRIMES: Thank you, Your Honor.
11 I don't have any further questions.

12 THE COURT: Redirect?

13 MS. SHEALY: I have nothing further,
14 Your Honor.

15 THE COURT: Thank you, you may come
16 down.

17 (WITNESS STEPS DOWN).

18 MS. SHEALY: Todd Morgan.

19 (WITNESS TAKES STAND)

20 TODD MORGAN, being duly
21 sworn to tell the truth, the whole truth and
22 nothing but the truth, testified, as follows:

23 DIRECT EXAMINATION

24 BY MS. SHEALY:

25 Q. Would you tell us your title?

1 A. Sargent.

2 Q. Presently?

3 A. (Affirmative nod).

4 Q. Okay. Tell the jury, please, where you
5 are currently employed?

6 A. I am with the North Charleston Police
7 Department.

8 Q. How long have you been with North
9 Charleston?

10 A. Coming up on ten years.

11 Q. What is your current position? It
12 recently changed.

13 A. I am a sergeant over the management
14 technology program.

15 Q. What does that mean?

16 A. It is a standard that is being developed
17 to implement research and prepare technology
18 such that we can put more officers on the
19 street.

20 Q. Okay. Prior to that what department were
21 you assigned to within North Charleston?

22 A. The unit itself?

23 Q. Yes.

24 A. The Traffic unit.

25 Q. When you say the Traffic unit, would you

1 explain to the jury what that means?

2 A. The unit is an enforcement and
3 investigation team for traffic collisions and
4 violations.

5 Q. As a part of that unit, would you
6 investigate traffic fatalities and traffic
7 collision sites?

8 A. Correct.

9 Q. Will you tell us what is mean by the term
10 "forensic mapping"?

11 A. Forensic mapping is a term used to
12 describe the system of creating scale diagrams
13 or preparing a diagram for reconstructing a
14 fatality or, also, any type of crime scene
15 where evidence is being collected.

16 Q. So while you were with the traffic unit,
17 you would report to other types of crime
18 scenes, as well?

19 A. Correct.

20 Q. Focusing your attention back to April of
21 2006, April the 18th, were you called out to
22 [REDACTED]

23 A. I was.

24 Q. Did someone accompany you from your unit?

25 A. Officer Cato, also of the Traffic unit,

1 responded to the scene.

2 Q. Showing you what has previously been
3 marked as State's Exhibit 71, could you explain
4 to us what type of equipment that you use in
5 forensic mapping?

6 A. The equipment that we use is called a
7 total station. It's -- basically it is
8 engineering equipment that is used to plot and
9 survey property lines and that type of thing.

10 Specifically there are several parts.
11 This part right here is the sighting mechanism,
12 as well as there is a computer attached to that
13 that collects the data.

14 That is set at a fixed position, that
15 stays at one spot throughout the entire scene.

16 This is a reference pull that is taken
17 from point to point to map the distance between
18 this and this.

19 It is simply just measurements by plotting
20 with laser instead of taking hand measurements
21 with a tape measure.

22 Q. Who is the gentleman standing behind that
23 piece of equipment there?

24 A. That's Officer Cato.

25 Q. And did -- and it's my understanding that

1 Officer Cato never moved from that spot?

2 A. That would be correct.

3 Q. It takes two people because the other
4 person has to hold -- what?

5 A. The reference poles with a prism,
6 reflector.

7 Q. Okay. If you would describe to us then
8 what is the purpose of your unit arriving at a
9 crime scene. What are you trying to mark, to
10 map?

11 A. Or this type of circumstance, diagram
12 reference points of evidence that were
13 identified by the crime scene unit.

14 Q. How was it that you identify what are
15 evidence points?

16 A. We're told by Crime Scene what those
17 evidence points are. Normally they are marked
18 by the time that we get there. They're marked
19 by letters.

20 Q. Your role in this then was to take the
21 pole from placard to placard?

22 A. Correct.

23 Q. Is that a fair way to express it?

24 A. (Affirmative nod).

25 Q. Okay. First let me show you what has been

1 marked as State's Exhibit 112 and ask you, is
2 this a diagram that you prepared in this case?

3 A. That is.

4 Q. And if you will step down for me.

5 A. (Complies).

6 Q. This is the tricky part. You've got to
7 speak loudly enough so that everyone can hear
8 you or not block the jury from seeing the
9 diagram.

10 Could you orient us as to what this
11 diagram reflects?

12 A. This is a scale diagram of [REDACTED]
13 South [REDACTED] which was -- this direction
14 is North-South, and the apartments are in this
15 area right here. This is the front of the
16 building, this is the far left-hand side of the
17 building, the far right-hand side of the
18 building, as well as the evidence points on the
19 map.

20 Q. It is showing you what has been marked as
21 State's Exhibit 113, focusing your attention on
22 [REDACTED] can you explain to us how they
23 relate to every other?

24 A. Yes, this side of the road or edge of the
25 pavement is represented by these two lines

1 here, as well as the opposite side, which is
2 the eastern side, is this -- those here. The
3 two lines are representative of the edge of the
4 pavement as well as the edge of the concrete.

5 There is a concrete curbing, and that's why
6 there are two lines instead of just one.

7 Q. Okay. Were you asked at all to map shell
8 casings that were found in an area behind the
9 apartment complex?

10 A. We were not asked to map those.

11 Q. So when you take the pole from location to
12 location, Cato would be doing what?

13 A. Cato's responsibility during this part
14 of the scene is to stand by the computer's
15 side ---

16 COURT REPORTER: He was doing what?

17 THE COURT: Hold on a second. He is
18 talking ---

19 MS. SHEALY: Okay.

20 WITNESS: (Complies). Officer
21 Cato's responsibility was to stand at the Total
22 station, enter the data, the data being the
23 label or whatever crime scene had asked us to
24 label that item as, and to line up the prism
25 or the Total station point of reference.

DIRECT EXAMINATION CONTINUED

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BY MS. SHEALY:

Q. And the area here, the evidence legend,
what does that reflect?

A. That is simply the legend indicating what
each letter represented, actual evidence.

Q. So working our way down this diagram, what
you have depicted as "R" is what?

A. "R" is a shell casing.

Q. "Q"?

A. Shell casing.

Q. "P"?

A. Shell casing.

Q. "G"?

A. Is a leather case for a cell phone.

Q. "H"?

A. Is a soda can.

Q. "F"?

A. A cellular phone.

Q. "J"?

A. Spent projectile.

Q. "E"?

A. Shell casing.

Q. And "D", you have an arrow pointing to the
car area. Could you explain why that is there?

- 1 A. That was necessary because the actual
2 evidence was located underneath the vehicle.
- 3 Q. What was "I"?
- 4 A. "I" is a key ring.
- 5 Q. "K"?
- 6 A. "K" was a spent projectile.
- 7 Q. "D"?
- 8 A. A shell casing.
- 9 Q. "C"?
- 10 A. Shell casing.
- 11 Q. "A"?
- 12 A. Shell casing.
- 13 Q. What does it mean by "Reference measure 1
14 and 2"?
- 15 A. There are two reference measures that are
16 taken. One is the first shot taken at the
17 scene and the second one is the very last shot
18 taken at the scene. The purpose for that is --
19 those points should be pretty much identical.
20 That way you know that the Total station hasn't
21 moved, that somebody hasn't kicked it or move
22 it in any way. Other reference points are
23 known to be or should be orientation to all the
24 others.
- 25 Q. Okay. Working our way down the street.

1 "S"?

2 A. "S" is a shell casing.

3 A. "T"?

4 A. Shell casing.

5 Q. "D"?

6 A. Shell casing.

7 Q. "U"

8 A. Shell casing.

9 Q. "V"?

10 A. Shell casing.

11 Q. "W"?

12 A. Shell casing.

13 Q. "Y"?

14 A. Shell casing.

15 Q. And "X"?

16 A. And "X" is a shell casing.

17 Q. Now, pursuant to my request, did you

18 return to the scene to be able to tell me

19 where on that street "K" was located?

20 A. "X"?

21 Q. I mean "X".

22 A. Yes, I did. I returned on this past

23 Friday and used the two known reference points

24 on the scene to measure to where the "X" was

25 located, to orientate myself from where that

1 is in relation to the sidewalk on this side of
2 the street.

3 Q. I show you again, then, State's Exhibit
4 113. I am going to turn it this way --
5 actually, turn it this way. With this being
6 [REDACTED] orient us again as to where the
7 Defendant's family's apartment was and the
8 victim's?

9 A. The bottom apartments down here.

10 Q. Could you point out -- each of these
11 rectangles are individual apartments, is that
12 correct?

13 A. It appears this is the Charleston plat.

14 Q. Would you point out to the jury, please,
15 where "X" was located?

16 A. "X" was located approximately a foot, two
17 feet in front of the second sidewalk, going
18 southbound from Scrape Street along [REDACTED]
19 Lane.

20 Q. Would you point to that sidewalk for us?

21 A. (Indicating) -- well, the sidewalk would
22 be this second one.

23 Q. You noted on the legend of evidence on
24 that sheet that "K" was a spent projectile;
25 correct?

1 A. Correct.

2 Q. Had you drawn on the diagram previously,
3 that you had to correct?

4 A. I did.

5 Q. Would you explain to the jury what caused
6 you to have to correct that?

7 A. Originally when we went to the scene, we
8 were given a list of all the evidence points,
9 what each evidence point represented, the name
10 of each one. My understanding is that the
11 list was created and given to us prior to the
12 determination that "K" through "O" were not
13 incorporated in the scene. Those letters were
14 taken off the scene, we did not map those.

15 But as the scene was progressing, they
16 added that to it and reassigned "K" to one of
17 those evidence points. So we added it. What
18 used to be "K" that was a shell casing, we
19 reused that. That's where the discrepancy came
20 in.

21 Q. The fact that "K" was used twice created
22 an error?

23 A. That's correct.

24 Q. And are you positive now that the "K" was
25 a spent projectile as it relates to where it is

1 located on the diagram?

2 A. Yes.

3 MS. SHEALY: I beg the court's
4 indulgence just a moment.

5 THE COURT: Yes.

6 MS. SHEALY: I have no further
7 questions. Please answer any that Mr. Grimes
8 may have. Thank you.

9 THE COURT: You may cross-examine.

10 MR. GRIMES: Thank you, Your Honor.

11 CROSS EXAMINATION

12 BY MR. GRIMES:

13 Q. I want to ask you a couple of questions
14 about the changes to this diagram. If I heard
15 your testimony correct, you're saying that the
16 first diagram had "K" through "O" on there?

17 A. The first diagram, "L" through "O" was not
18 on there. "K" was, but it was labeled as a
19 shell casing. That error came in to us -- we
20 went to the scene and looked at it. We noticed
21 that the "K" was on there, checked off. We
22 didn't realize that it was labeled incorrectly
23 when we went back to label it in the computer.

24 Q. On the original diagram, you never
25 included those five bullets found behind the

1 apartments, did you?

2 A. No, we did not.

3 Q. So its significant that the initial report
4 had "K" under the body as being a shell casing.

5 A. I'm sorry?

6 Q. All the initial reports that you had was
7 the "K" that was found underneath the body was
8 a shell casing rather than a spent projectile.

9 A. The original notes that we have indicated
10 that "K" was a shell casing.

11 MR. GRIMES: Thank you.

12 THE COURT: Redirect?

13 MS. SHEALY: I have no further
14 questions. Thank you.

15 THE COURT: You may come down.

16 (WITNESS STEPS DOWN)

17 THE COURT: Call your next witness.

18 MS. SHEALY: John Roberts.

19 (WITNESS TAKES STAND)

20 JOHN ROBERTS, being duly
21 sworn to tell the truth, the whole truth and
22 nothing but the truth, testified, as follows:

23 DIRECT EXAMINATION

24 BY MS. SHEALY:

25 Q. Mr. Roberts, would you please tell the

1 jury where you are currently employed?

2 A. I work for the State Law Enforcement

3 Division, also known as SLED, in the Trace

4 Evidence department.

5 Q. Some of jurors may not be familiar with

6 SLED. Can you explain what SLED is?

7 A. SLED is the state police for South

8 Carolina. We provide forensic services, we

9 also provide tactile units, anything that an
10 agency would request of us we try to provide.

11 We are a supportive agency, an assisting

12 agency.

13 Q. And you said that you are currently in the
14 trace examination department?

15 A. Yes, ma'am.

16 Q. How long have you been doing that?

17 A. Three years.

18 Q. Could you explain to the jury what "trace
19 examination" means?

20 A. Trace evidence is basically the analysis
21 of evidence that you can't see with your naked
22 eye. We do a lot of microscope work.

23 We do paint, fibers, glass, gunshot
24 residue, bullet hole analyses which is the
25 analysis end of muzzle to target.

1 We do explosives, duct tape and bank dye
2 packs.

3 Q. Give us your educational background.

4 A. I have a Bachelor of Science in Chemistry
5 from the Texas A&M University in Corpus
6 Christi.

7 Q. You received specific training while you
8 were at SLED, in trace evidence?

9 A. Yes, ma'am, in the area of gunshot
10 residue. I was hired on with SLED and
11 immediately started with the gunshot residue
12 training program. There was a length of time
13 underneath my lieutenant where I followed
14 evidence from the time that we received it
15 until the time we sent out a report and gave
16 the evidence back to the submitting agency.
17 I was tasked with learning how to track the
18 evidence, how to prepare the instruments for
19 analyses, and how to pull the data off those
20 instruments. Then I was tasked with how to
21 write reports to report my findings.

22 Q. Are you actually certified by SLED, any
23 certifications?

24 A. Yes, I am certified in gunshot residue,
25 bullet hole analysis, canine.

1 Q. Could you tell us approximately how many
2 GSR tests that you have performed?

3 A. Approximately 2,000 gunshot residue kits.

4 Q. Have you in the past been qualified as an
5 expert in the area of gunshot residue analysis?

6 A. Yes, I have.

7 Q. How many times have you been qualified?

8 A. Twelve times.

9 MS. SHEALY: Your Honor, as this
10 point I would like to move that he be
11 designated an expert in gunshot residue
12 analysis.

13 THE COURT: Do you care to examine
14 him as to qualifications?

15 MR. GRIMES: No, sir. We agree.

16 THE COURT: Very well, he will be
17 permitted to render opinions in that area.

18 DIRECT EXAMINATION CONTINUED

19 BY MS. SHEALY:

20 Q. Would you explain to us what is meant by
21 gunshot residue?

22 A. When you shoot a gun, the firing pin of
23 that weapon strikes the back of the cartridge
24 case. On the back of that cartridge case is a
25 primer. Primer consists of several different

1 chemicals. The ones that we look for gunshot
2 residue analyses is barium, antimony and lead.

3 Those chemicals are basically shock
4 sensitive. They explode and they set off the
5 powder charge inside the cartridge case. That
6 charge of course forces the bullet down the
7 barrel and out towards the target.

8 As it forces the projectile out of the
9 barrel, the residue from the primer exits along
10 with it. Probably as much as ninety percent of
11 the residue exits out of the muzzle. The rest
12 of it exits through any cracks or crevices that
13 are in the bullet. For example, the barrel
14 cylinder gap on a revolver, the ejector port on
15 a semi-automatic or where the trigger goes into
16 the main frame of the weapon.

17 These elements settle on items that are in
18 the vicinity of the weapon. For instance, the
19 shooter's hands or somebody that is close to
20 the muzzle of the weapon but down range from
21 it.

22 Q. What is the difference between gunshot
23 powder and gunshot residue?

24 A. Gunshot residue is the analysis of the
25 primer, the chemicals that are in the primer

1 specifically.

2 Gun powder is the analysis of the powder
3 that is contained inside the cartridge space,
4 generally nitrocellulose, nitroglycerin in
5 proper quantity. That's where the muzzle of
6 the target-to-distance (phonetic) determination
7 comes in.

8 Q. I think that you touched on this, but
9 could you explain to the jury how gunshot
10 residue can get on a person?

11 A. There are basically three ways. You
12 either shoot the weapon, you handle the weapon
13 or you're in the vicinity of the weapon when it
14 is fired.

15 Q. How long does gunshot residue remain on a
16 living human being?

17 A. On a living person's hands or on a living
18 person's body, our protocol states six hours.
19 That is the length of the time that the gunshot
20 residue can stay, from the time of the incident
21 to the time that it is collected. Anything
22 beyond six hours, we don't take because we have
23 found that there is no gunshot residue on
24 someone's hands are that six-hour time period.

25 Q. Would there be any benefit in taking the

1 (hand) or someone who is not arrested until
2 several months after the event?

3 A. No, ma'am. We would send it back with no
4 analyses performed on it.

5 Q. How does the time factor differ for a
6 person who is deceased?

7 A. If a person is dead, then their bodily
8 functions stop. Their materials are -- in
9 addition to being able to be wiped off, they
10 are absorbed by the body. As long as your
11 heart is beating, you are constantly absorbing
12 this material. When you are dead, your heart
13 stops and the material stops being absorbed.
14 Unless it is physically removed, it stays on
15 the hands.

16 Q. The kit that the various law enforcement
17 agencies use to collect gunshot residue
18 samples, are those actually administered by
19 SLED?

20 A. We give the kits out, yes, ma'am.

21 Q. Now, regarding this incident involving the
22 victim Carlos Grant, would you tell the jury
23 what you did in relation to the gunshot residue
24 samples in this case?

25 A. Well, a gunshot residue kit comes with

1 two specific testing media:

2 One is a particle lead, which is an
3 aluminum sticky pad or an aluminum post with a
4 disk on it and double-sided carbon tape. It is
5 applied to the palms and backs of both hands in
6 kind of a dabbing motion, like you're using a
7 stamper on the palms and backs of both hands.

8 Once that is done, swabs are taken.
9 These swabs are just simply cotton swabs.
10 There is nitric acid dripped onto them and they
11 are applied in a mopping motion. That removes
12 the particles from the hands.

13 We analyzed the swabs first and then, if
14 necessary, we analyze the particles.

15 MS. SHEALY: I beg the court's
16 indulgence.

17 THE COURT: Certainly.

18 DIRECT EXAMINATION CONTINUED

19 BY MS. SHEALY:

20 Q. Showing you what has been previously
21 marked as State's Exhibit 110. If you could,
22 take a look in here and tell the jury whether
23 or not you recognize those items.

24 A. (Upon review), this is the remains of the
25 gunshot residue kit from Carlise Lamont Grant.

1 When I say the names, the particle lifts are in
2 here but the swabs are not. Swabs are consumed
3 in the analyses, so therefore we dispose of
4 them and then send the particle boards back to
5 the agency.

6 Q. Did you have any information before doing
7 your analyses as to when the defendant (sic)
8 had died or how -- how soon he died after the
9 shots were fired.

10 A. Yes, ma'am. Every gunshot residue kit
11 that we give out contains a gunshot residue
12 information sheet. If I could check here --
13 (reviewing). Basically it is a sheet where the
14 collecting officer fills out all the
15 information that we require to run the gunshot
16 residue kit. In this case it has the
17 name, it has the question of if there is any
18 debris or blood on the subject's hands -- it
19 lists a brief description of the subject's
20 activity between the time of shooting and the
21 time of collection.

22 Most importantly to us, in addition to the
23 name, is the date and the time of the suspected
24 shooting and the date and time of the actual
25 collection of the gunshot residue.

1 Q. What were advised regarding that?

2 A. According to this, the day that the shoot-
3 ing took place was 4-18-06 at 18:15, which is
4 6:15 p.m. The collection was 4-19-06 at 09:45
5 in the morning.

6 Q. If you would, would you walk us through
7 what your analysis included and what your
8 conclusions were?

9 A. On this kit, I analyzed the swabs. In
10 analyzing those swabs, we analyze the metals
11 that are present inside the primer when it is
12 fired. Those metals are basically barium,
13 antimony and lead.

14 In this case, I found that the quantity of
15 metals to be detected on the right palm and the
16 left palm may be associated with gunshot
17 residue. However, the quantities of metals
18 detected on the right back and the left back
19 did not indicate gunshot residue.

20 Q. Okay. Would you explain to the jury the
21 significance of the amount of metals that you
22 found on the hands as it related to the
23 likelihood of the victim being the shooter?

24 A. In general when you fire a weapon you get
25 this material on your hands. You get on both

1 areas, you get it on the palms and the backs.
2 You get it on the palm from grabbing the weapon
3 and you get it on the back of the hands because
4 that is the part of your hands that is exposed
5 to the weapon when it is fired.

6 In this case, I found metals on both palms
7 but not on the back, indicating that he was
8 possibly in a defensive posture.

9 Q. Okay. The amount of metal that you found
10 on his hands, the quantity of metals, do you
11 typically see that same quantity if someone was
12 the shooter? Was it greater or less than what
13 you see on a shooter?

14 A. It is generally -- in this case, it was
15 greater than what I would have expected to see
16 on somebody who was firing a weapon.

17 Q. So you're saying the metals on the hands
18 were greater than what a shooter would have, so
19 what conclusions would that allow you regarding
20 the defendant's (sic) hands and proximity to a
21 weapon?

22 A. It is greater than what I would expect to
23 see on a shooter, which indicates to me that it
24 is someone who is being fired at.

25 MS. SHEALY: I beg the court's

1 indulgence just a moment.

2 THE COURT: Certainly.

3 MS. SHEALY: Thank you, I have no
4 further questions.

5 THE COURT: You may cross-examine.

6 MR. GRIMES: Thank you, Your Honor.

7 CROSS EXAMINATION

8 BY MR. GRIMES:

9 Q. Good afternoon -- is it Agent Roberts?

10 A. Yes. Good afternoon.

11 Q. You weren't there at the scene, were you?

12 A. No, sir.

13 Q. And all the information that you received
14 was from the North Charleston Police
15 Department?

16 A. Yes, sir.

17 Q. And if I understand your testimony
18 correctly, you just received sort of a summary
19 report that Officer Wyant filled out?

20 A. Just the GSR sheet and the incident
21 report.

22 Q. Why would you receive an incident report?

23 A. A lot of times we don't even look at.

24 It's in case we have questions on the GSR
25 information sheet that we can go back to the

1 incident report and look at that, just to see
2 if it answers any of our questions.

3 Q. What type of questions would you look at
4 the incident report for?

5 A. It depends on what is missing from the GSR
6 information sheet. Usually the first thing
7 that is missing is the shooting time. If we
8 can find the time on an incident report, we use
9 that as the shooting time.

10 Q. Did you receive an incident report in this
11 case?

12 A. Yes.

13 Q. Aside from the GSR and the incident
14 report, did you receive any other documents?

15 A. Not to my knowledge.

16 Q. Did you receive the clothes from Carlise
17 Grant?

18 A. No, sir.

19 Q. I guess at the end of your testimony you
20 sort of testified that the gunshot residue that
21 you found on Mr. Grant's hands, on the palms of
22 his hands, was greater than you would find on a
23 shooter?

24 A. In general, yes, sir.

25 Q. And that's because of maybe a defensive

1 posture?

2 A. Yes, sir.

3 Q. In the incident report, it doesn't say
4 anything about Mr. Grant being in a defensive
5 posture?

6 A. I wouldn't know.

7 Q. If I showed you the incident report, would
8 that refresh your memory?

9 A. I didn't read it.

10 Q. If you had received information that Mr.
11 Grant had fired a weapon, would that change
12 your opinion in any way?

13 A. Where would I have received the
14 information from?

15 Q. From the North Charleston Police
16 Department?

17 A. It might.

18 MR. GRIMES: Would you mark this?

19 MS. SHEALY: Your Honor, may I ---

20 THE COURT: Yes.

21 MR. GRIMES: (Tenders to Ms. Shealy)

22 MS. SHEALY: (Upon review), thank
23 you. Your Honor, I would have an objection.

24 THE COURT: Okay. Approach, please.

25 (SIDEBAR)

1 THE COURT: We will put it on the
2 record at the next break.

3 MR. GRIMES: If you would mark this
4 as an exhibit.

5 (SO MARKED AS DEFENDANT'S EXHIBIT 6
6 FOR IDENTIFICATION)

7 CROSS EXAMINATION RESUMED

8 BY MR. GRIMES:

9 Q. I am showing you what has been marked for
10 identification as Defendant's Exhibit 6. Did
11 you receive a copy of that from the North
12 Charleston Police Department?

13 A. No.

14 Q. I would ask you to review that report.

15 MS. SHEALY: Objection.

16 THE COURT: Sustained. Mr. Grimes,
17 maybe I didn't make it clear. You have the
18 report. Go on to your next question.

19 CROSS EXAMINATION CONTINUED

20 BY MR. GRIMES:

21 Q. Did you receive a hair sample from Mr.
22 Grant?

23 A. No, sir.

24 Q. Now, you can get these metals on your
25 hands -- the barium, antimony -- from everyday

1 activities; is that correct?

2 A. Not really, no, sir.

3 Q. But SLED has certain threshold amounts
4 before they conclude that it is gunshot
5 residue; is that correct?

6 A. Yes, sir.

7 Q. And the rest that I mention that is
8 because if someone worked as a mechanic, they
9 may be exposed to lead; is that fair to say?

10 A. Yes, sir.

11 Q. That is why SLED would have the threshold
12 amounts?

13 A. It is also why we have a control swab
14 inside the kit. The control swab is taken from
15 an area that is not exposed or should not be
16 exposed to gunshot residue and it is subtracted
17 out of the palms and backs sample, to account
18 for any environmental contamination.

19 Q. The amount of lead that you have to have
20 to indicate gunshot residue, that is 200 parts
21 per billion?

22 A. No, sir.

23 Q. How much would it be?

24 A. 170.

25 Q. 170?

1 A. (Affirmative nod).

2 Q. The amount of lead on Mr. Grant's right
3 hand, was that 6,189 parts per billion? I'm
4 sorry, on the right palm.

5 A. On the right palm, it is 6,189.

6 Q. Is the threshold for barium 200 parts per
7 billion?

8 A. No, sir.

9 Q. What is the threshold?

10 A. 170.

11 Q. The amount of barium on Mr. Grant's right
12 palm was 690 parts per billion?

13 A. That's correct.

14 Q. Again, the threshold for antimony is 20?

15 A. No, sir.

16 Q. What is that?

17 A. 17.

18 Q. What was the amount of barium on Mr.
19 Grant's right palm?

20 A. 13.

21 Q. How much lead was found on Mr. Grant's
22 left palm?

23 A. 219.

24 Q. How much barium was found on his left
25 palm?

1 A. 186.

2 Q. How much antimony was found on his left
3 palm?

4 A. Ten (10).

5 Q. How far would gunshot residue go,
6 distance-wise?

7 A. In general, under ten to fifteen feet.

8 Q. So if I were to shoot at you, you probably
9 wouldn't get any gunshot residue on you; is
10 that fair to say?

11 A. It depends on what you were shooting at me
12 with. A lot of it depends on ---

13 Q. If someone stood over somebody and fired
14 on them, would you expect to find gunshot
15 residue on their shirt?

16 A. Yes, sir.

17 Q. And you didn't test the shirt in this
18 case, did you?

19 A. No, sir.

20 Q. Now, if someone is running away -- come up
21 this way or with their hand closed, would you
22 expect to find gunshot residue on their palms?

23 A. Depending on where they were shot, maybe.
24 If they were shot in the back, I wouldn't
25 expect to find any on their palms.

1 Q. All right.

2 MR. GRIMES: Just a moment. Your
3 Honor, I don't have any other questions.

4 THE COURT: At this point, Ladies
5 and Gentlemen, I am going to let you take a
6 break. There is a matter that I need to take
7 up out of your presence. Please do not begin
8 your deliberations. We will be with you
9 probably in about ten minutes.

10 MS. SHEALY: Your Honor, I have one
11 followup question.

12 THE COURT: Ms. Shealy, if you will
13 just trust me to do this, I ---

14 MS. SHEALY: I apologize.

15 THE COURT: I'll get to you. Thank
16 you, ma'am.

17 (JURY OUT @ 2:59 P.M.)

18 THE COURT: I know that you have
19 redirect but he has some proffer.

20 MS. SHEALY: I apologize.

21 THE COURT: Thank you very much.
22 You may proceed.

23 MR. GRIMES: Thank you, Your Honor.

24 PROFFER TESTIMONY

25 (JURY NOT PRESENT)

1 MR. GRIMES: Agent Roberts, you have
2 the report before you?

3 WITNESS: Yes.

4 COURT REPORTER: You have the what?

5 THE COURT: Please refer to it as an
6 exhibit, Mr. Grimes, so that the record will
7 reflect what you are talking about.

8 MR. GRIMES: Thank you, Your Honor.

9 THE COURT: Thank you, sir.

10 MR. GRIMES: Do you have a copy of
11 Defendant's Exhibit 6 for identification?

12 WITNESS: Yes.

13 MR. GRIMES: I want to ask you to
14 read at least the first page of that exhibit.

15 THE COURT: Do you want him to read
16 it to himself?

17 MR. GRIMES: Yes, sir.

18 WITNESS: (Upon review), okay.

19 MR. GRIMES: Thank you. The first
20 page says that there was a shoot-out; correct?

21 WITNESS: Yes, sir.

22 MR. GRIMES: And that a subject
23 possible had been hit?

24 WITNESS: Yes, sir.

25 MR. GRIMES: Across that, they

1 reference the subject as a gunshot wound?

2 WITNESS: Yes, sir.

3 MR. GRIMES: And that could indicate
4 that there was another gun in this case?

5 THE COURT: Are you asking him now a
6 question, to infer something from that?

7 MR. GRIMES: Yes, sir.

8 THE COURT: I just want to be
9 certain of what you're asking him. To infer
10 something from a document that he didn't
11 prepare?

12 MR. GRIMES: Yes, sir.

13 THE COURT: Okay. Thank you

14 MS. SHEALY: Your Honor, may I ask
15 something for clarification? I just don't know
16 if I should object or not but ---

17 THE COURT: This is all proffer.
18 All he is doing -- you objected, I sustained
19 the objection and I will place it on the record
20 in just a moment. I will be happy to hear
21 from you why it is objectionable, why it should
22 kept out.

23 MS. SHEALY: Yes, sir. Thank you.

24 WITNESS: It says, "Request
25 contact with all ER's with reference to a

1 subject coming in with a gunshot wound" and
2 that it was a shootout. You're asking me if
3 there were two guns involved?

4 MR. GRIMES: If there was the
5 possibility that there were two guns involved?

6 WITNESS: Sure.

7 MR. GRIMES: Does that change your
8 opinion about Mr. Grant's ---

9 THE COURT: You have already asked
10 that question. So that the proffer is clear,
11 you may ask the question 'if you had
12 information that he had shot a gun, would that
13 change your opinion.' His answer was "yes". I
14 don't know what you're asking him that question
15 for. That's in the record. So this is a
16 proffer. I want the reviewing court to
17 understand that I allowed that question. That
18 question has already been -- the jury has heard
19 that, so I don't know what -- if there is
20 something else that you want to ask him
21 relative to that, concerning that report, fine.
22 But you've already asked that question.

23 MR. GRIMES: I apologize.

24 THE COURT: Yes, sir.

25 MR. GRIMES: In your direct testimony

1 you testified that since he had higher levels
2 than you would expect a shooter to have, you
3 believed that he had been fired at?

4 WITNESS: Yes, sir.

5 MR. GRIMES: Would that opinion
6 change based on (Defendant) Exhibit 6?

7 WITNESS: This doesn't tell how me
8 how many guns were involved.

9 MR. GRIMES: I understand that. But
10 if you had received information that Roger
11 Parker had been shot and the police were
12 telling all the emergency rooms to be on the
13 lookout for anyone with a gunshot wound, would
14 that change your opinion as to whether Mr.
15 Grant fired a gun or was just fired at?

16 WITNESS: I would say that it is
17 most likely that he was fired at; however,
18 there is a possibility that he fired a gun.

19 MR. GRIMES: Thank you. That would
20 conclude the proffer.

21 THE COURT: You object to that line
22 of questioning?

23 MS. SHEALY: I do, Your Honor.

24 THE COURT: The basis being what?

25 MS. SHEALY: This is not a document

1 that this witness is familiar with, wasn't
2 provided with it, has no idea as to how the
3 injuries on the document were entered. That
4 whole line of questioning is irrelevant.

5 THE COURT: Response, Mr. Grimes?

6 MR. GRIMES: Thank you, Your Honor.
7 He has been qualified as an expert, I believe
8 that he can consider information that he has
9 prepared during the course -- so he may rely
10 upon it. He has -- Officer Moore testified
11 that the reports are reliable and we believe --
12 he is testifying from the incident report and
13 this -- if I could show the difference that if
14 he had been provided it that it would have
15 changed his opinion. I believe that we are
16 entitled to that.

17 THE COURT: You asked the question
18 of this witness, which I allowed, that 'if he
19 had fired a gun, would that change your
20 opinion?' "Yes." You have not shown him
21 information that he did.

22 You're asking him to speculate from a
23 document that basically doesn't even -- I think
24 that it is a weight issue, but really and truly
25 I think you'd have to go out -- he said

1 "possible" and that's not expert opinion.

2 If you want to talk about expert
3 opinions, there has to be a probability and you
4 know that a possibility is not proper, that is
5 not an opinion. It can't be relied on by the
6 jury, so therefore it is totally irrelevant.

7 If it is a probability, then 'yes'.
8 But the probability issue, he didn't -- he
9 didn't review that.

10 I agree with you that you can require
11 him to publish from any document that he
12 considered, whether it is objectionable or not,
13 no question about that. But that's when you
14 are challenging his opinion based on documents
15 that he has reviewed, not on the fact that
16 there may be documents in the world that may
17 challenge his opinion.

18 You can bring in your expert, you can
19 ask him objections that are pertinent to that
20 but they will have to be factually supported
21 somewhere in the evidence, and you don't have
22 that.

23 That is the reason that I ruled on it
24 initially, that's the reason I rule on it
25 again. That's why I asked you the question

1 that I did, do you have evidence that this man
2 received information that the victim in this
3 case possibly fired a gun? That's very germane
4 and very pertinent. If you -- you are entitled
5 to impeach him tremendously on that, if that is
6 not addressed in his opinion. Your response to
7 me, I think, as I recall "I do not." Is that
8 still your response?

9 MR. GRIMES: Yes, sir.

10 THE COURT: You have no information
11 that he has ever -- that anyone has ever said
12 that the victim fired a gun.

13 MR. GRIMES: That he received ---

14 THE COURT: I asked you a specific
15 question: Do you have any evidence from
16 anywhere that the victim in this case fired a
17 gun, other than the inference that you are
18 trying to draw? Which is your inference.

19 MR. GRIMES: No, sir.

20 THE COURT: Thank you. I sustain
21 the objection.

22 (PROFFERED TESTIMONY CONCLUDED)

23 THE COURT: Okay, we will take a
24 break. Do not, during the break, Mr. Roberts
25 -- you are free to step down if you wish but do

1 not have any conversation with either of the
2 attorneys, please, sir.

3 WITNESS: Yes, sir.

4 THE COURT: Thank you, sir, we will
5 be at-ease.

6 (BRIEF RECESS)

7 (DEFENDANT PRESENT)

8 THE COURT: Okay. Is the State
9 ready?

10 MS. SHEALY: Yes, Your Honor.

11 THE COURT: Is the Defense ready?

12 MR. GRIMES: Yes, sir.

13 THE COURT: Let the record reflect
14 that Mr. Parker is present. Let's bring in our
15 jury, please.

16 (JURY IN @ 3:42 P.M.)

17 (NOTIFIED OF JURY QUESTION)

18 (SO ENTERED AS COURT'S EXHIBIT 1)

19 THE COURT: What is now Court's
20 Exhibit 1 is that you have a pad with a little
21 larger sheet (of paper). I have to make a
22 record of this. That's perfectly all right.
23 Thank you very much. The question concerns the
24 jury's desire to take notes. I ask the clerk
25 to assist me in providing notepads to the

1 jurors that want to take notes.

2 Some judges do not allow it. I am not
3 one -- that's up to you, I let you make the
4 call. But I do caution you about this, about
5 notes. First of all, Ms. Cross, of course, as
6 I mentioned to you when I qualified you is our
7 court reporter this week. It is her
8 responsibility to take down and keep the
9 record.

10 During your deliberations, should
11 there be some discussion or disagreement about
12 what a witness said or didn't say, we have the
13 ability to replay that testimony for you. You
14 can hear it again if you need to.

15 That having been said, sometimes
16 persons want to make notes that would assist
17 them in assessing a person's testimony. You
18 are again reminded not to reach any conclusions
19 about what you find credible, not credible, but
20 those thing that are important to you in
21 helping you reach your decision, certainly if
22 those notes are beneficial, please feel free to
23 do so.

24 But having said that, I want to add
25 that you and I both know as human beings that

1 common sense tells us that it is not always
2 what someone says but it might be something
3 about their body language, something that they
4 do with their eyes, their mouth or something.
5 Some people are better note takers than others
6 and if you happen to be looking down, taking
7 your note, writing, if that situation occurred
8 and you missed it, then you missed that
9 important part.

10 But having said that, with that
11 caution, please feel free to take notes. The
12 only thing that I would ask, if jurors are
13 taking notes, put your name at the top of the
14 first sheet. I would ask that at the close of
15 business each day that you, Mr. Presiding
16 Juror, take those pads from the jurors and we
17 will keep them. Give them to the clerk and in
18 the morning when you return they will be
19 distributed to you and you can hand them to the
20 appropriate person(s).

21 Thank you, Ladies and Gentlemen, we are
22 ready now to continue the examination of this
23 witness. Ms. Shealy, you may now conduct your
24 redirect.

25 MS. SHEALY: Thank you, Your Honor.

1 REDIRECT EXAMINATION

2 BY MS. SHEALY:

3 Q. Regarding the amount of metal that you
4 found on the victim's, Carlise Grant's, hands,
5 do you have an opinion as to whether or not
6 that would be consistent with someone having a
7 cell phone shot out of his hand?

8 A. It could be.

9 MS. SHEALY: I have no further
10 questions. Thank you, Your Honor.

11 THE COURT: Recross?

12 MR. GRIMES: No questions, Your
13 Honor.

14 THE COURT: You may come down, Mr.
15 Roberts.

16 (WITNESS STEPS DOWN)

17 THE COURT: Do you wish for the
18 witness to be excused?

19 MS. SHEALY: Yes, I do.

20 THE COURT: Any objection?

21 MR. GRIMES: No, sir.

22 THE COURT: You are also free to
23 leave, sir. Thank you.

24 MS. SHEALY: Kim Collins.

25 (WITNESS TAKES STAND)

1 KIM COLLINS, being duly
2 sworn to tell the truth, the whole truth and
3 nothing but the truth, testified, as follows:

4 DIRECT EXAMINATION

5 BY MS. SHEALY:

6 Q. Dr. Collins, I think you indicated that
7 you probably are going to need some water, is
8 that correct?

9 A. Yes.

10 Q. Do you have the flu?

11 A. Yes.

12 Q. Dr. Collins, would you please tell the
13 jury where you are currently employed?

14 A. I am employed at the Medical University of
15 South Carolina, in the department of Pathology
16 and Laboratory Medicine, where I serve as a
17 forensic pathologist. I am a professor of
18 Pathology and Laboratory Medicine.

19 Q. What is meant by the term Forensic
20 Pathology?

21 A. Well, a pathologist is a medical doctor
22 that studies diseases using laboratory, such as
23 strep throat, runs cultures; biopsies; tumors;
24 cancer; blood work, such as HIV.

25 A forensic pathologist uses the afore-

1 mentioned laboratories to investigate unnatural
2 death or trauma. We use the autopsy as our
3 primary investigative tool.

4 Q. Would you tell us about your educational
5 background and training?

6 A. Yes, I went to college at the University
7 of Georgia where I received my bachelors in
8 Microbiology.

9 I then attended medical school in Augusta,
10 Georgia, at the Medical College of Georgia and
11 I received my M.D.

12 Following medical school, I went to Bowman
13 Gray School of Medicine, which is also known as
14 Wake Forest University School of Medicine for a
15 five-year combined anatomic and clinical
16 pathology residency.

17 Following my residency, I came to
18 Charleston, to the Medical University, where
19 I completed a fellowship in the Department of
20 Pathology; a fellowship of one year.

21 Q. Okay. How long have you been serving as a
22 forensic pathologist at MUSC?

23 A. Since 1994, so I'm starting my fourteenth
24 year.

25 Q. Did you know the approximate number of

1 autopsies that you have performed?

2 A. An estimate is 2,500, 2,600, something
3 like that.

4 Q. Okay. Have you been qualified previously
5 as an expert in the field of Forensic
6 Pathology?

7 A. Yes, I have.

8 Q. Do you recall how many times you have been
9 qualified as a expert?

10 A. Over two hundred.

11 MS. SHEALY: Your Honor, at this time
12 I would offer her as an expert in the field of
13 Forensic Pathology.

14 THE COURT: Care to examine her as
15 to qualifications?

16 MR. GRIMES: No, sir.

17 THE COURT: She certainly will be
18 admitted to render opinions in the area of
19 Forensic Pathology.

20 MS. SHEALY: Thank you, Your Honor.

21 DIRECT EXAMINATION CONTINUED

22 BY MS. SHEALY:

23 Q. Dr. Collins, were you asked to perform an
24 autopsy on Carlise Grant?

25 A. Yes, I was. We were notified by Deputy

1 Coroner Judy Koelpin, and we performed the
2 autopsy and examination on April 19th, 2006.

3 Q. And the purpose in a criminal
4 investigation of an autopsy is what? Could you
5 describe that to the jury?

6 A. You're looking for the cause of death, why
7 that person died on that day. The date of
8 death was the 18th, why Mr. Carlise Grant died
9 on the 18th.

10 Then we are looking for the manner of
11 death. There are five manners of death. The
12 "manner" is the circumstance that death
13 occurred. Those five manners are: natural,
14 accident, homicide, suicide and undetermined.
15 "Undetermined" is really used for such as if
16 you have skeletal remains of an old grave. If
17 I don't really know how that person died, that
18 would be "undetermined."

19 So those are the two main reasons why we
20 do an autopsy. However, we do a complete
21 autopsy looking for any natural diseases that
22 might be helpful for the family, such as heart
23 disease, any occult cancers that maybe they
24 didn't know about. We understand today that
25 many of these diseases are hereditary, so we

1 look for that also. We also run drugs and
2 alcohol analyses, as well as various ancillary
3 tests during the autopsy.

4 Q. Regarding Carlise Grant, were you also to
5 determine during the autopsy what type, of the
6 types that you've indicated, of death he
7 suffered?

8 A. The manner of death?

9 Q. Yes, the manner of death?

10 A. Yes.. The manner of death was classified
11 by us as a homicide.

12 Q. If you would, would you discuss your
13 findings with the jury as to what led you to
14 that conclusion and what the cause of death
15 was, as well as any other physical injuries
16 that you found?

17 A. Yes. When we receive a body, we always
18 examine the body and, in case of a trauma, we
19 will also x-ray the body, looking for any
20 projectiles or bullets or any type of foreign
21 matter that might be in the body; such as a
22 knife blade, etc. So we noticed that he had
23 several traumatic injuries to the head area,
24 including a gunshot wound, as well as he had
25 trauma to the left aspect of his body and the

1 backs of his hands, and another gunshot wound
2 to the left shoulder. The fatal wound was a
3 gunshot wound to the head, which we were able
4 to recover the bullet from within the head.

5 Q. How is that you could conclude that was
6 the fatal wound?

7 A. The other gunshot wound was to the left
8 shoulder. It was a perforating, in-and-out,
9 gunshot wound. The bullet went into the
10 shoulder, went through some muscle and then
11 came out but it was not a fatal wound. The one
12 to the head resulted in hemorrhage destruction
13 of the brain within, so that would have been
14 the fatal wound.

15 Q. Okay. When you were examining the area
16 entering the brain, did you find some fragments
17 of a bullet?

18 A. Yes, we found a bullet or projectile. We
19 found a jacket of a bullet, that jacket was on
20 the outside of -- the jacket as it enters can
21 become deformed, but we found the jacket as
22 well as some fragments/pieces of metal within
23 the brain tissue.

24 Q. Do you recall Corporal Wyant from North
25 Charleston Police Department being present

1 during the autopsy?

2 A. Yes, he was. He was present.

3 Q. In addition to other items that you would
4 have retrieved from the autopsy, would he have
5 been given the fragments and the bullets that
6 you found in the head?

7 A. Yes, he would have been. That was
8 recorded in my autopsy report, Scott Wyant
9 received this evidence on April 19th, 2006,
10 at 10:45 a.m.

11 Q. When you are preparing your report after
12 an autopsy, do you use diagrams to assist in
13 showing where various things happen to the
14 body?

15 A. We have diagrams that are adult and child,
16 and we have male and female diagrams. We just
17 called them "naked man diagram" or "naked woman
18 diagram". They are irrespective of race, but
19 they do have age: adult, or like ten years old,
20 or baby. So we did a diagram on this
21 individual, as well as close-up diagrams of the
22 head because there was trauma to the head.

23 Q. In presenting your findings to the jury,
24 would it assist you to use like diagrams -- to
25 come down to this machine (ELMO) and indicate

1 where various injuries were to the victim?

2 A. Yes.

3 MS. SHEALY: May I ask that she come
4 down?

5 THE COURT: She may.

6 MS. SHEALY: If you will come on
7 down.

8 WITNESS: (Complies)

9 MS. SHEALY: Your Honor, I guess that
10 I will go ahead and mark them now so that we
11 can reference them while she is here -- or I
12 could wait until she finishes drawing on them
13 before
14 we ---

15 THE COURT: First of all, the
16 diagrams -- have these already been marked?

17 MS. SHEALY: They are not marked at
18 all.

19 THE COURT: Let's mark them and have
20 them admitted before they are shown to the
21 jury, please. Any objection to the diagrams?

22 MR. GRIMES: I'm sorry?

23 THE COURT: Any objection to her
24 using the diagrams?

25 MR. GRIMES: (Negative gesture), no.

1 THE COURT: Very well.

2 MS. SHEALY: So should we go ahead
3 and mark them and then have her ---

4 THE COURT: That would probably be
5 the easiest way to do it. That way the record
6 will be consistent.

7 COURT REPORTER: State's Exhibit
8 118, 119 and 120.

9 THE COURT: Thank you.

10 (SO ENTERED AS STATE'S EXHIBIT 118)

11 (SO ENTERED AS STATE'S EXHIBIT 119)

12 (SO ENTERED AS STATE'S EXHIBIT 120)

13 DIRECT EXAMINATION CONTINUED

14 BY MS. SHEALY:

15 Q. Which diagram would you like to start
16 with?

17 A. (Indicating).

18 Q. Okay. Showing you what we have marked as
19 State's Exhibit 119, -- I am going to step back
20 so that the jury can hear you.

21 A. Okay. This is a naked man diagram. What
22 I am referring to is an exact/same diagram.

23 This one was taken from our office, it is
24 already filled in. It's from the autopsy.

25 What I do is I can show you some of the

1 areas of injury, just like we would be doing
2 during an autopsy. We would have this on a
3 clipboard and we would be walking around the
4 body and drawing in the injuries as we saw
5 them.

6 First, we note -- we letter gunshot wounds
7 "A", "B", "C". It doesn't mean that "A" came
8 first or that "B" came second. We just
9 arbitrarily give them letters, or numbers.
10 Sometimes we call one "A" and then we find
11 another one, that would be "B", and then we
12 might find another one -- so it doesn't always
13 follow from head-to-toe either.

14 Here we have a gunshot wound, and this one
15 is called "C" to "D". The entrance wound we
16 call "C" (marking on diagram) and then the exit
17 wound was called "D". There was no soot or any
18 kind of powder stippling around the wound. It
19 was just an in-and-out shot. "C" to "D" went
20 through the skin at "C", through the sub-
21 cutaneous tissue, like the fat underneath the
22 skin, through the skeletal muscle of the
23 shoulder and then it came out at wound "D".
24 It was in and out. It did not hit any vital
25 structures, did not hit any large arteries or

1 anything that could have resulted in death.

2 It would have been painful but was not a fatal
3 wound.

4 Q. Dr. Collins, may I interrupt you there and
5 ask that you point that out? That general area
6 as to where "C" is, where "D" is?

7 A. (Indicating), here, "C" and "D".

8 Q. Okay.

9 A. While we are on this diagram, there was
10 also a laceration of the elbow, which at first
11 we were not sure if it was a gunshot wound or
12 not. We were able to dissect it further, but
13 we wanted to label it and document it. So we
14 did call this traumatic lesion "A". It turned
15 out not to be a gunshot wound, it turned out to
16 be a laceration. A laceration is a tearing of
17 the skin due to it either hitting something,
18 such as falling on your elbow, or a hard object
19 hitting your elbow. That is called "blunt
20 force trauma". So something impacted that
21 elbow with enough force to tear through the
22 skin and cause a laceration.

23 We also next to that laceration an
24 abrasion, which is a scratch where you scratch
25 off or scrape off the outer aspect of the skin.

1 That was on the outer aspect of the elbow.

2 Then just below that we had a large area of
3 abrasion and bruising around that left elbow as
4 well.

5 So there is this area of laceration,
6 bruising and abrasion of the left elbow, on the
7 outer aspect and on the back of the elbow where
8 you bend your elbow.

9 Now, on the back of his left hand,
10 where you wrist is (indicating), where the hair
11 is, there were also some abrasions. There was
12 an area of abrasion on the back of his hand, as
13 well as there were some abrasions on his
14 knuckles.

15 On the right hand, there was a linear
16 abrasion of about two inches (indicating).

17 So what we've got, looking at the back
18 of him, we've got the gunshot wound, we've got
19 trauma to the left arm and then some
20 nonspecific abrasions to the tops of the hands
21 here (indicating).

22 Looking at the front of him, he had
23 some nonspecific abrasions on the right palm,
24 and he's also got some abrasions on his right
25 and left knees (indicating). We call these

1 nonspecific abrasions. They don't give us a
2 geometry or figure to contrast or mirror an
3 issue, such as a shoe print. They are non-
4 specific abrasions or scratching off of the
5 superficial layers of the skin. That's what
6 we've got on the back of the hands, the right
7 palm and on the knees.

8 Q. Okay. Now, do you need to go to another
9 diagram to show the other injuries?

10 A. Yes.

11 Q. I show you State's Exhibit 118.

12 A. Since we looking at the overall body
13 diagram, this is the man's side diagram. What
14 we've got is an area of abrasion, a scratching
15 off of the skin in his right buttock region,
16 right in here (indicating).

17 Q. Let me give you this, another diagram.

18 A. Yes.

19 Q. Showing you State's Exhibit 120.

20 A. This is the head diagram of an adult, it
21 could be a man or a woman. So it gives you the
22 four views: front view, right view, back view
23 and the left view.

24 Again, I will refer to the diagram I drew
25 during the autopsy. What we've got first of

1 all, on the right brow region we've got a
2 laceration -- again a tear, an actual tearing
3 of the skin. You can look underneath the skin,
4 blunt force trauma similar to the one saw on
5 the elbow. So it is torn through the skin and
6 you're down into the muscle and the adipose
7 tissue, the fat.

8 We also have abrasions and some other
9 lacerations or tearing in this area (indicat-
10 ing) over the right brow and right forehead
11 region. So there was some type of force that
12 hit the right brow, causing scraping off of the
13 skin as well as splitting of the tissue over
14 the right brow.

15 There is also, looking on the right
16 eyelid there is a laceration here on the top,
17 so the right eyelid also had a split in it. A
18 laceration to the right -- let me get my figure
19 straight (adjusting exhibit) -- eyelid. I just
20 drew one laceration here but there's the other
21 laceration here (indicating).

22 Then beneath the right eye area is an
23 area of abrasion.

24 Then there is some abrasion to the
25 nose, on top of the nose as well as underneath

1 the nose.

2 Above the right lip there is a tear or
3 a laceration of the right upper lip. There is
4 some abrasion or scratching of the right lip,
5 as well.

6 So we have the laceration at the top,
7 we have some abrasion on the forehead, we have
8 lacerations on the right eyelid, on and under
9 the nose, the lip.

10 If you look at the right side of his
11 face, on the top diagram here, there is an
12 abraded area about where, if you would feel his
13 face, where the cheekbone is, the bony
14 prominence, his cheekbone.

15 Then we have a larger area of abrasion
16 with some laceration to the right aspect of his
17 mouth.

18 There were no other injuries
19 identified in the posterior of the left
20 diagram. So what we've got is an area of
21 injury that is predominantly to the right
22 aspect of the face and the head. We've got
23 injury and laceration extending down to the
24 bone on the face and then to the right aspect
25 of the head. So frontal and right is where

1 the injury was located.

2 Q. Okay. Would you want to use a diagram to
3 show the second bullet hole?

4 A. Yes, we can use either diagram for the
5 entrance to the head, which did not come out.
6 That term -- that type of gunshot wound
7 penetrated.

8 One that we saw in the (shoulder)
9 diagram was in-and-out. This is perforated,
10 so there was no bullet left behind.

11 The gunshot wound to the head, I can
12 use either diagram, was right in this location.
13 We termed that "B".

14 Remember "A" was to the right elbow.

15 So "B" was into the head, kind of the
16 top of the head.

17 Q. Could you explain to the jury the path of
18 the bullet in the head, which way that it went?

19 A. Yes. The path of the bullet was into the
20 skin and soft tissue of the right parietal
21 scalp, that is the right front of your head.
22 The large bone -- the two large bones in your
23 head are your parietal bones, the two on the
24 sides. When you are a little baby, you have a
25 little soft spot in-between. This is the right

1 parietal bone.

2 It entered through the scalp, through
3 that bone and into the right part of the brain,
4 passes into the left side of the brain and into
5 the back left aspect of the head. So actually
6 on this diagram, if we could look inside his
7 head, ---

8 Q. And you are looking at State's Exhibit ---

9 A. 120. The bullet was somewhere around in
10 here, right here, if we could look inside the
11 head. That's where we found the bullet.

12 The bullet was in the back of the
13 head, after it had gone through the right and
14 left aspects of the brain -- and that's where
15 the bullet, the jacket and some metal
16 fragments.

17 MS. SHEALY: Your Honor, at this
18 time, -- we had previously marked State's
19 Exhibit 72, 73, 74, 76, 77 and 78. Without
20 objection, I would offer them into evidence at
21 this time.

22 THE COURT: Any objection?

23 MR. GRIMES: No objection.

24 THE COURT: Without objection, they
25 are admitted.

1 DIRECT EXAMINATION CONTINUED

2 BY MS. SHEALY:

3 Q. Dr. Collins, showing you what has been
4 marked as State's Exhibit 72, could you
5 describe to the jury -- you noted the injury to
6 his hands. Could you explain what we are
7 looking at in that photograph?

8 A. Yes. First of all you see his hand, his
9 right hand, and you have my FA number 06, for
10 2006, and he was Number 240, the two hundred
11 fortieth case of the year. So we have a label
12 on his hand. What we are trying to show is
13 that he's got some abrasion on his hands, on
14 the bottom of the palm aspect of his hands.

15 Q. Okay. Showing you State's Exhibit 73,
16 does that photograph depict that area?

17 A. Yes.

18 Q. Same hand?

19 A. Yes, nonspecific abrasion(s) on the hand.

20 Q. Okay. And State's Exhibit 74?

21 A. Yes, this is the -- this is his scalp, his
22 hair. What we did is when we -- we found the
23 gunshot entrance wound, so we shaved his hair
24 off in that area. We actually saved the hair
25 and turned that off because it needed to be

1 analyzed. This is a typical entrance gunshot
2 wound. It is round and puffed out. We did not
3 see any soot or stippling on the wound. So
4 this is the top right aspect of the head, that
5 was the fatal wound.

6 Q. Could you step closer to the jury and show
7 on your own head where that shot was?

8 A. (Complies/indicating), it was one-and-a-
9 quarter inch to the midline. This is the
10 middle of the head, so you go over about an
11 inch and a quarter to the right and it was on
12 the right, kind of back, area of the head.
13 This location, (indicating).

14 Q. Thank you. Showing you State's Exhibit
15 76, could you tell them what that photograph
16 depicts?

17 A. Yes. This -- if you can imagine, his head
18 is at the top of his brain, his head is up
19 there. This is "C", this is labeled "C". Here
20 is the entrance gunshot wound, and this is
21 actually "D" where it comes out. The reason --
22 it is hard to see because it is dark right here
23 but there is actually a more oval shape to it
24 compared to the one in the head.

25 The one in the head is very much

1 round, it goes right in.

2 This is oval-shaped, because instead
3 of the bullet going right into the shoulder,
4 like so, it is going sideways. Like if you can
5 imagine sliding into a base when you're playing
6 baseball, you skid along? That's what is
7 happening. It skids along the back, it scrapes
8 off a lot of skin right here as it is going in
9 and then it finally dives into the skin. But
10 it doesn't go in at a sharp enough angle,
11 therefore it pops right back out here at "D".

12 Q. State's Exhibit 77?

13 A. This is "D" where it came out. You can
14 see these two pictures together. This is the
15 exit wound, "D", where it came out. That
16 bullet went through skin and skeletal muscle
17 and came right out. It was a very superficial
18 track.

19 Q. Okay. And State's Exhibit 78?

20 A. This is his left elbow from the back. He
21 is lying down on our table and we saw this
22 gaping wound on his elbow, so we went ahead and
23 called it lesion "A". We thought that it may
24 have been a gunshot wound, but it turned out
25 not to have been a gunshot wound after further

1 examination and x-rays. This is the laceration
2 of the tearing of the skin and underlying
3 tissue of the left area, in this area. We
4 called it "A".

5 Q. What made you question whether it was an
6 actual gunshot wound? How did it appear or
7 what were some of the other ---

8 A. Well, we had three (sic) gunshot wounds,
9 then we see a hole in his left elbow. On the
10 extremities, where you have bony areas, elbow,
11 your shoulder if you're real thin, you can have
12 an usual shaped gunshot wound, they don't have
13 that nice round look to them. So we wanted to
14 make sure before we just passed it over that
15 this was not a gunshot wound. We also wanted
16 to match up with, at the scene, how many shots
17 were fired. We could only determine that there
18 were two shots fired into this body, one to the
19 head where the bullet stayed inside and one to
20 the shoulder where the bullet left.

21 Q. You may go ahead and take your seat again
22 now. Okay?

23 A. (Complies).

24 Q. Now, regarding the lacerations and
25 abrasions that you saw on Mr. Grant's body, is

1 there a term that you'all use? Road rash or --
2 is that colloquial used?

3 A. "Road rash" is a term -- what we saw were
4 abrasions or lacerations. When you hear the
5 term "road rash", what they are referring to is
6 where someone falls and scrapes on pavement.
7 You know, young kids call that area a
8 "strawberry" or a "raspberry". It's just an
9 abrasion. So we look at those and see if it is
10 consistent with the history given by witnesses
11 at the scene.

12 Q. Regarding your findings, would you
13 indicate whether or not it appeared that the
14 lacerations and abrasions came from striking
15 pavement or a gravel surface?

16 A. On examining the elbow, I'd say it was
17 either from him falling or hitting something
18 hard or an object hitting him. Either way you
19 have impact with -- where he is the force
20 moving into a solid object or a solid object
21 moving into him.

22 Q. Okay. Regarding his arm area, did you
23 indicate that there was a spot that had a
24 contusion?

25 A. Yes.

1 Q. Tell me which side of the body that was?

2 A. That was near the laceration on his left
3 elbow, more towards the outside of his area, a
4 little bit down beneath the laceration on his
5 elbow, more towards his wrist.

6 Q. Okay. And the word "contusion", that ---

7 A. A bruise.

8 Q. It is a bruise?

9 A. (Affirmative nod).

10 Q. Do you have an opinion as to whether or
11 not that could have come from being struck with
12 a bat?

13 A. Definitely, yes. Anything that could
14 exert enough force to cause a laceration. Now,
15 people can fall and cause a laceration but most
16 people when they fall on their elbow don't come
17 away with a big, gaping laceration; because a
18 great deal of force is needed to tear that
19 tissue over those area.

20 Q. That contusion or bruising, would that be
21 consistent with being struck with a metal bat?

22 A. Yes, being struck with a bat would cause a
23 contusion.

24 Q. Okay. Could you tell us what limitations,
25 if there are any, that a pathologist has in

1 describing the position of bodies when a
2 shooting occurs?

3 A. The position that we describe is always in
4 anatomical position. What you saw on the
5 screen with my body diagram, that is the
6 anatomical position; you have the person
7 standing with their hands -- I will show you --
8 (standing), this is the anatomical position.

9 When we say left-to-right, we're
10 talking in this stance with your palms out and
11 your feet like this. This is the anatomical
12 position.

13 Now, I can't tell you how he was
14 positioned when he was shot. I can say
15 something is consistent with it or not
16 consistent but he could have been doing a
17 cartwheel, for all I know. I can't tell what
18 he was doing at the time that he was shot. I
19 will just say that in anatomical position that
20 this is where the bullet hole is, this is that
21 angle in the body that the bullet is traveling
22 in anatomic position.

23 Q. Okay. Regarding then the position of the
24 shooter, does the same apply? That you
25 wouldn't be able to describe what position that

1 the shooter was in?

2 A. Exactly. You've got a target, you've got
3 a gun. They can all move around. You cannot
4 tell.

5 Q. Regarding the shot to the head, you
6 described it as the pathway of the bullet.

7 A. Yes.

8 Q. You've indicated that you can know whether
9 or not something would be consistent. If a
10 shooter was standing behind the victim's head
11 and he were down on the ground flat, face-down,
12 -- if the victim were face down and this were
13 his head and the shooter were standing over
14 him, is that pathway consistent with the
15 shooter being behind his head, shooting into
16 it?

17 A. The bullet had to enter the top of his
18 head to go backwards, so the only way that
19 someone could be face down and the bullet enter
20 that way, the person holding the gun would have
21 to be at his head looking towards him.

22 Or standing behind him, holding the
23 gun like this (demonstrating); which isn't very
24 likely.

25 Q. But regarding the first scenario that you

1 gave, if the body is here ---

2 A. Yes.

3 Q. --- and the head is here, ---

4 A. Yes.

5 Q. --- if the shooter has the gun to the
6 victim's head, would it consistent with the
7 injury or that ---

8 A. Yes.

9 MS. SHEALY: I beg the court's
10 indulgence just a moment.

11 THE COURT: Sure.

12 MS. SHEALY: Dr. Collins, I have no
13 further questions. Answer any questions that
14 the defense has.

15 THE COURT: You may cross-examine.

16 MR. GRIMES: Thank you.

17 MS. SHEALY: Your Honor, I thought
18 that we moved the diagrams in. If not, we move
19 them at this time -- 118, 119 and 120.

20 THE COURT: Any objection?

21 MR. GRIMES: No, sir, there was no
22 objection.

23 THE COURT: They are admitted.

24 COURT REPORTER: Yes, sir.

25 CROSS EXAMINATION

1 BY MR. GRIMES:

2 Q. Dr. Collins, I want to ask you a couple of
3 questions in followup to the last line of
4 questions. Do you have an opinion as to
5 whether Mr. Grant was on the ground when he was
6 shot in the head?

7 A. No.

8 Q. In your report, do you make any statements
9 about whether he was on the ground when he was
10 shot in the head?

11 A. No. The only part of the report is the
12 case history that will sometimes include how
13 the body was found, how witnesses report the
14 body, but I do have that -- it was provided to
15 me by Deputy Coroner Koelpin, that it was
16 questionable whether the deceased was on the
17 ground when he was shot in the head.

18 Q. You performed a toxicology screen on Mr.
19 Grant?

20 A. Yes.

21 Q. Was there cocaine found in his system?

22 A. No.

23 Q. Was any marijuana found in his system?

24 A. There was marijuana; however, marijuana
25 can remain in the system for about a month, so

1 we are not able to give a specific timeframe on
2 that.

3 Q. Do you have a copy of the toxicology
4 screen up there?

5 A. Yes.

6 Q. If you would look at the last page, ---

7 A. Yes.

8 Q. --- looking at the section that says
9 "Cocaine/metabolites: Positive". Does that
10 mean that there was cocaine in his system?

11 A. That means -- that was on the urine. If
12 you look up, it says "Urine". We try -- if we
13 are fortunate enough to have blood and urine
14 in the body, we will draw those two specimens.
15 The urine is a screen to detect anything
16 present. Then we use the blood to get a number
17 like what is your blood alcohol level, as well
18 as to confirm what we think may be in the
19 urine; because things can cross-react in the
20 urine.

21 So we did the urine screen. It says
22 "Cocaine: Presumptive/position", but then it
23 wasn't confirmed in the blood tests.

24 Q. Okay. You don't know the position of Mr.
25 Parker when the shots were fired, do you?

1 A. No.

2 Q. And if he was standing behind Mr. Grant,
3 it would be unlikely that he shot him if he was
4 lying down. Is that correct?

5 A. Okay. I just don't ---

6 Q. If the body is laying down, ---

7 A. With his head toward me?

8 Q. Yes, ma'am. If Mr. Parker is sort of
9 standing at the feet, close to the feet, and
10 shot Mr. Grant this way; is that possible?
11 Do the physical findings support that?

12 A. No.

13 Q. You said that it was not a close range
14 shot, was it?

15 A. I had an abundant amount of hair. You are
16 looking for soot or gunpowder residue on the
17 skin of gunshot victims, but when you have hair
18 it can take up some of that material. That's
19 why I called it an indeterminate range, because
20 I am not able to tell you if there was any soot
21 or gunpowder residue particles. That's why I
22 turned over to Scott Wyant of the North
23 Charleston Police Department all that hair that
24 I shaved around the entrance wound, so that
25 they could analyze that if they wanted to or if

1 they needed to.

2 MR. GRIMES: Thank you.

3 THE COURT: Redirect?

4 MS. SHEALY: Briefly to follow up.

5 THE COURT: Yes, ma'am.

6 REDIRECT EXAMINATION

7 BY MS. SHEALY:

8 Q. Dr. Collins, when you indicated that you
9 noted that it was an indeterminate range, could
10 you describe for us what "indeterminate range"
11 means?

12 A. Yes. If I shoot with a regular handgun --
13 if I shoot a person in the skin and I am
14 touching the gun with a gun, the end of the gun
15 like so (demonstrating), touching it, that's a
16 contact wound. With the -- when the bullet
17 comes out, with the bullet comes some soot and
18 gas and some unburnt gunpowder particles, in
19 kind of a little ball of smoke.

20 As the gun comes away from the skin,
21 up to about eight inches, you can still see
22 some soot, the black soot, around a gunshot
23 entrance wound.

24 Now, the farther that I get away, the
25 carbon or the soot is heavy and it falls to the

1 ground, so it doesn't make it all the way to
2 the skin. But you may be able to see some
3 gunpowder residue, some lead, some antimony,
4 parts of the gunpowder on the skin, up to about
5 eighteen inches.

6 After eighteen inches, you usually
7 don't see anything but a hole on the skin.

8 Q. Regarding the way that Mr. Grant appeared
9 then, would you describe for me again what you
10 could not tell because of the way his hair
11 appeared?

12 A. He had dark hair. Even if he had light-
13 colored hair, the hair can obviously absorb the
14 particles or soot or gunpowder residue.
15 Clothing can also do that. So we couldn't
16 visually look at the wound and say yes or no
17 that there was some soot or gunpowder residue
18 there.

19 There might have been some in his hair
20 that I couldn't see in order to determine the
21 range of fire, the contact, the clothes or the
22 distance. So therefore we call it an indeter-
23 minate range.

24 Q. Which if you designate something as
25 "indeterminate", then that means that it could

1 have been contact, that it could have been
2 close or it could have been distant?

3 A. Right. We use that same terminology
4 whether there is closing or if there is an
5 object between the gun and the person, like a
6 door.

7 Q. Okay. Regarding the cocaine, you
8 indicated that it came back with the urine as
9 potentially cocaine in his system; is that
10 correct?

11 A. Yes.

12 Q. What does the term "false positive" mean?

13 A. A false positive would be if you -- when
14 you do the testing of these drugs on urine,
15 you're looking at -- you know, it comes out of
16 the machine in the laboratory and you can have
17 some peak indicating some family of drugs, like
18 acid-type drugs or basic-type drug or volatile,
19 like alcohol. If you mistakenly say 'ah-ha'
20 that peak is cocaine and not confirm that, then
21 that would be a false positive.

22 When we went back after the urine --
23 we had the blood, so we went and we tested the
24 blood and it is written on -- I was looking
25 for a page number so that you could refer to

1 it, but it is the confirmatory testing that
2 says "Cocaine: None detected." So we did
3 confirm that with the blood, that there was no
4 cocaine.

5 I cannot tell you what cross-reacted
6 and gave the false positive in the urine. You
7 have probably heard of false positives with
8 people that eat poppy seed bagels and you get
9 a false positive on your opiate screen just
10 because you ate poppy seeds. So who knows what
11 he ate or drank that gave him a false positive,
12 but it was not cocaine.

13 Q. Okay. Regarding the detection of some
14 presence of marijuana, is there anything that
15 you can educate us on the recentancy of any
16 marijuana use?

17 A. No. It can stay in the system for a
18 month. You could do some analyses, further
19 analyses, on the blood to see how it exactly
20 quantitated. They did give us some numbers
21 here of fifteen -- sorry -- of eighteen
22 nanograms per milliliter but that still is not
23 going to help you to say that he smoked
24 marijuana a whole lot, a month ago or a little
25 bit last week. You can't extrapolate that.

1 MS. SHEALY: I have no further
2 questions. Thank you, Dr. Collins.

3 THE COURT: Recross?

4 MR. GRIMES: No, sir.

5 MS. SHEALY: Your Honor, we would ask
6 that she be excused.

7 THE COURT: Any objection?

8 MR. GRIMES: No objection.

9 THE COURT: Dr. Collins, you may
10 step down and you are also free to leave.
11 Thank you very much.

12 (WITNESS STEPS DOWN)

13 MS. SHEALY: Your Honor, at this time
14 I have that I would like to put on the record.

15 THE COURT: Very well. Ladies and
16 Gentlemen, a stipulation -- from time to time
17 evidence will be presented for your
18 consideration, and one of the ways is that the
19 parties stipulate to certain facts rather than
20 calling witnesses to come in and testify. They
21 just simply write down what the stipulation is
22 and you are to consider that as evidence the
23 same as you do any other evidence and decide
24 what you find to be credible and believable.

25 MS. SHEALY: Thank you, Your Honor.

1 Previously we have marked State's Exhibit 117
2 but we have not moved that into evidence. We
3 would move it into evidence at this time
4 without objection.

5 THE COURT: Is that the stipulation?

6 MS. SHEALY: It is stipulated.

7 THE COURT: All right, by
8 stipulation it is admitted without objection.

9 MR. GRIMES: Yes, sir.

10 (SO ENTERED AS STATE'S EXHIBIT 117)

11 MS. SHEALY: State's Exhibit 117
12 reads that, (reading):

13 "The State and the Defense agree
14 that pursuant to an anonymous tip on January
15 the 17th, 2007, Roger Parker, Jr. was arrested
16 in Charleston county and charged with Murder."

17 State's Exhibit 115 reads,

18 "The State and the Defense agree
19 that on April 18th, 2006, Corporal Wyant of the
20 North Charleston Police Department Crime Scene
21 Unit collected blood swabs from the rear of a
22 white Saturn parked in front of [REDACTED]
23 [REDACTED]. These blood samples were
24 properly recovered, properly secured and sent
25 to the State Law Enforcement Division DNA lab.

1 From recovery by Corporal Wyant to submission
2 to Adrian Riley, a DNA expert with the State
3 Law Enforcement Division, DNA Lab, all
4 requisite procedures regarding the proper chain
5 of custody were adhered to. Adrian Riley
6 tested the blood swab from the trunk of the
7 Saturn and compared it to the blood standards
8 from Carlise Grant and concluded that the blood
9 sample from the Saturn matched Carlise Grant.
10 Ms. Riley concluded that pursuant to forensic
11 DNA testing that the probability of randomly
12 selecting an unrelated individual having a DNA
13 profile matching this item is approximately 1
14 in 160 quadrillion."

15 THE COURT: Okay.

16 MS. SHEALY: And State's Exhibit 114
17 reads, (reading):

18 "The State and the Defense agree
19 that on November 3rd, 2006, at approximately
20 5:55 p.m., Officers Tugya and Moss, both of the
21 Charleston Police Department effectuated a
22 traffic stop on 1997 Buick LaSabre, South
23 Carolina Tag Number 359 VIS, in the area of
24 Colony Drive and St. Andrews Boulevard in
25 Charleston County. The vehicle was driven by

1 Dante Lamont Deveau, date of birth [REDACTED];
2 and one Luther Richardson, date of birth [REDACTED]
3 [REDACTED], was present in the front passenger seat.
4 As a result of this traffic stop, a nine
5 millimeter semi-automatic pistol, Serial Number
6 PBZ8248, was located under the vehicle's
7 driver's seat. The firearm was properly
8 secured by the officers and sent to the State
9 Law Enforcement Division, Firearms Department,
10 for testing. From recovery of the weapon to
11 submission to Tracy Thrower, Forensic Science
12 with the State Law Enforcement Division
13 Firearms Department, all procedures regarding
14 the proper chain of custody were adhered to."

15 Thank you, Your Honor.

16 THE COURT: Thank you.

17 MR. SIMPSON: The State calls
18 Tracy Thrower.

19 (WITNESS TAKES STAND)

20 TRACY THROWER, being duly
21 sworn to tell the truth, the whole truth and
22 nothing but the truth, testified, as follows:

23 DIRECT EXAMINATION

24 BY MR. SIMPSON:

25 Q. Sir, how are you today?

1 A. Very well.

2 Q. State your occupation for the jury?

3 A. I am a firearms and tool mark examiner at
4 the State Law Enforcement Division, also known
5 as SLED, in the Forensic Services Department.

6 Q. How long have you been with SLED?

7 A. Approximately nine years.

8 Q. Could you explain to the jury a little bit
9 about what that position entails?

10 A. A firearm and toolmark examiner, I examine
11 firearms and firearms-related evidence such as
12 bullets, cartridge casings, shot shells, wads
13 and pellets. I also perform serial number
14 restoration, muzzle-to-target distance
15 determination for shot patterns, fracture
16 matches, limited crime scene response.

17 I perform entry and correlation on the
18 integrated ballistic identification system,
19 also known as IBIS.

20 I am also the user's congress member
21 to the ATF, the Bureau of Alcohol, Tobacco and
22 Firearms, on the IBIS system for Region 3-A,
23 which is North Carolina, South Carolina.

24 I am a training officer. I have two
25 trainees. I have an apprenticeship training

1 program in the firearms department.

2 I am also the departmental technical
3 leader.

4 Q. Mr. Thrower, could you explain to the jury
5 your educational background?

6 A. I have a bachelor of science degree in
7 biology from Winthrop University.

8 Q. Do you have specialized training in the
9 area of firearms identification?

10 A. I have. I have completed the course of
11 instruction in firearms and took mark
12 examination at SLED. This was an approximate
13 three-year course of instruction,
14 apprenticeship-type instruction that was
15 supervised by court-qualified firearm
16 examiners. During this training I was required
17 to perform extensive reading, studying and I
18 was given written exams, oral exams, practical
19 problems. I performed extensive microscopic
20 comparisons. I assisted examiners in preparing
21 other cases. Upon completion of my exams, I
22 was allowed to work cases on my own.

23 Since then, I have attended the course
24 taught by the Federal Bureau of Investigation
25 on specialized techniques of firearms

1 identification.

2 I have completed the course taught by
3 the Bureau of Alcohol, Tobacco and Firearms on
4 serial number restoration.

5 And I have completed a course in
6 scientific defensible criteria for identi-
7 fication of tool marks, which was taught by
8 Murdaugh and Moran.

9 Q. Mr. Thrower, have you ever been qualified
10 in court as an expert in firearm and toolmark
11 identification?

12 A. Yes, sir, I have.

13 Q. Approximately how many times?

14 A. I believe twenty-six times.

15 Q. In what court?

16 A. Various circuit courts around the state of
17 South Carolina.

18 MR. SIMPSON: Your Honor, at this
19 point I would offer Tracy Thrower as an expert
20 in the area of firearm and toolmark
21 identification.

22 THE COURT: Do you care to examine
23 him as to his qualifications?

24 MR. GRIMES: Briefly, Your Honor.

25 THE COURT: You may.

1 MR. GRIMES: Mr. Thrower, are you a
2 member of any national academies?

3 WITNESS: No, sir, I am not.

4 MR. GRIMES: Are you familiar with
5 that?

6 WITNESS: Yes, sir, I am.

7 MR. GRIMES: Are you a member of a
8 national research council?

9 WITNESS: No, sir, I am not.

10 MR. GRIMES: Are you familiar with
11 that?

12 WITNESS: No, sir, I am not.

13 MR. GRIMES: I think I missed it,
14 what specialized course did you complete with
15 the FBI?

16 WITNESS: Specialized techniques
17 in firearms identification.

18 MR. GRIMES: Have you ever taken any
19 classes on bullet identification?

20 WITNESS: The three-year course by
21 SLED includes bullet identification, cartridge
22 casing identification, toolmark identification,
23 serial number restoration.

24 During the specialized techniques in
25 firearms identification class, there --

1 basically, once again, what we did was match
2 bullets to guns, cartridge cases to the
3 firearms from which they were fired.

4 The course on scientific defensible
5 criteria firearm identification included
6 matching bullets to the gun, cartridge casings
7 to the gun, is actually a smaller portion of
8 the larger field of toolmark identification.

9 Toolmark identification is simply one
10 object, being a harder object, coming into
11 contact with a softer object and leaving an
12 impression or a scratch. So basically when a
13 bullet travels down the barrel of a firearm,
14 the barrel marks the bullet; which is
15 essentially a toolmark.

16 Yes, I have completed numerous
17 courses.

18 MR. GRIMES: Thank you. I have no
19 further questions, Your Honor.

20 THE COURT: He will be permitted to
21 render opinions in the area of firearm and
22 toolmark identification.

23 MR. SIMPSON: Thank you, Your
24 Honor.

25 DIRECT EXAMINATION CONTINUED

1 BY MR. SIMPSON:

2 Q. Regarding this case, did you receive some
3 items of evidence from the North Charleston
4 Police Department?

5 A. Yes, sir, I did.

6 Q. I show you some items that have been
7 premarked, State's Exhibit 79 through 100.
8 Would you take a minute to examine those items
9 of evidence, Mr. Thrower?

10 A. (Reviewing).

11 Q. Take your time.

12 A. State's Exhibit 79 is my exhibit/item
13 number four. It is one fired 9mm Luger
14 cartridge casing. It bears my case number, my
15 item number and my initials which I scribed on
16 it with an engraver.

17 Q. If you could just review them and then
18 tell us if -- (pause).

19 A. (Reviewing) -- okay. Yes, sir, I
20 recognize these items.

21 Q. How do you recognize those items?

22 A. They each bear my case number, my item
23 number and my initials which I scribed on each
24 item with an engraver.

25 Q. I would like to start with State's Exhibit

1 88. Would you tell the jury what that item is?

2 A. State's Exhibit 88, which is my item
3 fifteen is one fired bullet.

4 Q. With the exception of State's Exhibit 88,
5 is it a fair statement to say that all of the
6 exhibits presented to you are shell casings?

7 A. Yes, sir. The remaining items that were
8 presented to me were fired cartridge casings.

9 Q. Can you explain to the jury what a shell
10 casing is?

11 A. A cartridge case is essentially the
12 container that holds all the other components
13 of a piece of ammunition.

14 Inside this container, in the base or
15 the head area there is a small circular disk,
16 which you can see in the center, which is the
17 primer. The primer is the ignition component
18 of a piece of ammunition.

19 The firing pin of a firearm strikes
20 the primer, crushes it, which causes a small
21 explosion, which then ignites the gunpowder
22 contained in the larger cavity and then the
23 bullet, which is placed in the mouth of this
24 cavity, so that when the -- when the gunpowder
25 begins to burn, the bullet is pushed out of the

1 mouth of the cartridge casing.

2 Q. State's Exhibit 111. Sir, do you
3 recognize that item?

4 A. First of all, Ladies and Gentlemen, it is
5 safe for me to handle this firearm as I have
6 checked it both visually and inspected it by
7 feeling it to make sure that the gun is not
8 loaded. Yes, sir, I also recognize this
9 firearm as it bears my case number, item number
10 and initials.

11 Q. Please describe that item for the jury.

12 A. This is a Smith & Wesson Sigma Series,
13 Model SW9VE. It is a 9mm Luger caliber. It
14 has the Serial Number PVZ8248.

15 Q. Did you examine that item, Mr. Thrower?

16 A. Yes, sir. I did.

17 Q. Did you test fire that weapon?

18 A. Yes, sir, I did.

19 Q. How many times?

20 A. I believe that I test fired this gun nine
21 times.

22 Q. Did you find it to be in proper working
23 order?

24 A. Yes, sir, it worked properly when I tested
25 it.

1 Q. Any problems with it misfiring?

2 A. No, sir.

3 Q. Now, was that firearm also submitted to
4 you with a magazine?

5 A. Yes, sir. It was.

6 Q. How many bullets was that magazine capable
7 of holding?

8 A. This magazine, when I tested it for
9 capacity, holds sixteen cartridges. It is also
10 possible to place one additional round in the
11 chamber of the firearm. This firearm with this
12 magazine will hold a total of seventeen rounds.

13 Q. Sir, have you had an opportunity to
14 compare the shell casing there with the shell
15 casing(s) that you test-fired from that
16 handgun?

17 A. Yes, sir, I did.

18 Q. What conclusions did you reach?

19 A. I concluded that some of the shell casings
20 were fired by this firearm.

21 Q. And as the shell casings were submitted to
22 you, were they also identified by letters?

23 A. Yes, sir, each of the shell casings was
24 received in an envelope which had a letter on
25 it. I assume the letter corresponded to what

1 marker the cartridge casing was located at.

2 Q. Would it bother you in any way if you
3 referred to the shell casings by their letter?

4 A. No, I would be glad to do that.

5 Q. First of all, you said that you concluded
6 that some of those shell casings had been fired
7 by this handgun. Some had not? Did you reach
8 that conclusion?

9 A. The first thing that I did was I test-
10 fired this firearm into our bullet recovery
11 tank, which is a water tank. It is a stainless
12 steel pipe, which is about three feet in
13 diameter. It goes down to the -- the bottom of
14 this tank is on the first floor. It's got a
15 large funnel in the bottom of it, with a little
16 cup that fits in the bottom of the funnel. We
17 shoot the guns down in the water. The water
18 slows the bullets to a safe speed, then they
19 hit the funnel and they wind up in the cup. At
20 that point in time we can pull a chain, recover
21 the test-fired bullet and cartridge casings and
22 that's what we use as our test specimen to
23 compare against the unknowns.

24 I can say that I know that that specimen came
25 from that gun because I personally test fired

1 it.

2 The next thing I do is, I take the
3 test specimens and place them on my comparison
4 microscopes, which is essentially two micro-
5 scopes set side by side, and they are connected
6 by an eyepiece. When I look through my
7 eyepiece, I can actually see the image of each
8 of the two cartridge cases or each of the two
9 bullets, side by side with a simple hairline
10 separating them, so that I can manipulate and
11 move the cartridge cases. I can change the
12 light, I can change the angle so that I am able
13 to see the striations or see the impressions
14 that I am looking for. I compare them side by
15 side in a little lamp, two inches.

16 The first thing I do is I take my test
17 specimen and I compare one test specimen with
18 another test specimen. I am sure that the
19 firearm is marking in a readily reliable
20 repeatable way so that when I am looking at
21 evidence I can trust the markings that I see as
22 being repeatable.

23 Once I confirm that my firearm is
24 marking in a repeatable way, I then take one of
25 the evidence cartridge cases and place it on

1 the left-hand side of my microscope. I take a
2 test-fired cartridge case and place it on the
3 right side of my microscope and then I just
4 look through the microscope and I compare the
5 images. If I see striations, which are
6 scratches, or if I see impressions and they are
7 -- if there is sufficient similarity, then I
8 can conclude that the evidence cartridge case
9 was fired by the firearm.

10 Q. Thank you, Mr. Thrower. Of the -- first,
11 how many shell casings were submitted to you?

12 A. Twenty-one cartridge cases were submitted
13 to me for examination.

14 Q. Of those twenty-one cartridges cases, how
15 many did you determine were fired by that
16 handgun?

17 A. Let me verify in my notes. (Upon review),
18 sixteen.

19 Q. Eventually was concluded to match that
20 gun?

21 A. Yes.

22 MR. SIMPSON: One moment, please.

23 DIRECT EXAMINATION CONTINUED

24 BY MR. SIMPSON:

25 Q. You work in Columbia, correct?

1 A. Yes.

2 Q. You were not present at the crime scene?

3 A. No, sir, I was not.

4 Q. So you cannot attest to where any of these
5 items were located at the crime scene?

6 A. No, sir, I cannot.

7 Q. But if I give you a letter which
8 corresponds to an item, you can testify as to
9 whether or not that was one of the shell casing
10 that matches the gun, that was submitted?

11 A. Yes, I can tell if a cartridge casing
12 submitted in an envelope with a particular
13 letter did or did not match the firearm.

14 MR. SIMPSON: Your Honor, may I
15 ask the witness to step down

16 THE COURT: Yes, just keep your
17 voice elevated, Mr. Thrower. Make sure so that
18 he is positioned so that he is speaking back
19 towards the court reporter.

20 DIRECT EXAMINATION CONTINUED

21 BY MR. SIMPSON:

22 Q. I am just going to go through some letters
23 with you and just ask that you circle the
24 letter if it did match?

25 A. Okay.

1 Q. The item submitted to you as a crime scene
2 in pouch "A"?

3 A. Pouch "A".

4 Q. For the record, that is State's Exhibit
5 79.

6 A. Do you want me to circle it up here?

7 Q. (No verbal response).

8 A. Pouch "A" was fired by the firearm.

9 Q. The shell casing submitted to you in Pouch
10 "B"? For the record, that is State's Exhibit
11 89.

12 A. (Upon review), that also was fired by the
13 firearm.

14 Q. I'm sorry, that was or was not?

15 A. That also was fired by the firearm.

16 Q. Shell casing in Pouch "C"? Was or was
17 not?

18 A. (Upon review), that was also fired by the
19 firearm.

20 Q. For the record, that was State's Exhibit
21 90. The shell casing in Pouch "D", was or was
22 not fired by the firearm?

23 A. (Upon review), Pouch "D" also was fired by
24 the firearm.

25 Q. State's Exhibit 91, for the record. The

1 shell casing presented to you in Pouch "E", was
2 or was not?

3 A. (Upon review), Pouch "E" was also fired by
4 the firearm.

5 Q. State's Exhibit 80, for the record.

6 The shell casing presented to you in Pouch "P",
7 was or was not fired by the firearm?

8 A. Pouch "P" was also fired by the firearm.

9 Q. The shell casing in Pouch "P" is State's
10 Exhibit 94. The shell casing presented to you
11 in Pouch "Q"?

12 A. Pouch "Q" was also a fired -- by the
13 firearm.

14 Q. The shell casing in Pouch "Q" is
15 Stabilizer 95. The shell casing presented to
16 you in Pouch "R"?

17 A. Pouch "R" was also fired from this
18 firearm.

19 Q. For the record, the shell casing in Pouch
20 "R" is State's Exhibit 96.

21 The shell casing presented to you in Pouch
22 "S".

23 A. The shell casing in Pouch "S" was also
24 fired by this firearm.

25 Q. For the record, the shell casing submitted

1 in Pouch "S" is State's Exhibit 97.

2 The shell casing presented to you in Pouch
3 "T". State's Exhibit 81.

4 A. The shell casing in Pouch "T" was fired by
5 the firearm.

6 Q. The shell casing submitted to you in Pouch
7 "U".

8 A. (Upon review), the shell casing in Pouch
9 "U" was fired by the firearm.

10 Q. That shell casing is State's Exhibit 82,
11 for the record.

12 The shell casing presented to you in Pouch
13 "V"?

14 A. (Upon review), the shell casing in Pouch
15 "V" was fired by the firearm.

16 Q. That's State's Exhibit 98, for the record.
17 The shell casing submitted to you in Pouch "W"?

18 A. (Upon review), the shell casing in Pouch
19 "W" was fired by the firearm.

20 Q. State's Exhibit 99. The shell casing
21 submitted to you in Pouch "X"?

22 A. (Upon review), the shell casing in Pouch
23 "X" was fired by the firearm.

24 Q. State's Exhibit 83. The South Carolina
25 submitted to you in Pouch "Y"?

1 A. (Upon review), the shell casing in Pouch
2 "Y" was fired by the firearm.

3 Q. State's Exhibit 100. The shell casing
4 submitted to you in Pouch "Z"?

5 A. (Upon review), the shell casing in Pouch
6 "Z" was fired by the firearm.

7 Q. Let me get the rest, just hang on a
8 moment.

9 A. Okay.

10 Q. So there were five shell casings that were
11 presented to you that you determined were not
12 fired by the firearm. Correct?

13 A. Yes, sir.

14 Q. Could you tell the jury what letters were
15 associated with the shell casings?

16 A. Shell casing from Pouch "K", shell casing
17 from Pouch "L", shell casing from Pouch "M",
18 shell casing from Pouch "N" and from Pouch "O".

19 Q. And when we say shell casing or cartridge
20 casing, we're referring to the same thing?

21 A. They are the same thing, yes.

22 Q. This handgun -- is that from a
23 semiautomatic handgun?

24 A. Yes, sir, a semiautomatic.

25 Q. Can you explain to the jury what generally

1 happens with a shell casing from an automatic
2 handgun when the gun is fired?

3 A. During the operation of this firearm, you
4 load the magazine. You place cartridges in the
5 magazine, unfired cartridges. You then place
6 the magazine in the firearm.

7 The next thing you do, you've got to
8 get the magazine up into the chamber. The
9 chamber on this is the rear area of the barrel
10 (indicating), right here. Okay?

11 To get the cartridge in the magazine
12 into the gun by pulling slightly to the rear
13 and then allowing it to go forward. The
14 cartridge case into the chamber area of the
15 firearm. That is when the firearm is ready for
16 firing.

17 On this one, you pull the trigger.
18 The trigger cocks the hammer or cocks the
19 firing pin, then releases it; the firing pin
20 comes moving forward at a high rate of speed
21 and strikes the primer on the cartridge casing,
22 which ignites the primer; the fire from the
23 gunpowder, uh, -- gunpowder produces gases
24 which forces the bullet out of the cartridge
25 case, down the barrel towards the target.

1 Okay.

2 All of that pressure that is behind
3 that bullet, pushing that bullet down that
4 barrel towards the target, it is also pushing
5 rearward on the slide; this top piece right
6 here, which is the slide. As it pushes the
7 slide towards the rest, the ejector -- which is
8 this little hook mechanism right here -- that
9 grips the rear portion of the cartridge case,
10 the extractor groove, the extraction actually
11 pulls the cartridge case out of this chamber
12 area. When the slide comes far enough to the
13 rear, the cartridge case hits this little post
14 -- which is called an ejector. The striker is
15 still trying to pull it towards the rear on the
16 right side but the post is pushing the
17 cartridge case forward on the left side, which
18 causes the cartridge case to eject and come out
19 of the ejection port; which is typically why
20 you find the cartridge case from a
21 semiautomatic on the ground or, you know, at
22 the scene of a crime.

23 Once the slider is fully to the rear,
24 it stops, comes back forward and strips the
25 next cartridge out of the magazine and puts it

1 into the chamber. The gun is reset and ready
2 to fire again. As long as you keep pulling the
3 trigger and there is ammunition in the
4 magazine, each pull of the trigger will cause
5 another cartridge to fire.

6 Q. Is there a general distance that a shell
7 casing or a cartridge casing will travel when
8 ejected?

9 A. No, sir, not really. Depending on the
10 type of gun, depending on the type of
11 ammunition, depending on if the gun is held
12 traditionally or if like you see the movies
13 where everyone wants to turn them sideways, if
14 you turn it with the ejection port facing down,
15 if you are right hand, if it is facing up.
16 There are many factors that can change how far
17 a cartridge casing will be ejected or thrown
18 from the firearm.

19 Q. And that would include what kind of
20 surface that it hits, correct?

21 A. All surfaces -- if it hits a hard surface
22 like concrete, it may bounce and then roll for
23 a direction -- especially if it is downhill.
24 If it hits any grass or sand, it may stop right
25 there and never move.

1 Q. Now, earlier you referred to "K", "L",
2 "M", "N" and "O" as shell casings that did not
3 match. For the record, I would like to
4 establish that shell casing "K" is State's
5 Exhibit 85; "L" is State's Exhibit 92; "M" is
6 State's Exhibit 86; "N" is State's Exhibit 93;
7 and "O" is State's Exhibit 87.

8 If you could briefly find the shell casing
9 labeled "K" and take a look at that for me.

10 A. (Upon review), okay.

11 Q. Now, the item "K" submitted to you by the
12 North Charleston Police Department is a shell
13 casing?

14 A. Yes, this is one fired 9mm caliber Luger
15 cartridge casing. It is stamped "9mm Luger".

16 MR. SIMPSON: I have no further
17 questions. Please answer any questions that
18 the Defense may have.

19 THE COURT: Cross examine.

20 MR. GRIMES: Thank you, Your Honor.

21 CROSS EXAMINATION

22 BY MR. GRIMES:

23 Q. Good afternoon.

24 A. Certainly.

25 Q. Agent Thrower?

1 A. Yes, sir.

2 Q. Did you received any of the projectiles in
3 this case?

4 A. I received one fired bullet, yes, sir.

5 Q. Did you receive any of the other
6 projectiles?

7 A. No, sir, I did not.

8 Q. Are you familiar with a technique called
9 compositional analysis of bullet lead?

10 A. Yes.

11 Q. That is used sometimes when no gun is
12 recovered; correct?

13 A. I've read about it but I do not have much
14 knowledge about it.

15 Q. Would it be fair to say that technique
16 involves comparing one bullet with another
17 bullet to see if they are made by the same
18 company ---

19 Q. From what I have read about it, you can
20 compare a sample of the lead, but whenever
21 manufacturer makes one flat of bullets they
22 don't clean out the pipe to remove all lead
23 before they share melting lead for the next
24 flat. So it's --(pause).

25 Q. Is it your understanding that analytically

1 you can distinguish a bullet, if the same metal
2 and everything is in there, that they are made
3 from the same source?

4 MR. SIMPSON: Your Honor, I would
5 object to questioning the witness on a field
6 that he is ---

7 THE COURT: I will allow some
8 leeway, but move on to something appropriate,
9 please. I overrule your objection.

10 CROSS EXAMINATION CONTINUED

11 BY MR. GRIMES:

12 Q. Is it fair to say that this method is used
13 when both bullet are analytically distinguish-
14 able, that they conclude that they both came
15 from the same box or source?

16 A. You could not conclude that it came from
17 the same box. Within one spiral or within one
18 box of ammunition they have found that there
19 may be bullets that were made from numerous
20 different batches. Whenever bullets are made,
21 uh, -- for one, they are all thrown into one
22 large hopper where all the bullets are stored.
23 Then they just take bullets out of there as
24 they need, so within one box of ammunition you
25 may have numerous runs of bullets.

1 Q. I probably didn't do a very good job of
2 asking you. Let me try to ask you this way, if
3 you were able to test a bullet is there any way
4 to test to see if they came from the same
5 source in any way?

6 A. Well, ---

7 Q. Bullets found at a scene?

8 A. No, I do not have the -- as a toolmark
9 examiners, I would look at the striations left
10 on evidence from having come into contact with
11 a firearm or a tool. I do not analyze the
12 trace materials from one bullet to another
13 bullet to see if they are from the same batch.

14 Q. All right. Thank.

15 MR. GRIMES: No further questions,
16 Your Honor.

17 MR. SIMPSON: No.

18 THE COURT: Do you wish for the
19 witness to be excused?

20 MR. SIMPSON: I do.

21 THE COURT: You may come down, Mr.
22 Thrower. You are free to leave, as well.

23 (WITNESS STEPS DOWN)

24 MS. SHEALY: Your Honor, may I
25 approach the court reporter?

1 THE COURT: Your may.

2 MS. SHEALY: (Sidebar with reporter).

3 Thank you. Your Honor, the State rests.

4 THE COURT: At this point, Ladies
5 and Gentlemen, there are some matters of law
6 that I must now take up out of your presence.
7 It's ten minutes of 5:00. I think the best
8 thing to do is to go ahead and recess at this
9 point and we will begin again tomorrow.

10 Do not begin your deliberations. Do
11 not discuss the case. Certainly do not permit
12 anyone to talk with you about it or to talk
13 about it in your presence. Do not watch any
14 news accounts of this trial, should there be
15 any, or read any newspaper accounts of it.

16 I would ask that you please return to
17 your jury room at 9:30 in the morning and we
18 will resume the trial at that time. Have a
19 good evening. Make sure that you give your
20 presiding juror your pads before leaving.

21 (JURY OUT @ 4:51 P.M.)

22 THE COURT: Anything from the State
23 at this point?

24 MS. SHEALY: No, sir.

25 THE COURT: I will be happy to hear

1 from you, Mr. Grimes?

2 MR. GRIMES: Thank you, Your Honor.

3 At this time, I would move for a Motion for
4 directed verdict. The State has not produced
5 sufficient evidence to show that Mr. Parker
6 acted with malice aforethought in this case.
7 The evidence shows that Mr. Grant came into his
8 house and based on Dr. Collins' testimony and
9 other witness testimony, it is physically
10 impossible for Mr. Parker to have shot him
11 while he was behind Mr. Grant. Based on that,
12 we ask for a directed verdict.

13 THE COURT: Thank you very much. As
14 Dr. Collins said, she doesn't know what he was
15 doing at the time that he was shot. Nobody
16 knows. Also, there is no pinpoint as to where
17 he was in relationship to the victim. Clearly
18 in the light most favorable to the State, which
19 I am required to do, there is an abundance of
20 testimony that this person, Mr. Parker, shot
21 and there is an abundance of evidence that
22 shows -- including the last shot, I can't think
23 of anything that implies malice any more than
24 that. Certainly there has been some suggestion
25 of self-defense. There was some altercation

1 but there -- in the light most favorable to the
2 State, the State has met its burden of
3 disproving self-defense, clearly, because at
4 this point the only person that brought about
5 the altercation was the defendant and/or the
6 person for whom he may be claiming he had the
7 right to defend, that being Mr. Johnson.
8 Nothing has been established in any to support
9 that theory, at this point.

10 In the light most favorable to the
11 State, obviously as I am required to do, there
12 is not only circumstantial evidence but there
13 is direct evidence that establishes Mr. Parker
14 as being the perpetrator, of there being malice
15 aforethought. Thank you very much. The Motion
16 is denied. Anything else?

17 MR. GRIMES: I believe that the State
18 is planning on calling Emmanuel Johnson;
19 initially, they haven't called him. We
20 subpoenaed him and it is my understanding that
21 he is in the Charleston county jail now on an
22 unrelated charges, represented by Rodney Davis
23 of our office, and obviously minus his current
24 charges we ---

25 THE COURT: I -- the court was here

1 to sign any Order that was necessary to
2 facilitate the person being brought here.

3 MR. GRIMES: He was subpoenaed, so
4 he should be here.

5 THE COURT: Issuing a subpoena is
6 one thing but ordering transportation is
7 another.

8 MR. GRIMES: All right.

9 THE COURT: That's not for me to
10 deal with because that's not been submitted to
11 me. I will happy to assist in any way that I
12 can if you make sure to coordinate, to make
13 sure that he be brought here. That's a
14 nonissue at this point.

15 MR. GRIMES: Okay. Secondly, I don't
16 believe that they called Detective Patrick. I
17 was intending to call him. One of the reasons
18 that I was intending to call him was because of
19 Exhibit 6, the ---

20 THE COURT: Mr. Grimes, you can call
21 anybody that you want to. Has he been
22 subpoenaed?

23 MR. GRIMES: Not by our office.
24 Subpoenaed.

25 THE COURT: Is Detective Patrick

1 planning to be present tomorrow?

2 DETECTIVE PATRICK: Yes.

3 THE COURT: You will be here anyway?

4 DETECTIVE PATRICK: Yes, sir.

5 THE COURT: Okay. That's fine.

6 Thank you very much. If something comes up,

7 will you (Patrick) let him (Grimes) know so

8 that he can take the necessary action?

9 DETECTIVE PATRICK: Yes, sir.

10 THE COURT: Thank you very much.

11 All right. I mentioned to you right after the

12 lunch break, inquired as to whether Mr. Patrick

13 has made a decision as to whether or not he

14 wishes to testify. Has he made a decision

15 about that?

16 MR. GRIMES: We have discussed it.

17 I don't know that he's made a final decision.

18 THE COURT: I would like for you to

19 certainly discuss that and I need to talk with

20 him tomorrow before we start your case. So I

21 would like to have him here and you present at

22 9:15. We will talk about it at that time on

23 the record. I will give you tonight to talk to

24 him.

25 MR. GRIMES: One thing that we talked

1 about is that maybe in the ---

2 THE COURT: I -- I just need to know
3 what your plans are. I will talk to him twenty
4 times if I need to. I just want to talk with
5 him before you start your case. Thank you.
6 Maybe you and I haven't tried any with that but
7 I always tell them that whether they want to
8 testify or not testify that they have the right
9 -- and it is their right.

10 MR. GRIMES: Yes, sir.

11 THE COURT: They can change it at
12 any point, at any time. The only thing that I
13 ask is that they simply let me know that
14 they've changed it and they do that before you
15 rest. I need to know before you start what his
16 intentions are.

17 MR. GRIMES: Thank you, Your Honor.

18 THE COURT: Thank you. Anything
19 else?

20 MR. GRIMES: No, sir.

21 THE COURT: Thank you. We will be
22 at-ease then until 9:15.

23 (COURT IN RECESS @ 5:12 P.M.)

24 (TRANSCRIPT CONTINUED NEXT PAGE)

25

1 FEBRUARY 27, 2008 9:30 A.M.

2

3 (DEFENDANT PRESENT)

4 THE COURT: We were to be on the
5 record at 9:15.

6 COURT REPORTER: Yes, sir. I had a
7 parking issue this morning, having to walk from
8 the new Queen Street garage through the Queen
9 Street garage and ---

10 THE COURT: No problem, go ahead and
11 get yourself set up. I need to put something
12 on the record before we start.

13 COURT REPORTER: Yes, sir. When I
14 checked in, there are still five jurors that
15 are not here.

16 THE COURT: Okay. They probably had
17 trouble finding parking also. Let me know when
18 you're ready.

19 COURT REPORTER: I am ready now, Your
20 Honor.

21 THE COURT: Thank you. Before we
22 start, we had a conference beforehand and it is
23 thought today that there may be an issue -- Ms.
24 Shealy, I believe that you had a discussion
25 concerning ---

1 MS. SHEALY: I am not pursuing that,
2 Your Honor.

3 THE COURT: You are not pursuing it?

4 MS. SHEALY: (Negative gesture).

5 THE COURT: Okay. There are some
6 other issues that my law clerk -- that somebody
7 approached her and shared with her concerning
8 witnesses, potential witnesses, this morning
9 who are represented by counsel. I assume that
10 counsel is present or, if they are not, -- but
11 that's not my concern.

12 I don't make the determination whether
13 these people have rights/privileges. That is
14 not my -- if they are on this stand, they are
15 subject to answering questions that are
16 legitimately propounded to them.

17 Their responses, obviously, will be
18 dictated by whatever risks are involved,
19 whether or not it invokes some Constitutional
20 privilege. That is not for me to advise them,
21 I don't believe. Nor is it my responsibility
22 to prevent a question that is legitimate yet
23 may be detrimental to the person.

24 I just want to let that be known, that
25 I am not going to sit as the gatekeeper for

1 those persons' situation(s). Their attorneys
2 may chose to do so.

3 I didn't know whether that was
4 something that you'all were concerned about,
5 but I just wanted to let you know about it.
6 So that's my position concerning that.

7 I certainly have had persons that have
8 been called to exercise, then exercised their
9 Fifth Amendment rights as well as the
10 corresponding South Carolina constitutional
11 privilege, but that's about as far as it went.

12 I don't know what your situations are
13 in this particular case.

14 Anything else before we start?

15 Let the record reflect that Mr. Parker
16 is present.

17 I think that when we recessed, Mr.
18 Grimes, I indicated to you that I would like to
19 explore with Mr. Parker this morning before we
20 started if you wished to present any witnesses.
21 As I told the jury, he is not required to
22 present any testimony. The State is the only
23 party that bears the burden of proof. But
24 before I ask you in front of the jury whether
25 you wish to present defenses, I need to explore

1 with him his understanding of his right to
2 testify or not to testify.

3 MR. GRIMES: Yes, sir.

4 THE COURT: Have you had a
5 opportunity to talk with him about it?

6 MR. GRIMES: Yes, sir.

7 THE COURT: Thus far what has he
8 indicated to you?

9 MR. GRIMES: That he wishes to
10 testify.

11 THE COURT: Mr. Parker, good morning
12 to you, sir.

13 DEFENDANT: Good morning.

14 THE COURT: You have been present
15 throughout this trial and you've had an
16 opportunity, I notice I've noticed to confer
17 with counsel from time to time about certain
18 matters and you've had the opportunity to talk
19 with them specifically about your right to
20 testify or not to testify; is that correct,
21 sir?

22 DEFENDANT: Yes, sir.

23 THE COURT: Today are you under the
24 influence of any alcohol, any medication or
25 anything that would affect your judgment here

1 today?

2 DEFENDANT: No, sir.

3 THE COURT: You have had sufficient
4 time to consider the advise given to you by
5 your attorneys, any questions that you've had
6 they have answered and you've had a chance to
7 reflect on their responses; is that correct?

8 DEFENDANT: Yes, sir.

9 THE COURT: Having had a full
10 opportunity to consider your right to testify
11 or not to testify, what is your decision at
12 this point?

13 DEFENDANT: I will testify.

14 THE COURT: You want to testify?

15 DEFENDANT: Yes, sir.

16 THE COURT: Now, your attorneys have
17 advised you that if you choose to testify that
18 you would be subject to cross examination by
19 the State just as the witnesses that the State
20 has presented have been cross examined by you
21 through your attorneys; do you understand that?

22 DEFENDANT: Correct.

23 THE COURT: Okay. You understand
24 that you don't have to testify?

25 DEFENDANT: Yes, sir.

1 THE COURT: And your lawyers have
2 advised you that if you choose not to testify
3 that I would instruct the jury that they cannot
4 use that against you in any fashion; do you
5 understand that, sir?

6 DEFENDANT: Yes, sir.

7 THE COURT: In fact, as part of my
8 instruction I tell them typically that if they
9 even discuss it in the jury room that that
10 would violate their oath. Do you understand
11 that?

12 DEFENDANT: Yes, sir.

13 THE COURT: Notwithstanding the fact
14 that you don't have to testify, notwithstanding
15 the fact that the Court would instruct the jury
16 that they could not even talk that in the jury
17 room, it is still your desire to testify?

18 DEFENDANT: Yes, sir.

19 THE COURT: Okay. If at any point,
20 Mr. Parker, you change your mind -- and that's
21 your right -- between now and the time that Mr.
22 Grimes stands up and says, "Our next witness is
23 Mr. Parker", at any moment -- and even then --
24 before you start testifying -- now, once you
25 start testifying, your attorney has indicated

1 to you what happens then; is that correct?

2 DEFENDANT: Yes, sir.

3 THE COURT: Do you understand at that
4 point you can't say, 'now I don't want to
5 testify"?

6 DEFENDANT: Yes, sir.

7 THE COURT: You will be subject to
8 cross examination; do you understand that?

9 DEFENDANT: Yes, sir.

10 THE COURT: But until you start that
11 process, if you change your mind, will you let
12 your attorneys know?

13 DEFENDANT: Yes, sir.

14 THE COURT: I am going to assume
15 that unless I hear from your attorneys that you
16 have changed your mind that our discussion
17 still stands. That is that your understanding
18 of your rights and it is your personal decision
19 to testify in this matter. Is that agreeable
20 with you?

21 DEFENDANT: Yes, sir.

22 THE COURT: And you will let me know
23 if that changes?

24 DEFENDANT: Yes, sir.

25 THE COURT: And you know of nothing

1 that is affecting your decision here this
2 morning?

3 DEFENDANT: No, sir.

4 THE COURT: All right, let me ask
5 you one other question. Are you satisfied with
6 the manner in which your attorneys have advised
7 you in this matter?

8 DEFENDANT: Yes, sir.

9 THE COURT: No questions or concerns
10 about that this morning?

11 DEFENDANT: No, sir.

12 THE COURT: Thank you very much, you
13 may be seated. For the record, I do find that
14 Mr. Parker certainly has the benefit of
15 competent counsel in this matter, he has
16 demonstrated by his responses that he fully
17 understands his rights in this connection,
18 whether to testify or not to testify, he's
19 responded very directly to the court that it is
20 his personal decision to testify in this
21 matter. I find that to be a decision that he
22 makes freely, knowingly and voluntarily and
23 fully informed, therefore intelligently about
24 his right to testify or not to testify. He
25 further indicated that unless he advises the

1 court otherwise that he will go through with
2 that. If you change your mind, Mr. Parker, we
3 will excuse the jury and we will go through
4 this same process. Is that understandable?

5 DEFENDANT: Yes, sir.

6 THE COURT: Okay. Thank you very
7 much. Anything further, Mr. Grimes?

8 MR. GRIMES: Yes, sir. We have a
9 couple of questions about witnesses who have
10 prior convictions. We would make a Motion in
11 limine to keep those out. I don't know if you
12 want to hear them beforehand or ---

13 THE COURT: Are they -- the rules
14 are pretty specific on those. What are the
15 convictions?

16 MR. GRIMES: The first witness is
17 William Green. He has a recent conviction for
18 the possession of cocaine.

19 THE COURT: Okay.

20 MR. GRIMES: We would submit that any
21 probative value of that would be outweighed by
22 the prejudicial value. Case law shows that
23 drug crimes typically are not ---

24 THE COURT: I have no quarrel with
25 that but if it is within the time period, all

1 it does is invoke the 403 analysis that I have
2 to make.

3 MR. GRIMES: Yes, sir.

4 THE COURT: Okay. At this juncture,
5 you know, I don't -- you'all can anticipate
6 what he is saying, I don't know what he is
7 going to say. I think that at the appropriate
8 time I would then have to analyze his
9 testimony, because obviously -- credibility of
10 a witness -- and I am assuming in this case
11 that Mr. Greene's testimony, and I don't know
12 the specific issue that it is that he is
13 supporting, uh, but generally a witness'
14 credibility in this type of situation -- his
15 name having been mentioned, I don't know
16 whether he's purported to be an eyewitness to
17 the events or what. So I don't know what that
18 situation is.

19 I certainly understand that I have to
20 make a determination whether the probative
21 value is outweighed -- outweighs the prejudice.
22 So I -- it doesn't automatically come in. So I
23 can't answer you -- *in limine* all I can tell
24 you is that I will hear the testimony and at
25 the appropriate time I will make that

1 determination.

2 MR. GRIMES: Mr. Parker has some
3 convictions, one for trespassing and two CDV
4 convictions that we don't believe should come
5 in. There is an unlawful use of a vehicle that
6 we don't believe would come in either, under
7 the ten year statute we don't believe that it
8 would be a crime of dishonesty.

9 THE COURT: Solicitor, what is your
10 position on those?

11 MR. SIMPSON: Well, first of all
12 as to William Greene, we actually have a ---

13 THE COURT: We aren't talking about
14 that. I have already addressed William Greene.
15 I don't know whether you are going to use it or
16 not, that's up to you.

17 MR. GRIMES: I ---

18 THE COURT: In other words, having
19 this discussion, I am not suggesting that you
20 are or aren't. I am just saying that I can't
21 rule on Mr. Greene, obviously, until I hear his
22 testimony.

23 MR. GRIMES: Yes, sir.

24 MR. SIMPSON: And as to the
25 Defendant, we would most certainly assert that

1 the use of vehicle without permission is to be
2 considered as a family of larceny-type charges,
3 crime of dishonesty, probative, as to truth-
4 fulness, and we would wish to assert that.

5 As to the prior CDVs, we would leave
6 that to the court's 403 analysis.

7 THE COURT: The CDVs, did they
8 invoke -- I believe that it is in excess of a
9 year. I don't have that -- is it more than one
10 year or a year or more?

11 MR. SIMPSON: Year or more.

12 THE COURT: Year or more?

13 MR. SIMPSON: The second
14 conviction was a CDV 2nd, ---

15 THE COURT: Therefore it's 90 days
16 to a year.

17 MR. SIMPSON: 90 days to a year.
18 Okay.

19 MR. GRIMES: I believe that was
20 before the law.

21 THE COURT: Pardon?

22 MR. GRIMES: I believe that was
23 before the law was amended.

24 MR. GRIMES: Obviously it would apply
25 to what was applicable at the time of the

1 crime. The fact that it may have changed
2 doesn't change that. If that is the case, then
3 that takes care of that without a 403 analysis.

4 MR. SIMPSON: Okay.

5 THE COURT: At least that would be
6 my position on that. I would not quarrel with
7 your right to argue that you're entitled but
8 that's my position. All right.

9 Unlawful use, what is your response
10 to that?

11 MR. GRIMES: The statute is for
12 temporary use. It's not stealing, as larceny.
13 Just as shoplifting and armed robbery are
14 crimes of violence ---

15 THE COURT: I didn't understand
16 that.

17 MR. GRIMES: Sorry. When the court
18 says that shoplifting and armed robbery ---

19 THE COURT: You don't need to yell.
20 You just need to slow it down.

21 MR. GRIMES: Sorry, Your Honor.

22 THE COURT: Thank you.

23 MR. GRIMES: The Court has said that
24 shoplifting and armed robberies are crimes of
25 dishonesty, their analyses depended upon the

1 taking of goods permanently. That is what
2 larceny is.

3 In this case it would be a temporary
4 use of -- for joyriding purposes.

5 THE COURT: That's a philosophical
6 argument. Do you have any decision that says
7 "unlawful use of a vehicle is not a crime of
8 honesty?

9 MR. GRIMES: No, sir.

10 THE COURT: Well, it obviously is.

11 MR. GRIMES: Yes, sir.

12 THE COURT: It's trusting somebody
13 to do something. That is what honesty is all
14 about. I think. But I will look at it at that
15 time as to whether or not its -- if it falls
16 into that category.

17 MR. GRIMES: Thank you.

18 THE COURT: Thank you, sir.
19 Anything else? (No response). Hearing none,
20 do we have all the jurors?

21 BAILIFF: Yes, we do.

22 THE COURT: All right. Is the
23 Defense ready?

24 MR. GRIMES: Yes, Your Honor.

25 THE COURT: Okay, let's bring in our

1 jury.

2 (JURY IN @ 9:45 A.M.)

3 THE COURT: Thank you very much.

4 Good morning, Ladies and Gentlemen. I hope
5 that you had a good evening. I assume that
6 everyone has their (note) pad, that they have
7 been distributed. We're ready to continue.

8 Give your attention now to this case. Mr.
9 Grimes, does the Defense wish to present any
10 witnesses?

11 MR. GRIMES: Yes, Your Honor.

12 THE COURT: Very well, you may call
13 your first witness.

14 MR. GRIMES: The Defense calls
15 Emmanuel Johnson.

16 (MEMO: RODNEY DAVIS,
17 COUNSEL FOR EMMANUEL JOHNSON PRESENT)

18 MR. DAVIS: Your Honor, may I
19 approach?

20 THE COURT: You may.

21 (BENCH CONFERENCE)

22 THE COURT: Ladies and Gentlemen, I
23 need for you to go to your jury room for just a
24 moment. There are matters of law that I need
25 to take up. I'm sorry. Thank you.

1 (JURY OUT @ 9:48 A.M.)

2 THE COURT: Okay. Gentlemen, if you
3 can give me a case that says that I will be
4 glad to do it. I've never heard of one, but
5 that doesn't mean that it doesn't exist.

6 (RECESS FOR DAVIS TO CONFER WITH WITNESS
7 EMMANUEL JOHNSON)

8 (DEFENDANT PRESENT DURING AND FOLLOWING RECESS)

9 MS. SHEALY: Your Honor, may I
10 address the Court.

11 THE COURT: Oh, sure.

12 MS. SHEALY: *State v. Hughes*, which
13 is 493 SE 2nd 821.

14 THE COURT: 821?

15 MS. SHEALY: Yes, sir.

16 THE COURT: I can pull it up. Let
17 me just look at it.

18 MS. SHEALY: Okay.

19 THE COURT: Thank you. (Upon
20 review), yeah. Well, there are two parts to
21 that decision. Do you see it? The second part
22 always -- and I find that of interest, that
23 they deal with harmless error.

24 MS. SHEALY: Yes, sir.

25 THE COURT: They say 'we don't think

1 that, but' -- and I don't quarrel with that for
2 the sole purpose of him asserting -- I don't
3 know what the question is but, again, ---

4 MS. SHEALY: Yes, sir.

5 THE COURT: That seemed to be the
6 issue in that case.

7 MS. SHEALY: Yes, sir.

8 THE COURT: That they were wanting,
9 that they were calling him simply for the
10 purpose of the person's incriminating themselves
11 by giving up their Fifth Amendment privilege.

12 MS. SHEALY: And it is, oddly, what
13 until you call ---

14 THE COURT: Precisely. How do you
15 put it on the record until you call him?

16 MS. SHEALY: What I would ask, Your
17 Honor, is that if we are advised by his
18 attorney that he is going to do that, that the
19 court inquire outside the presence of the jury,
20 if that is what he is going to do.

21 THE COURT: Yes, ma'am.

22 MR. DAVIS: Judge, thank you. I
23 appreciate the time.

24 THE COURT: Sure. You bet, Mr.
25 Davis.

1 THE COURT: The person that is being
2 called, is he a codefendant in this case?

3 MS. SHEALY: No, sir.

4 THE COURT: See, that's what we are
5 talking about. That's a critical, that is one
6 of the -- when you look at these decisions, you
7 try to figure out when you have -- because if
8 he is talking about the -- that it has to be
9 asserted, the person's privilege, which is what
10 I was saying earlier.

11 In this case we're talking about a
12 codefendant. I understand the court's ruling,
13 because then you have the inference to be
14 drawn. Whether or not he wants to testify, he
15 is a codefendant and he did wrong with this
16 person, therefore there is a logical inference
17 to be drawn from that.

18 I don't see this case as a blanket,
19 that you have to do that. I think that the
20 court has to look at it because you've got to
21 balance that with *McGuire*. They didn't
22 overrule *McGuire*. They just said that it
23 doesn't necessarily follow that there is an
24 automatic distinction with that case. So, I
25 appreciate that.

1 Let me ask -- we certainly -- I do
2 agree with you, though, that we need to explore
3 this without the jury present. At last we
4 would have some indication and you can have
5 that part protected for the record, as well.

6 MS. SHEALY: Thank you.

7 THE COURT: You bet. Mr. Davis,
8 good morning to you again, sir.

9 MR. DAVIS: Good morning.

10 THE COURT: Thank you very much for
11 being here. You represent this witness, Mr.
12 Emmanuel Johnson?

13 MR. DAVIS: I do, Your Honor.

14 THE COURT: And you, prior to -- we
15 had a brief conference here at the bench and
16 you indicated that you had not had prior
17 knowledge of this unless recently, as I
18 understand.

19 MR. DAVIS: Yes, Judge.

20 THE COURT: And you have not had a
21 sufficient opportunity before this point to
22 explore with your client his full privileges
23 concerning testifying or not testifying; is
24 that correct?

25 MR. DAVIS: That's correct, Your

1 Honor.

2 THE COURT: Have you had the
3 opportunity now to talk with your client about
4 it?

5 MR. DAVIS: I have, sir.

6 THE COURT: And you know at this
7 point what -- has he indicated to you, without
8 violating any confidences, what his desire
9 would be?

10 MR. DAVIS: Yes, sir. Judge, I do
11 not believe that there be a reason to invoke
12 his Fifth Amendment privilege but I certainly
13 discussed with him that if questioning leads
14 into an area that he feels uncomfortable to
15 raise that issue and then Your Honor will
16 decide.

17 THE COURT: Right. If that happens,
18 I am -- I will excuse the jury. Obviously --
19 again, I am not so concerned since this is not
20 a codefendant. There is no implication to be
21 drawn as to this defendant, as I understand it.

22 MR. DAVIS: Right.

23 THE COURT: He has no connection.
24 The charges that he has has nothing to do with
25 Mr. Parker's case?

1 MS. SHEALY: That's correct.

2 THE COURT: Okay, then I feel
3 reasonably comfortable -- I understand the case
4 and I think that there is nothing -- and I
5 think that may be why they talked about harm-
6 less error, because there would be no reason
7 for it to be harmless error if -- for them to
8 even mention that unless there was that
9 potential. So I appreciate your position and
10 I thank you for bringing that to my attention.

11 MS. SHEALY: Yes, sir.

12 THE COURT: It is something that I
13 had not really considered but obviously it was
14 very logical and thank you for that.

15 MS. SHEALY: Thank you, Your Honor.

16 THE COURT: As I tell people, I hope
17 every day that I learn something. I learned
18 something this morning. Thank you very much.

19 MS. SHEALY: Thank you.

20 THE COURT: All right, are we ready
21 then to proceed?

22 MR. GRIMES: Yes, sir.

23 THE COURT: Round Two, let's bring
24 in the jury.

25 (JURY IN @ 10:01 A.M.)

1 THE COURT: Thank you, Ladies and
2 Gentlemen. I apologize for the inconvenience.
3 As we know, and as I mentioned to you when we
4 qualified you, this system works with you being
5 the sole judge of the facts and it is my
6 responsibility to be the sole judge of the law.
7 When you resolve the factual issues in this
8 case, when you begin your deliberations, none
9 of us will be in the jury room. That's
10 typically what happens when we resolve matters
11 of law, that you are not present.

12 One exception to that, and you've seen
13 some of that in this case when objections have
14 been made from time to time. Those are matters
15 of law and those are rulings that you hear.

16 As you hear them, though, and I will
17 remind you of this in my instruction, that
18 should not be considered by you in any way
19 because those are matters for my determination.
20 You are not to infer anything from that or
21 imply anything from that, either the objection
22 or the ruling.

23 Thank you for your patience with the
24 process. We are ready now to continue. Mr.
25 Grimes, you may recall -- Mr. Johnson, I

1 believe.

2 MR. GRIMES: Yes, sir. Emmanuel
3 Johnson.

4 (WITNESS TAKES STAND)

5 EMMANUEL JOHNSON, being duly
6 sworn to tell the truth, the whole truth and
7 nothing but the truth, testified, as follows:

8 DIRECT EXAMINATION

9 BY MR. GRIMES:

10 Q. Good morning, Mr. Johnson. How old are
11 you?

12 A. Eighteen (18).

13 Q. In April of 2006, where were you living at?

14 A. Ashley Shores.

15 Q. Who were you living with?

16 A. My cousin.

17 Q. What is your cousin's name?

18 A. (Inaudible).

19 Q. Speak up. What was the last name?

20 A. Grant.

21 Q. Was there -- are you related to Carlise
22 Grant?

23 A. Yes.

24 Q. How are you related to Mr. Grant?

25 A. He's my cousin.

1 Q. When you say cousin, is that first cousin?

2 Second cousin?

3 A. First.

4 Q. Do you recall there being an argument on

5 April the 18th, 2006?

6 A. Yes, sir.

7 Q. Who was that argument between?

8 A. My cousin and him.

9 Q. If you could speak up a little bit so that
10 the jury could hear you.

11 THE COURT: Mr. Johnson, you are
12 going to have to bring that microphone really
13 close like I am with this one. It's a peculiar
14 microphone and you have to speak directly into
15 it.

16 DIRECT EXAMINATION CONTINUED

17 BY MR. GRIMES:

18 Q. When you said "my cousin and him", who were
19 you referring to as "him"?

20 A. Roger.

21 Q. Roger Johnson or Roger Parker?

22 A. Johnson.

23 Q. So there was an argument between Roger
24 Johnson and your cousin, Carlise Grant?

25 A. Yes, sir.

1 Q. What was said during that argument?

2 A. Oh, I can't really say word-for-word. I
3 just know that they was exchanging words back
4 and forth.

5 Q. Okay. Where did this argument take place?

6 A. Where?

7 Q. Yes, sir.

8 A. Right there in the front yard.

9 Q. In whose front yard?

10 A. Where my cousin lives, and Johnson lives
11 right next door.

12 Q. After the argument, did you see Roger
13 Parker come over?

14 A. Roger Parker?

15 Q. He also has a nickname, Stinka.

16 A. He already been there.

17 Q. What did Roger Parker do that day?

18 A. At first he was standing there.

19 Q. When he was standing there, was he yelling
20 at Carlos Grant?

21 A. (Negative gesture).

22 Q. When you shake your head you ---

23 A. "No."

24 Q. Okay. Was he making any threats towards
25 Carlos?

1 A. No.

2 Q. Was he making any threats towards anybody?

3 A. Roger Parker?

4 Q. Yes, sir.

5 A. No.

6 Q. And after the argument between Roger and
7 your cousin, did Roger -- did Stinka do
8 anything?

9 A. No. He was just standing there, listening
10 to them argue.

11 Q. How long did this argument go on between
12 Roger Johnson and your cousin?

13 A. I couldn't tell you exactly 'cause I didn't
14 know I was going to come before you.

15 Q. All right. And you don't recall what words
16 that they were exchanging?

17 A. No, sir.

18 Q. And during the argument, did anything else
19 unusual happen?

20 A. Uh, not until the point where it got
21 physical.

22 Q. When -- how did it get physical?

23 A. When Roger Johnson swung the bat at Carlos.

24 Q. When he swung the bat at Carlos, did he hit
25 Carlos?

1 A. Yeah, in the back.

2 Q. He hit him where?

3 A. On the back.

4 Q. Where at on the back?

5 A. Right at his shoulder.

6 THE COURT: I need you to speak up.

7 DIRECT EXAMINATION CONTINUED

8 BY MR. GRIMES:

9 Q. If you could sort of point to me on the
10 back where he hit him at?

11 A. Like the left side.

12 Q. This side?

13 A. On the far?

14 Q. Right here?

15 A. Yes, sir.

16 Q. Did he hit him in the elbow?

17 A. Back.

18 Q. Did he hit him in the head?

19 A. Not that -- no.

20 Q. After Mr. Johnson hit him with the bat,
21 what happened then?

22 A. My cousin stand up and went to like
23 (demonstrating) he was defending himself and
24 Roger Parker came out with a gun and started
25 shooting.

1 Q. At that point, your cousin, Carlos, had his
2 two fists up?

3 A. Yeah.

4 Q. And Roger Parker came out and started
5 shooting?

6 A. Yeah.

7 Q. Did he hit Carlos at that time?

8 A. Yeah.

9 Q. Where did he shoot him at?

10 A. He shot him towards his body.

11 Q. Sir?

12 A. More towards his body, the first shot was
13 in the shoulder.

14 Q. So he shot him in the shoulder here?

15 A. Right side.

16 Q. This side?

17 A. Yeah.

18 Q. While he had his fists up, he shot him like
19 that?

20 A. When he looked back, he shot him and I
21 think the first shot went in his shoulder.

22 Q. And what did -- after Carlos was hit with
23 the bullet, what did he do?

24 A. He tried to run.

25 Q. And what did Roger Parker did at that time?

1 A. Like both of them -- I wasn't looking at
2 both of them.

3 Q. So your cousin -- he turned and sort of had
4 his fists up, is that right?

5 A. (Affirmative nod).

6 Q. Got shot?

7 A. Yeah.

8 Q. Turned around and started running?

9 A. Right.

10 Q. Then Roger Parker was in behind him?

11 A. When he started running, he was after him.

12 Q. While he was running, was Roger Parker
13 shooting at your cousin?

14 A. Yes.

15 Q. At some point did your cousin fall down?

16 A. When he ran to the street.

17 Q. So he ran to the street and he sort of fell
18 down -- if I was acting like your cousin, did
19 he sort of fall down like this (demonstrating)?

20 A. Yes, sir.

21 Q. And where was Roger Parker at, at that time?

22 A. He was chasing him to the street.

23 Q. So he was sort of behind him?

24 A. Yeah.

25 Q. So your cousin was lying down in the

1 street, Roger Parker is behind him. Did he
2 shoot him at that time?

3 A. He shot at him multiple times as he was
4 running. Then when he fell in the street, that
5 was the shot in the head.

6 Q. So you didn't -- is it fair to say that you
7 didn't see if he shot him once he fell down; is
8 that fair to say?

9 A. Yes.

10 Q. Would you agree that it is important to
11 cooperate with the police?

12 A. (No response).

13 Q. Is it important to cooperate with the
14 police in this case?

15 A. Cooperate?

16 Q. Yes, sir.

17 A. I don't know what you mean by "cooperate"
18 with the police.

19 Q. Give them a statement, tell them what you
20 saw?

21 A. At the time I didn't because I was mad.

22 Q. If you could speak up a little bit.

23 A. At the time I was mad and I was too --
24 (pause).

25 Q. You gave a statement. When did you give a

1 statement to the police?

2 A. I'd say about January.

3 Q. Was that to Detective Patrick?

4 A. Yes, sir.

5 MR. GRIMES: Would you mark this?

6 (SO MARKED AS DEFENDANT'S EXHIBIT 7

7 FOR IDENTIFICATION)

8 DIRECT EXAMINATION CONTINUED

9 BY MR. GRIMES:

10 Q. Mr. Johnson, I want to show you what has
11 been marked as Defendant's Exhibit 7 for
12 identification. What is that?

13 A. The statement, my statement on the 26th.

14 Q. Is that a copy of your statement to the
15 police?

16 A. Yes, sir.

17 Q. A couple of questions that I asked you, you
18 said that you had trouble remembering what was
19 said. If you were to review your statement,
20 would that help to refresh your memory?

21 A. I know what I said in the statement.

22 Q. Now, do you recall Carlise Grant, during
23 the argument, saying "If I got to come back..."

24 ---

25 MS. SHEALY: Your Honor, objection to

1 his reading the statement if it has not been
2 entered.

3 THE COURT: Sustained.

4 DIRECT EXAMINATION CONTINUED

5 BY MR. GRIMES:

6 Q. Did Carlos say anything that would be
7 considered a threat during this argument?

8 MS. SHEALY: Again, Your Honor,
9 objection to the form of the question.

10 THE COURT: I will overrule that
11 objection. You can answer the question.

12 WITNESS: Well, he did say
13 something but not nothing that could have led
14 to him getting shot like that.

15 DIRECT EXAMINATION CONTINUED

16 BY MR. GRIMES:

17 Q. What did he say that you considered a
18 threat?

19 A. He said ---

20 MS. SHEALY: Your Honor, I object to
21 the form of that question.

22 THE COURT: Sustained.

23 DIRECT EXAMINATION CONTINUED

24 BY MR. GRIMES:

25 Q. What did he say in the argument?

1 A. He said that, "If I have to come back
2 around here it won't be pretty."

3 THE COURT: I'm sorry. I didn't
4 hear you.

5 WITNESS: He said, "If I have to
6 come back around here it won't be pretty."

7 MR. GRIMES: Thank you, Mr. Johnson.
8 Please answer any questions that the solicitor
9 has, please.

10 MS. SHEALY: May it please the court?

11 THE COURT: You may cross examine,
12 yes.

13 CROSS EXAMINATION

14 BY MS. SHEALY:

15 Q. Mr. Johnson, I think that you told us that
16 you're -- well, you said that you're eighteen
17 now; is that correct?

18 A. Yes, ma'am.

19 Q. And at the time that this occurred, you
20 were sixteen; is that correct?

21 A. Yes, ma'am.

22 Q. And you were living with your cousin. Is
23 it fair to say that she took you in and let you
24 live with her for awhile?

25 A. Yes.

1 Q. Regarding Roger Johnson -- and let's make
2 sure that we understand which Roger is which.
3 Roger Johnson is Stinka's father. Okay?

4 A. Yes, ma'am.

5 Q. Regarding Roger Johnson, on April the 18th,
6 the day in question, did you have some words
7 with him regarding what you believed that he
8 had done?

9 A. Yes, ma'am.

10 Q. Would you tell the jury, didn't you believe
11 that he'd paid some people to jump you?

12 A. Yes, ma'am.

13 Q. Is it fair to say that Roger Johnson blamed
14 you for what he thought that your brother had
15 done about some candy money?

16 A. Yes, ma'am.

17 Q. Would you agree with me that you weren't
18 very respectful to Roger Johnson? Did you say
19 some ugly words to him?

20 A. Yes, ma'am.

21 Q. Okay. And prior to Carlos coming over that
22 afternoon -- and he's your cousin, is that
23 correct?

24 A. Yes, ma'am.

25 Q. Prior to Carlos coming out, Mr. Johnson had

1 brought out his bat; is that correct?

2 A. Yes, ma'am.

3 Q. And Mr. Johnson took a swing at you with
4 that bat?

5 A. No, ma'am.

6 Q. He ---

7 A. He swung at my cousin.

8 Q. He swung at your cousin?

9 A. (Affirmative nod).

10 Q. Okay. Let's talk about when Carlos came
11 over. When Carlos got out of the car, were you
12 outside when he arrived?

13 A. No, ma'am. I was in my house. Then when I
14 heard him, I came to stand on the front porch
15 to see what he was going to do.

16 Q. Did you see Mr. Johnson invite Carlos into
17 his home?

18 A. Yes, ma'am.

19 Q. And did Carlos knock on the door when he
20 got there?

21 A. Yes, ma'am.

22 Q. He didn't go barreling into Mr. Johnson's
23 house, did he?

24 A. No, ma'am.

25 Q. Tell the jury -- Carlos didn't have a gun

1 in his hand, did he?

2 A. No, ma'am.

3 Q. Did Carlos come over there dragging a bat
4 behind him?

5 A. No, ma'am.

6 Q. And when you were standing outside hearing
7 what was going on inside, you knew that Mr.
8 Johnson and Carlos and Stinka were inside? Was
9 Stinka inside, too?

10 A. Yes, ma'am.

11 Q. Okay. Did you see them all come out of the
12 house?

13 A. Yes, ma'am.

14 Q. When they came out of the house, did Carlos
15 hold up a weapon and threaten anybody with
16 anything?

17 A. No, ma'am.

18 Q. Did Carlos take the bat and swing it at
19 anybody at the scene?

20 A. No, ma'am.

21 Q. What I understand that you testified to was
22 that Carlos said was, "If I have to come back
23 over here it is not going to be pretty." Is
24 that correct?

25 A. Yes, ma'am.

1 Q. He said nothing about harming anybody at
2 the scene; is that correct?

3 A. Yes, ma'am.

4 Q. In fact, he said that after he got hit with
5 the bat and he'd put his fists up; is that
6 correct?

7 A. Yes, ma'am.

8 Q. And at that point isn't Mr. Johnson's wife
9 trying to take that bat from Mr. Johnson and
10 stop him from hitting Carlos again?

11 A. Yes, ma'am.

12 Q. So when you saw Carlos that afternoon and
13 when the quarrel went into the yard, Carlos at
14 no time pulled a weapon or threatened to pull a
15 weapon; is that correct?

16 A. Yes, ma'am.

17 Q. Okay. In fact, was Carlos leaving when
18 Roger Parker chooses to start unloading that
19 nine millimeter?

20 A. Yes, ma'am.

21 Q. Again, I ask you. When you made your
22 statement to Sergeant Patrick and when you were
23 at the scene that day, at any time did your
24 cousin threaten to harm anyone?

25 A. No, ma'am.

1 Q. The quarrel that day initially started
2 between you and Roger Johnson, is that correct?

3 A. Yes, ma'am.

4 Q. And did you ever see Carlos having an
5 argument having an argument with Stinka?

6 A. No, ma'am.

7 Q. So the problem that day was between Mr.
8 Johnson and you?

9 A. Yes, ma'am.

10 Q. And then Roger Johnson, when he comes out
11 of the house, -- tell the jury what he brings
12 outside with him, the father? What is he
13 bringing out with him?

14 A. A bat.

15 Q. Can you describe for us how Roger Johnson
16 took that bat and hit your cousin?

17 A. Well, he swung for the head. He was choked
18 up on the bat.

19 Q. This is the bat?

20 A. Yes, ma'am.

21 Q. Mr. Johnson is an older gentleman, is that
22 correct?

23 A. Yes, ma'am.

24 Q. When he took a swing at Carlos, did it look
25 like a swing that was serious?

1 A. Yes, ma'am.

2 Q. He didn't just pat him with the bat, did
3 he?

4 A. No, ma'am.

5 Q. Isn't it true that when Carlos comes out
6 into that yard and Roger Parker chooses to
7 bring out a gun -- what does your cousin do?
8 Does he start running for his life?

9 A. Yes, ma'am.

10 Q. How many times did you hear Roger Parker
11 unload that weapon on that street?

12 A. The whole thing.

13 Q. And you testified that once he starts
14 shooting at Carlos and shooting at Carlos and
15 shooting at Carlos, your attention is on your
16 cousin and not Roger Parker. Is that correct?

17 A. Yes, ma'am.

18 Q. Was Carlos running fast when he was trying
19 to get away?

20 A. He was trying to, like, duck and dodge.

21 Q. Duck and dodge the bullets?

22 A. Yes, ma'am.

23 Q. In the middle of an apartment complex on
24 April the 18th?

25 A. Yes, ma'am.

1 Q. And there were children outside playing,
2 weren't there?

3 A. My cousin and -- my two little cousins was
4 playing.

5 Q. In that yard?

6 A. (Affirmative nod).

7 Q. And there were other children in the area
8 on that street, is that correct?

9 A. Yes, ma'am.

10 Q. And I want to make sure that I am clear
11 about this: What you heard Carlos say was,
12 "If I have to come back it is not going to be
13 pretty."

14 A. Yes, ma'am.

15 Q. Is it fair to say that Carlos had finished
16 talking about it for the day?

17 A. Yes, ma'am.

18 Q. And he had his keys out, he had his cell
19 phone out and he was leaving; is that correct?

20 A. Yes, ma'am.

21 Q. I'm sorry. You did or did not see Roger
22 Parker when he shoots your cousin when he was
23 on the ground? You did or did not do that?

24 A. Well, I walked in the house to call my
25 cousins and let them know what happened.

1 Q. Because your cousin is getting shot at?

2 A. Yes, ma'am.

3 Q. Do you see Demetria trying to hurry her
4 children into the house, to get them away from
5 Roger Parker's shots?

6 A. Yes, ma'am. Well -- Yes, ma'am.

7 Q. Did you see other people in the apartment
8 complex scurrying, trying to walk away from
9 what Roger Parker was doing that afternoon?

10 A. They were in the distance.

11 Q. They were at a distance?

12 A. Yes, ma'am.

13 Q. Did you see Roger Parker walking down the
14 street, still shooting the gun?

15 A. Yes, ma'am.

16 Q. Can you show me how he was holding the gun
17 at that point?

18 A. (Demonstrating).

19 Q. Were you able to see that?

20 A. Well, when I came back to the door to look
21 at outside and saw my cousin laying on the
22 ground, I saw down the street that he was
23 shooting with his hand behind him.

24 Q. Shooting?

25 A. Yes, ma'am.

1 Q. And when you saw him pull the gun out, you
2 told the police that it was a chrome and black
3 handgun; is that correct?

4 A. Yes, ma'am.

5 Q. Is it fair to say that everything that
6 happened in that yard happened pretty quickly?

7 A. Yes, ma'am.

8 Q. And there was no huge fight between anybody
9 that day other than the quarrel between you and
10 Mr. Johnson initially and the words that were
11 exchanged in the yard when they came out of the
12 house; is that correct?

13 A. Yes, ma'am.

14 Q. Are you familiar with the expression "no
15 dog in this fight"?

16 A. (Affirmative nod).

17 Q. Roger Parker didn't have a dog in this
18 fight, did he?

19 A. (Negative gesture).

20 Q. It was between his father and Carlos, is
21 that correct?

22 A. Yes, ma'am.

23 Q. And at any point did Carlos try to get that
24 bat from Roger?

25 A. No, ma'am.

1 Q. Did Carlos see the gun and try to get the
2 gun from Roger Parker?

3 A. No, ma'am.

4 Q. At any point does Carlos try to hurt either
5 Roger Parker or Roger Johnson?

6 A. No, ma'am.

7 Q. Did you see Roger Johnson when he swung
8 that bat, did it look like he cared who he hit?

9 A. No, ma'am.

10 Q. He was just swinging?

11 A. Yes, ma'am.

12 Q. Did you see where Roger Johnson and his
13 wife went after this occurred?

14 A. After the shooting?

15 Q. Yes, did you see that?

16 A. After the shooting I saw them go in their
17 car.

18 Q. So Mr. Johnson and Mrs. Johnson were
19 fleeing?

20 A. Yes, ma'am.

21 Q. They went running away in the car?

22 A. They drove down the street.

23 Q. Did you happen to see whether Roger Parker
24 gets in the car with them, or did you not see
25 that part?

1 A. I ain't saw that part.

2 Q. So the mama and the father leave and Roger
3 Parker leaves; is that correct?

4 A. The mama and the papa drove down the street
5 to pick up Roger Parker.

6 Q. Then they all leave in the vehicle?

7 A. Yes, ma'am.

8 MS. SHEALY: I beg the court's
9 indulgence just a moment.

10 THE COURT: Certainly.

11 CROSS EXAMINATION CONTINUED

12 BY MS. SHEALY:

13 Q. Showing you what has been previously marked
14 as State's Exhibit 106, is this the bat that
15 Roger Johnson hit your cousin with?

16 A. Yes, ma'am.

17 Q. Showing you what has been marked as State's
18 Exhibit 112, is this the weapon that you saw
19 Roger Parker pull on your cousin?

20 A. Yes, ma'am.

21 Q. And shot him?

22 A. Yes, ma'am.

23 Q. And shot him, and continued to shoot; is
24 that correct?

25 A. Yes, ma'am.

1 Q. Regarding where Roger Parker was when your
2 cousin lay there dying on the pavement, you
3 don't know the position of where Roger Parker
4 was compared to your cousin because you were
5 looking at your cousin; is that correct?

6 A. Yes, ma'am.

7 Q. And your cousin sought safety behind the
8 car, trying to avoid the terror that Roger
9 Parker was inflicting; is that correct?

10 A. Yes, ma'am.

11 MS. SHEALY: I have no further
12 questions. Thank you.

13 THE COURT: Redirect?

14 MR. GRIMES: Yes, sir.

15 REDIRECT EXAMINATION

16 BY MR. GRIMES:

17 Q. You told Ms. Shealy that Carlos was on the
18 ground laying down and you were paying
19 attention to him?

20 A. Yes, sir.

21 Q. And you saw the car there?

22 A. Yes, sir.

23 Q. What else did you see around the area?

24 A. Around the area?

25 Q. Did you see kids running?

1 A. My two little cousins ran in the house,
2 crying.

3 Q. I mean, did you see that while you were
4 looking -- while your cousin was on the ground?

5 A. Yes, sir.

6 THE COURT: Recross?

7 MS. SHEALY: I have nothing further.
8 Thank you.

9 THE COURT: You may come down, Mr.
10 Johnson.

11 (WITNESS STEPS DOWN)

12 THE COURT: Call your next witness.

13 MR. GRIMES: William Greene.

14 THE COURT: Who?

15 MR. GRIMES: William Greene.

16 (WITNESS TAKES STAND)

17 WILLIAM GREENE, being
18 duly sworn to tell the truth, the whole truth
19 and nothing but the truth, testified, as
20 follows:

21 DIRECT EXAMINATION

22 BY MR. GRIMES:

23 Q. Good morning, Mr. Greene.

24 A. (No response).

25 Q. I see that you came in in shackles?

1 A. (No response).

2 Q. Where do you live at now?

3 A. (No response).

4 Q. I know that it may be a little embarrass-
5 ing, but please tell the jury.

6 A. I am in the Charleston County Detention
7 Center.

8 Q. Why are you in the detention center for?

9 WITNESS: Excuse me, Your Honor. I
10 really don't see what ---

11 THE COURT: Wait just a minute, Mr.
12 Greene. You answer the questions. If there is
13 an objection, the attorney will make the
14 objection. Please answer the question.

15 WITNESS: (No response).

16 DIRECT EXAMINATION CONTINUED

17 BY MR. GRIMES:

18 Q. Are you in there for Family Court?

19 A. Yes, sir.

20 Q. You are not in there for a criminal case,
21 are you?

22 A. No, sir.

23 Q. How old are you, Mr. Greene?

24 A. Forty-one (41).

25 Q. Are you married?

1 A. Twenty-one (21) years.

2 Q. Who are you married to?

3 A. Lucinda McClary.

4 Q. How long have you been married to her?

5 A. Twenty-one years, Mr. Grimes.

6 Q. Do you have any children with Mrs. Greene?

7 A. Seven.

8 Q. How long have you lived in Charleston?

9 A. All my life.

10 Q. Did you know Carlise Grant?

11 A. Excuse me?

12 Q. Did you know Carlise Grant?

13 A. Yes, I did.

14 Q. How long had you known him in April of
15 2006?

16 A. I'd known him in between, I think, a year
17 or a little longer.

18 Q. All right. How often would you see him
19 during that year?

20 A. I don't know how often, every -- six or
21 seven months, ---

22 Q. And on the -- would you talk to him during
23 that six or seven months?

24 A. Yes.

25 Q. What did Carlos tell you about his using

1 guns?

2 MS. SHEALY: Objection, Your Honor.

3 THE COURT: Sustained.

4 MR. GRIMES: May we approach?

5 THE COURT: Sure.

6 (SIDEBAR)

7 THE COURT: Approach again, please.

8 DIRECT EXAMINATION CONTINUED

9 BY MR. GRIMES:

10 Q. Did you talk to people in the community
11 about Mr. Grant?

12 A. I understand what you're saying.

13 Q. Had you ever talked to other people in the
14 community about Mr. Grant?

15 MS. SHEALY: Objection, Your Honor.

16 THE COURT: I sustain the objection.
17 It is not improperly worded. It's improper
18 under 405(b).

19 MR. GRIMES: Thank you, Your Honor.

20 THE COURT: It goes to his
21 knowledge, his understanding.

22 DIRECT EXAMINATION CONTINUED

23 BY MR. GRIMES:

24 Q. Mr. Greene, on April the 18th, 2006, what
25 time did you wake up that morning?

1 A. Maybe 8:00, 8:30.

2 Q. What did you do when you woke up?

3 A. I got in touch with my cousin.

4 Q. What is the name of your cousin?

5 A. Roger Johnson.

6 Q. What did you and Mr. Johnson do that day?

7 A. We were shopping, we went grocery shopping
8 that day?

9 Q. Are you sure?

10 MS. SHEALY: I would object to the
11 relevance.

12 THE COURT: Sustained.

13 DIRECT EXAMINATION CONTINUED

14 BY MR. GRIMES:

15 Q. Later that afternoon, did anything unusual
16 happen?

17 A. There was an altercation that broke out.

18 Q. Who was the altercation?

19 A. Roger Johnson and -- I've forgot the young
20 man's name. Emmanuel.

21 Q. Did you see this altercation?

22 A. Yes. I witnessed it, yes.

23 Q. What was the altercation like?

24 A. A lot of name calling.

25 Q. What was Roger Johnson saying?

1 A. That Emmanuel was a child and should remain
2 in a child's place.

3 Q. What was Emmanuel saying to Roger Johnson?

4 A. More like he was making gestures instead of
5 a lot of talking. He keep pulling on his pants
6 and swinging a little chair.

7 Q. Where was Roger Parker at at this time?

8 A. In Mr. Johnson's. He was in the back
9 opposite the front. I don't really know where
10 he was during this time.

11 Q. All right. How long did this altercation
12 between Roger Johnson and Emmanuel last?

13 A. Maybe twenty or thirty minutes. And that's
14 when -- do you mean the time of this first
15 incident, the altercation between Mr. Johnson
16 and Emmanuel?

17 Q. Yes, sir.

18 A. Maybe thirty minutes.

19 Q. After the altercation was over, what did
20 you do?

21 A. I went back home.

22 Q. When you went back home, what were you
23 doing?

24 A. Cooking dinner.

25 Q. Where was Roger Parker at at this time?

1 A. I have no idea. He was out in the parking
2 lot, standing at the door or -- when I left --
3 like I said, I don't know where he was after I
4 went home.

5 Q. When you went back to your house, ---

6 THE COURT: Mr. Grimes, he's already
7 said that he went back to his house and was
8 cooking. He doesn't have any knowledge. Under
9 602, move on to something else, sir. He's
10 speculating now.

11 DIRECT EXAMINATION CONTINUED

12 BY MR. GRIMES:

13 Q. After you were at the house, did you have
14 occasion to go back down to Roger Johnson's
15 house?

16 A. Yes, I did. I got another phone call.
17 Roger called me and told me, said, uh, ---

18 MS. SHEALY: Objection to hearsay.

19 MR. GRIMES: Don't say what he said.

20 DIRECT EXAMINATION CONTINUED

21 BY MR. GRIMES:

22 Q. After you had the phone call from Roger,
23 what did you do?

24 A. I went back down to Roger's house.

25 Q. When you got back down to Roger Johnson's

1 house, ---

2 A. Yes?

3 Q. When you got back down to his house, what
4 did you see?

5 A. Emmanuel, Carlos, his mother and his sister
6 were standing at the porch; all four of them,
7 back and forth in the apartment. Roger was
8 saying that Emmanuel ---

9 MS. SHEALY: Objection, Your Honor,
10 to hearsay.

11 THE COURT: Sustained.

12 DIRECT EXAMINATION CONTINUED

13 BY MR. GRIMES:

14 Q. Where was Roger Parker at, at this time?

15 A. Standing inside the apartment, I guess.
16 I don't know exactly where he was then.

17 Q. Did you see Carlos Grant that day?

18 A. I saw Carlos after I got a phone call from
19 Carlos. Carlos called ---

20 Q. Carlos called you?

21 A. (Affirmative nod).

22 Q. Where did you see him at?

23 A. Standing in Roger Johnson's doorway.

24 Q. What was he doing while he was standing in
25 Roger Johnson's doorway?

1 A. He was arguing.

2 Q. What were they arguing about?

3 A. About the simple fact that Emmanuel ---

4 MS. SHEALY: Objection, hearsay.

5 THE COURT: I will allow that.

6 DIRECT EXAMINATION CONTINUED

7 BY MR. GRIMES:

8 Q. What were they arguing about, Mr. Greene?

9 A. About the simple fact that Emmanuel was a
10 child and Roger was stating that Emmanuel
11 should mind his business and never -- he said
12 some things that got this all heated up, that's
13 what it was all about.

14 Q. When you say that "he" said some things,
15 who said some things?

16 A. Carlos was saying ---

17 Q. I know you may have to use ---

18 THE COURT: All he asked was who
19 said some things.

20 WITNESS: Carlos.

21 THE COURT: That's as far as it can
22 go at this point. You can ask another question
23 but I am not going to allow it without another
24 question.

25 DIRECT EXAMINATION CONTINUED

1 BY MR. GRIMES:

2 Q. What did Carlos say at this time?

3 MS. SHEALY: Objection, hearsay.

4 THE COURT: Sustained.

5 MR. GRIMES: Your Honor, may I
6 approach?

7 THE COURT: Sure.

8 (SIDEBAR)

9 THE COURT: I sustain the objection.
10 Hearsay.

11 DIRECT EXAMINATION CONTINUED

12 BY MR. GRIMES:

13 Q. How loud was this argument?

14 A. It was pretty loud.

15 Q. And at this point where is Roger Parker at?

16 A. In the house if I am not mistaken. He was
17 standing right beside me.

18 Q. Okay. What was Carlos' body language like?

19 A. He was upset.

20 Q. Was he making -- where was he standing at
21 this time that he was upset?

22 A. He was standing, he'd stopped at Roger's
23 front door. Here was Roger and they was back-
24 and-forth. I walked out, Mr. Parker was on my
25 side and he opened the screen door and said to

1 bring it outside.

2 Q. When he was outside, what was Carlos doing?

3 A. He was still talking loud, saying how he
4 felt.

5 Q. Was he doing anything with his hands?

6 A. Making gestures, you know, with his hands.

7 Q. What was he doing with his hands?

8 A. I don't know. Waving his hands and saying,
9 you know, he was upset.

10 Q. Was Roger Johnson upset?

11 A. (No response).

12 Q. What did he have in his hand?

13 A. A baseball bat.

14 Q. Did you see him swing the baseball bat?

15 A. Yes.

16 Q. Who did he swing the baseball bat at?

17 A. At a number of people. It was Carlos, his
18 sister, Emmanuel was swinging a chair and I
19 think the mother was in the middle of that.

20 Q. Where was Roger Johnson standing at when he
21 swung the bat?

22 A. We was walking off.

23 Q. Sir?

24 A. We were walking away when that altercation
25 took place. We had to turn around. We was

1 departing and he went into the middle of it.

2 Q. When you say that "he" went into the middle
3 of it, who are you talking about?

4 A. Just -- (pause).

5 Q. Roger Parker?

6 A. Yeah, Roger Parker.

7 Q. Where was Roger Johnson at?

8 A. Standing right on the side of the slab of
9 cement on his front -- in front of his door.

10 Q. Okay.

11 A. On that slab.

12 Q. When Emmanuel swung the chair, where was he
13 at?

14 A. Standing on the slab in front of his door.
15 He was facing -- it was like a rocking chair, a
16 little small kiddie rocking chair and he swung
17 it in the air. He swung it the first time at
18 Roger and that's when Roger retaliated with
19 that bat. That's when Carlos came -- Carlos
20 was coming towards, Emmanuel had the chair in
21 the air, faking, and the sister was coming at
22 him at the same time. Me and Mr. Parker were
23 walking off when this took place. We turned
24 around and that's when we was departing.

25 Q. All right. And what -- when Roger Parker