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STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Doyet A. Early, III, Circuit Court Judge

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RESPONDENT

SC Court of Appeals

THE STATE,

v.

MAURICE ALPHONSO ROBERTS, JR.,

APPELLANT

APPELLATE CASE NO. 2014-000468

RECORD ON APPEAL

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State of South Carolina) In the Court of General Sessions
) Fifth Judicial Circuit
 County Of Richland) 2013-GS-40-1449
) 2013-GS-40-1458
) 2013-GS-40-1460
) 2013-GS-40-1452
) 2013-GS-40-1481

The State of South Carolina,)
)
 Plaintiff,)
)
 vs.) Transcript of Record
)
 Maurice A. Roberts, Jr.,)
)
 Defendant.)
)
)
)

February 24, 25, 26, 27, 28, 2014
 Columbia, South Carolina

B E F O R E:

The Honorable A. Doyet Early, III, Judge, and a jury

A P P E A R A N C E S:

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 Meghan L. Walker, Esquire, Assistant Solicitor
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 Attorney for the Defendant

Elizabeth B. Harris, CVR-M
 Circuit Court Reporter

1 So, having said that, we're going to now move into the
2 trial of the case. The state will start by making opening
3 statements, followed by the defendant, and then the state
4 will start calling their witnesses.

5 Any objections to my opening remarks by the state?

6 MS. SIMPSON: None from the state, Your Honor.

7 THE COURT: No, sir.

8 THE COURT: Thank you.

9 Ladies.

10 MS. SIMPSON: Thank you. May it please the court?

11 THE COURT: Yes, ma'am.

12 MS. SIMPSON: What is the value of human life,
13 especially the lives of our youth? Well, the unfortunate,
14 sad reality is that these days, human life, which was once
15 deemed priceless and still should be, has little to no
16 value for many. And for the defendants in this case,
17 Vincent Nelson, Demetrice James, Deshawn McClary, and
18 especially Maurice Roberts, the defendant who sits before
19 you today, the life of the victim in this case, Brandon
20 Jones, had no value whatsoever. His life was worth
21 nothing, absolutely nothing.

22 And make no mistake about it. As you hear the
23 evidence in this case, it will become clear that Brandon
24 Jones did not have to die as he lay on the driveway
25 unarmed, pistol whipped, beaten, injured as this defendant

1 stood over him and brutally shot and murdered him. It
2 didn't have to happen.

3 Now on January 25th of 2013, the defendant, along with
4 the co-defendants in this case, had a plan, and their
5 actions in executing that plan forever changed the lives of
6 not one, not two, but three people. First, Brandon Jones.
7 His life changed in the most eternal way. Ended far too
8 soon at the young age of twenty-two, leaving his sister
9 without a brother and his mother and father without a son,
10 and an emptiness that only comes with the loss of a child.

11 And you're going to hear how Brandon was shot five
12 times: one to the upper back, one to the left back, once to
13 the arm, once to the leg, and an entrance and exit wound
14 straight through his neck. And it would be those gunshot
15 wounds that exited through his chest that would prove to be
16 fatal, those wounds inflicted at the hands of Maurice
17 Roberts.

18 But as if that wasn't enough, his death wasn't
19 immediate. He suffered and when EMS arrived, he lay on the
20 ground bleeding out, moaning, conscious, and would later
21 die during surgery.

22 The second life forever changed, the victim Joshua
23 Williams. He was pistol whipped about the head and
24 suffered a haematoma on his forehead just above his eye,
25 which would cause him to go in and out of consciousness.

1 He also suffered from a gunshot wound to the abdomen, but
2 luckily for him those wounds weren't fatal. But the
3 emotional, mental pain that he will suffer from losing and
4 hearing and being with his best friend, his closest friend
5 Brandon Jones as he was murdered, he will carry that with
6 him forever.

7 The third life forever changed, that of Trenton Scott,
8 fondly referred to by friends and family as Trey. This
9 incident actually occurred at his home where he lived with
10 his brother and his mother and his stepfather. And when
11 this defendant rushed in through the door, he encountered
12 Trenton, gun out, pointed at his head. Trenton, Trey, in
13 survival mode tried to fight back as the defendant pistol
14 whipped him as well, knocking him to the ground. They
15 struggled and it continues. At some point, the gun comes
16 loose but then comes in Maurice's good friend Demetrice
17 James rushing through the door. More fighting, struggling.

18 Trey's brother comes out, whom you'll hear from, Troy
19 Scott because he hears the commotion and sees the fight,
20 the altercation going on with his brother. And their goal,
21 their thought going through their minds: our mother and
22 father's upstairs. We need to protect them and protect
23 ourselves. We need to get them out of this house now.
24 Before doing so, the gun goes off and Trenton is shot in
25 the arm, but they are able to get them outside and lock the

1 door at this point, not knowing exactly where Joshua and
2 Brandon are.

3 Now Trenton, his life forever changed because the
4 place that he once deemed safe, that sense of security has
5 been stolen from him, and all of these victims unarmed,
6 unsuspecting.

7 And to make matters worse for those who survived, they
8 will live with the knowledge that one of the defendants,
9 co-defendants in this case, was a person they trusted, a
10 friend, someone who had been brought into the Scott
11 brothers' home who they fed and clothed, gave him shelter
12 when he needed it. Ms. Davis and her family considered him
13 part of their family, tried to help him get back on his
14 feet. It would be Vincent Nelson who set them up, who
15 betrayed them. And certainly Brandon Jones didn't deserve
16 to die this way.

17 So, what happened on January 25th of 2013? Well, this
18 incident happened at the home of Ms. Davis and her husband,
19 where she lived with her two sons, as I stated earlier, at
20 [REDACTED] but it was more than just a home.
21 She actually operated a salon out of there, and her boys,
22 they had some recording equipment, a studio and a sports
23 room. It was a place where they hung out, came together to
24 make music. And Ms. Davis, she often brought kids in from
25 the street when they needed help. It was supposed to be a

1 safe place, a safe place for those kids like Vincent
2 Nelson.

3 And this January 25th, Brandon Jones was visiting,
4 along with his friend Joshua Williams, and this is going to
5 be like any other Friday, any other weekend. They were
6 just going to hang out, listen to music, make music, enjoy
7 each other's time.

8 But the defendant, along with his co-defendants, had
9 other plans for that day because you'll learn that prior to
10 January 25th, they'd been talking about getting their own
11 studio, having their own equipment. But rather than get a
12 job or work for it or buy it, they decided that there was
13 someone they could just take it from.

14 Specifically, Vincent said I know just the place.
15 It's a really nice house, and they have some good equipment
16 in there. And I submit -- and he terms it an easy lick, an
17 easy robbery because he knew the family. He knew they
18 wouldn't be armed. He knew they wouldn't suspect anything.
19 Just an easy lick, and so the plan is set. Vincent Nelson,
20 along with Demetrice James, Deshawn McClary, and Maurice
21 Roberts, would go to that house that evening and rob them
22 of recording equipment.

23 We're not talking about a drug deal gone bad or drugs
24 or money. Studio equipment, that's why Brandon lost his
25 life.

1 So, Vincent, knowing they trusted him, went to the
2 door. He hadn't been around in a little while, a month or
3 so, but they trusted him, and so Mr. Davis let him inside.
4 Now, the Scott brothers were a little bit surprised, but
5 again thought nothing of it. However, looking back, his
6 behavior was kind of strange because he was pacing back and
7 forth, seemed a little nervous, agitated, and he had a cell
8 phone.

9 And this will become important throughout this case
10 because Vincent never had a phone or rarely had a phone.
11 And on this day, he had Maurice's phone, and he had that
12 phone so that he could let them know when the time was
13 right, let them know what was happening. And you'll have
14 the text messages: There are four inside; I got two
15 outside; come on. You'll have those before you.

16 And so Vincent talks to Brandon and convinces him,
17 hey, I want a cigarette. He's kind of harassing him. I
18 want a cigarette. Let's go outside. Let's go outside.
19 So, Vincent, along with Brandon Jones and Joshua Williams,
20 they go outside. And I submit that's the signal for
21 Deshawn, Demetrice, and Maurice, who have been waiting just
22 around the corner, to come down the driveway, and they did.

23 Joshua, immediately hit upside the head with the gun,
24 falls. Rolls down the driveway, again slipping in and out
25 of consciousness. Deshawn McClary ordered him to stay on

1 the ground and stood guard with his knife while Maurice
2 went directly to Brandon, demanded that he get on the
3 ground, gun in hand, and pistol whipped him about the head.
4 Brandon fell, crying.

5 Maurice: Who's in the house? How many people are in
6 the house? And he rushes in, and at this point he
7 encounters Trenton or Trey Scott, gun out, pointed. Pistol
8 whips him. Brings him to the ground. The struggle over
9 the gun ensues, and then Demetrice James comes in. And the
10 gun, there will be testimony, was passed back and forth,
11 but a shot is fired, striking Trenton. And as I said, they
12 were able to get them out the door to the driveway.

13 Now I pause here for a moment because at this point,
14 that recording equipment, that studio equipment that they
15 came for, their access to it was over. The attempted
16 robbery had failed, and at this point Maurice Roberts had a
17 choice because Brandon Jones lay on the ground unarmed. He
18 didn't have to kill him. He could have just walked away,
19 ran away, fled, but he didn't.

20 You'll hear testimony of someone saying get him, get
21 him. And Maurice does as he stands over him and shoots
22 that .45 caliber pistol as Brandon lay covering his head on
23 the ground begging, pleading for his life. Please don't
24 kill me. Please don't kill me.

25 And then all the defendants flee, and you're going to

1 hear about that because they go to Maurice's house. And in
2 the course of doing so, they end up discarding some latex
3 gloves and some clothing that they had been wearing in a
4 building at Hammond Village Apartments right where Maurice
5 stayed. And then they went into -- they all met up at
6 Maurice's house. First order of business: let's start
7 cleaning up, changing clothes. Maurice even goes so far as
8 to get some bleach and goes upstairs.

9 Now, at this point Maurice is still seen with the gun.
10 However, that gun was never recovered, and you'll learn
11 that he subsequently told a co-defendant don't worry about
12 the pistol. I ain't worried about that shit, man. He got
13 rid of that gun.

14 And remorse, remorse? No. They're grilling the next
15 day, hanging out as Brandon Jones's life is gone.

16 You're going to hear about the course of the
17 investigation and what led investigators to the
18 co-defendant Vincent Nelson, as well as Demetrice James,
19 Deshawn McClary, and the shooter in this case, Maurice
20 Roberts. And they talked to all these defendants, and each
21 one of them gave statements confessing to their crimes and
22 implicating the others, somewhat mitigating their own roles
23 at times.

24 And you may even hear from some of them in this case.
25 And as a result of their actions, Maurice, Vincent,

1 Demetrice, and Deshawn are all charged under what we call
2 the theory the hand of one is the hand of all for the
3 murder, for the death of Brandon Jones, two counts of
4 attempted murder, one count of attempted armed robbery, and
5 one count of burglary in the first degree. And I'll get
6 back to that theory, and we'll talk more about that in a
7 moment because on trial before you now is Maurice Roberts,
8 and the co-defendants will have their day in court.

9 Good morning, members of the jury. My name is Nicole
10 Simpson and I, along with co-counsel Luck Campbell and
11 Meghan Walker, together we represent the State of South
12 Carolina, the citizens of Richland County, and the victims
13 in this case. And as solicitors, it is our job is
14 prosecute all crimes that occur here in Richland County.
15 And as I said, as a result of his actions, along with his
16 co-defendants, the defendant, Maurice Roberts, is facing
17 several charges, charges which you will ultimately decide
18 and determine his guilt.

19 But first, because this is my one and only opportunity
20 to address you directly, I want to thank you for your time,
21 your patience, and your service in that this case. And I'm
22 going to reiterate and reemphasize what Judge Manning told
23 you in the jury qualifications: that jury service is
24 perhaps the greatest service that a man or woman can render
25 his or her country during times of peace. Well, that

1 couldn't be more true than it is here today. And I'm sure
2 that when you got your summons in the mail, you had a
3 million other things that you'd rather be doing, things
4 that you needed to be doing, but you showed up. You came,
5 and you are serving your duty as citizens.

6 And after careful consideration and extensive
7 questioning, you were selected by both the state and the
8 defense to sit as competent, qualified jurors in this case.
9 And this is an important case. It is important to the
10 State of South Carolina. It is important to the defendant,
11 and it is important to victims and their families. And
12 while our system of justice could do without the lawyers,
13 it could do without the judges, it cannot do without you,
14 and so I thank you.

15 Now in every criminal case, the defendant is presumed
16 innocent until proven guilty. And as the state, we bear
17 the burden of proof in this case, just as we do in the
18 prosecution of every criminal case. We wouldn't have it
19 any other way. And what that means is that as the state,
20 we must prove to you beyond a reasonable doubt each element
21 of the crimes for which the defendant has been charged.

22 And I remind you that every criminal defendant who was
23 ever convicted at a jury trial started his trial presumed
24 innocent until he was ultimately found guilty beyond a
25 reasonable doubt. So, while our burden is high, as it

1 should be, it is not insurmountable, and I can tell you
2 that we welcome that burden here today.

3 Now, the defendant has been charged with several
4 crimes, and I'm going to go through them briefly. And then
5 at the end of the case, the judge will instruct you in more
6 detail as to the elements of those offenses.

7 First, he's charged with attempted armed robbery.
8 Now, it's an attempted armed robbery because they didn't
9 actually get what they came for. But attempted armed
10 robbery is defined as the taking or attempted taking and
11 carrying away the personal property of another with the
12 intent to deprive that person of ownership while armed with
13 a deadly weapon or the representation of a deadly weapon.

14 Well, they attempted to take the equipment of the
15 Scott brothers, and Maurice was absolutely armed when he
16 did so. That's attempted armed robbery.

17 He's also charged with burglary in the first degree.
18 Now, burglary in the first degree, a person is guilty of
19 that if he enters the dwelling of another without consent
20 and with the intent to commit a crime therein, and he does
21 so while are armed or becoming armed with a deadly weapon;
22 or that entering or remaining occurs during the nighttime
23 hours.

24 This occurred during the nighttime hours. And Maurice
25 Roberts, when he came in, gun in hand, rushing through,

1 pointed at Trenton Scott, he was entering without consent.
2 And his intent: to commit an armed robbery.

3 He's also charged with three other crimes, and I'm
4 kind of going to talk about them together because two
5 counts of attempted murder, one for the attempt on the life
6 Joshua Williams. Second account -- second count for the
7 attempt on the life of Trenton Trey Scott.

8 Now, murder is perhaps one of our most serious
9 offenses in South Carolina, and yet it has probably one of
10 the shortest definitions. A person is guilty of murder if
11 he kills another with malice aforethought, either expressed
12 or inferred. Now, attempted murder is the attempted
13 killing of another with malice aforethought, either
14 expressed or inferred. Now, those terms will become
15 important, and you will be instructed on them again at the
16 end of this case, but I want to talk to you a little bit
17 about them now.

18 As far as malice goes, you can have expressed malice
19 or inferred. It's not too different types of malice. Just
20 the way it's presented. Expressed malice is I'm going to
21 kill you, and that person does. However, our laws
22 recognize that malice must often be inferred, and it is
23 sometimes defined as hatred, ill will, or hostility towards
24 another person. It's the intentional doing of a wrongful
25 act without just cause or excuse, and with the intent to

1 inflict an injury under circumstances that the law will
2 infer an evil intent. Malice may also be inferred from
3 conduct showing a total disregard for human life.

4 One of the things I want to focus on as far as malice
5 goes is that if a person intentionally kills another during
6 the commission of a felony, malice may be inferred. The
7 commission of a felony, the armed robbery, the burglary,
8 you may infer malice from the killing from those, from the
9 attempt to commit those felonies. You may infer malice for
10 the killing and attempted murder of the victims in this
11 case.

12 Now I'll talk to you of forethought. Now, forethought
13 means they didn't have to go there; it doesn't require any
14 appreciable amount of time. Aforethought just means at the
15 time the fatal blow was struck or the attempt to strike the
16 fatal blow, there was malice in that person's heart, okay?
17 So, while they planned to go there to rob, the law does not
18 require that they planned to go there to kill. But if
19 someone is shot under circumstances while they are there,
20 that can be malice aforethought.

21 And then finally the hand of one is the hand of all.
22 You've probably heard this term, but what that essentially
23 means is that when two or more people acting together in
24 the commission of the crime, of a crime, the act of one is
25 the act of all.

1 So, while Maurice Roberts may have shot Brandon Jones,
2 his co-defendants are equally responsible because they went
3 there to commit that robbery. They went there to
4 burglarize that home. Vincent Nelson is equally as
5 responsible. Demetrice Jones is equally responsible.
6 Deshawn McClary, equally responsible. And for the shots
7 that wounded Joshua Williamson and Trenton Scott, Maurice
8 is responsible. The hand of one is the hand of all.

9 Now, I said that we must prove these elements to you
10 beyond a reasonable doubt. So, what exactly is proof
11 beyond a reasonable doubt? Well, proof beyond a reasonable
12 doubt is proof that leaves you firmly convinced of the
13 defendant's guilt. Now, there are very few things that we
14 know in this world with absolute certainty, and the law
15 does not require the state to produce proof that overcomes
16 all doubt or every possible doubt, but only that doubt
17 which is reasonable.

18 Now, the roles in this courtroom are very defined. As
19 the state, we serve as ministers of justice; it is our job
20 to bring forth to you the evidence deemed admissible to
21 prove our case. Defense counsel's job is to ensure his
22 client's right to a fair trial and represent him to the
23 best of his ability. And as the Honorable Judge Early told
24 you, it is his job to instruct you on the law of the case,
25 and he will instruct you on the law as you are to apply it

1 to the facts of the case. And if ever there is a
2 discrepancy between what the attorneys in this case say and
3 what His Honor says, you are to follow his instructions and
4 his rulings to you.

5 Now with that said, no one is going to get up here and
6 question that you have the most important role in this case
7 because each of you here today is wearing a black robe.
8 And individually and collectively, you must decide and only
9 you can decide if the defendant, Maurice Roberts, is guilty
10 of these crimes.

11 So, how will you do that? Well, you must base your
12 verdict of the evidence presented to you. Now, some of
13 that evidence is going to come in the form of physical
14 evidence such as photographs, or items collected from the
15 scene, or the area where the gloves were found, audio
16 recordings, things of that nature that you can see, that
17 you can touch or hear.

18 But most of that evidence is going to come from right
19 here on this witness stand, and you're going to hear from a
20 number of witnesses, including the responding officer, the
21 surviving victims in this case, the investigators who
22 investigated this case and took statements, identified the
23 co-defendants and the people responsible. You're going to
24 hear from the crime scene investigators who actually
25 processed the scene, collected the evidence. You're going

1 to hear from some expert witnesses who actually analyzed
2 the evidence, such as the forensic pathologist who
3 conducted the autopsy, or the DNA analyst, as well as the
4 ballistics expert. You're going to hear some testimony
5 regarding the cell phone records. You're going to hear
6 testimony from some eyewitnesses or from some people who
7 have information about this case. And you may even hear
8 from some of the co-defendants in this case who, as I said,
9 will also have their day in court.

10 Now with these witnesses, it is up to you to judge
11 their ability. And in doing so, you can believe something
12 the witness says, you can believe all of what a witness
13 says, or you don't have to believe anything that a witness
14 says. That determination is for each of you and each of
15 you alone, but we do ask that you consider several things
16 when assessing a person's credibility.

17 Ask yourselves. What was that person's demeanor on
18 the witness stand? Was that witness hesitant or forthright
19 when testifying? Did that witness have any reason to be
20 biased or prejudiced in this case? And importantly, is the
21 testimony of that witness corroborated by other testimony
22 in the case?

23 Now, there are two very important witnesses not
24 testifying here today, and that's common sense and human
25 nature. And I am going to ask that you use your common

1 sense when you decide this case and what you know about
2 human nature. And when you do, I believe your verdict will
3 become clear.

4 Now, the law is a pledge that citizens will do justice
5 to one another, and the precepts of the law are these: to
6 live honorably, to injure no other man, and to render each
7 man his due. And truth is the mother of justice, and it is
8 your job, your duty here today to find the truth and to
9 seek justice. And at the end of this case, my co-counsel
10 will come before you, and she will ask you find the
11 defendant guilty for murder for brutally killing Brandon
12 Jones, guilty of attempted murder in the actions against
13 Joshua Williams, guilty for attempted murder as to Trenton
14 Scott, guilty of attempted armed robbery, and guilty of
15 burglary first degree. Hold him accountable for his
16 actions and the actions of those he conspired with. Thank
17 you.

18 MR. SUTHERLAND: May it please the court, sir?

19 THE COURT: You okay?

20 MR. SUTHERLAND: Ladies and gentlemen, we met in for
21 of an awkward fashion earlier during jury selection, but my
22 name is Tivis. I'm going to go ahead and introduce myself
23 up front. Last name's Sutherland.

24 I can tell you that I am privileged to represent
25 Maurice Roberts, and it is my honor to represent him for

1 you, ladies and gentlemen, on the facts and before this
2 honorable court on the law. I think that's been aptly
3 explained by my colleague. The court has instructed
4 everybody with respect to that, but also with respect to
5 what lawyers come before you and say, particularly at this
6 stage of the proceedings when not a single person has taken
7 the stand yet is not evidence.

8 The evidentiary value of what you heard from my
9 colleague, Ms. Simpson, and what you will hear from me is
10 at this point zero. The evidence comes from witness
11 testimony, live, eyewitness testimony here on the stand.
12 You will have exhibits with you back there in the end.

13 She made mention of tapes, whatever. They'll choose
14 what they put in. I mean, I don't have too much of a say
15 in that, but that in and of itself has to be introduced
16 through eyewitness testimony. So, everything -- as the
17 judges of the facts in this case, everything that you
18 ladies and gentlemen need to know is going to come from
19 right here. It's not going to come from right here or, or
20 from the mouths of a government lawyer.

21 What I can tell you -- and I won't spend a great
22 amount of time rehashing or sort of trying to answer back
23 to anything that was just said -- is that I will agree with
24 the government lawyer where I can. And where I do agree is
25 Deshawn McClary, his nickname is a 600. Demetrice James,

1 his nickname is Metro or Young, and Vincent Nelson, who
2 I'll put this out to the side. His nickname is Junior.

3 What I will suggest to you and what you will
4 ultimately decide is that you -- if you want to attach
5 responsibility for what happened at that place, at that
6 time, and the tragedy and the horrible loss that unfolded,
7 this would be your best bet. This would be your best bet
8 of a place to start.

9 Maybe not -- curiously, as she spoke about these
10 people, I'm wondering. In talking about co-defendants,
11 ladies and gentlemen, you might have looked over to see
12 that there's only this little fellow over here and me, his
13 lawyer, sitting here. Where are, are these guys at?

14 You know, we hear that Vincent Nelson, you know,
15 worked his way into the people's trust and he betrayed
16 them, and he set all that up. Well, where's, where's he
17 at?

18 Demetrice James, I don't know that I actually heard
19 this, but I do know that you are going to hear this. She
20 made some reference to a gun being passed back and forth.
21 I don't know that she said that their witnesses are going
22 to get up here and say that he discharged a firearm, that
23 he shot somebody. I don't know that she said that. I know
24 that she that my guy shot somebody, but I don't know that
25 she said that, and I think -- I'm, I'm relatively certain

1 you are going to hear that, that he shot somebody. And I
2 guess the passing back and forth reference to the gun is so
3 that in the flight or whatever it is from this place, I
4 guess in order for him to have done what they say he did
5 two seconds later outside at some point during this flight,
6 they must have passed it back and forth so that, that he
7 could do whatever they're saying he did.

8 And the only reason that I'm sort of making these
9 points here is again, you're going to hear it up here. But
10 the idea that the government comes into a courtroom and
11 tells a story like that and, and claims, among other
12 things, that they are here as representatives of the
13 people. What the, what the government does in criminal
14 cases is it prosecutes American citizens. It tries to take
15 people, to deprive people of their liberty. That's what
16 the government does in a criminal courtroom. That's what
17 the constitution of the United States is about. It's
18 written to protect individual citizens, Bill of Rights in
19 particular. I know the first three articles define the
20 government, but the Bill of Rights is written to protect
21 individuals like this young man over here when the
22 government comes in here with these horrible accusations,
23 and these legions of government agents from police officers
24 to investigators. They got experts on everything from
25 anthropology to zoology.

1 Let's, let's go ahead and get the DNA expert up here,
2 and let's see. Let's see what that evidence is. Let's see
3 who, who it points to or who it points away from. I wonder
4 if it's going to point to somebody that's not even here. I
5 wonder if it's going to point away from somebody who is
6 here.

7 So, I don't want to take a lot more time with a lot
8 more talk. We actually have to get down to the business of
9 the evidence and trying this case but, ladies and
10 gentlemen, I just caution you. At this stage -- after
11 we've heard this evidence, then naturally we can talk about
12 it because y'all sit there and you heard it. And rather
13 than, you know, trying to decide something from what she
14 says or what I say when you haven't heard the evidence --
15 at the end, you're going to have heard it. So, if I'm
16 saying something to you, ladies and gentlemen, at that
17 point, you'd say to yourself no, or you could say to
18 yourself yes indeed. That's exactly what I heard.

19 Ultimately, each witness, individual piece of
20 evidence, all of you individually and collectively are
21 going to decide the significance of it and what it means.
22 Y'all are, y'all are going to make the determination,
23 factual determination in, in this case, and that is the
24 American way. I do appreciate your service.

25 Briefly, I do agree with the government lawyer when

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1 referring back to what Judge Manning said about Winston
2 Churchill's talk about jury duty being the highest duty to
3 one's country that you can perform during peace time. As
4 an army veteran, I can tell you I agree with that one
5 hundred percent.

6 But I don't know that we're going to agree on much
7 from this point forward. I do respect the government
8 lawyers, but we just disagree. Thank you kindly.

9 Sir.

10 THE COURT: You may call your first witness.

11 MS. WALKER: Thank you, Your Honor. The state calls
12 Deputy Reginald Grant.

13 REGINALD GRANT, BEING DULY SWORN,

14 TESTIFIES AS FOLLOWS:

15 CLERK OF COURT: Have a seat in the witness stand,
16 please. State your name for the record.

17 WITNESS: Reginald Grant.

18 DIRECT EXAMINATION BY MS. WALKER:

19 Q. Sir, where you currently employed?

20 A. With the Richland County Sheriff's Department.

21 Q. And what do you do at the sheriff's department?

22 A. Right now I'm on traffic safety unit.

23 Q. I want to take your attention -- how long have you
24 been with the sheriff's department?

25 A. I've been with the sheriff's department here now four

1 years.

2 Q. So back in January of 2013, you were employed with the
3 sheriff's department?

4 A. Correct.

5 Q. And what were you doing there?

6 A. January 23rd -- January 25th, I'm sorry, of 2013, I
7 was currently assigned to the Broad River Road area as a
8 line unit on the road working patrol.

9 Q. And is that a particular region of Richland County?

10 A. Yes, designated region 4.

11 Q. You said you were with the line unit. Can you
12 describe what, what deputies with the line unit do?

13 A. Basically what we do far as line units on the road,
14 basically we're in charge of just protecting the public and
15 the property and just mainly answering calls concerning as
16 far as domestics or assaults or anything of that nature.

17 Q. On January 25th, did you respond to [REDACTED]
18 Drive?

19 A. Yes, I did.

20 Q. And is that here in Richland County?

21 A. Yes, it is in Richland County off of, off of River
22 Drive, off of McRae Street, that area.

23 Q. Do you remember what time you responded?

24 A. It was about 11:00 that night.

25 Q. And why were you responding to that location?

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1 A. About 11:00, approximately 11:00 that night, we
2 received a call from dispatch, myself and my supervisor,
3 that there was a shooting, a shooting incident at that
4 location. At that time, I was on -- I think I was leaving
5 our region, which is off of Fairview Road en route to that
6 location.

7 I actually passed the location because when it first
8 came out, it came out as [REDACTED] Drive. So, by
9 the time I got back to the incident location, which was
10 [REDACTED] the dispatch gave the correct address. Already had
11 my supervisor there, along with other line -- specialized
12 units on the scene.

13 Q. And when you're responding to a situation like that,
14 are you getting information in a very quick manner?

15 A. Yes.

16 Q. And is it sometimes that information is, is correct
17 and sometime's it's not correct?

18 A. Correct.

19 Q. And in this situation, you were given an incorrect
20 address and then the correct address?

21 A. Correct.

22 Q. When you arrived it [REDACTED] what, if
23 anything, did you observe?

24 A. When I finally arrived on scene, I observed my
25 corporal, my supervisor; he was actually attending to the

1 victim. As I walked up the drive, the victim was bleeding,
2 both his upper body and lower body, basically trying to
3 gasp for air. At that time, due to the fact that we were
4 waiting in EMS and my supervisor was attending to him, I
5 started a crime scene log.

6 What I did was I went to the trunk of my patrol car,
7 grabbed the crime scene tape, and basically secured the
8 scene until the investigation -- investigators in crime
9 scene got there.

10 Q. Was that within your training, what you're trained
11 to do when you respond to a situation such as this one?

12 A. Correct. We'd already gotten the units basically on
13 perimeter in the area, but one unit then basically secured
14 the scene. Basically that was my job from that time,
15 securing the scene.

16 Q. Now, I want to show you what's previously been marked
17 as State's Exhibits 44 and 45 and ask you if you recognize
18 these. Don't tell me what they are. Just ask you if you
19 recognize these.

20 A. Yes, I do.

21 Q. And do they fairly and accurately depict what you saw
22 that night?

23 A. Yes.

24 MR. SUTHERLAND: No objection.

25 THE COURT: 44 and 45?

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1 MS. WALKER: Yes, Your Honor.

2 THE COURT: Thank you. Without objection.

3 (BLOWUP OF ARIAL MAP MARKED INTO EVIDENCE AS STATE'S
4 EXHIBIT NUMBER 44.)

5 (BLOWUP OF ARIAL MAP MARKED INTO EVIDENCE AS STATE'S
6 EXHIBIT NUMBER 45.)

7 MS. WALKER: Your Honor, may the witness step down?

8 THE COURT: He may.

9 BY MS. WALKER:

10 Q. Would you step off the stand, please? If you'll stand
11 this way with your voice pointed back towards the court
12 reporter.

13 THE COURT: Can all my jurors see it? If you cannot
14 see it, raise your hand, please.

15 BY MS. WALKER:

16 Q. Can you tell me what this is that we're looking at?

17 A. Basically this is [REDACTED] Drive. Here is McRae
18 Street coming down here. That's where the incident
19 location took place, which is [REDACTED]
20 located in Richland County. Here is the -- where the
21 incident location took place. When I arrived, I actually
22 parked right here in that driveway, and that's where the
23 subject was lying with Corporal Fisher. His other friends
24 were there also on the side of the house right here.

25 Q. Thank you, sir. You may step back up.

1 And at some point in time, did other investigators and
2 deputies with Richland County Sheriff's Department come and
3 actually relieve you of your duties?

4 A. Yes. Once, once, once Mr. Jones was transported to
5 the hospital, Corporal Fisher, he went to the hospital with
6 the subject. And due to the fact that we were on scene for
7 an extended number of time, I got relieved by Deputy
8 Wrigley and the scene was relinquished to him, and also
9 crime scene investigators.

10 Q. And did that conclude your involvement with this case?

11 A. Yes, ma'am, other than witnesses coming up and telling
12 me things that were happening, that took place while I was
13 securing the crime scene, yes.

14 Q. And did you share that information with other law
15 enforcement officers?

16 A. Yes. I passed that information on.

17 Q. Thank you, sir.

18 MS. WALKER: I have no further questions at this time.

19 THE COURT: Cross, if any.

20 MR. SUTHERLAND: May it please the court, sir?

21 THE COURT: Yes, sir.

22 CROSS-EXAMINATION BY MR. SUTHERLAND:

23 Q. Sir, how are?

24 A. How are you?

25 Q. I'm doing well, doing well.

1 How, how long do you think you were there? Probably
2 about forty-five minutes or so? Does that sound about
3 right or...

4 A. No, sir. I was there almost three to four hours.

5 Q. Okay, three to four hours. So, when it says that --
6 the time out, did you ever leave to come back, or is just
7 the crime scene log may be incorrect?

8 A. Probably, I mean, probably incorrect, but I never left
9 the scene until I left around 4 or something like that.

10 Q. Okay, and that's perfectly fine. Just asking about
11 the crime scene log.

12 What was interesting to me was that you said some
13 individuals came up and told you what, what happened.
14 Witnesses told you what they saw?

15 A. They -- she was very hysterical when she told me what
16 happened. I mainly couldn't deal with her because I had to
17 secure the scene, and so I referred her to one of the
18 investigators that were on scene, yes.

19 Q. Okay, and the, the -- did you relay the version of the
20 facts that you got from her? I know I can't ask you what
21 you said. Did you relay that to the investigators?

22 A. I didn't. I just, I just informed the investigator,
23 hey, you got, you got a witness that was here during the,
24 during the altercation, and you may need to speak with her..

25 Q. Okay. Did the investigator review a copy of your

1 report that you ultimately wrote?

2 A. I have no idea if he did or not.

3 Q. Okay. Thank you.

4 MR. SUTHERLAND: No further questions, Your Honor.

5 THE COURT: Redirect, if any?

6 MS. WALKER: None, Your Honor.

7 THE COURT: Thank you. You may step down.

8 (THE WITNESS EXITS THE STAND.)

9 THE COURT: Next witness, please.

10 MS. WALKER: Your Honor, the state calls Joshua
11 Williams.

12 THE COURT: Joshua Williams.

13 JOSHUA WILLIAMS, BEING DULY SWORN,

14 TESTIFIES AS FOLLOWS:

15 BAILIFF: State your name.

16 CLERK OF COURT: State your name.

17 WITNESS: Joshua Williams.

18 CLERK OF COURT: Thank you.

19 DIRECT EXAMINATION BY MS. WALKER:

20 Q. You go by Josh?

21 A. I go by Josh.

22 Q. Josh, how old are you?

23 A. I'm twenty-two years old.

24 MS. WALKER: Can everybody hear?

25 Q. And where do you live?

1 A. I live in [REDACTED]. That's off Farrow Road,
2 but most of the time I'm Mr. Davis's ---

3 THE COURT: Slow down a little bit for me, please.

4 WITNESS: My apology.

5 BY MS. WALKER:

6 A. I'm mostly over at the [REDACTED] address with the
7 Davis family.

8 Q. Okay. What is it that you do for a living?

9 A. I work at USC, the Russell House, and I'm also going
10 back to school.

11 Q. Do you, do you know Trent and Troy Scott?

12 A. Yes, I do, ma'am.

13 Q. How do you know them?

14 A. I met them when I was sixteen years old. Me and Troy,
15 we was out and about. We seen each other. He told me he
16 did music. I told him I wanted to do music, and he brought
17 me over. I met Ms. Davis and Mr. Davis. They invited me
18 in they home ---

19 Q. Who are Mr. and Ms. Davis?

20 A. They're, like, I call them Mom and Pop, but they are
21 Troy and Trent's father and mother.

22 Q. And how long -- about how long before this incident
23 did you know them?

24 A. Well, it's going on about eight years.

25 Q. Did you know Brandon Jones?

1 A. I knew Brandon for about a year, almost a year and a
2 half.

3 Q. And how did you meet Brandon?

4 A. I met him through Troy Scott. Me and Brandon, we was
5 real close, you know. That was my best friend. If he was
6 going over there, he'd notify me, hey, I'm going to do a
7 song. You coming through? Yeah. What time you get off
8 work? 5:30.

9 THE COURT: Slow down. Slow down.

10 Q. Slow down.

11 A. My apology.

12 Q. I know you're nervous. Slow down. She's got to have
13 to try to take down everything you're saying, okay?

14 A. Okay. Back to what I was saying. He would notify me
15 if he was going over there. He would always call me. He
16 would ask me for a opinion on anything, and as well as he
17 would relay something to me if he see that I'm doing
18 something wrong, he would, you know, correct me. So, I
19 considered -- he -- like I said, we was real close. That
20 was my best friend.

21 Q. And back on January 25th of 2013, were you with the
22 Scott brothers and Brandon that night?

23 A. Yes, ma'am, I was.

24 Q. What were y'all doing?

25 A. Just a typical night. We were -- me and Troy was

1 playing, you know, the game and Vincent Nelson, Jr., came
2 over and when he came over ---

3 Q. Hold on. I'm going to slow you down.

4 A. I gotcha.

5 Q. Who all was at the house before Vincent Nelson, Jr.,
6 got there?

7 A. It was myself, Troy Scott, Trenton Scott, Cari
8 Pearson, Mr. Chandler Davis, and Ms. Davis, as well as
9 Brandon Jones.

10 Q. And what were y'all -- what part of the house were
11 y'all?

12 A. We were downstairs in basement where the area is.

13 Q. Were, were Mr. and Ms. Davis in the basement as well?

14 A. No. Mr. and Ms. Davis were upstairs preparing for the
15 night.

16 Q. And what were you and the Scott brothers and Brandon
17 and Cari doing in the basement?

18 A. Well, Troy and I and Trent and Brandon and Cari, we
19 normally all -- everybody sits in the studio, and we listen
20 to music, or everybody will wait till a person gets done
21 recording. But this particular day, Brandon was in there
22 recording, and I, I was playing the game with Troy Scott,
23 and Trenton was in there as well as Cari was in the other
24 room.

25 Q. Like playing video games?

1 A. Yes, ma'am.

2 Q. At some point in time, did Vincent Nelson come into
3 the home?

4 A. He came in about around 10:00, and that's usual
5 because one thing I know about the Davis family, if you do
6 not call and notify that you step into they home after the
7 time of 10:00, you will not get an answer.

8 Q. So, were you surprised to see Vincent Nelson that
9 night?

10 A. Yes, ma'am, I was.

11 Q. Did you know him at that point in time by a different
12 name?

13 A. Yes. I know him as many names. The Junior name, just
14 knowing that. He went by Calli G, Calli Junior. He also
15 went by J School.

16 Q. J School?

17 A. Yes, ma'am.

18 Q. And when you saw Vincent Nelson, Jr., that night, what
19 was he doing?

20 A. When he came in the house, I was the first one that
21 greeted him, and I turned around and he just had this blank
22 stare, like he was lifeless. And I was, like, yo, what's
23 up? He's, like, what's up, and I was, like, wait a minute.
24 How you get in ---

25 THE COURT: Hold up. Hold up.

1 Q. You got to, you got to slow down. I know you're
2 relaying a conversation, but slow it down so that they can
3 understand you and so that she can record everything you're
4 saying, okay?

5 A. Yes, ma'am.

6 Q. All right. So, you greeted him. You said hello.

7 A. Yes, ma'am.

8 Q. Then what happened?

9 A. He, like, I say, he was looking lifeless. Like, he
10 just had a blank stare. And I was, like, yo, how you get
11 in the house? He said, oh, Pop let me in. I was, like,
12 cool.

13 THE COURT: Slow down.

14 Q. Slow down. He said Pop let him in?

15 A. Yeah. He was, like, Pop.

16 Q. Who's Pop?

17 A. Mr. Davis.

18 Q. And at that point in time, you're saying his demeanor
19 was odd to you?

20 A. Yeah, it was real odd.

21 Q. Okay, and after you had a conversation with him, did
22 you see where he went next?

23 A. He walked off. He kept pacing back and forth because
24 where the studio area is, I was standing in the door. And
25 when he walked off, he kept pacing back and forth and I

1 was, like, you all right? He said yeah, I'm cool, and then
2 I kept hearing a phone going off and he was, like, yo, I'm
3 inside. I'm good. I'm good.

4 Q. Did you know before that night Vincent Nelson, Jr., to
5 have a cell phone?

6 A. He normally had cell phones, but it was odd because it
7 rarely, like, happened. Like rarely.

8 Q. He rarely had a cell phone?

9 A. Yeah, rarely.

10 Q. And so did that stick out to you?

11 A. Yes, it did.

12 Q. And he's on the phone talking to someone else?

13 A. Yes, the whole period of time.

14 Q. Okay, and after you see that, after you see him pacing
15 and doing those things, what did Vincent Nelson, Jr., do?

16 A. He walked off into Ms. Davis's beautician shop, and he
17 was just talking. Yeah, yeah, I'm in here. I'm in here
18 and ---

19 THE COURT: Slow down.

20 WITNESS: My apology.

21 A. Ms. Cari, you know, then notified Troy. She kept
22 saying Troy, come here, come here, and I kept seeing
23 Vincent walk back and forth. And in my mind, I'm saying, I
24 mean, what's going on?

25 Q. You were confused at that point?

J. WILLIAMS - DIRECT EXAMINATION BY MS. WALKER

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1 A. Yes.

2 Q. Okay. Did you ever see Vincent interact with Brandon?

3 A. Yes, he did. That, that's when I start interacting
4 because, like I said, it was odd. Like, his demeanor was.

5 Q. What, if anything, was Vincent saying to Brandon?

6 A. Vincent came in. He's, like, yo, man, let me get a
7 cigarette, man. Let me get a cigarette.

8 THE COURT: Slow down. Slow down.

9 A. And ---

10 MR. SUTHERLAND: If I may? Getting into a lot of
11 hearsay.

12 THE COURT: Well, you have to object, sir.

13 MR. SUTHERLAND: Yes, sir. Absolutely. Absolutely.

14 THE COURT: Sustained.

15 BY MS. WALKER:

16 Q. Did Brandon ever give Vincent a cigarette?

17 A. Yes. When I asked for one, he did.

18 Q. So then you, too, asked for a cigarette?

19 A. Yeah.

20 Q. Where -- were y'all allowed to smoke in the Davis
21 home?

22 A. Yeah. I could smoke outside, but me, I smoke up on
23 the hill. I don't like to smoke around Ms., Ms. Davis's
24 home. Out of respect, I went to the top of the hill, let
25 the ash out on the street.

1 Q. So, who went outside with you when you went to go
2 smoke?

3 A. Brandon came with me. Brandon was actually -- me and
4 Brandon were actually the last two to do go outside.
5 Vincent came outside first.

6 Q. Okay. Vincent went outside, and then the two of you
7 followed him outside?

8 A. Yes, ma'am.

9 Q. And you said you usually went to the top of the hill?

10 MS. WALKER: Your Honor, may the witness step down?

11 THE COURT: Yes, ma'am.

12 BY MS. WALKER:

13 Q. Josh, if you'll come stand right here and keep
14 speaking out loudly and slowly so that the court reporter
15 can hear what you say, okay? Right here. Face this way.

16 You were, you were at the top of the hill?

17 A. Yes, ma'am.

18 Q. Where exactly were you?

19 A. Right here in this area. Right here. See ---

20 THE COURT: Hold on, hold on. You got to speak up.

21 THE COURT: Speak up a little bit louder.

22 WITNESS: Excuse me.

23 BY MS. WALKER:

24 A. Right here in between this area where I was smoking.

25 Q. You were here?

J. WILLIAMS - DIRECT EXAMINATION BY MS. WALKER

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1 A. Yeah.

2 Q. Okay.

3 A. Like, right in this area.

4 Q. Where were Brandon and J School?

5 A. In this dark area right here. Brandon was right here
6 by the -- there was a weight bench right here, and Vincent
7 was right here where the door was.

8 Q. Okay, and as it all -- you can go back on the witness
9 stand. Thank you, sir.

10 A. You're welcome.

11 Q. What happens next?

12 A. Well, I see three individuals walk past. In the
13 formation they was walking, it was one individual that kept
14 walking past, and he was giggling and he kept staring me
15 down. And one I thing I don't -- I don't like the
16 intimidation factor. So, I said what's up? He nodded his
17 head and he walked off. And then two other individuals
18 came following behind him in a interval, like, thirty
19 seconds. Excuse me, thirty seconds.

20 Q. You need some water?

21 A. Yeah.

22 (A PAUSE.)

23 A. Thank you.

24 Q. You're welcome. And these three individuals are
25 walking back and forth in front of you?

1 A. Yes, ma'am.

2 Q. What happens after they keep walking back and forth in
3 front of you?

4 A. Okay, when I got done with my cigarette, I proceeded
5 down to the hill, and that's when I heard Brandon and
6 Vincent down there talking.

7 So, once I did, I turned around and I see the three
8 individuals walking again, but this time I saw one
9 individual coming. He nodded his head at me, and he was
10 giggling again, and then he kept walking, and that's when
11 he immediately made a U-turn and he came at me with the gun
12 out. And I looked at him, and I stared him down. He was,
13 like, get down on the ground if you want live.

14 So, I put my hands up and I slowly go down, just
15 looking at him. In my mind was, like, you really want to
16 do this? And the moment I did that, pistol whipped. I'm
17 rolling down the hill, and I was in that darkened area.

18 Q. You get hit. Where did you get hit with the pistol?

19 A. Right there, this area, all in this area right here.

20 Q. And once you get hit with the pistol, did you say you
21 rolled down the hill kind of?

22 A. Kind of rolled down and tumbled.

23 Q. And did you see where that individual went after he
24 hit you with the pistol?

25 A. He immediately proceeded to Brandon Jones. He was,

1 like, he's, like -- Brandon was, like, no, man. Don't
2 shoot me. Don't shoot me. Don't shoot me. He's, like,
3 get down if you want to live, and Brandon kept saying no,
4 don't shoot me. Don't shoot me. And I'm just, like,
5 leaning over with my arms over -- you know, trying to play,
6 you know, trying to play dead, like.

7 Q. At that point in time, can you see things clearly, or
8 are you little woozie? How's that?

9 A. All right, this eye right here could see but this eye
10 was stung. So, that's why I went like this, right? And I
11 just see it, and Brandon was, like, please don't shoot me.
12 Don't shoot me. He was, like, he was, like, man, don't
13 shoot me. Don't shoot me. He's, like, well, I'm not.
14 Just, just be quiet. And Brandon's, like, please don't
15 shoot me, and I'm just sitting up there, like...

16 Q. Okay. After Brandon begging not to be shot, could you
17 see where that individual went?

18 A. Well, he just kept standing over Brandon. He's, like,
19 he's, like, where the keys at? Where the keys at to the
20 car? Brandon was, like, man, I don't know. I don't know.
21 And then once he did that, the individual proceeded over to
22 Vincent Nelson, Jr., and Vincent Nelson, Jr., like ---

23 THE COURT: Slow down. Slow down.

24 Q. Slow down. I know you're, I know you're nervous.
25 Just slow down so that everybody can understand you, okay?

1 A. I know.

2 Q. And you got to say yes or no so that she can
3 understand you, too, okay?

4 A. Okay.

5 Q. He, the man with the gun, proceeded towards J School?

6 A. Yeah. J School, like, he's, like, where the keys at?
7 He's, like, it's two in the house. It's two in the house.
8 And that's when two, the two individuals I spoke of, right,
9 they proceeded down the hill and the gun -- the gunman went
10 in the house, and that's when I heard scuffling and I heard
11 glass breaking. And that's when immediate -- like, two to
12 three minutes they came back outside, and that's when
13 everything got real and ---

14 Q. Okay, hold on one second. At that point in time while
15 this stuff was going inside, what are you doing?

16 A. I still lying on the ground trying to, you know,
17 maneuver and get -- regain my composure. And like I said,
18 the two individuals was still outside, and they patted me
19 down. It was, like, yo, what you got? What you got? I
20 was, like, I done got nothing. And then two people just
21 beating on me. One was beating on my head, and one was
22 beating on my side. And then one of them, when they
23 couldn't find anything, they yell damn. You one broke-ass
24 nigga.

25 Q. And at that point, could you -- did you -- could you

1 tell where Brandon was?

2 A. Brandon was still over there. Like, he just there,
3 like, laying there, like, he -- and he just kept saying
4 please don't shoot me. Don't shoot me. Don't shoot me.

5 And after the scuffling, the door, I heard the closing
6 of the door, like, boom. And then we was just -- back
7 outside and then Vincent yells out, he's, like, let's go,
8 let's go, let's go.

9 Q. And when you say Vincent yells that out, how many
10 times have you been around Vincent before?

11 A. I been around Vincent, know him, like, it was off and
12 on, but I'd seen him around.

13 Q. Could you recognize his voice when you heard it?

14 A. Yes, ma'am.

15 Q. And he yells out let's go, let's go?

16 A. He said let's go, let's go. And then all I'm hearing
17 is, like, 600, 600 don't do it. Pow, pow, pow, pow, pow,
18 pow, pow, and it's, like, shots repetitively just going
19 off. And then I felt a jolt of pain, and that's when I
20 didn't hear Brandon no more, and then everybody ran. All I
21 saw, eight pair of shoes run up the hill, and Vincent
22 Nelson, Jr., was with them.

23 And the moment -- I was in the moment. I regained my
24 composure and I got up, and I didn't see Brandon nowhere
25 because once you get down that hill at a certain time of

1 night, it gets dark, but you can still see what's going on.
2 And I was looking over, and I ran past Mr. Davis's truck to
3 go on the site to see if the door was open from the bottom
4 door. It was locked.

5 Q. You were trying to get back in the house?

6 A. Yeah. I was trying to get ---

7 Q. You were trying to get to safety?

8 A. Exactly.

9 Q. And that door was locked?

10 A. That door was locked. So, the first thing that came
11 to my mind, that Ms. Davis has a beautician shop in there,
12 and -- but she'd have to go through the storage area. So,
13 what I did was hold my side whereas I kind of had to, you
14 know, walk with a limp.

15 Q. Why were you holding your side?

16 A. Because it was, like, a bullet abrasion on the side
17 and I was bleeding. I have ---

18 Q. You'd been shot?

19 A. Yes, ma'am, and was holding the shirt, and that's when
20 I heard someone inside the house, like, coming towards the
21 sports room. And I was trying to shoulder block my way in
22 through the beautician door, and I was screaming, like,
23 somebody let me in, let me in, let me in. And when I
24 shoulder blocked myself in, I was greeted with Mr. Davis
25 and Mr. Davis said where's Brandon. I was, like, I don't

1 know. I was, like, I ---

2 THE COURT: Slow down.

3 A. --- don't know.

4 THE COURT: Slow down.

5 Q. You didn't know where Brandon was at that point in
6 time?

7 A. Yes, ma'am.

8 Q. And did you -- did police officers come to y'all that
9 night?

10 A. When I went outside, there were so many officers out
11 there. I went -- I was the one that went back outside
12 because Ms. Davis, she was trying to calm me down because,
13 like, I had blood running from here. Then I was holding my
14 side, and then I was looking at my shirt and I was, like,
15 man, I can't believe this happened to me.

16 Q. Did you go to the hospital that night?

17 A. Yes, I did.

18 Q. And did you eventually make contact with law
19 enforcement officers?

20 A. Yes, I did. Mr., Mr. Boland, he came.

21 Q. Investigator Boland?

22 A. Yes, sir. He came in and presented himself, and at
23 the time I was in, I was in a state. Like, I really didn't
24 want to be bothered, but Mr. Boland, he presented himself
25 well. And he said, he said listen. I'm Investigator

1 Boland and I'm ---

2 Q. Did you give a statement to him?

3 A. Yes, ma'am.

4 Q. Okay.

5 MS. WALKER: Beg the court's indulgence, Your Honor.

6 Q. With your position on the, on the hill that night, did
7 you get a good look at the faces of the individuals that
8 rushed the house?

9 A. Ma'am, I know for a fact the gunman, he had, like, a
10 medium brown complexion, and he had, like, a...

11 Q. Did you get a good look at his face?

12 A. Yes, ma'am. He had a medium brown complexion.

13 Q. And did you see Brandon get in any way assaulted by
14 the gunman?

15 A. Yes. They were scuffling. Yes, ma'am. That's what
16 I'm saying. After the scuffle, Brandon was laying on the
17 ground. He kept screaming don't shoot me. Don't shoot me.

18 Q. When Brandon was yelling don't shoot me, don't shoot
19 me, did you actually see Brandon get shot?

20 A. I heard the shots go off, and they just sent a jolt of
21 pain in me because when it went off, it was just, it was
22 just too much for me.

23 Q. Thank you, sir.

24 MS. WALKER: I don't have anything else.

25 MR. SUTHERLAND: Please the court, sir?

1 CROSS-EXAMINATION BY MR. SUTHERLAND:

2 Q. Is a Joshua or Josh?

3 A. Josh.

4 Q. Josh, I'm Tivis.

5 A. How are you doing, sir?

6 Q. I'm doing well. This won't take too long. I just
7 want to ask you a little bit about what you just testified
8 about, and a little bit about Vincent Nelson.

9 Did you testify you had known him for a year or two?

10 A. I'd know him about a year.

11 Q. J School, about a year?

12 A. Yes, sir.

13 Q. And was, was he often over at [REDACTED]

14 A. In the beginning, he was, he was heavily over there
15 often. Like I said, Ms. Davis, she welcomes you in the
16 home. We young individuals, she treat all, you know, is
17 the same: like we all her boys. It just that he
18 disappeared for, like, two or three months and then just,
19 like, that night he just, you know, he popped up.

20 Q. Okay. So, he all of a sudden popped up. You've
21 testified about his demeanor. That he just looked like he
22 was gone. Is that, that...

23 A. No. He was, like, in a state. Like, he was just,
24 like, standing there. Like, he was, like, he was lifeless,
25 like, in a I-don't-care state.

1 Q. I gotcha. I gotcha, and just a last thing. You had
2 testified that, that you heard 600, don't do it, don't do
3 it?

4 A. Yes, I did.

5 Q. Okay, thank you, sir.

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

7 THE COURT: Redirect?

8 MS. WALKER: Nothing from the state, Your Honor.

9 THE COURT: Thank you. You may step down.

10 (THE WITNESS EXITS THE STAND.)

11 THE COURT: You got a short witness, Ms. Walker?

12 MS. WALKER: I beg the court's indulgence, sir.

13 (A PAUSE.)

14 MS. SIMPSON: State calls Chandler Davis.

15 THE COURT: Mr. Davis, Chandler Davis, please.

16 CHANDLER DAVIS, BEING DULY SWORN,

17 TESTIFIES AS FOLLOWS:

18 CLERK OF COURT: Have a seat in the witness stand,
19 please. State your name for the record.

20 WITNESS: Chandler Davis.

21 DIRECT EXAMINATION BY MS. SIMPSON:

22 Q. Mr. Davis, how old you?

23 A. I'm fifty-four.

24 Q. And where do you live?

25 A. [REDACTED] Columbia, South Carolina.

C. DAVIS - DIRECT EXAMINATION BY MS. SIMPSON

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1 Q. Okay, and speak up just a little bit so everybody can
2 hear.

3 A. [REDACTED] Drive -- [REDACTED] South Carolina.

4 Q. Okay, and are you married?

5 A. Yes, ma'am, I am.

6 Q. Who are you married to?

7 A. Gwendolyn Sugar David.

8 Q. And she goes by Ms. Sugar?

9 A. Sugar, yes, ma'am.

10 Q. And do you have any children?

11 A. Yes, ma'am.

12 Q. Trenton and Troy Scott, who we're heard referred,
13 referred to, are those actually your stepsons?

14 A. Those are my stepsons, but they are my children.

15 Q. They're your children. You raised them. Tell me a
16 little bit about the house at [REDACTED] Drive and your
17 family dynamic.

18 A. Okay. Well, my house, we try to treat everybody like
19 family. Try to be good, you know, to everybody in life.
20 We love kids, you know, like ---

21 Q. Slow down just a little.

22 A. We try to treat everybody the same around there. We
23 love kids. We don't like to see homeless kids and stuff.
24 You know, try to guide them the right way and stuff like
25 that and help. If we can help you, we will help you, you

1 know, but...

2 Q. And your home, Ms. Sugar, your wife, actually had kind
3 of a salon area that she ran?

4 A. Yes, ma'am.

5 Q. And there was also a recording studio and kind of a
6 sports area for the boys ---

7 A. Yes.

8 Q. --- downstairs?

9 A. Yes, ma'am.

10 Q. And that's kind of where they stayed and hung out?

11 A. Yes, ma'am.

12 Q. Were they into music?

13 A. Yeah, they are into music.

14 Q. And often would they have friends over?

15 A. Yes, they would.

16 Q. And I want to turn your attention to January 25th of
17 2013. Did you know Brandon Jones?

18 A. Yes, I did.

19 Q. How did you know Brandon?

20 A. I met him through the kids. He was like a son to me.
21 Me and him, we got real close.

22 Q. And so he would be around pretty often?

23 A. Yes, he would.

24 Q. And did you also know Joshua Williams?

25 A. I know Joshua. You know, we try, we try to straighten

C. DAVIS - DIRECT EXAMINATION BY MS. SIMPSON

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1 him out. You know, take him to church and everything,
2 clothing and everything, you know. He would, he would hang
3 around. He disappeared for a few months, and he came back.
4 I think -- he, he came back. He said he'd been in the
5 hospital or something, was...

6 Q. And are we talking about Joshua or Vincent Nelson?

7 A. Oh, I'm sorry. I'm sorry. Yeah, I know -- okay.
8 Yes, I know Josh.

9 Q. Okay, and you also know Vincent Nelson, Jr., J School?

10 A. Yes, I knew him.

11 Q. And was he actually one of the young men your family
12 took in for a period of time?

13 A. Yes.

14 Q. To try and get him off the streets and ---

15 A. Yes.

16 Q. --- and back on track?

17 A. Yes.

18 Q. So, you all trusted him? You knew him?

19 A. Yes, I trusted him.

20 Q. And you said earlier that he hadn't been around for a
21 couple of months?

22 A. Right.

23 Q. He'd kind of disappeared?

24 A. Right.

25 Q. On January 25th, tell us what you remember about when

1 he came to the door.

2 A. It was about, probably around about 10, maybe after
3 10. Close to that, I know. Doorbell rang. I said who's
4 at -- you know, who -- you know, I told my wife who's at my
5 door this time of night? So, I got up. I went to the
6 door. I saw it was him, so I, I let him in. You know, I
7 told him the boys downstairs, you know, just trusting him.

8 Q. And he had actually done some work for y'all, too,
9 around the house?

10 A. You know, a little cleaning up.

11 Q. To help the ---

12 A. Yeah, yeah, a little cleaning up stuff.

13 Q. And you didn't have any reason not to let him in the
14 home?

15 A. No, I had no reason not to let him in. Have no reason
16 not to let him in the home, you know, because that was my
17 son friends supposedly.

18 Q. The downstairs area, can it be kind of closed off as
19 far as from the upstairs area?

20 A. Yes. Yes.

21 Q. So you are separated?

22 A. Yes.

23 Q. And at some point, did you find out about the incident
24 and everything that was happening outside?

25 A. Yes. First I heard glass breaking, and I said what's

1 my boys down there breaking now, all right? And so I
2 didn't pay, really pay it no attention at the second, you
3 know, too much like that. And all of a sudden, I heard a
4 gunshot, gunshot. Then I heard about three or four more,
5 and -- five minutes, and so I jumped up, you know, get my
6 clothes on and get downstairs.

7 Q. So, this was late. You were actually probably, I
8 guess, in the process of going to bed?

9 A. Yeah. So, I jumped up, right, and tried to get
10 downstairs, you know, get downstairs, get my clothes and
11 get downstairs. At that time, there was a beating on the
12 side door. What that was, that was Josh, Joshua Williams.
13 That -- he, he was -- they hadn't let him inside the door.
14 I, I -- well, when I didn't see Joshua and I didn't see
15 Brandon. So, I ran around looking for all, looking for all
16 the kids, right?

17 Q. Okay. So, let me stop you. So, Joshua is actually --
18 and when you say Joshua, Joshua Williams is actually
19 beating on the side door ---

20 A. Yes.

21 Q. --- trying to get in?

22 A. Uh-huh.

23 Q. And at that point, you're looking for everybody else?

24 A. I was looking for everybody else, too.

25 Q. Because all the shots had gone off?

1 A. Uh-huh. Yeah.

2 Q. And what happened next?

3 A. Okay. So, I got him in my -- and I ran around looking
4 for Joshua and Brandon, right? I got to the door, to my
5 back door and I found Brandon laying down. So, I grabbed
6 him and I tried to grab him, and talking to him, and he was
7 bleeding stuff. He was saying help, help. So, you know,
8 he was bleeding. I got on my phone again to call EMS, you
9 know. And my wife, she's upstairs, you know, you know.
10 She was running around, hollering out, and I told her
11 Brandon down -- Brandon was down here and, you know,
12 everything just...

13 Q. So, everything was happening pretty quickly?

14 A. Yeah.

15 Q. So, you were actually down there with Brandon?

16 A. Yeah.

17 Q. As he was bleeding out, and he was saying help me,
18 help me?

19 A. Yes.

20 Q. But he was conscious?

21 A. Yes.

22 Q. You were just trying to help him get through?

23 A. Yes.

24 Q. And did you know yet about the fact that Trey had been
25 shot?

C. DAVIS - DIRECT EXAMINATION BY MS. SIMPSON

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1 A. Yeah, I know.

2 Q. And was he being helped, too?

3 A. He was being helped.

4 Q. That's Ms. Sugar?

5 A. Yes.

6 Q. And did you actually wait with Brandon?

7 A. Yes, I did.

8 Q. Until EMS arrived?

9 A. Yes.

10 Q. Now, other than hearing what went on and being with
11 Brandon afterwards, did you actually see any of the
12 shooting or what happened outside?

13 A. I didn't see the shootings, no.

14 Q. But you actually are one of the ones that called 911?

15 A. Yes.

16 MS. SIMPSON: Thank you, Mr. Davis.

17 WITNESS: All right.

18 THE COURT: Any questions?

19 MR. SUTHERLAND: I have no questions of this witness,
20 Your Honor..

21 THE COURT: Thank you. You may step down.

22 (THE WITNESS EXITS THE STAND.)

23 THE COURT: Ladies and gentlemen of the jury, I have a
24 hearing starting in ten minutes on another matter. Let's
25 break until 2:15. That's a little longer than I normally

1 MS. CAMPBELL: The state calls Investigator Michael
2 Beeler.

3 THE COURT: Come around, please.

4 MICHAEL BEELER, BEING DULY SWORN,
5 TESTIFIES AS FOLLOWS:

6 CLERK OF COURT: Have a seat on the stand for me,
7 please. State your name for the record.

8 WITNESS: Michael Beeler.

9 DIRECT EXAMINATION BY MS. SIMPSON:

10 Q. Investigator Beeler, where are you employee?

11 A. Richland County Sheriff's Department with the Crime
12 Scene Forensic Unit.

13 Q. And how long have you been with the Richland County
14 Sheriff's Department?

15 A. Fourteen years.

16 Q. And you stated that you're in the Crime Scene Unit?

17 A. Yes, ma'am.

18 Q. How long have you been with the Crime Scene Unit?

19 A. About six years.

20 Q. Six years, and as a member of the Crime Scene Unit,
21 what are some of your duties?

22 A. Primarily response to any kind of crime scene, from
23 occasional car break-ins, a lot of property crimes,
24 burglaries, armed robberies, homicides. Pretty much
25 anything in Richland County.

M. BEELER - DIRECT EXAMINATION BY MS. SIMPSON

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1 Q. Okay, and do you work with a number of other crime
2 investigators as well?

3 A. Yes, ma'am, I do.

4 Q. And can you tell the jury just a little bit about your
5 training and background with respect to crime scene
6 investigation?

7 A. Yes, ma'am. I graduated the Criminal Justice Academy
8 in 1997. I attended several crime scene investigation
9 classes, both as part of the department training, in-house
10 training that takes approximately two years. Working on a
11 national certification study right now. Classes in
12 bloodstain pattern analysis, DNA, forensic pathology
13 overview, documentation reporting of fingerprints, crime
14 scene, advanced crime scene photography, footwear and tire
15 track development, advanced bloodstain pattern, crime scene
16 reconstruction, our scan station, homicide questioned death
17 scene, latent print examination, bloodstain pattern
18 analysis, crime scene reconstruction, and also attended a
19 class on fire investigation.

20 Q. Okay, and as a crime scene investigator, do you
21 actually have to take courses throughout your career to
22 stay updated as far as your certifications?

23 A. Yes, ma'am. There's national certifications that we
24 have to continuously study for. There's always more to
25 learn, more skills to develop, and it's, it's really one of

1 those -- one of the fields you never stop learning.

2 Q. And your lab, the Crime Scene Unit, it's actually
3 accredited, correct?

4 A. Yes, ma'am.

5 Q. And as part of your duties back in, I believe, January
6 25th or January of 2013, what capacity were you working in?

7 A. Crime scene investigation. I was the crime scene
8 investigation officer, investigator on call. We have
9 different time periods throughout the day where we respond
10 primarily to calls, and then after those times, we are a
11 secondary unit. And also that's when -- our time to do
12 paperwork and process evidence that we collect on scene.

13 Q. And so in addition to actually being trained in
14 collection and processing, do you also photograph and
15 things of that nature?

16 A. Yes, ma'am. It's part of the typical crime scene. If
17 you consider a typical crime scene, no matter if it's a
18 simple scene or a major scene that takes days and weeks to
19 process, there's basic steps you have to do, from, one,
20 making sure that the scene is secure. It can be as simple
21 as making sure that the paperwork is up to date, that the
22 crime scene log is being maintained. You want to make sure
23 everybody that isn't supposed to be in the scene is removed
24 from the scene so they don't contaminate it.

25 You have to document what you see. You have to

1 photograph what you see, protect, preserve, collect,
2 process. Rushing right in and going straight for something
3 isn't necessarily the best way to do things. You have to
4 be slow and meticulous, make sure that you don't miss
5 something and make sure nothing is destroyed along the way.

6 Q. And did you actually have occasion to respond to the
7 incident location in this case?

8 A. Yes, ma'am, I did.

9 Q. Can you tell us how and when that occurred?

10 A. I was notified in the evening of the 25th by our desk
11 sergeant of a shooting, shooting incident on [REDACTED]
12 Drive. I responded as long -- along with Investigator
13 Woods, who was the secondary unit at that time for crime
14 scene. We responded to [REDACTED] Drive.

15 I met with Investigator Woods, and Investigator Boland
16 responded. I made sure that the scene was properly secure,
17 and Deputy Grant was there maintaining security of the
18 scene and the crime scene log.

19 Q. And when we say and you refer to a scene as being
20 secure, what do you mean?

21 A. Typically people think of a crime scene tape as being
22 the end all. This is the crime scene; don't go in there.
23 That's what red lights mean at stop signs. People go
24 through that all the time. So, deputies are on scene to
25 make sure that people don't go, go where they're not

1 supposed to, make sure that people that are walking around
2 are outside of the scene.

3 You want to preserve the scene and make sure that
4 nobody gets in there, kicks anything around. Nothing's
5 removed. Nothing's misplaced. So, to secure a scene is
6 more than just putting up tape. It's, it's actual law
7 enforcement physical presence to make sure that nobody goes
8 in and out of the scene.

9 Q. Okay, and when you responded, you stated that you made
10 contact with several investigators and officers on the
11 scene. Were you apprised of the nature of what kind of
12 crime scene this was?

13 A. At the time it was a shooting incident. After I was
14 there a period of time, I found out that, from Investigator
15 Boland, that the -- one of the victims had passed at the
16 hospital.

17 Q. I'm going to show you what been marked as State's 155
18 and 156.

19 MR. SUTHERLAND: No objection, sir.

20 MS. SIMPSON: I guess, Your Honor, at this time the
21 defense doesn't have an objection. I would offer State's
22 155 and 156 into evidence:

23 THE COURT: Yes, ma'am.

24 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
25 STATE'S EXHIBIT NUMBERS 155, 156.)

M. BEELER - DIRECT EXAMINATION BY MS. SIMPSON

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1 BY MS. SIMPSON:

2 Q. And you mentioned crime scene tape. There actually is
3 tape in this, in these pictures as well. Is this what you
4 observed when you arrived?

5 A. Yes, ma'am.

6 Q. As well as officers maintaining the scene?

7 A. Yes, ma'am.

8 Q. After you were apprised, what was one of the first
9 steps, or what was your next step with respect to
10 processing the scene?

11 A. After?

12 Q. Speaking with Investigator Boland and learning about
13 -- and speaking with Investigator Woods.

14 A. Yes, ma'am. After, after the scene was secure and we
15 got some basic information, we started to -- I started to
16 go through the scene looking for items of evidentiary
17 value, things that needed to be secured and protected.

18 In some scenes, if the wind is blowing, you -- if
19 there's light items, they can be blown across the street or
20 whatever. So, we have to put -- part of the securing of
21 the scene.

22 I began to go through, document on paper, take
23 photographs of items in the scene and then as part of that
24 process, then you start putting down markers on items that,
25 that appear to be relevant at the time, and just taking

1 notes and documenting everything you see.

2 Q. So, you actually do kind of an initial walk-through
3 and observe the scene as it is, and at this point, do you
4 necessarily know what will be relevant or irrelevant down
5 the road or what might be important?

6 A. No, ma'am, we do not.

7 Q. So, it's your goal just to document and preserve?

8 A. Correct.

9 Q. The evidence? I'm going to show you what's been
10 marked.

11 (COUNSELORS CONFER.)

12 Q. Investigator Beeler, the location that you arrived at,
13 what type of location was it? Was it an apartment
14 building, a home?

15 A. It was a, two-story residence with a driveway on the
16 side. The upper level was at street level, and then there
17 was a hill that -- the lower-level that contained a small
18 patio and driveway was on.

19 Q. And from the information that you had, did you
20 actually begin your initial processing in the driveway
21 area?

22 A. Yes, ma'am, the outside. Went down the hill. Started
23 looking for items such as bloodstains, possible
24 bloodstains, projectiles, cartridge casings, anything that
25 could be evidentiary -- of evidentiary value.

1 Q. And have you learned whether or not the deceased
2 victim's body had actually been removed from the scene at
3 this time?

4 A. Yes, ma'am. I was, I was advised that he had been
5 transported. I don't remember who advised that he had been
6 transported, but the victims were not on scene at the time
7 I was there.

8 Q. I'm going to show you what's been marked as State's
9 Exhibits 108 through 122. Do you recognize those?

10 A. Yes, ma'am. These are...

11 THE COURT: What were those numbers again, please?

12 MS. SIMPSON: State's 108 through 122.

13 BY MS. SIMPSON:

14 A. Most of these are, beginning with State's 108, are
15 clothing that appear to have been cut off. Believed to be
16 during EMS treatment. There was EMS purple gloves and
17 packaging of -- from typical medical supplies that they use
18 during the treatment. There was reddish-brown stains on
19 the ground.

20 Q. And do those fairly and accurately depict what you
21 observed when you arrived at the scene?

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

23 MS. SIMPSON: Your Honor, at this time I would offer
24 State's 108 through 122 into evidence.

25 MR. SUTHERLAND: And, Your Honor, I would object to

1 them as being cumulative and prejudicial, sir.

2 THE COURT: Which ones?

3 MR. SUTHERLAND: If, if I may, sir?

4 THE COURT: You may.

5 (A PAUSE.)

6 MR. SUTHERLAND: All but 108, 114, and 115, sir.

7 THE COURT: 108, 114, and 115?

8 MR. SUTHERLAND: Yes, sir, and I object to the
9 remainder.

10 THE COURT: Well, let me see them.

11 MR. SUTHERLAND: Yes, sir.

12 (OFF-THE-RECORD BENCH CONFERENCE.)

13 THE COURT: All right, defense counsel does not object
14 to 115, 114, and 108. He objects to 109, 110, 111, 112,
15 113, 116, 117, 118, 119, 120, 121, and 122 as being?

16 MR. SUTHERLAND: Cumulative and prejudicial, sir.

17 (CELL PHONE RINGS IN THE COURTROOM.)

18 THE COURT: Please turn your phones off.

19 All right, what the state's position as to the
20 exhibits he's objected to as being cumulative and
21 prejudicial?

22 MS. SIMPSON: Your Honor, with respect to ---

23 (CELL PHONE RINGS IN THE COURTROOM.)

24 THE COURT: Hold on a second. Last call. Phones,
25 please.

1 I don't take them. People have to work too hard for
2 their phones.

3 MS. SIMPSON: Your Honor, as far as them being
4 cumulative, I believe these -- that we have, first of all,
5 narrowed these down significantly from the amount of
6 pictures that was -- that were taken. One's defense counsel
7 does not object to I don't believe give a complete and
8 accurate picture of the scene at hand.

9 As far as prejudicial, the only thing I can think that
10 defense counsel doesn't like in those photos would be the
11 blood. However, it does not contain the victim's body, and
12 it's consistent with the testimony in evidence in this
13 case. And I believe the probative value of these
14 photographs outweighs any unfair prejudice to the defense.

15 MR. SUTHERLAND: And if I may, sir? I believe that
16 the three I did not object to show the proper perspective
17 and show everything which is in that photograph. They are
18 just close ups on a lot of blood and bodily materials, sir,
19 and it's just plain inflammatory, in my view.

20 THE COURT: All right, I find that this is obviously a
21 crime scene that was inside, outside and it's, to me, an
22 actual depiction of the chaos at the conclusion of the
23 event, and I do not find them to be cumulative. I think
24 they are needed for the entire picture to be shown.

25 As far as prejudicial, there -- I note there are some

1 scenes with blood in them, but as the solicitor said,
2 there's no body or anything. I don't, I don't think
3 they're prejudicial beyond -- prejudicial value does not
4 outweigh the probative value. I will allow it.

5 MR. SUTHERLAND: Yes, sir. Thank you.

6 MS. SIMPSON: Thank you, Your Honor.

7 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
8 STATE'S EXHIBIT NUMBERS 108 THROUGH 122.)

9 BY MS. SIMPSON:

10 Q. And in a moment I want to direct your attention to
11 State's Exhibit 110. What are we seeing here?

12 A. Reddish-brown stains in a, in a concentration.

13 Q. Like a pool?

14 A. Yes, ma'am. It would be consistent.

15 Q. And that is nearby the clothing that was found at the
16 scene as well and I believe depicted in State's 109?

17 A. Yes, ma'am.

18 Q. In the scene out there, besides the clothing being
19 scattered and cut, I want to direct your attention to
20 State's 113. As far as the nature of that crime scene,
21 does it look as though an altercation appeared there?

22 A. I cannot attest to how people live.

23 Q. But there was clearly blood?

24 A. Some, some, some people are messy, but there, there,
25 there is considerable reddish-brown stains consistent with

1 blood.

2 Q. After photographing these areas, what was your next
3 step?

4 A. After photographing, then we go through and start
5 placing markers to depict certain items in, in the scene
6 from projectiles, cartridge casings, cigarette butts, beer
7 cans.

8 Q. And I'm going to show you what's been marked as
9 State's 75 through 94, and at this point we're still
10 outside in the driveway area, correct?

11 A. Yes. Yes, ma'am.

12 MR. SUTHERLAND: No objection, sir.

13 MS. SIMPSON: Your Honor, at this time I would move
14 State's 74 through 94 in evidence -- or State's 75.

15 THE COURT: No objection. What were the numbers
16 again?

17 MS. SIMPSON: State's 75 through 94 into evidence.

18 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
19 STATE'S EXHIBIT NUMBERS 75 THROUGH 94.)

20 BY MS. SIMPSON:

21 Q. Take a look at these with. Respect to the markers 1
22 through 12, what are you depicting with those markers?

23 A. In this set of pictures, we use number markers to
24 represent items firearm related: projectiles, cartridge
25 casings, and fragments. In the later pictures, we used

1 letter markers to indicate reddish-brown stains.

2 MS. SIMPSON: And, Your Honor, can I actually --
3 permission for the witness to step down?

4 THE COURT: Yes, ma'am.

5 BY MS. SIMPSON:

6 Q. And we'll kind of go through these. In State's 75,
7 you mentioned that the number markers were used for
8 projectiles, and would you say cartridge casings?

9 A. Fired cartridge casings.

10 Q. Explain the difference between a projectile and a
11 cartridge casing.

12 A. Most people call a bullet if, if -- the terms are used
13 interchangeably by laypersons. A projectile is the actual
14 physical bullet that comes out of the cartridge casing.
15 The cartridge, fired cartridge casing is left behind,
16 typically ejected or remaining in the cylinder. The
17 projectile, depending on the bullet makeup, are lead,
18 copper jacketed. Sometimes once they, they strike a
19 surface they will become fragments. Fragments can consist
20 of just lead or the copper jacketing that becomes
21 separated.

22 Q. And in these photographs, you actually document some
23 faraway pictures which note, I guess, the directionality
24 and the proximity of the cartridge casings and the
25 projectiles to one another, correct?

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1 A. Not directionality. We are just showing their
2 relation to other items in the scene. I take overall
3 midrange and close-up photos.

4 Q. And by close ups, such as State's Exhibit 77?

5 A. Yes, ma'am.

6 Q. And that looks as though it's a fragment, I believe?

7 A. I need to look at my notes, ma'am.

8 (A PAUSE.)

9 A. Number 1 appeared to be a cartridge, appeared to be a
10 whole cartridge. My apologies. It appeared to be a whole
11 projectile.

12 Q. Okay, and then in State's Exhibit 79?

13 A. That would be a fired cartridge casing.

14 Q. And is this the close-up depiction?

15 A. Yes, ma'am.

16 Q. And then in State's 80, what do we have?

17 A. Another fired cartridge casing.

18 Q. So, a separate casing?

19 A. Yes, ma'am.

20 Q. And all these are marking separate cartridge cases as
21 well as projectiles?

22 A. Yes, ma'am.

23 Q. And then in State's 82, we have ---

24 A. A close up of a fired cartridge casing.

25 Q. And all of these, again, are outside in the driveway

1 area. In State's 83 we actually see a vehicle located.

2 Were the projectiles and cartridge casings near that

3 vehicle?

4 A. Yes, ma'am.

5 Q. And in State's Exhibit 84, what do we see?

6 A. A close up of a fired cartridge casing.

7 Q. Yet another, a separate and distinct cartridge casing?

8 A. Yes, ma'am.

9 Q. And the same thing for State's 85?

10 A. Yes, ma'am.

11 Q. Marker number 6, and then I believe in State's 87,

12 what do we have here?

13 A. The close up of a projectile.

14 Q. Also located outside?

15 A. Yes, ma'am.

16 Q. And then State's Exhibit 90, marker number 8?

17 A. Yes, ma'am. Close, close up appeared to be a, a
18 projectile.

19 Q. And you marked these projectiles. Are they later
20 collected?

21 A. Yes, ma'am, they are by Investigator Woods.

22 Q. So in this case, another crime scene investigator
23 actually collected the evidence after it was marked?

24 A. Correct.

25 Q. So, in State's Exhibit 91, we have both marker 9

1 and 10?

2 A. Number 9 is a close up of a projectile, and number 10
3 is a close up of a fired cartridge casing.

4 Q. And then yet another cartridge casing, I believe, in
5 State's Exhibit 93?

6 A. Correct.

7 Q. And finally in State's Exhibit 94, marker 12?

8 A. Yes, ma'am. Appears to be fragments of a possible
9 projectile.

10 Q. So, outside of this scene -- and you can have a seat
11 -- there were a number of cartridge cases found?

12 A. Yes, ma'am.

13 Q. And located. You say that next you also used letters
14 to mark something else at the scene. Can you describe that
15 for me, markers A and B?

16 A. Yes, ma'am. A and B are reddish-brown stains.

17 Q. I show you what's been marked as State's Exhibits 54
18 through 61. Do you recognize those?

19 A. Yes, ma'am.

20 Q. And do they fairly and accurately depict the scene as
21 you marked them?

22 A. Yes, ma'am.

23 (COUNSELORS CONFER.)

24 MR. SUTHERLAND: Without objection except with respect
25 to 61, which you've already ruled on about the cumulative

1 and the prejudicial nature. It's the same perspective.

2 THE COURT: I haven't ruled on 61.

3 MR. SUTHERLAND: With the, with the earlier ones, the
4 earlier photos.

5 MS. SIMPSON: And, Your Honor, with respect to this
6 photograph, it is the one photograph, I believe, showing
7 marker D.

8 THE COURT: Same ruling on 61.

9 MR. SUTHERLAND: Thank you.

10 MS. SIMPSON: Thank you, Your Honor.

11 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
12 STATE'S EXHIBIT NUMBERS 54 THROUGH 61.)

13 BY MS. SIMPSON:

14 Q. And again, each marker identifies a separate area of
15 reddish-brown stains, correct?

16 A. It would, it would represent a collection. There's
17 multiple stains in that pattern. So, it would denote a
18 specific area.

19 Q. And these are noted in markers -- by markers A through
20 D, I believe. And in State's Exhibit 58, the reddish-brown
21 stain, is that located near the doorway to the home?

22 A. Yes, ma'am. That's the, the front porch area near the
23 locked door that would lead to the -- into the interior of
24 the downstairs area.

25 Q. So, this is down at the bottom of the driveway and the

1 door that would lead to, I guess, the downstairs of the
2 home?

3 A. Yes, ma'am.

4 Q. Correct, and then in State's Exhibit 61, again we're
5 marking the reddish-brown stains near where the victim's
6 clothing was found?

7 A. Correct, ma'am.

8 Q. Also near the doorway and on the porch area?

9 A. Yes, ma'am.

10 Q. Once you photographed and documented the driveway and
11 outside area of the location, what did you do next?

12 A. Investigator Woods obtained consent to search for the,
13 for the residence. There was a cell phone outside that was
14 turned over to Investigator Boland as belonging to one of
15 the family members.

16 Q. Okay, and let me back up just a second. You actually
17 also located a beer can as well?

18 A. Yes, ma'am..

19 Q. I'm going to show you State's Exhibit 68 through 70.
20 Do you recognize those?

21 A. Yes, ma'am, I do.

22 Q. And do they fairly and accurately depict the can that
23 you observed?

24 A. Yes, ma'am.

25 (COUNSELORS CONFER.)

1 MR. SUTHERLAND: No objection, Your Honor.

2 MS. SIMPSON: Your Honor, at this time the state would
3 offer State's 68 through 70 in evidence.

4 THE COURT: Give me those numbers again.

5 MS. SIMPSON: State's Exhibits 68 through 70.

6 THE COURT: Thank you.

7 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
8 STATE'S EXHIBIT NUMBERS 68, 69, 70.)

9 BY MS. SIMPSON:

10 Q. You actually marked this as Q. What type of beer can
11 is noted in that picture?

12 A. That is an Icehouse beer can.

13 Q. And that can was later collected by Investigator
14 Woods, correct?

15 A. Correct, ma'am.

16 Q. So, moving back to the home, Investigator Woods
17 actually obtained a consent to search. Once that was
18 obtained, where did you go first?

19 A. We went in the front door and noted reddish-brown
20 stains upstairs, which is that ground level I spoke of
21 earlier, and the living room. And then we went downstairs
22 to -- there was, like, a hair salon area and then there was
23 a room with a TV and other items to the door that led
24 outside.

25 Q. Okay, and I'm going to give you just some general

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1 scene pictures of the front entrance. Showing you State's
2 149 through 152, as well as the State's 131 through 137.

3 Do you recognize those?

4 A. Yes, ma'am.

5 Q. And do they fairly and accurately depict what you
6 observed?

7 A. Yes, ma'am. The, the, the one with the tape over the
8 front was as, as we secured it, after we were done. But
9 the other ones were during our initial response.

10 Q. Okay. So, State's 149 is at the end of your
11 processing for the day?

12 A. For this for this, for this incident at, at the night.
13 131 through 137, upstairs, ground level.

14 MS. SIMPSON: And, Your Honor, at this time the state
15 would offer State's 145 through 152 into evidence.

16 MR. SUTHERLAND: No objection on those, Your Honor.

17 MS. SIMPSON: As well as State's 131 to 137 into
18 evidence.

19 MR. SUTHERLAND: And no objection on those, Your
20 Honor.

21 MS. SIMPSON: 149 through 152, and then 131 through
22 137.

23 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
24 STATE'S EXHIBIT NUMBERS 149, 150, 151, 152.)

25 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS

1 STATE'S EXHIBIT NUMBERS 131, 132, 133, 134, 135, 136, 137.)

2 BY MS. SIMPSON:

3 Q. And so the upstairs portion, and we're looking at the
4 outside and the front entryway in State's 150 and 151,
5 correct?

6 A. The first one that you're holding up is the interior
7 portion with the front door open. So, that's actually
8 inside the residence, the foyer area.

9 Q. Okay, and then State's 151 is the outside?

10 A. Outside, ma'am.

11 Q. And that's at the top of the driveway, correct?

12 A. It's, it's in front of the house showing the relation
13 from the front of the house toward the stairs that would
14 lead to the driveway downstairs.

15 Q. Okay and State's 152, is that the entryway as well?

16 A. Just, just the front porch.

17 Q. The front porch?

18 A. Exterior.

19 Q. And then moving to the upstairs of the home, as far as
20 what you noted, you stated there were only a few
21 bloodstains that you noted upstairs, correct?

22 A. Reddish-brown stains on the -- you'd have to get me as
23 an expert witness to go further than that. Stains on the
24 upstairs, mainly in the living room area.

25 Q. I'm actually going to show you State's 132. What area

1 of the home is that?

2 A. This would be between the door in the dining room that
3 led down the stairs to the lower level of the apartment,
4 across the living room toward the front door foyer area.

5 Q. Okay, and then in State's 131, that's the doorway.
6 Which doorway is that?

7 A. From the dining room area to the steps that would lead
8 downstairs.

9 Q. And all of these rooms and areas are in the upstairs
10 of the home ---

11 A. Yes, ma'am.

12 Q. --- correct? I'm also going to show you State's 135.
13 Is that one of the upstairs bedrooms?

14 A. Yes, ma'am.

15 Q. As well, and then 136, it seems to be kind of an open
16 area with the kitchen and the dining area?

17 A. Yes, ma'am. This is the dining area where the --
18 where from the photograph perspective, the door leading
19 downstairs would have been behind me across the dining room
20 to the kitchen area.

21 Q. And so you photographed that area generally?

22 A. Yes, ma'am.

23 Q. In then you stated that there was actually a stairway
24 that led downstairs, correct?

25 A. Correct, ma'am.

1 Q. I'm going to show you State's Exhibits 147 and 148.
2 Do you recognize these?

3 A. Yes, ma'am.

4 Q. And do they fairly and accurately depict what you
5 observed?

6 A. Yes, ma'am. 147 is at the top of the stairs toward
7 the dining room, and then 148 would be the bottom of the
8 stairs showing upward.

9 MR. SUTHERLAND: No objection, Your Honor.

10 MS. SIMPSON: Your Honor, state would offer State's
11 147 and 148 into evidence.

12 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
13 STATE'S EXHIBIT NUMBERS 147, 148.)

14 BY MS. SIMPSON:

15 Q. So, this is the stairway leading down to the basement
16 area essentially that ---

17 A. Yes, ma'am.

18 Q. --- we've referred to. And in that hallway, I guess
19 on the stairway, were you eventually able to note some
20 reddish-brown stains in that area as well?

21 A. I don't believe we noted any that evening that I
22 photographed.

23 Q. Going to show you what's been marked as State's 123
24 through 130 and 157 through 161. Do you recognize those?

25 A. Yes, ma'am.

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1 Q. And do they fairly and accurately depict what you
2 observed?

3 A. They do, ma'am.

4 (COUNSELORS CONFER.)

5 MR. SUTHERLAND: No objection to 157 through 161, sir.

6 THE COURT: Thank you.

7 MR. SUTHERLAND: No objection to 123 to 130.

8 MS. SIMPSON: The state would offer those exhibits ---

9 THE COURT: Without objection.

10 MS. SIMPSON: --- into evidence at this time, and
11 those were State's 157 to 161 and 123 to 130.

12 THE COURT: Without objection.

13 MS. SIMPSON: Thank you.

14 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS

15 STATE'S EXHIBIT NUMBERS 157, 158, 159, 160, 161.)

16 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS

17 STATE'S EXHIBIT NUMBERS 123, 124, 125, 126, 127, 128, 129,
18 130.)

19 BY MS. SIMPSON:

20 Q. The area -- and we're downstairs in the home --
21 depicted in 157, State's 158, 159, 160, 161, what area of
22 the home is this?

23 A. That was the -- I guess the best way to describe it,
24 gameroom. There was a TV, game consoles, and it shows the
25 relationship of the stairs leading upstairs separate from

1 the lower den.

2 Q. Okay. So, it was clearly an area where all the video
3 gaming equipment and things of that nature ---

4 A. Yes, ma'am.

5 Q. From the gameroom area. And then I'm going to show
6 you State's 161 where we can actually see the stairway as
7 well as the den. What is the other room? Where is that
8 leading to?

9 A. Straight ahead, that would be to the salon area.

10 Q. And the salon area, I believe, we have depicted in
11 State's 123 through 130, and this was actually a fairly big
12 area, correct?

13 A. I don't know the dimensions, but it was a, it was a
14 good-sized room, appeared to be.

15 Q. There were restrooms, correct?

16 A. Yes, ma'am.

17 Q. And actually what looked like a waiting area depicted
18 in State's 124?

19 A. Yes, ma'am.

20 Q. And then in State's 125, again more of the salon area?

21 A. Yes, ma'am.

22 Q. I want to move on to State's 130. What room -- looks
23 like another doorway in the salon area. What room is that
24 leading to?

25 A. That is the, the door -- the room leading from the

1 door, locked door outside where the stains and most of the
2 incident appeared to have taken place to the -- it was a
3 storage, TV area. And then that door would lead into the
4 salon. So, it was between the outside door and the salon
5 area.

6 Q. Okay. So, we have -- and it looks as though -- I'm
7 going to show you State's 138 through 140. Do you
8 recognize those?

9 A. Yes, ma'am.

10 Q. And do they fairly and accurately depict what you
11 observed?

12 A. They do, ma'am.

13 (COUNSELORS CONFER.)

14 MR. SUTHERLAND: No objection, Your Honor.

15 THE COURT: Without objection.

16 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
17 STATE'S EXHIBIT NUMBERS 138, 139, 140.)

18 BY MS. SIMPSON:

19 Q. And is this the room that we're referring to leading
20 off the salon area ---

21 A. Yes.

22 Q. --- that is painted orange?

23 A. Yes, ma'am. The door that you see in there, the
24 locked door that leads outside.

25 Q. And we actually notice, I believe, in State's 139 and

1 140, what is in the wall and why did you document that?

2 A. That is a nail, and beside it is a piece of metal wall
3 art. We photographed, we photographed that to show
4 possible relation to the metal wall art that was on the
5 floor outside of the door.

6 Q. Okay. So, there was actually metal wall art that
7 looked as though it had come off the wall by the door?

8 A. It, it, it appears, because of the other one, that
9 there was -- there may have been possibly two hanging
10 there, and there was one found outside.

11 Q. So, one was found outside and then nothing hanging on
12 it?

13 A. Correct.

14 Q. Then as far as the downstairs area, I'm also going to
15 show you State's 141 through 146. Do you recognize these
16 as well?

17 A. Yes, ma'am. These are the reddish-orange room.

18 (COUNSELORS CONFER.)

19 MR. SUTHERLAND: No objection, Your Honor.

20 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
21 STATE'S EXHIBIT NUMBERS 141, 142, 143, 144, 145, 146.)

22 BY MS. SIMPSON:

23 Q. Now I want to direct your attention to State's 141.
24 What is depicted in there that was -- that you noted
25 significant about that picture?

1 A. There's a glass top table that was damaged, broken.
2 Appeared to be some sort of impact to the table.

3 Q. So, some broken glass, and this is in the area of the
4 orange room, I guess?

5 A. Yes, ma'am.

6 Q. Okay.

7 A. Between the door leading outside of the nail, hair
8 salon.

9 Q. Then also want to direct your attention to State's
10 144. Is that more of an overview of the room?

11 A. Yes, ma'am, with the door leading outside from the
12 photographer's perspectives to the broken table to the nail
13 salon.

14 Q. And ---

15 A. Hair salon, hair salon.

16 Q. And I believe it's better depicted in State's 143.
17 What's on the floor there?

18 A. That would be a set of keys.

19 Q. A set of keys, and are there also a number of hangers
20 on the floor?

21 A. May I see the picture again? I'm sorry. Yes, ma'am,
22 and a do-rag on the floor in the foreground.

23 Q. And the hangers in relation to the doorway leading
24 outside are pretty, pretty close to it, almost ---

25 A. The door leading outside?

1 Q. --- directly in front of it?

2 A. May I see the photograph? I'm sorry.

3 Q. Or the front porch or the porch area.

4 A. This was at the -- this would have been the nail --
5 the salon area on this side. And then I believe the other,
6 the other area where the wall art is you can see is --
7 that's the door leading to the outside.

8 Q. Okay.

9 A. So, this would have been taken from ---

10 Q. So, the perspective ---

11 A. --- the door frame of the salon into that
12 orange-reddish room.

13 Q. Okay, but there are a number of hangers ---

14 A. Yes, ma'am.

15 Q. --- on the floor? Then after -- I believe we also
16 have finally another bedroom that's located downstairs.
17 I'm going to show you State's 153 and 154. Do you
18 recognize those?

19 A. Yes, ma'am.

20 Q. And do they fairly and accurately depict the room as
21 you observed it?

22 A. They do.

23 (COUNSELORS CONFER.)

24 MR. SUTHERLAND: No objection, Your Honor.

25 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS

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1 STATE'S EXHIBIT NUMBERS 153, 154.)

2 BY MS. SIMPSON:

3 Q. Okay, and where was this room located with respect to,
4 I guess, the orange room?

5 A. The -- you would have proceeded from the orange room
6 through the salon into the gameroom area, and I believe
7 those are the -- are two rooms right off of the gameroom
8 area.

9 Q. All right. So, all these rooms are kind of
10 interconnected by doorways and kind of lead to the one main
11 area?

12 A. Yes, ma'am.

13 Q. After you photographed generally, did you actually
14 mark some items of possible evidence?

15 A. Yes, ma'am.

16 Q. Can you tell us what you marked?

17 A. In the orange room area or the nail salon?

18 Q. Both.

19 A. Or both. Downstairs in the orange gameroom area, we
20 located a fired cartridge casing on the floor behind the
21 door that would have let outside the locked store door.
22 The broken glass with the table with possible impact on it.
23 There was a projectile located in the nail salon area near
24 a hair drying chair. The nail with the possible wall --
25 where the wall art was possibly hanging. There was a

1 do-rag near the salon door, a set of keys on a lanyard, and
2 hat. The do-rag, hangers you showed earlier, the key,
3 lanyard, and the hat were, were near the couch on the side
4 of the room closest to the nail salon.

5 Q. Okay, and I'll go, since I have it in my hand, State's
6 Exhibit 71 through 74 depicting, I believe, marker R. Do
7 you recognize those?

8 A. Yes, ma'am.

9 Q. And do they fairly and accurately represent what you
10 observed?

11 A. They do, ma'am.

12 (COUNSELORS CONFER.)

13 MR. SUTHERLAND: No objection, Your Honor.

14 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
15 STATE'S EXHIBIT NUMBERS 71, 72, 73, 74.)

16 BY MS. SIMPSON:

17 Q. And this was actually located -- we're in the nail
18 salon in State's ---

19 A. Yes, ma'am.

20 Q. --- 71, correct, and I believe you marked an item
21 related to a close up in State's 73, marker R. What is
22 noted there?

23 A. R, marker R was a projectile.

24 Q. So, projectile that would have been fired from a
25 weapon?

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1 A. Possibly may have, yes.

2 Q. And you also stated, I believe, that you marked
3 several items, including the do-rag, as well as some keys
4 and hangers. I'm going to show you State's Exhibits 62
5 through 67. Do you recognize these?

6 A. Yes, ma'am.

7 (COUNSELORS CONFER.)

8 MR. SUTHERLAND: No objection, Your Honor.

9 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
10 STATE'S EXHIBIT NUMBERS 62, 63, 64, 65, 66, 67.)

11 BY MS. SIMPSON:

12 Q. Okay, in State's 62, the black do-rag depicted here,
13 where is that located with respect to the doorway?

14 A. The doorway to the nail salon, hair salon would have
15 been -- it was right at the door.

16 Q. And is also noted some broken glass in that picture as
17 well?

18 A. Yes, ma'am, from the table.

19 Q. And then in State's 63, again that marker and the
20 do-rag, just kind of a faraway perspective with ---

21 A. From ---

22 Q. --- the hangers strewn about the floor ---

23 A. From ---

24 Q. --- as well?

25 A. From inside of the nail salon through the doorway.

1 Hair salon, nail salon.

2 Q. And then in State's 65 at marker O, what is noted
3 there?

4 A. The key ring and there's also hangers on the ground.

5 Q. And then in State's 67, what do we have there?

6 A. The hat, ma'am, which was near the broken table.

7 Q. Okay. So, near the broken table and the shattered
8 glass and the door on the wall, all these items were found
9 strewn about?

10 A. Yes, ma'am.

11 Q. Correct, and in disarray?

12 A. Appeared to be, yes, ma'am.

13 Q. Now I want to go -- I believe you indicated you also
14 marked something, item number 13.

15 A. What's item number 13, ma'am? I'm sorry.

16 Q. I'm sorry. Did you mark an item number 13 as well, or
17 marker 13?

18 A. Yes, ma'am. That was the fired cartridge casing.

19 Q. I'm going to show you what's been marked as State's
20 192 through 196..

21 (COUNSELORS CONFER.)

22 MR. SUTHERLAND: No objection, Your Honor.

23 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
24 STATE'S EXHIBIT NUMBERS 192, 193, 194, 195, 196.)

25 BY MS. SIMPSON:

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1 Q. In State's 192, what area is that within the room?

2 A. That depicts the area of -- the gray door you see in
3 there would have been the locked door that led outside.
4 There was a small table. And underneath that near a stair
5 stepper of some kind, some kind of exercise equipment,
6 there was a projectile located -- I'm sorry, a fired
7 cartridge casing located.

8 Q. So, this is noted -- I actually show State's 194 and
9 195 kind of a better indication of where that casing was
10 found.

11 A. Correct, ma'am. A close, closer up view of the, of
12 the casing and then a similar photo with the marker in
13 place.

14 Q. And this casing is actually inside the doorway,
15 correct?

16 A. Correct, ma'am. The door, doorway area from the
17 outside.

18 Q. And -- but a projectile was located in the ---

19 A. In the hair ---

20 Q. --- in the hair salon?

21 A. In the nail, in the nail -- the hair salon area.

22 Q. The salon area.

23 A. The salon.

24 Q. And going back just briefly: Upstairs you indicated
25 that you had noted a few reddish-brown stains on the floor

1 which were marked E, F, G, and M, correct?

2 A. Yes, ma'am.

3 Q. I'm going to show you what's been marked as State's
4 198 to 107.

5 A. Fairly and accurately.

6 Q. 98 to 107, and do they -- they do fairly and
7 accurately ---

8 A. Yes, ma'am.

9 Q. --- depict what you observed upstairs?

10 (COUNSELORS CONFER.)

11 MR. SUTHERLAND: No objection, Your Honor.

12 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS

13 STATE'S EXHIBIT NUMBERS 98, 99, 100, 101, 102, 103, 104,

14 105, 106, 107.)

15 BY MS. SIMPSON:

16 Q. And during your initial assessment of the scene, and I
17 believe these are marked. I show you State's Exhibit 98.

18 A. Yes, ma'am.

19 Q. What do we see there?

20 A. A reddish-brown stain on the floor between the couch
21 in the living room area and the dining room area.

22 Q. And then moving to State's 102.

23 A. That's would be our marker F, stains near the hallway,
24 leading down the hallway upstairs.

25 Q. And comparable to downstairs, there wasn't nearly as

1 much blood or reddish-brown stains as there were located in
2 the downstairs in the outside area, correct?

3 A. Yes, ma'am. There was, there was more outside.

4 Q. Going to show you State's Exhibit 105.

5 A. Yes, ma'am.

6 Q. What do we see?

7 A. That is between, between the hall and the bathroom --
8 the hall bathroom.

9 Q. And like I said, on your initial review and assessment
10 of the scene, that's what you observed upstairs, along with
11 what's depicted in State's 107?

12 A. Yes, ma'am. That would be marker, our marker M, with
13 stains from the hallway near the master bedroom upstairs at
14 ground level.

15 Q. So, all these are in the same area?

16 A. Yes, ma'am, upstairs.

17 Q. At some point, were you called away from the crime
18 scene to go to -- for something else?

19 A. Yes, ma'am.

20 Q. Tell us what time you were called away and what you
21 were asked to do.

22 A. I was called to an area down the street at the corner
23 of [REDACTED] Drive and McRae Street by one of our K-9
24 officers, who had apparently stopped a vehicle that had
25 suspicious people in the area.

1 Q. Okay, and about what time was that?

2 A. That was about 1:15 that morning, morning of the 26th,
3 evening of the 25th.

4 Q. And what were you called out there to do?

5 A. Collect gunshot residue from the hands of the
6 gentlemen in the car.

7 Q. Is that actually performed in some sort of -- the kit?
8 How is that obtained?

9 A. The kit contains sticky tabs, for lack of a better
10 term, that will -- are used on the skin to collect gunshot
11 residue particles, and then we, we only collect those. We
12 do not test those in-house at the sheriff's department.
13 Those would have been sent to SLED for analysis if
14 necessary.

15 Q. So, your only rule with respect to that traffic stop
16 for that point in time was to collect, I believe, three GSR
17 kits?

18 A. Yes, ma'am.

19 Q. And ---

20 A. I photographed the hands and clothing of the occupants
21 of the vehicle that they had.

22 Q. Okay, and -- but you don't do any of the subsequent
23 testing or analysis, correct?

24 A. No, ma'am. That's all done by South Carolina Law
25 Enforcement Division's lab.

1 Q. And after you completed the -- collecting the GSR
2 kits, did you actually return back to the scene?

3 A. I did.

4 Q. And who did you meet with or come in contact with at
5 the scene?

6 A. I responded back where Investigator Woods had remained
7 on scene and met with our shift supervisor, supervisor on
8 call, Sergeant Richards, and we gave him a brief rundown of
9 the scene we had.

10 Typically at larger scenes, we will call out a
11 supervisor to come out to check the scene with us, help us
12 process.

13 Q. And so at this point, you -- Sergeant Stan Richards
14 was ---

15 A. Yes, ma'am.

16 Q. --- the supervisor on scene? Investigator Woods had
17 remained on scene while you were actually away?

18 A. Correct, ma'am.

19 Q. And did you all actually mark or did you photograph an
20 additional item?

21 A. Yes, ma'am, we did.

22 Q. I'm going to show you what's been marked as State's 95
23 through 97. Do you recognize those?

24 A. Yes, ma'am.

25 Q. And do they fairly and accurately depict what you

1 observed?

2 A. Yes, ma'am.

3 (COUNSELORS CONFER.)

4 MR. SUTHERLAND: Same objection as earlier with
5 respect to number 96 for being cumulative and, and
6 prejudicial.

7 THE COURT: I couldn't understand that last.

8 MR. SUTHERLAND: For being cumulative and prejudicial.

9 THE COURT: Thank you, sir.

10 MR. SUTHERLAND: You're welcome, sir.

11 THE COURT: All it shows, it's got a marker with, I
12 assume, a piece of evidence and close up of it. I will
13 allow it in: same ruling and same reason, same.

14 MS. SIMPSON: Thank you, Your Honor.

15 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
16 STATE'S EXHIBIT NUMBERS 95, 96, 97.)

17 BY MS. SIMPSON:

18 Q. And I'm going to show you State's 95.

19 A. Yes, ma'am.

20 Q. What is marked at marker 14?

21 A. That was -- that, that, that is a photograph of the
22 same area as before after the collection of the clothes.
23 Investigator Woods collected the clothes package to be
24 dried and later, later checked. And during that process,
25 she located an additional projectile underneath the

1 clothes. Those markers show the relationship of the
2 projectile.

3 Q. So, in State's 96 and 97, that's the projectile that
4 was only seen after the victim's clothing was removed?

5 A. Correct, ma'am.

6 Q. So, it was found actually underneath the clothing?

7 A. Yes, ma'am.

8 Q. And outside of photographing, you didn't do any
9 processing of the evidence in this case, correct?

10 A. No, ma'am. I photographed, documented, and
11 Investigator Woods did the collection.

12 Q. All right, and was that the extent of your involvement
13 in this case?

14 A. Yes, ma'am. There were several cigarette butts that
15 we photographed outside, and then I placed the evidence
16 tape on that one photograph that y'all saw securing the
17 front door to indicate, you know, as well as the deputy
18 staying outside unlocked doors. We typically will put
19 crime scene tape on or evidence tape to show that nobody
20 has come or gone while we're -- while we'd left the scene.

21 Q. Okay. So, this scene was still held for further
22 processing potentially for the next day?

23 A. Absolutely, ma'am.

24 Q. And secure, and that's how it's noticed with the tape?

25 A. Secured, not just with the tape but also the physical

1 presence of a deputy sheriff.

2 MS. SIMPSON: All right. Thank you, Investigator

3 WITNESS: Yes, ma'am.

4 MR. SUTHERLAND: Please the court, sir?

5 CROSS-EXAMINATION BY MR. SUTHERLAND:

6 Q. Investigator, how are you?

7 A. Howdy, sir.

8 Q. I just want to take you to this particular portion of
9 your testimony where you left the scene at 1:15.

10 A. Yes, sir.

11 Q. And you went out and you met with K-9 Officer Abraham?

12 A. Yes, sir.

13 Q. Okay. You had mentioned, what, three gunshot residue
14 kits?

15 A. Yes, sir.

16 Q. And you had photographed hands and clothing. Did you
17 describe the clothing that you photographed?

18 A. I did not note anything of -- I did not notice any
19 bloodstained or any reddish-brown stains on their clothing
20 or anything out of the ordinary. So, I just photographed
21 it, showing relationship to the hands.

22 Q. All right. Any, any, any fatigue or army BDU colors
23 that you recall?

24 THE COURT: I'm sorry, what was the question?

25 Q. Oh, were there any fatigue or army or BDU, battle

1 dress uniform colors that you, that you recall?

2 A. There's camouflage. I'm not enough of a sportsman to
3 determine which brand it is.

4 Q. And you did not perform the traffic stop, obviously,
5 so you ---

6 A. No, sir..

7 Q. --- couldn't tell us details, those details of the
8 stop. Okay, and there are three names on your report,
9 Terrence Jacobs, Jonathan Stirling, and Londell Natom
10 [phonetic], it looks like?

11 A. Yes, sir.

12 Q. Okay.

13 A. Not sure of the pronunciation.

14 Q. And you submitted those to SLED for GSR?

15 A. I submitted them to evidence. I believe they were
16 sent to SLED.

17 Q. Okay. Thank you, sir.

18 MR. SUTHERLAND: No further questions, Your Honor.

19 THE COURT: Ma'am, anything on redirect?

20 MS. SIMPSON: No, Your Honor.

21 THE COURT: You may step down.

22 (THE WITNESS EXITS THE STAND.)

23 THE COURT: Ladies and gentlemen of the jury,
24 everybody okay? One more?

25 Next witness, please.

1 MS. CAMPBELL: May it please the court?

2 THE COURT: Yes, ma'am

3 MS. CAMPBELL: State calls Yvonne Woods.

4 YVONNE WOODS, BEING DULY SWORN,

5 TESTIFIES AS FOLLOWS:

6 CLERK OF COURT: Have a seat in the witness stand,
7 please.

8 WITNESS: Yvonne Woods.

9 DIRECT EXAMINATION BY MS. CAMPBELL:

10 Q: Investigator Woods, where are you employed?

11 A. Richland County Sheriff's Department.

12 Q. What you do there, ma'am?

13 A. Crime scene investigator.

14 Q. As a crime scene investigator, can you tell this jury
15 what your duties include?

16 A. I identify, collect, and preserve all physical
17 evidence.

18 Q. Would you please tell the jury a little bit about your
19 education, your training as a crime scene investigator?

20 A. Yes, ma'am. We have twenty-four months internal
21 training where we're tested for proficiency on what we do,
22 and we have annual proficiency tests.

23 My background is interviewing techniques,
24 interviewing, interrogating techniques, basic blood pattern
25 analysis, crime scene investigation, latent prints

Y. WOODS - DIRECT EXAMINATION BY MS.. CAMPBELL

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1 development, documentation, photographing, track evidence,
2 enhancement of footwear, recovery of track evidence,
3 history of introduction of blood pattern, crime scene
4 reconstruction, homicide and questioned death scenes, basic
5 crime scene photographs, and bloodstain pattern analysis,
6 and crime scene reconstruction.

7 Q. And do you know approximately how many crime scenes
8 you've actually responded to or have been involved in?

9 A. A tremendous amount, ma'am.

10 Q. Hundreds at least?

11 A. At least.

12 Q. I want to turn your attention back to January the 25th
13 of last year. Did you have an occasion to respond to the
14 crime scene involved in this case?

15 A. Yes, ma'am. I was the secondary assisting
16 Investigator Beeler.

17 Q. Investigator Beeler is who you were assisting?

18 A. Yes, ma'am.

19 Q. And as secondary, what is your role?

20 A. To help him process the scene in any way I can.

21 Q. When you responded to the scene, was he already there?

22 A. Yes, ma'am.

23 Q. And where there any other officers that you noted
24 there at the scene?

25 A. Yes, ma'am.

1 Q. Who all ---

2 A. Deputy Grant was maintaining the crime scene log and
3 he was ---

4 Q. What about when you got there? Were the victims still
5 there?

6 A. No, ma'am.

7 Q. They had already been transported to the hospital?

8 A. Yes, ma'am.

9 Q. Prior to doing any of the processing that you did in
10 this case, did you get any kind of permission from anyone
11 there at the scene ---

12 A. I received ---

13 Q. --- to do that?

14 A. --- written consent from the homeowner.

15 Q. Is that pretty standard when y'all are processing a
16 crime scene?

17 A. Yes, ma'am, it is.

18 Q. And did the homeowner give you written consent in this
19 case?

20 A. Yes, ma'am, he did.

21 Q. What did you observe that Investigator Beeler had
22 already done when you had gotten there?

23 A. I actually arrived approximately at the same time.

24 Q. I'm sorry, ma'am. What did you observe, then, next?

25 A. He, as he was photographing I stood back, and then we

Y. WOODS - DIRECT EXAMINATION BY MS. CAMPBELL

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1 started marking. I let him go through, and then I went
2 through.

3 Q. And is that kind of proper ---

4 A. Yes, ma'am.

5 Q. --- protocol, and in this case after he had
6 photographed the area, what were your duties?

7 A. To help lay the markers down and collect evidence.

8 Q. And when you say the markers, which markers
9 specifically were you involved in?

10 A. I helped him lay the markers on the outside.

11 Q. And the outside, what were the first things y'all were
12 documenting?

13 A. Fired cartridge casings, projectiles, reddish-brown
14 stain, fragments, clothing.

15 Q. And those photographs have already been testified to,
16 but you just helped put the markers out, and then he was
17 the one actually doing the photographing that day?

18 A. Absolutely.

19 Q. After the photographing had been completed on the
20 outside of the scene, did you collect any evidence at the
21 scene?

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

23 Q. And can you tell the jury what evidence you collected?

24 A. Fired cartridge casings, projectiles, fragments,
25 reddish-brown stains, swabs of reddish-brown stains, and

1 the clothing.

2 Q. And I'm going to show you what's been marked first as
3 State's Exhibit Number 20. Do you recognize this?

4 A. Yes, ma'am, I do.

5 Q. And are those some of the swabs that were taken at the
6 scene that day?

7 A. Yes, ma'am.

8 Q. And were those collected by you?

9 A. Yes, ma'am.

10 Q. And during the time period you had these swabs in your
11 possession, did anyone alter or tamper with them in any
12 way?

13 A. No, ma'am.

14 Q. And were these properly submitted into evidence?

15 A. Yes, ma'am.

16 Q. And when did you actually submit these into evidence?

17 A. The same week. I apologize. Yeah, 1/27/13.

18 Q. 1/27?

19 A. Yes, ma'am.

20 MS. CAMPBELL: Your Honor, at this time we'd offer
21 State's Exhibit 20 into evidence.

22 (COUNSELORS CONFER.)

23 MR. SUTHERLAND: No objection, Your Honor.

24 (SWABS MARKED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER
25 20.)

Y. WOODS - DIRECT EXAMINATION BY MS. CAMPBELL

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1 BY MS. CAMPBELL:

2 Q. You also mentioned that you put markers down next to
3 what's known as some cartridge casings?

4 A. Yes, ma'am..

5 Q. As well as some projectiles?

6 A. Yes, ma'am.

7 Q. And when we're talking about cartridge casings versus
8 projectiles, when put together, what do those, what do
9 those at one point make up?

10 A. Bullet.

11 Q. Okay. I'm going to show you State's Exhibit Number 15
12 and ask if you recognize that.

13 A. Yes, ma'am?

14 A. And what is that, ma'am?

15 A. These are the fired cartridge casings, projectiles.

16 Q. And those were collected by you?

17 A. Yes, ma'am.

18 Q. And once you collected them, what, if anything, did
19 you do with them at a later date, and we'll get to that in
20 a moment.

21 A. Processed them.

22 Q. Okay, but these the actual items you collected?

23 A. Yes, ma'am.

24 MS. CAMPBELL: Your Honor, at this time I'd offer
25 State's Exhibit 15.

1 (COUNSELORS CONFER.)

2 MR. SUTHERLAND: No objection to 15, Your Honor. No
3 objection to 14, and no objection to 19, and no objection
4 to 17.

5 MS. CAMPBELL: Thank you, sir.

6 (SWABS MARKED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER
7 14.)

8 (PROJECTILES MARKED INTO EVIDENCE AS STATE'S EXHIBIT
9 NUMBER 15.)

10 (CIGARETTE BUTTS MARKED INTO EVIDENCE AS STATE'S
11 EXHIBIT NUMBER 17.)

12 (.45 CALIBER CARTRIDGE CASINGS MARKED INTO EVIDENCE AS
13 STATE'S EXHIBIT NUMBER 19.)

14 BY MS. CAMPBELL:

15 Q. So, I'll show you State's Exhibit Number 15.

16 MS. CAMPBELL: Your Honor, those are in evidence.
17 They are in evidence. Thank you.

18 BY MS. CAMPBELL:

19 Q. State's Exhibit Number 15, those were all projectiles
20 and the fragments, as well as shell casings that were found
21 at the scene?

22 A. Correct.

23 Q. State's Exhibit Number 17 contains what?

24 A. Cigarette butts.

25 Q. And were those collected where?

Y. WOODS - DIRECT EXAMINATION BY MS. CAMPBELL

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1 A. Yes, ma'am. Those were collected outside.

2 Q. By you?

3 A. Yes, ma'am.

4 Q. And packaged?

5 A. Yes, ma'am.

6 Q. And those would be later submitted into evidence by
7 you?

8 A. Yes, ma'am.

9 Q. And when we're talking about all the evidence that
10 we're talking about in this case, when you collect evidence
11 and later submit it into evidence, did anyone ever tamper
12 with anything or alter anything in any way?

13 A. No, ma'am, they did not.

14 Q. When we're talking about all this evidence?

15 A. That's correct.

16 Q. And then I want to show you was marked as State's
17 Exhibit Number 19. What is that, ma'am?

18 A. This is not mine.

19 Q. Okay. I'll just do it ID at this point.

20 A. Okay.

21 Q. Once you had collected those items there at the scene,
22 did you also collect certain clothing items?

23 A. Yes, ma'am, I did.

24 Q. What clothing items did you collect from there at the
25 scene?

Y. WOODS - DIRECT EXAMINATION BY MS. CAMPBELL.

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1 A. I collected the ball cap, gray gym shorts, a pair of
2 white shorts, red and black boxer briefs, blue jeans with
3 belt, pair of black socks, gray pullover fleece, T-shirt,
4 green cut-up jacket, blue cut-up fleece jacket, a black
5 toboggan.

6 Q. I'm going to show you what's being marked as State's
7 Exhibit number 197.

8 (CLOTHING ITEMS MARKED AS STATE'S EXHIBIT NUMBER 197
9 FOR IDENTIFICATION.)

10 Q. Do you recognize that by the label?

11 A. Yes, ma'am.

12 Q. Is this some of the clothing you found there at the
13 scene?

14 A. Yes, ma'am, I did.

15 Q. And you collected it that day as well?

16 A. Yes, ma'am.

17 Q. And then submitted it into evidence?

18 A. Yes, ma'am.

19 MS. CAMPBELL: Your Honor, at this time we would offer
20 197 into evidence.

21 THE COURT: Any objection?

22 (COUNSELORS CONFER.)

23 MR. SUTHERLAND: No objection, Your Honor.

24 THE COURT: Without objection.

25 (CLOTHING ITEMS MARKED INTO EVIDENCE AS STATE'S

Y. WOODS - DIRECT EXAMINATION BY MS. CAMPBELL

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1 EXHIBIT NUMBER 197.)

2 BY MS. CAMPBELL:

3 Q. And the clothing items I just showed you, what area
4 was that collected in?

5 A. Outside.

6 Q. In the driveway area?

7 A. Yes, ma'am.

8 Q. Additionally outside in the driveway area, I show you.
9 State's Exhibit Number 21. Do you recognize that?

10 A. Yes, ma'am.

11 Q. And what is that, ma'am?

12 A. Beer can.

13 Q. Was that also collected by you that day?

14 A. Yes, ma'am.

15 MS. CAMPBELL: Your Honor, at this time we would offer
16 State's Exhibit 21.

17 THE COURT: Any objection?

18 MR. SUTHERLAND: No objection, sir.

19 (BEER CAN MARKED INTO EVIDENCE AS STATE'S EXHIBIT
20 NUMBER 21.)

21 BY MS. CAMPBELL:

22 Q. Once you had collected those that day -- how long were
23 you actually at the crime scene?

24 A. I was there until 0436.

25 Q. So, that would be 4:36 in the morning?

1 A. Yes, ma'am.

2 Q. And that would have actually been the next day, which
3 would be the 26th. Is that correct?

4 A. That's correct.

5 Q. Later that day, did you process any of the items we've
6 been referring to?

7 A. Yes, ma'am, I did.

8 Q. And can you tell the jury what items you processed and
9 how that occurred?

10 A. I processed the fired cartridge casings -- excuse me
11 -- and the Icehouse beer can.

12 Q. And when you processed the fired cartridge casings,
13 tell the jury how you did that.

14 A. We have two ways that we do it. Cyano, which is a
15 compound that is used in the controlled area, and it
16 adheres to any compounds or anything on the evidence
17 itself.

18 Q. And what are you looking for when you're using this
19 cyano?

20 A. I'm looking for prints.

21 Q. And when you say prints, what kind of prints?

22 A. Fingerprints.

23 Q. And this is a certain formula you use that can help
24 illuminate what may be a hidden print?

25 A. It helps, along with the black powder.

Y. WOODS - DIRECT EXAMINATION BY MS. CAMPBELL

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1 Q. And when you processed the cartridge casings from the
2 scene, were you able to get any useable prints that could
3 be later used for comparison?

4 A. No, ma'am.

5 Q. And is that unusual when it involves cartridge cases?

6 A. No, ma'am.

7 Q. Why is that?

8 A. Usually we cannot because the area and the size of it,
9 we cannot get ridge detail on it. Sometimes we have, but
10 this particular time we didn't.

11 Q. And do you do any further processing for DNA involving
12 some of these items?

13 A. I do collect DNA from it after I process it.

14 Q. And is that proper protocol?

15 A. Yes, ma'am.

16 Q. And how do you go about trying to collect any evidence
17 of DNA from, say, a cartridge casing or a projectile?

18 A. I use a sterile swab and sterile water, and I rub the
19 item down.

20 Q. And when you're doing all this processing on these
21 items, are they kept separately?

22 A. Yes, ma'am.

23 Q. And you take precautions to make sure the integrity of
24 the actual evidence is kept intact?

25 A. Yes, ma'am.

1 Q. And did you go through and swab each and every
2 projectile and fired cartridge casing that you had
3 collected in this case?

4 A. Yes, ma'am.

5 Q. And I show you State's Exhibit Number 14. Were those
6 the swabs you actually collected once you got -- where did
7 this processing take place? I meant to say.

8 A. At our forensic lab.

9 Q. At headquarters?

10 A. Yes, ma'am.

11 Q. On Two Notch?

12 A. Yes, ma'am.

13 Q. Thank you. Once you collected the swabs, were those
14 then submitted if any further testing was needed?

15 A. They were submitted to our evidence.

16 Q. And if anyone would do any DNA testing on these items,
17 would that be you or someone else in your ---

18 A. Someone else.

19 Q. Was an additional item, a beer can, that was processed
20 by you that day?

21 A. Yes, ma'am, there was.

22 Q. And what type of processing did you do on that beer
23 can?

24 A. I also placed it in the cyano tank as well and used
25 black powder.

Y. WOODS - DIRECT EXAMINATION BY MS. CAMPBELL

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1 Q. Were you able to lift any possible, usable prints from
2 the beer can that was collected outside at that scene that
3 day?

4 A. Yes, ma'am, I did.

5 Q. And I show you what's been marked as State's Exhibit
6 Number 16. Do you recognize that?

7 A. Yes, ma'am.

8 Q. And what is that, ma'am?

9 A. This is the latent print -- two latent prints cards
10 that I collected from the beer can.

11 Q. And in order to collect them from the beer can, what's
12 the process you have to do in order to lift what may be a
13 latent print from the surface that may be used for
14 comparison later?

15 A. What we do is we use -- your fingertips and your palms
16 have ridge -- ridges on them, friction ridges. And usually
17 when you touch something, the oils adhere to what you touch
18 and usually after I put it through the cyano and the black
19 powder, I can lift it. I can actually see it and lift it.

20 Q. If there is a usable print there?

21 A. That is correct.

22 Q. Are you familiar with the term of smudge?

23 A. Yes, ma'am.

24 Q. What is that?

25 A. That's where they touched it and maybe wiped through

1 it, and you don't have enough details there.

2 Q. And in addition to that, if something's handled a lot,
3 can it obscure the detail that you need to do it?

4 A. That's correct.

5 Q. But in this case you got, what, two, two possible
6 prints that could be used?

7 A. Yes, ma'am.

8 Q. And in State's Exhibit Number 16, you collected those?

9 A. Yes, ma'am.

10 MS. CAMPBELL: Your Honor, at this time we would offer
11 State's Exhibit 16 into evidence.

12 THE COURT: Any objection?

13 MR. SUTHERLAND: No objection, Your Honor.

14 (COUNSELORS CONFER.)

15 MR. SUTHERLAND: No objection to 16, 18, 26, and 27.

16 MS. CAMPBELL: 28 and 27.

17 MR. SUTHERLAND: 28 and 27.

18 THE COURT: Thank you..

19 MS. CAMPBELL: That would be items number 16, 18, 27,
20 28.

21 (LATENT CARDS MARKED INTO EVIDENCE AS STATE'S EXHIBIT
22 NUMBER 16.)

23 (FRAGMENT MARKED INTO EVIDENCE AS STATE'S EXHIBIT
24 NUMBER 18.)

25 (\$0.63 MARKED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER

1 27.)

2 (HAIR MARKED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER

3 28.)

4 BY MS. CAMPBELL:

5 Q. I want to turn your attention to January the 27th.

6 The next day, did you continue to process some of the
7 clothing that you had collected?

8 A. Yes, ma'am, I did.

9 Q. And what all did you do that day?

10 A. I actually laid the clothes out and photographed and
11 searched for possible projectiles or fragments in the
12 clothing.

13 Q. And again you're referring to the clothing that you
14 found at the scene?

15 A. That is correct.

16 Q. Were there any additional items that were collected
17 when you looked through that clothing?

18 A. Yes, ma'am. There was a fragment on the blue fleece
19 jacket. There was hair around the -- on the gray pullover,
20 and \$.63 in the right front pocket of the jeans.

21 Q. I show you what's been marked or what's in evidence as
22 State's Exhibit Number 18. Is that the fragment that you
23 collected from the clothing?

24 A. That is correct.

25 Q. And when we're talking about a fragment, what type of

1 fragment do you mean? . .

2 A. It's a piece from the cartridge casing, projectile.

3 Q. And also you mentioned there was some money in the
4 pocket?

5 A. Yes, ma'am.

6 Q. And I show you State's Exhibit Number 27.

7 A. Yes, ma'am.

8 Q. And is this is the money that was collected from that
9 clothing?

10 A. Yes, ma'am.

11 Q. And finally State's Exhibit 28.

12 A. The hair from the gray pullover.

13 Q. Once you collected those items, did you then package
14 those, submit them into evidence as well?

15 A. Yes, ma'am, I did.

16 Q. While you were there, did you also photograph the
17 items that we're referring to?

18 A. Yes, ma'am, I did.

19 Q. I'm going to show you State's Exhibit Number 46
20 through 53 and just going to ask first if you recognize
21 those. Don't say what they are.

22 A. Yes, ma'am.

23 Q. And are those the items that you photographed and
24 looked through that day?

25 A. Yes, ma'am.

Y. WOODS - DIRECT EXAMINATION BY MS. CAMPBELL

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1 MS. CAMPBELL: Your Honor, at this time I would offer
2 State's Exhibits 46 through 53, and he's seen them.

3 You saw these earlier.

4 MR. SUTHERLAND: Yes indeed. No objection.

5 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
6 STATE'S EXHIBIT NUMBERS 46, 47, 48, 49, 50, 51, 52, 53.)

7 BY MS. CAMPBELL:

8 Q. Items number 46 and -- let me ask you this first.
9 When you go -- you've gone to many shooting crime scenes?

10 A. That's correct.

11 Q. And is it usual for EMS to respond and the victim's
12 clothing to be left there at the scene?

13 A. That is correct..

14 Q. That's not unusual?

15 A. That's not unusual.

16 Q. Okay. So, items 46 and 47, what do those show?

17 A. The clothing from the scene.

18 Q. And is this the clothing that you found out on that
19 driveway there?

20 A. Yes, ma'am.

21 Q. And State's Exhibits 48, 49, 50, and 51?

22 A. Shoes that I found at the scene.

23 Q. State's Exhibit Number 52, you mentioned that you
24 found something from a gray pullover?

25 A. Yes. That is the gray pullover that I found hair.

1 Q. And State's Exhibit 53?

2 A. Is the jacket.

3 Q. And that was the extent of your processing of those
4 items as far as what you did?

5 A. Yes, ma'am.

6 Q. Ma'am, when you are processing items at a crime scene,
7 do you try to look for anything that may -- or do you know
8 if it's going to be significant or not?

9 A. I do not.

10 Q. So, you just try to collect the evidence, preserve it?

11 A. Yes, ma'am.

12 Q. And then if further testing has to be done, such as
13 DNA or ballistics or something like that, that would be
14 another department?

15 A. That's correct.

16 Q. And your laboratory here in Richland County, is it
17 accredited?

18 A. Yes, ma'am, it is.

19 Q. Thank you.

20 MS. CAMPBELL: I don't have anything further.

21 THE COURT: Cross?

22 MR. SUTHERLAND: No questions of this witness, Your
23 Honor.

24 THE COURT: Thank you. You may step down.

25 (THE WITNESS EXITS THE STAND.)

TRENTON SCOTT - DIRECT EXAMINATION BY MS. SIMPSON

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1 MS. ANASTASIA WALKER: That's correct, Your Honor.

2 THE COURT: Thank you.

3 MS. CAMPBELL: So, not to -- if we get to him today.

4 THE COURT: All right, anything on behalf of defendant
5 other than what we just discussed?

6 MR. SUTHERLAND: Nothing further, sir.

7 THE COURT: 5:00 suit everybody? I don't want to
8 interfere with anyone's plans.

9 MS. CAMPBELL: 5:00 is great.

10 MR. SUTHERLAND: Yes, sir.

11 (A PAUSE.)

12 (THE JURY ENTERS AT 4:08 PM.)

13 THE COURT: You may call your next witness.

14 MS. WALKER: State calls Trenton Scott.

15 THE COURT: Mr. Scott, Trenton Scott, please come
16 around.

17 TRENTON SCOTT, BEING DULY SWORN,

18 TESTIFIES AS FOLLOWS:

19 THE COURT: Mr. Scott, step right up here.

20 (OFF-THE-RECORD BENCH CONFERENCE WITH TRENTON SCOTT
21 AND COUNSEL.)

22 CLERK OF COURT: State your name for the record.

23 WITNESS: Trenton Scott.

24 DIRECT EXAMINATION BY MS. SIMPSON:

25 Q. Mr. Scott, how old are you?

- 1 A. Twenty-four.
- 2 Q. Twenty-four, and where do you live?
- 3 A. [REDACTED]
- 4 Q. Is that here in Columbia?
- 5 A. Yes, ma'am.
- 6 Q. Were you born and raised here?
- 7 A. Yes, ma'am.
- 8 Q. Where did you go to high school?
- 9 A. Columbia High.
- 10 Q. Columbia High and are you currently working?
- 11 A. Yes, ma'am.
- 12 Q. What type of work do you do?
- 13 A. I am a caregiver for a lawyer and a judge.
- 14 Q. And a judge. How long have you been doing that?
- 15 A. I've been doing it for a year.
- 16 Q. For a year and tell me a little bit about your family
- 17 and who all lives with you at [REDACTED] Drive.
- 18 A. Well, who all lives with me is Mr. Chandler Davis, my
- 19 father; my mom, Sugar Davis; and my brother, Troy Scott.
- 20 Q. Troy Scott, and are you the youngest brother or the
- 21 oldest brother?
- 22 A. The youngest.
- 23 Q. You're the youngest, and how long have y'all been
- 24 living at [REDACTED] Drive?
- 25 A. About ten years now.

TRENTON SCOTT - DIRECT EXAMINATION BY MS. SIMPSON

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1 Q. Ten years, and as far as things you're interested in,
2 do you like music?

3 A. Yes, ma'am.

4 Q. Things of that nature? Tell the jury a little bit
5 about your house and what, what you have there with respect
6 to the music.

7 A. Well, we have a big Mac laptop computer, a very
8 expensive microphone and speakers and, you know, things of
9 that nature.

10 Q. And do you generally record music with your friends
11 and things of that nature?

12 A. No, I don't.

13 Q. You don't? What do you do?

14 A. Well, I'm basically, like, the A&R. So, I just tell
15 them straight up whether I like it or whether I don't like
16 it.

17 Q. Okay. So, you just kind of judge the other people?

18 THE COURT: What's an A&R? You said you're basically
19 like a what?

20 WITNESS: I'm basically like an A&R.

21 THE COURT: What's an A&R?

22 WITNESS: They basically, they scout. Scout,
23 basically, just scout out talent and such like that.

24 THE COURT: Thank you.

25 BY MS. SIMPSON:

1 Q. And I want to talk to you about how you know some of
2 the people involved in this case. Did you know Brandon
3 Jones?

4 A. Yes.

5 Q. How did you know Brandon?

6 A. Ma'am, I know him for years. He's my cousin.

7 Q. He's your cousin?

8 A. Yes, ma'am.

9 Q. And were y'all pretty close?

10 A. Yes, ma'am.

11 Q. Would he often visit your home?

12 A. Yes. He -- actually, we reunited in the summer of
13 2013.

14 Q. Okay, and Josh Williams, do you know him as well?

15 A. 2012, excuse me. Joshua Williams, yes, I do know
16 Joshua.

17 Q. And how do you know Joshua?

18 A. I've known Joshua for years as well. I met him
19 because of my brother.

20 Q. Okay, your brother, Troy?

21 A. Uh-huh.

22 Q. And so all y'all were pretty close, and I want to go
23 back to 2013 when Brandon was still alive. Did y'all hang
24 out some?

25 A. Yes, we did.

TRENTON SCOTT -- DIRECT EXAMINATION BY MS. SIMPSON

326

1 Q. What types of things would you do on the weekend?

2 A. Well, he would always come to the house and record
3 music.

4 Q. And that's just kind of what y'all did?

5 A. Yes, ma'am.

6 Q. And your mother, you said Ms. Davis. Ms. Sugar Davis?

7 A. Yes, ma'am.

8 Q. Did she actually have occasion to kind of take some
9 people into her home?

10 A. Yes, ma'am.

11 Q. And tell the jury a little bit about that and what she
12 would do.

13 A. Well, we -- well, she basically took in some of our
14 friends that were very troubled and had a hard time and
15 just basically built them up. And then we'd try to help
16 them out as well, try to slip them some money for doing a
17 little bit of housework and...

18 Q. So they might get clothes or food?

19 A. Right.

20 Q. Have a place to stay ---

21 A. Yes.

22 Q. --- if they needed it?

23 A. Yes, ma'am.

24 Q. Did you know one of the co-defendants in this case,
25 Vincent Nelson?

1 A. Yes, I do.

2 Q. Tell the jury how you knew him or know him.

3 A. Well, I actually met him through a, through a friend
4 of my brother.

5 Q. Okay, and did you know him by a nickname, or did he
6 ever go by a nickname?

7 A. Yes, he did.

8 Q. What was that?

9 A. J School.

10 Q. J School. Did he also go by Junior sometimes? You
11 knew him pretty much as J School?

12 A. Yeah. That was J, J School, that's it.

13 Q. And prior to this incident, had he actually stayed
14 with you all in your home?

15 A. Yes, he has.

16 Q. For a period of time?

17 A. Yes, he has.

18 Q. So, he was one of the people that your mother kind of
19 took under her wing?

20 A. Took under her wing.

21 Q. And was essentially treated like family?

22 A. Correct.

23 Q. Turning your attention to January 25th of 2013, do you
24 recall that day?

25 A. Yes, ma'am.

TRENTON SCOTT - DIRECT EXAMINATION BY MS. SIMPSON

328

1 Q. Can you tell the jury how that day started out?

2 A. Well, that day started out just as any other day. I
3 actually purchased a Go Pro camera earlier that day, and,
4 and then Brandon came over a little later that day as well.

5 Q. Okay, and was he with Josh were at that time, or did
6 Joshua come later on?

7 A. Joshua came later on.

8 Q. Okay, and so was this in the afternoon?

9 A. Yes, ma'am.

10 Q. He was there. Who all was at the house that
11 afternoon?

12 A. Well, my father was there, my mom, Joshua, my brother,
13 Troy, Cari.

14 Q. And who is Cari or who was Cari?

15 A. My brother's girlfriend.

16 Q. Your brother's girlfriend.

17 A. At the time.

18 Q. Okay. At the time? Not anymore?

19 A. I don't know. They're out there. I can't really
20 speak.

21 Q. Okay. We'll ask them that question.

22 A. Yeah, ask them that question, right.

23 Q. So, y'all were at the house. What day, if you recall,
24 of the week was this?

25 A. It was a Friday.

1 Q. Friday, and so what did y'all typically do on Fridays
2 and for the weekends?

3 A. Everything we pretty much always do. Just, you know,
4 hung around and be around the house playing video games
5 while they record music.

6 Q. And you kind of assessed their talent?

7 A. Yes, I did that.

8 Q. And the area in the home where your brother and you
9 stayed, what part of the home was that, what part of the
10 house?

11 A. The downstairs.

12 Q. The downstairs area, and the downstairs area, that
13 contained your bedroom as well?

14 A. Correct. Yes, ma'am.

15 Q. And so back, moving back to January 25th while
16 everybody was at the house, what, what else happened?

17 A. Well, well, on this day, my client didn't, didn't want
18 me to come to work.

19 Q. And you said your client.

20 A. Right.

21 Q. What type of work were you doing?

22 A. I was doing caregiving for another woman at the time.

23 Q. Okay.

24 A. By the name of Ms. Dee.

25 Q. Okay. So, she didn't need you to come work that day?

TRENTON SCOTT - DIRECT EXAMINATION BY MS. SIMPSON

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1 A. No.

2 Q. Okay. So, what did you do?

3 A. Well, I just basically lounged around and continued to
4 sit there while Brandon was recording.

5 Q. Okay. So, Brandon had been there for a while
6 recording. You and Josh are there, Troy and Cari?

7 A. Correct.

8 Q. And y'all were in the downstairs area?

9 A. Yes, ma'am.

10 Q. Of the house. At some point, did J School or Vincent
11 Nelson show up?

12 A. Yes, he did.

13 Q. Can you tell the jury what happened when he got to the
14 house, what you remember?

15 A. Well, when he got to the house, this is all -- I just
16 basically turned around, and he was just standing right
17 there. And then Joshua had asked him, you know, how did
18 you get in. He said, well, your stepfather let me in.

19 Q. And you knew him, but had he been there recently?

20 A. No, he hadn't.

21 Q. And do you recall about how long it had been since
22 he'd kind of been around you all and around the house?

23 A. Well, he, he's been gone for at least about two
24 months.

25 Q. Around two months?

- 1 A. Mm-hmm.
- 2 Q. And so when he showed up, what happened? Did y'all
3 talk?
- 4 A. No. I really didn't say too much to him because he
5 was pacing back and forth receiving phone calls repeatedly.
- 6 Q. And so he was on the phone pacing back and forth?
- 7 A. Mm-hmm.
- 8 Q. Not really talking ---
- 9 A. Yeah.
- 10 Q. --- to you? Did that strike you as odd at all?
- 11 A. Very odd.
- 12 Q. And why is that?
- 13 A. Because he doesn't normally have a cell phone at all.
- 14 Q. He doesn't, and did he normally act like that, or was
15 he a little out of character?
- 16 A. He was very out of character.
- 17 Q. And what do you remember happening next?
- 18 A. Well, Vincent Nelson kept on pressuring Brandon to, to
19 come out for a cigarette smoke.
- 20 Q. Okay, and were you around while he was ---
- 21 A. Yes.
- 22 Q. --- asking him for a cigarette?
- 23 A. Yes, ma'am.
- 24 Q. And did Brandon eventually, I guess, give him a
25 cigarette?

TRENTON SCOTT - DIRECT EXAMINATION BY MS. SIMPSON

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1 A. Yes.

2 Q. And go outside, and when that happened, what did you
3 do?

4 A. Well, I had -- well, I had my camera spread out over
5 the top of the couch. So, I gather up -- so, I gathered up
6 my camera, put it in the box, and I ran back upstairs, and
7 I put it back into my room. And upstairs in my room, I
8 grabbed a group of hangers so I could -- take downstairs
9 into the sports room, which is the orange room.

10 Q. And so what were you taking them downstairs for?

11 A. Just to get them out of my room, out of the way.

12 Q. Okay, and when you went downstairs to the sports room,
13 what happened next?

14 A. That's when he ranned in on me.

15 Q. When you say he, who are you referring to?

16 A. That's Maurice Roberts.

17 MR. SUTHERLAND: Renew my previous objection, Your
18 Honor.

19 THE COURT: All right.

20 MR. SUTHERLAND: Previous objection with respect to
21 the identification.

22 THE COURT: You are protected.

23 BY MS. SIMPSON:

24 Q. And at the time, did you know who Maurice Roberts was?

25 A. I'd never seen him a day in my life.

1 Q. Okay, and when you ran into him, tell me what
2 happened. What was he doing?

3 A. Well, he, he, he ran straight toward in with the gun
4 pointed straight to my head.

5 Q. Okay. So, he had the gun out?

6 A. Correct.

7 Q. Coming through the door. What doorway was he coming
8 through?

9 A. Through the back door.

10 Q. The back door?

11 A. Yes, ma'am.

12 Q. Where does the back door lead?

13 A. Well, the back door leads straight out into the, into
14 the driveway. That's real steep.

15 Q. Okay. So, when he came in, did he say anything to
16 you?

17 A. No, ma'am.

18 Q. And were the lights on downstairs?

19 A. Yes, ma'am.

20 Q. Do you recall if he had anything covering his face at
21 all?

22 A. No, ma'am.

23 Q. Were you able to get a pretty good look at him?

24 A. Yes, ma'am.

25 Q. So, when the gun was pointed in your face -- and at

1 this point you have the hangers in your hands?

2 A. Yes, ma'am.

3 Q. What did you do, or what did he do? What happened
4 next?

5 A. Well, it all basically happened all in one motion.
6 It's just, like, he ran in. I dropped the hangers. He
7 pistol whipped me and so ---

8 Q. And by pistol whipped you, what do you mean?

9 A. He hit me right upside the head with the gun.

10 Q. With the gun?

11 A. Yes, ma'am.

12 Q. And what happened next?

13 A. And after that I fell, and then I got back up, and
14 then I hit him in his face, and then he fell into the glass
15 table.

16 Q. Okay. So, he actually broke that glass table, this?

17 A. Yes, he did.

18 Q. And at this point, you said everything's happening
19 kind of fast?

20 A. Mm-hmm.

21 Q. In one motion. What do you remember happening after
22 he falls into the table?

23 A. Well, after he falls into the table, the gun's
24 dropped. The gun drops. So, now we all over the floor,
25 you know what I'm saying, scuffling to get to the gun. And

1 that's when Demetrice James comes in, and he ends up
2 getting more leverage to the gun, and he passes it off to
3 him.

4 Q. Okay, and let me back up just a little bit.

5 A. Okay.

6 Q. Demetrice James, you know his name now, but did you
7 know at the time who he was?

8 A. No.

9 Q. So, the second ---

10 A. I had seen him around.

11 Q. You'd seen him around before?

12 A. Twice.

13 Q. Just around the neighborhood?

14 A. Not around my neighborhood. Just at the corner store.

15 Q. So, he rushed in while you and Maurice were ---

16 A. Was scuffling to get the gun.

17 Q. --- scuffling at this point, and at this point, what
18 was going through your head?

19 A. Survival basically.

20 Q. Okay, and what do you remember happening next after
21 Demetrice came in?

22 A. Well, after he -- well, after he passed off the gun to
23 him, I got up off -- I got off the floor, and then I
24 started to fight Demetrice.

25 Q. Okay, and you say he passed off the gun to him. Who

1 passed off the gun?

2 A. Maurice passed off the gun to Demetrice.

3 Q. Okay. So, Maurice was able to get the gun off the
4 floor?

5 A. Yes, ma'am.

6 Q. And give it to Demetrice?

7 A. Yes, ma'am.

8 Q. What do you remember happening next?

9 A. Well, well, I didn't notice, I didn't notice my
10 brother was behind me, and so he came in and he saw us.
11 So, he saw us scuffling, and then that's when Maurice tried
12 to make a further break further into the house, so I -- you
13 see what I'm saying? So, I caught him in the house -- so I
14 caught him in the shop, and then I slammed him to the
15 ground.

16 And so I looked up, and there's Demetrice standing in
17 the doorway of the shop area pointing the gun saying I'm
18 about to shoot. I'm about to shoot. So, I picked Maurice
19 up off the floor, and I held him in a Full Nelson so just
20 in case if he did shoot, he was going to hit him.

21 Q. So at this point, when you say he was coming in
22 towards the door, Maurice was actually rushing in to get
23 inside the house, further inside the house?

24 A. Correct. I don't even know how. I didn't even see
25 him even get that far, but I got him.

1 Q. And you said Demetrice at this point has the gun?

2 A. Correct.

3 Q. And what is he telling you?

4 A. He said he's about to shoot.

5 Q. Okay, and what happened next?

6 A. And, and so while I had him hemmed up in a Full
7 Nelson, I, I threw Maurice into Demetrice, and that's when
8 me and my brother began to barricade the shop door back
9 while -- Demetrice, you know, eventually had his, his hand
10 waving through the crack of the, of the shop door while we
11 was barricading it back.

12 Q. Okay, and you weren't armed at the time?

13 A. No.

14 Q. With a weapon?

15 A. Not at all.

16 Q. You didn't have a gun or a knife?

17 A. Nothing.

18 Q. And your brother didn't?

19 A. No.

20 Q. So, you were just having to fight them off?

21 A. Uh-huh.

22 Q. And once you kind of get them to the shop door and
23 Demetrice is waving the gun, where is Maurice at this
24 point, if you remember? I know everything was happening
25 really fast.

TRENTON SCOTT - DIRECT EXAMINATION BY MS. SIMPSON

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1 A. As in, as in after I threw him into him?

2 Q. Yes.

3 A. Well, he's -- let's see. Well, he basically turned
4 around and said, well, I'll beat that N-word right there.
5 And so then that's when we barricaded the door back.

6 Q. Okay, and so you barricaded the door back?

7 A. Yeah. He was, he was in, he was in front of
8 Demetrice, you know what I'm saying, basically trying to
9 push the door open.

10 Q. Okay, to get back to you all?

11 A. Yeah.

12 Q. To get back ---,

13 A. Yes, ma'am.

14 Q. --- into the house, and then what happens next?

15 A. And as we was barricading the door back, you know, he
16 was waving the -- Demetrice, he was waving the gun between
17 the cracks of the door and things of that nature, and even
18 -- the gun went, you know, toward my head a few times,
19 so...

20 Q. Okay, and at some point, did that gun fire?

21 A. No, ma'am.

22 Q. Okay. You don't remember shots going off?

23 A. Not at that moment.

24 Q. Okay. What happened next?

25 A. And so I basically got real tired of barricading the

1 door back. So ---

2 Q. And when we're saying -- let me stop you. When we're
3 saying the shop door, you mean the salon shop door?

4 A. Yes, ma'am.

5 Q. Okay. So, we're not to the outside door leading to
6 the driveway yet?

7 A. No, we're not there.

8 Q. Okay. So, you're barricading that door?

9 A. Yes, ma'am.

10 Q. All right, and you get tired. What happens next?

11 A. Well, what was going through my mind is, well, if we
12 don't get him out the house, then he just might, you know,
13 shoot, you know what I'm saying, shoot through the shop
14 door. And, and so I basically somehow end up punching
15 Demetrice through the cracks of the door where he had the
16 gun waving out. And, you know, and I threw the door open,
17 and it was basically do or die trying.

18 Q. And by do or die trying, you're trying to get them
19 outside?

20 A. Out of the house, yes, ma'am.

21 Q. To the driveway outside?

22 A. Yes, ma'am.

23 Q. And at this point, once y'all kind of pushed through
24 the shop door, what area of the house are you in?

25 A. Now, now we're in, into the sports room because I

TRENTON SCOTT - DIRECT EXAMINATION BY MS. SIMPSON 340

1 threw, I threw the door back, and so I ran in and started
2 fighting Deme -- fighting Demetrice again.

3 Q. And the sports room, is that the room that's painted
4 orange?

5 A. Yes, ma'am.

6 Q. Okay. That's the room depicted in State's 145?

7 A. Yes, ma'am.

8 Q. Where the hangers are?

9 A. Mm-hmm.

10 Q. So, y'all are still struggling: you, your brother,
11 Demetrice, and Maurice?

12 A. Correct.

13 Q. Okay, and what happens next once y'all are in the
14 sports room?

15 A. All right.

16 Q. And you've already been pistol whipped in the head by
17 this point, too?

18 A. Right.

19 Q. What happens next?

20 A. All right, and so after I, after I threw the door
21 open and I started to go back in to fight, they were, they
22 were, they were proceeding to run right back out of the
23 door, but ---

24 Q. And when you say out of the door?

25 A. Out of the back door.

1 Q. The back door which leads to where?

2 A. Leads, leads to the driveway.

3 Q. Okay.

4 A. And so what it was that, that I was attempting to do,
5 I tried to grab, I tried to grab Demetrice by his dreads,
6 and I tried to snatch him back and basically give him some
7 more of what he came for. And in the midst of me
8 attempting to do so, he fired off a shot. He blindsided
9 and shot back.

10 Q. Okay, and so at this point, you're shot?

11 A. Yes.

12 Q. Are you ultimately able to get, you and your brother,
13 able to get Demetrice and Maurice outside to the driveway?

14 A. Yes. It's, like, they shot back and they ran out the
15 house.

16 Q. Okay, and once they ran out of the house, what did you
17 do?

18 A. Well, my, well, my body went into -- my body basically
19 went into a whole shock, and my arm, it just started
20 spazzing out. And so I didn't know how severe it was, you
21 know. So, I basically turned around to run, run back
22 upstairs where I met Cari, who was near the stairs. And so
23 we, so we both ran all the way up the stairs. From this
24 point, I'm basically bleeding all the way through the
25 hallway to my parents' room, and we both was banging on the

1 door. And I said somebody take me to the hospital. I've
2 been shot.

3 Q. Okay, and at this point, you're talking to your dad
4 and your mom?

5 A. Yes.

6 Q. And Cari, and after you were shot and you run
7 upstairs, did you actually hear some more shots go off?

8 A. I actually heard more shots when, when my mom was
9 basically trying to console me in the middle of the, of the
10 living room. That that's when I ripped off my gray hoodie
11 and, and I threw it near the couch so I could see where I
12 was shot at. And so right when me and my mom was standing
13 in the middle of the living room, I just heard five shots
14 go off.

15 Q. And when you heard those five shots go off, did you
16 stay upstairs?

17 A. Yes, ma'am, I did.

18 Q. And did someone call 911?

19 A. Yes, ma'am.

20 Q. And back -- I know it's been a while, a year ago.

21 Were you able to give the police -- I guess, let me back
22 up. Did you go to the hospital?

23 A. Yes, ma'am.

24 Q. And were you treated for your injuries?

25 A. Yes, ma'am.

1 Q. And ultimately while you were at the hospital, did you
2 have a chance to speak with the police?

3 A. Yes, ma'am.

4 Q. And were you able to give them a description of the
5 people who you now know to be Demetrice and Maurice?

6 A. Yes, ma'am.

7 Q. Did you actually give them a clothing description?

8 A. Yes, ma'am.

9 Q. Do you remember what it was?

10 A. Of, of which suspect?

11 Q. Let's start with the one with the gun pointed in your
12 face.

13 A. Okay.

14 Q. Do you remember what he was wearing?

15 A. Yes, ma'am.

16 Q. What was he wearing?

17 A. Well, he was in -- he had a black Scully, a blue, a
18 dark-blue jacket with black pants and black shoes.

19 Q. Okay, and the other guy who shot you that you now know
20 to be Demetrice James, were you able to give a description
21 of him as well?

22 A. Yes, ma'am.

23 Q. As well as his height and his built?

24 A. Yes, ma'am.

25 Q. And his hair and things of that nature?

TRENTON SCOTT - DIRECT EXAMINATION BY MS. SIMPSON

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1 A. Yes, ma'am.

2 Q. And as far as Vincent Nelson, do you know where he was
3 while all this was going on? Did you even see him?

4 A. No, ma'am. Inside and outside was two different
5 situations. I do not know what went on outside.

6 Q. Okay, and when the police came and talked to you at
7 the hospital, you told them about what happened?

8 A. Yes, ma'am.

9 Q. Just generally?

10 A. Mm-hmm.

11 Q. And did they show you some photo lineups?

12 A. Yes, ma'am, they did.

13 Q. I'm going to show you what's been marked first as
14 State's Exhibit 11, which has already been marked for ID
15 purposes. Do you recognize this?

16 A. Yes, ma'am.

17 Q. And are these the photos that they showed you?

18 A. Yes, ma'am.

19 Q. And when they showed you these photographs, what did
20 they say to you? Do you remember?

21 A. Not even -- they didn't say. I can't remember what
22 they said to me.

23 Q. Okay. Did they tell you who to pick or that you had
24 to pick somebody?

25 A. No, ma'am.

1 Q. Did they necessarily tell you how this person
2 participated or how they may be involved?

3 A. No, ma'am, not to my knowledge.

4 Q. Okay, and in State's Exhibit 11, were you actually
5 able to identify someone?

6 A. Yes, ma'am.

7 Q. And who you able to identify?

8 A. Vincent Nelson.

9 Q. Okay, and that's the person you know as J School?

10 A. Yes, ma'am.

11 Q. And did you mark your identification in some way?

12 A. Yes, ma'am.

13 Q. And how did you mark it?

14 A. In my initials and date.

15 Q. Okay, and you knew him from before?

16 A. Yes, ma'am.

17 Q. By name and sight?

18 MS. SIMPSON: Your Honor, at this time the state would
19 offer State's Exhibit 11 into evidence.

20 MR. SUTHERLAND: No objection to 11, Your Honor.

21 (PHOTO LINEUP MARKED INTO EVIDENCE AS STATE'S EXHIBIT
22 NUMBER 11.)

23 BY MS. SIMPSON:

24 Q. I'm also going to show you what's been premarked as
25 State's Exhibit 10. They also showed you another group of

- 1 pictures.
- 2 A. Uh-huh.
- 3 Q. Do you recognize that?
- 4 A. Yes, I do recognize that.
- 5 Q. And you actually weren't able to pick out anybody in
6 this?
- 7 A. No, ma'am.
- 8 Q. And again, they didn't tell you you had to pick
9 anybody?
- 10 A. No, ma'am.
- 11 Q. And you didn't know anybody?
- 12 A. No, ma'am.
- 13 Q. And no one in that lineup was involved ---
- 14 A. No, ma'am.
- 15 Q. --- in the shooting, and did you actually tell
16 officers that if you saw the person, you would know who it
17 was?
- 18 A. Correct.
- 19 Q. Because you are able to get a good look at him?
- 20 A. Yes, ma'am.
- 21 Q. I'm going to show you what's been marked as State's
22 Exhibit 12. This would have been another photo lineup
23 shown to you, I believe on the 29th because you talked to
24 police officers several times?
- 25 A. Yes, ma'am, I did.

1 Q. Right, and do you recall them showing you that?

2 A. Yes, ma'am.

3 Q. You recognize this?

4 A. Yes, ma'am.

5 Q. And these are the photos that you were shown?

6 A. Yes, ma'am.

7 MR. SUTHERLAND: No objection, Your Honor.

8 (PHOTO LINEUP MARKED INTO EVIDENCE AS STATE'S EXHIBIT
9 NUMBER 12.)

10 BY MS. SIMPSON:

11 Q. And when they showed you this group of pictures, did
12 they tell you you had to pick anyone?

13 A. No, ma'am.

14 Q. Did they tell you that this person may be involved in
15 some way?

16 A. No, ma'am.

17 Q. And did you actually pick someone out of this lineup?

18 A. Yes, ma'am, I did.

19 Q. And which -- who did you pick?

20 A. Demetrice James.

21 Q. And at the time, did you know his name?

22 A. No, ma'am, I didn't.

23 Q. And who did you know this person that you picked in, I
24 believe, number 6, to be? Who was the person? How was he
25 involved with you in the crime?

TRENTON SCOTT - DIRECT EXAMINATION BY MS. SIMPSON

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1 A. Well, he, he was basically the one I fought.

2 Q. He was the one you fought?

3 A. Yes, ma'am.

4 Q. And he was the one that actually shot you?

5 A. Yes, ma'am.

6 Q. And there is no doubt in your mind?

7 A. No doubt in my mind.

8 Q. All right, and finally I'm going to show you what's
9 been marked as State's Exhibit 13.

10 MR. SUTHERLAND: Previous objection, Your Honor.

11 THE COURT: All right, same ruling.

12 MR. SUTHERLAND: Yes, sir.

13 (PHOTO LINEUP MARKED INTO EVIDENCE AS STATE'S EXHIBIT
14 NUMBER 13.)

15 BY MS. SIMPSON:

16 Q. Do you recognize this?

17 A. Yes, ma'am.

18 Q. And I believe on this day another investigator -- this
19 would have been February 1st of 2013 -- showed you the
20 group of pictures noted in State's Exhibit 13. Were you
21 able to recognize anybody out of these pictures?

22 A. Yes, ma'am.

23 Q. And did you identify that person in some way?

24 A. Yes, ma'am.

25 Q. Did the police tell you you had to pick someone?

1 A. No, ma'am.

2 Q. Did they influence you in any way?

3 A. No, ma'am.

4 Q. Did they tell you that the person would definitely be
5 in there?

6 A. No.

7 Q. And who did you pick, or who did you know this person
8 to be?

9 A. Maurice Roberts.

10 Q. Did you know him as Maurice at that time?

11 A. No, ma'am.

12 Q. What did you know him as doing? What was his
13 participation?

14 A. Well.

15 Q. On the night of the incident.

16 A. Well, he was the first one that ran in, and he was the
17 first one to get it.

18 Q. So, you positively identified Maurice Roberts as being
19 the one who came in with the gun?

20 A. Yes, ma'am.

21 Q. Pointed at your head?

22 A. Yes, ma'am.

23 Q. As one of the guys that you fought?

24 A. Yes, ma'am.

25 MS. SIMPSON: And, Your Honor, it's my understanding

TRENTON SCOTT - DIRECT EXAMINATION BY MS. SIMPSON

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1 that State's Exhibit 13 is in evidence, correct?

2 THE COURT: It is, subject to the objections which I
3 have previously ruled.

4 MS. SIMPSON: As well, just to make sure, State's
5 Exhibit 10 is also into evidence.

6 Your Honor, at this time I would offer State's Exhibit
7 10.

8 (COUNSELORS CONFER.)

9 MR. SUTHERLAND: No objection.

10 THE COURT: Without objection.

11 (PHOTO LINEUP MARKED INTO EVIDENCE AS STATE'S EXHIBIT
12 NUMBER 10.)

13 BY MS. SIMPSON:

14 Q. And so the person that you identified, the person that
15 pointed the gun at you as he came into the door and fought
16 with you, do you see him here in the courtroom today?

17 A. Yes, ma'am.

18 Q. And can you please point him out for the jury?

19 A. (THE WITNESS COMPLIES.)

20 Q. And what is he wearing?

21 A. Striped shirt.

22 Q. Striped shirt?

23 A. Yes, ma'am.

24 Q. Sitting next to his lawyer?

25 A. Yes, ma'am.

1 MS. SIMPSON: Your Honor, let the record reflect that
2 he has identified the defendant, Maurice Roberts.

3 BY MS. SIMPSON:

4 Q. Let me back up. You mentioned the Full Nelson
5 earlier. Do you actually have training in fighting, in
6 wrestling or karate?

7 A. Yeah, in karate, yeah, a little.

8 Q. Karate?

9 A. Full Nelson is just something I just seen on
10 wrestling.

11 Q. All right. So, you weren't training with that. You
12 just knew what a Full Nelson was?

13 A. Yeah.

14 Q. But you, you are trained?

15 A. Correct.

16 Q. You're actually a black belt, correct?

17 A. Yes, ma'am, you know. I may can do it.

18 Q. But the Full Nelson, you were protecting yourself that
19 day?

20 A. Yes, ma'am.

21 Q. And you were protecting yourself from Maurice Roberts,
22 whom you now know to be Maurice Roberts?

23 A. Yes.

24 Q. And Demetrice James?

25 A. Yes, ma'am.

TRENTON SCOTT - CROSS-EXAMINATION BY MR. SUTHERLAND

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1 MS. SIMPSON: Thank you.

2 MR. SUTHERLAND: Please the court?

3 CROSS-EXAMINATION BY MR. SUTHERLAND:

4 Q. Briefly. Trent, how are you today?

5 A. How are you doing, sir?

6 Q. I'm doing well. Going to go over the same things real
7 quick.

8 A. All right.

9 Q. As, as before. The first day that you were shown
10 lineups, now that was at the hospital?

11 A. Yes, ma'am.

12 Q. I'm a dude, but the first day that you were shown
13 lineups was at the hospital?

14 A. Correct.

15 Q. Okay, and there were two that were shown to you?

16 A. Uh-huh.

17 Q. And you were able to pick out Vincent Nelson?

18 A. Yes, ma'am.

19 Q. But not out of the, the other one?

20 A. No, ma'am -- no, sir. Excuse me.

21 Q. So, you had known Vincent for a year or two?

22 A. Two years.

23 Q. Okay, for two years. So, just out of these two
24 lineups, the person you know for two years was in one and
25 you picked him out?

1 A. Yes, sir.

2 Q. And he was picture number 6. Is that correct?

3 A. That's correct.

4 Q. Okay, and then three days later -- this was on the
5 29th?

6 A. Okay.

7 Q. You were shown the photo lineup that had Demetrice
8 James in it?

9 A. Yes, ma'am -- yes, sir.

10 Q. Were you, were you are also shown a lineup, were you
11 also shown a lineup that had Leonard Gaston in it or no?

12 A. I don't know a Leonard Gaston.

13 Q. Okay. Okay, and you picked Demetrice James out of
14 that lineup on the 29th?

15 A. Correct.

16 Q. Is that correct, and he was also in picture number 6?

17 A. Correct.

18 Q. Okay, and then later on on the 1st of February, you
19 were shown the lineup with Maurice Roberts in it, and you
20 did pick, you picked Maurice Roberts out?

21 A. Yes, I did.

22 Q. And he was picture number 6?

23 A. Correct.

24 Q. Okay, and briefly, a couple more things. I believe
25 you testified that it happened really fast?

TRENTON SCOTT - CROSS-EXAM / S. RICHARDS - DIRECT EXAM 354

1 A. Yes, sir.

2 Q. And basically as soon as you walked in the room with
3 the hangers, it was on?

4 A. It was on.

5 Q. And you also testified that Demetrice James shot you?

6 A. Yes, sir.

7 Q. Thank you.

8 MR. SUTHERLAND: No further questions at this time,
9 Your Honor.

10 MS. SIMPSON: No redirect.

11 THE COURT: You may step down.

12 (THE WITNESS EXITS THE STAND.)

13 THE COURT: Next witness.

14 MS. WALKER: Your Honor, state calls Sergeant Stan
15 Richards.

16 THE COURT: Come around, please.

17 STAN RICHARDS, BEING DULY SWORN,

18 TESTIFIES AS FOLLOWS:

19 CLERK OF COURT: Have a seat in the witness stand,
20 please. State your name for the record.

21 WITNESS: Stan Richards.

22 DIRECT EXAMINATION BY MS. WALKER:

23 Q. Good afternoon, Sergeant Richards.

24 A. Good afternoon.

25 Q. Sir, where you currently employed?

1 A. Richland County Sheriff's Department, Crime Scene
2 Latent Prints Unit, forensic division.

3 Q. And how long have you been there?

4 A. I've been with Crime Scene Unit about twelve years.

5 Q. And can you tell us a little bit about what -- you're
6 a sergeant with the Crime Scene Unit?

7 A. I am.

8 Q. Can you tell us a little bit about what your duties
9 are as a sergeant of the Crime Scene Unit?

10 A. I am the operations sergeant with the Crime Scene
11 Unit. That means that I pretty much run the day-to-day
12 activities with the unit, which means that when we have
13 requests come in for processing or for us to respond to any
14 type of scene, I make sure that happens. I supervise
15 thirteen CSI crime scene investigators and latent print
16 analysts.

17 Q. And can you tell us about your training and background
18 in crime scene investigation?

19 A. I attended Saint Louis University and majored in
20 criminal justice. Also I'm a graduate of the US Army
21 Command General Staff College in quantitative analysis.

22 Q. Sergeant Richards, she's having, I think, a hard time
23 keeping up. Will you slow down just a little bit?

24 A. I'm sorry. Okay.

25 Q. Sorry to interrupt you. Go ahead, sir.

S. RICHARDS - DIRECT EXAMINATION BY MS. WALKER

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1 A. I've been with Richland County for -- since 1994, and
2 like I said twelve years as crime -- in crime scene itself.

3 During that time, I attended a lot of courses,
4 multiple courses and classes in most all the disciplines
5 that arise in the forensic or the crime scene disciplines.
6 My discipline, of course, are latent prints and crime scene
7 investigations. Also, I've been to multiple courses in
8 subdisciplines such as bloodstain pattern analysis,
9 trajectory analysis, incident shooting reconstruction, and
10 crime scene reconstruction.

11 Q. And prior to becoming involved in law enforcement,
12 what was it that you did, sir?

13 A. I was twenty years in the military, retired from the
14 military.

15 Q. I want to turn your attention to the early morning
16 hours of January 26th of last year.

17 A. Yes, ma'am.

18 Q. Did you become involved in a scene at [REDACTED]
19 [REDACTED] Drive?

20 A. I did. I received a call about 3:00 in the morning on
21 the 26th from Investigator Beeler. He told me that he was
22 involved or processing a shooting incident, and that he had
23 just been notified that one of the victims was deceased.
24 Per our protocol, the supervisor on call responds to all of
25 death scenes. So, I responded and I arrived at [REDACTED]

1 [REDACTED] Drive about 3:34 in the morning.

2 Q. Upon arriving at the incident location, can you tell
3 us what you observed?

4 A. Well, Investigator Beeler, as well as Investigator
5 Woods, both were already there; they had been there for
6 some time. So, they had already completed most of the
7 processing because, like I said, it started out as a
8 shooting scene with no death.

9 So, they took me around, showed me what they had
10 processed and what they had collected, marked,
11 photographed. So, they had done all the documentation and
12 all the collection once I got there.

13 My role while I was there at that time was to try to
14 gain information from the investigators back at
15 headquarters, and try to determine what else we might need
16 to do in the way of processing and analysis.

17 Q. And did you speak with investigators that were not at
18 the crime scene over the telephone regarding this incident?

19 A. I did.

20 Q. And continued to assist with processing, observing
21 that crime scene?

22 A. Yes. Up to the point where I decided I needed to try
23 and still gain more information in order to decide what
24 processing needs to be done. So, we secured the scene for
25 the morning, and left the crime scene log and the deputy at

S. RICHARDS - DIRECT EXAMINATION BY MS. WALKER

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1 the scene to keep it secure, and we departed.

2 Q. And is that unusual, when you're dealing with a crime
3 scene of this magnitude, to need to reassess things after
4 speaking with investigators and go back?

5 A. No. We're just like any other investigator. We have
6 to try to determine or get all the information we possibly
7 can to determine what we need to do. If we don't do that,
8 there's a lot of things that could be skipped or unable to
9 collect and preserve or process.

10 Q. And while you and Investigator Woods and Investigator
11 Beeler were away from that crime scene, that crime scene
12 was secured?

13 A. It was.

14 Q. Within the protocol of the Richland County Sheriff's
15 Department?

16 A. It was.

17 Q. And later on the 26th, did you, in fact, meet with
18 investigators to ascertain more information regarding this
19 crime?

20 A. Once I left there, about an hour later or so, about
21 6:20, I went to headquarters and I met with the
22 investigators there. They briefed me on what they knew at
23 that time so I could make an informed decision on what I
24 needed to do at the scene.

25 Q. Okay, and did you return to the scene?

1 A. I did.

2 Q. And when was that, Sergeant Richards?

3 A. I returned to the scene and arrived there at
4 approximately 7:54 in the morning of the 26th.

5 Q. And what was the purpose of returning to the scene
6 that morning?

7 A. Continue processing.

8 Q. And what, what were the next steps you took in the
9 processing of that scene?

10 A. As I said, the assessment and the documentation was
11 all done. Most of all the questioning that we knew of had
12 been done, but a search, a second search is usually
13 protocol on an incident of this type. So, I met with
14 Investigator Rainsford there, and he and I did a second
15 search of the residence inside and outside. Plus,
16 Investigator Rainsford did some processing.

17 Q. And did you photograph things that were significant to
18 you during that second day?

19 A. I did. The first night, Investigator Beeler had
20 photographed very extensively the inside and outside of the
21 residence, but it was at night.

22 So, the next day in the morning, during the daylight,
23 I photographed some of the stains myself for two reasons.
24 Number one, if for some reason I had to go back and look at
25 the stains very closely for reconstruction purposes, I

S. RICHARDS - DIRECT EXAMINATION BY MS. WALKER

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1 would need something that I could see very well. And,
2 number two, I had gained some information that maybe
3 someone had went around the back of the house and gained
4 entry through the back door. And I was told about the
5 movements of some of the victims in the house. So, those
6 stains become important to me to do that.

7 Q. Okay, sir, I want to show you what's been marked
8 State's Exhibits 162 and 163 and ask if you recognize
9 those.

10 A. Yes. This is exterior of the door going into the
11 orange room, I guess you're calling it, from the position
12 of the driveway.

13 (COUNSELORS CONFER.)

14 MR. SUTHERLAND: No objections.

15 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
16 STATE'S EXHIBIT NUMBERS 162, 163.)

17 BY MS. WALKER:

18 Q. And this is the door that leads into that orange room?

19 A. Yes, ma'am.

20 Q. And had you received information about this door from
21 your briefing?

22 A. Yes.

23 Q. And this door leads into which room, sir?

24 A. The first room is called the orange room or is there
25 where the glass table was broken.

1 Q. And leading up to that door, did you take pictures of
2 the driveway?

3 A. Yes, I did.

4 Q. Let me show you what been marked State's Exhibits 164
5 through 168 and ask if you recognize those.

6 A. I do. These are the photographs that I took because I
7 used double letters on all of mine to distinguish what I
8 did that day from what Investigator Beeler took the night
9 before.

10 (COUNSELORS CONFER.)

11 MR. SUTHERLAND: No objection.

12 THE COURT: Without objection.

13 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
14 STATE'S EXHIBIT NUMBERS 164, 165, 166, 167, 168.)

15 BY MS. WALKER:

16 Q. And do these depict the driveway that actually goes
17 down from the street to the home?

18 A. It does.

19 Q. State's Exhibit 164.

20 A. Yes. That depicts the truck, the red Tundra truck
21 that was in the driveway at the bottom next to the house
22 and the stains that were marked by me beside it.

23 Q. And then you took close-up pictures of those stains?

24 A. I did.

25 Q. And that would be AA, AB, and AC?

S. RICHARDS - DIRECT EXAMINATION BY MS. WALKER

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1 A. Correct.

2 Q. And does that trail lead to that door?

3 A. In the vicinity of the door, yes.

4 Q. In the vicinity of the door. And then do y'all
5 individually take pictures of the markers AA, AB, and AC?

6 A. Along with the stains, yes.

7 Q. Yes, sir. Sir, I want to turn your attention to
8 markers AD through AG and show you what has been marked as
9 State's Exhibits 169 through 174.

10 A. Yes, these are the photographs that I took at the
11 bottom of the driveway between the red Tundra truck and the
12 house, the door entranceway to the orange room.

13 Q. And does this photograph depict the door that we saw a
14 close up of earlier?

15 A. It does.

16 (COUNSELORS CONFER.)

17 MR. SUTHERLAND: Same objection as previously with
18 respect to 174. They're cumulative and prejudicial.

19 THE COURT: All right, 174 has a tag AG, which I find
20 the probative value outweighs the prejudicial effect. I
21 find it not to be cumulative.

22 MR. SUTHERLAND: Yes, sir.

23 THE COURT: Respectfully overruled.

24 MR. SUTHERLAND: And without objection as to the rest
25 of them.

1 THE COURT: Absolutely. Thank you

2 MS. WALKER: Thank you, Your Honor.

3 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
4 STATE'S EXHIBIT NUMBERS 169, 170, 171, 172, 173, 174.)

5 BY MS. WALKER:

6 Q. Did you take a picture of all of the markers leading
7 up to that door?

8 A. Yes, ma'am.

9 Q. And those reddish-brown stains?

10 A. They are.

11 Q. And then again the individual pictures of those
12 markers as well as the stains?

13 A. Yes.

14 Q. And as you were continuing to go through and document
15 and process that scene, I want to turn your attention to
16 the inside of the house. Did you take photographs of the
17 inside of the house as well?

18 A. Same, same thing. I followed the stains throughout
19 the house, trying to determine motion of individuals.

20 Q. I want to show you State's Exhibits 175, sir, through
21 178.

22 A. These depict the markers and the stains I
23 photographed, starting in the salon and down the hallway to
24 the bottom of the steps.

25 Q. Are those are the inside stairs?

S. RICHARDS - DIRECT EXAMINATION BY MS. WALKER

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1 A. Yes.

2 MS. WALKER: Your Honor, at this time the state seeks
3 to admit exhibits 175 through 178 into evidence.

4 MR. SUTHERLAND: Without objections, sir.

5 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
6 STATE'S EXHIBIT NUMBERS 175, 176, 177, 178.)

7 BY MS. WALKER:

8 Q. You said these are which room, sir, the salon?

9 A. The salon down the, the hallway and to the steps or
10 the stairs.

11 Q. I'm showing you exhibits 175 and 176 now, as well as
12 going up the stairs, 178.

13 A. Yes. All those depict gravitational-type stains.

14 Q. You said what kind of stains?

15 A. Gravitational drops.

16 Q. Gravitational drops. Continuing inside of the house,
17 sir, I want to show you State's Exhibits 179 through 181
18 and ask you if you recognize those.

19 A. Yes. This is the living room upstairs.

20 Q. From the -- upstairs from the stairs we just saw?

21 A. Yes.

22 MS. WALKER: Your Honor, at this time state seeks to
23 admit exhibits 179 through 182 [sic].

24 MR. SUTHERLAND: No objection, sir.

25 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS

1 STATE'S EXHIBIT NUMBERS 179, 180, 181.)

2 BY MS. WALKER:

3 Q. Are these more gravitational drops?

4 A. Some of them are. Some of them are smears. Some of
5 them are hard drops that had -- were placed on the floor,
6 and then some -- someone came along and smeared over the
7 top of them.

8 Q. And continuing upstairs, sir, I want to show you
9 State's Exhibits 182, 183, 184, and 185.

10 A. 182, 183, 184, and one-eighty -- 184 depict
11 gravitational-type drops that go down the hallway toward to
12 the bathroom in the upstairs. 185 actually starts the
13 depiction of gravitational drops going toward the front
14 door.

15 Q. Towards the front door?

16 A. Yes.

17 Q. Let me show you ---

18 MS. WALKER: Sir, at this point the state seeks to
19 admit exhibits 182, 183, 184, and 185.

20 THE COURT: Any objections?

21 MR. SUTHERLAND: No objection to the photos. No
22 objection, sir.

23 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
24 STATE'S EXHIBIT NUMBERS 182, 183, 184, 185.)

25 BY MS. WALKER:

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1 Q. These are the drops you were describing earlier?

2 A. Yes, ma'am.

3 Q. And, sir, you went over your education and background
4 earlier. Have you ever been admitted as an expert in court
5 before?

6 A. Yes, ma'am.

7 Q. An expert in what field?

8 A. Crime scene investigation, bloodstain pattern
9 analysis, shooting incident reconstruction.

10 Q. And how many times have you been admitted as an expert
11 in crime scene investigation?

12 A. To be precise, thirty-two.

13 Q. And what about blood pattern analysis?

14 A. Well, a lot of the blood pattern analysis involved --
15 is involved in crime scene investigation, but as a
16 discipline itself, seven times.

17 MS. WALKER: Your Honor, at this point the state seeks
18 to admit Sergeant Richards is an expert in crime scene
19 investigation and blood pattern analysis.

20 THE COURT: You want to cross-examine him on his
21 credentials?

22 MR. SUTHERLAND: No, sir, and I would have no
23 objection at this time, and I appreciate the qualification.

24 THE COURT: You going to ask him for opinions? What
25 are you going to do?

1 MS. WALKER: Yes.

2 THE COURT: All right, ladies and gentlemen, I'm going
3 to qualify this witness as an expert in the field that he's
4 testified about, which what that means is this. That
5 normally a witness is not allowed to give opinions.
6 However, where there is a field of -- some scientific field
7 such as the field he's testified about, he will be allowed
8 to give opinion testimony. And I'll charge you on what
9 that means at the conclusion of the case, what weight, if
10 any, you can get that type of testimony.

11 MS. WALKER: And -- I'm sorry, Your Honor. I didn't
12 mean to interrupt.

13 THE COURT: You didn't.

14 MS. WALKER: Okay. Thank you.

15 BY MS. WALKER:

16 Q. State's Exhibit 183, what type of drop did you
17 describe that as?

18 A. Gravitational drop.

19 Q. A gravitational drop. Can you explain to the jury
20 what a gravitational drop is?

21 A. I use the -- I will use the term blood. That means
22 blood drops straight down.

23 Q. And how can you tell that this ---

24 THE COURT: Ms. Walker, let me see you up here,
25 please.

S. RICHARDS - DIRECT EXAMINATION BY MS. WALKER

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1 (OFF-THE-RECORD BENCH CONFERENCE.)

2 THE COURT: We've got about ten minutes of this
3 witness. It's a little bit after 5. I'd like to finish
4 this witness. That way, we'll miss the traffic maybe. So,
5 we're going to go ahead, if that's okay with everybody.

6 BY MS. WALKER:

7 Q. So, that's a drop straight down?

8 A. Yes. It's on a horizontal, horizontal surface and
9 it's circular in nature.

10 Q. And what about Exhibit 184?

11 A. These are basically the same, coupled with the fact
12 that you have some smearing along the sides and some drying
13 from outside in.

14 Q. And I think you mentioned that there were times when
15 they look like smears. Can I show you State's 181?

16 A. Yes. You can see the patterns on -- some of the
17 pattern on possibly the bottom of a shoe where the blood
18 itself had been stepped into, and then a step was taken
19 away from. And then something has smeared from right to
20 left. That would be actually a swipe because the blood was
21 there before, and there's something smeared over top of
22 that as in a, a wipe.

23 Q. As in with that shoe print that's in there?

24 A. As in a wipe, yes.

25 Q. That's State's Exhibit 181 and lastly, sir, exhibits

1 186 through 188.

2 A. This is between the living room, and I guess that's
3 the kitchen going toward the front door. That's AR and AS.
4 Same type of stain.

5 MS. WALKER: Your Honor, at this time the state seeks
6 to admit exhibits 186 through 188.

7 THE COURT: Any objection?

8 MR. SUTHERLAND: No objection, Your Honor.

9 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
10 STATE'S EXHIBIT NUMBERS 186, 187, 188.)

11 BY MS. WALKER:

12 Q. And you say these are the same type of stains that
13 have been just previously discussed?

14 A. They are.

15 Q. And which room are we in now, sir?

16 A. That is behind the couch in the living -- between the
17 living room and the kitchen area going toward the front
18 door.

19 Q. And after photographing that scene on the 26th, did
20 you then release that crime scene?

21 A. Yes. When we were finished, yes.

22 Q. And in terms of your continued involvement with this
23 investigation, did you have occasion to come in contact
24 with a Vincent Nelson?

25 A. I did.

S. RICHARDS - DIRECT EXAMINATION BY MS. WALKER

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1 Q. And, sir, what was the purpose of your contact with
2 Mr. Nelson?

3 A. On the -- December 10, 2013, I was requested to
4 respond to 1701 Main here and collect a buccal swab from
5 Mr. Vincent Nelson pursuant to a consent order.

6 Q. Can you tell the jury what a buccal swab is?

7 A. It's a sterile cotton swab. You place it between your
8 cheek and gum, kind of roll it around like a toothbrush,
9 then bring it back out. The saliva -- the skin cells takes
10 DNA. So, it's your DNA. Then it is placed into a carton
11 container and then sealed and sent to our evidence room,
12 which eventually goes to DNA for analysis.

13 Q. I would like to show you State's Exhibit 29 and ask if
14 you recognize that.

15 A. Yes. That's my handwriting from the buccal swabs from
16 Nelson.

17 MS. WALKER: Your Honor, at this point the state seeks
18 to admit exhibit 29 into evidence.

19 MR. SUTHERLAND: No objection, sir.

20 (BUCCAL SWAB MARKED INTO EVIDENCE AS STATE'S EXHIBIT
21 NUMBERS 29.)

22 BY MS. WALKER:

23 Q. And, sir, the photographing of this scene and the
24 taking of that buccal swab, did that conclude your
25 involvement with the investigation in this case?

1 A. It did.

2 Q. Thank you, sir.

3 MS. WALKER: No further questions.

4 THE COURT: Cross?

5 MR. SUTHERLAND: Please the court?

6 CROSS-EXAMINATION BY MR. SUTHERLAND:

7 Q. Briefly, sir. Your testimony was that you took the
8 buccal swab from Vincent Nelson December 10th of 2013. Is
9 that ---

10 A. Excuse me, please.

11 Q. Oh, certainly. Certainly.

12 (A PAUSE.)

13 A. Can't remember the exact day. December the 10th,
14 2013, correct.

15 Q. So, this, this was about two months ago, two months
16 ago and a couple of weeks?

17 A. December the 10th, 2013.

18 Q. Yes, sir. All right. Thank you.

19 MR. SUTHERLAND: No further questions. Thank you,
20 Your Honor.

21 MS. WALKER: Nothing from the state, Your Honor.

22 THE COURT: Thank you. You may step down.

23 (THE WITNESS EXITS THE STAND.)

24 THE COURT: Now, Mr. Foreman, ladies and gentlemen of
25 the jury, we're going to break for the evening. Normally

C. WRIGHT - DIRECT EXAMINATION BY MS. SIMPSON

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1 of the jury. I hope y'all had a pleasant evening and
2 enjoyed your sausage biscuits. We have to thank our clerk.
3 She made a special effort this morning, braved the rain,
4 and got up early and cooked those for you.

5 We're going to get started right back into the trial
6 of the case. We'll go till about 12:00, 12:30, quarter
7 till 1:00, and then we'll sort of see how we'll go. You
8 may call your next witness.

9 MS. SIMPSON: Thank you, Your Honor. May it please
10 the court?

11 THE COURT: Yes, ma'am.

12 MS. CAMPBELL: State calls Cinammon Wright.

13 THE COURT: Ms. Wright, please. Ma'am, if you'd come
14 right up here for me, please. Come right over here,
15 please, ma'am.

16 CINAMMON WRIGHT, BEING DULY SWORN,

17 TESTIFIES AS FOLLOWS:

18 CLERK OF COURT: Have a seat in the witness stand,
19 please. State your name for the record.

20 THE WITNESS: Cinammon Wright.

21 DIRECT EXAMINATION BY MS. SIMPSON:

22 Q. Good morning, Ms. Wright.

23 A. Good morning.

24 Q. Where are you employed?

25 A. Richland County EMS.

1 Q. And what is your position with Richland County EMS?

2 A. I'm a paramedic.

3 Q. And how long have you been a paramedic with Richland
4 County?

5 A. Four years.

6 Q. And as a paramedic, do you receive first responder
7 training and things of that nature?

8 A. Yes.

9 Q. Can you tell the jury a little bit about your training
10 as a first responder and EMT?

11 A. Well, you start off as an EMT. You go to school. You
12 learn basic life care. Then you, you progress and you
13 would go to paramedic school. It's a year. You learn
14 advanced healthcare, ACLS, and just you learn what to do
15 when you respond ---

16 Q. Okay.

17 A. --- to the scene.

18 Q. And we've been having a little trouble in the
19 courtroom here. So, if you can just speak up just a little
20 bit for us. Back on January 25th of 2013, what was your
21 position with EMS?

22 A. A paramedic.

23 Q. A paramedic, and as a paramedic, tell the jury a
24 little bit about what your duties include.

25 A. Advanced life saving care. You -- whatever is

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1 necessary to revive a patient, to sustain their life until
2 they can make it to the hospital where the doctors take
3 over care.

4 Q. And in your capacity as a paramedic, do you respond to
5 a number of emergency calls?

6 A. Yes.

7 Q. And you said the goal is advanced kind of life saving
8 care in order to get the patient to the hospital?

9 A. Correct.

10 Q. And important things would include such as making sure
11 their airway was clear or things of that nature, depending
12 upon the circumstances?

13 A. Absolutely.

14 Q. Did you have occasion to respond to a call on January
15 25th to [REDACTED]

16 A. Yes.

17 Q. And do you need a copy of your report?

18 A. Please.

19 Q. Because how many calls would you say you've responded
20 to?

21 A. Any -- since then?

22 Q. Yes.

23 A. Thousands. I'm not exactly sure.

24 Q. And you all maintain reports to keep up with
25 information and things of that nature?

1 A: Yes, they do keep those.

2 Q. And on this day, where did you respond and what time
3 were you dispatched?

4 A. I was dispatched at 11:19 to [REDACTED]

5 Q. Okay, and what was the call in response to?

6 A. Gunshot wound.

7 Q. Okay, and when you arrived, were other paramedics with
8 you, or was someone else driving the EMS truck?

9 A. Yes, my partner was with me.

10 Q. Okay, and who is that?

11 A. Corey Starns.

12 Q. Okay, and when you arrived, were you considered -- I
13 guess did you give the primary care to this patient?

14 A. Yes, I did.

15 Q. And when you arrived on scene, what did you observe?

16 A. I -- initially I arrived on scene. I -- the call went
17 out as a gunshot wound for two patients. When I arrived, I
18 was notified by a Richland County Sheriff's Department
19 officer that there was a third patient that was down, and
20 they proceeded to take me to where this patient was.

21 Q. And when you say a third patient was down, what do you
22 mean?

23 A. That there was another patient more critical.

24 Q. Than the other two?

25 A. Yes.

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1 Q. Okay, and was that the patient -- at that time, did
2 you have the identity of the young man?

3 A. No.

4 Q. Okay, and when you arrived, what did you observe,
5 based on your report?

6 A. I'll just read my report. I arrived to find
7 approximately twenty-five-year old male victim of multiple
8 gunshot wounds. One to the left neck, two to the upper
9 back, one to the left buttock, one to the back left thigh,
10 one to the right forearm. Also abrasions and contusion to
11 the forehead and abrasion to left eye.

12 Q. Let me back up just a minute. That's what you
13 observed. Where was he actually located ---

14 A. He was ---

15 Q. --- when you arrived?

16 A. I, I recall there being a very steep driveway and to
17 the left -- I'm not sure if we were under, like, a carport.
18 It was a house, but ---

19 Q. This area was outside ---

20 A. Yes, it was outside.

21 Q. --- where he was located?

22 A. Yes.

23 Q. And was he standing up? Was he laying on the ground?

24 A. He was laying on a -- he was laying on the ground on
25 his right side moaning.

1 Q. And what was that last part? I'm sorry.

2 A. Moaning.

3 Q. Moaning. So, he was actually conscious and making
4 noise at the time that you arrived?

5 A. Yes.

6 Q. Okay, and when you observed him, what did you do?
7 What type of care did you render?

8 A. At that time, the officers let me know that he had
9 been shot. So, we exposed him on scene, cutting off his
10 clothes at this time, looking for any life-threatening
11 issues to deal with right away, and so we had to cut off
12 all his clothes to expose the gunshot wounds so we would
13 know where all the wounds were.

14 Q. And so at that point, that's how you were able, after
15 cutting his clothing, you were able to observe where the
16 wounds were actually located?

17 A. Yes.

18 Q. And once you observed his wounds, I believe you noted
19 a total of five separate gunshot wounds?

20 A. Six, yes.

21 Q. Or one to the left neck, one to the upper back, one to
22 the left buttock, one to the left fly -- thigh, and one to
23 the right forearm, correct?

24 A. Two to the upper back.

25 Q. Oh, two to the upper back. I apologize, and at that

C. WRIGHT - DIRECT EXAMINATION BY MS. SIMPSON

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1 point, what did you do next?

2 A. I applied an occlusive dressing to the wounds. The --
3 to the neck, to the upper back and ---

4 Q. And what's the purpose of a -- of applying---

5 A. Applying that to keep air from -- because we call it a
6 sucking wound. So that the air would not get in and cause
7 him trouble breathing.

8 Q. Okay. So, you were trying to protect his airway as
9 well as to kind of control the bleeding ---

10 A. Yes.

11 Q. --- from the wounds?

12 A. Yes.

13 Q. And once those were applied, what did you do next?

14 A. We placed him in full spinal precaution. We put a
15 C-collar around his neck. That's to protect his spine.
16 Put him on a board to keep him in line, and secured him to
17 the board with our straps and loaded him on to the
18 stretcher and into the ambulance.

19 Q. Okay, and at this point when he's loaded in, he's --
20 his lungs are clear and his airway seems to be okay?

21 A. Yes.

22 Q. Are you providing him with any additional care?

23 A. Yes, providing him with oxygen, establishing IV lines,
24 getting him fluids. That was what he needed, and, of
25 course, emergent transport to the hospital to transfer him

1 to a higher level of care.

2 Q. Okay, and all this is happening quickly?

3 A. Very quickly.

4 Q. You do it quickly, and I believe in your report you
5 note, at one point, that the patient seemed confused?

6 A. Yes.

7 Q. At times almost in shock ---

8 A. Yes, I asked ---

9 Q. --- I guess from the gunshot wounds?

10 A. I asked him his name and his age. He was able to tell
11 me his first name. He was able -- he was trying to tell me
12 his age. He was using his fingers. We're trying to figure
13 out his age, and he just -- he wasn't able to, to tell me.
14 He was mumbling words that didn't exactly make sense.

15 Q. Okay. So while he was conscious, he was still clearly
16 failing -- his condition was failing ---

17 A. Right.

18 Q. --- rapidly?

19 A. Deteriorating, yes.

20 Q. And what hospital was he transported to?

21 A. Palmetto Health Richland Memorial.

22 Q. And when you arrived to the hospital, what did you do
23 at that point?

24 A. I took him to trauma bay two, transferred him from our
25 stretcher to the trauma bed, and gave report to the doctors

C. WRIGHT - DIRECT EXAMINATION BY MS. SIMPSON

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1 and nurses there. At that time, care was transferred,
2 transferred over.

3 Q. Okay. So, at that point, your care is finished and
4 the hospital takes over ---

5 A. Yes.

6 Q. --- with respect -- but he was still alive and y'all
7 had established ---

8 A. Yes.

9 Q. I guess he was still breathing, fluids had been
10 administered?

11 A. Yes.

12 Q. But he was still in a state of shock from the wounds?

13 A. Yes.

14 MS. SIMPSON: Thank you, Ms. Wright.

15 MR. SUTHERLAND: No questions of this witness.

16 THE COURT: Thank you, Ms. Wright, you may step down.

17 (THE WITNESS EXITS THE STAND.)

18 THE COURT: May she be released from her subpoena
19 please? Any objections?

20 MS. SIMPSON: Yes.

21 MR. SUTHERLAND: No objection.

22 MS. SIMPSON: No objection.

23 THE COURT: Ms. Wright, you're free to go. Thank you
24 for coming.

25 Next witness, please.

1 MS. WALKER: Your Honor, the state calls Mary Ellen
2 Swain.

3 MARY ELLEN SWAIN, BEING DULY
4 SWORN, TESTIFIES AS FOLLOWS:

5 CLERK OF COURT: Thank you. Have a seat in the
6 witness stand, please. State your name for the record.

7 THE WITNESS: Mary Ellen Swain.

8 DIRECT EXAMINATION BY MS. WALKER:

9 Q. Good morning.

10 A. Good morning.

11 Q. Ma'am, where are you currently employed?

12 A. Richland County Emergency Medical Services.

13 Q. And what do you do for Richland County Emergency
14 Medical Services?

15 A. I'm a senior paramedic crew chief.

16 Q. Senior paramedic crew chief?

17 A. Uh-huh.

18 Q. Can you tell the jury what your duties involve?

19 A. As a senior paramedic, I'm in charge of a particular
20 unit, the crew on the unit. I have a EMT basic partner
21 most of the time. I'm also a direct-line supervisor on the
22 street as a senior paramedic. Right up underneath us, as
23 Ms. Wright is, she's a crew chief leader. So, she's
24 actually one step below, but she's still responsible as
25 well for taking care of the unit, making -- responding to

M.E. SWAIN - DIRECT EXAMINATION BY MS. WALKER

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1 calls. We have a paramedic on every single truck.

2 Q. And can you tell us a little bit about your training
3 and -- or providing emergency medical services?

4 A. Went to basic school, which is the lowest level. You
5 learn basic life saving, and then once you progress to
6 paramedic school, you learn advanced live saving, which is
7 basically we get to handle doing -- when I say advanced,
8 all of the airway, anything that concerns life saving
9 measures. You know, whether it be intubating someone and
10 to protect their airway, starting IVs, cardiac monitoring,
11 working, you know, a cardiac arrest, pushing life-saving
12 drug if we need to. So, that's what we, as paramedics, do.

13 Q. And how long have you been a paramedic?

14 A. Nine years.

15 Q. I want to turn your attention back to January of 2013.
16 Did you have occasion to respond to a call involving
17 multiple gunshot wounds?

18 A. Yes.

19 Q. And let me give you a copy of your report. Would that
20 aid you or do you have a copy?

21 A. I have a copy.

22 Q. Oh, okay. Great, and can you tell us where you
23 responded?

24 A. We responded to [REDACTED]

25 Q. And what -- I guess what's the call that went out,

1 that call that you got to respond to that location?

2 A. We were as a secondary unit because the initial unit
3 that arrived on scene that was -- which Ms. Wright was on,
4 we received a call that there were multiple victims of
5 gunshot wounds. So, we got sent out on a gunshot wound for
6 multiple patients. So, we were a secondary unit that
7 arrived at that scene after she did.

8 Q. And can you tell the jury what, if anything, you
9 observed when you arrived on that scene?

10 A. What I observed when I arrived on scene, I had two
11 patients that I transported. Both of them were ambulatory,
12 which they were walking around. They actually were walking
13 up to us with law enforcement ---

14 Q. And when you say ---

15 A. --- to the back of our truck.

16 Q. I'm sorry. When you say saying ambulatory, that means
17 that they were ---

18 A. They were walking around on scene; they were able to
19 walk. They're conscious, alert, oriented.

20 Q. And can you tell me the name of those two patients?

21 A. The first patient was Trenton Scott and the second
22 patient was Joshua Williams.

23 Q. Okay. Can we -- let's start with Mr. Scott.

24 A. Okay.

25 Q. When you made contact with him, was he able to give

1 you any information?

2 A. Yes, he was able to talk with me. Basically he walked
3 up to the unit. I noticed that he had a large undershirt
4 or towel that was white and he was holding his left arm,
5 and he said that he had been shot once in the arm. But he
6 was able to, to answer all of my questions appropriately
7 and give me whatever information I needed when I asked him.

8 Q. And were you able, in fact, to observe that gunshot
9 wound?

10 A. Yes.

11 Q. And what treatment did you provide to Mr. Scott?

12 A. Well, the first thing that I was going to do, control
13 the bleeding. We placed a bandage over it, made sure that
14 there wasn't any other visible trauma that I could see.
15 So, I took the, the towel or the undershirt, I can't
16 remember which one it was, off there. Placed a, a dressing
17 over it which would protect it from getting any further
18 infection into it, wrapped it with clean. Was able to
19 place him into the truck and transport him.

20 Q. So, were Mr. Scott and Mr. Williams transported in the
21 same ambulance?

22 A. Yes.

23 Q. Okay, and were those the -- was that the extent of the
24 injuries that you observed on Mr. Scott that night?

25 A. Yes.

1 Q. Okay, and moving to Mr. Williams.

2 A. Okay.

3 Q. Can you tell me, was he able to give you any
4 information as well?

5 A. Yes.

6 Q. And what information was he able to give you?

7 A. He described to me that he had been involved in an
8 altercation. He was grazed by a bullet, meaning that he
9 didn't have a full gunshot wound. A graze usually can
10 constitute any type of abrasion, which is just minor
11 breaking of the skin and up to a laceration, and he said
12 that he had been pistol whipped. He had been grazed by a
13 bullet to his lower right abdomen, and then he also had an
14 abrasion from where he was hit apparently with the gun, so
15 he told me, to his forehead.

16 Q. And the abrasion to the abdomen, were you able to
17 observe that as well?

18 A. Yes.

19 Q. And what treatment, if any, did you provide for that?

20 A. Just basic wound covering and it was, it was basic
21 advanced life care. It was not considered a life-
22 threatening injury because it was not actual penetration,
23 was not an actual gunshot wound. It was just a grazing by
24 the bullet that was -- controlling the bleeding, making
25 sure that the, the wound was protected from any further

1 infection.

2 Q. And the injuries that he was describing to you as a
3 result of a pistol whipping, were you able to observe
4 those?

5 A. Yes.

6 Q. And did you provide treatment for those?

7 A. There was not a whole lot of treatment that we could
8 provide because there was no breaking of the skin, an
9 abrasion across there. There's was a little bit of
10 bruising. But, you know, as long as skin's not broken, we
11 just have to observe that, and he was conscious, alert,
12 oriented to person, place, time, able to answer all
13 questions appropriately. So, as long as, you know, he's
14 able to answer all questions appropriately, don't suspect
15 any major head injury.

16 Q. And can you describe for the jury what kind of -- what
17 -- was there bleeding? There was bleeding from the
18 abdomen?

19 A. Uh-huh.

20 Q. It says in your report that you were able to get that
21 under control?

22 A. Yes.

23 Q. And how did you get that under control?

24 A. Just placed a, a dressing over it and made sure it was
25 covered.

1 Q. And there was no -- a dressing placed over the head as
2 well?

3 A. Yes, did place a dressing over the, the forehead.

4 Q. And upon -- and all that treatment happened there at
5 that scene?

6 A. Yes.

7 Q. And then they were placed into an ambulance?

8 A. Well, we, we -- yeah, we went ahead and generally how
9 we do it, we, we move at a very fast pace. So, depending
10 on how many patients we have, what the extent of their
11 injuries are, we will load them up and go ahead and get
12 them in the back of the truck. A lot of times we will do
13 most of the dressing covering en route. I can't recall
14 exactly whether we did the actual dressing on scene or if I
15 did it en route to the hospital. But it was placed.

16 Q. I understand, and what hospital were they transported
17 to?

18 A. Palmetto Health Richland.

19 Q. And upon transporting them to the hospital, is that
20 the end of the aid that you rendered with these two
21 patients?

22 A. Yes.

23 Q. Thank you, ma'am.

24 MS. WALKER: I don't have any further questions.

25 WITNESS: All right.

1 not relevant.

2 MS. CAMPBELL: Yes, sir.

3 THE COURT: So, you can ask him did he plead to them,
4 been convicted of purse snatching.

5 MR. SUTHERLAND: Should -- I might ask him if he was
6 charged with robbery.

7 THE COURT: No, sir.

8 MR. SUTHERLAND: Okay.

9 MS. CAMPBELL: Thank you, Your Honor.

10 THE COURT: All right. Bring the jury in, please.

11 (THE JURY ENTERS AT 10:52 AM.)

12 THE COURT: You may call your next witness.

13 MS. SIMPSON: State calls Jwaun Duckett.

14 THE COURT: Mr. Duckett, please stand and place your
15 left hand on the Bible and raise your right.

16 JWAUN DUCKETT, BEING DULY SWORN,
17 TESTIFIES AS FOLLOWS:

18 CLERK OF COURT: Thank you. Have a seat in the
19 witness stand, please.

20 (OFF-THE-RECORD BENCH CONFERENCE.)

21 CLERK OF COURT: State your name for the record,
22 please.

23 WITNESS: Jwaun Duckett.

24 DIRECT EXAMINATION BY MS. SIMPSON:

25 Q. And can you spell that for the court reporter?

1 A. J-w-a-u-n. D-u-c-k-e-t-t.

2 Q. Okay, and slow down just a little bit because she's
3 got to take down everything that you're saying, okay?

4 A. J-w-a-u-n. D-u-c-k-e-t-t.

5 Q. Mr. Duckett, how old are you?

6 A. Nineteen.

7 Q. And are you from Columbia?

8 A. Yes, ma'am.

9 Q. Did you graduate from high school?

10 A. No, ma'am.

11 Q. How far did you go in high school?

12 A. Eleventh grade.

13 Q. Eleventh grade?

14 A. Yes, ma'am.

15 Q. And I want to turn your attention back to -- actually,
16 let me back up just a little bit. Do you know the
17 defendant in this case, Maurice Roberts?

18 A. Yes, ma'am.

19 Q. Can you tell the jury how you know him?

20 A. Neighborhood, school.

21 Q. School. What school did you go to?

22 A. I went to Columbia High and Lower Richland High
23 School.

24 Q. Okay, and speak up just a little bit.

25 A. Went to Columbia High and I went to Lower Richland

J. DUCKETT - DIRECT EXAMINATION BY MS. SIMPSON

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1 High School.

2 Q. Okay. So, y'all met through school and around the
3 neighborhood?

4 A. Yes, ma'am.

5 Q. That's kind of the Hammond Village area?

6 A. Yes, ma'am.

7 Q. Off Broad River Road?

8 A. Yes, ma'am.

9 Q. And were you actually living or staying there with
10 your aunt sometimes?

11 A. No, ma'am.

12 Q. Back at Hammond Village?

13 A. No, ma'am.

14 Q. Did you know that Maurice stayed in Hammond Village?

15 A. Yes, ma'am.

16 Q. Okay, and would you go visit with him sometimes?

17 A. Yes, ma'am.

18 Q. Okay, and y'all actually hung out a good deal, right?

19 A. Yes, ma'am.

20 Q. And you -- Maurice is one of your good friends,
21 correct?

22 A. Yes, ma'am.

23 THE COURT: Speak up a little louder for me, please,
24 sir.

25 Q. And he's actually one of your best friends?

- 1 A. I wouldn't say that, but...
- 2 Q. Y'all are close, good friends? I want to turn your
3 attention back to January 28th of 2013. Did you also know
4 Vincent Nelson?
- 5 A. Yes, ma'am.
- 6 Q. And how did you know Vincent Nelson?
- 7 A. Around the neighborhood.
- 8 Q. And did you know him by a nickname?
- 9 A. No, ma'am.
- 10 Q. You never heard him called Junior or J School?
- 11 A. I heard that, but I ain't know they call him that,
12 though.
- 13 Q. Okay, but you knew, you knew him through the
14 neighborhood, too?
- 15 A. Yes, ma'am.
- 16 Q. And he would hang out with you and Maurice?
- 17 A. Yes, ma'am.
- 18 Q. And did you also know Deshawn McClary?
- 19 A. Yes, ma'am.
- 20 Q. Okay, and how did you know him?
- 21 A. Around the neighborhood, too.
- 22 Q. Around the neighborhood, too. So, you knew Deshawn,
23 Demetrice, and Vincent Nelson?
- 24 A. Yes, ma'am.
- 25 Q. And y'all would actually all kind of hang out

1 sometimes, correct?

2 A. Correct.

3 Q. And you'd actually only known Deshawn for about a
4 month prior to this incident, right?

5 A. Right.

6 Q. And did they actually have a group, a rap group?

7 A. Yeah, we did.

8 Q. Okay, and the name of that group, was it 600?

9 A. Yes, ma'am.

10 Q. Okay, and who all was involved in that group?

11 A. The people you named besides Maurice.

12 Q. Okay. So, Deshawn McClary, Demetrice James, you, and
13 Vincent Nelson ---

14 A. Yes, ma'am.

15 Q. --- went by 600 and we'll go back to that. On January
16 28th of 2013, do you recall being at Maurice's house?

17 A. That morning.

18 Q. I'm sorry. What was that?

19 A. That morning.

20 Q. That morning?

21 A. Uh-huh.

22 Q. And who all was there with you that morning?

23 A. Everybody you named.

24 Q. Well, why don't we go through it again, everybody
25 named. So, Vincent Nelson was there?

1 A. Uh-huh.

2 Q. You were there?

3 A. Yes, ma'am.

4 Q. You're saying that Demetrice was there or no?

5 A. This morning the police had came? Is that what you're
6 talking about?

7 Q. Yes.

8 A. No, just me, Maurice, and Vincent.

9 Q. Okay, and Maurice's dad was there too, right?

10 A. Yes, ma'am.

11 Q. And you said this morning when the police came. What
12 do you remember happening when the police came?

13 A. I ran upstairs.

14 Q. Okay. Did you actually hear the knock at the door?

15 A. No, ma'am.

16 Q. Then why did you run upstairs?

17 A. Because I heard them screaming police, police.

18 Q. Okay, and when you say you heard him screaming, you
19 actually heard Maurice screaming police, the cops are here?

20 A. No. I heard police saying that.

21 Q. Oh, you heard the police saying that. And then -- so,
22 you ran upstairs, right?

23 A. (THERE IS NO RESPONSE.)

24 THE COURT: Answer the question, please. You ran
25 upstairs, is that correct?

J. DUCKETT - DIRECT EXAMINATION BY MS. SIMPSON

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1 A. Yeah, I ran upstairs.

2 Q. And did Maurice actually tell you the cops are here,
3 too ---

4 A. No, ma'am.

5 Q. --- before you ran?

6 A. No, ma'am.

7 Q. And did he give you something when you ran upstairs?

8 A. No, he didn't give me nothing.

9 Q. Okay. Do you remember giving a statement in this
10 case?

11 A. Yeah, I remember giving a statement.

12 Q. Okay, and you gave that statement to police?

13 A. Uh-huh.

14 Q. Right?

15 A. Yes, ma'am.

16 Q. And it was actually on that day, January 28, 2013,
17 correct?

18 A. Correct.

19 Q. And you have to answer the question so the court
20 reporter can take it down.

21 A. All right.

22 Q. And when the police came that day, they actually found
23 you hiding in the closet. Isn't that right?

24 A. Yes, ma'am.

25 Q. And why were you hiding in the closet?

- 1 THE COURT: Oh, careful now.
- 2 Q. Without telling me why, you were hiding in the closet,
- 3 correct?
- 4 A. Uh-huh.
- 5 Q. And the police got you out of the closet, correct?
- 6 A. Correct.
- 7 Q. And did they say they wanted to talk to you?
- 8 A. Yes, they did.
- 9 Q. And you were willing to talk to them, right?
- 10 A. Yes, ma'am.
- 11 Q. And did you actually talk to them there at the scene?
- 12 A. No, ma'am.
- 13 Q. At Maurice's apartment?
- 14 A. Hu-huh.
- 15 Q. Where did they take you?
- 16 A. Took me to the headquarters.
- 17 Q. And at headquarters, they actually advised you of your
- 18 rights, right?
- 19 A. Yes, ma'am.
- 20 Q. Your right to remain silent, correct?
- 21 A. Correct.
- 22 Q. Speak with a lawyer, things of that nature, correct?
- 23 A. Correct.
- 24 Q. And told you you didn't have to talk to them if you
- 25 didn't want to, right?

1 A. Right.

2 Q. And I'm going to show you what's been marked -- and
3 you actually signed off on a written form, correct?

4 A. Uh-huh.

5 Q. Agreeing to speak with them?

6 A. Yes, ma'am.

7 Q. And telling them about what you knew and how you knew
8 the defendant in this case, correct?

9 A. Correct.

10 Q. Now, did the police actually recover a cell phone from
11 you as well?

12 A. Yes, ma'am.

13 Q. And that cell phone, who did it belong to?

14 A. Maurice.

15 Q. Maurice?

16 A. Yes, ma'am.

17 Q. He'd actually given you that cell phone before you
18 went and hid in the closet, right?

19 A. No, he didn't give it to me. It was already in the
20 room.

21 Q. It was already in ---

22 A. It was already in my possession.

23 THE COURT: I'm sorry. What was the last, what was
24 the last explanation?

25 A. I said it was already in the room. So, it was in my

1 possession.

2 Q. Okay. It was already in the room and it was in your
3 possession. Now, when you talked with police, did they ask
4 you what you knew about the robbery?

5 A. Yeah. Yeah, they did.

6 Q. And what did you tell them happened? What did you
7 know?

8 A. I said the morning I was over there, and I said
9 Maurice had got a call.

10 THE COURT: I'm sorry. I can't understand you.
11 Maurice what?

12 WITNESS: I said I was over there and Maurice had got
13 a call, talking ---

14 BY MS. SIMPSON:

15 Q. And when was this that Maurice had gotten a call?

16 A. It was, like, the day before my birthday. The 25th or
17 something like that.

18 Q. And your birthday is actually [REDACTED], correct?

19 A. Yes, ma'am.

20 Q. And y'all were over there planning your birthday
21 party?

22 A. Yes, ma'am.

23 Q. And it was you -- who was with you?

24 A. Me, Maurice, Deshawn, and Demetrice, Vincent, my
25 cousin. That's it.

J. DUCKETT - DIRECT EXAMINATION BY MS. SIMPSON

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1 Q. Okay, and you said that Maurice got a call?

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

3 Q. What happened and what did he say after he got that
4 call?

5 A. He was talking to Junior. He was talking to Junior.
6 about something and Junior was, like, they got a lick to go
7 hit to do a studio or something like that.

8 Q. And a lick, what's a lick?

9 A. Going to come up.

10 THE COURT: Sir?

11 A. Break in somebody house.

12 THE COURT: Say that again.

13 WITNESS: Coming up and breaking in somebody house.

14 BY MS. SIMPSON:

15 Q. All right, and you said Vincent said that, but did
16 Maurice tell you about the lick?

17 A. Yeah, they was basically saying it together.

18 Q. They were basically saying it together?

19 A. Yes, ma'am.

20 Q. And Maurice specifically referred to the lick and it
21 being a studio?

22 A. Yeah, Junior said it was a studio. It was his plan,
23 though.

24 THE COURT: Whose plan?

25 WITNESS: Junior.

1 BY MS. SIMPSON:

2 Q. Okay right. So, Junior had a plan, but Maurice was
3 ready to go with lick, and did they actually ask you if you
4 wanted to be involved?

5 A. No, they ain't ask me. They just -- I just told them
6 that I wasn't going to participate in it.

7 Q. Okay, and participate in what?

8 A. Going and breaking in somebody house.

9 Q. And when you say they weren't going to participate --
10 you weren't going to participate, who was going to
11 participate?

12 A. The people that was around him when they got the call.

13 Q. And who were those people?

14 A. Vincent, Deshawn, and, and Demetrice.

15 Q. And Maurice, correct?

16 A. Yes, ma'am.

17 Q. And you remember giving a statement to police, right?

18 A. Uh-huh.

19 Q. And Maurice -- you said Junior. Let me make sure I
20 got this right. Maurice, Junior, and Demetrice, they're
21 actually all part of 600 along with you, right?

22 A. Maurice is not part. The other people is.

23 Q. But you did give the statement to the police, correct?

24 A. Yes, ma'am.

25 Q. And in that statement, do you remember them asking you

J. DUCKETT - DIRECT EXAMINATION BY MS. SIMPSON

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1 about the licks and that you actually said that you weren't
2 going to do the lick, and that the others were saying they
3 were going to do it. Derrick, Maurice, Junior, and
4 D-Roosevelt are all 600?

5 A. Yes, ma'am.

6 Q. Okay, and Maurice is included in that group, 600?

7 A. No, I ain't mean to say that, that he was, if I said
8 that in the statement because he not.

9 Q. Okay, but back then you told the police that they were
10 all 600?

11 A. Yes, ma'am.

12 Q. And they actually followed up with what is 600?

13 A. It's a rap group.

14 Q. It's a rap group. And Maurice, he told you what the
15 lick was for, right?

16 A. Really Junior did. It's just Maurice the one that had
17 got the phone call.

18 Q. Okay, and do you remember in that same statement
19 police asking you did Maurice say what the lick was?

20 A. It been a minute ago, so you probably got to show me.

21 Q. Okay. I'll show you.

22 THE COURT: Hold on a second. Repeat what you just
23 said, please.

24 WITNESS: I said it been a little minute ago. You
25 probably going to have to show me.

1 BY MS. SIMPSON:

2 Q. Okay, and this is your statement?

3 A. Uh-huh.

4 Q. I've highlighted a couple portions, but police
5 questioned you: Did Maurice say what the lick was for?
6 Right?

7 A. Yes, ma'am.

8 Q. And your answer was yes, he said it was for a studio,
9 correct?

10 A. Correct.

11 Q. They were all talking about getting studio equipment
12 and then Junior was, like, bro, we can get that shit and
13 put it upstairs bro. Correct?

14 A. Correct.

15 Q. And then Maurice was saying they should do this this
16 weekend, right?

17 A. Yes.

18 Q. And you said Maurice was saying that?

19 A. Uh-huh.

20 Q. And it was your birthday weekend, right?

21 A. Yes, ma'am.

22 Q. And they were wanting to put that studio equipment in
23 Maurice's house upstairs?

24 A. Correct.

25 Q. All, and at that point -- and I believe we're on --

J. DUCKETT - DIRECT EXAMINATION BY MS. SIMPSON

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1 this is the Thursday or the Friday? Do you remember?

2 A. I really don't.

3 Q. It was just right before your birthday?

4 A. Yes, ma'am.

5 Q. And it was going to happen that weekend?

6 A. Uh-huh.

7 Q. At some point, did you decide you didn't want to be a
8 part of this conversation?

9 A. Yeah, because I left.

10 Q. You left, and when you left, where did you go?

11 A. I went to my baby mama house.

12 Q. Who's your baby mama?

13 A. Chantelle Boyd.

14 Q. Okay, and where does she live?

15 A. She stay in Lower Richland Boulevard.

16 Q. Lower Richland Boulevard?

17 A. Uh-huh.

18 Q. Before you went there, did you actually go to your
19 aunt's house?

20 A. Yeah, because I told her I was leaving her. I had to
21 get my girl.

22 Q. Okay, and you went along with your cousin, Karee
23 Golden?

24 A. Yes, ma'am.

25 Q. And your aunt, where does she live?

1 A. She stay in Hammond village.

2 Q. Say that again.

3 A. She stay in Hammond Village.

4 Q. And Hammond Village is the same place Maurice stays,
5 right?

6 A. Yes, ma'am.

7 Q. Moving to kind of late Friday the 25th, or early
8 Saturday morning, did you receive a call from Maurice?

9 A. Yeah, he told me happy birthday. That was, like,
10 around about 12:00.

11 Q. Around about 12:00 to 12:30?

12 A. Uh-huh.

13 Q. And when he called you, did you actually ask him about
14 coming up to see him?

15 A. Not that I remember.

16 Q. Like I said, it's been a while, but you gave a
17 statement to police, and your memory would have been a
18 little better back then, right?

19 A. Yes, ma'am.

20 Q. And that night, Friday on the 25th, you actually
21 stayed at Ms. Priscilla's house right?

22 A. Uh-huh.

23 Q. And Ms. Priscilla, she actually lives in Hammond
24 Village, correct?

25 A. That's correct.

J. DUCKETT - DIRECT EXAMINATION BY MS. SIMPSON

415

1 Q. Where the defendant lives, Maurice Roberts?

2 A. Uh-huh.

3 Q. So, you were on the ---

4 THE COURT: You -- have on a second. Sir, you have to
5 say yes or no for us, please.

6 WITNESS: Oh. Yes, ma'am.

7 BY MS. SIMPSON:

8 Q. Okay. So, you were actually in Hammond Village
9 Apartments the Friday night before your birthday ---

10 A. Yes, ma'am.

11 Q. --- because y'all were planning the party at Maurice's
12 house?

13 A. Yes.

14 Q. Okay, and so he gives you a call around the 25th, and
15 you were actually with your girlfriend at the time?

16 A. Yes, ma'am.

17 Q. And at that time not your baby ma'am, correct?

18 A. Correct.

19 Q. It was a different girl?

20 A. Correct.

21 Q. Who was it?

22 A. I got to put a name on that?

23 Q. Well, it was a different girl. We'll go there. But
24 you were at Ms. Priscilla's house when you got the call?

25 A. Uh-huh.

1 Q. And when he told you happy birthday, did you actually
2 ask him a question about going down to his place?

3 A. Yeah, I did.

4 Q. And what did he say to you?

5 A. He say you don't want to come there.

6 THE COURT: I can't understand you. I'm sorry.

7 WITNESS: He said you don't want to come down there.

8 BY MS. SIMPSON:

9 Q. Specifically you told police he said: Man, you don't
10 want to come down here, man; we got too much going on. And
11 then you responded what?

12 A. I said all right, hit me up in the AM.

13 THE COURT: I can't understand you.

14 WITNESS: I said all right, hit me up in the AM.

15 Q. Okay. So, by 12:30 ---

16 THE COURT: Hold on a second. Say that again, please.

17 WITNESS: I said all right then. Hit me up in the AM.

18 THE COURT: What's he saying?

19 MS. SIMPSON: All right. Hit me up in the AM is what
20 you responded.

21 THE COURT: Thank you.

22 BY MS. SIMPSON:

23 Q. But just to reiterate, you'd actually asked about
24 going down, and he told you there was too much going on,
25 not to come down?

J. DUCKETT - DIRECT EXAMINATION BY MS. SIMPSON

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1 A. Yes, ma'am.

2 Q. All right. So, you actually didn't go down to his
3 apartment that day?

4 A. No, I didn't.

5 Q. Did you see him the next day, Sunday, your birthday?

6 A. Yes, I did.

7 Q. And where did you see him?

8 A. At my party.

9 Q. At your party?

10 A. Yes, ma'am.

11 Q. Where was your party?

12 A. Priscilla house.

13 Q. Priscilla house.

14 A. Uh-huh.

15 Q. Prior to that ---

16 THE COURT: Hold on a second.

17 Q. --- did you actually---

18 THE COURT: Hold on. Ma'am, you're having trouble?

19 COURT REPORTER: I need for him to sit up and move
20 toward the microphone, please.

21 THE COURT: Please sit up a little bit and speak into
22 the microphone.

23 MS. SIMPSON: Okay, scoot forward just ---

24 THE COURT: We'll be through in just a minute.

25 MS. SIMPSON: --- a little bit.

1 THE COURT: We'll be through in just a minute.

2 MS. SIMPSON: That way she can hear you.

3 BY MS. SIMPSON:

4 Q. Prior to having the party, you actually went down to
5 Maurice's apartment about 2:30 in the afternoon, didn't
6 you?

7 A. Yes, I did.

8 Q. Okay, and did you talk to Maurice at that time?

9 A. I mean, this happened a year ago. I don't, I don't
10 remember it like that.

11 Q. Okay, but Maurice was there when you went?

12 A. Uh-huh.

13 Q. And you got to say yes or no.

14 A. Yes.

15 Q. Yes, and your birthday party, Maurice attended that
16 birthday party?

17 A. Yeah, he came.

18 Q. Did Junior or Vincent Nelson also come?

19 A. Yeah, he come too.

20 Q. Did Deshawn come at all?

21 A. Later that night, but yeah, he came, too.

22 Q. And Demetrice James, did he ever come by? He didn't
23 come by, did he?

24 A. I ain't too sure.

25 Q. You're not too sure? You don't remember? And did

J. DUCKETT - DIRECT EXAMINATION BY MS. SIMPSON

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1 Maurice talk about the lick with you that he'd done?

2 A. Nah, he didn't.

3 Q. You got to speak up.

4 A. He didn't.

5 Q. He didn't?

6 A. Uh-huh.

7 Q. And he never told you anything about what had actually
8 happened or what they'd done?

9 A. No. No, ma'am.

10 Q. Y'all just kind of partied as usual?

11 A. Yes, ma'am.

12 Q. So, was he acting normal that day?

13 A. Yeah, he was.

14 Q. Got to speak up.

15 A. He was.

16 Q. He was?

17 A. Uh-huh.

18 Q. And about a week prior, had you actually seen a gun in
19 Maurice's house?

20 A. Yes, ma'am.

21 Q. And where did you see that gun?

22 A. On the table.

23 Q. And when you saw that gun -- you said the table. Do
24 you remember where on the table? Was it just laying out?

25 A. It was laying out.

1 THE COURT: Speak up there, please.

2 Q. You got to speak up.

3 A. It was just laying out.

4 Q. It was just laying out ---

5 A. Uh-huh.

6 Q. --- on the table, and did you actually ask him about
7 that gun?

8 A. I did.

9 Q. And what did he say?

10 A. He said it wasn't his. He was holding it for
11 somebody.

12 Q. Okay, and again, this is been a while ago, a year ago.

13 A. Uh-huh.

14 Q. But you gave a statement to police, right?

15 A. Yes.

16 Q. And they asked you about that gun that you saw as
17 recently as last weekend or the weekend before, right?

18 A. They did.

19 Q. And you indicated that it was laying on the table,
20 correct?

21 A. Uh-huh.

22 Q. And you actually said -- and this is you talking to
23 Maurice, right?

24 A. Yes, ma'am.

25 Q. You said:

J. DUCKETT - DIRECT EXAMINATION BY MS. SIMPSON

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1 You boys strapped up here -- up around here, huh,
2 and Maurice's response was, like, hell, yeah, got
3 to be.

4 Correct?

5 A. Correct.

6 Q. So, he wasn't saying, as you're saying now, that the
7 gun wasn't his, right?

8 A. Right. Right.

9 Q. Speak up.

10 A. Right.

11 Q. He said got to be strapped?

12 A. That's what it say on the paper, yes, ma'am.

13 Q. Okay, and it was a handgun that you can remember?

14 A. Uh-huh.

15 Q. After giving a statement to police, talking about
16 everything we just talked about here, did you actually
17 offer to show them where Demetrice James lived?

18 A. Yes, ma'am.

19 THE COURT: Speak up for me in the microphone.

20 A. Yes, ma'am.

21 Q. And you actually rode with them and pointed it out,
22 correct?

23 A. That's correct.

24 Q. And Demetrice James goes by Metro or Young as well,
25 one of the rap names or nicknames ---

1 A. Correct.

2 Q. --- out of y'all's group, 600?

3 A. Correct.

4 Q. And were you able to show officers where he was living
5 at the time?

6 A. Yes, ma'am.

7 Q. You have to speak up.

8 A. Yes, ma'am.

9 Q. Okay, and was that address, I believe, was that off
10 River Drive?

11 A. Yeah, it's off River Drive.

12 Q. Now, police officers showed you some lineups, correct?

13 A. Correct.

14 Q. And this was just -- you already knew Deshawn,
15 Demetrice, and Junior, right?

16 A. Right.

17 Q. But you were able to pick out -- I'm going to show you
18 what's been marked as State's Exhibit 190. You remember
19 that?

20 A. Uh-huh.

21 Q. And being shown these pictures?

22 A. Yes, ma'am.

23 Q. Okay, and you were able to actually pick someone out
24 of that, correct?

25 A. Yes.

J. DUCKETT - DIRECT EXAMINATION BY MS. SIMPSON

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1 Q. And who's the person that you identified in State's
2 190?

3 A. Deshawn.

4 THE COURT: Speak up for me, please.

5 WITNESS: Deshawn.

6 THE COURT: Thank you.

7 BY MS. SIMPSON:

8 Q. Deshawn McClary?

9 A. Uh-huh.

10 Q. Okay, and that's the person you knew who'd been
11 talking about the lick as well?

12 A. Yes, ma'am.

13 MS. SIMPSON: And I apologize, Your Honor. At this
14 time we'd offer State's 190 into evidence.

15 MR. SUTHERLAND: And I've, I've reviewed it. No
16 objections, sir.

17 (PHOTOGRAPH MARKED INTO EVIDENCE AS STATE'S EXHIBIT
18 NUMBER 190.)

19 BY MS. SIMPSON:

20 Q. And then you were also shown a lineup, and I'm going
21 to show you what's been marked as State's 191, correct?

22 A. Correct.

23 Q. You recognize this?

24 A. Yeah, I recognize it.

25 Q. And that's your signature ---

1 A. Yes, ma'am.

2 Q. --- right? And you indicated who that was and that
3 you knew him, right?

4 A. Right.

5 Q. You told police that you knew the person you circled
6 and signed?

7 A. Yeah, I told them I knew the person, who he was.

8 MS. SIMPSON: And, Your Honor, at this time the state
9 would offer State's 191 into evidence.

10 MR. SUTHERLAND: Okay. No objection, Your Honor.

11 (PHOTOGRAPH MARKED INTO EVIDENCE AS STATE'S EXHIBIT
12 NUMBER 191.)

13 BY MS. SIMPSON:

14 Q. Okay, and that's the person you knew as Maurice
15 Roberts in State's 191, one of your good friends, close
16 friends, correct?

17 A. Correct.

18 Q. The person you planned to party with?

19 A. Correct.

20 Q. Right?

21 A. Correct.

22 Q. The person you were running a rap group with, correct?

23 A. I ain't ---

24 MR. SUTHERLAND: Your Honor, I object to the leading.

25 A. I ain't even know ---

1 THE COURT: Object to what?

2 MR. SUTHERLAND: To the leading.

3 THE COURT: Rephrase your question.

4 MS. SIMPSON: I'll actually move on, Your Honor.

5 THE COURT: Thank you.

6 BY MS. SIMPSON:

7 Q. Subsequent to this, did you actually have a
8 conversation with Maurice Roberts after all this happened
9 about who did the shooting?

10 A. Yes, ma'am.

11 Q. And what did Maurice tell you at that time?

12 A. He told me he ain't do it. The person who really did
13 it going around the jail bragging saying he did it.

14 Q. Okay. So ---

15 THE COURT: All right. You're going to have to repeat
16 that for me, please.

17 WITNESS: Say he say he ain't do it. The person who
18 was really doing it going around the jail bragging
19 basically, you know what I'm saying, saying that he did it.

20 BY MS. SIMPSON:

21 Q. Okay. So, he told you that he didn't do it?

22 A. Uh-huh.

23 Q. And that the person who did do it was actually going
24 around the jail bragging about it?

25 A. Right.

1 Q. And did he actually tell you who that person was?

2 A. Yeah, he told me.

3 Q. Who did he say at that time the shooter was?

4 A. He said Demetrice did it.

5 Q. So, he was claiming that Demetrice did it?

6 A. I didn't know that, but yeah, Demetrice did it.

7 Q. He's saying -- Maurice is saying that Demetrice -- I
8 just want to make sure we're clear here. Maurice told you
9 that Demetrice was going around the jail bagging about
10 shooting, doing the shooting?

11 A. Correct.

12 Q. But that Maurice didn't do the shooting?

13 A. Correct.

14 Q. And the person ---

15 MS. SIMPSON: Beg the court's indulgence.

16 (A PAUSE.)

17 BY MS. SIMPSON:

18 Q. Going back to that Sunday, and I want to apologize.

19 Things are a little out of order. Sunday on [REDACTED]
20 [REDACTED], your birthday, when you went over there and you had a
21 conversation with Maurice, correct?

22 A. That's correct.

23 Q. And, at that time, he actually asked you -- did he ask
24 you to pull something up on your phone?

25 A. Yeah, we pulled something up on my phone.

J. DUCKETT - DIRECT EXAMINATION BY MS. SIMPSON

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1 Q. You got to speak up.

2 A. Yeah, we pulled something up on my phone.

3 Q. And what did he ask you to pull up on his phone -- on
4 your phone?

5 A. We pulled up News 19.

6 Q. Okay. So WIS -- he's the one that asked you to pull
7 it up?

8 A. We all was talking about it, but, yeah.

9 Q. And you said talking about it, what were y'all talking
10 about when you wanted to pull it up?

11 A. Seeing what was on the news.

12 Q. So, y'all just wanted to see what was on the news that
13 Sunday?

14 A. Yes, ma'am.

15 Q. And Maurice asked you, and this is Sunday after the
16 25th, to pull it up on your phone?

17 A. Yes, ma'am.

18 Q. And you did?

19 A. Yes, ma'am.

20 Q. Okay. Now, you are actually -- you've been arrested
21 or you've been convicted before, correct?

22 A. Correct.

23 Q. Back in 2011, you were convicted of possession with
24 intent to distribute cocaine?

25 A. Yes, ma'am.

1 Q. 2010, resisting arrest or opposing -- resisting arrest
2 from an officer, correct?

3 A. Correct.

4 Q. All these were as you were a juvenile, right?

5 A. Right.

6 Q. And you were also arrested in 2010 for receiving
7 stolen goods?

8 A. Correct.

9 Q. Or convicted. I apologize. And then in 2008 you were
10 convicted for burglary second nonviolent. ---

11 A. Correct.

12 Q. --- correct? And also in 2008 you were convicted of
13 petty larceny, correct?

14 A. Correct.

15 Q. And then recently, I believe -- make sure I get the
16 date right -- you were convicted of purse snatching in
17 January of this year?

18 A. Correct.

19 Q. And you're actually serving time on that right now?

20 A. Yes, ma'am.

21 Q. Now, the person that you identified as being Maurice
22 Roberts, your good friend, do you see him here in the
23 courtroom today?

24 A. I see him, yeah.

25 Q. You got to speak up.

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1 THE COURT: Speak up.

2 A. Yes, ma'am.

3 Q. Okay, and can you point him out or at least describe
4 for the jury what he's wearing?

5 A. He's right there.

6 Q. What's he wearing?

7 THE COURT: What's he wearing?

8 A. Collared shirt, a white shirt with stripes on it.

9 MS. SIMPSON: Your Honor, let the record reflect that
10 he's identified the defendant, Maurice Roberts.

11 THE COURT: Thank you.

12 (COUNSELORS CONFER.)

13 MR. SUTHERLAND: Beg the court's indulgence.

14 (A PAUSE.)

15 MR. SUTHERLAND: Thank you, Your Honor.

16 CROSS-EXAMINATION BY MR. SUTHERLAND:

17 Q. Is it Jwaun?

18 A. Yes, sir.

19 Q. Jwaun, my name is Tivis. We haven't met before,
20 right?

21 A. You say haven't?

22 Q. We have, we have not met before? Okay.

23 A. Right.

24 Q. Well, so, I was introducing myself to you.

25 A. Uh-huh.

1 Q. I wanted to ask you. There's, there's a couple of
2 things, a few things that you were saying when you were
3 testifying that I thought were important.

4 A. Uh-huh.

5 Q. So, I'm going to ask you about those. I -- what, what
6 stood out to me the most was she was questioning you, and
7 she was holding this up in front of you and reading this to
8 you. Do you remember her doing that just a few minutes ago
9 with this?

10 A. Yes, sir.

11 Q. And one of your answers was that's what it says on the
12 paper. Do you remember answering that?

13 A. Yes, sir.

14 Q. Okay. The police wrote this paper and had you sign
15 it. Isn't that correct?

16 A. Yeah, that's correct.

17 Q. Okay. So, you didn't write this. The police wrote
18 this statement. Isn't that correct?

19 A. That's correct.

20 Q. Okay. Thank you. What's also -- what also stood out
21 to me was that you testified that Maurice is not 600?

22 A. Correct.

23 Q. And, and that's right?

24 A. Right.

25 Q. Okay, and I understand I'm having to go through a lot

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1 of the, the things that she went through with you. I mean,
2 I really think, I really think that that's it except for
3 you were talking about there was a -- you saw a gun over
4 there and that he was holding it for someone?

5 A. Correct.

6 Q. And that, that was your testimony about that?

7 A. Correct.

8 Q. And that -- did you testify that, that Demetrice had
9 told you that he shot anybody, or just was your testimony
10 that Maurice had told you that Demetrice had shot somebody?

11 A. No, we was talking about it.

12 Q. Okay. All right, and that just he had told you that
13 Demetrice was going around the jail telling people that he
14 did it?

15 A. I heard. I was in there with him. I heard it.

16 Q. Oh, you heard it? You were there?

17 A. I heard it, yeah.

18 Q. Okay. Okay. So, y'all were all together and you---

19 MS. SIMPSON: Objection, Your Honor.

20 THE COURT: What's the objection?

21 MS. SIMPSON: May we approach? Pursuant to rule 613.

22 THE COURT: Well, come around here.

23 (OFF-THE-RECORD BENCH CONFERENCE.)

24 BY MR. SUTHERLAND:

25 Q. Okay. So, we're almost done, but what we were

1 speaking about a moment ago. You had -- I'm not allowed to
2 go into some things here, but you were present -- all three
3 of you were present and there was a conversation. It was,
4 it was you, Maurice, and Demetrice?

5 A. Nah. To be honest with you, I was in a dorm with
6 everybody, know what I'm saying? That went around the
7 whole jail.

8 Q. Okay.

9 A. I got a little bit of everything. But during the
10 time, somebody already done came clean and told me, you
11 know what I'm saying, that they did what they did, but he
12 was trying to bring everybody around with him because he
13 ain't want to do all that time by his hisself. So ---

14 Q. Okay. All right.

15 A. All right.

16 Q. Well, I've got to stop there. Thank you.

17 A. Uh-huh.

18 MR. SUTHERLAND: No further questions, Your Honor.

19 THE COURT: Redirect.

20 MS. SIMPSON: Briefly, Your Honor.

21 REDIRECT EXAMINATION BY MS. SIMPSON:

22 Q. The statement that you gave police, first of all, they
23 advised you of your rights and you actually checked off and
24 initialed that you understood those rights, correct?

25 A. Correct.

J. DUCKETT - REDIRECT EXAMINATION BY MS. SIMPSON

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1 Q. And you signed, that's your signature? You signed off
2 that you understood?

3 A. Correct.

4 Q. And that you wanted to speak with him, that's your
5 signature?

6 A. Right.

7 Q. And this statement, they actually gave you a chance to
8 review it and you signed on every page. Isn't that right?

9 A. That's right.

10 Q. And at that point, there's even one question, and just
11 to make sure because I know it's been a while. The last
12 question: Is everything you have told me here is the truth?
13 Right?

14 A. Right.

15 Q. And at that time you said yes, sir, correct?

16 A. Correct.

17 Q. And part of what you told them was that Derrick,
18 Maurice, Junior, and D-Roosevelt, or Demetrice, are all
19 600, correct?

20 A. Correct.

21 Q. That's what's in your statement that you signed off
22 on?

23 A. Right.

24 Q. Now -- and just to be clear, Maurice is one of the
25 ones that told you that Demetrice was going around

1 bragging?

2 A. No. We was sitting at the same table and we both
3 heard that. We both heard that. So ---

4 Q. Okay. So, that's not what you said earlier. You
5 said Maurice actually told -- you had a conversation with
6 him ---

7 A. We was having a conversation because we started
8 talking about what happened, whatever, you know what I'm
9 saying? Then in the midst of that, somebody came up and
10 told us that, and then that's when he told me because he
11 ain't want to tell me at first.

12 Q. So, he didn't want to tell you that he wasn't the
13 shooter?

14 A. No, what he heard, what he heard was going around the
15 jail.

16 Q. Okay.

17 A. Until somebody came up and told us that.

18 Q. So, some random person came up and told you, but
19 Maurice then said someone, meaning Demetrice, was going
20 around bragging that he'd actually been the shooter?

21 A. Uh-huh.

22 Q. And Maurice, again, is one of your best, closest
23 friends?

24 A. I won't say best, closest friend. He just a friend of
25 mine.

A. CRUZ - DIRECT EXAMINATION BY MS. WALKER

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1 Q. A good friend?

2 A. A friend of mine.

3 MS. SIMPSON: Thank you.

4 THE COURT: All right. You may step down.

5 (THE WITNESS EXITS THE STAND.)

6 THE COURT: Next witness.

7 MS. WALKER: Thank you, Your Honor.

8 THE COURT: Hold on one second. Everybody okay?

9 MS. WALKER: Thank you, Your Honor. State calls
10 Investigator Cruz.

11 ANGEL L. CRUZ, BEING DULY SWORN,

12 TESTIFIES AS FOLLOWS:

13 CLERK OF COURT: Thank you. Have a seat in the
14 witness stand, please. State your name for the record.

15 WITNESS: My name is Angel L. Cruz.

16 DIRECT EXAMINATION BY MS. WALKER:

17 Q: Good morning. Sir, where are you currently employed?

18 A. Columbia Housing Authority.

19 Q. And what do you do over at the Columbia Housing
20 Authority, or actually what is the Columbia Housing
21 Authority?

22 A. Columbia Housing Authority provides housing for low
23 income.

24 Q. And what do you do for the Columbia Housing Authority?

25 A. Actually I am the director of safety and security for

1 Columbia Housing Authority.

2 Q. And can you tell the jury a little bit about what you
3 do like your day-to-day activities?

4 A. Okay. I'm the liaison between law enforcement that
5 patrol our communities and the Columbia Housing Authority.

6 So, we pretty much assist any law enforcement agency and
7 also fire in case of an incident. Whenever they have an
8 investigation, we assist them in anything. Sometime they
9 need to go in to serve a warrant or something like that.
10 We provide a key once the warrant's available.

11 Q. And you said there are different properties under the
12 Columbia, the -- I guess the authority of Columbia Housing
13 Authority?

14 A. Yes, ma'am.

15 Q. Is Hammond Village one of those properties?

16 A. Yes, ma'am.

17 Q. I want to take your attention back to January of last
18 year. I know that that was sometime ago. Did you get a
19 call that kind of got you involved in this case?

20 A. Yes, ma'am.

21 Q. And without telling me exactly what was said, did that
22 call point you in the direction of an area in Hammond
23 Village?

24 A. Yes, ma'am.

25 Q. And what area was that?

A. CRUZ - DIRECT EXAMINATION BY MS. WALKER

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1 A. The back of one of the buildings.

2 Q. And did that call give you information about people
3 who may have been involved in, in this incident?

4 A. Yes, ma'am.

5 Q. And why -- as a result of that phone call, did you go
6 to the back of one of those buildings?

7 A. Yes, ma'am.

8 Q. And why did you go to that, to that building?

9 A. Because I was told that there was ---

10 THE COURT: No, sir. No. Whoa. You can't testify to
11 what you were told. As a result of what you were told,
12 what did you do?

13 WITNESS: Okay.

14 BY MS. WALKER:

15 A. I went to the back of the building.

16 Q. And in the -- what, if anything, did you see in the
17 back of the building?

18 A. I saw some clothing in the back of the building by
19 some railroad ties they keep in the back for erosion. So,
20 in the back I found some clothing back there.

21 Q. And was the clothing kind of in plain view, or was it
22 something where you would have to actually be looking for
23 that clothing to locate it?

24 A. It was -- if you look -- well, actually it -- you have
25 to get close to that to see it. It was behind the, the

1 railroad ties.

2 Q. It was hidden by the railroad ties?

3 A. Right. Right.

4 Q. And as a result, I guess, of locating that clothing,
5 what did you do?

6 A. When I got the call, I thought possibly that that was
7 -- there was a, a crime committed somewhere probably.
8 Therefore, I just went ahead and called. And in this case,
9 you know, got on the radio, called CPD, and said I just got
10 this information. So, just in case there was a crime
11 committed somewhere, that, you know, may be linked to that.

12 Q. And as -- after making that phone call, did you, in
13 fact, make contact and actually show Richland County
14 Sheriff's Department investigators where those clothes
15 were?

16 A. Right.

17 Q. And do you know Maurice Roberts?

18 A. Yes, ma'am.

19 Q. Thank you, sir.

20 MS. WALKER: I don't have any further questions.

21 THE COURT: Cross, if any.

22 MR. SUTHERLAND: No questions of this witness.

23 THE COURT: All right, sir, you may step down. May he
24 be released from his subpoena?

25 MS. WALKER: Yes, Your Honor.

TROY SCOTT - DIRECT EXAMINATION BY MS. CAMPBELL

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1 THE COURT: Thank you. You're free to go.

2 (THE WITNESS EXITS THE STAND.)

3 THE COURT: Next witness.

4 MS. WALKER: Sir, our next witness is outside. I'll
5 step out and get him.

6 MS. SIMPSON: Your Honor, actually may we approach?

7 THE COURT: Certainly.

8 (OFF-THE-RECORD BENCH CONFERENCE.)

9 THE COURT: All right, everybody settled?

10 All right, put your left-hand on the Bible and raise
11 your right.

12 TROY J. SCOTT, BEING DULY SWORN,
13 TESTIFIES AS FOLLOWS:

14 CLERK OF COURT: Thank you. Have a seat in the
15 witness stand, please. State your name for the record.

16 WITNESS: Troy Jaffee Scott.

17 THE COURT: All right, spell your last name.

18 WITNESS: S-c-o-t-t.

19 DIRECT EXAMINATION BY MS. CAMPBELL:

20 Q. Okay, Mr. Scott, how old are you?

21 A. Twenty-five.

22 Q. And are you from the Columbia area?

23 A. Yes, ma'am.

24 Q. How long have you been living in Columbia?

25 A. All my life.

1 Q. Where do you live?

2 A. [REDACTED]

3 Q. You're going to have to slow down. Will you slow down
4 a little bit?

5 A. Yeah.

6 Q. Are you a little nervous today?

7 A. Yeah.

8 Q. And who all lives there with you on [REDACTED]
9 Drive?

10 A. My mother, my father, my little brother.

11 Q. Do you work?

12 A. Yes, ma'am.

13 Q. What do you do, sir?

14 A. I am a deli clerk.

15 Q. A deli clerk?

16 A. Yes.

17 Q. And where is it you work?

18 A. At Publix.

19 Q. At Publix?

20 A. Yes.

21 Q. And how long have you been working at Publix?

22 A. About seven months now.

23 Q. Did you know a person that you knew as J School?

24 A. Yes, ma'am.

25 Q. And did you know his real name?

- 1 A. At the time I didn't.
- 2 Q. How did you know J School?
- 3 A. I met him through a friend of mine.
- 4 Q. And how long had you known J School before all this
5 happened approximately?
- 6 A. About two years.
- 7 Q. And what kind of relationship did you and your family
8 have with J School?
- 9 A. We treated him like family basically.
- 10 Q. At some point, did he actually stay with y'all?
- 11 A. Yes, ma'am.
- 12 Q. And was that unusual for your mother to allow people
13 to come into your home and stay with y'all?
- 14 A. Not really.
- 15 Q. And, in fact, why was she letting J School stay with
16 y'all?
- 17 A. He was just a little less fortunate than others. He
18 would just spend a night, maybe a weekend periodically.
- 19 Q. And what kind of things would your mother provide for
20 him when he would stay?
- 21 A. Food, shelter, clothes, maybe some side money.
- 22 Q. From the time period leading up when to all these
23 events we're here about happened, had J School been around?
- 24 A. Not really, ma'am.
- 25 Q. And, in fact, how long had it been, prior to this

1 night which we're getting ready to talk about, January
2 25th, had it been since you'd actually seen J School?

3 A. Maybe about two, three months.

4 Q. The day of January the 25th, what -- that afternoon
5 into that evening -- what were you doing?

6 A. We was just really parlaying, listening to music.
7 Just chilling with everybody really.

8 Q. And where were y'all when y'all were listening to
9 music -- and what's parlaying?

10 A. Oh, chilling.

11 Q. Okay. What, what -- where were y'all when y'all were
12 listening to music and chilling that day?

13 A. In the basement.

14 Q. And who all was down there?

15 A. Me, Brandon, Trent, Cari, and Joshua.

16 Q. And as the evening progressed and it got to be dark,
17 was it still just those people you named down there?

18 A. Yes, ma'am.

19 Q. And at some point did it come to your attention that
20 somebody was at your front door?

21 A. Yes, ma'am.

22 Q. And how did you -- what brought that to your
23 attention?

24 A. What brought?

25 Q. How did you know there was somebody at the front door

1 or did somebody---

2 A. Oh, I just heard the doorbell.

3 Q. You heard a doorbell?

4 A. Yeah.

5 Q. And did you actually go answer the door?

6 A. No, ma'am, my stepdad did.

7 Q. And once your stepdad had gone and answered the door,
8 could you hear a conversation upstairs, or were y'all still
9 downstairs?

10 A. Yes, ma'am, we was still downstairs.

11 Q. And what happened next?

12 A. J School just came downstairs and we all greeted him
13 and, you know, he was a little nervous, pacing back and
14 forth.

15 Q. And was he supposed to be over there that night?

16 A. Not really because I haven't seen him in a minute and
17 usually, you know, most people will call between a certain
18 time to come over.

19 Q. And do you know approximately what time of night this
20 was when he showed up?

21 A. Around...

22 Q. Was it after dark?

23 A. 10:00, 10:00ish. Nighttime.

24 Q. And were you actually surprised to see him?

25 A. Just a little bit because I hadn't seen him in, like,

1 two or three months.

2 Q. Okay. Once he got down there, did you have any
3 conversations with J School?

4 A. No, ma'am, not really.

5 Q. What was he doing once he got down into the basement
6 area?

7 A. He was on his phone texting, making calls.

8 Q. And what area of the basement were y'all actually in?

9 A. We was just in the lower main big area.'

10 Q. And what color is it painted? It just helps for the
11 jury.

12 A. Just the white, white walls basically.

13 Q. Is it the area where your studio equipment was?

14 A. Yes, ma'am.

15 Q. And is there a lot of orange in that room?

16 A. No, ma'am.

17 Q. Is there another area down there, too? Does your
18 mother have a business?

19 A. Yes, ma'am.

20 Q. And what kind of business does she have?

21 A. She's a beautician.

22 Q. And where is the shop located in relation to the room
23 where y'all were hanging?

24 A. It's right next door.

25 Q. Right next door?

TROY SCOTT - DIRECT EXAMINATION BY MS. CAMPBELL

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1 A. Yes, ma'am.

2 Q. And the bedrooms in the house, who all lives on the
3 lower level of your house in the bedrooms?

4 A. Just me and my little brother.

5 Q. And what's your little brother's name?

6 A. Trent Scott.

7 Q. That evening you also mentioned that a girl was over
8 there with y'all?

9 A. Yes, ma'am.

10 Q. And what was her relation to you?

11 A. My girlfriend at the time.

12 Q. And what was her name?

13 A. Cari.

14 Q. Cari Pearson?

15 A. Yes, ma'am.

16 Q. And I'll show you what's been marked as State's
17 Exhibit Number 130. What area is that looking into?

18 A. The shop.

19 Q. And that would be your, your mom's shop?

20 A. Yes, ma'am.

21 Q. And what area was this photograph taken from? Where
22 would you be standing when this photograph was taken?

23 A. You would be standing in the burnt orange room.
24 That's the sports room.

25 Q. It's the sports room?

1 A. Yes, ma'am.

2 Q. And is that the area where -- is that different from
3 the, the studio area?

4 A. Yes, ma'am.

5 Q. Okay, and are all these rooms kind of contiguous to
6 each other?

7 A. Yes, ma'am. It's the sports room, the shop, and the
8 bigger and lower part of the basement.

9 Q. And this is actually the State's Exhibit Number 144,
10 and ---

11 A. Yes, ma'am.

12 Q. --- to get out on that level, to get out to the
13 driveway area, where is that doorway located?

14 A. Right outside.

15 Q. Outside which room?

16 A. I ---

17 Q. Which room is that? To go outside downstairs, which
18 room is that doorway located into the driveway?

19 A. It will be the first door coming down the driveway.

20 Q. I understand from the outside in. From the inside
21 out, what room would you be in to exit out onto the
22 driveway?

23 A. That room.

24 Q. You've got to say more than that room. Which room?

25 A. Well, the shop.

1 Q. The shop. What area -- at some point do you and Cari
2 go into one of the bedrooms?

3 A. Yes, ma'am.

4 Q. And what were y'all doing back there in the bedroom?

5 A. Just chilling, talking.

6 Q. And where was everybody else at that point that you
7 knew of?

8 A. I just know Joshua and J School and Brandon was
9 outside.

10 Q. And at some point did you become aware that Vincent
11 was trying to get a, a cigarette and go smoke?

12 A. Yes, ma'am. He was real anxious and trying to get a,
13 a cigarette from Brandon and Joshua. Just proceeded to
14 follow behind Brandon because they stick together like
15 that.

16 Q. Joshua and Brandon?

17 A. Yes, ma'am.

18 Q. And did you become aware that they went outside?

19 A. Yes, ma'am.

20 Q. And how did they get outside that day?

21 A. They just walked from the basement through the shop
22 through the sports room outside.

23 Q. Through the sports room outside?

24 A. Yes, ma'am.

25 Q. And that's the way you get outside?

1 A. Yes, ma'am.

2 Q. Through the sports room?

3 A. Yes, ma'am.

4 Q. Once they were outside, you were still back in your
5 bedroom?

6 A. Yes, ma'am.

7 Q. And what's the next thing that caught your attention
8 that night?

9 A. Just the loud glass breaking.

10 Q. And could you tell what area of the basement that
11 happened in?

12 A. That was in the sports room.

13 Q. And when you heard the last -- loud glass, what, if
14 anything, did you do?

15 A. I immediately get up because people know not to fight
16 in my mom's house. So, I immediately walk in the sports
17 room, and I just saw two people on the ground rolling. So,
18 I just separated them, and then I saw Trent and I saw
19 Maurice.

20 Q. And at this point -- let me get one thing straight.
21 You referred to somebody as Maurice. Did you know who that
22 person was before that night?

23 A. No, ma'am.

24 Q. And did you learn his name after all this occurred?

25 A. After all this.

1 Q. So, you said you saw two people, and who were the two
2 people you saw on the ground struggling?

3 A. Trent Scott and Maurice.

4 Q. And at that time, you didn't know Maurice's name?

5 A. No, ma'am.

6 Q. Had you ever seen him were?

7 A. No, ma'am.

8 Q. Once they were on the ground struggling -- when you
9 say struggling, were they fighting?

10 A. Yeah, they were fighting.

11 Q. And did you notice anything in, the person you now
12 know as Maurice, in his hand?

13 A. No, ma'am, at the time I didn't.

14 Q. And what was your reaction when you saw them fighting?

15 A. My reaction was to really just separate it, and at the
16 time I was wondering where Joshua and Brandon was because
17 it was, like, a split second and then -- and Demetrice
18 proceed to run in the house.

19 Q. I'm sorry. What happened?

20 A. Demetrice ran in the house soon after.

21 Q. And the person that you now refer to as Demetrice, did
22 you know his -- who he was at the time?

23 A. I didn't know who he was, but I seen him before.

24 Q. Did you know his name?

25 A. No, ma'am.

1 Q. So on that night, this was another unknown person? Or
2 person you don't know his name, but you'd seen him before?

3 A. Yes, ma'am.

4 Q. And where had you seen him before?

5 A. At the corner store.

6 Q. Were y'all associates?

7 A. No, ma'am.

8 Q. Were y'all friends?

9 A. No, ma'am.

10 Q. And did you even know his name?

11 A. No, ma'am.

12 Q. So, at this point you said that the two were
13 struggling on the floor, and had you jumped in at that
14 point?

15 A. Yes, ma'am.

16 Q. And then the person you now know as Demetrice came in?

17 A. Yes, ma'am.

18 Q. And what happened then?

19 A. Me and him start brawling and we was basically, you
20 know, fighting or whatever and he seemed to kind of get
21 leverage. He got up and he -- somehow I saw a gun point at
22 me and ---

23 Q. You saw a gun point at you?

24 A. Yes.

25 Q. And at that point, who had the gun?

1 A. Demetrice.

2 Q. Okay, and do you know where he'd gotten a gun from?

3 A. No, ma'am.

4 Q. You didn't see that part?

5 A. No.

6 Q. And what happened next?

7 A. And basically they was trying to barricade from the
8 sports room to the shop. Like, they was like really trying
9 to get in the house, and it was -- my adrenaline was so
10 high because they start waving the gun through the shop
11 door, and we thought he was going to shoot through the
12 door. So, we had to make sure.

13 Q. Did the gun actually get pointed at anyone?

14 A. Yes.

15 Q. Who did it get pointed at?

16 A. At my little brother.

17 Q. So, y'all decided you needed to make a move. What
18 happened next?

19 A. We just basically had to fight them through the
20 beginning of the shop door throughout the sports room and
21 proceeded to get them through the back door.

22 Q. Out of the house?

23 A. Out of the house.

24 Q. Because that door is in the sports room?

25 A. Yes.

1 Q. Okay, and the two of them and y'all are fighting?

2 A. Yes, ma'am.

3 Q. And you're trying to get them out?

4 A. Yes.

5 Q. And why are you trying to get them out of your house?

6 A. Because I have loved ones there, and I'm not trying to
7 bring that drama around them.

8 Q. Were you able to get them to the back door to get them
9 out of house?

10 A. Yes, ma'am. As soon as we got into the back door, I
11 told them many a times don't do this bro, don't do this.
12 And he let off a shot, and it hit my brother arm, and my
13 brother start running through the house. And I actually
14 was trying to shut the back door because some strange
15 reason, the back door would not shut that night. I did not
16 understand that. And as soon as I actually got the door
17 locked, I heard five or six shots go off.

18 Q. After the door was locked?

19 A. Yes, ma'am.

20 Q. And at that point, the first shot had already occurred
21 right there at the doorway?

22 A. Yes, ma'am.

23 Q. And then it -- you had to struggle to get the door to
24 lock and you got it locked, and then you heard some shots?

25 A. Yes, ma'am.

TROY SCOTT - DIRECT EXAMINATION BY MS. CAMPBELL

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- 1 Q. And is everything happening pretty fast in your mind?
- 2 A. Yes, ma'am.
- 3 Q. Did you realize right away your brother had been shot?
- 4 A. Yes, ma'am.
- 5 Q. Where was Cari when this was going on?
- 6 A. She was upstairs attending to Trent.
- 7 Q. As you were trying to finally get the door shut?
- 8 A. Yes, ma'am.
- 9 Q. So, she was going with Trent?
- 10 A. Yes, ma'am.
- 11 Q. And then did you know where Brandon was at that point?
- 12 A. I didn't.
- 13 Q. Did you know where Joshua was at that point?
- 14 A. No, ma'am.
- 15 Q. So, once you were able to finally get that door
- 16 locked, what did you do?
- 17 A. I ran upstairs and got a towel. I'm a medical
- 18 assistant, so the first thing I do is to attend to my
- 19 little brother wound. I held a towel over his arm, and me
- 20 and my stepdad went outside, and then we seen Brandon on
- 21 the ground.
- 22 Q. How did y'all exit the house?
- 23 A. Through the front door.
- 24 Q. And that's up on the upper level?
- 25 A. Yes, ma'am.

1 Q. Street level? Once you exited the house, where did
2 you go then when you saw Brandon?

3 A. We went down the driveway.

4 Q. And where was Brandon in the driveway?

5 A. On the ground.

6 Q. And what was he doing?

7 A. Bleeding out.

8 Q. Was he saying anything?

9 A. Help.

10 Q. What, if anything, did y'all do at that point?

11 A. Chandler was staying with him and my mother already
12 called the cops, but I called the cops again.

13 Q. And were you trying to get help for Brandon?

14 A. Yes, ma'am.

15 Q. And your brother?

16 A. Yes, ma'am.

17 Q. And at that point, had you even seen Joshua yet?

18 A. When my stepdad -- I seen him coming upstairs before
19 we went outside. My stepdad let him in from downstairs.

20 Q. And did you know he had been shot as well?

21 A. At the time I didn't.

22 Q. And your stepdad was the one that stayed with Brandon?

23 A. Yes, ma'am.

24 Q. And you went back to try to call for help?

25 A. Yes, ma'am.

TROY SCOTT - DIRECT EXAMINATION BY MS. CAMPBELL

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1 Q. And did EMS respond that day?

2 A. Yes, ma'am. I saw a cop car pass the house, so I had
3 to run up the hill to go flag him down.

4 Q. Okay, and you got him to come back?

5 A. Yes.

6 Q. And did everybody go to the hospital?

7 A. I just know Trent and Joshua and Brandon went, and my
8 mom went in the car and in the EMS vehicle with Brandon,
9 and me and Cari went straight to the investigator's office.

10 Q. And once you got to the investigator's office, were
11 you trying to explain to the best of your ability?

12 A. Yes, ma'am.

13 Q. What was the -- were you upset at this point?

14 A. I was very upset and confused and lost and hurt.

15 Q. And at that point, were y'all trying to give them
16 information ---

17 A. Yes, ma'am.

18 Q. --- about the one person you did know their name,
19 J School?

20 A. Yes, ma'am.

21 Q. And were you also able to, to try to describe the
22 other people involved that you saw?

23 A. Yes, ma'am.

24 Q. Did you ever see what happened outside?

25 A. I didn't. I don't know what happened outside.

1 Q. And you never saw any other people outside?

2 A. I didn't.

3 Q. That day did you actually give them a statement?

4 A. Yes, ma'am.

5 Q. And did they also show you some lineups that day?

6 A. Yes, ma'am.

7 Q. And I'm going to show you what's been marked as
8 State's Exhibits 3, 4, and 5. Do you recognize these three
9 sheets of paper?

10 A. Yes, ma'am.

11 Q. And are those the three sheets of paper they showed
12 you at first?

13 A. Yes, ma'am.

14 Q. And did they ask you if you recognized anyone?

15 A. Yeah, they did.

16 Q. And did you recognize anyone in those?

17 A. I didn't recognize them.

18 Q. And the people that you were struggling with, did you
19 get a pretty good look at them?

20 A. Yes, ma'am.

21 Q. Okay. Once they had shown you those initial lineups
22 and gotten your statement that night, did you try to get
23 information about J School and who hung out with him?

24 A. Yes, ma'am.

25 Q. And did one of your friends come forward with

1 information that somebody he knew that might fit the
2 description you gave?

3 A. Yes, ma'am.

4 Q. The next day, on the 26th, did investigators also make
5 contact with you again and show you some more photos?

6 A. Yes, ma'am.

7 Q. And I'm going to show you what's been marked as
8 State's Exhibit Number 7 and ask if you recognize that, and
9 you can open it up to the second page.

10 A. Yes, ma'am.

11 Q. And on the 26th, did they show you that lineup?

12 A. Yes, ma'am.

13 Q. And when they showed you that lineup, did you
14 recognize anyone?

15 A. Yes, ma'am.

16 Q. And who did you recognize?

17 A. J School.

18 Q. And did you tell the police that?

19 A. Yes, ma'am.

20 Q. And did you actually memorialize that by circling the
21 picture?

22 A. Yes, ma'am.

23 Q. And writing right below it?

24 A. Yes, ma'am.

25 Q. And what names did you say you knew J School by?

1 A. I know him by J School. His Facebook page is Calli G.

2 Q. Okay.

3 A. And the name he gave us was Jonathan.

4 Q. Jonathan.

5 MS. CAMPBELL: Your Honor, at this time I would offer
6 State's Exhibits 3, 4, 5, and 7 into evidence.

7 MR. SUTHERLAND: No objection, Your Honor.

8 (PHOTO LINEUPS MARKED INDIVIDUALLY INTO EVIDENCE AS
9 STATE'S EXHIBIT NUMBERS 3, 4, 5, 7.)

10 BY MS. CAMPBELL:

11 Q. That same day did you also -- I show you State's
12 Exhibit Number 6.

13 A. Yes, ma'am, I remember this.

14 Q. But you didn't circle anyone or identify anyone in
15 that one?

16 A. No.

17 Q. And in that one, who did you indicate that it looked
18 like. No one?

19 A. No one.

20 MS. CAMPBELL: And, Your Honor, at this time I would
21 offer State's Exhibit 6 into evidence.

22 MR. SUTHERLAND: No objection, sir.

23 (PHOTO LINEUP MARKED INTO EVIDENCE AS STATE'S EXHIBIT
24 NUMBER 6.)

25 BY MS. CAMPBELL:

TROY SCOTT - DIRECT EXAMINATION BY MS. CAMPBELL

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1 Q. At a later date, on the 29th, did the police come
2 forward and show you an additional lineup of some more
3 photographs?

4 A. Yes, ma'am.

5 Q. And I'm going to show you State's Exhibit Number 8 and
6 ask you if recognize that.

7 A. Yes, ma'am.

8 Q. And were you able to identify anyone in this lineup?

9 A. Yes, ma'am.

10 Q. And who did you recognize, sir?

11 A. That was Demetrice.

12 Q. Who you now know as Demetrice?

13 A. Who I now know.

14 Q. At the time when they showed this lineup, had they
15 told you his name?

16 A. No.

17 Q. Okay, and you recognized him from -- is this who you
18 were struggling with that night?

19 A. Yes, ma'am.

20 MS. CAMPBELL: Your Honor, at this time I'd offer
21 State's Exhibit 8 into evidence.

22 MR. SUTHERLAND: No objection, sir.

23 (PHOTO LINEUP MARKED INTO EVIDENCE AS STATE'S EXHIBIT
24 NUMBER 8.)

25 BY MS. CAMPBELL:

1 Q. And finally on February the 1st -- and I believe I'll
2 show you State's Exhibit Number 43. They also showed you
3 an additional lineup that you didn't recognize anyone. Is
4 that correct?

5 A. No, ma'am.

6 Q. And then State's Exhibit Number 9, on February 1st
7 Investigator Boland showed you another series of
8 photographs. Is that correct? And did you recognize
9 anyone in that one?

10 A. Yes, ma'am.

11 Q. And who did you recognize that person to be?

12 A. Maurice.

13 Q. Who you know -- did you know his name at the time?

14 A. I didn't know his name at the time.

15 Q. And you've learned that since then?

16 A. Yes, ma'am.

17 MS. CAMPBELL: Your Honor, at this time we'd offer
18 State's Exhibit 43 and 9 into evidence.

19 MR. SUTHERLAND: No objection to 43. Your Honor,
20 previous objection on number 9.

21 THE COURT: Same ruling and you're protection on your
22 objection.

23 (PHOTO LINEUPS MARKED INDIVIDUALLY INTO EVIDENCE AS
24 STATE'S EXHIBIT NUMBERS 9, 43.)

25 BY MS. CAMPBELL:

TROY SCOTT - DIRECT EXAMINATION BY MS. CAMPBELL

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1 Q. At some point, did you give the police a statement
2 indicating that you thought that the person that you
3 struggled with could be another guy named Leonard Gaston?

4 A. Yes, ma'am.

5 Q. Why did you do that?

6 A. It was just a friend of mine knew J School also, and
7 he knew he didn't hang out with too many people. So, he
8 just gave me a name. At the time I was ---

9 Q. Kind of just mentally ---

10 A. Yeah. I was just, like, that's him.

11 Q. The person that you first saw struggling with your
12 brother on the floor, do you see him here in the courtroom?

13 A. Yes.

14 Q. Can you point him out to the jury?

15 A. (THE WITNESS COMPLIES.)

16 Q. Can you describe what he's wearing?

17 A. A striped shirt.

18 Q. Striped shirt sitting next to his lawyer?

19 A. Yes.

20 MS. CAMPBELL: Your Honor, at this time he's
21 identified the defendant.

22 MR. SUTHERLAND: Previous objection, Your Honor.

23 BY MS. CAMPBELL:

24 Q. Do you remember while you were at the police station
25 that night that the police actually even tried to swab your

1 hands ---

2 A. Yes, ma'am.

3 Q. --- since you'd been in a fight with one person?

4 A. Uh-huh.

5 Q. Thank you, sir.

6 MS. CAMPBELL: I don't have any further questions.

7 MR. SUTHERLAND: Please the court, Your Honor.

8 CROSS-EXAMINATION BY MR. SUTHERLAND:

9 Q. Okay, Troy, how are you? Just a few more questions
10 this time than last time.

11 A. Yes, sir.

12 Q. I'll go ahead and just pick up where, where she left
13 off at the end. They did take DNA swabs from your hands?

14 A. They did.

15 Q. Is that correct? Okay, and you had mentioned about
16 Leonard and you had testified just now that, well, a friend
17 suggested it to you, and so that you were thinking maybe he
18 was there. Is that fair? Did, did -- oh, I'm sorry. Just
19 speak into the microphone. Sorry.

20 A. Yes, sir.

21 Q. Okay. Did you tell Investigator Faust that he was
22 there?

23 A. No.

24 Q. You didn't. Okay. Oh, you had testified that you had
25 actually seen Demetrice before?

TROY SCOTT - CROSS-EXAMINATION BY MR. SUTHERLAND

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1 A. Yeah, I had seen him.

2 Q. And this was at the corner store?

3 A. Yes, sir.

4 Q. Okay. When -- and that you were speaking to him
5 before he started shooting and you were saying don't do
6 this, don't do this?

7 A. Yeah.

8 Q. And this fellow that you knew from the corner store?

9 A. Yes, sir.

10 Q. Okay. Okay. So, you'd been shown a series of, of
11 lineups here?

12 A. Yes, sir.

13 Q. And the -- on the 26th, you were shown the lineup of
14 J School. That's the -- just the first one, right?

15 A. Yes, sir.

16 Q. And you picked -- you made a pick and it was picture
17 number 6, is, is that ---

18 A. Picture 6, bottom right.

19 Q. Yes.

20 A. Yes, sir.

21 Q. Okay, and then on the 29th you were shown a
22 photographic lineup with Demetrice James?

23 A. Yes.

24 Q. And this, this is the same thing that she was just
25 showing you earlier, and you picked Demetrice James out of

1 that lineup, and he was bottom right, picture number 6. Is
2 that correct?

3 A. Yes, sir.

4 Q. Okay, and so up, up to this point, you knew Demetrice
5 James from the store, and you knew Vincent Nelson from
6 basically your family took him in and took care of him?

7 A. Yes, sir.

8 Q. Okay. Then on February 1st, they showed you the
9 lineup and picture number 6 you picked out, which was
10 Maurice Roberts?

11 A. I don't forget a face.

12 Q. Well, you're anticipating what I'm saying, which is
13 good, but I'm just asking you ---

14 A. Yes, sir.

15 Q. --- you saw picture number 6. You picked that out,
16 which is Maurice Roberts?

17 A. Yes, sir.

18 Q. Okay. You had testified previously that this came off
19 pretty quickly, that as soon as you all were basically in
20 the same space, that there was action, there was a
21 conflict?

22 A. Yes, sir.

23 Q. Okay. Okay, and you testified a little bit about on
24 direct -- I think you testified previously that you learned
25 Maurice's name just through the case, working with the

TROY SCOTT - CROSS-EXAMINATION BY MR. SUTHERLAND

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1 officers, and your previous testimony was lineups and other
2 things. Is that correct?

3 A. Yes, sir.

4 Q. Okay, and -- oh, and you're a deli clerk at Publix?

5 A. Yes.

6 Q. Is that the one in Trenholm Plaza?

7 A. Lexington.

8 Q. Oh, okay. All right. Thank you.

9 MR. SUTHERLAND: No further questions.

10 WITNESS: All right.

11 MS. CAMPBELL: No, sir.

12 THE COURT: You may step down. You may step down.

13 (THE WITNESS EXITS THE STAND.)

14 THE COURT: Mr. Foreman, ladies and gentlemen,
15 everybody okay? About another twenty minutes?

16 All right, next witness, please.

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

18 THE COURT: You may.

19 (OFF-THE-RECORD BENCH CONFERENCE.)

20 MS. CAMPBELL: State calls Cari Pearson.

21 CARI PEARSON, BEING DULY SWORN,

22 TESTIFIES AS FOLLOWS:

23 CLERK OF COURT: Thank you. Have a seat in the
24 witness stand, please. State your name for the record.

25 WITNESS: Cari Pearson.

1 THE COURT: Ms. Pearson, can you slide up just a
2 little bit for me, please? Thank you and speak into that
3 mic for me. Thank you.

4 WITNESS: Cari Pearson.

5 DIRECT EXAMINATION BY MS. CAMPBELL:

6 Q. Ms. Pearson, how old are you?

7 A. I'm twenty-four.

8 Q. And do you live here in the Columbia area?

9 A. Yes, ma'am.

10 Q. How long have you lived there?

11 A. My whole life.

12 Q. Are you currently employed?

13 A. Yes, ma'am.

14 Q. Where are you employed?

15 A. It's a bar. Rack Room off Fairfield Road.

16 Q. And did you graduate from high school?

17 A. Yes, ma'am.

18 Q. And when did you graduate from high school?

19 A. Spring Valley.

20 Q. What year?

21 A. 2010.

22 Q. Do you know the Scott brothers?

23 A. Yes.

24 Q. And how do you know them?

25 A. I use to date Troy Scott.

C. PEARSON - DIRECT EXAMINATION BY MS. CAMPBELL

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1 Q. And how long were y'all in a relationship?

2 A. On and off for five years now.

3 Q. I want to turn your attention back to January of last
4 year, January the 25th, that Friday night. Were you over
5 at their house that night?

6 A. Yes, ma'am.

7 Q. What were y'all doing that evening?

8 A. Just chilling. They were working on music, a song
9 Brandon brought over. So, that's basically it.

10 Q. And who would usually work on the music or try to make
11 music?

12 A. Me, Brandon, Armani, or Josh, Troy, and others.

13 Q. That evening, who all was down there and, and where --
14 what, what part of the house were y'all in that night?

15 A. The basement in the studio room.

16 Q. In the studio room?

17 A. Uh-huh.

18 Q. And are you familiar with the sports room?

19 A. Yes, ma'am, I am.

20 Q. And the actual shop where his mother works?

21 A. Yes, ma'am.

22 Q. And are all those in the basement?

23 A. Yes, ma'am.

24 Q. Are there any bedrooms down in that basement?

25 A. Yes, there are two bedrooms.

1 Q. .And whose bedrooms are those?

2 A. Troy and Trent.

3 Q. That evening, was anybody else in the house? Any
4 other adults?

5 A. Ms. and Mr. Davis, they were upstairs asleep.

6 Q. I want to turn your attention to somewhere around
7 10:00 or somewhere in that time period. You don't know
8 exactly what time it was. Did J School show up?

9 A. Yes, ma'am, he did.

10 Q. And did you know him?

11 A. Yes, I knew him.

12 Q. And how did you know him?

13 A. I -- he, he was over a lot. He didn't have a place to
14 stay, so he stayed over a lot.

15 Q. And had it been a while since you've seen him
16 actually?

17 A. Yes, ma'am.

18 Q. And approximately how long had it been since you've
19 seen him over at the Davis house?

20 A. I think two months.

21 Q. What kind of relationship did J School have with the
22 Davises?

23 A. Well, they took him in, I'll say that. He went to
24 church with them. They fed him, clothed him, gave him
25 money, and they treated him like their own. I'll say that.

C. PEARSON - DIRECT EXAMINATION BY MS. CAMPBELL

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1 Q. That evening when J School showed up, were you a
2 little bit surprised?

3 A. I was very surprised.

4 Q. And why was that?

5 A. Because he hadn't been over, and I wasn't expecting
6 him to come over.

7 Q. Where was he when you first saw him that night?

8 A. He actually didn't see me. I was in Troy's room. The
9 door was cracked, but I saw him pacing back and forth.

10 Q. And what ---

11 A. --- and ---

12 Q. I'm sorry. I didn't mean to interrupt you. I
13 apologize. Go ahead.

14 A. But I saw him pacing back and forth on the phone.

15 Q. And when you say pacing back and forth and on the
16 phone, was he actually talking on the phone?

17 A. He was actually talking on the phone to someone. He
18 was saying I'm in. Yeah I'm in, and he was walking towards
19 the shop room.

20 Q. Was it unusual ---

21 A. Yeah.

22 Q. --- for him to be talking on the phone?

23 A. He doesn't have a phone. So, yes.

24 Q. After he was there for a while pacing back and forth,
25 what, if anything, did you see happen that night?

1 A. Well, like I said, I was in Troy's room. The door was
2 cracked. He went back in the studio room, and he begged
3 Brandon for a cigarette. Can I have a cigarette? Please
4 can I have a cigarette? And Brandon ignored him for a
5 while. Like, five minutes went by, and then he was, like,
6 okay, you know, I'll give him a cigarette, and everybody
7 walked outside.

8 Q. Let me ask you this. Were -- was anyone allowed to
9 smoke in the house?

10 A. No, ma'am.

11 Q. And was J School -- know that, that no one could
12 smoke?

13 A. He knows that.

14 Q. So, if anyone would smoke a cigarette, they'd have to
15 go outside?

16 A. Yes, ma'am.

17 Q. Okay, and then what -- I'm sorry. I interrupted you.
18 What happened?

19 A. So, I guess Brandon and Josh and J School went
20 outside. Troy came in the room with me, and we were
21 sitting on his bed basically talking and playing with my
22 makeup. I was letting him put it on my eyes, and we were
23 about to go outside when we heard glass breaking in the
24 sports room.

25 Q. Can you tell what area that came -- okay. I'm sorry.

C. PEARSON - DIRECT EXAMINATION BY MS. CAMPBELL

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1 A. Sports room.

2 Q. From the sports room? And when the glass broke, what,
3 if anything, did you do?

4 A. We jumped up because Ms. Sugar was upstairs and we
5 didn't want anyone to get in trouble. So, we ran around
6 there to see what was going on, and we thought it was just
7 the boys, like, playing or something.

8 Q. When you went around there, what room did you go to?

9 A. We went -- I didn't step foot in the sports room. I
10 was actually by the door, the door that connects the shop
11 and the sports room, and when we got there, two guys were
12 on the floor. One that I recognized as Trent. I did not
13 recognize the other guy at all.

14 Q. And once -- what were they doing on the floor?

15 A. They were fighting.

16 Q. What happened next?

17 A. Troy came to break it up, and that's when another guy
18 was coming in the house at that time. He had on a
19 camouflaged jacket and twist things in his hair. He came
20 in and they all started fighting.

21 Q. When you say they all started fighting, how many
22 people were fighting at that point?

23 A. It was four: Troy and Trent and the two other guys.

24 Q. What happened next?

25 A. Well, they were just fighting. So, I was, like, okay,

1 they're just fighting. We kind of paced, like, okay, they
2 going to break it up. And after fighting for a few
3 minutes, that's when the guy was, like, well, I'm about to
4 pull, meaning, like, he's about to shoot, and so I got
5 scared, you know.

6 Q. What did you do?

7 A. I paced back and forth. I didn't know what to do. I
8 was very shocked, and I ran in the room and I was thinking,
9 like, well, should I hide? What should I do?

10 Q. What room did you run into?

11 A. Troy's room.

12 Q. Okay, and when you left, there were still the four of
13 them fighting in the other room?

14 A. Still, still -- well, when I left, that's when they
15 were on the other side of the door trying to hold the door
16 so they couldn't get through.

17 Q. Okay, and which door was that that you saw?

18 A. That was the door for the shop, that connects the shop
19 and the sports room together.

20 Q. Okay. So at that point, that's when you ran back into
21 the other area?

22 A. I ran -- well, at first I was just pacing. I ran in
23 the room, ran out, and when I came back out, I came back in
24 the middle of the shop, and the guy was sticking the gun
25 through the door, like, trying to shoot. And Trent was

C. PEARSON - DIRECT EXAMINATION BY MS. CAMPBELL

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1 kind of knelt down trying to hold the door, and the guy was
2 pointing it towards his head, like, down, kind of downwards
3 a little bit.

4 Q. Whose head?

5 A. Huh?

6 Q. Whose head?

7 A. Trent's.

8 Q. He was pointing at Trent's head?

9 A. Yes. Like, they was trying to hold the door and he
10 was trying to, like, aim the gun through the door, the
11 crack. And I ran back in the room, and I shut the door,
12 and shots went off after that, and I opened the door
13 because I was scared and Trent came.

14 We met each other, like, outside the door. He came
15 running through and we went upstairs, and how I remember
16 it, we probably got to the third step and I heard six shots
17 go off. I was terrified that Troy had got shot. So, I
18 immediately started crying.

19 We ran upstairs. We banged on Ms. and Mr. Davis's
20 door and was telling them, like, they have guns. We don't
21 -- we didn't know what was going on. We didn't know the
22 guys. So, they came out and Mr. Davis ran downstairs. He
23 put his clothes on and ran downstairs, and Trent was
24 bleeding everywhere from the stairs.

25 Q. And y'all were upstairs at this point?

1 A. Uh-huh.

2 Q. Okay, and what happened next?

3 A. Well, next I was really trying to make sure I knew
4 where everyone was. I didn't see Troy yet, but then Armani
5 or Josh, he came upstairs and he was holding his side, and
6 he was saying I think I've been stabbed, and he had a wound
7 on his head. He was bleeding.

8 And we couldn't find Brandon. We didn't know where he
9 was. People -- they were saying oh, I think he ran, and
10 after that Troy came upstairs, and we were calling the
11 police and, you know, and we went out the front door, and
12 the police was there, and they had actually found Brandon
13 on the ground in the driveway down there.

14 So, I called my brother because they were on the way
15 over, and I told them what was going on, and at first they
16 thought I was joking, and they showed up and it was police
17 everywhere, blocked the house.

18 I was scared, shocked, and I went straight to the
19 police officer to tell him that I heard School on the
20 phone. I didn't know that he was planning that, but I
21 heard him on the phone, and I told the investigator, and
22 they took us down to the investigator's office.

23 Q. And when they tell you -- you say they took you down.
24 Did everyone go to the Sheriff's Department?

25 A. No. Brandon, Josh, and Trent went to the emergency

C. PEARSON - DIRECT EXAMINATION BY MS. CAMPBELL

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1 room. Me and Troy were the only two that went to the
2 investigator's office.

3 Q. And at that point, did you give a statement about what
4 you had seen?

5 A. Uh-huh. I did and I pulled up J School's Facebook
6 account.

7 Q. And where were you when you did this?

8 A. I was at the investigator's office.

9 Q. And at that point, what name did you know -- what was
10 the only name you knew J School by?

11 A. J School.

12 Q. So, you said you pulled up, once you were at
13 headquarters, the ---

14 A. We were friends on Facebook, but his name was Calli G.

15 Q. Calli G?

16 A. Uh-huh.

17 Q. And where were you when you were actually trying to
18 get a picture of him?

19 A. We were at the investigator's office.

20 Q. Okay.

21 A. They split us up.

22 Q. And you were able to go onto Facebook?

23 A. Uh-huh.

24 Q. And at that point, were you able to give them the
25 information about the person you knew to be J School?

1 A. Just a -- what I knew about him. I didn't know much
2 about him.

3 Q. Did you show him on Facebook?

4 A. Yes, ma'am, I did.

5 Q. And was his photo on there?

6 A. Yes, ma'am, it was.

7 Q. And you told him that's who you knew as J School?

8 A. Yes, ma'am, and his last status was actually talking
9 about robbing people, so -- on Facebook. So, we pulled it
10 up and I didn't get a good description, description of the
11 other two guys. So, I told them, like, I could only
12 describe their clothing and his hair. I never forget his
13 hair with the twists.

14 Q. Later on did they show you some photo lineups?

15 A. They did.

16 Q. And when they showed you the photo lineups, did you
17 identify, I believe, one of them as J School?

18 A. I did.

19 Q. And did you also point to a second guy that looked
20 like one of them?

21 A. Looked like, but I told him I was not sure. But I
22 told them he might have been the guy.

23 Q. And then later on did they show you two additional
24 photo lineups, and were you able to identify ---

25 A. No, ma'am, I was not able.

C. PEARSON - DIRECT EXAMINATION / CROSS-EXAMINATION 477

1 Q. And, again, between you and Troy and Trent or Trey,
2 who actually got up close and was able to see the two
3 individuals inside better?

4 A. Just one of us or?

5 Q. No. Who, who ---

6 A. Troy and Trent was up close fighting. So, they were
7 more angled to see him. But I wasn't because I was far
8 back and coming up close at first, but they were fighting.
9 So, I didn't see any faces. I wasn't trying to get too
10 close.

11 MS. CAMPBELL: Thank you. I appreciate it.

12 MR. SUTHERLAND: Please the court, briefly.

13 CROSS-EXAMINATION BY MR. SUTHERLAND:

14 Q. Cari, we've not met before, but my name is Tivis. You
15 had said that you had viewed a couple photo lineups?

16 A. Uh-huh.

17 Q. Are you able to recall that or would -- do you recall
18 picking J School out of one?

19 A. I, I remember picking him.

20 Q. Do you remember circling and initialing Leonard
21 Gaston?

22 A. Yeah, I did.

23 Q. Okay. Thank you.

24 MR. SUTHERLAND: No further questions, Your Honor.

25 MS. CAMPBELL: Nothing further, Your Honor.

1 CHARLES SIZEMORE, BEING DULY
2 SWORN, TESTIFIES AS FOLLOWS:

3 CLERK OF COURT: Have a seat in the witness stand,
4 please, and state your name for the record.

5 WITNESS: My name is Charles Sizemore.

6 DIRECT EXAMINATION BY MS. WALKER:

7 Q. Sir, where are you currently employed?

8 A. With PTAFLA, Incorporated. We do business as
9 Cleartalk.

10 Q. And what is Cleartalk?

11 A. We are a cellular network construction company as well
12 as a carrier and retailer of our own cellular services.

13 Q. Is that akin to Verizon or something like that?

14 A. Yes.

15 Q. Okay, and are you a custodian of records for
16 Cleartalk?

17 A. Yes. I'm the company's general manager.

18 Q. I want to show you what's been marked as State's
19 Exhibit 198 and ask you if you recognize this.

20 A. Yes, ma'am.

21 Q. And how do you recognize that?

22 A. By our network ID, 21607.

23 Q. And what do you recognize these to be?

24 A. These appear to be call detail records along with
25 tower information regarding which tower was servicing the,

1 the cellular company.

2 MR. SUTHERLAND: No objection, Your Honor.

3 MS. WALKER: Your Honor, at this point the state seeks
4 to admit Exhibit 198 into evidence.

5 THE COURT: Without objection.

6 (CALL RECORDS MARKED INTO EVIDENCE AS STATE'S EXHIBIT
7 NUMBER 198.)

8 MS. WALKER: Thank you, sir. I have no further
9 questions.

10 THE COURT: Anything -- any questions?

11 MR. SUTHERLAND: No questions, Your Honor.

12 THE COURT: Thank you, sir. I'm going to excuse you
13 from your subpoena. Any objections, ladies, sir?

14 MS. WALKER: Not from the state, Your Honor.

15 MR. SUTHERLAND: No, sir.

16 THE COURT: Thank you. You may step down.

17 WITNESS: Thank you.

18 (THE WITNESS EXITS THE STAND.)

19 THE COURT: Next witness, please.

20 MR. SUTHERLAND: State calls Demetrice James.

21 THE COURT: Mr. James, if you'd come forward, please.

22 DEMETRICE JAMES, BEING DULY SWORN,
23 TESTIFIES AS FOLLOWS:

24 CLERK OF COURT: Have a seat in the witness stand,
25 please.

1 THE COURT: Mr. James, if you'd pull up to that
2 microphone please, sir, and speak into it and speak
3 distinctly for us. Thank you.

4 CLERK OF COURT: State your name, please.

5 WITNESS: Demetrice James.

6 DIRECT EXAMINATION BY MS. SIMPSON:

7 Q. Mr. James, how old are you?

8 A. I'm nineteen.

9 Q. Nineteen, and are you from Columbia?

10 A. Yes, ma'am.

11 Q. Did you go to school here?

12 A. Yes, ma'am.

13 Q. Where did you go to school?

14 A. Columbia High School.

15 Q. Columbia High School. Did you actually graduate?

16 A. No, ma'am.

17 Q. What grade did you finish through?

18 A. Eleventh.

19 Q. Eleventh grade. How do you know Maurice Roberts?

20 A. Through association with people at Hammond Village
21 Apartments.

22 Q. At Hammond Village?

23 A. Yes, ma'am.

24 Q. And so you have friends at Hammond Village and hung
25 out there?

D. JAMES - DIRECT EXAMINATION BY MS. SIMPSON

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1 A. Yes, ma'am.

2 Q. And you've met the defendant, Maurice Roberts, through
3 them?

4 A. Yes, ma'am.

5 Q. About how long before this incident occurred have you
6 known Maurice?

7 A. Like, two years.

8 Q. Two years?

9 A. Yes, ma'am.

10 Q. And did you also know -- actually, do you have a
11 couple nicknames that you go by?

12 A. Yes, ma'am.

13 Q. Can you tell us those?

14 A. Some people call me Meat, some people call me Meachy.
15 That's about it.

16 Q. Do you ever go by D-Roosevelt or Metro, Young?

17 A. No, ma'am.

18 Q. Okay, but people call you by a bunch of different
19 names?

20 A. Yes, ma'am.

21 Q. And are you involved in music or do you like music at
22 all?

23 A. Yes, ma'am.

24 Q. Tell us how you're involved with that.

25 A. I produce beats from out of my studio at home. I go

1 to a studio on Decker Boulevard to do music.

2 Q. Okay, and do you know Deshawn McClary?

3 A. Yes, ma'am.

4 Q. How do you know Deshawn?

5 A. I met Deshawn through Maurice, and I use to go to a
6 teenage club back in, like, 2007 and met Deshawn there.

7 Q. Okay. So, you said '07, '06. So, you've know him for
8 a little while, too?

9 A. Yes, ma'am.

10 Q. Okay, and Vincent Nelson, did you know him?

11 A. Yes, ma'am.

12 Q. And how did you know Vincent?

13 A. Through association at Hammond Village Apartments.

14 Q. And, and all y'all kind of had nicknames that you
15 would go by or names that people would call you, right?

16 A. Yes, ma'am.

17 Q. And were all y'all kind of involved in music, enjoyed
18 music, hung out together?

19 A. Not all of us. As far as I know, I was the only one
20 who really did music.

21 Q. Who really did, and let me turn your attention to --
22 back to January 25th of 2013 when this occurred. Can you
23 tell me about what happened that day when you saw Maurice?

24 A. Like, the night that it happened?

25 Q. Yes.

D. JAMES - DIRECT EXAMINATION BY MS. SIMPSON

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1 A. Well, I met him over there at E.E. Taylor Elementary
2 that night.

3 Q. And E.E. Taylor, where is that?

4 A. I would say, like, a sixty second walk from the
5 incident location.

6 Q. Okay. So, is E.E. Taylor off Broad River near Hammond
7 Village ---

8 A. It's ---

9 Q. ---and Club Crush, kind of that area?

10 A. Yes, ma'am.

11 Q. So, you met him up -- you met with him over there?

12 A. Yes, ma'am.

13 Q. Who all was there when you met him?

14 A. Just him and Deshawn McClary.

15 Q. Okay, and him and Deshawn were there at that time.

16 What happened once you met up with him?

17 A. Well, when I met up with him, he asked me if I would
18 like to go meet Junior at the studio, or who he called J
19 School, at the studio, and so I was, like, sure and stuff.

20 Q. Okay, and so what happened next?

21 A. Me, him, and McClary, we walked down the street to the
22 incident location, or to what I thought would be the studio
23 at the time.

24 Q. And do you know where that studio was, the actual
25 address?

1 A. I don't know the address.

2 Q. Did you know who lived there?

3 A. No, ma'am.

4 Q. Okay. So, you didn't know Troy Scott or Trenton
5 Scott?

6 A. No, ma'am.

7 Q. You knew Junior, though?

8 A. Yes, ma'am.

9 Q. And so y'all walked down the street together, the
10 three of you, Deshawn, Maurice, and you?

11 A. Yes, ma'am.

12 Q. What happened next?

13 A. Well, when I looked down the driveway, I saw Junior
14 right there talking to some guys and smoking a cigarette.
15 So, I was walking down the driveway to kind of introduce
16 myself to them since I never met those guys, and I was
17 going to, like, greet Junior. And half way in between me,
18 like, being down the driveway, Maurice, he, like, kind of
19 took off in a sprint and ran in front of me. And some type
20 of way, he ended up in an altercation with one of the guys
21 right there. And so it was, like, a fight going on, and
22 being I didn't know what was going on, you know, I really
23 just pretty much wanted to see what was going on.

24 So, when I got to them or where they were having the
25 altercation at, one of the dudes was, like, laying on the

D. JAMES - DIRECT EXAMINATION BY MS. SIMPSON

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1 ground with a guy he got in the altercation with. And by
2 the time I got to Maurice and the dude, Maurice had done
3 left, and he was down by the door involved in an
4 altercation with two other guys.

5 Q. Okay, and so let me back you up because we're hearing
6 a lot of other guys. So, you get to the driveway and you
7 actually see Junior down there with two other people
8 smoking a cigarette?

9 A. Yes, ma'am.

10 Q. And at this point, were you, Deshawn, and Maurice kind
11 of together before you got to the driveway walking?

12 A. Yes, ma'am.

13 Q. And you said that Maurice sprinted down the driveway
14 quickly?

15 A. Yes, ma'am.

16 Q. Was Deshawn behind you or did ---

17 A. Yes, ma'am.

18 Q. --- you know where he was?

19 A. He was behind me.

20 Q. And so Maurice -- what did you see Maurice do to one
21 of the guys?

22 A. I just really see him get into an altercation. Like,
23 kind of, like, a fight.

24 Q. And this was with one of the guys outside?

25 A. Yes, ma'am.

1 Q. Okay, and what did you see next after he got into an
2 altercation with one the guys?

3 A. Well, I saw, like, a guy stumble to the ground. Like,
4 just stumble to the ground really, and ---

5 Q. And what did Maurice do after that?

6 A. He, like, went towards the door area and ended up in
7 an altercation with some other guys who were, like,
8 standing by the door.

9 Q. And when you say the door area, is this at the bottom
10 of the driveway?

11 A. Yes, ma'am.

12 Q. So, Maurice, after getting into an altercation with
13 one guy on the driveway, did you see him fighting with the
14 other guy at all?

15 A. Yes, ma'am. It seemed like they were kind of, like --
16 he was fighting two guys at the same. Seemed like he was
17 kind of fighting two guys to me.

18 Q. Okay, but the two guys in the home ran and Maurice
19 actually goes towards the house, right?

20 A. No, ma'am, it didn't happen like that. He was
21 fighting one guy, and that was the guy who stumbled on the
22 ground. And then, when he got by the door, he got into an
23 altercation with two other guys after that.

24 Q. Okay, at the door. And when you see him get into this
25 altercation, you're claiming the two guys were at the door?

D. JAMES - DIRECT EXAMINATION BY MS. SIMPSON

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1 A. Yes, ma'am.

2 Q. And what did you do?

3 A. Well, when I saw them fighting, and, you know, I
4 looked at him as a dear friend, I thought that he was
5 getting beat up. So, my initial thoughts was to go not let
6 that happen. So, I went down there and I got involved in
7 the altercation myself.

8 Q. Okay. So, you said you looked at Maurice as a dear
9 friend and you were trying to go to help him?

10 A. Yes, ma'am.

11 Q. And at some point -- and this is with the two guys in
12 the house?

13 A. Yes, ma'am.

14 Q. And you actually end up fighting with the guys in the
15 house?

16 A. Yes, ma'am.

17 Q. Can you tell us about the fight inside the house?

18 A. Well, in the midst of Maurice and the guys fighting,
19 it looked to me as if they were trying to pull him inside
20 the house, and they end up getting him inside the house and
21 someone tried to close the door.

22 So, what I did was I put my foot, like, in the, in the
23 middle of the door so they couldn't close it, and I kind of
24 pushed the door open so I could get in there to try to get
25 him out. And once I got into the house, I mean, guys just

1 started swinging. It was, like, pretty much, like, a
2 fight.

3 Q. And you actually saw a girl you said watching, too,
4 right?

5 A. Yes, ma'am.

6 Q. And these two guys fighting, you never saw them with a
7 weapon, did you?

8 A. No, ma'am.

9 Q. But did you actually see Maurice pull out an object at
10 some point?

11 A. At some point.

12 Q. At what point was that?

13 A. Kind of in the midst of everybody fighting. It kind
14 of happened, like, in the midst of everybody fighting.

15 Q. In the midst of everybody fighting, and Maurice
16 actually pulls out a gun, right?

17 A. Yes, ma'am.

18 Q. Tell us what happens after Maurice pulls out the gun.

19 A. Well, along -- a gunshot, like, went off and everybody
20 kind of froze; and everybody kind of froze to stop and see
21 was they hit. And after that right there, after the gun
22 fell -- and when the gun fell, you know, well, initially I
23 was kind of nervous, kind of scared. But when it fell, you
24 know, I ain't want the gun to get into the wrong hands and
25 the wrong thing happen. So, I ran and I grabbed the gun.

1 I picked it up, and then I was trying to run outside,
2 and then my arm got caught in the door, kind of got caught
3 in the door. And the next thing I know, the gun was being
4 snatched from me, and then that's when the gun went off,
5 after it was snatched from me and everything.

6 Q. Okay. So according to you, you hear the gunshot. The
7 gun at some point falls to the floor. You didn't want
8 anybody to get it, so you picked it up and had it at one
9 point?

10 A. Yes, ma'am.

11 Q. And the gun snatched from you?

12 A. Yes, ma'am.

13 Q. And you claim that it went off again?

14 A. Yes, ma'am.

15 Q. Did you see Maurice get that gun back?

16 A. No, ma'am. I was like, I was, like, halfway out the
17 door, but my arm was caught in the door. So, well, it was
18 snatched at that point in time, I guess.

19 Q. Okay. So, Maurice didn't hand you gun is what you're
20 claiming?

21 A. No, ma'am.

22 Q. But at some point you're outside, right? You're
23 outside the door?

24 A. Yes, ma'am.

25 Q. What happens next?

1 A. When I got outside the door, I think I remember seeing
2 Vincent engaged with some guy fighting, you know, like an
3 altercation outside the door. But me, I was pretty much
4 trying to run and get on through. So, as I was running and
5 I was going up the driveway or whatever, I looked back and
6 I was telling McClary and Nelson to come on, you know what
7 I'm saying?

8 Q. So, you were saying come on, and there was a group
9 known as 600, right?

10 A. No, ma'am.

11 Q. Okay. So, you're denying any kind of involvement with
12 a group named 600?

13 A. Yes, ma'am.

14 Q. So, you were just saying Deshawn and who else to come
15 on?

16 A. Vincent.

17 Q. And Vincent?

18 A. Yes, ma'am.

19 Q. What was Maurice doing?

20 A. Well, at this point in time I really didn't see him
21 until I got, like, out of the driveway.

22 Q. Okay. So -- and we're talking about a driveway that's
23 pretty steep, goes down, and then there's the bottom area
24 where there's kind of a porch. Flat, flatter area, right?

25 A. Yes, ma'am.

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1 Q. And out of the driveway, you're talking -- you're kind
2 of at the top of the driveway?

3 A. Yes, ma'am.

4 Q. Away from where most of the altercation was happening?

5 A. Yes, ma'am.

6 Q. And when you turn around and see Maurice, what do you
7 see next and what do you hear?

8 A. Well, I see Maurice standing over this -- the guy who
9 was who was, like, laying on the driveway earlier who he
10 initially got in the altercation with. He was standing
11 over him with a gun in his hand, and, like, I saw him shoot
12 one time. And from right there I just, you know, I took
13 off up the -- when I got, like, kind of up the street, I
14 heard a couple more shots and I went home.

15 Q. Okay. So, you actually see Maurice standing over the
16 guy he'd initially been in the altercation with, and that
17 guy is laying on the ground, right?

18 A. Yes, ma'am.

19 Q. And Maurice shoots a gun, and are you actually able to
20 see the flash?

21 A. Yes, ma'am.

22 Q. And how many times did you see him actually shoot?

23 A. I saw him shoot once.

24 Q. You saw him shoot once?

25 A. Yes, ma'am.

1 Q. Okay, but then how many more shots would you say you
2 heard?

3 A. After I got down the street, I heard multiple. I
4 can't really put a number on them, but I heard multiple.

5 Q. But there's no doubt that that gun was in the hand of
6 Maurice, and he was shooting at the guy laying on the
7 ground?

8 A. Yes, ma'am.

9 Q. And did you know the guy laying on the ground?

10 A. No, ma'am.

11 Q. Where did you go once you ran off?

12 A. I ran back to my house or to my dad's house.

13 Q. To your dad's house. Where is that located?

14 A. [REDACTED].

15 Q. Okay. So, you ran all the way back to River Drive?

16 A. Yes, ma'am.

17 Q. And what do you do once you get back to River Drive?

18 A. When I get home, I just lay on the couch kind of
19 getting my thoughts together, and then I drift off to
20 sleep.

21 Q. Okay, and so did you -- when's the next time -- first
22 of all, did you bring a gun to the studio with you?

23 A. No, ma'am.

24 Q. Did you have a gun earlier in the day or at any point?

25 A. No, ma'am.

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1 Q. Except for when you picked up that gun?

2 A. That's the only time.

3 Q. And that wasn't your gun. That was the gun that
4 Maurice had and dropped on the ground ---

5 A. Yes, ma'am.

6 Q. --- during the altercation? When's the next time you
7 saw Maurice?

8 A. The next day at this -- it was, like, Jwaun Duckett
9 was having, like, a little get together. I think it was,
10 like, his birthday or something.

11 Q. And Jwaun Duckett, how do you know Jwaun?

12 A. Through being in Hammond Village, and I know him
13 through his cousin, Karee Goldman.

14 Q. Okay. So, you know Karee, Jwaun, Demetrice, Vincent,
15 and Deshawn, and Maurice?

16 A. Yes, ma'am.

17 Q. And y'all had all hung out together before?

18 A. Yes, ma'am.

19 Q. Now, when you saw him at the party, what happened?
20 Did you talk to him?

21 A. No, ma'am. We didn't have no, no verbal conversation.

22 Q. Okay, and at some point did you learn that someone had
23 been murdered?

24 A. Not then I didn't, no.

25 Q. At what point did you learn that someone had been

1 murdered?

2 A. I actually found out Monday.

3 Q. Monday?

4 A. Yes, ma'am.

5 Q. So, that would have been on the 27th that you found
6 out. How did you find out?

7 A. Well, I was coming from the hospital. I had doctor's
8 appointment at the hospital, and once I got back, my dad
9 informed me -- he was, like, did you hear about Maurice
10 getting locked up for murder, and I guess everything kind
11 of connected in my head then.

12 Q. Okay, and at some point did you find out the police
13 were actually looking for you?

14 A. Yes, ma'am.

15 Q. And what happened when you found out the police were
16 looking for you?

17

18 A. Well, I found that out Tuesday, and when I found that
19 out, I called later on that night, and I think they said it
20 was too late. To call back in the morning or something
21 like that. So, that's what we did.

22 Q. And you gave some statements. It's been about a year
23 since this happened, right?

24 A. Yes, ma'am.

25 Q. And it's actually your father who called the police

D. JAMES - DIRECT EXAMINATION BY MS. SIMPSON

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1 and said that you'd be willing to turn yourself in,
2 correct?

3 A. Yes, ma'am.

4 Q. And did you, in fact, turn yourself in?

5 A. Yes, ma'am.

6 Q. And do you recall speaking with officers when you went

7 ---

8 A. Yes, ma'am.

9 Q. --- to headquarters?

10 A. Yes, ma'am.

11 Q. And I'm going to show you -- did they advise you of
12 your rights?

13 A. Yes, ma'am.

14 Q. I'm just going to show you and see if you recognize.
15 So, they told you your rights, right, and went through,
16 asked you if you wanted to answer their questions, and you
17 did so, right?

18 A. Yes, ma'am.

19 Q. Freely and voluntarily?

20 A. Yes, ma'am.

21 Q. They didn't threaten or coerce you in any way?

22 A. No, ma'am.

23 Q. You wanted to talk to them?

24 A. Yes, ma'am.

25 Q. Or you felt like you needed to talk to them?

1 A. Yes, ma'am.

2 Q. But let's be clear. You actually gave them three
3 different statements, right?

4 A. Yes, ma'am.

5 Q. And in your initial conversations with them, did you
6 admit to being present when this happened?

7 A. No, ma'am, I didn't admit to being present when it
8 happened.

9 Q. Okay, and did they actually confront you with some
10 additional information from witnesses that caused you to
11 give a second statement?

12 A. Yes, ma'am.

13 Q. And, in that statement, what did you tell them?

14 A. I can't necessarily remember it. I haven't seen the
15 paperwork in a long time.

16 Q. Well, did you tell them that you actually were there?

17 A. I can't necessarily remember.

18 Q. And if I showed you a copy, would that help you ---

19 A. Yes, ma'am.

20 Q. --- remember? In the second statement -- is that your
21 statement and your signature?

22 A. Yes, ma'am.

23 Q. Okay, and if you want to take just a second to look at
24 it.

25 MR. SUTHERLAND: Please the court, Your Honor? I

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1 believe the question was did you say you were there in the
2 second statement.

3 MS. SIMPSON: And I was just giving him a moment to
4 look over ---

5 THE COURT: That's exactly right.

6 BY MS. SIMPSON:

7 Q. And so having a chance to review, in the second
8 statement you actually admitted to police that you were
9 there?

10 A. Yes, ma'am.

11 Q. And all these statements, let's see, you were advised
12 of your rights, I believe, about 9:30 in the morning
13 because you turned yourself in in the morning ---

14 A. Yes, ma'am.

15 Q. --- right? And then they spoke with you around 10:00,
16 and that's when you initially denied any involvement or
17 knowledge about what was going on?

18 A. Yes, ma'am.

19 Q. And then they had another conversation with you where
20 they gave information to where they knew that you were
21 involved in it some way?

22 A. Yes, ma'am.

23 Q. And at that point, you admitted to being here?

24 A. Yes, ma'am.

25 Q. Did you actually give a third statement as well that

1 day?

2 A. Yes, ma'am.

3 Q. And that's the same day a few hours later after
4 they approached you with even more information, or they
5 just wanted to follow up with you on some things,
6 correct?

7 A. Yes, ma'am.

8 Q. And you're currently charged with murder, correct?

9 A. Yes, ma'am.

10 Q. And facing thirty to life on that ---

11 A. Yes, ma'am.

12 Q. --- for this incident, for these offenses?

13 A. Yes, ma'am.

14 Q. And you're currently charged with attempted armed
15 robbery, correct?

16 A. Attempted armed robbery?

17 Q. For these -- for this incident.

18

19 A. I don't think we had an armed robbery charge for this
20 incident.

21 Q. Well, assuming that you do, you're facing zero to
22 twenty on that, and then you also had a burglary first
23 charge, correct?

24 A. Yes, ma'am.

25 Q. Which carries fifteen to life?

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1 A. Yes, ma'am.

2 Q. And two counts of attempted murder, correct?

3 A. Yes, ma'am.

4 Q. Which carries zero to thirty years?

5 A. Yes, ma'am.

6 Q. Now, you also currently have other pending charges in
7 our office as well, correct?

8 A. Yes, ma'am.

9 Q. Including possession with intent to distribute
10 marijuana, which carries five years?

11 A. Yes, ma'am.

12 Q. And possession with intent to distribute marijuana
13 within the proximity of a school, which carries ten years?
14 Somewhere around -- carries some time, right?

15 A. Yes, ma'am.

16 Q. And you actually have another set of offenses, too?

17 A. Yes, ma'am.

18 Q. Correct? Criminal sexual conduct first?

19 A. Yes, ma'am, pending.

20 Q. Pending, and you're facing, I believe, zero to thirty
21 years on that? Does that sound right?

22 A. I really don't know what it, what it carries.

23 Q. What it carries. Well, you're also facing kidnapping
24 charges, zero to thirty ---

25 A. Yes, ma'am.

1 Q. --- right? And armed robbery charges from that
2 incident, which carries ten to thirty years?

3 A. Yes, ma'am.

4 Q. Okay, and as far as your testimony goes, have you been
5 made any promises ---

6 A. No, ma'am.

7 Q. --- by my office? Have you been threatened in any way
8 to testify here today?

9 A. Yes, in a sense.

10 Q. And we'll get to that as far as the threats that were
11 made to you today. But as promises, as far as promises of
12 leniency or hope or rewards, our office is not promised you
13 anything with respect to your charges, correct?

14 A. No, ma'am.

15 Q. You have no offers or no deals, right?

16 A. No, ma'am.

17 Q. But you're hoping that your cooperation here today
18 will help you out somewhere down the road?

19 A. I would say so.

20 Q. Now, we mentioned threats. Were you actually
21 transported with the defendant, Maurice Roberts?

22 A. Yes, ma'am.

23 Q. And that occurred today?

24 A. Yesterday.

25 MR. SUTHERLAND: Your Honor, briefly, may we approach?

D. JAMES - DIRECT EXAMINATION BY MS. SIMPSON

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1 (OFF-THE-RECORD BENCH CONFERENCE.)

2 MR. SUTHERLAND: Yes, sir, just like to object to the
3 testimony regarding my client being currently incarcerated.

4 THE COURT: Overruled.

5 MR. SUTHERLAND: On the grounds that it's prejudicial.

6 THE COURT: Overruled.

7 BY MS. SIMPSON:

8 Q. So, Demetrice, were you actually transported with
9 Maurice Roberts here today?

10 A. Well, not today but yesterday.

11 Q. Yesterday, and did you speak with him or did he speak
12 to you?

13 A. Yes, ma'am.

14 Q. Can you tell the jury what he said to you?

15 A. He told me that if I didn't testify today, that he
16 would try to free my name out of this, but if I did, that I
17 should just remember that he know where my dad live at.

18 Q. Okay, and how did you respond?

19 A. I asked him what he meant by that.

20 Q. And did he say anything back to you?

21 A. He told me whatever it means to me.

22 Q. Okay, and did you view that as a threat?

23 A. Yes, ma'am.

24 MS. SIMPSON: Beg the court's indulgence one
25 moment.

1 (A PAUSE.)

2 BY MS. SIMPSON:

3 Q. When the shots went off in the driveway, who was
4 standing over?

5 A. Maurice.

6 Q. Okay, and the person you know as shooting, firing the
7 gun, standing over the guy lying on the ground, do you see
8 him here in the courtroom today?

9 A. Yes, ma'am.

10 Q. And is that the same person who threatened you
11 earlier?

12 A. Yesterday, yes, ma'am.

13 Q. Can you point him out for the court or at least -- I'm
14 sorry. I know you can't point high. Can you tell us what
15 he's wearing?

16 A. The light white and blue striped dress suit, something
17 like that, stripes.

18 Q. Okay.

19 MS. SIMPSON: Your Honor, let the record reflect he's
20 identified the defendant.

21 Thank you, Mr. James.

22 MR. SUTHERLAND: Please the court, sir?

23 CROSS-EXAMINATION BY MR. SUTHERLAND:

24 Q. Mr. James.

25 A. Yes, sir.

D. JAMES - CROSS-EXAMINATION BY MR. SUTHERLAND

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- 1 Q. I'm going to start at the end with what you just
2 testified to before the jury, and your testimony was that
3 he either threatened you and had said if you don't testify
4 that he would get you out from under this?
- 5 A. That he'll try to free my name.
- 6 Q. Try to free your name. You didn't threaten him?
- 7 A. No, sir.
- 8 Q. You didn't tell him that he should have talked to your
9 lawyer like you asked him to?
- 10 A. No, sir.
- 11 Q. Okay. You didn't say that you were taking him down
12 with you?
- 13 A. No, sir.
- 14 Q. Okay. One thing I think we should -- I got to ask you
15 about. You have a previous conviction. I'll talk to you a
16 little bit about the pending charge. You have a previous
17 conviction that wasn't mentioned for carrying weapons on
18 the school property. Is that correct?
- 19 A. On school property?
- 20 Q. As a juvenile.
- 21 A. Oh, I'm on probation.
- 22 Q. Okay. All right. Before, I guess before we get to
23 everything that you're charged with, the way that I hear
24 your testimony here today is that this is all sort of by
25 happenstance. That you were just in the wrong place at the

1 wrong time, and that you had no criminal intent. Is that
2 what your testimony is?

3 A. Yes, sir.

4 Q. And that -- I believe your testimony on direct was
5 that you went to help your dear friend who was in a
6 scuffle. Is that correct?

7 A. Yes, sir.

8 Q. All right. I would like to ask you basically just to
9 go through and sort of categorize and add all this.
10 There's, there's three different sets of charges that
11 you're facing. The solicitor mentioned those charges.

12 A. Yes, sir.

13 Q. There's possession with intent to distribute
14 marijuana?

15 A. Yes, sir.

16 Q. Possession with intent to distribute marijuana near a
17 school?

18 A. Yes, sir.

19 Q. Okay, and so you're looking at fifteen years on those,
20 right?

21 A. Yes, sir.

22 Q. There's this case here. You have a murder charge?

23 A. Yes, sir.

24 Q. And you have a burglary first?

25 A. Yes, sir.

D. JAMES - CROSS-EXAMINATION BY MR. SUTHERLAND

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- 1 Q. And the murder charge carries thirty to life. It
2 carries up to the life prison. That's what you're looking
3 at, right?
- 4 A. Yes, sir.
- 5 Q. And the burglary first carries up to life in prison.
6 That's what you're looking at on that.
- 7 A. Yes, sir.
- 8 Q. Okay. The attempted armed robbery carries up to
9 twenty. Did you say that you weren't certain about that?
- 10 A. I didn't know I was charged with that.
- 11 Q. Okay. Carries up to twenty and there are two
12 attempted murders that carry up to thirty years a piece.
13 Is that correct?
- 14 A. Yes, sir.
- 15 Q. And then there's a third incident or set of charges
16 that you have. There's a criminal sexual conduct in the
17 first degree.
- 18 A. Yes, sir.
- 19 Q. That carries thirty years. There's a kidnapping along
20 with that that carries thirty years. Is that correct?
- 21 A. Yes, sir.
- 22 Q. And there's also an armed robbery along with that that
23 carries thirty years?
- 24 A. Yes, sir.
- 25 Q. So, you are looking at two life sentences plus a 185

1 years based on the charges that are pending with this
2 office against you right now. Is that ---

3 A. Yes, sir.

4 Q. Is that about right? With respect to your -- you're
5 here today cooperating within the state. I wanted to ask
6 you about your CSC, your criminal sexual conduct, and your
7 kidnapping and your armed robbery charge. Are you
8 cooperating with the state against Deshawn McClary in that
9 case?

10 A. No, sir.

11 Q. You're not cooperating in that case. And it is your
12 -- well, it's your testimony you said you had no -- that
13 you did not shoot Trent. Is that your testimony?

14 A. No, sir.

15 Q. Okay. Thank you.

16 MR. SUTHERLAND: No further questions, Your Honor.

17 MS. SIMPSON: Nothing further from the state, Your
18 Honor.

19 THE COURT: All right. You may step down.

20 (THE WITNESS EXITS THE STAND.)

21 THE COURT: Next witness.

22 MS. WALKER: The state calls Timothy Lee,
23 Investigator Timothy Lee, Your Honor.

24 TIMOTHY LEE, BEING DULY SWORN,

25 TESTIFIES AS FOLLOWS:

T. LEE - DIRECT EXAMINATION BY MS. WALKER

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1 CLERK OF COURT: All right. Have a seat in the
2 witness stand, please. State your name for the record,
3 please.

4 WITNESS: Timothy Lee. L-e-e.

5 DIRECT EXAMINATION BY MS. WALKER:

6 Q. Good afternoon, Investigator Lee.

7 A. Good afternoon.

8 Q. Sir, can you tell me where you're, where you are
9 currently employed?

10 A. I am with Richland County Sheriff's Department in the
11 Crime Scene Unit.

12 Q. And how long have you been in the Crime Scene Unit?

13 A. Six and a half years.

14 Q. And can you tell the jury a little bit about what you
15 do as a member of the Crime Scene Unit at the sheriff's
16 department?

17 A. A Crime Scene Unit is responsible for responding and
18 collecting evidence at a crime such as photographs,
19 physical evidence, blood, and so forth. We're asked on
20 many different types of cases from burglaries to homicides
21 to assist in collection of this evidence to be used in
22 court.

23 Q. And on January 28th, did you become involved in the
24 investigation of this case?

25 A. I did. I was contacted by Sergeant Lindler to take

1 photographs of an eye injury.

2 Q. And to whom -- of whom were you taking those
3 photographs?

4 A. Of a one Maurice Roberts, Jr.

5 Q. Let me show you State's Exhibits 201 through 204 and
6 ask you if you recognize these.

7 A. These are photographs of an eye injury.

8 Q. Do these fairly and accurately depict the, the injury
9 you saw that day?

10 A. They do. Redness in the eye and then there's going to
11 be some bruising underneath the eye.

12 (A PAUSE.)

13 MR. SUTHERLAND: No objection, Your Honor.

14 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
15 STATE'S EXHIBIT NUMBERS 201, 202, 203, 204.)

16 BY MS. WALKER:

17 Q. So, you photographed, I guess, maybe a black eye?
18 Would that be a good term for it?

19 A. It would be equivalent to a black eye, yes. There was
20 the darkening underneath the eyelid area and then the
21 bloodshot in the eye area!

22 Q. And where were these photographs taken, sir?

23 A. At headquarters.

24 Q. And taking those photographs, is that the extent of
25 your involvement in this case?

T. LEE - CROSS-EXAMINATION BY MR. SUTHERLAND

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1 A. That was. That was it.

2 Q. Thank you, sir.

3 MS. WALKER: I don't have any further questions.

4 WITNESS: Thank you.

5 MR. SUTHERLAND: May it please the court, briefly?

6 CROSS-EXAMINATION BY MR. SUTHERLAND:

7 Q. What was the date, sir, that you took the photographs?

8 A. The date that it was taken was January 28, 2013, and
9 at approximately 4:10 in the afternoon.

10 Q. Thank you, sir.

11 MR. SUTHERLAND: No further questions, Your Honor.

12 THE COURT: Ms. Walker, anything else?

13 MS. WALKER: No, sir.

14 THE COURT: You may step down. May he be released?

15 WITNESS: Thank you.

16 THE COURT: Thank you.

17 (THE WITNESS EXITS THE STAND.)

18 THE COURT: Next witness, please.

19 MS. WALKER: State calls Vincent Nelson, Jr.

20 (A PAUSE.)

21 VINCENT NELSON, JR., BEING DULY

22 SWORN, TESTIFIES AS FOLLOWS:

23 CLERK OF COURT: Have a seat in the witness stand,
24 please. State your name, please.

25 WITNESS: Vincent Nelson, Jr.

1 DIRECT EXAMINATION BY MS. WALKER:

2 Q. Mr. Nelson, you pled guilty earlier this week to
3 several charges stemming from your involvement in this
4 crime. Isn't that correct?

5 A. Yes, ma'am.

6 Q. You pled guilty to two counts of attempted murder?

7 A. Yes, ma'am.

8 Q. You pled guilty to voluntary manslaughter as the
9 lesser-included offense of murder?

10 A. Yes, ma'am.

11 Q. You pled guilty to attempted armed robbery?

12 A. Yes, ma'am.

13 Q. And you pled guilty to burglary first degree?

14 A. Yes, ma'am.

15 Q. And you haven't been sentenced for those crimes yet?

16 A. No, ma'am.

17 Q. For burglary first degree, do you know how much time
18 you're facing?

19 A. Yes, ma'am.

20 Q. How much time?

21 A. Fifteen to life.

22 Q. For voluntary manslaughter, how much time are you
23 facing?

24 A. Five to thirty.

25 Q. Excuse me?

V. NELSON - DIRECT EXAMINATION BY MS. WALKER

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1 A. Five to thirty.

2 Q. Two the thirty?

3 A. Five.

4 Q. For the two counts of attempted murder, how much time
5 are you facing?

6 A. Zero to thirty.

7 Q. And for the attempted armed robbery, how much time are
8 you facing?

9 A. Zero to twenty.

10 Q. And that's your understanding?

11 A. Yes, ma'am.

12 Q. And your sentencing has been differed. That's
13 correct? They're going to put off your sentencing?

14 A. Yes, ma'am.

15 Q. And you're wanting thirty years for all of that,
16 right?

17 A. Yes, ma'am.

18 Q. But you're facing up to life in prison?

19 A. Yes, ma'am.

20 Q. And that's contingent upon your truthful testimony
21 here today?

22 A. Yes, ma'am.

23 Q. You know Maurice Roberts?

24 A. Yes, ma'am.

25 Q. How do you know him?

1 A. Staying with him.

2 Q. You were staying with him?

3 A. Yes, ma'am.

4 Q. You know Troy and Trent Scott?

5 THE COURT: Speak up for me, please. Speak up a
6 little bit.

7 BY MS. WALKER:

8 A. Yes, ma'am.

9 Q. How do you know Troy and Trent Scott?

10 A. I met them through my cousin a couple years ago.

11 Q. Did you ever stay with them?

12 A. Yes, ma'am.

13 Q. Did you know their parents?

14 A. Yes, ma'am.

15 Q. Were you an invited guest in their home?

16 A. Yes, ma'am.

17 Q. Did they give you food?

18 A. Yes, ma'am.

19 Q. Give you clothes sometimes?

20 A. Yes, ma'am.

21 Q. And they let you stay there when you needed to?

22 A. Yes, ma'am.

23 Q. Did you know Joshua Williams?

24 A. Yes, ma'am.

25 Q. How do you know him?

1 A. He's a friend of the family.

2 Q. Like you?

3 A. Yes, ma'am.

4 Q. What about Brandon Jones? Did you know Brandon?

5 A. That was their cousin.

6 Q. That was whose cousin?

7 A. The Scotts.

8 Q. And would all of y'all hang out over there at the
9 Scotts' home?

10 A. Yes, ma'am.

11 Q. And tell this jury what type things you were allowed
12 to do as an invited guest in the Scott home. Did you hang
13 out in the studio?

14 A. Yes, ma'am.

15 Q. And what did you do in the studio? Did y'all make
16 music or listen to music?

17 A. Yes, ma'am.

18 Q. Both of those things. I want to ask you about some
19 other people. Did you know Deshawn McClary?

20 A. Not personally, but I know him.

21 Q. You did not personally know Deshawn McClary? You
22 never hung out with him?

23 A. I hung around him, but I didn't know him.

24 Q. Okay, I'm confused. Did you know him?

25 A. Yes, ma'am. He wasn't, like, my friend or anything.

1 Q. But you knew who he was?

2 A. Yes, ma'am.

3 Q. Would you describe him as like an acquaintance?

4 A. Something like that.

5 Q. What about Demetrice James?

6 A. Same thing.

7 Q. But Maurice was your friend?

8 A. Yes, ma'am.

9 Q. And the others were just people that you hung out with
10 occasionally?

11 A. They were from the neighborhood.

12 Q. What neighborhood is that?

13 A. Hammond Village.

14 Q. Back in January of 2013, were you hanging out with
15 Deshawn, Demetrice, and Maurice?

16 A. Yes, ma'am.

17 Q. Did y'all have a -- did y'all do rap music together?

18 A. I mean, Demetrice, I know he rap. I never made a
19 song.

20 Q. You didn't make a song with him?

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

22 BY MS. WALKER:

23 Q. Listen to me. You see her? She needs to take down
24 everything that you're saying, okay, so you have to speak
25 loudly and clearly so she can understand you.

1 You said you never made a song with Demetrice?

2 A. No, ma'am.

3 Q. What about Maurice?

4 A. He doesn't rap.

5 THE COURT: Pull that microphone closer to him,
6 please. Thank you.

7 BY MS. WALKER:

8 Q. Deshawn?

9 A. I don't remember.

10 Q. So, y'all didn't have a rap group called 600? That's
11 your testimony here today?

12 A. I didn't say that.

13 Q. Did y'all have a rap group called 600?

14 A. Yes.

15 Q. The four of you did?

16 A. The ones that rapped.

17 Q. Tell me who was in the rap group 600.

18 A. Me and Demetrice and a couple other people.

19 Q. Who were the couple of other people?

20 A. Like people he know, I know used to get together.

21 Q. Do these people have names?

22 A. Yes.

23 Q. What are their names?

24 A. (THERE IS NO RESPONSE.)

25 THE COURT: What were their names? That's a simple

1 question.

2 A. (THERE IS NO RESPONSE.)

3 Q. You don't want to talk about the rest of the people?

4 A. No.

5 Q. Okay. I'll move on. Were you over at Maurice's house
6 on January 25th?

7 A. Yes.

8 Q. And what were y'all doing over at Maurice's house?

9 A. Watching TV.

10 Q. This is your friend Maurice?

11 A. Yes.

12 Q. Who is now not a member of 600?

13 A. No.

14 Q. Okay, and your friend Maurice, who all was over at his
15 house?

16 A. Demetrice was, Deshawn, and a couple other people.

17 Q. And you, you don't want to talk about their names
18 either?

19 A. No.

20 Q. At some point, did you start telling them about some
21 studio equipment you knew of?

22 A. Yes.

23 Q. And who were you telling this information to?

24 A. Just speaking out in general.

25 Q. Well, when you were speaking out in general, who could

1 hear you?

2 A. Everyone.

3 Q. Who was everybody?

4 A. Everybody that was in the house.

5 Q. What were their names?

6 A. Demetrice there. Well, Deshawn, Maurice, and other
7 people.

8 Q. Maurice could hear you at this point?

9 A. Yes.

10 Q. Deshawn could hear you?

11 A. Yes.

12 Q. And Demetrice, Deshawn, Maurice, and what were you
13 telling them about this rap, rap -- or this studio
14 equipment?

15 A. Just like what kind of stuff it was.

16 Q. Well, why were you telling them that?

17 A. Talking too much.

18 Q. Did you tell them that you knew of a lick that you
19 could do?

20 A. No.

21 Q. So, you never used those words?

22 A. No.

23 Q. You know what a lick is?

24 A. Yes.

25 Q. What's a lick?

1 A. Basically like a robbery or something.

2 Q. Kind of like a robbery?

3 A. Yes.

4 Q. So, you randomly, while when you're talking to them,
5 just start talking about this studio equipment. Tell me.

6 What kind of nicknames do you go by?

7 A. Junior.

8 Q. Any other nicknames?

9 A. No.

10 Q. You don't go by J School?

11 A. That's a rap name.

12 Q. So, it's not your nickname? It's your rap name?

13 A. Yes.

14 Q. And at any point, did you tell them that you could get
15 them into that house with the rap -- with the studio
16 equipment?

17 A. Yes.

18 Q. And who did you tell that to?

19 A. Everyone.

20 Q. All right, tell me. When you say everyone, I want you
21 to give me specific names as to who you said I can get you
22 into that house.

23 A. Demetrice, Deshawn.

24 Q. Where was your good friend Maurice?

25 A. He was in the house.

V. NELSON - DIRECT EXAMINATION BY MS. WALKER

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1 Q. Could he hear you?

2 A. Yes.

3 Q. So, they were Demetrice, Deshawn, and Maurice, yes?

4 A. (THERE IS NO RESPONSE.)

5 Q. That's a question; it's a yes or no question. Could
6 Maurice hear you when you said I can get you into that
7 house?

8 A. Yes.

9 Q. And why were you trying to get them into that house?

10 A. (THERE IS NO RESPONSE.)

11 Q. Mr. Nelson? Mr. Nelson?

12 A. (THERE IS NO RESPONSE.)

13 Q. You're looking around. Do you have an attorney?

14 A. Yes.

15 Q. Is she in the courtroom?

16 A. Yes, ma'am.

17 Q. Where is she seated? Is that her waiving?

18 A. Yes, ma'am.

19 Q. Okay. Why were you trying to get them into that
20 house?

21 A. (THERE IS NO RESPONSE.)

22 Q. Do you remember giving a statement to the police about
23 this?

24 A. Yes.

25 Q. Do you remember telling the police why you tried to

1 get into that house? Do you remember saying that:

2 They were all talking about it. They asked me if
3 I could get into the house. I guess I was sort
4 of like the guinea pig.

5 Do you want me to show you the statement?

6 A. I know what I said.

7 Q. What did you say?

8 A. I know what I said.

9 Q. Then answer the question. Did you say that you were
10 sort of like the guinea pig for getting them into that
11 house?

12 A. Yes.

13 Q. And this is the house of your good friends who would
14 let you stay there and fed you and clothed you, right?

15 A. Yes.

16 Q. And what was the purpose of getting them into the
17 house?

18 A. (THERE IS NO RESPONSE.)

19 THE COURT: All right, hold on one second. Mr.
20 Bailiff, ask her to leave, please.

21 (A PAUSE AS MEMBER OF THE GALLERY EXITS THE
22 COURTROOM.)

23 THE COURT: Thank you. You may proceed.

24 MS. WALKER: Thank you, Your Honor.

25 BY MS. WALKER:

V. NELSON - DIRECT EXAMINATION BY MS. WALKER

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1 Q. Mr. Nelson, I'm going to ask you again. What was the
2 purpose of getting them into that house?

3 THE COURT: Hold on a second. Hold on a second. All
4 right, gentleman.

5 (A PAUSE AS ANOTHER MEMBER OF THE GALLERY EXITS THE
6 COURTROOM.)

7 MS. SHURLING: Your Honor.

8 THE COURT: Let's take a quick break.

9 MS. WALKER: Yes, sir.

10 THE COURT: Ladies and gentlemen, we'll take a quick
11 break. Step to your jury room.

12 Everybody remain seated.

13 (THE JURY EXITS AT 2:58 P.M.)

14 THE COURT: All right, everyone's behavior has been
15 exemplary to this point. If you cannot control yourself,
16 if you cannot control your emotions, I'm asking you to step
17 out now, please.

18 MS. SHURLING: Your Honor, would it possible ---

19 THE COURT: Just a second, please.

20 Anyone need to leave? Thank you.

21 Mr. Nelson, I'm going to give you a second with your
22 lawyer. Your cooperation is obviously not forthcoming, and
23 you may want to speak with your lawyer. She's right here;
24 she'll walk up there and speak with you.

25 (OFF THE RECORD AS WITNESS CONFERS WITH TARA D.)

1 SHURLING.)

2 THE COURT: All right, bring the jury back in, please.

3 MS. SHURLING: Your Honor, may I quickly ask him...

4 (WITNESS CONFERS WITH TARA D. SHURLING.)

5 MS. SHURLING: Thank you.

6 MS. WALKER: Your Honor, may I approach?

7 THE COURT: Yes, you may.

8 (OFF-THE-RECORD BENCH CONFERENCE.)

9 MS. SHURLING: Your Honor, may we approach?

10 THE COURT: Yes, ma'am.

11 (OFF-THE-RECORD BENCH CONFERENCE WITH ALL ATTORNEYS,
12 INCLUDING MS. SHURLING.)

13 (THE JURY ENTERS AT 3:08 P.M.)

14 THE COURT: You may proceed.

15 MS. WALKER: Thank you, Your Honor..

16 BY MS. WALKER:

17 Q. Mr. Nelson, what was the purpose of you getting
18 Maurice Roberts, Deshawn McClary, and Demetrice James into
19 the Scott residence?

20 A. (THERE IS NO RESPONSE.)

21 Q. You keep looking over there. Have you been
22 threatened? Are you afraid?

23 A. (THERE IS NO RESPONSE.)

24 Q. I need you to say. I need you to give audible
25 answers. You have to say yes or no.

V. NELSON - DIRECT EXAMINATION BY MS. WALKER

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1 A. No, ma'am.

2 Q. You're not afraid?

3 A. No, ma'am.

4 Q. So, are you going to answer my question? What was the
5 purpose of you getting them into that house? Do you
6 remember giving a statement to law enforcement?

7 A. Yes, ma'am.

8 Q. Do you remember being down at the sheriff's
9 department?

10 A. Yes, ma'am.

11 Q. And the statement was made on January 28th. You
12 remember that?

13 A. Yes, ma'am.

14 Q. You remember them advising you of your rights?

15 A. Yes, ma'am.

16 Q. They told you you had the right to remain silent?

17 A. Yes, ma'am.

18 Q. That you had the right to an attorney?

19 A. Yes, ma'am.

20 Q. That if you decided to speak with them, you could
21 decide to stop speaking with them at any point, and they
22 would stop asking you questions?

23 A. Yes, ma'am.

24 Q. And you waived those rights, right?

25 A. Yes, ma'am.

1 Q. And you decided to speak to them?

2 A. Yes, ma'am.

3 Q. And did you tell them the truth about what happened?

4 A. Yes, ma'am.

5 Q. Do you remember telling them that you were the guinea
6 pig, and that y'all were going to do a lick at that house?

7 A. Yes, ma'am.

8 Q. And tell me about what a lick is.

9 A. A robbery.

10 Q. And this was at the Scott house?

11 A. Yes, ma'am.

12 Q. Do you remember telling them that y'all were going to
13 go in and get the studio equipment that was in the house?

14 A. Yes, ma'am.

15 Q. And that this was you, Maurice, Deshawn, and
16 Demetrice?

17 A. Yes, ma'am.

18 Q. Do you remember telling them that you were given a
19 cell phone on that night?

20 A. Yes, ma'am.

21 Q. And whose cell phone was that?

22 A. It was Maurice.

23 Q. It was whose?

24 A. Maurice.

25 Q. Maurice Roberts?

1 A. Yes, ma'am.

2 Q. And what was the purpose of his giving you a cell
3 phone?

4 A. So they could call me whenever I got there.

5 Q. So they could call you whenever you got there?

6 A. Yes, ma'am.

7 Q. And where is there?

8 A. Scotts' house.

9 Q. And when they were going to call you when you got
10 there, was that so that you could tell them how many people
11 were in the house?

12 A. Yes, ma'am.

13 Q. Because you didn't want your friends to walk into this
14 lick blind, right?

15 A. Yes, ma'am.

16 Q. They needed as much information as possible?

17 A. Yes, ma'am.

18 Q. And did the four of you then decide to leave Maurice's
19 house and walk toward the Scotts' house to commit this
20 lick?

21 A. Yes, ma'am.

22 Q. The same house where you'd spent so much time, right?

23 A. Yes, ma'am.

24 Q. Because you knew the layout of that house pretty good
25 because you'd been there so much?

1 A. Yes, ma'am.

2 Q. Did you tell them to come down the driveway and go
3 towards the basement?

4 A. No, ma'am.

5 Q. They just lucked up on that part?

6 A. Yes, ma'am.

7 Q. Did the four of you leave together, or did you leave a
8 little bit before the other three?

9 A. We left out the house together, but I kind of went off
10 on my way first.

11 Q. Because there needed to be some separation between you
12 and the other three, right?

13 A. Yes, ma'am.

14 Q. Because you didn't want your other friends to get
15 suspicious ---

16 MR. SUTHERLAND: Objection to leading.

17 Q. --- that you'd set them up for a robbery ---

18 THE COURT: Hold on. Hold on. Hold on.

19 MS. WALKER: I'm sorry, Judge.

20 MR. SUTHERLAND: Leading.

21 THE COURT: Sustained. Restate, restate the question
22 in a direct manner.

23 MS. WALKER: Yes, Your Honor.

24 THE COURT: Please.

25 BY MS. WALKER:

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1 Q. Why did you leave a little -- or why did you separate
2 from the other three?

3 A. So we wouldn't get there together.

4 Q. And why was it important for y'all not to get there
5 together?

6 A. Because they never seen them before, so I didn't want
7 everybody...

8 Q. They'd never seen them before?

9 A. No, ma'am.

10 Q. How long, do you remember how long that walk was from
11 Maurice's house to the Scott house?

12 A. Not long.

13 Q. And when you got to the Scott house, what did you do?

14 A. I rung the doorbell.

15 Q. Did they let you in?

16 A. Yes, ma'am.

17 Q. Who let you in?

18 A. The dad.

19 Q. Do you remember his name?

20 A. Chandler.

21 Q. Chandler?

22 A. Yes, ma'am.

23 Q. And he let you in because he trusted you, right?

24 A. Yes, ma'am.

25 Q. You had been there before?

- 1 A. Yes, ma'am.
- 2 Q. And when Chandler let you in, where did you go?
- 3 A. Downstairs.
- 4 Q. To the basement?
- 5 A. Yes, ma'am.
- 6 Q. Is that where the studio is?
- 7 A. Yes, ma'am.
- 8 Q. And who all was down there when you got to the
- 9 basement?
- 10 A. Troy, Trey, Josh, Brandon.
- 11 Q. Did you see Cari Pearson that night?
- 12 A. I didn't see her, but I know she was there.
- 13 Q. Who was the first person you saw when you got down
- 14 there?
- 15 A. The four of them.
- 16 Q. All four of them? You saw them at the same time?
- 17 A. They were in the studio.
- 18 Q. What were they doing?
- 19 A. Listening to music.
- 20 Q. Were they -- did they seem surprised to see you?
- 21 A. Yes, ma'am.
- 22 Q. Why were they surprised to see you? Had you been
- 23 there in a long time?
- 24 A. No, ma'am.
- 25 Q. But you just kind of showed up that night?

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1 A. Yes, ma'am.

2 Q. But they welcomed you?

3 A. Yes, ma'am.

4 Q. And did you use that cell phone that Maurice gave you
5 to make contact with your other three friends?

6 A. Yes, ma'am.

7 Q. Let me show you what has been marked as State's
8 Exhibit 38. You recognize this?

9 A. Yes, ma'am.

10 Q. How do you recognize this?

11 A. It's the phone I was using.

12 Q. Whose phone is it, though?

13 A. Maurice.

14 Q. And did you call your friends to let them know you'd
15 made it in?

16 A. They called me.

17 Q. They called you? Who called you?

18 A. I can't remember.

19 Q. You can't remember which one of them called you?

20 A. No, ma'am.

21 (COUNSELORS CONFER.)

22 MR. SUTHERLAND: No objection, Your Honor.

23 MS. WALKER: Your Honor, at this point the state seeks
24 to admit Exhibit 38 into evidence.

25 THE COURT: Without objection.

1 (CELL PHONE MARKED INTO EVIDENCE AS STATE'S EXHIBIT
2 NUMBER 38.)

3 BY MS. WALKER:

4 Q. And they called you on this phone?

5 A. Yes, ma'am.

6 Q. Did you let them know that you'd made it in?

7 A. Yes, ma'am.

8 Q. Did you tell them who all was there?

9 A. Yes, ma'am.

10 Q. Were they going to come do the lick that y'all had
11 planned?

12 A. Yes, ma'am.

13 Q. And after you called your friends and let them know
14 that you'd made it in to this house, what did you do?

15 A. Kind of waited around first.

16 Q. And after you finished waiting around, what did you
17 do?

18 A. Decided to go outside.

19 Q. You decided to go outside?

20 A. Yes, ma'am.

21 Q. Go outside to do what?

22 A. Smoke.

23 Q. Did you have cigarettes that night?

24 A. No, ma'am.

25 Q. Who were you going to get those cigarettes from?

1 A. Brandon.

2 Q. Did you ask him to have a cigarette?

3 A. Yes, ma'am.

4 Q. How many times did you ask him?

5 A. Twice.

6 Q. And did he give you a cigarette?

7 A. Yes.

8 Q. Because he was your friend?

9 A. (THERE IS NO RESPONSE.)

10 Q. Because he was your friend?

11 A. Yes, ma'am.

12 Q. And was that some sort of signal to the others that it
13 was go time for the lick?

14 A. No, ma'am.

15 Q. So, you getting those guys out of the house wasn't a
16 signal?

17 A. They wasn't supposed to come with me.

18 Q. Who was supposed to come with you?

19 A. They wasn't.

20 Q. They weren't? Who went outside with you?

21 A. Josh and Brandon.

22 Q. How long were y'all outside before I guess the lick
23 started?

24 A. Not long.

25 Q. Once you got outside, tell me what you saw.

1 A. Soon as we got outside, that's when everybody came
2 down the hill.

3 Q. Who is everybody?

4 A. Deshawn, Demetrice.

5 Q. You keep leaving one name out. Who is everybody?

6 A. Maurice.

7 Q. Okay, because that's your friend, right?

8 A. Yes, ma'am.

9 Q. And these other two are just associates?

10 A. Yes, ma'am.

11 Q. You don't owe them any loyalty?

12 A. No, ma'am.

13 Q. But you should be loyal to your friend, right?

14 A. Yes, ma'am.

15 Q. So once your two associates, Deshawn and Demetrice,
16 came down the hill along with your friend Maurice, what
17 happened?

18 A. (THERE IS NO RESPONSE.)

19 Q. Mr. Nelson, can you remember what happened?

20 A. (THERE IS NO RESPONSE.)

21 Q. Don't look over there. Look over here. Can you
22 remember what happened? Do you remember giving a statement
23 to the police about what happened?

24 A. Yes, ma'am.

25 Q. Do you remember that statement being at the Richland

1 County Sheriff's Department headquarters?

2 A. Yes, ma'am.

3 Q. Did you see a gun that night at that house?

4 A. Yes, ma'am.

5 Q. Who had the gun?

6 A. (THERE IS NO RESPONSE.)

7 Q. I'm going to show you a copy of your statement, okay?

8 MR. SUTHERLAND: Objection to foundation, Your Honor.

9 He's non-responsive. He's not saying that he can't
10 remember or that his recollection could be refreshed.

11 THE COURT: I agree.

12 BY MS. WALKER:

13 Q. Do you remember telling them that Maurice had a gun?

14 A. Yes, ma'am.

15 Q. So, who had a gun that night?

16 A. Maurice.

17 Q. And what did he do with that gun?

18 A. (THERE IS NO RESPONSE.)

19 Q. Mr. Nelson, do you remember telling the police what he
20 did with that gun?

21 A. Yes, ma'am.

22 Q. Where were Brandon and Josh when all this was going
23 on?

24 A. Standing outside. Brandon was standing by me.

25 Q. Did anybody point a gun at you?

1 A. (THERE IS NO RESPONSE.)

2 Q. Mr. Nelson, did anybody point a gun at you that night?

3 A. Yes, ma'am.

4 Q. Who pointed a gun at you that night?

5 A. (THERE IS NO RESPONSE.)

6 Q. Do you remember giving that statement to police and
7 signing it on January 28, 2013, at the sheriff's
8 department?

9 A. Yes, ma'am.

10 Q. Do you remember telling them who pointed a gun at ---
11 MR. SUTHERLAND: Objection to foundation. He said he
12 remembers.

13 MS. WALKER: Asking him if he remembered what he said.

14 THE COURT: Do you remember what you said?

15 WITNESS: Yes, sir.

16 THE COURT: Who pointed the gun at you?

17 WITNESS: Maurice.

18 BY MS. WALKER:

19 Q. What did you do when that gun got pointed at you?

20 A. Nothing.

21 Q. Because you knew he wasn't going to shoot you, right?

22 A. Yes.

23 MR. SUTHERLAND: Leading, Your Honor. Objection.

24 THE COURT: Rephrase the question; ask direct
25 questions.

1 MS. WALKER: Yes, Your Honor.

2 BY MS. WALKER:

3 Q. Were you afraid that he was going to shoot you?

4 A. No, ma'am.

5 Q. Did you see an altercation take place between any of
6 those people down at the bottom of that hill?

7 A. (THERE IS NO RESPONSE.)

8 Q. Mr. Nelson, did you see a fight break out at the
9 bottom of that hill?

10 A. Not a fight.

11 Q. How would you describe it?

12 A. Somebody got hit.

13 Q. Who got hit?

14 A. Brandon.

15 Q. Who hit him?

16 A. (THERE IS NO RESPONSE.)

17 Q. Did you hit him?

18 A. No, ma'am.

19 Q. Did Josh hit him?

20 A. No, ma'am.

21 Q. Did Deshawn hit him?

22 A. No, ma'am.

23 Q. Did Demetrice hit him?

24 A. No, ma'am.

25 Q. So, that leaves one other person, right? Did Maurice

1 hit him?

2 A. Yes, ma'am.

3 Q. What did Brandon do after he got hit?

4 A. He fell.

5 Q. Did he say anything?

6 A. No, ma'am.

7 Q. Now at that point in time, Brandon's on the ground.

8 Where is Josh?

9 A. On the ground.

10 Q. He's on the ground, too?

11 A. Yes, ma'am.

12 Q. Had he been hit?

13 A. I didn't see him get hit.

14 Q. But he was on the ground?

15 A. Yes, ma'am.

16 Q. And where were you?

17 A. Still just standing there.

18 Q. Where was Deshawn?

19 A. Standing outside.

20 Q. Was he close to you?

21 A. Not real close.

22 Q. Was he close to Josh?

23 A. Yes, ma'am.

24 Q. Where was Demetrice?

25 A. Standing there.

- 1 Q. Near you?
- 2 A. Yes, ma'am.
- 3 Q. What about Maurice?
- 4 A. Standing there.
- 5 Q. After those -- Josh and Brandon are on the ground,
6 what did y'all do?
- 7 A. Still stood there. I didn't do anything.
- 8 Q. Were you in shock?
- 9 A. Yes, ma'am.
- 10 Q. What did Demetrice and Maurice do?
- 11 A. Tried to go in the house.
- 12 Q. The Scott boys' house?
- 13 A. Yes, ma'am.
- 14 Q. To go do the lick?
- 15 A. Yes, ma'am.
- 16 Q. And did you ever go back in the house?
- 17 A. No, ma'am.
- 18 Q. Could you see what happened in that house?
- 19 A. No, ma'am.
- 20 Q. Could you see any fighting near the house?
- 21 A. No, ma'am.
- 22 Q. Did Demetrice and Maurice make it into the house?
- 23 A. I seen Demetrice's arm get stuck in the door.
- 24 Q. Where was Maurice at this point?
- 25 A. In the house.

1 Q. Maurice was in the house.

2 Q. So, he did make it in the house?

3 A. Yes, ma'am.

4 Q. So, after Maurice is in the house and Demetrice's arm
5 was stuck in the doorway, what happened?

6 A. I ran.

7 Q. You ran?

8 A. Yes, ma'am.

9 Q. At this point, was this robbery going the way y'all
10 planned it?

11 A. No, ma'am.

12 Q. What happened as you were running?

13 A. I heard two shots go off.

14 Q. Did you look back?

15 A. No, ma'am.

16 Q. You just kept running?

17 A. Yes, ma'am.

18 Q. How many shots did you hear that night?

19 A. Several.

20 Q. But at first you heard two?

21 A. Yes, ma'am.

22 Q. About how much time passed before you heard another
23 shot?

24 A. It wasn't a long time.

25 Q. Seconds, minutes?

- 1 A. Probably close to a minute.
- 2 Q. After you heard those first two shots and that time
3 passed, how many shots did you hear?
- 4 A. Five or six.
- 5 Q. And this whole time, you were running away?
- 6 A. Yes, ma'am.
- 7 Q. Did you see those shots?
- 8 A. No, ma'am.
- 9 Q. Where did you run to?
- 10 A. Back to Maurice's house.
- 11 Q. Who was there when you got there?
- 12 A. I got there first.
- 13 Q. You got there first. So, no one was there?
- 14 A. Yes, ma'am.
- 15 Q. Did you wait outside for them?
- 16 A. No, ma'am.
- 17 Q. Between Maurice's house and the Scotts' house as you
18 were running away, did you shed clothing or anything like
19 that?
- 20 A. Yes, ma'am.
- 21 Q. Why did you do that?
- 22 A. My hat came off.
- 23 Q. Your hat came off?
- 24 A. Yes, ma'am.
- 25 Q. What kind of hat was it? Do you remember?

1 A. Blue Yankees hat.

2 Q. Anything else? That's the only thing you lost that
3 night?

4 A. Yes, ma'am.

5 Q. When you were running away, did you hear any --
6 anybody talking or yelling or screaming while those shots
7 were going off?

8 A. No, ma'am.

9 Q. You didn't hear that?

10 A. Not anybody screaming.

11 Q. Did you hear anybody say anything?

12 A. Can't remember.

13 Q. Would it refresh your memory if I gave you a copy of
14 your statement?

15 A. Yes, ma'am.

16 Q. Here you go. Read that part if it refreshes your
17 memory.

18 (A PAUSE.)

19 Q. You remember now what happened that night?

20 A. Yes, ma'am.

21 Q. And you gave more than one statement, right?

22 A. Yes, ma'am.

23 Q. Do you remember now?

24 A. Yes, ma'am.

25 Q. What did you hear when you were running away?

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- 1 A. (THERE IS NO RESPONSE.)
- 2 Q. Mr. Nelson, do you remember making that statement?
- 3 A. Yes, ma'am.
- 4 Q. At the sheriff's department?
- 5 A. Yes, ma'am.
- 6 Q. On January 31st?
- 7 A. Yes, ma'am.
- 8 Q. Back then you said you heard somebody yell, and excuse
9 my language, but: Get that nigger; get that nigger. Right?
- 10 A. Yes, ma'am.
- 11 Q. Do you remember who you heard yelling that?
- 12 A. No, ma'am.
- 13 Q. Do you remember who you told the police you heard
14 yelling that?
- 15 A. Yes, ma'am.
- 16 Q. Who did you tell police you heard yelling that?
- 17 A. Either Deshawn or Demetrice.
- 18 Q. And that Deshawn or Demetrice were yelling to get him?
- 19 A. Yes, ma'am.
- 20 Q. It wasn't Maurice that yelled that because you'd
21 recognize your friend's voice, right?
- 22 A. Yes, ma'am.
- 23 Q. After you made it back to Maurice's house, did the
24 others eventually meet you there?
- 25 A. Yes, ma'am.

1 Q. Who met you there?

2 A. Maurice and Deshawn.

3 Q. Not -- but not Demetrice?

4 A. No, ma'am.

5 THE COURT: Speak up. Pull the microphone a little
6 closer. Thank you, sir.

7 BY MS. WALKER:

8 Q. Who met you there?

9 A. Demetrice and Deshawn.

10 Q. Who met you at Maurice's house?

11 A. I met Maurice and Deshawn.

12 Q. Maurice and Deshawn?

13 A. Yes, ma'am.

14 Q. Did you see the gun again that night?

15 A. No, ma'am.

16 Q. Have you seen the gun since?

17 A. No, ma'am.

18 Q. Maurice pointed it at you?

19 A. No, ma'am.

20 Q. Did y'all ever talk about what happened?

21 A. No, ma'am.

22 Q. What did y'all do once y'all made it into Maurice's
23 house?

24 A. I just sat there.

25 Q. You sat there?

1 A. Yes, ma'am.

2 Q. Well, what did Deshawn do?

3 A. He left.

4 Q. What about Maurice? What did he do? Do you remember
5 what he did?

6 A. Yes, ma'am.

7 Q. What was that?

8 A. He went upstairs.

9 Q. What did he do while he was upstairs?

10 A. Changed clothes.

11 Q. Out of the clothes that he'd been wearing during the
12 lick?

13 A. Yes, ma'am.

14 Q. And those clothes that he was wearing during the lick,
15 what did he do with them?

16 A. (THERE IS NO RESPONSE.)

17 Q. Mr. Nelson, what did he do with the clothes that he
18 was wearing during the lick?

19 A. (THERE IS NO RESPONSE.)

20 Q. Do you remember telling law enforcement officers what
21 he did with the clothes during the lick?

22 A. Yes, ma'am.

23 Q. And what did you tell them?

24 A. Put bleach on them.

25 Q. You don't want to talk about that here today, do you?

1 A. (THERE IS NO RESPONSE.)

2 Q. Do you know if Maurice got injured during that lick
3 that y'all did?

4 A. Yes, ma'am.

5 Q. Where did he get hit?

6 A. Eye was swollen.

7 Q. Did you try to help him take care of his swollen eye?

8 A. I got him some ice.

9 Q. You got him some ice?

10 A. Yes, ma'am.

11 Q. You're going to take care of your friend?

12 A. Yes, ma'am.

13 Q. At that point, did you know that your other friend had
14 been shot?

15 A. I was putting two and two together that somebody got
16 shot.

17 Q. How was Maurice's demeanor when he got back to the
18 apartment after he bleached his clothes? How was he
19 acting?

20 A. Can't really explain it.

21 Q. Try.

22 A. (THERE IS NO RESPONSE.)

23 Q. Was he acting like his normal self?

24 A. Nobody was. Nobody was acting like themselves.

25 Q. None of y'all were? Because y'all's lick went bad?

1 A. (THERE IS NO RESPONSE.)

2 Q. Where did you stay that night?

3 A. Maurice's house.

4 Q. Did you eventually find out that your friend Brandon
5 had been murdered?

6 A. Yes, ma'am.

7 Q. When did you find that out?

8 A. Like the next day.

9 Q. And that next day, were you still with Maurice?

10 A. Yes, ma'am.

11 Q. What did y'all do?

12 A. Nothing.

13 Q. Did you see Jwaun Duckett that day?

14 A. Yes, ma'am.

15 Q. Where did y'all see him?

16 A. He had a birthday party.

17 Q. So, the day after this lick that involved one of your
18 friends being murdered, you and Maurice Roberts went to a
19 birthday party?

20 A. Yes, ma'am.

21 Q. The kind of gun that was used that night, do you
22 remember what kind of gun it was?

23 A. Yes, ma'am.

24 Q. What kind of gun was it?

25 A. A .45.

- 1 Q. Had you seen the gun before that night?
- 2 A. Yes, ma'am.
- 3 Q. Where had you seen it?
- 4 A. Outside. I saw it -- the neighborhood.
- 5 Q. Outside of where?
- 6 A. Neighborhood.
- 7 Q. Outside of the neighborhood?
- 8 A. Yes, ma'am.
- 9 Q. What neighborhood is that?
- 10 A. Hammond Village.
- 11 Q. Did you wear masks that night?
- 12 A. No, ma'am.
- 13 Q. What about gloves?
- 14 A. Yes, ma'am.
- 15 Q. What kind of gloves were they?
- 16 A. Latex gloves.
- 17 Q. Who gave those to y'all?
- 18 A. They were on the table.
- 19 Q. I can't hear you.
- 20 A. They were on the table.
- 21 Q. On the table where?
- 22 A. At Maurice's house.
- 23 Q. And y'all got those before you went to do the lick?
- 24 A. Yes, ma'am.
- 25 Q. Now, you eventually got arrested for this, right?

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1 A. Yes, ma'am.

2 Q. And where were you when you got arrested?

3 A. At Maurice's house.

4 Q. And where did they take you once they found you at
5 Maurice's house?

6 A. (THERE IS NO RESPONSE.)

7 Q. Mr. Nelson, where did they take you once they arrested
8 you at Maurice's house?

9 A. They sat me in the car at first.

10 Q. Then where did you go?

11 A. To the precinct.

12 Q. Sheriff's department?

13 A. Yes, ma'am.

14 Q. Did you talk to the investigators?

15 A. Yes, ma'am.

16 Q. And you gave them the two statements we discussed?

17 A. Yes, ma'am.

18 Q. Before they took those statements, did they tell you
19 about your rights?

20 A. Yes, ma'am.

21 Q. And you waived those rights to talk to them?

22 A. Yes, ma'am.

23 Q. Did they ask you about the gun?

24 A. Yes, ma'am.

25 Q. Did you tell Maurice that they asked you about the

1 gun?

2 A. Yes, ma'am.

3 Q. And what did Maurice tell you when you told him that
4 the investigators kept asking you about that gun?

5 A. He said he's not worrying about it.

6 Q. He said what?

7 A. He's not worrying about it.

8 Q. That he's not worried about the gun?

9 A. Yes, ma'am.

10 MS. WALKER: Your Honor, beg the court's indulgence?

11 (A PAUSE.)

12 BY MS. WALKER:

13 Q. Did you and Maurice ever have a conversation about
14 that night, about what happened at [REDACTED] Drive?

15 A. No, ma'am.

16 Q. Did y'all ever talk about how y'all could get away
17 with it?

18 A. No, ma'am.

19 Q. Do you remember giving a statement to law enforcement?

20 A. Yes, ma'am.

21 Q. Do you remember telling them that y'all talked about
22 how to get away with it?

23 A. No, ma'am.

24 Q. I show you your statement, okay?

25 (A PAUSE.)

1 Q. Do you remember that?

2 A. Yes, ma'am.

3 Q. And how were y'all going to get away with it?

4 A. He said don't talk to anybody.

5 Q. You got to speak up.

6 THE COURT: Speak up.

7 A. He said don't talk to anybody.

8 Q. He said don't talk to anybody? Who said don't talk to
9 anybody?

10 A. Maurice.

11 Q. Maurice?

12 A. Yes, ma'am.

13 Q. The person you saw with the gun that night, your good
14 friend, and the person who you -- told you not to talk to
15 anybody about this, do you see him in the courtroom?

16 A. Yes, ma'am.

17 Q. Where is he?

18 A. Sitting at the table.

19 Q. What does he have on?

20 A. A dress shirt.

21 MS. WALKER: Your Honor, may the record reflect that
22 he's identified the defendant? No further questions.

23 MR. SUTHERLAND: May it please the court?

24 THE COURT: Mr. Foreman, y'all okay? We'll
25 cross-examine this one witness, and then we'll take a

1 little quick break and finish up this afternoon.

2 MR. SUTHERLAND: Yes, sir. Thank you, Judge.

3 CROSS-EXAMINATION BY MR. SUTHERLAND:

4 Q. Mr. Nelson, you, you seem reluctant to testify here
5 today.

6 A. Yes, sir.

7 Q. It's true that what happens to you, your fate -- you
8 pled guilty to all of these things on Monday. Is that
9 correct?

10 A. Yes, sir.

11 Q. And what happens to you is dependent upon whether the
12 government believes that you testified truthfully or not?

13 MS. WALKER: Object, Your Honor.

14 THE COURT: The objection is?

15 MS. WALKER: Misstating the defendant's deal.

16 THE COURT: Overruled.

17 MR. SUTHERLAND: Thank you. Thank you, Judge.

18 BY MR. SUTHERLAND:

19 Q. Whether or not the government believes that you've
20 testified truthfully. Isn't that right?

21 A. Yes, sir.

22 Q. So, if they say that you haven't testify truthfully,
23 then your -- you pled the, the murder down to voluntary
24 manslaughter, so you're only looking at thirty on that
25 versus life on that. Is that your understanding?

1 A. Yes, sir.

2 Q. You're still looking at life on the burglary first,
3 and you got 120 years' worth of other charges. Is that
4 your understanding?

5 A. Yes, sir.

6 Q. And you certainly don't want to do life plus 120
7 years, do you?

8 A. No, sir.

9 Q. I've got to ask you about a couple of things that you
10 weren't real responsive to -- it's my duty -- with respect
11 to what the government lawyers were asking you. You were
12 speaking about other people were in the room when you were
13 speaking about the studio. Do you recall when the
14 government was asking you about that?

15 A. Yes, sir.

16 Q. Are you willing to name those other people now?

17 A. (THERE IS NO RESPONSE.)

18 Q. I'll take that as non-responsive. Did you -- did I
19 hear correctly? Did you admit to wear gloves when, when
20 you were being direct examined by the government?

21 A. Yes, sir.

22 Q. Okay. Ultimately, this is about trust; it's about
23 reliability. You -- do you expect this jury to trust your
24 testimony here today?

25 A. Yes, sir.

1 MS. WALKER: Objection, Your Honor.

2 THE COURT: Sustained. It's the jury's determination
3 as to who's telling the truth.

4 BY MR. SUTHERLAND:

5 Q. The people -- one of the reasons that you were able to
6 get into the home of Chandler Davis and everyone, the whole
7 family over there, was because they trusted you. Is that,
8 is that correct?

9 A. Yes, sir.

10 Q. And the fact of the matter is they brought you into
11 their home, right?

12 A. Yes, sir.

13 Q. And they would take -- they took you in? They took
14 you to church?

15 A. Yes, sir.

16 Q. And they put a roof over your head? They fed you?
17 They clothed you?

18 A. Yes, sir.

19 Q. And they believed in you?

20 A. Yes, sir.

21 Q. And you betrayed them?

22 A. Yes, sir.

23 MR. SUTHERLAND: All right. Thank you.

24 No further questions, Your Honor.

25 THE COURT: Ms. Walker?

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

2 THE COURT: All right, you may step down.

3 Everybody remain seated.

4 (THE WITNESS EXITS THE STAND.)

5 THE COURT: Mr. Foreman, ladies and gentlemen, we'll
6 take about a ten-minute break. That'll take us till about
7 4, five after 4, come back and we'll go till 5, and then
8 before you leave tonight, I'll sort of see where we are and
9 plan for tomorrow.

10 Don't discuss the case. Do not start deliberating.

11 Everyone else please remain seated.

12 (A PAUSE.)

13 THE COURT: Just sit tight one second. That last
14 witness, let's let him clear the hall for safety purposes.

15 (A PAUSE.)

16 (THE JURY EXITS AT 3:46 PM.)

17 THE COURT: Anything from the state before we take our
18 break?

19 MS. WALKER: Nothing, Your Honor.

20 THE COURT: Mr. Sutherland.

21 MR. SUTHERLAND: Only that my client needs to use
22 restroom.

23 THE COURT: He'll be allowed during the break.

24 (OFF THE RECORD.)

25 (SWABS MARKED AS STATE'S EXHIBIT NUMBER 205 FOR

1 THE COURT: Ms. Campbell?

2 MS. CAMPBELL: Yes, sir.

3 THE COURT: Can you call somebody else?

4 MS. CAMPBELL: I can call somebody else.

5 THE COURT: All right. Ready for the jury?

6 MS. CAMPBELL: Yes, sir.

7 (THE JURY ENTERS AT 4:08 P.M.)

8 THE COURT: You may call your next witness.

9 MS. CAMPBELL: May it please the court, Your Honor?

10 THE COURT: Yes, ma'am.

11 MS. CAMPBELL: We call Terri Gleason.

12 TERRI GLEASON, BEING DULY SWORN,

13 TESTIFIES AS FOLLOWS:

14 CLERK OF COURT: Thank you. Have a seat in the
15 witness stand, please. State your name for the record.

16 WITNESS: Terri Gleason.

17 VOIR DIRE EXAMINATION BY MS. CAMPBELL:

18 Q. Ms. Gleason, where are you employed?

19 A. I work with the Richland County Sheriff's Department
20 in the ---

21 Q. You need to get a little closer to that microphone.
22 For some reason this week in here it's just not ---

23 A. Okay. Is that better?

24 Q. That's much better.

25 A. Okay. Richland County Sheriff's Department in their

1 forensic science laboratory.

2 Q. And what do you do there?

3 A. I am a firearms and toolmark examiner.

4 Q. What do your duties include as a firearms and toolmark
5 examiner?

6 A. Our primary duties are to look at fired ammunition
7 components, as well as other tools and their markings, and
8 see how they relate in terms of a firearm, if it's
9 submitted, or how many firearms or of what type of firearm
10 if a gun is not submitted.

11 Q. Can you tell this jury a little bit about your
12 education and your training?

13 A. Sure. I have a Bachelor of Arts in both criminal
14 justice and psychology from the University of Georgia and a
15 Master of Science in forensic science from the University
16 of New Haven.

17 In July of 1999 I began work with the Georgia Bureau
18 of Investigations State Crime Lab in Atlanta, Georgia. At
19 that time I underwent an extensive two-year training
20 program dealing specifically with firearms and toolmark
21 examinations. During that time, in addition to receiving
22 certification from the GBI, I also received certification
23 from the Federal Bureau of Investigation in muzzle to
24 target distance determination and from the Bureau of
25 Alcohol, Tobacco & Firearms in serial number restoration.

1 To date, I've logged over 3,500 hours on the
2 comparison microscope, which is our primary instrument,
3 completed over 3,000 weapon examinations, and approximately
4 950 actual firearm and toolmark cases. I'm also a member
5 of our professional organization, which is the Association
6 of Firearm and Toolmark Examiners.

7 Q. Have you testified before as an expert, specifically
8 for the purposes of this case, in ballistics?

9 A. Yes, I have.

10 Q. And approximately how many times have you been
11 qualified as an expert in ballistics examination?

12 A. Approximately fifty.

13 MS. CAMPBELL: Your Honor, at this time we'd offer her
14 as an expert in ballistics.

15 MR. SUTHERLAND: No objection, Judge.

16 THE COURT: Thank you.

17 All right, this witness will be qualified as such and
18 allowed to give opinion testimony in her field. Thank you.

19 MS. CAMPBELL: Thank you, Your Honor.

20 DIRECT EXAMINATION BY MS. CAMPBELL:

21 Q. Before we talk, in general as a ballistics expert,
22 what type of evidence do you generally look at and what
23 determinations can you make?

24 A. Okay. Generally we get fired ammunition components
25 from, from scenes or from autopsies. So, when a -- before

1 a gun is fired, the, the ammunition is called a cartridge.
2 At the time of firing, it separates into components, that
3 being a bullet and a cartridge case. So, we frequently
4 will get those from scenes or autopsy and we also will get
5 firearms at times. Sometimes we don't; sometimes they're
6 never submitted. But look at all three of them if they
7 relate to one another, whether the bullet came from a
8 specific firearm, whether a cartridge case came from a
9 specific firearm, and then if no firearm is submitted, we
10 tell them what type of firearm and how many firearms may
11 have been involved in that scene.

12 Q. And in a case you just mentioned that typically you
13 look at evidence gathered at a scene, you mentioned the
14 word cartridge casing, and I believe you used the term
15 bullet?

16 A. Yes.

17 Q. Is that sometimes synonymous with the word projectile?

18 A. Yes.

19 Q. And a projectile itself, the cartridge casing, where
20 is it located on the actual -- when the bullet is what I
21 called intact before it is fired, where are those
22 components all located?

23 A. Okay. The intact, as you say, bullet is a cartridge.
24 So, it's in a single component. You have a cartridge case,
25 and then the bullet sits in the head of cartridge case.

1 The cartridge case itself holds the gunpowder that is
2 ignited during firing. When that, when that actually
3 burns, it creates a great amount of pressure, and that
4 pushes the bullet out of the head of the cartridge, out of
5 the head of the cartridge case and goes down the, the
6 barrel and out the firearm.

7 Q. And in this case, I'm going to talk specifically about
8 handguns. Are there typically two different types of
9 handguns that are used in many assault and murder cases?

10 A. There are. There are two primary types that we see,
11 that being a pistol and a revolver. A revolver gets its
12 name from the revolving cylinder that sits in the rear of
13 the firearm. That cylinder has multiple chambers. Each of
14 those chambers holds one unfired cartridge. As the trigger
15 on that firearm is pulled, the cylinder rotates and aligns
16 a chamber with the barrel. As the trigger is pulled, that
17 cartridge is fired and the bullet is expelled down the
18 bore. And with the revolver, what's unique to that versus
19 a pistol is that the cartridge case remains inside the
20 firearm until someone manually extracts it.

21 Q. Let me stop you there. When we're talking about a
22 revolver, if this sounds silly, but it's the way I can
23 relate to it, but like when you see the old cowboy movies
24 and they pull out the thing and pull down the thing that
25 twirls around.

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1 A. Uh-huh.

2 Q. Is that what we're talking about when we're talking
3 about a revolver?

4 A. Yes.

5 Q. But when you're talking about pistol, is it also
6 referred to as a semiautomatic weapon?

7 A. Yes, it is.

8 Q. And what is a semiautomatic weapon? How is it
9 typically loaded, and how does it handle the cartridge
10 casings once the projectile is expelled?

11 A. Well, with, with a semiautomatic pistol, instead of
12 having those individual chambers inside a cylinder, it has
13 one chamber that's actually an integral part of the
14 chamber. I mean, it's part, it's part of the barrel. The
15 chamber just sits at the back half of it.

16 The cartridges, instead of being loaded in the
17 individual chambers, are actually loaded into a magazine
18 that sits in the grip of the firearm, and then during
19 firing, the slide moves rearward. And as it comes forward,
20 it picks up one of those cartridges out of the magazine
21 that's in the grip and sticks it up into the chamber making
22 it ready to fire. Then when you pull the trigger, the
23 firing pin comes forward, strikes a primer, which is a tiny
24 disk in the cartridge that creates a spark. That spark
25 ignites the gunpowder that I was telling you was inside of

1 the cartridge case. That gunpowder then expands rapidly
2 from a solid to a gas, forces the bullet down and out the
3 barrel. And the cartridge case, in this case the slide
4 again comes rearward as part of that force pushing
5 backwards, and a cartridge case is expelled out of the
6 cartridge -- out of the firearm.

7 Q. It's expelled out of the firearm?

8 A. Yes.

9 Q. So, the cartridge case -- so, the bullet or projectile
10 actually goes out the front end where it's supposed to?

11 A. Correct.

12 Q. And then the cartridge case is actually expelled out
13 of the rear part of the, the gun. Is that correct?

14 A. More side. More side of the firearm.

15 Q. More side?

16 A. Uh-huh.

17 Q. And in every case, can you tell whether the cartridge
18 casing -- what direction it would be expelled in?

19 A. No. Generally speaking, a large percentage of firearm
20 manufacturers, the firearm design allows them to go right
21 and rearward. However, there are several types of actions
22 or mechanisms that affect that. And for us to determine
23 it, we have to have a firearm and we actually do testing
24 because some go straight up, some go forward, some actually
25 go off to the left.

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1 Q. And if you found a number of, say, spent shell casings
2 on the ground in a general area, could that generally tell
3 you anything, or does it just depend on what happens to the
4 cartridge casing once it's expelled? How the gun is held,
5 things of that nature?

6 A. All of the things that, that you mentioned come into
7 play when determining -- if we had a gun submitted, we
8 could actually do what's called an ejection pattern testing
9 where we take standard stamped with the firearm and we have
10 a XY access filled out; and we can get a range that can
11 give them more information as to where the shooter might
12 have been at the time.

13 But things like how -- if it's held sideways, or if
14 it's held up, the type of gun and the action, again, those
15 all can depend on. If you find a group together, you know,
16 you would generally think that it would have provided some
17 information if we had a gun. If you find it scattered,
18 that doesn't mean as much because they can be kicked after
19 the EMS arrives, and as different people are on the scene,
20 things can get moved.

21 Q. And when we're talking about the cartridge casing
22 being expelled from the gun, can you say exactly how many
23 feet, inches, or if it's just dribbled out of the gun, how
24 it was expelled?

25 A. No.

1 Q. Typically, though, how, how -- what kind of distance
2 are we talking about that the cartridge case comes out of
3 the side of the gun?

4 A. Even in our controlled experiments it can vary within
5 many feet. You can have some that just fall off and fall
6 to the side, but you actually have some that can go out up
7 to 20 feet. So, it just depends, again, on the type of
8 firearm.

9 Q. I'm going to turn your attention specifically as to
10 the evidence that you were able to review and to examine in
11 this case. Did you ever have an actual gun that was
12 recovered in this case?

13 A. We did not.

14 Q. And is that unusual in homicide case?

15 A. It's not.

16 Q. Why not?

17 A. Often times there are a variety of circumstances that
18 happen. The suspect may get rid of the firearm by dumping
19 it somewhere. I've even heard of cases where somebody
20 actually rents out firearms for the weekends so you can get
21 a firearm and then give it back and whatever. Gangs
22 sometimes switch them around within the gang. So, there's
23 a variety of reasons that a gun never makes it to us and is
24 collected.

25 Q. I'm going to go through briefly the actual evidence

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1 that was collected from the crime scene in this case and
2 was submitted to you. The first thing I'm going to show
3 you is State's Exhibit Number 19.

4 (A PAUSE.)

5 Q. I'm going to show you State's Exhibits 18 and 19. Are
6 those two of the items that were submitted to you?

7 A. Yes, they are.

8 Q. And, in addition to that, did you also -- what are
9 those two items?

10 A. They're in sealed containers; I'm not going to open
11 them.

12 Q. That's fine.

13 A. Based on my markings, when we seal these and put our
14 initials and the date that we sealed them on here, and
15 these are all still intact. So, within these envelopes,
16 State's Exhibit 19 is one fired .45 auto caliber cartridge
17 case, and State's Exhibit 18 is a fired metal jacket bullet
18 fragment.

19 Q. And when you're talking about a metal bullet fragment,
20 what part are we talking about? Just -- I don't understand
21 that stuff.

22 A. So, when we're talking about the cartridge and the
23 bullet sits in the head of the cartridge, with
24 semiautomatics, the most common type of bullet we're going
25 to find is a metal jacket, which means it normally has a

1 lead core that's surrounded by a metal jacketing. Often
2 times during firing, that jacketing can be -- separates and
3 stand alone in the target, and may be the only thing
4 collected. Or depending on if it hits a hard surface, the
5 bullet might get damaged so you only get parts of the
6 bullet. So, when I say a fragment, that means instead of
7 having the intact entire bullet, we just have part of that
8 bullet.

9 Q. And I notice in this case there are more actually
10 cartridge cases that are recovered rather than intact or
11 partial projectiles. Is that unusual?

12 A. It's not and actually when I was counting them up, I
13 believe it's even.

14 Q. It's even?

15 A. Even eight. Now ---

16 Q. Although some are fragments?

17 A. --- some are fragments. So, you can't necessarily
18 assume that they're each standing individually, but there
19 is the potential for all eight cartridge cases to be
20 grouped with a, with a, a bullet or projectile.

21 Q. And next I'm going to show you State's Exhibit Number
22 15. Does this include the balance of the evidence that you
23 examined?

24 A. Yes, it does.

25 Q. And what is that evidence?

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1 A. Sorry. State's Exhibit 15 also has my initials and
2 date and has not been opened. So, based on the items on
3 here, we have the remainder of the evidence I had in this
4 case, which is going to be an additional seven fired .45
5 auto caliber cartridge cases, five intact metal jacketed
6 bullets, and two fired metal jacket fragments, along with
7 two pieces of lead that are likely from just the four.

8 Again when it, when it hit or it made contact, it broke
9 into pieces and there's some lead pieces as well.

10 Q. And so the lead is the actual core of the ---

11 A. Yes.

12 Q. --- of the actual projectile or bullet?

13 A. Right. It's the inner surface.

14 Q. And ---

15 A. And then that's on the outside.

16 Q. Could you open that, and just for illustration pick
17 out one of the cartridge casings versus one of the other
18 pieces so you can show the jury what we're talking about?

19 A. Actually, do you want me to open 18 and 19 so we don't
20 have to open the big package because they have one of each?

21 Q. No, let's open -- that's a fragment in the other one.

22 A. Oh, okay. You wants it intact?

23 Q. Yeah, I want it intact. Okay, and these have sub-item
24 numbers from y'all's ---

25 A. Yes, we have individual item numbers.

1 Q. And this one, I believe, is Number 52?

2 A. Yes.

3 Q. And I'm holding this up. Item Number 52, which came
4 out of State's Exhibit Number 15, what is this?

5 A. That is a fired metal jacketed bullet.

6 Q. And you also mentioned that there's a lead core.
7 Where would that be?

8 A. That is contained inside the jacket. Actually if you
9 were to look at the face of the bullet, you can see the
10 lead core in the base and then the jacket surrounding it.

11 Q. And this comes out of what part of the gun?

12 A. That comes out of the barrel or the bore of the
13 firearm.

14 Q. And this is what you referred to as the ---

15 A. Bullet.

16 Q. And the cartridge casings which we've been discussing
17 and are going to discuss some more out of Item Number 48
18 from State's Exhibit 18. Is that it?

19 A. Yes, and that's the body of the cartridge. So, before
20 it's fired, that's what holds all the individual
21 components, and that's fired and they separate.

22 Q. I notice here on the base of it there's some writing.

23 A. Yes, the base of the cartridge has the head stamp,
24 which is your manufacturer's information as well as the
25 caliber. And the gold circle at the base is actually the

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1 primer, which I was telling you has that explosive mixture
2 that produces the spark for the firing pin.

3 Q. And this is the part in a semiautomatic handgun that
4 would be expelled and stay at the crime scene if there's a
5 shooting that occurred?

6 A. That's correct.

7 Q. So, the actual part would have been in it would have
8 been expelled out of the front of the gun?

9 A. Yes.

10 Q. In your examination of the evidence that was submitted
11 to you, what, if any, comparisons were you able to make and
12 conclusions that you came up with?

13 A. In this case I examined all of the fired bullets to
14 one another, as well as the fragments, and I compared all
15 of the cartridge cases to one another. All of the
16 cartridge cases were able to be determined to have been
17 fired by one firearm consistent with being a .45 auto
18 caliber semiautomatic pistol.

19 Q. Okay. Let me stop you there.

20 A. Okay.

21 Q. You mentioned that it's a .45 caliber semiautomatic
22 pistol.

23 A. Yes.

24 Q. When you say .45 caliber, what does that mean ---

25 A. That's ---

1 Q. --- versus a .22 or a .25?

2 A. Sure. That's simply the numeric value for the
3 diameter of the bore for that firearm. The, the firearm
4 for which that was fired was designed to fire a .45 caliber
5 cartridge.

6 Q. So, say if you have a .45 caliber bullet versus a .22
7 caliber bullet, which is bigger?

8 A. The .45.

9 Q. And if you have a .45 caliber bullet, can it be fired
10 from a .22 caliber gun?

11 A. No, it cannot.

12 Q. So, in this case, all of the cartridge cases that you
13 found were what size?

14 A. They were .45 auto caliber.

15 Q. And when you compared all the cartridge cases from the
16 scene in this case, what were your conclusions?

17 A. I was able to determine that they all were fired by
18 one firearm.

19 Q. As far as the projectiles or the bullets that were
20 recovered or the fragments as well, were you able to do any
21 examinations as to those?

22 A. Yes. The only items I could not do anything with were
23 the two lead fragments that I mentioned to you. Because
24 the lead is on the inside of that jacket, they don't get
25 any markings. So, they're considered unsuitable for

1 comparison.

2 Q. And again, how does the bullet and/or the cartridge
3 casings receive markings that are later able to be
4 identified, identified?

5 A. For that I would go back to how the firearm is
6 manufactured, starting with what generally marks the
7 bullet. Each firearm is designed to have a set number of
8 grooves that are either cut or formed into the barrel of
9 the firearm. These grooves will have either a left or a
10 right-hand twist and are known as the rifling for that
11 firearm. During the rifling process, the firearm goes for
12 -- through a variety of machine processes, and each of
13 these machining processes leaves behind microscopic
14 imperfections in the form of nicks, spurs, cuts, scratches
15 that are inside of that barrel. Those kind of become
16 unique, like a fingerprint, for that barrel. So, when the
17 firearm is fired and the bullet travels down the barrel, it
18 receives those markings in a unique pattern that we then
19 look for when we're comparing them to one another.

20 Likewise with the cartridge case, the chamber and the
21 breach face which is the part of firearm that just supports
22 the head of the cartridge case, which is what I was telling
23 you had the head stamp, the manufacturing information on
24 it, that's pressed backwards. Just as the bullet is
25 pressed forward and out of the firearm, the cartridge case

1 is pushed backwards, and so any microscopic imperfections
2 that are left on that breach face get impressed onto the
3 cartridge case. And we look for those imperfections to let
4 you know if it's from the same firearm or not.

5 Q. And these rifling characteristics as you described, as
6 well as the breach face characteristics that are imprinted,
7 are those unique to the gun?

8 A. They are unique to the -- to our scientific standard,
9 yes.

10 Q. So, even if, say, I have two Smith & Wesson forty --
11 well, I don't know if they make forty ---

12 A. Sure.

13 Q. Or several of the same guns.

14 A. Yes, each one would be unique, that's correct.

15 Q. Evens if it's the same caliber or the same maker?

16 A. Yes.

17 Q. Continue with your -- what you found on the ---

18 A. So, with the fired bullets and the fired jacket
19 fragments, I was also able to say that all of them were
20 fired from one firearm.

21 Q. So, all the cartridge casing were fired from one gun?

22 A. Yes.

23 Q. And all these were fired from one gun?

24 A. That's correct.

25 Q. And can you tell if it was the same gun?

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1 A. We can't, no.

2 Q. But of the same caliber?

3 A. They are the same caliber.

4 Q. And are they consistent with having been found --
5 fired by one gun?

6 A. We can't really say that they're consistent with
7 having been fired by one gun other than the fact they're
8 the same caliber because we can't link the, the bullet back
9 to having been in that particular cartridge case. On a
10 very rare occasion you're able to make that comparison, but
11 generally speaking, the marks that it gets during firing
12 override any marks that it would have had from the
13 cartridge case. But we can't kind of put them back
14 together.

15 Q. Had you been -- had the gun been able to be recovered
16 in this case, however, could you have matched those with
17 some test firing?

18 A. Yes, definitely. We would have, we would have done
19 test fires and got scuff marks from the firearm and then
20 compared them back to be able to say if that was from one
21 firearm.

22 Q. But in this case, all the fired cartridge cases did
23 come from one gun, which is a .45 caliber?

24 A. Yes.

25 Q. As well as all the bullets that you were able to make

1 determinations came from the same gun as well?

2 A. That's correct.

3 Q. When we talk about the lead, or you weren't able to do
4 any determination on ---

5 A. Right.

6 Q. Can you show the jury what that is?

7 A. What it looks like?

8 Q. And the reason you can't?

9 A. So when we received what's my Item 55 of State's
10 Exhibit 15, we actually sub-itemize it if it -- because it
11 came to us in three pieces. So, we have this copper piece,
12 which is actually part of the jacketing, and then we have
13 two lead pieces that came. And because they were inside of
14 this jacket, we can't use any comparison on those.

15 Q. And is it unusual for it to become fragmented ---

16 A. No.

17 Q. --- when it's been fired?

18 A. No, it's not.

19 Q. So, your conclusions in this case is all the cartridge
20 casing are fired by what caliber weapon?

21 A. A .45 auto caliber.

22 Q. Okay, and would that have been the same gun?

23 A. Yes, all one gun.

24 Q. And all the projectiles that you were able to make
25 determinations on were fired from what caliber?

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1 A. They are also consistent, through identification, to
2 being a .45 auto and from one firearm.

3 Q. And are you able to make any further determinations
4 without the actual gun itself?

5 A. No. We did, based on the rifling characteristics,
6 come up with a possible list of firearms, but we can't say
7 anything specific.

8 Q. And the firearms that you came up with a list were all
9 semiautomatic or pistols?

10 A. The majority of them were pistols. There were a
11 couple that had rifle carbines or revolvers, but those are
12 really unusual circumstances. This all comes into an FBI
13 database that compiles every firearm. Nothing about this
14 item suggests that it came out of a revolver.

15 Q. So, this would be consistent with having come out of a
16 semiautomatic or a pistol, not a revolver?

17 A. Correct.

18 Q. Thank you.

19 MS. CAMPBELL: I don't have any further questions.

20 MR. SUTHERLAND: No questions of this witness, Your
21 Honor.

22 THE COURT: Thank you. You may step down.

23 (THE WITNESS EXITS THE STAND.)

24 THE COURT: Next witness, please.

25 MS. SIMPSON: State calls John Barron.

1 JOHN BARRON, BEING DULY SWORN,
2 TESTIFIES AS FOLLOWS:

3 CLERK OF COURT: Please state your name for the
4 record.

5 WITNESS: My name is John Barron. B-a-r-r-o-n.

6 VOIR DIRE EXAMINATION BY MS. SIMPSON:

7 Q. Mr. Barron, what is your profession?

8 A. I'm a forensic serologist and DNA analyst at Richland
9 County Sheriff's Department.

10 Q. Okay, and how long have you been a DNA analyst with
11 Richland County?

12 A. With Richland County, since 2004. Prior to that with
13 the South Carolina Law Enforcement Division, otherwise
14 known as SLED.

15 Q. And as an analyst, what are some of yours duties?
16 What are your responsibilities?

17 A. My responsibility is to examine any evidence brought
18 into our laboratory or any swabs or cuttings or smudged
19 fingerprints or anything that might have biological
20 material on it to determine if there can be developed a DNA
21 pattern that can be used to identify a person.

22 Q. Okay, and can you tell the jury a little bit about
23 your educational background and your training in this
24 field?

25 A. Okay. I have a Bachelor's of Science degree in

1 microbiology from Clemson University. As far as serology,
2 which is the identification of human body fluids and
3 materials, I was trained at SLED through the experts there,
4 as well as through the FBI, particular specific training in
5 that area. All that took place prior to the advent of DNA
6 analysis.

7 DNA analysis that is done today began at SLED in 1999.
8 I was one of the first DNA analysts to be trained. We
9 received training from the FBI, as well as the
10 manufacturers of the instruments and chemicals used to
11 develop DNA profiles. I completed a competency examination
12 in the year 2000, began doing DNA cases since that time,
13 and analyzed DNA from various items that -- at least, you
14 know, several hundred a year since that time, and complete
15 twice a year what we call a proficiency test, which is an
16 unknown DNA samples that are submitted. I develop a
17 profile and send that profile off, and I have a one hundred
18 percent complete proficiency. In other words, they're
19 always right.

20 In 2004 I became part of the Richland County DNA
21 laboratory. As a matter of fact, myself and another
22 examiner from SLED came to Richland County, set up the DNA
23 laboratory. As a part of that, we have trained another DNA
24 analyst and two DNA technicians to help us out. I have
25 been testifying since 2004 in DNA and probably have

1 testified at least sixty, seventy times.

2 Q. Okay, and you mentioned the distinct term, I guess,
3 DNA and then serology before that. What's included within
4 serology?

5 A. Serology is the identification of biological materials
6 such as blood, semen in the case of sexual assault cases,
7 tissue, hair, anything to do with the human body that could
8 develop a DNA profile.

9 Q. And your lab, is it actually accredited as well?

10 A. It is. We are accredited by an accreditation agency
11 called the as ASCLAD or American Society of Crime
12 Laboratory Directors. We have received accreditation since
13 2005 in DNA and the rest of the laboratory at a later time.

14 Q. And you said you participated in proficiency testing.
15 Is your work with respect to an individual case analyzed or
16 peer reviewed as well?

17 A. It is. As a part of our certification we are required
18 to have another qualified DNA analyst to review the work
19 and to agree with the conclusions prior to submission of a
20 report.

21 MS. SIMPSON: Your Honor, at this time I would offer
22 John Barron as an expert in DNA and serological, I guess,
23 analysis.

24 MR. SUTHERLAND: No objection, Your Honor.

25 THE COURT: All right. He'll be allowed to render

1 opinion testimony in that field. I've qualified him as an
2 expert.

3 DIRECT EXAMINATION BY MS. SIMPSON:

4 Q. Okay, and just a little bit, can you tell us what DNA
5 is in, in our bodies?

6 A. DNA is a magic molecule that's in cells in your body
7 that identifies you as who you are. Not only as a human
8 being, but you individually. So, DNA is unique to you.
9 It, it would be the same in any part: any tissue in your
10 body, your blood, your, your semen if you're a male, your
11 hair, your tissue. Any part of you would have that
12 material with that DNA molecule in there, and unless you
13 have an identical twin, it is completely unique to you and
14 no other human being would have that DNA.

15 Q. And are some source -- you said it would be the same
16 no matter what tissue it came from from a person's body.
17 Are some sources better as far as collection or ability to
18 identify and collect DNA better than others?

19 A. Well, as far as the substances that would be better,
20 like a blood sample would be really good, a tissue sample
21 would be really good. When it gets to be difficult is skin
22 cells that might be sloughed off from your hands that -- on
23 say if you touched an, an object or touched a -- or had a
24 piece of clothing or something like that where your skin
25 cells might be present on it. We don't know how many skin

1 cells are there. There's no specific test to tell us that.
2 So, sometimes we get the results and sometimes you do not
3 get results with that type of testing with DNA.

4 Q. Okay. So, it just depends on if necessarily -- touch
5 something doesn't mean that my -- that you would be able
6 just to develop a DNA profile on that touch?

7 A. Not necessarily. There are a lot of unknown factors
8 involved on that as far as whether or not you individually
9 shed a lot of skin cells, or whether or not the object that
10 you touched held the skin cells, or whether they're wiped
11 off, et cetera.

12 Q. Can you tell the jury a little bit about what a known
13 standard is?

14 A. A known standard would be known sample taken from your
15 body. Originally we, we collected blood samples. But we
16 found that the skin cells on the inside of your mouth from
17 your cheek and your gum gave us the, of course, the same
18 results and it wasn't as invasive. And so presently,
19 unless you're deceased, we just simply swab the inside of
20 your mouth as a known sample from you, and that known
21 sample will identify you based on your DNA, and it can be
22 used to compare it to any evidence in the case.

23 Q. Okay, and so known samples are very important for
24 comparison purposes ---

25 A. Absolutely.

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1 Q. --- correct? Turning your attention to this case, did
2 you have occasion to analyze, or were certain items of
3 evidence actually submitted to you for analysis?

4 A. Yeah, they were submitted to the DNA laboratory for
5 analysis. There was a, a -- many items actually.

6 Q. Okay, and we'll go through all those items, but I
7 first want to just kind of go through the known standards
8 that you had that we just discussed. I'm going to show you
9 what's been marked as State's Exhibit 35. Do you recognize
10 that?

11 A. Yes.

12 Q. And when that item came to you, was it properly sealed
13 and packaged?

14 A. Correct. Any, any item that comes into our laboratory
15 must be properly sealed and packaged or we do not accept
16 it.

17 Q. Okay, and what is that item?

18 A. This is a mouth swab. It's called a buccal swab.
19 That's because the cells from the inside of your mouth are
20 called buccal cells. But basically it's the skin cells
21 from the inside of your mouth. From M. Roberts.

22 Q. Okay.

23 A. Not sure what his first -- oh, Maurice Roberts.

24 Q. Okay.

25 MS. SIMPSON: Your Honor, at this time we would offer

1 State's Exhibit 35 into evidence.

2 MR. SUTHERLAND: No objection, Your Honor.

3 (BUCCAL SWAB MARKED INTO EVIDENCE AS STATE'S EXHIBIT
4 NUMBER 35.)

5 BY MS. SIMPSON:

6 Q. Then I'm going to show you what's been marked as
7 State's Exhibit 32. Do you recognize this item as well?

8 A. Yes. That's, again, a swab from the mouth of Brandon
9 Jones.

10 Q. Okay, and that would have been one of the victims, the
11 deceased victims in the case, correct?

12 A. Yes, it would have.

13 MS. SIMPSON: Your Honor, at this time ---

14 Q. And when it came to you, was it properly sealed and
15 packaged?

16 A. Again, all of it is unless we ---

17 Q. Okay.

18 A. We won't take it if it's not.

19 MS. SIMPSON: Your Honor, at this time we would offer
20 State's Exhibit 32.

21 MR. SUTHERLAND: No objection.

22 (BUCCAL SWAB MARKED INTO EVIDENCE AS STATE'S EXHIBIT
23 NUMBER 32.)

24 BY MS. SIMPSON:

25 Q. And moving along, I'm going to show you what's been

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1 marked as State's Exhibit 26. Do you recognize this?

2 A. Yes. This is a Buccal swab from Trenton Scott.

3 MS. SIMPSON: Your Honor, at this time I would offer
4 State's Exhibit 26 into evidence.

5 MR. SUTHERLAND: No objection, Your Honor.

6 (BUCCAL SWAB MARKED INTO EVIDENCE AS STATE'S EXHIBIT
7 NUMBER 26.)

8 BY MS. SIMPSON:

9 Q. And then State's Exhibit 25, do you recognize this?

10 A. Yes, this is swab from Deshawn McClary.

11 Q. Okay.

12 MS. SIMPSON: And, Your Honor, at this time the state
13 would offer State's 25 into evidence.

14 MR. SUTHERLAND: No objection, sir.

15 (BUCCAL SWAB MARKED INTO EVIDENCE AS STATE'S EXHIBIT
16 NUMBER 25.)

17 BY MS. SIMPSON:

18 Q. And State's Exhibit 23, do you recognize that?

19 A. This is a, a swab from James. Is that correct?

20 Q. A Demetrice ---

21 A. Demetrice James.

22 MS. SIMPSON: Your Honor, at this time we would offer
23 State's Exhibit 23 into evidence.

24 (A PAUSE.)

25 MR. SUTHERLAND: Without objection, sir.

1 (BUCCAL SWAB MARKED INTO EVIDENCE AS STATE'S EXHIBIT
2 NUMBER 23.)

3 BY MS. SIMPSON:

4 Q. And State's 22, do you recognize that?

5 A. Yes, it's a swab from Joshua Williams.

6 MS. SIMPSON: Your Honor, at this time we would offer
7 State's 22 into evidence.

8 MR. SUTHERLAND: No objection.

9 (BUCCAL SWAB MARKED INTO EVIDENCE AS STATE'S EXHIBIT
10 NUMBER 22.)

11 BY MS. SIMPSON:

12 Q. And finally I'm going to show you what's been marked
13 as State's 205. These are actually -- do you recognize
14 those items?

15 A. Yes.

16 Q. And what are those?

17 A. They are swabs from the right-hand fist of Troy Scott.

18 Q. Okay, and those are not known standards, correct, or
19 known ---

20 A. They are not.

21 Q. Or buccal swabs as we've just seen?

22 A. They're not. I assume, when I get a swab like that,
23 they're looking for foreign DNA from it as well as -- well,
24 it's going to be a given I find the person whose hands were
25 swabbed. It is the hope, I assume, that you find someone

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1 else's DNA.

2 Q. Okay. So, these aren't for purposes of having a known
3 standard?

4 A. No. No, it has to be a mouth swab or either a blood
5 sample.

6 Q. And those items I sub -- that we just identified,
7 those were submitted to you for comparison, correct?

8 A. That is correct.

9 Q. I'm also going to show you what's been marked as
10 State's Exhibit 41, 42, 40, and 39. Do you recognize these
11 items?

12 A. Yes.

13 Q. Okay, and what are those items?

14 A. Item -- oh, State's Exhibit 41 is our Item 88, which
15 is a glove from marker A.

16 Q. Okay, and---

17 A. And this is a stain, I guess you might say, that was
18 taken from that.

19 Q. All right.

20 MS. SIMPSON: Your Honor, at this time we would offer
21 State's Exhibit 41 into evidence.

22 MR. SUTHERLAND: No objection, sir.

23 (GLOVE MARKED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER
24 41.)

25 BY MS. SIMPSON:

1 A. And then State's Exhibit 42 is our Item Number 89,
2 which is a glove from marker B.

3 Q. Okay.

4 MS. SIMPSON: And, Your Honor, at this time we would
5 offer State's Exhibit 42 into evidence.

6 MR. SUTHERLAND: No objection.

7 (GLOVE MARKED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER
8 42.)

9 BY MS. SIMPSON:

10 A. State's Exhibit 40 is our Item 91, which is a glove
11 from marker F.

12 Q. Okay, and we're identifying markers at marker F and
13 glove and items by certain names. Do you necessarily know
14 where these items were collected from or the nature of the
15 crime scene or the background of the case when these are
16 submitted to you?

17 A. I do not know the nature of the crime scene. I was
18 not at the crime scene. I assumed, when somebody says
19 marker A, B, C, D, that these are marked by the crime scene
20 investigator as a point of reference at the crime scene.

21 Q. And so your job is for analysis. You actually just
22 analyze the items of evidence, correct?

23 A. Correct. I used what they identified the item as on
24 my report.

25 Q. Okay.

1 MS. SIMPSON: And, Your Honor, at this time state
2 would offer State's Exhibit 40 into evidence.

3 MR. SUTHERLAND: No objections, sir.

4 (GLOVE MARKED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER
5 40.)

6 BY MS. SIMPSON:

7 A. And State's Exhibit 39 is our Item 91, which is a
8 glove from marker C.

9 Q. Okay.

10 MS. SIMPSON: Your Honor, at this time the state would
11 offer State's Exhibit 39 into evidence.

12 MR. SUTHERLAND: No objections.

13 (GLOVES MARKED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER
14 39.)

15 BY MS. SIMPSON:

16 Q. Let's focus a little bit on the other items. What
17 items were submitted to you for testing?

18 A. The first item is I have on my list is a swab from a
19 fired .45 caliber, casing number two.

20 Q. And how are swabs generally collected from an item?

21 A. A swab, folks, our investigators who use swabs to
22 collect evidence are instructed to use sterile water or
23 saline and moisten the swab, and then the object is swabbed
24 and dried and packaged and submitted to the laboratory.

25 Q. So, you don't actually get this cartridge casing for

1 testing? You get a swab that may have been taken from the
2 casing?

3 A. Sometimes I get a cartridge casing, but most of the
4 times a swab from it.

5 Q. And what other items did you receive?

6 A. The next item was a swab from the fired .45 caliber
7 casing number 5, and also another .45 caliber swab from
8 number 6, a .45 caliber casing swab number 10, and .45
9 caliber casing swab number 11. I received seven cigarette
10 butts, an Icehouse beer can. Another swab from a fired .45
11 caliber casing number 13. A swab from a beer can marker Q,
12 a shirt from marker E, a baseball cap from marker D.

13 A glove, marker A, we've already talked about, and
14 from that glove, marker A, I would -- in the laboratory, we
15 collected a swab from the inside of that glove. That is
16 done to determine if we can recover skin cells from the
17 individual that was wearing the glove, but also it was
18 noted on that glove that there was a stain, a reddish
19 stain, which was determined to be blood, which would also
20 have been tested separately for DNA. And we've already
21 talked about the gloves and the buccal swabs, and that's
22 pretty much it.

23 Q. Okay, and the seven cigarette butts, when they're
24 analyzed or -- is each butt, I guess cigarette butt,
25 analyzed separately, or do you give them a separate item

1 number?

2 A. They are. And if we can identify the brand, we try to
3 do that, but sometimes that is not possible.

4 Q. Okay, and in this case, what type of testing did you
5 do? Did you do any serological? I may be pronouncing it
6 wrong.

7 A. That's correct.

8 Q. Serological testing.

9 A. Serological testing in this case would involve the
10 testing for blood.

11 Q. And did you actually do that in this case?

12 A. I did. Any item that contained a, a stain that might
13 be blood, it was tested for the presence of blood.

14 Q. Okay, and did you actually make some findings with
15 respect to whether there were, whether there was blood,
16 blood located on certain items or indicated on certain
17 items?

18 A. The only item I found that blood was indicated on was
19 Item 88.2, which is the red stain on the outside of this
20 glove from marker A.

21 Q. And is this testing for blood done prior to the type
22 of testing that you would do for DNA?

23 A. It is.

24 Q. And ---

25 A. So, some small part of a stain is used, is consumed

1 for that analysis, but it's a very sensitive test and very,
2 very minuscule amount is used.

3 Q. Okay, and tell the jury about the process that you
4 used with respect to analyzing these items of evidence,
5 specifically the swabs and things of that nature, for DNA.

6 A. Okay. First of all, we have to remove the DNA from
7 the cell itself. So, the swab is cut up, put into a tube.
8 Digesting chemicals are placed on it. It's placed into an
9 incubator for several hours many times overnight.

10 During that process, the cellular material is broken
11 down; the DNA's now freed from being encased in a molecule
12 or the cell. So, the cell wall is destroyed, et cetera, et
13 cetera. So, then the DNA now is part of the conglomeration
14 of material that was found in that, that tissue that's
15 inside that tube.

16 So, now the DNA has to be purified. So, the next
17 process you will -- it goes through is to purify the DNA,
18 to remove everything else but the DNA. Once that is done,
19 we -- our next step is to determine how much DNA we
20 recovered. Many times we recover no DNA. So, the analysis
21 stops at that point. But if we do recover DNA, we want to
22 know how much is there because too much DNA added to the
23 next instrument which develops the profile will actually
24 overload the instrument and give us false readings. So,
25 the -- if we recover DNA, we have to dilute it if it's too

1 much to the certain amount of DNA, which would be
2 appropriate for analysis.

3 Once that's done, then we copy certain portions of the
4 DNA. DNA's a very long molecule. It took years to decode
5 it, if you kept up with the news. But only a very small
6 portion of it is used to identify individuals. Scientists
7 discovered these portions of it that could be used for
8 that. It is portions of the molecule that are not tied to
9 any particular trait or disease, and so it is used solely
10 for human identification. We, we copy up to twenty-two
11 places on that DNA molecule and -- to determine whether or
12 not it matches an individual.

13 Once it's copied and it's separated in the instrument
14 and a profile is developed, and that then is -- can be
15 compared to known profiles from individuals to see whether
16 or not that DNA belongs to them. Many times it's a
17 mixture. So, we would determine, the best of our ability,
18 if an individual is involved in that mixture or not.

19 Q. Okay, and we'll go through the results with respect to
20 DNA for each individual item starting with Item 17---

21 THE COURT: Ms. Simpson?

22 Q. --- involved from fired cartridge casing.

23 THE COURT: Ms. Simpson.

24 Q. Were you able to extract any ---

25 (OFF-THE-RECORD BENCH CONFERENCE.)

1 THE COURT: Mr. Foreman, ladies and gentlemen, we're
2 going to finish a portion of this testimony. It's about
3 maybe -- she says twenty seconds, but I know that's not
4 correct. Maybe five minutes and then we'll -- I'll tell
5 y'all sort of where we are, okay?

6 FOREPERSON: Yes, sir.

7 BY MS. SIMPSON:

8 Q. Tomorrow we'll come back and go through your
9 individual results, but at this point in time, did you
10 actually do some individual inspection and testing for
11 blood on items 100 -- well, right now I'm showing you
12 what's been marked as State's Exhibit 37, items 101, 102,
13 and 103, or 10 ---

14 A. That's correct. 101, 102, and 103. Identified as
15 black hooded jacket, black coat, black brown jeans, and
16 green camo pants.

17 MS. SIMPSON: And, Your Honor, at this time we would
18 offer State's Exhibit 37 into evidence.

19 MR. SUTHERLAND: Without objection, sir.

20 (CLOTHES MARKED INTO EVIDENCE AS STATE'S EXHIBIT
21 NUMBER 37.)

22 BY MS. SIMPSON:

23 Q. And then going back, I don't believe these are in
24 evidence yet, what's been marked as State's Exhibit 36.
25 Did you actually have the opportunity to analyze these

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1 items or certain of these items?

2 A. Yes. This, this is some of the gloves we talked
3 about, the baseball cap. All of those.

4 Q: Okay.

5 MS. SIMPSON: And, Your Honor, at this time the state
6 would offer State's Exhibit 36 into evidence.

7 MR. SUTHERLAND: No objection, sir.

8 (CLOTHES MARKED INTO EVIDENCE AS STATE'S EXHIBIT
9 NUMBER 36.)

10 BY MS. SIMPSON:

11 Q. And finally were you also requested to review and test
12 item 100, which is marked as State's Exhibit 206 -- 207.
13 Sorry. It's hard to find -- item 100.

14 A. Yes. This was another black, brown, and green camo
15 jacket.

16 Q. All right.

17 MS. SIMPSON: And, Your Honor, at this time the state
18 would offer State's Exhibit 207 into evidence.

19 MR. SUTHERLAND: No objection, sir.

20 (CLOTHING MARKED INTO EVIDENCE AS STATE'S EXHIBIT
21 NUMBER 207.)

22 MS. SIMPSON: All right. Thank you, Your Honor. I
23 just will finish with the results tomorrow.

24 THE COURT: Just a little longer than thirty seconds.

25 MS. SIMPSON: At least a minute maybe. Within a

1 THE COURT: All right. Okay. Like we did yesterday,
2 I'm going to ask the families back here, y'all leave first
3 today. Give y'all the first shot out.

4 Y'all please sit tight until they leave. Y'all don't
5 discuss your testimony with anybody tonight.

6 (WHEREUPON, THE CASE IS AT EASE.)

7 THURSDAY, FEBRUARY 27, 2014

8 (COURT RESUMES AT 9:05 AM.)

9 (PHOTOGRAPHS MARKED INDIVIDUALLY AS STATE'S EXHIBIT
10 NUMBERS 208 THROUGH 222 FOR IDENTIFICATION.)

11 (CLOTHING MARKED AS STATE'S EXHIBIT NUMBER 223 FOR
12 IDENTIFICATION.)

13 (FINGERPRINT CARDS MARKED INDIVIDUALLY AS STATE'S
14 EXHIBIT NUMBERS 224, 225, 226, 227.)

15 THE COURT: Good morning. Anything for the record
16 before we start, Ms. Walker?

17 MS. WALKER: No, sir.

18 MR. SUTHERLAND: No, sir

19 THE COURT: Bring the jury in, please.

20 (THE JURY ENTERS AT 9:05 AM.)

21 THE COURT: Good morning, Mr. Foreman, ladies and
22 gentlemen. Hope you had a pleasant evening. Hope your
23 sausage biscuits or biscuits, pleural, were good. Thank
24 the clerk.

25 You may continue with your examination of this

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1 witness.

2 MS. SIMPSON: Thank you, Your Honor. May it please
3 the court?

4 DIRECT EXAMINATION BY MS. SIMPSON RESUMES:

5 Q. Mr. Barron, we're in the process of introducing
6 evidence. I'm going to show you one more item that has
7 been marked as a State's Exhibit 223. Do you recognize
8 that?

9 A. Yes. That is some clothing that was submitted for --
10 to examine for blood.

11 Q. Okay, and exhibits ---

12 MR. SUTHERLAND: Without objection.

13 MS. SIMPSON: Your Honor, at this time the state would
14 offer State's 223 into evidence.

15 THE COURT: Without objection.

16 (CLOTHING MARKED INTO EVIDENCE AS STATE'S EXHIBIT
17 NUMBER 223.)

18 BY MS. SIMPSON:

19 Q. Now I want to go through some of the individual
20 results with respect to the items that you tested, and
21 we'll backtrack just a little bit beginning with item 17,
22 the swab fired .45 caliber casing marker number 2.

23 A. Correct. There was no DNA extracted from that item.

24 Q. Okay, and with respect to item 20?

25 A. Again, no DNA extracted from that item either.

1 Q. And that, too, was a caliber casing as well?

2 A. That is a fired .45 caliber casing, yes.

3 Q. And then item 21.

4 A. Item 21 is another fired casing that was -- no DNA was
5 found on that item.

6 Q. Okay, and then item 22, which is the swab collected
7 from the fired .45 caliber casing marker Number 10, what
8 was your result with respect to that one?

9 A. That item did have a, a DNA on it. I developed a
10 profile and it matched Brandon Jones.

11 Q. And explain to the jury, because I know you all have
12 specific terminology and standards with respect to your
13 results. What does it mean that it actually matched
14 Brandon Jones?

15 A. It means that all of the DNA markers that we copied
16 and developed a profile from are the same as Brandon Jones,
17 and because they are identical to him, they match him and
18 will not match anybody else other than if he perhaps has an
19 identical twin.

20 Q. And I want to talk to you, backtrack again, about
21 population frequencies and things of that nature. Can you
22 tell us what a frequency is and how you go about making a
23 determination of whether a frequency can be determined?

24 A. Yes. A frequency is a statistic, and the reason why
25 we can testify that the DNA profile is an individual is

1 based upon that statistic, how frequent is that profile in
2 the population. So, if we were to take a person at random
3 and just develop his DNA profile, would it match this
4 profile. So, the rarer that frequency is, the less likely
5 it would be somebody else. So, it comes a point when the
6 frequency is so rare, that it becomes impossible to be
7 anybody else. So, in this case, the frequency is so
8 extremely rare that within all reasonable scientific
9 certainty, no one else on the planet Earth would have that
10 DNA profile.

11 Q. And what was the actual, I guess, number to that
12 frequency?

13 A. Well, it's a number that I'm sure nobody in the
14 courtroom is ever heard of. It was 13 nonillion. That is
15 13 followed by 30 zeros. Planet Earth has approximately
16 eight billion -- going on eight billion, which is an eight
17 followed by eight zeros.

18 Q. So, there was no doubt that that DNA was Brandon
19 Jones?

20 A. That's correct. It would -- statistically speaking,
21 it is so rare that it would be no way that anybody else
22 would have that profile.

23 Q. And then moving to item 23, what was the result with
24 respect to that item?

25 A. Item 23 is also a fired cartridge casing, and it also

1 had a DNA matching Brandon Jones.

2 Q. Okay, and it's the same essential frequency that we
3 had before?

4 A. Well, I made a statement on my report that says also
5 matches Brandon Jones. That means it is essentially the
6 same. It could be missing a couple of alleles, that's the
7 term, the markers, but, again the frequency is so rare that
8 it absolutely belongs to Brandon Jones.

9 Q. And moving to item 41, which was actually seven
10 cigarette butts, can we go through those individually and
11 tell me what your results were with respect to you?
12 Specifically, start with 41.1.

13 A. Looking at it -- I grouped them together as, as their
14 commonality. Can I use this?

15 Q. Yeah, that will work.

16 A. Okay. Because 41.1, which is a Newport brand
17 cigarette and 41.4, which is a Maverick brand cigarette
18 butt, belonged to a female that we don't know who it is,
19 but I know it's a female. I was not given any female
20 standards or known samples to compare it to. So, that,
21 that person remains unknown to me.

22 Item 41.5 and 41.6 have the DNA profile of Brandon
23 Jones. 41.5 is a -- and 41.6 are unknown brand of
24 cigarette butt. In other words, there was no identifying
25 markers on that cigarette butt to tell me what brand it

1 was. But 41 -- one of them had -- well, both of them were
2 a mixture of Brandon Jones and this unknown female ---

3 Q. And ---

4 A. --- that I was referring to.

5 Q. And again, explain the result when you have a mixture.
6 What does that mean?

7 A. A mixture means two individuals contributed DNA to
8 that sample. So, with a cigarette butt, it would be
9 assumed that they shared smoking the cigarette.

10 Q. And are you clearly able to identify, based on I guess
11 DNA and how it's developed, whether it's male DNA or female
12 DNA?

13 A. Yes, there's one -- we develop a sex marker, the X and
14 Y genes.

15 Q. And again, no female samples were actually submitted
16 to you?

17 A. No.

18 Q. On ---

19 A. And one other one was 41.7, which is the other
20 cigarette butt, is a mixture of two individuals. The major
21 contributor is from an unknown male, and there was a minor
22 contributor that was too weak for match purposes. In other
23 words, there can be another individual there. It's just so
24 weak that I could not make any statistical reference to it,
25 and so I say that's too weak for match purposes. I can't

1 apply some sort of value or weight to it, then it's too
2 weak, but there was an unknown male. In other words, a
3 male that did not match any of the male standards that I
4 received. So, there's another person on this cigarette.

5 Q. And you all have, I guess, standards you said when the
6 minor contributor's too weak, you all have established
7 standards essentially to make that determination before you
8 can ---

9 A. That's correct.

10 Q. --- I guess say that the DNA matches or doesn't match
11 or is a contributor, correct?

12 A. Correct. We do not like to make any incriminating
13 statement as far as DNA if we cannot apply some sort of
14 statistical value to it.

15 Q. Okay, and then on item 41.3. I believe you were able
16 also to extract some DNA that matched Brandon Jones?

17 A. Yes. Yeah, 41.3 is one with a single source matching
18 Brandon Jones. So, he would have been the only one smoking
19 that cigarette.

20 Q. Okay, and one of the items -- let me make sure I'm
21 right. Did you actually have -- let me move my arm. Let's
22 move onto -- I believe we've accounted for all the
23 cigarette butts, correct?

24 A. I think there was one more 41.2, which was another
25 cigarette butt, Newport brand, was also Brandon Jones.

1 Q. Okay, and then moving to the Icehouse beer can, what
2 was your result on Item 43?

3 A. 43. All right, item 43 is a mixture of two
4 individuals. Brandon Jones and Vincent Nelson, cannot be
5 excluded as these two individuals, and so when you have a
6 mixture, one of the ways you can state the weight to it
7 statistically is doing what we call a mixture calculation.
8 So, we have two assumptions. We have the assumption that
9 it's Brandon Jones and Vincent Nelson's DNA, and then the
10 other assumption would be whether just two random
11 individuals who, who are on this cigarette butt.

12 So, what we do is develop what we call a likelihood
13 ratio. So, what is the likelihood that it is Brandon Jones
14 and Vincent Nelson versus the likelihood it's just two
15 random individuals picked out in the population? All, and
16 that statistic is 1.9 decillion times more likely that it
17 is Brandon Jones and Vincent Nelson versus a mixture of two
18 unknown unrelated individuals, and decillion is another one
19 of those big numbers. It is 1.9 plus 31 zeros. So, again
20 we have, within all reasonable scientific certainty, the
21 fact that this cigarette butt was smoked -- I mean, excuse
22 me, this beer was -- had DNA from these two individuals,
23 Brandon Jones and Vincent Nelson.

24 Q. And then moving to item 49.

25 A. Okay. Item 49.

1 Q. Which I believe is a swab from a fired cartridge
2 casing.

3 A. Are you sure about the number because I don't --
4 that's -- I have a 59.

5 Q. Oh, no, I apologize. I am not sure about the number.
6 59.

7 A. 59.

8 Q. Sorry.

9 A. 59 is another fired .45 caliber casing and that was
10 another item that had no DNA.

11 Q. Thank you, and then moving to item 60, the swab from
12 the beer can at marker 2.

13 A. All right. Item 60 is also a mixture. The major
14 contributor -- in other words, when you have a mixture, you
15 have a major/minor contributor. Major being dominant DNA
16 pattern. A minor meaning some other low level individual.
17 So, the major contributor matches Brandon Jones and this
18 minor contributor is one of those that is too weak for me
19 to make any type of conclusion to.

20 Q. And then with respect to -- I believe you analyzed
21 some swabs from the hands or the fist of Troy Scott. Can
22 you tell us about your results on those items?

23 A. Okay. That would be item 77 through 79?

24 Q. Yes, sir.

25 A. Okay. Okay. Item 77 and 79, and all three of these

J. BARRON - DIRECT EXAMINATION BY MS. SIMPSON

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1 are swabs from the right-hand fist of Troy Scott, 77 and
2 79, which is two of them, no DNA unlike Troy Scott. So,
3 when we swab an individual's body, we expect to find their
4 DNA. So what we want to look for is something unlike that
5 person. So, when I say there's in DNA unlike Troy Scott,
6 that means that's all -- only DNA we found, which is
7 expected, and then the other swab was a mixture and, of
8 course, Troy Scott is the major contributor and this minor
9 contributor is so extremely weak, I'm not -- I can't make
10 any statistical conclusion to it. So, I'm going to say
11 it's too weak for comparison or for match purposes.

12 Q. Okay, but on that, with the mixture, there's
13 definitely someone else's DNA other than Troy Scott. You
14 just can't identify ---

15 A. Right.

16 Q. --- or make a conclusion?

17 A. I cannot make any conclusions to it, but there is
18 indications that there is somebody else there.

19 Q. Okay, and then I believe the swab from the right-hand
20 fist.

21 A. Right, those are all swabs from the right-hand fist.

22 Q. And on the item number 79, again that's no DNA ---

23 A. That's just ---

24 Q. --- was found?

25 A. Yeah, just Troy Scott's DNA.

1 Q. Then moving to item 86, the shirt at marker E, what
2 was your result?

3 A. 86. 86, no DNA was extracted from the item.

4 Q. Okay, and the next item I believe is a hat?

5 A. The baseball cap from marker D, item 87.

6 Q. And what was your result with respect to that item?

7 A. Let's see. Okay. Item 87 matches Vincent Nelson.

8 So, I would conclude that Vincent Nelson was wearing that
9 hat at one time.

10 Q. And were you actually able to, I guess, establish a
11 population frequency ---

12 A. Yes, I was.

13 Q. --- to that as well?

14 A. Yes, I was. The frequency of that was 9.6 sextillion
15 times more likely that it belongs to Vincent Nelson than
16 someone from random population, and that is 9.6 followed by
17 20 zeros. Again, way beyond the population of planet
18 Earth. So, to a reason, reason -- within reasonable
19 scientific certainty, that DNA is from Vincent Nelson.

20 Q. And then moving on to the glove at marker A or the
21 swab from the glove, can you tell us about your result and
22 where that swab was actually taken from?

23 A. The glove from marker A, on the outside of the glove
24 was a red-brown stain, which is a clue in the lab that that
25 might be blood, and it was tested for blood. It was

1 positive. So, the DNA from that blood matched Vincent
2 Nelson and the same statistical value, and then the other
3 objective is who was wearing the glove. So, I mean, you
4 can have somebody else's glove on the outside, but who's
5 wearing the glove? So, we swab the inside of the glove to
6 recover the skin cells from the individual wearing the
7 glove, and that DNA also indicated it was Vincent Nelson's
8 DNA. So, we had his own blood on the glove he was wearing.

9 Q. And then on item 89, the glove found at marker B, and
10 I believe item 90, the glove at marker C, what were your
11 results?

12 A. Those gloves, we swabbed the inside and did not
13 recover any DNA.

14 Q. And then item 91, the glove found at marker F, can you
15 explain the result as to that item?

16 A. Item 91, the glove from marker F, this one contained a
17 small amount of, of DNA. When we get that, there is a
18 another step we can do is what we call developing a Y
19 chromosomal DNA pattern, a Y chromosome that's only found
20 in males. So, if we have a, a low level of DNA that is not
21 totally too weak, we can target the male chromosome, see if
22 we can get something from that, and in this case I was able
23 to do that. Couldn't tell you much about the other DNA
24 that I was referring to. That's called the nuclear DNA,
25 but the Y chromosomal DNA is just specifically targeting

1 the male DNA on that sample, and I was able to develop a Y
2 chromosome pattern.

3 And the thing about the Y chromosomal DNA match is
4 that it can match other males in your biological family.
5 So, your brother, assuming you have the same mother and
6 father, would have the same Y chromosome as you. Your
7 father, biological father, would have the same DNA profile.
8 If you had -- if you were old enough to have a child, a
9 male child that would have the same Y DNA chromosomal
10 pattern. So -- but people, generally speaking in other
11 families, would not match. So, it's not as strong a DNA
12 match, but it is a DNA match and we can apply a statistical
13 value is it.

14 So, this Y chromosomal DNA pattern does match Vincent
15 Nelson, and it could match anybody else in his paternally
16 related biological life. Not his mother's line, but his
17 father's line, if you will.

18 And there is what we call the United States Y
19 Chromosomal DNA Database that we access, and that, that Y
20 chromosomal database is an accumulation of all these Y
21 chromosomal patterns, and so over time that number
22 increases. So, we simply do a, a comparison to that big
23 database and see how many times this pattern is in there,
24 all right, because it could be distant relatives as well.
25 So -- and it turned out that this pattern was in 18 of

1 22,497 individuals that were in that database, and that
2 comes out to be, frequency speaking, one in every 1,250
3 individuals. So, you can see it's not nearly as strong as
4 the other, but it does, does have implications. So,
5 statistically speaking, what that's saying is one out of
6 every 1,250 males could match that DNA.

7 Q. And have that -- and based on your findings, though,
8 because of the Y chromosomal, and excuse my pronunciation,
9 Vincent, Vincent Nelson, though, would be paternally
10 related to him?

11 A. Correct and nobody else that I tested would, would fit
12 in as well. So, only Vincent Nelson in this group of
13 individuals that I tested would match that DNA.

14 Q. Okay. So, he himself could actually be the
15 contributor ---

16 A. Yes.

17 Q. --- on that item? You were actually requested to
18 inspect certain items, I believe. Item -- a black jacket
19 or bio-bag, sorry, in State's 223 for blood. Did you
20 conduct testing on that?

21 A. Yes. Those items were examined to see if there was
22 any blood stains on them, and none were found.

23 Q. Okay, and it indicates that it's a bio-bag containing
24 Roberts's clothing, correct?

25 A. Correct. Right. I mean, I don't know who Roberts is

1 in, in this case until today, but the bag said the clothing
2 belonged to him. So, I'm assuming they were recovered from
3 his bedroom or his house or wherever indicated, or he
4 identified them as his clothing. But anyway, those clothes
5 did not have any blood on them.

6 Q. Okay, and what type of testing did you do? How, how
7 did you test for that?

8 A. Well, to find blood, we, we do have a very sensitive
9 presumptive test. So, we searched the items to see if
10 there's any possible stain. Some stains look like blood
11 are not blood. Some stains, you know, are dirty or
12 whatever and maybe blood's mixed in. But all we do is just
13 take a swab and swab the area and put certain reagents on
14 there that will react with blood. A very sensitive test.
15 I mean, you can dilute blood to where you can also never --
16 not even see it and it will turn up positive. So, a lot of
17 times we just simply search it, any possible stains, swab
18 it. Some items like shoes, we may even just swab all the
19 shoes if we can't see any stains and see if there was any
20 blood on them.

21 Q. And you also had what's been marked as State's 207, a
22 black, brown, and green camo jacket. Did you do -- were
23 you requested to test for blood on that item as well?

24 A. Yes.

25 Q. And what was the results of that?

J. BARRON - DIRECT EXAMINATION BY MS. SIMPSON

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1 A. Again, we searched it and did not find any, anything
2 indicated for blood on it.

3 Q. Okay, and then also in what's been marked as State's
4 Exhibit 37 containing three separate items, can you tell us
5 what those items were?

6 A. Okay. 101 was a black hooded zipper jacket and then a
7 black coat. Item 102, and I know they're a pair of camo
8 pants, green and brown and black.

9 Q. Okay, and with respect to those items, did you conduct
10 some testing as well?

11 A. Yes. Again they were searched for blood and did not
12 find any.

13 Q. And explain to the jury what affect might bleaching
14 clothing or washing clothing have on your ability to
15 collect or obtain DNA from that item.

16 A. It would greatly diminish that. It would have to be a
17 very incomplete wash if it, if it -- we were still able to
18 recover any.

19 Q. All right, and also talking -- going back a little bit
20 to cartridge casings versus projectiles, that's essentially
21 the two components of a bullet, correct?

22 A. Correct.

23 Q. And the cartridge casing is what's actually ejected?

24 A. Okay. It's the, excuse me, the metal jacket that
25 holds, that holds the projectile, and then when it's fired,

1 it's ejected from the pistol onto the ground around it.

2 Q. And hypothetically speaking, a projectile, if it goes
3 through an item or a person, what is the likelihood that
4 DNA will result? What, or what ---

5 A. Well, it will more than likely have the DNA of the
6 person that it, that it penetrated.

7 Q. Okay. So, the probative value of conducting testing
8 on projectiles versus cartridge casings isn't nearly as
9 high?

10 A. Not unless, you know, for some strange reason any
11 question as to what -- who the projectile passed through.

12 Q. Okay. So, where there is no question about who the
13 projectile passed through, you would make ---

14 A. Normally we're not asked to examine that.

15 Q. Because it would mostly be the victim?

16 A. Exactly.

17 Q. Okay. Also where you have blood at the scene, and the
18 -- only an indication that it would be a -- the victim's
19 blood, what would be the probative value of testing those
20 swabs or that, that blood at the scene?

21 A. Negligible. I mean, very often you find blood in and
22 around the victim's body or, you know, the victim's car, if
23 he was shot in the car. Generally speaking we don't
24 examine that. It's obvious to the crime scene individuals
25 who the blood came from.

J. BARRON. - DIRECT EXAMINATION / CROSS-EXAMINATION 618

1 Q. And as far as assessing what items to test, do you
2 collaborate with the investigators in some cases, or do
3 they actually make the decision?

4 A. We ask the investigators to fill out a request form.
5 We work on a lot of cases, and a lot of times we can't keep
6 them all straight. So, we have to refer to our request
7 form as to what items they want tested. Very often in
8 murder cases we may actually meet with them and discuss,
9 you know, the probative value of various items as far as
10 DNA and decide from that point at -- what items should be
11 tested.

12 Q. Okay, and -- but it's relying -- you all don't have
13 all the information regarding the actual crime itself or
14 the crime scene and things of that nature? That's the
15 investigators who would have the most knowledge?

16 A. Yes, absolutely.

17 MS. SIMPSON: Beg the court's indulgence.

18 (A PAUSE.)

19 MS. SIMPSON: Thank you.

20 MR. SUTHERLAND: Please the court, sir?

21 CROSS-EXAMINATION BY MR. SUTHERLAND:

22 Q. Morning, sir. How are you?

23 A. Good morning.

24 Q. On your direct testimony, sir, you had -- this was
25 actually yesterday. You had testified that there were up

1 to twenty-two locations that, that you would look at in, in
2 order to try to establish a match?

3 A. Yes.

4 Q. Okay, and what I'd like to try to do is maybe just
5 draw a little picture up here of what these measurements
6 look like on these electropherogram -- graphs, and I'll
7 just do -- show the standard graph on that here. You know,
8 specifically right now I'm looking at item 7, item 78,
9 which was the, the fist of Mr. Scott.

10 THE COURT: Hold on a second. What is 78 so we'll all
11 be on the same page?

12 MR. SUTHERLAND: Oh, item 78 is a DNA swab from Mr.
13 Scott's fist, yes, sir.

14 BY MR. SUTHERLAND:

15 Q. Okay. Now, typically you had said that this item is a
16 match for Mr. Scott. Then what should -- it makes sense
17 since it was his fist.

18 A. Yes.

19 Q. And what I see on here are a couple of peaks and then
20 there is a number assigned to those peaks.

21 A. Yes.

22 Q. And that's sort of just a measurement. I mean, y'all
23 do a chemical process and then measure. Is -- could you
24 explain what those numbers are and how we get to those
25 numbers?

1 A. Sure. The reason why we're able to use DNA to
2 identify people is what we call random units in the DNA
3 molecule. So, when you see a seven, that means there's
4 seven random repeat units in that position. You see an
5 eight, that means there's eight random repeat units in that
6 position. So, for the sake of simplification, we just call
7 it a 7/8.

8 So, in DNA you get -- one of those numbers would come
9 from your mom. One would come from your dad because you
10 inherit half your DNA from your mother and half from your
11 father. So, this individual would be referred to what we
12 call a 7/8.

13 Now, when we see just two peaks -- and, by the way,
14 you can see one peak because your mother and father could
15 actually give you the same number. So, that's possible as
16 well. So, one or two peaks indicates one person. So, when
17 you start seeing more than that, that's when you get a
18 mixture.

19 Q. Thank you, sir. And so in this particular -- the TH01
20 in the, in item 78, there is another number here, which is
21 a number nine?

22 A. Yes.

23 Q. Is that correct, sir?

24 A. That's correct. If -- he's referring to our -- what
25 we call electropherogram, which is the DNA picture, if you

1 will, of that individual and seven and eight are very very
2 tall peaks. That's the major contributor which matches,
3 was it Troy Scott?

4 Q. Yes, sir.

5 A. All right. So, Troy Scott is a 7/8, and 7/8 is the
6 predominant DNA pattern there, and then we see this nine,
7 which is a very, very, very small peak relatively speaking.
8 It's -- looks like a small bump on the graph. Okay, but
9 the, the software indicates that there is -- there was
10 copied a nine repeat unit there of another individual. But
11 since that nine is so small, I cannot really make a whole
12 lot of judgment to it except whoever that person is had a
13 nine.

14 Q. All right. Thank you, sir. And just briefly, we've
15 talked about how this matches Mr. Scott, but if this had
16 been, say, a seven and a nine rather than a seven and eight
17 in that position, then it would not match Mr. Scott?

18 A. That's correct.

19 Q. Okay, or if it had been -- let's see, homozygous
20 or ---

21 A. Homozygous is a DNA term meaning one peak.

22 Q. Okay. Thank you, and if it had been just, say, a
23 seven or -- well, let's say, just say a nine, then it
24 wouldn't Mr. Scott either?

25 A. Right. I didn't see a 7/8, I just saw a nine, and

J. BARRON - CROSS-EXAMINATION BY MR. SUTHERLAND

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1 that nine was large enough for me to make a judgment, then
2 I would say it did not match his.

3 Q. So, ultimately this came from somebody else?

4 A. Absolutely.

5 Q. All right, sir, and there is a item Number 85, which
6 is the DNA swab from Maurice Roberts. Oh, sorry.

7 A. Okay.

8 Q. Oh, I can get a pointer, I think.

9 THE COURT: If you need to write up there that's fine,
10 but ---

11 MR. SUTHERLAND: I got ---

12 THE COURT: I just -- my jurors can't ---

13 MR. SUTHERLAND: --- this thing here.

14 THE COURT: Make sure they can all see.

15 BY MR. SUTHERLAND:

16 Q. All right.

17 THE COURT: If you can't see, raise your hand.

18 Q. But I need to correct ---

19 A. I'm sorry. I have a whole bunch of these, and I got
20 to find the one you're talking about.

21 Q. Oh, absolutely. I just pulled three of them out of
22 all of them.

23 THE COURT: Which one is it you're looking for?

24 A. All right, item 85 is the DNA from Roberts. In other
25 words, it's his known sample.

1 Q. Okay, and actually at TH01 for Maurice, he also has a
2 7/8 there?

3 A. Yes, he does. Yes, sir. You have to remember there's
4 one locus and so you can, randomly speaking, have two
5 people with the same DNA at that one locus, but we're
6 dealing with twenty-two. So, therefore, you have to look
7 at the frequency of the whole thing.

8 Q. Okay. Right. It's -- I mean, it's possible that
9 anyone or probable -- it's likely that a number of people
10 in this courtroom will have the same alleles at some
11 locations?

12 A. That's correct. I have actually -- you know, I've
13 been looking at it for many, many years now. I've actually
14 seen people, two unrelated random people match each other
15 of up to six or seven loci, and there's -- a loci is a
16 locus or a point in the DNA molecule. So, when we're
17 dealing with twenty, fifteen to twenty-two, you know, and
18 never seen anybody more than six or seven. So, when you
19 get beyond that -- and actually speaking statistically,
20 when you get beyond that is when you get into the big
21 numbers.

22 Q. All, and but -- oops. Sorry, but there is no --
23 there's no number nine here ---

24 A. No..

25 Q. --- for Maurice Roberts?

J. BARRON - CROSS-EXAMINATION / REDIRECT EXAMINATION 624

1 A. So, the point is Maurice Roberts is not the
2 contributor of number nine.

3 Q. Of number nine?

4 A. That's correct.

5 Q. And we actually got to the point pretty quick there.
6 So, let's see. You tested all these clothing items, which
7 your testimony, for blood and there was no blood on them?

8 A. Correct.

9 Q. There was -- Vincent Nelson's blood was on a swab from
10 a glove or what ---

11 A. Yes.

12 Q. From one of the items and that matched, and he also
13 had DNA on a -- was it a beer can?

14 A. A beer can, cigarette butts, a, a hat.

15 Q. Okay.

16 A. And I think -- well ---

17 Q. Well, there it is. My overarching point is it's all
18 Nelson's DNA. Thank you, sir.

19 MR. SUTHERLAND: No further questions.

20 THE COURT: Ms. Simpson, any redirect?

21 MS. SIMPSON: Beg the court's indulgence.

22 (A PAUSE.)

23 REDIRECT EXAMINATION BY MS. SIMPSON:

24 Q. All right, one brief question. Looking at -- and I
25 don't have before me what you have before you. With

1 respect to number nine, you can't say that that's Maurice
2 Roberts or Demetrice James, correct, based on the swabs
3 that you had in the known standards?

4 A. I'd have to look at Demetrice James's profile to
5 refresh my recollection to be able to say. Do you know
6 which number he is?

7 Q. Let me -- 92, and just as a follow up, the reality is
8 number nine is too weak to reliably interpret with respect
9 to your standards, correct, as far as the minor
10 contributor?

11 A. That allele number nine is so weak that I'm not going
12 to make any -- I'm not able to make any statistical
13 determination. If you want to ask me specifically if
14 someone's profile has a nine, then I can answer that yes or
15 no. In this case, Mr. Roberts was a no. So, theoretically
16 speaking, he -- well, absolutely speaking he did not
17 contribute that nine. He couldn't because it's not part of
18 his DNA and this other individual is Mr. James? Is that
19 what you're saying?

20 Q. Yes.

21 A. Mr. James did not either. He is an 8/11. So ---

22 Q. And just to be clear, Maurice Roberts, he does match
23 the seven and eight, correct?

24 A. Maurice Roberts is also a 7/8, yes. So, at that locus
25 he could be hidden in the 7/8 that matched the other Mr.

1 Scott.

2 MS. SIMPSON: Okay. Thank you.

3 THE COURT: All right. You may step down. You may
4 step down.

5 MR. SUTHERLAND: Oh, may I recross?

6 THE COURT: I don't allow recross. That's
7 discretionary. What do you got, one question?

8 MR. SUTHERLAND: Yes, sir, there's actually another
9 locus.

10 THE COURT: I'll allow it.

11 MR. SUTHERLAND: Thank you, sir. Okay.

12 THE COURT: That's against my rule.

13 MR. SUTHERLAND: I appreciate it, Judge.

14 RE-CROSS EXAMINATION BY MR. SUTHERLAND:

15 Q. Okay. Back ---

16 THE COURT: You know, if I let the lawyers recross,
17 recross, redirect, recross, redirect, we might be here ---

18 MR. SUTHERLAND: Yes, sir, I won't ask him anything
19 that long. Certainly do appreciate it.

20 THE COURT: I know you won't. You've been very
21 efficient with your questions.

22 MR. SUTHERLAND: Thank you.

23 BY MR. SUTHERLAND:

24 Q. Okay. So, back to item 78, and this time ---

25 THE COURT: 78 is what, please?

1 MR. SUTHERLAND: Oh, and 78 is the swab from Mr.
2 Scott's fist.

3 BY MR. SUTHERLAND:

4 Q. Okay. So, this time I'm going to go down to
5 D5S818 ---

6 MS. SIMPSON: Objection, Your Honor, with respect to
7 -- I believe where defense counsel is going is outside the
8 scope of my cross-examination or my redirect. I apologize.

9 THE COURT: Well, she asked about Maurice on redirect
10 and she asked about James on redirect and she asked about
11 -- I'll allow it.

12 MR. SUTHERLAND: Thank you, sir.

13 BY MR. SUTHERLAND:

14 Q. It is D5S818 down where there's that 11/12/13.

15 A. Yes.

16 Q. Okay. So, here D5S -- S814. Okay. Sorry to be
17 coming -- I didn't expect to be back up here. Sorry.
18 Okay. So, that has an eleven and a thirteen?

19 A. Correct.

20 Q. And that matches Mr. Scott?

21 A. That's correct.

22 Q. Okay, and then there is a twelve also, and on item
23 Number 85, which is Maurice Roberts, at D5S818 there is no
24 twelve. Is that correct, sir?

25 A. Maurice Roberts is an 8/11.

J. BARRON - RE-CROSS-EXAMINATION BY MR. SUTHERLAND. 628

1 Q. Okay. So, again, we got another one which does not
2 match Maurice Roberts?

3 A. Well, your picture is ---

4 Q. Oh, sorry.

5 A. Your twelve should come in front of the thirteen.

6 Q. Oh, come in front of the thirteen. Sorry. This
7 should be right there?

8 A. Right. That's what it would reflect, the original
9 graph of the twelve ---

10 Q. Yes, sir.

11 A. --- would have been ---

12 Q. Sorry. Sorry about that.

13 A. That's okay.

14 Q. But Maurice does not have a twelve?

15 A. Maurice does not have a twelve, no. He is an 8/11 and
16 there no eight there. However, the twelve is indicating of
17 a minor contributor. That twelve could be explained by
18 what we call stutter. That is a ---

19 Q. Yes, sir.

20 A. Again, we're getting into very technical issues here.
21 When you copy DNA, the allele in front of it can actually
22 be produced without it being there. And what happens is in
23 the process of copying a thirteen, randomly speaking on a
24 smaller level, it skips a repeat, a repeat unit, and so out
25 of the copying process. It's an error in the copy machine,

1 if you will, that happens randomly and that is called
2 stutter. So, I don't know whether that twelve is truly an
3 allele or whether it's a stutter peak.

4 Q. Yes, sir.

5 A. And when you get -- if it is a true allele, true
6 allele, that means there's, there's a minor contributor
7 there. I don't know whether there's one or two or three
8 minor contributors there. I can't really tell. And when
9 you get to that low level, you have what we call drop out.

10 So, I could -- since the -- let me see the other. The
11 eleven peak is higher than the thirteen peak, which is
12 normal. You don't always get exactly the same in the
13 copying process, but it is always a possibility that one
14 higher -- is higher than another, there's a minor
15 contributor contributing to that, adding to it, if you
16 will. And since it's so small, it could be a drop out.
17 So, it could be any other allele to go with that 11. So,
18 it could be 7/11, an 8/11, a 9/11, 11/10. So, that's why
19 when you get to that low level we don't interpret it
20 because there's, there's too many unknowns involved.

21 Q. Yes, sir, and when you're speaking about levels, as
22 this -- there's a -- there are numbers out here and there
23 are also numbers that are assigned to the little box. It's
24 sort of like a scale out here.

25 A. Correct.

1 Q. Okay.

2 A. The, the height of the peak determines its relatively
3 -- relative strength, if you will. So, it's just a, a way
4 of relating the computer software to human understanding.
5 So, the higher the peak, the bigger the number, the science
6 to it. So, when you get low level peaks, you get numbers
7 that are so small that you don't know whether there's other
8 numbers that also are there or not because you can have a
9 complete drop out.

10 I've actually seen low level DNA where I know the
11 individual, in actual testing, the individual has two
12 alleles, but we only find one of them when we amplify it.
13 So, that's called drop out.

14 Q. Yes, sir.

15 A. If I did it again I might get both of them. It's,
16 it's called a random process. In copying, you have low
17 level. There are occasions where you might just get one
18 and not the other.

19 Q. All right. Thank you, sir, and back to the scale,
20 back to TH01 on item 78, we've got 18/96 is the number for
21 the seven and we've got 14/84 for the eight.

22 A. Correct.

23 Q. But then we have 80 for the nine.

24 A. Right.

25 Q. So with this, with this being this weak, basically

1 these numbers, even though there's a distinction there -- I
2 mean, they're similar. You looked at it and you thought
3 this is the major contributor here.

4 A. Right.

5 Q. Okay, and this nine -- and if, if this actually is an
6 allele, this twelve would be a minor contributor?

7 A. That's correct.

8 Q. And neither the nine or the twelve match Maurice
9 Roberts?

10 A. No.

11 Q. Okay. Thank you.

12 MR. SUTHERLAND: I have no further questions.

13 THE COURT: All right. You may step down now.

14 (THE WITNESS EXITS THE STAND.)

15 THE COURT: Next witness, please.

16 MS. WALKER: Your Honor, the state calls Dr. Durso.

17 THE COURT: And she is?

18 MS. WALKER: She's a pathologist.

19 THE COURT: All right. We've got some young children
20 in audience. Let's let them step out please. Ladies, this
21 is not appropriate testimony for children.

22 AMY DURSO, BEING DULY SWORN,

23 TESTIFIES AS FOLLOWS:

24 CLERK OF COURT: Have a seat in the witness stand,
25 please.

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1 THE COURT: State your name for the record.

2 WITNESS: I'm Dr. Amy Durso, D-u-r-s-o.

3 THE COURT: One second, please.

4 MS. WALKER: Yes, Your Honor.

5 (A PAUSE.)

6 THE COURT: All right. You may proceed.

7 MS. WALKER: Thank you.

8 VOIR DIRE EXAMINATION BY MS. WALKER:

9 Q. Dr. Durso, good morning.

10 A. Good morning.

11 Q. Can you tell me where you're currently employed?

12 A. I'm currently employed at Professional Pathology
13 Services as a forensic pathologist.

14 Q. And what exactly is a forensic pathologist?

15 A. So, a forensic pathologist is a medical doctor, and
16 basically my primary function is to perform autopsies or
17 examination on bodies after death to determine the cause of
18 death, as well as to document any injuries or illnesses.

19 Q. And how long have you been with Professional Pathology
20 Services?

21 A. Around three and a half years.

22 Q. Can you tell us a little bit about your training and,
23 and background that, that led to you becoming a
24 pathologist?

25 A. Sure. So, I obtained a Bachelor's Degree in

1 psychology at Emory University. After that I went to the
2 University of North Carolina at Chapel Hill for medical
3 school where I got my four-year medical degree. I then
4 went to Wake Forest University, where I spent four years
5 doing anatomical and clinical pathology training, and then
6 I stayed there for an additional year to do training,
7 specifically in the field of forensic pathology.

8 Q. And when you talk about doing, doing autopsies, can
9 you explain for the jury what it is that you do when you do
10 an autopsy?

11 A. Sure. So, an autopsy starts. You know, you can --
12 we're given a brief history and then we start with the
13 external examination, which goes for me noting, noting, eye
14 color, the length of the body, the weight, and we notice
15 any scars, any injuries to the outside of the body.

16 And after we finish our external examination, we begin
17 our internal examination, which begins with us making a
18 Y-shaped incision that goes from both shoulders down to the
19 sternum, the middle of the chest, and downward where you
20 flip the skin and some of the muscle tissue back. We're
21 able to remove the front of the ribcage, and we can then
22 see all of the major internal organs.

23 We look at them, notice any collections of fluid, any
24 injuries, and then remove the organs one by one and
25 individually examine them and weigh them. We also examine

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1 the brain by making an incision in the back of the head,
2 reflecting the scalp and then removing the top portion of
3 the skull so we can remove the brain and examine that as
4 well.

5 Q. And that is the process by which you determine the
6 manner and cause of death?

7 A. Yes.

8 Q. Have you testified before in court?

9 A. Yes.

10 Q. As an expert?

11 A. Yes.

12 Q. How many times, Doctor?

13 A. I think five or six times.

14 MS. WALKER: Your Honor, at this point we offer Dr.
15 Durso as an expert in forensic pathology.

16 THE COURT: Any cross-examination on her
17 qualifications?

18 MR. SUTHERLAND: No, sir, no objection.

19 THE COURT: All right. She'll be allowed to render
20 opinion testimony in the field of forensic pathology.

21 Thank you.

22 DIRECT EXAMINATION BY MS. WALKER:

23 Q. I want to turn your attention back to January of 2013,
24 the process with which you just described. Did you perform
25 an autopsy on a Mr. Brandon Jones?

1 A. Yes, I did.

2 Q. Do you remember the date of that autopsy?

3 A. It was January 26, 2013.

4 Q. And how old was Mr. Jones at the time?

5 A. He was twenty-two years old.

6 Q. You said you determined the length and the weight of
7 the body. What was the length and the weight of Mr. ---

8 A. He was a 147 pounds and 66 inches. So, about 5/6.

9 Q. Dr. Durso, where was that autopsy performed?

10 A. In the morgue at Palmetto-Health Richland Hospital.

11 Q. Can you describe to the jury how Mr. Jones's body was
12 presented to you?

13 A. So, it comes sealed in a body bag, the person's name
14 on the outside of the body bag. I did this autopsy for the
15 Richland County Coroner's Office. The Richland County
16 Coroner's Office usually unlocks the body bag. Usually
17 there's a seal on the body bag. They open the body bag,
18 and then they take photographs, and we begin our
19 examination.

20 Q. Were employees of the coroner's office with you during
21 this examination?

22 A. Yes.

23 Q. And is that standard?

24 A. Yes.

25 Q. What about members of the Richland County Sheriff's

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1 Department?

2 A. Usually someone is there as well, yes.

3 Q. And can you -- what were your initial observations of
4 Mr. Jones?

5 A. He appeared to be a trauma patient with multiple
6 gunshot wounds. It also appeared that he had undergone
7 significant medical intervention in an attempt to save his
8 life where he had undergone some large surgical incisions.

9 Q. And how many gunshot wounds were you able to determine
10 this victim suffered?

11 A. He suffered five exiting gunshot wounds. So, he had
12 five entrance wounds and five exit wounds.

13 Q. Can you describe for the jury how you're able to
14 determine whether or not a gunshot wound is an entrance
15 wound or an exit wound?

16 A. Sure. So, they have very different appearances. An
17 entrance wound, as the bullet perforates into the body, it
18 begins for a split second to push against the skin, which
19 actually causes an abrasion around the entrance. So, it's
20 called an abrasion collar, and they're usually round
21 because the bullet's spinning and going, you know, nose
22 first into the body.

23 Exit wounds are usually more -- a little bit more
24 atypical looking. They don't usually have an abrasion
25 collar because after going through the body, they hit

1 things and they start flipping and, you know, spinning.
2 They're not going first nose first and spinning like they
3 first did when they come out of the barrel of the gun.

4 Sometimes exit wounds can have a little bit of an
5 abrasion collar if the skin is pressed up against something
6 hard, either another piece of skin or a wall or a tight
7 piece of clothing, and as a bullet comes out, it pushes the
8 skin up against the hard object and that's called a short
9 exit wound, but we can usually determine, by following the
10 bullet path, which is the entrance and which is the exit.

11 Q. Dr. Durso, do you diagram these entrance and exit
12 wounds?

13 A. I do.

14 Q. I want to show you what's been marked as State's
15 Exhibit 206 and ask you if you recognize this.

16 A. I do.

17 MR. SUTHERLAND: No objection, Your Honor.

18 MS. WALKER: Your Honor, at this time the state seeks
19 to admit Exhibit 206 into evidence.

20 THE COURT: Without objection.

21 (DIAGRAM MARKED INTO EVIDENCE AS STATE'S EXHIBIT
22 NUMBER 206.)

23 MS. WALKER: Your Honor, may the witness step down?

24 THE COURT: She may. Doctor, if you would step down.
25 I'm sure she's going to ask you to explain that exhibit.

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1 Ladies and gentlemen of the jury, if at any time you
2 cannot see it, just raise your hand. I will make them
3 reposition themselves.

4 BY MS. WALKER:

5 Q. Is this the diagram of Brandon Jones?

6 A. Yes.

7 Q. As indicated here?

8 A. Yes.

9 Q. And how many entrance and exit wounds were there -- or
10 entrance wounds?

11 A. Five.

12 Q. Can you please walk this jury through those entrance
13 wounds?

14 A. Can I walk through the whole ---

15 Q. The whole -- yes.

16 A. Okay. So, the first wound I'm going to describe
17 enters the right back here. I called it H here. So, it's
18 going to be right upper back. That's an entrance wound.
19 So, after perforating through the back here, it goes to the
20 ribcage, perforates through the right lower lobe of the
21 lung, goes through the lung, and exits right over here kind
22 of over on the right side. So, this projectile is going
23 from back to front, from left to right, and slightly
24 downwards. So -- and it perforates the right lung. So,
25 that's the first gunshot wound I noticed.

1 Q. The projectile went at a downward angle?

2 A. Slightly downwards, going downwards.

3 Q. Okay, and then the next.

4 A. So, the next gunshot wound I'm going to describe, the
5 entrance wound is labeled P here. I mean, left back. It
6 perpetrates into the -- through the ribcage. It then
7 perforates the left lung, the opposite lung here. It
8 then also perforates through the liver and through the
9 stomach, and then exits through the stomach here, which is
10 labeled I.

11 This is actually an open incision here, which is made
12 by the surgeon in an attempt to save his life, and the exit
13 -- they actually cut through part of the entry wound there,
14 but I was still able to see, you know, to kind of push it
15 back together and see where the exit wound was. So, it
16 came out here. And so this projectile was going, again,
17 from back to front, also from left to right, and slightly
18 downwards.

19 Q. Okay.

20 A. Okay.

21 Q. Is there a -- the initial gunshot wound because there
22 are just two ---

23 A. That's two. So, the third gunshot wound enters here
24 on the left hip area. It then goes through mainly just
25 soft tissue muscle and exits here on the back of the left

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1 leg. It didn't hit any major vital structures, meaning it
2 didn't hit any major organs, did not hit any major vascular
3 structures like any major arteries or anything like that.

4 So, that wound alone would not have killed him.

5 Q. Okay.

6 A. And that wound was going, again, from left to right,
7 slightly downward, and this is actually the one that went
8 slightly from the front to the back.

9 Okay, the fourth gunshot wound I noted was here on the
10 left neck. So, there were two holes right next to each
11 other, and I could actually put a probe through and connect
12 the two. So, it actually was very superficial; it just
13 kind of went through skin. I couldn't tell which direction
14 it was going in. There was nothing within these two to
15 tell me if it was going from back to front or front to
16 back. I cannot tell you.

17 The last gunshot wound, the fifth gunshot wound, is in
18 the right arm over here. So, the entrance wound is labeled
19 E. It's right here on the back part of his arm, and it
20 actually exits over here onto the front part of his arm.
21 It did actually perforate the fracture the ulna, which is
22 one of the arm bones over here, and those are all five
23 wounds.

24 Q. And we, we assign, I guess, a number to them, a
25 sequential order. Is that necessarily the order in which

1 the victim was shot?

2 A. No. It's just the order in which I documented them.
3 I cannot tell which order these wounds occurred in.

4 Q. So if I'm to understand you, there's one here in this
5 area ---

6 A. Yes.

7 Q. --- in the left arm? Neck?

8 A. Yes.

9 Q. Back?

10 A. Two to the back.

11 Q. Two to the back.

12 A. One exited over here on the right side and the other
13 exited here going towards the stomach.

14 Q. Yes, ma'am.

15 A. And then there's the one to the left hip that comes
16 out the back of the left leg.

17 Q. Okay, and which, if any of these gunshot wounds, was
18 the fatal gunshot wound?

19 A. The two most fatal wounds would then be these that
20 entered the back that perpetrated between these two. Both
21 lungs were perpetrated, as well as the liver, which bleeds
22 profusely when it's perforated. So, those will be from the
23 single wounds.

24 Q. And were you able to document any other abnormality or
25 abrasions to the -- this victim?

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1 A. Yes. He had some little abrasions on his forehead and
2 his knee. They were kind of dry in appearance, to make me
3 think they occurred right around the time of death, but
4 there wasn't a lot of wet flow to it to make them look
5 fresher. So, he likely fell kind of face forward onto his
6 knee with his head straight down.

7 Q. And if he had been hit in the head before that, would
8 that also cause ---

9 A. Yeah.

10 Q. --- injury to the head? Doctor, will you take the
11 stand, please?

12 Those wounds that we just went over, the gunshot
13 wounds, were you able to determine a range at which those
14 gunshot wounds were made?

15 A. I was not. So, the things we looked for to see how
16 close or how far a gunshot wound is, we look for soot, you
17 know, which comes right out of the barrel of the gun. It
18 has to be pretty close to have soot. So, within six inches
19 at most, and stippling, which is from little particles of
20 gunpowder that actually hit the skin and kind abrade the
21 skin because it's kind of little scrapes.

22 I have not seen either of those. However, if there
23 was thick clothing or if the bullet went through something
24 else first, you also would not see those. So, I was not
25 able to determine a range because I did not see soot or

1 stippling on the skin.

2 Q. And I guess like the month like January when it was
3 cold outside, if someone has on several layers of clothing,
4 would that inhibit your ability to see soot or stippling?

5 A. Yes, several layers of thick clothing.

6 MS. WALKER: Beg the court's indulgence, Your Honor.

7 (A PAUSE.)

8 MS. WALKER: I have no further questions. Thank you,
9 Doctor.

10 THE COURT: Cross.

11 MR. SUTHERLAND: Just briefly.

12 CROSS-EXAMINATION BY MR. SUTHERLAND:

13 Q. Doctor, hi. Just wanted to, to go over just the last
14 bit ---

15 A. Sure.

16 Q. --- really. When you said it's indeterminate and you
17 couldn't tell, is there sort of a maximum or a minimum
18 range? I think you said it would have to be a certain
19 distance away to get the soot or the stippling on it?

20 A. Right.

21 Q. Okay. Then within six inches with the soot and with
22 the stippling?

23 A. It's around twelve to eighteen inches that you would
24 see stippling.

25 Q. Okay, twelve to eighteen inches, but because none of

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1 that was present, you really can't tell?

2 A. I cannot tell.

3 Q. So, would it just then be potentially out to the range
4 of the firearm -- of the distance, you know, if I had a
5 rifle from here to across the room?

6 A. I couldn't tell.

7 Q. Okay. Couldn't tell. All right. Thank you.

8 MR. SUTHERLAND: No further questions.

9 THE COURT: Thank you.

10 REDIRECT EXAMINATION BY MS. WALKER:

11 Q. The gunshot wounds that you noted on Brandon Jones,
12 were they consistent with someone standing over him, maybe
13 twelve to eighteen inches away and firing at his body?

14 A. It's possible, yes.

15 Q. Thank you, Dr. Durso.

16 MS. WALKER: I have nothing further.

17 THE COURT: All right. You may step down. May she be
18 released from her subpoena?

19 MS. WALKER: Yes, sir.

20 THE COURT: Thank you, Doctor.

21 WITNESS: Thank you.

22 THE COURT: You're certainly welcome to go.

23 (THE WITNESS EXITS THE STAND.)

24 THE COURT: Next witness, please.

25 MS. SIMPSON: State calls Trisha Odom.

1 THE COURT: Ms. Odom, please.

2 Ms. Odom is what type of witness please?

3 MS. WALKER: The fingerprint analyst.

4 THE COURT: All right. Ladies, if y'all want to get
5 your children, you're welcome to. Give me one second and
6 let this family get back in the courtroom.

7 TRISHA ODOM, BEING DULY SWORN,
8 TESTIFIES AS FOLLOWS:

9 CLERK OF COURT: Have a seat in the witness stand,
10 please.

11 THE COURT: Ms. Simpson, hold on one second.

12 MS. SIMPSON: Yes, sir.

13 (A PAUSE.)

14 THE COURT: All right. Thank you.

15 CLERK OF COURT: State your name for the record.

16 WITNESS: My name is Trisha Collins Odom. The
17 spelling of my last name is O-d-o-m.

18 DIRECT EXAMINATION BY MS. SIMPSON:

19 Q. Investigator Odom, where are you employed?

20 A. At the Richland County Sheriff's Department.

21 Q. And what is your current position there?

22 A. I am senior latent prints analyst.

23 Q. As a senior latent print analyst, are you part of the
24 Crime Scene Unit as a whole?

25 A. Yes, ma'am.

1 Q. And are you actually trained in a number of different
2 areas involving crime scene investigation?

3 A. I am.

4 Q. Can you tell the jury a little by about your education
5 and your background with crime scene investigation, to
6 include fingerprint analysis?

7 A. Sure. I have a degree in criminal justice from the
8 University of South Carolina. I started as a patrol
9 officer for the City of Forest Acres, where I attended the
10 police academy. And then in 1999 I joined the Richland
11 County Sheriff's Department as a road deputy. In December
12 of that year, I was promoted to the -- what we call then
13 the forensics unit and started my training in crime scene
14 and latent print analysis.

15 In addition to an on-the-job training program, I've
16 also been to a number of training classes and seminars that
17 help me not only with the crime scene aspect of my job, but
18 also the latent prints aspect, which is what my primary
19 duties are now. Shall I go over some of those?

20 Q. Certainly.

21 A. Yeah, I've been to an advanced palm print
22 identification course, a basic fingerprint training course,
23 forensic ridgeology course, and ridgeology is just a, a
24 fancy word for the way we do our comparisons. I've also
25 been to a latent print examination, a complex latent print

1 examination course in addition to processing courses and
2 chemical processing courses and reconstruction courses
3 involved with the crime scene portion of our job.

4 Q. And as the senior latent print analyst, what do your
5 current job duties include?

6 A. My primary responsibility is to do the comparison, all
7 of the latent prints that come in to our department. Crime
8 scene units and regular street level deputies will turn in
9 latent prints, and we have a fingerprint system that all of
10 them that are sufficient are submitted through, and that's
11 typically where we get our comparison opportunities. And
12 we try to determine who made the latent prints that were
13 left behind at a crime scene.

14 Q. And do you actually participate in continuing
15 educational courses or training ---

16 A. Yes.

17 Q. --- as well? All right, and have you testified as an
18 expert before?

19 A. I have.

20 MS. SIMPSON: Your Honor, at this time ---

21 Q. about how many times would you say you've testified as
22 an expert?

23 A. Twenty-seven.

24 MS. SIMPSON: Your Honor, at this time I would offer
25 Investigator Odom as an expert ---

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1 THE COURT: Any ---

2 MS. SIMPSON: --- in fingerprint analysis.

3 THE COURT: Any cross-examination of her
4 qualifications?

5 MR. SUTHERLAND: No, sir, no objection.

6 THE COURT: All right. She'll be allowed to render
7 opinion testimony, qualified as an expert in the field of
8 fingerprint analysis.

9 MS. SIMPSON: Thank you, Your Honor.

10 DIRECT EXAMINATION BY MS. SIMPSON:

11 Q. Now, you've used the term latent print. What exactly
12 is a latent print?

13 A. Well, the word latent just means unseen. But in the
14 crime scene world, we use the term latent print to describe
15 any kind of fingerprint that's collected from a crime
16 scene. It can be latent, unseen, meaning you have to do
17 something to make it visible like process it with
18 fingerprint powder or some chemicals that we have. It can
19 also be visible, like in blood or mud or oil, and it also
20 can be a 3D print, which we call plastic print.

21 Q. And with respect to fingerprints, can you tell us how
22 they identify an individual? Are you able to identify an
23 individual from a fingerprint?

24 A. Yes, ma'am. If you take a look at the little lines
25 that are on your fingerprint tips, the lower digits of your

1 fingers and your palm area, these little lines we call
2 ridges. They're friction ridges; they help you grasp
3 things. The way the friction ridges are on your -- each of
4 your fingers is absolutely individual. No one else in the
5 entire world has the same fingerprints that you do, and you
6 don't have the same fingerprints on each of your
7 fingertips.

8 Now, the fingerprints can be classified into three
9 basic types. They are a roll pattern, which is just
10 circular pattern. They can be a looping formation, which
11 means that the ridges start on one side of the finger, come
12 up, loop around, and they exit out the same side of the
13 finger or an arch formation, which is the ridges start on
14 one side of the finger. They could potentially sort of
15 thrust up and then go back down and exit out the other
16 finger. So, everybody falls into one of those three
17 patterns, that your fingers falls into one of those three
18 patterns.

19 But in addition to those pattern types, we also have
20 these very small details on each of the ridges that are
21 called minutiae points. Minutiae points are typically --
22 they fall into three categories. They can either be where
23 a ridge flows on the fingers and then stops. We call that
24 an ending ridge. They also branch out into two or three
25 different ridges. We call that a bifurcation, or they can

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1 be a very, very small ridge formation, and we call that a
2 dot because it looks exactly like that, a dot.

3 Now, the way that we determine who makes the
4 fingerprint is to take a look at those small ridge details
5 and see if we can find those same details in the known
6 print that we have.

7 Q. And so for comparison purposes, you would need a known
8 print as well as, I guess, the latent print or print
9 developed from some item or surface?

10 A. That's right.

11 Q. Can you tell the jury about how fingerprints are left
12 on a surface or how they, how they're left and how that
13 surface may affect the ability to collect the print?

14 A. I usually describe a fingerprint as a lot like a, a
15 stamp that you get at a craft, a craft store. If it's --
16 if the same amount of ink is applied at the same pressure,
17 at the -- on a level surface, it's going to be the exact
18 same impression over and over again.

19 Well, your finger's a little bit different, of course,
20 because it's flexible. The skin there is flexible. It can
21 move; it can bend. So, it's not going to be exactly the
22 same every single time. The surface, if it's flat and
23 smooth, it's a really good surface. But if it's got a
24 texture to it, a lot of times you'll lose the ridge detail
25 in that texture. If the fingers are very dirty or very

1 clean, you might not be a fingerprint because the, the
2 ridges will fill in with whatever the, the dirt is. If
3 it's dirt or oil or blood or something like that, it
4 sometimes will obscure those fine details and not allow us
5 to look or to be able to see the small details, or if your
6 finger's completely dry.

7 The ink that I refer to in most cases is going to be
8 the sweat and the oils that, that everybody exudes just
9 during the course of a day. If you just washed your
10 fingers, you're a lot less likely to leave a fingerprint
11 behind than you are if you, say, are sweating just a little
12 bit.

13 So, in a perfect world, if you have an absolutely
14 perfect finger that doesn't have any kind of damage to it
15 caused by disease or, or some sort of defect, and you have
16 the perfect amount of sweat or oil, and you have a perfect
17 surface, you're typically going to get a fingerprint. But
18 that doesn't happen a whole lot.

19 Q. And how do persons -- actually, I believe you referred
20 to an ink stamp. So, if I directly touch a perfect
21 surface, what about, like, if I swipe or move? You can
22 smudge the fingerprint as well, correct?

23 A. Sure. Just like if you were writing with an ink pen
24 and you, as you wrote, you rubbed through it, that ink's
25 going to get smudged out. So, if you touch and then move,

1 that ridge detail is going to be smudged away so we won't
2 be able to see it.

3 Q. Okay, and you talked a little bit about the
4 fingerprints, how they're collected from an item. Can you
5 explain the processes regarding the powder that is used or
6 the, I guess, Super Glue from my lay -- layman's term?

7 A. Okay. Well, there's several different ways to process
8 an item to develop latent prints. Again, with latent
9 prints, they're unseen. So, you have to do something to
10 make them visible. We have a process that the fancy name
11 is cyanoacrylate ester, but it's just a really fancy
12 version of Super Glue. That's all it is.

13 You heat it up. You put an item in a shut up box. We
14 have a big nice chamber that we use. We use a little bit
15 of humidity and the Super Glue turns into a gas. The gas
16 adheres to the moisture in the fingerprint, and it
17 stabilizes it so that you can later on possibly process it
18 with fingerprint powder to make it more visible.

19 Now, the Super Glue itself, when it, when it sets up
20 the fingerprint, it's white. So, you can see it, but it's
21 a lot easier to see it if you use -- like, we have carbon
22 or graphite powder that we put on the item, and everybody's
23 seen on TV where they have the fingerprint brush and they,
24 they do the little twirly thing, and they get the perfect
25 fingerprint, and that's the basic idea of it. So, with the

1 Super Glue, you basically stabilize the fingerprints so
2 that you can then process it with the powder, and the
3 powder is what actually makes it visible.

4 Now, we don't lift a fingerprint itself. What we'll
5 do is apply the tape to the fingerprint that's been
6 developed and lift it up, and what we're actually lifting
7 up is the powder that's on the impression rather than the
8 fingerprint itself. We'll put that on the fingerprint card
9 and that's what people turn in, the deputies and the
10 investigators turn in to us to see if we can determine who
11 it came from. Excuse me.

12 Q. And as far as when making comparisons, what are some
13 of the basic factors or similarities or things that you're
14 looking for with respect to the print?

15 A. It's -- we're going to go back to those, those
16 minutiae points that I referred to earlier, the
17 bifurcations, the ended ridges, and the dots, and not just
18 that there is a bifurcation at a particular location, but
19 how the ridge itself is shaped is what we're looking for.

20 Q. And in order to make a comparison, do you actually --
21 you stated that latent prints are submitted to you, but do
22 you actually need a known print as well to actually compare
23 it to?

24 A. Yes, ma'am.

25 Q. And turning your attention to this page, did you

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1 actually receive some print cards ---

2 A. I did.

3 Q. --- containing known prints ---

4 A. I did.

5 Q. --- of certain individuals?

6 A. Yes.

7 Q. I'm going to show you what's been marked as State's
8 224, 225, 226, and 227. Do you recognize these?

9 A. Yes, ma'am.

10 Q. And what are those?

11 A. These are the fingerprint cards or four of the
12 fingerprint cards that I used in making comparisons on in
13 this case.

14 MS. SIMPSON: Okay, and ---

15 MR. SUTHERLAND: No objection, Your Honor..

16 MS. SIMPSON: Your Honor, at this time I'd offer
17 State's 224, 225, 226, and 227 into evidence.

18 (FINGERPRINT CARDS MARKED INDIVIDUALLY INTO EVIDENCE
19 AS STATE'S EXHIBIT NUMBERS 224, 225, 226, 227.)

20 BY MS. SIMPSON:

21 Q. Now, who -- these are inked cards. How are -- how
22 does that differ from a latent print? What do you know
23 about a known inked card?

24 A. Well, it's a known standard. That's what this --
25 another term for an inked card is just a known standard.

1 We know the person that the fingerprint is coming from.

2 Q. Okay. So, there's no doubt that that person's prints
3 are on those cards?

4 A. Right.

5 Q. Whose prints did you have in -- located on the print
6 cards?

7 A. I have a Vincent Phillip Nelson, Jr. I have a ---

8 THE COURT: What number is he, please?

9 WITNESS: I'm sorry. That's 224.

10 BY MS. SIMPSON:

11 A. On State's 225 I have Demetrice Roosevelt James, 225.

12 On 226 I have a Maurice Alphonso Roberts. And on 227 I
13 have a Deshawn McClary. No middle name is indicated.

14 Q. And I'm also going to show you -- let me back up.
15 Postmortem prints, what is meant by that term?

16 A. Postmortem prints are known fingerprint standards that
17 are typically rolled at an autopsy.

18 Q. And I want to show you what's been marked as State's
19 Exhibit 33. Do you recognize that?

20 A. Yes, I do.

21 Q. And what is that?

22 A. These are the postmortem fingerprints of Brandon N.
23 Jones.

24 MS. SIMPSON: Your Honor, at this time I would offer
25 State's Exhibit 33 into evidence.

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1 MR. SUTHERLAND: No objections.

2 (POSTMORTEM PRINTS MARKED INTO EVIDENCE AS STATE'S
3 EXHIBIT NUMBER 33.)

4 BY MS. SIMPSON:

5 Q. And were those items, the known prints, the
6 postmortems, as well as the print cards, used for
7 comparisons in this case?

8 A. Yes, ma'am.

9 Q. And did you also -- well, what items did you receive
10 from ---

11 A. I received ---

12 Q. --- there?

13 A. I'm sorry. I received four latent fingerprint cards
14 to compare.

15 Q. To compare to the known prints that you had?

16 A. Yes, ma'am.

17 Q. And tell us a little bit about what the latent -- the
18 items that you actually examined and received.

19 A. Okay. The latent prints cards, what we'll do is each
20 individual latent card, we will give it an L number and L
21 just stands for latent, and then we will sub-number all of
22 the individual latent prints that are on that card. In
23 this case, I received four latent print cards and each of
24 them had a single latent identifiable or what we would call
25 ridge detail prints on them.

1 L-1 was a latent card bearing a partial latent print
2 which was developed and lifted by Investigator Rainsford
3 from the rear driver's side passenger door rear. When I
4 write my reports I always try to use the exact same
5 verbiage as is on the back of the latent print card when
6 it's turned in. So, that's what Investigator Rainsford
7 gave as the location of the finger, the latent fingerprint
8 was lifted from.

9 L-2 was a latent print card bearing a partial latent
10 print developed and lifted by Investigator Rainsford from
11 the rear driver's side passenger door front.

12 L-3 was a latent print card bearing a personal latent
13 print developed and lifted by Investigator Y. Woods from an
14 Icehouse beer can.

15 L-4 was a latent print card bearing a partial latent
16 print developed and lifted by Investigator Y. Woods from an
17 Icehouse beer can, and those the -- all of the latent print
18 cards that I received.

19 Q. Okay, and once you received those cards, what is your
20 next step in the process?

21 A. First what we do is we determine whether or not
22 there's enough ridge detail to make a comparison. There
23 are times that we get latent print cards that are turned
24 in, and you can see that there is some sort of impression
25 on there, but there's not enough ridge detail in the

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1 fingerprint to make any kind of determination, and we refer
2 to those as being no value. Once we determine it to be no
3 -- of no value, we don't do any kind of comparison on it.

4 Q. Okay, and in this case, were you actually to -- able
5 to make some conclusions based on your comparison?

6 A. I was.

7 Q. Let's go through those.

8 A. Okay.

9 Q. Beginning with L-1, I believe the print developed from
10 the rear driver's side passenger door.

11 A. That's right. I was able to exclude all of the known
12 fingerprint samples from anyone having placed that on the
13 car.

14 Q. Okay, and then with respect to item L-2.

15 A. L-2 was of no value.

16 Q. All right, and when you say you were able to exclude
17 anyone from the -- that you had, those are excluded from
18 the known print cards you have?

19 A. Right, these five individuals did not make that
20 fingerprint.

21 Q. Okay. Then item L-2 also, I believe, from the rear
22 driver's side door of the car?

23 A. That's correct, and that was of no value.

24 Q. And then item L-3, this is from the Icehouse beer can.

25 A. Yes, ma'am, the Icehouse beer can. That was made by

1 Brandon Jones's left thumb.

2 Q. Okay, and are you able and do you document where that
3 print is collected from on the item such as the beer can?
4 Do you necessarily know where the print came from off the
5 beer can?

6 A. I don't and that's why I try to always use what the,
7 the lifting officer puts on the card because I have no
8 independent knowledge of where it came from.

9 Q. Okay, but there's no doubt that Brandon Jones's print
10 was on that beer can?

11 A. That's right.

12 Q. And then finally with respect to L-4, what was your
13 determination?

14 A. L-4.1 was of no value.

15 Q. Okay. Now, we know we can't time DNA, meaning that
16 one DNA may have been left on an item or how long the DNA
17 may have been on that item. Is that the same kind of
18 concept with fingerprints? Are you able to time them?

19 A. No. No, ma'am. There is no valid way to determine at
20 what point a fingerprint was left.

21 Q. Okay.

22 MS. SIMPSON: Thank you, Ms. Odom.

23 MR. SUTHERLAND: No questions, Your Honor.

24 THE COURT: All right, you may step down.

25 (THE WITNESS EXITS THE STAND.)

1 THE COURT: All right, we're going to take about a ten
2 to fifteen minute break. Just let me know when you're
3 ready. Please do not discuss the case or deliberate.

4 Everyone else remain seated.

5 (THE JURY EXITS AT 10:27 AM.)

6 THE COURT: Anything from the state before we break?

7 MS. SIMPSON: Nothing, Your Honor.

8 MR. SUTHERLAND: No, sir.

9 THE COURT: All right. Ms. Campbell, let me see you
10 or one of you, whoever can give me an idea. All right,
11 we'll stand at ease for about ten minutes.

12 (OFF THE RECORD.)

13 THE COURT: Anything for the record before we start
14 back by the state?

15 MS. WALKER: Nothing from the state, Your Honor.

16 MR. SUTHERLAND: Nothing from the defense.

17 (THE JURY ENTERS AT 10:44 AM.)

18 THE COURT: Next witness, please.

19 MS. CAMPBELL: May it please the court? State calls
20 Deshawn McClary.

21 DESHAWN MCCLARY, BEING DULY SWORN,

22 TESTIFIES AS FOLLOWS:

23 CLERK OF COURT: Have a seat the witness stand,
24 please. State your name for the record.

25 THE WITNESS: Deshawn McClary.

1 DIRECT EXAMINATION BY MS. CAMPBELL:

2 Q. Deshawn, how old are you?

3 A. Twenty years old.

4 Q. And where are you from?

5 A. Orangeburg, South Carolina.

6 Q. Do you know the defendant, Maurice Roberts?

7 A. Yes, ma'am.

8 Q. How do you know Maurice Roberts?

9 A. Friends.

10 Q. And how long have been you been knowing Maurice
11 Roberts?

12 A. A few years now.

13 Q. How did you meet him?

14 A. School.

15 Q. What school was that, sir?

16 A. Columbia High School.

17 Q. So, you're from Orangeburg, but you moved to Columbia
18 at some point?

19 A. Yes, ma'am.

20 Q. And what years did you attend Columbia High School?

21 A. 2007 to 2010.

22 Q. Did you graduate?

23 A. No, ma'am.

24 Q. What grade did you go through?

25 A. Till eleventh grade.

D. McCLARY - DIRECT EXAMINATION BY MS. CAMPBELL

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1 Q. Do you know Demetrice James?

2 A. Yes, ma'am.

3 Q. And how do you know Demetrice James?

4 A. Friends.

5 Q. Where did you meet Demetrice?

6 A. School.

7 Q. Same school?

8 A. Yes, ma'am.

9 Q. And were all y'all at school together, you, Maurice,
10 and Demetrice?

11 A. Yes, ma'am.

12 Q. But you also -- did you know Vincent Nelson?

13 A. Yes, ma'am.

14 Q. And how do you know him?

15 A. From being out in the neighborhood.

16 Q. And when you say from being out in the neighborhood,
17 what neighborhood are we talking about?

18 A. Hammond Village.

19 Q. And why would you be in the Hammond Village
20 neighborhood?

21 A. Maurice's house.

22 Q. How often would you go over to Maurice's house?

23 A. Almost every day.

24 Q. And that's where you met Vincent?

25 A. Yes, ma'am.

- 1 Q. Were you closer to Maurice than you were to Vincent?
- 2 A. Yes, ma'am.
- 3 Q. Did Vincent have a nickname?
- 4 A. Junior.
- 5 Q. Junior?
- 6 A. Yes, ma'am.
- 7 Q. Have you ever heard him called J School?
- 8 A. No, ma'am.
- 9 Q. So, you know him as Junior?
- 10 A. Yes, ma'am.
- 11 Q. Are you familiar with a rap group called 600?
- 12 A. Yes, ma'am.
- 13 Q. And were you part of the 600 group?
- 14 A. Yes, ma'am.
- 15 Q. And where would y'all do your music?
- 16 A. Most of the time at Demetrice house.
- 17 Q. And, in fact, do you have any, any kind of tattoo?
- 18 A. Yes, ma'am.
- 19 Q. And what is your tattoo of?
- 20 A. 600 and my name on my left arm.
- 21 Q. And according to you, who all was in the group?
- 22 A. Me, Maurice, Demetrice, Junior, and two other fellows.
- 23 Q. That weren't involved in what we're going to talk
- 24 about today?
- 25 A. No, ma'am.

D. McCLARY - DIRECT EXAMINATION BY MS. CAMPBELL

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1 Q. Did you know Jwaun Duckett?

2 A. Yes, ma'am.

3 Q. And how did you know Jwaun Duckett?

4 A. He was part of 600.

5 Q. Did you ever see Jwaun Duckett over at Maurice's
6 house?

7 A. Yes, ma'am.

8 Q. Who all lived in Maurice's house?

9 A. Him, his mother, and his father.

10 Q. And where was Maurice's house?

11 A. Hammond Village.

12 Q. Before I go any further, you've got pending charges in
13 the solicitor's office?

14 A. Yes, ma'am.

15 Q. And do you have a pending murder charge associated
16 with this case?

17 A. Yes, ma'am.

18 Q. And do you know what sentence that carries?

19 A. Yes, ma'am.

20 Q. You could get as little as thirty years up to life,
21 and you also have a burglary first charge. Is that
22 correct?

23 A. Yes, ma'am.

24 Q. Do you know what your burglary first charge carries?

25 A. Yes, ma'am.

1 Q. And what's the minimum it carries?

2 A. Fifteen.

3 Q. Up to?

4 A. Thirty to life.

5 Q. Life?

6 A. Yes, ma'am.

7 Q. You also have two counts of attempted murder in
8 association with this case. Is that correct?

9 A. Yes, ma'am.

10 Q. And do you know what those carry?

11 A. Yes, ma'am.

12 Q. What's the maximum those carry?

13 A. Thirty years.

14 Q. So, anywhere up to thirty years?

15 A. Yes, ma'am.

16 Q. From zero to thirty. You also have an attempted armed
17 robbery charge in this case. Is that correct?

18 A. Yes, ma'am.

19 Q. And do you know what it carries?

20 A. Yes, ma'am.

21 Q. What does it carry?

22 A. The same as the other attempted murder.

23 Q. But really zero to twenty. In addition to that, you
24 have a possession of a firearm by a felon?

25 A. Yes, ma'am.

D. McCLARY - DIRECT EXAMINATION BY MS. CAMPBELL

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1 Q. And that carries up to five years?

2 A. Yes, ma'am.

3 Q. And finally you have a criminal sexual conduct in the
4 first degree charge?

5 A. Yes, ma'am.

6 Q. And a kidnapping charge?

7 A. Yes, ma'am.

8 Q. And an armed robbery charge?

9 A. Yes, ma'am.

10 Q. And each of those carry up to thirty years as well.

11 Is that correct?

12 A. Yes, ma'am.

13 Q. Do you have a lawyer?

14 A. Yes, ma'am.

15 Q. What's his name?

16 A. Tristan Shaffer.

17 Q. Have you been promised any deals for your testimony
18 here today?

19 A. No, ma'am.

20 Q. Anybody promised you any kind of reduction?

21 A. No, ma'am.

22 Q. Any kind of deal down the road?

23 A. No, ma'am.

24 Q. But you hope, down the road, somebody will consider
25 your testimony if it's truthful?

1 A. Yes, ma'am.

2 Q. But nobody from my office, the judge, or anyone else
3 has promised you anything?

4 A. No, ma'am.

5 Q. So, you're facing a minimum of two life sentences plus
6 however many other years?

7 A. Yes, ma'am.

8 Q. As far as your prior record, back in 2012 were you
9 convicted of common-law robbery?

10 A. Yes, ma'am.

11 Q. I want to turn your attention back to January the 25th
12 of last year. Were you over at Maurice's house that day?

13 A. Yes, ma'am.

14 Q. And why did you go over there that day?

15 A. Just a normal day.

16 Q. It's what you did every day pretty much, right?

17 A. Yes, ma'am.

18 Q. And when you went over there that day, who all was
19 over there that evening?

20 A. Me, Maurice, his daddy, Junior.

21 Q. What happened after you got over there?

22 A. Well, when I got there, everybody was just basically
23 watching TV, sitting around. I asked Maurice daddy if he
24 wanted to play cards.

25 Q. You asked Maurice's dad?

D. McCLARY - DIRECT EXAMINATION BY MS. CAMPBELL

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1 A. Yes, ma'am.

2 Q. If he wanted to play cards?

3 A. Yes, ma'am.

4 Q. So, what happened?

5 A. We was at the table playing cards and overheard
6 Maurice and Junior talking about the studio and ---

7 Q. About the studio?

8 A. Yes, ma'am.

9 Q. And who was talking about that?

10 A. Maurice and Junior.

11 Q. And where was Demetrice at that point? Do you know?

12 A. No, ma'am.

13 Q. Okay, but it was definitely Maurice and Junior
14 talking?

15 A. Yes, ma'am.

16 Q. And what were they talking about?

17 A. Studio, something about a studio. I overheard them
18 and I asked him what he was talking about.

19 Q. And what did they tell you they were talking about?

20 A. Say they had a lick on a studio.

21 Q. Had a what on a studio?

22 A. A lick.

23 Q. A lick?

24 A. Yes, ma'am.

25 Q. Did you know what they meant when they said they ---

1 A. A robbery.

2 Q. And did they say they already done a lick on the
3 studio or that they wanted to?

4 A. Wanted to.

5 Q. What happened next?

6 A. After that, I went outside. Demetrice showed up after
7 I had already went outside.

8 Q. Okay.

9 A. When I was outside, they came outside. They said we
10 was going to go and plan the robbery or whatnot.

11 Q. In preparation for the robbery, did y'all take any
12 precautions?

13 A. No, ma'am, not that I'm aware of.

14 Q. You don't remember anything about some gloves?

15 A. Well ---

16 MR. SUTHERLAND: Objection, Your Honor. Leading.

17 THE COURT: Sustained. Rephrase the question.

18 BY MS. CAMPBELL:

19 Q. What were you wearing?.

20 A. I had on a -- some blue jeans and a black shirt and a
21 black jacket.

22 Q. At any point, did you get anything else from Maurice
23 to put on?

24 A. Yes, ma'am.

25 Q. And what was that?

D. McCLARY - DIRECT EXAMINATION BY MS. CAMPBELL

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- 1 A. He gave me, me to put some gloves to put on.
- 2 Q. Some gloves to put on?
- 3 A. Yes, ma'am, latex gloves.
- 4 Q. And did you put them on?
- 5 A. Yes, ma'am.
- 6 Q. Did Demetrice put them on?
- 7 A. Yes, ma'am.
- 8 Q. Was Maurice wearing them?
- 9 A. I believe so.
- 10 Q. What was the plan that night?
- 11 A. It was to go over there and get the studio, meet back
- 12 up.
- 13 Q. Who all was participating?
- 14 A. Me, Maurice, Junior, Demetrice, Demetrice.
- 15 Q. And what was Junior's role?
- 16 A. He basically set it up.
- 17 Q. What was he supposed to do when, when y'all got over
- 18 there?
- 19 A. Go in the house and scope everything out. He was
- 20 supposed to call my cell phone, let us know when to come.
- 21 Q. He was supposed to call your cell phone?
- 22 A. Yes, ma'am.
- 23 Q. And let you know when to come. Did he have a phone
- 24 that night?
- 25 A. He had Maurice's phone.

1 Q. And who gave him that phone?

2 A. Maurice did.

3 Q. So, did Vincent go on before you, after you, or at
4 what point?

5 A. Before.

6 Q. And where were y'all when he went in the house?

7 A. Walking up and down the street.

8 Q. At some point, did you get some phone calls ---

9 A. Yes, ma'am.

10 Q. --- or texts?

11 A. Yes, ma'am, he called and he asked to speak Maurice.

12 I gave Maurice the phone, and I don't know what they
13 discussed.

14 Q. At some point, did you get a text from him?

15 A. Yes, ma'am. A few minutes after that, he sent a text
16 to my phone saying he was outside with two of the guys.

17 Q. Two of the guys, and was that the plan?

18 A. Yes, ma'am.

19 Q. And why was he supposed to be outside with two other
20 guys?

21 A. He asked to bring them outside for the -- so we can
22 set them up, I guess.

23 Q. That night were you armed?

24 A. No, ma'am.

25 Q. You weren't?

D. McCLARY - DIRECT EXAMINATION BY MS. CAMPBELL

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1 A. No, ma'am.

2 Q. You didn't have any weapon on you?

3 A. Oh, yes, ma'am. I had a pocketknife.

4 Q. Was anybody else in your group armed?

5 A. Yes, ma'am.

6 Q. Who?

7 A. Maurice.

8 Q. What type of weapon did he have?

9 A. He had a gun.

10 Q. Had you ever seen that gun before?

11 A. Yes, ma'am.

12 Q. Where had you seen that gun?

13 A. Maurice's house.

14 Q. Whose gun was it?

15 A. It was Maurice's.

16 Q. Where at Maurice's house had you seen that gun before?

17 A. Laying on the couch beside him.

18 Q. Once you got the text message and the phone call --
19 did the phone call come in first or the text message?

20 A. Phone call.

21 Q. And then was there a text message?

22 A. Yes, ma'am.

23 Q. What did y'all do?

24 A. Maurice took off running down there, down the hill
25 through the driveway. Once he got there, seen him break

1 out in an altercation where he at. Demetrice took off
2 behind him and I came up. Once we got there, everything
3 got settled down.

4 Q. Let me slow you down a little bit. Who went in first?

5 A. Maurice.

6 Q. And at that point could you see the gun?

7 A. No, ma'am.

8 Q. You said he ran where?

9 A. Down the driveway.

10 Q. And who went in after him?

11 A. Demetrice.

12 Q. And where did they go down the driveway? Where did
13 they end up?

14 A. By a truck right by the side door.

15 Q. And who all was standing out -- were there any people
16 outside that you could see?

17 A. Yes, ma'am, Vincent and two other fellows.

18 Q. You mentioned that somebody got into an altercation.

19 A. Yes, ma'am.

20 Q. Where in the driveway was that?

21 A. You said where?

22 Q. Yes.

23 A. It's on the side of the house.

24 Q. On the side of the house, down next to the house?

25 A. Yes, ma'am.

D. McCLARY - DIRECT EXAMINATION BY MS. CAMPBELL

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1 Q. And who got in the altercation down there?

2 A. Maurice.

3 Q. What were you doing?

4 A. I was coming down the driveway still.

5 Q. Was there anybody near you at that point?

6 A. No, ma'am.

7 Q. What did you do?

8 A. Once I got down the driveway, a fellow was running
9 towards me. Slammed him to the pavement.

10 Q. You slammed him to the pavement?

11 A. Yes, ma'am.

12 Q. Was he a big guy or a little guy?

13 A. Pretty big.

14 Q. And what was your role in the robbery that night?

15 A. I was the watch out.

16 Q. Okay. Who were you watching over?

17 A. Maurice.

18 Q. Were you standing near any of the victims?

19 A. Yes, ma'am.

20 Q. And which victim were you, were you next to?

21 A. I believe the deceased.

22 Q. You mentioned that Maurice was down in front of you
23 and Demetrice was in front of you. Did they ever go into
24 the house?

25 A. Yes, ma'am.

1 Q. And did you go into the house?

2 A. No, ma'am.

3 Q. How many people actually went into the house that
4 night?

5 A. Demetrice and Maurice.

6 Q. And once they got into the house, where was the door
7 that they went in? How did they get in the house?

8 A. Just right by the -- I guess you say it's still the
9 driveway. It's the side door.

10 Q. And was that on the top floor or the bottom floor?

11 A. Bottom.

12 Q. Once they got inside, could you see what was going on
13 at that point?

14 A. No, ma'am.

15 Q. What were you doing?

16 A. I was still standing beside one of the victims.

17 Q. And what was Vincent doing?

18 A. Standing behind -- beside the other victim.

19 Q. Was anybody saying anything?

20 A. No, ma'am.

21 Q. Not at that point?

22 A. No, ma'am.

23 Q. Okay. What happened next?

24 A. About a couple minutes went by. I heard a gunshot.

25 Q. Could you tell where the gunshot came from?

D. McCLARY - DIRECT EXAMINATION BY MS. CAMPBELL

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1 A. Inside of the house.

2 Q. And who was in the house at that point?

3 A. Demetrice and Maurice.

4 Q. What happened next?

5 A. Demetrice came running out. Maurice came running out
6 behind him.

7 Q. That's what you saw when you looked up?

8 A. Yes, ma'am.

9 Q. Then what did you see?

10 A. Maurice with the gun in his hand.

11 Q. At that point Maurice has got the gun in his hand?

12 A. Yes, ma'am.

13 Q. Could you see where the gun was when they went inside
14 the house?

15 A. Maurice had the gun.

16 Q. And when you looked up and saw them coming out of the
17 house, who had the gun?

18 A. Maurice had the gun.

19 Q. At that point?

20 A. Yes, ma'am.

21 Q. Do you know who had the gun inside the house?

22 A. No, ma'am.

23 Q. What did you see when you saw Maurice come into the
24 driveway with the gun?

25 A. Demetrice ran up the driveway. I was still standing

1 by the victim. I heard Vincent yell let's go, yell 600
2 let's go.

3 Q. He yelled 600?

4 A. Yes, ma'am.

5 Q. Let's go?

6 A. Yes, ma'am.

7 Q. And 600 is name of your rap group?

8 A. Yes, ma'am.

9 Q. And what happened next?

10 A. I heard shots going off. I looked. Maurice was
11 standing over the fellow shooting.

12 Q. Which fellow?

13 A. The deceased.

14 Q. The guy that he shot, did he ever have a weapon?

15 A. Not that I was aware of.

16 Q. And where were you when you looked over and saw him
17 shooting?

18 A. Standing beside the guy.

19 Q. And what was going through your mind?

20 A. The first thing I thought was run.

21 Q. Did you shoot the guy in the driveway?

22 A. No, ma'am.

23 Q. Did Demetrice shoot the guy in the driveway?

24 A. No, ma'am.

25 Q. You said you thought to run?

1 A. Yes, ma'am.

2 Q. So, what did you do?

3 A. I ran.

4 Q. Where was Vincent at that point? Do you know?

5 A. I believe he had already ran.

6 Q. Where was Demetrice?

7 A. At the top of the driveway.

8 Q. When you ran, did you run -- where did you run to?

9 A. Back to Maurice's house.

10 Q. On the way back to his house, did you discard any
11 clothing?

12 A. No, ma'am.

13 Q. Did you still have on your gloves?

14 A. No, ma'am. I threw, I threw mines off while running.

15 Q. While you were running?

16 A. Yes, ma'am.

17 Q. And you ran back to Demetrice's house?

18 A. No, ma'am.

19 Q. I'm sorry. Maurice's house. I apologize.

20 A. Yes, ma'am.

21 Q. And once you got to Maurice's house, was anybody else
22 there?

23 A. Once I got there, no, ma'am.

24 Q. Was his father there?

25 A. Yes, ma'am, his father and I believe another one of

1 his cousins, I think.

2 Q. Did anybody else show up back at Maurice's house?

3 A. Yes, ma'am.

4 Q. Who?

5 A. Maurice, Demetrice, and the other. Vincent showed up.

6 Q. And that night, did anybody talk about what happened?

7 A. Not really.

8 Q. Did you see the gun once you got back to the house?

9 A. Yes, ma'am.

10 Q. And who had the gun?

11 A. Maurice.

12 Q. Do you know what he did with it?

13 A. No, ma'am.

14 Q. What did y'all go over there to rob? What was the
15 plan? What were y'all stealing?

16 A. To take the studio equipment.

17 Q. Once you got back to that house, did you realize that
18 you had been injured?

19 A. Yes, ma'am.

20 Q. And how had you been injured?

21 A. A bullet scraped my leg.

22 Q. Scraped your leg?

23 A. Yes, ma'am.

24 Q. But you could still run?

25 A. Yes, ma'am.

D. McCLARY - DIRECT EXAMINATION BY MS. CAMPBELL

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1 Q. Prior to going over there that night, did anyone ever
2 put on any extra clothing?

3 A. Yes, ma'am.

4 Q. Who was that?

5 A. Maurice did.

6 Q. The gun that you saw him that -- Maurice's gun, do you
7 know what kind of gun it was?

8 A. I believe it was a .45 caliber.

9 Q. The knife that you had, did you ever pull it out that
10 night?

11 A. Yes, ma'am.

12 Q. And why did you pull out your knife?

13 A. Holding the man down on the ground.

14 Q. And that's what you did with it?

15 A. Yes, ma'am.

16 Q. Do you remember the man's name or anything?

17 A. No, ma'am, not that I recall.

18 Q. Once y'all got back in the house, what area of the
19 house did Maurice go to?

20 A. He ran upstairs.

21 Q. And do you remember anything that stuck in your mind
22 after he went upstairs?

23 A. I smelled bleach.

24 Q. You smelled bleach?

25 A. Yes, ma'am.

1 Q. And do you know why you smelled bleach?

2 A. No, ma'am.

3 Q. That night did you know that he had actually killed
4 Brandon Jones?

5 A. No, ma'am.

6 Q. Did you know how many times he shot that gun into
7 Brandon Jones?

8 A. No, ma'am.

9 Q. How many gunshots did you hear out there in the
10 driveway?

11 A. A couple. Four or five.

12 Q. Did you stay at Maurice's that night?

13 A. No, ma'am.

14 Q. Where did you go?

15 A. Back to my brother's house.

16 Q. Where is your brother's house?

17 A. On Broad River Road behind Applebee's.

18 Q. When did you find out that Brandon Jones had died?

19 A. The next day.

20 Q. So, at that point did you turn yourself in?

21 A. No, ma'am.

22 Q. Did you talk to Maurice about what he had done?

23 A. No, ma'am.

24 Q. Over the next several days, did you have any contact
25 with Maurice?

D. McCLARY - DIRECT EXAMINATION BY MS. CAMPBELL

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1 A. No, ma'am.

2 Q. Even though you usually went over there every day?

3 Why didn't you go back?

4 A. I was afraid.

5 Q. At some point did the police find you?

6 A. Yes, ma'am.

7 Q. And that would have been ten days, eleven days later
8 about?

9 A. Maybe a week.

10 Q. A week later?

11 A. Yes, ma'am.

12 Q. And you didn't talk to them at first, did you?

13 A. No, ma'am.

14 Q. And later on were you being questioned on a separate
15 offense?

16 A. Yes, ma'am.

17 Q. And did you tell those investigators at Columbia
18 Police Department you wanted to talk to the county
19 officers?

20 A. Yes, ma'am.

21 Q. And did they come and, and get you?

22 A. Yes, ma'am.

23 Q. And at that point, were you in custody?

24 A. Yes, ma'am.

25 Q. And were you under arrest for the murder, the

1 burglary, the attempted murder, the attempted armed robbery
2 in this case?

3 A. Yes, ma'am.

4 Q. But you decided to talk to them?

5 A. Yes, ma'am.

6 Q. All right. Did you talk to them without a lawyer?

7 A. Yes, ma'am.

8 Q. Did they advise you of your rights?

9 A. Yes, ma'am.

10 Q. Did they go through all your rights with you?

11 A. Yes, ma'am.

12 Q. And that was Investigator Boland and Investigator
13 Tanner?

14 A. Yes, ma'am.

15 Q. And did you tell them you wanted to waive your rights
16 to tell what you knew about what happened that night?

17 A. Yes, ma'am.

18 Q. And did you give them statements about what you had
19 seen?

20 A. Yes, ma'am.

21 MS. CAMPBELL: Beg the court's indulgence.

22 (A PAUSE.)

23 Q. What happened to your phone?

24 A. Threw it away when I was in Orangeburg.

25 Q. One thing. Do you remember giving your statement -- a

D. McCLARY - DIRECT EXAMINATION BY MS. CAMPBELL

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1 minute ago you testified that Demetrice went back to the
2 house with you.

3 A. Yes, ma'am.

4 Q. Do you remember giving them a statement about who was
5 back at the house that you saw?

6 A. Yes, ma'am.

7 Q. And who, who did you indicate went back to the house
8 with you?

9 A. Junior and Maurice.

10 Q. Okay. Not Demetrice?

11 A. He was there, too. They must not put it in the
12 statement, though.

13 Q. The person that you saw shooting that night in the
14 driveway that you said shot five times ---

15 A. Yes, ma'am.

16 Q. --- or four or five times, do you see him here in the
17 courtroom?

18 A. Yes, ma'am.

19 Q. Can you describe what he's wearing and where he's
20 sitting?

21 A. White colored shirt on, dress shirt.

22 MS. CAMPBELL: Your Honor, may the record reflect he's
23 identified the defendant? Thank you.

24 MR. SUTHERLAND: Please the court, sir?

25 CROSS-EXAMINATION BY MR. SUTHERLAND:

1 Q. Mr. McClary.

2 A. Yes, sir.

3 Q. I'm Tivis. I don't believe we've met. I don't know.
4 I may have been in your dorm before visiting other clients,
5 but I'm, I'm Tivis Sutherland. I'm going to ask you some
6 questions about your testimony here obviously, and we'll go
7 back over your record and what you're looking at in a
8 little while.

9 You had testified just now that when you were arrested
10 and in -- charged with the murder, the burglary first, the
11 two attempted murders, and the attempted armed robbery that
12 you did not talk to investigators at that time. Was that
13 your testimony?

14 A. Yes, sir.

15 Q. But you testified that after Columbia police officers
16 had arrested you and charged you with criminal sexual
17 conduct third, a rape charge, charged you with armed
18 robbery, and charged you with kidnapping, that when you
19 were in the custody of the Columbia Police Department, you
20 notified them that you wanted to speak with the
21 investigators in Richland County. Is that correct?

22 A. Yes, sir.

23 Q. Okay. I heard your testimony. You said in the
24 beginning that Junior was supposed to call you. Is that
25 right?

D. McCLARY - CROSS-EXAMINATION BY MR. SUTHERLAND

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- 1 A. Yes, sir, my phone. He was supposed to call my phone.
- 2 Q. Okay. Sure. Sure. Sure, and at the end, after
- 3 everything has pretty much happened, Junior yells 600 let's
- 4 go?
- 5 A. Yes, sir.
- 6 Q. Are you sure that he didn't yell don't do it, 600,
- 7 don't do it?
- 8 A. No, sir.
- 9 Q. Okay. He didn't yell that, and you testified that you
- 10 have tattoos on your shoulder?
- 11 A. Yes, sir.
- 12 Q. And it's a tattoo with 600 on it?
- 13 A. Yes, sir.
- 14 Q. But your testimony here today is that Maurice is in
- 15 600?
- 16 A. Yes, sir.
- 17 Q. Okay. I don't -- I didn't hear you say that Demetrice
- 18 James had a gun on him or shot anybody during your
- 19 testimony. Am I, am I right that you did not say that?
- 20 A. No, sir.
- 21 Q. Okay. Now, Demetrice James is your co-defendant in
- 22 the criminal sexual conduct case and the armed robbery case
- 23 and the kidnapping case. Is that correct?
- 24 A. Yes, sir.
- 25 Q. Are you cooperating against Demetrice James in that

1 case?

2 A. No, sir.

3 Q. Okay, and I think last week you got a strong-armed
4 robbery, you got a conviction for that. Is that correct?

5 A. Yes, sir.

6 Q. Okay, and that was the year before this incident right
7 here, in 2012?

8 A. Yes, sir.

9 Q. And this incident occurred in the -- about three and a
10 half weeks into 2013, in January of 2013. Is that correct?

11 A. Yes, sir.

12 Q. Okay, and Ms. Campbell actually went over it with you.
13 I, I forgot. On the 14th of January, which was ---

14 MS. CAMPBELL: Objection, Your Honor. May we
15 approach?

16 THE COURT: Yes, ma'am.

17 (OFF-THE-RECORD BENCH CONFERENCE.)

18 BY MR. SUTHERLAND:

19 Q. Okay. So, on the 14th of January, which was twelve
20 days beforehand, you were arrested. Is that correct?

21 A. Yes, sir.

22 Q. Okay, and you were charged with possession of a weapon
23 by a person convicted of a violent crime. Is that correct?

24 A. Yes, sir.

25 Q. And I really think, really think we're about to the

D. McCLARY - REDIRECT EXAMINATION BY MS. CAMPBELL

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1 end of it. Again, it's two life sentences plus 185 years,
2 same as the other fellow.

3 MR. SUTHERLAND: So, I have no further questions.
4 Good luck to you.

5 MS. CAMPBELL: May it please the court? Just one
6 question.

7 REDIRECT EXAMINATION BY MS. CAMPBELL:

8 Q. He asked you about the phone calls. Do you remember
9 what your phone number was?

10 A. No, ma'am.

11 Q. Do you remember giving a statement back ---

12 MR. SUTHERLAND: Judge, she's trying to get
13 additional, additional evidence in.

14 THE COURT: You asked him about the phone calls.

15 MR. SUTHERLAND: Okay.

16 THE COURT: She can.

17 BY MS. CAMPBELL:

18 Q. Is this part of your statement?

19 A. Yes, ma'am.

20 Q. And does that help refresh your memory?

21 A. Yes, ma'am.

22 Q. What was the phone number of the phone call that
23 Vincent Nelson made to you that night?

24 A. (803)297-4625.

25 Q. 4625?

1 A. Yes, ma'am.

2 Q. Thank you, sir.

3 MS. CAMPBELL: I don't have anything further.

4 THE COURT: Officer.

5 (THE WITNESS EXITS THE STAND.)

6 THE COURT: Next witness, please.

7 MS. SIMPSON: State calls Sergeant Scott Faust.

8 STEPHEN SCOTT FAUST, BEING DULY

9 SWORN, TESTIFIES AS FOLLOWS:

10 CLERK OF COURT: Have a seat in the witness stand,
11 please. State your name for the record.

12 WITNESS: Stephen Scott Faust.

13 DIRECT EXAMINATION BY MS. SIMPSON:

14 Q. Sergeant Faust, where are you employed?

15 A. The Richland County Sheriff's Department.

16 Q. And how long have you been with Richland County
17 Sheriff's Department?

18 A. This September will be nineteen years.

19 Q. And what is your current position?

20 A. I am a supervisor over the Special Victims Unit.

21 Q. And what exactly is the Special Victims Unit?

22 A. It is where we investigate in criminal sexual conduct,
23 which is commonly known as rape, involving adults,
24 children. We also look over child abuse. Also investigate
25 missing persons and runaways. Also incorrigible children.

S. FAUST - DIRECT EXAMINATION BY MS. SIMPSON

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1 We assist families in that matter, too.

2 Q. And while you are over the Special Victims Unit now,
3 with respect to your law enforcement background, have you
4 been involved in homicide investigations and robbery
5 investigations and pretty much ---

6 A. Numerous.

7 Q. --- any kind ---

8 A. I've worked just about every case there is to work.

9 Q. And even as a sergeant, do you sometimes work as an on
10 call ---

11 A. Once every ---

12 Q. --- detective?

13 A. Once every seven weeks we are on call, and I have a
14 team of anywhere to four to six investigators. From
15 Thursday at midnight until the following Thursday at
16 midnight we are on call. During the weekend we handle
17 everything, and during the weekdays we work from 3:30 in
18 the afternoon until 7:00 in the morning.

19 Q. And when you're on call, do you receive pretty much
20 any type of case that may come in?

21 A. That's correct.

22 Q. I want to turn your attention to January of 2013.
23 What was -- were you still in your same position with
24 Richland County?

25 A. Yes. I was a supervisor over the Special Victims

1 Unit.

2 Q. And were you actually working on call?

3 A. We worked.

4 Q. And did you have occasion to become involved in this
5 case?

6 A. That is correct. At approximately 11:30 our desk
7 sergeant, which is where calls are, are centered through,
8 go through, I received a call from them indicating that we
9 had an incident we referred to as a home invasion with
10 shots fired and people injured.

11 Q. Okay, and if you can speak up just a little bit or
12 maybe pull the mic forward. What type of call came in that
13 was forwarded to you?

14 A. This was what we consider a home invasion. Basically
15 a burglary, but it's with a weapon where people are
16 injured, where shots were fired.

17 Q. And did you learn that there was a victim, multiple
18 victims involved?

19 A. That, that's correct.

20 Q. And that one what -- possibly who was still living,
21 but it was very critical?

22 A. Critically injured.

23 Q. But at this point in the investigation when you were
24 first notified, the deceased, Brandon Jones, was still
25 alive?

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1 A. That's correct.

2 Q. After being notified, what did you do?

3 A. I started sending out part of the team members, to
4 include Investigator Boland. Contacted Investigator Bass.
5 Also Investigator Hinson. I would learn that Investigator
6 Bass was over in that area helping out other officers in a
7 unrelated matter, and started having a couple of them
8 headed toward the incident location. Had another
9 investigator, Hinson, head towards the hospital to assess
10 the, the injured parties, and then, and then from there I
11 just took in intel and then put people where they needed to
12 be and handled what I needed to assist.

13 Q. And in a case like this, as things are happening
14 quickly, you know, multiple victims, are a number of
15 investigators required with respect to dealing with the
16 information and the amount of information that's coming to
17 you?

18 A. That's correct.

19 Q. And does all the information coming to you necessarily
20 end up becoming involved or related to the actual shooting
21 or incident?

22 A. No, and when this thing happened at 11:30, it, you
23 know -- anything and everything that could possibly be
24 related basically comes in and comes in to me, and then we
25 assess it, evaluate it, and determine whether or not it's

1 part of the case or we eliminate it.

2 Q. And Investigator Bass you indicated was near the
3 scene. Did he locate two witnesses who were not injured?

4 A. That is correct.

5 Q. Who were those people?

6 A. Troy Scott and Cari Pearson.

7 Q. And did they actually agree to come and give
8 statements?

9 A. Yes.

10 Q. And did they also identify a person who may be
11 involved with respect to this shooting?

12 A. We, we had a name to start off with.

13 Q. And what name was that?

14 A. I would be told Jonathan or J School was the name that
15 we were trying to identify, and it was somebody that was
16 known to them.

17 Q. Okay, and that's just the initial information, pretty
18 much all you had with respect to identifying ---

19 A. That is.

20 Q. --- the person that they knew?

21 A. Within thirty, forty-five minutes of the incident that
22 I got.

23 Q. Were you also advised -- or without telling me
24 exactly what all you learned, were efforts made to identify
25 J School and Jonathan?

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1 A. Yes.

2 Q. Tell me a little bit about those efforts and what kind
3 of intel you had coming in.

4 A. Well, the, the key piece was that Cari believed that
5 she was friends with them on Facebook. So, at that point
6 in time we had her log into her Facebook, and then we went
7 to that particular person's profile.

8 Q. And were you actually or someone in your office able
9 to identify the real name of that individual that she ---

10 A. Yes.

11 Q. --- had known, and what was that name?

12 A. His -- he would be positively identified by his date
13 of birth of [REDACTED] and Vincent Phillip Nelson, Jr., was
14 what we were able to determine off of Facebook, which gave
15 us the positive identification where we were able to locate
16 more information on that individual.

17 Q. Okay, and after learning, I guess, of his identity,
18 did you actually -- were statements taken from both Troy
19 and Cari?

20 A. That's correct. I took them from Troy and another
21 investigator took it from Cari. Investigator Bass.

22 Q. And during the course of this, were you actually
23 notified by another deputy with a K-9 -- from the K-9 unit,
24 Abraham or Aber?

25 A. That is correct.

1 Q. And what information -- as a result of the efforts you
2 received from him, what did you do?

3 A. At the time of the call we had units, again, in that
4 area. Actually some of them reported, reported hearing the
5 gunshots. You know, at that time there -- everybody's on
6 high alert. They observed a car speeding off from that
7 area just within a close approximate range. Not
8 specifically from the incident location, but in that area
9 of River Drive near Club Crush, if that will kind of give
10 you a parameter. At that time they pulled the vehicle
11 over, and some of the just initial descriptions had some
12 consistencies with the suspects. But after we looked into
13 them, we were able to rule them out.

14 Q. Okay, and did you actually -- I believe Troy Scott,
15 was he still at headquarters?

16 A. He was with me when this information was, was -- got
17 to me and specifics of the information. The traffic stop
18 was -- happened immediately, but as it was filtered in and
19 people were assessing and gathering information and talking
20 to them, it then began to filter in to me.

21 Q. And based on, I guess, photographs and information
22 obtained from Troy that you gave him regarding those
23 suspects, were you able to eliminate them?

24 A. We were.

25 Q. And did he positively eliminate them as being the

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1 shooters or involved in the incident?

2 A. He was able to say that the three people that were in
3 that vehicle were not involved, that he did not see them on
4 -- at the incident location.

5 Q. And there was also information given to you from that
6 traffic stop regarding a weapon that had been found.

7 A. That is ---

8 Q. Can you tell us ---

9 A. That is correct.

10 Q. Tell us about that.

11 A. They located a weapon in the vehicle that was a thirty
12 -- a .380 pistol. And based off the information of that, I
13 then wanted to have people, the crime scene and law
14 enforcement that was at the crime scene on [REDACTED]
15 find out if there were any shell casings and, if so, find
16 out if there were any .380s, and I was able to find out
17 that they were not .380s. They were, in fact, .45 caliber
18 shell casings. So, then I knew that that gun was not going
19 to be the gun I was looking for that was at the incident
20 location at [REDACTED]

21 Q. Okay, and I apologize. After that, did you continue
22 your investigation on identifying possible associates with
23 Vincent Nelson?

24 A. The following day we did have somebody come forward
25 and offer up a name based off of obviously the victims

1 communicating and saying that this is what they looked
2 like. A friend who was not at the scene who was not a
3 victim offered up a possible suspect's name.

4 Q. Let me see if I can find these here. Backing up,
5 before we get to that -- I'm sorry. I jumped ahead. You
6 actually, when speaking with Troy, did you learn that he
7 was involved in an altercation?

8 A. Yes, that in between the struggle that he would end up
9 throwing a fist punch and connecting with one of the
10 suspects.

11 Q. Okay, and because of that information, out of an
12 abundance of caution, what did you do?

13 A. Just knowing the possibility of getting DNA when you
14 have a skin transfer -- a punch to somebody's face could
15 conceivably have a skin transfer -- I would ask Troy that
16 if he had washed his hands, that would pretty much all but
17 cleanse anything. But also with -- you know, I didn't go
18 into detail about shaking hands or hugging anybody, but --
19 or putting his hand in his pocket, but I did ask did you
20 wash your hands and he stated no. So, I figured that it
21 would be a, a -- worth trying to swab his hands, the
22 outside fist portion of his hands, to see if we got any of
23 suspect's DNA to try to identify them.

24 Q. I'm going to show you what's already in evidence as
25 State's 205. Are those the swabs that you actually

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1 collected?

2 A. Yes. That is my hand writing and I listed where I
3 collected them, the right fist area, and swabbed it.
4 That's correct.

5 Q. And this point it's early in the investigation. You
6 only have one possible suspect identified. So, you were
7 continuing to look ---

8 A. Technical ---

9 Q. --- for any possible leads?

10 A. Technically, at that time we only had a name of
11 Jonathan and J School. We didn't get Jonathan, also known
12 as J School, positively identified until the next day. So,
13 any and all efforts to try to identify who the suspects
14 were, we were going to -- I was going to do everything I
15 possibly could to try to identify them.

16 Q. Okay, and turning your attention to the 26th, did you
17 learn of an individual by the name of William Liberty who
18 wanted to speak with you?

19 A. That is correct, and, again, our desk sergeant kind of
20 is a filter. If you call 576-3000, which is our main
21 number, and often people call in after a significant
22 incident that's been on the news. He called our desk
23 sergeant who, in turn, called me and stated that they
24 wanted to supply some information in reference to the night
25 of the murder investigation that we were working.

1 Q. And so it's not uncommon for you to get a number of
2 calls?

3 A. That's correct.

4 Q. And with respect to Mr. Liberty, did you actually
5 speak with him and gain some information?

6 A. We did.

7 Q. And did he give you information based on what he had
8 heard about the suspect's description?

9 A. Based off of what people were telling him some of the
10 suspects looked like, he offered up a name of Leonard
11 Gaston.

12 Q. And did your investigation reveal that he was actually
13 ever present at the scene or had the opportunity to view
14 anything that happened at the incident location?

15 A. William Liberty?

16 Q. Yes.

17 A. Yes, he was not present. He was not a witness; he was
18 not at the [REDACTED] the night of the
19 incident. He was not there.

20 Q. Okay. So -- but you still spoke with him and gathered
21 whatever information he asked of you?

22 A. We will take any leads in until we can rule it out or
23 till we can solve the case.

24 Q. Did you actually, as a result of the information that
25 you had -- did he indicate who Leonard Gaston was and who

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1 he was associated with?

2 A. He did. He indicated that he hangs out with that
3 particular -- that crew. Specifically J School.

4 Q. And as a result of the information, did you create a
5 lineup containing Leonard Gaston?

6 A. We did, once we thought we identified who Leonard
7 Gaston was.

8 Q. Or Leonard.

9 A. Leonard. Well, there was a -- some confusion about
10 his name, Leonard, Leonard. Just trying to figure out what
11 his correct information was.

12 Q. Okay, and again, at this point, did you speak with
13 Troy Scott again?

14 A. I did.

15 Q. And was he actually shown additional lineups ---

16 A. He was.

17 Q. --- at that point?

18 A. He was shown a lineup and asked if anybody in that
19 particular lineup was at the incident where the shooting,
20 the home invasion took place.

21 Q. Okay, and with respect to the lineup containing
22 Leonard Gaston, what did he indicate to you?

23 A. He indicated that he thought a particular picture in
24 that lineup was Leonard. But when asked is that a person
25 that was at the crime scene, he stated no, that was not the

1 person there, nor was that the person that shot his
2 brother.

3 Q. And what was that last part? I apologize.

4 A. He looked at the photo lineup and said that's Leonard.
5 I believe that's Leonard, it looks like Leonard, and then
6 when I said is that the person that was at the crime scene.
7 Is that the person that shot your brother? He said no,
8 that is not the person.

9 Q. Moving on to January 27th, did you have further
10 involvement in this case?

11 A. Yes.

12 Q. Specifically did you go back to the incident location?

13 A. I did. We did a walk through with Trey and Joshua --
14 Josh.

15 Q. Joshua?

16 A. Joshua.

17 Q. And what was the purpose of going back to the scene?

18 A. Just wanted to get a feel for what happened.
19 Obviously some people in that neighborhood initially talked
20 to us due to their injuries. So, we wanted to just do a
21 walk through to make sure we weren't missing anything.
22 Just get a good feel for the crime scene and, and then at
23 that point get statements from people we had not been able
24 to get statements from at that time.

25 Q. And were you still attempting to locate J School or

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1 Vincent Nelson, his whereabouts?

2 A. That, that is correct.

3 Q. And did either Trey or Josh indicate that they could
4 possibly point out where he stayed or lived?

5 A. That is correct.

6 Q. And as a result of that information, what did you do?

7 A. I took Trey with me, put him in my car and -- of
8 course with his consent -- and he drove me to two
9 locations. One specifically at [REDACTED], where he
10 stated that that was J School, Jonathan's grandparents, and
11 then he also took me to where he thought that he hung out
12 most, which is where his child's mother lived, which is on
13 Broad River Terrace.

14 Q. Okay, and ---

15 A. And ---

16 Q. Oh, I'm sorry.

17 A. And he stated that he didn't know specifically where
18 she lived. So, I didn't go into that particular apartment
19 complex. I just notated that that was the location where
20 she was possibly living.

21 Q. Now, at this point Trey's out of the hospital. So,
22 you're actually able to talk to him about possibly giving a
23 statement to law enforcement as well?

24 A. That is correct.

25 Q. And did he, in fact, give a statement to law

1 enforcement?

2 A. He gave a statement. I want to say that one was taken
3 by Investigator Boland, the statement, and then I was not
4 present for the statement, but then I came in afterwards.

5 Q. And did you learn that he had also been shown some
6 lineups of both -- who he knew to be J School?

7 A. I, I, I was present for the showing of the photo
8 lineup.

9 Q. Okay, and did he actually identify someone in that
10 lineup?

11 A. He did. He identified -- just -- he -- Vincent
12 Nelson.

13 Q. Okay, and was he also shown a lineup containing
14 Leonard Gaston?

15 A. We did. Out of -- just to make sure, since there was
16 some mention that Leonard Gaston was there, we wanted to
17 have full confidence that he was not involved since Trey
18 was there, the person that was shot that was looking and
19 fighting with the person in front of him. And he indicated
20 that he was -- that Leonard Gaston is not the person that
21 he was involved in that incident.

22 Q. So, he said in that lineup he actually didn't -- he
23 indicated that no one ---

24 A. Yeah.

25 Q. --- was involved?

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1 A. Yeah, no one in that lineup was involved at the time
2 of the incident.

3 Q. And while all this is going on, there are a number of
4 investigators. You've mentioned Boland, Hinson. Are they
5 covering different aspects of the investigation?

6 A. That is correct.

7 Q. Moving to, I believe, January 28th, did you receive
8 some information regarding this case in reference to an
9 anonymous tip that had been received?

10 A. As I'm again, I'm the on-call investigator, so that
11 weekend when we left Sunday, late Sunday night, early
12 Monday morning, I would go home to get rest and then the,
13 the day shift investigators then come in and start running
14 with it. At approximately 3:30ish when I came in, I
15 received a call from Investigator Todd Jordan, who received
16 a call from -- a Housing Authority Officer Cruz asked me to
17 call him. That somebody called him and offered up some
18 potential evidence involved in the murder, and at that time
19 I followed up with him.

20 I spoke to Officer Cruz, and he stated that the
21 specific information was that -- his words to me was that
22 somebody said that J.G., which I felt likely meant Calli G,
23 which was the Facebook name of Jonathan or Junior or the --
24 also known as Vincent Nelson, and Maurice Roberts put a
25 shirt and hat behind the Building 8 at Hammond Village,

1 which was off of Marlboro Street. When I heard that, I
2 felt like I needed to go follow up and, and look into this.

3 Q. Did you actually go out to Building 8 at Hammond
4 Village?

5 A. I want out to assess the situation, and once I got
6 there I determined that this -- I learned that Vincent and
7 Maurice had been taken into custody. So, with those names
8 being connected by this tipster, I felt that this is
9 evidence that we needed to collect, and at that time I
10 called our lab unit to come process and collect evidence.

11 Q. And I'm going to show you what's been marked as
12 State's 209, 208, 210, 211, 212, 213, and 214, and 215,
13 216, and 217, 218, 219, 220, 221, and 222, and ask if you
14 recognize these.

15 MR. SUTHERLAND: I've looked at them. No objection.

16 Q. Okay.

17 A. On January 28th, these -- that's the scene that I saw
18 minus the yellow markers, which were obviously were put,
19 put down by our lab unit, but those -- that is what I
20 found, and at that time determined that they probably --
21 that they were tied in and that we needed to look into
22 them.

23 Q. Okay.

24 MS. SIMPSON: Your Honor, at this time I would offer
25 into evidence State's 208 through 222.

S. FAUST - DIRECT EXAMINATION BY MS. SIMPSON

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1 MR. SUTHERLAND: Those are the ones that I've, I've
2 reviewed?

3 MS. SIMPSON: Yes.

4 MR. SUTHERLAND: There's no objection.

5 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
6 STATE'S EXHIBIT NUMBERS 208, 209, 210, 211, 212, 213, 214,
7 215, 216, 217, 218, 219, 220, 221, 222.)

8 BY MS. SIMPSON:

9 Q. Okay. I'm going to show you -- in Hammond Village,
10 did you learn -- you said you learned about Maurice
11 Roberts.

12 A. That, that is correct.

13 Q. Who was in custody?

14 A. Yes.

15 Q. And were you aware that he also lived in Hammond
16 Village at the time?

17 A. I learned that he lived in close proximity to Building
18 8.

19 Q. I'm going to show you what's in as State's 209 and
20 what is that?

21 A. That is the approach that if I -- if you're looking at
22 that picture, if you go up on the side of that building
23 that you can see and hang a left, approximately 25 to 35
24 feet down behind that building is where I located the next
25 set of pictures.

1 Q. And I believe -- we'll start with 210 and 208. Let's
2 start with 210.

3 A. That's ---

4 Q. Is that the back of the building?

5 A. As you're looking at the front of the building and you
6 go to the side of it, what you can see in the picture, then
7 hang a left, that is the view you will see.

8 Q. And so this building, Building 8, kind of backs up to
9 a fairly wooded area ---

10 A. That's correct.

11 Q. --- in Hammond Village? And then with respect to 208
12 -- let me get a farther away picture. State's 211, what is
13 that?

14 A. That is where the items that we located -- that we
15 collected were located.

16 Q. All right. So, that's how it was when you approached
17 it?

18 A. That's correct. I believe there is a yellow marker
19 there, but, but that is, that is untouched, uncollected.

20 Q. And these items are kind of scattered and also behind
21 -- to be honest, I'm not sure exactly what that is in the
22 picture, but a fence area in the woods, wooded area,
23 correct?

24 A. That, that is correct.

25 Q. Then in State's 208, what do we see here?

S. FAUST - DIRECT EXAMINATION BY MS. SIMPSON

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1 A. That is a plastic glove, latex glove, that is
2 basically looked, looks -- appears to be thrown and is
3 hanging on some branches.

4 Q. Okay. So, this area has branches, trees, kind of
5 woods around it?

6 A. Yes.

7 Q. And then in 212, State's 212 and 213, this is been
8 marked. What do we see at marker A?

9 A. Marker A is a latex glove.

10 Q. So, this is another glove and these were kind of
11 scattered as though they had just been thrown, dropped, or
12 tossed?

13 A. That is correct. They were in close proximity, but
14 they were not on top of each other. Within about a
15 10-by-10 foot area.

16 Q. And then in State's 214, I believe we can see the
17 proximity of marker A and marker B?

18 A. That is correct.

19 Q. And both of those are the gloves that were located at
20 the scene. And State's 215 and 216, are those just close
21 ups ---

22 A. Yes.

23 Q. --- of those items?

24 A. Yes.

25 Q. Finally, we also have what is in State's 217 and 218.

1 What is that?

2 A. That is an additional glove; that is the one that was
3 actually in the branches that you saw without the marker.
4 The markers are there to easily refer to the particular
5 ones versus staying -- one of the four that are in that
6 area. Those are identifiers.

7 Q. Okay, and you're standing here as the Crime Scene Unit
8 is actually marking and photographing and collecting?

9 A. I was just standing in proximity, but not in the crime
10 scene.

11 Q. Okay, and in State's 219 and 220, what do we see here?

12 A. That's a blue hat and a black shirt.

13 Q. And these were located in close proximity to the
14 gloves as well?

15 A. That is correct.

16 Q. And then 221 and 222 are actually both the hat and
17 what other item?

18 A. Another latex glove.

19 Q. And were these items ultimately, which are already in
20 evidence, collected...

21 (A PAUSE.)

22 Q. Is this the blue hat that we saw in the pictures?

23 A. That is correct.

24 Q. And it's a Yankees ball cap, correct?

25 A. Yes, NY, which would stand for the Yankees, New York.

S. FAUST - DIRECT EXAMINATION BY MS. SIMPSON

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1 Q. And the glove I'm going to show that is already been
2 introduced -- I'm sorry. The hat. Offering State's 36.
3 The gloves in State's 41, 39, 40, and 42, are those the
4 gloves that were collected from the scene?

5 A. That's correct, and they are marked with the
6 identifiers that we see in the pictures.

7 Q. Okay. So, marker A is the glove found at marker A?

8 A. That, that is correct.

9 Q. And all these items were collected, properly filled,
10 packaged, and not tampered with in any way?

11 A. That is correct.

12 Q. And they were submitted into evidence for further
13 testing?

14 A. Yes.

15 Q. I believe a -- also a black shirt was found at the
16 scene?

17 A. That, that's it. Yes, ma'am.

18 Q. I'm a little too close. Okay, and after January 28th
19 and collecting the -- or in observing these items, were you
20 involved in the investigation further?

21 A. No. Obvious -- when I came in that Monday, earlier
22 that morning, the investigators had come and picked up
23 where we had left off and developed some significant breaks
24 in the case. And at that point, the investigators that
25 were involved that morning then carried on with the

1 investigation.

2 Q. Okay, and did you apprise them of everything that had
3 been going on with the course of the investigation up to
4 that point?

5 A. I did, and on top of -- you know, I -- yes, and there
6 was an additional name that I did offer up based on while I
7 was out there at that particular crime scene.

8 Q. Okay, and what was that additional name and how did
9 you come about finding it out?

10 A. There was a CPD Investigator Danue, Investigator
11 Eunice, E-u-n-i-c-e, who states that he knew Roberts, and
12 with him having knowledge and being familiar with that
13 area, I asked him if he knew of anybody that he hung out
14 with that had short, approximate inch-long, twisty type
15 dreads, and that he would offer up the name Demetrice
16 Roosevelt. That he had seen them two together.

17 Q. All, and outside of that, that was the extent of your
18 involvement in this investigation?

19 A. I passed on what I had learned to the investigators
20 who were working earlier that morning, and that was my
21 extent to that point.

22 Q. All right. Thank you.

23 MR. SUTHERLAND: Please the court?

24 MS. SIMPSON: Beg the court's indulgence.

25 (A PAUSE.)

S. FAUST - DIRECT EXAMINATION BY MS. SIMPSON

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1 BY MS. SIMPSON:

2 Q. I show you, I apologize, State's 199 and State's 200.

3 Have you had the opportunity to review these?

4 A. Yes.

5 Q. And did they fairly and accurately depict the

6 areas ---

7 A. They do.

8 Q. --- where you were?

9 A. They do. One depicts the overall picture of where the

10 Hammond Village is and the crime scene. The other one is

11 more of where I was at Hammond Village collecting the

12 evidence, and I believe one of the defendants also lived

13 at.

14 MS. SIMPSON: And, Your Honor, at this time I would

15 offer State's 199 and 200 ---

16 MR. SUTHERLAND: No objection.

17 MS. SIMPSON: --- into evidence.

18 THE COURT: Without objection.

19 (BLOW UPS OF PHOTOGRAPHS MARKED INDIVIDUALLY INTO

20 EVIDENCE AS STATE'S EXHIBIT NUMBERS 199, 200.)

21 BY MS. SIMPSON:

22 Q. And actually if you can point out, we'll start with

23 State's 199 if you ---

24 MS. SIMPSON: Permission for the witness to step down?

25 Q. Or tell us what area we're looking at here and what

1 we're seeing.

2 A. This is the overall, overview of the Hammond -- the,
3 the location where I found the evidence that we just
4 discussed and also where the incident location -- the
5 incident location is here. This is River Drive. That's
6 Broad River, and [REDACTED] is right here, which is a
7 close-up picture that the second picture we'll see is, is
8 the crime scene area where I was at, and this is the
9 victim's location.

10 Q. Or is this -- near Marlboro Street, is that the
11 Hammond Village area?

12 A. I've got them backwards. I apologize. Yes,
13 [REDACTED] is where the incident location was, and this
14 is where I was and where one of the defendants lives. I
15 apologize. I had them backwards.

16 Q. And not to make them look bigger, but are these in
17 fairly close proximity to one another?

18 A. That is correct.

19 Q. In looking at State's 200, a close up of Hammond
20 Village, tell us what we see and where you were.

21 A. Again, this is River Drive. This is where -- if
22 you're coming down River Drive, the way I go in, you turn
23 onto Marlboro Street, and then Hammond Village is these two
24 streets right here that are unnamed. They're basically
25 apartment complexes that are marked off by initial numbers

S. FAUST - DIRECT EXAMINATION BY MS. SIMPSON

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1 such as one, and then each apartment inside is, is -- has
2 a, a -- delegated a separate number such as like 1-1 or
3 1-2. So, if there's eight apartments in a particular
4 building or there's some small ones such as where I was, I
5 came down and when you -- you go over some speed bumps.
6 This is -- like, this starts one, two, three, and the eight
7 is numbered -- the one I was behind is right specifically
8 here. That was the little -- the picture where you see
9 walking beside, that's where I go, and then you take a left
10 to go behind the building. That's where I was.

11 Q. Okay. So, behind the building in this kind of
12 treated, shaded wooded area?

13 A. That is correct. That is correct.

14 Q. All right. Thank you, and do you know where in
15 Hammond Village the defendant lived or if he lived in
16 Hammond Village?

17 A. I do know that -- I do know the building. Again, if
18 this is where I was collecting the evidence, he would have
19 stayed in this building right here, which is, again, they
20 do have a small, spaced out periodically, maybe two to
21 three little stairwells that you can walk through. You
22 don't have to go through the woods. But there are some
23 stairwells. But the majority of this is wooded area, and,
24 again, that's where I was, and this is the building that,
25 that the defendant lived in.

1 Q. So, there are kind of some cut-throughs or ways to
2 run ---

3 A. Right.

4 Q. --- from Building 8 around to where ---

5 A. For example ---

6 Q. --- the defendant lived?

7 A. For example, there may be stairwell here, and a
8 stairwell here, and one right here to where somebody from
9 the top could go down without having to go through woods or
10 walking around.

11 Q. And they could also probably travel through the woods?

12 A. And you could also go through the woods. Be smarter
13 to go through the stairs, but you could go through the
14 woods.

15 MS. SIMPSON: Thank you, Sergeant.

16 MR. SUTHERLAND: Please the court now?

17 WITNESS: Yes, sir.

18 CROSS-EXAMINATION BY MR. SUTHERLAND:

19 Q. Sir, how are you?

20 A. Doing very well.

21 Q. Actually I wanted to -- sorry.

22 MR. SUTHERLAND: Your Honor, may I approach him with
23 this? Thank you.

24 Q. Could you show again. Had a little bit of trouble
25 catching that.

S. FAUST - CROSS-EXAMINATION BY MR. SUTHERLAND

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1 A. Okay.

2 THE COURT: Give me the exhibit number, please. The
3 exhibit number?

4 MR. SUTHERLAND: Oh, yes, sir, Exhibit Number 200.

5 THE COURT: Thank you.

6 BY MR. SUTHERLAND:

7 Q. Exhibit Number 200, you were showing where you were.

8 A. All right. This, this is River Drive. I turn in to
9 go to this location off -- from Marlboro and then I take a
10 right. This is just a -- maybe two, three blocks. I go
11 down here. This is where I collected the, the gloves, and
12 this is where the defendant lived.

13 Q. Okay. So, he lived here and you found all this stuff
14 over here?

15 A. That's correct.

16 Q. Okay. I just thought you testified it was behind the
17 house.

18 A. It, it was behind the house that I indicated.

19 Q. Okay. All right. Let's see, and I guess I'll ask.
20 There were some pictures, and we'll go ahead and keep on
21 that. So, you'd gotten the gloves and you'd gotten some
22 clothing and that was submitted for DNA testing.

23 A. That is correct.

24 Q. And that's been testified to by Mr. Barron?

25 A. That is correct.

1 Q. Okay. I'm going to ask you about some of your direct
2 testimony. First I want to start with you showed the
3 lineups to Cari Pearson and to Troy?

4 A. I showed them to Troy, I believe.

5 Q. Not to Cari Pearson?

6 A. I did not show them to Cari.

7 Q. Okay. Leaving that aside, your testimony on direct
8 was that he had said to you that he thought Leonard was
9 there, but when you showed him the lineup, he said that,
10 that he definitely was not there?

11 A. He is saying that the name Leonard Gaston was the
12 shooter, but then when I showed him a picture he goes
13 that's, that's not the guy that was there.

14 Q. So, in his statement that he gave you, he said yeah,
15 he was there, Leonard was the guy that was there?

16 A. That is correct. I believe he was influenced by
17 William Liberty. Based off of conversations of giving a
18 description, we developed that name, identified who that
19 name was, and then put him in a lineup and said do you see
20 anybody that you fought with or that shot your brother in
21 this picture, and he said no.

22 Q. Okay. So, in the statement that you took, he said
23 that he was there. He was in the room. Is that correct?

24 A. Based off of what William Liberty supplied the name as
25 the descriptions they were talking about, he is saying

S. FAUST - CROSS-EXAMINATION BY MR. SUTHERLAND

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1 Leonard Gaston was there. But when I put a picture, he
2 said no.

3 Q. So, your answer is yes?

4 A. That is correct. He ---

5 Q. Okay. Thank you. Thank you. Thank you.

6 THE COURT: Well, hold on.

7 MS. SIMPSON: Objection, Your Honor.

8 THE COURT: Whoa, whoa. He has a right to explain his
9 answer.

10 MR. SUTHERLAND: Oh, yes, sir. I'm sorry.

11 THE COURT: Do you need to explain, yes?

12 BY MR. SUTHERLAND:

13 A. I said it several times, but again in the statement he
14 says based off a conversation, Leonard Gaston is the guy
15 who was there. When I put Leonard Gaston's picture in
16 front of me, he said that looked like Leonard, Leonard, but
17 that's not the guy that was there.

18 Q. Okay. Do you have the statement that you took in
19 front of you?

20 A. Not in front of me.

21 Q. If I were -- now, this has some highlighting on it
22 from me, but if I were to show you a copy of it, would you
23 be able to recognize it?

24 A. Absolutely.

25 Q. Okay. No question, signatures, and ---

1 A. That is the -- looks like an identical copy.

2 Q. Okay. Now, I've actually highlighted up at the top:

3 Personally appeared before me, 26th day of

4 January, at 1710 hours.

5 A. Yes.

6 Q. And it's military time. It's ten minutes after 5:00.

7 A. That's correct.

8 Q. Okay. Do you have a copy of the lineup that you
9 showed to Troy?

10 A. I do not have a copy in front of me. I think it's in
11 evidence.

12 Q. If I showed you a copy of it, would it be helpful to
13 you?

14 A. If it's identical, yes, sir.

15 MS. SIMPSON: Your Honor, if I could just see it?

16 MR. SUTHERLAND: You don't have it?

17 MS. SIMPSON: I just need to see what he's shown the
18 witness.

19 THE COURT: Certainly. Be nice.

20 MS. SIMPSON: Okay. Thank you.

21 THE COURT: Is that already in evidence? Is that one
22 of the lineups that's in evidence? Do y'all recall which
23 number it might be?

24 MR. SUTHERLAND: Actually, sir, I -- thank you, Your
25 Honor. I can look through ---

S. FAUST - CROSS-EXAMINATION BY MR. SUTHERLAND

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1 THE COURT: No, don't take a lot of time, but I want
2 to keep the record straight.

3 MR. SUTHERLAND: Okay.

4 THE COURT: It's already in evidence. That's a copy
5 of lineup that's already in evidence.

6 MR. SUTHERLAND: That's already in evidence.

7 THE COURT: Everybody agree on that? All right. Ask
8 the question.

9 BY MR. SUTHERLAND:

10 Q. Okay. Dated -- now. Is that it? That's got a little
11 note up in the corner?

12 A. That is my handwriting.

13 Q. And it's dated January 26th, '13, and it says 4:47 PM.

14 A. That's correct.

15 Q. So, that's 1647 PM?

16 A. Yes, sir.

17 Q. 1647 military time? I'm sorry.

18 A. That's correct.

19 Q. Okay. Your testimony is that in the statement, he
20 said he was there and he said that guy was shooting. In
21 his statement he said that. But when I showed him the
22 lineup, he said oh, no, that's definitely not the guy that
23 was there?

24 A. That is correct, and he stated that he would be able
25 to identify that person in a lineup that was there.

1 Q. But the statement is at 1710 hours, which is 5:10 PM,
2 and the lineup is at 4:47 PM. So, the lineup was before
3 the statement?

4 A. They contradict one another and I -- it's based off of
5 which he -- Liberty's influence on him.

6 Q. But your testimony was when he saw the lineup, he said
7 oh, no, that's not the guy. He definitely was not there.

8 A. It contradicts itself, but I'm -- he stated to me -- I
9 showed Troy a lineup. He was not able to pick Leonard as
10 the guy with the twisties, but did say number 6 looked like
11 Leonard. When I asked Troy if the guy in the picture was
12 the guy that shot his brother, he said no. He contradicts
13 himself.

14 Q. Okay. What I'm referring to particularly is your
15 testimony.

16 MR. SUTHERLAND: If, if I may, Your Honor, I'm just
17 going to put the timeline over here.

18 Q. Okay, lineup 4:47 PM. Date -- 5:10 PM, 1710 hours,
19 which would make this 1647. So I understand your testimony
20 and what, what you're doing is you're, you're ---

21 MS. SIMPSON: Objection, Your Honor.

22 THE COURT: Let's, let's -- wait. Whoa, whoa, whoa,
23 whoa, whoa. He hadn't asked the question yet. What you're
24 doing is ---

25 MS. SIMPSON: I know.

S. FAUST - CROSS-EXAMINATION BY MR. SUTHERLAND

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- 1 THE COURT: Hold on. What you're -- don't ask -- ask
2 the question.
- 3 BY MR. SUTHERLAND:
- 4 Q. What you're giving actually is your opinion rather
5 than ---
- 6 MS. SIMPSON: Objection.
- 7 THE COURT: Hold on.
- 8 Q. --- rather than what actually happened?
- 9 THE COURT: Hold on a second. You object to that?
- 10 MS. SIMPSON: I'm a little confused by the question,
11 but no, I'm not.
- 12 THE COURT: Is that an objection?
- 13 MS. SIMPSON: My objection as to -- if he could just
14 ask a question.
- 15 MR. SUTHERLAND: I can rephrase. I can rephrase it.
- 16 MS. SIMPSON: Whether he knew ---
- 17 THE COURT: Just a second. Please restate it.
- 18 MR. SUTHERLAND: Yes, sir.
- 19 BY MR. SUTHERLAND:
- 20 Q. In other words, you've testified repeatedly, in answer
21 to my questions, that they were unduly influenced by
22 someone else, by William Liberty?
- 23 A. That is correct.
- 24 Q. And that's your opinion?
- 25 A. The, the facts turned out to be that everybody

1 consistently said the shooter had a -- twisties, little
2 short dreads no more than an inch long. Leonard Gaston
3 would come to be -- find out that his twisties or dreads
4 were four to five inches long. So, it was clear he was not
5 our guy.

6 Q. Okay, but, you know, you mentioned facts. Again, it
7 is a fact that you showed the lineup to him before you took
8 the statement, or is that a fact?

9 A. I will tell you again. In his photo lineup he said
10 that's not the shooter. In his statement he is saying
11 Leonard Gaston is the shooter. I -- contradicts himself.
12 But when he's shown the picture, he's saying that's not the
13 guy that was at the crime scene.

14 Q. Okay. The point I'm making is that you are
15 contradicting yourself in your testimony.

16 MS. SIMPSON: Objection, Your Honor. If he can just
17 ask a question.

18 THE COURT: Well, rephrase the question.

19 BY MR. SUTHERLAND:

20 Q. Did you testify on direct that you took the statement,
21 he said that's the guy, but when you showed him the lineup
22 he said that it's not the guy?

23 A. Again, I, I will say that the photo lineup, he's not
24 saying it's in there. In his statement minutes later, he
25 says that is the guy who shot him. That is based off of

1 William Liberty's information to him.

2 Q. Okay. Okay. It's becoming clear. Okay..

3 THE COURT: Wait a minute. Is that a question?

4 MR. SUTHERLAND: I'm, I'm sorry. I'm sorry, Your
5 Honor. You know what? No further questions. Thank you
6 very much.

7 THE COURT: Anything on redirect?

8 MS. SIMPSON: Begging the court's indulgence.

9 THE COURT: Yes, ma'am.

10 MS. SIMPSON: No redirect, Your Honor.

11 THE COURT: Thank you. You may step down..

12 WITNESS: Thank you, sir.

13 (THE WITNESS EXITS THE STAND.)

14 THE COURT: Mr. Foreman, ladies and gentlemen,
15 everybody okay?

16 FOREPERSON: We're good.

17 THE COURT: You may call your next witness.

18 MS. WALKER: Your Honor, the state calls Captain Scott
19 McDonald.

20 THE COURT: Captain, if you would come around, please.

21 SCOTT McDONALD, BEING DULY SWORN,

22 TESTIFIES AS FOLLOWS:

23 CLERK OF COURT: Have a seat in the witness stand,
24 please. State your name for the record.

25 THE WITNESS: Scott McDonald.

1 DIRECT EXAMINATION BY MS. WALKER:

2 Q. Is it captain now?

3 A. It's captain now, yes, ma'am.

4 Q. Okay. Captain McDonald, where are you currently
5 employed?

6 A. Richland County Sheriff's Department.

7 Q. And what do you do at the sheriff's department?

8 A. I'm a supervisor over the Major Crimes Unit and have a
9 couple other additional duties since I made captain. I'm
10 also over technical services and the Intelligence Unit as
11 well.

12 Q. And how long have you been at the sheriff's
13 department?

14 A. Twenty-five years.

15 Q. Can you tell us what the investigating unit of the
16 sheriff's department does, the unit does?

17 A. The Major Crimes Unit, we investigate all assaults,
18 robberies, home invasions, homicides, suicides.

19 Q. On -- back in January of last year, did you have the
20 occasion to become involved in the investigation of the
21 homicide that we're here for today?

22 A. Yes, I did. I got a call early the morning of the
23 26th from Sergeant Faust informing me of this homicide.
24 They were interviewing witnesses at that point, trying to
25 develop further information. Later that morning I would