

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions
Edward M. Miller, Circuit Court Judge

Appellate Case No. 2014-001336

RECEIVED
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SC Court of Appeals

State of South Carolina,..... Respondent,

v.

Elijah Fernandez Wilson,..... Appellant.

RECORD ON APPEAL VOLUME II

Alan Wilson, Attorney General
Jennifer Ellis Roberts, Asst. Atty. Gen.
Office of the Attorney General
P.O. Box 11549
Columbia, S.C. 29211

William W. Wilkins, III
Solicitor, Thirteenth Judicial Circuit
305 East North Street, Suite 325
Greenville, SC 29601

Attorneys for the Respondent

James H. Price, III
JAMES H. PRICE, III, P.A.
644 East Washington Street
Greenville, South Carolina 29601
(864) 271-3535

J. Falkner Wilkes (SC Bar #12893)
114 Whitsett Street
Greenville, SC 29601
(864) 282-1292

Counsel for Appellant

I N D E X

(SW) - Denotes State's Witness
(DW) - Denotes Defense Witness
(IC) - Denotes In Camera

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1 A Yes, ma'am.

2 Q Where did you chase him?

3 A Well, we was chasing him. We chased him around the
4 building like -- we was chasing him where the building --

5 Q I can get you a picture. How about State's Exhibit
6 No. 4? Does that picture help you?

7 A No.

8 Q No. How about State's Exhibit No. 2?

9 A Yeah. We were chasing him right there to like...

10 Q If you came out from under that awning, which
11 direction did you and the crowd chase Mr. Harrison?

12 A Left.

13 Q Did you go down the stairs?

14 A No, no, no. We chased him like -- it was like where
15 you pull in there. From right there, we chased him there.
16 And he ran through the little wood area. And he ran
17 through there. And he cut around -- then he ran around
18 the building -- this building.

19 Q So did you ever make it to --

20 A The parking lot.

21 Q Yes, sir.

22 A No, ma'am.

23 Q Did you ever see any of the fight over at --

24 A The parking lot.

25 Q -- the parking lot?

1 A No, ma'am.

2 Q What happened after -- you mentioned you stopped and
3 stayed -- you stood -- you stopped in the street. What
4 did you do?

5 A I went back up to the party.

6 Q And what did you do?

7 A I was up there with everybody else when the other
8 fighting was going on. And then I went back down to like
9 where you pull in there. And then like people was coming
10 back.

11 So then we like -- when they came back -- before they
12 all met up there, I was running. I started running back
13 up the hill. And that's when it was like here come the
14 police. So when the police came, I started running.

15 Q Where did you run to?

16 A I ran by the baseball stadium where I got picked up
17 by my momma.

18 Q Now, do you remember seeing Elijah Wilson at the
19 party that night?

20 A Yes.

21 Q Do you remember seeing Brittany Irby at the party
22 that night?

23 A Yes.

24 Q And, at the time of this party, were you 14?

25 A Yeah.

1 MS. SALISBURY: All right, sir. If you would, answer
2 any questions that Mr. Kornfeld or Mr. Hamilton may have
3 for you.

4 CROSS-EXAMINATION

5 BY MR. KORNFELD:

6 Q Laquan, do you remember the day that you pled in
7 Family Court?

8 A Yeah.

9 Q And did you state, at that time, that -- when asked,
10 did you state that you saw -- you stated that you didn't
11 see Brittany Irby striking anybody at that time; correct?

12 A Yes, ma'am [sic].

13 Q Okay. And do you remember giving a statement when
14 they were doing the investigation approximately on
15 April 2nd [sic], 2013? Do you remember that?

16 A Yes.

17 Q Okay. And, at that time, did you tell investigators
18 that you came to the party with -- I can't say his name.
19 What's Rogers -- it starts with -- Eanteves --

20 A Ianteves.

21 Q Ianteves, Tyrec [phonetic], Samson, Ronald, Antonio
22 Wakefield, Kyzer, Trey, Bud, and Antonio Moss, is that who
23 you went to the party with?

24 A I didn't go to the party with them. I went downtown
25 with them. I went to the party with Ronald, Samson, and

1 Ianteves.

2 Q Okay. Was Kyzer with you?

3 A No.

4 Q All right. What time did you get to the party?

5 A I don't know. That was like a year ago. I don't
6 remember a certain time I got to the party.

7 Q Was it dark?

8 A Yeah. It was dark.

9 Q All right. How many people were at the party when
10 you got there? Do you know that?

11 A No.

12 Q Was it more than a hundred?

13 A Nope.

14 Q You don't know?

15 A I don't know.

16 Q All right. Did you ever see Kyzer at the party?

17 A I seen him a couple times. I seen him in the
18 hallway.

19 Q All right. How old is Treveion -- or how old was he
20 at the time? Do you know?

21 A (There was no response.)

22 Q Is he younger than you?

23 A Younger than me.

24 Q And you were how old?

25 A 14.

1 Q 14 at the time?

2 A Yeah.

3 Q So is he -- did he go to the same school that you
4 went to?

5 A Yeah.

6 Q All right. And you say you saw him get struck. Is
7 that the term you used?

8 A He got pushed.

9 Q He got pushed?

10 A By the victim.

11 Q Okay.

12 A Into the bushes.

13 MR. KORNFELD: Okay. No further questions.

14 THE COURT: Okay. Cross.

15 CROSS-EXAMINATION

16 BY MR. HAMILTON:

17 Q Okay. Laquan --

18 A Yeah.

19 Q -- how old did you say you were?

20 A Right now?

21 Q Yeah.

22 A 15.

23 Q Could I get you to look over here? This is -- I'm
24 sorry. This is the west end center. Can you kind of
25 recognize that?

1 A (There was no response.)

2 Q And that's the building right there; right?

3 A (Witness nodded.)

4 Q Okay. And you -- when you got there, did you see
5 Elijah in that area?

6 A Like when I got there? When I first got there?

7 Q Well, I mean, when the fight started.

8 A He was off to the side.

9 Q He was off to the side over here?

10 A Yeah.

11 Q Okay. And then when the fight -- then when something
12 happened, then they ended up over here; right?

13 A I couldn't tell you if he was over there or not,
14 because I didn't go back there.

15 Q You didn't go over there?

16 A I didn't go back there.

17 Q Right. So you didn't see him over there?

18 A I didn't go back there --

19 THE COURT: Mr. Spann, you've got to keep your voice
20 level up.

21 BY MR. HAMILTON:

22 Q Speak into the microphone.

23 A I said I didn't go back there. So I couldn't tell
24 you if he was back there or not.

25 Q Right, right. But you didn't see him back there

1 because you didn't go back there?

2 A I didn't go back there.

3 Q Okay. But you pled guilty to assault --

4 A And battery by mob second degree.

5 Q Okay. But you didn't have nothing to do -- but you
6 didn't hit him that one time?

7 A I helped chase him around.

8 Q And that's why you pled guilty --

9 A Yeah.

10 Q -- because you helped chase him around to that part
11 and just stopped right there?

12 A (Witness nodded.)

13 Q Okay. You never saw Elijah hit him at all; right?

14 A I wasn't back there. I couldn't see him.

15 Q Okay. I just got -- you did see Antonio Wakefield
16 hit him?

17 A I wasn't back there.

18 MR. HAMILTON: Oh, okay. That's right. You didn't
19 see him. I'm sorry.

20 Thank you.

21 That's all I have.

22 MS. SALISBURY: Nothing on redirect, Your Honor.

23 THE COURT: Thank you, sir.

24 You may step down.

25 MS. SALISBURY: Your Honor, before I call the next

1 witness, could we approach very briefly?

2 THE COURT: Are y'all doing all right, or do you need
3 a break?

4 (WHEREUPON, the jurors indicated in the negative.)

5 THE COURT: Everybody is fine. Okay.

6 (WHEREUPON, a bench conference was held.)

7 MS. SALISBURY: May it please the Court, Your Honor.
8 The State calls Mr. Jyquavious Young.

9 (Pause.)

10 MS. SALISBURY: Your Honor, I apologize. It's my
11 understanding Mr. Young is not here yet. In that event,
12 the State is going to call, instead, Mr. Ianteves Rogers.

13 THE COURT: All right.

14 MS. SALISBURY: Mr. Rogers, if you would, please,
15 come around and be sworn.

16 THE CLERK: If you'll come around this way.

17 Please place your left hand on the Bible and raise
18 your right hand.

19 WHEREUPON,

20 IANTEVES ROGERS,

21 after first having been duly sworn, testified as follows:

22 THE CLERK: All right. Please be seated.

23 Would you, please, state your name for the record?

24 THE WITNESS: Ianteves Rogers.

25 THE CLERK: Thank you.

DIRECT EXAMINATION

BY MS. SALISBURY:

Q Mr. Rogers, how old are you?

A 15.

Q And you're, currently, at the Department of Juvenile Justice; is that correct?

A Yes, ma'am.

Q Are you in the department of -- incarcerated at the Department of Juvenile Justice as a result of your guilty plea related to the charges stemming from the party on April 20th of 2013?

A Yes, ma'am.

Q Did you enter a guilty plea to the reduced charge of assault and battery by a mob in the second degree and the State agreed to dismiss the related kidnapping charge in exchange for your guilty plea?

A Yes, ma'am.

Q What is your understanding of what you have to do to take advantage of that plea agreement?

A They say if we testify, they'll reduce the charge to second degree assault by a mob and give us a sentence.

Q Has anyone told you how to testify?

A No.

Q What is your understanding of what you have to tell here in court today?

1 A The truth about what happened.

2 Q All right, sir. Now, Mr. Rogers, are you -- or were
3 you a member of the Tough Money Boys?

4 A Yes, ma'am.

5 Q How long had you been a part of the Tough Money Boys?

6 A Two years.

7 Q How did you get into the Tough Money Boys?

8 A Fight.

9 Q Who did you have to fight?

10 A I don't remember his name.

11 Q What was your role, so to speak? What was your job
12 in the Tough Money Boys?

13 A We really didn't have a job. Most of us were family.

14 Q So what did you do?

15 A Fight other people, recruit people.

16 Q Do you know anything about the Hit Squad?

17 A Not too much.

18 Q Do you know anything about who is a member of the Hit
19 Squad?

20 A I don't know most of them.

21 Q All right. Do you know Brittany Irby?

22 A I only seen her twice.

23 Q Do you know her or recognize her, know her by name,
24 or have you just heard of her?

25 A Just heard of her..

1 Q Have you ever seen her in real life?

2 A Twice.

3 Q Do you recognize her here today?

4 A No.

5 Q Okay. Now, do you know Elijah Wilson?

6 A I only seen him twice, too.

7 Q Do you recognize whether he's here today?

8 A Yes, ma'am.

9 Q All right. Now, back in April of 2013, did you go
10 downtown to this party at the West End Community Center?

11 A Yes, ma'am.

12 Q Had you been downtown before that specific event, or
13 did you go straight there?

14 A I was downtown before that happened.

15 Q What were you doing?

16 A All of us just met up downtown. And we were chilling
17 downtown like we do every weekend.

18 Q Where were you downtown?

19 A At Spill the Beans.

20 Q And what was going on?

21 A We were just meeting up there.

22 Q Who's -- and you don't need to list everybody, but
23 who was "we"?

24 A Co-Defendant Samson, Co-Defendant Kyzer, Co-Defendant
25 Laquan.

1 Q Was it a Tough Money Boys gathering?

2 A Nah. Because it was people that wasn't in TMB. We
3 was just meeting up there.

4 Q Do you remember whether there was a beat in that
5 night?

6 A Yes, ma'am.

7 Q Were you there during this initiation?

8 A Yes, ma'am.

9 Q Do you remember whether Ronald Brown was there?

10 A Yes, ma'am.

11 Q Do you know Ronald Brown or had -- like these
12 Defendants, had you just heard of him?

13 A That was my first time meeting him that day.

14 Q Did you -- were you introduced to him by any
15 particular nickname?

16 A Not besides Lil Ru.

17 Q And was it your understanding that Lil Ru was a
18 member of the Tough Money Boys?

19 A No, ma'am.

20 Q Do you know whether he was a member of the Hit Squad?

21 A No, ma'am.

22 Q Do you not know, or did you know that he was not?

23 A I don't know.

24 Q Okay. Well, after this initiation at Spill the
25 Beans, where did you go next?

1 A We was talking. And then we went to the party.

2 Q What was going on when you, actually, arrived?

3 A At the party?

4 Q Yes, sir.

5 A Nothing. The music and stuff, and just people was in
6 there dancing.

7 Q And what happened?

8 A They kept -- they stopped the party and they said, IF
9 you're with Lil Ru, you have to leave the party. Because
10 they was throwing gang signs. And everybody had totally
11 left. They cut the music back on. And then they stopped
12 the party again. They said -- somebody said he didn't
13 leave yet. So they said if he didn't leave, then they was
14 going to have to shut down the party.

15 So then we got ready to leave. And they cut the
16 music back on. They said, we're paying too much money for
17 the party. We're going to let y'all have it --

18 Q So -- I'm sorry. Let me interrupt you right there.
19 You said that you were going to leave. At this point, was
20 Ronald Brown going to leave the party?

21 A In my opinion, no.

22 Q Okay. Well, who was leaving with you at that point?

23 A Me and my Co-Defendants, Samson, Laquan, and Kyzer.

24 Q Well, did you leave?

25 A Well, yeah. But that's when everybody went outside.

1 But, at the first time, nobody didn't leave.

2 Q So what happened when you went outside?

3 A A fight broke out.

4 Q What did you see right out in front of the community
5 center?

6 A It was two females that had ran towards Lil Ru. Lil
7 Ru hit the females. Debron Harrison, he jumped in and
8 tried to protect the females. And then he got hit. When
9 he got hit, he took off running.

10 Q Now, did you know Debron Harrison?

11 A No, ma'am.

12 Q Did you meet him that night? How did you know his
13 name?

14 A I know his name because when we were talking to our
15 lawyers and stuff, they told us his name.

16 Q Okay. So you didn't know him that night?

17 A No, ma'am.

18 Q Okay. Well, what happened? Who did you see,
19 actually, fighting with Mr. Harrison right there in front
20 of the community center?

21 A Lil Ru.

22 Q Anyone else?

23 A No.

24 Q When the -- you described the victim was able to get
25 up and run. What happened to the crowd? What did you see

1 happen?

2 A He got hit. When he got hit, he got up and took off
3 running. And we chased him.

4 Q Did you chase him?

5 A Yes, ma'am.

6 Q Where did you go?

7 A Into a parking lot. He turned off into a parking
8 lot. And me and two of my other Co-Defendants chased him
9 to the parking lot. We hit him. He got back up. When he
10 got back up, I told them come on. He tried to run again.
11 The rest of the crowd surrounded him in the parking lot.
12 And, by that time, I had left. I don't know what went on.

13 Q Let me back you up a little bit. When you chased the
14 victim into this parking lot, when did you get there?
15 What was happening when you made it into the parking lot?

16 A He was on the ground.

17 Q Do you remember what that parking lot looks like?

18 A Yes, ma'am.

19 Q Do you remember whether it is fenced in?

20 A Yes, ma'am.

21 Q Did you ever see the victim trying to climb that
22 fence?

23 A Yes, ma'am.

24 Q What happened when you saw the victim trying to climb
25 the fence?

1 A One of my Co-Defendants pulled him down.

2 Q And then what did you do?

3 A I kicked him in the arm and backed up.

4 Q Who else did you see arrive over into the parking
5 lot?

6 A My Co-Defendant, Samson -- well, Samson, he didn't
7 come all the way down. He was in the street. He didn't
8 come across the street. Co-Defendant Laquan, he was
9 there. Christian was there. Mykel was there.

10 Q Did you see all those people hit him?

11 A No. I can't tell you what happened. I was too far
12 to see what went on.

13 Q Well, were more than one -- was more than one person
14 striking the victim?

15 A From the distance, I couldn't tell who was hitting
16 him or not. They had surrounded him.

17 Q So once you kicked the victim, is it your testimony
18 then that you backed off?

19 A Yes, ma'am.

20 Q Did you see anything else of who was, actually,
21 striking the victim?

22 A No, ma'am.

23 Q Now, before you ran over to the parking lot -- before
24 you chased the victim across the street into the parking
25 lot, did you have any conversation or exchange with anyone

1 in the parking lot of the West End Community Center?

2 A I don't remember.

3 MS. SALISBURY: I'm sorry, Your Honor. If you could
4 give me just one moment.

5 (Pause.)

6 BY MS. SALISBURY:

7 Q Do you remember at the time of your guilty plea back
8 in September, you gave some statements to the Judge -- the
9 Family Court Judge there about what you saw and what you
10 remembered from that night? Do you remember that?

11 A Yes, ma'am.

12 Q Now, I'm going to show you a transcript of your
13 conversation with the Judge. And I just want you to read
14 it to yourself, just the highlighted portions. Don't read
15 it out loud.

16 MR. KORNFELD: Your Honor, I object do that without
17 asking him a question first. I mean, there's got to be a
18 recollection.

19 THE COURT: I think -- you've already asked what
20 you're --

21 MS. SALISBURY: Judge, I haven't asked a question
22 yet.

23 MR. KORNFELD: Right. She's --

24 THE COURT: All right.

25 MS. SALISBURY: I apologize. I was giving him a

1 chance to read the transcript. My apologies, Your Honor.

2 THE COURT: All right. Go ahead and ask a question.

3 BY MS. SALISBURY:

4 Q Have you had an opportunity to read that transcript?

5 A Yes, ma'am.

6 Q After reading that transcript, do you remember making
7 any comments to the Family Court Judge about what happened
8 in the parking lot of the West End Community Center?

9 A Besides the fight?

10 Q I'm sorry. Let me rephrase this question to help you
11 understand.

12 Do you remember telling the Family Court Judge
13 anything about a conversation that you had, comments that
14 you exchanged with anyone outside of the community center
15 before you went to the parking lot, before you completed
16 your pursuit of the victim?

17 A I had said -- I said, Scoot -- he said, You better go
18 get him, too. But I told him that I didn't know that he
19 was saying that directly towards me. Because there was
20 more than one person in the parking lot.

21 Q Okay. So let's stop right there and let's explore
22 that. Do you remember that happening? Is that the truth?

23 A Now that I'm thinking about it, yeah.

24 Q So do you, yourself, today remember that happening in
25 the parking lot out in front of the community center?

1 A No.

2 Q Is what you told the Judge on the day of your guilty
3 plea, the truth about what happened in the parking lot of
4 the community center?

5 A Yeah. I just -- I don't remember it.

6 Q Okay. Do you remember talking to Elijah Wilson
7 outside of the community center before you chased the
8 victim?

9 MR. HAMILTON: Your Honor, objection. Asked and
10 answered.

11 MR. KORNFELD: Same objection, Your Honor.

12 THE COURT: Well, overruled.

13 Answer the question

14 BY MS. SALISBURY:

15 Q Do you need me to ask again?

16 A No.

17 Q I'm sorry. You don't remember or is that -- what's
18 your --

19 A I don't remember.

20 Q Okay. Do you remember telling the Family Court Judge
21 at the time of your guilty plea that you saw Elijah Wilson
22 with a gun?

23 A Yes, ma'am.

24 Q Is that the truth?

25 A Yes, ma'am.

1 Q Do you remember telling the Family Court Judge that
2 Elijah Wilson said something to you outside of the
3 community center?

4 MR. KORNFIELD: Objection. This is leading, Your
5 Honor.

6 THE COURT: No. Overruled.

7 Go ahead.

8 THE WITNESS: I said that I didn't know if he was
9 particularly saying it to me.

10 BY MS. SALISBURY:

11 Q And that's fine. Do you remember telling the Family
12 Court Judge that you heard Elijah Wilson say something out
13 in front of the community center?

14 A Yes, ma'am.

15 Q What did Elijah Wilson say either to you directly or
16 to the group of you?

17 A He said, You better go get him, too.

18 Q Did he show you a gun when he said that?

19 A The gun was already out. He didn't point it towards
20 me. He just had it out.

21 Q After he said that to the group of you, what did you
22 do?

23 A I took off running.

24 Q Okay. And just to be clear, Mr. Rogers, you said
25 you're 15 now?

1 A Yes, ma'am.

2 Q Were you 14 at the time of this incident?

3 A Yes, ma'am.

4 MS. SALISBURY: All right, sir. Please answer any
5 questions that Mr. Kornfeld or Mr. Hamilton may have for
6 you.

7 CROSS-EXAMINATION

8 BY MR. KORNFIELD:

9 Q Mr. Rogers, were you with Kyzer at the party?

10 A Yes, sir.

11 Q All right. Were you with him the whole time at the
12 party?

13 A Most of the time.

14 Q All right. So did y'all leave the party at the same
15 time?

16 A When we went outside, yes, sir.

17 Q Okay. Did you ever talk with Kyzer's mom?

18 A No, sir.

19 Q Okay. Do you know if Kyzer's mom talked to him about
20 this case at all?

21 A No, sir.

22 Q Okay. How long had you known Kyzer at the time of
23 the incident?

24 A Since I was like 10 years old.

25 Q All right. Do you remember being interrogated by

1 Detective Garrison?

2 A Yes, sir.

3 Q And, at that time, do you remember -- did you feel
4 pressure at that time?

5 A Yes, sir.

6 MR. KORNFELD: No further questions, Mr. Rogers.

7 CROSS-EXAMINATION

8 BY MR. HAMILTON:

9 Q Okay. Mr. Rogers, do you remember talking with
10 Detective Garrison when they talked to you down at the law
11 enforcement center?

12 A Yes, sir.

13 Q And then was your father there -- or your stepfather
14 and your momma there with you in that interview?

15 A Yes, sir.

16 Q Okay. And then, in that interview, they told you
17 that the detective wanted you to tell on Scoot; right?

18 A They just said tell the truth. If I said something
19 and they didn't think it was true --

20 Q Right.

21 A -- then they would try to make me say something else.

22 Q Who -- wait a minute. Say that again.

23 A I said if I told something they didn't think was
24 true, they'd try to get me to say something else.

25 Q If you told something they didn't think was true,

1 they wanted you to say something else?

2 A Yes, sir.

3 Q Okay. So, eventually, you started figuring out what
4 it is they wanted you to say?

5 A Yes, sir.

6 Q Okay. But, initially, when they asked you -- because
7 they wanted you to say something. Initially, when they
8 asked you -- when they asked you like that awning up
9 there -- when you was up there at the awning, did
10 anybody -- when you was up here before everybody went
11 around there, they asked you -- did anybody tell you to do
12 anything or go anywhere? Then you told them that night
13 with your momma and daddy there, no. Do you remember
14 that?

15 A Yes, sir.

16 Q Okay. Because then they got mad at you, didn't they?

17 A Yes, sir.

18 Q Because you didn't say what they wanted you to say.
19 So -- but when you got in front of the Judge, they wanted
20 you to say that. And that's why you said that; isn't that
21 true?

22 A Yes, sir.

23 Q And this whole thing is based on what they keep
24 wanting you to say. You're telling the truth now; right?

25 A Yes, sir.

1 Q Do you know Elijah Wilson?

2 A I only seen him twice.

3 Q Twice. Is this the third time you've seen him, or is
4 this the second time you saw him today?

5 A The third time.

6 Q This is the third time you saw him. Have you ever
7 had a conversation with Elijah Wilson?

8 A No, sir.

9 Q So when you seen him the first time, how far away was
10 it?

11 A We just walked past each other downtown.

12 Q And he didn't say one word to you, and you didn't say
13 one word to him?

14 A No, sir.

15 Q The second time you saw Elijah Wilson, do you
16 remember when that was?

17 A It was at the party.

18 Q At the party. And did -- he didn't tell you to do
19 anything. Elijah Wilson didn't talk to you at the party;
20 right?

21 A (There was no response.)

22 Q I know I'm talking the same way they're talking and
23 putting words in your mouth. But is that true? He didn't
24 say nothing to you. He didn't tell you to go after no
25 one, did he?

1 A I don't know if he said it directly towards me. It
2 was a lot of us right there.

3 Q Did you go over across the street to the -- where
4 the --

5 A Yes, sir.

6 Q You did. Do you admit that you struck the victim in
7 this case?

8 A Yes, sir.

9 Q Elijah Wilson didn't go over there and strike him,
10 did he?

11 A No, sir.

12 MR. HAMILTON: That's all I have, Judge.

13 MS. SALISBURY: No redirect, Your Honor.

14 THE COURT: All right. Thank you.

15 You can step down.

16 THE COURT: Mr. Foreman, and, ladies and gentlemen of
17 the jury, we're -- let's just take a short afternoon
18 break.

19 Thank you.

20 Everyone else remain seated in the courtroom until
21 the jury has exited.

22 (WHEREUPON, the jury was excused from open court at
23 approximately 4:32 p.m.)

24 THE COURT: Okay. One other comment. If you need to
25 lie down, we don't do it in the courtroom. So we expect

1 everybody to sit up and not be laying on somebody else's
2 shoulder.

3 Okay. Anything before we break?

4 MR. KORNFELD: No, Your Honor.

5 MR. WESTON: Nothing from the State, Your Honor.

6 THE COURT: Okay. We'll just take a short break.

7 (WHEREUPON, a break was taken.)

8 THE COURT: I have a note from the jury. It reads,
9 "Judge Miller, can you, please, request that witnesses and
10 Attorney Kornfeld annunciate and speak clearly? We are
11 unable to understand some of their spoken words. Thanks.
12 And respectfully submitted."

13 Message conveyed.

14 Hollie, here you go.

15 (WHEREUPON, Court's Exhibit No. 2 was marked for
16 identification and admitted into evidence.)

17 THE COURT: Are we ready?

18 (WHEREUPON, there was no response.)

19 THE COURT: Let's go. Get the jury.

20 (WHEREUPON, the jury came into open court at
21 approximately 4:45 p.m.)

22 THE COURT: All right. Ladies and gentlemen, thank
23 you very much for your note.

24 I've conveyed the message. And I'll try and stay on
25 top of that for you.

1 One thing I forgot to tell you, and I need to tell
2 you is that it's great for y'all -- it's fine for y'all to
3 take notes. And I want y'all to feel comfortable doing
4 that.

5 I do need to warn you that sometimes if you're taking
6 notes and if you're too busy writing, you might miss some
7 reaction on the witness stand. Just be aware of that.
8 But, most importantly and significantly, in your
9 deliberations at the close of the case, one juror's
10 written notes is not -- does not have more value or carry
11 more weight than another juror's memory, recollection.
12 Okay. They're for your personal benefit.

13 Okay. And the other thing is we'll have to -- you
14 have to leave them here when you go home at night. So
15 we'll protect them, lock them up and all that.

16 Call your next witness.

17 MS. SALISBURY: Thank you, Your Honor.

18 May it please the Court.

19 The State calls Mr. Jyquavious Young.

20 Mr. Young, if you would, please, come up and be
21 sworn.

22 THE CLERK: Sir, if you'll, please, pause at the end
23 of the bench.

24 Please place your left hand on the Bible and raise
25 your right hand.

1 WHEREUPON,

2 JYQUAVIOUS YOUNG,

3 after first having been duly sworn, testified as follows:

4 THE CLERK: Okay. Please sit down.

5 Thank you.

6 THE COURT: Speak into that microphone so we can
7 understand you.

8 THE WITNESS: Yes, sir.

9 THE COURT: Thank you.

10 THE CLERK: Please state your name for the record.

11 THE WITNESS: Jyquavious Young.

12 THE CLERK: Thank you.

13 DIRECT EXAMINATION

14 BY MS. SALISBURY:

15 Q Mr. Young, I'm going to stand back here so I can make
16 sure that I can hear you. Okay. Just be mindful of that.
17 You're real soft-spoken. All right.

18 A Yes, ma'am.

19 Q How old are you, sir?

20 A 14..

21 Q And I know you're incarcerated right now. But were
22 you in school before you were incarcerated?

23 A Yes, ma'am.

24 Q Where were you in school?

25 A Berea.

1 Q What grade were you in?

2 A Seventh.

3 Q Now, are you incarcerated at the Department of
4 Juvenile Justice now as a result of your guilty plea?

5 A Yes, ma'am.

6 Q Related to the night of the party on April 20th of
7 2013?

8 A Yes, ma'am.

9 Q And did you plead guilty to the reduced charge of
10 assault and battery by a mob in the second degree in
11 exchange for the State's agreement to dismiss the related
12 kidnapping charge?

13 A Yes, ma'am.

14 Q What is your understanding of what you have to do to
15 receive the benefit of that plea agreement, that deal?

16 A I don't understand.

17 Q What is it that you understand is -- what do you have
18 to do today in order to get the benefit of the reduced
19 charges?

20 A I've got to tell the truth.

21 Q Okay. Has anyone told you what to say?

22 A No, ma'am.

23 Q Has anyone told you how to testify, or how to answer
24 any questions?

25 A No, ma'am.

1 Q All right, sir. Tell me before -- or even now are
2 you or were you a member of the Tough Money Boys?

3 A Yes, ma'am.

4 Q How long had you been a part of the Tough Money Boys?

5 A It wasn't that long, about three months.

6 Q And how did you get in?

7 A I had to fight.

8 Q How many people did you have to fight?

9 A One.

10 Q What is it that the Tough Money Boys did?

11 A We didn't do nothing, just a little smaller group
12 that cliqued up with each other.

13 Q Okay. Do you know of a group called the Hit Squad?

14 A Yeah. I know them, but I don't know nothing about
15 that.

16 Q Okay. Are the -- is the Tough Money Boys a different
17 organization than the Hit Squad?

18 A Yes, ma'am.

19 Q Okay. Do you know or have you ever met Ronald Brown?

20 A No, ma'am.

21 Q Do you know or have you ever met Brittany Irby?

22 A No, ma'am.

23 Q Do you know or have you ever met Scoot, Elijah
24 Wilson?

25 A No, ma'am.

1 Q Okay. Did you go to the party that was happening at
2 the West End Community Center on April 20th of 2013?

3 A Yes, ma'am.

4 Q Did you go straight there, or had you been downtown
5 earlier that night?

6 A I went straight there.

7 Q Who did you go with?

8 A My brother.

9 Q Who is your brother?

10 A Wakefield, Antonio Wakefield.

11 Q Okay. How old is Mr. Antonio Wakefield?

12 A He was 16, I think. He's 17 now.

13 Q All right. Do you remember about when you got to the
14 party?

15 A No. It just -- I don't remember what time. But I
16 just know when we walked in there -- when we got there,
17 everybody was already in there.

18 Q Was it dark outside when you got there?

19 A Yes, ma'am.

20 Q Okay. What do you remember was happening when you
21 got to the party?

22 A Everybody was like -- everybody was just sitting
23 down, dancing, and having fun.

24 Q And, as the party wore on, what do you remember
25 happening?

1 A Everybody was in the party. And then, finally --
2 then, suddenly, all the music stopped. And then we
3 heard -- this grown man running through the crowd talking
4 about, If you see Lil Ru, get out -- tell him to get out
5 of the party. And didn't nobody say nothing.

6 And then the party kept going. And then he stopped
7 again. And he said, Tell Lil Ru to get out. And then,
8 finally, somebody I think had thought she had saw him.
9 And she saw him. And he said -- he walked out -- Lil Ru
10 walked out. And that's when everybody else started
11 walking out.

12 Q Okay. Let me stop you right there. Because you're
13 talking real, real fast. I just want to make sure that we
14 all understand what it is that you remember.

15 A Yes, ma'am.

16 Q What -- in small pieces, what was the first part of
17 the disturbance at this party when the music was first
18 stopped? What do you remember?

19 A Like it was -- Lil Ru was in the room. And everybody
20 else was throwing up gang signs and all that.

21 Q After that happened, what do you remember happening
22 next?

23 A That's when the girl had came and said, Tell Lil Ru
24 and his boys to get out.

25 Q Now, do you know who that person was?

1 A No. It was some girl in there. I think it was his
2 daughter's party who was there.

3 Q So it -- was it an adult that made this announcement?

4 A Yes, ma'am.

5 Q Okay. And that night, did you know who Lil Ru was?

6 A Nah. I had heard his name. But I didn't know how he
7 looked.

8 Q Okay. And what do you remember happening after they
9 made that announcement?

10 A Everybody -- like she -- the party kept going. And
11 then I guess they thought they saw him again. And then he
12 stopped the music again. And then he started cussing
13 telling Lil Ru to get out. And then I guess Lil Ru got
14 mad. He walked out. And then everybody else started
15 following him.

16 Q Okay. So once they made this second announcement
17 that Lil Ru had to leave, what did you do?

18 A I started following my brother.

19 Q Okay. Where did you go?

20 A We went outside. At first, I was standing by my
21 brother and them.

22 Q Where were you standing?

23 A It was like -- we was in front of the building.

24 Q Were you underneath that big awning that's out front?

25 A Yes, ma'am.

1 Q Okay. How many people were out there with you?

2 A It was a whole bunch of people. It was like almost
3 everybody from the party was out there.

4 Q Was it a lot of people?

5 A Yes, ma'am.

6 Q More than 10?

7 A Yes, ma'am.

8 Q Okay. What was happening outside while you were
9 standing outside?

10 A Lil Ru had took off his shirt. And I guess he was
11 about to get ready to fight the old dude, the old -- I
12 don't know. I guess he was going to fight the old dude.
13 And then he threw his shirt down on the floor. They were
14 about to fight. And two girls had run up on him.

15 So they started swinging. And he started swinging
16 back. And then after that -- I think this went on. The
17 dude -- the victim, he started off on my Co-Defendant,
18 Treveion Anderson. He had started off on him. He started
19 running.

20 Q Okay. Slow down. Slow down. Slow down. You said
21 that -- you mentioned Treveion Anderson. And I'm not sure
22 I understand what it is that you saw. You said that Lil
23 Ru took off his shirt. And you believe that he was about
24 to fight; is that true?

25 A Yes, ma'am.

1 Q Okay. What did you see when these two girls
2 intervened with Lil Ru?

3 A I saw -- they ran up on him and started swinging at
4 him.

5 Q Did you see Lil Ru hit back?

6 A Yes, ma'am.

7 Q What happened next?

8 A Then all I know is like I saw a whole group of people
9 running. And then my brother started running. So I
10 started taking off with my brother.

11 Q Okay. Did you ever see a fight happening, an actual
12 fistfight, not just yelling, but a fistfight happening
13 right there underneath that awning where you were?

14 A No, ma'am.

15 Q Was there still a large crowd outside?

16 A Yeah. It was still a good bit of people out there.

17 Q Okay. So were you able to see anything that happened
18 before this -- the victim, the man that you chased before
19 he got up and ran? Were you able to see anything that was
20 happening?

21 A No, ma'am.

22 Q Okay. Once you saw your brother run, where did you
23 go?

24 A I started running -- I was running right behind him.

25 Q And where did you run?

1 A We started running behind the building. Because he
2 ran all the way behind the building and then he ran across
3 the street. And then that's when I saw my brother run.
4 So I started running with him.

5 And then I saw that they were chasing. So I started
6 speeding up. And then I guess the dude had run across the
7 parking lot. We all started running across the parking
8 lot. He was running. He tried to hop on the fence. And
9 I pulled him down. And then --

10 Q Did you see him trying to climb that fence?

11 A Yes, ma'am.

12 Q Did you pull him off of that fence?

13 A Yes, ma'am.

14 Q Why?

15 A I don't know. Because I was just following my
16 brother and all.

17 Q Well, what were you planning to do when you caught up
18 with him?

19 A I guess we was just going to beat him.

20 Q Why?

21 A Huh-uh.

22 Q After you pulled the victim off the fence, what did
23 you do?

24 A We -- I hit him a couple of times. And then that's
25 when everybody else started coming and beating him.

1 Q Do you remember where you hit him?

2 A Yes, ma'am, about around the legs and stuff.

3 Q Did you punch him, or did you kick him?

4 A I was punching.

5 Q Do you remember who else was there with you?

6 A Yeah. It was all my Co-Defendants. I couldn't see
7 no more faces.

8 Q Was it a bunch of people that were --

9 A Yes, ma'am.

10 Q Were all of those people punching or kicking the
11 victim.

12 A Yes, ma'am.

13 Q Do you remember whether Lil Ru was over there, too?

14 A Yes, ma'am.

15 Q What happened after you finished hitting the victim?

16 A I was watching them hit and kick him. And then
17 somebody said, go in his pockets. And I went in his
18 pockets and grabbed his -- I think it was an iPhone. So I
19 got it out of his pocket.

20 And then my brother had hit him. And then we
21 started -- my brother started -- we started walking,
22 running. Because I think the police was coming then.

23 Before the police came, I heard someone say, stop,
24 stop. And then that's when Lil Ru was still stomping him.
25 And then after that, I just know me and my brother started

1 taking off running. And then that was it.

2 Q Did you go straight home?

3 A Yes, ma'am.

4 Q What did you do with the iPod or whatever it is you
5 took from the victim's pocket?

6 A I took it to my house. And I just -- I talked to my
7 momma about it. And she said -- she said, you've got to
8 go turn yourself in and take the thing with you. So I
9 took it with me and turned it back in.

10 Q Did you tell your mother what you had done?

11 A Yes, ma'am.

12 Q Did you tell her that you and a large group of people
13 had beaten this person?

14 A Yes, ma'am.

15 Q Do you know whether your brother, Antonio Wakefield,
16 is part of the Tough Money Boys?

17 A No, ma'am.

18 Q Do you not know, or is he not?

19 A He's not.

20 Q Is he a part of the Hit Squad?

21 A No. He wasn't a part of no group at the time.

22 Q Okay. Do you remember whether you saw the person you
23 know as Scoot doing anything that night?

24 A No. I only saw him at the party. That's it.

25 Q Do you remember talking to the police about what

1 happened that night?

2 A Yes, ma'am.

3 Q Do you remember them asking you lots of questions
4 about what you saw, and what you did?

5 A Yes, ma'am.

6 Q Do you remember telling them all the people that you
7 remember seeing that night?

8 A Yes, ma'am.

9 Q Do you remember telling the police that you saw Scoot
10 punching the victim?

11 A No, ma'am.

12 Q You don't remember that?

13 A No, ma'am.

14 Q Okay. I'm going to show you a copy of your
15 statement. I just want you to look at it. And read it to
16 yourself. Do not read it out loud.

17 A Yes, ma'am.

18 Q Are you finished reading?

19 A Yes, ma'am.

20 Q Okay. Did you sign that statement?

21 A Yes, ma'am.

22 Q Do you recognize your signature on that statement?

23 A Yes, ma'am.

24 Q Did you type that up, or did the officer type that up
25 for you?

1 A The officer.

2 Q Okay. Did he give you a chance to read it before you
3 signed it?

4 A Yes, ma'am.

5 Q And did you tell him whether he needed to make any
6 changes about what it said?

7 A No, ma'am.

8 Q Did you sign that statement and acknowledge that that
9 was the truth at the time that you gave that statement to
10 the police?

11 A Yes, ma'am.

12 Q Is that statement the truth?

13 A Yes, ma'am.

14 Q After reading that statement, do you remember whether
15 you told the police that you saw Scoot punch the victim?

16 A No, ma'am.

17 Q If that's not true, then why didn't you tell the
18 police that that was wrong and that shouldn't be in your
19 statement?

20 A Because I probably was talking and I probably told --
21 I probably asked them if Scoot had did it or not.

22 Q Okay. So outside of that statement outside of what
23 you told the police was the truth that day, do you
24 remember today whether you saw Scoot do anything?

25 A No, ma'am. The only part I remember is I saw -- I

1 just saw him standing right there. I just saw him
2 standing right there. And I saw him again at the party.

3 Q Okay. Do you remember seeing him at the party?

4 A Yeah. I just saw him at the party.

5 Q Okay. Now, did you say that you're 14 now?

6 A Yes, ma'am.

7 Q Were you 13 at the time of this beating?

8 A Yes, ma'am.

9 MS. SALISBURY: Okay. Sir, just one second.

10 (Pause.)

11 MS. SALISBURY: All right. Mr. Young, if you would,
12 answer any questions that Mr. Kornfeld or Mr. Hamilton has
13 for you. Okay.

14 THE COURT: Cross.

15 CROSS-EXAMINATION

16 BY MR. KORNFELD:

17 Q Jyquavious, how long were you interrogated for?

18 A Sir?

19 Q When you first talked to the detectives, do you
20 remember that?

21 A Yes, sir.

22 Q And how long did you talk with them for?

23 A I don't know. It was a little time. It wasn't that
24 long, though.

25 Q Okay. Did -- were you ever scared when you were

1 talking to them about this case?

2 A Yes, sir.

3 Q Did you feel pressure to give any statements that
4 weren't your own?

5 A Yes, sir.

6 Q And what made you have those feelings of giving
7 statements that weren't your own? What specific
8 emotion -- or why did you feel that way?

9 A I was talking to the detective. And he got all on me
10 about who Scoot was. Because I kept telling him I didn't
11 know who he was.

12 Q And what did you think at that time was going to
13 happen if you didn't tell him who Scoot was, or tell them
14 what they wanted you to say?

15 A I thought he was -- I thought he was going to burn me
16 one time, or something.

17 Q All right. Was it just one officer in there with you
18 the whole time, or was there more than one?

19 A One.

20 Q Okay. And did the detective ask you -- do you
21 remember when the detective -- if he asked you what was
22 Big Britt doing over there? Do you remember a question
23 like that at all? I know it was a long time ago so you
24 may not. But do you remember a question like that?

25 A No, sir.

1 MR. KORNFELD: Permission to show him his -- for
2 recollection.

3 THE COURT: Show him what?

4 MR. KORNFELD: The transcript.

5 THE COURT: What transcript?

6 MR. KORNFELD: From his interrogation.

7 THE COURT: Yes. You can show it to him.

8 BY MR. KORNFELD:

9 Q Do you remember this right here --

10 (WHEREUPON, Attorney Kornfeld had an off-the-record
11 discussion with the witness.)

12 THE COURT: You've got -- Mr. Kornfeld, no private
13 conversations.

14 MR. KORNFELD: Oh, I'm sorry.

15 THE COURT: Speak loudly.

16 MR. KORNFELD: I was just showing -- I'm sorry.

17 THE COURT: Speak loudly so everybody on the jury can
18 hear you.

19 MR. KORNFELD: I apologize. I'm sorry.

20 THE WITNESS: Do you want me to read it?

21 BY MR. KORNFELD:

22 Q No. Don't read it. Just did you read this specific
23 section?

24 A No, sir.

25 Q Can you read it? Can you read?

1 A Yes, sir.

2 Q You can. Will you read this so I can ask you a
3 question?

4 A This girl walked in the door --

5 THE COURT: No, no. Read it to yourself, just like
6 the last time.

7 MR. KORNFELD: Sorry.

8 BY MR. KORNFELD:

9 Q Did you tell Detective Garrison that -- after he
10 stated there were girls over there, you stated there were
11 no girls over there; is that correct?

12 A Yes, sir.

13 Q All right. Is that the truth?

14 A Yes, sir.

15 MR. KORNFELD: Thank you, Mr. Young.

16 THE COURT: All right. Cross.

17 CROSS-EXAMINATION

18 BY MR. HAMILTON:

19 Q How old did you say you were now?

20 A I'm 14. I was 13 at the time.

21 Q You were 13 at the time. And you've already told us
22 that the detective kept trying to make you know Scoot.
23 You don't know Scoot, do you?

24 A No, sir.

25 Q Did they show you a picture of him and you couldn't

1 pick him out?

2 A I couldn't pick him out.

3 Q Okay. And then when you went to that party when you
4 went in, did they pat everybody -- did you get pat down?

5 A No, sir.

6 Q You didn't?

7 A No, sir.

8 Q Didn't they have security there checking people for
9 weapons?

10 A No. I think it was like two teenagers, I guess.

11 Q And what -- did they look at you?

12 A Yeah. They just looked at us. There was a whole
13 bunch of people walking through the door.

14 Q Okay. So they didn't pat you down?

15 A No, sir.

16 MR. HAMILTON: That's all I have, Judge.

17 MS. SALISBURY: Nothing on redirect, Your Honor.

18 THE COURT: All right. Thank you.

19 You can step down.

20 MR. WESTON: Your Honor, the State would call Kyzer
21 Thomas.

22 THE CLERK: Mr. Thomas, sir, if you'll, please, stop
23 at the end of the bench there.

24 Please place your left hand on the Bible and raise
25 your right hand.

1 WHEREUPON,

2 KYZER THOMAS,

3 after first having been duly sworn, testified as follows:

4 THE CLERK: Thank you.

5 Please be seated.

6 THE COURT: Young man, I'll have to ask you to keep
7 your voice up and speak into the microphone for us. Okay.

8 THE WITNESS: Yes, sir.

9 THE CLERK: Would you, please, state your name for
10 the record?

11 THE WITNESS: My name is Kyzer Thomas.

12 THE CLERK: Thank you.

13 DIRECT EXAMINATION

14 BY MR. WESTON:

15 Q Mr. Thomas, how old are you?

16 A 14.

17 Q And you're wearing a yellow jumpsuit?

18 A Yes, sir.

19 Q Where are you presently staying?

20 A Columbia.

21 Q At the Department of Juvenile Justice?

22 A Yes, sir.

23 Q Are you at the Department of Juvenile Justice in
24 Columbia as a result of pleading guilty to a charge of
25 assault and battery second degree?

1 A Yes, sir.

2 Q And did that charge result in your plea -- result
3 from an incident that happened back in April of last year?

4 A Yes, sir.

5 Q Did it happen at or around the West End Community
6 Center here in Greenville?

7 A Yes, sir.

8 Q All right, sir. And, originally, you were charged
9 with assault and battery first degree; is that correct?

10 A Yes, sir.

11 Q And the charge was reduced?

12 A Yes, sir.

13 Q And in exchange for the reduction in the charge, you
14 agreed to plead guilty; is that correct?

15 A Yes, sir.

16 Q Did you, also, agree to testify, as necessary, at the
17 trial of any potential Co-Defendants in the case?

18 A Yes, sir.

19 Q All right. Were you required to tell any particular
20 story or testify in any certain way, or were you -- what
21 was your -- what were you supposed to do in exchange to
22 get this deal?

23 A To tell what happened.

24 Q To truthfully tell what happened?

25 A Yes, sir.

1 Q All right. Is that what you plan to do today?

2 A Yes, sir.

3 Q All right. Now, did anybody tell you what you should
4 say today?

5 A No, sir.

6 Q All right. Let's start with, are you a member of a
7 street group called the Tough Money Boys, or were you a
8 member at that time?

9 A Yes, sir.

10 Q And about how long had you been in?

11 A About a year.

12 Q All right. Were you familiar with a street group
13 called the Hit Squad?

14 A Yes, sir.

15 Q Did you know who the leaders of the Hit Squad were a
16 year ago?

17 A Yes, sir.

18 Q Tell the jury who the leaders of the Hit Squad were
19 back in April of 2013.

20 A Ronald, Brittany --

21 Q Ronald Brown?

22 A Yeah. Ronald Brown, Elijah Wilson, and Brittany
23 Irby.

24 Q Do you see them in the courtroom today?

25 A Yes, sir.

1 Q Would you tell the jury what Mr. Elijah Wilson is
2 wearing, what kind of shirt or top, what color?

3 A Blue with white stripes.

4 Q And would you tell the jury -- describe Ms. Irby's
5 top to the jury.

6 A White and blue.

7 Q And I don't mean to suggest that y'all are best
8 buddies or anything, but did you know them pretty well
9 back in April of last year?

10 A Yes, sir.

11 Q All right. And you were a member of the Tough Money
12 Boys back then, is that what you said?

13 A Yes, sir.

14 Q All right. And what is the difference between the
15 Tough Money Boys and the Hit Squad, as you knew it?

16 A It's something like they wanted us to look up to them
17 and do stuff for them.

18 Q Sort of like y'all were the junior varsity and they
19 were the varsity?

20 A Yes, sir.

21 Q Is that a pretty accurate description?

22 A Yes, sir.

23 Q All right. Did y'all hang out together a lot?

24 A Yes, sir.

25 Q Were they older than y'all?

1 A Yes, sir.

2 Q How did you get into the Tough Money Boys? Did you
3 get beat in?

4 A Yes, sir.

5 Q Or jumped in?

6 A Yes, sir.

7 Q Tell the jury what jump in or beat in means.

8 A Like a couple -- like four or five of us -- like if
9 they want to get in, then they'll come down there. And
10 like they'd like run to get in. And then they'll pick
11 people out. And then they'll jump them in.

12 Q What does that mean, jump them in? What did they
13 have to do?

14 A Fight.

15 Q Okay. And was there a certain period of time like a
16 minute? Two minutes?

17 MR. HAMILTON: Your Honor, he's kind of leading my
18 objection is.

19 THE COURT: Okay. Don't lead.

20 MR. WESTON: Yes, sir, Your Honor.

21 BY MR. WESTON:

22 Q Okay. Let's move on. Now, you were at the party at
23 the west end that night; is that correct?

24 A Yes, sir.

25 Q Prior to coming to the party, where were you?

1 A Downtown falls for Greenville.

2 Q Falls for Greenville or Falls Park?

3 A I mean, yeah, Falls Park.

4 Q Okay. The festival wasn't going on then, was it?

5 A No, sir.

6 Q Okay. Were there a lot of people from the Tough
7 Money Boys street group there that night?

8 A Yes, sir.

9 Q Was Ronald Brown there?

10 A Yes, sir.

11 Q Was Brittany Irby there?

12 A Yes, sir.

13 Q Was Elijah Wilson there?

14 A Yes, sir.

15 Q Now, once y'all left there -- what was the reason for
16 being down there?

17 A It was a meeting of TMB.

18 Q And what was the purpose of the -- TMB, that's what?

19 A Tough Money Boys.

20 Q Okay. And what was the purpose of this meeting?

21 A Some people -- we was coming down to see how many
22 people was in it and for more people to get in it.

23 Q Okay. And after that happened, how did you get to
24 the party?

25 A We walked from downtown Greenville.

1 Q Who did you walk up there with? Do you remember?

2 A Well, a couple of people that came down there with
3 me. But most of the people that was at the meeting, we
4 walked up there.

5 Q And when you got to the party, was it already dark?

6 A Yes, sir.

7 Q And when y'all -- when you got to the party, did you
8 go inside?

9 A Yes, sir.

10 Q And, at some point, the party was shut down; is that
11 correct?

12 A Yes, sir.

13 Q About how long were you there -- or y'all were there
14 before the party got shut down, just generally?

15 A About an hour, an hour -- yeah, about an hour and
16 30 minutes.

17 Q Okay. So y'all had been there a pretty good while?

18 A Yes, sir.

19 Q Prior to the party getting shut down -- why did the
20 party get shut down? I'm sorry.

21 A Because they said they didn't want Lil Ru there
22 because he was throwing up gang signs, and stuff.

23 Q Okay. Would you repeat that? And say it slowly.

24 And take your time so the jury can hear what you said.

25 They -- what was the reason the party got shut down?

1 A They didn't want Ronald Brown there because he was
2 throwing up gang signs, and stuff.

3 Q All right. Did you see him throwing up gang signs?

4 A Yes, sir.

5 Q Now, was he with y'all in the same group in that same
6 area where y'all were?

7 A Yes, sir,

8 Q Now, he was not a member of the Tough Money Boys, was
9 he?

10 A No, sir.

11 Q He was a member -- was he a member of the other
12 group?

13 A Yes, sir.

14 Q And what was the name of that group again?

15 A Hit Squad.

16 Q But he was with y'all?

17 A Yes, sir.

18 Q All right. And so when Ronald Brown -- did they ask
19 him to leave?

20 A Yes, sir.

21 Q Did he leave?

22 A No, sir.

23 Q Did you see what he did to stay in the party?

24 A He had put on like a hat.

25 Q And was he hiding behind people?

1 A Yes, sir.

2 Q How old is Ronald Brown?

3 A About 18, 19.

4 Q And, by the way, were y'all, specifically, invited to
5 the party?

6 A No, sir.

7 Q Did you know the girl that was having the party?

8 A No, sir.

9 Q Okay. When y'all came in, were y'all searched?

10 A Yes, sir.

11 Q Y'all were sort of patted down?

12 A Yes, sir.

13 Q All right. Now, at some point, the party was,
14 finally, just shut down, the lights were turned up; is
15 that correct?

16 A Yes, sir.

17 Q All right. What happened -- what did you do when the
18 lights were turned up?

19 A Started leaving.

20 Q All right. And did you go stand outside the
21 community center?

22 A Yes, sir.

23 Q And there's a big awning over it; is that correct?

24 A Yes, sir.

25 Q Where cars can kind of go in a circle and come in and

1 out?

2 A Yes, sir.

3 Q Were you standing around in that area?

4 A Yes, sir.

5 Q Were there a lot of people out there in that area?

6 A Yes, sir.

7 Q More than 20 or 30?

8 A Yes, sir.

9 Q And what happened outside there?

10 A Well, we came outside --

11 Q Slow down. Who came outside?

12 A It was like most everybody that was in there with us.

13 Q Okay.

14 A And we came outside. We stood right there by the
15 front door area. And then we was outside of the front
16 door area. And then two girls had run over there and was
17 like you messed up my party. And then he hit the girls.

18 Q Who hit the girls?

19 A Ronald.

20 Q You saw him hit the girls?

21 A Yes, sir.

22 Q All right. So then what happened?

23 A And then a dude -- I don't know. A dude had struck
24 Treveion Anderson.

25 Q Okay. And then what happened?

1 A Then everybody was like, look, look. And then we
2 looked. And then he was hitting him. And then he had
3 stopped.

4 Q Okay. You're just saying "he," and the jury doesn't
5 know who "he" is. Let's slow down.

6 All right. You said that a dude had struck Treveion
7 Anderson. And Treveion is your friend; right?

8 A Yes, sir.

9 Q And he had come up there with you?

10 A Yes, sir.

11 Q Was Treveion a member of the Tough Money Boys?

12 A Yes, sir.

13 Q All right. So when the dude struck Treveion, then
14 what happened? And you need to say who you're talking
15 about. Don't just say "he," say who you are talking
16 about.

17 A The dude we had jumped.

18 Q All right. Once he truck Treveion, then what
19 happened?

20 A Everybody just started looking. And then he stopped.
21 And he took off running.

22 Q All right. Did you see him being assaulted under the
23 awning?

24 A Like under the thing?

25 Q The -- yeah.

1 A No, sir.

2 Q Was there a big commotion going on up under there?

3 A Yes, sir.

4 Q Were there -- okay. Did you see Elijah Wilson or --
5 I think you called him Scoot?

6 A Yes, sir.

7 Q Did you see Elijah Wilson outside the community
8 center when the party got turned down?

9 A Yes, sir.

10 Q All right. Did you see Ronald Brown outside the
11 community center when the party got turned down?

12 A Yes, sir.

13 Q Did you see anybody with a gun outside the community
14 center when the party got turned down?

15 A Yes, sir.

16 Q Who did you see with a gun?

17 A Elijah Wilson.

18 Q Once again, is that the Elijah Wilson that's sitting
19 in this courtroom?

20 A Yes, sir.

21 Q All right, sir. Did you see Brittany Irby outside
22 the awning area when the party got turned down?

23 A Yes, sir.

24 Q Was she with Elijah Wilson in the same area?

25 A Yes, sir.

1 Q Was she -- were they in the same area as Ronald
2 Brown?

3 A Like a little bit back from us.

4 Q Okay. So, at some point, the young man ran across
5 the street; is that correct?

6 A Yes, sir. He ran around the building first.

7 Q All right. In fact, step down for a moment. Because
8 we've had -- I want to make sure the jury understands
9 exactly what happened from somebody who chased him's
10 perspective.

11 Just stand here. And you're going to need to speak
12 loudly, because you don't have the benefit of the
13 microphone anymore. Okay.

14 Now, assume this is the community center here. This
15 is the awning out front. And this is the driveway here.
16 Okay. And this is the parking lot over here. Just kind
17 of use your finger and point to how he went when he ran.
18 Just show the jury how he went when he ran.

19 A He came --

20 Q Come over on this side so the jury can see you.

21 A This is the front door entrance. And he come -- and
22 he ran around that building like that.

23 Q And then where did he go?

24 A He ran around this way.

25 Q All right. You can take your seat back, sir.

1 Thank you.

2 A (Witness complied.)

3 Q So he ran across -- around the building. And he came
4 from around the building and started running across the
5 street. Did you chase him?

6 A Yes, sir.

7 Q And how far behind him were you? Just -- not
8 exactly. Let's assume you're him.

9 A Yes, sir.

10 Q Looking at the back of the courtroom here to that
11 clock, was he further ahead of you than that as you chased
12 him across the street, or was he closer?

13 A Nah. He was further.

14 Q Okay. Were you in the front of the crowd, in the
15 middle of the crowd, or the back of the crowd that was
16 chasing him?

17 A The back.

18 Q All right. And why were you chasing him?

19 A Because he had struck Treveion Anderson.

20 Q And Treveion was a member of the Tough Money Boys?

21 A Yes, sir.

22 Q The group that you were a member of; is that correct?

23 A Yes, sir.

24 Q All right. And did you feel obligated to defend
25 Treveion's rep, honor, whatever?

1 A No, sir.

2 Q Well, why were you chasing him?

3 A Because he had hit him.

4 Q And because he hit him, you felt like you were
5 supposed to hit this guy back?

6 A Yes, sir.

7 Q Why? Let's's assume, for instance, he -- let's say I
8 was at the party. And you don't know me. And he had hit
9 me. You wouldn't have chased him across the street, would
10 you?

11 A No, sir.

12 Q If you didn't know me?

13 A No, sir.

14 Q Why did you chase him because he had hit Treveion?

15 A Because I had knew him for a long time before he got
16 in TMB.

17 Q Okay. So he was your boy?

18 A Yes, sir.

19 Q Okay. Did you know this gentleman?

20 A No, sir.

21 Q Had you ever seen him before that night?

22 A No, sir.

23 Q About how many people do you think you saw chasing
24 him across the street? Just -- once again, just make a
25 guess.

1 A About 20.

2 Q Okay. Now, when you got across the street, did you
3 see Ronald Brown across the street in that parking lot
4 near or around the victim?

5 A Yes, sir.

6 Q Did you see Ronald Brown strike the victim in the
7 parking lot?

8 A Yes, sir.

9 Q All right. Did you see Elijah Wilson in the parking
10 lot across the street?

11 A Yes, sir.

12 Q Did you see Elijah Wilson striking the gentleman in
13 the parking lot across the street?

14 A Yes, sir.

15 Q How far away from them were you when you saw Elijah
16 Wilson striking him? Once again, using yourself as you,
17 tell the jury about how far -- point to something in this
18 room about how far away he was.

19 A Well, I was in the circle of it.

20 Q So like when I get closer to where the victim was
21 where he was being struck by Elijah Wilson and Ronald
22 Brown, you tell me to stop. Okay. When I get close
23 enough to -- as close as he was to you, tell me when to
24 stop.

25 A About right there.

1 Q Okay. Was there anything in between you? I know
2 there were a lot of people out there; is that correct?

3 A Yes, sir.

4 Q Were you able to see Elijah Wilson clearly?

5 A Yes, sir.

6 Q And you know Elijah Wilson?

7 A Yes, sir.

8 Q Now, at some point -- well, did you strike the
9 victim?

10 A Yes, sir.

11 Q And what -- in what manner and how many times did you
12 strike him? Did you kick him, or hit him, or what?

13 A I only had kicked him.

14 Q Was he laying on the ground?

15 A Yes, sir.

16 Q Were there lots of people kicking and hitting him?

17 A Yes, sir.

18 Q And after you kicked him, what did you do?

19 A I tried to tell them to stop.

20 Q You tried to tell who to stop?

21 A The people that was kicking him to stop.

22 Q Why did you do that -- feel the need to tell them to
23 stop? What was happening with the victim?

24 A Because he didn't look like he was alive.

25 Q Okay. Did they stop?

1 A No, sir.

2 Q All right. Now, did you see Ronald Brown leave the
3 area where the victim was lying?

4 A Yes, sir.

5 Q Do you know how he left?

6 A In a car.

7 Q Do you know who he left with?

8 A The people that came -- them. They came and got him.

9 Q Okay. Tell the jury who "them" is.

10 A Elijah Wilson and Brittany Irby.

11 Q They came and got Ronald Brown?

12 A Yes, sir.

13 Q And you saw that?

14 A Yes, sir.

15 Q Did they take him away from the scene?

16 A Yes, sir.

17 MR. WESTON: Thank you, sir.

18 CROSS-EXAMINATION

19 BY MR. KORNFELD:

20 Q Mr. Thomas, who was driving the car that you state my
21 client, Brittany Irby, was in?

22 A Elijah Wilson.

23 Q All right. And what kind of vehicle was it?

24 A Like a little burgundyish car with tinted windows.

25 Q Burgundy?

1 A Like it was like a dark colored car with tinted
2 windows.

3 Q All right. Was anybody else in the vehicle?

4 A No, sir.

5 Q All right. And you stated that you believe -- do you
6 know that Brittany left and came back, or are you just --
7 is that -- did Brittany leave and then come back? Was
8 that your statement?

9 A No. She left and came back.

10 Q How do you know that?

11 A Because I seen her in the car.

12 Q Okay. What time was it? Do you remember?

13 A No, sir.

14 Q All right. And when you gave your statement to the
15 detective -- do you remember that?

16 A Yes, sir.

17 Q All right. Were there two detectives in your
18 interrogation room?

19 A Yes, sir.

20 Q All right. At any time during these events or after
21 these events, did you feel any pressure from your mother
22 or anybody else to state anything that was untruthful?

23 A No, sir.

24 Q All right. And when you were interrogated by the
25 detectives, did you feel pressure at that time?

1 A No, sir.

2 Q Okay. How many times had you seen Brittany before
3 this incident?

4 A Several times.

5 Q Five or six -- well, several. What does -- do you
6 know how many?

7 A Like nine.

8 Q Nine?

9 A Yeah.

10 Q Okay. Do you -- you stated you saw Treveion --
11 that's your friend; correct?

12 A Yes, sir.

13 Q You saw him get hit?

14 A Yes, sir.

15 Q How far away were you from that?

16 A Not far. Like probably like at the brown thing to
17 where you at.

18 Q Well, you -- I'm sorry. When you say "the brown
19 thing," here or this brown thing? There's lots of brown
20 things.

21 A The one you had pointed at first.

22 Q Here?

23 A Yes, sir.

24 Q All right. So you see him get struck at that time?

25 A Yes, sir.

1 Q All right. Is it with a closed fist, or how does he
2 get struck?

3 A Like hit and grabbed.

4 Q All right. And the person that hit him, what was the
5 size of that person as a -- and what was the size of
6 Treveion? What was the size of the person that hit him?
7 Do you remember?

8 A Yes, sir. He was -- I know he was bigger than him.

9 Q All right. And Treveion -- how big is Treveion?

10 A About my size.

11 Q Okay. And you know that he -- say that again. What
12 happened? He hit him and --

13 A He grabbed him.

14 Q And he grabbed him and then let go, or what?

15 A Like started like choking him.

16 Q Choking him. But you're going like this. I need
17 to --

18 A Because I can't do nothing with these --

19 Q Oh, I apologize. I'm sorry.

20 Okay. So he choked him like this with two hands?

21 A Yeah, like in the headlock.

22 Q In a headlock?

23 A Yeah.

24 Q So like this?

25 A (There was no response.)

1 Q Like this?

2 A Yeah.

3 Q All right. And how long did that last for?

4 A Not long.

5 Q Did anybody hit the person that put Treveion in the
6 headlock at that time?

7 A No, sir.

8 Q So he just -- it just --

9 A Everybody started looking. And he had took off
10 running.

11 Q Okay. Did -- do you know why he put Treveion in the
12 headlock?

13 A No, sir.

14 Q Do you know who put Treveion in the headlock?

15 A The dude that we jumped.

16 Q And that is the victim in this case?

17 A Yes, sir.

18 Q You don't know his name?

19 A No, sir.

20 Q Okay. From the time that you -- that Treveion is in
21 the headlock to the time that you're over in the parking
22 lot, what amount of time elapses between being at the
23 community center in the headlock and being over here in
24 the parking lot?

25 A Like what you mean?

1 Q All right. He's in the headlock here. How long was
2 he in the headlock for?

3 A Like not long.

4 Q Okay. And then the victim runs out of the community
5 center; correct?

6 A Yes, sir.

7 Q And I don't want to state incorrectly, but I think
8 you said he -- does he run this way?

9 A No. He run around that way.

10 Q This way?

11 A Yeah.

12 Q So he runs around this way, crosses the street, comes
13 down here, and then comes over here; is that correct?

14 A Yes, sir.

15 Q About how far is this? Do you know?

16 A No, sir.

17 Q Were you out of breath when you got over here?

18 A Yes, sir.

19 Q Okay. And how long -- do you know how long it took
20 you to get from here to over here?

21 A No, sir.

22 Q And how long were you in the parking lot for?

23 A About like 10 minutes.

24 Q 10 minutes?

25 A Yeah.

1 Q Okay. Did you say anything when Treveion was in the
2 headlock?

3 A Yes, sir.

4 Q And what did you say?

5 A Everybody was like, look, look. And I was like what?
6 And they were like, look over there. And I seen he had
7 him in the headlock. And then he had looked at us. And
8 he had started running.

9 MR. KORNFIELD: Okay. No further questions.

10 THE COURT: Cross.

11 Get a little closer to the microphone.

12 CROSS-EXAMINATION

13 BY MR. HAMILTON:

14 Q Kyzer. Kyzer. How old are you?

15 A Good.

16 Q What?

17 A Good.

18 Q No. How old are you?

19 A Oh, 14.

20 Q 14. You were 13?

21 A Yes, sir.

22 Q Okay. And what type of -- what school was you in?
23 Middle school? 13?

24 A Yes, sir.

25 Q What grade is that? Sixth?

1 A Yeah. I was in the sixth -- seventh grade.

2 Q You was in the seventh grade?

3 A Yes, sir.

4 Q And what school you was going to?

5 A Berea Middle.

6 Q Berea. And what type of classes were you taking?

7 A Regular classes.

8 Q Pardon me?

9 A Regular classes.

10 Q Regular classes. Were you involved in any behavioral

11 classes?

12 A No, sir.

13 Q Have you had any discipline at Berea?

14 A No, sir.

15 Q You haven't. What kind of grades were you making?

16 A Like in the middle.

17 Q What's the middle?

18 A Like C's and D's, and stuff like that.

19 Q Yeah. They're good grades. Okay. And what high

20 school were you going to be going to?

21 A Greenville.

22 Q Greenville. Okay. Like -- Kyzer, you named -- and

23 I'm going to do you like the police did you that night.

24 We already know what the answer is. But you named several

25 people in this case; right?

1 A Yes.

2 Q And you named Josh Gowens; right?

3 A Yes, sir.

4 Q Right. And Josh -- you know Josh?

5 A Yes, sir.

6 Q How well you know Josh?

7 A Good.

8 Q Real good?

9 A Yes, sir.

10 Q But you told them Josh Gowens was there and assaulted
11 the victim across -- in the parking lot. You told them
12 that. You told them that.

13 A Yes, sir.

14 Q Okay. But Josh wasn't at the party.

15 MR. WESTON: Objection.

16 THE COURT: On what basis?

17 MR. WESTON: There's no foundation for that
18 statement.

19 THE COURT: Well, let's see what he says.

20 That's all right. Overruled.

21 Go ahead.

22 BY MR. HAMILTON:

23 Q You did not see -- I'm telling you, Kyzer, the truth.
24 You did not see Josh at the party.

25 MR. WESTON: Objection, Your Honor.

1 THE COURT: Well, ask the question. You --

2 MR. HAMILTON: I'm asking --

3 THE COURT: -- ask a question.

4 BY MR. HAMILTON:

5 Q The question is -- the question is, did you see Josh
6 Gowens assault the victim the night that you were naming
7 people? You named Josh Gowens; right?

8 A Yes, sir.

9 Q And he wasn't there. You did not see -- what did
10 Josh Gowens do?

11 A It looked like him.

12 Q Oh, it looked like him. And that's a very good
13 point. Because Elijah -- you know Lil Ru?

14 A Yes, sir.

15 Q And he's got -- what you call that hair style?

16 A Dreads.

17 Q All right. Lil Ru has dreads?

18 A Yes, sir.

19 Q All right. And you kind of -- when you see people
20 with dreads, they kind of come in and come out; right?

21 A Yes, sir.

22 Q So who you thought was Lil Ru or Elijah Wilson, you
23 could have got it confused; right?

24 A But Ronald's dreads are shorter than his.

25 Q Okay. So you know that difference. But they do have

1 dreads?

2 A Yes, sir.

3 Q But you admit now that you was wrong about Josh
4 Gowens?

5 A Yes, sir.

6 Q You was wrong. Okay. You was wrong. He wasn't
7 there. You know that now.

8 MR. WESTON: Objection.

9 MR. HAMILTON: I'll move on to the next question.

10 THE COURT: All right. Move on.

11 BY MR. HAMILTON:

12 Q I'll go to the next person, Shamaun Phelps. Do you
13 know him?

14 A Yes, sir.

15 Q All right. You said that he was there across the
16 street. He wasn't there. Is that -- don't -- you know
17 that now; right?

18 MR. WESTON: Objection, Your Honor.

19 THE COURT: What?

20 MR. WESTON: That's not a question, Your Honor.

21 THE COURT: He asked him if he knows that now. He
22 can -- yes or no. It's a "yes" or "no" question.

23 BY MR. HAMILTON:

24 Q Right?

25 A He was there, sir.

1 Q Oh. Did he strike the victim?

2 A Yes, sir.

3 Q He's not a party to this case.

4 THE COURT: Mr. Hamilton, questions only. No
5 editorializing.

6 BY MR. HAMILTON:

7 Q Xavier Sullivan, was he there and he crossed -- you
8 named him as well.

9 A No, sir.

10 Q Pardon me?

11 A No, sir.

12 Q No, sir he wasn't there?

13 A No, sir.

14 Q But you gave them his name; right?

15 A Yes, sir.

16 Q Okay. So that's two people -- two of the three
17 people that I mentioned, two of them was not there. You
18 named Elijah Wilson, and he wasn't over there.

19 MR. WESTON: Objection.

20 MR. HAMILTON: I'm asking.

21 MR. WESTON: As long as he phrases it as a question,
22 Your Honor. That's all I'm asking.

23 BY MR. HAMILTON:

24 Q I'm asking you. He wasn't over there either.

25 A He was.

1 Q Okay. You named Brittany, but she wasn't over there.

2 A She was over there, sir.

3 Q All right. You named -- well, you named Antonio
4 Wakefield. But you said he never hit the victim; isn't
5 that right?

6 A He did, sir.

7 Q He hit the victim. Antonio Wakefield?

8 A Yes, sir.

9 Q Okay. You, also, said that Hit Squad is not a gang.
10 It was not a gang. It's a group, a RAP group; right?

11 A (There was no response.)

12 Q Is that right?

13 A Sir?

14 Q Isn't that what you said about the Hit Squad?

15 A (There was no response.)

16 Q Is that right?

17 A No, sir.

18 Q What is it? It's a RAP group; isn't that true?

19 A No, sir.

20 MR. HAMILTON: I'm confused on my notes, Judge. I
21 need one second.

22 (Pause.)

23 BY MR. HAMILTON:

24 Q Well, at one point, you told the officer that the
25 group does not exist anymore when they asked you about it,

1 the Hit Squad; right?

2 A Yes, sir.

3 Q It don't exist. On the night you talked to them on
4 the 20th -- a couple days after the 20th of April of last
5 year, you said that the Hit Squad don't exist no more.

6 A No, sir.

7 Q And it don't, do it?

8 A No, sir.

9 Q So, now, you say that you took part in the assault at
10 the -- under the awning in front of the building there out
11 front -- in the front of the building. And then y'all
12 went across -- you followed him and chased him across the
13 street. And that all happened like that, five minutes;
14 right? Or less than five minutes. It was real quick.

15 And the police was there that quick. So you're
16 saying now that Elijah Wilson was over there and he struck
17 him. What did he strike the victim -- did you see him
18 when he, actually, hit him?

19 A Yes, sir.

20 Q Okay. Now, it's about 15 or 20 people surrounding
21 this poor fellow. And you saw who did what to who. Is
22 that what you're telling us?

23 A Yes, sir.

24 Q Is that what you're saying?

25 A Yes, sir.

1 Q And you can name each person that did it. You said
2 Josh did it, too, but you was wrong about that; right?

3 A Yes, sir.

4 Q Okay. Now, what did Elijah Wilson do to that young
5 man?

6 A Hit and kicked him.

7 Q All right. He hit him where?

8 A In the face.

9 Q In the face?

10 A Well, near the face area.

11 Q Okay. And where did he kick him?

12 A Like up through this way.

13 Q All right. Was he -- where was the victim?

14 A On the ground.

15 Q Okay. And then how many people was around when you
16 saw that?

17 A A lot.

18 Q A lot of people. All right. Were you on the front
19 row, or the back row? What row you was in?

20 A Like right here on it.

21 Q You was on the front row?

22 A Yes, sir.

23 Q And you was kicking. And you looked around. Did you
24 see Lil Ru kick him?

25 A Yes, sir. Because I had told him to stop. When I

1 stopped most of -- the majority stopped, except a couple
2 of them.

3 Q You told Lil Ru to stop?

4 A No. I told everybody to stop.

5 Q You told everybody. That's right. I do remember you
6 saying that you told everybody to stop. But isn't it true
7 that Lil Ru said -- is the one that said, everybody stop,
8 he's mine? Didn't Lil Ru say that?

9 A Yes, sir.

10 Q Y'all get back. He's mine. And everybody got back.
11 And Lil Ru mercifulnessly [sic] continued to assault this
12 young man; right?

13 A Yes, sir.

14 Q And you knew that was wrong. Because that wasn't
15 part of what y'all were supposed to do. Y'all weren't
16 supposed to beat that man like that; right?

17 A No, sir.

18 Q Right. And Lil Ru was wrong in doing that.

19 A Yes, sir.

20 Q He took it too far. Do you agree?

21 A Yes, sir.

22 Q Okay. When that was going on, Elijah and Brittany
23 pull up. And you were standing where?

24 A Still right there in the same spot.

25 Q Okay. Did you see them leave?

1 A Yes, sir.

2 Q Did anybody else leave?

3 A Yes, sir.

4 Q Everybody left but you and Lil Ru.

5 A No. Half of the people left after everybody was
6 like, stop, stop like that. And he was still kicking him.
7 And half of them ran.

8 Q Half of them ran. Did Elijah run?

9 A Yes, sir.

10 Q Okay. So he ran and come back and got him?

11 A Yes, sir.

12 Q And that was all before the police got there?

13 A Yes, sir.

14 Q Kyzer. Kyzer. You know this was a very quick thing
15 to happen. And the police was immediately right there.
16 Where were you when the police came?

17 A I had already had left.

18 Q You had already left.

19 A The police, they didn't come straight exactly to
20 where we was at. They went up to the party first. And
21 then some people had pointed down that way. And we had
22 already had ran back towards the party and went down to
23 the stadium.

24 Q The police went to the party first?

25 A Yes, sir.

1 Q And then come across the street?

2 A Yes, sir.

3 Q And where were you standing when the police did that?

4 A When the police -- everybody started running when
5 they heard the sirens.

6 Q Okay.

7 A By the time we got to the party, the police was like
8 down by the bottom part coming up. So they didn't know
9 who really did it. They couldn't point and choose nobody
10 because there was a lot of people out there.

11 Q Right. And so by the time they come over there,
12 everybody had already left the young man by himself?

13 A Yes, sir.

14 Q Okay. Kyzer, aren't you wrong about Elijah?

15 A No, sir.

16 Q You are absolutely -- how do you know Elijah?

17 A Because he used to be downtown, and stuff.

18 Q Okay. Have you had a conversation with him?

19 A Yes, sir.

20 Q What did -- oh, y'all had a conversation. How many
21 conversations did y'all have?

22 A A lot.

23 Q A lot?

24 A Yes, sir.

25 Q You know him well?

1 A Yes, sir.

2 Q Do you know him through your brothers?

3 A Yes, sir.

4 Q So you've been with him when he was with your
5 brothers is when the conversations happened; right?

6 A No, sir. I had conversations downtown a couple of
7 times.

8 Q Okay. And -- a couple of times?

9 A Yes, sir.

10 MR. HAMILTON: That's all the questions I've got.

11 THE COURT: Any redirect?

12 MR. WESTON: No, sir, Your Honor.

13 THE COURT: Thank you.

14 You may step down.

15 Let me see the lawyers for a second.

16 (WHEREUPON, a bench conference was held.)

17 THE COURT: Mr. Foreman, and, ladies and gentlemen,
18 is everybody getting hungry? It's getting to be a good
19 time to break for the evening. So you all go home, relax.

20 Was I wrong yesterday when I said it's human nature
21 to want to talk to somebody about it? I don't think I am.
22 You have to resist that. Okay.

23 Don't go looking anything up. Give all the parties
24 involved in this case the same treatment that each of you
25 would want for yourself or your family. And just explain

1 it to whoever wants to talk to you about it that that's
2 what it's all about. Okay. You are defending, in all
3 honesty, our system of justice when you obey your oath.

4 So y'all have a good night. And we'll see you back
5 at 9:30 in the morning.

6 Thank you very much.

7 (WHEREUPON, the jury was excused from open court at
8 approximately 5:44 p.m.)

9 THE COURT: Anything before we break?

10 MS. SALISBURY: Nothing from the State, Your Honor.

11 MR. KORNFELD: Nothing, Your Honor.

12 MR. HAMILTON: Not anything.

13 THE COURT: See you at 9:30 in the morning.

14 (WHEREUPON, the proceedings were concluded at
15 approximately 5:45 p.m., to be reconvened on
16 Wednesday, June 11, 2014.)

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

COURT OF GENERAL SESSIONS

2013-GS-23-10613

2013-GS-23-10610

ORIGINAL

STATE OF SOUTH CAROLINA,)

vs.)

TRANSCRIPT OF RECORD

ELIJAH FERNANDEZE WILSON,)

BRITTANY CEAREA IRBY,)

DEFENDANTS.)

VOLUME II

June 9, 10, 11, and 12, 2014
Greenville, South Carolina

B E F O R E:

THE HONORABLE EDWARD W. MILLER, JUDGE; and a jury.

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

W. JEFFREY WESTON, ESQ.

KATRYNA B. SALISBURY, ESQ.

Assistant Solicitors

ERNEST HAMILTON, ESQ.

Attorney for Defendant Elijah Fernandez Wilson

ALEX KORNFELD, ESQ.

Attorney for Defendant Brittany Cearea Irby

HOLLIE M. JENKINS

Circuit Court Reporter

I N D E X

(SW) - Denotes State's Witness
 (DW) - Denotes Defense Witness
 (IC) - Denotes In Camera

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THE COURT: Are you ready?

MR. WESTON: Yes, sir, Your Honor.

THE COURT: Okay. Bring the jury in.

(WHEREUPON, the jury came into open court at
approximately 9:52 a.m.)

THE COURT: Ladies and gentlemen, I hope you had a
pleasant evening. We're ready to resume.

MR. WESTON: Thank you, Your Honor.

May it please the Court.

The State would call Mr. Treveion Anderson.

THE CLERK: Mr. Anderson, if you'll come over here,
please. If you'll pause at the end of the bench.

Please place your left hand on the Bible and raise
your right hand.

WHEREUPON,

TREVEION ANDERSON,

after first having been duly sworn, testified as follows:

THE CLERK: Thank you.

Please be seated.

Please state your name for the record.

THE WITNESS: (There was no response.)

THE CLERK: Please state your name for the record.

THE WITNESS: Treveion Anderson.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. WESTON:

Q Mr. Anderson, will you be sure to speak loudly so that the jurors down on this end can hear you? All right, sir.

A Yes, sir.

Q All right. You've got on a yellow jumpsuit, sir. Where are you presently staying, or living, or where are you?

A The Greenville County Detention.

Q All right. Where were you -- but where are you -- let me do it another way. I'm sorry.

Are you presently being held at the Department of Juvenile Justice in Columbia?

A Yes, sir.

Q And are you there as a part of -- as a result of being sentenced for a crime that occurred back in April of last year at the West End Community Center?

A Yes, sir.

Q Were you at the West End Community Center last year?

A Yes, sir.

Q Were you there on the night that Debron Harrison died -- or was killed?

A Yes, sir.

Q Did you admit to being a part of a group that beat

1 Debron Harrison?

2 A Yes, sir.

3 Q And you are -- you pled guilty to assault and battery
4 by mob second degree, and were sentenced as a result of
5 that; is that correct?

6 A Yes, sir.

7 Q Now, the charge was reduced for you; is that correct?

8 A Yes, sir.

9 Q And in exchange for your pleading guilty to a lesser
10 charge, did you agree to testify in any trials of any
11 potential Co-Defendants?

12 A I think so.

13 Q All right. And were you promised anything else,
14 other than the sentence that you could get for that
15 charge? Were you threatened in any other way?

16 A No, sir.

17 Q All right. Did anybody tell you how to testify?

18 A No, sir.

19 Q All right. Let's get straight to it here. Tell the
20 jury whether you were involved in the beating of
21 Mr. Harrison when it started up at the community center,
22 outside of the community center under the awning.

23 A Yes, sir.

24 Q What did you do?

25 A I hit him in the ribs one time. Then he grabbed me.

1 And that was it.

2 Q All right. And, in fact, I think we've heard
3 testimony that some people may have reacted to him
4 striking you. When Debron Harrison struck you, did he --
5 when he grabbed you, was that as a result of your hitting
6 him in the ribs?

7 A I think so.

8 Q All right. So he didn't hit you first?

9 A No, sir.

10 Q All right. And once he hit you -- once he grabbed
11 you, then tell the jury what happened next, what you saw
12 in terms of the group and Mr. Harrison.

13 A Everybody attacked him. And he started running
14 around.

15 Q Okay. So he -- was he attacked by a number of people
16 in front of the community center?

17 A Yes, sir.

18 Q And did he try to escape from that attack?

19 A Yes, sir.

20 Q Where did he run to?

21 A He went -- like he ran around this way.

22 Q Around the building?

23 A Yes, sir.

24 Q All right. And where did he end up?

25 A Across the street in the parking lot.

1 Q Did you go across the street into the parking lot?

2 A At first, I didn't. But then I ended up going over
3 there after everything had happened.

4 Q All right. And when you came across the street into
5 the parking lot, did you strike him over there?

6 A No, sir.

7 Q All right. Were there still people striking him when
8 you got there?

9 A Nah.

10 Q All right. Do you know Brittany Irby?

11 A Yes, sir.

12 Q Do you see her in the courtroom today?

13 A Yes, sir.

14 Q How do you know her?

15 A I've just seen her around a couple times.

16 Q All right. And do you know Elijah Wilson?

17 A Yes, sir.

18 Q Do you see him in the courtroom today?

19 A Yes, sir.

20 Q And how do you know him?

21 A I've seen him around a couple times, too.

22 Q Do you know them to be a member of a street group?

23 A No, sir.

24 Q You don't know them to be a member of a street group
25 called the Hit Squad?

1 A Well, they be around a lot, but I didn't really know
2 them like that. I heard of it, you know.

3 Q Okay. Are you a member of -- were you a member of a
4 street group back in April of last year?

5 A Yeah. I usually hang around TMB all the time.

6 Q All right. Slow down. Don't talk so fast. Say that
7 again, sir.

8 A I used to be around Tough Money Boys all the time.

9 Q All right. So you were not a member of the Tough
10 Money Boys?

11 A No, sir.

12 Q But you hung around them?

13 A Yes, sir.

14 Q All right. Were there members of the Tough Money
15 Boys at this party back in April of last year?

16 A Yes, sir.

17 Q Do you know Ronald Brown?

18 A Yes, sir.

19 Q And do you know what his nickname is?

20 A Yes, sir.

21 Q What is it?

22 A Lil Ru.

23 Q Lil Ru?

24 A (Witness nodded.)

25 Q And was Ronald Brown at this party?

1 A Yes, sir.

2 Q Is it safe to say that Ronald Brown is the one that
3 started the problems inside the party?

4 MR. KORNFELD: Objection. Leading, Your Honor.

5 THE COURT: Don't lead.

6 BY MR. WESTON:

7 Q Tell the jury what happened inside the party that got
8 the lights turned out.

9 A The people -- the dude whose party it was, his sister
10 said that she wanted Ronald Brown out of the party.

11 Q Why did she -- why did they want him out of the
12 party?

13 A Because she -- I guess she thought that he was going
14 to break up the party. And he didn't leave at first. And
15 that's when they cut the lights on.

16 Q Did you see Elijah Wilson at the party?

17 A Not at first. I didn't see him at first.

18 Q Where did you first see him?

19 A Like when they had cut the lights on, that's when I
20 had seen him --

21 Q Let me stop you right there. I'm sorry to interrupt
22 you.

23 But when you said they turned the lights on, did you
24 see him inside the party?

25 A Yes, sir.

1 Q Are you sure?

2 A (Witness nodded.)

3 Q You have to say "yes" or "no," sir, for the record --

4 A Yes, sir.

5 Q All right. Did you see Brittany Irby?

6 A Nah, not like when they had cut the lights on. At

7 first, I didn't see her.

8 Q All right. Where did you first see Brittany Irby?

9 A Like when all the commotion started going on, I seen

10 her.. She had -- I think she was on the phone.

11 Q All right. But where was she at? Inside, or

12 outside, or where?

13 A Inside.

14 Q So you saw Brittany Irby inside the party?

15 A Yes, sir.

16 Q Are you sure?

17 A Yes, sir.

18 Q All right. Now, once the party got stopped and

19 everybody started to go outside, what did you see Ronald

20 Brown do outside?

21 A He just was fighting.

22 Q Who was he -- who did he start fighting? Who did the

23 fight begin with?

24 A It was him --

25 Q Boys or girls?

1 A It was a boy at first. And then it went -- led up to
2 the girls.

3 Q All right. What did he do to the girls?

4 A Hit them, too.

5 Q And what happened when he hit the girls?

6 A He hit the girls. And that's when it really started
7 happening, just striking -- that's when he started
8 fighting.

9 Q All right. Did Ronald Brown say anything to you
10 about striking anybody?

11 A He just told me to hit somebody.

12 Q Who did he tell you to hit?

13 A He said -- he told me to hit the dude -- the victim.

14 Q The guy that ended up dying?

15 A Yes, sir.

16 Q Why did he tell you to hit him?

17 A Because he -- I don't know why he told me to hit him.
18 But I was closer to him.

19 Q And did you hit him?

20 A Yes, sir.

21 Q Why did you do it? Because he told you to -- I mean,
22 why would you have to do that?

23 A (There was no response.)

24 Q You have to say "yes" -- you have to something, sir.

25 A I got no answer.

1 Q What do you mean you have no answer --

2 THE COURT: I'm sorry. I couldn't understand you.

3 What did you say?

4 THE WITNESS: I've got no answer.

5 THE COURT: He says he's got no answer.

6 BY MR. WESTON:

7 Q You don't know why you did it?

8 A No, sir.

9 Q But you did it because Ronald Brown told you to?

10 A Yes, sir.

11 Q All right. After Ronald Brown -- after these people
12 were hitting the victim -- and I think you said including
13 you and Ronald Brown up at the community center. You said
14 I think, at some point, he got up -- the young man got up
15 and got away; is that correct?

16 A Yes, sir.

17 Q And did a group of people chase him?

18 A Yes, sir.

19 Q Did you see them chasing him across the street?

20 A Nah. I had stopped to look for my phone.

21 Q Well, when he first got up and started running around
22 the community center --

23 A Yeah. When he first got up and started running
24 around the center, there was a bunch of people chasing
25 him.

1 Q How many would you estimate were chasing him when he
2 started running around the community center?

3 A About 10.

4 MR. WESTON: Excuse me for one second.

5 (Pause.)

6 BY MR. WESTON:

7 Q Once the victim, Mr. Harrison, was being struck
8 outside the community center, did you see Elijah Wilson
9 striking the victim?

10 A No, sir.

11 Q I'm sorry, sir?

12 A No, sir.

13 Q All right, sir. I'm going to show you -- do you
14 remember when you pled guilty in Family Court, sir?

15 A Yes, sir.

16 Q Do you remember, at that time, you were asked a
17 number of questions about what you saw and what happened
18 that night at the time you pled guilty back in September?

19 A Yes, sir.

20 Q All right. Do you remember everything you said?

21 A A little bit.

22 Q Do you remember everything you said?

23 A Yes, sir -- well, not everything, but a little bit.

24 Q All right. I'm going to show you this and ask you to
25 take a look at it. Don't read it. Just look at it.

1 A (Witness complied.)

2 Q Have you read all of the highlighted portion?

3 A Yes, sir.

4 Q Is that not what you said back then?

5 A Yes, sir.

6 But can I speak?

7 Q Yes, sir. I'm going to let you explain. I just need
8 your answer. Is that not what you told -- does this not
9 reflect what you told the Judge back then?

10 A Yes, sir.

11 Q All right. Would you read to the jury what you told
12 the judge? I'm going to read the question. You read the
13 answer. Okay. You see where it says "Q" and "A" --

14 MR. KORNFELD: Your Honor, he can explain. He can
15 explain. He said he was going to let him explain after
16 he --

17 THE COURT: Yes. Let him explain before you impeach
18 him.

19 BY MR. WESTON:

20 Q You can explain your answer.

21 A Before I had wrote the statement, I was in the
22 detective's room when he first came and got me from
23 school. The detective had -- he told me before my parent
24 got there like he said, Well -- he said, You know why
25 you're here. He said, Well -- he said, All your

1 Co-Defendants, they told us you were the main one hitting
2 on him.

3 And I was like --

4 Q Excuse me. I don't mean to interrupt you. But you
5 need to speak a little louder so they can hear you.

6 THE COURT: Take your time and speak clearly.

7 THE WITNESS: He told me -- he was like -- he said,
8 Do you know Elijah Wilson?

9 I was like, Nah.

10 He said -- he kept asking me the same questions over
11 and over. And I kept saying no. And he started cursing
12 at me. And I was like, Nah, I don't know him. I don't
13 know him. I told him can I talk to my mom.

14 He was like -- he said, No. You need to answer my
15 questions, or something like that. He was like, Lil Ru
16 told me that -- already told me what you done did, you
17 know. All your Co-Defendants told me what you did.

18 BY MR. WESTON:

19 Q Slow down, sir, please. And talk loudly. You're
20 talking too fast, sir.

21 A He said -- I told him I didn't know Elijah Wilson or
22 Brittany Irby. He was like -- he said, You do. You're
23 just lying to me, lying to me.

24 And I told him -- I asked him can I go ahead and go
25 up to the counter [phonetic].

1 He was like, no, because you're lying to me. And he
2 started cursing at me, something like that. And that's
3 when he said Lil Ru, Ronald Brown, had already told him
4 what, you know, I did. And he said, You've got to say
5 something. He said, I know you know something. He said,
6 I know you know something.

7 And I was like, Nah.

8 And he was just like -- he said, You've got to tell
9 me something. He said, Because I know you know Elijah
10 Wilson.

11 And I was like, Nah.

12 Q Is that all, sir?

13 A Yeah. My momma came in. And he didn't want to talk
14 like -- the detective didn't want to say what he said when
15 my momma got in there. He didn't want to say -- he didn't
16 want to pressure me no more when my momma got in there.

17 Q All right, sir. Anything else?

18 A No, sir.

19 Q Okay. Now, let's go back to this. Do you -- back in
20 September, do you remember when you pled guilty to assault
21 and battery by mob second degree?

22 A Yes, sir.

23 Q Please lean in so the jury can hear you.

24 A Yes, sir.

25 Q And do you remember, at that time, you swore an oath

1 to tell the truth before you pled guilty, just like you
2 did this morning?

3 A Yes, sir.

4 Q And, at that time, in the Family Court when you pled
5 guilty, the detective you're talking about was not there,
6 was he?

7 A No, sir.

8 Q And nobody in that courtroom cursed you, did they?

9 A No, sir.

10 Q Did anybody in that courtroom threaten you?

11 A No, sir.

12 Q And is that the time you made these statements?
13 That's when these statements were made when you pled
14 guilty; isn't that right, sir?

15 A I think so.

16 Q All right. I'm going to do it again. I'm going to
17 read the question where it says "Q." And I want you to
18 read your answer under oath. Okay. Lean forward so you
19 can see.

20 A Do I got to read it?

21 Q Yes, sir. You've got to read it out loud. Okay.

22 A Uh-huh.

23 Q Lean forward so you can see what you said. I said,
24 Question: All right. Did you see anybody else hitting
25 the young man outside the community center?

1 You read your answer, please.

2 A Yes, sir.

3 Q Say it again.

4 A Yes, sir.

5 Q Let's move this over here. I want to make sure the
6 jury can hear you. My question: Who did you see?

7 Please read your answer.

8 A I seen Elijah Wilson --

9 Q Slow down. All right.

10 A Elijah Wilson and Brittany.

11 Q No. That's not what you said. Read exactly what you
12 said.

13 A I seen Elijah Wilson and Big Brit.

14 Q Who is Big Brit?

15 A Brittany Irby.

16 Q All right. And that's how you knew her?

17 A Yes, sir.

18 Q And you called her by her nickname?

19 A (Witness nodded.)

20 Q But you just told this jury you had only seen her a
21 couple of times --

22 MR. HAMILTON: Your Honor, I think he is -- he's
23 supposed to let him read that and --

24 MR. KORNFELD: Your Honor, I --

25 MR. HAMILTON: -- don't interrupt him --

1 THE COURT: Wait, wait. One at a time.

2 What's your objection?

3 MR. HAMILTON: My objection is that he's
4 interrupting. He asks him a question -- to read what he
5 says and then he interrupts him. He don't let him
6 thoroughly answer the question.

7 THE COURT: All right. What's your objection?

8 MR. KORNFELD: My objection is that he can do that to
9 refresh his memory. But he's got to let him testify to
10 what he says. He wants to impeach him --

11 THE COURT: Okay. He's impeaching him.
12 Let him explain his answer.

13 MR. WESTON: Yes, sir, Your Honor.

14 THE COURT: Go ahead.

15 MR. WESTON: Your Honor -- well, let me finish this
16 first. I'm sorry.

17 BY MR. WESTON:

18 Q All right. I'll read it again. Who did you see?

19 Please read your answer. And just read your answer.
20 You can explain when you finish this, but, please, read --
21 just read your answer what you said.

22 A I seen Elijah Wilson and Big Brit.

23 Q I then asked you, You saw Elijah Wilson striking the
24 victim outside the community center?

25 Would you read your answer?

1 A Yes, sir. He was the main one.

2 Q Read it slowly, sir.

3 A Yes, sir. He was the main one.

4 Q He was the what?

5 A Main one.

6 Q Main one?

7 A Yes, sir.

8 Q All right. Move a little bit further back so --
9 because it's hard to hear you.

10 My next question, And did you see Brittany Irby
11 striking the victim outside the community center?

12 Would you read your answer for me?

13 A Yes, sir.

14 Q All right. And you swore to tell the truth that day,
15 didn't you?

16 A Yes, sir.

17 Q And are you now saying that this was a lie?

18 A Yes, sir.

19 Q I'm sorry?

20 A Yes, sir.

21 Q Why did you lie to the Judge?

22 A (There was no response.)

23 Q Sir?

24 A I don't have no answer, sir.

25 Q You have an answer. It's just -- what is your

1 answer?

2 MR. HAMILTON: Your Honor --

3 MR. KORNFELD: Your Honor, that's his answer. He's
4 badgering the witness.

5 MR. WESTON: Your Honor --

6 THE COURT: Go ahead.

7 MR. WESTON: Permission to treat him --

8 THE COURT: Continue. Continue.

9 MR. WESTON: Thank you, Your Honor.

10 BY MR. WESTON:

11 Q All right. I'm going to go to the next page. When
12 they were across the street -- well, excuse me. Before I
13 do that, you referred to Brittany Irby at the time of your
14 plea as Big Brit; is that correct?

15 A Yes, sir.

16 Q You're telling this jury now that you only had seen
17 her a couple of times; is that correct?

18 A I seen her a couple times.

19 Q How did you know her nickname was Big Brit and to
20 call her that if you weren't closer to her than that?

21 A Because I told you I used to be with Ronald Brown all
22 the time. And he knew them. But I just seen them a
23 couple times. And he used to call her -- when we'd see
24 them at the mall, he'd say Big Brit, what's up --

25 THE COURT: Can you all understand what he's saying?

1 (WHEREUPON, the jurors indicated in the affirmative.)

2 THE COURT: Okay.

3 BY MR. WESTON:

4 Q And so -- but you felt comfortable enough to call --
5 to refer to her as Big Brit. You knew her well enough to
6 refer to her as Big Brit at the time you entered your
7 plea, didn't you?

8 A Yes, sir.

9 Q Okay. Let's move on, sir. Once they got across the
10 street, do you remember telling the Court whether --
11 excuse me. I'm sorry. Did you see Elijah Wilson and
12 Brittany Irby with Ronald Brown again after the victim ran
13 across the street?

14 A No, sir.

15 MR. WESTON: Your Honor, permission to treat the
16 witness as hostile.

17 THE COURT: Yes. Go ahead.

18 MR. WESTON: Thank you, sir.

19 BY MR. WESTON:

20 Q Do you remember telling the Court at the time of your
21 plea that Brittany Irby and Ronald Brown came and got --
22 excuse me, Brittany Irby and Elijah Wilson came in a car
23 and got Ronald Brown and took him away from the scene?
24 You don't remember telling the Court that back in
25 September under oath?

1 A I can't remember, sir.

2 Q Well, I'm going to refresh your memory. Once again,
3 I'm going to read the -- "A" is the answer, "Q" is the
4 question. Okay. I'm going to read the "Q" part, which is
5 my question to you at the time. And I want you to read
6 your answer. And I want you to be very clear with this
7 jury. Okay.

8 A Yes, sir.

9 Q All right. Question: And do you know how Ronald
10 Brown left that night, how he left the area?

11 That's my question. What's your answer?

12 A Yes, sir. My cousin --

13 Q Slow down and speak loudly.

14 A My cousin tried to tell him. He came down there and
15 told Ronald to stop. And that's when Scoot came down.

16 Q And then I said, Don't use nicknames. Who is Scoot?
17 What did you say?

18 A Elijah Wilson. He came -- he had come down and they
19 ran off somewhere. They got in the car.

20 Q And I said, Who is "they"? Are you saying there's
21 more than one person?

22 What did you say, sir?

23 A Elijah Wilson and Brittany Irby, they got in their
24 car and come down and grabbed Ronald and put him in the
25 car and took him up the street, and told him to calm down.

1 Q My question: You saw them come and get him and put
2 him into their car?

3 A Yes, sir.

4 Q That's what you said?

5 A Yes, sir.

6 Q And you were under oath then, weren't you, sir?

7 A Yes, sir.

8 Q And you swore to tell the truth then, didn't you,
9 sir?

10 A Yes, sir.

11 Q And, now, you're telling this jury that that was a
12 lie, sir; isn't that correct?

13 A Yes, sir.

14 Q Wasn't part of your plea agreement that you would
15 tell the truth to get that deal?

16 A Yes, sir. But I had -- some of that, you know, I had
17 forgot. I had to refresh myself.

18 THE COURT: You had to what?

19 THE WITNESS: I had to refresh myself, because some
20 of it I forgot.

21 BY MR. WESTON:

22 Q Do you remember telling the Court at the time you did
23 your plea that snitching on somebody would get you jumped?

24 A Yes, sir.

25 Q Is that true?

1 A Yes, sir.

2 Q And you don't want to snitch today, do you?

3 A (There was no response.)

4 Q You're afraid, aren't you, young man?

5 A A little bit, sir.

6 Q You're afraid of Brittany Irby and Elijah Wilson,
7 aren't you, young man?

8 A A little bit, sir.

9 MR. WESTON: Thank you, sir.

10 THE COURT: Cross.

11 CROSS-EXAMINATION

12 BY MR. KORNFELD:

13 Q Treveion, when you were interrogated by the police
14 officer in this case, do you remember that?

15 A Yes, sir.

16 Q Okay. And do you remember if he stated to you that
17 Big Brit was there first, or whether you gave a name of
18 Brittany first?

19 A He told me that they was -- he told me that Ronald
20 Brown, Brittany Irby, Elijah Wilson, and a couple more of
21 my Co-Defendants that they was already up there at the
22 counter [phonetic].

23 Q And, on that day, were you scared when the cops were
24 talking to you and saying things to you on that day?

25 A Yes, sir.

1 Q All right. And before you went to the plea, the cop
2 told you that you needed to say certain things and was
3 cursing at you; is that correct?

4 A Yes, sir.

5 Q And you asked for your mother; correct?

6 A Yes, sir.

7 Q Did you get to see your mother at that time?

8 A No, sir.

9 Q When you talked to that police officer early in the
10 interrogation, didn't you tell that police officer, I was
11 there, Kyzer was there, Antonio Wakefield, Jyquavious
12 Young, Samson Groves, and some Antonio, who I don't know
13 his last name, and Ronald Brown; is that correct?

14 A Yes, sir.

15 Q All right. And you, also, told the police officer
16 early in the interview that you hadn't -- you didn't go
17 over to the parking lot; correct?

18 A Yes, sir.

19 Q All right. And how old were you then?

20 A 13.

21 Q All right. Had you ever been yelled at by -- had you
22 ever experienced anything like that before, or been yelled
23 at like that?

24 A Not by a detective.

25 Q By any man that you didn't know like that?

1 A No, sir.

2 Q As a matter of fact, on that date early in the
3 interrogation, you stated that inside the community center
4 when everybody was acting out -- or the lights were turned
5 on that Brittany Irby was saying, Chill, chill, chill?

6 A Yes, sir.

7 Q All right. Do you know if -- you stated that -- I
8 can't remember. You stated there was a fight that started
9 around the community center; is that correct?

10 A I think so, sir.

11 Q All right. I'm not trying to scare you. I'm just
12 trying to get this right.

13 And is it safe to say that you've been scared
14 throughout this whole process?

15 A A little bit, sir.

16 Q And that you want to say whatever the person at the
17 time is talking to you is asking you about so that you
18 don't have to be questioned anymore?

19 A Yes, sir.

20 Q What? I can't hear you.

21 A Yes, sir.

22 Q And when you gave the names of the people that were
23 there or that were running, you never said anything about
24 Brittany Irby running across the street, did you?

25 A Not that I know of, sir.

1 Q Right. Because it's this -- do you know what
2 building this is right here?

3 A No, sir.

4 Q You don't know. What about this, do you know what
5 this is?

6 A (Inaudible.)

7 THE COURT: You've got to speak into the microphone.

8 THE WITNESS: I can't see it, sir.

9 BY MR. KORNFELD:

10 Q Okay. You can come down here, if it will help you.
11 You may not know what this is.

12 THE COURT: Keep your voice level up.

13 BY MR. KORNFELD:

14 Q When you talk -- let's just move back here, because
15 they can't understand us if we don't -- okay.

16 Here, do you know what this is now? This is the
17 baseball field.

18 A That's the community center, sir.

19 Q Okay. This is the community center. All right. Do
20 you -- did you see Brittany out here at all?

21 A Huh-uh.

22 THE COURT: Speak up.

23 THE WITNESS: No, sir.

24 BY MR. KORNFELD:

25 Q Okay. Now, Mr. Weston stated that when you gave your

1 plea that the detective -- Detective Garrison was not at
2 your plea. That's right; correct?

3 A Yes, sir.

4 Q But Jeff Weston was there, wasn't he?

5 A Yes, sir.

6 Q And was -- Jeff Weston intimidated -- did you feel
7 intimidated by Jeff Weston at that time?

8 A Not really, sir.

9 Q Okay. Were you intimidated by him right here?

10 A Yes, sir.

11 Q Who did you get picked up by on the night of the
12 incident?

13 A We had ran towards Greenville High. My cousin's
14 momma, she came and picked us up. She didn't know what
15 was going on.

16 Q Okay. And what is your relationship -- you stated
17 that Ronald was there. And they turned the lights on
18 because they didn't want Ronald there; is that right?

19 A Yes, sir.

20 Q And what relationship do you have with Ronald?

21 A Well, like his daddy -- well, his brother used to
22 date my momma a long time ago. I used to be around him a
23 lot.

24 Q All right. But you're still stating that Ronald was
25 in there and that you -- that he was in a fight; is that

1 correct?

2 A Yes, sir.

3 Q All right. Had you ever, actually, heard anybody
4 call Brittany Big Brit before the detectives told you Big
5 Brit, Big Brit, Big Brit?

6 A Yes, sir.

7 Q And who did you hear say that? Was it Ronald?

8 A Yes, sir.

9 Q All right. And why did they call her Big Brit?

10 A I don't know, sir.

11 Q Is it because she's big?

12 A I guess so, sir --

13 MR. WESTON: Objection, Your Honor. He's already
14 answered that he didn't know.

15 THE COURT: That's all right. Let him do it.

16 Go ahead

17 BY MR. KORNFELD:

18 Q Do you know -- have you ever seen Brittany run
19 anywhere?

20 A No, sir.

21 Q And you told them Antonio Wakefield was there with
22 you and Antonio Moss; correct?

23 A Yes, sir.

24 Q All right. Just a couple more questions.

25 So you were -- how old are you now?

1 A 15.

2 Q 15. You were 14 at the time?

3 A 13.

4 Q 13?

5 A Yes, sir.

6 Q Okay. You were scared when you were with Detective
7 Garrison; correct?

8 A Yes, sir.

9 Q You were scared when he asked you and -- when he was
10 cursing at you before you went in there to take the plea
11 deal; correct?

12 A Yes, sir.

13 Q You were a little intimidated here when Jeff was
14 talking to you; correct?

15 A Yes, sir.

16 Q Mr. Weston. I apologize.

17 You were scared about that. And you're probably --
18 are you scared now?

19 A A little bit, sir.

20 Q Is it true that you'll -- that you just want to get
21 off this stand?

22 A A little bit, sir.

23 MR. KORNFIELD: Thank you, Treveion.

24 No further questions.

25 THE COURT: Cross.

CROSS-EXAMINATION

1

2

BY MR. HAMILTON:

3

Q Travan -- is it Trevan or Travon?

4

A Treveion.

5

Q Treveion --

6

A Yes, sir.

7

Q -- Anderson. Okay. And how old did you say you are
8 now?

9

A 15.

10

Q You're 15. And you -- and so you're 15 now?

11

A Yes, sir.

12

Q Okay. And then what grade of school were you in?

13

A Ninth.

14

Q Ninth grade?

15

A Yes, sir.

16

Q Is that high school?

17

A Yes, sir.

18

Q And you was going to the high school -- what high
19 school were you going to?

20

A When I was out -- I was in middle school when I was
21 out.

22

Q Okay. And so you was going into the ninth grade?

23

A Yes, sir.

24

Q And you was in the eighth grade last year. Treveion,
25 you have no reason to be afraid of me. I represent

1 Elijah.

2 But you've got yourself in a lot of trouble at a
3 young age.

4 A Yes, sir.

5 Q And it's over with now --

6 THE COURT: Mr. Hamilton, you're not -- you can make
7 those arguments to the jury at the close of the case.

8 This is cross-examination. Ask questions

9 BY MR. HAMILTON:

10 Q Are you afraid of me?

11 A No, sir.

12 Q You were at the community center. And you was across
13 the street. And you struck the victim in this case. Do
14 you know how many times you hit him?

15 A I didn't hit him across the street. When we was
16 at -- like coming out from the community center, I hit
17 him.

18 Q Okay. But you did go across the street?

19 A Yes, sir.

20 Q Okay. And all the people that were across the
21 street, did everybody hit him?

22 A Not everybody, sir.

23 Q Do you think it was -- how many people were there?

24 20? 30? How many people?

25 A Yeah, about that much.

1 Q How many?

2 A About -- well, are you talking about across the
3 street, sir?

4 Q Across the street when y'all pulled him off -- were
5 you there when they pulled him down off the fence?

6 A No, sir.

7 Q Okay. But you did go across there after they had --
8 you know, they pulled him off the fence?

9 A Yes, sir.

10 Q Okay. And did you see Kyzer there?

11 A Yes, sir.

12 Q Did you see Elijah Wilson there?

13 A Yes, sir.

14 Q At -- across the street when they pulled him down in
15 the parking lot?

16 A No, sir.

17 Q Okay. So you have to be -- listen carefully to what
18 I'm asking you.

19 A Yes, sir.

20 Q And -- because I'm talking about across the street
21 where the victim was at. You were there and you saw him
22 on the ground?

23 A Yes, sir.

24 Q All right. And then you saw Lil Ru there?

25 A Yes, sir.

1 Q And wasn't it Lil Ru that was the main one that was
2 hitting him?

3 A Yes, sir.

4 Q Can you describe what he was doing?

5 A By the time I got over there, he was -- like when I
6 ran across the street, he was kicking him in the head --

7 Q Right.

8 A -- and that's when he said -- Kyzer Thomas told him
9 to stop. And he said, I ain't stopping till I see some
10 blood. And that's when they had came and picked him up,
11 took him off in the car. And that's when the police had
12 came. And we had ran off.

13 Q Right. So at one point -- did you see anybody else
14 hit him?

15 A By the time I got over there, no, nobody else was
16 hitting him.

17 Q Okay. There wasn't nobody hitting him, but Lil Ru?

18 A Yes, sir.

19 Q And he was saying, he's mine, I've got him; right?

20 A Not really. No, he wasn't saying that, sir.

21 Q Okay. But he was saying -- was he saying anything --
22 oh, I'm going to -- I'm going to -- I ain't going to stop
23 till I get some blood?

24 A Yes, sir.

25 Q Okay. He said that. Okay. And, by the way, you

1 don't really know Elijah Wilson that well, do you?

2 A No, sir.

3 Q Okay. You've only seen him a couple of times?

4 A Yes, sir.

5 Q Right. And, you know, when you first got involved in
6 this, Detective Garrison got you down there. He wanted
7 you to say Scoot, Elijah Wilson, was involved in this --
8 was in the hit [sic] gang; is that right?

9 A Yes, sir.

10 THE COURT: Mr. Hamilton, he doesn't know what was in
11 Detective Garrison's mind. You can talk about his state
12 of mind, but not Detective Garrison's state of mind

13 BY MR. HAMILTON:

14 Q The question from your state of mind that -- from
15 your point of view, Detective Garrison was asking you
16 about Scoot --

17 A Yes, sir.

18 Q -- Elijah Wilson?

19 A Yes, sir.

20 Q That's his whole point?

21 A Yes, sir.

22 Q And he did all this before your momma got in there?

23 A Yes, sir.

24 Q And he was saying you need to tell me about him?

25 A Yes, sir.

1 Q Right. And you told him, I don't know Scoot?

2 A Yes, sir.

3 Q Did you tell him that?

4 A Yeah. I told him that at first, but --

5 Q And he kept on with you?

6 A Yes, sir. He just kept going.

7 Q He kept going, you do know Scoot. So, finally, you
8 said okay?

9 A Yes, sir.

10 Q Okay. And you told him that Scoot wasn't across the
11 street?

12 A Yes, sir.

13 Q Okay. Now, at the -- when you was offered to plead
14 guilty -- because you're pleading guilty -- now, you
15 didn't go across the street and you never hit him; right?

16 A Yeah. I went across the street, sir. I didn't hit
17 him across the street --

18 Q So you never hit him. So you never assaulted him.
19 So why did they offer you a plea to -- why did you plead
20 guilty to assault by mob?

21 A Because I had struck him at the top of -- coming out
22 of the community center.

23 Q All right. And, therefore, that's why you pled
24 guilty. And they said if you -- they reduced the charge.
25 And if they didn't, they said you either plead to -- here

1 or you get taken up as an adult. Did they not say that to
2 you?

3 A No, sir.

4 Q Oh, okay. Well, then they offered to reduce the
5 charge down to second degree?

6 A Yes, sir.

7 Q In order for you to testify against everybody else?

8 A I didn't hear that part, sir.

9 Q Okay. Well, you're here today because they asked you
10 to come. And the transcript says that you -- okay. But,
11 anyway, you are here. And you're saying that you didn't
12 see Scoot across the street where the victim was lying.
13 You didn't see Scoot or anybody else come and pick Ronald
14 Brown up in a car?

15 A Yes, sir.

16 MR. HAMILTON: Thank you.

17 MR. WESTON: Just a couple questions on redirect.

18 THE COURT: Yes, sir.

19 REDIRECT EXAMINATION

20 BY MR. WESTON:

21 Q Mr. Anderson, Mr. Hamilton just asked you about what
22 you saw across the street in the parking lot. And you
23 said, generally, to the effect that you saw Ronald Brown
24 beating the victim, and you heard Ronald Brown saying
25 things. Do you remember five minutes ago when I asked you

1 what did you see in the parking lot and you said it was
2 over when you got there? Do you remember saying that five
3 minutes ago?

4 A Well, sir --

5 Q Do you remember saying that five minutes ago, sir?

6 A I can't remember, sir.

7 Q It's hard to remember all the stories, isn't it?

8 A Yes, sir.

9 Q It's hard to keep them straight when they're not the
10 truth, isn't it?

11 A I'm telling the truth, sir.

12 Q But you've told some lies --

13 MR. HAMILTON: Your Honor, that's arguing. He's
14 arguing with him.

15 MR. WESTON: Your Honor --

16 THE COURT: That's all right. I've said he can treat
17 him as a hostile witness.

18 MR. HAMILTON: I'm sorry.

19 BY MR. WESTON:

20 Q You've told three different stories, haven't you,
21 sir?

22 A No, sir.

23 Q You told the detectives that you saw things that
24 today you're saying you didn't see like with regard to
25 Elijah Wilson and Brittany Irby. Didn't you tell the

1 detectives that you saw them striking the victim?

2 A Yes, sir.

3 Q You signed a statement to that effect, didn't you?

4 A Yes, sir.

5 Q Then when you pled guilty in Family Court under oath,
6 you told --

7 MR. HAMILTON: Your Honor, I don't know how that --
8 redirect -- is that being responsive to --

9 THE COURT: That was the whole point of both of your
10 cross-examinations. I'm going to allow it.

11 Go ahead, Mr. Weston.

12 MR. WESTON: Thank you, Your Honor.

13 BY MR. WESTON:

14 Q You told a Family Court Judge under oath that you saw
15 Elijah Wilson and Brittany Irby beating the victim, didn't
16 you, sir?

17 A Yes, sir.

18 Q And, now today, you're saying I hardly knew them,
19 even though you called them both by their nicknames, Scoot
20 and Big Brit. You only met them a couple -- seen them a
21 couple of times, but you called them by their nicknames.
22 You're saying today you didn't see them do anything.
23 That's three separate stories, isn't it, sir?

24 A (There was no response.)

25 Q The statement, the plea when you pled guilty and gave

1 your testimony in court, and then today's story. That's
2 three separate stories, isn't it, sir?

3 A Yes, sir.

4 Q It's hard to keep them straight, isn't it, sir, and
5 remember what you said?

6 A (There was no response.)

7 Q Isn't it, sir?

8 A I guess so, sir.

9 MR. WESTON: Thank you.

10 THE COURT: All right. Anything else?

11 (WHEREUPON, there was no response.)

12 THE COURT: You can step down.

13 Thank you.

14 MR. WESTON: The State would call Mr. Christian
15 Williams, Your Honor.

16 THE CLERK: Mr. Williams, if you'll come around to
17 the bench.

18 If you'll, please, place your left hand on the Bible
19 and raise your right hand.

20 WHEREUPON,

21 CHRISTIAN WILLIAMS,

22 after first having been duly sworn, testified as follows:

23 THE CLERK: All right. Please be seated.

24 Please state your name for the record.

25 THE WITNESS: Christian Williams.

1 THE CLERK: Thank you.

2 DIRECT EXAMINATION

3 BY MR. WESTON:

4 Q Mr. Williams, you're wearing a yellow jumpsuit.

5 Where are you presently being held? Where are you staying
6 right now?

7 A Say what?

8 Q Where are you at in -- where are you at?

9 A Oh, over the yard.

10 Q I'm sorry?

11 A Over the yard.

12 Q Are you in Columbia?

13 A Yes, sir.

14 Q And are you in the custody of the Department of
15 Juvenile Justice?

16 A Yes, sir.

17 Q And are you being held there as a part of a sentence
18 for pleading guilty to a crime?

19 A Yes, sir.

20 Q Was the crime -- did the crime involve your
21 participation in the beating of an individual back in
22 April of last year over at the West End -- near the West
23 End Community Center?

24 A Yes, sir.

25 Q And you pled guilty to assault and battery second

1 degree; is that correct?

2 A (Witness nodded.)

3 Q And you have to say "yes" or "no" so the court
4 reporter can take down what you're saying. All right,
5 sir. And if you'll speak loudly so that the jurors can
6 hear you, I'd appreciate it.

7 A All right.

8 Q And the charge, originally, was assault and battery
9 by mob first degree; is that correct?

10 A Yes, sir.

11 Q And that was reduced?

12 A Yes, sir.

13 Q All right. And as a part of your plea agreement that
14 you would plead guilty to a reduced charge, did you agree
15 to testify truthfully against any Co-Defendants at their
16 trials?

17 A Yes, sir.

18 Q All right. And did you agree to that when you pled
19 guilty?

20 A Yes, sir.

21 Q And do you plan to testify truthfully today?

22 A Yes, sir.

23 Q All right. At the time this happened back in April
24 of last year, were you a member of a street group?

25 A Yes, sir.

1 Q What was the name of that group?

2 A Straight Jacket.

3 Q All right. And after this happened -- or before this
4 happened -- or were you ever a member of the Tough Money
5 Boys?

6 A No, sir.

7 Q Were you ever a member of the Hit Squad?

8 A Yeah. I used to be in it.

9 Q All right. Let's talk about the Hit Squad. How did
10 you get into the Hit Squad?

11 A I got beat in.

12 Q And tell the jury what happened. You don't need to
13 name names at this point. Just tell the jury what happens
14 when you get beat in.

15 A Once you get beat in, you're in.

16 Q No. What happens to get beat in? How does that
17 work?

18 A You've got to --

19 MR. KORNFIELD: Objection, Your Honor. This is
20 irrelevant to the case at hand.

21 THE COURT: Overruled.

22 BY MR. WESTON:

23 Q How do you get beat in to this street group, the Hit
24 Squad?

25 A You ask them can you get in. And they be like, yeah.

1 They give you --

2 Q Take your time. And speak slowly.

3 A They just give you a certain day. And you just ask
4 them.

5 Q And what happens on that day?

6 A You just get beat in.

7 Q How -- did you have to fight somebody?

8 A I didn't fight nobody. I just got beat in. I just
9 got jumped in.

10 Q How many people struck you to get jumped in?

11 A Two.

12 Q All right. And you couldn't fight back?

13 A I could, but I didn't.

14 Q All right. Because you wanted to get in?

15 A Yeah.

16 Q And that was the Hit Squad; is that correct?

17 A Yes, sir.

18 Q And was Ronald Brown a member of the Hit Squad?

19 A Yes.

20 Q What was his nickname?

21 A Lil Ru.

22 Q Was Brittany Irby a member of the Hit Squad?

23 A I couldn't tell.

24 Q I beg your pardon, sir?

25 A I couldn't tell.

1 Q Yes, you can. You can tell.

2 A I said I couldn't.

3 Q What do you mean you couldn't? You didn't know?

4 A I mean, I didn't even know her. I barely even seen
5 her on the streets.

6 Q All right, sir. How about Elijah Wilson?

7 A I seen him a couple of times. But I don't know if he
8 was a gang banger or not.

9 MR. WESTON: Permission to treat the witness as
10 hostile, Your Honor?

11 MR. HAMILTON: I don't --

12 THE COURT: Well, he hasn't done anything yet.

13 BY MR. WESTON:

14 Q Do you remember back on September 12th of 2013, when
15 you pled guilty in Family Court, young man?

16 A Yeah, I remember.

17 Q Do you remember being in front of a Family Court
18 Judge and taking an oath to tell the truth?

19 A Uh-huh.

20 Q You have to say "yes" or "no," sir, so she can take
21 it down.

22 A Oh, yes.

23 Q All right. And do you remember being asked questions
24 like the ones I just asked you about Elijah Wilson and
25 Brittany Irby, sir?

1 A You didn't ask me no questions --

2 Q No. Just answer my question and then you can
3 explain. Do you remember being asked questions about
4 Elijah Wilson, and Brittany Irby, and the Hit Squad?

5 A No.

6 Q Well, let me refresh your recollection, sir. I want
7 you to take a look at this.

8 THE COURT: Identify what the document is.

9 BY MR. WESTON:

10 Q This is a transcript of -- you need to look at me,
11 sir, and listen to what I'm saying. I apologize. I want
12 to make sure you hear me and understand.

13 This is a transcript where the -- like the lady who
14 is taking down everything we say right now, there was a
15 lady at the time of your plea who was taking down
16 everything. She has now typed it up. And this is a
17 transcript of when you pled guilty back in September. Do
18 you understand?

19 A Yes, sir.

20 Q All right. As you can see here, there's been
21 portions highlighted. I'm going to ask you -- this is --
22 the "A" stands for an answer. The "Q" stand for a
23 question. And it will be a question answer, question
24 answer. Okay. And your responses are the A's, the
25 answers. The Q's are my questions to you.

1 Do you remember when I asked you questions, at that
2 time, when you pled guilty?

3 A Yeah.

4 Q You have to speak loudly if you're away from the
5 microphone.

6 A Yeah.

7 Q All right. This is a transcript of our conversation
8 in court that day. Do you understand?

9 A Yeah.

10 Q Okay. I want you to read your first -- my question
11 to you was, How did you -- Did you begin your gang
12 involvement with the Straight Jacket gang, or were you
13 involved with the Hit Squad gang?

14 Read your answer out loud, please, sir.

15 A I was involved --

16 Q Slowly.

17 A I was involved in the Hit Squad. But then I got out
18 and I got into Straight Jacket last year in 2012 in
19 December.

20 Q And then I asked you, Okay. How did you get in the
21 Hit Squad gang?

22 And speak slowly. What did you say?

23 A I got jumped in.

24 Q All right. And then here is another question: All
25 right. The Hit Squad. Was Ronald Brown a member of the

1 Hit Squad?

2 Read what you said, sir.

3 A Yes, ma'am.

4 Q How about Brittany Irby?

5 A Yes, ma'am.

6 Q Say it again.

7 A Yes, ma'am.

8 Q How about Elijah Wilson?

9 You said what? You asked a question.

10 A Scoot?

11 Q And the question: Yeah.

12 A Yes, ma'am.

13 Q Okay. And the next thing: Okay. And what was their
14 role in the Hit Squad gang?

15 Please read what you said, sir.

16 A They was like --

17 Q Slow down.

18 A They was like Hit Squad, you know. They was just
19 like just fight people, you know. But they usually just
20 hang around, and stuff like that.

21 Q And then the next thing: And were Ronald Brown,
22 Brittany Irby, and Elijah Wilson leaders of the Hit
23 Squad?

24 Read your answer, sir.

25 A Yes, ma'am.

1 Q Okay. Why are you today saying that they are not,
2 sir?

3 A Huh?

4 Q Why are you today saying they aren't members of the
5 Hit Squad?

6 A I can't really say if they was. Because they just --
7 I just seen them -- I didn't see them a lot. It's just --
8 I didn't know. I really can't say who was the leader of
9 the Hit Squad.

10 Q You swore to tell the truth back then in September,
11 didn't you, young man?

12 A Yeah.

13 Q Were you telling the truth back then?

14 A (Witness shook his head.)

15 Q You have to say "yes" or --

16 A Nope.

17 Q Why did you lie, sir?

18 A Because --

19 THE COURT: Hang on. I'm going to -- we're going to
20 take a short break.

21 Ladies and gentlemen, we'll get right back with you.
22 Don't discuss the case.

23 (WHEREUPON, the jury was excused from open court at
24 approximately 10:37 a.m.)

25 THE COURT: Mr. Williams --

1 THE WITNESS: Yes, sir.

2 THE COURT: -- I want to inform you that perjury is a
3 crime. You were under oath in Family Court when you pled
4 guilty. And the answers you gave, you swore to tell the
5 truth. You are under oath today. And your statement that
6 you lied to a Family Court Judge may well amount to a
7 crime.

8 Do you understand that?

9 THE WITNESS: Yes, sir.

10 THE COURT: Who's your lawyer?

11 THE WITNESS: I don't know my lawyer's name.

12 THE COURT: You don't have a lawyer?

13 THE WITNESS: (Witness shook his head.)

14 THE COURT: Do you want one?

15 THE WITNESS: (Witness shook his head.)

16 THE COURT: No?

17 THE WITNESS: Yeah.

18 MR. WESTON: He was represented by Michael Johnson at
19 the Family Court proceeding, Your Honor.

20 THE COURT: I just want to tell you something,
21 Mr. Williams. If you persist in this line of answering,
22 you are exposing yourself to a crime.

23 Do you understand that?

24 THE WITNESS: Yes, sir.

25 THE COURT: How old are you?

1 THE WITNESS: 14.

2 THE COURT: Okay. We'll just take a short break.

3 (WHEREUPON, a break was taken.)

4 THE COURT: Anything else before we go?

5 MR. WESTON: Yes, Your Honor.

6 May we approach briefly?

7 THE COURT: All right.

8 (WHEREUPON, a bench conference was held.)

9 THE COURT: Ma'am in the purple, please, stand.
10 Come forward.

11 MS. KERA JOHNSON: Are you serious?

12 THE COURT: I understand you made a comment to one of
13 the witnesses.

14 MS. KERA JOHNSON: I'm with --

15 THE COURT: Excuse me?

16 MS. KERA JOHNSON: I'm with -- I ain't made no
17 comment towards nobody. I've been talking to my mother --

18 THE COURT: When you were out at the ladies room --

19 MS. KERA JOHNSON: No. I ain't been to the bathroom
20 at all. Ask anybody out here. I haven't been to the
21 bathroom. I've been sitting out there the whole time.

22 MR. WESTON: I'm sorry, Your Honor. She said the
23 hallway. I'm sorry.

24 THE COURT: Okay. Ma'am, I apologize to you for
25 that.

1 Who is it?

2 MS. KERA JOHNSON: I ain't said nothing to nobody.

3 THE COURT: You may have your seat.

4 MS. SALISBURY: No, Judge. It's just that it was in
5 the hallway, not in the bathroom.

6 THE COURT: Well, in the hallway.

7 MS. KERA JOHNSON: I still ain't said nothing. I've
8 been with them right there the whole time.

9 UNIDENTIFIED FEMALE: We was talking to -- about my
10 daughter and her baby.

11 MS. KERA JOHNSON: Yeah.

12 UNIDENTIFIED FEMALE: Her water just --

13 MS. KERA JOHNSON: My sister's water just broke.
14 I've been outside talking to my step-mother, my mother,
15 and that lady behind her.

16 So what did I say?

17 THE COURT: What did you say, ma'am?

18 MS. KERA JOHNSON: I ain't said nothing. I'm
19 talking -- I've been talking to my family. I was just on
20 the phone with my little sister. You can call her and ask
21 her. I was on the phone with her.

22 THE COURT: And you made no comment to anyone on that
23 side of the room?

24 MS. KERA JOHNSON: Nobody. I don't know nobody over
25 here. I have not made a comment to nobody at all. I've

1 been with them. That's where I've been. You can look at
2 your cameras, if you need to.

3 THE COURT: Excuse me, ma'am. You do not tell me
4 what to do in the courtroom.

5 MS. KERA JOHNSON: But I'm being accused of --

6 THE COURT: Ma'am --

7 MS. KERA JOHNSON: -- something, sir. I'm being
8 accused --

9 THE COURT: Ma'am, be quiet.

10 (WHEREUPON, Ms. Kera Johnson turned her back to the
11 Court.)

12 THE COURT: Do not turn away.

13 Now, I don't know -- allegations have been made about
14 what you said.

15 What is your name?

16 MS. KERA JOHNSON: My name is Kera [phonetic]
17 Johnson.

18 THE COURT: Kera Johnson?

19 MS. KERA JOHNSON: Yes, sir.

20 THE COURT: Okay. Let me just tell you and everyone
21 else in this courtroom that I will not tolerate improper
22 comments, clapping during the testimony. And anyone who
23 violates the decorum of this courtroom will be subject to
24 contempt of court.

25 If there's anyone in here who cannot abide by that,

1 leave now. Do not come back. Because the next violation,
2 I am going to put you in jail.

3 If I find out that you made this comment, ma'am, we
4 will be back to see you. You may have your seat.

5 Thank you.

6 All right. Are you ready?

7 MR. WESTON: Yes, sir, Your Honor.

8 (WHEREUPON, the jury came into open court at
9 approximately 10:59 a.m.)

10 THE COURT: Ladies and gentlemen, welcome back.

11 Mr. Weston, I interrupted your examination.

12 MR. WESTON: Thank you, Your Honor.

13 CONTINUED DIRECT EXAMINATION

14 BY MR. WESTON:

15 Q Just a couple more questions, Mr. Williams. I just
16 want to clarify. When I was reading to you, your answers
17 were "yes, ma'am," when I was reading what -- when I
18 examined you and you answered. Actually, you were
19 examined by a female prosecutor; is that correct?

20 A Yes, sir.

21 Q It was Ms. Ashley Case.

22 A I don't -- I can't remember her name.

23 Q But that was why you were saying "yes, ma'am" in your
24 answers; is that correct?

25 A Yes, sir.

1 MR. WESTON: All right, sir. I just didn't want to
2 give the wrong impression.

3 THE COURT: All right. Cross-examination.

4 CROSS-EXAMINATION

5 BY MR. KORNFELD:

6 Q Mr. Williams, you gave a statement as well in
7 interrogation about a year ago; is that right?

8 A Yes, sir.

9 Q Okay. And, at that time, did you tell -- these are
10 the people -- did you tell the police that Lil Ru punched
11 him in the face and stomped him in the head?

12 A Yeah. That was him.

13 Q All right. And then you told him -- you said a guy
14 name Kell -- do you know who Kell is, K-E-L-L?

15 A Yeah. That's my Co-Defendant.

16 Q Okay. And he stomped him one time; is that right?

17 A Yeah.

18 Q All right. Treveion Anderson, did you state he
19 stomped him in the leg?

20 A Yeah.

21 Q All right. And Jaylin [phonetic] stomped him in the
22 face?

23 A Yeah. That's the person that came to the party with
24 me.

25 Q Okay. Qaader -- is that how you say his name?

1 A Who?

2 Q Qaader, Q-A-A-D-E-R.

3 A Oh, Qaader.

4 Q Qaader?

5 A Yeah.

6 Q You said that he stomped and punched him?

7 A Yeah.

8 Q A guy named Julius stomped him, Bryson stomped him;
9 is that right?

10 A Yeah.

11 Q All right. And when that -- when you gave your
12 statement, you didn't say anything about -- first of all,
13 how many times have you seen my client?

14 A Brittany?

15 Q Yes.

16 A I seen her a couple times. I ain't seen her much.

17 Q All right. And she didn't stomp --

18 A To be honest, I really wasn't paying attention.

19 Q All right. And you're 14 years old now?

20 A Yes, sir.

21 Q What kind of grades did you make in school?

22 A A's, B's, C's.

23 Q D's? Just A's, B's, and C's?

24 A Yes, sir.

25 Q Okay. Was there an altercation between you and the

1 victim?

2 A No, sir.

3 Q All right. You stated that you were no longer a part
4 of the Hit Squad, but that you were beat in at some point;
5 is that right?

6 A Yes, sir.

7 Q And when was that?

8 A 2012, in June.

9 Q 2012, in June?

10 A Yes, sir.

11 Q And then you were -- you're in something now called
12 Straight Jacket?

13 A I was.

14 Q You were?

15 A Yeah.

16 Q Were you at the time of this?

17 A Yes.

18 Q Okay. And you stated that you got beat in to the Hit
19 Squad. Who beat you in? Do you -- who beat you in?

20 A I can't remember.

21 Q Did Lil Ru beat you in?

22 A I didn't know Lil Ru. I met Lil Ru down at the
23 party.

24 Q All right. When you testified in Family Court -- do
25 you remember that? That's what Mr. Weston was talking

1 about.

2 A Uh-huh.

3 Q And you said you were -- did you see Ronald Brown
4 with a gun at the party?

5 A Yeah.

6 Q You did?

7 A Yes, sir.

8 Q What kind of gun was it?

9 A I don't know. Like silver and brown -- a brown
10 handle.

11 Q And where did you see him with that gun?

12 A When he was outside fighting.

13 Q In the parking lot?

14 A Yes, sir. Not where they beat the dude -- it was in
15 the parking lot where the party was.

16 Q Can you say that again? I'm sorry.

17 A I said not where we was beating the dude, the parking
18 lot where everybody was fighting at.

19 Q All right. The parking lot?

20 A Uh-huh.

21 Q How many people were at the party?

22 A I don't know. I couldn't tell. It was a bunch of
23 us.

24 Q Okay. Did you come to the party with Kyzer Thomas?

25 A I met him at the party.

1 Q You didn't come with him?

2 A No, sir.

3 Q Did you talk with -- who did you talk with before the
4 party?

5 A Me and the people I went with.

6 Q All right. What was the reason -- what was your
7 reason for going after -- into the parking lot?

8 A I didn't know -- oh, my reason why I was in the
9 parking lot?

10 Q Yeah.

11 A Because -- well, I didn't have no reason. Somebody
12 just pulled me into the parking lot.

13 Q Okay. Was -- what was the reason for hitting
14 Mr. Harrison in the parking lot?

15 A I don't know.

16 Q Y'all weren't beating him into anything?

17 A No.

18 Q Y'all were just hitting him?

19 A Yeah. We didn't really know him. So we couldn't
20 beat him into anything if we didn't know him.

21 MR. KORNFIELD: No further questions.

22 THE COURT: Cross.

23 CROSS-EXAMINATION

24 BY MR. HAMILTON:

25 Q Christian, you are -- how old are you now?

1 A 14.

2 Q 14?

3 A Yes, sir.

4 Q And you -- what school did you go to?

5 A Northwood Middle.

6 Q Northwood Middle. Okay. You said that you don't --
7 you don't know who all was in the Hit Squad?

8 A No.

9 Q And you was in the Hit Squad?

10 A Yeah.

11 Q And do you know Elijah Wilson?

12 A I mean, I don't know him. Like I've seen him a
13 couple times, but not much.

14 Q All right. And you didn't know whether or not he was
15 in the Hit Squad?

16 A No. I didn't know if he was in it or not. Because,
17 I mean, I seen -- I mean, he could be in a gang.

18 Q Right. Right. Okay. But you are in -- and you got
19 out of the Straight Jacket group?

20 A Uh-huh.

21 Q Okay. And you did go across the street where the
22 victim was at. How many times did you hit him?

23 A I don't know.

24 Q You can't count them?

25 A (Witness shook his head.)

1 Q Okay. And Lil Ru was there?

2 A Yeah. He was there.

3 Q Was Kyzer there?

4 A Everybody was there.

5 Q Was Elijah Wilson there?

6 A I really couldn't tell. I didn't see him.

7 Q You didn't see him?

8 A I mean, if he was there, he was not over there
9 beating the boy. I wasn't paying attention to him. I
10 was -- you know, the only people I was paying attention to
11 was me, the people I went with, and Lil Ru mostly.
12 Because Lil Ru was the main one doing the most actions.

13 Q Lil Ru was the main one?

14 A Doing the most actions.

15 Q Doing the most severe punishment to the victim?

16 A Yes, sir.

17 Q And Lil Ru, now, he's -- what kind of influence he
18 has over you?

19 A He ain't got none over me.

20 Q But you just followed him over there?

21 A Yeah. I didn't just follow him.

22 Q Okay. Well, Lil Ru said, Y'all better get him;
23 right?

24 A Huh?

25 Q Now, you remember -- Lil Ru had a gun?

1 A Yeah.

2 Q And did he say, Y'all better get him?

3 A Yeah, or he was going to shoot us.

4 Q Okay. So -- and do you know a J. Young?

5 A J. Young?

6 Q Yeah. Jyquavious Young.

7 A Yeah. I didn't know he was at the party, though.

8 Q Right. Right. So --

9 A It was like a couple of my Co-Defendants that I
10 didn't know that was at the party.

11 Q Okay. So -- but -- so if somebody heard somebody
12 say, Y'all better get him, that was Lil Ru yelling?

13 A Yes, sir.

14 Q And then if somebody said they saw somebody with a
15 gun, that was Lil Ru, Ronald Brown, with a gun?

16 A Yes, sir.

17 Q All right. When you look at Elijah Wilson, what kind
18 of hair style he's got?

19 A He got dreads. He got long dreads.

20 Q Okay. Long dreads. And then Lil Ru got what kind of
21 hair style?

22 A Shorter dreads.

23 Q Shorter dreads?

24 A Uh-huh.

25 Q But it's the style, dreads?

1 A It's just different.

2 Q Right. And then --

3 A And he's taller than Lil Ru is.

4 Q He's taller than Lil Ru?

5 A Uh-huh.

6 Q But then if somebody saw somebody with dreads with a
7 gun, to you, that's -- if I said somebody out there with
8 dreads and they had a gun, you know him to be Lil Ru;
9 isn't that right?

10 A Yeah. But, I mean, not just anyplace.

11 Q Yeah. But if -- out there that day, when this
12 happened, Lil Ru had a gun?

13 A Yes, sir.

14 Q And he had his dreads. So that could be stated by
15 you. And you really didn't know Scoot's name. I mean,
16 how did you know -- did you know his name, or did you know
17 him --

18 A I didn't know his name. I just call him Scoot on the
19 streets.

20 Q Okay. Who told you his name was Elijah Wilson?

21 A When I got locked up, the detective.

22 Q Right. And then when -- they was insisting that you
23 know him; right?

24 A Yeah. I mean, I know him, but that don't mean I know
25 him fully.

1 Q And they didn't believe you?

2 A They didn't believe me. They were like, Did you know
3 him on the street?

4 I was like, Yeah. I know him. I seen him a couple
5 of times. We just talked and just kept moving.

6 Q Okay. But you learned from them his name?

7 A Yeah.

8 Q Okay. Now, there's no question that -- you said --
9 but if I said Scoot was over there in the parking lot
10 where the man got beat, you would say --

11 A I couldn't tell. I was not paying attention. I was
12 just paying attention to me.

13 Q Right. And the only reason why you say you -- you're
14 not denying it, because you can't tell; right?

15 A I couldn't tell. Because when they was beating him,
16 Thomas said, He don't look like he's breathing. So we
17 already -- I didn't know if he ran or not.

18 Q Okay. And then you're not a member of the Tough
19 Money Boys?

20 A Nah.

21 Q Right?

22 A No, sir.

23 Q But you was at that little meeting; right?

24 A Yeah. I was at the meeting.

25 Q Okay. And Elijah Wilson wasn't there?

1. A No.

2 Q So if somebody said that he was there, they would be
3 mistaken?

4 MR. WESTON: Objection, Your Honor. Pitting
5 witnesses.

6 THE COURT: Yes. You can't do that.

7 BY MR. HAMILTON:

8 Q But he wasn't there?

9 A No, sir.

10 Q You were there?

11 A Yeah. I was there.

12 MR. HAMILTON: Okay. That's all I've got.

13 THE COURT: All right. Anything else?

14 MR. WESTON: Just a couple questions, Your Honor, on
15 redirect.

16 REDIRECT EXAMINATION

17 BY MR. WESTON:

18 Q Counsel just asked you about a meeting. Tell the
19 jury about what meeting he's talking about.

20 A It was just a little clique meeting.

21 Q Where at?

22 A Falls Park.

23 Q Was this before the party?

24 A Yes, sir.

25 Q And was it a Tough Money Boys meeting?

1 A Yeah. It was just not a Tough Money Boys meeting.
2 It was a Straight Jacket gang meeting, too.

3 Q All right. And you were a member of that gang at the
4 time?

5 A Yes, sir.

6 Q Okay. And both of these gangs were at the meeting?

7 A Yes, sir.

8 MR. WESTON: Thank you, sir.

9 THE COURT: All right. You can step down.

10 MR. WESTON: The State would call Mr. Antonio
11 Wakefield, Your Honor.

12 THE COURT: Okay.

13 THE CLERK: Mr. Wakefield, if you'll, please, come
14 around to the bench on this side.

15 Sir, if you'll, please, place your left hand on the
16 Bible, as best you can, and raise your right hand.

17 WHEREUPON,

18 ANTONIO WAKEFIELD,
19 after first having been duly sworn, testified as follows:

20 THE CLERK: Thank you.

21 Please be seated.

22 THE CLERK: Would you, please, state your name for
23 the record?

24 THE WITNESS: Antonio Wakefield.

25 THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. WESTON:

Q Mr. Wakefield, are you presently confined in the Department of Juvenile Justice down in Columbia?

A No, sir.

Q All right, sir. Where are you presently housed?

A The Greenville Detention Center.

Q All right. But before you came to the detention center -- I'm sorry. I take that back. I apologize.

You were, originally, charged with assault and battery first degree as a result of the incident that happened on April 20th at the West End Community Center; is that correct?

A Yes, sir.

Q And, prior to today, did you enter a guilty plea to a charge of assault and battery by mob in the second degree?

A Yes, sir.

Q And, in exchange for that guilty plea, did you agree to testify truthfully against any Co-Defendants at their trial?

A Yes, sir.

Q And, at the time you pled guilty, do you remember being put under oath?

A Yes, sir.

Q And do you remember telling -- answering questions

1 concerning the involvement of others?

2 A Yes, sir.

3 Q In addition to admitting what you did that day, you
4 pled -- when you pled guilty, you admitted to the Court
5 what you did?

6 A Yes, sir.

7 Q All right. Let's talk briefly about what you -- a
8 little bit of background here. Were -- at the time this
9 happened on April 20th of last year, were you a member of
10 a street group?

11 A Yes, sir.

12 Q What was the name of the group?

13 A TMB.

14 Q All right. And what did TMB do? I mean, for
15 instance, I'm going to give you a softball question so you
16 can say no. Did y'all sell drugs as a group?

17 A No, sir.

18 Q What did y'all do?

19 A Fight.

20 Q Okay. And did y'all ever raise money?

21 A No.

22 Q All right. Were you familiar with a group called the
23 Hit Squad?

24 A Yes, sir.

25 Q What was the relationship between TMB and the Hit

1 Squad?

2 A No relation.

3 Q All right. Y'all never hung out together?

4 A No.

5 Q Okay. Do you know Brittany Irby?

6 A No, sir.

7 Q You don't remember -- you didn't see Brittany Irby at
8 the party on April 20th of 2013, sir?

9 A I seen her, but I don't know her.

10 Q All right. Where did you see her at?

11 A Inside the party.

12 Q When you say "inside the party," do you mean inside
13 the actual party itself, the room where the party was
14 being held?

15 A Yes, inside the actual party.

16 Q All right. Was this before the commotion started?

17 A Yes, sir.

18 Q Was this before the lights were turned up?

19 A Yes, sir.

20 Q So she was at the party?

21 A (Witness nodded.)

22 Q You have to say "yes" or "no," sir.

23 A Yes, sir.

24 Q All right. Do you know Elijah Wilson?

25 A Yes, sir.

1 Q Do you know his nickname?

2 A Scoot.

3 Q All right. How do you know Mr. Wilson?

4 A He was in the Hit Squad when I was in the Drip Gang.

5 Q All right. So before you got into TMB, Tough Money
6 Boys, you were in a group called?

7 A Drip Gang.

8 Q Drip Gang?

9 A (Witness nodded.)

10 Q And what was the relationship between the Hit Squad
11 and the Drip Gang?

12 A They was together.

13 Q All right. How old were, generally, the members of
14 the Drip Gang? What kind of age? Were they younger than
15 the members of the Hit Squad?

16 A Yeah, younger.

17 Q All right, sir. But they were together with the Hit
18 Squad?

19 A Uh-huh.

20 Q And what does that mean "together"?

21 A It was all grouped together, one group called LHD.

22 Q What does LSD -- LHD stand for?

23 A Lick Squad, Hit Squad, Drip Gang.

24 Q Say it slowly, sir.

25 A Lick Squad, Hit Squad, Drip Gang.

1 Q All right. And so y'all did things together?

2 A Uh-huh.

3 Q Now, you said TMB, Tough Money Boys, was a fight
4 gang. Y'all fought. Is that the case with LHD?

5 A Yes, sir.

6 Q Is that what y'all did?

7 A Yes, sir.

8 Q Does that include the members of the Hit Squad?

9 A Yes, sir.

10 Q All right. Did you see Elijah Wilson at the party on
11 April 20th of 2013?

12 A Yes, sir.

13 Q Did you see him inside the party before the commotion
14 started?

15 A Yes, sir.

16 Q So he was at the party?

17 A Yes, sir.

18 Q You're sure about that?

19 A Positive.

20 Q All right. Did you see whether Elijah Wilson had a
21 weapon that night, a gun, specifically?

22 A Yes, sir.

23 Q Tell the jury where you saw Elijah Wilson at the time
24 of the party and where was he at with a gun.

25 A Right when you come outside, he was right there

1 like -- I don't know the name. But it was right there at
2 the front of the door. He had a gun. He was jumping up and
3 down.

4 Q All right. Let's go back a minute. Generally,
5 there's a party going on; is that correct?

6 A Yes, sir.

7 Q And were y'all invited to the party? Did you like
8 get -- receive an invitation, or a phone call, or see
9 someone who was having a party that said, hey, why don't
10 you come to my party?

11 A No, sir.

12 Q All right. So y'all came uninvited?

13 A Yes, sir.

14 Q Were you searched before you went in?

15 A Yes, sir.

16 Q Okay. And there was a commotion, and the lights were
17 turned up; is that correct?

18 A Yes, sir.

19 Q And do you know Ronald Brown?

20 A Yes, sir.

21 Q And he's Lil Ru; is that right?

22 A Yes, sir.

23 Q And he was asked to leave; is that correct, sir?

24 A Yes, sir.

25 Q And did he leave?

1 A No, sir.

2 Q And so were the lights turned back up again?

3 A Yes, sir.

4 Q And at that time -- at some point, did the people who
5 were hosting the party say, that's it, the party is over?

6 A No. They never said it was over. They just wanted
7 Lil Ru to leave. And he didn't leave. So they said
8 whoever with Lil Ru, get out of the party.

9 Q Did they try to -- did -- was -- did he at some
10 point -- was he, at some point, escorted out of the party?

11 A Yes, sir.

12 Q Is that when the commotion started, when he got
13 outside?

14 A Yes, sir.

15 Q Where were you when the commotion started?

16 A In the crowd.

17 Q Outside?

18 A Yes, sir.

19 Q All right. And did you see Elijah Wilson outside
20 when the party -- when everybody went outside?

21 A Yes, sir.

22 Q About how far away from you -- from him were you?

23 A I --

24 Q I'm going to start walking towards you, and you tell
25 me when to stop when I'm as close as you were to him.

1 A Right there.

2 Q And you said he was jumping up and down?

3 A Yes, sir.

4 Q Did he have a gun in his hand at that time?

5 A Yes, sir.

6 Q Was he holding it up, or down, or what?

7 A He was holding it up.

8 Q Show the jury. Hold it up -- that's okay. That's
9 all right. You don't have to do it.

10 Do you mean he was just jumping up and down with a
11 gun in his --

12 A Yeah.

13 Q -- like that?

14 A Uh-huh.

15 Q Does that accurately show what he was doing?

16 A Uh-huh.

17 Q Do you know why he was doing that?

18 A No, sir.

19 Q All right. Was this right before or when the fight
20 started out in front of the community center?

21 A Yes, sir.

22 Q Did you see -- did you go across the -- were you
23 involved in the fight in front of the community center?

24 A No, sir.

25 Q All right. Did you go across the street when the

1 victim ran around and went across the street?

2 A Yes, sir.

3 Q Did you strike him in the parking lot across the
4 street?

5 A Yes, sir.

6 Q Did you see Elijah Wilson across the street in the
7 parking lot?

8 A Yes, sir.

9 Q Did you see him chasing the victim across the street?

10 A Yes, sir.

11 Q You hesitated, sir. Is there --

12 A I had to think.

13 Q All right. Did you see him striking the victim?

14 A Yes, sir.

15 Q Once again -- now, you were striking the victim?

16 A Uh-huh.

17 Q Was he doing it about the same time you were?

18 A Yes, sir.

19 Q So you were right close to him?

20 A Uh-huh.

21 Q You have to say "yes" or "no," sir.

22 A Yes.

23 MR. WESTON: Thank you, sir.

24 That's all I have.

25 THE COURT: Cross.

CROSS-EXAMINATION

BY MR. KORNFIELD:

Q Mr. Wakefield, while you were at the party, did you witness the victim in this case hit a kid named Treveion Anderson?

A No, sir. I seen it outside.

Q All right. So it was outside. Where, specifically, was it outside? Was -- do you know this map? It might be easier. Do you know what this is?

A [Inaudible.]

Q All right. Do --

THE COURT: You've got to keep you voice up.

THE WITNESS: No, sir.

BY MR. KORNFIELD:

Q Okay. So was it outside the community center, or was it --

A It was outside.

Q All right. And how -- what did the victim do to Treveion, specifically?

A Well, he grabbed him at first. And he punched him. And he ran.

Q Why did he run?

A I have no idea.

Q All right. And then y'all just started chasing altogether; correct?

- 1 A Yes, sir.
- 2 Q You, Lil Ru?
- 3 A (Witness nodded.)
- 4 Q Kyzer?
- 5 A Yes, sir.
- 6 Q Ianteves Rogers?
- 7 A Yes, sir.
- 8 Q Your little brother is -- what's your little
- 9 brother's name?
- 10 A Jyquavious Young.
- 11 Q All right. And he was there with you?
- 12 A Yes, sir.
- 13 Q All right. And at any point after you were at the
- 14 parking lot, did Lil Ru push back everybody?
- 15 A Yes, sir.
- 16 Q And how did he do that, like this, or did he do this,
- 17 or what?
- 18 A He -- the thing you did the first time.
- 19 Q This?
- 20 A No. His arms was open. Yeah, like --
- 21 Q Like this?
- 22 A Uh-huh.
- 23 Q And he pushed them back like that?
- 24 A Yeah. He told everybody to back up.
- 25 Q How many people was he pushing back?

1 A I can't -- it's a lot.

2 Q All right. At that time, where is Debron Harrison?

3 A On the ground.

4 Q He's already on the ground?

5 A Yeah. He was on the ground.

6 Q Is he moving?

7 A Yes, sir.

8 Q All right. And then Lil Ru kicks Debron in the face;

9 is that right?

10 A Yes, sir.

11 Q He hits him again, doesn't he?

12 A Yes, sir.

13 Q He hits him in the mouth?

14 A He hit him in the head.

15 Q And he's just kicking him?

16 A Yes, sir.

17 Q Did you know he was going to do that?

18 A No, sir.

19 Q Do you remember the detectives asking you about a

20 cell phone?

21 A Yes, sir.

22 Q And they asked if you had the cell phone?

23 A Yes, sir.

24 Q And you told them you didn't have the cell phone?

25 A Yes, sir.

1 Q Do you remember when they -- did they pressure you
2 about this cell phone issue? Do you know? Do you
3 remember?

4 A Yes, sir.

5 Q You said it's not my cell phone, I don't have the
6 cell phone?

7 A I said I don't have it.

8 Q Do you remember when you said, who told you that?
9 Did Kyzer tell you that?

10 A Yes, sir.

11 Q Why did you think Kyzer told them that?

12 A Because there was only two people that was in jail
13 for that,, Kyzer and Ronald Brown.

14 Q All right.

15 A And they said -- the detective said, Ty said he
16 gave -- he had his cell phone. It's my nickname. And
17 Ronald Brown don't know me as Ty. Only Kyzer knows me as
18 Ty.

19 Q Okay. Do you see -- did you tell the detectives that
20 you see Treveion as a little brother to you?

21 A Yes, sir.

22 Q And how old was the victim, Debron Harrison?

23 A 20.

24 Q And how old is Treveion Anderson?

25 A 14, 13.

1 Q All right. Was Debron much bigger than Treveion?

2 A Yes, sir.

3 Q Why did Debron hit Treveion in the first place?

4 MR. WESTON: Objection, Your Honor.

5 THE COURT: What?

6 THE WITNESS: I don't know --

7 THE COURT: Wait a minute.

8 MR. WESTON: It calls for speculation.

9 THE COURT: Yes. You can't -- he doesn't know why.

10 He can just tell what he observed.

11 BY MR. KORNFIELD:

12 Q Okay. Did -- was there any -- did you see any
13 argument between Debron and Treveion before that?

14 A No, sir.

15 Q Were they -- did you see if they were having a
16 conversation before that?

17 A No, sir.

18 Q Okay. On the date of the incident, were you wearing
19 blue shorts?

20 A Yes, sir.

21 Q You were wearing a collared shirt?

22 A Yes, sir.

23 Q And blue Jordans?

24 A Yes, sir.

25 Q What was Lil Ru wearing?

1 A All I know is khaki shorts. I don't know the color
2 of shirt or shoes. He had on khakis.

3 Q You don't know what color he was wearing?

4 A No, sir.

5 Q Do you know if it was blue or not?

6 A It wasn't blue.

7 MR. KORNFELD: Thank you, Mr. Wakefield.

8 THE COURT: Cross.

9 CROSS-EXAMINATION

10 BY MR. HAMILTON:

11 Q Antonio, you are how old -- how old are you?

12 A 17.

13 Q 17. Okay. And you're in high school?

14 A I was.

15 Q You dropped out of school?

16 A Yes, sir.

17 Q What high school was you attending?

18 A Legacy Charter School.

19 Q A charter school?

20 A (Witness nodded.)

21 Q Okay. And you -- and when you was one of the first
22 ones arrested in this and the detectives was asking you
23 about Elijah Wilson, and you told them Scoot didn't have
24 anything to do with it; right?

25 A Yes, sir.

1 Q You, also, told them that -- they were saying, well,
2 he's in the Hit Squad. And you said, well, Scoot is not
3 part of the Hit Squad.

4 A Yes, sir.

5 Q And how do you -- do you know Elijah Wilson?

6 A No.

7 Q Do you know -- now, you went over across the street
8 where the victim was lying down and Lil Ru was stomping
9 him; right?

10 A Yes, sir.

11 Q You saw that?

12 A Yes, sir.

13 Q And he was the last one that was committing all of
14 these acts against him; right?

15 A Yes, sir.

16 Q Okay. And Elijah Wilson wasn't over there; right?

17 A No, sir.

18 Q He was not over there. Okay. Now, when you was up
19 under the carport -- some people calls it an awning. But
20 it's like a little carport up under there. You --
21 everybody came out of the party and was up there.

22 A Yes, sir.

23 Q All right. And Lil Ru was up there. And did you see
24 him with a gun?

25 A No, sir.

1 Q Okay. You didn't see him with a gun. Did -- well,
2 how come -- did you see him when he and the young -- one
3 of the party -- the 16-year-old party girl was there? Did
4 you see him strike her?

5 A Yes, sir.

6 Q Okay. And, at that time, you was standing right
7 there near them.

8 A Yes, sir.

9 Q Okay. Did you see Elijah Wilson there?

10 A Yes, sir.

11 Q Okay. And was that when Elijah Wilson pulled out the
12 gun?

13 A He pulled out the gun when we came outside. This was
14 before they got in the fight.

15 Q Before they got in the fight?

16 A Yeah.

17 Q All right. So he jumped up in the -- with a gun and
18 then the women -- the little girls and everybody passed by
19 him and passed by you. And they got to fighting with Lil
20 Ru?

21 A Yes, sir.

22 Q Okay. And how many times have you ever seen Elijah
23 Wilson?

24 A Numerous times.

25 Q Pardon me?

1 A A lot of times.

2 Q Oh, you've seen him a lot of times. But you don't --
3 well, how you see him a lot of times, but don't -- have
4 you ever had a conversation with him?

5 A No.

6 Q You've never had a conversation with him?

7 A Huh-uh.

8 Q You just know of him?

9 A Yes, sir.

10 MR. HAMILTON: That's all we have got, Judge.

11 MR. WESTON: Just a couple questions on redirect,
12 Your Honor.

13 THE COURT: All right.

14 REDIRECT EXAMINATION

15 BY MR. WESTON:

16 Q I just want to make sure I clarify something. You
17 previously testified on direct examination that you saw
18 Elijah Wilson in the parking lot striking the victim?

19 A Yes, sir.

20 Q And you saw him chasing the victim across the street?

21 A Yes, sir.

22 Q Mr. Hamilton just asked you something -- and I really
23 lost his question. But I want to make sure I didn't
24 misunderstand. He said you didn't see him in the parking
25 lot. And I thought you said, yes. Did you see Elijah

1 Wilson in the parking lot across the street striking the
2 victim?

3 A Yes, sir.

4 Q Okay. The other thing was Mr. Hamilton asked you
5 about when the police questioned you, initially. He asked
6 you -- he said you told the police that Elijah Wilson was
7 not in the Hit Squad. And you said, yes. Why did you lie
8 to the police?

9 A Trying to cover.

10 Q I'm sorry?

11 A I wasn't trying to tell on nobody.

12 Q You didn't want to snitch?

13 A Yeah.

14 MR. WESTON: Thank you, sir.

15 THE COURT: Anything else?

16 MR. HAMILTON: Your Honor --

17 THE COURT: What?

18 MR. HAMILTON: He didn't --

19 RECROSS-EXAMINATION

20 BY MR. HAMILTON:

21 Q But you didn't tell the police that you saw Elijah
22 Wilson across the -- the day you was questioned, early on,
23 you didn't tell them that you saw him across the street.
24 You didn't say that you saw a gun.

25 A Yes, sir, you're right.

1 MR. HAMILTON: Okay.

2 THE COURT: Thank you.

3 You can step down.

4 MS. SALISBURY: May it please the Court, Your Honor.

5 The State calls Mr. Jonathan Derby.

6 Mr. Derby, if you would, please, come up and be

7 sworn.

8 THE CLERK: Sir, if you'll, please, place your left

9 hand on the Bible and raise your right hand.

10 WHEREUPON,

11 JONATHAN DERBY,

12 after first having been duly sworn, testified as follows:

13 THE CLERK: Thank you.

14 Please be seated.

15 Please state your name for the record.

16 THE WITNESS: John Derby.

17 DIRECT EXAMINATION

18 BY MS. SALISBURY:

19 Q Mr. Derby, where do you work?

20 A I work for the Greenville County forensics.

21 Q And how long have you been with forensics?

22 A A total, 10 years.

23 Q What are your general responsibilities in the employ
24 of the forensics division?

25 A Working in the crime scene section of the forensics,

1 our job is to respond to crime scenes, to document,
2 collect, and preserve physical evidence.

3 Q And about how many other forensic technicians are
4 there that do this responding to scenes as they happen?

5 A We have 10.

6 Q Now, once you respond to a scene and -- generally,
7 what's the protocol when you arrive at a particular crime
8 scene? What do you do?

9 A Well, at the crime scene, we'll meet with the officer
10 or victim, depending on what type of case. And they'll
11 inform us what happened and what type of process they
12 would like to have.

13 Q All right. If there is -- do you take pictures of
14 the scene?

15 A It depends, yes.

16 Q Do you collect evidence at the scene?

17 A Yes, we do.

18 Q Who makes the decision about what to photograph or
19 what to collect?

20 A It's a little bit of both. If a deputy, or officer,
21 or investigator requests a certain item be photographed,
22 we'll photograph it. We'll go from -- by what type of
23 scene it is and the crime it is, we'll determine how far
24 or how small of a process the photographs will take.

25 Q Once an item is collected, generally speaking, what

1 do you do with it, any particular item?

2 A The item is preserved on scene in an unused paper
3 bag, depending on the size of the item. It is then
4 transported to our office for either further processing or
5 for -- then if it's not processed or it is processed, the
6 item is then turned into property and evidence.

7 Q Could you tell the jury a little bit about what
8 property and evidence is?

9 A Property and evidence is a section within the
10 forensics division that holds evidence that is collected
11 from the scenes until trials or it is turned back over to
12 the victims.

13 Q Is it a secure location?

14 A Yes, it is.

15 Q What are you required to do any time you submit a
16 particular item of evidence? To submit something to
17 property and evidence, what do you have to do?

18 A Well, we just changed over to an electronic data base
19 using a bar code system. The software program we had,
20 we'd fill out all the demographics to the item, location,
21 time. It's placed on the item and is turned into P&E.
22 There, it's scanned electronically. And there is a bar
23 code -- or there is a chain of custody going with that
24 item at all times.

25 Q Does that particular chain of custody accompany the

1 item wherever it goes?

2 A Yes.

3 (WHEREUPON, State's Exhibit No. 22 was marked for
4 identification only.)

5 BY MS. SALISBURY:

6 Q Mr. Derby, I'm going to show you what's been marked
7 as State's Exhibit No. 22. Do you recognize that item?

8 A Yes, I do.

9 Q How do you recognize it?

10 A This was item JE1. It was a green trash can that I
11 collected at the scene on Vardry Street.

12 Q How do you know that you collected it?

13 A This chain of custody proves that.

14 Q All right. Does that chain of custody reflect what
15 you did with that particular item?

16 A The item was in my custody, and then turned into
17 property and evidence several days later.

18 Q All right. Now, let's talk, specifically, about that
19 item before we get to it. How did you become involved in
20 this investigation?

21 A I responded to 413 Vardry Street as a follow-up of an
22 assault investigation.

23 Q At whose behest? Who asked you to come?

24 A The Greenville City Police.

25 Q Do you remember whether there were officers on scene

1 when you arrived out there?

2 A Yes, there was.

3 Q I'm going to show you State's Exhibit No. 10.

4 Does -- do you recognize what's depicted in that
5 photograph?

6 A It appears to be a parking lot with a trash can on
7 the side.

8 Q Does that appear to be the parking lot to which you
9 responded on -- I'm sorry. I didn't catch the date that
10 you, actually, came out there. Would it have been a
11 couple days after?

12 A Yes, on the 22nd.

13 Q The 22nd. Do you remember whether that was a
14 Monday?

15 A No, I do not.

16 Q Okay. That's fine. That's fine.

17 Now, what happened when you got out at the scene?
18 Did you take those photographs?

19 A I did photograph the scene, yes.

20 Q And was there a decision made about whether to
21 collect that trash can?

22 A Yes, there was. The officer on the scene advised
23 that this trash can was possibly somehow involved in this
24 case and in the vicinity of the incident. Officers, they
25 had located possible suspected blood on the item.

1 Q Did you look at the trash can that you believed may
2 have been involved?

3 A Yes, I did.

4 Q Okay. What did you do with it?

5 A The item was photographed on scene without scales.
6 And then it was collected and transported to our office
7 for further processing.

8 Q And what was that further processing?

9 A This was to test the blood, and to swab certain areas
10 for DNA.

11 Q Did you collect those swabs from the trash can?

12 A Yes, I did.

13 Q All right. And what did you do with it after that
14 further processing?

15 A The swabs, as well as the trash can, were turned into
16 property and evidence.

17 Q And as best as the chain of custody reflects, has it
18 been in property and evidence since the time you turned it
19 in?

20 A Yes.

21 (WHEREUPON, State's Exhibit No. 23 was marked for
22 identification only.)

23 BY MS. SALISBURY:

24 Q Mr. Derby, I'm going to show you State's Exhibit
25 No. 23. Does that item look familiar to you?

1 A Yes, it does.

2 Q How do you recognize the item?

3 A On the front, it has the bar code label filled out
4 with the case number and item number, as well as the bag
5 as well has the case number, my initials, and the AP item
6 number.

7 Q Is this the trash can that you collected from the
8 parking lot to which you responded in April?

9 A Yes.

10 MS. SALISBURY: Your Honor, at this time, the State
11 offers State's Exhibit No. 23.

12 MR. KORNFELD: No objection.

13 MR. HAMILTON: I object, Your Honor.

14 THE COURT: I'm sorry.

15 MR. HAMILTON: I object.

16 THE COURT: On what basis?

17 MR. HAMILTON: The relevancy.

18 THE COURT: Okay. Well, overruled.

19 Go ahead.

20 (WHEREUPON, State's Exhibit No. 23 was admitted into
21 evidence.)

22 MS. SALISBURY: Mr. Derby, I don't have any
23 additional questions for you. If you would, answer any
24 questions that Mr. Kornfeld or Mr. Hamilton may have for
25 you.

CROSS-EXAMINATION

BY MR. KORNFELD:

Q Officer Derby, do you know what date this happened -- or what -- you said you got there two days after?

A Yes, sir.

Q Okay. Was anybody else at the scene before then that you know of?

A I believe other officers were with the crime scene section.

Q Okay. Do you know if the scene was guarded at any time after the night of the incident?

A No, I do not.

MR. KORNFELD: No further questions.

THE COURT: Cross.

MR. HAMILTON: No questions, Judge.

THE COURT: All right. Thank you.

You can step down.

Thank you very much.

MS. SALISBURY: Your Honor, I believe our next witness is outside the courtroom. If you'll give me a moment to collect --

THE COURT: All right.

(Pause.)

MS. SALISBURY: Your Honor, I believe that the witness is over an hour off. If you'd like to give the

1 jury a break, it may be a good time.

2 THE COURT: All right. Ladies and gentlemen, we'll
3 take a short break. Please don't discuss the case.

4 (WHEREUPON, the jury was excused from open court at
5 approximately 11:46 a.m.)

6 THE COURT: All right. We'll be at ease.

7 (WHEREUPON, a break was taken.)

8 THE COURT: Are y'all ready?

9 MR. WESTON: Mr. Williams has not returned yet, Your
10 Honor. We were prepared to --

11 THE COURT: All right. Well, just wait.

12 MR. WESTON: All right.

13 (Pause.)

14 THE COURT: Mr. Weston.

15 MR. WESTON: Your Honor, rather than -- and
16 Mr. Williams should be back in here momentarily. But
17 assuming he returns and he has -- I'm sure he has the
18 affidavit of service. And, obviously, he's prepared to
19 testify that he served it.

20 We're not -- logistically, we were going to rest
21 after this witness. We don't want to, obviously, create a
22 disjointed situation in our presentation to the jury. We
23 are prepared to go ahead and just rest now.

24 THE COURT: Well, here he is.

25 MR. WESTON: We would like to put it on the record,

1 however, Your Honor that -- well...

2 THE COURT: Explain the situation.

3 MR. WESTON: Your Honor, we're not sure -- this
4 witness would be the State's final witness. He is, we
5 believe, going to offer substantive testimony against,
6 specifically, Mr. Elijah Wilson.

7 We would -- it is our belief the Defense is going to
8 put up a case. We have not asked them, of course. But we
9 would like to be able to call this witness in reply if
10 we're able to locate him by the time they finish.

11 And I'm just offering this as an alternative, as
12 opposed to stopping the trial until they go get this
13 witness, until the deputies find him.

14 THE COURT: That's fine with me.

15 Do you have an affidavit of service?

16 MR. WESTON: Yes, sir, Your Honor.

17 We would present an affidavit of service from
18 Mr. Greg Williams.

19 THE COURT: Give it to the court reporter to mark it
20 as a Court's Exhibit.

21 MR. WESTON: Indicating he served Mr. -- oh, I'll
22 stop talking until you finish. I'm sorry.

23 (WHEREUPON, Court's Exhibit No. 3 was marked for
24 identification and admitted into evidence.)

25 MR. WESTON: Indicating that he personally served.

1 Mr. Marcus Foster on June 4th with a subpoena for today's
2 trial.

3 THE COURT: And you have called his name three times?

4 MR. WESTON: Yes, sir, Your Honor, we have.

5 THE COURT: Well, let it -- give it to the bailiff.

6 Because we're going to issue a warrant to pick him up.

7 (Pause.)

8 THE BAILIFF: There was no response.

9 THE COURT: Give it to the court reporter.

10 THE BAILIFF: Do I need to sign anything?

11 THE COURT: No.

12 Go pick him up.

13 MS. SALISBURY: Yes, sir, Your Honor.

14 THE COURT: Do we have some personnel who can do that?

15 MS. SALISBURY: Yes, sir.

16 THE COURT: All right. Bring the jury in -- well,
17 wait until he comes back.

18 I'll tell you what, we can save a little time right
19 now.

20 Mr. Wilson, and, Ms. Irby, if you would, please,
21 stand.

22 Raise your right hand.

23 WHEREUPON,

24 BRITTANY CEAREA IRBY,

25 ELIJAH FERNANDEZE WILSON,

1 after first having been duly sworn, testified as follows:

2 THE COURT: Okay. You can put your hands down.

3 I want to tell you I'm doing this a little bit out of
4 order, but just to save some -- the jury some trouble,
5 after the State closes their case -- and they've informed
6 me that they're going to rest.

7 It's required that I speak with each of you
8 individually, and make sure that you understand that you
9 have an absolute right to testify in your own defense.
10 You, also, each have an absolute and individual right to
11 refuse to testify. And your silence cannot be held
12 against you. And I will so instruct the jury if you and
13 your counsel desire me to do that, and that's what you do.

14 There is no requirement that you prove yourself
15 innocent. The burden is always on the State to prove
16 guilt beyond a reasonable doubt. There are a number of
17 strategic decisions that go along with your decision to
18 testify or not testify, to present a defense or not
19 present a defense.

20 Do you understand what I've said to you, Ms. Irby?

21 DEFENDANT IRBY: Yes, sir.

22 THE COURT: Mr. Wilson?

23 DEFENDANT WILSON: Yes, sir.

24 THE COURT: And, Ms. Irby, have you made a decision
25 about whether or not you want to testify or present a

1 defense?

2 MR. KORNFELD: Your Honor, I'd like to speak with
3 her.

4 THE COURT: All right. Well, I'll tell you what.
5 Each of you, understanding what I've told, take a few
6 minutes with your attorney right now. Because I'm going
7 to want to know what you want to do.

8 (WHEREUPON, a break was taken.)

9 THE COURT: Ms. Irby, have you come to -- stand.
10 Have you come to a decision?

11 DEFENDANT IRBY: Yes, sir.

12 THE COURT: Okay. What is that?

13 DEFENDANT IRBY: I don't want to testify.

14 THE COURT: You don't want to testify?

15 DEFENDANT IRBY: (Defendant Irby nodded.)

16 The COURT: Okay. Is that your free and voluntary
17 choice?

18 DEFENDANT IRBY: Yes, sir.

19 THE COURT: All right. And do you have any questions
20 you need to ask me about it?

21 DEFENDANT IRBY: No.

22 THE COURT: All right. Mr. Wilson, have you come to
23 a decision?

24 DEFENDANT WILSON: Yes, sir.

25 THE COURT: And what is that?

1 DEFENDANT WILSON: I don't want to testify.

2 THE COURT: Do you have any -- is that your free and
3 voluntary choice?

4 DEFENDANT WILSON: Yes, sir.

5 THE COURT: And do you have any questions you need to
6 ask me about it?

7 DEFENDANT WILSON: No.

8 THE COURT: All right. Anything else?

9 MR. WESTON: Yes, sir, Your Honor --

10 THE COURT: Are you all going to rest?

11 MR. KORNFELD: Yes, Your Honor. We are not going to
12 put up a case.

13 THE COURT: Mr. Hamilton?

14 MR. HAMILTON: Your Honor, absolutely. We're
15 prepared to move forward.

16 THE COURT: You have a case you're going to put up?

17 MR. HAMILTON: Yes, sir.

18 THE COURT: Okay.

19 MR. WESTON: Your Honor, with regard to the subpoena
20 issue, apparently, there was some misunderstanding.
21 The -- just so you don't have this witness in a bad light,
22 he thought he was on standby. He will be here in 10
23 minutes. But we are not going to call him. We are going to
24 rest when the jury comes back.

25 THE COURT: All right. Let's bring the jury back.

1 Are you prepared to go forward, Mr. Hamilton?

2 MR. HAMILTON: Your Honor, there are witnesses that
3 are incarcerated. And we'd ask them to be brought up at
4 this time. I don't know how long it's going to take to
5 get them here.

6 THE COURT: Well, who -- tell me what it is -- tell
7 me who they are.

8 MR. HAMILTON: Okay. Your Honor, we are asking for
9 Ronald Brown, Michael Young, Kamille Anderson, Bryson
10 Clay, Antonio Moss.

11 MR. WESTON: Logistically, Your Honor, we have -- I
12 think the deputies have their names. And they are in the
13 detention center.

14 Mr. Brown, obviously, is a problem in that his case
15 has not come to trial yet. And his attorney is not here.
16 I'm not sure of the propriety of putting -- even putting
17 him on the witness stand without his attorney present.

18 THE COURT: Who's his lawyer?

19 MR. WESTON: Mr. Chris Posey, Your Honor.

20 I attempted --

21 THE COURT: Was he appointed?

22 MR. WESTON: Yes, sir, Your Honor.

23 THE COURT: All right. I'll tell you what we're
24 going to do. We're going to let you rest. We're going to
25 break for lunch.

1 And I would ask that you contact the Public
2 Defender's Office, and have them send somebody -- can you
3 get somebody to tell them to send somebody up here now?

4 MR. WESTON: Yes, sir.

5 THE COURT: Can you get somebody to do that?

6 MR. WESTON: Yes, sir.

7 THE COURT: Okay. So let's bring the jury in. We'll
8 rest. And we'll break for lunch.

9 (WHEREUPON, the jury came into open court at
10 approximately 12:15 p.m.)

11 THE COURT: Ladies and gentlemen, welcome back.
12 Mr. Weston.

13 MS. SALISBURY: May it please the Court, Your Honor.
14 The State rests.

15 THE COURT: Okay. Mr. Foreman, and, ladies and
16 gentlemen of the jury, now is a good time that we break
17 for lunch. So I will ask you -- y'all need -- do you want
18 an hour and a half, or an hour and 15 minutes? What would
19 y'all like?

20 (WHEREUPON, several unidentified jurors said they
21 would like an hour and a half.)

22 THE COURT: An hour and a half. Okay. I ask you all
23 to be back at a quarter of 2:00.

24 Remember, don't discuss the case. Don't do any
25 independent research. We'll see you at 1:45.

Please remain seated in the courtroom until the jury exits.

(WHEREUPON, the jury was excused from open court at approximately 12:16 p.m.)

THE COURT: Mr. Weston.

MR. WESTON: Your Honor, we've got copies of the transcripts that the Defendants -- that the -- I mean the juveniles that the Defense wishes to call. We're going to give -- provide them to the Defendants now.

THE COURT: Okay.

MR. WESTON: And while we're on it, Your Honor, I would ask that they be reminded that we need to get these back. We've not gotten back the ones from yesterday or this morning, as well as the juvenile records of these juveniles.

THE COURT: All right. Make sure you return them.

Are there any motions?

MR. KORNFIELD: Yes, Your Honor.

THE COURT: Okay.

MOTIONS

MR. KORNFELD: Your Honor, I have a motion for a directed verdict. The State's case is closed. And there was no direct evidence or evidence from any of the people that were, actually, there stating that my client assaulted or battered anybody by a mob.

1 As a matter of fact, one of the ladies stated that
2 she tried to pull a -- break a fight up. Of all the
3 witnesses they called, not one stated that she assaulted
4 and battered anybody.

5 Kyzer Thomas stated that she came in a car after the
6 fact, but was not over there, and picked Lil Ru or Ronald
7 Brown up. That does not suffice for the elements of
8 assault and battery by a mob. She, actually, has to do
9 this crime.

10 THE COURT: Well, we do have such a thing as
11 accomplice liability. I'm going to deny your motion.

12 All right. Anything, Mr. Hamilton?

13 MR. HAMILTON: Nothing from the Defendant.

14 THE COURT: Okay.

15 MR. KORNFIELD: Judge.

16 THE COURT: Yes. What?

17 MR. KORNFIELD: Your Honor, the other motion I have is
18 I would like to argue last in closing if I'm not putting a
19 case up.

20 THE COURT: No, sir. You know the law. The law is
21 clear. You've got an hour and a half. Go research it.
22 If you find a case that says that you would be entitled to
23 last argument, show it to me.

24 But I believe the law is, clearly, established in
25 South Carolina that if any defense is put up --

1 MR. KORNFIELD: Your Honor, and, again, I -- on my
2 motion for directed verdict, I wasn't quite done arguing
3 that. I think accomplice -- if it's accomplice accessory
4 after the fact, it's not assault and battery by a mob.

5 THE COURT: I think there's a reasonable inference
6 from the evidence presented that she is involved. And I
7 deny your motion.

8 MR. KORNFIELD: Thank you, Your Honor.

9 THE COURT: Anything else?

10 MS. SALISBURY: Nothing from the State, Your Honor.

11 THE COURT: Okay. See you at quarter of 2:00.

12 (WHEREUPON, a lunch break was taken.)

13 THE COURT: Let me just tell the media this. The
14 rules require that you give me reasonable notice before
15 you come in and set up a camera in the courtroom. Okay.
16 The rules are, basically, no cameras in the courtroom, but
17 there are exceptions for the media.

18 So we've got a couple of orders that have been issued
19 in this case. We'll give one to each of you all. We
20 expect you to comply fully with them. And, of course, we
21 assume that you're familiar with Rule 605.

22 Let's go ahead and give it to them.

23 Where is he going to set up?

24 The jury may not be filmed.

25 THE BAILIFF: Do you want me to take them all the way

1 to the back?

2 THE COURT: No. I don't think that's --

3 Where can you set up that you will not film the jury?

4 And you may not, of course -- you may not film juveniles.

5 THE CAMERAMAN: I have filmed court cases before from
6 that same section under the order of the judge not to film
7 the jury. And I've not had any issues before with
8 catching jury members on camera.

9 THE COURT: Okay. Well, do not --

10 You all make room in there, I guess.

11 The other thing is we're not going to have interviews
12 in the hallway of the courthouse. All of that will have
13 to be done outside the walls of the courthouse.

14 Okay. Thanks.

15 (Pause.)

16 THE COURT: Mr. Hamilton.

17 MR. HAMILTON: Your Honor, I want to -- before we
18 proceed, I want to make sure that the record is clear that
19 at the close of the State's case, Defendant Willson has
20 moved for a directed verdict on the grounds that there's
21 insufficient evidence to identify him and make him a party
22 to this crime.

23 THE COURT: Well, I'll accept it now. And I deny it now.

24 Okay. Are you ready to go? Do you have your
25 witnesses?

1 MR. HAMILTON: Your Honor, my first witness would be
2 Ronald Brown.

3 THE COURT: All right. Well, bring him up.

4 (Pause.)

5 THE COURT: Mr. Eppes, are you here on behalf of
6 Mr. Posey?

7 ATTORNEY FRANK EPPES: Your Honor, I spoke to
8 Mr. Posey. And I believe he has spoken with his client
9 sufficiently that that would not be necessary. I was here
10 because of one of my clients.

11 THE COURT: All right.

12 ATTORNEY FRANK EPPES: But if you need me to, I'll be
13 happy to step in for Mr. Posey.

14 THE COURT: All right. Bring him on out and let's --
15 tell him to come right here.

16 (WHEREUPON, Mr. Ronald Brown entered the courtroom.)

17 THE CLERK: Mr. Brown, if you'll --

18 THE COURT: Right here, Mr. Brown. I just want to
19 have a -- you are Ronald Brown?

20 MR. RONALD BROWN: Yes, sir.

21 THE COURT: Okay. You are -- you have pending
22 charges in this same case; is that correct?

23 MR. RONALD BROWN: Yes, sir.

24 THE COURT: All right. Have you had an opportunity
25 to speak -- you're represented by Mr. Chris Posey; is that

1 correct?

2 MR. RONALD BROWN: Yes, sir.

3 THE COURT: Have you had ample opportunity to speak
4 with him about the issue of whether or not you will
5 testify today?

6 MR. RONALD BROWN: Yes, sir.

7 THE COURT: Okay. And Defendant Wilson wants to call
8 you as a witness.

9 Do you want to testify?

10 MR. RONALD BROWN: No, sir.

11 THE COURT: All right. And would it be your
12 intention then to claim the Fifth Amendment?

13 MR. RONALD BROWN: Yes, sir.

14 THE COURT: Okay. Do you want to go through the
15 exercise of --

16 MR. HAMILTON: Your Honor, we will withdraw our
17 subpoena.

18 THE COURT: Okay. Thank you very much.

19 (WHEREUPON, Mr. Ronald Brown exited the courtroom.)

20 THE COURT: Who's your next witness?

21 (WHEREUPON, there was no response.)

22 THE COURT: All right. Let's just bring the jury in.
23 Let's get this started.

24 (WHEREUPON, the jury came into open court at
25 approximately 2:06 p.m.)

1 THE COURT: Ladies and gentlemen, welcome back. And
2 we are ready to commence.

3 From the Defense, call your first witness.

4 MR. HAMILTON: Your Honor, the Defense would call
5 Josh Gains -- Gowens. I'm sorry.

6 THE CLERK: Sir, if you'll, please, come forward.

7 Please place your left hand on the Bible and raise
8 your right hand.

9 WHEREUPON,

10 JOSHUA GOWENS,
11 after first having been duly sworn, testified as follows:

12 THE CLERK: Please be seated.

13 Please state your name for the record.

14 THE WITNESS: Joshua Gowens.

15 THE CLERK: Thank you.

16 DIRECT EXAMINATION

17 BY MR. HAMILTON:

18 Q All right. Joshua Gowens is your name; right?

19 A Yes, sir.

20 Q Okay. Where -- you live in Greenville; right?

21 A Yes, sir.

22 Q Are you in school?

23 A No, sir.

24 Q Okay. What school did you go to?

25 A Eastside.

1 Q Are you familiar with Elijah Wilson?

2 A Yes, sir.

3 Q Are you familiar with Kyzer Thomas?

4 A Yes, sir.

5 Q How do you know Kyzer Thomas?

6 A I used to hang with his brothers.

7 Q Okay. And has Kyzer Thomas been over to your house?

8 A Yes, sir.

9 Q How often has he been over to your house?

10 A Several.

11 Q And what do y'all do when he's over there?

12 A Well, usually his brothers come over there and he
13 comes with them.

14 Q Right. And y'all play games, and stuff?

15 A Yes, sir.

16 Q Does he know you well?

17 A Yes, sir.

18 Q Okay. And Kyzer -- Kyzer implicated you in this
19 case; right?

20 A Yes, sir.

21 Q Were you arrested?

22 A Yes, sir.

23 Q And how long did you stay in jail?

24 A Two and a half months.

25 Q And when you was arrested, did they tell you what you

1 was accused of?

2 A Yes, sir.

3 Q Well, what did they say you did?

4 A They said I was at a party and was beating somebody
5 to death.

6 Q Well, did they say you, actually, beat the guy?

7 A Yes, sir.

8 Q Okay. And who did you say -- who said that you did
9 that?

10 A I don't --

11 MR. WESTON: Objection, Your Honor.

12 THE COURT: Sustained.

13 MR. WESTON: Thank you.

14 THE WITNESS: I don't even remember the officer's
15 name

16 BY MR. WESTON:

17 Q All right. Do you know -- you don't know the
18 officer's name that accused you of that?

19 A Yeah.

20 Q But he did accuse you of beating somebody?

21 A Yeah. He accused me of beating somebody and being
22 there.

23 Q Okay. And how long did you stay in jail now?

24 A Two and a half months.

25 Q Two and a half months. Okay. Were you at this

1 party?

2 A No, sir.

3 Q Okay. And was the case dismissed?

4 A Yes, sir.

5 Q Okay. Do you know Ronald Brown?

6 A Yes, sir.

7 Q And are -- y'all communicate on Facebook, and such?

8 A Yes, sir.

9 Q Okay. And can you look at that and say what that is?
10 Is that your page?

11 A Yes, sir.

12 Q Okay. And on that, does it show communications with
13 Ronald Brown?

14 A Yes, sir.

15 Q Okay. And what does it say? What was the -- did he
16 communicate with you? Did you tell him about -- did he --
17 on April the 20th, when this happened, did you have
18 communications with Ronald Brown?

19 MR. WESTON: Your Honor, I'm going to object.

20 THE COURT: You can't get into hearsay.

21 MR. HAMILTON: Well, I --

22 THE COURT: You can ask him if he communicated with
23 him. But you cannot get into hearsay.

24 MR. HAMILTON: I understand, Judge. I just asked
25 him --

1 THE COURT: Okay.

2 MR. HAMILTON: -- was he in communication --

3 THE COURT: Okay. Go ahead.

4 BY MR. HAMILTON:

5 Q And then what's -- and what's the form of
6 communication that -- was it documented what y'all said on
7 Facebook?

8 A Yes, sir.

9 Q Okay. Is this a depiction of your Facebook and
10 communications with Ronald Brown?

11 A Yes, sir.

12 Q Okay. And did you make entries on Facebook as
13 well?

14 A Yes, sir.

15 Q And what did you say to Ronald Brown?

16 A Well, he had called me, but I missed his call. So I
17 had wrote him on Facebook. And I said, What's up? I had
18 my little girl. So I was like, What you need?

19 Q Okay. And is there any question that that's your
20 communication, and you created this document?

21 A No, sir.

22 MR. HAMILTON: Your Honor, we would like to have this
23 marked for identification.

24 (WHEREUPON, Defendant Wilson's Exhibit No. 6 was marked
25 for identification only.)

1 BY MR. HAMILTON:

2 Q If -- so did you learn about what happened the night
3 of April the 20th?

4 A Yes, sir.

5 Q And then you were, subsequently, arrested for that.
6 You didn't know it at that time, did you?

7 A No, sir.

8 Q That you was being sought for that. Okay.

9 All right. And do you have any information about
10 Kyzer?

11 A Yes, sir.

12 Q Okay. And his -- when Kyzer communicates with
13 people, is he a truthful person?

14 MR. WESTON: Objection, Your Honor.

15 THE COURT: Sustained.

16 MR. WESTON: Thank you.

17 MR. HAMILTON: All right. Your Honor, I would
18 offer this into evidence at this time. This is a document
19 of --

20 THE COURT: You -- what's the State's position?

21 MR. WESTON: Your Honor, we would object to its
22 admission on two grounds.

23 THE COURT: Okay. And they are?

24 MR. WESTON: Number one, Your Honor, the document
25 contains what appear to be communications from another

1 party back to him that has not been authenticated as
2 being -- coming from that party.

3 And, number two, it's hearsay.

4 THE COURT: Okay. I sustain that.

5 MR. HAMILTON: Thank you, Judge.

6 That's all.

7 THE COURT: Okay. Any examination?

8 (WHEREUPON, there was no response.)

9 THE COURT: No questions from Ms. Irby?

10 MR. KORNFELD: No, Your Honor.

11 THE COURT: Anything from the State?

12 MR. WESTON: No, sir, Your Honor.

13 THE COURT: All right. You can step down.

14 MR. HAMILTON: Your Honor, the Defendant would call
15 Iris Logan.

16 THE CLERK: Ms. Logan, please, place your left hand
17 on the Bible and raise your right hand.

18 WHEREUPON,

19 IRIS LOGAN,

20 after first having been duly sworn, testified as follows:

21 THE CLERK: Thank you.

22 Please be seated.

23 Please state your name for the record.

24 THE WITNESS: Iris Logan.

25 THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. HAMILTON:

Q Iris, would you -- you work with the Sterling Community Project in the community?

A Yes, sir.

Q Okay. Tell us a little bit about that.

A I was the teen director at the Sterling Community Center where I met Elijah Wilson.

Q Okay. And the job performance that you did there?

A I was over the teen program.

Q Okay. And Elijah Wilson worked there, too?

A Yes. First, he volunteered for the summer and --

MR. WESTON: Your Honor -- excuse me, Your Honor. Objection.

THE COURT: On what basis?

MR. WESTON: I don't know what the relevance of this is to the charges and the reason we're here today.

THE COURT: Okay. What's the relevance?

MR. HAMILTON: Your Honor, there is an inference in this case of association and why Mr. Wilson was at the party. And this is to rebut any inference that his association is other than what the testimony is going to show as to rebut.

THE COURT: Well, I'll allow it up --

You just stay on your toes and if it gets too far

1 afield, make an objection.

2 MR. WESTON: Yes, sir, Your Honor.

3 BY MR. HAMILTON:

4 Q And, if you would, continue and tell us the function
5 Elijah served at the community center.

6 A Okay. During the summer, he did -- volunteered. He
7 was over the teen program -- he was over the teens and,
8 also, the elementary students. He was the teen program
9 coordinator -- well, he was the activity program
10 coordinator where he would establish games and team
11 building exercises for the teens.

12 Q Okay. And he was volunteering. Was he eventually
13 hired?

14 A Yes, he was. They created a position for him because
15 he was very good with the teens and the kids. Because he
16 loves youth.

17 MR. WESTON: Objection, Your Honor.

18 THE COURT: Yes. I'll sustain. This is not --
19 doesn't go to the 608(B) requirements.

20 MR. HAMILTON: Okay, Your Honor.

21 BY MR. HAMILTON:

22 Q And have you continued to work with him in that
23 capacity?

24 MR. WESTON: Objection, Your Honor.

25 THE COURT: What? Relevance?

1 MR. WESTON: Yes, sir, Your Honor.

2 THE COURT: What does this have to do with the case
3 that we're up here for?

4 MR. HAMILTON: Your Honor, it's just at the time --
5 in the case, there is an inference in this case. And this
6 is to rebut the inference that would be presented. I have
7 to --

8 THE COURT: You are -- are you putting your client's
9 character into evidence?

10 MR. HAMILTON: No, Your Honor. Just -- I'm just --

11 THE COURT: Okay. Well, then you are past where you
12 can go under the rules.

13 MR. HAMILTON: And I appreciate it, Judge. And
14 that's the way I'm --

15 THE COURT: Okay. So I'm sustaining the objection.

16 MR. HAMILTON: That's -- okay.

17 And thank you, Ms. Iris, for your testimony.

18 THE WITNESS: Okay.

19 THE COURT: Any cross-examination?

20 MR. KORNFELD: None, Your Honor.

21 THE COURT: Anything?

22 MR. WESTON: No, sir, Your Honor.

23 THE COURT: All right. You can step down.

24 Thank you.

25 MR. HAMILTON: Your Honor, the Defendant would call

1 Arva Wilson.

2 THE CLERK: Ma'am, please, place your left hand on
3 the Bible and raise your right hand.

4 WHEREUPON,

5 ARVA WILSON,
6 after first having been duly sworn, testified as follows:

7 THE CLERK: Thank you.

8 Please be seated.

9 Please state your name for the record.

10 THE WITNESS: It's Arva Wilson.

11 THE CLERK: Thank you.

12 DIRECT EXAMINATION

13 BY MR. HAMILTON:

14 Q Ms. Wilson, you -- this is your son, Elijah?

15 A Yes.

16 Q Okay. I want to talk with you. On April the 20th,
17 were you at home with -- just tell us where you -- you was
18 at home. And what happened around 4:00?

19 A Around 4:00?

20 Q 4:15. 4:55.

21 A Around 4:55, I called the police because some -- a
22 guy was out there shooting.

23 MR. WESTON: Objection, Your Honor.

24 THE COURT: Relevance?

25 MR. WESTON: Yes, sir.

1 THE COURT: How is this relevant?

2 MR. HAMILTON: Your Honor, there's testimony that he
3 was at some Falls Park meeting. And she's going to
4 testify that something happened.

5 THE COURT: Well, let her testify to that. I don't
6 know where she's going with this other line of --

7 MR. HAMILTON: That's the basis of her testimony,
8 Judge.

9 BY MR. HAMILTON:

10 Q Tell me what happened after that.

11 A I called the police. And they came out to the area,
12 but they never came to my house. Once I saw them riding
13 down my street, I stopped them and let them know that I
14 was the one who called the police. And I gave them a
15 description of the guy that was walking with the dog that
16 was out there shooting. My purpose of calling was because
17 I felt threatened because my children were outside.

18 Q Your children. And your children were who?

19 A Elijah Wilson, De'Agia Wilson, and Felton Smith at
20 that time.

21 Q Okay. And then after -- and did the police car --
22 did you hang up talking with them?

23 A Yes. I hung up with them because they kept asking
24 questions. And my only concern was someone walking down
25 the street shooting. So I hung up. And they called me

1 back.

2 Q I'll show you what's been marked as Defendant's --
3 it's for identification. Is there a telephone number on
4 there? Is that your telephone log?

5 A Yes.

6 Q Okay. And let me have it back.

7 A (Witness complied.)

8 Q And this is...

9 (Pause.)

10 MR. WESTON: Your Honor, I don't know whether he has
11 offered it yet.

12 THE COURT: I haven't heard that.

13 MR. HAMILTON: I haven't.

14 BY MR. HAMILTON:

15 Q But you received a call from the police at about
16 5:00?

17 A Yes, sir. Because I hung up.

18 Q Okay.

19 A And then they called me back.

20 Q And this is your telephone record?

21 A Yes.

22 Q And your name is on the bill?

23 A Yes.

24 MR. HAMILTON: Defendant's Exhibit No. 2 for
25 identification, we offer it in at this time.

1 MR. WESTON: Your Honor, the State would object for
2 two reasons.

3 THE COURT: What?

4 MR. WESTON: The first reason is relevance. It's --
5 he's talking about something that happened at 5:00. The
6 allegation with regard to this incident start about 7:30
7 or 8:00.

8 Second, Your Honor, there's been no authentication
9 for that document, other than her saying that that's her
10 phone record. I'm sure she did not produce that document.

11 THE COURT: Well, I'm going to let it in.

12 MR. HAMILTON: Thank you.

13 (WHEREUPON, Defendant Wilson's Exhibit No. 2 was
14 admitted into evidence.)

15 BY MR. HAMILTON:

16 Q So soon after that -- soon after that, you -- and
17 where -- tell who all -- where did y'all go after that?

18 A After the police had left, we all went in the house,
19 took showers.

20 Q All right. Who all is with you?

21 A Elijah Wilson, De'Agia Wilson, Brittany Irby, and
22 Felton Smith, and myself.

23 Q All right. And where did y'all go?

24 A We went to the Tokyo Dragon -- Tokyo Grill on White
25 Horse Road.

1 Q Okay. And I'll show you what's been marked as
2 Defendant's Exhibit No. 3 for identification. Is that the
3 receipt where your signature -- is your signature on
4 there?

5 A Yes.

6 MR. WESTON: Your Honor, I'm going to object and ask
7 could we approach.

8 THE COURT: Yes. You all come on up.

9 (WHEREUPON, a bench conference was held.)

10 THE COURT: All right. Mr. Foreman, and, ladies and
11 gentlemen, a legal question has come up. And this is one
12 of those times I need to have a discussion with the
13 lawyers out of your presence.

14 We'll be back with you shortly.

15 (WHEREUPON, the jury was excused from open court at
16 approximately 2:24 p.m.)

17 THE COURT: All right. From the State?

18 MR. WESTON: Your Honor, it appears that counsel is
19 headed toward offering an alibi for Mr. Wilson. And
20 under -- I think it's Rule 5(E), he is required to give us
21 10 days notice of alibi.

22 We received no notice concerning this witness and
23 have had no opportunity to question her concerning the
24 same.

25 THE COURT: Is that what your intent is?

1 MR. HAMILTON: Your Honor, it's not -- my client
2 always have admitted that he was at the scene of the
3 crime. So I don't know whether or not this is an alibi in
4 that portion of it. It goes to the --

5 THE COURT: Let me just say for the record, your
6 client has said nothing. So with respect to what is
7 introduced in the record, if you assert that he hasn't
8 denied that, that doesn't make it evidence.

9 Where are you going with this particular document?
10 And what is it offered for?

11 MR. HAMILTON: It's offered to show that at the time
12 of the bill that is on there that they were at a
13 restaurant. And before he -- she's later going to state
14 that she took him to the party from this location. And
15 that's to the scene.

16 MR. WESTON: And there's been evidence -- there's
17 been testimony from witnesses with regard to the statement
18 that this Defendant was in Falls Park as part of the beat
19 in prior to coming to the party. Therefore, this is
20 alibi, Your Honor.

21 MR. HAMILTON: And I've talked with the Solicitor
22 about this. And we both agree that, you know, as long as
23 the alibi -- well, I said that we're going to have
24 these -- some information about him being around there. And
25 that he was across the street. And he said, okay, that's

1 fine.

2 THE COURT: And if I'm not mistaken, this witness has
3 testified that Defendant Irby was with them at dinner.

4 Did I not hear that?

5 THE WITNESS: Yes, sir.

6 THE COURT: It affects both of them.

7 How is this relevant? And why wasn't it disclosed?

8 MR. HAMILTON: The same reason he don't want --

9 THE COURT: And why wasn't it disclosed before now?

10 MR. HAMILTON: Because it's all in the police
11 reports, every bit of it. It's all in the police reports.

12 THE COURT: Whose police report? Show me the police
13 report that this -- where it's disclosed.

14 (Pause.)

15 THE COURT: Is the State aware of it being in the
16 police reports?

17 MR. WESTON: No, sir, Your Honor.

18 Obviously, I don't remember every word of every
19 report. But my recollection -- first of all, let me just
20 address counsel's statements concerning conversations he
21 and I have had. We've had hundreds of conversations about
22 this case. I do not recall a conversation where this --
23 these specific matters were brought to my attention, or
24 that I said don't worry about notice of alibi.

25 I know nothing about anything in the police reports

1 with regard to a restaurant, or anything like that. There
2 is a reference somewhere to a shooting that occurred at
3 Mr. Wilson's home earlier in the afternoon. But that's
4 the only reference. That's 4:00 or 5:00 in the afternoon.

5 Your Honor, the State's position would be even if
6 it's in a police report, it does not relieve them of their
7 responsibilities under Rule 5. We don't have any
8 information that there's a police report to the effect
9 that they're talking about.

10 MR. HAMILTON: That's why when I was talking, I said,
11 well, you know, it's all in the police reports. He said,
12 Yeah, no problem.

13 THE COURT: Yes, sir.

14 MR. KORNFELD: Your Honor, I don't know if it matters
15 to the Court or not. But I don't think he's adding this.
16 And in his opening, he said that there's a -- not a
17 perfect alibi, but we're going to explain it. I think
18 this is going to show the chronological order of what
19 happened during the day.

20 Ernie's not going to say that his client wasn't at
21 the actual West Greenville community center at any time.
22 He's going to, I believe, admit that. He's just saying
23 where he was prior to that, which our argument -- or I
24 think Ernie's argument would be has nothing to do with the
25 assault and battery that -- this is just to show where he

1 was -- where he was during that day. And she comes and
2 gives them --

3 THE COURT: Well, let me ask you this. Was it
4 disclosed that both of these Defendants were at Falls Park
5 for a gang beat in, or beat down, or whatever they call it
6 prior to going to the party?

7 MR. HAMILTON: And, Judge --

8 THE COURT: Were you -- was that disclosed to you?

9 MR. HAMILTON: It was stated that they was and it
10 wasn't. One witness said they were there. And one
11 witness said they wasn't. And that's what I read. And
12 then it's read into the police report that witnesses came
13 down and --

14 THE COURT: Let me explain something to you.

15 MR. HAMILTON: Yes, sir.

16 THE COURT: The theories of the State's prosecution
17 is that your two clients are members of a gang. And this
18 gang met in Falls Park and initiated some new member, and
19 then went to the party.

20 And if you had information that exempted them from
21 that, a strict reading of the rule would require you to
22 give them 10 days notice.

23 MR. KORNFELD: Your Honor, I don't believe that --

24 THE COURT: I am not finished.

25 MR. KORNFELD: I'm sorry.

1 THE COURT: However, I'm going to allow you to
2 introduce that. I don't know what -- what does it say?
3 What does the document say?

4 MR. HAMILTON: Your Honor, it is just a signed
5 receipt Visa card showing time of, and being at the
6 restaurant.

7 THE COURT: And what time is on there, and what date?

8 MR. HAMILTON: 8:00, April the 20th.

9 THE COURT: While the State's position is strong on
10 this, I'm going to allow him to introduce it.

11 (WHEREUPON, Defendant Wilson's Exhibit No. 3 was
12 admitted into evidence.)

13 THE COURT: Okay. Bring the jury in.

14 (WHEREUPON, the jury came into open court at
15 approximately 2:34 p.m.)

16 THE COURT: All right. Mr. Hamilton.

17 CONTINUED DIRECT EXAMINATION

18 BY MR. HAMILTON:

19 Q Ms. Wilson, I'm showing you what's marked as
20 State's -- Defendant's Exhibit No. 3, and asking if you can
21 identify that document?

22 A Yes. It's a receipt from Tokyo Grill.

23 Q Okay. And while you were at Tokyo Grill, you were
24 there -- and who were you with?

25 A Elijah Wilson, De'Agia Wilson, Brittany Irby, and

1 Felton Smith.

2 Q Okay. And then it shows, does it not, that y'all
3 were there at 8:00?

4 MR. WESTON: Objection, Your Honor. Leading.

5 MR. HAMILTON: Well, I'm --

6 THE COURT: Go ahead.

7 BY MR. HAMILTON:

8 Q What time does it show?

9 A 8:00.

10 Q Okay. And then do you pay for your food when you
11 first walk in, or after you eat?

12 A You pay for your meal before.

13 Q Before?

14 A Yes.

15 Q It's a buffet?

16 A Yes.

17 Q Okay. And then after -- while you're eating, then --
18 how long did it take y'all to eat? It was a couple of
19 y'all.

20 A We stayed there about an hour and a half.

21 Q About an hour and a half?

22 A Uh-huh.

23 Q And then after you ate, you left there and where did
24 you --

25 A We left there and went home.

1 Q Went home?

2 A Yes.

3 Q All right.

4 A We went home because Elijah said he left his wallet
5 at home.

6 Q Okay. And you ended up paying for his food?

7 A I had to pay for his food.

8 Q All right. And so he went in -- so did you take him
9 to the party?

10 A Yes. I took him, Brittany, and De'Agia, and Felton
11 to the party. The first time, I dropped off Elijah and
12 Britt -- I mean Elijah, De'Agia, and Felton. Me and
13 Brittany went back home.

14 Q Okay. And you --

15 A And then --

16 Q Do you got an idea about what time y'all got there?

17 A It had to be around maybe 9:00, about 9:40, maybe.

18 Q Right. Now, listen, you just tell the jury what
19 happened after you dropped them off.

20 A After I dropped them off first, Brittany and I were
21 headed back to my house when Brittany received a call
22 saying that --

23 MR. WESTON: Objection, Your Honor.

24 BY MR. HAMILTON:

25 Q Don't say what she said. So --

1 A Well, I'm not going to -- well --

2 THE COURT: No, ma'am. You can't -- you can testify
3 what you did as a result of the conversation.

4 THE WITNESS: Well, Brittany received a phone call.
5 And I made a U-turn. And I dropped her off at the party.
6 I pulled in the front entrance.

7 BY MR. HAMILTON:

8 Q Of the carport?

9 A Yes. The little part --

10 Q Wait. You can't come down unless you -- you need to
11 stay seated.

12 A Okay.

13 Q Okay.

14 A The front entrance.

15 Q All right. Let me see if I can find that. This is
16 going to be --

17 MR. HAMILTON: Your Honor, may I stand here?

18 BY MR. HAMILTON:

19 Q State's Exhibit No. 2. And does that depict where
20 you dropped -- who you drop off there?

21 A I dropped Brittany off at the front entrance.

22 Q At the front entrance. Now, this is the first time
23 or the second time?

24 A This is the second time. The first time, she didn't
25 get out of the car. It was only Elijah, Felton, and

1 De'Agia. I dropped them off by some stairs in the back
2 parking lot.

3 Q Right. Right. In front of the center. Right.

4 A On the side of the center is where I dropped them
5 off.

6 Q All right. And then you left. And then you made a
7 U-turn?

8 A Yes. To drop Brittany off the second time.

9 Q The second time. Okay. And you don't know -- all
10 right. So you dropped her off the second time?

11 A Yes.

12 Q And you don't know what time that was?

13 A It was early. It wasn't even 10:00 when I dropped
14 Brittany off.

15 Q Okay. And did you get -- did you receive another
16 call?

17 A Yes. I then received a call from my son saying that
18 they were --

19 MR. WESTON: Objection --

20 THE WITNESS: -- shutting down the party --

21 THE COURT: Whoa. You cannot say what somebody else
22 said.

23 BY MR. HAMILTON:

24 Q All right. So you got a second call. And I'll show
25 you what's marked as Defendant's Exhibit No. 4. And does

1 that give you -- reflect your memory as to what time that
2 second call came?

3 A 9:48 p.m.

4 Q Okay. And you remember getting that call?

5 A Yes.

6 Q So then what was your reaction? What did you do
7 after that?

8 A I was headed back up there. But then I called my
9 daughter.

10 Q So how many times did you drop back -- come back?

11 A I mean, maybe four trips.

12 Q Okay. And --

13 A One of the trips, I didn't make it back there.
14 Because when I tried to get in touch with my daughter, she
15 didn't answer the first time. The second time, my
16 daughter said they had arrived --

17 MR. WESTON: Objection --

18 THE WITNESS: -- and would I come and get her --

19 THE COURT: Yes. Sustained.

20 BY MR. HAMILTON:

21 Q Okay. Don't say that. You just -- you never -- you
22 lost contact with your daughter; right?

23 A Yes.

24 Q And you, eventually, talked with her on the phone?

25 A Yes. I spoke with her.

1 Q Okay. And just --

2 MR. HAMILTON: This is the telephone call. And she
3 says it was about that time.

4 And we offer this, Your Honor.

5 MR. WESTON: Same objection as to the other document,
6 Your Honor.

7 THE COURT: All right. Over your objection.

8 (WHEREUPON, Defendant Wilson's Exhibit No. 4 was
9 admitted into evidence.)

10 BY MR. HAMILTON:

11 Q And did you receive other -- another call from --
12 you, finally, talked with your daughter?

13 A Yes. I spoke with her.

14 Q And that is indicated on here?

15 A Yes.

16 Q And what time did you talk with her by this document?

17 A It had to be by --

18 Q Does it show?

19 A 9:57.

20 Q 9:57?

21 A Yes.

22 Q Is that when you talked with your daughter again?

23 A Yes. That's when I spoke with her.

24 Q And you was happy with what her --

25 A Yes.

1 Q -- predicament at west community -- the party, from
2 your information, had shut down?

3 A Yes.

4 Q And she was safe?

5 A Yes.

6 MR. HAMILTON: And that's all we have.

7 THE COURT: Mr. Kornfeld.

8 MR. KORNFELD: No questions, Your Honor.

9 THE COURT: From the State?

10 MR. WESTON: Yes, sir, Your Honor. Just two
11 questions.

12 CROSS-EXAMINATION

13 BY MR. WESTON:

14 Q So, ma'am, your testimony is that your son and
15 Brittany Irby were at this party that night?

16 A Yes, they were.

17 MR. WESTON: Thank you.

18 THE COURT: Okay. You can step down.

19 Call your next witness.

20 MR. HAMILTON: De'Agia Wilson.

21 (Pause.)

22 MR. HAMILTON: She went to the restroom.

23 THE COURT: Let me see the lawyers up here for a
24 second.

25 (WHEREUPON, a bench conference was held.)

1 THE COURT: Call your next witness.

2 MR. HAMILTON: De'Agia Wilson.

3 THE CLERK: Ms. Wilson, please, come forward.

4 Will you, please, place your left hand on the Bible
5 and raise your right hand.

6 WHEREUPON,

7 DE'AGIA WILSON,

8 after first having been duly sworn, testified as follows:

9 THE CLERK: All right. Please be seated.

10 Please state your name for the record.

11 THE WITNESS: De'Agia Wilson.

12 DIRECT EXAMINATION

13 BY MR. HAMILTON:

14 Q Okay. De'Agia, you Elijah Wilson's sister?

15 A Yes, sir.

16 Q Did you go to the party?

17 A Yes, sir.

18 Q Okay. And did you go -- you did -- did you go eat
19 with everybody?

20 A Yes, sir.

21 Q Who all went to eat with you?

22 A It was me, Brittany, Felton, and my brother.

23 Q Okay. And then after y'all ate, where did you go?
24 What happened?

25 A We went back to the house.

1 Q And then after you got to the house, what happened?

2 A My brother went in the house to get his wallet. And
3 then we went back in the car. We sat in the car for a
4 little bit. And then my brother asked to go to the party.

5 Q Okay. And you went to the party. You took -- did
6 you go with him to the party?

7 A Yeah.

8 Q Okay. And who all went to the party with you?

9 A Well, the first time, it was just me, my brother, and
10 Felton.

11 Q Okay. So then you got out. And did you go on the
12 inside of the party?

13 A Yeah.

14 Q All right. And then how long after you got in the
15 party did you stay? How long -- did you go all the way in
16 to the dancing, and stuff?

17 A I went all the way in. Then I went back outside.

18 Q Okay. And why did you go back outside?

19 A Because like when I got in there, it was very dark.
20 And then they kept on calling Lil Ru to come like get out.
21 So I was like -- I just left out because there really
22 wasn't nothing for me to do.

23 Q Okay. Now, you had been to eat. You had been home,
24 changed clothes. And then you went to the party. How
25 long had you been there before they started calling Lil Ru

1 out?

2 A As soon as I got in there, they was already calling
3 him.

4 Q When you walked in the door?

5 A Yeah. They had already been calling his name.

6 Q Okay. Did you have any idea what was going on?

7 A No. Until --

8 Q Well, you didn't have no idea what was going on?

9 A Oh, no.

10 Q All right. So you went back outside. What made you
11 go back outside?

12 A Because they had turned on the lights. So I thought
13 the party was over. So I went outside.

14 Q All right. Did you see anybody there you know?

15 A Besides my brother, and Felton, and Brittany, and
16 Ronald, I know him. But, other than that, I didn't really
17 just know nobody.

18 Q Right. Okay. And then what happened after you came
19 outside?

20 A What happened after I came outside?

21 Q Uh-huh.

22 A I was sitting talking to this girl named
23 Tayshaw [phonetic]. And --

24 Q Uh-huh.

25 A Sir?

1 Q I said, uh-huh.

2 A Oh, okay. And then that's when my momma and Brittany
3 had pulled up. And Brittany had got out of the car --

4 Q Okay.

5 A -- and went inside.

6 Q And Brittany had got out of the car and went inside.

7 Okay. And how old were you, by the way?

8 A At the time?

9 Q Yeah.

10 A I was 15.

11 Q 15. Okay. And what school do you go to?

12 A Greenville High.

13 Q Do you know the people that had the party?

14 A Camilla, something like that.

15 Q Right. Right. And everybody was invited to the
16 party?

17 A That's what she wrote on Facebook.

18 Q Facebook?

19 A Yes, sir.

20 Q Did you see that on Facebook?

21 A Yes, sir. It was in my in-box.

22 Q It was in your in-box?

23 A Yeah. This girl named Angel Monk -- something like
24 that -- sent it to me.

25 Q Did you see the invitation on --

1 A Yeah. That's the -- that was the one that was in my
2 in-box.

3 Q Okay. And then what does it say?

4 A Let me look. Do you want me to read it out loud?

5 MR. WESTON: Objection, Your Honor.

6 THE COURT: Yes. Let him look at it.

7 (Pause.)

8 BY MR. HAMILTON:

9 Q So it's an invitation?

10 A Yes, sir.

11 Q And this is the invitation you responded to; right?

12 A Actually, I didn't respond to it. I just opened it
13 and clicked on it.

14 Q Well, I meant you went to the -- you saw --

15 A Oh, yeah.

16 Q -- you read the invitation?

17 A Uh-huh.

18 Q And it invited you, didn't it?

19 A Technically.

20 Q What do you mean "technically"? What --

21 A It was in my in-box, so, obviously, I was invited.

22 Q Okay. It says, Everybody is invited.

23 A I can't see it from right here.

24 Yeah. It says, Everybody --

25 MR. WESTON: Objection, Your Honor --

1 THE WITNESS: -- is invited --

2 THE COURT: Whoa. Whoa. You can't publish that,
3 unless and until it's introduced as a --

4 MR. HAMILTON: I got you. And we will enter -- this
5 is -- has not been marked. But we would ask to introduce
6 this as she received this in her in-box.

7 THE COURT: No objection from the State?

8 MR. WESTON: No, Your Honor.

9 THE COURT: All right. Mark it and admit it.

10 (WHEREUPON, Defendant Wilson's Exhibit No. 7 was marked
11 for identification and admitted into evidence.)

12 BY MR. HAMILTON:

13 Q Okay. So you got this -- got the invitation in the
14 in-box. Did you really want to go to the party?

15 A I mean, no. I didn't really know her to just want to
16 go to her party.

17 Q Right. Okay. And then after you got that, there
18 was -- all the -- it just turned into a mad house. Were a
19 lot of people there?

20 A I mean, it wasn't a lot of people -- it was enough
21 people there, I guess.

22 Q Okay. Did you -- now, you said that you got there
23 with Felton and --

24 A Elijah.

25 Q Elijah, and yourself. And did you talk to them

1 inside there?

2 A Inside the party?

3 Q Right.

4 A Like I was like I'm going to go outside. And my
5 brother was like, okay. But other than that, we really
6 didn't speak.

7 Q All right. And then -- at the -- when you went
8 outside, was that the last time they said, okay, the party
9 is over?

10 A I mean, I heard them saying it from outside the
11 door --

12 Q Okay.

13 A -- that he was still calling Lil Ru like, basically,
14 saying get out of the party, or we're going to shut it
15 down.

16 Q Now, it's interesting that you say that the party is
17 on the inside. There's a group of people up under the
18 awning there is where you're talking about -- under the
19 carport?

20 A What do you mean?

21 Q There were people there already.

22 A Yeah.

23 Q The party hadn't been shut down really, but there
24 were people that's already gathered outside. Is that what
25 happened?

1 A Yeah.

2 Q Okay. And one of your little friends was there?

3 A Yes, sir.

4 Q All right. So what happened after that? Did you see
5 the commotion?

6 A Oh, no. Because I was outside. But after that, like
7 a lot of people started coming out. Ronald threw up his
8 guard. And one of the dudes -- I don't know his name --
9 but he was at the party, he threw up his guard, so.

10 Q All right. Yeah.

11 A Yeah.

12 Q That's right. So -- and did you see your brother
13 standing out there at that time?

14 A Yeah. My brother was outside.

15 Q Did you see him jumping up and down with a gun?

16 A No, sir.

17 Q Okay. So then everybody -- about how many people did
18 you say was out there?

19 A Like --

20 Q Well, we've already talked about it. It was a
21 hundred people maybe.

22 A I don't think it was a hundred people.

23 Q Oh, how many?

24 A Like less than a hundred.

25 Q Okay. Less than a hundred people out there. And

1 then what happened? What did those people do?

2 A Most of them got in their cars and left. Some
3 people, I guess, walked home.

4 Q Okay. So that's what you know about it?

5 A Yes, sir.

6 Q You don't know what happened across the street?

7 A No, sir.

8 Q Okay. So how did you leave?

9 A The party?

10 Q Yeah.

11 A I left with this dude named Dee [phonetic].

12 Q Okay. Dee. And did you -- were you told to leave?

13 A I mean, they told everybody to get out. I wasn't
14 personally told to leave, though.

15 Q Okay. But you -- it seemed like -- well, if it
16 wasn't -- they didn't say your name, but you heard
17 everybody -- them say leave?

18 A Yes, sir.

19 Q Okay. And who all left with you?

20 A Like in the car with Dee?

21 Q Right.

22 A Brittany and Felton.

23 Q Okay. Do you know which way your brother went?

24 A My brother got inside Kiki's car.

25 Q Okay. By the way, you've told this story before,

1 haven't you?

2 A Yes, sir.

3 Q Where did you tell it at?

4 A The Greenville County Detention Center.

5 Q Right. Okay. And -- so you got into a car. Where
6 did you go when you got in the car you got in?

7 A I got in the car. And I went to Dee's grandma's
8 house.

9 Q Okay. And how far away is that?

10 A Like you can walk there in three minutes from the
11 party.

12 Q Okay. But then -- and then -- did you see -- so you
13 and your brother got separated?

14 A For like two minutes.

15 Q So a short time?

16 A Yeah.

17 Q Okay. And so after you got to the grandma's house,
18 then what y'all do?

19 A As soon as I got out of the car, my brother was
20 pulling up.

21 Q Oh, okay.

22 A And then after that, we got into the car with Amber
23 Smith.

24 Q Okay. Now, and Amber Smith's car -- were you in
25 Amber Smith's car?

1 A Yes, sir.

2 Q Who else was in Amber Smith's car?

3 A Elijah Wilson.

4 Q And then was Amber Smith driving?

5 A At first, Mark Foster was driving. But then my
6 brother told him he couldn't drive. So my brother started
7 driving.

8 Q Okay. And then y'all drove to your house?

9 A Yes, sir.

10 MR. HAMILTON: Okay. That's all I have.

11 THE COURT: Mr. Kornfeld.

12 CROSS-EXAMINATION

13 BY MR. KORNFIELD:

14 Q When you left Dee's house, you stated you got in the
15 car with your brother. Did you happen to know who
16 Brittany got in the car with?

17 A Brittany got in the car with Shekinah and Keonna, her
18 and Felton.

19 Q Okay. And where did they go?

20 A They went back to my house, too.

21 Q All right. How long after you got -- did you get to
22 your house first, or did --

23 A Yeah. We got to my house first. And then as soon as
24 like we got there, Shekinah, and Keonna, and Brittany, and
25 Felton were pulling up.

1 MR. KORNFELD: Okay. No further questions.

2 THE COURT: The State.

3 MR. WESTON: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. WESTON:

6 Q Ms. Wilson, I'm going to show you what's been marked
7 as State's Exhibit Nos. 2 and 3, and ask you, do you agree
8 that that is the awning outside of the community center?
9 And this is from the bottom of the driveway -- a picture
10 from the bottom of the driveway to the awning. Is that
11 true?

12 A Yes, sir.

13 Q All right. Would you hold them up so the jury can
14 see them?

15 A (Witness complied.)

16 Q There you go. And -- okay. Let's use this one here.
17 If you would, hold that up and point to and show the jury
18 where -- this one here, hold it up. And show the jury
19 where you -- when you came outside, where were you
20 standing?

21 A I can't really show from this picture. I can show
22 from that one.

23 Q Okay. Yeah. That's fine. Yes, ma'am. If you
24 would, point to that and show the jury where you were
25 standing, please, ma'am.

1 A Do you have a --

2 Q It doesn't have to be exact, just generally.

3 A Do you have a picture where the doors are?

4 Q Yes, ma'am. I sure do. Here we go.

5 A I was standing right here -- let me see what side it
6 was. Right here.

7 Q Right over here somewhere?

8 A Yeah, right about --

9 Q I'm not trying to get you to be exact. I understand
10 that this is a year ago.

11 All right. And you say -- you admit that Brittany
12 Irby was standing outside after the party was finished --
13 was over; is that correct?

14 A I didn't say that.

15 Q What did you say, ma'am? I'm sorry.

16 A I said that we got in the car with Dee.

17 Q No, no. I'm talking about back under the awning now.

18 A I said Brittany went inside the party. And she never
19 stood just with me. She went inside the party with my
20 brother and Felton. And she went in there with them. And
21 I was outside.

22 Q So you were outside by yourself, is what you're
23 saying now?

24 A I was outside with Tayshaw.

25 Q But you didn't say a little while ago that your

1 brother was standing outside with you?

2 A No.

3 Q And you didn't say that Brittany Irby was standing
4 outside with you?

5 A No. I said they were inside the party.

6 Q But they never did come back out when the lights went
7 up?

8 A They came outside the party when everybody else came
9 outside. I went outside before.

10 Q Yes, ma'am. I'm not trying to trick you.

11 A Oh, I know.

12 Q I'm talking about when the lights came up and
13 everybody came outside. You admit that Brittany Irby was
14 standing outside then?

15 A I said that --

16 Q No. I'm asking you now, not what you said.

17 A What are you saying?

18 Q Is it your testimony, or is it not, that when the
19 lights came up and the party -- everybody -- it was being
20 shut down that Brittany Irby came outside with everybody
21 else?

22 A Oh, yeah.

23 Q Okay. And isn't it your testimony that Elijah Wilson
24 was standing -- came outside and was standing outside with
25 everybody else?

1 A Yeah.

2 Q Okay. I just wanted to make sure we knew where
3 everybody was.

4 Now, you testified that -- and I don't know whether
5 you said Ronald Brown. You said -- did you say Ronald
6 Brown threw up his hands? You saw that?

7 A Yeah. I seen that happen.

8 Q And you said another person threw up their hands?

9 A Yeah. Somebody from the party like that was hosting.

10 Q All right. And then your voice just kind of trailed
11 off in answer -- in the answer to Mr. Hamilton's question.
12 What happened after that with Ronald Brown?

13 A I mean, I really wasn't just focused on Ronald Brown.
14 But I guess they fought. I don't know.

15 Q You -- let's make sure I understand. I'm confused,
16 ma'am. You -- and, once again, I promise you I'm not
17 trying to trick you, but --

18 A That's okay.

19 Q Once again, point to the -- show the jury where you
20 were standing.

21 A When I was outside by myself?

22 Q No. After the party was shut down and everybody came
23 outside.

24 A After the party was shut down and everybody came
25 outside --

1 Q Yes, ma'am --

2 A -- we was like --

3 Q -- show it to the jury --

4 THE COURT: Whoa. One at a time.

5 BY MR. WESTON:

6 Q Show it to the jury, ma'am, where you just pointed
7 where you were when the party shut down and everybody
8 comes outside.

9 A Okay. I can tell you exactly --

10 Q No, no. I need you to --

11 A -- where I was standing. But I was like in this
12 area.

13 Q Okay. And is it your testimony, ma'am, that you
14 didn't see the fight?

15 A No.

16 Q Is that what you're telling us?

17 A I mean, I wasn't just watching the fight.

18 Q How could you miss it, ma'am?

19 A I was --

20 Q I'm not saying you were watching. But how could you
21 possibly miss that much of a commotion where they beat a
22 man to the ground, he got up and ran away, and 20 or 30
23 people chased him?

24 A But I was, also -- like I thought that it happened
25 over across the street somewhere.

1 Q So you weren't there when that happened, were you,
2 ma'am?

3 A When they fought?

4 Q Yes.

5 A When Ronald and them jumped him?

6 Q Yes, ma'am.

7 A No, sir, I wasn't.

8 Q So you don't know what happened, do you, ma'am?

9 A No. I know --

10 Q Thank you, ma'am.

11 A -- what happened when I was there.

12 Q But when you weren't there, you don't know what
13 happened. And you don't know who beat Ronald -- beat
14 Mr. Harrison up, do you, ma'am?

15 A No. But I know who didn't.

16 Q Your brother didn't; is that correct?

17 A Or Brittany.

18 Q And Brittany Irby is, what, your cousin?

19 A Yes, sir.

20 Q So everybody -- you don't know what happened, but you
21 know your brother and your cousin didn't do it?

22 A Because they were with me.

23 Q But you said you were standing there when Ronald
24 Brown started to fight?

25 A Yeah. I seen him start the fight. But I didn't see

1 him fight like I didn't watch the fight. You asked me did
2 I watch it. And I said, No.

3 Q If you didn't watch it, how could you possibly
4 know --

5 A Because I --

6 Q Let me finish my question, please, ma'am. And, once
7 again, I'm not trying to banter with you, or trick you.

8 In fact, I don't have any -- you love your brother,
9 don't you --

10 THE COURT: Wait a minute.

11 Do you have an objection, Mr. Hamilton?

12 MR. HAMILTON: Your Honor, I would -- I was hoping he
13 was concluding because --

14 THE COURT: Do you have an objection?

15 MR. HAMILTON: Your Honor, I object. Badgering the
16 witness.

17 THE COURT: Overruled.

18 Okay. Go ahead

19 BY MR. WESTON:

20 Q You love your brother, don't you, ma'am?

21 A Yeah.

22 Q You don't want to see him get in trouble, do you,
23 ma'am?

24 A No.

25 Q And you want to help him, if you can, don't you,

1 ma'am?

2 A Yeah.

3 MR. WESTON: Thank you, ma'am.

4 THE COURT: All right. Anything?

5 MR. HAMILTON: Yes, Judge. And I would like counsel
6 to approach if we may just to -- it will be very
7 interesting.

8 THE COURT: All right. Come up here.

9 You may step down.

10 (WHEREUPON, a bench conference was held.)

11 THE COURT: Mr. Foreman, and, ladies and gentlemen of
12 the jury, we have another legal issue I've got to discuss
13 with the attorneys. We'll be back with you shortly.

14 (WHEREUPON, the jury was excused from open court at
15 approximately 3:02 p.m.)

16 THE COURT: All right. Mr. Hamilton.

17 MR. HAMILTON: I just needed to be able to speak with
18 him for a second, Judge. I --

19 THE COURT: Well, speak with him. Take him back in
20 there and speak with him.

21 Let me just tell the courtroom, no more outbursts.

22 We'll be at ease for 10 minutes.

23 (WHEREUPON, a break was taken.)

24 THE COURT: All right. Mr. Hamilton, you requested
25 that break.

1 MR. HAMILTON: I requested it, Judge.

2 THE COURT: All right. Bring the jury in.

3 (WHEREUPON, the jury came into open court at
4 approximately 3:17 p.m.)

5 THE COURT: Call your next witness.

6 MR. HAMILTON: Your Honor, the Defendant calls Felton
7 Smith.

8 THE CLERK: Please come forward.

9 Please place your left hand on the Bible and raise
10 your right hand.

11 WHEREUPON,

12 FELTON SMITH,
13 after first having been duly sworn, testified as follows:

14 THE CLERK: Thank you.

15 Please be seated.

16 Please state your name for the record.

17 THE WITNESS: Felton Smith.

18 THE CLERK: Thank you.

19 DIRECT EXAMINATION

20 BY MR. HAMILTON:

21 Q Felton, you are -- how old are you?

22 A 20.

23 Q 20. And you are -- are you related to Elijah in any
24 kind of way?

25 A Yes, sir.

1 Q Okay. And were you with Elijah on April the 20th?

2 A Yes, sir.

3 Q Okay. And were you there when a commotion happened
4 in the parking lot -- not the parking lot, but...

5 A At the community center.

6 Q I'm sorry. At the -- at his momma's house when the
7 police was out there?

8 A Yes, sir.

9 Q And Elijah was with you?

10 A Yes, sir.

11 Q Did you talk to the police at all?

12 A No, sir.

13 Q Did they look at -- did they talk to you?

14 A No, sir.

15 Q Okay. And -- but then y'all left and went to a
16 restaurant; right?

17 A Yes, sir.

18 MS. SALISBURY: Objection, Your Honor. All of these
19 questions are leading.

20 THE COURT: Stop leading.

21 BY MR. HAMILTON:

22 Q After the police left, y'all went -- where did y'all
23 go?

24 A To the restaurant.

25 Q Okay. And how long do you think you stayed at the

1 restaurant?

2 A Probably like an hour.

3 Q Okay. And then from there, where did y'all go?

4 A After the restaurant, we went back to his house.

5 Q All right. And did you go to the -- did you leave
6 his house going somewhere?

7 A Yeah. After we left his house, we went to the party.

8 Q Okay. Did you want to go to the party?

9 A Yes, sir.

10 Q Okay. Who all went to the party?

11 A With me?

12 Q Uh-huh.

13 A It was me, Elijah, and Brittany, and De'Agia. We all
14 drove in the same car.

15 Q Drove in the same car. Okay. And after you got to
16 the party, what happened?

17 A We went in.

18 Q And went in. By the way, did -- when you go in, they
19 had security there; right?

20 A Yes, sir.

21 Q Did they stop you at the door?

22 A No, sir.

23 Q What did they do to you?

24 A They just looked at me.

25 Q Okay. Did they not pat you down?

1 A No, sir.

2 Q Okay. Did you have a weapon?

3 A No, sir.

4 Q Okay. Did -- you went in the party and commotion --
5 you partied for a little while; right?

6 A Yes, sir. Like not -- like party like five minutes,
7 at the most, before they started calling out Lil Ru's
8 name.

9 Q Five minutes, at the most?

10 A Yes.

11 Q You had just got there?

12 A Yes, sir.

13 Q Okay. And what was happening?

14 A When we got in there, they were calling Lil Ru's
15 name. I don't know what he was doing.

16 Q Right.

17 A I don't know what he did. But they was calling his
18 name. They said they wanted him out of the party.

19 Q Right. Right. And then did they stop the party?

20 A They stopped the party looking for Lil Ru. And I
21 guess they -- I don't -- I guess they thought he left.
22 And they started the party back.

23 Q Okay. And you were standing there in the party with
24 Elijah Wilson?

25 A Yes, sir.

1 Q And were y'all standing together all the time?

2 A Yes, sir.

3 Q All right. And, eventually, everybody ended up
4 outside; right?

5 A Yes, sir --

6 MS. SALISBURY: Objection, Your Honor. Still
7 leading.

8 THE COURT: Stop leading.

9 BY MR. HAMILTON:

10 Q You got outside; is that right?

11 A Yes, sir.

12 Q And then once you were out there, what was the scene?
13 What was out there?

14 A It was a lot of people just standing right there.

15 Q Okay. And did Elijah have a gun?

16 A No, sir.

17 Q And was Elijah with you when you went outside?

18 A Yes, sir.

19 Q He was?

20 A Yes, sir.

21 Q And y'all, basically, were standing together the
22 whole time?

23 A Yes, sir.

24 Q All right. And did you see the commotion?

25 A I seen commotion, but I wasn't really paying

1 attention because it didn't have anything to do with me.

2 Q All right. And you -- are you familiar with Elijah
3 ever having a gun?

4 A No, sir.

5 Q Okay. Did you see him jumping up and down?

6 A No, sir.

7 Q You know, earlier that -- it was -- that it was a --
8 are you -- could you be identified as a dark-skinned guy?
9 It's a term of endearment. But dark -- are you referred
10 to that a lot?

11 A Yes, sir.

12 Q And you -- did you see any of the security people or
13 the family members outside the door there --

14 A Yes, sir.

15 Q -- talking? Was there a confrontation between Elijah
16 and that person?

17 A No, sir.

18 Q Okay. And after the other commotion left that
19 carport area, where did you go?

20 A Out the -- we didn't even stay there that long to
21 just watch the altercation. Like I seen it happening.
22 But we was there like a split second, and we left.

23 Q Okay. Who all you left with?

24 A I left with Brittany Irby and De'Agia Wilson. We got
25 in Dee's car.

1 Q Right.

2 A And Scoot got in KiKi's car.

3 Q Were there two --

4 A Elijah Wilson.

5 Q Yeah. And the two cars, where were they parked?

6 A The two cars, they were parked like where the cars
7 are.

8 Q Okay. Could you -- are you familiar with -- I'm
9 trying to find a scene in one of these exhibits that would
10 show the parking lot.

11 Okay. I'll show you what's been marked as State's
12 Exhibit Nos. 4 and 2. Could you say about where the
13 parked cars -- can you look at that for a minute and kind
14 of get a bearing on where Kiki's car was, and where --
15 what was the other --

16 A Sir?

17 Q The car you got in, where was it?

18 A Dee's car.

19 Q Dee's car.

20 A It was like -- it was -- I don't see it, sir.

21 Q You can't see the spot where it was parked there --

22 A No, sir.

23 Q -- on there? Okay. So how close it was to the
24 entrance then?

25 A Like walking wise, it'd probably take a couple

1 seconds.

2 Q Just a couple seconds?

3 A Yes, sir.

4 Q All right. Did you see any police officers when you
5 was leaving -- or police cars?

6 A Yes, sir.

7 Q Where did you see them?

8 A I seen one like right in front of the -- right in
9 front of the --

10 Q Carport?

11 A Do you want me to show you?

12 Q Tell me.

13 MR. HAMILTON: Your Honor, can he step down?

14 THE COURT: Yes, he can.

15 THE WITNESS: The car -- the police car -- we was
16 parked like right here somewhere on the main --

17 BY MR. HAMILTON:

18 Q On the main drag. On Vardry Street there?

19 A Yes, sir.

20 Q Okay. And while you're down there, could you show
21 where the car you got in was parked?

22 A The car I got in that was parked, it was right here.

23 Q Okay. On that side?

24 A Yes, sir.

25 Q Okay. That's the parking lot. And there's steps

1 that go down to that parking lot.

2 A Yes, sir.

3 Q Okay. And two cars were there together.

4 A Yes, sir.

5 Q Okay.

6 A I don't know if they came together, but they was like
7 right by each other.

8 Q Okay. And were you and Elijah -- who all left -- did
9 y'all leave together?

10 A Who?

11 Q Elijah? De'Agia?

12 A We left at the same time, but we didn't leave in the
13 same car. Me, De'Agia, and Brittany Irby, we got in the
14 same car with Dee. And we all met up at his grandmother's
15 house.

16 Q Okay. At Dee's grandmother's. And soon after you
17 got to his grandma's house, did -- Elijah came?

18 A Yes, sir.

19 Q And then did you leave in a different car from there?

20 A Yes, sir.

21 Q Did you ride with Elijah? Who you rode with from
22 there?

23 A From there, I rode with Shekinah. Yes, sir.

24 Q Okay.

25 A In my statement when I was, actually, looking at it,

1 they got it wrong. I don't know if I read it wrong or if
2 they read it wrong to me. Because I don't remember like
3 reading it myself. I remember him reading, the
4 interrogator. But like it says that I got in some car
5 with someone else, but that's not -- that's false
6 information.

7 Q All right. Are you associated with -- do you know
8 whether or not this Hit Squad -- are you associated with
9 that?

10 A No, sir.

11 MR. HAMILTON: That's all the questions we have,
12 Judge.

13 THE COURT: Cross.

14 MR. KORNFIELD: No questions, Your Honor.

15 THE COURT: Cross.

16 MS. SALISBURY: May it please the Court.

17 CROSS-EXAMINATION

18 BY MS. SALISBURY:

19 Q Mr. Smith, it's your testimony that you're not a part
20 of the Hit Squad?

21 A Yes.

22 Q Okay. Now, you just testified a few moments ago that
23 you wanted to go to this party; right?

24 A Yes.

25 Q And --

1 A Well, I didn't necessarily want to go. But it was
2 like if someone was to go with me, I would go with them.

3 Q Okay. And you were 18, 19 at the time?

4 A I think 19.

5 Q 19. And you wanted to go to the sweet 16 birthday
6 party of a 15-year-old, who was turning 16?

7 A Yes. It was -- she invited everyone to go. On
8 Facebook, it said, everyone is invited. So I went, I
9 mean.

10 Q Okay. And you testified just a second ago that when
11 you came inside, you didn't meet up with any security that
12 patted you down; right?

13 A No. I seen security. They didn't pat me down.

14 Q Okay. That's fine. And just to be clear, you
15 testified a moment ago that you saw the police cars when
16 you left. Can you tell the jury where you saw -- just
17 generally speaking?

18 A I just showed where I think --

19 Q I'm sorry.

20 A Do you want me to show them again?

21 Q You don't have to get up. Just generally, where do
22 you remember seeing --

23 A In the front.

24 Q You remember seeing the patrol cars on scene when you
25 left?

1 A I -- that's what I recall. I might -- I mean, it was
2 so long ago. But I think I seen a police car. I'm not
3 for sure.

4 MS. SALISBURY: Okay. Thank you, sir.

5 THE COURT: Is that it?

6 (WHEREUPON, there was no response.)

7 THE COURT: Anything else?

8 MR. KORNFELD: No redirect [sic], Your Honor.

9 MR. HAMILTON: You may step down, sir.

10 THE COURT: Call your next witness.

11 MR. HAMILTON: Brittany Donaldson.

12 THE CLERK: Ma'am, please, place your left hand on
13 the Bible and raise your right hand.

14 WHEREUPON,

15 BRITTANY DONALDSON,

16 after first having been duly sworn, testified as follows:

17 THE CLERK: All right. Please be seated.

18 Please state your name for the record.

19 THE WITNESS: Brittany Donaldson.

20 DIRECT EXAMINATION

21 BY MR. HAMILTON:

22 Q Brittany, you was at the party?

23 A Yes.

24 Q Tell us where -- did you drive?

25 A Yes.

1 Q Okay. Did you have the occasion to pick up Felton
2 Smith? Did you pick Felton Smith up?

3 A No.

4 Q What did you do there?

5 A What did I do there?

6 Q Yes.

7 A Went in, sat down at the party.

8 Q Okay. And then what happened?

9 A I got there probably like at 8:45, 9:00. And I was
10 with my cousin. She was pregnant at the time. So when we
11 went in, it was pretty packed. And so we sat down for
12 about 30 minutes maybe. And that's when it started
13 getting [inaudible]. And they turned the lights on a
14 couple of times calling for Ronald Brown.

15 And about that time, we sat maybe 20 more minutes.
16 And that's when everybody had went out. Because they shut
17 the party down completely.

18 Q Okay. And then when it was time to go, did you see
19 the commotion out front and people fighting and running?

20 A Yes, I saw. I saw some of it.

21 Q All right. Did you see -- was Elijah Wilson with
22 you?

23 A No.

24 Q All right. Did he get in the car with you?

25 A No. He didn't get in the car with me.

1 Q Okay.

2 A I seen him there. But, at the time when I left out,
3 he wasn't with me.

4 Q Okay. So when you left, who all left with you?

5 A Just me and my cousin, Hydia.

6 Q Hydia?

7 A Uh-huh.

8 Q So were you out there in the front part where
9 everybody was fighting? Did you see Elijah Wilson out
10 there?

11 A No, I didn't.

12 Q Okay. And did you not see anything that happened
13 across the street in the parking lot?

14 A No. I was gone by then.

15 Q All right. And so you never saw Elijah Wilson leave
16 the community center?

17 A Yes. He left before I did.

18 Q Okay.

19 A Because we had met back at his house after the party.

20 Q Okay. You met -- he left before you did?

21 A Uh-huh.

22 Q So you saw him leave?

23 A I didn't, actually, see him get in the car. But I
24 knew he had left before I did.

25 MR. HAMILTON: That's all we have.

CROSS-EXAMINATION

BY MR. KORNFELD:

Q Ms. Donaldson, were you in the West Greenville community center during the party?

A Yes.

Q Were you ever in the back part of the West Greenville community center?

A Like, actually, behind the building?

Q No. Let me ask it another way. Were you ever around the punch station?

A Yes. Like in the party during the party?

Q Yes.

A Yes.

Q Did you ask anybody -- do you remember the lights coming on?

A Uh-huh.

Q Did you ask anybody if you had to leave the party?

A I didn't ask anybody. Because they wasn't telling me to leave. They was telling Ronald -- or, actually, about Ronald.

Q All right. But you didn't ask anybody, do I have to leave as well, or anything like that?

A Huh-uh.

MR. KORNFELD: Okay. No further questions.

THE COURT: Cross.

1 MR. WESTON: Just a couple, Your Honor.

2 CROSS-EXAMINATION

3 BY MR. WESTON:

4 Q Ma'am, so you weren't the person that came to one of
5 the hostesses and asked that -- did you have to leave?
6 You weren't that person?

7 A No. It was -- I'm assuming that it was the other
8 Brittany that she said before, that somebody said. But it
9 wasn't me.

10 Q And what's your first name?

11 A Brittany.

12 Q So you're assuming it was this Brittany --

13 A Uh-huh.

14 Q -- who said, do I have to leave because I have Ronald
15 Brown's --

16 MR. KORNFELD: Objection, Your Honor. It's speculation.

17 THE COURT: No. He's asking her about her state of
18 mind.

19 MR. KORNFELD: Okay.

20 THE WITNESS: I mean, I'm only assuming because I
21 think that's what the lady testified and said about
22 Brittany asking did she have to leave because she had his
23 jacket.

24 BY MR. WESTON:

25 Q And you're assuming it was the other Brittany who had

1 Ronald Brown's jacket?

2 A The only other Brittany, yeah, besides me.

3 Q And, as far as you know, that was the only other
4 Brittany there, as far as you know?

5 A I mean, yeah.

6 Q That's the only -- I mean, you and she are the only
7 two that you knew were there. There may have been others,
8 but those are -- y'all are the only two that you knew were
9 there?

10 A (There was no response.)

11 Q Yes, ma'am?

12 A Yeah.

13 Q Okay. And you said you never saw Elijah Wilson leave
14 the party?

15 A No.

16 Q And you saw him at somebody's house after the party?

17 A No. He wasn't at nobodies house. I met him at his
18 house.

19 Q At somebody's -- at his house. I'm sorry.

20 A Yeah.

21 Q I don't mean that as -- I'm not trying to trick you,
22 ma'am. You never saw him leave the party; is that
23 correct?

24 A No.

25 Q That's not correct?

1 A No. I didn't see him.

2 Q Okay. But -- and -- but you just -- your testimony
3 is you saw him later at his house?

4 A Yeah. I mean, I knew he left before me because I
5 talked to him. And he was already leaving. And that's
6 how I met him at his house.

7 Q Let me just get down to the bottom line, ma'am. You
8 never saw him leave the party, did you, ma'am?

9 A No. If that's what you wanted --

10 Q Yes, ma'am --

11 A -- me to say.

12 Q -- that's all I'm asking.

13 A Yeah.

14 MR. WESTON: Okay. Thank you, ma'am.

15 THE COURT: All right. You can step down.

16 MR. HAMILTON: I would call Antonio Moss.

17 THE CLERK: Mr. Moss, come around.

18 Sir, if you would, please, place your left hand on
19 the Bible. Left hand -- the other hand.

20 Thank you.

21 And raise your right hand.

22 WHEREUPON,

23 ANTONIO MOSS,

24 after first having been duly sworn, testified as follows:

25 THE CLERK: Thank you.

1 Please be seated.

2 Please state your name for the record.

3 THE WITNESS: Antonio Moss.

4 THE CLERK: Thank you.

5 DIRECT EXAMINATION

6 BY MR. HAMILTON:

7 Q Antonio, how old are you, sir?

8 A Fine.

9 Q How old are you?

10 A Oh, 15.

11 Q 15. Okay. And what school did you go to?

12 A Greenville.

13 Q All right. And were you at the party at the west end
14 center when the person was assaulted?

15 A Yes, sir.

16 Q Okay. And did -- your part -- what part did you play
17 in that?

18 A I hit him a couple of times. I hit him with a trash
19 can. And I went on home.

20 Q All right. And were you at the Falls Park meeting?

21 A No, sir.

22 Q All right. Are you part of the Tough Money Boys?

23 A No, sir.

24 Q Okay. So why did you join in when everybody ran
25 across there?

1 A He had hit my homeboy, Treveion Anderson.

2 Q Okay. And you were -- and then you followed him
3 then?

4 A Yes, sir.

5 Q When you was at the party -- do you know Elijah
6 Wilson?

7 A No, sir.

8 Q You don't know him?

9 A No, sir.

10 Q You -- if you saw him, would you know him?

11 A No, sir.

12 Q Is he in this courtroom today?

13 A I don't know.

14 Q Okay. You know Lil Ru?

15 A Yes, sir.

16 Q All right. What influence he has over you?

17 A None.

18 Q Okay. Did he encourage you to fight this young man?

19 A Not really, no, sir.

20 Q Okay. So you're not part of any -- do you know the
21 Hit Squad?

22 A No, sir.

23 Q Do you know anybody in the Hit Squad?

24 A No, sir.

25 Q Okay. But you participated in the crowd that went

1 over and assaulted the young man?

2 A Yes, sir.

3 Q And then your reason for doing that is because you
4 were following the crowd?

5 A No, sir.

6 Q Oh, because he jumped on one of your friends?

7 A Yes, sir.

8 MR. HAMILTON: That's all we have.

9 MR. KORNFELD: No questions, Your Honor.

10 THE COURT: Any questions?

11 MR. WESTON: Yes, sir, Your Honor.

12 CROSS-EXAMINATION

13 BY MR. WESTON:

14 Q Mr. Moss, you hit the victim with this trash can,
15 didn't you?

16 A Yes, sir.

17 Q He was laying on the ground when you hit him, wasn't
18 he?

19 A Yes, sir.

20 Q And tell me who all you saw -- did you see the fight
21 in front of the community center?

22 A No, sir.

23 Q Did you --

24 A Like I seen it, but I didn't really see who was,
25 actually, in it.

1 Q So you don't know who was striking him in front of
2 the community center?

3 A No, sir.

4 Q In the parking lot across the street when the trash
5 can -- when he was struck with the trash can and
6 everything else, can you give me the names of all the
7 people that hit him, or kicked him?

8 A No, sir. Because it was dark. I really couldn't see
9 nobody.

10 Q Was it a lot of people?

11 A Yes, sir.

12 Q So -- and you don't know Brittany Irby?

13 A No, sir.

14 Q And you don't know Elijah Wilson?

15 A No, sir.

16 Q So you don't know whether they hit him and kicked him
17 in that parking lot, do you?

18 A No, sir.

19 Q And you don't know whether they hit him or kicked him
20 in front of the center, do you?

21 A No, sir.

22 MR. WESTON: Thank you, sir.

23 REDIRECT EXAMINATION

24 BY MR. HAMILTON:

25 Q And you do know Lil Ru?

1 A Yes, sir.

2 Q Okay. And then you know he was there. And did you
3 see him leave, who he left with?

4 A No, sir.

5 (Pause.)

6 THE COURT: You can step down.

7 Call your next witness.

8 (WHEREUPON, there was no response.)

9 THE COURT: All right. Mr. Hamilton, call your next
10 witness.

11 (WHEREUPON, there was no response.)

12 THE COURT: Are there any more witnesses,
13 Mr. Hamilton?

14 MR. HAMILTON: Yes, sir.

15 THE COURT: Call them.

16 MR. HAMILTON: Your Honor, we call Hydria Diggs.

17 THE CLERK: Ma'am, please, place your left hand on
18 the Bible and raise your right hand.

19 WHEREUPON,

20 HYDIA DIGGS,

21 after first having been duly sworn, testified as follows:

22 THE CLERK: All right. Please be seated.

23 And please state your name for the record.

24 THE WITNESS: Hydria Diggs.

25 THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. HAMILTON:

Q Hydia, were you at the party on April the 20th?

A Yes, I was.

Q Okay. And you saw Lil Ru?

A Yes.

Q Do you know him?

A Yes.

Q Do you --

MS. SALISBURY: Your Honor, I object to the leading.

THE COURT: Don't lead.

BY MR. HAMILTON:

Q Do you know Elijah Wilson?

A Yes, sir.

MS. SALISBURY: I object to the leading.

THE COURT: Now, I'm going to allow him to ask that question.

Go ahead.

BY MR. HAMILTON:

Q All right. When you got there to the party, was Elijah Wilson there at the party?

A No, sir.

Q He -- you didn't see him at the party?

A No, sir.

Q You did see Elijah Wilson?

1 A I seen him, but I didn't see him inside of the party.

2 Q Okay. Where did you see Elijah?

3 A Like after we left out of the party.

4 Q Did you see -- what did you see at the party happen?

5 A Like when? Where?

6 Q When you got there, when you first got there.

7 A It was just a function like everybody was having a
8 party. It was just a party at first.

9 Q And what time do you think you got there?

10 A Around 8:00. I don't know. 8:00 something.

11 Q And then what happened? Did you see anybody acting
12 up in the party?

13 A No.

14 Q Okay. Did you see -- did they turn the lights on in
15 the party and turn the lights off?

16 A They had -- yeah. They kept cutting them on and off.
17 I couldn't see nothing when the lights was off.

18 Q Right. Did they turn -- did they tell everybody to
19 leave out of the --

20 A They didn't tell everybody to leave out of the party
21 at first.

22 Q What did they tell you? What did they say?

23 A They was saying -- well, some guy was saying --

24 MS. SALISBURY: Objection, Your Honor. This is
25 hearsay.

1 BY MR. HAMILTON:

2 Q What did --

3 THE COURT: I'm going to let him -- I'll let her
4 answer this.

5 THE WITNESS: Well, I heard a guy say, Ronald, get
6 the "F" out, you know, being real aggressive towards
7 Ronald telling him to get out.

8 BY MR. HAMILTON:

9 Q To get out. And did they, eventually, get out?

10 A Eventually, yeah.

11 Q Okay. Well, where were you?

12 A I was outside at first.

13 Q Okay.

14 A Because the first time he said get out of the party,
15 you know, I thought the party was ending. So we left out.

16 Q Okay. Did you see what happened up under the carport
17 there? Did you stand around in that area?

18 A I did.

19 Q Okay. And tell the jury --

20 A Well, what part of the area? Like the front --

21 Q Yeah. The front of it.

22 A Tell the jury what happened?

23 Q Yeah.

24 A Okay. Well, at first, we was in the party. And then
25 when we came outside of the party the first time because

1 the guy was saying get out of the party, get out of the
2 party, and stuff. So me and my cousin left. I was seven
3 months pregnant at the time. And, you know, I didn't want
4 to be in no drama or nothing, around no drama.

5 And that's when I seen Brittany outside. And she
6 went back inside because she had to find somebody. But
7 when we went back inside, Ronald was leaving out. So we
8 just turned back around because the party was ended.

9 And then when he got outside, that's when Ronald and
10 some guy was about to get into an altercation, I guess.
11 And then after that, I really don't know what happened.
12 Because there was just so much going on. And I left
13 because I didn't want to be around that stuff. I was
14 trying to protect myself.

15 MR. HAMILTON: I have no further questions for this
16 witness.

17 THE COURT: Anything, Mr. Kornfeld?

18 MR. KORNFELD: Nothing, Your Honor.

19 THE COURT: Anything from the State?

20 MS. SALISBURY: Very briefly, Your Honor.

21 CROSS-EXAMINATION

22 BY MS. SALISBURY:

23 Q You didn't see the fight under the awning, did you?

24 A I did, part of it.

25 Q Who was fighting?

1 A Ronald and some guy.

2 Q And who else?

3 A That's it.

4 Q No one else was fighting?

5 A No. I didn't see anybody else fighting.

6 Q How many people were out there?

7 A A bunch of people.

8 Q Who?

9 A A lot of people.

10 Q Do you know them?

11 A No, I don't.

12 Q You didn't see the fight in the parking lot across
13 the street either, did you?

14 A No, ma'am.

15 MS. SALISBURY: Thank you.

16 THE COURT: All right. You can step down.

17 MR. HAMILTON: Shekinah Ellis.

18 MR. WESTON: I'm sorry, Ernie -- Mr. Hamilton. I
19 didn't hear the name.

20 MR. HAMILTON: Shekinah Ellis.

21 THE CLERK: Ms. Ellis, please, place your left hand
22 on the Bible and raise your right hand.

23 WHEREUPON,

24 SHEKINAH ELLIS,

25 after first having been duly sworn, testified as follows:

1 THE CLERK: Thank you.

2 Please be seated.

3 And, please, state your name for the record.

4 THE WITNESS: Shekinah Ellis.

5 DIRECT EXAMINATION

6 BY MR. HAMILTON:

7 Q Shekinah, do you live here in Greenville?

8 A I do.

9 Q And how old are you?

10 A I'm 19.

11 Q And what school did you go -- are you in college now?

12 A (Witness nodded.)

13 Q Okay. And were you at this party?

14 A No.

15 Q You didn't go to the party?

16 A No.

17 Q You came later?

18 A No. I didn't go to the party at all.

19 Q Okay. Well, did you see Elijah Wilson?

20 A I saw him when I was picking up Brittany and Felton
21 from Dee's grandmother's house.

22 Q Okay. That's when you saw him was at Dee's
23 grandmother's house. And did he ride with you in the car?

24 A No. He got in Amber's car.

25 MR. HAMILTON: In Amber's car.

1 Okay. That's all we have.

2 MR. KORNFELD: No questions, Your Honor.

3 MR. WESTON: Nothing from the State, Your Honor.

4 THE COURT: All right. You can step down.

5 MR. HAMILTON: Mykel Young.

6 THE CLERK: Mr. Young, please, come around.

7 If you'll, please, pause at the end of the bench.

8 Place your left hand on the Bible -- sir, right here.

9 There you go.

10 Raise your right hand.

11 WHEREUPON,

12 MYKEL YOUNG,

13 after first having been duly sworn, testified as follows:

14 THE CLERK: Thank you.

15 Have a seat, please.

16 Please state your name for the record.

17 THE WITNESS: Mykel Young.

18 DIRECT EXAMINATION

19 BY MR. HAMILTON:

20 Q Mykel Young, how old are you, sir?

21 A 14 years old.

22 Q And what school you went to?

23 A Tanglewood Middle.

24 Q Okay. And you was at the party?

25 A Yes, sir.

1 Q And did you go across the street and assault the
2 victim in this case?

3 A Yes, sir. But I didn't chase him, though. But I
4 went across there.

5 Q You went across there. All right. Did you see
6 Elijah Wilson strike the victim?

7 A No, sir.

8 Q Okay. If you were there and Elijah Wilson was there,
9 you would have knew it -- knew he was there; right?

10 THE COURT: Don't lead.

11 BY MR. HAMILTON:

12 Q Do you know -- did you see Elijah Wilson?

13 A Yes, sir.

14 Q Who else did you see?

15 A I seen a lot of people. I don't know.

16 Q All right. Ronald Brown, did you see him strike the
17 victim?

18 A Yes, sir.

19 Q Did Ronald Brown want to fight the man all by
20 himself? Did he tell you to get back?

21 A No, sir.

22 Q Did he say he wanted to fight him by himself?

23 A No, sir.

24 Q Did some old lady with a gun try to pull you away?

25 A You said an old --

1 Q Yeah, a lady with a gun. Did you see a lady with a
2 gun or say she had a gun?

3 A No, sir.

4 Q Okay. So you didn't say you saw a lady say she was
5 going to shoot you if you didn't get back?

6 A No, sir.

7 Q You don't remember that?

8 A No, sir.

9 Q When you was over there, did you see Ronald Brown
10 leave the scene -- leave the area when everybody stopped?

11 A No, sir.

12 Q You didn't know which way -- you left before he did?

13 A I was gone way before that.

14 Q Okay. Way before it. But he was still there?

15 A Yes, sir.

16 MR. HAMILTON: Okay. That's all we have.

17 MR. KORNFELD: No questions, Your Honor.

18 CROSS-EXAMINATION

19 BY MR. WESTON:

20 Q Mr. Young, you are, also, wearing a yellow jumpsuit.
21 You are in the Department of Juvenile Justice; is that
22 correct?

23 A Yes, sir.

24 Q And you pled guilty to assault and battery by mob
25 second degree back in September of last year; is that

1 correct, sir?

2 A Yes, sir.

3 Q And, at the time you pled guilty, you agreed that you
4 would possibly be called to testify, and that you would
5 testify truthfully against any Co-Defendants at their
6 trial. Do you remember that, sir?

7 A Yes, sir.

8 Q And you were sworn -- you took an oath at that time
9 like you did today to tell the truth, didn't you, sir?

10 A Yes, sir.

11 Q All right. And nobody told you what to say then, did
12 they?

13 A No, sir.

14 Q And did you answer the questions truthfully back in
15 September that were asked of you?

16 A Yes, sir.

17 Q All right. Were you a member of a gang or a street
18 group called the Tough Money Boys?

19 A Yes, sir.

20 Q And did you get into that gang by getting beat in?

21 A No, sir.

22 Q All right. Let's move on to the party. Did you see
23 Brittany Irby at the party?

24 A Yes, sir.

25 Q Did you see Ronald Brown at the party?

1 A Yes, sir.

2 Q Did you see Elijah Wilson at the party?

3 A Yes, sir.

4 Q Do you know Brittany Irby, Elijah Wilson, and Ronald
5 Brown to be members of a street group called the Hit
6 Squad?

7 A Yes, sir.

8 Q And do you know Elijah Wilson and Brittany Irby as
9 being two leaders of the Hit Squad?

10 A No. I don't know of two leaders.

11 Q Let me show you what is called a transcript, sir. Do
12 you remember when you pled guilty, there was a court
13 reporter taking down everything you said back then, just
14 like today?

15 A Yes, sir.

16 Q And this is a typed version of what you said that day
17 when you pled guilty. I'm going to show it to you.

18 All right. What I want you to do -- I'm going to --
19 you see where it says "Q"?

20 Look here, please, sir.

21 Thank you.

22 Where it says "Q," that's the question. And "A" is
23 an answer.

24 Do you remember I asked you questions at the time you
25 pled guilty, sir?

1 A Yes, sir.

2 Q All right. I'm going to read what I said, my
3 question. I want you to read your answer for this jury.
4 Would you, please, sir?

5 A So "A" is me?

6 Q Yes, sir. "A" is you.

7 I'm going to read what I said, Now, the names that
8 I've just mentioned, Brittany Irby, Ronald Brown, Elijah
9 Wilson -- and this other name, I'm not going to mention
10 the other name, because they're not here today -- are they
11 all members of the gang referred to as the Hit Squad?

12 What did you say?

13 A Yes, sir.

14 Q And I said, Are -- Ronald Brown, Elijah Wilson, and
15 Brittany Irby, do you consider them -- do you consider
16 them leaders of the Hit Squad?

17 What did you say, sir?

18 A I said, Yes, sir.

19 Q Did you lie back then?

20 A Nah. That's not what you asked me. You asked me are
21 they. I said I considered them like -- as me like looking
22 at them like, yeah.

23 Q That's what I mean. So you thought they were leaders
24 of the Hit Squad? That's all I'm asking you.

25 A That's what I thought. You're saying it like I know

1 that they are leaders.

2 Q But I asked them did -- I asked you did you consider
3 them. And you said, Yes.

4 A Yeah. I considered them as.

5 Q All right. So you still believe that -- you still
6 consider them as leaders of the Hit Squad?

7 A Yes, sir.

8 Q Okay. That's all I was asking, sir.

9 Now, did you see the initial fight at the community
10 center, sir?

11 A What you mean like --

12 Q Back at the community center that -- I'm sorry --
13 that night. I apologize. I jumped way ahead. It's my
14 fault. I am so sorry.

15 You were at the party that night at the community
16 center on April 20th of last year, weren't you, sir?

17 A Yes, sir.

18 Q Did you see the fight right outside the community
19 center?

20 A Yes, sir.

21 Q Did you see Ronald Brown striking the victim in front
22 of the community center?

23 A No, sir.

24 Q Did you see Brittany Irby striking the victim right
25 outside the community center?

1 A No, sir.

2 Q Let's do it one more time. You remember what I just
3 told you about this transcript; right, sir?

4 A (Witness nodded.)

5 Q You have to say "yes" or "no" so she can --

6 A Yes, sir.

7 Q Thank you.

8 I'm going to, once again, read the question I asked
9 you. And I'd like for you to read your answer that you
10 gave under oath back in September to a Judge to this jury.

11 A Yes, sir.

12 Q Do you understand?

13 A Yes, sir.

14 Q Because I'm not trying to trick you, I promise.

15 Did -- my question, Did you see the initial fight
16 with the victim out in front of the community center?

17 What is your answer, sir?

18 A Yes, sir.

19 Q Did you see Brittany Irby striking the victim?

20 What did you say, sir?

21 A Yes, sir.

22 Q Did you see Ronald Brown striking the victim?

23 What did you say, sir?

24 A Yes, sir.

25 Q Were you lying back then?

1 A Nah. No, sir.

2 Q So tell this jury did you see them striking the
3 victim in front of the community center or not?

4 THE COURT: Hold on one second --

5 THE WITNESS: I don't remember all that. It was a
6 long time ago, man.

7 BY MR. WESTON:

8 Q But back in September, you --

9 MR. WESTON: Oh, I'm sorry. I apologize, Your Honor.
10 I heard you, but I --

11 THE COURT: Yes.

12 (WHEREUPON, a bench conference was held.)

13 THE COURT: All right. My apologies.

14 Go ahead.

15 MR. WESTON: That's all right.

16 Thank you, Your Honor

17 BY MR. WESTON:

18 Q All right. Let me do this again just to make sure
19 we're on the same page. Do you remember giving these
20 statements back in September where you said that you saw
21 Brittany Irby striking the victim in front of the
22 community center?

23 A I don't remember. It was a long time ago.

24 Q Lean forward, so they can hear you.

25 A I don't remember. It was a long time ago.

1 Q All right. Let's do it another way.

2 Would you agree that your recollection would have
3 been better back in September than it is now? Because
4 that was closer to when it happened. Would you agree with
5 that, sir?

6 A I don't understand what you're trying to ask me.

7 Q All right. Let's do it another way.

8 As far as you are concerned, did you tell the truth
9 back in September of last year when you gave these
10 answers?

11 A As far as I'm concerned, yes, sir.

12 Q All right. But, now, you just don't remember.
13 You're not saying these weren't true. You just don't
14 remember; is that correct?

15 A Yes, sir. I don't remember.

16 Q All right, sir. Do you remember telling -- do you
17 remember whether Ronald Brown had a gun that night?

18 A Yes, sir.

19 Q Did Ronald Brown say anything to you about what would
20 happen to you if you didn't attack the victim?

21 A Yes, sir.

22 Q What did he say?

23 A He said, You know what you're going to get if you
24 don't go down there and hit him and do what you've got to
25 do.

1 Q And after he said that, you chased the victim across
2 the street?

3 A No, sir. I didn't chase him. I went down there.
4 But he was already down there.

5 Q And you struck the victim?

6 A Yes, sir, two times.

7 MR. WESTON: Thank you, sir.

8 That's all I have.

9 THE COURT: Anything else?

10 (WHEREUPON, there was no response.)

11 THE COURT: All right. You can step down.

12 MR. HAMILTON: Your Honor, that's all the witnesses
13 we have. The Defense rests.

14 THE COURT: Let me see the lawyers.

15 (WHEREUPON, a bench conference was held.)

16 THE COURT: Mr. Kornfeld, anything?

17 MR. KORNFELD: Nothing, Your Honor.

18 THE COURT: All right. Mr. Foreman, and, ladies and
19 gentlemen of the jury, remember whenever I gave you my
20 opening comments, I broke a trial into five parts.

21 Do y'all remember that?

22 (WHEREUPON, the jurors indicated in the affirmative.)

23 THE COURT: Okay. The first part was the opening
24 statements. The second part was the meat and potatoes,
25 the presentation of the testimony and the evidence. We

1 have now concluded that. So all of the testimony, all of
2 the evidence that you will hear in this case has been
3 introduced. It's 4:00 in the afternoon. We are not going
4 to move directly into part...

5 (WHEREUPON, several unidentified jurors said,
6 "Three.")

7 THE COURT: Three. And we're going to wait and do
8 that in the morning. Because part three, four, and five
9 all happen pretty much right after the other. So you all
10 would be here very late. So we're going to break for the
11 evening.

12 Now, you know that all the evidence is in. And I've
13 already told you my opinion of human nature, and the
14 temptation there is to discuss it, talk about it, and try
15 to do research on your own. And, please, remember how
16 important it is that you not do that. What you've heard
17 in this courtroom is subject to Constitutional protections
18 and scrutiny. And that's what this case needs to be
19 decided on.

20 Y'all have a good night. And I will see you at 9:30
21 in the morning.

22 (WHEREUPON, the jury was excused from open court at
23 approximately 4:00 p.m.)

24 MOTIONS

25 THE COURT: All right. Any motions?

1 MR. KORNFELD: Yes, Your Honor.

2 Again, I make a motion for a directed verdict. Out
3 of all the evidence and everything, nobody identified my
4 client as one that assaulted, or battered, or was part of
5 the mob that assaulted and battered --

6 THE COURT: I beg to differ with you. Kyzer --

7 MR. KORNFELD: Thomas?

8 THE COURT: -- whatever his last name is -- when he
9 was cross-examined --

10 MR. KORNFELD: Kyzer Thomas?

11 THE COURT: What?

12 MR. KORNFELD: Kyzer Thomas?

13 THE COURT: Yes. There's only one Kyzer that I know
14 of. In his cross-examination, he said that your client
15 was in the crowd in the parking lot when the victim was
16 beaten to death. So I deny that motion.

17 MR. KORNFELD: But, Your Honor, she still has to be a
18 part of the assault and battery. That's my motion. And I
19 would --

20 THE COURT: Well, based on all the evidence that's --
21 I understand your motion. But, based on all the evidence
22 that's been presented and a reasonable inference to be
23 drawn therefrom in a light most favorable to the
24 non-moving party, there is evidence that exists. So I
25 deny your motion.

1 MR. KORNFELD: Thank you, Your Honor.

2 The other motion I make is I still make a motion to
3 argue last in closing.

4 THE COURT: Did you find any case law that would
5 support that request?

6 MR. KORNFELD: No, Your Honor. I don't have it, but
7 that's my motion.

8 THE COURT: All right. Well, denied.

9 MR. KORNFELD: Thank you, Your Honor.

10 MR. HAMILTON: Your Honor, Defendant Wilson makes a
11 motion for a directed verdict at the conclusion of the
12 case that the State has failed to make its burden to
13 establish each and every element of the case of assault
14 and battery by a mob. There's no inference or no evidence
15 of a motive or a premeditated determination to assault
16 anybody in this case. And that would be insufficient for
17 the jury to reach a verdict.

18 THE COURT: All right. Well, I believe that your --
19 I disagree with you. I deny your motion.

20 Anything else?

21 MR. WESTON: Nothing from the State, Your Honor.

22 THE COURT: Do you want to talk about jury charges?

23 MR. HAMILTON: I have a jury charge request, Judge.

24 THE COURT: What is that?

25 MR. HAMILTON: A motion -- do you want me to read --

1 publish it, or just hand it to you?

2 THE COURT: Well, tell me what's the subject matter.

3 MR. HAMILTON: The subject matter is independent
4 act -- a motion for charge and instructions on independent
5 acts of a conspiracy and group.

6 THE COURT: Have you provided this proposed charge to
7 the State?

8 MR. HAMILTON: Yes.

9 MS. SALISBURY: Your Honor, I don't believe there's
10 any reason to add this additional charge. I think your
11 standard charge would cover it. But I don't have any
12 substantive objection to you including it.

13 THE COURT: Well, let me see what it is. I haven't
14 seen it.

15 (Pause.)

16 THE COURT: Well, I'll consider it. I'll think about
17 it overnight.

18 Any other -- here is what I would propose: Duties of
19 the Judge and jury; charge, arrest, and indictment is not
20 evidence; credibility of the witnesses; multiple
21 Defendants; prior inconsistent statements; prior record of
22 the witness.

23 Of course, there wasn't one, was there? Did anybody
24 get impeached with a prior conviction?

25 MS. SALISBURY: No, Your Honor.

1 MR. KORNFIELD: No.

2 MR. HAMILTON: No, Judge.

3 THE COURT: Failure -- do you want failure of the
4 Defendant to testify?

5 MR. KORNFIELD: No, Your Honor, I don't.

6 THE COURT: No, you don't want it mentioned?

7 MR. HAMILTON: I don't have no objection to it.

8 THE COURT: Do you know what my charge is?

9 MR. HAMILTON: I would have no objection to failure
10 to --

11 MR. KORNFIELD: I don't --

12 THE COURT: I instruct you and emphasize that the
13 fact that the Defendant did not testify is not a factor to
14 be considered by you in any way in your deliberations on
15 the question of guilt or innocence. It must not be
16 considered by you in any manner whatsoever. Every citizen
17 has the Constitutional right to remain silent. And the
18 assertion of the right must not be considered by you in
19 your deliberations.

20 MR. KORNFIELD: Okay. I'd like that.

21 THE COURT: You don't want that?

22 MR. KORNFIELD: No. I do want that. I thought it was
23 a different one.

24 THE COURT: I thought you might.

25 Presumption of innocence; reasonable doubt; hand of

1 one is the hand of all.

2 MR. KORNFELD: Your Honor, I object to that.

3 THE COURT: On what basis?

4 MR. KORNFELD: Well, this is an assault and battery.
5 They have to, specifically, be a part of this assault and
6 battery.

7 THE COURT: By a mob.

8 MR. KORNFELD: Well, if that's the --

9 THE COURT: Are you saying that there's no way you
10 can have accomplice liability in an assault and battery?

11 MR. KORNFELD: I'm saying she has to have
12 premeditated intent. She's got to, actually, assault and
13 batter, or be a part of that mob.

14 THE COURT: It's a good jury argument. But
15 accomplice liability would, certainly, apply in these
16 circumstances.

17 MR. KORNFELD: Will you charge what an assault and
18 what a battery is?

19 THE COURT: I'm going to charge -- do you want
20 identification, a charge on identification?

21 There's been some question raised about the
22 appearance of Mr. Wilson and Mr. Brown. Although, I've
23 seen the two of them.

24 But do you want identification?

25 MR. HAMILTON: Yes, sir.

1 THE COURT: All right. Is there a circumstantial
2 evidence?

3 MR. HAMILTON: Wilson would request a mere presence.
4 The fact that he's there, and the fact that's the basis of
5 their case, the mere fact that he's there and --

6 THE COURT: I don't know about that, Mr. Hamilton.
7 They've got witnesses that say he had a gun in his hand
8 pointing it in the air jumping up and down. They've got
9 another witness that said he told him -- told one of those
10 13-year-olds to go beat the guy up.

11 MR. KORNFELD: Your Honor, we request mere presence,
12 too.

13 THE COURT: Mere presence.

14 What's the State's position?

15 MS. SALISBURY: Judge, we would leave it at your
16 discretion. If you think it's an appropriate --

17 THE COURT: Well, I think it -- all right. We'll do
18 that.

19 Anything else? Any other charges?

20 MR. KORNFELD: Your Honor, are you going to charge
21 them on what an assault is and what a battery is?

22 THE COURT: Let's see here.

23 MR. KORNFELD: I didn't state that, specifically, but
24 that's what we request, a charge on assault and a charge
25 on battery.

1 THE COURT: I'll charge assault and battery, the
2 definition of assault and battery.

3 MR. KORNFELD: Thank you, Your Honor.

4 MR. HAMILTON: Your Honor, are -- could you consider
5 the definition of the inference -- I suspect that there's
6 an inference that's going to be alleged in this case that
7 a person identified as a member of the mob is -- there's
8 an inference that he aided and abetted. And that --

9 THE COURT: That what?

10 MR. HAMILTON: He aided and abetted. And that
11 inference can be -- are you going to give that charge?

12 THE COURT: What charge?

13 MR. HAMILTON: It's a part of the gang -- the --

14 THE COURT: They're not charged under the gang
15 statute.

16 MR. HAMILTON: I'm sorry. It's the charge --

17 THE COURT: Let me read to you the assault and
18 battery by mob first degree. For purposes of that
19 offense, a mob is defined as the assemblage of two or more
20 persons without color or authority of law for the
21 premeditated purpose and with the premeditated intent of
22 committing an act of violence upon the person of another.

23 First degree requires that any act of violence
24 inflicted by a mob upon the body of another person which
25 results in the death of the person shall constitute the

1 crime of assault and battery by a mob in the first degree.

2 MR. HAMILTON: Okay. And that's the extent of the
3 instruction to the jury?

4 THE COURT: Yes.

5 MR. HAMILTON: Because I was looking at 16-32-40 and
6 I was afraid that the Court would look further --

7 THE COURT: Is that -- that's the gang statute?

8 MR. HAMILTON: No, sir.

9 THE COURT: It's not?

10 MR. KORNFELD: I believe it is.

11 MR. HAMILTON: But if you're not going to consider
12 it, I don't want to prejudice my client with that
13 language.

14 THE COURT: I do not have my code up here.

15 Do y'all have the book?

16 MS. SALISBURY: Yes, sir, Your Honor.

17 I'm not sure which section --

18 MR. HAMILTON: It's not a problem if you're not going
19 to consider it.

20 (Pause.)

21 MR. HAMILTON: I reject it. I withdraw that.

22 THE COURT: Do you see it?

23 MS. SALISBURY: It appears that it was repealed in
24 2010.

25 MR. HAMILTON: Okay. And rightfully so.

1 THE COURT: Anything else? Any other requests to
2 charge?

3 MR. KORNFELD: None from Defendant Irby, Your Honor.

4 THE COURT: Anything else?

5 MR. HAMILTON: Nothing further.

6 MS. SALISBURY: Judge, we'd ask that you include
7 the -- with respect to the assault and battery by a mob
8 that the intent to form can be formed in an instant. I'd
9 be happy to give you some --

10 THE COURT: Well, propose that and bring me a
11 proposed charge in the morning.

12 MS. SALISBURY: Yes, sir, Your Honor.

13 MR. WESTON: Yes, sir, Your Honor.

14 THE COURT: All right. See you at 9:30.

15 (WHEREUPON, the proceedings were concluded at
16 approximately 4:12, to be reconvened on
17 Thursday, June 12, 2014.)
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1 THURSDAY, JUNE 12, 2014.

2 THE COURT: All right. I've got -- this morning got
3 two more proposed charges.

4 Have y'all exchanged them?

5 MR. WESTON: Yes, sir, Your Honor.

6 THE COURT: Any objections?

7 MR. KORNFELD: Your Honor, I object as I feel that
8 it's confusing to think that it's explained in the actual
9 charge that you've already stated you're going to give the
10 assault and battery mob charge, Your Honor.

11 THE COURT: Do you think that makes it confusing?

12 MR. KORNFELD: Yes.

13 THE COURT: I think it clarifies it.

14 Okay. Mr. Hamilton, do you have anything?

15 MR. HAMILTON: I join in his objection, Judge.

16 THE COURT: All right. And how about from the State
17 on the one -- did you get a copy of what Mr. Hamilton --

18 MR. WESTON: Yes, sir, Your Honor.

19 THE COURT: I think it's a little repetitive to
20 what...

21 (Pause.)

22 MR. WESTON: The initial paragraph, Your Honor, is
23 primarily the statute itself.

24 THE COURT: Yes. I'm reading -- yes. That --

25 MR. WESTON: We have no objection to that.

1 The last line, however, Your Honor, the
2 premeditated -- excuse me, the premeditated purpose and
3 intent underlying the charge of lynching cannot be
4 spontaneous applies, specifically, and is quoted there to
5 lynching, not assault and battery by mob.

6 THE COURT: Right.

7 I'm more concerned about the common intent to do
8 violence. I think that's covered in the one that you gave
9 me.

10 MR. WESTON: That's correct, Your Honor.

11 THE COURT: So I think the content of what you've
12 asked for, Mr. Hamilton, is going to be charged.

13 MR. HAMILTON: Your Honor, but you're saying that
14 the -- this lynching -- it's under the statute for lynching.

15 THE COURT: Lynching was repealed. It was replaced
16 by this assault and battery by mob. It's the same
17 concept, but the statute is gone.

18 Okay. Anything else?

19 MR. KORNFELD: Yes, Your Honor.

20 Mr. Hamilton and I have a disagreement and cannot
21 come to an agreement on who will argue first when we come
22 up. I argue that I did not put up a case, so I should not
23 have to argue first.

24 On the other hand, I think this can all be resolved
25 by allowing me to argue after the Prosecution.

1 THE COURT: I bet you think that. That's not
2 happening. But I will -- I'll allow you to be second. I
3 think that is -- would be appropriate.

4 All right. Are y'all ready?

5 MR. KORNFIELD: Yes, Your Honor.

6 THE COURT: I will tell you this --

7 MR. WESTON: Your Honor --

8 THE COURT: Yes.

9 MR. WESTON: -- can we approach?

10 THE COURT: Okay.

11 (WHEREUPON, a bench conference was held.)

12 THE COURT: We'll just be at ease for about three or
13 four minutes.

14 (WHEREUPON, a break was taken.)

15 THE COURT: Are we ready to go?

16 MR. WESTON: The State is ready to proceed, Your
17 Honor.

18 THE COURT: Is the Defense ready?

19 MR. KORNFIELD: Yes, Your Honor.

20 THE COURT: All right. Bring the jury in.

21 MR. WESTON: Your Honor, I've got two copies of the
22 verdict form. Are these just copies for me?

23 I didn't know whether these were the originals. I'd
24 already looked at them earlier.

25 THE COURT: No -- oh, you've already seen them. I

1 just wanted to let y'all take a look at them.

2 MR. WESTON: Yes, sir.

3 THE COURT: There's one for each.

4 MR. WESTON: No objection from the State, Your Honor.

5 THE COURT: Okay. Do y'all have any objections?

6 MR. HAMILTON: None, Judge.

7 MR. KORNFIELD: No, Your Honor.

8 THE COURT: Okay. It's a pretty simple form.

9 (WHEREUPON, the jury came into open court at
10 approximately 9:56 a.m.).

11 THE COURT: Good morning, ladies and gentlemen.

12 I hope y'all had a pleasant evening. And, if you
13 remember, we completed all the evidence. And we're now
14 prepared to move into the third part of the trial.

15 You all have paid great attention throughout the
16 course of the trial. And we appreciate that. And I ask
17 you to continue to pay attention during the arguments of
18 these fine attorneys.

19 Thank you.

20 All right. From the Defense.

21 MR. HAMILTON: May it please the Court.

22 THE COURT: Yes, sir.

23 CLOSING ARGUMENTS

24 MR. HAMILTON: Counsel, Mr. Foreman, ladies and
25 gentlemen, good morning.

1 Again, my name is Ernie Hamilton. And I represent,
2 as you know, Elijah Wilson. I appreciate the attention
3 that you -- and the patience you've shown me thus far.

4 I must admit that I've been up kind of late last
5 night. And I've got specific instructions to get through
6 my closing argument. So it's because of that that it may
7 appear that I'm rushing through it. But there's a lot of
8 information. And most of it, you already know. But
9 there's a lot of information. And I'm going to get right
10 to it.

11 Now, after I'm done with my closing argument,
12 Brittany's lawyer is going to get up and he's going to
13 make a statement. The Solicitor is going to get up and
14 make a statement. And then the Judge is going to give you
15 instructions as to what the law is. And then all 12 of
16 you will go back. The alternate will be excused. And
17 then y'all will decide this case.

18 So bear with me just a little while. Okay. There's
19 a lot of points that I want to get to. Everybody knows
20 what happened on April the 20th. And, first, I just want
21 to go over the physical evidence and then I'm going to
22 summarize the testimony.

23 Now, first of all, we have the State's exhibits. You
24 all are familiar with demonstrating the scene of the
25 crime, and where all this happened. You all know about

1 that.

2 Then we have Defendant's Exhibit No. 7. You'll have
3 this back there with you. And it talks about April the
4 20th, turn up at my party. It gives the address of the
5 community center. And then it says, Everybody is invited.
6 Everything is free.

7 Now, you heard the testimony that only limited people
8 were invited. But then on this Facebook page -- and
9 that's her picture on there. And notice something there.
10 Just look at that picture. It's clear everybody is
11 invited.

12 Then we've got Defendant's Exhibit No. 3. You'll
13 have this back there, and you'll look at it. And it's a
14 receipt where the family, Elijah, and the people that he
15 mentioned that was there were at a restaurant. And this
16 is documented by -- it was paid for with a credit card,
17 and what time they were there. And you'll have that to
18 look at. That's important. Because it shows where they
19 was at at that time, as compared to somewhere else.
20 You'll have that back there with you.

21 Then you have Defendant's Exhibit No. 2. You will
22 have that back there with you. And it shows a time -- and
23 it's highlighted here, about 5:00, meaning that they
24 couldn't have been down at the park. She got a telephone
25 call from the law enforcement center about an incident

1 that she had reported. And then it's identified as coming
2 from the police department.

3 Now, here is an exhibit, number four, Defendant's
4 Exhibit No. 4. It shows the Defendant calling his momma
5 at about 9:48, come and get us. The party is over, you
6 know, something is going to happen.

7 And then, again, it shows -- the telephone number is
8 showing that I've got it right -- she's trying to figure
9 out where her daughter was. And then she got the
10 information that, okay, she's got a ride. Everything is
11 okay, so. And that is important because of the time
12 frame, 9:48. So you have that back there with you. So
13 that's the physical documents that you'll have back there.

14 The State's Exhibits are those exhibits demonstrated.
15 That's simple enough. And the trash can. You'll have
16 that back there with you. And here is something that it's
17 possible everybody is scared to touch. But this is just
18 an indication of something here, but it belongs to Ronald
19 Brown.

20 Now, he's been on trial, but he ain't even here. But
21 y'all know -- if I ask you to raise your hand -- don't.
22 Who all believes that Ronald Brown is guilty, you would.
23 That's a done deal.

24 But everybody is afraid to touch this, but I'm not.
25 Because it has nothing to do with Elijah Wilson. It has

1 nothing to do with him. Whatever that's concerning is
2 Mr. Brown. Okay. So that's the physical evidence.
3 That's in regard to the testimony.

4 I need for you to understand that if I say something
5 that you remember differently from what you heard, then I
6 apologize now. Because that's not my intention. If
7 you -- remember it the way you remember it, not because I
8 said it. But if you agree with what I say, then we both
9 remember the same thing.

10 But, please, don't accuse me of saying something that
11 wasn't said and, you know, trying to mislead you. But
12 that's not my intention. And if I do say something that
13 is not what you remember, you act according to what you
14 remember.

15 Now, I watched you watch me. And I know you know
16 that I kind of fumble through. And I fumble through
17 almost everything. But the Judge is going to be clear
18 about -- and precise about what he's going to tell you.
19 He is going to be precise and clear on what the law is in
20 this case.

21 And I need for you to listen closely. Because my
22 client is relying on your following the law of this case.
23 You must, for my client's sake, follow the law. My
24 client's freedom is deeply rooted in the law.

25 Now, you are the sole judges of the facts. And my

1 job is only to guide you through the law, and have you
2 apply those facts that you have to the law.

3 Now, I know you know what happened at the church and
4 across the street. I know you know all of the decedent's
5 people. And I know that each one of you are decent
6 people. You have high standards, values, and morals. And
7 that's why you were selected. Your ability to put aside
8 your prejudice -- and we all have them. And not everybody
9 can put aside their personal feelings and be fair.

10 But you have taken an oath in this case when you
11 first sat down that you will be fair. Your oath is very
12 much a part of the law.

13 As jurors, you, also, are judges of the credibility,
14 the believability of each witness. You may believe all of
15 a what witness tells you. You may believe half of what he
16 tells you. You may believe none of what that witness
17 tells you. That's your province. You determine the facts
18 of this case.

19 You may believe one witness against -- there's a
20 bunch of witnesses in this case. There's 16 witnesses
21 that you heard. You may believe just one witness. And
22 everybody else, you choose to disagree with. You may
23 believe -- and this is the law in the case -- the 16
24 witnesses versus the one, or eight of them, seven of them,
25 however you choose to come to a consensus and resolve this

1 case.

2 And the -- of all the witnesses that testified in
3 this case, we know of, at least, one person, one person
4 that will tell you an untruth, a lie. Detective Garrison,
5 the chief investigator that put this case together, turned
6 and looked at each one of you in the face and said without
7 reservation or hesitation, I can use deceit in my
8 interrogation. He can use deceit in his interrogation.
9 Remember that. Or do you remember that?

10 And I know it sounds a little strange that they can
11 do that. And I'm a lawyer. And our United States Supreme
12 Court has said that police can use that tactic. But
13 think, think what it's like for a 12-year-old, a
14 13-year-old, a 14-year-old sitting in the tight quarters
15 and a man -- two men with guns and badges screaming, don't
16 lie to me, tell me the truth. And he's lying himself.

17 How can you get the truth from a child and you know
18 his answer is based on a lie, on a question that you know
19 is a lie, and you want him to tell you the truth about it?
20 How can you do that? How can you tell the child is not
21 telling the truth? Your question is not the truth.

22 Even the Solicitor beat up a child verbally yesterday
23 when the child -- you know, when he said that under oath
24 down at Family Court, you said this and you said that.
25 When I asked you the question, you said this and you said

1 that.

2 And the child said, I didn't say that.

3 The Solicitor was taken aback. Here, under oath, you
4 said this and that. He said I didn't -- but, see, you've
5 got to be careful. Because -- and I brought it to
6 Mr. Weston's attention. He wasn't the one at that
7 particular hearing that asked the question. A female
8 solicitor was asking the question. And the child, you
9 heard him say, you agree -- Weston agreed. And I asked
10 you, and what did you say?

11 Yes, ma'am.

12 And I asked you --

13 Yes, ma'am.

14 You see, it's confusing.

15 And another thing about those documents and
16 transcripts from Family Court. Family Court is different
17 than General Sessions. Hearsay -- not just -- yeah,
18 hearsay and leading questions are permissible when you're
19 dealing with juveniles, and stuff like that.

20 MR. WESTON: Objection, Your Honor.

21 THE COURT: On what?

22 MR. WESTON: He is misstating the law and giving this
23 jury misinformation concerning the workings of Family
24 Court deliberately.

25 THE COURT: That what?

1 MR. WESTON: He is misstating the law and giving this
2 jury deliberate misinformation.

3 THE COURT: Well, Mr. Hamilton --

4 MR. HAMILTON: I will move on, Judge.

5 The questions in the transcript are leading
6 questions. Now, you know what leading questions is.
7 Leading questions are questions that the question itself
8 gives the person being asked the answer. You know, it's
9 easy, you know. It's 5:00, isn't it?

10 Yeah.

11 Why?

12 Because you said it was 5:00.

13 You know, I don't know if it's 5:00. And see how
14 important that is. Because, remember, when I had
15 Detective Fretwell [sic] on the stand, and we were talking
16 about this one incident when he was saying that the kid
17 was saying, oh, Elijah Wilson was there. And he said,
18 Well, I thought you said Elijah was there. He said, you
19 said it.

20 The discussion that me and Mr. Fretwell [sic] had is
21 that the kid was something like you -- I said it because
22 you were the one that told me that he was there. And, you
23 know, if you watched it on the video -- it's all video
24 recorded. And it was like a scene in the Little Rascals
25 where the cops -- he realized that he was talking to a

1 child. And the child said -- he had suggested to the
2 child -- lead -- led him that Elijah was there.

3 And the child just repeated it back, you know. Well,
4 he was there. You said he was there, he was there. And
5 then he tried to back up and say, well -- but that's the
6 type of thing -- leading questions. And that's how this
7 whole case is filled with suggestions by law enforcement.

8 We know -- the leading questions lead me to Kyzer.
9 Kyzer. Kyzer. We now know that early on Kyzer was the
10 second person that was interviewed and talked to following
11 the arrest of Ronald Brown. So we've got Ronald Brown,
12 and then Kyzer got in there.

13 The party was that Saturday. Kyzer was talked to
14 that Monday, that next Monday. And that was the -- and
15 then there was some confusion about Hit Squad even
16 existing. Then Kyzer said -- and the lead detective said,
17 yeah, but he said it didn't exist. But right here it
18 said, Kyzer added that it's not a gang. It's just a
19 group. My argument is that the police getting my client's
20 name early -- getting his name. And it became a lock in
21 and they're building the case on Kyzer's statement.

22 They didn't even check out the credibility of Felton
23 Smith, the dark-skinned guy that the family members say he
24 saw my client with. He went down there. The police got
25 it all in their report. Felton told them, hey, he was

1 with me. We left and we got in -- we went to the -- to
2 Dee's house -- grandma's house. And he told them all
3 that. And that story didn't change.

4 They took the statements from everybody. Amber Smith
5 gave a statement. And others gave a statement about
6 Elijah Wilson. They took their statements and nobody
7 believed them. And that's where you come in.

8 Now, y'all got the same statements that was given to
9 the police, and the police didn't believe it. But that's
10 not unusual for that to happen. Because nobody believed
11 Josh Gowens. Josh Gowens. Nobody believed his story
12 either. It took three months before he was released.
13 Jeff Jones stayed in jail for a year --

14 MR. WESTON: Objection, Your Honor.

15 MR. HAMILTON: We talked about that.

16 THE COURT: I think it was --

17 MR. WESTON: There was no evidence concerning
18 Mr. Jones being in jail or how long.

19 THE COURT: All right. Move along. It's part of the
20 evidence, but move along.

21 MR. HAMILTON: Another person stayed in jail.

22 But thank God for people like you. Elijah Wilson
23 gets to tell his story. And he told his story before
24 today, before --

25 MR. WESTON: Objection, Your Honor.

1 THE COURT: Yes.

2 MR. HAMILTON: I --

3 THE COURT: Whoa, whoa. That -- there is no -- that
4 is not in evidence. You may discuss the evidence and
5 reasonable inferences therefrom.

6 Go ahead.

7 MR. HAMILTON: The reasonable inferences is that the
8 story of Elijah Wilson is before you, before you. And
9 thank God for it.

10 You see, only Kyzer named Wilson, just as he named
11 Josh Gowens. And Gowens had a perfect alibi. He had a
12 perfect alibi. And Wilson's alibi is sort of like I told
13 you in my opening statement, it's kind of imperfect.
14 Because Gowens, he wasn't at the party at all --

15 MR. WESTON: Objection, Your Honor. Once again,
16 there's no evidence in the record --

17 MR. HAMILTON: He testified --

18 THE COURT: Wait. Discuss only what's in the record.

19 MR. HAMILTON: I'm sorry.

20 And, here again, if y'all didn't know that, if that's
21 not what you heard on the witness stand, you go by what
22 you heard. Okay.

23 Remember that Kyzer named Wilson. Well, you remember
24 the kid, not necessarily Kyzer. And I told you that story
25 about him repeating himself on the tape.

1 So the police talked to a lot of people. They
2 followed a lot of leads. And the police said that they
3 made a lot of arrests, also. The police admitted that
4 they made some mistakes. That happens. There's -- there
5 was a mob. Someone was killed.

6 So we built -- but they built their case around my
7 client. And they made this case. And I'm sure the police
8 interviewed a lot of students like my client with no
9 convictions or graduated early from high school, eleventh
10 grade, two years at Greenville Tech, worked with the
11 community.

12 So why focus on a guy like that? He's -- I've heard
13 from the witness stand that he's not a gang banger. Is it
14 because Kyzer said he, actually, saw him hit the victim?
15 Can you now believe anything Kyzer say about what
16 happened? Josh spent so much time in jail. He -- Kyzer
17 said he made a mistake naming Josh. Really, Kyzer.
18 Really, you made a mistake when you done been to his house
19 playing video games. And you made a mistake. You had
20 it -- y'all were on Facebook communicating the next day.
21 Really, you made a mistake. He spent that much time --
22 he's not like that. Josh said that.

23 So Josh -- Kyzer told the police Josh was there. And
24 bless his heart, the same -- he said the same thing about
25 my client. That was just not true. What an awful thing

1 to be locked up for something you didn't do. How could
2 you be so coldhearted? But how easy it is -- now, Kyzer
3 was a friend to Josh.

4 Now, how you -- now, you've heard all these stories
5 about other witnesses talking to -- giving statements and
6 naming my client. And they don't know him. But you've
7 got Kyzer know somebody and named them. Based on -- this
8 is how it happened. Because the police said, well, did
9 you see Scoot or Elijah Wilson there? You saw him there,
10 didn't you? The leading part.

11 And the little 13-year-old said, it sounds like
12 you're saying -- because they said, you know, we're going
13 to talk to him. We know what done happened. Now, you
14 know, they can deceive a little kid, and they did, into
15 thinking that you saw him, too.

16 Yeah. Okay. I saw him.

17 And you saw one of the guys say, I was scared.
18 They -- the one guy say, hey, look, my parents were even
19 there. And I couldn't -- I would say one thing and they
20 would say something. And I didn't know what to say. If I
21 said something, they said, oh, that ain't right.

22 So he had to keep asking until he got it right, you
23 know. So you saw Elijah Wilson. He didn't see Elijah
24 Wilson, but that's what they wanted him to say.

25 I saw Elijah Wilson.

1 You saw him kicking.

2 Is that what you want me to say? Yeah. I saw him
3 kicking.

4 See, now, but I can't -- on the witness stand do the
5 same with that statement when someone -- when the ones
6 that said that Elijah wasn't there, he didn't go across
7 the street. He didn't do this. And he didn't do that.
8 But when he went down to Family Court, based on the plea
9 agreement, he had to say that he saw him. But I couldn't
10 take that same -- because it wasn't under oath. All that
11 interview down there to impeach somebody, it has to be
12 under oath.

13 So it's easy for somebody to say, well, I wasn't
14 under oath. And I wasn't swearing to tell the truth.
15 They were swearing to tell the truth on those transcripts.
16 So that's how you impeach somebody.

17 So you can't impeach them on the interrogation
18 questions. You know, they say one thing, but they're not
19 bound by it. But when you're under oath, you're kind of
20 bound by it. So that's why, you know, you can't do that.
21 But then you went -- you saw Scoot, didn't you?

22 I'm going to have to move on. As you can tell, I've
23 got more than the law allows. So I just don't want to
24 miss it.

25 I kind of wanted to say this. And I'm going to say

1 it quick. I can go on and on. But you heard the
2 testimony in regard to Elijah Wilson's case in chief. And
3 I, at this point, admit it -- maybe in the presentation of
4 it, my fumbling along. The substance of it -- of his case
5 is not different from what the police had. And had he not
6 produced any witnesses about his whereabouts that night to
7 the police -- the police already knew about it. But I
8 couldn't add any more facts to it. But I didn't. I'm not
9 allowed to.

10 So the police chose to ignore it. So, please, do
11 your duties and consider his evidence, not my
12 presentation. You are the judges of the facts around
13 Elijah Wilson's credibility and believability of the
14 facts, not the lawyer's fumbling to get those facts in. I
15 did my job. You got this case. You do your job and apply
16 the law to the facts.

17 There's evidence and testimony that Wilson couldn't
18 be at different places at other times. Being at the scene
19 where all of this terrible thing happened is not a crime.
20 There was hundreds of people there that ran across the
21 street, went that way, chased them. The police did the
22 best they could with that. They got everybody who really
23 had something to do with this thing.

24 This right here is overbearing. Don't -- everybody
25 who did something to do with it has pled guilty. If you

1 didn't have nothing to do with it, why would you plead
2 guilty to it?

3 How much more tragedy must snowball and unravel
4 behind this senseless assault and death to a visitor to
5 our community? A man has lost his life behind a single
6 act of Ronald Brown. Not only did Ronald Brown take the
7 life of one man, he nearly took the life of 11 children
8 being 12 and 13. They pled -- they were charged with
9 assault and battery by mob first degree and pled down to
10 it from that to a lesser sentence.

11 Now, they want you to take my client's life based on
12 evidence he cannot defend himself against, deceit. How
13 are you going to defend yourself against deceit? That's
14 another tragedy. Don't let that happen.

15 The police concluded their investigation. There's
16 not likely going to be any more. But they want him to be
17 part of the mob. So being -- so they charged him. And
18 being charged by a mob -- being charged in this case is
19 not an element of the case. The Judge will give you the
20 law. And that's what I want you to pay attention to.
21 He's going to tell you what a mob is. The law the Judge
22 is going to tell you further requires the State to move
23 and prove premeditation.

24 Now, premeditation, what evidence is there of
25 premeditation? Do you honestly believe those children set

1 out to kill someone? Premeditation. Did they call a
2 meeting to think out a plan, an action, especially a crime
3 beforehand? That is exactly what premeditation means in
4 this case.

5 Now, I'm going to ask you, what was the intentional,
6 the deliberate, preplanned, calculating, cold blooded,
7 concoct, prearranged? Because if you find that they
8 haven't proved that, that is unproven. That's an element.
9 Now, the Judge is going to tell you that. You have to
10 find premeditation. Do you know what premeditation means?
11 I told you. It was all that. That's premeditation.

12 Now, I suppose the State will say that the Tough
13 Money Boys and Lil Ru is -- that's part of what they do is
14 fight people, and all that. But my client is not a member
15 of the Tough Money Boys. And there was other people
16 that's not members of the Tough Money Boys that was doing
17 that.

18 And the common law in this case, the Judge will tell
19 you, is that the intent to do violence may well be formed
20 before and during the assembly of the mob. Still -- still
21 evidence of premeditation is a burden that you must be
22 satisfied of beyond a reasonable doubt. Here again,
23 premeditation is a plan to commit a homicide at that
24 meeting. My client wasn't there. He -- you've got
25 evidence he was somewhere else.

1 And then when I sit down, the State is going to get
2 up. And I want you to ask yourself, what would
3 Mr. Hamilton say following Brittany's lawyer? What would
4 Mr. -- just because he was at the party alone is not
5 enough. Is it because he was part of this Tough Money
6 group? He's not a member of that. Is -- did he know
7 those people? My client, he was there. Why was he there?
8 He got word about the party through the invitation through
9 his sister, you know.

10 And he's got a history of being active at Sterling
11 recreation that he -- they created a position for him. He
12 deals with youth people during the summer. But -- plus,
13 his sister wanted to go to the party. That's why he was
14 there. She told you that. That's why he was there. He
15 wants you to think he was there for some other reason.

16 But that's -- consider the evidence. Be fair.
17 That's all we ask. Be fair why. Was he there? You've
18 got evidence to show otherwise than what he says.

19 Now, weapons is not good. But you heard testimony
20 about the dreadlocks and stuff like that. Lil Ru --
21 Ronald Brown got the same type of hair style.

22 The Judge is going to charge you on the law of
23 identity. He's going to say, you know, that, hey, it
24 happens. We all do it. I see somebody that look like
25 you. And I say, oh, I thought I saw you yesterday at the

1 mall. But that wasn't you. I ran up to the guy. And I
2 was embarrassed. That happens all the time. That happens
3 all the time.

4 And when somebody says, well, I saw Elijah. He's got
5 dreads. And he had a gun. Well, we've got evidence that
6 another person with dreads had a gun. We've got evidence
7 that another person with dreads said, y'all better go on
8 over there. Who's more likely to be the one that said
9 that? Not my client. But you get confused in
10 identification. And there's people everywhere.

11 And the person who said that said, I've never seen
12 this man before. Well, I've seen him one time. Well, no,
13 I saw him twice. The second time I ever saw him was at
14 the party. And the third time is in this courtroom. But
15 he's going to say, yeah, he was the one with this and with
16 that. And he admitted it. He admitted that, oh, yeah,
17 Ronald Brown got a hair style just like that. Could he
18 have been mistaken? The Judge will tell you about that
19 law on identification.

20 The Judge, I believe, will tell you there's two more
21 responsibilities.

22 (Pause.)

23 THE COURT: You need to wrap it up, Mr. Hamilton.

24 MR. HAMILTON: Yes, Your Honor.

25 Okay. So in the end, you've got to say, what was the

1 premeditation purpose? What -- in addition to the
2 premeditation, there's this word called intent. So you've
3 got to have a premeditation purpose while you're doing it
4 and then the intent. You know, every crime in the State
5 of South Carolina has got this element of criminal intent.

6 And what was Ronald's role in this purpose and
7 Ronald's -- Elijah Wilson's purpose and intent and role?
8 What was his role in this premeditated purpose and intent?
9 He is, at this point, not guilty.

10 But Ronald Brown -- you don't know half the story of
11 what Ronald Brown did. Whatever the premeditation --
12 whatever the premeditation and intent of the mob was, it
13 had been completed before Ronald Brown proceeded with his
14 agenda to see blood. That was not part of the common
15 design, nor is it incidental and coincidental at --
16 growing out of the premeditated plan, you know.

17 The Judge said, well, you know, incidental acts do
18 with -- the hand of one, the hand of all. But Ronald
19 Brown took it upon himself to wipe the people back. I
20 want to see blood. They were finished with their little
21 episode. Y'all do what y'all want. I've got something
22 else to do.

23 The Judge may charge you that outside this scheme,
24 whatever the scheme they had -- I don't know what it was.
25 But the Government's got to tell you what it was. If

1 he -- Ronald Brown went beyond what they was supposed to
2 do, then you're going to have find Mr. Wilson not guilty
3 of anything. Because Ronald Brown, he did it. Y'all
4 don't really know what that man did. It's terrible,
5 terrible.

6 So don't be -- this will conclude the case that has
7 troubled our community. We've got a good town here in
8 Greenville. It's good. And the police do a great job.
9 And it's safe to walk the streets. The responsible people
10 in this case have been brought to court. You -- we need
11 to heal the community further, that west end center. I
12 think they've recovered from that. I've been over there.
13 There are activities going galore. That was a black eye.
14 But don't reopen the wound with more life lost.

15 THE COURT: Mr. Kornfeld.

16 MR. KORNFIELD: May it please the Court.

17 THE COURT: Yes, sir.

18 MR. KORNFIELD: Ladies and gentlemen, on Monday when I
19 came in here and gave my opening statement, I don't know
20 if you remember or not, but I told you that my client,
21 Brittany Irby, was not guilty of assault and battery by a
22 mob. As a matter of fact, I told you and stood right here
23 where I'm standing today and said she wasn't even there.
24 She wasn't even part of the mob. And she didn't even go
25 down to the parking lot. And today, after all the

1 evidence is in, we know that that is true.

2 We, also, know that this has been an emotional time
3 in that a young man's life was taken. Debron Harrison
4 died because of Lil Ru and several other people who
5 brutally beat him.

6 We know that this started at a -- the West Greenville
7 community center. And they were at a community center.
8 And that it appears that there were, at least, a hundred
9 people at the community center. And that, at some point,
10 Lil Ru started acting out when a song came on, We Still In
11 This B. He started acting out. And some of the parents
12 and Julian Palmer asked him to leave. They thought that
13 he left. Apparently, he did not.

14 We, also, know during that altercation that a friend
15 of the girl that was having the party, Camilla Palmer,
16 told us that Irby broke up an altercation in the community
17 center. Diamante Jones told us that. That is important
18 for your deliberations.

19 We know that Yolanda Belton, who's Debron's aunt,
20 tells us that she saw Brittany by the punch stand. And I
21 asked her what she looked like, if she had glasses, all
22 types of those things. She said, I don't know. I only
23 saw her for 10 seconds. Lots of people were running
24 around. So we don't know if she, actually, really saw
25 Brittany or not.

1 But we do know that if you do believe her statement
2 that she said Brittany was polite and asked, Do I need to
3 leave, too? Do I need to leave as well? She said, Yes,
4 you need to leave, too.

5 We know that when Officer Mann -- he was one of the
6 first officers to testify. He may have been the first
7 officer to testify. He says he saw -- he went on scene.
8 He was one of the first on scene. And he says he saw
9 several black males. And they detained two of them there
10 at the parking lot over here.

11 And we know that when Detective Garrison got up here
12 and talked about what he said to these kids, these young
13 kids, that he said -- I asked him if he lied to these
14 kids. And he said, Well, we use deceit as a tactic. And
15 that may be okay for someone that is old enough to form
16 their own opinions, and to do their own things. But that
17 is not okay to do to a bunch of kids. And I'll tell you
18 why. Their brains are like a sponge. We've all heard
19 that. And they're telling them these things.

20 And they said in here -- I asked him, You brought
21 Brittany's name up first, didn't you?

22 Well, yes, I brought her name up first.

23 And you told them that Brittany said that you did
24 something? What is he doing there? He's trying to pin
25 them against each other and say, well, if she's saying

1 this -- he doesn't even know. He's just trying to figure
2 out things. And he's saying this. And what he said was,
3 well, I was trying to build a case. I'm trying to build a
4 case. Nothing about looking for the truth, or justice, or
5 anything like that. I'm building a case. That's what I'm
6 doing.

7 Then when I asked him about, did you say to any of
8 them that you would add an obstruction of justice charge
9 on that?

10 No. I never said that.

11 Well, that turned out to be not true, too. That's
12 exactly what he told them. When we talked to these kids,
13 almost all of them said, yeah, I was scared. I was
14 scared. Have you ever had anybody -- two men or one man,
15 some of them had one, some of them had two, come in and
16 tell you these things and yell at you, and things like
17 that? No, I hadn't had any of that happen before.

18 And then one of them, Treveion, says, yeah, he cursed
19 at me. And I asked for my momma. And he said, no, I'm
20 not getting your momma. You're not going to see your
21 momma.

22 Why is this important? And why am I bringing this
23 up? It goes to the credibility of the statements. It
24 goes to being in a small locked room with a man that
25 you've never met, and being 13 and 14 years old. And it

1 goes to the fact that this officer made suggestions and
2 said names. And they were scared.

3 We know that Treveion Anderson said the -- I can't
4 remember exactly what he said. But he had a family like
5 relationship with Ronald Brown. And he told us that
6 Ronald Brown did this. He didn't say Brittany Irby did
7 this. He said Ronald Brown did this.

8 We know Jyquavious Young. He was one of the others
9 that testified and said he was, also, scared of the
10 detectives. And he said, there wasn't no girls over
11 there. There wasn't no girls over there.

12 We heard from Arva Wilson. And we found out that she
13 ate dinner with Brittany, Elijah, Felton, and the young
14 girl, De'Agia. And we know that it started around 8:00
15 p.m. We know that from the receipt that you'll have back
16 in evidence.

17 We know that De'Agia, Elijah, and Felton were dropped
18 off at the party. That after driving away, Arva went back
19 and dropped Brittany off at the party. Arva was in the
20 vehicle with Brittany. They left, received a phone call,
21 and came back to the party.

22 We know that De'Agia, Brittany, and Felton went to
23 Dee Styles and left together and went to Dee's grandma's
24 house from the party. We, also, know that Shekinah Ellis
25 picked Brittany and Felton up and went to their aunt's

1 house. We know that. That was in the testimony here.

2 What was missing from all that? What's missing from
3 all that is what the State needs, and that's to show an
4 assault and battery by a mob.

5 Assault and battery by a mob. Not one person got up
6 here and said that Brittany Irby was a part of an assault
7 and battery by a mob. As a matter of fact, she's not even
8 a part of an assault and battery on her own. Diamante
9 Jones tells us that she, actually, was trying to break the
10 fight up inside the community center. And being at a
11 party is not enough for an assault and battery by a mob.

12 Assault and battery by a mob. What is an assault?
13 We need to go through all of these elements, too. An
14 assault, that's when you have an offer to commit a violent
15 injury upon another, and you have the present ability to
16 do that. That's pulling your fist up. That's getting
17 your foot back.

18 What's the battery? The battery is an actual hit.
19 That's the -- when you're hitting someone, when you're
20 punching someone.

21 And what is a mob? A mob is two or more people
22 involved in that assault and battery, two or more people
23 hitting someone else.

24 Ladies and gentlemen, they brought several people up
25 here. And what I told you at the beginning of this case

1 that she was not involved in this assault and battery by a
2 mob is still the truth today. We're at the community
3 center here. This takes place over here. And Officer
4 Mann is even -- he was -- I don't know where he was
5 pointing, but down here somewhere. I don't know how far
6 this parking lot goes on. But this is where it happened.

7 Now, you know -- and I will be short on this. But
8 it's important to know that my client, Brittany Irby, is
9 presumed innocent.

10 We, also, know that the burden is on the Government.
11 That burden is not like a flag. It does not wave. It is
12 solely upon the Government. And they have to prove that
13 beyond a reasonable doubt.

14 You know, I've never been on a jury. I don't know
15 what a deliberation looks like, other than what I've seen
16 in the movie 12 Angry Men with Henry Fonda. And, in that
17 jury room, everybody speaks. Everybody talks. Everybody
18 brings their own past experiences in and explains what
19 they think, and what the facts are, and what was presented
20 in evidence. And I'm asking you to do that today for
21 justice and for Brittany Irby. If you do that, justice
22 will be done. Brittany never hit Mr. Debron Harrison.

23 And you heard earlier I stated -- when I asked the
24 young gentleman, You call her Big Britt. Why do you call
25 her that? Because she's big?

1 He said, Well, yeah, yeah. Because she's big.

2 Let's look at this map over here. And let's look at
3 where this actual assault and battery by a mob took place.
4 Debron runs out here. There's steps down here. He runs
5 around. Apparently, he runs around for a while. And then
6 he comes down, all the way down here. He gets into this
7 parking lot. One kid said, I was out of breath. Kyzer
8 Thomas said he was out of breath. I said, Have you ever
9 seen Brittany Irby run anywhere? Even he couldn't lie
10 about that.

11 No. I've never seen her run anywhere.

12 He knows that she's not running over here. Look at
13 her.

14 Ladies and gentlemen, they have to prove each and
15 every element of assault, battery, and mob two or more
16 people. They didn't do that today. They didn't do that
17 this week.

18 And I ask that you do justice. Come back with a
19 verdict, not guilty.

20 THE COURT: All right. Mr. Weston.

21 MR. WESTON: May it please the Court.

22 THE COURT: Yes.

23 MR. WESTON: Ladies and gentlemen, you've heard all
24 the evidence. And in a few moments, the case will be
25 yours to decide. At the conclusion of my remarks, His

1 Honor will give you the law. And you should take the law
2 as he gives it to you, not what I say, or what
3 Mr. Kornfeld says, or what Mr. Hamilton says. Because, to
4 be perfectly frank with you, I think they were watching an
5 entirely different trial, based on what they just told
6 you.

7 The Judge is going to tell you what the law is. And,
8 as I said, you take it from him. You are the judges of
9 the facts. It is not within your province to decide what
10 the law should be or what the law ought to be. You take
11 it as he gives it to you. And it is not within his
12 province to tell you how to -- or how you should decide
13 the facts.

14 And, along that line, one of the things I want to be
15 very clear on is just because facts are in dispute, that
16 does not mean reasonable doubt. Y'all's job, as jurors,
17 are to decide what the facts are in this case.

18 The Judge is going to tell you about a lot of
19 different things. I'd like to point out just a few of
20 them. He's going to tell you, as counsel said, that the
21 State has the burden of proof, that these Defendants sit
22 here at this point in time innocent, unless and until you
23 are convinced beyond a reasonable doubt of their guilt of
24 each and every element of the offense.

25 He's going to tell you about the credibility of

1 witnesses. And he's going to tell you that you can
2 believe one witness over many. You can believe all, or
3 part, or none of a witnesses testimony. And the
4 credibility of witnesses becomes important in this case.
5 Because this is an eyewitness case. This is about the
6 testimony that came from that witness stand. That's the
7 primary evidence against these two Defendants.

8 He's going to tell you about -- and this is very
9 important. Please listen carefully when he talks about
10 this. Accomplice liability and the hand of one is the
11 hand of all. To hear counsel tell it, we've got to prove
12 that Brittany Irby or -- and/or Elijah Woods [sic],
13 actually, struck the victim. That ain't true. The
14 evidence is overwhelming that they did. But it's the
15 nature of a mob.

16 As my colleague, Ms. Salisbury, told y'all at the
17 beginning, the scary thing about a mob is its anonymity.
18 You can hide behind encouraging, aiding, and abetting, and
19 pushing other people forward, 13- and 14-year-olds, and
20 then stand back and say my hands are clean.

21 We know how old lynch mobs worked on the old western
22 movies. We had two or three people rebel rousing in the
23 back getting -- stirring people up. They are part of the
24 mob. But then when it comes time to determine who's
25 responsible, they say, I never touched that rope. I

1 didn't put a rope around his neck. I didn't do anything.
2 But we all know to be a part of the mob does not require
3 that you lay hands on anybody. The evidence is clear they
4 did. But we don't have to prove that they put their hands
5 on him.

6 The Judge is going to instruct you on the definition
7 of mob. And, as I said, you take the definition from him.
8 But I think he's going to tell you something to the effect
9 that a mob is the assemblage of two or more people
10 assembled for the purpose of doing harm to another. And
11 let's be clear. And I won't go back into this because
12 counsel, I think, misstated what we believe the theory of
13 this case is and the theory of this mob violence was.

14 Both counsel talked about what was done over here.
15 And there's no question what was done over here was
16 savagery. It was heinous. But the mob violence started
17 here. This was one continuous act. And just because
18 Mr. Debron Harrison had the wherewithal to get up and
19 escape from them here and get to over here, do not be
20 bamboozled by counsels statements that what happened up
21 here does not constitute assault and battery by a mob, the
22 same incident.

23 So if you find that Brittany Irby and Elijah Wilson
24 or Elijah Wilson either struck, encouraged, or in any way
25 aided and abetted people to strike him up here, they're

1 guilty of assault and battery by a mob. We don't have to
2 put them in this parking lot. The evidence is clear that
3 they were. But do not be fooled by counsels statements
4 that this was two separate acts.

5 This was one assault that this brave man had the
6 wherewithal to get away from at one point and get
7 caught -- and got caught at another point. But this is one
8 continuous act. That is what is called in legal terms as a
9 red herring where they try to hide the ball over here. This
10 was all one act, ladies and gentlemen. There's no question
11 about that.

12 And we do not have to prove that everybody that was
13 involved over here was involved over here. In fact, some
14 of the kids who testified said, no, I didn't go across the
15 street after I beat him in front of the community center.
16 It's all one act. All of it resulted in the death of
17 Debron Harrison.

18 His Honor is going to tell you that we have to prove
19 three things, that there was an assault and battery.
20 There's no question about that. By two or more people who
21 assembled for the purpose of doing harm to another.
22 There's but no question there were two or more people.
23 You heard from seven or eight of them who've already pled
24 guilty. And that death resulted. You heard Dr. Fulcher's
25 testimony concerning the autopsy. We didn't do a lot with

1 that. We didn't go into that a lot because that was not
2 necessary to put anybody through that. There's but no
3 question this young man died as a result of this beating,
4 of being beaten and kicked in the head.

5 And I'd be remiss if I did not ask you to consider
6 the terror and the fear he must have endured that night.
7 He's from Columbia. He's in Greenville to assist and sort
8 of chaperone a party of close family friends. He does not
9 have any idea where he is, or who these people are.

10 He steps up and does what you and I hope we have
11 taught our -- that we would do, or what we've taught our
12 children to do. And he stepped up to defend the honor of
13 two young girls that who were getting beaten by a grown
14 up, 15- and 16-year-old girls getting hit by a grown man.
15 He just stepped in between to try to stop it. And the
16 next thing he knows, he is chased -- being chased by -- he
17 is being beaten up here by five, six, seven people that
18 he's never even seen before, that he's never said a
19 word -- a harsh word to.

20 He's able to get up and get away. And, now, he is
21 running across the street not knowing where he's going.
22 Because he's never been to Greenville. He's never been
23 over -- down in that part of Greenville. All he's
24 knowing -- all he knows is he's trying to get away. And
25 by the time he crossed that street, you heard the

1 testimony, 15 or 20 people are chasing him, people he's
2 never met, people he's never said a harsh word to.

3 They beat him. They kicked him. They hit him with a
4 trash can. And then they, as a final insult, took his
5 iPod out of his pocket. That's all I'm going to say about
6 that. But I would be remiss if I didn't, at least, tell
7 you to just consider the terror that must have been going
8 through -- and the fear that was going through his mind.
9 And he's got to be thinking, I didn't do nothing. I
10 didn't do nothing to these people. I didn't do nothing to
11 that lady. I didn't do nothing to that guy.

12 Ladies and gentlemen, there's no question, this is a
13 mob. There is more -- there's no more clear example in
14 our day and time of a mob than what happened on
15 April 20th, 2013, at the West End Community Center. The
16 only better example would be, as I said, the classic lynch
17 mob we talked -- we see in the old cowboy movies where
18 they pull somebody out of jail and string them up.
19 There's but no question that there was a mob.

20 So the only question that you have to decide is
21 whether Brittany Irby and Elijah Wilson were a part of
22 that mob. Ladies and gentlemen, I submit to you the
23 evidence is overwhelming that they were a part of the mob.
24 The evidence is clear that they struck the victim numerous
25 times up here. And the evidence is clear that they struck

1 the victim down here.

2 Secondarily, the evidence is clear that they had --
3 they were a part of the combination that formed this mob.
4 Most mobs are just people like the lynch mob that I talked
5 about in the old westerns. They're just the blacksmith.
6 And then there's the guy from the food and grain store.
7 And then there's the guy that -- the barber. They just
8 get together and they all know each other and they just
9 start -- in this case, it's a formed mob. Two street
10 gangs, the junior varsity and the varsity.

11 Ladies and gentlemen, that's the varsity. You heard
12 from the witness stand, they are varsity. They are the
13 leaders of the Hit Squad. Is there any doubt about that,
14 based on what these kids told you?

15 Now, let's talk about -- briefly about the
16 3,000-pound elephant that is not in the room. That's
17 Ronald Brown. Ronald Brown is not on trial today. His
18 guilt or innocent -- innocence is yet to be determined in
19 a later proceeding that will not be for you to decide.

20 And it's interesting, we all stand here, Mr. Hamilton
21 even said, Ronald Brown, y'all found him guilty. We all
22 believe there's no question Ronald Brown is the main
23 culprit behind this. And he is guilty of assault and
24 battery by a mob. But he, like these two Defendants,
25 because we're civilized people is right now presumed

1 innocent, until and unless a jury, like yourselves, finds
2 him guilty beyond a reasonable doubt. He is afforded the
3 same Constitutional principles that she is, and he is, and
4 that you and I are.

5 And his Judge -- His Honor will tell you about the
6 presumption of innocence, because we're civilized people.
7 We have agreed as a community that we're going to live by
8 certain rules and regulations. And we will conduct
9 ourselves as a part -- in a certain manner as a part of a
10 social contract that we've all entered into. We didn't
11 sign a piece of paper. But we've all said I'm not going
12 to assault you. You're not going to assault me. I'm not
13 going to trespass on your property. I'm not going to
14 defame you. We've agreed to certain rules because we're
15 civilized people.

16 With that, that -- let's talk about the evidence for
17 a moment. And I promise you I'm not going to be long. I
18 hope I won't be long anyway.

19 There's but no question and I believe you should find
20 that this was simply a birthday party for a 15-year-old
21 girl who was turning 16. It was a classic Americana
22 family, let's have a sweet 16 party. They talked about
23 how they were taking pictures, and having a good time, and
24 gathering food. And it was going to be a wonderful affair
25 for a 15-year-old girl turning 16.

1 Why a 20 and -- 20-year-old grown man and grown woman
2 are even at this party should speak volumes to you, to
3 begin with. Why were they even there? These are grown
4 people. And it's -- well, it was on social media,
5 everybody come. Everybody doesn't mean me. I'm 59 years
6 old. If I see this, I'm not coming. She didn't mean
7 them. Grown people at a 15-year-old's party who -- there
8 were children as young as 12 years old at this party.
9 That tells you volumes about who these people are.

10 They didn't -- and it wasn't to drop off his sister.
11 There was plenty of evidence that they were both inside
12 this party talking to people, socializing with
13 12-year-olds, 13-year-olds. Recruiting, that's what they
14 were doing. Because that's -- those are the people they
15 can influence. Those are the people that people like them
16 can influence.

17 When I was in high school, I had to read the book
18 Oliver Twist by Charles Dickens. And in Oliver Twist, it
19 was -- dealt with kids -- orphaned kids in the streets of
20 London. And there was a character in the book called
21 Fagin. Fagin was a street urchin scoundrel grown up who
22 would recruit these little juveniles -- and you
23 remember the -- may remember and heard the term artful
24 dogger. He was one of the kids. He was one of the better
25 known kids in the book. Fagin would recruit these little

1 kids to go and shoplift, and steal, and hurt people, and
2 beat up people for him. And he'd get the
3 spoilers [phonetic]. But he took them in. And he made it
4 sort of like a club or a family. And he gave them the
5 family they didn't have. That's exactly what they do.

6 These modern-day Fagins take advantage, manipulate,
7 boss little children around. And they give them I
8 suppose -- because we all think about, well, why do these
9 people join gangs? And we always fall back to the default
10 position of, well, because they're missing something at
11 home. They don't have the family structure. That's what
12 we all fall back on as what we theorize when we're just
13 sitting around the house at the coffee table chattering
14 and chitchatting about why things happen in the world.

15 They gave these kids -- and you saw these lost boys.
16 These were lost boys. As bad as the conduct that they
17 engaged in that night was, we all felt a little bit of
18 sympathy for them. Because we know how hopeless their
19 lives are as they sat there and went, yes, sir, no, sir.
20 Well, why did you hit him?

21 I don't know.

22 We saw how hopeless their lives were. And all we can
23 do is pray that maybe they will be salvaged some kind of
24 way. But, realistically, we know most of those kids are
25 never going to get out of the criminal justice system. We

1 hope they do. We pray to God they do. But most of those
2 kids are just going to be recycled in and out of the
3 system because they fall under the -- they have fallen
4 under and will continue to fall under the influence of
5 people like those two right there.

6 And I don't want to blame their families. I don't
7 know anything about those kids families. And we don't
8 know -- we know life turns on a dime. So I don't want to
9 suggest that I -- or predispose that I know what caused
10 them to be the way they are, what caused them to get up on
11 this witness stand and child after child say -- in answer
12 to, why did you beat him? I don't know. What caused them
13 to hold life in such little disregard at 12 years old,
14 13 years old, 14 years old? They have already pled guilty
15 to participating in the killing of a human being.

16 So we couldn't help but feel some sympathy for them
17 that they're just lost, the dead-pan eyes, the flat
18 effect, the droll answer yes, sir, no, sir, yes, sir, no,
19 sir, I don't know.

20 So there was a party, a sweet 16 party. The evidence
21 is clear that both of these Defendants were at the party.
22 Julian Palmer told you from this witness stand that once
23 this thing got out of hand and he came out into the
24 vestibule area, he pointed them out, that man, Elijah
25 Wilson. Now, there's no question Lil Ru started this.

1 And Julian Palmer got into it with Lil Ru as he's trying
2 to evict him from the party. He is headed out talking
3 with Lil Ru. Lil Ru is yang-yanging at him. He's
4 threatening him.

5 This man gets in his face. Julian Palmer told you,
6 he jumped in my face and took a fighting stance and said,
7 nobody messes with my man, Lil Ru. If that doesn't put
8 him with Lil Ru to begin with, ladies and gentlemen, I
9 don't know what else could. This ain't about DNA. This
10 ain't about AFIS, or some other scientific thing. A --
11 this man told you that that man threatened him because he
12 was trying to put Lil Ru out of the party. He was
13 disrespecting him, or some other ridiculous concept,
14 something so trivial as dissing him, disrespecting him
15 because they wanted him to leave. He pointed him out.
16 Once again, we don't have to prove that they struck Debron
17 Harrison.

18 Yolanda Belton told y'all that woman, Brittany Irby,
19 came to her when she said -- they turned the lights up.
20 And she's not the one that turned the lights up. She's
21 not the one that tried to stop -- that was stopping the
22 party. She's not the one who was even interacting with
23 Lil Ru.

24 Yolanda Belton said, I was in the back by the punch
25 area just trying to get -- you know, get stuff together.

1 She said that woman came to me and said, Do I have to go,
2 too? Why would she ask that question unless she's with
3 Ronald Brown? Nobody else came up there and said, do I
4 have to go? Because if you're not with Ronald Brown, you
5 don't have to go. They said they wanted Ronald Brown and
6 his people out. She came and said affirmatively, Do I
7 have to go, too? I'm holding his coat.

8 Ladies and gentlemen, that happened. And she did
9 that. There's no question about that. She pointed her
10 out and said, that woman right there came to me saying,
11 I'm holding Ronald Brown's coat. Why is his coat off,
12 unless he is, number one, trying to hide from the crowd by
13 changing his look, or unless he's taken it off to get
14 ready to fight. Those are two things that you can surmise
15 from the evidence.

16 Because it's your -- you are the triers of fact. But
17 you don't even have to decide why he took his coat off.
18 The important thing for purposes of this trial, because,
19 as I said, Ronald Brown is not on trial, is that he gave
20 it to her. He didn't give it to me. He didn't give it to
21 the bailiff sitting in the back of the courtroom, or
22 anybody else at that party. He gave it to her. Why did
23 he give his coat to Brittany Irby unless she's his girl?
24 They're together. Take my coat off, I'm going to fight.
25 Who do you give your coat to, a stranger? You give it to

1 your boy, or in this case your girl to hold for you. You
2 don't just hand your coat to a stranger.

3 Once again, ladies and gentlemen, the mob is forming.
4 And we don't have to show she struck a blow. She held his
5 coat for him, because he's getting ready to go fight
6 because he had been disrespected.

7 There's no question that Ronald Brown and Julian
8 Palmer were getting ready to get into it, because Julian
9 Palmer had had enough. And he was, basically, going to
10 say this is -- you're leaving here. I don't care. You're
11 not -- if I have to put you out, you're leaving. He's
12 trying to do it peacefully, because we're civilized
13 people. But he'd reached a point where he was saying I'm
14 not going to let this man just cuss at me, and call me
15 names, and threaten me.

16 So as he's heading out, Julian Palmer is. And Ronald
17 Brown goes outside. Julian Palmer is held by two members
18 of his own family. That's what he told you. That's what
19 Camile told you -- Camilla told you, excuse me.

20 Camilla is outside with Diamante. They are --
21 Camilla and them have the audacity, the gall to tell
22 Ronald Brown how he ruined the party, to stand up to him
23 and say you're always causing trouble. You ruined the
24 party. He punches a 15 -- 16-year-old girl in the face.
25 Her friend steps in and goes, hey, hey, hey. He punches

1 her in the face.

2 The evidence is clear at that time, he comes to
3 Julian Palmer, who has been held in the vestibule by his
4 family and confronts him. Nobody messes with my man Lil
5 Ru. Brittany Irby, according to the witnesses they put
6 up, was standing outside, right outside the community
7 center. According to all of those kids and according to
8 the witnesses that Mr. Hamilton called, she was right
9 there. She had been inside by -- holding a coat. They
10 told her, no, you've got to go. If you're with him,
11 you've got to go. So she had gone -- she was right there.

12 At that point, five, six, seven people -- excuse me.
13 At that point, Debron Harrison does like I said, what
14 we've taught our children to do, what we hope that we
15 would have the courage to do in that situation. He
16 stepped in and said, hey, hey, don't hit these girls. And
17 the next thing you know, 15 minutes later, he is almost in
18 a comma. He is beaten by five or six people in front of
19 the community center, including, according to the evidence
20 from the witness, Brittany Irby and Elijah Wilson.

21 As I said, don't take what I say as the refuting
22 evidence as the truth. Take it from your own
23 recollection. Don't take what Mr. Hamilton said. Do not
24 take what Mr. Kornfeld said. Because what we say is not
25 evidence. But I swear they were watching a different

1 trial than me.

2 I saw -- I heard a number of witnesses say Brittany
3 Irby struck the victim outside the community center. I
4 heard a number of witnesses say Elijah Wilson struck the
5 victim outside the community center. I heard two
6 witnesses say Elijah Wilson had a gun. Keep in mind, they
7 weren't -- everybody wasn't searched when they went in
8 there.

9 One witness said he was jumping up and down with the
10 gun hurled up in the air. He never fired it, thank God.
11 But he was jumping up and down with a gun in the air. How
12 do you misread that? How do you misinterpret that if
13 you're somebody who's standing there looking at that? He
14 said -- and I asked him, when I get to how close you were
15 to him, you tell me to stop. I was about right here. How
16 can somebody this far from somebody else misinterpret
17 that? If that's not encouraging people, ladies and
18 gentlemen, I don't know what is.

19 Because, once again, we don't have to prove he laid a
20 finger on him. He did. And the evidence is clear he did.
21 But we don't have to prove that. All we've got to prove
22 is that he encouraged them. If that's not encouragement,
23 ladies and gentlemen, I don't know what is.

24 Witness after witness said that they, also, struck
25 him in the parking lot across the street. Witness after

1 witness said that. And, finally, at least, two witnesses
2 said that that woman and that man, these two Defendants,
3 went off. And, remember, Ronald Brown is the last one
4 beating. And everybody agrees with that. People are
5 peeling off and backing up. But Ronald Brown is still
6 beating.

7 They went, according to two witnesses, got a car,
8 came back, and spirited him away. If that's not aiding
9 and abetting, if that's not encouraging, if that's not
10 helping, I don't know what is. Two witnesses said they
11 saw these two come back in the car, get Ronald Brown --

12 MR. KORNFELD: I object. I think this is a
13 misstatement of the facts, Your Honor.

14 THE COURT: Well, that will be for the jury to
15 determine.

16 It's about time to wrap it up, Mr. Weston.

17 MR. WESTON: Yes, sir, Your Honor.

18 I'm going to talk about two more things right quick.
19 One is the kids testifying. As I said, they're lost
20 souls.

21 But witness after witness got up on this witness
22 stand, with the exception of three, and told you Ronald
23 Brown and Brittany Irby were leaders -- Ronald Brown,
24 Brittany Irby, and Elijah Wilson are leaders of the Hit
25 Squad. We are the Tough Money Boys, 13, 14, 15, 16, 19,

1 20, 21. They are the varsity. And we're the junior
2 varsity. We run together. We are a fight club. When one
3 of us fights, all of us fights. If you don't fight, you
4 get beat up.

5 The three that did not admit to that, I had to go
6 back and show you from their transcripts where they had
7 admitted it. And they admitted it in Family Court because
8 there's no Ronald -- there's no Elijah Wilson. There's no
9 Brittany Irby in the Family Court proceeding where they
10 pled guilty us. But they came in here and they -- either
11 out of loyalty or fear refused to admit what they already
12 admitted to under oath, that being Ronald Brown, Elijah
13 Wilson, and Brittany Irby are the leaders of the Hit
14 Squad. Ronald Brown, Elijah Wilson, Brittany Irby struck
15 the victim and helped kill him.

16 And that shows you how deep it runs, this loyalty,
17 this gang thing, things like head nods as they come in and
18 leave the courtroom. They were afraid to testify in front
19 of them. But some of them were not. And you heard -- and
20 there's no question what's going -- what was going on.

21 Ladies and gentlemen, they have a meeting in Falls
22 Park, our Falls Park where they're initiating a new
23 member. They have the audacity to use our park to do a
24 beat in. And we fall back. We grab our children a little
25 bit tighter --

1 Is there a problem?

2 MR. KORNFIELD: I think it's a misstatement of the
3 facts, Your Honor.

4 THE COURT: Well, the jury will determine what the
5 facts are.

6 But you need to wrap it up.

7 MR. WESTON: Yes, sir, Your Honor.

8 We grab our children a little tighter, give them a
9 little bit of leeway. And we just try to avoid, because
10 we're civilized people. They come to a party. Grown
11 people bogard their way in with weapons and disrupt the
12 party. We fall back and say, please, leave because we're
13 civilized people. They beat a man to death, encourage
14 13-year-old children to do it, and we give them the
15 presumption of innocence, and give them a trial because
16 we're civilized people. They get little children to come
17 in to this courtroom and lie because they are so loyal or
18 so afraid of them that they are not going to tell the
19 truth, even though they told the truth in a previous
20 proceeding. We fall back.

21 Ladies and gentlemen, no more. The line must be
22 drawn here. Find these modern day Fagin's guilty.
23 Because on April 20th of 2013, civilization broke down.
24 This is where civilization gets restored.

25 Thank you.

1 THE COURT: All right. Ladies and gentlemen, would
2 you like to stand and stretch for just a minute, or are
3 you good?

4 (WHEREUPON, there was no response.)

5 THE COURT: Do you want to stretch?

6 UNIDENTIFIED JUROR: Go to the restroom.

7 THE COURT: Do you need a little break?

8 (WHEREUPON, several jurors indicated in the
9 affirmative.)

10 THE COURT: We'll take a short break.

11 Everyone else remain in the courtroom.

12 (WHEREUPON, the jury was excused from open court at
13 approximately 11:18 a.m.)

14 THE COURT: We'll just take a short break.

15 (WHEREUPON, a break was taken.)

16 THE COURT: Bring the jury in.

17 (WHEREUPON, the jury came into open court at
18 approximately 11:29 a.m.)

19 CHARGE ON THE LAW

20 THE COURT: Ladies and gentlemen of the jury, during
21 the trial, you and I have certain duties to perform. As
22 the trial judge, it is my responsibility to preside over
23 the trial of the case and to rule on the admissibility of
24 the evidence that's offered during the trial. It is,
25 also, my duty to charge you the law applicable to the

1 case. And it is your duty as jurors to accept and apply
2 the law as I now state it to you. As I told you in my
3 opening comments, if you think you have any idea as to
4 what the law is or what the law ought to be and it does
5 not agree with what I now tell you the law is, you have
6 sworn an oath to set aside your own opinion and accept and
7 apply the law precisely as I state it to you.

8 I, also, remind you that in every case tried in this
9 Court before a jury, the jury is the sole and exclusive
10 judges of the facts. And a trial judge cannot comment on
11 or make any statement about the facts in a case. So,
12 please, don't think by anything I may have said or done
13 throughout the course of the trial that I have an opinion
14 about the facts. I do not. And that is entirely up to
15 you all.

16 I, also, would, again, instruct you that the fact
17 that these Defendants were arrested, charged, and indicted
18 in this case is not evidence of guilt, nor does it create
19 any presumption or inference of guilt. These documents
20 are simply the formal written instruments which contain
21 the charges made against these Defendants. And they serve
22 as the paper -- or the documents by which the case is
23 processed and brought into court.

24 I, also, charge you that there are two Defendants in
25 this case, each of whom is charged with assault and

1 battery by a mob in the first degree. The case of each
2 Defendant and the evidence and law concerning each
3 Defendant should be considered separately and
4 individually. Your verdict does not have to be the same
5 for either of the Defendants. The fact that you may find
6 one Defendant guilty or not guilty should not control your
7 verdict as to the other Defendant.

8 And when more than one person is charged with a
9 crime, if the warrant -- if the evidence warrants it, you
10 may convict one and acquit the other, or you may acquit
11 both, or you may convict both. And it will depend upon
12 your view of the testimony and the evidence. And you must
13 take each Defendant and consider the evidence as to that
14 Defendant and my instructions to you on the law. And you
15 will be required to write a separate verdict for each
16 individual.

17 Now, necessarily, you must determine the credibility
18 or believability of the witnesses who have testified. And
19 it becomes your duty as jurors to evaluate the evidence
20 and determine which evidence convinces you it is true.

21 In determining the believability of the witnesses,
22 you may believe one witness over several, or several over
23 one. And you may believe a part of the testimony of a
24 witness and reject the remaining part. You may believe
25 the testimony of a witness in its entirety, or reject that

1 same testimony in its entirety. And you may consider
2 whether the witness has an interest in the result of the
3 trial, whether the witness is prejudiced towards either
4 the State or the Defendants, the opportunity for the
5 witness to have seen the matters and things about which
6 the witness has testified, and the way the witness acts on
7 the witness stand or what we call a witnesses demeanor.

8 There has been evidence presented that witnesses have
9 made prior statements which are not consistent with the
10 witnesses testimony presented in this Court. You may use
11 the evidence -- that evidence to decide whether to believe
12 the witness. And you may, also, use evidence of the
13 earlier contradictory statements to determine the truth of
14 those statements. And it is up to you to decide whether
15 to believe the earlier statements or the testimony given
16 in this trial.

17 I instruct you and I emphasize that the fact that
18 these Defendants did not testify is not a factor to be
19 considered by you in any way in your deliberations on the
20 question of guilt or innocence. It must not be considered
21 by you in any manner whatsoever. Every citizen has the
22 Constitutional right to remain silent. And the assertion
23 of that right must not be considered by you in your
24 deliberations.

25 These Defendants have pled not guilty to these

1 indictments. And that plea puts the burden on the State
2 to prove each Defendant guilty. A person charged with
3 committing a criminal offense in South Carolina is never
4 required to prove themselves innocent. And I charge you
5 that it is a cardinal and a signal rule of the law that a
6 defendant in a criminal trial will always be presumed to
7 be innocent of the crime for which an indictment has
8 issued, unless guilt has been proven by evidence
9 satisfying you, the jury, of guilt beyond a reasonable
10 doubt.

11 A reasonable doubt is the kind of doubt which would
12 cause a reasonable person to hesitate to act. Reasonable
13 doubt may arise from the evidence which is in the case or
14 from the lack or absence of evidence in a case. And you,
15 the jury, must determine whether or not reasonable doubt
16 exists as to the guilt of each Defendant. The State has
17 the burden of proving each and every element of a crime
18 beyond a reasonable doubt. And any reasonable doubt that
19 you may have in your deliberations should be resolved in
20 favor of the Defendant.

21 I would tell you that mere presence at the scene of a
22 crime is not sufficient to prove someone guilty of that
23 crime. A defendant's presence where a crime is being
24 committed or mere association with a person who commits a
25 crime does not make a defendant an accomplice or an aider

1 and abetter of the person committing the crime. The
2 burden is on the State to prove every element of the crime
3 charged. And if you find after reviewing all of the
4 evidence that the State has proved that the Defendant was
5 only or merely present at the scene of a crime, and that
6 they have not proved beyond a reasonable doubt any other
7 participation in the crime, then you should find the
8 Defendant not guilty.

9 Now, there are two types of evidence, generally,
10 presented during a trial, direct evidence and
11 circumstantial evidence. Direct evidence directly proves
12 the existence of a fact and does not require deduction.
13 Circumstantial evidence is proof of a chain of facts and
14 circumstances indicating the existence of the main fact.
15 And crimes may be proven by circumstantial evidence.

16 The law makes no distinction between the weight or
17 value to be given to either direct evidence or
18 circumstantial evidence. However, to the extent the State
19 relies on circumstantial evidence, all of the
20 circumstances must be consistent with each other and when
21 taken together point conclusively to the guilt of the
22 accused beyond a reasonable doubt.

23 If these circumstances merely portray the Defendant's
24 behavior as suspicious, the proof has failed. The State
25 has the burden of proving the Defendant -- each Defendant

1 guilty beyond a reasonable doubt. And the burden rests
2 with the State, regardless of whether the State relies on
3 direct evidence, circumstantial evidence, or any
4 combination of the two.

5 Now, I will tell you that if a crime is committed by
6 two or more people who are acting together in committing a
7 crime, the act of one is the act of all. A person who
8 joins with another to accomplish an illegal purpose is
9 criminally responsible for everything done by the other
10 person which occurs as a natural consequence of the acts
11 done in carrying out the common plan and purpose. For
12 example, two people can be guilty of killing another
13 person when only one of the two had a gun, there was only
14 one bullet, and only one of the two fired the shot that
15 caused a death. If two or more people are acting -- are
16 together -- acting together assisting each other in
17 committing the offense, the act of one is the act of all,
18 or as it is sometimes said, the hand of one is the hand of
19 all.

20 Now, an issue in the case has arisen as to the
21 identification of one of the Defendants as the person who
22 committed the crime charged. The State has the burden of
23 proving identity beyond a reasonable doubt. You must be
24 satisfied beyond a reasonable doubt of the accuracy of the
25 identification of the Defendant before you may convict

1 him.

2 Identification testimony is an expression of belief
3 or impression by a witness. And you must determine the
4 accuracy of the identification of the Defendant. You must
5 consider the believability of each identification witness
6 in the same manner as any other witness.

7 You may consider whether the witness had an adequate
8 opportunity to observe the offender at the time of the
9 offense. This will be affected by things like how long
10 or short a time was available for viewing, how far or
11 close the witness was, the lighting conditions, and
12 whether the witness had a chance to see or know the person
13 in the past.

14 Once again, I instruct you the burden of proof on the
15 State extends to every element of the crime charged. And
16 this, specifically, includes the burden of proving beyond
17 a reasonable doubt the identity of the Defendant as the
18 person who committed the crime.

19 Now, each Defendant is charged with assault and
20 battery by mob in the first degree. An assault occurs
21 when a person unlawfully attempts or offers to commit a
22 violent injury upon another person and had the present
23 ability to complete the attempted injury. An assault is
24 the intentional creation of a reasonable fear of immediate
25 bodily harm. It is not necessary that the attempted

1 injury or harm actually take place. For example, if I
2 walk up to you and when we are within arms reach, I draw
3 back to hit you, that is an assault.

4 A battery is the lawful -- unlawful -- pardon me, the
5 unlawful touching of another person by a person who has
6 committed the assault, which I have just described to you.
7 An unlawful touching can be caused by a part of the
8 accused's body or by any object the accused puts in
9 motion. A battery is the completion of the assault by
10 using or applying force to another person, however slight,
11 in a rude, angry, or resentful manner without legal
12 justification for doing so. Using my earlier example, if
13 I carry through the assault by hitting you, that is a
14 battery.

15 Now, for purposes of this offense, a mob is defined
16 as the assemblage of two or more persons without color or
17 authority of law for the premeditated purpose and with the
18 premeditated intent of committing an act of violence upon
19 the person of another. To constitute a mob under this
20 statute, the assemblage need not have been formed with the
21 premeditated purpose and intent of committing an act of
22 violence on that person or another -- of the person of
23 another, but the required premeditated purpose and intent
24 may be formed after the participants are assembled. And
25 any act of violence inflicted by a mob upon the body of

1 another person which results in the death of the person
2 shall constitute the crime of assault and battery by mob
3 in the first degree.

4 Now, Mr. Foreman, and, ladies and gentlemen of the
5 jury, there are two possible verdicts which you may reach
6 with respect to each individual Defendant. There is no
7 importance in the order in which I state them. One has
8 got to be stated first. They are guilty or not guilty.

9 We have prepared a verdict form for you,
10 Mr. Foreperson, for each individual Defendant. And we
11 will send this back into the jury room with you.

12 I want to tell you that all 12 of you must agree on
13 each verdict. Your verdicts have to be unanimous. Your
14 verdict cannot be based on sympathy, passion, prejudice,
15 emotion, or any other consideration that is not in
16 evidence in the case. And I would tell you that you have
17 no friends to reward and you have no enemies to punish.

18 Now, Mr. Foreperson, when you all have reached
19 unanimous verdicts on each of these two individuals and
20 you have executed the forms and you'll -- I think they're
21 very simple to understand. But if you have a problem, let
22 me know. Then you indicate it to the bailiffs and we'll
23 receive you back in the courtroom to take your verdict.

24 Right now, I'm going to excuse you all back to your
25 jury room, and ask you to not consider -- start your

1 deliberations just yet. I need to go over my charge on
2 the law with the attorneys to make sure that I did not
3 misstate something or omit something. But when the
4 evidence comes back to you with the verdict forms, you may
5 begin your deliberations.

6 At this time, I'd excuse you all.

7 But I need to ask Mr. Mason and Ms. Gumpert to stay
8 in the court.

9 All right. Thank you.

10 (WHEREUPON, the jury was excused from open court at
11 approximately 11:43 a.m.)

12 THE COURT: You all -- you might be happy at this
13 time. You might be sad. I don't know. But I want to
14 tell you it's always hard on me to ask you to come up here
15 and serve on a jury. You're just as qualified as each of
16 the 12.

17 I think you can see that this was a long trial. If
18 someone had become ill and we didn't have you all here,
19 then we would have had to just start all over again at a
20 later date.

21 I really appreciate your service. I want to tell you
22 that you are now free to go, stay, whatever you prefer to
23 do.

24 You are, also, free to talk about the case with
25 whoever you want to. But I will tell you this, that if

1 someone approaches you and bothers you about it, you let
2 the Clerk of Court know and we will -- who that person is
3 and we will take care of that. Because I will not have a
4 juror intimidated, harassed, or bothered in any way
5 because of their service.

6 Thank y'all very much.

7 JUROR #87, JOE MASON: Thank you.

8 (WHEREUPON, the alternate jurors exited the
9 courtroom.)

10 THE COURT: Any exception or objection to the charge?

11 MR. WESTON: Nothing from the State, Your Honor.

12 MR. KORNFELD: Nothing from Defendant Irby.

13 MR. HAMILTON: Your Honor, I would -- just wanted --
14 I thought that the -- you may have omitted the request for
15 charge for responsibility.

16 THE COURT: I believe it was all contained in the
17 charge I gave. I didn't give the specific one you put up.
18 But it's contained in the charge. I don't think I
19 misstated or omitted anything in the law as you submitted.

20 So your objection is noted for the record.

21 And you all get together with the -- our excellent
22 outstanding court reporter and make sure we've got all the
23 evidence. And we'll let them get to work.

24 MR. WESTON: Your Honor, I've already reviewed it
25 with her prior to the jury -- prior to us beginning this

1 morning. I have no objection to the items that are going
2 back.

3 THE COURT: Do y'all want to look at it, or not?

4 MR. KORNFELD: I'll take a look.

5 THE COURT: All right. Well, they're over on the
6 table.

7 (Pause.)

8 MR. KORNFELD: So this is all that's going back?

9 THE COURT REPORTER: Yes.

10 MR. KORNFELD: Okay. Thank you.

11 THE COURT: All right. We'll be at ease.

12 (WHEREUPON, the proceedings were recessed at
13 approximately 11:48 p.m.)

14 (WHEREUPON, Court's Exhibit Nos. 4, 5, and 6 were
15 marked for identification and admitted into evidence.)

16 THE COURT: We have a verdict. It's been a long week
17 and a lot of deep emotions involved. And, certainly, we
18 understand that. But I will tell you that this is a court
19 of law. And we will not tolerate emotional outbursts in
20 the courtroom.

21 So if you feel that you cannot control yourself -- we
22 don't know what the verdict is going to be. On either
23 side if you cannot control yourself, please, leave now.
24 And I will tell you this. Someone who violates that
25 order -- and that is an order of this Court -- will be

1 considered to be in contempt of court. So if you cannot
2 control yourself, leave now. There will be plenty of time
3 for emotional release later outside of the courthouse.

4 Let's bring the jury in.

5 (WHEREUPON, the jury came into open court at
6 approximately 4:24 p.m.)

7 THE COURT: Mr. Foreman, I understand you've reached
8 a verdict.

9 JUROR #117, JOHN ROBERTS: We have, Your Honor.

10 THE COURT: Okay. Would you, please, hand it to the
11 bailiff.

12 Thank you.

13 All right. Madam Clerk.

14 VERDICT

15 THE CLERK: Your Honor, in the case of
16 2013-GS-23-10613, the State of South Carolina v. Elijah
17 Fernandeze Wilson, as to the charge of assault and battery
18 by mob in the first degree, we, the jury, find the
19 Defendant guilty.

20 In the case of 2013-GS-23-10610, the State of South
21 Carolina v. Brittany Cearea Irby, as to the charge of
22 assault and battery by a mob in the first degree, we, the
23 jury, find the Defendant not guilty.

24 These are signed by Mr. Roberts, our Foreperson.

25 Ladies and gentlemen, if you agree these are the

1 verdicts you reached in your deliberation room, would you,
2 please, raise your right hand?

3 (WHEREUPON, all jurors raised their right hands.)

4 THE CLERK: Thank you.

5 THE COURT: Anything further of jury from the State?

6 MR. WESTON: No, sir, Your Honor.

7 THE COURT: From the Defense?

8 MR. KORNFELD: None, Your Honor.

9 MR. HAMILTON: Your Honor, I would like to poll the
10 jury.

11 THE COURT: All right. Sir, turn it off. Sir,
12 camera's off. Sound off, everything off.

13 POLLING OF THE JURY

14 THE CLERK: The verdict that was just published was
15 the verdict you reached in the jury room. I ask you, was
16 it your verdict then and is it your verdict now?

17 When I call your name, please, answer "yes" or "no."
18 John Roberts?

19 JUROR #117, JOHN ROBERTS: Yes.

20 THE COURT: Dianna Williams?

21 JUROR #162, DIANNA WILLIAMS: Yes.

22 THE CLERK: Ranzino Valentine?

23 JUROR #148, RANZINO VALENTINE: Yes.

24 THE CLERK: Gladys Raines?

25 JUROR #110, GLADYS RAINES: Yes.

1 THE CLERK: Sandra Bill?

2 JUROR #13, SANDRA BILL: Yes.

3 THE CLERK: John Martin?

4 JUROR #86, JOHN MARTIN: Yes.

5 THE CLERK: Henri Pruitt?

6 JUROR #109, HENRI PRUITT: Yes.

7 THE CLERK: Harry Davis?

8 JUROR #31, HARRY DAVIS: Yes.

9 THE CLERK: Lindsey Weeks?

10 JUROR #151, LINDSEY WEEKS: Yes.

11 THE CLERK: Kira Reaves?

12 JUROR #111, KIRA REAVES: Yes.

13 THE CLERK: Cynthia Conway?

14 JUROR #25, CYNTHIA CONWAY: Yes.

15 THE CLERK: Monisa Shell?

16 JUROR #129, MONISA SHELL: Yes.

17 THE CLERK: Thank you.

18 THE COURT: Thank you very much.

19 Mr. Foreman, and, ladies and gentlemen of the jury, I
20 want to thank you on behalf of the everyone in the Court
21 system and the citizens of Greenville County for your hard
22 work this week. When you get called up to jury duty, you
23 probably don't know what to expect. And I hope that you
24 all leave with a deep sense of satisfaction and reward for
25 the hard civic duty that you performed.

1 I want to tell you that you're now -- I'm happy to
2 tell you here at Thursday afternoon at 4:00 -- after 4:00
3 that you're finished for the week. I know you're glad to
4 hear that.

5 And you're, also, free to talk about this with
6 whoever you would like to talk to about it. I would,
7 also, tell you that you are not required to talk to
8 anyone. And if people approach you and you don't want to
9 talk about it and they persist, you just find out who they
10 are and you let someone here at the Court know, the
11 Clerk's Office. And we will take care of that problem for
12 you. We will not have a juror be harassed, intimidated,
13 or bothered in way because of your service.

14 With that, ladies and gentlemen, I thank you.

15 And you are free to go, or stay, whatever you wish to
16 do.

17 Thank you very much for your service.

18 (WHEREUPON, the jury was excused from open court at
19 4:03 p.m.)

20 MOTIONS

21 THE COURT: All right. Any motions?

22 MR. HAMILTON: Your Honor, the Defendant would move
23 to arrest [sic] the verdict on the grounds that there's
24 insufficient evidence of premeditation.

25 THE COURT: Okay. Well, your motion for new trial is

1 denied.

2 Do y'all have sentencing sheets?

3 MR. WESTON: Yes, sir, Your Honor. The Clerk has
4 them.

5 THE COURT: Come on around.

6 All right. How many days has he been in jail?

7 DEFENDANT WILSON: 13 months.

8 MR. WESTON: We don't have the exact number, Your
9 Honor. We can get that for you.

10 THE COURT: When was he arrested? Do you have that?

11 MR. WESTON: Yes, sir, Your Honor.

12 (Pause.)

13 MR. WESTON: April 26th, Your Honor, 2013.

14 THE COURT: Does he have a criminal history?

15 MR. WESTON: He has a 2012 conviction for assault and
16 battery third degree, Your Honor.

17 THE COURT: All right.

18 MR. HAMILTON: I don't think he was -- he --

19 DEFENDANT WILSON: No. I haven't been convicted of
20 that.

21 MR. HAMILTON: He's just been arrested.

22 THE COURT: Well, let's find out.

23 MR. WESTON: According to the information we have,
24 Your Honor, he has -- he paid a fine of \$250 on -- \$258 on
25 August 13th, of 2012, Your Honor, for assault and battery

1 third degree is the information we have on Mr. Elijah
2 Fernandez Wilson, according to NCIC.

3 THE COURT: Okay. Is there any victim input?

4 MR. WESTON: Yes, sir, Your Honor. Two victims --
5 two members of the victim's family would like to be heard.

6 THE COURT: All right.

7 MS. LAKYSHA BELTON: My name is Lakysa Belton. I am
8 Debron Harrison's mother.

9 I wanted to let the Court know that this was a
10 tremendous -- I'm sorry.

11 THE COURT: That's all right.

12 MS. LAKYSHA BELTON: This was a tremendously heinous
13 crime that my family has endured. I lost my only child,
14 my only one. I don't know if the good Lord is going to
15 give me another or not.

16 But I feel as though if you take a life, you need to
17 go spend your time behind bars is what you need to do, a
18 life for a life.

19 THE COURT: All right. Thank you.

20 MR. WESTON: Your Honor, the father wishes to speak
21 as well.

22 THE COURT: All right.

23 MR. BRIAN HARRISON: My name is Brian Harrison. And
24 I'm Debron Harrison's father.

25 And I would like the Court to know that, you know, I

1 see -- feel -- a lot of people say, you know, you lose a
2 right arm, you lose a left arm. But I feel like that I,
3 actually, lost my right arm. Me and him done everything
4 together. We hunted. We fished. You know, he was like
5 my best friend. And it's hard to have to go sit at a
6 grave and talk to your son and he can't talk back.

7 , You know, it's hard to know he has a one-month-old
8 niece that she'll never be able to say uncle or say
9 nothing to him. And it was done for no reason at all. It
10 was done by somebody that never knew him, never knew
11 anything about him. And I feel like that he deserves what
12 he gets.

13 THE COURT: All right. Thank you very much.

14 MR. WESTON: Nothing further from the State, Your
15 Honor.

16 THE COURT: All right. What do you want to tell me?

17 MR. HAMILTON: Your Honor, you've heard the testimony
18 and the evidence that was presented. There was some
19 evidence of the quality and the interest that this person
20 has been of service to the community. And he had a good
21 communication with some of the factors that we are
22 interested in preserving in our community.

23 He did not take the stand and further -- in the
24 federal system, that would be a strike against him. And
25 the Court should take into consideration that he didn't

1 perjure himself in this matter.

2 THE COURT: Well, let's see. Anything you want to
3 tell me, Mr. Wilson?

4 DEFENDANT WILSON: About what? That --

5 THE COURT: Anything you want to say? You're about
6 to get sentenced.

7 DEFENDANT WILSON: I mean, I really didn't even have
8 nothing to do with it. But I apologize. I'm sorry for
9 what happened --

10 THE COURT: You need to look at me. Don't talk
11 directly to them. That's how we do things. You talk to
12 me. They can hear it.

13 DEFENDANT WILSON: Well, I just wanted to let them
14 know that I'm sorry for what happened that day. But I
15 just want to let them know, also, I really and truthfully
16 did not have anything to do with it. I'm sorry for their
17 loss. And I know I can't replace it. But what the jury
18 found --

19 THE COURT: Well, I'm kind of curious. Why would
20 these people parade in here and talk about you being the
21 leader of a gang, talk about you having a gun, talk about
22 you jumping up and down, talk about you hitting the victim
23 in this case? Why would they do that?

24 DEFENDANT WILSON: I don't know why they did it. I
25 know the detective put a lot of pressure on them. They

1 came and said a lot of people did a lot of stuff they
2 didn't do. Most --

3 THE COURT: Well, who did what? You tell me.

4 Because I'll tell you this. There was never a
5 consistent story that was presented in this courtroom. It
6 was a very difficult case for this jury to sift through
7 the evidence that was presented.

8 DEFENDANT WILSON: Yeah.

9 THE COURT: So you tell me. What happened?

10 DEFENDANT WILSON: That whole day? I came --

11 THE COURT: I don't need the whole day. But I'll
12 tell you this. I don't think I heard much truth in here.
13 If you want to tell me, now is the time.

14 And I'll tell you this. You will -- I'm sure will
15 pursue all your legal options, which you should, fully and
16 vigorously. But this is the only day more than likely
17 that you're going to chest up, belly up to the bar is what
18 we say. And, I mean, you heard the pain in those
19 parents --

20 DEFENDANT WILSON: Yes, sir. I heard the pain. But
21 I'm letting you know from a -- I'm being true with you
22 today. And I'm letting them know that I really and
23 truthfully didn't have anything to do with that -- Debron
24 getting fought in that parking lot. I'm being truthful
25 with you. I'm sorry --

1 THE COURT: Well, what was your connection with
2 Mr. Brown?

3 DEFENDANT WILSON: I don't -- listen, I'm trying to
4 tell you.

5 THE COURT: Okay.

6 DEFENDANT WILSON: Me and him don't have no
7 connections. I don't talk to him. I haven't talked to
8 him -- before that had happened, I hadn't talked to him in
9 over like six months.

10 What he did out there, I didn't know nothing about
11 none of that until they came and locked me up. I'm
12 hearing stories that he went over there and jumped this
13 dude and that dude. But that don't have anything to do
14 with me.

15 I didn't tell the juveniles to go over there to fight
16 anybody. I didn't go to that parking lot and fight
17 anybody. That's what I'm trying to tell you today.

18 The whole day went like this. I got dropped off at
19 the party with my sister and Felton. As soon as we went
20 inside of the party, it was being shut down already. I
21 walked outside. I called my momma and told her that --
22 well, I didn't go outside. I walked to the front -- by
23 the front and called my momma and let her know that the
24 party was being shut down. The next thing you know, they
25 said it was up and running again. So I was like, okay,

1 never mind.

2 And then I sat in the party. And they said, once
3 again, it's being shut down again. Again, that's when my
4 momma had came back up. I guess she had called my sister.
5 She came back up there. That's when my cousin, Brittany,
6 had got out of the car.

7 At that point when I was inside the building, it was
8 a big commotion in the front area. People started rushing
9 outside, running outside. I guess that's when Ronald was
10 throwing up the gang signs, or whatever. The group in
11 there was throwing up the gang signs, or whatnot. They
12 rushed outside. When I looked back and I seen everybody
13 moving outside, that's when I walked out the double doors.
14 And I went outside.

15 When I went outside, that's when the group of people
16 right here -- or on the side up under -- by the little
17 parking lot, that's when they was getting into it. When
18 they was getting into it, that's when I had -- Kiki, the
19 girl I got in the car with, she came outside. It was me,
20 Kiki, my sister, my cousin, all of us was right there in
21 the front area while this whole thing was going on. While
22 everything right there was going on, I was standing in the
23 front area. I ended up getting in the car.

24 I didn't know nothing about this guy running over
25 there in that parking lot. I didn't -- that's what I'm

1 saying. I didn't have nothing to do with it. They're
2 saying I jumped up and down with a gun in my hand. They
3 say -- and then five minutes later, they say somebody else
4 was jumping up and down with a gun in their hand.

5 Most of the juveniles that came in here and took the
6 stand, I don't even know them at all. I don't know them
7 from nowhere. I never spoke to them in a day in my life.
8 That's what I'm trying to see how I was convicted of this
9 crime.

10 Now, I will say I'm sorry for what happened out
11 there. I'm sorry that they feel like I had involvements
12 to do with this. I was with my two cousins that whole day
13 the whole time. So they --

14 THE COURT: Well, I -- you know, that's fine. The
15 jury has spoken.

16 DEFENDANT WILSON: I mean --

17 THE COURT: And --

18 DEFENDANT WILSON: I mean, I'm sorry for what
19 happened out there. I can't -- it's nothing I can do to
20 bring that back. And if I -- if they feel like I had
21 involvements, I'm sorry they feel that way. But I'm
22 telling you the truth today.

23 THE COURT: Well, this carries 30 years to life.

24 DEFENDANT WILSON: Yeah. I --

25 THE COURT: And when the legislature sets out a range

1 of sentences, in my mind, it goes to they, obviously,
2 anticipate that certain types of the same offense are
3 worse than others.

4 DEFENDANT WILSON: Yes, sir.

5 THE COURT: And I have to take into consideration who
6 it is that's before me. But I'll tell you this is --

7 DEFENDANT WILSON: I know this is -- I know a life
8 was taken [sic] out there.

9 THE COURT: Yes.

10 DEFENDANT WILSON: But I'm telling you the truth
11 today. I'm truthfully telling you that I did not have
12 anything to do with that going on. I know the jury
13 convicted me of that. Them just 12 people that wasn't
14 even out there.

15 MR. BRUCE WILSON: Your Honor, may I --

16 DEFENDANT WILSON: I'm trying --

17 MR. BRUCE WILSON: -- speak, Your Honor?

18 THE COURT: What's your name?

19 MR. BRUCE WILSON: Bruce Wilson. I'm Elijah's
20 father.

21 If I may just give a little input, Your Honor. For
22 most of Elijah's life, I wasn't a part of his life. And
23 even with me not being a part of his life, he was able to
24 advance himself in school. He was able to graduate early
25 in school. He was able to -- with the help of Ms. Logan,

1 who came up and testified, Your Honor, he was able to be
2 part of an educational program that helped kids advance
3 with the community centers. And he was able to get into a
4 technical college for two years.

5 And so I just wanted the Judge to know that he was
6 able to graduate. And he did do it in an advanced level.
7 And that was without my presence. And I have to man up
8 and let the Court know that for a good part of his life I
9 wasn't there. I'm here now and, you know, as they say,
10 too late for that. But I'm trying to be here now and
11 trying to help him the best I can.

12 I know that the Judge, you know, is -- there's
13 certain rules and guidelines up under this statute that
14 the Judge has to follow. But I just hope that there's
15 something that the Judge can do with his sentence.

16 With the family -- our family -- my family, we -- our
17 hearts go out to this family. We -- this is a tragedy all
18 the way around. This is a complete tragedy no matter how
19 you look at it that there's a life gone. And there's a
20 life in front of me now that is, basically, over. This is
21 a tragedy.

22 So I just wanted to put that forth.

23 THE COURT: Okay. Well, I appreciate that.

24 DEFENDANT WILSON: Yeah. I mean, I just -- I mean, I
25 just want the family to know that what happened out

1 there -- I just want to let them know that I really didn't
2 have anything to do with that. And I'm truthfully sorry
3 if y'all feel that way. That's what I want -- I want to
4 let them know.

5 THE COURT: Okay.

6 DEFENDANT WILSON: I mean, I don't know what else I
7 can --

8 SENTENCE

9 THE COURT: I'll tell you that you have 10 days to
10 appeal the decision of the jury. And you need to let your
11 lawyer know soon so he can get that work done.

12 40 years in prison.

13 Good luck.

14 *****END OF TRANSCRIPT OF RECORD*****
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CERTIFICATE OF REPORTER

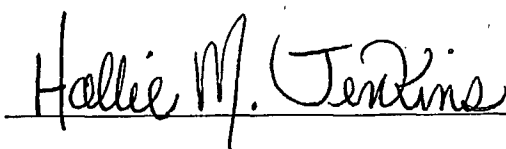
STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

I, HOLLIE JENKINS, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Greenville County, South Carolina, on the 9th, 10th, 11th and 12th days of June, 2014.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

December 1, 2014

A handwritten signature in cursive script that reads "Hollie M. Jenkins". The signature is written in dark ink and is positioned above a horizontal line.

Hollie M. Jenkins, Court Reporter

My Commission Expires: 09/24/20



Customer
Annie Wilson

Account Number
REDACTED

Bill Period Bill Date
Apr 19-May 18 May 22, 2013

A1 of 22

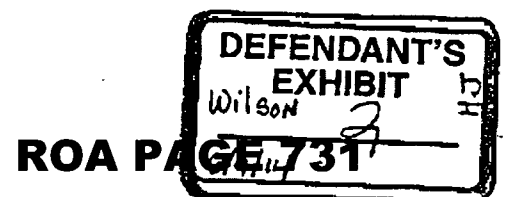
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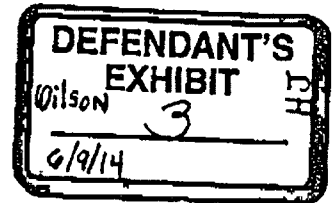
(864) 593-0345

Voice Call Details

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3	04/19	08:40 AM	864-567-1798	Incoming	WC/AU	1:00	
4	04/19	08:45 AM	864-567-1798	Incoming	WC/AU	1:00	
5	04/19	10:05 AM	864-567-1798	GREENVILLE,SC	WC/AU	1:00	
6	04/19	10:25 AM	864-787-3357	GREENVILLE,SC	WC/AU	1:00	
7	04/19	10:33 AM	864-230-4826	GREENVILLE,SC	WC/AU	5:00	
8	04/19	12:12 PM	864-230-4826	Incoming	WC/AU	3:00	
9	04/19	12:49 PM	864-567-1798	GREENVILLE,SC	WC/AU	1:00	
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WC-Any Mobile,Anytime AU - Anytime/Plan Usage NW - Night and Weekends





Tokyo Grill Sushi
6124 White House Rd
Greenville, SC 29811
864-269-8885

04/20/2013 20:00:52
Merchant ID: 535354810113415
Device ID: 0001
Terminal ID: PD061

CREDIT CARD

VISA SALE

CARD # XXXXXXXXXXXX3870
TRANS # 156
Batch #: 5
Approval Code: 028247
ACI Code: E
TRANS ID: 163111007053423
Entry Method: Swiped
Mode: Online

SALE AMOUNT \$24.37

TIP AMOUNT 0

TOTAL AMOUNT 24.37

Annie Wilson
ANNIE WILSON

MERCHANT COPY

5574 3

G.H.S. FEDERAL CREDIT UNION
211 PATEWOOD DRIVE

GREENVILLE, SC 29615

ANNIE A. WILSON

10 W. 5TH/ STREET
GREENVILLE, SC 29611

DIRECT INQUIRIES TO THE ADDRESS SHOWN
BELOW AFTER THE WORDS SEND INQUIRIES TO:

OR YOU MAY CALL
MEMBER NUMBER:

REDACTED

SOCIAL SECURITY NO:

ON FILE

STATEMENT FROM TO
PERIOD

04/06/2013 05/05/2013

LINE OF CREDIT AVAILABLE:

THE INTEREST CHARGE FOR AN OPEN END LOAN IS COMPUTED BY
APPLYING THE PERIODIC RATE TO EACH UNPAID BALANCE FOR THE
EXACT NUMBER OF DAYS EACH BALANCE IS OUTSTANDING.
THE BALANCE USED TO COMPUTE THE FINANCE CHARGE IS
THAT BALANCE EACH DAY AFTER CREDITS ARE
SUBTRACTED AND NET ADVANCES OR
OTHER CHARGES ARE ADDED.

PAGE 4 OTHER CHARGES ARE FIANCE ADDED.										BALANCE OR TOTAL
REGULAR SHARE ACCOUNTS ARE NOT TRANSFERABLE ADD-ONS, PRINCIPAL REVERSAL EXCEPT ON THE RECORDS OF THIS CREDIT UNION, OR SHARE WITHDRAWALS										
POSTING DATE		EFFECT DATE	TRANSACTION DESCRIPTION			TRANSACTION AMOUNT	PAYMENTS CREDITS OR DEBITS		INTEREST	FEES
			POS GREENVILLE SC SPINX #179 SPINX #179							
419		419	WITHDRAWAL DEBIT CARD - POS #900014			-719				
			POS GREENVILLE SC WOODSIDE MINI MART WOODSID							
419		419	WITHDRAWAL ATM #00004-POS #743541			-9425				
			POS GREENVILLE SC 6119 WHITE HORSE RD CITI T							
420		420	WITHDRAWAL DEBIT CARD - POS #121105			-150				
			POS PIEDMONT SC CONNECTOR 2000 CONNECTOR 200							
420		420	WITHDRAWAL DEBIT CARD - POS #585472			-4858				
			POS GREENVILLE SC SPINX #112 SPINX #112							
420		420	WITHDRAWAL ATM #00004-POS #421036			-8118				
			POS GREENVILLE SC 1001 PENDELTON ST FAMILY D							
421		421	WITHDRAWAL DEBIT CARD - POS #675854			-795				
			POS GREENVILLE SC KASH & KARRY KASH & KARRY							
421		421	WITHDRAWAL ATM #00004-POS #710830			-1377				
			POS GREENVILLE SC 6119 WHITE HORSE RD CITI T							
421		421	WITHDRAWAL ATM #00004-POS #003683			-1137				
			POS GREENVILLE SC 3000 WEST BLUE RID HOT SPO							
421		421	WITHDRAWAL DEBIT CARD - POS #980001			-2437				
			POS GREENVILLE SC TOKYO GRILL SUSHI TOKYO GR							
422		422	WITHDRAWAL DEBIT CARD - POS #678784			-1057				
			POS GREENVILLE SC HARBOR FREIGHT TOOLS USA H							
422		422	WITHDRAWAL DEBIT CARD - POS #200988			-1305				
			POS GREENVILLE SC COOK OUT # COOK OUT #							
422		422	WITHDRAWAL ATM #00004-POS #982845			-537				
			POS GREENVILLE SC 1703 EASLEY BRIDGE 7-ELEVE							
423		423	WITHDRAWAL DEBIT CARD - POS #900017			-664				
			POS GREENVILLE SC JIMMY AND PETES CLOCK RES							
424		424	DEPOSIT-SSA TREAS 310			81300				
			*BE*DE'MIAJAH WILSON *34*656120223\							
424		424	ACH: XXSOC SEC COMPANY ID: 9031736026 SEC:PPD							
424		424	DEPOSIT-GREENVILLC			8000				
			ACH: DIRECT PAY COMPANY ID: 1576000356 SEC:PPD							
424		424	WITHDRAWAL DEBIT CARD - POS #000021			-50000				
			POS Greenville SC SQ *TROTTER BONDING COMPA							
424		424	WITHDRAWAL DEBIT CARD - POS #000127			-1145				
			POS 866-733-2693 IL REDBOX *DVD RENTAL REDBO							
425		425	WITHDRAWAL			-500				
			11							
DIVIDENDS AND/OR INTEREST (IF \$10.00 OR MORE WILL BE REPORTED TO INTERNAL REVENUE SERVICE AND APPLICABLE TAX AGENCY THROUGH PERIOD ENDING DEC. 31ST AS INTEREST INCOME FOR THE CALENDAR YEAR)										← YEAR TO DATE EARNINGS
SEND INQUIRIES TO:										

(CONTINUED ON NEXT PAGE)

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Customer Account Number Bill Period Bill Date
Annie Wilson REDACTED Apr 19-May 18 May 22, 2013

A2 of 22

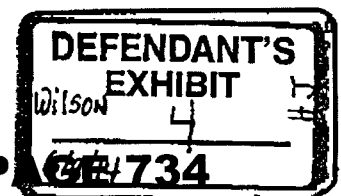
Call details

(864) 593-0345 (Continued)

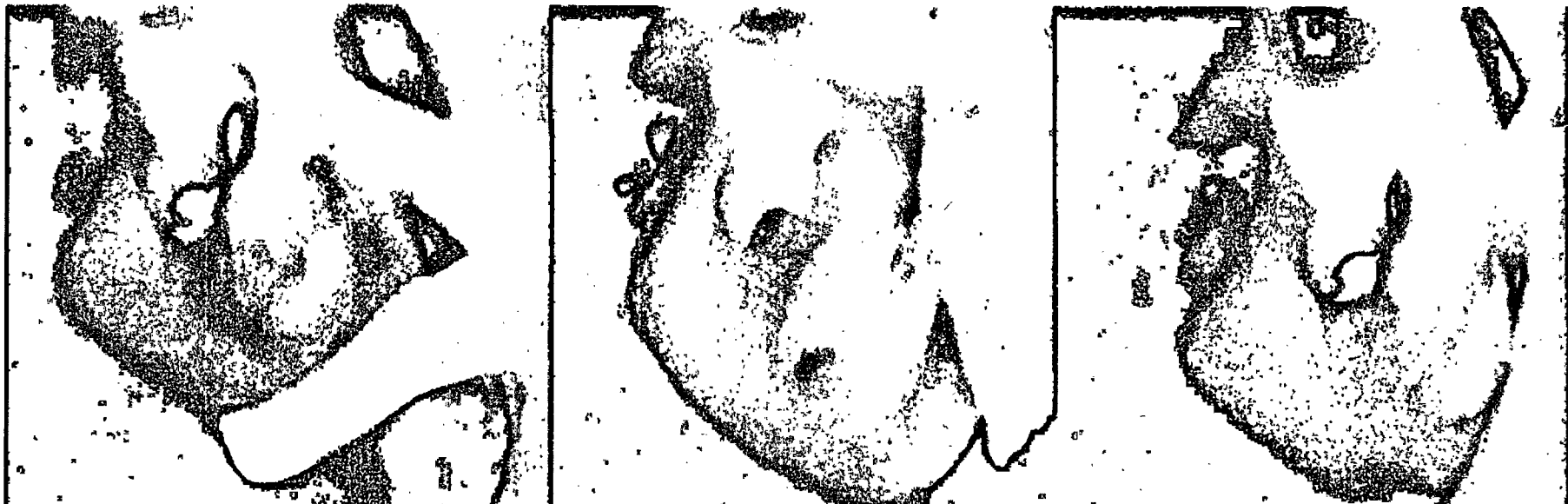
Voice Call Details

	Date	Time	Phone Number	Call Destination	Rate Type	Minutes Used	Total Charges
46	04/20	09:15 PM	864-365-4070	Incoming	NW/WC/AU	7:00	
47	04/20	09:28 PM	864-304-8273	Incoming	NW/WC/AU	1:00	
48	04/20	09:48 PM	864-567-1798	Incoming	NW/WC/AU	3:00	
49	04/20	09:52 PM	864-437-6507	ANDERSON, SC	NW/WC/AU	1:00	
50	04/20	09:57 PM	864-437-6507	ANDERSON, SC	NW/WC/AU	5:00	
51	04/20	11:43 PM	864-437-6507	ANDERSON, SC	NW/WC/AU	1:00	
52	04/21	08:41 AM	864-534-8338	Incoming	NW/WC/AU	2:00	
53	04/21	08:59 AM	678-378-9497	Incoming	NW/WC/AU	14:00	
54	04/21	11:01 AM	864-346-1097	GREENVILLE, SC	NW/WC/AU	1:00	
55	04/21	11:26 AM	864-346-1097	GREENVILLE, SC	NW/WC/AU	2:00	
56	04/21	11:27 AM	864-434-2555	Incoming	NW/CW/AU	3:00	
57	04/21	12:31 PM	864-329-7229	GREENVILLE, SC	NW/WC/AU	1:00	
58	04/21	12:48 PM	864-567-1798	GREENVILLE, SC	NW/WC/AU	1:00	
59	04/21	01:04 PM	864-621-4363	SPARTANBURG, SC	NW/WC/AU	1:00	
60	04/21	01:06 PM	864-567-1798	Incoming	NW/WC/AU	3:00	
61	04/21	01:32 PM	864-304-8552	Incoming	NW/WC/AU	1:00	
62	04/21	04:07 PM	864-329-7229	Incoming	NW/WC/AU	1:00	
63	04/21	06:27 PM	864-380-0143	Incoming	NW/WC/AU	1:00	
64	04/21	07:45 PM	864-380-0143	Incoming	NW/WC/AU	2:00	
65	04/21	08:42 PM	864-329-7229	Incoming	NW/WC/AU	1:00	
66	04/21	09:42 PM	864-553-8003	Incoming	NW/WC/AU	2:00	
67	04/21	10:19 PM	864-230-4826	Incoming	NW/WC/AU	3:00	
68	04/22	07:51 AM	864-304-8552	Incoming	WC/AU	1:00	
69	04/22	09:02 AM	864-275-9991	Incoming	WC/AU	2:00	
70	04/22	09:48 AM	864-283-0370	GREENVILLE, SC	AU	1:00	
71	04/22	09:53 AM	864-283-0370	GREENVILLE, SC	AU	1:00	
72	04/22	10:11 AM	864-525-0332	Incoming	WC/AU	53:00	
73	04/22	11:12 AM	864-315-7248	GREENVILLE, SC	WC/AU	8:00	
74	04/22	11:20 AM	864-444-8494	Incoming	CW/AU	1:00	
75	04/22	11:21 AM	864-444-8494	GREENVILLE, SC	WC/AU	27:00	
76	04/22	11:51 AM	864-288-8046	GREENVILLE, SC	AU	5:00	
77	04/22	12:24 PM	877-627-0548	Toll Free Call	AU	1:00	
78	04/22	12:57 PM	770-231-8744	Incoming	WC/AU	6:00	
79	04/22	01:25 PM	864-235-0234	GREENVILLE, SC	AU	1:00	
80	04/22	01:26 PM	864-235-0234	GREENVILLE, SC	AU	4:00	
81	04/22	02:55 PM	864-355-1034	Incoming	AU	2:00	
82	04/22	04:27 PM	864-304-8552	Incoming	WC/AU	2:00	
83	04/22	04:43 PM	864-371-0189	Incoming	WC/AU	9:00	
84	04/22	06:12 PM	770-231-8744	Incoming	WC/AU	3:00	
85	04/22	06:17 PM	864-381-9517	Incoming	WC/AU	12:00	
86	04/22	06:54 PM	770-231-8744	Incoming	WC/AU	1:00	
87	04/22	07:48 PM	864-381-9517	Incoming	NW/WC/AU	4:00	
88	04/22	07:57 PM	770-231-8744	Incoming	NW/WC/AU	1:00	
89	04/22	08:08 PM	864-437-6507	Incoming	NW/WC/AU	1:00	
90	04/23	09:13 AM	864-232-6721	Incoming	AU	3:00	

NW - Night and Weekends WC - Any Mobile, Anytime AU - Anytime/Plan Usage CW - Call Waiting



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April 20th TURN UP @ my par
from 11 at the West End
Community Centre
Everyone Invited
Everything Free !!

DEFENDANT'S
EXHIBIT
Wilson

IN THE THIRTEENTH JUDICIAL CIRCUIT OF SOUTH CAROLINA
COUNTY OF GREENVILLE, GENERAL SESSIONS

STATE OF SOUTH CAROLINA,)
Plaintiff,)
) CASE No.
vs.)
) 2013 – 10610-10613
)
Elijah F Wilson)
Defendant.)

MOTION FOR CHARGING INSTRUCTIONS:
The Premeditate Purpose can not be spontaneous

COMES NOW, the Defendant Elijah F Wilson, and hereby moves this Honorable Court to charge the jury as to the issue of premeditate purpose, pursuant to State v Larmand, 402 S. C. 184 (Ct. App. 2013 ; 739 SE 2nd 898)

" S.C. Code Ann. § **16-3-220** (2003).[fn4]

Section 16-3-230 defined a mob as "the assemblage of two or more persons, without color or authority of law, for the premeditated purpose and with the premeditated intent of committing an act of violence upon the person of another." S.C. Code Ann. § 16-3-230 (2003).[fn5] "Although '[t]he common intent to do violence' may be formed before or during the assemblage, to sustain a conviction for lynching the State must produce at least some evidence of premeditation." *State v. Smith*, **352 S.C. 133, 137, 572 S.E.2d 473, 475** (Ct.App.2002) (quoting *State v. Barksdale*, **311 S.C. 210, 214, 428 S.E.2d 498, 500** (Ct.App.1993)). "[T]he premeditated purpose and intent underlying a charge of lynching cannot be spontaneous." *Id.* at 137, **572 S.E.2d at 475.**

CERTIFICATE OF SERVICE

I HEREBY certify that a true copy of the foregoing has been furnished by hand or by U.S. mail to Jeff Weston Esq. at the Office of the Solicitor for the 13th Judicial Circuit, 305 East north Street, Suite 325 Greenville SC 29601 on this 9th day of January, 2014 .

Ernest Hamilton, Esquire
South Carolina Bar Number 2625
Greenville SC 29607

RECEIVED

OCT 01 2015
SC Court of Appeals