

STATE OF SOUTH CAROLINA

VOLUME I OF II

In The Court of Appeals

ORIGINAL

APPEAL FROM RICHLAND COUNTY

Roger L. Couch, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DOMINIQUE M. ROSS,

APPELLANT

APPELLATE CASE NO. 2014-000958

RECORD ON APPEAL

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State of South Carolina

Court of General Sessions

County of Richland

2012-GS-40-02907

2012-GS-40-01913

The State of South Carolina :

:

-VS-

:

TRANSCRIPT OF RECORD

:

Dominique M. Ross :

April 21, 2014

Columbia, South Carolina

B E F O R E:

The Honorable Roger L. Couch, Judge, and jury.

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Bonnie H. Kelly

Circuit Court Reporter

Transcribed by:

Daphne Helms

Circuit Court Reporter

I N D E XWitnessRobert Martin (in camera)

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1 answer the questions that I'm about to ask you.

2 As I indicated, I have received three indictments in
3 this case. The first indictment that I will discuss with you
4 is in case number 2012-2905. That indictment is for the
5 offense of attempted murder. The indictment states that
6 Dominique Mahogany Ross did in Richland County on or about
7 January 8th of 2012 did, with the intent to kill, attempt to
8 kill Jason Sherman with malice aforethought, either express
9 or implied, all in violation of South Carolina code of laws,
10 16-3-29, 1976 as amended, against the peace and dignity of
11 the state and contrary to the statute in such case made and
12 provided.

13 The second indictment that I will discuss with you is
14 case number 2012-GS-40-2907. This is for the offense of
15 armed robbery, and this indictment states that Dominique
16 Mahogany Ross did in Richland County on or about January 8th
17 of 2012 commit robbery by feloniously taking from the person
18 or the presence of Jamie Sherman by means of force or
19 intimidation goods and/or monies of Jamie Sherman with goods
20 and/or monies being described as U.S. currency, with the
21 intent to deprive the owner permanently of such property
22 while armed with a deadly weapon or while alleging either by
23 actions or by words that he or she was armed while using a
24 representation of a deadly weapon or any object which a
25 person present during the commission of the robbery

1 reasonably believed to be a deadly weapon, all in violation
2 of Code Section 16-11-330(a) of the code of laws of South
3 Carolina, 1976 as amended, against the peace and dignity of
4 the state and contrary to the statute in such case made and
5 provided.

6 Now, the final indictment that I have in this case is
7 case number 2014-GS-1913. That indictment is for the offense
8 of burglary in the first degree. This indictment states that
9 Dominique Mahogany Ross did in Richland County on or about
10 January 8th of 2012 enter the dwelling of Jamie Sherman
11 located at , without consent and with
12 the intent to commit a crime therein, and when in effecting
13 entry or while in the dwelling or in immediate flight the
14 defendant was armed with a deadly weapon and/or caused
15 physical injury to a non-participant in the crime and/or used
16 or threatened the use of a deadly weapon and/or the entering
17 occurred in the nighttime, in violation of Code Section
18 16-11-311(a) of the code of laws of South Carolina, 1976 as
19 amended, against the peace and dignity of the state and
20 contrary to the statute in such case made and provided.

21 Now, again, ladies and gentlemen, those are the
22 indictments that are before the Court. I've gone over them
23 with you so that you might be in a position to more fully
24 answer some questions I'm about to ask you.

25 Now, as to those questions, it is important that the

1 inevitably found. This is something that was, again kind of
2 the foundation-starting point of their case. So, again,
3 because the search warrant was expired -- there is no
4 additional affidavit. This is -- this is not a valid warrant
5 or it's an unsigned paper. And, again, the case law about
6 good-faith exceptions doesn't apply in this kind of
7 situation.

8 **The Court:** Anything further from the State on this?

9 **Ms. Campbell:** No, sir.

10 **The Court:** All right. I'll take a look at your cases
11 before I make a ruling. Next issue.

12 **Mr. Stanley:** Yes, Your Honor. This is also another
13 motion in limine to suppress any evidence of flight of the
14 defendant. To kind of give you I guess just a little bit of
15 factual background, this event occurred on or the crime
16 occurred on January 8th, 2012, and initially -- so it was a
17 home invasion, as Your Honor knows. My client was inside the
18 home.

19 **The Court:** Well, I know very little about the case.

20 **Mr. Stanley:** Okay. Sorry. Sorry. Sorry. It was a
21 home invasion where people are being charged with armed
22 robbery, attempted murder, and a burglary in the first
23 degree. Part of the allegation is, is that my client was
24 inside the home and she set up this whole -- this whole thing
25 by opening up the door and letting these armed robbers in.

1 **The Court:** Okay.

2 **Mr. Stanley:** So the -- basically that's -- that's
3 January 8th; okay? Later there's an investigation. My
4 client is initially described as a victim in the case. She's
5 at the scene of the crime. She's swabbed for D.N.A. She's
6 interviewed by the police. They assume that she's a victim.
7 Okay? And the victim makes the statement at the hospital
8 saying she wasn't involved.

9 Now, that story changes two or three days later, and he
10 starts implicating her in the crime, and he makes the
11 statement on---

12 **The Court:** He, being the victim?

13 **Mr. Stanley:** Excuse me. Yes. Yes, the victim.

14 **The Court:** The shooting victim.

15 **Mr. Stanley:** Yes, sir.

16 **The Court:** All right.

17 **Mr. Stanley:** And he makes a statement, official
18 statement, on January the 17th. That's over nine days later
19 after he got out of the hospital, implicating my client in
20 the crime. At that point though there's no investigation.
21 Obviously Investigator Unger went and got a search warrant
22 for her police records that we actually all -- we've already
23 presented, but there's no contacting my client, letting her
24 know there was an investigation. They didn't want her to
25 know what was going on, and she eventually though moves back

1 to North Carolina.

2 She didn't move to North Carolina just because she was
3 fleeing anything. She had family there. She had lived there
4 until 2010. She had her mother, her mother's fiance, her
5 aunts, her uncles, all lived there, and she's told me that
6 she's -- she moved about I guess January 20th, 21st, around
7 that time, because there was -- because this was a stressful
8 event on her, and so she moved away.

9 Eventually -- so kind of giving you the timeline of the
10 investigation, there was no search warrant or there was no
11 arrest warrant issued in this case until February 16th or
12 17th. Oh, I'm sorry. Excuse me. It actually wasn't issued
13 until the 20th. But basically a new investigator was
14 assigned on the case, Investigator Unger who is here in the
15 court, and he took a new look at the evidence and they had
16 now the cell phone records and they felt there was enough for
17 probable cause.

18 So they didn't actually get an arrest warrant until the
19 21st of February. So she had already been in North Carolina
20 for close to a month, and so I say all that basically to say
21 is that we want to suppress any talk about her going to North
22 Carolina. I think it's unduly prejudicial, and the way the
23 law works is you have to show the nexus -- to talk about
24 flight, you have to show between -- there's a nexus between,
25 you know, you fleeing and you wanting to get away with it.

1 In this case that's not -- that's not part of the facts.
2 The arrest warrant was issued on the 21st of February, and
3 she was arrested five days later in Raleigh, North Carolina,
4 thereabouts. So there's not like there's a whole ton of
5 flight. They knew that she was in North Carolina. They
6 alleged victim knew that she was in North Carolina or knew
7 she was not -- she moved locations. So I don't think that
8 there's any prejudice into eliminating, you know, what we're
9 talking in the trial to the date and actual events of the
10 trial (verbatim) and not get into things that happened in
11 North Carolina. Again, the---

12 **The Court:** Let's hear what the State's position is.

13 **Ms. Walker:** Well, Your Honor, if I may supplement his
14 version of the facts just briefly.

15 **The Court:** Yes, ma'am.

16 **Ms. Walker:** There are three co-defendants in this case
17 along with this defendant, two of whom are related to her,
18 Raeford and Dexter McNeil, and the girl she was dating at the
19 time, Amber Richardson, who the State intends on calling as a
20 witness. Your Honor, the four of them concocted this plan
21 for her to go over to the victim's house, whom she'd
22 befriended at that point in time, and to steal cash from
23 them. They were going to -- she was going to leave the door
24 open and they were going to go in and they were going to
25 steal money from him.

1 Your Honor, those events transpired, and at that point
2 in time, once they all get back together a few days later, I
3 think the -- what this defendant says in terms of that
4 timeline is a little bit different than what I anticipate
5 Amber Richardson will say when she testifies. They decide to
6 go to North Carolina to the home of the wife of one of the
7 McNeil brothers, who is her co-defendants, to lay low.

8 They left to get out of this investigation. At that
9 point in time she'd given her version of events to law
10 enforcement. That version of events was unraveling. She
11 never made any more contact, despite being a close friend of
12 this victim's, Your Honor, never made any more contact with
13 him at that point in time after he'd been shot and his eye
14 had been shot out, never sought to see how he was doing. Her
15 point in that -- at that point in time was to get her, her
16 co-defendants, and her girlfriend slash co-defendant out of
17 the area at that point in time and to flee to North Carolina.

18 That's the testimony that we anticipate being offered,
19 Your Honor. That would be the nexus that I guess defense
20 counsel is alleging that is missing. There was a direct link
21 between the crimes that we're alleging she did and her flight
22 to North Carolina.

23 **The Court:** Now, who is going to testify to this link?

24 **Ms. Walker:** Her co-defendant, Your Honor, Amber
25 Richardson.

1 **The Court:** All right.

2 **Mr. Stanley:** Your Honor, one problem is that they
3 didn't know about Amber Richardson. They didn't investigate
4 Amber Richardson until March 8th, 2012, which is after her
5 arrest. So it's one of those things where they didn't know
6 about Amber Richardson---

7 **The Court:** After her arrest. Which her are you talking
8 about?

9 **Mr. Stanley:** Sorry. Amber -- so my client's arrest was
10 on January 26th of 2012. The co-defendant, Amber
11 Richardson's arrest was on March 1st -- 21st, 2012.

12 **The Court:** Okay.

13 **Mr. Stanley:** So the police didn't know about any of the
14 testimony of the uncles or anything alleging about the
15 uncles, the family members that they were staying with,
16 during the time of this five-day period of flight or whatever
17 they're going to try to---

18 **The Court:** This nexus has to be established at this
19 point in time for the trial to show that -- that somehow her
20 leaving the state has a nexus with the crime. And so what
21 they're saying is that the co-defendant is going to indicate
22 that that's why they left.

23 Now, if somebody testifies in that fashion, that's
24 starting to sound like a nexus to me, even though they may
25 not have found out about it until... Maybe they got arrested

1 at a different time, but assuming they were involved in the
2 crime, if we -- if we go to that point, the nexus -- you
3 know, whether or not they were being actively investigated or
4 pursued, they may have known they needed to leave town
5 because there was an investigation going on. Do you follow
6 what I'm saying?

7 **Mr. Stanley:** All right.

8 **The Court:** So the question is there -- is that -- now,
9 I haven't heard testimony of the co-defendant and we can
10 always do a proffer before I allow that testimony to be put
11 up and allow them to establish that nexus before it goes in
12 front of the jury. And so I could reserve my ruling at this
13 point in time until I've heard that testimony from the
14 co-defendant, but if it is what the prosecutor says it is,
15 it's pretty strong.

16 **Mr. Stanley:** And my response would be, you know, again
17 the nexus has to be: I'm leaving because I know I'm being
18 investigated. You have to prove that there's an
19 investigation going on. I think they have to establish the
20 investigation and she didn't know there was an
21 investigation---

22 **The Court:** All right. Didn't the police -- didn't the
23 police show up that night and begin an investigation?

24 **Ms. Walker:** Yes, Your Honor.

25 **Mr. Stanley:** They did. Again, she was initially

1 described as a victim in the case. They didn't---

2 **The Court:** Well, I understand that, but in the back of
3 her mind -- for argument sake---

4 **Mr. Stanley:** Right.

5 **The Court:** ---let's say that she knew she was involved
6 in the crime and knew that the investigation may lead there
7 at some point in time. Let's just, for argument sake, say
8 that was the case. Then whether or not she was actively
9 being investigated at that point in time would be
10 interesting, but if the -- if the person had a belief that it
11 was going to get there...

12 **Mr. Stanley:** Right.

13 **The Court:** See, I'm talking about what's in her mind.
14 I mean, this is almost like proving intent but with the
15 circumstantial evidence. There may have been an expression
16 by her to a co-defendant. She may have said: It's getting a
17 little hot; let's get out of town. I don't know what she
18 said. But if -- you know, so I think what we're going to do
19 is I'm going to reserve ruling until I've heard the testimony
20 of the co-defendant and we can do that in the form of a
21 proffer before we present that evidence and we'll make a
22 decision at that time.

23 So I'll -- I'll allow your motion to continue until
24 I've heard that testimony.

25 **Mr. Stanley:** All right. Thank you, Your Honor.

1 **Ms. Walker:** Your Honor, just so I don't do anything
2 improper, would that affect anything that I can say during my
3 opening statement?

4 **The Court:** Well, it's -- it's not been admitted at this
5 point in time. Now, if you would like to offer that
6 testimony in the morning first thing, I could listen to it
7 then.

8 **Ms. Walker:** Okay.

9 **The Court:** You can make that the proffer whenever you'd
10 like to.

11 **Ms. Walker:** Thank you, Your Honor.

12 **The Court:** Would you like to do it first thing? We
13 could do that before we do opening arguments.

14 **Ms. Walker:** Thank you, Your Honor.

15 **Mr. Stanley:** All right. Thank you. And my last motion
16 is another motion to suppress. We spoke about it in chambers
17 about a new eyewitness that just -- has just popped up.

18 **The Court:** Yes. Gutierrez?

19 **Mr. Stanley:** Yes, Your Honor.

20 **The Court:** Yes. All right.

21 **Mr. Stanley:** Your Honor, I found out about Mr.
22 Gutierrez who claims to be an eyewitness, see -- he walked
23 past the crime scene and saw three men leave the scene of the
24 crime, and he also can identify the three men because he saw
25 them at the bond hearing. He saw -- I'm sorry. Excuse me.

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF RICHLAND) FIFTH JUDICIAL CIRCUIT

2012-GS-40-2905, 2907,

2013-GS-40-1913

State of South Carolina,

Plaintiff,

v.

Dominique Ross,

Defendant.

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) Transcript of Record
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April 22 & 23, 2014
Columbia, South Carolina

B E F O R E:

The Honorable Roger Couch, Judge and a jury

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Chris Leonard, Esquire
Attorneys for the Defendant

Hilda M. Jordan, CVR-M
Circuit Court Reporter

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1 appear that the information would have been readily
2 available through subpoena or other means at a later time.
3 For that reason I find that the error in the warrant does
4 not warrant the suppression of the evidence and I will allow
5 it to come in.

6 Now, there was a question concerning your arguing
7 flight and you indicated that you might wish to make a
8 proffer concerning that issues before we do opening
9 arguments and I told you that I would give you an
10 opportunity to do that if you chose.

11 MS. CAMPBELL: Yes, Your Honor. We would ask just very,
12 very brief proffer.

13 THE COURT: I understand. The witnesses name is?

14 MS. CAMPBELL: Amber Richardson.

15 THE COURT: Come forward, Ms. Richardson.

16 MR. STANLEY: Your Honor, I would move to sequester any
17 witnesses that might be here in this case.

18 THE COURT: Does state have any objection to
19 sequestration?

20 MS. CAMPBELL: Your Honor, just sequestering the lay
21 witnesses.

22 MR. STANLEY: Your Honor, I really only care about
23 Simone Patterson.

24 MS. CAMPBELL: Just Simone. Your Honor, we'll get Ms.
25 Patterson out of the Courtroom.

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13

1 THE COURT: All right. That will be fine.

2 Ma'am, if you'll come forward and be sworn right here,
3 and they will take care of Ms. Patterson.

4 (WHEREUPON, Amber Richardson was
5 sworn to tell the truth.)

6 THE CLERK: Please have a seat. State your full name
7 for the record.

8 THE COURT: Ma'am, once you're seated, state your full
9 name, please.

10 MS. PATTERSON: Amber Richardson.

11 THE COURT: Thank you.

12 Ms. Campbell, your witness.

13 MS. CAMPBELL: Thank you, Your Honor.

14 PROFFER

15 AMBER RICHARDSON -DIRECT EXAMINATION

16 BY MS. CAMPBELL:

17 Q. Ms. Richardson, how old are you?

18 A 21.

19 Q And where do you currently live?

20 A Broad River, now.

21 Q Off Broad River?

22 A Yes, ma'am.

23 Q How long have you been living in the Columbia area?

24 A All my life.

25 Q And can you speak up just a little bit, if you get a

1 little closer to the mic?

2 A All my life.

3 Q There you go. Did you know the defendant, Dominique
4 Ross?

5 A. Yes, ma'am.

6 Q. Can you tell the Judge how you know Dominique?

7 A I know her from school.

8 Q From school?

9 A Yes, ma'am.

10 Q What school was that?

11 A Northeast.

12 Q Northeast?

13 A. Yes, ma'am.

14 Q. And I want to turn your attention back to January 2012.
15 Were you and Dominique friends or what was your relationship
16 like back then?

17 A That was my girlfriend.

18 Q She was your girlfriend?

19 A Yes, ma'am.

20 Q And where were you living back at that time, January
21 2012?

22 A In Stoney Creek off of St. Andrews Road.

23 Q And did you know where Dominique was living?

24 A We were both staying together.

25

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1 Q There at Stoney Creek?

2 A Yes, ma'am/

3 Q Off Broad River?

4 A Yes, ma'am.

5 Q How long had y'all been living together?

6 A About two months, maybe.

7 Q I don't want to go into the details, but were you aware
8 of what was going on back there on January 8, that day when
9 Dominique and, I guess, her uncles were involved.

10 A. Yes, ma'am.

11 MR. STANLEY: That is a leading question, Your Honor.

12 THE COURT: It was leading, but I don't know any
13 advantage was obtained by the leading and it's allowed in
14 certain cases, not all. I'll allow that question.

15 You may proceed.

16 BY MS. CAMPBELL:

17 Q. You were aware of what was going on that day?

18 A Yes, ma'am.

19 Q. And after the events occurred on January 8, did y'all
20 return back to your apartment?

21 A Yes, ma'am.

22 Q. At some point, thereafter, did y'all leave the Columbia
23 area?

24 A Yes, ma'am.

25 Q. When did that happen, approximately?

1 A Yes, ma'am.

2 Q And who all -- where did you go and who was with you?

3 A Just me and Dominique went to North Carolina.

4 Q And why did y'all go to North Carolina?

5 A Basically, we just left to avoid the cops and stuff.

6 Q To avoid the cops and stuff?

7 A Yes, ma'am.

8 Q The cops in relation to what event?

9 A To what happened to Jamie.

10 Q To Jamie. And you and Dominique were together. Why
11 did you go to North Carolina?

12 A We wanted to get away from the cops --

13 Q Okay.

14 A -- and basically --

15 Q Was there a reason you chose North Carolina?

16 A That's where her family stayed.

17 Q That's where her family stayed?

18 A Yes, ma'am.

19 Q Do you remember how long it was that you stay North
20 Carolina?

21 A I stayed about a week and a half.

22 Q But who stayed up there longer?

23 A Dominique stayed up there.

24 Q And, in fact, was she up there until she later got
25 arrested?

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1 A Yes, ma'am.

2 Q. And you've already stated the reason y'all went up
3 there?

4 A. Yes, ma'am.

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

6 THE COURT: You may cross-examine.

7 MR. STANLEY: Thank you, Your Honor.

8 THE COURT: Yes, sir.

9 AMBER RICHARDSON - CROSS-EXAMINATION

10 BY MR. STANLEY:

11 Q. So you were part of the plan to rob Jamie Sherman?

12 A No, sir. I wasn't part of the plan.

13 Q You drove two men to the scene of the crime?

14 A Yes, sir.

15 Q And you picked them up?

16 A Yes, sir.

17 Q And you drove them back to the house?

18 A Yes, sir.

19 Q And you were aware of the plan ahead of time?

20 A Yes, sir.

21 Q And, in fact, did you have a meeting prior to driving
22 the two men to the scene of the crime?

23 A Yes, sir.

24 Q And that meeting was off of St. Andrews Road?

25 A Yes, sir.

1 Q And Dominique was at the meeting?

2 A Yes, sir.

3 Q And you were at the meeting?

4 A Yes, sir.

5 Q And Simone Patterson was at the meeting?

6 A She was -- Yeah, she wasn't in the room at the time.

7 Q She was in the apartment?

8 A Yes, sir.

9 Q And Bre Jackson was in the apartment?

10 A Yes, sir.

11 Q And Bre Jackson's boyfriend, Justin, was at the
12 apartment?

13 A Yes, sir.

14 MS. CAMPBELL: Objection, Your Honor, just to the
15 relevance of this line of questioning.

16 THE COURT: I was beginning to wonder. The reason for
17 the proffer is that the state would like to argue flight in
18 its opening statement. I had indicated they probably should
19 not do that unless they made some proffer on that point to
20 show the Court on the likelihood that they will be able to
21 prove some nexus between the leaving of the Columbia area
22 and the event that occurred. So that's the issue. This is
23 not discovery.

24 MR. STANLEY: I understand, Your Honor, but --

25 THE COURT: You needed to get close to the issue.

1 MR. STANLEY: Certainly, Your Honor, but I want to
2 establish that she was aware of the crime and what she was
3 aware of.

4 THE COURT: I think you have. You may proceed.

5 MR. STANLEY: Thank you, Your Honor.

6 BY MR. STANLEY:

7 Q. And after this meeting with you -- after this meeting
8 about a week later you went to North Carolina?

9 A. Yes, sir.

10 Q. Did any police talk to you about this case?

11 A. Not before March.

12 Q. So in between January 8 and the time you left you
13 didn't talk to any police?

14 A. No.

15 Q. Are you aware if Dominique talked to any police?

16 A. No, sir.

17 Q. Were you aware of any investigation involving
18 Dominique?

19 A. No, sir. Not until they came to my house.

20 Q. So, you weren't aware of any investigation until March
21 8?

22 A. No.

23 Q. Okay. So you guys weren't leaving because the police
24 were after you?

25 A. We basically was just nervous, so we left.

1 Q So you just assumed that the police might be after you?

2 A Yes, sir.

3 Q And you did not know that Dominique was a suspect in
4 the case?

5 A Yes, I did.

6 Q At the time you left you didn't know she was a suspect?

7 A Yes, I did know she was a suspect when we left.

8 Q How did you know that she was a suspect?

9 A Because we talked about the case before we left.

10 Q And about what time did you come back to South
11 Carolina?

12 A I don't know what time it was.

13 Q Before February of that year?

14 A Yes, sir.

15 Q And you guys went to stay with Dominique's family?

16 A Yes, sir.

17 Q Did you stay with her mom?

18 A No, sir. Her aunt.

19 MR. STANLEY: No further questions.

20 THE COURT: Anything further from the state from this
21 witness?

22 MS. CAMPBELL: No, sir.

23 THE COURT: Ma'am, you may step down. Thank you very
24 much.

25 (End of Proffer.)

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1 THE COURT: All right. I'll hear from the state on this
2 question.

3 MS. CAMPBELL: Your Honor, I think it's clear that the
4 reason they left South Carolina was because they were in
5 fear of what the events they participated in was the reason
6 they left.

7 THE COURT: All right.
8 Defense position?

9 MR. STANLEY: Your Honor, I believe I quoted this in my
10 memo. I do want to point to State v. Marin, it's a most
11 recent 2013, Court of Appeals case and basically that case
12 is and you know we talk about a lot about nexus yesterday,
13 but the case states that in order of the flight the relevant
14 you have to have inference the defendant had knowledge they
15 were being sought by authorities. They had no knowledge that
16 the police were after them at any point, but -- at any point
17 during this week long period. It's not like there was
18 immediate flight, again, a seven-day period. But beyond the
19 inference that they had knowledge they have to be motivated
20 as a result of their belief that police officers were aware
21 in seeking them out for that purpose. So you don't have the
22 prong of, you know, any police or of them being motivated by
23 the police action. The police did not consider a suspect,
24 didn't seek a search warrant, an arrest warrant, excuse me,
25 until February of that year. She was already in North

1 Carolina at that point. So I think you have to look at two
2 things. What their motivation was or what the inference is
3 and, again, were their acts motivated as a result of a
4 belief that police were aware and seeking. It's kind of,
5 again, it's a three prong -- it's a two prong with two A to
6 two B.

7 So I don't think that the state has proven that their
8 actions were motivated, the police were aware and seeking
9 them -- the police never actually sought them out until
10 later on.

11 THE COURT: State wish to further argue.

12 MS. CAMPBELL: No, sir.

13 THE COURT: The testimony I belief was that they went
14 there because they believed or assumed the police were
15 pursuing. My understanding of flight evidence is it applies
16 not just a flight but other forms of evasive conduct. Here
17 we have someone who crossed state lines, left the area, and
18 that witness has indicated it was because they assumed the
19 police going to investigate them about this. So I'm can
20 allow the state to at least argue it in opening statements.

21 MS. CAMPBELL: Thank you.

22 THE COURT: Now, whether or not later the evidence is
23 admissible, certainly you have the right to challenge it
24 once the case is being tried.

25 All right. Any other matters the state would like for

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1 me to consider?

2 MS. CAMPBELL: Your Honor, the only other thing is far
3 as prior records, I have some witnesses that might come up
4 this morning. Amber Richardson, all she has are these
5 pending charges of attempted murder and armed robbery.

6 THE COURT: I'm sorry?

7 MS. CAMPBELL: Amber Richardson has pending, in our
8 office in conjunction with this case, an attempted murder
9 and armed robbery. She has no other record. Simone
10 Patterson has no record. The victim in the case, Mr. Jamie
11 Sherman, I've looked at his record and I'll review it with
12 the defense, Your Honor, quickly before the jury comes in,
13 but there's nothing impeachable on there.

14 MR. STANLEY: Your Honor, I actually disagree about the
15 impeachable evidence.

16 THE COURT: We're not making a ruling on that, she is
17 going to make you aware of his record and if you feel that
18 it's admissible you can make that effort later one.

19 All right. Anything else?

20 MS. CAMPBELL: No, sir.

21 THE COURT: Anything else from the defense?

22 MR. STANLEY: No, Your Honor.

23 THE COURT: All right. We've got a few minutes before
24 the jury is scheduled to be here. I will take a brief
25 recess and if you need to get with him concerning that

1 information that will be fine.

2 Court will be in recess for a few minutes.

3 (Court in recess for short break at 9:25 a.m.)

4 (Court in session after short break at 9:34 a.m.)

5 THE COURT: Thank you very much. You may be seated.

6 Yes, ma'am.

7 MS. CAMPBELL: Your Honor, we were able to meet over
8 the break. I apologize, the rap sheet didn't correctly
9 reflect -- we found a conviction of the illegal distribution
10 of a DVD that we agree should come in.

11 THE COURT: All right. So we've straighten that matter
12 out?

13 MR. STANLEY: Yes, sir.

14 THE COURT: All right.

15 I received a communication from a juror through the
16 bailiff. I'll ask the attorneys to approach the bench so
17 you can read the communication.

18 (Off the record bench conference with counsel and the
19 Court.)

20 THE COURT: The nature of the communication that I
21 received indicated that a juror, Pam Green, Juror No. 33,
22 indicated that her husband reminded her that she had someone
23 break into her home about 10 to 12 years ago, took coins and
24 an old microwave from a garage. They weren't at home, she
25 had forgotten about it. Nothing much was taken. She didn't

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1 MS. WALKER: Good morning.

2 It's January 8, 2012. The victim in this case, Jamie
3 Sherman, was at his home located off of Broad River Road,
4 here in Richland county. He'd been getting phone calls and
5 text messages from a friend of his, someone whom he believed
6 to be a friend at that time, stating that she was going to
7 come over and see him and they were going to hang out. At
8 this point in time, he had known that woman for five months.
9 That woman was the defendant, Dominique Ross.

10 After working at his car wash, he met Dominique Ross at
11 home, Jamie will take the stand and he's going to tell you
12 what happened that day. He's going to tell you that
13 Dominique Ross kept telling him, take shower, go jump in the
14 shower so you can get cleaned up and we can relax and we can
15 start hanging out. She said this to him on more than one
16 occasion and the entire time she was saying these things to
17 him she was texting on her phone.

18 Jamie went into his bathroom and began to prepared to
19 take a shower when he saw this defendant go over to his
20 front door and unlock the door. At that point in time,
21 three men armed with a gun rushed into Jamie's home. Jamie
22 panicked and closed the bathroom door, and because they were
23 not going to be deterred those three men fired shots through
24 that bathroom door. Those gunshots hit Jamie in his left
25 eye, Jamie, as a result of those gunshots has lost his left

1 eye. He fell forward onto his bathroom tile. He was
2 bleeding profusely from the head. At that point in time,
3 the defendants held him at gunpoint and said to him, you
4 already know what time it is, where's the money at. They
5 demanded the money that he'd earned that day working at his
6 carwash. Fearful for his life, Jamie Sherman told them
7 where the money was. The three men went into his bedroom
8 and took a cash drawer out and fled from his home. At that
9 point, Jamie this defendant come back into his home through
10 the back door. He begged and pleaded for her to call 911,
11 which she eventually did, but not before going through his
12 pockets and going through his home to see what else she
13 could take. She called 911, and when police arrived
14 Dominique Ross played the role of victim and witness in this
15 home invasion.

16 Ladies and gentlemen, the armed gunmen, two of them,
17 have been identified. They are Dexter and Raeford McNeil.
18 Now, during the course of their investigation law
19 enforcement officers learned that Dexter and Raeford McNeil
20 are no strangers. They are related to this defendant.

21 Dexter and Raeford McNeil were driven to that home in a
22 car by another co-defendant who's also been charged in this
23 case, Amber Richardson, whom you will hear from. She was
24 the woman that this defendant was dating at the time. She
25 drove -- Amber Richardson is going to tell you the story of

1 how this crime was thought of and how this crime was carried
2 out. For their crimes, this defendant and her co-defendants
3 have been charged with three crimes; armed robbery, burglary
4 in the first degree and attempted murder.

5 Ladies and gentlemen, this state defines those crimes:
6 Armed robbery occurs when a person armed with a deadly
7 weapon takes property from another person. Burglary in the
8 first-degree, can happen in a number of ways. In this case
9 it happened in several different ways. A burglary can occur
10 when, like in this case, a person uses trick or deceit to
11 gain entry into another's home. When Dominique Ross called
12 Jamie Sherman and told him she just wanted to come over and
13 hang out, all the time knowing she was acting as nothing
14 more than a Trojan Horse to get her co-defendants into the
15 home, that was the trick and deceit that she was using to
16 gain entry into the home. The entry occurred during hours
17 of darkness, which is also a way burglary in the first
18 degree can happen. It occurred when the intruders, in this
19 case her co-defendants, using a weapon, in this case a gun,
20 which is a way a burglary in the first degree can happen. It
21 also occurred when this victim was shot in the face. When
22 a victim is injured during a burglary, that can also be a
23 burglary in the first degree.

24 During closing arguments, Ms. Campbell will go over
25 this in more detail with you, but there are several ways in

1 which this defendant is guilty of burglary in the first
2 degree. As for attempted murder, it is simply that.
3 Attempting to kill another person. In this state the hand
4 of one is the hand of all. What that means, ladies and
5 gentlemen, is that when a group of people, in this case,
6 this defendant, her uncles and co-defendants and her former
7 girlfriend co-defendant go together to decide to rob,
8 burglarize and shoot this defendant. The hand of one of
9 them became the hand of all of them. They all became
10 equally responsible for one another's actions. She is as
11 guilty of attempted murder as if she had pulled the trigger
12 herself.

13 In order to prove these crimes to you, in order to
14 prove them beyond a reasonable doubt, which the Judge has
15 stated is the standard in this case. In order to leave you
16 firmly convinced, that's what reasonable doubt mean, that
17 you must be firmly convinced of this defendant's guilt,
18 we're going to bring forth several witnesses who can testify
19 about what they saw, what they heard that day or witnesses
20 who were involved in the investigation of this case.

21 You're going to hear witnesses like Amber Richardson,
22 the co-defendant in this case. She's going to tell you that
23 she was dating Dominique Ross at the time. That when she
24 returned to the apartment that she shared with Dominique
25 Ross and two other individuals they were discussing a plan.

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1 Raeford McNeil, Dexter McNeil and Dominique Ross were
2 discussing a plan to rob Jamie Sherman. That it was decided
3 that she was going to be the getaway driver. That, at that
4 point, Amber drove Dominique Ross to Jamie Sherman's home
5 and dropped her off. She returned to the apartment where
6 she picked up Dexter and Raeford McNeil, this defendant's
7 uncles, and drove them to that same apartment. She is going
8 to tell you that as she was driving them to the apartment
9 she heard a gun cock in the backseat of the car. She's
10 going to tell you that they then got out of the car, Dexter
11 and Raeford McNeil. That there was another car that was
12 following them, that that driver got out of his car, as
13 well. That they went into the direction of Jamie Sherman's
14 home and that moments later she heard a gunshot. She then
15 saw them run back, one of the McNeil brothers got into her
16 car, the other one got into the car that was driven by the
17 other man, who still is yet to be identified, and that they
18 drove back to Dominique Ross and Amber Richardson's
19 apartment. She will tell you that later Dominique Ross
20 returned to the apartment and that a week later fearful that
21 they may be sought out by the police for their crimes, they
22 fled to North Carolina to reside with this defendant's
23 family.

24 You're going to hear from Simone Patterson. She is a
25 relative of Amber Richardson who was at the house when this

1 robbery was being planned. She is going to tell you who she
2 saw there, what she heard during the planning of the robbery
3 and that the defendant left and came back later and at that
4 point Simone asked to be taken home. She was not a
5 participant in the crime, but she has relevant information
6 to come forth and tell you about the planning of this home
7 invasion that day.

8 In addition to the two of them, you're going to hear
9 from a witness by the name of Alberto Gutierrez. Mr.
10 Gutierrez is going to tell you he was a friend of Jamie
11 Sherman, that he was walking with his little brother on
12 Broad River that day to go to a Family Dollar and he heard
13 what he thought was gunshots and then he saw what he thought
14 was three men leaving the area of Jamie Sherman's home and
15 walking away and that one of them had a -- at that point it
16 didn't occur to Mr. Gutierrez what had happened until he
17 heard that his friend, Jamie Sherman had been the victim of
18 a burglary, robbery and attempted murder.

19 You will go to hear from several members of law
20 enforcement, members of the Richland County Sheriff's
21 Department, who are seated here at this table. They are
22 going to tell you that during the course of their
23 investigation they realized that Dominic Ross was no victim,
24 that Dominic Ross was no witness, that this defendant
25 manipulated the victim into letting her into his home so

1 that she could then unlock the door and allow her relatives
2 to take from Jamie Sherman, not just the money he earned,
3 but his left eye.

4 They are going to tell you that over the course of
5 their investigation they began to get phone records once
6 they realized what Dominique Ross's involvement in this
7 crime was. They're going to tell you that those phone
8 records showed them a number that was dialed several times
9 right before this armed robbery took place. That number was
10 Amber Richardson's number. After talking with Amber
11 Richardson, after Amber Richardson implicated herself and
12 her co-defendant in this crime, they got her phone records
13 as well, and those phone records show a conversation taking
14 place between Dominic Ross and Amber Richardson in which
15 Amber is directing Dominique Ross to erase her phone, to get
16 rid of her phone because they did not want any evidence
17 implicating them in this crime on those phones.

18 What they didn't think about while they were destroying
19 evidence and fleeing the state was that you can erase
20 message or a phone call from your phone but that doesn't
21 erase it from the phone companies records, you'll be able to
22 see those text messages that take place between this
23 defendant and her co-defendant and former girlfriend.

24 They're going to tell you that they found this
25 defendant in North Carolina where she was hiding out with

1 her family members and they brought her back here to South
2 Carolina so that she could be held accountable for her
3 actions. So that Jamie Sherman could get justice for what
4 happened to him.

5 That's why we're here this week, ladies and gentlemen.
6 To hold this defendant accountable for her actions on
7 January 8, 2012. For her decision to contact Jamie Sherman
8 and to gain entry into his home. For her decision to get
9 with her uncles and her girlfriend to set him up for an
10 armed robbery, for her decision to go into that home, for
11 her decision to persuade him to go ahead and jump in the
12 shower, at that point in time, and while he was in the
13 shower, while he was getting ready to get in the shower,
14 excuse me, while he was most vulnerable, her decision was to
15 send a text message saying she was in to unlock the door and
16 to allow her uncles and co-defendants to come in --

17 MR. STANLEY: Your Honor, I object. That's not in the
18 evidence.

19 THE COURT: No evidence is in but I will ask the state
20 to conform to the proof that you expect to prove.

21 MS. WALKER: Yes, Your Honor.

22 For her decision to allow them into the home, her
23 decision to allow them to rob a person who she befriended
24 and for her decision to then get a cut of the money from
25 that armed robbery, for her decision to flee the state. The

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1 only thing that we're going to ask you for at the conclusion
2 of this trial is for this defendant to be held accountable
3 for her actions. We're going to ask you at the conclusion
4 of this trial to return three verdicts of guilty. One
5 guilty of guilty for attempted murder. One verdict of
6 guilty for armed robbery and one verdict of guilty for
7 burglary in the first degree.

8 There will be additional evidence that you will hear
9 about over the course of this trial. As I said, you're
10 going to see cell phone records, you're going to hear
11 testimony from her co-defendant and from eye witnesses who
12 were there during her planning and execution of this home
13 invasion.

14 All we're going to do is ask you to judge the
15 credibility of that evidence as the Judge has instructed you
16 on and return a verdict that speaks the truth. A verdict of
17 guilty on all three counts for this defendant, Dominique
18 Ross.

19 Thank you.

20 THE COURT: Mr. Stanley for the defense. You may
21 proceed.

22 THE DEFENSE - OPENING STATEMENT

23 MR. STANLEY: May it please the Court.

24 THE COURT: Yes, sir.

25 MR. STANLEY: Solicitor, ladies and gentlemen of the

1 jury.

2 The only issue in this case is whether Dominique Ross
3 got three men to come from North Carolina to rob the victim
4 in this case. That is the issue. That state has to prove
5 beyond a reasonable doubt that this all happened. And in
6 order to believe that, you're going to have to believe a
7 woman named Amber Richardson. Amber Richardson is the
8 admitted getaway car driver in this case. Yes, she did have
9 a romantic relationship with Dominique among others, and she
10 was also smart enough to tell police exactly what they wanted
11 to hear.

12 In a criminal trial, the state gets -- has the burden of
13 proof and gets to go first. It is only after the state goes
14 that we get a chance to present our defense. I ask you to
15 wait until you've heard all of the evidence before you make
16 up your mind in this matter.

17 Now, in its opening statement the state presented a very
18 dramatic sequence of events, not unlike something you'd see
19 on television, full of sex and revenge and violence. You
20 have to believe that these men came all the way from North
21 Carolina to rob the victim and you have to believe all of
22 their stories. All of the pieces are going to matter.

23 You are going to have an interesting perspective in this
24 case, because you get to hear two side to a coin. You get to
25 hear the victim's story and you also get to hear the getaway

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1 car driver's perspective. At some point, those stories have
2 to match up. Do the description of the people match up. Are
3 they wearing masks, what are they doing. They all have to
4 come together.

5 We are certainly not disputing that Dominique Ross was
6 inside that house. She was invited into the home. She
7 actually kept her dog there. She lived in an apartment and
8 was not allowed to have a dog. So the dog actually lived
9 with the victim. She came over to feed the dog on a regular
10 basis, and we're not disputing that she opened the door. We
11 are disputing who she opened the door for.

12 I believe the evidence will show that the state cannot
13 prove that she opened the door for these three men.

14 Now, let's talk about these men. They are related,
15 they're in-laws, they are -- I guess uncles-in-law, but they
16 are married to an aunt or one of them is married to an aunt.
17 In fact, the aunt got married to this gentleman the summer
18 before all this happened. So you have to ask yourself what
19 are the motivations of these people, and You're also going
20 to have to ask yourself the motivation of each witness in the
21 case, are they motivated by revenge, are they motivated by
22 fear, are they motivated to save themselves.

23 Now, during the course of the trial the state will
24 present evidence. They cannot present any evidence of
25 Dominic Ross having a gun. Dominique Ross kicking in the

1 door and breaking in the house. They can't say that's her
2 shooting the gun, can say there's evidence of her running out
3 the door.

4 Okay, then let's talk about what they can do with the
5 uncles or the relatives. They have no physical evidence.
6 They will show you no DNA evidence, they will show you no
7 fingerprint evidence. They will tell you that they found a
8 bullet but they cannot track that bullet to any gun. All you
9 have is the story of Amber Richardson, who needs to save
10 herself, who made up this story and is trying to save
11 herself.

12 I also ask you to also examine the plan in this case.
13 If this is all going to come together, the plan has to make
14 sense. If she's going to go in there and be the Trojan Horse
15 that she's saying the plan has to come together, there has to
16 be some plan with all these people involved. What you're
17 looking at, you'll see that there was no plan, there was no
18 planning.

19 I would also ask you to consider who is the third man,
20 why can't they find any evidence on him? At this point,
21 Dominic Ross is the only person on trial for this case. No
22 other person has been found guilty. No other person has been
23 brought before the court. No other person has been proven
24 beyond a reasonable doubt they did it, even the getaway car
25 driver. No one has admitting guilt. So they are building

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1 this case on the assumption that these men came from North
2 Carolina, but they have to prove it.

3 I feel confident that after you've heard all the
4 evidence that the state cannot prove beyond a reasonable
5 doubt that these men came from North Carolina. They have no
6 physical evidence.

7 Now, at the end of this trial you will have a verdict
8 form. It will be a box and it will be guilty/not guilty. I
9 can't prove my client innocent. That's not a box you can
10 check. You have to evaluate the state's evidence of what
11 they can prove and if they don't prove it beyond a reasonable
12 doubt, then you cannot find her guilty in this case.

13 Thank you very much. I appreciate your time. My name
14 is Craig Stanley, again, this is Christopher Leonard and we
15 look forward to working with you on this case.

16 Thank you.

17 THE COURT: Thank you, sir.

18 You may call your first witness for the state.

19 MS. WALKER: State calls Deputy James Stone.

20 THE CLERK: Please raise your right hand.

21 (WHEREUPON, James Stone was sworn to
22 tell the truth.)

23 THE COURT: Sir, once you're seated, I'll ask you to
24 state your name.

25 DEPUTY STONE: Cpl. James Stone.

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1 THE COURT: Thank you.

2 Ms. Walker you witness.

3 MS. WALKER: Thank, Your Honor.

4 JAMES STONE - DIRECT EXAMINATION

5 BY MS. WALKER:

6 Q. Sir, where are you currently employed?

7 A. Richland County Sheriff's Department.

8 Q. What do you do at the Sheriff's Department?

9 A. Currently, I'm the supervisor for patrol.

10 Q. A specific area of Richland County?

11 A. Yes. Region 4, which entails all the area from downtown
12 Columbia to Newberry.

13 Q. I want to turn -- well, let me ask you this, do you know
14 Jamie Sherman?

15 A. I do.

16 Q. How do you know Jamie Sherman?

17 A. He owns, runs and operates a car wash which is just
18 outside of our region. He washes law enforcement cars that
19 go by there. It's real convenient next to our substation.

20 Q. And I want to turn your attention -- well, when you say
21 you're a supervisor for road deputies?

22 A. It entails -- the same as any other deputy whether we
23 are supervisors or not, we have calls to respond to, anyone
24 that calls 911 a line unit, road deputy is responding and I'm
25 the supervisor of the line units and deputies who are

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1 responding to any calls. I'm responsible to answer any
2 complaints or whatnot.

3 Q On January 8, 2012, did you have occasion to respond to
4 a complaint from Jamie Sherman?

5 A. I did.

6 Q. Can you tell us -- were you on duty at that time?

7 A I was.

8 Q Can you tell us why you responded or what caused you to
9 go out there?

10 A The call initially came out as a major incident, it was
11 logged as a home invasion that also entailed suspect on scene
12 with a gun and shots being fired.

13 Q And when you -- did you -- What address did you respond
14 to?

15 A. 3000 block of Broad River Road, adjacent to Beatty and
16 Broad --

17 Q Do you have a copy of your report with you?

18 A I don't.

19 Q If I showed you a copy of your report would it refresh
20 your memory as to the address?

21 A Yes, ma'am.

22 MS. WALKER: Your Honor, may I approach the witness.

23 THE COURT: You may.

24 MS. WALKER: Thank you.

25 BY MS. WALKER:

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1 Q The address is and is that here
2 in Richland County?

3 A It is.

4 Q Sir, I want to show you State's Exhibit 90 and ask you
5 if you recognize this?

6 A I do recognize that.

7 Q How do you recognize this?

8 A The building on the right is the carwash itself that he
9 operates out of. The building on the left is where he
10 resides.

11 MS. WALKER: Your Honor, state seeks to move Exhibit 90
12 into evidence?

13 THE COURT: Any objection?

14 MR. STANLEY: None, Your Honor.

15 THE COURT: Without objection, it will be admitted as
16 marked. You may proceed.

17 (State's Exhibit No. 90, photo, was
18 marked and entered.)

19 MS. WALKER: Thank, Your Honor.

20 BY MS. WALKER:

21 Q Can you tell me which one is the carwash?

22 A The carwash is on the right.

23 Q And building right here?

24 A That's where he lives.

25 Q And this is where you responded that night?

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1 A That is the location we responded to.

2 Q And State's Exhibit No. 89. Do you recognize this?

3 A I do.

4 Q And is this residence depicted on this map as well?

5 A Yes.

6 MS. WALKER: Your Honor, at this point, state seeks to
7 admit Exhibit No. 89 into evidence.

8 THE COURT: Any objections, Mr. Stanley?

9 MR. STANLEY: No, Your Honor.

10 THE COURT: Without objection, it will be admitted into
11 evidence as it's been marked.

12 You may proceed.

13 THE COURT: Thank Your Honor.

14 (State's Exhibit No. 89, photo, was
15 marked and entered.)

16 BY MS. WALKER:

17 Q Where on this map is the incident location?

18 A Broad River Road, St. Andrews Terrace, this parking lot
19 right here is the carwash parking lot, that building is where
20 the carwash was ran out of and you can see a building in
21 between the trees, which is his residence.

22 Q Okay. Can you tell me what you observed that night when
23 you responded to that location.?

24 A I did observe Jamie standing outside of his house and
25 there was a large amount of blood coming from his head area.

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1 Q Did you make contact -- did you speak with him, were you
2 able to communicate with him?

3 A Briefly.

4 Q At that point in time when you arrived, was an ambulance
5 on scene?

6 A Yes?

7 Q Are they tending to the victim?

8 A They were.

9 Q Don't tell me what he said, but did he tell you what
10 happened to him?

11 A He gave me a brief description.

12 MS. WALKER: Beg the Court's indulgence.

13 THE COURT: Yes, ma'am.

14 BY MS. WALKER:

15 Q Was there a female on the scene?

16 A Yes.

17 Q Do you see the person in the courtroom today?

18 A Yes, I do.

19 Q Could you point her out for the jury?

20 A The defendant seated at the table.

21 Q A female?

22 A Yes.

23 Q And as a responding officer did that conclude your duty
24 in terms of this incident?

25 A We responded to the call and there're some actions we

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1 have to take while we are there and then that would have been
2 the end of my duties.

3 Q. Thank you, sir. I don't have any other questions.

4 THE COURT: Defense may cross examine.

5 JAMES STONE - CROSS-EXAMINATION

6 BY MR. STANLEY:

7 Q. So you responded to a 911 call that night?

8 A. Correct.

9 Q. Dominic Ross made that 911 call?

10 A I don't have knowledge of who made the call. I found out
11 later she did.

12 Q. When you arrived to the scene, Jamie Sherman was
13 standing outside?

14 A. Correct.

15 Q. Dominic Ross was standing outside?

16 A. She was outside, yes.

17 Q. Did Jamie Sherman have a towel over his eye?

18 A. He had bandages where were being taken on and off. They
19 were working getting the --

20 Q. So the ambulance had already arrived at that point?

21 A. Correct.

22 Q. Was Jamie Sherman wearing any clothes?

23 A Yes. He had thrown on some clothes.

24 Q He was wearing pants and shirt?

25 A. Yes, sir.

1 Q. You did have an opportunity to speak with Jamie Sherman?

2 A. Briefly.

3 Q. While he was being bandaged up on the ambulance, the
4 ems?

5 A. Correct.

6 Q. You also had an opportunity to speak with Dominic Ross?

7 A Yes.

8 Q. You had no reason to believe that she was not -- I mean,
9 she was not -- excuse me. You had no reason to believe that
10 she wasn't invited into the house?

11 A No.

12 Q And Jamie Sherman didn't say, she wasn't invited into
13 his home?

14 A. No.

15 Q. Can you say how long you were at the house?

16 A. Count getting an investigator on the scene, counting
17 crime scene coming out, being a responding officer I'm
18 required to set up the crime scene and I was sitting with the
19 crime scene until relieved by the lab technician. Rough
20 guess two hours. I would have to see the crime scene log to
21 get an exact time.

22 Q. Do you mind if I show you the crime scene log?

23 A. Please.

24 Q. Here. Right there and right there. And the crime scene
25 log, how long does the crime scene log say you were at the

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1 scene of the crime?

2 A. It says I was inside the crime scene for 10 minutes.

3 Q But you were also outside the crime scene?

4 A Yes, sir.

5 MR. STANLEY: Beg the Court's indulgence?

6 THE COURT: Yes, sir.

7 BY MR. STANLEY:

8 Q. And did you ever get a description from the victim of
9 the description of the three men who entered the home?

10 A. I don't recall. She told me -- the description I got
11 was three black males had come in and pointed a gun at her
12 and she was thrown to the ground.

13 Q. And that was from Dominic Ross?

14 A. Correct.

15 Q. But the victim, Jamie Sherman, didn't make any
16 descriptions of any of the people inside the house?

17 A Other than three black men who come in and started
18 shooting at him.

19 Q All right.

20 MR. STANLEY: No further questions, Your Honor.

21 THE COURT: Redirect?

22 MS. WALKER: None, Your Honor.

23 THE COURT: All right, sir, you may step down. Thank
24 you, very much.

25 MR. STONE: Thank Your Honor.

1 THE COURT: Does state wish to excuse the witness?

2 MS. WALKER: Yes, sir.

3 THE COURT: Any objections?

4 MR. STANLEY: No objections, Your Honor.

5 THE COURT: Officer, you're free to leave, if you'd
6 like. Thank you very much.

7 State may call its next witness.

8 MS. CAMPBELL: State calls Amber Richardson.

9 THE COURT: I believe she may be outside; is that
10 correct?

11 MS. CAMPBELL: Yes, Your Honor. The defense requested
12 sequestration.

13 THE COURT: Ask her to come in, please.

14 Bailiff, check on Ms. Richardson. Ask her to come in,
15 please. Thank you.

16 MS. CAMPBELL: Your Honor, our paralegal did go to look
17 for her. She might have gone to the restroom.

18 THE COURT: All right.

19 MS. CAMPBELL: I'm sorry.

20 (Pause.)

21 THE COURT: Ma'am, come forward and be sworn, please.

22 MS. CAMPBELL: Thank Your Honor. I apologize.

23 THE COURT: That is no problem.

24 (WHEREUPON, Amber Richardson was
25 sworn to tell the truth.)

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1 THE CLERK: Have a seat, state your full name for the
2 record.

3 THE COURT: Ma'am, state your name for the record, once
4 you're seated.

5 MS. RICHARDSON: Amber Richardson.

6 THE COURT: Ms. Campbell, your witness.

7 MS. CAMPBELL: Thank Your Honor.

8 AMBER RICHARDSON - DIRECT EXAMINATION

9 BY MS. CAMPBELL:

10 Q. Ms. Richardson, how old are you?

11 A. 21.

12 Q. Do you live here in the Columbia area?

13 A. Yes, ma'am.

14 Q. And how long have you been living here in Columbia?

15 A. 21 years.

16 Q. Are your parents here in the courtroom?

17 A Yes, ma'am.

18 Q And where are they seated?

19 A Right there.

20 Q On the second row, right there?

21 A Yes, ma'am.

22 Q Where did you go to high school?

23 A Richland Northeast.

24 Q Did you graduate?

25 A Yes, ma'am.

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1 Q. What year did you graduate?

2 A 2010.

3 Q Since you graduated in 2010, what kind of employment
4 have you had?

5 A I worked on Ft. Jackson and right now I'm working as a
6 waitress at Harbor Inn.

7 Q How long have you been working as a waitress?

8 A Since August of last year.

9 Q Do you know Dominique Ross?

10 A Yes, ma'am.

11 Q. How do you know Dominique?

12 A. From school.

13 Q. Would that be high school that you met her?

14 A Yes, ma'am.

15 Q Were y'all in the same class?

16 A Yes, ma'am.

17 Q What kind of relationship did you develop with Dominique
18 Ross?

19 A She was my girlfriend.

20 Q. And how long were y'all girlfriends?

21 A. From December to about -- a few months.

22 Q A few months.

23 A Two or three months.

24 Q Before all this happened y'all had been together for a
25 period of a couple months?

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1 A. Yes, ma'am.

2 Q. Is it fair to say?

3 A. Yes, ma'am.

4 Q And where were you living back in January, 2012?

5 A Stoney Creek off of St. Andrews Road.

6 Q Off St. Andrews?

7 A Yes, ma'am.

8 Q. Is that an apartment complex or a subdivision?

9 A It's an apartment.

10 Q How long had you been living at Stoney Creek?

11 A About a month or two.

12 Q Who all was living there with you at the time?

13 A Me and Dominique Miranda and her boyfriend.

14 Q Was Dominique working back then?

15 A Then, no.

16 Q Did you ever -- I'm sorry.

17 A I'm sorry.

18 Q Did you ever meet any of her relatives that came to
19 town?

20 A Yes, ma'am.

21 Q What relatives did you meet with them came to town?

22 A The brothers that did the robbery.

23 Q And how did y'all -- how did you happen to meet them;
24 where were you at when you met them?

25 A At our apartment.

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1 Q. Who had invited them into your home at your apartment?

2 A Dominique.

3 Q And what was your relationship with the men that came to
4 your apartment.

5 A That was her uncle.

6 Q Her uncle?

7 A Yes, ma'am.

8 Q And did you know both of their names; I'm sorry, how
9 many were there?

10 A I just remember two.

11 Q Two that you remember?

12 A Yes, ma'am.

13 Q And did you know their names?

14 A Raeford and Dexter.

15 Q And at the time did you know Raeford's name or did you
16 know him by a nickname?

17 A Nickname.

18 Q And what was the nickname you knew Raeford by?

19 A Nut-Nut.

20 Q And since all this has happened, you've learned his real
21 name is Raeford?

22 A Yes, ma'am.

23 Q But at the time did you know the other uncles name?

24 A Dex is what we called him..

25 Q And you actually knew his full name?

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1 A. Yes, ma'am.

2 Q And did you know how she was related to them?

3 A That was her --

4 Q Did you know where they were from?

5 A North Carolina.

6 Q And did you know whether or not Dominique had family in
7 North Carolina?

8 A Yes, ma'am.

9 Q I'm going to turn your attention to January 8, when all
10 this happened that day. How long had the uncles been in town
11 when y'all started planning the events that happened on
12 January 8?

13 A Just that day.

14 Q Was there another man with them or do you know?

15 A He was with Raeford, yes, ma'am.

16 Q Okay. And that day who all was at your apartment when
17 y'all started talking about was going to happen?

18 A Me, my cousin, Brianna, and her Boyfriend and Dominique
19 and the two guys -- I don't remember them at all.

20 Q And you said your cousin was there?

21 A Simone Patterson.

22 Q And how old is Simone Patterson?

23 A 19.

24 Q Tell the jury what happened at the apartment that day
25 once the uncles, that were there, you and Dominique and what

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1 conversations took place?

2 A That day in the apartment -- well, first off, I left the
3 apartment early that day. We all kind of got into it. Well,
4 we weren't getting along. So I left and went to somebody's
5 house all day. I came back earlier in the day, I forgot --
6 just came back to the house and that's when I saw them and
7 they were outside talking. I went in the house and then I
8 left, and then I came back that night and that's when -- I
9 was getting some clothes because I was about to leave and
10 that's when she just asked, Dominique asked could I drive,
11 could I drop them off.

12 Q Did she tell you what she wanted you to drive her to do?

13 A Yes, ma'am.

14 Q What did she say that she and her uncles were doing?

15 A Going to rob Jamie.

16 Q Did you know Jamie?

17 A I met him once before.

18 Q And what was Dominique's relationship with Jamie, did
19 you know that?

20 A Just friends, supposed to be.

21 Q And Dominique told you they were going to rob him?

22 A Yes, ma'am.

23 Q And what did she ask you to do again, I'm sorry?

24 A Drive to the house and drop her off.

25 Q Did Dominique have a car or did you have a car?

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1 A. I had a car.

2 Q So did she talk to you anything else about the plan?

3 A Just to come back and get them, her uncles.

4 Q So what was the plan that night, as you knew it, as you
5 were told?

6 A They were going to rob him. She just asked could I
7 drive to drop them off and I said yes. I dropped her off and
8 then came back to the house to get Raeford and Dex and we
9 went back to the house, to Jamie's house.

10 Q. Once you went to -- you said you dropped her off first?

11 A. Yes, ma'am.

12 Q. Where did you drop her off?

13 A. At Jamie's house.

14 Q. And did you know where his house was?

15 A. Yes, ma'am.

16 Q. Are you familiar with the carwash?

17 A. Yes, ma'am. I've seen it.

18 Q. And where is the house located in relation to the
19 carwash?

20 A Right beside it.

21 Q And that's where you dropped her off?

22 A Yes, ma'am.

23 Q At that point, you went where?

24 A Back to the apartment to get Raeford and Dex.

25 Q What happened next?

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1 A We went to the house and they went inside.

2 Q Who was driving?

3 A I was.

4 Q And where was Dex?

5 A In the backseat, I think. They were in the car.

6 Q They were in the car?

7 A I don't remember who was in the front seat or the back.

8 Q And were any other cars involved in your trek back over
9 there?

10 A Yes, ma'am.

11 Q What was that?

12 A It was a white Taurus. Yes, ma'am.

13 Q And did you know who was in that car at the time?

14 A I don't remember.

15 Q While you were driving over there did you hear anything?

16 A I heard a gun cock in the backseat.

17 Q And did you know prior to that time that they had a gun?

18 A I heard them say something about it, but -- Yes, ma'am.

19 Q Once you got back to Jamie's, the two men that were in
20 the car with you, Dex and Nut-Nut?

21 A Yes, ma'am?

22 Q What did they do?

23 A They got out of the car and went in.

24 Q Where were you parked; do you remember?

25 A In Brook Pines parking lot.

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1 Q And where is Brook Pines parking lot in relation to
2 Jamie Sherman's house?

3 A Right beside it.

4 Q Once they got out of the car could you see what
5 direction they went in?

6 A To the house.

7 Q And where was the other white car that you described at
8 that point?

9 A They -- I guess they turned around. I think they turned
10 around.

11 Q Did you see anybody get out of that car?

12 A No, ma'am.

13 Q So you don't know where that was at that point?

14 A No, ma'am.

15 Q Well, get back to that. Once the two men got out of
16 your car they went towards Jamie's house?

17 A Yes, ma'am.

18 Q What did you do?

19 A I sat in the car.

20 Q What happened next?

21 A A few seconds later I heard a gunshot and that's when
22 they came -- when Nut-Nut came back to the car.

23 Q How many people did you see coming back towards the car?

24 A Just one.

25 Q Did you see Nut-Nut with anything?

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1 A No, ma'am.

2 Q Do you remember seeing a box in somebody's hand that
3 night?

4 A Yes, ma'am.

5 Q Do you remember who had the box?

6 A Dex, I think.

7 Q Do you know -- one of them had a box?

8 A Yes, one of them had a box.

9 Q And what happened, how many people did you see coming
10 back, after the gunshot how many people did you see coming
11 back?

12 A Both of them were in my car, but Raeford came to my car
13 and Dex went to the other car, the white car.

14 Q And where was the white car parked in relation to you?

15 A In Brook Pines. They were in the entrance.

16 Q And who got in your car; I'm sorry?

17 A Nut-Nut got in my car.

18 Q And he didn't have anything with him at that point?

19 A No, ma'am.

20 Q And did you know which one had the gun when they went
21 in?

22 A I don't remember.

23 Q Once -- was it Nut-Nut that got in your car?

24 A Yes, ma'am.

25 Q What did you do?

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1 A I just drove back to the apartment.

2 Q Did he say anything to you?

3 A Just drive.

4 Q What were you thinking?

5 A I was scared. I didn't know what to do.

6 Q So where did you drive to?

7 A The apartment.

8 Q Who all came back to the apartment with y'all?

9 A Me and Nut-Nut, and then they came in from the other
10 car.

11 Q While you were waiting in the parking lot, do you
12 remember whether you had your phone with you or not?

13 A Yes, ma'am, I did.

14 Q And were you texting to anybody?

15 A Yes, ma'am.

16 Q Who were you texting to?

17 A My cousin.

18 Q What were you telling her?

19 A That they were there and they were about to go inside.

20 Q Stuff like that?

21 A Yes, ma'am.

22 Q Did Dominique ever come out with the others?

23 A No, ma'am.

24 Q When is the next time you saw Dominique -- after you got
25 to the apartment did the men stay in the apartment with you?

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1 A No, ma'am, they left.

2 Q Immediately?

3 A Yes, ma'am.

4 Q Did you ever see the box again?

5 A No, ma'am.

6 Q At some point later that night did you see Dominique?

7 A Yes, ma'am. Later on she got dropped off by the police.

8 Q Later?

9 A Yes, ma'am.

10 Q That night did you also text Dominique about her phone?

11 A Yes, ma'am, I did.

12 Q What did you text to Dominique?

13 A To delete her messages.

14 Q To delete what?

15 A Her messages, our messages.

16 Q Why did you think she needed to delete her messages?

17 A They told me to tell her to delete her messages. I
18 guess somebody would see them, but --

19 Q And you texted her that?

20 A Yes, ma'am, I did.

21 Q Did y'all stay in your apartment that night?

22 A Yes, ma'am.

23 Q And over the next several days did y'all continue to
24 stay in your apartment?

25 A Yes, ma'am

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1 Q Do you know whether or not -- did you ever get any money
2 out of this?

3 A No, ma'am.

4 Q Who did get money that you know of?

5 A Dominique.

6 Q Do you know how much money she got?

7 A It wasn't much. I don't remember the amount right now.

8 Q Okay. The next day did Dominique tell you something
9 about what had happened to Jamie?

10 A Yes, ma'am.

11 Q What did she tell you had happened to Jamie?

12 MR. STANLEY: Objection. That's hearsay.

13 MS. CAMPBELL: It's a statement --

14 THE COURT: Statement made by the defendant. Overruled.

15 MS. CAMPBELL: Thank you.

16 BY MS. CAMPBELL:

17 Q You can go ahead. I'm sorry.

18 A They shot him.

19 Q Did y'all stay in Columbia?

20 A For about a week -- for a few days afterwards -- about a
21 week.

22 Q Why did y'all leave Columbia?

23 A We were scared.

24 Q Scared of what?

25 A We could get caught by the cops.

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1 Q Scared of getting caught by the cops?

2 A Yes, ma'am.

3 Q And were you still with Dominique at this point?

4 A Yes, ma'am.

5 Q After that night did you see any of her two uncles any
6 more?

7 A (Shakes head in negative response.) Not until we went
8 to North Carolina.

9 THE COURT: You have to answer verbally, ma'am. You
10 can't shake your head.

11 MS. RICHARDSON: Oh, yes, sir.

12 THE COURT: Thank you.

13 BY MS. CAMPBELL:

14 Q So about a week later y'all went to North Carolina?

15 A Yes, ma'am.

16 Q And who were you staying with in North Carolina?

17 A Her aunt.

18 Q Where in North Carolina were y'all?

19 A Holly Springs, North Carolina.

20 Q What's her's aunt's name?

21 A Lee, that's what we call her.

22 Q Once you got back from North Caroline did you see either
23 Dex or Nut-Nut again?

24 A Yes, ma'am.

25 Q Where did you see them?

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1 A At her house.

2 Q At whose house?

3 A At her house.

4 Q That's where y'all were staying?

5 A Yes, ma'am.

6 Q What was her Aunt Lee's relationship to either Dexter or
7 Nut-Nut?

8 A Dexter was her husband.

9 Q How long did you stay in North Carolina?

10 A About a week and a-half?

11 Q Why did you leave North Carolina?

12 A Just so we could go back home. Just felt like coming
13 home.

14 Q After you had been up there a week and a-half where did
15 you come back to?

16 A My parent's house.

17 Q Your parent's house?

18 A Yes, ma'am.

19 Q Did Dominique come back with you?

20 A No, ma'am. I came back by myself.

21 Q During January into February did you go to the police
22 and tell them what happened?

23 A No, ma'am, I didn't.

24 Q Why not?

25 A I was just -- was scared. I didn't want to tell. I

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1 didn't know what could happen to me or my family.

2 Q At some point in March did the police come and find you?

3 A Yes, ma'am.

4 Q Where were you when they found you?

5 A At my parent's house.

6 Q When they made contact with you did you understand why
7 they wanted to talk with you?

8 A Yes, ma'am.

9 Q What did you do?

10 A I called them back. They left a card on the door. I
11 called them back and then they came over and we talked. I
12 went to the station.

13 Q You went down to the station?

14 A Yes, ma'am.

15 Q And you met with some of the investigators from the
16 county?

17 A Yes, ma'am.

18 Q And at first they just started talking to you, right?

19 A Yes, ma'am.

20 Q What, if anything, did you tell them?

21 A Could you repeat that? I'm sorry.

22 Q What, if anything, did you tell them in response to
23 their questions; what did you tell them?

24 A I told them -- I was scared at first. I didn't want to
25 tell but I told the truth.

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1 Q At some point when you started telling them the truth,
2 did they even advise you of your rights?

3 A Yes, ma'am.

4 Q And they went through a series of questions?

5 A Yes, ma'am.

6 Q I'm going to show you this advise of rights, do you
7 recognize that?

8 A Yes, ma'am.

9 Q Do you want to look at it for a second to make sure
10 that's yours?

11 MS. CAMPBELL: Beg the Court's indulgence.

12 THE COURT: Yes, ma'am.

13 (Pause.)

14 MS. CAMPBELL: Would you mark this as the next one.

15 COURT REPORTER: The next one would be 91.

16 MS. CAMPBELL: Thank you, ma'am.

17 COURT REPORTER: You're welcome.

18 BY MS. CAMPBELL:

19 Q I'll show you what's been marked as State's Exhibit No.
20 91.

21 THE COURT: You want to show that to the defense, please.

22 MS. CAMPBELL: Yes. He's got a copy.

23 THE COURT: Okay. Thank you. You may proceed.

24 BY MS. CAMPBELL:

25 Q This is the actual -- do you recognize that?

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1 A Yes, ma'am.

2 Q Is that the advice of rights form they used in going
3 through your rights before questioning you any further?

4 A (No response.)

5 Q Is that the form they used?

6 A Yes, ma'am.

7 Q Is that your signature on the form?

8 A Yes, it is.

9 Q And are those the rights they went through with you that
10 day?

11 A Yes, ma'am.

12 MS. CAMPBELL: Your Honor, at this time we'd offer
13 State's Exhibit No. 91 into evidence.

14 THE COURT: Any objection?

15 MR. STANLEY: No objection.

16 THE COURT: Without objection it will be admitted into
17 the record as marked.

18 (State's Exhibit No. 91, advice of
19 rights form, was marked and entered.)

20 BY MS. CAMPBELL:

21 Q So you understood you had a right to an attorney?

22 A Yes, ma'am.

23 Q And that you didn't have to talk to them?

24 A Yes, ma'am.

25 Q But you talked to them anyway?

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1 A Yes, ma'am.

2 Q And you told them everything you've told this jury?

3 A Yes, ma'am.

4 Q And you fully implicated yourself in this?

5 A Yes, ma'am.

6 Q Why did you talk to them?

7 A I just wanted to tell the truth.

8 Q When you talked to them did you also -- you gave them a
9 statement, you gave them like a four page statement,
10 approximately?

11 A Yes, ma'am.

12 Q Did you describe the two men that were her relatives?

13 A Yes, ma'am.

14 Q Do you remember the description you gave of them?

15 A That they both had dreads -- one had dreads and one had
16 braids.

17 Q That night did you get a good look at both of their
18 faces?

19 A Yes, ma'am.

20 Q During the course of that day and into that night?

21 A Yes, ma'am.

22 Q At some point, did they have masks on or did they just
23 have something on their heads?

24 A They had something on their head.

25 Q So you did see their faces?

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1 A. Yes, ma'am.

2 Q And you described them to the officers?

3 A Yes, ma'am.

4 Q And at that point did you give them the name of one of
5 them?

6 A Yes, ma'am.

7 Q And the nickname of the other?

8 A Yes, ma'am.

9 Q Later on, at that point, that night -- well, ultimately,
10 were you arrested on these charges?

11 A That day?

12 Q Not that day, but later on?

13 A Oh, yes, ma'am.

14 Q And you were charged, I believe, with armed robbery and
15 attempted murder?

16 A Yes, ma'am.

17 Q And those charges are still pending?

18 A Yes, ma'am.

19 Q Have you been promised anything in exchange for your
20 testimony?

21 A No, ma'am, I haven't.

22 Q And you understand what kind of time those charges
23 carry?

24 A Yes, ma'am.

25 Q Up to 30 years, I think, on both?

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1 A. Yes, ma'am.

2 Q. Later on, did they come back and show you a photo
3 lineup?

4 A. Yes, ma'am.

5 Q I believe on March 13, they made contact with you again?

6 A Yes, ma'am.

7 Q And where did that take place, do you remember?

8 A At the station, yes, ma'am.

9 Q At the station?

10 A Yes, ma'am.

11 Q And they showed you some photos?

12 A Yes, ma'am.

13 Q I'm going to show you what's will be marked as State's
14 Exhibit No. 92. Will you first look at that and see if you
15 recognize it?

16 A Yes, ma'am.

17 Q And is that the lineup they showed you?

18 A Yes, ma'am, it is.

19 Q And when they showed you that lineup, did it have all
20 that handwriting on it?

21 A Oh, no, ma'am.

22 Q Do you remember what, if anything, they asked you when
23 they showed you State's Exhibit 92?

24 A Just asked if I noticed anyone that was on here.

25 Q And when you looked at those six photographs, did you

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1 recognize anybody?

2 A Yes, ma'am, I do.

3 Q And which one did you recognize?

4 A Photo one, number one.

5 Q And who did you recognize that to be?

6 A Nut-Nut.

7 Q Nut-Nut?

8 A Yeah.

9 MS. CAMPBELL: Your Honor, at this time I'd offer State's
10 Exhibit No. 92 into evidence.

11 THE COURT: Any objection?

12 MR. STANLEY: No objection, Your Honor.

13 THE COURT: All right. It will be admitted then, without
14 objection, into the record as marked.

15 (State's Exhibit No. 92, photo
16 lineup, was marked and entered.)

17 BY MS. CAMPBELL:

18 Q Once you recognized it, did they have you initial that?

19 A Yes, ma'am.

20 Q And circle it?

21 A Yes, ma'am.

22 Q And then you signed on the bottom?

23 A Yes, ma'am.

24 Q And this is one of the two men that you recognized?

25 A (Nods head affirmatively.)

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1 Q Was it your idea to rob Jamie Sherman?

2 A No, ma'am.

3 Q And who was the one person out of all the people you
4 described who had a relationship with Jamie Sherman?

5 A Dominique.

6 Q Whose idea was it to rob Jamie Sherman; do you know?

7 A Dominique.

8 Q That night when y'all were planning everything, were
9 there other people in the apartment?

10 A Yes, ma'am.

11 Q Was your cousin Simone there that night?

12 A When it happened?

13 Q No. When it was being planned and when it happened?

14 A No, she wasn't. No, ma'am.

15 Q Do you know if she was there -- you were texting her
16 about what was going on?

17 A Yes, ma'am.

18 Q So she had some knowledge about what was going on?

19 A Yes. Yes, ma'am.

20 Q From what she'd overheard?

21 A Yes, ma'am.

22 Q Okay. Dominic Ross -- let me ask you this, your
23 relationship with Dominique -- you still care for her over a
24 period of time?

25 A. Yes, ma'am.

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1 Q. And at some point I think you even wrote her some
2 letters?

3 A. Yes, ma'am.

4 Q. Telling her how you felt?

5 A. Yes, ma'am.

6 Q. But the relationship failed?

7 A. Yes, ma'am.

8 Q. The person who got you to drop her off and to drive her
9 uncles, do you see her in the courtroom?

10 A. Yes, ma'am.

11 Q Can you point her our for the jury?

12 A. She sitting right there.

13 Q. The female sitting at a table --

14 A. Yes, ma'am.

15 Q. -- with her lawyers?

16 A Yes, ma'am.

17 MS. CAMPBELL: Your Honor, may the record reflect she's
18 identified the defendant?

19 THE COURT: It will so reflect.

20 MS. CAMPBELL: Thank you.

21 THE COURT: Ladies and gentlemen of the jury, we're
22 going to take a short break, at this point in time. I'll
23 allowed you to return to the jury room to refresh yourselves.
24 During the break while you are outside the courtroom, I'll
25 remind you not to discuss anything about this case, even

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1 among yourselves until I've asked you to begin your
2 deliberations.

3 The bailiff will return you to the jury room.

4 Thank you very much.

5 (Jury out at 10:59 a.m.)

6 THE COURT: Ma'am, during the break you can move about
7 to the courtroom. I will caution you, however, that you are
8 not permitted to discuss your testimony either past, current
9 or future testimony with anyone during the break. Do you
10 understand that?

11 MS. RICHARDSON: Yes, sir.

12 THE COURT: All right. Court will be in recess briefly.

13 Thank you very much.

14 (Court in recess at 11:00 a.m.)

15 (Court in session 11:12 a.m.)

16 THE COURT: Thank you very much. You may be seated.

17 State ready to proceed? Defense ready to go forward?

18 MR. STANLEY: Yes, Your Honor.

19 MS. CAMPBELL: State's ready.

20 THE COURT: Bring the jury in, Mr. Bailiff.

21 Thank you.

22 (Jury in at 11:12 a.m.)

23 THE BAILIFF: The jury is seated, Your Honor.

24 THE COURT: Thank you.

25 The defense may proceed with cross examination.

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1 MR. STANLEY: Thank Your Honor. Please the court.

2 THE COURT: Yes, sir.

3 AMBER RICHARDSON - CROSS-EXAMINATION

4 BY MR. STANLEY:

5 Q. So, you were the getaway car driver in this case?

6 A. Yes, sir.

7 Q. And you took two men to Jamie Sherman's house?

8 A. Yes, sir, I did.

9 Q. And you don't remember where they sat in the car?

10 A. Yes, sir.

11 Q. And they had a gun?

12 A. Yes, sir.

13 Q. But you didn't know about the gun until they got out of
14 the car?

15 A. I heard it in the back seat. I did.

16 Q. You never saw the gun?

17 A. Huh-uh. (Negative response.) No, sir.

18 Q. You described Dexter McNeil to the police, correct?

19 A. Yes, sir.

20 Q. And you described him as dark skin with braids?

21 A. Yes, sir.

22 Q. About six feet or six-one?

23 A. Yes, sir.

24 Q. Skinny?

25 A. Yes, sir.

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1 Q And you described Nut-Nut?

2 A Yes, sir.

3 Q And he had dreads?

4 A Yes, sir.

5 Q He was short?

6 A Yes, sir.

7 Q He was like five-five?

8 A Yes, sir.

9 Q And he was heavy, like 220 to 230 pounds?

10 A Yes, sir.

11 Q And you couldn't describe the third guy?

12 A No. I didn't really pay anybody else any attention.

13 Q I want to ask a few questions about Dominique; do you
14 understand?

15 A Yes, sir.

16 Q You met in high school?

17 A Yes, sir.

18 Q You met at Richland Northeast?

19 A. Yes, sir.

20 Q. You graduated in 2010?

21 A. Yes, sir.

22 Q. You didn't start a relationship back then, did you?

23 A. No, sir.

24 Q. Okay. She was -- you, basically, later you came
25 together and became close?

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1 A. Yes, sir.

2 Q. And that was around Christmas time of 2011?

3 A Yes, sir.

4 Q. And prior to that time Dominique had another
5 relationship --

6 A Yes, sir.

7 Q -- with another girl?

8 A Yes, sir.

9 Q Okay. But around Christmas time she was having
10 relationship problems.

11 A Yes, sir.

12 Q And she moved out of her girlfriend's house?

13 A Yes, sir.

14 Q And she moved to an apartment off of St. Andrews Road.

15 A Yes, sir.

16 Q And Bre Jackson lived at that apartment off of St.
17 Andrews Road?

18 A Yes, sir.

19 Q And she also lived with Bre Jackson's boyfriend, Justin?

20 A Yes, sir.

21 Q And Bre Jackson is a friend of your's right?

22 A Yes. Yes, we were.

23 Q And also friends with Dominique?

24 A Yes, sir.

25 Q Okay. And you guys all moved in together around

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1 Christmas time, 2011?

2 A. Yes, sir. I moved before Dominique moved in.

3 Q Okay. And you remember New Years Eve, 2011-2012?

4 A Yes, sir.

5 Q Did you go to North Carolina?

6 A Yes, sir.

7 Q And you drove Dominique and Bre and Justin to North
8 Carolina?

9 A Yes, sir.

10 Q And you guys had an opportunity to meet Dominique's
11 family, right?

12 A Yes, sir.

13 Q Did you meet her mom?

14 A Yes, sir.

15 Q Her aunt?

16 A Yes, sir.

17 Q Her whole extended family?

18 A Yes, sir.

19 Q You got to meet Dexter McNeil?

20 A Yes, sir.

21 Q You got to also meet a guy named Nut-Nut?

22 A No, I didn't meet him.

23 Q Okay. But you met the rest of Dominique's family during
24 that new years?

25 A Yes, sir.

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1 Q And you went up to Raleigh, that's where her family
2 lives, near Raleigh?

3 A Yes, sir.

4 Q Okay. Did you drive?

5 A Yes, sir, I did.

6 Q Dominique never had a car?

7 A No, sir.

8 Q Okay. And you guys had a good time New Year's right?

9 A Yes, sir, we did.

10 Q Okay. And you were also -- you guys were all staying at
11 Bre Jackson's apartment, right?

12 A Yes, sir.

13 Q And even your dog lived with you, too?

14 A Yes, sir.

15 Q And sometimes the dog caused some problems with you and
16 Bre and all that?

17 A Yes, sir.

18 Q Sometimes they were mad to have to clean up after the
19 dog or the dog caused problems?

20 A Yes, sir.

21 Q At the time, do you remember your phone number?

22 A No, sir. I just remember it started with 363.

23 Q Okay. So if I told you the phone number is
24 ; that's not correct?

25 A That's been deleted, sir.

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1 Q You use your cell phone quite a bit, right?

2 A Yes, sir.

3 Q You use it to text your friends and family?

4 A Yes, sir.

5 Q You used to call your friends and family?

6 A Yes, sir.

7 Q And they would text you back, too?

8 A Yes, sir.

9 Q At the time did you have a job right around the New
10 Year's, Christmas time?

11 A Yes, sir, I did.

12 Q Okay. Where were you working?

13 A On Ft. Jackson at Johnson Food Service (verbatim).

14 Q So you were working at Ft. Jackson after the New Year's
15 period?

16 A Yes, sir.

17 Q Okay.

18 A Just a little while later.

19 Q But two weeks later you're okay to go to North Carolina?

20 A Yes, sir.

21 Q Okay. So you quit your job?

22 A Yes, I did.

23 Q Just out of the blue?

24 A Yes, I did.

25 Q What did you do at Ft. Jackson?

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1 A I was a DFA. We served the soldiers that were on basic
2 training and cleaned up the dining facility.

3 Q So you didn't make a lot of money did you?

4 A It was -- it was okay back then. Yes, sir.

5 Q Okay. But you still had to drive quite a bit?

6 A Yes, sir, I did.

7 Q Money was tight?

8 A Yes, sir.

9 Q I want to ask you a few questions about your
10 relationship with Dominique. By January 8, 2012 you and
11 Dominique had been seeing each other for about two weeks; is
12 the right?

13 A. I don't remember it being --

14 Q. You said you started seeing her after Christmas time?

15 A No. It wasn't after Christmas time it was before
16 Christmas time.

17 Q Okay. So for --

18 A I feel like it was a month or so.

19 Q And were you in many relationships?

20 A No, sir.

21 Q And you were in love with Dominique?

22 A Yes, sir.

23 Q Okay. I want to ask you a few questions about -- so you
24 weren't seeing any other people were you, during this time?

25 A No, sir. I had a friend, but that was my ex and we

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1 still conversate, still.

2 Q And so you weren't having sex with him?

3 A No, sir.

4 Q You weren't having relations with any other men?

5 A No, sir.

6 Q Okay. I want to show you some -- a few of your text
7 messages, okay.

8 A (No response.)

9 Q I want to ask you to read the red line. This is your
10 phone number

11 A Yes, sir.

12 Q And can you tell me what time that was, so that's the 7.

13 A The 7, yes, sir.

14 Q Can you read -- okay, and 11:55 p.m.?

15 A Yes, sir.

16 Q Okay. That's done in military time?

17 A Uh-huh. (Affirmative response.)

18 Q And do you recognize this number?

19 A Yes, sir.

20 Q Who's number is that?

21 A My ex boyfriends.

22 Q Okay. And will you read this text to me.

23 A I will now, but I may have -- I may have more to say --
24 everyone for the last two weeks and things --

25 Q Okay. Did you also text him another statement?

2 Q And that was in response to how was that dick, and what
3 was your response, would you read your response to me?

4 A It was good and everything felt right tonight, but I
5 can't do any more.

6 Q Okay. And what did you say later on?

7 A Where --

8 Q That's your text right here. Will you please read it?

9 A Which text are you looking at?

10 Q So you texted --

11 A It wasn't a completed statement.

12 Q Okay. And did you also text him that you were worried
13 about feelings coming back?

14 A No -- yes.

15 Q And you still loved him?

16 A Yes, sir.

17 Q Were you also texting any other men during that time
18 period?

19 A No, sir. Not that I can remember.

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

21 THE COURT: You may.

22 (Off the record bench conference with counsel and the Court.)

23 BY MR. STANLEY:

24 Q On January 8, 2012, at about 3:30, did you text a phone
25 number , what you're going to tell your girl if

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1 you find out I'm pregnant?

2 A. No, I don't -- I don't remember.

3 (Document passed to witness.)

4 Q Is that what you texted?

5 A I guess I did. I don't remember.

6 Q Okay. Thank you. And also on January 8, at about 2:38
7 did you send another gentleman a picture of yourself?

8 A I don't remember. Can I see it again?

9 Q Yes.

10 A I must have.

11 Q So you weren't in an exclusive relationship with
12 Dominique at the time?

13 A I was, but --

14 Q You testified earlier that you didn't get any money for
15 this crime?

16 A Yes, sir.

17 Q And you drove Dominique to Jamie Sherman's house?

18 A Yes, sir.

19 Q And you drove back to the apartment?

20 A Yes, sir.

21 Q And then drove these guys, you drove two men to Jamie
22 Sherman's house?

23 A Again, not again. You just said I drove -- and then I
24 drove back.

25 Q So you drove Dominique --

1 A Uh-huh. (Affirmative response.)

2 Q -- and then you drove back to your apartment?

3 A Yes, sir.

4 Q And then you drove those two guys --

5 A Oh, yes, sir.

6 Q -- back?

7 A Uh-huh. (Affirmative response.)

8 Q And then you waited for the crime to happen?

9 A Yes, sir.

10 Q And then you drove them back to the apartment?

11 A Yes, sir.

12 Q And you didn't get any money at all in this case?

13 A No, sir.

14 Q And money was tight for you, right?

15 A A little bit, yes, sir.

16 Q And on January 7, about Midnight, a little after

17 Midnight, did you text Dominique saying you were waiting on
18 your gas money?

19 A Yes, I guess -- I don't know.

20 Q Okay. Later on that day, about 12:47, do you remember
21 texting your mom and asking her for money?

22 A I don't remember, but --

23 Q Do you remember your mom's number?

24 A Yes, sir.

25 Q Okay. Is it

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1 A Yes, sir.

2 Q. Okay. And will you please read your statement right
3 there?

4 A Once again, can I get some money so I can get some food.

5 Q And when she told you no, did you say you were going to
6 get more money, did you ask for more money?

7 A Yes.

8 Q And do you remember texting another number that day
9 about 9:00 asking them to hold \$5.00 --

10 A Yes, sir.

11 Q -- until -- gives you the money?

12 A No, sir.

13 Q Will you please read your text message?

14 A You think I could hold \$5.00 until Terry gives me the
15 money. I'll bring it to you tonight when I come back.

16 Q So you needed to borrow \$5.00 the night before?

17 A Uh-huh. (Affirmative response.)

18 Q That weekend do you also remember being in an argument
19 or fight with your mom?

20 A No, sir.

21 Q Okay. And you've already testified that your mom's
22 phone number is

23 A Yes.

24 Q And did your mom send you a text saying that you can't
25 stay at the house because you've been breaking the rules?

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1 A. Yes, sir.

2 Q. And that was on the night of January 8, 2012?

3 A. Yes, sir.

4 Q So you weren't allowed to stay at your mom's house that
5 night?

6 A. No, sir.

7 Q. Okay. Do remember having an argument with Bre Jackson
8 that day?

9 A Yes, sir.

10 Q And was that argument over the dog?

11 A Yes, sir.

12 Q And was it over not cleaning up after yourself?

13 A I don't remember. I just remember it being about the
14 dog.

15 Q Okay. And do you remember that conversation being
16 around 5:48 that afternoon?

17 A I don't remember the exact time. I just remember it was
18 early in the day.

19 Q Okay. And if I showed you it was around 5:48 -- Bre's
20 number is

21 A Uh-huh. (Affirmative response.)

22 Q And so if you were texting Bre at about 5:48, that means
23 you guys weren't together, right?

24 A Yes, sir.

25 Q And at 6:30, you texted Bre saying don't worry I'll be

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1 back later -- I'll be back tomorrow to get my stuff?

2 A Yes, sir.

3 Q And that was at 6:30?

4 A Yes, sir.

5 Q So on January 8, 2012, you're under a lot of stress?

6 A Yes, sir.

7 Q Money is low?

8 A Yes, sir.

9 Q You might have been pregnant?

10 A Yes, sir.

11 Q Your mom didn't want you at the house?

12 A Yes, sir.

13 Q Bre didn't want you at the house?

14 A Yes, sir. Was the text from my mom where she didn't
15 want me at the house, was it January 7, I think?

16 Q January 8.

17 A January 8.

18 Q But somehow during all this drama, you had a meeting
19 with Dominique?

20 A Yes, sir.

21 THE COURT: You need to form questions. You're making
22 statements. She needs to know when to answer or respond.
23 Make it in the form of a question and not make statements.

24 MR. STANLEY: Yes, Your Honor.

25 THE COURT: Thank you.

1 BY MR. STANLEY:

2 Q And at the meeting was Simone Patterson; correct?

3 A Yes, sir, but she was out of the room.

4 Q At the apartment was Simone Patterson; correct?

5 A Yes, sir.

6 Q And at the apartment was Bre Jackson; correct?

7 A Yes, sir.

8 Q And her boyfriend, Justin was there; correct?

9 A Yes, sir.

10 Q And there were also other individuals over there;
11 correct?

12 A Yes, sir.

13 Q And these other individuals happened to be Dexter
14 McNeil?

15 A Yes, sir.

16 Q And also happened to be Raeford McNeil?

17 A Yes, sir.

18 Q And then there are some other people you don't know?

19 A Yes, sir.

20 Q And you don't remember them?

21 A Yes -- no, sir, I don't.

22 Q And you can't describe them; correct?

23 A No, sir, I don't remember them.

24 Q And this meeting happened at 6:00 o'clock; when did this
25 meeting occur?

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1 A When I came back to the house about -- right before I
2 had to, basically, I had to get some of my clothes because I
3 was going to stay at my aunt's house that night and that's
4 when everything happened. That's when she asked could I take
5 the car -- drive her to the house.

6 Q So you -- so you didn't -- so you knew about the plan
7 ahead of time; correct?

8 A Yes, I heard them talking about it, but I wasn't
9 supposed to -- yes, I heard them talking about it.

10 Q And Simone Patterson knew about the plan, too; right?

11 A Yes, sir.

12 Q And you -- you and Simone talked about what was going
13 on?

14 A No, sir, we didn't talk about it. We -- well, she knew
15 I was about to go when I was about to leave.

16 Q But she also -- she texted you during your drive?

17 A Yes, sir.

18 Q And let me go back to the meeting, if you don't mind.
19 You agreed to drive two men to -- to Jamie Sherman's house?

20 A Yes, sir.

21 Q Okay, and this was after you had already dropped
22 Dominique off?

23 A Yes, sir.

24 Q And you had previously met Jamie Sherman before; right?

25 A Yes, sir.

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1 Q And you had hung out with him?

2 A Yes, sir.

3 Q And did you work at his carwash?

4 A No, sir.

5 Q Okay. You hung out at his house?

6 A Just one time, yes, sir.

7 Q Okay, and you knew he had some money?

8 A No, sir, I didn't know he had money.

9 Q But you knew he had a carwash; right?

10 A Yes, sir.

11 Q Okay, and you knew that Dominique kept her dog there?

12 A Yes, sir.

13 Q And she would go over there every once in a while to
14 take care of her dog?

15 A Yes, sir.

16 Q So she would go over to Jamie Sherman's house pretty
17 frequently; right?

18 A Yes, sir.

19 Q Okay. So you knew where Jamie Sherman's house was that
20 night?

21 A Yes, sir.

22 Q And you drove her to Jamie's house; right?

23 A Yes, sir.

24 Q You dropped her off?

25 A Yes, sir.

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1 Q. You drove back to St. Andrews Road?

2 A. Yes, sir, I did.

3 Q And then you picked up Dexter McNeil and Raeford McNeil?

4 A Yes, sir.

5 Q Okay. And were they sitting outside of the apartment,
6 they just jumped in the car?

7 A I don't remember. I think they had to be. I don't
8 remember getting out of the car.

9 Q So it was a quick turn-a-round, you picked them up
10 pretty quick?

11 A Yes, sir.

12 Q And they also had another guy with them?

13 A It was, besides Dexter and Raeford?

14 Q Yes?

15 A They didn't get in the car. It was just Dexter and
16 Raeford got in the car.

17 Q But the other car followed you?

18 A Yes, sir.

19 Q So they actually had a car?

20 A Yes, sir.

21 Q Okay. And you go over and you drop -- you drive to
22 Jamie Sherman's house again?

23 A Yes, sir.

24 Q And you drop them off?

25 A Yes, sir.

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1 Q And you text Simone Patterson?

2 A Yes, sir.

3 Q And you tell her they're about to do it?

4 A Yes, sir.

5 Q And that text was at 9:19 and 40 seconds?

6 A Yes, sir.

7 Q Okay. And then did Simone text you back?

8 A Yes, sir.

9 Q Did she ask you, they just went in?

10 A Yes, sir.

11 Q And then you said, we're coming back?

12 A Yes, sir.

13 Q That was to Simone?

14 A Yes, sir.

15 Q That was at about 9:23?

16 A Yes, sir.

17 Q And she told you, that was quick; right?

18 A Yes, sir.

19 Q And same time you also text Dominique?

20 A Yes, sir.

21 Q And were you driving your car when you were texting?

22 A At the time I was texting my cousin I was. When I said I
23 was coming back I was driving.

24 Q You're driving the car?

25 A Yes, sir.

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1 Q Okay. And did you -- to get to Jamie Sherman's house do
2 you use the interstate?

3 A No, sir.

4 Q Do you use the back roads?

5 A Yes, sir. Broad River.

6 Q So you went St. Andrews to Broad River?

7 A Yes, sir.

8 Q So you also text Dominique that she's to erase her
9 phone?

10 A Yes, sir.

11 Q Was there anything on her phone that needed to be
12 erased?

13 A I guess. I didn't think to tell her to erase her cell.
14 They were just like delete, tell her to delete everything.

15 Q So somebody told you to do that?

16 A Yes, sir.

17 MR. STANLEY: Beg the Court's indulgence, Your Honor.

18 THE COURT: Yes, sir.

19 BY MR. STANLEY:

20 Q. So, after the crime the guys leave pretty quick?

21 A. Yes, sir.

22 Q. And Dominique comes by there later on that night?

23 A Yes, sir.

24 Q And you give her money?

25 A Yes, sir.

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1 Q So they gave you some money; correct?

2 A They didn't give it -- because I don't -- yes. Yes.

3 Q So they gave you money?

4 A Yes, sir.

5 Q To give her?

6 A To give to her. Yes, sir.

7 Q And you didn't take any money?

8 A No, sir.

9 Q Even though you needed money?

10 A Yeah, I didn't take it because it wasn't mine.

11 Q But you did all the work, you drove all the cars?

12 A Yes, sir.

13 Q And you testified that you later went to North Carolina?

14 A Yes, sir.

15 Q And you quit your job working on the base?

16 A Yes, sir.

17 Q And then you stayed in North Carolina for about a week?

18 A Yes, sir.

19 Q And did you have an opportunity to meet Nut-Nut, then?

20 A Yes, sir.

21 Q And then you decide to come back to South Carolina;
22 correct?

23 A Yes, sir.

24 Q And then about a month passes and the police come knock
25 on your door?

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1 A Yes, sir.

2 Q. All right. That's about March 8, 2012?

3 A Yes, sir.

4 Q And they leave a card on your door?

5 A Yes, sir.

6 Q And you call them back?

7 A Yes, sir.

8 Q And they come back to pick you up?

9 A Yes.

10 Q And they start asking you questions?

11 A Yes, sir.

12 Q At this point you already knew that Dominique had been
13 arrested, right?

14 A Yes, I did.

15 Q All right. And they asked you to go to the police
16 station; right?

17 A Yes, sir.

18 Q And you agreed to go to the police station?

19 A I did.

20 Q And then they started asking questions about Dominique;
21 correct?

22 A Yes, sir.

23 Q And they started asking you questions about the crime?

24 A Yes, sir.

25 Q And they told you that your answers were important to

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1 them; right?

2 A. Yes, sir.

3 Q. They told you that they wanted you to be truthful;
4 right?

5 A Yes, sir.

6 Q. And you were truthful?

7 A. Yes, I was.

8 Q. And they told you they wanted you to be accurate;
9 correct?

10 A. Yes, sir.

11 Q. And you wanted to be accurate?

12 A. Yes, sir.

13 Q. And you were accurate?

14 A. Yes, sir.

15 Q. They told you people would depend on your statement?

16 A. Yes, sir.

17 Q. And the jury would depend on your statement?

18 A Yes, sir.

19 Q And you wanted people to depend on the statement you
20 gave them?

21 A Yes, I wanted them to depend on the statement. Yes.

22 Q And you were nervous during this whole time?

23 A Yes, I was.

24 Q And they stopped asking you questions; correct?

25 A Did they stop asking me questions?

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1 Q Did they stop asking you questions to read you your
2 Miranda Rights?

3 A Oh, yes, sir.

4 Q And you decided to keep on speaking with the police;
5 correct?

6 A I did, yes, sir.

7 Q And you wanted to give an official police statement;
8 correct?

9 A Yes, sir.

10 Q And you knew the details would be important; correct?

11 A. Yes, sir.

12 Q. And you understood their question; right?

13 A Yes, sir, I did.

14 Q And Investigator Unger wrote down everything that you
15 said?

16 A Yes, sir.

17 Q And he asked you to read it?

18 A Yes, sir.

19 Q And you read it very carefully?

20 A Yes, I read through it. Yes, sir.

21 Q And after you read the statement you signed the
22 statement?

23 A Yes, sir.

24 Q Have you had a chance to review the statement you made
25 to police?

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1 A Yes, sir, I have.

2 Q And you made it on March 8, 2012?

3 A Yes, sir.

4 Q In your statement, you told police it was only you,
5 Dexter and a couple of other guys hanging out in your
6 apartment?

7 A Yes, sir.

8 Q And that wasn't true?

9 MS. CAMPBELL: Your Honor, if he could ask questions
10 rather than making statements, I think it's somewhat
11 misleading. He just --

12 THE COURT: Make it a question.

13 BY MR. STANLEY:

14 Q And that wasn't true; right?

15 A That we were hanging out at the apartment?

16 Q So that wasn't -- that wasn't true that that was the
17 only people that were hanging out at the apartment?

18 A Yes, it wasn't -- was it true that other people were at
19 the apartment beside the people that I stated?

20 Q So -- so the question is, you only told the cops that
21 Dominique, Dexter and a couple of other guys were at the
22 apartment?

23 A Yes, sir.

24 Q You didn't tell them about Simone Patterson?

25 A No, sir.

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1 Q And you didn't tell them about Bre Jackson?

2 A No, sir. But I didn't say nobody else's name, too. I
3 said a couple of other guys, as well.

4 Q But you wanted to tell them the truth?

5 A Yes, sir.

6 Q You testified you wanted it to be accurate?

7 A Yes, sir.

8 Q You also told the police that you didn't know the plan
9 until Dominique told you on the car ride over; is that right?

10 A Yes, sir.

11 Q But that's not true is it?

12 A Yes. I didn't -- I wasn't -- I overheard them talking
13 about what they wanted to do but I didn't know the actual
14 plan. I just knew when we were on the way to the house.

15 Q So you didn't know -- prior to Dominique telling you in
16 the car you didn't know about anything ahead of time?

17 A I overheard them talking about what they wanted to do
18 but I didn't know the actual plans that we were about to do
19 this -- I just know they wanted to go out. That was it.

20 Q And this was all at your apartment with Bre Jackson?

21 A Yes, sir.

22 Q And that's the same apartment that Bre Jackson told you
23 not to come back to about 6:30?

24 A Yes, sir.

25 Q You also told the police that you told -- that you were

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1 talking to Dominique during the crime; is that right?

2 A Yes, sir.

3 Q And you also told her -- you also told the police that
4 you told Dominique to -- that they were going in and they
5 were going out; correct?

6 A Yes, sir.

7 Q And that wasn't true, was it?

8 A No, sir.

9 Q You were texting --

10 A I was texting my cousin, I didn't notice. When I saw
11 the things -- when I saw the texts I didn't really pay it any
12 attention to the number. I just thought it was automatically
13 her because I thought that -- that's who I was texting,
14 that's who I was texting the whole time.

15 Q So you didn't read your texts while you were talking to
16 the police?

17 A Yes, I did, but I didn't pay any attention to the
18 number, really. It was so much at the time I was nervous. I
19 didn't really remember everything.

20 Q And you testified that you drove to North Carolina after
21 the crime because you were scared of getting caught; correct?

22 A Yes, sir.

23 Q And you only stayed for about a week?

24 A Yes, sir.

25 Q So you weren't that scared were you?

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1 A I was.

2 Q You came back awful quick, didn't you?

3 A Yes, sir.

4 Q For your cooperation the state hasn't given you any
5 promises have they?

6 A No, sir.

7 Q And the solicitor hasn't told you any promises for what
8 they're going to do to you?

9 A No, sir.

10 Q And did the police make you any promises?

11 A No, sir.

12 Q And they haven't promised anything to your family that
13 you're aware of?

14 A No, sir.

15 Q Okay. You know you're facing a lot of time, right?

16 A Yes, sir.

17 Q You know you're facing a lot of time for no money,
18 right?

19 A Yes, sir.

20 Q And, in fact, you're facing zero to 30 years for
21 attempted murder?

22 A Yes, sir.

23 Q And you're facing a minimum sentence of 10 years for
24 armed robbery?

25 A Yes, sir.

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1 Q And a maximum sentence of 30 years?

2 A Yes, sir.

3 Q And you understand you're charged because -- as an
4 accomplice because everyone that did this is all charged
5 together; correct?

6 A Hand of one is hand of all, yes, sir.

7 Q And you could be charged with burglary in the first
8 degree, because that's what everyone else has been charged
9 with?

10 A I could?

11 Q If your co-conspirators have been charged with burglary
12 in the first degree then you --

13 A I'm sorry. I thought I couldn't because I wasn't inside
14 or I didn't go in.

15 Q Okay. And did you know that --

16 MS. CAMPBELL: Objection, Your Honor.

17 THE COURT: Your objection is?

18 MS. CAMPBELL: May we approach?

19 THE COURT: Please.

20 (Off the record bench conference with counsel and the Court.)

21 MR. STANLEY: Beg the Court's indulgence?

22 THE COURT: Yes, sir.

23 BY MR. STANLEY:

24 Q You were given no promises in this case; correct?

25 A No, sir.

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1 Q. And you told the police -- you confessed to the police
2 on March 8; is that right?

3 A Yes, sir.

4 Q And you helped them out the next week?

5 A Yes, sir.

6 Q And then you ended up turning yourself in about March
7 21; is that correct?

8 A Yes, sir.

9 Q And you spent nine days in jail; is that right?

10 A Yes, sir.

11 Q And you didn't enjoy it, did you?

12 A No, sir.

13 Q You don't want to go back to jail --

14 MS. CAMPBELL: Objection, Your Honor.

15 THE COURT: The objection is?

16 MS. CAMPBELL: Your Honor, I don't think he can go into
17 sentencing.

18 THE COURT: Beg your pardon?

19 MS. CAMPBELL: I'll withdraw it.

20 THE COURT: All right.

21 You may proceed.

22 BY MR. STANLEY:

23 Q In fact, you would do most anything not go back to jail;
24 right?

25 A. Not anything. No, sir.

25 A Yes, ma'am.

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1 Q How long have you had that carwash?

2 A Six years.

3 Q And is this a mostly cash business?

4 A Yes, ma'am.

5 Q And where did you keep your cash?

6 A In my house.

7 Q Did you keep it in a special place in your house?

8 A Yes, ma'am. I kept it in my bedroom in a green -- like
9 -- it's an old school cash register. It's a green metal box
10 with a black button on it. When you hit the button the till
11 came out. It didn't look like a cash register.

12 Q So someone would have to specifically know that was a
13 cash register?

14 A Yes, ma'am.

15 Q I want to talk to you about Dominique Ross?

16 A Okay.

17 Q Do you know her?

18 A Yes, ma'am.

19 Q And did you know her in January 2012?

20 A Yes, ma'am.

21 Q How long have you been knowing Dominique Ross at that
22 point?

23 A A few months, maybe five or six months.

24 Q Five or six months?

25 A Yes, ma'am.

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1 Q Do you remember how you met her?

2 A Through a friend of hers. I went to school with another
3 girl that she was talking to named Dionne and Dionne brought
4 her to my carwash one day.

5 Q What school was that?

6 A Northeast.

7 Q And when you say another girl she was talking to, what
8 do you mean by that?

9 A Her and Dionne was in a relationship. They lived
10 together in Brook Pines.

11 Q In addition to the relationship she was in with Amber
12 Richardson?

13 A Yes, ma'am.

14 Q And in addition to the relationship she eventually had
15 with you?

16 A Yes, ma'am.

17 Q Okay. Explain to this jury the nature of your
18 relationship with Dominique Ross?

19 A We were friends. I looked out for her a lot. Like if
20 she needed money I gave it to her. If she didn't have any
21 gas in her car, I gave her gas money. She told me she was
22 anemic. If she ever pulled up and told me she was hungry, I
23 gave her money to get her something to eat. I took her out
24 to eat a lot. She helped me wash cars. She hung out with me
25 a lot at the carwash.

1 Q And did you give her a dog?

2 A Yeah, she got a dog from me.

3 Q What kind of dog was it?

4 A It was a pit bull.

5 Q Do you breed pit bulls or how did you have a pit bull?

6 A A lot of people know me from having dogs and they give
7 dogs to me if they don't -- like if somebody get a dog and
8 they can't take care of it they normally give it to me and
9 I'll find a good home for it.

10 Q And did you find a good home for one of your dogs with
11 this defendant?

12 A Yes, I did. I let her get a puppy I had.

13 Q Did she take it from you?

14 A Yes, she took it to Brook Pines.

15 Q And did you know that she was living at Brook Pines at
16 that time?

17 A I did.

18 Q And who was she living with?

19 A With Dionne.

20 Q When you first met her?

21 A Yes, ma'am.

22 Q Did she eventually, to your knowledge, move away from
23 Brook Pines?

24 A No. She told me that her and Dionne was having --

25 MR. STANLEY: Your Honor, hearsay.

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1 MS. WALKER: Your Honor, this is from the defendant's
2 statement, I'm asking --

3 THE COURT: Defendant's statement. I'll overrule the
4 objection.

5 MS. WALKER: Okay.

6 BY MS. WALKER:

7 Q Go ahead.

8 A Ask the question again?

9 Q Did you know whether or not she eventually move away
10 from Brook Pines?

11 A I didn't know that she moved. She told me that she and
12 Dionne was like kind of having problems and she was thinking
13 about moving.

14 Q She was thinking about moving?

15 A Yeah, she was trying to find somewhere else to go.

16 Q And did she eventually bring that puppy back to you?

17 A Yes, ma'am. She told me that the apartment complex
18 found out she had the dog and told her she had to get rid of
19 it. So I told her she could bring it back to the house and
20 keep it there until she found somewhere to take it.

21 Q Because y'all were friends?

22 A Yes, ma'am.

23 Q And you looked out for her a lot?

24 A Yes, ma'am.

25 Q At some point did y'all relationship become sexual in

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1 nature?

2 A Yes, ma'am.

3 Q And about how long after meeting Dominique did that take
4 place?

5 A Two months, maybe.

6 Q So y'all were pretty close fairly quickly?

7 A Yes, ma'am.

8 Q Was it uncommon for Dominique to help you out at your
9 gas station -- I mean, carwash. I'm sorry.

10 A No, ma'am. I mean, as far as helping out, she came over
11 there a lot. Even if she didn't wash cars she would just
12 hang out there. But it wasn't uncommon.

13 Q And did she see you dealing with a lot of cash?

14 A Every time she came.

15 Q And did she know where you kept your cash?

16 A Yes, ma'am.

17 Q Did you ever meet Amber Richardson?

18 A One time. She pulled up on time. Dominique pulled up
19 in her car one time and I remember giving her money to put a
20 tire on it.

21 Q You gave --

22 A Dominique money to put a tire on her car so --

23 Q On Amber's car?

24 A She had a bad tire.

25 Q I want to take your attention back to January 7, January

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1 8, 2012. Were you in communication with Dominique Ross at
2 that time?

3 A Not at that time. I hadn't talked to her in a while,
4 like a few weeks had went by, I hadn't heard from her or seen
5 her.

6 Q Was that weird over the course of y'all relationship?

7 A Yeah, but she did also tell me that she was like moving.
8 So I just figured she moved.

9 Q Okay.

10 A But she called me up and she said she missed me. She
11 hadn't seen me in a while, she wanted to come by and see me.
12 She wanted to see the dog.

13 Q This was two weeks of her being absent from your life?

14 A Yes, ma'am, two or three.

15 Q And did you tell her she could, in fact, come by and see
16 you?

17 A Yes, ma'am.

18 Q When did y'all plan to meet up?

19 A She was supposed to come that Saturday, but she ended up
20 coming Sunday, and she came that evening. I'd been washing
21 cars and she came. It was pretty close to closing, when she
22 got there I went ahead and closed.

23 Q And where did y'all go after you closed up the carwash?

24 A We walked next door to my house.

25 Q And did you have your green register with you?

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1 A No, it was already in the house.

2 Q It was already in the house?

3 A Yes, ma'am. I kept it in the bedroom.

4 Q Did you have cash on you?

5 A I had cash in my pocket from the carwash that day.

6 Q And what do you do with your cash once you get home?

7 A I normally count it and then put it in the cash
8 register?

9 Q Had Dominique helped you with that in the past?

10 A Several times she's helped me count my money.

11 Q And did she know about the -- that it goes in the green
12 register; had she seen you do that?

13 A Yes, ma'am. She's gone in the cash register without me
14 to get money.

15 Q So she was aware of it?

16 A Yes.

17 Q Once y'all got back to your house, explain to the jury
18 what happened?

19 A Well, I walked in and she came in there behind me. I
20 shut the door. She was like, you been working all day.

21 Q Did you locked the door, if you remember?

22 A I did. I locked the door. She came in, she was like,
23 take a shower, get the day off of you so we can go hang out
24 and get something to eat or whatever. I told her okay, but I
25 wasn't going to immediately take a shower. Like I said, I

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1 have dogs and stuff. So instead of taking a shower, I
2 started feeding the dogs and just winding down from the day.
3 About maybe three minutes went by, she asked me to take a
4 shower again. I was like, okay, cool, but I still didn't get
5 in the shower immediately. So about another two to three
6 minutes went by and she asked me to take a shower again. So
7 I went in the bathroom and --

8 Q So she was persistent in asking you to take a shower?

9 A Yeah, she asked me to take a shower three, four times in
10 probably six minutes.

11 Q And what was she doing while she was asking you to take
12 a shower?

13 A Sitting on the couch texting on her phone and stuff.

14 Q Go ahead, sir.

15 A And -- it's like a habit with me, I still do it today,
16 like I'll cut the shower on and then brush my teeth and then
17 I'll get in the shower. So when I cut the shower on I
18 started getting ready to brush my teeth and I saw Dominique
19 run past the door.

20 Q The door to the bathroom was open at this point?

21 A Yes, ma'am. So --

22 Q And when you saw her run past the door, could you tell
23 where she was coming from?

24 A She was sitting on the couch and like when she got off
25 the couch to run to the door it crossed my path, so -- if she

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1 would have walked by it wouldn't have caught my eye, but she
2 ran by and so I stuck my head out to see what she was doing.

3 Q What did you see her do?

4 A She was real fidgety, she was like trying to open the
5 door. She was like real antsy. She was nervous acting and
6 she finally got the door open. When she got the door open
7 three dudes walked in.

8 Q Did they walk in casually or how did they walk in?

9 A They just came in casually and started walking towards
10 me, and when they started walking towards me I shut the door.

11 Q Had you ever seen these three men before?

12 A I saw one of them about three months, two and a-half
13 three months, and it was the one that was never caught.

14 Q And --

15 A She introduced me. She brought him to my carwash once.

16 Q When you say she, who are you talking about?

17 A Dominique. She brought him to my carwash a couple of
18 months before that and introduced him as her uncle. He was
19 light skinned, he had an Afro. I remember him having, like,
20 big eyes. He was slender. He was probably about six foot,
21 even.

22 Q And the other two men, can you describe them?

23 A Yes, ma'am. One of them had dread locks, the other one
24 had braids. The one with dread locks was taller, the one
25 with braids was shorter and stocky built.

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1 Q Had you invited those men inside your home?

2 A No, ma'am.

3 Q Once they were inside your home, did you them with
4 anything that caught your attention?

5 A No, ma'am. I just, I really -- once they walked in they
6 just immediately started walking towards me. So, like I
7 said, I didn't have any clothes on, it just make me shut the
8 door. So once I shut the door they tried to get in, they
9 couldn't. They tried to get in one more time and then they
10 shot through the door.

11 Q Where were you, were you holding the door shut or were
12 you further back in the bathroom?

13 A I was holding the door shut.

14 Q And do you remember how many times they shot through the
15 door?

16 A They shot once through the door. The first time they
17 shot it hit it in the head and took my eye.

18 Q That's your left eye?

19 A Yes, ma'am.

20 Q Is it shut now?

21 A Yes, ma'am, my eye is gone.

22 Q And at that point in time what happened after they shot
23 through the door?

24 A I backed away from the door, the door opened, I fell
25 down. When I fell down my head was like laying out in the

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1 hallway. The rest of my body was still laying in the
2 bathroom. They shot me two more times.

3 Q Where did they shoot you the other two times?

4 A They shot me through my thumb and they got me through my
5 arm, came out the other side, and they asked me where the
6 cash register was at.

7 Q Tell me exactly what they said to you?

8 A The one with the Afro, he says, you know what time it
9 is, where's the cash at? I told him it was in the bedroom in
10 the green box with a black button on it.

11 Q Did you see Dominique at this point?

12 A Dominique, when they first came in, Dominique ran around
13 the other way and ran through the kitchen and ran into the
14 backyard. Once they shot me up and they left, she came back
15 in.

16 Q Did you see people -- at this point you're on the ground
17 and you're bleeding from your head?

18 A Yes, and like before she came back in they were like
19 standing over me. I could see they shoes and stuff. I
20 eventually up at them and when I looked up at them I remember
21 thinking they're going to finish -- they're just going to
22 start shooting again. So I just laid back down and starting
23 like fake dying. I started like drifting off like I was
24 dying. One of them said, he's done. And then they left the
25 house. Once they left the house, Dominique came back in.

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1 Q What did Dominique say to you when she came back inside?

2 A She didn't really say anything because I think she
3 thought I was dead, but I was laying on the floor, and I
4 didn't know if they were still in the house or not. So I
5 heard the door open, I thought it was them. She came in -- I
6 still didn't know it was her yet. I heard the door. I heard
7 somebody plundering around in my kitchen, like opening the
8 cabinets and stuff and then she stepped over me going into
9 the bedroom. And when she stepped over me she looked down
10 and she seen I was shot in the face and she was like -- her
11 exact words, she said oh, his eye hanging out his head. And
12 she was --

13 Q And this was your friend?

14 A Yes, it was Dominique. She said, oh, his eye hanging
15 out his head. She stepped over me, went in the bedroom and
16 started plundering around. She came back out the bedroom,
17 went into the other bedroom and then walked back into the
18 kitchen. At that time, I stood up and walked out the
19 bathroom.

20 Q Did she ever come over to you?

21 A No.

22 Q Did she ever try to give you any help?

23 A No.

24 Q Did she touch your neck to see if there was a pulse?

25 A Nothing.

1 Q Did she roll you over?

2 A No, ma'am. When I walked out the bathroom I caught her
3 going through my cabinets, like she was looking for more
4 stuff.

5 Q And at that point, once she realized you were not, in
6 fact, finished, what did she do?

7 A When she spun around and seen me she just kept look at
8 me. I told her to dial 911, and at first she just kind of
9 squint her eyes at me. I asked her to dial 911 again and she
10 dialed 911. But instead of talk, she pressed end.

11 Q Could you see her doing that?

12 A Yes, and then she dialed it again and finally I said,
13 are you calling 911. She said, yes. She hit talk and she
14 showed me that she was calling 911 and that's when they
15 picked up. Once they picked up she said, my friend got shot.

16 Q Did EMS eventually respond to your house?

17 A Yes, ma'am.

18 Q Did police offices come as well?

19 A Yes, ma'am.

20 Q Deputy Stone?

21 A He was one of them.

22 Q And you knew him before?

23 A From doing his car at the carwash.

24 Q Do you do all the sheriff's deputies cars?

25 A I pretty much do all of them in that area.

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1 Q Did you go to the hospital?

2 A Yes, ma'am.

3 Q Do you remember how long you were in the hospital?

4 A You're talking about the length of the whole thing; I
5 got shot Sunday, I left Tuesday evening.

6 Q And your good friend Dominique, did she come by to check
7 on you?

8 A Not that I know of, no, ma'am.

9 Q Did you hear from her again?

10 A No, ma'am.

11 Q Did you talk to Deputy Stone while you were in the
12 hospital, don't tell me what he said, just --

13 A Yes, ma'am.

14 Q Did you learn information about what happened to you in
15 terms of the investigation that was on-going?

16 A I don't know if I learned anything new. I'd seen
17 everything.

18 Q How much money was in the cash register that was taken?

19 A It was money-wise it was \$880 not including the change.

20 Q Did you again talk to Dion Dotson?

21 A I did.

22 Q And that was one of Dominique's girlfriends around this
23 time?

24 A Yes, ma'am. She just came up to me --

25 MR. STANLEY: Objection, Your Honor.

1 MS. WALKER: I haven't asked --

2 THE COURT: I think he was describing what he did. I
3 didn't hear him quoting anyone at this point in time. I'll
4 preserve your objection should he attempt to do so.

5 You may proceed. Thank you.

6 BY MS. WALKER:

7 Q Don't tell me what she said, but did you talk to Dion
8 Dotson?

9 A I did.

10 Q At that point, when you were having a conversation with
11 her did you know that Dominique had left the state?

12 A No, I didn't.

13 Q Did you later realize, did you later come to learn that?

14 A Yes. Dion told me that --

15 Q Don't tell me what Dionne told you.

16 A Okay.

17 Q But you learned more information?

18 A Yes, ma'am.

19 Q When Dominique was dropped -- did you see where
20 Dominique came from, did someone pull right into your
21 carwash?

22 A No.

23 Q Where did she come from?

24 A She walked out of Brook Pines and walked to the carwash?

25 Q Was that odd to you?

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1 A A little.

2 MS. WALKER: Beg the Court's indulgence, Your Honor.

3 THE COURT: Yes, ma'am.

4 BY MS. WALKER:

5 Q At any point when you were at, when you and Dominique
6 were at your house, did you leave your house?

7 A No, ma'am. Talking about that night I got shot?

8 Q Uh-huh. (Affirmative response.)

9 A No, ma'am. I left when I got in the ambulance.

10 Q Did you go directly from the carwash to your home?

11 A Yes.

12 Q And no point did you go to the Family Dollar?

13 A No.

14 Q Do you remember giving several statements to law
15 enforcement?

16 A I do.

17 Q If I gave you the statement would that refresh your
18 memory?

19 A Yeah.

20 MR. STANLEY: Your Honor, he never stated that he didn't
21 remember, he said he didn't --

22 THE COURT: He has a right to look at his statement, if
23 he would like to, to refresh is memory. She asked him if he
24 would like to refresh his memory, he said yes. I'll allow
25 him to refresh his memory from the statement.

1 MS. WALKER: Thank Your Honor.

2 THE COURT: Beg your pardon?

3 MS. WALKER: May I proceed, Your Honor?

4 THE COURT: Yes, ma'am.

5 MS. WALKER: Thank you.

6 BY MS. WALKER:

7 Q Do you remember going to Family Dollar?

8 A I do. When she first got there I took off and ran up
9 there on foot.

10 Q Okay.

11 A And came back.

12 Q Is the Family Dollar pretty close to where your carwash
13 is?

14 A Yes. You can get there in like 20 seconds.

15 Q So there was a period of time in which you guys were
16 separated from one another?

17 A Yes, ma'am. I went there by myself.

18 Q From the time you were shot in the face, until the -- I
19 guess several weeks after that, your good friend, Dominique,
20 did she check on you?

21 A No, ma'am.

22 Q Did she call you?

23 A No, ma'am.

24 Q Did you get any letters from her in the hospital?

25 A No, ma'am.

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1 Q A get well card?

2 A No, ma'am.

3 Q The person who came into your home and opened the door
4 for three armed gunmen to come in, do you see her in the
5 courtroom?

6 A Yes, ma'am.

7 Q Can you point her out for the jury?

8 A That's Dominique.

9 Q Sitting at the table with her attorneys?

10 A Yes, ma'am.

11 Q Thank you, Mr. Sherman, I don't have any further
12 questions.

13 A Okay.

14 THE COURT: Ladies and gentlemen of the jury, at this
15 time we're going to break for lunch. You'll be leaving the
16 courthouse. My instructions will be the same every time you
17 leave the courthouse, those are, not to attempt to gather any
18 information about this case on your own. Don't discuss this
19 case with anyone, don't allow anyone to discuss it with you.
20 Don't listen to, watch or read any media reports. Please let
21 me know if anyone tries to contact you concerning your
22 service on the jury panel during your absence.

23 We will resume at 1:30 this afternoon, so please be back
24 in the jury room at that time.

25 So at this point in time, the bailiffs will show you

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1 I hope you had a good lunch. If any of you had any
2 difficulty in complying with my instructions during the lunch
3 break, please stand.

4 (No one stands.)

5 THE COURT: It appears that all jurors have been able to
6 comply with my instruction thus far.

7 Now, when we stopped for our lunch break the state had
8 completed its direct examination of the witness, Mr. Sherman.
9 At this time, the defense has the right to cross-examine.

10 You may proceed, Mr. Stanley.

11 MR. STANLEY: May it please the Court.

12 THE COURT: Yes, sir.

13 JAMIE SHERMAN - CROSS-EXAMINATION

14 BY MR. STANLEY:

15 Q Afternoon. So the shooting was a pretty traumatic
16 event, wasn't it?

17 A Yes, sir.

18 Q Does it make you angry to think about it?

19 A It's not really -- It's not really an anger. I'm happy
20 to be alive. You know, it's not anger. Confusion more than
21 anything.

22 Q I understand. I want to ask you some questions about
23 your business, okay?

24 A Okay.

25 Q You're a businessman?

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- 1 A I like to think I am, yes, sir.
- 2 Q You own a carwash?
- 3 A I do.
- 4 Q And that carwash is off of Broad River Road?
- 5 A Yes, sir.
- 6 Q And it was right next door to your old house?
- 7 A Yes, sir.
- 8 Q Like, we're talking less than a half-minute walk?
- 9 A I was neighbors to myself.
- 10 Q And at the carwash you would obviously wash cars?
- 11 A Yes, sir.
- 12 Q And you would detail cars and make it look nice?
- 13 A Yes, sir.
- 14 Q And that's hard work, right?
- 15 A Yes, sir.
- 16 Q You don't just wash cars at your business, do you?
- 17 A No, sir, I do a couple of other things.
- 18 Q So some of the other things you sell products?
- 19 A Chips, sodas, snacks, whatever.
- 20 Q Do you sell music at all?
- 21 A I did at one time.
- 22 Q Do you sell DVDs there?
- 23 A I don't any more. I used to.
- 24 Q You used to sell DVDs?
- 25 A I did.

1 Q And did you use to sell illegally recorded DVDs?

2 A Yes, sir:

3 Q And you got in trouble for that at one time?

4 A I did.

5 Q But you don't do that any more?

6 A No, sir.

7 Q At your business, you testified you keep a cash box; is
8 that right?

9 A I did. I don't have it any more.

10 Q And that cash box is where you kept most of your money
11 for your business; correct?

12 A Yes, sir,.

13 Q But you also kept some money, at least on the day of the
14 incident you also kept some money in your pocket as well;
15 correct?

16 A The money -- yes, sir.

17 Q How much money did you have in your pocket that day?

18 A It was over a thousand.

19 Q And you had other -- you have employees at your carwash;
20 correct?

21 A I have people who I can call if I get busy. I pretty
22 much do the carwash by myself, but on busier days I have
23 people I can call and they help me out.

24 Q Mostly one man show, but sometimes you have people --

25 A Busier days, Thursday, Friday, Saturday are a little

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1 busier, so I'll get the help or two.

2 Q So friends would help you out, right.

3 A (No response.)

4 Q I want to ask some questions about Dominique Ross, okay?

5 A Okay.

6 Q You met her about five months earlier, right?

7 A About.

8 Q And you met her through a mutual friend; is that right?

9 A Yes, sir.

10 Q And her mutual friend was Diane Dotson; is that right?

11 A Dionne.

12 Q Excuse me, Dionne. At that point, they lived close by;
13 right?

14 A They lived in the apartment complex right beside me.

15 Q And that's the Brook Pines apartment complex right next
16 door?

17 A That's correct.

18 Q And that's within walking distance; is that correct?

19 A Yes, sir.

20 Q And Dominique started to do a little bit of work for
21 you; is that right?

22 A Dominique never worked for me. She used to come up
23 there and hang out.

24 Q Okay. So she wouldn't wash cars for you?

25 A I can't recall her washing cars.

1 Q But you guys would hang out, right?

2 A Yeah.

3 Q You guys were friends?

4 A Yes, we were, I thought.

5 Q And you did sell her a dog?

6 A I did.

7 Q And it was a pit bull, right?

8 A It was.

9 Q And she named it Breezy; is that right?

10 A That's right.

11 Q And when the dog couldn't live with Dominique and
12 Dionne, you let the dog live with you?

13 A I did.

14 Q Okay.

15 A I have a fenced in backyard, so it wasn't a problem to
16 keep the dog.

17 Q And you had three other dogs, too?

18 A I had two other dogs. Her dog made three.

19 Q Okay. And so it wasn't that much extra work taking care
20 of another dog?

21 A I was already taking care of two of them.

22 Q Okay. And Dominique would come by on a regular basis to
23 feed her dog, right?

24 A Nods head. (Affirmative response.)

25 Q You testified earlier that Dominique was supposed to

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1 come by the day before, you and she had a prior conversation
2 and she was supposed to come by on that Saturday; correct?

3 A Yes, sir.

4 Q And she called to reschedule?

5 A She just came on Sunday. She called me and told me she
6 was coming that Sunday. Yeah, I guess that would be
7 rescheduled.

8 Q Okay. Now, I'd like to ask you a few questions about
9 the house you're living at. I'm going to see if you can
10 recognize a drawing I made and if you do then we'll go from
11 there.

12 Mr. Sherman, I'm going to present you a drawing of the
13 floor plan of your house. Does that look familiar at all?

14 A (No response.)

15 Q So your front door would be --

16 MS. WALKER: Objection, Your Honor. I would object to
17 him telling him what to say when he's asking him if it looks
18 familiar. I think counsel is saying that this is something
19 that he actually drew. The victim has never seen this before
20 and he's actually trying to --

21 THE COURT: Well, he's attempting to orient it for him.
22 I'll allow him to do that and then if the witness can
23 identify the document that resembles the situation he may
24 testify to that.

25 A I can.

1 THE COURT: Okay.

2 BY MR. STANLEY:

3 Q And would you make any changes to the drawing; are there
4 any doors in the wrong spot?

5 A Yeah. This room right here, like, this is the living
6 room, that was the other room, this room behind it that made
7 this the kitchen, this made this the bathroom. The is one
8 bathroom, this is the other. The door to get into this is
9 this way, not this way.

10 Q Okay. Would you mind marking that change for me?

11 MS. WALKER: Your Honor, I would object to this being
12 shown to the jury if it's not accurate.

13 THE COURT: He hasn't attempted to show it to the jury at
14 this time.

15 MS. WALKER: Okay.

16 THE COURT: You can reserve your objection until and
17 unless he attempts to do so.

18 MS. WALKER: Okay. Thank Your Honor.

19 BY MR. STANLEY:

20 Q I'm marking where you change things.

21 A When you come out this bathroom, you have to turn down
22 this hallway. It's real small. The door would be right
23 here, and you would have to enter it like that.

24 Q But beyond that --

25 A This right here would probably be a little farther up. I

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1 would say it would be like that. That's too far over.

2 Q All right. But beyond those changes, you'd say that's a
3 fair and accurate depiction of your house?

4 A This would be a window and not a door.

5 Q Okay.

6 A You can't get out that way.

7 Q Would you mark that, as well?

8 A (Witness complies.)

9 Q And would you also label your bedroom, the kitchen, the
10 bathroom and the living room?

11 A You want me to label everything or just what you said?

12 Q If you don't mind labeling everything, that will be just
13 fine.

14 A (Witness complies.)

15 Q Okay. And this is with your changes a fair and accurate
16 description of the house?

17 A Yeah. See this line right here?

18 Q Uh-huh. (Affirmative response.)

19 A Because when you walk through the kitchen you had to
20 open the door to get into the bathroom, you couldn't just
21 walk into the bathroom.

22 Q Okay. I gotcha.

23 A But outside of that, that's it.

24 MR. STANLEY: Your Honor, I would like to -- well, to be
25 able to publish this document to the jury. What I'd like to

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1 have him do is mark where everyone was at the time of the
2 incident and then publish it to the jury?

3 THE COURT: Can you see it?

4 MS. WALKER: Your Honor, I haven't seen the newest
5 addition. I think, Your Honor, to publish to the jury you
6 have to offer it into evidence.

7 THE COURT: Yes, ma'am.

8 MR. STANLEY: But when --

9 (Ms. Walker and Mr. Stanley view the changes to the drawing.)

10 BY MR. STANLEY:

11 Q All right. So you marked where your bedroom was --

12 MS. WALKER: Your Honor, I object to him showing it to
13 the jury if he's not going to put it into evidence.

14 MR. STANLEY: Your Honor, I'd like to move this into
15 evidence at this point.

16 THE COURT: Objection?

17 MS. WALKER: No, Your Honor.

18 THE COURT: It should be marked then, if you'll allow the
19 court reporter to mark it.

20 COURT REPORTER: That's Defendant's No. 1.

21 THE COURT: Thank you.

22 MR. STANLEY: Yes, ma'am.

23 (Defendant's Exhibit No. 1, drawing,
24 was marked and entered.)

25 THE COURT: It will be admitted into the record as

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1 Defendant's No. 3. You may proceed.

2 COURT REPORTER: Defendant's No. 3?

3 THE COURT: Did you say three?

4 COURT REPORTER: No, sir. Defendant's No. 1.

5 THE COURT: I'm sorry. Defendant's No. 1. I apologize.

6 I misunderstood. Thank you.

7 BY MR. STANLEY:

8 Q Now, I want -- I'll get back to that, but I want to talk
9 to you about the evening of January 8, 2012, understand?

10 A Yes, sir.

11 Q You said you got off work that day; is that right?

12 A I closed down when Dominique got there.

13 Q Do you remember if it was a nice day outside or not?

14 A Had to be a nice day, I was washing cars.

15 Q And once you came -- sorry. You testified that
16 Dominique came from Brook Pines Apartments; is that correct?

17 A She came from that way.

18 Q Okay. You knew because you were outside washing cars;
19 correct?

20 A Yes, sir.

21 Q Okay, and you and Dominique walked right over to your
22 house; is that right?

23 A After I came from Family Dollar.

24 Q I see. You went to the Family Dollar before you went to
25 your house?

1 A That's correct.

2 Q Did Dominique join you at the Family Dollar?

3 A No, she didn't.

4 Q Did Dominique -- was Dominique in the house by herself?

5 A No, she stood outside.

6 Q She stood outside your house?

7 A The carwash, until I got back.

8 Q Okay. And at this point the cash box is already inside
9 your house; is that right?

10 A Yes, sir. It never left the house.

11 Q Oh, so you kept the cash box at your house at all times?

12 A Yes, sir.

13 Q And Dominique knew where the cash box was located?

14 A Yes, sir.

15 Q So you were transferring the money, you keep the money
16 in your pockets and then you transfer the money at your
17 house; is that right?

18 A I mean, normally, I get to the end of the day, I count
19 my money, see how much it is and put it in the cash register.

20 Q Okay.

21 A That's how I knew how much was already in the cash
22 register. I'd already counted it. I hadn't counted what was
23 in my pocket yet.

24 Q But you counted the cash box the day before, then?

25 A That morning.

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1 Q So --

2 A I counted everything but the change, and it was exactly
3 \$880.

4 Q Okay. Is that a lot of money to have in your cash box?

5 A It's about average.

6 Q So once you guys get inside your house, does Dominique
7 start playing with her dog, what --

8 A No, she just came in -- Dominique came in, she sat down
9 on the couch, she told me to take a shower. She sat down on
10 the couch, so when she sat down on the couch I walked into
11 the back of the house. I cut -- I didn't even cut the shower
12 on then. I got the dog food and started feeding dogs. While
13 I was feeding the dogs she asked me to take a shower again.

14 Q Will you mark where she was sitting?

15 A (Witness complies.) She was sitting on that couch right
16 there.

17 Q So she was sitting on the couch in the living room; is
18 that right?

19 A Yes, sir.

20 Q And you -- and you just testified you went to let the
21 dogs out, is that right, and you were going to go -- in fact,
22 you were going to take a shower; is that correct?

23 A Yes, sir.

24 Q Prior to the incident, do you remember anybody coming
25 over to the house besides Dominique?

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1 A No. I was at the carwash. They wouldn't have came to
2 the house.

3 Q So no one is in the house when you and Dominique were at
4 the house; is that correct?

5 A Just me and Dominique.

6 Q And at some point, do you remember giving Dominique some
7 weed to roll a blunt?

8 A I don't know if I gave her weed to roll up a blunt, but
9 it is possible. We did smoke together before.

10 Q Okay. So you -- you don't remember rolling a blunt or
11 smoking marijuana prior to this, prior to the home invasion;
12 right?

13 A That day?

14 Q Yes, that day.

15 A No, I don't remember that.

16 Q Okay.

17 A I walked in the house and before I could -- we didn't
18 smoke.

19 Q But you didn't remember -- Dominique didn't have any
20 marijuana while she's hanging out at the house?

21 A I don't know what Dominique had on her person. I don't
22 know.

23 Q Okay. Do you typically leave marijuana on your kitchen
24 counter tops?

25 A I wouldn't say typically, but I do smoke. So if I

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1 rolled up a blunt it's not going to be odd for me to leave it
2 on my counter top.

3 Q So you don't remember Dominique having --

4 MS. WALKER: Objection, Your Honor. Asked and answered.

5 MR. STANLEY: Your Honor, I'm asking --

6 THE COURT: I didn't hear the whole question so I'm not
7 sure whether it was or wasn't. Complete your question and
8 I'll --

9 MS. WALKER: I'm apologize, Your Honor.

10 BY MR. STANLEY:

11 Q So you don't remember Dominique having a blunt of
12 marijuana at all that evening?

13 MS. WALKER: Your Honor.

14 THE COURT: He has answered that question.

15 MR. STANLEY: Thank Your Honor.

16 THE COURT: He said he didn't recall it.

17 BY MR. STANLEY:

18 Q So then you do go to the shower; correct?

19 A Correct.

20 Q And Dominique was sitting on the couch; correct?

21 A Correct.

22 Q Was she watching any DVDs at all or doing anything?

23 A I don't even think the TV was on. I think she was just
24 sitting on the couch.

25 Q And you went to the bathroom and you cut the water on to

1 the tub; is that right?

2 A To the shower, yes.

3 Q And then you took your clothes off; is that correct?

4 A That's correct.

5 Q And then you were going to brush your teeth; is that
6 right?

7 A That's right.

8 Q And do you shower with the door open typically?

9 A Sometimes yes, sometimes no.

10 Q And the shower -- the bathroom door is open and the
11 water is running, but you don't hear a knock on the door; is
12 that right?

13 A That's right.

14 MR. STANLEY: Just one second.

15 THE COURT: Yes, sir.

16 BY MR. STANLEY:

17 Q I want you to mark in green where you were during the
18 time that the doors opened.

19 MS. WALKER: Object, Your Honor. Can we approach?

20 THE COURT: Certainly.

21 (Off the record bench conference with counsel and the Court.)

22 THE COURT: You may proceed.

23 MR. STANLEY: Your Honor, may I publish this --

24 THE COURT: I've instructed the attorney -- that item is
25 in evidence. Once it's in evidence you can't mark it up. You

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1 can use it for demonstrative purposes and show it to the
2 jury. So if you'd like to do it in that fashion you may
3 proceed.

4 MR. STANLEY: Thank you.

5 BY MR. STANLEY:

6 Q So for the jury's perspective, can you point out exactly
7 where you were once the door was opened.

8 A Initially?

9 Q Yes.

10 A I was right here, like in this corner.

11 Q So, but you were in the bathroom getting ready to take a
12 shower; correct?

13 A That's correct.

14 Q And you were naked; correct?

15 A Correct.

16 Q And then you moved towards the hallway; correct?

17 A Because if she was sitting right here and I was right
18 here, and she took off towards the door, that caught my eye.
19 So I stuck my head out of the bathroom and stuck my head
20 around the corner and saw her let them in.

21 Q Okay. Which way does the bathroom door face; do you
22 remember?

23 A It goes in.

24 Q So it opens inward?

25 A It goes in this way.

1 Q Okay. So you had to see her -- you had to see her
2 through the bathroom door --

3 A The door was open.

4 Q Okay. But -- so you saw her at this angle going towards
5 the --

6 A I seen her run. If she would have walked it wouldn't
7 have caught my eye. I seen her running that way.

8 Q Okay. After she opened the door which way did she run?

9 A After she let them in? They came in this way, she went
10 around this way and went out the door. I could see all of
11 it.

12 Q Okay. Do you remember making a statement to the police
13 on January 17, 2012?

14 A (No response.)

15 Q Have you ever made a statement to the police?

16 A I've talk to a couple -- I don't know which statement
17 you're referring to.

18 Q Okay. Well, I'm going to show you a statement --

19 A Okay.

20 Q -- and I want to see if you remember, at least, giving
21 it.

22 A Are you talking about the entire thing?

23 Q Just -- do you remember giving this statement to Lt.
24 McDonald?

25 A I do.

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1 Q And did you describe the suspects to Lt. McDonald?

2 A I'm assuming I did.

3 Q Okay. Do you -- did you describe one of the suspects as
4 a black male who is six-one, 170 to 180, tall, slender build,
5 a little afro, mustache, scraggly beard with a medium
6 complexion?

7 A Yes, sir.

8 Q And he was wearing a t-shirt, a tan overcoat, jeans, and
9 boots?

10 A If -- I can't say here what I said then, but if he wrote
11 it down, I probably said it.

12 Q Okay. And did you describe a second suspect who was
13 taller, about six-one -- six foot to six-two with dreads?

14 A Yes, sir.

15 Q And he was skinny, 160 to 170 pounds; is that correct?

16 A Yes, sir.

17 Q And did you describe the third suspect as being shorter,
18 light skin with dreads that came to his shoulders?

19 A No, it wouldn't have been dreads, that would have been
20 braids.

21 Q Okay. Again, do you remember making the statement to
22 Lt. McDonald?

23 A I remember making the statement.

24 Q Okay. Well, will you do me a favor and read what you
25 wrote or what was written and what you signed?

1 A Where do you want me to read from?

2 Q Right there, third suspect.

3 A All right. Third suspect was shorter, light skin with
4 dreads that came to his shoulders. He was about 25 years old.

5 Q Okay. Now, you testified that once you saw the men
6 enter the home you turned around and you retreated to the
7 bathroom; is that correct?

8 A I don't know about turning around, but I shut the door.

9 Q So you backed up and --

10 A Shut the door.

11 Q -- shut the door. Okay.

12 A I mean, when I shut the door, they was pretty much in
13 front of it. Like, I shut the door.

14 Q So you see -- you see Dominique make a quick movement to
15 the front door; was that right?

16 A She was running.

17 Q She runs through the living room?

18 A Yeah.

19 Q Through the dining room area?

20 A Yes, sir.

21 Q Through the kitchen?

22 A That's right.

23 Q All right way out back?

24 A She ran out the back door, yeah.

25 Q And at the same time the three men are approaching you,

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1 one with a gun; is that correct?

2 A Yes, sir.

3 Q And you -- and these guys were yelling at you; is that
4 right?

5 A No, sir.

6 Q So they started yelling at you once you retreated back
7 into the door; is that correct?

8 A No, sir.

9 Q So they were never yelling at you?

10 A The first time they said something to me is, you know
11 what time it is, where's the cash at.

12 Q When did they say that to you?

13 A After I was shot.

14 Q So they walked directly to the bathroom door and -- was
15 there a struggle, did you struggle with them?

16 A Not with them. When I shut the door and they tried to
17 get in. I shut the door back, they tried again. I shut the
18 door back and they shot. When they shot they hit me in the
19 face.

20 Q Okay. So you didn't -- they never talked to you, they
21 never yelled at you until they actually had shot first; is
22 that correct?

23 A To the best of my knowledge that is correct.

24 Q And that was the first shot?

25 A Correct.

1 Q Okay. So once you got hit, you start losing blood,
2 right?

3 A Yes, sir.

4 Q And that hurts?

5 A It really didn't. It was -- I didn't feel any pain. I
6 guess it was numb.

7 Q Okay. But you testified or you told the police you
8 never lost consciousness during this whole situation; right?

9 A That's right.

10 Q So once they bust in the door, you're lying on the
11 ground; is that correct?

12 A That's right.

13 Q And you are in front of the sink area; is that correct?

14 A A piece of me. My head was in the hallway, like going
15 into the bathroom, the way I fell down. My body, my legs were
16 going into the bathroom. So my actual head was in the
17 hallway, at this time.

18 Q Okay. So you -- you testified that the door opened up
19 from your right to left; correct?

20 A It opened into the bathroom, it didn't open out, it
21 opened in.

22 Q So you had to get around -- in order for your head to
23 get in the hallway you had to get around the door; is that
24 correct?

25 A In order for my head to what, now?

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1 Q You just testified your head was in the hallway --

2 A That's right.

3 Q -- so you had to get past the door someway; is that
4 right?

5 A Did I have to get past the door? Yeah, once I was shot
6 they opened they door.

7 Q Okay. And once they opened the door they asked you
8 where the cash was at; is that right?

9 A They said, you know what time it is, where's the cash.

10 Q Okay. And you tell them where the cash is at?

11 A I did.

12 Q And that was in your bedroom; is that right?

13 A Yes, that's correct.

14 Q And did they come back and asked you if that was all the
15 money?

16 A That's right.

17 Q And then did start to pretend that you were dying?

18 A Yes, sir.

19 Q And do you remember making any last statements to
20 convince them you were dying?

21 A I didn't make a statement to convince them that I was
22 dying. While they was standing over me the last thing I said
23 to them out loud where they can hear it, I said, God, if it's
24 my time to go, let's ride.

25 Q And more than one of the suspects were standing on top

1 of you; is that right?

2 A It was three people at the time.

3 Q So all three people were in the bathroom with you at the
4 same time?

5 A They wasn't in the bathroom, my head was in the hallway,
6 my body was in the bathroom, and they were just standing
7 around me. I could just see shoes.

8 Q Okay. And --

9 A They never came in the bathroom.

10 Q And once they have the money they walk out the door;
11 correct?

12 A One of them said he's done, and then they walked out.

13 Q Okay.

14 A I continued laying on the floor, because I didn't know
15 if anybody was in there or not and I heard the door open
16 again so I continued laying there. It was Dominique coming
17 back in the house.

18 Q Okay. So you're on the floor and you had your hand over
19 your eye; is that correct?

20 A Not at that time. I was just laying on the floor.

21 Q Okay. And you -- but you couldn't see out of your eye;
22 is that correct?

23 A Not the one shot. I have two of them.

24 Q Right. So you have your other eye open and looking
25 around; is that correct?

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1 A That's correct.

2 Q And you see Dominique enter from the back door?

3 A No, I heard the door open. At first I thought it was
4 them back in the house until she stepped over me. That's
5 when I knew it was her.

6 Q She stepped over --

7 A Right over my head, the head that was laying in the
8 hallway.

9 Q Okay. Is it possible she went to go lock the front
10 door?

11 A She didn't go to the front door.

12 Q Okay.

13 A She went in the bedroom.

14 Q Okay. Is it possible she was trying to find her phone?

15 A The phone was already in her hand. I asked her to dial
16 911 and she was fake dialing.

17 Q Right. I'll get to that. So just bear with me --

18 A Yes, sir.

19 Q So she -- so she entered into the home, she starts going
20 through your kitchen; is that right?

21 A Yes, sir.

22 Q She steps over you; is that right?

23 A Yes, sir.

24 Q She talks about your eye?

25 A She looked down -- when she stepped over me she looked

1 down at me and it was her first time seeing me after I got
2 shot, and she said, oh, his eye hanging out of his head, and
3 then she walked in my bedroom.

4 Q And she walked in your bedroom?

5 A Yes.

6 Q And started going through your stuff for a little while?

7 A You could hear her plundering around.

8 Q And at this point you're still laying down on the
9 ground?

10 A Yes, sir.

11 Q And then she -- then you asked her to call 911?

12 A Not at that time. She walked out of the bedroom and she
13 went into the other bedroom and she was plundering around.
14 Then she walked out of there, she stepped back over me. She
15 was in the kitchen area. That's when I stood up and walked
16 out the bathroom.

17 Q Okay. You walked out the hallway of the bathroom area?

18 A I was half-way in and half-way out.. That's when I came
19 out of the bathroom.

20 Q And you were obviously naked at the time; is that right?

21 A Yes.

22 Q Do you know how long you think it took from the time
23 that the men left until the time Dominique ends up calling
24 911?

25 A That was fast, but for me to guess it, I would probably

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1 say a minute or two.

2 Q At least a minute or two or more; right?

3 A Yeah.

4 Q And obviously during this time you were losing some
5 blood?

6 A Yes, sir. I wasn't weak, yet.

7 Q You've -- you've mentioned that you were shot in the
8 eye?

9 A Yes.

10 Q You were also shot in other area, right?

11 A Got shot through my thumb and can't bind like this any
12 more, and I got shot through my forearm right here, and it
13 came out the back.

14 Q So after -- so after they got you -- you opened up the
15 bathroom door they shot you again; is that correct?

16 A It was more like a shot, then a shot, shot.

17 Q Okay. So they --

18 A It's not like they shot me and then waited a little
19 while. They shot, then shot, shot.

20 Q So did they shoot through the door or they shot after
21 they opened the door?

22 A The only shot I remember coming through the door is the
23 one that hit me in my face.

24 Q Okay. So you don't remember another shot going through
25 the door -- You do remember them shooting you --

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1 A Only one shot came through the door. The door only got
2 one bullet hole in it.

3 Q Okay. Now, you testified, also, that you saw Dominique
4 dial 911 and then not hit send; is that correct?

5 A She hit end instead of send.

6 Q Okay. And she was also walking away from you at the
7 time?

8 A No, she was right in front of me.

9 Q So you were watching her hit end?

10 A Yeah.

11 Q You don't think it was because she was nervous or
12 hysterical?

13 A Whatever reason.

14 Q You think she was not hitting 911 on purpose?

15 A Yeah.

16 Q Now, after Dominique calls 911, she goes outside; is
17 that right?

18 A Dominique was in the house with me until they responded.
19 The police got there real quick. The magistrate was right
20 around the corner.

21 Q Okay. So did Dominique get you a towel to put over your
22 head?

23 A No. I got my own t-shirt and put it over my head.
24 Dominique didn't touch me one time.

25 Q Okay. And Dominique didn't get your pants or clothes or

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1 anything like that?

2 A I put my own pants on and I put my own shirt on, and I
3 did that because I heard the police sirens coming, I didn't
4 want them to catch me butt-naked.

5 Q But Dominique did call 911 for you; is that correct?

6 A Yeah, she did.

7 Q And you were outside when the ambulance came; is that
8 right?

9 A The police got there first. When they got there I
10 walked out the door. A cop grabbed me, walked me back in,
11 sat me down and started asking me what happened.

12 Q Was that the same cop that testified earlier today?

13 A No.

14 Q Do you know that cop well?

15 A I know Stone.

16 Q Okay. So that was a different cop than Stone?

17 A Yeah, Stone got there and probably eight more cops.
18 There was a lot of cops pulled up.

19 Q Okay, so --

20 A I remember the cop being heavy-set. He was white,
21 probably 40 years old. He was a heavier cop. He walked me
22 in, he sat me down on the edge of the couch, pulled out a pad
23 and started asking me what happened. The ambulance pulled
24 up. I told him I was shot in the face and started walking
25 towards the ambulance.

1 Q So he didn't take care of you at all, he started asking
2 questions immediately?

3 A That's correct.

4 Q Okay.

5 A I'm assuming if I was to die in there he wanted enough
6 information to have something, so he was trying to figure out
7 -- I was more concerned with getting in the ambulance when it
8 pulled up.

9 Q Me, too. After you -- so the ambulance took you to the
10 hospital; is that right?

11 A Yes, sir.

12 Q Do you remember speaking to a police officer at the
13 hospital?

14 A Vaguely.

15 Q And do you remember talking to him kind of about what
16 happened to you; do you remember that being a man named
17 Donald Robinson?

18 A I don't remember his name.

19 Q Okay. And do you remember at least telling him what
20 happened?

21 A Like I said, vaguely. Once I got to the hospital -- the
22 ambulance ride -- they started putting medication in me. By
23 the time I was in ICU, I don't know what they done did to me.
24 So everything in that area is really vague. I couldn't tell
25 you what I said in the hospital.

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1 Q Okay.

2 A I was sedated.

3 Q So you don't know if you told them that you don't think
4 that Dominique set you up?

5 A If I said it -- I don't know if I said that or not, but
6 if I say that I don't remember saying that and the entire
7 ride to the hospital I was telling EMS and everybody she did
8 it. So I don't know why the switch up.

9 Q Okay. Do you remember describing the suspects to this
10 cop?

11 A I want to say vaguely.

12 Q Okay. And do you remember telling them about an
13 individual named Oscar?

14 A I do.

15 Q Okay. And did you tell them that Oscar was somebody who
16 told you he wasn't going to protect you any more?

17 A It wasn't about protect. Oscar came to me New Year's
18 Eve and he was drunk and he was telling me that somebody was
19 going to rob me and he was keeping them off of me and I was
20 supposed to be getting shot and robbed and I got shot and
21 robbed a week later. I told the police that and they didn't
22 do a thing about it. Now, all of a sudden they're talking
23 about Oscar again.

24 Q But Oscar wasn't one of the guys that shot you?

25 A No, sir.

1 Q Okay. You were in the hospital for about two days; is
2 that correct?

3 A Yes, sir.

4 Q And your mom and dad, sister, were all there taking care
5 of you?

6 A They were there for support. I don't know if they were
7 taking care of me.

8 Q They were there, basically, is that fair to say?

9 A Yes, sir.

10 Q And did you start to think about what happened to you?

11 A I can say yes to that.

12 Q And you're starting to feel like you got set up?

13 A I knew I got set up when she opened up that door and
14 took off running and three people walked in my house.

15 Q Do you remember your mom calling the investigator on
16 your case?

17 A No.

18 Q Do you remember talking to an investigator on the phone
19 right after you got out of the hospital?

20 A Which investigator?

21 Q I'm referring to Investigator McDonald.

22 A I'm not even sure who that is. I know when the case
23 first started it was Investigator Martin. I know after that
24 Investigator Unger took over. I don't remember any other
25 investigators. I talked to a lot of people, but I don't know

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1 their names, so I don't know who you're talking about.

2 Q But you do remember making an official police statement
3 on January 17, to Lt. McDonald; is that correct?

4 A Yes, sir.

5 Q That sound right?

6 A I think I made that at headquarters?

7 Q Yes, I believe so.

8 A I remember that.

9 Q And you wanted to tell Lt. McDonald the true statement;
10 correct?

11 A Yes, sir.

12 Q And you wanted him to find who did this to you; is that
13 right?

14 A Yes, sir.

15 Q Okay. And you wanted the police to rely on that
16 statement; correct?

17 A I don't understand.

18 Q Like you wanted the police to act on that statement,
19 right. You wanted them to go arrest somebody; right?

20 A I wanted them to go arrest who did it. I didn't want
21 them to go arrest just random people. Find out who did it,
22 lock them up.

23 Q Now, I want to show you your statement that you made on
24 February 7 -- January 17, again.

25 A Okay.

1 Q Is that a fair description of what happened to you?

2 A Yes, sir.

3 Q Can you show me where in that statement you say that
4 Dominique skipped by -- to the door real quick?

5 A I mean, this isn't my actual statement. I gave two of
6 them. So if I left something out of one that I put in
7 another one --

8 Q So you left that out of that first statement; right?

9 A Possibly. Yeah.

10 Q Okay.

11 A It's possible that I didn't say she skipped.

12 Q Okay. Is it possible that you also left out the stuff
13 about you having sex with Dominique?

14 A I don't think I've ever left that out.

15 Q And is it possible --

16 A If he didn't put it in the statement, that's fine, but I
17 don't remember leaving that out.

18 Q Do you remember the police officer giving you the
19 statement to read at the time you made the statement?

20 A I do.

21 Q And you signed the statement; is that right?

22 A I did.

23 Q Okay. And you read the statement; correct?

24 A This statement is true, so I would sign this statement
25 right here again even though stuff is left out. The stuff

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1 that's in it is true. So I have no problem with signing it.

2 Q And you also left out Dominique's commentary about your
3 eye and stepping over you?

4 A Okay.

5 Q Okay. So do you also remember making a second statement
6 in this case?

7 A I do.

8 Q And this second statement was made a month later or so;
9 is that correct?

10 A Yes, sir.

11 Q Did you give that statement to Chief Wilson; is that
12 correct?

13 A I remember that.

14 Q And do you remember making that statement?

15 A Yes, sir.

16 Q And at this point, do you know if Dominique's been
17 arrested at all?

18 A I'm not sure. I can't tell you I knew that day.

19 Q But they're asking you for a second statement. Were you
20 frustrated that nothing was going on with your case?

21 A As anybody would be. I can say I was frustrated.

22 Q Okay. Now, let me show you your second statement; does
23 this look fair and accurate?

24 A Yes, sir.

25 Q Okay. And with that statement you added a few more

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1 details?

2 A Yes, sir.

3 Q You added the story -- you added the details about sex
4 with Dominique?

5 A I told police what happened with me and Dominique the
6 entire time, now when they chose to put it in the statement
7 is on them.

8 Q And did you add the details about her skipping by the
9 door; is that right?

10 A Yes, sir.

11 Q Okay. And you added the detail that she made commentary
12 on your eye?

13 A Yes, sir.

14 Q And you also tell the Chief that you don't remember
15 being shot the second two times; right?

16 A That's right. I remember telling him it had to happen
17 time the door opened, because I got shot through the door,
18 the door opened and then I was shot two more times. I don't
19 remember getting shot.

20 Q Okay.

21 A But if there's not three holes in the door and I'm shot
22 three times the other two had to be after the door was open.

23 Q So you assume -- you're saying that's what happened,
24 right?

25 A Along with somebody else let me know they heard three

2 MR. STANLEY: Beg the Court's indulgence.

4 BY MR. STANLEY:

7 A Yes, sir.

10 THE COURT: Any objection?

13 THE COURT: All right. Without objection, it will be
14 admitted.

16 (Defendant's Exhibit No. 2, photo,
17 was marked and entered.)

19 Q And this is a picture of your living room?

21 Q And this is a picture where Dominique was sitting prior
22 to the incident?

24 Q And this -- you can also see a little bit of your
25 hallway?

1 A Yes, sir.

2 Q Okay. In your prior two police statements you never
3 told the cops that you met another one of the home invaders,
4 did you?

5 A Yes, I did.

6 Q So you told them you met one of the shooters beforehand
7 and they didn't write it down?

8 A I told them that one of the guys that have not been
9 caught yet, she introduced to me about two to three months
10 before it happened and I felt like she was plotting on me
11 that long. That came out my mouth.

12 Q And you told them that on more than one occasion?

13 A I can't tell you how many times I told them that, I feel
14 like.

15 Q Okay, and, again, they didn't write it down in any of
16 your statements?

17 A (No response.)

18 Q Do you remember telling the police about a man named
19 Alberto Gutierrez?

20 A I do.

21 Q And do you know when you told the police about Mr.
22 Gutierrez?

23 A I know I told them about him recently when I got in
24 contact with them. I don't know if I said anything about him
25 then or not, but I'm assuming I did. I'm not sure.

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1 Q So you don't remember telling the cops about a potential
2 eye-witness in the case?

3 A No, sir.

4 Q Okay. You testified earlier that Dominique were close
5 and she knew where the cash box was; is that right?

6 A Yes, sir.

7 MR. STANLEY: A minute.

8 THE COURT: Yes, sir.

9 MR. STANLEY: No further questions, Mr. Sherman.

10 THE COURT: Redirect.

11 MS. WALKER: Yes, Your Honor. Briefly.

12 THE COURT: Yes, ma'am.

13 JAMIE SHERMAN - REDIRECT EXAMINATION

14 BY MS. WALKER:

15 Q You got shot three times?

16 A Yes, ma'am.

17 Q And I think you said when they left they said, he's
18 done. They left you for dead?

19 A Yes, ma'am.

20 Q They left no witness behind?

21 A That's right.

22 Q Did Dominique get shot?

23 A No.

24 Q When you talked to her do you know if she had been
25 touched or harmed in any way during this?

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1 A I know for a fact they didn't touch her. They didn't
2 touch her.

3 Q Do you know if anything of her's had been stolen?

4 A No, ma'am.

5 Q There was a diagram that he had up here, Defense Exhibit
6 No. 1. The rooms aren't to scale, this isn't the actual --

7 A Exactly.

8 Q -- proportion?

9 A Exactly. I was noticing that myself.

10 Q Okay. Now, I want to ask you a few questions. I don't
11 want to mislead anyone, so let's go through this clearly.

12 A Okay.

13 Q This isn't to scale?

14 A No.

15 Q From your bathroom door, can you point out your bathroom
16 door?

17 A It would be right here.

18 Q And what all do we have in this picture?

19 A The living room came this way.

20 Q Okay. And through this doorway, where does that lead
21 you?

22 A That doorway --

23 Q Uh-huh. (Affirmative response.)

24 A -- is right there.

25 Q To which room?

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1 A It does to the kitchen and it's the hallway to the
2 bathroom and the bedroom.

3 Q So from here back is the rest of the house?

4 A Yes.

5 Q Okay. And it's this house that we have here in State's
6 Exhibit No. 90, that's not to scale. This depiction of the
7 house -- is this a large house that you were living in at the
8 time?

9 A It's bigger than it looks like it is. It's built deep.

10 Q But it goes back?

11 A Yes..

12 Q Not from side to side?

13 A That's right.

14 Q From your bathroom door could you see Dominique run?

15 A Yes, ma'am.

16 Q And you put that in your statement, the statement, not
17 one of the ones that he showed you, but the statement that he
18 eventually got to, you put in your statement that he said --
19 that you said, I saws her skip by the door?

20 A Yes, ma'am. I was looking for it myself. I felt like
21 it was in there.

22 Q I'll show you.

23 A I just couldn't find it while he was up here.

24 Q Well, you didn't have it very long.

25 A Yeah.

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1 Q You talk about -- you said you didn't talk about your
2 sexual relationship?

3 A I skipped by that.

4 Q So it is in here?

5 A It's right there.

6 Q So you talked about your sexual relationship with
7 Dominique in this statement as well?

8 A Yes, it's right there.

9 MR. STANLEY: Your Honor, which statement are you
10 referring to?

11 MS. WALKER: The same statement that you shown.

12 A We had sex --

13 BY MS. WALKER:

14 Q Hold on, hold on -- hold on one second.

15 MR. STANLEY: What's the date on the statement?

16 MS. WALKER: The 16 day of December.

17 MR. STANLEY: That would be the February statement on the
18 bottom?

19 MS. WALKER: I'm telling you what it says at the top. I
20 don't -- is there --

21 THE COURT: Show it to him, counsel.

22 (Ms. Walker shows document to Mr. Stanley.)

23 MR. STANLEY: Thank Your Honor.

24 THE COURT: You may proceed, counselor.

25 BY MS. WALKER:

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1 Q I'm sorry.

2 A That's okay.

3 Q So you put those things in the statement?

4 A Yes, ma'am.

5 Q And what day did you give that statement and sign down
6 here?

7 A The 16 of February.

8 Q He also asked you several questions about a guy named
9 Oscar that was supposed to be giving you some sort of
10 protection, is the way he termed it?

11 A Yeah.

12 Q And that Oscar told you that you were going to be robbed
13 and shot, is what he elicited on cross-examination; right?

14 A That's right.

15 Q Did you come to find out who'd been telling everybody
16 you were going to get robbed and shot?

17 A No, ma'am.

18 Q Did anyone ever tell you of any particular person
19 saying, hey, I plan on robbing him --

20 MR. STANLEY: Your Honor, that's hearsay.

21 THE COURT: I think she's examining him on matters that
22 you brought up and she asked what he had heard. I'll
23 overrule your objection. She's not quoting anybody. She's
24 not asking him to quote anybody. Overruled.

25 A The answer to that is no.

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1 BY MS. WALKER:

2 Q But you were, in fact, robbed and shot?

3 A Yes, ma'am.

4 MS. WALKER: Sir, I don't have any further questions.

5 THE COURT: Recross.

6 MR. STANLEY: No recross.

7 THE COURT: All right, sir, you may step down. Thank you
8 very much.

9 Ladies and gentlemen, we're going to take a short break.
10 I'm going to let you step back to the jury room. As always
11 when you leave the courtroom my instruction not to discuss
12 anything about the case until you are asked to do so.

13 You may retire to the jury room.

14 Everyone remain seated while the jury retires, please.
15 (Jury out at 2:32 p.m.)

16 THE COURT: We will be in short recess in this case.

17 (Court in recess for break.)

18 THE COURT: If you're ready with your plea, I'll take it
19 now.

20 (A plea in another matter was taken.)

21 (Court in session after break.)

22 THE COURT: Thank you very much. You can be seated.

23 MR. STANLEY: The defendant just went to the bathroom,
24 Your Honor.

25 THE COURT: That's fine. When she gets back we'll get

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1 well.

2 (WHEREUPON, Patrick Wright was sworn
3 to tell the truth.)

4 THE CLERK: Please have a seat and state your full name.

5 THE COURT: All right, sir, once you're seated state your
6 name.

7 MR. WRIGHT: Patrick Wright.

8 THE COURT: Thank you.

9 Ms. Campbell, your witness.

10 MS. CAMPBELL: Thank you, Your Honor.

11 PATRICK WRIGHT - DIRECT EXAMINATION

12 BY MS. CAMPBELL:

13 Q Mr. Wright, where are you employed?

14 A Richland County EMS.

15 Q What do you do there, sir?

16 A I'm an intermediate EMT for Richland County. I work
17 with the crew, the ambulance crew.

18 Q As an intermediate EMT, what do you do, what are your
19 duties?

20 A We respond to 911 calls and transport patients to the
21 hospital.

22 Q Typically when a unit such as yours is sent out, how
23 many people respond on a typical call?

24 A Typically, it is two of us.

25 Q And what are the roles of the two people responding to a

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1 911 call?

2 A One would be the driver and the other would provide
3 patient care.

4 Q I want to turn your attention back to January 8, 2012,
5 did you respond to an address over on Broad River Road?

6 A Yes, ma'am.

7 Q And approximately what time was it when you received the
8 call to go there? Are you referring to your report?

9 A Yes, ma'am. It was approximately 21:21, which is 9:21.

10 Q In the evening?

11 A Yes, ma'am.

12 Q What address did you respond to that evening?

13 A

14 Q Who was with you when you responded that evening?

15 A My crew?

16 Q Yes, your crew.

17 A It was myself and paramedic James Pettus.

18 Q And where is Mr. Pettus now?

19 A Pettus is out of the country, serving as a paramedic in
20 Afghanistan, I believe.

21 Q So he's in Afghanistan? What was your role that night
22 as part of this crew?

23 A This was an ALS call. Advance Life Services call. The
24 paramedic was in the back with the patient. My specific role
25 was to help get the patient ready to be loaded onto the

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1 ambulance and then drive to the hospital.

2 Q When you responded to this address on Broad River Road,
3 what, if anything, did you observe?

4 A To be honest, I can't remember.

5 Q Have you reviewed the --

6 A I have. I have the report here.

7 Q Was there a patient that y'all treated there?

8 A There was.

9 Q And can you tell what was done with that patient even
10 though much of that was done by the paramedic, not by you?

11 A Sure. Can I read the report?

12 THE COURT: Sir, you cannot read the report --

13 MR. WRIGHT: Okay.

14 THE COURT: -- but you can use the report to refresh your
15 memory.

16 MR. WRIGHT: Okay.

17 THE COURT: Look over it and if that refreshes your
18 memory you can then testify from your refreshed memory.

19 MR. WRIGHT: Okay.

20 A We placed the patient in spinal precautions. He was
21 ambulatory on scene.

22 BY MS. CAMPBELL:

23 Q When you got there?

24 A Yes, ma'am. We placed him in the spinal precautions and
25 placed him onto the stretcher. We got him into the unit. Our

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1 on scene times were pretty quick.

2 Q Why is that?

3 A Because we knew how urgent a situation this was.

4 Q When you say how urgent this situation was, how urgent
5 was the situation as far as his wounds?

6 A Per the report, he had to have three wounds, one to the
7 eye and one to the right arm and right thumb. The eye being
8 the most significant. We didn't know the extent of that
9 injury.

10 Q Did he receive any treatment in route to the hospital?

11 A Yes, he did. He received two IVs, one in the
12 antecubital region and one in the hand.

13 Q And you mentioned that this was an ALS situation. What
14 does that mean, again?

15 A That refers to the -- the paramedic would be the person
16 writing this and because Advanced Life Support might have to
17 be given.

18 Q Because of the serious nature?

19 A Correct.

20 Q Where was he transported that day?

21 A Richland is where we would take any trauma patient of
22 this nature.

23 Q On the ride there were there any measures taken to try
24 to stop the bleeding from his head?

25 A The patients eye was bandaged. Per the reporter the

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1 patient's arm had already stopped bleeding.

2 Q Once he was transported to Richland Memorial Hospital,
3 did you have any further contact with him?

4 A We transferred him to the trauma bay and gave a report
5 to the doctors as to what we did, and then we would have not
6 had any more contact.

7 Q And as to Mr. Pettus and yourself, who would have had
8 more contact with him?

9 A My partner, James Pettus.

10 Q So you were the driver?

11 A Yes, ma'am.

12 Q And the person you transported; what was his name?

13 A Mr. Sherman, Jamie.

14 Q Jamie Sherman?

15 A Yes, ma'am.

16 Q Thank you, sir. I don't have anything further.

17 THE COURT: Your witness, counselor.

18 MR. STANLEY: Just a few questions.

19 PATRICK WRIGHT - CROSS-EXAMINATION

20 BY MR. STANLEY:

21 Q You said before that you received a call at 9:21 that
22 evening?

23 A That's correct.

24 Q Can you testify to how many gunshots the patient told
25 you that he --

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1 MS. CAMPBELL: Objection, Your Honor. Hearsay.

2 MR. STANLEY: I'll rephrase, Your Honor.

3 THE COURT: All right. Thank you very much.

4 BY MR. STANLEY:

5 Q How many gunshots did the patient --

6 MS. CAMPBELL: Objection, Your Honor.

7 THE COURT: Rephrase, please.

8 BY MR. STANLEY:

9 Q Did -- sorry. The patient told you that he received --

10 MS. CAMPBELL: Objection, Your Honor.

11 THE COURT: Well, I don't know if that's objectionable or
12 not. I'll --

13 MS. CAMPBELL: He was getting ready to say the patient
14 told you, what the patient said.

15 THE COURT: I don't know where he was going from there,
16 but he shouldn't do that, if that's what he was about to do.

17 MR. STANLEY: Thank you.

18 Excuse me, Your Honor.

19 THE COURT: Yes, sir.

20 BY MR. STANLEY:

21 Q Did the patient have any gunshot wounds?

22 A Yes, sir. He had a wound to the eye and also to the
23 right arm.

24 Q Did he relate to you --

25 MS. CAMPBELL: Objection, Your Honor.

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1 THE COURT: Well, what's the objection, counselor?

2 MS. CAMPBELL: Hearsay. He said, did he relay to you.

3 THE COURT: Well, there are exceptions to the hearsay
4 rule such as Res Justi and things of that nature, when
5 there's been an excited utterance. This was the scene of a
6 shooting. So maybe if he lays the ground work in that
7 fashion he could get --

8 MS. CAMPBELL: We have no objection if he lays the ground
9 work.

10 THE COURT: All right. I'll sustain the objection at
11 this time.

12 BY MR. STANLEY:

13 Q So you arrived at the scene of the crime?

14 A Correct.

15 Q And the police were already there?

16 A Correct.

17 Q And Mr. Sherman came to the ambulance?

18 A Yes, sir. He was ambulatory.

19 Q And he had been shot?

20 A Yes, sir.

21 Q And he had his hand over his eye?

22 A His left eye.

23 Q And was he in an excited state?

24 A Yes, sir.

25 Q Was it a pretty traumatic situation?

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1 A I'd say he was agitated.

2 Q Did he tell you how many times he got shot?

3 A He said for sure once, but he did not know how many
4 times he was shot.

5 Q All right. No further questions.

6 THE COURT: All right. Redirect.

7 MS. CAMPBELL: Nothing further, Your Honor.

8 THE COURT: You may step down. Do you want to excuse the
9 witness?

10 MS. CAMPBELL: Please.

11 MR. STANLEY: Yes, sir.

12 THE COURT: Sir, you're free to go. Thank you for coming
13 today.

14 MR. WRIGHT: Thank Your Honor.

15 THE COURT: State may call it's next witness.

16 MS. CAMPBELL: State calls Trevor Holt.

17 THE COURT: Come forward, sir, to be sworn, please.

18 (WHEREUPON, Trevor Holt was sworn to
19 tell the truth.)

20 THE CLERK: Please have a seat, state your full name for
21 the record.

22 THE COURT: Sir, once you're seated I ask that you state
23 your name, please.

24 MR. HOLT: Trevor Holt.

25 THE COURT: Thank you.

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1 Your witness, Ms. Campbell.

2 MS. CAMPBELL: Thank you, sir.

3 TREVOR HOLT - DIRECT EXAMINATION

4 BY MS. CAMPBELL:

5 Q Where are you employed?

6 A Richland County Sheriff's Department.

7 Q What do you do there, sir?

8 A I'm a crime scene investigator with the forensic unit.

9 Q Can you tell this jury as a crime scene investigator
10 what your duties are?

11 A Sure. My duties are the identification and collection
12 and preservation of physical evidence.

13 Q Have you had any training as a forensic investigator?

14 A Yes, ma'am.

15 Q Can you relay that to the jury?

16 A Sure. In addition to in house competency testing, yearly
17 proficiency testing, I've also received additional training
18 in Crime Scene Investigation through Cary McClary and
19 Associates. Blood Pattern Analysis, Jerry Finley and
20 Associates. DNA Overview and Forensic Pathology,
21 International Association of Identification. Advanced Crime
22 Scene Photography, Cary McClary and Associates. Advanced
23 Blood Pattern Analysis, Jerry Finley and Associates. Crime
24 Scene Processing, University of Northern Florida, Institute
25 of Police Technology and Management. Fingerprint Recognition

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1 and Comparison, South Carolina Criminal Justice Academy.
2 Techniques for Searching for Clandestine Graves,
3 International Association of Identification. Forensic
4 Anthropology and Archeology, International Association of
5 Identification. Shooting Incident, Documentation and
6 Reconstruction, International Association of Identification.
7 Blood Pattern Analysis, Beval, Gardner and Associates. Crime
8 Scene Reconstruction, Beval, Gardner and Associates. Ethics
9 in Forensic Science, University of West Virginia.

10 I'm also a member of the International Association of
11 Identification, the South Carolina Division of the
12 International Association of Identification. I'm also
13 certified as a Crime Scene Investigator with the
14 International Association of Identification.

15 Q And have you been qualified before as an expert in crime
16 scene investigation?

17 A Yes, ma'am.

18 MS. CAMPBELL: Your Honor, at this time, we'd offer him
19 as an expert in crime scene investigation.

20 THE COURT: Any objection?

21 MR. STANLEY: None, Your Honor.

22 THE COURT: All right.

23 Ladies and gentlemen, let me explain to you the process
24 that we're going through at this point in time. Under the
25 Rules of Evidence, generally witnesses are not allowed to

Now, later on when I charge you on the law I'll give you some additional information concerning opinions given by expert witnesses. At this point in time, this witness has been offered as an expert within the field that he's testifying to. I'm going to qualify him as such so he will be allowed to state his opinions within that area, as well as, the reasons for those opinions.

MS. CAMPBELL: Thank Your Honor.

Q I want to turn your attention back to January 8, 2012, did you respond to a shooting scene?

Q Where did you go?

A My first stop would have been at _____ I
was responded to Howell Circle after being advised that while
K-9 units were tracking for the suspects they came across

what appeared to a partial tire impression located in the
drive-way of Due to the fact that it had
began to rain that evening I responded there first in an
effort to preserve whatever evidence or measurable detail
that may have been left from the partial tire impression.
This partial tire impression was marked as Marker A. It was
photographs with and without a scale. I also collected a
cast of the partial impression. The rain had degraded the
impression greatly. There was very little measurable detail.
The cast was properly packaged and placed into evidence to be
held.

12 Q You mentioned that this cast -- this Howell Street
13 address, where is it located in regards to the Broad River
14 Road?

15 A If I remember correctly it's directly across the street
16 from the incident location.

17 Q That would be across Broad River Road?

18 A Yes, ma'am.

19 Q And when you responded there you were trying to get this
20 tire impression?

21 A Yes, ma'am.

22 Q But the quality of the tire impression that you were
23 able to get that night -- at that point do you even know if
24 it has anything to do with the event?

25 A No, ma'am, I don't.

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1 Q But you went ahead and collected it?

2 A Yes, ma'am.

3 Q And as far as being able to use it in the future,
4 because of the rain and the other elements that night, was it
5 really usable for anything?

6 A No, ma'am. Certain things that we look for, tread
7 pattern, so we can come up with a make and model of a
8 specific tire, then we can look for unique characteristics of
9 that tread pattern that make that tire unique to any other
10 tire, which may be something like the car is out of align and
11 the tire wears differently from any tire on the road. If you
12 drive across a glass bottle and a chunk of rubber is cut from
13 the tread pattern that makes that tire unique from any other
14 tire. Due to the rain and the fact that the impression had
15 been rained upon so much there were no measurable details on
16 it.

17 Q The impression that you observed was it on pavement or
18 in a dirt area?

19 A It was in a dirt area.

20 Q And typically when tires are on pavement unless there's
21 some kind of skidding or something are you able to get any
22 impressions at all?

23 A Not likely.

24 Q Was your attention ever directed over to the apartment
25 complex next to the incident location on Broad River Road?

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1 A No, ma'am.

2 Q So you never went to the -- What's that apartment
3 complex, next door?

4 A Brookfield, Brook --

5 Q Pines.

6 A Pines. No, ma'am. I had no knowledge of anything being
7 at Brook Pines.

8 Q Once you had collected the tire impression where did you
9 proceed?

10 A I proceeded to the incident location,
11 Road.

12 Q And upon arriving at the scene, how did the scene
13 appear?

14 A I observed the crime scene had been secured with crime
15 scene tape and a crime scene log had been started. I
16 observed that Ms. Ross was still at the scene, although,
17 wasn't inside the home. She was in the front yard area. And
18 she was speaking with someone, I don't recall who. I don't
19 recall if it was a investigator or a uniform patrol officer
20 at that point.

21 Q Okay. Prior to entering the actual scene, the interior
22 of the residence, did you collect certain items from Ms.
23 Ross.

24 A I did. I was first briefed by uniform patrol officers
25 what they were told, what they had found out on their arrival

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1 at the incident location, which directed my attention to Ms.
2 Ross, due to the fact that at some point it had been stated
3 that Ms. Ross --

4 Q We can't talk about what was said there on the scene,
5 just what you did?

6 A I made contact with Ms. Ross. I identified myself. Ms.
7 Ross informed me that she had answered the door --

8 Q I'm sorry. You can say what the witness has said to
9 you. Say what you did.

10 A Yes, ma'am. I had collected a sign and consent to
11 search form from Ms. Ross, at which point I collected a swab
12 from her upper arm/shoulder area and I also collected a DNA
13 standard from Ms. Ross.

14 Q And is it pretty standard to get any witnesses or
15 possible victims to get standard DNA from those that may be
16 usable at some other time?

17 A Correct.

18 Q And that's what you did?

19 A Yes, ma'am.

20 Q After doing that did you also find out that consent had
21 been given to search the home, itself?

22 A Yes, ma'am.

23 Q What -- take the jury step by step, basically, how you
24 entered the home and what you observed?

25 A Okay. Initial walk-thru of the home, I observed that

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1 the front door was open. I observed there was no damage or
2 signs of the front door being forced open.

3 Q Okay. Let me stop you there. You observed no signs of
4 the front door being forced open. What do you typically look
5 for that was not present in this case?

6 A If the door had been forced open there would have been
7 some indication likely by damage to the door frame being
8 splintered or damaged. Sometimes a door frame will actually
9 pull loose from the actual wall upon the door being kicked in
10 or the door will be damaged itself, maybe a partial shoe
11 impression if the door had been kicked.

12 Q And did you see any signs of any damage to the door, the
13 door frame, the locking mechanism or anything of that sort?

14 A No, ma'am.

15 Q Okay. Proceed. I'm sorry.

16 A As you enter the front door, you enter, I guess, what
17 would be referred to as the den or sitting area. There was a
18 couch. I don't recall if there was a TV or anything in that
19 particular room, but there was a couch that faced the front
20 door.

21 Q Did you proceed to do what's called a walk-thru in the
22 house?

23 A Yes, ma'am. During my walk-thru I noticed a room off to
24 the right that appeared to be a bedroom or maybe used like a
25 storage area. Next to that would have been like the dining

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1 room area. There was a bookcase, several stacks of CDs, then
2 the kitchen area. In the kitchen area I observed a large
3 quantity of brownish-red stains believed to be blood. Within
4 that blood I observed several partial impression of a partial
5 tread pattern from a shoe. Partial barefoot impression as if
6 someone had walked through the blood barefooted. At which
7 point I continued further down the hallway. I observed the
8 bathroom door area. I observed what appeared to be an impact
9 area or bullet hole in the bathroom door. That was later
10 marked as Marker 1. I additionally observed several
11 brownish-red stains believed to be blood within the bathroom,
12 on the door, the door frame, the sink, the tub, the wall, the
13 floor. Again, continuing down the hallway toward what was
14 believed to be the victim's bedroom, additional brownish-red
15 stains believed to be blood on the walls and on the floor of
16 the hallway. Closet door that was located in the hallway had
17 additional stains on it. There was an ironing board in the
18 hallway had additional stains on it. There was what was
19 believed to be the victim's bedroom and an additional bedroom
20 next to it. That door was closed. It had an additional
21 stain on it, believed to be blood. Then the victim's bedroom
22 had stains on the door, the door frame, the walls, interior
23 of the bedroom and closet door.

24 Q Whenever you're using the terms stains that are
25 brownish-red in color what do those present as most likely to

1 be?

2 A The majority of times it's blood, but due to the fact
3 Mr. Sherman had been transported prior to my arrival I never
4 observed him as bleeding. So therefore I have to refer to it
5 as a brownish-red stain until an actual DNA analysis can be
6 performed on it and it is confirmed to be blood, at that
7 point. The actual stain itself is just a deposit of blood
8 onto a surface or an item.

9 Q I'll show you a series of photographs -- once you
10 completed your walk-thru, did you photograph certain areas
11 inside the house before collecting any evidence?

12 A Yes, ma'am. There was overall photographs conducted,
13 there were then mid-range or evidence establishing
14 photographs that were taken. Then there were -- the evidence
15 were marked. Anything that I determined to be potential
16 evidence, markers were placed at it and then they were
17 photographed again through evidence establishing and closeup.

18 Q I'm going to show you what's been marked as State's
19 Exhibit Nos. 1 through 74, first, if you'll keep them in that
20 order, please?

21 A Yes, ma'am.

22 Q Look through those and see if you recognize those?

23 A (Witness complies.) Yes, ma'am.

24 Q And are those photographs that you took that evening
25 when you processed that house?

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1 A Yes, ma'am.

2 Q Now, I want to show you in addition to that, Nos. 77 and
3 78 and then 79 through 87.

4 A (Witness complies.) Yes, ma'am.

5 Q And again are those photographs that you took that
6 night?

7 A Yes, ma'am.

8 Q And do all these photographs that you've reviewed here
9 fairly and accurately represent the crime scene as you
10 observed it that night?

11 A Yes, ma'am.

12 MS. CAMPBELL: Your Honor, at this time, we'd offer
13 State's Exhibit Nos. 1 through 74, 77, 78 and then 79 through
14 87.

15 MR. STANLEY: Your Honor, may I approach?

16 THE COURT: Yes, you may.

17 (Off the record bench conference with counsel and the Court.)

18 THE COURT: Counsel, if you'll let counsel review the
19 photographs.

20 MS. CAMPBELL: Sure. They've all been turned over in
21 discovery.

22 THE COURT: Okay.

23 MS. CAMPBELL: So he does have a copy of all of them.

24 If you could -- if you don't mind keeping them in order.

25 MR. STANLEY: Okay.

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1 (Mr. Stanley reviews photographs.)

2 MR. STANLEY: Your Honor, at this time I have no
3 objections to the photographs.

4 THE COURT: All right. They will be admitted as marked.

5 (State's Exhibit No. 1, photo, was
6 marked and entered.)

7 (State's Exhibit No. 2, photo, was
8 marked and entered.)

9 (State's Exhibit No. 3, photo, was
10 marked and entered.)

11 (State's Exhibit No. 4, photo, was
12 marked and entered.)

13 (State's Exhibit No. 5, photo, was
14 marked and entered.)

15 (State's Exhibit No. 6, photo, was
16 marked and entered.)

17 (State's Exhibit No. 7, photo, was
18 marked and entered.)

19 (State's Exhibit No. 8, photo, was
20 marked and entered.)

21 (State's Exhibit No. 9, photo, was
22 marked and entered.)

23 (State's Exhibit No. 10, photo, was
24 marked and entered.)

25 (State's Exhibit No. 11, photo, was

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1 marked and entered.)

2 (State's Exhibit No. 12, photo, was

3 marked and entered.)

4 (State's Exhibit No. 13, photo, was

5 marked and entered.)

6 (State's Exhibit No. 14, photo, was

7 marked and entered.)

8 (State's Exhibit No. 15, photo, was

9 marked and entered.)

10 (State's Exhibit No. 16, photo, was

11 marked and entered.)

12 (State's Exhibit No. 17, photo, was

13 marked and entered.)

14 (State's Exhibit No. 18, photo, was

15 marked and entered.)

16 (State's Exhibit No. 19, photo, was

17 marked and entered.)

18 (State's Exhibit No. 20, photo, was

19 marked and entered.)

20 (State's Exhibit No. 21, photo, was

21 marked and entered.)

22 (State's Exhibit No. 22, photo, was

23 marked and entered.)

24 (State's Exhibit No. 23, photo, was

25 marked and entered.)

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1 (State's Exhibit No. 24, photo, was
2 marked and entered.)

3 (State's Exhibit No. 25, photo, was
4 marked and entered.)

5 (State's Exhibit No. 26, photo, was
6 marked and entered.)

7 (State's Exhibit No. 27, photo, was
8 marked and entered.)

9 (State's Exhibit No. 28, photo, was
10 marked and entered.)

11 (State's Exhibit No. 29, photo, was
12 marked and entered.)

13 (State's Exhibit No. 30, photo, was
14 marked and entered.)

15 (State's Exhibit No. 31, photo, was
16 marked and entered.)

17 (State's Exhibit No. 32, photo, was
18 marked and entered.)

19 (State's Exhibit No. 33, photo, was
20 marked and entered.)

21 (State's Exhibit No. 34, 'photo, was
22 marked and entered.).

23 (State's Exhibit No. 35, photo, was
24 marked and entered.)

25 (State's Exhibit No. 36, photo, was

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1	marked and entered.)	
2		(State's Exhibit No. 37, photo, was
3	marked and entered.)	
4		(State's Exhibit No. 38, photo, was
5	marked and entered.)	
6		(State's Exhibit No. 39, photo, was
7	marked and entered.)	
8		(State's Exhibit No. 40, photo, was
9	marked and entered.)	
10		(State's Exhibit No. 41, photo, was
11	marked and entered.)	
12		(State's Exhibit No. 42, photo, was
13	marked and entered.)	
14		(State's Exhibit No. 43, photo, was
15	marked and entered.)	
16		(State's Exhibit No. 44, photo, was
17	marked and entered.)	
18		(State's Exhibit No. 45, photo, was
19	marked and entered.)	
20		(State's Exhibit No. 46, photo, was
21	marked and entered.)	
22		(State's Exhibit No. 47, photo, was
23	marked and entered.)	
24		(State's Exhibit No. 48, photo, was
25	marked and entered.)	

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1 (State's Exhibit No. 49, photo, was
2 marked and entered.)

3 (State's Exhibit No. 50, photo, was
4 marked and entered.)

5 (State's Exhibit No. 51, photo, was
6 marked and entered.)

7 (State's Exhibit No. 52, photo, was
8 marked and entered.)

9 (State's Exhibit No. 53, photo, was
10 marked and entered.)

11 (State's Exhibit No. 54, photo, was
12 marked and entered.)

13 (State's Exhibit No. 55, photo, was
14 marked and entered.)

15 (State's Exhibit No. 56, photo, was
16 marked and entered.)

17 (State's Exhibit No. 57, photo, was
18 marked and entered.)

19 (State's Exhibit No. 58, photo, was
20 marked and entered.)

21 (State's Exhibit No. 59, photo, was
22 marked and entered.)

23 (State's Exhibit No. 60, photo, was
24 marked and entered.)

25 (State's Exhibit No. 61, photo, was

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1 marked and entered.)

2 (State's Exhibit No. 62, photo, was

3 marked and entered.)

4 (State's Exhibit No. 63, photo, was

5 marked and entered.)

6 (State's Exhibit No. 64, photo, was

7 marked and entered.)

8 (State's Exhibit No. 65, photo, was

9 marked and entered.)

10 (State's Exhibit No. 66, photo, was

11 marked and entered.)

12 (State's Exhibit No. 67, photo, was

13 marked and entered.)

14 (State's Exhibit No. 68, photo, was

15 marked and entered.)

16 (State's Exhibit No. 69, photo, was

17 marked and entered.)

18 (State's Exhibit No. 70, photo, was

19 marked and entered.)

20 (State's Exhibit No. 71, photo, was

21 marked and entered.)

22 (State's Exhibit No. 72, photo, was

23 marked and entered.)

24 (State's Exhibit No. 73, photo, was

25 marked and entered.)

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1 (State's Exhibit No. 74, photo, was
2 marked and entered.)

3 (State's Exhibit No. 77, photo, was
4 marked and entered.)

5 (State's Exhibit No. 78, photo, was
6 marked and entered.)

7 (State's Exhibit No. 79, photo,
8 was marked and entered.)

9 (State's Exhibit No. 80, photo, was
10 marked and entered.)

11 (State's Exhibit No. 81, photo, was
12 marked and entered.)

13 (State's Exhibit No. 82, photo, was
14 marked and entered.)

15 (State's Exhibit No. 83, photo, was
16 marked and entered.)

17 (State's Exhibit No. 84, photo, was
18 marked and entered.)

19 (State's Exhibit No. 85, photo, was
20 marked and entered.)

21 (State's Exhibit No. 86, photo, was
22 marked and entered.)

23 (State's Exhibit No. 87, photo, was
24 marked and entered.)

25 MS. CAMPBELL: Thank Your Honor. Your Honor, may the

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1 witness step down.

2 THE COURT: He may.

3 BY MS. CAMPBELL:

4 Q If you'll come on this side so the Court Reporter can
5 hear you better.

6 The first one I want to show you, you mentioned there
7 was a shoe impression, State's Exhibit Nos. 77 and 78.

8 A Yes, this is the photograph of the tire impression I
9 located on Howell Circle.

10 Q And again you collected evidence that night, you were
11 the only person on the scene do you know whether or not this
12 will even be relevant in this case?

13 A No.

14 Q But you go ahead and just photograph it?

15 A Yes, ma'am.

16 Q Did you ever do anything further with this?

17 A No, ma'am.

18 Q Were you able to?

19 A No, ma'am.

20 Q Now, I'm going to show you -- I'm going to start with
21 State's Exhibit Nos. 1 and 2. What does that show?

22 A The exterior of the home, the incident location on Broad
23 River Road.

24 Q Now, is that how it appeared when you got there that
25 night?

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1 A Yes, ma'am.

2 Q I noticed in one of these it shows crime scene tape,
3 what is that?

4 A It's the tape barrier that is placed up to keep
5 individuals from entering the scene.

6 Q And prior to your getting there had this scene been
7 secured?

8 A Yes, ma'am.

9 MS. CAMPBELL: Your Honor, permission to publish the
10 photographs to the jury?

11 THE COURT: Yes, ma'am. You may.

12 BY MS. CAMPBELL:

13 Q I'll show you what's been marked as State's Exhibit No.
14 3 and 4. What area does this show?

15 A The interior front door area facing back out towards the
16 front yard and then the den area that is located just inside
17 the front door.

18 Q And that's how it appeared when you got there that
19 night?

20 A Yes, ma'am.

21 Q And I noticed you can actually see the lock on the door
22 in one of these photographs?

23 A Yes, ma'am.

24 Q Was there any damage to that?

25 A No, ma'am.

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1 Q Was there any damage to that front door?

2 A No, ma'am. There was a piece of aluminum stripping that
3 was pulled loose, weather stripping for an old storm door or
4 something. Yes, ma'am. That was located, but it was not
5 part of the house door, itself.

6 Q You mentioned a kitchen into a hall area. I'm going to
7 show you State's Exhibit Nos. 5 and 6. What area does this
8 show?

9 A This is the kitchen, hall area facing down towards where
10 the bathroom would be located on the right-hand side and what
11 was believed to be the victim's bedroom located in front.

12 Q And if you're looking into this hallway area, is the
13 bathroom located in that hallway?

14 A Yes, ma'am. Just on the right-hand side of the doorway
15 going from the kitchen into the hallway.

16 Q Looking into the bathroom area. I'm going to show you
17 what's been marked as State's Exhibit Nos. 7 and 9. What
18 area does this show?

19 A This is looking in from the hallway into the bathroom
20 area. You can see the sink on the right. The tub area is
21 located on the left. Then you can see the window area in the
22 back wall.

23 Q Is this looking into the bathroom from the hall area?

24 A Yes, ma'am.

25 Q I'll also hand you State's Exhibit No. 8, which shows --

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1 A This is further into the restroom or bathroom area on
2 the opposite -- on the far side of the sink would be the
3 commode area.

4 Q I want to show you what's been marked as State's No. 10.
5 What is significant in this photo?

6 A This is the hallway right at the threshold going into
7 what is believed to be the victim's bedroom. It is a fired
8 cartridge case.

9 Q How does a fired cartridge case, in your experience,
10 come to be left at the scene?

11 A A semi-automatic weapons, when fired, they eject the
12 spent cartridge.

13 Q I want to show you what's been marked as State's Exhibit
14 Nos. 11 and 12. What does that show?

15 A This is looking from the victim's bedroom back down the
16 hallway towards the bathroom area, which would be on the
17 left, directly into the kitchen area directly ahead.

18 Q Again, the stains you're referring to; can you see
19 those?

20 A Yes, ma'am.

21 Q And in your experience what do those appear to be?

22 A The brownish-red stains are consistent with the letting
23 of blood.

24 Q And moving on to State's Exhibit No. 14. Do you
25 recognize that?

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1 A Yes, ma'am. This is a photograph that's in the bathroom
2 area between the tub and commode area. It is a fired
3 projectile.

4 Q And you say a fired projectile, where does this imply
5 the projectile was coming from when it was fired?

6 A At the point the trigger is pulled and the firing pin
7 strikes the primer and a controlled explosion takes place
8 within the casing, projecting the projectile down the weapon.

9 Q So this is what I call a bullet?

10 A Yes, ma'am.

11 Q I want to show you State's Exhibit Nos. 15 and 16. What
12 areas do they show?

13 A This is the victim's bedroom area looking at the bedroom
14 closet, the doorway to give some relationship to the room as
15 to where the hallway would be, the kitchen area, the closet
16 related in the room.

17 Q We referred to the kitchen -- and the photographs that
18 we've talked about are shown to the jury so far, those don't
19 have any markers in them, do they?

20 A Correct?

21 Q Tell the jury how you go about -- the general scene and
22 then you go back and mark areas that may be significant?

23 A Okay. Upon entering we just want to photograph
24 everything. The way we see it when we walk into a scene. As
25 we move through the scene and we observe potential items of

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1 evidence we then take what's called a mid-range or evidence
2 establishing photograph. We're just trying to link that
3 particular item to something in the house. So when we come
4 before the jury I can say, this is a fired cartridge casing.
5 It is located in the hallway by the victim's bedroom door and
6 then I can zoom in on it and show you that same cartridge
7 casing by that door frame, so you have some relationship of
8 where the evidence is at at the scene.

9 Q And then the markers?

10 A And then we go back and we place markers and we do it
11 all over again. Overall photographs, mid-range or evidence
12 establishing photographs and then closeup photographs of what
13 it is that we want you to see.

14 Q And in this scene, the reddish-brown stains, that's the
15 -- do you think that's of potential significance?

16 A Yes, ma'am. There's a lot of blood letting in this
17 scene. Again, a partial shoe impression from maybe like a
18 tennis shoe, barefoot impression. The information that I had
19 going into the scene was very limited. I didn't know what
20 was significant, what wasn't significant. So at that point
21 everything is documented. Everything is photographed until
22 later when we can start ruling things out.

23 Q And I notice that on State's Exhibit No. 17, there are a
24 lot of Markers put down?

25 A Yes, ma'am.

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1 Q And the general scene with the markers, you photograph
2 them and then you go back and photograph them individually?

3 A Yes, ma'am.

4 Q State's Exhibit No. 18. What does that show?

5 A This is if you were standing in the den looking at --
6 through the doorway into the kitchen hallway area where they
7 all come together. You can see the kitchen cabinet on the
8 right-hand side. You can see the bathroom doorframe on the
9 left-hand side of the doorway.

10 Q And I notice there are two reddish stains and you have
11 markers next to those?

12 A Yes, ma'am. On the exterior of the bathroom door frame.

13 Q Did you go through, did you go through once you marked
14 everything and photographed it and later collected some of
15 these reddish-brown stains?

16 A Yes, ma'am, I swabbed and collected from each of these
17 stains.

18 Q And at the point you did that did you know if more than
19 one person may have been bleeding in that house?

20 A No, ma'am.

21 Q I'll show you State's Exhibit No. 19. What area does
22 that show?

23 A That is, again, I believe the victim's bedroom. It is
24 the closet door showing stains on the outside of the door
25 frame.

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1 Q State's Exhibits 20 and 21 are marked?

2 A This would be Marker B. That's some sort of transfer
3 stain located on the linoleum in the kitchen area going into
4 the hallway.

5 Q When you say transfer stain, what do you mean by that?

6 A When an object come in contact with blood, that object
7 -- say you stepped in blood and you stepped out of blood onto
8 a surface that no long has blood on it, you're going to
9 transfer a stain from your shoe onto that clean surface
10 leaving some type of impression. This stood out to me as
11 something that potentially may have been evidence. It didn't
12 have a lot of characteristic or detail to it, but it was
13 enough of something there that I wanted to photograph if I
14 wanted to go back later and do any type of enhancement
15 technique I could do so.

16 Q And did it prove to be anything significant that you
17 could use later?

18 A No, ma'am.

19 Q I want to show you State's Exhibits 22 and 23. Again?

20 A This would be Marker C. This appears to be a barefoot
21 impression left, blood impression left on the linoleum part
22 of the kitchen hallway floor area.

23 Q State's Exhibits 24 and 25?

24 A This is Marker D. This appears to be a partial tread
25 pattern from maybe like a tennis shoe that was left on the

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1 linoleum in the kitchen floor, hallway area.

2 Q State's Exhibits 26 and 27?

3 A This is the doorframe going from the hallway into the
4 victim's bedroom area. It's been marked as E and it is
5 depicting a fired cartridge case.

6 Q State's Exhibits 28 and 29?

7 A This is, again, a photograph from the hallway going into
8 the bathroom area. In the far corner of the bathroom you can
9 see Marker F, a closeup version of it depicts the fired
10 projectile or bullet.

11 Q And the marker is actually back here in the back?

12 A Yes, ma'am.

13 Q That you can see in this photograph. State's Exhibits
14 30 and 31?

15 A This is Marker G. It is a reddish stain found on the
16 tub, believed to be blood.

17 Q State's Exhibits 32, 33 and 34 and 35; what do they
18 show?

19 A This is the kitchen counter area. It's a green plant-
20 like material. What appears to be some type of wrapper,
21 maybe like a cigar wrapper, which is marked as I and Marker H
22 is what is referred to as a grinder. It is where often
23 marijuana is placed inside a grinder. It is then twisted to
24 make the marijuana into smaller shavings, make easier for
25 rolling blunt type material.

1 Q State's Exhibits 36 and 37; what area is that?

2 A This is standing in the den area, looking into the
3 kitchen. Again, you can see the bathroom on the left-hand
4 side. The kitchen cabinet area is Markers B, C and J. This
5 is a photograph of Marker J, which appears to be a cast-off
6 stain located on the side of the kitchen cabinet. All a
7 cast-off stain is is when blood is let -- say, if I was
8 bleeding from my hand, as I walk just the motion of my hand,
9 that blood is going to sling from my fingertips and appears
10 to have landed or made contact with the end of this cabinet.

11 Q State's Exhibits 38 and 39; where is this?

12 A This is the outside of the bathroom doorframe, marked as
13 K. It's just a reddish stain believed to be blood. Yeah,
14 that's Marker K.

15 Q And that's the outside?

16 A The outside, so this would be the hallway looking into
17 the bathroom area.

18 Q And you see the --

19 A Sink. Correct.

20 Q -- sink, right there? 40, 41, 42 and 43 and 44 -- let
21 me take them -- I'm going to take 40 and 43, first. What
22 area does this show?

23 A This is the outside of the bathroom door pulled to,
24 depicting Markers K, M and L on the door and on the
25 doorframe. Again, those are just depicting the general

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1 location of where these stains are located on the door.

2 Q State's 41, 42 and 44, again, is that the same
3 doorframe?

4 A Yes, ma'am. These are just --

5 Q I'm sorry.

6 A -- these are just closer-up photographs of the stains
7 previously mentioned.

8 Q As well as 44?

9 A Yes, ma'am.

10 Q State's 45 and 46?

11 A Those are photographs of Marker M and N.

12 Q State's 47 and 48?

13 A This is Marker O. This is on the outside doorframe of
14 the bathroom, which would be on the hallway side next to the
15 light switch, and then a close up photograph of Marker O.

16 Q State's 49 and 50. What area is this?

17 A This is the wall inside the bathroom marked as P. This
18 would be the door frame going back out into the hallway area.
19 Again, this appears to be some type of cast off stain which
20 made contact with the wall in the bathroom.

21 Q State's 51 and 52.

22 A Marker Q. This is the standing from the hallway looking
23 into the victim's bedroom area. This is a stain believed to
24 be blood on the door frame going into the bedroom.

25 Q State's Exhibits 53 and 54?

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1 A This is the victim's bedroom door looking out into the
2 hallway. You can see the hall closet in the background.
3 This is a picture depicting Marker R, which is just a
4 brownish stain located on the door itself.

5 Q State's Exhibit 55 and 56 show what?

6 A This is the wall inside the victim's bedroom. Here
7 again would be the hallway and the bedroom door frame. This
8 is the wall between the bedroom door and closet door, Marker
9 S and X depicting stains -- I'm sorry, this one would be
10 Marker S, depicting stains that were located on the wall
11 inside the bedroom.

12 Q State's Exhibits 57 and 58 show what area?

13 A This is the light switch inside the victim's bedroom,
14 marked as T is the door frame of the closet in the victim's
15 bedroom depicting a brownish red stain believed to be blood.

16 Q State's Exhibits 59, 60 and 61 and 62. First State's
17 Exhibit No. 59?

18 A This is the closet door. This is the inside of the
19 closet door. The reason this was photographed at some point,
20 this door was open at the point blood was being let due to
21 the fact there was blood found on the inside of the door
22 frame and on the inside of the door itself.

23 Q And what room is this closet?

24 A That is in the victim's bedroom.

25 Q And, again, closer up views in 60, 61 and 62?

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1 A Yes, ma'am, closer up views of these particular stains.

2 Q State's Exhibits 63 and 64?

3 A This is the closet door handle in the victim's bedroom.

4 A A brownish red stain believed to be blood, marked as W.

5 Q And what -- how would you characterize that brownish red
6 stain?

7 A It's just a bloodstain, just the deposit of blood onto a
8 surface.

9 Q So that could be transferred?

10 A Correct.

11 Q Moving on to State's Exhibit 65; what is that?

12 A This is a close up picture of Marker X, depicting the
13 stains on the closet door in the victim's bedroom.

14 Q On the interior of the door or the exterior?

15 A This is the exterior of the door.

16 Q And then 66 and 67?

17 A This is the bedroom next to -- this would be the
18 victim's bedroom door here. This is, I guess, like a
19 roommate or guest room door. It's depicting Marker Y, a
20 brownish red stain located on the outside of the door, the
21 door that faces the hallway. This would be the closet door
22 that we talked about earlier.

23 Q Moving on to State's Exhibit No. 68 and 69; what area
24 does that show, sir?

25 A This is the closet door in the hallway. Again, directly

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1 on the right-hand side you can see the kitchen area. This is
2 the closet door outside depicting the location of a stain
3 that is marked as Z.

4 Q And that --

5 A And that's a close up of Marker Z.

6 Q And that's 69?

7 A Yes.

8 Q Moving on to State's Exhibit 70 and 71. Let's do 70
9 first. There are several areas marked there?

10 A Yes. This is the hall closet, again, this is on the
11 inside of the closet door marked as AA, AB. There's also an
12 ironing board in the photograph marked as AC. These are
13 depicting brownish red stains found on the door and on the
14 ironing board, itself.

15 Q And is there any significance in using two letters to
16 mark these verses one letter?

17 A At this point, I have gone from A to Z and I have
18 started over to AA, AB, AC and from there to each individual
19 photograph as identifiable.

20 Q I'm going to show you State's Exhibits 71 and 72?

21 A These are close up photographs of Markers AA and AB.

22 Q State's Exhibit No. 73 and 74?

23 A This is the ironing board located inside the hall closet
24 marked as AC, a close up picture of AC depicting the stains
25 located on the ironing board.

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1 Q And I notice all the blood stains that you marked, and
2 we talked about those were collected, they are marked with
3 letters; is that correct?

4 A Yes.

5 Q You also have numbers that you used as markers?

6 A Yes, ma'am.

7 Q And were you using those to mark something different
8 from what --

9 A Yes, ma'am.

10 Q And what were you using to mark with the numbers for?

11 A A defect located in the bathroom door believed to be an
12 impact point was marked as Marker 1.

13 Q I'll show you State's Exhibit No 79; what does that
14 show?

15 A This is the bathroom door. This is actually standing
16 inside the bathroom, as if I were looking at the door being
17 closed from inside the bathroom.

18 Q So this -- so you're inside the bathroom making this
19 photograph?

20 A Yes, ma'am.

21 Q And then State's Exhibit No. 80. Does that show --

22 A Yes. This would be the outside of the bathroom door,
23 marked as No. 1. This would be standing in the hallway
24 looking at the outside of the door being closed on the
25 bathroom.

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1 Q And if you compare the two, the one from the hallway to
2 the one inside the bathroom, is there a significant
3 difference in those defects?

4 A Yes, ma'am. You see the splintering on the inside of
5 the bathroom door.

6 Q And this one --

7 A Yes, ma'am.

8 Q -- State's No. 79. And it's your expertise, would that
9 be significant about how the shot was fired, from what
10 direction?

11 A Yes, ma'am. This indicating that the shot was fired
12 from outside the bathroom to inside the bathroom.

13 Q I'll show you State's Exhibits 81 and 83. What does
14 this show, sir?

15 A This is a photograph from outside the bathroom door with
16 the door being closed. This is a trajectory rod that was
17 placed through the impact point or bullet hole depicting the
18 trajectory of the shot being from outside to in, from high to
19 low.

20 Q And again, State's Exhibit No. 83?

21 A Yes, ma'am. This is just a side shot of the trajectory
22 rod in the bathroom door and just showing that it goes from
23 outside the bathroom to inside with a downward trajectory.

24 Q State's Exhibit No. 84?

25 A This is outside the bathroom door again a bit further

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1 back showing the trajectory rod placement, again, showing a
2 downward trajectory.

3 Q State's Exhibit No. 85.

4 A This is just further back in the bathroom depicting the
5 door and placement of the defect in the bathroom door from
6 inside the bathroom.

7 Q State's Exhibit No. 86 --

8 A This --

9 Q -- and 87?

10 A This is again the trajectory rod photographed from the
11 opposite side. This would be me standing between the bathroom
12 and the victim's bedroom looking through the bathroom door.
13 Again, it's just depicting the placement of the trajectory
14 rod with a downward trajectory. This is the photograph from
15 inside the bathroom showing the rod at a wider angle, more of
16 an evidence establishing where the impact point trajectory
17 rod is located in the door.

18 Q And again State's Exhibit No. 86 is from what vantage
19 point?

20 A This is from the outside vantage point.

21 Q And 87?

22 A That's the inside.

23 Q Thank you. You can take your seat. Again, you marked
24 -- I want to go back to the swabs that you marked with the
25 letters?

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1 A Yes, ma'am.

2 Q As far as -- not swabs, the blood with the letters. Did
3 you go back and collect samples from those letters?

4 A I did. I collected swabs from these individual
5 locations.

6 Q And in the course of your collecting, do you know how
7 many people actually were bleeding inside that house?

8 A At this time, no, ma'am, I wasn't.

9 Q But that could be significant?

10 A Yes, ma'am.

11 Q If there's more than one bleeding. So did you collect a
12 number of swabs from those markers?

13 A Yes, ma'am.

14 Q In addition to that, you mentioned there was a
15 projectile in the bathroom?

16 A Yes, ma'am.

17 Q I'm going to show you State's No. 94. First, ask you if
18 you recognize that?

19 A Yes, ma'am. This is the evidence envelope which
20 projectile Marker F was properly packaged and placed into
21 evidence.

22 MS. CAMPBELL: Your Honor, at this time we'd offer it
23 into evidence, 94.

24 THE COURT: Any objections?

25 MR. STANLEY: No objection.

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1 THE COURT: Without objection, 94 will be admitted as
2 marked.

3 (State's Exhibit No. 94, evidence
4 envelope Marker F was marked and entered.)

5 BY MS. CAMPBELL:

6 Q Did you also mark the cartridge casing you referred to
7 you found in the hallway?

8 A Yes, ma'am. The fired cartridge casing marked as E was
9 also collected.

10 Q Once you collected that fired cartridge case, at a later
11 time did you then collect what's known as a DNA swab from
12 that?

13 A Yes, ma'am. The casing was taken back to the forensic
14 laboratory at Richland County Sheriff's Department.
15 Additional processing was conducted to the casing to see if
16 any enhancing techniques could reveal any type of latent
17 print or any type of hidden fingerprint on the casing. That
18 met with negative results. At that time a swab was collected
19 from that casing.

20 Q Let me ask you this, sir. You talked about fingerprints
21 for a minute. Let me back up. If I come up and I touch
22 something am I going to leave a fingerprint?

23 A No, ma'am.

24 Q Explain that to the jury, what factors go into the
25 ability for you to later collect what's called a latent

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1 print?

2 A Okay. If you think about like a rubber stamp and you
3 take that rubber stamp and you take that rubber stamp and you
4 put it in ink, and you take that stamp and you place it on
5 paper repeatedly. Each time you place that stamp on the
6 piece of paper or onto a surface the ink gets lighter and
7 lighter and lighter until it eventually it is un-seeable. At
8 that point, that's when it becomes a latent print. It's just
9 a term for hidden or unseen print. Just because you touch
10 something doesn't mean you leave fingerprints on it. You
11 could be wearing gloves, you could not have touched the item
12 to begin with. You could have dry hands. All it is is just
13 moisture on your hands that are deposited onto whatever the
14 surface is that you touch.

15 Q Okay. So if I touch this right here, am I necessarily
16 going to leave a latent fingerprint?

17 A No, ma'am. It also depends of the type fo surface that
18 you're touching also. The smoother the surface, the more
19 likely it is that you're going to leave a print. Something
20 like maybe a brick that's very textured, it's very unlikely
21 that you're going to leave any fingerprints on something like
22 that.

23 Q And have you also heard the term smudged in relation to
24 fingerprints?

25 A Yes, ma'am. If you touch something and then there is

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1 movement while you're touching that item, that print is then
2 smudged, it's distorted. It's not a print that would reveal
3 enough ridge detail to be able to make a comparison off of
4 it.

5 Q And when you examined State's Exhibit No. 93 -- the
6 cartridge case collected on the scene were you able to get
7 any usable fingerprint information?

8 A No, ma'am, I was not.

9 Q Is that unusual for a cartridge case?

10 A No, ma'am, it is not.

11 Q Why?

12 A Again, due to the fact, depending on how long the
13 projectile or cartridge case has been in the gun, depending
14 on what was used to place the cartridge in the gun. If the
15 individual was wearing gloves at the time the bullet was
16 placed in the magazine. There are many factors. Weather
17 could be a factor. If there's something on the exterior of
18 the home, if it's rained, something to that extent. If it's
19 been wiped away or washed away.

20 Q Okay. State's Exhibit No. 93, is this a swab you
21 collected from the fired cartridge casing?

22 A Yes, ma'am.

23 Q And was collected and later put into evidence by you?

24 A Yes, ma'am. It was collected, properly packaged and put
25 into evidence.

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1 MS. CAMPBELL: Your Honor, at this time, I'd offer
2 State's Exhibit No. 93 into evidence.

3 THE COURT: Any objection?

4 MR. STANLEY: No objection, Your Honor.

5 THE COURT: Without objection, it will be admitted as
6 marked.

7 (State's Exhibit No. 93, swab, was
8 marked and entered.

9 BY MS. CAMPBELL:

10 Q You mentioned that you collected swabs of the reddish
11 brown stains?

12 A Yes, ma'am.

13 Q Did you collect any DNA swabs there at the house that
14 night?

15 A Other than from Ms. Ross, the swabs that were collected
16 from the stains and from the surfaces were all submitted for
17 DNA purposes.

18 Q And you can't say what was told you that night, but
19 certain information was given to you about what the
20 perpetrators may or may not have touched?

21 A Correct.

22 Q And who was the one witness there at the scene that
23 night when you got there; Ms. Ross?

24 A Ms. Ross.

25 Q Based on the information you were able to get that night

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1 were you aware of any areas where the perpetrators may have
2 touched anything that could be useful for you to go and try
3 to collect fingerprints?

4 A The only item that would have been useful would have
5 been the actual safe that was reported to have been taken
6 during the robbery.

7 Q And was that there at the scene when you got there?

8 A No, ma'am.

9 Q So did you process any other areas such as the doorway
10 or anything?

11 A No, ma'am. The only other area I would have had interest
12 in would have been the door handle in the victim's bedroom --
13 on the victim's bedroom closet door, due to the fact there
14 had been blood deposited on this door handle, the blood was
15 still not completely dry at that point. So if I would have
16 attempted to place any type of placement techniques, say like
17 black powder or fingerprint power on that door frame, it
18 would have mixed with that blood and destroyed whatever
19 fingerprints or ridge detail that may have been on that door
20 handle to begin with.

21 Q But you did collect the blood swabs?

22 A Yes. The door handle was still swabbed for DNA purposes
23 due to the fact that it was a blood stain on the door handle,
24 but due to the fact that the individuals that -- suspects in
25 this case may have touched that door handle.

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1 Q And do you know -- were you given information about
2 whether or not they may or may not have been wearing gloves?

3 A No, ma'am.

4 Q Other than processing the cartridge case is that the
5 extent of your involvement in this case?

6 A Yes, ma'am.

7 MS. CAMPBELL: Beg the Court's indulgence.

8 THE COURT: Yes, ma'am.

9 MS. CAMPBELL: That's all I have at this time, Your
10 Honor.

11 THE COURT: You may cross-examine at this time, Mr.
12 Stanley.

13 MR. LEONARD: Thank you, Your Honor.

14 TREVOR HOLT - CROSS-EXAMINATION

15 BY MR. LEONARD:

16 Q Good afternoon.

17 A Afternoon.

18 Q Going back to all the evidence you, kind of gathered --

19 A Yes, sir.

20 Q -- you took a tire impression from across the street on
21 Broad River Road?

22 A From Howard Circle, in the driveway
23 of this residence.

24 Q So that wasn't across the street, that was in the
25 driveway of the residence?

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1 A Right. Howard -- the only relation I can tell you that
2 Howard Circle is pretty much across the street from Broad
3 River Road from where the incident location is. It's not a
4 great distance, but it's not right there at the incident
5 location.

6 Q But closer to -- so on the same side of the street, but
7 closer to Brook Pines?

8 A The opposite. So if I'm facing the incident location,
9 Howard Circle is on the opposite side of Broad River Road,
10 behind me. So I had to drive across Broad River Road to get
11 to Howard Circle.

12 Q So you -- you thought at some point that the suspects
13 car was across Broad River Road?

14 A I had not information if there was a car involved or
15 not. All I knew was that during K-9 tracking they found this
16 tire impression. Not knowing if it was relevant or not, it
17 was photograph, it was photographed, a cast was made of it.

18 Q So you don't know if it's relevant or not?

19 A Correct.

20 Q Gotcha. The defendant, Dominique Ross, did consent to
21 give a DNA sample?

22 A Yes.

23 Q And a DNA sample on her upper arm?

24 A Yes.

25 Q And why was it swabbed on her upper arm?

1 A Due to the statements that Ms. Ross gave me when I was
2 speaking to her. That is the reason I asked for consent to
3 get a swab from that to see if any potential DNA transfer may
4 have occurred.

5 Q Okay. And she told you that she was grabbed and that's
6 why you swabbed that area?

7 A Correct.

8 Q Okay. I noticed in all your photographs there has been
9 -- there's blood kind of all over the kitchen area, the
10 bedroom area, and all over. Does that indicate that the
11 person who was bleeding was moving around?

12 A Yes.

13 Q And moving around quite a bit?

14 A Yes.

15 Q You mentioned earlier that you said it was raining that
16 night; is that right?

17 A Yes.

18 Q Did you -- did you notice any footprints in the front
19 area of the home?

20 A I did not. I know the front yard is more -- well, at
21 that time, was more dirt than grass, but due to the large
22 response of first responders, EMS, there were so many shoe
23 prints, footprints on the outside of the home to determine
24 who's belonged to who.

25 Q And you didn't notice any muddy footprints or dirty

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1 footprints coming from the outside or the back of the house;
2 did you photograph any of those?

3 A No, sir. At that time I had no knowledge that the back
4 of the house had come into play. Even in the back bedroom
5 area, if you go straight through the kitchen there's a
6 bedroom area back behind the kitchen with a door, I believe,
7 leads to the backyard. I believe there's no evidence or
8 indication that any of that area had ever come into play.
9 Again, limited information. I was just going where the
10 evidence led me.

11 Q Okay. So you didn't see any evidence at that point in
12 the investigation?

13 A Correct.

14 Q But you did take photographs of that area?

15 A Yes, sir.

16 Q Would you agree that dirt footprints would transfer the
17 same way that blood smudge would transfer as well?

18 A It's possible.

19 Q And you mentioned that you also saw a smear, the
20 potential transfer of a tennis shoe in the blood?

21 A A partial impression. Yes.

22 Q But you don't know who that came from?

23 A No, sir.

24 Q Moving on. You mentioned that you found one cartridge
25 and one projectile --

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1 A Yes.

2 Q -- is that right? And the projectile was in the
3 bathroom?

4 A Yes.

5 Q And the cartridge was actually in the hallway, kind of
6 in the victim's bedroom?

7 A Yes.

8 Q Okay. Can you tell if that was more than one
9 projectile, more than one bullet?

10 A The projectile located in the bathroom?

11 Q Excuse me. I'll re-ask that question. Do you know if
12 the projectile and the cartridge are connected?

13 A I do not.

14 MR. LEONARD: Beg the Court's indulgence?

15 THE COURT: Yes, sir.

16 BY MR. LEONARD:

17 Q I want to show you --

18 A Yes, sir?

19 Q Is that a picture of the dining area of the defendant's
20 home?

21 A Yes, sir.

22 Q Okay. Is that another picture of the dining area of the
23 defendant's home where you can see into the kitchen?

24 A Yes.

25 Q Is that a picture from the back room into the kitchen?

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1 A Yes.

2 Q Okay. And is that another picture from the opposite
3 side of the kitchen to the back room?

4 A Yes.

5 Q All right. Are these fair and accurate pictures that
6 you took of the area.

7 A Yes.

8 MR. LEONARD: Your Honor, I would like to move these into
9 evidence?

10 THE COURT: Any objection.

11 MS. CAMPBELL: No objection, Your Honor. Just mark them.

12 THE COURT: Beg your pardon?

13 MS. CAMPBELL: He just needs to mark them.

14 THE COURT: Without objection they will be admitted.

15 (Defendant's Exhibit No. 3, photo,
16 was marked and entered.)

17 (Defendant's Exhibit No. 4, photo
18 was marked and entered.)

19 (Defendant's Exhibit No. 5 photo,
20 was marked and entered.)

21 (Defendant's Exhibit No. 6, photo,
22 was marked and entered.)

23 COURT REPORTER: Defendant's Nos. 3, 4, 5 and 6.

24 THE COURT: Thank you, ma'am.

25 You may proceed.

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1 MR. LEONARD: Permission to publish these?

2 THE COURT: You may publish them.

3 BY MR. LEONARD:

4 Q And just one more time, these are pictures of the front,
5 towards the back of the house?

6 A Correct. This is from the kitchen looking into the
7 bedroom that sits behind the kitchen.

8 Q And this is from the opposite end?

9 A Correct.

10 Q Okay. And here's a picture of the dinning area with a
11 view of the kitchen?

12 A Yes.

13 Q And can you identify this last picture?

14 A This is the dinning area.

15 Q I just have a few more questions for you. You spoke a
16 little bit earlier about fingerprints. You never found or
17 you never found any fingerprints on the scene; correct?

18 A Correct.

19 Q Okay. Did you -- did you test -- or test the front door
20 of the house, the outside door handle for DNA or
21 fingerprints?

22 A No, sir. I did not.

23 Q And did you ever receive any DNA swab or DNA samples
24 from Jamie Sherman in this case?

25 A I did not.

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1 Q Okay. Are you aware of anybody else who was tested
2 beyond Dominique Ross?

3 A I have no knowledge of that?

4 Q Okay. And about the fired cartridge or projectile, are
5 you aware of any testing that was done on that fired
6 cartridge related to trying to track down the gun, excuse me,
7 the gun, relating to what gun that could have come from?

8 A The firearms analysis?

9 Q Yes.

10 A I don't know of any firearms analysis that was completed
11 on it. That would be the firearms analyst within our
12 laboratory.

13 Q Okay. And you packaged all this evidence up, correct?

14 A Yes.

15 Q And you sent it to the lab to have it analyzed?

16 A It is placed in our evidence and then the individual
17 labs that are requested for processing, they come and sign
18 that evidence out to do whatever testing they need to do to
19 it.

20 Q Okay. But you didn't do anything further with this
21 evidence when you bagged it up and sent it to the evidence
22 lab; correct?

23 A Correct.

24 Q All right. No further questions. Thank you.

25 THE COURT: Redirect.

2 THE COURT: You may step down, sir.

4 MS. CAMPBELL: Yes, sir.

6 MR. STANLEY: No, sir.

8 State may call its next witness.

10 Beg the Court's indulgence. We'll get her.

12 Come forward, ma'am, and be sworn.

15 THE COURT: State your name, please?

17 THE COURT: Thank you.

19 MS. CAMPBELL: Thank you, Your Honor.

21 BY MS. CAMPBELL:

23	A	19.

25 A All my life.

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1 Q Can you speak up just a little bit?

2 A All my life.

3 Q Where did you go to high school?

4 A Keenan.

5 Q Did you graduate?

6 A No, ma'am.

7 Q How far did you go in school?

8 A 10th.

9 Q Do you know the defendant, Dominique Ross?

10 A Yes.

11 Q Can you tell the jury how you know her?

12 A Through my cousin.

13 Q What's your cousin's name?

14 A Amber Richardson.

15 Q When did you first meet Ms. Ross through Amber
16 Richardson?

17 A Two years ago.

18 Q Two years ago?

19 A Uh-huh. (Affirmative response.)

20 Q And what relationship did you know Amber Richardson and
21 Dominique to have?

22 A They were like in a relationship.

23 Q In a relationship?

24 A Uh-huh. (Affirmative response.)

25 Q And at some point did you learn they were living

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1 together?

2 A Uh-huh. (Affirmative response.)

3 Q And do you remember where they were living together?

4 A Uh-huh. (Affirmative response.)

5 Q Where was that?

6 A Broad River.

7 Q Broad River?

8 A Uh-huh. (Affirmative response.)

9 Q In an apartment complex on Broad River?

10 A Uh-huh. (Affirmative response.)

11 Q Did you have an occasion to go over and visit your
12 cousin while she was living with Dominique?

13 A Yes, ma'am.

14 Q Was anybody else living with Dominique and your cousin
15 Amber?

16 A Yes, ma'am.

17 Q Who else was living there, do you remember?

18 A Breana Jackson and her boyfriend.

19 Q Bre?

20 A Breana Jackson and her boyfriend.

21 Q And how did you know Breana Jackson?

22 A She's my cousin.

23 Q I want to turn your attention back to January 8, 2012;
24 were you over there that evening?

25 A I was at home then I went over there.

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1 Q And how did you get over there that evening, do you
2 remember?

3 A My cousin..

4 Q What's your cousin's name?

5 A Amber Richardson.

6 Q And when you got over there that night who all was over
7 there; do you remember?

8 A Bre and her boyfriend and Dominique people, cousins.

9 Q When you say Dominique's people --

10 A Relatives.

11 Q Her relatives?

12 A Uh-huh. (Affirmative response.)

13 Q And how many of her relatives that you knew about?

14 A Two or three.

15 Q Two or three?

16 A Yes, ma'am.

17 Q And were they guys or girls or what?

18 A Guys.

19 Q Were they older or younger than y'all?

20 A Older.

21 Q Had you ever met them before?

22 A No, ma'am.

23 Q And who introduced you to them?

24 A Dominique.

25 Q Do you remember what name she used when she introduced

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1 them?

2 A No, ma'am.

3 Q Did you know where they were from?

4 A Yes, ma'am.

5 Q Where were they from?

6 A North Carolina.

7 Q North Carolina?

8 A Uh-huh. (Affirmative response.)

9 Q And did you know how long they had been in town?

10 A No, ma'am.

11 Q While you were over there that night, did you hear a
12 conversation involving Dominique and her -- what'd you call
13 -- her relatives?

14 A Huh-uh. (Negative response.)

15 Q And Amber?

16 A No, ma'am. I was in the other room.

17 Q Okay. What do you remember about that night, tell the
18 jury what you heard?

19 A I came over there and Dominique and her relatives, they
20 were in another room.

21 Q They were in another room?

22 A Yes. And me and Bre and her boyfriend were in another
23 room just sitting. Just sitting around, just chilling. And
24 they were talking about it -- and they just went. She asked
25 my cousin to drive --

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1 Q Let me back up. You said they were talking about it.

2 You was talking about what?

3 A Dominique and her relatives.

4 Q What were they talking about doing?

5 A I don't know. They were in the room.

6 Q They were in a room?

7 A Yes, ma'am.

8 Q But then you said, your cousin was supposed to drive.

9 A She asked my cousin to drive her -- drop her off.

10 Q And you heard that part?

11 A Yes, ma'am.

12 Q And did you remember -- did she say where she wanted her
13 to drop her off?

14 A To a friend's house, I guess.

15 Q And did your cousin, Amber, take Dominique and drop her
16 -- and leave, at least?

17 A Uh-huh. (Affirmative response.)

18 Q What's the next thing you remember; what happened to the
19 relatives of Dominique after she left? Did they go with her?

20 A I don't think -- I don't they left at the same time, but
21 they left.

22 Q After she left?

23 A Yes, ma'am.

24 Q Did you know where they were going?

25 A No, ma'am.

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1 Q That night were you -- did you have your telephone with
2 you?

3 A Yes, ma'am.

4 Q And when you had your phone with you were you texting
5 that night after everybody left the apartment?

6 A Uh-huh. (Affirmative response.)

7 Q Who were you texting with?

8 A My cousin.

9 Q Amber?

10 A Yes, ma'am.

11 Q And did you know what was supposed to be going on?

12 A No.

13 Q Or did you learn that that night?

14 A Yeah. When she left.

15 Q Tell the jury how you learned about the robbery?

16 A Huh?

17 Q Did she text you some things?

18 A Yeah. Yes, ma'am. Sorry.

19 Q And when you were receiving those texts did you know
20 what she was talking about?

21 A Yes, ma'am.

22 Q And what was she talking about that was going down?

23 A That they were at the house and it was going down.

24 Q Do you remember what your phone number was back then?

25 A I know it was a 402 number, but I don't know the rest.

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1 MS. CAMPBELL: Beg the Court's indulgence.

2 THE COURT: Yes, ma'am.

3 BY MS. CAMPBELL:

4 Q You said it's an 803 area code, though?

5 A Uh-huh. (Affirmative response.)

6 Q And the first numbers were 402?

7 A Uh-huh. (Affirmative response.)

8 Q I'll show you this, will it help refresh your memory?

9 A Yes, ma'am.

10 Q That's a 402 number?

11 A Yes, ma'am.

12 Q What were the rest of the numbers?

13 A .

14 Q ? And she was texting you that night?

15 A Yes, ma'am.

16 Q And you were texting her back?

17 A Yes, ma'am.

18 Q Sometime after you were texting her did you see Amber,
19 your cousin or Dominique again that night?

20 A I seen my cousin, I didn't see Dominique.

21 Q Where did you see your cousin?

22 A She came back to the apartment and took me home.

23 Q And she took you home?

24 A Yes, ma'am.

25 Q Can you describe the relatives of Dominique that night?

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1 A I left the scene and I really don't know -- to be honest
2 with you.

3 Q When you said they were older than y'all, were they a
4 lot older or not or could you tell?

5 A Not that much older, but they look older than me.

6 Q But Dominique told you they were her relatives?

7 A Uh-huh. (Affirmative response.)

8 Q And she introduced you to them?

9 A Uh-huh. (Affirmative response.)

10 Q And that was the only time you ever saw them?

11 A Uh-huh. (Affirmative response.)

12 Q When Amber came back did she tell you what happened?

13 A (No response.)

14 Q She just took you home?

15 A Yes, ma'am.

16 Q Once you'd gotten the text that night did you know what
17 had happened?

18 A I know they had went to the house -- I mean, I really
19 don't know, but I just know they went to the house and got
20 shot and stuff like that.

21 Q Who did you know went into the house?

22 A Ma'am?

23 Q Who went into the house that you knew of?

24 A Dominique.

25 MR. STANLEY: Your Honor, she has no knowledge of these

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1 events. She wasn't there.

2 THE COURT: She's asking questions and she's answering.

3 She has no knowledge, maybe that's what she's trying to
4 establish. I don't know. It's her examination.

5 You may proceed.

6 BY MS. CAMPBELL:

7 Q From the text you could tell what was going on?

8 A Uh-huh. (Affirmative response.)

9 Q But you didn't participate in any plan that night?

10 A No, ma'am.

11 Q Did you ever go to the police?

12 A No, ma'am.

13 Q Did you realize that the text were going to be
14 important?

15 A No ma'am.

16 Q But once law enforcement made contact with you you told
17 them what you knew?

18 A Yes, ma'am.

19 Q Which is what you're telling this jury tonight?

20 A Yes, ma'am.

21 Q And the people in the apartment, the people in the room
22 with Dominique when they were talking, were Dominique and at
23 least two male cousins?

24 A Uh-huh. (Affirmative response.)

25 Q Relatives, I'm sorry.

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1 A Yes, ma'am.

2 Q Is that right?

3 A Uh-huh. (Affirmative response.)

4 MS. CAMPBELL: Beg the Court's indulgence.

5 THE COURT: Yes, ma'am.

6 MS. CAMPBELL: Thank you. Nothing further.

7 THE COURT: Mr. Stanley, you may cross-examine.

8 MR. STANLEY: Thank you, Your Honor.

9 THE COURT: Yes, sir.

10 SIMONE PATTERSON - CROSS-EXAMINATION

11 BY MR. STANLEY:

12 Q I want to ask a few questions about your cousin, Amber
13 Richardson, okay?

14 A Uh-huh. (Affirmative response.)

15 Q You and Amber are cousins?

16 A Uh-huh. (Affirmative response.)

17 Q You guys grew up together?

18 A Uh-huh. (Affirmative response.)

19 Q You guys hang out with each other on a regular basis?

20 A Yes, sir.

21 Q And you call and text each other on a regular basis; and
22 you love her, right?

23 A Uh-huh. (Affirmative response.)

24 Q And you want to do what's best for her?

25 A Uh-huh. (Affirmative response.)

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1 Q And you'd do almost anything to help her; right?

2 A Yes.

3 Q Let me talk to you about why you're here today. Did the
4 police come to you?

5 A When?

6 Q Did they come to you right after this incident happened?

7 A No.

8 Q Did they come to you about two weeks ago?

9 A Uh-huh. (Affirmative response.)

10 Q Did you talk to an investigator from the Solicitor's
11 Office?

12 A Yes, sir.

13 Q And prior to that you had not been contacted by any
14 police officer?

15 A No.

16 Q And you testified earlier that your phone number was

17

18 A Uh-huh. (Affirmative response.)

19 Q And had your number changed?

20 A I had my number changed a couple of times.

21 Q Okay. But you remember that -- you knew your cousin
22 Amber had gotten in trouble; right?

23 A Uh-huh. (Affirmative response.)

24 Q And she got arrested?

25 A Uh-huh. (Affirmative response.)

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1 Q So let me talk to you a little bit about -- and let me
2 also make clear. You've never made a written statement in
3 this case have you, police never asked you to write anything
4 down?

5 A No.

6 Q Never asked you anything, you know, any recordings or
7 anything like that?

8 A No.

9 Q Let me talk to you a little bit about that day, January
10 8, 2012. So you and Amber were initially hanging out at your
11 apartment by yourselves?

12 A At my grandmother's --

13 Q Both your grandmother's house?

14 A Yes.

15 Q Okay. And later you came to the apartment that Amber
16 was staying; is that right?

17 A Uh-huh. (Affirmative response.)

18 Q And that's the same apartment that Breana Jackson stays
19 at?

20 A Uh-huh. (Affirmative response.)

21 Q And Breana Jackson was at the apartment when you were
22 there?

23 A Uh-huh. (Affirmative response.)

24 Q Was she there the whole time you were there?

25 A Uh-huh. (Affirmative response.)

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1 Q Okay. And her boyfriend Justin was there the whole time
2 you were there?

3 A Yes.

4 Q And Dominique was there?

5 A Yes.

6 Q And Dominique's cousins were there or family were there?

7 A Yes.

8 Q And those were -- there were two guys?

9 A Two -- I can't remember if it was two or three.

10 Q Okay. Now, at this point, you can't describe what the
11 cousins look like or, excuse me, the family looks like?

12 A No.

13 Q At some point Amber left you, right?

14 A Uh-huh. (Affirmative response.)

15 Q And do you remember -- did you text -- that evening did
16 Amber text you first or did you text Amber to ask her what
17 was going on?

18 A I really can't remember.

19 Q But do you remember texting her at 9:09 -- I'm sorry,
20 excuse me, at 9:09 saying, you all good?

21 A I could have. I really don't remember.

22 Q Okay. If I show you copies of Amber Richardson's text
23 messages will that help you remember?

24 A Uh-huh. (Affirmative response.)

25 Q Your phone number is -- excuse me --

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1 A Uh-huh. (Affirmative response.)

2 Q And would you read that for me?

3 A You all good.

4 Q Okay. And you don't have any knowledge if Amber texted
5 you prior to that text, at least within the past -- next
6 hour, the previous hour or so?

7 A Huh-uh. (Negative response.)

8 Q And she wouldn't have texted you because you guys were
9 all together, right?

10 A No, I wasn't there.

11 Q Sorry?

12 A Do you mean hanging to the apartment?

13 Q You guys were all at Bre Jackson's apartment at the
14 time, prior to her leaving to go to this -- to take Dominique
15 somewhere?

16 A Uh-huh. (Affirmative response.)

17 Q All right. And did Amber -- did Amber text you back?

18 A I really don't remember.

19 Q Okay. Did she text you back at 9:19:40 saying they're
20 about to do it?

21 A I really don't remember, sir.

22 Q Do you remember if you texted back at 9:20, they just
23 went in?

24 A I don't remember the texts at all.

25 Q Okay. So you wouldn't remember at 9:23 Amber texting

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1 you, we're coming back now?

2 A Huh-uh. (Negative response.)

3 Q Okay. And you wouldn't remember responding at 9:24,
4 saying, damn, that was quick?

5 A (Shakes head negatively.

6 THE COURT: You have to answer verbally, ma'am. You
7 can't shake your head.

8 A No.

9 THE COURT: Thank you.

10 BY MR. STANLEY:.

11 Q So you knew something was going down; right?

12 A Uh-huh. (Affirmative response.)

13 Q So you knew that they --

14 THE COURT: Is that a yes, ma'am?

15 A I'm sorry. Yes.

16 BY MR. STANLEY:

17 Q And you knew that they were going to go rob somebody,
18 right?

19 A I don't know. I really didn't know what was going on.

20 Q But you asked her about it, right?

21 A I asked her was she okay.

22 Q Did you, at any point, tell Amber not to do it?

23 A (No response.)

24 Q You mentioned that after all this happened, Amber came
25 back to the house?

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1 A Uh-huh. (Affirmative response.)

2 Q Did she bring anybody with her?

3 A She was by herself.

4 Q Okay. So she was by herself. Did you see anybody
5 afterwards, did you see anybody else come to the apartment?

6 A No. She took me home.

7 Q She came home by herself and then she took you home?

8 A I think she -- Yeah, I think she was by herself when she
9 took me home. I really don't remember.

10 MR. STANLEY: Excuse me on second, Your Honor.

11 THE COURT: Yes, sir.

12 MR. STANLEY: No further questions.

13 THE COURT: Redirect?

14 MS. CAMPBELL: No, sir.

15 THE COURT: Ma'am, you may step down from the witness
16 stand.

17 Do you wish to excuse the witness?

18 MS. CAMPBELL: May we approach?

19 THE COURT: Please do.

20 (Off the record bench conference with counsel and the Court.)

21 THE COURT: Ma'am, you are free to go at this time.

22 Thank you very much, ..

23 Ladies and gentlemen of the jury, we're going to stop at
24 this point in time. We're just a few minutes before 5:00
25 o'clock. So it will be a good stopping point.

2 THE COURT: Come forth, sir, and be sworn.

5 THE COURT: Please state your name once you're seated.

7 THE COURT: Ms. Campbell, your witness.

9 THE COURT: Yes, ma'am.

11 BY MS. CAMPBELL:

13 A With the Richland County Sheriff's Department.

15 A I'm a senior investigator. I work the robbery cases and
16 homicides.

19 A I did.

21 A Initially, the responding officers went out, assessed
22 the scene. That was in the evening that took place. On
23 Monday, of that next week I was assigned this case. It was
24 assigned to me.

25 Q And once you were assigned the case, what steps did you

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1 take?

2 A I reviewed the documents that came in from the previous
3 investigators that were there. Anything that came in from
4 the lab and any -- again, kind of what took place, who was
5 involved, who I needed to speak to and kind of started the
6 direction of where the case needed me to go next.

7 Q Did you become aware of any injuries that the victim in
8 this case had suffered?

9 A I did. He had been shot during the incident and had
10 lost or damage to his left eye. He had a shot, I believe, in
11 one of his shoulders and his forearm. And he was still in
12 the hospital when I received this report. The hospital will
13 issue a trauma number. The hospital under HIPAA won't give a
14 lot of information out. If you call in and ask for someone
15 they're not going to tell you if they're there or not.

16 The way they work with us is they'll give you a trauma
17 number, it's usually a TM or TF, it's Trauma Male or Trauma
18 Female. And using that number I can call into the hospital
19 and get updated information on the status of that patient.

20 Q There's an exception to HIPAA for law enforcement?

21 A Correct.

22 Q So when you first came in contact with this case it was
23 on what date; Monday the 9, I believe?

24 A Monday after. Yes.

25 Q And did you actually make contact with the victim while

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1 he was still in the hospital?

2 A I attempted. I called the trauma number and got to his
3 attending nurse. I spoke to that person and they told me an
4 update that he was unable to give a statement at this time;
5 that he was still being treated for his injuries.

6 Q He was actually in surgery?

7 A Correct.

8 Q The next day, turning your attention to January 10, did
9 you make contact with relatives?

10 A Yes, I believe the father of the victim contacted me, I
11 believe.

12 Q And at that point was he able -- you can't say what he
13 said to you, but did he give you information about who may
14 have been involved in this case?

15 A Yes. He was -- he had been speaking to the victim at
16 the hospital and brought us some additional information.

17 Q During the course of over the next week, did you receive
18 phone calls from the victim?

19 A I did.

20 Q And specifically on January 17, did you get a message
21 from Mr. Sherman?

22 A I did.

23 Q And that day did you make contact with him?

24 A We did.

25 Q And you can't say what he said to you, but did you make

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1 arrangements to actually do an interview with him?

2 A I did. We needed to get him -- to get his side of what
3 took place, some more facts about what was going on so we
4 could continue with the investigation. Pretty standard
5 stuff. I think the time we arranged, something else had come
6 up and I was out of pocket, and Captain McDonald stepped in
7 and assisted.

8 Q So Captain McDonald is the one that actually took the
9 statement from him?

10 A That is correct.

11 Q And that would have been in January?

12 A Yes.

13 Q And at that point, had you made contact with Dominique
14 Ross in this case?

15 A No.

16 Q At that point, did you know she had fled to North
17 Carolina?

18 A I didn't know where she had fled to.

19 Q After the statement was obtained from the victim in this
20 case, the initial statement, did you, then, think it was
21 necessary to get certain records?

22 A I did.

23 Q And what records were you attempting to get at that
24 point?

25 A The victim provided us a good phone number for

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1 Dominique. He had provided us information that I needed to
2 follow up on by obtaining these records to see if different
3 things took place and occurred, and if there was any traffic
4 prior to this incident or after that was of interest. So I
5 did that.

6 Q And how do you typically -- how in this case did you
7 obtain records or attempt to obtain records?

8 A In this case I had -- we worked with a custodian of
9 records at the cell phone company and they have a contact
10 number. I drafted a search warrant for those records based
11 on information we had at that time. I went to see a
12 magistrate to swear out a search warrant and I did so, and
13 then faxed that search warrant to the custodian of records to
14 obtain those records.

15 Q So you obtained a lawful search warrant prior to getting
16 Ms. Ross's records?

17 A Yes, that is correct.

18 Q That was faxed, I believe you said?

19 A Yes.

20 Q And that was actually obtain, I believe, on January 19?

21 A The search warrant was drafted, I think, on the 19. I
22 don't think I obtained it until the next day on the 20.

23 Q Later that month, did you contact SLED again in regard
24 to these records?

25 A Yes, we hadn't received them. Again, it's a fax

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1 machine. The cell phone companies will email us back, but
2 they won't accept an email copy. They'd rather have it
3 faxed. It's their policy, that's what we agree with. And
4 sometimes it's the fax machine. It's not always accurate
5 when we sent it back and forth. So I checked with them, one,
6 to see if they received that search warrant and, two, to see
7 if they were acting on it. They hadn't. That was refaxed.

8 Q And what was their response when you inquired?

9 A They had gone through the number that I had sent. I had
10 actually caused an error. Typing out the number, the phone
11 number we were looking for I had transposed the number, put
12 the wrong number in the phone records, but I had Dominique's
13 name and some information of what I was looking for as a
14 client of that phone company. We realized the error. I
15 contacted the magistrate and said we were one digit off. I
16 make the mistake. And under his guise, he told me to strike
17 through it and put my initials by it and refax it and then he
18 also signed off on it as well as being a corrected copy.

19 Q The judge actually did that?

20 A He did.

21 Q And once you were able to get the correct number to
22 Sprint were they able to provide you records?

23 A Yes.

24 Q I'm going to show you what's been marked as State's
25 Exhibit No. 95, which is already in evidence. Do you

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1 recognize that?

2 A Yes. These are the phone records in question for
3 Dominique Ross.

4 Q And do you remember approximately what the date was that
5 you received those records; was it sometime in February?

6 A The date is February 14 is when they were generated. I
7 believe I received them later that day.

8 Q And once you received those records, did you also make
9 contact with the victim again?

10 A Might have. It would be my follow-up -- I don't recall.

11 Q And if you received those records, then on February 16,
12 did the victim come in and give another statement?

13 A Yes, he agreed to come in. He was interviewed a second
14 time.

15 Q And is that unusual for y'all to do a follow up
16 interview with a victim?

17 A No. There's no standard -- each case is different. So
18 like asking -- there's a certain battery of questions that we
19 try to obtain, you know, the who, what, when or why if we
20 can, but the way I formulate some of those questions you get
21 some more information or there's an opportunity to discover
22 more that wasn't asked. Sometimes in these interviews you're
23 formulating the question, asking the question, listening to
24 the answer and working on your next question so that you can
25 kind of get the information from your victim and/or suspect

1 you're interviewing. It never hurts to have someone else
2 come in and either sit in on your interview or help you with
3 those questions or maybe they might catch something you
4 didn't catch that might need more attention or have another
5 interview.

6 Q And has -- the case, at that point, did you have more
7 information than, perhaps, Investigator McDonald, who
8 initially interviewed him?

9 A Yes.

10 Q And at that point you sat down with Chief Wilson and
11 y'all interviewed the victim a second time?

12 A That's correct.

13 Q And were y'all able to elicit additional details?

14 Yes.

15 Q Did anything change, as far as his statement?

16 A It didn't change, it was just more detailed.

17 Q During this time period was the victim becoming somewhat
18 frustrated at the process and how long it was taking?

19 A Yes. Not uncommon. Victim's of crime, specially
20 violent crime, feel that they're not being paid attention.
21 They want somebody in jail, today. They want -- they want to
22 have resolution, moving fast. The system just isn't defined
23 -- sometimes you get a situation occurs where both parties
24 are still on the scene, something can be done right that
25 minute, but when people flee or attempt to hide or run, it

Q And that was done in this case?

A Yes.

MR. STANLEY: No objection, Your Honor.

BY MS. CAMPBELL:

A Dominique Ross made the 911 call.

THE COURT: You may.

MS. CAMPBELL: Thank you.

(The 911 call was played for the jury.)

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1 BY MS. CAMPBELL:

2 Q At the beginning of the 911 tape do you hear a male
3 voice on it?

4 A Yes.

5 Q Do you recall what he was saying about please call? It's
6 on the tape?

7 A It's on the tape.

8 Q. And does that corroborate from the information you were
9 given?

10 A Yes. That's what Jamie said he said.

11 Q Also on the tape does she indicate on the 911 tape that
12 she knows who did this?

13 A I don't know.

14 Q After that first night when she was there at the scene
15 when the police came and EMS came, during the course of your
16 investigation during the first month and a half did you have
17 any contact with Dominique Ross?

18 A No.

19 Q Were you able to find her?

20 A No.

21 Q Did she ever make contact with you?

22 A No.

23 Q During the course of your investigation did you follow
24 up on possible other leads?

25 A Yes. There were other names that had come up, other

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1 possible leads that had come up during the investigation. We
2 tried to follow up to see if there was any validity to those.

3 Q And once you got the phone records, did that lead to
4 additional information that became important in this
5 investigation?

6 A It did. The call records showed communications with
7 another number.

8 Q And that was before you even had the Clear Talk records
9 in this case?

10 A Correct.

11 Q On the 16, after you sat in on the interview with the
12 victim, did you have any more involvement in this case or had
13 you been assigned to another case?

14 A I had been reassigned. Again, work mostly robberies and
15 homicides. A homicide had taken place and I was assigned
16 lead investigator on it. The case was shifted over to
17 Investigator Arnold.

18 Q Investigator Arnold?

19 A Correct.

20 Q So after the 16, you didn't have any more involvement?

21 A No.

22 MS. CAMPBELL: Beg the Court's indulgence?

23 THE COURT: Yes, ma'am.

24 MS. CAMPBELL: Thank you. That's all I have.

25 THE COURT: Mr. Stanley, your witness. You may cross-

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1 examine.

2 ROB MARTIN - CROSS-EXAMINATION

3 BY MR. LEONARD:

4 Q Good morning.

5 A Good morning.

6 Q I just want to ask you a few questions on how you became
7 involved in the investigation, okay?

8 A Okay.

9 Q You got involved the very next day after the incident on
10 January 9; is that right?

11 A It would have been Monday. Yes.

12 Q The incident took place on Sunday, right?

13 A If I recall, yeah.

14 Q All right. And you -- does Chief Wilson assign cases to
15 you; how does that assignment process work?

16 A No. It's usually assigned through my immediate
17 supervisor. That would be my Sergeant and/or at the time,
18 Lt. McDonald or someone that was selected in his stead.
19 There's a lot of reports that come into the Richland County
20 Sheriff's Department and they're just kind of assigned to the
21 different units.

22 Q Is or was Chief Wilson your boss at the time?

23 A He's been my boss now for about 14 years.

24 Q And he has the power to reassign cases as he deems it
25 necessary for the police force?

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1 A Absolutely.

2 Q Just want to ask a few questions about how you guys go
3 about making police reports and notes. Is it an important
4 part of you working on a case?

5 A I'm sorry?

6 Q Are writing reports and notes an important part of
7 police investigation?

8 A Yeah, there's a lot of important parts to a police
9 investigation.

10 Q Right. One of many. And one of those things that has to
11 be done by each officer in a case, an investigator?

12 A As necessary for the investigation.

13 Q And you have to wrote notes so that other investigators
14 can rely on those statements, rely on those written notes?

15 A No. We kind of document things in case I'm not here.
16 You know, if something happened, I changed jobs, leave the
17 state, die, there's some record of what took place.

18 Q Right. So as lead investigator you do rely on these
19 notes from other officers, right?

20 A I don't know that rely on them -- they're just documents
21 in the case that are different avenues in the case that comes
22 forward. I mean, they're part of the investigation. I'm not
23 sure of what you're asking me.

24 Q Basically, police -- you actually rely -- you look at
25 police reports in order to make -- or notes, police notes, in

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1 order to decide what you want to do in a case; right?

2 A I would look at their notes to see what steps that maybe
3 have been done, if there's something that needs to be
4 followed up on. If I had any questions I would go and speak
5 to that investigator or officer who took those notes.

6 Q Okay. And this case you reviewed Deputy Stone's
7 incident report; is that right?

8 A Yes.

9 Q And did you also review the a report from a Sgt. Don
10 Robinson?

11 A Don was the responding officer that night and I did
12 review his investigative follow up.

13 Q In his investigative follow up he did go to the hospital
14 to see what he could find out about the victim?

15 A I believe that is correct.

16 Q And he -- in his notes, did he interview the victim?

17 A I'm not sure if he interviewed him or if he sat in on
18 the interview with Deputy Stone.

19 Q All right. And did you also review Investigator Holt's
20 crime scene investigation?

21 A No. That wouldn't have been published, I don't think,
22 until March. I think that was when it was finally done, his
23 follow up. So I don't believe I saw his notes until much
24 later.

25 Q So you didn't have any of the pictures that were

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1 introduced into evidence.

2 A I might have had some of the pictures, they might have
3 been posted -- the lab is accredited and they have their own
4 steps in -- if I sat here and told you, I'd be lying. I
5 don't know what they are, but they have their own steps that
6 they go through in order to keep their certifications, and
7 they are reviewed by different personnel in that office. So
8 I mean it's not published until it's signed off on by
9 everyone. So I don't believe it was signed or published
10 until March.

11 Q Okay, but you didn't have any results from blood swabs?

12 A There again, it's not like TV. They take a considerable
13 amount of time. There are some instances where they can be
14 rushed. The technology keeps changing and advancing, but at
15 the time those swabs, I wouldn't have those results for a
16 considerable amount of time.

17 Q So it's fair to say you didn't have any results from any
18 of the crime scene investigation; is that right?

19 A That's fair.

20 Q And did you also review Lt. McDonald, now Capt.
21 McDonald's notes in the case?

22 A I believe he provided me a copy of a statement that he
23 took. I'm not sure when he follow up was published, if it
24 was available at the time.

25 Q So to your knowledge, he did speak with the victim prior

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1 to the victim coming in and giving a written statement?

2 A He might have helped arranged that meeting. I wouldn't
3 be surprised if he did. I wouldn't be outside his scope if
4 he did.

5 Q And if he did he probably would put it in his notes?

6 A Most likely.

7 Q And you did not -- On January 17, you were not at the
8 meeting with Jamie Sherman with Lt. McDonald; correct?

9 A No. I was out of pocket. I don't recall where I was,
10 but it was not in the office.

11 Q And you -- during the course of your investigation you
12 did review the victim's statement?

13 A I'm sorry?

14 Q During the course of your investigation you did review
15 the victim's statement that he gave Lt. McDonald?

16 A I did review that statement.

17 Q And at about this time you also sent out a search
18 warrant for the defendant's cell phone records; is that
19 correct?

20 A I did.

21 Q But you didn't get those results back until about
22 February 14, is that correct?

23 A I think it took about that long to get those records,
24 back. Yes.

25 Q Because there's -- a little mix up with the digits of

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1 the phone number; is that correct.

2 A Uh-huh. (Affirmative response.)

3 Q And then you also, you also requested the 911 call that
4 we just heard; is that correct?

5 A I believe so. I believe I asked for the request, if I
6 recall.

7 Q But you had it during the course of your investigation;
8 is that right?

9 A At some point it came in, yes. It's also provided --
10 it's 911 at it's at their convenience they get it to you.

11 Q I want to ask you a few questions about the defendant.
12 You mentioned that you never received any contact from her;
13 is that correct?

14 A That's true.

15 Q Did you ever try to contact her?

16 A Once we got the number, we didn't try to reach out and
17 contact her. This had been a few days when we got the number
18 from Jamie Sherman. We did go by different locations in an
19 attempt to locate her. That was unsuccessful. But as far as
20 calling the number we were trying to develop more information
21 on this case to kind of see what was going on with that phone
22 number.

23 Q Can you tell me what locations you went to?

24 A There was the Brook Pines address. I don't recall the
25 digits off the top, and then Jamie Sherman, because she was

1 supposedly she was staying off and on with him.

2 Q And so you just checked with Jamie Sherman?

3 A Correct. His address.

4 Q Right.

5 A Because she had supposedly stayed there off and on on
6 occasion as part of their relationship, and Brook Pines where
7 she was allegedly staying with someone else. And neither one
8 of those persons --

9 Q So you just checked two locations; is that correct?

10 A The ones I knew.

11 Q Okay. And you didn't give her a call to tell her you
12 were looking for her, right?

13 A My victims will usually contact the sheriff's department
14 when they're a victim of a crime or they'll try to reach out
15 and find out what's going on with their case or friends and
16 family members of the injured will usually call in. Not
17 usual I have to track down my victims.

18 Q Right, but you -- you don't know if she had any
19 knowledge that you were looking for her?

20 A Do I have any knowledge she knew? I don't know.

21 Q And as part of your investigation you didn't want her to
22 know you were looking for her, right?

23 A No, that's not true. We didn't want -- we wanted to
24 gather the information from the phone records, and at this
25 point she's looking more a suspect than a victim. So we were

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1 looking at her as being suspect in this case or an accomplice
2 in this case.

3 Q So --

4 A We wanted to gather the information from the phone
5 records.

6 Q And the main reason she was considered a suspect was
7 because of the Jamie Sherman statements?

8 A Jamie Sherman and the description -- the information he
9 provided, the facts that the suspects came in specifically
10 looking for Jamie. They didn't bother her. They went by her
11 and went straight for him. They were looking for him and his
12 money. The fact that she was able to walk off and walk back
13 -- she became a person of interest in this case.

14 Q But all that information came from Jamie Sherman; is
15 that correct?

16 A Yeah, he was the only one there other than the shooters.

17 Q Okay. You also mentioned that Mr. Sherman gave another
18 statement; is that correct?

19 A He did give two.

20 Q And he gave a second statement about February 17 or 16,
21 about a month and a half afterwards; is that correct?

22 A If you're referring to the Chief Wilson statement that
23 is correct.

24 Q Yes. And at that point, Chief Wilson took the statement
25 from Jamie Sherman?

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1 A Yes.

2 Q And you weren't present at that statement either?

3 A Yes, I was. I signed off on it at the end and witnessed
4 Jamie signing it and read it prior to him signing it.

5 Q So you were present then? And at that point you had two
6 statements from Jamie Sherman; is that right? Two written
7 statements?

8 A Yes.

9 Q And at either point did he indicate that he knew
10 somebody that saw people leave the scene of the crime?

11 A I don't recall if that's in his statement or not. I've
12 heard him testify to that, but I don't recall if that's in
13 the statement. I'd have to refresh the statement.

14 Q Would you consider that an important detail?

15 A It would be an important detail. It's not uncommon for
16 people to remember more after an incident takes place.
17 There's a lot of stress and trauma. We actually tell clerks
18 in a bank robbery, you know, sleep a night on it. Your mind
19 processes things differently and you might recall more the
20 next day than you do right now when I'm asking you all these
21 questions. So even in an officer involved shooting they give
22 them a period of kind of regroup and let your mind kind of
23 process what's actually taken place.

24 Q But it's an important detail to you; correct?

25 A If he knew who the person was that would be an important

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1 detail. Yes.

2 Q Well, I'm sorry. I'm talking about if he knew somebody
3 who saw three people leave the scene of the crime?

4 A Maybe I don't understand what you're asking.

5 Q I'm sorry. I'm asking if he had a friend that saw three
6 people leave the direction from his house, would that be an
7 important detail to you?

8 A If he had someone -- let me make sure -- if he had an
9 acquaintance who saw the suspects leave the house, if that
10 would be important?

11 Q Yes.

12 A If he had that information that would be important.

13 Q Okay. And that would be something you would write down
14 if he told you; right?

15 A If he told me he had a friend who saw everything, I
16 would document that and follow up with that friend.

17 Q Okay. And if you didn't write it down, he likely didn't
18 tell you at that point?

19 A There's a good chance that that didn't take place.

20 Q Okay, and at this point, in either one of his statements
21 or his conversations with you, did he mention meeting any of
22 the suspects at any point in time?

23 A I don't recall.

24 Q Okay. You believe that would be a detail you would find
25 important?

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1 A Depending on how specific it was. If he had an exact
2 memory of an associate and where we could track down this
3 person that would be important. I've had -- again, victims
4 will try to take information they have and try to compare it
5 to something else. They will -- I had a victim that said the
6 nose looked like Johnny Depp and the eyes looked like Denzel
7 Washington and the cheekbones looks like someone else. I
8 didn't go interview those people they weren't involved, but
9 that was kind of the way they were able to process. I've
10 also said it looked like a friend they went to high school
11 with, but it wasn't that person. So I have to get
12 information of what the person looked like, but that's
13 obviously not the person.

14 Q Right, but in this case he never told you that the
15 defendant introduced him to somebody prior to this?

16 A I don't recall that.

17 Q Okay, and, again, you consider a detail that you would
18 write down?

19 A Yes.

20 Q I want to ask you a few questions about possible leads
21 in the case. At some point, did you become aware of any
22 other leads in the case?

23 A Yes.

24 Q And would any -- would a possible suspect be a man named
25 Oscar?

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1 A I don't recall an Oscar.

2 Q You don't recall any follow ups on a man named Oscar?

3 A I don't recall. I have the follow up summary, but I
4 don't have it in front of me, but I don't recall an Oscar.

5 Q And, again, if you did you would write it down or
6 somebody in your office would write it down?

7 A Again, it would depend on what that was and what kind of
8 a lead it was. If it had any kind of substance to it there
9 would have been follow up on it.

10 Q Did you also become aware of a --

11 MR. LEONARD: Excuse me on second, Your Honor.

12 THE COURT: Yes, sir.

13 BY MR. LEONARD:

14 Q A man named -- at some point in your investigation did
15 you become aware of man named Cory James Contaxes, C-o-n-t-a-
16 x-e-s?

17 A Yes.

18 Q And did you get that information from a Deputy Cobia, C-
19 o-b-i-a?

20 A I think it's Cobia. Yes.

21 Q Cobia. Did you make any follow ups -- Are you aware of
22 any follow ups on that lead?

23 A Yeah. It was an address in Apple Valley. I actually
24 went to that address, spoke to some people there that was
25 unrelated. That information I believe had been funneled

1 through Deputy Stone.

2 Q You mentioned that in his second statement Mr. Sherman
3 did provide more details?

4 A More details, yes.

5 Q And you mentioned that he didn't make any changes in his
6 statement; is that correct?

7 A Yes.

8 Q But you would agree that if he added more details that
9 would actually change a little bit of the statement; is that
10 correct?

11 A No. It doesn't change the facts in the statement, it
12 just defines them more.

13 Q Well, do you remember some of the -- any of the new
14 details that he did add?

15 A Without comparing the two, new details with old details,
16 they're all Jamie's statement. So I kind of -- I mean,
17 that's his statement.

18 Q You agree there's more details about what the defendant
19 did after the shooting?

20 A And I believe there were more questions about those
21 details. There was somebody trying to elicit more
22 information from him at that time. That's why there was a
23 second interview. So there might have been more details
24 because of the responses to more detailed questions.

25 Q And at some point -- I guess at that point of the second

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1 interview on the 16 of February, you mentioned that the
2 victim was a little bit frustrated?

3 A Yeah, he was upset. He wanted to see some responses
4 right now. I mean, he had been almost killed and felt that
5 there should be more response, quicker response. Sometimes
6 that can happen and that's quick and there's immediate
7 resolve to whatever took place and sometime it takes a little
8 bit more investigating, a little bit more evidence to come in
9 and follow up on before someone can be detained or held
10 responsible for what took place.

11 Q But he did want somebody arrested in the case?

12 A He wanted, not someone, he wanted the person who shot
13 him in the face arrested or who was responsible for
14 attempting to kill him and rob him and bust into his home.
15 He wanted those people responsible to be punished
16 appropriately.

17 Q I'd like to show you one document. At some point you
18 did request the 911 phone call and records; is that correct?

19 A I believe so, yes.

20 Q And they sent it to you as quick as they could?

21 A Yes, it usually comes hand-delivered and would be placed
22 in my box at some point.

23 Q And as part of your -- can you describe this document?

24 A Sure. This looks to be detailed call records
25 transcribed by the 911 operator about this incident.

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1 Q And that would be the same 911 operator that we heard
2 previously?

3 A I'm not sure. I would say that was a transcript of that
4 call. I don't know that she did it. If that's what you're
5 asking.

6 Q But --

7 A Someone in that office did it.

8 Q The same general subject matter?

9 A Yes.

10 Q And what time does it say the phone call took place or
11 the -- that the 911 operator picked up?

12 A Would that be this thing you have underlined?

13 Q Yes.

14 A It says the phone picked up on January 8, 2012 at
15 21:21:20.

16 Q All right. Thank you very much.

17 MR. LEONARD: No further questions, Your Honor.

18 THE COURT: All right. Redirect?

19 MS. CAMPBELL: I have a few questions, Your Honor.

20 ROB MARTIN -REDIRECT EXAMINATION

21 BY MS. CAMPBELL:

22 Q On cross-examination he asked you about some swabs from
23 this case?

24 A Yes.

25 Q And you're aware that a swab was taken from the

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1 defendant's arm?

2 A Yes.

3 Q Was there any request made to test that?

4 A No.

5 Q Why not?

6 A The information that Dominique Ross had given us we
7 later found was not true. She was actually the inside person
8 in this case. She's the suspect that set it all up. She
9 brought these people from North Carolina down to --

10 MR. LEONARD: Objection, Your Honor. This is hearsay.
11 He's basically concluding, making conclusions from --

12 THE COURT: I'll sustain the objection.

13 MS. CAMPBELL: Your Honor, may I approach?

14 THE COURT: Yes, ma'am.

15 MS. CAMPBELL: Thank you.

16 (Off the record bench conference with counsel and the Court.)

17 BY MS. CAMPBELL:

18 Q This swab that y'all did not request that be tested?

19 A Correct.

20 Q Did you feel like that would be probative in any way?

21 A No.

22 Q Did you request, however, that the swab from the shell
23 casing be tested?

24 A Yes.

25 Q Were they able to get any DNA off of that?

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1 A No.

2 Q And as far as the blood swabs, as far as your
3 investigation, how many people were actually bleeding at the
4 scene?

5 A Jamie Sherman was bleeding at the scene. There was no
6 argument that he was bleeding at the scene. He was observed
7 at the scene bleeding, which was consistent with the injuries
8 he received. His blood, his house. We knew that.

9 Q So that wouldn't have been public?

10 A Correct.

11 MS. CAMPBELL: Thank you. I don't have anything else.

12 THE COURT: Recross.

13 MR. LEONARD: Yes, sir.

14 THE COURT: You may proceed with re-cross.

15 ROB MARTIN - RE-CROSS EXAMINATION

16 BY MR. LEONARD:

17 Q So you mentioned that Dominique did give a DNA sample;
18 is that correct?

19 A She did.

20 Q And she also spoke with the arriving officers; is that
21 correct?

22 A Yes.

23 Q Would you consider that cooperation?

24 A I would consider that creating an alibi to cover up her
25 participation in this crime.

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1 Q Okay, but she did give a DNA sample?

2 A She did.

3 MR. LEONARD: Okay. No further questions.

4 THE COURT: Sir, you may step down. Thank you very much.

5 You may call your next witness.

6 MS. WALKER: State calls Capt. Scott McDonald.

7 THE COURT: Come forward to be sworn. Thank you.

8 (WHEREUPON, Scott McDonald was sworn

9 to tell the truth.)

10 THE COURT: State your name, sir.

11 MR. MCDONALD: Scott McDonald.

12 THE COURT: Ms. Walker, you witness.

13 MS. WALKER: Thank you, Your Honor.

14 THE COURT: Okay.

15 SCOTT MCDONALD - DIRECT EXAMINATION

16 BY MS. WALKER:

17 Q Captain, can you tell me where you're currently
18 employed?

19 A Richland County Sheriff's Department.

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

21 A I'm captain of the major crimes unit, which involves all
22 robberies, home invasions, homicides, suicides and assaults.

23 Q And as a captain what are some of your duties of a major
24 crime unit?

25 A To help investigate and supervise the investigation of

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1 all the crimes I just described that come into Richland
2 County Sheriff's Department.

3 Q And how long have you been with the sheriff's
4 department?

5 A 26 years.

6 Q I want to take your attention back to January 2012. Did
7 you become involved with the investigation of this case?

8 A I did.

9 Q Can you tell me how you became involved?

10 A My duties, I don't have a steady caseload that I take
11 cases every day, but my role is to kind of help where needed.
12 Investigator Martin was out of the office on another detail
13 we had assigned him when Mr. Sherman was able to come in to
14 give a statement. I believe I had first gotten a call from
15 Ms. Sherman concerning about the status of the case. There
16 had been some delay because Jamie had been in the hospital
17 and unable to talk with us.

18 Q When you say Ms. Sherman, are you referring to the
19 victim's mother.

20 A The victim's mother. I believe that was on January 13.
21 After I got off the phone with her I then talked to Jamie on
22 the phone and we ran through his version of events and
23 encouraged him that, you know, we need to get him in to get a
24 written statement and that Investigator Martin was now his
25 investigator. He was a little bit confused because he had

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1 dealt with Sgt. Robinson initially. He thought that maybe he
2 was his investigator. So I corrected that and said, no,
3 Investigator Martin is going to be your investigator. We
4 need to get you in here as soon as we can to, you know, get a
5 detailed statement so we can start investigating this thing a
6 little bit better. Up until that point we had very little
7 details. We were unable to speak to our main witness who was
8 Mr. Sherman. So he was vital in getting the investigation
9 going.

10 Q Before you had that phone conversation with both the
11 victim and his mother, was Dominique Ross a witness and
12 victim in this case, to the best of your knowledge?

13 A To the best of my knowledge, at that point, we were
14 going on the information we had at that time she did appear
15 to be a victim. And, you know, she did give a statement or
16 information to officers that night on the scene where she
17 indicated that a subject named "Amp" was involved in this.

18 Q Okay. Without telling me what Jamie or his mother said,
19 after speaking with them your perception of this defendant's
20 role in this crime change?

21 A Very quickly. Yes, it did.

22 Q And did you, in fact, meet with the victim once he got
23 out of the hospital?

24 A I did. Investigator Martin was tied up on another
25 matter that morning and I told him I would meet with Mr.

1 Sherman since I had spoken with him and go ahead and take a
2 written statement from him concerning his information.

3 Q Did an individual by the name of Dion Dotson also become
4 relevant?

5 A Yes, it did. When I was talking to Mr. Sherman, he
6 indicated that Dion Dotson, who was a romantic interest of
7 the defendant had come to him shortly after getting out of
8 the hospital. She was concerned --

9 Q Don't tell me what she said, but did Mr. Sherman -- did
10 Mr. Sherman's view on Dominique in this case change upon
11 speaking with the defendant's girlfriend?

12 A Dramatically.

13 Q At that point what was the next step that you guys took
14 in terms of trying to track down Dominique Ross?

15 A I met with Investigator Martin and suggested we get
16 phone records as soon as we could on the defendant to see who
17 she's been talking to that night, texting and locations and
18 things like that to see if it would help the case, at this
19 point.

20 Q And what phone number did you guys use for Dominique
21 Ross?

22 A A

23 Q And did y'all sent a search warrant for that number?

24 A That's correct. Investigator Martin obtained a search
25 warrant and sent it off to Sprint and we awaited the results.

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1 Q And are you heavily involved, I guess, in cell phone
2 numbers and cell phone tracking and cell phone records with
3 the sheriff's department?

4 A Yes, I am. I generally do all that on these major
5 cases, looking at the cell phone information to see how it
6 correlates to the case itself.

7 Q And can you tell the jury how cell phone records, I
8 guess as people use cell phones more and more, become
9 relevant in the investigation of crime?

10 A On today's world, you know, technology and social media,
11 etcetera, just about everyone has a cell phone and we
12 communicate our lives on these cell phones. So there's a lot
13 of communication, there's a lot of calls, text messages,
14 emails. All kinds of information that can be put on these
15 phones.

16 Part of our job when we're doing an investigation is
17 when we identify subjects we need to look into a little bit
18 further, we can request search warrants to get this
19 information to see if it's relevant to the investigation, if
20 it corroborates witnesses and subjects that we're speaking
21 with on a case. In my experience it's been extremely helpful
22 in solving these types of cases.

23 Q And did the cell phone records in this case become
24 extremely relevant?

25 A Yes, they did.

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1 Q I want to turn your attention to the 17. Did you meet
2 with Jamie Sherman?

3 A I did. That's the day I took the statement from him, I
4 believe.

5 Q And did you have a chance to review the cell phone
6 records in this case?

7 A I did.

8 Q And did you prepare a power point that would help you
9 explain those cell phone records?

10 A Yes, I did.

11 Q And that's from records that are already admitted into
12 evidence -- I'm sorry, State's Exhibits 95 and 96?

13 A Yes.

14 MS. WALKER: Sir, permission to publish the power point
15 to the jury?

16 MR. LEONARD: Your Honor, I haven't seen this power
17 point. May we approach real quickly?

18 THE COURT: Please do.

19 (Off the record bench conference with counsel and the Court.)

20 There are some things I need to go over with the
21 attorneys before we go much further.

22 As always when you leave the courtroom I'm going to ask
23 you not to discuss this case among yourselves until such time
24 as I ask you to begin your deliberation.

25 So we'll take a break at this point in time. We'll have

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1 you back as soon as possible. You may retire.

2 (Jury out for break at 10:16 a.m.)

3 THE COURT: All right. Is there a printed version of the
4 power point; is it on paper?

5 MS. WALKER: Your Honor, it is --

6 MR. MCDONALD: I have a copy of it here, too.

7 THE COURT: Why don't you provide that to the defense and
8 then if they have some questions after looking at that we'll
9 certainly address those.

10 I'll stay on the bench while they're doing that.

11 (Power point shared with defense counsel.)

12 MR. STANLEY: Your Honor --

13 THE COURT: Just one second.

14 We're back on the record.

15 Yes, sir.

16 MR. STANLEY: We would object to the introduction of the
17 power point presentation on several grounds. One, Capt.
18 McDonald has not been qualified as an expert in this case. I
19 guess -- I don't know if you'd like to review --

20 THE COURT: I'll see what you're talking about if you'll
21 let me have a look at it.

22 MR. STANLEY: I understand.

23 (Power point passed to the Court.)

24 THE COURT: All right. Exactly what portions of the
25 presentation are you objecting to?

1 MR. STANLEY: Well, the first, I guess it's the two or
2 three or four pages going into how cell phone towers work.

3 THE COURT: Well, actually, there's two pages. One says
4 how a cell phone works and the other one is cell phone tower
5 configurations.

6 MR. STANLEY: The cell phone tower configuration
7 testimony he would have to have knowledge of how it all
8 works.

9 THE COURT: Well, he may. I don't know. You may ask to
10 lay the foundation.

11 MR. STANLEY: Right.

12 THE COURT: In looking at these things -- you mentioned
13 that he's not an expert. In looking at these things I don't
14 see any opinion in it. It may be stating facts that may be
15 within his knowledge, it may not be within his knowledge. I
16 don't see opinions here.

17 MR. STANLEY: Well, there would be -- depending on how
18 they lay the actual testimony there will be things he might
19 not know about.

20 THE COURT: Well, why don't we -- while we've got the
21 jury out, why don't we let them attempt to lay a foundation
22 for his knowledge of -- I'll make them get into that before
23 the jury hears it.

24 MR. STANLEY: I do have other -- two other problems.

25 THE COURT: Sure. That's what I'm here for, to listen.

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1 MR. STANLEY: Gotcha. There are additional facts in the
2 power point presentation that are not in evidence at this
3 point.

4 THE COURT: Such as?

5 MR. STANLEY: Such as the phone number of Felicia --
6 Arnold -- McNeil. Basically they ended up -- It's hard to
7 label the phone calls the phone calls and who they went to.

8 THE COURT: Let me see if I can find -- I see a Felicia
9 McNeil mentioned.

10 MR. STANLEY: That's correct, Your Honor.

11 THE COURT: Is that who you're referring to?

12 MR. STANLEY: Yes, Your Honor.

13 THE COURT: Now the records, though, in which she
14 appears, it appears to be records from phones that have been
15 either obtained by search warrants or by subpoena, it
16 appears.

17 MR. STANLEY: It's my understanding that they got the
18 information from Dominique Ross's cell phone --

19 THE COURT: Yes.

20 MR. STANLEY: -- and Amber Richardson's text messages.

21 THE COURT: Yes.

22 MR. STANLEY: I'm asking about the foundation of who
23 Dominique Ross was calling.

24 THE COURT: I'll ask for the basis -- I'll ask them to
25 lay a foundation for that information.

1 MR. STANLEY: One last point. I believe there's
2 inaccurate information on the power point presentation and
3 what I say is inaccurate is they label certain things as text
4 messages between the defendant and Amber Richardson and we
5 have the -- we have the actual log of text messages and I
6 don't believe they -- I was only able to check one in my
7 short amount of time.

8 THE COURT: Well, check the other ones, if you'd like.
9 I'm here for you to look at this. Tell me. I need to know
10 specifically what you're talking about.

11 Ma'am, we need to be back on the record. I think
12 they're ready to discuss it.

13 COURT REPORTER: Yes, sir.

14 THE COURT: Thank you.

15 Yes, sir, Mr. Stanley.

16 MR. STANLEY: So concerning the text messages for the
17 labels --

18 THE COURT: Hand me the printed sections. Let's have it
19 marked for identification purposes. So we can make a record
20 of what's going on with this thing.

21 (Defendant's Exhibit No. 9, power
22 point, was marked for ID only.)

23 THE COURT: Thank you, ma'am.

24 All right. Now, we're talking about Exhibit No. 9 for
25 ID. Now let's talk about it.

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1 MR. STANLEY: In reviewing the actual records of Amber
2 Richardson's text messages --

3 THE COURT: All right. Just one second. You want me to
4 refer to -- The one that says text messages between Dominique
5 Ross's cell phone and Amber Richardson's cell phone? All
6 right.

7 MR. STANLEY: So our problem is that they've added these
8 extra labels saying that Dominique texted Amber or Amber
9 texted --

10 THE COURT: Over to the right it says subscriber, is that
11 where you're talking about?

12 MR. STANLEY: I believe -- Yes, Your Honor. That's
13 correct.

14 THE COURT: So those are not part of the records. That's
15 something that's been added by --

16 MR. STANLEY: Correct.

17 THE COURT: Or is that information in the records?

18 MR. STANLEY: No, it's not part of the record and it's
19 also incorrect. We found --

20 THE COURT: In what respect?

21 MR. STANLEY: So in reviewing Amber Richardson's text
22 messages there were -- there were no text messages to
23 Dominique or from Amber on 1:14 of the --

24 MS. WALKER: I'm confused as to what you're saying.

25 MR. STANLEY: So I'm saying you had a label that saying

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1 text message from Amber Richardson to Dominique Ross and that
2 he labeled it 1:14:19 --

3 THE COURT: The very first one. These pages aren't
4 numbered. The very first one on the page that says Sprint
5 call detail records of cell phone number

6 MR. STANLEY: Yes. So the first one Amber Richardson
7 texting Dominique Ross. January 8, 2012, 1:14:19. Okay.
8 We've reviewed what's in evidence and that text message is
9 not in the record.

10 THE COURT: Well, it says duration zero. And it doesn't
11 show that anything happened.

12 MR. STANLEY: So -- if that's the records of Amber
13 Richardson's text messages wouldn't they show those text
14 messages?

15 THE COURT: I don't know.

16 MS. WALKER: I can explain all of that through the
17 witness.

18 THE COURT: You may have to do that.

19 So you're objecting to that one being in there since
20 it's not in the record that's in evidence?

21 MR. STANLEY: Correct.

22 THE COURT: Okay.

23 MR. STANLEY: And then there are numerous inconsistencies
24 that we found, as well, that again, that the label -- so I
25 don't know if you'd like for the state to proffer first and

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1 we go through which one we have problems with or --

2 THE COURT: Well, maybe she needs to know which ones to
3 address in the proffer. So I want you to tell me which ones
4 you object to so we can address them.

5 MR. STANLEY: Okay. We object to the text messages on
6 1/8/12 at 1:14:19. 1/8/12 at 19:26:08.

7 THE COURT: Just one second. Is that on a different
8 page?

9 MR. STANLEY: Yes, Your Honor, it's on the third page of
10 text messages. It's 19:26:08 on the day of the 8. Then
11 there's additional, 19:33:09. Then I have 20:21:49.

12 THE COURT: I have no idea what you're talking about.

13 MR. STANLEY: The time stamp. It's the time stamp where
14 they're labeling where they're saying one of them is texting
15 one another.

16 THE COURT: So it says first -- all right. Let's start
17 back over.

18 MR. STANLEY: Okay.

19 THE COURT: The first one you object to is the one on
20 1/8/12 at 1:14:19?

21 MR. STANLEY: Yes, sir, Your Honor.

22 THE COURT: Okay. Tell me the next one?

23 MR. STANLEY: 1/8/12, that's the date, at 19:26:08.
24 That's going to be on a separate page, Your Honor.

25 THE COURT: Okay.

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1 MR. STANLEY: I'm really looking at the subscriber that's
2 saying one of them was texting another -- and then the next
3 one we object to is 19:33:09.

4 THE COURT: Go ahead.

5 MR. STANLEY: And then the next one we object to is
6 20:21:49.

7 THE COURT: Okay.

8 MR. STANLEY: And the last one is 22:50:58.

9 THE COURT: All right.

10 MR. STANLEY: And we're saying that there --

11 THE COURT: You're objecting to those on the basis of?

12 MR. STANLEY: There were no text messages made during
13 those times, there's no record of those texts, based on the
14 record that's in --

15 THE COURT: Okay. I'll ask the state to address, first
16 of all, the objections concerning his knowledge of cell
17 phones because he has the ability to testify about the facts.

18 MS. WALKER: Your Honor, he -- he's been -- I didn't
19 think there was opinion in pulling that information from cell
20 phone records, but he -- I will call on him as an expert out
21 of an abundance of caution. He's been qualified numerous
22 times before and I'll be happy to do so today.

23 THE COURT: All right. You may proceed with the proffer.

24 PROFFER

25 SCOTT MCDONALD - DIRECT EXAMINATION

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1 BY MS. WALKER:

2 Q Capt. McDonald, have you had any specialized training in
3 cell phone towers, cell phone, cell phone technology?

4 A Yes, I have. I began in November of 2001 with an
5 introduction back then on murder case, met with several
6 engineers and personnel. That's where I first began to learn
7 about cell phones and sectors and analysis of cell phone
8 records. Since that time I've attended numerous classes to
9 include Cell Phone Investigations, November of 2007; the
10 Mobile World Forensics Conference in Chicago in 2008, where
11 leading authorities from around the nation and round the
12 world came in to discuss cell phone investigations, tracking,
13 call detail records, cell phone downloads. That type of
14 thing. I attended two more classes that year on cell phone
15 downloads and investigations, as well. The most recent class
16 was in 2012, with Advanced Smartphone and Call Record
17 Investigations. And scheduled to go to another class in
18 June, the Mobile Forensics Conference as well. I've been
19 certified as an expert in state court, general sessions court
20 seven times at this point.

21 Q And do you do the cell phone analysis for the Richland
22 County Sheriff's Department?

23 A I do.

24 Q And at times for the Columbia Police Department?

25 A Columbia, City as recently as yesterday I was in

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1 Lexington County testifying on a murder case and cell phone
2 records, as well.

3 MS. WALKER: Your Honor, at this point we'd offer this
4 witness as an expert.

5 THE COURT: You may cross-examine him concerning those
6 qualifications.

7 MR. STANLEY: No cross, Your Honor.

8 THE COURT: Do you object to him being designated as him
9 being an expert for cell phone record analysis?

10 MR. STANLEY: I do not object.

11 THE COURT: Okay. Then we'll do that in front of the
12 jury. He appears to be qualified.

13 MS. WALKER: Yes, sir.

14 THE COURT: Now, as to the other objections, let's deal
15 with those.

16 BY MS. WALKER:

17 Q Felicia McNeil, I think there was an issue that they had
18 with her cell phone records being on there. As far as this
19 case, did you review the statement of Amber Richardson in
20 which she gave you Felicia McNeil's cell phone number?

21 A That's correct.

22 Q And are you familiar with the LexisNexis data base?

23 A I am.

24 Q And is that something that's open to the public?

25 A It's open to the public. We have a portion of that that

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1 is a pay service where we are subscribers to it.

2 Q But it is open to the public?

3 A Yes.

4 Q And the cell phone number that you got from Amber
5 Richardson as Felicia McNeil's, did you see that number on a
6 number of occasions in Dominique Ross's cell phone records?

7 A Yes, I did.

8 Q And were you able to verify that number as being Felicia
9 McNeil's cell phone number through LexisNexis?

10 A Yes, I was.

11 THE COURT: I'll allow you to cross-examine him on that
12 objection.

13 BY MR. STANLEY:

14 Q So you reviewed the statement of Amber Richardson; is
15 that correct?

16 A Yes.

17 Q And as part of her statement she indicated that there
18 was a -- have you see it?

19 A I'm looking at it right now.

20 Q And as far as saying, she gave you an Aunt Lee's number;
21 is that correct?

22 A Correct.

23 Q And that number is

24 A That's right.

25 Q And you are -- and you believe that -- and Aunt Lee is

1 Dexter's wife?

2 A I'm not sure who Aunt Lee is in relation to Dexter.

3 Q Okay. So she calls her Aunt Lee, you don't know her
4 last name as McNeil do you?

5 A Aunt Lee?

6 Q Right.

7 A I don't know who Aunt Lee is, no. I know the subscriber
8 information that I learned upon running this number through
9 LexisNexis as being Felicia McNeil. It wouldn't be reflected
10 as Aunt Lee with subscriber information.

11 Q Okay, and you gave that information to the solicitor's
12 office, putting the number to Felicia McNeil?

13 A Correct.

14 Q Okay. May I review your subscriber information that
15 you're looking at?

16 MS. WALKER: It's right here.

17 MR. STANLEY: Your Honor, I would object. I never
18 received any information of an actual LexisNexis search of a
19 Felicia McNeil.

20 THE COURT: That's public information, is it not?

21 MS. WALKER: Yes, sir.

22 THE COURT: It's my understanding you can go on line and
23 gather that information yourself.

24 MR. STANLEY: I gather it's a paid search. He mentioned
25 it might be a paid search open to the public?

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1 THE COURT: Sir?

2 A I believe there's a public side and a law enforcement
3 side, as there is with many things.

4 BY MR. STANLEY:

5 Q And you're not aware of whether it's public or law
6 enforcement at this -- at this --

7 A There's a public and a law enforcement side. I use law
8 enforcement side. You know, all these number in here
9 hypothetically can be researched and subscriber information
10 can be obtained, as part of work product.

11 MR. STANLEY: Thank you, Your Honor. I would object, I
12 don't believe it is public information. I think it is,
13 again, it's police investigative information and not
14 something that would be found in the general public.

15 THE COURT: Yes, ma'am.

16 MS. WALKER: Your Honor, he has the number, that
17 particular number in Amber Richardson's statement that was
18 given to him. It talks about the Aunt Lee that they were
19 going to go see. Here's the number. He has the number.
20 It's a LexisNexis data base. It's the same company that we
21 use -- with Westlaw. It's a public database. It's public
22 record. I don't think it falls under any --

23 THE COURT: Let me be sure I understand what occurred.
24 Apparently, he was given copies, the defense was given copies
25 of the phone records?

1 MS. WALKER: Yes, Your Honor.

2 THE COURT: Somebody identified that person as Aunt Lee?

3 MS. WALKER: Amber Richardson did and that person was
4 given to the defense in her statement.

5 THE COURT: I see. So that number was identified as Aunt
6 Lee's number to you?

7 MR. STANLEY: Correct, Your Honor.

8 THE COURT: I do not know who Felicia McNeil is. Is that
9 Aunt Lee?

10 MS. WALKER: Yes, Your Honor. They are the same person.

11 THE COURT: They're they same person.

12 This is not a surprise to you that this is Felicia
13 McNeil's number?

14 MR. STANLEY: Well, I -- I don't call her -- I call her
15 Felicia Arnold verses McNeil. So it is a surprise that she
16 is identified as McNeil, and her phone records, that's a
17 surprise.

18 THE COURT: We're still talking about the same person
19 just different names they go by; is that what I'm hearing?

20 MR. STANLEY: Yes, Your Honor.

21 THE COURT: Okay. I'll overrule that objection. I mean,
22 the information is available, in my opinion.

23 Any other objections? You raised the issue -- you want
24 to get into the question of the -- there were some other
25 issues you raised; the calls that aren't in the records that

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1 have been introduced?

2 MS. WALKER: Yes. Your Honor, I think he's talking about
3 those text messages that we went down.

4 THE COURT: Yes.

5 MS. WALKER: Okay.

6 BY MS. WALKER:

7 Q Sir, there is a series -- Captain, in that PowerPoint
8 presentation, there's a series of things that you list as
9 text messages between two people?

10 A That's correct.

11 Q Can you tell the Judge how you were able, I guess, in
12 your expertise to determine that those were text messages?

13 A I know from dealing with Sprint records the six -- if
14 you look under the 631 is the Columbia switch for phone
15 calls. The other numbers you see, the 527, the other oddball
16 numbers that are not in that switch and where you see the
17 zero duration, zero -- no first cell tower, no second cell
18 phone tower, those would be text messages. These are
19 Sprint's records. He's referring to Clear Talk's records.
20 So Sprint is reporting these as being text messages on Ms.
21 Ross's cell phone. Clear Talk also provided records of text
22 messages. If they do not coincide with that, that's an issue
23 between Sprint and Clear Talk. I'm reading the record as
24 they were provided to me and these are text messages.

25 THE COURT: Do you want to ask him about that?

1 MR. STANLEY: Yes, Your Honor. Thank you.

2 BY MR. STANLEY:

3 Q You testifying that Sprint will -- when they print out
4 phone records for somebody they have a -- there's a special
5 indication that they are text messages?

6 A They use -- repoll number, which is two or three columns
7 from the far right. The repoll number is a switch number.
8 Switch 631 is the Columbia region. This general area. So
9 that tells me that the call came through the Columbia switch
10 or the text message. The text messages don't reflect the 631
11 Columbia. They are going to reflect some of these other
12 numbers you see. You see 531, 514. These are other switches
13 designed for text messages. That switch could be in Atlanta,
14 Georgia or it could be in Norfolk, Virginia. It could be
15 somewhere else that handles just text messages, okay. So
16 when I see that and I see zero. I don't see a cell tower
17 indicated, first or last cell along with the zero, I know
18 that that from past experience and from the information
19 provided to us from Sprint when we get records, that's going
20 to be a text message.

21 Q Okay, and you've also reviewed Amber Richardson's
22 records with Clear Talk?

23 A That's correct.

24 Q And you're saying that some of the text messages that
25 you see from the Sprint number don't appear in the Clear Talk

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1 records?

2 A I haven't examined what Sprint provided and what Clear
3 Talk -- which did or didn't. I look at this as what Sprint
4 provided to me and the indications to the right. I then look
5 at the Clear Talk and indicated on that particular one what I
6 saw.

7 Q So you just put down anything you found, but you --

8 A These are the official records from these companies and
9 I'm reading what they provided.

10 Q So, again, then, Clear Talk is not actually -- if you
11 reviewed -- excuse me, I'll re-ask the question. Then, if
12 there are inconsistencies, it's because Clear Talk didn't
13 have --

14 A And you would have to get into that with an engineer.
15 Might be above my expertise, but that could be anything from
16 a text was sent and was never received. It may be reflected
17 on here that it was sent and never received, due to whatever
18 issues. The phone was off, it didn't -- I can't answer that
19 question why it's not reflected on those records, but there
20 are circumstances that could arise that could prevent the
21 records from being identical.

22 Q Okay, and you don't know what their reasons are?

23 A You've have to go back historically and look through an
24 engineer, the transmissions occurring at that time. Did the
25 tower go down, was there interference. I mean, there's a

1 host of things that could happen. I can't answer that
2 question. All I can answer is this is the information
3 provided to me and this is what I determined from that
4 information from two different companies.

5 Q And you can't -- you have not coincided with them,
6 you've not seen if they necessarily add of or not?

7 A That's not really my job. My job is to report what is
8 reported to me, interpret those. I can't say one company is
9 right or wrong. I can't say one is inconsistent with the
10 other. You've looked at them. If you feel they're
11 inconsistent, you know, that's your opinion. All I can say
12 is Sprint provided me information and Clear Talk, and I'm
13 presenting that information.

14 MR. STANLEY: Thank you.

15 THE COURT: As to those matters, do you still object?

16 MR. STANLEY: Yes, Your Honor, I do object. Again, the
17 report -- if somebody sent a text messages should -- there
18 should be some type of internal consistency. There are a
19 number of one, two, three, four, five, six text messages that
20 don't show up or, I guess, information that didn't get sent
21 or didn't get corresponded on the -- on the Clear Talk
22 records that they received, and if we're going to do this for
23 demonstrative purposes there should be some type of
24 consistency between -- between the two, especially if they
25 don't --

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1. THE COURT: Well, doesn't that go to the weight of his
2 testimony. It certainly could go to whether it should be
3 relied upon or not. Admissibility may be a different matter.
4 Now, I'm trying to judge the admissibility. I would not
5 prevent you from certainly cross-examining him or arguing
6 that his testimony concerning the Sprint records is
7 inconsistent with the Clear Talk records. Pull out the Clear
8 Talk records and ask him about it and attack whatever
9 information and opinions he provided. That doesn't mean it's
10 not admissible. The question was is there an objection to
11 admissibility at this point?

12 MR. STANLEY: There is an objection to admissibility,
13 because the two records are inconsistent.

14 THE COURT: Well, he said his testimony would be that
15 this is his report of the Sprint records and that he has not
16 attempted to reconcile that with the Clear Talk records.

17 I'll going to allow him to testify to this matter. I'm
18 not going to rule it to be inadmissible. Again, the door
19 would be open to your cross-examination on those points, in
20 an attempt to discredit his statement or discredit his
21 opinion.

22 MR. STANLEY: All right. Thank Your Honor.

23 THE COURT: At this point in time, any other objections
24 concerning the PowerPoint presentation or his testimony as an
25 expert?

1 MR. STANLEY: The last objection would be -- I believe at
2 the end of the PowerPoint presentation there are some facts
3 that aren't in evidence where he tries -- where he indicates
4 where the cell phone tower was or where the cell phone was.

5 THE COURT: The map?

6 MR. STANLEY: The map.

7 THE COURT: Yes.

8 MR. STANLEY: I don't believe there's any evidence in the
9 record of that particular information.

10 THE COURT: Maybe. I don't know. He may have researched
11 this and found this out himself. As an expert you can you
12 that. You can research it.

13 You want to go ahead and put that. Let's see what the
14 basis for -- I guess the map with the circle drawn on it
15 indicates cell phone records in certain hours in relationship
16 to the crime scene?

17 MS. WALKER: Yes, sir.

18 BY MS. WALKER:

19 Q On the last page, I think, of the PowerPoint
20 presentation there is a map of the cell phone towers and it
21 kind of looks like a radius around it?

22 A Where I obtained this from in the cell phone records of
23 Dominique Ross from Sprint. When you the repoll number,
24 which I referred to earlier, 631, which is a Columbia switch.
25 When we get these records we are provided the cell phone

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1 towers and their locations. When you look at the first cell
2 and the last cell in those records, you see a three, a four
3 -- let's say the first one here, 30109. I know that is Sector
4 3 of Tower 109. Each tower has three sectors. Sprint uses a
5 technology called Lucent. So their numbering system starts,
6 two, three, four as you go around the three sectors. So I
7 know that for that particular call, the first one I'm looking
8 at here, would be in Sector 3 of Tower 109. I go to my sheet
9 and it tells me Tower 109 is at blah-blah-blah address. I
10 put that on a map. I then draw a sector based on the asmus
11 (sp) of that tower, which is the center point of those
12 sectors. You don't see it on this black and white, but on
13 the PowerPoint, this sector right here is shaded in yellow.
14 That's going to be the sector --

15 THE COURT: You mean the one to the right?

16 A Yeah. Where it says incident location. That sector
17 there is all in yellow. That is the general area that phone
18 is in at the time of those calls, and this outer boundary
19 here, that's just a two mile range.. Cell phone towers can
20 range to to five miles, just depends on population and other
21 factors. So that is not a definite ending point, beginning
22 or ending point, that's just for illustrative purposes.

23 THE COURT: That's a conservative estimate.

24 A Right, and I'll explain that in my testimony, but that's
25 how I determine the cell phone tower and sector. It's

1 provided in cell phone records themselves.

2 THE COURT: And you generated this?

3 A I generated that based on my training, yes.

4 THE COURT: All right. Do you wish to cross-examine?

5 MR. STANLEY: Briefly.

6 BY MR. STANLEY:

7 Q May I take a look at the last page again?

8 A (Document passed to Mr. Stanley.)

9 Q Okay. So you looked at the hours of 8:53 to about --

10 A Between those times the phone, the calls that are being
11 placed has the phone in that sector. It's not moving. In
12 that general sector. I can't pinpoint an address. I can just
13 say in that general area.

14 Q That's two to five miles -- potentially, it could be
15 there or it could be two to five miles in a diameter of that?

16 A Usually in an urban area it's smaller range. Out in the
17 country it could be up to 10 to 15 miles, sometimes, but in
18 an area like this, a couple of miles or some usually with so
19 much volume of traffic you have towers very close to one
20 another because there's a lot of volume. Out in the rural
21 areas they don't have as much volume. They can have a longer
22 range because there's not as much traffic. So to get the
23 actual range of that tower you'd need an engineer. This is
24 merely for demonstrative purposes.

25 Q And why did you pick 20:53 as your starting point?

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1 A I wanted to put -- I looked at times before and after
2 this incident to see where her phone was. The phone was in
3 those areas consistently during that time frame.

4 Q Did you look at any other time periods that day?

5 A Not that day, no. I mean, the most important part --
6 you know, obviously, she was present at the scene, this just
7 corroborates she was present -- I say present at the scene.
8 We know she was present at the scene from the incident
9 report. Her cell phone also puts her in that general area
10 around that incident location, as well.

11 MR. STANLEY: No -- no objection on that, Your Honor.

12 THE COURT: All right. Very good. All right. Are we
13 ready for the jury.

14 MS. WALKER: Your Honor, I think we just have to pull
15 this down quickly.

16 THE COURT: Well, for the courtroom personnel we'll take
17 a short break. About a five minute break while you get set
18 up and then we'll call the jury in.

19 Court is in recess.

20 Sir, I caution you not to discuss your testimony during
21 the break.

22 Thank you.

23 (End Proffer of Scott McDonald.)

24 (Court in recess for short break at 10:58 a.m.)

25 (Court in session after short break 11:07 a.m.)

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1 THE COURT: Thank you very much. You may be seated.

2 State ready to proceed.

3 MS. WALKER: Yes, Your Honor.

4 THE COURT: Defense ready?

5 MR. STANLEY: Yes, Your Honor.

6 THE COURT: All right. Bring the jury in.

7 Ma'am, I'm going to go through qualifying him as an
8 expert.

9 MS. WALKER: Yes, Your Honor.

10 (Jury in at 11:07 a.m.)

11 THE BAILIFF: Jury is seated, Your Honor.

12 THE COURT: Thank you. All right. At this time, I'm
13 going to allow the state to proceed with its examination of
14 this witness.

15 MS. WALKER: Thank Your Honor.

16 THE COURT: Yes, Ma'am.

17 SCOTT MCDONALD - DIRECT EXAMINATION

18 BY MS. WALKER:

19 Q Capt. McDonald, can you tell me if you've had any
20 training in cell phone analysis?

21 A Yes, I have. I first began work in cell phone analysis
22 back in November of 2001. First few years it was basically
23 on the job training, a lot of time on the phone and in the
24 presence of engineers and personnel from the different cell
25 phone companies to get a better understanding and learn how

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1 to try and map these cell phone records.

2 As the technology developed and law enforcement became
3 aware of how important it was to our job, more classes and
4 seminars and things like that had developed over the last 10
5 years or so. I've attended numerous training classes. 2007
6 was the first one I went to. It was specifically dealing with
7 tracking and mapping of call detail records or cell records
8 in these type cases, where I passed the class and was
9 certified at that point.

10 In 2008, I attended the Mobile World Forensics
11 Conference in Chicago, Illinois, where leading authorities
12 from around the world came to discuss cell phone technologies
13 and how it relates to law enforcement and how we can better
14 utilize this information in our investigation. A lot of
15 hands on training and things like that, at that point. Later
16 that same year I attended classes here in South Carolina. We
17 brought some instructors in on the down-loading of cell
18 phones and the important they can provide investigations as
19 well, and how to utilize that information.

20 Since that time I've continued to educate myself through
21 periodicals and on-line seminars and things like that in this
22 field. On November 2012, we had another class on smart
23 phones, advanced smart phone technology and how that relates
24 to cell phone investigation.

25 So I've attended numerous classes, spent hundreds of

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1 hours on the phone with engineers and personnel in this
2 field, gaining all the information and it's every changing.
3 So it's a continual process to stay abreast of this
4 situation.

5 Q And have you been qualified as an expert in general
6 sessions court before in cell phone analysis?

7 A I have, seven times in South Carolina.

8 MS. WALKER: Your Honor, at this time, we offer Capt.
9 McDonald as an expert in cell phone analysis.

10 THE COURT: Any objection?

11 MR. STANLEY: No objection, Your Honor.

12 THE COURT: All right. Without objection he will be
13 qualified as an expert within that field. I've explained to
14 the jury what that means. You may proceed.

15 MS. WALKER: Thank Your Honor.

16 BY MS. WALKER:

17 Q Sir, taking these cell phone records that have been
18 provided in this case, did you prepare a PowerPoint
19 presentation?

20 A I did.

21 Q And will that PowerPoint presentation aid you in
22 explaining these cell phone records to the jury?

23 A Yes, it will.

24 MS. WALKER: Your Honor, may this witness step down?

25 THE COURT: You may step down.

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1 BY MS. WALKER:

2 Q While you're doing that, let me ask you a quick
3 question. 911 calls and cell phone records, you can come
4 down -- 911 calls and cell phone records. Do 911 calls
5 always show up on cell phone records?

6 A Not always. Generally, it just depends on the company.

7 Q So different companies register 911 calls and some
8 companies don't?

9 A Right. I had a case last year. We knew the 911 call was
10 made from the scene of a murder, double murder. It wasn't on
11 the land line phone records when we contacted the company.
12 They told us that 911 calls are not reflected on the call
13 detail records. Generally with cell phones, most of the time
14 they do.

15 Q Okay. Can you explain how the cell phone configuration
16 and the towers work using this slide?

17 A Basically, this is a real basic understanding of how
18 cell phones work. It's a complicated process. But basically
19 cell phone A wants to make a call. The phone is in the on
20 position. When your phone is in the on position it's
21 constantly seeking out towers, anticipating a call,
22 anticipating you sending an email or text, looking at an app
23 or going on the internet. So it's always looking for the
24 strongest signal which generally is going to be the closest
25 tower to you, to where you're at.

1 So cell phone A wants to call cell phone B, here. It's
2 scanning for the best tower. Once she dials the number and
3 hits send, a local switch verifies that that's an active
4 account that has permission to make this call. Once that's
5 been verified it sends it through the switch. That switch
6 then relays that call out in search of cellular phone B.
7 Once again it has to verify it's an active account, the phone
8 is in the on position, that type of thing, and it creates a
9 connection with that phone and then it rings. All this
10 happens in fractions of a second. When you hit send you hear
11 the other line start to ring usually almost instantly.

12 So this is happening very, very rapidly. But this is
13 how when you make a call that steps that occur in a basic
14 fashion for that call to be completed.

15 Q From the next slide can you explain cell phone tower
16 configuration?

17 A Right. Each cell phone tower -- and we've all seen cell
18 phone towers out and about. This is kind of -- if you were
19 looking downward from directly above on these towers. Most
20 all the ones around here in South Carolina are three sectors.
21 In general they are broken up into 120 degree sectors, even
22 sectors. What we're finding more and more these days as call
23 volumes increase and just more and more activity along with
24 all the other information that's being transferred, sometimes
25 these sectors aren't perfect 120 degrees, and the way we know

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1 they're not is by the asmus that are presented to us by the
2 cell phone companies, we can determine the width. Do you're
3 going see this case where it's not a perfect 120 degrees. A
4 lot of time that's due to high population high. The amount
5 of activity on this tower where it is limited to try to
6 absorb more, but in general your labels are going to be A, B,
7 C, 1, 2, 3, and in this particular case, the Sprint towers,
8 they have a technology called Lucent where they name their
9 towers 2, 3 and 4.

10 Q And there were a number of cell phone numbers that
11 became important in this case, and on the next slide you'll
12 be able to --

13 A Right.

14 Q -- show those to the jury. Dominique Ross's cell phone,
15 that's the defendant?

16 A This is the defendant's cell phone number, here. That's
17 a Sprint phone, and Amber Richardson, who you heard from
18 earlier in this case, that's her cell phone number there,
19 which is a Clear Talk number, and one other number is Dion
20 Dotson, it was a romantic interest of the defendant, as well,
21 who's number appears quite a few times in these records.

22 Q And Ms. Dotson's number, that's the 238 number?

23 A

24 Q Okay. As we go through the record on the next slide?

25 A These are the raw cell phone records obtained from

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1 Sprint. Everything from here over is what was obtained from
2 Sprint. I added this information just so you can see at a
3 glance just what's occurring, in general. And some of the
4 number -- we just talked about -- this is beginning on -- I
5 don't know if you can see it where you sitting, on January 8,
6 2012 --

7 Q And that's the incident date in this case?

8 A Right. At 1:14 in the afternoon, the very first is an
9 outbound text from Amber Richardson to Dominique Ross.

10 Q And can you explain to the jury how by reading those
11 cell phone records you understand that's a text message and
12 not a phone call?

13 A When I see the zero in the duration block I see this 527
14 for the repoll. The repoll is a switch. On that first slide
15 you saw that little building that's the switch. Anything
16 with a 631 is a Columbia switch, Columbia region. All call
17 from Sprint either inbound or outbound go through that switch
18 on a Sprint home. So when you see 527, 531, 514, these other
19 ones, these are switches set up specifically for text
20 messages. Due to the volume of text messages there's
21 thousands and thousands of them every day. They've had to
22 create all these other switches. That particular switch
23 could be in Atlanta, Georgia or Virginia; who knows where
24 that switch is. It's just a computer that's receiving that
25 text and shooting it out. So any time we see that, see the

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1 zero duration and no tower information, which is what this
2 is, the first cell phone tower, the last cell phone tower.
3 When we see that we know that's a text message.

4 Q If you have cell phone records from different companies,
5 such as this one, is everything let's say in Sprint's cell
6 phone records necessarily going to be illustrated in Clear
7 Talk's cell phone records?

8 A It may or may not be. It's up to that company, however
9 they've set up their system.

10 Q And what information that company chooses to preserve?

11 A That is correct.

12 Q And you don't control that. All you do is collect that
13 information?

14 A All I do is get the information in from the cell phone
15 companies, I look at it and reflect what I see for my report.

16 Q Okay. Let's start with that January 8, 1:14 -- what did
17 that reflect?

18 A That says Amber Richardson texting Dominique Ross. Like
19 I said, zero duration, so we know it's not a phone call. We
20 see the 527 repoll, which is going to be one of the two
21 texting switches and, of course, there's no cell phone towers
22 involved because it is a text.

23 Q And going down next to the 2:28:33?

24 A That's going to be Dominique Ross calling Amber
25 Richardson. The reason we know that is the calling number

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1 right here is the defendant's phone number here. This is
2 Amber Richardson's number, the number she dialed. This is an
3 outbound call. That's the time it started and that's the
4 time it ended. It was a 30 second phone call. Went through
5 the Columbia switch, Tower 109, Sector 3, the way Sprint
6 deciphers -- tells me the location. I get a sheet that tells
7 me where Tower 109 is, that then tells me the first number
8 here is going to be the sector. Remember I said Sprint
9 sectors go 2, 3, 4. So I know this is in the second sector
10 around -- you'll see it later on this diagram.

11 Q And I guess there are phone call back and forth between
12 Dominique Ross and Amber Richardson. Going down to January
13 8, 9:31:06 Dominique Ross calling Felicia McNeil?

14 A Right. That would be this call right here. Once again,
15 we see defendant's phone calling which is going
16 to be Felicia McNeil's cell phone.

17 Q 919, do you know where that area code is?

18 A That's in North Carolina.

19 Q And where was this defendant finally located?

20 A North Carolina.

21 Q Felicia McNeil. That last name McNeil, did that become
22 relevant in your investigation?

23 A It did. Two of the co-defendants in this case have the
24 last name McNeil.

25 Q I'm sorry to interrupt. Continue, sir.

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1 A So you see two back-to-back call there. One is seven
2 seconds. That could be something short as leaving a voice
3 mail or something like that. Then the six second call right
4 after that, traditionally that would be a very quick call, so
5 that's could be just a voice mail, leaving a message or
6 something like that.

7 Q And does communication continue, I guess, at a high
8 volume between Dominique Ross and that Felicia McNeil number?

9 A It does. As you'll see over the next few slides you
10 will see repeated calls and texts back and forth between
11 them.

12 Q And was this defendant's cell phone ever actually
13 recovered?

14 A No, it wasn't.

15 Q And is that uncommon in a case such as this when people
16 are getting rid of evidence and fleeing?

17 A No. Sometimes evidence is destroyed.

18 Q If we could go to the next slide.

19 A Once again, you're going to see a series of calls. This
20 is on the 8 at 11:19 a.m., 11:26, 11:33, 11:35. All of these
21 are Dominique calling Felicia.

22 Q If a cell phone, I guess, comes back to a Felicia
23 McNeil, does that necessarily the person who is in possession
24 of the phone?

25 A Not necessarily.

1 Q How does it come back to a specific person's name?

2 A As a subscriber who is paying the bill on the phone
3 whether it's a phone they bought or they pay on minutes, if
4 they registered when they signed up and put their real name,
5 that's where we get that information, but often times a
6 parent will get a family plan and all the phones will be in
7 the parent's name. So you may have a son or daughter that
8 may reflect the parent when we get subscriber information.

9 Q Or a husband and wife?

10 A Or a husband and wife.

11 Q For -- are you familiar with the term burner phone?

12 A Burner phones are these pre-paid phones you buy in the
13 convenience stores, Walmart, wherever you buy it you put a
14 little bit of minutes on it. What we find in criminal
15 investigations, especially in drugs they're going through
16 these phones very rapidly because they know we're looking at
17 phone information, phone calls. So they will dump a phone or
18 get rid of that phone after a very short period of time.

19 Q And do you see other phone calls on here that are not
20 attributed to Felicia McNeil but are from that 919 area code?

21 A Yes. There are several. There's

22 Q And if you have a number like that that's assigned to a
23 burner phone can you get subscriber information from that all
24 the time?

25 A Not on a burner phone.

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1 Q Not on a burner, okay.

2 A You're not required to register it. You can just buy it
3 and walk out of the store with it and activate it.

4 Q And there's a series of numbers too, other 919 area code
5 -- a series of phone calls to other 919 area?

6 A Right. several other exchanges with that
7 prefix.

8 Q And as you go down you'll see more of Felicia McNeil's
9 phone number coming up through text messages?

10 A Yes. I see one right here at 12:18. Felicia is texting
11 Dominique. A little bit later you see Dominique texting
12 Felicia back at 12:27.

13 Q And going to the next slide. Does that trend continue?

14 A Yeah, more of the same, back and forth communication
15 either through texts or phone calls, which is very common in
16 cases like this. These are phone calls, Dominique calling
17 Felicia, Felicia calling Dominique, Dominique calling
18 Felicia. Back and forth relatively short phone calls. Like
19 I said, these could be voice mail or hang up. Something like
20 that.

21 Q When you say Dominique calling Felicia, you mean the
22 cell phone, Dominique's cell phone registered to cell as
23 registered to Felicia McNeil?

24 A Yes.

25 Q And at some point on the 8, does this high volume of

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1 cell phones between Dominique Ross and a cell phone
2 registered to Felicia McNeil cease?

3 A Yes, later on the slide, I think you'll see where it
4 kind of becomes non-existent. I think that last slide is the
5 last time you'll see it.

6 Q And I'm sorry, if we could go back. What was the number
7 of that last -- what time did that last communication take
8 place?

9 A At 15:16, which would be 3:16 in the afternoon.

10 Q And then there's communication between what numbers on
11 here?

12 A The ones, you start seeing Amber Richardson calling
13 Dominique, you know, some back and forth calling and texting
14 going on with beginning 18:43, which would be 6:43 p.m.

15 Q But before then you have one of those 919 area codes
16 with numbers that were not able to be traced to a particular
17 subscriber?

18 A That's correct.

19 Q And that is sometimes the case with burner phones?

20 A That is correct.

21 Q Can we go to the next slide, please?

22 A What you see here is the -- the time of this incident is
23 getting closer and closer, which is the flurry of activity
24 occurring back and forth between these phones. Texting,
25 calls, that type of thing becomes very active leading up to

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1 this incident and the time right after this incident.

2 Q And did those -- did that flurry of information peak
3 y'all's interest in this investigation?

4 A Yes, it did, and in my experience in doing these type so
5 investigations, often times co-defendants communicate with
6 each other as they're going to commit a crime, to meet up
7 somewhere, how they're going to handle things, where they're
8 going to be, who's going to do what, and then certain after
9 an incident if they're not together you will see a lot of
10 activity.

11 Q And I guess there's a flurry of these phone calls and
12 here in the middle -- which one is this?

13 A This is the call that Dominique Ross's phone made to 911
14 at 21:20, which would be at 9:20 p.m. When she called 911,
15 it was a call that lasted 353 seconds.

16 Q And they continue after the 911 call --

17 A Right.

18 Q -- to --

19 A These are text messages -- I'm sorry. These are phone
20 calls. They're not going through. These are two seconds --
21 we know they're phone calls because of the 631. And we have
22 the duration verses the zeros.

23 Q And then you have communication between Deon Dotson and
24 Dominique Ross --

25 A Right.

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1 Q -- very shortly -- I mean, within a short period of time
2 after the 911 call?

3 A Within 20 minutes of the 911 call Dion is calling
4 Dominique.

5 Q And they're texting each other back and forth, as well?

6 A And they start texting each other back and forth. This
7 has been during the time that Dominique was talking with the
8 police.

9 Q Okay, the next slide, please?

10 A Okay. We do see another -- this is the first call we
11 see after the incident at 23:26, which is 11:26 that night.
12 There's a two second call where Felicia McNeil calls
13 Dominique Ross. Obviously a very short call, may have been
14 just a voice mail. You know, when they got voice mail or
15 something like that they hung up. You see Dion calling
16 Dominique back and forth, texting, that type of thing. That
17 goes all the way up to just past midnight.

18 Q Okay.

19 A These are a little tough to read. They've got a lot of
20 numbers. I'll try to make is simple as I can. These are
21 phone records from Clear Talk Wireless. Clear Talk is the
22 phone you buy at Walmart. Good thing about them is they are
23 fairly good as far as giving us call detail records and
24 actual content of text messages. What you see here --
25 there's a lot of gobbledygook but here, 1/8/2012, which is

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1 the date, at 19:44, which would be 7:44 p.m., an SMS message
2 which a text message was sent from this phone, which is from
3 Amber to Dominique and this is the message: Come on. This
4 continues on to 19:45, same two phones involved: Open the
5 door. As we start looking at this slowly this appears to be
6 communication about this where they're talking about getting
7 ready to go do this incident. Here we have another one at
8 20:25. It says: BAE. I'm not quite sure what that means.
9 Next one at 20:28, you see: Yes. Same two phones again.
10 Same two phones again, here. Ready for me to leave the
11 house? This is where they start to put the plan in motion
12 here.

13 Q And the next slide?

14 A This one is at 20:47, same two phones where it says: In
15 like five minutes. So one party is asking are you ready to
16 go and the other party is saying, in like five minutes.

17 Q And what's the response to that?

18 A Leave and wait on me to text you back. BAE.

19 Q BAE.

20 A BAE.

21 Q Which is a slang term. We'll talk about that later. If
22 you go down to the following -- to this area -- well, I guess
23 there was testimony about Amber's mother kicking her out of
24 the house and not wanting to have anything to do with her or
25 something to that effect, but is there actually a voice mail

1 on Amber's cell phone.

2 A Yeah, there's a voice mail right here.

3 Q And can you explain how that becomes a text message?

4 A The company is able to relate that through their
5 equipment to provide this to us. I'm not in engineering as
6 to how that's done, but they are able to provide that to us.

7 Q What is the content of that voice mail?

8 A It says: Hey, Amber, this is mom. I still love you and
9 I'll come down, you know, when it's going to be right between
10 us, you know. Second part of that is: Plan the way I love
11 you and also giving you and this just want to know I love
12 you. Bye Bye.

13 Q And then this series of text?

14 A Once again we see between Amber and -- this is a third
15 parties phone. Simone Patterson's phone came back to her.
16 Amber is texting: Y'all good?

17 Q And is they are about to do it, we just went in and we
18 coming back now?

19 A Right.

20 Q This one?

21 A This is highly suspect on here as well. This is -- this
22 is Dominique's phone texting to Amber's phone. Erase
23 everything and throw your phone away.

24 Q And that is what --

25 MR. STANLEY: Your Honor, I don't believe that's --

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1 MS. WALKER: Your Honor, can we approach?

2 THE COURT: Yes.

3 (Off the record bench conference with counsel and the Court.)

4 THE COURT: You may proceed.

5 BY MS. WALKER:

6 Q That last text message, what is the content of the text
7 message?

8 A Erase everything. Throw your phone away.

9 Q And as an investigator is that important to you?

10 A Yes. That's saying destroy the evidence, get rid of
11 your phone.

12 Q Did you ever find the phone?

13 A We never found the phone.

14 Q And the next slide, please?

15 A This slide here, this is an illustration of Dominique
16 Ross's cell phone records on 1/8 of 12. There's a
17 scrivener's error there. It's shouldn't be 13. Between
18 20:53 and 21:55, it's 8:53 and 9:55 which is the time before
19 and after this incident. This incident happened around 9:20
20 or so. During that time all calls that were made back and
21 forth, that phone remains in this general sector. When I
22 said, Tower 134, Sector 3, Sector 2, Sector 3, Sector 4.
23 You'll see that's obviously not 120 degrees. It's -- sectors
24 are provided. What I'm showing on this, I can't saw her
25 phone was at a specific location. I can say her phone was in

1 this general area. This outer boundary here is just there
2 for illustrative purposes. That's a two mile range. Most
3 cell phone towers have a two to five mile range, however in
4 urban areas, highly populated areas, it's probably closer to
5 one, two miles, two and a half mile range, just due to high
6 volume where out in the country it may be up to 10 miles
7 because it doesn't have a lot of volume of calls. So this is
8 for illustrative purposes. This line could be here and here.
9 It could go in an out. This is just kind of an illustrative
10 purpose telling you that phone is somewhere in this general
11 area. It wasn't down in Eastover. It wasn't in North
12 Carolina. It was right in this area around the crime scene.

13 Q And is that the conclusion of the PowerPoint?

14 A That is.

15 Q Sir, can you take the witness stand, again. Thank you.

16 After speaking with Jamie Sherman and the information
17 that you learned from Dion Dotson or doing those cell phone
18 records, did y'all approach to Dominique Ross change in this
19 case?

20 A It did. She went from a victim to a suspect, a person
21 of interest.

22 Q And the cell phone records and the, I guess,
23 conversation that you had with Jamie Sherman, did that
24 conclude or include everything that you did in this case?

25 A Yes.

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1 Q And the cell phone records, those records, do you know
2 if they are on Eastern -- the Sprint cell phone records, do
3 you know if they are on Eastern Standard Time, Central Time;
4 do you have that?

5 A I believe they are on Eastern Standard Time.

6 Q And the text messages, you have text messages just from
7 Clear Talk, but no text messages from Sprint. Can you explain
8 that?

9 A Sprint does not collect content. They will only show
10 the transaction. There's on a couple phone companies that
11 collect content. Clear Talk is one of them.

12 Q Thank you, sir. No further questions.

13 THE COURT: Cross, Mr. Stanley?

14 MR. STANLEY: Thank Your Honor.

15 THE COURT: Yes, sir.

16 SCOTT MCDONALD - CROSS-EXAMINATION

17 BY MR. STANLEY:

18 Q First, I'd like to ask you a few questions about your
19 presentation. You recently -- you testified that you saw,
20 that you reviewed the text messages on Amber Richardson's
21 phone; is that correct?

22 A Not on her phone. On the records provided by Clear
23 Talk.

24 Q On the records. And you simply pointed out some text
25 messages, some voice mails from her mother?

1 A Right.

2 Q And were you -- well, please review these for a second.
3 And is that the page, the page you showed as part of your
4 presentation?

5 A Yes.

6 Q And --

7 A One of the pages, yes.

8 Q -- the one towards the end with conversations with her
9 mom and also with Simone Patterson and also with Dominique
10 Ross; is that correct?

11 A Right.

12 Q And with the voice mails from her mother, does the phone
13 number -- does Amber's phone number come first or second when
14 her mother leaves a voice mail? So when her mom leaves a
15 voice mail -- well, let me rephrase the question. Is her
16 mom's number the first number or the second number leaving
17 the message?

18 A On the voice mail here, it's the second number.

19 Q And do they switch? Do voice mails and text messages
20 switch where the place the number for first or second?

21 A Generally we don't see voice mail from any other
22 carrier. Generally, the first number is going to be the
23 sending party and the second number will be the receiving
24 party.

25 Q But in this case, though, with all your information you

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1 believe that the sending party was the second party in this
2 case?

3 A That's what it appears to be in these records, yes.

4 Q And that would be inconsistent with the later texts that
5 you say was from Dominique's phone to Amber Richardson's
6 phone?

7 A Right.

8 Q So those aren't consistent?

9 A I specifically talked with a Sprint engineer before
10 trial -- I'm sorry, Clear Talk engineer before trial to get
11 the exact clarification on that and I know for text messages
12 the first number is the originating party that sent the text
13 messages, the second number is the receiving. I did not
14 speak to him about the voice mail where that wasn't per se
15 part of this case.

16 Q So they switch, at least in this --

17 A It would appear so. I would have to confirm that with
18 an engineer with Clear Talk.

19 Q Okay. And let me ask you a few questions about your
20 investigation, okay. You did have Dominique Ross's cell
21 phone number, correct?

22 A Right. Once -- after talking with Mr. Sherman, he was
23 able to provide that to us.

24 Q And you never called her cell phone number; correct?

25 A No, I didn't. I -- like I said, Investigator Martin was

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1 originally assigned this case. I kind of jump in here and
2 there where I'm needed. He's fully capable of investigating
3 cases and depending on whether or not he needs help I jump
4 in. Once we talked to Jamie and we realized his story was
5 significantly different then what Ms. Ross was stating,
6 coupled with information we learned from Dion, we realized
7 these phone records could be important in this case. We
8 talked about it and we agreed to get a search warrant.

9 Q Did you run her information at all through a DMV
10 database, did you look for any of her past residence through
11 DMV?

12 A I did not. No.

13 Q So did you have any North Carolina addresses for
14 Dominique Ross?

15 A I didn't specifically research or do a background on
16 her. I was, like I said, I was merely the assist mode on
17 this. I spoke with Mr. Sherman. He was having some
18 difficulty getting through and then I invited him to come in
19 and give a statement. I took that statement from him. I
20 didn't run a background on Ms. Ross or anyone else in this
21 case.

22 Q Okay. Do you know if Dominique Ross's phone was taken
23 when she was arrested?

24 A It's my understanding her phone was not taken, there was
25 no phone.

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1 Q So you never actually searched her phone; is that
2 correct?

3 A I've never been presented with her phone to download,
4 no. I was told her phone was unavailable.

5 Q Okay. So you don't know if -- You don't know if Amber
6 erased any of her text messages do you?

7 A I don't know. I didn't download her phone.

8 Q Okay.

9 A But I know even if you delete your text messages, the
10 phone company, for that particular company captures the
11 messages. So it doesn't really matter if she erased them or
12 not. What we get from the company is what we go by.

13 Q And you don't know if Dominique erased her phone or not
14 either?

15 A I have no idea.

16 Q Okay. Did you ever call the number that you say is
17 Felicia McNeil's?

18 A No.

19 Q So you never confirmed who would pick up that phone?

20 A No, I didn't confirm that. I just used databases to try
21 to obtain the subscriber information.

22 Q Okay. We're talking about burner phones, burner phones
23 basically mean pre-paid phones?

24 A Yes.

25 Q The kind you get at Walmart; is that correct?

1 A Walmart convenience stores. A number of different
2 places.

3 Q Okay. For Dominique Ross you only requested two days of
4 her cell phone records; is that correct?

5 A At the time when we were discussing the case we wanted
6 to see who she was interacting with and the time leading up
7 to this incident and the time right after this incident.
8 Sometimes we'll go back and expand that to a month to a
9 couple weeks. It just depends on the investigation. At this
10 point, our primary focus was trying to identify who she may
11 have been talking to before and after on this particular case
12 to see if they could be co-defendants.

13 Q You can't compare the calls and text messages she has
14 one day verses another day?

15 A Not from the search I provided, no. Obviously, if I'd
16 gotten a weeks worth, you know, we could look at that. Our
17 primary focus was identifying the day of the incident and the
18 time right after that the following day.

19 Q And cell phones are pretty popular these days; correct?

20 A Yes. Just about everyone has one and utilizes it
21 frequently.

22 Q Let me ask you some more questions about your
23 investigation. Do you recall how you got involved in this
24 investigation?

25 A Well, I became aware of it that Monday morning when we

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1 were assigning reports and knew it was a high priority case,
2 obviously. We'd had someone shot. Our victim was indisposed
3 at the time. We discussed the case. Investigator Martin was
4 assigned the case. He made several attempts to try to talk
5 to Mr. Sherman. He was going to be our key witness,
6 obviously, but he was unavailable due to surgeries and
7 medical procedures going on. So we were delayed several days
8 in making any progress on that particular --

9 Q But you did eventually speak to Mr. Sherman?

10 A I did. His mother called me a few days later towards
11 the end of that week, concerned about the case. I expressed
12 my concern about the case as well. They relayed some things
13 to me and said Jamie was about to talk now. Immediately
14 after I got off the phone with her I called Jamie. We also
15 didn't have a phone number for Jamie to call him. We only
16 knew he was in the hospital indisposed. So she did provide
17 me his number and I did call him and talk with him. I
18 reflected that in my notes and encouraged him, you know, at
19 his first opportunity we'd like for him to come in and give
20 us a written statement which he agreed to.

21 Q Gotcha. And you took notes of this initial phone
22 conversation; is that correct?

23 A I did.

24 Q And you were also, again, there when Jamie Sherman made
25 an official police statement to you?

1 A I believe it was on the 17 of January he came in. I
2 took his statement. Investigator Martin, by that time, had
3 been assigned a missing case that had turned towards a
4 homicide. So I believe he was occupied with that around this
5 time, that day.

6 Q So you took notes, both in the phone conversation and
7 also you wrote down Jamie Sherman's statement; is that
8 correct?

9 A That's correct.

10 Q And you put down all the details or all the important
11 details that he told you; is that right?

12 A I take notes as I'm talking to him, I later go back and
13 typed up those notes. I typed up his statement while he was
14 present with me and we went over it and he agreed it was
15 accurate. We published it and he signed it and I signed it.

16 Q And he -- and his official statement he did make a
17 descriptions of the suspects in the case?

18 A Yes, he did.

19 Q And did he describe, one of the men as a black male,
20 six-one 170 to 180 with a tall, slender build?

21 A Yes, he did.

22 Q And he described a low afro mustache, and a scraggly
23 beard with a medium skin complexion?

24 A Yes, he did.

25 Q Okay. Did he also describe the second suspect as being

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1 about six-foot to six-two with dreads?

2 A He did.

3 Q And he called him skinny, 160 to 170 pounds; is that
4 correct?

5 A Said he was right-handed and skinny, 160 to 170 pounds
6 and about 32 years old.

7 Q And the last suspect was shorter, light skin with dreads
8 that came to his shoulder?

9 A That is correct. Thought him to be about 25 years old.

10 Q And at this point he didn't describe meeting any of
11 these suspects; correct?

12 A No.

13 Q You would have written that down if that was --

14 A No, he didn't indicate to me he knew any of these
15 suspects.

16 Q And he mentioned anybody that was an eye-witness to
17 people leaving with the cash box; is that correct?

18 A No, not at this time. He'd been in the hospital and had
19 just gotten out. I don't know how he would have known much
20 more information other than what he saw.

21 Q Well, he got out of the hospital on January 11; is that
22 right?

23 A I'm not sure exactly what date. I was contacted on the
24 13 and told he was out then. So I'm to sure if he --

25 Q And he gave his statement on January 17?

1 A January 17.

2 Q Gotcha. Going back to the cell phone records that you
3 just discussed. You received the in-going, I guess they're
4 described as cell records, for is that correct?

5 A Yeah. They're call detail records.

6 Q And those just describe the ingoing and outgoing numbers
7 and the duration and their cell phone information as well as
8 some other details, as well?

9 A The cell towers that were involved, the length of the
10 conversation, that type thing, the sectors, as well.

11 Q But you don't have any information of what the content
12 of those records were?

13 A Sprint does not capture the content of text messages.
14 No.

15 Q So you don't know what these numbers were saying to each
16 other?

17 A No, I don't.

18 Q Okay. You don't know who was on each side of the phone
19 call, necessarily; correct?

20 A I know that the phone of Dominique Ross, per se, was
21 calling the phone of Amber Richardson. I know Amber
22 Richardson's phone was calling Dominique Ross's phone. I know
23 Felicia McNeil, a phone registered to her was calling back
24 and forth. I don't know what persons were on those phones,
25 but generally they are used by the people they are registered

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1 to unless you have a situation like I explained earlier, a
2 family plan or a husband gets a phone for his wife or
3 something like that.

4 Q So you don't know whether it's them or --

5 A No, I don't.

6 Q And you also -- you also didn't look for any additional
7 cell phone records of anybody, any other persons of interest
8 in this case; is that correct?

9 A No.

10 Q So you didn't look for Felicia Arnold, Felicia McNeil's
11 cell phone information?

12 A No. I wasn't asked to look at that. No.

13 Q Okay, and you didn't issue a search warrant for that
14 information?

15 A No, I didn't.

16 Q Okay. Going back to the records, you indicated that
17 some of these are text messages or some of these are text
18 messages that are going to and from Dominique Ross's phone.
19 Do they necessarily reflect what the other person gets -- let
20 me rephrase the question. So if you say that's a text
21 message from Dominique Ross's phone, it's not necessarily
22 going to appear in Amber Richardson's phone; is that right?

23 A I would hope so. What I look at Sprint provides me with
24 records of what they're showing transpired and in this case
25 Clear Talk provided me records of what they say transpired.

1 Some of the Sprint ones don't appear on the Clear Talk ones.
2 I can't explain that. That's for an engineer, but there's a
3 whole host of possibilities. Phone could be off,
4 interference, it never went through, the text was sent and
5 somewhere in the transmission it was lost. Engineer could
6 explain that better than I could, obviously, but those are
7 some of the possibilities. But I can't explain it. All I
8 can't say is when I look at the report from Sprint and the
9 report from Clear Talk this is what they're reporting to me.

10 Q And the two records -- so you've reviewed both the
11 records and you don't believe they are necessarily
12 inconsistent; right?

13 A I don't think anyone is trying to defraud -- in any way.
14 I think that's just what's reflected on those records.

15 Q Right.

16 A And I can't explain why one company would have some and
17 the other doesn't.

18 Q And you only have the contents of Amber Richardson's
19 text messages; is that correct?

20 A Clear Talk is one of the few companies that captures the
21 actual content.

22 Q So they captured the content but you guys didn't get the
23 actual phone calls, the actual who she was calling at the
24 time, the numbers that she was -- excuse me. I'll rephrase.
25 Do you have any records of her making or receiving any phone

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1 calls?

2 A I wasn't provided any call detail records on that phone.

3 I was provided the text messages to look at.

4 Q So you don't know who she was calling that day?

5 A I don't. No.

6 Q If any -- Okay. You mentioned during the course of your
7 investigation that Simone Patterson became somebody relevant?

8 A During the Clear Talk, some of the texts went to a
9 number that came back to a Simone Patterson.

10 Q Are you aware of when you guys became aware of when
11 Simone Patterson became a person of interest in this case?

12 A Probably in the last two to three weeks.

13 Q So you didn't investigate her cell phone records during
14 the time?

15 A No. No.

16 Q And she was the person that texted: You all good?

17 A Without it in front of me, I'm sure she sent it or it
18 was reversed.

19 Q So going back to these cell phone records, marked in
20 green -- so that --

21 A 2154, that's Amber Richardson's number contacting Simone
22 Patterson saying: You all good.

23 Q So Amber was texting Simone, You all good?

24 A Right.

25 Q And then did Simone respond back?

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1 A She did. She said: They about to do it.

2 Q So Simone texted, they about to do it; according to you?

3 A Right.

4 Q And then did -- was there another text message between
5 those two phones?

6 A Yeah. Amber texted Simone: They just went in.

7 Q So Amber texted Simone or did Simone text Amber?

8 A Amber texted Simone: They just went in.

9 Q So -- so Simone asked if they were about to do it?

10 A Yes.

11 Q And then Simone texted Amber: We coming back now. Is
12 that correct?

13 A Right.

14 Q Okay.

15 MR. STANLEY: Beg the Court's indulgence?

16 THE COURT: Yes, sir.

17 BY MR. STANLEY:

18 Q And you don't have any of the location data of Amber
19 Richardson's phone, do you?

20 A No.

21 MR. STANLEY: No further questions, Your Honor.

22 THE COURT: Any redirect?

23 MS. WALKER: No, Your Honor.

24 THE COURT: You may step down, sir. Thank you very much.
25 Do you wish to excuse the witness?

25 Q How long have you been here in Columbia?

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1 A About three years, now.

2 Q And do you work?

3 A No, I don't.

4 Q You're not employed at this time?

5 A. No.

6 Q I want to ask you about Jamie Sherman; do you know
7 Jamie?

8 A Yes, I do.

9 Q And how do you know him?

10 A I met him the year 2012, pushing a motorcycle.

11 Q He was pushing a motorcycle?

12 A Yeah. I helped him push it down the road.

13 Q So he had some difficulty with his motorcycle?

14 A Yes.

15 Q Okay. And have y'all been friends since then?

16 A Yes, we have.

17 Q Do you know or have you ever met Dominique Ross?

18 A I have seen her, but I haven't met her.

19 Q And where did you see her, if you remember?

20 A At the shop.

21 Q What shop?

22 A The Luxury Handwash shop Jamie has.

23 Q Jamie's carwash?

24 A Yes.

25 Q At some point, did you realize some information that you

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1 had was important to this trial?

2 A I did. I told Jamie about it, about two days after he
3 got out the hospital. After that I moved.

4 Q You moved away?

5 A From Brook Pines, yes. Where I was.

6 Q I want to take you back to the night Jamie was shot;
7 were you in Columbia that night?

8 A Yes, I was.

9 Q Where were you?

10 A I was coming out of Brook Pines with my little brother.

11 Q Did you live at Brook Pines.

12 A Yes, I did.

13 Q And how old is your little brother?

14 A He was seven at the time. Oh, he was six at that time.
15 Going on seven.

16 Q And did you see or hear anything that caught your eye
17 that night?

18 A I did see three men and I did hear three gunshots.

19 Q And when you saw these three men what were they doing?

20 A Going to a car in the first parking lot at Brook Pines.

21 Q They were going to a car in the first parking lot at
22 Brook Pines?

23 A Yes.

24 Q Did you -- can you describe the men; do you remember
25 what they looked like?

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1 A They were two -- the two tall ones had dreads. The
2 middle one was a little shorter. He had like a little afro.
3 They had on -- two of them had boots, jeans, hoodies, and the
4 buy in the middle was carrying a box.

5 Q At that point, did you think anything of that?

6 A I didn't at the time.

7 Q Where were you headed?

8 A To the Family Dollar.

9 Q Is that close to Brook Pines?

10 A Yes, it is.

11 Q And did you go to Family Dollar?

12 A Yes.

13 Q And did you return, at some point, to Brook Pines from
14 Family Dollar?

15 A Yes, I did.

16 Q Can you tell me what, if anything, you saw on your
17 return to Brook Pines?

18 A Coming back from Family Dollar I saw an ambulance, I saw
19 Dominique standing at the front door with the police and a
20 lady officer escorted me across the street so we could get
21 back into Brook Pines.

22 Q Were there a lot of officers out there?

23 A Yes, there were.

24 Q Did you say you saw an ambulance or no?

25 A Yes, we did.

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1 Q You did. At that point, did you realize something had
2 happened to your friend?

3 A I didn't know if it was him for sure because like I
4 said, I just met him. I wasn't sure if he lived in that
5 house or not, but I know he was staying there for the shop.

6 Q Did you realize at some point that he had been -- that
7 he'd been shot?

8 A The next day a friend of his told me that he had been
9 shot.

10 Q And did you try to make contact with Jamie?

11 A I did not.

12 Q Did you eventually talk to Jamie?

13 A Yes.

14 Q When did you talk to him?

15 A Two days after he got out of the hospital.

16 Q Where were you?

17 A At the shop.

18 Q You went to the shop to see him?

19 A I was actually -- he employed me there. I was actually
20 working for him.

21 Q Okay. And did you tell him what you just told us?

22 A Yes.

23 Q And did how shortly after that did you move?

24 A It was the mid-summer.

25 Q Did you lose contact with Jamie when you moved?

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1 A I did for a while, but then I came back. It's the same
2 area as this but a little further.

3 Q And were you, I guess recently, contacted by law
4 enforcement?

5 A Yes.

6 Q And did you share with them the information that you
7 had?

8 A I did so.

9 Q The other -- the two men that you saw -- two of the
10 three men that you saw, did you ever see them again?

11 MR. STANLEY: Your Honor --

12 A I did not.

13 MR. STANLEY: -- I would renew my previous objection
14 that I made pretrial about this matter.

15 THE COURT: All right. It's noted. Same decision would
16 be made.

17 BY MS. WALKER:

18 Q Did you ever see those two men again?

19 A I did not.

20 Q You never saw any of those men again?

21 A Other than a bonds trial I saw one of them.

22 Q I'm sorry, what?

23 A During a bonds trial I saw one of them.

24 Q And who were you with when you saw him?

25 A I was with Jamie Sherman.

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1 Q And that was a bond hearing?

2 A A bond hearing. Yes.

3 Q For I guess defendants and you recognized one of them as
4 being the men that you saw that night?

5 A Right.

6 MR. STANLEY: Your Honor, that's a leading question.

7 THE COURT: It is leading. Rephrase.

8 BY MS. WALKER:

9 Q Where were you when you saw one of the men?

10 A I was standing at the courtroom or do you mean the night
11 of?

12 Q No, when you saw them again?

13 A Oh, in the courtroom.

14 Q And who were you with?

15 A Jamie Sherman.

16 Q And how did you recognize the man that you saw in the
17 courtroom?

18 A When we were -- when my little brother and I were coming
19 out of Brook Pines, same description, same height. I knew it
20 was him.

21 Q Thank you, sir. I have nothing further.

22 THE COURT: Your witness, Mr. Stanley.

23 ALBERTO GUTIERREZ - CROSS-EXAMINATION

24 BY MR. STANLEY:

25 Q Mr. Gutierrez --

1 A Yes.

2 Q -- your testimony was that you told Jamie Sherman that
3 you saw three suspects two days after the event?

4 A Yes.

5 Q And you and Mr. Sherman talked about this?

6 A Yes.

7 Q And did Mr. Sherman think that was important?

8 A I'm pretty sure he told someone about it, his
9 investigator.

10 Q And after that you never talked to any other police
11 officer in this case?

12 A No, I haven't.

13 Q And you were just recently contacted by police last
14 Friday; is that correct?

15 A Yes.

16 Q Going back to the night of the incident; you were living
17 in Brook Pines; is that correct?

18 A Yes.

19 Q And which apartment building was it; do you recall?

20 A It was 9112.

21 Q And at this time -- and you left your apartment
22 building; is that correct?

23 A Yes, I did.

24 Q And you had your little brother with you?

25 A Yes.

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1 Q He was about seven years old?

2 A Six, seven. Yes.

3 Q Okay. And it was at nighttime?

4 A Yes.

5 Q Do you know what time it was?

6 A About 9:37.

7 Q And it was dark outside?

8 A It was.

9 Q And then you heard gunshots; is that correct?

10 A Yes.

11 Q Were worried about your little brother with the gunshots
12 around?

13 A I mean, knowing the neighborhood, it's common, so no.

14 Q So it was not uncommon for you to hear gunshots in this
15 neighborhood?

16 A No.

17 Q And you weren't worried about your safety --

18 A Not a bit.

19 Q And you were walking from your apartment towards the
20 Family Dollar; is that right?

21 A Yes.

22 Q And you had to walk -- you walked up the street; is that
23 right?

24 A There's a strip in Brook Pines from Building 3 to
25 Building 1.

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1 Q Let me see if I can't show you something that might be
2 able to help you out. This is State's Exhibit 89..

3 A Okay.

4 Q Now, let's see -- so this is Broad River Road right
5 here?

6 A Uh-huh. (Affirmative response.)

7 Q Do you recognize where the car wash and Jamie Sherman's
8 home would be?

9 A Yes, I do. Right here.

10 Q Right here?

11 A Yes.

12 Q Okay, and would this be Brook Pines Apartments?

13 A Yes, it would.

14 Q And would you point out where your apartment would be,
15 just generally?

16 A It's not showing on this map. It's in the very back.

17 Q Okay. So you were walking from the very back to Broad
18 River Road.

19 A Yes.

20 Q And Family Dollar is kind of this way off the map?

21 A Right. It's after the turn-in at the shop.

22 Q Okay, and you saw the suspect -- where did you see the
23 suspects?

24 A They were entering Brook Pines maybe not even a car
25 length. My brother and I passed them.

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1 Q So they were entering Brook Pines and you were walking
2 towards the Family Dollar?

3 A Yes.

4 Q So you only saw them for a few seconds, right?

5 A Yes.

6 Q But you're sure you saw one of those guys again?

7 A Yes.

8 Q And it's because they had the same height?

9 A Well, the hoodie he had on, the boots, the pants -- when
10 I saw him in the courtroom that's exactly what I saw.

11 Q Was he wearing the same exact clothes?

12 A No, not at all, but he just -- the description fit him.

13 Q But you only saw him for a few seconds, right?

14 A Yes, entering the neighborhood.

15 Q No further questions.

16 A All right.

17 THE COURT: Redirect?

18 MS. WALKER: None, Your Honor.

19 THE COURT: All right, sir, you may step down.

20 Do you wish to excuse the witness?

21 MS. WALKER: Yes, please.

22 THE COURT: Any objection?

23 MR. STANLEY: No objection.

24 THE COURT: All right. You're free to go.

25 Ladies and gentlemen of the jury, at this time we're

1 going to break for lunch. My same instructions will apply as
2 you leave the courthouse. Don't attempt to gather any
3 information about the case on your own, don't listen to,
4 watch or read media reports about the case. Don't discuss
5 the case with anyone, don't allow anyone to discuss it with
6 you, and if anyone tries to contact you about this case
7 please report that to me on your return.

8 We will resume at 1:30. You'll have a little longer
9 lunch period, but I believe we have a witnesses scheduled to
10 be here at that time. So we will be starting at that time.

11 I hope you have a good lunch period. We'll see you then.
12 (Jury out for lunch at 12:06 p.m.)

13 THE COURT: All right. We're in recess until 1:30.
14 Thank you very much.

15 (Court in recess for lunch at 12:06 p.m.)

16 (Court in session after lunch at 1:38 p.m.)

17 THE COURT: Thank you very much. You may be seated.

18 Is state ready to proceed?

19 MS. CAMPBELL: State's ready, Your Honor.

20 THE COURT: Is defense ready?

21 MR. STANLEY: Yes, Your Honor.

22 THE COURT: All right. Call your next witness.

23 I guess we better get the jury in.

24 Bring the jury in. I'm getting ahead of myself.

25 (Jury in at 1:40 p.m.)

2 THE COURT: Thank you.

7 THE COURT: It appears everybody was able to comply with
8 my instructions.

11 MS. CAMPBELL: Thank Your Honor.

12 State calls Dr. Bynoe.

13 THE COURT: Come forward to be sworn, please.

14 (WHEREUPON, Raymond Paul Bynoe, was
15 sworn to tell the truth.)

16 THE CLERK: Thank you. Please have a seat in the witness
17 stand and state your full name for the record.

18 DR. BYNOE: Raymond Paul Bynoe.

19 RAYMOND BYNOE - DIRECT EXAMINATION

20 BY MS. CAMPBELL:

21 Q Dr. Bynoe, where are you employed?

22 A University of South Carolina School of Medicine, but I
23 presently work at Palmetto Health Richland.

24 Q And how long have you been practicing at Palmetto Health
25 Richland?

1 A Since 1979.

2 Q Okay, and you were scheduled to be here today and I think
3 you had to actually run over after you were in the operating
4 room?

5 A Yes, ma'am.

6 Q And you wanted to explain to the Judge you weren't being
7 disrespectful as far as your dress?

8 A Correct.

9 Q Doctor, can you tell this jury a little bit about your
10 education and training in the field of medicine?

11 A I did medical school at the Medical School at the
12 University of South Carolina. From there I came to Richland
13 Memorial back in the day when I was coming out. I did my
14 surgical training. From there I left and went to the
15 University of Tennessee in Memphis and did a Trauma and
16 Critical Care Fellowship and came back to Columbia.
17 Presently, I'm the Medical Director for the Trauma Center for
18 the last 16 years.

19 Q And you have testified before as an expert in the trauma
20 surgery?

21 A Yes, ma'am.

22 Q And approximately how many times have you been qualified
23 as an expert in trauma surgery?

24 A (No response.)

25 Q A lot?

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1 A A lot.

2 MS. CAMPBELL: Your Honor, at this time I'd offer Dr.
3 Bynoe as an expert in trauma surgery.

4 MR. STANLEY: No objection, Your Honor.

5 THE COURT: Without objection he will be qualified as
6 such. You are are of what that means as far as his testimony.

7 You may proceed.

8 BY MS. CAMPBELL:

9 Q Dr. Bynoe, I want to turn your attention back to January
10 8, 20912. Did you come in contact with a victim named Jamie
11 Sherman?

12 A Yes, ma'am.

13 Q Can you tell the jury, just generally, how he came to be
14 in the emergency room and what his course of treatment was
15 there?

16 A Basically, we have a system when someone has been
17 involved in a trauma injury whether penetrating or blunt
18 injuries that we get a call out. Anybody that sustains a
19 penetrating injury, they're considered a 911, which means an
20 ultimate emergency that can potentially can occur with a call
21 out for 911 trauma of this individual for gunshot wounds.

22 Q And you weren't the first doctor that actually doctor to
23 come in contact with him that evening were you?

24 A Say again?

25 Q You weren't the first doctor that actually came in

1 contact with him?

2 A Well, there's a series of events that occur. Basically,
3 when we're called the emergency department physicians are
4 present, as well as myself. So we're all there within -- if
5 you look at the time in the records I was there -- I think he
6 came in at 21:43 and I was at 21:47.

7 Q Okay. So you were there shortly after he got to the ER?

8 A Yes, ma'am.

9 Q And you and the other doctors actually were assessing him
10 as well as treating him that night?

11 A Yes, ma'am

12 Q And upon entry into the emergency room did he receive any
13 medication for pain?

14 A Not immediately, but during the time of his evaluation
15 some medication, narcotics were given for pain control once we
16 appreciated that his blood pressure was okay. During the
17 assessment I wanted to make sure that because of the location
18 of the injury you suspect that he may have a cranial injury,
19 brain injury, and so we try to get as much assessment to
20 figure out the scoring system that goes along with this, it's
21 called Glasgow Coma Scale. It just measures your ability to
22 answer questions, open eyes, move extremities to an
23 appropriate function and answer any questions that we ask so
24 we can get an accurate scoring system on him. He was called
25 out as a Glasgow Coma Score of 12. It goes from 3 to 15, and

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1 so when he was called out, it was called out as a Glasgow Coma
2 Score of 12, but when he got there he was able to answer
3 questions so we made him a 15, which is the highest you can
4 get.

5 Q At that point were you able to administer some medicine,
6 morphine for pain?

7 A Yes, ma'am.

8 Q Can you tell the jury, basically, what injuries he
9 sustained?

10 A He had an gunshot wound to the left side of the face,
11 which we were concerned a cranial brain injury as well. It
12 went through the left forehead floor and fractured the -- the
13 brain is made up of two tables, what we call an inner table
14 and an outer table. There are kind of two walls to it. So
15 the outer table skull was fractured, but not the inner table.
16 It's a better sort of thing to happen. If it fractures the
17 inner table then you have more injury. You know, it's
18 exponential at that point in time. So that was one of the
19 things we were trying to make an assessment. We did a
20 computerized tomography, known as a CAT scan to try to get the
21 nature of the injury, the degree of the injury and that was
22 performed as well. And he had a gunshot wound to the left
23 arm.

24 Q To the left arm? As well as some injury, I believe, to
25 the thumb?

1 A Yes, ma'am.

2 Q And that evening did he require surgery?

3 A At that point in time we called two sub-specialty
4 services, one would be the ophthalmologist because when we
5 examined him we realized his left eye was -- at that time with
6 the inability to focus or see anything out of it, no light,
7 nothing, at that time. . And we call a facial doctor because of
8 some of the bones that were fractured around the orbit that
9 the eye sits in. Those were fractured and so we called those
10 two sub-specialty services to be involved in his case.

11 Q And did they participate in his care?

12 A Yes, ma'am.

13 Q And, in fact, did he require some surgery at some point?

14 A Yes, ma'am.

15 Q And was that done successfully?

16 A From what I was told, yes. They took care, they were
17 able to do that, but since I didn't actually perform it, but
18 yes they did.

19 Q And that's in the records?

20 A Yes, ma'am.

21 Q And once he was treated, he continued to stay into the
22 hospital overnight?

23 A Yes, ma'am.

24 Q And I believe into the next day or two; is that right?

25 A For a two day -- for 72 hours total hospital stay.

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1 Q And Doctor, as far as, you've already mentioned that a
2 penetrating injury from a gunshot wound to the head is
3 considered 911 or an emergent thing, and this may sound like a
4 stupid question, but gunshot wounds to the face or to any part
5 of the body can be life-threatening?

6 A Yes, ma'am.

7 Q But you and your team were able to stabilize him, he came
8 through the surgery, was discharged that Tuesday?

9 A Yes, ma'am.

10 Q Thank you, Doctor. I don't have anything further.

11 THE COURT: You may cross-examine Mr. Stanley?

12 MR. STANLEY: No questions, Your Honor.

13 THE COURT: All right. You may step down. Thank you very
14 much.

15 Do you wish to excuse the witness?

16 MS. CAMPBELL: Please, Your Honor.

17 THE COURT: Any objection?

18 MR. STANLEY: No, objection.

19 THE COURT: Sir, you're free to go at this time.

20 DR. BYNOE: Yes, sir, and I apologize for my attire.

21 THE COURT: That's quire all right. You're a busy man.

22 DR. BYNOE: Well, but I still respect you, sir.

23 THE COURT: All right. Thank you.

24 State may call its next witness.

25 MS. CAMPBELL: Thank you, Your Honor. State calls Terri

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1 Gleason.

2 THE COURT: Come forward to be sworn, please ma'am.

3 (WHEREUPON, Terri Gleason was sworn
4 to tell the truth.)

5 THE CLERK: Please have a seat in the witness stand and
6 state your full name for the record.

7 MS. GLEASON: Terri Gleason.

8 THE COURT: Your witness, Counsel.

9 MS. CAMPBELL: Thank you.

10 TERRI GLEASON - DIRECT EXAMINATION

11 BY MS. CAMPBELL:

12 Q Investigator Gleason, where are you employed?

13 A I work with the Richland County Sheriff's Department in
14 their forensic firearm laboratory.

15 Q And what do you do there?

16 A I'm a firearms and tool mark examiner.

17 Q A firearms and tool mark examiner?

18 A Yes.

19 Q Go ahead.

20 A Which means that I look at firearms and ammunition
21 components, as well as, other tools and their markings for
22 evidence and I report those findings to the court.

23 Q Can you tell the jury a little bit about your expertise
24 and training, specifically in firearms in this case?

25 A Sure. I have a Bachelor of Arts in both criminal Justice

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1 and Psychology from the University of Georgia and a Master of
2 Science in Forensic Science from the University of New Haven.
3 In July of 1999, I began work with the Georgia Bureau of
4 Investigations, State Crime Lab in Atlanta, Georgia. And at
5 that time I underwent an extensive training program dealing
6 specifically with firearms and tool mark examinations. During
7 that time, it's about a two to three year training period, in
8 addition to receiving certification with the GBI, I also
9 received certification from the Federal Bureau of
10 Investigation in mussel and target distance determination and
11 from the Bureau of Alcohol, Tobacco and Firearms in Serial
12 Number Restoration. To date I've logged over 3500 hours on
13 the comparison microscope, which is the primary instrument for
14 analysis; completed over 3,000 weapon examinations and
15 approximately 950 actual firearm and tool mark cases. I'm
16 also a member our professional organization, which is the
17 Association of Firearms and Tool Mark Examiners.

18 Q Have you testified before as an expert for this case in
19 firearm examinations?

20 A Yes, I have.

21 Q And approximately how many times have you been qualified
22 as an expert in that area?

23 A Approximately 50 times here in the state of South
24 Carolina, as well as, the states of Georgia and Texas.

25 MS. CAMPBELL: Your Honor, at this time we'd offer her as

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1 an expert in firearm examination?

2 THE COURT: Any objection?

3 MR. STANLEY: No objection, Your Honor.

4 THE COURT: All right. She'll be qualified as such and
5 may testify in that fashion.

6 You may proceed.

7 MS. CAMPBELL: Thank you.

8 BY MS. CAMPBELL:

9 Q I want to talk to you a little bit about types of
10 handguns. Are you familiar with terms such as revolver verses
11 a semi-automatic handgun?

12 A Yes.

13 Q Can you explain to the jury -- they're both handguns?

14 A They are.

15 Q But what's the difference between them primarily in how
16 they function?

17 A Revolvers and semi-automatics are the two most common
18 types of handguns that we see at the laboratory. A revolver
19 gets its name from the revolving cylinder at the rear of the
20 firearm. That cylinder holds multiple chambers and each of
21 those chambers is where the unfired piece of ammunition is
22 placed. So when that firearm is operated, that trigger is
23 pulled, that cylinder rotates aligning the unfired ammunition
24 with the barrel of the firearm.

25 What is characteristic of a revolver is that it requires

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1 manual and manual unloading with significance being at a crime
2 scene being more likely than not if a revolver is used you
3 will not find the fired cartridge cases that remain after
4 firing at the scene. They remain in the firearm unless
5 somebody actually unloads that firearm.

6 With a semi-automatic firearm, instead of having multiple
7 chamber in the cylinder you actually have a single chamber
8 that is actually a part of the barrel of that firearm, and the
9 unfired cartridges are loaded in a magazine, which is the part
10 of the firearm that is put into the grip of the firearm and as
11 part of the firing sequence, the trigger is pulled, the
12 ammunition is fired. The pressure that is produced during
13 that firing action actually allows the slide of the firearm to
14 cycle rearward, which extracts the cartridge that remains
15 after firing, ejects that cartridge case, and as the slide
16 comes forward another unfired cartridge is loaded into the
17 chamber if there is any unfired ammunition remaining. That
18 will continue until the firearm is empty of live ammunition.
19 Again, the significance of that being that those cartridge
20 cases aren't firing, in the majority of cases, unless there's
21 type of operational malfunction. They will be ejected and
22 will remain at the crime scene unless, you know, somebody
23 picks them up.

24 Q And I want to talk a little bit. When you're talking
25 about the revolved. You said it has that spinning chamber.

1 A Yes.

2 Q Is that kind of like the type of gun you see in the old
3 westerns?

4 A Yes.

5 Q The one where they twirl it around?

6 A Yes, Uh-huh. (Affirmative response.)

7 Q Then, as far as the semi-automatic handgun which ejects
8 the cartridge cases when it's fired, is that the kind that you
9 can kind of pull the slide back on the top of the gun?

10 A Yes.

11 Q And that's just for my edification. There's also
12 different calibers of guns that can be used in handguns; is
13 that correct?

14 A Yes.

15 Q And tell the jury what the significance is of the
16 designation of the caliber of the handgun?

17 A Caliber is actually, very simply, it's the measurement of
18 the interior bore of the firearm. So it's what the
19 manufacturer of that firearm, the caliber that they designed
20 the firearm to shoot. You often see 9 millimeter, 40s. They
21 range anywhere from 17 caliber up to 50 caliber, but it's
22 actually just the measurement of the inside of the bore.

23 Q And say -- what are some of the designations typically
24 used for caliber of gun numbers?

25 A The most common is probably 9 millimeter, 40 Smith and

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1. Wesson, 45 auto, 22 and various designations for 22, .380s.

2 Q And is the caliber of the ammunition used, is it
3 significant as far as what type of gun can be used to fire
4 that type of bullet?

5 A There are calibers that are more often seen with a semi-
6 automatic or a caliber that's more often seen with a revolver.
7 Do you want me to give you the specifics?

8 Q Just generally. Say if I had a round found at the scene,
9 it's a 40 caliber. Can that be fired by, say, a 22?

10 A No.

11 Q And explain that to the jury as far as the makeup of the
12 gun and how the ammunition goes through it.

13 A Okay. Well, again, as I said the measurement of the
14 inside of the bore so the 22 that she mentioned, that's
15 actually .22 inches, whereas a 40 caliber is .457 inches, but
16 approximately .40 inches. So that's significantly bigger,
17 double the size of a 22. So you could not interchange those
18 cartridges into their opposite firearm.

19 Q And as far as, I want to talk specifically about a 9
20 millimeter, more typically what type of handgun is that?

21 A 9 millimeter is generally designed to fire in a semi-
22 automatic firearm.

23 Q A semi-automatic gun?

24 A Yes.

25 Q And before I get any further, also, you mentioned that

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1 when a semi-automatic is fired that the shell casings, which
2 is the outer shell of the actual bullet that's fire through,
3 is ejected from the gun?

4 A Yes.

5 Q Can you say definitely what direction it's directed from
6 or where it's going to land? Tell the jury those kinds of
7 situations?

8 A Okay. We refer to those as ejection pattern testing.
9 Without the particular firearm in question we can't tell you
10 what direction the cartridge case is going to be expelled from
11 the firearm. If we make a generalization the majority of them
12 are expelled to the right and rearward of the shooter, but
13 that is very dependant on the firearm itself as well as the
14 position that the shooter is pointing the firearm. Definitely
15 the sideways position if they're holding it in that shooting
16 pattern.

17 Q And the area in which the firing is occurring, say in a
18 small room or a hallway, can that also effect where the shell
19 casing can end up?

20 A Absolutely. They generally will travel a fair distance
21 of at least a couple of feet. So if you have anything, walls,
22 cars, trees, anything that may hit, that the cartridge case
23 may hit as it's being expelled out of the firearm it will
24 bounce off of that and go in another direction unrelated to
25 the firing process.

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1 Q And if a firearm is fired more than once by a semi-
2 automatic that we're talking about now, are you necessarily
3 going to find every shell casing there at the scene or any
4 projectile?

5 A No. Often times, you know, projectiles are typically
6 found where they go. If they don't hit their target they can
7 travel a mile or more depending on the load of the cartridge.
8 But cartridge cases, as well, if they get kicked -- if it's an
9 outdoor scene it can get in higher treads that can be kicked
10 out sooner. So it depends on what kind of scene it is. It's
11 very common for us not to be able to find all of the bullets
12 or cartridge cases.

13 Q And, in fact, can cartridge cases lodge in someone's
14 clothing and things of that nature?

15 A Absolutely.

16 Q And you also mentioned as far as the projectile, it all
17 depends of where it may end up --

18 A Right.

19 Q -- whether or not it's able to be found.

20 A Yes.

21 Q Now, I want to turn your attention to this case and show
22 you what's been marked as State's Exhibit No. 98. Was there a
23 cartridge case in this case that you had the opportunity to
24 look at?

25 A Yes. This --

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1 Q Let me go ahead and put it in evidence, first. Does this
2 appear to be that cartridge casing?

3 A It does. This packaging bears our Richland County
4 Sheriff's Department case number and item number, as well as
5 notification my initials and this is also sent to the South
6 Carolina Law Enforcement Division, so it also bears their
7 markings as well.

8 Q Okay.

9 MS. CAMPBELL: Your Honor, at this time we'd offer State's
10 Exhibit No. 98 in evidence.

11 THE COURT: Any objections?

12 MR. STANLEY: No, Your Honor.

13 THE COURT: Without objection it will be admitted into the
14 record as marked. You may proceed.

15 MS. CAMPBELL: Thank you.

16 (State's Exhibit No. 98, cartridge
17 case, was marked and entered.)

18 A I recognize and identify State's Exhibit No. 98 as a
19 fired 9 millimeter caliber cartridge case.

20 BY MS. CAMPBELL:

21 Q And is that one you examined in this case?

22 A Yes, it is.

23 Q And what determinations were you able to make from your
24 examinations of this piece of evidence?

25 A This case was somewhat unique in that we only had one

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1 fired cartridge case, so in a traditional examine we will mark
2 four cartridge cases, we will compare them to one another. In
3 this case we just examined that single cartridge case,
4 verified the caliber, that it had good markings meaning each
5 firearm goes through a variety of machine processes and those
6 processes leave behind a microscopic imperfections. It kind
7 of becomes a unique fingerprint for that firearm. During the
8 firing process the pressures in the firearm that pushes the
9 bullet out the barrel also pushes the cartridge case back
10 against the supporting head of the firearm, and this leaves
11 behind those microscopic imperfections that get impressed into
12 the cartridge case. So we verify that this cartridge case did
13 have good markings and then we sent it over to the South
14 Carolina Law Enforcement Division where they will enter it
15 into a federal database know as NIBN, which is the National
16 Integrated Ballistics Network. This is very much like the
17 national database for fingerprints. It puts the cartridge
18 cases from scenes, as well as, fired cartridge cases we get
19 from suspect firearms into a database and it is continually
20 correlated against one another. If they come up with
21 something that has similar markings it will then be given back
22 to us as a crime item. We will do a direct exam to see if
23 there are possibly other crime scenes or actually the firearm
24 has been used somewhere else that we can link those things
25 together.

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1 Q And in this case you never actually received a gun?

2 A No, we didn't.

3 Q Is that unusual?

4 A No, it's not.

5 Q Why not?

6 A Frequently they are disposed of prior to the
7 investigators being able to locate them; thrown in the woods,
8 thrown in the river, sold to somebody else.

9 Q So from your examination of this you were able to
10 determine the caliber that was used?

11 A Yes.

12 Q But without a gun to compare it to you can't make any
13 findings?

14 A That is correct.

15 Q And was that the extent of your involvement in this case?

16 A Yes.

17 Q Other than forwarding it to SLED?

18 A Correct.

19 Q Thank you ma'am.

20 MS. CAMPBELL: I don't have anything further.

21 THE COURT: Mr. Stanley, you may cross-examine.

22 MR. STANLEY: I don't have any questions, Your Honor.

23 THE COURT: All right, ma'am, you may step down. Thank
24 you very much.

25 Do you wish to have the witness excused?

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1 MS. CAMPBELL: Yes, please, Your Honor.

2 THE COURT: Any objections?

3 MR. STANLEY: No objection.

4 THE COURT: You are free to go, ma'am. Thank you for
5 coming.

6 State may call its next witness.

7 MS. CAMPBELL: The state calls Investigator Unger.

8 THE COURT: Come forward, sir, and be sworn.

9 (WHEREUPON, David Unger, was sworn to
10 tell the truth.)

11 THE CLERK: Thank you. Please have a seat in the witness
12 stand. State your full name for the record.

13 INVESTIGATOR UNGER: David Unger.

14 THE COURT: Your witness, Counselor.

15 MS. CAMPBELL: Thank Your Honor.

16 DAVID UNGER - DIRECT EXAMINATION

17 BY MS. CAMPBELL:

18 Q Investigator Unger, where are you employed?

19 A I work with Richland County Sheriff's Department.

20 Q What do you do there, sir?

21 A I'm a Senior Investigator in the Criminal Investigations
22 Division.

23 Q How long have you been in law enforcement?

24 A With the military and civilian side 18 years.

25 Q Back in January, February, 2012, were you also working in

1 the investigative division of the Richland County Sheriff's
2 Department?

3 A Yes, ma'am. I was major crimes investigator.

4 Q And who is the actual sheriff?

5 A Leon Lott.

6 Q I want to turn your attention specifically to February
7 17, did you become involved in the investigation of this case?

8 A Yes, ma'am, I did.

9 Q Can you tell the jury how that happened?

10 A Yes. Initially, as y'all heard before, Investigator
11 Martin was assigned the case, however, a missing persons,
12 possible homicide case came in and we had a rotation for
13 homicides and if it's your turn to be called no matter what
14 you're doing you stop and go work the homicide. So at that
15 time, Chief Wilson, who is chief of investigations, came to me
16 with a case and said that Investigator Martin had been
17 assigned to another case, gave me a brief of everything that
18 had taken place so far and assigned me the case.

19 Q And at that point, what information was forwarded to you
20 as far as witness statements or any kind of crime scene or
21 anything of that sort?

22 A At that time, I had not gotten crime scene notes yet, but
23 I had both of Mr. Sherman's statements.

24 Q Uh-huh. (Affirmative response.)

25 A I had follow-ups from investigators who had already done

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1 follow-ups and worked the case and I had the incident report,
2 and I believe by that time I also had Dominique Ross's phone
3 records.

4 Q And at that point in reviewing all that information what,
5 if anything, did you do?

6 A After I had all the information I did a case review of
7 it. New eyes, somebody taking over, so you want to go through
8 and review the entire case. I went through that, myself. I
9 think I sat down with Chief Wilson and, at the time, it was
10 Lt. McDonald now Capt. McDonald, and we determined there was
11 probable cause to arrest Dominique Ross for her involvement,
12 setting up this crime. So at that time I got warrants for
13 armed robbery and attempted murder on Dominique Ross.

14 Q And were those warrants signed off on by a magistrate?

15 A Yes, ma'am, they were.

16 Q Did you make any attempts to try to find Ms. Ross here
17 locally?

18 A We did. We have multiple data bases that we put people's
19 name in. I had a Brook Pines address that she had lived with
20 there but found out she no longer lived there. Obviously, Mr.
21 Sherman's address, she was not there any more. I also had a
22 St. Andrews address. Remember I got this case in February, so
23 it's a month and a half after the incident. There was a St.
24 Andrews address that I learned a little bit later and they had
25 -- the people who were occupants there had been evicted, so

1 that was no longer a good address.

2 Q At some point did you become aware that Ms. Ross was
3 actually arrested in North Carolina?

4 A I did. Yes.

5 Q When an arrest warrant is secured, such as in this case,
6 is it put into a data base so that other states can actually
7 refer to it?

8 A It is. If we have a felony arrest warrant, anything
9 that's a felony we do what's called an NCIC packet. It's our
10 national crime information computer. We will take that
11 packet, we get all the pertinent information needed to include
12 the original warrants and we send it to our warrant division
13 and they enter it into this data base. That means anybody who
14 comes in contact with a person who's in the data base who's
15 wanted -- it means anybody that comes around that will be
16 notified that that person is wanted, and we have -- on a case
17 like this we had her extradition in her -- so anywhere she
18 would be picked up we would go get her.

19 Q And what date was she actually arrested in North
20 Carolina?

21 A One sec -- I was notified on February 27, 2012.

22 Q Once you were notified she was arrested, did you make
23 plans to actually go and make contact with her in North
24 Carolina?

25 A Yes, ma'am. Myself and Investigator Caldwell drove to

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1 Raleigh, Wake County Detention Center is in the town of -- the
2 City of Raleigh. So on the 28 of February we drove to Raleigh,
3 North Carolina to the Wake County Detention Center.

4 Q And once you got to the Wake County Detention Center, did
5 you make contact with the defendant in this case, Ms. Ross?

6 A Yes, ma'am, we did.

7 Q And did you then advise her of her rights?

8 A Yes, ma'am, we did.

9 Q Later that day, did you speak to her father?

10 A We did. I did speak to her father.

11 Q After that did you then review the cell records again?

12 A Yes, ma'am, we did.

13 Q And was there a specific cell phone number that you
14 wanted to look into?

15 A Yes, ma'am. Again, I was doing my review and I went
16 through the records and I found a number that was called
17 directly before the time of the robbery and it was

18 At that time I decided it was pertinent to get
19 a search warrant on that phone number.

20 Q Let me back up. At this point when Ms. Ross is arrested,
21 had you ever heard of Amber Richardson?

22 A No, ma'am.

23 Q Dexter McNeil?

24 A No, ma'am.

25 Q Raeford McNeil?

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1 A No, ma'am.

2 Q Or Simone Patterson or anyone else?

3 A No, ma'am. Only name I had at this time was Dominique
4 Ross.

5 Q And at this point what information -- how many people
6 were you looking at had come into the residence in addition to
7 Ms. Ross?

8 A We knew there was three -- just from the victim's
9 statements, that there was three additional black males that
10 came into the home and did this home invasion. So we were
11 looking for three black males, as well.

12 Q You mentioned, and I got you off this, but you got a
13 search warrant for that additional phone number?

14 A Yes, ma'am, I did.

15 Q And what was that phone number?

16 A It was

17 Q Who -- which carrier did you send that to, provider.

18 A Clear Talk.

19 Q What kind of records were you requesting?

20 A I requested all records through the search warrant,
21 request call records -- anything that -- it's a long list of
22 -- I don't have the search warrant in front of me, but I can
23 read it if you -- the actual call records that we requested.
24 Everything that you would communicate through a phone.

25 Q And whenever y'all request records you're somewhat at the

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1 mercy of the provider as to what they provide you?

2 A That is correct, yes, ma'am.

3 Q And in this case did you receive certain records back
4 from Clear Talk in regard to that phone number that you were
5 asking for in the subpoena, the search warrant.

6 A Yes, ma'am. I got back a list of text messages without
7 call records.

8 Q And just for the record, the search warrant that you
9 obtained, it was lawfully signed off on by a judge?

10 A Yes, ma'am, it was.

11 Q Once you reviewed the text messages was there anything of
12 significance?

13 A There were significant text messages in there to and from
14 Dominique Ross. In my follow-up I have -- we've gone through
15 all these text messages through Capt. McDonald. I have some
16 long text messages written in there under Dominique Ross.
17 When you get into these things and you read these documents
18 right here, stuff starts to jumble together, but the key that
19 I got out of that was, before the robbery, Amber Richardson
20 had text messaged and Dominique Ross had text messaged back
21 and forth. For instance, we had at 20:35, which is 8:35 in
22 the evening on the day on January 8. Ready for me to pick you
23 or -- ready for me to leave the house. We've got again at
24 20:51, which is 8:51. Leave -- or -- in five minutes. Then
25 right after that you've got, leave and wait on me. Text you

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1 back BAE. Babe, B-A-E. It's slang terminology for baby. And
2 then at 21:23, which is right after the robbery you have --
3 erase everything, throw your phone away. And then there was
4 the other text messages that I had missed written inside of my
5 follow-up between Ms. Patter and Amber as well.

6 Q And you didn't learn that until later on?

7 A No, not until we were case prepping did I learn that.

8 Q Once you had gotten this information did you do anything
9 to find out who this number, this number belonged to?

10 A Yes. The subscriber, when we got these records back from
11 Clear Talk it actually had subscriber name of Amber
12 Richardson. At that time we used law enforcement data bases
13 to put the name in so we could get an address. We got an
14 address back of which is a neighborhood off
15 of Decker Boulevard in Richland County. Myself and
16 Investigator Caldwell then drove over to that address. Nobody
17 answered so we left a card in the door with my name and number
18 on it hoping for a phone call back.

19 Q And this is actually on March 8, at this point?

20 A Yes, ma'am.

21 Q You left a card at the address?

22 A Yes, ma'am.

23 Q And did you receive any response from leaving the card
24 there?

25 A I did. We received a call from Amber Richardson and over

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1 the phone didn't want to get into the case at all with her.

2 Just set up an interview with her, but once we hung up we

3 decided we may need to drive out there and talk to her right

4 then and there. So Investigator Caldwell and myself drove to

5 knocked on the door and made contact with

6 Amber Richardson.

7 Q Once you made contact with her what did you ask?

8 A We told her a little bit about why we were there and what

9 we were investigating. Then we told her -- we asked her if

10 she'd like to come back to the station to talk about it

11 further and she agreed to do so..

12 Q Once you got back to headquarters, did you begin

13 interviewing Ms. Richardson?

14 A Yes, ma'am, we did.

15 Q And at that point did you know the nature of her

16 involvement?

17 A No, we had no clue. All we had were the text messages

18 going back and forth. So we asked her what happened, we asked

19 her what her relationship was to Dominique Ross and she told

20 us that she was in a relationship, a romantic relationship

21 with her and then we continued to ask her what happened that

22 day.

23 Q At some point did you feel it was prudent to stop

24 questioning her and advise her of her rights?

25 A Yes, ma'am. At the point we were talking to her and she

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1 starts to implicate herself. Once somebody starts to implicate
2 themselves in a crime, especially when we went and picked them
3 up, it's prudent to advise them of their Miranda Rights.

4 Q I'm going to show you what's been entered into evidence
5 as State's Exhibit No. 91. Do you recognize that?

6 A Yes, ma'am. That is the advice of rights.

7 Q And are those the standard rights that you advise anyone
8 who is either a suspect in a case or maybe implicated
9 themselves?

10 A Yes, ma'am.

11 Q And those are the rights you advised her of that day?

12 A Yes, ma'am, and she indicated that by signing both the
13 administration of rights and the waiver of rights.

14 Q Did she agree to continue to talk to you?

15 A Yes, ma'am, she did.

16 Q At any time, did she invoke her rights?

17 A No, ma'am.

18 Q And you can't tell me what all she said to you, but at
19 that point did she give you a lot of information in this case?

20 A Yes, ma'am.

21 Q Based on that information did you develop additional
22 suspects specifically as to who the men were?

23 A Yes, ma'am. We developed two additional suspects, known
24 suspects.

25 Q And were you able to get any identifying information from

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1 Ms. Richardson on those suspects?

2 A Yes, ma'am. She was able to give us physical attributes
3 to the person, height, weight, things of that nature and she
4 also was able to identify one person by name, the other person
5 by street name.

6 Q While you were there and interviewing and talking to her
7 did you actually show her any photographs?

8 A I did. One of the persons she identified was Dexter
9 McNeil, who was Dominique Ross's -- who she identified as
10 Dominique Ross's Aunt Lee's boyfriend/husband. She was not
11 sure if they were married or not. And at that time I had
12 access to the North Carolina Department of Corrections website
13 and I pulled up some photographs of Dexter McNeil and she knew
14 him by name and sight, so I did not do a photographic lineup
15 of Dexter McNeil. I showed her those pictures and she
16 identified him immediately as one of those persons.

17 Q Did she also give you Aunt Lee's telephone number?

18 A She did.

19 Q Prior to taking her back did you indicate what would be
20 happening to her in the future?

21 A Yes, ma'am. I informed her that she going to be charged
22 with this crime as a participant, as a key participant in the
23 crime because of what she told me during her statement.

24 Q That day did y'all make contact with the Holly Springs
25 Police Department?

1 A Yes, ma'am.

2 Q And based on that additional information did you get any
3 additional warrants on anyone in this case?

4 A I did. Based on additional information, Holly Springs,
5 which is right there in the same area of Raleigh, North
6 Carolina, I was able to get a name of the second individual,
7 Raeford McNeil, who they were familiar with from working in
8 the area.

9 Q Let me back up. As far as getting warrants on Dexter
10 McNeil, when did you do that?

11 A On March 9, 2012.

12 Q And were those warrants reported to the warrants division
13 of NCIC?

14 A Yes, ma'am, they were.

15 Q Three days later what information did you get about Mr.
16 Dexter McNeil's whereabouts?

17 A We learned that he was in the Fuquay Varina Police
18 Department, that's another small community outside of Raleigh,
19 and that he had been arrested in that area.

20 Q And as far as the identity of the second person, was Ms.
21 Richardson able to give you a name of that person or a
22 nickname?

23 A A nickname.

24 Q And what nickname were you looking for at this point?

25 A Nut-nut. N-u-t-n-u-t.

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1 Q While in contact with the Fuquay Varina Police Department
2 did you ask them anything specifically?

3 A I did. I asked them if they knew of a Nut-nut who was a
4 person of interest in that area.

5 Q What information did you receive back?

6 A They gave me the name of Raeford McNeil.

7 Q Once you had gotten that information did you develop a
8 photo line-up?

9 A I did.

10 Q I'm going to show you what's been marked and is in
11 evidence as State's No. 92. Do you recognize that?

12 A Yes, ma'am. That is the photo line-up that I put
13 together.

14 Q Once you put that line-up together what, if anything, did
15 you do with it?

16 A I called Amber Richardson and asked if she would be
17 willing to come back to the police station to look at the
18 phone line-up, which she agreed to do and on the 13 of March
19 she came in to -- back to our headquarters where I met with
20 her again.

21 Q And tell the jury when you're showing a photo line-up, in
22 this case what procedure did you use in showing that line-up?

23 A Yes, ma'am. When we show a photo line-up, before we even
24 show it, we tell them we're going to show a series of
25 pictures. It's normally six pictures. We tell them to take

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1 their time and look at each picture. The person may or may
2 not be in the photo line-up. We ask them to look at all their
3 facial features. Don't just look at one particular feature on
4 each face, look at everything, and look at every single
5 photograph. We present the photograph line-up to them and
6 then we ask them if they see that person to identify that
7 person.

8 Q And was she able to identify anyone in that six person
9 photo line-up?

10 A Yes, ma'am. She identified picture number one
11 immediately.

12 Q And who is in that picture?

13 A Picture number one is Raeford McNeil.

14 Q And at any time did you tell her who to pick?

15 A No, ma'am.

16 Q Do you influence her in any way?

17 A No, ma'am.

18 Q Did anyone tell her that she had to pick anyone?

19 A No, ma'am.

20 Q And she identified the number one?

21 A She did, by circling and initialing it.

22 Q And who is the person in this photographic line-up?

23 A It's Raeford McNeil.

24 Q During the course of your investigation Aunt Lee, did you
25 find out what her full name was?

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1 A We did. Through the course of the investigation -- let
2 me look at it real quick so I don't misspeak. Felicia, F-e-l-
3 i-c-i-a, McNeil.

4 Q And what is her relationship to any of the people
5 involved in this case?

6 A That is Aunt Lee, that we had identified as Aunt Lee.
7 That's Dominique Ross's aunt.

8 Q And what is the relationship to the McNeils?

9 A She was either married or in a common-law relationship
10 with Dexter McNeil.

11 Q Once you got that identification did you also get arrest
12 warrants on Raeford McNeil?

13 A Yes, ma'am, we did.

14 Q Moving on to -- well, we're still on March 13, did you
15 then travel back to Raleigh area?

16 A Yes, ma'am, to interview Dexter McNeil.

17 Q While there did you meet with Det. Jeff Wynhart (sp)?

18 A Yes, ma'am, we did.

19 Q And what did you and Det. Wynhart try to do that day?

20 A Det. Wynhart, myself and Investigator Caldwell. We
21 actually through the Fuquay Varina general area in an attempt
22 to locate Raeford McNeil.

23 Q Did you find him that day?

24 A No, ma'am, we could not.

25 Q And, again, at that point you already had arrest warrants

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1 on him as well?

2 A Yes, ma'am

3 Q And finally three days later were you notified that
4 Raeford McNeil was arrested?

5 A Yes, ma'am.

6 Q At some point did you also get arrest warrants for Amber
7 Richardson?

8 A Yes, ma'am, on the 19 of March.

9 Q And were they all subsequently -- the two McNeils and Ms.
10 Ross, they were extradited back to South Carolina?

11 A Yes, ma'am, they were.

12 Q Are you aware of whether or not there were actual bond
13 settings involved for Raeford and Dexter McNeil?

14 A I do know that there were bond settings.

15 Q And the victim did attend those with friends and family?

16 A Yes, ma'am.

17 Q I've got a question about the weather that night, it was
18 raining. At my request did you review some documents about
19 what time it actually started raining that night?

20 A Yes, ma'am, I did.

21 Q What time was there actually any rainfall that night?

22 A We reviewed the National Weather Service, they have a
23 history of every day. We went back and reviewed that and we
24 learned that it did not start raining in the Columbia -- the
25 Columbia Airport, which is the closest location we could get

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1 to Broad River Road, it did not start raining until some time
2 after 9:56.

3 Q Some time after 9:56?

4 A Yes, ma'am.

5 Q And approximately what time was it that this occurred?

6 A Approximately, 9:23.

7 Q In the evening?

8 A Yes, ma'am.

9 Q And Investigator Holt testified that it was raining when
10 he got to the scene because that's when he had to do
11 something.

12 A Yes, ma'am.

13 Q What time was it that he got to the scene?

14 A He didn't arrive at the scene until 22:50, which is 10:50
15 at night.

16 Q And again the National Weather report indicated it
17 started raining at what time?

18 A Some time after 9:56 at night. 9:56 p.m.

19 Q Simone Patterson, you never made contact with her during
20 the investigation?

21 A No, ma'am.

22 Q Is it unusual for witnesses to come forward -- is the
23 investigation ever over?

24 A No, the investigation is never over especially when we
25 have an unidentified -- so no, it's not.

1 Q And is it unusual for people to come forward later?

2 A Absolutely, crimes like this where this violent where a
3 home invasion and somebody is shot and seriously injured and
4 you have very violent people who commit the crimes, people are
5 scared sometimes to come forward. It is what it is when
6 you're dealing with crimes of this nature. People get
7 extremely scared, they don't want to be involved with law
8 enforcement for fear of retribution or fear of it happening to
9 themselves, so they don't come forward.

10 Q And Clear Talk, did they ever -- they provided you with
11 the text messages. Did they ever provide you with additional
12 information?

13 A No, ma'am.

14 Q And finally, this area on Broad River where this
15 occurred?

16 A Yes, ma'am, it is.

17 Q I want to show you what's been marked as State's Exhibit
18 No. 89.

19 A Yes, ma'am.

20 MS. CAMPBELL: May he step down for just a second?

21 THE COURT: He may.

22 BY MS. CAMPBELL:

23 Q If you'll come on this side. I'm going to show you this
24 diagram -- I think that's turned right. These apartments
25 right here; what are these?

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1 A Those are the St. John Woods and the Village Green
2 Apartments.

3 Q And you commonly refer to them as what?

4 A Those are not the ones you're speaking of. This right is
5 is Brook Pines.

6 Q Oh, okay.

7 A These are Brook Pines. These go all the way back -- they
8 are a very large apartment complex.

9 Q Where is the actual entrance to Brook Pines?

10 A Right here.

11 Q This kind of pale streak here?

12 A Yes.

13 Q And that's the actual Broad River Road?

14 A Yes, ma'am.

15 Q And then as far as the victim's car wash as well as his
16 home, where is that?

17 A The car wash is right here, and his home, which you can
18 barely see is there. So right here and there.

19 Q And then where is the entrance to Brook Pines?

20 A Right here.

21 Q So it would be the next driveway over?

22 A Yes, ma'am.

23 Q And that's the area that we've been referring to
24 throughout this trial?

25 A Yes, ma'am.

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1 Q Thank you. You can sit back down. The Brook Pines
2 Apartment area is an apartment complex?

3 A It is an apartment -- it is a large apartment complex off
4 the Broad River area.

5 Q And as far as the lighting out there at night, do they
6 have lighting out there or is it completely dark?

7 A No, they have lighting, they have very good lighting in
8 that neighborhood.

9 Q Thank you, sir. I don't have any further questions.
10 THE COURT: Your witness, Mr. Stanley.

11 DAVID UNGER - CROSS-EXAMINATION

12 BY MR. STANLEY:

13 Q I want to ask you a few questions on how you started this
14 investigation.

15 A Yes, sir.

16 Q You testified earlier you were not the lead investigator
17 at first?

18 A I was not.

19 Q And Investigator Martin was the lead investigator?

20 A That's correct.

21 Q And Chief Wilson ended up putting you on this case
22 because of the rotation system that you guys have?

23 A That is correct?

24 Q And Chief Wilson is your boss; correct?

25 A Yeah, he is the chief over our investigations. He's

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1 everybody in investigations boss.

2 Q Okay. And that happened on or around February 17, 2012?

3 A Yes, sir.

4 Q And that's about a month and 10 days after the crime,
5 give or take?

6 A Yes, sir.

7 Q So you were -- you were playing a little catch-up there;
8 correct?

9 A It's not necessarily catch-up. It's just a case review
10 and roll with ball that was given to you.

11 Q Like you hadn't worked on the case prior to this?

12 A No, no involvement whatsoever.

13 Q And as part of your case review you reviewed any of the
14 notes in the case; is that correct?

15 A That is correct.

16 Q And you -- and actually the police notes and police
17 reports is something that you relied on; is that correct?

18 A Sure.

19 Q And if somebody, one of your investigators writes
20 something down you typically look at it and may rely on it if
21 it's pertinent information?

22 A If it's pertinent information and if it is what I need or
23 it's leading me in the direction I'm going in, yes. I review
24 everything. When you get a case this large, a lot of people
25 -- they don't understand how intense and how large a case like

1 this is. So you can get information from everywhere. And as
2 anybody that watches TV or sees anything, you know you get
3 leads and you get leads that turn out to be dead ends. You
4 get leads that turn out to be something with fruition. So you
5 have to go through everything.

6 Q But -- so with you -- the police academy has you trained
7 to write down -- write down all the important details in these
8 notes; is that correct?

9 A That's correct.

10 Q You want to be able to recall as much as possible in the
11 future; is that right?

12 A That is correct.

13 Q And you also, during the course of your investigation you
14 also relied on the statements of witnesses; is that right?

15 A Yes.

16 Q And it's important for them to be truthful and accurate
17 in these cases?

18 A Yes.

19 Q Okay. In this case you did speak with Chief Wilson about
20 this case once you got it?

21 A Yes.

22 Q And he briefed you on the case; is that correct?

23 A Correct.

24 Q And he told you that he interviewed Jamie Sherman the day
25 before; is that correct?

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1 A That's correct.

2 Q And did he tell you the details of the statement?

3 A He gave me the statement. So I had the actual statement.

4 Q And then you also, during the course of your
5 investigation reviewed any prior statements that Jamie Sherman
6 made?

7 A That is correct.

8 Q And that is a statement given to Lt. McDonald about
9 January 17?

10 A That's correct. That statement, as well, was given to
11 me.

12 Q And that was about nine days after the incident?

13 A Uh -- I'm not good with math. Hold on one second.

14 Q Give or take. I'm not trying to catch you on that. And
15 in your notes you mentioned that this second statement, the
16 February 17 -- 16 statement was more detailed than the
17 original statement; is that right?

18 A Well, hold on a second, I'll pull it.

19 Q The first paragraph, last sentence.

20 A The last sentence?

21 Q Yes, sir.

22 A Yeah, that says -- I'll read it exactly. It says,
23 Sherman was also interviewed by Lt. McDonald on January 17,
24 2012. Statement supplied on that date was not as detailed.

25 Q Okay. And you also reviewed the notes from all the other

1 officers on the case?

2 A That's right.

3 Q So investigator -- Deputy Stone?

4 A I review his report, yes.

5 Q And he was at the crime scene?

6 A He was.

7 Q You also reviewed an investigator report by Sgt.
8 Robinson?

9 A I did.

10 Q And he was -- he went to the hospital following the
11 scene?

12 A He did.

13 Q And he interviewed the victim relatively close to after
14 the -- after the shooting?

15 A Yes.

16 Q And you reviewed the notes from Lt. McDonald; correct?

17 A Yes.

18 Q And these are the notes that you consider that were less
19 detailed?

20 A Not the notes. The statement was less detailed, not his
21 notes.

22 Q Excuse me. I misspoke. And did you also review the
23 notes of Investigator Martin as well?

24 A I did. Yes.

25 Q And you mentioned earlier, you did not have all the crime

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1 scene analysis from Investigator Holt?

2 A I don't know the exact date, but we didn't get it until
3 some time in late March, where he actually post -- we have a
4 large data base system, our lab is accredited, internationally
5 accredited, which means they have an obscene amount of
6 procedures they have to follow to stay accredited, so when
7 they do their -- their stuff that they do on the processing
8 and then all the paper work behind that, it has to be
9 documented, then approved and then approved by another -- so
10 by the time it gets to our AFIS, which is our data base it's
11 way after --

12 Q But eventually you reviewed any evidence he collected?

13 A Yeah, I have it all in here in the case file.

14 Q Including pictures?

15 A Yes.

16 Q And then any casings he got --

17 A Correct.

18 Q -- projectile he got.

19 A Yes.

20 Q And he also collected a green plant-like material; is
21 that correct?

22 A That's correct.

23 Q Um --

24 A Which was, I believe, off of the counter.

25 Q Okay. Has -- so Investigator Holt collected all the

1 physical evidence in this crime; correct?

2 A That's correct.

3 Q Has any of the -- did any physical evidence have any DNA
4 results to it -- sorry, any DNA matches to it?

5 A No.

6 Q And none to any of the suspects in the case?

7 A No.

8 Q And Dominique Ross did give a DNA sample; correct?

9 A Correct.

10 Q Now, at the time you got the case you also listened to
11 the 911 phone call?

12 A Yes.

13 Q And was that phone call made at 9:20:20?

14 A I don't have that in front of me. Is it?

15 Q Yes. And after all that, is that all you used to make
16 your decision about whether or not to go out for arrest
17 warrants for Dominique Ross --

18 A Yes.

19 Q -- at this point? And the main -- would you say your
20 main evidence was Jamie Sherman's statements?

21 A That's correct.

22 Q Because you didn't have any cell phone records at this
23 point?

24 A No, I had Dominique Ross's cell phone records. I did not
25 have Amber Richardson yet.

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1 Q At this point, Jamie Sherman had made is prior statement;
2 correct?

3 A Yes.

4 Q And he -- did he ever indicate that he knew somebody that
5 saw three people leave?

6 A (Shakes head negatively.)

7 Q Did he indicate that he met one of the suspects prior to
8 this?

9 A He did not.

10 Q And did he indicate that to you during the first year of
11 the investigation?

12 A He did not.

13 Q You would have wrote it down, would you not?

14 A Yes.

15 Q So again is it fair to say you relied on Jamie Sherman's
16 statements when swearing an arrest warrant for Dominique Ross?

17 A Yes.

18 Q Okay. And the Judge issued a warrant for attempted
19 murder?

20 A Correct.

21 Q And then, also, the Judge issued a warrant for armed
22 robbery?

23 A That's correct.

24 Q And then at that point you did not seek a warrant for
25 burglary in the first degree; is that correct?

1 A At that point I did not.

2 Q And when did that -- when did you seek a warrant for
3 that?

4 A It was -- to be honest with you I'm not sure of the date.

5 Q Was it recent?

6 A I do not remember. If you have it I'll be glad to look
7 at it.

8 Q Well, I'll just ask. Was it last month; does that sound
9 correct?

10 A I really don't remember. On Dominique Ross?

11 Q Yes, on Dominique Ross.

12 A I guess. I don't know. I really don't.

13 Q I can get it later.

14 A That's good.

15 Q And then at some point you asked -- you never called
16 Dominique's cell phone?

17 A I did not.

18 Q And you did that for investigative reasons?

19 A That's correct.

20 Q You didn't want her to know that you guys were looking
21 for her?

22 A That's absolutely not true. I didn't call her on her
23 cell phone because if we needed additional information from
24 her cell phone I didn't want anything to happen to that cell
25 phone.

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1 Q Okay. So you and your officers went by Jamie Sherman's
2 house?

3 A Correct.

4 Q An apartment in Brook Pines; is that correct?

5 A The one she no longer lived in, yes.

6 Q Right. Then an apartment that was evicted; correct?

7 A St. Andrews.

8 Q Right. So you don't know -- do you have any knowledge
9 that she knew that you guys were looking for her?

10 A No, not at the time.

11 Q Okay. And at some point after you signed, after you got
12 an arrest warrant for Dominique Ross, then do you start
13 looking at the cell phone records?

14 A Which ones?

15 Q The cell phone calls of Dominique Ross, the cell log?

16 A I was looking at those at the same time. I got those --
17 when I got assigned the case they had already been looking at
18 them. We're talking about Dominique Ross?

19 Q Correct.

20 A During the same time, all at the same time.

21 Q But during that point you ended up getting the search
22 warrant for Amber Richardson's cell phone records about, a few
23 days later on February 21, 2012?

24 A Yes.

25 Q So that was, again, that was after you had tried to get a

1 warrant for Dominique Ross?

2 A No, I did get a warrant.

3 Q Yes. I misspoke. And you, again, you testified
4 previously you tried to get a copy of all her cell phone, all
5 Amber Richardson's cell phone records, but you mostly got text
6 messages?

7 A I did. That's correct.

8 Q Okay. And once you got Amber Richardson's text messages,
9 you did take time to review them?

10 A Yes.

11 Q And you -- you initially believed that somebody -- that
12 Dominique and Amber were communicating about going inside the
13 house and going outside the house --

14 A Yes.

15 Q -- is that correct?

16 A that's correct.

17 Q And later you found that was not correct?

18 A That is correct.

19 Q And that ended up being Simone Patterson; is that
20 correct?

21 A Yes. I found out later the phone belonged to a Gloria
22 Patterson.

23 Q And when -- do you remember when you found that out?

24 A When we were doing our case prep. It just would have been
25 a couple of weeks ago.

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David Unger - Cross

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1 Q All right. I want to show you a true bill for a warrant.

2 A Okay.

3 Q Please identify that for me?

4 A It is a true bill for the State verses Dominique Mahogany
5 Ross for indictment of burglary first degree. You're looking
6 for the date, correct. So it would have been March 12, 2014.
7 Just recently.

8 Q And you never did interview Simone Patterson until
9 recently; correct?

10 A I personally never interviewed her at all.

11 Q That was the solicitor's office?

12 A That is correct.

13 Q Okay. And when you were reviewing the text messages you
14 didn't notice it was not a 919 number or a 912 number?

15 A Again, going through the text messages, as you guys can
16 see, it's very, very garbled. It's not the easiest thing to
17 read. I've gone through everything. I've seen the 919 number
18 and I just -- it was just a mistake. I did have the ones
19 beforehand from Dominique and then the one right after between
20 Dominique and Amber, but those few that I had listed in my
21 follow-up that was just a mistake.

22 Q And you kind of focused on the conversations between
23 Amber Richardson and Dominique Ross, they -- when you reviewed
24 the cell phone records did they communicate quite a bit; do
25 you agree with that?

1 A What do you consider quite a bit?

2 Q Well, do they -- are they in constant communication with
3 each other during the course of those text messages?

4 A You'd have to give me all -- I only have two days worth.
5 You've have to give me all of them so I can go through them to
6 give you that answer.

7 Q I want to go back and ask you a few questions about your
8 interview with Amber Richardson.

9 A Okay.

10 Q And once you decided she's a person of interest, you
11 decide it's important that you talk with her; correct?

12 A Yes.

13 Q And on March 8 you ended up going to her house and you
14 left her a card and she called you back; is that right?

15 A Yes.

16 Q And you set up an interview and you went to pick her up
17 from the house and you drove her -- you were going to drive
18 her back to the --

19 A I did drive her back to Richland -- to headquarters at
20 Richland County.

21 Q And she's already talking about Dominique Ross and the
22 crime; is that right?

23 A That is correct.

24 Q And you stopped and mirandized her; is that correct?

25 A Yes.

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1 Q Okay. And this interview wasn't taped?

2 A No, sir.

3 Q And you mirandize her, she started to implicate herself
4 in the crime?

5 A She started to implicate herself in the crime right
6 before I mirandized her. That's why I stopped and mirandized
7 her.

8 Q Okay. And she ended up giving you a statement at that
9 time?

10 A She did.

11 Q And you relied on that statement; is that right?

12 A It's just additional evidence against Dominique Ross. I
13 relied on tons of different evidence. I relied on the
14 statements from Jamie Sherman, the phone records, other
15 records, I relied on Amber Richardson's statement. Just a
16 compounding on top of each other evidence.

17 Q And you learned that Amber Richardson's staying at the
18 apartment on St. Andrews Road?

19 A She -- no, she was all ready out of there when I talked
20 to her. She had been staying in that apartment.

21 Q Okay. I'm talking about during the time of the incident
22 --

23 A Yes.

24 Q -- not then?

25 A Yes.

1 Q And then she told you that she spoke with Dominique that
2 day; is that correct?

3 A Yes.

4 Q And then -- she also mentioned that her -- her, Amber
5 Richardson, Dexter and a couple of other guys were at her
6 apartment off of St. Andrews?

7 A Yes.

8 Q And then she mentioned that she dropped Dominique off at
9 Jamie Sherman's house?

10 A It just says Jamie's house, but yes.

11 Q And then -- did she inform you that she had no knowledge
12 of this incident until Dominique Ross told her in the car?

13 A Which time? It says Dominique told me that she and her
14 friends were going to set up Jamie for his money. Dominique
15 asked me to help by driving her friends. I dropped her off
16 and went back to the apartment.

17 Q Okay. And during the course of her saying that she did
18 identify three individuals?

19 A She did.

20 Q And she identified a Dexter McNeil?

21 A Dexter. Yes.

22 Q And did she describe him?

23 A Yes, she did.

24 Q And did she describe him as dark skin with braids?

25 A She did.

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1 Q Tall, about six feet to six-one?

2 A She did.

3 Q Skinny?

4 A She did.

5 Q Did she also describe a person named Nut-nut?

6 A She did.

7 Q And he had dreads?

8 A Yes.

9 Q He was short. She described him as five-five?

10 A She said, he's short, five-five, and he has been jailed
11 in North Carolina. He is heavy, about 220 to 230.

12 Q And then she couldn't describe the third individual?

13 A She said she didn't know his name. He was brown skinned
14 and tall.

15 Q And she told you that she heard a single gunshot?

16 A What page?

17 Q I'll point it out to you. The first page -- one of the
18 last sentences.

19 A Okay. Says, soon after I heard a gunshot and Nut-nut
20 came running back to the car. We left and went back to the
21 apartment.

22 Q And then she told her story and related that Dominique
23 came back after the men had left; correct?

24 A Dominique came back later, was dropped off by the police.
25 That was it.

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1 Q Okay. And you asked her about her text during the event?

2 A I did.

3 Q And she said that she was texting Dominique --

4 A She did.

5 Q -- inside and outside the house, and you later learned
6 that was incorrect?

7 A Well, she texting Dominique, but she was also texting
8 someone else.

9 Q Right. She wasn't truthful with you on texting somebody
10 else?

11 A No, she was not.

12 Q And does she also mention that these individuals had
13 masks on top of their heads?

14 A I don't think she described it as a mask. Hold on one
15 second.

16 Q Page 3.

17 A Page 3.

18 Q Yes. One, two, three, fourth down.

19 A They had what appeared to be masked on top of their
20 heads.

21 Q And after all this you took her statement?

22 A I did.

23 Q And you used her statement to go and find -- to go get
24 search warrants for at least Dexter McNeil; correct?

25 A That is correct.

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1 Q And her identification was critical for you to identify
2 Dexter?

3 A Yes.

4 Q And that was based on -- it was based on her statements;
5 correct?

6 A And the fact that she was shown photographs and
7 identified him as Dexter McNeil, Aunt Lee's husband.

8 Q And did you ask her whether or not she had been to North
9 Carolina before?

10 A Don't remember if I asked her that or not, to be honest
11 with you.

12 Q Okay. So -- if she was --

13 A Is that in the statement?

14 Q No, I'm just asking.

15 A It says right here, she introduced me to them in Holly
16 Springs, North Carolina. So I would figure that means she was
17 in Holly Springs, North Carolina.

18 Q Right, but she doesn't say whether -- she didn't say when
19 she met them; correct?

20 A No, she doesn't say when, she just says where.

21 Q And she could have met them at New Year's or she could
22 have met them after this crime; correct?

23 A No, I don't think that's what she said. I think it says,
24 how did you meet Dominique's friends? She introduced them in
25 Holly Springs, North Carolina. They were her friends, possibly

1 family, from there.

2 Q She didn't indicate when she met them, right?

3 A No, she did not indicate that.

4 Q Gotcha. And you didn't have any physical evidence on --
5 that Dexter McNeil was at the scene of the crime; correct?

6 A No.

7 Q And after the interview with Amber Richardson, though,
8 you swear an arrest for Dexter McNeil; correct?

9 A Yes.

10 Q And in that search warrant you do describe his height and
11 weight; is that right?

12 A Search warrant or arrest warrant?

13 Q Excuse me. Arrest warrant. I misspoke.

14 A Yes. We're talking about Dexter's?

15 Q Yes.

16 A Okay.

17 Q I can give you a copy if that'll --

18 A I have it.

19 Q -- you have a lot in there. And did you swear to a Judge
20 that your affidavit is true and correct?

21 A I did.

22 Q And as far as your description of Dexter McNeil you
23 describe him as six-two?

24 A Yes, I do.

25 Q And the weight was 261?

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1 A That's correct.

2 Q And at that point he was about -- 32 years old?

3 A You do the math. I'm not good with it.

4 Q Okay. Later on you did the same for Raeford McNeil?

5 A I did.

6 Q You did the same routine with swearing; correct?

7 A That's correct.

8 Q And he was described as five-seven?

9 A I did.

10 Q 188 pounds?

11 A That's correct.

12 Q And later you charged Amber Richardson with attempted
13 murder; is that right?

14 A That's correct.

15 Q And armed robbery?

16 A That's correct.

17 Q And did you also later charge her with burglary in the
18 first degree?

19 A I don't know if she's been indicted with burglary in the
20 first degree or not.

21 Q Going back to your arrest of Dominique Ross. Do you know
22 if she was arrested at her house in North Carolina?

23 A I don't know where she was arrested in North Carolina. I
24 was just notified that she was arrested in North Carolina.

25 Q Okay. Did you check, when you went to North Carolina,

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1 did you check to see if she had her cell phone with her?

2 A She was already in jail in North Carolina. So I wasn't
3 involved in her arrest. She was arrested by the North
4 Carolina authorities so I wouldn't have been there to grab a
5 cell phone from her or anybody from the Richland County
6 Sheriff's Department was there. It was all done through the
7 North Carolina authorities.

8 Q So you don't know if she had her cell phone?

9 A I have no clue. No.

10 Q So you don't know if she did anything with her phone;
11 right?

12 A No. I have no clue.

13 MR. STANLEY: One brief second, Your Honor.

14 THE COURT: Yes, sir.

15 BY MR. STANLEY:

16 Q All right. Last little bit.

17 A Sure.

18 Q And you didn't arrest Amber Richardson on the spot after
19 she confessed?

20 A I didn't.

21 Q You wanted her cooperation?

22 A Sure.

23 Q And you let her turn herself in; is that correct?

24 A After I obtained warrants, I did.

25 Q And then she was in jail for nine days; is that right?

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1 A Yes.

2 Q Turning to the course of your investigation, would it
3 have been helpful to speak with Simone Patterson closer to the
4 time of the scene of the crime?

5 A Could have been, yes.

6 Q And you had her number based on your text messages; is
7 that correct?

8 A Yes.

9 Q Okay. And if there was somebody who saw the three men
10 leave the house, that would have been useful for you to --
11 during your investigation?

12 A Yes.

13 Q You never knew about that?

14 A No.

15 Q And, again, it would also have been useful if Jamie
16 Sherman or somebody had told you that he had met one of the
17 alleged perpetrators; correct?

18 A Yes.

19 Q At this point, I'll ask you, have either Dexter McNeil or
20 Raeford McNeil gone to trial on this case?

21 A No. Dexter is scheduled for June and Raeford sometime
22 after that in the summer, late summer.

23 Q So neither of them have been found guilty in this case?

24 A No.

25 MR. STANLEY: No further questions.

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1 THE COURT: Redirect?

2 MS. CAMPBELL: Yes, Your Honor.

3 THE COURT: Yes, ma'am.

4 MS. CAMPBELL: Thank you.

5 DAVID UNGER - REDIRECT EXAMINATION

6 BY MS. CAMPBELL:

7 Q As you mentioned earlier, your investigations are on-
8 going?

9 A Yes, ma'am.

10 Q People come forward at different times?

11 A Yes, ma'am.

12 Q As you explained to the jury, from different witnesses?

13 A Yes, ma'am.

14 Q And in this case have you also developed additional
15 evidence not only against Dominique Ross?

16 A Yes.

17 Q But additional evidence on Dexter McNeil?

18 A Yes.

19 Q Including some reported phone calls?

20 A That is correct.

21 Q In which he makes admissions?

22 A Yes, ma'am.

23 Q And Raeford?

24 A Yes.

25 Q And as the information is corroborated does it matter to

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1 you when it comes forward?

2 A No, ma'am,

3 Q Does it become tainted just because there was mis-
4 communication?

5 A No, ma'am. As I explained to you guys earlier, people
6 are scared when it comes to these crimes. I mean, this is a
7 violent, violent criminal action. Somebody's home is broken
8 into and somebody was shot, almost killed. When people hear
9 of that they have a tendency to be scared. Especially when
10 they may be close to it. It is what it is. It's such a
11 violent crime by such violent people that people are scared
12 sometimes to come forward. It happens all the time in our
13 murders and in our major cases that we work. It happens all
14 the time. Sometimes you have to really help them come
15 forward. A lot of times it doesn't happen until it gets close
16 to trial, because that's when everybody starts wondering
17 what's going on.

18 Q And in that fashion, too, let me ask you specifically
19 about what Jamie Sherman told you. You didn't take any of the
20 statements from Jamie Sherman, did you?

21 A No, ma'am. I never took a statement from Jamie Sherman.

22 Q And he asked you about this defendant's phone. Has anyone
23 you made contact with provided her phone to you?

24 A No.

25 Q I'll also ask you about the physical descriptions of

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1 Dexter McNeil and Raeford. The description that you put in
2 your warrants, where did that come from?

3 A It came from the North Carolina Department of Corrections
4 website.

5 Q So that's information that would have been provided on a
6 prior occasion?

7 A That's correct.

8 Q That would have been provided by these two people. The
9 description that Amber and the victim gave in this case, were
10 they consistent with Dexter McNeil?

11 A They're very similar.

12 Q I'll show you State's Exhibit No. 99, Dexter McNeil; do
13 you recognize that?

14 A I do.

15 Q And is that a booking photo sometime after he was
16 extradited back here?

17 A Yes, ma'am.

18 Q And I'll show you State's Exhibit No. 100, Raeford
19 McNeil?

20 A Yes, ma'am.

21 Q Is that a booking photo sometime after he was extradited?

22 A Yes, ma'am.

23 MS. CAMPBELL: Your Honor, we'd offer into evidence.

24 THE COURT: Without objection they will be admitted as
25 marked.

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1 (State's Exhibit No. 99, booking
2 photo, was marked and entered.)

3 (State's Exhibit No. 100, booking
4 photo, was marked and entered.)

5 BY MS. CAMPBELL:

6 Q And now that he's brought it up, Dexter McNeil's
7 description, the braids, the height, the appearance. Is that
8 how he looks?

9 A Yes, ma'am.

10 Q The shorter one?

11 A Raeford.

12 Q State's Exhibit No. 100, dreads, shorter, heavy. Is that
13 how he looks?

14 A Yes, ma'am.

15 Q Amber Richardson, she cooperated with you?

16 A Yes, ma'am.

17 Q She gave you information?

18 A She did.

19 Q But for her cooperation would she ever have been
20 arrested?

21 A Yes -- I'm sorry. Say that again?

22 Q Would she ever -- but for Amber's cooperation would she
23 ever have been arrested?

24 A No, she would not have.

25 Q So she basically implicated herself?

1 A She did implicate herself.

2 Q Talking about the crime scene, physical evidence. Is it
3 unusual to have a crime scene, people who know what they're
4 doing, say not to leave blood or saliva at the scene?

5 A Oh, absolutely, especially something as fast as this.

6 Q And was there any dispute in this case on those blood
7 samples that were taken and whose blood that was?

8 A No dispute whatsoever.

9 Q And even if the tests had been done that showed Dominique
10 was there, was there any dispute that she was there that
11 night?

12 A No. We knew she was there and we knew the blood was from
13 that victim.

14 Q And the co-defendants, they will have their day in Court?

15 A Yes, ma'am, they will.

16 Q And because of scheduling including court schedules,
17 lawyers schedules and other's schedules, that can determine
18 when the case goes to trial?

19 A Oh, absolutely. Especially in a county like this, so
20 busy.

21 Q And he asked you specifically about the charges. Is it
22 unusual for the charges to be added later or to be charged
23 later?

24 A No, it happens all the time.

25 Q And the male co-defendants in this case, they were also

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1 charged in the same way?

2 A They were, the two that we caught.

3 Q Dominique Ross, the person you traveled up to Raleigh to
4 see, do you see her here in the courtroom?

5 A I do.

6 Q Can you identify her for the jury?

7 A She's right there sitting in between her two lawyers.

8 MS. CAMPBELL: Your Honor, I'd like the record to reflect
9 he's identified the defendant.

10 THE COURT: So reflect.

11 MS. CAMPBELL: I don't have anything else.

12 THE COURT: Recross.

13 DAVID UNDER - RE-CROSS EXAMINATION

14 BY MR. STANLEY:

15 Q You testified that Dexter McNeil weighed 260 (sic)
16 pounds?

17 A That's what I had from the department of corrections. I
18 never came in contact with him. So I can only take
19 information off of the website.

20 Q Would you consider that skinny?

21 A Six -- how tall is he, six-two. Not skinny but he's not
22 heavy either.

23 MR. STANLEY: No further questions.

24 THE COURT: You may step down, sir. Thank you very much.

25 MR. UNGER: Thank you.

1 THE COURT: State may call its next witness.

2 MS. WALKER: Your Honor, at this time State rests.

3 THE COURT: All right. Ladies and gentlemen, that
4 concludes the presentation of evidence by the state. There
5 are some matters that I have to take up with the attorneys at
6 this point in time. So there will be a break while I take
7 care of those things. You'll be stepping back to the jury
8 room. As always, I'll ask you not to discuss the case until I
9 advise you to begin your deliberations. You may retire to the
10 jury room.

11 (Jury out at 3:03 p.m.)

12 THE COURT: Defense motions.

13 MR. LEONARD: Your Honor, we do. At this time my client
14 would like to use the restroom if that will be okay.

15 THE COURT: Sure. We'll take about a five minute break
16 and then we'll come back and address those matters.

17 Court will be in recess briefly. I'll stay on the bench.

18 MR. LEONARD: Your Honor, may we approach?

19 THE COURT: Yes.

20 (Off the record bench conference with counsel and the Court.)

21 (Court in recess for short break.)

22 (Court in session after short break.)

23 THE COURT: All right. Let's come to order.

24 Defense motions?

25 MR. LEONARD: Thank you, Your Honor. May it please the

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1 stand and state your full name for the record.

2 MS. ROSS: My name is Dominique Ross.

3 THE COURT: Your witness, Counselor.

4 MR. LEONARD: Thank Your Honor.

5 DOMINIQUE ROSS - DIRECT EXAMINATION

6 BY MR. LEONARD:

7 Q Dominique, I know sometimes you're a little soft-spoken.
8 I'm going to stand over here so that the jury can fully hear
9 you. Is that okay, can you hear me okay?

10 A Yes, sir.

11 Q Dominique, in 2012, how old were you?

12 A 21.

13 Q You were 21. Where were you living at that time?

14 A I was living in Brook Pines.

15 Q You were living in Brook Pines. How long did you live in
16 Columbia?

17 A I had been in Columbia maybe two years.

18 Q What brought you down to Columbia?

19 A My dad was stationed here at Ft. Jackson.

20 Q At Ft. Jackson. Where were you before you moved down
21 here with your father?

22 A North Carolina.

23 Q What part of North Carolina?

24 A Goldsboro.

25 Q So your dad gets transferred to Ft. Jackson?

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1 A Yes, sir.

2 Q And you moved down here with him?

3 A Yes, sir.

4 Q Are you in school at that time?

5 A Yes, sir.

6 Q What grade are you in?

7 A I was in 12 grade.

8 Q Did you attend 12 grade here in Columbia?

9 A Yes, sir.

10 Q Where did you go to high school?

11 A I went to Richland Northeast.

12 Q Is that where you met Amber Richardson and (inaudible)
13 Jackson?

14 A Yes, sir.

15 Q Did you meet Jamie Sherman at that time?

16 A No, sir.

17 Q Okay. So I know you're nervous, but I want to talk a
18 little bit about the events that bring us here today. You
19 know Amber Richardson from high school?

20 A Yes, sir.

21 Q How do you know her besides high school?

22 A I know her from high school, but at the high school we
23 had linked up and we got an apartment -- well, we started
24 dating and then we moved into an apartment with Justin and
25 Breana Jackson.

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1 Q And Amber ever met your family?

2 A No.

3 Q Did she ever go up to North Carolina with you?

4 A Yes, sir.

5 Q Did she meet your mother up there?

6 A Yes, sir.

7 Q Did she meet your aunt up there?

8 A Yes, sir.

9 Q Did she meet your uncle up there?

10 A Yes, sir.

11 Q So she had met your family?

12 A Yes, sir.

13 Q So Amber was familiar with your family before the events
14 of January that took place?

15 A Yes, sir.

16 Q Do you know Jamie Sherman?

17 A Yes, sir.

18 Q How do you know Jamie Sherman?

19 A Through my ex-girlfriend, Dion Dotson.

20 Q Dion Dotson introduced you and Jamie?

21 A Yes, sir.

22 Q How did Dion know Jamie?

23 A From getting her car washed and buying CDs from him.

24 Q So in getting her car washed by Jamie, you were with her
25 one of those times?

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1 A Yes, sir.

2 Q And then did Dion introduce you to Jamie?

3 A Yes, sir.

4 Q How did you -- at some point you started hanging out with
5 him more often --

6 A Yes, sir.

7 Q -- without Dion; correct?

8 A Yes, sir..

9 Q How did that come about?

10 A One day I was walking to Family Dollar and he approached
11 me and asked me did I want to buy a puppy.

12 Q Did you want to buy a puppy?

13 A Yes, sir.

14 Q What did you say?

15 A I said I needed to talk to my girlfriend about it first.

16 Q And that would be Dion?

17 A Yes, sir.

18 Q Did you and Dion discuss getting a puppy together?

19 A Yes, sir.

20 Q And did you later buy a puppy from Mr. Sherman?

21 A Yes, sir, I did.

22 Q How much did you pay for that puppy?

23 A \$100.

24 Q What kind of puppy was it?

25 A A pitbull.

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1 Q Did you name the dog?

2 A Yes, sir.

3 Q What did you name it?

4 A Breezy.

5 Q Now did Breezy stay with you and Dion?

6 A Yes, sir.

7 Q And at some point did Breezy have to leave the apartment?

8 A Yes, sir.

9 Q Why did your dog have to leave?

10 A Because one day I was outside playing with her and the
11 lady at the apartments asked me was that my dog and was she a
12 pitbull and I told her, yeah, and she told me that Pitbulls
13 wasn't allowed on the property and I had to get rid of it or
14 be evicted.

15 Q So what did you decide to do?

16 A I decided to take her back to Jamie Sherman house.

17 Q So you took the dog back to Mr. Sherman?

18 A I was giving her back to him temporarily.

19 Q Temporarily, so that -- you were keeping the dog at
20 Jamie's house?

21 A Yes, sir.

22 Q So it was still your dog you were just keeping her at
23 Jamie's house?

24 A Yes, sir.

25 Q Did you ever go over to Jamie's house to take care of the

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1 dog?

2 A Yes, sir.

3 Q How often would you go over there?

4 A Three times a week.

5 Q What would you do when you went over there?

6 A When I went over there I would feed her, bathe her.

7 Q Now, at the time how would you get to Jamie's house when
8 you went to take care of your dog?

9 A I would walk.

10 Q You would walk because you were living --

11 A At Brook Pines.

12 Q -- at Brook Pines. And Brook Pines is right next to
13 Jamie's house?

14 A Yes, sir.

15 Q I hear some testimony, someone said that you leave Brook
16 Pines?

17 A Yes, sir.

18 Q Why do you leave Brook Pines?

19 A Because me and Dion Dotson broke up.

20 Q And so you have a falling out with your girlfriend and
21 you need to move?

22 A Yes, sir.

23 Q And where did you live?

24 A Off of St. Andrews in Stoney Creek.

25 Q Stoney Creek. Is that the same apartment with Breana

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1 Jackson and her boyfriend Justin and I think Amber Richardson
2 also lived there; is that true?

3 A Yes, sir.

4 Q So you moved over to Stoney Creek. Are you still keeping
5 your dog at Jamie's house?

6 A Yes, sir.

7 Q Are you still taking care of your dog?

8 A Yes, sir.

9 Q Do you have a car at this time?

10 A No, sir.

11 Q How are you getting from Stoney Creek off St. Andrews
12 over to Jamie's house?

13 A Amber Richardson.

14 Q Amber Richardson has a car?

15 A Yes, sir.

16 Q And she drives you?

17 A Yes, sir.

18 Q During this time, what's your relationship evolving with
19 Amber Richardson at this time?

20 A We began dating.

21 Q Began dating. So she wasn't necessarily -- was she doing
22 you favors by driving you around or was that part of your
23 relationship?

24 A Part of our relationship.

25 Q January 8, did you have plans to go to Jamie Sherman's

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1 house?

2 A Yes, sir.

3 Q When were those plans made?

4 A Earlier in the week.

5 Q January 8 was a Sunday, I believe; is that right?

6 A Yes, sir.

7 Q Were you planning originally to go over there that
8 Sunday?

9 A No, sir.

10 Q What were your plans originally?

11 A To go over there that Saturday.

12 Q To go that Saturday?

13 A Yes, sir.

14 Q But you didn't go Saturday?

15 A No, sir.

16 Q Why didn't you go Saturday?

17 A Because I was busy with school work and I told him I
18 would come tomorrow, the next day after that.

19 Q You told Jamie that you would be over the next day?

20 A Yes, sir.

21 Q And he was okay with you coming over?

22 A Yes, sir.

23 Q He wanted you to come over there?

24 A Yes, sir.

25 Q Why did you want to go over there, what were your plans?

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1 A Jamie asked me could I go through some DVDs that he had
2 just got.

3 Q Some DVDs that he had just got?

4 A Yes, sir.

5 Q Like DVDs that he had just bought?

6 A No.

7 Q What does Jamie do with DVDs?

8 A He burn them and resell them.

9 Q Are these DVDs, like, real DVDs?

10 A No, sir.

11 Q They're counterfeit DVDs?

12 A Yes, sir.

13 Q So Jamie gets counterfeit DVDs, burns them, copies them
14 and resells them?

15 A Yes, sir.

16 Q Where does he resell them?

17 A At his car wash.

18 Q At his car wash?

19 A Yes, sir.

20 Q Does he sell anything else at his car wash?

21 A Yes, sir.

22 Q What else does Jamie sell at his car wash?

23 A Food, drugs, marijuana, DVDs, CDs, alcohol, cigarettes,
24 cigars, shoes, clothes.

25 Q Wow. At a car wash?

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1 A Yes, sir.

2 Q So you're going over to help with the DVDs. What does he
3 need your help with the DVDs for?

4 A He told me that he wanted me to go through them and see
5 which ones was eligible to watch and which ones wasn't.

6 Q And so he's got stacks of them?

7 A Yes, sir.

8 Q And you're supposed to go through them one by one?

9 A Yes, sir.

10 Q Have you ever had to work -- have you ever worked for
11 Jamie before?

12 A Yes, sir.

13 Q What other kind of work do you do for Jamie?

14 A Wash cars and supervise while he wasn't there.

15 Q So you would actually wash cars at the car wash?

16 A Yes, sir.

17 Q You actually take a sponge to the cars and wash them?

18 A Yes, sir.

19 Q And when he wasn't there there would be other people
20 washing cars and you would supervise them?

21 A Yes, sir.

22 Q How long had you been doing that for?

23 A Maybe like a month.

24 Q Did he pay you for that?

25 A Yes, sir.

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1 Q How much did he pay you?

2 A It depend on what the people want. If they got a full
3 detail or if it was just a quick wash.

4 Q So depending on what you did was how much you'd get paid?

5 A Yes, sir.

6 Q While you were working there how much do you think he
7 would pay you?

8 A Like \$40 to \$50.

9 Q \$40 to \$50 a week?

10 A Yes, sir.

11 Q Just for going and washing cars. On January 8, you're
12 going to sort some DVDs or watch some DVDs with Jamie. Was he
13 going to pay you for that?

14 A No.

15 Q He wasn't going to pay you for that; why were you doing
16 it?

17 A Because he let me keep my dog there and when I didn't
18 have money he fed her.

19 Q A favor for a favor. So you guys were friends?

20 A Yes, sir.

21 Q Now, your plans to go over to Jamie's on the 8, were you
22 supposed to go first thing in the morning?

23 A No.

24 Q No?

25 A No.

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1 Q When were you supposed to go?

2 A I told him that I would come over in the afternoon when I
3 was done with my daily plans, because I told him that I was
4 going to play basketball.

5 Q You were going to play basketball?

6 A Yes, sir.

7 Q So you weren't going over there until Sunday, January 8
8 because you were going to play basketball?

9 A Yes, sir.

10 Q Where did you go play basketball?

11 A At Benedict, the outside court.

12 Q They have basketball courts over there at the college?

13 A Yes, sir.

14 Q Were you in school at this time?

15 A Yes, sir.

16 Q Where were you going to school?

17 A ITT Tech.

18 Q Were you working during this time?

19 A Off and on.

20 Q Where were you working?

21 A GB Shoes.

22 Q Okay. So you're going to school and you were working. On
23 Sunday you were going to play basketball at Benedict College.

24 A Yes, sir.

25 Q Who were you supposed to go with?

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1 A I went with Breana Jackson and her boyfriend, Justin.

2 Q How did you get there?

3 A Breana Jackson.

4 Q How long were you there? Well, what time did you get
5 there?

6 A I got there around 12:00, 11:30, 12:00.

7 Q Now, did you have a scheduled court time or was it a
8 pick-up game?

9 A No, sir. They were pick-up games.

10 Q How long were you there for?

11 A I was there until around 5:30, 6:00 o'clock.

12 Q So you played basketball all day?

13 A Yes, sir.

14 Q Were you constantly on the court for six or seven hours?

15 A No, sir.

16 Q When you weren't on the court what were you doing?

17 A Watching other games and eating.

18 Q Did you ever use your cell phone?

19 A Yes, sir.

20 Q Who did you talk to when you used your cell phone?

21 A I talked to my mom and I talked to my aunt and I talked
22 to Bre, but not on my cell phone.

23 Q So you talked to your mom and your aunt?

24 A Yes, sir.

25 Q Do you talk to them a lot?

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1 A Yes, sir.

2 Q You said your dad's at Ft. Jackson, is he still there?

3 A No, sir.

4 Q Was he there January 8, 2012?

5 A No, sir.

6 Q Where was he?

7 A He was deployed.

8 Q Deployed to where?

9 A Afghanistan.

10 Q So at that time did you have any family in Columbia?

11 A No, sir.

12 Q Do you get to see your family very often?

13 A No, sir.

14 Q So you talk to them on the phone?

15 A Yes, sir.

16 Q Do you make phone calls and texts?

17 A Yes, sir.

18 Q A lot of them?

19 A Yes, sir.

20 Q How many?

21 A It varies.

22 Q But quite often?

23 A Yes, sir.

24 Q It's the only way you can communicate with your family?

25 A Yes, sir.

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1 MS. CAMPBELL: Objection, Your Honor. If he could ask
2 non-leading questions.

3 MR. LEONARD: I'm sorry. I'll try to move alone.

4 THE COURT: I would suggest you rephrase.

5 BY MR. LEONARD:

6 Q What time did you get done playing basketball?

7 A 5:30, 6:00 o'clock.

8 Q Where do you go?

9 A I went back to Stoney Creek.

10 Q How did you get there?

11 A Breana Jackson.

12 Q Breana and who?

13 A Breana Jackson and her boyfriend, Justin.

14 Q So you -- is there anybody else at the house?

15 A No, sir.

16 Q How far is it to your house from Benedict College?

17 A Maybe 10 to 15 minutes.

18 Q So what time do you think it is now?

19 A Maybe around 7:10.

20 Q 7:10. What do you do when you get home?

21 A I ate and I took a shower.

22 Q After you got out of the shower was Amber Richardson
23 there?

24 A No, sir.

25 Q What did you do next?

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1 A I called her and I asked her would she be able to take me
2 to Jamie Sherman house.

3 Q But she wasn't at the house?

4 A No, sir.

5 Q So you needed her to come and take you?

6 A Yes, sir.

7 Q She was living with you at the time?

8 A Yes, sir.

9 Q And you guys were kind of dating?

10 A Yes, sir.

11 Q Did she know why you were going over to Jamie's house?

12 A No, sir.

13 Q Did she ask?

14 A No, sir.

15 Q Was it uncommon for you to go over there?

16 A No, sir.

17 Q She had driven you over there before?

18 A Yes, sir.

19 Q So Amber get to you guys house?

20 A Yes, sir.

21 Q Was her cousin Simone Patterson with her?

22 A No, sir.

23 Q Do you see Simone Patterson that day at all?

24 A No, sir.

25 Q Is your Uncle Dexter at the house?

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1 A No, sir.

2 Q Is his brother, Raeford, is he at the house?

3 A No, sir.

4 Q Who's at the house?

5 A Me, Amber, Simone -- I mean, not Simone. Me, Amber,
6 Breana Jackson and her boyfriend Justin.

7 Q At that time did you guys plan a meeting to go rob Jamie
8 Sherman?

9 A No, sir.

10 Q So Amber is going to take you to the house?

11 A Yes, sir.

12 Q Do you know what time she took you?

13 A She took me about 8:20, 8:15.

14 Q Where does she take you to, does she -- let me rephrase
15 that question. Does Amber drop you off at the door of Jamie
16 Sherman's house?

17 A No, sir.

18 Q Where does she drop you?

19 A In the front of his house.

20 Q In the driveway?

21 A Yes, sir.

22 Q Did she drop you off at the car wash?

23 A No, sir.

24 Q She dropped you off right in front of Jamie's house?

25 A Yes, sir.

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1 Q Did she come in?

2 A No, sir.

3 Q What do you do once you get dropped off?

4 A Once I get dropped off. I see Jamie washing a car and he
5 was like, I'm on my last car. You can go ahead in the house.

6 Q So you go ahead in the house?

7 A Yes, sir.

8 Q Did you have a key?

9 A No, sir.

10 Q Is it locked?

11 A No, sir.

12 Q So you can just go on in?

13 A Yes, sir.

14 Q Is that what you do?

15 A Yes, sir.

16 Q What do you do when you get in the house?

17 A When I got in the house I sat on the couch and started
18 playing with my dog, Breezy.

19 Q Your dog is in the house?

20 A Yes, sir.

21 Q Are there any other dogs in the house?

22 A Yes, sir.

23 Q How many dogs did Jamie have?

24 A Three including her.

25 Q So you're playing with your dog on the couch?

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1 A Yes, sir.

2 Q And then what happened?

3 A And then around 20 to 30 minutes later Jamie Sherman came
4 home.

5 Q He comes in the front door?

6 A Yes, sir.

7 Q What happened next.

8 A Jamie was like, I'm going to go take a shower. First I
9 need to feed the dogs, let them out so they can use the
10 bathroom.

11 Q Is that what Jamie does?

12 A Yes, sir.

13 Q He lets the dogs out?

14 A Yes, sir.

15 Q He feeds them?

16 A Yes, sir.

17 Q What are you doing at that time?

18 A Sitting on the couch.

19 Q Texting people?

20 A Yes, sir.

21 Q Do you text a lot of them?

22 A Yes, sir.

23 Q What happens next?

24 A After Jamie let the dogs out he handed me the stack of
25 DVDs, marijuana and a cigar.

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1 Q Why was he handing you a cigar?

2 A He asked me could I roll it before he got into the
3 shower.

4 Q So you guys smoked pot together?

5 A Yes, sir.

6 Q He handed you a stack of DVDs and what then?

7 A So I could start burning them.

8 Q How do you do that, where do you do that?

9 A In his back room.

10 Q What's in the back room that you need to do that?

11 A A burner.

12 Q Is that where you did them?

13 A Yes, sir.

14 Q Were you in the back room rolling a blunt?

15 A Yes, sir.

16 Q Where's Jamie?

17 A He's walking around the house.

18 Q Does he go to the bathroom?

19 A Yes, sir.

20 Q What happens next?

21 A After Jamie Sherman stepped into the bathroom I continued
22 to start going through the DVDs and rolling the marijuana.

23 Q What next?

24 A Around 15 minutes later I hear the shower start going.

25 Q 15 minutes later?

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1 A Yes, sir.

2 Q Okay. So you hear the shower going?

3 A Yes, sir.

4 Q Then what happens?

5 A I started going through the DVDs. I popped in one into
6 the monitor and started to see if it worked.

7 Q And then what happened?

8 A Then about 20 minutes later there was a knock at the
9 door.

10 Q (Mr. Leonard knocks on the wall.)

11 A Yes, sir.

12 Q Was it louder?

13 A Yes, sir, it was louder.

14 Q What was it like?

15 A It was like more of an aggressive knock.

16 Q (Mr. Leonard knocks on the wall.)

17 A Yes, sir.

18 Q What did you do next?

19 A I told Jamie that someone was knocking on the door..

20 Q I thought Jamie was in the bathroom?

21 A He was.

22 Q How'd you tell him?

23 A I went to the bathroom door and I knocked on the bathroom
24 door and I said, Jamie, someone's at the door.

25 Q Did you knock on the door?

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1 A Yes, sir.

2 Q Did he hear you?

3 A Yes, sir.

4 Q What did he say?

5 A He cracked the door and he was like go ahead and answer
6 it. I'm getting out the shower anyway.

7 Q What do you do next?

8 A After I left Jamie I proceeded to go open the door, but
9 before I opened the door I put the marijuana blunt on the
10 kitchen table and I went to open the door.

11 Q Is the door locked?

12 A Yes, sir.

13 Q Did you open the door?

14 A Yes, sir.

15 Q Do you walk passed the bathroom from the back room where
16 you are to the front room to unlock it?

17 A Yes, sir.

18 Q Do you know who's on the other side of that door?

19 A When I asked who is it the person said Amp.

20 Q Amp?

21 A Yes, sir.

22 Q Do you know Amp?

23 A Yes, sir.

24 Q You do know Amp?

25 A Yes, sir.

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1 Q Who is Amp?

2 A It was an employee that had recently worked for Jamie.

3 Q And you opened the door?

4 A Yes, sir.

5 Q What happens next?

6 A After I unlocked the door and proceeded to open the door
7 before I can get the door all the way open two men rushed
8 through the door.

9 Q Go on.

10 A The first dude that entered into the door, he grabbed me,
11 threw me on the ground and said, if you move I'll kill you.
12 The second dude that proceeded went straight through the
13 kitchen and proceeded to go towards the bathroom.

14 Q Where did he grab you?

15 A He grabbed me on the arm.;

16 Q On the arm?

17 A Yes, sir, on the forearm.

18 Q Is that why they took the swab from your arm?

19 A Yes, sir.

20 Q So he grabbed you on the arm; what did he do with you?

21 A He threw me on the ground and I was laying on the ground
22 with my head in my arms.

23 Q Could you see anything?

24 A No, sir.

25 Q Could you hear anything?

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1 A Yes, sir.

2 Q What did you hear?

3 A After he threw me on the ground I heard the second
4 suspect that came through the door tell Jamie, you better give
5 it up, and I heard tussling with the door like opening and
6 shutting of the bathroom door.

7 Q Did you see anything?

8 A Nothing.

9 Q So you hear the door opening and shut?

10 A Yes, sir.

11 Q They're fighting over it?

12 A Yes, sir.

13 Q What happens next?

14 A The dude that had me on the ground, he left and went
15 around the corner where Jamie and the other suspect was and I
16 heard one gunshot.

17 Q Do you try to run at that point?

18 A No, sir.

19 Q Why not?

20 A Because the first suspect that had me told me that if I
21 ran that he would kill me.

22 Q Are you scared?

23 A Yes.

24 Q So the two people that you've seen so far now are towards
25 the bathroom. You've already heard the gunshot?

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1 A Yes, sir.

2 Q You just hear the one gunshot?

3 A Yes, sir.

4 Q What happens next?

5 A I just hear them say you know time it is, you better give
6 it up. I heard Jamie say okay, I'll show you.

7 Q He says, okay, I'll show you?

8 A Yes, sir.

9 Q Do you think they were asking for cash?

10 A I don't know.

11 Q Do you see anything?

12 A No, sir.

13 Q Why can't you see anything?

14 A Because I'm in the living room.

15 Q What happens next?

16 A The two gunmen run past me out the front door.

17 Q What happens next?

18 A I get up. I immediately get up after the two suspects
19 run past me and lock the front door back.

20 Q So the suspects ran past you?

21 A Yes, sir.

22 Q What happens next?

23 A I proceed to go to the back to see where Jamie was.

24 Q Where was he?

25 A Coming out of his bedroom.

1 Q What condition was he in?

2 A He was bleeding and he was just walking around with his
3 hand over his eye?

4 Q He was walking like this? (Mr. Leonard demonstrates.)

5 A Yes, sir.

6 Q Is blood coming out?

7 A Yes, sir.

8 Q What do you do?

9 A I went past Jamie back to the bedroom, grabbed my phone
10 and called 911 and got a towel to put over his head.

11 Q Did he ask you to call 911?

12 A No, sir.

13 Q But you did call 911?

14 A Yes, sir.

15 Q Where was your phone?

16 A In his bedroom.

17 Q So you had to go back to his bedroom to get your phone?

18 A Yes, sir.

19 Q Ms. Ross, I'm going to play you the 911 phone call. I'd
20 like you to identify if that's your voice?

21 A Yes, sir.

22 MR. LEONARD: Permission to publish this, Your Honor.

23 MS. CAMPBELL: Your Honor, I believe it's in evidence. We
24 have no objection if he'll just use the one that's in
25 evidence. I think to publish to the jury.

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1 THE COURT: The call is in evidence.

2 MR. LEONARD: Your Honor, I don't have a CD player.

3 If the state would help me figure out how to use theirs
4 I'll be more than happy to. I do have it saved, the exact
5 same copy the state provided me.

6 THE COURT: Do you wish to go over it before the jury
7 hears it?

8 MS. CAMPBELL: No. I mean, they'll have the real -- if
9 there's any --

10 THE COURT: Okay. You may proceed.

11 MR. LEONARD: Thank you, Your Honor.

12 (911 phone call is played for the jury.)

13 BY MR. LEONARD:

14 Q Dominique, that 911 call which is marked as State's
15 Exhibit No. 97, do you recognize the voice?

16 A Yes, sir.

17 Q Did you call 911?

18 A Yes, sir.

19 Q Why'd you call 911?

20 A Because Jamie had been shot.

21 Q You sound kind of scared on that 911 tape?

22 A Yes, sir.

23 Q Were you?

24 A Yes, sir.

25 Q When the cops show up at Jamie Sherman's house do they

1 come up to you?

2 A Yes, sir.

3 Q Do they get Jamie in the ambulance?

4 A Yes, sir.

5 Q Do you remain?

6 A Yes.

7 Q Do they ask you questions?

8 A Yes, sir.

9 Q What did they ask?

10 A They asked me what happened and how many suspects there
11 were.

12 Q Did you tell them that you heard the knock at the door?

13 A Yes, sir.

14 Q Did you tell them that person identified themselves?

15 A Yes, sir.

16 Q What did you tell them was the name of the
17 identification?

18 A Amp.

19 Q Did they ask to take a swab of your arm?

20 A Yes, sir.

21 Q Why?

22 A Because I told them that I had been grabbed.

23 Q Did you have any bruising?

24 A Yes, sir.

25 Q Did they mention that bruising to you, did you show it to

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1 them?

2 A I showed it to them.

3 Q What'd they say?

4 A They just told me that they were going to have someone
5 come swab.

6 Q How long were you at Jamie Sherman's house after he had
7 been taken in the ambulance?

8 A An hour and 30 minutes to two hours.

9 Q You were there the whole time when police officers?

10 A Yes, sir.

11 Q Did you answer any questions they asked?

12 A Yes, sir.

13 Q Did they ask where you were staying?

14 A No, sir.

15 Q Did they ask for your phone number?

16 A No, sir.

17 Q Did they ask for your address?

18 A Yes, sir.

19 Q Did you give it to them?

20 A Yes, sir.

21 Q Which one did you give to them?

22 A Brook Pines.

23 Q Brook Pines?

24 A Yes.

25 Q Did they take you home?

1 A They took me back to Brook Pines.

2 Q Why did you decide to go back to Brook Pines?

3 A Because it was just closer and when I was on the scene I
4 saw Dion Dotson and she told me to come to her house after.

5 Q So you were texting your ex-girlfriend during this?

6 A No. She walked up on the scene.

7 Q Dion came -- she saw the lights and she came over?

8 A Yes, sir.

9 Q She lived right next door?

10 A Yes, sir.

11 Q Did you go to her house?

12 A Yes, sir.

13 Q What did you do next?

14 A When I got to -- when the police dropped me off at Dion
15 house, I stayed over there and we talked and she asked me was
16 I okay. And then she drove me back to Stoney Creek.

17 Q Back to your house at Stoney Creek?

18 A Yes, sir.

19 Q What happens next?

20 A Before I got out the car Dion asked, I was like, well,
21 tomorrow can you take me to the hospital so I can see how
22 Jamie was doing.

23 Q Tomorrow being Monday?

24 A Yes, sir.

25 Q Did she take you to the hospital to check on Jamie?

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1 A Yes, sir.

2 Q And were you able to see Jamie?

3 A No, sir.

4 Q Why not?

5 A Well, when I went to the front desk and asked what floor
6 was Jamie Sherman on. They asked me about an alias name or
7 number.

8 Q Did you have an alias name or number?

9 A No, sir.

10 Q Were you able to see Jamie?

11 A No, sir.

12 Q You were in school at that time, right?

13 A Yes, sir.

14 Q Did you go back to school Monday?

15 A No, sir.

16 Q Why not?

17 A I was traumatized.

18 Q Did you go to school Tuesday?

19 A No, sir.

20 Q Did you go back to school?

21 A Yes, sir.

22 Q When did you go back to school.

23 A Wednesday.

24 Q Wednesday at ITT Tech?

25 A Yes, sir.

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1 Q You don't stay in Columbia, though, right?

2 A Can you repeat that?

3 Q You don't stay in Columbia?

4 A No, sir.

5 Q Why not?

6 A After talking to my parents, after this happened. I told
7 them how I felt about the situation.

8 Q Did you have any family in Columbia at that time?

9 A No, sir.

10 Q Where does all your family live?

11 A North Carolina.

12 Q Did you decide to move to North Carolina?

13 A Yes, sir.

14 Q Were you fleeing from the police?

15 A No, sir.

16 Q Were you scared?

17 A Yes, sir.

18 Q Were you scared because the police were after you?

19 A No, sir.

20 Q Were you scared because of the two men just held a gun to
21 you?

22 A Yes, sir.

23 Q Did you move back with your mom?

24 A No.

25 Q Who did you move back with?

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1 A My aunt.

2 Q Aunt Lee?

3 A Yes, sir.

4 Q Why?

5 A Because when I left ITT Tech I was taking up criminal
6 justice and there was no school around my mom that offered
7 that.

8 Q Your mom doesn't live next to a college?

9 A No, sir.

10 Q How long did you stay in Columbia before you moved to
11 North Carolina?

12 A About two weeks.

13 Q And you moved?

14 A Yes, sir.

15 Q Did anybody move with you?

16 A Yes, sir.

17 Q Who?

18 A Amber Richardson.

19 Q Did she stay up there with you for long?

20 A No, sir.

21 Q What did you do when you got to North Carolina?

22 A I started applying for schools and trying to find a job.

23 Q And you were eventually arrested in North Carolina?

24 A Yes, sir.

25 Q How did the police catch you, were you on your own?

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1 A No, sir.

2 Q Were you speeding down the highway and they pulled you
3 over?

4 A No, sir.

5 Q How'd they catch you?

6 A I don't know. I just woke up to police being at my
7 aunt's house.

8 Q Oh, so they came to your house when you were living with
9 your aunt?

10 A Yes, sir.

11 Q Do you have an official government identification?

12 A Yes, sir.

13 Q What state does it list you living in?

14 A North Carolina.

15 Q So if you were going to flee from a crime you probably
16 wouldn't go back home would you?

17 A No.

18 Q When you were arrested did you have your cell phone on
19 you?

20 A Yes, sir.

21 Q The same cell phone you had January 8, 2012?

22 A Yes, sir.

23 Q Had you deleted some text messages?

24 A No, sir.

25 Q Did you receive text messages from Amber Richardson

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1 telling you to delete them?

2 A Yes, sir.

3 Q Why?

4 A When I confronted Amber about why did she send me a text
5 she told me it wasn't meant for me.

6 Q She told you it was the wrong text?

7 A Yes, sir.

8 Q But did you reply to her text when you received it?

9 A No, sir.

10 Q Never replied?

11 A No, sir.

12 Q But you deleted your texts?

13 A No, sir.

14 Q You were arrested with your phone?

15 A Yes, sir.

16 Q Did you leave it at your aunt's house?

17 A No, sir.

18 Q Who took it?

19 A The police.

20 Q The police took your phone?

21 A Yes, sir.

22 Q The North Carolina police?

23 A Yes, sir.

24 Q They took you to jail?

25 A Yes, sir.

1 Q Because you had a warrant from South Carolina?

2 A Yes, sir.

3 Q They put your phone in property?

4 A Yes, sir.

5 Q Dominique, did you set up Jamie Sherman?

6 A No, sir.

7 Q Did you plan with your uncles, Dexter McNeil and his
8 brother Raeford, for them to come down from North Carolina,
9 meet with Amber Richardson, have her drive you and then them
10 to Jamie Sherman's house to invade his house with a gun and to
11 shoot him?

12 A No, sir.

13 Q Not even for \$800?

14 A No, sir.

15 MR. LEONARD: No more questions.

16 THE COURT: Ms. Campbell, cross-examine.

17 MS. CAMPBELL: Thank you.

18 DOMINIQUE ROSS - CROSS-EXAMINATION

19 BY MS. CAMPBELL:

20 Q Let me ask you a few questions. First, your Aunt Lee,
21 who you went to say with, your Aunt Lee?

22 A Yes, ma'am.

23 Q What is her real name?

24 A Felicia McNeil.

25 Q And what is her phone number?

1 Q And during the course of that day you would talk to your
2 family members?

3 A Yes, ma'am.

4 Q And I believe the family members you said you talked to
5 that day were your mom --

6 A Yes, ma'am.

7 Q -- and Aunt Lee?

8 A Yes, ma'am.

9 Q And those were pretty much the people you talked to on a
10 regular basis and those are the people you talked to that day?

11 A Yes, ma'am.

12 Q And you didn't talk to any other family members that day?

13 A I may have. I don't recall.

14 Q But you don't remember any of these numbers being any of
15 your family members?

16 A No, ma'am, but they're 919 numbers, so I'm pretty sure
17 they are.

18 Q Well, what was Dexter McNeil's number?

19 A I don't know.

20 Q What was Raeford McNeil's number?

21 A I don't know.

22 Q Would they have been in the 919 area code?

23 A Possibly.

24 Q Well, what is Dexter McNeil's relationship to you?

25 A Nothing. He's just married to my aunt.

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1 Q And that the aunt when you got scared you ran back to in
2 North Carolina and that's the aunt you chose to live with?

3 A I didn't run back to her house because I was scared, I
4 went to her house to apply for school and to continue my
5 schooling.

6 Q Okay. And what school was that?

7 A What school was what?

8 Q The school you applied to, right there next to her?

9 A Wake Tech.

10 Q Wake what?

11 A Wake Tech.

12 Q Wake Tech. And where was your Aunt Lee's house?

13 A Holly Springs.

14 Q Do you know where in Holly Springs?

15 A Cass Holt.

16 Q Cass Hope?

17 A Holt, H-o-l-t.

18 Q Holt. I'm sorry. I apologize. Where was your mama?

19 A Goldsboro.

20 Q And prior to going back to North Carolina to live with
21 your Aunt Lee who was married to Dexter McNeil had you ever
22 lived with her before?

23 A Yes.

24 Q Where had you lived with her before?

25 A A couple of summers before that.

1 Q Okay. And let me back up just to get some things right in
2 my mind. You moved here in what year?

3 A Maybe 2009.

4 Q And 2009 -- what year were you born?

5 A 1990.

6 Q So you would have been 19?

7 A Yes, ma'am.

8 Q And in 2009, you attended Richland Northeast?

9 A No. Yes, ma'am.

10 Q And what grade were you in that school?

11 A 12.

12 Q So you finished your 12 grade when you were 19 and 20?

13 A Yes.

14 Q Okay. And when did you meet Amber?

15 A In high school.

16 Q And when did you meet Breana?

17 A In high school.

18 Q That year?

19 A Yes, ma'am.

20 Q And just so we can be straight, the relationship you had
21 first was with a young woman named Dion?

22 A Yes, ma'am.

23 Q And that's when y'all lived at Brook Pines?

24 A Yes, ma'am.

25 Q And when did y'all break up?

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1 A We broke up before Christmas.

2 Q And what was the break up like, what was y'all's terms,
3 were you still on good terms?

4 A Yes, ma'am.

5 Q And at what point did you get into a relationship with
6 Amber?

7 A I got into a relationship with Amber around January --
8 no, I got into a relationship with her after Christmas.

9 Q And you broke up with Dion before Christmas?

10 A Yes, ma'am.

11 Q And when you broke up with Dion did you continue living
12 with her?

13 A No.

14 Q So where did you go live?

15 A St. Andrews.

16 Q And was Amber already living there?

17 A Yes, ma'am.

18 Q And so you took up with her?

19 A Yes, ma'am.

20 Q And she was living there first with Breana?

21 A Yes, ma'am.

22 Q And Breana was also a friend of yours?

23 A Breana.

24 Q Breana. I'm sorry. I apologize. Breana.

25 A Yes.

1 Q And have you kept in touch over the last couple years?

2 A Kept in touch with who?

3 Q With Breana?

4 A Yes.

5 Q Okay. So you actually know her phone number even though
6 it's changed several times?

7 A No.

8 Q Well, how did you know her phone number when you got in
9 touch with her right before this trial?

10 A Facebook.

11 Q And when you contacted her, do you remember what you
12 asked her to do?

13 A I asked her to give my lawyer a call.

14 Q And do you remember what you asked to say?

15 A I didn't ask her to say anything.

16 Q And was she -- when was the last time you talked to
17 Breana before that.

18 A It had been some weeks.

19 Q Some weeks?

20 A Yes, ma'am.

21 Q So you had been in constant contact with her?

22 A Yes, ma'am.

23 Q Had you talked to her about your case?

24 A No.

25 Q You never mentioned to her about your case?

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1 A She knew about my case the night that it happened,
2 because the night that it happened when I went back home she
3 was there.

4 Q Later that night?

5 A Yes, ma'am.

6 Q Even though she testified she wasn't there?

7 A Yes.

8 Q Okay. And Justin, was he there too, when you got home
9 later that night?

10 A I got home the next day about 2:00 o'clock.

11 Q What was your relationship with Jamie again, I'm sorry?

12 A Friends.

13 Q You were friends?

14 A Yes.

15 Q Did you have any kind of sexual relationship with him?

16 A No.

17 Q And he took care of your dog?

18 A Yes.

19 Q And you would go over there sometimes?

20 A Yes.

21 Q And you would sometimes go to the car wash?

22 A Yes.

23 Q And wash cars?

24 A Yes.

25 Q And y'all just developed a friendship?

1 A Yes.

2 Q And I believe your testimony is that the whole reason you
3 were over there that night was to help him burn some DVDs?

4 A Yes, ma'am.

5 Q And what room were those in?

6 A What room was what in?

7 Q The DVDs in?

8 A They was some DVDs in the dining room area and there was
9 some DVDs in his bedroom.

10 Q And so you were back in the back burning DVDs?

11 A Yes.

12 Q And I believe you said something about some marijuana and
13 a cigar?

14 A Yes.

15 Q And how does that work; does the marijuana go inside the
16 cigar or what?

17 A You have to take the tobacco out of the cigar first.

18 Q And I believe you mentioned at one point when you heard
19 the knock on the door you had the cigar in one hand and the
20 marijuana in you hand?

21 A Yes.

22 Q And you went and put it on the table in the kitchen?

23 A The kitchen counter.

24 Q Sorry. The kitchen counter.

25 A Yes, ma'am.

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1 Q Sorry. Don't want to put words in your mouth, okay.

2 What was the marijuana in?

3 A There was some marijuana in the grinder, there was some
4 marijuana on the counter and there was some marijuana inside
5 the blunt.

6 Q Okay. You testified earlier that you put the cigar down
7 and you put the marijuana down?

8 A Yes.

9 Q So was the marijuana in a package as you were carrying it
10 around the apartment?

11 A No.

12 Q So you just had loose marijuana in your hands that you
13 then dumped and it was just lying on the counter?

14 A Yes.

15 Q Why were you carrying loose marijuana around if there was
16 already marijuana in the cigar?

17 A Because that marijuana that's on the table is the
18 marijuana that I didn't put in the blunt.

19 Q And this is how it appeared when you dumped it on the
20 counter?

21 A Yes.

22 Q Just to be sure.

23 A Yes.

24 Q No question?

25 A No.

(State's Exhibit No. 101, photo was marked and entered.)

Q You mentioned that Jamie Sherman sells a lot of things at his car wash?

Q You mentioned everything from shoes to marijuana to food to clothing. Is there anything I left out?

Q So you've been in this car wash a lot?

Q So you know that his most frequent customers are deputies with the county?

Q So you don't know Deputy Stone?

Q Because Deputy Stone is the one that went back and checked on Jamie time and time again, because they had a relationship; did you know him?

Q Did you know Deputy Roberts, who was a family friend, a close friend who frequented his car wash on multiple occasions?

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1 A No.

2 Q And you would agree with me, however, if he's selling
3 drugs or alcohol or whatever drugs out of his car wash that
4 would be a illegal activity?

5 A Yes.

6 Q And according to you he did that pretty openly?

7 A Yes.

8 Q So you're telling me that any deputies who frequented
9 this establishment as they did on a daily basis, they would
10 just be turning a blind eye to this man selling alcohol and
11 drugs at a car wash, illegally?

12 A I would

13 Q Not to mention the DVDs?

14 A I would.

15 Q So those deputies would just turn a blind eye to all
16 that?

17 A I believe so.

18 Q Because you knew they were there on frequent occasions?

19 A Yes.

20 Q At any point did you know what he was doing at that car
21 wash was illegal?

22 A Yes.

23 Q Selling the DVDs?

24 A Yes.

25 Q The alcohol?

1 A Yes.

2 Q The drugs?

3 A Yes.

4 Q So did you report him?

5 A No.

6 Q Why not?

7 A It's not my business.

8 Q Did you decide it wasn't in your best interest to
9 frequent this place with all these illegal activities going
10 on?

11 A Yes.

12 Q But you went back that night?

13 A I went to his house, not to the car wash.

14 Q Well, did you think it was probably in the best interest
15 not to go there since the whole purpose of you going there was
16 to burn illegal DVDs?

17 A No, because he had been doing it.

18 Q So you knew it was illegal?

19 A Yes.

20 Q But you didn't want to report it to the police?

21 A No.

22 Q But you knew it was illegal and you could get in trouble
23 for it?

24 A Yes.

25 Q So that didn't concern you when you went over there for

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1 the purpose of burning DVDs as you're now testifying?

2 A A little.

3 Q Did you tell Jamie, I would like to come over and help
4 you out, but I can't be involved in this illegal activity?

5 A No, I didn't tell him that.

6 Q And when you rolled the cigar, did you tell him, I can't
7 participate in this?

8 A No.

9 Q And just so the jury knows you've had an opportunity to
10 review all the photographs in this case haven't you?

11 A Yes.

12 Q And you've had an opportunity over the last few years to
13 review every piece of evidence that's been turned over to your
14 attorneys?

15 A What was turned over to them, yeah.

16 Q Including all the statements?

17 A Yes.

18 Q And all the photographs?

19 A Yes.

20 Q So on that night, your testimony is that day you went and
21 you spent the entire day with Breana and her boyfriend, who I
22 think was here in the courtroom wasn't he?

23 A No.

24 Q That was a different boyfriend?

25 A Yes.

1 Q Sorry. That day you spent the entire day with them, you
2 played basketball and you were talking to your mother and your
3 aunt, right?

4 A Yes.

5 Q And you stayed until 5:00 or 6:00?

6 A Yes, ma'am.

7 Q Do you know why your friend Breana just testified that
8 she was only with you in the morning?

9 A I don't know.

10 Q When you talked to her did you talk about the fact that
11 your story was going to be that you were there all day?

12 A No.

13 Q Once you -- you said you went over about three times a
14 week --

15 A Yes.

16 Q -- to take care of the dog?

17 A Yes.

18 Q And that you had been living in Stoney Creek from
19 sometime from -- from sometime after Christmas -- excuse me.
20 When you broke up with Dion you moved to Stoney Brook?

21 A Yes.

22 Q And then after that at some point you developed a
23 relationship with Amber?

24 A Yes.

25 Q And you developed a relationship with Amber prior to you

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1 pulling her into the plot had she ever met Dexter McNeil?

2 A No.

3 Q Or your uncle, Raeford McNeil?

4 A The only time she met them was when we went down for New
5 Year's.

6 Q When you went -- I'm sorry?

7 A The only time she met them was when we went to North
8 Carolina for New Year's.

9 Q Okay. Over the time period you kept in touch with Dion?

10 A Yes.

11 Q And was Dion friends with Jamie?

12 A Yes.

13 Q Was Amber with Jamie?

14 A I wouldn't call them friends, but they have met on
15 occasion.

16 Q Your original plans, I believe you testified to, was to
17 go over to Jamie's house on that Saturday?

18 A Yes.

19 Q But you had some school work?

20 A Yes.

21 Q What courses were you taking that required you to do
22 school work on Saturday?

23 A Criminal Justice, and I had a Saturday class.

24 Q And you had a Saturday class?

25 A Yes.

1 Q And the semester from school, when does it run, at ITT
2 Tech?

3 A All year.

4 Q All year?

5 A Yes.

6 Q Is it on semesters or quarters or does it work like that
7 or is it one course?

8 A It's depends on how you make your schedule.

9 Q Well, does the typical schedule run from January to
10 March?

11 A Yes.

12 Q Or March to --

13 A I can't really tell you a time when it was.

14 Q When was your course supposed to finish?

15 A My -- When was I supposed to graduate? I was supposed to
16 graduate 2013, 2014.

17 Q Something in there? When was course you were taking at
18 the time, that Saturday course, when was it supposed to end?

19 A I'm not sure.

20 Q But fair to say you would have just started in January?

21 A Yes.

22 Q And just so I'm clear. You're talking about your family
23 is up in North Carolina and your father is not living here any
24 more, right?

25 A Right.

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1 Q But you had stayed here consistently from when you moved
2 here when you were 19 to the point that all this happened?

3 A Yes.

4 Q And you had never gone back to live in North Carolina at
5 that point?

6 A No.

7 Q Or with your aunt?

8 A No.

9 Q And are you close with your aunt?

10 A Yes.

11 Q And that would be Dexter McNeil's wife?

12 A Yes.

13 Q You also mentioned that you worked off and on at GB
14 Shoes?

15 A Yes.

16 Q And how did you support yourself, with that part-time
17 job?

18 A Yes, and my parents.

19 Q Your parents?

20 A Yes.

21 Q They would send you money?

22 A Yes.

23 Q But you didn't have a car at the time did you?

24 A No.

25 Q So in order to get anywhere you were dependant on Amber?

1 A And the bus.

2 Q And who?

3 A The bus.

4 Q The bus. Okay. When you got home that evening, you said
5 you left about 5:30 or 6:00 from the Allen Benedict area?

6 A Yes, ma'am.

7 Q And then you went over to Stoney Creek?

8 A Yes, ma'am.

9 Q No one was in the house and that you got there around
10 7:10?

11 A Yes.

12 Q And you're pretty sure about those times?

13 A No.

14 Q Do you know why you made up the number 7:10?

15 A I didn't make it up. I just varied the time. It has
16 been years ago, and I can't remember the exact times.

17 Q Okay. You ate, showered and then you called Amber?

18 A Yes.

19 Q Where was Amber when you called her?

20 A I don't know.

21 Q Had y'all made plans to get together that weekend?

22 A Get together and do -- I had told her the day before that
23 I needed her to drop me off at Jamie Sherman's house.

24 Q Did you tell her why you were going to Jamie Sherman's
25 house?

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1 A No.

2 Q Did you tell her you were going to burn illegal CDs?

3 A No.

4 Q Would she have been upset if she had known you were going
5 to do illegal activities?

6 A No. . . .

7 Q But you just didn't tell her?

8 A No.

9 Q And y'all didn't have plans that night?

10 A No.

11 Q So you didn't talk to Amber any that day?

12 A Yes, I did.

13 Q Okay. So you talked to Amber that. Did y'all exchange
14 information about where you were and what you were doing?

15 A No.

16 Q At that point was your relationship still girlfriends?

17 A Yes.

18 Q And there wasn't anything, bad blood, going on between
19 the two of you at that point was it?

20 A Not that I can remember.

21 Q And just to be clear, no one got evicted that night did
22 they?

23 A Evicted from where?

24 Q Stoney Brook, Creek, whatever it is?

25 A No.

1 Q So there's no question that Amber was still in the house
2 that night?

3 A Yes.

4 Q And you were too, because she came and picked you up?

5 A Yes.

6 Q And when you went over to -- you basically asked her to
7 give you a ride, right?

8 A Yes.

9 Q Did you text her about it?

10 A No.

11 Q No texting?

12 A No. Not about the ride.

13 Q And she took you, you testified about 8:20 or 8:15?

14 A Yes.

15 Q Once you were dropped off, you go into the house?

16 A Yes.

17 Q And that's when you stop -- Jamie starts telling you
18 about the DVDs?

19 A No. When I went to the house Jamie was not there.

20 Q For 30 minutes. I'm sorry. I skipped that part. I
21 apologize. For 30 minutes you were playing with the dog?

22 A Yes.

23 Q And then Jamie comes home?

24 A Yes.

25 Q And then you start playing with the DVDs?

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1 A No. I was playing with my dog when Jamie came home.

2 Q Okay. Did you notice when Jamie came home if he locked
3 the door?

4 A He did.

5 Q And you remember that?

6 A Yes.

7 Q And then y'all start talking about the DVDs?

8 A Yes.

9 Q And you take the marijuana?

10 A Yes.

11 Q And you go into the dining room area?

12 A No. I went to Jamie's bedroom.

13 Q To Jamie's bedroom?

14 A Yes.

15 Q What were you doing in there?

16 A I was rolling up marijuana and looking at DVDs.

17 Q Let me ask you this, when working for Jamie did you have
18 any idea what Jamie did with him money at night?

19 A No.

20 Q You had no idea that the money was in the safe?

21 A No.

22 Q How often did you work with Jamie?

23 A However Jamie -- maybe three times out of the week.

24 Q Had you ever been to his house before?

25 A Yes.

1 Q In fact, I think you said you'd been to his house three
2 times a week?

3 A That is what I said.

4 Q And Jamie -- your testimony is y'all were close friends?

5 A Yes.

6 Q Nothing of a romantic nature, whatsoever?

7 A No.

8 Q Was he supposed to pay you for him that night?

9 A No.

10 Q Would you always work for him for free?

11 A No.

12 Q But that night you were?

13 A Yes.

14 Q And you were in the room rolling a blunt and he's walk
15 around the house?

16 A Yes.

17 Q And then, I think you said you heard the shower start?

18 A Yes.

19 Q And I believe you testified that you were going through
20 the DVDs to see if they worked?

21 A Yes.

22 Q And then you heard the shower start and he was in there
23 about 15 minutes?

24 A Yes.

25 Q And then you said he was in the shower 15 minutes and 20

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1 minutes after that you heard a knock on the door?

2 A Yes.

3 Q So if he was in the shower for about 35 minutes?

4 A Approximately.

5 Q And your testimony here today was you heard the
6 aggressive knock -- let me get this right. Then you told
7 Jamie someone's at the door?

8 A Yes.

9 Q You went and knocked on his door and told him that?

10 A I knocked on the bathroom door.

11 Q And did you know if he was in or out of the shower at
12 that point?

13 A He was out.

14 Q And you told him someone was at the door?

15 A Yes.

16 Q What did you say he said?

17 A He said, okay, go ahead and open it. I'm out the shower,
18 anyway.

19 Q Okay. I'm getting out of the shower anyway. And then
20 you said you went to the door. What happened?

21 A When I went to the door I said who is it. The person on
22 the other side of the door said Amp. I called back to Jamie
23 and I said, it's Amp.

24 Q That's not what you testified to before, though. Before
25 you said, it's Amp and you opened the door?

1 A Um --

2 Q Do you remember that?

3 A Yeah. I sort of remember. I still remember the details
4 to that story, too.

5 Q Okay. So now what --

6 A I remember.

7 Q So then you yelled back at him?

8 A Yes.

9 Q So which one is it?

10 A Which one is what?

11 Q I'm not trying to put words in your mouth. I'm just
12 trying to make sure we understand the chain of events?

13 A After the knock on the door I said who it is. I said,
14 Jamie it's Amp.

15 Q And where was Jamie when you were saying Jamie it's Amp?

16 A Still in the bathroom.

17 Q What happened next?

18 A As I proceeded to unlock the door, before I can open the
19 door all the way I was bombarded by the two dudes pushed in
20 the door.

21 Q And you said there were two dudes?

22 A Yes.

23 Q What did they look like?

24 A The first one that grabbed me, he was a little bit talker
25 than me. He had on a ski mask and a hoodie.

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1 Q Was he a white male, white male or Hispanic or could you
2 tell?

3 A Black male.

4 Q And the second male, what did he look like?

5 A He was a little bit taller than the second man and he had
6 a red scarf around his head.

7 Q Which one grabbed you?

8 A The first one grabbed me.

9 Q And you mentioned he grabbed you on your forearm?

10 A He grabbed me on my arm.

11 Q You said forearm before?

12 A Well, I'm not a medical person.

13 Q I'm sorry.

14 A I'm not sure what forearm --

15 Q On your arm?

16 A Yes.

17 Q And this was January, right?

18 A Yes. January 8. They was wearing basketball shirts and
19 t-shirts.

20 Q Short sleeve t-shirt or tank top or what?

21 A Tank top.

22 Q Then you said that one of them grabbed you and put you on
23 the ground?

24 A Yes.

25 Q And said what to you?

1 A They was like don't move or I'll kill you.

2 Q And where did the other one go?

3 A Proceeded to go to the back.

4 Q At that point could you see what was going on back there?

5 A No.

6 Q What did you hear?

7 A I heard tussling over the door and I heard someone say,
8 you better give it up.

9 Q At what point do you hear gunshots?

10 A At the tussling at the door.

11 Q Did you hear any screams?

12 A No.

13 Q And then you testified you heard Jamie say, okay, I'll
14 show you?

15 A Yes.

16 Q And could you tell where Jamie was at that point?

17 A No.

18 Q Could you tell if Jamie was bleeding at that point?

19 A No.

20 Q Could you tell where they went; at this point you're
21 lying on the ground, right?

22 A Yes, ma'am.

23 Q And then what happens?

24 A After I heard Jamie say, all right, I'll show you a
25 couple seconds went past and the two dudes ran out the house.

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1 Q Did they go out the front door or back door?

2 A Front door.

3 Q And did they close the door behind them?

4 A No.

5 Q What did you do?

6 A I immediately got up, closed the door and locked it.

7 Q Where was Jamie at this point?

8 A After I proceed to close the door I went around the
9 corner and Jamie was coming out of his bedroom.

10 Q Could you tell if he was bleeding?

11 A Yes.

12 Q Do you remember back on the night this happened after you
13 made that 911 call, do you remember talking to Deputy Stone?

14 A I don't remember.

15 Q Do you remember Deputy Stone asking you what happened?

16 A No.

17 Q Do you remember telling him you heard a knock at the door
18 and asked who was there?

19 A Maybe so.

20 Q That you went over to the door and asked who was there?

21 A Yeah.

22 Q And at that point they said it was Amp.

23 A Yes.

24 Q And then you told him at that point then you went back to
25 the bathroom and told Jamie that Amp was at the door?

1 A I don't recall saying it.

2 Q And do you recall that it was at that point while you
3 were back there at the bathroom telling him that Amp was at
4 the door that he said let Amp in.

5 A No.

6 Q you don't remember telling Deputy Stone that?

7 A No.

8 Q And then you stated that then, but then you went back to
9 the door and turned the handle and that's when you were forced
10 to the ground?

11 A No.

12 Q Because that's not what happened?

13 A That is not what happened.

14 Q So Deputy Stone would be wrong?

15 A Yes.

16 Q Do you remember telling Deputy Stone before you heard the
17 shot that you heard them arguing?

18 A No.

19 Q About locating the safe where the money was?

20 A No.

21 Q That's not what you told Deputy Stone?

22 A No.

23 Q Do you remember telling Deputy Stone that you then saw
24 the two black males exit with the safe in their hand?

25 A Yes.

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1 Q So you got that part right?

2 A Yes.

3 Q Does Deputy Stone have any bias or prejudice against you?

4 A I don't know.

5 Q You don't know him?

6 A No.

7 Q So there's no ill will or anything?

8 A It may be since he know Jamie Sherman.

9 Q Well, when Deputy Stone was talking to you he thought you
10 were a victim, too. So there's no ill will or anything?

11 A It may be since he know Jamie Sherman.

12 Q Well, when Deputy Stone was talking to you he thought you
13 were a victim, too.

14 A Okay.

15 Q Because he hadn't had an opportunity to talk to Jamie.

16 A Okay.

17 Q You also said that after this happened that you were
18 trying to help Jamie?

19 A Yes.

20 Q And that Jamie never asked you to call 911?

21 A No.

22 Q He never asked you to call 911?

23 A No.

24 Q He never had to beg you to call 911?

25 A No.

1 Q And you just listened to this 911 tape and you admit it
2 was accurate wasn't it?

3 A Yes.

4 Q Accurately reflected everything that you said on that,
5 right?

6 A Yes.

7 Q Do you remember when that 911 operator answers the first
8 thing you hear is Jamie's voice saying please call 911?

9 A I was already on the phone with 911.

10 Q Because he was begging you to call 911?

11 A No.

12 Q So that's wrong?

13 A That's wrong.

14 Q Okay. While you're there are there at the scene that
15 night when the police come, I mean, you're upset?

16 A Yes, ma'am.

17 Q You've been a victim of a robbery?

18 A Yes.

19 Q And just for the record, did they take anything from you?

20 A No.

21 Q Did they ask if you had money?

22 A No.

23 Q While you were there at the scene you're upset. So the
24 police are there, right, you're talking to them about what
25 happened?

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1 A Yes.

2 Q Trying to help them?

3 A Yes.

4 Q Doing everything you can?

5 A Yes.

6 Q And at any point did you start texting or calling anybody
7 else?

8 A No.

9 Q You didn't call anyone while you were there at the scene
10 that night?

11 A I called Dion, well, Dion called me.

12 Q Have you looked at the phone records?

13 A Yes.

14 Q Do you want to look at them again?

15 A Yes.

16 Q Will that help you get it right?

17 A (Looks at phone records.)

18 Q Have you gone over those before?

19 A Yes.

20 Q So those reflect what you did that night, right?

21 A Yes.

22 Q So they would reflect your contact, whatever way, with
23 Dion?

24 A (No response.)

25 Q Do you need to go over them again?

1 A No. They don't show it.

2 Q And your testimony here today is that Dion just showed up
3 because she saw the lights?

4 A Yes.

5 Q And at that point -- She showed up out there that night?

6 A Yes.

7 Q Do you remember about what time it was when this
8 happened?

9 A No.

10 Q Well, if I told you that your lawyer has brought out
11 several times that it happened around 9:20, would that be
12 about right?

13 A I guess.

14 Q How late were you out there that night?

15 A To around may be 11:30, 12:00.

16 Q That's pretty late?

17 A Yes.

18 Q I'm going to show you these cell phone calls that show
19 all these, one, two, three, four, five, six, seven, eight
20 calls between you and Dion that night while you were there at
21 the scene?

22 A She was calling.

23 Q And you were calling her too?

24 A I called her one time.

25 Q And that's in the records?

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1 A Yes.

2 Q So she didn't just see the lights?

3 A She did.

4 Q You were pretty traumatized?

5 A Yes.

6 Q Scared?

7 A Yes.

8 Q Gun put to your head?

9 A Yes.

10 Q Your life had been threatened?

11 A Yes.

12 Q So did you call your girlfriend?

13 A Did I call --

14 Q Amber?

15 A No.

16 Q Why not?

17 A For what? She can't help me in this situation.

18 Q Was it important to keep Amber distant from this whole
19 situation?

20 A I didn't keep her distant.

21 Q Because she was involved?

22 A No.

23 Q You didn't call Amber, you just talked to Dion?

24 A Yes.

25 Q Who you had broken up with two months earlier?

1 A Yes.

2 Q And that --

3 A And it wasn't two months earlier that we had broke up.

4 Q I'm sorry. A month. Is that about right?

5 A It wasn't even a month. It was some days.

6 Q Okay. Before Christmas?

7 A Yes.

8 Q A few weeks earlier?

9 A Yes.

10 Q You called Dion and, in fact, when the police offered to
11 give you a ride home, let's be straight, your home was back
12 over there on Stoney Brook, wasn't it?

13 A That's where I resided at, but that wasn't my home.

14 Q But you chose to tell the police that night that you
15 didn't want to go back to all your stuff was, where your
16 girlfriend was. You wanted to go to Dion's?

17 A I didn't tell him that. I didn't want to go back because
18 that's where all my stuff was. I didn't tell him that.

19 Q Well, why did you want to go to Dion's house that night
20 rather than go back to where you were living?

21 A Because when Dion showed up on the scene she had
22 mentioned that for me to come back to her house so she can
23 make sure I was okay.

24 Q You didn't think it was important to keep the police away
25 from where Amber was?

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1 A No.

2 Q Or where anybody else might be?

3 A No.

4 Q Okay. You mentioned the next day that Dion came and got
5 you?

6 A Yes.

7 Q And Dion actually took you to the hospital?

8 A Yes.

9 Q And you tried to make contact with Jamie?

10 A Yes.

11 Q Because you were upset about what happened to him?

12 A Yes.

13 Q At what point did you learn that Jamie had gotten out of
14 the hospital?

15 A I didn't learn that Jamie had got out of the hospital
16 until Dion told me.

17 Q When was that?

18 A It was a couple days later?

19 Q Well, could it have been as early as that Wednesday?

20 A I'm not sure.

21 Q Well, if I told you that Dion went and visited Jamie to
22 check on his welfare, would you disagree that occurred on
23 Wednesday?

24 A I wouldn't agree or disagree because I didn't know.

25 Q Well, once you found out he was out of the hospital, did

1 you go over to check on him?

2 A No.

3 Q Did you call him?

4 A No.

5 Q Did you make any attempts to see how he was doing?

6 A Yes.

7 Q What did you do?

8 A I had my parents to call him.

9 Q Well, when your parents called, the only thing they said
10 to Jamie was that you weren't involved.

11 A I don't know what they said.

12 MR. LEONARD: Objection. Hearsay.

13 THE COURT: She can state whether she is aware of the
14 conversation or not. I'll -- she not asking her to quote
15 anything. Overruled.

16 MS. CAMPBELL: Thank you, Your Honor.

17 BY MS. CAMPBELL:

18 Q Were you aware they weren't concerned about Jamie, they
19 just wanted to say you had nothing to do with it.

20 A I don't know what they said because I wasn't involved in
21 their conversation.

22 Q And that call wasn't until much later, was it?

23 A I wouldn't say it was much later.

24 Q When was it you moved up with your Aunt Lee who lived
25 with Dexter and Raeford?

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1 A Two weeks after the incident.

2 Q So that was then, approximately, the 26?

3 A Around that time.

4 Q And so you just kind of gave up on this semester of
5 school?

6 A I didn't give up because once I reached North Carolina I
7 still applied for schools.

8 Q At any point did you contact the police to see how the
9 case was developing about those guys who put a gun to your
10 head?

11 A No.

12 Q Weren't you concerned about these violent predators being
13 loose in Columbia?

14 A A little bit.

15 Q Did you think it would be proper -- you were a victim in
16 this case?

17 A Yes.

18 Q According to you?

19 A Yes.

20 Q Didn't you think it was proper for you to call the police
21 to find out what was going on?

22 A No. I figured they would follow up with me when they had
23 leads.

24 Q Well, did you tell your parents about how you had been a
25 victim?

1 A Yes.

2 Q Did they make contact with the police?

3 A No.

4 Q And then you moved back in with your aunt after living
5 here for two or three years?

6 A Yes.

7 Q And it wasn't because you were running from the police?

8 A No, ma'am.

9 Q Let me ask you this, how much blood was Jamie spewing out
10 of his head that night?

11 A A lot.

12 Q And when you first saw him, was he up and walking or was
13 he down on the ground?

14 A Up and walking.

15 Q And there was so much blood at that crime scene that
16 night, did you think there was any way he could survive that?

17 A A possibility.

18 Q He'd been shot in the head?

19 A Yes.

20 Q Blood was everywhere?

21 A Yes.

22 Q You weren't scared he was going to die?

23 A I was. That's why I went to the hospital to check on him
24 the next day.

25 Q That Monday, but not that Tuesday or that Wednesday?

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1 A No.

2 Q Or Thursday or Friday?

3 A No.

4 Q You never attempted to get in contact with him again?

5 A No.

6 Q Why not?

7 A I attempted to get in contact with him the next day. I
8 went to see if he was okay and no one told me anything. So --

9 MS. CAMPBELL: Beg the Court's indulgence?

10 THE COURT: Yes, ma'am.

11 BY MS. CAMPBELL:

12 Q But you would agree with me the phone records are correct
13 -- you've reviewed the text messages?

14 A Yes.

15 Q And the text message beforehand between you and Amber?
16 Ready for me to leave the house?

17 A Uh-huh. (Affirmative response.)

18 Q In like five minutes?

19 A Yes.

20 Q Leave and wait on me to text you back?

21 A Yes.

22 Q What is this text message that nobody's talked about
23 right here; January 8 at 21:05. That would be 15 minutes
24 before this happened.

25 A Where?

1 Q Right there.

2 A That's text says --

3 Q And then finally the text message afterwards?

4 A Erase everything and throw your phone away.

5 Q And who was that text message between?

6 A That was text messaged to my phone from Amber Richardson.

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

8 THE COURT: All right. Ladies and gentlemen of the jury,
9 at this point in time we're going to break for the evening.
10 I'm going to give you the same instructions I've always given
11 you, that is, that you should not discuss the case with
12 anyone, allow anyone to discuss it with you, don't attempt to
13 gather any information on your own about this case. If anyone
14 attempts to contact you about your service on the jury, please
15 report it. Please don't listen to, watch or listen to any
16 media reports about the case.

17 We'll begin again in the morning at 9:00 o'clock. So
18 please be back in your jury room at that time. At this time
19 you're free to go for the evening.

20 (Jury out for the evening at 5:27 p.m.)

21 THE COURT: I'll instruct the witness that during the
22 break you should not discuss your testimony with any one. Do
23 you understand that, ma'am?

24 MS. ROSS: Yes, sir.

25 THE COURT: All right. We'll resume at 9:00 o'clock in the

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF RICHLAND) COURT OF GENERAL SESSIONS
3 2012-GS-40-02907
2012-GS-40-02905
2014-GS-40-01913

4 STATE OF SOUTH CAROLINA,)
5 Plaintiff,)
6 vs.) TRANSCRIPT OF RECORD
7 DOMINIQUE M. ROSS,)
8 Defendant.)

9 April 24, 2014
10 Columbia, South Carolina
11
12

13 B E F O R E:

14 THE HONORABLE ROGER L. COUCH, JUDGE; and a jury.
15
16

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1 THE COURT: Yes, sir.

2 REDIRECT EXAMINATION

3 BY MR. LEONARD:

4 Q Hey, Dominique.

5 A Hey.

6 Q Ms. Campbell brought up some points that I just
7 want to touch on just to make sure we have a clear
8 understanding of everything.

9 Where are you from again, originally?

10 A Raleigh, North Carolina.

11 Q Raleigh, North Carolina?

12 A Yes, sir.

13 Q And where does your family live currently?

14 A In North Carolina.

15 Q Do you know the area code of where your family
16 lives?

17 A 919.

18 Q 919?

19 A Yes, sir.

20 Q How much family do you have up in North Carolina?

21 A All of them.

22 Q So your mom lives up there?

23 A Yes.

24 Q Do you have any siblings?

25 A Yes.

1 Q Do they live up there?

2 A Yes.

3 Q Aunts and uncles live up there?

4 A Yes.

5 Q Cousins?

6 A Yes.

7 Q Do you talk to all your family pretty regularly?

8 A Yes.

9 Q And they all have the 919 area code?

10 A Yes.

11 Q So if you had a lot of 919 phone numbers on your
12 cell phone records, that would not be surprising,
13 would it?

14 A No.

15 Q If you -- okay, we'll stop there.

16 Ms. Campbell also brought out that you did
17 used to actually live with Aunt Lee before moving
18 to Columbia; is that right?

19 A Yes.

20 Q Aunt Lee is married to Dexter Lee; is that correct?

21 A Yes, sir.

22 Q Was she married to Dexter Lee when you lived with
23 her?

24 A No.

25 Q When did they actually get married?

- 1 A Maybe two summers ago.
- 2 Q Two summers ago?
- 3 A Yes.
- 4 Q So you never lived with Dexter Lee?
- 5 A No.
- 6 Q Oh, I'm sorry, Dexter McNeill. But you never lived
- 7 with Dexter McNeill?
- 8 A No.
- 9 Q Okay. Dionne Dixon, she is your ex-girlfriend?
- 10 A Dionne Dotson.
- 11 Q Dotson?
- 12 A Yes.
- 13 Q Dionne Dotson. She is your ex-girlfriend?
- 14 A Yes.
- 15 Q How long did you guys -- how long have you known
- 16 her?
- 17 A Maybe three years.
- 18 Q Three years? Did you date those entire three
- 19 years?
- 20 A Off and on.
- 21 Q Do you love -- do you love her?
- 22 A I did.
- 23 Q How long before January 8, 2012, had you guys
- 24 broken up?
- 25 A Maybe a week or two.

1 Q Just a week or two?

2 A Yes.

3 Q So how long had you been with Amber?

4 A I had been with Amber for almost a couple of weeks.

5 Q Couple of weeks?

6 A Yes.

7 Q So she is kind of -- was she kind of like a
8 rebound?

9 A Sort of, kind of.

10 Q I understand. But you were still talking with your
11 ex at that time?

12 A Yes.

13 Q Ms. Dotson. Did you still love her then?

14 A Yes.

15 Q Did you still trust her then?

16 A Yes.

17 Q Did you still find comfort in her then?

18 A Yes.

19 Q If a traumatic event were to happen to you, would
20 you -- who would you prefer to be with?

21 A Dionne Dotson.

22 Q Deputy Stone talked with you the night that this
23 happened?

24 A Yes.

25 Q You don't really recall who you spoke with, but

1 Deputy Stone said he spoke with you?

2 A Yes, sir.

3 Q And you believe him?

4 A Yes, sir.

5 Q What you told me and the jury here yesterday, is
6 that what you told Deputy Stone that night?

7 A Yes, sir.

8 Q Have you changed your story in two years?

9 A No.

10 Q Did you tell your parents about what happened on
11 January 8th?

12 A Yes.

13 Q How did you get the money to move back to North
14 Carolina?

15 A My aunt and my grandma sent me money Western Union.

16 Q So you didn't have any money --

17 A No.

18 Q -- to get back home?

19 A (Nods negatively.)

20 Q We listened to the 9-1-1 phone call yesterday.

21 After Jamie Sherman was shot, did you help him in
22 any way to stop the blood?

23 A Yes.

24 Q What did you do?

25 A I grabbed a towel out of the hallway closet.

1 Q You grabbed a towel out of the hallway closet?

2 A Yes.

3 Q Were you searching around his house for money?

4 A No.

5 Q If you were searching around his house for money
6 and there was \$1,000 in his pockets, would you have
7 noticed it?

8 A No.

9 Q What were you looking for again in the closet?

10 A A towel.

11 Q When Jamie was shot, was he wearing any clothes?

12 A No.

13 Q He was naked?

14 A Yes.

15 Q You said you were wearing a tank top when this
16 happened?

17 A Yes.

18 Q January was kind of cold to be wearing a tank top,
19 wasn't it?

20 A Um, that day it wasn't that cold.

21 Q You said you played -- what did you say you were
22 doing that morning again?

23 A Playing basketball.

24 Q Was it nice out when you played basketball?

25 A Yes.