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ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

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APPEAL FROM GREENVILLE COUNTY

Deadra L. Jefferson, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

WILLIE M. WILLIAMS,

APPELLANT

APPELLATE CASE NO. 2013-001152

RECORD ON APPEAL

DAVID ALEXANDER
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

Attorney for Appellant

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

ANTHONY MABRY
Assistant Attorney General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211

(803) 734-3727

WILLIAM W. WILKINS, III
Solicitor, 13th Judicial Circuit
305 East North Street, Suite 325
Greenville County Courthouse
Greenville, SC 29601
(864) 467-8282

Attorneys for Respondent

JOHN W. MCINTOSH
Chief Deputy Attorney General

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STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

COURT OF GENERAL SESSIONS

2013-GS-23-3238

2013-GS-23-3239

2013-GS-23-3240

ORIGINAL

STATE OF SOUTH CAROLINA,)

vs.)

TRANSCRIPT OF RECORD

WILLIE MARVIN WILLIAMS,)
DEFENDANT.)

VOLUME I

May 13 and 14, 2013
Greenville, South Carolina

B E F O R E:

THE HONORABLE DEADRA L. JEFFERSON, JUDGE; and a jury.

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

JUDITH M. MUNSON, ESQ.
Assistant Solicitor

RICHARD H. WARDER, ESQ.
W. TOWNES JONES, IV, ESQ.
Attorneys for the Defendant

HOLLIE M. JENKINS
Circuit Court Reporter

I N D E X

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

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1 give the attorneys an opportunity to take exception to
2 anything the Court has said by way of opening instruction.

3 Are there any exceptions from the State?

4 MS. MUNSON: No, ma'am, Your Honor.

5 THE COURT: From the Defense?

6 MR. WARDER: None from the Defense, Your Honor.

7 THE COURT: Ladies and gentlemen, I will ask that you
8 give the attorneys your undivided attention in opening
9 argument.

10 The State may proceed when its ready.

11 MS. MUNSON: May it please the Court, Your Honor.

12 THE COURT: Yes, ma'am.

13 OPENING STATEMENTS

14 MS. MUNSON: The evidence in this case will show that
15 Natasha Kerns was 28 years old when she died in her own
16 Greenville County home on July 10th, 2010. Any time
17 someone so young dies, it's a tragedy. The evidence in
18 this case will show that it's not only a tragedy, it was a
19 crime. And that crime is murder. And the person guilty
20 of the murder of Natasha Kerns is Willie Marvin Williams.

21 Shortly before 5:00 in the morning on July 10th,
22 Natasha Kerns was in her home asleep. In bed with her was
23 Anthony Wilson. Also, in bed with them was two-year-old
24 Ja.K. , Natasha's two-year-old daughter, the
25 daughter of the Defendant. Also, in the house was

1 nine-year-old J.K. , Natasha's son, in another
2 room.

3 The evidence will show that Mr. Wilson heard
4 something. He woke Natasha. She jumped up, grabbed the
5 gun that was next to her bed, and went to investigate.
6 What she found as she went into her living room was the
7 Defendant outside her house on her porch. And what
8 happened next is that the Defendant, while he was outside
9 Natasha's house, fired a shot. That bullet went through
10 the window and hit Natasha right in the head. She went
11 down and died almost instantly.

12 The Defendant then moved a little bit to his left,
13 kicked out a window in another room at the front of the
14 house and came in the house. He went down the hallway
15 where he encountered Mr. Wilson, who was trying to take
16 care of the children. He assaulted Mr. Wilson and he
17 fired four more shots. One of those shots struck
18 Mr. Wilson in the head. The evidence will show that it
19 was, for lack of a better term, a flesh wound.

20 The room into which these shots were fired is where
21 the Defendant's daughter was. Firing a gun in the house
22 like that is putting that child at unreasonable risk of
23 harm.

24 The Defendant then fled back to Laurens County where
25 he was living. He told his brother and he told another

1 witness that he had killed Natasha. He then led the
2 Laurens authorities on a chase. He was, eventually,
3 captured and taken into custody.

4 Now, at the close of this case, I'm going to have a
5 chance to talk with you again. And I'm going to ask you
6 to find the Defendant guilty of each one of the offenses
7 with which he's been charged. In order to do that, each
8 and every one of you has to be firmly convinced that he's
9 guilty of each element of the offenses. And Her Honor
10 will, certainly, give you those elements.

11 Let me tell you what you're not going to hear. This
12 is not one of those real fancy TV forensic cases. You're
13 not going to hear that we got a weapon off the Defendant
14 that was matched to the bullet that was taken out of
15 Natasha's head at autopsy. You're not going to hear that.

16 You're not going to hear that when the Defendant was
17 captured, he had Natasha's blood on him or Mr. Wilson's
18 blood on him. You're not going to hear that. But what
19 you are going to hear, ladies and gentlemen, will leave
20 you firmly convinced of his guilt.

21 As the Prosecutor in this case, it's my duty and it's
22 my great privilege to represent the people of Greenville
23 County. And, at the close of the case, on behalf of the
24 people, I will ask you to find him guilty.

25 Thank you for your time.

1 THE COURT: Would the Defense like to proceed?

2 MR. WARDER: Good afternoon.

3 I will be much shorter than I would have been. The
4 Judge covered much of what I wanted to tell you in her
5 charge. But I want to talk to you about the way a trial
6 proceeds.

7 In this trial, there will be the testimony phase of
8 the trial which will occur in two halves. The State will
9 get to present all of its evidence first. And after the
10 State is done, the Defendant then will have an opportunity
11 to present anything he wants. And it's important that you
12 keep an open mind. There's been studies of jury
13 deliberations done. And those studies often show that
14 jurors begin to make up their mind early in the process.
15 And because the first part of the process is where the
16 State gets to put forward its case, it's important to us
17 that you keep an open mind.

18 So I would ask you that if you feel yourself making
19 up your mind before you've heard our part of the case, the
20 evidence we present, that you consciously resist that.
21 And the reason is the second part of the studies on jury
22 deliberations found that once jurors made up their mind,
23 they seldom ever change them. If you would inadvertently
24 put me in the situation that you've already made up your
25 mind in the State's half of the case, the burden would be

1 much more difficult for the Defendant.

2 So I ask you to keep an open mind. And if you feel
3 yourself deciding before you've heard everything that you
4 resist that, and that you consciously focus back until
5 you've heard all the testimony. I'm sure that everybody
6 would think that a fair verdict would be a verdict that
7 they consider the testimony from the State and the
8 testimony from the Defense, and then decide whether there
9 was a reasonable doubt.

10 So that's the way we're going to proceed in this
11 case. And I hope that you will pay close attention not
12 only to the State's case, but to the Defendant's case. So
13 then you'll have all the facts. And when Judge Jefferson
14 gives you the law at the end of the testimony phase, you
15 will then have the law to apply to all the facts. And I
16 submit to you that if you were to make up your mind
17 prematurely that you would make it up on part of the
18 facts, and you would just apply that to the law and that
19 would lead to an unfair and unjust verdict.

20 I thank you very much.

21 THE COURT: The State may proceed.

22 MS. MUNSON: May it please the Court.

23 Your Honor, the State calls Marie Simkins.

24 THE CLERK: Ms. Simkins, would you, please, come
25 forward to be sworn in.

1 Please place your left hand on the Bible and raise
2 your right hand!

3 WHEREUPON,

4 CLARA MARIE SIMKINS,
5 after first having been duly sworn, testified as follows:

6 THE CLERK: Thank you.

7 You may be seated.

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

9 THE WITNESS: Clara Marie Simkins.

10 THE CLERK: Thank you.

11 DIRECT EXAMINATION

12 BY MS. MUNSON:

13 Q Ms. Simkins, who do you work for?

14 A The Greenville County Sheriff's Office.

15 Q How long have you been with the Sheriff's Office?

16 A Since '95.

17 Q What is your job title?

18 A Communications supervisor.

19 Q And what are your duties?

20 A I supervise a shift of 10 people, and answer 911
21 calls, non-emergency calls, and dispatch.

22 Q Were you with the Sheriff's Office back in July of
23 2010?

24 A Yes.

25 Q And what was your title then?

1 A Communications supervisor.

2 Q Okay. Were you working on that date?

3 A Yes, I was.

4 Q And did you get a call in reference to this case?

5 A Yes, I did.

6 Q Now, explain for the jury what the procedure is when
7 you answer the phone. When it's a 911 call, what is the
8 procedure you go through?

9 A When we answer the 911 call, our -- we automatically
10 get the name and location the caller is calling from.

11 Q Okay.

12 A And then we get more information and what's going on.

13 Q And while you're speaking with whoever is calling,
14 are you doing anything else?

15 A I'm entering the call for service so it can be
16 dispatched, or if I was the dispatcher on that channel, I
17 would be dispatching the call.

18 Q Okay. Now, the call we're talking about in this
19 case, were you the dispatcher, or did you receive the
20 call?

21 A I was the call taker. I received the call.

22 Q And, as you're receiving information, what are you
23 doing?

24 A Entering the information into the CAD for it to be
25 dispatched.

1 Q Into the CAD, what does that mean?

2 A The computer.

3 Q Okay. How often -- when a citizen calls 911, how
4 often are those calls recorded?

5 A All of our calls are recorded.

6 Q Okay.

7 A Non-emergency and emergency, as well as radio
8 traffic.

9 Q Every single one?

10 A Every single one.

11 Q On occasion, are those recordings preserved?

12 A Yes, they are.

13 Q And when does that happen?

14 A If there's a court case or a major incident.

15 Q Okay. Have you ever been the person to preserve one
16 of those calls?

17 A Yes. As the supervisor, we are assigned if there's a
18 case that comes up and they need to review the tape, we do
19 pull it.

20 Q And the way that the system was working back in 2010,
21 is that how it works now?

22 A Yes.

23 Q So did you get a call in reference to this case?

24 A I did. I received the call.

25 Q Do you remember the date?

1 A July 10th, 2010.

2 Q Do you remember what time the call came in?

3 A It was around 4:50, 4:55.

4 Q Okay. As the call came in, could you tell where it
5 came from?

6 A Yes. She called from her home address, which
7 verified the address, as well as her verifying the
8 address.

9 Q All right. And, at the end of the call, did you
10 listen to it again?

11 A Yes, I did.

12 Q And was that call preserved?

13 A Yes, it was.

14 Q In some form?

15 A Yes.

16 Q After the call was preserved in some form, did you
17 listen to it again?

18 A Yes, I did.

19 Q Was it an accurate recording of the call that you
20 took on July 10th?

21 A Yes, it was.

22 Q Now, after it was preserved, was there another few
23 instances where you were asked to listen to it?

24 A Yes, there was.

25 Q Several times?

1 A Several times, on May 6, and then, of course, today
2 as well.

3 Q Okay. Was there anything different about the call
4 from the night you took it in 2010 to the last time you
5 listened to it today?

6 A No, ma'am.

7 MS. MUNSON: May I approach the witness, Your Honor?

8 THE COURT: Uh-huh.

9 BY MS. MUNSON:

10 Q Ms. Simkins, I'm showing you State's Exhibit No. 1.
11 If you'll take a look at that.

12 A Uh-huh.

13 Q Do you recognize that?

14 A Yes, I do.

15 Q How do you recognize it?

16 A It's one of our recordings. And I initialled it,
17 also, when it was taken out of P&E. And I reviewed the
18 tape. And I reviewed the tape today as well.

19 Q After you reviewed the tape, did you put anything on
20 State's Exhibit No. 1?

21 A Yes, I did. I dated it and put my initials both
22 times.

23 MS. MUNSON: Your Honor, at this time, I move State's
24 Exhibit No. 1 into evidence.

25 MR. WARDER: Without objection, Your Honor.

1 THE COURT: Could counsel approach for a minute,
2 please?

3 (WHEREUPON, a bench conference was held.)

4 THE COURT: Mr. Foreman, and ladies and gentlemen, I
5 have a brief matter of law I need to take up with the
6 attorneys. During the break, please, do not discuss the
7 case and, please, leave your notepads in your seats. We
8 appreciate your patience.

9 (WHEREUPON, the jury was excused from open court at
10 approximately 2:36 p.m.)

11 THE COURT: I need to hear the tape again, please.

12 Can we make sure all the jurors are in the jury room
13 before they begin that? Because they're going to have to
14 turn it up a little loud so I can hear everything.

15 THE BAILIFF: Your Honor, they're in the jury room.

16 THE COURT: Okay.

17 (WHEREUPON, State's Exhibit No. 1 was played in open
18 court.)

19 THE COURT: I need you to start it over. And I need
20 you to turn it up loud enough where I can hear it. I'm
21 going to need you to turn it up loud enough where I can
22 hear the deceased, because she's whispering. That's why I
23 made sure all the jurors were in the jury room. Because I
24 need you to turn it up louder, and then start it from the
25 very beginning for me.

1 (WHEREUPON, State's Exhibit No. 1 was played in open
2 court.)

3 THE COURT: That's the extent of the recording;
4 correct?

5 Is there anything further, other than what the Court
6 has already heard argued prior to the break for lunch,
7 from the State?

8 MS. MUNSON: No, Your Honor.

9 THE COURT: Anything further from the Defense?

10 MR. WARDER: Your Honor, I apologize. When the
11 microphone is forward, I have a terribly hard time hearing
12 you.

13 THE COURT: Is there anything further, other than
14 what you have already argued prior to our lunch break
15 regarding the admissibility of the 911 tape?

16 MR. WARDER: No. No, there is nothing further.

17 THE COURT: All right. The objections to the tape,
18 several grounds have been raised. One is testimonial, the
19 other is that it is hearsay. I'll take them in opposite
20 order.

21 The tape is not hearsay in that it fits within
22 several exceptions. One of which is that it is a presence
23 sense impression under Rule 803(1). The other is,
24 clearly, it is res gestae. I don't think I need to go
25 with any further explanation. I think we all know that

1 that is under South Carolina precedent.

2 However, our case law is very clear that even when
3 there is an exception, or when a statement fits within an
4 exception and there has been some basis of an objection,
5 that being, as the Defense has raised in this case, lack
6 of confrontation, the Court is required to engage in
7 another analysis, that being whether the statement in and
8 of itself is testimonial.

9 And our case law draws the distinction in determining
10 whether a statement is testimonial or not. That being
11 whether the call was placed because the caller wants
12 protection from an immediate danger, not because the 911
13 caller expects the report to be used later at trial with
14 the caller bearing witness. Rather, there's a cloak of
15 unanimity surrounding 911 calls that encourages citizens
16 to make emergency calls and not bear repercussion. And
17 that is a quote from an outside source used by our courts
18 in State v. Davis. And, in that case, our court engages
19 in the analysis, which is found in the Crawford case,
20 dealing with whether a statement is testimonial or
21 non-testimonial.

22 And our courts have indicated that it would adopt a
23 bright line test, but require support, instead, to engage
24 in a case by case analysis of 911 calls, reports. And we
25 are required to look at, again, whether the person making

1 the call was merely making it for protection of themselves
2 or others, or whether they were under the impression that
3 the tape, much like a statement given to the police or an
4 emissary of the police, someone with police authority,
5 that being, in this instance, a 911 dispatcher was being
6 placed for the sole purpose of being used later at trial.
7 In other words, for the purposes of prosecution. The same
8 way in which the person giving the statement would give it
9 to a police officer for purposes of the statement to be
10 used later for prosecution.

11 And the distinction in this case -- and that's why I
12 asked to listen to the tape again, because I wanted to
13 hear very clearly what the deceased was saying. And I
14 think there's a fine line or a distinction which makes
15 this a non-testimonial statement versus a testimonial
16 statement. If she had called and said, I'm calling to
17 report that my ex-husband is here, that he's in violation
18 of this order, and I am calling because I want him to be
19 apprehended and prosecuted, that's different than someone
20 as this call initiated -- when this call is initiated, she
21 says I hear a noise outside.

22 The operator, clearly, asked her to identify who it
23 is -- and I'm paraphrasing the conversation. And she
24 clearly says, I can't see who it is. She then goes on to
25 say there's an order of protection and she's going through

1 a divorce. The dispatcher asks the husband's name. And
2 she gives that person's name, but she never says that he
3 is, actually, the person that is outside when she
4 initiates the phone call. She identifies herself.

5 And she, also, is then asked if she has a weapon.
6 She says what type of weapon she has. And then she goes
7 on to say there's somebody out there. As she's
8 whispering, she says there's somebody out there, ma'am.
9 And then she says he's on my front porch. And she's still
10 whispering. And then she tells the person to hold on.
11 And then you hear the gunshot.

12 So in this call she never, actually, identifies her
13 husband as the person who's on the porch. You can that
14 extrapolate from the conversation that she's having. But
15 she never, actually, says it is my husband, Willie Marvin
16 Williams, on my porch. She does say he's on my porch, but
17 she never says his name.

18 Now, it is clear from the context of this call that
19 she's in fear, that she's in apprehension, and that the
20 call is being made for the purposes of her protection and
21 for those who are under her roof. She does not make a
22 call under the -- with the intent of having him
23 prosecuted, so to speak.

24 And the distinction that the case law draws is when
25 you have somebody, for example, that calls in a robbery

1 and says, I'm at such and such place. This is the
2 address. Here's the description of the person that's
3 committing this offense or committed this offense, they're
4 in the process of doing it, you need to send the police
5 and have them arrested right now. That's a little
6 different. That's, clearly, a testimonial statement that
7 is for the purpose of being used to prosecute someone
8 versus a phone call, as most 911 calls are made, for the
9 purpose of protection.

10 And in this case, it is a non-testimonial statement
11 that the deceased made for the purpose of protecting
12 herself and, I would assume, her children that were in the
13 house, as well as any other occupants of the residence.
14 So the Court would find that it is non-testimonial.

15 In addition to that, there's been an objection raised
16 that the statement is more prejudicial than probative.
17 And based on res gestae, which is to give a clear -- this
18 is really the only contemporaneous account of what
19 happened at the time of this incident absent an
20 eyewitness. And, therefore, the Court would find,
21 especially under the circumstances and, at least, the
22 posture of this case as I now see it, that it is more
23 probative than prejudicial.

24 The other purpose of the hearsay rules and why there
25 are exceptions is that there are some statements,

1 especially when they're made under certain sorts of
2 stressors -- and, under this case, I think it may even
3 would fit under almost really in the nature of an excited
4 utterance when you're in a situation that's stressful and
5 you're making a statement under the stress of that event,
6 as well as a present sense impression of the law presumes
7 a certain level of veracity in those statements, and a
8 lack of the ability to make up statements or to fabricate
9 because of the stress of the impending event.

10 The Court will note the exception and overrule it.
11 And the tape is admitted subject to the exception.

12 Are we ready to proceed?

13 MS. MUNSON: Yes, ma'am, Your Honor.

14 THE COURT: Please bring in the jury.

15 (WHEREUPON, State's Exhibit No. 1 was admitted into
16 evidence.)

17 THE COURT: And I'm incorporating the two-prong
18 Crawford test in the Court's ruling, which is was the
19 statement made to a governmental agent, or in response to
20 a question from a governmental agent. And it does meet
21 that prong. Because, clearly, our law establishes that a
22 911 operator is a governmental agent. But the next part,
23 which is would the declarant expect his or her statement
24 to be later used at trial, it does not meet that prong of
25 the testimonial test.

1 (WHEREUPON, the jury came into open court at
2 approximately 2:58 p.m.)

3 THE COURT: Ladies and gentlemen, we appreciate your
4 patience. We'll now resume with the testimony of the
5 witness.

6 You may proceed.

7 MS. MUNSON: May it please the Court.

8 We request permission to publish State's Exhibit
9 No. 1.

10 THE COURT: You may proceed.

11 (WHEREUPON, State's Exhibit No. 1 was played in open
12 court.)

13 MS. MUNSON: I have nothing further of this witness
14 at this time, Your Honor.

15 THE COURT: Any questions for the witness?

16 MR. WARDER: Just a couple, Your Honor.

17 THE COURT: You may proceed.

18 CROSS-EXAMINATION

19 BY MR. WARDER:

20 Q Ms. Simkins, how many 911 calls have you received
21 since July 10th, 2010?

22 A A lot. I have no clue how many.

23 Q Thousands?

24 A Probably more.

25 Q Tens of thousands?

1 A Thousands.

2 Q Okay. You told us you listened to this tape, and
3 that it had not been changed in any way. Are you telling
4 us you remember every word that was said in a tape three
5 years ago?

6 A Yes, sir.

7 Q And it's not confused with the tens of thousands of
8 calls?

9 A No. This one stood out.

10 Q If one phrase was left out, you would have remembered
11 it?

12 A Do what?

13 Q Pardon?

14 A Could you repeat yourself?

15 Q If there was one phrase that was left out of that
16 tape or deleted, would you have remembered it?

17 A Yes.

18 Q Can you recite it from memory for me?

19 A Well, probably. I received the call. I said,
20 Greenville County 911 emergency. And she -- I asked her
21 address and her name. And she told me. I asked her did
22 she see the person.

23 And she said, No.

24 And then I asked her about her weapon. And she told
25 me she did have a weapon, it was a .380. I had spoken

1 with her before --

2 Q You're reciting the events, not the words.

3 A Okay.

4 Q You're not telling me, really, that you remember
5 every word out of there?

6 A Yes, I'm telling you I remember it.

7 Q Okay. Are you supposed to stay on the phone until
8 the police arrive?

9 A Pretty much.

10 Q Did you do that that night?

11 A Yes.

12 Q We never hear a siren or anything.

13 A I can't explain that. But --

14 Q We never hear a policeman say anything.

15 A I'm not sure.

16 Q Was it on it when you listened to it the first time
17 or the second time?

18 A Was it what?

19 Q Was it on the tape when you listened to it the first
20 time or the second time?

21 A No. There was no sirens or anything.

22 Q Pardon?

23 A No. There was not any sirens on there.

24 Q Were there any policeman on it?

25 A No.

1 Q What was the last word you said on that tape?

2 A Ma'am and her name.

3 MR. WARDER: Thank you.

4 THE COURT: Any redirect of the witness?

5 MS. MUNSON: No, Your Honor.

6 THE COURT: Any objection to the witness being
7 excused from the State?

8 MS. MUNSON: No, ma'am.

9 THE COURT: From the Defense?

10 MR. WARDER: No, Your Honor.

11 THE COURT: Ma'am, you're excused.

12 You may call your next witness.

13 MS. MUNSON: Your Honor, the State calls J.K.

14 .

15 (Pause.)

16 MS. MUNSON: Your Honor, I believe that before
17 Mr. Kerns takes the stand, we have an issue we need to
18 take up, an evidentiary issue.

19 THE COURT: Mr. Foreman, and, ladies and gentlemen,
20 we have a matter of law we need to take up. During the
21 break, please, do not discuss the case. And, please,
22 leave your notepads in your seats.

23 We thank you in advance for your patience.

24 (WHEREUPON, the jury was excused from open court at
25 approximately 3:11 p.m.)

1 THE COURT: What's the issue?

2 MR. WARDER: Your Honor, there are two photographs
3 that the State is going to introduce.

4 THE COURT: I need to see them.

5 MS. MUNSON: They're State's Exhibit Nos. 2 and 3,
6 Your Honor.

7 THE COURT: Thank you, ma'am.

8 THE CLERK: You're welcome.

9 MR. WARDER: And those are photographs taken sometime
10 later in the morning of the two children. And, Your
11 Honor, they have no probative value at all.

12 THE COURT: Well, I guess my first question becomes,
13 how are you going to introduce these through this child
14 since he didn't take them and he can't authenticate them?

15 MS. MUNSON: He can say that State's Exhibit No. 2 is
16 him and that's how he looked that day. And he can say
17 that State's Exhibit No. 3 is his little sister, and
18 that's how she was that day.

19 Also, Your Honor --

20 THE COURT: For what purpose -- is there any question
21 of fact as to whether they, actually, were there that day
22 or -- I guess I'm trying to figure out what the probative
23 value is of admitting them, and what fact or consequence
24 would make it more or less probative?

25 MS. MUNSON: Well, those were the kids that were

1 taken out of the house.

2 THE COURT: I don't think -- is there any contention
3 that those were the children taken out of the house?

4 MS. MUNSON: I can't ever assume that, Your Honor.

5 THE COURT: Are you all going to say these are the
6 children that were taken out of the house?

7 MR. WARDER: No. That's not an issue.

8 THE COURT: Okay.

9 MS. MUNSON: And if they're willing to stipulate that
10 State's Exhibit No. 3 is Ja.K. --

11 THE COURT: I don't know what State's Exhibit No. 3
12 is. What is State's Exhibit No. 3?

13 MS. MUNSON: It should be the picture of the little
14 girl in her pajamas.

15 THE COURT: Oh, okay.

16 MS. MUNSON: And that that is the Defendant's
17 daughter, and that she was in the house when this went
18 down.

19 THE COURT: Why don't y'all -- I don't think they're
20 questioning that she was there when this happened;
21 correct?

22 MR. WARDER: No. We're not questioning it at all,
23 Your Honor. It's not an issue.

24 I mean, they've got her standing there with a toy --

25 THE COURT: That's not my question.

1 Are y'all going to stipulate that these two children
2 were in the house at the time of this incident?

3 MR. WARDER: Yes.

4 THE COURT: And that the daughter was there, and that
5 it is his child and she was there at the time of the
6 incident?

7 MR. WARDER: Yes. That it's his child, yes.

8 THE COURT: That eliminates the photos.

9 MS. MUNSON: Suits me, Your Honor.

10 THE COURT: Thank you.

11 Okay. Is there anything else we need to take up
12 before we proceed?

13 MS. MUNSON: Nothing from the State, Your Honor.

14 MR. JONES: Not with this witness, Your Honor.

15 THE COURT: Could we go ahead and get the witness,
16 please, and have the witness on the witness stand before I
17 bring the jury back in?

18 You can go ahead and get the jury.

19 (Pause.)

20 THE COURT: Son, come on up here to the witness stand
21 for me, please.

22 THE CLERK: Would you like me to swear him before
23 they come in?

24 THE COURT: No, no.

25 THE CLERK: You can just stand right there, please.

1 (WHEREUPON, the jury came into open court at
2 approximately 3:15 p.m.)

3 THE COURT: The State may proceed.

4 MS. MUNSON: May it please the Court.

5 Your Honor, the State calls J.K.

6 THE COURT: You may proceed.

7 THE CLERK: J.K. , would you raise your right hand
8 for me, and place your left hand on the Bible?

9 WHEREUPON,

10 J.K.

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

12 THE CLERK: Thank you.

13 You may be seated.

14 Would you, please, tell us your full name?

15 THE WITNESS: J.K.

16 THE COURT: I need you to speak up just a little bit
17 more for me. And speak right into the microphone.

18 Thank you.

19 You may proceed.

20 DIRECT EXAMINATION

21 BY MS. MUNSON:

22 Q How old are you, J.K. ?

23 A 12.

24 Q Where do you live?

25 A I live in Greer, South Carolina.

1 Q Who do you live with?

2 A My uncle and my aunt.

3 Q Where do you go to school?

4 A Buena Vista Elementary.

5 Q What grade are you in?

6 A Fifth.

7 Q Do you have a favorite subject?

8 A Math.

9 Q Really. Do you have any things that you like to do

10 outside of school?

11 A Play basketball and football.

12 Q Okay. Who is your dad?

13 A Tony Robertson.

14 Q I'm sorry?

15 A Tony -- I mean, Tony.

16 Q Okay. And who's your mom?

17 A Natasha Kerns.

18 Q Okay. And you don't live with your mom?

19 A No.

20 Q Why not?

21 A Because she got shot.

22 Q Okay. Now, I want you to think back to that time

23 when your mother died. Okay.

24 A Okay.

25 Q Do you remember it?

1 A Yes.

2 Q How old were you?

3 A I think 10, or nine.

4 Q Okay. Well, when is your birthday?

5 A .

6 Q September the what?

7 A .

8 Q What year?

9 A 2 .

10 Q Okay. So you were almost 10; is that right?

11 A Yes, ma'am.

12 Q Where were you when your mom got killed?

13 A I was in my room.

14 Q Okay. In your room. Where were you living at the

15 time that your mom got killed?

16 A In Idlewild.

17 Q In Idlewild?

18 A Yes.

19 Q Do you remember the address?

20 A No.

21 Q Who else lived with you and your mom in the Idlewild

22 house?

23 A My sister and my mom's bodyguard.

24 Q Your mom's bodyguard?

25 A Yes.

1 Q Do you know his name?

2 A No.

3 Q Had you ever seen him before the night that your mom
4 got killed?

5 A No.

6 Q Okay. Now, who's your sister?

7 A Ja. K.

8 Q And how old was she when your mom got killed?

9 A Two.

10 Q And who's her dad?

11 A Willie Robinson.

12 Q Willie Robinson?

13 A I mean, Williams.

14 Q Let me try again. Who is your sister's dad?

15 A Willie.

16 Q Okay. That's all right.

17 Now, the night that your mom got killed, you say you
18 were in your room?

19 A Yes.

20 Q And do you know, did this happen during the day, or
21 the night, or when?

22 A It was like in the morning.

23 Q Okay. How early in the morning? Real early?

24 A Yes.

25 Q Was the sun up yet?

1 A No.

2 Q How did you know that something was wrong?

3 A When I heard the first fire.

4 Q And where were you when you heard that fire?

5 A In my room.

6 Q Was anybody in your room with you when you heard
7 that?

8 A Yes.

9 Q Who was in your room with you?

10 A My mom's bodyguard.

11 Q Okay. When you heard the first shot, he was in your
12 room?

13 A Yes.

14 Q Okay. What did you do when you heard that shot?

15 A I woke up.

16 Q Okay. Did you get up?

17 A No.

18 Q Okay. Did you say anything?

19 A Huh-uh. Then I turned on the lights.

20 Q So you got up?

21 A Yes.

22 Q Okay. You turned on the lights where?

23 A In my room.

24 Q All right. And what happened when you turned on the
25 lights?

1 A My mom's bodyguard told me to turn them off.

2 Q Did you do that?

3 A Yes.

4 Q And what was the next thing you remember happening?

5 A I looked out the window.

6 Q Which window did you look out?

7 A My window in my room.

8 Q Okay. When you looked out your window in your room,

9 what did you see?

10 A A car.

11 Q What kind of car did you see?

12 A A 300.

13 Q What do you mean by a "300"?

14 A A Chrysler.

15 Q Okay. Had you ever seen that car before?

16 A Yes.

17 Q Whose car was it?

18 A My sister's dad.

19 Q Your sister's dad.

20 All right. When you looked out your window and you

21 saw your sister's dad's car, what happened next?

22 A Then I opened my door. And then I crawled to the

23 corner of our hallway.

24 Q Okay. Why were you crawling?

25 A Because I had heard gun fire.

1 Q All right. When you were crawling in your hallway,
2 did you see anything?

3 A No.

4 Q Okay. Did you see your mom?

5 A When I, finally -- when I got to the corner, yes, I
6 saw my mom.

7 Q Where did you see your mom?

8 A On the ground.

9 Q Did you talk to her?

10 A No.

11 Q Did you go close to her?

12 A Yes.

13 Q Was she able to talk to you?

14 A No.

15 Q All right. What's the next thing that you remember
16 after that?

17 A I saw Will Marvin.

18 Q You saw him where?

19 A Shooting my mom.

20 Q You saw him shooting your mom?

21 A Yes.

22 Q After she was on the ground?

23 A Yes.

24 Q Okay. Where did you see him?

25 A I saw him above my mom.

1 Q Okay. Do you remember what he was wearing?

2 A No.

3 Q Okay. How do you know it was him?

4 A Because I saw him.

5 Q Did you see his face?

6 A Yes.

7 Q Did he say anything to you?

8 A No.

9 Q Did you say anything to him?

10 A No.

11 Q How many shots did you hear?

12 A Nine or four, one of those two.

13 Q Nine or four. Okay. What did -- after you saw Will

14 Marvin shoot your mom, what -- where did he go?

15 A He went out the window.

16 Q Did you see the window that he went out?

17 A Yes.

18 Q Okay. And then what happened? Did you see him

19 leave?

20 A Yes. I saw his car leave.

21 Q You saw his car leave. And then do you remember the

22 police officers coming in the house?

23 A Yes.

24 Q Do you remember talking to them?

25 A Yes.

1 MS. MUNSON: May I approach, Your Honor?

2 THE COURT: Uh-huh.

3 BY MS. MUNSON:

4 Q All right. J.K. , I am showing you State's Exhibit
5 Nos. 4 and 5. Can you take a look at those?

6 A Yes.

7 Q Have you ever seen those before?

8 A Yes.

9 Q Do you recognize them?

10 A Yes.

11 Q Do they show what your Idlewild house looked like
12 back in July when your mom was killed?

13 A Yes.

14 MS. MUNSON: Your Honor, at this time, I move State's
15 Exhibit Nos. 4 and 5 into evidence.

16 THE COURT: Please show them to counsel.

17 MS. MUNSON: Yes.

18 THE COURT: Any exception?

19 MR. WARDER: No objection, Your Honor.

20 THE COURT: Marked and admitted without objection.

21 (WHEREUPON, State's Exhibit Nos. 4 and 5 were admitted
22 into evidence.)

23 BY MS. MUNSON:

24 Q J.K. , do you have that little laser pointer up
25 there?

1 A Yes.

2 Q I'm going to put up here State's No. 4. Can you take
3 a look at this?

4 MS. MUNSON: We might need a little help with the
5 lights.

6 BY MS. MUNSON:

7 Q All right. J.K., what is that?

8 A My house.

9 Q Can you show with the laser pointer on State's
10 Exhibit No. 4 where your window was that you looked out?

11 A Right there.

12 Q Right there. And is it fair to say it's the far
13 right window of State's Exhibit No. 4?

14 A Yes.

15 Q Okay. Now, let me show you State's Exhibit No. 5.
16 On State's Exhibit No. 5, can you show with the laser
17 pointer where your room is?

18 A Right there.

19 Q Okay. And show on State's Exhibit No. 5 where you
20 saw Will Marvin's 300?

21 A Right here.

22 Q To the left of the tree?

23 A Yes. Yes, ma'am.

24 Q Not between the trees?

25 A No, ma'am.

1 MS. MUNSON: If we could have the lights back on,
2 please.

3 BY MS. MUNSON:

4 Q Now, that car -- had you ever been in that car
5 before?

6 A Yes.

7 Q Do you know if Will Marvin had any other cars?

8 A He had a Mustang. He had a motorcycle. And he had a
9 truck.

10 Q Had you ridden in all of them?

11 A Not -- yes. Yes, I have.

12 Q Had he ever been over to your Idlewild house?

13 A Yes.

14 Q Had you seen him a lot?

15 A Yes.

16 Q Now, you've been talking about Will Marvin and your
17 sister's father. Is he in the courtroom?

18 A Yes.

19 Q Can you point out for the jury where he's sitting?

20 A Right there.

21 MS. MUNSON: Your Honor, may the record show that
22 he's identified --

23 BY MS. MUNSON:

24 Q Can you say something that he's wearing for the
25 record?

1 A Red.

2 Q A red what?

3 A Suit.

4 MS. MUNSON: Okay --

5 THE WITNESS: Or tie.

6 MS. MUNSON: It's the State's position, Your Honor,
7 that's adequate identification of the Defendant. And we
8 would ask the record to reflect that.

9 THE COURT: He has testified and identified the
10 Defendant.

11 MS. MUNSON: I have nothing further of this witness
12 at this time.

13 THE COURT: Any questions for the witness?

14 CROSS-EXAMINATION

15 BY MR. WARDER:

16 Q Do I understand that you were woken up by the sound
17 of a gunshot?

18 A Yes.

19 Q And did you immediately get up?

20 A No.

21 Q You laid in bed?

22 A Yes.

23 Q How long did you lay in bed before you did anything?

24 A For like two minutes.

25 Q About three?

1 A Two, not three.

2 Q You don't know?

3 A I said two.

4 Q Two minutes?

5 A Yes.

6 Q Okay. And then when you got up in two minutes, did
7 you turn the light on in your room?

8 A Yes.

9 Q Was -- okay. Was anybody else in the room?

10 A Yes.

11 Q Okay. Who was that?

12 A My mom's bodyguard.

13 Q Your mom's what?

14 A Bodyguard.

15 Q Bodyguard?

16 A Yes.

17 Q Was he her boyfriend?

18 A No.

19 Q Was he in bed with your mom?

20 A No.

21 Q He wasn't sleeping in bed with your mom?

22 A No.

23 Q Had he already gotten dressed?

24 A What you mean? He was already dressed.

25 Q Well, it was 2:00 in the morning. Was he in his

1 street clothes?

2 A He was in his regular clothes.

3 Q And was he shot?

4 A Yes.

5 Q When was he shot?

6 A The first bullet.

7 Q Pardon?

8 A The first shot that woke me up, he was shot.

9 Q He was shot the first shot?

10 A Yes.

11 Q The one that woke you up?

12 A Yes.

13 Q How many total shots did you hear?

14 A I said four -- between nine -- I don't know. It was
15 between nine or four.

16 Q Okay. And after the bodyguard was shot, then your
17 mom was shot?

18 A Yes.

19 Q Were you out in the room when that happened?

20 A Yes.

21 Q And she was shot twice?

22 A No.

23 Q Pardon?

24 A No. She was shot more.

25 Q She was shot one -- one shot missed her?

1 A No. More.

2 Q Pardon?

3 A More.

4 Q More?

5 A She got shot more than two times.

6 Q How many times did your mother get shot?

7 A Probably like four or five.

8 Q Did you see all four or five of those?

9 A I saw two.

10 Q Okay. Could you tell where she was shot at when she

11 was shot?

12 A She was shot right here and right here.

13 Q Okay. You pointed to -- and I think it was your

14 right shoulder; is that right?

15 A Yes.

16 Q And then she was shot more in the center of the

17 chest?

18 A Yes.

19 Q Okay. And when did -- did you go back into your room

20 then?

21 A No.

22 Q Okay. You stayed in the living room?

23 A Yes.

24 Q For how long?

25 A Until Will Marvin left.

1 Q When did you see Will Marvin's car leave? Was
2 that --

3 A After he ran out of bullets.

4 Q Okay. And you said you saw him through your bedroom
5 window?

6 A I saw his car.

7 Q The car through the bedroom window?

8 A Yes.

9 Q And was that when he was leaving in it?

10 A No. That's when he was arriving in it. That was
11 when he was already in there.

12 Q Okay. I thought you were asleep until you heard a
13 shot?

14 A I was asleep, yes, I was. But until I heard the
15 shot. And I looked out the window, and I turned on the
16 light. And then I -- then my mom's bodyguard told me to
17 turn off the light. And I looked out the window and his
18 car was already there, and his lights was on.

19 Q Did you see the car leave?

20 A Yes, I did. After he left -- after he ran out of
21 bullets, he ran out the window and he left.

22 Q And you're saying he went out the front of the house?

23 A Yes, not through the door.

24 Q Pardon?

25 A Not through the door.

1 Q Through the window?

2 A Yes.

3 Q Okay. Did your mother have a gun, too?

4 A Yes, she did.

5 Q Did she shoot it?

6 A No. Because she couldn't get to it.

7 Q When you say "she couldn't get to it," she didn't
8 have it with her right on her?

9 A No. She didn't have it right on her.

10 Q Do you know where her gun was at?

11 A Yes. It was in her closet.

12 Q In where?

13 A In her closet.

14 Q So she had a gun in her closet?

15 A Yes.

16 Q Do you know what kind of gun she had?

17 A No.

18 Q Where was your little sister at when this was going
19 on?

20 A She was in my mom's room.

21 Q And what room had the bodyguard been sleeping in?

22 A He hadn't been sleeping in our room. He hadn't been
23 sleeping in our house.

24 Q Okay. The bodyguard, was he sitting in the dark? Is
25 that what he did, just sat up all night?

1 A No, he was standing.

2 Q He stood up all night?

3 A Yes.

4 Q Okay. And what room was he standing in?

5 A He wasn't standing in a room. He was standing in the
6 hallway.

7 Q Okay. So the bodyguard kind of stood in the hallway
8 to guard the hall, I guess?

9 A Yes.

10 Q Do you remember what time you went to bed?

11 A Probably between like 12:00.

12 Q Okay. Was the bodyguard on duty standing in the hall
13 at 12:00?

14 A Yes.

15 MR. WARDER: Thank you.

16 THE COURT: Any redirect of the witness?

17 MS. MUNSON: Yes, ma'am, Your Honor.

18 THE COURT: You may proceed.

19 REDIRECT EXAMINATION

20 BY MS. MUNSON:

21 Q J.K. , when you went to bed that night, do you know
22 what anybody else was doing in the house after you were
23 asleep?

24 A My mom went to sleep and she locked her door. And my
25 sister was in my mom's room in her cradle.

1 Q Okay. But after you fell asleep, you're asleep, do
2 you know what was going on at all in the house until the
3 shots woke you up?

4 A Yes. I didn't know what was going on, because I was
5 asleep.

6 Q Okay. So while you're sleeping, you didn't know what
7 was going on in the house?

8 A No.

9 Q You said in response to one of Mr. Warder's questions
10 that he ran out of bullets. How do you know that?

11 A Because he faced it at me.

12 Q Well, how do you know it was out of bullets?

13 A Because he shot it. He shot it at me. And then he
14 ran out of bullets. You know how a gun says -- when the
15 bullet goes out of bullets, and then it says pssh [phonetic]
16 and it's out of bullets. And then the gun is different.
17 It was out of bullets. And then he left.

18 MS. MUNSON: Nothing further, Your Honor.

19 THE COURT: Any objection to the witness being
20 excused from the State?

21 MS. MUNSON: No, ma'am.

22 THE COURT: From the Defense?

23 MR. WARDER: No, Your Honor.

24 THE COURT: Young man, you're excused.

25 You may call your next witness.

1 MS. MUNSON: Your Honor, might this be a good time to
2 publish the unwritten stipulation?

3 THE COURT: That's up to you. You might want to
4 discuss that with counsel and go ahead and call your next
5 witness.

6 MS. MUNSON: Okay. The State calls Laura Campbell.

7 THE CLERK: Ms. Campbell, please, come forward to be
8 sworn in.

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

11 WHEREUPON,

12 LAURA CAMPBELL,
13 after first having been duly sworn, testified as follows:

14 THE CLERK: Thank you.

15 You may be seated.

16 Please state your name for the record.

17 THE WITNESS: It's Laura Campbell.

18 THE CLERK: Thank you.

19 THE COURT: You may proceed.

20 MS. MUNSON: Thank you, Your Honor.

21 THE COURT: You're welcome.

22 DIRECT EXAMINATION

23 BY MS. MUNSON:

24 Q Ms. Campbell, who were you working for back in 2010?

25 A The Greenville County Sheriff's Office.

1 Q How long had you been with the Sheriff's Office back
2 then?

3 A Oh, about a year at the time.

4 Q Did you have any law enforcement experience prior to
5 that?

6 A Yes, ma'am. I was a police officer for the City of
7 Virginia Beach for a couple of years before I came here to
8 Greenville.

9 Q When did you leave the Sheriff's Office?

10 A About three weeks ago.

11 Q And why did you do that?

12 A I am moving to California.

13 Q All right. At the time -- during your time with the
14 Sheriff's Office, what different positions have you held?

15 A After I was a patrol deputy when this incident
16 occurred, I went to vice and narcotics for two years. And
17 for the last year of service with the Sheriff, I was his
18 public information officer. So I dealt with the media and
19 all the press releases, and things of that nature.

20 Q And in July of 2010, what was your job title?

21 A I was a deputy two with the Sheriff's Office. And I
22 had worked for uniform patrol.

23 Q And your duties were?

24 A Answering calls for service, initiating calls for
25 service. That -- I was in a marked patrol car in uniform.

1 Q And is that what your status was in July of 2010?

2 A Yes, ma'am.

3 Q Did you get a call in reference to this case?

4 A Yes, ma'am.

5 MR. WARDER: Your Honor, please, I have a matter of
6 law to take up at this time.

7 THE COURT: You may approach.

8 (WHEREUPON, a bench conference was held.)

9 THE COURT: You may proceed.

10 MS. MUNSON: Thank you, Your Honor.

11 BY MS. MUNSON:

12 Q So did you respond to a call in reference to this
13 case?

14 A Yes, ma'am, I did.

15 Q On what date?

16 A It was July 10th of 2010.

17 Q Do you know what time it was?

18 A Approximately 5:00 a.m.

19 Q Were you on duty?

20 A I was.

21 Q And where did you go in response to this call?

22 A To in Greenville County.

23 Q Okay. When you got there, as you said, you were in
24 uniform and marked car?

25 A Yes, ma'am.

1 Q Was anybody in your car with you?

2 A No one was in my car. We ride solo deputies.

3 Q When you got to Idlewild -- about how long did it
4 take you to get there?

5 A Less than five minutes.

6 Q Okay. And when you got there, was any other law
7 enforcement personnel present?

8 A Yes, ma'am. There was a deputy by the name of
9 Matthew Waters that was already on scene. He beat me to
10 the call by about three minutes.

11 Q And did you see him when you got there?

12 A I did. He had taken a cover position behind a tree
13 in a vehicle that was to the left of the driveway of the
14 home.

15 Q Did you see anybody else around the house?

16 A No, ma'am.

17 Q Did you get out of your car?

18 A Yes, ma'am.

19 Q And where did you go?

20 A I went and met Deputy Waters at his position behind
21 the tree to find out what he had discovered.

22 Q Okay. Could you see the house from where you were?

23 A Oh, yes, ma'am. We were in the front yard of the
24 house.

25 Q What did you notice about the house?

1 A To the left, the very far left window was broken out.
2 And then, also, a window further towards the middle of the
3 house looked -- what appeared to be a bullet hole in the
4 window.

5 Q Did you hear anything while you were there?

6 A No, ma'am. It was eerily quiet.

7 Q Okay. How long did y'all stay there before you
8 decided to do anything?

9 A Deputy Waters had advised me that he had called out
10 and didn't get a response from inside the home. The tree
11 area where we were positioned was, gosh, maybe 10 yards
12 from the front of the house.

13 So we tactically moved closer. Because, at this
14 point, we had been advised that there was a shooting. We
15 didn't know where the suspect was or anybody, at this
16 point, just because it was so quiet.

17 So we did approach the house. And we approached to
18 the left of the house where the window was broken out.

19 Q Okay. As you were doing that, as you're approaching,
20 did any other law enforcement personnel arrive?

21 A Yes, ma'am. A deputy by the name of Justin Lanford
22 arrived. So it was the three of us that were making an
23 approach to the home.

24 Q And did you, eventually, go in?

25 A We did. We got within a number of feet, less than

1 five feet from that broken-out window. Deputy Waters
2 called out again --

3 Q I'm sorry to interrupt. But when you say he called
4 out, what does that mean?

5 A Typically, when we call out at a scene, we identify
6 ourselves to say something to the effect of Greenville
7 County Sheriff's Office, you know, make yourself known, or
8 something of that nature. But we announce that we are law
9 enforcement and that we're there at the scene. This
10 particular occasion, when Deputy Waters called out, we
11 were close to the home. And he did call out louder.

12 And, at that point, I would describe it as mayhem
13 broke loose. There was tons of screaming from inside the
14 house, screaming for help. And, at that point, the three
15 of us entered through the broken glass and into the home.

16 Q When you got into the home, could you see anything
17 inside the house at that point?

18 A No. The area in which we entered, I remember there
19 being some sofas. But there was no actual people in the
20 room where that broken window was. We go straight through
21 that room, make a right turn through some kind of beading
22 material that separated the doorway, and entered what
23 appeared to be a living room. The first thing I see is a
24 young boy in a pair of boxer shorts holding a very young
25 girl that looked to be less than two in a pair of

1 pink-footed pajamas. He was screaming at the time that
2 he --

3 MR. WARDER: Objection, to what he was screaming.

4 THE COURT: Mr. Foreman, and, ladies and gentlemen, I
5 have a very brief matter of law to take up with the
6 attorneys. During this break, please, do not discuss the
7 case. And, please, leave your notepads in your seats. We
8 appreciate your patience.

9 (WHEREUPON, the jury was excused from open court at
10 approximately 3:42 p.m.)

11 THE COURT: Ma'am, you may continue your answer.

12 THE WITNESS: The young boy was screaming, He killed
13 my mommy. I looked to the right of me and I saw the
14 victim, at that point, laying in the floor, and then,
15 also, an adult male with a pink towel wrapped around his
16 head.

17 Being a mother myself, I kind of went into mom mode
18 more than police mode. I grabbed the two children and ran
19 out of the house with both of them. I took the little
20 girl and took the little boy, J.K. , by his hand and went
21 out the exact way we came in, through the window.

22 DIRECT EXAMINATION

23 BY MS. MUNSON:

24 Q But at no point --

25 MS. MUNSON: And I, certainly, wouldn't ask it this

1 way in front of the jury, Your Honor.

2 BY MS. MUNSON:

3 Q But at no point in the house did the little boy say,
4 Will Marvin killed my mom?

5 A No. It wasn't until we were outside in the car.

6 Q He just said --

7 A He just said, He killed my mommy.

8 Q And then once you got out into the patrol car --

9 A That's right. I had the little girl. She wouldn't
10 let go of me. So I held onto her and put her in the back
11 of Deputy Lanford's car, just trying to ascertain what was
12 going on. And that's when he said that Willie Marvin
13 killed my mom.

14 Q Did he say this in response to your questioning?

15 A Yes, ma'am.

16 MS. MUNSON: That would be the extent of it, Your
17 Honor.

18 THE COURT: I need to know exactly what questions she
19 asked him that elicited that response.

20 THE WITNESS: I wasn't trying to, I guess,
21 interrogate him or solicit information from him at this
22 point. I was merely trying to calm them down. He made a
23 lot of statements. So it's not like I directly questioned
24 him and said, who did this?

25 He was just saying a lot of things. Some that come

1 to immediate memory is he said, I knew he would do this.
2 He said, He would do this. Why else would he come in the
3 middle of the night? Willie Marvin called my mom and
4 killed my mom. And he would just repeat things.

5 But he'd, also, ask questions. He said, you know, My
6 mom is dead. But in the same token, he would turn around
7 and say, why Is my mom not coming out? And then he would
8 ask me why her eye looked like it did. And I did see it.
9 And her eye was coming out from the gunshot wound to the
10 head.

11 So it was more letting him just speak more than me
12 just asking questions. And I did reach out to
13 Investigator Whaley. And, at that point, he said just
14 turn on Deputy Lanford's video camera and let him talk.
15 But I never directly interrogated him.

16 THE COURT: Are there any other statements -- of the
17 statements she's made, which of those would the State be
18 seeking to introduce?

19 MS. MUNSON: I don't think that I would -- I'm not
20 going to ask this witness to recount the testimony that he
21 said he was going to do this, why else would he come in
22 the middle of the night, and things of that nature. I do
23 ask that she be allowed to say that the child said, He
24 killed my mommy, and that he, also, said that it was
25 Willie Marvin.

1 THE COURT: Okay. Is there an exception? What's the
2 basis of the objection?

3 MR. WARDER: The basis would be that it's hearsay,
4 Your Honor. It's an out-of-court statement offered for
5 the issue of who killed this person. And it's a
6 declaration by a witness that's already testified today.

7 THE COURT: Would the State like to respond?

8 MS. MUNSON: I apologize, Your Honor. I was
9 distracted.

10 THE COURT: He said it's hearsay. Would you like to
11 respond?

12 MS. MUNSON: Nothing other than 803(2), excited
13 utterance. Clearly, the child was under the influence of
14 an excited event, a shocking event very close in time to
15 when the event happened.

16 THE COURT: You never elicited from the officer how
17 long it took them to arrive at the scene, how close in
18 proximity to the call that they arrived.

19 THE WITNESS: I stated less than five minutes.

20 THE COURT: Okay. So you're saying within that
21 five-minute window is when you spoke to the child and he
22 made these statements?

23 THE WITNESS: No, ma'am.

24 From the time the call came out until the time I
25 arrived on scene, I believe, was less than five minutes.

1 From the time we entered the home was probably one or two
2 more minutes. And I would say, from the time I picked the
3 little girl up and took him by the hand and took him
4 outside, he said it was Willie Marvin within a minute or
5 two. So I would say all and all, maybe less than 10 -- 10
6 to 15.

7 THE COURT: And what was his demeanor when he said
8 these things to you?

9 THE WITNESS: He was terrified. He was confused. He
10 wanted his mom. He repeated over and over he wanted his
11 mom.

12 THE COURT: The objection is overruled. The
13 statements are spontaneous and, clearly, come within the
14 exception of 803(2), which is an excited utterance. They
15 meet all three elements, that being that the statement
16 relates to a startling event or condition. The statement
17 was made while the declarant was under the immediate
18 stress of the excitement. And the officer's testimony is
19 it was within less than 15 minutes of this event. And the
20 stress must have been caused by the startling event or
21 condition.

22 And, clearly, a child witnessing their parent being
23 shot is a startling event. The officer has testified that
24 he was --

25 Repeat the words you used. Did you say hysterical?

1 THE WITNESS: He was terrified. And he was --

2 THE COURT: Terrified, that's the word I was looking
3 for. She testified he was terrified. And, clearly, the
4 stress was caused by the startling event or condition.
5 Therefore, it comes within the exception as an excited
6 utterance. Therefore, the objection is overruled.

7 Please bring in the jury.

8 And the Court has considered the totality of the
9 circumstances in making that ruling.

10 MR. WARDER: Your Honor.

11 THE COURT: Yes, sir.

12 MR. WARDER: For the record, I would, also, object
13 that it violates the confrontation clause and the right to
14 confront.

15 THE COURT: You can recall the witness if you'd like.
16 He's available. There's nothing unavailable about him.
17 You've had the ability to examine him and cross-examine
18 him regarding his statement.

19 And, clearly, it is not a testimonial statement --
20 well, it may well have been, but I don't believe that even
21 applies in this instance. It's, clearly, an excited
22 utterance. And if you want to recall the child as a
23 witness, you're welcome to. And you can cross-examine
24 him.

25 So you're not denied the ability to confront him.

1 Even though you have no burden of proof in this case,
2 there's nothing that precludes you from recalling him as a
3 witness, if you'd like to.

4 What was the deceased's maiden name?

5 MR. WILLIE ROBINSON: Kerns.

6 THE COURT: Is she related to any Robinsons? How is
7 she related to the Robinsons?

8 MR. WILLIE ROBINSON: My daughter.

9 THE COURT: So you're a Robinson and Ms. Kerns is
10 your daughter?

11 MR. WILLIE ROBINSON: She was my daughter. Her
12 grandmother wanted me to let her keep her last name.

13 (WHEREUPON, the jury came into open court at
14 approximately 3:53 p.m.)

15 THE COURT: You may continue.

16 MS. MUNSON: Thank you, Your Honor.

17 THE COURT: You're welcome.

18 CONTINUED DIRECT EXAMINATION

19 BY MS. MUNSON:

20 Q All right. Ms. Campbell, I'm kind of backtracking
21 myself here. When you got in the house and you saw the
22 small children, what was their demeanor?

23 A The little boy was holding his sister. They were
24 both screaming hysterically, staring at their mother on
25 the floor. Both were crying, screaming, Help us, and, He

1 killed my mommy.

2 Q Okay. Was there anybody else in the room with
3 Natasha's body?

4 A Yes. It was the two children and then a grown adult
5 male -- back male that appeared to be injured. He had a
6 pink bath towel wrapped around his head that was soaked in
7 blood.

8 Q And when you got the children, where did you go?

9 A I grabbed the little girl, took her. And then I took
10 J.K. by his hand and went out the exact same way I came
11 and immediately took them to Deputy Lanford's patrol car,
12 which, at that time, was parked close to the front of the
13 home.

14 Q Okay. What was J.K. saying as you got him out of
15 the house?

16 A He kept repeating, He killed my mommy, he killed my
17 mommy. I never directly interrogated him or asked him any
18 questions. But he would comment on the events. And he
19 said, Willie Marvin killed my mom.

20 Q When you got into the home and saw the body, did you
21 go around Natasha at all or move her?

22 A No. The way -- the door that came from that other
23 room which we entered, Natasha was to our right with her
24 head closest to the children. And the children were
25 directly in front of me, closer than me and this juror

1 right here in the plaid shirt.

2 MS. MUNSON: May I approach, Your Honor?

3 THE COURT: Uh-huh.

4 BY MS. MUNSON:

5 Q Ms. Campbell, I'm showing you State's Exhibit Nos. 6,
6 7, 8, 26, 9, 10 and 11. Will you just take a look at
7 those, please?

8 A Yes, ma'am.

9 Q Do you recognize those?

10 A Yes, ma'am.

11 Q Are they true and accurate depictions of what you saw
12 when you got to ?

13 A Yes, ma'am.

14 MS. MUNSON: Your Honor, I offer State's Exhibit Nos.
15 6, 7, 8, 26, 9, 10 and 11 into evidence.

16 THE COURT: Any exception?

17 MR. WARDER: Your Honor, if it please the Court, we
18 have no objection to those photographs.

19 THE COURT: Tell me the numbers again, please.

20 MS. MUNSON: Yes, ma'am.

21 If I could get them back, please.

22 MS. MUNSON: Your Honor, the numbers are State's
23 Exhibit Nos. 6, 7, 8, 26, 9, 10 and 11.

24 BY MS. MUNSON:

25 Q All right. Ms. Campbell, if you would --

1 THE COURT: Wait one second, please.

2 MS. MUNSON: Yes, ma'am.

3 THE COURT: Marked and admitted without objection.

4 (WHEREUPON, State's Exhibit Nos. 6, 7, 8, 9, 10, 11,
5 and 26 were admitted into evidence.)

6 BY MS. MUNSON:

7 Q Ms. Campbell, if you'll grab that laser pointer
8 there. And I'm going to get you to go through some of
9 these, please.

10 I'm showing you State's Exhibit No. 6. Now, with the
11 laser pointer, can you show the jury on State's Exhibit
12 No. 6 where you saw what you believed to be a bullet hole?

13 A It's, essentially, in that window right there.

14 Q Okay. And where is the window through which you
15 entered the home?

16 A This far left window here.

17 Q Okay. Now, this is State's Exhibit No. 7. What does
18 that show you?

19 A This area in here is the -- what looked like a bullet
20 hole.

21 Q Okay. And then if we could let you look at State's
22 Exhibit No. 8.

23 A That's an enlarged picture of, basically, what you
24 just previously showed, which is the bullet hole in that
25 middle window.

1 Q All right. Now, I'm showing you a little out of
2 order here, I guess. State's Exhibit No. 26.

3 A Again, that's an enlarged picture of that middle
4 window with the bullet hole in it.

5 Q From where -- from what perspective is State's
6 Exhibit No. 26 taken?

7 A It appears to be from the inside out.

8 Q From the inside of the house?

9 A Yes, ma'am.

10 Q Now, this is State's Exhibit No. 9. What is depicted
11 here?

12 A This is that far left window that was broken out. If
13 you look at the picture, you can tell that the vertical
14 blinds from the inside are pushed out, which indicates
15 that someone exited the home through that window. And the
16 window here in that upper pane area is, again, that bullet
17 hole.

18 Q When you referred to Deputy Waters and you as taking
19 a tactical position around a car?

20 A Right.

21 Q Is the car depicted in State's Exhibit No. 9?

22 A It's this car right here, and then there's a tree
23 further back. Essentially, if you were to look at it from
24 where I'm sitting, I'm the tree in the picture.

25 Q Let me go back to what's already in evidence as

1 State's Exhibit No. 5. Is that more helpful,
2 Ms. Campbell, in showing the jury where you took up your
3 tactical position?

4 A Yes, ma'am. Because this is the driveway here.
5 Again, the tree -- all this -- we took the tactical
6 position to the left side of the home. This is all from
7 the right side of the home here.

8 Q All right. Then I have State's Exhibit No. 10. What
9 is the perspective here on State's Exhibit No. 10?

10 A As I initially testified, once we took -- got out
11 from our cover, which was the tree and the car, and we
12 approached the home to call out that we were the Sheriff's
13 Office, this is exactly the position where this picture is
14 taken where we were standing when we yelled into the
15 window.

16 Q And where on State's Exhibit No. 10 is what you saw
17 that you believed to be a bullet hole?

18 A It's this middle window right here.

19 Q Okay. Now, finally, I've got State's Exhibit No. 11.
20 Would you take a look at this?

21 A Yes, ma'am.

22 Q And where in relation to where you came in is State's
23 Exhibit No. 11?

24 A This is the room in the middle. Natasha's body is
25 lying directly underneath the window where that

1 bullet hole -- that bullet hole would be about right
2 there.

3 Q Okay. And is that the condition in which you found
4 her?

5 A Yes, ma'am.

6 MS. MUNSON: Thank you, Ms. Campbell.

7 I have nothing further at this time, Your Honor.

8 THE COURT: Any questions for the witness?

9 MR. WARDER: We have no questions of this witness,
10 Your Honor.

11 THE COURT: Any objection to the witness being
12 excused from the State?

13 MS. MUNSON: No, ma'am.

14 THE COURT: From the Defense?

15 MR. WARDER: No, Your Honor.

16 THE COURT: Ma'am, you're excused.

17 THE WITNESS: Thank you.

18 THE COURT: Yes, ma'am. You're welcome.

19 The State may call its next witness.

20 MS. MUNSON: Your Honor, the State calls Deputy
21 Justin Lanford.

22 THE CLERK: Deputy Lanford, if you'd come forward to
23 be sworn in, please.

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

1 WHEREUPON,

2 JUSTIN LANFORD,

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

4 THE CLERK: Thank you.

5 You may be seated.

6 Please state your name for the record.

7 THE WITNESS: Justin Lanford.

8 THE CLERK: Thank you.

9 DIRECT EXAMINATION

10 BY MS. MUNSON:

11 Q Who do you work for, sir?

12 A The Greenville County Sheriff's Office.

13 Q How long have you been with the Sheriff's Office?

14 A Six years.

15 Q What are your current duties?

16 A I work in the direct patrol unit, which is a
17 street-level narcotics unit.

18 Q How long have you been doing that?

19 A Since 2010.

20 Q All right. Were you with the Sheriff's Office back
21 in July of 2010?

22 A Yes, ma'am.

23 Q And did you get a call in reference to this case?

24 A Yes, ma'am.

25 Q Do you remember about what time of day or night it

1 was?

2 A I remember it was very early in the morning. I don't
3 remember an exact time.

4 Q Were you on duty?

5 A Yes, ma'am.

6 Q In response to the call that you got or the -- well,
7 was it a call, or was it dispatched over your computer, or
8 how did that work? Radio?

9 A Yes, ma'am. We have radios for the areas we work.
10 And we all can hear the calls that go out so in case we
11 need to back other deputies up. And that's how we heard
12 the call go out.

13 Q And when you heard the call go out, where did you go?

14 A I went to that address.

15 Q Was there any other law enforcement officers there
16 when you got there?

17 A Yes, ma'am.

18 Q Who was there?

19 A Deputy Waters and Deputy Campbell.

20 Q When you got on scene, were they in or out of their
21 cars? Where exactly were they?

22 A They were out of their cars advancing towards the
23 house, but not inside yet.

24 Q And what did you do when you saw that?

25 A I did the same, exited my vehicle and approached the

1 house as well.

2 Q Okay. And did you call out, or did you hear anybody
3 call out?

4 A Yes, ma'am. I believe Deputy Waters did several
5 times with no response.

6 Q And at some point, did you go in?

7 A Yes, ma'am. We saw that the side window had been
8 busted out. So we went into the residence and cleared it,
9 at which time we saw what had happened.

10 Q When you say you "cleared" the residence, what does
11 that mean?

12 A We go through every room to make sure there's
13 nobody -- or people inside the house that may be the
14 suspect involved and take care of the victims, if there
15 are any.

16 Q And do you remember who you found in the house?

17 A Two people with gunshot wounds, and two small
18 children.

19 Q Okay. Do you remember where you found the -- when
20 you say two people with gunshot wounds, do you remember
21 the sex of them?

22 A Yes, ma'am. One male and one female. They were both
23 in the living room of the residence.

24 Q All right. After you cleared the residence, did you
25 do anything else like outside the house?

1 A Yes, ma'am. We removed the children from the house.
2 And then I began placing crime scene tape around the house
3 so that nobody would come into the area of the crime
4 scene. And if they did enter, they had to go through us
5 where we got their names and what they were doing there.

6 MS. MUNSON: May I approach, Your Honor?

7 THE COURT: You may.

8 MS. MUNSON: Thank you.

9 BY MS. MUNSON:

10 Q Deputy Lanford, I'm showing you State's Exhibit Nos.
11 12, 13, 14, 15, 16, 17, and 18. If you'll just take a
12 look at those, please.

13 A (Witness complied.)

14 Q Do you recognize those?

15 A Yes, ma'am.

16 Q How do you recognize them?

17 A As being the house that we were called to.

18 Q Okay. Are those exhibits a true and accurate
19 depiction of the outside area of the house?

20 A Yes, ma'am.

21 MS. MUNSON: Your Honor, at this time, I offer
22 State's Exhibit Nos. 12 through 18 into evidence.

23 THE COURT: Any objection?

24 MR. WARDER: We have no objection, Your Honor.

25 THE COURT: Marked and admitted without objection.

1 What are those numbers again, please?

2 MS. MUNSON: I have no further questions of this
3 witness, Your Honor.

4 THE COURT: I need the numbers of those.

5 MS. MUNSON: I apologize.

6 THE COURT: That's okay.

7 MS. MUNSON: State's Exhibit Nos. 12, 13, 14, 15, 16,
8 17, and 18.

9 THE COURT: Marked and admitted without objection.

10 (WHEREUPON, State's Exhibit Nos. 12, 13, 14, 15, 16,
11 17, and 18 were admitted into evidence.)

12 THE COURT: Any questions for the witness?

13 CROSS-EXAMINATION

14 BY MR. WARDER:

15 Q Deputy, when you went in the house, how did you go
16 into the house?

17 A The side window.

18 Q Okay. Were you the only deputy that went in at that
19 time?

20 A No, sir.

21 Q Who else went in?

22 A Myself, Deputy Waters, and Deputy Campbell.

23 Q So three deputies went through that window?

24 A Yes, sir.

25 Q Okay. And when you were in the house -- how long

1 were you in the house?

2 A Roughly 10 minutes, 15 minutes or so.

3 Q Okay. Did you or anybody else go back out that
4 window?

5 A Yes, sir.

6 Q Okay. You went out the window?

7 A Yes, sir.

8 Q Did the other deputies go out the window?

9 A I can't answer for them. I don't recall.

10 Q Okay. The pictures that were taken, they were taken
11 after you were in the house, weren't they?

12 A Yes, sir.

13 Q So, obviously, people had went in and out the window.
14 You even went in it, and you even went out it?

15 A Yes, sir.

16 Q And you can't remember whether the other deputies
17 went out the same way?

18 A I can't answer for them. I'm sorry.

19 Q Were you the last deputy out, or the first deputy
20 out?

21 A I don't recall.

22 MR. WARDER: Thank you.

23 THE COURT: Any redirect?

24 MS. MUNSON: Very briefly, Your Honor.

25 THE COURT: You may proceed.

REDIRECT EXAMINATION

BY MS. MUNSON:

Q Deputy Lanford, did y'all change the window at all, either in going in or coming out?

A No, ma'am.

Q In other words, like getting rid of debris, or anything like that?

A No, ma'am.

MS. MUNSON: Okay. Thank you.

RECROSS-EXAMINATION

BY MR. WARDER:

Q Deputy, did it change the position of the vertical things that were coming down? Did you move them to get in the window and out?

A I can't recall. I don't believe that anybody knocked anything over, no, sir.

Q How about moving the things, the -- I guess you would call them vertical slats? Were they fabric, or were they metal?

A Are you talking about the shades?

Q Yes.

A Plastic.

Q Plastic?

A Yes, sir.

Q Did they -- did you going out the window move any of

1 them on the outside of the window jam?

2 A No, sir.

3 Q How do you know that?

4 A Because we did our best not to contaminate anything
5 as much as we could going through that window.

6 Q Okay. How long was it before anybody took a picture
7 of that?

8 A I'm not sure.

9 Q Hours?

10 A I can't say.

11 MR. WARDER: Thank you.

12 THE COURT: Any further questions of the witness?

13 MS. MUNSON: No, ma'am, Your Honor.

14 THE COURT: Any objection to the witness being
15 excused from the State?

16 MS. MUNSON: No, Your Honor.

17 THE COURT: From the Defense, any objection to the
18 witness being excused?

19 MR. WARDER: I'm sorry?

20 THE COURT: Is there any objection to the witness
21 being excused?

22 MR. WARDER: No. I'm sorry.

23 THE COURT: You're excused, sir.

24 Mr. Foreman, ladies and gentlemen, we're going to
25 take a very brief restroom break. During the break,

1 THE COURT: Yes, Ms. Burgess. She'll be seated on
2 the regular panel. And then we'll just have the alternate
3 sit in the alternate seat.

4 (WHEREUPON, the jury came into open court at
5 approximately 4:47 p.m.)

6 THE COURT: Okay. Ladies and gentlemen, we
7 appreciate your patience. We're going to go a little
8 beyond 5:00 to accommodate a witness who's come here from
9 out of town. So we appreciate your patience in advance.
10 I know today has been a long day. And, please, know we do
11 not take your time for granted.

12 You may proceed.

13 MS. MUNSON: May it please the Court, Your Honor.

14 The State calls Joshua Garrison.

15 THE CLERK: Officer, if you would come forward to be
16 sworn in, please.

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

19 WHEREUPON,

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

22 THE CLERK: Thank you.

23 You may be seated.

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

25 THE WITNESS: Joshua Garrison.

1 THE CLERK: Thank you.

2 DIRECT EXAMINATION

3 BY MS. MUNSON:

4 Q Officer Garrison, who do you work for?

5 A Currently, I work for the Greenwood City Police
6 Department.

7 Q Who were you working for in July of 2010?

8 A The Laurens County Sheriff's Office.

9 Q How long had you been with the Laurens County
10 Sheriff's Office back in July of 2010?

11 A Since 2009. I started there in 2009, January of
12 2009.

13 Q All right. What were your duties back in July of
14 2010?

15 A Uniform patrol, just stuff like that, answer calls
16 for service.

17 Q And did you get a call over the radio in reference to
18 the case?

19 A I'm sorry. Could you repeat?

20 Q Did you get a call over the radio in reference to
21 this case, this Greenville County case?

22 A I did. The shift commander at the time advised me to
23 do some routine patrol in search of a suspect vehicle in
24 the Boyd Road area.

25 Q What was the description of the vehicle you got?

1 A Champagne in color, Chevrolet Tahoe, older model, box
2 style.

3 Q About what time did you begin patrol looking for this
4 vehicle?

5 A Slightly after noon. I reckon somewhere around
6 12:30, 1:00, to the best of my knowledge.

7 Q Was anybody in your patrol vehicle with you?

8 A I had a reserve deputy, Chuck Strickland, riding with
9 me.

10 Q How were y'all dressed?

11 A Full uniform.

12 Q And what type of car were you driving?

13 A 2009 Crown Vic, fully marked, light bar on top.

14 Q And while you were looking for this vehicle, did you
15 see what you believed to be the vehicle?

16 A I did. I was, actually, pulled over on the shoulder
17 of the road speaking to another deputy referencing the
18 vehicle and the BOLO that was given out on the vehicle.
19 And I observed it approach me in the rear of my patrol car
20 through the rearview mirror.

21 Q And what road were you on when you saw this?

22 A Boyd Road, just off of Narry [phonetic] Road off of
23 Highway 14.

24 Q And what county is this?

25 A Laurens County.

1 Q And, as you were sitting in your patrol car and you
2 saw it coming behind you, could you describe if it was
3 coming quickly or slowly? What was going on?

4 A Normal speed. I'd estimate, I guess, 25 to 30 onto
5 Boyd Road from Narry [phonetic] approaching me from the
6 rear.

7 Q As the vehicle passed you, what did you do?

8 A I got in behind it. Because, obviously, it matched
9 the description that was just given to me by my shift
10 commander. I pulled in behind the vehicle and ran the
11 license plate. And it was confirmed through central
12 dispatch that that was the suspect vehicle we were looking
13 for.

14 Q And what did you do once you got that information?

15 A I activated blue lights and siren to initiate the
16 traffic stop.

17 Q And what did the car do when you turned on your
18 lights and sirens?

19 A It sped off at a high rate of speed.

20 Q Was there -- how far did you follow this car?

21 A Approximately 26.6 miles at speeds in excess of 110.

22 Q The whole time that you were chasing this car, this
23 26 miles at high speed, did any vehicles ever get between
24 you and that vehicle?

25 A No, ma'am.

1 Q All right. At some point after the 26 miles, did the
2 car come to a stop?

3 A Not to my knowledge. I don't remember if he did or
4 not.

5 Q How did the chase end?

6 A Well, the chase ended -- obviously, it came to an end
7 in the end. After 26.6 miles, it ended in Laurens City.
8 The vehicle was disabled and surrounded by two other
9 patrol units to keep it from backing up and proceeding
10 further.

11 Q Were you behind the vehicle when it became disabled?

12 A I was not. I sped on. I spun out of control. And I
13 was probably 20 yards away from where the suspect vehicle
14 stopped.

15 Q What do you mean it became "disabled"?

16 A I had to, actually, strike his vehicle with my patrol
17 car to spin him out of control. When he was spun out of
18 control, two more Laurens County units boxed him in so he
19 couldn't go any farther.

20 Q So you spun him out of control?

21 A I did.

22 Q And you kind of kept going?

23 A That's right, off of an embankment.

24 Q Did you ever get out of your vehicle and go to the
25 suspect vehicle?

1 A I did.

2 Q And what did you see when you got there?

3 A I saw a suspect in the driver's seat with a knife
4 sticking out of his chest.

5 Q Was there anybody else in the vehicle?

6 A No, ma'am.

7 Q When you first made contact with the vehicle, when
8 you first saw it behind you, could you see whether or not
9 there was anybody else in the car?

10 A I did not see anybody else in the car.

11 Q During the 26-mile chase, did anyone jump out of the
12 car?

13 A Not one time.

14 Q All right. So when you get to the car, there's a guy
15 with a knife in his chest. What did y'all do?

16 A Other officers that were already on the scene to
17 assist pulled the knife out and apprehended the suspect.

18 MS. MUNSON: May I approach, Your Honor?

19 THE COURT: You may.

20 BY MS. MUNSON:

21 Q All right. Officer Garrison, I am showing you
22 State's Exhibit Nos. 19, 20, 21, 22, 23, and 24. If
23 you'll just take a look at those.

24 A That's accurate.

25 Q Are these State's Exhibits true and accurate

1 depictions of where the vehicle landed and where your
2 vehicle landed in Laurens County?

3 A That's correct.

4 MS. MUNSON: Your Honor, I offer into evidence
5 State's Exhibit Nos. 19, 20, 21, 22, 23, and 24.

6 THE COURT: Any objection?

7 MR. WARDER: Your Honor, I have no objection.

8 THE COURT: Marked and admitted without objection.

9 (WHEREUPON, State's Exhibit Nos. 19, 20, 21, 22, 23,
10 and 24 were admitted into evidence.)

11 BY MS. MUNSON:

12 Q Deputy Garrison -- I'm sorry, Officer Garrison,
13 before we look at these photographs, let me ask you
14 something. Were you assigned to do anything before you
15 got the BOLO?

16 A I was not.

17 Q Okay. You didn't -- was there any address that you
18 were asked to go by and check, any of that stuff?

19 A Not me personally.

20 Q So you didn't do any of that?

21 A Just be on the lookout for the suspect vehicle in the
22 Boyd Road area.

23 Q Okay. Well, then let's just -- there's a laser
24 pointer up there to your right. Now, let's look at
25 State's Exhibit No. 19. On State's Exhibit No. 19, can

1 you point out with the laser pointer where your vehicle
2 ended up?

3 A Right there.

4 Q Okay. And I'm going to take these a little bit out
5 of order. But this is State's Exhibit No. 24. Now, what
6 does this depict?

7 A This is where my vehicle landed. This and this are
8 the two vehicles that blocked him in from leaving. I'm
9 not quite certain who he is.

10 Q Where --

11 A And -- go ahead.

12 Q Where were you in relation to the suspect vehicle
13 when it ended up on that bank like that?

14 A I was coming off this way. And I made a path like
15 this and spun around and stopped here.

16 Q Okay. So let me go back to State's Exhibit No. 19.
17 The suspect vehicle was in this parking lot?

18 A That's correct. Main Street is back this way.

19 Q Okay.

20 A And this is an empty parking lot, a city parking lot,
21 overflow parking. He entered this way. I struck around
22 here. And his vehicle went left down this embankment
23 right here, as you can see the dirt. When he spun out
24 this way, I went straight, this way, and ended up here.
25 And his vehicle was struck again by this unit.

1 Q Okay. Let's look at State's Exhibit No. 21. Now,
2 what is shown in State's Exhibit No. 21?

3 A This is where he came off here and he spun around
4 this way, obviously, ending up here. This is another unit
5 that was behind me throughout the entire chase. He boxed
6 him in from the back so he couldn't back out. And this
7 vehicle here is another one that was involved in the
8 chase.

9 Q Okay. And, finally, let's look at State's Exhibit
10 No. 20. When you're talking about the embankment, is that
11 depicted in State's Exhibit No. 20?

12 A That's correct.

13 Q Can you hit it with the laser point there for the
14 jury's benefit?

15 A This is the embankment where the Tahoe went off.

16 Q Okay.

17 A And it spun around that way.

18 Q And State's Exhibit No. 23, what does this indicate?

19 A This is where the Tahoe ended up after -- you see the
20 line here is where he was spun sideways. This is where he
21 was stop stucked throughout the 26 miles and kept on
22 driving on the rim.

23 Q Okay. Deputy, at the time that this chase took
24 place, did you make any sort of a record about what roads
25 you were on, and where you turned, and just the progress

1 of the chase?

2 A The common protocol when -- I was the initiating
3 officer in pursuant. If there's another officer with him,
4 he will call the chase out while the other officer drives.
5 And it was all documented through a CAD system, the road
6 for road and, of course, memory.

7 Q So that document was done how close in relation to
8 when you finished this chase?

9 A Before I submitted my incident report that day.

10 Q Oh, that same day?

11 A Yes, ma'am.

12 Q Okay. Can you recall right now today -- can you go
13 through what streets were turned on?

14 A Three years later, I cannot.

15 Q Okay. Let me show you State's Exhibit No. 25. If
16 you'll take a look at that.

17 A That's the route that was taken.

18 Q Do you recognize that?

19 A I do.

20 Q Does it accurately reflect the roads you remembered
21 back then?

22 A It does.

23 Q Now, let me take this back from you for the record.

24 Now, after having looked at State's Exhibit No. 25,
25 can you recount for the jury which road was gone, and the

1 route?

2 A Not by memory.

3 MS. MUNSON: Your Honor, I'm going to submit State's
4 Exhibit No. 25 pursuant to 803(5).

5 MR. WARDER: May it please the Court.

6 I object to this as being hearsay.

7 THE COURT: I need to see it. I don't have a clue
8 what you're talking about.

9 You would have to lay the appropriate foundation for
10 it to come in under 803(5). And I haven't heard that up
11 to this point.

12 MS. MUNSON: Okay.

13 BY MS. MUNSON:

14 Q Officer Garrison, when was this document created?

15 A Before I submitted my incident report.

16 Q How many days -- or how many hours after the
17 incident?

18 A I would say within the shift. I would have had it
19 completed before I left that day. I was on day shift at
20 the time. So before 7:00 was typical protocol. I might
21 have stayed over late that day finishing up paperwork. I
22 can't recall.

23 Q And was -- the information contained in State's
24 Exhibit No. 25, was it fresh in your mind at the time?

25 A It was.

1 Q And can you remember it now?

2 A Not by memory.

3 MS. MUNSON: At this point, I offer it asserting that
4 I've laid the proper foundation for 803(5).

5 THE COURT: Why don't you just let him use it to
6 refresh his memory?

7 MS. MUNSON: I -- okay.

8 THE COURT: I think that would be the proper use of
9 the document.

10 BY MS. MUNSON:

11 Q Just take a look at that.

12 A (Witness complied.)

13 Q Have you reviewed it?

14 A This is 14 different roads.

15 Q Have you reviewed it?

16 A I've reviewed it.

17 Q And, after reviewing this, can you now accurately
18 account for the jury each road that you went on during
19 this 26-mile chase?

20 A I believe I can.

21 Q You think you can?

22 A I think I can.

23 Q Well, then go ahead.

24 A It started on Boyd Road, went to Trinity Church Road,
25 back to Highway 76, to Georgia Road, to Main Street in

1 Gray Court, which is old Laurens Road, back to Trinity
2 Church Road again, to Eichelberger, left onto 76 again,
3 through the city limits of Laurens, left on Public Square,
4 West Public Square, North Public Square, I believe, the
5 parking lot crossing Caroline Street.

6 MS. MUNSON: May we approach, Your Honor?

7 It shouldn't take but a minute.

8 THE COURT: Pardon me?

9 MS. MUNSON: May we approach?

10 THE COURT: Uh-huh.

11 (WHEREUPON, a bench conference was held.)

12 BY MS. MUNSON:

13 Q This is the last time, Officer Garrison, I promise.
14 This is State's Exhibit No. 25 for identification only.
15 And, if you could, just read word for word what's on the
16 document.

17 A Boyd Road --

18 MR. WARDER: Your Honor, I object to this. I mean,
19 this is not refreshing his memory.

20 THE COURT: Under Rule 803(5), he's allowed to do it.
21 It doesn't come into evidence, but he can read it into the
22 record. They've established that it is a memorandum, that
23 it was done contemporaneously at the time. It comes
24 within the exception. He created the document.

25 MR. WARDER: I thought the testimony was the document

1 was created by somebody else that called it into a CAD
2 system.

3 THE COURT: He's the one that called it in, did he
4 not?

5 THE WITNESS: No, ma'am.

6 THE COURT: Okay. I misunderstood. Approach for me,
7 please.

8 (WHEREUPON, a bench conference was held.)

9 THE COURT: Proceed.

10 MS. MUNSON: I have nothing further of this witness,
11 Your Honor.

12 THE COURT: Any questions for the witness?

13 The document will be marked for ID only.

14 Any questions for the witness?

15 MR. WARDER: I have no questions, Your Honor.

16 THE COURT: Any objection to the witness being
17 excused from the State?

18 MS. MUNSON: No, ma'am.

19 Thank you.

20 THE COURT: From the Defense?

21 MR. WARDER: No, Your Honor.

22 THE COURT: Sir, you're excused.

23 THE WITNESS: Thank you, ma'am.

24 THE COURT: Mr. Foreman, and, ladies and gentlemen of
25 the jury, we appreciate your time and patience today. We

1 are used to this system, because it's what we do day in
2 and day out, but you all are not used to it. So I know
3 it's unfamiliar to you. I'm certain it was arduous and
4 tiring. So we appreciate your patience.

5 We're going to take our break for this evening.
6 We're going to resume in the morning at 9:30. During the
7 break, please, do not discuss this case among yourselves
8 or with anyone else. Please don't make any comments
9 regarding your service on any social networking site.

10 I'm certain there probably will be some media reports
11 about this case. I know that we've had some reporters in
12 and out of the courtroom during the course of the day. So
13 I would expect there probably will be an article in
14 tomorrow morning's paper, and probably on the Internet
15 version of the newspaper in the morning.

16 So I would ask that you especially take diligence to
17 guard yourselves against reading any media reports,
18 watching any reports on television, or listening to them
19 on the radio, or reading anything on the Internet. And as
20 tempting as things are to find on the Internet, please,
21 don't do any Internet searches to look at previous
22 articles or otherwise, or any other information that may
23 be found about this case on the Internet.

24 When you return to the courthouse, you're going to
25 come directly to your jury room. Please don't have any

1 contact with anyone in or about the courthouse. Again, I
2 would not want an innocent conversation -- there are lots
3 of witnesses in this case. And I would not want you to
4 inadvertently speak to a witness about the weather or
5 something, and someone observing that conversation
6 perceive that you're talking about the facts and
7 circumstances of the case.

8 If you would leave your notepads in your seats. We
9 will make sure that those are secured during the recess.
10 I hope you all have a wonderful evening. And we'll see
11 you in the morning at 9:30.

12 (WHEREUPON, the jury was excused from open court at
13 approximately 5:08 p.m.)

14 THE COURT: Okay. Is there anything we need to take
15 up before we adjourn for the evening from the State?

16 MS. MUNSON: No, Your Honor.

17 THE COURT: From the Defense?

18 MR. WARDER: No, Your Honor.

19 THE COURT: You all have a good evening.

20 (WHEREUPON, the proceedings were concluded at
21 approximately 5:09 p.m., to be reconvened on
22 Tuesday, May 14, 2013.)
23
24
25

1 TUESDAY, MAY 14, 2013

2 THE COURT: Is there anything we need to take up
3 before we proceed from the State?

4 MS. MUNSON: Yes, ma'am.

5 THE COURT: You said "yes, ma'am" or "no, ma'am"?

6 MS. MUNSON: Yes, ma'am.

7 THE COURT: You said, "yes, ma'am."

8 MS. MUNSON: Yes. I surprised you, didn't I?

9 THE COURT: Yes. I didn't expect that.

10 MS. MUNSON: I would just like to kind of clear up --
11 when the jury comes out, what I would request permission
12 to do is publish our two stipulations.

13 THE COURT: Have y'all agreed on the language of the
14 stipulations?

15 MS. MUNSON: We have preliminarily. One of them is
16 in writing, Your Honor. And I would just ask to move that
17 in as an exhibit. The other one is -- we stipulate that
18 both J.K. and Ja.K. were in the Idlewild
19 home at the time of the incident, and that Ja.K.
20 is the daughter of Mr. Williams.

21 THE COURT: Okay.

22 MR. WARDER: We have stipulated to that. And the
23 Defense agrees that is the stipulation.

24 THE COURT: Anything else we need to take up before
25 we proceed from the State?

1 MS. MUNSON: No, ma'am.

2 THE COURT: From the Defense?

3 And I assume we got his clothing situated this
4 morning.

5 MR. JONES: Yes, Your Honor.

6 Thank you.

7 THE COURT: You're welcome.

8 And make sure that the alternate sits -- the -- one
9 of the alternates -- make sure that the one now on the
10 panel is seated with the panel. Because she was sitting
11 on the end yesterday as though she were still an
12 alternate.

13 THE BAILIFF: Yes.

14 THE COURT: She's now a part of the regular panel of
15 the jury. That's -- let's see here. She's #23,
16 Ms. Burgess.

17 (Pause.)

18 THE COURT: Is the State ready to proceed?

19 MS. MUNSON: Yes, ma'am.

20 THE COURT: Is the Defense ready to proceed?

21 MR. WARDER: Yes, ma'am.

22 THE COURT: Please bring in the jury.

23 Who's the State's next witness after the
24 stipulations?

25 MS. MUNSON: After the stipulations will be Ryan

1 Mahaffey from the Greenville County EMS, who's #24 on the
2 list.

3 THE COURT: Do you already --

4 MS. MUNSON: He's here.

5 THE COURT: I mean, you need to go ahead and get him.
6 I don't want us to wait to have to get him.

7 MS. MUNSON: Okay.

8 (WHEREUPON, the jury came into open court at
9 approximately 9:50 a.m.)

10 THE COURT: Good morning, ladies and gentlemen.

11 I hope y'all had a pleasant evening.

12 We'll now resume with the trial. I would ask that
13 you give the attorneys your undivided attention.

14 Solicitor, you may proceed.

15 MS. MUNSON: May it please the Court.

16 THE COURT: Yes, ma'am.

17 MS. MUNSON: Your Honor, at this time, I request
18 permission to publish two stipulation agreements that we
19 have with the Defense.

20 THE COURT: You may proceed.

21 MS. MUNSON: Thank you, Your Honor.

22 THE COURT: You're welcome.

23 MS. MUNSON: The first stipulation is that Ja.K.

24 and J.K. were in the Idlewild house at the
25 time of the incident. Also, that Ja.K. is the

1 daughter of Mr. Willie Marvin Williams.

2 The next stipulation, Your Honor, is that a properly
3 administered and stored gunshot residue test was performed
4 on Anthony Wilson in relation to the above case. The test
5 showed that Anthony Wilson had gunshot residue on his
6 right palm, the back of his right hand, his left palm, and
7 the back of his left hand.

8 A latent print developed on the trunk of a 1995 Lexus
9 parked in the back of are identified as those
10 of Anthony Wilson.

11 And I, also, offer State's Exhibit No. 59 into
12 evidence, Your Honor.

13 MR. WARDER: No objection, Your Honor.

14 THE COURT: Marked and admitted without objection.

15 (WHEREUPON, State's Exhibit No. 59 was admitted into
16 evidence.)

17 MS. MUNSON: Your Honor, at this time, the State
18 calls Ryan Mahaffey.

19 THE CLERK: Mr. Mahaffey, if you'll come forward to
20 be sworn in.

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

23 WHEREUPON,

24 RYAN MAHAFFEY,

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

1 THE CLERK: Thank you.

2 You may be seated.

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

4 THE WITNESS: Ryan Mahaffey.

5 THE COURT: You may proceed.

6 MS. MUNSON: Thank you, Your Honor.

7 THE COURT: You're welcome.

8 DIRECT EXAMINATION

9 BY MS. MUNSON:

10 Q Mr. Mahaffey, who do you work for?

11 A Greenville County EMS.

12 Q What is your job title?

13 A EMT ERT.

14 Q What are your duties?

15 A Patient care.

16 Q All right. How long have you been with Greenville
17 County EMS?

18 A This June will be five years.

19 Q And did you get a -- respond to a call in reference
20 to this case?

21 A Yes, I did.

22 Q Do you remember where you went in response to that
23 call?

24 A Yes, I do.

25 Q Where did you go?

1 A As far as the address?

2 Q Yes, sir, if you remember it.

3 A Not off the top of my head.

4 Q Okay. Do you remember the date?

5 A Not off the top of my head.

6 Q Okay. That's fine.

7 When you got to the call that you went to, did you
8 see any other emergency personnel around?

9 A I did.

10 Q And did you go into the house that you were called
11 to?

12 A Yes, ma'am.

13 Q And did you treat a patient?

14 A I did.

15 Q All right. Describe for the jury the patient that
16 you took care of.

17 A The patient was found sitting upright on the couch
18 holding pressure to the right side of his head. He had a
19 superficial laceration noted to the right side of his
20 head.

21 He was, also, complaining of a little bit of chest
22 pain. Supposedly, he was kicked in the chest. We
23 bandaged his head to control the bleeding, very minimal
24 bleeding noted. The patient requested transport to
25 Greenville Memorial Hospital.

1 We loaded him up on the stretcher and took him to the
2 hospital for evaluation.

3 Q Okay. When you were talking with this patient --
4 first of all, do you remember what he looked like?

5 A What he looked like?

6 Q Can you describe him?

7 A Yes, ma'am. He was -- like I said, he was just kind
8 of sitting up on the couch leaning forward. He was
9 holding pressure to the right side of his head. He almost
10 appeared to be in some kind of shock.

11 Q Well, and I appreciate that. But what I'm asking you
12 is, was he a black male? A white male? What did he look
13 like?

14 A Oh, black male, pretty tall, a little heavy set.

15 Q When you were talking with him, was he able to
16 communicate with you?

17 A He was.

18 Q Did he appear to be making sense to you?

19 A Yes, ma'am.

20 Q Did you ask him questions?

21 A I did.

22 Q And did he respond, what you thought, appropriately?

23 A Yes, ma'am.

24 MS. MUNSON: I have nothing further at this time,
25 Your Honor.

1 THE COURT: Any questions for the witness?

2 MR. WARDER: Yes.

3 THE COURT: You may proceed.

4 CROSS-EXAMINATION

5 BY MR. WARDER:

6 Q Sir, how did you get inside the house?

7 A When we arrived on scene, we walked around to the
8 back of the house, and walked in through a sliding glass
9 window.

10 Q Okay. You entered on the backside through the
11 window, through the patio?

12 A Yes, sir.

13 MR. WARDER: Thank you.

14 THE COURT: Any redirect?

15 MS. MUNSON: No, ma'am, Your Honor.

16 THE COURT: Any objection to the witness being
17 excused from the State?

18 MS. MUNSON: No, ma'am.

19 THE COURT: From the Defense?

20 (WHEREUPON, there was no response.)

21 THE COURT: Any exception to the witness being
22 excused?

23 MR. WARDER: No, Your Honor.

24 THE COURT: Sir, you're excused.

25 You may call your next witness.

1 MS. MUNSON: The State calls Sergeant David Hayes.

2 THE CLERK: Sergeant Hayes, if you would come forward
3 to be sworn in.

4 Raise your right hand and place your left hand on the
5 Bible.

6 WHEREUPON,

7 DAVID JOHN HAYES,
8 after first having been duly sworn, testified as follows:

9 THE CLERK: Thank you.

10 You may be seated.

11 THE WITNESS: It takes me a minute to get seated with
12 all this on.

13 THE COURT: That's all right.

14 THE CLERK: Would you state your name for the record?

15 THE WITNESS: David John Hayes.

16 DIRECT EXAMINATION

17 BY MS. MUNSON:

18 Q Who do you work for, sir?

19 A The Greenville County Sheriff's Office.

20 Q How long have you been with the Sheriff's Office?

21 A I'm in my 24th year.

22 Q What is your current job title?

23 A Sergeant in the uniform patrol division.

24 Q What are your duties?

25 A Supervision of uniform patrol, basically to -- my

1 area of responsibility is the southern end of Greenville
2 County to make sure calls are answered on time properly,
3 answer any deputies questions, or go to any major crime
4 scenes that occur to make sure we have the scene secured.

5 Q Okay. And back in July of 2010, were your duties the
6 same?

7 A Yes, ma'am.

8 Q All right. And did you respond to a call in
9 reference to this case?

10 A I did.

11 Q Were you on duty that morning?

12 A Yes, ma'am.

13 Q When you responded to the call, where did you go?

14 A Initially, I was on another scene when the call first
15 came out. When I established what exactly was going on
16 through radio communications with dispatch, I cleared
17 other units to the scene, initially.

18 Once they were on scene, I cleared the call that I
19 was on en route. And once I responded to Idlewild where
20 the actual incident location was, we set up security for
21 that crime scene until investigators could arrive.

22 Q When you arrived on scene, were there other emergency
23 personnel already there?

24 A Oh, yes, ma'am.

25 Q What type of emergency person?

1 A EMS was, obviously, on the scene. And several other
2 deputies had already arrived prior to when I got there.

3 Q Okay. How many units of EMS personnel -- I mean, how
4 many trucks did you see or ambulances?

5 A I believe one truck and one emergency -- what they
6 call emergency response vehicle. It's the -- just one EMS
7 driver that can help provide any kind of assistance that
8 EMS may need once they get there to the paramedics that
9 are on hand.

10 Q Okay. Now, once you got on scene, did you make any
11 decisions about what you saw going on at the scene?

12 A Yes. My first responsibility is to make sure that if
13 we have any witnesses that they are separated and placed
14 into our custody, so to speak, so that we can keep them
15 separated. Make sure any aid is rendered to anyone on
16 scene that may need it. And then to make sure we have
17 secured the area. That means we keep it safe. There's no
18 one else inside the actual crime scene. I don't have any
19 kind of crowd coming in or out of my crime scene.

20 A lot of times, you'll notice, you'll see big pieces
21 of yellow tape around things that say, Sheriff's line, do
22 not cross. That's our initial responsibility is to get
23 that secured so that when the investigators get there from
24 our criminal investigation division, it's secured and
25 they're ready to go. And we turn the scene over to them.

1 Q Okay. Did you make any other -- how did you see
2 people going in and out of the residence when you got
3 there?

4 A The initial response when deputies got there, they
5 found a window on the rear of the house that had been
6 broken out. There was no other way for them to get in.

7 So, initially, they made entry in through that window
8 to render aid to the victim in the home. Once I realized
9 and got there, I made the appropriate phone calls and had
10 the scene secured. I had to stop them from coming in and
11 out of that window. I placed a deputy on the corner of
12 the house to stop that. We opened up a door to the side.
13 I ordered that door to be opened so there would be easier
14 access in and out of the home.

15 Q Now, let me ask you something. You said the window
16 that you saw them going into and out of, was it at the
17 rear of the home?

18 A My best recollection is it was on the backside of
19 the -- it was like a garage area that was made into a
20 room. It was on the backside.

21 Q Okay. Well, let's look at the four corners of the
22 house. If you're on the street looking into the front of
23 the house -- that's the front?

24 A Yes.

25 Q Side, side, and behind the house?

1 A Side.

2 Q You think it was on the side of the house?

3 A To my -- my best recollection from looking at the
4 home from that night is the left side towards the rear.

5 Q Okay. Would it help your recollection if you looked
6 at an exhibit from the State of the home that night that's
7 in evidence?

8 A It would.

9 MS. MUNSON: May I approach, Your Honor?

10 THE COURT: You may.

11 BY MS. MUNSON:

12 Q Sergeant Hayes, I'm showing you State's Exhibit No. 4
13 that's in evidence. Can you take a look at that?

14 A Yes, ma'am.

15 Q And, after looking at that, does that refresh your
16 recollection of where the window was?

17 A What I was thinking of was what was possibly like a
18 garage area on the home at that time. It's the window
19 there to the left of the front door.

20 Q If you'll just use that laser pointer just so we can
21 be clear. Now, use the laser pointer, Sergeant Hayes, if
22 you don't mind, and point to the jury where you saw people
23 going in and out of the home.

24 A That area right there.

25 Q Okay. Thank you very much.

1 Now, when you saw them going in and out of the home,
2 what did you do?

3 A After I was sure everyone was out of the residence
4 and we didn't have anyone else inside, there was no need
5 for us to continue to go into the home until I had my
6 investigators on scene.

7 Q Okay.

8 A I placed a deputy at that corner of the house --

9 Q Okay..

10 A -- to keep anyone from going in and out of it. And
11 then we had a door opened. And that's when I made the
12 decision to go ahead and open that door in case we needed
13 access in and out of it.

14 Q Now, what door was opened?

15 A Well, it's gone now.

16 Q Let me ask you this. Would it help you in your
17 testimony to the jury to look at an exhibit that's already
18 in evidence?

19 A Yes, ma'am, it would. I could probably explain a
20 little bit better by showing you.

21 MS. MUNSON: I beg the Court's indulgence.

22 (Pause.)

23 BY MS. MUNSON:

24 Q Sergeant Hayes, this is State's Exhibit No. 16 in
25 evidence. Does that look familiar to you?

1 A Yes, ma'am. I had a deputy posted on this corner.
2 Because we had residents, obviously, concerned coming out
3 to see what was going on, and people were trying to get in
4 the yard.

5 So I had a deputy posted -- there's a bush there on
6 the corner. And then another one over here on this back
7 side. It's like a sliding glass door, a door opened right
8 here. This is the one we were making entry into.

9 Q Okay. Thank you.

10 Now, do you know who opened that door?

11 A Deputy Waters.

12 Q And what happened when Deputy Waters opened that
13 sliding glass door?

14 A An alarm went off in the residence.

15 Q What kind of alarm? What do you remember about it?

16 A An audible, loud, piercing, screeching alarm went off
17 in the home once we opened that door.

18 Q And what did you do once that alarm went off?

19 A We went back inside the residence again, myself and
20 Deputy Waters, just to make sure that the residence was
21 clear, once again, and the scene was secured. I disabled
22 that -- if the Court doesn't mind, it was a box about -- a
23 little bit bigger than if the jury sees that fire alarm,
24 where it says "Fire" on it. It's a box about that size.
25 It was an audible alarm. I just removed the cover,

1 unplugged it, and turned the alarm off.

2 Q Once you disabled it, was it okay after that?

3 A Yes. We, actually, moved ourselves back from the
4 residence.

5 Q Now, are you -- at that time, were you Deputy Waters'
6 supervisor?

7 A Yes, ma'am.

8 Q Are you still?

9 A I am.

10 Q And why is he not here today?

11 A He is, actually, out on Family Medical Leave Act at
12 this time.

13 Q Now, as a supervisor, are you familiar with the
14 Sheriff's Office's policies about lights and sirens being
15 used?

16 A Yes, ma'am.

17 Q Briefly, what is that policy?

18 A It's covered under general order 202, which is
19 emergency vehicle responses. We operate under state law,
20 which allows an emergency vehicle in South Carolina to
21 exceed speed limits, for instance, avoid traffic lights,
22 i.e., if a light is red, we're able to proceed through an
23 intersection even into oncoming traffic.

24 However, under our policy, it's a little more
25 restrictive than state law. Obviously, a county the size

1 of Jasper or even Laurens County, when there's 50,000
2 people living there -- there's almost a half million
3 people in Greenville County. So we have to be more
4 restrictive in how we operate. We operate under the
5 theory of protecting life and property. Therefore, a
6 3,500-pound automobile traveling at 70 miles an hour, a
7 person needs to use due regard when they're operating that
8 vehicle.

9 So we're more restrictive in how we respond to calls,
10 which are given out in three different categories,
11 routine, priority, and emergency. An emergency response,
12 a deputy can clear himself through a call. However, it's
13 a supervisor's responsibility to come across the radio and
14 say that it is okay, you may respond in an emergency.

15 Q Okay.

16 A So that's how it's set up.

17 Q In responding to an emergency, does that mean -- what
18 does that mean as far as the equipment on the automobile?

19 A Yes. Emergency under policy is that lights and siren
20 are activated at that time.

21 Q Okay. And did that policy come into play on the
22 night of this case?

23 A It did.

24 Q And how did that happen?

25 A Once again, I was on another call. When the call

1 starts -- was being dispatched, coming in, and I realized
2 the severity of it, I ordered over the radio that all
3 units are cleared to proceed with signal, which means with
4 lights and siren on.

5 Q Now, what is the policy regarding when the lights and
6 sirens go off?

7 A Well, depending on what it is the deputy is
8 responding to -- and in this situation, you don't want to
9 approach a crime scene with lights and siren on for
10 various reasons. One, safety of the officer. What
11 happens is a violator or suspect may hear a siren and an
12 approaching deputy's arrival, and it allows the subject to
13 do two different things, flee, or fight, and/or destroy
14 evidence.

15 So the theory behind that is to deactivate all your
16 equipment, come in silent and unseen, if you can, approach
17 to the location of cover on foot, possibly observe any
18 type of criminal activity, and/or effect an arrest at that
19 time. So that's the reason why we would not respond in
20 there with lights and siren on.

21 Q Okay. And the decision to turn off the lights and
22 siren, does that have anything to do with what type of
23 area you're going into? For example, a neighborhood as
24 opposed to a field out in the middle of nowhere?

25 A No. I wouldn't -- it would be the individual

1 officer, what he's seeing, and what he feels once he
2 responds and pulls up in there.

3 MS. MUNSON: I have nothing further at this time,
4 Your Honor.

5 THE COURT: Any questions for the witness?

6 MR. WARDER: Yes.

7 CROSS-EXAMINATION

8 BY MR. WARDER:

9 Q When you arrived at the scene out there, how many EMS
10 were at the house?

11 A From my recollection, there was the one truck, which
12 standard operating procedure for EMS, to me, is two
13 paramedics and then the -- I think they call it like an
14 ERT. Have you ever seen like a 250 Ford truck with a
15 camper top on it? It's usually one of their supervisors
16 or somebody that's operating that truck that allows
17 support for that EMS truck. My best recollection, that's
18 what was there.

19 Q Were all three of the EMS people in the house?

20 A At the time I was there -- they were not by the time
21 I arrived.

22 Q Okay. So they had entered the house and they left
23 the house; is that right?

24 A By the time I was, actually, there on scene, yes,
25 sir. They were attending to someone in the ambulance.

1 Q Okay. So they had taken the victim out of the house,
2 and they had gotten their equipment in and out of the
3 house; is that correct?

4 A By the time I was there, yes, sir.

5 Q Okay. And, at that time, they had to go in and out
6 through that front window?

7 A At -- prior to my arrival, yes, sir.

8 Q Okay. So from what we can deduce from what you saw
9 is that the Defendant [sic] had been brought out the front
10 window, that the EMS person had went in, attended to him,
11 and done whatever they needed so they could bring him out.
12 And so there had been several people in and out of the
13 window?

14 A Can you clarify what you mean by the "Defendant" was
15 brought out the window?

16 Q I'm sorry. The victim was brought out the window.
17 The person they were treating had come --

18 A Yes, sir. I can agree to that.

19 Q Okay. In time, how long after the first call was
20 received, the emergency call, was it until you got there?

21 A Approximately six, seven minutes.

22 Q Okay. And --

23 A That's their arrival, and then by the time I was able
24 to clear where I was at, six to seven minutes. And if it
25 was longer, no more than 10.

1 Q Okay. And the person they were treating was on one
2 of those gurneys or those stretchers, whatever the correct
3 name for them is?

4 A Yes, sir. He was in the ambulance.

5 Q Okay. And do you know whether the gurney was -- he
6 was put on the gurney in the house, or out of the house?

7 A I do not know, no, sir.

8 Q By that time, did you notice any of the plastic
9 strips on the curtain laying outside of the house on the
10 ground?

11 A Well, from my recollection, from what I saw of the
12 photograph, there was one, maybe two of them outside the
13 window.

14 Q Okay. And you don't know which trip through the
15 window they got knocked down?

16 A No, sir. I wouldn't know. I wasn't there.

17 MR. WARDER: Thank you.

18 THE COURT: Any redirect?

19 MS. MUNSON: Briefly, Your Honor.

20 THE COURT: You may proceed.

21 REDIRECT EXAMINATION

22 BY MS. MUNSON:

23 Q Sergeant Hayes, would you say this was -- how would
24 you characterize this kind of a scene with a lot of people
25 there and things like that?

1 MR. WARDER: I'm not sure where she's going, but this
2 is beyond the scope of --

3 THE COURT: I don't take speaking objections.
4 Is the objection beyond the scope of cross?

5 MR. WARDER: Yes.

6 THE COURT: Overruled.

7 You may proceed.

8 MS. MUNSON: Thank you.

9 BY MS. MUNSON:

10 Q What was the level of activity?

11 A The best word to use for us is orchestrated chaos, if
12 you may say. There's a lot of activity. There's a lot
13 of -- now, by this time, upset residents are wanting to
14 know what's going on, wanting to know why there's all
15 these police officers in their neighborhood, and deputies.

16 We're doing our best at that point in time. We have
17 the situation under control. We're just trying to limit
18 any access in and out of this crime scene. So it's very
19 busy.

20 MS. MUNSON: Nothing further, Your Honor.

21 THE COURT: Any objection to the witness being
22 excused from the State?

23 MS. MUNSON: No, ma'am.

24 THE COURT: From the Defense?

25 MR. WARDER: No, Your Honor.

1 THE COURT: Sir, you're excused.

2 THE WITNESS: Thank you.

3 THE COURT: You're welcome.

4 You may call your next witness.

5 MS. MUNSON: The State calls Burley Williams.

6 THE CLERK: Mr. Williams, if you would come forward
7 this way.

8 Place your left hand on the Bible and raise your
9 right hand.

10 WHEREUPON,

11 BURLEY KEITH WILLIAMS,

12 after first having been duly affirmed, testified as follows:

13 THE CLERK: Thank you.

14 You may have a seat.

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

16 THE WITNESS: Burley Keith Williams.

17 THE CLERK: Thank you.

18 THE COURT: Sir, could you speak into the microphone?

19 THE WITNESS: Burley Keith Williams.

20 THE COURT: Thank you.

21 You may proceed.

22 DIRECT EXAMINATION

23 BY MS. MUNSON:

24 Q Hello, Mr. Williams.

25 A How are you doing?

1 Q I'm great.
2 How are you doing?
3 A All right.
4 Q Now, you know Willie Marvin Williams?
5 A Uh-huh.
6 Q How do you know him?
7 A He's my brother.
8 Q Is he older or younger than you?
9 A Older.
10 Q Where was he living back in July of 2010?
11 A Eichelberger Lane.
12 Q Okay. And what county is that?
13 A Laurens.
14 Q Did you live close to him?
15 A I lived in Belton.
16 Q So back in July of 2010, you didn't live anywhere
17 near -- you didn't live too close to him?
18 A No.
19 Q Is that fair?
20 A (There was no response.)
21 Q Are you close with your brother?
22 A Not like brothers should be.
23 Q Okay. What do you do for a living, Mr. Williams?
24 A I do construction.
25 Q Okay. Do you do anything outside of work?

- 1 A I'm, also, a minister.
- 2 Q Okay. Do you have your own church?
- 3 A Yes, I do.
- 4 Q What's the name of it?
- 5 A Peniel Tabernacle.
- 6 Q Do you do sermons, and preaching, and things?
- 7 A Yes.
- 8 Q Okay. Do you have any other brothers or sisters?
- 9 A Yes.
- 10 Q Who are they?
- 11 A Kathy Williams, Margaret Williams -- I mean, Margaret
12 Jackson, Stephanie Williams, George Williams, and Walter
13 Williams.
- 14 Q That's a good size family, huh?
- 15 A Yep.
- 16 Q Okay. Is your brother -- was -- your brother, back
17 in July of 2010, was he married?
- 18 A Was he married?
- 19 Q Yes, sir.
- 20 A As far as I knew, he was. Me and my brother don't
21 talk much.
- 22 Q You don't talk much?
- 23 A No.
- 24 Q You didn't talk much back in July of 2010?
- 25 A Just that one day.

1 Q Okay. Did you ever meet his wife?

2 A Probably two times.

3 Q Okay. Do you know her name?

4 A Natasha.

5 Q Now, how did you become aware that Natasha was dead?

6 A I got a -- Natasha being dead, I can't remember
7 exactly who confirmed she was dead to me.

8 Q Okay.

9 A I can't even really remember.

10 Q Okay. Well, do you remember the day of the incident
11 that brings us here today?

12 A Do I remember the day?

13 Q Yes, sir.

14 A Yes.

15 Q Okay. Now, on that day -- on that morning, did you
16 speak with your brother, Willie Marvin Williams?

17 MR. WARDER: Your Honor --

18 THE COURT: Basis?

19 MR. WARDER: We have a matter of law.

20 THE COURT: Approach.

21 (WHEREUPON, a bench conference was held.)

22 THE COURT: Mr. Foreman, ladies and gentlemen, I have
23 a brief matter of law to take up with the attorneys.

24 During this break, please, do not discuss the case. And,
25 please, leave your notepads in your seat. We appreciate

1 WHEREUPON,

2 TRACY DEAN IRBY,

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

4 THE CLERK: Thank you.

5 You may be seated.

6 Would you, please, state your full name for the
7 record?

8 THE WITNESS: Tracy Dean Irby.

9 THE CLERK: Thank you.

10 THE COURT: Sir, if you could speak directly into the
11 microphone for me, please.

12 THE WITNESS: Okay.

13 DIRECT EXAMINATION

14 BY MS. MUNSON:

15 Q Where do you live, Mr. Irby?

16 A 165 Hemingway in Laurens, South Carolina.

17 Q How long have you lived there?

18 A Since 2002, 10 years.

19 Q Okay. Are you married?

20 A Yes, ma'am.

21 Q And who all lives with you and your wife?

22 A My son.

23 Q Okay. How old is he?

24 A 16.

25 Q All right.

- 1 A He just turned 16.
- 2 Q Now, do you know Willie Marvin Williams?
- 3 A Yes, ma'am.
- 4 Q How do you know him?
- 5 A He's a friend and club -- bike club.
- 6 Q Okay. How long have you known him?
- 7 A I would say a good 15 -- something like that, 15
- 8 years.
- 9 Q A long time?
- 10 A Yeah, a long time.
- 11 Q How often do you see him?
- 12 A When he was at home, I seen him pretty regular.
- 13 Q I'm sorry to be difficult. But what do you mean by
- 14 "pretty regular"?
- 15 A He would come by the house.
- 16 Q Okay. Have you ever been to his house?
- 17 A Yes, ma'am.
- 18 Q And where was his house?
- 19 A Well, he had -- when I first met him, he had -- I
- 20 can't recall the road. I want to say Eichelberger.
- 21 Q Okay. How often would you go to his house?
- 22 A Very rarely.
- 23 Q Okay. So most of the time y'all got together --
- 24 A He would come over to my house.
- 25 Q What's this bike club that you mentioned?

1 A Well, a long time ago, we had a club called the
2 Rolling Thunders.

3 Q What sort of things would you do?

4 A Like we'd ride.

5 Q Motorcycles?

6 A Ride motorcycles, yes.

7 Q Just you and him, or a bunch of people?

8 A A bunch of people. It was a club.

9 Q Whenever Mr. Williams would come to your house, what
10 was he driving most of the time?

11 A He had different cars. He had so many cars.

12 Q Okay. Do you remember any of them?

13 A He had the Mustang. Later, he had bought the
14 Chrysler. I want to say his bike. I'm trying to think.
15 I can't remember. I can't remember all of them.

16 Q Do you remember anything bigger than a sedan?

17 A Like a Tahoe.

18 Q Is it --

19 A Yeah. I think it was a Tahoe.

20 Q All right. Do you know whether or not -- well, let's
21 think back to the incident that brings us all here today.
22 Do you remember that?

23 A I don't mean -- my mind -- I don't mean no harm, but
24 my mind, I can't say.

25 Q So you don't remember it?

1 A Not quite.

2 Q Okay. Well, let me ask you this. Do you know
3 whether or not -- back in July of 2010, do you know
4 whether or not Mr. Williams was married?

5 A I'm going to say he was.

6 Q Okay. To whom was he married?

7 A Don't ask me that name. I can't tell you. I don't
8 know her name.

9 Q All right. Did you ever meet her?

10 A A couple of times.

11 Q All right. Now, do you know where she is now?

12 A Yes.

13 Q Okay. Well, where is she?

14 A I'm assuming she -- dead.

15 Q Okay. How did you find out she was dead?

16 A Hearsay.

17 Q Okay. Well, who told you that she was dead?

18 A Just people. Generally, just people was running
19 around saying stuff.

20 Q Okay. Did you ever have a conversation with
21 Mr. Williams about her being dead?

22 A No.

23 Q Never?

24 A No.

25 Q Okay. Did you see Mr. Williams on the day of the

1 incident that brings us here?

2 A Yes, ma'am.

3 Q Okay. Where did you see him?

4 A He came by the house.

5 Q By your house?

6 A Yeah.

7 Q About what time of day was that?

8 A It was in the afternoon. I know it was daylight. So
9 I think around 12:00, maybe 11:00 or 12:00.

10 Q When he came by the house, did he get out of his
11 vehicle?

12 A No.

13 Q What vehicle was he driving?

14 A The Tahoe.

15 Q When he got to your house, how did you know he was at
16 your house?

17 A When he got -- I seen him.

18 Q Were you in or outside of the house?

19 A I was outside in the yard. I'm a yard person. I was
20 in the yard.

21 Q Okay. Had you had a conversation with anybody else
22 about Mr. Williams prior to seeing Mr. Williams at your
23 house?

24 A When I seen him, yeah.

25 Q Okay. Who did you talk to?

1 A One of his brothers.

2 Q Now, when Mr. Williams got to your house in the

3 Tahoe, describe how he looked.

4 A He looked like -- I would say he looked like Willie,

5 Marvin. I called him Marvin.

6 Q You called him Marvin. Was he acting normal?

7 A Yeah, pretty much.

8 Q And did you have a conversation with him?

9 A Yeah. I had a conversation.

10 Q How long did he stay at your house?

11 A It wasn't long. He didn't stay long.

12 Q And when he left, did you talk with him before he

13 left?

14 A Yes, ma'am.

15 Q Did you try to prevent him from leaving?

16 A Yes, ma'am.

17 Q Why did you do that?

18 A Because of what his brother and them had told me.

19 They told me they were looking for him.

20 Q Okay. Did you have a conversation with Mr. Williams

21 on the phone?

22 A Finally, yes.

23 Q Finally. When was that?

24 A I had called him a couple of times. And then he

25 called me back.

1 Q All right. And what did he tell you in that
2 conversation?

3 A I asked him where he were [sic]. And he just told me
4 he was riding around.

5 Q And that was the extent of it?

6 A He told me he was riding around.

7 Q All right. Now, do you remember giving a written
8 statement to some investigators in July of 2010?

9 A Uh-huh.

10 Q And where did that happen?

11 A At my house.

12 Q All right. And would you say your memory was fresher
13 in July of 2010 than it is today?

14 A Yes, pretty much.

15 MS. MUNSON: May I approach the witness, Your Honor?

16 THE COURT: You may.

17 THE WITNESS: Pretty much.

18 BY MS. MUNSON:

19 Q All right. Mr. Williams [sic], I'm going to hand you
20 this document and let you take a look at that.

21 A No.

22 Q No?

23 A (Witness shook head.)

24 Q No what?

25 A Right here, I see -- what is it -- Bernard, he told

1 me that he -- Willie had killed her, killed that girl.

2 Q Okay. So Bernard didn't say anything to you?

3 A The only thing Bernard told me is he think [sic]
4 Willie had messed up. Killing, no.

5 Q Okay. Now, the document that I just handed you, is
6 this your signature here?

7 A Yes, ma'am. I guess, yes.

8 Q And was this true when you signed it?

9 A As far as I know, like I said, it was the whole
10 situation. I don't know.

11 Q All right.

12 A But it was back then.

13 Q After looking at your -- what you identify as your
14 statement, now, do you remember in what condition the
15 Defendant was in when he got to your house?

16 A Yeah. Like I say, he was about normal. He came by.
17 And he talked, and he left.

18 Q He was normal?

19 A Pretty much normal, I'd say.

20 Q Well, what do you mean "pretty much"? I don't want
21 to put words in your mouth.

22 A Because when he came by the house, only I did -- he
23 stopped. And they said he had messed up.

24 Q He said he had messed up?

25 A No. I didn't say he, I said "they."

1 Q Okay. If you could read from your statement. Start
2 right there.

3 A He was -- what is it --

4 Q Let me ask you this --

5 A -- sweating a lot --

6 Q -- is that normal for Mr. Williams?

7 A He was sweating a lot. I would guess so. It was hot
8 that day. I'm telling you, it was hot that day. The
9 window was down.

10 Q And he was perfectly normal?

11 A Yeah.

12 Q And you didn't do anything to -- how did you try to
13 prevent him from leaving your house?

14 A The only thing I did was told him, stop, let me talk
15 to you.

16 Q Okay. And that's all you did?

17 A That's all I did.

18 Q You didn't try to reach in and get his keys?

19 A I told him to stop.

20 Q But you didn't reach in. All right. Whenever the
21 officers came to your house to get this statement, how
22 much of what you knew about the case did you put in this
23 statement?

24 A I couldn't tell you. I don't remember. Because,
25 like I said, when they came -- I'm nervous. I'm real

1 nervous. I'm going to tell you, I'm real nervous. And I
2 don't know.

3 Q Well, I'm not trying to make you nervous.

4 A Well --

5 Q Did you leave things out of this statement?

6 A Not that I know of.

7 Q Did the officers ask you about certain things that
8 you had left out of this statement?

9 A I'm not quite sure what you're saying.

10 Q All right. Let's look at your statement again. Is
11 this your statement right here, this part right here?

12 A Okay.

13 Q And what does it say?

14 A It says I jumped out of my truck.

15 Q And?

16 A And he took off.

17 Q Okay. So why did you jump out of your truck?

18 A I was trying to talk to him. I told you, I tried to
19 stop him.

20 Q Did you, also, say in your statement that he did not
21 have anything to live for?

22 A When I talked to him?

23 Q Yes.

24 A Uh-huh.

25 Q And did you, also, say in your statement he was

1 getting his paperwork together for his daughter?

2 A I think -- yeah, I guess.

3 Q Okay.

4 A Yeah, yeah.

5 Q Did he tell you over and over again that he had to go?

6 A Uh-huh.

7 Q Did he tell you that he had messed up?

8 A He said he had to go, yeah, because he said he had
9 messed up.

10 Q Okay. And you didn't leave things out of this
11 statement on purpose?

12 A No.

13 Q You didn't?

14 A No. I guess not, no. Not to my knowledge, I didn't.

15 Q After you wrote the statement -- did you have a
16 conversation with the officers after you wrote the
17 statement?

18 A After I wrote the statement? I didn't write the
19 statement.

20 Q After you signed the statement?

21 A I talked to them.

22 Q Okay. And what did they ask you about things that
23 were left out of the statement?

24 A I couldn't tell you. I don't remember.

25 Q Well, let me ask you this. What did you tell the

1 officers that you did not put in your statement?

2 A I can't -- I don't --

3 Q Did you tell the officers something you did not put
4 in your statement?

5 A No.

6 Q You did not?

7 A No, I didn't.

8 Q All right. Did they -- and you deny telling the
9 officers that you tried to get his key out of his truck --
10 out of his Tahoe?

11 A No. Like I said, I'm not going to jump in front of a
12 car, no.

13 Q All right. Did you talk to Mr. Williams again at all
14 after this day?

15 A I think the last time I talked to him -- I'm trying
16 to think. He called me. I was on a trip. And we talked
17 on the phone. That was it.

18 MS. MUNSON: I have nothing further at this time,
19 Your Honor.

20 THE COURT: Any questions for the witness?

21 MR. WARDER: Yes.

22 CROSS-EXAMINATION

23 BY MR. WARDER:

24 Q Tracy, the statement they had, who wrote that out?

25 A The officer.

1 Q Okay. Did you and them talk, and they chose what to
2 put in the statement?

3 A Yeah. They kept asking me questions.

4 Q Okay. And you'd answer the questions. And then
5 they'd write on the statement some?

6 A Right.

7 Q And then they'd ask you some more questions and
8 they'd write on the statement?

9 A Right.

10 Q Did you ever stop them from writing on the statement?

11 A No, sir.

12 Q And when they got done, they wanted you to sign it?

13 A They said to sign it. That's all.

14 Q Okay. And, now, they weren't taking down exactly
15 what you said, they were taking the substance of it down.
16 Would that be right?

17 A I would think so.

18 Q They asked you to read over it, or they asked you to
19 sign it, or how did that go?

20 A They asked me to sign it.

21 Q Okay. And you did sign it?

22 A Yes.

23 Q And after that, did you make any statement? Did they
24 ask you to sign anything else?

25 A No. The only time I talked to them again, the

1 Solicitor came by the house, what, about a month ago
2 maybe.

3 Q The officer and the Solicitor came by your house a
4 month ago?

5 A Yeah. Her and the guy back here in the back, and
6 said they were the Solicitor. They came by the house.

7 Q Okay. Did you make a statement that day?

8 A They talked to me. That was it. And then they
9 called me this morning. Well, they told me on my
10 statement -- that's why I'm here this morning, because
11 they told me -- brought me a statement and told me, well,
12 we don't need him. We won't use him because we don't need
13 him. But then they called me this morning and said the
14 Judge said I needed to hurry up and get here.

15 MR. WARDER: Okay. Just a minute, Your Honor.

16 THE COURT: Uh-huh.

17 (Pause.)

18 MR. WARDER: Your Honor, that would be all the
19 questions I have.

20 THE COURT: Any redirect?

21 MS. MUNSON: Yes, ma'am.

22 REDIRECT EXAMINATION

23 BY MS. MUNSON:

24 Q I came by your house?

25 A No. I said her and the guy, the black guy.

1 Q And what did you tell them?

2 A They asked me a question. They asked me about how
3 long they been separated, and stuff like that.

4 Q What did you tell them about Mr. Williams?

5 A The only thing I told them was about -- they asked me
6 questions. And I would answer them to the best of my
7 knowledge. They were asking me about how long he was
8 separated, and stuff like that.

9 Q Now, what did you tell them about Mr. Williams being
10 at your house?

11 A I couldn't tell you. I don't remember.

12 Q You don't remember?

13 A I don't. Honestly, I don't.

14 Q And you didn't tell anybody things that Mr. -- that
15 this Defendant -- you didn't tell anybody things that he
16 told you over the phone?

17 A What he told me over the phone?

18 Q Yeah.

19 A (Witness shook head.)

20 Q And it's your testimony that he never told you
21 anything about what happened at Natasha's, that's your
22 testimony?

23 A No. He never told me anything about it.

24 Q Nothing?

25 A No.

1 MS. MUNSON: Okay. Nothing further, Your Honor.

2 THE COURT: Any objection to the witness being
3 excused from the State?

4 MS. MUNSON: I would like to have the opportunity to
5 recall him, if necessary.

6 THE COURT: Sir, you're excused subject to being
7 recalled.

8 THE WITNESS: Okay.

9 THE COURT: You may call your next witness.

10 MS. MUNSON: The State calls Cynthia Booker.

11 THE WITNESS: Do they need me now, or can I leave?

12 THE COURT: You can leave the courthouse, but they
13 may call you to re-testify.

14 Thank you so much.

15 THE WITNESS: Okay.

16 THE CLERK: Ms. Booker, if you would come forward to
17 be sworn in.

18 THE COURT: Come forward.

19 MS. CYNTHIA BOOKER: Come up there?

20 THE CLERK: Yes.

21 Would you, please, place your left hand on the Bible
22 and raise your right.

23 MS. CYNTHIA BOOKER: It's against my religion to
24 swear, but I promise to tell the truth.

25 THE COURT: You can affirm, ma'am.

1 Do you want to affirm?

2 MS. CYNTHIA BOOKER: Yes.

3 THE CLERK: Thank you.

4 You may sit down.

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

6 MS. CYNTHIA BOOKER: Cynthia Booker.

7 THE CLERK: Thank you.

8 MS. CYNTHIA BOOKER: You're welcome.

9 THE COURT: You may proceed.

10 MS. MUNSON: May it please the Court.

11 DIRECT EXAMINATION

12 BY MS. MUNSON:

13 Q Where do you live?

14 A Drive here in Greenville.

15 Q Who lives with you?

16 A My son.

17 Q All right. Do you know Willie Marvin Williams?

18 A I know of him.

19 Q Okay. Well, did you ever meet him?

20 A Yes.

21 Q When was the first time you met him?

22 A I met him on June 28th.

23 Q And where did you meet him?

24 A I was at a clubhouse called Matrix. It's here in
25 Greenville.

1 Q Is it still around?

2 A Yes.

3 Q Where is it kind of generally?

4 A It's located off of White Horse Road.

5 Q What kind of a club is it?

6 A It's a place where bikers -- like motorcycle bikers
7 go and hang out.

8 Q Okay. How did you come to meet him there?

9 A My older sister, she had a birthday on June 28. So
10 we was out like on the 27th with her. That was like on a
11 Sunday. And we wanted to bring in her birthday in that
12 way by being out with her. So we was at Matrix. And he
13 saw me. And he approached me and we started
14 conversating [sic].

15 Q Okay. What did he tell you about his marital status?

16 A At that time, he didn't.

17 Q Okay.

18 A He didn't discuss his marital status.

19 Q Not on the 28th?

20 A No.

21 Q Did he at some point?

22 A Yes.

23 Q And what did he tell you?

24 A When we met up again later in the middle of the week,
25 he told me he was a married man, and that they were

1 separated.

2 Q Okay. Now, when you conversated [sic] the first time
3 you met him, did you make any plans to meet later?

4 A Yes.

5 Q Okay. And how did you establish those plans?

6 A We just -- basically, you know, just wanted to pursue
7 the conversation, you know, that we had when we first met.
8 And he wanted to see me again.

9 Q Okay. And did you want to see him again?

10 A At the time, I did.

11 Q Okay. Now, when was the next time you, actually, saw
12 him?

13 A After the first time -- not meeting him, but after
14 the first time I saw him?

15 Q Yes, ma'am. After the 28th when you first started
16 talking at the Matrix, when was the next time you,
17 actually, saw him?

18 A It was on a Friday, Friday night of that same week of
19 the 28th.

20 Q Okay.

21 A Because I met him on a Sunday, and that was the 27th.
22 But, you know, over the morning hour, you would consider
23 that another day, which was the 28th.

24 Q Okay.

25 A And then after that, I met him -- we

1 conversated [sic] through the week. And we made plans to
2 meet on that Friday night of that same week of the 28th.

3 Q And did you, actually, meet?

4 A Yes, we did.

5 Q And do you remember what that date was that you met
6 with him?

7 A By that being the -- Monday, being the 28th, I don't
8 remember the date exactly as of this moment. But it was
9 that Friday.

10 Q When you say "that Friday," what do you mean?

11 A The week of.

12 Q All right. And where did you meet him?

13 A I met him at another location. We call it The Barn,
14 which is another clubhouse. And that's where people can
15 meet out and socialize.

16 Q Generally, where is The Barn?

17 A That place is, also, located off of White Horse Road.
18 But it's on the other end of White Horse Road where we had
19 first met.

20 Q Okay.

21 A And, actually, it was like near -- it was closer to
22 my apartment.

23 Q All right. And where was --

24 A The other place.

25 Q I'm sorry. Where was your apartment?

1 A I was -- resided at 1008 White Horse Road here in
2 Greenville.

3 Q All right. Now, how did y'all decide to meet at The
4 Barn? Who called who?

5 A He called me and I brought it up. Because I have
6 friends that be [sic] out there. And he wanted to see me.
7 And, at the time, I didn't want to be with him alone,
8 because I had just met him. So I had called my aunt to
9 ride with me. As a matter of fact, she was with me on the
10 night that I met him.

11 Q Okay.

12 A And I asked her to ride with me. Because, like I
13 said, I had just met him. And I just wanted her to kind
14 of like help me, you know, kind of judge what kind of type
15 of guy I'm getting involved with.

16 Q And did you meet him there at The Barn?

17 A So I met him there at The Barn -- no, no, I didn't
18 meet him at The Barn. We discussed about meeting at The
19 Barn.

20 Q Okay.

21 A So upon that discussion, he -- we got together at a
22 place called Steel Wheels. And Steel Wheels is -- it's
23 another motorcycle club. And we went -- we met up there.
24 And he hadn't got there yet.

25 So me and my aunt was there outside standing outside.

1 my car. And we was talking. And he came like around
2 12:00. Because I seen him pulling up when I looked at my
3 watch.

4 Q Okay.

5 A I seen him pulling up. And he got there and parked,
6 and we talked. And that's when we were talking about
7 going to The Barn.

8 So we was there -- when he pulled up, we was right
9 there at Steel Wheels for about 45 minutes. And he said,
10 Well, let me follow you to your house, your apartment, and
11 let you park your car since The Barn was close to my
12 apartment, and you can ride with me.

13 So I told him I'm not going to ride with him alone,
14 could my aunt go? And he said, Yes. So we did that.

15 Q And you rode with him, you and your aunt?

16 A When we got to my house and parked my car, my
17 vehicle, we got into his car.

18 Q And what -- describe the car you got into.

19 A A black Chrysler 300.

20 Q And from there, you went to The Barn?

21 A Yes.

22 Q And how long did you stay there?

23 A When we got to The Barn, it was -- we was -- it was
24 like about 1:30 or so. And we stayed there until about --
25 I guess around 3:45 in the morning. Because they be [sic]

1 open late.

2 Q Okay. And when did you leave The Barn?

3 A Well, actually, I didn't leave with him. He left me
4 and my aunt.

5 Q Around when?

6 A Around -- it was about 3:45 when I saw the time.

7 Q Okay. And did you have a conversation with him
8 before he left?

9 A Well, when we got to The Barn, we all went inside.
10 And we stayed there up until 15 minutes before he decided
11 to leave, which the time became around 3:45.

12 Q Okay.

13 A You know, I had -- when we was there at The Barn, we
14 sat there and talked. And he was drinking. And, you
15 know, I had beer. And I was -- I had a beer. I don't
16 know how many he had, but I know it was more than one.

17 Q Okay.

18 A And my aunt was there. We all sat at the same table.
19 I had other friends there. So I decided to get up after
20 sitting there for a little while. And I wanted to go
21 outside The Barn. It's like a clubhouse.

22 Q Okay.

23 A And I went outside and started communicating with my
24 other friends there. And I guess I took too long being
25 outside. Because by the time I came in -- was going back

1 into The Barn -- they have two entrances. They have a
2 side entrance and they have a front entrance. So it's two
3 doors. And both doors was open.

4 So I was going to the one I came out of. And
5 Mr. Williams was going out the other one. So I wasn't
6 going to chase him to see why he was leaving. Because I
7 have bronchitis and I'm not going to be chasing him. And
8 I went back in and asked my aunt why was he leaving. She
9 said that he was telling her to let me know he was ready
10 to go. And I said, Well, he could have told me he was
11 ready to go, you know. We're riding with him. But I
12 didn't pursue that conversation, you know, right then.

13 And so I -- the entrance -- the door I went back
14 into, I came back through. And I was going across the
15 doorway -- you have to go across the doorway to get to the
16 restroom. So I said let me use the restroom right quick
17 before we leave with him. Because I seen him going to his
18 car, which is the Chrysler 300. And I waved my hand like
19 wait a minute, like that. And he waved back, like okay.
20 And I seen him on his phone. And he was in his car. And
21 I went to the restroom. And I was telling her --

22 Q Well, don't say what you told anybody --

23 A I was telling my aunt -- I'm sorry. I was telling my
24 aunt in the restroom, because she went with me.

25 Q Okay.

1 A I was telling her that he had asked me to go --

2 MR. WARDER: I object to what she was telling her
3 aunt.

4 THE COURT: Sustained.

5 BY MS. MUNSON:

6 Q Ms. Booker, just -- when he left --

7 A Okay.

8 Q -- in his car, how did he leave?

9 A Okay. After leaving the restroom, coming out -- and
10 I was -- we was getting ready to go to him. I didn't have
11 a chance to because he kicked -- his car, he kicked the
12 wheel in the parking lot, rocks going everywhere. Because
13 it was gravel, and dirt, and rocks that you have to park
14 your car on. So we just got left.

15 Q What do you mean he "kicked the wheel"?

16 A He took off in his car. He left.

17 Q But what do you mean "kicked the wheel"?

18 A I mean, you know how a tire will kick the wheel, just
19 throw gravel if you're leaving in a hurry. That's what I
20 mean.

21 Q All right. Did you try to get in touch with him
22 after that?

23 A I couldn't, because I left my cell phone in my car.
24 I didn't have my cell phone. So I didn't know any numbers
25 by heart. And there was a lady there that seen we got

1 left, so she offered to give me a ride to my apartment.

2 Q And after you got back to your apartment, did you try
3 to get in touch with him?

4 A No. I was really -- at that time, I didn't. Because
5 my son was there. And he wanted to know what had
6 happened.

7 Q Okay.

8 A And I explained to him what happened. And my aunt --
9 it was late. And so my son said we're going to go in my
10 car and take her home. So I didn't get my phone out of my
11 car yet.

12 Q Okay. Did you ever try to contact him?

13 A Yes, I did.

14 Q How soon after the incident where you got left?

15 A It was like about I'd say 30 minutes. Because we
16 took my aunt home, and came back to my house. And then I
17 got my phone and called.

18 Q And did you get an answer?

19 A No, I didn't.

20 MS. MUNSON: Nothing further at this time, Your
21 Honor.

22 THE COURT: Any questions for the witness?

23 MR. WARDER: No questions, Your Honor.

24 THE COURT: Any objection to the witness being
25 excused from the State?

1 THE COURT: Ladies and gentlemen, I hope you all had
2 a pleasant lunch and recess. We're now going to resume
3 with testimony.

4 The State may proceed.

5 MS. MUNSON: May it please the Court, Your Honor.

6 The State calls Dr. Michael Ward.

7 THE CLERK: Dr. Ward, if you'll place your left hand
8 on the Bible and raise your right hand.

9 WHEREUPON,

10 MICHAEL EUGENE WARD, M.D.,
11 after first having been duly sworn, testified as follows:

12 THE CLERK: Thank you.

13 You may be seated.

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

15 THE WITNESS: Michael Eugene Ward.

16 THE CLERK: Thank you.

17 THE COURT: You may proceed.

18 MS. MUNSON: Thank you, Your Honor.

19 THE COURT: You're welcome.

20 DIRECT EXAMINATION

21 BY MS. MUNSON:

22 Q Who do you work for, sir?

23 A I'm employed by Pathology Associates of Greenville,
24 and by Greenville County as a forensic pathologist and
25 chief medical examiner for Greenville County.

1 Q What are your duties as the chief medical examiner of
2 Greenville County?

3 A My responsibilities are to investigate deaths that
4 occur in the county to determine cause of death, as well
5 as manner of death.

6 Q Please tell the jury about your educational
7 background.

8 A I have a Bachelor's Degree in Biology from the
9 University of Alabama. I received a Master's Degree in
10 Forensic Science from the University of Alabama at
11 Birmingham. My medical degree is from the University of
12 South Alabama, which is in Mobile.

13 I did a four-year anatomic pathology residency at the
14 Medical University of South Carolina in Charleston, and a
15 one-year fellowship in forensic pathology at the
16 University of New Mexico in Albuquerque. I'm board
17 certified by the American Board of Pathology in both
18 anatomic and forensic pathology.

19 Q What is forensic pathology?

20 A Well, pathology is the study of disease and disease
21 processes, and how they affect man. Forensics takes that
22 one step further to take disease processes trauma in
23 determining a cause and manner of death, and then the
24 presentation of that information in a court of law.

25 Q Okay. How long have you been the chief medical

1 examiner for Greenville County?

2 A 18 years.

3 Q Do you have any experience in forensic pathology
4 before you came to Greenville County?

5 A Yes. I worked for three years with the Office of the
6 Medical Investigator in New Mexico.

7 Q Are you licensed to practice medicine in South
8 Carolina?

9 A In South Carolina and New Mexico.

10 Q Okay. How do you do a -- when you're trying to
11 determine the cause of death, how do you do that?

12 A We do an external -- we do an examination of the
13 body. Generally, that's called an autopsy, which is a
14 detailed physical examination on someone who has died.
15 This includes an external examination and internal
16 examination to see the continuation of any injuries that
17 may be present on the outside to the inside to look at the
18 vital organs of the body to determine cause of death.

19 Q How many autopsies have you performed yourself over
20 the years?

21 A Well over 5,000.

22 Q Have you ever been qualified as an expert in the
23 field of forensic pathology in court?

24 A Yes, I have.

25 Q Approximately how many times?

1 A Over 100 of times.

2 Q In the courts of South Carolina?

3 A Yes.

4 MS. MUNSON: Your Honor, at this time, I offer
5 Dr. Ward as an expert in the field of forensic pathology.

6 THE COURT: Any objections or questions?

7 MR. WARDER: No, Your Honor.

8 THE COURT: So admitted without objection.

9 You may proceed.

10 MS. MUNSON: Thank you, Your Honor.

11 THE COURT: You're welcome.

12 BY MS. MUNSON:

13 Q Now, Dr. Ward, did you perform an autopsy in
14 reference to this case?

15 A Yes, I did.

16 Q On what date?

17 A The autopsy was performed on July 12th, 2010, and was
18 begun at 8:00 a.m.

19 Q And on whom did you perform this autopsy?

20 A Natasha Kerns.

21 Q Okay. Go through the process that you went through
22 in doing the autopsy on the body of Natasha Kerns.

23 A The initial portion of the autopsy begins with
24 reviewing information -- historical information,
25 generally, from the coroner's office. Then the next step

1 is an external examination where we look at the outside of
2 the body for any evidence that may be present, for any
3 documentation of wounds that may be present. And we
4 document those both photographically and diagrammatically.

5 We then proceed with an internal examination to look
6 at the organs of the chest, the abdomen, as well as the
7 brain to look for any disease process that may be present,
8 as well as any injury that we noted on the outside as it
9 continues to the inside of the body. We, also, remove
10 certain specimens for toxicological analysis, or looking
11 for alcohol and drugs.

12 Q And is that the process you went through with Natasha
13 Kerns's body?

14 A Yes, it is.

15 Q Let's just take them one at a time then. Tell the
16 jury what you found in the external examination of
17 Natasha's body.

18 A On external examination, there was a gunshot wound to
19 her face, which entered just inside of her right eye. So
20 between the bridge of the nose and the inner corner of her
21 eye was a gunshot wound entrance. This was a circular
22 gunshot wound. There was no evidence of any -- what we
23 call gun powder residue, which would be soot, unburned gun
24 powder present on the skin. But there were multiple areas
25 of abrasion of the skin, which are small scratches.

1 And these are irregularly shaped and
2 irregularly-sized superficial scratches of the skin
3 surrounding this gunshot wound. And that's best described
4 as intermediate target defect, basically, meaning that the
5 bullet passed through something else before it struck Ms.
6 Kerns in the face. And the object that the bullet passed
7 through, portions of those hit her in the face causing
8 those superficial scratches on the skin around the gunshot
9 wound, not only on the skin surrounding the wound, but,
10 also, on the inside portion of the eyes.

11 So her eyes were open when the bullet impacted her
12 face.

13 Q And the internal examination, what did you discover?

14 A Examination of the chest and abdomen revealed no
15 relevant findings as to her death. Examination of the
16 brain revealed that there were basilar skull fractures.
17 So those are bones of the face between the -- between the
18 face and the brain. That's the basilar portion of the
19 skull.

20 So there were fractures associated with the gunshot
21 wound at the entry, as well as the wound tract of this
22 missile as it went through both the right and left halves
23 of the brain.

24 Q Okay. With what you found in the internal
25 examination, from an injury like that, do you have an

1 opinion about whether or not Natasha would have been able
2 to move around and -- after that?

3 A In my opinion -- it's my opinion that Ms. Kerns would
4 have dropped virtually immediately after receiving that
5 gunshot wound. She may have shown signs of life. She
6 very likely had a heart beat.

7 There is autopsy evidence that she continued to take
8 some breaths after receiving this wound. And that's due
9 to the fact that she has blood present within her lungs
10 having inhaled that following the gunshot wound. But she
11 would not have had purposeful movement.

12 Q Okay. With an injury like this, what -- as far as
13 body fluids coming out, what would you expect as far as
14 that?

15 A I would expect that there would have been a great
16 deal of blood present at the scene coming from the gunshot
17 wound of entrance. There would have been blood in her
18 sinuses. As this bullet passes from the outside to the
19 inside, it goes through the sinus passages. So there
20 would be blood there.

21 So she's not only inhaling it, but may, also, cough
22 it out. As she breathes in, this may cause sort of a gag
23 reflex causing her to cough. So some of that blood may
24 have been coughed out. It would very likely be flowing
25 out of the wound onto her face, and then onto the ground

1 or onto the floor of her house. In fact, when she arrived
2 at the autopsy facility, she had a great deal of dried
3 blood on and about her face.

4 Q On the internal examination, were you able to recover
5 the bullet out of Natasha's head?

6 A Yes, I was.

7 Q And where did you find that?

8 A The entrance wound is just inside the right eye. The
9 missile was recovered on the left side of the back of the
10 head just beneath the skin. So this wound passed through
11 the bones of the face, through the brain, and then through
12 the bone of the left back portion of the skull, and then
13 stopped beneath the skin there.

14 So as we were removing the brain, as we peeled the
15 scalp forward, the missile was recovered.

16 MS. MUNSON: May I approach, Your Honor?

17 THE COURT: You may.

18 BY MS. MUNSON:

19 Q Dr. Ward, I'm showing you State's Exhibit No. 48.
20 Can you take a look at that?

21 A Yes, ma'am.

22 Q Do you recognize that?

23 A I do.

24 Q How do you recognize it?

25 A I recognize it from my description of the missile and

1 from the container in which I placed it in, which has
2 Ms. Kerns's unique autopsy number and my initials.

3 Q Okay. Thank you.

4 Now, Dr. Ward, did you, also, as part of preparation,
5 review two photographs?

6 A Yes, I did.

7 Q And would they or would they not be helpful in
8 explaining to the jury what you found at autopsy?

9 A They would, certainly, be helpful.

10 Q I'm showing you State's Exhibit Nos. 46 and 47. Do
11 you recognize them?

12 A Yes, I do.

13 Q Are they true and accurate depictions of Natasha
14 Kerns's face.

15 A Yes, they are.

16 THE COURT: You need to show them to the Defense.

17 MS. MUNSON: Your Honor, at this time, I move State's
18 Exhibit Nos. 46 and 47 into evidence.

19 MR. WARDER: Without objection, Your Honor.

20 THE COURT: Marked and admitted without objection.

21 (WHEREUPON, State's Exhibit Nos. 46 and 47 were
22 admitted into evidence.)

23 BY MS. MUNSON:

24 Q Dr. Ward, you may want to use that laser pointer
25 there. Let's look at State's Exhibit No. 46 first.

1 Dr. Ward, this is State's Exhibit No. 46. Which
2 portion of Natasha Kerns's face is this?

3 A This is the left side of Ms. Kerns's face. For
4 orientation, this is her left eyebrow, her eyelid, and
5 eyelashes. There is a bruise surrounding her left eye.
6 This is very common when we have a basilar skull fracture.
7 The blood is able to seep between the bones -- or through
8 the bones that are broken and then accumulate in the soft
9 tissue around the eyes.

10 So it shows this contusion -- or bruise around her
11 left eye. And it, also, shows these irregular areas of
12 abrasion, the intermediate target defect indicating that
13 this missile has passed through something else before it
14 struck Ms. Kerns on the right side of her face.

15 Q And let's look at State's Exhibit No. 47. And,
16 please, orient the jury to this exhibit.

17 A Yes, ma'am. This is the right side of Ms. Kerns's
18 face, her forehead, right eyebrow, eyelashes, and her
19 nose. So here's the bridge of the nose. And this is the
20 inner angle of her right eye.

21 And here's the gunshot wound of entrance, a circular
22 entry wound here with an abrasion collar surrounding it.
23 That helps us know that that's the gunshot wound of entry.
24 And, again, the multiple abrasions present on the skin
25 from the impacting material that this bullet passed

1 through.

2 Q Now, Dr. Ward, let me just show you one other exhibit
3 that's in evidence. Here it is. It's State's Exhibit
4 No. 11. The -- on the shirt of Ms. Kerns that's been
5 identified as Ms. Kerns on the scene, that area right
6 there, what does that appear to be to you?

7 A It looks like blood.

8 Q And how could that get on Ms. Kerns based on the
9 wound that she had?

10 A Certainly, as soon as this missile impacts Ms. Kerns
11 through the very vascular portion of the skin, her face is
12 going to start to bleed. As she's falling, it could,
13 certainly, be dropping onto her skin -- I'm sorry, onto
14 the clothing of her chest.

15 Q Okay. Now, Dr. Ward, do you have an opinion as to
16 the cause of Natasha Kerns's death?

17 A Yes, I do.

18 Q And what is that?

19 A Ms. Kerns died as a result of a gunshot wound of the
20 head.

21 Q And do you have an opinion as to the manner of her
22 death?

23 A Yes, I do.

24 Q What is that?

25 A The manner of death was homicide.

1 MS. MUNSON: Thank you.

2 I have nothing further, Your Honor.

3 THE COURT: Any questions for the witness?

4 MR. WARDER: Just a couple.

5 THE COURT: You may proceed.

6 CROSS-EXAMINATION

7 BY MR. WARDER:

8 Q Doctor, just kind of a summary. There was only one
9 gunshot wound in the victim; is that right?

10 A That is correct.

11 Q And it probably happened almost an instantaneous
12 death?

13 A It, certainly, was a near instantaneous
14 incapacitation. Clinically speaking as a physician, she
15 was not dead. But in an outward appearance, she probably
16 appeared dead, yes.

17 Q Okay. And would this be consistent with being shot
18 through a glass window, for example?

19 A Yes, it would.

20 MR. WARDER: Thank you very much.

21 THE COURT: Any redirect?

22 MS. MUNSON: No, ma'am.

23 THE COURT: Any objection to the witness being
24 excused from the State?

25 MS. MUNSON: No, ma'am.

1 THE COURT: From the Defense?

2 MR. WARDER: No, Your Honor.

3 THE COURT: Doctor, you're excused..

4 THE WITNESS: Thank you.

5 THE COURT: You're welcome.

6 The State may proceed.

7 MS. MUNSON: May it please the Court.

8 Your Honor, the State calls Wayne Campbell.

9 THE CLERK: Mr. Campbell, if you would come forward
10 to be sworn in, please.

11 Would you, please, place your left hand on the Bible
12 and raise your right?

13 WHEREUPON,

14 WAYNE TAYLOR CAMPBELL,
15 after first having been duly sworn, testified as follows:

16 THE CLERK: Thank you.

17 You may be seated.

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

19 THE WITNESS: It's Wayne Taylor Campbell.

20 THE CLERK: Thank you.

21 DIRECT EXAMINATION

22 BY MS. MUNSON:

23 Q Who do you work for, sir?

24 A The Greenville County Sheriff's Office.

25 Q What's your job title?

1 A I am a homicide investigator.

2 Q And what are your duties?

3 A My duties are to investigate violent crimes and
4 deaths.

5 Q How long have you been with the Sheriff's Office?

6 A I've been with them since 2002.

7 Q All right. And when did you become involved in this
8 case?

9 A I became involved in this case on Saturday, July 10th
10 of 2010.

11 Q And how did you get involved?

12 A Investigator Whaley -- I was at home and -- I live in
13 the northern part of Laurens County. Investigator Whaley
14 notified me that Laurens County was chasing a murder
15 suspect. He gave me the name. And I went on the DMV
16 files and learned that he lived about two miles from where
17 I lived. So I started heading in that direction.

18 Q And what happened as you started heading in that
19 direction?

20 A I pulled over to use my cell phone to try to get in
21 contact with another deputy. I couldn't reach him. So I
22 called dispatch to try to find out where the deputies that
23 were in pursuit of this suspect were. I learned that they
24 were in pursuit in the northern part of the county. And
25 while I was on the phone, the suspect's vehicle, as well

1 as three Laurens County deputies, came by me. I cut on
2 blue lights, siren, and joined in on the pursuit.

3 Q Did it, eventually, end?

4 A Yes, ma'am, it did.

5 Q When the pursuit ended, what did you do?

6 A It ended on the backside of the public square in
7 Laurens, the city of Laurens. I parked my vehicle away
8 from where the vehicle had come to rest. I went down.
9 They were starting to cuff the suspect, Mr. Williams.

10 At that point in time, I holstered my weapon and
11 assisted in handcuffing him. And I pulled his wallet --
12 after asking his name, he refused to answer. So we pulled
13 his wallet and made sure that was the person we were
14 looking for.

15 While I was -- he was lying handcuffed to the back
16 right on the sidewalk, the edge of the road. And I was
17 told to be careful that there was blood about his person.

18 At that point in time, I raised his shirt and could
19 see a laceration on, I believe, it was his left nipple. I
20 asked for, first, gloves and first aid stuff, and asked if
21 they would call EMS.

22 Q And did EMS, eventually, get there?

23 A They did.

24 Q Okay. Now, later on in the investigation,
25 Investigator Williams -- Campbell, did you get involved

1 with talking to any witnesses?

2 A Investigator Whaley, Miller, and myself met in
3 Laurens County. I had ran some errands the morning of --
4 I believe it's the 14th. It is the 14th, which was a
5 Wednesday. I had went and tried to collect some
6 documentation of the chase and things in Laurens County,
7 Laurens City. I met with them and we went over to
8 Mr. Irby's residence.

9 Q And do you know, generally, where the residence was?

10 A Referring to my report -- give me just a minute and I
11 can give you his address.

12 We went to 165 Hemingway Drive in Laurens, South
13 Carolina.

14 Q And during the process of your interview with
15 Mr. Irby, explain for the jury how that happened.

16 A Basically, we were invited in his residence to his
17 den area. Investigator Whaley was doing the interview.
18 Miller and I were just sitting back. We were going to
19 assist in a search warrant later that morning.

20 During the interview, Investigator Whaley was
21 handwriting the statement out. And a conversation struck
22 up between the three of us, Mr. Irby, myself, and Miller,
23 basically, about Mr. Williams --

24 Q Okay. Let's not go exactly there yet. As -- after
25 the statement was written out -- handwritten; is that

1 correct?

2 A It was handwritten.

3 Q By Investigator Whaley. What did you do with the
4 written statement then? What was done as far as Mr. Irby
5 goes with the written statement?

6 A He was allowed to proofread the statement, make sure
7 everything was correct, whether something needed to be
8 added, deleted, or anything like that, make sure it was
9 what he wanted it to say.

10 Q Okay.

11 A And then he was asked to sign it.

12 Q Okay. Now, how is he treated during this process?

13 A As respectful as you could treat someone. I mean, we
14 were in his home.

15 Q Was he under arrest, or anything like that?

16 A No, ma'am, he was not.

17 Q Now, after the statement was written and signed, did
18 you have a conversation with him about something that was
19 not in the statement?

20 A Yes. The -- like I say, the three of us started
21 talking about Mr. Williams. And he made some statements
22 that we tried to get put into the written statement, and
23 he did not want that there.

24 Q Okay. Now, when you say we tried to get him to put
25 it in the written statement, how did you go about doing

1 that?

2 A We just asked him if we could include that into the
3 statement that Investigator Whaley had handwritten.

4 Q And what was his response?

5 A He did not want to incriminate his friend.

6 MS. MUNSON: Your Honor, at this time, I think we
7 have a matter of law to take up.

8 THE COURT: Mr. Foreman, and, ladies and gentlemen,
9 we have a brief matter of law to take up. During the
10 break, please, do not discuss the case. And, please,
11 leave your notepads in your seats.

12 (WHEREUPON, the jury was excused from open court at
13 approximately 1:50 p.m.)

14 THE COURT: Yes, ma'am.

15 MS. MUNSON: May it please the Court.

16 Your Honor, at this time, I intend to elicit from
17 Investigator Campbell the fact that Mr. Irby, who earlier
18 on the stand denied telling the investigators that
19 Mr. Williams said that he killed Natasha, he denied that
20 on the stand. So I intend to introduce that now through
21 Investigator Campbell.

22 THE COURT: You should have introduced it through
23 Mr. Irby. You should have given him the opportunity --
24 you should have confronted him with the fact that you had
25 an extraneous statement and did he want to change his

1 (WHEREUPON, the jury came into open court at
2 approximately 2:00 p.m.)

3 THE COURT: We appreciate your patience, ladies and
4 gentlemen.

5 The State may proceed.

6 MS. MUNSON: Thank you, Your Honor.

7 May it please the Court.

8 CONTINUED DIRECT EXAMINATION

9 BY MS. MUNSON:

10 Q Investigator Campbell, you said earlier you
11 were going to do a search warrant after talking with
12 Mr. Irby?

13 A Investigator Miller and I went to Mattie Pearl Drive
14 while Investigator Whaley went down to the magistrate's
15 office in Laurens. And we gave him the description of the
16 residence.

17 Q And did you go to Mattie Pearl Drive?

18 A Yes, we did.

19 Q And whose residence was that?

20 A That is supposed to be where Mr. Williams lived.

21 Q Just looking around the property, did you notice any
22 vehicles there?

23 A There were a couple of vehicles parked beside the
24 residence.

25 Q And what were they?

1 A I would have to review the photographs that I took
2 that day.

3 Q Okay. You don't have it in your report what vehicles
4 you saw?

5 A No, ma'am. I don't -- well, no, I don't.

6 MS. MUNSON: I have nothing further, Your Honor.

7 THE COURT: Any questions for the witness from the
8 Defense?

9 MR. WARDER: No.

10 THE COURT: Sir, you are excused subject to being
11 recalled.

12 THE WITNESS: Thank you.

13 THE COURT: You're welcome.

14 You may call your next witness.

15 MS. MUNSON: The State calls Anthony Wilson.

16 THE CLERK: Mr. Wilson, please, come forward.

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

19 WHEREUPON,

20 ANTHONY BERNARD WILSON,
21 after first having been duly sworn, testified as follows:

22 THE CLERK: Thank you.

23 You may be seated.

24 Please state your name for the record.

25 THE WITNESS: Anthony Bernard Wilson.

DIRECT EXAMINATION

1
2 BY MS. MUNSON:

3 Q Hi, Mr. Wilson.

4 A How are you doing?

5 Q How old are you?

6 A I'm 36.

7 Q Where do you live?

8 A In Charlotte, North Carolina.

9 Q How long have you been living there?

10 A Living there since 2001.

11 Q Who do you live with?

12 A I live with me and my fiancée.

13 Q When are y'all going to get married?

14 A Probably about a year from now..

15 Q Okay. Now, I want you to think back to the incident
16 that brings us all here today. Do you remember that?

17 A I remember.

18 Q Do you remember what month it was?

19 A July.

20 Q Do you remember what year?

21 A 2010.

22 Q Okay. Back in July of 2010, were you dating anybody?

23 A No.

24 Q Were you friends with anybody?

25 A Yes.

- 1 Q Any females?
- 2 A Yes.
- 3 Q Who in particular?
- 4 A Natasha Kerns.
- 5 Q Natasha Kerns?
- 6 A Yes.
- 7 Q Where did you meet her?
- 8 A I met her at a night club called 10 Points in
- 9 Charlotte, North Carolina.
- 10 Q In Charlotte?
- 11 A Yes.
- 12 Q How much time did you spend with her when you met her
- 13 in Charlotte?
- 14 A Not that much time. We mostly conversed a lot over
- 15 the phone.
- 16 Q Okay. Did you ever come to Greenville?
- 17 A Yes.
- 18 Q And how much did you come to Greenville?
- 19 A I came down once.
- 20 Q Just once?
- 21 A Yes.
- 22 Q And let's back up a little bit. When you came down
- 23 here, how did you get here?
- 24 A I drove.
- 25 Q And what did you drive?

1 A I drove a Buick Rendezvous.

2 Q What color was it?

3 A It was blue.

4 Q Who, if anybody, did you come down here with?

5 A I came alone.

6 Q And when you got to Greenville, where did you go?

7 A She met me at a gas station. And, from that point, I
8 followed her to her place.

9 Q Do you remember where her house was?

10 A No. I'm not familiar with the area, so I couldn't
11 recall it.

12 Q Who lived in the house with her?

13 A Her kids.

14 Q Anybody else?

15 A No.

16 Q And do you remember when you got there?

17 A Around Thursday, Thursday night -- Thursday evening.

18 Q Did anything unusual happen on Thursday?

19 A No.

20 Q Okay. Let's move to Friday. Friday in the evening,
21 do you remember that time?

22 A Yes.

23 Q What had y'all been doing that Friday evening?

24 A We were out with the kids, actually, just out and
25 about, hanging out, going out to eat and stuff like that,

1 just pretty much normal stuff.

2 Q Okay. In whose car were you in when you were doing
3 all that?

4 A In her car.

5 Q About what time did you get back to Natasha's house?

6 A It was around maybe 12:00, 1:00 when we got back in.

7 Q And when you got back to Natasha's house, what did
8 y'all do?

9 A Nothing, just, actually, interacted with the kids,
10 talk, laugh, stuff like that, nothing, you know, too
11 strenuous, or anything like that.

12 Q All right. Now, when it was time to go to bed, where
13 did -- you say her "kids." Do you remember their names,
14 or anything about them?

15 A I remember her son. I think he was like 10 at the
16 time. The daughter was like two. She was very young.

17 Q Okay. When it came time for bed, where did the son
18 go?

19 A The son went to his room. The daughter was still up.
20 She was still, you know, interacting with us, and
21 everything. She went to sleep beside us.

22 Q About what time do you think y'all went to bed?

23 A We probably dozed off maybe 3:00 or so.

24 Q Okay. Who all was in what bed?

25 A Me, Natasha, and her little girl was in the bed.

1 Q In which bedroom?

2 A Her bedroom.

3 Q And what was kind of the order of where y'all were?

4 A Oh, all right. Her daughter was on the outside,
5 Natasha was in the middle, and I was on the outside.

6 Q Okay. Which side -- were you closer to the wall or
7 closer to the door?

8 A I was closer to the window, yeah.

9 Q Okay. And during the course of the evening, did
10 anything occur?

11 A Over the course of the evening when we was all
12 hanging out?

13 Q After you went to bed.

14 A After we went to bed, no, besides just she said she
15 got a few calls throughout the day, or whatever. She
16 never really mentioned anything in particular about what
17 was going on, but I know her mood kind of changed a little
18 bit, so.

19 Q Did the house phone ring while you were there?

20 A The house phone rang pretty late that night.

21 Q Do you remember about what time?

22 A No, I don't remember.

23 Q So after everybody had settled down and gone to bed,
24 what was the next thing that happened?

25 A Later on that night, I kind of woke up. I heard the

1 dog barking in the backyard. That really woke me up and
2 everything. And I started hearing some ruckus going on
3 around outside of the house.

4 Q Okay. What do you mean by "ruckus"?

5 A Like banging, just, you know, unusual noises for that
6 time of night. It was peaceful and quiet. The dogs were
7 barking in the backyard letting you know something's going
8 on outside somewhere. And I woke up, like I said, and I
9 hear like a banging going on like someone was trying to
10 get in.

11 Q Could you tell from where around the house that the
12 banging was coming from?

13 A It was from the front to the back, from the back to
14 the front.

15 Q Okay.

16 A Around that time, I woke her up and told her what was
17 going on.

18 Q Okay.

19 A So she got up.

20 Q When you woke Natasha up, what did she do?

21 A She immediately hopped up. She grabbed her weapon
22 and ran toward the front. It was so fast that I'm still
23 like what's going on, you know. I'm like is this a raid.

24 So I get myself together and grab her daughter.

25 Because it sounded like it might have been something a

1 little bit more than what it was supposed to be. So just
2 instinct, I grabbed her daughter and took her daughter to
3 the room with her son.

4 Q Okay. Let's back up a little bit.

5 A Okay.

6 Q She grabbed her gun. Did you see from where she got
7 it?

8 A No.

9 Q Had you ever seen it before?

10 A No. I didn't even know she had one, to be honest
11 with you.

12 Q How do you know she had it?

13 A I saw her take it. She went under her bed, took it
14 off the floor, or whatever, and just ran out.

15 Q And she ran out?

16 A Yeah.

17 Q And then you did what?

18 A I got myself together and grabbed her daughter, took
19 her daughter to her son's room. I listened out for a
20 little bit. And I heard her talking. I don't know what
21 she was saying exactly per say, because it was kind of
22 muffled a little bit.

23 When she did speak clearly, I heard her say something
24 about get away from my property, get away from my house,
25 and stuff like that.

1 Q And then when you heard that, where were you with the
2 kids?

3 A In the room -- I was placing -- I had the daughter in
4 my arms walking her to her brother's room to put her in
5 the bed with him.

6 Q Do you remember anything about the brother's room,
7 what color it was, or how big it was?

8 A Yeah. I think he had a bunk bed.

9 Q Okay.

10 A A TV, a little video game system.

11 Q Okay. That's fine.

12 And as you get to the brother's room with the little
13 girl, and you hear Natasha talking, then what did you do?

14 A After I heard Natasha talking and everything, I put
15 her in the bed, like I said, with her brother, and
16 everything. Before I could really turn around, I see an
17 image coming down the hallway.

18 Q An image?

19 A Yeah. It was a silhouette of a human being coming
20 down the hallway. But I knew instinctively it couldn't
21 have been her. Because it didn't fit her silhouette, the
22 person coming down the hallway.

23 Q Before you saw this silhouette coming down the
24 hallway, did you hear anything?

25 A I heard some, like I said, banging on the outside,

1 you know. And she was shouting herself. After that, it
2 went like straight silent.

3 Q After you saw the image or before?

4 A Before.

5 Q Okay. Now, when you put the two kids -- when you put
6 the daughter in the bedroom with the son, did you give any
7 instructions to them?

8 A No. I didn't give them any instructions. She was
9 still sleeping. I just laid her down.

10 Q And as the image -- you see the image in the hallway,
11 what did you do?

12 A After I saw the image coming down the hallway -- I
13 was like putting the baby in the bed with him. And I
14 looked over my shoulder. And I could see someone coming
15 down the hallway. And then it stopped by the bedroom.
16 Because her closet -- she had a light on in the closet.
17 That gave just a little bit of -- illuminating the room
18 just a little bit. The image just pretty much stood there
19 and looked in the room for a little bit, hesitated, looked
20 in there. And then he came into the kids room.

21 By the time I get ready to turn around all the way,
22 they was in the room, or whatever. And there was the
23 video game system on the floor, which kind of hindered me
24 from getting my balance all the way together to defend
25 myself in any kind of way I could.

1 Q Now, what can you tell the jury about the image?
2 Could you tell sex, race, size, anything?

3 A I know it was a male definitely. I could tell by the
4 shape. I could tell by the hair. Just the whole physique
5 of the person, it was not a female.

6 Q Okay. Was it a small person or a large person?

7 A A medium-size person. Just way bigger than her, I
8 know that much.

9 Q Okay. And as -- could you tell anything about how
10 the person was dressed?

11 A It looked more like to me like a mechanic outfit. It
12 was one piece. I know it was dark colors, either blue or
13 black, but it was dark. And all that was visible was the
14 hair. And I can remember the facial features pretty well.
15 Like I said, the light in the closet that gave off a
16 little bit -- you know, illuminated a little bit.

17 Q Had you ever seen this person before?

18 A No.

19 Q Could you tell whether or not you got a good look at
20 him?

21 A I got enough look. I got a good look, I did.

22 Q Okay. Now, as the person is coming down the hallway,
23 what's the next thing that happened?

24 A The person comes down the hallway into her room, like
25 I said, looks in. And then made their way into the kids

1 room.

2 I make my way -- I put the baby girl down. I turn
3 around. I tripped over the X-box, or whatever video game
4 system it was that didn't allow me to get my balance like
5 I wanted to. And three shots came toward me. The first
6 one -- I guess the first one hit me, or whatever. That
7 took me to the ground. And I avoided the other two that
8 went wherever else they went in the room.

9 Q Okay.

10 A I was out -- I'm not sure how long I was out or
11 unconscious for, or whatever. Because the son woke up and
12 he was shaking me. I woke up to him shaking me and
13 everything, so.

14 Q Now, before the shots went off, were you able to have
15 any physical contact with the person?

16 A I wasn't able to. Because, like I said, the video
17 game system kept me from getting any kind of balance
18 myself.

19 Q Do you know -- can you say how close the person was
20 to you when the shots went off?

21 A Close enough for me to have -- they said -- I was
22 told I had powder burns and stuff like that on my face and
23 over my clothing. So I was pretty close to the weapon
24 when it was fired.

25 Q Could you smell anything?

1 A Yes.

2 Q What did you smell?

3 A Gun powder.

4 Q After the shots, what's the next thing that you
5 remember?

6 A I remember her son shaking me and waking me up asking
7 me, Are you okay, wake up, wake up, wake up. And I was --
8 I came to, and whatever. And I was pretty calm. At the
9 time, I didn't know how injured I was. And I just told
10 him to be quiet. Because I wasn't sure if the intruder
11 was still in the house or not.

12 Q Who did you tell to be quiet?

13 A I don't remember -- her son -- I can't remember --
14 J.K.

15 Q The people who were in the house?

16 A Right.

17 Q And how did he act when you told him to be quiet?

18 A He was pretty calm, at the time, himself.

19 Q Okay. And what about the little girl? Do you
20 remember what she was doing?

21 A She was still asleep, or she was real quiet, so.

22 Q She was not making any noise?

23 A No. She was quiet.

24 Q After you came to, what did you do?

25 A What I did was -- I was covered in blood evidently.

1 I grabbed me a towel to like try to slow up the bleeding,
2 and everything, so I could make my way through the house.
3 Because I couldn't see anything, to be honest with you.

4 I told him to follow behind me, but not too close.
5 Because I wasn't sure if the intruder was still in the
6 house. I went back into the bedroom to use the phone. I
7 couldn't get a signal on my cell phone. So then I tried
8 to use the house phone. But the house phone was off the
9 hook because she had already called 911.

10 Q Okay.

11 A I made my way down the hallway. I see her laying on
12 the floor by the window on her back. I went over there to
13 check her pulse. Before I could even make an exit out of
14 the house and everything, the sheriff was coming in
15 through the back door.

16 Q Okay. Prior to them getting there, do you remember
17 hearing anything outside the house?

18 A No. All I heard in the distance was, I guess, the
19 ambulance and police officers coming in the far --

20 Q How did you know the police were there?

21 A I just heard the sirens, basically, in the distance.
22 I don't know how far away they were. But I guess, you
23 know, me hearing that coming, you know your time is....

24 Q Do you remember any voices calling to you?

25 A Just her son's.

1 Q Okay. Do you know how they got in the house? Did
2 you see them come in?

3 A No. I don't know how they got in.

4 Q The towel that you had on your head, do you remember
5 anything about that?

6 A No, just that it just slowed the bleeding just enough
7 for me to make my way through the house, so I did.

8 Q Okay. Mr. Wilson --

9 MS. MUNSON: May I approach, Your Honor?

10 THE COURT: Uh-huh.

11 BY MS. MUNSON:

12 Q Mr. Wilson, I'm going to show you State's Exhibit
13 Nos. 44 and 45. And I need for you to take a look at
14 these. Okay.

15 A (Witness complied.)

16 Q Do you recognize those?

17 A Yes.

18 Q Have you seen those before?

19 A I've never seen them before. Just to see myself like
20 that is --

21 Q You've never seen those photographs before?

22 A Not until the one time you showed me.

23 Q And when was that?

24 A That was on Wednesday week.

25 Q So you've seen them before?

1 A Yes.

2 Q Now, do these truly and accurately depict what you
3 looked like after you got shot that night?

4 A Yes.

5 MS. MUNSON: Your Honor, I offer State's Exhibit
6 Nos. 44 and 45 into evidence.

7 MR. WARDER: No objection, Your Honor.

8 THE COURT: Marked and admitted without objection.
9 You may proceed.

10 (WHEREUPON, State's Exhibit Nos. 44 and 45 were
11 admitted into evidence.)

12 BY MS. MUNSON:

13 Q I'm about to put this light up, Mr. Wilson, and put
14 these up on the projector.

15 Mr. Wilson, this is State's Exhibit No. 44.

16 A Okay.

17 Q The big knot there on the left side of your head, is
18 that how your head normally is?

19 A No.

20 Q And this is State's Exhibit No. 45. Can you take a
21 look at that?

22 A Yes.

23 Q And what is that?

24 A That is where the bullet went in and out.

25 Q What is this area right through here, Mr. Wilson?

1 A That's the trail of the bullet.

2 Q How -- and where were you when these photographs were
3 taken?

4 A I was at Greenville Memorial Hospital.

5 Q How long did you have to stay in the hospital?

6 A I stayed overnight.

7 Q Okay. And did you have to get stitches or what -- I
8 mean, what did they do to you -- or for you?

9 A They gave me a CT scan, a bunch of X-rays, you know,
10 just kept me under close watch.

11 MS. MUNSON: Okay. I have nothing further of this
12 witness, Your Honor.

13 THE COURT: Any questions for the witness?

14 CROSS-EXAMINATION

15 BY MR. WARDER:

16 Q You met Natasha up in Charlotte?

17 A Yes, sir.

18 Q You met her at a little club?

19 A Yes, sir.

20 Q What was the name of that spot?

21 A Club Tempo.

22 Q Okay. And after that first occasion, she came to
23 Charlotte a number of times?

24 A Yes. When she was hanging out with some of her
25 friends, she would let me know when she was in town. And

1 I would meet up with them.

2 Q Okay. How many times did y'all get together in
3 Charlotte?

4 A Maybe two or three times, not often.

5 Q Okay. And did you stay together when you were up in
6 Charlotte?

7 A No.

8 Q You came down here to Greenville?

9 A Uh-huh.

10 Q You stayed Friday night at her house?

11 A Correct.

12 Q She's got her two children there?

13 A Correct.

14 Q Had you ever seen her children before?

15 A No.

16 Q And you, Natasha, and the little girl end up in the
17 bed in the master bedroom?

18 A Correct.

19 Q Natasha gets up when you tell her there's a noise out
20 front and gets her gun?

21 A Correct.

22 Q You get dressed at that time?

23 A Yes.

24 Q Okay. You got dressed. Did you get your bags
25 together at that time?

1 A No.

2 Q Okay. When did you get your bags and everything
3 together?

4 A I never got my bags together. I just had my phone in
5 my bag.

6 Q Okay. Weren't you preparing to leave when the
7 sheriff came?

8 A No. I was preparing to get the kids out of the
9 house.

10 Q Did you tell the police that you checked her for
11 vital signs, and there was no answer or nothing from her.
12 At the same time, I was getting the -- I grabbed my bags,
13 got my keys, everything to get the kids out of there and
14 go. Were you getting your stuff to take the kids
15 somewhere and go back to Charlotte?

16 A Not to Charlotte, just anywhere to get out of that
17 house. I wasn't sure if the intruder was still there or
18 not. I had two kids with me.

19 Q You needed to get rid of the kids, and get out of
20 town?

21 A Not get rid of the kids, no, get them to safety.

22 Q Well, now, you told us that you were unconscious for
23 a while?

24 A Correct.

25 Q And when you were unconscious, where did your body

1 lie, where at in the house?

2 A It laid in the son's room.

3 Q Clear inside?

4 A Yes.

5 Q Was the light on or off?

6 A The light was off.

7 Q Okay. Who turned the light on?

8 A There was no light on.

9 Q It was off?

10 A Yes.

11 Q The closet light you mentioned, it was on at one
12 time?

13 A The closet light was on in her room.

14 Q Okay. But the son's room was completely dark?

15 A Correct.

16 Q Did you notice the son before you got shot in the
17 head? Did you notice him in bed, or anything?

18 A He was in bed.

19 Q Okay. Did -- was he awake?

20 A At the time, no.

21 Q Okay. He was asleep?

22 A He was awoken by the gun sound.

23 Q Now, you -- did you hear the first gunshot?

24 A I never heard the first one, no. If I had heard the
25 first one, I would know how I needed to defend myself.

1 Q And you heard two more or three more?

2 A After the first shot, they was right behind each
3 other, I heard two more.

4 Q So you heard a total of four shots?

5 A Three shots.

6 Q A total of three shots. One was shot outside of the
7 house or outside of the room?

8 A I'm talking about myself in the room.

9 Q What time was it when you woke up, or came to, or got
10 revived?

11 A Do you mean from her son?

12 Q From her son.

13 A Do you mean what time I woke up from her son waking
14 me up from being unconscious?

15 Q Yes.

16 A I have no idea. I'm sure it wasn't too long.
17 Because I heard sirens in the distance coming, so.

18 Q You said that you heard a siren at that time?

19 A Uh-huh.

20 Q How close was the siren?

21 A I don't know. It was close enough for me to hear in
22 the distance.

23 Q How long did it take the officer to arrive after
24 that?

25 A After I heard them, probably about five minutes.

1 Q So you heard the siren five minutes away?

2 A Yeah. You could hear it in the distance. It was
3 quiet, early in the morning, you could hear a lot of
4 things.

5 Q Had you been out to a club that night?

6 A No.

7 Q What club did you go to?

8 A We didn't go to a club that night. We had the kids
9 that day.

10 Q Okay. You didn't go out?

11 A No.

12 Q You stayed at home?

13 A We was out and about. We went out to eat, but that's
14 about it. But there was no clubbing going on.

15 Q Was she an entertainer when she was up in Charlotte?

16 A No.

17 Q She wasn't working at a club?

18 A No.

19 Q Did you ever go and see her when she did?

20 A As an entertainer?

21 Q Yeah.

22 A I came here. She sang one time before. And I saw a
23 video of her before, but that's about it.

24 Q You checked out of the hospital the next day and went
25 back to Charlotte?

1 A I was released, yes.

2 MR. WARDER: Thank you.

3 THE COURT: Any redirect of the witness?

4 MS. MUNSON: Yes, ma'am.

5 THE COURT: You may proceed.

6 REDIRECT EXAMINATION

7 BY MS. MUNSON:

8 Q An entertainer, what does that mean to you?

9 A It sounds like someone who works at a night club for
10 money when you say "entertainer" to me.

11 Q Is that what Natasha was doing?

12 A No.

13 Q Okay. And you say you saw a video of her?

14 A Uh-huh.

15 Q What kind of video?

16 A I saw her at an event somewhere in Greenville and she
17 was singing on stage.

18 Q Did she have her clothes on or off?

19 A Her clothes were on.

20 MS. MUNSON: Okay. Nothing further, Your Honor.

21 THE COURT: Any objection to the witness being
22 excused from the State?

23 MS. MUNSON: No, ma'am.

24 THE COURT: From the Defense?

25 MR. WARDER: No.

1 THE COURT: Sir, you're excused.

2 You may call your next witness.

3 MS. MUNSON: The State calls Margaret Williams.

4 THE CLERK: Ms. Williams, would you, please, come
5 forward to be sworn in.

6 Thank you.

7 Would you, please, place your left hand on the Bible
8 and raise your right hand?

9 WHEREUPON,

10 MARGARET A. WILLIAMS,
11 after first having been duly sworn, testified as follows:

12 THE CLERK: Thank you.

13 You may be seated.

14 Would you, please, state your full name for the
15 record?

16 THE WITNESS: Margaret A. Williams.

17 THE CLERK: Thank you.

18 DIRECT EXAMINATION

19 BY MS. MUNSON:

20 Q Hey, Ms. Williams.

21 A Hello.

22 Q Are you related to the Defendant?

23 A Yes. I'm his sister.

24 Q Okay. Are y'all close?

25 A Not that really close. But we're as close as we can

1 be as family.

2 Q All right. Back in July of 2010, where were you
3 living?

4 A I lived in front of my brother.

5 Q Okay. And -- in front of your brother?

6 A Uh-huh. He lived behind me.

7 Q And do you remember the day that all these events
8 started coming to light?

9 A Are you talking about that Saturday?

10 Q Yes, ma'am.

11 A Yes, a little bit.

12 Q Okay. At some point during that Saturday, did all
13 your family gather together at your brother's house?

14 A No. At my brother's house -- in front of me. We
15 have another house in front of us.

16 Q Okay.

17 A Which is the main house.

18 Q Okay. So that's where everybody had gathered?

19 A Yes.

20 Q About how many people were out there?

21 A It's kind of hard to say, because it was just a lot
22 of people coming.

23 Q Kind of coming and going?

24 A No, coming there and staying.

25 Q Okay. Do you remember having a conversation with

1 some officers --

2 A No.

3 Q -- a few days after the incident?

4 A Those that came down there to -- came down the side
5 road, parked on the side road going to Willie's house,
6 those detectives.

7 Q Okay. Now, what information did you give the police
8 about any upcoming court dates that your brother had?

9 A Nothing.

10 Q Okay. Did you not tell Investigator Campbell that
11 your brother had been served with a notice for court for
12 July --

13 A Yes.

14 Q For July the 7th?

15 A For July the 7th?

16 Q Yes, ma'am.

17 A No.

18 MR. WARDER: Your Honor, I have --

19 THE WITNESS: No, no --

20 MR. WARDER: I have a legal matter to take up with
21 the Court.

22 THE COURT: Approach, please.

23 (WHEREUPON, a bench conference was held.)

24 THE COURT: The objection is overruled. It goes to
25 motive and premeditation, acts of preparation.

1 You may proceed.

2 MS. MUNSON: Thank you, Your Honor.

3 THE COURT: You're welcome.

4 BY MS. MUNSON:

5 Q Did you tell the officers that your brother got
6 notice for a court date for July 7th of 2010?

7 A No.

8 Q You did not tell the officers that?

9 A No.

10 Q Okay. Did you know about your brother having a court
11 date?

12 A I was at home --

13 MR. WARDER: I object to --

14 THE WITNESS: I don't know nothing about a court
15 date.

16 THE COURT: Overruled. It goes to her credibility.

17 BY MS. MUNSON:

18 Q Did you know about it?

19 A No.

20 Q Did you have a conversation with your brother about
21 an upcoming court date?

22 A No.

23 MS. MUNSON: I have nothing further.

24 THE COURT: Approach for me, please.

25 (WHEREUPON, a bench conference was held.)

1 THE COURT: Mr. Foreman, ladies and gentlemen, I have
2 a brief matter of law I need to take up with the
3 attorneys. During the break, please, don't discuss the
4 case. And, please, leave your notepads in your seats.

5 (WHEREUPON, the jury was excused from open court at
6 approximately 2:34 p.m.)

7 THE COURT: Okay. There's some indication based on
8 the bench conference that this witness may be confused
9 about the dates.

10 Do you want to ask her again so we can make sure
11 she's not confused?

12 MS. MUNSON: Yes, ma'am.

13 Thank you, Your Honor.

14 THE COURT: So we don't have to --

15 Ma'am, I need you to listen very carefully to the
16 question. And I need you to be as honest as possible in
17 your recollection. Okay.

18 THE WITNESS: Okay.

19 THE COURT: All right. You may proceed.

20 DIRECT EXAMINATION

21 BY MS. MUNSON:

22 Q Ms. Williams, on Wednesday -- did you tell the
23 officers that on Wednesday, July the 7th, your brother was
24 served with court papers?

25 A Yes.

1 Q Okay. And did you tell the officers that he was
2 upset about child support?

3 A Yes.

4 THE COURT: Is there any exception now to that -- now
5 that we've clarified the dates?

6 MR. WARDER: No, ma'am.

7 Bring in the jury, please.

8 You need to re-ask those questions. And then I'll
9 allow cross-examination.

10 (WHEREUPON, the jury came into open court at
11 approximately 2:38 p.m.)

12 THE COURT: Ladies and gentlemen, we'll now resume
13 the testimony of the witness.

14 You may proceed.

15 MS. MUNSON: Thank you, Your Honor.

16 THE COURT: You're welcome.

17 CONTINUED DIRECT EXAMINATION

18 BY MS. MUNSON:

19 Q Ms. Williams, I did a bad job of asking a question
20 earlier. And I apologize for that. Did your brother get
21 served with any court documents before the incident?

22 A What year --

23 Q In 2010.

24 A -- are you talking about? When?

25 Q In 2010.

1 A I don't know if he got served or not.

2 Q Okay. Well, did you tell officers that on July 7th
3 of 2010, your brother was served with court papers?

4 A July what?

5 Q Did you tell the officers that on Wednesday, July the
6 7th of 2010, that your brother was served with court
7 papers?

8 A I don't quite remember the date.

9 Q You don't remember the date?

10 A No. I'm getting -- that's kind of like caused --
11 it's kind of like confusing me.

12 Q Yes, ma'am.

13 A When the incident and everything happened.

14 Q Okay.

15 A So my memory ain't all that good.

16 Q Okay. So -- and I'm not trying to give you a hard
17 time. Did you tell officers that your brother was served
18 with court papers on Wednesday, July the 7th of 2010?

19 A I might have did [sic]. But I, also, did tell them,
20 also, one thing, everything that I'm sitting up here
21 trying to say to y'all is secondhand information that was
22 told to me.

23 Q So you did tell that to the officers?

24 A I'm thinking that I did.

25 Q Did you tell the officers that your brother was upset

1 about child support?

2 A I might have.

3 MS. MUNSON: Nothing further, Your Honor.

4 THE COURT: Any questions for the witness?

5 MR. WARDER: Your Honor, if it please the Court, I
6 have no questions.

7 THE COURT: Any objection to the witness being
8 excused from the State?

9 MS. MUNSON: No, ma'am.

10 THE COURT: From the Defense?

11 MR. WARDER: No, Your Honor.

12 THE COURT: Ma'am, you're excused.

13 THE WITNESS: Thank you.

14 THE COURT: You're welcome.

15 You may call your next witness.

16 MS. MUNSON: The State calls Craig Hawkins.

17 THE CLERK: Sir, if you would come forward to be
18 sworn in.

19 Would you, please, place your left hand on the Bible
20 and raise your right hand?

21 WHEREUPON,

22 CRAIG HAWKINS,

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

24 THE CLERK: Thank you.

25 You may be seated.

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

2 THE WITNESS: Deputy Craig Hawkins.

3 DIRECT EXAMINATION

4 BY MS. MUNSON:

5 Q Who do you work for, sir?

6 A The Greenville County Sheriff's Office in the
7 warrants division.

8 Q How long have you been with the Sheriff's Office?

9 A About 13 years.

10 Q All right. What are your duties in the warrants
11 division?

12 A Go out and find people that have active warrants for
13 their arrest.

14 Q Were you with the Sheriff's Office in July of 2010?

15 A Yes, ma'am.

16 Q To what unit of the Sheriff's Office were you
17 assigned back then?

18 A Back then, I was assigned -- I worked closely with
19 the U.S. Marshall's task force.

20 Q And did you get a call in reference to this case?

21 A I did.

22 Q Do you remember the date?

23 A July 10th of 2010.

24 Q Were you on duty when you got the call?

25 A No, ma'am.

1 Q Where were you?

2 A I was off-duty at home.

3 Q Who called you?

4 A Investigator Whaley.

5 Q After he called you, where did you go?

6 A I responded -- I gathered the information of who he
7 was looking for, responded to the law enforcement center
8 to print out pictures, and do some fast background work.

9 Q Okay. After leaving the LEC, where did you go?

10 A Myself and Deputy Kastner responded down to
11 Avenue.

12 Q Where did you meet up with Deputy Kastner?

13 A I ran into him at the homicide division at the law
14 enforcement center. And I found out he was actively
15 assisting Investigator Whaley on this case.

16 Q While on scene at Idlewild, did you come in contact
17 with another jurisdiction law enforcement agency, or reach
18 out to them?

19 A I reached out from that address. I reached out to a
20 road unit -- or I'm sorry, a road supervisor working for
21 Laurens County.

22 Q And after speaking with that road supervisor in
23 Laurens County, where did you go?

24 A I responded to meet with that lieutenant down in
25 Laurens to see if we could make contact at an address on

1 Mattie Pearl Drive.

2 Q And when you went to Laurens, who was with you?

3 A Deputy Kastner.

4 Q Did you find the address on Mattie Pearl?

5 A We found the address -- I thought it was 78 Mattie
6 Pearl, but the lieutenant took us directly there.

7 Q And when you went to the address, whose address did
8 you believe this to be?

9 A Willie Williams.

10 Q All right. When you got there, do you know about
11 what time it was?

12 A I do not.

13 Q Before or after lunch?

14 A It was probably around lunch time, or maybe a little
15 after.

16 Q Okay. As you approached the address at Mattie Pearl,
17 what did you notice?

18 A I noticed there was a lot of people in the front
19 yard.

20 Q A lot of people?

21 A 15 to 20 people, roughly, standing out front.

22 Q Okay. And when you got out -- did you get out?

23 A Yes, ma'am.

24 Q And what did you do?

25 A I got out of my vehicle. And I asked who was the

1 closest relative to Willie Williams, and people pointed
2 towards a gentleman. I didn't know his name at the time,
3 but it was Burley Williams.

4 Q Did he identify himself that way?

5 A Well, I walked up to Burley Williams. I introduced
6 myself as Deputy Hawkins. And that's how I found him to
7 be Burley Williams. He was the brother.

8 Q What titles, if any, did he introduce himself as?

9 A Just as Burley Williams.

10 Q How long were you at the Mattie Pearl address?

11 A We were there probably 20, 25 minutes maybe.

12 Q During the course of your time there speaking with
13 Burley Williams -- and don't say what anybody said. But
14 during the time that you were talking with him, did you
15 ask him questions about where his brother might be --

16 (WHEREUPON, there was a disruption in the courtroom.)

17 THE COURT: If there's anyone that has a cell phone
18 on, it needs to be turned off. And I'm speaking to those
19 in the gallery. If it is not turned off, it will be taken
20 from you and it will not be returned. Really, you
21 shouldn't be allowed to even bring them into the
22 courthouse.

23 So if you need to take yourself out of the courtroom
24 or out of the gallery to turn your phone off, you need to
25 do that. Not silent, off. And I'm instructing the

1 bailiff or the deputy to take whose ever phone if it goes
2 off again. And it will not be returned to you.

3 You may continue.

4 MS. MUNSON: Thank you, Your Honor.

5 THE COURT: You're welcome.

6 BY MS. MUNSON:

7 Q Did you have a conversation with Burley about his
8 brother?

9 A I asked him if he knew why I was there.

10 Q Okay. Don't say what he said. What else did you ask
11 him?

12 A I asked him, Do you know his telephone number?

13 Q Okay. And after -- or while you were there with
14 Burley Williams, what happened?

15 A While I was there with him?

16 Q Yes. Did you get any other information that made you
17 leave the Mattie Pearl address?

18 A Oh, we found out that they were, actually, chasing --
19 Laurens County had, actually, gotten in behind a vehicle.
20 And they were actively chasing Mr. Williams.

21 Q Okay. Let me back up a little bit. Investigator
22 Hawkins, when you got to the Mattie Pearl address, did you
23 see any vehicles around?

24 A Yes. I, basically, went down there to find out what
25 vehicles were at the residence. Because I was instructed

1 he had five vehicles registered to him. I wanted to know
2 if those vehicles were there. And I wanted to look at the
3 tags.

4 Q Okay. Did you see any vehicles?

5 A Yes.

6 Q What vehicles did you see?

7 A Myself and, I believe, Mr. Williams's niece walked
8 down to his residence where these vehicles were. I
9 noticed a Ford Mustang, a Ford Taurus. There was a
10 Chrysler 300, a Chevy Blazer, but the Tahoe was gone.

11 Q Okay. Now, after you got the information that there
12 was a chase going on, what did you do?

13 A I went out to the road with Deputy Kastner. We got
14 in my vehicle. And we got on the phone with Laurens
15 County. Because we didn't know which way the chase was
16 going. And they guided us in the direction where they
17 were going.

18 Q Okay. And did you go there?

19 A Yes, ma'am.

20 Q Did anybody go with you, other than you and Deputy
21 Kastner in your car?

22 A No, ma'am.

23 Q About how long did it take you to get to where the
24 chase was?

25 A Five to eight minutes.

1 Q Okay. What part, if any, did you play in the chase?

2 A I was not actively involved in it.

3 Q So by the time -- well, the location you went to,
4 what did you see when you went to that location?

5 A We arrived in the heart of downtown Laurens. And as
6 we were pulling up, we noticed a vehicle, a Tahoe had been
7 wrecked up on a curb or embankment. We exited our vehicle
8 and started going up to the vehicle. And I noticed they
9 already had Mr. Williams in custody, detained, or under
10 arrest.

11 Q Okay. In what condition was he?

12 A I didn't -- I know -- I didn't pay attention to that.
13 He was under arrest. But then I heard a -- as I was going
14 down to the vehicle and coming around, I noticed he was in
15 custody. And I heard a commotion coming from behind me.

16 Q What did you do when you heard a commotion?

17 A I turned around to see that Burley Williams had
18 arrived on scene.

19 Q And what did you do when you saw him?

20 A He was making -- his emotions were getting the best
21 of him. So I went back up there. He had to be forcibly
22 taken to the ground by Laurens City, because he was trying
23 to run up on the scene.

24 Q Okay. And once Laurens took custody of him, what did
25 you do?

1 A I started talking to him. I asked him -- trying to
2 calm him down. I advised him he would be okay. I asked
3 him what he was doing here.

4 Q Okay. And did he refuse to answer -- don't say what
5 he said. But did he refuse to answer any of your
6 questions?

7 A No, ma'am.

8 Q Okay. Did you have any more contact with
9 Mr. Williams -- with Burley Williams after that?

10 A No, ma'am.

11 Q All right. And, Deputy Kastner [sic], did y'all
12 leave together from that scene?

13 A No, ma'am.

14 Q Where did he go?

15 A Deputy Kastner got on the Medivac helicopter and rode
16 with Willie Williams to the hospital.

17 MS. MUNSON: Okay. I have nothing further at this
18 time, Your Honor.

19 THE COURT: Any questions for the witness?

20 MR. WARDER: Can I have just a minute?

21 THE COURT: Uh-huh.

22 (Pause.)

23 MR. WARDER: May it please the Court.

24 Your Honor, we have no questions.

25 THE COURT: Sir, you're excused subject to being

1 recalled.

2 You may proceed.

3 MS. MUNSON: Thank you, Your Honor.

4 The State calls Michael Kastner.

5 THE CLERK: Sir, if you'd come forward to be sworn
6 in.

7 Place your left hand on the Bible and raise your
8 right hand.

9 WHEREUPON,

10 MIKE KASTNER,
11 after first having been duly sworn, testified as follows:

12 THE CLERK: Thank you.

13 You may be seated.

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

15 THE WITNESS: Master Deputy Mike Kastner.

16 THE CLERK: Thank you.

17 DIRECT EXAMINATION

18 BY MS. MUNSON:

19 Q How long have you been with the Sheriff's Office?

20 A Six years.

21 Q And what are your current job duties?

22 A At this point, I'm appointed to -- as a Master Deputy
23 in the uniform patrol division.

24 Q Okay. And what does that -- what do your duties
25 entail?

1 A I am a patrol officer. I respond to normal calls for
2 service and patrol an assigned beat area.

3 Q Back in July of 2010, were you with the Sheriff's
4 Office?

5 A Yes, ma'am.

6 Q And what were your duties then?

7 A At that point, I was cross-training with the homicide
8 unit.

9 Q And did you get a call in reference to this case?

10 A Yes, ma'am.

11 Q Were you on duty at the time?

12 A I was at home at the time, but I was on call.

13 Q And once you got this call,-- do you remember when it
14 was, how early or late in the day?

15 A It was early in the morning, around 5:30 in the
16 morning.

17 Q And once you got this call, where did you go?

18 A I went to Greenville Memorial Hospital where I met
19 with one of the victims from this case.

20 Q Do you know who it was? Do you remember him?

21 A An Anthony Wilson.

22 Q Do you remember speaking with him?

23 A Yes, ma'am.

24 Q Did you ask him questions?

25 A Yes, ma'am.

1 Q Was he able to respond to you?

2 A Yes, ma'am.

3 Q Was he having any trouble communicating at all?

4 A No, ma'am.

5 Q Okay. When you left the hospital, where did you go?

6 A I went back to the law enforcement center.

7 Q And once you were at the law enforcement center,
8 where is the next place you went?

9 A I went to the crime scene at Idlewild Avenue.

10 Q Was anyone with you?

11 A I was with Deputy Hawkins.

12 Q Okay. How long did you stay at the Idlewild address?

13 A I can't really recall exactly how long I was there
14 for, but we weren't there too long. We were there for
15 just a little bit. And we left for Laurens County.

16 Q Okay. You left for Laurens County. When you got to
17 the address you were looking for in Laurens County, what
18 did you notice?

19 A When we got to the address in Laurens County at
20 Mattie Pearl, we met family members of the Defendant and,
21 also, with deputies from Laurens County.

22 Q At the Mattie Pearl address, where were you in
23 relation to Deputy Hawkins in speaking with people?

24 A Deputy Hawkins was further away. He was, actually,
25 getting vehicle information. And I was speaking to family

1 members. At that point, he was kind of further away.

2 Q Okay. Had family members introduced themselves
3 before or after Deputy Hawkins went to look at the
4 vehicles?

5 A I can't recall exactly if it was before or after.

6 Q Okay. Was there any family member, in particular,
7 that you remember speaking with?

8 A Yes, ma'am.

9 Q And what is his name?

10 A Burley Williams.

11 Q Who was asking him questions? Was it you or Hawkins?

12 A I was.

13 Q All right. Now, without saying what he said -- first
14 of all, how did he introduce himself?

15 A He said that he was the brother of Willie Williams.

16 Q Did he define his relationship with Willie Williams
17 in any other way other than brother?

18 A No, ma'am.

19 Q Did he give you a title that he may have?

20 A No, ma'am.

21 Q Okay. Now, without saying what he said, did he
22 answer your questions?

23 A Yes, ma'am.

24 Q Once you left Mattie Pearl, where did you go?

25 A Me and Deputy Hawkins were attempting to get involved

1 in the pursuit with the gold Tahoe, which Willie Williams
2 was driving. We were informed while we were at Mattie
3 Pearl that Laurens County was behind him and actively in a
4 pursuit.

5 At that point, we left and tried to get in the middle
6 of the pursuit to apprehend him.

7 Q And were you successful in getting in the pursuit?

8 A We weren't successful in getting in the pursuit. But
9 while we were trying to catch up to it, I was informed by
10 Laurens County dispatch that Laurens County did stop the
11 vehicle and had the suspect in custody.

12 Q Okay. Did you approach the suspect? Did you see
13 them working on him?

14 A Yes, ma'am.

15 Q And after he was on the scene, do you know where the
16 suspect was taken?

17 A He was taken to Greenville Memorial Hospital.

18 Q How?

19 A By helicopter.

20 Q And how do you know that?

21 A I flew on the helicopter with the Defendant.

22 Q Okay. And once he got to the hospital, how long did
23 you stay there?

24 A Roughly -- I'd say maybe 30 minutes to an hour or so.

25 Q Okay. Do you remember what -- when you were flying

1 in the helicopter with him, do you remember what the
2 Defendant was wearing?

3 A No, ma'am.

4 Q Okay. Do you remember, not necessarily colors or
5 anything like that, but the style of his dress, anything
6 like that?

7 A No, ma'am.

8 MS. MUNSON: I have nothing further, Your Honor.

9 THE COURT: Any questions for the witness?

10 MR. WARDER: Your Honor, if it please the Court, we
11 have no questions of this witness.

12 THE COURT: Sir, you're excused subject to being
13 recalled.

14 THE WITNESS: Thank you.

15 THE COURT: Have a good day.

16 You may call your next witness.

17 MS. MUNSON: Your Honor, the State calls Eric Whaley.

18 THE CLERK: Place your left hand on the Bible and
19 raise your right hand.

20 WHEREUPON,

21 ERIC TODD WHALEY,

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

23 THE CLERK: Thank you.

24 You may be seated.

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

1 THE WITNESS: Eric Todd Whaley.

2 THE CLERK: Thank you.

3 DIRECT EXAMINATION

4 BY MS. MUNSON:

5 Q Who do you work for, sir?

6 A The Greenville County Sheriff's Office.

7 Q How long have you been with the Sheriff's Office?

8 A Well, I've been with the Sheriff's Office since 1998,
9 but I had prior law enforcement experience, also.

10 Q And where was that?

11 A Well, I had four years military police in the United
12 States Air Force, a little over two years at the South
13 Carolina Department of Corrections, and five years at
14 Clemson City PD. And then I came to work in Greenville
15 County at Travelers Rest. And then I went on uniform
16 patrol in 1998.

17 Q All right. What are your current duties?

18 A I'm assigned to the criminal investigation homicide
19 unit.

20 Q How long have you been in the homicide division?

21 A Well, I've been in the criminal investigation
22 division since 2004. I started in sex crimes -- well, I
23 started in family violence, worked my way to sex crimes.
24 And then I was placed in the homicide unit.

25 Q All right. And how -- when did you become involved

1 in this case?

2 A The morning of the incident.

3 Q Were you on duty?

4 A I was on duty as the on-call violent crimes
5 investigator for the Sheriff's Office that week.

6 Q And when did you get notice of this case?

7 A In the early morning hours. I don't remember the
8 exact time. But I got a call, which normally comes
9 through dispatch, that I was being requested by one of the
10 road supervisors due to a major crime.

11 Q And where did you go?

12 A I immediately got up, got dressed, and headed to
13 Idlewild, the address of the incident location.

14 Q Okay. How many other emergency personnel were there
15 when you got there?

16 A Well, I had called quite a few. I had called several
17 other investigators to help me, so they were all en route.
18 And when I got there, the uniform patrol division had the
19 crime scene roped off. And EMS had already left prior to
20 me getting there. But I, also, had forensics there and --
21 they were there, also.

22 Q Okay. Why do you call out so many investigators?

23 A When we have a major scene like this, there's a lot
24 that takes place. And I have to have a lot of help. I
25 ask investigators to go to the Sheriff's Office to start

1 doing background checks to start securing search warrants
2 by talking to the deputies on scene so those will be ready
3 to go. And it just kind of expedites things so when we
4 get there, we don't have to stand around and wait.

5 And I, also, call forensics and the deputy coroner,
6 the Coroner's Office, I communicate with them. So I'm
7 talking to a lot of people when it's going on.

8 Q Once you got on scene, who was in charge?

9 A Well, the road supervisor who testified earlier, he's
10 in charge. And not to sound pushy, but once I get there,
11 I'm in charge.

12 Q Okay. How long would you say you were at the
13 Idlewild address?

14 A Hours and hours. We didn't leave until later that
15 afternoon. I'm one of the last people to leave. I make
16 sure everything is completed, that forensics has done
17 their job, that the Coroner's Office has done their job.
18 I'm communicating with the road supervisors to make sure
19 all his deputies did what they were supposed to. So I'm
20 there until late in the afternoon.

21 Q Okay. Did you go into the residence at Idlewild?

22 A Yes, ma'am, I did.

23 Q Okay. And did you speak with anybody there?

24 A I spoke with several people. There again, I'm really
25 busy talking to neighbors, talking to the deceased's

1 family, talking to the deputies at the hospital, talking
2 to the deputies at the law enforcement center, talking
3 with the dispatcher in Laurens County, talking with
4 Laurens County officers. I talked to dozens of people
5 that morning.

6 Q Okay. Well, how about the short people? Did you see
7 the children there?

8 A I did. I spent a lot of time talking to two very
9 small children.

10 Q Okay. And how were they doing?

11 A Well, when I was on my way, I spoke with Investigator
12 Laura Campbell, who testified yesterday. And she briefed
13 me of the children. She was kind of in the deputy-mom
14 mode and taking care of the kids for us. The kids were
15 talking, making statements. The oldest child, the male
16 child, was making statements.

17 So I asked her to put him in a marked patrol car, not
18 locked in it or anything, but to sit with him and turn the
19 camera on so we could get any kind of statements that he
20 was saying.

21 So when I got there, I did, too, speak with him. And
22 then my homicide supervisor got there. And I asked him,
23 Sergeant Chris Cooper, to, actually, also, sit with the
24 babies in the car.

25 Q Okay. What about their physical condition, were they

1 injured or bleeding?

2 A They had -- if I recall correctly, the little boy had
3 some blood on his shoes. They were not injured. They
4 were in night clothes. And we left them in that state
5 until we could get pictures of them.

6 Q Okay. Now, after you left the scene that evening, I
7 guess, what was the next thing you did in relation to this
8 case?

9 A We ended up going to -- I went back to the office
10 while a lot of deputies went to Laurens County. And then
11 if I recall correctly, I went back to the law
12 enforcement -- I went to the hospital and met with
13 Mr. Williams. That was one of the other things that I
14 did. And then I ended up, I believe, back at the law
15 enforcement center.

16 Q At any time, did you try to have a conversation with
17 any of the Defendant's relatives?

18 A I did. I spoke to many of the -- oh, the Defendant's
19 relatives. I thought you meant the victims. I did by
20 phone. I spoke with one of his relatives.

21 Q And who was that?

22 A Burley Williams.

23 Q Without saying anything anybody said, what was the
24 purpose of you calling him?

25 A To get information about the situation and his

1 brother.

2 Q And would he give you that information?

3 A He spoke with me -- yes, he spoke with me.

4 Q Would he answer your questions about the incident?

5 A Yes.

6 Q He did?

7 A Very limited. We didn't speak a lot. But very
8 limited.

9 Q Okay. How did he introduce himself to you?

10 A His brother, Burley Williams.

11 Q Did you ask him any specific questions about the
12 incident?

13 A Not that I recall, nothing specific.

14 Q Okay. Did he -- well, I'll move on from that.

15 At some point, did you go to Laurens County yourself?

16 A I did.

17 Q And what was the purpose of going there?

18 A We went down a couple of days later, one, to speak
19 with Mr. Irby, who I had communicated with his wife
20 earlier that day on the day of the incident, and to get a
21 search warrant for the Defendant's home.

22 Q All right. And when you went to speak with Mr. Irby,
23 who was with you?

24 A Investigator Hammett -- I'm sorry, Investigator Wayne
25 Campbell, who testified earlier today, and Investigator

1 Chris Miller.

2 Q And how did you go through the process of getting
3 this statement from Mr. Irby?

4 A How I learned of him?

5 Q How did it get put down on paper?

6 A Oh, okay. We went to his house. He invited us in.
7 I had gained some information earlier that he knew about
8 some information that we felt we needed to get. We went
9 into his home. We spoke. As is customary how we do as
10 we're taking a statement from somebody, as I'm writing it,
11 you would speak it to me and I would write it down.

12 At the completion of the statement, I would let him
13 look at it. He would read it, make any corrections on it
14 that he did not like, didn't think was correct, if I made
15 a mistake or a misspelling, which I normally do, and then
16 he would review it and he would sign it.

17 Q And is that how it went?

18 A Yes, ma'am.

19 Q So who, actually, wrote the statement?

20 A It's in my writing. As he tells it to me, I write it
21 down.

22 Q And after it was presented to Mr. Irby, what did he
23 do?

24 A He made a couple of corrections where I had made a
25 couple of errors where he had reviewed it. And he drew a

1 line through it, corrected it, and put his initials. And
2 at the bottom, he signed and put his initials.

3 Q Did he have any questions about what had just taken
4 place?

5 A Did I or did he?

6 Q Did he?

7 A He didn't have as many questions, I think, as I did.
8 I was the one that had the questions.

9 Q Was there information that he gave you that was not
10 in the statement?

11 A Yes, ma'am, there was.

12 Q Why?

13 A He did not want it in his statement.

14 Q And did he tell you why?

15 A Yes, ma'am, he did.

16 Q Why?

17 A Because he did not want to incriminate his friend.

18 Q After you left Mr. Irby, was there anything else that
19 you did in the Laurens area?

20 A I spoke with the Laurens Police Department about a
21 situation that they had on that day with another vehicle.
22 And then I went and met with some investigators from the
23 Laurens County Sheriff's Office, as is customary, to get a
24 search warrant for the home in Laurens County.

25 Since I don't have jurisdiction, I present my case to

1 the investigators, who present the case to the magistrate,
2 who issues a search warrant. So it's a dual search
3 warrant. It's, actually, Laurens County, but I go with
4 them. And we executed the search warrant at the
5 Defendant's residence.

6 Q Okay. When you got there, how did you, actually, get
7 into the Defendant's residence?

8 A When we got there, there was several family members
9 there. And we asked if anyone had a key, because we don't
10 want to do any damage. The family members there said
11 there was no key. They couldn't let us in.

12 So we proceeded to kick the front door in. Then they
13 stopped us and said, wait, we have a key. So we didn't
14 have to kick the door in the rest of the way.

15 Q Okay. About how long were you there?

16 A An hour and a half maybe.

17 Q All right. I'm going to back up a little bit,
18 Investigator Whaley, and show you a series of exhibits.
19 This is State's Exhibit Nos. 49, 50, 51, 52, 53, 54, 55,
20 and 56. If you'll just take a look at those.

21 A Sure.

22 Q Do you recognize those?

23 A Yes, ma'am. Those are my forensics photographs.

24 Q Okay. Are they true and accurate depictions of the
25 inside of the home?

1 A That's correct.

2 Q Okay. What I want you to do now, Investigator
3 Whaley, is walk the jury through the layout of this house?

4 A Certainly.

5 MS. MUNSON: Your Honor, at this time, I offer
6 State's Exhibit Nos. 49, 50, 51, 52, 53, 54, 55, and 56
7 into evidence.

8 THE COURT: Any exception?

9 MR. WARDER: No objection, Your Honor.

10 THE COURT: Marked and admitted without objection.
11 You may proceed.

12 (WHEREUPON, State's Exhibit Nos. 49, 50, 51, 52, 53,
13 54, 55, and 56 were admitted into evidence.)

14 BY MS. MUNSON:

15 Q Investigator Whaley, let's go over State's Exhibit
16 No. 49. Now, what does State's Exhibit No. 49 show?

17 A That is the sliding rear door -- glass sliding door.
18 This is the entrance where the door is slid to the left
19 and is an entrance into the back of the home on Idlewild.

20 Q Okay. And then State's Exhibit No. 50.

21 A This is that sliding door as it's opened to the left.
22 As you step into the residence, this is directly to the
23 left. This is the kitchen.

24 Q State's Exhibit No. 51.

25 A If I was standing here, this would look a direct line

1 into the home from the sliding glass door. So if I was
2 standing outside -- if the forensics took a picture
3 straight into the home, the sliding glass door would be to
4 the left, but I'm not quite in the kitchen.

5 Q Okay. State's Exhibit No. 52, what does this show?

6 A This is a little bit further into the kitchen. This
7 is the extent of the kitchen area, the kitchen floor.
8 That beaded wall that you saw, the beads you saw hanging
9 down would be over here to the right.

10 Q Okay. Now, let's go back to State's Exhibit
11 No. 51.

12 A Right there. What you just saw in that picture was
13 that little bit of flooring right there. And that's right
14 here, the same flooring.

15 Q So back to State's Exhibit No. 52.

16 A Yes, ma'am.

17 Q Now, to the right through those beaded things, what
18 is to the right?

19 A That was at one time a carport that had been closed
20 in. And that's the room in which the window was pushed
21 and broken in.

22 Q Okay. Now, let's look at State's Exhibit No. 53.

23 A Again, this is the end of the carpet, which is the
24 kitchen, which to the right is the beads here. And the
25 hallway is on the other side of this wall here. It goes

1 down that way. If you look right there, there is the
2 deceased.

3 Q And State's Exhibit No. 54.

4 A The deceased would have been over here. And then
5 there's the windows here and here. And then this would be
6 the front door. And all of this furniture was piled up
7 here as a barricade.

8 Q Okay. Now, State's Exhibit No. 55, what is this?

9 A This would be Natasha's bedroom.

10 Q How do you get to Natasha's bedroom from the kitchen
11 area?

12 A That wall that I spoke of, you would take a left and
13 walk straight down the hallway. As you're going down the
14 hallway, this would have been the last room to the left.
15 And the back picture of the home, there's a window right
16 here. That would be the outside window.

17 Q Okay. Let's look at State's Exhibit No. 56. Is that
18 window depicted on there?

19 A That's it right there.

20 Q All right. Now, let me show you State's Exhibit --
21 what's already in evidence as State's Exhibit No. 16. On
22 State's Exhibit No. 16, can you see the window to
23 Natasha's bedroom?

24 A That's the window right there.

25 Q Okay. And I want to show you what's in evidence as

1 State's Exhibit No. 11. What is to the left there?

2 A This?

3 Q Yes, sir.

4 A That's a gun.

5 Q Did you look at it?

6 A Yes, ma'am.

7 MS. MUNSON: Please turn on the lights.

8 BY MS. MUNSON:

9 Q Investigator Whaley, I'm showing you State's Exhibit
10 No. 58. Can you take a look at that?

11 A Would you like me to open it?

12 Q Please.

13 A This is the box that the weapon was sealed in with
14 the case number and the forensics investigator's signature
15 on the box. And this is the weapon that was found near
16 the deceased.

17 MS. MUNSON: Your Honor, I'm going to move State's
18 Exhibit No. 58 into evidence.

19 THE COURT: Any objection?

20 MR. WARDER: No objection, Your Honor.

21 THE COURT: Marked and admitted without objection.

22 (WHEREUPON, State's Exhibit No. 58 was admitted into
23 evidence.)

24 THE COURT: What number is that?

25 MS. MUNSON: State's Exhibit No. 58, Your Honor.

1 BY MS. MUNSON:

2 Q Investigator Whaley, do you know when the Defendant
3 was released from the hospital?

4 A Later that night, that evening.

5 Q The evening of the 10th? 11th?

6 A I think it was late the 10th.

7 Q Okay.

8 A That night.

9 Q Did you see him?

10 A Yes, ma'am. I spoke with him at the law enforcement
11 center.

12 Q How much time did you spend with him?

13 A Not too terribly long, maybe a couple of hours.
14 Because we had some administrative things that we took
15 care of.

16 Q All right. When you spoke with him, was he injured
17 anywhere, other than the chest?

18 A No. He just had his little chest wound.

19 Q Did you check?

20 A We did a search warrant and took photographs of him.

21 Q Did you check his hands, everything to see if he was
22 injured?

23 A We did. And we did not note any injuries.

24 Q Did he complain of anything?

25 A No, ma'am. He didn't complain.

1 Q Okay. Now, did you spend enough time with him to be
2 able to recognize him if you saw him again?

3 A Yes, ma'am.

4 Q And is he in the courtroom?

5 A Yes, ma'am.

6 Q Could you point him out to the jury?

7 A Would you like me to point with my finger, or just
8 describe him?

9 Q Just describe something he's wearing.

10 A It's the African-American gentleman between the two
11 defense attorneys in the blue shirt.

12 MS. MUNSON: Nothing further at this time, Your
13 Honor.

14 THE COURT: Any questions for the witness?

15 CROSS-EXAMINATION

16 BY MR. WARDER:

17 Q Do you recognize that drawing?

18 A Yes, I do.

19 Q Is that prepared as part of your investigation?

20 A Yes, sir, it is.

21 Q Okay. And is it a truthful and accurate
22 representation of the house?

23 A Yes, sir. That's correct.

24 Q Okay. And can you tell from it who, actually,
25 prepared it?

1 A Yes, sir, I can.

2 Q Who, actually, prepared it?

3 A Forensics Investigator Hamilton, J.F. Hamilton.

4 Q And when you say "forensics investigator," who is
5 that?

6 A When we have a crime scene and we go -- we work with
7 the Greenville County Forensics Department of Public
8 Safety. And they're trained forensics technicians. And
9 what they do -- they're the CSI as you would see on TV.
10 They go out and photograph, video, measure, make the
11 documents, the drawings to scale of the deceased, collect
12 all the evidence, and report those items back to us.

13 Q Okay. And so they would take actual measurements and
14 stuff, and then draw that to scale?

15 A Well, I'm not sure if this drawing is, actually, to
16 scale. But they take -- they do measurements at the home.
17 I'm not sure about this drawing. You'd have to ask
18 Mr. Hamilton.

19 Q But it does accurately reflect the home?

20 A Yes. That appears to be the inside of the residence.

21 MR. WARDER: Your Honor, I'd offer this into
22 evidence.

23 THE COURT: Any objection?

24 MS. MUNSON: No objection.

25 THE COURT: Marked and admitted into evidence as

1 Defendant's Exhibit No. 1.

2 (WHEREUPON, Defendant's Exhibit No. 1 was marked for
3 identification and admitted into evidence.)

4 BY MR. WARDER:

5 Q I'm going to ask you about some photographs. Do you
6 recognize that photograph?

7 A That's the back of the Defendant's head.

8 Q You went to the hospital and saw him?

9 A No, sir.

10 Q Okay. How do you know that's the back of his head?

11 A This is my office, and I was there when forensics
12 took these pictures.

13 Q You were there when it was taken?

14 A Yes, sir.

15 Q Does that accurately reflect what you saw that day?

16 A Yes, sir.

17 Q I'd ask you if you recognize --

18 MR. WARDER: And I'd ask that this photograph -- I
19 move it in as Defendant's Exhibit No. 2.

20 MS. MUNSON: No objection, Your Honor.

21 THE COURT: Marked and admitted without objection.

22 MS. MUNSON: Your Honor, if the Defense is going to
23 introduce these, we do not object.

24 THE COURT: If you would give them to the court
25 reporter so we can get them marked.

1 (WHEREUPON, Defendant's Exhibit No. 2 was marked for
2 identification and admitted into evidence.)

3 BY MR. WARDER:

4 Q And just so we have it, can you identify what that
5 is?

6 A Well, I imagine since those were taken in the same
7 orange jumpsuit in my office, that's the Defendant. I
8 can't see his head, though, but I'm sure that's him.

9 Q Okay. That's a closer-up of his elbow.

10 A Yes, sir, I imagine. No picture of the head, but I
11 won't argue that.

12 MR. WARDER: We'd offer them into evidence.

13 THE COURT: Marked and admitted into evidence without
14 objection.

15 (WHEREUPON, Defendant's Exhibit Nos. 3 and 4 were
16 marked for identification and admitted into evidence.)

17 BY MR. WARDER:

18 Q I'll give you one more photograph. Can you tell me
19 what that is?

20 A Well, it doesn't have a case number, so I can't say
21 what that is. It appears to be a letter "H" with a little
22 bit of maybe hair and blood, but I don't know.

23 Q Okay. You don't recognize that from the scene?

24 A No, sir, not without looking at our forensics
25 pictures. No, sir.

1 Q And can you recognize that at the scene?

2 A No, sir.

3 Q The gun that was introduced, that's a 9mm?

4 A I'd have to look at it again.

5 Yes, sir. It's a Hi-Point 9mm.

6 Q And it's a 9mm Luger, it says. Does that indicate a
7 particular caliber?

8 A Well, the Hi-Point is marked here on the pistol grip.
9 And it's a 9mm.

10 Q Okay. I guess that's the other side. Yes, it says
11 it on the box, 9mm Luger?

12 A Yes, sir.

13 Q That would be the caliber?

14 A The 9mm is the caliber, yes, sir. And the make is a
15 Hi-Point.

16 Q Do you know what the Luger refers to?

17 A I think that's a brand of the pistol, but I'm not
18 sure about that one.

19 Q I'll ask you about that photograph. Did you see
20 that -- can you tell where that is?

21 A No, sir.

22 Q You didn't see a hole in the wall at the house?

23 A I do see a hole there, but I -- no, sir.

24 Q Were you there when these photographs were taken?

25 A Not all the photographs. Since -- we've got so much

1 going on. And it takes them hours to take photographs.
2 I'm in and out of the house. I stay out of forensics way.
3 They're first, and then we follow behind.

4 So with every photograph being taken, I can't say I
5 was there for every single one, but I was in the area
6 inside or outside the house.

7 Q As a supervisor, do you inspect them? Are you aware
8 of them?

9 A Well, the forensics team has their own lieutenant
10 who, also, shows up. I wouldn't say I inspect their
11 photographs. They have their own supervisory division
12 that would do that. But I'm aware of what they take.
13 They report back to us what's going on. And we'll ask
14 them specific things that we want to know.

15 Q But you can't recognize any individual photograph as
16 being part of your investigation?

17 A I can if they're marked with the case number and they
18 came from our -- they have some sort of identifier. But
19 not your photographs, no, sir.

20 Q Okay. We have a stipulation we've entered into about
21 a handprint on the -- at the back of the house, are you
22 aware of that?

23 A Yes, sir.

24 Q Did you go out and view that handprint on that Lexus?

25 A That's correct, yes, I did.

1 Q And can you tell us where it was at on the Lexus?

2 A Not without looking at a picture. To the back of the
3 house, there was a vehicle and there was a bloody
4 handprint on it. If I saw a picture of the vehicle, I
5 could tell you. But I don't remember. It was on the
6 exterior. I'd have to look at the picture. I can't
7 remember everything.

8 Q And it was a bloody handprint?

9 A Yes.

10 MR. WARDER: Thank you.

11 THE COURT: Any redirect of the witness?

12 MS. MUNSON: Yes, ma'am.

13 THE COURT: You may proceed.

14 REDIRECT EXAMINATION

15 BY MS. MUNSON:

16 Q Was Mr. Williams actively bleeding anywhere other
17 than here?

18 A No, not to the best of my knowledge. You know, he
19 was in a little car accident, and he was taken to the
20 ground and handcuffed. But he didn't have any injuries,
21 black eye, bloody lip, or anything like that.

22 Q Were you in the Idlewild house when Mr. Williams left
23 the house?

24 A No. He was gone prior to my arrival. He was already
25 at the hospital.

1 MS. MUNSON: I have nothing further, Your Honor.

2 THE COURT: Sir, you may step down.

3 Mr. Foreman, ladies and gentlemen, we're going to
4 take advantage of this break in testimony to give you all
5 a rest, and break, and opportunity to stretch your legs.
6 During the break, please, do not discuss the case. And,
7 please, leave your notepads in the seats.

8 (WHEREUPON, the jury was excused from open court at
9 approximately 3:29 p.m.)

10 THE COURT: We'll be at ease for about five or 10
11 minutes, however long it takes them to use the restroom.

12 (WHEREUPON, a break was taken.)

13 THE COURT: Is the State ready to proceed?

14 MS. MUNSON: Actually, no, Your Honor.

15 Mr. Irby is supposed to be here now. They just went
16 downstairs to check on him.

17 THE COURT: Okay.

18 MS. MUNSON: Can I step out for a second?

19 THE COURT: Yes.

20 (Pause.)

21 MS. MUNSON: Yes. We're ready, Your Honor.

22 THE COURT: Why don't we deal with Mr. Irby outside
23 the presence of the jury first.

24 MS. MUNSON: Yes.

25 THE CLERK: Judge, should I swear him in again, or is

1 in the morning?

2 MS. MUNSON: Yes, ma'am, if that would suit.

3 THE COURT: Because I don't want to keep the jury
4 after 5:00 again..

5 MS. MUNSON: Yes, ma'am..

6 Your Honor, would you like for the witness to go to
7 the stand.

8 THE COURT: That's fine.

9 (WHEREUPON, the jury came into open court at
10 approximately 3:59 p.m.)

11 THE COURT: The State may proceed.

12 MS. MUNSON: May it please the Court, Your Honor.

13 THE COURT: Yes, ma'am.

14 MS. MUNSON: Your Honor, the State calls Investigator
15 Chris Miller.

16 THE CLERK: Sir, would you, please, place your left
17 hand -- thank you.

18 WHEREUPON,

19 CHRISTOPHER TODD MILLER,
20 after first having been duly sworn, testified as follows:

21 THE CLERK: Thank you.

22 You may be seated.

23 Sir, state your name for the record.

24 THE WITNESS: Christopher Todd Miller.

25 THE COURT: You may proceed.

DIRECT EXAMINATION

BY MS. MUNSON:

Q Who do you work for, sir?

A The Greenville County Sheriff's Office.

Q How long have you been with the Sheriff's Office?

A A total of 18 years.

Q What are your current duties?

A I'm a sergeant in the criminal investigation division.

Q What are your duties as a sergeant in the criminal investigation division?

A I'm over the auto theft unit, juvenile investigations, and, also, victim/witness assistance.

Q Okay. What were your duties with the Sheriff's Office back in July of 2010?

A I was a homicide investigator at the time.

Q And did you get involved in this case?

A Yes, I did.

Q At what point did you become involved in this case?

A I was asked by Investigator Whaley to go with him to Laurens County to assist him with a search warrant.

Q Okay. And where did you go in Laurens County?

A We went to the Defendant's home.

Q Okay. Is there anything that you took from the Defendant's home pursuant to the search warrant?

1 A Yes. I found some bullets.

2 MS. MUNSON: May I approach, Your Honor?

3 THE COURT: You may.

4 BY MS. MUNSON:

5 Q I'm showing you State's Exhibit No. 57, Investigator.
6 Will you just take a look at those?

7 A (Witness complied.)

8 Q Do you recognize them?

9 A I do.

10 Q And what is State's Exhibit No. 57?

11 A That is .38 shell casings.

12 Q And where did you get these?

13 A Out of the Defendant's bedroom.

14 MS. MUNSON: Your Honor, I move State's Exhibit
15 No. 57 into evidence.

16 THE COURT: Any objection?

17 MR. WARDER: No, Your Honor.

18 THE COURT: Marked and admitted without objection.

19 (WHEREUPON, State's Exhibit No. 57 was admitted into
20 evidence.)

21 MS. MUNSON: No further questions of this witness,
22 Your Honor.

23 THE COURT: Tell me what that number was.

24 MS. MUNSON: State's Exhibit No. 57.

25 THE COURT: Any questions of the witness?

1 MR. WARDER: Just a minute, Your Honor. We have a --
2 we lost a photograph.

3 (Pause.)

4 CROSS-EXAMINATION

5 BY MR. WARDER:

6 Q Sir, did you go to the search of Willie Williams's
7 house?

8 A Yes, I did.

9 Q Okay. And what time of day did you go there?

10 A It was in the afternoon. I don't recall exactly
11 when.

12 Q And how long did you stay?

13 A We were there, at least, a couple of hours.

14 Q Okay. You recovered some bullets?

15 A That's correct.

16 Q Okay. Did you -- can you recognize that as a
17 photograph of those bullets?

18 A Yes, I do.

19 Q Okay. And there's two photographs of them. And
20 there's a table in the third photograph.

21 A Yes, sir.

22 Q When you came to the house, was that the condition of
23 how that table would have looked and the bullets that were
24 underneath it?

25 A Yes, sir.

1 Q Do you know who took that photograph?

2 A I do not recall at this time, sir.

3 Q Were you there when it was taken?

4 A I was there, but I don't recall which --

5 Q Which --

6 A -- technician took it.

7 Q But you know it was taken as part of the search you
8 were involved in?

9 A That's correct.

10 MR. WARDER: Your Honor, I would offer these three
11 photographs into evidence.

12 THE COURT: Any objection?

13 MS. MUNSON: No, ma'am.

14 (WHEREUPON, Defendant's Exhibit Nos. 5, 6, and 7 were
15 marked for identification and admitted into evidence.)

16 THE COURT: Marked and admitted without objection.

17 MR. WARDER: Your Honor, if it please the Court, that
18 would be all the questions I have.

19 THE COURT: Any redirect of the witness?

20 MS. MUNSON: No, ma'am, Your Honor.

21 THE COURT: Any objection to the witness being
22 excused from the State?

23 MS. MUNSON: As long as he's subject to recall, Your
24 Honor.

25 THE COURT: From the Defense?

1 MR. WARDER: No objection, Your Honor.

2 THE COURT: Sir, you're excused subject to being
3 recalled.

4 Mr. Foreman, and, ladies and gentlemen, we have a
5 scheduling challenge today. The next witness is about an
6 hour away and is not able to get here before we adjourn
7 court this afternoon. So, in consideration of the fact
8 that we kept you late yesterday, we're going to let you go
9 a little bit early today. We're going to resume in the
10 morning at 9:30.

11 During the break, please, do not discuss the case in
12 any manner whatsoever. Please do not watch, read, or
13 listen to any media accounts about the case or look up
14 anything on the Internet. And, again, don't have any
15 contact with anyone in or about the courthouse when
16 leaving or returning in the morning.

17 I hope you all have a great evening. If you'll leave
18 your notepads in your seats. We'll see you in the morning
19 at 9:30.

20 (WHEREUPON, the jury was excused from open court at
21 approximately 4:06 p.m.)

22 THE COURT: Is there anything else we need to take up
23 before we adjourn for the evening from the State?

24 MS. MUNSON: No, ma'am.

25 THE COURT: From the Defense?

I N D E X

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

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All Exhibits were retained by the Clerk of Court for Greenville County.

1 JONATHAN FRANKLIN HAMILTON,
2 after first having been duly sworn, testified as follows:

3 THE CLERK: Thank you.

4 You may be seated.

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

6 THE WITNESS: Sergeant Jonathan Franklin Hamilton.

7 THE CLERK: Thank you.

8 DIRECT EXAMINATION

9 BY MS. MUNSON:

10 Q Who do you work for, sir?

11 A The Greenville County Department of Public Safety,
12 the forensics division.

13 Q And what is your job title?

14 A I'm, currently, a supervisor over a group of forensic
15 officers for Greenville County.

16 Q And what are your duties?

17 A Supervisor. I take care of processing scenes, just
18 like any normal forensics officer. I, also, check off
19 reports, ensure that everything is done correctly for all
20 of my officers that are underneath me.

21 Q How long have you been with the forensics division of
22 the Greenville County Department of Public Safety?

23 A Six years.

24 Q And did you have law enforcement experience prior to
25 that?

1 A Yes, ma'am. I was a Greenville City police officer
2 for six years, where I left as a corporal to come to the
3 forensics division.

4 Q Okay. Do you have any specialized training regarding
5 your position as a forensics --

6 A Yes, ma'am, I do. I have, of course, in-house
7 training. Once you're hired on, we do a lot of in-house,
8 hands-on training to teach you how to do your job.

9 Also, I have additional training for NFSTC. It's a
10 training facility down in Florida. I've went down there
11 two or three different times for different aspects of
12 crime scene training and DNA training.

13 Q Okay. Now, as part of your duties as a forensics
14 investigator, are you familiar with the term or the
15 acronym, I guess, GSR?

16 A Yes.

17 Q What is that?

18 A Gunshot residue.

19 Q And as part of your duties, are you familiar with how
20 to test for that?

21 A I know how to collect using a collection kit, yes,
22 ma'am.

23 Q Okay. Thank you for correcting me.

24 A Yes, ma'am.

25 Q How do you collect it?

1 A There's two different types. There's an atomic
2 absorption and a scan electron microscope. SEM is what we
3 say, SEM and AA.

4 The SEM is the norm. We use that. It's kind of like
5 a dabber, kind of like a little sticky pad that goes on
6 each hand. You have one for the back of the hand, palm of
7 the hand for both the left and the right.

8 The atomic absorption is used. There's a chemical
9 that we put on a Q-tip. We have controls. So we'll swab
10 a place where it's covered with clothing, something that
11 cannot have access to any kind of gunshot residue. And
12 then we use the swabs to swab the hands, both the front
13 and the back. And they're put into separate vials.

14 Q Are there any guidelines for when you collect?

15 A At this point, it's six hours.

16 Q Six?

17 A Within a six-hour period, I believe, is the normal
18 that SLED has now.

19 Q And what does that mean? The six-hour period, what
20 does that mean?

21 A From the time of the supposed incident, six hours
22 forward.

23 Q And if it's been more than six hours since the
24 incident, what do you do?

25 A Then, normally, we don't test, because SLED normally

1 doesn't take it. .

2 Q Now, did you get a call in reference to this case?

3 A I did.

4 Q Were you on duty?

5 A Yes, ma'am.

6 Q And where did you go in response to the call you got?

7 A

8 Q Where is your office, by the way?

9 A 23 Winterberry Court, which is Greenville Technical
10 College. We're out of the technical college.

11 Q Is that where you were back in July of 2010?

12 A Yes, ma'am.

13 Q About how long did it take you to get to the crime
14 scene?

15 A Idlewild, it depends on if you take South
16 Pleasantburg Drive to Augusta Road, Augusta Road straight
17 down to Antioch Church Road, which is right near the
18 highway. I believe it's the toll road. You take a left,
19 and it's -- Idlewild is back in there. That probably will
20 take you about 18 minutes or so.

21 If you go down Fork Shoals from Old Augusta, that
22 usually takes you about 20 minutes, 18 to 20 minutes as
23 well.

24 So I'd say anywhere from 18 to 25 minutes, depending
25 on traffic and so on.

1 Q Now, when you got on the scene, how many other --
2 were there any other crime scene investigators there?

3 A Yes, ma'am. My Lieutenant, I, and Investigator
4 Derby.

5 Q Is your lieutenant still with you?

6 A No, he's not. He's retired now.

7 Q Good for him.

8 When you first got to Idlewild, did you have a
9 particular assignment?

10 A Yes. Whenever we have a bigger scene and there's
11 multiple forensics investigators on scene, we try to
12 separate the jobs. That way we can get it done more
13 effectively, and spend more time in areas that we need to.

14 In my case, mine, at first, was on the outside of the
15 home dealing with different aspects around the exterior of
16 the home.

17 Q Did you do anything on the interior of the home?

18 A Yes, I did. Once I completed any assignments on the
19 outside that I had, I went inside and helped collect
20 measurements for crime scene diagrams. I collected
21 certain pieces of evidence from inside the home, which was
22 found to be of importance that the lieutenant, who was the
23 lead -- I guess if you want to call it the lead
24 investigator in there that was requesting to be collected
25 or photographed.

1 Q Okay. Which portions of the interior of the home did
2 you go through while you were there?

3 A Well, we came in, which was the back sliding door
4 going into the dining room area, the main den or living
5 room area. And then there's a side room. I was in that
6 one as well, which is where a window we collected was at.

7 Also, the hallway leading off of the living room
8 going down the hall to the bedroom, which is at the end of
9 the hallway, a child's room, I believe it was.

10 MS. MUNSON: May I approach, Your Honor?

11 THE COURT: Yes.

12 MS. MUNSON: Thank you.

13 BY MS. MUNSON:

14 Q Sergeant Hamilton, I'm showing you State's Exhibit
15 Nos. 27, 28, 29, 30, and 31. If you could take a look at
16 those.

17 A Yes, ma'am.

18 Q Are those true and accurate depictions of the area
19 from which you collected at the window?

20 A Yes, ma'am.

21 MS. MUNSON: Your Honor, at this time, I move State's
22 Exhibit Nos. 27, 28, 29, 30, and 31 into evidence.

23 THE COURT: Any objection?

24 MR. WARDER: Your Honor, we have no objection.

25 THE COURT: Marked and admitted without objection.

1 (WHEREUPON, State's Exhibit Nos. 27, 28, 29, 30, and 31
2 were admitted into evidence.)

3 THE WITNESS: Do you mind if I come down? Because
4 it's hard to see.

5 MS. MUNSON: Do you mind, Your Honor?

6 THE COURT: No.

7 BY MS. MUNSON:

8 Q Sergeant Hamilton, if you would remember to keep your
9 voice up so the jury can hear you.

10 A Yes, ma'am.

11 Q This is State's Exhibit No. 27.

12 A Yes, ma'am.

13 Q Show the jury what State's Exhibit No. 27 depicts.

14 A This depicts the dining room area -- or not dining
15 room, the den area, which is going to be -- it appeared to
16 be an old converted carport, to be honest with you.

17 This is going to be facing the front of the home. If
18 you look out that window, you'd be looking down the
19 driveway. To the back is going to be the entranceway from
20 that room into the living area and the dining room/kitchen
21 area.

22 Q All right. State's Exhibit No. 28, from what
23 perspective is this?

24 A This is the same view, except turned to the left.
25 So, again, this is going to be the window looking straight

1 out and in -- at the driveway. This is going to be
2 looking down the wall, on the opposite side of that wall
3 is going to be the living room.

4 Q State's Exhibit No. 29, what does this show?

5 A Okay. This is going to be that window I was speaking
6 of that looks out to the driveway. This is going to be a
7 closer shot behind that couch, that little sectional couch
8 thing. This is going to be behind it with the window pane
9 here seen on the right side.

10 Q And State's Exhibit -- it's upside down. There we
11 go. State's Exhibit No. 30.

12 A This is going to be another shot of that window
13 looking at the driveway right here. The window pane will
14 be more behind us down here. And this is the sectional
15 couch and the space in between the window and couch.

16 Q Did you, actually, go behind where the couch and
17 window is in that space right there?

18 A Did we walk behind that?

19 Q Did --

20 A I can't advise. I'm sure we did to check and see if
21 there was any kind of evidentiary value of anything down
22 on the ground.

23 Q Was it big enough or small -- could you have fit
24 behind there? That's what I'm asking.

25 A Oh, yeah, definitely.

1 Q And, finally, we've got State's Exhibit No. 31. Now,
2 what does this show?

3 A Okay. This is going to be the entranceway going into
4 the living room, the dining room, and kitchen area. To
5 your right is going to be the windows I was speaking of to
6 the driveway. And to the left is a closet or laundry room
7 area. I'm not sure what that is.

8 Q Okay. You can take the stand.

9 A Yes, ma'am.

10 Q Now, after you had assisted with what you were doing
11 out there, did you do anything towards the back of the
12 house?

13 A Yes. I went to -- I was advised by Lieutenant
14 Peterson that there was some suspected projectile holes in
15 a -- appeared to be in a child's bedroom at the far end of
16 the home at the end of the hallway.

17 Q And what did you do in there?

18 A In there, I took some additional photographs,
19 measured off some holes, some suspected projectile holes.
20 I did some other trajectory and whatnot in that room. And
21 then I, also, cut into a wall and retrieved a projectile
22 from it.

23 Q And what did you do with that projectile?

24 A It was photographed, I believe, in the felt from the
25 insulation that's in the walls. When we pulled it out, we

1 just photographed it as it was. And then we collected it
2 into evidence.

3 Q Let me show you State's Exhibit No. 43.

4 A Okay.

5 Q Just take a look at that, please.

6 A It's not open. Can I cut it open?

7 THE COURT: He needs a pair of scissors.

8 MS. MUNSON: Yes.

9 THE WITNESS: The first thing I can attest to is
10 these are my initials on the outside of the bag, or the --

11 BY MS. MUNSON:

12 Q Which bag?

13 A The brown -- this one.

14 Q Okay.

15 A This one is not. This one is.

16 Q Okay.

17 A It's already opened. Okay.

18 Q Do you recognize State's Exhibit No. 43?

19 A It appears to be the same projectile I took out of
20 the wall.

21 Q Just kind of bag it back up there.

22 A Yes, ma'am.

23 Q All right. Now, Sergeant Hamilton, I'm going to show
24 you State's Exhibit Nos. 32, 33, 34, 35, 36, 37, 38, 39,
25 40, 41, and 42. Just take a look at those.

1 A Yes, ma'am.

2 Q Do recognize those?

3 A Yes, ma'am.

4 Q Are those true and accurate depictions of the area
5 leading to the child's room and where you recovered the
6 projectile?

7 A Yes, ma'am.

8 MS. MUNSON: Your Honor, at this time, I move State's
9 Exhibit Nos. 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, and
10 42 into evidence.

11 THE COURT: Any objection?

12 MR. WARDER: Your Honor, there is no objection.

13 THE COURT: Marked and admitted without objection.

14 (WHEREUPON, State's Exhibit Nos. 32, 33, 34, 35, 36,
15 37, 38, 39, 40, 41, and 42 were admitted into
16 evidence.)

17 BY MS. MUNSON:

18 Q Sergeant Hamilton, if you don't mind standing down
19 again.

20 A Yes, ma'am.

21 Q Let me ask you one thing. Why do y'all take so many
22 pictures?

23 A It's better to document as much as you can than not
24 have enough.

25 Q This is State's Exhibit No. 32. What does this show?

1 A This is going to be your hallway leading down from
2 the living room, kitchen, and dining room area.

3 Q And in State's Exhibit No. 32, where in relation to
4 that exhibit is Natasha Kerns's body?

5 A It would be over my right shoulder. It's in the
6 corner of the room behind where the picture is.

7 Q Let me back up a second.

8 A Yes, ma'am.

9 Q Right below the clock on State's Exhibit No. 32, and
10 then there's the thermostat, what is that mark in between
11 the thermostat and the decorative stand?

12 A That mark right there?

13 Q Yes.

14 A That was not --

15 Q Did you find anything of evidentiary value there?

16 A No, ma'am.

17 Q Now, let's look at State's Exhibit No. 33. Now, what
18 does this depict?

19 A This is a few steps forward down the hallway. You've
20 got the same closets that you saw before. And if you look
21 straight down that blue wall, that's going to be the room
22 I went to for the projectile.

23 Q Now, where is -- this is State's Exhibit No. 34.
24 What does this depict?

25 A This is at the end of the hallway where that blue

1 wall was, as you can see right here. And this is you
2 looking from the entranceway of that door into the
3 bedroom. And you can see the bunk beds here -- or bunk
4 bed style here. The front wall is going to be over to the
5 right out of sight.

6 Q And what is that on the floor?

7 A That there is suspected blood.

8 Q This is State's Exhibit No. 35.

9 A Okay.

10 Q From what perspective is this photograph taken?

11 A This is a few more feet inside the room. This is
12 passing that entranceway. And this is the bunk bed that I
13 spoke of earlier on the left side. This is going to be
14 your front window looking at the main roadway. And then
15 just the dresser, and clothing, and whatnot on the right
16 side.

17 Q And then State's Exhibit No. 36.

18 A Okay. This is going to be a shot of the room. The
19 entranceway door is going to be right behind you and to
20 the right. And this wall is where the entranceway door is
21 behind us. This is going to be the front window facing
22 outward to the front of the home.

23 Q Okay. Here is -- this is State's Exhibit No. 37.

24 A Okay.

25 Q What is this view?

1 A This is going to be the bunk bed that you saw in the
2 earlier picture, except this is going to be a left-hand
3 turn picture. The bed is going to be to your right. The
4 closet is going to be to your left. And then you're going
5 to be facing the side wall of the home.

6 Q And State's Exhibit No. 38.

7 A Okay. This is going to be the closet area. This is
8 going to be that wall that was on the side of the home.
9 The bed is going to be over here on this side out of
10 sight.

11 Q I want to go back a second, Sergeant --

12 A Yes, ma'am.

13 Q -- to State's Exhibit No. 34.

14 A Yes, ma'am.

15 Q And I am going to try without -- I'm going to try to
16 zoom this in a little bit. It's a little cloudy there.
17 But, Sergeant, if you could -- do you notice anything in
18 State's Exhibit No. 34 that was of evidentiary value to
19 you?

20 A Those projectile holes on the railing when we entered
21 the home.

22 Q And the railing is -- does State's Exhibit Nos. 34
23 show that projectile hole?

24 A It's cloudy. There's one right here.

25 Q On the railing?

- 1 A On the railing itself.
- 2 Q Let me let you look at it.
- 3 A Yes. Let me look at. Yes, it's right there.
- 4 Q Okay. So this is State's Exhibit No. 39?
- 5 A Okay.
- 6 Q What does this depict?
- 7 A It's the zoomed-in picture of a -- there's a red
- 8 piece of plastic on the top bed of that bunk bed. And
- 9 then right above that, this is the top railing. There's a
- 10 suspected projectile hole there.
- 11 Q Okay. And this is from what perspective? Are you
- 12 facing the bunk bed?
- 13 A That is facing the bunk bed with that wall where the
- 14 entranceway door is to your back.
- 15 Q Okay. Now, State's Exhibit No. 40. There we go.
- 16 A This is the same top railing from that bed, but this
- 17 is on the inside. So this is from where the mattress is
- 18 going -- facing outward. That's where the projectile
- 19 hole -- suspected projectile went in and came out on this.
- 20 It came out on this side.
- 21 Q Okay. Now, this is State's Exhibit No. 41.
- 22 A Okay.
- 23 Q Can you explain the yellow tape on the ceiling there
- 24 to the jury?
- 25 A Yes. We try to get a good measurement of where the

1 projectile holes are in relation to either the floor or to
2 the ceiling. That way, we have a good idea of any kind of
3 angle of trajectory, or any kind of measurement of any
4 sort.

5 And what we do is we'll put the tape down from the
6 top or from the bottom of its relevance down to where the
7 projectile hole is. That way, we have an idea if it's so
8 many feet, or so many inches down.

9 If you look, it's hard to see here in this corner,
10 but there's one in an L-shape. Because it's so close --
11 it's closer to the corner of the room. We use the ceiling
12 to make sure we get a measurement of where that projectile
13 is, both from the front wall or side walls, whatever it
14 is.

15 Q So on State's Exhibit No. 41, can you show the jury
16 where you found projectile -- suspected projectile holes?

17 A Okay. There's going to be one here, one in the
18 ceiling over here. There's another one over here. And
19 then there's one in the ceiling up here. And these are
20 the ones I measured that we thought maybe we could get
21 some trajectory from.

22 Q Okay. Now, let me show you State's Exhibit No. 42.
23 And then we're going to go back to State's Exhibit No. 41.
24 What is State's Exhibit No. 42?

25 A This is the same projectile that I looked at earlier.

1 This was taken from the wall as we'll see, I guess, in a
2 minute. It's -- the projectile head, we had to cut the
3 wall out, cut the sheet rock out to try to retrieve the
4 projectile. So this is the felt from the insulation.

5 Q So let's go back to State's Exhibit No. 41.

6 A Yes, ma'am.

7 Q Can you show the jury on State's Exhibit No. 41 from
8 where you recovered the projectile?

9 A The projectile was recovered in this area over here.
10 The projectile hit up top. And it did not go all the way
11 through the home -- or the wood, the studs in the wall.
12 It appeared to -- it just fell down after hitting impact.
13 And we got it down at the middle lower section of the
14 wall.

15 Q So you cut out parts of the wall?

16 A Yes, ma'am.

17 Q Did you find any other projectiles?

18 A No, ma'am.

19 Q Okay. Thank you.

20 Sergeant Hamilton, in your time with Greenville
21 County, are you familiar with the Crestfield area?

22 A Yes, ma'am. I mean, we -- we have gone to calls
23 there.

24 Q And what general area is that in relation to
25 Idlewild?

1 A If it's the general term -- since we deal with the
2 entire county, you know, several hundred plus square
3 miles, we don't know the general terminology of a lot of
4 the apartment complexes. We know them as addresses,
5 Idlewild, you know, Antioch Church. That's how we get to
6 and from since we go all over the county. We don't have
7 one specific beat area.

8 So a lot of times, those terminologies for those
9 areas, we're not as accustomed to as the sheriff's office
10 or the local agencies that we service.

11 Q Okay. So --

12 MS. MUNSON: Okay. Thank you.

13 I have nothing further at this time, Your Honor.

14 THE COURT: Any questions for the witness?

15 CROSS-EXAMINATION

16 BY MR. WARDER:

17 Q When you said something was in a suspected projectile
18 hole, that means it was just a hole in the wall roughly
19 the same size as a projectile?

20 A As a projectile, yes, sir.

21 Q Do you do any gunshot residue tests on a projectile
22 hole to make sure that's what it is?

23 A No, sir.

24 Q Now, did you make a tire print?

25 A I took photographs of a tire impression and, also,

1 casting of a tire impression.

2 Q Okay. Did you match that to any tire?

3 A I just collected it. Matching is done at a later
4 date.

5 Q Okay. You don't try and analyze the forensic
6 evidence as much as you try and collect it?

7 A That's correct, sir.

8 Q And like when you pointed out blood on the floor, you
9 didn't analyze that or anything to see what it was?

10 A I didn't do it, no, sir.

11 Q Did you collect a sample of it?

12 A Maybe the lead officer over the case did, Detective
13 Peterson.

14 Q You didn't collect a sample?

15 A That was not my specific area at that time.

16 Q Okay. You were just mainly concerned with
17 projectiles. Is that what your job was there?

18 A I was assisting with the projectiles, yes.

19 Q Okay. And so somebody else would have been assisting
20 with everything, other than a projectile?

21 A Yes, sir. We all had specific areas that Lieutenant
22 Peterson wanted us to pay attention to.

23 Q And the photographs that are taken by you are taken
24 just in support of your areas of focus?

25 A Yes, sir.

1 Q And there's some 1,400 photographs in this case. But
2 you were only involved in taking the ones that relate to
3 the things you were focused in on?

4 A Yeah. I would have taken them, yes, sir.

5 Q I've got one of your pictures that's in black and
6 white, and the rest of them are in color. Is there any
7 reason that the one showing the bullet is not in color, or
8 is it just --

9 A That may just be because it's black felt and a gray
10 bullet. It's State's Exhibit No. 42, I believe.

11 Q That photograph there, is that taken with a different
12 camera at a different time, or is that the same --

13 A No, sir, same picture.

14 Q It just came out black and white because everything
15 was black and white?

16 A Well, I assume, it's either whoever printed these
17 pictures out with a printer could have changed something.
18 I have no clue. Or the black felt with the gray bullet
19 and the white insulation makes everything look black and
20 white.

21 Q And after you collected the bullets, was your job
22 done, or -- and analyzed the holes and stuff?

23 A Yes, sir. I did the -- well, I don't know where you
24 want me to go with that. Because I did the report for the
25 crime scene diagram.

1 I, also, responded to process the suspect -- or the
2 Defendant and victim number two.

3 MR. WARDER: Thank you.

4 THE WITNESS: Yes, sir.

5 THE COURT: Any redirect of the witness?

6 MS. MUNSON: No, ma'am, Your Honor.

7 THE COURT: Any objection to the witness being
8 excused from the State?

9 MS. MUNSON: No, ma'am.

10 THE COURT: From the Defense, any exception to the
11 witness being excused?

12 MR. WARDER: No.

13 THE COURT: Sir, you may be excused.

14 THE WITNESS: Thank you.

15 THE COURT: You're welcome.

16 MS. MUNSON: Your Honor, the State calls James
17 Armstrong.

18 THE CLERK: Place your left hand on the Bible and
19 raise your right hand.

20 WHEREUPON,

21 JAMES WILLIAM ARMSTRONG,

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

23 THE CLERK: Thank you.

24 You may be seated.

25 THE CLERK: Would you, please, state your name for

1 the record?

2 THE WITNESS: James William Armstrong.

3 THE CLERK: Thank you, sir.

4 THE COURT: You may proceed.

5 DIRECT EXAMINATION

6 BY MS. MUNSON:

7 Q Who do you work for, sir?

8 A I'm employed with the Greenville County Department of
9 Public Safety, the forensics division crime laboratory.

10 Q How long have you been with them?

11 A I've been there a little over 17 years...

12 Q What are your current duties?

13 A I have a dual responsibility. I'm known as a
14 criminalist where I do forensic drug identification and
15 forensic firearm identification.

16 Q All right. Do you have any specialized training in
17 the field of firearms identification?

18 A Yes, ma'am, I do.

19 Q Explain your training in that area to the jury.

20 A I have a Bachelor of Science Degree in Chemistry from
21 Erskine College. I trained in the area of firearm
22 identification for approximately two years under the
23 direction of Mark Steffen, who's a retired firearms
24 examiner from Philadelphia PD.

25 I am a member of the Association of Firearms and Tool

1 Mark Examiners. I have attended, at least, five armored
2 schools to learn how to work on different firearms. I've
3 attended 13 firearm manufacturing facilities to see how
4 firearms are manufactured from raw materials to finished
5 product. I've, also, been through four different
6 ammunition assembly plants. And I've testified in federal
7 and state courts as an expert in firearm identification,
8 at least, 33 times.

9 MS. MUNSON: Your Honor, at this time, I offer
10 Mr. Armstrong to the Court as an expert in the field of
11 firearms identification.

12 THE COURT: Any objections or questions?

13 MR. WARDER: No, Your Honor.

14 THE COURT: So admitted without objection.

15 MS. MUNSON: May I approach, Your Honor?

16 THE COURT: You may..

17 BY MS. MUNSON:

18 Q Mr. Armstrong, I'm showing you State's Exhibit
19 No. 58. Take a look at this, please.

20 A (Witness complied.)

21 Q Do you recognize that?

22 A Yes, ma'am, I do.

23 Q How do you recognize it?

24 A Well, for one, the serial number on the firearm,
25 which I, also, have in my report, is P1433220. And I have

1 my initials and the date where I opened the box on the
2 front and, also, underneath the evidence tape.

3 Q Okay. Also, inside the box besides the weapon, is
4 there anything else?

5 A There's a magazine and some cartridges.

6 Q All right. How many cartridges are in the box with
7 State's Exhibit No. 58?

8 A I would have to open the bag to see. There are eight
9 cartridges.

10 Q Now, what did you do with State's Exhibit No. 58?

11 A I retrieved the item from the property and evidence
12 room. I went to my office and did an operability check on
13 the firearm. I examined it, test fired it to make sure it
14 was operable. And then I compared the test shots that I
15 recovered from that firearm to some projectiles from
16 another case.

17 Q Okay. Now, give us kind of a brief lesson on how
18 that particular firearm works. First of all, what kind of
19 weapon is it?

20 A That is a Hi-Point model C9. It's a semiautomatic
21 pistol. It's a caliber 9mm Luger. It's, basically, a
22 semiautomatic. When you pull the trigger, if it is
23 loaded, one round will be fired. Then the action of the
24 firearm will come back. The slide will come back ejecting
25 the fire casing. And then when the slide goes back

1 forward, it, actually, feeds another round into the
2 chamber and then is ready for operation with the next pull
3 of the trigger.

4 Q So semiautomatic means you just don't have to cock
5 it, or what?

6 A It's -- for one pull of the trigger, one round is
7 fired. And then it automatically loads itself.

8 Q And when you refer to a casing gets ejected, what are
9 you talking about there?

10 A That is the brass portion of the cartridge that,
11 actually, holds the powder and the projectile.

12 Q And how many rounds does that -- is that particular
13 weapon capable of holding?

14 A That one has a maximum capacity of nine, eight in the
15 magazine and one in the chamber.

16 Q Okay. And when you examined the weapon, was there
17 one in the chamber?

18 A When I received it, it was all unloaded.

19 Q Okay. And how many -- were there any bullets in the
20 magazine when you got it?

21 A No, ma'am. They were all -- I'm assuming it's in
22 that bag right there. Because I never, actually, opened
23 the cartridge bag.

24 Q Let's talk about the magazine for a second. What is
25 that?

1 A The magazine is a black -- or in that particular
2 case, a black metal body constructed item, which is
3 designed to hold cartridges. It has a spring, which,
4 actually, pushes the cartridge to the top so the firearm
5 can, actually, feed with the action of the slide.

6 Q Okay. What happens if the magazine is not completely
7 in the gun?

8 A The firearm -- it depends on the firearm. Some will
9 not function. They have a magazine safety. And some, if
10 they do function, if the magazine is not completely
11 seated, it may not feed the next cartridge.

12 Q What do you mean "completely seated"?

13 A If it is not completely in the locked position in the
14 magazine well, it would be down a little bit from the
15 slide. So when the cartridge should be here, if it's down
16 to this little piece, it will not pick up and go into the
17 chamber.

18 Q I apologize, Mr. Armstrong. I'm going to have to ask
19 you about something here. I am showing you State's
20 Exhibit No. 11 that is in evidence. If you'll just take a
21 look at this for a second.

22 And you did not go to the crime scene, did you?

23 A No, ma'am.

24 Q Now, Mr. Armstrong, what does this appear to be on
25 the ground?

1 A That could be a pistol.

2 Q Let me let you look at it close up first before I
3 have it up there. Take a look at that.

4 A It does appear to be the grip portion and rear
5 portion of a slide. It is consistent with a Hi-Point
6 manufacturer.

7 Q Okay. And on State's Exhibit No. 11, can you see the
8 magazine?

9 A Yes, ma'am. The magazine portion is right here.

10 Q All right. Here you go. Does that magazine appear
11 to be properly seated?

12 A No, ma'am.

13 Q All right. Thank you.

14 MS. MUNSON: Could we have the lights back on?

15 BY MS. MUNSON:

16 Q Now, the shell casings -- well, a semiautomatic --
17 are all handguns semiautomatics?

18 A No, ma'am.

19 Q And what kind of handguns are not?

20 A You have revolvers, and there's, also, Derringer-type
21 pistols. You have single shots as well.

22 Q All right. With a revolver, what -- how does that
23 operate in comparison with a semiautomatic regarding the
24 shell casings?

25 A With the revolver, the shell casings will be --

1 maintain in what is known as a cylinder. That is what,
2 actually, rotates, gives the term revolver. They are not
3 ejected from the firearm until the owner or operator,
4 actually, opens the revolver cylinder up and then dumps
5 the cartridges out.

6 Q All right. Now, briefly explain what happens once a
7 firearm -- once a handgun is fired. What comes out
8 besides the bullet?

9 A When the firearm is fired, the projectile does go
10 down the barrel. And behind the projectile is, actually,
11 the gases from the burning powder that is, actually,
12 pushing the firearm out. So that's known as gunshot
13 residue.

14 Q Okay. How would gunshot residue get on a person's
15 hands?

16 A Gunshot residue can be transferred from actual
17 contact with an area that may have gunshot residue on it,
18 being in close proximity of a firearm when it's being
19 fired, or even handling firearms.

20 Q Okay. Let me show you State's Exhibit Nos. 48 and
21 43. If you'll just take a look at those.

22 A (Witness complied.)

23 Q Do you recognize those?

24 A Yes, ma'am, I do.

25 Q Let's start with State's Exhibit No. 48 first. What

1 is State's Exhibit No. 48?

2 A State's Exhibit No. 48 was my item number MW1. It's
3 a fire bullet specimen, caliber .38/9mm.

4 Q Okay. And do you recognize any of your writing on
5 this?

6 A Yes, ma'am, I do. The outside bag has my initials
7 and date where I sealed it. Inside, I, also, have my
8 initials, and the item number with the case number written
9 on another bag as well.

10 Q And is it sealed? Does it appear to be intact?

11 A That is my original seal.

12 MS. MUNSON: Your Honor, at this time, I move State's
13 Exhibit No. 48 into evidence.

14 THE COURT: Any objection?

15 MR. WARDER: No objection, Your Honor.

16 THE COURT: Marked and admitted without objection.

17 (WHEREUPON, State's Exhibit No. 48 was admitted into
18 evidence.)

19 BY MS. MUNSON:

20 Q And then the other exhibit you have up there, do you
21 recognize it?

22 A Yes, ma'am, I do.

23 Q How do you recognize it?

24 A One, on the inside of the envelope, there's my
25 initials and the date where I opened it. Two, on the base

1 of the projectile itself, I have the item number JFH4
2 engraved on the base on top of my initials JWA.

3 MS. MUNSON: Your Honor, at this time, I move State's
4 Exhibit No. 43 into evidence.

5 THE COURT: Any objection?

6 MR. WARDER: Without objection.

7 THE COURT: Marked and admitted without objection.

8 (WHEREUPON, State's Exhibit No. 43 was admitted into
9 evidence.)

10 BY MS. MUNSON:

11 Q And I'm, finally, going to show you State's Exhibit
12 No. 57. Do you recognize that?

13 A Yes, I do.

14 Q How do you recognize that?

15 A Well, the outside of the front bag has my initials
16 and the item number. Inside, I, also, have the item
17 number and my initials as well.

18 Q Now, let's start with State's Exhibit No. 43, which
19 is maybe your item number JFH4?

20 A Yes, ma'am.

21 Q What did you do with State's Exhibit No. 43?

22 A I received the item. I, basically, did some --
23 compared my note parts where I was, actually, looking at
24 the item to identify it, such as caliber. And then I
25 did a weight. And then I compared it to the other

1 items.

2 Q Did you go through, basically, the same process with
3 each exhibit, State's Exhibit Nos. 43 and 48, as far as
4 weighing?

5 A Yes. Everything is exactly the same. When I receive
6 the item, I make sure it is sealed. I then cut the seal
7 and initial the seal. I inventory the contents of the
8 sealed container. And while doing that, I record the
9 caliber, the weight, the type of projectile it is. And
10 then I engrave on the base of that projectile before I
11 open up another item to make sure nothing gets mixed up or
12 changed around.

13 Q And were you able to determine with either of these
14 exhibits, State's Exhibit Nos. 43 or 48, the caliber of
15 these projectiles?

16 A They are .38/9mm caliber range.

17 Q What does that mean?

18 A They are -- the consistency of those two projectiles
19 have a consistent caliber range of a .38 Special and the
20 9mm. The measurements of that are like .356 to .357
21 inches.

22 So I can't really tell the difference between a .38
23 Special to a 9mm. So in that range, just knowing that you
24 can, actually, take projectiles and reload, I always make
25 a general overview of saying it's a .38/9mm.

1 Q So it could be a .38, it could be a 9 mm?

2 A Well, the caliber range is .38/9mm.

3 Q Now, did you then compare these two exhibits to each
4 other?

5 A Yes, ma'am, I did.

6 Q And what was the purpose of that?

7 A To see if they were fired from the same firearm.

8 Q And how do you go about doing that?

9 A I do a side-by-side comparison on a forensic
10 comparison microscope.

11 Q And how long does that take?

12 A It depends on the case.

13 Q And were you -- when you made that comparison of
14 those two exhibits, State's Exhibit Nos. 43 and 48, what
15 was the result of the comparison?

16 A I found that the two bullet specimens, they're
17 of insufficient microscopic marks to permit
18 identification.

19 Q And how does that happen?

20 A When firearms are fired, that projectile is being
21 forced down the barrel. And with those particular ones,
22 they're made out of lead, so it's a soft metal.
23 Sometimes, that metal does not leave the rifling or the
24 markings from the barrel on it real well. And it depends
25 on the firearm as well.

1 If the firearm has poor markings, it's going to leave
2 a poor mark left behind. And, therefore, sometimes, it
3 just can't be compared, not only from the firearm, but,
4 also, what the projectile may have hit or gone through
5 during that time period.

6 Q So passing through -- how, if at all, can passing
7 through a glass window affect that?

8 A That can affect it.

9 Q How about passing through someone's skull?

10 A That can affect it as well.

11 Q Or a wall?

12 A Definitely.

13 Q Okay. Now, let's look at what's in evidence as
14 State's Exhibit No. 57. I want you to just take a look at
15 those and explain for the jury what you did with State's
16 Exhibit No. 57.

17 A State's Exhibit No. 57, basically, what I did with
18 those, I just, actually, identified what they were. And
19 it was five cartridges that are caliber .38 Special. They
20 are -- I have the brass is marketed by Federal on one of
21 them -- on all of them.

22 And I've, actually, disassembled one of the
23 projectiles and one of the cartridges to look at the
24 components. And in doing so, I tried to see if they were
25 consistent in manufacturing style and type as to the other

1 items that were submitted.

2 Q And what was the result of your comparison of that
3 exhibit to State's Exhibit Nos. 43 and 48?

4 A The projectile loaded in the disassembled cartridge
5 is to assist with caliber and design as to State's Exhibit
6 Nos. 43 and 48 bullet specimens.

7 Q But you can't say it's an exact match.

8 A I can't say. Because they're a company that makes
9 thousands of rounds of --

10 Q Okay. Let me ask you something else, Mr. Armstrong.
11 Do you have an opinion about whether or not -- State's
12 Exhibit No. 58, Natasha's gun, do you have an opinion
13 about whether or not that firearm could have fired the
14 rounds -- the projectiles in State's Exhibit Nos. 57 and
15 43?

16 A It did not fire from them.

17 Q Okay. How do you know that?

18 A The projectiles that are in State's Exhibit Nos. 43
19 and 48 have a general different rifling characteristic as
20 to the firearm. The pistol itself is a very unique
21 rifling. And those projectiles could not have been fired
22 from that gun.

23 MS. MUNSON: I have nothing further at this time,
24 Your Honor.

25 THE COURT: Any questions for the witness?

CROSS-EXAMINATION

BY MR. WARDER:

Q Mr. Armstrong, there was some testimony in this case about a .380 gun being involved. Are those bullets consistent with the same diameter and size of a .380?

A They're consistent with the diameter. However, they are too large to have been fired from a .380.

Q Are you talking about the --

A The overall length and weight would be too much for a .380.

Q What would happen if they were loaded into a cartridge of a .380?

A With the length of those projectiles, you would probably have a compressed load and may have a catastrophic failure.

Q Could it, also, fire?

A That is a possibility. I would have to try one and see.

Q Okay. So those bullets, though, they could have been fired by a .380, if loaded properly?

A The projectiles, yes, sir.

MR. WARDER: Thank you.

THE COURT: Any redirect?

MS. MUNSON: No, ma'am.

THE COURT: Any objection to the witness being

1 excused from the State?

2 MS. MUNSON: No, ma'am.

3 THE COURT: From the Defense?

4 MR. WARDER: No, Your Honor.

5 THE COURT: Sir, you're excused.

6 THE WITNESS: Thank you.

7 THE COURT: You're welcome.

8 The State may proceed.

9 MS. MUNSON: Your Honor, at this time, the State
10 would like to recall Investigator Eric Whaley.

11 WHEREUPON,

12 ERIC TODD WHALEY,
13 after first having been duly sworn, testified as follows:

14 THE CLERK: Thank you.

15 You may be seated.

16 DIRECT EXAMINATION

17 BY MS. MUNSON:

18 Q Investigator Whaley, do you recall as part of your
19 investigation going to Laurens to get statements?

20 A Yes, ma'am.

21 Q And from whom did you get a written statement in
22 Laurens?

23 A Mr. Irby.

24 Q How long did you spend time with him?

25 A We were probably there for an hour, an hour and a

1 half.

2 Q And, at the end of you getting his written statement,
3 did you ask him about something?

4 A I did.

5 Q And what did you ask him about the content of his
6 statement?

7 A He told us something while we were interviewing him.
8 And, as I said yesterday, we write down --

9 THE COURT: Let me interrupt you one second.
10 You need to approach, all of you.

11 (WHEREUPON, a bench conference was held.)

12 THE COURT: Is there anything other than that subject
13 matter that you wanted to cover?

14 MS. MUNSON: No, ma'am.

15 THE COURT: Officer, you may step down.

16 Does the State have any further witnesses?

17 MS. MUNSON: We just have that one unresolved legal
18 issue, Your Honor. I may have one more witness.

19 THE COURT: Approach.

20 (WHEREUPON, a bench conference was held.)

21 THE COURT: Anything further from the State?

22 MS. MUNSON: Your Honor, respectfully, I'm going to
23 need a minute.

24 THE COURT: Mr. Foreman, ladies and gentlemen, we're
25 going to take a brief restroom break. During the break,

1 apologize. I'll see y'all at 1:30.

2 (WHEREUPON, a lunch break was taken.)

3 THE COURT: Is the State ready to proceed?

4 MS. MUNSON: Yes, Your Honor.

5 THE COURT: Is the Defense ready to proceed?

6 MR. JONES: Your Honor, we are.

7 THE COURT: I hear a "but".

8 MR. JONES: Well, a hesitation. I had the -- I asked
9 the bailiff to locate an easel for me, and he's doing
10 that. At some point in time during my examination of
11 Willie Williams, I'll need to use an easel.

12 THE COURT: Okay. You can bring in the jury.

13 Ms. Munson, I'm going to need you to rest in front of
14 the jury.

15 MS. MUNSON: Yes, ma'am.

16 (WHEREUPON, the jury came into open court at
17 approximately 1:30 p.m.)

18 THE COURT: Ladies and gentlemen, I hope you all had
19 a pleasant lunch recess. We're now going to resume with
20 the trial.

21 Ms. Munson, you may proceed.

22 MS. MUNSON: May it please the Court, Your Honor.

23 That is the State's case.

24 THE COURT: Does the State rest?

25 MS. MUNSON: Yes, ma'am.

1 THE COURT: The Defense may proceed.

2 MR. JONES: May it please the Court, Your Honor.

3 THE COURT: Yes, sir.

4 MR. JONES: The Defense would call Willie Williams to
5 the witness stand.

6 THE COURT: Sir, if you would come to the stand and
7 be sworn.

8 THE CLERK: Sir, please, place your left hand on the
9 Bible and raise your right hand.

10 WHEREUPON,

11 WILLIE MARVIN WILLIAMS,
12 after first having been duly sworn, testified as follows:

13 THE CLERK: Thank you.

14 You may be seated.

15 Please state your name for the record.

16 THE WITNESS: Willie Marvin Williams.

17 THE COURT: Sir, if you could speak up a little bit
18 more for me, please.

19 THE WITNESS: Willie Marvin Williams.

20 THE COURT: You may proceed.

21 MR. JONES: Thank you.

22 DIRECT EXAMINATION

23 BY MR. JONES:

24 Q Willie, I want you to try to speak up so the jury and
25 the court reporter can hear your answers to my questions.

1 A Okay.

2 Q Tell us how old you are.

3 A I'm 47 years old.

4 Q Willie, where were you born?

5 A I was born in Laurens County.

6 Q In Laurens?

7 A Yes, sir.

8 Q And where did you grow up?

9 A In the city of Laurens.

10 Q Okay. Did you go to school in Laurens?

11 A Yes, sir. Laurens District 55 High School.

12 Q What grade did you finish?

13 A Twelfth.

14 Q So you graduated from Laurens District 55 High

15 School?

16 A In 1984.

17 Q After you graduated -- excuse me, Willie, after you

18 graduated, did you engage in any endeavors on a

19 professional or personal basis?

20 A Yes. I was seeking a military career.

21 Q So what did you do in that regard?

22 A I started out -- I joined the Laurens National Guard.

23 Q The Laurens National Guard?

24 A Yes, sir.

25 Q Go ahead.

1 A And that was right after high school. And I enjoyed
2 my summer. And I left in November of 1984. And my basic
3 training was in St. Louis, Missouri. I stayed there nine
4 weeks. And then I went to training for my job in Fort
5 Gordon, Georgia.

6 Q Do you recall how long you stayed at Fort Gordon
7 training for the National Guard?

8 A Once I completed my six months active duty, I was
9 assigned to my unit back in Laurens. And I served six
10 years.

11 Q While you were in your basic training in the National
12 Guard, did you receive any type of particular training for
13 self-defense, or any kind of military training along those
14 lines?

15 A Yes. We do riot control. Like if a riot breaks out
16 and stuff, they call in the National Guard. They call in
17 for that. And then we've got like another special
18 training like learning how to enter into dwellings, and
19 how to clear it. So we got training in that.

20 Q So you received that training during your basic
21 training -- or throughout your career?

22 A Throughout. We do drills like one week out of a
23 month. And then we -- like two weeks out of the year,
24 we'd go to like different places. And then we do
25 training.

1 Q Well, let me ask you, Willie. Once you completed the
2 six months initial service in the National Guard, had you
3 signed up for a particular length of time to be in the
4 National Guard?

5 A It was a six-year obligation.

6 Q Six-year obligation. Did you pursue employment
7 anywhere other than that?

8 A The National Guard was like part time. So I had a
9 regular job. And I was working in Clinton at a barium
10 plant. I was a machinist.

11 Q How long did you work there?

12 A I worked there about until 1989. So about three
13 years.

14 Q And was there any reason you left that employment?

15 A I found a better job. So I -- in about 1991, I
16 started working in Enoree Mills as a maintenance tech.

17 Q All right. And do you recall how long you stayed
18 there?

19 A I stayed there 10 years.

20 Q Now, at some point in time, did you move down to
21 Bishopville?

22 A I got laid off. And after they signed that textile
23 agreement and all that, the mills went under.

24 Q Do you recall about what year that was?

25 A That was like 2000.

1 Q All right.

2 A So I was classified as a dislocated worker. So I was
3 going down to One Stop. And I applied for a grant. So I
4 had to enter a program. And I took up truck driving. So
5 I tested out. And I was awarded the grant.

6 Q So you went to a truck driving school?

7 A In Bishopville, South Carolina.

8 Q Did you ever drive a truck?

9 A As far as classes and everything, I drove a truck. I
10 finished the five-week course. And I was getting ready to
11 go to -- I was like a pre-hire for U.S. Express where I
12 was going to go to Georgia. But I had went online and
13 applied for a military contractor job going over to Iraq.
14 And so they called me. And the money was great. So I
15 decided to go to Iraq.

16 Q What year was that?

17 A That was in --

18 Q Approximately?

19 A 2005.

20 Q Well, let me ask you this. Did you work anywhere
21 between 2000 and 2005 before you went to Iraq?

22 A Oh, yes, I forgot. I worked at Premier Roof in
23 Greer. We made convertible tops for the Z4 for BMW.

24 Q Why did you leave that employment?

25 A I was laid off.

1 Q Do you recall whether or not before you left for Iraq
2 you met anybody that you started dating?

3 A Yes. I met Natasha Kerns in 2004.

4 Q Where?

5 A I met her at a bike show, motorcycle-car show.

6 Q Well, tell the jury how that relationship developed
7 in that year, 2004.

8 A I met Natasha. And we traded phone numbers. Then we
9 started talking on the phone. Then after like two weeks
10 of talking on the phone, maybe three, we started meeting
11 and going out to eat.

12 And then she, finally -- she was living in
13 Greenville. And she invited me over to her apartment to
14 meet her son and her mom. And it went from there. We
15 kind of like were in a steady-like relationship.

16 Q Well, but you went ahead and took the job in Iraq; is
17 that correct?

18 A Right. I went ahead and took the job in November. I
19 went to Houston, Texas. That's where we go to the
20 deployment center to be trained and take all our exams,
21 medical, and passport, and all that. And I left -- I
22 ended up in Iraq on Thanksgiving night, November 25th of
23 2005.

24 Q Okay. And what were your duties over there in Iraq?
25 Where were you located? And who were you working for,

1 again. And what were you doing?

2 A I was working for KBR. It's a spin off of
3 Hollenberg [phonetic]. It was like a subcontractor of
4 Hollenberg [phonetic]. And I was doing -- at that time, I
5 was doing MCT. When all the truck supplies come into our
6 yard, we take the paperwork. And then we had like lanes
7 we put them in where they go throughout Iraq taking
8 supplies to different camps.

9 Q Okay. How far from Baghdad were you located?

10 A Well, my first tour, I was north of Baghdad. I was
11 assigned to the Marines. So I was with the Marines out of
12 Camp Pendleton out of California. And that's where I
13 worked and trained, whatever, to meet their needs.

14 And then I signed a one-year contract. And after
15 one -- after several months, my contract was cancelled.
16 Because they do like task orders. And there wasn't no
17 more funding. So I was sent home in about June of 2006.

18 Q And where was home at that time?

19 A I was still at Eichelberger.

20 Q Eichelberger?

21 A Yeah, Gray Court.

22 Q Gray Court, South Carolina?

23 A Right.

24 Q Tell the jury, in case they don't know, where Gray
25 Court is.

1 A Gray Court is in Laurens County, roughly, about 40
2 miles from Greenville. Like you're headed towards
3 Columbia, and you bear off and go into Gray Court. You
4 get on 14. And it will take you to the town of Gray
5 Court. And we've got like a rural area. You've got the
6 town of Gray Court. It's a lot of undeveloped land.

7 So I stayed in the rural section of Gray Court. It's
8 like -- it's, actually, five miles from Gray Court and
9 five miles from Laurens.

10 Q How far is Gray Court from Laurens?

11 A To the city, five miles.

12 Q Okay. Well, your house is from the city of Laurens,
13 it's five miles?

14 A Right. It's located like about 400 yards off the
15 road on a dead end. It's surrounded by trees on both
16 sides and in the back.

17 Q So that's where you came back home to in 2007 when
18 you got -- when the job ran out; is that correct?

19 A 2006.

20 Q Did you have a relationship with Natasha Kerns at
21 that time?

22 A Yes. When I got back home, I called and let her know
23 I was back. Even though I was gone, we did communicate,
24 you know. She called me. I called her while I was over
25 in Iraq.

1 Because we had like a phone system with a satellite
2 that would bounce off of London to Houston. So if you
3 call, it's like you're calling me from Texas, not Iraq,
4 not international. So we kept in touch, e-mailed.

5 Q Well, how long were you home in 2006? And what did
6 you do while you were here then?

7 A After I went home, I took another job in Moonville
8 right here in Greenville -- well, Piedmont. It was
9 another automotive BMW supplier. And they made -- they
10 had a Mercedes line and BMW line. I worked on the
11 Mercedes line as a lift gate operator where we built the
12 lift gate for one of the SUV's. And I worked there about
13 13 months.

14 Q Okay. And during that period of time, you continued
15 to have a relationship with Natasha Kerns?

16 A Yes, sir. Actually, my job was like three miles from
17 her house. So I worked the third shift. So when I got
18 off, I did go over to her house before -- she was going to
19 school at the time. She was working a job, plus going to
20 school at Greenville Tech. So I would go over and talk to
21 her and everything before she would go to school.

22 Q Was your relationship anymore than conversation at
23 that period?

24 A It was at first. I mean, we took things slow. So it
25 was like conversation. And we was like had like an open

1 relationship, you know. Because we wasn't rushing things.
2 We had like a difference in ages. So I was older than
3 her. And so we took it slow.

4 Q Well, approximately how much older than her were you?

5 A 15 years.

6 Q At some point in time during 2007, did y'all -- well,
7 did you discover some revelation about her condition?

8 A Yes. Natasha -- in January of 2007, she got real
9 sick and went to the emergency room. And the doctor told
10 her she was pregnant. And so she called me at work and
11 let me know that the doctor had told her she was pregnant.

12 And so after that, I more like moved in. I still had
13 my place at Gray Court. But I stayed more up there in --
14 I guess you would call that Moonville right there on
15 Idlewild, somewhere in the area.

16 So I started staying with her. And as she progressed
17 through the months, she got to where she couldn't work.
18 Then I started taking care of her financially, and
19 whatever her needs were.

20 Q Okay. And would you share with the jury, did she
21 have another child living with her at the time with the
22 two of you when you were staying with her?

23 A Yeah. She had -- when I met J.K. , her son, he was
24 three years old, which we kind of -- should I say we kind
25 of became close? Because he like don't meet no strangers.

1 So we got real close throughout time.

2 Q Okay.

3 A And I treated him like he was my son.

4 Q What happened with Natasha's pregnancy?

5 A Her pregnancy kind of got -- she started getting real
6 sick all the time, throwing up, and all that. And so I
7 stayed more and more up there than I stayed in Gray Court.
8 And about -- she probably had the baby in October.

9 But one morning, she was real sick throwing up. And
10 so I told her that she don't have to suffer like this. We
11 went to the hospital. And she had the baby in Greer and
12 found out her -- the part of the body where all the waste
13 and stuff go [sic] had erupted. I don't know the medical
14 name for it. And so they had to do an emergency
15 C-section.

16 Q An emergency C-section?

17 A Yes, sir.

18 Q All right. Well, you were there when the baby was
19 born?

20 A Yes. I was scheduled to leave to go to Iraq in
21 September, but the baby was born. So I called Houston and
22 talked to HR. And they gave me time enough to stay home
23 with the baby.

24 Q And what -- did you name that baby? And who is that
25 baby?

1 A Her name is Ja.K. . And I had a
2 paternity test done. It was mine. So after that, I
3 started taking care of it as mine, her, and her son. And
4 then I ended up working a lot of overtime seven days a
5 week trying to pay for two different homes. So I
6 immediately went to Iraq.

7 Q For better pay?

8 A Better pay.

9 Q And how did you get the job back in Iraq? Tell us, I
10 mean, who were you working for this time. And where were
11 you staying?

12 A It was the same company. I had a friend of mine that
13 is retired military, and he was working over there. And
14 he told me to send him a resumé. I sent him a resumé.
15 And he had managers over there. And he sent it to them.
16 And they called Houston and pulled my resumé. And they
17 gave me a call. And that's how I ended up back over in
18 Iraq.

19 Q And so what was your understanding about how long
20 you'd be in Iraq, and what opportunities you'd have to
21 come back and be with your family?

22 A The job required me to sign a one-year contract, you
23 know. If you leave in October, the contract runs from
24 October to October.

25 So I signed a one-year contract. And every four

1 months, 120 days, you get vacation time. So every two
2 weeks out of four months, I'd fly home 15 -- about 18,000
3 miles back to Atlanta, back to Greenville. And I would
4 stay home, which my home then was Eichelberger -- not
5 Eichelberger, Idlewild. I came home to Natasha and the
6 kids.

7 Q At Idlewild?

8 A Right.

9 Q And tell us, again, if I could just ask you to
10 describe where your workplace was in Iraq during this time
11 frame beginning in November of 2007, you know, for that
12 one-year contract you signed. Where were you located in
13 Iraq?

14 A This time, they really put me right there in Baghdad.
15 We was like five miles from the city of Baghdad at a camp
16 where it sits right between -- it's in a flat -- it,
17 actually, was the National Guard Republican Army post to
18 the U.S. government -- the U.S. military took it over.

19 And we had the Shiites on one side and the Sunnis on
20 the other side. So when they were fighting back and
21 forth, we caught all the indirect fire. It hit the camp
22 and lot of people died.

23 Q And your job was to do what at that point in time?

24 A My job was, I was a property specialist,
25 property/logistics/material. Because all three

1 departments were procurement. So we all dealt -- one hand
2 feeds the other.

3 So we had supplies anywhere from toilet tissue, to
4 radio, to a car, vehicle, or whatever, to a bulldozer
5 track ho, whatever equipment the military requires for
6 their mission.

7 Q If it was disabled, would you have to go out in the
8 field and designate that it had been? And what would be
9 done with the property at that point in time?

10 A Yes. What we do is if equipment got to be what we
11 call PCP, proper control procedure, if equipment is -- a
12 person -- the military keeps a record of everything. So
13 if a person signs for, say, a \$30,000 vehicle, you'll give
14 them a hand receipt signing for that. And then you've got
15 responsibilities for proper care and use of that vehicle.
16 If that vehicle gets damaged, we fill out a package called
17 an LDD, which is lost, damaged, or destroyed.

18 So if it's damaged, we'd come out and assess the
19 damage of it. Say, if the car got a dent in it, we get a
20 motor vehicle to come out and do an estimate of it. And
21 then we'll take the paperwork and fill it out and submit
22 it to all the off sites and satellite sites.

23 So we'd send it to a home site. And they'll do what
24 you call another package of paperwork. And then they'll
25 send it to what you call the DCMA, defense contract

1 manager agent. And they'll be responsible for that
2 vehicle.

3 Q So you were living with constant gunfire going back
4 and forth over your head --

5 A Right.

6 Q -- and you were going out into the field to retrieve
7 property, or designate its demolition or dysfunctionally
8 for your company; is that correct?

9 A Right. And --

10 Q Go ahead.

11 A We had like water tanks. Water might come out of the
12 water tank and make a big spill. It's just like any
13 emergency service in the state. We had to have Hazmat
14 come out, property come out. The plumber would come out
15 and try to fix the leak, you know. It was just kind of in
16 that manner.

17 Q Okay. Well, did you come home the first four months
18 you were able to?

19 A I came home every four months.

20 Q How long did that go on?

21 A I did my first year obligation. So I signed for
22 another year. And so I continued to come home every four
23 months.

24 Q Do you recall approximately how much you were making
25 to do this work and put yourself in that position?

1 A Yes, sir. We got paid bi-monthly by hours. Our job
2 was that you work 12 hours a day, seven days a week. So
3 you put in 84 hours a week, you know. You can get
4 overtime.

5 So my job was real busy. So I did get a lot of
6 overtime. But for four weeks, I brought home 7,000. And
7 for five weeks -- I brought home 8,000 a month.

8 Q So you were making somewhere around \$96,000 a year
9 approximately?

10 A \$96,000 plus.

11 Q \$96,000 plus a year?

12 A Yes, sir.

13 Q And with that money, were you providing -- were you
14 spending it over there in Iraq?

15 A No. I had -- like everybody was required to have a
16 deposit bank account back in the states, you know, where
17 your money is automatically deposited the first of every
18 month wherever the first pay period lands on every month.

19 Q Well, I guess my question is, did you have a lot of
20 expenses in Iraq that you had to pay for?

21 A No, sir. Everything was on military. They took care
22 of housing, all our meals, and everything. We lived with
23 the military. So we was -- being an America, we were a
24 green badge. And we had access to all their gyms or
25 whatever.

1 Q All right. When you would come home during your
2 first year, how was your relationship with Natasha?

3 A It was great. It was great. I mean, I would come
4 home every four months. I would send her money every
5 month. I had like a Visa card that I would go online and
6 load. Every time I got paid, I would load money on to her
7 Visa -- prepaid Visa is what it's called. And I,
8 basically, just paid for everything.

9 And I wanted her just to go to school, and finish her
10 education, and raise the kids. But she wanted to work.
11 So that was fine. So I still continued doing -- providing
12 for her. And whatever she made was hers.

13 Q Well, how -- did you develop a relationship with your
14 daughter? I mean, how did you do that while you were away
15 so much?

16 A Now, that was a challenge. Because every time I came
17 home, she was like four months, eight months. So she
18 really didn't know me. So within a two-week period, I had
19 to spend as much time as I could with her. But we,
20 finally -- she, finally, realized me as a father figure.

21 Q So you went back. You say you signed up for another
22 year. And that started in November of 2008?

23 A No. Once you sign up, it will go like October 2007
24 to October 2008, October 2008 to October 2009, like that.

25 Q Well, did you do that year? And did you come home

1 every four months during that second year that you were in
2 Baghdad?

3 A Yes, sir.

4 Q You did?

5 A You're only allowed to be in the states 35 days out
6 of a year, because you've got a tax bracket you'll fall
7 in.

8 Q Well, tell the jury what your relationship was like
9 with Natasha in 2009, and what, if anything, happened in
10 that year while you were home that was different from the
11 previous years.

12 A In 2009, I came home in April. I had asked Natasha
13 to marry me. And she said she needed some time to think
14 about it. So the week I was home, we got married the day
15 before I went back to Iraq.

16 Q Where did you get married? Do you remember?

17 A This -- back in Gray Court, this minister have [sic]
18 a church in his yard and he have [sic], also, his home.
19 And, me, my daughter, and her mother, we went to his house
20 and we got married.

21 Q All right. And after that, what did you do?

22 A I went back to Iraq. And I came home that August for
23 her birthday and spent time -- well, I celebrate -- her
24 birthday was in August, and both the kids' birthdays was
25 in September. So I celebrated all three of them at one

1 time. Also, my birthday was in September.

2 So I celebrated them all at one time. And I went
3 back to Iraq. And then my contract ended in October. So
4 I got to stay home three weeks. So I came home for
5 Christmas and New Year's.

6 Q All right. How were you feeling about your service
7 and your work in Iraq, and the constant shelling, and the
8 constant fighting, and being away? What was going through
9 you as a person during that period?

10 A I started having problems with all the bombing, and
11 shelling, and the killing, and stuff. So I asked
12 management could they move me to another site. And so
13 after e-mails explaining -- they, finally, decided to move
14 me north of Baghdad, like 25 miles from the Iran border to
15 another camp.

16 I got there. I got there and it was fine. But I
17 found out it was a camp where the military trained the
18 Iraqi Army how to shoot and fight. So, basically, all
19 night you hear the machine guns going off, the explosives,
20 or whatever the training was required.

21 So then they had generators. They used generators
22 for power. So I started developing abnormal sleeping
23 habits and behavior. My job was stressful, 12 hours a
24 day, seven days a week. So I had difficulty sleeping,
25 concentrating. And then I would wake up in the night with

1 cold sweats where I had developed fear, and all that.

2 So I had went to the medic on base and explained all
3 my symptoms. And he said I was developing a lot of
4 stress, that I had been in the theater 28 months, and
5 maybe I needed to take a break. But I really didn't want
6 to leave the job because it paid good money. And I
7 enjoyed what I was doing, you know, supporting the troops.
8 So I tried to deal with it, but it only got worse.

9 So I went back to the medic. We only have medics.
10 We don't have doctors. The only doctors we have is in the
11 military. The contract put the burden on the military to
12 treat us when we were paid to take care of the military.
13 So they wouldn't give me psychiatric help. So I went to
14 HR about it. So HR decided that it was best for me to go
15 home and handle my problems.

16 And so I called Natasha. She was my wife at the
17 time. And I was telling her what I was going through, and
18 everything. And we decided it was best for me to come
19 home. And HR, I guess they thought they was doing me a
20 favor. And they said after I get better, I could come
21 back.

22 So in February of 2010, I resigned because of the
23 sleeping habits and behavior. And I came home to Natasha
24 and the kids in Greenville.

25 Q At what address?

1 A Avenue.

2 MR. JONES: Now, excuse me a minute, Your Honor. I
3 notice his mouth is getting a little dry. I'm going to
4 see if he needs some water.

5 May I approach, Your Honor?

6 THE COURT: Yes, sir.

7 THE WITNESS: Thank you.

8 BY MR. JONES:

9 Q So you moved back to Idlewild; is that correct?

10 A Yes, sir.

11 Q At Avenue?

12 A Yes, sir.

13 Q And it was you, Natasha, Ja.K. , and J.K. ?

14 A Yes, sir. And, sometimes, her mom, she would stay
15 over.

16 Q And did J.K. have his own bedroom?

17 A Yes, sir.

18 Q Okay. And do you remember where it was in the house,
19 the front or the back?

20 A Going down the hallway, here's how -- excuse me, his
21 bedroom was like at the end of the hall.

22 Q Okay. And did Ja.K. have her own bedroom?

23 A Yes, sir.

24 Q Separate from J.K. 's?

25 A Yes.

1 Q And where was hers?

2 A Hers, going down the hallway, it was the first on the
3 right.

4 MR. JONES: Your Honor, Defendant's Exhibit No. 1.

5 BY MR. JONES:

6 Q Willie, let me ask you to take a look at this, if I
7 may approach. Take a look and see if you recognize what
8 that represents, and if you've had a chance to look at it
9 before you took the stand today.

10 A Okay. That represents all the rooms inside the house
11 at , Greenville, South Carolina.

12 Q And have you had a chance to look at that diagram
13 before today? You've seen it before, haven't you?

14 A Yes, sir.

15 MR. JONES: Okay. Your Honor, at this point, I would
16 like to have --

17 THE COURT: It's already admitted?

18 MR. JONES: Yes. I've had it blown up. And I would
19 like to use it, at this point in time, with an easel that
20 the bailiff retrieved for me earlier.

21 Thank you.

22 BY MR. JONES:

23 Q Now, briefly, Willie, I'm going to ask you to step
24 down from the witness stand. And when you do, you heard
25 the Judge ask you to speak up earlier. You're going to

1 have to speak up louder, because you won't be speaking
2 into a microphone. Okay.

3 A Yes, sir.

4 THE COURT: Y'all are going to need to switch places
5 so he's talking towards the court reporter.

6 MR. JONES: Yes, Your Honor.

7 BY MR. JONES:

8 Q Okay. Now, does this diagram represent what you
9 looked at in Defendant's Exhibit No. 1 that I showed you
10 earlier, this Defendant's Exhibit No. 1?

11 A Yes, sir.

12 Q The same things that are depicted on this diagram are
13 on Defendant's Exhibit No. 1, as far as you can tell.
14 Take a look at it. Take your time.

15 A It's the same.

16 Q All right. Now, I was asking you if each of the
17 children had their own bedroom?

18 A Yes, sir.

19 Q Do you have a nickname for your daughter?

20 A I named her mookey [phonetic]. Because when she was
21 born, she was a little premature. And she was like a
22 little mook-mook [phonetic], small.

23 Q All right. Well, I want you to, first of all, show
24 the jury, if you recognize on this diagram, where J.K. 's
25 bedroom was. Put a "J" on his bed, if you would, for

1 J.K. .

2 A (Witness complied.)

3 Q That's his bedroom there?

4 A That's his bedroom.

5 Q And how do you enter that bedroom? Show the jury on
6 this diagram. Just point with your finger.

7 A You come down the hallway here. And right here,
8 you're in his bedroom.

9 Q Now, I want you to point out where your daughter's
10 bedroom was. And since her name is Ja.K. , I want you to
11 put an "M" for mookey. You say "mookey"?

12 A Yes, sir.

13 Q Okay. Put an "M."

14 A (Witness complied.)

15 Q That's right next to it; correct?

16 A Correct.

17 Q And then I want you, if you can, to show the jury
18 where you and Natasha stayed when you were living there at

19 . Where was your bedroom?

20 A Right here.

21 Q All right. Put "W" and "N."

22 A I'll put it on the side.

23 Q Okay. Now, were you familiar with this house?

24 A Yes, sir.

25 Q How long did you stay there with your family from

1 February of 2010? Were you there in March of 2010?

2 A Yes, sir.

3 Q Were you there in April of 2010?

4 A Natasha got this house around about 2005 -- 2004,
5 somewhere in 2004. And so I'm well familiar with the
6 house, because, you know.

7 Q At some point in time, after she bought it, was there
8 a decision made to reconnect the burglary alarm system?

9 A Yes, sir.

10 Q And who paid for that?

11 A I was in Iraq. And Natasha called me and said she
12 woke up in the middle of the night and the back door was
13 open, which would be the door here where you go through
14 into the laundry room, this door right here.

15 Q Right here?

16 A Yeah. You go through this door. And this door, it
17 was open. So the house had a preexisting alarm system.
18 So it had what you call a three-zone system. And I just
19 had it activated. I already had IAT at Eichelberger. So
20 I just had it added onto my account. So they just added
21 it onto my account.

22 Q What -- to your knowledge, what three areas of the
23 house would be activated if they were touched off by
24 someone? How would you activate the three areas that were
25 subject to activation?

1 A You have one here on the front door. It connects
2 bottom and top. And you have another one on the wall
3 here, which is a motion sensor that would be activated.
4 If you're away and somebody comes into the house, it would
5 pick up their movement. And the other one is here. I
6 guess this represents the sliding door.

7 Q Yeah.

8 A There was another one right here that if you slide
9 back -- what we had -- the lock was broke on the sliding
10 door. So what we did is we put a stick in the trap. So
11 if you moved it, it would stop. But if you move that
12 door, it would automatically disconnect. And the top and
13 bottom would go off.

14 Q Were those the only three areas?

15 A Correct.

16 Q The front door, the sliding glass door -- in other
17 words, if you came in the back door, it wouldn't activate
18 the alarm system?

19 A No, sir, not to my knowledge.

20 Q Or if anybody tried to come in the windows, it
21 wouldn't activate the alarm system?

22 A No, sir.

23 Q Well, let me ask you to return to the stand for a
24 minute, please.

25 A Yes, sir.

1 Q Before you do, I want to ask you, during the
2 cross-examination of Mr. Whaley -- Investigator Whaley
3 with the Sheriff's Department, the Defense introduced an
4 exhibit of the back of your head. Is that an accurate
5 reflection of how your head appeared when you were
6 arrested on July the 10th -- July the 11th when that
7 photograph was taken?

8 A Yes, sir.

9 Q And Defendant's Exhibit No. 3 depicts -- what's
10 depicted in that photograph?

11 A That would be my right elbow -- no, my left.

12 Q Left elbow?

13 A Yes.

14 Q And there's an injury there to it?

15 A Yes.

16 Q Is that an accurate depiction of your left elbow when
17 you were arrested on July the 10th? And the photograph
18 was taken on July the 11th; is that correct?

19 A (Witness nodded.)

20 Q And is this another photograph of it?

21 A Yes, sir.

22 Q Now, one of the officers testified that they did a
23 search of your home at Eichelberger -- or Mattie Pearl
24 Drive?

25 A Mattie Pearl Drive.

1 Q Mattie Pearl Drive?

2 A Yeah. Eichelberger is a road. And the drive is --

3 Q And it was introduced into evidence as Defendant's
4 Exhibit No. 5?

5 MS. MUNSON: May it please the Court, Your Honor.
6 I'm having difficulty understanding what's going on with
7 his back to me.

8 BY MR. JONES:

9 Q Well, stand over this away --

10 THE COURT: Why don't you stand over there, and
11 you'll have a view of what's being said. Or there's a
12 chair you can sit in.

13 BY MR. JONES:

14 Q Is this a photograph of one of the bedrooms at
15 Eichelberger -- I mean, at Mattie Pearl Drive?

16 A Yes, sir.

17 Q It is?

18 A That's the front room.

19 Q Is that the bedroom where you slept?

20 A Right. Correct.

21 Q Where you slept?

22 A (There was no response.)

23 Q How many bedrooms did you have in the house?

24 A It had four bedrooms, but I made it into three. So
25 that's when you come through the front, that's the first

1 bedroom, and there's another one. There's a wall here and
2 there's another one on the backside.

3 Q Okay. Well, what was in that bedroom, to the best of
4 your recollection?

5 A The bed was right here. And then you can't see the
6 rest of it. This is the window here with the curtain. On
7 the other side, I had an entertainment system with a
8 television.

9 Q At some point in time, did you move your bed out of
10 that room?

11 A Yes, sir. What I was going to do is I was going to
12 remodel the bedroom, take up the carpet, repaint the
13 walls. And, actually, I was going to paint it pink with
14 yellow scribbling. Because I was going to make it for my
15 daughter.

16 Q But when this -- when they went in there and searched
17 this room, were you living in it at that time?

18 A No, sir.

19 Q I'm going to ask you to return to the stand, please,
20 just for a moment.

21 A (Witness complied.)

22 Q Willie, what I want to ask you is, during February of
23 2010, describe to the jury what was going on with Natasha
24 and you and the family. What was the relationship like?

25 A When I first got home back from Iraq and I was

1 staying at Idlewild, the first month, it was -- because of
2 the -- being overseas, you've got like an eight-hour time
3 zone. Say, right now, it's 2:30 here, it's about 10:30 at
4 night or 10:20 at night in Iraq.

5 So my sleeping habits had to adjust. So I slept
6 through the day. And I was up like at night until I
7 started adjusting.

8 Q How long did it take you to adjust, approximately?

9 A Probably about a little over a month.

10 Q Okay. So in March, tell the jury the relationship
11 that you had with your children and your wife while living
12 at .?

13 A The relationship was pretty good, even though I had
14 problems, you know, sleeping, as far as, you know, because
15 of the environment over there. It was a hostile
16 environment. Then being back on the -- state side, it's
17 not -- and I managed to make -- first, I focused on my
18 daughter. Because she really looked at me as a stranger
19 sometimes. She would wake up and like push her hand back
20 from me until I would have to fondle with her, change her
21 diaper, whatever, and, you know, slowly gradually make her
22 get to know me.

23 And J.K. , he -- you know, as usual, me and him just
24 got along fine. And Natasha, she said she had to get used
25 to me being back, you know. A lot of things had changed.

1 The house was rearranged. So we had to get used to just a
2 number of things.

3 Q Well, you told us that from 1984 until this year,
4 2010, approximately 26 years, you had been working pretty
5 steady finding a job wherever you could, whatever it was,
6 seeking the best paying job you could; correct?

7 A Correct.

8 Q But, at this point in time, were you working?

9 A No, sir.

10 Q Did you take on some responsibilities at the home so
11 Natasha could go to school and work?

12 A My bank account, at the time, it looked pretty good.
13 Because I did a lot of saving, you know, while I was over
14 there. I like pinched pennies a lot.

15 Q So what were you doing at home when you were there,
16 just trying to adjust still and --

17 A I was adjusting. And, basically, I took on the
18 duties of being a husband. I had took on more
19 responsibilities with the kids.

20 And, basically, I was giving Natasha a break from the
21 load. She had been doing everything without me being
22 there. And she had what you call a singing career that
23 she desired. So that gave her room to start focusing on
24 her career, singing career.

25 Q All right. Well, let me take you into April of the

1 same year, 2010. What was going on between y'all then, if
2 anything, different?

3 A In April, she was getting close to graduation at
4 Greenville Technical College. And so she was like doing
5 her -- what do I say -- intern or something where she
6 would, actually, do something in her curriculum. And she
7 would put in like four hours.

8 So once she would get off of work, she came home,
9 fixed a meal, and then she would leave. And I had the
10 kids, J.K. and Ja.K. . And, you know, I did the
11 regular duties of, you know, cleaning up and all that,
12 just helping out.

13 And during that time, things started happening,
14 things started happening with me, you know. I started
15 having nightmares, waking up, flashbacks, and stuff like
16 that. So I didn't know exactly what was going on.

17 So my first step was on Tuesday nights, I started
18 going to some VA meetings back down here in Laurens. They
19 meet on Tuesday and Thursday. I was going on Tuesdays
20 meeting with a lot of VA veterans that had been in
21 different wars listening to everybody telling their
22 problems and stuff, interacting. And then the counselor
23 that was teaching the course, he recommended me to see an
24 advocator from Columbia, which come to the One Stop Center
25 in Clinton.

1 So I made an appointment to see him. And he came --
2 I really can't say what day it was. But he came and met
3 with me. And he gave me an application to fill out to try
4 to get into the VA. And off the bat, I was disqualified.
5 Because they went by the prior year and what you made.
6 Even though I wasn't working at the time, they was going
7 by what I made last year. And so it disqualified me. And
8 so he was working with me on another avenue to try to get
9 into the VA.

10 Q Did you get in in April or May?

11 A No, sir. What happened was I had to get my
12 military -- all of my military background from Columbia,
13 the medical records, all my service records. And so that
14 was taking a lot of time. I didn't have no insurance.

15 So what I did, I went to social security disability
16 and tried to take that avenue, fill out the -- it was like
17 a 16-page form asking all kinds of questions. And I tried
18 to get in that way just to get some assistance so I could
19 start seeking some professional help. And I did make a
20 doctor's appointment to go to my family doctor. Because
21 my CDL license was coming to renewal -- renewal. And I,
22 also, had to get a physical done.

23 So I met with my family doctor. And she did an
24 examination on me. And we discussed each step. I had
25 told her I was returning from Iraq. So we discussed each

1 step in filling out the form.

2 Q All right. So you were proceeding towards trying to
3 get some disability for your problems that you were having
4 adjusting; is that correct?

5 A Correct. Because I left it out, but I tried to go
6 back to work. I was working at this -- I went to one of
7 these job placement places, a temp service, or whatever.
8 And, anyway, immediately -- I filled out my application.
9 And they immediately offered me a job. I accepted the
10 job. It was in Mauldin being an assembler assembling
11 hydraulic hoses.

12 So I started the job. And I worked like three weeks.
13 But I had problems doing all the steps required to
14 assemble the hose. So they let me go.

15 Q Well, let me ask you, Willie, to tell the jury then,
16 in May, how was your relationship with Natasha? How was
17 it developing? And were there any changes in your living
18 conditions and relationship in May of 2010?

19 A May of 2010?

20 Q Yes.

21 A In May of 2010, Natasha, she would get off work. And
22 she was going to doing her assessments, four hours. I
23 think she was working at Safe Harbor. And when she would
24 get off, she was going and doing open mic stand-ups at a
25 club.

1 So she, actually, was coming in 1:00, 2:00, sometimes
2 3:00 in the morning. And so, you know, I would be up
3 because I can't sleep. And so in May of 2010, an incident
4 happened. I was asleep. And I woke up. I heard some
5 noise outside. I thought, you know, somebody was trying
6 to break in.

7 So there was two weapons kept in the house. One in
8 the -- I had to put them up high because of the kids. One
9 was kept in the closet, and one would be in the vehicles.
10 And so I had got the weapon from the closet, and I went to
11 the door. And it was Natasha coming in on the cell phone,
12 coming into the door.

13 So when she came in, I scared her, you know. She got
14 frightened, or something. And she had already been
15 complaining about me, you know, getting up walking through
16 the house at night, stuff like that. And so she felt
17 like -- she was like, something ain't right with you.
18 And, you know, I kind of felt like things wasn't right
19 with me either.

20 And so through May, we continued going on, but things
21 got -- we got distant for some reason. We got distant.
22 And so I came home one day. She got off work. And I
23 think it was around about May the 20th then. We had
24 another little incident, you know. We was going through
25 problems like any other married couple, I guess, probably

1 to a little more extreme.

2 So I decided to start spending more time back in Gray
3 Court, you know. I kind of went back and spent a little
4 time in Gray Court.

5 Q Well, that's May 20th. So, say, between May 20th and
6 June 20th, approximately, how much time would you spend a
7 week in Gray Court, and how much time would you spend a
8 week at Idlewild in Greenville?

9 A See, what was happening was my daughter, she asked
10 about me a lot. So Natasha would call me and let me talk
11 to her. And she would be asking me where I'm at. Daddy,
12 why ain't you here? Because I used to take her to the
13 park and all that all the time. And I was trying to
14 explain to her that daddy needed a little time to adjust.

15 And so I tried to be there. Mostly, I came on
16 Tuesdays and Thursdays when Natasha would do her
17 assessments, like 5:00 to 9:00 at night. And then what
18 happened with that, she kept -- she -- instead of coming
19 home, she would go to these clubs and whatever they do,
20 rap competitions, and all that. So it wasn't making it
21 better.

22 Q So how did you feel about that?

23 A Well, I didn't feel good about, you know, her being
24 out that late. And the type of clubs she was going to,
25 you know, they -- like some of them are not in the best

1 parts of Greenville. And then coming home late, you know,
2 because of the kids -- you know, kids need attention. So
3 it caused a problem between us, if that's what you're
4 asking.

5 Q But -- and so you -- did you spend less time there at
6 Idlewild as a result of that or what in June?

7 A Yes, I did. Because what happened is in Gray Court,
8 it's more secluded, you know. Because I'm so far off the
9 road and the surroundings, I can like think better and
10 just feel like I ain't got that much pressure on my
11 shoulder, that much weight on my shoulder.

12 So I started spending more time in Gray Court. And
13 then I started doing little activities to keep myself busy
14 since I wasn't working. I started doing stuff to the
15 place, the house, painting. And I was going back and
16 forth getting stuff. And my brother would come down and
17 help me and stuff like that as much as he can -- well, me
18 helping him as much as he can.

19 Q Did you own a motorcycle?

20 A Yes, sir.

21 Q And did you ride it some during this time?

22 A Yes. I started back riding my motorcycle, because I
23 felt like maybe it would help. Because I loosened up and
24 started doing things that I enjoyed, kind of like trying
25 to relax myself, basically, is what I'm saying.

1 So I started riding with my friends. And what I
2 started doing, I started pulling it to Greenville into
3 like a grocery store parking lot, you know, unloading it,
4 and then riding around Greenville and going to different
5 clubhouses.

6 Q Well, let me ask you this, Willie. During the latter
7 part of June and early part of July, were you still seeing
8 your children, your daughter, and J.K. ?

9 A Yes. At times, I was.

10 Q Were you still having conversations with Natasha?

11 A We got a lot of distance between us, but we still was
12 conversating [sic]. What happened was I started letting
13 my niece get my daughter a lot, you know. Because I was
14 giving her space. We felt like we needed space. So I was
15 giving her space. She was giving me space.

16 So my niece, Kendra, would pick up my daughter. And
17 then I'd come up and see my daughter over at her house, or
18 over at her sister's house.

19 Q As far as you understood at that point in time in
20 late June and the early part of July, were you seeing
21 anybody else?

22 A Well, I was going -- on the weekends, I was riding to
23 different clubs and, you know, shows, and stuff. And,
24 unfortunately, at bike rallies, everything does come with
25 it. And so I started like -- I don't want to say

1 mingling, but just having casual conversations.

2 Q Well, would it be fair to characterize your and
3 Natasha's relationship at that point in time that you were
4 going your way and she was going hers, and you were trying
5 to take care of the kids the best you could?

6 A Yes, sir.

7 Q And, at some point in July, did you -- late June or
8 July, did you get a notice that she was serving you with a
9 notice for some sort of order to come into court?

10 A Yes, sir.

11 Q Okay.

12 A It was kind of odd. Because, you know, I was being
13 up there sometimes to get that type of order served on me
14 to go to court for a restraining order. And then I think
15 she was asking for child support, too.

16 Q How did that make you feel?

17 A At first, I was upset about it. I called Natasha and
18 asked her what was this, what's going on? And she
19 explained to me because of my behavior since I've been
20 home, she kind of feared me. And she felt like that, you
21 know, at this point in time, we need to take this route.
22 We need -- this is what needs to take place.

23 Q What was your response to that conversation that you
24 had with her?

25 A Like I said, I was, at first, upset about it. Then I

1 understood. I was like okay with it. Because I had
2 started back riding my motorcycle and going out. And I
3 felt that, okay, we should try this, maybe we should
4 explore another avenue. And maybe then we'll come to a
5 decision where we're going to continue our marriage or
6 not.

7 Q So did you meet somebody else in late June, early
8 July?

9 A Yes, sir. It was on a Sunday. I was up in
10 Greenville riding my motorcycle. And I was at -- there's
11 so many different motorcycles clubs. I think I was at the
12 Matrix, or something. I was hanging out there. I had met
13 some friends from high school up there that I was talking
14 with. And there was a lot of people out in the yard
15 there, grilling out, playing music. And we was just
16 eating and looking at one another's motorcycles, things
17 that guys do.

18 And I noticed this young lady -- well, she was about
19 my age, so I guess you wouldn't call her young. And I
20 approached her, and I talked to her. And we exchanged
21 numbers. And she said she was with her sister, aunts,
22 friends. So I let her go back to doing what she was
23 doing. I went back to doing what I was doing. Then the
24 next day, I called her. I didn't get her. I left a
25 message. She called me back. And then we just went from

1 there.

2 Q All right. So you had met somebody else?

3 A Yes, sir.

4 Q And you, essentially, had moved out of the Idlewild
5 home pretty much. I mean, you hadn't -- did you have
6 anything at the house that was yours that was there?

7 A I still had some clothing. And I had some, you know,
8 cologne and probably some necklaces, something like that,
9 nothing major.

10 Q Well, what about the guns? Where were the guns?

11 A As far as I know, the one gun was still up in the
12 closet. And the other gun, Natasha was taking it in her
13 purse when she would go out at night. Because she said
14 sometimes she goes to clubs, and guys are kind of like
15 strange, so.

16 Q Do you remember what kind of gun was up in the
17 closet? Do you remember what it looked like?

18 A Could you show me the picture, or do you have a
19 picture?

20 Q Well, the State has introduced it into evidence. I
21 think there's a photograph of it. It's a black -- been
22 testified to as a 9mm.

23 A I remember it. That's the one that was kept in the
24 closet up high.

25 Q And what did the gun look like that she carried in

1 her pocketbook?

2 A The other one was a small revolver, what you would
3 call a fire shot .38 Special.

4 Q Okay. Now, where had that gun come from?

5 A That gun, initially, came from -- back in 2007, I
6 think it was around Father's Day, I think Natasha had gave
7 me that gun for a Father's Day present.

8 Q So you gave it back to her?

9 A When I -- yeah, this was in 2007. So when I went
10 back to Iraq, I gave her that gun. I gave her that gun
11 back to keep. That's when she started carrying it.

12 Q Did you have any guns in your home on Mattie Pearl on
13 Eichelberger?

14 A I had a shotgun that was stolen and that was,
15 basically, it. Because back in my yard, it was just like
16 a forest with rabbits, deer, you name it. People would
17 drop wild dogs off. So, basically, I used it to run off
18 wild dogs.

19 Q Well, I asked you to tell me about Defendant's
20 Exhibit No. 5 that was introduced that the officers came
21 to your home out at Mattie Pearl, and you showed me that
22 night stand. And then the Defense introduced another
23 exhibit, Defendant's Exhibit No. 6, that depicts some
24 bullets on the floor underneath that night stand. Is that
25 in that spare bedroom at Mattie Pearl Drive?

1 A Yes, sir. This is the bedroom that I was cleaning
2 up, going to take up the carpet, paint, and everything.
3 And what's here -- you can't see it. It's a jewelry box.
4 It's a jewelry box back here, and a lot of a part of the
5 mail that I kept underneath the stand. And like I think
6 that's a title to a four-wheeler that I rode. And I kept
7 this up under the table.

8 Because what happened when I got broke into, the
9 house got broke into, the person that broke into it walked
10 through with candles searching everything. Candle wax was
11 all over the house. So that was more like a hiding spot,
12 too.

13 And the bullets probably was in the -- there was a
14 box of bullets. All the way to the back, there was
15 supposed to be a box with some 12 gauge shotgun shells.
16 And then here, there was a bag with bullets in it. And
17 the weapon was kept in there before I left to go back
18 overseas.

19 Q All right. So when you returned the weapon to her,
20 there were some bullets that belonged to it you think,
21 possibly?

22 A Possibly.

23 Q You didn't have any other weapons in the house?

24 A No other weapons.

25 Q In 2010, were there any weapons at Mattie Pearl

1 Avenue?

2 A No, sir.

3 Q I was asking you about meeting somebody else, and you
4 said you did. Did you have occasion to see her on July of
5 2009 -- July the 9th of 2010?

6 A Yes, sir. I was down in Gray Court that day -- well,
7 actually, that -- well, I was down for the weekend. I was
8 staying in Gray Court. And I was down there because, you
9 know, I hadn't been in the house, 2005, 2010. And what
10 happened was the walls had mildewed, and all that. So I
11 was down there with bleach and stuff cleaning. I worked
12 in the house all day. Let's put it like that.

13 And Cynthia called me and asked me what I was doing.
14 And I told her, you know, I was doing housework. And she
15 asked me when I was planning on coming to Greenville. And
16 I told her I wasn't planning on coming to Greenville. And
17 so she asked me to come. And I told her I would think
18 about it.

19 So I called her back later on, or she called me back
20 one. Yeah, she called me back and told me where she was
21 located at, and asked me when I was coming. And I told
22 her, okay, I would come on. It was late. It was probably
23 like 10:30. And I got dressed as fast as I could. And I
24 got to Greenville about 12:00, somewhere in there. And
25 she was at a clubhouse called Chosen Few.

1 Q How were you dressed when you met her that night?

2 A I was planning on going somewhere else, hopefully.

3 So I was dressed casually. I had on some casual shoes.

4 And I had on some green -- kind of military-like pants.

5 They was military colored. And I had like a three-button

6 neck shirt, pull over, three buttons with the collar.

7 Q And did you meet with her?

8 A Yes, I did.

9 Q And what all did y'all do?

10 A Basically, out there, they be [sic] in there playing

11 music, dancing, cooking, selling food, drinking. We,

12 basically, stayed out in the yard. Because I had,

13 actually, had some beer in the cooler in the trunk of the

14 car. And I think they went in and got some other types of

15 drinks. But we, basically, stood outside. We stayed

16 there about an hour and a half.

17 Q Then what did you do?

18 A She decided that she wanted to go to another place.

19 And so she wanted me to follow her back to her house -- or

20 apartment, which I didn't know where it was located. So I

21 followed her. And I think we went on White Horse Road to

22 some apartments over there by some truck riders -- truck

23 center somewhere over there.

24 Q All right. Well, let me ask you this. This is July

25 the 9th, the late night hours of July 9th. When was the

1 last time you remember that you had talked to Natasha?

2 A I called Natasha that morning -- well, actually, it
3 was afternoon. It was like 2:00. And I called her
4 wanting to speak to my daughter. Because I was supposed
5 to have been getting her that Saturday, and she told me
6 she was asleep. And I asked her what she was doing. She
7 said she had company. She had some friend girls over,
8 that she was going to call me back.

9 And so time went by. I called her again around 5:00
10 that afternoon. And I asked if Ja.K. was up. And she
11 said she was still asleep. And it was kind of funny that
12 she would be still asleep. Because she's a night owl.
13 She usually goes to bed late and wakes up around 2:00.
14 And I told her, okay, then just call me when she wakes up.

15 And I went back to doing what I was doing. And
16 that's when later on, Cynthia had called and we started
17 conversating [sic] back and forth. And I decided to come
18 to Greenville to meet her.

19 Q So you had talked with Natasha, and then you met with
20 Cynthia. Cynthia is one of the witnesses that came in and
21 testified earlier this week; is that correct?

22 A Yes, sir.

23 Q That's who you were meeting and socially seeing;
24 right?

25 A Right.

1 Q Right?

2 A Yes, sir..

3 Q Okay. And how late did you stay out with her? And
4 what happened on this date?

5 A Okay. When I met -- I followed Cynthia over back to
6 her apartment. She got out. She was going to get in the
7 car with me, and her aunt got in the car. And she spilled
8 a drink in the backseat of my car. So she had to go in
9 the house and get a towel and bring it back and clean it
10 up.

11 So once we cleaned up the mixed drink, she got in the
12 car with us. And we left. And she gave me directions on
13 how to get to another club that probably was a mile from
14 her house -- from her apartment.

15 Q Did you go there? What did you do?

16 A We went there. It was a little clubhouse behind a
17 house. You know, it ain't really my type of place to go,
18 but I went along since I was driving. We pulled up. We
19 got out and went in. And we sat down. I ordered a drink.
20 And I got up and went to the restroom.

21 When I came back, her and her aunt had some drinks.
22 They got up and left. I guess they went to another part
23 of the -- because they had like a little patio out there
24 where you could sit or whatever, part of the little
25 clubhouse. The bartender came to me giving me a tab to

1 pay for some drinks. And I was asking him where did these
2 drinks come from. And he told me the lady that --

3 MS. MUNSON: Objection, Your Honor. Hearsay.

4 THE COURT: Sustained, hearsay.

5 I'm going to interrupt --

6 BY MR. JONES:

7 Q You can't testify to what the bartender told you --

8 THE COURT: I'm going to interrupt you for one
9 second.

10 Ladies and gentlemen, you've been sitting for quite a
11 considerable amount of time. I'm going to give you a
12 brief restroom break. During the break, please, do not
13 discuss the case. And, please, leave your note pads in
14 your seats.

15 (WHEREUPON, the jury was excused from open court at
16 approximately 2:48 p.m.)

17 THE COURT: We'll be at ease.

18 (WHEREUPON, a break was taken.)

19 THE COURT: Is the State ready to proceed?

20 MS. MUNSON: Yes, Your Honor.

21 THE COURT: Is the Defense ready to proceed?

22 MR. JONES: Yes, Your Honor.

23 THE COURT: Please bring in the jury.

24 (WHEREUPON, the jury came into open court at
25 approximately 3:06 p.m.)

1 THE COURT: You may proceed when you're ready.

2 MR. JONES: Thank you, Your Honor.

3 THE COURT: You're welcome.

4 MR. JONES: May it please the Court.

5 CONTINUED DIRECT EXAMINATION

6 BY MR. JONES:

7 Q Willie, we were talking about -- I was asking you a
8 question about being out with -- what's her name again?

9 A Cynthia Booker.

10 Q Cynthia Booker. And you were -- you said that you,
11 and she, and her aunt had gone to a club. And then you
12 had paid for some drinks. And I want to know -- and they
13 went outside.

14 What I was going to ask you next is, at some point in
15 time during that evening, did you try to tell them you
16 were ready to go, ready to leave, or what?

17 A Yes, sir.

18 Q And were they ready to go?

19 A They didn't give me no indication that they were
20 ready to go. Actually, some more -- two or three more
21 girls come in, and they said they was her cousins and
22 stuff. And so they left the table where I was sitting and
23 went and sat with them.

24 Q Do you remember about what time that was?

25 A I really wasn't paying attention to the time. But I

1 know it was late. I would say probably about 3:00.

2 Q Now, this was on a Friday night?

3 A Yes, sir.

4 Q All right. And you were to get your daughter the
5 next morning, Ja.K. ?

6 A Yes, sir.

7 Q All right. So when you decided to leave there,
8 describe, you know, kind of how you left, and what you
9 decided to do.

10 A They didn't give me no indication that they was ready
11 to leave. So I assumed that -- I got up and asked them
12 were they ready to go. They really didn't answer me. So
13 I assumed they was going to ride back with their cousins.

14 So I, actually, went to the car. And I sat out there
15 for a minute. And I had checked my messages on my cell
16 phone. And then I started up the car and backed up, and I
17 left.

18 Q Did you peel out of there?

19 A I wouldn't say that. Because my car has 22-inch rims
20 on it and the rubber on the rims like that -- on 22-inch
21 rims, the rubber is real small. And the tire in the
22 middle has got like kind of like a crater in it. So on
23 gravel, it will easily spin.

24 Q Were you on gravel?

25 A Yeah. It was behind a house that had gravel in the

1 yard.

2 Q When you left, were you upset about anything?

3 A Not really.

4 Q Well, what do you mean by "not really"?

5 A I mean, I was disappointed more than anything about
6 how the night went. Because I could have been spending my
7 time at a better place.

8 Q Okay. Well, where did you go?

9 A When I left from the -- I guess that was the Matrix
10 clubhouse. I went back up on White Horse Road and took a
11 right. And there was another motorcycle clubhouse right
12 across the bridge over 85 across from a McDonald's. I
13 went over there.

14 And I always carry -- I parked back in -- there's a
15 lot of tree area back there. I parked back there. And I
16 always keep a backpack, military backpack in my car with a
17 change of clothes. So I took off my dress shoes and
18 changed out.

19 Q Into what?

20 A I had -- actually, in the back, I had a pair of
21 Wrangler blue jeans, a pair of Nike shoes. And I took my
22 shirt off, because I had a beige military T-shirt on. And
23 I, also, had my leather jacket with my colors on it
24 representing my bike club. I put it on. That's what all
25 the motorcycle guys wear.

1 Q So you put that on to go into that club?

2 A Right, to fit in.

3 Q Well, what was the weather like that night, like the
4 early morning hours of July the 10th?

5 A It was humid. It was humid like.

6 Q How long did you stay at this club?

7 A That club normally close at 5:00. And I think I left
8 right around about 4:15, 4:30.

9 Q Where were you headed?

10 A When I left the club, it was late. I checked my
11 phone to see if I had any messages. And so I called
12 Natasha's cell phone. I didn't get her. And I called the
13 house phone. It never did ring. So I didn't know if
14 anybody was there or not.

15 So, instead of driving 50 miles back to Gray Court, I
16 had my key to the place. So I said I was going to ride
17 over there. So I drove back down White Horse Road. And I
18 went down by Donaldson and went toward the house.

19 Q Did you get to the house?

20 A Yes, sir.

21 Q And when you got there, what did you see at the
22 house?

23 A When I pulled up, there was an SUV in the yard, a
24 vehicle I had never seen before that had North Carolina
25 plates. I didn't see Natasha's car at all in the yard.

1 Q Did you think anything about the vehicle with North
2 Carolina plates? Did you know what it was, or who it was?

3 A Well, the only person I could think that would be
4 driving a vehicle with North Carolina plates that I know
5 that would be over at the house would be her sister. I
6 think her name is Crystal.

7 Q Where did you park your car?

8 A I parked directly behind that SUV. I left a little
9 space where I could walk in between and walk up the
10 sidewalk.

11 Q And what car were you driving again?

12 A A Chrysler 300.

13 Q I want to hand you State's Exhibit No. 12, and ask
14 you if you can recognize what's depicted in that
15 photograph?

16 A The vehicle?

17 Q Well, just the whole -- what is depicted in there?
18 Tell me what you see in the photograph.

19 A Okay. I see an SUV in the front.

20 Q In the front of what?

21 A The house.

22 Q What house?

23 A The house on where me and my wife did
24 reside.

25 Q Okay. And you parked behind that vehicle?

1 A Yes, sir, right behind it.

2 Q And I want to ask you --

3 MR. JONES: Your Honor, I'd ask for a brief
4 opportunity to publish this photograph to the jury.

5 THE COURT: On the Elmo?

6 MR. JONES: I'm old school. I don't know how --

7 THE COURT: You closed it.

8 MS. MUNSON: I closed it?

9 THE COURT: Yes.

10 (Pause.)

11 MS. MUNSON: Here you go. Fabulous.

12 BY MR. JONES:

13 Q Can you point with your finger where you parked, and
14 where the vehicle that you noticed with the North Carolina
15 tags was? Just kind of stand up and point with your
16 finger, if you would, please.

17 A Okay. I parked directly behind this vehicle with the
18 North Carolina plates on it. Like I said, I pulled up and
19 had enough room where I could get out and walk between the
20 vehicle and walk up the side here.

21 Q And where did you go?

22 A I walked up to the side here in between -- there's a
23 little space where you come up. And the house is on a
24 foundation. So you could walk -- the sidewalk and the
25 porch are flush. There's no step up. So I walked up here

1 and went to the door, which is here.

2 Q Right there on the other side of that tree?

3 A Right. It's right behind the tree.

4 MR. JONES: That's the only testimony I need that
5 for.

6 Thank you, ma'am.

7 MS. MUNSON: All right.

8 MR. JONES: Thank you.

9 BY MR. JONES:

10 Q Now, you walked to the front door. I want you to
11 tell the jury what you did while you were at the front
12 door of the home at Idlewild?

13 A At first, I attempted to open up the storm door.
14 When I tried to open the storm door, it was locked. The
15 only way you can lock the storm door is from the inside.
16 So I wasn't able to use my key. Because I couldn't get
17 the storm door open and be able to unlock the door.

18 Q So what do you recall happening? What do you recall
19 going on during that period of time?

20 A Okay. So I started knocking on the door. I probably
21 knocked three to five minutes knocking on the door. And,
22 as I was standing there, I heard the dogs barking. And
23 the dogs bark when you pull up. And, usually, when you
24 turn the car off, they normally stop barking. But I
25 didn't know whether it was my knocking or what. When I'm

1 knocking on the door, the dogs are getting louder and
2 louder.

3 Q Where were the dogs?

4 A The dogs are around the back of the house.

5 Q Okay.

6 A And so I turned to walk off the porch. I see the
7 curtain move. And once I see the curtain move, I stopped
8 to turn facing the house in the window to kind of peep in
9 through the curtain, peep in through the window. As I did
10 that, I heard -- it was in the grass -- it was on the
11 grass there, maybe hit the concrete. I hear some noise.

12 And so I turned. When I turned, I see a guy, an
13 individual approaching me. And they pulled out a weapon
14 and pointed it at me and said --

15 Q Hold on a minute. Hold on a minute. Let me -- go
16 ahead. What was said? Go ahead. I'm sorry. Tell the
17 jury what was said.

18 MS. MUNSON: Objection, hearsay.

19 THE COURT: Approach.

20 (WHEREUPON, a bench conference was held.)

21 THE COURT: Approach once more time for me, please.

22 MR. JONES: Yes.

23 (WHEREUPON, a bench conference was held.)

24 THE COURT: Mr. Foreman, and, ladies and gentlemen, I
25 have a brief matter of law I need to take up. Please

1 don't discuss the case. And, please, leave your note pads
2 in your seats.

3 (WHEREUPON, the jury was excused from open court at
4 approximately 3:21 p.m.)

5 THE COURT: You may continue with your questions of
6 the witness.

7 MR. JONES: Yes.

8 DIRECT EXAMINATION

9 BY MR. JONES:

10 Q Willie, I interrupted you when you were about to say,
11 as you were standing there on the front porch, you heard
12 somebody in the grass. You said they walked to the
13 concrete, and then were headed towards your direction.
14 You saw it was a man. And you were about to testify that
15 the man said something to you. What was it that the man
16 said to you?

17 A He said, I, finally, get to meet the man whose money
18 I've been spending.

19 Q And did you say anything back?

20 A No. I did not say anything back. Because, I mean,
21 there was a gun pointed right at me.

22 MR. JONES: Well, Your Honor, I would then next go
23 into the questioning about what occurred with regard to
24 Willie's reaction to the gun pointed at him, what
25 happened.

1 THE COURT: Does that involve any statements?

2 MR. JONES: No.

3 THE COURT: He can testify that a gun was pointed at
4 him. But the words that were spoken are not really
5 relevant to state of mind. I thought he was going to
6 say -- originally, he was going to say something about --
7 I thought it was something that was provocation. And I'm
8 not hearing that.

9 MR. JONES: Well, you know, in Willie's mind, it kind
10 of could have been -- I mean, he would have to testify to
11 it.

12 THE COURT: Well, words, no matter how -- don't
13 justify self-defense. It would have to be something that
14 is life threatening. You just taunting me is not enough
15 for self-defense. And that would be in the nature of a
16 taunt, if I were to take it in the light most favorable as
17 you're advancing it.

18 MR. JONES: Yes, Your Honor.

19 THE COURT: But I don't think it falls within the
20 exception.

21 MR. JONES: He's, also, testifying that the declarant
22 had a gun pointed at him.

23 THE COURT: Well, he can testify to that. But the
24 words do not rise to the level of provocation. So that
25 would be excluded. But he can testify that someone

1 pointed a gun at him.

2 Get the jury back in.

3 (WHEREUPON, the jury came into open court at
4 approximately 3:24 p.m.)

5 THE COURT: You may proceed.

6 MR. JONES: May it please the Court, Your Honor.

7 THE COURT: Yes, sir.

8 CONTINUED DIRECT EXAMINATION

9 BY MR. JONES:

10 Q Willie, I don't want you to testify what the man you
11 saw said to you at that point in time. What I want you to
12 do is come down here, please, and demonstrate to me and
13 the jury, using me as the man and you positioned
14 approximately where you were. Come down here.

15 A (Witness complied.)

16 Q And I want you to come around as you were before,
17 please. And I want you to point for the jury on this
18 diagram that represents Defendant's Exhibit No. 1, the
19 house at Idlewild. And I want you to stand back so we can
20 see this. And I want you to get a good look at it before
21 you point anywhere.

22 Where is the porch that you were referring to that
23 you were standing on knocking on the front door? Put an
24 "X" where you started out that night knocking on the front
25 door.

1 A Okay. This is the porch here. And you go up here --

2 MS. MUNSON: May it please the Court, Your Honor.

3 I'm so sorry. This is blocking the view of the last
4 four jurors back there.

5 MR. JONES: Well --

6 MS. MUNSON: I know they would want to see it.

7 THE WITNESS: Can I move up here?

8 BY MR. JONES:

9 Q That would be fine.

10 A Like I said, I came between the cars, walked up here,
11 came up on the porch. And right here is the front door.

12 Q Put a mark right there. Put an "X" where you were
13 standing when you were knocking.

14 A It was about right here.

15 Q Okay. And, as you knocked, you say you noticed
16 something in the curtains. Where were the curtains
17 located?

18 A Okay. Once I was here and I was knocking, like I
19 said, I heard the dog barking and getting louder and
20 louder. I turned and I walked here. And once I got here,
21 I seen the curtains move.

22 Q Draw a line from that point to where you are right
23 now with that marker.

24 A From here, and I get right in here.

25 Q Okay.

1 A Because the curtains are like three curtains
2 together.

3 Q Yeah.

4 A They're like panel curtains, one, two, three. And
5 the curtains moved right in here. This curtain right
6 here, and right in here.

7 Q Okay. And what happened? What did you see? What
8 did you do?

9 A It was dark. And, you know, usually, up here,
10 there's a motion light that will come on that will shine
11 on all this front area here. But since the light was off,
12 there's no street light. So it was dark.

13 So I go here to the corner and try to look in here.
14 That's at the end where the curtain slides to the back,
15 about right there. And it was dark. So I couldn't see
16 anything at the end right here.

17 So this end of the porch, I turned right here. And
18 that's when I see an individual come here. It's in view
19 here. They come up to me like that, walk up to me kind of
20 fast like. And we face about right in here.

21 Q Okay. Now, not saying what he said, but what did he
22 do when you saw him coming toward you? Don't say what he
23 said.

24 A He pointed a weapon at me.

25 Q What kind of weapon?

1 A It appeared to be a handgun.

2 Q All right. I want -- now, you're -- if the jury is
3 on the inside of Idlewild in the living room looking out
4 the window, you were standing outside on the porch facing
5 me, being the person approaching you; correct?

6 A Correct.

7 Q I want you to demonstrate. Put the pen down. And as
8 he comes forward, did he have a right hand, left hand --
9 what hand did he have with the gun?

10 A It was in the right hand.

11 Q He had it out like this?

12 A Right.

13 Q All right. For purposes of demonstration, assume
14 that I'm the person, the man coming towards you with it.
15 I want you to demonstrate for the jury what you did, if
16 anything.

17 A Come up to me. I can't say what he said. So that's
18 the -- right here. So -- and I just react, self-defense
19 like. I took self-defense, so I react. And by control
20 movement of self-defense, you're going to grab here, which
21 you're going to grab in here, and put pressure to keep
22 from doing a squeeze. And then you're going to come here
23 in a control movement like that, and then like that.

24 Q And then what happened?

25 A Then the gun went off, pow.

1 Q And what happened next?

2 A After that, he went back and hit -- right here's the
3 railing on the porch. And then went -- then we went --

4 Q What?

5 A Wrestling back, like that there. And then we moved
6 like that, boom, and fell and hit the window.

7 Q The both of you?

8 A Yeah. We went -- well, you know, one is going to go
9 in before the other one. Because you're going to kind of
10 fall and go like that.

11 Q Yeah. And you went in?

12 A Uh-huh.

13 Q All right. Show me what window you went through with
14 the pen.

15 A Right here.

16 Q All right. And into that room?

17 A Yeah. I fell into the room right here.

18 Q And what happened after that?

19 A There was a scuffle here. And I think right here,
20 this is the table that -- I hit this table. And it
21 collapsed and fell out through here in the struggle right
22 here.

23 Q What were you doing at that point in time? And what
24 was he doing?

25 A We was struggling. He got away from me here. I

1 think the weapon fell out here, but he got back control of
2 it.

3 So what I have to do here --

4 Q Do you want to demonstrate? I'll be him. Was he
5 facing you, or did he have his back to you?

6 A He had his back to me. I have to do -- I mean, when
7 you're wrestling with a person and you've got a weapon,
8 you can't hold them like that. Because you're wasting all
9 your energy on them. So I had to push him around like
10 that, scuffling like that.

11 Q Is that what you did?

12 A Yeah.

13 Q Well, what route did you go? And where did you end
14 up?

15 A We scuffled right in here and went this way, down
16 that way here, all in here. And I remember hitting --
17 something hurt -- I had a lot of pain right here on my
18 elbow. I hit something here going down the hallway here,
19 scuffling here. And we get to the end of the hallway.
20 Right here is the entrance to the door -- well, I'm going
21 to do that there. The door entrance is here.

22 Now, right here, I was sliding loose right here.
23 Because the scuffling is kind of like you're trying to get
24 somebody off your back. You kind of go this way right
25 here like this when he was turning around right here.

1 Q You're in the bedroom, in J.K. 's bedroom?

2 A Right there at the doorway.

3 Q All right.

4 A Right here. At the doorway right here.

5 Q And you're saying he got twisted around and was

6 facing you again?

7 A Right, trying to turn, yeah.

8 Q Okay.

9 A I'm going to turn you around. I don't want to hurt

10 you. Right here -- so I can't move here, because what's

11 going to happen is the door is here. So I did like that

12 there, and then here.

13 Q Uh-huh.

14 A And then that's when the gun went off, pow, pow, pow.

15 Q And what happened when the gun went off, pow, pow,

16 pow?

17 A He went to the floor. And when he went to the floor,

18 the gun was laying down on the floor. There was no

19 movement period there. And then it was dark in the house.

20 I looked around.

21 Q Did you see anybody in the bedroom?

22 A I didn't see nobody in the bedroom.

23 Q You didn't see J.K. ?

24 A I didn't see J.K.

25 Q Ja. K. ?

1 A I went back where my daughter's bedroom was at.

2 Q Show me where you went.

3 A Here. I came down here. My drawing is crazy. I
4 went back up here. Ja.K. 's room is right here. That's
5 her room. She wasn't in there.

6 I went back up here coming back out up the hallway.
7 And that's when I seen something over here laying by the
8 window here. I rushed over here. And I know that it's
9 Natasha here. I'm qualified to do CPR. So I dropped down
10 here to check her pulse. I didn't get no pulse.

11 So I see blood everywhere. And tears came to my
12 eyes. And that's when I started having an anxiety attack
13 right here.

14 Q Well, what did you think? I mean, what was going
15 through your mind as you were there and you found her, and
16 you left him laying in the floor?

17 A I was like, oh, my God, you know, everything was
18 going through my mind, you know. I just got confused. I
19 just like was flipping out here. I didn't know what to
20 do. Two people was in the house down. And I don't know
21 what to do.

22 I looked -- her cell phone was over here. I looked.
23 I see 911 on the face of it. And so I flipped out. I
24 didn't know what to do. And so I left. I don't know what
25 that is right there.

1 Q Just show us which way you left, where you went?

2 A There's a little crack through the couch. And this
3 right here is the entrance out the door, out the back.
4 And I went here. The door was unlocked. Because I
5 remembered -- it's a dead bolt. You've got two here and
6 here. And I went out here and went around here. I was
7 confused, crying, shaking. And I went back to my car
8 right here and got in my car.

9 Q All right. I'm going to ask you to return to the
10 stand now.

11 A (Witness complied.)

12 Q You got in your car?

13 A (Witness nodded.)

14 Q What did you do?

15 A I got in my car. I sat there trying to get it
16 together. And I started it up. I backed out and I left.

17 Q Why?

18 A Because I didn't know what to do. I was confused.
19 Like I said, I was having an anxiety attack. I was crying
20 and I didn't know what to do.

21 Q How do you feel about leaving now?

22 A How do I feel like what?

23 Q How do you feel about having left now?

24 A That's the worst mistake I made, I mean, leaving.

25 Q Where did you go?

1 A When I left, I went back down the street and went --
2 because, you know, there's like three different ways you
3 can come into Idlewild. I went back down and went back
4 up. And it took me back on to Antioch Church Road.

5 Q Where were you planning to go when you left? Did you
6 know where you were headed?

7 A I was just driving. And I went down Antioch. And I
8 got on to Forest Road, which I took a right and went down
9 Forest Road, which takes you down to -- it takes you down
10 to the toll road back out to Mauldin. And it leads you
11 back into Mauldin and back to 385.

12 Q Was it daylight?

13 A No. It was still dark. It was like kind of getting
14 light.

15 Q Where did you go? And who was the first person you
16 remember seeing?

17 A Well, I drove back down to Gray Court. And I got
18 into Gray Court. And I went into Laurens by -- I went
19 into Gray Court back towards the house. And when I got to
20 the house, I pulled up in the yard. I sat there. I
21 didn't know what to do. There wasn't nobody out. It
22 still was like getting light. So I didn't know what to
23 do.

24 And I sat there for a minute thinking, thinking,
25 thinking. And I got into -- I got out of the car. I was

1 walking around in the yard pacing back and forth trying to
2 get it together. My -- I was walking back and forth
3 pacing trying to get it together. And I got into my car.
4 The gas light was on. And I got into the Tahoe. And I
5 went down towards Laurens.

6 Q Were you trying to hide from anybody? Were you
7 trying to run from anybody?

8 A No.

9 MS. MUNSON: Objection, leading.

10 THE COURT: Sustained.

11 BY MR. JONES:

12 Q What was your intention when you got in the Tahoe?
13 Where were you going?

14 A Actually, I went down towards Laurens. There's a
15 back part of Laurens back there where they race cars. And
16 there's a race track back there. There's a VFW, and
17 there's a church over there. The church is over there
18 where my mom is buried at. I went over there to the
19 church, sat there at the church out there in the church
20 yard trying to get it together. I got -- then it dawned
21 on me about my kids. I was like, where my kids at?

22 And so I left and went back up to Gray Court on back
23 out to get back on 385. And I drove back up to
24 Greenville. And I went by -- trying to find where Teresa
25 Boyle lives at. That's who normally has the kids. I know

1 she lived in a trailer park back over there, but I
2 couldn't find out exactly where it was at.

3 So I rode around. There was like three or four
4 different trailer parks back there. And I couldn't
5 find -- I was looking for her Tahoe, brown Tahoe in the
6 yard. I didn't see it. So I came back out and this -- it
7 takes you back out to Bank of America over there where
8 Eckerd Drugs is at. It's vacant over there. I pulled up
9 right there and sat there. I wasn't too far back -- I was
10 right there by Donaldson on the backside of it. And I
11 wasn't too far from Idlewild.

12 Q Did you drive by Idlewild?

13 A Yeah. I drove back over there. I was sitting for a
14 while. And when I drove back over there -- because I'm
15 trying to think where else can the kids be at. But when I
16 pulled up, there was police officers and everything out
17 there.

18 So I turned -- I didn't turn to go back up. I was
19 like a street below and I turned and went back down. And
20 I went down to Fountain Inn to a relative's house. And I
21 told them, you know, what had -- you know, I was in a
22 situation and I didn't know what to do, and stuff.

23 And so I went back to -- I don't know who all -- I
24 don't know who all had called. But that's when my phone
25 started ringing, you know. At first, I wouldn't answer my

1 phone at all. And then I answered it.

2 Q Let me ask you this --

3 MR. JONES: And before I do, Your Honor, I'd like
4 to -- at this point, there's a State's Exhibit in, he
5 demonstrated on this one. I'd like to offer this diagram
6 into evidence for demonstration purposes.

7 MS. MUNSON: We object, Your Honor.

8 THE COURT: It was used for demonstrative purposes.
9 You already have one. It's cumulative. Sustained.

10 BY MR. JONES:

11 Q All right. Go ahead and return to telling me where
12 you went, and where you were when you got back into Gray
13 Court. You were getting phone calls; is that correct?

14 A Uh-huh. I talked to one of my brothers. My next to
15 the oldest brother had called me. And he asked me what
16 was going on. And I told him that I was in a struggle.
17 And that the guy that I struggled with was shot and he was
18 dead. And my wife was dead.

19 Q Were you having any feelings about that? I mean,
20 what was going through your mind? Explain to the jury
21 what was going on in Willie Marvin Williams' mind, and
22 what you were doing at that point in time.

23 A At the time, in my mind, like I said, I was having an
24 anxiety attack. And it was just everything going through
25 my mind. I didn't know what to do. So I started riding

1 around, just riding around. And, like I say, everybody
2 was calling my phone, family members. And --

3 Q Do you remember stopping and speaking to a friend of
4 yours at some point in time during that part of the day?

5 A Yes, I did. I ended up going back down to Gray
6 Court -- well, back to Laurens -- like up the street is
7 Laurens. And then you go down a few and it's Gray Court.
8 That's how close it is. And I went over to a friend's
9 house. While I was going down there --

10 Q What's the friend's name?

11 A Mr. Irby.

12 Q What's the first name?

13 A Tracy.

14 Q Did you speak to him?

15 A As I was going down, he was coming up. And I think
16 when I was coming down, he was coming up. But there was
17 another vehicle in front of him, which they went to the
18 side and kept going. And he asked me what was going on.
19 And I told him, Man, I messed up, you know. I felt like,
20 you know, at the time, everything was -- you know, with my
21 actions that, you know, it was like some of it was my
22 fault.

23 Q Why?

24 A Because if I wouldn't have came there that night, I
25 wouldn't have got into the altercation and things -- if I

1 just would have went on home and came back the next day --
2 and then he tried to get me to cut the vehicle off and get
3 out. But I backed up and sped out and left.

4 And I went back down Boyd Road. It took me back to
5 76, back towards Laurens. And I parked back down in
6 Laurens in a little spot where I was trying to get it
7 together. And that's when I got a call from my --

8 Q Well, let -- did you get more calls? And did anybody
9 talk you into trying to get back home?

10 A Yeah.

11 Q Did you try to get back home?

12 A People was calling telling me that the police --

13 MS. MUNSON: Objection, Your Honor. Hearsay.

14 THE COURT: Sustained, hearsay.

15 BY MR. JONES:

16 Q As a result of the calls you were receiving, what did
17 you decide to do?

18 A I decided to come back to Gray Court to Eichelberger
19 to Mattie Pearl Drive where my house is at.

20 Q And who did you understand was there, also? Who else
21 was there?

22 A I know family members was there, and some police
23 officers were there.

24 Q And that's where you were going?

25 A That's where I was headed.

1 Q At that point in time, did you notice whether you
2 were being followed by any police?

3 A I was not.

4 Q And so what direction were you headed at that point
5 in time, from where to -- headed to where?

6 A I was on 76 coming out of Laurens. And I turned off
7 and went on a road track and got on -- Nontrene [phonetic]
8 Drive, something like that. I exited back off to Boyd
9 Road. And I went down Boyd Road. And I went into the
10 curve. And I seen a Laurens County sheriff's deputy
11 sitting in the curve.

12 Q What did you do?

13 A I went on past and went on down. And then he --
14 well, the car pulled off and got behind me and followed me
15 at a distance and turned on his lights, activated his
16 lights. And I kept going on down. Because I was like a
17 road over from being to the house.

18 So I kept going on down. And I went to Boyd Road
19 leading back to Trinity Church Road. I turned and took a
20 left back on Eichelberger with the police officer still
21 following me, and I think another one. I see two cars
22 behind me now. They was up on me, so I kept a distance.

23 So when I was ready to slow down and turn into my
24 driveway, there was some police cars at the end of the
25 road keeping me from turning back into my driveway. So I

1 kept going down and went to the end of the road. I took a
2 right back on 76. I went up and took another right. And
3 there's some church road, Reagan Church Road, I think is
4 the name of it. And it takes you the back way back into
5 the town of Gray Court.

6 And I got back in the town of Gray Court and took
7 another right and got back on 76. I went back down toward
8 Gray Court and turned back on Trinity Church Road to take
9 me back to my house. And I was on my way back down the
10 road, Trinity Church Road, back to the house.

11 And that's when the police had put out stop sticks.
12 And I hit them. And I kept going. The tire went out, but
13 I kept going. And I was trying to turn back onto
14 Eichelberger. But I guess I was going too fast and missed
15 the turn.

16 I went all the way back out to 76 and took a left
17 like you're going back to the City of Laurens. And I was
18 going to turn back down on another road to take me back
19 into a circle, back towards the house again. But a
20 Laurens City police car had that road blocked. And there
21 wasn't no more turns back to my house. And it pushed me
22 down into the City of Laurens.

23 And once I got down in the City of Laurens and into
24 congested traffic, I got into town. I think I went up a
25 one way and took a left back, which was going to start

1 taking me back up out of town back to my house. But once
2 I started down that road, the city police had blocked the
3 road standing behind their cars with their guns
4 drawn [sic].

5 So I turned up into a parking lot. And once I turned
6 into the parking lot, that's when something came from
7 behind me and hit me real hard and knocked me up onto a
8 bank. And I went into the bank and got hit again. And it
9 pushed me up into a grass area there. I got hit again.
10 And that's when my vehicle came to a stop.

11 And I sat there for a minute. And I seen -- in my
12 rearview mirror, I seen the police coming up to the back
13 of the vehicle with their guns drawn. And there was a
14 knife in the dash drawer of the vehicle. I pulled it out.
15 And I was suicidal. I decided I didn't want to live any
16 more.

17 So I took the knife and stuck it into my chest. And
18 as it was going in, I passed out. And then everything was
19 kind of blurry. I knowed [sic] that I was on the ground.
20 And I felt my arms going behind my back. And I guess
21 that's when they was handcuffing me.

22 MR. JONES: Your Honor, could I have the
23 demonstrative evidence marked for identification as a
24 Court's Exhibit?

25 THE COURT: ID.

1 (WHEREUPON, Court's Exhibit No. 1 was marked for
2 identification and admitted into evidence.)

3 MR. JONES: I beg the Court's indulgence for a
4 moment.

5 (Pause.)

6 MR. JONES: Willie, answer any questions Ms. Munson,
7 the Prosecutor, has for you.

8 THE WITNESS: Yes, sir.

9 THE COURT: You may proceed.

10 MS. MUNSON: Thank you, Your Honor.

11 THE COURT: You're welcome.

12 CROSS-EXAMINATION

13 BY MS. MUNSON:

14 Q Do you need a drink of water, Mr. Williams?

15 A Yes, please.

16 THE COURT: He's pouring it for him.

17 BY MS. MUNSON:

18 Q Mr. Williams, after all this happened, you said you
19 went to the place where your mother is buried?

20 A Yes, ma'am.

21 Q Did you spend some time there?

22 A Yes, ma'am.

23 Q Do you think your mother would want you to tell the
24 truth today?

25 A Yes, ma'am. She was a religious person.

1 Q This gun right here --

2 A Yes, ma'am.

3 Q -- you say you're sure this is the gun that was in
4 the house in the closet? You're sure of that?

5 A Yes. It stays up in the closet.

6 Q And Natasha has had it for a long time?

7 A When I met her, she had that gun.

8 Q Back in 2004?

9 A Yes, ma'am.

10 Q You're sure of that?

11 A Yes, ma'am.

12 Q All right. You knew that the police were after you
13 in Laurens; right? At some point, you figured that out?

14 A Yes, ma'am.

15 Q And I believe that you said -- correct me if I'm
16 wrong. But I believe you said that when you, initially,
17 noticed them that you were pretty close to your house, or
18 a road or two --

19 A Yes. I was like a road over.

20 Q But you didn't stop?

21 A No, ma'am.

22 Q And do you dispute the fact that you led them on a
23 26-mile chase? Do you dispute that?

24 A No, ma'am.

25 Q And that, at points, you got up to 100 miles an hour?

1 A I really -- well, actually, a Tahoe would not run 100
2 and something miles. It will go up to 85 and cut back.

3 Q Well, do you think you were going 85?

4 A I probably have [sic] because, you know --

5 Q During the chase?

6 A Yes, ma'am.

7 Q Now, Mr. Williams, would it surprise you to know that
8 Natasha Kerns bought this gun --

9 MR. JONES: Objection, Your Honor. She can't lay a
10 foundation. She doesn't know anything about when she
11 bought the gun.

12 MS. MUNSON: I just asked him if it would surprise
13 him if he knew --

14 THE COURT: No speaking objections.

15 MR. WARDER: I object to what would surprise him --

16 THE COURT: One at a time.

17 Since you asked the questions, you get to object.

18 (WHEREUPON, a bench conference was held.)

19 THE COURT: Proceed.

20 MS. MUNSON: Thank you, Your Honor.

21 THE COURT: The objection is overruled.

22 BY MS. MUNSON:

23 Q Mr. Williams, would it surprise you to know that
24 Natasha bought that gun on September the 20th of 2008?

25 A I mean --

1 Q Does that surprise you?

2 A Yes. It surprises me. Because like when -- may I
3 answer?

4 Q Absolutely.

5 A When I met her, she had -- it was a 9mm gun.

6 Q Okay.

7 A I don't know what brand it was, but it was a 9mm.

8 Q Well, after -- do you want to change your testimony?

9 A No. I do not want to change my testimony.

10 Q So your testimony is still that that's the gun that
11 Natasha had when you met her? That's still your
12 testimony?

13 A If it's a different gun, it looks just like the one
14 she had.

15 Q Is your testimony still that that's the gun Natasha
16 had when you met her?

17 A Yes.

18 Q Okay. You told Mr. Jones that Natasha was afraid of
19 you, did you not?

20 A Yes. She showed signs of -- I could tell the way she
21 acted, she showed signs of fear.

22 Q Okay. You said that in May of 2010 -- first of all,
23 you said in May of 2010, Natasha was working at Safe
24 Harbor?

25 A No. She was doing intern for Greenville Tech.

1 Q Okay.

2 A She was working at Greenville County Special Needs.

3 Q Okay. Do you know what Safe Harbor is?

4 A I think it's where battered women go, or something
5 like that.

6 Q You told Mr. Jones that -- there was one incident
7 where you scared her with a handgun in the house?

8 A Yes, ma'am.

9 Q And then you told him there was another little
10 incident in May?

11 A Yes, ma'am.

12 Q What was that little incident?

13 A Natasha, she was kind of upset about the first
14 incident about she come in the door at night and that I
15 came to the door, and I had a weapon in my hand.

16 Q Okay.

17 A So when I came home one afternoon -- like when she
18 got off work, I usually tried to be there before she get
19 there to try to cook a little something. But she came in.

20 And she started talking about that incident, you
21 know. And she was like, well, I don't know if I can --
22 the basis is she don't know if she can trust to be around
23 me. And I was explaining to her, well, you know, I just
24 came home. You know where I've been, you know. I'm going
25 through some stuff. I'm trying to work it out and trying

1 to get help.

2 Q So the second little incident that you described to
3 Mr. Jones as worse than the first incident was just an
4 argument?

5 A No. Because I think May the 20th was when she called
6 911.

7 Q She called 911 on May the 20th?

8 A Somewhere in there.

9 Q For what? Because she was afraid of you?

10 A Well, what had happened, we got in an argument and
11 she had a knife. And she called 911 and told them that I
12 was threatening her, or something like --

13 Q Okay --

14 MR. JONES: Let him finish answering, Your Honor --

15 MS. MUNSON: He can answer --

16 THE COURT: I don't want y'all talking to one
17 another.

18 MR. JONES: I was talking to Your Honor.

19 THE COURT: Except in the form of a question.

20 Sir, answer your questions "yes" or "no." And then
21 you can explain your answer.

22 Are you completed with your answer?

23 THE WITNESS: I just wanted to explain.

24 THE COURT: You may explain.

25 THE WITNESS: Thank you, Your Honor.

1 She called 911. And as she was talking on the phone
2 to 911 operators, she was telling them that I had
3 threatened her. And the 911 operator asked her where she
4 was at. And she said that she was in the house. And the
5 911 operator was saying -- I could hear all this. She had
6 it on speaker phone. She asked her can she get away from
7 me. And she say, yes.

8 And the 911 operator said, If he threatened you, why
9 are you still in the house?

10 So the sheriff's deputy arrived. And I was out back
11 getting a few of my things and putting them into my
12 vehicle and loading up my motorcycle. I was just going to
13 leave. And when he pulled up and called me to the front
14 of the house, when I came around the front of the house,
15 Natasha had throwed [sic] all my stuff out in the front
16 yard, throwed [sic] my computer out and crashed it, and a
17 lot of stuff.

18 And the officer said, Ma'am, it seems like you've got
19 the problem.

20 And so he told -- he asked me --

21 THE COURT: Sir, you can't -- although you can
22 explain your answer, you can't say what someone else said.
23 You can say what you did as a result of the incident.

24 THE WITNESS: Okay. As a result of the incident --
25 so it got kind of bad. Me being married, it's both our

1 place. So I didn't have to leave. But I volunteered to
2 leave, because I didn't want no problems.

3 BY MS. MUNSON:

4 Q Okay. Are you finished?

5 A Yes, ma'am.

6 Q On July [sic] the 25th, did you go back to the house
7 on Idlewild --

8 A Yes.

9 Q -- and did you tell Natasha -- did you take a gun
10 from the house on July -- June 25th, 2010?

11 A No, ma'am.

12 Q Okay. Did you tell Natasha that if you could not be
13 with her that no one could, and that you were going to
14 kill yourself?

15 A No, ma'am.

16 Q Okay. And it's your testimony that you did not take
17 the gun from the house on the 25th?

18 A No, ma'am.

19 Q Okay. When you were out with Ms. Booker on your
20 date, did you accuse her of flirting with people?

21 A Not really. I mean, I pulled up and she was talking
22 to another guy. I mean, actually, she knowed [sic] I was
23 coming, you know. To be lady like, she wouldn't do that,
24 you know. I wouldn't do that. And I just made a gesture
25 like, oh, you're flirting, you know.

1 Q Okay. Did you describe Natasha to her as real
2 jealous?

3 A Yes, I did. Because what happened is it's kind of --
4 when I met -- since I met Natasha at a bike rally, every
5 time I go to a bike rally, she thinks that's what I'm
6 doing, meeting another woman, so.

7 Q The training that you received in the military where
8 you were describing for Mr. Jones how you would go into
9 houses and learn how to clear them and take care of
10 everything, did that training include leaving behind a
11 dead woman and an injured man?

12 MR. JONES: Objection, Your Honor.

13 THE COURT: Basis?

14 MR. JONES: It's inflammatory. It's not probative.

15 THE COURT: Rephrase.

16 MS. MUNSON: I'll just leave that one, Your Honor.

17 BY MS. MUNSON:

18 Q You told Mr. Jones that -- well, maybe I
19 interpreted -- you told Mr. Jones you were making a good
20 bit of money and sending it all -- sending a lot of it
21 back to Natasha; is that right?

22 A Yes, ma'am.

23 Q Did that bother you, that you were having to keep her
24 up?

25 A No, it did not. She was my wife.

1 Q Well, when she told you she was pregnant, you asked
2 for a pregnancy test; didn't you -- a paternity test?

3 A Yes, I did.

4 Q Because you didn't believe her?

5 A It wasn't that. But, you know, like I said, we had
6 kind of a -- we wasn't married at the time. We had kind
7 of like an open relationship.

8 Q So you didn't believe her?

9 A Well, basically --

10 Q You thought she was lying?

11 A If I'm going to support a child, I want to know,
12 being a man, if it's mine.

13 Q Okay.

14 A That's just --

15 Q Okay. You described for the jury that you had access
16 to gymnasiums. And were there some other amenities
17 overseas where you were?

18 A Yes, ma'am. We had the best gymnasiums and stuff,
19 better than the states over there.

20 Q That's pretty good. Did you have any access to
21 televisions, or movie theaters, or anything like that?

22 A We had movie theaters.

23 Q Okay. Did they allow you have to have any alcohol
24 over there?

25 A Rule number one, no alcohol, no sex --

1 Q All right. When you first came upon officers --
2 well, let me ask you this. When you left the Idlewild
3 house, you knew Natasha was dead; correct?

4 A Correct.

5 Q You knew that Mr. Wilson was injured?

6 A I thought he was dead.

7 Q Well, you knew he tried to kill you; right?

8 A Yes, ma'am.

9 Q Don't you think he was trying to kill you?

10 A Most definitely.

11 Q You didn't even call for help. You didn't call 911,
12 did you?

13 A Ma'am, I stated to Mr. Jones that when I went over
14 to -- that the phone already had 911 lit up on the face.

15 Q So you thought somebody was already coming?

16 A Yes, ma'am.

17 Q But you had been almost -- somebody tried to kill
18 you. You didn't want to wait around and tell the cops
19 about that, did you?

20 A I mean, I got confused. I had an anxiety attack. I
21 flipped out.

22 Q When did you stop being confused and flipping out?

23 A Actually, I got myself together when my brother --
24 when I, finally, answered the phone and talked to him.

25 Q Okay. Did you talk to your brother before or after

1 the 26-mile chase, or during?

2 A Before the chase -- before the chase began --

3 Q Before?

4 A -- I was on the way back to the house. That's when
5 the chase started.

6 Q So you were together and clear headed then?

7 A Right.

8 Q But you still didn't stop for the police?

9 A Because I wanted to turn into my -- I've got a bunch
10 of patrol cars following me. I wanted to turn into my
11 drive -- because I'm a mile away from my house -- and pull
12 into my yard and get out.

13 Q Okay. So there's no question at all that you went
14 over to the Idlewild house on the -- in the early morning
15 hours of July the 10th, 2010. That was your Chrysler in
16 the driveway?

17 A Yes, ma'am.

18 Q So J.K. did see your car there?

19 MR. JONES: Your Honor, I have a matter for the
20 Court.

21 THE COURT: That would be pitting for you to ask him
22 to comment on the veracity of another witnesses testimony.

23 MS. MUNSON: That's not at all what I intended.

24 BY MS. MUNSON:

25 Q So it was your car there?

1 A Yes, ma'am. I admitted that.

2 Q And you went to the window?

3 A No. I went to the front door first.

4 Q You went to the front door and tried to get in?

5 A Right. I tried to open up the screen so I could use
6 my key to enter the -- our dwelling.

7 Q Without having talked to Natasha first?

8 A I mean, I didn't see her car. I didn't think she
9 was -- as far as -- I didn't know she was there until I,
10 actually, come back up the hallway and seen something
11 lying on --

12 Q You tried to get into the house at almost 5:00 in the
13 morning without talking to her first?

14 A I mean, why would I talk to her? It was our house.

15 Q Did you or did you not try to get into the house at
16 about 5:00 in the morning without talking to her first?

17 A Can I answer your question?

18 THE COURT: Sir, you need to answer the question
19 "yes" or "no." And then you may explain your answer.

20 THE WITNESS: Thank you, Your Honor.

21 Yes.

22 BY MS. MUNSON:

23 Q And then you wanted to explain?

24 A Right. I mean, me and Natasha was husband and wife.
25 There was no legal separation, no restraining order, or

1 nothing. So that was my house, too. I had the right. I
2 paid bills there and was paying bills there at the time.
3 So I had a right to come and go as I please.

4 Q All right. Now, you did get served with a notice of
5 a court hearing; correct?

6 A Yes, ma'am.

7 Q And you were due in Greenville County Family Court on
8 July the 13th of 2010; correct?

9 A Yes, ma'am.

10 Q Because Natasha was seeking an order of protection
11 against you, was she not?

12 A Yes, ma'am.

13 Q And she wanted child support?

14 A Yes, ma'am. She was asking for child support.

15 Q That just really rubbed you the wrong way, didn't it?

16 A No.

17 Q It didn't bother you at all?

18 A I've been taking care of my -- Natasha and the kids
19 for almost three years while I was in Iraq. So it
20 wouldn't bother me at all to keep --

21 Q Natasha and the kids?

22 A Yeah, J.K. and Ja.K.

23 Q Okay.

24 THE WITNESS: May I finish answering the question,
25 Your Honor?

1 So it wouldn't bother me at all to keep paying child
2 support. It's my child. I don't have no [sic] problem
3 with that, period. I take care of my own.

4 MS. MUNSON: I beg the Court's indulgence.

5 (Pause.)

6 BY MS. MUNSON:

7 Q From where did -- first of all, do you know who this
8 guy was? Had you ever seen him before?

9 A I had never seen him before.

10 Q Have you ever seen him since?

11 A No, ma'am.

12 Q You didn't see him in the courtroom?

13 A Oh, yes. I seen him yesterday in the courtroom.

14 Q So who was it?

15 A By his testimony asking his name, he said he was
16 Anthony Wilson.

17 Q So Anthony Wilson is the guy that assaulted you?

18 A Yes, ma'am.

19 Q From where did he come?

20 A Actually, out of nowhere. But it appeared from
21 somewhere from the side of the house.

22 Q So if you're standing at the front door of the house,
23 try the door, did he come to your left or did he come -- I
24 shouldn't say "to." Did he come from your left, or did he
25 come from your right?

- 1 A Facing the house, it would be the left.
- 2 Q So he just appeared?
- 3 A He came from that way there, yeah.
- 4 Q Did you hear him saying any -- did you hear him doing
- 5 anything? No warning at all?
- 6 A No warning at all.
- 7 Q All right. When the first shot went off, you were
- 8 outside the house?
- 9 A Yes, ma'am.
- 10 Q Did you hear anything other than the gunshot?
- 11 A Kind of like -- it was so close. It was just a pow.
- 12 Because it rang my ears.
- 13 Q Okay. Did you hear Natasha tell you to get off her
- 14 porch before the gunshot?
- 15 A No, ma'am.
- 16 Q You did not hear Natasha tell you that?
- 17 A No, ma'am.
- 18 Q Okay. But you did see her move the curtains?
- 19 A I seen the curtain move.
- 20 Q That's all you saw?
- 21 A A movement of the curtain. And I went to look.
- 22 Q All right. When you looked, did you see anything on
- 23 the inside?
- 24 A No, ma'am. It was dark.
- 25 Q All right. Now --

1 A May I add to that?

2 Q That's up to the Court.

3 THE COURT: Yes, sir, you may.

4 THE WITNESS: That was quite unusual. Because,
5 usually, when you walk up on the porch, it's a
6 motion-detected light that will come on automatic.
7 Actually, if you pull into the driveway, a motion-detector
8 light will come on.

9 Also, out there by the drive, there's another light
10 that you can turn on from the house. And then right by
11 the door, there's two left lights on each side of the
12 door. Normally, somebody comes to the house knocking.
13 That would be the first thing we would do is turn the
14 lights on.

15 BY MS. MUNSON:

16 Q So you didn't see the light come on?

17 A No, ma'am.

18 Q You thought that was odd. During April of 2010, when
19 you told Mr. Jones that you were beginning to have
20 flashbacks -- and I mean no disrespect, I just need to go
21 into that a little bit.

22 A Okay.

23 Q Flashbacks of what?

24 A Events that took place over in Iraq.

25 Q That you were part of?

1 A Yes.

2 Q Were you, actually, in military service at the time?

3 A We lived at the same camp with the military. So any
4 time hostile fire came in, we're subject to the same
5 thing.

6 Q I'll bet. Did -- were you assigned like the military
7 equipment that they wear, like the helmets and flat
8 jackets?

9 A We wore the same thing, helmets and flat jackets.

10 Q You did?

11 A Yes, ma'am.

12 Q When you went out to check on equipment, were you
13 armed?

14 A Yeah. We have to wear our battle gear.

15 Q Okay.

16 A Not armed, by just -- and vest.

17 Q For protection?

18 A For security.

19 Q And was it in July of 2010 that you went to your
20 doctor for a physical because your CDL was running out?

21 A Yes, ma'am.

22 Q And how did you do on the physical?

23 A I had a little problem with my eyesight. And we
24 got -- it's a question that was asked about stress, so.

25 Q Are you okay?

1 A Yeah. I'm okay. There was a few questions you got
2 to ask, you know. And my -- as far as my doctor
3 determined, you know, she said -- actually, she
4 recommended me to see a psychiatrist.

5 Q Okay.

6 A She wouldn't finish my...

7 Q Oh, I thought you weren't finished. She wouldn't
8 finish your?

9 A She wouldn't sign all the way off of it. She wanted
10 me to get that and, also, get my eyes checked.

11 Q I understand. Now, the night you had your date with
12 Cynthia Booker, it's your testimony that you were supposed
13 to go and get your daughter the next morning?

14 A Yes, ma'am.

15 Q Okay. And you told Mr. Jones that you had some beer
16 in a cooler when you were with Ms. Booker?

17 A Yes, ma'am.

18 Q In the car?

19 A Yeah, in the trunk.

20 Q And you drank some, I mean, just going out drinking
21 some?

22 A Yeah.

23 Q How much did you have to drink?

24 A I would not drink over five beers, because I know I
25 would not pass a sobriety test. And me having a CDL, I

1 will not risk my CDL by being drunk.

2 Q Safety first. Those 22-inch rims you talked about
3 that are on your Chrysler, are they expensive?

4 A Yes, ma'am.

5 Q Are the cars expensive that you have?

6 A Yes, ma'am.

7 Q Now, you told Mr. Jones that you were not trying to
8 run from the -- you were not trying to hide anything from
9 law enforcement; is that correct?

10 MR. JONES: Actually, I asked the question, she
11 objected, and you sustained the objection, Your Honor.

12 THE COURT: It was on leading, but you rephrased it.
13 It wasn't on the subject matter of the question, but the
14 way it was phrased.

15 MR. JONES: Yes, Your Honor.

16 THE COURT: And I haven't heard the whole question.

17 BY MS. MUNSON:

18 Q Did you tell Mr. Jones on direct that when you went
19 back to Laurens and got into the Tahoe, you weren't trying
20 to hide from law enforcement, you weren't trying to do
21 anything wrong?

22 A That's correct.

23 Q Okay. Now, where did you put the Chrysler?

24 A I put the Chrysler in the garage. That's where I
25 usually keep it at.

1 Q And in order to put the Chrysler in the garage, did
2 you have to move something else?

3 A I already had a spot for it. I mean, I got
4 everything set where I can just pull right in.

5 (WHEREUPON, State's Exhibit Nos. 60 and 61 were marked
6 for identification only.)

7 BY MS. MUNSON:

8 Q Now, when you got back to your home and you parked
9 the Chrysler, to your knowledge, did anybody go to your
10 house and mess around with any of your stuff, move your
11 cars, or anything like that?

12 A Not to my knowledge did anybody move anything.

13 Q I really asked that badly. What I'm asking you is,
14 once you parked the Chrysler where you parked it, did it
15 move at all after you left?

16 A It did not.

17 Q Okay. Let me show you what's been marked as State's
18 Exhibit Nos. 60 and 61. Do you recognize this?

19 A Yes, ma'am.

20 Q Is this your Chrysler in State's Exhibit Nos. 60 and
21 61?

22 A Yes, ma'am.

23 Q And is that where you left it when you got in the
24 Tahoe and took off?

25 A Yes, ma'am.

1 MS. MUNSON: Your Honor, I move State's Exhibit Nos.
2 60 and 61 into evidence.

3 THE COURT: Please show them to counsel.

4 Any objection to the documents -- pictures, rather?

5 MR. JONES: Well, Judge, she's asked him about it --

6 THE COURT: No speaking objections.

7 MR. JONES: All right. May we approach the bench?

8 THE COURT: Yes.

9 (WHEREUPON, a bench conference was held.)

10 THE COURT: Overruled. Sufficient foundation was
11 laid for admissibility.

12 MS. MUNSON: Yes, ma'am, Your Honor.

13 (WHEREUPON, State's Exhibit Nos. 60 and 61 were
14 admitted into evidence.)

15 THE COURT: You may proceed.

16 BY MS. MUNSON:

17 Q Mr. Williams, this is State's Exhibit No. 61. You
18 just looked at it earlier; correct? Is that what we just
19 looked at up there, me and you?

20 A You asking me?

21 Q Yes, sir.

22 A Yes, ma'am.

23 Q I'm putting the laser pointer -- what is this right
24 here?

25 A That's my motorcycle.

1 Q And what is this right here?

2 A This is the Chrysler 300.

3 Q And that's where you parked it?

4 A Yes, ma'am.

5 Q And, now, State's Exhibit No. 60. And what is this
6 right here?

7 A That's the Chrysler 300.

8 Q And that's your Chrysler 300; correct?

9 A Yes, ma'am.

10 Q And that's where you parked it; correct?

11 A Yes, ma'am.

12 Q Okay. Why did you think that Mr. Williams [sic] was
13 dead -- I mean, Mr. Wilson? I'm sorry. The fellow that
14 attacked you, why did you think he was dead?

15 A Because when he was laying on the floor, there wasn't
16 no movement. So I assumed it.

17 Q Okay. And you didn't see J.K. anywhere?

18 A No, ma'am.

19 Q You didn't hear him?

20 A No, ma'am.

21 Q Okay. Well, just a little bit more. I know you're
22 tired, Mr. Williams.

23 A That's okay.

24 Q The -- when was the last time you were in the
25 Idlewild house, do you remember, in relation to when

1 Natasha was killed?

2 A In relation to when she was killed?

3 Q Yeah. Was it a few days, a week, a month before she
4 was killed that you were last in that house?

5 A The last I was in that house was June -- the last
6 part of June.

7 Q Okay. Maybe the 28th?

8 A It could be. I'm not really sure of the date.

9 Q Okay. I'm showing you State's Exhibit No. 54,
10 Mr. Williams. Does this look familiar to you?

11 A I mean, the furniture does.

12 Q Okay. Is the furniture always that way, barricading
13 the front door?

14 A No, it's not.

15 Q Do you know how it got there?

16 A No, I do not.

17 Q Okay. So your testimony is that you went over to
18 Idlewild only to check on Natasha; correct?

19 A Are you talking about -- when?

20 Q On the night that she was killed.

21 A Not to check on Natasha. I went over there -- well,
22 actually, there wasn't no [sic] phone calls -- there
23 wasn't no [sic] phone calls. She didn't -- I called the
24 house phone. Nobody answered the house phone. Nobody
25 answered -- she never answered her cell phone. So I went

1 over.

2 Q Okay. Did you tell -- the .38 revolver that you were
3 talking about --

4 A I didn't finish answering the question.

5 Q I am so sorry. I'm sorry. I got distracted. Go
6 ahead.

7 A Actually, I went over to Natasha's house that night,
8 actually, to go over to keep from driving all the way back
9 to Gray Court and turning around the next day and come
10 back up the road. I was going -- if she was there, I was
11 going to, you know, knock on the door, ring the doorbell,
12 whatever. She would come to the door, then I was going to
13 stay.

14 Q Okay.

15 A But her car wasn't there. It was a vehicle I had
16 never seen before. So I did get out and went to the door
17 anyway and knocked.

18 Q Okay. So you didn't go to the front window with a
19 gun in your hand, that .38 that you got for a Father's Day
20 present. You didn't go to Natasha's window with that gun
21 in your hand?

22 A No, ma'am.

23 Q You did not shoot through the glass and shoot her in
24 the head?

25 A No, ma'am.

1 Q You didn't kick out the window and break into the
2 house?

3 A No, ma'am.

4 Q You didn't go down the hallway and shoot Mr. Wilson
5 in the head?

6 A I mean, we wrestled down the hallway. And during the
7 scuffle, the gun went off.

8 Q But you never had control of it?

9 A No, ma'am. I had control of his arms and wrists to
10 keep him from -- a self-defense hold.

11 MS. MUNSON: Thank you very much, Mr. Williams.

12 Nothing further, Your Honor.

13 THE COURT: Any redirect of the witness?

14 MR. JONES: I beg the Court's indulgence one moment,
15 Your Honor.

16 (Pause.)

17 REDIRECT EXAMINATION

18 BY MR. JONES:

19 Q You took your Chrysler and parked it in the garage.
20 Tell the jury what happened when you did that, and how
21 that took place.

22 A How it takes place is that night when I drove it, as
23 you see in the picture -- well, you seen the picture.

24 There's a riding lawn mower behind it. So I have to move
25 the riding lawn mower out of the way to back out. So the

1 riding mower stays out. But when I came back and parked
2 it, I just put the riding lawn mower back behind it and
3 closed the garage.

4 MR. JONES: Judge, I have no additional questions on
5 redirect.

6 THE COURT: Sir, you may step down.

7 Anything further from the Defense?

8 MR. JONES: Your Honor, one moment, please.

9 THE COURT: Okay.

10 (Pause.)

11 MR. JONES: Your Honor, the Defense rests.

12 THE COURT: Would counsel approach for me, please?

13 (WHEREUPON, a bench conference was held.)

14 THE COURT: Mr. Foreman, ladies and gentlemen, the
15 Defense has rested their case. There's some motions and
16 other matters I need to take up with the attorneys. It
17 will probably take us through 5:00. So we're going to
18 take advantage of this break in testimony to take our
19 evening recess. We have probably two additional witnesses
20 in the morning, after which we'll have closing arguments
21 and instruction.

22 During this break, it is absolutely essential that
23 you have no discussion about this case among yourselves or
24 with anyone else. I know it might seem simple to have a
25 conversation with someone about what you've heard. But to

1 do that is by its very nature deliberations. Because that
2 requires you to process what you've heard and to draw
3 conclusions based upon it. So, please, refrain from any
4 discussions regarding the case with anyone.

5 Please don't allow yourselves to be exposed to any
6 media coverage about this case. That includes any media
7 outlet, TV, newspaper, radio, or Internet. And, please,
8 don't do any independent research of any type on the
9 Internet.

10 We'll resume in the morning at 9:30. We're probably
11 going to have the clerk take lunch orders for you. We're
12 probably going to bring lunch in for you. I'm going to
13 sort of play that one by ear, and see how the day is
14 going. So if she comes in in the morning and asks for
15 that, be prepared to fill those forms out for her.

16 If you'll leave your note pads in your seats, we'll
17 secure them during the break. And, please, don't have any
18 contact with anyone in or about the courthouse when you
19 return in the morning.

20 Thank you all for your patience today. Have a
21 wonderful evening. If you'll go with the bailiffs for me,
22 please.

23 (WHEREUPON, the jury was excused from open court at
24 approximately 4:38 p.m.)

25 THE COURT: Okay. The Defense has rested.

1 Are there any motions?

2 MR. JONES: Not at this time, Your Honor. The
3 Defense doesn't...

4 THE COURT: Is there anything else we need to take up
5 before we adjourn for the evening from the State?

6 MS. MUNSON: No, ma'am.

7 THE COURT: From the Defense?

8 MR. JONES: No, Your Honor.

9 THE COURT: Are there any requests to instruct? I
10 would need those before we adjourn. I can give you a
11 brief summary of what I'm going to instruct. I
12 inadvertently left some things in Charleston. So I'm
13 going to have to figure out how I'm going to print in my
14 current digs. But I can tell you preliminarily what the
15 instruction will be. And then you can tell me if there's
16 anything else you want to include that is not included.
17 But we're still going to have a charge conference.

18 I'll give the jury a general instruction regarding
19 their responsibility and my responsibility, how they are
20 to judge witness credibility and believability. I'll,
21 also, give them a general instruction on how they're to
22 judge expert witness testimony. I'll give a general
23 instruction on direct and circumstantial evidence from
24 State v. Grippon. I'll give a general instruction that
25 the charge, the arrest, and the indictment are not

1 evidence, as well as on the presumption of innocence.

2 I'll give a general instruction on reasonable doubt, which
3 is Victor v. Nebraska.

4 I'll then give the elements of murder, which I think
5 we all know what those are without me having to go through
6 them. I'll then instruct on the elements of possession of
7 a weapon during the commission of or attempt to commit a
8 violent crime, which is 16-23-490. I'll then instruct the
9 elements of attempted murder, which is indictment 3239.
10 And then the elements of unlawful conduct towards a child,
11 which is 20-7-0050.

12 Based on the Defendant's testimony, although I'm
13 going to think about it a little bit overnight, I'll
14 probably instruct self-defense. And then I'll give a
15 general instruction on multiple offenses, which is that
16 the State has to prove each element of each indictment
17 beyond a reasonable doubt uninfluenced by their decision
18 on the other indictments. And they'll have to apply the
19 law separately to each offense and write a separate
20 verdict for each offense. And then I'll go over the forms
21 of the verdict. I probably may instruct identification,
22 but I need to think about that a little bit as well.

23 Is there anything that the Court has not covered that
24 would be a request for instruction from the State?

25 MS. MUNSON: No, ma'am.

1 THE COURT: From the Defense?

2 MR. JONES: Yes, Your Honor.

3 We would like the Court to consider charging this
4 jury based on the evidence that the Defense presented the
5 lesser included offense of voluntary manslaughter if the
6 jury doesn't find that malice existed. And under our
7 current law, use of a firearm is not a presumption in and
8 of itself of malice being present. And without malice --

9 THE COURT: Well, it's not -- you don't instruct it
10 where you instruct self-defense, but you still instruct it
11 where there's no self-defense. Belton didn't say that.
12 Belton just said you don't instruct it where there's a
13 defense of self-defense. You don't instruct inferred
14 malice by the use of a weapon.

15 MR. JONES: Right.

16 THE COURT: But we still instruct it where it's just
17 plain murder.

18 MR. JONES: Yes, Your Honor.

19 And we're asking that you instruct voluntary
20 manslaughter. We're, also, asking the Court to consider,
21 based on Willie Williams' testimony, a charge of
22 involuntary manslaughter and accident.

23 MS. MUNSON: I would object to all that --

24 THE COURT: I don't think accident would be
25 applicable. Accident -- you haven't presented any

1 evidence that he was lawfully in possession of the weapon.
2 And, basically, accident -- and give me a moment. I'm not
3 certain whether involuntary manslaughter would be
4 applicable. I'm almost fixed in my opinion that voluntary
5 manslaughter would be absolutely factually inapplicable.

6 Accident, in order to meet those elements, a person
7 may be excused on the defense of accident if it is shown
8 that the act was unintentional, that the Defendant was
9 acting lawfully, and that reasonable care was used by the
10 Defendant in the handling of the weapon. The usual
11 example is if a person is lawfully armed in self-defense
12 and the gun accidentally discharges.

13 MR. JONES: Yes, Your Honor.

14 THE COURT: I'll have to think about that a little
15 bit. Because there are a lot of nuances to that, one of
16 which is -- and that's why I have to think about the whole
17 defense of accident.

18 Because I don't know what the rebuttal testimony is
19 going to show. I don't know if he was lawfully on the
20 property or not. His testimony so far is that they still
21 had a shared residence. But there's conflicting testimony
22 that they had been separated and they no longer shared a
23 residence, and that she was, in fact -- I thought she
24 already had an order of protection, but it appears she did
25 not yet have one, but one had been filed. The State has

1 not called -- I don't know what documents have been filed.
2 I don't know whether an order was filed. I don't know
3 whether it was just a petition. I have no idea.

4 And I don't know whether ex parte there was some --
5 sometimes, of course, my family court background, having
6 done that for five years, sometimes, there's an ex parte
7 order that was issued in advance of the hearing. And I
8 don't know whether that, actually, happened or not. And I
9 don't know if they plan to present that in rebuttal. I
10 have no clue. I don't know who their rebuttal witnesses
11 are.

12 So I don't know if he was lawfully on the property.
13 I don't know if he was trespassing or not. I have no idea
14 at this point. So I'm going to have to wait until all the
15 evidence is in to see whether that would be applicable or
16 not.

17 MR. JONES: Thank you, Your Honor.

18 THE COURT: So I'll take it under advisement.

19 MR. JONES: All right.

20 THE COURT: All right. Is there anything else we
21 need to do before we adjourn for the evening from the
22 State?

23 MS. MUNSON: No, Your Honor.

24 THE COURT: From the Defense?

25 MR. JONES: No, Your Honor.

1 THE COURT: All right. Guys, see you in the morning
2 at 9:30.

3 (WHEREUPON, the proceedings were concluded at
4 approximately 4:51 p.m., to be reconvened on
5 Thursday, May 16, 2013.)
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1 THURSDAY, MAY 16, 2013

2 (WHEREUPON, State's Exhibit No. 62 was marked for
3 identification only.)

4 THE COURT: Is the State ready to proceed?

5 MS. MUNSON: Yes, ma'am.

6 THE COURT: Is the Defense ready to proceed?

7 MR. JONES: Yes, Your Honor.

8 MR. WARDER: Yes, Your Honor.

9 THE COURT: Does the State have its rebuttal
10 witnesses ready?

11 MS. MUNSON: Yes, ma'am.

12 THE COURT: How many do you have?

13 MS. MUNSON: Two.

14 THE COURT: You can go ahead and bring in the jury.

15 MR. JONES: Your Honor, if I might. And it would be
16 a necessity to bring this up. But it's my understanding
17 that state law is that rebuttal witnesses can testify to a
18 new matter that was introduced from the stand --

19 THE COURT: They can address any matters that were
20 brought up in cross-examination, because they have the
21 burden of proof. Anything brought up in your case, they
22 can provide a rebuttal witness in response. Because
23 that's the purpose of rebuttal testimony is to rebut
24 whatever -- because they have the burden of proof.

25 MR. JONES: Yes. But for a witness who has already

1 testified?

2 THE COURT: I don't know. There may be something
3 else to rebut what your client said. I don't know. I'm
4 not to prematurely preclude them from calling a rebuttal
5 witness when I don't know what the scope of the testimony
6 is going to be.

7 MR. JONES: Yes.

8 MS. MUNSON: I don't intend to ask any testimony over
9 again, Your Honor. There's just a couple of issues.

10 THE COURT: I would think the Solicitor knows the
11 rules well enough to know the scope of rebuttal testimony.
12 I would hope so.

13 MR. JONES: Thank you, Your Honor.

14 THE COURT: You're welcome.

15 Please bring in the jury.

16 (WHEREUPON, the jury came into open court at
17 approximately 9:45 a.m.)

18 THE COURT: Good morning, ladies and gentlemen.

19 I hope you all had a pleasant and restful evening.

20 We're now going to resume with trial testimony. I would
21 ask that you give the attorneys your attention.

22 You may proceed.

23 MS. MUNSON: May it please the Court, Your Honor.

24 THE COURT: Yes, ma'am.

25 MS. MUNSON: The State calls Anthony Wilson.

1 THE COURT: Mr. Wilson, if you would come forward to
2 be sworn.

3 THE CLERK: Place your left hand on the Bible and
4 raise your right hand.

5 WHEREUPON,

6 ANTHONY BERNARD WILSON,
7 after first having been duly sworn, testified as follows:

8 THE CLERK: Thank you.

9 You may be seated.

10 DIRECT EXAMINATION

11 BY MS. MUNSON:

12 Q Mr. Wilson, once you, and Natasha, and Ja.K. went
13 to bed the night -- or the early morning of July 10th,
14 when was the next time you left that house?

15 A I didn't leave the house until the sheriffs got there
16 and the paramedics.

17 Q Was this before or after you had been shot in the head?

18 A This was after.

19 THE COURT: Sir, could you speak -- oh, you are
20 speaking directly in the mic. You just have a deep voice.

21 I'm sorry. You may continue.

22 MS. MUNSON: That's okay.

23 BY MS. MUNSON:

24 Q Now, where in Natasha's house did you encounter the
25 intruder?

1 A In J.K. 's room.

2 Q Where in the house, if at all, did you ever see that
3 person again?

4 A I never saw him again until now.

5 Q Until now?

6 A Yes.

7 MS. MUNSON: Your Honor, I think we have a matter of
8 law to take up.

9 THE COURT: Okay. Mr. Foreman, ladies and gentlemen,
10 I have a brief matter of law. During the break, please,
11 do not discuss the case. And, please, leave your note
12 pads in your seats.

13 (WHEREUPON, the jury was excused from open court at
14 approximately 9:47 a.m.)

15 THE COURT: Yes, ma'am.

16 MS. MUNSON: What I would suggest that I do, Your
17 Honor, is -- I didn't know that Mr. Wilson was going to --
18 it sounds like he's going to be able to identify the
19 Defendant.

20 THE COURT: Okay.

21 MS. MUNSON: I didn't know that. He sort of went
22 there the other day. And I didn't ask him. He's,
23 clearly, gone there today.

24 THE COURT: Okay.

25 MS. MUNSON: So I suggest that I just go ahead and

1 ask him the questions. We didn't have a Biggers hearing.
2 And I would never have -- if I knew he was going to be
3 able to identify him, I would never have not asked for a
4 hearing on identity.

5 THE COURT: Well, actually, it's the Defense's
6 responsibility to request a Biggers hearing.

7 MS. MUNSON: I --

8 THE COURT: I don't think there's any contention --
9 the Defendant has admitted he was in the residence that
10 evening. So I don't think identity as the -- identity as
11 the person in the residence is really not an issue,
12 because he has conceded that. The issue is -- and he
13 really doesn't say he didn't shoot the gun. He says that
14 he has an affirmative defense, that being self-defense or
15 accident.

16 So I don't know that it really is an issue at this
17 point. I don't know that identity even really was an
18 issue, or they would have asked for a Biggers hearing
19 because of J.K. 's identification. But it's their
20 responsibility to request a Biggers hearing.

21 MS. MUNSON: I just wanted to be careful.

22 THE COURT: Okay. Go ahead and ask the questions you
23 were going to ask.
24
25

DIRECT EXAMINATION

BY MS. MUNSON:

Q You just said, Mr. Wilson, that you didn't see the intruder again until now?

A Correct.

Q What does that mean?

A It means since that night, I haven't seen him again until I came to court. That's what I mean.

Q And you recognize him now?

A Yes.

Q Were you ever asked to look at a lineup of him?

A No.

Q Were you ever shown any photographs of him?

A No.

Q Did you see his image anywhere before you came to court?

A The only thing -- I seen his image when I did my research online.

Q Okay. So what is your identification of him today based on?

A The identification is what I remember from what I saw.

Q Well, you testified -- well, how close were you to him when you saw him?

A Pretty close. I mean, the room wasn't so big. And,

1 like I said, he was standing in the doorway of her bedroom
2 long enough to look in barely before coming over to
3 J.K. 's room, and everything.

4 Q And was there any lighting in the area?

5 A Just in her room in the closet.

6 MS. MUNSON: I have nothing further on that issue,
7 Your Honor.

8 THE COURT: What else did you call this witness for?
9 I assume to contradict that there was a struggle?

10 MS. MUNSON: Yes, ma'am.

11 THE COURT: And to contradict that there was a
12 confrontation in the hallway --

13 MS. MUNSON: Yes, ma'am.

14 THE COURT: -- or however the Defense's version is --

15 MS. MUNSON: Yes, ma'am.

16 THE COURT: -- of how the events transpired?

17 MS. MUNSON: Yes, ma'am.

18 THE COURT: Is that the scope of his testimony?

19 MS. MUNSON: And that he didn't know anything about
20 the alarm system.

21 THE COURT: Okay.

22 MS. MUNSON: And that would be the scope of it.

23 THE COURT: Are we ready to proceed?

24 MS. MUNSON: The State is ready.

25 THE COURT: Is the Defense ready?

1 MR. JONES: Yes, Your Honor.

2 THE COURT: Please bring in the jury.

3 (WHEREUPON, the jury came into open court at
4 approximately 9:53 a.m.)

5 THE COURT: You may proceed.

6 MS. MUNSON: Thank you, Your Honor.

7 THE COURT: You're welcome.

8 CONTINUED DIRECT EXAMINATION

9 BY MS. MUNSON:

10 Q Mr. Wilson, other than in J.K. 's room, where else
11 during the morning hours of July 10th did you struggle
12 with anybody?

13 A Nowhere.

14 Q Okay. What injuries did you sustain, other than the
15 gunshot wound to your head?

16 A Injuries I sustained?

17 Q Yes.

18 A That's all I recall sustaining, besides they said
19 minor lacerations. And that was it.

20 Q Minor lacerations where?

21 A From powder burns from the gun.

22 Q What about scrapes, or cuts, or things like that?

23 A No.

24 Q Okay. Do you know whether or not Natasha had an
25 alarm system in the house?

1 A No.

2 MS. MUNSON: I have nothing further at this time,
3 Your Honor.

4 MR. WARDER: Your Honor, if it please the Court, I
5 have no questions of this witness.

6 THE COURT: Okay. Any objection to the witness being
7 excused?

8 MS. MUNSON: No, ma'am.

9 THE COURT: Sir, you're excused.
10 You may proceed.

11 MS. MUNSON: The State calls Christie Ellenberg.

12 THE CLERK: Ms. Ellenberg, if you'd come forward to
13 be sworn in.

14 Would you, please, place your left hand on the Bible
15 and raise your right.

16 WHEREUPON,

17 CHRISTIE ELLENBERG,
18 after first having been duly sworn, testified as follows:

19 THE CLERK: Thank you.

20 You may be seated.

21 Would you, please, state your name for the record.

22 THE WITNESS: Christie Ellenberg.

23 DIRECT EXAMINATION

24 BY MS. MUNSON:

25 Q Ms. Ellenberg, who were you working for back in 2008?

1 A DJ's Jewelry and Pawn.

2 Q And what were your duties?

3 A We buy and sell different goods, jewelry, tools,
4 guns, all types of different items.

5 THE COURT: Ma'am, could you speak directly into the
6 microphone? You're a little soft-spoken.

7 THE WITNESS: Yes. I'm sorry.

8 BY MS. MUNSON:

9 Q What procedures would you go through when you sold a
10 gun?

11 A Well, we would have to get a valid ID, a valid South
12 Carolina driver's license or identification card. And
13 then they fill out a form answering different types of
14 questions. And then we call it in to do the background
15 check. And they give us a receive, delay, or deny.

16 MS. MUNSON: May I approach, Your Honor?

17 THE COURT: You may.

18 BY MS. MUNSON:

19 Q Ms. Ellenberg, I'm showing you State's Exhibit
20 No. 62. If you could just take a look at that.

21 A (Witness complied.)

22 Q Do you recognize that?

23 A Yes, ma'am.

24 Q Is there any writing on there that you recognize in
25 particular?

1 A My signature.

2 Q And how did State's Exhibit No. 62 get here today?

3 A I'm sorry. I don't understand.

4 Q How -- who brought --

5 A How did this get here?

6 Q Yes, ma'am.

7 A I'm sorry. I brought it.

8 Q From where did you get it?

9 A From DJ's Jewelry and Pawn.

10 Q And is this an accurate document?

11 A Yes, ma'am. It's -- a 4473 is what they call it.

12 Q Now, Ms. Ellenberg, why do you fill out this

13 particular form when you're selling a gun?

14 A Well, you have to go through a background check in

15 order to purchase a firearm in the State of South

16 Carolina.

17 Q Well, this -- you call it a form?

18 A 4473, yes, ma'am.

19 Q Is that just a policy of the store to use this form?

20 A No. That is a requirement from ATF.

21 MS. MUNSON: Okay. Thank you.

22 Your Honor, at this time, I move State's Exhibit

23 No. 62 into evidence.

24 MR. WARDER: No objection, Your Honor.

25 THE COURT: Marked and admitted without objection.

1 (WHEREUPON, State's Exhibit No. 62 was admitted into
2 evidence.)

3 MS. MUNSON: I have no further questions, Your Honor.

4 THE COURT: Any questions for the witness?

5 MR. WARDER: Yes, Your Honor.

6 THE COURT: You may proceed.

7 CROSS-EXAMINATION

8 BY MR. WARDER:

9 Q From the paperwork that is here, can you tell whether
10 she traded in her other gun on that purchase?

11 A Not from the paperwork, no, sir.

12 Q Okay. Did you deal with her personally?

13 A Yes.

14 Q Okay. And did she trade in her other gun?

15 A I'm not sure. That's been so many years ago. But
16 when we sell a gun, we have to sign the paperwork. So I
17 knew I dealt with her personally.

18 MR. WARDER: Thank you.

19 THE COURT: Any redirect of the witness?

20 MS. MUNSON: No, ma'am.

21 THE COURT: Any objection to the witness being
22 excused from the State?

23 MS. MUNSON: No, ma'am.

24 THE COURT: From the Defense?

25 MR. WARDER: No, Your Honor.

1 THE COURT: Ma'am, you're excused.

2 The State may proceed.

3 MS. MUNSON: That is the end of the State's case in
4 reply, Your Honor.

5 THE COURT: Mr. Foreman, ladies and gentlemen, both
6 the State and the Defense have rested their cases. I have
7 some matters of law I need to take up with the attorneys.
8 It will probably be close to 15 or 20 minutes. After
9 that, we will resume with closing arguments and
10 instruction.

11 During this break, it is absolutely essential that
12 you have no discussion about what you've heard regarding
13 testimony and the evidence that has been presented. If
14 you need to stretch your legs during this process, please,
15 let the bailiffs know. And I'll allow them to let you get
16 some air. Because probably the next part of the process
17 is going to be a couple of hours by the time we do
18 argument and instruction. So if you need to go to the
19 restroom, stretch your legs, let the bailiffs know. We
20 appreciate your patience.

21 If you'll go with the bailiffs.

22 (WHEREUPON, the jury was excused from open court at
23 approximately 10:00 a.m.)

24 MOTIONS

25 THE COURT: Is the State going to open and close --

1 well, actually, now that the State has rested, are there
2 any motions?

3 MR. JONES: Your Honor, we would like to for the
4 record renew our motions to direct a verdict on the charge
5 of attempted murder. We would, also, like to renew our
6 motion for directed verdict on the charge of unlawful
7 neglect of a child, and renew our motion for directed
8 verdict on the charge of murder and unlawful possession of
9 a weapon during the commission of a violent crime.

10 THE COURT: You never made a motion for murder and
11 possession of a firearm during the commission of a violent
12 crime.

13 MR. JONES: Yes, Your Honor. We would like to do
14 that. Yes, Your Honor.

15 THE COURT: Would the State like to respond?

16 MS. MUNSON: No, ma'am, Your Honor.

17 THE COURT: The motions are denied based on the
18 Court's previous ruling as there is direct and substantial
19 circumstantial evidence reasonably tending to prove the
20 Defendant's guilt of both charges, that being attempted
21 murder and unlawful neglect of a child.

22 If you all will just give me one moment, we'll have a
23 charge conference.

24 Now, I do need to know, does the State plan to open
25 and close?

1 MS. MUNSON: All in one shot -- I mean --

2 THE COURT: Do you plan to open and close?

3 MS. MUNSON: Open on the law?

4 THE COURT: Uh-huh.

5 MS. MUNSON: I would like to, yes.

6 THE COURT: How long will your argument be?

7 MS. MUNSON: The opening on the law will be less than
8 10 minutes.

9 THE COURT: I just need you to give me an overall
10 general -- I'm trying to gauge whether I need to order
11 lunch for my jury. I'm not trying to pin you down. I
12 need to know realistically how long it's going to take.

13 MS. MUNSON: Open on the law, less than 10 minutes.
14 My closing, perhaps, 20.

15 THE COURT: How long will the Defense's closing
16 argument be?

17 MR. WARDER: Your Honor, we'll probably have a
18 closing argument for about 15 minutes.

19 THE COURT: Thank you.

20 (WHEREUPON, a break was taken.)

21 THE COURT: Is the State ready to proceed?

22 MS. MUNSON: Yes, Your Honor.

23 THE COURT: Is the Defense ready to proceed?

24 MR. WARDER: Yes, Your Honor.

25 THE COURT: Did your co-counsel go to the restroom?

1 MR. WARDER: The Defense is not ready to proceed.

2 THE COURT: Okay. We'll be at ease for a minute or
3 two.

4 (Pause.)

5 THE COURT: I will give the jury a general
6 instruction regarding their responsibility and my
7 responsibility, how they're to judge witness credibility
8 and believability. There will be a general instruction on
9 witness credibility and believability, as well as expert
10 witness testimony. I'll give a general instruction on
11 direct and circumstantial evidence and how they're to
12 judge that. I'll give a general instruction that the
13 charge, the arrest, and the indictment are not evidence,
14 as well as the presumption of innocence. I'll charge
15 Victor v. Nebraska on reasonable doubt.

16 And then I'll instruct on the elements of murder,
17 which I think we all know what those are without me
18 belaboring the point. Since there has been the defense of
19 self-defense raised, I will not instruct the inference of
20 a deadly weapon pursuant to State v. Belcher. I will
21 instruct expressed and inferred malice. Out of an
22 abundance of caution, although there is really scant
23 evidence on voluntary manslaughter, I'm going to instruct
24 that as a lesser included defense. I'm not instructing,
25 however, involuntary manslaughter as the record is void of

1 any evidence supporting that instruction.

2 I'll instruct on the elements of possession of a
3 weapon during the commission of a violent crime, which is
4 16-23-490, and attempted murder, which is 16-3-29. Again,
5 I will not use the inferred malice instruction dealing
6 with a deadly weapon. But I will instruct expressed and
7 inferred malice, as well as the rest of the elements of
8 that instruction.

9 I'll instruct unlawful conduct toward a child, which
10 is 20-7-50. The only portion of the statute that is
11 applicable would be Subsection 1, which is placing the
12 child at unreasonable risk of harm, affecting the child's
13 life, mental health, or safety. There's no evidence that
14 bodily harm was done to the child, or that there was a
15 willful abandonment of the child.

16 I'll instruct self-defense, which we all know the
17 elements without fault. I'll instruct on mutual combat
18 since that is the Defendant's testimony, as well as
19 imminent danger, the right to act on appearances and no
20 other way to avoid the danger.

21 Although I really do not believe there's any evidence
22 of accident, but since the Defendant testified the gun
23 went off accidentally, I'll instruct on accident. I will
24 then give them a general instruction that where there are
25 multiple offenses or multiple charges that -- and I'll

1 outline each of those from each indictment that each
2 indictment is a separate and distinct offense for which
3 they're separately indicted. And they must make a
4 decision on each of those indictments uninfluenced by
5 their decision on every other indictment applying the
6 elements of each offense and determining whether the State
7 has met the burden of proof beyond a reasonable doubt on
8 each of those offenses.

9 I'll then instruct on the form of the verdict. And
10 if you all would like to approach to review the verdict
11 forms, I will do that in just a moment.

12 Are there any exceptions to the instruction as
13 proposed from the State?

14 MS. MUNSON: Yes, Your Honor. If the jury accepts
15 what the Defendant said on the stand, he didn't take any
16 intentional action at all.

17 THE COURT: I'm sorry. You lost me.

18 MS. MUNSON: He didn't take any intentional action at
19 all. He was attacked, and everything was Wilson's fault.

20 THE COURT: I agree.

21 MS. MUNSON: So I'm not sure how he could have an
22 accident when he never said he shot the gun. He did not
23 take any action to harm.

24 THE COURT: Well, based on the interaction or the
25 role play he had with his attorney, he said the gun went

1 off accidentally, didn't he, or did I miss something?

2 MS. MUNSON: But that wasn't him doing it.

3 MR. JONES: Your Honor --

4 THE COURT: Maybe I misunderstood his testimony.

5 MS. MUNSON: I'm just putting stuff on the record.
6 That's okay. I know how you're going to rule. There's
7 absolutely no evidence in this record from which this jury
8 could find that this Defendant acted in sudden heat and
9 passion after sufficient legal provocation. I, certainly,
10 object to that.

11 THE COURT: I'll note your exception for the record.

12 MS. MUNSON: Everything else --

13 THE COURT: Anything from the Defense?

14 MR. JONES: Your Honor, just a question to gain
15 knowledge. No exception to your decision about your
16 charges. But does your charge on murder and manslaughter
17 include a distinction that would include premeditation,
18 and would you --

19 THE COURT: There is nothing in our law that has an
20 instruction on premeditation and murder. What you
21 presented to the Court is a lynching. And it's dicta.
22 And it deals with a motion for directed verdict in a case.
23 And it's totally inapplicable factually to this case. But
24 I'll have your request marked as a Court's Exhibit.

25 MR. JONES: Thank you, Your Honor.

1 THE COURT: But I'm not going to instruct it. It's
2 not factually applicable to this case. And our law does
3 not have any -- what we require as malice aforethought,
4 which can be shown by acts of preparation. But there's no
5 requirement in South Carolina law that murder require
6 premeditation.

7 Now, there's some dicta in the case you presented
8 that deals with a lynching charge that deals with
9 something that had to do with factually what was presented
10 in that case. And, therefore, the Court addressed
11 premeditation. But it is not factually applicable to this
12 case, nor can I discern any case law that would support
13 such an instruction.

14 MR. JONES: Yes, Your Honor.

15 And the reason I presented it today was yesterday, we
16 had some conversation about premeditation. And I wasn't
17 sure --

18 THE COURT: I don't know what -- I don't recall that
19 conversation.

20 MR. JONES: -- whether or not Your Honor's charge on
21 murder included any language concerning premeditation.

22 THE COURT: My charge on murder includes what the
23 case law says in South Carolina about what the elements of
24 murder are, which is malice aforethought, which can be
25 expressed or inferred.

1 Because our case law does not require that there be
2 any time frame of malice. It could happen a split second
3 before you do it. But it doesn't have to be that you
4 waited 10 days and decided you were going to kill
5 somebody. Our case law says you could wait three minutes
6 before, 10 seconds before. It doesn't have to be a
7 specific time period you decide that that malice be
8 manifest.

9 So I think that what you've given me, basically, is
10 a -- it would be very confusing to a jury to instruct
11 that, coupled with the fact that it's just not supported
12 by case law. And the case that you provided to the Court
13 is not within the context of a murder instruction.

14 MR. JONES: It is not, Your Honor.

15 But my reason for doing so was that if our courts in
16 South Carolina have decided that the specific intent
17 necessary to do injury or to hurt, or harm, or kill
18 someone in a lynching case requires premeditation, then,
19 surely, logic would dictate that murder --

20 THE COURT: I have never tried to read the Supreme
21 Court's mind. And I have found that they are articulate
22 when they want us to do something, and they tell us. And
23 if they wanted us to instruct premeditation, I think we
24 would have known that by now. And they have not told us
25 that. So I'm going to stick to what they've said is the

1 applicable law on murder.

2 Now, if they had given us -- I don't try to
3 extrapolate. I don't try to read their minds. I think
4 they're pretty articular about what they mean, and what
5 they want us to do. I don't know if the law may change.
6 I don't know. We never expected that the law would change
7 with Belcher regarding expressed and inferred -- the
8 inferred intent with a weapon. I don't know. And I don't
9 want to pretend that I could anticipate what may happen,
10 or what changes may happen.

11 But I have to make a decision based on what the law
12 is right now. And there's absolutely no support for an
13 instruction of that type. I can't extrapolate that from a
14 lynching instruction, especially factually where the case
15 is not in the same posture as this case is. And it's
16 really not even a holding. It's just a discussion that
17 deals with whether or not a directed verdict should have
18 been granted based on the facts in that case.

19 So I can't find any factual support to give that
20 instruction. But I'll mark your instruction as a Court's
21 Exhibit, and note your exception for the record.

22 MR. JONES: Thank you, Your Honor.

23 THE COURT: You're welcome.

24 Do you all want to approach and look at the verdict
25 form?

1 (Pause.)

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

4 THE COURT: Are there any exceptions to the form of
5 the verdict from the State?

6 MS. MUNSON: No, ma'am.

7 THE COURT: Forms of the verdict. I don't know. I
8 guess it's form of the verdict, yeah.

9 From the Defense?

10 MR. JONES: No, Your Honor.

11 THE COURT: All right. Are we ready to proceed with
12 closing arguments and instruction from the State, or do
13 you need more time to collect yourselves?

14 MS. MUNSON: We're ready, Your Honor.

15 THE COURT: Is the Defense ready to proceed?

16 MR. WARDER: Yes, Your Honor.

17 THE COURT: Please bring in the jury.

18 (WHEREUPON, the jury came into open court at
19 approximately 10:45 a.m.)

20 THE COURT: Ladies and gentlemen, both the State and
21 the Defense have rested their cases. We have now reached
22 the stage of the trial where you will hear closing
23 arguments, and the Court's instructions on the law. You
24 will hear from the State followed by the Defense. And you
25 will then hear again from the State before hearing the

1 Court's instructions.

2 The State has the right under our rules procedurally
3 to what we call open and close. They get the last word,
4 so to speak, because they have the burden of proof in this
5 case. I would ask that you give the attorneys your
6 undivided attention. We have ordered your lunch. And we
7 anticipate it will arrive around noon.

8 Madam Solicitor, you may proceed when you're ready.

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

10 THE COURT: Yes, ma'am.

11 CLOSING ARGUMENTS

12 MS. MUNSON: You might have some idea in your head
13 right now what you think murder is, or what you think
14 manslaughter is, or possession of a weapon during a
15 violent crime, or attempted murder. I'm going to ask you
16 to just dump that from your mind. Because the only
17 definitions of those things that matter in this case and
18 in this courtroom is what Judge Jefferson is going to tell
19 you when she addresses you.

20 One thing that the Defense and the State both agree
21 on is y'all, so we know that you're going to do that. We
22 know if you have -- or if you disagree with the law of
23 murder or manslaughter, we know you're going to take the
24 Judge's instruction and do it that way. She's going to
25 give you a lot of instructions. And I'm, certainly, not

1 going to try to go over it. I might get it wrong. And if
2 I do get it wrong, the Judge is the only one that matters.

3 There's just a couple of things I do want to bring to
4 your attention before we go any further. The Judge is
5 going to charge you on the law of circumstantial evidence.
6 Did you ever hear those cop shows where people are saying,
7 oh, that case is no good, it's purely circumstantial?
8 Well, that's probably how it is in the cop shows. That's
9 not how it is in this courtroom. And that's not how it's
10 going to be in your jury room. Judge Jefferson is going
11 to tell you that circumstantial evidence is just as good
12 as direct evidence, if you find the facts true.

13 One analogy that you may have heard about
14 circumstantial evidence is it's a chain. Each little
15 piece of evidence is a link in the chain. And altogether
16 that chain is the circumstantial evidence. Well, I would
17 submit to you that the problem with that analogy is this.
18 If one link in a chain breaks, you lose the whole thing.

19 I would respectfully say to you that the better way
20 to look at circumstantial evidence is like a rope. Each
21 piece of evidence, each fact that you find to be true is
22 like a string. And each one of the strings bind together
23 to make a rope. The question is, is that rope strong
24 enough to bear the burden of proof beyond a reasonable
25 doubt? And I submit to you that you will be firmly

1 convinced that it does.

2 The Judge will, also, talk to you about credibility,
3 believability. And this is something that is common
4 sense. When you're talking to somebody, you can kind of
5 figure out whether or not to believe them, not just from
6 what they say, but how they act and the circumstances
7 under which they tell you what they're telling you.

8 The Judge is, also, going to tell you something
9 interesting, that you can believe all of what a witness
10 tells you and disregard the rest. You can believe some of
11 what a witness tells you and disregard the rest. And the
12 reason I think that's important is because -- I mean,
13 let's think about J.K. . He, certainly, had the sequence
14 of events wrong. So you may disregard the fact that
15 J.K. said Wilson was shot first and then mom. But
16 there's things that support the rest of his testimony. So
17 I would, certainly, ask you to keep those things in mind
18 as well.

19 Thank you.

20 THE COURT: The Defense may proceed.

21 MR. WARDER: Good morning, ladies and gentlemen.

22 I want to start off by talking about the 800-pound
23 elephant in the room -- or the 800-pound elephant in the
24 case. And that's that my client left the scene, that he
25 ran, that he didn't stay there. And that brings us to

1 deal with, does that mean that he's guilty?

2 And I want to talk to you, first of all, about flight
3 in general. Flight is, generally, what you've always
4 heard, the fight or flight response. And that applies to
5 most everything. Flight from law enforcement is not that
6 uncommon. One only has to have seen or been around a prom
7 party when the police show up and there's alcohol there.
8 You can nearly get stampeded in the way of people leaving.
9 And not all of them possessed alcohol. But everybody is a
10 little unsure at just how the law would perceive them as
11 being there, and just what the ramifications of being at a
12 party with alcohol are. And they know it's better off not
13 to be there or, at least, talk to their parents before
14 they talk to the police.

15 Well, it doesn't just happen at prom parties with
16 alcohol. It happened at Chappaquiddick with Ted Kennedy.
17 It happens to smart people. He was a Harvard-educated
18 man. People get scared, and they act irrationally. And
19 it isn't always the best thing.

20 But people seek friends, lawyers. Many times, people
21 want to get money for a lawyer, talk to a lawyer, talk to
22 a family member, get advice from a family member. And
23 that comes from the fear. And it comes from a fear that
24 may not be completely reality based. It comes from a fear
25 that people perceive the legal system in a way it's not,

1 perceive it operates in a way it doesn't, have an
2 unreasonable fear of it, or they see the legal system as
3 irrational in giving results that are not right or not
4 fair. And, oftentimes, before they come into police
5 custody, they want to talk to a lawyer. They want to talk
6 to a family member. And that's what happened in this
7 case.

8 In this case, the testimony is that he wanted to talk
9 to his brother, Burley, a man that counseled him in
10 religious matters, a man that had given him advice. And
11 that was where he had always sought advice.

12 And so I don't think that flight in this case is the
13 only issue. But I think it's a big issue that you've got
14 to deal with. Because people will say, well, he ran, he's
15 guilty. And I submit to you, that's not the law. That's
16 not the way you should consider it. You should look at
17 the whole context of him not remaining there.

18 And, in doing that, you've got to understand what the
19 context was. The context was that he had been there. He
20 had been in a fight, and two people had got shot. Was it
21 logical that he needed to talk to somebody, that he needed
22 advice, that he needed, at least, a family member, and
23 probably much more than that, a lawyer? And this is where
24 my client was. And this is the decision he made.

25 Now, running and leaving the scene is much like many

1 other things, political cover-ups, and things. Usually,
2 things get worse because you don't stay put and fess up.
3 But he left out of concern. Would he be believed? Would
4 he be taken into custody? Would he be mistreated? All
5 the fears that occur when somebody realizes that something
6 terrible has happened and they're involved in it.

7 Now, outside of that, then we need to look at the
8 case. We need to look at, what has the evidence really
9 shown? And I confess to you, my case rests primarily on
10 the testimony of my client. It rests on what happened and
11 what he told you about it. Because the State wants to
12 take the same facts and paint a different version.

13 My case rests on my client's credibility. I think
14 the most important issue in this case is the issue of
15 whether or not there was a struggle at that house for that
16 gun. And I submit to you that how you find that issue
17 will be determinant of what you decide in the whole case.

18 Now, the only people at the house were the one that
19 is dead, one was Mr. Wilson, and the two children. Only
20 one of the children could come in here and testify, I take
21 it, because of age, memory, or what they saw.

22 And we have one son come -- or one child come in.
23 And I submit to you to testify -- and, certainly, I have
24 great sympathy, and I think everybody does for a child
25 that had a parent killed. But look at the evidence he

1 gave. And I agree, I think even the State is telling you
2 that it's just wrong. It just doesn't add up. And it
3 just isn't possible that that could have happened. It --
4 that guy wasn't a bodyguard. He wasn't standing in the
5 hall. He wasn't the first person that came in contact
6 with my client.

7 And my client didn't stand in the living room in
8 front of the young child and shoot his mother, I think he
9 said between four and nine times, or whatever. That just
10 wasn't happening. It doesn't take away the feelings of
11 trauma for the child that a terrible thing happened. But
12 it didn't happen that way.

13 And so the real testimony comes between my client and
14 Anthony Wilson. What happened? And that's what you're
15 really going to have to decide. And you have to use
16 memory. You saw my client. You saw my client testify.
17 You have to judge his credibility. You have to judge his
18 believability. You have to decide whether he's telling
19 you the truth. That's what the case is about.

20 Now, you can't decide this case by saying it couldn't
21 happen, that just couldn't happen. You've got to analyze
22 whether considering all the circumstances and events that
23 have been told and brought into evidence if it's
24 reasonable, and it's possible, even though it's unusual.
25 The unusual is not the impossible. And that's what this

1 is about.

2 An unusual event happened to my client. And it
3 happened. And it resulted in one person getting shot
4 fatally, and one person getting shot. And it was a fight.
5 It was a fight both in and out of the house. Two people
6 fell through a window. And the evidence is there on
7 State's Exhibit No. 10. You can see that it is pushed out
8 on the fence. It shows the window that they went through.

9 Now, my client said he was in a fight. And the
10 police said there were no marks on him. He told you he
11 went down a hall, struggled in the hallway, rubbed on the
12 side of the hall on both of his elbows -- it might have
13 been the same elbow twice. I'm not sure. There were
14 marks where they rubbed down the hallway, where he was in
15 a fight. There was hair pulled out of his head. That
16 hair is apparent in one of the photographs, State's
17 Exhibit No. 28, laying on the floor. This is a case that
18 the worst possible result happened for my client. But it
19 doesn't make him guilty of murder.

20 And I ask you to consider the hour of the night.
21 Consider the size of the gentleman he fought with and he
22 struggled with. Consider the training he had. He said
23 that he used military training he had to help him gain, at
24 least, partial control of that guy -- that gun. And that
25 gun went off while both of them were struggling.

1 I submit to you, this is not a case of murder. This
2 is a case of a terrible accident that resulted out of a
3 fight. And it was a fight that started outside when he
4 was attacked and continued into the house until Anthony
5 Wilson was shot. And, in that struggle, his wife was
6 fatally shot.

7 Now, I'm not going to recite all the testimony.
8 You've all taken notes. You've all listened very
9 carefully. The most important thing in this case will be
10 the Judge's charge on the law. That will come to you in a
11 few minutes, or after the State finishes its closing
12 argument. And she will tell you all the law that applies
13 to this set of facts. And you remember in the beginning,
14 we started off by saying you would be the judges of the
15 facts. That your job throughout the trial has been to
16 listen and to remember. Some of you took notes that will
17 help you remember things that were important, things that
18 stood out, things that were said.

19 In a few minutes, you'll have a chance to apply those
20 things to the law and be able to reach a legal decision --
21 or a legal verdict. And when you do that, there will be
22 12 mini-verdicts. If they're all alike, your job is done.

23 If they're not all alike, you'll deliberate, discuss,
24 think about things, and use the collective memory of each
25 of you. And in those discussions, part of your memories

1 will be refreshed. And you'll remember things that you
2 hadn't took as important, or things you hadn't remembered.
3 And you'll consider them as to whether they should make
4 you change your opinion, or your belief. And together at
5 some time during those deliberations, you'll all come to
6 one total agreement that will be your joint verdict -- or
7 the jury's verdict.

8 And in that process, of course, you should always
9 listen to your fellow jurors and deliberate. But you
10 should never give up a position that is a well-founded
11 belief. You should never violate your conscience just to
12 be a majority.

13 In other words, you should do what's right and what
14 you believe the evidence shows. And you should listen and
15 see if that changes. But we never reach jury verdicts by
16 going along with the majority because you no longer want
17 to state your view, or you're tired, or you're hungry, or
18 you've got something else to do. So I ask you to
19 carefully consider all of the evidence.

20 Now, Her Honor will tell you not only does your jury
21 verdict have to be unanimous, but that it has to be beyond
22 a reasonable doubt. And she will define that word for
23 you, a reasonable doubt. And I submit to you that every
24 element of every crime will have to be proven beyond a
25 reasonable doubt. And that's a reasonable doubt that

1 would extinguish any real possibility of any other facts
2 but the way you find them.

3 So it would be so powerful that any other
4 possibility -- any other real possibility would not exist.
5 And not only that, but it would make you firmly convinced,
6 not wavering, but firmly convinced that there's no real
7 possibility. It's been defined at other times by our
8 Supreme Court as the type of doubt that might make one
9 hesitate to act. And that's how convinced you have to be,
10 you know.

11 There's a variety of standards in the law for a
12 policeman to stop and talk to you, or question you on the
13 street called articulable suspicion, a suspicion you could
14 articulate for why he did it, for him to do anything else,
15 for him to search you. It might be probable cause. To
16 sue you in court and take your money, you might need
17 preponderance of the evidence. To sue you for fraud where
18 you would get punitive damages and a verdict for not just
19 damages you suffered, but for something else where you
20 could prove some sinister intent, you would need clear and
21 convincing evidence. And to convict a citizen of a crime,
22 you need proof beyond a probable cause, the highest
23 requirement of proof in the law, the most important and
24 positive which requires jurors to be, and that's this
25 case.

1 So I ask you to consider whether or not on each and
2 every element that proof exists. I ask you in this case
3 to return the right verdict. In this case, I submit that
4 that verdict is the verdict of not guilty. Because it's
5 the right, and fair, and the correct verdict, and the
6 verdict shown by the evidence.

7 You know, in the American system, we return a verdict
8 of guilty or not guilty. In the English system from where
9 our law comes from, they did it a little different. They
10 find a case to be proven or unproven. A proven case is
11 simply one where the State carried the burden beyond a
12 reasonable doubt on every single element. In an unproven
13 case, the State failed to prove each and every element of
14 the case.

15 I submit to you that just those words, proven and
16 unproven, make it easier to analyze what your job is.
17 You're to weigh and measure the evidence. And you're to
18 decide on each element. Is there enough evidence here
19 that this is proven beyond a reasonable doubt? And I
20 submit to you, when you do that, you have to consider all
21 the evidence.

22 You should consider the evidence for and the evidence
23 against each proposition that there's controversial
24 evidence on. And you'll see that each element that Her
25 Honor will give you is proven beyond a reasonable doubt.

1 A proven case, of course, is a case where you return a
2 verdict of guilty. A non-proven case is the verdict of
3 not guilty. And not guilty, I submit to you, is the
4 correct verdict in this case.

5 I thank you very much. You paid attention to all the
6 testimony. You came here and gave up your time. And I
7 ask you to be patient with more of your time and to
8 deliberate and reach a just verdict.

9 Thank you very much.

10 THE COURT: You may proceed.

11 MS. MUNSON: May it please the Court, Your Honor.

12 THE COURT: Yes, ma'am.

13 MS. MUNSON: That's my story and I'm sticking to it.
14 Have you ever heard that phrase? That's what the
15 Defendant is doing. And the most powerful piece of
16 evidence we have of that is this. We talked about this
17 gun. This gun, State's Exhibit No. 58, that Natasha Kerns
18 armed herself with when she went to the window because she
19 was afraid of him. We asked him, Are you sure that's the
20 gun that you had -- that she had when you met her in 2004?

21 Yes.

22 Would it surprise you to know that she bought it in
23 2008?

24 That's the gun she had when we met.

25 I even asked him after seeing the document and seeing

1 the gun, Now, Mr. Williams, do you want to change your
2 testimony?

3 No.

4 That's his story and he's sticking to it. He went
5 over -- he tells us that he went over to Natasha's house
6 just to check on the kids, and maybe he would spend the
7 night there. He had no evil intent. He had no wickedness
8 in his heart, just going to check on the kids. He was
9 already mad. He was mad because he couldn't get Natasha
10 on the phone. He was mad because his potential new
11 girlfriend was out there flirting with some other guys,
12 and he had a little bit to drink.

13 To top all of that off, she had the nerve to go to
14 Family Court and ask for an order of protection from him.
15 Admittedly, he told you his actions put her in fear. She
16 had the nerve to go to Family Court and ask for an order
17 of protection, and then ask for child support. But he
18 only went over there with calm, tender, lovingness in his
19 heart. He had no evil intent, but he pulls over and
20 changes clothes. He keeps a change of clothes in his car.
21 In the heat of summer, he changes into a leather jacket
22 and jeans. He had no bad intentions when he went over
23 there at all.

24 Everything started with Wilson outside the house.
25 That's his story and he's sticking to it. The alarm

1 didn't go off, no other doors were open. There was no --
2 when officers got there minutes, minutes after Natasha
3 Kerns lay dead, the only open door, the only entrance, the
4 only access into that house was that window. But he --
5 Wilson must have somehow snuck out of the house and come
6 around the front. I don't know. That's his story and
7 he's sticking to it.

8 These two big old guys had a struggle outside and
9 together busted through this little window. The window
10 just fell out. And there is no -- you'll see State's
11 Exhibit No. 30. You saw the size of him, and you saw the
12 size of Mr. Wilson. But this couch didn't move. It's
13 right where it was. But these are big old guys busting
14 around in the house, a hell of a struggle. Mr. Williams
15 is banging up and down the hallway. They go through the
16 beads, nothing here is disturbed. They start banging
17 around each other, struggling, struggling going down the
18 hall.

19 Why is this thing not disturbed in State's Exhibit
20 No. 32? Why is the only furniture that's disturbed a
21 lamp? And they're going down the hallway. And he's
22 banging his elbows. Funny how the pictures didn't come
23 off the wall. And isn't that amazing that they can fight
24 from the window through the one room, through the room
25 where Natasha lay dead, all the way down the hall into the

1 kids room. The only thing that's disturbed is where that
2 window was knocked out.

3 And what's even more interesting is how come you
4 don't hear it on the 911 tape? These are two big guys.
5 And you saw the demonstration. Two big, strong guys are
6 fighting, struggling, scrapping. You don't hear a thing.
7 You hear Natasha tell him to get off the porch. You hear
8 him shoot. You hear her drop dead. You hear him kick the
9 window in. You hear him shoot at Mr. Wilson. But you
10 don't hear this big argument that goes on, a physical
11 confrontation with these two guys.

12 And he doesn't call 911. And he doesn't look around
13 for his kid. He left the house with, in his version, an
14 armed gunman in the house. He didn't even look around for
15 his kid. He just took off. His story is he loved those
16 kids. He loved them both. He spent all his money on
17 them. Well, you have these photographs. You know who he
18 spent his money on. That motorcycle, the Chrysler, the
19 Mustang, and the rims. And then he's going to be asked to
20 pay child support.

21 And if you'll remember, early in his testimony, when
22 we were talking about -- when he was talking about Natasha
23 got pregnant in 2007, what did he say? I wanted a
24 paternity test to see if it was mine. I wasn't going to
25 support it if it wasn't mine. But he loves her. He had

1 done no wrong at all. That's his story. He had done no
2 wrong at all at that house on Idlewild.

3 Yet, he tore out of there. He starts talking on the
4 phone to friends and family. He tells one of his friends,
5 Mr. Irby, something that Mr. Irby refuses to tell the
6 police because he doesn't want to get his friend,
7 Mr. Williams, in trouble. But he had done nothing wrong.

8 We have to examine J.K. 's testimony. And I submit
9 to you, like I said before, he, certainly, got the
10 sequence of events wrong. He did. But did he get the
11 substance wrong? When he told you that he saw this
12 Defendant standing over his mother, did he get that wrong?
13 The Defendant told you he was standing over her. Did he
14 get it wrong when he said that the Defendant ran out of
15 bullets? Believing the Defendant's testimony, it was a
16 five-shot revolver. All five shots are on that tape. Did
17 he get it wrong when he told you that he saw the Defendant
18 there in his Chrysler 300? Nope. He didn't get that
19 wrong either, did he? Did he get it wrong when he said
20 that he saw Mr. Wilson lying unconscious? He didn't get
21 that wrong either.

22 Ladies and gentlemen, a reasonable conclusion that
23 you can draw from the facts is this case. Number one,
24 this was not the worst possible outcome for him. He
25 didn't get shot in the head. He's not dead. His mother

1 didn't die in the living room in the same house that he
2 was in. So no, no, no, he didn't get the worst possible
3 outcome.

4 A reasonable conclusion you can draw from the facts
5 is that sometime around May of 2010, things reached the
6 height of badness in their relationship. He started doing
7 things that scared her. He started doing things with a
8 gun that scared her.

9 Sometime in June, he was over at the Idlewild house
10 for the last time. He was over there picking up some
11 things. A reasonable conclusion you can draw is that he,
12 also, picked up that five-shot revolver that was a
13 Father's Day present. And he leaves.

14 Natasha is scared now. She barricades the front
15 door, makes sure the alarm system is on. Then she has her
16 friend come down, Mr. Wilson, the bodyguard. That's kind
17 of amusing that J.K. would call that man the bodyguard.
18 I mean, we all know he wasn't her bodyguard. Have you
19 ever seen the movie The Bodyguard? Do you think Whitney
20 Houston told her little kids she was having an affair with
21 Kevin Costner?

22 In late June, after the Defendant had been over there
23 picking up the gun, Natasha tries to get an order of
24 protection. She's doing the best she can.

25 The Defendant goes out with Cynthia Booker the night

1 of July 9th. Natasha is with Mr. Wilson with the kids out
2 doing things. Natasha, Mr. Wilson, and the kids go home
3 to Idlewild. They settle in for the night. The Defendant
4 is out with Ms. Booker, getting a little irritated because
5 she's not behaving like a lady is, I believe, what he
6 said. The kids are settled down. And the Defendant is
7 roaming around. Child support, an order of protection.

8 And, remember, Her Honor is going to charge you on
9 the law of voluntary manslaughter. She's going to tell
10 you that if you are satisfied that there was sufficient
11 legal provocation that Natasha did something so bad that
12 he just lost his mind for a minute that you can reduce it
13 from murder to voluntary manslaughter. You have to
14 examine what did Natasha do wrong. They had an open
15 relationship. He's out on a date with another woman. He
16 admits she was afraid of him. So what did Natasha do
17 wrong?

18 They settle in for the night. The Defendant is
19 upset, starts to call Natasha. How dare her not answer
20 the phone. So he goes over there.

21 Now, he knows that the only way to get into that
22 house without setting off the alarm is through that front
23 door. The storm door is locked. First, what he did is he
24 goes around the back of the house. And I submit to you
25 that it's reasonable, that you can conclude from the facts

1 that you have that he was trying to look in the window to
2 see what Natasha was up to. That's why the dogs were
3 barking out back. That's why Mr. Wilson heard a ruckus.
4 That's why Mr. Wilson said, Natasha, I hear something.
5 She jumps up, grabs the gun, takes off, and calls 911.
6 Mr. Wilson grabs the baby, takes her into J.K. 's room,
7 and is laying her down.

8 By this time the Defendant has come back around the
9 front of the house. Natasha moves the curtains.
10 Actually, she probably moved them this way. She peeps out
11 the window. He saw that. And while her eyes are open, he
12 shot her in the head. He shot her in the face through the
13 glass. We know that her eyes were open because Dr. Ward
14 told you she had marks even on her eyeballs. And then she
15 drops. She's dead. You hear it on the tape. But before
16 he shoots her in the head, she tells him, Get off my
17 porch. Mr. Wilson told you that he heard Natasha say
18 something. You'll hear it on the tape.

19 That's not enough for him. He's got a problem now.
20 He's got a problem. So he's got to get in the house. He
21 can't go in through the front door. He can't set off the
22 alarm. Oh, yeah, that's right, we put that stick in the
23 sliding glass door. There's no way for me to get into
24 this house.

25 He kicks out the window. We hear it on the tape.

1 And then he comes in through the house. And he goes
2 through the room that he broke into. And he goes into the
3 room where Natasha is dead. He's creeping down the hall,
4 not making a lot of noise. He didn't run in that house
5 going, oh, my God, where are my babies? Is everybody
6 okay? He crept. He snuck.

7 There was just enough light in Natasha's closet for
8 Mr. Wilson to turn and see him coming at him with a gun.
9 Mr. Wilson didn't even hardly have a chance, pow, pow,
10 pow, pow, four more shots. One of them hits Mr. Wilson in
11 the head. And then what does he do? He goes back out.
12 He takes a peek at Natasha. And then, oh, no, here comes
13 J.K. from around the couch. Oh, no. There's another
14 witness. And he took a shot at J.K. . But he ran out of
15 bullets. Remember J.K. telling you the sound that it
16 made? It clicked, or whatever he said. Y'all's memory
17 matters more than mine.

18 And then he left and he went back to Laurens. I
19 guess he had to move the lawn mower. I'm not sure if he
20 had to move the lawn mower before he put the Chrysler in.
21 But, in any event, he puts the Chrysler in the garage,
22 moves the lawn mower back behind the Chrysler. And then
23 he goes back to see what kind of damage he had done.
24 That's when he really knew that he had a problem. That's
25 when he knew that he was caught.

1 So he tears off. He goes back to Laurens. He's
2 talking to people on the phone, okay, I'm going to turn
3 myself in. Did he? Who did he tell? Who did he tell,
4 oh, my God, I'm so sorry? I didn't mean for this to
5 happen. Who did he tell? Nobody.

6 If you believe what he's saying, he didn't do
7 anything. He was just creeping up to the house at almost
8 5:00 in the morning just to see if he could spend the
9 night. Why not tell the police if some guy jumps on you?
10 You're going to run and endanger other people in a 26-mile
11 chase, high speeds, stop sticks. And then what does he
12 do? This man who did nothing wrong, who was attacked,
13 brutalized, what did he do? He stabbed himself in the
14 chest. There you go. He's got the worst possible
15 outcome.

16 He's guilty. It's not because I say it. It's
17 because the evidence says it, and because Natasha says it.

18 (WHEREUPON, State's Exhibit No. 1 was played in open
19 court.)

20 MS. MUNSON: There are a few things we can know in
21 this life with absolute certainty. And while the State's
22 burden is heavy, it is not required that we prove it to an
23 absolute certainty. If, after looking at all the facts
24 and circumstances, you are firmly convinced of the
25 Defendant's guilt, then you must find him guilty.

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1 of this case. I, also, have the duty to rule upon or pass
2 upon the admission of the evidence offered during this
3 trial.

4 You are to consider only the competent evidence
5 before you in this case. You are to consider only the
6 testimony which has been presented from the witness stand
7 together with any exhibits which have been made a part of
8 the record in this case, and any stipulations of counsel
9 made into the record. And just so that you all are aware,
10 a stipulation is an agreement between the parties. And it
11 requires no further proof.

12 I have the additional duty to charge or instruct you
13 on the law applicable to this case. As the presiding
14 judge, I'm the sole judge of the law of this case. And
15 it's your duty as jurors to accept and apply the law as I
16 now state it to you. If you have a preconceived idea as
17 to what the law is or what the law ought to be in a
18 case -- or in this case and it should not agree with what
19 I now tell you the law is, you are obligated under the
20 oath you've taken to abandon this preconception. Because
21 you are sworn to accept the law and apply the law
22 precisely as I now state it to you.

23 In every case tried in this court before a jury, the
24 jury becomes the sole and exclusive judges of the facts.
25 You, the jury, are the judges of the facts in this case.

1 This Court is the judge of the law.

2 The Constitution of our state has declared that a
3 trial judge shall not intimate, state, comment upon, or
4 make any statement to a trial jury about the facts in a
5 case. Since you, the jury, are the sole judges of the
6 facts in this case, you are not to infer anything from
7 what I have said during the progress of this trial and
8 ruling upon the admissibility of evidence, or otherwise
9 anything that I say now to you during the course of this
10 instruction that I have any opinion about the facts. The
11 law does not allow me to have an opinion about the facts.
12 This is a matter solely for you, the jury, to determine.

13 As jurors then, it is your duty, as I have instructed
14 you, to determine the effect, the value, the weight, and
15 the truth of the evidence presented during this trial.
16 Necessarily, you must assess the credibility of the
17 witnesses who have testified in this case. Credibility
18 is, simply, a legalistic term meaning the believability of
19 each witness who has testified. It becomes your duty as
20 jurors to analyze and to evaluate the evidence and
21 determine if that evidence convinces you of its truth.

22 Some of the things that you may consider as you
23 decide whether or not to believe a witness's testimony
24 about a particular matter include, what was the manner and
25 appearance of the witness who testified? Was he or she

1 straightforward or hesitant in answering? Was the
2 testimony of a witness consistent or inconsistent? How
3 did the witness come to know the facts that he or she
4 testified to, or what was his or her ability to know these
5 facts? Is there some reason a witness would want to give
6 testimony which would help or hurt one side or the other?
7 In other words, was the witness biased or prejudiced? And
8 was the testimony of a witness strengthened or weakened by
9 other testimony or evidence?

10 I further instruct you that in determining the
11 question of the credibility or believability of witnesses
12 who have testified, you may believe one witness as against
13 several witnesses, or several witnesses as against one
14 witness. You may believe a part of the testimony of a
15 witness and reject the remaining part of the testimony of
16 that same witness.

17 If you have a good and sound reason, you may believe
18 the testimony of a witness in its entirety, or reject the
19 testimony of a witness in its entirety. And, as I've
20 instructed, you may consider whether any witness has
21 exhibited to you any interest, any bias, any prejudice, or
22 other motive in the case. You can believe as much or as
23 little of each witness's testimony as you think proper.

24 Of course, you do not determine the truth merely by
25 counting witnesses. Throughout this process, ladies and

1 gentlemen, you have but one objective, to seek the truth
2 regardless of its source. You may consider the demeanor
3 of a witness, that is the appearance and manner of the
4 witness from the witness stand.

5 Ladies and gentlemen, our rules of evidence
6 ordinarily do not permit witnesses to testify to opinions
7 or conclusions. An exception to this rule exists for
8 witnesses we call expert witnesses. A witness who by
9 their education, training, and experience has become an
10 expert in some art, science, or profession, or calling may
11 state an opinion as to relevant and material matters in
12 which the witness claims to be an expert and may, also,
13 state the reasons for that opinion.

14 You should consider any expert opinion received in
15 this case like any other evidence, give it the weight you
16 think it deserves. If you decide that the opinion of an
17 expert witness is not based on sufficient education and
18 experience, or if you conclude that the reasons given in
19 support of the opinion are not sound, or that the opinion
20 is outweighed by other evidence, you may disregard the
21 opinion entirely.

22 An expert witness's testimony is to be given no
23 greater weight than that of other witnesses simply because
24 the witness is an expert. Further, you are not required
25 to accept an expert's opinion, even though it is not

1 contradicted.

2 Ladies and gentlemen, there are two types of evidence
3 which are, generally, presented during a trial, direct
4 evidence and circumstantial evidence. Direct evidence is
5 the testimony of a witness who asserts or claims to have
6 actual knowledge of a fact, such as an eyewitness.
7 Circumstantial evidence is proof of a chain of facts and
8 circumstances indicating the existence of a fact. The law
9 makes absolutely no distinction between the weight or
10 value to be given to either direct or circumstantial
11 evidence. Nor is a greater degree of certainty required
12 of circumstantial evidence than of direct evidence.

13 You should weigh all of the evidence in this case.
14 After weighing all the evidence, if you are not convinced
15 of the guilt of the Defendant beyond a reasonable doubt,
16 you must find the Defendant not guilty. Conversely, if
17 you are convinced of the guilt of the Defendant beyond a
18 reasonable doubt, then you must find him guilty.

19 I instruct you, ladies and gentlemen, that the fact
20 that the Defendant was arrested, charged, and indicted is
21 not evidence in this case and cannot be considered by you
22 as evidence of guilt in this case. Nor does it create any
23 presumption or inference of guilt.

24 This documentation is simply the formal written
25 instruments, which contain the charge or charges made

1 against a defendant. They serve as the formal
2 documentation by which the case is processed or brought
3 into this court.

4 The Defendant has pled not guilty to the indictments.
5 And that plea casts the burden on the State to prove the
6 Defendant guilty. Because a person charged with
7 committing a criminal offense in South Carolina is never
8 required to prove himself innocent. I instruct you,
9 ladies and gentlemen, that it is a cardinal and important
10 rule of the law of evidence that a defendant in a criminal
11 trial, no matter what the seriousness of the charge or
12 charges against him may be, will always be presumed to be
13 innocent of the crimes for which he is indicted, unless
14 his guilt has been proven by evidence satisfying you of
15 that guilt beyond a reasonable doubt. This presumption of
16 innocence does not cease when you retire to deliberate,
17 but it accompanies the Defendant from the time of his
18 appearance throughout the trial until you reach a verdict
19 in this case.

20 Our Supreme Court has said the presumption of
21 innocence is like a robe of righteousness placed about the
22 shoulders of the Defendant. And it remains with him and
23 assigns him to that class, the innocent, until that
24 presumptive robe of righteousness has been stripped from
25 his person by evidence satisfying you of that guilt beyond

1 a reasonable doubt.

2 Mr. Foreman, and, ladies and gentlemen, the
3 presumption of innocence is not mere legal theory. It is
4 not just a legal phrase. It is a substantial right to
5 which every defendant is entitled, unless you, the jury,
6 are satisfied from the evidence of his guilt beyond a
7 reasonable doubt.

8 The State has the burden of proving the Defendant
9 guilty beyond a reasonable doubt. Some of you may have
10 served as jurors in civil cases where you were told that
11 it is only necessary to prove that a fact is more likely
12 true than not true, such as by the greater weight or
13 preponderance of the evidence. In criminal case cases,
14 the State's proof must be more powerful than that. It
15 must be beyond a reasonable doubt.

16 Proof beyond a reasonable doubt is proof that leaves
17 you firmly convinced of the Defendant's guilt. There are
18 very few things in this world that we know with absolute
19 certainty. And, in criminal cases, the law does not
20 require proof that overcomes every possible doubt. If,
21 based on your consideration of the evidence, you are
22 firmly convinced that the Defendant is guilty of the crime
23 charged, you must find the Defendant guilty. If, on the
24 other hand, you think there is a real possibility that the
25 Defendant is not guilty, you must give the Defendant the

1 benefit of that doubt and find him not guilty.

2 The Defendant is charged with murder. The State must
3 prove beyond a reasonable doubt that the Defendant killed
4 another person with malice aforethought. Malice is
5 hatred, ill will, or hostility towards another person. It
6 is the intentional doing of a wrongful act without just
7 cause or excuse, and with an intent to inflict an injury,
8 or under the circumstances the law will infer an evil
9 intent.

10 Malice aforethought does not require that malice
11 exist for any particular time before the act is committed.
12 But malice must exist in the mind of the Defendant just
13 before and at the time the act is committed. Therefore,
14 there must be a combination of the previous evil intent
15 and the act.

16 Malice aforethought may be expressed or inferred.
17 These terms expressed and inferred do not mean different
18 kinds of malice, but merely the manner in which malice may
19 be shown to exist. That is either by direct evidence or
20 by inference from the facts and circumstances which are
21 proven.

22 Expressed malice is shown when a person speaks words
23 which express hatred or ill will for another, or when the
24 person prepared beforehand to do the act which was later
25 accomplished. For example, lying in wait for a person or

1 any other acts of preparation going to show that the deed
2 was within the Defendant's mind would be expressed malice.
3 Malice may be inferred from conduct showing a total
4 disregard for human life.

5 If you find, ladies and gentlemen, that the State has
6 failed to prove beyond a reasonable doubt that the
7 Defendant committed murder, you may consider whether the
8 State has proven beyond a reasonable doubt that the
9 Defendant committed voluntary manslaughter.

10 To prove voluntary manslaughter, the State must prove
11 beyond a reasonable doubt that the Defendant took the life
12 of another in the sudden heat of passion based on
13 sufficient legal provocation. Both heat of passion and
14 sufficient legal provocation must be present at the time
15 of the killing to constitute voluntary manslaughter.

16 Sudden heat of passion may for a time effect a person's
17 self-control and temporarily disturb a person's reason.

18 The sudden heat of passion must be the type that
19 would make an ordinary person unable to coolly reflect on
20 his actions and would produce an uncontrollable impulse to
21 do violence. Sufficient legal provocation must be the
22 type that would make a person of ordinary reason and
23 caution become enraged and to lose control temporarily.

24 The provocation needed for voluntary manslaughter
25 must come from some act of or related to the victim.

1 Words alone, however vulgar or insulting, are not enough
2 to be legal provocation. Where death is caused by the use
3 of a deadly weapon, the words must be accompanied by some
4 overt act, threatening act, which could have produced the
5 heat of passion. The exercise of a legal right, no matter
6 how offensive it is to another is never sufficient legal
7 provocation for voluntary manslaughter. If the heat of
8 passion had cooled or there was enough time between the
9 provocation, if any, and the killing for the passion of a
10 reasonable person to cool, the killing would not be
11 voluntary manslaughter.

12 In deciding whether a reasonable person would have
13 had enough time to cool off, you should consider all the
14 circumstances surrounding the killing. You may consider
15 the nature of the provocation, if any, the Defendant's
16 mental and physical state, and the circumstances and
17 relationships between the parties.

18 The Defendant is charged with possession of a weapon
19 during the commission of or attempt to commit a violent
20 crime. The State must prove beyond a reasonable doubt
21 that the Defendant was in possession of a firearm or
22 visibly displayed what appeared to be a firearm during the
23 commission of a violent crime.

24 A firearm means any machine gun, automatic rifle,
25 revolver, pistol, or any weapon which will or is designed

1 to or may be readily converted to expel a projectile. I
2 instruct you, ladies and gentlemen, that in order to find
3 the Defendant guilty of possession of a weapon during the
4 commission of a violent crime, you must, first, find the
5 Defendant guilty of either committing a violent crime or
6 attempting to commit a violent crime.

7 I instruct you that murder and voluntary manslaughter
8 as specified by Code Section 16-1-60 and are defined as
9 violent crimes.

10 Bear me just one moment, ladies and gentlemen.

11 (Pause.)

12 THE COURT: The Defendant is charged with attempted
13 murder. In order to prove this crime, the State must
14 prove the Defendant attempted to kill another person with
15 malice aforethought, either expressed or implied.

16 Malice, as I've instructed, is hatred, ill will, or
17 hostility towards another person. It is the intentional
18 doing of a wrongful act without just cause or excuse and
19 with an intent to inflict an injury, or under
20 circumstances the law will infer an evil intent. Malice
21 aforethought does not require that malice exist for any
22 particular time before the act is committed. But malice
23 must exist in the mind of the Defendant just before and at
24 the time the act is committed.

25 Therefore, there must be a combination of the

1 previous evil intent and the act. As I've instructed,
2 malice aforethought may be expressed or inferred. These
3 terms expressed and inferred do not mean different kinds
4 of malice, but merely the manner in which malice may be
5 shown to exist. That is either by direct evidence or by
6 inference from the facts and circumstances which are
7 proven.

8 Expressed malice is shown when a person speaks words
9 which express hatred and ill will for another, or when the
10 person prepared beforehand to do the act which was later
11 accomplished. Using my earlier example, lying in wait for
12 a person or any other acts of preparation going to show
13 that the deed was in the Defendant's mind would be
14 expressed malice. Malice may, also, be inferred from
15 conduct showing a total disregard for human life.

16 I instruct you that a specific intent to kill is not
17 an element of attempted murder. But there must be a
18 general intent to commit serious bodily injury. Intent
19 means intending the result which, actually, occurs, not
20 accidentally or involuntarily. Intent must be shown --
21 intent may be shown by acts and conduct of the Defendant
22 and other circumstances from which you may naturally and
23 reasonably infer intent.

24 Evidence of the character of the act, the character
25 of the instrument used, the manner in which it was used,

1 the purpose to be accomplished, and the resulting words or
2 injuries may be considered in determining the intent with
3 which the act was committed. Intent may, also, be
4 inferred when it is demonstrated that the Defendant
5 voluntarily and willfully commits an act the natural
6 tendency of which is to destroy another life.

7 The Defendant is charged with unlawful conduct
8 towards a child. The State must, first, prove beyond a
9 reasonable doubt that the Defendant had charge or custody
10 of the child, was the parent or guardian of the child, or
11 was responsible for the care and support of the child.

12 A person responsible for a child's welfare includes
13 the child's parent, guardian, or foster parent, an
14 operator, employee or caregiver of a public or private
15 residential home, institution, agency, or child day care
16 center facility, or an adult who has assumed the role or
17 responsibility of a parent or guardian of a child, but
18 does not necessarily have legal custody of the child.
19 This does not include a person whose only role is as a
20 caregiver and whose contact is only incidental with the
21 child, such as a baby-sitter.

22 The State must, also, prove beyond a reasonable doubt
23 that the Defendant placed the child at unreasonable risk
24 of harm affecting the child's life, physical or mental
25 health or safety. A child means a person under the age of

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1 18.

2 Ladies and gentlemen, the Defendant has raised the
3 defense of self-defense. Self-defense is a complete
4 defense. And if it is established, you must find the
5 Defendant not guilty. The State has the burden of
6 disproving self-defense by proof beyond a reasonable
7 doubt. If you have a reasonable doubt of the Defendant's
8 guilt after considering all the evidence, including the
9 evidence of self-defense, then you must find the Defendant
10 not guilty. On the other hand, if you have no reasonable
11 doubt of the Defendant's guilt after considering all the
12 evidence, including the evidence of self-defense, then you
13 must find the Defendant guilty.

14 The following elements are required to establish
15 self-defense. First, the Defendant must be without fault
16 in bringing on the difficulty. If the Defendant's conduct
17 was the type which was reasonably calculated to and did
18 provoke a deadly assault, the Defendant would be at fault
19 in bringing on the difficulty and would not be entitled to
20 an acquittal based on self-defense.

21 Self-defense is not available to a person who uses
22 language which is so contemptuous that a reasonable person
23 would expect it to bring on a physical encounter and which
24 did, actually, contribute to the physical encounter. If
25 the Defendant voluntarily participated in mutual combat

1 for purposes other than protection, the killing of the
2 victim would not be self-defense. This is true if even
3 during the combat the Defendant feared death or serious
4 bodily injury. However, if before the killing is
5 committed, the Defendant withdraws and tried in good faith
6 to avoid further conflict and either by word or act makes
7 the fact known to the victim, he would be without fault in
8 bringing on the difficulty.

9 For mutual combat, there must be a mutual intent and
10 willingness to fight. This intent may be shown by the
11 acts and conduct of the parties and the circumstances
12 surrounding the combat. In addition, it must be shown
13 that both parties were armed with a deadly weapon.

14 The second element of self-defense is that the
15 Defendant was, actually, in imminent danger of death or
16 serious bodily injury, or that the Defendant, actually,
17 believed he was in imminent danger of death or serious
18 bodily injury. If the Defendant was, actually, in
19 imminent danger, it must be shown that the circumstances
20 would have warranted a person of ordinary firmness and
21 courage to strike the fatal blow to prevent death or
22 serious bodily injury. If the Defendant believed he was
23 in imminent danger of death or serious bodily injury, it
24 must be shown that a reasonably prudent person of ordinary
25 firmness and courage would have had the same belief.

1 In deciding whether the Defendant was or believed he
2 was in imminent danger of death or serious bodily injury,
3 you should consider all the facts and circumstances
4 surrounding the crime, including the physical condition
5 and characteristics of the Defendant and the victim. The
6 Defendant does not have to show that he was, actually, in
7 danger. It is enough if the Defendant believed he was in
8 imminent danger and a reasonably prudent person of
9 ordinary firmness and courage would have had the same
10 belief.

11 The Defendant has the right to act on appearances,
12 even though the Defendant's beliefs may have been
13 mistaken. It is for you, the jury, to decide whether the
14 Defendant's fear of immediate danger of death or serious
15 bodily injury was reasonable and would have been felt by
16 an ordinary person in the same situation.

17 Once the right to act in self-defense arises, a
18 defendant is not required to act -- to wait until his
19 adversary is on equal terms or until he has fired or armed
20 his weapon in order to act. Similarly, the Defendant does
21 not have to wait until his assailant gets the drop on him.
22 He has the right to act under the law of self-preservation
23 and prevent his assailant from getting the drop on him.
24 You may consider the relative sizes, ages, and weights of
25 the Defendant and the victim in deciding the apparent or

1 actual need for force in self-defense and the amount of
2 force needed.

3 The final element of self-defense is that the
4 Defendant had no other probable way to avoid the danger of
5 death or serious bodily injury than to act as the
6 Defendant did in this particular instance. The Defendant
7 has no duty to retreat if by doing so the danger of being
8 killed or suffering serious bodily injury would increase.
9 A person cannot be required to make an exact calculation
10 as to the degree or amount of force which may be needed to
11 avoid death or serious bodily harm.

12 Therefore, in self-defense, the Defendant has the
13 right to use the force needed to avoid death or serious
14 bodily harm. The force used in self-defense does not have
15 to be limited to the degree or amount of force used by the
16 victim. The Defendant has the right to use so much force
17 as appeared to be necessary for complete self-protection,
18 and which a person of ordinary reason and firmness would
19 have believed to be needed to prevent death or serious
20 bodily harm.

21 The Defendant has, also, raised the defense of
22 accident. An act may be excluded on the ground of
23 accident if it was shown that the act was unintentional,
24 that the Defendant was acting lawfully and that reasonable
25 care was used by the Defendant in the handling of the

1 weapon. For example, if a person is lawfully armed in
2 self-defense and the gun accidentally discharges, the
3 defense of accident would apply.

4 The burden is on the State to prove beyond a
5 reasonable doubt that the act was not an accident, but was
6 caused by the negligence or carelessness on the part of
7 the Defendant in the handling of a dangerous
8 instrumentality.

9 Ladies and gentlemen, there are several indictments
10 in this case, each of which indict the Defendant with a
11 different offense -- criminal offense. Those charges are
12 as follows: Indictment 2013-GS-23-3240 -- and, actually,
13 I went in opposite order. I apologize. 3238, murder and
14 possession of a firearm during the commission of a violent
15 crime, counts one and two respectively. 3239, attempted
16 murder. And 3240, unlawful conduct towards a child.

17 Each indictment charges a separate and distinct
18 offense. You must decide each indictment separately on
19 the evidence and the law applicable to it uninfluenced by
20 your decision as to any of the other indictments. The
21 Defendant may be convicted or acquitted on any or all of
22 the offenses charged.

23 You will be asked to write a separate verdict of
24 guilty or not guilty for each indictment. In this
25 instance, there are two counts on one indictment. So

1 you'll be asked to write a separate verdict on count one
2 and two, and then a separate verdict on the other two
3 indictments. You don't have to try to write that down,
4 because all of this will go into the jury room with you.

5 Ladies and gentlemen, there are several potential
6 verdicts on each indictment. There's no significance
7 whatsoever to the order in which I state these potential
8 verdicts. It is simply that one must be stated first.
9 And, again, you don't have to try to write this down,
10 because each of the verdict forms and the indictments will
11 go into the jury room with you.

12 And those options are as follows: As to indictment
13 2013-3238; count one, we, the jury, by unanimous consent
14 find the Defendant guilty of murder, or as to the lesser
15 included offense, guilty of voluntary manslaughter, or not
16 guilty. As to count two, we, the jury, by unanimous
17 consent find the Defendant guilty of possession of a
18 firearm during the commission of a violent crime, or not
19 guilty. And as to indictment 3239, we, the jury, by
20 unanimous consent find the Defendant guilty of attempted
21 murder, or not guilty. And as to indictment 3240, we, the
22 jury, by unanimous consent find the Defendant guilty of
23 unlawful conduct towards a child, or not guilty. Again,
24 there's absolutely no significance whatsoever to the order
25 in which I state these potential verdicts. It is simply

1 one must be stated first.

2 Ladies and gentlemen, your verdict must be a
3 unanimous one, which means that all 12 of you must agree
4 in order to reach a verdict.

5 Mr. Foreman, it is your responsibility to fill out
6 the verdict forms, and to sign and date the forms. It is,
7 also, your responsibility to knock on the door and advise
8 the bailiffs once the jury has reached a verdict. It is,
9 also, your responsibility to write out any questions the
10 jury may have during deliberations and to follow the same
11 procedure, knock on the door and advise the bailiffs that
12 the jury has a question once you have written it out.

13 Ladies and gentlemen, I will tell you that if you
14 have any questions during deliberations, there will be a
15 delay in us responding to any of your questions. And
16 that's because we have to follow procedure in answering
17 any questions you may have. So if you have a question,
18 just know that there will be a delay because we're
19 following that procedure.

20 Again, I instruct you that your verdict must be
21 unanimous, which means all 12 of you must agree in order
22 to reach a verdict.

23 Ladies and gentlemen, I'm going to ask that you
24 return to your jury room. But do not yet begin your
25 deliberations. I have some matters of law that I need to

1 take up with the attorneys that may require further
2 instruction or clarification of an instruction.

3 However, if there's no further instruction, we will
4 send in the verdict forms, as well as the evidence. And,
5 at that time, we will dismiss the alternate. And you will
6 be advised that you can begin your deliberations. If you
7 would leave your note pads in your seats and go with the
8 bailiffs. And, again, do not yet begin your
9 deliberations.

10 (WHEREUPON, the jury was excused from open court at
11 approximately 12:01 a.m.)

12 THE COURT: Are there any exceptions to the
13 instructions from the State?

14 MS. MUNSON: Nothing that wasn't already stated, Your
15 Honor.

16 THE COURT: Okay. Anything further from the Defense
17 that was not already stated?

18 MR. JONES: No, Your Honor.

19 THE COURT: Okay. If you all could make sure all the
20 evidence is in place for me before we send it back to the
21 jury room. I know you all may have used some in your
22 argument.

23 (Pause.)

24 (WHEREUPON, Juror #43, Matthew Cottrell, entered the
25 courtroom.)

1 THE COURT: Sir, we want to thank you for your time
2 and your attention during this case. I've watched you and
3 you've been timely, you've been diligent. Being an
4 alternate is often a thankless job. It's like getting
5 dressed for the dance that you don't get to go to.

6 I wanted to tell you that we ordered lunch for you as
7 well. So you're welcome to stay and eat it if you would
8 like, or you're welcome to leave. If you want to stay and
9 wait to see how the deliberations turn out, you're welcome
10 to do that. We'll make you comfortable and we'll find a
11 place for you to sit.

12 JUROR #43, MATTHEW COTTRELL: Okay.

13 THE COURT: We'll find a comfortable place for you.
14 You're welcome to discuss this case if you would like.
15 But I would ask you not to do that until the conclusion of
16 the entire process, until we release you for the week as a
17 juror. If someone should persist in trying to talk to you
18 that exceeds your comfort level, please, let us know so we
19 can protect your privacy.

20 I just wanted to thank you on behalf of the Court and
21 on behalf of counsel. And thank you for your diligent
22 service. And I know jury service is thankless. And to be
23 here for a whole week with us, we truly appreciate it.

24 JUROR #43, MATTHEW COTTRELL: Thank you.

25 THE COURT: Thank you so much.

1 If you would go with the bailiff for me.

2 (WHEREUPON, Juror #43, Matthew Cottrell, exited the
3 courtroom.)

4 THE COURT: Okay. So the record should reflect that
5 the jury began deliberations at 12:10.

6 You all might want to try to find you a sandwich,
7 because I think their lunch is here and they're eating.

8 So we will await further instructions from the jury.

9 (WHEREUPON, the proceedings were recessed at
10 approximately 12:11.)

11 THE COURT: The jury has sent a note, We would like
12 to listen to the 911 tape.

13 What I've just inquired with the Solicitor is what
14 equipment -- because sometimes some 911 tapes -- I know
15 the one in Charleston requires special software, so it
16 can't just be played on a regular laptop. It has to have
17 a laptop with that particular software on it. But they
18 have informed me that it simply can be played on a laptop,
19 and it has external speakers. And it can be set up in the
20 jury room.

21 So I'm going to have them set that up in the jury
22 room, show them how to stop and start it. I'm going to
23 have a bailiff in there while that's being done. And
24 they're going to be instructed not to have any
25 deliberations while that's being set up. And then the

1 bailiff and whomever sets it up will leave, and then the
2 jury can listen to the 911 tape at their pleasure.

3 I'll have the note marked as a Court's Exhibit.

4 Any exceptions from the State?

5 MS. MUNSON: No, ma'am, Your Honor.

6 THE COURT: From the Defense?

7 MR. JONES: Your Honor, could we have one of
8 us accompany whatever representative from the State
9 goes --

10 THE COURT: I'm going to have a bailiff in there.
11 I'm not letting the State's attorney go in there. I'm
12 going to have a bailiff. I trust my bailiffs. They are
13 objective.

14 The door will be open, and the jury will be
15 instructed not to deliberate. I don't have any reason to
16 believe something nefarious will take place.

17 Any exceptions to the equipment being taken in there
18 and them listening to the 911 tape from the State?

19 MS. MUNSON: No, ma'am.

20 THE COURT: From the Defense?

21 MR. JONES: No, Your Honor.

22 THE COURT: Okay. We'll await further instructions
23 from the jury.

24 (WHEREUPON, Court's Exhibit No. 3 was marked for
25 identification and admitted into evidence.)

1 (WHEREUPON, the proceedings were recessed at
2 approximately 12:40 p.m.)

3 QUESTION FROM THE JURY

4 THE COURT: We have a note from the jury. And it
5 reads as follows, Legal definition between murder and
6 manslaughter, signed by the Foreperson.

7 I will have that marked as a Court's Exhibit. And I
8 will reinstruct the jury on the elements of murder and
9 manslaughter.

10 Is there an exception from the State?

11 MS. MUNSON: No, ma'am.

12 THE COURT: From the Defense?

13 MR. WARDER: No, Your Honor.

14 THE COURT: Okay. Please bring the jury in.

15 (WHEREUPON, the jury came into open court at
16 approximately 2:08 p.m.)

17 THE COURT: Ladies and gentlemen, I received your
18 note, which is, Legal definition between murder and
19 manslaughter. And I am going to reinstruct you on the
20 elements of murder and manslaughter in response to that
21 question.

22 The Defendant is charged with murder. The State must
23 prove beyond a reasonable doubt that the Defendant killed
24 another person with malice aforethought. Malice is
25 hatred, ill will, or hostility toward another person. It

1 is the intentional doing of a wrongful act without just
2 cause or excuse and with an intent to inflict an injury,
3 or under circumstances the law will infer an evil intent.

4 Malice aforethought does not require that malice
5 exist for any particular time before the act is committed.
6 But malice must exist in the mind of the Defendant just
7 before and at the time the act is committed. Therefore,
8 there must be a combination of the previous evil intent
9 and the act.

10 Malice aforethought may be expressed or inferred.
11 These terms expressed and inferred do not mean different
12 kinds of malice, but merely the manner in which malice may
13 be shown to exist. That is either by direct evidence or
14 by inference from the facts or circumstances which are
15 proven. Expressed malice is shown when a person speaks
16 words which express hatred or ill will for another, or
17 when a person prepared beforehand to do the act which was
18 later accomplished. For example, lying in wait for a
19 person or any other acts of preparation going to show that
20 the deed was within the Defendant's mind would be
21 expressed malice. Malice may be inferred from conduct
22 showing a total disregard for human life.

23 If you find that the State has failed to prove beyond
24 a reasonable doubt that the Defendant committed murder,
25 you may consider whether the State has proven beyond a

1 reasonable doubt that the Defendant committed voluntary
2 manslaughter. To prove voluntary manslaughter, the State
3 must prove beyond a reasonable doubt that the Defendant
4 took the life of another in the sudden heat of passion
5 based on sufficient legal provocation. Both heat of
6 passion and sufficient legal provocation must be present
7 at the time of the killing to constitute voluntary
8 manslaughter.

9 Sudden heat of passion may for a time affect a
10 person's self-control and temporarily disturb a person's
11 reason. The sudden heat of passion must be the type that
12 would make an ordinary person unable to coolly reflect on
13 his actions and would produce an uncontrollable impulse to
14 do violence. Sufficient legal provocation must be the
15 type that would make a person of ordinary reason and
16 caution to become enraged and to lose control temporarily.

17 The provocation needed for voluntary manslaughter
18 must come from some act of or related to the victim.
19 Words alone, however vulgar or insulting, are not enough
20 to be legal provocation. Where death is caused by the use
21 of a deadly weapon, the words must be accompanied by some
22 overt threatening act which could have produced the heat
23 of passion.

24 The exercise of a legal right, no matter how
25 offensive it is to another person, is never sufficient

1 legal provocation for voluntary manslaughter. If the heat
2 of passion had cooled, or if there was enough time between
3 the provocation, if any, and the killing for the passion
4 of a reasonable person to cool, the killing would not be
5 voluntary manslaughter.

6 In deciding whether a reasonable person would have
7 had enough time to cool off, you should consider all the
8 circumstances surrounding the killing. You may consider
9 the nature of the provocation, if any, the Defendant's
10 mental and physical state, and the circumstances and
11 relationship between the parties.

12 Ladies and gentlemen, that will conclude the
13 additional instruction in response to your note. If you
14 need anything further, please, do not hesitate to let us
15 know.

16 (WHEREUPON, the jury was excused from open court at
17 approximately 4:13 p.m.)

18 THE COURT: Any exceptions from the State?

19 MS. MUNSON: No, ma'am.

20 THE COURT: From the Defense?

21 MR. WARDER: No, Your Honor.

22 THE COURT: We'll await further instructions from the
23 jury.

24 (WHEREUPON, Court's Exhibit No. 4 was marked for
25 identification and admitted into evidence.)

1 (WHEREUPON, the proceedings were recessed at
2 approximately 4:14 p.m.)

3 THE COURT: The jury has reached a verdict.
4 Anything from the State?

5 MS. MUNSON: No, ma'am.

6 THE COURT: From the Defense?

7 MR. WARDER: No, Your Honor.

8 THE COURT: You can go ahead and bring in the jury.

9 MR. JONES: Your Honor, one quick question out of
10 ignorance with regard to the way you run your court. Is
11 it your practice to poll the jury?

12 THE COURT: I ask if there's any request to poll the
13 jury.

14 If anybody has any cell phones on, you need to turn
15 it off, not on vibrate, but off.

16 And, also, I know this has been a highly-charged
17 situation, but I do not expect there to be any reaction
18 from the gallery.

19 (WHEREUPON, the jury came into open court at
20 approximately 4:38 p.m.)

21 THE COURT: Mr. Foreman, is it correct that the jury
22 has reached a verdict?

23 JUROR #181, BRIAN WOLFE: Yes, Your Honor.

24 THE COURT: If you would, give the verdict forms to
25 the bailiff for me, please.

1 Thank you, sir.

2 Madam Clerk, if you would, publish the verdict.

3 THE CLERK: Yes, ma'am.

4 THE COURT: Sir, if you would, stand for publication
5 of the verdicts.

6 VERDICT

7 THE CLERK: Your Honor, this is the State of South
8 Carolina v. Willie Marvin Williams. As to indictment
9 number 2013-GS-23-3238, count one, we, the jury, by
10 unanimous consent, find the Defendant guilty of murder.
11 As to indictment number 2013-GS-23-3238, we, the jury,
12 unanimous -- by unanimous consent find the Defendant
13 guilty of possession of a firearm during the commission of
14 a violent crime.

15 As to indictment number 2013-GS-23-3239, we, the
16 jury, by unanimous consent, find the Defendant guilty of
17 attempted murder.

18 As to indictment number 2013-GS-23-3240, we, the
19 jury, by unanimous consent, find the Defendant guilty of
20 unlawful conduct towards a child.

21 And all of these have been signed by the Foreperson,
22 Brian Wolfe.

23 If this was your verdict in the jury room and is your
24 verdict now, please, raise your right hand.

25 (WHEREUPON, all of the jurors raised their hand.)

1 THE CLERK: Thank you.

2 THE COURT: You may put your right hand down.

3 Sir, you may be seated.

4 Is there any request to poll the jury from the State?

5 MS. MUNSON: No, ma'am.

6 THE COURT: From the Defense?

7 (WHEREUPON, there was no response.)

8 THE COURT: Is there any request to poll the jury?

9 MR. JONES: Your Honor, we would ask that you poll
10 the jury.

11 THE COURT: Madam Clerk, if you would, proceed.

12 Ladies and gentlemen, if you would, give the Clerk
13 your attention.

14 THE CLERK: Ladies and gentlemen, the verdict that I
15 have just published was the verdict you reached in the
16 jury room. I ask you, was that your verdict then and is
17 it your verdict now?

18 As I call your name, please, answer "yes" or "no."

19 Brian Wolfe?

20 JUROR #181, BRIAN WOLFE: Yes.

21 THE CLERK: Lisa Bratten?

22 JUROR #18, LISA BRATTEN: Yes.

23 THE CLERK: Harold Breazeale, Jr.?

24 JUROR #19, HAROLD BREAZEALE, JR.: Yes.

25 THE CLERK: Bentley Bowling?

1 JUROR #15, BENTLEY BOWLING: Yes.

2 THE CLERK: Brent Noblitt?

3 JUROR #114, BRENT NOBLITT: Yes.

4 THE CLERK: Robert Shalvoy?

5 JUROR #139, ROBERT SHALVOY: Yes.

6 THE CLERK: Leslie Norris?

7 JUROR #116, LESLIE NORRIS: Yes.

8 THE CLERK: Jacqueline Krysh?

9 JUROR #84, JACQUELINE KRYSH: Yes.

10 THE CLERK: William Allgood?

11 JUROR #3, WILLIAM ALLGOOD: Yes.

12 THE CLERK: Charles McKinney?

13 JUROR #100, CHARLES MCKINNEY: Yes.

14 THE CLERK: Robert Bishop?

15 JUROR #12, ROBERT BISHOP: Yes.

16 THE CLERK: Virginia Burgess?

17 JUROR #23, VIRGINIA BURGESS: Yes.

18 THE CLERK: Thank you.

19 THE COURT: The jury has been polled and the verdict
20 stands.

21 Mr. Foreman, and, ladies and gentlemen, you are
22 excused for the remainor of the week.

23 Can they get work excuses before they leave?

24 THE CLERK: Yes.

25 THE COURT: If you need a work excuse, we can get you

1 one before you leave today. If not, they will be mailed
2 to you along with your checks.

3 Just so you know, South Carolina has one of the
4 highest case files per capita per judge in the nation. We
5 are only -- we're second to last. And last count, I think
6 at our judicial conference, Justice Toal told us about
7 5,500 case files per judge in this state. We have 49
8 circuit judges that hear cases throughout the State of
9 South Carolina.

10 And just to give you some point of reference, as
11 judges, we go to school outside of the state. Sometimes,
12 I've facilitated courses at the National Judicial College.
13 And as a result, you make friends with other judges. And
14 I've made friends with some judges in Philadelphia. And
15 they have nine judges in the City of Philadelphia that
16 only hear murder cases. So that's all they do every day
17 all year long. They hear murder cases and capital cases.
18 And that's all they do in the City of Philadelphia. We
19 have 49 judges throughout South Carolina that hear civil
20 and criminal court.

21 So that gives you some idea of the case load that we
22 handle. And even with that case load, we still dispose of
23 cases faster than most states. Most states take about
24 four years to dispose of a case. Our average is about 18
25 months.

1 So I tell you that to let you know, I don't know how
2 many weeks of court we have here in Greenville, but I know
3 in Charleston, we hold criminal and civil court. We hold
4 jury trials 47 out of the 52 weeks of the year. And we
5 normally have two courts operating, two civil and two
6 criminal courts hearing jury trials. So that gives you
7 some idea of just how much court is held.

8 And I tell you that to let you know that we couldn't
9 do that without you all being willing, really, to donate
10 your time to us. There are some instances where the
11 judges act as fact finders in a non-jury context. But
12 probably 90 percent of what we do, we require a jury to
13 act as the fact finders. Our system is the only system of
14 its kind in the world where ordinary citizens listen to a
15 case, determine what the facts are, and then apply a very
16 complicated set of laws to those facts to render verdicts.

17 So I just tell you that antidotal information so you
18 can know how very valuable you are to us, how valuable
19 your service is. And that what we pay you is absolutely
20 no indication of the service you render to the citizens of
21 this state.

22 You are welcome to discuss this case if you would
23 like. Sometimes, lawyers contact jurors because they want
24 to get feedback on how they can do things better. As
25 lawyers, sometimes, we lack a little common sense. And

1. so, sometimes, talking to jurors helps us see what we
2. can't see. And, sometimes, you know, what is it you say?
3. You can't see the forest for the trees. And, sometimes,
4. it helps lawyers to get feedback from jurors to help them
5. do their job a little bit better. So you may hear from
6. the attorneys in this case. They may want to ask you just
7. your opinion and your feedback about the case. So that is
8. not unusual.

9. You are welcome to discuss it with them if you'd
10. like, but if you don't want to, you, certainly, don't have
11. to. If anyone should contact you and their conversation
12. regarding any aspect of this case should exceed your
13. comfort level, please, let us know so we can take the
14. appropriate action to protect your privacy.

15. Again, your checks and your excuses will be mailed to
16. you. But if you need an excuse before you leave today,
17. let the bailiffs know so we can take care of that before
18. you leave the courthouse.

19. Also, I will need the Foreperson, if you could stay
20. with us. Because I'm going to need you to sign the
21. indictments prior to leaving today.

22. Ladies and gentlemen, you're excused with the Court's
23. profound thanks.

24. I will hear post-trial motions and sentencing in just
25. a moment.

1 (WHEREUPON, the jury exited the courtroom at
2 approximately 4:46 p.m.)

3 (Pause.)

4 THE COURT: Are there any post-trial motions?

5 MR. JONES: Your Honor, we've discussed it with
6 Mr. Williams, and the Defense does not have any post-trial
7 motions.

8 THE COURT: Okay. So we'll then move to sentencing.
9 Do we need to prepare sentencing sheets?

10 THE CLERK: I've got them, Your Honor.

11 THE COURT: You are so efficient.

12 Thank you very much.

13 THE CLERK: You're welcome.

14 THE COURT: And, Madam Solicitor, if I'm correct, his
15 only record was an arson from 1990, 10 years suspended to
16 three years and five years probation; and a 1989 malicious
17 injury to personal property, which was a magistrate-level
18 offense; correct?

19 MS. MUNSON: Correct.

20 MR. JONES: If it please the Court, Your Honor --

21 THE COURT: Give me one second.

22 MR. JONES: Yes.

23 (Pause.)

24 THE COURT: Yes, sir.

25 You were going to say something.

1 MR. JONES: I was just going to inquire if the Court
2 was going to allow either party to present -- the Defense
3 to present any mitigation?

4 THE COURT: Oh, absolutely.
5 I'll be glad to hear from the State.

6 MS. MUNSON: Your Honor, there's several members of
7 Ms. Kerns's family here. And I believe there are two of
8 them who would like to address the Court, if you would
9 indulge them.

10 THE COURT: Certainly. I just need them to tell us
11 their name for the record, and spell their last name for
12 the benefit of the court reporter.

13 MR. WILLIE ROBINSON: I'm Willie Robinson, Natasha
14 Kerns's daddy.

15 THE COURT: Yes, sir.

16 MR. WILLIE ROBINSON: I think justice was served.
17 And I really appreciate that. I do miss my baby. I
18 raised her from a little girl by myself. And I saw her to
19 college and stuff. And I really miss her. And I love
20 her.

21 And her kids really miss her, especially J.K. and
22 Ja.K. . And J.K. , he really misses her. He asks about
23 her all the time. And I tell him -- and those kids, right
24 now, they don't really understand what's going on. So
25 we've got them going through a program to see a

1 psychiatrist, because they need to get it out.

2 And I think justice was served today. And I'm glad
3 that this thing is finally over.

4 So thank you, Judge.

5 THE COURT: You're welcome, sir.

6 Is there another family member that --

7 MS. MUNSON: Yes, ma'am.

8 THE COURT: You may proceed.

9 MS. TRACI FANT: My name is Traci Fant.

10 THE COURT: Could you spell your last name for me?

11 MS. TRACI FANT: F-A-N-T.

12 THE COURT: Is it T-R-A-C-I OR C-Y?

13 MS. TRACI FANT: It's T-R-A-C-I.

14 And I'm joined by Natasha's brother.

15 MR. KENATE KERNS: Kenate [phonetic] Kerns.

16 THE COURT: Say that for me one more time.

17 MS. TRACI FANT: The family asked me to speak on
18 their behalf.

19 THE COURT: Yes, ma'am.

20 MS. TRACI FANT: It's been a rough week. As we sat
21 this week and listened to testimony, we recall hearing
22 several witnesses say they forgot about some of the things
23 that happened on July the 10th. July 10th was a day we'll
24 never forget..

25 In fact, we will never forget the three weeks leading

1 up to July 10th when Natasha repeatedly cried out for
2 help. She went to a women's shelter and was put on a
3 waiting list, filed restraining orders, fled to North
4 Carolina. She even wrote on Facebook, If you find my body
5 dead, my husband, Willie Williams, did it. But what did
6 he do? Instead of leaving her alone, he hunted her down
7 like an animal and executed her.

8 We want to tell you about the Natasha Kerns that has
9 not been mentioned in this courtroom. She was a mother,
10 of course, the type of mother who worked several jobs to
11 provide for her children. She taught her children to
12 treat people the way they would want to be treated. She
13 taught them about God. She was a student, but not just an
14 ordinary student. Natasha graduated college several
15 times. In fact, she had four degrees. She was talented.
16 So talented that she made it to American Idol and
17 performed in front of Simon Cowell. She was a sister, a
18 cousin, a friend, the type of person who would give you
19 the shirt off her back. She was a daughter, the only
20 daughter of Willie Robinson and the late Geneva Kerns, who
21 died 15 months after Natasha's murder of what some say was
22 a broken heart.

23 She was a fighter, a fighter who got back up after
24 being repeatedly knocked down, bruised and battered, a
25 fighter who got fed up and said enough, a fighter who

1 Willie Williams knew that the only way to stop her was
2 with a bullet.

3 We pray that while Willie Williams sat there sipping
4 on cups of water, laughing, and talking to his family and
5 friends that he thought about what he did to Natasha, at
6 least, once. But it's sad to say the family honestly
7 doesn't think he has an ounce of remorse in his body for
8 what he did. He may have taken away her voice, but he'll
9 never take away our memories of her.

10 THE COURT: Thank you very much.

11 MS. MUNSON: Your Honor, Mr. Wilson is still in the
12 courtroom, but he does not wish to address the Court.

13 The State has nothing further.

14 THE COURT: Does the State take any position on
15 sentence?

16 MS. MUNSON: Yes, Your Honor. I, certainly, do.

17 THE COURT: I think you need to state it for the
18 record.

19 MS. MUNSON: He has -- he sentenced J.A.K. and
20 J.K. and these people -- he sentenced -- he's given them
21 a life sentence. It's the State's firm position that he
22 deserves nothing less than life.

23 Thank you, Your Honor.

24 THE COURT: You're welcome.

25 I'll be glad to hear from the Defense.

1 MR. JONES: From here, or at the podium, Your Honor?

2 THE COURT: Where you are.

3 MR. WARDER: Your Honor, we have a psychologist that
4 Willie has been seeing. We would like for him to give you
5 some information.

6 THE COURT: Sure.

7 MR. DAVID PRICE: Your Honor, I'm Dr. David Price.

8 THE COURT: Yes, sir.

9 MR. DAVID PRICE: I've evaluated Mr. Williams on a
10 number of occasions over the past year. He's, also, been
11 seen by two psychiatrists, Mr. Martin, who is a
12 psychiatrist -- he's, actually, from Anderson that treats
13 the inmates here -- and Dr. Donna Schwartz-Watts, who is
14 in Columbia with the USC Medical School.

15 Mr. Williams was a contractor in Iraq between 2005
16 and 2010 where he lived in a compound that was attacked at
17 night. One time, he did some damage to the exterior of
18 his skull running into a bunker because of the attack. He
19 began to deteriorate in 2010. He didn't go back to Iraq.

20 He applied to the VA for treatment. And they made
21 him eligible through the VA for benefits to pay for
22 treatment, but not for disability benefits for
23 posttraumatic disorder. He applied to social security for
24 disability benefits for posttraumatic stress disorder.
25 They sent him to a neurologist in the Laurens area, who

1 diagnosed him with posttraumatic stress disorder. But
2 they determined he didn't meet their eligibility
3 requirements because of income.

4 He has a posttraumatic stress disorder and a major
5 depressive disorder that's been well treated by Dr. Martin
6 in the LEC. He's on three medications. He's on
7 Trazodone, Depakote, and Xanax. And I would expect him to
8 continue to function the way he is now pretty well on that
9 medication while he's incarcerated. He has done pretty
10 well at the LEC on that medication.

11 THE COURT: Anything further you'd like to share with
12 the Court?

13 MR. DAVID PRICE: No.

14 THE COURT: You said major depressive disorder?

15 MR. DAVID PRICE: Yes, ma'am.

16 THE COURT: Anything further from the Defense?

17 MR. JONES: Your Honor, I'd like briefly to make a
18 few remarks.

19 THE COURT: Sure.

20 MR. JONES: And then Mr. Williams may want to address
21 the Court, if that's all right.

22 THE COURT: Absolutely.

23 MR. JONES: Judge, obviously, you have on a couple of
24 occasions inquired about Mr. Williams previous criminal
25 history. And except for that arson charge back in 1990 --

1 it arose out of a 1989 incident, 23 years ago -- he's,
2 lived, as he said he has from the witness stand,
3 hardworking job after job after job over the course of his
4 life; as well as, you know, joining the National Guard in
5 that regard, finding what work and betterment he could.

6 Judge, he's going to speak to you in a minute. But
7 before he does, I'd like you to take into consideration
8 the fact that he has no prior criminal history. And, yes,
9 the tragedy of Natasha Kerns's death, you know, will be
10 with everybody, most particularly, her family for the rest
11 of their lives. But everybody in this courtroom is going
12 to have a void that they will feel any time her name comes
13 up, or memory of her. And it's a tragedy that they've
14 endured with strength, and courage, and admirable reserve.

15 But this was a domestic matter. And although there
16 are feelings that Willie was not treating her fairly, or
17 properly, or abusively, except for, you know, the claims,
18 there's no actual conviction, no actual record of that
19 taking place. As he testified from the stand, you know,
20 he was interested in trying to care for her and their
21 children.

22 And, Judge, I think that in spite of what happened on
23 July 10th, 2010, it was undisputed that from the time they
24 were married in 2009, and the time that Ja.K. was born
25 earlier in 2009 that he did try to do that, and tried to

1 work as a good husband and father. And I think that . Is
2 the truth.

3 I think that it was a combination of things that came
4 together that resulted in this tragedy. And in spite of
5 how it might appear and in spite of the jury's verdict,
6 I'm asking you to consider a measured sentence in this
7 case, based on his prior record, and based on the
8 relationship, and based on his condition at the time of
9 the crime that you consider a 30-year sentence for murder,
10 and a 30-year sentence for attempted murder, and whatever
11 sentence you feel appropriate for the other crime.

12 He's 47 as we sit before you today. And if you
13 sentence him to 30 years for murder, he would serve every
14 day of that 30 years making him not eligible for release
15 until he's 77. The men in his family have a history of
16 aneurisms, stroke, diabetes, and heart disease. But there
17 are we hope some of his family, including his daughter,
18 that will possibly in the future want to be able to talk
19 to her daddy about life, about her momma. And it's an
20 ongoing issue. But he is a human being. And I think
21 because of the way he lived his life up until this day
22 deserves consideration of mitigation in the sentence, Your
23 Honor. We'd ask you to consider it.

24 Thank you.

25 THE COURT: You're welcome.

1 Does Mr. Williams wish to address the Court? You
2 indicated -- I'm not taking a position, but you indicated
3 he may want to address the Court. So I wanted to give him
4 that opportunity, if he so desires.

5 MR. JONES: Briefly, Your Honor.

6 (Pause.)

7 MR. JONES: He'd like to address the Court, Your
8 Honor.

9 THE COURT: Sure.

10 Sir, I'll be glad to hear from you.

11 DEFENDANT WILLIAMS: Your Honor, this wasn't my first
12 marriage. I was married right out of high school to my
13 first wife. We got married young. She was 17. I was 19.
14 And we was married for 13 years. I never hit my wife. I
15 took care of my wife. I worked continued jobs. I worked
16 long hours to provide.

17 Also, when I met Natasha, I did the same. I never --
18 we had our ups and downs, our problems. And I made -- we
19 had domestic disputes. I never laid a hand on her. I
20 only talked to her. I feel like I'm a good husband. I
21 was a good husband. And I want you to take into
22 consideration that I've got a daughter, my first and only
23 child at 44 years old, that I love very much that means
24 the world to me. I know I testified and I said what I
25 said. And I'm going to leave it at that. I just want the

1 Court to look back on my history and my life at that time.

2 I would like to thank my family for their support.

3 Special thanks to Ms. Kenyatta for supporting me, my
4 lawyers. And it's no hard feelings to the Kerns family,
5 to the Robinson family. I apologize. But things
6 happened. It's life.

7 Thank you, Your Honor.

8 THE COURT: You're welcome, sir.

9 Anything further from the Defense?

10 MR. JONES: No, Your Honor.

11 THE COURT: Anything further from the State?

12 MS. MUNSON: No, ma'am.

13 THE COURT: How long did your client serve
14 pre-detention?

15 MR. JONES: Your Honor, he's been incarcerated since
16 July the 10th of 2010.

17 THE COURT: So how long is that?

18 That's just shy of three years -- no.

19 MR. JONES: Yes, Your Honor.

20 THE COURT: In a few months, it will be three years.

21 MR. JONES: Yes, Your Honor.

22 If it please the Court, I'm horrible at math.

23 THE COURT: I am, too. That's why I asked.

24 MR. JONES: 1,040 days.

25 THE COURT: Say that again.

1 MR. JONES: 1,041 if you give a year -- 365 days. I
2 think that's what I came up with.

3 THE COURT: That sounds about -- yeah. They'll
4 calculate it, but I just wanted to know for the record.
5 It's always good to know how much pre-detention time a
6 person has served.

7 Sir, if you would stand for imposition of sentence.

8 SENTENCING

9 THE COURT: On indictment -- count two of indictment
10 2013-3238, five years is imposed. However, it's suspended
11 to the 1,041 days time served that you've already expended
12 because pursuant to the statute under certain
13 circumstances, the possession of a firearm charge is
14 inapplicable and, in essence, void. So you would have
15 already served any time applicable on that sentence.

16 On indictment 2013-3240, which is unlawful neglect of
17 a child, sir, you are sentenced to the State Department of
18 Corrections for a period of 10 years.

19 On the charge of two -- on indictment 2013-3239,
20 which is attempted murder, sir, you are sentenced to the
21 State Department of Corrections for a period of 30 years.

22 On indictment 2013-3238, which is murder, sir, you
23 are sentenced to the State Department of Corrections for a
24 period of life.

25 You will get credit for any time that you served.

1 These sentences will be concurrent. And that time will be
2 calculated and applied by the Department of Corrections.

3 Thank you very much.

4 *****END OF TRANSCRIPT OF RECORD*****
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WITNESSES

Eric Whaley *EW*

Greenville County Sheriffs Office

7/11/2010

DOCKET NO. 2013-GS-23-

JMM

003238

✓ The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

April

TERM 2013

THE STATE

vs.

WILLIE MARVIN WILLIAMS

ARREST WARRANT NUMBER

I481327

I481329 ✓

ACTION OF GRAND JURY

TRUE BILL

[Signature]
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

[Signature]

✓ Indictment for

0116

0549

MURDER

VIOLATION § 16-03-0010

POSSESSION OF A WEAPON DURING THE

COMMISSION OF A VIOLENT CRIME

VIOLATION § 16-23-0490

[Signature]
Foreperson of Petit Jury

Date:

5/14/13

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)

INDICTMENT FOR
 COUNT ONE - MURDER
 COUNT TWO - POSSESSION OF A WEAPON DURING
 THE COMMISSION OF A VIOLENT CRIME

At a Court of General Sessions, convened on

the Grand Jurors of Greenville

APR 23 2013

County present upon their oath:

COUNT ONE - MURDER

That WILLIE MARVIN WILLIAMS did in Greenville County, on or about the 10th day of July, 2010, unlawfully and with malice aforethought kill NATASHA KERNS by means of shooting her, and that NATASHA KERNS died as a proximate result thereof. This is in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

COUNT TWO - POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT
 CRIME

That WILLIE MARVIN WILLIAMS did in Greenville County, on or about the 10th day of July, 2010, possess or visibly display a handgun during the commission or attempted commission of a violent crime, to wit: Murder. This is in violation of §16-23-490 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

SOLICITOR

WITNESSES

Eric Whaley *EW*
Greenville County Sheriffs Office

7/11/2010

DOCKET NO. 2013-GS-23-
JMM

003239

✓ The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS
April

TERM 2013

THE STATE

vs.

ARREST WARRANT NUMBER
1481328

WILLIE MARVIN WILLIAMS

ACTION OF GRAND JURY

[Signature]
TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

[Signature]✓
3410

Indictment for

ATTEMPTED MURDER

VIOLATION § 16-03-0029

[Signature]
Foreperson of Petit Jury
Date:

5/14/13

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ATTEMPTED MURDER

At a Court of General Sessions, convened on
County present upon their oath:

APR 23 2013

the Grand Jurors of Greenville

That WILLIE MARVIN WILLIAMS did in Greenville County, on or about the 10th day of July 2010,
unlawfully, with malice aforethought, and with the intent to kill, attempt to kill Anthony Wilson. This is
in violation of § 16-03-0029 of the South Carolina Code of Laws (1976) as amended.

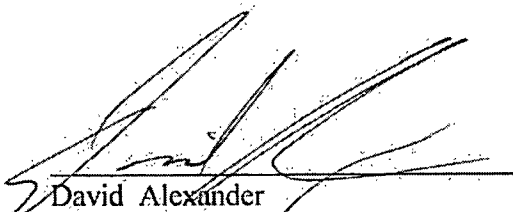
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

January 9th, 2015



David Alexander
Appellate Defender

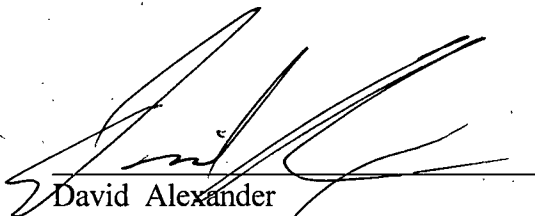
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

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January 9th, 2015



David Alexander
Appellate Defender

South Carolina Commission on Indigent Defense
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PO Box 11589
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ATTORNEY FOR APPELLANT

RECEIVED

JAN 09 2015

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Greenville County

Deadra L. Jefferson, Circuit Court Judge

RECEIVED

JAN 09 2015

THE STATE,

RESPONDENT,

SC Court of Appeals

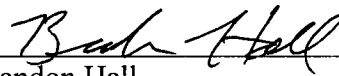
V.

WILLIE M. WILLIAMS,

APPELLANT

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Anthony Mabry, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 9th day of January, 2015.



Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 9th day of January, 2015.

 (L.S.)

Notary Public for South Carolina
My Commission Expires: July 3, 2023.