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ORIGINAL

VOLUME TWO OF THREE

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM WILLIAMSBURG COUNTY
William Jeffrey Young, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TOSHONDA MONIQUE MICKENS

APPELLANT

APPELLATE CASE # 2013-002014

RECORD ON APPEAL

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1 found?

2 A That is correct.

3 Q Can you see any signs of Mr. McNeal's body
4 in that photograph?

5 A In this one, in this area right here,
6 where I am pointing my pen, that location right
7 there.

8 Q And when Williamsburg County, your self in
9 particular, arrived at the home of Mr. McNeal, on
10 that morning, how was his body positioned in the
11 bedroom?

12 A As you see, and like I said, there was
13 other more photographs taken of the closeups of
14 the victim.

15 Q So was he face up, face down, to the side?

16 A Up. More face up.

17 Q Face up where?

18 A You can actually kind of see it right
19 here.

20 Q Just for the record, so that it's clear,
21 when you say he is faced up, he is face up---

22 A Yes.

23 Q ---on the floor of the bedroom? Tell us
24 about 65.

25 A As you move down the hallway, the

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1 photograph is taken as a more close of what they
2 call mid-range view of the back bedroom area. And
3 you can actually see the victim a little clearer
4 in this photograph with other items. And you can
5 see the bed in the foreground. The victim, how he
6 is positioned. And he had a fan to the right of
7 him.

8 Q Let me ask you something. You indicated
9 that this item here that I am pointing to now,
10 that is what in the bedroom?

11 A That is a fan.

12 Q And you are standing in the doorway at
13 Mr. McNeal's bedroom. You obviously you see a bed
14 in that photograph.

15 A That is correct in the foreground.

16 Q If you are facing the bed, would it be at
17 the top of the bed or at the foot of the bed?

18 A The head of the bed is where the fan is
19 towards the head of the bed. The foot is further
20 down that you can't see in this photograph.

21 Q And specifically point to where the head
22 of the bed is.

23 A The head of the bed is there is a
24 headboard right here.

25 Q Yes, sir.

Jeff Scott-Direct by Barr

1 A Where the head of the bed. Now this,
2 like I said, this is the door. And the headboard
3 is this little hand piece. And there is the
4 pillows.

5 Q Okay. Tell us about State's 66.

6 A Now in this one, this photograph is a
7 more, if I can get to it, a more closer up view.
8 It shows the victim in the picture. But it also
9 shows the interior of the room; such as, the bed.
10 There is a trash can and fan and the another item
11 that is on top of the bed. A headboard.

12 Q Yes, sir.

13 A And it shows the back window, the window
14 and curtains.

15 Q Now on that particular exhibit is there
16 any obvious sign of injury to Mr. McNeal from just
17 that exhibit?

18 A In this you can start seeing blood come
19 down on the side of his body right here.

20 Q Yes, sir.

21 A And you can also see his shirt with what
22 is indicated as possible blood.

23 Q Okay. Tell us about State's No. 67.

24 A In this photograph, this is as you go into
25 the room you take a left hand around to the left

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1 side, and you will start seeing the foot of the
2 bed. In here you have the foot. This is a little
3 closet area where you see the clothing. And you
4 also see some of the bed linen down in this area
5 right near the foot.

6 Q Okay. I am going to publish No. 66 by 67,
7 and so that we can get some perspective. In 66
8 here, you talked about curtains that in the
9 bedrooms in windows.

10 A Yes.

11 Q Is that part of the curtain visible to the
12 next exhibit?

13 A That is correct. I mean it's kind of cut
14 in the picture in half. You have the front and
15 the back.

16 Q Tell us about State's Exhibit No. 68.

17 A In this photograph you have another little
18 closet area. You have the little closet area that
19 you can see with the clothing. Then you have
20 another little small closet area. This is the
21 door that was shut. There's a little mirror area
22 right up in here.

23 Q Yes, sir.

24 A And here you have a dresser. And you can
25 the floor and the bed linen. And there is a

Jeff Scott-Direct by Barr

1 closet area right in there.

2 Q As it relates to the mirror, is there
3 anything that you deem to be significant as it
4 relates, possibly related to the crime that you
5 all were investigating on that mirror where I am
6 pointing?

7 A Yes.

8 Q Tell us about that.

9 A That is correct. In that area, if I can
10 borrow your pen. In this area where you see the
11 shadowing, it looks a spider ran through the glass
12 right here. There is a small hole, and there is a
13 projectile hole.

14 Q A projectile hole from the firearm?

15 A That's correct.

16 Q Tell us about 69.

17 A As you move away from that area where we
18 just showed, this is the dresser that is just down
19 from the area indicated on that back wall.

20 Q I am going to put 68, side by side with
21 that. Do you see a little bottle there?

22 A That's correct.

23 Q And do you see that same bottle on this
24 exhibit?

25 A This would be the same bottle.

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1 Q Sir, tell us about No. 70.

2 A As we came back around after you get past
3 that next photograph, you will see this facing the
4 wall. In this area you have a TV that is laying
5 down. The victim's legs and their positioning.

6 Q Yes, sir.

7 A Some clothing in this area right here and
8 the night -- the little TV stand. And another
9 piece of bloody garment right there.

10 Q Where would victims, the front door of the
11 victim's bedroom be in that photograph.

12 A Right here. This position right in there.

13 Q Are there any other doors to get in or out
14 from the victim's bedroom other than what you just
15 pointed to?

16 A That's -- this is the only way in or out.
17 This is one room to go in and out right here.

18 Q You described the TV as being face down.
19 For the record, when you say face down, you are
20 talking about face down on the floor?

21 A Yes, the two. Basically most TV's would
22 be up on like a stand or something like that. The
23 two is what would be considered face down.

24 Q What if anything did that indicate to you
25 finding the TV face down?

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1 A Well normally it would be right here on
2 the night stand. All indications would be the
3 night stand would hold the TV, where it is located
4 face down near the TV.

5 Q What if anything did that indicate to you?

6 A A possibly tussle or somehow it got
7 knocked over.

8 MR. MCKNIGHT: Objection, Your Honor.

9 THE COURT: Overruled.

10 Q Now I am going to publish State's Exhibit
11 No. 71. Tell us what is depicted on that
12 particular exhibit.

13 A This is what is a more close up view. And
14 we're looking more at specifics in this
15 photograph. What you're looking at is the
16 victim, but you're also looking at this small
17 little item right here.

18 Q What's that small little item right there.

19 A It's a shell casing.

20 Q A shell casing from a firearm.

21 A That's correct.

22 Q Now in terms of that little area, we've
23 kind of been through a 360 view, if you will, of
24 the victim's bedroom.

25 A That's correct.

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1 Q The distance from the front, and can I see
2 that pointer.

3 A Yes.

4 Q The distance from the front door here to
5 the victim's bedroom -- I mean bed, actually back
6 here. Tell me, give us some reference in terms of
7 what the approximate size of that area if you're
8 just in from the front door.

9 A From the front door?

10 Q To the bed. I mean are we talking about a
11 large area sort of like what we have in the
12 courtroom from the jury over here to where you
13 are? Can you give us a record.

14 A Maybe 4 feet. Four to 5 feet. Maybe
15 less.

16 Q Let me ask you this. Have you ever
17 ridden in the elevator that's in the courtroom on
18 my right?

19 A No, I haven't ridden it.

20 Q You haven't ridden in the elevator?

21 A Oh, yeah, yeah, the elevator outside. I
22 thought you were talking about the elevator right
23 here.

24 Q The elevator that one takes from the first
25 floor to the second floor to the third floor.

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1 A Yes. Yes.

2 Q In terms of sort of perspective, would
3 that particular area from the front door to the
4 bed, would that be about the size of the elevator
5 or a little less or a little more?

6 A Probably about the same size. They have
7 space heaters.

8 Q Okay. You talked about the projectile
9 that was at the front door. Near the front door.
10 I am going to publish State's Exhibit No. 17. Is
11 that a closer view of that projectile?

12 A This shell casing.

13 Q The shell casing, I'm sorry.

14 A Yeah. That is a close, more of mid range
15 to close up view of the shell casing. They are
16 being specific about the photograph, because they
17 want to focus in on that item that's in that area.

18 Q So I misspoke. It's not a projectile.

19 A It's a shell casing.

20 Q It's a shell casing.

21 A Yes, ma'am.

22 Q Let me get you to stay right where you
23 are. Sir, I am going to hand you what has been
24 previously marked for identification purposes as
25 State's Exhibit No. 73 through 108. Are these the

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1 remainder of the photographs I showed you when you
2 were on the witness stand?

3 A That is correct.

4 Q And these are photographs taken of the
5 crime scene and or the victim back on November 2nd
6 2007?

7 A That is correct.

8 Q And do they accurately portray what is
9 reflected in the photographs?

10 A Yes.

11 MS. BARR: Judge, we would State's

12 Exhibit Nos. 73 through---

13 THE COURT: Any objection, Mr. McKnight?

14 MR. MCKNIGHT: No, Your Honor.

15 MR. GRIFFITH: No objection, Your Honor.

16 THE COURT: No objection. This will be 73
17 through 108---

18 MS. BARR: Yes, sir.

19 THE COURT: ---admitted?

20 (Photographs marked State's Exhibit Nos.
21 73 through 108 into evidence.)

22 Q Sir, tell me about what is depicted in
23 State's Exhibit No. 73.

24 A In this photograph, they are taking a
25 picture up on top of the bed. And in the center

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1 portion of the bed where you would lay, there is
2 again more specific about showing there is two
3 items. There are two items of interest, and I'll
4 point them out. There is one right here that you
5 can see, and there is one right here.

6 Q Okay. And have you, first of all, do you
7 own a firearm? Carry a firearm in your personal
8 life?

9 A Yes, I do have firearms.

10 Q And of course while you were employed with
11 the Williamsburg County Sheriff's Department, you
12 carried a firearm.

13 A That's correct.

14 Q Are you familiar with firearms?

15 A Yes.

16 Q Are you familiar with projectiles?

17 A Shell casings and projectiles.

18 Q And tell us the two items that you talked
19 about on State's 73.

20 A These two items are shell casings.

21 Q Tell us about 74.

22 A This is a more close up view of the
23 interior where the closet area was that you saw on
24 an earlier picture where it had the clothing.
25 There was a more of a wider view. This is

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1 showing the interior near the bed at the foot of
2 the clothing that you had seen in that other
3 previous photograph.

4 Q Tell us about No. 75.

5 A This is a more close up view of the TV and
6 the nightstand near the foot of the victim.

7 Q Yes, sir.

8 A And that's why it's turning in that
9 photograph.

10 Q And forgive me, I had the exhibits kind of
11 marked out of order. But tell us about 76.

12 A Okay, 76 is a close up view of the same
13 one that you saw before on the bed where it has a
14 little bit more of a mid range to it. This is a
15 close up of those two items. And it gives you a
16 little more understanding of what was laying in
17 the center of the bed would be the two shell
18 casings.

19 Q You mentioned something about a mirror
20 earlier in an exhibit. Tell us about 78.

21 A In this photograph as before when we
22 looked at the panoramic view, when we were going
23 around looking at the different segments of the
24 room, and we pointed to an area there in the
25 closet, and it shows a shattering of a mirror and

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1 it had a small hole underneath. But it also had a
2 spider wedged in the mirror. And right here is
3 that small projectile hole. And it has a piece of
4 marking tape for dimension measurements.

5 Q And it's difficult to see on the projector
6 screen, because of the glare. But can you see the
7 hole that you are talking about there in there a
8 little bit better---

9 A Yes.

10 Q ---since I am holding it down?

11 A Yes.

12 Q Can you put your finger to it, what we're
13 talking about? I'm going to hold it down again.

14 A Right here. Just above the little
15 marking tape. And it's a scaled marking tape.

16 Q And is that reflected more clearly in
17 State's 79?

18 A That is correct.

19 Q And again that is the mirror and the hole
20 that came from a projectile?

21 A Yes, that is correct. And that is the
22 marking tape indicating it.

23 Q Tell us about No. 80.

24 A In this photograph, this is what is
25 considered a close up of an item that is of

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1 interest. When we took the photograph there is a
2 piece of evidence which will be located right
3 here, which would also be considered the shell
4 casings. And this area is the victim's leg. And
5 right here is the AC unit.

6 Q And that's right near the AC vent.

7 A Yes.

8 Q Tell us about State's 83.

9 A Okay. In this photograph as the ones
10 before that you saw after the general photography
11 is done without markers and without scales, we
12 come back and place markers for items of interest.
13 That way we understand -- know where we are at in
14 the photography process. Each marker indicates a
15 piece of evidence or a piece of interest to us
16 that we want to rephotograph.

17 Q And as it relates to that particular
18 exhibit, that's a view from the front door of the
19 victim's bedroom?

20 A That's correct.

21 Q And how many yellow markers are placed up
22 that indicate items of interest?

23 A We have up to 5, and they all run with
24 numbers 1 through 5, as you can see in this
25 photograph.

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1 Q Okay. As it relates to Item No. 1 that's
2 listed as the maker, yellow marker Item No. 1,
3 that is where in the photograph?

4 A That's right near the opening of the door.
5 The door jam area.

6 Q Okay. Why is that put there? What item
7 of interest does that relate to?

8 A It's pointing to the shell casings. And
9 move it up. There's a little piece of brass right
10 here with the No. 1. The shell casing right
11 there.

12 Q And can you push that exhibit down a
13 little bit more so can see the top of the bed.
14 Tell me what 3 and 4, the yellow markings are
15 designed to indicate?

16 A Three and 4, as you saw on the earlier
17 photographs, would indicate where those shell
18 casings were that I showed you in the earlier
19 photograph that was shot before we put down
20 markers.

21 Q And for clarity on State's No. 84, which
22 contains the yellow marker No. 1, that's the
23 bullet at the front door.

24 A That's the shell casing.

25 Q Shell casings at the front door.

Jeff Scott-Direct by Barr

1 A That's correct. That's a mid-range
2 photograph of the shell casing marker.

3 Q Tell us about State's No. 86.

4 A This indicates the presence of this item.
5 The shell casing right here. And you can see it
6 near the AC vent---

7 Q Okay.

8 A ---I'm pointing to.

9 Q And that's yellow marker No. 2?

10 A Yes.

11 Q And we saw an earlier photograph of a
12 casing by a vent. Is that the one we are
13 referring to?

14 A That's the same one. That was a closeup
15 without markers that was photographed.

16 Q And State's No. 87, is that also a closeup
17 view you just told us about?

18 A That's correct. That's the same shell
19 casing. That's where the marker, and that's a
20 closeup that's been reshot with the marker so it
21 gives location.

22 Q And State's Exhibit No. 88, those reflect
23 the yellow markers 3 and 4 for the casings on the
24 top of the bed?

25 A That is correct.

Jeff Scott-Direct by Barr

1 Q And 89 is just a closer up view of the
2 yellow marker 3.

3 A That is correct. It's a close up view.

4 Q Can you see the casing in that exhibit?

5 A That is correct. The brass is right here
6 below the little 3.

7 Q And State's Exhibit No. 90, is that just a
8 close up view of No. 4 for this yellow marker?

9 A Yes, that is correct. It is located right
10 here below the small 4.

11 Q The casing.

12 A The casing would be.

13 Q Tell us about State's Exhibit No. 91.

14 A Okay. This is an indicator of areas of
15 interest inside around the victim.

16 Q Yes, sir.

17 A We have an area of interest of what is
18 known as a shoe wear impression.

19 Q Tell me where the shoe wear impression
20 would be, or what appears to be a shoe wear
21 impression.

22 A Right in here.

23 Q That's where you are pointing now?

24 A Yes.

25 Q And that would be near the victim's right

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1 knee? Is that about right? Or right thigh?

2 A Yes.

3 Q As it relates to State's Exhibit No. 92,
4 is that what we have seen previously just from the
5 angle of facing toward the door, rather than
6 facing -- well facing the bedroom towards the
7 door, rather than direct the front door facing the
8 bedroom looking in?

9 A Yes. In this photograph is standing over
10 to the foot of the bed, taking a shot. Back
11 across the door so you can see the location of the
12 pieces on the bed. And then you see back across
13 to the victim to the door from a different angle.

14 Q Now in State's Exhibit No. 93, there is an
15 additional yellow marker near No. 6. Tell us the
16 significance of that additional No. 6.

17 A In this one, can see a small copper
18 looking piece of evidence right here below the
19 leg.

20 Q Yes, sir. And in No. 94 does that show
21 that a close up view of the yellow marker No. 6?

22 A Yes. This is more of a mid-range view.
23 It is kind of far end of the marker is the piece
24 of evidence of interest in the leg.

25 Q Okay.

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1 A A copper alloy piece of evidence there.

2 Q Copper alloy. And obviously you can see
3 that in greater detail on No. 95.

4 A That is correct. You can see it is a
5 close up version of what is the projectile.

6 Q And I am going to publish again No. 93.
7 When we talk about a marker that is next to No. 6,
8 so that we will know where specifically on, near
9 the victim's body was No. 6, which you talked
10 about the copper alloy item of interest. Where is
11 it near?

12 A Near his right leg.

13 Q Near his right leg.

14 A Yes.

15 Q Tell us about 97.

16 A In this photograph is taken a more closer
17 view of possible trauma to the victim near his
18 side.

19 Q Yes, sir.

20 A And the right side. And what they're
21 trying to show is possible fluid or tissue on the
22 floor as it associates with possible hemorrhaging.

23 Q Do you see any injury to the victim's body
24 or what appears to be an injury to the victim's
25 body on that photograph?

Jeff Scott-Direct by Barr

1 A In this area right here. Right where my
2 finger is.

3 Q What does that look like, a hole or?

4 A Yes.

5 Q Tell us about 98.

6 A In this photograph, this is a view of the
7 back of the victim.

8 Q Yes, sir.

9 A Photographs are often are taken of the
10 back of the victim to see if there was any wounds
11 there. If it's a possible entry, exit.

12 Q Yes, sir.

13 A Location and stuff like that. And also to
14 see if there is any trauma to the back.

15 Q As it relates to exhibit, do you see
16 evidence of an entrance or exit wound, or any
17 other trauma visible in that photograph?

18 A Close to the shorts or his trunks right
19 near the waistband.

20 Q Yes, sir.

21 A Can you see this small black spot?

22 Q Does that appear to be a hole?

23 A Yes, an injury.

24 Q Do you see these any projectiles or
25 casings or cartridges that is of note in that

Jeff Scott-Direct by Barr

1 exhibit?

2 A Yes, there is a piece of brass right here.
3 In this area right there.

4 Q And it would right under the victim's
5 buttocks. Was it here?

6 A Yes.

7 Q And is State's Exhibit No. 99 just simply
8 make what you are talking about a little more
9 apparent?

10 A In this photograph of the wound of the
11 trauma area that you see still right above the
12 boxer shorts waistband.

13 Q Yes, sir.

14 A You can see a blood trail coming down.
15 This is the wound area.

16 Q Yes, sir.

17 A And then you can see this shell casing
18 right here.

19 Q Tell us about State's No. 100.

20 A This photograph depicts after the victim
21 has been photographed, processed and moved.

22 Q Yes, sir.

23 A And it's been taken out. Photographs were
24 taken of other pieces of evidence of interest
25 after the body has been removed; specifically,

Jeff Scott-Direct by Barr

1 tape had been put down where a possible shoe
2 impression that we talked about before.

3 Q Can you show that again?

4 A Right here where it shows indentations it
5 helps to understand this is a dimension of that
6 piece of evidence.

7 Q Okay.

8 A Another marker is in this area. And this
9 also shows where the position of the body, because
10 you have tissue and blood in that area.

11 Q And tell us about State's 102.

12 A This is right here is a more of a
13 mid-range. If you look---

14 Q Yes, sir.

15 A ---mid-range to close up---

16 Q Yes, sir.

17 A ---of what appears to be a partial shoe
18 wear impression.

19 Q Okay.

20 A The tape that is used is for dimension,
21 dimensional aspects for size, width and length.

22 Q Now you talked about the marker, yellow
23 marker No. 7 in the case. I'm going to publish
24 State's 103. And tell if marker, the yellow
25 marker No. 7 is indicated on that exhibit.

Jeff Scott-Direct by Barr

1 A Yes, that is correct.

2 Q And why is that placed there? What item
3 of item of interest is that?

4 A On top of the flip flop area, you can see
5 a small piece of brass---

6 Q Yes, sir.

7 A ---colored item sticking out. This is
8 what is called mid-range photograph.

9 Q And in terms of perspective for the record
10 that would be somebody's left shoe. And is that
11 more clearly denoted on State's Exhibit No. 104?

12 A This is correct. You can get a better
13 look at it has the shell casing that was found in
14 his shoes.

15 Q Tell us about 105.

16 A 105, this is more of a mid-range
17 photograph but it's more towards the closet area,
18 and you see another shell casing.

19 Q And is that other shell casing that you
20 just testified about, how is that denoted in terms
21 of a marker No.?

22 A From No. 8. You have 7 over there with
23 his shoes back in this area right here. And then
24 you have No. 8 with this one over here.

25 Q And you see the fan and the television in

Jeff Scott-Direct by Barr

1 that photograph?

2 A Yes, sir.

3 Q And No. 106 is a closer up view of marker
4 8?

5 A That is correct.

6 Q And in State's Exhibit No. 107, did you
7 find ammunition in the home of the victim?

8 A That's correct.

9 Q Tell us what kind of ammunition is
10 reflected in this particular exhibit.

11 A This is a Winchester brand make. The
12 caliber for this box here that's your 22 right
13 there, is a 40 Smith & Wesson or a 40 caliber.

14 Q Yes, sir.

15 A Firearm or bullets or projectile. The one
16 that's in this depiction here is a 9 millimeter
17 Luger or it's 9 millimeter caliber brand. It's a
18 Winchester as well.

19 Q Tell us about 108.

20 A In this picture, in this photograph, there
21 was some pieces of interest on the floor when we
22 moved the victim. And what we had to do is when
23 we found the projectile holes in the floor, we
24 were trying to link up to where this possible
25 projectile went to. So what we had to do is

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1 actually cut the carpeting out in this area. Then
2 we cut the flooring out, which would be subfloor,
3 or the flooring that you would walk on to get down
4 to where the floor joists were.

5 And in this, we were actually able to find
6 the projectile lodged into the floor joist beam,
7 just below where the cutting was. And that was
8 located right in this area right there.

9 Q What I am going to do, Mr. Scott, I am
10 going to squeeze these last two in for you. I am
11 going to go back to the front of the house. On
12 State's Exhibit No. 81, can you tell us about
13 that?

14 A This is the front door of the residence.

15 Q Okay. On that particular exhibit is there
16 anything that is of interest that relates to the
17 front door on that picture?

18 A In this area we were focusing on some of
19 these deformities in the door, like these bending
20 areas right up in here. And right close to the
21 doorknob.

22 Q And you called these deformities or
23 indentations?

24 A Yes.

25 MS. BARR: Sir, you can have seat.

Jeff Scott-Direct by Barr

1 (Whereupon, the witness resumes the
2 witness stand.)

3 Q I think what I will do in the interest of
4 time, is ask you about a GSR. I am going to hand
5 you what has been marked for identification as
6 State's Exhibit No. 153. Let me have you open
7 this, Mr. Scott, please. First of all, I want to
8 represent to the court that State's Exhibit
9 No. 153 for identification, the GSR kit of James
10 McNeal and Ms. Bell. Can you open that for me,
11 and before you do, can you tell me whether or not
12 it's sealed?

13 A If you will give me just a second.

14 Q Yes, sir.

15 A It is a GSR kit for a James Allen McNeal.

16 Q Okay. Tell us what the second item that
17 is in 153.

18 A This is a GSR kit for a Latisha Bell.

19 Q Is there anything on the GSR kit from
20 Latisha Bell that indicates that you would have
21 handled that and selected that?

22 A Yes, there is.

23 Q Tell us.

24 A It has the agency's initials.

25 Q Yes, sir.

Jeff Scott-Direct by Barr

1 A And our agency's initials. It has our
2 case number. Her name. And it also has my
3 initials and My date.

4 Q So these are exact GSR kit that you would
5 have taken from a woman by the name Latisha Bell?

6 A Yes. And it actually has my date, 11-2
7 of 07, and my initials on it.

8 Q 11-2 of 07. So that would have been the
9 same day that Williamsburg County responded out to
10 the home of James McNeal?

11 A No -- yes, McNeal, yes.

12 Q And there has been previously testimony in
13 a case that when you take a GSR kit, you do the
14 right palm, left palm, right back, left back---

15 MR. MCKNIGHT: Objection---

16 Q ---of a person's hand?

17 MR. MCKNIGHT: ---she is leading the
18 witness.

19 MS. BARR: Judge, I'm just trying to---

20 MR. MCKNIGHT: She might ask him how he
21 did it, but she can't tell him.

22 THE COURT: Ask him how he did it.

23 Objection is sustained.

24 Q Mr. Scott, just tell us how you would take
25 a gunshot, a GSR kit, from an individual? What

Jeff Scott-Direct by Barr

1 would you do?

2 A The kit has two parts to it. It has
3 atomic double AA for gunpowders, and then it has a
4 SEM stamp for the metal plate. The process that
5 you could through, we usually take, there are
6 little stamps. And they have one for the right
7 palm and right back. Left palm, left back, okay.
8 What we do is like a little adhesive stamp. And
9 you would actually stamp the back of the hand, all
10 the way up to the fingers, all the way around, all
11 the way back down to about the wrist area---

12 Q Yes, sir.

13 A ---of the back. And then it has a tube
14 that you would put the stopper in. It's like a
15 little stopper tube. So you can put it inside the
16 tube, and then it seal it shut so it protects the
17 stamp. You will do that for the right back, left
18 back, left palm, right palm.

19 Q Okay.

20 A Each one, each hand gets its own
21 indication of a stamp.

22 Q Yes, sir.

23 A Then you will do the atomic double AA
24 which would be a swab in a 5 percent nitric acid
25 solution. Basically you have it for the palm

Jeff Scott-Direct by Barr

1 side, the back side of both hands.

2 And then you have it for a -- you have a
3 control, where you give it to area away from where
4 a person would be shot to a control area. Usually
5 around an ankle---

6 Q Yes, sir.

7 A ---where a GSR does not get to, because
8 it's usually covered by clothing. That's most
9 places where we do the control at. But you would
10 swab the hands, which would be the palms. You
11 swab the backs. Those go in the tubes. They are
12 sealed. And you do it for both hands. You do
13 your control. And then you would package it.
14 And most packaging what you would do is you would
15 put it in a box or an envelope such as this. And
16 on the back, most of these boxes or envelopes have
17 a sealing area. And it actually comes -- the kit
18 comes with sealing tape that you can put your
19 initials on. What you would do is you will seal
20 it and put your initials and date. And it also
21 comes with the paperwork usually that goes in
22 there.

23 You fill out the paperwork and you talk
24 about the case number. You will talk about the
25 victim. It has different questions of what the

Jeff Scott-Direct by Barr

1 person might have been doing at the time, if they
2 were deceased, if they were living. The GSR will
3 determine the person too. Once the paperwork is
4 filled out, the possible shell casings that might
5 be found and you also do a diagram, head stamp it,
6 you put that information inside the kit. Seal it
7 up with the items. And then you seal the outside
8 where it can't be tamper proof. This is what
9 this is, is tamper seal tape.

10 Basically once you seal it, if anybody
11 messes with it or cuts it other than like an
12 analyst that does analyzation, it shows that
13 somebody else tampered with it.

14 Q Okay. And as it relates to that
15 particular GSR kit on Ms. Latisha Bell, you would
16 conducted that GSR kit in the manner in which you
17 previously testified, consistent with your
18 training by Williamsburg County and by sled or by
19 the Criminal Justice Academy.

20 A That's correct.

21 Q And you would have then turned that
22 particular GSR kit over to sled.

23 A Yes, we would take it up to sled for sled
24 to do an analysis on it.

25 Q And you've done that in this case with

Jeff Scott-Direct by Barr

1 regard to the GSR kit on Latisha Bell.

2 A Yes, ma'am.

3 MS. BARR: Judge, that's all the questions
4 I have of Mr. Scott. Please answer any questions
5 the court or defense counsel has.

6 THE COURT: Any cross Examination?

7 MR. MCKNIGHT: Thank you.

8 Cross Examination by Mr. McKnight:

9 Q Mr. Scott, you are currently a teacher --
10 you are currently an instructor at
11 Horry-Georgetown Tech, right

12 A That's correct.

13 Q When you were in college who was one of
14 your professors?

15 A You were one of them.

16 Q I'm going to refer to some of -- which set
17 of your questions---

18 MS. BARR: I'm sorry?

19 MR. MCKNIGHT: The pictures that you
20 just. Bear with me just a second, I have got to
21 find this picture.

22 Q For starters, this incident happened at
23 what address?

24 A It was on Peach Street in Hemingway.

25 Q Peach Street in Hemingway?

Jeff Scott-Direct by Barr

1 A Yes, sir.

2 Q Now and you were at the scene there at
3 Peach Street in Hemingway; were you not?

4 A Yes, sir.

5 Q Now that address in that neighborhood,
6 describe, tell me what kind of neighborhood is it?
7 What I say what kind of neighborhood, what kind of
8 houses are there?

9 A It's a mixture in that community. You
10 have mobile homes, and you also have some brick
11 structures in that location where it's at.

12 Q Okay. But you would not consider that to
13 be a trailer park; would you?

14 A Well that area it has trailers in them. I
15 mean it does have trailers.

16 Q Right.

17 A It also has residential homes in that
18 area.

19 Q But it's not a trailer park meaning;
20 exclusively, trailers with lot numbers and lot.

21 A No, it's got other houses in that area.

22 Q It's got brick houses in that area; right?

23 A Yes, sir.

24 Q It's got wooden houses in that area;
25 right? And so it's got periodically you may come

Jeff Scott-Cross by McKnight

1 to one or two trailers. But for the most part,
2 you have got single family dwellings in that area.

3 A That's correct.

4 Q I am looking for 78. Court's indulgence
5 just for a second. I am referring to what is
6 labeled as State's No. 78.

7 A Okay.

8 Q You see that person in the picture?

9 A Yes, sir.

10 Q Who is that?

11 A That is the sled agent Melissa Skipper.

12 Q Now you have been to crime scenes
13 involving murder before; have you not?

14 A That's correct.

15 Q And how many murders would you say you
16 have worked?

17 A Quite a few.

18 Q Sir?

19 A Quite a few.

20 Q Can you quantify quite a few, 10, 15, 20,
21 how many?

22 A Pretty much most of the ones we have done
23 since I have been as evidence custodian here.

24 Q So do you have any idea how many that is?
25 Sir?

Jeff Scott-Cross by McKnight

1 A Probably about 10, 15.

2 Q Okay. So you have done about 10, 15. Now
3 you trained to collect all the evidence; are you
4 not?

5 A That's correct.

6 Q And you've also been trained in how to
7 collect fingerprints; have you not?

8 A That is correct.

9 Q Have you also been trained in how to
10 collect that footprints; have you not?

11 A That's correct.

12 Q Did you do anything to collect that
13 footprint that you identified?

14 A I didn't photograph that footprint. It
15 was photographed by sled crime scene, and I was
16 there assisting them.

17 Q Maybe you didn't understand my question.
18 Did you do anything to collect that footprint?

19 A No, I didn't.

20 Q Do you know if anyone did anything to
21 collect that footprint?

22 A Sled did. You would have to contact
23 Ms. Melissa Skipper on that one.

24 Q So your answer is, no, you don't if anyone
25 did it.

Jeff Scott-Cross by McKnight

1 A You would have to contact the sled agent.

2 Q I'm asking you what your personal
3 knowledge is. Do you know if anyone did anything
4 to get that footprint; to take it?

5 A Not off the floor.

6 Q Okay. Yes, sir. Thank you. Now in your
7 experience with the Williamsburg County Sheriff's
8 Office, you have seen blood in scenes before;
9 correct?

10 A That's correct.

11 Q And you've seen what happens to blood over
12 time; is that correct?

13 A Yes, sir.

14 Q Now I heard you on direct refer to some of
15 these -- some of the things on the floor as being
16 tissue; meaning body tissue. Did you collect any
17 body tissue?

18 A No.

19 Q So and I'm trying to find a specific
20 pictures 93 and 97. Do you have those, Ms. Barr?

21 MS. BARR: I don't have any photos.

22 MR. MCKNIGHT: Court's indulgence, Your
23 Honor.

24 Q I'm referring now to what's been labeled
25 and admitted into evidence as State's Exhibit

Jeff Scott-Cross by McKnight

1 No. 97. Now with regard to this particular
2 picture, I'm trying to get rid of the glare for
3 you to see. What's that right there?

4 A It looks like a picture of possible blood
5 and tissue.

6 Q Did you collect it?

7 A No.

8 Q Do you know if anyone collected it?

9 A No, not that I know of.

10 Q Right. On the deceased chest, you see the
11 blood here.

12 A Yes.

13 Q What condition was that blood in?

14 A It looks like it has been saturated,
15 smooth out across the body.

16 Q Okay. Was it wet or dry?

17 A It was wet with a dry texture to it.

18 Q So I mean so you -- do you know if it's,
19 is it wet or dry? Do you know?

20 A It's kind of wet, but it's starting to
21 dry.

22 Q It's starting to dry.

23 A It's got a wetness to it.

24 Q What time did you get there?

25 A A little bit after the call.

Jeff Scott-Cross by McKnight

1 Q What's a little bit after the call?

2 A Probably about 30 minutes.

3 Q You got to the scene 30 minutes
4 afterwards?

5 A Yes, sir.

6 Q When did you take these pictures?

7 A Crime scene took those photos.

8 Q What time did they take those pictures?

9 A That came in on probably a little bit
10 later after I got there.

11 Q When you say a little bit later, how long
12 later after you got there did they get there and
13 take those pictures?

14 A Probably about an hour.

15 Q Okay.

16 A An hour or so.

17 Q Did you see any blood separating at the
18 scene?

19 A You are talking about separating,
20 separating between fluid and blood itself?

21 Q Yes.

22 A Most of the blood that you can see right
23 here, is called saturating into the carpet.

24 Q Uh-huh. (affirmative.) But my question
25 to you was, did you see any blood separating at

Jeff Scott-Cross by McKnight

1 the scene?

2 A No, it was saturating into the material.

3 Q So this here you are telling me is tissue
4 of some kind; is that what you are telling me?

5 A It's like a mixture of blood and, you
6 know, like tissue from the wound.

7 Q Tissue from the wound.

8 A Yes, sir.

9 Q And you don't know if anybody collected
10 that.

11 A No, I don't.

12 Q Is it possible that that's the blood
13 coagulating and separating?

14 A Well it has more of a tissue color to it.

15 Q I understand that. But when it separates
16 like that, it goes from red to a more of a yellow?

17 MS. BARR: Objection outside the witness'
18 scope of knowledge. I believe that he tried to
19 get into that with the physician, and the
20 physician could not render an opinion on that. So
21 we take---

22 THE COURT: Sustained.

23 MS. BARR: Yes, sir.

24 MR. MCKNIGHT: Well, Your Honor, we are
25 talking about his experience. I am asking him

Jeff Scott-Cross by McKnight

1 what color this is.

2 THE COURT: You can ask him what color
3 this is.

4 Q What color is that?

5 A It's more of red with kind of like a
6 white -- whitish tissue color.

7 Q Have you seen blood separate before?

8 A Yes.

9 Q Did it look like this?

10 A No.

11 Q No?

12 A Not like that.

13 Q What did it look like?

14 A It had a fluid color.

15 Q A clear fluid color?

16 A Yes.

17 Q What color is fluid? Oil or fluid, it's
18 black.

19 MS. BARR: Judge, I am going to object to
20 that line of questions.

21 THE COURT: Sustained.

22 MS. BARR: If counsel wants to ask a
23 question, he just needs to ask the question.

24 Q Are those clumps of tissue too?

25 A Most of that is blood with some

Jeff Scott-Cross by McKnight

1 discoloration in there.

2 Q So you're telling me those clumps there
3 are blood.

4 A No, the saturated areas are the blood.

5 Q What is that clumpy stuff there? Here.

6 A It's looks to be the tissue in it.

7 Q The tissue in it. Okay. And, again,
8 let's talk about the hallway and the bedroom,
9 okay. Permission to approach the witness.

10 THE COURT: Okay.

11 Q I am going to stand right here. And I
12 want you to assume this is the front door of the
13 house.

14 A Yes, sir.

15 Q And I am going to start walking. And when
16 I get to the point of distance from the door to
17 the bedroom, I want you to tell me to stop, okay.
18 Here I go.

19 A Probably about right there.

20 Q Okay. Now on direct you said it was about
21 4 or 5 feet from the door to the bedroom. Do you
22 recall saying that?

23 A You just said front door.

24 Q I'm sorry, the front door to the bedroom.

25 A You just said front door and then to the

Jeff Scott-Cross by McKnight

1 bedroom.

2 Q Right.

3 A Not the front door of the bedroom. Not
4 the front door -- you're talking about the front
5 door facing the bedroom?

6 Q I'm talking about the front door of the
7 house, Mr. Scott.

8 A That's what I said, the front door of the
9 house.

10 Q Okay. So the front door of the house to
11 the bedroom is this distance.

12 A Yeah.

13 Q Okay.

14 A About that distance.

15 Q Okay. You say you saw the victim laying
16 right here, and you could see him from there;
17 could you not?

18 A No. We didn't because it's not until you
19 get down to where the couch was, where that
20 photograph was taken of the couch, you saw in the
21 picture the front door.

22 Q Okay. So if you're at the couch looking
23 at the hallway tell me when, I'm going to back.
24 This is going to be the couch. And I'm going to
25 be in the hallway where the body is; where you can

Jeff Scott-Cross by McKnight

1 first see the body. I want you to tell me to
2 stop, okay.

3 A Probably about right there. Wow, come
4 back up. Come back up.

5 Q I asked you to tell me to stop.

6 A Yeah. Right in that area.

7 Q Right in here.

8 A Uh-huh. (Affirmative.) From the couch to
9 the---

10 Q From the couch to the door of the bedroom.

11 A Yes, sir.

12 Q Okay. Now down that hallway---

13 A Yes.

14 Q ---did you all check for any bullet holes
15 or projectiles?

16 A Those -- down the hallway it was scanned,
17 yes. We took photographs and looked down the hall
18 to see if there was any forced entry to the back
19 door. We looked at the walls and stuff like that.

20 Q I'm just asking about the bullets---

21 A Yes.

22 Q ---okay. And you didn't find any.

23 A No.

24 Q Okay.

25 A Not in the hallway.

Jeff Scott-Cross by McKnight

1 Q Not in the hallway.

2 A No.

3 Q And did you find, and how many bullet
4 holes in the bedroom did you find?

5 A We had one in the closet.

6 Q Okay.

7 A Okay. And then we had one just below
8 underneath the carpet. And then we had one go
9 into the floor joist.

10 Q I got you. Now from where you all have
11 the body displayed, he appears to be at the front
12 door of the -- at the door of the bedroom, because
13 there's only one door there; right?

14 A Yes, that is correct.

15 Q So, but you have got bullet holes that are
16 towards the interior wall of that bedroom; right?

17 A Yes, to the left.

18 Q To the left that because, that's by there.

19 A Yes.

20 Q So that would indicate somebody is
21 shooting from the door towards the wall; correct?

22 A No, there is a round that went into the
23 the wall. Whether it's from the door to the wall,
24 there is a round that went into the wall and out.

25 Q But it didn't come in from outside and

Jeff Scott-Cross by McKnight

1 come in the house.

2 A No, it went in and out.

3 Q Went in and out.

4 A That's right.

5 Q Now were you there the entire time?

6 A Yes, sir.

7 Q Okay. Did you see anyone -- can you tell
8 me, okay let me ask you this. These people
9 manipulating the body, and when I say
10 manipulating, I only mean move it.

11 A Yes, sir.

12 Q Who is doing that?

13 A That's myself and Ms. Skipper.

14 Q Ms. Skipper. Who took the body out of the
15 house?

16 A One of the funeral homes that the coroner
17 contacts.

18 Q So nobody from law enforcement moved that
19 body out of the house?

20 A Yes, we were there when it was being
21 moved.

22 Q No, sir. I didn't ask who was there. I
23 am asking did anybody from law enforcement pick
24 that body up and move it out of the house?

25 A Yeah, I said I helped them load -- put the

Jeff Scott-Cross by McKnight

1 body on the gurney.

2 Q You helped. You and who else?

3 A One of the employees from the funeral
4 home.

5 Q And you don't know that is.

6 A No, I don't exactly know who the funeral
7 home was.

8 Q Where did you put it?

9 A It goes into a contained body bag.

10 Q Uh-huh. (Affirmative.)

11 A Okay. He is loaded onto the gurney, and
12 then he is strapped and tied down so he doesn't
13 fall. And he is moved down and put into the
14 hearse.

15 Q So and let me understand this. You put
16 him into a vehicle that's not the coroner's
17 vehicle or the Williamsburg County's vehicle or
18 sled.

19 A No, this is a person that is contacted by
20 a coroner to transport the body.

21 Q Okay. Did anybody from law enforcement go
22 with that body?

23 A Not in the hearse.

24 Q Did anybody---

25 A They went to the autopsy.

Jeff Scott-Cross by McKnight

1 Q They went with it, who went with it?

2 A No, they went to the autopsy once it got
3 up there.

4 Q Okay. So you're saying that that body
5 went directly from the crime scene to MUSC; is
6 that what you are saying?

7 A I don't know if it went directly there.

8 Q So do you know where it went?

9 A It's in the care of the coroner and their
10 designee as far as the transport.

11 Q I understand that. But I am asking you,
12 sir, do you know where it went?

13 A It was at MUSC when I got there. So...

14 Q No, I want you to -- no, I am asking you,
15 do you have any personal knowledge of where the
16 body went?

17 A No, other than---

18 Q No, okay.

19 A ---it was at MUSC.

20 Q You know it was at MUSC when it got
21 there,---

22 A Yes, sir.

23 Q ---but you don't know how it got there,
24 nor where it stopped from MUSC and Hemingway?

25 A No.

Jeff Scott-Cross by McKnight

1 Q Okay. Nor do you know whose custody it
2 was in.

3 A The coroner is in control of who they get.

4 Q Okay. Let me ask you a question. Was the
5 coroner in the hearse?

6 A No.

7 Q Did he drive the hearse?

8 A No.

9 Q Okay. Where did the coroner go once the
10 body left?

11 A He probably left after he did all the
12 paperwork and DHEC forms.

13 Q Okay. This piece of flooring that you
14 all cut up.

15 A Yes, sir.

16 Q Did you take it in to custody?

17 A Not the flooring, no.

18 Q Well this is a hole; is it not?

19 A Yes, that is correct.

20 Q Okay. So what did you all do with the
21 flooring?

22 A That was left behind, that was not taken.
23 The projectile out of floor joist was taken.

24 Q Okay. I am referring to what is known
25 State's Exhibit No. 99. Do you see this here,

Jeff Scott-Cross by McKnight

1 Mr. Scott?

2 A Yes.

3 Q What is that?

4 A It looks to be a wound.

5 Q Okay. And what's that behind that?

6 What's that trailing off from it?

7 A Blood.

8 Q Is it wet or dry?

9 A This part looks to be dry right here.

10 Q Let me ask you this, Mr. Scott. Did you
11 take any note of the temperature within the house?

12 A I didn't.

13 Q Do you know if anyone adjusted the
14 thermostat in the house?

15 A No.

16 Q Do you recall what the weather was like
17 that day? The day of the murder?

18 A More kind of like a sunny day.

19 Q Okay. When you say sunny, are you talking
20 about a sunny day like what we had today or what
21 was it warm? Hot? Cold? What was it like, do
22 you recall?

23 A It as a November day. It was cool, kind
24 of cool.

25 Q Okay. Because November can be kind of

Jeff Scott-Cross by McKnight

1 cool in South Carolina. So did you all dust for
2 any fingerprints?

3 A I didn't.

4 Q You didn't?

5 A No.

6 Q Do you know if anyone did?

7 A No, I don't.

8 Q Don't you normally dust for fingerprints
9 at crime scenes?

10 A Yes, but, yeah.

11 Q You do?

12 A Yes.

13 Q So why didn't you do it on this?

14 A We did it on the door.

15 Q I thought you said nobody dusted for
16 fingerprints?

17 A It was on the front door.

18 Q Well it's the crime scene; is it not?

19 MS. BARR: Judge, again, I would object.

20 This is not a conversation. I would take the
21 position he has asked the witness a question---

22 THE COURT: Ask him a question.

23 MS. BARR: ---allow him to answer.

24 THE COURT: You are on cross examination.

25 You can ask him a leading question.

Jeff Scott-Cross by McKnight

1 Q Did you dust -- did anyone dust for
2 fingerprints?

3 A On the front door.

4 Q Okay. And who did the dusting?

5 A Sled.

6 Q Okay. Do you know if any latent prints
7 were detected?

8 A Not that I know of.

9 Q And now I am going to show you what's been
10 marked as State's Exhibit No: 57, okay. And on
11 there, on there is a counter.

12 A Yes.

13 Q There is a box on the counter. What kind
14 of box is that?

15 A It looks to be a Dutch Master's cigar box.

16 Q Did you look in the box and see what it
17 was in?

18 A I'm not exactly sure about that box.

19 Q Now and I'm sorry. I'm referring to
20 State's Exhibit No. 66 now. In that scene that's
21 the deceased the victim; is it not?

22 A That's correct.

23 Q It is?

24 A Yes, sir.

25 Q And in that do you see a wound?

Jeff Scott-Cross by McKnight

1 A Yes, right in his upper chest.

2 Q What do you see coming from the wound?

3 A A trail of blood.

4 Q When you saw that, was that blood wet or
5 dry?

6 A It's a mixture of it had wet, but it
7 started to trickle down and dry.

8 Q Now we have seen some pictures of some
9 blood that was just plain dry; right?

10 A Yes, sir.

11 Q Now the door, was it kicked in or was it
12 ripped open?

13 A It had a split in the jam---

14 Q Uh-huh. (Affirmative.)

15 A ---from force where the deadbolt had
16 broken forward.

17 Q Uh-huh. (Affirmative.) Did you see any
18 damage to the storm door?

19 A Not to the storm door.

20 MR. MCKNIGHT: Court's indulgence just for
21 one second.

22 THE COURT: Yes, sir.

23 Q Let me ask you this, do you know who the
24 first officer on the scene was?

25 A According to the report, the reporting

Jeff Scott-Cross by McKnight

1 officer was Deputy James Davis.

2 Q Now when you all are dispatched by 911 or
3 communicate with 911, do you all have special
4 identifiers? Like you just don't call up and say
5 hey this is Jeff Scott.

6 A No.

7 Q What do you -- do you have an ID. of some
8 kind?

9 A Yes, I numbers or numbers for deputy
10 numbers.

11 Q So you said an I number; correct?

12 A I would have an I number.

13 Q Because you are an deputy; right?

14 A No, an investigator.

15 Q You're an investigator. So an
16 investigator that goes, they would be designated
17 as I whatever number; is that correct?

18 A Yes.

19 Q Okay. What would a responding patrol
20 officer be designated as?

21 A A regular number.

22 Q Like 65?

23 A 509, 510.

24 Q Okay.

25 A Whatever their designation.

Jeff Scott-Cross by McKnight

1 Q Right. That would have three digits,
2 because your special codes for identifying certain
3 conditions, well no, because 104 has three
4 numbers. Never mind. Did anyone collect the bed
5 linen in this case?

6 A No one collected the bed linen.

7 Q Did you collect or talk to or interview
8 any witnesses?

9 A I collected the GSR from Latisha Bell.

10 Q You collected tissue samples.

11 A Latisha Bell's GSR.

12 Q Latisha Bell. Did you take a statement
13 from her?

14 A No, I just collected the GSR.

15 Q So you didn't sit down and interview
16 anyone at the scene, and say hey, tell me what
17 happened.

18 A No, I didn't.

19 Q Okay. Do you know who was at the scene
20 taking statements?

21 A That would be the other investigators.

22 Q Okay. And what investigators were
23 present?

24 A Such as, Investigator Lail. Mostly on
25 them on these cases most all of the investigators

Jeff Scott-Cross by McKnight

1 are out; such as, Willie Brown. Deborah Collins
2 would be out on a case like this.

3 Q So this is like a four alarm fire.
4 Everybody comes to the scene.

5 A Yes.

6 Q I got you.

7 MR. MCKNIGHT: Answer any questions
8 Mr. Griffith may have.

9 THE COURT: Mr. Griffith.

10 Cross Examination by Mr. Griffith:

11 Q When you got to the scene, you say you
12 were not the first one to arrive. There were
13 other officers who had already arrived?

14 A Yes, sir. Usually additional responders
15 are already there. We usually have to tape or
16 cord it off; yes, sir.

17 Q Were there other people in the house when
18 you got there besides the officers and the
19 witnesses?

20 A There was other people around. Like I
21 telling you, around the house; around the edge of
22 the house or out of the length of the house.

23 Q Okay. Well in listening to the evidence
24 from the 911 tape the lady was saying people were
25 coming in there. I was just wondering did the

Jeff Scott-Cross by Griffith

1 officers tell you that other people had been in
2 the house from the shooting?

3 A Not that I know of. Other than I can't
4 recall that.

5 Q Okay. So you wouldn't know if there were
6 other people in the house besides the victim of
7 course and Ms. Bell.

8 A That would, that's, you know, I wouldn't
9 know of any. I probably don't.

10 Q Well you must have arrived maybe -- how
11 long do you think after the other officers got to
12 the scene that you think you arrived?

13 A Oh, at least 30 minutes.

14 Q Thirty minutes after the other officers
15 had secured the scene, so to speak.

16 A Yes.

17 Q So it's possible other people had been at
18 the house and in the house before the officers got
19 there or when the officers got there?

20 A It's a possibility. That I don't know.
21 Before the other officers got there, I don't
22 know.

23 Q If other people had been in the house,
24 could there have been contamination of that side,
25 by other people; for instance, the little

Jeff Scott-Cross by Griffith

1 footprint that you found in there, could that have
2 been somebody in there that was trying to see what
3 was going on?

4 A It's a possibility. Before we got there,
5 we don't know what the scene looks like before we
6 get there.

7 Q That's right. And what I am trying to
8 establish, is that someone could have taken and
9 removed articles from the house or dropped
10 something there that became part of evidence; is
11 that correct?

12 A I don't know what happened before the
13 officers got there.

14 Q But if there were someone there, that
15 could have happened. But the officers didn't
16 arrive immediately. And you arrived 30 minutes
17 after the initial officers.

18 A Yes, sir.

19 Q And so you're not really -- you don't
20 have any idea of who was in the house; is that
21 what you're saying?

22 A Yes, sir. Before the officers arrived, I
23 don't know.

24 MR. GRIFFITH: I have no other questions?

25 THE COURT: Any redirect?

Jeff Scott-Cross by Griffith

1 Redirect Examination by Ms. Barr:

2 Q Mr. Scott, you have been employed in law
3 enforcement since 1996?

4 A Yes, ma'am.

5 Q Have you ever as a part of being a crime
6 scene or evidence custodian in any prior homicide
7 cases or in subsequent homicide cases, have you
8 ever had occasion or ever had a need to travel
9 with the body from the crime scene to the Medical
10 University of South Carolina for autopsy?

11 A No.

12 MS. BARR: Thank you, sir.

13 MR. MCKNIGHT: I have a question in that
14 vain.

15 Recross Examination by Mr. McKnight:

16 Q Don't you do a chain of custody for every
17 piece of fungible evidence that you have?

18 A Yes. For evidence; yes.

19 Q For fungible?

20 A Yes.

21 Q And when I say fungible, that's evidence.
22 And what's fungible evidence defined as?

23 A Well anything. I mean that can be a chain
24 of custody form.

25 Q I got you. Did anybody based upon your

Jeff Scott-Redirect by Barr

1 knowledge, do a change of form -- excuse me, a
2 chain of custody form for the body of the
3 deceased?

4 A Not that I know of. The only thing the
5 coroner would do is a DHEC sheet.

6 MR. MCKNIGHT: That's my questions.

7 THE COURT: Mr. Griffith?

8 MR. GRIFFITH: No further questions, Your
9 Honor.

10 THE COURT: Thank you. Any objection to
11 this witness being excused?

12 MS. BARR: No, sir.

13 THE COURT: We are going to break now and
14 we will start back at 9:30 tomorrow morning. And
15 I know you all live in Williamsburg County. The
16 Court Reporter and myself live in Sumter. But the
17 law clerk has to go back to Columbia. So, Ladies
18 and gentlemen, have a nice evening. Please do not
19 discuss the case with anyone. And I'll see you
20 all back at 9:30 a.m.

21

22

23

24

25

C-E-R-T-I-F-I-C-A-T-E

I, Margaret T. Sullivan, Court Reporter, for the
Third Judicial Circuit of the State of South Carolina,
do hereby Certify that the foregoing is a true, accurate
and complete Transcript of Record of the proceedings had
and evidence introduced in the General Sessions Court
September 9th-13th 2013, in Willliamburg County,
Kingstree, South Carolina.

I do further certify that I am neither kin,
counsel, nor interest to any party hereto.

3/27/14
DATE

Margaret T. Sullivan
COURT REPORTER
My Commission expires: 9/7/21

1 State of South Carolina

2 County of Williamsburg

3

4 The State of South Carolina, Transcript of Record
Plaintiffs 2011GS4500016

5

6 vs.

7 Laquincy Williams & September 9th-13th 2013
Toshonda Mickens, Kingstree, S.C.

8 Defendants

9

10 VOLUME II

11

12 Before the Honorable W. Jeffrey Young, Judge.

13

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

15 Ms. Kimberly Barr,
Assistant Solicitor for the State

16

17 Mr. Tyler Brown,
Assistant Solicitor for the State

18 Mr. Cesar McKnight,
Attorney for Defendant Williams

19

20 Mr. Timothy Griffith,
Attorney for Defendant Mickens

21

22 Margaret T. Sullivan,
Court Reporter

23

24

25

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1 (Whereupon, the trial commences on Thursday,
2 September 12, 2013 at 9:30 a.m.)

3 THE COURT: Okay. Let's bring the jury
4 out.

5 (Whereupon, the following takes place
6 within the presence of the jury.)

7 THE COURT: Well good morning, Ladies and
8 gentlemen. As you can see you are one less than
9 you were yesterday. The forelady has become ill
10 and will not be able to be your forelady. So the
11 next time I send you out, if you all can select
12 another person to be the foreperson of your jury.

13 Now, Mr. Redding, that means that you are
14 now a primary juror. So I guess it doesn't matter
15 where you all sit. So hopefully we will just
16 proceed on to this point. Is the state ready to
17 proceed?

18 MS. BARR: The state is ready, Your Honor.

19 THE COURT: Is the defense ready?

20 MR. MCKNIGHT: The defendant Williams is
21 ready.

22 THE COURT: You may call your next
23 witness.

24 MS. BARR: We would call Melissa Skipper.

25 Melissa Skipper, being first duly

Melissa Skipper-Direct by Barr

1 sworn, testified as follows:

2 Direct Examination by Ms. Barr:

3 Q Good morning, Ms. Skipper.

4 A Good morning.

5 Q How are you doing today?

6 A I'm fine.

7 Q Wonderful. If you would, please state
8 your full name for the record.

9 A My name is Melissa Skipper Wallace.

10 Q And, Ms. Skipper, where are you employed?

11 A I am employed by the South Carolina Law
12 Enforcement Division, commonly known as sled.

13 Q And if you will, tell us what it is you do
14 at this time for sled?

15 A I am a field agent assigned to the
16 Piedmont region under investigations.

17 Q Now, ma'am, back in November of 2007, of
18 course you were also employed at sled at that
19 time.

20 A That's correct.

21 Q And what was your position there in
22 November of 2007?

23 A I was assigned to the crime scene unit and
24 latent print department in the forensic
25 laboratory.

Melissa Skipper-Direct by Barr

1 Q And tell us specifically with that
2 position, what were you required to do on a daily
3 basis?

4 A I responded to and processed crime scenes
5 in all 46 counties of the state when requested by
6 local state and federal agencies. I also
7 processed evidence collected from those scenes; as
8 well as, evidence submitted to the laboratory for
9 latent fingerprints, fingerprint comparisons,
10 footwear comparisons, tire tread comparisons,
11 blood stain pattern analysis and crime scene
12 reconstruction.

13 Q Okay. And if you would, please give us a
14 little bit of information about your educational
15 background.

16 A I have a bachelor of science degree in
17 mathematics from University of South Carolina. I
18 have been a certified police officer in South
19 Carolina for a little over 12 years. I have also
20 successfully completed the sled latent print and
21 crime scene departments in house two-year training
22 program under court qualified senior examiners. I
23 have also trained other examiners in that same
24 program. I've also successfully completed
25 courses; such as, crime scene photography, basic

Melissa Skipper-Direct by Barr

1 fingerprint, ridgeology, advance palm print
2 comparison techniques, complex latents, footwear
3 evidence collection and comparison, blood stain
4 pattern analysis, match blood stain pattern
5 analysis and processing violent crime scenes.

6 Q And, ma'am, have you had occasion in your
7 career with sled, in your employment with sled, to
8 testify as an expert witness in the state courts
9 of South Carolina?

10 A I have several times.

11 Q And tell me specifically in what area of
12 expertise have you been qualified?

13 A Crime scene processing. Crime scene
14 reconstruction, blood stain pattern analysis,
15 footwear examination, tire tread examination and
16 latent fingerprints.

17 MS. BARR: Your Honor, at this time we
18 would tender Ms. Skipper as an expert in the field
19 of crime scene processing, crime scene
20 reconstruction, footwear impressions and latent
21 print analysis.

22 THE COURT: Would you like to voir dire?

23 MR. MCKNIGHT: Yes, sir, Your Honor.

24 Cross Examination by Mr. McKnight:

25 Q Ms. Skipper, good morning. Have you ever

Melissa Skipper-Direct by Barr

1 been disqualified in any court of law anywhere?

2 A No, sir.

3 Q And you've stated that you're an expert,
4 and you've been qualified as an expert in
5 evidence processing, crime scene reconstruction,
6 latent fingerprints, and what was it with regard
7 to footwear?

8 A It was crime scene processing.

9 Q Yes, ma'am.

10 A Footwear examinations and tire tread
11 examinations and blood stain pattern analysis.

12 Q So when you say footwear examinations, is
13 that just simply the collection or is that the
14 determination and natural match of the footwear?

15 A That's the comparison of the unknown
16 footwear impression as a known standard?

17 MR. MCKNIGHT: No further questions.

18 THE COURT: Any objections?

19 MR. MCKNIGHT: No.

20 THE COURT: Ladies and gentlemen, without
21 objection she is deemed to be an expert in crime
22 scene possessing, crime scene reconstruction,
23 footwear examination and latent prints. Now,
24 ladies and gentlemen, as with all the other
25 experts, you will give her the weight of her

Melissa Skipper-Direct by Barr

1 testimony that you all think is most appropriate.

2 Thank you, Ladies and gentlemen. You may proceed.

3 Direction Examination continues by Ms. Barr:

4 Q Ma'am, were you -- did you respond out to
5 a home of the victim in this case, James Allen
6 McNeal on Peach Street in Hemingway, back on
7 November 2nd 2007?

8 A Yes, I did. /

9 Q How did sled come to be involved in this
10 case that happened in Williamsburg County?

11 A If I can refer to my notes.

12 Q Yes, ma'am.

13 A We were requested by Sheriff Washington of
14 the Williamsburg County Sheriff's office.

15 Q And he was the sheriff -- elected sheriff
16 of the county at that time?

17 A That's correct.

18 Q And was that unusual? Would that have
19 been unusual to get a request from a local law
20 enforcement agency for sled to assist in an
21 investigation?

22 A No. The primary function is to act as an
23 assisting agency. Sled provides resources that
24 either do the resources for manpower, being the
25 local agency needs some type of assistance; be it,

Melissa Skipper-Direct by Barr

1 assistance with investigations through manpower.
2 Just expertise in terms of technical assistance,
3 like with cell phones or forensic services and
4 things like that.

5 Q Do you recall the time that you would have
6 arrived at the home of Mr. McNeal?

7 A We arrived on the scene at 11:45 in the
8 morning.

9 Q And do you have any indication as to what
10 time the 911 call was placed by the initial person
11 contacting the police? Well let me just ask you
12 this way. If there has been testimony that the
13 call was placed at about 8:33, 8:34 a.m., this
14 would have meant that you would have arrived about
15 three hours later in fact.

16 A That's correct. We received a call for
17 service at 9:30 that morning.

18 Q So the call was placed by Sheriff
19 Washington for sled assistance at 9:30.

20 A That's correct.

21 Q Tell us what you observed as you arrived
22 at the scene.

23 A There was a large crowd around the outside
24 of the scene in the roadway of the neighboring
25 yards. The scene had been taped off with crime

Melissa Skipper-Direct by Barr

1 scene tape and was secured by local law
2 enforcement; as well at that time, the sheriff's
3 office.

4 Q So when you talk about the large crowd of
5 individuals that you saw as you drove up, these
6 would have people who would have been outside of
7 the perimeter of the crime scene tape.

8 A That's correct.

9 Q What you say large crowd, more than 30
10 people?

11 A Yes.

12 Q More than 50?

13 A Yes.

14 Q Was it an unusual number in your
15 experience?

16 A Yes.

17 Q Once you arrived in the home, tell us how
18 you began the process of either collecting
19 evidence, or in noting items of interest as it
20 relates to potential evidence.

21 A Typically when we arrive on the scene, we
22 met with the local investigators. They brief us
23 at that point as to the details of the case at
24 that point. Typically they have already been
25 through the scene. They can point out some items

Melissa Skipper-Direct by Barr

1 of evidence to us. They walk us through the
2 scene. We look at it, note evidence for
3 ourselves; as well as the evidence they point out
4 to us.

5 After that point, we come back out of the
6 scene and we start taking our general photographs
7 at the scene as when we arrived there.

8 Q And how did you enter the home?

9 A Through the front door.

10 Q Was there anything of interest or anything
11 noteworthy about the front door that might relate
12 to your processing the scene?

13 A There was a strike plate where the door
14 latches on the door frame, laying on the front
15 deck. And there was also damage to the door
16 casing.

17 Q Why was that of note of interest to you?

18 A We had been advised the front door had
19 been kicked.

20 Q I'm sorry?

21 A We had been advised that the front door
22 had been kicked in. It was consistent with that.

23 Q As a result of observing what you describe
24 as being consistent with the front door being
25 kicked in, what if any action did you take as it

Melissa Skipper-Direct by Barr

1 relates to the front door?

2 A We photographed the damage to the door, as
3 well as, the strike plate laying on the deck.
4 Later on we also marked two impressions on the
5 front door that were consistent with footwear
6 impressions.

7 Q Ma'am, I am going to publish what has been
8 previously admitted as State's Exhibit No. 47. Is
9 that the front door of the residence that you
10 responded to back on November 2nd 2007?

11 A It is.

12 Q I am going to hand you what's been marked
13 for identification purposes as State's Exhibit
14 No. 156 and 157. And ask if you recognize what is
15 depicted in those photographs?

16 A Yes.

17 Q Tell the Ladies and gentlemen of the jury,
18 how it is that you recognize it, and what it is.

19 A State's Exhibit No. 156 is a mid-range
20 photograph, which means it's not a general like
21 you are seeing on the screen, which is the entire
22 scene. It's a fairly close up photograph so that
23 you can see the particular items of evidence. And
24 that is depicting the front door, and the two
25 footwear impressions that we marked on that front

Melissa Skipper-Direct by Barr

1 door. State's Exhibit No. 157 is a close up
2 photograph of the lower impression on the door.

3 Q And did you at any point and time, ever
4 perform an analysis of what you described to be
5 footwear impressions on the front door?

6 A I did.

7 MS. BARR: Judge, we would move State's
8 Exhibit Nos. 156 and 157 in at this time.

9 THE COURT: Any objection?

10 MR. MCKNIGHT: Not from the defendant
11 Williams.

12 MR. GRIFFITH: No, Your honor.

13 THE COURT: Without objection, State's
14 Exhibit 156 and 157 are admitted into evidence,
15 you may publish them.

16 (Photographs marked State's Exhibit Nos.
17 156 and 157 into evidence.)

18 Q Ms. Skipper, I am now going to publish
19 State's Exhibit No. 156. Ma'am, when you talk
20 about processing the front door of the victim's
21 residence, is that what we are talking about on
22 156?

23 A That photograph was taken after the front
24 door was photographed. I mean, processed.

25 Q Okay. And there appears to be some

Melissa Skipper-Direct by Barr

1 measurements or tapes listed or reflected there on
2 the photograph?

3 A That's correct. The tape is actually
4 what we call scale tape. It's got ruler and
5 metric measurements on the other side of it. In
6 this case we used it so that we could document
7 actual size of the impressions.

8 Q And for reference, let the record reflect
9 that I am pointing to a scale tape that is right
10 next to a door handle. Do you see where I am?

11 A That's correct. Yes, ma'am.

12 Q And a separate scale tape that is just
13 south of the door handle.

14 A That's correct.

15 Q On the photograph there appears to be some
16 dark coloring near along the center of the door.
17 Can you tell us about what that is?

18 A We processed that door for latent
19 fingerprints. The dark -- the darkness that you
20 are seeing is the black powder. Just a carbon
21 powder. It makes latent fingerprints more easily
22 visible to the naked eye. It also will enhance
23 footwear impressions. So that's the darkness that
24 you are seeing is actually to process that door
25 with black powder.

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1 Q And I am going to publish State's Exhibit
2 No. 157. And is that simply a closer view of the
3 door where you are trying to process it for either
4 latent prints or footwear impressions?

5 A It is a closer photograph. In this case
6 just to document it.

7 Q And did you perform an analysis of the
8 door for latent prints and or footwear
9 impressions?

10 A We did not recover any latent fingerprints
11 from the door. But the two markings on the door
12 where they were marked with scale tape, there were
13 partial footwear impressions there. I did perform
14 an analysis once I returned to the laboratory.
15 And the impressions were too partial, and there
16 wasn't enough there to perform a complete analysis
17 and make a comparison. Just enough to tell that
18 there was actually a footwear impression there,
19 but not enough to do anything with.

20 Q Tell me is that unusual that you would
21 have that happen, where you would clearly in your
22 mind see what appears to be a footwear impression,
23 but it not be enough of a sample to give you any
24 useable information?

25 A That's not uncommon.

Melissa Skipper-Direct by Barr

1 Q And you've kind of helped me to understand
2 and educate me, in terms of trying to make a
3 process of what we believe to be a footwear
4 impression, is that similar to perhaps handprints
5 or fingerprints?

6 A Typically the soles or the out sole of a
7 shoe is rubber or some type of rubber compound.
8 It leaves a little bit of residue behind when it
9 comes in contact with the surface. So it can
10 basically be enhanced similarly to a latent
11 fingerprint. The powder is going to adhere to it
12 and enhance it. And that tape just didn't
13 enhance a known. That's not uncommon due to the
14 force and everything else that is consistent with
15 kicking the door.

16 Q Now after your in-house, when you go
17 through the front door, you would have been in
18 what room of the house?

19 A The front door opened up into the living
20 room.

21 Q Yes, ma'am.

22 A And then the kitchen was off to the right.

23 (Photographs marked State's Exhibit Nos.
24 159-161 for id. only.)

25 Q Ma'am, I am going to show you what has

Melissa Skipper-Direct by Barr

1 been marked for identification purposes as State's
2 Exhibit Nos. 159, 160 and 161. And I will ask you
3 if you recognize what's depicted in those
4 photographs.

5 A Yes, I do.

6 Q And are those the photographs of the
7 front inside of the mobile home?

8 A They are.

9 Q And do they accurately depict how the home
10 looked at the time that you were there conducting
11 your investigation?

12 A State's 159 and 160 are as we found it.
13 State's 161 is after we were processing the scene
14 and we were documenting the trajectory of the
15 bullet. The -- that was actually taken out of the
16 house in that photograph.

17 MS. BARR: Let me share these with defense
18 counsel.

19 MS. BARR: Your Honor, we would move to
20 admit State's Exhibits 159 through 161.

21 THE COURT: Any objection?

22 MR. MCKNIGHT: From Defendant Williams,
23 no, Your Honor.

24 THE COURT: Any objection, Mr. Griffith?

25 MR. GRIFFITH: No, sir, Your Honor.

Melissa Skipper-Direct by Barr

1 THE COURT: State's Exhibits 159, 160 and
2 161 may be published.

3 (Photographs marked State's Exhibit Nos.
4 159-161 into evidence.)

5 Q Ms. Skipper, publishing now, State's
6 Exhibit No. 159, that is in front of the house?

7 A That's correct.

8 Q And the front porch of the home would be
9 here?

10 A That's correct.

11 Q And where I have pointed here on this
12 particular exhibit that would be the front door?

13 A That's correct.

14 Q Which room of the house would the next
15 window be? There is some glare on the front.

16 A The window exactly adjacent to the door,
17 should be to the front or to the living room area.

18 Q Yes, ma'am.

19 A The next window, I think was to the
20 bedroom. It was a small bedroom. And then the
21 last one is the other bathroom.

22 Q Now as it relates to, you see the area of
23 the mobile home that I am pointing to in here?

24 A Yes.

25 Q And that appears to be a door or a cut out

Melissa Skipper-Direct by Barr

1 of some sort?

2 A That's correct.

3 Q Now what room of the house is that door or
4 that particular cut out as I describe it?

5 A That is in the main bedroom of the
6 residence.

7 Q Is that where the victim's body was found?

8 A That's correct.

9 Q And I am now publishing State's Exhibit
10 No. 161. This particular area that I am pointing
11 to on the front of the home, is that the same cut
12 out of the door that I previously asked you about?

13 A It is.

14 Q And this would be to the -- in the
15 victim's bedroom?

16 A Yes.

17 Q For scale and so that we can kind of
18 understand, is that area, I am going to call it a
19 door or a cut out. If that is in fact in the
20 victim's bedroom, where would the victim's bed be
21 in relation to that cut out area?

22 A The head of the bed in that bedroom is on
23 the opposite wall from the back wall of the house.
24 And the side of the bed, the bed was positioned in
25 the corner of that back wall. So the side of the

Melissa Skipper-Direct by Barr

1 bed would be on the end of the house. So the foot
2 of the bed would be facing the front of the house.

3 Q So the foot of the bed would be facing
4 this door or cut out?

5 A That's correct.

6 Q And I am going to publish State's Exhibit
7 No. 160. Do you see that same door or cut out
8 there?

9 A I do.

10 Q And in terms of that area, did that appear
11 to be a door where somebody could enter or exit
12 the bedroom?

13 A No, it was sealed.

14 Q And the window here that's reflected on
15 the side of the house, would that be window that
16 is contained within the main bedroom or the
17 victim's bedroom?

18 A That's correct, yes.

19 Q Now going back to 161, if I can, which
20 again is the larger view of that little door, that
21 sealed door as you call it, there appears a pole
22 there with something sticking out?

23 A That's correct.

24 Q Tell me what that is.

25 A When we first arrived, we noticed a hole

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1 off to the left corner of that upper area of the
2 door.

3 Q Yes, ma'am.

4 A And once we began our search inside the
5 residence, we determined it to be a bullet hole
6 that had gone through the house. And to document
7 the trajectory or the line of flight, so to speak
8 of the bullet, we use wooden dowels often to
9 document that. And that's what you see coming out
10 of the side of the house is a wooden dowel.

11 Q I am going to hand for identification
12 purposes State's 154, 155 and 158, are those also
13 the photographs of the interior of the home?

14 A 154 is a photograph the street side
15 documenting the area around the residence.

16 Q Yes, ma'am.

17 A State's Exhibit 155 is a close up
18 photograph of that same hole with the dowel coming
19 out of the house.

20 Q Yes, ma'am.

21 A And State's 158 is a photograph in the
22 residence, which is that window in the master
23 bedroom.

24 Q And in terms of documenting the hole that
25 was through the front of the house, is that also

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1 reflected in State's 162, 163, and 164?

2 A It is.

3 Q And the State's 165 is that a backward or
4 side view of the mobile home?

5 A It is.

6 MS. BARR: Your Honor, I would move to
7 admit State's Exhibits 162 and 158, 155, 154, 165
8 and 164.

9 THE COURT: Any objection from the
10 defense?

11 MR. MCKNIGHT: Without objection from
12 Defendant Williams.

13 MR. GRIFFITH: No objection, Your Honor.

14 THE COURT: No objections to Exhibit 162,
15 155, 158, 165 and 160 -- 2?

16 MS. BARR: And 164.

17 THE COURT: Are admitted without
18 objection.

19 (Photographs marked State's Exhibits Nos.
20 154, 155, 158, 162, 164, 165 into evidence.)

21 Q Ma'am, when we talk about the bullet holes
22 in front of the house, and the photographing that
23 we determine to be 165 and 163, is that reflected
24 in State's 163?

25 A It is, but that photograph is actually

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1 upside down.

2 Q Is that correct?

3 A It is.

4 Q And to give us a better view you just
5 answered that question in 155?

6 A It is.

7 Q And I am going to ask you about the
8 photograph that shows the side view of the home,
9 is that reflected in 160 -- 165? I'm sorry,
10 judge, the last exhibit was 165.

11 A It is.

12 Q And in this particular exhibit, this part
13 of the photograph would be where the victim's
14 bedroom is here?

15 A That's correct.

16 Q And that would be the window in the
17 bedroom; is that correct?

18 A That's correct.

19 Q And in that photograph, do you see
20 individuals standing around outside the crime
21 scene tape?

22 A I do.

23 Q Now, I am going to publish what has
24 previously been admitted as State's Exhibit No.
25 62. When I talked about the room that would be

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1 depicted, once you entered the front door of the
2 house, you indicated that to your left would be
3 the living room?

4 A That's correct.

5 Q And in this particular photograph, what am
6 I showing you here?

7 A It's either a couch, a love seat, or
8 recliner. I can't tell.

9 Q Let me ask you about that particular
10 exhibit. Ma'am, on that particular exhibit, what
11 is that, or what does appear to be on the sofa or
12 on the chair?

13 A It appears to be a purse of some type.

14 Q Now the information that you received
15 regarding this case when you came out to process
16 it, was that it was some sort of burglary?

17 A A home invasion.

18 Q A home invasion, okay. And did you also
19 receive information that a home invasion and
20 robbery or attempted robbery or something related
21 to robbery?

22 A Yes.

23 Q Did it surprise you, given the information
24 you received about the crime, that there appears
25 to be purse actually sitting on the sofa in the

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1 living room?

2 A It did appear undisturbed. Yes.

3 Q After you go through the living room, tell
4 us where you would have gone next.

5 A Directly to the right of the front door
6 was the kitchen area. And that was the other end
7 of the house. So when you enter the front door,
8 you actually enter into the living room area. And
9 there is a hall that runs along the back wall of
10 the residence. The first room you come to along
11 that hallway is a small bedroom.

12 Q Yes, ma'am.

13 A The next room is the bathroom. And then
14 it opens into the master bedroom area, which is
15 directly in the hallway.

16 Q And now I am going publish what's been
17 previously been admitted as State's Exhibit No.
18 83. Of course that would have been looking at the
19 bedroom and the body of James McNeal as you
20 entered the bedroom area?

21 A Yes, that would be the place marked.

22 Q I am going to ask you about that
23 particular photograph. There appears to be some
24 type of blue item that I am pointing to, that
25 would be at the -- on the side of the victim's

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1 bed. Do you see, and it would be behind Marker

2 No. 5. Do you see that blue item that I am
3 pointing to?

4 A I do.

5 Q Here?

6 A Yes.

7 Q Do you know what that is?

8 A A pair of jeans we found laying next to the
9 bed.

10 Q I am going to publish what has previously
11 been admitted as State's Exhibit No. 101. That
12 photograph would be taken after the victim's body
13 was removed from the scene?

14 A That's correct.

15 Q And who normally removes the victim's body
16 from the scene of a homicide, or a suspected
17 homicide?

18 A Either the coroner's office or EMS. It
19 just depends on the circumstances.

20 Q Sure. Ma'am, when I asked you earlier
21 about the blue item that you referred to as a pair
22 of jeans. Can you see that particular item on
23 this exhibit?

24 A Yes, ma'am.

25 Q And is it here that I am pointing to?

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1 A Yes, ma'am.

2 Q As it relates to the jeans, did you note
3 anything that was significant, or that may have
4 been significant as it related to those jeans?

5 A Yes, in our search of the residence for
6 cartridge cases, fired bullets, we moved
7 everything on the floor to make sure we hadn't
8 missed any evidence. The pair of jeans was laying
9 next to the bed. And when we picked those up,
10 there was a good bit of cash in the pockets of the
11 pants. Which we counted out. There was \$780 in
12 the left back pocket. And there was 373 in the
13 left front pocket.

14 Q Did you photograph that as well?

15 A We did.

16 Q I am going to hand you what has been
17 marked for identification purposes as 171 through
18 180. Are these the photographs that were taken to
19 mark the victim's jeans, and the contents of those
20 jeans?

21 A They are.

22 MS. BARR: Your Honor, we would move to
23 admit State's Exhibit Nos. 171---

24 THE COURT: Show them to counsel, please.

25 MS. BARR: ---through 180.

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1 THE COURT: And what are the numbers?

2 MS. BARR: 171 through 180.

3 THE COURT: Any objection?

4 MR. MCKNIGHT: None from the Defendant
5 Williams, Your Honor.

6 THE COURT: Mr. Griffith no objection as
7 well?

8 MR. GRIFFITH: No objection.

9 THE COURT: State's Exhibit No. 171
10 through 180 are admitted without objection.

11 MS. BARR: Thank you, Your Honor.

12 (Photographs marked State's Exhibit Nos.
13 171-180 into evidence.)

14 Q Ma'am, I am going to publish State's
15 Exhibit No. 173. Are those the jeans that you
16 indicated that you had picked up that were located
17 right down on the floor by the victim's bed?

18 A They are.

19 Q Those are the jeans that contained the
20 money you described?

21 A Yes.

22 Q I am going to publish State's Exhibit No.
23 172. And tell us what is reflected in 172.

24 A That is the front left pocket of those
25 pants.

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1 Q Indicating that and obviously you can see
2 currency, money in the pocket.

3 A That's correct.

4 Q Tell us about 174.

5 A That's another photograph documenting the
6 pockets, the money in the pockets of those pants.

7 Q And tell us about 176.

8 A That's a photograph of the back pocket of
9 those pants. Documenting the money in the
10 pockets.

11 Q Tell us about 175.

12 A That's another photograph. Just a closer
13 photograph.

14 Q Tell us about 177.

15 A That's after we laid the money all out so
16 that we could count it and photograph it. You can
17 actually count it in the photograph.

18 Q Let me ask you, orient us to where in the
19 room this would be. Is the front door of the
20 victim's bedroom that leads into the hallway
21 depicted in this exhibit?

22 A I am sorry, I didn't hear the first part
23 of the question.

24 Q Is this the -- can you see the front door
25 in the victim's bedroom that would lead to the

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1 hallway?

2 A Yes. That is the door off to the left
3 hand side. That's correct. That leads into the
4 hallway.

5 Q And you all simply took the money out and
6 placed it here so it could be photographed and
7 counted?

8 A That's correct.

9 Q Can you see the denomination of bills on
10 that photograph?

11 A There are 20's on the left hand side and
12 mostly 10's in the -- all 10's in the middle row.
13 And 10's at the top. And then there is mixed 10's
14 and 5's there at the bottom right corner.

15 Q And those domination of bills would have
16 come out of one pocket of where they culminated
17 with what came out of both pockets. If you know.

18 A I don't remember. I know there was a lot
19 of cash. I took a couple of photographs.

20 Q And did you want to keep the denominations
21 together so that it will -- when you photograph
22 it? So like for example, was there a conscious
23 decision to make the 20's in one row, the 10's in
24 one row, the \$5 bills in another row?

25 A Typically if the money is all together

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1 that's the way I do it. But I don't remember in
2 this case if I put it all together and then
3 counted it. Or kept it separate from front versus
4 back.

5 Q As far as State's Exhibit No. 179, that is
6 also the money that was placed on the table by the
7 front door to the bedroom?

8 A That's correct.

9 Q And State's Exhibit No. 180, that's also
10 money that was placed out and photographed on that
11 same table?

12 A That's correct.

13 Q And those denominations of money are what?

14 A Those look to be all ones.

15 Q And I'm sorry, I am not sure if I asked
16 you whether or not you could tell us how much
17 money was in each pocket.

18 A There was \$780 in the back pocket and \$373
19 in the front.

20 Q Okay. And while you are in the room, did
21 you see anything that was contained within the
22 bedroom that would lead you to conclude that the
23 projectile that came out through the front of the
24 house was actually fired inside the house? Any
25 indication of that?

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1 A There were bullet holes in the wall next
2 to the closet in that room. And then there was a
3 bullet hole on the interior wall of that closet,
4 which is the same wall as the front of the
5 residence. And that is the interior wall side of
6 that front exterior.

7 Q I am going to hand you what is marked for
8 identification purposes as State's Exhibits No.
9 166 through 170. And then 181, and ask you are
10 those are photographs of the interior of the
11 bedroom; specially, as it relates to the
12 projectile that goes from the bedroom out the
13 front of the house?

14 A State's Exhibit No. 166 through 170 are
15 documenting those bullet holes in the closet.

16 Q Yes, ma'am.

17 A As well as where it is goes through that
18 front wall that leads to the exterior of the
19 residence. And State's Exhibit No. 181 is a
20 photograph of the back door of the home.

21 MS./ BARR: Your Honor, we would move at
22 this time to admit State's Exhibit Nos. 166
23 through 171 and State's and 180.

24 THE COURT: Actually 166 through 170. And
25 181. I believe 180 is already admitted. Any

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1 objection, gentlemen?

2 MR. MCKNIGHT: Not from the Defendant
3 Williams.

4 MR. GRIFFITH: No objection, Your Honor.

5 THE COURT: State's Exhibit 166 through
6 170 and 181 are admitted without objection.

7 (Photographs marked State's Exhibit Nos.
8 166 through 170 and 181 marked into evidence.)

9 Q I am now going to publish State's Exhibit
10 No. 166. And you referenced a bullet hole from
11 the closet. Is this the closet that is depicted
12 in this particular exhibit?

13 A It is. The closet is off to the right,
14 and the left wall is bedroom wall, so to speak.
15 The closet opens up behind that wall.

16 Q And does their appear to be the clothing
17 to the right of where you all noted the hole from
18 the projectile?

19 A Yes.

20 Q And a bag down here at the bottom of the
21 closet?

22 A That's correct.

23 Q I am going to publish 167. Is that simply
24 a closer view of the same damage near the wall,
25 that came from a hole from the projectile?

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1 A It's closer and it's taken from a slightly
2 different angle so that you can see the part of
3 the closet behind that wall.

4 Q Tell us about 170.

5 A 170 is that same bullet hole where we had
6 documented the trajectory with the wooden dowel
7 that you also see in the other photographs coming
8 out of the front of the house.

9 Q Tell us about 168.

10 A That is another photograph of that same
11 dowel. And there was a corresponding bullet hole
12 in that black, I think it was some type of jacket.

13 Q Yes, ma'am.

14 A It was hanging in the closet. One of the
15 previous photographs also showed a fired bullet in
16 that jacket that we've collected. But there was
17 an additional bullet hole, and it ran all the way
18 through that -- to that wall on the front of the
19 house.

20 Q And 169.

21 A That's showing the complete trajectory
22 bullet flight from the front wall of the closet
23 through that piece of clothing outside to the
24 exterior of the house.

25 Q Now what does your training, your

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1 observations of that path or that scene, what does
2 that tell you about the path of that bullet?

3 A It's slightly elevated. It is not a large
4 angle upward. It is just slightly elevated. You
5 can see that in the photographs. It goes up a
6 little bit.

7 Q And I am going to publish 181. Is that
8 the back of the home?

9 A It is.

10 Q And did that particular door that is
11 depicted on that photograph, did it indicate
12 whether or not, did you see signs that anybody had
13 forcibly gone in or out of that particular door?

14 A No, there were no -- there was no damage
15 to that door. There were no steps leading to that
16 door, and the door was locked on the inside.

17 Q I am going to publish what has already
18 been marked as State's 83. But there is some
19 previous testimony that these markers that are
20 placed there because there may be evidence,
21 potential evidence there in the photograph. Would
22 you agree with that?

23 A They do in fact correspond to the evidence
24 that was collected.

25 Q And is that the normal practice of sled or

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1 law enforcement agencies to place those markers
2 there?

3 A Yes.

4 Q Okay. Now I am curious when the markers
5 are placed there, the items that they are placed
6 next to, can you tell us whether or not those
7 items were in that specific location immediately
8 after a firearm is fired, or do you all just
9 document how the evidence is when you arrive
10 there?

11 A We document where the evidence is when we
12 arrive. We aren't there when the incident is
13 actually going on typically so we can't say for
14 sure where they were to begin with. That's just
15 where they were when we got there.

16 Q I understand. There were a number of
17 bullets and or cartridges that you collected from
18 the scene?

19 A There were several fired bullets and
20 cartridge cases that were collected, yes, ma'am.

21 Q Ms. Skipper, by chance, do you have the
22 sled evidence log as it relates to this case?

23 A I have the log from the evidence I
24 submitted to the lab.

25 Q And as it relates to State's Exhibit 189,

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1 can you tell us what sled Item No. that would be
2 in the chain of evidence that came in through
3 sled's care?

4 A I would have to open it to tell. It is
5 labeled with a container label. Meaning, there is
6 more than one item of evidence in the envelope.

7 Q Okay.

8 A But I would have to open it to be sure.

9 Q And the fact that right now, you say you
10 have to open it, that means it's been sealed.

11 A That's correct.

12 Q And is that the normal practice of sled to
13 seal items of evidence?

14 A It is. And we also date and initial that.

15 Q Get you something to get you to open that
16 for me. Get you a pair of scissors. How about
17 that.

18 A There is evidence in the envelope that I
19 submitted, as well as, evidence it appears was
20 collected after I had submitted it to the lab.

21 Q And I specifically reference that you
22 submitted the items from marker No. 1, which is
23 State's Exhibit No. 83, what was that? And for
24 the record, I am going to point to Marker No. 1,
25 State's Exhibit No. 83.

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1 A That was a cartridge case with a head
2 stamp. Meaning the manufacturer identification
3 and the caliber. That is a Winchester 380 auto.

4 Q So this is a Winchester 380 auto cartridge
5 case.

6 A Yes.

7 Q Tell us about marker No. 2.

8 A Marker No. 2 was a cartridge case also.
9 It was a Winchester 9 millimeter Luger.

10 Q And does it indicate that you would have
11 recovered or you would have recovered that near a
12 vent?

13 MR. MCKNIGHT: Objection. That is
14 leading.

15 THE COURT: Rephrase your question.

16 Q Yes, ma'am. Where did you all recover
17 what you have labeled marker 2?

18 A In my notes, I have marker 2 as one
19 cartridge that is head stamped Win-9 millimeter
20 Luger. In parenthesis (a vent.)

21 Q A vent?

22 A Yes.

23 Q Tell us about what is by markers 3 and 4?

24 A Marker 3 was a cartridge case. Also a
25 Winchester 9 millimeter Luger. And marker 4, was

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1 also a cartridge case Winchester 9 millimeter
2 Luger.

3 Q And where were those two items recovered
4 from?

5 A They were on top of the bed.

6 Q Tell us about No. 5 here.

7 A Marker No. 5 was a copper fragment. That
8 is part of the bullet.

9 Q And tell us about No. 6, specifically as
10 it relates to State's Exhibit 94, which has been
11 previously been admitted into evidence.

12 A Marker 6 was a fired bullet that we
13 located once we brought him over to his side to
14 see if there was anything under him.

15 Q Okay. Now you specifically said it was
16 under him. There has been previous testimony that
17 a bullet was removed from the floor joist. Is
18 that what is reflected in that particular exhibit
19 near mile marker 6?

20 A No, there was an additional fired bullet
21 recovered from the floor joist.

22 Q So that item did not go through the floor?

23 A No, it did not. It burned a hole in the
24 carpet, but It didn't penetrate the floor.

25 Q And tell us what's by marker 7 that is

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1 reflected in State's Exhibit No. 100.

2 A Marker 7 was another cartridge case. A
3 Winchester 9 millimeter Luger that once we moved
4 those bed linens, we were able to see it.

5 Q And who took the -- prepared the GSR kit
6 on the victim, James McNeal?

7 A I collected that.

8 Q Tell us how you went about collecting it.

9 A I used the manufacturer's instructions to
10 collect the GSR, which is gunshot residue.

11 Q And if you will, ma'am, tell us the
12 specific manner and method utilized by you to
13 collect and test Mr. McNeal's hands for gunshot
14 residue.

15 A I don't do the testing. I just do the
16 collection of those kits. At that time, the most
17 important thing is to make sure we have clean
18 gloves. It does supply gloves, but we don't have
19 to use those. And the reason we need to clean
20 gloves is because if I carry a firearm that is not
21 necessarily cleaned every time I fire it; so if I
22 touch I my weapon, I am going to get GSR on my
23 gloves. So I have to make sure I have clean
24 gloves on.

25 The first thing you do is, it has sticky

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1 tabs on there. And they are in a little
2 container, a little plastic vial. They are all
3 labeled. There is one for the left palm. One for
4 the left back. One for the right palm and one for
5 the right back; which back means back of the hand.
6 Just collect the -- apply the sticky tabs to that
7 area that is on the label. Put it back in the
8 vial. Stick it into the envelope. You do that
9 for each of the vials listed. There is also an
10 acidic solution that you apply to swabs after
11 that. And they have corresponding vials as well.
12 They are labeled the same way. Right back, left
13 back, so on. And you collect those just by
14 swabbing the hand with the acidic solution that is
15 applied.

16 Q And after you collected the GSR from
17 Mr. McNeal, what then did you do with it?

18 A We submit those to the laboratory for the
19 trace department to perform analysis.

20 Q Did you take any precautions and
21 specifically, on this case, did you in fact take
22 those precautions consistent with your training,
23 as relates to preserving what evidence, if any,
24 might be recovered from a GSR kit for Mr. McNeal?

25 A Yes, ma'am.

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1 Q And when that particular GSR kit was then
2 submitted to sled, that was done by you?

3 A No. Well I submit it to sled. I didn't
4 perform any analysis.

5 Q I understand. And in this case, the
6 analysis of the GSR kit of Mr. McNeal was done by
7 Ila Simmons.

8 A I am not sure who was assigned the case in
9 question.

10 Q I'm going to help you. I am going to hand
11 you what has been marked for identification
12 purposes as State's No. 153. Tell us if that
13 particular item is familiar to you. And it's
14 already been opened in court, so you can feel free
15 to....

16 A It is.

17 Q And does that contain the GSR kit that you
18 would have collected from the victim, James Allen
19 McNeal?

20 A As far as I can tell, it's got the
21 envelope and everything that I packaged it in from
22 the manufacturer. As well as, the envelope I
23 packaged it in once it got to the lab.

24 Q And of course, Ms. Simmons testified on
25 yesterday that is, those are her initials? Is

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1 that indicated with the case?

2 A Yes.

3 MS. BARR: Judge, we would now move to
4 admit State's Exhibit No. 153.

5 THE COURT: Any objection?

6 MR. MCKNIGHT: Let me see. No objection.

7 MR. GRIFFITH: No objection, Your Honor.

8 THE COURT: Without objection, State's
9 Exhibit No. 153 is admitted in to evidence.

10 THE COURT: State's Exhibit No. 153
11 admitted into evidence.

12 (GSR kit of James McNeal marked as State's
13 Exhibit No. 153 into evidence.)

14 Q Ma'am, I am going to now publish what's
15 been previously admitted as State's Exhibit No.
16 98. When you were talking about bullets or
17 cartridge casings that were collected from the
18 scene by you, you mentioned something in your
19 testimony about things happening in sequence. And
20 I believe you mentioned something about it was
21 before the victim was turned over. Do you recall
22 testifying to that effect?

23 A Yes, ma'am.

24 Q And as it relates to this particular
25 exhibit, it shows you and another individual

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1 turning over the victim.

2 A That's correct.

3 Q And for what purpose was that done?

4 A That's so we could document the victim's
5 back and any injuries to the back; as well as,
6 anything that was up underneath him.

7 Q Okay. And on that particular exhibit,
8 can you hold the sheet for me again, please. Do
9 you see in that particular exhibit there appears
10 to be either a projectile or a cartridge casing
11 under Mr. McNeal?

12 A Yes, that appears to be a cartridge case.

13 Q And I'll just to make sure we are all
14 talking about the same thing, I am pointing to
15 what appears to be small item underneath or right
16 under or under by his buttocks?

17 A That's correct.

18 Q I am going to have you look at State's
19 Exhibit Nos. -- I am going to hand you what has
20 been marked for identification purposes State's
21 Exhibits Nos. 182, 183, 184, 185, 186, 187, 188,
22 and 190. Tell me if you recognize those.

23 A Yes, I do.

24 Q Tell the jury what they are.

25 A State's 182 is a photograph of the floor

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1 underneath where the victim was laying. It was
2 after we had cut out a section of carpet and
3 padding.

4 Q Okay.

5 A State's Exhibit 183 is another photograph
6 of that same area. There was in the photograph on
7 the floor there is a pooling of blood. There is
8 also a bullet hole in that area. And it shows
9 another one of those wooden dowels running through
10 that bullet hole. State's Exhibit No. 184 is
11 another photograph of that wooden dowel running
12 through the floor. It's a close up photograph of
13 that. State's Exhibit 185 is a photograph of the
14 same area, and it shows a fired bullet that was
15 underneath the padding that was still on top of
16 the floor.

17 State's Exhibit No. 186 is a photograph
18 underneath the house once we actually cut out a
19 section of the floor, and it shows a fired bullet,
20 which is stuck in the floor joist.

21 Q Yes, ma'am.

22 A State's Exhibit No. 187 is another
23 photograph of that floor prior to us cutting out
24 the floor. State's Exhibit 188 is a closeup
25 photograph of the bullet hole in the floor joist.

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1 And State's Exhibit No. 190 is a photograph of the
2 floor once we removed the actual wood flooring.

3 Q Thank you, ma'am.

4 MS. BARR: Your Honor, we would move
5 State's Exhibit 182 through 188 and 190 into
6 evidence.

7 THE COURT: Any objection?

8 MR. MCKNIGHT: Not from defendants.

9 MR. GRIFFITH: No objection, Your Honor.

10 THE COURT: Without objection, Exhibits 182
11 through 188, and 190 are admitted into evidence.

12 (Photographs marked State's Exhibit Nos.
13 182-188 and 190 into evidence.)

14 Q Ma'am, as it relates to the yellow marker
15 No. 7, in your report, if you will, tell us what
16 item was removed near Marker No. 7. And I'll also
17 so we can understand, I'll also publish what has
18 been admitted as State's Exhibit No. 100.

19 A Marker No. 7 was marking a 9 millimeter
20 cartridge case that was located under the sheet
21 laying on the floor.

22 Q And in Exhibit 100, does it look like
23 marker No. 7? Marker No. 7 is near what appears
24 be a pair of bedroom shoes or flip-flops or
25 something along those lines?

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1 A Yes.

2 Q And I'm sorry, you indicated that that was
3 a what?

4 A A 9 millimeter cartridge case.

5 Q And tell us about State's Exhibit No. 105,
6 and specifically the item that was noted to be by
7 the marker No. 8.

8 A Marker 8 in this photograph is depicting
9 another 9 millimeter cartridge case. And it was
10 under the comforter of the bed when we picked it
11 up off the floor.

12 Q And tell us about State's Exhibit 187?

13 A State's Exhibit No. 187 is a photograph of
14 the floor where the victim was found. The wall on
15 the right hand side, is the wall that is the rear
16 exterior wall as well, of the residence. And
17 that's the bottom portion of the bed. That would
18 be the head of the bed that you can see in the
19 photograph. What we did is remove the carpet
20 section and padding so that you can see the
21 sub-flooring.

22 Q Now tell us about State's Exhibit No. 183.

23 A That is another photograph of that area,
24 with a dowel rod showing the trajectory of the
25 bullet hole through the floor.

Melissa Skipper-Direct by Barr

1 Q Ma'am, as it relates to that particular
2 exhibit where there is the rod, what was the
3 purpose there for placing the rod?

4 A Again, that's to show the bullet path and
5 the flight of the bullet. So it was pretty much
6 straight down to the floor.

7 Q Do you see those two little dots there
8 that I am pointing out? Can you make out what
9 that is?

10 A Not at this time, no.

11 Q Let me now publish State's Exhibit No.
12 184. Does that help any? And I am specifically
13 referring to these markers here. Here's what I
14 will do, I am going to bring it up here so up can
15 see it a little better. You don't have a
16 distraction of the glare on the monitor.

17 A It appears to be carpet fiber. I can't
18 tell. Some of the blue carpet fiber where we cut
19 the floor out is in the photograph.

20 Q Okay. Tell us about State's Exhibit
21 No. 185.

22 A That is another close up photograph of
23 that area. And that was a fired bullet that we
24 found underneath the padding, that did penetrate
25 the wood flooring of the residence.

Melissa Skipper-Direct by Barr

1 Q And you indicated that of course one did
2 actually went through the floor joist.

3 A That's correct.

4 Q Tell us about 190.

5 A That's a photograph after we cut the
6 flooring out, so that we could search underneath
7 the area to attempt to locate a fired bullet.

8 Q While I am here, I am going to try to
9 adjust the brightness. That probably helps a
10 whole lot.

11 A Yes.

12 Q Tell us about 186.

13 A That's a close up photograph of the floor
14 joist. That is the back side of the hole that is
15 next to the bed. And you can see there is a light
16 colored circle just below where the shadow
17 actually is on the floor joist. That's the fired
18 bullet going into the joist.

19 Q Are you talking about here?

20 A No, up from there. That's correct.
21 That's it.

22 Q And State's 188, is that just simply a
23 closer view of the area that I've just talked
24 about?

25 A It is.

Melissa Skipper-Direct by Barr

1 Q Ma'am, we talked about the item of
2 evidence that was taken from marker No. 7. Can
3 you tell about the yellow marker No. 8 that is in
4 the victim's bedroom?

5 A That was a cartridge case that was a
6 9 millimeter, that was underneath the comforter.

7 Q And State's 160 that has already been
8 admitted, is that simply a closer up view?

9 A It is.

10 Q The items related to fired bullets or
11 fired cartridge cases once you collected them,
12 where did you then take them?

13 A They were submitted to the laboratory
14 along with the evidence that I collected. In
15 particular, the fired bullets went to the
16 firearm's department; the cartridge cases that I
17 collected from the scene and actually processed
18 for latent fingerprints, prior to submitting them
19 to firearm's department.

20 Q And in terms of the analysis of those
21 fired cartridge cases, do you know who would have
22 been at sled who would have analyzed the cases as
23 well as the bullets?

24 A In the firearm's department?

25 Q Yes, ma'am.

Melissa Skipper-Direct by Barr

1 A I think David black.

2 Q Okay. Let me have what you reviewed as
3 State's Exhibit No. 189. Would you please place
4 within this particular Exhibit 189, everything you
5 would have taken from the scene that day. And the
6 things that you took from the scene that day, they
7 were maintained and preserved in your normal
8 practice as a person in crime scene, and with your
9 training and skill, consistent with sled protocol?

10 A Yes.

11 MS. BARR: Okay. Judge, at this time, we
12 would move State's 186 and State's Exhibit 189.

13 THE COURT: Please show it to defense
14 counsel.

15 MR. MCKNIGHT: Without objection from
16 Defendant Williams.

17 MR. GRIFFITH: No objection, Your Honor.

18 THE COURT: And this is State's Exhibit
19 No. 189.

20 MS. BARR: Yes, sir.

21 THE COURT: State's Exhibit Nos. 186 and
22 189 admitted into evidence.

23 (Photo marked as State's Exhibit No. 186
24 into evidence. Cartridges marked as State's
25 Exhibit No. 189 into evidence.)

Melissa Skipper-Direct by Barr

1 MR. MCKNIGHT: Your Honor, can she tell us
2 how many items are in Item 189, because it's
3 like---

4 THE COURT: Yeah, if you just want to tell
5 me.

6 MR. MCKNIGHT: So we don't have to count
7 them.

8 Q I will have her tell. Will you tell us
9 the specific number of items that are in that
10 exhibit?

11 A There are 12 items within State's Exhibit
12 No. 189.

13 THE COURT: 189 contains 12 items.

14 Q How many items did you remove from State's
15 189, that were not taken in specifically by you?

16 A One.

17 Q And can you tell me what that one is?

18 A It is two or swab boxes that we use from
19 the laboratory. It got pulled inside of them so
20 the swabs can actually dry when they are sealed.
21 And there is some other type of plastic container
22 in there as well.

23 Q Now, ma'am, you talked about in your
24 career you've had occasion to perform latent print
25 testing on items?

Melissa Skipper-Direct by Barr

1 A That's correct.

2 Q Did you do that in connection with this
3 case?

4 A I did.

5 Q Tell us about that, please.

6 A I processed the cartridge cases that we
7 collected from the scene for latent fingerprints.
8 I didn't obtain any latents that were
9 identifiable.

10 Q You were not able to determine any latent
11 prints that were identifiable.

12 A That's correct.

13 Q Can you tell me what variables would
14 account for a person's inability to identify a
15 particular latent print?

16 A With respect to cartridge cases, in my
17 career, and I have been processing evidence for 12
18 years, I have never gotten a usable,
19 identifiable, latent print off of a cartridge
20 case. It had to do with the size. It had to do
21 with the fact that's in been a firearm. It's been
22 fired. It's been ejected. And it has gone
23 through a process which would cause damage to any
24 fingerprints that might have been there prior to
25 it being fired.

Melissa Skipper-Direct by Barr

1 Q Okay. In this particular case you note,
2 and I believe some of your notes are somewhere
3 about an individual named Jimmy Joy or Jimmy
4 Canteen being in the residence prior to the
5 arrival of law enforcement?

6 MR. MCKNIGHT: I am going to object to the
7 form of that question. That question is leading.

8 THE COURT: Overruled.

9 Q You may answer it.

10 A Yes, I do have that in my notes.

11 Q What about any item that was collected
12 from a Stephanie Dollard?

13 A I have in my notes that she also entered
14 the residence prior to officers arrival. And I
15 got some blood off her coat, and the coat was
16 collected.

17 Q On a coat she?

18 A That's what I have in my notes, a coat.

19 Q Now you told us about the front door being
20 processed for footwear impressions. Was the
21 front door also processed for latent prints, palm
22 prints, fingerprints?

23 A Yes, that was in the same process.

24 Q And were you able to get any identifiable
25 latent prints from the front door?

Melissa Skipper-Direct by Barr

1 A No.

2 Q Do you recall or did you reflect in your
3 notes or anywhere else what the temperature may
4 have been that day?

5 A I did.

6 Q Okay.

7 A I wrote in my notes, cloudy and the
8 temperature when we arrived was approximately 65
9 degrees.

10 Q 65 degrees?

11 A That's correct.

12 Q Is that normal November weather?

13 A It depends.

14 Q Ms. Skipper, one last question and I think
15 I am done. During this process of collecting
16 evidence and processing the crime scene, you were
17 or were you assisted by that Lieutenant Jeffrey
18 Scott of the sheriff's office?

19 A I was.

20 MS. BARR: All right, ma'am, that's all
21 the questions I have. Thank you so much for your
22 time. Please answer any questions the defense
23 counsel may have at this time.

24 THE COURT: Let me see counsel just one
25 second.

Melissa Skipper-Direct by Barr

1 (Whereupon, the attorneys approach and
2 confer with the judge.)

3 THE COURT: Members of the jury, now is
4 the time for a mid-morning break. So we will take
5 about 15 minutes. If you need a coca cola or
6 something advise the bailiffs. And if you need to
7 smoke, someone will accompany you. Please do not
8 discuss anything about the case. Remember, now
9 you need to pick your new foreperson.

10 (Whereupon, the court takes a short
11 recess.)

12 THE COURT: You may bring the jury.

13 (Whereupon, the following takes place
14 within the presence of the jury.)

15 THE COURT: Mr. McKnight.

16 Cross Examination by Mr. McKnight:

17 Q Ms. Skipper, good afternoon.

18 A Good afternoon.

19 Q I am Cesar McKnight. I am a lawyer for
20 the defendant Williams, and I am going to be
21 asking you some questions. If you need me to
22 speak up, I will. But if you need me to clarify,
23 ask me and I'll do so, okay.

24 A Uh-huh. (Affirmative.)

25 Q You arrived at the scene on what day?

Melissa Skipper-Cross by McKnight

1 A It was the 2nd of November.

2 Q And what, do you recall what time you
3 arrived?

4 A 11:45 a.m.

5 Q Now you indicated that when you arrived,
6 that your normal procedure with your skill set, is
7 that when you first arrive, you talk to
8 investigators and officers on the scene; is that
9 correct?

10 A That's correct.

11 Q Do you recall with whom you spoke with
12 that day?

13 A I have the initial responding officers and
14 the shift supervisors. I don't have their names
15 with me.

16 Q Do you see anyone in this room that you
17 spoke with that day?

18 A I do not recall. I know some of them, so
19 I get confused between the times and dates at
20 different scenes.

21 Q They kind of run together; right?

22 A They do.

23 Q I got you. Yes, ma'am. Now you also
24 testified -- Let me ask you this, you testified
25 about the temperature outside; that being 65

Melissa Skipper-Cross by McKnight

1 degrees and cloudy; is that correct?

2 A That's correct.

3 Q Do you recall if that day was what we call
4 humid or was it dry?

5 A It wasn't raining.

6 Q Okay.

7 A And it wasn't misting or anything like
8 that. But in terms of humid, I don't remember.

9 Q Okay. It didn't feel like one of these
10 days like today or yesterday.

11 A No.

12 Q Now did you note the temperature inside
13 the home?

14 A I did not, but I wore long sleeves that
15 day. So I didn't have to change and put on a
16 tee-shirt.

17 Q So in other words, when you walked in, it
18 wasn't a temperature where you'd start warmer than
19 you would have to disrobe.

20 A Correct.

21 Q Now you also testified that about latent
22 fingerprints; that you are expert in taking latent
23 fingerprints; that's correct?

24 A Correct.

25 Q Did you find any latent fingerprints?

Melissa Skipper-Cross by McKnight

1 A Not for the stuff we processed, no.

2 Q So it is safe to say that you didn't find
3 any latent fingerprints that belonged to my
4 client, Laquincy Williams.

5 A I did not, that is correct.

6 Q You also testified that you took foot
7 impressions. Or what's the correct term for
8 footprint? What do you call it?

9 A Impressions.

10 Q Foot impressions. You also testified that
11 you took foot impressions from the door. Partial
12 ones.

13 A We didn't take them. We photographed them
14 by acceptable means of -- occasionally you can
15 collect it by either means of like a cast. Or a
16 type of gel lift or tape or something like that.
17 But in this case we just photographed them.

18 Q Were you able to tell the size of the shoe
19 by the impression on the door?

20 A No, sir.

21 Q Did you find any other foot impressions at
22 the crime scene at all?

23 A There were -- the inside of the residence
24 was all carpet, and that's not something that we
25 find footwear impressions on typically, unless it

Melissa Skipper-Cross by McKnight

1 is in something like blood.

2 Q Okay. I am going to referring to what has
3 already been put into evidence as State's Exhibit
4 101. And I apologize for the glare. I tell you
5 what, permission to approach the witness, Your
6 Honor?

7 THE COURT: Yes, sir.

8 Q Please take a moment, Ms. Skipper, to
9 examine that picture, and familiarize yourself
10 with it in the best light there that we have. And
11 in particular, I am going to call your attention
12 to the area in the picture that you have marked
13 with a scale's tape. Do you see that area?

14 A Yes, sir.

15 Q Okay. Could you please, ma'am, I'll tell
16 you what, may I approach again, so I can put this
17 on a screen? Ms. Skipper, what is the scale tape
18 surrounding?

19 A It appears to be a bloody area in the
20 carpet.

21 Q Do you know whether or not it was a
22 footprint?

23 A I don't. The only two impressions that I
24 note in my notes were the two on the door. It
25 could be that I was just marking an area of blood.

Melissa Skipper-Cross by McKnight

1 Q Okay. Because we had previous testimony
2 that this was a footprint. Is it your testimony
3 that that is not a foot impression?

4 A I don't remember it being a foot
5 impression, but I don't have anything in my notes
6 stating one way or the other.

7 Q Thank you. Now also in that picture there
8 you see these areas here and here. Where it
9 looks like a reddish or pinkish color.

10 A That's correct.

11 Q What is that?

12 A It appears to be blood.

13 Q Did you have a chance to look at it or
14 collect any of that blood?

15 A I did not collect any of that, no.

16 Q Did you note the texture of that blood?

17 A There was blood pooling there, which was
18 an accumulation of blood. But in terms of that,
19 it's mostly just saturation and pooling.

20 Q Okay. Did you note any of what we call,
21 like where people say blood begins to separate.
22 Did you notice any of that?

23 A I did not.

24 Q Okay. Did you have a chance to see the
25 body of the victim?

Melissa Skipper-Cross by McKnight

1 A I did.

2 Q What -- was there blood on the body of the
3 victim?

4 A There was.

5 Q What was the condition of the blood on the
6 body of the victim?

7 A Some of the blood was dried, but there
8 also fresh blood from where he was laying. Blood
9 will drain to a certain extent, but when we would
10 move him around, there was additional blood coming
11 out of his wounds.

12 Q As the body is displayed in this picture,
13 had you manipulated it in any way?

14 A No, sir.

15 Q So that is the way that you found the body
16 when you first walked into the crime scene.
17 Except with the yellow markings of course.

18 A Yes, sir.

19 Q Now looking at the victim's chest, and you
20 see this area here, what's that?

21 A That's also blood.

22 Q Okay. But what condition is that blood
23 in?

24 A This is some accumulation of blood around
25 his breast bone.

Melissa Skipper-Cross by McKnight

1 Q Right.

2 A But on that picture I can't tell it's dry
3 or not.

4 Q What color would you describe that as?

5 A It's hard to say on that screen.

6 MR. MCKNIGHT: Permission to approach,
7 Your Honor?

8 THE COURT: You may.

9 Q And let the record reflect I'm referring
10 to State's Exhibit No. 93.

11 THE COURT: The record will so reflect.

12 A That blood that I was describing, is
13 darker, so it appears a little more dried.

14 Q Thank you. Looking at that picture and
15 he's laying and there is a -- it looks like there
16 is blood to his waist or by his side. Do you see
17 that?

18 A Yes.

19 Q What color is that?

20 A It's red. Maybe a little pink.

21 Q Okay. The one on the floor, I know he is
22 really bloody on his body. But I'm referring to
23 on -- the one on his -- on the floor, immediately
24 under or right beside his body. What color is
25 that?

Melissa Skipper-Cross by McKnight

1 A That's the one I was referring to.

2 Q Okay. And you describe it as what color,
3 ma'am?

4 A Red. Maybe a little pink.

5 Q Okay. When -- but it's your testimony
6 that that is blood and not tissue?

7 A I am not a doctor.

8 Q I understand.

9 A In my experience in what it is consistent
10 with.

11 Q Uh-huh. (Affirmative.)

12 A I don't remember there being tissue. But
13 from the picture it is possible. It looks more
14 like blood to me.

15 Q Thank you, ma'am. Now, this home, we're
16 going to do a demonstration just for a moment.
17 And I want you tell me approximately how long the
18 hallway is in that home. And when I say hallway,
19 I mean from that bedroom to where the body was, to
20 where you get to the living room. Do you
21 understand what I'm referring to?

22 A Yes, sir.

23 Q Okay. So what I'm going to do is, I'm
24 going to come right here, and I'm going to walk
25 away from you, and you tell me to stop when I get

Melissa Skipper-Cross by McKnight

1 the length of what you believe to be the hallway.

2 A I don't recall how long it was.

3 Q Okay. That's fair enough. Did you find
4 any shell casings, bullets, bullet holes or
5 anything indicating that there were any shots
6 fired from the bedroom down the hallway?

7 A No, sir.

8 Q Okay. Does all of your bullets, all of
9 gunshots indicate that the shooting took place
10 within the realm of that bedroom; is that correct?

11 A Either within the realm, or in that
12 threshold of that doorway into the bedroom.

13 Q Okay. So let's assume this is the doorway
14 to the bedroom. And where you are is that far
15 wall to the closet. This space right here,
16 between the court reporter, you and and I, is the
17 bedroom. It's your testimony that if this is the
18 the bedroom, all the shooting took place within
19 that space.

20 A For the most part; yes, sir.

21 Q How many shots would you say were fired in
22 that time?

23 MS. BARR: Your Honor, let me object to
24 that particular question, because that assumes
25 that all of the shots that were fired resulted in

Melissa Skipper-Cross by McKnight

1 either a bullet being in the crime scene or a
2 cartridge or something. I think she can testify
3 as to what recovered. But she would have no way
4 of knowing how many shots were fired, because she
5 was not there.

6 THE COURT: All she can say is how many
7 bullet holes she saw. She would not know how many
8 bullets were fired.

9 MR. MCKNIGHT: Your Honor, she is an
10 expert.

11 THE COURT: She wasn't there when the
12 guns were fired. All she can testify is to what
13 she recovered.

14 Q How many did you recover?

15 A We recovered 7 cartridge cases. And
16 either two full fired bullets and one copper
17 jacket.

18 Q How many bullet holes in the house?

19 A Two.

20 Q Okay. Now you also indicated that there
21 were bullet holes in the closet;---

22 A That's correct.

23 Q ---did you not? Now, help me understand
24 this. If this is the doorway to the bedroom, is
25 the closet directly in front of the doorway, or is

Melissa Skipper-Cross by McKnight

1 it off to the left of the room?

2 A It's off to the left.

3 Q It's off to the left.

4 A Yes, sir.

5 Q So the gunshot into the closet, was it
6 into the corner of the closet or was it towards
7 the center of the closet?

8 A They are -- there was an opening, which
9 was a closet on the far corner, which would be
10 the actual front corner of the house. It didn't
11 have a door, it was just an opening with, you
12 know, a closet rack and a shelf.

13 Q Uh-huh. (Affirmative.)

14 A There was a separate closet that actually
15 had an opening. It didn't have a door on it. But
16 it was more like a typical closet that would have
17 a door. That opening was midway between that open
18 area that we call closet and the front of the
19 room.

20 Q Did that have bullet holes in it?

21 A I had a bullet hole; yes, sir.

22 Q It had a bullet hole.

23 A Yes, sir.

24 Q And was it towards the center of the
25 closet, or was it in the corner of the back closet

Melissa Skipper-Cross by McKnight

1 wall? How was it?

2 A It went through -- well just to the left
3 of the door frame of that closet, and then out the
4 back side or the front of the house, rather.

5 Q Out of the front of the house?

6 A Yes, sir.

7 Q So it traveled all from the back room, all
8 the way down the hallway. If this is the bedroom,
9 it was fired this way?

10 A No, sir. The hallway ran along the back
11 wall of the residence.

12 Q Yes, ma'am.

13 A So the closets actually -- the back side
14 of the closets actually border the front exterior
15 wall.

16 Q Okay. Help me out here. That's a look
17 from say the front door down the hallway; is that
18 correct?

19 A Correct.

20 Q Now that's a lengthy view of the
21 residence. Is this window where the body was
22 found, or where is it?

23 A That is in the bedroom where the body was
24 found.

25 Q Okay. In the bedroom where the body was

Melissa Skipper-Cross by McKnight

1 found. Now where would the closet be in relation
2 to that window?

3 A In the pictures you can see that the
4 window is not centered at the end of the house.
5 So it's set a little to the back of the residence.
6 That larger section a complete wall, is where the
7 closets are.

8 Q Now let the record reflect I am referring
9 to State's Exhibit No. 165.

10 THE COURT: It so noted.

11 A And those closets both run along side that
12 front side wall.

13 Q Okay. So I think I got it. Okay, so and
14 I am referring to what has been previously marked
15 and accepted into evidence as State's Exhibit 47.
16 So what you're telling us then, Ms. Skipper, is
17 that over here towards this area here is where the
18 bedroom is; correct?

19 A Yes, it's mostly off the picture to the
20 left.

21 Q I am trying to find that. Okay. Hold on
22 just one moment. Yeah, I have it. And I'm
23 referring to what has been marked as State's
24 Exhibit 159. That bedroom or the closet is on
25 this wall right here; correct?

Melissa Skipper-Cross by McKnight

1 A Yes, sir.

2 Q And the bullet hole then, and I am
3 assuming does the closet run from this corner to
4 the other side?

5 A Yes, sir.

6 Q So then the bullet hole is sort of like
7 towards the front -- the first part of the door
8 entrance---

9 A Yes, sir.

10 Q ---of the closet?

11 A Yes, sir.

12 Q And I am referring to what has been marked
13 as State's Exhibit 161. Okay. With that many
14 shots in that small confined area, would it
15 generate a good amount of gunshot residue?

16 A It depends.

17 Q On what?

18 A How close the firearm is fired to give an
19 example, a victim, so to speak or some other
20 object.

21 Q Now you've got evidence or were you -- did
22 you get any indication that it was only the victim
23 in the room?

24 A When we arrived at the scene, the
25 investigators told us that the victim and his

Melissa Skipper-Cross by McKnight

1 girlfriend were in the bedroom when the two
2 subjects kicked in the door.

3 Q Okay. Did you note what, or did you have
4 a chance to examine or see the girlfriend?

5 A I am not really sure. Is Latisha Bell,
6 the girlfriend?

7 Q Yes, ma'am. That's her, yes, ma'am.

8 A No, sir, I did not have contact with her.

9 Q Do you know what clothing she had on at
10 the time of the shooting?

11 A No, sir.

12 Q Do you know if anyone collected her
13 clothing that she was wearing at the time of the
14 shooting?

15 A I did not come into contact with her
16 clothes; as far as I know.

17 Q Now---

18 A There was a GSR kit collected from her
19 which I received.

20 Q The GSR kit was collected from her hands;
21 right?

22 A As far as I know; yes, sir.

23 Q But no one has collected her clothes, to
24 the best of your knowledge.

25 A That's correct.

Melissa Skipper-Cross by McKnight

1 Q Did you see the body removed from the
2 home?

3 A Yes, sir.

4 Q Who moved it?

5 A The coroner McKnight, and I just have a
6 local funeral home.

7 Q A local funeral home.

8 A Yes, sir.

9 Q Do you know if coroner, if it went in
10 Mr. McKnight's vehicle or did it go in some other
11 vehicle?

12 A I have no idea.

13 Q But to the best of your knowledge, it was
14 just Mr. McKnight and somebody from the local
15 funeral home.

16 A From what I remember; yes, sir.

17 MR. MCKNIGHT: Answer any questions
18 Mr. Griffith may have.

19 THE COURT. Mr. Griffith.

20 MR. GRIFFITH: Thank you.

21 Cross Examination by Mr. Griffith:

22 Q Thank you. Yes, ma'am. I am Timothy
23 Griffith. I represent Ms. Mickens. I have a
24 couple more questions for you. One, you said you
25 arrived there and you spoke with the officers that

Melissa Skipper-Cross by McKnight

1 were initially on the scene.

2 A Yes, sir.

3 Q And did they tell you that other people
4 were in the home when they arrived there?

5 A They told me that two other people had
6 gone into the residence prior to them getting
7 there.

8 Q So there other people in there before they
9 got there. According to those officers.

10 A I don't know if they were in the house
11 when they arrived, but they had been in the house
12 prior to them getting there.

13 Q So the location, this crime scene, you
14 know, it could be that some things were
15 contaminated by these people; is that true?

16 A Yes, sir.

17 Q Do you know whether -- you did take, you
18 know, that Latisha Bell, a gunshot residue was
19 performed on her hands, you have testified. You
20 know that -- you didn't do it yourself, but you
21 know it did happen.

22 A I just have that there was a GSR kit
23 collected from her.

24 Q Okay.

25 A I don't have anything in my notes saying

Melissa Skipper-Cross by McKnight

1 that it was collected on some other part of her
2 body. But typically they collect from the hands.

3 Q Well did anyone take any notes that said
4 whether or not she told them she washed her hands,
5 for instance, before they got there or anything
6 like that?

7 A I did not. I did not have contact with
8 her.

9 Q Now if she washed her hands that would
10 wash off the gun residue from her body;---

11 A Yes, sir.

12 Q ---wouldn't it? And did you find any
13 blood, I am very interested to know, did you find
14 any blood outside of the home or in the living
15 room?

16 A No, sir.

17 Q You didn't find any blood in the living
18 room, the hallway, outside of that bedroom; that
19 is, or on the outside of the house?

20 A I don't have anything in my notes to that
21 effect.

22 Q Did you guys look for blood in any of
23 those locations?

24 A Yes, sir.

25 Q You looked for blood on the outside and

Melissa Skipper-Cross by McKnight

1 didn't find it. That's good. Now the bullet
2 holes that you found in the house, if I walked
3 into a house for instance and shot a few holes in
4 my wall, you know, just kind of trying to play
5 with my gun or something like that, and then two
6 weeks later somebody came in and shot a few more
7 holes, could you tell which ones were done when?

8 A It depends. I know we have some external
9 circumstances. Sometimes you can see rust and
10 things like that, to make something look older.

11 I don't have anything documenting that in
12 this case. There was a defect outside the back
13 door. But we later determined it was not a bullet
14 hole.

15 Q So you're not -- you can't be really
16 certain when those bullet holes were created.

17 A That's correct.

18 MR. GRIFFITH: Thank you. No further
19 questions.

20 THE COURT: Any redirect?

21 MS. BARR: Yes, sir, Judge. Just briefly.

22 Redirect Examination by Ms. Barr:

23 Q Ma'am, in your notes regarding the case,
24 you reflected that at least two individuals
25 entered the residence after the shooting before

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1 law enforcement came on the scene.

2 A That's what I was told, yes.

3 Q And those two individuals reflected in
4 your notes would be a Mr. Canteen and a
5 Ms. Dollard? Stephanie Dollard, and Jimmy Joy
6 Canteen?

7 A That's correct.

8 Q And when you arrived on the scene you
9 previously testified that you got there it was
10 like 11:45.

11 A Yes, ma'am.

12 Q And again, if you assume that the call
13 came in at 911 at 8:30 a.m. You testified that
14 three hours had gone by.

15 A Yes, ma'am.

16 Q Would you expect during that three-hour
17 time frame to find some drying of blood in three
18 hours?

19 A Yes, ma'am.

20 Q And I am going to hand you what has been
21 marked for identification purposes as State's
22 Exhibits 191 and 192. Do you recognize what is
23 depicted in those photographs?

24 A Yes, ma'am.

25 Q Do they accurately depict the scene and

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1 what's shown there as it existed at the time you
2 were there?

3 A It is.

4 MS. BARR: Judge, we would move to admit
5 State's Exhibits Nos. 191 and 192.

6 THE COURT: Any objection?

7 MR. MCKNIGHT: Without objection.

8 MR. GRIFFITH: No objection, Your Honor.

9 THE COURT: 191 and 192 admitted without
10 objection.

11 (Photographs marked State's Exhibit Nos.
12 191 and 192 into evidence.)

13 MS. BARR: Move to publish.

14 THE COURT: Yes, please.

15 Q I am going to publish State's Exhibit No.
16 191. Can you see there, or do I have to turn it
17 upside down?

18 A Yes, ma'am.

19 Q Is that one better?

20 A Yes, ma'am.

21 Q And in terms of that particular exhibit,
22 do you see any evidence there that would indicate
23 to you that there was fresh blood?

24 A Yes, ma'am.

25 Q Can I get you to come down so you can show

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1 me where you would see that?

2 (Whereupon, witness steps down from the
3 witness stand.)

4 Q I am going to let you use my pen. Can you
5 point to the jurors, make sure to keep your voice
6 up, where you would see evidence of flesh blood?

7 A Typically fresher blood is going to be
8 more red. As it dries it is going to be a darker
9 brown color.

10 Q Okay.

11 A The blood here on the side of the victim,
12 this is still flesh. It's actually still flowing.
13 And then there is blood here, which is a brighter
14 red, which means that it's -- for one, there is a
15 larger accumulation of it. And two, it hasn't
16 dried yet. But you see the darker stains around
17 this area. These are smaller areas that had a
18 little more time to dry.

19 Q As it relates to State's Exhibit No. 192,
20 do you see any indication on that particular
21 exhibit any signs of fresh blood?

22 A Again there is also fresh blood running
23 out of this wound.

24 Q Which wound is that for the record?

25 A This is a wound on the left side of the

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1 chest. And then there's also some dried blood on
2 the victim's arm.

3 Q Let me get you to stay down here with me
4 for just a moment. Ma'am, it may help us just a
5 little bit, so we can determine the perspective of
6 how things are situated at the home. Did you
7 prepare a diagram of the crime scene?

8 A I did.

9 Q And were you -- did you document where
10 projectiles or casings of the body and so forth
11 was found?

12 A I did.

13 Q And I am going to hand you what has been
14 marked for identification purposes as State's
15 Exhibit No. 193. Is that in fact the diagram of
16 the home that you have got there?

17 A It's a copy of that diagram; yes.

18 MS. BARR: And, Your Honor, at this time
19 we would move to admit State's Exhibit No. 193?

20 THE COURT: Have they seen it?

21 MS. BARR: Yes, they have a copy.

22 THE COURT: Any objection?

23 MR. MCKNIGHT: Yes, Your Honor. It's a,
24 number, It's her rendition. It's not to scale.
25 So that means it is not accurate. And it doesn't

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1 accurately display or depict what was there that
2 day. So we object to it coming in.

3 THE COURT: Mr. Griffith.

4 MR. GRIFFITH: I join in his objection.

5 THE COURT: Overruled. She's identified
6 it, and it's her drawing. It's admissible. 193
7 is admitted.

8 (Diagram marked State's Exhibit No. 193
9 into evidence.)

10 MS. BARR: Permission to publish, Your
11 Honor.

12 THE COURT: Publish it.

13 Q One of the objections is that the diagram
14 is not to scale. Would you agree with that, that
15 it is not to scale?

16 A Yes, ma'am.

17 Q And was it intended to be or just sort of
18 be helpful for you to remember placement of items,
19 entry into the home, and where the rooms are and
20 that sort of thing?

21 A It is a general diagram to reflect the
22 general location of items of evidence and their
23 relationship to other areas of the scene. We do
24 not draw diagrams to scale.

25 Q And of course, that's what we have

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1 pictures for.

2 A Correct.

3 Q Ma'am, from that particular exhibit, will
4 you show us where the front door is to the
5 residence?

6 A This is the front door and deck area of
7 the residence.

8 Q And on that particular exhibit, where is
9 the living room?

10 A This is living room area.

11 Q Where would be the victim's bedroom?

12 A This area.

13 Q And in terms of the body of the victim,
14 where would you have that shown?

15 A It's a little faint, but this is the head,
16 and this is where the victim's feet.

17 Q Where would be the entrance way to the
18 victim's bedroom? Where would be the bedroom
19 door?

20 A This is doorway at the end of the hall.

21 Q Now what number is down by the entrance or
22 the doorway of the hall to the victim's bedroom?

23 A That is marker one.

24 Q Okay. And that's where's the 380
25 cartridge was found?

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1 A The cartridge case. Yes.

2 Q Where would the bed be?

3 A I am sorry. This is the bed in the corner
4 of the room. And this is the head of the bed and
5 this is the foot of the bed.

6 Q So in that diagram where would that window
7 with the red curtains be?

8 A It's right there next to the bed.

9 Q And where would the front of the residence
10 be from the bedroom?

11 A This area.

12 Q Where would the closet be that we talked
13 about, particularly the one next to the mirror
14 that is broken in some of the other photographs?

15 A This is the enclosed closet area. This is
16 the doorway leading into closet. The broken
17 mirror was right here in this area. So that's
18 where the bullet hole was.

19 Q Now I am going to publish a previous
20 Exhibit No. 67. First of all, let me show it to
21 you first. And as it relates to this exhibit, let
22 me publish it. Ma'am, is that the footing of the
23 bed?

24 A It is.

25 Q And is that one of the closet's in the

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1 room?

2 A Yes. That's the open closet.

3 Q And it appears to have clothes in it on a
4 hanger.

5 A That's correct.

6 Q So as it relates to that particular
7 photograph and your diagram State's 193, where
8 would that closet be that is depicted in 67?

9 A That is this area here on the corner of
10 the residence.

11 Q And the closet that contained the hole
12 with the projectile would be where in relation to
13 this closet the one in 67?

14 A When you are facing the closet, it would
15 be to the left, which is this area.

16 MS. BARR: Thank you, ma'am. That's all
17 the questions I have. Thank you. I appreciate
18 it.

19 THE COURT: Any recross based upon the
20 redirect?

21 Recross Examination by Mr. McKnight:

22 Q This is your drawing. In relation to this
23 drawing, where is the bullet hole with the dowel
24 sticking out in front of the door? Is it towards
25 over here or is it over here in this closet?

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1 A It is on the other side.

2 Q Over here.

3 A Just to the left of that door frame.

4 Q Okay. So that means that the gunshot had
5 to come from over here.

6 A Not necessarily.

7 Q Okay. But where else did it come? It
8 didn't come from outside; did it?

9 A It could have come from directly in front
10 of it. Anything that would have been in line with
11 that. We can't determine the distance from that
12 wall, unless there is something there like GSR or
13 something like that.

14 Q I understand. But directly in front of it
15 would be where the body of the decedent is laying;
16 would it not? The body is right here, the
17 doorway is right here.

18 A It would have been in line with where his
19 head is depicted in the diagram to the wall. So
20 anywhere in between. I can't say if it's up next
21 to the back wall of residence or, you know, out in
22 the middle of the room. I'm just saying that it's
23 in line with that.

24 Q Right. But somebody was firing from over
25 here towards this direction.

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1 A Again, I can't place them in an exact
2 location. I can just place them in a line.

3 Q I asked the direction, not the exact
4 place. But it came from that direction; right?

5 A Yes, sir.

6 Q And it's possible that there were bullets
7 and shell casings that been moved from the scene
8 before you got there.

9 A Yes, sir.

10 MR. MCKNIGHT: Your witness, Mr. Griffith.

11 Recross Examination by Mr. Griffith:

12 Q Based on your drawing here again, just to
13 clear my mind. If someone else were shot in that
14 house and walked out front bleeding, you would
15 have found some blood out there; wouldn't you?

16 MS. BARR: Objection. Outside the scope
17 of---

18 THE COURT: Sustained.

19 MS. BARR: ---scope of cross.

20 THE COURT: Speculation.

21 MR. GRIFFITH: No further questions.

22 THE COURT: You may step down. Any
23 objection to this witness being excused?

24 MR. MCKNIGHT: None from the defendant
25 Williams.

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1 MR. GRIFFITH: Nothing, Your Honor.

2 THE COURT: Thank you.

3 MR. BROWN: Your Honor.

4 THE COURT: Yes, sir.

5 MR. BROWN: At this time we call David

6 Black. He should be right out that door.

7 David Black, being first duly
8 sworn, testified as follows:

9 Direct Examination by Mr. Brown:

10 Q Mr. Black, how are you doing this morning?

11 A I am doing well. Thank you.

12 Q Mr. Black, for the ladies and Gentlemen,
13 would you please let them know who are, where you
14 are from, what you do, what you used to do. And
15 with that old job, what kind of education,
16 training and background you had to perform those
17 tasks.

18 A My name is David Warren Black. B-L-A-C-K.
19 I was employed with the South Carolina State
20 Enforcement Division, better known as sled. I
21 retired 3 years with 30 years of service to law
22 enforcement. I currently reside in Lexington,
23 South Carolina. I have an associate of Arts
24 degree in criminal justice from
25 Florence/Darlington Technical College. I

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1 finished, transferred to the University of South
2 Carolina in Columbia. Received my bachelor of
3 Science degree in criminal justice with a minor in
4 Sociology.

5 And the 30 years of law enforcement
6 experience is primarily between the Richland
7 County Sheriff's Office and with sled. Sixteen
8 years were spent in the area as a latent print
9 examiner. Of those 16 years, 15 were also spent
10 in the area of crime scene investigation and crime
11 scene reconstruction.

12 Between my time at Richland County
13 Sheriff's Office and sled, and I had over 6 years
14 at sled as a firearm's examiner assigned to the
15 firearm's and tool mark department. As far as the
16 experience level specifically with firearm's, I
17 started an in-house training program. That
18 training program is a 3-year-program. During that
19 3-year-program, you have different areas that you
20 have to do things with. You have different
21 sections of training. With each section of
22 training, once you have completed that training,
23 you have would have different types of tests. You
24 have oral tests, written tests and practical
25 tests.

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1 At the end of that 3-year training
2 program, you have accumulative testing that was
3 also oral, written and practical. During the
4 training time, I also went to several different
5 schools that dealt with the manufacture and
6 building of firearms. Manufacture and building of
7 ammunition. I have been to several armor schools.
8 In particular, with high point firearm, Smith &
9 Wesson and Glock. Also with Remington. Part of
10 the training program, I spent at 50 percent of the
11 time on the comparison microscope.

12 The work that I do in firearm's
13 identification, as I am looking at the marks which
14 look literally look like scratches on the surface
15 of the bullets and cartridge cases, you can only
16 see them clearly with a comparison microscope.

17 Q You're here today because of your firearm
18 work; correct?

19 A That is correct.

20 Q And those were the last 6 years you worked
21 at sled?

22 A They were over 6 years with sled; yes,
23 sir.

24 Q In your time working at sled and working
25 with firearm Id. and tool mark, have you ever

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1 qualified in a court of law in South Carolina to
2 testify as an expert witness?

3 A Yes, sir, I was.

4 Q Can you tell me approximately how many
5 times.

6 A In the over 6 years as firearm examiner in
7 the criminal courts, General Sessions Courts in
8 the State of South Carolina and also United States
9 Federal Court, 14 times in firearm's
10 identification.

11 Q Has there ever been an occasion when you
12 would not qualify as an expert witness.

13 A To my knowledge; no, sir.

14 MR. BROWN: Your Honor, at this time, I
15 would offer Mr. Black as an expert in firearm's
16 Id. and tool marks; is that correct?

17 A It's firearm and tool mark identification.

18 THE COURT: Would you like to voir dire
19 him?

20 MR. MCKNIGHT: I don't need to voir dire
21 him, Your Honor.

22 THE COURT: Any objection?

23 MR. MCKNIGHT: No objection.

24 MR. GRIFFITH: No objection, Your Honor.

25 THE COURT: Ladies and gentlemen, as I

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1 told you several times, I will deem him to be an
2 expert in firearm's identification and tool mark
3 identification. That means he can render an
4 opinion, but it's up to you as to whether you
5 wish to accept that opinion and you should treat
6 it -- and give it the weight that you believe is
7 appropriate. Thank you. You may proceed.

8 Q Did you in relation to the case we are
9 here about today, did you receive a number of
10 bullets or cartridges or other items to examine in
11 your capacity as a firearm's expert?

12 A Yes, sir. In this particular case, I
13 received a total of 7 fired cartridge cases. I
14 received 4 fired bullets. I also received 3 fired
15 bullet jackets and a fired lead bullet core.

16 Q And I want to make sure. I am going to
17 start off early in doing this. I grew up in the
18 upstate of South Carolina where I might call a
19 full bullet that's been unfired, just a live
20 round, I might call, the piece that gets kicked
21 out, a spent casing. And I might call the piece
22 that goes out the projectile.

23 Can we just make sure we know what terms
24 of art we're actually using here today so we are
25 not getting confused. What do you call a complete

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1 live round?

2 A Okay. A live round of ammunition, we
3 refer as a cartridge. It's called a cartridge.
4 And that includes the bullet. The bullet is
5 housed in a cartridge case. Inside that cartridge
6 case is the gunpowder. And at that base of that
7 cartridge case in what's known as a head stamp, is
8 primer. So that a live unfired round of
9 ammunition we refer to as a cartridge.

10 Q And when you said the term cartridge case
11 as well, are you referring to the item that after
12 the firearm is shot and I am going to speak kind
13 of generally about a semi-automatic. That's the
14 piece that comes out the side of the gun?

15 A Yes, sir. When the primer of the
16 cartridge is struck by a firing pin and that
17 primer explodes, that primer when it explodes, it
18 ignites the powder that's inside the cartridge
19 case. And what's going to happen as that burning
20 gunpowder expands, first it's force the bullet out
21 of the cartridge case down the rifle barrel. And
22 then the other force is going to force the
23 cartridge case back against the breach face. Of
24 in this case, a semi-automatic pistol. And it's
25 that hull, that cartridge case that is ejected

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1 from the firearm.

2 Q And I call it spent cases, what will you
3 be referring to?

4 A I am referring to them as a cartridge
5 case.

6 Q And finally the projectile then comes out
7 of the gun, is what usually hits targets. What do
8 you refer to that as?

9 A In this particular case I received
10 bullets.

11 Q In this particular case you received 15
12 items; correct?

13 A Yes, sir.

14 Q And did you examine those 15 items in
15 relation to this case?

16 A Yes, sir, I did.

17 Q And did you repair a report as to that?

18 A Yes, sir, I did.

19 Q And we start No. 3. Can you please tell
20 us what your examination revealed as to Item No. 3
21 of your report?

22 A Yes, sir. Item No. 3 was a fired
23 cartridge case. And this cartridge case bore on
24 the head stamp it was marked WIN, which represents
25 Winchester. Winchester representing the maker or

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1 the manufacturer of the ammunition. 380 which is
2 the caliber. And then auto. A-U-T-O. Which is
3 again is a part of the caliber. So it told me
4 from the fired cartridge case that was
5 manufactured by Winchester and it was specifically
6 for a 380 caliber firearm.

7 Q Did you also examine in Item 4?

8 A Yes, sir, I did.

9 Q Can you please tell us about that time.

10 A Items 4, 5, 6, 9, 10 and 11, I am going to
11 lump these together if I may.

12 Q By all means, please.

13 A They are 6 fired cartridge cases and they
14 bore a head stamp of again WIN, which represents
15 Winchester, 9mm Luger. L-U-G-E-R. That refers
16 to the caliber.

17 Q When you say -- I'm sorry.

18 A No, please.

19 Q When you say 9mm are you referencing
20 9-millimeter?

21 A Yes, sir, I am.

22 Q Please proceed.

23 A Yes, sir. This would indicate on the head
24 stamp again that this particular cartridge case
25 was manufactured by Winchester. And that the

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1 caliber would be for a 9 millimeter Luger firearm.

2 Q Now you grouped all 6 of these cartridges
3 together. Did you examine them in against one
4 another in this particular case?

5 A Yes, sir, I did. I did examine the
6 6 cartridge cases against one another, yes, sir.

7 Q Were you able to make any determinations
8 as to whether these were fired from the same gun?

9 A Yes, sir, I was.

10 Q And can explain to the the ladies and
11 gentlemen of the jury how would you make a
12 determination like that in regards to a casing?

13 A Yes, sir. Part of my, when I spoke
14 earlier about my training and experience, I'm
15 talking about a comparison microscope. The
16 comparison microscope is a microscope, and it has
17 two ocular, an eye piece that you will look in or
18 I look into. And between these two eye pieces is
19 what is known as an optical bridge. On the base
20 of comparison microscope are some stages where you
21 can put the items of evidence. What you can --
22 what I do is when I put the evidence on the
23 stages, I can look at two things at the same time.

24 As I'm doing comparison process in
25 examining these items, I am comparing them to

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1 each other. In this particular case, I was
2 looking at the marks that were present on the
3 head stamp area. And the primer area on these
4 fired cartridge cases, the 9 millimeter Luger
5 caliber cartridge cases. Present on them were
6 breach faced marks. These were marks that were
7 left on the fired cartridge case. At the base of
8 that cartridge, the head stamp was struck the
9 breach area of the pistol. And also present was a
10 mark that was a from the firing pen.

11 The breach face marks were going
12 horizontal or straight across. The firing pen
13 impression was going vertical or straight up into
14 the horizontal marks with what was known as a
15 firing pen draft. With the high point firearms
16 what is characteristic of them, the firing pen is
17 also used as the ejector. When the firing pen
18 strikes the primer, the cartridge is also used to
19 remove the fired cartridge case from the firearm.
20 And in this case, that firing pen will actually
21 drag perpendicular to the parallel marks. And
22 that's a characteristic of a high point firearm.

23 So I knew from my examination and what I
24 was looking at, and the individual characteristics
25 that I found, identifying characteristics, these 6

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1 cartridge cases were all fired by the same
2 firearm. They were fired by one firearm.

3 Q And those were in your expert opinion all
4 fired from a 9-millimeter high point pistol?

5 A In my opinion they were fired 9-millimeter
6 Luger caliber firearm made by high point; yes,
7 sir. And the only reason why I say that, high
8 point not only make pistols, they are also make
9 some carvings that are 9 millimeter. That's why I
10 say firearm includes all of them.

11 Q Thank you. We've addressed them as
12 3 through 6. As well as an actual weapon. Can
13 you talk about item No. 7 that you received?

14 A Yes. Item No. 7 was a fired copper alloy
15 bullet jacket fragment. And it's indicated that
16 it was from marker 5.

17 Q Okay.

18 A When I examined the fired bullet jacket,
19 it was damaged. There were no marks of value;
20 therefore, it's unsuitable for identification.
21 The only thing I can tell it's a fired bullet
22 jacket. I just can't tell you what firearm shot
23 it. I have no marks of value on it.

24 Q Did you also identify or examine items 8,
25 12 and 27?

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1 A Yes, sir, I did.

2 Q Can you please tell us about those three
3 items?

4 A Yes, sir. Items 8, 12 and 27 were three
5 fired bullets. These three bullets after doing
6 my -- part of my examination is to measure the
7 diameter of the bullets. Which I use a
8 micrometer -- a visual micrometer to do so. I
9 also weigh the bullets. I'm also looking at the
10 characteristics of the bullets. And at the
11 firearm's department, I have an ammunition
12 reference collection that I can go check a
13 reference kind of if you will, towards these.

14 But also during the examination of the
15 bullets on the comparison microscope what I found
16 all these bullets had riffling of 9 lands and
17 grooves with a left hand twist.

18 Q Does that mean anything particular to you?

19 A To me it does when a firearm examines a
20 gun. Again part of my training and going through
21 the high point armer's course that I went through,
22 with the owner of the high point, Mr. Deas, what's
23 important to note about the 9 lands and grooves
24 with a left hand twist, that is only found in high
25 point firearms. That's something unique to their

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1 firearm. So if anything, this is characteristic
2 of being fired from a 9 millimeter Luger caliber
3 high point firearm. But also I did an inner
4 comparison where I compared the bullets to each
5 other. And they all bore the marks of
6 identification that those three were also fired by
7 one firearm. The same firearm.

8 Q And do notice as to where each of those
9 bullets came from?

10 A Yes, sir. According to Item 8 it was a
11 fired bullet recovered from carpet from marker 6.

12 Q Okay.

13 A Item 12 is a fired bullet having been
14 recovered from under carpet padding. And No. 27
15 one fired bullet indicated as being recovered from
16 the autopsy of James McNeal.

17 Q Now can we please move on to Items 14 and
18 28. Were you able to make any determinations
19 about those?

20 A Yes, sir. On Items 14 and Items 28, each
21 of these are fired bullet jackets. And it's the
22 same process that I did with the others. I did
23 measurements. I weighed them. I compared them
24 under the comparison microscope. And again, the
25 two fired bullet jackets also had the same

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1 riffing as the bullets 9 lands and groves with a
2 left hand twist. And they were consistent with
3 the 9-millimeter Luger caliber. And taking that
4 into consideration, I testified earlier about a
5 high point firearm. They were also fired from a
6 high point firearm.

7 Q And with these two items you have notes as
8 to where they were recovered from as well?

9 A Yes, sir, I do. If I may just say
10 something before then, part of the inner
11 comparison, I also compared these bullet jackets
12 to the actual fired bullets. And it's
13 inconclusive whether they were fired by the same
14 firearm. And the main reason by that is the
15 damage to those jackets there just wasn't enough
16 for to tell. They may have been fired by the same
17 firearm or they may not have been. I just don't
18 know.

19 Q And but where did you recover these
20 particular bullet jackets from?

21 A Item 14 bullet jacket, states it has been
22 recovered from inside closet in a sleeve of a
23 jacket.

24 Q Okay.

25 A Item 28 fired bullet jacket indicating

25 It is suitable for identification. I did

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1 compare this bullet to the other fired bullets and
2 bullet jackets. And they were not fired by the
3 same -- this bullet was not fired by the same by
4 the same firearm as the 9 millimeter Luger
5 bullets. Or the two 9 millimeter Luger bullet
6 jackets.

7 Q And finally Item 26, did you check -- did
8 you test Item No. 26?

9 A Yes, sir.

10 Q And can you please tell us about that?

11 A Item No. 26 is a fired lead bullet core.
12 It was also indicated being recovered from autopsy
13 of James McNeal. The fact there was fired lead
14 bullet core I'm just -- there was no jacket
15 material. It's just a lead core. There were no
16 marks of identification on it, so it's unsuitable
17 for identification.

18 Q And those were all the bullets you
19 particularly tested?

20 A Yes, sir, this is all I received in this
21 submission; yes, sir.

22 Q Based on what you just now testified to,
23 it appears that there was a 380 for evidence, a
24 380 as well as a 9-millimeter pistol involved in
25 this. Is that a correct assumption of that?

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1 A Based on the evidence that I examined, I
2 can tell you; yes, sir, you have a bullet in a
3 cartridge case that is most consistent with a 380
4 auto caliber firearm, being fired by a 380 auto
5 caliber firearm. And based on the fired bullets
6 and bullet jackets they are also consistent by
7 being fired by a 9-millimeter Luger firearm more
8 than likely in my opinion made by high point.

9 Q And one final question. Approximately
10 when did you retire from sled?

11 A It's been about 3 years ago.

12 Q Was this prior to June 2nd 2011?

13 A Oh, yes, sir.

14 Q And if more bullets came in, if there was
15 testimony that 380 or 357 ammo was also tested
16 later by Suzanne Cromer, you would not be
17 factoring that in to your test; correct?

18 A No, sir. What I am testifying to is the
19 evidence that I just stated that I received back
20 in 2007. Anything that came in after I retired in
21 2010, I have no knowledge of. I have not received
22 anything.

23 MR. BROWN: Court's indulgence, please. I
24 think I misspoke. A 38 and a 357. But other than
25 that, if you could please answer any questions

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1 that Mr. McKnight or Mr. Griffith have for you.

2 MR. MCKNIGHT: I have got no questions for
3 this witness, Your Honor.

4 THE COURT: Mr. Griffith.

5 MR. GRIFFITH: No questions, Your Honor.

6 THE COURT: Thank you.

7 MR. BROWN: We request that he be excused,
8 Your Honor.

9 THE COURT: Any objection to him being
10 excused?

11 MR. MCKNIGHT: Without objection from
12 Defendant Williams.

13 MR. GRIFFITH: No objection.

14 THE COURT: Thank you. You may be
15 excused.

16 MR. BLACK: Thank you, Your Honor.

17 THE COURT: Ladies and gentlemen, it's
18 time for lunch. I asked them how close they
19 would be to one o'clock and that's about as they
20 can get. Ladies and gentlemen, we send you to
21 lunch with the instructions not to talk to anyone.
22 By the way, who did you all select as your
23 foreperson? You went from alternate to
24 foreperson. Very well. And again, please do not
25 discuss anything about the case while you are at

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1 lunch. Eat a small lunch as I will do, and be
2 back here at 2:15. Thank you.

3 (Whereupon, the jury is dismissed at for
4 lunch at 1:02 p.m.)

5 THE COURT: We will be in recess until 2:15 p.m.

6 (Whereupon, the following takes place
7 outside the presence of the jury.)

8 MR. GRIFFITH: Your Honor, for information
9 pertaining to this case, and I believe my client
10 is prejudiced; in that, I had not yet received
11 until just this moment, the transcripts of the
12 investigator's communication with the witness
13 that's going to be called today, Latisha Bell. As
14 well as, Phillip Williams. I had not received
15 those until just this moment. I think that
16 prejudices my client. It doesn't give me the
17 opportunity to review those in order to properly
18 prepare and cross examine these witnesses. Or
19 examine their testimony in ways which would help
20 my client the most.

21 THE COURT: Ms. Barr.

22 MS. BARR: Your Honor, the state does not
23 to intend to call Phillip, P.J., Williams. And so
24 I don't know how that would prejudice the
25 defendant Toshonda Mickens. Furthermore, judge,

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1 my understanding of Rule 5 is that it requires the
2 state to disclose Rule 5 and Brady. It requires
3 the state to disclose the statements of the
4 defendant. Any tests that, scientific tests that
5 were administered by the state. The defendants
6 rap sheet. And any exhibits which the state
7 intends to introduce at trial.

8 And so the prior statements of a witness
9 in the case would not be covered under that
10 purview. And, judge, there is nothing I can see
11 from the statements of Ms. Bell that would in any
12 way be exculpatory to the guilt of Toshonda
13 Mickens or Laquincy Williams. Particularly in
14 light of the fact that their defenses; that they
15 were not there and did not have anything to do
16 with the crimes.

17 The rules of evidence require the state at
18 the request of the opposing party, to disclose
19 statements of witnesses prior to their testimony.

20 THE COURT: Mr. McKnight.

21 MR. MCKNIGHT: Your Honor, I enjoin in the
22 motion of Mr. Griffith. While the statements
23 provided to us purport to the letter of Rule 5, in
24 its fairness, we need to be allowed some time to
25 read the statements, not just have them dropped on

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1 us and then to proceed from under the, you know,
2 off the hip to cross examine a potential witness
3 on those statements. I have gotten mine 45
4 minutes ago. And it bears the marks of what I was
5 doing is my understanding---

6 THE COURT: How long was the statement?

7 MR. MCKNIGHT: Oh, there are three of
8 them. And they range in various pages, Your
9 Honor, from I don't know, 25 in one. Twenty in
10 another. And I am sorry, 59 in one. Thirty six
11 in another. And 36 in another one. So we are
12 looking at, I don't know about 130 pages. So
13 it's, you know, while I read fast, I don't read
14 that fast. You know, we need some time to go over
15 these statements. So what Rule 5 does say that
16 they are required to give it to us after the
17 person testifies. But if they give it to us after
18 they testify, I don't think the spirit of Rule 5
19 would satisfy, well you got it now, you cross
20 examine.

21 THE COURT: I mean, that's what the rule
22 is. Your gripe would be if less than would get
23 them to change the rules. They have complied with
24 the rules.

25 MR. MCKNIGHT: Well it's our motion, Your

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1 Honor, that we need some time to read these.

2 Because if not, well I am sorry, it's my client

3 Mr. Williams' motion.

4 THE COURT: What I will do is, we will
5 have the testimony, and then we will take a short
6 break, and you will have the opportunity to read
7 them before any cross.

8 MR. MCKNIGHT: That's fine.

9 THE COURT: Is that fair?

10 MR. MCKNIGHT: Yes, sir. That is fair.

11 MR. BARR: Judge, also what I anticipate
12 may be at issue in the case is during the course
13 of some of the statements that Ms. Bell gave to
14 the police, she talks about a prior instance where
15 the victim's home was broken into. That -- those
16 statements that she give to law enforcement were
17 based on things that the deceased told her. And
18 so I would just kind of bring that to the
19 attention of the court in the event that anybody
20 tries to get in to that; that we would ask for,
21 or I will object at the appropriate time. But I
22 would just ask that nobody kind of lead in to that
23 so that doesn't become an issue.

24 THE COURT: Are we ready to proceed?

25 MR. MCKNIGHT: We are ready, Your Honor.

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1 THE COURT: Bring us the jury.

2 (Whereupon, the following takes place
3 within the presence of the jury.)

4 THE COURT: You may seated. Ms. Barr, are
5 you ready to call your next witness?

6 MS. BARR: Yes, the state calls Latisha
7 Bell.

8 Latisha Ann Bell, Being first duly
9 sworn, testified as follows:

10 Direct Examination by Ms. Barr:

11 Q State your full name for us.

12 A Latisha Ann Bell.

13 Q Ms. Bell. How old are you?

14 A 28 years old.

15 Q And you reside in Williamsburg County?

16 A Yes, ma'am.

17 Q And, ma'am, tell us your relationship or
18 past relationship to the victim in the case, James
19 Allen McNeal.

20 A He was my boyfriend.

21 Q At the time of his death, how old was he?

22 A I think 24.

23 Q And how long did the two of you date?

24 A About 3 years.

25 Q And where did he live?

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- 1 A Ma'am?
- 2 Q Where did he live?
- 3 A On [REDACTED]
- 4 Q Okay. What is the street number?
- 5 A 9.
- 6 Q What did you call him?
- 7 A [REDACTED]
- 8 Q No, what did you call him, Mr. McNeal?
- 9 A J.
- 10 Q You called him J.
- 11 A Uh-huh. (Affirmative.)
- 12 Q You were subpoenaed to testify in this
- 13 case?
- 14 A Yes.
- 15 Q You got a subpoena to come to court?
- 16 A Yes, ma'am.
- 17 Q You have a sister who is the same age as
- 18 you?
- 19 A Yes, ma'am.
- 20 Q And what is her name?
- 21 A Latasha Bell Williams.
- 22 Q And is your -- she's your twin; correct?
- 23 A Yes, ma'am.
- 24 Q And in November of 2007, was she married?
- 25 A Yes, ma'am.

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1 Q What was her husband's name?

2 A Phillip Williams.

3 Q Do you know his middle name?

4 A James.

5 Q Phillip James Williams?

6 A Yes, ma'am.

7 Q Did you all call, did you have a nickname
8 for him?

9 A We called him P.J.

10 Q You called him P.J. Now you indicated
11 that you dated J. for a couple of years prior to
12 his death.

13 A Uh-huh. (Affirmative.)

14 Q Is that right?

15 A Yes, ma'am.

16 Q And here's what I need for you to do for
17 me, ma'am, if you could please make sure that when
18 you give me an answer that it's a verbal answer a
19 yes or no. So that if you give a response the
20 court reporter will know what you are saying,
21 okay.

22 A Okay.

23 Q In 2006, first of all, before I ask you
24 that, how long has your sister Latasha been
25 married to P.J.?

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1 A If I am not mistaken, it was either 2005
2 or either 2006.

3 Q So prior to the death of your boyfriend
4 J., Latasha had been married to P.J. for at least
5 a year?

6 A Yes, ma'am.

7 Q Now did the four of you, and when I say
8 the four of you, I mean, J., Latasha and P.J., did
9 you all ever socialize together?

10 A Yes, ma'am.

11 Q And when I would said socialize, what
12 would you all do together?

13 A We went out. We went clubbing together
14 sometimes. We went and stayed on the beach
15 together sometimes. Went to the movies. You
16 know, different little things like that.

17 Q And I would imagine that Latasha and you
18 were close because you all are twins. Would you
19 characterize P.J. as a friend of yours?

20 A Not now, no, ma'am.

21 Q Back then?

22 A Yes, ma'am.

23 Q Would J. have characterized P.J. as a
24 friend of his?

25 A Yes, ma'am.

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1 Q Now in November of 2007, the month that J.
2 was killed, where was Latasha and P.J. living?

3 A In Florence.

4 Q And had you ever been to their home in
5 Florence?

6 A Yes, ma'am.

7 Q Have they ever been to J.'s home in
8 Hemingway?

9 A My sister never went inside. But P.J.
10 have came there on several occasions.

11 Q P.J. had been inside J.'s mobile home in
12 Hemingway on several occasions.

13 A Yes, ma'am.

14 Q Had he been throughout the entire house?

15 A That I am sure of. If I am not mistaken,
16 it seemed like he asked to use the bathroom one of
17 those times that he was there.

18 Q And so that we will sort of have somewhat
19 of a perspective, I am going to show you what's
20 previously been admitted as State's Exhibit
21 No. 193. Can you see that on the monitor where
22 you are?

23 A Yes, ma'am.

24 Q Ms. Bell, if I tell you that on this
25 diagram this would be the front porch or the front

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1 door to J.'s home, does that kind of orientate you
2 to where I am? If this is the front door, front
3 porch here.

4 A Yes, ma'am.

5 Q And I am coming into J.'s home through the
6 front door, what room would be to my right?

7 A The living room.

8 Q The living room---

9 A No, I am sorry, the kitchen.

10 Q So this area here would be the kitchen?

11 A Yes, ma'am.

12 Q And what would this area be?

13 A The front living room.

14 Q The living room?

15 A Yes, ma'am.

16 Q And what would be this area here that I am
17 pointing to?

18 A The hallway.

19 Q And the last room that would be to the far
20 left of the home, if you were standing in the yard
21 facing the home, what room would that be?

22 A The bedroom.

23 Q And If I come into the home, and I started
24 to proceed down the hallway, what would be the
25 last door before I get to the bedroom?

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1 A The back door.

2 Q The back door?

3 A Yes, ma'am.

4 Q Where would the bathroom be?

5 A Right across from the back door.

6 Q Now I am going to publish what's been
7 previously admitted as State's Exhibit No. 160.
8 Is that a side view of J.'s home?

9 A The house is like catty-cornered towards
10 the road.

11 Q Okay.

12 A If you would be coming up on the highway,
13 this would be the side of the house where the
14 truck is.

15 Q Now if this is the front porch and the
16 front door here.

17 A Yes, ma'am.

18 Q What window would this be? That first
19 window?

20 A The living room window.

21 Q What window would this be?

22 A The first bedroom window.

23 Q And what window would this be?

24 A The bathroom window.

25 Q And what window would this be?

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- 1 A The second bedroom window.
- 2 Q Is that where J. slept?
- 3 A Yes, ma'am.
- 4 Q And if you were visiting the home and you
- 5 went to the bathroom, could you see J.'s bedroom
- 6 from the hallway where the bathroom is?
- 7 A Yes, ma'am.
- 8 Q Now you indicated that you and J. often
- 9 socialized with Latasha and with P.J.?
- 10 A Yes, ma'am.
- 11 Q Were you then familiar with his voice?
- 12 With P.J.'s voice?
- 13 A Yes, ma'am.
- 14 Q You were familiar with his face?
- 15 A Yes, ma'am.
- 16 Q And you were familiar with his body frame
- 17 in terms of height, build and that sort of thing?
- 18 A Yes, ma'am.
- 19 Q You could easily recognize him?
- 20 A Yes, ma'am.
- 21 Q Now in terms of the four of you all
- 22 socializing together, would J. have also been
- 23 familiar with P.J.'s voice?
- 24 A Yes, ma'am.
- 25 Q Would J. also have been familiar with

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1 P.J.'s body frame in term of height and weight?

2 A Yes, ma'am.

3 Q Back during this time in November of 2007,
4 how was P.J.'s hair styled?

5 A If I am not mistaken he had a little short
6 dreads.

7 Q Dreadlocks?

8 A Yes, ma'am.

9 Q How would you characterize his complexion?

10 A P.J.'s?

11 Q Yes, ma'am.

12 A Dark skinned.

13 Q The gentleman who is seated to my right,
14 and for the record representing Mr. McKnight, how
15 would you characterize his complexion?

16 A Light skinned.

17 Q The gentleman who is seated next to
18 Mr. McKnight, how would you characterize his
19 complexion?

20 A Brown skinned.

21 Q The gentleman who is seated next to
22 Mr. McKnight, have you ever seen him before that
23 you know of?

24 A No, ma'am.

25 Q Do you know who he is?

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1 A No, ma'am.

2 Q Do you know who your sister's, your twin
3 sister, Latasha's mother-in-law is?

4 A Yes, ma'am.

5 Q Where does her mother-in-law or P.J.'s
6 mother, where was she living at the time?

7 A In Johnsonville. I don't know the exact
8 address.

9 Q Now, ma'am, let me ask you, did J. sell
10 drugs?

11 A Yes, ma'am.

12 Q How often would you be at his house?

13 A Pretty often. I was back and forth
14 between his house and my mom's house.

15 Q Would you spend the night on occasion?

16 A Yes, ma'am.

17 Q The night of November the 1st, leading up
18 to the morning of November 2nd, did you spend the
19 night at his home?

20 A Yes, ma'am.

21 Q Do you recall what day of the week it was?

22 A It was a Thursday night.

23 Q Leading up to a Friday morning.

24 A Up to a Friday morning.

25 Q So November the 2nd 2007, would be on a

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1 Friday.

2 A Yes, ma'am.

3 Q Did J. keep illegal drugs in his home?

4 A If he had any in there, it was only a
5 small quantity. But he mainly kept everything at
6 his dad's house in a shed. Rarely did he keep it
7 in the house.

8 Q He mainly kept the drugs at a shed at his
9 dad's house?

10 A Yes, ma'am.

11 Q Do you know whether or not his dad knew
12 that he kept drugs there?

13 A I don't think he knew exactly, but then
14 again, I am not sure. He knew what J. what he was
15 doing. He knew what he was involved in. He knew
16 J. kept going over there, because, you know, every
17 time he had a make a transaction he would go to
18 the shed.

19 Q Did J. ever have any firearms in the home?

20 A Yes, ma'am.

21 Q How many firearms have you seen in his
22 home?

23 A I have only seen two different kinds.

24 Q Where would he normally keep them?

25 A Normally where he was. Sometimes they

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1 would be in the kitchen cabinet if he's in the
2 kitchen. Sometimes he would have it beside him in
3 the recliner where he was sitting. Sometimes it
4 would be in the room.

5 Q In the room. And when you say the room,
6 what room are you talking about?

7 A In the bedroom.

8 Q Did you know anything about the
9 manufacturer or the type of weapon he had?

10 A No, ma'am.

11 Q I am going to show you what has been
12 previously been admitted as State's Exhibit
13 No. 171. Is that J.'s bed?

14 A Yes, ma'am.

15 Q If J. were in his room and he had a weapon
16 in the room as you testified that he may have?

17 A Yes, ma'am.

18 Q Where would he have kept it in the room?

19 A Sometimes it would be right there in the
20 bed or either in the bed head.

21 Q And when you say, right there, I can't see
22 where you are pointing. Describe where you are.

23 A Right at the side of the bed near where
24 the trash can is, but, you know.

25 Q Sweetie, let me get you do this. I am

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1 going to get you to step down from the stand.

2 (Whereupon, the witness steps down from
3 the witness stand.)

4 Q I am going to give you my pen. You point
5 out where you are talking about where J. right on
6 that exhibit, where J. would keep the firearm when
7 he was in the bedroom.

8 A Right up here.

9 Q So for the record, you are pointing to
10 what appears to be a trash can right by the head
11 of the bed?

12 A Yes, ma'am.

13 Q You can take a seat.

14 (Whereupon, the witness resumes the
15 witness stand.)

16 Q Let me ask you a quick question. Before I
17 forget. I am going to publish what's been
18 previously admitted as State's Exhibit No. 36, do
19 you know that individual?

20 A No, ma'am.

21 Q Have you ever seen him before?

22 A No, ma'am.

23 Q And do you remember when I was asking you
24 about describing a person's complexion?

25 A Uh-huh. (Affirmative.)

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1 Q Do you remember that question?

2 A Yes.

3 Q How would you describe that person's
4 complexion.

5 A Black skinned.

6 Q The night of November 1st, that Thursday
7 night, don't tell me where, but did you work that
8 night?

9 A Yes, ma'am.

10 Q And what time did you get off?

11 A I got off about 11, but I didn't leave the
12 store, it was probably a few minutes after 11
13 when I got out.

14 Q And did you go straight to J.'s house, or
15 did you go to your mother's house?

16 A I went to my mother's house.

17 Q And how long were at your mother's house
18 been you then went to J.'s house?

19 A I would say about 10 or 15 minutes.

20 Q Okay. And how far does your mom live from
21 where J. lives?

22 A Not probably a minute. A few blocks.

23 Q Now the home that J. lived, it's a single
24 wide mobile home?

25 A Yes, ma'am.

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1 Q There are other mobile homes in that area?

2 A Yes, ma'am.

3 Q You testified that J. had illegal drugs;
4 that he also kept firearms in the home. Was he
5 also known to have money in his possession? And
6 keep money in his possession?

7 A Yes, ma'am.

8 Q And where would he typically keep his
9 money?

10 A Sometimes he would have it in his pant's
11 pocket. And he normally kept the majority of it
12 in the coat pocket. There's a camouflage coat
13 that he had that he kept the money in.

14 Q As it relates to that exhibit that I have
15 displayed on the monitors, do you see that jacket
16 where J. would normally keep his money?

17 A Yes, ma'am.

18 Q And tell us where it is.

19 A It's right there beside that black jacket.

20 Q And for the record, this area here that I
21 am pointing to, is the foot of the bed?

22 A Yes, ma'am.

23 Q And there appear to be some clothing here
24 that I pointing to?

25 A Yes, ma'am.

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1 Q Do you do see that there is a camouflage
2 jacket in that exhibit?

3 A Yes, ma'am.

4 Q And is that where I am pointing to there?

5 A You have got to go over a little bit.

6 Yes, ma'am. That's it right there.

7 Q And that's the jacket that he would
8 normally keep his money in.

9 A Yes, ma'am.

10 Q When you would routinely spend the night
11 at J.'s house, who would normally sleep on, if I
12 am facing the bed from foot of the bed, who would
13 normally sleep on the right side and who would
14 sleep on the left side?

15 A I would slept on the left, and he would
16 sleep on the right.

17 Q So your side would be closer to the
18 window?

19 A Yes, ma'am.

20 Q And as it relates to what I call your
21 side, is there enough space between the mattress
22 on your side, and that window there when you get
23 off the bed and then walk that distance to the
24 foot of the bed?

25 A No, ma'am.

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1 Q So how then would you normally get out of
2 the bed?

3 A Sometimes I would either crawl over him or
4 either crawl down and get down at the bottom.

5 Q What time did you get to J.'s house after
6 you left work and after you left your mom's house?

7 A I would say it was probably about 11:40.

8 Q When you got to his home, was he there?

9 A Yes ma'am.

10 Q Were there any other individuals there?

11 A Yes, ma'am.

12 Q How many people do you think were there at
13 the time?

14 A Three.

15 Q What did you do -- when you say 3, you're
16 including J. or J. and three other people?

17 A Him and three other people.

18 Q When you got to the home, tell us what you
19 did.

20 A Well whenever I first got there, I walked
21 in and told everybody, hi. And I went in the
22 back, in the back room, meaning because they were
23 all out in the front drinking and smoking. So I
24 put my pocketbook and everything in the room with
25 me. I went in the bathroom, took a shower. I

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1 went back in the room watched TV. Just laying
2 down. And I was also on the phone with my sister
3 at the time too. And he came in there and he
4 was -- he said at one point, I wish they would
5 just hurry up and leave, I just want to go to bed.

6 And he went back out. And I was already
7 about to go to sleep whenever he came and act --
8 whenever they left and he came and actually got in
9 the bed.

10 Q I am going to ask you, you mentioned about
11 your purse. I am going to show what's been
12 admitted as State's Exhibit No. 62. Is that a
13 sofa chair in the living room of the mobile home?

14 A A recliner.

15 Q A recliner, I am sorry. And do you
16 recognize that light colored object that is on top
17 of the recliner?

18 A Yes, ma'am.

19 Q What is that?

20 A That's my purse.

21 Q Prior to November 1st of 2007, have you
22 ever heard of an individual named James Gquan
23 Henry?

24 A No, ma'am.

25 Q Have you ever heard of an individual by

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1 the name of Laquincy Manuel Williams?

2 A No, ma'am.

3 Q Have you ever heard of anybody whose
4 nickname was scrap?

5 A No, ma'am.

6 Q Have you ever heard of an individual by
7 the name of Toshonda Monique Mickens?

8 A No, ma'am.

9 Q Have you ever heard of anybody by the
10 name of Shonda?

11 A No, ma'am.

12 Q After the individuals left, and J. came to
13 bed, do you know about what time it was when you
14 would have gotten in to bed for the night?

15 A Maybe latish two or around three that
16 morning.

17 Q When he came in the room to go to bed, do
18 you recall whether or not you were up or were you
19 asleep?

20 A I was half way a sleep.

21 Q Do you recall what kind of clothing he was
22 wearing that day, before you came to bed when you
23 first got in from work, or coming from your mom's
24 house?

25 A I don't. I can't remember; no, ma'am.

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1 Q You mentioned something earlier about J.
2 might keep money in his pants pocket.

3 A Yes, ma'am.

4 Q I am going to hand you what's been
5 previously admitted as State's Exhibit No. 173.
6 Do those jeans look familiar?

7 A Yes, ma'am.

8 Q How do they look familiar to you?

9 A Those are his jeans.

10 Q J.'s jeans?

11 A Yes, ma'am.

12 Q I am also going to publish what has been
13 previously been admitted as State's Exhibit
14 No. 176 and 177. There has been testimony that
15 money was found in these jeans. Would it have
16 been unusual for him to carry money in those jeans
17 like is depicted on that exhibit?

18 A No, ma'am.

19 Q I am going to publish 177. If money were
20 found in the jeans that you just described to be
21 as belonging to J., would that then be J.'s money?

22 A Yes, ma'am.

23 Q Tell us what happened after he -- after
24 everybody left and he came in the room.

25 A Well he laid down, we went to sleep. And

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1 I would say right a little before 8 or so,
2 probably about 8 o'clock, he got up. He went in
3 the bathroom. He used the bathroom, and he
4 brushed his teeth. And he came back. Got in the
5 bed. You know, wrapped his arms and legs around
6 me. And not even 5 minutes after that---

7 Q Hold on just a moment. Okay. I may need
8 to interrupt you periodically, because I need to
9 get a little more information, so I don't mean to
10 be rude. Was there something that J. had a
11 practice of doing every morning about 7 or 8
12 o'clock?

13 A Yes, ma'am.

14 Q Tell the jurors what that is.

15 A He would go walk the dog. We had pit bull
16 named Candy. And he would go take her to use the
17 bathroom.

18 Q Where was the pit pull at that time?

19 A In the room. In the other bedroom.

20 Q So there is a second bedroom there.

21 A Yes, ma'am.

22 Q So tell me what happened after he got up
23 and brushed his teeth. I am sorry, I didn't mean
24 to interrupt you. Please continue.

25 A He got back in the bed. He wrapped his

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1 arms around me and his leg. And, we, you know,
2 began to hug or whatever. And not even 5 minutes
3 after that, that's when someone kicked in the
4 door. Saying police, police.

5 MR. MCKNIGHT: Objection. Hearsay.

6 THE COURT: Rephrase your question. She
7 can't say what someone else.

8 MS. BARR: Your Honor, it's a present
9 sense impression. She's explaining what---

10 THE COURT: Overruled.

11 MS. BARR: ---happened.

12 THE COURT: Overruled.

13 Q You can continue. You said, I need for
14 continuity. He put -- wraps his leg around
15 your -- around you.

16 A Uh-huh. (Affirmative.)

17 Q And then tell us what happened.

18 A We were laying there not even 5 minutes.
19 And someone busted through the door saying police,
20 police, police. And they came running straight to
21 the back room. And he popped up. By the time
22 they got into the bed, he popped up and said O.S.

23 Q Tell me what, just use the language.

24 A He said, oh, shit. And him the guy was
25 tussling near the TV. And whenever I heard the

Latisha Bell-Direct by Barr

1 shot, the guy shot him. He fell down, and by this
2 time, I was trying, you know, in shock at the same
3 time, but I was trying to make sure I wasn't
4 injured also. And I made my way to the foot of
5 the bed.

6' Q Okay. Let me stop you for just a moment.

7 (Photograph marked State's Exhibit No. 194
8 for ID.)

9 Q Now, ma'am, you indicated you hear the
10 noise, and somebody comes into the house. And you
11 said they ran straight to the bedroom.

12 A Yes, ma'am.

13 Q So you didn't hear anybody plundering
14 around in the kitchen.

15 A No, ma'am.

16 Q Did you hear anybody plundering around in
17 the living room?

18 A No, ma'am.

19 Q You indicated that the person came
20 straight to the back to the bedroom.

21 A Yes, ma'am.

22 Q Tell me what happens during the struggle.

23 A Well like I said, he got shot. And the
24 first shot, he fell. And they kept saying, where
25 the money at. Where the weed at. Where the coke

Latisha Bell-Direct by Barr

1 at. And he kept saying, it ain't nothing. Man,
2 it ain't nothing. So the guy kept telling him,
3 where it's at.

4 MR. MCKNIGHT: Your Honor, object as to
5 hearsay.

6 THE COURT: Sustained.

7 MR. MCKNIGHT: Yes, sir.

8 THE COURT: Overruled.

9 MR. MCKNIGHT: Okay.

10 A And the guy kept telling him where it's
11 at. Where the money at. And the guy shot him
12 again. And this time I told him, I said J., just
13 go ahead and give it to him. Just go ahead and
14 give it to him. Don't you have some money in a
15 coat. And he said, yeah, go ahead and get it. So
16 I reached up from the bottom of the bed, stuck my
17 hand in the camouflage coat pocket and pulled it
18 out. That's when I reached over, not trying to
19 look at him, because he had already said, tell
20 your bitch to stop looking---

21 MR. MCKNIGHT: Objection. Hearsay.

22 THE COURT: Overruled.

23 A ---before we kill her too. So I handed
24 it.

25 Q Ms. Bell, slow down just for a moment for

Latisha Bell-Direct by Barr

1 me. I am going to publish State's Exhibit 171. I
2 need you to come down again for me.

3 (Whereupon, the witness steps down from
4 the witness stand.)

5 Q Point to it again for me. Point to and
6 keep your voice up for me. Point to where you in
7 the bed when the people came running down the
8 hallway.

9 A Right here.

10 Q And when you say you were trying to get
11 down to the end of the bed, tell me where you were
12 trying to get down to.

13 A Down here.

14 Q And did, you indicated that you reached up
15 to get what?

16 A Get the money out of the coat pocket.

17 Q Why did you reach up to get the money out
18 of the coat pocket?

19 A After they were so demanding and I see
20 they had shot him again, then I just told him to
21 go ahead and give it to him. Because, you know,
22 he's telling them, please don't kill me. Please
23 don't kill me. And I told him just go ahead and
24 give it to him.

25 Q And where did you reach up to get the

Latisha Bell-Direct by Barr

1 money from?

2 A I was about right here, and I reached up
3 in here.

4 Q Do you recall whether or not you stood up
5 and reached into the closet and got the money.
6 You took the money from the camouflage jacket?

7 A Yes, ma'am.

8 Q Did you recall standing up, or were you
9 kneeling on the bed to get it?

10 A I wasn't kneeling on the bed. I was
11 kneeling on the floor and I reached up to get it.

12 Q You can have a seat.

13 (Whereupon, the witness resumes the
14 witness stand.)

15 Q You indicated that one individual told J.
16 and pardon my language, tell your bitch to quit
17 looking at me looking at me.

18 A Yes, ma'am.

19 Q What did he say that he would do if you
20 did not quit looking at him?

21 MR. MCKNIGHT: Objection.

22 THE COURT: Overruled.

23 A Before we kill her too.

24 Q Now how many people were in the house?

25 A Two.

Latisha Bell-Direct by Barr

1 Q Did you get a look at their faces?

2 A Just a glimpse.

3 Q The person who was telling you or telling
4 J., tell your bitch to give me the money, how
5 would you describe that person in terms of the
6 race, the gender, complexion, that sort of thing?

7 A Light skinned.

8 Q What was that individual wearing?

9 A If I am not mistaken, it was dark colored
10 clothing.

11 Q What happened next?

12 A And then he, after I give him the money,
13 he shot him again. And I didn't even know that
14 they were gone until he started talking to me.
15 Asking me was I okay.

16 Q Who was talking to you?

17 A J.

18 Q Okay.

19 A And I told him, yes. And I said are you
20 okay, J. And he told no; go get help.

21 MR. MCKNIGHT: Your Honor, again I have
22 just got a standing objection?

23 THE COURT: Sustained. Overruled.

24 A So he told me to go get help. Call 911.
25 So I grabbed the phone. Went running across the

Latisha Bell-Direct by Barr

1 street to his dad's house, after I was calling
2 911, to let him know what was going on. And one
3 of the neighbor's met us in the highway before we
4 got back over there. And I was still on the phone
5 911, you know, whenever we back there. And that's
6 when had already died.

7 Q What was J.'s body doing right before you
8 left to go get help?

9 A He was just laying there, but he was
10 talking.

11 Q Did you notice anything unusual about his
12 movements or his eyes at that time?

13 A He was just kind of jerking.

14 Q I am going to get back to the 911 tape,
15 and that sort of thing in just a moment. But I
16 want to bring up two things though. I am going to
17 hand you what has been marked as State's Exhibit
18 No. 194. Tell me do you recognize what is
19 depicted in that photograph?

20 A That's the dog. And that's the vacuum
21 cleaner box that we kept and some things and stuff
22 for the dog, and the newspapers for the dog to use
23 the bathroom on.

24 Q And that's the animal that was in the
25 second bedroom that you described?

Latisha Bell-Direct by Barr

1 A Yes, ma'am. The first bedroom in the
2 house.

3 Q I'm sorry, the first bedroom you come to.

4 A Yes, ma'am.

5 MS. BARR: Your Honor, we would move
6 State's Exhibit No. 194 in.

7 THE COURT: Any objection?

8 MR. MCKNIGHT: Without objection, Your
9 Honor.

10 MR. GRIFFITH: No objection.

11 THE COURT: Without objection State's
12 Exhibit No. 194 is admitted.

13 MS. BARR: Permission to publish?

14 THE COURT: Yes, ma'am.

15 (Photo marked State's Exhibit No. 194 into
16 evidence.)

17 Q Ma'am, for the record so that the jury
18 will see, that's the pit bull puppy that you
19 described.

20 A Yes, ma'am.

21 Q You called 911, and you gave several
22 statements to law enforcement.

23 A Yes, ma'am.

24 Q And a couple of these statements that you
25 gave to law enforcement were done that particular

Latisha Bell-Direct by Barr

1 date on November 2nd?

2 A Yes, ma'am.

3 Q And do you know whether or not the
4 statements were recorded?

5 A I think they were.

6 Q And back on that particular day, how did
7 you describe the individuals who came into house
8 and what they were wearing?

9 A Dark colored clothing. They were very
10 aggressive. Very demanding.

11 Q Okay.

12 A And just heartless. That's all I can say.

13 Q Could you see them both of them clearly?

14 A No, ma'am. One just stood in the hall.
15 From the time that I was in bed, he didn't come in
16 the bedroom. He was standing in the hall.

17 Q Okay.

18 A Right there near the door.

19 Q The individual that you had sort of seen
20 that was sort of in the hallway, could tell what
21 that individual was wearing?

22 A No, ma'am.

23 Q In terms of the statements that you gave
24 to law enforcement back on that day, would your
25 memory have been fresher that day than it is

Latisha Bell-Direct by Barr

1 today?

2 A Yes, ma'am.

3 Q I am going to show you a November 2nd
4 2007, statement stamped 12:44 p.m. Does that
5 particular statement reflect that you spoke to
6 Investigator Collins and Agent Glen McClellan?

7 A Yes, ma'am.

8 Q And you gave them your birthday and your
9 Social Security number?

10 A Yes, ma'am.

11 Q And I represented the statement began at
12 12:44 p.m. Does that sound about right to you?

13 A Yes, ma'am.

14 Q And you told me that the people came into
15 your house shortly after 8 o'clock in the morning;
16 is that right?

17 A Yes, ma'am.

18 Q So this statement would have been given
19 within 4 or 5 hours of that happening?

20 A Yes, ma'am.

21 Q I want you to read to yourself, not out
22 loud, starting on page 6, line 25. And I want you
23 to read through page 7 line 13. Just read that to
24 yourself. Let me know when you are finished. Are
25 you finished?

Latisha Bell-Direct by Barr

1 A Yes.

2 Q Does that refresh your memory as to what
3 the individual was wearing?

4 A Yes, ma'am.

5 Q And what was the individual wearing who
6 came all way into the bedroom and had this shuffle
7 with J.?

8 A Dark colored clothing.

9 Q Do you specifically, does it refresh your
10 memory, and I am looking at lines 8 and 12. When
11 they asked you to describe the one that claim into
12 the room, what did you tell them about what that
13 individual was wearing?

14 A Dark colored clothing.

15 Q Is that what's reflected here on the
16 statement?

17 A Yes, ma'am.

18 Q It says dark colored.

19 A Black hoodie.

20 Q A black hoodie?

21 A Yes, ma'am.

22 Q And you described at that time one
23 individual primarily in the room.

24 A Yes, ma'am.

25 MR. MCKNIGHT: Your Honor, am going to ask

Latisha Bell-Direct by Barr

1 her step back from the witness. It looks as if
2 she's---

3 THE COURT: Yeah, if you could make it so
4 he can have full eye contact.

5 MR. MCKNIGHT: That's right.

6 MS. BARR: I didn't want to have my back
7 to the jury. I will stand right here.

8 Q You described one individual primarily in
9 the room. And one sort of I guess you described
10 him as being a shadow in the hallway.

11 A Yes.

12 MR. MCKNIGHT: Objection as to the form.
13 And now she's leading the witness.

14 MS. BARR: Judge, I'm just asking her to
15 restate her previous testimony.

16 THE COURT: She already testified to that.
17 Overruled.

18 Q The one that you described to law
19 enforcement as being in the room, was that the one
20 that you described as wearing a black hoodie?

21 A Yes, ma'am.

22 Q And make sure that that's right; that I
23 am not just putting words in your mouth. Is that
24 what you told the police 4 hours after this
25 happened?

Latisha Bell-Direct by Barr

1 A Yes, ma'am.

2 Q And I want you to continue to look on page
3 7. Starting at lines 21 through 25. Read that
4 to yourself and tell me if it refreshes your
5 memory about how you described that person's
6 complexion.

7 A Brown skin.

8 Q And when we talk about that person's
9 complexion, we're talking about the person who was
10 in the room?

11 A Yes, ma'am.

12 Q And I am going to also show you another
13 transcript of another statement. Were you also
14 interviewed by two other investigators on that
15 same day?

16 A Yes.

17 Q And did that also tape record your
18 statement?

19 A Yes, ma'am.

20 Q And does this transcript appear to be the
21 statement that was given November 2nd 2007?

22 A Yes, ma'am.

23 Q At that time you gave that statement to
24 Investigator Lambert and Investigator Lail, who is
25 at the table with me; is that right?

Latisha Bell-Direct by Barr

1 A Yes, ma'am.

2 Q I am going to have you turn to page 33
3 please. And if you will, read to yourself lines 4
4 through 6. Are you there?

5 A Yes, ma'am.

6 Q And again when you spoke to Investigator
7 Lail and Investigator Lambert, how did you
8 describe the individual who came into the room, in
9 terms of what he was wearing?

10 A Black hoodie.

11 Q And I'm sorry, specifically, Ms. Bell, you
12 were asked about the two. And just kind of look
13 over that. When the investigators asked you
14 about the who came into the room and who fired the
15 gun. And the other one who was in the hallway,
16 tell me what you told them about the one in the
17 room and the one in the hallway. Could you see
18 the one in the hallway?

19 A No, ma'am. I didn't know what the one in
20 the hallway had on.

21 Q Okay. I am going to publish what's
22 previously been admitted as State's Exhibit
23 No. 40. Ms. Bell, would you consider that to be a
24 black hoodie?

25 A No, ma'am.

Latisha Bell-Direct by Barr

1 Q You indicated that once you left out of
2 the house, you then proceeded to call 911?

3 A Yes, ma'am.

4 Q Did any of those two individuals at all
5 appear familiar to you?

6 A No, ma'am.

7 Q Do you recognize that?

8 A Yes.

9 Q When law enforcement arrived at the scene,
10 the individuals responsible for killing J. had
11 long gone; is that right?

12 A Yes, ma'am.

13 Q And in terms of the constant questioning
14 of you, were they trying to fine out who did this?

15 A Yes, ma'am.

16 Q And did you want to try to give them as
17 much information as possible?

18 A Yes, ma'am.

19 Q One more question about that individual
20 and then I will go into the 911 tape. When the
21 individuals came into the house, was the bedroom
22 door open or closed?

23 A Open.

24 Q Okay. So nobody had to move the door to
25 get in. They would have come straight in.

Latisha Bell-Direct by Barr

1 A Yes, ma'am.

2 Q Referring back to the statement that you
3 gave to Investigator Collins and Agent McLellan of
4 sled on November 2nd 2007 at 12:44, did they
5 again also, and I'm specifically referring to page
6 30 line 16 through 19---

7 MR. MCKNIGHT: I'm sorry. Which
8 statement? Because there is three of them?

9 MS. BARR: 12:44.

10 MR. MCKNIGHT: Which one?

11 MS. BARR: 12:44 on November 2nd 2007.

12 Q Did they also try to get information about
13 a general description of the people who had done
14 this?

15 A Yes, ma'am.

16 Q And in terms of that statement that was
17 given within 4 hours, how did you -- did they ask
18 you to describe that person's complexion?

19 A Yes, ma'am.

20 Q The complexion of the individual who had
21 shot J.

22 A Brown skin.

23 Q What did you tell them, he was what?

24 A Brown skin with a black hoodie.

25 Q And, ma'am, I recognize that this has been

Latisha Bell-Direct by Barr

1 some a long time ago.

2 A Uh-huh. (affirmative.)

3 Q Did you ever at any point tell law
4 enforcement at any point that day, that the person
5 who shot J., the primary one in the black hoodie
6 was light skinned?

7 A Was light skinned?

8 Q Right. Did you ever tell the police that
9 day that the person that who shot J. was light
10 skinned, or did you tell them he was brown
11 skinned?

12 A Brown skinned.

13 Q When you got out of the house, do you
14 remember what the temperature was like outside?

15 A It was chilly, cold.

16 Q When you got out of the house, how were
17 you dressed?

18 A I had on a pair of his boxers and one of
19 his tank tops.

20 Q Were you cold?

21 A Yes, ma'am.

22 Q Tell us what happened when you got out of
23 the house?

24 A You mean when after I was calling, going
25 to his father's house?

Latisha Bell-Direct by Barr

1 Q Yes, ma'am.

2 A After I was on the phone with 911, I went
3 banging on his father's door to tell him what
4 happened and to tell him he needed to come over.
5 And he ran straight out of the house. And after
6 we was in the road, you know, going to run over
7 there, that's when one of the neighbors, you know,
8 was asking what had happened. And we was telling
9 them while we was on the way there. And those
10 two, you know, went inside. And I went inside
11 also, but I stayed in the living room. And they
12 were trying to give him mouth to mouth, and put a
13 wet towel over him.

14 Q Who was trying to do that?

15 A David Williams.

16 Q David Williams went into the house you
17 left out.

18 A No, ma'am. He met us in the road.

19 Q Okay.

20 A And me, him and Mr. James were together.
21 And I stayed in the living room, and I didn't go
22 no further than the hallway, because I am afraid
23 of dead bodies. It's just a fear. But I stayed
24 in the hallway while they were in the room. I
25 still could see what they were doing.

Latisha Bell-Direct by Barr

1 Q Who was trying to give J. mouth to mouth?

2 A David.

3 Q And you referred to somebody as a

4 Mr. James came to the house?

5 A Yes, ma'am.

6 Q Who is Mr. James?

7 A His father.

8 Q What was Mr. James doing?

9 A Crying. Saying, oh God, he is gone.

10 Calling his name. Telling him to get up.

11 Basically that.

12 Q Ms. Bell, we have listened to the 911
13 recording in this case of you and that call that
14 you made. And on the 911 recording, you hear the
15 dispatcher asking who is that man hollering. Do
16 you recall who that man would have been man
17 hollering in the background?

18 A Would I know his voice, or is that what
19 you are asking?

20 Q Do you know who that was, that the
21 dispatcher asked you about who is that hollering?

22 A Yes, ma'am.

23 Q Who was that man?

24 A Mr. James.

25 Q That was the victim's father?

Latisha Bell-Direct by Barr

1 A Yes, ma'am.

2 Q I recognize sometimes that in a small
3 community, word of an incident like that spreads
4 pretty quickly. Is that fair to say?

5 A Yes, ma'am.

6 Q When law enforcement arrived, were there a
7 lot of people in the area, in the community?

8 A Yes, ma'am.

9 Q People were just sort of trying to figure
10 out what was going on?

11 A Yes, ma'am.

12 Q And I am not asking you to tell us whether
13 or not it's true, because you don't know. But at
14 any point and time had you heard that P.J.
15 Williams may be a suspect involved in the case?

16 A From word on the street.

17 Q Do you recall speaking with law
18 enforcement about your belief that whoever did
19 this knew J.

20 A Yes, ma'am.

21 Q And tell me in terms of how the
22 individuals came into the house and went straight
23 back to the bedroom, how that related to your
24 belief that the people responsible for this, would
25 have known J.

Latisha Bell-Direct by Barr

1 A Because you had to know the layout of that
2 house, you know, just to come straight into the
3 bedroom where we was actually sleeping at. And
4 the room where the dog was, if I am not mistaken,
5 that door was, we kept that closed.

6 Q Okay.

7 A That door. And it's -- I mean you would
8 just have to be there to know, you know, the
9 layout of the house. Because it's not like you
10 would just walk in there and say, oh, this is the
11 bedroom right here. You understand what I am
12 saying? They had to have known something.

13 Q Do you have any idea right now where P.J.
14 Williams is?

15 A No, ma'am, I don't.

16 Q Do you know whether or not he is out in
17 the community or whether or not he is
18 incarcerated?

19 A He is incarcerated.

20 Q You just don't know where?

21 A The last I heard, he was in Effingham.
22 And then I think Salters. And said, he has gone
23 back. But that was through my sister.

24 Q He's in federal custody, serving federal
25 time?

Latisha Bell-Direct by Barr

1 A Yes, ma'am.

2 Q Based upon your relationship, when I say
3 relationship, I mean by marriage to Mr. Williams,
4 and sort of word on the street, and any other
5 information, you were initially thought to be a
6 suspect; weren't you?

7 A Yes, ma'am.

8 Q And you were charged.

9 A Yes, ma'am.

10 Q Those charges were dismissed some time
11 ago?

12 A Yes, ma'am.

13 Q Ma'am, did have anything to do with the
14 armed robbery and death of J. McNeal?

15 A No, ma'am.

16 Q How did you feel about him?

17 A I loved him. That was my boyfriend.

18 MS. BARR: I beg the court's indulgence.

19 THE COURT: Yes, ma'am.

20 Q Ma'am, do you know how many shots were
21 fired?

22 A I think it was four.

23 Q Do you know whether or not J. fired any
24 shots?

25 A No, ma'am.

Latisha Bell-Direct by Barr

1 Q Do you know whether or not anybody other
2 than J. was shot?

3 A No, ma'am.

4 Q If you saw that anybody involved in this
5 had actually been shot as well, is that
6 information you would have disclosed to the
7 police?

8 A Yes, ma'am.

9 MS. BARR: Ma'am, that's all the questions
10 I have. Please answer any questions that lead
11 counsel or the court may have.

12 MR. MCKNIGHT: Your Honor, we need that
13 brief break we talked about.

14 THE COURT: We will take, it's a good time
15 to take a short recess. So I will send you back.
16 If you would like some coffee or coca cola. If
17 you need to smoke. Please do not discuss the
18 case while you are back there. We will take a
19 10-minute recess.

20 (Whereupon, the Court Breaks.)

21 THE COURT: You may bring the jury.

22 (Whereupon, the following takes place
23 within the presence of the jury.)

24 THE COURT: Mr. McKnight.

25 MR. MCKNIGHT: Thank Your Honor. May it

Latisha Bell-Direct by Barr

1 please the court.

2 THE COURT: Yes, sir.

3 Cross Examination by Mr. McKnight:

4 Q Ms. Bell, good afternoon.

5 A Good afternoon.

6 Q My name is Cesar McKnight. I am a lawyer,
7 and I am the lawyer for Laquincy Williams. I am
8 going to ask you a series of questions. And if at
9 anytime you do not understand me, or you can't
10 hear me, I want you to ask me to clarify or speak
11 up, and I will do so.

12 A Understood.

13 Q Is that understood?

14 A Yes, sir.

15 Q It's also important for you say yes or no
16 rather than uh-huh or uh-uh. Because that lady
17 there is the Court Reporter, and if we have to
18 have her read it back, if you say uh-huh or uh-uh,
19 we won't be able to tell whether you meant yes or
20 no by reading it, okay.

21 A Okay.

22 Q You were charged as an accessory after the
23 fact of murder in this crime; were you not?

24 A True.

25 Q You have stated on direct testimony that

Latisha Bell-Cross by McKnight

1 you were running to Mr., the dead person, Mr. J.'s
2 grandfather's house; is that correct?

3 A Yes, sir.

4 Q And you were on the phone with 911 while
5 you were doing it.

6 A Yes, sir. Not actually running, but, you
7 know, walking at a face pace to get there.

8 Q You were traveling from your house, J.'s
9 house, excuse me, to the granddad's house; is that
10 right?

11 A Yes.

12 Q How far are they apart?

13 A A couple of feet. Well not far. Right
14 across the street.

15 Q Permission to approach. I'm going to
16 stand right here and we are going to pretend this
17 is J.'s house. I am going to start walking, and I
18 want you to tell me when I get approximately the
19 distance from J.'s house to the front door of his
20 granddad's house, okay.

21 A Okay.

22 Q I'll start.

23 MS. BARR: And, Judge, I'm sorry. Just
24 for clarity. Can we make sure we understand at
25 what point she starts from J.s house? Are we

Latisha Bell-Cross by McKnight

1 talking about the front door?

2 THE COURT: Yes.

3 MR. MCKNIGHT: The very front door.

4 THE COURT: The steps. The porch.

5 MR. MCKNIGHT: Thank you so much.

6 Q From the deck. The front porch to the
7 front door of J.'s grandfather's house. Do you
8 understand?

9 A Okay.

10 Q I am going to start walking now.

11 A Okay. I would said probably about that
12 right there.

13 Q How long did it take you to get from J.'s
14 house to the front steps of J.'s grandfather's
15 house?

16 A I wouldn't even say a minute.

17 Q And you knocked on the door.

18 A Yes, sir.

19 Q Did you talk to J.'s grandfather?

20 A Yes, sir.

21 Q What did you say to him?

22 A Mr. James someone just busted in the house
23 and they shot J.

24 MR. MCKNIGHT: Court's indulgence.

25 THE COURT: Yes, sir.

Latisha Bell-Cross by McKnight

1 Q Ms. Bell, you do know that 911 recordings
2 or 911 phone calls are taped.

3 A Yes, sir.

4 Q And you are aware that there is a recorder
5 of that, of your 911 call?

6 A Yes, sir.

7 Q I have that transcript here, and I am
8 going to show it to you. It's 18 pages long. I
9 want you to look at it. I'm sorry, pardon.
10 Permission to approach.

11 THE COURT: Yes, sir.

12 Q I want you to look at it very carefully.

13 A Uh-huh. (Affirmative.)

14 Q And I want you to show me and tell me what
15 page and what line it is you say what you just
16 said. And what was it you just said?

17 A That I told Mr. James they just shot J.?

18 MR. MCKNIGHT: Yes, show me that.

19 MS. BARR: Judge, we would object.

20 Counsel is attempting to ask the witness about a
21 document one, that has not been introduced into
22 evidence. A document two, that she has not
23 authenticated. And as best we know, she may never
24 even seen. So we would object.

25 THE COURT: I'll give her an opportunity.

Latisha Bell-Cross by McKnight

1 But this was the tape that was written; is that
2 correct? I mean it was played in court.

3 MR. MCKNIGHT: Yes, sir.

4 THE COURT: This was the transcript of the
5 tape?

6 MS. BARR: Judge, may we approach just
7 very briefly.

8 THE COURT: You may.

9 (Whereupon, the attorneys approach and
10 confer with judge.)

11 Q Ms. Bell, rather than that, let's do this.
12 I am going to play the tape. And when I play this
13 tape, I want you to tell me when we get to the
14 place where you say or what do you call J.'s
15 granddad?

16 A Mr. James.

17 Q I want you to stop the tape at the place
18 where you say Mr. James, J. has been shot.

19 A Uh-huh. (affirmative.)

20 Q And you have got to say yes or no. So is
21 that okay?

22 A Yes.

23 Q Let see. Court's indulgence, Your Honor.
24 I have got to rewind this tape. Ms. Bell, while I
25 am rewinding this tape, what time was it that the

Latisha Bell-Cross by McKnight

1 person's broke into the house?

2 A I couldn't give you the exact time, but it
3 was around 8 o'clock.

4 Q What, how light was it outside?

5 A It was light.

6 Q It was light?

7 A Yes.

8 Q Now when you say it was light -- now in
9 that bedroom, what kind of curtains did you have?

10 A Dark curtains.

11 Q Dark curtains.

12 A Yes.

13 Q And would those curtains -- would those
14 curtains keep out light from the outside?

15 A Yes, sir.

16 Q They would?

17 A Yes, sir.

18 Q I am going to be referring to what has
19 already been admitted into evidence as State's
20 Exhibit No. 171. Is that the bedroom?

21 A Yes, sir.

22 Q Are those the curtains?

23 A Yes, sir.

24 Q What is that behind the curtains?

25 A Blinds.

Latisha Bell-Cross by McKnight

1 Q How do you know that? Do you see them?

2 A Yes, I do.

3 Q So light travels through those curtains;
4 does it not?

5 A It is not, what I am saying, it's not
6 enough lighting for the curtains. The curtains
7 are dark. There is not enough light to say that
8 this room had sufficient lighting.

9 Q Okay. That's fine. So you are telling me
10 that it was totally dark in the house.

11 A I wouldn't say that it was totally dark;
12 no, sir.

13 MR. MCKNIGHT: Your Honor, permission to
14 publish the evidence.

15 THE COURT: Yes, sir. It's already in
16 evidence.

17 MR. MCKNIGHT: Thank you, Your Honor.

18 (Whereupon, playing 911 tape.)

19 Q And where would it be in the tape that you
20 were telling Mr. James about Mr. McNeal?

21 A It would be in that part.

22 Q I'm sorry, were you saying something?

23 A It would be in that part there where I was
24 telling Mr. McNeal.

25 Q You hear yourself saying Mr. McNeal.

Latisha Bell-Cross by McKnight

1 A No, sir. But that I can remember. And as
2 I was approaching his door, knocking on his door,
3 and in fact the dispatcher hadn't picked up the
4 phone exactly yet.

5 Q And it's you testimony here, and I got to
6 remind you, you took an oath.

7 A Huh-uh. (Affirmative.)

8 Q It's your testimony here now that you were
9 screaming and yelling to Mr. McNeal when you went
10 next door.

11 A Yes, sir.

12 Q Now you knew that J. was dead before you
13 left the house; didn't you?

14 A No, sir.

15 Q Didn't you just testify on direct that you
16 didn't go back in the house because you were
17 afraid of dead bodies?

18 A No, sir. That's not what I said.

19 Q You didn't say that?

20 A No, sir. I said went in the house and I
21 was standing in the hallway, and I could still see
22 them from where I was standing.

23 Q Still see who?

24 A J. laying there of course, and dead.

25 Mr. James---

Latisha Bell-Cross by McKnight

1 Q Okay, what was---

2 A Mr. James, I didn't see him in the room,
3 but I know he was in there. He went -- well I
4 went to get the cloth. He met me at the door to
5 get the cloth, to give to David to put over J.'s
6 chest.

7 Q And what was David doing?

8 A Trying to revive J.

9 Q And you said, so If I rolled back and
10 asked the court reporter to play back your
11 testimony, it's not going to tell me that you said
12 you didn't go back into that room because you were
13 afraid of dead bodies.

14 A Yes, sir. I said I did not go back into
15 that room. I was in the hallway, but I could see
16 inside the room from the hallway.

17 Q Okay. Now you didn't tell law enforcement
18 that there were more than two people that came in
19 to that residence?

20 A No, sir. What I told them, it could have
21 been 2 or 3. But the third person I was looking
22 at could have been a shadow.

23 Q Do you recall giving a statement, and I
24 am referring to the statement you have already
25 crossed her on. I mean that you have already

Latisha Bell-Cross by McKnight

1 directed her on. And that's the statement from
2 November 2nd of 2007, at 12:44 p.m. Permission to
3 approach the witness.

4 THE COURT: Yes, sir.

5 Q I am going to be referring to Page 6.
6 Could you read lines 18 through 21 for me? Ma'am,
7 can you read?

8 A Yes, sir.

9 Q Please read it out loud.

10 A How many people did you see. How many
11 people came in the bedroom. There were so many of
12 them. Once J. got back in the bed after he was in
13 the bathroom, and you all heard the person coming
14 in the house saying police, police, how many were
15 in the house.

16 Q Thank you. So did you or did you not tell
17 law information there were more than two people in
18 the house?

19 A Yes, sir, I did. But at the same time, I
20 was in a state of shock. I had so much going on.

21 Q Yes, ma'am.

22 A You understand?

23 Q I do.

24 A Okay.

25 Q Didn't you tell the police that you

Latisha Bell-Cross by McKnight

1 recognized the voice of one of the persons that
2 came in there?

3 A Yes, sir, I did. I said the voice sounded
4 familiar.

5 Q And you gave them a name; didn't you?

6 A Yes, sir, I did.

7 Q And that person that you gave them the
8 name of, what does he look like?

9 A He's fairly brown skinned.

10 Q And it was your testimony just now that
11 the person that perpetrated this was brown
12 skinned; wasn't it?

13 A Yes, sir.

14 Q Now where were you, when you were on the
15 floor, how were you positioned when the people who
16 supposedly came in, came in?

17 A I was on my knees with my head. You said,
18 when they came in, when I was on the floor or when
19 I got on the floor? Or what point do you want me
20 to start from?

21 Q You testified that you were on the floor
22 at the foot of the bed.

23 A Uh-huh. (Affirmative.)

24 Q Hiding from those persons.

25 A Uh-huh. (Affirmative.)

Latisha Bell-Cross by McKnight

1 Q You were hiding? And describe for me how
2 you were hiding.

3 A Can I give you a demonstration?

4 Q Sure you can. Why don't you step down
5 right here, so all the jurors can see you. Come
6 right here.

7 (Whereupon, witness steps down from the
8 witness stand.)

9 A Just say this is the foot of the bed.

10 Q Yes, ma'am.

11 A I was on my knees like this right here.

12 Q Okay. Thank you. Please take your seat
13 back. But that's not what you told law
14 enforcement. Didn't you tell law enforcement that
15 you had your head covered?

16 A Yes, sir.

17 Q So why didn't you tell us that today?

18 Ma'am?

19 A I don't know. But I did have a sheet over
20 my head. And like I said, it has been 5 years. I
21 can't recall everything exactly how it went.
22 Those records that you have now are way more
23 fresher than my memory serves me today.

24 Q This was a traumatic experience for you;
25 wasn't it?

Latisha Bell-Cross by McKnight

1 A Yes, sir, it was.

2 Q The love of your life died; right?

3 A Yes, sir.

4 Q Let me ask you this. Isn't it true that
5 J. broke up with you right before this robbery
6 happened?

7 A No, sir.

8 Q Isn't it true that you had an argument
9 with J. at around 3:45 the morning of November
10 2nd 2007?

11 A No, sir.

12 Q So if someone says that, you disagree with
13 that?

14 A Yes, sir, I do.

15 Q Did you at any time come in contact with
16 J.'s telephone?

17 A Yes, sir, I did.

18 Q When?

19 A After it all happened.

20 Q After it all happened?

21 A Well during me going to Mr. James and all
22 that of that; yes, sir.

23 Q So you're telling, it's your testimony
24 here under oath that someone breaks in, shoots
25 your boyfriend in front of you and you run out of

Latisha Bell-Cross by McKnight

1 the house and you grab his cell phone and your
2 cell phone.

3 A Because his was on the bed head. I
4 couldn't find mine at first, and I grabbed his.

5 Q So whose phone did you call with?

6 A I called off my phone.

7 Q Why did you grab his phone?

8 A I didn't see my phone at first, sir.

9 Q So wait a minute. So where did you see
10 your phone? Where was your phone?

11 A My phone was -- It fell in the -- the head
12 of the bed is like here.

13 Q Yeah.

14 A Right there.

15 Q And where was J.'s phone?

16 A On the top of the bed. No, his phone was
17 on the kitchen counter.

18 Q So how could you find his phone first --
19 so you went and got his phone first then went back
20 and got yours?

21 A No, sir.

22 Q Well I am not understanding you. If J.'s
23 phone is in the kitchen.

24 A On the counter.

25 Q Correct.

Latisha Bell-Cross by McKnight

1 A Yes.

2 Q And your phone is in the bedroom.

3 A Yes, sir.

4 Q Whose -- which phone did you get first?

5 A Excuse me. I did get my phone first, I
6 apologize.

7 Q Which did you do?

8 A I got my phone first.

9 Q And you got it from where?

10 A From the bed.

11 Q Now you testified that you -- didn't you
12 make a statement indicating that you could not see
13 the face of the persons who did this?

14 A Yes, sir, I did. I got a glimpse of them.
15 That's what I said, I glanced.

16 MR. MCKNIGHT: Court's indulgence.

17 Q Do you recall making a statement with --
18 didn't you -- do you remember giving a statement
19 to Investigator Lambert?

20 A Yes, sir.

21 Q And do you remember -- this statement was
22 I am referring to the second statement, I believe,
23 it's just the one dated November 2nd 2007. Do you
24 recall telling law enforcement on that day that
25 you couldn't tell what their skin complexions

Latisha Bell-Cross by McKnight

1 were?

2 A No, sir, I don't.

3 MR. MCKNIGHT: Permission to approach the
4 witness, Your Honor?

5 THE COURT: You may. You may.

6 Q Ma'am, I am referring to page 12, starting
7 at line 22 following to page 13 ending at line 2.

8 Okay. So I need you please, ma'am, to start
9 reading from 22, and I'd like for you stop at the
10 end of line 2. Please, ma'am, read for us.

11 A You said to line which one?

12 Q When I say read, I mean for you read
13 aloud.

14 A Oh, I'm sorry.

15 Q I'm sorry, I wasn't clear. That's on me.
16 Please start on like I said, on line 22 on page
17 12. And end on line 2, at the end of line 2, on
18 page 13. Please, ma'am.

19 A Their hair, did they have long hair, short
20 hair or was it in dreads. They had on hoodies
21 over their head. Their skin tones were they light
22 complexed or dark complexed. I couldn't tell.
23 How was their voice. Oh, that's it.

24 Q So you did tell law enforcement on the day
25 of the killing of Mr. J. McNeal that you could not

Latisha Bell-Cross by McKnight

1 tell what the complexions of the perpetrators
2 were.

3 A I was going through so much questioning
4 that day. As you stated, it was a very traumatic
5 event for me. And with all of this, with me being
6 looked at as the blame in all of that, would you
7 imagine what I have had going through my head with
8 all of this that's going on. Of course, I could
9 get mixed up and confused.

10 Q My question was, did you or did you not
11 tell law enforcement what was---

12 A If they have it on the paper, then
13 evidently I did.

14 Q Couldn't you also not see them because you
15 had the blanket over your head?

16 A I had to reach up to hand him the money.

17 Q So you looked up.

18 A And I got a glimpse of him. And that's
19 when he pointed the gun in my face told J. to tell
20 your bitch to stop looking at me before we kill
21 her too.

22 Q You saw the gun?

23 A The barrel.

24 Q Uh-huh. (Affirmative.)

25 A It was in my face.

Latisha Bell-Cross by McKnight

1 Q It was close?

2 A Yes, sir, it was.

3 Q How close?

4 A Close. I was looking at it.

5 MR. MCKNIGHT: Permission to approach the
6 witness?

7 THE COURT: Yes, sir.

8 Q Put your hands in my face, and put your
9 gun as close as you can. And are you telling us
10 by that distance you weren't able to tell what
11 complexion their hands were?

12 A No, sir.

13 Q You testified also that they ran into the
14 room and they stood over J.; did you not?

15 A Huh? No, I never said that. They stood
16 over him in the bed while we was laying in the
17 bed?

18 Q Yes.

19 A No, sir.

20 Q You don't recall ever making a statement
21 where they stood over J. and shot him.

22 A While he was laying in the bed?

23 Q Yes, ma'am.

24 A No, sir.

25 Q How close were they when they shoot J.?

Latisha Bell-Cross by McKnight

1 A They were struggling. They were tussling.
2 I didn't hear the first gunshot until they were
3 near the TV and that's when J. fell.

4 MR. MCKNIGHT: Permission to approach,
5 Your Honor.

6 THE COURT: You may.

7 Q Tell me how close they were when J. first
8 got shot. Were they this close.

9 A They were close. Like I said, they were
10 tussling. I was still in the bed.

11 Q So they were tussling. They were on each
12 other; right?

13 A Yes, sir.

14 Q And that first time they -- so when they
15 shot him the subsequent times, how close were
16 they?

17 A They were standing up. He was already
18 laying down after the first shot.

19 Q So were they standing over him?

20 A Yes, sir.

21 Q So step down for a minute.

22 (Whereupon, the witness steps down from
23 the witness stand.)

24 Q I am J.

25 A Uh-huh. (Affirmative.)

Latisha Bell-Cross by McKnight

1 Q Show me where they were?

2 A Right here.

3 Q And they were that close?

4 A Yes, sir. Probably he was at the head of
5 the bed right there. I would say about right
6 here.

7 Q And with your hand, gesture how they were.

8 A How they were when?

9 Q How they were pointing at him?

10 A After that -- after I got down on the
11 floor, I was hearing the gunshot.

12 MR. MCKNIGHT: Please take the stand
13 again.

14 (Witness resumes the witness stand.)

15 Q This isn't the first time this house has
16 been robbed with you there; has it?

17 MS. BARR: Objection.

18 THE COURT: Sustained.

19 MR. MCKNIGHT: I'm asking while she was
20 there. So is it overruled, Your Honor?

21 THE COURT: Overruled.

22 Q This is not the first time this house was
23 robbed while you were there.

24 A Yes, it was.

25 Q This is the first time?

Latisha Bell-Cross by McKnight

1 A Yes, sir.

2 Q Where were you living at the time this
3 robbery took place?

4 A Like I said, back and forth from his house
5 and my mom's house.

6 Q But I mean, which was your house? Where
7 were you---

8 A I mainly stayed -- I mainly stayed with
9 him.

10 Q You mainly stayed.

11 A That's where I mainly stayed.

12 Q Okay. Now do you recall telling law
13 enforcement that Mr. -- that J.'s granddad was
14 out in the yard?

15 A When? Whenever it first happened?

16 Q When it first happened?

17 A No, sir.

18 Q You don't recall that?

19 A No, sir.

20 Q When you came to his house and you knocked
21 on the door, what was he doing? Was he in the bed
22 or was he?

23 A He came -- he was already up. He wasn't
24 in the bed. He was already up. He came straight
25 to the door.

Latisha Bell-Cross by McKnight

1 Q Was there anybody outside when you ran
2 outside the first time?

3 A I wasn't paying attention. My mind wasn't
4 on that. I was going to Mr. James. How I happen
5 to saw David, whenever me and him both were on our
6 way back.

7 Q Did anybody come over to the house with --
8 when you went to Mr. -- to the grandfather's
9 house, did anybody come over there with him?

10 A With Mr. James?

11 Q Yes.

12 A It was me, Mr. James and David.

13 Q Do you recall seeing a gentleman named
14 Frank McGowan?

15 A Not, not whenever it first happened; no,
16 sir.

17 Q Okay. You mother lives at Samson Street;
18 does she not?

19 A Yes, sir.

20 Q How far is that from J.'s house?

21 A A couple of blocks. She lives near
22 Chavis, and he's right on that outskirts of
23 Donnelly.

24 Q Now where this took place, is this a
25 trailer park?

Latisha Bell-Cross by McKnight

1 A No, sir. It's not a trailer park.

2 Q It's a neighborhood; right?

3 A Neighborhood.

4 Q It may have one or two trailers in it, but
5 for the most part, it's got brick houses, wood
6 houses and mobile homes; right?

7 A Yes, sir.

8 Q And this is in the area we call Donnelly.

9 A Yes.

10 Q Or Donnelly. But that's where it is;
11 correct.

12 A Yes, sir.

13 Q Now what were you wearing when you went
14 outside?

15 A A tank top and his boxers.

16 Q And do you -- and you are sure you weren't
17 wearing anything else?

18 A No, sir. Not whenever I first went out;
19 no, sir.

20 Q Who is first person from the law
21 enforcement you talked to?

22 A I can't remember. I, I remembered the, I
23 don't know if it's sled or whatever, they were
24 dusting my hands for gunpowder. And that's the
25 first thing that I remembered coming in contact --

Latisha Bell-Cross by McKnight

1 encounter with the police was them dusting my
2 hands for gunpowder.

3 Q Did you go back in the house -- let's fast
4 forward. This is after the police leave.

5 A Uh-huh. (Affirmative.)

6 Q After everybody is gone. After the police
7 leave, after everybody is gone, did you go back
8 and did you have an opportunity to go back in the
9 house?

10 A People were still there whenever I went.

11 Q People were still there. Did you find any
12 blood in the hallway of that house?

13 A I wasn't paying attention. I had my
14 mother and my sister and my aunt come with me to
15 help me get my stuff out of there, because I
16 didn't want to be in there.

17 Q So after you left that day, you have never
18 been back in there?

19 A No, sir.

20 Q But do you ever recall being -- where do
21 you recall seeing the blood?

22 A On J.'s chest.

23 Q And how was the blood when the police got
24 there, on J.'s chest?

25 A I couldn't tell you.

Latisha Bell-Cross by McKnight

1 Q And you're certain the person who came in
2 there, the person -- now you said you couldn't
3 see. But then don't you recall telling them that
4 the person had on a black hoodie?

5 A Yes, sir.

6 Q How long were they in the house that you
7 can recall?

8 A It wasn't long.

9 Q Well when you say it wasn't long---

10 A Maybe---

11 Q ---I mean give me what do you think.

12 A Not even 10 minutes maybe, because it all
13 happened so fast.

14 Q How long before people came -- after you
15 ran out of the house, how long was it before the
16 crowd gathered outside?

17 A It wasn't long after that. It was way
18 before the police and everybody else got there.

19 Q Do you like your -- do you like your
20 sister's husband?

21 A Not now; no, sir.

22 Q Why not?

23 A Because of what he did.

24 Q What did he do?

25 A From my understanding, he set this up.

Latisha Bell-Cross by McKnight

1 Q And where is he right now?

2 A Incarcerated.

3 Q Are you and your -- is your sister still
4 married to him?

5 A They are still married. They were married
6 when he got locked up.

7 Q How do you feel about him?

8 A I can't stand him right now.

9 Q But how do you feel about your sister
10 still being married to a guy that set the love of
11 your life up?

12 A She has reasons behind that. She doesn't
13 have no money to file for her divorce. That's the
14 only thing that's holding her up from the divorce
15 part. But she has no -- she has contact with him
16 for their son, or she used to until we found all
17 of this out. But now she doesn't have contact
18 with him. She still talks to his mother, but she
19 has nothing to do with him. They have a son
20 together. And she says that they will remain --
21 he will keep contact with his son through his
22 mother. If you know that's what she want to do,
23 but not on her behalf.

24 Q Okay. Now when these guys busted in the
25 room, you said they said police, police; right?

Latisha Bell-Cross by McKnight

1 A Yes, sir.

2 Q And then what did they do?

3 A As they were saying that, they came
4 charging into the back.

5 Q Okay. And then what happened?

6 A That's when J. popped up and said, oh
7 shit.

8 Q Then what happened?

9 A Him and the guy got into a confrontation.
10 They started tussling. And then I heard the
11 gunshot.

12 Q Okay.

13 A And J. fell.

14 Q And then what else happened?

15 A He started demanding money, the weed and
16 the cocaine.

17 Q And then what happened?

18 A J. kept telling him, it's nothing, man.
19 It's nothing. And he demanded it about 2 more
20 times. And then after the second time, he shot
21 him again.

22 Q And he was standing over when he did this?

23 A Yes, sir.

24 Q So he shot him once while they are
25 tussling. He shot him once again while he was

Latisha Bell-Cross by McKnight

1 standing over him. And then what happened?

2 A And then I told J. after I still see he
3 was aggressive, still asking for it, I told him, I
4 said, J. don't you keep money in the coat pocket
5 up here. Just give it to him. Just give it to
6 him. And he told me, go ahead and give it to
7 him. And I reached up and got the money out of
8 the pocket and handed it over to the guy.

9 Q Okay.

10 A And he shot again after he had the money.

11 Q Okay. Now in your statement on the 2nd of
12 November, you didn't tell the police that you said
13 to him, J. just go ahead and give it to.

14 A Like I said, there was a lot going on.
15 Picture what I just been through. of course there
16 may have been some details I left out, but not the
17 important details. But I tried to recall
18 everything to best of my knowledge. But at the
19 same time all this was coming to me, I was
20 shocked. I was in shock.

21 Q Okay. How tall was the guy that came into
22 the room?

23 A I can't give you a description. He wasn't
24 tall, tall.

25 Q I mean was he short like me?

Latisha Bell-Cross by McKnight

1 A No, he was a little taller than you.

2 Q A little taller than me?

3 A Yes.

4 Q When you say a little taller I mean like 3
5 inches or what?

6 A What is your height?

7 Q I am 5'5 on a good day.

8 A I would say probably about 5'7.

9 Q Okay.

10 A About 5'6, 5'7.

11 MR. MCKNIGHT: Court's indulgence just one
12 moment.

13 Q You had a puppy; right?

14 A Yes, sir, we did.

15 Q And what kind of dog was it?

16 A A pit bull.

17 Q That J.'s dog; right?

18 A It was ours together.

19 Q You alls together. When strangers came
20 around what would that dog do?

21 A It was a friendly puppy.

22 Q I understand.

23 A He nipped at shoes and stuff like that.

24 But she didn't try to bite anyone or anything like
25 that.

Latisha Bell-Cross by McKnight

1 Q If your dog heard a noise, what did she
2 do?

3 A Like I said, whenever he would get up, he
4 would let the dog out. But as far as a dog, if he
5 heard a stranger, I couldn't tell you what she
6 would do. She was a normal dog. She was still
7 puppy.

8 Q I understand that. But when your dog is
9 in the house and he hears a noise outside, how
10 does he would he react?

11 A She didn't go -- she wasn't mean. She was
12 still a puppy. We kept the dog inside. And if
13 she heard a noise outside or does she react?

14 Q Would he react?

15 A She would do something that if she was in
16 the cage and she wanted out of the cage.

17 Q When he was out of the cage, what did he
18 do?

19 A No, sir. She would do that when she
20 wanted to get out.

21 Q Did you hear him make any noise?

22 A No, sir, I didn't.

23 Q Does anybody else in your neighborhood
24 have dogs? In J.'s neighborhood?

25 A I am not sure if Gerald's dog had a dog or

Latisha Bell-Cross by McKnight

1 what or if that was his mom's dog. But they kept
2 their dogs outside.

3 Q Does J's granddaddy got a dog?

4 A No, sir.

5 Q The dog that was outside, how far is that
6 dog from your house?

7 A That is J.'s, that was J's pit bull.

8 Q I'm sorry, J.'s granddaddy.

9 A The dog that was in his yard, that was
10 J.s' pit bull.

11 Q In whose yard?

12 A Mr. James' yard.

13 Q Did that dog bark when people come in the
14 yard?

15 A Yes.

16 Q If you were in their house and somebody
17 came in the yard, would you him barking?

18 A I haven't heard. I didn't heard him
19 barking not to my recollection, not while inside
20 J's house.

21 Q Now this dog outside, this dog wasn't
22 friendly; was he?

23 A Not too friendly.

24 Q He was on a chain; wasn't he?

25 A Yes.

Latisha Bell-Cross by McKnight

1 Q And you knew not to go too close to him;
2 right?

3 A Well it's not that, but I petted him and
4 stuff.

5 Q I understand.

6 A He was used to me.

7 Q I understand but if I'm not from, if I
8 don't live in J's granddaddy's house, or I don't
9 live in J.'s house that dog is not friendly to me;
10 is him?

11 A I never seen him been aggressive towards,
12 you know, someone that's not normally there.

13 Q Have you had friends come over to J.'s
14 house?

15 A Very seldom. Yes, sir, o his dad's house.

16 Q But I mean, I am asking. Like have you
17 ever had any of your girlfriend's come over there
18 and you all sit around watching TV?

19 A Uh-huh. (Affirmative.)

20 Q And would that dog bark when those girls
21 came over there?

22 A The puppy?

23 Q Not the puppy, but the one in the yard.

24 A No, sir.

25 Q He wouldn't bark.

Latisha Bell-Cross by McKnight

1 A No, sir. Not to my recollection.

2 Q Now you testified that there were some
3 people at the house that night; weren't there?

4 A Yes, sir.

5 Q Who all was over there?

6 A It was a guy named Tadow.

7 Q Excuse me, help me out. Do you know what
8 Tadow's real name was?

9 A Larry Pickney, I think. I'm not, I think
10 it's Larry Pickney.

11 Q Like Tadow, like what the musician---

12 A Yes.

13 Q ---says when he turns something on?

14 A Yes.

15 Q Tadow. Go ahead who else?

16 A Becka.

17 Q A guy named who?

18 A Beckle. Beckham.

19 Q Is that his real name?

20 A No, these are the names that they went by.

21 Q I got you.

22 A They go by. And it was Mike, Mike. And
23 Jimmy Green was there if I am not mistaken. As I
24 was coming in Jimmy Green was about to leave.

25 Q What were they doing over there?

Latisha Bell-Cross by McKnight

1 MS. BARR: Objection, relevance.

2 THE COURT: I'm going to give him leeway.

3 He's on cross examination.

4 A They were all sitting in there talking and
5 drinking. Smoking.

6 Q Those guys were they associates of J.'s?

7 A Yes, sir, they were.

8 Q Now you admitted that J., J. used to sell
9 narcotics?

10 A Uh-huh. (Affirmative.)

11 Q Do you know if these guys were in the
12 narcotic's trade with J.?

13 A Not that I know of. Not those guys; no,
14 sir.

15 Q Do you recall telling law enforcement that
16 one of them was about to go to the federal prison?

17 A Tadow, not the other guy.

18 Q And what was he going for; do you know?

19 MS. BARR: Objection to hearsay, Judge.

20 THE COURT: Sustained.

21 Q You can't answer that if he says
22 sustained.

23 A Oh.

24 Q Don't get me in trouble. Now how many
25 gunshots did you say there were?

Latisha Bell-Cross by McKnight

1 A Four.

2 Q Four.

3 A If I wasn't mistaken; yes, sir.

4 Q And do you know if J. had a gun in the
5 room that day?

6 A No, sir, I don't know. But I just know
7 that he normally keep them where he was in the
8 house.

9 Q Did you see a gun in J.'s hand?

10 A No, sir.

11 Q Did you move anything in that room?

12 A No, sir.

13 Q I'm going to show you, let me ask you
14 this, how long did you and J. date?

15 A About 3 years.

16 Q Was J. right handed or left handed?

17 A Right handed.

18 Q I am going to show you something, and I
19 don't mean to disturb you, but I am going to show
20 it to you. Do you recall seeing that?

21 A Yes, sir, I recall seeing him like that.

22 Q Do you see a gun in that picture that
23 belonged to J.?

24 A No, sir.

25 MR. MCKNIGHT: Court's indulgence, Your

Latisha Bell-Cross by McKnight

1 Honor.

2 Q You said that J. told he loved you while
3 he was laying there; right?

4 A Yes, sir.

5 Q Did you touch in any way? Did you hug
6 him? Did you embrace him? Did he hug you?

7 A No, sir.

8 Q Did he touch you?

9 A No, sir.

10 Q Do you remember seeing that?

11 A Yes, sir.

12 Q And you can see both of J.'s hands?

13 A Yes, sir.

14 Q Do you see a gun in that picture?

15 A No, sir.

16 Q Do you need a minute?

17 A I am fine.

18 Q Do you recall as best you remember, let me
19 see, court's indulgence just one moment.

20 Now this is a drawing. And I am referring
21 to State's Exhibit No. 193, okay.

22 A Uh-huh. (Affirmative.)

23 Q This is what she drew a diagram of what
24 the house looked like. Now do you recall now
25 where J.s feet are, that's near the door of the

Latisha Bell-Cross by McKnight

1 bedroom; is that right?

2 A No, sir.

3 Q That's not? On that picture, where would
4 you say the door of the bedroom is?

5 A Facing the hallway.

6 Q Okay, I need you to step down just for a
7 second, because it will be easier for you to point
8 on.

9 (Whereupon, the witness steps down from
10 the witness stand.)

11 Q Let's say this is the front door. Okay.
12 Right here, see those little steps, the front
13 door. Tell me about this house. What is this
14 room right when you first walk in?

15 A The living room.

16 Q What is this room right here?

17 A The kitchen.

18 Q Where did you keep the dog?

19 A In the second bedroom.

20 Q Is there a window there?

21 A Yes, sir.

22 Q Now what is the next room beside it?

23 A That's the second bedroom---

24 Q The second room.

25 A ---and, the bathroom.

Latisha Bell-Cross by McKnight

1 Q This is the bathroom right here.

2 A Uh-huh. (Affirmative.)

3 Q And then the room next to the bathroom is
4 what room?

5 A The bedroom.

6 Q The bedroom. And that's the bedroom where
7 you all were.

8 A Yes, sir.

9 Q Now this then right here is the opening
10 would be the door; correct?

11 A Right here?

12 Q Yes.

13 A Yes, sir.

14 Q Okay. Do you remember any the of guys
15 coming into the room or were they in the hallway?

16 A One came in the room and one stood in the
17 hallway.

18 Q One stood in the hallway. Did any---

19 A As far as I saw.

20 Q Okay.

21 A When I got on the floor, I don't know if
22 he came in or not.

23 Q Now how long did you wait before you ran
24 next door?

25 A As soon as he started talking to me, and

Latisha Bell-Cross by McKnight

1 that's when I figured okay they got to be gone.
2 Whenever he is asking me am I okay. And I told
3 him yeah. And I said are you okay J., and he said
4 no, I am hurt. Call 911. And I told him okay.
5 He said Tisha and I said, huh, and he said I love
6 you. And I told him I love you too. I grabbed my
7 phone up, scrambled for it, and I ran out because
8 his cousin and his brothers were supposed to be
9 coming down here this same week; during the same
10 week. They were supposed to be coming.

11 Q Uh-huh. (Affirmative.)

12 A And the reason that I grabbed his phone
13 also because I was saying, no telling who is
14 trying to call, if they can't reach Mr. James or
15 whatever, then I have his phone here.

16 Q Take your seat.

17 (Whereupon, the witness resumes the
18 witness.)

19 Q Now you're able to do all of that
20 thinking, to grab a phone to anticipate whose
21 going to call, who might want to know, in the
22 instant you see your boyfriend murdered, all of
23 that comes to your mind?

24 A I just grabbed the phone, yes, sir. Both
25 phones, I grabbed them.

Latisha Bell-Cross by McKnight

1 Q You were that clear headed to remember all
2 of that, but you we're clear headed enough to
3 remember anything else.

4 A I didn't say I didn't remember anything
5 else. I told you exactly what I did. The same as
6 I told the investigators.

7 MR. MCKNIGHT: Court's indulgence.

8 THE COURT: Yes, sir.

9 Q Did you agree to cooperate with the police
10 in exchange for dropping your charges?

11 A No, sir.

12 Q Have all of your statements to law
13 enforcement been the truth?

14 A Yes, sir.

15 Q And you never lied to them.

16 A No, sir.

17 MR. MCKNIGHT: Court's indulgence just a
18 second.

19 Q Now what time did you get to J.'s house
20 from work? Or from your mother's house?

21 A It was probably about 11:40, 11:45.

22 Q 11:45. And did you leave the house after
23 you initially got there?

24 A No, sir.

25 Q So you never -- you and J. never left that

Latisha Bell-Cross by McKnight

1 residence.

2 A No, sir.

3 Q So you were there from 11 until the next
4 morning.

5 A Yes, sir.

6 Q Now what time did you go to sleep?

7 A I couldn't tell you the exact time that I
8 went to sleep, but I can tell you the time that I
9 laid down to get ready for bed.

10 Q What time was that?

11 A Around a little before two.

12 Q What time---

13 A Still doing something, but before
14 2:00 o'clock.

15 Q What time did J. join you in the bed?

16 A I would say probably about 3. Because the
17 guys didn't stay there too much longer, because
18 he came back in the room and he said, I just wish
19 they would go ahead and leave because I just want
20 to go to sleep. And not too long after that, as I
21 was dozing off, I was watching TV. He came in the
22 room; took off his pants, and just had on his tank
23 top and his boxers. And he got in bed.

24 Q And what time did he get up?

25 A It was about, probably about a little

Latisha Bell-Cross by McKnight

1 before eight. Because like I said, as soon as he
2 got up, he just had time to use the bathroom,
3 brush his teeth. And he got back in the bed.
4 And not even 5 minutes, you know, after that is
5 when the people came kicking in the door screaming
6 police, police.

7 MR. MCKNIGHT: Court's indulgence.

8 Q Did you call anyone immediately after 911?

9 A After I called my mom, and I was telling
10 my mom, I can't remember who else I called. But I
11 mainly just thought to call my mom.

12 Q Did you call her?

13 A Yes, I did.

14 Q Did she come over?

15 A She was at work. She sent my aunt.

16 Q What is your aunt's name?

17 A Sally Guilyard.

18 Q And how long before she got there?

19 A I can't remember, because they had me back
20 and forth talking to investigators.

21 Q When you say they, who?

22 A Police. I can't remember. There was so
23 much people out there. I just know I saw her out
24 there. When she arrived, I couldn't tell you the
25 time or none of that, but she was there.

Latisha Bell-Cross by McKnight

1 Q Did you put on any more clothes?

2 A Yes, sir.

3 Q What did you put on?

4 A I can't remember the outfit. But I put on
5 clothes to suit the weather, because I only had on
6 boxers and a tank top.

7 Q What was the temperature would you say?

8 A It was in November. So of course it was
9 chilly. Fall type.

10 Q When you say chilly, what do you consider
11 chilly?

12 A Chilly enough where you would need long
13 pants and probably a long sleeved shirt and maybe
14 a light jacket.

15 Q Did you all have the heat on at that time?

16 A I can't remember.

17 Q If it were chilly, is it safe to say you
18 had the heat on?

19 A I don't want -- I don't want to say that.

20 Q Let me ask you this.

21 A I don't want to say that, because I can't
22 remember.

23 Q How did you all heat that house?

24 A It had central heating and cooling.

25 Q Do you recall what the thermostat was set

Latisha Bell-Cross by McKnight

1 on?

2 A No, sir, I don't.

3 Q When you were in the bed was it cold or
4 warm?

5 A It was warm.

6 Q How did you all like to sleep? Some
7 people like a hot house. Some people like it
8 cool. How did you guys like it.

9 A Just comfortable.

10 Q Tell me what comfortable is to you?

11 A Not too hot and not too cold.

12 Q Okay. What would you set your thermostat
13 on, on a chilly day?

14 MS. BARR: Objection, Judge. Relevance.

15 THE COURT: Sustained.

16 Q There was a box. Tell me there was a box
17 in the kitchen, a Dutch Master box.

18 A Uh-huh. (Affirmative.)

19 Q What was kept in that box?

20 A J. normally kept, he had quite a few of
21 those boxes. One of them he had cigars in, and
22 the other one he had his guns in.

23 Q He had his guns in it?

24 A Uh-huh. (Affirmative.)

25 Q Where did he keep the box with the guns?

Latisha Bell-Cross by McKnight

1 A Like I said, wherever he was in the house,
2 that's where he would have his guns. Sometimes
3 they were in the kitchen cabinet when he was doing
4 something in the kitchen. If he's in the living
5 room, he normally had it sitting beside the black
6 recliner.

7 Q Let's be clear. The people that came --
8 well the person that came into the bedroom you
9 saw, was he wearing those clothes?

10 A I'm not sure. I don't want to lie, I am
11 not sure.

12 Q That's not a black hoodie; is it?

13 A No, sir, it is not.

14 Q Did you see any jeans? Or did you see the
15 pants of the person that came in there?

16 A No, sir.

17 Q And you do remember saying you testified
18 that you had not see this gentleman here.

19 A Have I ever seen him before?

20 Q No, did you see him on November 2nd 2007?

21 A I don't recognize him. I don't know him.

22 Q You didn't see him in your house.

23 A I can't tell you that. I don't -- I
24 can't tell you that.

25 MR. MCKNIGHT: Okay. Answer any questions

Latisha Bell-Cross by McKnight

1 that Mr. Griffith may have for you.

2 THE COURT: Mr. Griffith.

3 CROSS EXAMINATION by Mr. Griffin:

4 Q Hi, I am Timothy Griffith. I represent
5 Toshonda Mickens, and I just have a few questions
6 for you. If I can get you to look at this same
7 document from November 2nd at 12:44, the
8 interview. On page 21, I wonder you could read
9 from lines 7 through line 23 there for me. Out
10 loud.

11 A I am not sure who it was. I think he said
12 it was the dude from Johnsonville. And I know --
13 this is about something else that happened. This
14 is about something else that happened. When the
15 investigators asked me was it another incident
16 that happened---

17 MS. BARR: Judge, I am going to have to
18 object to that.

19 THE COURT: Sustained.

20 Q Can you just read that, please.

21 A Okay.

22 MS. BARR: I am going to have that same
23 objection.

24 THE COURT: Sustained.

25 A I'm not sure who it was.

Latisha Bell-Cross by Griffith

1 Q Don't read it.

2 A Oh.

3 Q Okay. And so when you spent the night and
4 when these folks came in, it all happened very,
5 very fast, you said.

6 A Yes, sir.

7 Q And as far as you know, J. never had a
8 chance to shot his gun.

9 A As far as I know; yes, sir.

10 Q So you don't know that he shot his gun?

11 A No, sir.

12 Q And I believe you testified he was saying,
13 please don't kill me.

14 A Yes, sir.

15 Q That doesn't sound like somebody who has a
16 gun.

17 MS. BARR: Objection.

18 THE COURT: No editorial. Ask questions.

19 Q Did you hear these fellows run out of the
20 house?

21 A No, sir, I didn't.

22 Q You said it all happened so fast---

23 A Yes, sir.

24 Q ---you didn't when they left; right?

25 A No, sir.

Latisha Bell-Cross by Griffith

1 Q So there wasn't like a commotion when they
2 left the house.

3 A No, sir.

4 Q And so you didn't hear them say anything
5 like he shot me, or anything like that; did you?

6 A No, sir.

7 Q And but you indicated that J. may have
8 known these people.

9 A Them, I don't think he would know them.

10 Q No, no, not him. I mean J. may have known
11 the people who were committing this crime.

12 A No, sir. I doesn't say he may have known
13 who committed this crime.

14 Q So let's see, he didn't have a chance to
15 shoot. But so just to be sure, the time that you
16 called 911, that was immediately after this
17 happened. You ran across, I'm sorry.

18 A Yes, sir. As I was running across the
19 street to Mr. James to let him know. Yes, sir.

20 Q And that was at approximately 8:30 a.m.;
21 is that right?

22 A Yes, sir.

23 Q 8:30ish?

24 A Somewhere around in there.

25 MR. GRIFFITH: I have no further

Latisha Bell-Cross by Griffith

1 questions.

2 THE COURT: Any redirect?

3 MS. BARR: Yes, sir, Your Honor, please.

4 REDIRECT EXAMINATION BY MS. BARR:

5 Q Ms. Bell, I want to make sure that for the
6 benefit of this jury, your words are not taken out
7 of context, okay?

8 A Yes, ma'am.

9 Q You were asked on cross examination by
10 Mr. McKnight about telling the police that there
11 were so many people in the bedroom. Do you
12 remember that line of questioning?

13 A No, ma'am.

14 Q Do you remember him asking you about that?

15 A Yes, ma'am. I remember he asked me.

16 Q And when he referenced that, he talked
17 about a statement that you give to the police on
18 November 2nd 2007 at 12:44. Okay.

19 A Uh-huh. (affirmative.)

20 Q I need you to read all of it that page in
21 context, and I want you to look at page 6, okay.

22 A Uh-huh. (Affirmative.)

23 Q Read it to yourself first. I want you to
24 start at Line 1, and I want you to read all the
25 way down to line 25. Read that to yourself first.

Latisha Bell-Redirect by Barr

1 Just let me know what you are ready. When you
2 finish.

3 A Okay. You said to 25?

4 Q To the end of the page.

5 A Okay.

6 Q You've read it?

7 A Yes, ma'am.

8 Q So that your words are not misconstrued,
9 you were asked and I'm specifically referring to
10 lines 7 through 16 at this point. You were
11 telling them about how many times that you heard
12 J. or you heard gunshots; right?

13 A Yes, ma'am.

14 Q And were you telling them also about what
15 J. told you?

16 A Yes, ma'am.

17 Q What did you them J. told you?

18 A He asked me was I okay. And I told him
19 yes. And I said are you okay J. He told me, no.
20 He said, I am hurt, get help. He said, Tisha.
21 And I said, Huh. And he said, I love you. And I
22 said I love you too J.

23 Q On this statement at that time, is that
24 when you say, that's when I called 911 and I went
25 running out of the house.

Latisha Bell-Redirect by Barr

1 A Yes, ma'am.

2 Q What did you do when you running out of
3 the house, according to this statement?

4 A To his daddy's. It said I called his
5 daddy and told his daddy what was going on, but I
6 went to his dad's house.

7 Q Okay. And when you were going to the
8 house, who did you see coming at that point?

9 A When I was coming from the house that's
10 when I saw David. When he and his daddy both were
11 headed back to the house.

12 Q And in that statement you said David asked
13 you are you all right.

14 A Yes, ma'am.

15 Q And the policemen asked you how many
16 people did you see. How many came to the bedroom.

17 A Yes.

18 Q Is that right?

19 A Yes, ma'am.

20 Q And that's when you said what?

21 A There were so many of them.

22 Q Now were you talking about, when you said
23 there were so many of them, were you talking about
24 after you saw David and all these people coming in
25 the house after the killing? Or were talking

Latisha Bell-Redirect by Barr

1 about about at the time J. was actually shot?

2 A During the time, after the people started
3 coming in the house?

4 Q Right.

5 A Is whenever I said it was a lot of
6 people---

7 Q That's right.

8 A ---coming in there.

9 Q That's right. You're not talking about
10 when J. was shot was a lot of people in the house;
11 right?

12 A No, ma'am.

13 Q And specifically law enforcement asked the
14 question. Once J. got shot in the bed and after
15 he was bathroom, and you all heard the person
16 coming in the house, saying police, police, how
17 many people were in the house? You remember, do
18 you see that question?

19 A Yes, ma'am.

20 Q And what was your answer to that question?

21 A It was two in the house, and I only saw
22 one. I only saw the other one's shadow. He
23 didn't come in the room.

24 Q You never told law enforcement anything
25 about three and four and a whole bunch of people

Latisha Bell-Redirect by Barr

1 in his bedroom when J. got killed; did you?

2 A No, sir.

3 Q That was somebody misinterpreting your
4 words deliberately.

5 A Yes, ma'am.

6 MR. MCKNIGHT: I am going to object to
7 that question as leading, and move for it to be
8 stricken.

9 MS. BARR: Judge, I will rephrase it.

10 Q If somebody tried---

11 MR. MCKNIGHT: Your Honor, could it be so
12 stricken?

13 THE COURT: It's stricken. Rephrase your
14 question.

15 Q Ma'am, if somebody tried to represent to
16 this jury that you told the police that it was so
17 many people in the bedroom when J. got shot, would
18 that be true or would that be false?

19 A False.

20 MR. MCKNIGHT: Objection that calls for
21 speculation. She says if someone does it. That's
22 speculative.

23 THE COURT: Overruled.

24 Q There are points and times during your
25 statement and during your testimony today, that

Latisha Bell-Redirect by Barr

1 you talk about J.'s dad and J.s granddad.

2 A Yes.

3 Q So that there is not any confusion by the
4 jury, are those individuals one and the same?

5 A The same person. It's actually his uncle,
6 but he adopted him and he called him dad since he
7 was small.

8 Q And so some people may refer to Mr. James
9 as J.'s granddaddy.

10 A Yes, ma'am.

11 Q J. refers to him as his dad.

12 A Yes, ma'am.

13 Q Got you. Now Mr. McKnight said to you in
14 court that he 5'5, do you remember that line of
15 questioning?

16 A Uh-huh. (Affirmative.)

17 Q Is that right?

18 A Yes, ma'am.

19 Q And you said the shooter was a little
20 taller than Mr. McKnight.

21 A Yes, ma'am.

22 Q You indicated about 5'7?

23 A Yes, ma'am.

24 Q Ma'am, I want to get some clarity about J.
25 at the point where he was alive and you referred

Latisha Bell-Redirect by Barr

1 to that point being in your statement, the point
2 where you were satisfied that he was deceased.

3 A Yes.

4 Q When you were leaving the house after he
5 had been shot, was he alive or deceased
6 immediately when he told you to go call 911?

7 A He was still alive whenever I left.

8 Q And when you either tell the 911 operator
9 or tell law enforcement that you saw him in the
10 house when he is deceased, at what point and time
11 are you talking about at that point?

12 A When me and Mr. James and David were, you
13 know, back over there.

14 Q And Mr. David or Mr. James was trying to
15 resuscitate him?

16 A Yes, ma'am.

17 Q And that's the point where you realized he
18 was gone?

19 A Yes, ma'am.

20 Q You were asked about P.J. Williams and the
21 status of his relationship with your sister?

22 A Uh-huh. (Affirmative.)

23 Q Do you remember being asked those
24 questions?

25 A Yes, ma'am.

Latisha Bell-Redirect by Barr

1 Q And I believe that you told me or told the
2 jury that they are legally married, but they
3 haven't been together since he's been locked up?

4 A Correct. ~

5 Q How long has he been locked up?

6 A He got locked up---

7 MR. MCKNIGHT: Objection. That calls for
8 speculation.

9 THE COURT: If she knows.

10 A I think it was in 08.

11 MR. MCKNIGHT: Objection.

12 A If I am not mistaken.

13 MR. MCKNIGHT: If she's speculating. She
14 says I think.

15 Q Well let me ask you this. Has it been
16 more than 3 years? ~

17 A Yes, ma'am. If I am not mistaken, it's
18 been 5. I think she said it maybe 5 today.

19 Q Let me ask you this. Don't tell me what
20 somebody may have told me.

21 MR. MCKNIGHT: Objection, Your Honor.
22 That's hearsay---

23 THE COURT: Sustained.

24 MR. MCKNIGHT: ---and speculation and all
25 of that.

Latisha Bell-Redirect by Barr

1 THE COURT: If She knows.

2 Q How old is the child they have together?

3 A He's 4.

4 Q When P.J. was arrested and locked up, was
5 that child born yet?

6 A No, ma'am. She was pregnant.

7 Q So we know it has at least has been 4
8 years.

9 A Yes, ma'am.

10 Q You indicated and I want to make sure I am
11 clear, was J. shot before you gave the shooter the
12 money?

13 A Yes, ma'am.

14 Q And was he shot again after you gave the
15 shooter the money?

16 A Yes, ma'am.

17 Q The time when he was shoot after you gave
18 the shooter the money, where was he physically in
19 the room?

20 A Laying on the floor near the bed.

21 Q And after you gave the shooter the money,
22 he was shot again while laying on the floor?

23 A Yes, ma'am.

24 Q And the shooter was that individual
25 standing up or laying down on the floor as well?

Latisha Bell-Redirect by Barr

1 A Standing up.

2 Q Over his body?

3 A Yes.

4 Q Over J.'s body?

5 A (Witness nods in the affirmative.)

6 Q Now were there points in all of this from
7 the time that people entered your house, until the
8 time they left, were there points where you were
9 hoovered under the covers and points where you
10 were not covered under the covers?

11 A Yes.

12 MR. MCKNIGHT: Objection, Your Honor. She
13 is leading the witness.

14 THE COURT: Sustained.

15 MS. BARR: Judge, I'm not asking a leading
16 question. I'm just trying to find out were there
17 points when she was covered---

18 THE COURT: Well rephrase your question.

19 Q During this initial invasion into the
20 home, at what points were your face covered or
21 your head covered or your body covered?

22 A After the first time they shot J., and,
23 you know, he fell to the floor, that's when I
24 eased my way on down to the foot of the bed. And
25 that's when I put the sheet over me. Whenever I

Latisha Bell-Redirect by Barr

1 took the sheet off, is whenever went to get the
2 money out of the coat jacket.

3 Q Did you ever describe J.'s eyes as rolling
4 in the back?

5 MR. MCKNIGHT: Objection.

6 A No, ma'am.

7 MR. MCKNIGHT: That's---

8 THE COURT: Overruled.

9 Q Let me refer you, refresh your memory to
10 page 10 of your November 2nd 2007 statement dated
11 12:44 p.m. Page 10. When you told J., that I
12 love you too, what did you tell law enforcement
13 that you observed after you told him, I love you
14 too?

15 A Then I went to him and looked at him, and
16 that's when I saw his eyes rolling back. And I
17 ran out and went to his daddy's.

18 Q At the time you all were laying in the bed
19 and people came in your house, were you looking at
20 a watch or a clock?

21 A No, ma'am.

22 Q At the time where these individuals or
23 this person shot J., were you looking at a watch
24 or clock?

25 A No, ma'am.

Latisha Bell-Redirect by Barr

1 Q And do you normally wear a watch?

2 A No, ma'am.

3 MS. BARR: That's all the questions.

4 THE COURT: Any recross based on her
5 redirect.

6 MR. MCKNIGHT: Yes, Your Honor.

7 Recross Examination by Mr. McKnight:

8 Q Ms. Barr, talked to you about J.'s height
9 and she talked about mine. How tall is J.?

10 MS. BARR: Judge, I didn't ask her about
11 J.s height, and I object to that line of
12 questioning. I asked her about the shooter's
13 height and Mr. McKnight's height.

14 THE COURT: Sustained.

15 Q Do you recall telling law enforcement that
16 the shooter was a taller than J.?

17 A I can't remember.

18 MR. MCKNIGHT: Permission to approach the
19 witness, Your Honor.

20 THE COURT: You may.

21 Q I'll be referring to the statement that
22 Ms. Bell gave at 12:44 p.m. Specifically page 7,
23 line 15.

24 MS. BARR: And, Judge, we would object.
25 Outside the scope of recross.

Latisha Bell-Recross by McKnight

1 THE COURT: He's referring it to you and
2 asking the height of the shooter as comparison.
3 Overruled.

4 Q Now I want you to start reading at line
5 16. And I say, read, I mean, please, ma'am, to
6 please read out loud.

7 A Describe the one that came in the room. I
8 can't really describe.

9 MS. BARR: Judge, we going to object.
10 That is not laying the proper foundation. He's
11 attempting to impeach her. And he has not laid
12 the proper foundation.

13 THE COURT: Overruled.

14 Q Please, ma'am, start over on line 7. And
15 then, I am sorry, I lost my spot. Start like we
16 said on line 7, please, ma'am, and end with line
17 16. Please read out.

18 A Describe the one that came in the room. I
19 can't really describe him, I know he had on a
20 hoodie. The color, I know he had on a black
21 hoodie and how he looked or nothing, I was so
22 terrified and shocked. About how tall you say he
23 was, he was probably a little bit taller than J.

24 Q Thank you. How tall was J?

25 A I couldn't give you his exact height.

Latisha Bell-Recross by McKnight

1 Q Was he taller than you?

2 A Yes, sir.

3 Q Was he taller than me?

4 A Yes, sir.

5 Q How much taller than me was he?

6 MS. BARR: Again, Judge, objection.

7 Outside the scope of recross.

8 THE COURT: I'm going to let him do one
9 more question on that.

10 Q Ma'am.

11 A Uh-huh. (Affirmative.)

12 MR. MCKNIGHT: Court's indulgence just for
13 a second.

14 Q I'm using my calculator and I'm trying to
15 do some math. If I told you it was 60---

16 MS. BARR: Objection, Judge, may we
17 approach?

18 THE COURT: Sustained.

19 Q So was he a little taller than me or a lot
20 taller than me?

21 A A little taller.

22 Q J.

23 A J., yeah. Well yeah, a little taller.

24 Q Come stand by me.

25 (Whereupon, the witness steps down from

Latisha Bell-Recross by McKnight

1 the witness stand.)

2 Q So you were able to look J. in the eye
3 like this. He was taller than this; wasn't he?

4 A Yes.

5 Q How much?

6 A Not too much.

7 Q Show me.

8 A About right there. He wasn't too, yeah,
9 right there.

10 MR. MCKNIGHT: Okay, your witness.

11 THE COURT: Mr. Griffith.

12 MR. GRIFFITH: I have no further
13 questions.

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

15 MR. MCKNIGHT: This witness is not
16 excused. Your Honor, she is still sequestered.

17 MS. BARR: And, Judge, just for the day,
18 we'd ask that she be allowed to go on her way for
19 the day. There's no reason for her to stay here.

20 THE COURT: Any reason for her?

21 MR. MCKNIGHT: Not for today; no, sir.

22 THE COURT: Very well. You are still
23 under subpoena.

24 MR. MCKNIGHT: And, Your Honor, please
25 tell her, she's still under sequester order,

Latisha Bell-Recross by McKnight

1 please, sir.

2 THE COURT: Yes, sir. I told her she is
3 still under subpoena.

4 MR. MCKNIGHT: Yes, sir.

5 MS. BARR: Judge, may we approach?

6 (Whereupon, the attorneys confer with
7 judge at the bench.)

8 THE COURT: We will take another break,
9 Ladies and gentlemen. Please do not discuss
10 anything about the case while you are back there.

11 (Whereupon, the court takes a short
12 recess.)

13 THE COURT: You may bring the jury.

14 (Whereupon, the following takes place
15 within the presence of the jury.)

16 THE COURT: The state may call the next
17 witness.

18 MS. BARR: The state calls James Gquan
19 Henry.

20 James Gquan Henry, Being first duly
21 sworn, testified as follows:

22 DIRECT EXAMINATION by Ms. Barr:

23 Q Sir, state your full name for the record.

24 A James Gquan Henry.

25 Q Spell your first name, middle name and

1 last name.

2 A J-A-M-E-S, G-Q-U-A-N, H-E-N-R-Y.

3 Q I need you to make sure you speak up nice
4 and clear for me, okay. Mr. Henry, how old are
5 you?

6 A 22.

7 Q What's your birthday?

8 A [REDACTED].

9 Q [REDACTED]?

10 A Yes ma'am.

11 Q So in November of 2007, you would have
12 been how old?

13 A 16.

14 Q And do people refer to you by a nickname?

15 A G.

16 Q G.? Okay. And where did you grow up?

17 A Anderson, South Carolina.

18 Q And how long did you live in Anderson?

19 A All my life.

20 Q What's your mom's name?

21 A Michele Manning.

22 Q And your father's name?

23 A Greg Henry.

24 Q Your mother is Caucasian?

25 A Nah, she's white.

1 Q White. And your father is African
2 American. He's black.

3 A Yes, ma'am.

4 Q Now is your mom in the courtroom today?

5 A No, ma'am.

6 Q Okay. Did you see her at any point this
7 week?

8 A I seen her Monday.

9 Q Monday? Do you, where does she live now?

10 A Anderson.

11 Q Do you know whether she's back in
12 Anderson, or if you know?

13 A Yes, she had to go to work.

14 Q What was the last grade you completed in
15 school?

16 A 9th.

17 Q 9th grade. When did you stop going to
18 school? How old were you when you stopped going
19 to school?

20 A 13.

21 Q Have you always lived in the care of your
22 mother?

23 A Yes, ma'am.

24 Q At some point did you and your mother move
25 from Anderson to Florence, South Carolina?

1 MR. MCKNIGHT: Objection, Your Honor.

2 She's leading the witness.

3 THE COURT: Overruled.

4 Q At some point did you and your mother move
5 to Florence, South Carolina?

6 A Yes, ma'am.

7 Q When did you all do that?

8 A 2007.

9 Q Now, Gquan, back in 2007, did you have,
10 did you own a vehicle?

11 A No, ma'am.

12 Q Did you have a driver's license?

13 A No, ma'am.

14 Q Did you have a driver's permit?

15 A No, ma'am.

16 Q Did you have any kind of ID.? State
17 issued ID.?

18 A No, ma'am.

19 Q You remember the month that you and your
20 mom moved from Anderson to Florence?

21 A No, ma'am, not really.

22 Q Let me ask you this. Prior to the
23 shooting that we're talking about in this case,
24 how long had you lived in Florence before that
25 shooting happened?

1 A Only a couple of months.

2 Q Only a couple of months? Okay. Did you
3 know an individual by the name of Laquincy Manuel
4 Williams?

5 A Yes, ma'am.

6 Q Did you have a nickname for him?

7 A Scrap.

8 Q Scrap? I am going to ask you if you
9 recognize in the courtroom an individual by name
10 of Laquincy Manuel Williams, a/k/a Scrap.

11 A Right there.

12 Q Right where?

13 A With the white shirt on and green top.

14 Q Next to attorney McKnight?

15 A Yes, ma'am.

16 MS. BARR: Your Honor, let the record
17 reflect that the witness has identified the
18 defendant, Laquincy Williams?

19 THE COURT: The record will so reflect.

20 Q How long have you known Scrap? Only a
21 couple of months.

22 A I met him right after we had moved to
23 Florence.

24 Q You met him right after you and your mom
25 moved to Florence?

1 A Yes, ma'am.

2 Q What about a fellow by the name of Phillip
3 James Williams or P.J. Williams?

4 A Yes, ma'am.

5 Q You knew him?

6 A Yes, ma'am.

7 Q When did you meet him?

8 A Whenever I met Scrap.

9 Q Same time?

10 A I met Scrap before him.

11 Q You met Scrap, Laquincy Williams before
12 you met P.J.; is that right?

13 A Yes, ma'am.

14 Q Now what about an individual by the name
15 of Toshonda Monique Mickens or Shonda Mickens?

16 A Yes, ma'am.

17 Q Do you know her?

18 A Yes, ma'am.

19 Q When did you meet her?

20 A Right after I had met Scrap.

21 Q And do you recognize the person who you
22 have described, whose name is Toshonda Monique
23 Mickens, in the courtroom?

24 A Yes, ma'am, right there.

25 Q We have here at the defense table attorney

1 Griffith. Are you pointing to the lady who is
2 seated to his---

3 A Yes, ma'am.

4 Q ---right?

5 A Yeah, right beside him.

6 MS. BARR: Your Honor, let the record
7 reflect the witness has identified the defendant
8 Mickens.

9 THE COURT: The record will so reflect.

10 Q Mickens. Judge, may I approach the
11 witness?

12 THE COURT: You may.

13 Q Sir, I am going to ask you if you
14 recognize the person in this photograph.

15 A I mean, that could be the girl. But I
16 ain't sure. I ain't had seen her in so long.

17 Q And when you say that could be the girl,
18 what girl are you talking about?

19 A The girl that rode with us the first time.

20 Q The girl that rode with you to Hemingway
21 the first time?

22 A Yes, ma'am.

23 Q During the time frame in which you claim
24 to meet P.J., Scrap, and Shonda, did you a cell
25 phone?

1 A No, ma'am.

2 Q Were you working anywhere?

3 A No, ma'am.

4 Q And you were not enrolled in school?

5 A No, ma'am.

6 Q Do you recall what area of Florence you
7 would have been living in, in November of 2007?

8 A East McKeever.

9 Q Say again.

10 A East McKeever Street.

11 Q East McKeever Street?

12 A Yes, ma'am.

13 Q Do you know where Scrap, Mr. Laquincy
14 Williams, was living at the time?

15 A He had a couple of different spots.

16 Q What couple of different spots did you
17 know him to be living at?

18 A Sometimes he stayed with Shonda.

19 Sometimes he stayed in Darlington.

20 Q Sometimes he stayed in Darlington, and
21 sometimes he stayed with Shonda?

22 A And he stayed on East McKeever too.

23 Q What was his relationship to Shonda?

24 A I thought they were brothers and sisters.

25 Q You thought they were brother and sister.

1 Is that how they represented themselves to you to be
2 brother and sister?

3 A Yes, ma'am.

4 Q In terms of P.J., what was, what did you
5 know to be about where he lived at the time?

6 A He was married. He stayed with his wife.

7 Q Do you know his wife's name?

8 A I mean, I done heard it, but I wouldn't
9 know it.

10 Q Do you know whether they live in Florence,
11 in Darlington, in Hemingway, in Kingstree? Do you
12 have any idea where they live?

13 A I'm thinking Johnsonville, if I am not
14 mistaken.

15 Q What was P.J.'s relationship to Toshonda
16 or Shonda Mickens.

17 A They was messing around.

18 Q What do you mean when you say messing
19 around?

20 A I mean, they was messing around.

21 Q What does that mean though? You have to
22 tell me what that means.

23 A If you have sex you are messing around.

24 Q Did you ever -- well first of all, how did
25 you come to meet Scrap?

1 A He was messing with a white girl, and I
2 had knew the white girl.

3 Q What was her name?

4 A Ashley.

5 Q Ashley.

6 A Ashley Polous.

7 Q Ashley Polous?

8 A Yes, ma'am.

9 Q Where was Shonda living in November of
10 2007?

11 A Right there by McLeod's.

12 Q By Mcleod Hospital?

13 A Yes, ma'am.

14 Q In Florence?

15 A Yes, ma'am.

16 Q Would McLeod Hospital been in walking
17 distance from Shonda was living at the time?

18 A Yes, ma'am.

19 Q How often before the shooting did you go
20 over to Shonda's house?

21 A You said before?

22 Q Yes. How frequently would you be hanging
23 out at her house?

24 A Really not too much. Only when me and
25 Scrap went over there.

1 Q When you would go to Shonda's house, it
2 was always when you were with Scrap?

3 A Yes, ma'am.

4 Q Would you ever go over there by yourself?

5 A Not really.

6 Q Had you ever spent the night over there at
7 Shonda's house?

8 A Yes, ma'am.

9 Q Have you ever spent the night at P.J.'s
10 house?

11 A No, ma'am.

12 Q Have you ever spent the night at Scrap's
13 house?

14 A Well where he was staying at.

15 Q Would that be at the address in Florence?

16 A He had a couple of different spots. You
17 never know where he was staying.

18 Q Now in November of 2007, did you know
19 Shonda's whole name as I described it, Toshonda
20 Monique Mickens?

21 A No, ma'am.

22 Q Do you know her last name?

23 A No, ma'am.

24 Q You just knew her by Shonda?

25 A Yes, ma'am. I used to call her Sister.

1 Q You used to call her what?

2 A Sister.

3 Q Sister?

4 A Yeah, because that's what me and Scrap
5 both used to call her, Sister.

6 Q Other than calling Phillip James Williams
7 P.J. was there any other nickname by which you
8 called him or referred to him?

9 A Dog.

10 Q You used to call him Dog?

11 A Yes, ma'am.

12 Q Now how were you able in Florence at that
13 time to be spending so much time in the company of
14 Scrap? You were not going home? There were times
15 when you were spending nights away from home?

16 A Yeah, me and my mom have been having
17 problems.

18 Q Now do you know how long P.J. was at that
19 time?

20 A No, ma'am.

21 Q Was he was about your age or older?

22 A No, he was older than me.

23 Q What about Scrap, was he about your age or
24 older?

25 A He was older than me.

1 Q Do you know how much older?

2 A No, ma'am.

3 Q What about Toshonda Mickens? Was she
4 about your age or older?

5 A She was older.

6 Q Now the girl that I showed you in that
7 picture that you said that might be the girl who
8 went with you all the first time, was she about
9 your age or older?

10 A Yeah, she was older than me.

11 Q Prior to November the 2nd or November the
12 1st of 2007, had you ever heard of the name or had
13 you ever known anybody named James McNeal? J.
14 McNeal?

15 A No, ma'am.

16 Q Prior to your moving here from Anderson,
17 had you ever been to Hemingway, South Carolina?

18 A Only that time when we went.

19 Q And when you say that time when we went,
20 when are you talking about?

21 A That time we went down there we just
22 talked about.

23 Q But while you were living in Anderson, you
24 had never been to Hemingway?

25 A No, ma'am.

1 Q And in the two months that you were living
2 in Florence before the shooting happened, other
3 than that night, had you ever gone to Hemingway
4 that you know of?

5 A No, ma'am.

6 Q Do you know how to get from Florence to
7 Hemingway?

8 A No, ma'am.

9 Q Sir, tell the ladies and gentlemen of the
10 jury, how it is that you became involved in the
11 shooting that resulted in the death of James
12 McNeal.

13 A Start from the beginning?

14 Q Yes, sir.

15 A Well P.J. came along and told us, you
16 know, about somebody who has got a whole lot of
17 money. The dude that had a whole lot of money
18 told us him and P.J. was real, real cool. So he
19 had needed somebody else to do it, because the
20 dude would have known that it was him.

21 Q When you say the dude, you're talking
22 about the victim who got killed?

23 A Yes, ma'am.

24 Q He and P.J. were supposed to be real cool
25 together?

1 A Yes, ma'am.

2 Q What was the connection between P.J., his
3 wife and the guy who got killed?

4 A What was the connection?

5 Q Yes.

6 A I know P.J. and P.J.'s wife and the
7 victim's wife, they was twin sisters.

8 Q And you got that information from who?
9 From P.J.?

10 A No, I really got it whenever I got locked
11 up.

12 Q I am talking about beforehand. Did P.J.
13 ever tell you that he was related in some way or
14 how it is that he knew J. McNeal?

15 A Nah, he just told us that, you know, they
16 was cool or whatever; that he knew the dude had a
17 whole lot of money or whatever.

18 Q After he was telling you that he knew the
19 guy had a whole lot of money, tell us what
20 happened. Take it from there.

21 A So whenever he had told us about it, he
22 told us that we had to wait, because he had to
23 make sure whenever the dude was going, you know,
24 have the drugs and the money or whatever. He
25 wanted to make sure it was safe. Because he was

1 telling us the whole time that the dude wasn't
2 going to have no gun. He don't carry no gun.

3 MR. MCKNIGHT: 'Objection. That's hearsay.

4 MS. BARR: Co-conspirator statement.

5 THE COURT: Overruled.

6 Q Please continue.

7 A So he was telling us he was going to make
8 sure when everything was safe, so it would go
9 smooth. You know what I mean, nobody would get
10 hurt.

11 Q Let me stop you just a little bit. P.J.
12 told you that he, the victim, the guy who got
13 killed---

14 A Yes, ma'am.

15 Q ---didn't have a gun?

16 A Yes, ma'am.

17 Q And he told you that you all needed to
18 wait until the victim had---

19 A The money and drugs.

20 Q ---the drugs and money?

21 A Yes, ma'am.

22 Q And in terms of the time of month that
23 this happened, what time of month did all this
24 happen?

25 A I couldn't tell you.'

1 Q Was it the beginning of the month, the
2 middle of the month or the end of month?

3 A I don't know.

4 Q When P.J. had this discussion with you
5 about waiting until the victim had money and had
6 drugs, and that he didn't have any guns, who all
7 was present when that discussion took place?

8 A All of us.

9 Q All of us meaning who?

10 A Me, Toshonda and Scrap and that girl.

11 Q You were present.

12 A Yes, ma'am.

13 Q Toshonda was present.

14 A Yes, ma'am.

15 Q Scrap, Laquincy Williams was present.

16 A Yes, ma'am.

17 Q And the girl whose name you're not aware
18 was present.

19 A Yes, ma'am.

20 Q Could all of those individuals that you
21 just indicated, could they hear what P.J. was
22 saying?

23 A Yes, ma'am.

24 Q Please continue and tell us what was said
25 after that.

1 A Well it didn't happen that same day. You
2 know, we did whatever he said. / And it was a
3 couple of days later, it was at night. And he was
4 telling us that the dude had a couple of pounds
5 across the street in his, I guess, his daddy had
6 kind of a barn or whatever. And he know he had
7 money.

8 Q Okay. And you got a little twang. A
9 little accent there. And you said that a couple
10 of days later P.J. came and said that he had a --
11 that the guy who got killed had what now?

12 A A couple of pounds of reefer.

13 Q A couple of pounds of reefer? And he kept
14 it where?

15 A Across the street in his daddy's barn.

16 Q In his dad's barn?

17 A Yes, ma'am.

18 Q During the time when this conversation
19 took place, who all was present?

20 A It was the same us. It was all four of us
21 again.

22 Q The same four people?

23 A Yes, ma'am.

24 Q What about the girl who rode down there
25 with you the first time, was she a part of the

1 conversation too?

2 A Yeah. She was the -- that's the one I am
3 talking about.

4 Q So let me make sure I am clear. When you
5 all had a discussion about the victim having a
6 couple of pounds of marijuana, you all were
7 physically where? Where were you at?

8 A At Toshonda's house.

9 Q At Toshonda's house across from Mcleod
10 Hospital.

11 A Yes, ma'am.

12 Q And the same individuals that you told me
13 about, Toshonda, Laquincy, P.J., and the girl was
14 present during that discussion.

15 A Yes, ma'am.

16 Q Now do you know whether or not that girl
17 whose name you don't know, do you know whether or
18 not she was living with Toshonda?

19 A Nah, she was watching her kids from time
20 to time.

21 Q Who was watching whose kids?

22 A The girl was watching Toshonda's kids from
23 time to time, as far as my understanding at that
24 time.

25 Q Tell us about about after P.J. told you

1 about the victim having a couple of pounds of
2 marijuana. Go ahead with in terms of the
3 discussion and what all took place.

4 A So whenever he was telling us, he was
5 telling us, you know, whenever we go in there,
6 where the dude's bedroom was at. You know, where
7 the light switch was at. And just telling us what
8 to do whenever we got him to walk him across the
9 street to go get the drugs out of the barn or
10 whatever.

11 Q You all were you supposed to walk somebody
12 across the street?

13 A Yeah, we were supposed to walk the girl
14 and the victim across the street.

15 Q What girl were you all supposed to walk
16 across the street?

17 A It was P.J.'s wife's sister.

18 Q Okay. The victim's girlfriend?

19 A Yes, ma'am.

20 Q So P.J. knew that victim's girlfriend
21 would be in the house?

22 A Yes, ma'am.

23 Q And you all were supposed to walk him and
24 her across the street.

25 A Yes, ma'am.

1 Q And get the drugs and then do what?

2 A That was it. Once we had the drugs and
3 the money, we were just supposed to leave. Wasn't
4 nobody supposed to get hurt.

5 Q Tell us what happened next.

6 A Well whenever he laid everything out that
7 we were supposed to do and what not, whenever he
8 had found out it safe to go ahead and go, that
9 night, that night we had rode to Hemingway; me,
10 Toshonda, Scrap, and the girl that was in the car
11 that I said had watched Toshonda's kids, we all
12 rode to Hemingway.

13 Q Who was driving?

14 A Toshonda.

15 Q Toshonda was driving?

16 A Yes, ma'am.

17 Q How did you all get, what kind of car was
18 she driving?

19 A She was in a rental car.

20 Q A rental car?

21 A Yes, ma'am.

22 Q Do you remember what color it was?

23 A It was silver.

24 Q Do you know where she got the car from?

25 A No, ma'am.

1 Q So you, Toshonda, the girl who would
2 babysit the kids, P.J. and Scrap got in the car
3 and drove where?

4 A To Hemingway.

5 Q I am going to publish what's previously
6 been admitted as State's Exhibit No. 7. Is that
7 the vehicle you all were in?

8 A Yes, ma'am.

9 Q Now when you all were riding down to
10 Hemingway, do you recall how long it took you all
11 to get there?

12 A Not really, I wasn't keeping up with the
13 time.

14 Q Where were you at in the vehicle when you
15 all rode down the first time?

16 A I was in the back set.

17 Q Behind the driver or behind the passenger?

18 A Behind the driver, Toshonda.

19 Q Behind Toshonda. Who was in the front
20 passenger seat?

21 A P.J.

22 Q Who was in the back of the vehicle?

23 A Me, Scrap and the girl.

24 Q And tell me what happened, what was the
25 discussion when you all were driving down to

1 Hemingway?

2 A It really wasn't too much talking. It
3 wasn't -- it really wasn't too much talking
4 involved. We were just waiting to get there or
5 whatever.

6 Q Okay. When Toshonda drove down to
7 Hemingway that night, did she know what was going
8 on?

9 A Yes, ma'am.

10 Q Was she a part of the plan?

11 A Yes, ma'am.

12 Q When Scrap was in the vehicle that day,
13 Mr. Laquincy Williams, did he know what was going
14 on?

15 A Yes, ma'am.

16 Q Was he part of the plan?

17 A Yes, ma'am.

18 Q When you were in the vehicle driving down
19 to Hemingway, you knew what was going on?

20 A Yes, ma'am.

21 Q You were part of the plan?

22 A Yes, ma'am.

23 Q The same thing holds true for P.J.?

24 A Yes, ma'am.

25 Q Tell us what happened when you got to

1 Hemingway?

2 A Whatever we got to Hemingway, I don't
3 really know my way around Hemingway. But I know
4 that we came to a street, you know, and we got
5 out. We got out and walked down the street.
6 Whenever we had walked down the street, we had
7 talked to the victim. We had stopped there. We
8 had talked to the victim.

9 Q Hold on. When you got to Hemingway, did
10 you make any stops before going and talking with
11 the victim?

12 A No, ma'am.

13 Q Everybody was in the car?

14 A Yes, ma'am.

15 Q At what point and time, did you and Scrap
16 get out of the car to actually talk to the victim?

17 A I mean when we got to Hemingway, and we
18 pulled up to a street, we had got out.

19 Q Okay. Did you, were you parked, did you
20 park or did Toshonda park in front of the victim's
21 house or?

22 A No, it was like, where the victim's house
23 had been at, down that street at the stop sign,
24 that's where she let us out.

25 Q Who let you out, Toshonda?

1 A She was driving the car.

2 Q Where was P.J.?

3 A P.J., he was in the passenger's seat.

4 Q P.J. was in the passenger seat when you
5 and Scrap went to talk with the victim?

6 A Yes, ma'am.

7 Q Where was the other girl at?

8 A She was still in the back seat.

9 Q And how long did you all, or how far did
10 you all have to walk from where Toshonda let you
11 out, to where you all went and you and Scrap
12 talked with the victim?

13 A Nothing but a couple of minutes.

14 Q If you were standing in the victim's front
15 yard, could you see the car that Toshonda was
16 driving and where it had stopped to let you all
17 out?

18 A I mean to tell you the truth, it was dark.
19 So I really wouldn't know.

20 Q I understand. What time was it when you
21 all went down there the first time?

22 A I would say about 9 or 10.

23 Q Okay. Tell me as you and Scrap get out of
24 the vehicle, do either one of you all have
25 weapons?

1 A Yeah, we both do.

2 Q You all both had weapons?

3 A Yes, ma'am.

4 Q What kind of weapon did you have?

5 A I had 380. It was a chrome 380.

6 Q It was a what now?

7 A A chrome 380.

8 Q A chrome this 380. That's a gun.

9 A Yes, ma'am.

10 Q And what kind of weapon did Scrap have?

11 A I am thinking it was a 40 caliber.

12 Q Okay. Where did you all get those guns

13 from?

14 A I got mine from Scrap.

15 Q You got yours from Scrap?

16 A It was originally P.J.'s gun.

17 Q Okay. But Scrap actually handed it to

18 you?

19 A Yes, ma'am.

20 Q So you all get out of the car after

21 Toshonda drops you off. And then tell us what

22 happened next.

23 A So we walked up and we talked to the

24 victim and whatever, and him and Scrap were having

25 a conversation. And then he looked off and, you

1 know, Scrap wanted to go ahead and do it right
2 the, but I was terrified. I really didn't want to
3 do it right then.

4 Q Who wanted to? Scrap wanted to go ahead
5 and do what right then?

6 A Go ahead and stick to the plan that we had
7 set out from the first.

8 Q And that was to rob the victim?

9 A Yes, ma'am.

10 Q Go ahead.

11 A And, you know, I just wasn't up to do it
12 right then and there. So the dude, we stopped
13 talking to him and we went back down the road, and
14 got back in the car. When we got back in the car,
15 you know, we talked about it. And, you know, we
16 had talked to the dude. And then we rode around
17 Hemingway, I guess. We had road around Hemingway.
18 And then we decided, you know, we was going to go
19 ahead and go do it. You know, because we was
20 already down there. It wasn't no need to going
21 all the way back to Florence and then having to
22 come all the way back.

23 Q Okay.

24 A So I said okay then. You know, so we just
25 got dropped back off. And then we went around to

1 the back -- to the back of the house, to the back
2 of the victim's house and knocked on the door.

3 Q Let me ask you this. When you all went
4 the first time and you talked with the victim, you
5 said Scrap was talking with the to victim?

6 A Yes, ma'am.

7 Q Did the victim appear to know him or
8 recognize him, or did they refer to each other by
9 name.

10 A No, ma'am.

11 Q What was the conversation that scrap had
12 with the victim?

13 A I really, I really wasn't really paying
14 attention to the conversation.

15 Q Tell us about -- so the second time when
16 you all go back to the victim's house, you all
17 didn't leave Hemingway to go back to Florence.

18 A No, ma'am.

19 Q So the other girl and just for the record,
20 and I will represent to you that that girl's name
21 is Juandalyn. Okay. So all of the people were
22 still in the car when you all back the second
23 time.

24 A Yes. I mean, we got back in the car and
25 we got back out.

1 Q Right. This is while you were still in
2 Hemingway. You all had not left Hemingway.

3 A Yes, ma'am.

4 Q Tell us about that time.

5 A We walked around. We walked around the
6 back. Scrap knocked on the door. Scrap was
7 acting like he was going to buy something from the
8 dude. You know, so the dude was like, you know,
9 he ain't doing nothing else for the night. You
10 know, maybe come back however in the morning or
11 whatever. So I was telling Scrap, you know, this
12 ain't no good idea probably. .Even if he did come
13 to the door, it wasn't not way that we could get
14 up there. You know, what I mean, because he ain't
15 even have no steps going up the back.

16 Q Okay.

17 A So after that right there, we got back in
18 the car, and rode back to Toshonda's house.

19 Q Now at the time when you went and you and
20 Scrap were at the victim's back door, where was
21 Toshonda, P.J. and Juandalyn?

22 A They been, I guess, they had done rode
23 around or something, you know, so they wouldn't
24 look suspicious.

25 Q Okay. They were not there within eyesight

1 of where the victim's house was when you all went
2 up to the back door.

3 A No, ma'am.

4 Q Now when you all went this time, did you
5 and Scrap also have the same guns.

6 A Yes, ma'am.

7 Q Tell us on the ride back to Florence, what
8 was the conversation?

9 A I can't even really remember that
10 conversation on my way going back.

11 Q Okay.

12 A We was just like, we were just going to
13 come back later.

14 Q Did Scrap agree to come back later?

15 A Yes, ma'am.

16 Q Did P.J agree to come back later?

17 A Yes, ma'am.

18 Q Did Toshonda agree to drive you all back
19 later?

20 A Yes, ma'am.

21 Q Tell us what happened once you all go back
22 to Florence?

23 A Whenever we got back to Florence, you
24 know, we just sat down and had smoked a little
25 bit.

1 Q Smoked a little bit of what?
2 A Of reefer. Weed.
3 Q Marijuana?
4 A Yes, ma'am.
5 Q Who all was smoking marijuana?
6 A All of us.
7 Q Toshonda?
8 A Yes, ma'am.
9 Q Juandalyn? The girl?
10 A I mean, I am not sure. I am not sure if
11 she was smoking.
12 Q You were smoking?
13 A Yes, ma'am.
14 Q P.J. and Scrap were smoking?
15 A Yes, ma'am.
16 Q Tell us what happened.
17 A And so we just really, we just really
18 chilled. And we was like, early in the morning we
19 are going to go. You know, like real early in the
20 morning so that way we he'd be asleep. You know,
21 we just go through the front door or whatever.
22 And so later on night whenever it became the
23 morning time or whatever, you know, I'll say
24 probably five or something like that or maybe even
25 four, we started working our way back. We all got

1 back in the car and we went to Hemingway.

2 Q Okay.

3 A Whenever we got to Hemingway, they dropped
4 us off behind his house on like a dirt, rocky road
5 or whatever.

6 Q Let me ask you this. When you say you all
7 went back to Hemingway, who is you all, all, who
8 are you talking about when you say, you all?

9 A Well---

10 Q We all?

11 A ---only me, P.J., Toshonda and Scrap went
12 back the second time.

13 Q Juandalyn didn't go back that time.

14 A No, ma'am.

15 Q She stayed in Florence?

16 A Yes, ma'am.

17 Q And when you got back that time, who got
18 out of the car to go to the back of the victim's
19 house?

20 A No, ain't nobody go to the back of the
21 victim's house that time.

22 Q I'm sorry. Who got out and went to the
23 front of the victim's house?

24 A Me and Scrap.

25 Q Did you have your gun with you?

1 A Yes, ma'am.

2 Q Did Scrap have his gun with him?

3 A Yes, ma'am.

4 Q Tell us what happened when you all got
5 there.

6 A Well whenever we got there, the screen
7 door was locked. So, you know, we got the screen
8 door open.

9 Q How did you get the screen door open?

10 A I mean I just pulled it open.

11 Q Okay. Who did that, you or Scrap?

12 A Scrap pulled the screen door open.

13 Q Then what happened?

14 A And then he bumped the door, and then we
15 went in there.

16 Q Okay. Then what happened?

17 A So whenever we got back to the back room,
18 I cut on the light because I remember P.J. said
19 the light was there. I cut on the light, and the
20 victim got out of the bed because he was scared.
21 Scrap hit him in the head and he fell to the
22 floor.

23 Q You say the victim got out of the bed.

24 Was there anybody in the bed with him?

25 A Oh, whenever we was running through the

1 house, we was screaming out police.

2 Q Say again now.

3 A Whenever we was running through the house,
4 we were yelling out police.

5 Q You and Scrap were yelling police; is that
6 right?

7 A Yes, ma'am.

8 Q Who was in the bed if anybody with victim,
9 at the time you all ran in the house?

10 A It was a girl in the bed with him.

11 Q Did you know her?

12 A No, ma'am.

13 Q Did P.J. give you any instructions about
14 what to do or not to do to her, to the girl in the
15 bed?

16 A No, ma'am.

17 Q You said, the victim, you all ran down the
18 hall, and you went into the bedroom. The victim
19 did what now?

20 A He got up out of the bed, and he came
21 like, he came towards us.

22 Q Okay.

23 A And Scrap hit him in the head. Whenever
24 Scrap hit him in the head with the gun, he had
25 fell to the floor. Whenever he had fell to the

1 floor, Scrap jumped on the bed. And the girl that
2 was in the bed with him, he had put the gun to the
3 back of her head, asking her where the money was
4 at. I don't where the victim had came up with a
5 gun from somewhere, because had hadn't had one
6 whenever he jumped out of the bed. He must have
7 gotten it from under the bed or something.

8 Q Okay.

9 A And then he turned around and shot me two
10 times in my chest.

11 Q Okay.

12 A Whenever he had shot me, I jumped on the
13 bed and started yelling to Scrap that he had been
14 shooting me. So whenever I been on the bed, Scrap
15 must have had done came off the back of the bed,
16 and jumped down there and got the gun from the
17 victim. I guess they were wrestling over it or
18 something, and then Scrap started shooting him.

19 Q He started shooting who?

20 A He started shooting the victim.

21 Q Okay. Then what happened?

22 A So whenever that was going on, I was
23 trying to get out of the room. So I went, I got
24 off the bed the same way Scrap must have get off
25 the bed. So I had to come all the way around

1 them. Whenever I had got off the bed, when Scrap
2 been shooting him, I had put my hands on Scrap and
3 Scrap turned around and shot me right here on my
4 chest.

5 Q Scrap shot you in the chest?

6 A Yes, ma'am.

7 Q With his gun or the victim's gun?

8 A With the victim's gun.

9 Q Was that on purpose?

10 A Nah.

11 Q Do you think it was accidental?

12 A Yes, ma'am.

13 Q Then what happened?

14 A Whenever he did that right there, that's
15 when I had ran out of the room. And so Scrap
16 still kept shooting him, because he was still
17 alive. And then I ran out and ran around and ran
18 around this, it's like this trail or whatever.
19 And then ran around back to the dirt road. And
20 then I laid on the dirt road. Scrap ran off from
21 around there, you know, talking to Toshonda.
22 Yelling at Toshonda on the phone to go ahead and
23 pick us or whatever; that he done had to shoot the
24 dude or whatever.

25 Q Okay. Slow down Gquan. So you're shot a

1 total of three times.

2 A Yes, ma'am.

3 Q You are shot twice by the victim; correct?

4 A Yes, ma'am.

5 Q And then you're shot a third time by

6 Scrap.

7 A Yes, ma'am.

8 Q Where are you on your body, where are you

9 shoot? Where at?

10 A I was shot right here on my side.

11 Q What are you pointing to? What part what
12 side are you pointing to, right or left side?

13 A My right side.

14 Q Where else are you shot.

15 A Right here above my heart. And right here
16 on my shoulder, my left shoulder.

17 Q Do you remember at which point and time
18 you got shot on your side?

19 A Yes, ma'am. That's whenever he started
20 shooting me.

21 Q Okay.

22 A The victim started shooting me.

23 Q I'm trying to figure out the order in
24 which you got the gunshots. The two to the -- one
25 to the chest and one to the shoulder, those came

1 from where? The one to the shoulder came from
2 where?

3 A The one from -- well the one in my side
4 and one on my shoulder came from the victim.

5 Q Okay. And the one near your heart came
6 from?

7 A Scrap.

8 Q Laquincy Williams?

9 A Yes, ma'am.

10 Q I am going to publish what's previously
11 been admitted as State's Exhibit No. 39. Is that
12 the shirt you were wearing when you got shot?

13 A Yes, ma'am. That's the jacket I had on.

14 Q As a result of being shoot in your side,
15 did that shirt have a bullet hole in it? That
16 jacket, I'm sorry. Not that shirt, that jacket.

17 A Yes, it had some bullet holes. I had the
18 jacket when I got shot.

19 Q I am going to publish what's been
20 previously admitted as State's Exhibit No. 40. Is
21 that the jacket you were wearing?

22 A Yes, ma'am.

23 Q What I am pointing to right here, is that
24 where you got shot in the side? Can you see that
25 from where you are or can you tell?

1 A Nah, it's just like that's on the wrong
2 side.

3 Q Let me bring it to up to you. Can you see
4 on that picture where you were shot at the side,
5 or where the bullet hole is?

6 A I couldn't tell where the bullet went in
7 at.

8 Q Sir, I am going to show what's previously
9 been admitted as State's Exhibit No. 146. Is this
10 the jacket that you were wearing that night?

11 A Yes, ma'am.

12 Q Can you see a gunshot bullet hole right
13 there?

14 A Yes, ma'am.

15 Q Does that look to be same one that's in
16 the picture right there?

17 A Yes, ma'am.

18 Q And that's State's Exhibit No. 40? Can
19 you smell this jacket from where you are?

20 A No, ma'am.

21 Q Can you smell it now?

22 A No, ma'am.

23 Q I am going to hand you what's already in
24 evidence. It's a belt. Is this your belt, or
25 was this your belt at the time?

1 A Yes, ma'am.

2 Q You were wearing it that night?

3 Mr. Henry, do you recognize these jeans?

4 A Yes, ma'am.

5 Q Whose jeans are these?

6 A Them are the ones I had on.

7 Q Can you smell the jeans from where you
8 are? No.

9 A No.

10 Q That's fine. After you are shot, you
11 said you leave the house?

12 A Yes, ma'am.

13 Q Was the victim still alive when you left?

14 A Whenever I ran out of the room, he was
15 still alive.

16 Q How do you know that?

17 A Because he was still yelling.

18 Q The victim was still yelling?

19 A Yes, ma'am.

20 Q What was he saying?

21 A I mean he was just yelling because he was
22 getting shot, so...

23 Q Did you ever see Scrap take any money or
24 anything from the victim while they were in the
25 room?

1 A No, ma'am.

2 Q If Scrap took money from the victim or the
3 girl who was in the bed, that would not have
4 happened in your presence? You wouldn't have been
5 there if that happened?

6 A No, ma'am.

7 Q Tell us where you went after you left the
8 house?

9 A I went -- I ran through this like path,
10 and went back to the dirt road; the little gravel
11 road they dropped us off on.

12 Q Do you remember what time of day or night
13 this was when you ran out of the house?

14 A It was early in the morning.

15 Q Was it completely dark outside? Or was
16 the sun coming up or what?

17 A I mean, the day was just breaking.

18 Q The day was just breaking. You all wasn't
19 worried about going up in somebody's house and
20 day breaking on a week day?

21 A I was just going along.

22 Q What did you do after you said you got out
23 of the house, you ran where?

24 A I ran through this path and went and laid
25 on the dirt road, the little gravel road.

1 Q How were you feeling when you ran out of
2 the house, and laid on the little gravel, the dirt
3 road?

4 A I really didn't have no feeling. I
5 thought I was going to die.

6 Q You thought you were going to die?

7 A Yes, ma'am.

8 Q Where was Scrap?

9 A He was -- whenever I went and laid around,
10 he wasn't around me.

11 Q Okay.

12 A A couple of minutes later that's whenever
13 he came around.

14 Q When you ran out of the house, did you
15 continue to hear gunshots?

16 A Well whenever I ran out of the room.

17 Q Did you continue to hear gunshots?

18 A Yes, ma'am.

19 Q When you were shot, what happened to your
20 gun?

21 A I still had it.

22 Q When you shot, did you take your gun out
23 of the house?

24 A Yes, ma'am. I had my gun the whole time.

25 Q And when you took your gun out of the

1 house, was Scrap still in possession of his gun?

2 Did he still have his gun?

3 A He had his gun and the victim's gun.

4 Q He had his gun and the victim's gun?

5 A Yes, ma'am.

6 Q How do you know that?

7 A Because the gun that he shot me with was
8 the victim's gun.

9 Q Did you see him with that gun after you
10 went out the house after you were shot? When you
11 all got back in the car, did he have two guns?

12 A I really wasn't paying attention.

13 Q How do you know Scrap got the victim's
14 gun?

15 A I mean he had told me he had got the gun.
16 I know I seen him whenever he grabbed the gun.

17 Q No, I'm talking about when you all went
18 back to Florence.

19 A How do I know he got the gun?

20 Q Yeah, how do you know he had -- Scrap had
21 the victim's gun?

22 A I mean he had the gun.

23 Q Okay. I mean, that's what I'm trying to
24 get at. You saw him with the victim's gun when
25 you all got back in the car on the way back to

1 Florence.

2 A I didn't really see, I mean, the only
3 time I see him with the gun whenever he turned
4 around and shot me with it.

5 Q I got you. You said that you said you
6 heard Scrap on the phone when he came out of the
7 house.

8 A Yes, ma'am.

9 Q Who was he talking to?

10 A Toshonda.

11 Q What did he tell Shonda?

12 MR. MCKNIGHT: Objection. Hearsay.

13 THE COURT: Overruled.

14 A He was telling her to come on, to come get
15 us or whatever. You know, to come get us now.

16 Q And after he had that call and told her to
17 come get us now, then what happened?

18 A Well he had to keep calling her and
19 telling her to come us, because P.J. was still
20 with her. And I guess -- I guess that he must
21 have went ahead and told them that he done had to
22 kill the dude or whatever, so P.J. was scared. So
23 I guess P.J. got her to drop him off before they
24 came and picked us up. Before she came back and
25 picked me and Scrap up.

1 Q So when Shonda came back and picked up you
2 and Scrap, P.J. was not in the car at that time.

3 A No, ma'am.

4 Q How did you get in the car? Did you
5 physically walk to the car?

6 A Nah, Scrap helped me in the car.

7 Q He picked you up off the ground?

8 A Yes, ma'am.

9 Q What happened when you got to the car?

10 A We got in the car. We rode off. And I
11 had my head down I was laying in the back seat,
12 so I didn't really see what was going on. And
13 then we picked P.J. back up.

14 Q Do you know whether or not, do you know
15 where you all picked P.J. up from?

16 A No, ma'am.

17 Q Where were you seated in the car when you
18 got back in the car after being shot?

19 A I was seated behind Toshonda.

20 Q Okay.

21 A I was laying across the back seat.

22 Q What was the conversation in the vehicle
23 after you got shot, got back in the vehicle, and
24 while you all were going to pick up P.J.?

25 A Well, P.J. was right, I'm thinking he was

1 right down the street or something.

2 Q Okay.

3 A So I mean it wasn't long before we had
4 picked him up.

5 Q I got you.

6 A So as soon as P. J. got in the car or
7 whatever, you know, Scrap was telling him that he
8 had to kill the dude. So P.J. was like, nah,
9 because P.J. knew that they were going to try to
10 put the blame on him or whatever for whatever
11 happened.

12 Q Okay.

13 A So Shonda was like, you know, how much
14 money did you get.

15 Q Shonda said what?

16 A How much money did Scrap get.

17 Q Shonda asked Scrap how much money he got?

18 A Yes, ma'am.

19 Q Then what did he say?

20 A So he passed the money up front. And P.J.
21 must have counted the money or something and told
22 him about. And so they just started arguing about
23 that was all they got. It wasn't a lot of money.

24 Q They were arguing because it wasn't a lot
25 of money.

1 A Yes, ma'am.

2 Q So if somebody died and it wasn't a lot of
3 money to be worth it, I guess.

4 A Yes, ma'am.

5 MR. MCKNIGHT: Objection that calls for
6 speculation.

7 THE COURT: Sustained.

8 MR. MCKNIGHT: Move to strike, please,
9 Your Honor.

10 THE COURT: Move to strike. Strike that.

11 Q What happens next?

12 A So after that right there, you know, they
13 keep arguing. Arguing and whatever. And on our
14 way going, you know, they were trying to tell me,
15 don't say nothing. And this and that. And was
16 telling me what to tell the police whenever I had
17 got to the hospital or whatever.

18 Q Why didn't you go the hospital here in
19 Kingstree or a local hospital?

20 A Because they said the police would know.
21 So to go ahead and take me all the way to
22 Florence.

23 Q What did they tell you to tell the police?

24 A That somebody tried to rob me---

25 MR. MCKNIGHT: Objection.

1 A ---,you know.

2 MR. MCKNIGHT: That's hearsay.

3 MS. BARR: Co-conspirator statement.

4 THE COURT: Co-conspirator statement under
5 801 (b)2. Go ahead.

6 MR. MCKNIGHT: I'm sorry, Your Honor. You
7 said it was under 80 what now?

8 THE COURT: Under 801 (b) -- excuse me (d)
9 2 (E).

10 MR. MCKNIGHT: Thank you, sir.

11 MS. BARR: And, Judge, we would take the
12 position not only is it a co-conspirator
13 statement, it is a statement against penal
14 interests, as well as presence sense impression.

15 Q Sir, they told you to say what when you
16 got to Florence?

17 A They were telling me to tell the police
18 that, you know, somebody tried to rob me or
19 whatever. You know, that we had just pulled up
20 and just started shooting or whatever. Telling me
21 to get up.

22 Q Do you how long it took you to get back to
23 Florence?

24 A No, ma'am.

25 Q Did you all make any stops between after

1 picking P.J. up, and going to the hospital in
2 Florence?

3 A Yes, ma'am. We had, whenever we got back
4 to Florence, instead of going straight to the
5 hospital, we stopped by Shonda's house. And Scrap
6 ran in there and hid the weapons or whatever.

7 Q The 380 that you were carrying, did Scrap
8 hid that weapon at Shonda's house?

9 A He had all of them.

10 Q Now all of them, when you talk about all
11 of them, which all of them are you talking about?

12 A He had mine. He had his, and he got the
13 victim's gun.

14 Q How long were you all at Shonda's house
15 when Scrap dropped off the weapons?

16 A He just ran in there and put them up. I
17 mean it was like he was in there maybe 10 seconds
18 or something. He just ran in there and ran right
19 back out.

20 Q Was P.J. in the car when Scrap came back
21 out of the house?

22 A Yes, ma'am.

23 Q Was Shonda still driving the vehicle?

24 A Yes, ma'am.

25 Q And Scrap came back and got back in the

1 vehicle.

2 A Yes, ma'am.

3 Q And other than that one stop in Shonda's
4 house or at Shonda's house to hid the weapons,
5 were there any other stops?

6 A No, ma'am, except to the hospital.

7 Q And when you say the hospital, are you
8 talking about McLeod Hospital?

9 A Yes, ma'am.

10 Q Tell us what happened when you got to
11 McLeod.

12 A Whenever we pulled up at McLeod's, Scrap
13 ran in there and told them that I was shot or
14 whatever. And then they came---

15 Q Scrap went in there and told the people at
16 McLeod that.

17 A Yes, ma'am.

18 Q Okay.

19 A So he went in there and told the people,
20 you know, that I'm shot or whatever. Whenever the
21 people came out, you know, they wanted to see
22 where I was shot at before they even pulled me out
23 of the car. So they had pulled up my shirt up or
24 whatever.

25 Q Okay. And then what happened?

1 A I mean, then they pulled me out of the car
2 and put me in a wheelchair and rolled me in the
3 hospital.

4 Q After the people at the McLeod, and this
5 was a nurse I guess, or some medical person at the
6 hospital.

7 A Yes.

8 Q After they took you out of the vehicle,
9 did Shonda stay with you?

10 A No, ma'am.

11 Q At the hospital?

12 A No, ma'am.

13 Q Did P.J. stay with you at the hospital?

14 A No, ma'am.

15 Q Did Scrap stay with you at the hospital?

16 A No, ma'am.

17 Q What happened after you got to the
18 hospital? After the people rolled you in?

19 A I mean, the police had asked me questions
20 about what happened. And I told the police what
21 they told me to tell me.

22 Q And what is that what you told the police?

23 A I told them that somebody had robbed me.
24 Somebody just pulled up and just told me to get up
25 and started shooting.

1 Q Where did you tell them that happened at?

2 A I am not sure of the exact street. I
3 wouldn't remember.

4 Q Did you have surgery?

5 A Yes, ma'am.

6 Q I am going to publish what's previously
7 been admitted as State's Exhibit No. 36. Is that
8 you at the hospital?

9 A Yes, ma'am.

10 Q I am going to publish State's 35. Is that
11 you at the hospital?

12 A Yes, ma'am.

13 Q Based on that area in the victim's bedroom
14 where you the victim was shot, and where you were
15 shot, were you close enough to the victim to get
16 his blood on you, if you know?

17 A I mean, yeah. Yes, ma'am.

18 Q Did scrap have a car?

19 A No, ma'am.

20 Q Did P.J. have a car? A vehicle?

21 A He had a truck, a burgundy truck.

22 Q Why didn't you all take the truck down
23 there? Why did Shonda rent a vehicle?

24 A I mean she always kept a rental car.

25 Q She always kept a rental car?

1 A Yes, ma'am.

2 Q Do you know why?

3 A That was her way of getting around.

4 Q How long were you at McLeod?

5 A I am not sure.

6 Q If I told you that there has been
7 testimony that a 911 call came in from McLeod at
8 about 9:45 in the morning, would that have around
9 the time you got to McLeod?

10 A Possibly.

11 Q And I am sorry, when you arrived at
12 McLeod, you've already told me, well and I may not
13 have been specific. The clothes that we saw in
14 the exhibit, and specifically, I think that's
15 State's No. 149, that jacket, that was the same
16 jacket that you were wearing at the time you got
17 shot?

18 A Yes, ma'am.

19 Q The belt, was that the same belt you were
20 wearing at the time you got shot?

21 A I really don't even remember having on
22 that belt.

23 Q What about the jeans?

24 A Yes, ma'am.

25 Q And those items were collected from

1 McLeod. Did you -- what happened to your shoes?

2 A Scrap took my shoes before I got to the
3 hospital.

4 Q Scrap took your shoes?

5 A Before I got to the hospital.

6 Q What kind of shoes were you wearing?

7 A Some white air force.

8 Q Some white air force?

9 A Yes, ma'am.

10 Q Why did Scrap take your shoes before you
11 go to the hospital?

12 A Because they had blood on them.

13 Q So when you arrived at the hospital, you
14 were fully clothed except for a pair of shoes?

15 A Yes, ma'am.

16 Q When did you get out of the hospital? If
17 this happened on November 2nd, when did you get
18 out?

19 A I am sure of the exact day I got out.

20 Q While you were in the hospital, at any
21 point and time up until the time you were
22 released, did you -- did Shonda ever come see you
23 in the hospital?

24 A No, ma'am.

25 Q Did P.J. ever come see you in the

1 hospital?

2 A No, ma'am.

3 Q Did Scrap ever come see you in the
4 hospital?

5 A No, ma'am.

6 Q What about your mother?

7 A Yes, ma'am.

8 Q She was there? Did you tell your mother
9 how you got shot for real?

10 A No, ma'am.

11 Q Why didn't you tell your mother?

12 A I just didn't.

13 Q Where did you go after you got out of the
14 hospital?

15 A I went back to my mamma's house.

16 Q At any point and time, did you ever go
17 back Shonda's house after you got out of the
18 hospital?

19 A Yes, ma'am.

20 Q Tell me what happened when you went back
21 to Shonda's house.

22 A When I got back to Shonda's house and her
23 and the girl was there.

24 Q That's Juandalyn?

25 A Yes, ma'am.

1 Q Okay.

2 A And they were just asking me what happened
3 and all. And I had told the story about what
4 happened. And they wanted to see where I had got
5 shot up at, and I just showed them all my gunshots
6 and everything.

7 Q When they asked you about what happened
8 are they -- did they -- were they talking about
9 how you got shot, or what happened while you were
10 in hospital?

11 A Well they were talking about all kind of
12 stuff. They were telling me how Scrap was feeling
13 bad because he knew he had shot me.

14 Q Scrap was feeling bad about shooting you?

15 A Yes, ma'am.

16 Q When you were released from the hospital,
17 did your mother pick you up?

18 A Yes, ma'am.

19 Q You didn't come into the hospital with any
20 shoes. When you left the hospital, what were you
21 wearing?

22 A I had some bedroom shoes.

23 Q Who bought you the bedroom shoes?

24 A My mamma.

25 Q Did you ever have a conversation with

1 Shonda or Scrap or P.J. about the shoes once you
2 got out of the hospital?

3 A Yes, ma'am.

4 Q Tell me what that conversation was.

5 A I had wanted some shoes, and they wouldn't
6 buy them.

7 Q You wanted some shoes?

8 A Yes, ma'am.

9 Q And they wouldn't buy them?

10 A Yes, ma'am.

11 Q How long did you stay at Shonda's house
12 after you were released from the hospital?

13 A Just then.

14 Q Just that one time?

15 A Yes, ma'am.

16 Q Did you stay over night?

17 A Yes, ma'am.

18 Q Did you want to stay longer than that?

19 A Not really.

20 Q How did they treat you once you got out of
21 the hospital?

22 A Like they didn't really trust me.

23 Q Did they tell you that -- did Shonda tell
24 you that she talked to the police in Florence?

25 A She said the police had came to her house

1 and questioned her.

2 Q How tall are you, Gquan?

3 A Almost 6-foot.

4 Q Will you come stand next to me?

5 (Witness steps down the witness stand.)

6 Q And this is kind of at an angle, so go
7 back over there. And I have got on heels. So,
8 okay. Have a seat.

9 (Witness resumes the witness stand.)

10 Q After the shooting at the victim's house
11 in Hemingway, did anybody make any threats?

12 A I mean, yeah. They were trying to tell
13 me, you know, I better not say nothing.

14 Q Who was saying that?

15 A Everybody in the car.

16 Q Did they tell you what would happen if you
17 told the truth?

18 A I mean, yeah. I mean that just comes with
19 it. You better not say nothing.

20 Q And what happens if you say something?

21 A I mean honestly the same thing would
22 happen to me that happened to the victim.

23 MR. MCKNIGHT: Objection. That response
24 is speculative, Your Honor.

25 MR. GRIFFITH: Object.

1 THE COURT: Sustained.

2 MR. MCKNIGHT: Move to strike.

3 THE COURT: The witness' statement will be
4 stricken. You may rephrase your question.

5 Q Guan, what did you think they would do to
6 you if you told what happened?

7 A I thought they wouldn't have a problem
8 killing me. I know Scrap wouldn't, because he is
9 that type of person.

10 Q Let me ask you this. How long were in
11 Florence after the shooting?

12 A I wasn't in Florence too much longer after
13 that.

14 Q Did you to move and your mom move from
15 Florence?

16 A Yes, ma'am.

17 Q And you all you moved back to Anderson?

18 A Yes, ma'am.

19 Q When you had the surgery at McLeod, did
20 they remove all the bullets.

21 A No, ma'am.

22 Q How many bullets did they remove?

23 A Well the third one went through and came
24 out. Well one of them had went through and came
25 out. I still had two in my back.

1 Q And how long did you keep those two
2 bullets in your body?

3 A Like maybe a year and some change
4 afterward.

5 Q Why did you have them removed?

6 A Because they was coming to the surface and
7 they started to become a problem.

8 Q You could see them underneath your skin?

9 A Yes.

10 Q Were they were bothering you?

11 A Yes, ma'am.

12 Q What point and time did you ever tell law
13 enforcement about what really happened in
14 Hemingway on November 2nd 2007?

15 A It was like 3 years later.

16 Q September of 2010?

17 MR. MCKNIGHT: Objection. Leading.

18 THE COURT: Overruled.

19 A Whenever the police had picked me up and
20 questioned me, I just went ahead and told the
21 truth because I wanted to get it off my chest. I
22 knew one day it would pop up, so I was ready to
23 get it over with.

24 Q They came to Anderson and picked you up?

25 A Yes, ma'am.

1 Q And brought you here to Williamsburg
2 County?

3 A Yes, ma'am.

4 Q Do you remember talking with this lady
5 here at the prosecution table, Investigator Lail?

6 A Yes, ma'am.

7 Q Did you also give them the bullets that
8 you removed from your body?

9 A I didn't have them at that time, but I had
10 called my mamma and told my mamma to bring them.

11 Q When they were removed from your body that
12 was while you were in Anderson---

13 A Yes, ma'am.

14 Q ---Hospital?

15 A Yes, ma'am.

16 Q You took them home with you from the
17 hospital?

18 A Yes, ma'am.

19 Q Why did you keep them?

20 A I just kept them.

21 Q Why?

22 A I ain't sure.

23 Q When you were interviewed by Investigator
24 Lail, what was your demeanor like when you were
25 talking to her and talking with the sled officer

1 about what happened?

2 A I mean I was just scared. I mean....

3 Q Were you talking like you and I are
4 talking right now?

5 A No, ma'am.

6 Q What were you doing?

7 A I was really crying.

8 MS. BARR: Please answer any questions
9 that the defense counsel or the court has.

10 THE COURT: Mr. McKnight.

11 MR. MCKNIGHT: Thank you, Your Honor. May
12 it please the court.

13 THE COURT: Yes, sir.

14 Cross Examination by Mr. McKnight:

15 Q Mr. Henry, good afternoon.

16 A Good afternoon.

17 Q I am Cesar McKnight. I am going to ask
18 you some questions. And I need you to speak up.
19 And if any time you can't understand me, ask me to
20 clarify and I'll do so, okay. Where do you live
21 right now?

22 A Well since I have been locked up, my mamma
23 moved. So....

24 Q You live in the Williamsburg County
25 Detention Center; do you not?

James Gquan Henry-Cross by McKnight

1 A Yes, sir.

2 Q Do you wear those clothes there every
3 day?

4 A No, sir.

5 Q You got them on just for trial; right?

6 A Yes, sir.

7 Q Normally you wear a prison jumpsuit;
8 right?

9 A Yes, sir.

10 Q And it says WC, Williamsburg County
11 Sheriff's Department. WCSD. It says that on the
12 front, right? Or on the back?

13 A A lot of them don't have it on there.

14 Q But it's orange.

15 A Yes, sir.

16 Q Okay. Now when you gave your statement to
17 Investigator Lail, the lady here, there was
18 somebody else with her; wasn't there?

19 A Yes, sir.

20 Q Who was that?

21 A Vincent Flamini.

22 Q And which agency is he with?

23 A FBI.

24 Q He's not with sled. He's with the FBI; is
25 he not?

James Gquan Henry-Cross by McKnight

1 A Yes, sir.

2 Q Did they tell you or promise you that for
3 your cooperation in this case, they wouldn't take
4 your case federal?

5 A No, sir.

6 Q Do you recall giving them a statement?
7 Sir?

8 A Yes, sir.

9 Q You do?

10 A Yes, sir.

11 Q And do you know that that statement was
12 taped?

13 A Yes, sir.

14 Q And are you aware that there's a
15 transcript of it?

16 A Yes, sir.

17 Q Did they make you any promises with regard
18 to that, to your cooperation in this matter?

19 A No, sir.

20 MR. MCKNIGHT: Permission to approach the
21 witness Your Honor?

22 THE COURT: You may.

23 Q I am going to hand you, I am going to
24 show you something here. Do you recognize, do you
25 recall giving a statement?

James Gquan Henry-Cross by McKnight

1 A Yes, sir.

2 Q And was there anybody else in there
3 besides Ms. Lail?

4 A Officer Vince.

5 Q And who else?

6 A That was it.

7 Q Do you recognize that lady there? You see
8 her sitting there?

9 A Yes, sir.

10 Q Was she there?

11 A No, sir.

12 Q She wasn't?

13 A No, sir.

14 Q Now do you recall signing, pardon me, a
15 miranda form? Where they told you, do you
16 understand your rights. Do you recall signing
17 that?

18 A Yes, sir.

19 Q I need for you to read for me on
20 page 3 starting at line 14 and ending at line 20.

21 MS. BARR: Your Honor, we would object to
22 the extent that counsel is asking the witness to
23 just read. That's not a proper foundation for a
24 statement. I think if you have to ask him if he
25 remembers the statement. If he denies it, then he

James Gquan Henry-Cross by McKnight

1 can impeach it. He can't just have him read.

2 MR. MCKNIGHT: I asked him did he remember
3 the statement. He said yes. I asked him was it
4 video -- was it audio taped. He said yes.

5 MS. BARR: But, Judge, he's got to give
6 him the opportunity to read it to himself to see
7 if that refreshes his memory before he reads it
8 out loud.

9 MR. MCKNIGHT: Thank you, I'm sorry.
10 Pardon me.

11 Q Could you read on page 3, starting at 14
12 and going all the way to line 20. Take your time
13 and read that and tell me if that refreshes your
14 memory.

15 A Yes, sir.

16 Q It does.

17 A I mean at that time right there, I was
18 scared. You know, I really wasn't paying
19 attention to the conversation.

20 Q I understand. But do you recall that?
21 Does that refresh your memory?

22 A I recall them telling me that I didn't
23 have to talk to them.

24 Q Okay.

25 A And I said....

James Gquan Henry-Cross by McKnight

1 Q Fair enough. So then, do you or do you
2 not recall giving this statement? Do you remember
3 what you just read?

4 A I don't recall giving the statement.

5 Q Please read for me page 3. Starting on
6 line 14, and I would like you to end on line 20.
7 Please read. Start reading out loud.

8 MS. BARR: And, Judge, if I may ask that
9 in terms of directing the witness, we would ask
10 that so the record is clear, that it be noted
11 where the question is that's posed to the witness,
12 and that it separately be noted what the answer
13 is.

14 THE COURT: Well I'll let you go back on
15 redirect and clarify that.

16 Q Let me clarify for you, because Ms. Barr
17 interrupted. We're back on page 3. We're going
18 to start on line 14. And we're going to end
19 with -- we're going to start with a question at
20 14, and end the answer on line 20. Please read
21 that out loud.

22 A And that's what we will explain to you,
23 but we can't discuss it with you until you sign
24 your miranda that you wish to talk to us
25 concerning these charges. Or write your answer

James Gquan Henry-Cross by McKnight

1 being yes. Is that right, that you do wish to
2 talk to us concerning these charges. Put your
3 initials by it. When I come back, you all will
4 put me on special.

5 Q Is that what you said, when you all come
6 back you all can put me on special? Is that what
7 you said or you don't recall that?

8 A You all come back and put me on special, I
9 don't even know what that means.

10 Q Okay. I got you. Now you also said in
11 your statement, you said that they never promised
12 you anything.

13 A Yes, sir.

14 Q I am going to ask you to read first on
15 line, read on page 4 line 20 extending to page 5,
16 ending on line 4. I need you to read that first,
17 and tell me if you recall that.

18 A Read from---

19 Q Line 20; yes, sir. On page 4 and then go
20 all the way to page 5 and down to line 5. Read
21 that and tell me if you recall.

22 A These things is, if you help these things
23 is, if you help us, we can help you, please. But
24 the important thing is, if you tell the truth. I
25 am going to tell the whole truth. If you tell the

James Gquan Henry-Cross by McKnight

1 truth we can tell help. We can do a lot for you.
2 But if you do not tell the truth then my hands
3 will be tied, because they are going to start
4 looking at what you are saying. And it won't add
5 up. And later I don't think he is not telling the
6 truth. I will tell you the whole truth about
7 everything. Everything but, every bit. I just
8 had a son. And I mean, I didn't kill nobody.

9 Q Thank you. Now is it still your testimony
10 that you were not promised that this case would
11 stay in state court and not go to federal court?

12 A I was never promised that.

13 MR. MCKNIGHT: Permission to approach to
14 witness, Your Honor?

15 THE COURT: You may.

16 Q I am referring to page 5. I would like
17 for you to read line 8, and see if it refreshes
18 your recollection. Read line 8 and then go to
19 line 19. See if that refreshes your
20 recollection.

21 A You are a lucky man, because this is one
22 of the most important days of your life, honestly.
23 But the fact that you were only 16 when this
24 occurred, then to me we are charging you in
25 federal court. And in federal court if you get 20

James Gquan Henry-Cross by McKnight

1 years or 30 years or 50 years or whatever it is,
2 you have got to do it. The fact that you are in
3 the state court, that is going to help you out.
4 And of course we will be telling -- talking with
5 the solicitor as long as you cooperate and tell
6 the truth.

7 Q So is it still your testimony that you
8 didn't get promised anything?

9 A I didn't get promised nothing.

10 Q I want you to begin at line No. 23.

11 A Yes, sir.

12 Q On page 6. And then I want you to read
13 until page 6, over on page 7 from line 1 through
14 page 10. So read from 23 everything until and
15 then tell me if that refreshes your recollection.

16 A All these guys---

17 MS. BARR: And, Judge, we would---

18 THE COURT: Yes. You are supposed to read
19 it silently first.

20 Q Let me know when you are finished. Are
21 you finished?

22 A Yes, sir.

23 Q Do you recall that?

24 A I just recall giving my statement. I mean
25 I was out of it.

James Gquan Henry-Cross by McKnight

1 Q I understand. But is that your statement?

2

3 A I don't remember. I don't remember saying
4 that.

5 Q So is your testimony here under oath that
6 you don't recall indicating to Investigator Lail
7 and FBI Agent Flamini, that you were going to help
8 them?

9 A I just told the truth.

10 MS. BARR: Judge, that's not---

11 A I just told the truth. They had told me
12 that I didn't have to speak with them; that I
13 could have my attorney present during this time I
14 needed to talk to them. And I said, nah, just let
15 them go ahead and talk to me.

16 Q Now do you recall telling them that you
17 will do whatever you got to do?

18 A Do whatever I got to do?

19 Q Yes. Do you recall telling Agent Flamini
20 that you will do whatever you got to do? I'll do
21 whatever we've got to do. No, I'm sorry, excuse
22 me. Do you recall him telling you, I'll do
23 whatever we got to do. You don't recall that.

24 A No.

25 Q Okay. Now who is Dog?

James Gquan Henry-Cross by McKnight

1 A Dog was P.J.

2 Q Was P.J. with you during the robbery?

3 A No, sir.

4 Q You don't recall giving a statement to law
5 enforcement in which you said P.J. pushed the door
6 open and pushed you in.

7 A No, sir.

8 Q Page 18 line 5 please read from line 3 to
9 line 8. And you're saying Black is P.J.; correct?
10 Is that correct?

11 A I don't know no Black.

12 Q You don't know no Black?

13 A No.

14 Q So read that statement.

15 A You said 3 through 8?

16 Q Yes, sir. Read 3 to 8. You don't recall
17 that?

18 A Yeah, but I never said no Black.

19 Q Okay, you never said Black. So you don't
20 recall saying, it wasn't hard to open at all. I
21 don't know. And you don't recall being asked who
22 went in first? And then responding, I think Black
23 just bumped the door. And then he jerked my
24 shoulder and threw me in there. You don't recall
25 saying that?

James Gquan Henry-Cross by McKnight

1 A I never said Black.

2 Q Now what time did you all leave Florence
3 to come to get to Hemingway?

4 A It was early in the morning. I'm thinking
5 around 5 or 6. Or even I mean, probably 5 or 6.

6 Q 5 or 6. So was it, what was the lighting
7 outside?

8 A It wasn't even light outside yet.

9 Q How long did it take you all to get there?

10 A I am not sure.

11 Q How long before -- how long from the time
12 you guys got there until the time you went -- you
13 all went into the house?

14 A The second time or the time first time?
15 Because whenever we got there the first time, we
16 didn't go in that time.

17 Q I'm talking about the second time.

18 A The second time, well whenever we got to
19 Hemingway, we pulled up on the back road, you
20 know, that's when we went.

21 Q And what time was that; do you recall?

22 A No, sir.

23 Q Was it still dark outside?

24 A It was like breaking morning.

25 Q Like breaking morning.

James Gquan Henry-Cross by McKnight

1 A Yes, sir.

2 Q And is that, who was in the car with you?

3 A Me, Shonda, P.J., Scrap.

4 Q So you don't recall saying the Dog pushed
5 you in the house?

6 A No, sir.

7 Q So whatever is in this statement is wrong?

8 A I never, I never said that.

9 Q Now when you first went in the house, did
10 you guys have to really, I mean how did you get
11 in? Did you just bump the door?

12 A Yeah, we just bumped the door.

13 Q When you say bumped the door?

14 A I leaned my shoulder up against it and
15 just bump the door.

16 Q So did you all kick it?

17 A No.

18 Q No?

19 A It was just like a bump.

20 Q Now so you went you guys bumped, it was
21 almost like the door was already open; right?

22 A I mean not exactly, but it wasn't hard to
23 get into.

24 Q Now you got in the house, and what did
25 you?

James Gquan Henry-Cross by McKnight

1 A We started yelling out police as we were
2 running to the bedroom.

3 Q Now in your statement, in this original
4 statement when you talked to the police, did you
5 tell them that you came in the house and started
6 yelling police, police?

7 A I mean---

8 Q Yes or no; did you?

9 A I mean I think I did.

10 Q You think you did.

11 A Yes, sir.

12 Q But you may not have.

13 A I mean I told them. I mean I told them my
14 story.

15 Q But did you tell them all the story?

16 A No, sir. I didn't tell them all the
17 story.

18 Q Isn't it true that you haven't been
19 sentenced yet?

20 A Yes, sir.

21 Q Isn't it true that you haven't pled guilty
22 yet?

23 A Yes, sir.

24 Q So you're hoping that if you do what they
25 tell you to do, you will get a light sentence.

2 Q No? You're not
3 hoping -- so if you come in here and the judge
4 gives you life, you're happy with that.

6 Q Okay. And you feel good about that; is
7 that right?

9 Q Okay. Now when went in the house, when
10 you yelled, you said you yelled police. Tell us
11 again what happened.

16 Q I want to be clear on this. It's your
17 testimony here under oath, that when you got in
18 the house, you turned the light switch on.

20 Q So it wasn't dark in there; was it?

24 Q I understand that. But in that bedroom
25 when you turned the lights on, did the light come

James Gquan Henry-Cross by McKnight

1 on?

2 A Yes, sir.

3 Q So the room lit up?

4 A Yes, sir.

5 Q So it was not dark in there.

6 A No, sir.

7 Q Okay. What happened then?

8 A So whenever I turned on the light, the
9 dude jumped out the bed and he started coming to
10 us. Whenever he started coming to us, Scrap hit
11 him in the head with the pistol. He fell to the
12 ground. Whenever he had fell to the ground,
13 Scrap had jumped on the bed and put the gun to,
14 you know, the girl, that was with the victim to
15 the back of her head, asking where the money was
16 at. I don't know where the victim came up with
17 the gun. He never had the gun whenever he jumped
18 up. So he must have grabbed it from up under the
19 bed or whatever.

20 Q Uh-huh. (Affirmative.)

21 A And then he shot me two times in my chest,
22 and I jumped on the bed. And I started yelling at
23 him, you know, he was shooting me. And I started
24 hollering.

25 Q Let me ask you a question. I'm sorry, I

James Gquan Henry-Cross by McKnight

1 didn't mean to interrupt you. But when got shot
2 and you fell on the bed---

3 A I jumped on the bed.

4 Q You jumped on the bed. Excuse me. Did
5 you immediately start bleeding?

6 A I am not sure.

7 Q You are not sure?

8 A I am not sure.

9 Q This is your jacket; right?

10 A Yes, sir.

11 Q Right in there?

12 A Yes, sir.

13 Q How -- so did you bled a lot or a little
14 bit?

15 A I mean whenever I was shot, I didn't care
16 about no bleeding. I wasn't paying attention
17 about how much I was bleeding.

18 Q I got you.

19 A I was just hoping that I didn't die.

20 Q Did you -- but you were on, but it's
21 testimony here under oath, you fell on the bed
22 after you got shot.

23 A Yeah, I jumped on the bed.

24 Q You jumped on the bed.

25 A Yes, sir.

James Gquan Henry-Cross by McKnight

1 Q How long did you stay on the bed?

2 A Not long.

3 Q So were you in the bed with the girl too?

4 A Yes, sir.

5 Q So all who was in bed? You, the girl and
6 who else?

7 A This all happened whenever he started
8 shooting me, I jumped on the bed and started
9 yelling. Scrap got off the girl. And he must
10 jumped off the other side of the bed; whenever he
11 went down and got the gun and started shooting
12 with it.

13 Q You said jumped down and got the gun and
14 started shooting.

15 A Yeah, because the way it is, like I say,
16 we, the bedroom door right here, and it's the bed
17 right -- and it's a bed right there. And then
18 there's the wall. And then you can get on the bed
19 this way. And you can get off that way at the
20 end of the bed. And he must have gotten down off
21 the end of the bed. I didn't see which way he got
22 off.

23 Q So once you got shot what did you do?

24 A I jumped on the bed.

25 Q And after you jumped, and when did you get

James Gquan Henry-Cross by McKnight

1 off the the bed?

2 A I jumped off the bed, I mean, in the
3 process of Scrap shooting. But they were tussling
4 for the gun. Scrap started shooting. Whenever I
5 got off the bed, I grabbed Scrap like on the
6 shoulder, and he turned around and shot me. He
7 didn't know. I mean I guess he didn't know it was
8 me.

9 Q Let me ask you this question. How close
10 was Scrap to the guy when he shot him?

11 A Whenever he shot the dude?

12 Q Yes.

13 A He was right on top of him.

14 Q So come down here for me.

15 (Whereupon, the witness steps down from
16 the witness.)

17 Q He was, the guy that got shot was on the
18 floor; right?

19 A Yes, sir.

20 Q Okay. I am going to be that guy. You be
21 Scrap. Show me how close he was.

22 A I mean he was this close. And he was
23 laying on the back.

24 Q I'm like this.

25 A And he was just shooting him like that

James Gquan Henry-Cross by McKnight

1 right there.

2 Q Was he bending over like you were bending
3 over just now?

4 A Yeah, he home to shooting like.

5 Q So he was close.

6 A Yes, sir.

7 MR. MCKNIGHT: Please have the seat.

8 (Whereupon, the witness resumes the
9 witness stand.)

10 Q And you're sure about his proximity to the
11 victim. Or let me say it like this. You're sure
12 he was that close to the victim when he shot him.

13 A I'm positive.

14 Q So then what happened?

15 A So, you know, whenever he was shooting,
16 whenever I got off the bed and I put my
17 shoulder -- whenever I had put my hand on him, he
18 had turned around shot me right here on the
19 chest.

20 Q Put your hand on who?

21 A I put my hand on Scrap.

22 Q So let me get this straight. You got off
23 the bed, and I guess you came behind Scrap?

24 A Yes, sir.

25 Q And is that when you touched him?

James Gquan Henry-Cross by McKnight

- 1 A Yeah, I touched him on the shoulder.
- 2 Q Okay. Is that when he shot you?
- 3 A Yes, sir.
- 4 Q Do you know why---
- 5 A I just turned around and boom.
- 6 Q You just turned around and boom. Okay.
- 7 And then what did you do?
- 8 A I fell into him. Whenever he shot me, I
- 9 had fell into him; like I almost blacked out, and
- 10 then I had caught myself, and ran on out. Ran on
- 11 out of the room, and ran back to the dirt road.
- 12 Q Back to the dirt road.
- 13 A That gravel road. Dirt.
- 14 Q And were you standing or were you laying?
- 15 A Well when I got to the dirt road?
- 16 Q The dirt road, yeah.
- 17 A Yeah, I laid down.
- 18 Q You laid down. Do you know if you were
- 19 bleeding then?
- 20 A I mean I'm pretty sure I had to be
- 21 bleeding, he shot me.
- 22 Q How long did you stay on the ground?
- 23 A I mean I stayed on there for a little bit,
- 24 because whenever he was calling Shonda to come
- 25 back, she didn't come right then. He had to keep

James Gquan Henry-Cross by McKnight

1 calling her. They was, you know, arguing over the
2 phone.

3 Q So how long were you out laying on the
4 ground?

5 A I couldn't tell you the exact time.

6 Q What did it look like outside?

7 A I mean it was morning.

8 Q Well when you say, morning, was the sun
9 barely up, or was it up?

10 A I couldn't tell you.

11 Q You couldn't tell.

12 A I mean I ain't see no sun that day.

13 Q You didn't see no sun that day. So then
14 what happened?

15 A So whenever Shonda finally got there or
16 whatever, you know, he was picking me up and put
17 me in the car. Whenever he picked me up and put
18 me in the car, you know, I was laying, I was
19 laying behind Shonda. I was laying really across
20 the whole seat, except for this side right and
21 there's where Scrap was sitting at. And then I
22 don't even know who we went to, but we went
23 somewhere and picked up P.J. And whenever we
24 picked up P.J., you know, that's when Scrap and
25 P.J. started arguing, you know, because P.J. was

James Gquan Henry-Cross by McKnight

1 thinking that the police was going to blame him
2 because Scrap tell him that he had to kill the
3 dude or whatever.

4 Q Okay.

5 A And then after that right there, they
6 started arguing about the money once they found
7 out how much money it was.

8 Q Now you're sure that P.J. came with you
9 all to Hemingway.

10 A Yes, sir.

11 Q Both times.

12 A Yes, sir.

13 Q And you went to Hemingway twice.

14 A Yes, sir.

15 Q And back. And you don't how long it takes
16 to get from Florence to Hemingway.

17 A I wasn't paying attention.

18 Q You wasn't paying attention. What were
19 you doing in the car the first time you went
20 there?

21 A We were just on our way going there.
22 There really wasn't that much talking, you know,m
23 everybody was just waiting for it to happen.

24 Q The first time?

25 A The first time. Because that was our set

James Gquan Henry-Cross by McKnight

1 go, going through it the first time.

2 Q Now you said you went and you guys talked.
3 Didn't you said you talked to the victim the first
4 time?

5 A Yes, sir.

6 Q You did?

7 A Yes, sir.

8 Q Who talked to them?

9 A Scrap.

10 Q Just Scrap.

11 A Yes, sir.

12 Q Where was P.J. when my client was supposed
13 to be talking to him?

14 A P.J., Toshonda, and the girl was still in
15 the car.

16 Q So did the victim see P.J. there?

17 A No, sir.

18 Q No.

19 MR. MCKNIGHT: Court's indulgence.

20 THE COURT: Yes, sir.

21 Q Now do you recall, and excuse me hold on.
22 How long have you been in the detention center?

23 A Over 3 years.

24 Q Do you recall them telling you that they
25 weren't going to send you to Florence?

James Gquan Henry-Cross by McKnight

1 A They wasn't going to send me to Florence?

2 Q Yes. Do you recall telling them you
3 didn't want to go to Florence?

4 A Yeah, I recall telling them I didn't want
5 to go to Florence.

6 Q And did you ever go to Florence?

7 A No, sir.

8 Q And you've always been here in Kingstree?

9 A Yes, sir.

10 Q Why didn't you want to go to Florence?

11 A Because I didn't want to be around Scrap.

12 MR. MCKNIGHT: Court's indulgence.

13 Q Have you ever had a conversation with P.J.
14 about Latisha Bell?

15 A Latisha Bell?

16 Q Yes.

17 A I don't.

18 Q Have you ever had a conversation about
19 P.J. and his wife?

20 A Have I ever had a conversation about P.J.
21 and his wife?

22 Q Yeah, has P.J. ever talked to you about
23 his wife?

24 A No.

25 MR. MCKNIGHT: I beg the court's

James Gquan Henry-Cross by McKnight

1 indulgence.

2 Q How tall are you?

3 A Almost 6 foot.

4 Q You're a pretty big guy; right?

5 A Yes, sir.

6 Q Was it easy for my client to pick you up
7 and put you in the car?

8 A I mean, I really got myself up. I mean,
9 he helped me get up. But, you know, it ain't like
10 he just had to pick me up without me helping him.

11 Q Now on direct you said he picked you up
12 and put you in the car.

13 A Well I mean, he did. But...

14 Q But now it's he helped you in the car. So
15 which is it?

16 A Nah, I mean he picked me up. But I'm just
17 saying that once somebody goes to pick you up, you
18 ain't just going to not get up. I mean, you're
19 going to at least try to put your strength into it
20 to get up.

21 Q So you got up.

22 A Nah, nah, nah. That ain't the way it
23 happened. He ran over there and he picked me up.
24 Whenever he picked me up, I got up.

25 Q Anybody coach you on what to say in this

James Gquan Henry-Cross by McKnight

1 trial?

2 A No, sir.

3 Q Are you sure?

4 A I am positive.

5 Q You never sat down and had them lay out
6 what they wanted you to say?

7 A No, sir.

8 Q How long, a few more questions. How long
9 was your interview with Agent Flamini and
10 Investigator Lail?

11 A I am not sure.

12 Q You are not sure?

13 A I am not sure.

14 MR. MCKNIGHT: Answer any questions that
15 Mr. Griffith may have for you. Okay.

16 A Yes, sir.

17 THE COURT: Mr. Griffith. Hold on one
18 second. Are you all doing okay, or do you all
19 need to take a short break? We have been in here
20 a while. Mr. Foreman, are you okay or do you an a
21 break? How many want to take a break. Okay.
22 We'll keep going. You may proceed.

23 Cross Examination by Mr. Griffith:

24 Q I don't believe I will be too long. You
25 say it was 3 years before you started talking to

James Gquan Henry-Cross by Griffith

1 the police.

2 A No, sir. I gave a statement as soon as
3 they picked me up. Whenever they had locked me
4 up. I mean it took like 3 years for them to lock
5 me up; yes, sir.

6 Q Okay. I thought you testified it was
7 3 years after this happened you decided---

8 A Yeah, when they locked me up that's when I
9 had to talked to them.

10 Q You decided to talk to them and tell them
11 your story.

12 A Yes, sir.

13 Q And so during that 3 years did you
14 communicate with P.J. at all?

15 A No, sir. Other than the time before I had
16 left Florence.

17 Q And you also testified that when you went
18 into the room that you turned the light on. You
19 said somebody told you where the light was. Who
20 told you where?

21 A P.J. told me where the light was at.

22 Q Okay. And you reached in and turned it
23 on.

24 A Yes, sir. It was right there as soon as
25 you get in the door.

James Gquan Henry-Cross by Griffith

1 Q And then when you were shot, you say you
2 jumped up on the bed after you got shot twice.

3 A Yes, sir. I jumped out of the way.

4 Q But you say the victim shot you.

5 A Yes, sir.

6 Q And then you jumped up on the bed and got
7 shot again by somebody else.

8 A Nah, I got shot when I jumped off the bed,
9 and I grabbed Scrap on the shoulder.

10 Q And then you ran outside and laid on the
11 ground.

12 A Yes, sir.

13 Q And so you were shot three times?

14 A Yes, sir.

15 Q So you were blacking out you said.

16 A The only time I came close to blacking out
17 is when Scrap shot me right here.

18 Q Okay. Let me see in your statement here,
19 let me pull it out for you. Court's indulgence.
20 I am looking at page 14 of your statement to the
21 investigators. Do you mind reading to yourself
22 line 17 through say 24, of that. Read it to
23 yourself for a second. Familiarize yourself. Do
24 you remember saying that now? If you don't mind,
25 let's see, this is line 17. This is a question,

James Gquan Henry-Cross by Griffith

1 line 17 was a question. Read it out loud.

2 A Whenever he came out, how many guns did he
3 have.

4 Q And then line 18 this is your answer.

5 A I don't know.

6 Q Line 19 this another question.

7 A You didn't see him?

8 Q Then line 20, this is your answer.

9 A I was blacking out.

10 Q So in your testimony to there, you
11 provided, as you just read, you said you were
12 blacking out.

13 A Yes, sir.

14 Q So you were probably blacking out. But
15 you said three years later the police picked you
16 up; right?

17 A Yes, sir.

18 Q And that's when you decided that you
19 wanted to get this off your chest after you were
20 arrested.

21 A I mean I really wanted to do it before
22 then, but I just didn't want to go to jail for a
23 long time.

24 Q But they arrested you, you really felt
25 like you wanted to have a story; didn't you, to

James Gquan Henry-Cross by Griffith

1 tell?

2 A I mean going through what I had been
3 through for so many years, you know, building up,
4 even before they came and arrested me, they were
5 bothering me. So whenever they came at me, I just
6 broke down and told the truth.

7 Q And so then you gave them this statement.
8 And if I told you that the police, the
9 investigators, looked all around there and didn't
10 find any other blood in the house or out on the
11 street, what would think about that?

12 A If they looked around, you say if the
13 investigators looked around and they ain't find no
14 other blood?

15 Q Yeah. How can that be if you were shot
16 three times and laying out on the road?

17 A I mean, I had a jacket over me, you know,
18 so, I don't know.

19 Q Okay.

20 A The bullet holes it ain't as big as, you
21 know, you would think it is.

22 Q I got you. So you said you went into the
23 room and you saw the girl.

24 A No, whenever I got in the room, I turned
25 on the lights. Whenever I turned on the light, he

James Gquan Henry-Cross by Griffith

1 got out of the bed. Whenever he got out the bed
2 and Scrap hit him, yeah, I seen the girl then.
3 Because Scrap jumped on her, and put a gun to the
4 back of her head; asking her where the money was
5 at.

6 Q Okay. Was she still on the bed then?

7 A She never left the bed.

8 Q She never left the bed.

9 A Not while I was in the room.

10 MR. GRIFFITH: No further questions.

11 THE COURT: Redirect?

12 MS. BARR: Yes, sir, Judge.

13 Redirect Examination by Ms. Barr:

14 Q Sir, you were asked on cross examination
15 about your normal clothing, and what you normally
16 wear, and what -- how you normally dress for the
17 last three years. Do you remember Mr. McKnight
18 asking you those questions?

19 A Yes, ma'am.

20 Q And he asked you if your normal attire is
21 a jail jumpsuit. Do you remember that?

22 A Yes, ma'am.

23 Q And you told him you are wearing a suit,
24 but that's not normally how you dress for the
25 dress for the last three years; is that right?

James Gquan Henry-Redirect by Barr

1 A Correct.

2 Q In terms of attire, Mr. Williams here in
3 his nice shirt and his tie and his slacks, is
4 that normally how he would have dressed in 2007?

5 A No.

6 Q Those nice little glasses that he has on
7 in the courtroom, is that normally how he would
8 have looked in 2007?

9 A No, ma'am.

10 Q Does he wear glasses when you know him?

11 A Never.

12 Q Never?

13 A Never.

14 Q There were a number of statements given in
15 this case. First of all, do you know, who is
16 Latisha Bell?

17 A I don't know.

18 Q You don't know who that is? You don't
19 know that person by name?

20 A No, ma'am.

21 Q Have you ever read a statement of anybody
22 named Latisha Bell?

23 A No, ma'am.

24 Q The statement that you gave to the police,
25 have you ever read it?

James Gquan Henry-Redirect by Barr

1 A The statement I gave to the police?

2 Q Yes.

3 A Have I read over what I gave to the
4 police?

5 Q Yes.

6 A No, ma'am.

7 Q You never read it?

8 A Nah, not what I had just read just now?

9 Q Yeah.

10 A No, ma'am.

11 Q Did you ever hear the recording of the
12 statement that you gave to the police?

13 A No, ma'am.

14 Q Do you know whether or not what has been
15 told to you by the lawyers; including me, that's
16 supposed to be a transcript of your statement, do
17 you know if that accurately is what you told the
18 police that would be on tape?

19 A I mean there are certain things on the
20 tape that I did say though.

21 Q Like for example when you asked about
22 whether or not you called somebody Black as
23 opposed to Scrap, it's been your testimony you
24 never used the word Black.

25 A No ma'am.

James Gquan Henry-Redirect by Barr

1 Q So if there is a transcript that somebody
2 tells you is of your statement to the police, and
3 it says Black on the transcript, that would not be
4 what you actually told the police?

5 A Nah, I never said Black. I don't know how
6 it would have got there.

7 Q Do you know who typed up the transcript of
8 your statement?

9 A No, ma'am.

10 Q Do you know if they got it all right?

11 A They couldn't have, if they have Black
12 right there on the paper.

13 Q You were asked about page 5 of that
14 statement, and about you being charged federally.
15 And did anybody tell you that they were going to
16 help you out and not charge you federally. Do you
17 remember when the lawyer was asking you that?

18 A Yes, ma'am.

19 Q And if you refer to page 5 of that
20 transcript starting at line 8 through say line 11.
21 You read the part that says and tell me if I
22 focused correct based on what you said earlier.
23 Your -- the question said, you are a lucky man,
24 because this is one of most important days of your
25 life. Obviously because of the fact that you were

James Gquan Henry-Redirect by Barr

1 only 16 when this occurred, then to me we are
2 charging you in federal court and in federal court
3 if you got 20 or 30 years or whatever, that's what
4 you have got to do. Is that what I read that
5 correctly that's on the transcript?

6 I'm not talking about what you actually
7 said. I'm talking about what's reflected here.

8 A Yeah, if that's what is on that paper.

9 Q In terms of your being 16, did you know
10 you actually couldn't have been charged in federal
11 court, because you were a juvenile?

12 A I didn't know nothing.

13 Q You've indicated that you have been in
14 jail since September of 2010?

15 A Yes, ma'am.

16 Q So that's been right at three years.

17 A I think I was in jail -- I been in jail
18 before September 2010.

19 Q Okay. Do you remember coming back, or do
20 you remember being in this courtroom maybe two,
21 two and a half years ago, do you remember the
22 police officers bringing you for a bond hearing?

23 A Yes, ma'am.

24 Q Do you remember the victim's father,
25 Mr. James McNeal, being in the courtroom at that

James Gquan Henry-Redirect by Barr

1 time?

2 A Yes, ma'am.

3 Q And when the officers brought you over for
4 a bond hearing and asked if you wanted to get out
5 on bond, what did you tell the officer?

6 A I told them no.

7 Q You told them no you didn't want to
8 request a bond hearing to try to get out?

9 A Yes, ma'am.

10 Q Why did you tell them no?

11 A I just wanted to go ahead and get it over
12 with. It wasn't no need to keep running from it.

13 Q The time that it took you all to get from
14 Florence to Hemingway that first time, was that
15 the same amount of time it took you all to get
16 back once you got?

17 A Nah, Shonda was driving fast trying to get
18 me to the hospital. I know she was passing cars.

19 Q You knew she was passing cars.

20 A Uh-huh. (Affirmative.)

21 MS. BARR: That's all the questions I
22 have.

23 THE COURT: Any recross based on her
24 redirect?

25 MR. MCKNIGHT: Your Honor, from the

James Gquan Henry-Redirect by Barr

1 defendant Williams, no.

2 THE COURT: Mr. Griffin.

3 Recross Examination by Mr. Griffith:

4 Q So who was driving the car?

5 A Shonda was driving the car. She was
6 always driving the car.

7 Q But didn't you say you were blacking out
8 the whole time?

9 A Nah, she was driving the car.

10 MR. GRIFFITH: No further questions, Your
11 Honor.

12 THE COURT: Thank you. You can step down.
13 Let me see the attorneys up here.

14 (Whereupon, attorneys confer with judge at
15 the bench.)

16 THE COURT: Ladies and gentlemen, we just
17 have some scheduling stuff. So you all can go on
18 home and get supper. Please do not discuss
19 anything about the case while you are at home. Be
20 back here at 9:30 tomorrow morning. Thank you,
21 Ladies and gentlemen. Thank for your -- you are
22 great jury. You are doing your patriotic duty
23 very well.

24 (Whereupon, jury is dismissed at 5:15 p.m.)

25 THE COURT: Let me see the lawyers in chambers.

James Gquan Henry-Redirect by Barr

1 (Whereupon, the trial commences on Friday,
2 September 13, 2013 at 9:30 a.m.)

3 THE COURT: Let's bring our jury in.

4 (Whereupon, the following takes place
5 within the presence of the jury.)

6 THE COURT: Good morning, Ladies and
7 gentlemen. Ready for another day of testimony.
8 Is the state ready to proceed?

9 MS. BARR: The state is ready.

10 THE COURT: Is the defense ready to
11 proceed?

12 MR. MCKNIGHT: The defense ready is
13 proceed.

14 MR. GRIFFITH: Yes, sir, Your Honor.

15 THE COURT: The state may call its next
16 witness.

17 MS. BARR: Your Honor, at this time, the
18 state would call Investigator Pamela Wren.

19 Pamela Wrenn, being first duly
20 sworn, testified as follows:

21 MS. BARR: May it Please the court.

22 THE COURT: Yes.

23 Direct Examination by Ms. Barr:

24 Q Investigator Wrenn, good morning.

25 A Good morning.

Pamela Wrenn-Direct by Barr

1 Q Now of course, you have been previously
2 sworn and testified to some preliminary matters in
3 the case already, so I won't go back into your
4 experience too much. Let's start from the day of
5 the shooting on Peach Street in Hemingway, South
6 Carolina back on November 2nd. How were you
7 notified that there have been shooting?

8 A Actually that morning, we have to sign on
9 the radio and become -- notify dispatch that we're
10 in service. And at the time that I radioed in,
11 the call was, you know, different. I heard
12 officers going to Hemingway. And as a result, you
13 know, I responded to Hemingway as well.

14 Q Now in November of 2007, had you been
15 involved in investigating homicides on previous
16 occasions?

17 A Yes, ma'am.

18 Q Approximately how many times have you been
19 involved in investigating homicides?

20 A Prior to beginning with Williamsburg
21 County the middle of 2007, I worked Berkeley
22 County Sheriff's Office. I was a lieutenant over
23 personal crimes; which was primarily child abuse,
24 elder abuse and homicides.

25 Q And tell me again, you have been in law

Pamela Wrenn-Direct by Barr

1 enforcement a total of how many years?

2 A I began with highway patrol dispatch in
3 88. And actually a reserve officer in early 90's.
4 And went to the academy, I think it was in 96 or
5 97.

6 Q And you've been employed with Williamsburg
7 County from what date to the present?

8 A May 30th, if I am not mistaken, of 2007.
9 It was the middle of 2007.

10 Q And then of course you're an investigator.
11 Are you now still an investigator with the
12 sheriff's office?

13 A Yes, I am.

14 Q Now tell us when you arrived to the home
15 of J. McNeal, sort of familiarize us if you will,
16 with that location, the types of structures,
17 homes, residences, and that sort of thing within
18 that neighborhood.

19 A It's a mixture of houses and mobile homes.
20 It's a residential area off of Highway 41 in the,
21 what was called the Donnelly area.

22 Q And the home of Mr. J. McNeal, the victim
23 in the case, is located within the jurisdiction of
24 Williamsburg County?

25 A It is.

Pamela Wrenn-Direct by Barr

1 Q Within the say, 5-mile radius of that
2 home, are there any areas there that would be
3 considered mobile home parks or trailer parks
4 within that 5-mile radius?

5 A There is Sammy Lawhorn. I assume it's
6 called a mobile home park. I don't know if it's
7 named per say, but there is 4 or 5 mobile homes
8 there. But I do not think it's named a mobile
9 home park.

10 Q Now tell us what you did once you arrived
11 at the scene that day.

12 A Once I arrived, usually the first
13 investigator on the scene or Lieutenant Collins,
14 would assign the investigator working that case.
15 And again, I was moved to the department. So
16 therefore, Lieutenant Collins assigned a more
17 familiar investigator that would know the area and
18 know the people. So at that point, Investigator
19 Lambert and---

20 Q Brenda Lambert?

21 A That's correct.

22 Q Investigator Lambert no longer works at
23 the sheriff's department?

24 A No, she does not.

25 Q She's down at Andrew's Police Department.

Pamela Wrenn-Direct by Barr

1 A That's correct.

2 Q I'm sorry, please continue.

3 A So in that case, she was found with the
4 initial, you know, site or crime scene was taped
5 off with the yellow tape. And there were several
6 people. So we were needed for crowd control at
7 the time.

8 Q Now previous witnesses have testified in
9 this case as to giving either written or recorded
10 statements to Investigator Lail. And of course
11 that would have been you.

12 A That's correct.

13 Q And you actually spoke with the victim's
14 girlfriend, Latisha Bell.

15 A That is correct.

16 Q And you would have been part of the
17 interview of the young lady from Florence
18 Juandalyn Miller.

19 A That's correct.

20 Q Sort of tell us about the path that the
21 investigation took from the day it happened, and
22 let's just kind of briefly through the remainder
23 of the week. What would you have been doing
24 during this time?

25 MR. MCKNIGHT: Your Honor, may we

Pamela Wrenn-Direct by Barr

1 approach?

2 THE COURT: You may.

3 (Whereupon, the attorneys confer with
4 judge at the bench.)

5 THE COURT: We are going to take a few
6 minutes break.

7 MS. BARR: Yes, sir.

8 (Whereupon, the court takes a short
9 break.)

10 THE COURT: You may bring the jury.

11 (Whereupon, the following takes place
12 within the presence of the jury.)

13 THE COURT: You may proceed.

14 Q As the matter a practical matter, when you
15 are investigating a homicide, tell me generally
16 speaking, tell me how you normally go about
17 beginning and following through with your
18 investigation when there are immediate -- no
19 suspects at the time of the killing?

20 A Well to begin with, we have to understand
21 the victim in order to determine who a suspect
22 might be. Or a direction of travel it should
23 take, we have to understand his surroundings, his
24 comings and goings, so to speak. Who he is.

25 Q Okay.

Pamela Wrenn-Direct by Barr

1 A And that was determined.

2 Q And back on November 2nd of 2007, were
3 there any clear suspects, obvious suspects on that
4 occasion?

5 A No, ma'am.

6 Q And I imagine that sometimes when you have
7 a homicide, you will actually have a person who
8 has committed the crime actually there when you
9 come and begin your investigation.

10 A That's correct.

11 Q And that was not the case here.

12 A Not that we immediately knew.

13 Q When you say the process of understanding
14 the victim, understanding his habits, comings and
15 goings to try to further the investigation. Who
16 is within that sphere, you would then begin to try
17 to talk to, get information from, to kind of help
18 you figure out who might be a suspect.

19 A Sure. We consider the victimology
20 involved. And that is to find out the family
21 members, his closest family members. Of course
22 his closest friends, whoever might have had
23 contact with him in the last week and then spread
24 out from there. But initially it's whoever has
25 immediate contact with him and his the family.

Pamela Wrenn-Direct by Barr

1 Q And is it unusual in terms of your
2 investigation and your experience as a police
3 officer, to start with the victims, the person who
4 is closest to the victim when you are trying to --
5 when there is no obvious suspect at the time?

6 A Absolutely.

7 Q Were you involved at all in gathering or
8 collecting any of the evidence from the scene?

9 A No, I was not.

10 Q That would have been Lieutenant Scott's
11 role?

12 A That is correct.

13 Q Now tell me, did you get a number of leads
14 regarding a possible suspect involved in the
15 killing of J. McNeal?

16 A Over a period of time. And those were
17 acted upon as we received them. And that maybe
18 from the community, or it could be from another
19 local agency, another state agency, another
20 federal agency or sled, which is South Carolina
21 Law Enforcement Division. And that's with any
22 homicide. It's a joint effort.

23 Q Sure. And have you experiences as in some
24 cases where you have gotten anonymous tips on an
25 unsolved crime?

Pamela Wrenn-Direct by Barr

1 A Absolutely.

2 Q In terms of any information or leads that
3 you would have had in the case, did you try and
4 follow through on all of those leads?

5 A Yes, ma'am.

6 Q Did all of them pan out?

7 A No, ma'am.

8 Q Some of them were false leads. Or were
9 some of them false leads?

10 A Some of them were. We did determine that
11 some of the leads that we got were, it's just as
12 important to clear someone as it is to a charge
13 someone. And once we would act upon our
14 information and charge someone, and we found out
15 later that they were not involved, and we
16 addressed that appropriately.

17 Q I'm having just a little bit of hard time
18 hearing you. Is there microphone up there?

19 Now you indicated that you would have some
20 leads, you would pursue those leads. And if the
21 evidence that you had, based on the information
22 that you have was sufficient, individuals will be
23 charged; is that right?

24 A Yes, ma'am.

25 Q And as I understand your testimony, if you

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1 later received information or evidence that person
2 was not involved, you would have the charges
3 dismissed against that individual?

4 A That's correct.

5 Q Well let me ask you this, if you got a
6 good lead or what you thought to be a good lead at
7 the time, and if you had somebody arrested and
8 charged with a crime, why were you continuing to
9 still search and gather information if you had a
10 suspect?

11 A Just because we have a suspect does not
12 mean that the case is closed. As we continue to
13 work it, and in his particular case, we were
14 notified by the U.S. Marshal Service and Federal
15 Bureau of Investigation that someone was
16 requesting to speak with us over at the county or
17 the Florence County Detention Center. And based
18 upon that, we followed up on that particular lead.

19 Q Okay. You've heard testimony obviously
20 while you've been in Court from Ms. Latisha Bell,
21 the young lady who was in the home with the victim
22 at the time this happened; that she was also
23 charged.

24 A That's correct.

25 Q And you also heard testimony from her that

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1 her charges were later dismissed.

2 A That's correct.

3 Q Did you ever have a conversation with her .
4 about testifying or trying to get her charges
5 dismissed or anything of that nature?

6 A No, ma'am.

7 Q And what about for Juandalyn Miller? Did
8 you ever have any such conversation with her?

9 A No, ma'am. There was a taped statement
10 taken from her, but there was no conversation
11 about her charges.

12 Q Okay. Now in November 2007, did you have
13 any information or evidence or reason to believe
14 that someone in addition to J. McNeal, was hurt
15 during the course of that burglary, robbery?

16 A That was not until 2010.

17 Q So you all did not have any information
18 about somebody being hurt until 2010?

19 A That is correct.

20 Q Prior to 2010, did you or anyone at the
21 sheriff's office have any information, knowledge,
22 evidence or reason to believe that a fellow by the
23 name of Gquan Henry was involved in this whole
24 thing?

25 A Absolutely not.

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1 Q Did you have any reason to know that the
2 Gquan Henry was being hospitalized in Florence,
3 had anything to do, and I'm talking about in
4 between September between 2007 and 2010, did you
5 have reason to suspect or know that Mr. Henry's
6 hospitalization was related to this homicide in
7 Hemingway?

8 A His name had never surfaced; had never
9 come up during the investigation.

10 Q You were talking about the first real
11 break that you all received. And I believe your
12 testimony was that you got a message that someone
13 wanted to give you information about the homicide.

14 A That's correct.

15 Q And when did you receive that first break
16 or tip?

17 A If I can refer back to my notes.

18 Q Sure.

19 A That was on September 12th of 2008,
20 information was received from the U.S. Marshal
21 Service.

22 Q Now in September of 2008, after you
23 received that information, were you able to, or
24 did you have anything reason to at that point
25 believe that Gquan Henry or Toshonda Mickens were

Pamela Wrenn-Direct by Barr

1 involved in this?

2 A Neither of their names had come up during
3 that time.

4 Q When is the first time you would have
5 received information or evidence that Toshonda
6 Mickens and Laquincy Williams and Gquan Henry were
7 involved or suspected to be involved in this
8 homicide that happened to J. McNeal?

9 A That was in 2010.

10 Q 2010.

11 A Now I do not know the exact date.

12 Q That's fine. No, no, that's fine. How
13 did you receive that information? Don't tell us
14 what it was, but how did you receive that
15 information that Gquan Henry, Toshonda Mickens,
16 and Laquincy Williams were involved in this?

17 A Through the Federal Bureau of
18 Investigations and the federal inmates.

19 Q Okay. Through to Federal Bureau of
20 Investigation, FBI.

21 A That's correct.

22 Q And federal inmates.

23 A That's correct.

24 Q And who contacted you from the FBI?

25 A Agent Vince Flamini.

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1 Q And when Mr. Henry was talking on
2 yesterday about a statement that he gave, there
3 was reference in that statement to Vince Flamini.
4 Is that the same individual who you spoke with?

5 A Yes, it is.

6 Q Tell me what you did as a result of
7 getting that information from the FBI and federal
8 inmates in 2010.

9 A As a result of that, myself along with
10 Investigator Coker of the Williamsburg County
11 Sheriff's County, met with Agent Flamini. And I
12 forget the inmate's attorney's name.

13 Q Okay.

14 A But we went to that facility and met with
15 that inmate ourselves, so we could talk to this
16 person one on one with his attorney and with Agent
17 Flamini.

18 Q And please don't tell me any names. Did
19 you take a statement from that individual?

20 A Yes, we did.

21 Q What did you do and -- I'm sorry.

22 A If I remember correctly, there was one
23 statement taken but we talked with him twice. And
24 one of the times it was not recorded, because
25 there were other issues that were being discussed

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1 that did not involve my case. So his attorney did
2 that.

3 Q Okay. As a result of that interview of
4 that particular inmate, then what did you do?

5 A Based upon that then I began following up,
6 on the names that I was given, given at that time.
7 Prior to that, we had been given names that
8 warrants were obtained on, because there were
9 confessions given to us. So therefore, we had to
10 go present that to the solicitor's office in
11 reference to those charges.

12 Q And, Investigator Wrenn, your voice is
13 leaving me again, so I need you to make sure you
14 keep your voice up for me okay.

15 A Okay.

16 Q As a result of the statements taken from
17 the federal inmates, did you have warrants issued
18 in the case?

19 A Yes.

20 Q And the warrants were issued for whose
21 arrest?

22 A That was Laquincy Williams.

23 Q Okay.

24 A Toshonda Mickens, James Gquan Henry and
25 Juandalyn Miller.

Pamela Wrenn-Direct by Barr

1 Q On yesterday I showed Mr. Henry a picture
2 of a young woman. And he says that it looked like
3 the girl who was in the car, but it's been so long
4 he can't be sure. Do you know who that individual
5 is?

6 A Ms. Juandalyn Miller.

7 Q Is she the first witness who testified in
8 this case?

9 A It was.

10 Q Investigator Wrenn, you have copies of the
11 arrest warrants in this case?

12 A Yes, I do.

13 Q Let's start with Mr. Laquincy Williams.
14 Can you pull that arrest warrant out? And let me
15 know when you get it.

16 A I have it.

17 Q You got it?

18 A I do.

19 Q What date was the arrest warrant issued?

20 MR. MCKNIGHT: Your Honor, for clarity,
21 could she reference which arrest warrant it is?

22 THE COURT: If you could be specific.

23 Q What date, did you get the warrants all at
24 one time?

25 A I did.

Pamela Wrenn-Direct by Barr

1 Q What date was all of the warrants issued
2 for Laquincy Williams?

3 A All of the warrants were issued on and
4 signed by the judge and myself on 8/26/2010.

5 Q August 26th of 2010. Is that correct?

6 A That is correct.

7 Q And when arrest warrants are signed do
8 they contain certain biographical information
9 about the person who is to be arrested?

10 A Yes, ma'am.

11 Q And in terms, and again don't tell me the
12 specific address. In terms of the arrest warrants
13 related to Laquincy Manuel Williams, what county
14 was he believed to be residing in at the time the
15 arrest warrants were issued?

16 A Darlington County.

17 MR. MCKNIGHT: Objection. Calls for
18 speculation on their part, Your Honor. And that
19 document, she can't tell that by that document.
20 It just references the town. And there are parts
21 of Darlington that get mail in Florence. She does
22 not know that of her own knowledge.

23 THE COURT: Overruled.

24 Q Darlington County?

25 A That is correct.

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1 Q And in terms of the biographical and
2 background information, do you also get birth
3 dates for the -- or a birth date for defendant
4 Mr. Laquincy Williams?

5 A Yes, ma'am.

6 Q What was his birth date? Or what is his
7 birthday?

8 A Date of birth which was matched to the
9 South Carolina DMV which is driver's license as
10 well, [REDACTED]

11 Q [REDACTED] So in November of 2007, he
12 would have been 22? I am horrible at math. Is
13 that right?

14 A Somewhere in that neighborhood. I am not
15 positive.

16 Q Did you record on the arrest warrant a
17 height for Mr. Laquincy Williams?

18 A Yes, ma'am.

19 Q And where did you get the information
20 about the height?

21 A That from was a prior booking if I am not
22 mistaken, with Florence County Sheriff's
23 Department.

24 Q Did you look at his DMV records?

25 A His DMV record, once---

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1 Q And when I say DMV record, I mean his
2 driver's license record.

3 A Yes, I did. And we always run a history
4 as well, a criminal history.

5 Q On his DMV record, what did it reflect his
6 height as?

7 A 5'6.

8 Q 5 feet 6 inches?

9 A That is correct.

10 Q And of course you have been in trial with
11 me every day this week; correct?

12 A Yes.

13 Q And you've had an opportunity to see
14 Mr. Williams, Laquincy Williams, seated and
15 standing next to his attorney, Mr. McKnight?

16 A That's correct.

17 Q And when you see them standing together,
18 who is the taller of the two?

19 A Mr. Williams.

20 Q Mr. Laquincy Williams?

21 A Yes.

22 Q Now at the time that you issued the arrest
23 warrants in this case and took Mr. Laquincy
24 Williams in to custody, was he wearing glasses?

25 A No, ma'am.

Pamela Wrenn-Direct by Barr

1 Q I imagine he would have been of course,
2 immediately booked in at the Williamsburg or
3 either Florence County Detention Center or the
4 Williamsburg County Detention Center; is that
5 right?

6 A Well I have to say, I was not on the
7 initial arrest.

8 Q You didn't physically take him in to
9 custody?

10 A No, I did not.

11 Q When he was booked in, in the jail and he
12 later came to court for his proceedings, whatever
13 they be, a bond hearing; for example, was he
14 wearing glasses at that time?

15 A No, ma'am.

16 Q As it relates to the arrest warrants for
17 Toshonda Mickens, can you refer to those please?
18 And let me know when you have them.

19 A Yes, ma'am.

20 Q And did she have a Florence address at the
21 time?

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

23 Q And what was her birthday?

24 A Her birth date is [REDACTED].

25 Q [REDACTED]. Is that right?

Pamela Wrenn-Direct by Barr

1 A That's correct.

2 Q So in November of 2007, she would have
3 been 26?

4 A Approximately.

5 Q Were arrest warrants also issued for James
6 Gquan Henry?

7 A Yes, ma'am.

8 Q And he's testified that his birth date is
9 in July of 1991. Is that consistent with what you
10 all have as far as the arrest warrant is
11 concerned?

12 A Yes, ma'am. I have [REDACTED].

13 Q And what about Phillip James or P.J.
14 Williams? Do you have biographical information on
15 him?

16 A Yes, ma'am.

17 Q I'm sorry.

18 A Well I have a date of birth.

19 Q What was his date of birth?

20 A His date of birth was [REDACTED], born
21 in Florence.

22 Q 1983. So if my math is right in November
23 of 2007, he would have been 24? I'm sorry?

24 A Yes, ma'am.

25 Q Now who actually drove to Anderson, South

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1 Carolina to serve the arrest warrants on
2 Mr. Henry?

3 A Actually he was detained by the Belton
4 Police Department.

5 Q Okay.

6 A And I do not recall who was the transport
7 at that time. And the warrants were served on him
8 if I am not mistaken, after he arrived in
9 Williamsburg County.

10 Q Did you, by the virtue of the fact that
11 the arrest warrants had been issued, you all had
12 the authority to go and pick him up and bring him
13 back here.

14 A That's correct.

15 Q Now tell me what was his demeanor and
16 state of mind and attitude when you all began the
17 interview or with him?

18 A At the date that he was brought in, it was
19 myself, Agent Flamini and Lieutenant Collins was
20 in the room, along with Investigator Edwards, but
21 he was not part of the actual one on one interview
22 with Mr. Henry. And in speaking with Mr. Henry,
23 he began crying, and he said he wanted to tell
24 everything, but he did not want to talk in front
25 of everyone.

Pamela Wrenn-Direct by Barr

1 Q Okay.

2 A And Lieutenant Collins asked him, well who
3 would you choose to talk in front of. And he
4 chose myself and Agent Flamini. He did not know
5 either one of the 3 of us, but that's who he
6 chose.

7 Q And so Investigator Collins then left?

8 A She exited the room; yes, ma'am.

9 Q Were you there the entire time of the
10 interview?

11 A Yes, I was.

12 Q There has -- there has -- there were some
13 questions of Mr. Henry as to the identity of
14 people that he associated with this crime. Do you
15 remember him being asked those questions during
16 his testimony on yesterday?

17 A Yes.

18 Q And there was reference made to the
19 transcript of that interview. Do you remember
20 those questions?

21 A Yes.

22 Q And tell us, how does the sheriff's
23 department utilize someone to transcribe a
24 statement, an oral statement, that is given by an
25 individual? And specifically I am curious,

Pamela Wrenn-Direct by Barr

1 because we obviously have a Court Reporter here,
2 and in court taking down everything that is said.
3 Does the sheriff's department have a full time
4 Court Reporter that transcribes the statements at
5 contemporaneously with them being given?

6 A I do not know if she is full time. But I
7 know that she is utilized to transcribe all
8 statements; yes, ma'am.

9 Q So the person that the sheriff's office
10 uses to transcribe statements, was she present
11 during the time that the statement was given?

12 A Oh, no.

13 Q And the tape recorder recorded everything
14 that was said between you, Mr. Flamini and Gquan
15 Henry?

16 A That's correct.

17 Q Now was there ever any point and time at
18 all when Gquan referenced anybody named Black?

19 A No, ma'am.

20 Q If a transcript of his interview
21 references anybody or him calling somebody by the
22 nickname Black, do you know how that could have
23 possibly have happened?

24 A Yes, ma'am.

25 Q Okay, tell us.

Pamela Wrenn-Direct by Barr

1 A Number 1, Mr. Henry, I don't know if it's
2 from him being from Anderson, and I'm from
3 Williamsburg, but there was an accent.

4 Q Okay.

5 A And it's even more so than there is today.

6 Q Okay.

7 A But there were several, you know, that I
8 just come not understand what he was saying
9 because he would talk quickly. And I noticed he
10 did that yesterday. And I could see where, in
11 that particular questioning yesterday, he was
12 saying Scrap. But we were also recording on
13 cassette tapes at the time. We did not go to
14 digital format recorder until a year or so later.
15 But at that time, it was cassette tapes. And but
16 he did have an accent.

17 Q Investigator Wrenn, I'm going to hand you
18 what has been marked for identification purposes
19 as State's Exhibit No. 195. And I just removed
20 the little yellow post-it note. Is that your
21 writing?

22 A It is. And it has my initials.

23 Q Tell the jury what that particular exhibit
24 is.

25 A This is a cassette tape. And what we

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1 would normally and always did is, we would mark it
2 with the individual's name who we obtained the
3 statement from. And then I would always date it.
4 A date for the statement. And I would put my
5 name. L-A-I-L.

6 Q And that is the actual audio recording of
7 the interview of Mr. Gquan Henry back on that
8 particular day?

9 A James Gquan Henry.

10 MS. BARR: Your Honor, we would move to
11 admit State's Exhibit No. 195 into evidence at
12 this time.

13 THE COURT: Any objection?

14 MR. MCKNIGHT: Without objection.

15 MR. GRIFFITH: Without objection, Your
16 Honor.

17 THE COURT: Without objection.

18 MS. BARR: Judge, we would move to publish
19 this as well.

20 THE COURT: 190---

21 MS. BARR: 195.

22 THE COURT: 195 is admitted without
23 objection without.

24 (Audio recording of Mr. Gquan Henry marked
25 195 into evidence.)

Pamela Wrenn-Direct by Barr

1 MS. BARR: Permission to publish?

2 THE COURT: You may.

3 (Whereupon, playing audio tape to the
4 jury.)

5 Q I am going to replay just that part again
6 and tell me if you hear him use the word Scrap,
7 okay.

8 A I hear Scrap.

9 Q Say again.

10 A I hear Scrap.

11 Q Now have you had the opportunity to
12 actually read the transcript of that interview?

13 A Yes, ma'am.

14 Q I'm going to refer you to page 12 of
15 Mr. Henry's recorded statement. And I am going to
16 start at line 12 through 25. Don't read it. But
17 just let me know on that transcript, do you,
18 between those lines, do you see the type written
19 word Black?

20 A I do.

21 Q You see it?

22 A On line 23; yes, ma'am.

23 Q Line 23. Now I am going to play that part
24 again, and tell me if, where you see that word
25 Black. If it's on the recording as Black or

Pamela Wrenn-Direct by Barr

1 Scrap, okay.

2 A Uh-huh. (Affirmative.)

3 Q Do you see on the transcript the word
4 Black and then hear corresponding transcription or
5 do you see that actual part of the interview where
6 he says Scrap?

7 A Yes, ma'am.

8 Q And what part of transcript is that?

9 A That's line 23. Page 12, line 23.

10 Q And what is contained within that sentence
11 where there is a difference on the transcript
12 versus the actual recording?

13 A That Black -- do you want me to read it?

14 Q Please.

15 A That Black hit me and said, wake your ass
16 up.

17 Q And on the actual recording where you are
18 present, what does he say?

19 A Scrap.

20 Q And what does specifically that whole
21 sentence, what does he say on the tape?

22 A The entire sentence is then Black hit me.
23 On here, it's Black. But it's Scrap in actuality.

24 Q So on the tape for that sentence he's
25 saying what on the actual recording?

Pamela Wrenn-Direct by Barr

1 A Scrap. Then Scrap hit me and said wake
2 your ass up. And if you say something, I am going
3 to kill your ass.

4 Q Let me ask you this. We talked about the
5 arrest warrants for Ms. Mickens and Gquan Henry.
6 And we also talked about arrest warrants for
7 Laquincy Williams. In terms of the arrest warrant
8 for Ms. Juandalyn Miller, you were part of her
9 statement as well?

10 A I was.

11 Q You were there when she talked to the
12 police?

13 A Yes.

14 Q And I asked her when she was in court,
15 whether or not she agreed to accompany you and
16 show you where the home was, that they were sort
17 of circling around back of the night of November
18 the 1st, or leading up the morning of November 7th
19 of 2007. Were you in court when I was asking her
20 those questions?

21 A Yes.

22 Q And now and I also showed her an exhibit,
23 which was the front door to the victim's home. Do
24 you recall what your her response was, as to
25 whether or not the photograph that I showed her

Pamela Wrenn-Direct by Barr

1 was the victim's residence?

2 A I did not recall her response.

3 Q Do you remember whether or not, she
4 identified the victim's house as being the same
5 house they went to the first time?

6 A Yes, ma'am.

7 Q Did she do that in court or do you
8 remember what her response was in court?

9 A I do not remember. I remember when we
10 went to the area.

11 Q What information did she give you about
12 the area?

13 A When we got to the Donnelly area, as we
14 turned, she would tell me where to turn, and she
15 directed me to the mobile home. And also advised
16 that there was a brick house across the street
17 that his father resided in.

18 Q I am going to publish what's been
19 previously admitted as State's Exhibit No. 50. Do
20 you recognize that?

21 A Yes, I do.

22 Q And what is that for the jury?

23 A That's the back of No. [REDACTED] the
24 victim's residence.

25 Q And let me show you what's been previously

Pamela Wrenn-Direct by Barr

1 admitted as State's Exhibit No 166. Do you
2 recognize that?

3 A That's the front.

4 Q That's the front of the victim's
5 residence?

6 A That's correct.

7 Q When you had Juandalyn Miller to show you
8 where they were that night and the house that they
9 would have gone to, did she identify the victim's
10 residence as that particular house?

11 A Yes, she did.

12 Q Or I shouldn't say house, but that
13 particular home.

14 A Yes, ma'am.

15 Q You have indicated in some instances
16 people who were initially suspects were later
17 released and cleared as a part of your ongoing
18 investigation.

19 A Yes, ma'am.

20 Q Is that right? At any point and time, did
21 you in your investigation as far as it relates to
22 Laquincy Williams, Gquan Henry and Toshonda
23 Mickens, at any point and time, did you clear them
24 and release them?

25 A No, ma'am.

Pamela Wrenn-Direct by Barr

1 Q Tell me what is it about the facts or
2 circumstances surrounding what you believe to be
3 their guilt, that makes you confident that they
4 are the ones responsible for this shooting of
5 James McNeal?

6 A Number one, the conversation that we had
7 with Agent Flamini and the federal inmate.

8 Q Okay.

9 A The details that were given. Pertinent
10 details that only certain individuals would have.
11 Following up to that, once Mr. James Gquan Henry
12 was placed under arrest, and under miranda, he
13 gave us a statement. And in that statement, he
14 advised---

15 Q Okay.

16 A ---further details.

17 Q Let me ask you this. We know from the
18 firearm's expert that there were three weapons
19 involved. Is that fair to say?

20 A That is correct.

21 Q And the information that you received from
22 Mr. Henry, is that corroborated by the testimony
23 that was given from the firearm's examiner?

24 A That is correct.

25 Q What about any DNA? Is there anything

Pamela Wrenn-Direct by Barr

1 about any DNA evidence or information that you
2 received during your investigation and that we
3 heard about during the trial, that leads you to
4 believe that the three of the individuals charged
5 here are the ones were involved in the crime?

6 A The, once we were able to put the --
7 substantiate the information that we had from the
8 federal agency, along with Mr. Henry, and the
9 details that we had at the crime scene---

10 Q Yes, ma'am.

11 A ---it then lead us to Florence City Police
12 Department. And once I inquired with them, they
13 reviewed their case file, which consisted of an
14 unsolved crime that was reported where a victim
15 was taken to McLeod Hospital in Florence.

16 Q Okay. And the clothing that was received
17 from Gquan Henry by the Florence City Police
18 Department, of course you have heard testimony
19 that his clothing was analyzed for DNA.

20 A That is correct.

21 Q And in terms of kind of the timing, have
22 you ever driven from Hemingway to Florence, South
23 Carolina?

24 A I have.

25 Q And what route would you normally take to

Pamela Wrenn-Direct by Barr

1 get from Hemingway to Florence?

2 A I would took 41 up to Pamplico highway.

3 I'm assuming it's highway 51.

4 Q Okay.

5 A And then on into Florence.

6 Q So would normally go 41/51. But you then
7 have cross over to 378. Cross over 378?

8 A Yes.

9 Q And then from the 378, how would you
10 continue on Highway 51 a/k/a Pamplico highway.

11 A Actually---

12 Q Would you make a right turn or a left turn
13 or what?

14 A I will be honest, I am not real familiar.
15 Although I know it takes approximately an hour.
16 It's one of those things where you stay on the
17 road and travel. I don't live that area, so I
18 don't know the back roads.

19 Q But it would take you about an hour.

20 A It takes approximately an hour; yes.

21 Q Now do you know the funeral home who
22 handled the body of J. McNeal, the victim?

23 A I do not.

24 Q Did you have -- do you have a copy of the
25 victim's obituary?

Pamela Wrenn-Direct by Barr

1 A I did. It's in my case file.

2 Q Is it up there with you, or is it in the
3 box?

4 A No. If I am not mistaken it was Bartelle's
5 Funeral Home, but I am not positive.

6 Q Did you ever subpoena the medical records
7 of Gquan Henry from Mcleod Hospital?

8 A I did.

9 Q And what time was he actually admitted?

10 MR. MCKNIGHT: Objection. Hearsay. Calls
11 for hearsay.

12 THE COURT: Overruled.

13 A The records were subpoenaed on 5/7/2010.
14 And it appears, this does not have the initial
15 admittance. But if I am not mistaken, it was
16 9:34 a.m.

17 Q So that would have been 10 minutes before
18 the call was placed to Florence City dispatch?

19 A Yes, ma'am.

20 MS. BARR: Investigator Wrenn, that's all
21 the questions I have. Please answer any questions
22 the court or defense counsel may have.

23 THE COURT: Mr. McKnight.

24 MR. MCKNIGHT: Thank you, Your Honor.

25 Cross Examination by Mr. McKnight:

Pamela Wrenn-Direct by Barr

1 Q Good morning, Investigator Wrenn.

2 A Good morning.

3 Q I need you to speak up for me so that we
4 can hear you. I had a hard time hearing you over
5 there, so I need you to talk up, okay.

6 A All right.

7 Q Now back in 2007, what was the last name?

8 A Lail. L-A-I-L.

9 Q In your department is there an
10 Investigator Lee?

11 A It was Lee. And then I am on my third
12 marriage. So it was Lee, then Lail. And then I
13 divorced in 2000, early 2007. And I married the
14 end of 2007.

15 Q So in 2007, you were known as Investigator
16 Lee; is that correct? Pamela Lee.

17 A Well it's Pamela Lee. And it's according
18 to how it comes up in our Williamsburg County
19 system, Pamela Lee Lail.

20 Q But you would, the name Pamela Lee are one
21 and the same with the regard to the---

22 A The same person.

23 Q ---sheriff's office. Now when you
24 arrived at the scene, the investigatory scene or
25 the scene of the crime, to whom did you speak with

Pamela Wrenn-Cross by McKnight

1 first?

2 A As far as the officers or who?

3 Q Who is the first person you talked to?

4 A I do not know. I was not or I was not
5 assigned the case. So...

6 Q Did you get -- did you go to the crime
7 scene on November 2nd of 2007?

8 A I did.

9 Q Did you talk to, okay, so do you recall
10 who you spoke with that day?

11 A Not on my initial, not upon walking into
12 the scene. We were there for crowd control.

13 Q You were there for crowd control. When
14 did you start talking to people? After you got
15 the crowd control, when did you start talking to
16 individuals?

17 A The normal procedure is to see what we
18 have. And then Lieutenant Collins in this
19 particular case would have, in this case
20 Investigator Lambert, to interview one person.
21 She would have another investigator to interview
22 another person. If I am not mistaken, myself and
23 Investigator Lambert spoke with Latisha Bell.

24 Q Okay. And whom else did you talk with?

25 A I do not -- we talked with several people.

Pamela Wrenn-Cross by McKnight

1 But I just do not know.

2 Q Do you have your incident report from that
3 day?

4 A I do.

5 Q Could you please take the time to review
6 it and refresh your recollection and tell me who
7 you talked with that day?

8 A According to the report, I do not have a
9 supplemental in my report until 11/5, because I
10 assisted other investigators.

11 Q So who did you talk with on 11/5?

12 A Latasha Ann Williams.

13 Q Now let me ask you this. There are some
14 things that you do, that you don't put everything
15 you do in this report; is that right?

16 A If it pertains to the case.

17 Q So did you talk to the family on the
18 day -- on the day of the shooting?

19 A I do not recall.

20 Q I thought you said on direct that part of
21 your protocol was to talk with the family first.

22 A And that is part of the investigative
23 protocol. And again, Investigator Lambert was
24 handling the case.

25 Q Do you know if she talked to the family?

Pamela Wrenn-Cross by McKnight

1 A I do not know.

2 Q Okay.

3 A I can only, you don't want me to assume.

4 So I can't---

5 Q No, you were there. Didn't you see her?

6 A No, sir, I did not say that. If we were
7 assigned to speak to certain individuals, we did.
8 But I was not there when she spoke directly with
9 the family.

10 Q Now you're saying that someone has to be
11 assigned. Who does the assignment?

12 A I've already answered that. Lieutenant
13 Collins is our chief investigator.

14 Q You were assigned to talk to who?

15 A I was assigned to Investigator Lambert
16 with Latisha Bell.

17 Q So you are not the chief investigator in
18 this matter.

19 A No.

20 Q So who is the chief investigator in this
21 matter?

22 A On the initial response and we have a
23 lieutenant, and that's Lieutenant Deborah Collins.

24

25 Q So she would know more than you do; is

Pamela Wrenn-Cross by McKnight

1 that correct?

2 A That's right.

3 Q Now this statement -- this tape that you
4 played, you all took that, you were there when the
5 tape was made; were you not?

6 A That's correct.

7 Q And you heard what he said then.

8 A Yes.

9 Q Please tell me on that tape where you ever
10 indicate that you can't understand clearly what he
11 is saying?

12 A I would have to look back over the
13 transcript.

14 Q Sure. Of course would you like, court's
15 indulgence.

16 THE COURT: Yes, sir.

17 Q Now if you would, please, ma'am, don't
18 take mine out of order, because it not bound. So
19 please keep it in order. Permission to approach.

20 THE COURT: You may.

21 Q Okay. I need you to review this. And I
22 need you to tell me where you see on there, that
23 you ever expressed to him, what do you mean, what
24 are saying, or communicate in any way that you
25 can't understand what he's saying.

Pamela Wrenn-Cross by McKnight

1 A Just in scanning, Mr. Cesar, I do not see
2 it.

3 MR. MCKNIGHT: Thank you, ma'am.

4 Permission to approach, Your Honor?

5 THE COURT: Sure.

6 Q Thank you, so much.

7 A Uh-huh. (Affirmative.)

8 Q Now when you -- you said you, when I say
9 you, I'm referring to the sheriff's department.
10 You or someone at the sheriff's department sent
11 that tape you just played to the Court Reporter;
12 is that correct?

13 A That's correct.

14 Q I'm sorry.

15 A Or the transcriptionist. I am not sure.

16 Q Somebody to type it out; right?

17 A Yes, sir.

18 Q And it came back to you looking like this.

19 A Yes, sir.

20 Q Did you have a chance to read it?

21 A I did not review it. And I do not catch
22 the mistake in Black and Scrap.

23 Q Now and so basically this has sat for
24 3 years now, and it's just today or just yesterday
25 that you suddenly discover that there was

Pamela Wrenn-Cross by McKnight

1 discrepancies in it?

2 A I did not see the---

3 Q Okay.

4 A ---mistake; no, sir.

5 Q Did you prepare to come to trial?

6 A Absolutely.

7 Q Did you review your notes?

8 A Yes, sir.

9 Q Did you review your materials?

10 A Yes, sir.

11 Q And so you didn't review this transcript?

12 A I've advised that I did not see that
13 typographical error.

14 Q Okay.

15 MR. MCKNIGHT: Court's indulgence.

16 Q Now do you make promises to individuals
17 who cooperate to you? Do you offer them stuff?

18 A As in?

19 Q I mean like to get a guy to cooperate with
20 you, do you make them promises?

21 A No, sir.

22 Q No? You didn't make one to Gquan Henry?

23 A I can view my -- I am not going to take it
24 out of context. I never promised him anything, or
25 anyone.

Pamela Wrenn-Cross by McKnight

1 Q But you told him you were going to help
2 him; right?

3 A I would have to read my statement, sir.

4 Q I am going referring to page 7 of the
5 statement of Gquan Henry. Permission to approach,
6 Your Honor?

7 THE COURT: You may.

8 Q Take your time to review that, and tell me
9 whether or not that particularly the part the
10 that's questioned by Investigator Lail, tell me if
11 you recall those statements.

12 A I read them.

13 Q Do you recall making those statements?

14 A That's not a promise, but, yes, sir, I
15 recall that.

16 Q What did you say?

17 A Sure. In the beginning it alludes to the
18 fact that Agent Flamini with the Federal Bureau of
19 Investigation was in the interview.

20 Q Yes, ma'am.

21 A And we advised him to start from the
22 beginning and tell exactly what happened.
23 Everybody involved; everything that took place.

24 Q Yes, ma'am.

25 A And that is when he advised us he would

Pamela Wrenn-Cross by McKnight

1 wind up telling the same thing anyway.

2 Q Okay.

3 A And then Agent Flamini, he advised him
4 then if I told everyone that they would cooperate,
5 no one would cooperate. I'm trying to get people
6 to cooperate, because if you help us, we can help
7 you. And that's when I explained to him, that
8 understand those which meaning the charges that he
9 was brought in on, are state charges. P.J. is
10 already in the federal system, which I have
11 testified to that with Agent Flamini. That's why
12 he is here, we are going to continue to keep you
13 on the state level, because you were 16 when it
14 occurred. And Federal Bureau of Investigation
15 does not charge juveniles.

16 Q Thank you. Yes, ma'am. Now this
17 transcribed statement, and the tape you have, are
18 not the complete and total sum of the conversation
19 you had with Mr. Henry; is it?

20 A I do not know what you mean.

21 Q Okay. I am going to be referring to, I
22 believe it's page 1 of Gquan Henry's statement.
23 Permission to approach, Your Honor? Judge?

24 THE COURT: You may.

25 Q Can you read for me line 1, and you can

Pamela Wrenn-Cross by McKnight

1 stop at line 4. Well first of all, see if that's
2 what you recall. And then once you recall that,
3 please read from line 1 to line 4.

4 A Sure.

5 Q Please go ahead.

6 A And as I testified before, Mr. Henry
7 stated that he wanted to get this off of his
8 chest. But he did not want to talk in front of
9 everyone. And that's when Lieutenant Collins
10 excused herself and said that it would be handled
11 between myself and Agent Flamini.

12 Q Okay.

13 A And that's when the tape began. I'm just
14 reading---

15 Q I understand.

16 A ---what you asked me.

17 Q I will give you chance to explain what you
18 read. Yes, ma'am.

19 A It says, tape started at this point.

20 Q So there is a conversation before the
21 tape -- before the record button is hit.

22 A That's correct.

23 Q And we don't have that on tape. Yes or
24 no? Do we have that on tape? The conversation
25 that took place before you hit the record button?

Pamela Wrenn-Cross by McKnight

1 A There was not a conversation. It was
2 simply that did not want to speak in front of
3 everyone.

4 Q But doesn't it say tape started at this
5 point? And then it begins, and Agent Flamini with
6 FBI bureau of investigation, and we are
7 interviewing James Gquan Henry. Mr. Henry can you
8 read this. That means you were saying something
9 before then; right?

10 A I can't -- I can only tell you what took
11 place, Mr. McKnight.

12 Q You didn't start the tape button when you
13 first walked in the room; did you?

14 A I did not testify to that.

15 Q Now you have talked about the arrest
16 warrants for Laquincy. You've talked about the
17 arrest warrants for Toshonda. Do you have any
18 information from the arrest warrants for
19 Mr. Williams? For P.J. Williams?

20 A He was charged in the federal system.

21 Q Did -- was he charged in -- but his
22 charges in the federal system are not related to
23 this murder; are they?

24 A No, sir.

25 Q Okay. So he was not charged for the

Pamela Wrenn-Cross by McKnight

1 offenses that we are here for today.

2 A If I recall correctly, he was charged, but
3 I am not sure what happened with the information.
4 I don't -- I do not know the sequence of events
5 as far as state charges versus federal charges.

6 Q But federal and state are independent of
7 each other.

8 A That's what I'm saying.

9 Q That's right.

10 A I don't want to testify to something I
11 don't know.

12 Q But I am not asking you about the feds.
13 I'm asking you strictly about the state. Because
14 what they do over there is totally separate to
15 what happens in here; correct?

16 A That is correct.

17 Q So I can be charged here in the state and
18 I can be charged over there too; right?

19 A That is correct.

20 Q Did you charge him in the state court of
21 South Carolina in the Court of General Sessions
22 with anything related to this offense that we're
23 here for today?

24 A If I am not mistaken, yes. But I would
25 have to see the actual warrant.

Pamela Wrenn-Cross by McKnight

1 Q Where did you get his biographical
2 information from? Ms. Barr just asked you about
3 the biographical information. And you were able
4 to provide the biographical information of my
5 client from the warrant. And you were able to
6 provide information about Ms. Mickens from her
7 warrant. But you, when they asked you about the
8 warrant, you didn't say anything about P.J.'s
9 warrant, you just said biographical information.
10 So is there or is there not, or has there ever
11 been a warrant concerning P.J. Williams?

12 A Can I refer to my?

13 Q Yes, ma'am, you sure can.

14 A Please, sir. I have it, sir.

15 Q You do. So you have a warrant for him?

16 A Yes, sir.

17 Q And what is he charged with?

18 A He was charged with, and as a result of
19 information that I received, Phillip James
20 Williams was charged with murder, burglary first,
21 and possession of a weapon during a violent crime.

22 Q Okay. What's happened to those charges?

23 A As I say, I cannot testify to that. I do
24 not know.

25 Q Well how do you know what happened with

Pamela Wrenn-Cross by McKnight

1 Ms. Bell's charges, and don't know what happened
2 with Mr. Williams' charges?

3 A Because I do not know if they're actually
4 -- if the federal system takes over. You're
5 asking me, and I'm trying to answer. I do not
6 know.

7 Q Okay. So you're telling me that you think
8 that the feds. have taken up the murder charge; is
9 that what you're saying?

10 A I am testifying I do not know.

11 Q Would it surprise you that he doesn't have
12 a federal murder charge?

13 MS. BARR: Objection.

14 THE COURT: Sustained.

15 MS. BARR: The question assumes facts not
16 in evidence.

17 Q But as you know of right now, he's not
18 sitting here for trial.

19 A He is not here today.

20 Q Have you been preparing to try him here?

21 A No, sir.

22 Q Next month? Any subsequent months?

23 A No, sir.

24 Q Now you have information or you had
25 information that lead you to believe that Latisha

Pamela Wrenn-Cross by McKnight

1 Bell was being deceptive; do you not?

2 A That's correct.

3 Q You also have information that indicates
4 that she was not home the entire night.

5 MS. BARR: Objection. Calls for hearsay.

6 THE COURT: Sustained.

7 Q You also have, it's been indicated to you
8 that Ms. Bell had a fight with---

9 MS. BARR: Objection. Calls for hearsay.

10 THE COURT: Sustained.

11 Q Did you talk with a Mr. James McNeal?

12 A I did.

13 Q When did you talk to him?

14 A I do not the exact date, but I have kept
15 contact with him.

16 MR. MCKNIGHT: Permission to approach the
17 witness?

18 THE COURT: You may.

19 Q Do you recognize that document?

20 A It's a supplemental.

21 Q And what? A supplement of what?

22 A Excuse me?

23 Q Supplement of what?

24 A It is a supplemental report. Anytime we
25 make contact with a victim, or most anyone

Pamela Wrenn-Cross by McKnight

1 involved, we document it.

2 Q Whose report is it?

3 A This was signed by myself.

4 Q So is that your report?

5 A It is.

6 Q And the James McNeal that I am referring
7 to, is whom?

8 A The father of the victim.

9 Q That's right. When did you talk to him?

10 A It appears to be 11/29/07 myself,
11 Investigator Brown and Mr. James McNeal.

12 Q And this was how many days after the
13 murder?

14 A Well if it's 11/29. I would not know if
15 anyone talked to him before then.

16 Q No, ma'am. How many days after the murder
17 did you---

18 A November 27.

19 Q ---talk to him? How many days is that?

20 A 27.

21 Q Is that your first time talking to him?

22 A I do not know. I do not recall.

23 Q So you could have talked to him before
24 then; right?

25 A I could have.

Pamela Wrenn-Cross by McKnight

1 Q It's been indicated through your
2 investigation that the way that Ms. Bell sounded
3 on the 911 tape, was not actually how she was---

4 MS. BARR: Objection calls for hearsay.

5 THE COURT: Sustained.

6 MR. MCKNIGHT: Your Honor, it is
7 technically not hearsay, because that comes from a
8 witness who is not available. And that witness is
9 Mr. James McNeal who is deceased.

10 THE COURT: Still it's not exception to
11 the hearsay rule.

12 MR. MCKNIGHT: He's an unavailable---

13 THE COURT: It's hearsay.

14 MR. MCKNIGHT: He's an unavailable
15 witness.

16 THE COURT: So, it's not a -- it doesn't
17 fit in within the scope of hearsay.

18 MR. MCKNIGHT: Presence sense impression.

19 THE COURT: No, sir. You're talking 27
20 days later. It is hearsay. Don't go into it.

21 Q Do you know who else talked to Mr. McNeal?

22 A I can only---

23 Q That is a yes or no question. Either you
24 do or don't.

25 A No, I do not. /

Pamela Wrenn-Cross by McKnight

1 Q So someone from your office talked to
2 Mr. McNeal; is that correct?

3 A I cannot say that.

4 Q You did.

5 A I am saying, I don't know.

6 Q Did you talk to him?

7 A I did.

8 Q Now did you talk with the doctor,
9 Dr. Marcus?

10 A I did.

11 Q Now you had reason to believe from talking
12 with Dr. Marcus that this murder happened---

13 MS. BARR: Objection.

14 Q ---before---

15 MS. BARR: Hearsay.

16 THE COURT: Sustained.

17 Q Did you time line in this case?

18 A I attempted one, but the case---

19 Q Either you did or didn't. Did you do one?

20 MS. BARR: Judge, I am going to ask that
21 counsel not interrupt the witness.

22 THE COURT: Just ask your question, and
23 give her an opportunity to answer.

24 Q Did you do one?

25 A I did.

Pamela Wrenn-Cross by McKnight

1 Q And you wrote this down. It's your notes;
2 right? Your time line.

3 A I did.

4 MR. MCKNIGHT: Permission to approach?

5 THE COURT: You may.

6 Q Do you recognize it?

7 A I do.

8 Q Is that a fair and accurate copy of what
9 it is that you have; that you prepared?

10 A Yes.

11 Q And there haven't been any additions or
12 retractions?

13 A To this time line; no, sir.

14 Q To that time line.

15 A That was entered on 12/18/2007.

16 Q Other than my highlights. The highlights
17 that I put on there.

18 A There has been nothing added to this
19 particular time line.

20 Q Good, thank you. Now on your time line,
21 don't you indicate that Latisha Bell speeds---

22 MS. BARR: Objection,---

23 Q ---from the residence?

24 MS. BARR: ---Hearsay.

25 THE COURT: Sustained.

Pamela Wrenn-Cross by McKnight

1 Q How did you prepare your time line?

2 A Basically from the statements and just
3 reviewing the overall report, and talking with
4 other investigators trying to get a time line
5 together.

6 Q Now I need you to give me the name of
7 every investigator that worked in this matter.
8 Every last one.

9 A It would be Investigator Lambert.

10 Q Okay.

11 A Investigator Brown.

12 Q When you say Brown, you mean Willie Brown.

13 A Willie Brown.

14 Q Okay.

15 A Myself.

16 Q Okay.

17 A Lieutenant Collins.

18 Q Okay. Now how did you get this -- so did
19 you get information from them too? Did you like
20 pool it together?

21 A Yes.

22 Q Now do you know whether or not
23 Investigator Collins did a time line?

24 A I do not know.

25 Q Okay. Have you seen her notes?

Pamela Wrenn-Cross by McKnight

1 A I did not, no.

2 Q So how did she communicate her information
3 to you?

4 A Because we discussed the case on a regular
5 basis, especially with a homicide.

6 Q Okay. Answer any questions that, now hold
7 on. Who is the responding -- who is the
8 responding officer? Who got there first?

9 A If I am not mistaken, the first officer on
10 the scene was Deputy James Page. And that's
11 actually who did the initial report. Who was
12 actually on the scene first, I do not know,
13 because I was not first.

14 Q Now also, you said Bartelle's Funeral Home
15 took the body; is that correct?

16 A I said I think it to be.

17 Q But you don't know who from Bartelle's
18 took the body.

19 A Oh, no.

20 MR. MCKNIGHT: Answer any questions
21 Mr. Griffith may have for you.

22 THE COURT: Mr. Griffith.

23 MR. GRIFFITH: Court's indulgence. Thank
24 you, Your Honor. Please the court.

25 Cross Examination by Mr. Griffin:

Pamela Wrenn-Cross by McKnight

1 Q Ms. Wrenn, I am attorney Timothy Griffith.
2 You testified that James Henry's name had never
3 come up in the investigation before you talked to
4 the inmate at the federal, in federal custody; is
5 that correct?

6 A Well before I spoke with P.J. Williams,
7 the federal inmate.

8 Q P.J. Williams.

9 A There were other inmates spoken to but
10 that's who brought the name.

11 Q But his name had never been come up before
12 that.

13 A Not that I recall.

14 Q So then he was picked up. You indicated
15 he was picked up in Anderson.

16 A That is correct.

17 Q And it was after he was picked up, you
18 indicated that he began to give a story, a
19 statement.

20 A After. Yes, after he was picked up and
21 transported to Williamsburg County, we obtained a
22 statement from him.

23 Q So he didn't turn himself in; is that
24 correct?

25 A No, sir.

Pamela Wrenn-Cross by Griffith

1 Q And it was 2010, that you obtained this
2 information from the FBI and federal inmate P.J.

3 A That is correct.

4 Q We refer to him as P.J.

5 A That's correct.

6 Q And the state, Mr. P.J. is not here to
7 testify, we can't question him. The warrants were
8 issued then 3 years later after the event.

9 A That is correct.

10 Q But up to that time, you have been
11 investigating the whole time; is that correct?

12 A That is correct.

13 Q Investigator Wrenn, would you look at this
14 document and tell me if you recognize this
15 document?

16 A Yes, I do.

17 Q And what is that document?

18 A It's a detailed statement in
19 investigation. And it was completed by myself.
20 And it was done on 1/14/2008. Questionable
21 statements made by Latisha Bell.

22 Q So that is your document. You recognize
23 the document.

24 A Yes.

25 Q And you can tell us if this is your

Pamela Wrenn-Cross by Griffith

1 representation.

2 A I am saying this is my supplemental.

3 Q All three pages?

4 A Yes, sir.

5 Q Has it been changed at all other than my
6 highlight?

7 A To the best of my knowledge, it is the
8 same.

9 MR. GRIFFITH: Okay. Thank you. Your
10 Honor, at this time, defense would like to enter
11 this document as Defense Exhibit 1.

12 MR. MCKNIGHT: It would be Exhibit 2,
13 because I have one previously marked.

14 MR. GRIFFITH: Exhibit 2.

15 THE COURT: Any objection?

16 MS. BARR: Yes, we do have an objection
17 Your Honor, it would be hearsay. And, Your Honor,
18 we may need to take the matter up outside the
19 presence of the jury.

20 THE COURT: It's a good time to a break
21 for you all to take a break. We are going to take
22 up a couple of matters. So we give you a break.
23 If you would like a coca cola or you would like to
24 smoke. Please do not discuss the case while you
25 are back there.

Pamela Wrenn-Cross by Griffith

1 (Whereupon, the following takes place
2 outside the presence of the jury.)

3 THE COURT: Your objection?

4 MS. BARR: Your Honor, we would object to
5 the report. And let me, if I can, just basically
6 see what counsel. I think I know what it is. All
7 three documents?

8 MR. GRIFFITH: That's one document with 3
9 pages.

10 MS. BARR: I got you. Your Honor, these
11 appear to be notes and a compilation of statements
12 given by witnesses to law enforcement. And I am
13 not sure whether it would be directly to
14 Investigator Wrenn or directly to former
15 Investigator Brenda Lambert. But to the extent
16 that this report reflects statements that were
17 given by people outside court, we would submit
18 that they are hearsay. I am assuming that counsel
19 is attempting to offer them as a business record
20 of some sort. But, Your Honor, this would fall
21 outside the realm of a business record, because it
22 reflects subjective opinions of the officer which
23 clearly would not be permitted under the business
24 record exception. Even if we didn't have the
25 issues about all the hearsay.

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1 MR. GRIFFITH: Your Honor, if it please
2 the court, these documents are documents
3 maintained and written by this witness. And they
4 are in the normal course of her business dealings
5 made in a consistent way, she consistently keeps
6 her records---

7 THE COURT: But she is relying---

8 MR. GRIFFITH: ---in the same way.

9 THE COURT: ---on statements of other
10 people in there; is that correct?

11 MR. GRIFFITH: Your Honor, this is her
12 opinion. This is her opinion. This is not
13 necessarily statements---

14 THE COURT: I think you can---

15 MR. GRIFFITH: ---where it wouldn't be
16 hearsay. It's her opinion, I'm sorry, Your Honor.

17 THE COURT: I think you can ask her, but
18 I don't think the document comes in.

19 MS. BARR: And, Your Honor, if we can we
20 just---

21 THE COURT: I mean I think you can ask
22 her, wasn't it your opinion. I think you can do
23 that.

24 MR. GRIFFITH: So---

25 THE COURT: But the document does not come

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1 in.

2 MR. GRIFFITH: Okay, Your Honor. But,
3 Your Honor, so it would admissible with Your Honor
4 and the court for me to have her to read excerpts
5 from this document---

6 THE COURT: No, sir. You can ask her
7 about it, and say you thought she was not telling
8 the truth; is that right. Yes. That's about all
9 you can go. Because everything else would be
10 hearsay.

11 MS. BARR: And, Your Honor, if I can,
12 counsel is going to ask the witness about a
13 document. And I'm not sure specifically what he
14 referring to. I'd love to be able to get a copy
15 so that when a question comes, if I can object.

16 MR. GRIFFITH: I was provided this by the
17 state, Your Honor. These are documents she gave
18 me.

19 MR. MCKNIGHT: They got it, yeah.

20 MR. GRIFFITH: He's got one too. We've
21 all got one.

22 THE COURT: She just wants to know which
23 document you are using.

24 MS. BARR: That's all right. I gave them
25 about that much.

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1 MR. GRIFFITH: 1/14/2008.

2 MR. MCKNIGHT: And this warrant is 2363
3 Pamela Wrenn. We have another issue as well, Your
4 Honor.

5 THE COURT: Yes, sir.

6 MR. GRIFFITH: 2363. Pamela Wrenn.

7 MS. BARR: I'm sorry, say again.

8 MR. GRIFFITH: 2363 is the number of the
9 officer. It is dated 1/14 of 2008.

10 MS. BARR: 1/14/2008.

11 MR. MCKNIGHT: Your Honor, our other issue
12 is with the sequestration order. It is my
13 understanding the sequestration order or the
14 normal rules of court, the state is allowed is to
15 have victim's family if they want them there. And
16 a member of law enforcement at the table that
17 plans on testifying. Well, now they Investigator
18 Collins who has been here, who is a witness, and
19 she's been there the entire time. And it seems
20 either there or here, the entire time, in
21 violation of sequestration order. I don't think
22 what curative measures can be taken. But it is
23 definitely in violation of the court's
24 sequestration order issued on Monday.

25 MS. BARR: Judge, we are not calling

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1 Investigator Collins.

2 THE COURT: Okay. That's not a problem.

3 MR. MCKNIGHT: But we will.

4 THE COURT: That's up to you. But she's
5 not calling her witness. If you are calling her
6 as your witness, she just has her witnesses
7 sequestered.

8 MR. MCKNIGHT: Okay.

9 THE COURT: So she's not violated
10 anything.

11 MS. BARR: And, Judge, if there is a---

12 THE COURT: And she doesn't even have --
13 you can have all your witnesses sitting out there.
14 She didn't ask for that, so it is not a problem.

15 MS. BARR: Judge, and in all candor, on
16 yesterday when we met after the jury retired for
17 the evening, I was told by defense counsel that
18 they anticipated calling 3 to 4 witnesses,
19 including the pathologist, the two alibi witnesses
20 and the client. There was not an indication at
21 that time. And I know they can change. There was
22 a not an indication at the time that they would
23 calling Deborah Collins. I had already made the
24 decision not to call Deborah Collins. And told
25 her that it was okay for her to sit in the

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1 courtroom. So that's my apologies. If there is a
2 problem with that, I'll obviously ask her to
3 leave. But I did not intend to call her. And
4 based on the conversation on yesterday, I didn't
5 think the defense intended to call her. So I
6 didn't mean to rely---

7 THE COURT: Well although she's on your
8 witness list, you are not calling her. So there
9 is no foul.

10 MS. BARR: I'm not calling her.

11 THE COURT: Did you put her on your
12 witness list?

13 MR. MCKNIGHT: No.

14 THE COURT: So there is no foul. Why
15 don't we take a little break.

16 MR. MCKNIGHT: Yes, sir.

17 (Whereupon, the court takes a short
18 recess.)

19 THE COURT: Ms. Barr, how many more
20 witnesses do you intend to call?

21 MS. BARR: Judge, I was just having that
22 conversation with Mr. Griffith. May we approach?

23 THE COURT: You may.

24 (Whereupon, attorneys approach and confer
25 with judge.)

1 MS. Barr: Judge, I do need to put a
2 matter on the record. Or two matters on the
3 record. Your Honor, on Monday when defense
4 counsel moved to sequester the witnesses, the
5 court granted that motion. I assume that the
6 ruling was mutual. And, Judge, you may recall all
7 the sled agents were deliberately kept in a
8 conference room until it became their time to
9 testify.

10 THE COURT: Right.

11 MS. BARR: So I didn't -- if it's not
12 mutual, Judge, we would certainly ask that it be
13 mutual.

14 THE COURT: Yeah, from this point forward
15 it will be. I didn't think you made the motion.
16 So I granted their motion. And so I didn't know
17 that was an issue.

18 MR. MCKNIGHT: It's mutual. All of our
19 witnesses that we intend to call, Your Honor, have
20 been outside the sequester. They have been
21 outside.

22 THE COURT: Okay.

23 MS. BARR: Judge, as it relates to the
24 document that Mr. Griffith intends to examine the
25 witness about, if I can mark that as a court's

1 exhibit, and just hand the court a copy. So you
2 will see what I am talking about.

3 THE COURT: And you just have to make your
4 objections. Because just like a regular traffic
5 report or something it's full of hearsay. So I
6 mean...

7 MS. BARR: But, Judge, here's the problem.
8 If they're going to ask her opinion testimony, and
9 if you look at Rule 701 of the South Carolina
10 Rules of Evidence, it only permits opinion
11 testimony from lay witnesses. And specifically
12 Rule 701 says, if the witness is not testifying as
13 an expert, the witness' testimony in the form of
14 opinion or inferences is limited to those opinions
15 or inferences which are A., rationally based on
16 the perception of the witness. Not based on what
17 anything else.

18 THE COURT: Right, she can't base it on
19 hearsay.

20 MS. BARR: Right and that's my concern.
21 Furthermore, Judge, there is case law that
22 suggests that you cannot ask a witness a to
23 essentially comment on the credibility of another
24 witness.

25 THE COURT: Right. That's called pitting.

1 That's pitting.

2 MS. BARR: Exactly. So they want her to
3 comment on the veracity or the credibility of
4 'Latisha Bell. And they cannot' do that under the
5 case law. That's State versus Bryant. That's
6 State versus Sapps. S-A-P-P-S. And State versus
7 Burgess. It is improper for the solicitor to
8 cross examine a witness in a manner as to force
9 him to attack the veracity of another' witness.
10 And those cases also go on to say that the judging
11 the credibility of the witnesses is solely---

12 THE COURT: For the jury.

13 MS. BARR: ---for the province of a jury.

14 THE COURT: Not for another witness.

15 Correct.

16 MS. BARR: And, judge, those three pages
17 of Investigator Lail's incident report,
18 supplemental report, it's talking about reasons
19 why she had to question the credibility or the
20 veracity of Latisha Bell. She cannot testify to
21 that.

22 THE COURT: That's correct.

23 MR. MCKNIGHT: Your Honor, if I may, the
24 door to this has already been open because on my
25 cross of Ms. Lail, she indicated that she believed

1 that Ms. Bell was being deceptive.

2 THE COURT: I don't think that opens that
3 door. Because now you're going to come along and
4 question her. We're not going there. I mean you
5 will just have to make your objections, Ms. Barr,
6 as they come. But I'm going to actually say,
7 just so they're not filled up with questions that
8 can't be---

9 MS. BARR: Right.

10 THE COURT: ---answered, I am going to
11 admonish him; don't ask any questions concerning
12 the opinion.

13 MR. GRIFFITH: Concerning what, Your
14 Honor?

15 THE COURT: Her opinion.

16 MR. GRIFFITH: Her opinion.

17 THE COURT: Or hearsay.

18 MR. GRIFFITH: Your Honor, I would argue
19 that I could ask her opinion of not Ms. Bell, but
20 of someone else's perception.

21 THE COURT: I don't think you could.
22 That's pure speculation. That would be like
23 asking somebody what you were thinking over there.
24 That is pure speculation.

25 MR. GRIFFITH: Well her perception---

1 THE COURT: You can -- here's basically
2 what you can do. You can ask her, did you later
3 drop the charges. Did you bring charges against
4 him. Did you drop the charges. But you can't
5 really get in to why she did it.

6 MR. GRIFFITH: Your Honor, if it please
7 the court, If I can you exactly what I was going
8 to ask.

9 THE COURT: Let's see what it is.

10 MR. GRIFFITH: Your Honor, on page 1, most
11 of the way down, Your Honor, two-thirds of the way
12 down, you see the words, pounding on the door.

13 THE COURT: Pounding on the door
14 immediately after the murder occurred. Pounding
15 on the door.

16 MR. GRIFFITH: And then it says according
17 to Mr. McNeal. Do you see that, Your Honor?

18 THE COURT: Okay.

19 MR. GRIFFITH: It says that he saw---

20 THE COURT: That's hearsay.

21 MR. GRIFFITH: It says he saw her as she
22 was walking toward the door. She was talking on
23 her cell phone. When he saw her, he got up and
24 met her at the door. And she told him, they shot
25 J. And Mr. McNeal stated that she was not upset;

1 nor was she was crying. She did not fall on the
2 back door. I was going to ask her if her opinion
3 was that Mr. McNeal, her perception was that he
4 didn't feel she was upset about it.

5 MS. BARR: Judge, she can't comment on
6 what her feelings were about his perceptions.

7 THE COURT: Right.

8 MR. GRIFFITH: No, did she perceive. Did
9 she perceive that Mr. McNeal did not feel that
10 Ms. Bell was upset when she came to him.

11 THE COURT: The problem is, is this was
12 memorialized on 1/14/2008. No, I don't think she
13 can do that. I don't think she can put herself
14 into his position as to what he was thinking.

15 MS. BARR: Judge, he could say---

16 THE COURT: You, but I mean the problem
17 is, he is not.

18 MS. BARR: Right.

19 THE COURT: But it still doesn't fit into
20 the hearsay, because it's not a present sense
21 statement, because it was taken much later.

22 MR. MCKNIGHT: Well so when you say -- the
23 court's interpretation of present sense impression
24 then has to be that it's contemporaneous with them
25 viewing or whatever it is they saw?

1 THE COURT: No, it's not the court's
2 interpretation, it's the law. It says while it's
3 happening or immediately thereafter. I would, I
4 mean if he had said something and they had taken a
5 statement a short while later that would be one
6 thing. But this is given 27, 2 months later.
7 He's had -- the whole ideal on hearsay; is that,
8 the exception when somebody doesn't have the time
9 to reflect on what they are saying. They blurt it
10 out without and therefore, it has an indicia of
11 truth about it. But if you had time to reflect on
12 it, then it's hearsay.

13 MR. GRIFFITH: So I can't say, this is her
14 opinion. She's writing down her opinions of what
15 she's---

16 THE COURT: No, sir.

17 MR. GRIFFITH: ---she's investigating.

18 THE COURT: No, sir.

19 MR. GRIFFITH: Okay.

20 THE COURT: Let's bring our jury back in.

21 (Whereupon, the following takes place
22 within the presence of the jury.)

23 THE COURT: Mr. Griffith, you can may
24 continue.

25 MR. GRIFFITH: Thank you, Your Honor.

1 THE COURT: As instructed.

2 Cross Examination by Mr. Griffith:

3 Q So, Ms. Wrenn, you had the transcript of
4 the tape for 3 years; is that correct? You had
5 that ability to look at that transcript for 3
6 years and listen to the tape.

7 A Yes.

8 Q All that time it was never brought up that
9 there were any discrepancies on that tape.

10 A I did not catch that error; no, sir, I did
11 not.

12 Q And when Mr. Henry was talking to you and
13 to the other investigator, as you have already
14 testified, you did give him the opportunity to
15 testify, but you told him that you could help him;
16 is that correct? You said, you can help him.

17 A I said whatever is in my statement. I
18 have to have it to read it verbatim.

19 MR. GRIFFITH: Now, I have no further
20 questions at this time.

21 THE COURT: Any redirect from the state?

22 MS. BARR: Just very, very briefly.

23 Redirect Examination by Ms. Barr:

24 Q Investigator Wrenn, as it relates to the
25 the transcript versus the actual recording of the

1 interview with Gquan Henry back in September of
2 2010, which of those two forms would be the most
3 accurate in reflecting what he told you that day?

4 A Exactly what had came from him, which
5 would be the tape.

6 Q That would be the best evidence.

7 A Yes, ma'am.

8 MS. BARR: That's all the questions I
9 have.

10 THE COURT: Any recross based on her
11 redirect?

12 MR. MCKNIGHT: No, Your Honor.

13 THE COURT: Mr. Griffith?

14 MR. GRIFFITH: No, Your Honor.

15 MS. BARR: Your Honor, at this time, the
16 state rests.

17 THE COURT: Thank you. Ladies and
18 gentlemen, we have a matter of law that we have
19 take up. I am going get you your exercise. I
20 have got to send you back out so we can take up a
21 matter of law. And what I intend to do is, is we
22 are going to have a working lunch. I'm going to
23 bring a small lunch in for you, so that you don't
24 have to leave the courthouse. But I let you eat
25 back there, and we can send something. I don't --

1 I'm hoping to try to get this completed today so
2 we don't have to go into tomorrow. Thank you.
3 Please don't discuss anything while you are back
4 there.

5 (Whereupon, the following takes place
6 outside the presence of the jury.)

7 THE COURT: Mr. McKnight.

8 MR. MCKNIGHT: Your Honor, at this time,
9 the defendant Laquincy Williams moves for a
10 directed verdict. Your Honor, we believe that
11 there has not been evidence sufficiently provided
12 to the jury from testimony and pieces of evidence
13 entered for them to reach such a conclusion. Your
14 Honor, we also renew our motion with regard to the
15 suppression of the autopsy report. And again,
16 citing the cases of State vs. Smith and State vs.
17 Cribb and Vinton vs. Cullum. Also in addition, we
18 cite State vs. Fryberger.

19 As Your Honor has indicated during
20 previous arguments, we do believe, or the court
21 does not believe that a body in itself is fungible
22 evidence; however, as indicated in Fryberger
23 particularly, the pertinent part on this page 742.
24 And this is the opinion written by Justice Waller.
25 While the chain of custody requirement is strict

1 where fungible evidence is involved, where the
2 issue is the inadmissibility of non-fungible
3 evidence; that is, evidence that is unique and
4 identifiable, the establishment of a strict chain
5 of custody is not required. If the offered item
6 possesses characteristics which are fairly unique
7 and readily identifiable. And if the substance of
8 which the item is composed, is relatively
9 impervious to change, the trial court is you just
10 have a broad discretion to admit merely on the
11 basis of testimony that the item is the one in
12 question, the item is the one in question, and is
13 substantially is unchanged.

14 Your Honor, a body by it's very nature, is
15 subject to change; particularly, after death when
16 it is in a state of decomposition. It also
17 contains fungible evidence.

18 THE COURT: Well they've not offered
19 anything concerning that. Has the state offered
20 anything concerning the body?

21 MR. MCKNIGHT: Yes, they have offered the
22 autopsy report. That was done.

23 THE COURT: But there were no
24 toxicological reports or anything like that
25 admitted.

1 MR. MCKNIGHT: But there was blood that
2 was taken. There was tissue that was taken.
3 There was an examination of that body. And that
4 examination on that body lead our forensic
5 pathologist to come to a reasonable degree of
6 medical certainty as to what the cause of death
7 was.

8 THE COURT: Right.

9 MR. MCKNIGHT: So with that material being
10 subject to deterioration, subject to manipulation,
11 subject to change, it is a fungible item. And
12 therefore if they cannot produce a complete chain
13 of custody, it then -- it is inadmissible and any
14 report done off of it is inadmissible. And that
15 there is our objection. Are you joining in?

16 MR. GRIFFITH: I join in his objection.

17 THE COURT: Ms. Barr.

18 MS. BARR: Your Honor, as it relates to
19 the defendant Laquincy Williams' motion for a
20 directed verdict, he is charged in the indictment
21 with criminal conspiracy, burglary in the first
22 degree, armed robbery, murder and possession of a
23 weapon during the commission of a crime. We would
24 submit to the court that there has been ample
25 substantial evidence within the record, from which

1 this jury could find that the defendant committed
2 all of the acts in the indictment. There is
3 testimony that this burglary, armed robbery was
4 planned in advance of its occurrence; that the
5 defendant went into the home of the victim without
6 consent, while armed with a deadly weapon, which
7 is an aggravating factor for burglary in the first
8 degree.

9 And further, that he caused physical harm
10 to the victim who is not a participant in the
11 crime, which is also a further aggravating factor
12 for burglary in the first degree. There was
13 testimony from Ms. Latisha Bell that the person
14 who entered her residence took cash from her. And
15 obviously, judge, testimony that they were armed
16 with a weapon. Judge, that it's substantial
17 evidence in the record for the jury to convict the
18 defendant of armed robbery.

19 Judge, the victim was shot multiple times.
20 There has been evidence in the record that the
21 defendant Laquincy Williams, was the individual
22 who shot the victim. And obviously the shooting
23 resulted in the victim's death. And certainly the
24 jury can find that he committed the act of murder.
25 And, Judge, clearly the testimony has been that

1 he had a weapon. And of course burglary first
2 degree, armed robbery and murder are all
3 considered violent crimes. So the jury could
4 naturally infer that if he is guilty of either one
5 of those three major crimes, that he would also
6 be guilty of possession of a weapon during the
7 commission of a violent crime.

8 As it relates to defendant's motion to
9 suppress the autopsy report, one thing, Judge, is
10 we never offered the autopsy report into evidence.
11 And so I think the motion to suppress the autopsy
12 report is moot. The autopsy report was not even
13 marked as an exhibit. Judge, it is an interesting
14 argument quite frankly regarding the issue about
15 the chain of custody for the body. Your Honor, we
16 never offered the body into evidence. There was
17 testimony by the pathologist that he took two
18 vials of blood from the victim's chest cavity.
19 Once he took the blood from the victim's chest
20 cavity, he then turned it over to Lieutenant
21 Jeffrey Scott of the Williamsburg County Sheriff's
22 Department.

23 Lieutenant Jeffrey Scott then transported
24 that evidence to sled. Sled has testified about
25 it's procedures in securing evidence, particularly

1 DNA evidence. And then the analyst then tested
2 that DNA and compared it to the other items of
3 evidence in this case; has testified that when he
4 received the DNA in the sample, it had been
5 sealed. No indication at all that the sample had
6 been contaminated with or compromised in any way.
7 And so, Judge, we have established---

8 THE COURT: I think his only concern is,
9 am I correct, of the body, that nobody walked with
10 the body from Peach Street to MUSC.

11 MR. MCKNIGHT: No, sir, that's not my only
12 concern. My concern is simply this. Ms. Barr has
13 just articulated through her recitation of the
14 facts, the problem, and the problem that we here
15 now. The DNA itself and I am going to start from
16 there and go backwards. The DNA chain of custody
17 is clearly not perfected, because we don't know
18 who took the DNA to MUSC for the doctor then to
19 extract and then to give to sled for them to test.
20 That chain is not perfected. And the law clearly
21 says you have to have a strict chain of evidence,
22 pardon me, a strict chain of custody for a blood
23 sample.

24 THE COURT: Do you agree that once the
25 blood -- you don't have a blood sample until it's

1 drawn. And that's when it becomes a blood sample.
2 Do you have any problem with the chain of custody
3 from when Dr. Marcus drew the blood until it went
4 to sled?

5 MR. MCKNIGHT: No, my time is before
6 Dr. Marcus got it. Because the body has been
7 dead, Your Honor. We don't know what happened to
8 the body between or who had it from the time it
9 left Hemingway until the time it got to
10 Charleston. You have no idea what they did, what
11 condition it was in, who had it. What they---

12 THE COURT: You're not suggesting that it
13 wasn't Mr. McNeal when it got down to Charleston;
14 are you?

15 MR. MCKNIGHT: No. I don't---

16 THE COURT: I mean they didn't swap him
17 out because he just like everybody else or
18 something like that; is it?

19 MR. MCKNIGHT: Your Honor, you cannot, the
20 law is clear. You cannot tell, if you do not have
21 a complete chain of custody for fungible evidence
22 and blood is one, and the person -- the blood is
23 in the body. So the person who is in the body is
24 dead. So the body doesn't have any independent
25 needs of movement. So the person who then takes

1 the body is then taking the blood and taking any
2 of the other fungible materials in it, and
3 delivering it someplace else. The law says that
4 we need to know who that person is, each and
5 everyone. They haven't done that. Beyond that,
6 Your Honor, you are correct. The autopsy report
7 is not is evidence nor is the body.

8 However, the body was used for the basis
9 of the opinion that the doctor gave. And that
10 doctor's opinion should not have been allowed,
11 because that opinion is based upon fungible
12 evidence. Again, the body. And like I said, from
13 cases that we have Fryberger, Cribb and Sweet,
14 that you must have a complete chain of custody for
15 fungible evidence. All we know is that somebody
16 from Bartelle's had the body. That's all we know.

17 So with that being said, Your Honor, it is
18 our belief, it's the defendant Laquincy Williams'
19 contention that you have to give a curative
20 instruction to the jury to disregard the findings
21 of Dr. Marcus, because that fungible, that custody
22 for the fungible evidence was not introduced. And
23 with regard to the DNA, it should not come,
24 because we have a complete chain of custody in
25 accordance again, with State vs. Sweet, Cribb and

1 Vinton.

2 THE COURT: I'll give you....

3 MS. BARR: And, Judge, the reason why
4 Mr. McKnight cannot provide the court with any
5 authority related to his position is because there
6 is no authority related to his position. He would
7 have the court assume that if his argument is
8 correct, if the police found the dead body on the
9 side of the road and took it to the Medical
10 University of South Carolina, and having no idea
11 of who this individual was, and perhaps say the
12 pathologist was able to get dental records. If
13 his position is to be believed, then that means
14 that in every court of law the pathologist could
15 never come in to court and testify in this case
16 what caused that person's death, because nobody
17 knows how the body got on the side of the road.

18 The argument is clearly in my view,
19 clearly without evidence. The pathologist
20 testified as to the manner and cause of death. It
21 wouldn't matter whether the body went to the moon
22 and came back. The manner and cause of death
23 would still be the the same. There is not any
24 evidence that was offered for him about any
25 fungible in terms of the results of any DNA. But

1 clearly, Judge, the evidence that the state was
2 concerned about and that was offered, was the
3 blood from the victim's chest cavity.

4 And, Judge, clearly from that point on,
5 the chain of custody has clearly been established.

6 MR. MCKNIGHT: Your Honor,---

7 THE COURT: I will give you a brief last
8 argument.

9 MR. MCKNIGHT: Yeah, the suggestion that I
10 don't have any authority quite often, I have cited
11 the cases to you. In her analogy that she just
12 made about no one ever being able to have a
13 pathologist in the court testify is really one
14 without merit. It's not that they can't have a
15 pathologist report, they just have to give a chain
16 of custody from the point of when they get the
17 body until the time they get to MUSC. And they
18 can't do that. I am not purporting to the court
19 that nobody can come in. That's not true. But
20 the Williamsburg County Sheriff's Department
21 should be or coroner in this instance should be
22 able to tell you when the body, who picked up the
23 body, and who took it MUSC. Like any other piece
24 of evidence. If they can go through all of this
25 display of Best Kits and GSR kits that are all

1 sealed in all these nice bags for bullets, but
2 then they get to handle a body any old they want
3 and say this is how it is. How do we know that
4 someone didn't shoot the body again between MUSC
5 and Hemingway. We don't.

6 How do we know that someone didn't remove
7 5 bullets from the body between MUSC and
8 Hemingway. We don't. All we know is that
9 somebody from Bartelle's whomever that may be, had
10 it. And that's how got there.

11 THE COURT: Well on that issue, you may
12 get an opportunity depending upon what -- do you
13 join in his motion?

14 MR. GRIFFITH: I do join in his motion,
15 Your Honor.

16 THE COURT: I am going to deny your
17 motion. You may get an opportunity to argue that
18 to a higher court, but as far as here, I find
19 it's without merits.

20 MR. MCKNIGHT: Yes, sir.

21 THE COURT: As to the directed verdict,
22 motion, which I am sure you are joining in as
23 well.

24 MR. GRIFFITH: I join in his directed
25 verdict. I would also like to submit a directed

1 verdict on behalf of my client, Your Honor. In
2 that move for a directed verdict not enough
3 evidence to show the case against the defendant.
4 And the jury doesn't have sufficient evidence
5 provided to present and to reach a verdict that
6 without great extrapolation and speculation, Your
7 Honor. I do believe the court should direct a
8 verdict toward my client.

9 THE COURT: At this point of the trial,
10 the court is more worried about the existence of
11 evidence and not its weight. And therefore, I
12 find there is sufficient evidence. And that's if
13 you believe Mr. Henry. And that would be enough
14 to get it over the fence. As to whether or not it
15 goes any further, I don't know. So the directed
16 verdict motion on both defendants is denied.
17 Respectfully denied. And the other motion
18 concerning the fungibility of the human body, is
19 denied as well.

20 THE COURT: Would you all want me to go
21 ahead and question your clients at this point and
22 time as to whether they want to testify?

23 MR. MCKNIGHT: We are ready right now,
24 Your Honor. Defendant Williams is.

25 THE COURT: Please, Mr. Williams, if you

1 would please stand and be sworn. And this is
2 only for this limited purpose.

3 (Whereupon, the defendant Laquincy Manuel
4 Williams is sworn.)

5 THE COURT: You are Laquincy Manuel
6 Williams; is that correct?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Mr. Williams, at this time I
9 am going to explain to you certain of your rights.
10 If you don't understand anything that I say,
11 please let me know. And if you want me to
12 explain in greater detail, I can do that as well.
13 Do you understand what I have said so far?

14 THE DEFENDANT. Yes, sir.

15 THE COURT: Now, Mr. Williams, at this
16 stage, we have reached the part of the trial where
17 you may be allowed to present your defense. You
18 have a right though to claim protections given to
19 you by the 5th Amendment of United States
20 Constitution, that says in part that no person
21 shall be compelled in any criminal trial to be a
22 witness against himself. This means that you
23 cannot be required to testify in this case on your
24 own behalf. However, no one can make you testify.
25 You are certainly allowed to. This is a personal

1 right, and no can waive the right except for you.

2 If you decide to testify, you will be
3 subject to the same rules that govern other
4 witnesses. And you may be examined and cross
5 examined on any relevant issue in this case. In
6 addition, if you have any convictions involving
7 dishonesty or false statements or for crimes
8 punishable by imprisonment of more than one year
9 and this court determines that the probative value
10 of admitting this evidence outweighs the
11 prejudicial effect upon you, the solicitor will be
12 able to introduce your record to attack your
13 credibility.

14 What is his record that the solicitor will
15 intend to introduce should he take the stand?

16 MS. BARR: Your Honor, the defendant
17 Laquincy Williams, my rap sheet indicates that he
18 was convicted, it looks like he has some
19 magistrate level offenses. I believe he was
20 recently convicted in Florence County of
21 possession with intent to distribute some type of
22 controlled substance. I think it was Xanax. He
23 was caught on a traffic stop with Xanax or
24 something like that. All of the other more
25 serious offenses were dismissed. I think that

1 would be the only one that would be in excess of a
2 year. I don't see anything on his rap sheet that
3 relates to truthfulness or false statement.

4 THE COURT: It doesn't sound like it. So
5 if you decide, the decision on your part must be
6 made freely, voluntarily and intelligently with
7 the full knowledge of your protections given to
8 you by the 5th amendment, and your consequences of
9 your decision to testify. If you decide not to
10 testify, I will instruct the jurors that they
11 cannot give the fact that you did not testify any
12 consideration whatsoever. And that there is to be
13 absolutely no prejudice to you because you did not
14 testify. It is left entirely up to you whether
15 or not you want to testify. You probably already
16 talked to your attorney, but would you like a few
17 minutes to talk to your attorney or family or
18 friends or anyone else. But the final decision is
19 yours.

20 Do you understand what I have explained to
21 you?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you have any questions
24 about what I have explained to you?

25 THE DEFENDANT: No, sir.

1 THE COURT: Have you discussed with your
2 lawyer about whether or not you want to testify?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: And at this time, do you wish
5 to testify?

6 THE DEFENDANT: No, sir.

7 THE COURT: Very well. Ms. Mickens, if
8 you would please come forward.

9 (Whereupon, the defendant Ms. Mickens is
10 sworn.)

11 THE COURT: You are Toshonda Monique
12 Mickens; is that correct?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Ms. Mickens, at this time, I
15 am going to explain certain of your rights. If
16 you do not understand anything that I say, please
17 let me know. If you want me to explain anything
18 in more detail, I will glad to do that. Do you
19 understand what I've told you---

20 THE DEFENDANT: Yes, sir.

21 THE COURT: ---so far? Now we're at the
22 portion of your trial where you may present your
23 defense. You have the right to claim the
24 protections given to you by the 5th Amendment of
25 the United States Constitution. Which states in

1. part, that no person shall be compelled in any
2 criminal case to be a witness against herself or
3 himself. This means that you cannot be required
4 to testify in this case. Now you do have the
5 right to testify on own your behalf; however, no
6 one can make you testify. This is a personal
7 right and no one can waive this right except for
8 you.

9 If you decide to testify, you will subject
10 to the same rules that govern other witnesses and
11 you may be examined and cross examined on any
12 relevant issue in this case. In addition, if you
13 any convictions involving dishonesty for false
14 statement or for crimes punishable by imprisonment
15 of more than one year and I determine that the
16 probative value of admitting this evidence
17 outweighs the prejudicial effect on you, then the
18 solicitor will be able to introduce your record to
19 attack your credibility.

20 At this time, what is her record that the
21 state would intend to introduce should she take
22 the stand?

23 MS. BARR: Your Honor, she has a
24 conviction for shoplifting. It looks like in
25 September of 2003. She also has another

1 shoplifting conviction in August of 2008. And,
2 Judge, that's the extent of her record.

3 THE COURT: And would the state be
4 intending to introduce those crimes of dishonesty.

5 MS. BARR: Yes, sir.

6 THE COURT: Do you understand that they
7 would intend to introduce those if you were to
8 take the stand. Now if you decide to testify, the
9 decision on your part must be freely, voluntarily
10 and intelligently made with the knowledge of the
11 protections given to you by the 5th amendment and
12 the consequences of your decision to testify. If
13 you decide not to testify, I will instruct the
14 jurors that they cannot give the fact that you did
15 not testify, any consideration whatsoever. And
16 there is to be absolutely no prejudice to you
17 because you did not testify. This is left
18 entirely up to you whether you want to testify.

19 You may talk to your attorney, your
20 family, your friends or anyone else, but the final
21 decision is left entirely up to you. Do you
22 understand what I have explained to you?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And do you have any questions
25 about what I have explained to you?

1 THE DEFENDANT: No, sir.

2 THE COURT: Have you discussed with your
3 lawyer whether or not you want to testify?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And at this time do you wish
6 to testify?

7 THE DEFENDANT: No, sir.

8 THE COURT: Thank you. You may be seated.

9 THE DEFENDANT: You're welcome.

10 THE COURT: Anything else before we bring
11 the jury in?

12 MR. MCKNIGHT: Nothing from the defendant
13 Williams.

14 MS. BARR: Nothing from the state.

15 THE COURT: Thank you. Let's bring our
16 jury in.

17 (Whereupon, the following takes place.
18 within the presence of the jury.)

19 THE COURT: Mr. McKnight.

20 MR. MCKNIGHT: At this time we would call
21 Dr. Marcus to the stand.

22 Dr. Bradley Marcus, being
23 first duly sworn, testified as follows:

24 MR. MCKNIGHT: Your Honor, he still has
25 his qualifications?

1 THE COURT: Mr. McKnight.

2 MR. MCKNIGHT: At this time we would call
3 Dr. Marcus to the stand.

4 Dr. Bradley Marcus, being
5 first duly sworn, testified as follows:

6 MR. MCKNIGHT: Your Honor, he still has
7 his qualifications?

8 THE COURT: Yeah, I don't think anybody is
9 questioning. The state is not questioning his
10 qualifications.

11 MS. BARR: Absolutely not.

12 Direct Examination by Mr. McKnight:

13 Q Dr. Marcus, good afternoon. I am going to
14 ask you some questions about what we talked about
15 earlier; particularly, this body. Okay. Do you
16 recall ever being or ever meeting with this lady
17 right here, Ms. Lail?

18 A Who?

19 Q I'm sorry, not this lady. This gentleman.
20 This lady, have you ever met with her?

21 A I've met with her. She used to work over
22 at Berkeley County.

23 Q Right.

24 A and so I've met with her several times
25 regarding cases from there. I don't recall

Dr. Marcus Bradley-Direct by McKnight

1 meeting with her about this case. I don't think
2 she was at the autopsy. I don't remember meeting
3 face to face with her about this case.

4 Q Okay. Did she ever show you any photos
5 regarding this body?

6 A I can't recall. I just don't recall.

7 Q So you don't recall giving, issuing your
8 professional opinion about what the time of death
9 was in this matter.

10 A I don't, just what have on my report. I
11 don't recall.

12 Q Would it surprise you that you told her
13 previously, that in your professional opinion that
14 this---

15 MS. BARR: Objection. Calls for, assumes
16 facts not in evidence. And we object---

17 THE COURT: Sustained.

18 MS. BARR: ---to the question.

19 THE COURT: He's already testified.

20 MR. MCKNIGHT: I'm sorry, he's already
21 testified to what now?

22 THE COURT: He could not tell that.

23 MR. MCKNIGHT: Okay.

24 Q Doctor, you know what tattooing is; don't
25 you? When someone is shot; right?

Dr. Marcus Bradley-Direct by McKnight

1 A Yes, sir.

2 Q Come down here for me.

3 (Whereupon, witness steps off the witness
4 stand.)

5 Q Let's assume this is a bed right here.

6 Okay.

7 A Okay.

8 Q And I am going to be a cadaver. I want
9 you to stand over me. And let's assume it's a few
10 shorter inches than it is. I want you to stand
11 over me with a gesture like a gun, like you are
12 shooting me here in my abdomen. Stand over me and
13 do that. If you stand that close to me and shoot
14 me, would there be tattooing on the body?

15 A Yes, there would be tattooing, also know
16 as stippling on the body or on the clothing.

17 MR. MCKNIGHT: Okay. Thank you. Please
18 take your seat, doctor.

19 (Whereupon, the witness resumes the
20 witness stand.)

21 Q Now, doctor, based on your examination,
22 did you find any tattooing on the body of
23 decedent, James McNeal?

24 A No. There was tattooing on his body in
25 regards to gunshot wounds at all.

Dr. Marcus Bradley-Direct by McKnight

1 Q How long was his body?

2 A The length on Mr. McNeal was 69 inches.

3 Q And that's measured from the top of his
4 head to the bottom of his heels; correct?

5 A That's correct. That's his length.

6 MR. MCKNIGHT: Now permission to approach
7 witness, Your Honor.

8 THE COURT: You may.

9 Q If the record will reflect, I am showing
10 the doctor, 192 and 199. They have been admitted
11 into evidence by the state. Doctor, you see those
12 pictures?

13 A Yes, sir.

14 Q On those pictures, can you describe for me
15 what the condition of the blood is on those
16 pictures?

17 A On State's Exhibit No. 192, can I show
18 this to the jury?

19 MR. MCKNIGHT: I'm going to show it to
20 them.

21 THE COURT: Yeah, they're already in
22 evidence.

23 Q Just tell us what it is.

24 A This is a photo of it looks like
25 Mr. McNeal laying on his back, next to a fan with

Dr. Marcus Bradley-Direct by McKnight

1 what appears to be a gunshot wound to his left
2 chest, with some blood that had come out of the
3 wound. And to me, on this photo, it looks like
4 the blood is dry.

5 Q Okay. So on this picture, doctor, there
6 from that gunshot wound that we see here, you
7 believe it's your opinion, that that blood is dry.

8 A That's correct.

9 Q Okay. Now let's back up a minute and
10 start talking about tattooing again. Is that the
11 clothing that you found on the body when you
12 received it?

13 A Yes, sir.

14 Q Is there anything in that picture that
15 would indicate to you that there was tattooing or
16 burning from a close gunshot?

17 A No, not on that. Because the blood on
18 that clothing hinders that. Tattooing is very
19 small specks.

20 Q Okay. Let the record reflect I was just
21 referring to State's Exhibit No. 124.

22 THE COURT: All right.

23 Q Now on that other picture you have there,
24 doctor, what is the condition of the blood there?

25 A On this photo also, this is a photo of, it

Dr. Marcus Bradley-Direct by McKnight

1 looks like Mr. McNeal has kind of rolled over.
2 And this looks like a wound, a gunshot wound, that
3 I previously described when I performed previous
4 testimony, with some blood that came out of the
5 wound followed gravity, and it's -- to me this
6 blood also looks like it has dried.

7 Q Okay. Doctor, let me ask you this. You
8 examined this body. Is it possible in your
9 medical opinion that this body, at the time of
10 death of this body, could have been sometime
11 before 8 o'clock in the morning?

12 A Yes, it's possible.

13 Q Okay.

14 A Yes.

15 Q Are there signs on this body that
16 indicates that with the blood drying and its
17 condition, that it had been dead longer than say
18 an hour before 8' o'clock?

19 A It could have been dead an hour before.
20 It could have. I can't give exact times, but it
21 could have been.

22 Q If a person comes in and sees a body
23 it's -- and when I say cold to the touch, they
24 touch the -- they touched them on the arm, and
25 touched the body, and it's cool to the touch, with

Dr. Marcus Bradley-Direct by McKnight

1 blood drying and separating. And the temperature
2 is 70 degrees. What would you estimate the amount
3 of time between death would be?

4 A If the blood is dry and the body is cool,
5 I would say at least an hour. At least. It could
6 be longer that. That's why we have to use other
7 things like rigor I've seen and so forth. Rigor
8 has started setting in.

9 Q Okay. If it's stiff.

10 A If it's stiff. Okay, so if the body is
11 stiff, rigor usually -- rigor, rigor mortis,
12 usually sets in. Again, it starts to set in about
13 2 hours after death. Again, that is variable on
14 the temperature and the activity prior to death.
15 If, if there is a struggle or something, rigor can
16 set in quicker. Faster than 2 hours. It depends
17 on the circumstances.

18 Q I understand. Court's indulgence.
19 Doctor, isn't it true you need more, for you to
20 really make a good determination as to time of
21 death, you need more information.

22 MS. BARR: Object to leading.

23 THE COURT: Sustained.

24 Q What do you need to make an accurate
25 determination of the cause of death? I'm sorry,

Dr. Marcus Bradley-Direct by McKnight

1 not cause, time of death?

2 A Well to make the most accurate time of
3 death, the most accurate that we have available, I
4 would need a scene investigation where someone can
5 tell me what the rigor, what the rigor-mortis was
6 when they arrived. If it was -- if the body was
7 fully stiff, I could, you know, fully stiff, I
8 would say that person could be dead at least 12
9 hours. If there is no rigor, I can say or if the
10 body, it was, the person had just died, or they
11 had died maybe 24 hours ago, but you got and then
12 a body temperature and other things in the
13 condition of the body, the temperature of the
14 body, whether you start seeing decomposition,
15 there is variables here that you have to take into
16 effect. You just can't use one thing. Witness
17 statements are also important. It's very
18 variable. It's not an exact science, because
19 unless you see someone there, and gives you an
20 exact witness and there was videotape of it, you
21 just don't know the exact time. You can say the
22 estimate.

23 Q Doctor, I've got the coroner's report
24 here. Permission to approach?

25 THE COURT: You may.

Dr. Marcus Bradley-Direct by McKnight

1 Q I want you to take the time and examine
2 this document, and let me know when you've had a
3 chance to just take it in. Just examine it. And
4 I want you to tell me if you're able to determine
5 based upon the information you are given, what the
6 time of death is.

7 MS. BARR: And, Judge, to the extent that
8 it calls for the witness to comment on somebody
9 else's report, presumably he doesn't have
10 knowledge of, we would object to hearsay.

11 THE COURT: Sustained.

12 MR. MCKNIGHT: Your Honor, it's a business
13 record.

14 THE COURT: No, sir. It's still hearsay.
15 It's just the coroner's interpretation. It's not
16 a business record.

17 MS. BARR: And he hasn't offered it as a
18 business record. And he hasn't had anybody to
19 authenticate it is a business record.

20 THE COURT: Sustained.

21 Q Doctor, it's true that -- just disregard
22 that document. But it's true that you haven't
23 gotten anything from the coroner other than a
24 permission slip.

25 MS. BARR: Objection. Leading. He can't

Dr. Marcus Bradley-Direct by McKnight

1 lead his own witness.

2 THE COURT: I understand. I'm going to
3 give him that leeway.

4 MR. MCKNIGHT.

5 Q We'll do it the way Ms. Barr wants it.

6 What did you get from the---

7 MS. BARR: You've got to do it the right
8 way---

9 Q ---coroner?

10 MS. BARR: ---Not the way I want.

11 A Generally, I don't recall. I don't recall
12 exactly what I got from him. I just don't recall.
13 Generally when I'm on call, and he calls me out on
14 autopsy, I have a piece of paper. He gives me the
15 pertinent information. I write it down, and then
16 I bring it in the morning to my techs. I could
17 have gotten the authorization form. If I did, it
18 would have been in the file at MUSC. I just don't
19 recall what had I gotten.

20 Q Did you get a report from him to the best
21 of your recollection?

22 A No, I don't recall getting a report from
23 him. I don't.

24 Q From the other counties in which you do
25 autopsies, you get a coroner's report; don't you?

Dr. Marcus Bradley-Direct by McKnight

1 A I get a, where I work now in Richland
2 County, I get about an 8-page coroner's report
3 before I do the autopsy.

4 Q But the only thing you've gotten normally
5 in your experience for Williamsburg County, is a
6 one-page permission slip?

7 A In my experience, that's what I used to
8 get, yes.

9 Q And what's contained on it?

10 A Generally, it's just demographics, the
11 time of death we put. Basically the stuff I need
12 to put in my computer, age, date of birth, race.
13 Sometimes, the circumstances surrounding the
14 death and so forth like that. And then he
15 signs---

16 Q In your opinion---

17 A ---it.

18 Q I'm sorry, excuse me. In your opinion is
19 that information that you get helpful for you in
20 Williamsburg County?

21 A What I got there in my opinion, it was
22 just enough for me for me to do the autopsy. It
23 wasn't a -- it wasn't a scene investigation. It
24 just wasn't a scene investigation.

25 Q And is that what you expect to get?

Dr. Marcus Bradley-Direct by McKnight

1 A Sometimes, yes. You do need a scene
2 investigation to help you with the case. My job
3 though here, was to determine the cause and manner
4 of death, which was pretty straightforward for me.
5 I listed it in this about 14-page report I have
6 got here. That's what the Williamsburg County
7 Coroner hired me as representative of MUSC, to do.
8 And it's all listed here in my report.

9 MR. MCKNIGHT: Answer any questions that
10 Mr. Griffith may have.

11 THE COURT: Mr. Griffith.

12 Cross Examination by Mr. Griffith:

13 Q Doctor, thank you for coming back. We're
14 sorry to take up your time. I have one question,
15 Your Honor. Here is your report refresh your
16 memory if necessary.

17 A Yes, sir.

18 Q Doctor, you see any evidence on the body,
19 on the head of the body, that it had been struck
20 with a blunt instrument at all?

21 A Under my evidence of injury form on this
22 in my autopsy report, I do not reflect any type of
23 injury to Mr. McNeal's head or neck region,
24 because if I did, It would have been in this
25 report.

Dr. Marcus Bradley-Cross by Griffith

1 Q You're saying that according to the time
2 you examined him, that at that time, you didn't
3 note any -- that anyone had hit him on the head.

4 A No, I did not know that anybody hit him or
5 struck him on the head.

6 Q Say with a gun or something.

7 A No.

8 MR. GRIFFITH: Okay. Thank you, doctor.
9 I have no further questions.

10 THE COURT: Ms. Barr. Cross examination.

11 MS. BARR: Yes, sir.

12 Cross Examination by Ms. Barr:

13 Q Good afternoon, Dr. Marcus,

14 A Hello.

15 Q Sir, as it relates to your testimony about
16 what you were hired to do as a representative of
17 MUSC for the coroner, Harrison McKnight, you
18 testified that you were simply pretty much had a
19 straight forward job in determining the cause and
20 the manner of death; is that correct?

21 A That's correct.

22 Q And as it relates to the victim in the
23 case, James McNeal, determining the cause of his
24 death was pretty straight forward; wasn't it?

25 A It was.

Dr. Marcus Bradley-Cross by Barr

1 Q It was pretty obvious he had 10 holes in
2 his body; correct?

3 A Correct.

4 Q Pretty obvious to you that he had been
5 shot 5 times; correct?

6 A Correct.

7 Q And the gunshot wounds that he sustained,
8 pretty obvious he died as a result of those;
9 correct?

10 A Correct.

11 Q And so in terms of the time, the actual
12 time to the minute of his death, that wouldn't
13 change your findings in any way; would it?

14 A Not here in my report, no.

15 Q Right. So for your vantage point as
16 relates to this victim, if he had died a day
17 earlier or a minute earlier than what we thought,
18 he still would have nonetheless died of the
19 gunshot wounds you described on yesterday.

20 A That's correct.

21 Q Now the photographs that you were shown of
22 the victim, and I am going to publish State's
23 Exhibit No. 99. Do you see where that is shown?

24 A Yes.

25 Q That's the victim's back; right?

Dr. Marcus Bradley-Cross by Barr

1 A That's correct.

2 Q Do you have any idea what time that
3 photograph was taken?

4 A I have no idea.

5 Q Would It surprise you to know that sled
6 did not come out to the crime scene until
7 1:45 a.m.?

8 A No, that wouldn't surprise me. That's
9 generally the way they get called. And then it
10 takes them a few hours to get a team together to
11 go.

12 Q And your autopsy report reflects that the
13 time that the call was initially made was
14 8:30 a.m.; is that correct?

15 A That's correct.

16 Q And so if the evidence was presented in
17 this case that sled arrived at 8:45 a.m., that
18 would be consistent with your experience in terms
19 of them taking a couple of hours to get out to the
20 scene; correct?

21 A You know mean 11:45?

22 Q Yes---

23 A Yes.

24 Q ---11:45 a.m.

25 A Yes, that's pretty typical of the way it

Dr. Marcus Bradley-Cross by Barr

1 works at sled. That's pretty typical.

2 Q Now I am going to publish State's Exhibit
3 No. 192. Dr. Marcus, do you mind coming down and
4 pointing with me?

5 A Sure, no problem.

6 (Whereupon, the witness steps down from
7 the witness stand.)

8 Q Would you use my pen, please, sir, and
9 point to the area in which you have indicated to
10 the jury that you see what appears to be dry
11 blood?

12 A Well there's blood. And here right here,
13 that's an entrance gunshot wound.

14 Q Yes, sir.

15 A So when around the time when Mr. McNeal
16 was dying, his heart is still pumping blood, kind
17 of trickle there and it follows rapid. There is
18 also some dried blood here. It appears on his
19 arm. Where again, this is the left arm where he
20 had sustained a gunshot wound. You can see the
21 form, he had a broken left humerus there. So
22 right here is where, in my opinion, that blood has
23 dried.

24 Q Okay. And specifically, I zoom in on
25 there. You would describe the blood flowing from

Dr. Marcus Bradley-Cross by Barr

1 the gunshot wound here to here, as appearing to
2 look dry?

3 A Well, yeah, when it was liquid, when the
4 blood was liquid, you know, like any liquid, it
5 will flow until the liquid stops. But there's
6 going to be residue. It's blood. And then it
7 dried. You can clearly see, when you look at this
8 blood, I'm looking at this---

9 Q Yes.

10 A When you're looking at this blood, it's
11 kind of got these little, all those little junks
12 taken out of it. And because it's very thin, and
13 it's on a curved surface, it's on a curved
14 surface, it cracks after it dries. And that flake
15 had fallen off somewhere. That's how I can tell.
16 That's why I'm looking at that photo there, and
17 I'm saying, that to me looks like dried blood.

18 Q And certainly, sir, if there had been a
19 three and a half, a minimum of a three and a half
20 hour delay between the time the victim sustained
21 the injury and the time that photograph was taken,
22 you would expect to find some type of drying.

23 A Oh, yes, absolutely.

24 MS. BARR: You can take your seat.

25 (Whereupon, the witness resumes the

Dr. Marcus Bradley-Cross by Barr

1 witness stand.)

2 Q You were asked questions, Dr. Marcus,
3 about tattooing. Explain to me again what that
4 means.

5 A Okay. No problem. So when a weapon is
6 fired, a handgun, any type of gun, you have a
7 projectile and behind it is the cartridge. And
8 the cartridge contains primer and gunpowder. The
9 primer is ignited when the hammer, when the gun
10 pin hits it. And that ignites the gunpowder. The
11 gunpowder then explodes and pushes the bullet,
12 the projectile out of the barrel. But some of
13 that gunpowder, some of that gunpowder actually
14 does not burn. It comes out with the -- it comes
15 out with the projectile. Okay. So in handguns,
16 and again, every handgun is different. Every type
17 of ammunition is different.

18 With handguns if you hold that weapon
19 again usually up to about 18 inches away from the
20 body and the bullet then strikes the body, some of
21 that unburned gunpowder is going to strike the
22 body and make little punk tape, little like dot
23 like abrasions. Little abrasions around the
24 wound.

25 Now when somebody dies those abrasions

Dr. Marcus Bradley-Cross, by Barr

1 don't heal. And I can see them. And I measure
2 them. I measure the hole and I measure the
3 abrasions in a vertical and a horizontal distance,
4 because if they find the gun and the type of
5 weapon, it can actually test fire and they can
6 actually determine how far away that gun was
7 based on test firing. So that's what tattooing
8 is. Again it's variable on the gun and the type
9 of ammunition used.

10 Q And, Dr. Marcus, help me out a little bit.
11 I am horrible with measurements and distances and
12 so forth. When you talk about the notion of
13 tattooing in 18 inches, kind of give us an idea of
14 about how far 18 inches would be.

15 A Well I would say probably about -- you
16 know, probably about that far maybe. Maybe that
17 far. I don't have a ruler here exactly, but
18 that's probably 18 inches, I would say. You know,
19 I would say, again that's variable. It could be
20 50. I'm just giving the average.

21 Q And so if the barrel of the weapon that
22 was used to inflict the injury to the victim were
23 within 18 inches of the victim, you would expect
24 to see evidence of that type of tattooing.

25 A If it hit the skin. If the bullet just

Dr. Marcus Bradley-Cross by Barr

1 went through the skin and didn't hit clothing. If
2 it hit clothing, you can get the tattooing on the
3 clothing. The problem is, you know, clothing is
4 you get blood stain, so you really can't see it.

5 Q That's right. And when Mr. McKnight came
6 up and did the documentation where he laid on the
7 bannister here, and you stood over him for
8 demonstrative purposes as if you were shooting
9 him, your finger would have been within 18 inches
10 of his chest during that denomination; correct?

11 A That's correct.

12 Q Now if Mr. McKnight had actually laid on
13 the floor and you stood straight up, and pretended
14 like you were pointing a gun at him, he would be
15 way outside that 18-inch realm; wouldn't he?

16 A That's correct. He would have been, yes.

17 Q So if the deceased were lying on the
18 floor, and had been fired upon repeatedly while
19 lying on the floor, and the gunman was standing
20 over him in the same manner as I have described,
21 that gunman would be outside that 18-inch range.

22 A That's correct.

23 Q And you wouldn't expect to see tattooing
24 in that circumstances; would you?

25 A No, I would not expect to see tattooing.

Dr. Marcus Bradley-Cross by Barr

1 MS. BARR: Thank you.

2 THE COURT: Any redirect?

3 MR. MCKNIGHT: Yes.

4 Redirect Examination by Mr. McKnight:

5 Q Doctor, you testified with Ms. Barr just
6 now that if you found the blood dried when sled
7 got there three hours later, that would be
8 consistent with the -- with them, I'm sorry it
9 would be consistent with what that saw; that it
10 could have been 3 hours that the blood -- that the
11 body had been dried -- could had been dead;
12 correct?

13 A Well again, well if the call went in at
14 8:30 then we know it's been 3 hours.

15 Q Correct.

16 A And we know once the blood dries, I can't
17 tell. It could be 24 hours old. I just don't
18 know. It's impossible to know once it is dried.
19 Like a tee shirt, once you dry it, it's dry.

20 Q Correct. And so it's also possible
21 instead of it to be 3, it could be 5 or 6.

22 A It could. It absolutely could.

23 Q Now with regard to the tattooing, if
24 someone was standing over a body, shooting at it,
25 whether they stand over and shoot at or they bend

Dr. Marcus Bradley-Redirect by McKnight

1 over and shoot at it, wouldn't you see
2 particulates from the gun on the body?

3 A You could. You could see on, if it went
4 to the clothing, and if the clothing was tested,
5 you could have unburned gunpowder or something on
6 the clothing. You can, you can have that.
7 Because it's going to follow gravity. And
8 remember, it might not cause like a tattooing on
9 the clothing, because it might be too far away,
10 and it doesn't have the velocity, you know, to do
11 that. But it could be there. The gunpowder, the
12 unburned gunpowder, could be there. It's going to
13 follow gravity.

14 MR. MCKNIGHT: Answer any questions that
15 Mr. Griffith has.

16 THE COURT: Mr. Griffith?

17 MR. GRIFFITH: No questions, Your Honor.

18 THE COURT: Any recross based upon their
19 redirect?

20 MS. BARR: No, Your Honor.

21 THE COURT: Thank you. Any objection to
22 this witness being excused?

23 MR. MCKNIGHT: None at all.

24 THE COURT: Thank you so much. Have a
25 safe drive back. Mr. McKnight.

Dr. Marcus Bradley-Redirect by McKnight

1 MR. MCKNIGHT: Your Honor, I think now
2 would be a good time.

3 THE COURT: Let me see the attorneys.

4 (Whereupon, the attorneys approach the
5 bench and confer with judge.)

6 (Coroner's Report marked Defendant's
7 Exhibit No. 1 for id. only.)

8 April Williams, being first duly
9 sworn, testified as follows:

10 MR. MCKNIGHT: Thank, Your Honor. May it
11 please the court.

12 Direct Examination by Mr. McKnight:

13 Q Ma'am, please state your name for the
14 record.

15 A April Williams.

16 Q Ms. Williams, where do you live?

17 A [REDACTED] Florence, South
18 Carolina.

19 Q And is that where you're from originally?

20 A Darlington, South Carolina.

21 Q How long have you lived in Florence?

22 A I moved over there in 2000 -- I think
23 somewhere in 2011.

24 Q Where do you work?

25 A Well I was employed at Honda of South

April Williams-Direct by McKnight

- 1 Carolina from 1999 to 2007.
- 2 Q You were at Honda?
- 3 A Yes, of south Carolina.
- 4 Q And now you were no longer employed, I
- 5 take it?
- 6 A No, I am not.
- 7 Q Do you have any children.
- 8 A Yes, I do.
- 9 Q How many children do you have?
- 10 A I have three kids.
- 11 Q And what are their names?
- 12 A Laura Lee Frances Williams, Laquincy
- 13 Manuel Williams and Lakasha Shavon Williams.
- 14 Q Is this gentleman sitting right here with
- 15 the blue shirt on, is that your son?
- 16 A That's my son.
- 17 Q Is this gentleman sitting here with the
- 18 blue shirt on, is this your son?
- 19 A Yes, that's my only son.
- 20 Q Okay. And what's his name?
- 21 A Laquincy Manuel Williams.
- 22 Q Now back in 2007, where were you living?
- 23 A At that time I was living on Cashua
- 24 Street.
- 25 Q And were you living in Florence or were

April Williams-Direct by McKnight

1 you living in Darlington?

2 A In Darlington.

3 Q And who was living with you in 2007?

4 A In 2007, it was at that time, when I was
5 living on Cashua Street, it was, I had only had
6 one son home. Then July the 7th---

7 Q So you said you had -- hold on help me out
8 here. You had one son home.

9 A Yeah, one son home.

10 Q And whom would that be?

11 A Laquincy Manuel Williams.

12 Q Okay. And so it was you and Laquincy that
13 were living together on Cashua Street.

14 A Yes.

15 Q Okay. What makes you remember Laquincy
16 living with you in 2007?

17 A 2007, July 7th of 07, I had a second
18 brother die. My first brother died August 18th of
19 2006. Then my oldest brother had died on July 7th
20 of 07. And then I had a stroke. And then they
21 took me out of work.

22 Q So that was a rough year for you.

23 A Yes.

24 Q And so I'm assuming -- have you not worked
25 again because of your -- because of the stroke?

April Williams-Direct by McKnight

1 A Correct.

2 Q Now do you remember the month of November
3 of 2007?

4 A Yes. At that time I moved from Cashua
5 across Cashua Street to -- I moved off of Cashua
6 Street to First Street extension. [REDACTED]
7 [REDACTED] extension.

8 Q Okay. And where was that? Where is,
9 when you say First Street extension, what city is
10 that in?

11 A That's in Darlington also. It's still in
12 Darlington.

13 Q And who was living with you?

14 A Laquincy Williams.

15 Q Do you have any grandchildren?

16 A Yes, I have 5 grands.

17 Q Do you take care of those grandchildren?

18 A Sometimes I take care of them. Now I do.
19 I help out a great deal now.

20 Q Back in 2007, were you taking care of any
21 grandchildren?

22 A I wasn't able.

23 Q Do you remember the day of November, do
24 you remember the days of November 1st 2007 and
25 November 2nd 2007?

April Williams-Direct by McKnight

1 A I could remember.

2 Q What do you remember about those days?

3 A Well Monday through Friday, Laquincy's job
4 was to help my daughter out. He would take the
5 baby to day-care, Monday through Friday.

6 Q Okay. Now maybe I got it confused. I
7 asked you if you had any kids in school. So you
8 think school is different than day-care; is that
9 right?

10 A Yes. Day-care is day-care.

11 Q Now which did kids, so you what was --
12 whose children's was it that was going to
13 day-care?

14 A My baby's girl. Lakesha Shavon Williams.
15 She had a baby [REDACTED].

16 Q And who was helping taking those kids to
17 day-care?

18 A Laquincy was. That was his part of the
19 family job.

20 Q Now on the day of November 2nd 2007, did
21 Laquincy -- did you see Laquincy?

22 A Yes.

23 Q Where did you see him?

24 A I woke up, and he was in the house.

25 Q What time did you wake up?

April Williams-Direct by McKnight

1 A I always get up at 4 o'clock. Ever since,
2 like 4 a.m., I was getting up since 1999.

3 Q Okay. And at 4:00 a.m., did you see
4 Laquincy?

5 A Yes.

6 Q Did he leave, based upon what you saw, did
7 he leave the house that day?

8 A No. He couldn't have left until after
9 12 o'clock that day.

10 Q So let me ask you this. Between the hours
11 of 4 a.m. and 12 p.m. you are certain that
12 Laquincy was at your house at First Street
13 extension.

14 A I am positive.

15 Q Now on the -- when he left at 12, when was
16 the next time you saw him?

17 A He had to pick the baby out of day-care by
18 5:30.

19 Q Whose car was he driving?

20 A Laquincy don't drive a car at that time.

21 Q So how did he pick the kids up from
22 day-care?

23 A Right down the street. Ms. Olla Mae
24 Brown.

25 Q Okay.

April Williams-Direct by McKnight

1 A On the street from Kingstree to
2 Darlington.

3 Q Now when you say Ms. Olla Mae Brown, this
4 isn't like little smurf day-care. This is just a
5 lady that operates a day-care out of her home?

6 A Yes.

7 MR. MCKNIGHT: Court's indulgence.

8 Q Ms. Williams, have all your responses to
9 my questions been accurate and as honest as you
10 know?

11 A Yes.

12 MR. MCKNIGHT: Please answer any other
13 questions that Mr. Griffith may have for you.

14 MR. GRIFFITH: I have no questions, Your
15 Honor.

16 THE COURT: Ms. Barr.

17 Cross Examination by Ms. Barr:

18 Q Good afternoon, Ms. Williams.

19 A Good afternoon.

20 Q Your son, Laquincy, he and Shonda, the
21 young lady who is seated all the way at the end of
22 the defense table, they sort of grew up together?

23 A Yes.

24 Q That were sort of like, they were not
25 biological brother and sister, but they sort of

April Williams-Cross by Barr

1 regarded each other as brother and sister; is that
2 right?

3 A Pretty much.

4 Q They were, I guess, what we used to call
5 it, if somebody was really close---

6 MR. MCKNIGHT: Objection, Your Honor.
7 This line of questioning goes beyond the scope.

8 THE COURT: She's on cross examination of
9 this witness. I am going to let her have leeway.

10 Q When I was coming up, we'd call somebody
11 my God brother or God sister. Is that sort of how
12 they refer to each other?

13 A Well I would say so.

14 Q And during the year of 2007, they
15 associated with each other frequently. Is that
16 fair to say?

17 A I would say.

18 Q Now Toshonda at that time, well first of
19 all, what do you call Toshonda? What name do you
20 call her?

21 A Shonda.

22 Q Shonda. She was living on Jarrett Street;
23 right?

24 A As I can recall.

25 Q Ma'am?

April Williams-Cross by Barr

1 A As I can recall.

2 Q And Jarrett Street that runs right beside
3 Palmetto Street in Florence? By the KFC?

4 A Okay. Yes.

5 Q Is that right?

6 A Yes.

7 Q And that's right near Mcleod Hospital;
8 right?

9 A Yes.

10 Q And you can walk from Toshonda's house on
11 Jarrett Street to McLeod Hospital, is that close;
12 right?

13 A I would say.

14 Q Now Laquincy at that time was dating a
15 girl named Kenyatta Miller?

16 A Don't know ask me that now.

17 Q Okay. Well let me ask you this. Judge,
18 may I approach?

19 THE COURT: You may.

20 Q Have you seen him with this young who is
21 shown in this photograph? Did he hang out with
22 her sometimes?

23 A She never been to my house.

24 Q What about a girl named Ashley?

25 A A Caucasian?

April Williams-Cross by Barr

1 Q Yes, a white girl.

2 A That's the one.

3 Q He would hang out with Ashley all the
4 time; right?

5 A Yes.

6 Q And Ashley's last name was Polous?

7 A I can't quote you on that.

8 Q And sometimes Laquincy would go to spend
9 the night at Shonda's house.

10 A I couldn't tell you that.

11 Q You've never known him to spend the night
12 there?

13 A I never asked him that.

14 Q How many times would Laquincy bring G.
15 by your house in 2007?

16 A Who is G.?

17 Q G., A little you light skinned boy.

18 A No, ma'am.

19 Q You never meet him?

20 A I never meet him.

21 Q Now you say that on November 2nd of 2007,
22 is it November the 1st or November 2nd that you
23 woke up at 4 o'clock in the morning and Laquincy
24 was there?

25 A I'm going to tell you, I get up every

April Williams-Cross by Barr

1 morning at 4:00 a.m. since 2007.

2 Q But did he spend the night at your house
3 every night in 2007? That's not your testimony;
4 it is?

5 A I didn't say that was my testimony. I
6 said that night I got up at 4:00 a.m. and he was
7 there.

8 Q Okay. I understand. What night was that?

9 A On the 2nd.

10 Q On the 2nd?

11 A On the 1st or the 2nd that morning. I
12 woke up, he was there at 4 a.m. I got up and
13 went to his bedroom. He was in there. That's
14 what I said, Ms. Barr.

15 Q Who else was there at the house?

16 A Nobody but me and my son.

17 Q Where was he, did he spend the night at
18 your house on October 10th of 2007?

19 A I can't recall.

20 Q Was he at your house on July 13th of 2007?

21 A I can't recall.

22 Q Was he at your house on November the 28th
23 of 2007?

24 A That would be, I would think so. I
25 believe he was so, because that was Thanksgiving.