

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

Appellate Case No. 2014-001336

State of South Carolina,..... Respondent,
v.
Elijah Fernandez Wilson,..... Appellant.

RECORD ON APPEAL VOLUME I

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STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

COURT OF GENERAL SESSIONS

2013-GS-23-10613

2013-GS-23-10610

ORIGINAL

STATE OF SOUTH CAROLINA,)

vs.)

TRANSCRIPT OF RECORD

ELIJAH FERNANDEZE WILSON,)

BRITTANY CEAREA IRBY,)

DEFENDANTS.)

VOLUME I

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

B E F O R E:

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

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Assistant Solicitors

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ALEX KORNFELD, ESQ.
Attorney for Defendant Brittany Cearea Irby

HOLLIE M. JENKINS
Circuit Court Reporter

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P R O C E E D I N G S

(WHEREUPON, State's Exhibit No. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 were marked for identification only.)

THE COURT: Anything before we bring the jury up?

MR. HAMILTON: Your Honor, the -- Defendant Wilson would have a couple of motions.

THE COURT: Okay.

P R E - T R I A L M O T I O N S

MR. HAMILTON: That we would -- first of all, Judge, we just want to ask that the Court consider severing this case. We had anticipated more Defendants to be here. But now it looks like we're down to just Mr. Wilson and Ms. Irby. But we're still asking for the Court to separate the two cases. And that it is totally unfair that -- it gives the inference of some type of association.

It, also, has a chilling effect on us being able to call -- we were going to call her as a witness in our case. And she may not want to testify. And it would put her in her case in chief. But to ask her to testify in my case would put her at a tactical disadvantage. And, basically, we just think it just would be unfair to my client to try everybody together here.

THE COURT: All right.

1 MR. WESTON: Your Honor, first of all, the State
2 would point out that Defendants are not entitled to
3 severance as a matter of right. And that severance should
4 only be granted when there is a serious risk that a joint
5 trial would compromise a specific right of a Defendant.
6 We have heard no indication as to what specific right
7 would be harmed by going forward with joint trials.

8 Obviously, judicial economy would favor the State's
9 ability to try these Defendants at once. There -- from my
10 investigation of this case and from my conversations with
11 primarily Mr. Hamilton, and what I know about the evidence
12 against the Co-Defendant represented by Mr. Kornfeld,
13 their defenses are not antagonistic. There's no
14 significant difference in their -- than the -- concerning
15 their degree of involvement that the evidence will show.

16 There is simply no reason that has been put forth
17 where a substantial Constitutional right would be violated
18 by severing the trials.

19 THE COURT: Mr. Kornfeld, anything you want to say?

20 MR. KORNFIELD: May it please the Court, Your Honor.

21 THE COURT: Yes.

22 MR. KORNFIELD: If either I or Ernie call the other
23 client, I mean, they have a right not to testify. And if
24 they -- I, also, have a right to subpoena that witness as
25 well as Mr. Wilson. If I call that witness and then he

1 has a right not to testify, I do think that's going to be
2 prejudicial to my client, as well as Mr. Hamilton's
3 client. Because how can he only testify to certain
4 amounts and not testify as to the facts of the case. As
5 we all know, he has that right not to testify, if he so
6 chooses, Your Honor.

7 MR. WESTON: Your Honor, if I may just respond
8 briefly to that.

9 THE COURT: Yes.

10 MR. WESTON: Your Honor, in State v. Crow, the South
11 Carolina Supreme Court has already said that one who
12 wishes to call another witness -- or call a Co-Defendant
13 is not a basis for severance, specifically.

14 THE COURT: Well, yes. It's got to be more than
15 that. I don't have anything to -- I don't know what the
16 testimony would be, so.

17 And, for the record, these two Defendants are being
18 tried on, what, the same set of facts, the same witnesses,
19 the same occurrence; is that right?

20 MR. WESTON: That is correct, Your Honor.

21 THE COURT: Okay. Well, based on what's presented to
22 me, I'm going to deny your motion.

23 MR. HAMILTON: May it please the Court.

24 THE COURT: Yes.

25 MR. HAMILTON: I have another motion in regard to

1 prior bad acts and, specifically, in regard to gang
2 references in that I understand that there is a lot of
3 testimony in regard to gangs. And I anticipate the State
4 trying to label my client as being in a particular gang.

5 And my motion is based on Rule 403, prejudice that
6 outweighs the probative value. My client would be highly
7 prejudiced by being referred to or being in part of a
8 gang, whether he's in the gang or not.

9 The definition of gang is in and of itself a label of
10 prior bad acts. And according to Code Section 16-8-230, a
11 criminal gang means a form of organization and -- that has
12 a pattern of being in criminal activity. And, yet, a
13 pattern of criminal act -- gang activity means the
14 commission of several acts that has to be shown to be a
15 criminal gang.

16 So that would put prior bad acts -- the mere fact
17 that you're in a gang is defined as you've got prior
18 criminal activity. And that goes against Lyle evidence
19 that would be presented. I don't know how difficult it is
20 for them to talk about gangs, but not say anything about
21 Mr. -- my client, Mr. Wilson, in that regard.

22 So my motion is based on the fact that unfair
23 prejudice means an undue tendency to suggest a decision on
24 an improper basis. The jury hearing that he's a part of a
25 gang could quickly dismiss where he's a gang, he's

1 involved in prior criminal activity, I'm going to find him
2 guilty. That's wrong. They're not basing it on what he
3 did.

4 THE COURT: Well, Mr. Hamilton, no one is charged
5 under the gang statutes. We're here under 16-3-210,
6 assault and battery by mob. And, for purposes of that
7 section, a mob is defined as the assemblage of two or more
8 persons without color or authority of law and with a
9 premeditated purpose and with the premeditated intent of
10 committing an act of violence upon the person of another.

11 So you are concerned about character evidence being
12 introduced against your client. And we'll be very aware
13 of that. But I --

14 Is there anything the State wants to say in response?

15 MS. SALISBURY: Your Honor, I'd add to assure the
16 Court that the State, at this point, has no intention of
17 offering any evidence of the Defendants prior bad acts.
18 Obviously, should that materially become relevant
19 throughout the course of the trial, should that door
20 become open, we, certainly, don't want to foreclose the
21 possibility that we may explore that. However, at this
22 point, it is not part of the State's case in chief to
23 discuss the Defendants prior bad acts or, certainly, his
24 pending criminal charge.

25 If you'd like me to respond to the substantive

1 motions with respect to the particular relevance of gang
2 evidence, I'd be happy to address that. But I don't want
3 to belabor the point, if that's not necessary.

4 THE COURT: No. I don't think it's necessary at this
5 point.

6 Anything, Mr. Kornfeld? Anything you want to say?
7 Do you join in that motion?

8 MR. KORNFELD: Your Honor, I would like to make my
9 motions -- the rest of my motions. I do have one motion
10 I'd like to make --

11 THE COURT: Well, I'll tell you. I've been informed
12 that your client -- they're still awaiting --

13 MR. KORNFELD: Right.

14 THE COURT: So I think we should probably wait until
15 she arrives.

16 MR. KORNFELD: Right. That's another issue.

17 I do have motions that we can take care of before the
18 trial --

19 THE COURT: Well, I'd rather have her be here when
20 we're doing that.

21 MR. KORNFELD: Okay. Thank you, Your Honor.

22 THE COURT: I will say this. When the jury comes
23 up --

24 Which side do y'all want to clear? The far side?

25 THE BAILIFF: How many are we going to have? Do you

1 know?

2 THE COURT: There are going to be 45.

3 THE BAILIFF: It will take just about this whole
4 side.

5 THE COURT: So when the jury comes up, we'll have to
6 excuse -- y'all will have to find another place to sit so
7 we can seat the jury. And the camera is probably going to
8 have to be moved a little bit out of the way.

9 But, right now, we'll just take about a 10-minute
10 break as we wait.

11 Thank you.

12 (WHEREUPON, a break was taken.)

13 (WHEREUPON, Defendant Wilson's Exhibit Nos. 1, 2, 3, 4,
14 and 5 were marked for identification only.)

15 THE COURT: Is there anything we need to do before we
16 get the jury?

17 (WHEREUPON, there was no response.)

18 THE COURT: Mary, if you would, let's call the jury
19 on up.

20 THE CLERK: Yes, sir.

21 (Pause.)

22 MR. WESTON: Your Honor, can we take up a quick
23 matter before the jury comes in?

24 THE COURT: Yes.

25 MR. WESTON: Your Honor, I'm advised that we provided

1 counsel with copies of our witness list, as provided by
2 the rules. I'm advised that they've already been provided
3 to the Defendants -- some of the Defendants family or
4 friends. And they are passing the witness list around.
5 We're concerned, obviously, about intimidation of
6 witnesses.

7 But if that witness list is being passed around
8 already to family or friends of the Defendants, the State
9 would like to express concern at the outset, Your Honor,
10 concerning the possible intimidation of witnesses who are
11 going to be called to testify. And I'm not sure why they
12 would be passing that -- why they would have been given to
13 them, to begin with, if they have. They may not have.

14 MR. HAMILTON: I -- that was something that I did,
15 Judge. But I'm sure that there is no concern. It was
16 just -- they are some of the same witnesses that we've
17 got. And that was the only indication of that.

18 THE COURT: Okay. Well, let me just say this. If --
19 this is a serious matter, a serious case. And if some
20 witness -- if you would, just inform your witnesses if
21 someone is intimidated to let us know about it. And not
22 only would it, perhaps, violate a criminal statute, but
23 I'll consider it contempt of court as well.

24 So just -- you know, no one should be intimidated.
25 And the outcome of this trial will be determined in this

1 courtroom.

2 MR. WESTON: Thank you, Your Honor.

3 MS. SALISBURY: Your Honor, I hate to interject.

4 But, just to be clear, the State is not going forward on
5 the kidnapping charge. I want to make sure that when the
6 jury arrives that you're prepared to read the single
7 charge for each Defendant.

8 THE COURT: Well, I'm glad you told me that.

9 MR. KORNFIELD: Your Honor, I have a motion. I'd like
10 clarification on how many strikes we get.

11 THE COURT: 10 -- no, 10 total.

12 Do you have something different? What do y'all have?
13 Five and 10; right?

14 MR. WESTON: Your Honor, actually, I thought it was
15 10 and 20. It's a most serious offense.

16 THE COURT: Oh, okay. Well, 10 --

17 MR. KORNFIELD: I think they get 10. I think we get
18 20.

19 THE COURT: Yes. That's right.

20 MR. KORNFIELD: Okay. Thank you, Your Honor.

21 THE COURT: With respect to the alternates, two and
22 four.

23 We may not have enough jurors to do all that.

24 MR. KORNFIELD: I believe it's -- we get one -- I'll
25 look it up right here. I'm sorry, Your Honor.

1 THE COURT: It's two and one if it's --

2 MR. WESTON: That sounds fine to me, Your Honor.

3 THE COURT: Which statute are you looking at? 14 --

4 MS. SALISBURY: 14-7-1110, Your Honor.

5 (Pause.)

6 THE COURT: Are you all ready?

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

8 I just need to sit back down.

9 THE COURT: Bring the jury in.

10 (WHEREUPON, the jury panel entered the courtroom.)

11 THE COURT: All right. Ladies and gentlemen, welcome
12 up to courtroom #8. I appreciate your patience. We've
13 been dealing with a number of other unrelated matters.
14 And we're now prepared to go forward in this case.

15 The first thing I would like to do is to assure you
16 that none of you will be on television. You see the
17 camera there. And we have very, very strict rules about
18 what they're allowed to do. And none of you will be
19 displayed on the camera. So don't have any worries about
20 that, please.

21 I want to introduce the case to you. This is --
22 there are two indictments, one each. There are two
23 Defendants. Each Defendant has one indictment. The first
24 is indictment number 2013-10610, the State v. Brittany
25 Cearea Irby. It is an indictment for assault and battery

1 by mob first degree. This indictment alleges that
2 Brittany Cearea Irby did in Greenville County on or about
3 the 20th day of April, 2013, willfully and unlawfully
4 participate as part of a mob that inflicted death on
5 Debron Harrison in violation of the statutes and laws of
6 our state.

7 The second indictment is 2013-10613. And this is the
8 State of South Carolina v. Elijah Fernandez Wilson. This
9 is an indictment for assault and battery by mob first
10 degree. This indictment alleges that Elijah Fernandez
11 Wilson did in Greenville County on or about the 20th day
12 of April, 2013, willfully and unlawfully participate as
13 part of a mob that inflicted death upon Debron Harrison in
14 violation of the statutes and laws of our state.

15 I will tell you, ladies and gentlemen, that to these
16 indictments, each of these individuals has pled not
17 guilty. And when -- as such, you should remember that
18 throughout the course of the trial, that, in South
19 Carolina, no one is ever required to prove themselves
20 innocent. I would tell you that every person charged with
21 an offense is presumed to be innocent, unless and until
22 the charging body, in this case, the State of South
23 Carolina, can prove to a jury beyond any reasonable doubt
24 each and every element of each offense against each
25 individual. So, please, keep that in mind throughout the

1 course of the trial.

2 I would, also, inform you, remind you, instruct you
3 that these documents are nothing more than they appear to
4 be, and that is a piece of paper which contain allegations
5 which allow these cases to wind their way through our
6 justice system to arrive here in court for disposition.

7 And the fact that these documents, or an arrest
8 warrant, or other documents have been issued in this case
9 is not evidence. And the jury should make no presumption
10 or take no inference from the fact that they have been
11 issued with respect to guilt or innocence. That is proven
12 through evidence introduced here in the courtroom. So,
13 please, keep that in mind throughout the course of these
14 proceedings.

15 Now, before I go any farther, I would like for the
16 attorneys to stand and introduce themselves and, also,
17 their clients.

18 MR. WESTON: Thank you, Your Honor.

19 May it please the Court.

20 Ladies and gentlemen, my name is Jeff Weston. And
21 along with me is my colleague, Ms. Katryna Salisbury. We
22 are the Prosecutors for the State of South Carolina.

23 THE COURT: Thank you very much.

24 MR. KORNFELD: May it please the Court, Your Honor.

25 THE COURT: Yes, sir.

1 MR. KORNFIELD: I am Alex Kornfeld. And I
2 represent -- Brittany Irby is my client.

3 MR. HAMILTON: May it please the Court.

4 THE COURT: Yes, sir.

5 MR. HAMILTON: Ladies and gentlemen, my name is Ernie
6 Hamilton. And I'm a practicing attorney here in
7 Greenville. And I represent Elijah Wilson in this case.

8 THE COURT: All right. Thank you.

9 JURY QUALIFICATION

10 THE COURT: Ladies and gentlemen, is there any member
11 of the jury panel who is related by blood or marriage, or
12 who has a business, personal, or social relationship with
13 any of the attorneys, or any member of the Thirteenth
14 Circuit Solicitor's Office? If so, please, stand.

15 (WHEREUPON, there was no response.)

16 THE COURT: Is there any member of the jury panel
17 related by blood or marriage --

18 Oh, I'm sorry. Yes, ma'am. You're --

19 JUROR #96, SARAH MORTON: Sarah Morton.

20 THE COURT: Okay. And do you have your number?

21 JUROR #96, SARAH MORTON: I am #96.

22 THE COURT: All right.

23 JUROR #96, SARAH MORTON: And I know Alex from where
24 I work.

25 THE COURT: All right. He's a patron at your --

1 JUROR #96, SARAH MORTON: Yes. He comes into the --
2 where I work.

3 THE COURT: Would the fact that you know him impair
4 your ability to be fair and impartial in this case to
5 either the State or the Defense?

6 JUROR #96, SARAH MORTON: No.

7 THE COURT: Could you judge this case under your oath
8 based solely on the evidence presented in court and the
9 law as I would give it to you?

10 JUROR #96, SARAH MORTON: Yes.

11 THE COURT: Thank you very much.

12 Is there any member of the jury panel related by
13 blood or marriage, or who has a business or personal
14 relationship with either Elijah Fernandez Wilson, or
15 Brittany Cearea Irby, or with the deceased, Debron
16 Harrison? If so, please, stand.

17 Yes, sir. Your name and number?

18 JUROR #52, DANIEL GREENE: Daniel Greene, #52.

19 THE COURT: Okay.

20 JUROR #52, DANIEL GREENE: I know both of the
21 Defendants from where I work, Berea High School.

22 THE COURT: Would the fact that you have that
23 relationship impair your ability to be fair and impartial
24 in this case to either the State or the Defense?

25 JUROR #52, DANIEL GREENE: Yes, sir.

1 THE COURT: All right. Thank you very much.

2 Now, ladies and gentlemen, I'm going to read a list
3 of potential witnesses. And I'm going to need to know the
4 same about these potential witnesses. They're long lists.
5 And there may be some duplicity when I read them, but,
6 please, pay attention. And -- because we'll need to know
7 the same thing. Officer Jared Mann, Officer Lee
8 Vartanian, Officer Mauricio Reyes, Officer Eric Koepke,
9 Officer Robert Lewis, Officer Jonathan Wehrly, Officer
10 Charles Lane, Officer Michael Dean, Officer Bradley Lusk,
11 Detective Robert Bradford, Officer Rebecca Lindler,
12 Sergeant Chris Reider, Lieutenant Theresa Thompson,
13 Detective David Garrison, Detective Collis Flavell,
14 Detective Chris Powell, Sergeant Donnie Nuy -- New --

15 MR. WESTON: Ng.

16 THE COURT: Ng, okay, Master Deputy Dustin Woodall,
17 Raymond Urban, Jonathan Derby, Dr. James Fulcher, Javaris
18 Mayes, Corey Miller, James Young, Petrell Palmer, Lovell
19 Palmer, Diamante Jones, Lakysa Belton, Camilla Palmer,
20 Adrian Lasenberry, Tavis Cruell, Julian Palmer, Dalvin
21 Belton, Annie Wilson, Precious Burnside, Kierra Blakely,
22 Kyzer Thomas, Kylie Rogers, Treveion Anderson, Ianteves
23 Rogers, Jyquavious Young, Antonio Moss, Samson Groves,
24 Laquan Spann, Bryson Clay, Mykel Young, Christian
25 Williams, Kamille Anderson, Shamaun Phelps, Diamond

1 Griffin, Cymicio Wright, Juwan McGee, Marcus Foster,
2 Devorggio Jones, Rommel Baker, Joaquinna Dillard, Felton
3 Smith, De'Agia Wilson, Amber Smith, Yolanda Belton, Jamie
4 Mack, Antonio Wakefield, Iris Latece Logan, Arva Wilson,
5 Felton Smith, Amber Smith, Keith Robinson with the
6 Sheriff's Office, Kiki Nicole Anderson, Chante King,
7 DeAsia Burton, Terria King, Dennis Smith, Hydia Diggs,
8 Brittany Donaldson, Shekinah Ellis, Jeff Jones, Ronald
9 Brown, Corey Jamal Miller, Adrian Lasenberry, Joshua Duane
10 Gowens, Samson Reshard Groves, Jack Lynn, Jetieur Jones,
11 De'Agia Wilson, Amber Smith, Precious Burnside, Felton
12 Smith, Camilla Palmer, Diamante Jones, T. Cruell, Jamie
13 Mack, Briana Scott, Marcus Antonio Foster, Keonna Cooke,
14 Shekinah Ellis, Arva Wilson, Brittany Irby, Elijah Wilson.

15 Now, ladies and gentlemen, is there any member of the
16 jury panel who is related by blood or marriage, or who has
17 a business, personal, or social relationship with any of
18 those potential witnesses whose names I have just read?
19 If so, please, stand.

20 THE COURT: All right. And if you would identify
21 yourself again, sir.

22 JUROR #52, DANIEL GREENE: Daniel Greene.

23 THE COURT: And your number?

24 JUROR #52, DANIEL GREENE: #52.

25 THE COURT: Okay. And how do --

1 JUROR #52, DANIEL GREENE: I knew the Defendants when
2 they were in high school.

3 THE COURT: Okay. And, yes, ma'am. Your name and
4 number?

5 JUROR #129, MONISA SHELL: Monisa Shell, #129.

6 THE COURT: Yes, ma'am.

7 JUROR #129, MONISA SHELL: And I know a Michael
8 Young.

9 THE COURT: Michael Young. Okay. And can you tell
10 me how you know --

11 JUROR #129, MONISA SHELL: He was an old neighbor.

12 THE COURT: An old neighbor?

13 JUROR #129, MONISA SHELL: (Juror #129, Monisa Shell,
14 nodded.)

15 THE COURT: And tell me his -- well, how can you
16 describe -- what was his age?

17 JUROR #129, MONISA SHELL: Probably in his 50s.

18 MR. WESTON: (Mr. Weston shook his head.)

19 THE COURT: I don't believe that's the same
20 gentleman.

21 Thank you.

22 All right. Now, again, ladies and gentlemen, I would
23 remind you that this case revolves around a -- as I said,
24 an assault and battery by mob first degree that occurred
25 on or about April 20th of 2013. Is there any member of

1 the jury panel who has any knowledge about the events
2 alleged in the indictments? If so, please, stand.

3 (WHEREUPON, there was no response.)

4 THE COURT: And I would tell you that it did receive
5 some media coverage. It occurred in the City of
6 Greenville.

7 So is there anybody who has any knowledge about the
8 events alleged in the indictment?

9 JUROR #52, DANIEL GREENE: I've read about it.

10 THE COURT: Thank you very much.

11 Yes, ma'am. Your name and number?

12 JUROR #134, DEBORAH SOTHEN: Deborah Sothen, #134. I
13 have followed the story in the media.

14 THE COURT: Thank you, ma'am.

15 Yes, sir. Your number?

16 JUROR #149, DANIEL VASQUEZ: Dan Vasquez, #149.

17 THE COURT: Okay.

18 JUROR #149, DANIEL VASQUEZ: The same, I've watched
19 it through the media.

20 THE COURT: All right. Yes, ma'am. Your name and
21 number?

22 JUROR #111, KIRA REAVES: Kira Reaves, #111. I think
23 I am familiar with that situation, also, having read about
24 it.

25 THE COURT: Now, those four individuals who answered

1 the question, would the fact that you have some -- and let
2 me just say this. This case and every case that is
3 brought in any courtroom in this county, or in this state,
4 and in this country is to be tried and decided based on
5 the evidence presented in a courtroom -- this courtroom in
6 this case, and the law that's presented. We are looking
7 for a fair and impartial jury who can do that without
8 outside prior influence.

9 So my question to you folks who have expressed your
10 knowledge, can you do that? Can you listen to the
11 evidence presented in this courtroom, which is subject to
12 Constitutional protection and scrutiny, and can you listen
13 to the law as I would give it to you and judge this case
14 solely on what is presented in this courtroom? If you
15 cannot do that, please, stand.

16 (WHEREUPON, there was no response.)

17 THE COURT: Thank you very much.

18 All right. Is there any member of the jury panel, or
19 any family member, or close friend who has ever been the
20 victim of or charged with this type of offense? If so,
21 please, stand.

22 (WHEREUPON, there was no response.)

23 THE COURT: Is there any member of the jury panel who
24 is aware of any bias or prejudice towards either the State
25 or the Defense? If so, please, stand.

1 (WHEREUPON, there was no response.)

2 THE COURT: Is there any member of the jury panel who
3 is a member of or a contributor to a group whose primary
4 concern is the promotion of law enforcement or victim's
5 rights? Examples would be MADD, SADD, or CAVE. If so,
6 please, stand.

7 (WHEREUPON, there was no response.)

8 THE COURT: Is there any juror who knows of any
9 reason whatsoever why you shouldn't be allowed to serve in
10 this case understanding the purpose is to have a fair and
11 impartial jury? Do you know of any reason why you should
12 not serve? If you do, please, stand.

13 (WHEREUPON, there was no response.)

14 THE COURT: All right. Let me talk to the lawyers up
15 here, please.

16 (WHEREUPON, a bench conference was held.)

17 THE COURT: Ladies and gentlemen, we are now going to
18 begin the process of striking the jury.

19 Sir, with the camera, if you would sit down so I can
20 see the jury.

21 So what we're going to ask you to do is when the
22 clerk calls your name, we ask you just to stand in place
23 so that we can -- and then you'll receive further
24 instructions.

25 All right. Mary.

JURY SELECTION

THE CLERK: Juror #145, Stephanie Thompson.

(WHEREUPON, Stephanie Thompson, a white female, stood.)

THE CLERK: What says the State?

MR. WESTON: Present Ms. Thompson, please.

THE CLERK: What says Defendant Irby?

MR. KORNFELD: Please dismiss Ms. Thompson.

THE COURT: All right. Ma'am, please, be seated.

Juror #132, Deborah Simpson.

(WHEREUPON, Deborah Simpson, a black female, stood.)

THE CLERK: What says the State?

MR. WESTON: Excuse Ms. Simpson from this jury, please.

THE CLERK: All right. Ma'am, please, be seated.

Juror #56, Kinsley Heaton.

(WHEREUPON, Kinsley Heaton, a white female, stood.)

THE CLERK: What says the State?

MR. WESTON: Present Ms. Heaton, please.

THE CLERK: What says Defendant Irby?

MR. KORNFELD: Please dismiss Ms. Heaton.

THE CLERK: All right. Ma'am, please, be seated.

You have been dismissed from this case.

Juror #153, Lewis Wheeler.

(WHEREUPON, Lewis Wheeler, a white male, stood.)

1 THE CLERK: What says the State?

2 MR. WESTON: Excuse Mr. Wheeler from this jury,
3 please.

4 THE CLERK: All right, sir. Please be seated.
5 Juror #14, Robin Blackburn.

6 (WHEREUPON, Robin Blackburn, a white female, stood.)

7 THE CLERK: What says the State?

8 MR. WESTON: Present Ms. Blackburn, please.

9 THE CLERK: What says Defendant Irby?

10 MR. KORNFELD: Please dismiss Ms. Blackburn.

11 THE CLERK: All right, ma'am. Please be seated.

12 Juror #162, Dianna Williams.

13 (WHEREUPON, Dianna Williams, a Hispanic female,
14 stood.)

15 THE CLERK: What says the State?

16 MR. WESTON: Present Ms. Williams, please.

17 THE CLERK: What says Defendant Irby?

18 MR. KORNFELD: Please seat Ms. Williams.

19 THE CLERK: What says Defendant Wilson?

20 MR. HAMILTON: Swear the juror.

21 THE CLERK: All right, ma'am. Please bring your
22 things. Come have a seat in the jury box.

23 Juror #7, David Banks.

24 (WHEREUPON, David Banks, a white male, stood.)

25 THE CLERK: What says the State?

1 MR. WESTON: Present Mr. Banks, please.

2 THE CLERK: What says Defendant Irby?

3 MR. KORNFELD: Please dismiss Mr. Banks.

4 THE CLERK: All right. Mr. Banks, please, be seated.

5 Juror #27, Tracy Cooper.

6 (WHEREUPON, Tracy Cooper, a white female, stood.)

7 THE CLERK: What says the State?

8 MR. WESTON: Present Ms. Cooper, please.

9 THE CLERK: What says Defendant Irby?

10 MR. KORNFELD: Please dismiss Ms. Cooper.

11 THE CLERK: All right, ma'am. Please be seated.

12 Juror #158, David Wooten.

13 (WHEREUPON, David Wooten, a white male, stood.)

14 THE CLERK: What says the State?

15 MR. WESTON: Present Mr. Wooten, please.

16 THE CLERK: What says Defendant Irby?

17 MR. KORNFELD: Please seat Mr. Wooten.

18 THE CLERK: What says Defendant Wilson?

19 MR. HAMILTON: Excuse the juror from this case,
20 please.

21 THE CLERK: All right, sir. Please be seated. You
22 have been excused from this case.

23 Juror #160, Monica Banda.

24 (WHEREUPON, Monica Banda, a Hispanic female, stood.)

25 THE CLERK: What says the State?

1 MR. WESTON: Excuse Ms. Banda from this case, please.

2 THE CLERK: All right. Please be seated, ma'am.

3 Juror #92, Alora Mclees.

4 (WHEREUPON, Alora Mclees, a white female, stood.)

5 THE CLERK: What says the State?

6 MR. WESTON: Present Ms. Mclees, please.

7 THE CLERK: What says Defendant Irby?

8 MR. KORNFELD: Please seat Ms. Mclees.

9 THE CLERK: What says Defendant Wilson?

10 MR. HAMILTON: Excuse the juror in this case, please.

11 THE CLERK: All right, ma'am. Please be seated. You
12 have been excused from this case.

13 Juror #141, Dennis Sullivan.

14 (WHEREUPON, Dennis Sullivan, a white male, stood.)

15 THE CLERK: What says the State?

16 MR. WESTON: Present Mr. Sullivan, please.

17 THE CLERK: What says Defendant Irby?

18 MR. KORNFELD: Please dismiss Mr. Sullivan.

19 THE CLERK: All right, sir. Please be seated.

20 Juror #148, Ranzino Valentine.

21 (WHEREUPON, Ranzino Valentine, a black male, stood.)

22 THE CLERK: What says the State?

23 MR. WESTON: Present Mr. Valentine, please.

24 THE CLERK: What says Defendant Irby?

25 MR. KORNFELD: Please seat Mr. Valentine.

1 THE CLERK: What says Defendant Wilson?

2 MR. HAMILTON: Swear Mr. Valentine.

3 THE CLERK: Mr. Valentine, please, bring your things.

4 Come have a seat in the jury box.

5 Juror #67, Brenda Johnson.

6 (WHEREUPON, Brenda Johnson, a white female, stood.)

7 THE CLERK: What says the State?

8 MR. WESTON: Present Ms. Johnson, please.

9 THE CLERK: What says Defendant Irby?

10 MR. KORNFELD: Please dismiss Ms. Johnson.

11 THE CLERK: All right, ma'am. Please be seated.

12 Juror #96, Sarah Morton.

13 (WHEREUPON, Sarah Morton, a white female, stood.)

14 THE CLERK: What says the State?

15 MR. WESTON: Excuse Ms. Morton, please.

16 THE CLERK: All right, ma'am. Please be seated.

17 Juror #18, Lyndsey Burghardt.

18 (WHEREUPON, Lyndsey Burghardt, a white female,
19 stood.)

20 THE CLERK: What says the State?

21 MR. WESTON: Present Ms. Burghardt, please.

22 THE CLERK: What says Defendant Irby?

23 MR. KORNFELD: Please dismiss this juror.

24 THE CLERK: All right, ma'am. Please be seated.

25 Juror #110, Gladys Raines.

1 (WHEREUPON, Gladys Raines, a white female, stood.)

2 THE CLERK: What says the State?

3 MR. WESTON: Present Ms. Raines, please.

4 THE CLERK: What says Defendant Irby?

5 MR. KORNFELD: Please seat Ms. Raines.

6 THE CLERK: What says Defendant Wilson?

7 MR. HAMILTON: Swear the lady.

8 THE CLERK: All right, ma'am. Please bring your
9 things. Have a seat in the jury box.

10 Juror #121, Kevin Ruck.

11 (WHEREUPON, Kevin Ruck, a white male, stood.)

12 THE CLERK: What says the State?

13 MR. WESTON: Excuse Mr. Ruck, please.

14 THE CLERK: All right, sir. Please be seated.

15 Juror #13, Sandra Bill.

16 (WHEREUPON, Sandra Bill, a black female, stood.)

17 THE CLERK: What says the State?

18 MR. WESTON: Present Ms. Bill, please.

19 THE CLERK: What says Defendant Irby?

20 MR. KORNFELD: Please seat Ms. Bill.

21 THE CLERK: What says Defendant Wilson?

22 MR. HAMILTON: What number was that, please?

23 THE CLERK: Ms. Bill was #13.

24 MR. HAMILTON: Swear Ms. Bill.

25 THE CLERK: All right. Ma'am, please, bring your

1 things. Have a seat in the jury box.

2 Juror #156, Keith Williamson.

3 (WHEREUPON, Keith Williamson, a white male, stood.)

4 THE CLERK: What says the State?

5 MR. WESTON: Present Mr. Williamson, please.

6 THE CLERK: What says Defendant Irby?

7 MR. KORNFELD: Please dismiss Mr. Williamson.

8 THE CLERK: All right, sir. Please be seated.

9 Juror #113, Donna Ricard.

10 (WHEREUPON, Donna Ricard, a white female, stood.)

11 THE CLERK: What says the State?

12 MR. WESTON: Present Ms. Ricard, please.

13 THE CLERK: What says Defendant Irby?

14 MR. KORNFELD: Please seat Ms. Ricard.

15 THE CLERK: What says Defendant Wilson?

16 MR. HAMILTON: Excuse the juror from this case.

17 THE CLERK: All right, ma'am. Please be seated. You
18 have been excused from this case.

19 Juror #123, Erick Sanchez.

20 (WHEREUPON, Erick Sanchez, a Hispanic male, stood.)

21 THE CLERK: What says the State?

22 MR. WESTON: Excuse Mr. Sanchez, please.

23 THE CLERK: All right, sir. Please be seated.

24 Juror #86, John Martin.

25 (WHEREUPON, John Martin, a black male, stood.)

1 THE CLERK: What says the State?

2 MR. WESTON: Present Mr. Martin, please.

3 THE CLERK: What says Defendant Irby?

4 MR. KORNFIELD: Please seat Mr. Martin.

5 THE CLERK: What says Defendant Wilson?

6 MR. HAMILTON: Mr. Martin -- would you swear

7 Mr. Martin?

8 THE CLERK: All right, sir. Please bring your
9 things. Come have a seat in the jury box.

10 Juror #109, Henri Pruitt.

11 (WHEREUPON, Henri Pruitt, a black male, stood.)

12 MR. WESTON: I'm sorry. What was that number again?

13 THE CLERK: #109.

14 MR. WESTON: Thank you.

15 THE CLERK: What says the State?

16 MR. WESTON: Present Mr. Pruitt, please.

17 THE CLERK: What says Defendant Irby?

18 MR. KORNFIELD: Please seat Mr. Pruitt.

19 THE CLERK: What says Defendant Wilson?

20 MR. HAMILTON: Swear him.

21 THE CLERK: All right, sir. Please come have a seat
22 in the jury box.

23 Juror #3, Samuel Andrews.

24 (WHEREUPON, Samuel Andrews, a white male, stood.)

25 THE CLERK: What says the State?

1 MR. WESTON: Present Mr. Andrews, please.

2 THE CLERK: What says Defendant Irby?

3 MR. KORNFELD: Please seat Mr. Andrews.

4 THE CLERK: What says Defendant Wilson?

5 MR. HAMILTON: Excuse Mr. Andrews from this case,
6 please.

7 THE CLERK: All right, sir. Please be seated.

8 Juror #31, Harry Davis.

9 (WHEREUPON, Harry Davis, a black male, stood.)

10 THE CLERK: What says the State?

11 MR. WESTON: Present Mr. Davis, please.

12 THE CLERK: What says Defendant Irby?

13 MR. KORNFELD: Please seat Mr. Davis.

14 THE CLERK: What says Defendant Wilson?

15 MR. HAMILTON: Swear the gentleman.

16 THE CLERK: Sir, please, come have a seat in the jury
17 box.

18 Juror #39, Ida Edwards.

19 (WHEREUPON, Ida Edwards, a black female, stood.)

20 THE CLERK: What says the State?

21 MR. WESTON: Present Ms. Edwards, please.

22 THE CLERK: What says Defendant Irby?

23 MR. KORNFELD: Please seat Ms. Edwards.

24 THE CLERK: What says Defendant Wilson?

25 MR. HAMILTON: Excuse the juror from this case,

1 please.

2 THE CLERK: All right, ma'am. Please be seated.

3 Juror #40, Diane Embley.

4 (WHEREUPON, Diane Embley, a white female, stood.)

5 THE CLERK: What says the State?

6 MR. WESTON: Present Ms. Embley, please.

7 THE CLERK: What says Defendant Irby?

8 MR. KORNFELD: Please excuse Ms. Embley.

9 THE CLERK: All right, ma'am. Please be seated.

10 Juror #149, Daniel Vasquez.

11 (WHEREUPON, Daniel Vasquez, a white male, stood.)

12 THE CLERK: What says the State?

13 MR. WESTON: Present Mr. Vasquez, please.

14 THE CLERK: What says Defendant Irby?

15 MR. KORNFELD: Please swear Mr. Vasquez.

16 THE CLERK: What says Mr. Wilson?

17 MR. HAMILTON: Excuse the juror from this case,
18 please.

19 THE CLERK: All right, sir. Please be seated. You
20 have been excused from this case.

21 Juror #101, Marla Palmer.

22 (WHEREUPON, Marla Palmer, a white female, stood.)

23 THE CLERK: What says the State?

24 MR. WESTON: Present Ms. Palmer, please.

25 THE CLERK: What says Defendant Irby?

1 MR. KORNFELD: Please seat Ms. Palmer.

2 THE CLERK: What says Defendant Wilson?

3 MR. HAMILTON: Excuse the lady.

4 THE CLERK: All right, ma'am. Please be seated.

5 Juror #143, Ann Templeton.

6 (WHEREUPON, Ann Templeton, a white female, stood.)

7 MR. WESTON: Present Ms. Templeton, please.

8 THE CLERK: Thank you.

9 What says Defendant Irby?

10 MR. KORNFELD: Please seat Ms. Templeton.

11 THE CLERK: Thank you.

12 What says Defendant Wilson?

13 MR. HAMILTON: Excuse the juror from this case,
14 please.

15 THE CLERK: All right, ma'am. Please be seated.

16 Juror #26, Jeffery Cook.

17 (WHEREUPON, Jeffery Cook, a white male, stood.)

18 THE CLERK: What says the State?

19 MR. WESTON: Present Mr. Cook, please.

20 THE CLERK: What says Defendant Irby?

21 MR. KORNFELD: Please seat Mr. Cook.

22 THE CLERK: What says Defendant Wilson?

23 MR. HAMILTON: Excuse the juror from this case.

24 THE CLERK: All right, sir. Please be seated.

25 Juror #112, Luis Restrepo-Qunitero.

1 (WHEREUPON, Luis Restrepo-Qunitero, a Hispanic male,
2 stood.)

3 THE CLERK: What says the State?

4 MR. WESTON: Excuse Mr. Restrepo-Qunitero.

5 THE CLERK: All right, sir. Please be seated.

6 Juror #139, Benjamin Stoner.

7 (WHEREUPON, Benjamin Stoner, a white male, stood.)

8 THE CLERK: What says the State?

9 MR. WESTON: Present Mr. Stoner, please.

10 THE CLERK: What says Defendant Irby?

11 MR. KORNFELD: Please seat Mr. Stoner.

12 THE CLERK: What says Defendant Wilson?

13 THE COURT: Let me see the lawyers up here for a
14 second, please.

15 (WHEREUPON, a bench conference was held.)

16 THE COURT: Mr. Stoner, I -- because of your -- the
17 situation, I'm going to excuse you in this case. Okay.

18 Thank you.

19 And nothing nefarious. He has a family event he must
20 attend tomorrow.

21 THE CLERK: Okay.

22 THE COURT: I'm sorry, Mary, I didn't tell you.

23 THE CLERK: That's okay. That's all right.

24 Juror #118, Timothy Rogers.

25 (WHEREUPON, Timothy Rogers, a white male, stood.)

1 THE CLERK: What says the State?

2 MR. WESTON: Present Mr. Rogers, please.

3 THE CLERK: What says Defendant Irby?

4 MR. KORNFELD: Please seat Mr. Rogers.

5 THE CLERK: What says Defendant Wilson?

6 MR. HAMILTON: Excuse Mr. Rogers.

7 THE CLERK: All right, sir. Please be seated.

8 Juror #151, Lindsey Weeks.

9 (WHEREUPON, Lindsey Weeks, a white female, stood.)

10 THE CLERK: What says the State?

11 MR. WESTON: Present Ms. Weeks, please.

12 THE CLERK: What says Defendant Irby?

13 MR. KORNFELD: Please seat Mr. Weeks.

14 THE CLERK: What says Defendant Wilson?

15 MR. HAMILTON: Swear the lady.

16 THE CLERK: Ma'am, please, bring your things. Come
17 have a seat in the jury box.

18 Juror #111, Kira Reaves.

19 (WHEREUPON, Kira Reaves, a black female, stood.)

20 THE CLERK: What says the State?

21 MR. WESTON: Present Ms. Reaves, please.

22 THE CLERK: What says Defendant Irby?

23 MR. KORNFELD: Please seat Ms. Reaves.

(24 THE CLERK: What says Defendant Wilson?

25 MR. HAMILTON: Swear Ms. Reaves.

1 THE CLERK: Ma'am, please, bring your things. Have a
2 seat in the jury box.

3 Juror #117, John Roberts.

4 (WHEREUPON, John Roberts, a white male, stood.)

5 THE CLERK: What says the State?

6 MR. WESTON: Present Mr. Roberts, please.

7 THE CLERK: What says Defendant Irby?

8 MR. KORNFIELD: Please seat Mr. Roberts.

9 THE CLERK: What says Defendant Wilson?

10 MR. HAMILTON: Seat the gentleman.

11 THE CLERK: Sir, please, bring your things. Have a
12 seat in the jury box.

13 Juror #25, Cynthia Conway.

14 (WHEREUPON, Cynthia Conway, a black female, stood.)

15 THE CLERK: What says the State?

16 MR. WESTON: Present Ms. Conway, please.

17 THE CLERK: What says Defendant Irby?

18 MR. KORNFIELD: Please seat Ms. Conway.

19 THE CLERK: What says Defendant Wilson?

20 MR. HAMILTON: Please seat Ms. Conway.

21 THE CLERK: Ma'am, please, come have a seat in the
22 jury box.

23 Juror #129, Monisa Shell.

24 (WHEREUPON, Monisa Shell, a black female, stood.)

25 THE CLERK: What says the State?

1 MR. WESTON: Present Ms. Shell, please.

2 THE CLERK: What says Defendant Irby?

3 MR. KORNFIELD: Please seat Ms. Shell.

4 THE CLERK: What says Defendant Wilson?

5 MR. HAMILTON: Swear Ms. Shell.

6 THE CLERK: Ma'am, please, have a seat in the jury

7 box.

8 THE COURT: Two alternates, one and two.

9 MR. WESTON: Yes, sir.

10 THE CLERK: Juror #134, Deborah Sothen.

11 (WHEREUPON, Deborah Sothen, a white female, stood.)

12 THE CLERK: What says the State?

13 MR. WESTON: Present Ms. Sothen, please.

14 THE CLERK: What says Defendant Irby?

15 MR. KORNFIELD: Please dismiss Ms. Sothen.

16 THE CLERK: All right, ma'am. Please be seated.

17 Juror #87, Joe Mason.

18 (WHEREUPON, Joe Mason, a white male, stood.)

19 THE CLERK: What says the State?

20 MR. WESTON: Present Mr. Mason, please.

21 THE CLERK: What says Defendant Irby?

22 MR. KORNFIELD: Please seat Mr. Mason.

23 THE CLERK: What says Defendant Wilson?

24 MR. HAMILTON: Swear the gentleman.

25 THE CLERK: Sir, please, come have a seat in the jury

1 box.

2 Juror #22, Gina Carter.

3 (WHEREUPON, Gina Carter, a white female, stood.)

4 THE CLERK: What says the State?

5 MR. WESTON: Present Ms. Carter, please.

6 THE CLERK: What says Defendant Irby?

7 MR. KORNFIELD: Please seat Ms. Carter.

8 THE CLERK: What says Defendant Wilson?

9 MR. HAMILTON: Excuse the juror from this case,

10 please.

11 THE CLERK: All right. Thank you.

12 Juror #53, Deanna Gumpert.

13 (WHEREUPON, Deanna Gumpert, a white female, stood.)

14 THE CLERK: What says the State?

15 MR. WESTON: Present Ms. Gumpert, please.

16 THE CLERK: What says Defendant Irby?

17 MR. KORNFIELD: Please seat Ms. Gumpert.

18 THE CLERK: What says Defendant Wilson?

19 MR. HAMILTON: Swear the lady.

20 THE CLERK: Ma'am, please, have a seat in the jury

21 box.

22 THE COURT: Any exception or objection to the jury as
23 impanelled pursuant to Batson or Jebb?

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

25 MR. KORNFIELD: Nothing from Defendant Irby, Your

1 Honor.

2 MR. HAMILTON: Mr. Wilson has no objection.

3 THE COURT: All right. Great.

4 Ladies and gentlemen, at this time --

5 Mary, send them back?

6 THE CLERK: They can be dismissed to call back after
7 6:00.

8 THE COURT: Okay. Unfortunately, we can't seat any
9 of you all on this case. So we're going to excuse you at
10 this time, and ask you to call back after 6:00 to learn
11 when you next need to report in or give another phone
12 call.

13 Thank you very much.

14 (WHEREUPON, the remaining jury panel members exited
15 the courtroom.)

16 INTRODUCTORY REMARKS

17 THE COURT: Okay. Ladies and gentlemen, I want to
18 thank you all for your presence here and your patience,
19 and, I guess, congratulate you on being selected.

20 Let me tell you, I -- all the years before I became
21 ineligible to serve on a jury, I was never even called to
22 sit in the pool downstairs. So it's a pretty rare
23 occurrence. And then to be called up to the courtroom is
24 a little bit rarer still. And to, actually, be selected
25 is, actually, very rare. And I want to tell you it is a

1 great privilege. And it is a great responsibility.

2 And it's a rare thing that when I speak to jurors
3 after their service is concluded that they are not proud
4 and feel deeply rewarded by the service that they've
5 rendered to their community. It is that vital, that
6 important. And it has often been said that jury service
7 is the single most important thing that a citizen can do
8 for their country in peacetime. And my experience is that
9 that is correct.

10 I would tell you that we have a dispute about the
11 facts in this case which cannot be resolved in any fashion
12 other than to ask a jury to come listen to the facts, and
13 render a decision which will resolve that dispute.

14 I would, also, remind you that these indictments that
15 I published to you or read to you are not evidence. And
16 the fact that they've been issued should -- you should
17 take no inference or make any presumption from the fact
18 that they've been issued. They're just pieces of paper
19 which allow this case to wind its way through our system
20 to arrive here in court for disposition.

21 I, also, remind you that everyone charged with a
22 crime is presumed to be innocent, unless and until the
23 charging body can prove them guilty beyond any reasonable
24 doubt of each and every element of each offense that they
25 face to a jury. The evidence will be presented here in

1 the courtroom. And that is what you are to use to judge
2 guilt or innocence.

3 Now, you can divide a case into as many parts as you
4 like. And television shows, and novels, and all that sort
5 of thing do it all the time. I divide it into five parts,
6 five basic parts to give you all sort of a procedural road
7 map so you know where you are in the case, and what's
8 coming next.

9 The first thing we'll do -- I guess you could say
10 we're doing it now, but we'll really start after lunch
11 when the attorneys make their opening statements to you.
12 And I emphasize that they are statements. They are brief
13 and non-argumentive statements to the jury. It's sort of
14 introducing themselves and their case to you.

15 The second part of the trial -- of every trial is the
16 meat and potatoes. And that is the presentation of the
17 testimony and the evidence in the case. And that will --
18 evidence will come to you in one of three ways, generally.
19 I don't know the combination in this case, how it will
20 come to you. But there are, generally, three forms that
21 it takes.

22 The first one that we all think of is oral testimony
23 from the witness stand. The second most common way is
24 through the introduction of tangible documents or items.
25 And the third most common way is when the parties and the

1 attorneys all agree that some fact is so beyond dispute
2 that you should accept it is true, which sometimes is
3 called a stipulation. So it will -- that's how the
4 evidence will come to you.

5 The third part of the trial will be after all the
6 evidence has been introduced. Then the attorneys will get
7 up and make their closing arguments to you. That's where
8 they argue the evidence and the law of the case to you,
9 and urge you to resolve the dispute in their favor.

10 The fourth part of the trial will be when I tell you
11 what the law is as it relates to this case.

12 And then the fifth part of the trial is when you all
13 retire to your jury room to resolve the dispute, to do
14 your deliberations and make a decision about guilt or
15 innocence.

16 Now, I'll ask you to do a number of things throughout
17 the course of the trial. There are three main things I
18 ask you to do. The first is to keep an open mind. We go
19 through this whole process to get a fair and impartial
20 jury that comes in here and does not have a predisposed
21 notion about how this case ought to be decided, a jury
22 that will listen to the evidence, and listen to the law,
23 and make a fair and impartial judgment in rendering a
24 decision.

25 So keep an open mind. Don't make up your mind after

1 the first opening argument or opening statement. There
2 will not be an opening argument, I promise you. And even
3 after the last witness, wait until you have heard the law
4 and all the evidence to make your decision.

5 The second thing I ask you to do is pretty simple,
6 but very important. And that is to pay attention. If you
7 let your mind wander off during the course of the trial,
8 you might miss the way that a witness responds to a
9 question, what we call a witnesses demeanor. And that
10 might become important. And if you have let your mind
11 wander, you'd be at a disadvantage in your deliberations
12 with your fellow jurors.

13 And the final thing I ask you to do and instruct you
14 to do is not to discuss this case with anyone. That means
15 when we break for lunch, you cannot talk about the case.
16 You don't know -- you know very little about it now. But
17 if this case goes into tomorrow and you go home tonight,
18 you cannot discuss it with whoever you see. And that
19 seems strange. Because I know if any of you all are like
20 me, I have a hard time deciding what to have for dinner
21 without discussing it with people who I trust and see.
22 But you can't do that with this case.

23 And the purpose of that requirement is so that --
24 well, even an innocent comment from someone who you like
25 and trust might impact your state of mind with respect to

1 this case. And that wouldn't be fair to these parties.
2 It would not be fair to your fellow jurors. And,
3 importantly, it would not be fair to yourself to allow
4 someone who is not making the sacrifices that you all are
5 making to have any input in the outcome of this case.

6 So it's vital that you not discuss it. That includes
7 not doing research, not visiting the scene, not getting
8 on -- you know, the latest thing is social media. We've had
9 problems with people posting on social media. So don't do
10 that. Protect inviolate our national right to a trial and a
11 fair trial. And this is where it happens. So don't discuss
12 the case.

13 I would tell you that you all are the sole judges of
14 the facts in the case. That means you decide who to
15 believe, what to believe, what's true, what's not true.

16 By law, a trial judge is not allowed to have an
17 opinion about the facts of the case. So don't think by
18 anything I might say or do through the course of the trial
19 that I have such an opinion. That is entirely up to you
20 all to be the judges of the facts.

21 And that same law makes me the sole judge of the law.
22 So if you think you have an idea about what the law is or
23 what the law should be, you'll swear an oath in just a
24 second to set aside your own opinion, and apply the law
25 precisely as I state it to you. And that ensures that

1 every person who comes to court is tried under the same
2 law, and not some kind of moving target that jurors might
3 think -- what they would like the law to be. So you will
4 have to obey the law.

5 Now, from time to time throughout the course of the
6 trial, as you noticed, I had -- I asked the lawyers to
7 come up and we had a discussion out of your presence.
8 There may be times that that occurs during the trial. Or
9 there may be -- I may have to excuse you all to your jury
10 room and have a discussion with the attorneys out of your
11 presence. We may well be trying to keep something from
12 you, but we are not trying to deceive you in any way. We
13 may have to discuss a piece of evidence that would not --
14 should not be admitted. And so you can understand why we
15 need to do it out of your presence.

16 Ladies and gentlemen, that's about all I can think to
17 say right now, which I'm sure you all are glad to hear.
18 We right now are going to ask you all to stand and take an
19 oath. And when you've done that, then we'll excuse you
20 all to lunch.

21 Is an hour and 15 minutes today good enough for you
22 all? 2:30? Does anybody need any more time than that?

23 (WHEREUPON, there was no response.)

24 THE COURT: And we'll ask y'all to be back then at
25 2:30. And we will begin the trial at that time.

1 At this time, please, stand.

2 THE CLERK: Please stand. Raise your right hand for
3 the oath. The proper response is "I will."

4 (WHEREUPON, the jury was sworn at approximately
5 1:11 p.m.)

6 THE CLERK: Thank you.

7 THE COURT: All right. Thank you very much.

8 Y'all don't have to sit down again. We'll let
9 y'all -- we'll take you out this way and show you the
10 secret entrance.

11 (WHEREUPON, the jury was excused from open court at
12 approximately 1:12 p.m.)

13 THE COURT: Anything?

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

15 THE COURT: Have you got some motions?

16 MR. KORNFELD: Yes, Your Honor.

17 PRE-TRIAL MOTIONS

18 THE COURT: What have you got?

19 MR. KORNFELD: Two motions. I filed an ex parte
20 motion, which I did show to Jeff just concerning the
21 subpoena costs. I have that amount and I'd ask you --

22 THE COURT: Well, you just -- we told you to send it
23 up to us. We'll take care of that.

24 MR. KORNFELD: Okay.

25 THE COURT: Yes.

1 MR. KORNFELD: What about help in finding this one
2 witness? Can I have some funds to find the one witness?

3 THE COURT: Well, I mean, if you've got somebody
4 that's going to go find an essential witness, then you
5 need to submit an order. And if it's necessary, we'll do
6 that.

7 MR. KORNFELD: Thank you, Your Honor.

8 THE COURT: Okay.

9 MR. KORNFELD: I've got a 404(B) motion to exclude
10 any prior bad acts. I don't believe my client has any
11 record whatsoever.

12 THE COURT: Okay. They've already said they're not
13 going to do that. They're not going to -- you know, no
14 Lyle violations.

15 MR. KORNFELD: Okay.

16 THE COURT: That means you've got to stay on your
17 feet if you think there's something that's going to
18 violate that. But, you know, you've got to make your
19 objections. But they're on notice.

20 MR. KORNFELD: Okay. And then I still have my
21 motion, 403, to exclude any mention of gangs as unduly
22 prejudicial. It's entered solely for the purpose of
23 prejudice. I believe that if Your Honor isn't inclined to
24 agree with my motion, I'd ask for an in-camera hearing
25 concerning any police officer, or how they decided that

1 this was a gang.

2 Also, Your Honor, if they thought it was a gang, they
3 could have charged them under a gang statute. And they
4 chose not to do that. So I don't see how it is relevant,
5 unless they can show through a gang expert that this was,
6 in fact, a gang, and not a group of kids in the
7 neighborhood.

8 THE COURT: Well, what are you asking me to do?

9 MR. KORNFIELD: I'm asking you to exclude any mention
10 of any type of gang from the State, Your Honor. It's not
11 relevant in this case.

12 THE COURT: All right. What do y'all want to tell
13 me?

14 MS. SALISBURY: Your Honor, it's the State's position
15 that the evidence is probative, relevant, and material at
16 the outset. And I know you know a little bit of this
17 already, so I'll try to be brief.

18 It is going to be the testimony from the victim's
19 family that the very cause of this confrontation was the
20 fact that someone in particular was throwing gang signs,
21 or what the victims believed to be gang signs at the
22 party. It's the very basis for why there was even an
23 initial confrontation.

24 Outside of that, all of the evidence that the State
25 intends to present by way of gang involvement, relation,

1 et cetera, is going to come from the testimony of the
2 Co-Defendants. Those Co-Defendants have described in
3 detail their own involvement with the various gangs
4 involved in the case to the police. The Defendants have
5 been apprised of that information from the outset of their
6 accepting representation of these Defendants.

7 And, quite frankly, Your Honor, it is critical to the
8 State's presentation of the case that the Co-Defendants be
9 allowed to explain not only why they would have
10 participated in this event, but how the State intends to
11 demonstrate that the group acted as a mob with a common
12 purpose and objective. And, also, quite frankly, at a
13 base level, how these Co-Defendants even knew who these
14 Defendants were.

15 The only way that the State is able to proceed with
16 this trial and exclude mention of gangs in every respect
17 is to instruct each of these Co-Defendants to lie on the
18 stand about how they know the Defendants, why they did
19 what they did, and what brought them together for the
20 purpose of joining in on a violent attack on Mr. Debron
21 Harrison.

22 It -- in addition to that, Your Honor, I'd suggest
23 that that evidence is material and probative on the issues
24 of intent. As you know, the State is required to
25 demonstrate that the mob combined for the shared common

1 intent of committing an assault. The evidence is relevant
2 to that issue, as well as the identity, as I alluded to
3 just a few minutes ago. The Co-Defendants in this case
4 are going to identify these Defendants by way of their
5 relationship. Their relationship, as Mr. Weston and I
6 understand it from having spoken with these Co-Defendants,
7 is that they knew them by way of their involvement in the
8 gang.

9 So it's the State's position that not only is it
10 relevant, it's extraordinarily probative. It is
11 absolutely material. And there is no evidence to suggest
12 that the Defendant -- that this evidence would be --
13 prejudice of this evidence is -- or, excuse me, Your
14 Honor, that the probative value is substantially
15 outweighed by any prejudice. Obviously, we would
16 acknowledge that the evidence is prejudicial. If it
17 wasn't, the State wouldn't be trying to present it. But,
18 in any event, it's the State's position that it's
19 admissible, probative, and relevant.

20 THE COURT: All right. Well, we'll --

21 Do you join in that motion?

22 MR. HAMILTON: I do, Judge.

23 And it's clear that there may be a gang involved with
24 the juveniles. But my client is not a member of that
25 gang. And so why talk about him being in any type of

1 gang. They can talk about their gang. But not to say
2 that my client is a member of that gang, or a member of
3 any gang. Because he's not a member of the gang that
4 they're going to try to talk about.

5 And that's going to be confusing and prejudicial to
6 the -- to my client. And it's not part of the reason why
7 these other people pled guilty. They pled guilty because
8 they were assaulting this person in the parking lot, not
9 because they were a member of a gang. That's --

10 THE COURT: Well, we'll be careful about the --
11 careful about character evidence and putting their
12 characters into issue. But if it's necessary for proof of
13 the case -- and you all, certainly -- your clients claim
14 they're not in a gang. And that's a matter -- that's a
15 factual dispute, so.

16 All right. Anything else?

17 MR. KORNFELD: Yes, Your Honor.

18 I don't know if anything will be submitted, but I
19 have a motion to exclude any DNA evidence that wasn't
20 securely stored by SLED under a statute that I found,
21 23-3-640(A).

22 THE COURT: Well, that's a -- I think you're -- I
23 don't know if there's any DNA evidence in there or not.
24 But, certainly, if that comes up and you think there's a
25 valid ground to make that motion when it arises --

1 MR. KORNFELD: Okay. And I'd like to take care of
2 this matter, too. There was an incident report from the
3 deceased. I don't think any exception applies with our
4 motion to exclude any statement made by him.

5 THE COURT: Is there a dying declaration in this?

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

7 I didn't understand what counsel said. He said there
8 was an incident report made by the deceased. I'm not sure
9 what he meant by that.

10 MR. KORNFELD: The -- I believe the deceased was
11 interviewed. I just want to make sure there's no --

12 MR. WESTON: There's no dying declaration that will
13 be --

14 MR. KORNFELD: Thank you, Your Honor.

15 MR. WESTON: -- submitted, Your Honor.

16 THE COURT: All right.

17 MS. SALISBURY: Your Honor, I hate -- I know we've
18 already had our opportunity. I just wanted to address the
19 issue of sequestration. We have some concern that there
20 will be some opportunity to compare testimony and,
21 perhaps, amend that testimony to --

22 THE COURT: Well, are all the witnesses here?

23 MS. SALISBURY: Not at -- the State's witnesses --
24 not all of the State's witnesses are here. I don't know
25 about the Defendant's witnesses.

1 But I would, certainly, ask that the Court sequester
2 all of the witnesses in the case, and admonish the
3 Defendants that over the course of this trial there will
4 be opportunities in the evening and that they should not
5 be discussing what has been presented in the courtroom
6 with the witnesses who have yet to testify.

7 THE COURT: Okay. And how do I do that? I don't
8 know who the witnesses are.

9 MS. SALISBURY: Well, Judge --

10 THE COURT: Well, first of all, do y'all consent to
11 sequestration?

12 MR. HAMILTON: We don't think it's necessary, Judge.
13 He needs to have a fair trial. And I don't see any --
14 they're going to say what they say. All my witnesses
15 are -- their testimony is in the police report. So
16 there's nothing --

17 THE COURT: So you don't -- you object to it.
18 How about you?

19 This is quite a turn of events. I've never seen the
20 State move for it, and the Defense not want it. But
21 that's...

22 MR. KORNFELD: Your Honor, I don't see any issue, I
23 guess, with the witnesses being sequestered, as long as,
24 you know, their witnesses -- meaning that the only person
25 they're going to have in here is their lead investigator.

1 MR. WESTON: And the victim's family under the
2 Victim's Rights Act.

3 THE COURT: They're entitled to have that.

4 MR. KORNFIELD: Is anybody in the victim's family
5 testifying?

6 MR. WESTON: Yes, they will. But they're entitled to
7 be here under the Victim's Rights Act.

8 THE COURT: Well, I'll give them my instruction about
9 not discussing their testimony.

10 MR. KORNFIELD: Well, if that's the case, then I would
11 be against the sequestration.

12 THE COURT: I'll tell you what. We'll break for
13 lunch. And I'll think about it over lunch.

14 Anything else before we go?

15 (Pause.)

16 THE COURT: I already gave you your bites at the
17 apple. But do you want another one?

18 MR. KORNFIELD: No, Your Honor. I was just making
19 sure.

20 THE COURT: Okay.

21 MS. SALISBURY: Judge, we do have a Jackson v. Denno
22 to the extent that we may choose to introduce statements
23 made by these Defendants. We expect that to be very
24 brief, if you want to handle that when we get back from
25 lunch.

1 THE COURT: All right. Let's do it that way. We'll
2 see y'all -- y'all be back in an hour, on the short side
3 of 2:30.

4 (WHEREUPON, a lunch break was taken.)

5 THE COURT: What do y'all have?

6 MR. WESTON: The State is ready to proceed with the
7 Jackson v. Denno hearing, Your Honor.

8 THE COURT: All right.

9 MR. WESTON: The State would call Investigator --
10 Detective Collis Flavell.

11 Your Honor, while he's headed to the stand, I just
12 wanted to advise the Court that the Jackson -- the Miranda
13 warnings with regard to Ms. Irby are on videotape. And we
14 plan to play the videotape. It's only about three or four
15 minutes -- actually, about five or six minutes that
16 involve the Jackson v. Denno issue. The statement, of
17 course, is a lot longer. But the Jackson v. Denno at the
18 beginning only takes about five or six minutes.

19 I do plan to ask some introductory questions
20 regarding the circumstances surrounding her being there,
21 and what have you, and her level of distress, and general
22 demeanor. But we think playing the video is the best way
23 to show the Court exactly -- whether or not the waiver was
24 voluntary. And we plan -- so we would need to bring this
25 screen down.

1 I just wanted to let counsel know for purposes of
2 that.

3 THE COURT: Okay. You're not -- do you intend to
4 play the whole statement?

5 MR. WESTON: No, sir, Your Honor. Just the
6 Jackson -- just the Miranda --

7 THE COURT: The voluntariness. All right.

8 THE CLERK: Raise your right hand and place your left
9 hand on the Bible.

10 WHEREUPON,

11 COLLIS FLAVELL,

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

13 THE CLERK: Thank you.

14 Please be seated.

15 Please state your name for the record.

16 THE WITNESS: Collis Flavell.

17 THE CLERK: Thank you.

18 DIRECT EXAMINATION

19 BY MR. WESTON:

20 Q Mr. Flavell, with whom are you employed?

21 A The Greenville City Police Department.

22 Q And about how long have you been there?

23 A 22 years.

24 Q And what is your rank?

25 A I am an investigator with violent crimes unit.

1 Q And did you have an occasion to take a statement from
2 the Defendant, Ms. Brittany Irby, on May the 23rd of 2013?

3 A Yes, April 23rd.

4 Q April 23rd. I'm sorry..

5 And was that statement as a result of your
6 investigation into the case that brings us here today?

7 A Yes, sir.

8 Q At that time, had she already been arrested?

9 A She had not.

10 Q All right. And was it approximately 6:00, 6:30 in
11 the evening?

12 A Approximately.

13 Q And were -- you were one of the investigators
14 assigned to this case -- detectives assigned to this case;
15 is that correct?

16 A Yes, sir.

17 Q And did you -- after taking -- prior to taking her
18 statement -- and we'll get into more detail on this in a
19 moment. Did you go over the -- her rights and any rights
20 she might be waiving with regard to giving you a statement
21 prior to taking -- prior to questioning her?

22 A I did.

23 Q All right. Let's talk briefly about the
24 circumstances that brought her there. Was she brought
25 there by law enforcement to the law enforcement center?

1 A No. She showed up with Elijah Wilson and a group of
2 people. They came to the front desk of the law
3 enforcement center. And we were notified they were there.
4 And we walked down and brought them up to the detective
5 division.

6 Q And had her name been mentioned as a possible witness
7 or suspect with regard to the investigation that you were
8 involved with?

9 A Yes.

10 Q All right. And so she was not there to turn herself
11 in. She didn't know that there was a warrant pending at
12 the time?

13 A She came to find out if she had a warrant.

14 Q I see. Okay. And this occurred at the law
15 enforcement center here in Greenville over here on McGee?

16 A That's correct.

17 Q Where did the interview take place?

18 A In the investigative services division on the -- at
19 the Greenville City Police Department.

20 Q And was Ms. Irby interviewed separately from
21 Mr. Wilson?

22 A She was.

23 Q And who conducted the interview of Ms. Irby?

24 A I did.

25 Q All right. Was anybody else present?

1 A No.

2 Q All right. When she -- during the interview, was she
3 handcuffed prior to being brought into the room?

4 A She was not.

5 Q Was she arrested or in any way was her freedom of
6 movement restricted prior to coming into the room?

7 A She was not.

8 Q All right. Basically, you just escorted her in?

9 A That's correct.

10 Q All right. And was the interview videotaped?

11 A It was.

12 (WHEREUPON, State's Exhibit No. 14 was marked for
13 identification only.)

14 BY MR. WESTON:

15 Q Let me show you what's been marked as State's Exhibit
16 No. 14, and ask you, do you recognize that?

17 A I do.

18 Q And what is that?

19 A It's a copy of the interview of Brittany Irby.

20 Q And how do you know that?

21 A It has my handwriting on it. It's marked with my
22 initials, CF4 as the item number.

23 Q And have you reviewed that videotape prior to today?

24 A I have.

25 Q And does it accurately depict the interview between

1 you and Ms. Irby?

2 A It does.

3 MR. WESTON: All right. Your Honor, the State would
4 offer this as State's Exhibit No. 14 for purposes of this
5 hearing only.

6 (WHEREUPON, State's Exhibit No. 14 was admitted into
7 evidence for purposes of the pre-trial hearing only.)

8 THE COURT: Okay. Mr. Hamilton, if you all would
9 like to scoot around so you can see this.

10 BY MR. WESTON:

11 Q While they're doing that, let me just ask you a
12 couple more questions. Did you have a chance to observe
13 her demeanor prior to interviewing her?

14 A I did.

15 Q Did she appear to be under the influence of alcohol
16 or drugs?

17 A She did not.

18 Q Did she appear to be in any distress whatsoever?

19 A No.

20 Q Did she -- was she -- did she appear competent?

21 A Yes.

22 Q Did she appear to be alert and understood directions
23 of come this way, sit here, that kind of thing?

24 A Yes, sir, she did.

25 Q And did she appear to be cooperative in terms of her

1 willingness to talk to you prior to, actually, entering
2 the room and sitting down?

3 A Yes. She showed up to the law enforcement center on
4 her own.

5 Q All right. Were there any threats or promises made
6 to her?

7 A There was not.

8 MR. WESTON: Your Honor, the State would ask -- would
9 like to publish the video at this time.

10 THE COURT: Okay.

11 MR. WESTON: The portion of the video concerning the
12 waiver of rights.

13 THE COURT: All right.

14 (WHEREUPON, State's Exhibit No. 14 was played in
15 open court.)

16 BY MR. WESTON:

17 Q Now, just as this thing gets started here, is that --
18 does that scene depict the interview room at the law
19 enforcement center?

20 A It does.

21 Q And is that Ms. Irby seated in the chair there?

22 A Yes, sir.

23 Q Now, are we going to see you come in in a few moments?

24 A Yes, sir.

25 MR. WESTON: Your Honor, if we could hold up one

1 moment. I'm going to stop the video for one moment

2 BY MR. WESTON:

3 Q And there's a good portion of the video that she's in
4 the room before you came there. Did she indicate at any
5 time, or did you get any indication that she needed to use
6 the bathroom, or leave, or wanted to leave, or anything
7 like that?

8 A No, sir.

9 Q All right. Now, the -- we stopped the video just as
10 you're entering the room; is that correct?

11 A Yes.

12 Q Now, does the following indicate the -- your
13 interaction with the Defendant with regard to her Miranda
14 warnings, and then -- and her giving a statement is what
15 comes next?

16 A At some point in this video, yes, sir.

17 MR. WESTON: All right. Thank you.

18 (WHEREUPON, State's Exhibit No. 14 continued to be
19 played in open court.)

20 BY MR. WESTON:

21 Q So she did want to use the restroom, and you allowed
22 her to do so?

23 A Yes, sir.

24 (WHEREUPON, State's Exhibit No. 14 continued to be
25 played in open court.)

1 THE WITNESS: This is not Miranda.

2 BY MR. WESTON:

3 Q I'm sorry.

4 A This is not Miranda.

5 Q What are we seeing now?

6 A That's -- I'm reading -- it sounds like I'm reading
7 her statement.

8 MR. WESTON: Your Honor, if you'll bear with us one
9 moment.

10 (Pause.)

11 MR. WESTON: I apologize for the delay, Your Honor.
12 We should be moving toward it now, Your Honor.

13 (WHEREUPON, State's Exhibit No. 15 was marked for
14 identification only.)

15 (WHEREUPON, State's Exhibit No. 14 continued to be
16 played in open court.)

17 BY MR. WESTON:

18 Q And, once again, Detective Flavell, does that video
19 accurately depict the conversation you had with regard to
20 Ms. Irby concerning the waiver of her rights?

21 A It does.

22 Q I want to show you what's been marked as State's
23 Exhibit No. 15 for identification for purposes of this
24 hearing. Do you recognize that document?

25 A I do.

1 Q What is that document?

2 A It's a rights waiver.

3 Q Is that the specific rights waiver that you went over
4 with Ms. Irby on the video?

5 A Yes, sir, it is.

6 Q And the document has little dots to the side here of
7 each line. Did you, actually -- were you making those
8 dots as you went through this with her?

9 A I did. As I was asking her to read this line, I was
10 touching it with my pen as I was pointing out which line I
11 wanted her to read.

12 Q All right. Now --

13 MR. WESTON: Well, first, the State would offer this,
14 Your Honor, State's Exhibit No. 15 for purposes of the
15 hearing.

16 MR. KORNFIELD: No objection, Your Honor.

17 THE COURT: Okay. Let me ask you this. Do y'all
18 object? Do you all want to contest the voluntary and
19 intelligent nature of the statement?

20 MR. KORNFIELD: I can -- I'd only like to ask one
21 question.

22 THE COURT: Okay. Go ahead

23 BY MR. WESTON:

24 Q After --

25 MR. WESTON: Your Honor, do you need to see a copy of

1 this?

2 THE COURT: I'll be happy to look at it.

3 MR. WESTON: All right

4 BY MR. WESTON:

5 Q After you went over her rights with her, did -- was
6 the interview with her videotaped as well?

7 A It was.

8 Q And does this document -- does this video contain the
9 entire interview with her?

10 A It does.

11 Q Was there anything that happened from the time we
12 watched this until the end of her statement that
13 affected -- that you feel would have affected her -- the
14 voluntariness of her statement?

15 A No.

16 Q Did she indicate at any time that she wanted to stop
17 talking to you?

18 A She did not.

19 Q Now, once she gave a statement, there was a written
20 statement or a typed statement that resulted from this; is
21 that correct?

22 A That's correct.

23 Q And how was that -- how did that come about? Once
24 you finished talking to her, what happened then?

25 A I just -- I went in and summed up what she had told

1 me. I put it on paper. I came back in the room. I read
2 it to her. If there's any changes she wants to make --
3 and, in this case, I think she, actually, did make a few
4 changes. I went back, changed it, came back in, and
5 re-read it to her. She agreed that that was accurate.
6 She signed it. I signed it.

7 Q Did she, also -- did she initial it? Was it more
8 than one page?

9 A I don't recall if it was one or two pages.

10 Q If it was two pages, would she have signed both
11 pages?

12 A Yes.

13 Q All right. Between the time where we stopped the
14 video here until the time she signed that statement, did
15 she indicate to you that she wanted to stop talking to
16 you, or that she wanted a lawyer, or anything to that
17 effect?

18 A She did not.

19 Q All right. Was she -- after the -- from where we
20 stopped the video here to the point where she signed the
21 statement, were there any threats or promises made to her?

22 A There were not.

23 Q Were her circumstances changed in any way
24 significantly from where we were looking at it and,
25 basically, she's sitting there and you're sitting there?

1 A Not at all.

2 Q Did anybody else come in the room, any armed
3 officers, or dogs, or anything like that?

4 A No, sir.

5 Q All right. In your opinion, was the statement she
6 gave freely and voluntarily given?

7 A Yes, sir.

8 Q In your opinion, did she voluntarily waive her rights
9 under the Constitution?

10 A She did.

11 MR. WESTON: All right. Thank you, sir.

12 CROSS-EXAMINATION

13 BY MR. KORNFELD:

14 Q Detective Flavell, did the -- was the reason that she
15 was in the room for it looks like 25, 30 minutes, was that
16 because you were typing up the transcription? Or why was
17 she in the room for so long in between the statement given
18 and after that time?

19 A Are you talking about between the interview and the
20 time I came back with the statement?

21 Q Right. The time you came back.

22 A Yeah. I was typing her statement.

23 Q Okay. And did she get emotional at any time during
24 the interview?

25 A She did.

1 Q And did she cry during the interview?

2 A She did.

3 Q All right. Did anybody else come in the interview
4 room, other than you, during the entire time that you were
5 in there?

6 A I don't recall if Detective Garrison came in towards
7 the end of it. In the meat of the interview, no, I was in
8 there by myself with her.

9 Q Okay.

10 A And I think, at one point, I let her mother come in
11 the interview room.

12 Q That was at the end of the interview?

13 A Correct.

14 Q But there was no -- but the last question I have is,
15 after the transcription was taken and you went over it
16 with her, were there any more statements taken and put in
17 the record? Did she say anything else after you say she
18 signed the statement?

19 A The -- when I came in, originally, and read her her
20 statement, she made a few changes. And then I went and
21 changed it, came back in. And once she signed it, there
22 was no additions to the statement, no.

23 MR. KORNFELD: Okay. Thank you, Detective.

24 THE COURT: Anything, Mr. Hamilton?

25 MR. HAMILTON: Nothing for this witness.

1 THE COURT: All right. Anything else?

2 MR. WESTON: Nothing further from the State, Your
3 Honor, with regard to this Defendant.

4 THE COURT: Thank you, Officer.

5 THE WITNESS: Yes, sir.

6 THE COURT: Any motions?

7 MR. KORNFELD: None from the Defense, Your Honor.

8 THE COURT: Okay.

9 MR. WESTON: Your Honor, before we leave her, let me
10 just say there is -- there will be, at least, one
11 statement made by this Defendant to -- or there will be
12 evidence of the Defendant's -- of one or more statements
13 that this Defendant made to lay witnesses who will
14 testify, who are not associated with law enforcement, at
15 the time of the incident. I just want to make sure we're
16 clear on that.

17 THE COURT: Okay. This was the only investigatory
18 interrogation in the case?

19 MR. WESTON: That is correct, Your Honor.

20 THE COURT: Okay. Anything else?

21 MR. WESTON: Nothing from the State with regard to
22 this Defendant.

23 THE COURT: Can we get the jury in here?

24 MR. WESTON: Your Honor, we have Mr. Elijah Wilson.

25 THE COURT: He made a statement, too?

1 MR. WESTON: Yes, sir.

2 THE COURT: Do you contest the voluntary, intelligent
3 nature of the statement, Mr. Hamilton?

4 MR. HAMILTON: Your Honor, we would like to review
5 the nature of that voluntariness.

6 THE COURT: All right. Let's go.

7 MR. WESTON: The State would call Investigator
8 David -- Detective David Garrison, Your Honor.

9 THE CLERK: Place your left hand on the Bible and
10 raise your right hand.

11 WHEREUPON,

12 DAVID GARRISON,
13 after first having been duly sworn, testified as follows:

14 THE CLERK: Thank you.

15 Please be seated.

16 Please state your name for the record.

17 THE WITNESS: David Garrison.

18 (WHEREUPON, State's Exhibit No. 16 was marked for
19 identification only.)

20 DIRECT EXAMINATION

21 BY MR. WESTON:

22 Q Detective Garrison, with whom are you employed?

23 A The Greenville Police Department.

24 Q And how long have you been with the Greenville Police
25 Department?

1 A 20 years.

2 Q And did you have an occasion to be one of the
3 detectives that was assigned the case that brings us to
4 court today?

5 A I was.

6 Q Involving the death of Mr. Harrison?

7 A Yes.

8 Q All right. Did you have -- and that incident
9 occurred on April 20th; is that correct?

10 A That's correct.

11 Q Of 2013. I'm sorry.

12 Did you have an occasion to interview the Defendant,
13 Mr. Elijah Wilson, and take a statement from him?

14 A I did.

15 Q When did that take place?

16 A I believe it was April 23rd.

17 Q All right.

18 A Thereabouts.

19 Q And that would be 2013?

20 A Correct.

21 Q All right. I'm going to show you -- did the -- let
22 me ask you a couple more questions, first, just sort of
23 get some background.

24 How did you come to take a statement from him? Under
25 what circumstances did you come to get with him?

1 A I believe earlier that morning, I had signed an
2 arrest warrant for him. And the marshall service spent
3 the day looking for him. They made contact with him by
4 phone, informed him that he had a warrant for his arrest.

5 And he came to the law enforcement center later that
6 evening sometime around 6:00 p.m., and turned himself in,
7 along with Ms. Irby. And several other people showed up
8 at that time.

9 Q All right. And did you have the occasion to
10 interview him right after he turned himself in?

11 A It was shortly after they got there, yes.

12 Q Was it prior to booking?

13 A Yes.

14 Q Because he already had a warrant. So he was not
15 served with the warrant and process prior to the taking of
16 the statement?

17 A No, he was not.

18 Q All right. And you've seen the video of Ms. Irby.
19 Did you interview him in an investigative room just --
20 similar to that one?

21 A Yes, sir.

22 Q At the law enforcement center?

23 A Yes, I did.

24 (WHEREUPON, State's Exhibit No. 17 was marked for
25 identification only.)

1 BY MR. WESTON:

2 Q And I'm going to show you what's been marked as
3 State's Exhibit No. 17 for purposes of this hearing, and
4 ask you if you recognize what this is?

5 A This is a copy of the interview that was burned to
6 DVD by Detective Flavell.

7 Q And does it contain the interview between you and
8 Mr. Elijah Wilson that resulted in a statement being typed
9 and signed by him?

10 A Yes, it does.

11 Q All right. Now -- and I'm not going to play the DVD.
12 And I'm going to ask you to explain to the Court the
13 circumstances -- well, let me do it another way.

14 Did you go through the same types of Miranda warnings
15 that Detective Flavell just talked about with Ms. Irby?
16 And I'll get into the specifics. But did you, basically,
17 go over those types of --

18 A Yes. I used the same form.

19 Q And the DVD that you have in front of you, does it
20 depict those Miranda warnings?

21 A It does not.

22 Q Would you tell the Court what happened beginning with
23 when you first took him into the room?

24 A Okay. Well, we brought the whole group of people up
25 to our lobby. And I was going to interview Mr. Wilson.

1 Detective Flavell was going to interview Ms. Irby.

2 I activated the recording system for the room that I
3 was going to use. And before I was able to get Mr. Wilson
4 from the lobby and put him in that room, another detective
5 that was helping us take statements from the other people
6 that had gotten there, he started asking me a question.
7 It turned into about a 15-minute conversation between him,
8 and myself, and Detective Flavell.

9 And, in that process, while I was away from the
10 interview room, a custodial employee, a cleaning lady,
11 came into the room. And shortly after she leaves from
12 emptying the trash in the room, the video goes off. At
13 that same time --

14 Q Now, at this point, is Mr. Wilson even in the room
15 yet?

16 A No. He's not in the room.

17 Q All right.

18 A He's sitting in the lobby.

19 Q All right.

20 A At the same time, I can hear -- because I recognize
21 his voice -- Detective Dean comes in and out of the
22 door -- in or out of a door that's right next to that
23 interview room. And he speaks to the cleaning lady. So I
24 don't know if he turned it off or if the cleaning lady
25 turned the video off. But I had turned it on.

1 So when I got Mr. Wilson and brought him in the room,
2 I thought the video system was recording. Because I
3 remembered turning it on. And during the process -- or
4 during the interview with Mr. Wilson, I got several texts
5 from Detective Powell, which I ignored the first couple.
6 And then I, finally, looked at about the third text. And
7 he was -- his text was saying that you're not recording.

8 And I stepped out of the room and saw that the
9 recorder -- the system had been turned off. And I
10 activated it again.

11 Q All right. And, at that point, how far were you into
12 the -- your conversation with Mr. Wilson?

13 A I had completed the entire Miranda warnings. And we
14 were into his story of what happened that evening.

15 Q All right. So the video -- DVD that you have there
16 does not show your review of Miranda with him; is that
17 correct?

18 A It does not.

19 Q All right. I'm going to -- let me just ask you, tell
20 the Court what happened when you got into the room -- once
21 you got into the room and began that process. Tell the
22 Court what you did, and how you did it as if there were --
23 there was no videotape, obviously, just -- was it
24 comparable with how you, normally, would interview someone
25 and give Miranda warnings when there's no video?

1 A Yes.

2 Q Tell the Court how that went.

3 A The first thing I would do is I'd ask a couple of
4 questions of the person, their name, their date of birth,
5 their social security number, which is exactly what I
6 asked him. He gave me his name, his date of birth, his
7 social security number. That's to confirm that I am
8 speaking with the person that I need to be speaking with.

9 The next thing I would ask him is a couple of
10 questions about his level of education so I could kind of
11 gauge his ability to understand the Miranda warnings.

12 Q What did he tell you with regard to that?

13 A He told me that he had completed the twelfth grade.
14 He had completed high school. And that he had done two
15 years of college at Greenville Tech.

16 Q All right.

17 A And I, also, asked him if he could read and write.
18 And he said that he could read and write.

19 Q All right. What happened -- what did you do next?

20 A Once I get those questions out of the way, I read to
21 him each statement -- Miranda statement in the Miranda
22 warning on the form.

23 Q And is that the form that you have in front of you?

24 A Yes, it is.

25 Q And is that the original form that you signed at the

1 end?

2 A It is.

3 Q All right. Would you read what you read to him, for
4 the record, please?

5 A Okay. And let me just say that what I did -- the way
6 I do it is I read one statement, and then I ask them if
7 they understand it. And I don't go on to the next one
8 until they tell me they understand it, or ask any
9 questions about it.

10 Q And did you follow that procedure with Mr. Elijah
11 Wilson?

12 A I did.

13 Q All right. Just -- would you, please, read each
14 line?

15 A Before we ask you any questions, you must understand
16 your rights. You have the right to remain silent.
17 Anything you say can be used against you in court. You
18 have the right to talk to a lawyer for advice before we
19 ask you any questions, to have him with you during
20 questioning.

21 If you have no money to pay a lawyer's fee, the Court
22 will appoint one to represent you without cost, if you
23 wish. If you decide to answer questions now without a
24 lawyer present, you still have the right to stop answering
25 at any time. You, also, have the right to stop answering

1 at any time until you talk to a lawyer.

2 Q All right. And after each one of those lines, did
3 you, in fact, ask him if he understood what you just said?

4 A Yes.

5 Q Did he indicate to you that he understood each line?

6 A Each time, he said he understood. He asked no
7 questions.

8 Q All right. What was his demeanor at the time you
9 brought him into the room and read him those rights? Was
10 he -- did he appear to be under the influence of alcohol
11 or drugs?

12 A No, he did not.

13 Q Did he appear to be in any distress?

14 A No.

15 Q Did he -- at that point, was he handcuffed?

16 A He was not.

17 Q And, obviously, he was not free to go?

18 A Correct.

19 Q But was he threatened in any way?

20 A No.

21 Q Did you make any promises to him concerning his
22 giving a statement?

23 A No, I did not.

24 Q All right. Did he indicate to you that he needed to
25 go smoke, he was -- had not eaten, he was -- needed to use

1 the bathroom, or needed some water? Did you deny him any
2 comforts that he might have needed in order for him to be
3 at ease in order to give that statement?

4 A No, I did not.

5 Q All right. Was there anybody else in the room with
6 you?

7 A No.

8 Q All right. And, now, the video -- what has been
9 marked as State's Exhibit No. 17, I think, that I have
10 given you, after you went through that with him, this --
11 did you ask him did he understand his rights?

12 A Yes. After I had read all of them, I asked him if he
13 understood all the rights. He said that he did.

14 Q What did you say to him after that?

15 A I asked him if he wanted to talk to me about the
16 party, or the reason why that he was there.

17 Q And did he -- what did he say?

18 A He said he didn't [sic] want to talk to me.

19 Q Now, on the form, is there -- are those two items --
20 do you understand your rights and do you wish to speak
21 with me, are those two specific items written on that
22 form, State's Exhibit No. 16?

23 A Yes.

24 Q And are there -- is there a "Y" and an "N" for "yes"
25 or "no" to be circled, or checked, or something?

1 A Yes.

2 Q Did you, in fact, check each one of those items?

3 A I did check both of them.

4 Q And what did you check?

5 A Yes for both, that he did understand his rights and
6 that he did wish to speak.

7 Q All right. Once -- and, at this point, the videotape
8 is still off, unbeknownst to you; is that correct?

9 A That's correct.

10 Q And you began your conversation with him. Does the
11 video, at some point, pick up? Do you -- when you went
12 and turned it on -- you've reviewed State's Exhibit
13 No. 17; is that correct?

14 A That's -- yes.

15 Q Does that video accurately depict the conversation
16 between you and the Defendant once you turned the
17 videotape back on to the conclusion of your interview with
18 him?

19 A Yes, it does.

20 Q As a result of that interview, did you prepare a
21 statement for the Defendant?

22 A I did.

23 Q Now, the statement was only about a third of a page;
24 is that correct?

25 A Correct.

1 (WHEREUPON, State's Exhibit No. 18 was marked for
2 identification only.)

3 BY MR. WESTON:

4 Q How long was the interview with the Defendant? And
5 we could look at it on -- rather than have the Court watch
6 it, just give the Court some idea of how long was the
7 interview with him.

8 A The best that I can remember is just the interview
9 portion was 30 to maybe 45 minutes.

10 Q All right.

11 A I left the room, just like Detective Flavell talked
12 about, and typed up a statement, went back in, and
13 reviewed it with him.

14 Q All right. And let me show you what's been marked as
15 State's Exhibit No. 18 for purposes of this hearing, and
16 ask you, do you recognize that?

17 A Yes, I do.

18 Q What is that?

19 A That is a copy of the written statement that I took
20 from Mr. Wilson.

21 Q And whose signature is on the bottom right?

22 A That is Elijah Wilson's signature.

23 Q Did you see him sign it?

24 A I did.

25 Q And whose signature is to the left of that?

1 A That's my signature.

2 Q All right. And counsel has a copy of the statement,
3 and I've entered a copy. I'm not going to ask you to read
4 the statement itself.

5 Once you came back with the statement, how was that
6 statement shown to, read to, or allowed to be read by the
7 Defendant? What happens next when you bring it back into
8 the room prior to him signing it?

9 A I go back in the room, and I go over it with him,
10 explain to him if there's something that's incorrect or
11 inaccurate, I want you to point that out to me. And I'll
12 go back and make the changes. I don't recall him
13 requesting any changes to be made.

14 Q Did you allow him to read it prior to him signing it?

15 A Yes.

16 Q Now, at the top of this statement, there is, also,
17 some -- what, I guess, you would call boilerplate or form
18 language. Is that -- is this language -- this paragraph
19 at the top of every statement that the Greenville Police
20 Department uses?

21 A Yes.

22 Q Is that part of the form?

23 A Yes.

24 Q Would you read that for the Court, please?

25 A Do you want me to start where it says "I"?

1 Q Well, just the main body of the paragraph.

2 A From here?

3 Q I'm sorry. Yes, with the "I."

4 A Okay. It says, I, Elijah Fernandez Wilson, do
5 hereby freely and voluntarily -- or, excuse me, do hereby
6 give freely and voluntarily this statement to D.P.
7 Garrison, who have identified themselves to me to be
8 officers of the Greenville Police Department, Greenville,
9 South Carolina.

10 I have been advised that I do not have to make any
11 other statement, and what I say can be used against me in
12 a court of law. I've been advised that I have the right
13 to counsel with an attorney of my choice. And if I am
14 financially unable to obtain an attorney, the Court will
15 appoint an attorney to represent me. I have not been
16 threaten or promised any reward to make this statement.

17 Q All right. And that was in addition to the original
18 statement that you went over with him prior to beginning
19 the interview?

20 A That's correct.

21 Q All right. In your opinion, did the Defendant give
22 the statement to you on the video and the typed, written
23 statement freely and voluntarily?

24 A Yes.

25 Q In your opinion, did he knowingly waive his

1 Constitutional rights prior to speaking to you?

2 A Yes.

3 MR. WESTON: Thank you, sir.

4 That's all I have.

5 CROSS-EXAMINATION

6 BY MR. HAMILTON:

7 Q So none of that was on the video that -- what you
8 just testified is on the video that I got a copy of?

9 A That's correct. It was not recorded by mistake.

10 Q And then he voluntarily -- in fact, he had no
11 problem -- do you think that he was truthful with you in
12 understanding his rights? Did he understand your questions
13 about his right to counsel and not to talk?

14 A I asked him if he understood each right after I read
15 it to him, and he said that he did understand it.

16 Q And he freely and voluntarily gave it to you?

17 A Yes.

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

19 THE COURT: Mr. Kornfeld, do you have anything?

20 MR. KORNFELD: Nothing, Your Honor.

21 THE COURT: Okay.

22 MR. WESTON: Nothing on redirect, Your Honor.

23 And nothing further from the State -- excuse me, Your
24 Honor.

25 (Pause.)

1 MR. WESTON: Your Honor, we, also, just for the
2 record -- in any event, Your Honor, that's all we have
3 with regard to this particular issue.

4 There are, also, lay witnesses that are going to
5 testify concerning the statements that the Defendant made
6 to them after the party that had nothing to do with law
7 enforcement. I just wanted to put that on the record.
8 They were not interrogation or interview questions by law
9 enforcement.

10 THE COURT: Okay. Thank you, Detective.

11 THE WITNESS: Thank you.

12 MR. HAMILTON: And, Judge, I really don't understand
13 what he's saying, there were statements made --

14 THE COURT: He's saying that your client said
15 something to people at some other place, not subject to
16 interrogation by the police, so.

17 MR. HAMILTON: And --

18 THE COURT: I don't know what they are.

19 MR. HAMILTON: Okay.

20 THE COURT: But they were not subject to
21 interrogation by the police. Each of the Defendants,
22 apparently, did that.

23 Yes, sir.

24 MR. KORNFIELD: Is there a record?

25 THE COURT: You know, that, I don't know. I guess it

1 will come out in the evidence. We're here doing a Jackson
2 v. Denno hearing.

3 MR. KORNFELD: Okay.

4 THE COURT: I would find by a preponderance of the
5 evidence that each Defendant voluntarily and intelligently
6 waived their Fifth Amendment rights, and these statements
7 were voluntarily and intelligently made.

8 Is there anything else before we bring this jury out
9 here?

10 MR. WESTON: Nothing further with regard to this
11 issue, Your Honor. I think Ms. Salisbury has a matter she
12 wants to take up briefly.

13 THE COURT: All right.

14 MS. SALISBURY: Judge, very, very briefly. The first
15 set of witnesses are lay witnesses. And to avoid sending
16 the jury in and out as this issue presents itself, I'm
17 sure you can appreciate we've prepared criminal histories
18 with respect to each of the lay witnesses who will
19 testify.

20 It's the State's position that there are no
21 impeachable offenses. I'd be happy to provide these to --

22 THE COURT: Take a minute. Take a look at it.

23 MS. SALISBURY: -- the attorneys.

24 (Pause.)

25 THE COURT: Does defense counsel agree that there are

1 no impeachable offenses contained on those records?

2 MR. HAMILTON: No objection from Mr. Wilson.

3 MR. KORNFELD: None from Ms. Irby either.

4 THE COURT: Bring the jury in. Let's get going.

5 And these will be brief non-argumentative opening
6 statements.

7 (WHEREUPON, the jury came into open court at
8 approximately 3:32 p.m.)

9 THE COURT: Mr. Mason, you've got an assigned seat.

10 JUROR #84, JOE MASON: Okay.

11 THE COURT: All right. I'm sorry. You two have
12 assigned seats.

13 JUROR #84, JOE MASON: Okay.

14 THE COURT: And the only other assigned seat will be
15 when you all select who your foreperson is going to be.
16 And I'll get y'all to do that maybe in the morning, or
17 something.

18 Otherwise, the rest of you can sit wherever you like.

19 As I told you -- and I appreciate your patience. We
20 had a number of issues we had to take care of.

21 At this time, we will move into the brief and
22 non-argumentative opening statements of counsel.

23 OPENING STATEMENTS

24 MS. SALISBURY: Thank you, Your Honor.

25 May it please the Court.

1 Good afternoon, ladies and gentlemen.

2 As I was introduced to you just a few hours ago, my
3 name is Katryna Salisbury. And my co-counsel, Jeff
4 Weston, and I are both prosecutors in Greenville. And we
5 prosecute criminal cases here that occur in Greenville
6 County.

7 Now, before we begin the trial of this case, I want
8 to very briefly tell you three things: What this case is
9 about, what the State is required and intends to prove,
10 and how we intend to prove it.

11 On April 20th, 2013, Ms. Camilla Palmer was
12 celebrating her 16th birthday. In celebration, her family
13 and friends came from out of town and rented the West End
14 Community Center to have a space, to have a party for she
15 and her friends. What neither Camilla nor her parents
16 realized was that word had gotten out about that party.
17 And that there was a group of people who were planning on
18 making an appearance.

19 At about 9:30 that night at the West End Community
20 Center, a large group of people showed up at Camilla's
21 party. And they immediately started to cause problems.
22 There was one person in particular, and you'll hear his
23 name throughout the course of trial, his name is Ronald
24 Brown. He started to cause problems and fights inside the
25 party and was, ultimately, asked to leave.

1 You're going to hear testimony that the confrontation
2 between Ronald Brown and his friends spilled outside, out
3 front of the West End Community Center. Camilla
4 confronted Ronald Brown and his friends. She wasn't
5 pleased, as you can imagine. She was upset that they had
6 messed up her party. Ronald Brown responded by hitting
7 Camilla and her friend in the face.

8 It was at this point that Camilla's family friend,
9 Mr. Debron Harrison, who was in Greenville just for the
10 party, he intervened. And he stood up for Camilla and her
11 friend. And that's when this event really turned south.
12 Because Ronald Brown engaged Mr. Debron Harrison and began
13 to fight him. And then another of Ronald Brown's friends
14 joined in, and then another, and another.

15 You're going to hear testimony that several people
16 took turns punching and kicking Debron Harrison right out
17 in front of the community center. In fact, you're going
18 to hear testimony that these two Defendants participated
19 in that fight.

20 After a few minutes of sustaining that beating,
21 Debron was able to get up and run. The mob continued to
22 build, to grow. And as many as 15 to 20 people chased
23 Debron out of the community center, around the building,
24 and into a nearby parking lot. But, as I said, Debron
25 wasn't from Greenville. He didn't realize that he was

1. running into a dead end. He found himself cornered in a
2. parking lot that was fenced off. There was no way out.
3. He tried to climb a chain link fence to get away. And, by
4. this point, the mob had caught up with him.

5. You're going to hear testimony that they pulled him
6. off the fence and continued to beat and kick Debron
7. Harrison until they were satisfied that he was no longer
8. conscious. To take it further, you're going to hear
9. testimony that they went through his pockets and took his
10. iPhone, his iPod, his car keys. You're even going to hear
11. testimony that somebody videotaped the entire incident.
12. Debron Harrison didn't survive. For what?

13. As you've already heard from the Judge, each of these
14. two Defendants is charged with assault and battery by mob
15. in the first degree. To prove that the Defendants are
16. guilty of those crimes, that single crime, the State has
17. to prove three things. The State has to prove that two or
18. more people combined for the purpose of committing a
19. common objective. They had a common intent, a common
20. purpose. That's the mob. The State has to prove that as
21. a mob, that group of people committed a battery, an injury
22. on the victim. And, finally, the State has to prove that
23. as a result of that injury, the victim died.

24. Now, to prove all of that, you're going to hear the
25. testimony from several witnesses. First, at the outset,

1 as soon as we get started, you're going to hear testimony
2 from Camilla Palmer, her family, and some other people
3 that were at the party that night. They're going to tell
4 you what they saw. They're going to tell you what
5 happened when this fight escalated, and how that mob got
6 out of control.

7 You're going to hear from law enforcement who
8 responded that night, the Greenville City Police
9 Department officers who came downtown to figure out what
10 was going on, and what they did to get this investigation
11 going. You're going to hear what they did to identify the
12 people involved in it, as best they could.

13 And then you're going to hear from the Co-Defendants
14 who participated in this attack. You're going to hear
15 from them exactly what they did, and why they did it.
16 It's from those witnesses that you're going to hear that
17 these Defendants played a role in this mob, participated
18 in this violent and heinous attack.

19 What's so particularly disturbing about mob violence
20 is that it makes people brave enough to do something they
21 might not otherwise do alone. It provides a sense of
22 anonymity that you can get away with something you might
23 not if you were there by yourself. And it's our hope that
24 at the end of this trial that the -- over the course of
25 this trial and hearing the evidence that we present that

1 the veil of that anonymity is lifted and that each of you
2 is confident in finding these Defendants guilty.

3 Thank you.

4 THE COURT: All right.

5 MR. HAMILTON: May it please the Court.

6 THE COURT: Yes, sir.

7 MR. HAMILTON: Ladies and gentlemen, again, my name
8 is Ernie Hamilton. And I represent Mr. Elijah Wilson.

9 And I want to join in with the Judge and congratulate
10 you on being selected. I've always heard that jury
11 service is one of the greatest contributions a citizen --
12 that a person can give to his country in the time of
13 peace. Now, that was said back then when we had peaceful
14 times. These days, you know, with the war on terror, you
15 know, there's really no time of peace in a sort of global
16 sense. But your service is very much appreciated.

17 And the Judge told you that the opening statements by
18 the lawyers are not evidence. But it is, also, a proper
19 part of the case to help you get to the meat and potatoes,
20 the witnesses. And that's because he is the law giver.
21 He is the law giver, not the State.

22 You are the fact finders. You find out what
23 happened. You're the one that determines who, what, when,
24 where when you go back in your jury room as to what
25 happened, the facts, what happened. You find out who is

1 telling the truth. That's your domain.

2 The Judge said that when we -- the lawyers go up in
3 front of him and talk about things that we're not trying
4 to trick you, or deceive you, or hide something from you,
5 and we're not. But you will see and hear from this
6 witness stand that the police deceived and manipulated 11
7 juveniles in this case in this assault.

8 You will see and hear from the witness stand how a
9 lot of the witnesses are vulnerable children that was
10 bullied into their acts. And she mentioned the person's
11 name. And that the real bully is -- in this case is not
12 Elijah Wilson. And I promise you that you will leave
13 convinced that the real bully is Ronald Brown. He is the
14 bully that -- he is the bully. And, yet, he committed
15 this horrible deed that happened that ruined the
16 16-year-old's birthday party.

17 The bully, he said, Stand back. Let me -- this is
18 mine. This is mine. He took complete ownership of what
19 he was doing. You'll hear that evidence. The evidence
20 will show that the 11 juveniles were all somewhat social
21 misfits. They are mentally challenged, learning
22 disabilities, behavioral problems, 11, 12, 13,
23 14-year-olds.

24 And the testimony will show that my client has
25 college -- two years of tech college and graduated early

1 from high school in the eleventh grade. The evidence will
2 show that my client was at the party. My client was at
3 the party.

4 And he may not have -- or he may have an imperfect
5 alibi, not a perfect alibi. A perfect alibi is he was
6 somewhere else. My client was there. But his story that
7 you will find out is sort of an imperfect alibi. But he
8 was there at the party. But he did not cross the street.

9 And the evidence will show that, as the Solicitor
10 said, 15 to 20, or more people assaulted the victim across
11 the street, across the street. And the police, they have
12 identified people involved in it. They identified people
13 not involved in it. They got some of it right. And they
14 got some of it wrong.

15 And, today, you will agree that Elijah Wilson is
16 tragically, wrongfully accused like three others that was
17 accused and released in this case.

18 Thank you.

19 MR. KORNFELD: Ladies and gentlemen of the jury, my
20 client, Brittany Irby, did go to the party. And she was
21 only there for a very short time. She was not, actually,
22 there when this fight occurred and this thing went across
23 the street where this fight continued.

24 What, actually, happened -- what the evidence will
25 show is that Arva Wilson, Brittany Irby's aunt, drove

1 her -- drove De'Agia Wilson, a 15-year-old girl, and drove
2 Elijah Wilson to the party. At that time, Elijah Wilson
3 and De'Agia Wilson got out and went into the party. I ask
4 during the trial that you pay specific attention to the
5 timing of all of these events, because they're very
6 important.

7 At that time, Elijah Wilson and De'Agia got out.
8 Arva Wilson and Brittany Irby went back to Arva's house --
9 or they were heading back home to Arva's house. On the
10 way there, Elijah called Brittany Irby and said, Please,
11 come and pick De'Agia up. I'd like some free time. I'm
12 out here. Why was De'Agia Wilson with her in the first
13 place? De'Agia is Elijah's younger sister. She's tagging
14 along. He's, finally, out there and decides that he does
15 not want her tagging along. He wants some time alone.

16 Arva Wilson turns the vehicle around. She goes --
17 and Brittany goes in to look for De'Agia Wilson. At that
18 time, the party was already ended. The parents and
19 supervisors at Camilla Palmer's party were shutting this
20 party down. Because there were, at least -- at the very
21 least, there were disagreements in this community center.

22 While she's walking in, there's people running all
23 over. It's chaos. There's lots of people at the
24 community center. She finds De'Agia, grabs De'Agia, goes
25 back out. Among all this and everything, she's calling.

1 She can't find Arva Wilson anywhere.

2 She looks and calls Amber Smith. She calls several
3 people. There's several cars leaving. This party has
4 ended. These parents are upset. This thing is over. She
5 gets in the vehicle and she goes to Dee's [phonetic]
6 grandmother's house. Dee Stiles [phonetic], and she, and
7 De'Agia, and a man named Felton Smith get into that
8 vehicle and they go to that house. That is what is
9 material in this case.

10 And the evidence will show that Brittany Irby was not
11 at the party when Debron Harrison was in a fight. As they
12 stated before, they've got to prove that there was an
13 assault and battery by a mob, meaning that Brittany Irby
14 was involved in a mob with, at least, somebody else. And
15 they've got to prove that beyond a reasonable doubt.

16 Now, I know there's a possibility that some of you
17 may have heard some things about this case before. And I
18 ask that you listen to everything and all the facts in
19 this case before you make a decision. And, at the end,
20 when you go in to deliberate, you look at all the facts.

21 In this case, you will find after all the evidence is
22 in that Brittany Irby not only was not involved in an
23 assault and battery by mob, she wasn't even there.

24 THE COURT: All right. Call your first witness.

25 MS. SALISBURY: May it please the Court, Your Honor.

1 The State calls Ms. Petrell Palmer.

2 Ms. Palmer, if you would, please, come up and be
3 sworn.

4 THE CLERK: Ms. Palmer, if you'll stop at the end of
5 the bench.

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

8 WHEREUPON,

9 PETRELL ALICIA PALMER,
10 after first having been duly sworn, testified as follows:

11 THE CLERK: Thank you.

12 Please be seated.

13 Would you, please, state your name for the record.

14 THE WITNESS: Petrell Alicia Palmer.

15 THE CLERK: Thank you.

16 DIRECT EXAMINATION

17 BY MS. SALISBURY:

18 Q Good afternoon, Ms. Palmer.

19 I'm going to stand way back here so that I can be
20 sure that if I can hear you, then the jury can hear you.
21 Okay.

22 A Yes.

23 Q I just want to start off with a little bit of basics.
24 Do you live here in Greenville?

25 A I do now.

1 Q And how long have you lived in Greenville?

2 A I've lived in Greenville for about three or four
3 years.

4 Q What area of town?

5 A I just moved on the west end side of town.

6 Q All right. Where do you work?

7 A I work -- I'm a manager at McDonald's.

8 Q All right. Now, do you have children?

9 A Yes, I do.

10 Q Who are your children?

11 A My son -- my oldest son is Julian. And my daughter
12 is Camilla Palmer.

13 Q All right. And tell us about -- what was going on in
14 April of 2013? Give us an idea about what led up to this
15 party this night. What was happening?

16 A It was my daughter's sweet 16. My sisters were
17 coming up. And we were all going to, you know, cook and
18 get the things together for the party that afternoon. And
19 the following Sunday, we were all -- I was going to show
20 them downtown Greenville.

21 Q Now, what -- do you remember what day of the week the
22 party was on?

23 A The party was on a Friday night I think -- no, a
24 Saturday night, Saturday night.

25 Q All right. Now, you mentioned that there were a few

1 people in from out of town?

2 A Yes.

3 Q Who came from out of town that was going to help sort
4 of put on and celebrate with your daughter?

5 A My identical twin sister, Lovell; my sister, Lakysa;
6 my sister, Yolanda; my nephew, Debron; my nephew, Dalvin;
7 and my nephew, Chavelle [phonetic].

8 Q And where were they from? Where were they coming
9 from?

10 A My sister and my -- my sister, Lovell, and my nephew,
11 Chavelle, came from Charleston. And Lakysa, and Yolanda,
12 Dalvin, and Debron came from Columbia.

13 Q All right. Now, leading up to the party that day,
14 what had happened that Saturday before you, actually,
15 arrived at the center?

16 A Well, we were doing a whole lot of running around and
17 enjoying each other, getting stuff together for the party,
18 getting a cake, cooking, taking pictures of us in the
19 kitchen cooking and acting crazy.

20 Q So what time did you, actually, get the party
21 started? What -- when did all of this really kick off?

22 A We all left the house -- Jazz [phonetic] left first,
23 her -- my son and another friend of hers had -- they had
24 already left to go, along with Dalvin. They had went to
25 the community center early so that they could get the

1 balloons, and all of the stuff together. We left about
2 8:00, got there about 8:10. We met the DJ there. He had
3 already set up.

4 Q What kind of party were you expecting? How many
5 people were you expecting as one of the chaperones to
6 arrive?

7 A I really expected like no more -- like 50 kids, you
8 know. I made enough food for like 50 kids.

9 Q And when it was all said and done, how many people do
10 you think were, actually, at the party that night?

11 A Oh, wow, maybe 150 kids.

12 Q All right. Now, did you -- how did the invitations
13 go out, so to speak?

14 A My daughter was responsible for that, because I don't
15 have any high school friends.

16 Q Well, how -- who did you decide would be invited?
17 Does she have exclusive --

18 A Yes. She has exclusive friends that -- particular
19 friends that she really, really wanted there.

20 Q Okay. And what was your role at the party? What
21 were you planning on doing that night?

22 A Chaperoning. And I was chaperoning and manning the
23 food, making sure that -- me and my sister, Yolanda, were
24 making sure that kids didn't bring no alcohol into the
25 party and pour it into the punch.

1 Q Now, do you remember there being some disruption at
2 the party that night?

3 A The disruption didn't start until about maybe 9:30
4 when the DJ stopped the music and asked that -- whoever
5 the young man was, Ronald Brown, to stop throwing up hand
6 gestures.

7 Q Okay.

8 A So he stopped the music once. And then he talked to
9 the young man. He started the music back. And I guess
10 the young man started showing up hand gestures again. And
11 that's when I walked over to the DJ and asked him what was
12 going on. And he said, They're throwing up hand gestures.
13 But -- and then he said --

14 MR. KORNFELD: Objection, Your Honor. Hearsay.

15 THE COURT: Yes.

16 MS. SALISBURY: Your Honor, it's not offered for its
17 truth, simply to explain why the family did what they did.

18 THE COURT: Just go ahead.

19 BY MS. SALISBURY:

20 Q All right.

21 A So he asked the young man after the second time to
22 leave the party. He left. But somehow -- I don't know
23 how -- they said some kids had snuck him back in and he
24 ended up back inside the building.

25 Q Okay. Now --

1 A That's when chaos broke out.

2 Q Now, before we get into the specifics of what,
3 actually, happened, you mentioned Ronald Brown?

4 A Uh-huh.

5 Q Okay. Did you know who that was?

6 A No, ma'am. I -- no one from Greenville.

7 Q Okay. Did you know him to be a friend of your
8 daughter's?

9 A No.

10 Q Okay. How did you end up learning his name?

11 A Through the detectives.

12 Q Okay. So that night, did you know --

13 A No, ma'am.

14 Q -- who was responsible for this disruption?

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

16 Q So -- I cut you off there. You said that once he was
17 asked to leave, that's when the conflict really escalated.
18 What happened? What did you see?

19 A From what I could see -- like I said, I was on the
20 other side of the room with my sister, Yolanda. And we
21 were manning the punches and making sure that nothing --
22 kids didn't put anything into it. And we looked up again.
23 And all the kids were running out of the building.

24 Q What did you do at that point?

25 A At that point -- I don't know how I ended up losing

1 my sister, Yolanda. And I ended up by my sister, Lakysa.
2 And we were making sure that whoever was left in the
3 building that they were safe and that they were all right.

4 And then when they asked that we all leave the
5 building, we made sure that everyone got out of the
6 building.

7 Q Okay. So did you ever go outside the community
8 center when you saw everyone running?

9 A When we, finally, got outside, that's when we started
10 looking for my nephew. Because he was the only one that
11 was in our party that wasn't there.

12 Q Okay. How long do you think -- you mentioned that
13 you held some -- the people who stayed inside the party
14 once all the running started, how long do you think you
15 stayed inside before you started to check up with where
16 your family was?

17 A Maybe five or 10 minutes.

18 Q All right. And what did you do after that?

19 A We -- me and Lakysa got everyone out. And we
20 started -- we ran outside and we started looking for
21 Debron. And we started screaming his name. And we never
22 got an answer.

23 Q All right. What happened next?

24 A That's when -- they had already started calling 911.
25 And we just started looking for Debron. We just started

1 screaming his name. 'And that's when some kid said he was
2 laying across --

3 MR. KORNFELD: Objection, Your Honor.

4 THE WITNESS: -- he was laying across the street --

5 THE COURT: Just a second.

6 MR. KORNFELD: Objection, Your Honor.

7 THE COURT: To what?

8 MR. KORNFELD: To hearsay, some kid said.

9 THE COURT: Okay. Well don't say what they said.

10 But you do -- you can talk about what you did as a
11 result --

12 THE WITNESS: We went -- okay. We went out looking
13 for him. And when we didn't find him, they said he was
14 laying across the street.

15 So we went. And the police officers wouldn't let us
16 go any further. The only one they would allow to go close
17 to my nephew was his mother, Lakysa.

18 BY MS. SALISBURY:

19 Q You mentioned that the police were on scene at that
20 point?

21 A At that point, yes, ma'am.

22 Q Okay. What did you do next? What did you and the
23 family do next?

24 A We waited for the police to give us -- to tell us
25 what to do. We couldn't do anything. At that point, we

1 couldn't do anything.

2 So we made sure everything was out of the building.

3 And we gathered up all of the food, and all of the
4 utensils, and packed up. And then that's when we were
5 told that we needed to go to the hospital.

6 Q Did you, ultimately, end up at the hospital that
7 night?

8 A Yes, ma'am.

9 Q And do you remember speaking to the police at the
10 hospital that night?

11 A They spoke with my sister that night.

12 MS. SALISBURY: All right. Ms. Palmer, I don't have
13 any additional questions. If you would, answer any
14 questions that Mr. Kornfeld or Mr. Hamilton may have for
15 you now.

16 CROSS-EXAMINATION

17 BY MR. KORNFELD:

18 Q Ms. Palmer, I understand the disruption first started
19 at 9:30. Do you remember the time that the party was
20 closed down for good?

21 A It was about -- it was almost -- it was a little
22 after 10:00.

23 Q Okay. And do you remember after -- how long after
24 that it took before the police officers arrived on scene?

25 A No, sir. I can't recall that.

1 MR. KORNFELD: No further questions, Ms. Palmer.

2 THE COURT: Mr. Hamilton, anything?

3 MR. HAMILTON: I've got just a couple of questions.

4 It's based on the timeline of the party.

5 CROSS-EXAMINATION

6 BY MR. HAMILTON:

7 Q What time was the party supposed to start?

8 A The party was supposed to be from 8:00 to 11:00.

9 Q 8:00 until --

10 A 11:00.

11 Q So didn't y'all have to get there well before 8:00?

12 A Well, we had already -- they had allowed us prior to
13 that day to go in and decorate the building.

14 Q Okay. And do you know a Mr. James Young? Was he one
15 of the custodians there?

16 A He's not a custodian, no. He's a friend of the
17 family.

18 Q Oh, he's a friend of the family?

19 A Yes, he is.

20 Q And he called -- they called the police. If the
21 police was called at 8:00 or a little bit after 8:00, why
22 would that be if you didn't get started until 8:00?

23 A I wouldn't know why they would be calling the police
24 at 8:00. At 8:00, the party had just begun.

25 Q Right. And can I --

1 MR. HAMILTON: May I approach the witness?

2 THE COURT: Yes, sir.

3 BY MR. HAMILTON:

4 Q This is Defendant's Exhibit No. 5 for identification
5 only. And you're saying that James Young is part of your
6 family?

7 A He's a friend of the family, yes.

8 Q All right. And then -- and this is the Greenville
9 City Police Department incident report. And this is --

10 MS. SALISBURY: Objection, Your Honor --

11 THE COURT: Yes.

12 MS. SALISBURY: -- I don't think this is appropriate
13 impeachment.

14 MR. HAMILTON: No. I'm not impeaching her. I'm just
15 trying to get her to tell me what time the disruption --

16 THE COURT: Well, this may not be the right witness
17 to use that. Did she prepare that document?

18 MR. HAMILTON: No.

19 THE COURT: She can't identify that document.

20 MR. HAMILTON: But she recognized James Young.

21 BY MR. HAMILTON:

22 Q But you're thinking that the party started at 8:00?

23 A Yes.

24 Q And about 9:30 is when things terrible started
25 happening?

1 A Yes, sir.

2 Q And do you -- did you see anybody fight --

3 A I was on the other side of the room.

4 MR. HAMILTON: All right. That's all I have, Judge.

5 THE COURT: Okay. Anything?

6 MS. SALISBURY: No additional questions, Your Honor.

7 THE COURT: All right. Thank you, ma'am.

8 You may step down.

9 MS. SALISBURY: May it please the Court, Your Honor.

10 The State calls Mr. Julian Palmer.

11 Mr. Palmer, if you would, please, come up and be
12 sworn.

13 THE CLERK: Mr. Palmer, if you'll, please, place your
14 left hand on the Bible and raise your right hand.

15 WHEREUPON,

16 JULIAN PALMER,

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

18 THE CLERK: Thank you.

19 Please be seated.

20 Please state your name for the record.

21 THE WITNESS: Julian Palmer.

22 DIRECT EXAMINATION

23 BY MS. SALISBURY:

24 Q Mr. Palmer, how old are you?

25 A 24.

1 Q And do you live in Greenville?

2 A Yes, ma'am, currently.

3 Q All right. How long have you lived in Greenville?

4 A Let's see. My mom has been up here for about four --
5 four to five years. So I've been up here about three or
6 four years.

7 Q Okay. Can you tell us a little bit about -- what's
8 your relationship with Camilla Palmer?

9 A That's my sister, sort of like my best friend. But
10 it's my sister.

11 Q Okay. And what is your relationship with Mr. Debron
12 Harrison?

13 A Sort of the same thing. I looked at him like a
14 brother to me, but more like a best friend. We grew up
15 together.

16 Q Now, were you in town in April of 2013, April 20th,
17 for this party?

18 A Yes, ma'am. I was living here.

19 Q Okay. Tell us about how you ended up at the party,
20 and what you did.

21 A Me, Mr. James -- Javal [phonetic], and Debron, my
22 mother had sent us -- excuse me, my mother and aunt sent
23 us off early so that we could get the food set up for the
24 party. The DJ was there.

25 After we had got everything set up, me, Debron,

1 Javal, Dalvin -- my mother and aunts had told us that,
2 well, you know, we couldn't pay for security so we would
3 have to stand by the door, you know, check the kids and
4 make sure they wasn't bringing any weapons or anything
5 into the party.

6 So, at the beginning, that's where me, Debron, and
7 Dalvin, and Javal were. We were checking the kids as they
8 were coming in.

9 Q All right. And was that, as you understood it, your
10 role that night?

11 A Yes, ma'am.

12 Q Did you think of yourself as sort of a chaperone?

13 A Yes, ma'am.

14 Q Okay. Now, what do you remember as the party
15 unfolded? What happened?

16 A The party was going okay for a little while. And a
17 certain song came on -- well, me, Debron, and Tavis, we
18 were walking around, you know, the party as the music was
19 playing, you know, making sure everything was okay.

20 And a certain song came on. And as soon as this beat
21 dropped with this song was when the hand gestures -- and
22 they were chanting something "TMB." I don't remember what
23 the first letter was. But they were chanting something
24 "TMB," and throwing up a bunch of hand gestures as they
25 were doing this.

1 As they were doing this, the music was cut. My
2 mother and I, you know, were letting them know if you're
3 going to be throwing hand gestures or any type of signals
4 that may be referring to gang related that you would have
5 to leave the party. And that was the first time that the
6 music got cut.

7 Q All right. And did anybody leave?

8 A Not at that moment. No one left. I went outside for
9 about 10 minutes. Me and Tavis, we went outside for a few
10 minutes. And right when I came back in, I was hearing
11 that the guy, Ronald Brown, was causing the commotion.

12 So I guess this whole 10 minutes that I was gone -- I
13 don't know what erupted while I was outside.

14 Q Now, had you -- do you know who Ronald Brown is?

15 A I did not know who the guy was whatsoever. I'd never
16 seen him, or anything.

17 Q Okay. Did you know him to recognize him that night?

18 A I didn't really notice him until I was trying to help
19 escort everyone out of the building.

20 Q Okay. We may be getting ahead of ourselves. Back up
21 a little bit. You mentioned that the DJ made these
22 comments. What happened next?

23 A The music started back. When I came back in, you
24 know, I was hearing this guy, Ronald Brown, was starting
25 problems at the party.

1 So I asked the DJ to cut the music. And I said
2 whoever Ronald Brown is, you're starting problems at this
3 party. And whoever came with you, you guys need to leave.

4 Q Now, did you make that announcement?

5 A Yes, ma'am. I made that announcement when the
6 music --

7 Q Did you get on the microphone and say that?

8 A I didn't feel like I needed to get on the
9 microphone --

10 Q Okay.

11 A -- because everyone could hear me. The room wasn't
12 but so big.

13 Q Okay.

14 A We asked, you know, whoever Ronald Brown was and
15 whoever was accompanied by him that you guys need to
16 leave. Well, it was stated that he's gone, he's gone.
17 Everybody in the party was checking, he's gone, he's gone.
18 So I said, Okay, continue the party.

19 So the music came back on. And about four to five
20 minutes later, it was going around the party -- I was
21 hearing that, you know, the guy was still in there. But I
22 didn't have a visual. I didn't know what he looked like.

23 So while I'm walking around, I'm trying to look for
24 this gentleman. But I don't know who he is. I don't have
25 a visual of his face, or how he looks.

1 Q So what happened?

2 A After they said he returned back in, that's when we
3 decided, you know, everybody was still not complying to
4 what we were asking. So that's when we said, you know
5 what, we're cutting the party. That's it. Everybody
6 needs to leave. When we were saying everybody needs to
7 leave, my mother, Mr. James, and my aunts had asked, you
8 know, well, go ahead, you know, and try to help them to
9 get out, you know, to try to clear out of the building.

10 So, as I was walking, I didn't even know I was that
11 close to the gentleman -- well, Mr. Ronald Brown. I
12 didn't even know I was that close to him. I was,
13 basically, right here. And he was like right here about
14 three feet away from me. And he's ranting, and raving,
15 and going on, and cussing, and fussing. And I'm looking
16 at this guy like who's the one that's causing all this
17 ruckus? And I looked to the right. And the guy is,
18 actually, yelling, and cursing, and screaming towards me.

19 Okay. And I'm like, excuse me, sir. You need to
20 leave. You need to leave. And then that's when he got
21 into threatening me, and I'll beat your "A," and whatnot.
22 So I was heading out.

23 Q Now, where -- you mentioned that you, actually,
24 engaged this person in a conversation?

25 A Yes, ma'am. We were --

1 Q Where was that?

2 A We were walking -- let's see. There's two doors.
3 There was a door that come out to the left, and a door
4 that come out to the right side. And you come into this
5 long hallway before you get to the double doors. We were
6 in the long hallway. That's when me and him exchanged
7 words.

8 Q All right. Well, after that exchange, what happened?

9 A After that exchange, my cousin, Javal, and my cousin,
10 Dalvin, they grabbed me to keep me from going outside to
11 start anything with this guy. So I was stuck, basically,
12 held in the inside of the lobby part. They held me in
13 there for, at least, about five to seven minutes.

14 Q And --

15 A So I -- so whatever commotion was going on outside at
16 the time, I really didn't know.

17 Q Did anything happen while you were --

18 A No, ma'am.

19 Q Okay.

20 A By the time I, actually, got out the door -- when I
21 got out the door, I was approached by two gentlemen, which
22 was Mr. Elijah, and then there was another dark-skinned
23 gentleman who approached me. And, at first, they sounded
24 like, you know, they were trying to figure out what was
25 going on as well like, you know, we're trying to -- you

1 know, trying to figure out -- trying to find a different
2 altercation [sic] to this.

3 So I don't remember the words we had. But I do
4 remember one of them speaking to me saying, Nobody is
5 going to touch my boy, Lil Ru. And when that was stated
6 was when Mr. Elijah and the other -- I don't know the
7 other gentleman's name, but he was a dark-skinned fellow.
8 Both of them got into fighting stances to where that they
9 were going to jump me. Okay.

10 Nothing happened between us. But, at the time,
11 things were I guess -- I don't know. Everybody dispersed
12 because they heard the police was coming. I don't know
13 why everybody dispersed. But before me and those two
14 could make any physical contact with each other, everyone
15 had dispersed. By the time everyone dispersed, this is
16 when I began to look for my family, and try to look for my
17 little brother.

18 Q I'm going to have you take a look at a couple of
19 pictures. Do you recognize what's depicted in State's
20 Exhibit Nos. 1 and 2?

21 A Yes, ma'am. This is the door leading to where I was
22 being held in by my little cousins where they wouldn't let
23 me out.

24 Q Are these accurate representations of what the center
25 looked like the night that you were there for the party?

1 A Yes, ma'am.

2 Q Now, could you describe -- using these pictures,
3 could you describe for the jury where you were during this
4 confrontation that you just shared?

5 A As I'm coming out -- as I, finally, get a chance to
6 come out of these doors, I'm about right -- let's see.
7 That's up under there. I'm up under here a little bit
8 before you pull right into this portion. So not directly
9 up under the -- wherever the roof part is, but just a
10 little bit up under there.

11 Q Now, to get into more detail about this
12 confrontation, you mentioned that it was two gentlemen
13 that approached you?

14 A Yes, ma'am.

15 Q All right. Did you know either of those people?

16 A I didn't know anybody.

17 Q Now, do you recognize one of those people as being in
18 the courtroom today?

19 A Yes. It was Mr. Elijah Wilson, but his hair was
20 shorter.

21 Q And just so that we're clear, what is it that he said
22 to you outside under that awning?

23 A He was the one who informed me that nobody wasn't
24 going to do any harm to his friend, I guess, buddy or
25 friend, Lil Ru, or Ronald Brown.

1 Q All right. Now, once the crowd cleared out, what did
2 you, actually, do?

3 A When the crowd dispersed, I was looking for my
4 brother. I mean, I went around the building. I went back
5 inside. And then I, finally, got word from my mother that
6 my brother was beaten half to death across the street.

7 Q Did you go across the street?

8 A The officers wouldn't let me go.

9 Q So what did you do next?

10 A There was really nothing I could do. We had,
11 finally, finished packing. And we all tried to meet up at
12 the hospital.

13 MS. SALISBURY: Mr. Palmer, I don't have any
14 additional questions for you. If you would, answer any
15 questions Mr. Kornfeld or Mr. Hamilton may have.

16 CROSS-EXAMINATION

17 BY MR. KORNFELD:

18 Q Mr. Palmer, you were 24 at the time, or you're 24
19 now?

20 A I'm 24 now. I was 23 at the time.

21 Q All right. And you stated -- was it around 10:00 --
22 is that when the party -- the last --

23 A I think so.

24 Q You stated earlier that there was a particular song,
25 but you didn't state what song. What song was that?

1 A The song was -- the artist was B.O.B. And the song
2 was, We Still In This -- I can't say the last word.

3 Q Yes, you can.

4 A Well, the song was --

5 Q Just tell us -- you don't have to say the whole
6 thing.

7 A We're Still In This "B" word.

8 Q All right. The next letter is "I"; is that correct?

9 A Yes, sir.

10 Q All right. Thank you.

11 Okay. And that song came on and this Lil Ru starts,
12 for back of a letter -- for lack of a better term, just
13 starts acting out, acting a fool, those type of things?

14 A It was just a crowd as one. I can't, necessarily,
15 say it was all him. It was -- when I saw this, it was
16 just a bunch of -- a whole crowd of kids just jumping up
17 and down throwing their hands in the air with --

18 Q How many do you estimate were at the -- indoors at
19 the West Greenville community center?

20 A Altogether, or around this time?

21 Q I guess altogether.

22 A About 120, 150 people. They were kids.

23 Q All right. And then you stated that he starts -- you
24 don't realize it at first, but he's, actually, being
25 antagonistic towards you, yelling at you?

1 A Yes. Because of the -- I guess it was because I
2 ended the party.

3 Q All right. And he's making threats towards you. Is
4 that your --

5 A Yes, sir.

6 Q All right. And Tavis and Julian, they have to hold
7 you back; is that right?

8 A No. It was Dalvin and Javal.

9 Q Dalvin and Javal. I apologize. Dalvin and Javal.
10 And they're holding you back. And what is Lil Ru doing at
11 this time?

12 A He's still making threats towards me, threatening to
13 beat my "A" double "S," saying he was going to get me, and
14 things of that nature.

15 Q All right. And what are the sizes of Dalvin and
16 Javal that are holding you back?

17 A Much bigger. Dalvin is --

18 Q What's his age? Just give me a description of age
19 and size.

20 A Javal -- let's see. If I'm 24, Javal has to be 19 or
21 20. I think my little cousin, Dalvin, was between 16 and
22 17 -- 17 or 18.

23 Q All right. And how tall is Dalvin?

24 A Close to six feet.

25 Q All right. So they're holding you back. Then, at

1 some point, you don't see -- Lil Ru must leave; is that
2 right?

3 A Yes.

4 Q All right.

5 A Everybody had wound up being outside by this time. I
6 was still stuck in the lobby.

7 Q Were you going to fight him at that time? Is that
8 why they're holding you back?

9 A At that point in time, I was going to defend myself
10 if he was to -- now, as far as starting it, no, I wasn't
11 going to start it. But as far as me defending myself, if
12 he would have -- if I would have felt threatened, yes, I
13 would have defended myself.

14 Q So why are they holding you back then? Are they
15 worried? Do you think they're worried that you're --

16 A I was the calm one --

17 Q Okay.

18 A -- to be honest. He was the one making the threats.
19 I don't know if they were holding me back in a sense to
20 where they felt that he was going to do something to me
21 first, or what. I don't know. I'm not in their minds.
22 So I don't know.

23 Q Well, I'm just trying to get a grasp of how -- I
24 mean, they're just holding you back like, hey, don't do
25 it, like with their hands --

1 A Yes.

2 Q -- like this?

3 A No. They're holding me like don't go outside, just
4 let it die down.

5 Q They're aggressively holding you?

6 A Yeah.

7 Q All right. And how long after that did you wait
8 until you went outside?

9 A This was about -- they had me in there for about four
10 to five minutes.

11 Q All right. And how long after that until the police
12 showed up? Do you know?

13 A I don't know. Because right after -- as soon as I
14 got outside was when I got into the confrontation with
15 Elijah and the other guy. And then about -- not even a
16 whole two minutes after was when everyone dispersed.

17 Q Okay. And there's lots of people going everywhere --

18 A Yes.

19 Q -- leaving the party? It's over?

20 A Yes.

21 Q All right. Did you ever say anything back to this
22 Lil Ru?

23 A No, sir. I was just on my guard just in case he
24 wanted to do anything to me. I was just on alert.

25 MR. KORNFELD: I understand.

1 Thank you, Mr. Palmer.

2 CROSS-EXAMINATION

3 BY MR. HAMILTON:

4 Q Mr. Palmer, I'm going to walk up and look at the
5 pictures. This is State's Exhibit Nos. 1 and 2.

6 The -- and I agree that you probably was the most
7 calm one there. When this thing happened at the front
8 here, Elijah and you were -- where do you think y'all was
9 at?

10 A We were coming out this door and standing about right
11 here.

12 Q Okay.

13 A Right here about right where that arrow is.

14 Q All right. And then it was the commotion and a lot
15 of people --

16 A All the commotion and stuff was, basically, right
17 here.

18 Q Right. Right. And so that happened right up under
19 the awning there?

20 A Uh-huh.

21 Q Okay. And was Ronald Brown -- where was he?

22 A I didn't know where Ronald Brown was. Because, at
23 this time, I think he had gotten into the incident with --
24 the first incident with Debron. I didn't know what was
25 going on at that point in time, because I wasn't around

1 them. I wasn't around that crowd in the circle.

2 Q Okay. So it was a crowd right there, then a crowd --

3 A It wasn't really -- it wasn't even really a crowd
4 where we were. I mean, it was just him and a few other
5 people.

6 Q A few people here. And then where the victim was --
7 they were at another spot?

8 A Yeah. I couldn't see it. I couldn't see that.

9 Q And then -- and you didn't know Elijah Wilson that
10 night?

11 A No, sir.

12 Q How did you learn his name?

13 A I'm, actually, just recently learning his name now.

14 Q All right.

15 A But, like I said, I just -- I've got a good -- I
16 remember his face.

17 Q You just remember his face?

18 A Yes.

19 Q And you put the face with the name?

20 A Yes.

21 Q Okay. And that's good. Because what you're telling
22 is what happened; right?

23 A Yes.

24 Q Right. And so Elijah is right there talking to you,
25 you know. Y'all -- you were being calm. And because

1 nothing happened because of your ability to disarm people.
2 But then there was a commotion over there with Ronald
3 Brown. Do you think that -- do you think that Debron was
4 over there with Ronald Brown?

5 A I can't necessarily say that, because I don't know.

6 Q Right. Right. But you was -- okay. But do you
7 think Ronald Brown was over there in that other commotion?

8 A I mean, if we're going based off assumptions, I would
9 assume so.

10 Q Yeah. Well, base -- we're just saying the commotion
11 and from your knowledge of what happened, there was one
12 commotion --

13 A Yes.

14 Q -- and then another commotion?

15 A Yes.

16 Q And then the police -- the party had been broke up
17 right then. Do you think the police had been called prior
18 to that?

19 A I don't know how many times the police were called.
20 I don't know if they were called beforehand. I really
21 don't have any recollection of that, because I didn't call
22 the police.

23 Q Okay. Was -- so who all was working as a chaperone?
24 Was it you and --

25 A It was me; my auntie, Lakysa; my auntie, Lovell;

1 Debron; Tavis; my mother, and me.

2 Q And you?

3 A And Mr. James.

4 Q Right. And then part of that was to prevent any
5 weapons from coming in there?

6 A Yes, sir.

7 Q Everybody that came in was patted down?

8 A Yes, sir.

9 Q And if you got as far as that front door -- what door
10 was you patting them down at?

11 A As soon as you walk in these doors -- these double
12 doors, you make a right. And there's just that one door
13 right there.

14 Q Right.

15 A And we were checking them before they even got to
16 that door to even go to the hallway.

17 Q So that -- so as far as -- and were you one of the
18 ones doing the pat down?

19 A I was one of them. And then I, also, let -- I just
20 monitored them and let Javal and Dalvin take care of it.

21 Q So anybody that got past that area into the party had
22 been patted down. There was no weapons involved?

23 A Yeah. There were no weapons.

24 Q No weapons. Okay. But then -- and we're just trying
25 to figure out what time did they call the police, and what

1 time did it, actually, break up. And I know we probably
2 won't never figure it out. But what time did --

3 A I couldn't tell you, sir. I wasn't looking at a
4 watch. I didn't have my cell phone in my pocket.

5 Q It wasn't long after the party started?

6 A I mean, the party was going on for a good little
7 minute, you know.

8 Q And everybody was having a good time?

9 A Pretty much.

10 Q Okay. Well, let's -- when you left Elijah Wilson
11 there, that's when the people -- did -- which way did you
12 go?

13 A After me and Elijah got into it, or whatever, he
14 left. I don't know where he and the other guy went. I
15 don't know where he went. Like I said, everyone dispersed
16 in many different directions. So I wasn't paying no
17 attention to where he went, where she went, or anybody
18 else went. The only concern that I was concerned of was
19 trying to find my brother.

20 Q All right. Good. Which direction did you go to find
21 your brother?

22 A I went as coming out this way to -- headed towards --
23 which way is that? Okay. Yeah.

24 I am coming out this way to go around the building on
25 this side.

1 Q Okay. Now, you're coming --

2 A I'm coming from this -- from here.

3 Q Right.

4 A And I'm going back this way behind the building to go
5 look for Debron.

6 Q Right. Walking down this sidewalk in the street?

7 A Right here in the street, coming down, running to go
8 find my brother.

9 Q All right. And across the street -- you could see
10 across the street; right?

11 A I wasn't paying attention across the street.

12 Q You wasn't paying attention?

13 A No.

14 Q All right. Did you see a police car there?

15 A About the time I saw the police car, I was coming
16 from around the back of the building. And when I was
17 coming from around the back of the building, like I said,
18 I was searching for my brother.

19 Q Right.

20 A By the time I came from around the back of the
21 building was when I was alerted by my mother that Debron
22 was across the street in the parking lot. And as I jolted
23 over there to try to go there, the police stopped me and
24 wouldn't let me go over there.

25 Q Okay. But when you first walked away to look for

1 your brother, you didn't see a police car pull up?

2 A I wasn't paying any attention.

3 Q But a police car could have pulled up?

4 A It probably could have.

5 MR. HAMILTON: That's all the questions I have.

6 MS. SALISBURY: One question, Your Honor.

7 THE COURT: All right.

8 REDIRECT EXAMINATION

9 BY MS. SALISBURY:

10 Q Just to be clear, did Elijah Wilson talk with you or
11 did he threaten you?

12 A I don't know how to really put it. All it was -- it
13 was -- I don't know if I would say it as a threat. But it
14 was more -- I take it -- I took it as a more -- so if you
15 do something to my friend, me and you are going to have a
16 problem. That's the sort of -- that's the way I took it.

17 MS. SALISBURY: All right. Your Honor, I don't have
18 any additional questions on redirect.

19 THE COURT: All right. Thank you.

20 You can step down.

21 MS. SALISBURY: May it please the Court, Your Honor.

22 The State calls Ms. Camilla Palmer.

23 Ms. Palmer, if you would, please, come up and be
24 sworn.

25 THE CLERK: Ma'am, if you'll, please, place your left

1 hand on the Bible and raise your right hand.

2 WHEREUPON,

3 CAMILLA PALMER,

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

5 THE CLERK: Thank you.

6 Please be seated.

7 Please state your name for the record.

8 THE WITNESS: Camilla Palmer.

9 THE CLERK: Thank you.

10 DIRECT EXAMINATION

11 BY MS. SALISBURY:

12 Q Good afternoon, Ms. Palmer.

13 Tell us a little about yourself. Do you live in
14 Greenville?

15 A Yes, ma'am.

16 Q Are you still in school?

17 A Yes, ma'am, a rising senior.

18 Q Where do you go to school?

19 A Greenville High School.

20 Q All right. And how old are you now?

21 A 17.

22 Q Okay. Do you remember your birthday last year?

23 A Yes.

24 Q Can you tell the jury a little bit about what
25 happened sort of earlier that day on Saturday?

1 A Earlier that day, I was getting dressed, preparing
2 for the party, whatever, at my house. And my aunt and my
3 mom were in the kitchen cooking. And I was with my
4 friends getting dressed, basically.

5 Q Okay. And did you send out the invites for this
6 party, spread the word that the party was happening?

7 A No. I told my close friends, my immediate friends.
8 And somehow word got out and it was -- it ended up on
9 social media.

10 Q Okay. How many people did you anticipate were going
11 to show?

12 A Probably, at the most, 70, 50 to 70 people.

13 Q When it was all said and done, how many people do you
14 think were, actually, at the community center that night?

15 A 120 plus.

16 Q All right. Now, what happened when you got there?
17 When it was time for the party to start, what happened?

18 A The party was -- when I got there, a few people were
19 just there arriving, or whatever. And then the party got
20 going for a good hour. I arrived at about 8:30. The
21 party got going for a good hour. And 9:30 is when all of
22 the commotion happened.

23 Q Well, what do you remember happening? What did you
24 see?

25 A Like my brother said, a certain song came on. And

1 then immediately a group got together. And they started
2 throwing up hand gestures, or whatever, and yelling TMB.

3 Q Now, did that mean anything to you?

4 A I've heard it before at previous parties, but I
5 wasn't expecting that at my party.

6 Q What did TMB mean to you?

7 A I have no idea.

8 Q You had just heard it before?

9 A Yes.

10 Q Okay. So what -- once you saw this happening, what
11 did you do?

12 A I went to the DJ to tell him to cut the music and to
13 tell the people at the party that if the gang-related
14 stuff continued that the party would be shut down.

15 Q And did that happen?

16 A Yes.

17 Q Okay. What happened next?

18 A The music got started back up again. And, once
19 again, they started throwing up the gang signs and yelling
20 TMB. And I remember seeing Ronald Brown in the middle of
21 the crowd.

22 Q Now, do you know who Ronald Brown is?

23 A No.

24 Q Did you recognize him that night as somebody that you
25 knew? How did you identify him?

1 A Through a friend.

2 Q Okay. That night, who was he to you? What was he
3 doing that caught your attention?

4 A He was in the middle of the crowd, the main one
5 yelling.

6 Q So what happened?

7 A I got word that -- what his name was, it was Lil Ru.
8 And we told the DJ to tell him that whoever Lil Ru is, you
9 have to leave. And whoever came with you, you have to
10 leave. And then people said that he was gone at the
11 party.

12 So the music started back up again. And then I got
13 word again that he wasn't gone. So that's when we,
14 finally, shut the whole party down.

15 Q All right. And what happened when it -- when the
16 announcement was, finally, made that the party was over?

17 A I was still inside, you know, just waiting for
18 everybody to get out, or whatever. And I heard yelling in
19 the hallway. I'm assuming that that was the commotion
20 between him and my brother.

21 And by the time I got outside, Lil Ru -- and he had a
22 crowd of people behind him. And me and my friend,
23 Diamante, we were just, basically, saying, you know, y'all
24 just need to leave, or whatever. And he just kept yelling
25 in our faces. And that's when he hit me.

1 Q So you, actually, spoke to this Ronald Brown person?

2 A Yes, ma'am, I did.

3 Q Okay. And what exactly did he do?

4 A He was just -- basically, just yelling, and stuff
5 like that. And then the next thing I know, he hit me in
6 the face. He punched me in the face.

7 Q All right. And what happened next?

8 A I remember him hitting my friend, Diamante. And I
9 saw my cousin come from the side, Debron Harrison come in
10 and intervene. After that, they fell to the ground and
11 started fighting. They got back up. Debron ran. And a
12 whole crowd chased him behind the building.

13 Q All right. Now, before we get to the chase part,
14 I -- what did you see, initially, happen when Debron
15 confronted Ronald Brown?

16 A They -- Debron came -- after Debron saw me and Ronald
17 Brown get into with my friend, Diamante, he immediately
18 came in from the side and intervened. After that, all I
19 seen was them falling to the ground and fighting.

20 Q Was it just the two of them fighting?

21 A It was a whole crowd.

22 Q So, based on what you saw, were multiple people --

23 A Jumping him.

24 Q Right there in -- out in front of the party?

25 A Yes.

1 Q All right. Let's -- in front of you is State's
2 Exhibit Nos. 1 and 2. I want you to take a look at those
3 pictures. Do you recognize what's in these pictures?

4 A Yes, ma'am.

5 Q All right. Now, is this what the center looked like
6 at -- the night of your party?

7 A Yes, ma'am.

8 Q All right. If you could, use these pictures to help
9 explain to the jury where you were when you and Ronald
10 Brown had this initial confrontation.

11 A We were right here in front of these double doors.

12 Q And where did the fight between Debron and the whole
13 group of people --

14 A Just a little bit past the double doors right here.

15 Q Was it still underneath the -- that awning that we
16 see in the picture?

17 A Yes, ma'am.

18 Q Okay. Now, you mentioned that you saw Debron get up
19 and run?

20 A Uh-huh.

21 Q All right. What did you see happen next?

22 A All I remember is a whole crowd chased Debron behind
23 the building.

24 Q Do you know how many people?

25 A Basically, the whole party, just about the whole

1 party.

2 Q Was it more than 10? More than 20?

3 A More -- probably 50 plus.

4 Q Okay. Did you follow anybody?

5 A No, ma'am. I was pulled back inside the building.

6 Q Okay. And what happened after you went back inside?

7 A After I was pulled back inside the building, I was
8 just talking with my friend, Brittany Price, inside the
9 actual party. We were getting stuff out. And we were
10 trying to figure out like where the adults were to figure
11 out what was going on, and what we were going to do. And
12 that's when I went back outside and I saw the cops. And
13 we, finally, figured out that Debron was across the street
14 in the parking lot.

15 Q Okay. Did you yourself see any other fighting, other
16 than what happened right there under that awning?

17 A No, ma'am.

18 MS. SALISBURY: All right. Ma'am, if you would,
19 answer any questions Mr. Kornfeld or Mr. Hamilton may have
20 for you.

21 THE WITNESS: Yes, ma'am.

22 CROSS-EXAMINATION

23 BY MR. KORNFELD:

24 Q Ms. Palmer, you went to Greenville High; is that
25 right?

1 A I attend Greenville High.

2 Q You did attend?

3 A I do. I'm a rising senior.

4 Q Okay. Did you -- were you at Greenville High last
5 year?

6 A Yes, sir.

7 Q And how many people do you say were at the party?

8 A 120 plus.

9 Q All right. And when this -- when you get -- let's
10 talk about first when Lil Ru -- he hits you. Where does
11 he hit you?

12 A In the face.

13 Q On what side?

14 A My right side.

15 Q All right. Does he hit you with a closed fist? Do
16 you know?

17 A Yes, closed fist.

18 Q All right. So he just comes in -- does he say
19 anything to you before this, or he just comes in and hits
20 you?

21 A He just comes in and hits me after me yelling.

22 Q All right. Did it knock you out or did --

23 A No. It didn't knock me out.

24 Q Okay. So it didn't knock you out. And then your
25 cousin, Debron, comes in at this time; is that right?

1 A Yes.

2 Q They start fighting?

3 A Uh-huh.

4 Q And the whole party -- so 120, 125 at sometime run
5 out at this time. They're all coming through these double
6 doors that you showed here; is that right?

7 A Yes, right here, the double doors.

8 Q Are both of the doors open right now?

9 A Uh-huh.

10 Q So they're both coming out here?

11 A Yes.

12 Q All right. You say you were pulled inside the
13 building. Who were you pulled inside the building by?

14 A I don't remember who pulled me inside.

15 Q All right. And you were talking to Brittany Price.
16 This is your friend?

17 A Yes.

18 Q Does she go to Greenville High, too?

19 A She used to. She attends J.L. Mann now.

20 Q Okay. How old is she?

21 A I assume 17.

22 Q All right. How long before you're pulled inside the
23 building? I guess you go outside and see that there's
24 police there, or see blue lights; correct?

25 A Yes.

1 Q How long is that between being pulled in, talking to
2 Brittany --

3 A Between -- probably five minutes.

4 Q Okay. Did you ever talk to a Precious Burnside about
5 this case?

6 A Say that one more time.

7 Q Do you know anybody named Precious Burnside?

8 A Yes, sir.

9 Q Did you ever talk to her about this case?

10 A We've had a conversation.

11 Q Okay. And how old is she?

12 A I don't know.

13 Q All right. How do you know her?

14 A I go to school with her. And I have classes with
15 her.

16 Q Okay. This -- the fight that was on the ground
17 between Lil Ru and Debron, how long did that last before
18 they ran across the street?

19 A It didn't last long, probably a minute or two,
20 probably not even that.

21 Q Okay. Did you see any of that, or were you just --
22 your face -- you got hit. I know you said --

23 A No, I saw it.

24 Q You saw it?

25 A Yes.

1 Q All right. Did -- so it didn't knock you out. You
2 didn't have a bruise, but he hit you pretty hard?

3 A It was a little bit swollen, but I -- he didn't knock
4 me out.

5 Q Okay. Did you tell him, specifically, to leave
6 before that?

7 A Yes.

8 Q How long before you were hit?

9 A Probably a minute, 30 seconds probably.

10 Q All right. So y'all had a -- he didn't walk away
11 then. Y'all had a conversation and then he --

12 A I told him -- me and my friend, Diamante, we was
13 just, basically, telling him and the crowd that was behind
14 him that they needed to leave. And that's when he struck
15 me.

16 MR. KORNFELD: Okay. Thank you, Ms. Palmer.

17 THE COURT: All right.

18 CROSS-EXAMINATION

19 BY MR. HAMILTON:

20 Q I guess my question is, everybody wanted Ronald Brown
21 to leave, and then he was outside; right?

22 A Yes.

23 Q True?

24 A Correct.

25 Q And then so why was -- why would it be a

1 confrontation? He's outside. So what was the -- if you
2 know the answer, the reason the -- for you to go outside?

3 A The reason for me to go outside?

4 Q Uh-huh.

5 A It was to make sure everybody was leaving.

6 Q But they were outside. You --

7 A But they were still in the vicinity of the party.
8 They were still at the community center.

9 Q Did you make that announcement?

10 A Did I make that announcement of what?

11 Q You know, so you came out the doors and you said,
12 now, everybody needs to leave out from here, too?

13 A Yes.

14 Q All right. And you said that to Ronald Brown.
15 That's when he hit you?

16 A Yes.

17 Q Okay. And then you said that the whole party, at
18 some point -- everybody that was at the party took off?

19 A Yes.

20 Q Okay. Was it -- did you see the police cars pull up?

21 A No.

22 Q You never saw the police cars?

23 A No. I saw the police cars when I went back outside
24 to find my mom and my aunt.

25 Q Okay. Do you know when the police were called?

1 A No. I was told that my stepsister, Shania [phonetic]
2 Burgess, had called, and my stepdad, James Young, had
3 called.

4 Q All right. And the first time you saw a police car
5 was after he hit you and --

6 A After he hit me, and all the commotion, after my
7 cousin being chased, I was pulled back inside the
8 building. After talking to my friend, Brittany Price, we
9 went back outside. And we saw the police cars.

10 Q Okay. And then so when you got pulled back into the
11 building, how long were you in the building?

12 A Probably five minutes.

13 Q It wasn't five minutes -- about five minutes. Did
14 you hear sirens?

15 A No.

16 Q So you didn't hear sirens. Do you know what time it
17 was when that happened?

18 A No.

19 Q Okay. When you come back out, where did you go?

20 A To find my mom and my aunts.

21 Q And they -- did you find them?

22 A They were across the street in the parking lot.

23 Q So you immediately come out. And then you went
24 across the street?

25 A Yes. I was looking for them. I was walking around

1 this area.

2 Q Right. And you looked and saw them --

3 A And then I see them across the street.

4 Q And you saw them across the street?

5 A Yes, sir.

6 Q So that's a five-minute period. Because you was
7 inside for five minutes, come back out --

8 A Yes.

9 Q -- looked, crossed the street, and there they were?

10 A Yes.

11 Q And still no police cars?

12 A No. They were out there by then.

13 Q They were out there when you came out after the five
14 minutes?

15 A Yes.

16 MR. HAMILTON: Okay. That's all I have.

17 MS. SALISBURY: No further questions.

18 THE COURT: All right. You can step down.

19 Thank you very much, ma'am.

20 MS. SALISBURY: May it please the Court.

21 The State calls Ms. Diamante Jones.

22 Ms. Jones, if you would, please, come up and be
23 sworn.

24 THE CLERK: Ma'am, if you'll, please, place your left
25 hand on the Bible and raise your right hand..

1 WHEREUPON,

2 DIAMANTE JONES,

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

4 THE CLERK: Thank you.

5 Please be seated.

6 Please state your name for the record.

7 THE WITNESS: Diamante Jones.

8 DIRECT EXAMINATION

9 BY MS. SALISBURY:

10 Q Ms. Jones, how old are you?

11 A 17.

12 Q Are you still in school?

13 A I just graduated.

14 Q Where did you graduate from?

15 A Greenville High School.

16 Q Are you friends with Camilla?

17 A Uh-huh.

18 Q How long have y'all been friends?

19 A About three years now.

20 Q Okay. Do you remember going to her birthday party
21 last year?

22 A Yep.

23 Q All right. Tell us a little bit about what happened
24 leading up to you going to the party.

25 A During the day, I went over there around 6:00 or

1 7:00. We got dressed and everything. Like they said,
2 everybody was enjoying everybody. I met the family.
3 Around 8:10, 8:15, we left to go to the party. Camilla
4 left so she could get dressed and everything. Me and
5 Brittany were still there setting up and all.

6 By the time Camilla got there, you know, people had
7 just started arriving and things got jumping and
8 everything.

9 Q Okay. What do you remember happening that night?
10 What did you see?

11 A As far as how everything got started, I didn't see
12 anything. Now, what I did see was Camilla -- her being my
13 best friend, she's in the bathroom crying. I'm trying to
14 figure out what's going like why is she mad, what's going
15 on.

16 And she's telling me how Lil Ru, basically, started
17 some stuff. And she didn't know what was going on
18 herself. And then she figured it out. She made the
19 announcement, you know, Lil Ru, whoever you are, if
20 you'll, please, leave my party so that we can continue.

21 By that time, you know, everybody said he was gone.
22 And I, myself, told them he's still in the building.
23 Because I knew him for a good period of time. He was
24 close friends with my brother.

25 Q Okay. Now, let me stop you right there. How did you

1 know him? Did you know him to recognize him?

2 A Uh-huh.

3 Q And do you consider him a friend?

4 A Yeah. He was a close friend of my big brother.

5 Q Okay. And how old is he, as you understand it?

6 A At that time, he would be about 18, 19.

7 Q Okay. And had you turned 16 yet?

8 A No. I was 17. I'm, currently, 17 years old. I
9 don't turn 18 until July 3rd.

10 Q Okay. Were you 16 or 17 at the time of the party?

11 A I was 17 at the time.

12 Q Okay. Now, when you saw Ronald Brown -- and you
13 mentioned Lil Ru. Is that how you knew him as Lil Ru?

14 A Uh-huh.

15 Q Okay. Is that the same person?

16 A Uh-huh.

17 Q All right. What did you see happen at that point
18 after the announcement?

19 A At that point, I must have -- you know, I walked up
20 to him like, What's going on?

21 He was like, Oh, nothing. You know, we're just
22 having fun.

23 I was like, Well, can you calm down? Because you're
24 making my friend mad. And it's her party. You need to,
25 at least, respect her and stop doing whatever you're

1 doing.

2 He said, Okay.

3 From that point, we got information that he's still
4 doing it. So Ms. Palmer, Ms. Petrell Palmer, she turned
5 on the lights. And she was like everybody has to leave,
6 you know, because he's not stopping. He's still doing it.

7 Now, at this time, me and Camilla are still in the
8 room where the party was going on. And we heard a
9 commotion between Julian and Ronald. So we quickly went
10 outside. But, by that time, you know, it's like Ronald --
11 Ronald was outside. And Julian was in the front lobby
12 area.

13 So we're like, okay, what's going on? Ronald is
14 still outside, basically, causing a commotion, yelling,
15 saying he's going to get Julian, and he's going to do this
16 and that to Julian, and all this other stuff. By the time
17 we got to go outside, you know, we were just like calm
18 down. Can you leave? Why are you doing this? And all
19 this other stuff.

20 He strikes Camilla. Me, personally, you know, I'm
21 like, okay, you hit her. That's disrespectful for you to
22 even put your hand on a woman. So I strike him. He comes
23 back at me. By this time, Brittany, basically, pulls us
24 apart, you know, to get us two to stop, you know,
25 fighting.

1 After that, we seen Julian on the ground fighting.
2 By the time -- you know, I'm away from everything. I seen
3 Julian -- not Julian, I'm sorry -- Debron running around
4 the building. By this time, me and Camilla both are
5 pulled back into the building. And, you know, we -- I'm
6 looking for my stuff, personally, my phone. Because it
7 was plugged into the wall. Brittany and Camilla were
8 talking.

9 By the time we get outside, my mother, and my
10 brother, and a friend of his are outside talking to the
11 police, along with Ms. Petrell trying to figure out what's
12 going on. And by then, I went home.

13 Q Now, let me back up just a little bit so that I can
14 clear up some of these details. You mentioned that you
15 saw Ronald Brown hit Camilla?

16 A Uh-huh.

17 Q And then you got involved?

18 A Uh-huh.

19 Q All right. Now, when Ronald Brown hit you, did he
20 slap you? Did he punch you?

21 A No.

22 Q What happened?

23 A It's like when he struck at me, he didn't really just
24 strike at me. Because he missed, but he striked [sic] at
25 me.

1 Q Did he swing his fist at you?

2 A Uh-huh.

3 Q Okay. And what do you remember happening then?

4 A By that time, I was swung to the ground by Brittany.
5 She broke us up.

6 Q Now, just so I'm clear. Who is this Brittany person?

7 A (Witness pointed.)

8 Q This Brittany person?

9 A Uh-huh.

10 Q Okay. She pulled you out of the way?

11 A Uh-huh.

12 Q All right. This -- the Defendant in the courtroom,
13 Ms. Brittany Irby?

14 A (Witness nodded.)

15 Q All right. Do you know her?

16 A Not personally.

17 Q How did you know who she was?

18 A By social network.

19 Q Okay. So do you remember seeing her at the party
20 that night?

21 A Not that night. At that moment, when she broke us
22 up, yes, I seen her.

23 Q Okay. So after you got pulled to the ground, what
24 did you see?

25 A When I got pulled up and I got back up, I seen Debron

1 on the ground fighting, basically, more people attacking
2 him, then him getting up and running around the building.

3 Q Okay. How many people did you see?

4 A Me, personally, I would say about five to 10 people.

5 Q Were all of these people fighting Debron?

6 A Uh-huh.

7 Q All right. And after Debron was able to get up and
8 run away, is that when you went back inside?

9 A That's -- yes. That's when I went back inside.

10 Q Okay. Did you see any other fighting --

11 A No.

12 Q --- the rest of the night?

13 A No.

14 Q Okay. In front of you, you've got a couple of
15 pictures of the scene. Do you recognize what's in these
16 pictures?

17 A Uh-huh.

18 Q Is that what the center looked like that night?

19 A Yes.

20 Q Okay. Could you help the jury understand using
21 either one of these pictures, whatever is better for you,
22 where you were when this fight was happening?

23 A I was in this area right here.

24 Q Were you underneath that awning?

25 A Uh-huh.

1 Q Okay. And do you remember seeing Brittany Irby
2 underneath that awning with you?

3 A She was on the curb.

4 Q Okay. And how many people were outside underneath
5 the awning at this point?

6 A The whole party.

7 Q Which was about how many?

8 A Like 120 or more.

9 Q Do you think it was about -- more than a hundred
10 people?

11 A Yes.

12 MS. SALISBURY: Okay. Ma'am, if you would, answer
13 any questions that Mr. Kornfeld or Mr. Hamilton may have
14 for you.

15 CROSS-EXAMINATION

16 BY MR. KORNFELD:

17 Q Ms. Jones, did you say earlier that -- your friend
18 Brittany or this Brittany --

19 A Brittany Price. I'm sorry.

20 Q Brittany Price?

21 A Uh-huh.

22 Q And that was who's friends with Camilla?

23 A (Witness nodded.)

24 Q All right. And you're friends with Brittany Price as
25 well?

1 A Yes, sir.

2 Q All right. She was trying to break this fight up?

3 A No. Brittany Elmore broke me and Ronald Brown up.

4 Q Brittany Elmore?

5 A Well, whatever her last name is. She broke me and
6 Ronald Brown up.

7 Q Is Brittany Elmore to you the same person as Brittany
8 Price?

9 A Brittany Price is a different person. She's not in
10 this courtroom at the moment.

11 Q All right. So there's two Brittany's here. There's
12 Brittany Elmore and there's Brittany Price; is that right?

13 A (There was no response.)

14 Q Is that right?

15 A Yes.

16 Q All right. I'm just trying to figure it out.

17 All right. So you've got Brittany Elmore. And she
18 breaks up the fight. And Brittany Price is Camilla's
19 friend?

20 A Uh-huh.

21 Q Who's, also, your friend?

22 A Uh-huh.

23 Q Is Brittany Elmore your friend?

24 A No. Brittany had broke me and Ronald Brown up.
25 She's not in this court right now. I don't know her last

1 name. I assumed it was Elmore.

2 Q Okay. So she broke the fight up?

3 A Uh-huh.

4 Q All right. Do you know her?

5 A No. The Brittany over there?

6 Q Yes.

7 A Personally, no.

8 Q How do you know her?

9 A Social network.

10 Q All right. After that -- after she pulls you back
11 and this fight is broken up, do you go outside?

12 A We're still outside.

13 Q You're still outside. So this is all happening
14 outside. When they run, what happens at that point? Do
15 you --

16 A When Debron runs -- by that time, I realized he ran.
17 But I'm thinking he's just running to get away. In my
18 head, it's more people rather than the five or 10 that was
19 jumping him. So I'm figuring people are just running
20 because they see a weapon, or something.

21 Q All right. And when you got -- did you get pulled
22 back inside with Camilla --

23 A I myself went back inside, as I said.

24 Q Were you with Camilla?

25 A Uh-huh.

1 Q All right. So y'all go back inside. Whoever -- she
2 gets pulled in. Y'all go back inside at that time?

3 A Uh-huh.

4 Q And are people coming out of the -- all right. I'm
5 trying to get the timing on this right. Are people coming
6 out of these doors at that time or --

7 A No people are around --

8 Q They're already out?

9 A Uh-huh.

10 Q All right. And you said -- tell me again. I'm
11 sorry. I can't remember. You said it was how long
12 between that time when the fight was broken up, you go
13 back inside until the police come?

14 A Five or seven minutes.

15 Q All right. Did you see her before that time?

16 A No.

17 MR. KORNFIELD: Ms. Jones, I don't believe I have any
18 further questions for you.

19 THE COURT: Mr. Hamilton, have you got any questions?

20 CROSS-EXAMINATION

21 BY MR. HAMILTON:

22 Q Ms. Jones, I am a little confused about the crowd of
23 people. And I'm just going to refer to State's Exhibit --

24 MR. HAMILTON: Your Honor, may I approach?

25 THE COURT: Yes.

1 BY MR. HAMILTON:

2 Q State's Exhibit Nos. 1 and 2. And we already talked
3 about the whole party is, basically, out of the building
4 at this time?

5 A Uh-huh.

6 Q And it's kind of two crowds; right? And then you've
7 got -- the further door here is the crowd right there;
8 right? And then a little bit -- right here, there is a
9 crowd?

10 A Uh-huh.

11 Q All right. Now, you were in this crowd right here?

12 A In this area which is right here --

13 Q Right.

14 A -- is where I was.

15 Q You was right there?

16 A Uh-huh.

17 Q And there was some people right here. Okay. And
18 then you got hit. And it broked [sic] up. But then what
19 happened after you got up? You got up or you got -- what
20 happened after you got hit?

21 A After I got broken up, that's when I seen Debron in
22 this area here.

23 Q Right.

24 A And by that time, he had got gotten up and ran around
25 the back.

1 Q All right. So which way did you go?

2 A In that direction towards the door.

3 Q And everybody went that way?

4 A No.

5 Q Oh, just a few?

6 A No. Me and Camilla ourselves went into the building.

7 Q Okay. You went into the building, but everybody
8 else -- the crowd -- did people just stand there or --

9 A Yes. People were just calling their rides, standing
10 there --

11 Q They're standing there --

12 A -- and then the crowd that was following Debron went
13 in the opposite direction --

14 Q Okay. There was a crowd. But still -- now, you went
15 inside. There was still a crowd. There was still a crowd
16 at that point. And then there was a crowd that left?

17 A Uh-huh.

18 Q So that's -- all right. Well, that's clearer for me.
19 And then when you came back out --

20 A That's when the cops, and my mother, and my
21 brother --

22 Q All right. And you didn't hear any sirens?

23 A No.

24 Q But when you came back out, how long had you been
25 inside?

1 A Five, six, seven minutes.

2 Q And then -- five minutes. Is that a short time or
3 long time to you?

4 A Either or.

5 Q It wasn't long?

6 A No, it wasn't.

7 Q What -- how do we figure out how much time you was on
8 the inside? Because what I want you to help me figure out
9 is when the police come. When you was on the inside --

10 A I mean, the police could have arrived by the time we
11 got in there. At that moment, I wasn't paying attention.

12 Q Right.

13 A Because when I seen Debron get up and run, I figured
14 someone had a weapon for all those people to just
15 anonymously run.

16 Q Right. But anybody that had been in the party had
17 been patted down, so there wasn't no weapons.

18 A But other people arrived after the fact.

19 Q Right. Okay. So you was inside for about five
20 minutes. You come back out. And police were there?

21 A (Witness nodded.)

22 Q All right. Where -- when you saw the police, did you
23 see a police car?

24 A Uh-huh.

25 Q Did you see a policeman?

1 A Yes.

2 Q Okay. Where did you see him when you saw him? Was
3 he getting out of the car or --

4 A He was talking to Ms. Petrell about what had
5 happened.

6 Q So when you come back out, the police was talking to
7 somebody?

8 A (Witness nodded.)

9 Q So he -- so you couldn't tell he was there before you
10 went in. But when you come out, he was out of his car
11 talking with somebody about what had happened. And who
12 was that policeman talking to?

13 A Ms. Petrell.

14 MR. HAMILTON: Okay. That's all I have.

15 THE COURT: Anything else?

16 MS. SALISBURY: Very briefly, Your Honor. Very
17 briefly.

18 THE COURT: All right.

19 REDIRECT EXAMINATION

20 BY MS. SALISBURY:

21 Q Just to be clear, I want to talk to you about your
22 friend, Brittany Price, and who you know to be another
23 Brittany.

24 A Uh-huh.

25 Q Who is Brittany Price?

1 A Brittany Price is a friend that I've, also, known for
2 three years.

3 Q Okay. Did you go to school with her?

4 A At Greenville High School.

5 Q All right. Now, do you know the Brittany that's
6 sitting in the courtroom today?

7 A Personally, no.

8 Q Okay. Do you know what her last name is?

9 A No.

10 Q All right. How do you know of her?

11 A I know her face personally.

12 Q Do you --

13 A I've seen her in the streets. I know her socially.
14 That's as far as it is.

15 Q If you saw her, you would know her as Brittany and
16 that's about it?

17 A Uh-huh.

18 Q Okay. Do you remember seeing her at -- underneath
19 the awning --

20 A When I got up, I realized who -- because I wanted to
21 know who threw me down. So when I looked up, I glanced.
22 And then I looked in the other direction at Debron.

23 Q Okay. So when Ronald Brown swung at you and someone
24 pulled you away, is the Brittany in the courtroom the
25 person that pulled you away?

1 A Yes.

2 MS. SALISBURY: All right. I don't have any
3 additional questions.

4 THE COURT: All right. Thank you.

5 You can step down.

6 Let me talk to the lawyers for a second.

7 (WHEREUPON, a bench conference was held.)

8 THE COURT: All right.

9 MS. SALISBURY: May it please the Court, Your Honor.

10 The State calls Ms. Yolanda Belton.

11 Ms. Belton, if you would, please, come up and be
12 sworn.

13 THE COURT: Who is this? I didn't hear.

14 MS. SALISBURY: Your Honor, this is Ms. Yolanda
15 Belton.

16 THE COURT: All right.

17 THE CLERK: Ms. Belton, please, place your left hand
18 on the Bible and raise your right hand.

19 WHEREUPON,

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

22 THE CLERK: Thank you.

23 Please be seated.

24 State your name for the record.

25 THE WITNESS: Yolanda Belton.

1 THE CLERK: Thank you.

2 DIRECT EXAMINATION

3 BY MS. SALISBURY:

4 Q Good afternoon, Ms. Belton.

5 Do you live here in Greenville?

6 A No, ma'am.

7 Q Where do you live?

8 A Columbia, South Carolina.

9 Q And what is your relationship with the Palmer family?

10 A Well, we have known each other as close friends for
11 over 20 years. We've grown a bond of sisterhood, and
12 kids, and nephews, and nieces now.

13 Q Okay. Now, do you have any children?

14 A I have one, Dalvin Belton, the one that -- he's not
15 present today. But he was at the scene.

16 Q Okay. And how did you come to be at this party?

17 A Well, Camilla was having a sweet 16. We were all
18 talking as sisters. Neither one of us had a sweet 16
19 party, so we were going to try to relive it through her.

20 But, again, we were invited to come down for the
21 weekend. So we made it in about, what, that Saturday
22 afternoon. And we started helping prepare for that later
23 on that evening.

24 Q Okay. And what was your role at the party? What
25 were you tasked with doing?

1 A I was manning the food and the punch. I was already
2 at the back of the back room. Everything was like in
3 front of me, even the hallway from the back end of the
4 room leading out to everything. I was the one fixing the
5 food and drinks, actually.

6 Q Okay. Were you at the party the whole time?

7 A Yes, ma'am.

8 Q All right. What do you remember happening?

9 A Well, again, we were -- well, I was in the room
10 fixing food and drinks. So I wasn't really looking at the
11 activity on the floor, on the dance floor. What caught my
12 attention is the lights turned off. And, again, it was
13 quoted, who's ever doing improper acts, please, stop or
14 you will be asked to leave.

15 So about a good five minutes, six, seven minutes
16 while that announcement is being made and then they were
17 turned back on. And so I just went back down. Because,
18 again, my head was mostly down fixing, and making sure no
19 one is in that area besides the correct chaperones.

20 So the second time, the party went out -- I mean the
21 lights went on, they were then calling the Lil Ru guy, you
22 have to go. Who's ever in your party, they must leave as
23 well.

24 So while I was back there in the back, a lady came up
25 to me. Again, now knowing that her name was Brittany

1 stating that if -- I was like -- so I was making the
2 announcement on the back end as well, Anyone with Lil Ru
3 or whoever came with Lil Ru, y'all need to leave. So she
4 walks up to me stating that, Do I need to leave?

5 I was like, Well, are you with him?

6 Well, I have his jacket.

7 I said, Well, you need to leave.

8 Q Now, did you know who that person was at the time?

9 A I don't know who anyone is, except Camilla and who my
10 party was.

11 Q Okay. Did you know who Lil Ru was?

12 A No, ma'am.

13 Q Do you recognize the person that asked you that
14 question about having to leave in the courtroom today?

15 A Yes, ma'am.

16 Q Can you identify her for the jury?

17 A Ms. Brittany Irby, now that I know first and last.

18 Q Is this the Defendant in the courtroom?

19 A Yes, ma'am.

20 Q All right. So how -- at what point during the
21 commotion did you have that exchange with this Defendant?

22 A This was after the second time where the lights
23 stayed on a little longer than the first occurrence that
24 we can see a little better. And we were, again, trying to
25 get everybody that was a part of that to leave.

1 So, again, it was a longer time of the lighting
2 issue. And it was within five minutes, she walked up to
3 me. Because I was, again, the only one really at that
4 that point still back there.

5 So she was like, Well, do I need to leave?

6 And I was like, Well, yes.

7 And she had a couple of friends with her as well.

8 Again, I don't know who they are. I don't know what their
9 names are --

10 Q Now, after that conversation, is that when the lights
11 went down again and the party continued for a little bit
12 longer?

13 A A little bit longer. And then definitely at the end,
14 the lights were -- stayed on permanently. And everybody
15 was asked -- everyone was asked to leave, not just that
16 particular group.

17 Q So was this conversation that you had with the
18 Defendant while the party was still going on?

19 A That is correct.

20 Q Okay. Now, what do you remember -- what did you do
21 when the real commotion started? What happened?

22 A Well, as far as what I recall -- again, I'm still the
23 one back -- it was me and Shania at the time. Shania,
24 again, was one of the persons helping chaperone and do the
25 food, as well as drinks. But, after a while, we just

1 noticed the whole room just swoosh. So we were like what
2 was going on -- what's going on?

3 So by then is when we made it up to the front. And,
4 as far as I know, when I walked outside -- because that's
5 where everyone was at that point. Me and my family --
6 where is so and so? Where is this? Where's -- who is
7 this? Where are they? And then, again, it was -- the
8 only one that wasn't accounted for was my nephew.

9 Q Did you see any of the fighting?

10 A No, ma'am.

11 MS. SALISBURY: All right ma'am. If you would,
12 answer any questions that Mr. Kornfeld or Mr. Hamilton may
13 have for you.

14 THE WITNESS: Yes.

15 CROSS-EXAMINATION

16 BY MR. KORNFIELD:

17 Q And it sounded like -- you're saying that -- you're
18 positive that you talked to this lady?

19 A That is correct.

20 Q And it sounded like she asked you as a question -- if
21 we believe your statement, that she asked you in a nice
22 voice, Do I need to leave? Is that correct?

23 A That's correct.

24 Q All right. Did she seem belligerent at that time?

25 A No, sir.

1 Q All right. Do you remember what she was wearing?

2 A No, sir.

3 Q Had you ever seen her before?

4 A No, sir.

5 Q Have you ever seen her since?

6 A On paperwork from the detectives, or Facebook, or a
7 website through the news it was posted --

8 Q Okay.

9 A -- of who the victims -- I mean whoever -- the
10 suspects.

11 Q And how many people do you say were at the party?

12 A Again, I was really the only one in the back room.
13 But, by the time I got outside, it looked like over 150 to
14 me.

15 Q Okay. And do you know -- well, who else -- did you
16 see her leave, or anything like that?

17 A No, sir.

18 Q Did you see her at any time before that point?

19 A I wasn't paying no attention, no, sir, until she
20 approached me.

21 Q All right. You said you were in the back. You were
22 at the punch. I'm trying to envision it. You were at the
23 punch station?

24 A The food and drinks table.

25 Q And you didn't see any of the actual altercation back

1 there?

2 A No, sir.

3 Q All right. What was the makeup of the party as far
4 as male/female? Do you remember?

5 A Do you mean the ratio between the two?

6 Q Yeah. You don't know?

7 A As far as my party, I can speak on, you know -- but
8 who came uninvited, I cannot.

9 Q Okay. You said you saw my client there. And you
10 said that she had to leave if she knew -- if she had Lil
11 Ru's jacket. Do you remember -- was she wearing glasses?

12 A At that time, again, I can't recall to be exact.

13 Q What was her hair like at the time?

14 A It was in smaller braids. It's gotten a little
15 longer. Again, this has been a year ago. But, again, I
16 can't exactly recall. Because I didn't spend as much time
17 looking into her and studying her.

18 Q When you say "smaller braids," was it -- does that
19 mean that it was -- the actual braids were smaller and
20 it's long, or it's shorter? When you said it's gotten
21 longer, I -- I'm confused. I don't know much about
22 braids.

23 A Okay. Well, just scratch that. No, sir. I cannot
24 remember how her hair was styled that night.

25 Q All right. Do you remember seeing anybody else that

1 talked to you and asked if she had to leave? Did anybody
2 else ask you that?

3 A No, sir.

4 Q All right. Did you have any more of a conversation?

5 A No, sir.

6 Q How long was the meeting between you?

7 A Within 10 seconds for me to get out and state, If you
8 are with him, yes, you need to leave.

9 Q All right. And you saw her for 10 seconds. And
10 you're sure today that you talked to my client?

11 A Yes, sir. I remember faces. And, again, since the
12 incident of my only nephew, I kind of -- things like that
13 stick.

14 MR. KORNFELD: Thank you, Ms. Belton.

15 THE WITNESS: Thank you.

16 THE COURT: Mr. Hamilton.

17 CROSS-EXAMINATION

18 BY MR. HAMILTON:

19 Q Ms. Belton, I want you to try to remember, too, that
20 10-second interval. Now, you got there at the party early
21 to set up stuff; right?

22 A No, sir. I arrived along with Petrell and my sister,
23 Lakysha, the victim's mother, a little later after the
24 first group had already left.

25 Q Okay. So you got there what time?

1 A A little after 8:00, 8:20, 8:15, 8:30.

2 Q Could it have been later? 9:00?

3 A No. It wasn't -- I know it was before 9:00.

4 Q Was it dark?

5 A Yeah. At that time, it was daylight savings. So it
6 was, actually, getting dark around 6:00, 7:00 that
7 evening.

8 Q Daylight savings gets dark at 7:00 and 8:00.

9 A Okay. So no later than 8:00, 8:30, not after 9:00.

10 Q Okay. I'm not -- I'm just trying to figure this out
11 about what time the party stopped and when you saw this
12 person. It was --

13 A So that was around -- again, I guess when she
14 approached me in reference to the jacket?

15 Q Uh-huh.

16 A I can say around a quarter till 9:00.

17 Q Quarter till 9:00. Not 8:45?

18 A Somewhere around there, yes, sir.

19 Q And that's because -- yeah. And it's not necessarily
20 the jacket but when the party -- at that time, the party
21 was ending [sic] about 8:45?

22 A Uh-huh.

23 Q You got there late.

24 A Uh-huh.

25 Q The party had already started before you got there.

1 You got there late. And how soon after you got there was
2 it, hey, the party is over with? Was it a shock to you?

3 A No. It was a good hour after I arrived before the
4 party was fully closed out.

5 Q Okay. So you had been there an hour?

6 A Yes.

7 Q And you got there late?

8 A Which was a little after 8:00, again. That is
9 correct.

10 Q All right. And so -- and then the party was over.
11 Did you go outside?

12 A After everything was over with.

13 Q Did you see a crowd?

14 A Yes. After the whole occurrence. Because, again,
15 everyone was just outside dispersed.

16 Q Everybody that was in the party was now outside?

17 A Again, I didn't get a chance to get out there by the
18 time the crowd had accumulated out front. No, sir. I was
19 still in the building by then.

20 Q Okay. Did you talk to the police out there?

21 A No, sir.

22 Q Did you see the police?

23 A Yes, sir.

24 Q How many cars did you see?

25 A I seen possibly two. And they were in the drive --

1 parking lot where they found my nephew at, yes, sir.

2 Q Did you see any cars in the front of the building?

3 A No, sir.

4 Q Do you remember --

5 MR. HAMILTON: And, Judge, if I can show her this.

6 BY MR. HAMILTON:

7 Q State's Exhibit No. 2. And there's a parking lot, a
8 drive, the street there. Did you see any cars?

9 A Not in the parking lot of the community center, only
10 across the street.

11 Q Okay. And the people you saw, were they in the car,
12 or were they walking around talking to people?

13 A There were -- actually, two standing right at the
14 front of the parking lot. They would not allow any of us
15 to pass.

16 Q But nobody was over at the community center?

17 A At that point, I wasn't sure, sir.

18 MR. HAMILTON: Okay. Thank you.

19 That's all I have, Judge.

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

21 THE COURT: Thank you.

22 You can step down.

23 THE WITNESS: Thank you.

24 THE COURT: All right. Ladies and gentlemen, we're
25 going to break for the evening. And I'll ask you all to

1 be back at 9:30 in the morning.

2 We'll try to be a little more prompt when we start.
3 We had to handle some matters before lunch -- or after
4 lunch.

5 So I want to remind you that you've sworn an oath not
6 to discuss this case. And that involves going -- looking
7 at newspapers, going on the Internet, talking to people.
8 And remember when -- and I'll tell you, it's human nature
9 that people who are going to -- that you're going to see
10 this evening are going to want to know. And they're going
11 to ask you. You all know that. We all know it. You
12 cannot talk to them about it. And if they persist, just
13 tell them, look, this is why, you know. I've sworn an
14 oath. And I want to remain fair and impartial. And I
15 appreciate your interest. And we'll talk about it when
16 it's all over. So just remember that.

17 Don't go on social media. There's been some
18 testimony about that. Do not do it. Because what happens
19 is if there's a violation like that, then we end up having
20 to retry the whole thing. Okay.

21 So y'all have a good night. And we'll see you at
22 9:30.

23 One other thing before you go. When you get here in
24 the morning, see if y'all can elect a Foreperson out of
25 the first 12. And the Foreperson is the spokesperson in

1 the courtroom, if that's necessary, and the moderator of
2 your deliberations at the end of the trial. If y'all can
3 do that, that would be great. I'd like to give you an
4 opportunity. If you can't, somebody will figure it out
5 for you.

6 (WHEREUPON, the jury was excused from open court at
7 approximately 5:18 p.m.)

8 THE COURT: All right. I have some concerns with the
9 camera. We are not -- you are not to follow people around
10 the courtroom. It's distracting. You can set it up, look
11 at the -- have it on the witness. But you're not to
12 follow people around in the courtroom during the
13 proceedings.

14 I'm, also, a little concerned about where it is set
15 up, that some of the jurors may be visible. And I
16 instruct you that they are not to be filmed.

17 THE CAMERAMAN: I have not.

18 THE COURT: Okay.

19 THE CAMERAMAN: And I'm sorry about -- I'm sorry
20 about following them around.

21 THE COURT: That's all right.

22 THE CAMERAMAN: It was when -- it was only when the
23 juveniles were on the stand. I didn't want to shoot the
24 juveniles.

25 THE COURT: Well, there hasn't been a juvenile yet --

1 well, maybe there was one. But if that's the case -- but
2 it just cannot be distracting.

3 THE CAMERAMAN: Okay. That's fine. Yes, Your Honor.
4 I agree.

5 THE COURT: Okay. Anything before we break?

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

7 THE COURT: All right. See y'all at 9:30.

8 (WHEREUPON, the proceedings were concluded at
9 approximately 5:19 p.m., to be reconvened on
10 Tuesday, June 10, 2014.)
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TUESDAY JUNE 10, 2014

THE COURT: Bring the jury in.

MR. WESTON: Excuse me, Your Honor. Before you bring the jury in, there are a couple brief sort of administrative housekeeping matters we wanted to try to take up with the Court.

THE COURT: What?

MR. WESTON: Number one, Your Honor, the State has pre-marked the aerial photograph of the west end area, and that includes the incident location as State's Exhibit No. 19. We're prepared to have an officer testify and authenticate it.

I did not know whether the Defendants -- we have not had an opportunity to talk. Mr. Hamilton and I talked briefly about it. But I've not had an opportunity to talk with defense counsel about any concerns or objections they have. Obviously, it does not depict any individuals. It's just an aerial. It gives the incident location for purposes of --

THE COURT: Any objection to the introduction of this document?

MR. HAMILTON: I would have none, Judge. Wilson doesn't have --

MR. WESTON: And we'll formally do it. But I just -- if there was a problem, I wanted introduce it to get it

1 out of the way.

2 (WHEREUPON, an off-the-record discussion was held
3 between Mr. Weston and Mr. Kornfeld.)

4 MR. WESTON: If you want me to get a maps guy to come
5 over here and testify --

6 THE COURT: No. I'll take judicial notice of it.

7 MR. HAMILTON: Thank you, Your Honor.

8 THE COURT: What else -- what other administrative
9 stuff?

10 MR. HAMILTON: The other administrative stuff, Judge,
11 is that he indicated that he's going to call all of the
12 juveniles, and that he may not call them all. And our
13 problem is, Judge, that we were relying on them being
14 subpoenaed and being here. We couldn't get a subpoena to
15 them. But they are here. And if he do not call all of
16 them, the certain ones that I think would benefit my case,
17 then --

18 THE COURT: Are you asking -- are they here? Are
19 they incarcerated? Where are they?

20 MR. HAMILTON: They are here, but -- and they're
21 incarcerated and here. They were brought up in separate
22 cars. And if he don't call them and they send them back,
23 that would put us at a disadvantage. Because we don't
24 have the ability to get them back. And I just need to put
25 the efforts -- make sure that they are available for

1 testimony.

2 MR. WESTON: And, Your Honor, obviously -- and bottom
3 line, Your Honor. We will do whatever is necessary to
4 make them available. We understand they can't bring them
5 up here themselves. They are -- if we don't call -- we
6 anticipate they'll be called this afternoon.

7 THE COURT: Okay.

8 MR. WESTON: If they are not -- if any individual is
9 not called, we will make sure that they are still here at
10 the detention center. And if they give us some notice as
11 to who they want ahead of time, we can make arrangements
12 to have that person brought up here. We understand --

13 THE COURT: Maybe you can give them notice who you're
14 going to call. And they can see if there's some
15 discrepancy --

16 MR. WESTON: All right. Can we do that --

17 THE COURT: Yes. We'll do that --

18 MR. WESTON: -- because --

19 THE COURT: -- at a later time.

20 MR. HAMILTON: And one further matter, Judge. The
21 Court has had an opportunity to listen to the effect of
22 the word "gang" being used. And I would like to ask the
23 Court that any further reference to it would be improper.
24 And that it implies that my client is part of a gang. And
25 there's no evidence that a gang existed. In fact, the

1 Solicitor's Office has already --

2 THE COURT: Well, let me just say this. The word
3 "gang" was used. It was not objected to. No one has said
4 anything about your client and whether or not it's -- you
5 know, we'll cross that bridge when we come to it. We're
6 not there yet.

7 MR. HAMILTON: Yes, sir.

8 THE COURT: Anything else?

9 MR. WESTON: The State is ready to proceed, Your
10 Honor.

11 THE COURT: All right. Let's get the jury.

12 (WHEREUPON, the jury came into open court at
13 approximately 9:58 a.m.)

14 THE COURT: Welcome back, ladies and gentlemen.

15 And, Mr. Roberts, I appreciate you agreeing to serve
16 as Foreperson.

17 Okay. Call your next witness.

18 MR. WESTON: Your Honor, the State would call
19 Mr. Jared Mann.

20 THE CLERK: Sir, if you'll, please, place your left
21 hand on the Bible and raise your right hand.

22 WHEREUPON,

23 JARED MANN,
24 after first having been duly sworn, testified as follows:

25 THE CLERK: Thank you.

1 Please be seated.

2 Please state your name for the record.

3 THE WITNESS: Jared Mann.

4 THE CLERK: Thank you.

5 DIRECT EXAMINATION

6 BY MR. WESTON:

7 Q Officer Mann, with whom are you employed?

8 A Greenville City Police Department.

9 Q And approximately how long have you been with the
10 Greenville City Police Department?

11 A Almost five years now.

12 Q And what is your rank, sir?

13 A Police officer II.

14 Q And, generally, what are your duties?

15 A I'm assigned to uniform patrol. I kind of answer
16 calls that I'm dispatched to, anything from traffic
17 accidents to domestic disputes, those kinds of things.

18 Q And I'll go to -- let's go straight to April 20th of
19 last year. Was there a specific area of the city to which
20 you were assigned on that date, or evening?

21 A I was assigned to what the city calls Delta B, which
22 is the west side of Greenville, the area of Pendleton
23 Street all the way down to Perry Avenue. Academy is
24 included in that and some of the west end of Greenville,
25 the downtown area.

1 Q And what shift were you working?

2 A I was on the night shift at the time.

3 Q All right. And did you have an occasion to respond
4 to an incident that was later determined to be at the
5 West End Community Center at about 10:00, 10:30 that
6 evening?

7 A Yes, sir.

8 Q And where were you coming -- where were you when you
9 got the call, just what part of town?

10 A I believe I was in the area of Pendleton Street on
11 the other side of Academy heading towards Lois Avenue, the
12 Woodside area.

13 Q And about how long did it take you to get there once
14 you got the call?

15 A According to the dispatch, it took approximately two
16 minutes.

17 Q All right. And what was the nature of the call?

18 A From what I recall, we were responding to a
19 disturbance involving a large crowd of people, possibly
20 juveniles in relation to a birthday party, a party of some
21 kind.

22 Q All right. I'm going to ask you to step over here to
23 the left for -- to your left for a moment, and ask you do
24 you recognize this map?

25 A I do.

1 Q And what is -- what does it, generally, depict?

2 A The south end of Greenville -- west end of Greenville
3 downtown, the -- what the city would call the central
4 business district. It includes the ball field and several
5 churches.

6 Q Okay. Would this be where the Greenville Drive play?

7 A Yes, sir.

8 Q And is this Greenville High School?

9 A Yes, sir.

10 Q All right. And you've patrolled this district for a
11 number of years?

12 A About two or three.

13 Q All right. And, as far as you can tell, is this an
14 accurate depiction of the buildings, streets, and general
15 layout of the area surrounding the Greenville Drive
16 stadium and Greenville High School?

17 A Yes, sir, it is.

18 MR. WESTON: Your Honor, the State would offer this
19 as State's Exhibit No. 19.

20 THE COURT: All right. Any objection?

21 MR. HAMILTON: No objection.

22 MR. KORNFELD: None, Your Honor.

23 THE COURT: All right.

24 (WHEREUPON, State's Exhibit No. 19 was marked for
25 identification and admitted into evidence.)

1 BY MR. WESTON:

2 Q I'm going to ask you if you would step down. And I'm
3 going to move this up just a little bit so all the jurors
4 can see --

5 Yes, sir. If you would, just step over there.

6 Now, would you tell the jury where -- or how did
7 you -- well, let me, first -- I'm sorry. Let me first get
8 some markers.

9 Do you -- you see the Greenville Drive stadium; is
10 that correct?

11 A Yes, sir.

12 Q Do you know where the -- can you identify the West
13 End Community Center on the map?

14 A Right here.

15 Q And is -- this little black piece jutting out right
16 here, is that the awning that comes out over the front of
17 the driveway?

18 A Yes. It's where the -- I would assume the main
19 entrance is.

20 Q All right. And that is located facing Vardry Street;
21 is that correct?

22 A Yes, sir.

23 Q All right, sir. Would you show the jury how you
24 arrived on the scene, what direction you came from?

25 A I was coming from -- Vardry Street turns into

1 Pendleton Street after the intersection of South Main. So
2 I was coming from this direction of Pendleton Street.
3 Usually, if we've got a large crowd and several officers
4 are responding, we'll kind of canvas the area. At the
5 time, we just knew there was a large crowd, a possible
6 disturbance.

7 Myself and another officer were riding together in
8 another car. We came down Arlington Avenue. At that
9 time, we could see several subjects running. We didn't
10 know who they were or what they were all involved in. A
11 resident at a house that's not pictured on the map got out
12 and flagged us down and stated that there were several
13 juveniles hiding behind her house in the area of these
14 buildings and alleyways that are, also, not quite in the
15 picture.

16 Q Excuse me, Officer. I apologize for interrupting. I
17 just want to make sure we set the scene for the jury.

18 Now, this is about 10:30 at night; is that correct?

19 A Yes, sir, the early part of 10:00.

20 Q And, at this point, do you know exactly what you're
21 responding to, or who you're looking for, or what you're
22 looking for?

23 A No. We just know it's a disturbance. We don't know
24 what kind. We just know that there's a large group of
25 people. And, like I said, we're all in the area

1 attempting to determine what's going on. We're not sure.

2 Q All right. So once you were flagged down by this
3 individual -- was it a person who lived in the house?

4 A Yes.

5 Q Basically, they came out of their house and flagged
6 you down?

7 A Yes. They came out of their house, stated that they
8 heard some -- you know, a disturbance. And that they had
9 seen kids that were -- kids I believe was her word that
10 were behind her house, and stated that they were hiding.

11 Q So what did y'all do, you and your partner?

12 A Myself and the other officer exited our vehicle. And
13 we began walking behind these buildings. We didn't locate
14 anybody, initially, but did hear somewhat of -- some
15 shouts and stuff going on, which seemed to be coming from
16 the direction of this parking lot.

17 So we passed through an alleyway and observed a group
18 of people in the parking lot that we then attempted to
19 make contact with.

20 Q All right. And I'm going to show you what has been
21 pre-marked as State's Exhibit No. 6, and ask you, do you
22 recognize this picture? And, if you do, tell the jury
23 what it depicts. And if you'd just -- well, don't show it
24 to the jury yet.

25 A I do recognize the picture.

1 Q What does it depict?

2 A It depicts the area, somewhat of an alleyway
3 behind --

4 Q Excuse me, sir. If you would, just show how it --
5 what it depicts on that map so the jury can see what
6 you're talking about. But don't show the picture yet.

7 A Right. There are -- these buildings -- this line of
8 buildings continues up just a little ways. And there's an
9 alleyway between the buildings and the house where the
10 resident flagged us down. And it's through that alleyway
11 that myself and the other officer passed. And that's what
12 this picture depicts.

13 Q Now, is the picture taken from behind the house or
14 from the parking lot?

15 A It's taken from the parking -- from this parking lot.
16 And it does include the back of the house.

17 MR. WESTON: Your Honor, the State would offer this
18 as State's Exhibit No. 6.

19 THE COURT: Show it to them.

20 MR. HAMILTON: No objection.

21 MR. KORNFELD: No objection.

22 THE COURT: All right.

23 (WHEREUPON, State's Exhibit No. 6 was admitted into
24 evidence.)

25 MR. WESTON: Permission to publish to the --

1 THE COURT: Yes, sir.

2 MR. WESTON: Thank you, Your Honor.

3 BY MR. WESTON:

4 Q Before you -- if you would, just hold it up for the
5 moment. And I'm going to let you give it to the jury in a
6 moment. Just show the jury how y'all came into the
7 parking lot.

8 A Myself and the other officer had passed behind this
9 yellow house in this corner here. And we had passed
10 behind this building. And then this was the easiest entry
11 point into the parking lot where we heard the disturbance.
12 So we passed between the wooden fence in the picture and
13 this brick building here.

14 Q All right, sir. Would you -- thank you, sir.

15 Now, I want to show you what has been pre-marked --
16 what have been pre-marked as State's Exhibit Nos. 10, 11,
17 nine, eight, and seven, and ask you to take a look at
18 these pictures. And tell the Court what they depict, if
19 you recognize them. And, once again, do not show them to
20 the jury, yet, please.

21 A These pictures depict several perspectives of the
22 parking lot where --

23 Q And would you point to the picture there -- I mean
24 the large map, and show the jury what parking lot and what
25 we're talking about?

1 A The pictures I have here depict this parking lot,
2 specifically, this area in general from different
3 perspectives. They start here on Vardry Street down the
4 parking lot towards Arlington Avenue. And then -- and
5 they get closer to where we saw the group of individuals,
6 including the subject on the ground.

7 MR. WESTON: All right, sir. Thank you, sir.

8 Your Honor, the State would offer State's Exhibit
9 Nos. 7 through 11, the pictures as described by the
10 officer, into evidence at this time.

11 THE COURT: Any objection?

12 MR. HAMILTON: No objection from Wilson.

13 MR. KORNFELD: None, Your Honor.

14 THE COURT: Okay.

15 (WHEREUPON, State's Exhibit Nos. 7, 8, 9, 10, and 11
16 were admitted into evidence.)

17 MR. WESTON: Permission to publish, Your Honor.

18 THE COURT: Yes, sir.

19 MR. WESTON: Thank you, Your Honor.

20 BY MR. WESTON:

21 Q Now, Officer Mann, as you -- show the jury -- just
22 use your finger, I guess, to show them how you came into
23 the parking lot, you and your partner.

24 A As I said before, we came between the last row -- or
25 the last building on this row and the parking lot. We

1 came in from the side here. And we observed the subjects
2 around the area of this street. And that's how we came
3 into the parking lot.

4 Q All right, sir. And when you say you observed the
5 subjects, tell the jury what you saw. Was there just one
6 individual there, or were there other individuals there?

7 A There were several individuals. I don't recall how
8 many, more than I could count, scattered in the parking
9 lot. There was a group. Again, I can't say for sure
10 because some fled when they observed us approaching that
11 were all right here around the tree. But I can't recall
12 exactly.

13 Q And is that the tree that's depicted in some of those
14 pictures that we had published for the jury?

15 A It is.

16 Q And, generally, point to on the large map again for
17 the jury about where the victim was.

18 A About here. I guess just that side of where the
19 shadow in this picture is. Because it was just past the
20 tree into the older section, less used section of the
21 parking lot here.

22 Q So point with your finger once again using the --
23 starting with the houses at the bottom. As you came
24 through, where did y'all -- where did you and your partner
25 go?

1 A We came from this side of Arlington along here up
2 between the houses and into the parking lot here.

3 Q Did y'all stop at the victim?

4 A We did.

5 Q And by the time you got to the victim, was there
6 anybody standing around him?

7 A I believe there were three or four individuals that
8 were around him within touching distance. We were able to
9 detain two of those and retain their identification. The
10 rest, including the group that had started from Vardry
11 Street, had gone back in this direction. And we didn't
12 attempt to detain those as there were other officers in
13 the area.

14 Q Thank you, sir.

15 And, just to be clear, is it your testimony that you
16 saw any of these individuals striking the victim as you
17 came through?

18 A No, sir, not at that time.

19 Q Could you tell what they were doing, except than --
20 other than the fact that they were in close proximity to
21 the victim?

22 A They appeared to just be standing around him. And
23 they were shouting about, you know, maybe that an assault
24 had happened, stuff like that. But nobody appeared to be
25 doing anything other than standing around him and just --

1 the term would be gawking.

2 Q With the exception of the two individuals that were
3 able to be either identified by your partner or some other
4 officer, were you able to identify any of the other young
5 men or women who scattered?

6 A No, sir.

7 Q All right. So what did you do once you got -- would
8 you describe for the jury the condition of the victim?

9 A He --

10 Q First -- I'm sorry. First, describe, was it male?
11 Female? About how old? And how -- generally, how were
12 they dressed?

13 A It was a male. He appeared to be a young adult. He
14 was wearing -- I don't recall the exact color or type of
15 clothes, pants, shirt. I remember socks. He didn't have
16 any shoes on, which we thought was strange. He appeared
17 to be injured rather severely. He -- I recall seeing
18 blood coming from different places, on his head, face. He
19 had scrapes on his legs, I believe. And --

20 Q Was he conscious?

21 A He was unresponsive and was unable to communicate.
22 But I don't know whether that you would term that
23 conscious or not. His eyes were open.

24 Q At some point -- and I may be jumping ahead a little
25 bit. But, at some point -- because I want to kind of move

1 this along. And I don't want to belabor it. At some
2 point, did you and/or your partner attempt to get --
3 secure some identification from him?

4 A We did. We checked him briefly for identification
5 and, also, for weapons as is our procedure. But we didn't
6 locate anything in his pockets, or anything to identify
7 him.

8 Q Did you not find a wallet?

9 A No, no wallet.

10 Q All right. Did you not find a cell phone or some
11 communication device that everybody these days has?

12 A Not that I recall, no, sir.

13 Q All right. So what did y'all do as far as first aid,
14 or triage, or attendant care?

15 A The officer that was with me -- myself -- we had
16 rolled him on to his side to prevent him from choking on
17 whatever, you know, he might choke on. I do recall he
18 stopped breathing two or three times while we were with
19 him. The other officer rubbed his hand vigorously on his
20 chest, and he would start to breath again.

21 And I don't recall if he was trying to communicate,
22 but he would moan at that time. And we would know he
23 was -- air was moving again. And that was until EMS got
24 there.

25 Q And, just for the record, he never said anything or

1 communicated anything to you with regard to what happened,
2 or who did this, or anything like that?

3 A No, sir. He didn't say anything like that.

4 Q All right. Was EMS called?

5 A They were.

6 Q All right. And did they arrive shortly thereafter?

7 A They did. There was some confusion as to our
8 location. Because myself and the other officer had
9 entered from this back alleyway. And they arrived shortly
10 after. As soon as I saw the victim, I notified for EMS to
11 be en route.

12 Q All right. Now, prior to EMS arriving, did you speak
13 with or interact with any member -- anybody who was later
14 determined to be a family member or friend of the victim?

15 A I believe the victim's mother arrived on scene. And
16 that's how we were able to determine who he was, and kind
17 of get some idea -- an idea of who he was and what they
18 were involved in.

19 Q All right. Were the -- was his mother and any other
20 family members sort of separated from the scene -- from
21 the victim?

22 A The only family member that I interacted with on the
23 scene with the victim was his mother. I'm not sure about
24 other family members. The scene was so large and chaotic.
25 I'm not sure what -- you know, exactly what the other

1 officers did because we were focused on that specific
2 area.

3 Q And I assume other officers arrived into the parking
4 lot there at some point thereafter?

5 A Yes, sir.

6 Q All right. At any point, did you leave the parking
7 lot and go anywhere else in the area?

8 A Once the victim was transported by EMS, we made our
9 way back to the community center.

10 Q All right. And, once again, would you just sort of
11 put your finger on where you were?

12 A We were --

13 Q Use sort of a line -- or a card drawing -- a moving
14 drawing as to where you went.

15 A We were here with the victim. Once again, he was
16 transported. And we walked across the parking lot here to
17 where family members were gathered and made contact with
18 them.

19 Q And would you describe -- will you tell the jury --
20 do you know what that building is with the white roof next
21 to where your finger is?

22 A Here?

23 Q That building right there.

24 A Here?

25 Q Yes, sir.

1 A This is the West Greenville -- or this is the
2 community center.

3 Q Is it the West End Community Center?

4 A Yes. I think it's associated with the Allen Temple
5 Church.

6 Q I was going to ask you that. Is that the community
7 center associated with Allen Temple United Methodist
8 Church?

9 A Yes, sir, right here.

10 Q All right. And what did you do when you got back
11 over there by the community center?

12 A We spoke with the family and tried to let them know
13 that -- we let them know that the victim had been
14 transported, and tried to kind of gather an idea of what
15 had occurred, where it had occurred. Because we weren't
16 sure if the incident happened in this parking lot or
17 somewhere over here, based off different verbal statements
18 that we were given from several different individuals on
19 the scene at that time --

20 Q And I'm --

21 A -- when I got back over here.

22 Q Excuse me, sir. And I'm going to ask you about that.
23 Let me ask you about that now, in fact. You talked to the
24 family and any witnesses, initially, to -- was that
25 because -- was that in order for you to determine what to

1 do next, or what to advise dispatch to --

2 A Yes.

3 Q Who to send out, or whatever?

4 A Yes. That's to --

5 Q All right, sir. That's fine. I just wanted to make
6 sure you did that.

7 Let me ask you. Did you talk -- do you remember
8 talking to Ms. Camilla Parker -- Palmer?

9 A I don't recall the names at the time. But I believe
10 that was his mother.

11 Q That was the 16-year-old.

12 A Oh, at the hospital, yes.

13 Q Okay. And what was the reason for talking to her
14 again?

15 A She advised --

16 Q No, not what she said. But what was the reason you
17 were talking -- interviewing these family members?

18 A Because she had -- was a witness. She stated that
19 she had witnessed what had occurred.

20 Q All right. And what did she tell you?

21 A She told me that --

22 MR. HAMILTON: We would object to what she said,
23 Judge.

24 THE COURT: Yes.

25 MR. WESTON: Your Honor, it's not offered for the

1 truth of the matter asserted. It's offered as he's
2 already testified why he did what he did next.

3 THE COURT: Thank you very much.

4 You can talk about what he did as a result of the
5 conversation.

6 MR. WESTON: All right, sir

7 BY MR. WESTON:

8 Q Who else did you speak with -- well, excuse me. Let
9 me go back to Ms. Palmer. Did she give you an oral
10 statement?

11 A She did. She gave --

12 Q Don't tell us what she said. But did she give you an
13 oral statement?

14 A Yes.

15 Q All right, sir. Thank you.

16 Did you, also, talk to Ms. Petrell Palmer -- or did
17 you talk to a number of family members?

18 A I did.

19 Q Were they all cooperative and gave statements
20 concerning the events that had occurred as they knew them?

21 A They did.

22 Q All right. What did you do after that?

23 A After I obtained statements?

24 Q Yes, sir.

25 A I had -- I then cleared -- I was at the hospital when

1 I obtained the written statements. I left the hospital
2 and continued working on the paperwork and the report at
3 the time.

4 Q Okay. Did you talk to the tow truck driver?

5 A That was, also, at the hospital, yes, sir.

6 Q All right. And he was involved with towing the
7 victim's car?

8 A I'm not sure if it was the victim's car or not. It
9 was a victim -- a family member of the victim's.

10 Q And that car would have been back over here in one
11 of the -- in the parking lot next to the community center,
12 not at the hospital?

13 A Correct.

14 Q Is that correct?

15 A Yes, sir.

16 Q Okay. Were you there when forensics arrived that
17 night, or the next day, or whenever?

18 A I was there the next day.

19 Q All right. And did you have any further involvement
20 in this case?

21 A Not beyond that.

22 Q All right. Were you involved with the arrest of
23 Ronald Brown?

24 A I was.

25 Q And that was on April 22nd, two days later?

1 A Yes.

2 Q Would you tell the jury what -- not what anybody
3 said, but what you did, basically, where y'all were, and
4 what you did?

5 A I had been advised that Mr. Brown was wanted in
6 connection with this case. I accompanied detectives to
7 the residence. I'm not sure exactly where it was,
8 somewhere in the area they call Pea Valley off of Old
9 Augusta. And I accompanied them there and took him into
10 custody at that residence, and transported him back to be
11 interviewed by the detectives.

12 Q As a -- going back to that night. As a result of
13 your conversations with the family or witnesses on scene
14 or at the hospital, did you -- were you able to provide
15 detectives in this case or any of your superiors with the
16 names or nicknames of any suspects?

17 A Just the nickname and the name of one suspect.

18 Q And who was that?

19 A Ronald Brown.

20 Q And what was the nickname?

21 A Lil Ru.

22 Q All right. Now, did you know Ronald Brown prior to
23 that night?

24 A No, sir.

25 Q Had you ever had any interaction with him?

1 A No, sir.

2 MR. WESTON: Thank you, sir.

3 That's all I have.

4 CROSS-EXAMINATION

5 BY MR. KORNFELD:

6 Q Officer Mann, when you first arrived on scene, you
7 said it was 10:30; is that correct?

8 A It was the early part of 10:00.

9 Q You can sit down, if you want, or --

10 A Thank you, sir.

11 Q -- you can stand, whatever.

12 Okay. And did you state that you observed several
13 black males gathered around an injured individual lying on
14 his side? Is that what your statement was?

15 A Yes.

16 Q All right. And two of those people that -- when
17 y'all came up in the cop car, I guess you had the lights
18 on?

19 A No, sir.

20 Q Oh, you didn't? Okay. And so you pull up to the
21 scene, which isn't, actually, on this map. Is that what I
22 gathered? It's, actually, down --

23 A This scene is on the map. Where we stopped is not on
24 the map.

25 Q Okay. So this is where it was?

1 A Yes.

2 Q Okay. And when you -- you got there and several
3 males scattered, they left?

4 A Yes, sir.

5 Q And you were able to detain two of them; is that
6 right?

7 A Yes, sir.

8 Q Did you have a partner?

9 A I did.

10 Q Okay. The two males you detained were Corey Miller
11 and Javaris Mayes; is that correct?

12 A Yes, sir.

13 Q All right. And they were running from the scene, but
14 y'all got them when -- somehow?

15 A They didn't leave as quickly as the others did, so.

16 Q Okay. And can you say how many black males were
17 there when you got there? Do you know?

18 A No.

19 Q All right. And when you -- you talked to them and
20 you let them go; right?

21 A Yes.

22 Q All right. So, at that time, did you question them
23 about anything?

24 A We did.

25 Q All right. And you felt like they weren't involved

1 in anything?

2 A We had no indication at the time that they were.

3 Q All right. And then you state that you left -- well,
4 where did you go when you left there? How long were you
5 at the scene?

6 A I don't recall. It was, at least, until EMS cleared.

7 Q All right. So EMS gets there, then you leave. Do
8 you go to the hospital, or do anything like that?

9 A Yes.

10 Q Okay. And then where do you go after that?

11 A After that, we worked on paperwork at one of our
12 substations.

13 Q All right. Do you have any idea why forensics didn't
14 get there until the next day?

15 A Because, at the time, we were just responding to an
16 assault. I didn't know how bad it was. The other
17 officers didn't know how bad it was. And so forensics
18 wasn't -- isn't, generally, called for something that's
19 usually just an assault.

20 Q Okay. And that next day, what time did forensics go
21 out there? Do you know?

22 A I don't recall exactly. It was late afternoon. I
23 was on night shift and had been called in early.

24 Q I understand. What time did you get there the
25 next -- what time did you get to the scene? I guess you

1 said you were there; right, to the scene --

2 A The first time, or the second time?

3 Q The second time, the next day.

4 A Again, I'm not sure, late afternoon.

5 MR. KORNFELD: No further questions, Officer Mann.

6 CROSS-EXAMINATION

7 BY MR. HAMILTON:

8 Q Officer Mann, you said that you got a call to come
9 and go to the west end center. And what time did you get
10 that call?

11 A I believe it was just shortly after 10:00, two
12 minutes after 10:00.

13 Q All right. And if -- let me ask you this. This
14 is -- you're Jared Mann; right?

15 A Jared Mann, yes, sir.

16 Q And I've got what -- it's -- for identification
17 purposes only, is that a -- something that states the time
18 you got called and documents the time?

19 A It does.

20 Q Okay. And that's -- so, what, 20 hours --
21 200 hours -- what's that? Military time?

22 A Yes, sir.

23 Q How do you say that?

24 A 22:00 hours.

25 Q 22:00 hours. Okay. And then on there, what's the

1 first time?

2 A The first time says 20:04.

3 Q 20:04. And what does that mean?

4 A I believe that's when the party might have started
5 based off of when the other officers had been speaking
6 with witnesses.

7 Q Okay. So 20:04 is when the party started?

8 A It's either that or a typo, sir. I can't advise
9 exactly.

10 Q What would that -- how did that, generally, works,
11 though, you know, when it says -- does it say the time you
12 get the call? Generally, that's what it would say; right?

13 A Correct.

14 Q That should have said 22?

15 A Correct.

16 Q Okay. So that's a typo?

17 A Possibly.

18 Q Right. Possibly.

19 A Well, when we type up the report, it's not in this
20 format.

21 Q Right.

22 A It's on a separate format, and it fills it into this
23 form. So if I looked at the other form, I could tell you
24 what it said. Because that says, Time arrived, time call
25 received, and so on.

1 Q Right. So those two numbers should match?

2 A Correct.

3 Q Is it possible that it is correct that they got a
4 time of call 8:00 -- at about 8:00?

5 A No, sir.

6 Q So that's just -- we can't use that?

7 A Right.

8 Q All right. I'll be honest with you, this has had me
9 puzzled. It says they got a call at 8:00, but you didn't
10 get there -- you didn't get a call until 10:00?

11 A Right. Sometimes, when we have an incident start
12 date, that means before the incident was finished, when it
13 began and then when it finished.

14 Q Okay.

15 A We'll, also, have a dispatch time, and then an
16 arrived time.

17 Q Okay. So when you say the police -- when you got
18 there, it would have been within two minutes of 10:00?

19 A Yes.

20 Q To six minutes. That says, Six minutes?

21 A Okay.

22 Q And then you didn't go to the west end center
23 directly?

24 A Not initially, no.

25 Q Directly. The call that you were sent to was to go

1 to the west end center. Now, this is the west end center;
2 right?

3 A (Witness nodded.)

4 Q All right. And so which way would you be coming?

5 A As I stated before, I would have been coming from
6 this end of Pendleton Street.

7 Q Right.

8 A Which Vardry Street continued on. And I -- other
9 officers were already in the area --

10 Q Okay. Now, so --

11 A -- so I went to a separate -- I went to a different
12 location.

13 Q Other officers was already in -- before you got
14 there, police were there?

15 A In the area, yes.

16 Q Okay. Do you know how early they -- did they have a
17 clock where they put what time they get there?

18 A It's in a report. When we call dispatch and radio
19 that we're on scene or in the area, they log it in.

20 Q Okay. For each officer?

21 A Yes.

22 Q Okay. So there's a report somewhere that says
23 Officer J.C. Williams got there at 10:03; right?

24 A Yes, sir.

25 Q Okay. But you came from this way. You can have a

1 seat back there -- well, unless you can't see. You can
2 see where I'm talking about.

3 This is the west end center. You came down Vardry
4 Street. You saw some activity over here in the parking
5 lot and came straight over here; right?

6 A I saw activity in the area, not in that parking lot,
7 initially.

8 Q Oh, you saw activity where?

9 A On Arlington Street and South Main Street -- or I'm
10 sorry, Pendleton Street.

11 Q Pendleton Street?

12 A Uh-huh.

13 Q Now, this is Main Street. Yeah, Main Street. And it
14 turns into Pendleton down there?

15 A Yes, sir.

16 Q You saw activity on Pendleton Street?

17 A I saw activity all over.

18 Q All over. Is -- was there about 200 people there?

19 A There were several, yes.

20 Q So people just were running everywhere?

21 A Yes.

22 Q And, then for some reason, you went into the parking
23 lot where the victim was found?

24 A Yes.

25 Q Because you didn't go to the west end center first?

1 A No, sir.

2 Q Because there were other police cars already over
3 there, don't you think?

4 A I would assume --

5 MR. WESTON: Objection, Your Honor.

6 MR. HAMILTON: It's just a question --

7 THE COURT: On what basis?

8 MR. WESTON: It calls for speculation. He asked him,
9 Don't you think.

10 THE COURT: That's all right. I'm going to let him
11 answer that.

12 MR. HAMILTON: I'll rephrase the question.

13 BY MR. HAMILTON:

14 Q In other words, you said there were other police cars
15 there; right?

16 A Yes.

17 Q And then you believe -- but they weren't where you
18 was going to -- they were where -- you said they were
19 there. Where you see them?

20 A I can't speak to where they were. Because they
21 stated that they were in the area. And I was, also, in
22 the area as well checking to figure out what we had. So I
23 can't speak to exactly where they were.

24 Q That's fair enough. But at -- but, to your
25 knowledge, there were more than you. Could you say how

1 many other police cars were there?

2 A I don't recall.

3 Q More than one?

4 A More than one.

5 Q More than two?

6 A More than two.

7 Q More than three?

8 A I -- there was more than three.

9 Q More than three. Four?

10 A There was probably more than that, probably five or
11 six.

12 MR. HAMILTON: Six cars. Okay.

13 That's all I have, Judge.

14 THE COURT: Any redirect?

15 MR. WESTON: No redirect, Your Honor.

16 THE COURT: Thank you, sir.

17 You can stand down.

18 MR. WESTON: Your Honor, the State would ask that the
19 witness be allowed to be excused.

20 THE COURT: Any objection?

21 MR. KORNFELD: None, Your Honor.

22 MR. HAMILTON: Nothing, Judge.

23 THE COURT: Okay.

24 MR. WESTON: Your Honor, the State would call Officer
25 Jonathan Wehrly.

1 THE CLERK: Sir, please, place your left hand on the
2 Bible and raise your right hand.

3 WHEREUPON,

4 JONATHAN WEHRLY,
5 after first having been duly sworn, testified as follows:

6 THE CLERK: Thank you.

7 Please be seated.

8 Please state your name for the record.

9 THE WITNESS: Jonathan Wehrly.

10 THE CLERK: Thank you.

11 DIRECT EXAMINATION

12 BY MR. WESTON:

13 Q Officer Wehrly, with whom are you employed?

14 A The Greenville City Police Department.

15 Q And how long have you been with the Greenville City
16 Police?

17 A Approximately three and a half years.

18 Q All right. And what is your rank, sir?

19 A P.O. II.

20 Q All right. And what, generally, are your duties?
21 Generally, and don't take too long.

22 A Respond to calls, patrol --

23 Q Neighborhood patrol?

24 A Yes, sir.

25 Q All right. Did you have an occasion to respond to

1 the incident that brings us here today on April the 20th,
2 2013?

3 A Yes. It was for a disturbance at the community
4 center.

5 Q And were you in a car by yourself, or were you with
6 another officer?

7 A I was by myself.

8 Q And about what time was it, generally? Generally --

9 A Generally, what time -- approximately 10:30, 10:00.

10 Q All right.

11 A Between there.

12 Q All right. And where were you when you got the call?

13 A I was in the Rutherford Road area.

14 Q And about how long did it take you to get there?

15 A Approximately five to six minutes.

16 Q All right. When you arrived -- how did you arrive on
17 the scene? And if you want to use the map to show the
18 jury, that's fine.

19 A Yes. I came down across Markley Street. I came to
20 Green Avenue. And I parked right here in the median right
21 in front of the community center.

22 Q All right. And that's right across from -- or right
23 across from -- or a little below the parking lot of
24 Greenville High School; is that correct?

25 A Yes, sir.

1 Q All right. And when you came down Vardry Street
2 here -- when you turned and came down Vardry Street here,
3 what did you see in this area here in terms of what was --
4 describe to the jury what you saw.

5 A As I arrived on the scene, I saw more kids than I can
6 count, approximately a hundred kids just scattering in all
7 directions. So I pulled in the median. And I did turn my
8 lights on just to show a police presence in the area to
9 try to vacate it. I just wanted to make contact with one
10 of the adults that was running the party right here in the
11 parking lot.

12 Q All right. And what were the kids doing?

13 A They were running, I mean, I guess, from this general
14 area, just scattering in all directions.

15 Q All right. And once you parked in the median, what
16 did you do then?

17 A I turned my lights on, just again, to show a police
18 presence. I exited my vehicle, myself and Officer Reyes.
19 We began walking up here where most of the kids were
20 congregating and scattering from. I, again, made contact
21 with one of the adults here. And she said, We need to
22 shut this party down. There's disturbances --

23 Q Don't say what they said. Don't say what they said.

24 A I'm sorry.

25 Q You made contact with one of the adults at the party?

1 A Yes.

2 Q All right. Let me show you -- and you can stand
3 right there for the moment. Because I think I need you to
4 refer to the map a few more times.

5 Let me show you what has been marked as State's
6 Exhibit Nos. 1 through 5 for identification purposes. I
7 ask you, do you recognize those items? And don't show
8 them to the jury yet, please.

9 A Yes, sir.

10 Q What do those photographs depict?

11 A The general parking lot and front entrance of the
12 community center.

13 Q Is it from different angles?

14 A Different angles, the stairs, and the side.

15 Q And would you show the jury on the map about where
16 we're talking about?

17 A This general area right here, the parking lot, front
18 entrance, the stairs that go on the side.

19 MR. WESTON: Your Honor, the State would offer these
20 as State's Exhibit Nos. 1 through 5.

21 MR. KORNFELD: No objection.

22 MR. HAMILTON: No objection.

23 THE COURT: Okay.

24 (WHEREUPON, State's Exhibit Nos. 1, 2, 3, 4, and 5 were
25 admitted into evidence.)

1 MR. WESTON: Permission to publish, Your Honor.

2 THE COURT: Yes, sir.

3 MR. WESTON: Thank you.

4 BY MR. WESTON:

5 Q What I want you to do is tell the jury -- and if
6 you'll stand over here and just kind of speak loudly and
7 hold them up so that counsel can see as well what the
8 pictures depict. State's Exhibit No. 1.

9 A This is the front entrance of the community center,
10 the front doors under the awning.

11 Q And, just for purposes of perspective for the jury,
12 is this the awning you're talking about that comes out --

13 A This right here is the awning. The picture is taken
14 directly straight towards it.

15 Q All right. And, now, what is this here? This is
16 a --

17 A A turn around in the driveway. This is the parking
18 area. This is where most of the kids would congregate was
19 right in here.

20 Q All right. And so this is a picture of the double
21 doors leading into the community center under the awning,
22 you said?

23 A Yes, sir.

24 Q All right. And that's State's Exhibit No. 1.

25 What does the next picture depict?

1 A This is the view from this parking lot right here
2 directing right towards the awning. The stairs are right
3 here facing towards the ball stadium, which you can see in
4 the back right here.

5 Q All right. Thank you, sir.

6 What does the next picture depict?

7 A It's a -- just a more zoomed-in view of the same
8 direction, same area as pictured more under the awning
9 right here. Again, you can see the ball stadium in the
10 background.

11 Q All right, sir. And State's Exhibit No. 4, what does
12 that depict?

13 A It's from that location looking back in this
14 direction. You can see the parking lot right here. You
15 can see this parking lot right over here. It's a view
16 from this direction.

17 Q All right, sir. And State's Exhibit No. 5, sir?

18 A This is a picture from underneath the awning -- or
19 approximately right here looking down towards what -- you
20 can see stairs right here, looking, again, towards the
21 ball stadium.

22 Q All right. Thank you, sir.

23 And if you'll just stay there for a moment. Because
24 I'm going to ask you to describe your actions with regard
25 to, specifically, your movements.

1 Once you got to the front -- you walked up to the
2 community center, I think you said, once you parked your
3 car; is that correct?

4 A Yes, sir.

5 Q All right. And what did you do when you got there?

6 A Again, since there were so many children and young
7 people all in the area, we began telling them they need to
8 disperse, call their parents, get rides when I was advised
9 that there was a possible fight that was going on at the
10 back side of the church. They said they ran down the
11 stairs and to the back side of the church.

12 Q All right. Would you point to the back side of the
13 stairs --

14 A Or not the church, the community center. The stairs
15 are right here. And so I walked from underneath the
16 awning where I was telling the kids to disperse. I walked
17 down the stairs and around the back.

18 Q All right. Did you find any fight back there?

19 A I didn't see anyone at all back there.

20 Q All right. What did you do next?

21 A Once I got back there and was checking the area
22 around the cars and everything to make sure there was no
23 victims or fights going on, that's when I heard over my
24 radio that Officer Mann was at the -- with the victim in
25 this parking lot over here.

1 I then made my way back around over here. And I
2 stopped right here at the front entrance of the parking
3 lot. When I got to the parking lot, I observed several
4 officers around the victim. And I knew the emotional
5 level of the crowd, so I stayed at the top of the parking
6 lot to preserve scene security. We didn't need evidence
7 being tampered with. We didn't need more people around
8 the officers. They were trying to deal with the victim,
9 and whatever else was going on.

10 Q All right. And did you -- how long did you stay in
11 that area, either there or moving to talk to the other
12 officers, or whatever?

13 A After arriving right here, I stayed there until the
14 victim was transported by EMS. And, at that point, we all
15 kind of moved back over here, to this parking lot right
16 here.

17 Q All right. Were you -- what did you do when you went
18 back over there? Did you take any statements from
19 anybody?

20 A I did not.

21 Q All right. Did you have any further involvement in
22 the case after that night?

23 A No, sir.

24 MR. WESTON: Thank you, sir.

25 Please retake your seat.

1 That's all the questions I have of this witness, Your
2 Honor.

3 THE COURT: Okay. Cross.

4 CROSS-EXAMINATION

5 BY MR. KORNFIELD:

6 Q Officer Wehrly, would you consider yourself -- after
7 your initial drive around, were you guarding the parking
8 lot?

9 A My initial walk around?

10 Q Right. When -- we don't need to go over this again,
11 I don't think. But when you get to the parking lot, you
12 park your car here?

13 A No. I -- my car was stationary in the median the
14 entire time. I was on foot going around the --

15 Q All right. Where did you park your car when you
16 were --

17 A I parked my car right here in the median.

18 Q Okay.

19 A And I had my lights on.

20 Q All right.

21 A I was on foot going around --

22 Q After you looked and realized that there's not a
23 fight or any witnesses, or potential suspects, or
24 anything, then you go over here, though; right?

25 A Yes, sir, on foot.

1 Q Okay. Right. And you're by yourself. Nobody is --
2 you don't have a partner?

3 A At first, yes. I was there by myself.

4 Q Okay. You came by yourself. That's all --

5 A Yes, sir.

6 Q All right. And then you come to this parking lot and
7 you are guarding the scene to try and keep it from being
8 contaminated?

9 A Yes.

10 Q Okay. And how long did you guard the scene that
11 night? When did you leave?

12 A I can't tell you the exact time I left. I don't have
13 it in front of me.

14 Q Okay.

15 A But I remained on scene until the victim was
16 transported and the other officers that were down there
17 moved up to the community center.

18 Q Okay. And then after that happened, you left?

19 A After that, most of the children had either been
20 picked up or dispersed. We made sure there was no one
21 else really lingering around. And we just -- I was done
22 at that time.

23 Q Was anybody else there when you left?

24 A I mean, besides family members standing around the
25 front. But there was no large congregations of young

1 people.

2 Q So you and Officer Mann that just testified, y'all
3 were -- did y'all leave around the same time?

4 A No. I left before he did.

5 Q Oh, okay. Did you give your badge number to anybody
6 that night?

7 A Yes, to -- I believe one of the family members who
8 was upset that we did not let them down on the scene with
9 the victim.

10 Q Okay.

11 A I can't recall -- I think it was a Mr. Palmer is
12 what, I think, my report says.

13 Q And you never went back out to that scene after that?

14 A No, sir.

15 Q All right. And were you the only one guarding it at
16 the front? Were you the only one guarding that --

17 A Initially.

18 Q Okay. Who else was guarding it?

19 A After a large crowd had gathered at the front
20 entrance of the parking lot, Officer Reyes arrived and
21 assisted me with just making sure -- because they --
22 granted they were a little emotional about the situation.

23 Q I understand.

24 A And we were there just to maintain. So he came up to
25 just assist me.

1 Q All right. So y'all are standing -- are y'all kind
2 of just standing there at a parade rest, or something like
3 that?

4 A Yeah. We're just --

5 Q Just standing there talking and just trying to keep
6 the people calm?

7 A Yeah.

8 Q All right. Did you know if anybody was on this other
9 side, I guess, guarding it on the other side of the
10 parking lot?

11 A There were officers down there with the victim. I
12 wasn't concerned with down there.

13 Q Yeah. You said there was several officers around.
14 Do you happen to know how many were down there?

15 A Four, five, six. I mean, I -- down at the victim, I
16 think there were three, two or three. Outside of that, I
17 wasn't really focussing down there. I was more -- trying
18 to focus on the family that had congregated at the top.

19 Q All right. And when you say you first arrived on --
20 when you say you first arrived on scene, you saw hundreds
21 of people, young kids running --

22 A Yes.

23 Q -- every which way. Was that up here at the
24 community center?

25 A The community center, this parking lot. They were

1 mainly flowing out of this parking lot just dispersing in
2 all directions.

3 Q Okay.

4 A I mean, there were kids standing around over here,
5 kids running down, I mean, in every direction you can
6 possibly go. They were --

7 Q So -- and then you went this way. And by the time
8 you got down here, did you see anybody running out of
9 the --

10 A No.

11 Q -- out of this parking lot?

12 A No.

13 MR. KORNFELD: All right. Thanks, Officer.

14 No further questions.

15 CROSS-EXAMINATION

16 BY MR. HAMILTON:

17 Q Officer Wehrly.

18 A Yes, sir.

19 Q So when you got there, there were people up there
20 under the awning, you were saying?

21 A Yes, sir.

22 Q All right. And we'll just use the map here, State's
23 Exhibit No. 15.

24 A State's Exhibit No. 19.

25 Q State's Exhibit No. 19. The awning is right here.

1 So you parked in the median here and walked up in that
2 area?

3 A Yes, sir.

4 Q Okay. And there's still a whole bunch of people
5 there?

6 A Yes, sir.

7 Q So many you can't count?

8 A Yes, sir.

9 Q Okay. And then, at that point, you did tell some of
10 the people, Y'all need to get going; right?

11 A Yes.

12 Q And then did some of them say, well, I'm getting in
13 my car right here --

14 MR. WESTON: Objection, Your Honor. He's, basically,
15 asking the Officer hearsay as to what some of the other
16 people said. If he wants the officer to answer yes after
17 he's put in --

18 THE COURT: Well, he --

19 Ask your question again, Mr. Hamilton.

20 BY MR. HAMILTON:

21 Q And the people would tell you, yeah, I'm getting in
22 my car. My car is right there.

23 THE COURT: Well, he's already answered that on
24 direct, so I'll let him do it.

25 Go ahead.

1 BY MR. HAMILTON:

2 Q The people was telling you, yeah, my car is right
3 here.

4 A Their car -- or their family was going to pick them
5 up.

6 Q Right. And then -- but then was Riser with you?
7 Isn't his name Riser, the other officer?

8 A Reyes.

9 Q Reyes. Was he with you then?

10 A He was walking up that same direction. He did not
11 walk around to the back of the community center with me.

12 Q But he was there doing the same thing, telling you
13 everybody has got to go. In other words --

14 MR. WESTON: Objection, Your Honor.

15 MR. HAMILTON: No. I'm saying --

16 THE COURT: Whoa, whoa.

17 Hearsay?

18 MR. WESTON: Yes. He's testifying --

19 THE COURT: Don't testify to what he said. He can
20 talk about what he did as a result of the conversation.

21 MR. HAMILTON: And that's not my question, but --

22 THE COURT: Well, then don't ask it.

23 MR. HAMILTON: Okay, Judge.

24 BY MR. HAMILTON:

25 Q My question is, you said, you kids -- did you have

1 the flashlight? You kids need to get going. It's over.

2 The party is over. Were you saying that?

3 A I didn't have my flashlight. But I was advising the
4 young people that they do need to leave. The party was
5 over, they needed to leave.

6 Q Did Riser --

7 A Reyes?

8 Q Reyes. I'm going to get it right soon.

9 A I can't advise to that.

10 Q Okay. Is he here today?

11 A No.

12 Q Okay. So Reyes was there. And what he was doing was
13 the same that you was doing; right?

14 A I can't advise to that.

15 Q Yeah. I mean, but you was doing something. You was
16 telling people to leave; right?

17 A Yes.

18 Q And that was the purpose?

19 A Yes.

20 Q Okay. And about what time was that?

21 A (There was no response.)

22 Q Soon after you got the call?

23 A Yeah. Soon after we got the call, yeah.

24 Q All right. And you were there. And then you walked
25 around -- there was people still there. And then you

1 walked around that way. And you walked all the way around
2 the building?

3 A No. I walked around to approximately this area, this
4 parking lot.

5 Q Right in here?

6 A And I didn't see anyone back here.

7 Q Okay.

8 A So once I got back here and saw there was no one else
9 back there, that's when I received the call on the radio
10 that Officer Mann was out with the victim.

11 Q Right.

12 A So I made my way as that was now a priority over
13 everything else, to maintain scene security over there.
14 So I went over there to assist him.

15 Q Okay. And then -- and your car is parked there. And
16 was there police cars parked there?

17 A Not that I could advise.

18 Q Right.

19 A I mean, there was probably other people's cars there
20 that I can't advise to.

21 Q Six or seven cars?

22 A Six or seven what?

23 Q Police cars?

24 A No. Not parked over there, no.

25 Q I'm talking about in the area.

1 A Yeah, approximately. I can't advise as to how
2 many --

3 Q Sure. But there's no question that you was -- that a
4 lot of people were still up under the awning area?

5 A (Witness nodded.)

6 MR. HAMILTON: That's all I have.

7 THE COURT: Any redirect?

8 MR. WESTON: Nothing on redirect, Your Honor.

9 THE COURT: Thank you, sir.

10 You can step down.

11 MR. WESTON: Your Honor, the State would ask that the
12 witness be allowed to be excused.

13 THE COURT: Any objection?

14 MR. KORNFELD: No, Your Honor.

15 THE COURT: Any objection, Mr. Hamilton?

16 MR. HAMILTON: No objection.

17 MR. WESTON: The State would call Detective David
18 Garrison.

19 THE CLERK: Sir, please, place your left hand on the
20 Bible and raise your right hand.

21 WHEREUPON,

22 DAVID GARRISON,

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

24 THE CLERK: Thank you.

25 Please be seated.

DIRECT EXAMINATION

BY MR. WESTON:

Q Officer Garrison, where are you employed?

A The Greenville Police Department.

Q And what is your rank, sir?

A I'm a detective --

Q I have a tendency --

A -- and I'm, also, a --

Q Go ahead.

A Same rank as a corporal.

Q I have a tendency to use the term investigator and detective interchangeably. If I called you an investigator, I apologize.

How long have you been with the Greenville Police Department?

A I've been there 20 years.

Q And are you assigned to the homicide unit -- homicide investigations?

A We don't have a designated homicide unit. We have a violent crimes unit. We handle homicides, and other violent crimes.

Q All right. And did you have an occasion to investigate the circumstances surrounding the death of Mr. Debron Harrison on April 20th, 2013?

A I did.

1 Q And when were you assigned the case?

2 A I was contacted by my supervisor on April 21st,
3 Sunday morning, around 11:00 a.m., and told to report --
4 or go into work to start working on this case.

5 Q All right. And what is the initial protocol when you
6 get such a call and such an assignment?

7 A I mean, normally, it would be to respond to the
8 scene. But because that had been several hours before, I
9 went straight to the law enforcement center to make
10 contact with what we call weekend-duty detectives. We
11 have one detective who works on the weekend that rotates.
12 I met with them to find out what reports had been gathered
13 and what information they had prior to me being notified
14 about the case.

15 Q All right. Once you talked to the -- did you also --
16 you reviewed the reports of the patrol officers?

17 A Yes.

18 Q Did you do that initially?

19 A Yes. Initially, I went to the law enforcement
20 center, got all the reports that had been submitted up to
21 that point, started reading them to try to figure out, you
22 know, essentially, what they knew of about what had
23 happened the previous evening, and any other information
24 that I could start generating leads as to a suspect or
25 suspects.

1 Q All right. Now, if you would, step down for a
2 moment, please, sir, to the map.

3 A (Witness complied.)

4 Q And, at this point, without -- you have, obviously,
5 no suspects. Would you just describe to the jury what
6 your initial assessment of what happened to the victim
7 was, not in detail, but just, generally, what happened and
8 where it happened in terms of your initial understanding
9 when you began your investigation?

10 A Initially, the reports -- the patrol reports
11 indicated that there had been a party at this location.
12 There was a birthday party. That there had been a
13 disturbance inside the party that spilled outside.

14 There was some fighting that took place. And that
15 the victim, Debron Harrison, was in someway involved in
16 trying to separate or break up a fight between his cousin,
17 Camilla Palmer, and some other unknown individuals. And
18 that he had for whatever reason -- and I'm saying whatever
19 reason because this is all I knew at that time.

20 Q Which is all I'm asking at this point.

21 A He had crossed the street -- or run across the
22 street, had been pursued by an unknown number -- a group
23 of people, and had been assaulted in this parking lot
24 where he was, eventually, found by the uniform patrol
25 officers.

1 Q All right. You can return to your seat.

2 A (Witness complied.)

3 Q And were you advised, initially, when you were first
4 assigned the case and after talking to the weekend
5 detectives and reviewing initial uniform patrol reports as
6 to what Mr. Harrison's status was when you first got
7 involved?

8 A When I first got involved and was at the law
9 enforcement center, I just knew that he had been
10 transported to the hospital and that was still there. I
11 didn't know the extent of his injuries and the severity of
12 them until I, actually, went to the hospital.

13 Q Did you go and speak with the family members,
14 initially?

15 A Yes. I sent the weekend-duty detective to the
16 hospital to see if he could locate any family members at
17 the hospital. I was contacted and told that the family
18 members were there. I responded to the hospital and
19 that's when I found out that Mr. Harrison's injuries were
20 severe and potentially life threatening.

21 And, at that time, I made contact with a good number
22 of family members who were, also, at the birthday party
23 who had information and who had witnessed. And I asked
24 them to come with -- meet me at the law enforcement center
25 so that we could speak with them and try to gather more

1 information about who was involved.

2 Q And did the family cooperate?

3 A They were very cooperative. They were glad and happy
4 to assist us.

5 Q All right. You returned to the law enforcement
6 center. And did you take statements from family members,
7 or interview them?

8 A Yes. I took --

9 Q You or other detectives?

10 A Yeah. At the point when I got to the hospital and
11 found out how severe his injuries were and that they were
12 life threatening, I contacted my supervisors and asked for
13 more detectives to come in to assist me with the
14 investigation.

15 So me, along with several other detectives, we
16 interviewed the family members to gather whatever
17 information we could to help us generate leads as to who
18 was involved.

19 Q All right. As a result of your conversations with
20 them, did you develop a nickname for a suspect as --
21 right -- as a result of your conversation with the family
22 members?

23 A Yes. Well, the initial patrol reports did give me a
24 name -- a nickname of a potential suspect as Lil Ru. And
25 through Facebook and some other things, we thought we may

1 have identified Lil Ru as Ronald Earl Brown. And, during
2 my conversations with the family, we were able to confirm
3 that Lil Ru was Ronald Earl Brown.

4 Q All right. And did you engage further use of
5 forensics, your forensics division?

6 A Yes. While I -- me and a couple other detectives
7 were interviewing family, a couple other detectives went
8 to the scene with Greenville County forensics to collect
9 forensic evidence that may be potentially in the parking
10 lot.

11 Q All right. Now, did you interview the sweet 16 party
12 girl and her party -- honoree and her friend?

13 A I did interview Camilla Palmer and Diamante Jones.

14 Q All right. And they've already testified in this
15 trial. And, as a result of your interview with them, did
16 they, basically, tell you what happened that night?

17 A They did.

18 Q As a result of your interview with them, did you seek
19 warrants against Ronald Brown with regard to his
20 interaction with them?

21 A Yes. After speaking with them, I asked for and was
22 given arrest warrants for Ronald Brown for the charge of
23 assault and battery third degree.

24 Q All right. And that would be a singular assault and
25 battery with regard to only Mr. Brown; is that correct?

1 A Correct.

2 Q And that -- did that warrant relate only to his
3 assault on -- the two separate warrants relating to the
4 assaults on each of these two young women?

5 A Right.

6 Q All right.

7 A I got two assault and battery third degree warrants,
8 one for his assault of Camilla Palmer, and one for his
9 assault of Diamante Jones.

10 Q Now, at that point, was he a suspect, also, in the
11 assault on Mr. Harrison?

12 A Yes, he was. He was a suspect, but I didn't -- I
13 didn't have enough to say that he was, actually, involved
14 in the assault on Debron Harrison.

15 Q All right. Now, with regard to the two warrants that
16 you had for assault and battery, did you, also, seek any
17 further types of warrants against Mr. Brown or with
18 relationship to Mr. Brown?

19 A Yes. At the same time I asked for and was given the
20 arrest warrants, I, also, asked for a search warrant for
21 Mr. Brown's residence, which was 22 Prancer Avenue in the
22 Pleasant Valley community.

23 Q And were you present for the execution of that search
24 warrant?

25 A I was.

1 Q And would you tell -- was Mr. Brown there?

2 A He was at home when we got there.

3 Q And is this his home, or his parents home?

4 A It's his parents home.

5 Q And did you find any articles that you, subsequently,
6 put into property and evidence that you felt might be
7 related to this case?

8 A Yes. We collected several items that we thought were
9 involved in this case. And they were placed into property
10 and evidence by Detective Cothran.

11 Q All right. And -- but did you see the items that
12 were collected?

13 A Yes. I saw all of them --

14 Q Did you supervise the collection of the items?

15 A Yes.

16 Q Okay. I'm sorry to interrupt you. I apologize for
17 that.

18 A No. That's fine.

19 Q Would you describe for the jury what some of the
20 items -- what the items were?

21 A We located a pair of shoes in a bedroom that we were
22 told by his parents was Ronald Brown's bedroom. It was a
23 pair of like basketball shoes. Looking closely at those
24 shoes, they appeared to have blood on them. So those were
25 collected.

1 We, also, found -- or took several other items like
2 socks that were inside those same shoes that we thought
3 had blood on them. And we, also, took some bandanas.

4 Q Would you describe them? What was the color? How
5 many bandanas were there?

6 A There were two.

7 Q And what was the colors of the bandanas?

8 A One was red and one was white -- or kind of an off
9 white.

10 Q Was there anything noteworthy about the white
11 bandana?

12 A Yes. It had an air brushed -- somebody had air
13 brushed a -- kind of a -- I guess the best term I could
14 use is a logo on it.

15 Q And what was that logo, please?

16 A It said, Hit Squad.

17 Q All right. Hit Squad?

18 A Hit Squad.

19 Q Thank you.

20 Was that the first time you heard that term used in
21 conjunction -- in connection with this case?

22 A Hit Squad, yes. I believe that was the first mention
23 of Hit Squad that I had heard or seen.

24 Q And did -- was Ronald Brown arrested at that point?

25 A He was. He was arrested on the assault and battery

1 third degree warrants.

2 Q And did you take him to the law enforcement center?

3 A Yes.

4 Q Was he interviewed?

5 A He was.

6 Q All right. Without getting into the specifics of
7 what he said, did he make any admissions concerning his
8 interaction with Debron Harrison?

9 A He did.

10 Q All right. And as a result of his admissions, did
11 you seek another warrant against Mr. Brown?

12 A Yes. Based on that interview, I asked for and was
13 given a warrant for assault and battery by mob second
14 degree for the assault on Debron Harrison.

15 Q All right. And was that as a result of the fact that
16 he was involved and you had information that others were
17 involved as well -- unknown others at that point?

18 A Yes.

19 Q Now, the charge was assault and battery by a mob
20 second degree; is that correct?

21 A Yes.

22 Q Now, that is not the charge that brings him to court
23 today; is that correct?

24 A That's correct.

25 Q What is the charge that brings him to court today?

1 A The charges we're discussing today are assault and
2 battery by a mob first degree.

3 Q And is that -- just for purposes of -- so the jury
4 will understand, does that mean that assault and battery
5 by a mob first degree that death results?

6 A Correct.

7 Q At the time you took the warrant out for assault and
8 battery by a mob second degree, was Mr. Debron Harrison
9 still alive?

10 A He was.

11 Q All right. And was the charge, subsequently,
12 upgraded after Mr. Harrison passed?

13 A Yes. Once I was informed that he had passed away,
14 the charges were upgraded.

15 Q All right. Now, did Mr. Brown -- in your interview
16 with Ronald Brown, did he identify anybody else as being
17 involved in this case in the assault on Mr. Harrison?

18 A He named several people, probably most importantly
19 was a juvenile by the name of Kyzer Thomas.

20 Q All right. And you said he named several people,
21 but, specifically, Mr. Thomas?

22 A Correct.

23 Q All right. Did you -- all right. After interviewing
24 Mr. Brown, did you then interview -- did you locate Kyzer
25 Thomas?

1 A Yes. I believe it was that same day. Ronald Brown
2 was interviewed early in the morning around 1:00 a.m.
3 Monday morning. So Monday afternoon, we located Kyzer
4 Thomas at school.

5 Q All right. And was Mr. Thomas brought to the law
6 enforcement center?

7 A He was.

8 Q And did Mr. Thomas give a statement as well?

9 A He did.

10 Q Did Mr. Thomas admit to being involved in the assault
11 on Mr. Harrison?

12 A He did admit that he was involved.

13 Q Did Mr. Kyzer Thomas -- how old is Kyzer Thomas -- or
14 how old was he then?

15 A I believe he was 13 or 14 at the time that he was --
16 that we picked him up at school.

17 Q And how old was Ronald Brown then?

18 A I think he was 19 or 20.

19 Q All right. Did it strike you as odd that someone at
20 that age would be -- or was -- was it noteworthy as part
21 of your investigation that someone that age, 19 or 20 --

22 MR. HAMILTON: Your Honor, I object to that. It
23 calls for speculation.

24 THE COURT: Don't speculate. But you can state what
25 you did as a -- you can get into his state of mind about

1 why he did what he did.

2 MR. WESTON: Thank you, Your Honor

3 BY MR. WESTON:

4 Q Was it noteworthy as part of your investigation, as
5 an investigator, that someone 19 or 20 would be a
6 Co-Defendant with --

7 MR. HAMILTON: Your Honor, again, it's the same --
8 noteworthy --

9 THE COURT: Whoa, whoa.

10 MR. WESTON: I thought you said I could ask that.
11 I'm sorry, Your Honor. I may have misunderstood your
12 ruling.

13 THE COURT: Well, I'm just --

14 I'll tell you what. Ladies and gentlemen, it's
15 probably a good time for a morning break. So y'all take a
16 break. And we'll get back with you. Don't talk about the
17 case.

18 Everyone else remain seated.

19 (WHEREUPON, the jury was excused from open court at
20 approximately 11:01 a.m.)

21 THE COURT: With respect to the media, these mentions
22 of juveniles will be edited out of the proceedings, I
23 presume.

24 THE CAMERAMAN: Yes, sir.

25 THE COURT: All right. Good. And when they -- and

1 just when they -- if they get on the witness stand, then
2 I'm going to instruct you to shut off the camera.

3 THE CAMERAMAN: (The cameraman nodded.)

4 THE COURT: All right. Go ahead.

5 MR. HAMILTON: I object, Your Honor, to him asking
6 his opinion as to who -- how somebody should be associated
7 with somebody, I mean.

8 THE COURT: Well, he asked him is it noteworthy that
9 an 18-year-old is associated with a 13-year-old in his
10 mind. He's the chief investigating officer.

11 Are you not, Detective Garrison?

12 THE WITNESS: Yes, sir.

13 THE COURT: And I think he can, certainly, ask that.
14 It goes to his state of mind. He's not asking him to draw
15 a conclusion about what it means but it is noteworthy to
16 his state of mind and he -- and his subsequent actions.
17 So I think it's appropriate.

18 But don't get him into a bunch of speculation. Okay.

19 MR. WESTON: Yes, sir, Your Honor. And I definitely
20 will not do that.

21 However, while we've got the jury out, I can -- I
22 just need to advise the Court that I am getting ready to
23 ask him a number of questions concerning the step by
24 step --

25 THE COURT: Well, I sure hope so.

1 MR. WESTON: -- process. And, basically, Your Honor,
2 he is going to mention gangs as to how he developed his
3 theory of the case. And I just want to make sure we don't
4 have an objection and send the jury out every time I ask a
5 question. I just want to make sure that everybody knows
6 that's getting ready to --

7 THE COURT: All right. Well, let's just do a little
8 proffer. You go ahead and proffer what you're going to ask
9 him. Let's see if they object.

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

11 DIRECT EXAMINATION

12 BY MR. WESTON:

13 Q After your initial round of interviews, including
14 Ronald Brown and Kyzer Thomas, what was your assessment of
15 what happened at the party? And just be brief. You don't
16 need to go into a lot of detail. But just briefly, what
17 was your assessment of what happened at the party?

18 A Basically, based on the interviews that I had
19 conducted at that point, it was apparent to me that a
20 group of late teens, early 20s, as well as pre -- early
21 teens, juveniles had gone to the party. They were
22 associated with each other by two groups. One referred to
23 themselves as TMB or Tough Money Boys. And another group
24 of individuals, the older group identified themselves as
25 the Hit Squad.

1 Q Did you -- and was that as a result partly -- with
2 regard to TMB of your interviews with the victim's family
3 who said that they were shouting those words and doing
4 gang signs, and that was the basis for the disruption?

5 A Yes.

6 MR. HAMILTON: I would object.

7 THE COURT: Quit leading.

8 What are you objecting to, that he's leading?

9 MR. HAMILTON: Yes, sir. He's leading. He's --

10 THE COURT: Don't lead him. Don't testify.

11 MR. WESTON: All right.

12 BY MR. WESTON:

13 Q Did you -- when did you first hear the words -- the
14 letters TMB with regard to your investigation? Was it
15 during your initial interview with the family?

16 A Initially, Camilla Palmer told me about TMB. I
17 thought she -- I wrote in my notes CMB. But I later
18 learned it was TMB.

19 Q And what did she tell you they -- that had to do with
20 this case, or with the party?

21 A She didn't know what TMB stood for, but she did know
22 that it was a gang.

23 Q What did she say it had to do with the party, though?
24 How did it relate to the party?

25 A They showed up at the party. And --

1 MR. HAMILTON: And that's what I'm saying. She has
2 no -- I object, Judge.

3 THE COURT: Hearsay.

4 MR. WESTON: She's already testified to this, Your
5 Honor.

6 THE COURT: Okay. Well, that doesn't matter -- that
7 doesn't change it from being hearsay. I'm not trying to
8 make this more complicated. We want to protect the
9 record.

10 MR. WESTON: I understand, Your Honor.

11 BY MR. WESTON:

12 Q Did Camilla Palmer tell you what was the cause of the
13 disruption of the party?

14 A Yes.

15 Q Don't say what she said. Just did she tell you what
16 the cause of the disruption was?

17 A She did.

18 Q Did she identify a group by name as the cause of the
19 disruption of the party?

20 A She did.

21 Q What was the name of the group that she identified?

22 A TMB.

23 Q All right. Now, were you familiar with the letters
24 TMB at that time?

25 A I was not.

1 Q What did you do as a result of her giving you that
2 information?

3 A I contacted our gang intelligence officer.

4 Q Did you have a significant discussion with the gang
5 intelligence officer concerning the letters TMB?

6 A I did.

7 Q As a result of that meeting with that gang
8 investigator, what was your assessment of what happened --
9 how did that change your assessment of who these people
10 were, and what happened?

11 A I'm not -- I don't necessarily understand the
12 question.

13 Q Let me rephrase the question. I didn't state the
14 question very artfully. And I apologize.

15 What was your belief as to what TMB stood for at
16 that -- after your meeting?

17 A I believed it to be a street gang.

18 Q And what was the TMB -- do you know what the letters
19 stood for?

20 A Tough Money Boys.

21 Q All right. And as a result of your conversation with
22 this investigator, did you develop any information with
23 regard to the term Hit Squad?

24 A Yes.

25 Q And just to refresh the Court's recollection, was

1 that the name that was on the bandana at Ronald Brown's --
2 that was found in Ronald Brown's house?

3 A It was.

4 Q All right. And were you able to determine if there
5 was any association as a result of your talking --
6 interviews with the witnesses and talking to the gang
7 investigator, were you able to determine if there was
8 any --

9 MR. HAMILTON: Your Honor, I'm going to object.
10 Again, the gang investigator is still -- it hasn't been
11 demonstrated as to the definition of gang, and whether or
12 not this group is, actually, a gang.

13 THE COURT: Well, Detective Garrison, the gentleman
14 you've referred to as the gang investigator, is that his
15 official title, or what he's known as in the department?

16 THE WITNESS: Yes, sir.

17 THE COURT: Well, there's nothing wrong with that.
18 And he's already testified without objection that TMB was
19 a gang. Y'all didn't object. So --

20 MR. HAMILTON: We would -- he was doing his proffer.
21 I was letting him proffer. And then I was going to
22 cross-examine.

23 THE COURT: Well, you've -- this is to determine if
24 you were going to object to anything. And he just said it
25 was a gang. And you all didn't object. That's why we're

1 doing this proffer.

2 MR. KORNFELD: Your Honor, I object to -- unless they
3 can show that I was provided with anything -- a rag that
4 Lil Ru had that said Hit Squad on it. I've never seen
5 that.

6 MR. WESTON: Because it's in property and evidence,
7 Your Honor. And our discovery letter says, as all of them
8 do, we can make arrangements for you to come to property
9 and evidence and review the evidence. I have not heard
10 from either one of these lawyers in over a year about
11 doing that, Judge. And, now, he's complaining about not
12 looking at it.

13 THE COURT: Okay. Well, so far he hasn't tried to
14 introduce it. And all he's done is testify to what he
15 saw. He was there. He oversaw the collection of the
16 evidence. And the white bandanna had air brushed on it
17 Hit Squad. There's nothing objectionable about that.

18 MR. WESTON: And we'll be happy to show it to them
19 before we offer it into evidence, Your Honor.

20 THE COURT: Okay. Good.

21 Look, limit -- they are so concerned about the word
22 gang. I've done this in other cases. We've called them a
23 group. It is a group of people who are -- call themselves
24 Hit Squad. You know, they say that there is some
25 overwhelming prejudicial effect to the term gang. So try

1 and limit it as much as you can. That's all to -- I mean,
2 I --

3 MR. WESTON: Your Honor, I will do -- I will follow
4 the Court's directive, of course. But, Your Honor, if we
5 do that, they win. These 11 children --

6 THE COURT: No, no. No, sir.

7 MR. WESTON: They're going to come in here and say
8 they're gang members. They're going to say --

9 THE COURT: Okay. They are, yes. If they do that
10 and they identify themselves as a gang, there is nothing
11 objectionable about that. So until that happens, try to
12 limit the prejudicial effect. That's all I'm telling you.
13 This is to protect the record. Okay.

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

15 And, Your Honor --

16 THE COURT: They don't win anything.

17 MR. WESTON: I know you've made your ruling, Judge.
18 But could we have about 10 minutes?

19 I mean, we, basically, now are going to have to
20 change our strategy. We're going to have to recall him.
21 I'm going to call those 11 children. They're going to
22 say, I was a gang member. Then I'm going to put him back
23 up.

24 Judge, we shouldn't be afraid of the word. Judge,
25 these jurors are reasonable people. And his investigation

1 is based on the fact that he believed they were gang
2 members. And now -- I mean, I understand what you're
3 saying, Judge. And I will follow whatever directive you
4 give us. But I just think it's -- there's nothing
5 substantially prejudicial about the word gang.

6 MR. HAMILTON: And it's just simple American juris
7 prudence that we follow the rules of evidence.

8 THE COURT: Well, he is -- in the officer's mind,
9 it's a gang. He spoke with the gang investigator. The
10 word gang is already out there unobjected to. And all I'm
11 trying --

12 I'm not telling you, Mr. Weston, that you cannot talk
13 gang. I'm just trying to limit the overwhelming -- you
14 know, an overwhelming use of the term. It's a group that
15 you -- that he understood who -- they're having the same
16 name, same allegiance. And they consider themselves a
17 gang.

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

19 THE COURT: But just -- okay. Don't --

20 MR. WESTON: I understand.

21 THE COURT: We're seeking a conviction on the conduct
22 that occurred that night, not on some outside prejudicial
23 impact of terms. So we'll just keep it -- you know, don't
24 go overboard is what I'm telling you.

25 MR. HAMILTON: And just one final word, Judge. This

1 officer knows that they do not call themselves a gang.

2 THE COURT: Well, I'll tell you what, Mr. Hamilton,
3 you can ask him that. Do you want to cross-examine him?
4 Ask him that question.

5 CROSS-EXAMINATION

6 BY MR. HAMILTON:

7 Q Well, it's -- they do -- they're not -- there's a
8 little group. It's a little rap group. And they don't
9 call themselves a gang. The Hit Squad is what I'm talking
10 about.

11 A You're asking me, sir?

12 Q Yeah. I'm asking you.

13 A Okay. I don't know what they consider themselves
14 within their inner circle. We -- it's considered a
15 recognized street gang, Hit Squad and TMB.

16 Q And that's what he said they consider themselves.
17 But they themselves didn't consider themselves as a gang.

18 A I can't testify as to what is in their mind.

19 Q Kyzer Thomas says that -- so y'all are a gang?

20 No. We're just a group.

21 Kyzer Thomas, the guy you first interviewed after
22 arresting Ronald Brown says it's a group. You know that.

23 A Yeah. That's what he said.

24 Q Okay. Then --

25 A That's because they don't want law enforcement --

1 they don't want us to label them as a gang, even though
2 they know they're a gang.

3 THE COURT: Thank you, Officer.

4 We've had enough discussion. We'll take a short
5 break.

6 (WHEREUPON, a break was taken.)

7 (WHEREUPON, Court's Exhibit No. 1 was marked for
8 identification and admitted into evidence.)

9 THE COURT: Are we ready to go?

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

11 Do I need to finish my proffer?

12 THE COURT: What proffer? Don't we have it straight?

13 MR. WESTON: I wanted to make sure that the witness
14 was aware that he is not to use the word gang.

15 THE COURT: I'm not excluding the use of the term
16 gang. But I don't want it to become a focal point in the
17 record.

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

19 THE COURT: The word gang is out there. If the
20 Defense -- the Defendants allege they're not in a gang, I
21 don't know why they would -- and they're not in a gang, I
22 don't know why it would concern them that there's talk
23 about a gang. But I don't want it to become a focal point
24 of the trial. I'm not precluding it. But just use it
25 judiciously.

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

2 And I will try to use the word group, Your Honor.

3 And I don't have any problem with that.

4 THE COURT: Okay. I mean, the word gang is out
5 there. You're going to be talking about the gang
6 investigator. And this is the real world, so.

7 All right. Bring the jury in.

8 I'll tell you, you asked about the recording. I'm
9 just concerned about the use of the names. The names of
10 some of these juveniles has already come out. We've got
11 the -- I don't know how y'all do it. But that would be
12 inappropriate for that to be broadcast. You know that.

13 THE CAMERAMAN: Yes, sir.

14 The only request we had was if -- the audio. If not,
15 that's fine. It's --

16 THE COURT: I don't think there's any problem with it
17 as long as you -- there is no identifying information
18 about who the juveniles are.

19 THE CAMERAMAN: We'll make sure that no
20 identification is made.

21 THE COURT: Okay.

22 THE CAMERAMAN: Thank you, Your Honor.

23 (WHEREUPON, the jury came into open court at
24 approximately 11:33 a.m.)

25 THE COURT: All right. Mr. Weston.

1 MR. WESTON: Thank you, Your Honor.

2 CONTINUED DIRECT EXAMINATION

3 BY MR. WESTON:

4 Q Detective Garrison, you were saying that you met with
5 a gang investigator in the city police department; is that
6 correct?

7 A Yes.

8 Q And, as a result of that meeting, did you learn
9 anything -- what did you conclude about the street group
10 TMB?

11 A I -- well, from that meeting, I was given a list of
12 people that had been identified as members of that street
13 group. And I learned that TMB stood for Tough Money
14 Boys --

15 Q And --

16 A I'm sorry.

17 Q Did the -- were you able to -- as part of that
18 listing and that intelligence information that the city
19 had with regard to that group, were you able to discern
20 any kind of pattern with regard to their ages?

21 A Tough Money Boys tended to be younger, teenage, 13,
22 14, 15-year-old males.

23 Q Did you learn anything from your meeting with the
24 gang investigator about a street group called the Hit
25 Squad?

1 A Yes, I did.

2 Q What did you learn about them, any characteristics?

3 A I was, also, given a list that included names of
4 identified members of the Hit Squad. And --

5 Q Were they characterized as about the same age as the
6 Tough Money Boys?

7 A No. They were older males. Essentially, Tough Money
8 Boys was middle-school-aged kids. And Hit Squad was high
9 school and post-high school, or early 20s, males.

10 Q Did you learn as a result of your meeting, and your
11 investigation, and your meeting with the gang investigator
12 about any alignment between these two street groups?

13 A Yes. The two groups were aligned. Tough Money Boys
14 and Hit Squad were --

15 MR. HAMILTON: Your Honor, I don't understand the
16 foundation, how we have knowledge of that.

17 THE COURT: Well, you can cross-examine him about it.
18 There's nothing objectionable about it.

19 Go ahead.

20 MR. WESTON: Thank you, Your Honor.

21 BY MR. WESTON:

22 Q You were saying, sir.

23 A They were aligned together, the two groups. It was
24 kind of like Tough Money Boys was the cub scouts, and the
25 Hit Squad was the boy scouts. It was the way it kind of

1 seemed to me.

2 MR. HAMILTON: Again, Judge, I don't know if
3 that's --

4 THE COURT: Well, you can cross-examine him. There's
5 nothing objectionable about that testimony.

6 BY MR. WESTON:

7 Q All right. Now, based on this information that you
8 learned from your investigation, and through intelligence
9 within the Greenville Police Department, and talking to
10 other investigators, including the gang investigator, and
11 coupling that with your initial rounds of interviews,
12 which included Ronald Brown and -- was it Kyzer -- what
13 was the name of the other young man?

14 A Kyzer Thomas.

15 Q Okay. I didn't want to say that name out of turn
16 here.

17 What was your assessment -- and this is about two or
18 three days into the investigation; is that correct?

19 A About -- really -- yeah, 36 to 48 hours into it.

20 Q All right. What was your assessment then for
21 purposes of going forward with your investigation as to
22 what you believed happened at the party on April the 20th?

23 A What I believed based on my -- all the interviews of
24 the family, and Ronald Brown, and Kyzer Thomas is that
25 these members of these two groups, Tough Money Boys and

1 Hit Squad, had left -- had, actually, met in Falls Park
2 earlier. They went from there to the party at the West
3 End Community Center.

4 And once inside the party, they started a disturbance
5 by using hand gestures, and throwing signs, and yelling
6 TMB, Hit Squad, and were asked to leave the party. And
7 that tripped off everything else that happened after that.

8 Q Did Kyzer Thomas admit to assaulting Debron Harrison?

9 A Yes, he did.

10 Q Okay. Did Kyzer Thomas implicate Ronald Brown in
11 assaulting -- the assault on Debron Harrison?

12 A Yes, he did.

13 Q Did Kyzer Thomas implicate others?

14 A He did.

15 Q Did he give you any indication as to what his
16 relationship with these others were -- was? Excuse me.

17 A My understanding from talking to Kyzer was that
18 everybody that was involved in the assault with Debron
19 Harrison was either a member of Tough Money Boys or the
20 Hit Squad.

21 Q And did you proceed with your investigation with that
22 as your theory?

23 A Yes.

24 Q After -- with that in mind, what did you do with
25 regard to any contact with members of the Tough Money Boys

1 street group?

2 A I'm sorry. Can you --

3 Q With that backdrop, did -- what was the next step in
4 your investigation as far as members of the Tough Money
5 Boys street group?

6 A Well, people that have been -- I had either gotten
7 their name through Ronald Brown or Kyzer Thomas. We
8 started working on them as suspects in the case and,
9 subsequently, making more arrests of members of this group
10 that we were able to be -- identified as being part of
11 assaulting Debron Harrison.

12 Q All right. Did you contact -- or did you make --
13 attempt to make contact -- you or any other detectives in
14 your office attempt to make contact with any other members
15 on that list?

16 A The list of Tough Money Boys and the Hit Squad?

17 Q Yes, sir.

18 A Yeah. We tried to make contact with every one of
19 them. We didn't. We weren't successful, but we made
20 contact with as many as we could.

21 Q Were your results fruitful with regard to any of them
22 as far as them being involved in this?

23 A Yes, very.

24 Q And were there a number of them that you found were
25 not even at the party, or were not involved?

1 A Yes. Some of the people we talked to weren't even at
2 the party. Some were, some weren't. Some were involved,
3 some weren't.

4 Q Now, those that were involved, did they,
5 subsequently, give statements to you?

6 A Most of them did, yes.

7 Q And, generally, in terms of the investigation, when
8 they gave statements, did you ask them to name others?

9 A Yes, I did.

10 Q Did that then lead to further interviews with the
11 others?

12 A Yes. I mean, every time we interviewed one person,
13 we would get two, three, sometimes even more, up to five
14 new names that we hadn't heard from previous interviews.
15 So it just started snowballing into where we got --
16 identified a good number of the juveniles or kids that
17 were at the party. And we talked to as many of them as we
18 possibly could.

19 Q All right. Now, in your interview with Kyzer
20 Thomas -- going back to that -- did he mention the name
21 Antonio Moss?

22 A He did.

23 Q And did he indicate anything with regard to Mr. Moss'
24 involvement in this assault?

25 A Yes. He mentioned that Antonio Moss had struck

1 Debron Harrison with a trash can.

2 Q What did you do as a result of getting that
3 information?

4 A I immediately sent the forensics -- well, some of our
5 investigators and forensics back out to the parking lot to
6 see if they could locate this trash can. Because it had
7 been mentioned once before. But it didn't -- it had been
8 mentioned by Ronald Brown, but it didn't make sense to me
9 until Kyzer filled in some of the holes. And then I
10 realized that that trash can was an important piece. And
11 so we went back and got it.

12 Q All right. And was the trash can placed into
13 property -- located, impounded, and placed into property
14 and evidence?

15 A Yes. It was put into property and evidence by
16 Greenville County forensics.

17 Q At that point in time, did you make the decision --
18 make a decision concerning seeking warrants against Elijah
19 Wilson and Brittany Irby after your first or second round
20 of interviews?

21 A Yes. On the -- I believe it was April the 23rd is
22 when I asked for arrest warrants for both Elijah Wilson
23 and Brittany Irby.

24 Q All right. Now, would you tell the jury the
25 circumstances surrounding the surrender of Elijah Wilson?

1 A Once I had requested the warrants from the
2 administrative judge and those warrants were given to me,
3 I placed both of them on what's called NCIC. It's a
4 national crime computer system.

5 And then I gave those warrants to one of our officers
6 who's assigned to the U.S. Marshall Service Task Force.
7 And they started looking for the two of them. Because we
8 had other people to interview and to talk to. He was able
9 to make contact with them somehow and --

10 Q By "them," do you mean Elijah Wilson?

11 A Elijah Wilson and, I believe, his mother. And he --
12 I was informed that Elijah Wilson was going to be turning
13 himself into the law enforcement center later that day
14 on -- I believe it was April the 23rd.

15 Q And did he, in fact, arrive at the law enforcement
16 center later that day?

17 A He did. He came in around 6:00 p.m. on the 23rd.

18 Q Was he alone?

19 A No. He -- Brittany Irby came with him, his mother,
20 and about five or six other people.

21 Q All right. Did Mr. -- well, were the five or six
22 people that came with them, were they even suspects in
23 this case at that time?

24 A No. The other people that came with them's names had
25 not been mentioned at all at that point.

1 Q Were those five or six people interviewed?

2 A They were.

3 Q Did you, specifically, interview a Ms. Kylie Rogers?

4 A I did.

5 Q And without saying -- I don't want you to get into
6 the substance of the interview. But would you tell the
7 jury how you came to interview her from the time she came
8 into the law enforcement center and the circumstances?

9 A While we were talking to the people that had arrived,
10 I was called and told that there was a -- someone else in
11 the lobby who was irate, upset, angry. And they wanted to
12 speak, specifically, to me.

13 So I went down there and I spoke to this girl. She
14 wouldn't give me her name. And during that discussion, a
15 group of the girls that had come with Elijah and Brittany
16 came down to the lobby to use the restroom.

17 And during my conversation with this other girl, I
18 noticed that Kylie Rogers appeared to be really nervous
19 and not wanting to participate in what was going on as far
20 as she looked -- I mean, I could tell that she was nervous
21 and distressed about the whole process.

22 So I --

23 Q Did she appear uncomfortable?

24 A Yeah, uncomfortable. And I pulled her to the side.
25 And that's when we started talking.

1 Q And did you, subsequently, take a statement from her?

2 A I did take a statement from her.

3 Q And she had come there at the behest of the
4 Defendant?

5 A That's correct.

6 Q That was your understanding, at least?

7 A That's correct.

8 Q All right. Just describe this investigation to the
9 jury -- well, let me step back a moment. Excuse me.

10 Let's talk about forensics. Without getting too far
11 into CSI, I'm just going to hit -- talk about some
12 specific topics. And would you tell us how they played or
13 did not play into this investigation.

14 This is the downtown area where this happened. Was
15 there -- did you attempt to locate any video surveillance
16 from any of the adjoining service stations, businesses,
17 parking lots for the area?

18 A Yes. The West End Community Center had no camera
19 system at all that we could use. And I personally didn't
20 go out and look. Other detectives were helping me with
21 this investigation. But other detectives went in the
22 area. And we were able to locate one video. I think it
23 was from a flower shop. I could be wrong about that.

24 But it was so -- at such a distance, it was so
25 grainy. There was no way we could identify anybody from

1 the video. You could just see people running, figures,
2 you know, in the distance running. It wasn't good enough
3 quality for us to identify anyone. But that was the only
4 video that was found in the area.

5 Q All right. Let's talk about DNA. Was there a blood
6 sample taken from the victim, Mr. Harrison, for comparison
7 purposes?

8 A Yes, there was.

9 Q And were there items that were recovered from Ronald
10 Brown's -- from the search of Ronald Brown's house that
11 y'all felt might yield some DNA comparisons to the
12 victim's blood?

13 A Yes, the shoes. And then he was, also, wearing some
14 pants at the time we arrested him that we believed had
15 blood on them.

16 Q All right. And did you, also, impound clothing from
17 any other -- from a few of the other suspects in the case
18 for purposes of an attempt to compare DNA?

19 A Yes. There were a couple others that we were able to
20 identify what they were wearing that night. And we were
21 able to gather those clothes.

22 Q All right. And were there -- was that submitted for
23 DNA analysis?

24 A It was.

25 Q And just -- let's just get -- be very clear here.

1 Was there any DNA results that in anyway implicated either
2 one of these Defendants?

3 A No. Because we were not able to determine what
4 clothing they were wearing the night of the incident.

5 Q All right. And so DNA was not helpful to you at all
6 in regard to this case with the exception of maybe Ronald
7 Brown?

8 A Correct.

9 Q All right. Let's talk about telephone records. Did
10 y'all investigate the possibility of looking -- trying to
11 get cell phone records to help establish what happened?

12 A Not really. We --

13 Q Why is that?

14 A I'm sorry?

15 Q Why is that. Tell the jury why --

16 A Well, I mean, there was nothing that was -- there was
17 never any information that we received that someone made a
18 call, or something to that effect that was important to
19 the case. So, for that reason, I didn't feel like I had
20 the -- enough information to obtain a search warrant to
21 get anybody's cell phone records. Because no one ever
22 brought up anything about a phone call or a cell phone
23 call being involved in this particular case.

24 Q Putting the recent NSA scandal aside for the moment.
25 Are you able as a detective with the Greenville Police

1 Department or any law enforcement official able to just go
2 to my provider -- let's say -- and get my cell phone
3 records?

4 A No. I have to get a search warrant. And in order to
5 get a search warrant, I have to have probable cause.

6 Q And were you able to establish that, any kind of a
7 probable cause link in this case for anybody?

8 A No.

9 Q All right. Let's talk about social media. Did you
10 look on Facebook pages?

11 A More than I can count, yes.

12 Q Hundreds and hundreds?

13 A Yeah. Pretty much everybody's name that came up, I
14 went -- I tried to find a Facebook page on.

15 Q Did you go to the Facebook page for Ronald Brown?

16 A I did.

17 Q Would you tell the jury about anything relevant to
18 this case that you saw?

19 A His Facebook page was not just Ronald Brown. It
20 was -- Lil Ru Hit Squad Brown was the name of his Facebook
21 page.

22 Q All right, sir. Let's -- and I won't be much longer
23 with you. You charged each of these Defendants with
24 assault and battery by mob, eventually, first degree
25 because the victim, eventually, died; is that correct?

1 A That's correct.

2 Q And what was your basis for the charge against these
3 two individuals? What was the general basis for these
4 charges?

5 A , I mean, I had been given information that they were
6 at the front of the community center, were involved in the
7 assault of Mr. Harrison at the front of the community
8 center when it first started, when he stepped in to defend
9 Camilla against Ronald Brown. I was given information
10 that they were involved in that aspect of the assault.
11 And, based on that information, I requested and was given
12 warrants for their arrest.

13 Q And just to be clear -- and I'm glad you said it that
14 way. Was the theory of your -- of the case from your --
15 from your investigative perspective that these were two
16 separate events, the assault in front of the community
17 center and then the assault in the parking lot, or was
18 this one continuous event?

19 A I believed it to be one continuous event. When he
20 stepped in to protect Camilla Palmer and he was -- he
21 began being assaulted right at the front door, basically,
22 of the community center by multiple individuals. And then
23 he was able to get up and flee them. They pursued him.
24 That's a continuation and -- until they got across the
25 parking lot. And he got in that fenced-in area where he

1 had nowhere to go. And they caught him again and
2 continued to beat him until he was unable to move, speak,
3 or respond at all.

4 Q How many defendants, ultimately, did you charge in
5 this case?

6 A 18.

7 Q How many of them were over the age of -- how many of
8 them were under the age of 16?

9 A 11.

10 Q And so their cases were handled in Family Court?

11 A Yes.

12 Q All right. While she's doing that, Officer Garrison,
13 let me just ask you this. Do you believe there's a
14 possibility that there were others involved in this case?

15 A Oh, I know there's others. I just don't have enough
16 to charge them.

17 Q About how many people did y'all interview, you and
18 the others? And I know you don't know an exact number.
19 But I just want the jury to get some sense of your
20 investigation.

21 A We interviewed -- I say "we" as in all the detectives
22 involved in this case -- over a hundred people.

23 Q And did the people -- did everybody who was charged
24 admit to everything they did?

25 A No. It's not uncommon that when someone is brought

1 in for an interview and they realize that, you know, we
2 have enough information to charge them, they'll start to
3 admit to it. But they, typically, lessen their
4 involvement. They'll say, oh, I only hit him one time
5 when in actuality they probably hit him a lot more than
6 that. But they, typically, lessen their involvement in
7 it, and add to what others did.

8 Q All right. Finally, sir, let me ask you. If you
9 would open -- let me ask you. Do you recognize this and
10 the number on it?

11 THE CLERK: Mr. Weston.

12 BY MR. WESTON:

13 Q Do you want these gloves and some scissors?

14 A Yes, please.

15 Q Do you want the gloves as well?

16 A Yes, please.

17 I do recognize it.

18 Q Do you -- could you tell the jury what's inside that
19 bag?

20 A This should be the white bandanna with the air brush
21 of Hit Squad on it.

22 Q And you were present when the bag -- when that was
23 secured and impounded at Ronald Brown's house?

24 A Yes. I was there.

25 Q Did you supervise the -- its placement into property

1 and evidence? Did you supervise the placement into
2 property and evidence?

3 A Yes.

4 Q And did you instruct an officer to put it into
5 property and evidence?

6 A Yes. Detective Cothran, who was, also, with us when
7 we did the search warrant at Ronald Brown's house.

8 Q And did you see it before he put it in?

9 A Yes.

10 Q And did you, in fact, go to property and evidence, I
11 guess, this morning and get it and bring it to court?

12 A Yes. I went there this morning and brought it to
13 court today.

14 Q All right. Would you open the bag, please?

15 A (Witness complied.)

16 Q And don't show it to the jury yet.

17 And if you'll take a look at what's in the bag. Just
18 hold it below the level of the counter there.

19 A (Witness complied.)

20 Q Do you recognize it?

21 A Yes.

22 Q And what is it?

23 A It's an off-white bandanna with the words -- or the
24 words Hit Squad, and then LHD air brushed on it.

25 Q Okay. Do you have, as a part of your investigation,

1 any indication as to what LHD means?

2 A Yes.

3 Q What does -- but as a result of your investigation,
4 what did you determine -- what do you -- what did you
5 assess and believe that to mean?

6 A Based on the information that I was able to gather
7 during the course of the investigation, LHD is a
8 combination of three street groups that align. L stands
9 for Lick Squad, H stands for Hit Squad, and D stands for
10 Drip Gang.

11 MR. WESTON: Your Honor, the State would offer that
12 as State's Exhibit No. 20. And we'll figure out how to
13 mark it, but -- and I don't want him to hold it up
14 until --

15 Don't hold it up yet.

16 THE COURT: Any objection?

17 (WHEREUPON, there was no response.)

18 THE COURT: Any objection?

19 MR. HAMILTON: Wilson has no objection.

20 MR. KORNFELD: No objection.

21 THE COURT: Okay.

22 (WHEREUPON, State's Exhibit No. 20 was marked for
23 identification and admitted into evidence.)

24 BY MR. WESTON:

25 Q Would you just open it up and hold it up for the jury

1 to see?

2 I think if you'd just step down and just kind of walk
3 over here.

4 A (Witness complied.)

5 Q And while you're doing that, would you remind --
6 refresh my recollection. Where was that found?

7 A This was found at Ronald Brown's house.

8 Q All right. I think -- let's put it back in the bag,
9 I think.

10 MR. WESTON: And just mark the bag. Would that be
11 okay?

12 THE COURT: Can you do that?

13 THE COURT REPORTER: Yes, sir.

14 THE COURT: I'll tell you what, if no one objects,
15 we'll try and obtain a plastic bag to put it in so it's
16 visible.

17 Does anybody object to that?

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

19 THE COURT: Any objection?

20 MR. KORNFIELD: No objection.

21 THE WITNESS: Do you want me to leave it out of the
22 plastic -- I mean, do you want me to leave it out of the
23 paper?

24 BY MR. WESTON:

25 Q For the time being. They may have some questions on

1 cross-examination.

2 THE COURT: Yes. Leave it out.

3 MR. WESTON: Your Honor, I think that's all I have
4 for this witness.

5 THE COURT: All right. Cross.

6 CROSS-EXAMINATION

7 BY MR. KORNFELD:

8 Q Detective Garrison, you interviewed several
9 juveniles; correct?

10 A Quite a few juveniles, yes, sir.

11 Q All right. And did you ever threaten any of the
12 juveniles, or tell them that you were going to add more
13 charges?

14 A No, I did not.

15 Q Did you ever say, I'll just add an obstruction of
16 justice charge on you and we can deal with that, too. And
17 then a mother said, We don't want to deal with that, baby.
18 Did that ever happen?

19 MR. WESTON: Objection, Your Honor.

20 THE COURT: On what basis?

21 MR. WESTON: He is putting in hearsay of what
22 somebody's mother said as part of a question.

23 THE COURT: Well, let him --

24 Go ahead and ask your question again.

25

1 BY MR. KORNFIELD:

2 Q Did you ever tell someone if they didn't start
3 testifying that you were going to charge them with
4 obstruction of justice?

5 MR. WESTON: Your Honor, that was not the question he
6 asked.

7 THE COURT: Okay. Well, that's the question he is
8 asking. So that's not objectionable.

9 Go ahead.

10 THE WITNESS: No, I did not.

11 MR. KORNFIELD: Hang on one second.

12 (Pause.)

13 BY MR. KORNFIELD:

14 Q Do you remember interviewing or interrogating
15 Jyquavious Young?

16 A Yes, I do.

17 Q All right. And do you remember what time of day you
18 brought Jyquavious in?

19 A Jyquavious Young and his half brother came -- were
20 brought to the law enforcement center by their parents in
21 the morning hours around 9:00, 9:30.

22 Q Okay. And when you talked to Jyquavious, did you
23 mention Brittany to him first, or did he mention Brittany?

24 A I don't recall who mentioned it first.

25 Q All right. Would you like to look at your record? I

1 believe that you mentioned it first -- her first.

2 A I may have. I don't recall.

3 Q Okay. And have you ever said anything to any of the
4 witnesses that wasn't exactly correct?

5 A I don't understand what you're asking exactly.

6 Q All right. Did you say to Jyquavious Young, Big
7 Britt sat in the same room that your brother is sitting in
8 right now and gave Detective Flavell a whole bunch of
9 names? As a matter of fact, she gave your name and your
10 brother's name.

11 A Yes. I did say that.

12 Q All right. And, in fact, Brittany Irby did not say
13 that to you, did she?

14 A She did not.

15 Q All right. So why did you tell young Jyquavious
16 Young that?

17 A It's an interrogation tactic.

18 Q All right. Is it a lie then?

19 A Yes, it is.

20 Q All right. And I'll try and find it here, but what
21 happens if someone lies to you in a case?

22 A People lie to us every day.

23 Q And, sometimes, when they lie to you, you charge them
24 with obstruction of justice, don't you?

25 A They can be charged, yes.

1 Q All right. Was anybody in this case charged with
2 obstruction of justice?

3 A No.

4 Q Did anybody plead to obstruction of justice?

5 A Yes, one person did.

6 Q All right. So when you're talking to Jyquavious
7 Young, you lie to him and say that my client said that he
8 was the one that did it; correct, that she implicated him
9 in this crime?

10 A Yes. I believe that's what I said.

11 Q All right. And then you, also, say, You need to
12 start thinking about Jyquavious, not them. I know you
13 know who the other people are --

14 MR. WESTON: Your Honor, I'm going to object. If
15 he's going to read from his report, I think, at a minimum,
16 he needs to give the officer a chance to review the
17 report. He can't remember exactly what he said. But
18 he's --

19 THE COURT: Well, he -- okay. He can ask the
20 question. And if he admits it, it's over. If he denies
21 it, then he can --

22 MR. KORNFELD: I'm just trying to keep it clear.
23 That's fine.

24 BY MR. KORNFELD:

25 Q I'll just ask this question. Did you tell Jyquavious

1 that he needed to start thinking about him?

2 A I told, basically, all of them that I can think of
3 that when they were being interviewed by me, they needed
4 to think about themselves and what their involvement was
5 versus trying to help other people that couldn't help
6 them.

7 Q Right.

8 A So, yeah, I said that to Jyquavious.

9 Q Yeah. You didn't say, I need you to tell the truth,
10 did you?

11 A Well, that's what I expected them to do was tell the
12 truth.

13 Q Well, then why did you bring up my client's name
14 before he had the opportunity to say who was there?

15 A I don't know exactly. I mean, I can't recall exactly
16 what was going through my head at the time I interviewed
17 Jyquavious Young, and why I brought up Brittany exactly.
18 I know I was --

19 Q Wasn't it --

20 A -- trying to --

21 Q -- because --

22 MR. WESTON: Objection --

23 THE WITNESS: I'm not done with my --

24 THE COURT: Wait a minute. Let him finish his
25 answer.

1 MR. KORNFELD: All right.

2 THE WITNESS: I was trying to get him to understand
3 that he was in a situation where we knew he was involved,
4 and that it would be in his best interest to tell us what
5 he knew about the case.

6 BY MR. KORNFELD:

7 Q And you had already made the determination that
8 Brittany was a suspect in this case; correct?

9 A Well, she had already been charged. By the time I
10 interviewed Jyquavious Young, Brittany Irby had already
11 been charged in this case. So, obviously, she was a
12 suspect. Because I had already asked for and been given
13 an arrest warrant for her.

14 Q And you go on later in the interview, don't you, and
15 you ask him -- or the interrogation, more like, and you
16 ask this child -- I believe he's 14 -- Was there a
17 Brittany there? Fat, black girl? And what -- did you ask
18 that question?

19 A I don't recall exactly how I asked the question, sir.

20 Q Did you ask -- after you brought her up first, did
21 you ask, Was there a fat, black girl there?

22 A I may have. I don't recall every word that I said in
23 that interview over a year ago.

24 Q Do you recall what his answer was?

25 A I don't recall.

1 Q Did you ever misstate any of Jyquavious' statements
2 to you when you recalled them back to him?

3 A I'm not sure what your question is, sir.

4 Q When you summarized things that Jyquavious told you,
5 did you ever state things back to him and add facts?

6 A At what point are you asking me if I -- are you
7 talking about in a written statement?

8 Q No. I'm talking about in the interrogation.

9 A Again, I can't recall every word that I spoke to
10 Jyquavious Young over a year ago. I don't know.

11 Q All right. Throughout the interview, did -- when you
12 asked Mr. Young questions, Jyquavious Young, did he
13 continue to deny that my client was involved in this?

14 MR. WESTON: Objection, Your Honor.

15 THE COURT: On what basis?

16 MR. WESTON: It calls for hearsay.

17 THE COURT: I'm going to let him ask it. It's all
18 right.

19 Go ahead.

20 THE WITNESS: I'm sorry. Can you ask the question
21 again?

22 BY MR. KORNFELD:

23 Q I'll try. Throughout the interview, did Jyquavious
24 Young deny my client having anything to do with this?

25 A I'm going to have to refer to my report, if you'll

1 give me just a minute.

2 Q Sure.

3 (Pause.)

4 MR. KORNFELD: I'll withdraw the question.

5 BY MR. KORNFELD:

6 Q How about this. Did -- when you ascertained and
7 talked with Jyquavious Young, if you took his statements
8 as truth, would you think that any girls were involved?

9 A And, again, I'd have to refer to my report as to who
10 he -- who all he identified. If you'll just give me a
11 second.

12 I don't recall -- or believe that Jyquavious
13 identified Brittany Irby in any way, as far as I can tell
14 from my report.

15 Q All right. Did Jyquavious implicate himself in the
16 assault?

17 A Yes, he did.

18 Q All right. And in the beginning when you were giving
19 him his Miranda rights and things like that, you,
20 specifically, stated, I'm not trying to trick you;
21 correct?

22 A I did.

23 Q All right. And then you just admitted that you lied
24 to the kid; right?

25 A I did lie to him.

1 Q If you -- why do people lie?

2 MR. WESTON: Objection, Your Honor.

3 THE COURT: I sustain that. That's pretty far field.

4 MR. KORNFELD: All right.

5 BY MR. KORNFELD:

6 Q Did you lie to him to trick him?

7 A Yes. I mean, I was trying to make him believe that
8 I -- more people had identified him than had, actually,
9 identified him.

10 Q All right. So as someone that you lie to to get more
11 information, a 14-year-old kid in this case, is his
12 testimony more credible or less credible?

13 MR. WESTON: Objection, Your Honor.

14 THE COURT: I sustain that.

15 MR. WESTON: Thank you, Your Honor.

16 BY MR. KORNFELD:

17 Q You, also, interviewed a guy named -- a child named
18 Treveion Anderson; correct?

19 A Yes.

20 Q Do you remember that?

21 A I do.

22 Q All right. And you, also, asked for several names in
23 that case. And you give Treveion my client's name, except
24 you don't call her Brittany, you call her Big Britt; is
25 that correct?

1 A That's probably what I called her, yes.

2 Q All right.

3 A That was a name that several of them had used to
4 describe her identity.

5 Q All right. And did he -- after you did the
6 interrogation with him, was there any more reasons or
7 facts to believe that Ms. Irby was involved in this?

8 A I'd have to, again, refer to my report. If you'll
9 give me just a second.

10 Yes. After interviewing Treveion Anderson, I had --
11 I believed that Brittany was involved in the assault of
12 Mr. Harrison in front of the community center.

13 Q All right. Did Treveion -- you didn't get any more
14 information -- direct information that said -- that made
15 you believe that he -- there was no information directly
16 stating that my client hit this -- hit Mr. Harrison after
17 that interview, was there?

18 A I'm sorry. You are so -- I don't necessarily
19 understand what you're asking.

20 Q All right. Did anybody tell you the name Big Britt
21 before you stated the name Big Britt? How did you come up
22 with the name Big Britt?

23 A I don't think I can answer that question without
24 there being a problem.

25 Q Okay. In one of the interviews -- I believe the

1 interview with Jyquavious Young, after you named Big
2 Britt -- or you say Big Britt first, before he states
3 anything back, you grab the back of your neck and kind of
4 look away. Is there a reason that you did that?

5 A I have no idea why.

6 Q Okay.

7 A I mean, I could have an itch on the back of my neck.
8 I don't know.

9 Q Okay.

10 A I can't answer that.

11 MR. KORNFELD: I just ask for the Court's indulgence
12 for one second.

13 (Pause.)

14 BY MR. KORNFELD:

15 Q Was there any other reason that you -- who else did
16 you lie to, other than the people I've named?

17 MR. WESTON: Objection, Your Honor.

18 THE COURT: Sustained.

19 MR. WESTON: Thank you.

20 MR. KORNFELD: No further questions.

21 THE COURT: All right. Cross.

22 CROSS-EXAMINATION

23 BY MR. HAMILTON:

24 Q Mr. Garrison, in your investigation, you used routine
25 police tactics. It's a routine police tactic to kind of

1 make a person believe that you have more information than
2 you have. And, you know, we can't use the word lying, but
3 you deceive them and say, well, I know this already. You
4 do that all the time in this case; right?

5 A No. I wouldn't say I do it all the time in this
6 case. There were times when I may have told somebody that
7 we had more information than we, actually, did have at
8 that particular time. And, based on my training after
9 going to several training sessions and schools, if you
10 will, on the interview of people, I'm allowed to use
11 deceit. And so, sometimes, we use that as a tactic, yes.

12 Q Deceit. Deceive them?

13 A That's correct.

14 Q And the people you're deceiving are 11, and 12, and
15 13-year-olds, 14-year-olds who have -- right?

16 A Yes. Most of which admitted to being involved in
17 beating a man to death in a parking lot in downtown
18 Greenville.

19 Q Right. They admit to it. They say I only hit
20 him one time when they hit him 15 times is what you
21 believe.

22 A I'm sorry. I don't understand that particular
23 question.

24 Q You just said earlier that, sometimes, they say they
25 hit a person one time when they, actually, hit him four

1 times. That's the answer you gave back. In your
2 belief --

3 A Most people -- what human nature is, when they've
4 been involved in something with other people is to lessen
5 their involvement. That's human nature for people to say,
6 well, I only did this much, but all these other people did
7 this -- you know, they did more than me. That's human
8 nature, yes.

9 Q Right. That's human nature. And then this police
10 training to do the opposite and say, well, you know, I
11 know this much about what you've done. Isn't it true --
12 and you might as well tell me because you -- in this case,
13 you did say that. I've talked to Scoot, I've talked to
14 whoever you talked to. And you hadn't talked to them. Or
15 you had talked to them, but they hadn't said what you told
16 the little 16-year-old, the 12-year-old what you said;
17 right?

18 A As much as I can understand that question, yes.

19 Q Okay.

20 A I told Jyquavious Young that Brittany Irby and Elijah
21 Wilson had told me more than what they had, actually, told
22 us.

23 Q Okay. And it got to the point where it's confusing
24 even to Mr. Jyquavious Young. You know, you asked him, do
25 you know the fat girl? And Mr. Young said, that hangs out

1 with Scoot. Who is Scoot? And he said, I don't know?

2 MR. WESTON: Your Honor, I'm -- same objection with
3 regard to hearsay of these other people.

4 MR. HAMILTON: I'm just asking did he --

5 THE COURT: I'm going to let him do it.

6 Thanks.

7 Go ahead.

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

9 BY MR. HAMILTON:

10 Q And Young said, I don't know Scoot that well. And
11 then you said, well, let's back up. What was Scoot doing
12 with the guys in the parking lot? You just -- and Young
13 didn't know what you was talking about. And then you
14 said, you just said you saw Scoot. And Young said, I
15 don't know Scoot. How Scoot look?

16 THE COURT: Well, Mr. Hamilton, you can attack his
17 credibility with respect to the police interrogation
18 tactics. But you're not going to read the whole statement
19 into the record. That is beyond the scope of what I will
20 allow.

21 MR. HAMILTON: I understand, Judge. But -- and --
22 but to refresh his memory.

23 THE COURT: Well, give him the document. We're not
24 going to put it into the record.

25 MR. HAMILTON: Yes, sir.

1 BY MR. HAMILTON:

2 Q To refresh your memory. Do you remember that?

3 A I remember the interview. I -- again, I can't
4 remember every word that was spoken in the interview.

5 Q But the gist of that is that you had told him
6 something. And he responded that he saw Scoot there only
7 because you told him that I just talked to Scoot, and he
8 gave me your name, and Scoot told me what he did. And he
9 said, yeah, okay.

10 And then he turned around, yeah, I saw Scoot hidden.
11 Because he said, well, why you -- and then you said, I
12 thought you told me that. And then it's true -- you just
13 read -- the only reason why he said that is because you
14 told him that Scoot was there. He said -- he was
15 confused. He said, well, you're the one that told me
16 that.

17 A I'm confused as to what the question is.

18 THE COURT: You're asking him to speculate into this
19 other person's state of mind. He's not able to do that.
20 You're talking about a jury argument at the end of the
21 case.

22 Move along.

23 MR. HAMILTON: Okay.

24 BY MR. HAMILTON:

25 Q The same thing happens in that -- we're using the

1 same -- with Thomas, Mr. Kyzer Thomas. And you -- and who
2 else was in there in the room? Fretwell [sic], both of
3 y'all was in that interview.

4 A I'm sorry.

5 Q Both of y'all was interviewing Kyzer Thomas. And
6 then you asked him about what Hit Squad was. And he told
7 you it was a group; isn't that true?

8 A Yes.

9 Q Right. And then he, also, said it didn't exist any
10 more. He said --

11 A I don't recall that part of the -- I mean --

12 Q You was in the interview with him. And I'll show you
13 that.

14 A Do you mind if I, actually, read it?

15 THE COURT: Yes. Give it to him and let him review
16 the document.

17 MR. HAMILTON: Just that one section.

18 (Pause.)

19 BY MR. HAMILTON:

20 Q So you were told that the Hit Squad did not exist?

21 A What he said was -- is -- when we asked him if Hit
22 Squad was a gang, he said, no, it's a group. And then
23 later he said that it didn't exist any more, except for
24 when they went to parties. And then later on --

25 Q That's -- you answered my question --

1 A Well, I wasn't finished with --

2 Q He said --

3 A -- my answer --

4 MR. WESTON: Objection, Your Honor.

5 THE COURT: He can finish his answer.

6 THE WITNESS: If I can see that piece of paper again,
7 please.

8 MR. HAMILTON: Well, he's not responding to my
9 question, Judge. He's --

10 THE WITNESS: I'm answering it.

11 THE COURT: Let him look at it.

12 THE WITNESS: He did say that they didn't exist any
13 more. And then the other detective that was in the room
14 with me asked me, so it's a gang?

15 And he said, not really. It's just a group, but --
16 not really, but it's just a group.

17 BY MR. HAMILTON:

18 Q It didn't exist any more. So it's a gang. No, it's
19 just a group. So it don't exist any more.

20 A Well, it doesn't exist any more because we put all of
21 them in jail.

22 Q Well, that's cute. But it didn't exist at the
23 time you --

24 A I mean, it existed at that time, yes, sir.

25 Q -- at the time of the interview is what -- is the

1 issue here.

2 Let's get back -- well, we talked about that already.

3 So there's no question that you're deceiving all of
4 these -- and convincing these young boys that they saw
5 something because you already had the information about
6 it.

7 A No. That is not true. I believe the question you
8 asked is if I used deceit in all of the interviews. And
9 that is not true.

10 Q Okay. And Scoot is Elijah Wilson. You agree; right?

11 A Yes. Based on the information that I obtained during
12 the investigation, the street name Scoot is Elijah Wilson.

13 Q Okay. And the same person who said that he saw
14 Elijah Wilson hadn't seen -- is the same person that
15 couldn't identify Elijah Wilson, Mr. Young, the little
16 young man, Jyquavious Young. He couldn't identify him in
17 a lineup because he didn't know him.

18 MR. WESTON: Objection, Your Honor. There's no -- I
19 don't think he's laid any foundation.

20 THE COURT: Well, let's see what the answer is. I
21 think he can ask the question.

22 THE WITNESS: I'd have to refer to my report. I do
23 remember getting -- showing Jyquavious Young some lineups.

24 BY MR. HAMILTON:

25 Q You got it?

1 A Yes, sir.

2 Q I'll show you specifically.

3 A Yes. I did show Jyquavious Young a lineup that
4 contained a photograph of Elijah Wilson, and he did not
5 point him out.

6 Q Right. And he -- and earlier, he told you he saw him
7 out there during this -- involved in this criminal act,
8 and he don't even know Elijah Wilson; is that -- that's
9 true?

10 A He did not say that he didn't know Scoot. He said
11 that he didn't know him that well.

12 Q Right.

13 A But he said he did know Scoot.

14 Q He said he did?

15 A Yes. And then he said he didn't know him that well.

16 Q He said he didn't know him. He only said that
17 because you gave him the name.

18 A I mean, I'm just going off of what I read just a
19 minute ago that you handed to me. He said he did not know
20 Scoot that well, I believe is the exact words. That's an
21 indication to me that he knows him. He just doesn't know
22 him all that well.

23 Q And I'll show you this. And this says, I don't know
24 how Scoot look. You asked him. He says he don't know how
25 Scoot look. He says that he saw him at the scene.

1 What -- he said -- oh, he said the only reason why he said
2 that is because you the one that told him that.

3 A Right here, it says Jyquavious Young, I don't know
4 Scoot that well.

5 Q It says, I don't know how Scoot look?

6 A Then later on, he says, I don't know how Scoot look.

7 Q But --

8 A But before that, he says, I don't know Scoot that
9 well.

10 Q And he made it perfectly clear --

11 A I don't know Scoot that well is an indication to me
12 that he knows who Scoot is. And Scoot has been identified
13 as Elijah Wilson.

14 Q Okay. And I understand that. But it's just -- the
15 point is that he made a clarification. I don't know him
16 that well. And then when you pressed him, he said, I
17 don't even know how he look. He said --

18 A He did say he didn't know how he looked.

19 Q Right. I mean, because it got to that point where he
20 said, I don't even know how he look. Then you said, well,
21 you just saw him over there.

22 THE COURT: Okay. Asked and answered.

23 MR. HAMILTON: Okay.

24 BY MR. HAMILTON:

25 Q So that same type of thing happened in almost each

1 case. You said it didn't happen in almost each case.

2 But...

3 A I'm sorry. Was that a question?

4 Q You said it didn't happen in each case. But it
5 happened in almost each case that you was involved in.

6 A No, it did not. That is just simply untrue.

7 (Pause.)

8 THE COURT: Do you have any more questions?

9 MR. HAMILTON: I do. I do, Judge.

10 THE COURT: Well, let's move it along.

11 BY MR. HAMILTON:

12 Q I'm going to refer back to when you talk to Ianteves
13 Rogers. Isn't it true that you told him that everyone
14 that was trying to give Scoot an alibi that they were
15 going to be charged with obstruction of justice, and that
16 he needed to help, and participate, and cooperate with
17 your theory of the case?

18 A Yes. During the interview of another juvenile by the
19 name of Ianteves Rogers, we asked what Scoot -- or Elijah
20 Wilson did during the incident. He gave us a story that
21 was pretty much identical to the story that all these
22 people that came down to the law enforcement center had
23 given us that we had already proven was a lie.

24 So he told us the same lie that we had been told by
25 Elijah Wilson's alibi witnesses. And so during that

1 conversation, I explained to him that, look, the story you
2 just told me. We've already proven is a lie. These
3 people that have already lied to us could be charged with
4 obstruction of justice. And you don't want to get
5 involved with that. And that's what that's referring to.

6 MR. HAMILTON: And that would be all our questions.

7 THE COURT: All right. Any redirect?

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

9 REDIRECT EXAMINATION

10 BY MR. WESTON:

11 Q Detective Garrison, Mr. Kornfeld asked you,
12 specifically, about your interview with Treveion Anderson.
13 And he told you some things from the reports that Treveion
14 Anderson said. Do you recall that a few minutes ago?

15 A Yes, sir.

16 Q Is it -- would it be fair to say that you interviewed
17 Treveion Anderson, along with Detective Flavell, that
18 y'all both were present?

19 A That's correct.

20 Q Would it, also, be fair to say that you probably
21 can't remember every word that was said during the
22 interview, I mean, every exact word that was said?

23 A Absolutely. In that interview, I know we got --

24 Q Just "yes" or "no" is fine, sir.

25 A Yeah. I mean, it was a very long interview --

1 Q If I show --

2 A -- it went on for several hours.

3 Q -- this document here, does this refresh your memory
4 as to what was said during the interview with Treveion
5 Anderson?

6 A Yes, it does.

7 Q Would you read the highlighted parts, please, for the
8 jury as to what Treveion Anderson -- well, first of all,
9 was Treveion Anderson charged in this crime?

10 A Yes, he was.

11 Q He admitted to killing this man?

12 A Yes.

13 Q Or helping?

14 A Yes.

15 Q Would you read to the jury what he told you and
16 Detective Flavell word for word? Don't paraphrase,
17 please, word for word.

18 A Treveion Anderson: Scoot was like over there hitting
19 him. He was hitting him when we was all across the street
20 before we came back across the other street.

21 Q Who is Scoot?

22 A Elijah Wilson.

23 Q And that was what Mr. Hamilton just told you his
24 name -- his nickname was; right?

25 A Correct.

1 Q Would you point him out to the jury, please?

2 A He's the individual sitting at that table with a blue
3 and white striped shirt, and a goatee, and braids in his
4 hair.

5 Q What else did Treveion Anderson tell you, please,
6 sir, word for word?

7 A Do you want me to read -- you want me to read --

8 Q All the highlighted portions, yes, sir.

9 A Then I -- after he said that, I asked, This is when
10 he is on the ground and y'all are hitting him?

11 Treveion Anderson said, Yeah. That's when I hit him.

12 Detective Garrison: Scoot was hitting him?

13 Yeah. Scoot was hitting him and Big Britt.

14 Q Excuse me. Who is Big Britt in the context of this
15 trial, sir?

16 A That would be Brittany Irby.

17 Q Would you point her out for the jury, sir?

18 A She's the female sitting at that table with a -- it
19 appears from here to be a green plaid shirt, and braids,
20 and glasses.

21 Q Is anything else highlighted, sir?

22 A Yes, sir.

23 Q Would you read that into the next -- I think it's
24 into the next page?

25 A Then I asked, That was up at the center?

1 And Treveion said, Yeah, up at the center.

2 Then I asked again, Scoot and Big Britt were hitting
3 him at the center?

4 Treveion Anderson said, Yeah.

5 Q And that's word for word what the Co-Defendant told
6 you about the involvement of these two?

7 A Yes. That's the transcript from the recorded
8 interview.

9 MR. WESTON: Thank you, sir.

10 That's all I have.

11 THE COURT: Any redirect [sic]?

12 MR. HAMILTON: Redirect --

13 THE COURT: Mr. Kornfeld, anything?

14 MR. KORNFELD: You go ahead.

15 THE COURT: Well, you're next in line. If you've got
16 anything, ask it.

17 MR. KORNFELD: Okay. I'm sorry, Your Honor.

18 RECROSS-EXAMINATION

19 BY MR. KORNFELD:

20 Q How long did the interview with Treveion Anderson
21 last?

22 A It was several hours, because he requested a
23 polygraph test -- I'm sorry.

24 Q Okay. It was several hours?

25 A Yeah. And we had to talk to his parents.

1 Q All right. And, during that time, he tells you that
2 when they go across the -- at any time during that time,
3 does he tell you that Brittany is over here? He never
4 tells you that; correct?

5 A No. That's not correct. I don't -- if you'll give
6 me a second to review my report.

7 Q I thought you just stated at the community center
8 when you read what Assistant Solicitor Weston gave you.

9 A No. That was talking -- you asked me if Treveion
10 ever said that Big Britt was over in that parking lot;
11 correct?

12 Q (There was no response.)

13 A So --

14 Q That's what you just read --

15 A If you'll give me just a second, please.

16 Yes. Treveion Anderson did say that Brittany Irby
17 was in that parking lot. That after -- what Treveion
18 Anderson told me was is that after they had beaten Debron
19 Harrison in that parking lot that Elijah Wilson and
20 Brittany Irby came over and picked Ronald Brown up and
21 took him away from the scene.

22 Q Which -- where are you referring to?

23 A That is in my report for -- if you'll give me just a
24 second.

25 Q Sure.

1 A This is a report that's six pages long entitled Lead
2 #16 Treveion Deshawn [phonetic] Anderson. And on Page 5
3 is where it talks about Treveion told us that Elijah
4 Wilson and Brittany Irby drove across the street and
5 picked Ronald Brown up after they had assaulted Debron
6 Harrison, and drove Ronald Brown from the scene.

7 Q All right. And you're not referring to the actual
8 transcript of the --

9 A No. I'm referring to my report.

10 Q So those are what you stated, not what they,
11 specifically, stated?

12 A No. These are a summary of what they told me in
13 their interview that I put in my report.

14 Q All right. Did they tell you that -- did this
15 particular kid, Treveion Anderson, tell you that Brittany
16 was saying, Chill, chill, and pulling any Defendants off
17 of the -- Mr. Harrison? Is that in your report?

18 A No. I don't have that part in my report. There were
19 other reports that were submitted that were the
20 transcripts of the interviews, word for word transcripts.
21 I don't have those in this book.

22 Q So you summarize it and put it in your report. Is
23 that --

24 A That's correct.

25 Q All right. So --

1 A It's, also, in the transcript of the interview.

2 Q There's a difference between a -- what he stated and
3 what you summarize, is there not?

4 A Obviously.

5 Q Yes. And you wrote it from a position as a
6 detective; correct?

7 A Well, yes, sir. That's my position.

8 Q Okay. And you didn't put in all the material facts
9 in here including that Treveion Anderson says that
10 Brittany pulls people off; correct?

11 A (There was no response.)

12 Q Is that in your report?

13 A That is not in my report.

14 Q Okay.

15 A My report is to document the information that I
16 received to support the charges that I make. That's what
17 my report is for. All of our -- most of our interviews in
18 this case that were done at the law enforcement center
19 were video and audio recorded. Those were given to one of
20 our administrative assistants who transcribed them into
21 other reports.

22 So my report summarizes what happened and what was
23 said in the interview. The transcript is word for word.
24 So, I mean, it would be duplicating things if I went in
25 and put in word for word in my report what they said when

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19 were video and audio recorded. Those were given to one of
20 our administrative assistants who transcribed them into
21 other reports.

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23 said in the interview. The transcript is word for word.
24 So, I mean, it would be duplicating things if I went in
25 and put in word for word in my report what they said when

1 the administrative assistant is doing that already in the
2 transcribed -- transcription of the interviews.

3 Q You stated that it was -- did you state -- did you
4 state to support your case? That's what you put in there?

5 A No, sir.

6 Q That's your job?

7 A No.

8 Q What --

9 A What -- my report is to document what I do in an
10 investigation.

11 Q Okay.

12 A And the information that I obtain to support the
13 charges I make against the people that I arrest.

14 Q Isn't your job to find out what really happened, to
15 seek the truth in this matter?

16 A That's exactly what my job is. And that's exactly
17 what I did. And quite a few people told me that Brittany
18 and Elijah were involved in this.

19 Q But you didn't put anything in that summary about
20 what Treveion Anderson said that would, actually, be a
21 defense to her, meaning --

22 MR. WESTON: Objection, Your Honor. It calls for a
23 legal conclusion --

24 THE COURT: No, no. I'm going to let him ask it.

25 Go ahead. Ask it and answer it. And we're going to

1 wrap this up.

2 MR. KORNFELD: Yes, Your Honor.

3 BY MR. KORNFELD:

4 Q You didn't put -- you picked and chose what you put
5 in that summary; correct?

6 A In my summary, yes, sir.

7 MR. KORNFELD: Thank you.

8 THE COURT: All right.

9 RECROSS-EXAMINATION

10 BY MR. HAMILTON:

11 Q Sir, there's no question that the statement that you
12 clarified, he said that they did not cross the street?

13 MR. WESTON: Objection, Your Honor. That's
14 mischaracterization of what he said.

15 THE COURT: He can answer the question. If it is --
16 Go ahead, Detective.

17 BY MR. HAMILTON:

18 Q That's what was said, that Elijah Wilson and Brittany
19 did not cross the street?

20 A Who said that?

21 Q Well, we just got through talking about --

22 A No. We just got through talking about Treveion --
23 just got done -- he asked me about Treveion Anderson.

24 Q Treveion Anderson. Treveion Anderson.

25 Thank you for the correction.

1 Treveion Anderson said that they didn't -- he said,
2 no, Scoot and Brittany didn't cross the street before.
3 Because this is where the person was assaulted fatally,
4 assaulted on this -- across the street is where he was
5 beat and died -- expired later from the beating over
6 there.

7 A Yeah. He died in the hospital.

8 Q Right. He died in the hospital. But wherever --
9 whatever caused that death was caused over here. Is that
10 not what you said to the police -- the coroner's report is
11 he was beat right there.

12 A I mean, I'm don't -- I'm not --

13 Q He --

14 A -- sure --

15 Q -- couldn't --

16 THE COURT: Wait a minute. He did not prepare the
17 coroner's report. So he cannot answer that question.

18 BY MR. HAMILTON:

19 Q Well, from whatever -- well, from your investigation,
20 he died as a result of a beating over here, not a beating
21 over here. If there was a beating over here --

22 A Can I answer the question?

23 Q Sure.

24 THE COURT: This is not in response to anything
25 raised on redirect, so move along.

1 MR. HAMILTON: It's relevant to -- Judge, they said
2 that it was over here at -- under the awning over here.

3 THE COURT: That was not raised on redirect. Move
4 along.

5 MR. HAMILTON: Okay.

6 BY MR. HAMILTON:

7 Q But, anyway, that's where he died over here. And
8 then they did not cross the street when that's -- that's
9 what was on redirect.

10 A And, again, like I told Mr. Kornfeld, Treveion
11 Anderson said they did cross the street. They drove over
12 there and picked Ronald Brown up and took him away from
13 the scene. That's what Treveion Anderson told us.

14 Q And that was after --

15 A So they go to the other side of the street.

16 Q But he died over there. That was --

17 A He died in the hospital five days later.

18 MR. HAMILTON: Okay. That's all, Judge.

19 THE COURT: Thank you, sir.

20 You may step down.

21 Thank you very much.

22 All right. Mr. Foreman, and, ladies and gentlemen of
23 the jury, we're going to break for lunch. I ask you all
24 to be back at 2:30. And, please, remember not to discuss
25 the case. Don't do independent research. Don't go on the

1 Internet. Y'all have a nice lunch.

2 Thank you very much.

3 Everyone else remain seated until the jury has left
4 the courtroom.

5 (WHEREUPON, the jury was excused from open court at
6 approximately 12:50 p.m.)

7 THE COURT: That's as wide of latitude as I'm going
8 to allow on any examination. We are not going to go into
9 that rampant hearsay that we just went through. That's
10 over.

11 Anything before we break?

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

13 MR. KORNFELD: Nothing from --

14 THE COURT: All right. Let me talk to the lawyers up
15 here for a second.

16 (WHEREUPON, a lunch break was taken.)

17 THE COURT: Are we ready?

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

19 THE COURT: All right.

20 MS. SALISBURY: Unless you want to address --

21 THE COURT: Oh, all right. Have you provided them
22 with their criminal histories?

23 MS. SALISBURY: No, Judge.

24 I was just getting them myself. I will tell you that
25 after -- and I'd be happy to let the Defendants review

1 these.

2 But with respect to the possible testimony from the
3 other Co-Defendants in this case, the only juveniles with
4 impeachable offenses include Mr. Samson Groves, who was
5 convicted in 2012 for assault and battery second degree;
6 Mr. Antonio Wakefield, who was convicted in 2013 for a
7 burglary third degree, and in 2012 for auto breaking.

8 It's my position those are the only juveniles with
9 impeachable offenses. But, again, I'd be happy to allow
10 the Defendants an opportunity to review their juvenile --

11 THE COURT: Okay. The criteria for that just so they
12 know what you're -- you're looking at the rule, 60 -- what
13 is it, 609? 608?

14 MS. SALISBURY: Yes, Your Honor.

15 608, 609, the offenses that carry more than one year
16 in prison. The auto breaking, of course, carries up to
17 five, burglary third is up to five. And the assault and
18 battery second, I believe, carries up to three --

19 THE COURT: Three.

20 MS. SALISBURY: The rest are under one year and do
21 not involve dishonesty or false statement.

22 THE COURT: Have y'all -- take your time. You've got
23 the records.

24 Let's go ahead and get the jury in here and get
25 started back.

1 (WHEREUPON, the jury came into open court at
2 approximately 2:45 p.m.)

3 THE COURT: Ladies and gentlemen, welcome back.
4 We're ready to resume.

5 Okay. Mr. Weston.

6 MR. WESTON: Thank you, Your Honor.

7 The State would call Detective Collis Flavell.

8 THE CLERK: Sir, please, place your left hand on the
9 Bible and raise your right hand.

10 WHEREUPON,

11 COLLIS FLAVELL,

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

13 THE CLERK: Thank you.

14 Please be seated.

15 Please state your name for the record.

16 THE WITNESS: Collis Flavell.

17 THE CLERK: Thank you.

18 DIRECT EXAMINATION

19 BY MR. WESTON:

20 Q Detective Flavell, with whom are you employed?

21 A The Greenville City Police Department.

22 Q And what is your rank, sir?

23 A I am an investigator with -- in the violent crimes
24 unit.

25 Q And how long have you been an investigator in the

1 violent crimes unit approximately?

2 A Approximately 16 years.

3 Q Okay. And did you have an occasion to be assigned or
4 participate in the investigation into the matter that
5 brings us to court today?

6 A I did.

7 MR. WESTON: Excuse me one second.

8 (Pause.)

9 BY MR. WESTON:

10 Q How did you become -- how and when did you become
11 involved in this case?

12 A It was on Sunday, April the 23rd. I received a call.
13 I was at home. I received a call and was requested to
14 come in to assist Detective Garrison with this
15 investigation.

16 Q And what -- at the outset and sort of preliminarily,
17 what did you do? What was your task?

18 A I responded to the law enforcement center. I met
19 with a group of investigators that were there. I was
20 briefed on what had transpired over the weekend.

21 At that point, there were several family members of
22 Debron Harrison at the law enforcement center in the
23 lobby. And the first thing we did was start interviewing
24 those family members who were at the party, and taking
25 statements from them.

1 Q All right. Did you later on participate in the --
2 for lack of a better word, canvassing of and searching out
3 leads -- following up on leads in the case with regard to
4 specific individuals who were -- may have been named as
5 even witnesses -- potential witnesses?

6 A I did.

7 Q And approximately how many people do you think you
8 interviewed during your investigation of this case, just a
9 ballpark?

10 A Probably -- I mean, a total, 60 to 70.

11 Q Now, did all of those interviews result in written
12 statements?

13 A No.

14 Q I'm assuming a lot of -- some of them -- a
15 significant number of them were just dismissed out of hand
16 once they advised you that they were in school, or they
17 were out of state at the time this happened, that kind of
18 thing?

19 A That's correct.

20 Q All right. Did you -- were you involved in the
21 investigation -- as the investigation narrowed with regard
22 to specific suspects in this case?

23 A I was.

24 Q Were you -- did you take statements from any of the
25 suspects involved in this case that were, subsequently,

1 charged in this case?

2 A I did.

3 Q All right. Did you participate in the collection of
4 any evidence in this case --

5 A No.

6 Q -- personally?

7 A Some -- I mean, some of the people like during the
8 interviews, if they had clothing, shoes, we took
9 during the interview process. We did take some clothing
10 items.

11 Q All right, sir. Just one other matter just for sort
12 of a housekeeping matter. Are you familiar with the
13 location of this incident?

14 A I am.

15 Q Okay. And is that within the City of Greenville?

16 A Yes.

17 Q Is that, also, within Greenville County, the
18 Greenville County limits?

19 A Yes, it is.

20 MR. WESTON: All right. Thank you, sir.

21 That's all I have.

22 THE COURT: Cross.

23 MR. KORNFELD: No questions, Your Honor.

24 MR. HAMILTON: May it please the Court.

25 THE COURT: Yes.

CROSS-EXAMINATION

BY MR. HAMILTON:

Q How do you pronounce your name again? Your name.

A First or last?

Q First.

A Collis.

Q Collis?

A Flavell.

Q Flavell. Okay. Mr. Flavell, you was in the interview with Kyzer Thomas?

A I was.

Q Right. And, in fact, it was your question where you got the information that Elijah Wilson was involved in this. That's where you first -- his name came up?

A I would have to see the transcript of that interview.

Q This right here.

A I don't -- where are you referring to?

Q Right there --

THE COURT: Speak up.

BY MR. HAMILTON:

Q The fact that he was -- you said, how many times have you been around school? That's Elijah Wilson?

A That was Detective Garrison that asked that question.

Q Oh, okay. But you was in the room when he did that?

A That's correct.

1 Q Okay. And his name come up. Okay.

2 Yeah. You was in the room and the question came up
3 who all was in the parking lot at the incident. And then
4 he gave you Christian, Josh Gowens, Scoot, Brittany, and
5 Antonio Moss.

6 A Could I see the transcript?

7 Q Oh, sure.

8 A Are you asking me if I was present when this was
9 done?

10 Q Yeah. I mean, yes. That's what you wrote in the
11 report.

12 A I wrote this report. This is a transcript from an
13 audio-video recorded interview that I personally sat down,
14 listened to those audio-video recordings, and tried to
15 write word for word what was said. So, yes, this is my
16 report. But I did not -- this whole conversation is
17 Detective Garrison.

18 Q Okay. But that's what it says in the report.

19 A Okay. What are you referring to, sir?

20 Q That they say, who all was there? It was
21 Christian --

22 MR. WESTON: Your Honor, I object --

23 MR. HAMILTON: Well, he asked --

24 THE COURT: Wait a minute.

25 What's the basis?

1 MR. WESTON: Your Honor, before lunch, you -- there
2 was -- basically, what he's doing is he's reading hearsay
3 into the record again. He's --

4 THE COURT: Well, that's not going to happen.
5 Ask your question again.

6 MR. HAMILTON: Okay.

7 BY MR. HAMILTON:

8 Q Were you in the room when Kyzer named the people and
9 Scoot's name came up?

10 A I was present during the interview with Kyzer Thomas.

11 Q Right. Scoot's name came up. And then he named
12 other people?

13 A Correct.

14 Q Okay. And then one of those other people had a
15 case -- was charged and the case was dismissed. He was
16 wrong about that.

17 MR. WESTON: Objection, Your Honor.

18 THE COURT: I'll let him answer that. I don't know
19 how it's objectionable.

20 BY MR. HAMILTON:

21 Q Which one of the people's name that's no longer in
22 this case was released immediately after two months?

23 A I don't know if I know who was released after two
24 months.

25 Q Was it Josh?

1 A Josh Gowens was, ultimately, released. But I don't
2 know what the time frame was.

3 Q Right. It could have been a whole year. Some people
4 were released after a whole year.

5 A You asked me two months. I do not know.

6 Q Yeah. Okay. Well, you don't remember how long he
7 stayed in jail?

8 A I do not.

9 Q Okay. But he was released?

10 A Josh Gowens was released.

11 Q Right. And then you got that name from Kyzer Thomas?

12 A That's correct.

13 Q Okay. Now, you got Elijah from Kyzer Thomas?

14 A We did.

15 Q And then you got Brittany's name from Kyzer Thomas?

16 A That's correct.

17 Q And then the person that was released was from Kyzer
18 Thomas?

19 A And several more.

20 Q That were released?

21 A No, sir.

22 Q Well, you got some right and some wrong?

23 A Correct.

24 MR. WESTON: Objection to characterization, Your
25 Honor.

1 THE COURT: That's all right. It's asked and
2 answered. Don't worry about it.

3 BY MR. HAMILTON:

4 Q You, also, got Xavier Sullivan's name from Kyzer
5 Thomas?

6 A I don't remember Xavier Sullivan.

7 Q Okay. Do you remember interviewing Xavier Sullivan?
8 Is it Xavier?

9 A (There was no response.)

10 Q How about -- do you remember interviewing Shamaun
11 Phillips?

12 A I do, Shamaun Phelps.

13 Q Phelps. I'm sorry.

14 And he wasn't charged in this. He wasn't charged.
15 But you got the name from Kyzer Thomas?

16 A There were several people we interviewed that was not
17 charged.

18 Q And you got their name from Kyzer Thomas?

19 A Everybody's name?

20 Q The name that you got from Kyzer Thomas.

21 THE COURT: Mr. Hamilton, be specific. Ask him if he
22 got the --

23 BY MR. HAMILTON:

24 Q Did you get the name of Shamaun Phelps from Kyzer
25 Thomas?

1 A I don't recall getting the name Shamaun Phelps from
2 Kyzer. If you have that transcript...

3 Q It's in the supplemental report here.

4 A This is not my report.

5 Q But you was in the interview room?

6 A I don't have any recollection of getting...

7 THE COURT: Okay. Move along. He doesn't remember.
8 It's not his report.

9 MR. HAMILTON: Okay.

10 BY MR. HAMILTON:

11 Q Do you recall interviewing Antonio Wakefield?

12 A I do recall Antonio Wakefield.

13 Q Okay. And he has -- and he was charged and he stayed
14 locked up for a long time; true? And he's been released;
15 right?

16 MR. WESTON: Objection, Your Honor.

17 THE COURT: On what basis?

18 MR. WESTON: That it's absolutely incorrect.

19 THE COURT: Well, you know, you can clear it up on
20 redirect. This man has to answer the question. There's
21 no basis for that objection.

22 MR. HAMILTON: I withdraw the question. That's all
23 the questions I have.

24 THE COURT: Okay. Any redirect?

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

1 THE COURT: Come on.

2 REDIRECT EXAMINATION

3 BY MR. WESTON:

4 Q With regard to Mr. Wakefield, is it your
5 understanding that Mr. Wakefield's charges were not
6 dismissed, but he has, in fact, pled guilty to these
7 charges?

8 A That's correct.

9 MR. WESTON: Thank you, sir.

10 THE COURT: Okay. You can step down.

11 Thank you, Officer.

12 THE WITNESS: Thank you, sir.

13 MR. KORNFELD: Your Honor --

14 THE COURT: What?

15 (WHEREUPON, there was no response.)

16 THE COURT: Do you need to ask a question about that?

17 MR. KORNFELD: Yeah. I need to ask a question.

18 THE COURT: Investigator, come on back.

19 You're limited to that single issue raised on
20 redirect.

21 RECROSS-EXAMINATION

22 BY MR. KORNFELD:

23 Q Antonio Wakefield, what -- he did not plead to this
24 charge -- what these [sic] have been charged with. Did
25 he -- what was he originally charged with?

1 A (There was no response.)

2 Q What did he plead to?

3 A I'm not exactly sure what he pled to. He pled to the
4 charges on this case.

5 Q And you're positive of that?

6 A That he pled guilty?

7 Q To the charges on this case, like you just said.

8 A Whatever was worked out with the Solicitor's Office.
9 The charges against him was not dismissed.

10 Q All right. But you don't know if there was any kind
11 of plea negotiations or what charges he pled --

12 A I do not know what --

13 MR. KORNFELD: All right. Thank you.

14 MR. HAMILTON: He do know, Judge.

15 THE COURT: Wait a minute.

16 Ladies and gentlemen, let's take a short break. And
17 we'll be right back with you.

18 (WHEREUPON, the jury was excused from open court at
19 approximately 2:59 p.m.)

20 THE COURT: Mr. Hamilton, that comment was entirely
21 inappropriate, as was Mr. Weston's comment. Lawyers are
22 not witnesses. And they do not give evidence. And when
23 you make an objection, you state the basis for it. We do
24 not do speaking objections. If it happens again, I may
25 have to take some kind of punitive action.

1 Is that clear? If any lawyer in here does not
2 understand that, please, stand up.

3 (WHEREUPON, there was no response.)

4 THE COURT: No one is standing up.

5 Okay. You ask questions of the witness. You do not
6 testify by making a statement in the courtroom. That is
7 saved for closing arguments.

8 Is that all of Investigator Flavell?

9 MR. WESTON: Nothing further from the State, Your
10 Honor.

11 MR. KORNFELD: Nothing from Defendant Irby.

12 MR. HAMILTON: Your Honor, I just wanted him to --
13 Antonio Wakefield pled to obstruction of justice, not to
14 the case charged.

15 THE COURT: Investigator Flavell said he didn't know
16 what he pled to.

17 All right. Let's bring the jury back.

18 MR. WESTON: Your Honor, before we bring the jury in,
19 we were -- our next witness is Dr. Fulcher, the medical
20 examiner. He was supposed to be here at 3:00. He may be
21 out in the hall.

22 THE COURT: Well, let's check on him.

23 Hold the jury.

24 While we have this brief moment, let me speak to the
25 lawyers again.

1 (WHEREUPON, a bench conference was held.)

2 THE COURT: We'll take about a 10-minute break.

3 (WHEREUPON, a break was taken.)

4 THE COURT: We can get the jury now.

5 Thank you.

6 (WHEREUPON, the jury came into open court at
7 approximately 3:16 p.m.)

8 THE COURT: Mr. Weston, call your next witness.

9 MR. WESTON: Your Honor, the State would call
10 Dr. James Fulcher.

11 THE CLERK: Dr. Fulcher, if you'll, please, place
12 your left hand on the Bible and raise your right
13 hand.

14 WHEREUPON,

15 JAMES FULCHER, M.D.,

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

17 THE CLERK: Thank you.

18 Please be seated.

19 Please state your name for the record.

20 THE WITNESS: Dr. James Fulcher. I'm sorry. Wow.
21 That's loud.

22 THE COURT: You're the first person we've clearly
23 heard.

24 THE WITNESS: You're welcome.

25 THE COURT: All right.

DIRECT EXAMINATION

BY MR. WESTON:

Q Dr. Fulcher --

A Yes.

Q -- where are you employed, sir?

A I'm a pathologist with Pathology Associates in Greenville, South Carolina.

Q And how long have you been in that position?

A Five years.

Q And what does a pathologist do?

A I perform autopsies at the request of the coroner of this county. I do those if there's an investigation into why someone died.

Q Let's talk about your experience, sir. Would you tell the jury a little bit about your education starting with college?

A Sure. I went to college at the University of Virginia. I then went directly to medical school at the Medical College of Virginia, which is now associated with DCU School of Medicine. I then did a four-year residency in anatomic and clinical pathology. And then a one-year fellowship in forensic pathology with the Chief Medical Examiner's Office in Richmond, Virginia.

Q Where are you licensed, sir?

A I'm licensed -- I have an inactive license in

1 Virginia, and an active license in South Carolina and in
2 North Carolina.

3 Q Do you have any board certifications?

4 A Yes. I'm triple boarded in anatomic pathology,
5 clinical pathology, and forensic pathology.

6 Q All right, sir. And prior to your employment at
7 Pathology Associates, where were you last employed?

8 A I was a forensic pathology fellow at the Medical
9 Examiner's Office in Richmond, Virginia. That was my
10 fellowship training.

11 Q All right, sir. And are you presently -- do you
12 presently have an affiliation with the USC School of
13 Medicine?

14 A I do. I'm an assistant professor of pathology
15 teaching first and second year pathology and medical
16 students.

17 Q All right. Just talking briefly about your
18 appointments --

19 A Yes.

20 Q -- would you tell us -- tell the jury about a few of
21 your appointments?

22 A Sure. I'm the appointed medical examiner. So
23 forensic pathologist is my professional title. But my
24 appointment for this county is the deputy medical
25 examiner. That gives me the authority to perform

1 autopsies at the request of the coroner in cases of
2 investigation.

3 Q And are you a member of any professional societies?

4 A I am. I'm a member of the National Association of
5 Medical Examiner's, American Academy of Forensic Science,
6 the South Carolina Society of Pathologists, and probably
7 some others I'm forgetting. There's a lot.

8 Q Have you been involved in any significant research
9 projects?

10 A I have. I have several research projects ongoing. I
11 have a very active internship with Clemson University.
12 And those students, typically, do a case report or two per
13 semester, depending on what they're doing. They help me
14 with a lot of research.

15 Q All right, sir. Now, are you at present or in the
16 recent past been an invited lecturer?

17 A I have.

18 Q Concerning the area of forensics or pathology?

19 A Sure, I have. I do several lectures for Clemson
20 University. They have a pre-profession society that I do.

21 I've, also, done lectures at the medical school
22 relating to forensic pathology and an interest group
23 potentially there. Let's think. I've, also, been --
24 recently done several lectures with a group I am involved
25 with that does just general medical topics.

1 Q And approximately how many autopsies have you
2 performed in your career?

3 A I don't have a definitive count. I should probably
4 keep better track. But it is between 1,200 and 1,500.

5 Q All right. And have you testified in court
6 proceedings before and been qualified as an expert in the
7 area of forensic pathology?

8 A Yes, I have.

9 Q On more than one occasion?

10 A Yes.

11 MR. WESTON: Your Honor, the State would offer
12 Dr. Fulcher as an expert witness in the field of forensic
13 pathology.

14 THE COURT: Any voir dire? Any objection?

15 MR. KORNFELD: No objection.

16 MR. HAMILTON: No objection.

17 THE COURT: Okay. He is so qualified.

18 THE WITNESS: Thank you

19 BY MR. WESTON:

20 Q Dr. Fulcher, I really only have three questions for
21 you. And let me do a couple of preliminary things.

22 Did you perform the autopsy on Mr. Debron Harrison
23 back in April of last year?

24 A I did.

25 Q All right. And how do you get -- how do you

1 perform -- when you perform an autopsy, how do you,
2 actually, get -- where is it -- is it done in your office,
3 or is it done at the hospital? How does that work?

4 A It is done in the autopsy suite of GHS hospital,
5 which was, also, where this person died. And not in the
6 autopsy suite, obviously, but in the ICU.

7 Q Was Detective Garrison present for the autopsy?

8 A I believe so, yes. I'll refer to my notes at this
9 point.

10 Yes. I believe so.

11 Q Would you tell the jury in layman's terms and sort of
12 simple terms so we can understand what an autopsy is,
13 basically?

14 A Sure. An autopsy is the examination of the external
15 and internal components of the body. The body is on a
16 table. It's unclothed. I look at it. I take pictures.
17 I document injuries. And then I, actually, take a scalpel
18 and start removing tissue and organs. I remove every
19 organ in the body. I remove the heart, the brain, the
20 lungs, the spleen, the liver, the kidneys, everything.

21 And I take those organs and I cut them into pieces
22 and look at the individual pieces. And some of those
23 pieces I, actually, take and look at with a microscope to
24 look for additional findings and changes that might be
25 important.

1 I, also -- routinely, I take toxicology specimens.
2 And I send those to a national lab that runs the
3 toxicology for me.

4 Q All right. Just so we're clear before you go any
5 further. Is -- part of your autopsy procedure and/or
6 findings in this case, does it have anything to do with
7 determining, actually, who caused the death?

8 A It does not.

9 Q All right. So you're not here to testify for or
10 against anybody?

11 A No.

12 Q All right. Let me show you what we're marking as
13 State's Exhibit No. 21.

14 (WHEREUPON, State's Exhibit No. 21 was marked for
15 identification only.)

16 BY MR. WESTON:

17 Q And I'll ask you, do you recognize -- tell the jury,
18 basically, what this is.

19 A Yes. This is my body diagram. This is my
20 handwriting over a version of the human body both front
21 and back that shows injuries and measurements of certain
22 injuries.

23 There's, also, a section in here that gives weights
24 of certain organs. And a particular note, there's a whole
25 section here of the brain and particular injuries to the

1 brain that I identified.

2 Q All right. Now, is this -- State's Exhibit No. 21,
3 does it reflect your notes and findings or, at least,
4 depict the injuries and -- as you said, weights and
5 whatever as it relates to the autopsy on Debron
6 Harrison?

7 A It does. This report is my working draft of the
8 final autopsy report, which is several typed pages, which
9 says in words what this shows in the picture.

10 Q All right. And you submitted an autopsy report with
11 regard -- that set forth the procedure that you followed
12 and your -- as well as your findings; is that correct?

13 A Yes, sir.

14 Q All right. And, if you would -- as you talk and is
15 necessary, if you would just hold up -- excuse me. I'm
16 sorry. I did not introduce it.

17 MR. WESTON: Your Honor, the State would offer this
18 as State's Exhibit No. 21. I've given clients -- I mean
19 counsel copies of it.

20 MR. KORNFELD: No objection.

21 MR. HAMILTON: No objection, Judge.

22 THE COURT: Okay.

23 MR. WESTON: Thank you, sir.

24 (WHEREUPON, State's Exhibit No. 21 was admitted into
25 evidence.)

1 BY MR. WESTON:

2 Q As you're talking, if you would just kind of hold
3 this up for the jury. And --

4 A Sure.

5 Q -- you don't need to be that specific and that
6 detailed. I just want them to be able to point -- the
7 things that you point out, I want you to be able to show
8 them.

9 A Okay.

10 Q Let me go to the conclusions first.

11 A Okay.

12 Q And what did you conclude was the manner of
13 death?

14 A Blunt force trauma to the head.

15 Q All right. And what did you conclude was the cause
16 of death?

17 A Oh, I'm sorry. The manner was homicide. The cause
18 is blunt force trauma to the head.

19 Q And homicide means what?

20 A Homicide means one person dies by the action of
21 another person.

22 Q All right, sir. And would you tell the jury what
23 was -- were your significant findings with regard to the
24 injuries and the approximate cause of Mr. Harrison's
25 death?

1 A Yes. Mr. Harrison was hospitalized prior to the
2 autopsy. So he had had a surgical evacuation of a very
3 large bleed in his brain. But even with that evacuation
4 and removal of blood, there was still significant blood
5 there present at autopsy.

6 I, also, identified very severe swelling of the
7 brain. And the whole crux of the case is any time there's
8 bleeding or trauma to the brain and the brain swells, your
9 skull is only so big. And if the brain swells it's only
10 got one place to go. And those are holes in the bottom of
11 your skull. And when it gets squished into those holes,
12 it kills you, essentially.

13 Q And is that, essentially, what happened in this case?

14 A Yes.

15 Q All right. Were there -- is there any way for you to
16 tell what caused the trauma to the head, whether it was,
17 for instance, a rock, or a stick, or --

18 A I saw no definitive pattern to the injuries. What I
19 would say is due -- there were minimal abrasions and
20 contusions. I could tell you it wasn't like a hatchet or
21 a knife.

22 There were no incised wounds. There were no chopped
23 wounds. This was likely -- it could potentially be a
24 stick, or a fist, or a foot. That would be the most
25 appropriate mechanism of wounding in this case.

1 Q All right. Now, you've got the depiction there. Are
2 there any from the neck down on both front and back -- and
3 you may want to point for the jury, as necessary. Are
4 there any other significant injuries that you felt might
5 have contributed to death?

6 A Sure. From the neck down, there are injuries.
7 However, none of them are significant injuries. There are
8 some contusions and abrasions to the torso, one to the
9 neck, one to the back of the right elbow. And that one --
10 no bones are broken. No significant internal trauma is
11 done to the body from the neck down. All the fatal
12 injuries are from the neck up in the head.

13 Q All right. Now, on the sheet -- and we've introduced
14 that into evidence, so the jury will have it --

15 A Okay.

16 Q -- during their deliberations. On the sheet, you've
17 got a lot of --

18 A Markings.

19 Q -- what appears to me to be markings and scribbly
20 writing. Are those anything that the jury needs to
21 consider, or are they things like heart weight, 22
22 centimeters -- just, basically, normal findings?

23 A As far as normal findings are concerned, the heart,
24 the liver, the lungs, the spleen, the kidneys, everything
25 is normal with the exception of the brain. All of these

1 markings on the body diagram refer to small abrasions,
2 cuts, contusions that, to be honest, are consistent with
3 minor trauma.

4 In fact, even the injuries -- the outside injuries on
5 the head are really not that bad. It's when you get
6 inside the brain or inside the skull where the injuries
7 looked to be so severe.

8 Keep in mind, I did this autopsy, I believe, close to
9 a week after this event occurred. I believe it was
10 something like that. So there might have been some
11 injuries that even may have healed slightly. But the
12 damage to the brain is very much there.

13 I would refer the jury to the writing. And this has
14 no bearing. I just write where I have room. This section
15 down here where I describe the brain being 1,700 grams,
16 showing significant edema, showing a very large bleed, and
17 I believe being hemorrhaged and significant hemorrhaging
18 contusions in various parts of the brain. So, yes, that's
19 the critical findings.

20 Did you want --

21 Q Did you find -- I'm sorry, sir. Go ahead. I
22 apologize.

23 A I was going to say, if you want to see a more
24 detailed depiction of those injuries in the words, you
25 would refer to evidence of injury on Page 4. I assume

1 they have a copy of the --

2 Q No. They don't have a copy of that.

3 A Oh, okay. They won't have it.

4 Q That's okay. Let me ask you this. With regard to
5 his hands, there was -- I noticed that there are some sort
6 of dots on both the front -- on the inside palms of his
7 hands. Was that significant?

8 A Let me see here. Yes, multiple small punctate
9 abrasions and punctures ranging in size from a sixteenth
10 of an inch, which is very small, up to about a quarter of
11 an inch. Those could have been some defensive injuries.
12 That's a possibility.

13 Also, those types of findings and abrasions sometimes
14 occur from people having their hand on concrete or gravel.
15 If you're pressing your palm hard on concrete or gravel,
16 you get those. They mean nothing as far as why the person
17 died. But they may be indicative of what was happening to
18 the person when they were sustaining the head injuries, I
19 suppose.

20 Q All right, sir. And is it your conclusion that he
21 died as a result of blunt force trauma to the head?

22 A Yes.

23 MR. WESTON: Thank you, sir.

24 That's all I have.

25 THE COURT: Cross.

CROSS-EXAMINATION

BY MR. KORNFELD:

Q Dr. Fulcher, I just saw on here as well, it states he had early pneumonia with acute bronchitis; is that correct?

A Yes, he did.

MR. KORNFELD: Okay. No further questions.

MR. HAMILTON: No questions, Judge.

THE COURT: Anything?

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

THE COURT: All right. Thank you, Doctor.

MR. WESTON: We would ask that the witness be allowed to be excused.

THE COURT: Any objection?

MR. KORNFELD: No, Your Honor.

MR. HAMILTON: None, Judge.

THE COURT: Thank you.

You're excused.

MS. SALISBURY: May it please the Court, Your Honor.

The State calls Mr. Samson Groves.

(Pause.)

THE COURT: Doctor, you, I think, inadvertently have taken an exhibit.

THE WITNESS: Look at that. It looks just like the

1 one in my file. I'm sorry. I apologize.

2 MS. SALISBURY: Mr. Groves, if you would, please,
3 come up to be sworn.

4 THE CLERK: Mr. Groves, if you'll come here to the
5 end of the bench.

6 Please place your left hand on the Bible, as best you
7 can. And can you raise your right hand?

8 WHEREUPON,

9 SAMSON GROVES,
10 after first having been duly sworn, testified as follows:

11 THE CLERK: Thank you.

12 Please be seated.

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

14 THE WITNESS: Samson Groves.

15 THE CLERK: I'm sorry. They can't hear you.

16 THE WITNESS: Samson Groves.

17 THE CLERK: Thank you.

18 DIRECT EXAMINATION

19 BY MS. SALISBURY:

20 Q Mr. Groves, I'm going to stand way back here so I can
21 be sure that I can hear you. Okay. So just make sure you
22 speak up into that microphone, if you need to.

23 How old are you?

24 A 16.

25 Q And do you live in -- well, did you live in

1 Greenville?

2 A Yes, ma'am.

3 Q How long have you lived in Greenville?

4 A My whole life.

5 Q Were you in school before you became incarcerated?

6 A Yes, ma'am.

7 Q Where were you in school?

8 A Berea High.

9 Q What grade?

10 A Ninth.

11 Q It's apparent to all of us that you're in a jumpsuit
12 today. Are you currently incarcerated?

13 A Yes, ma'am.

14 Q Are you incarcerated at the Department of Juvenile
15 Justice?

16 A Yes, ma'am.

17 Q Are you there as a result of your guilty plea as it
18 relates to the events on April 20th of 2013?

19 A Yes, ma'am.

20 Q Now, as a result of your activity on April 20th of
21 2013, did you plead guilty to conspiracy?

22 A Yes, ma'am.

23 Q And as part of that, the State agreed to dismiss some
24 other charges in your case; is that correct?

25 A Yes, ma'am.

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

3 A I have to testify.

4 Q All right. Has anyone told you what you need to say?

5 A No, ma'am.

6 Q What is your understanding of what you need to
7 testify about?

8 A The events that happened.

9 Q Has anyone instructed you to tell anything other than
10 the truth about what you remember from that night?

11 A No.

12 Q All right. Well, let's get to the -- actually,
13 before we get into that, do you know Brittany Irby?

14 A Yes, ma'am.

15 Q How do you know her?

16 A I've been around her a couple times.

17 Q How long have you known her?

18 A Not that long.

19 Q Do you know Elijah Wilson?

20 A Yes, ma'am.

21 Q How long have you known him?

22 A Not that long.

23 Q How do you know him?

24 A I hung out with him a couple times.

25 Q All right. Have you ever heard of the Hit Squad?

1 A Yes, ma'am.

2 Q What is the Hit Squad?

3 MR. HAMILTON: Your Honor, I object.

4 THE COURT: On what basis?

5 MR. HAMILTON: That he has no basis of saying -- he
6 hasn't said he's a member of that squad. He's not a
7 member of that squad.

8 THE COURT: Mr. Hamilton, no speaking objections.
9 We've had that discussion.

10 Your objection is overruled.

11 Go ahead. Answer the question

12 BY MS. SALISBURY:

13 Q What is the Hit Squad?

14 A It's like a little clique.

15 Q Are you in the Hit Squad?

16 A Yes, ma'am.

17 Q How long have you been in?

18 A I'm not a member.

19 Q All right. How did you get into the Hit Squad?

20 A I had to fight.

21 Q Who did you fight?

22 A A guy named Martin.

23 Q Do you remember when that was?

24 A No, ma'am.

25 Q Do you remember who was there when you participated

1 in this fight to get into the Hit Squad?

2 A I don't remember who all was there.

3 Q Do you remember at the time of your guilty plea, you
4 gave some statements to the Court there in Family Court?
5 Do you remember that?

6 A Yes, ma'am.

7 Q All right. I'm going to show you a transcript from
8 that hearing. I'm going to ask you to read those
9 highlighted portions just to yourself for right now.

10 MR. HAMILTON: I object.

11 THE COURT: Okay. What's -- she just asked -- she is
12 asking him to read them to himself.

13 Is that right?

14 MS. SALISBURY: That's correct, Your Honor.

15 THE COURT: She's not publishing them

16 BY MS. SALISBURY:

17 Q Did you read this page?

18 A Yes, ma'am.

19 Q After reading that, do you remember the comments that
20 you gave in court that day?

21 A Yes, ma'am.

22 Q Do you remember being placed under oath at the time
23 of your guilty plea?

24 A Oath?

25 Q Yes, sir. Just like you did today, you put your hand

1 on the Bible and promised to tell the truth.

2 A Oh, yes, ma'am. Yes, ma'am.

3 Q Okay. Now, after having reviewed this, I'll ask you
4 again, do you remember describing to the Family Court
5 Judge at the time of your plea who was present at the time
6 you were initiated into the Hit Squad?

7 A Yes, ma'am.

8 Q Okay. Do you remember now what you told the Judge
9 about who was there at the time of your initiation?

10 A I told him that Elijah Wilson was there, but I don't
11 remember anybody else.

12 Q I promise I'm not trying to be difficult. Do you
13 remember reading this page just now?

14 A Yes, ma'am.

15 Q Okay. Again, I'm going to --

16 MR. KORNFELD: Objection. Asked and answered --

17 BY MS. SALISBURY:

18 Q -- ask you --

19 THE COURT: Wait a minute. Wait a minute.

20 MR. KORNFELD: Objection, Your Honor. Asked and
21 answered.

22 THE COURT: No. I don't think so. I couldn't hear
23 what he said, but I'm going to let her go.

24 Thank you.

25 MR. KORNFELD: Yes, sir.

1 BY MS. SALISBURY:

2 Q After having reviewed this transcript, do you
3 remember telling the Judge that anyone else was present
4 besides Elijah Wilson at your initiation into --

5 MR. HAMILTON: And, Your Honor, I'm going to --
6 that's --

7 THE COURT: Based on what?

8 MR. HAMILTON: Leading.

9 THE COURT: No. I'm going to allow it.

10 Thank you very much.

11 Go ahead.

12 THE WITNESS: Yes, ma'am

13 BY MS. SALISBURY:

14 Q Who was present at the time of your initiation into
15 the Hit Squad?

16 A Brittany Irby and Long Bro [phonetic].

17 Q So is it the truth that both Elijah Wilson and
18 Brittany Irby were at your Hit Squad initiation when you
19 had to fight someone?

20 A Yes, ma'am.

21 MR. KORNFELD: Objection.

22 THE COURT: Based on what?

23 MR. KORNFELD: This has nothing to do with the facts
24 of this case.

25 THE COURT: Well, overruled

1 BY MS. SALISBURY:

2 Q Now, as a member of the Hit Squad, what is your
3 understanding of your role? What do you do as a member of
4 the Hit Squad?

5 A Fight.

6 Q Is it -- are there expectations about what you are
7 required to do if another member of the Hit Squad is
8 engaged in a fight?

9 A Yes, ma'am.

10 Q What is your understanding of what you are required
11 to do?

12 A Supposed to fight with them.

13 Q Now, have you ever heard of the Tough Money Boys?

14 A Yes, ma'am.

15 Q What does that mean to you?

16 A It really don't mean anything.

17 Q Are you a member of the Tough Money Boys?

18 A No, ma'am.

19 Q I'm sorry.

20 A No, ma'am.

21 Q All right. Is there a relationship between the Hit
22 Squad and the Tough Money Boys?

23 A Yes, ma'am.

24 Q What is that relationship?

25 A They're like our big brothers.

1 Q All right. What is your understanding of Brittany
2 Irby's role in the Hit Squad?

3 A She was one of the leaders.

4 Q What is your understanding of Elijah Wilson's role in
5 the Hit Squad?

6 A One of the leaders.

7 Q Were they both leaders over you?

8 A Yes, ma'am.

9 Q Okay. Now, setting all that aside, let's talk,
10 specifically, about this party that was on April 20th of
11 2013. Do you remember going to that party?

12 A Yes, ma'am.

13 Q Do you remember how you got there?

14 A I walked.

15 Q From where?

16 A West Greenville -- well, first, from downtown. I
17 walked from West Greenville to downtown to the park.

18 Q Had -- when did you decide to go downtown, generally?

19 A Earlier that day.

20 Q And what had you been doing downtown before going to
21 this party?

22 A Just walking around.

23 Q When you got to the party, what do you remember
24 happening? What was going on when you arrived?

25 A Music playing, and people dancing around.

1 Q Were you with anybody in particular?

2 A Yes, ma'am.

3 Q Who?

4 A I walked in with Ianteves Rogers, Kyzer, and Laquan
5 Spann.

6 Q Do you remember that party, eventually, getting shut
7 down?

8 A Yes, ma'am.

9 Q Did you see what led to that happening? Were you
10 inside the party when that happened?

11 A Yes, ma'am.

12 Q What was going on?

13 A It was -- everybody was calling out gang calls. And
14 then they stopped the party and told Lil Ru to get out,
15 Ronald Brown to get out. He didn't get out. So they kind
16 of shut the party down.

17 Q Do you know Lil Ru?

18 A Yes, ma'am.

19 Q How do you know him?

20 A I've hung around him a couple times.

21 Q Is Lil Ru the same person as Ronald Brown?

22 A Yes, ma'am.

23 Q All right. Is he part of the Hit Squad?

24 A Yes, ma'am.

25 Q How long has he been involved in the Hit Squad?

1 A I don't know.

2 Q What do you understand his role to be in the Hit
3 Squad?

4 A Leader.

5 Q Is he a leader in addition to Brittany Irby and
6 Elijah Wilson?

7 A Yes, ma'am.

8 Q Okay. Well, after the party got shut down because of
9 the disruption inside, what did you do?

10 A We walked out -- walked out of the party.

11 Q Where did you go?

12 A In the front.

13 Q What did you see happening outside?

14 A There was a lot of commotion. Ronald was trying to
15 fight. And they was trying to calm him down. But he was
16 still trying to fight.

17 Q Do you remember who was trying to calm him down?

18 A Elijah Wilson and Brittany Irby.

19 Q Anyone else?

20 A No, ma'am. That was it.

21 Q So what ended up happening?

22 A After that, after the commotion, I went back inside
23 the party to find my jacket. Because my jacket had my
24 phone in it.

25 And when I came back out like the commotion in front

1 was kind of cleared. And I came out and my cousin, Kim,
2 her phone was on the ground and her jacket. I picked up
3 her phone and walked around the back to give it back to
4 her. And her daddy [phonetic] was missing. So I helped
5 her find her daddy.

6 And by the time I helped her find her daddy, I asked
7 her where did everybody go. And she was like, they ran
8 across the street. And as I was getting ready to walk
9 across the street, my club friends were coming back across
10 the street.

11 Q Let's be specific. Who did you see coming back
12 across the street?

13 A Ianteves, Kyzer, Laquan Spann, Antonio Wakefield, and
14 Antonio Moss.

15 Q Did you ever see any fighting, actual fist fighting,
16 not just a commotion, in front of the community center?

17 A No, ma'am.

18 Q How long were you standing outside before you turned
19 around and went back inside the community center?

20 A Like two or three minutes.

21 Q What happened after you saw these folks that you just
22 named coming back across the street? What did you do?

23 A I asked them where they had went to. And they said
24 they had to chase someone across the street.

25 Q Did you ever go across the street?

1 A No, ma'am.

2 Q Did you ever see any fighting happening across the
3 street?

4 A No, ma'am.

5 Q Where did you go after leaving that area?

6 A The police had arrived. And everyone took off in
7 different directions and started running.

8 Q Were you 15 at the time of this incident?

9 A Yes, ma'am.

10 MS. SALISBURY: All right. Mr. Groves, thank you.

11 If you would, answer any questions that Mr. Kornfeld
12 or Mr. Hamilton may have for you. Okay.

13 THE WITNESS: Yes, ma'am.

14 CROSS-EXAMINATION

15 BY MR. KORNFIELD:

16 Q Mr. Groves, you gave a statement when you were first
17 interrogated before you went down the road; correct?

18 A Yes, sir.

19 Q All right. And when you pled, you were under oath;
20 correct?

21 A Yes, sir.

22 Q And, at that time, they said, was Brittany Irby --
23 they say "she" -- was she present during the party? And
24 you said --

25 MS. SALISBURY: Objection, Your Honor. This is an

1 inappropriate method of impeachment.

2 THE COURT: Well, wait a minute. What is -- I don't
3 know what he's doing.

4 Ask your question.

5 BY MR. KORNFELD:

6 Q Did you tell the Judge when you pled to your charges
7 in Family Court that Brittany Irby was not present at the
8 party?

9 MR. KORNFELD: I can show him for -- to refresh his
10 recollection.

11 THE COURT: Let him ask -- let him answer.

12 MR. KORNFELD: Okay.

13 THE WITNESS: I don't remember.

14 MR. KORNFELD: Can I show him for --

15 THE COURT: What was his answer?

16 THE WITNESS: I don't remember.

17 MR. KORNFELD: He says he doesn't remember.

18 THE COURT: Show it to him.

19 BY MR. KORNFELD:

20 Q Right here, does that look right?

21 A Yes, sir.

22 Q So you stated, no, sir, to the Judge at that time; is
23 that correct?

24 A Yes, sir.

25 Q All right. And, at that time, you pled in juvenile

1 court, and you pled to a lesser offense; is that right?

2 A Yes, sir.

3 Q All right. And before when you gave this statement
4 when you were interrogated, I don't believe you gave the
5 name of Brittany Irby at that time either; correct?

6 A Yes, sir.

7 MR. KORNFELD: All right. No further questions.

8 Thank you.

9 THE COURT: All right. Cross.

10 (WHEREUPON, there was no response.)

11 THE COURT: Do you have any questions?

12 MR. HAMILTON: Yes, Your Honor.

13 CROSS-EXAMINATION.

14 BY MR. HAMILTON:

15 Q When you first went back -- when you first started
16 talking to the police officers and you was talking to
17 Detective Garrison and they asked you about being a member
18 of the Tough Money Boys, you said you didn't know anything
19 about Tough Money Boys; isn't that right?

20 A Yes, sir.

21 Q Okay. So if you don't know anything about the Tough
22 Money Boys, how is it that you know that they are in
23 cahoots with Hit Squad?

24 A That's what I heard some of the Tough Money Boys
25 say --

1 Q I'm sorry.

2 A That's what I heard some of the Tough Money Boys say.

3 Q So you heard that. You don't know that?

4 A Yes, sir.

5 Q So that's not nothing that you know. That's based on
6 something you've heard?

7 A Yes, sir.

8 Q Okay. We needed that clarification.

9 And so you've never said that you saw Elijah Wilson
10 hit the victim at all; right?

11 A No, sir. I didn't see the fight at all.

12 Q You said what now?

13 A No, sir. I never saw him fight.

14 Q You never saw him fighting?

15 A No, sir.

16 Q Okay. And you never said that Brittany saw the
17 fight -- hit -- was in the fight?

18 A No, sir.

19 Q Okay. And he never told you to go over there?

20 A No, sir.

21 Q Okay. And you never named Elijah Wilson no time
22 before in this case?

23 A No, sir.

24 Q And we just corrected your statement that you don't
25 know nothing about Tough Money Boys, and that you don't --

1 you heard that they were connected?

2 A Yes, sir.

3 Q You don't know?

4 A Yes, sir.

5 MR. HAMILTON: Thank you.

6 MS. SALISBURY: I don't have any redirect, Your
7 Honor.

8 THE COURT: All right. Thank you.

9 You can step down.

10 MS. SALISBURY: May it please the Court, Your Honor.
11 The State calls Mr. Laquan Spann.

12 Mr. Spann, if you would, please, come up and be
13 sworn.

14 THE CLERK: Sir, if you'll, please, stop at the end
15 of the bench here.

16 Please place your left hand on the Bible and try to
17 raise your right hand. Left hand on the Bible. There you
18 go. Raise your right hand.

19 WHEREUPON,

20 LAQUAN SPANN,

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

22 THE CLERK: Thank you.

23 Please be seated.

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

25 THE WITNESS: It's Laquan Spann.

DIRECT EXAMINATION

BY MS. SALISBURY:

Q Mr. Spann, I just want to make sure that I can hear you. So make sure you speak into that microphone so that we can be sure the whole courtroom can hear you. Okay.

A Yes, ma'am.

Q How old are you?

A 15.

Q Are you -- were you in school before you became incarcerated?

A Yes, ma'am.

Q Where were you going to school?

A Berea Middle.

Q What grade were you in?

A Eighth.

Q Now, as was the case with Mr. Groves, it's obvious to everybody that you're in a jumpsuit here today. Are you incarcerated at the Department of Juvenile Justice?

A Yes, ma'am.

Q Are you incarcerated as a result of your guilty plea on charges related to this incident?

A Yes, ma'am.

Q Is it your understanding that you pled guilty to the reduced charge of assault and battery by a mob in the second degree, and that the State dismissed your -- the

1 related kidnapping charge?

2 A Yes, ma'am.

3 Q On this case?

4 A Yes, ma'am.

5 Q Okay. And what is your understanding of what you
6 have to do to take advantage of that plea agreement?

7 A Testify.

8 Q Has anyone told you how to testify?

9 A (There was no response.)

10 Q Has anyone told you what you have to say?

11 A No.

12 Q Has anyone told you to tell any version of events
13 other than the truth?

14 A No.

15 Q All right. Let's talk about how -- well, let me
16 start here. Are you a member of the Tough Money Boys?

17 A Yes, ma'am.

18 Q How long have you been a part of the Tough Money
19 Boys?

20 A A year and -- two years and some months.

21 Q How did you get involved?

22 A I started hanging around with them.

23 Q Okay. Did you ever go through any initiation,
24 specifically?

25 A Yeah. I fought a lot.

1 Q How many people did you have to fight?

2 A Not many.

3 Q What is your rank, so to speak?

4 A I mean, it's not necessarily like -- you don't
5 necessarily have to have a rank.

6 Q Well, what is your job? What is your function for
7 the Tough Money Boys?

8 A I just -- most of the time, I just fight.

9 Q Do you -- are there rules?

10 A I mean, yeah.

11 Q Have you ever heard of a violation?

12 A Yeah.

13 Q What does a violation mean to you?

14 A You beat.

15 Q I'm sorry?

16 A You beat somebody that don't do what they're supposed
17 to do.

18 Q Okay. So have you ever received physical punishment
19 as a violation?

20 A No. Because I always did what I was supposed to do.

21 Q And what kind of things were you supposed to do?

22 A I just fought a lot.

23 Q So is it your understanding that if you did not fight
24 when you were supposed to, you would receive a violation?

25 A Yes, ma'am.

1 Q Now, did the Tough Money Boys have colors?

2 A Yes, ma'am.

3 Q What colors?

4 A Gray.

5 Q Any other colors?

6 A Red.

7 Q Did you carry bandana's, flags?

8 A I didn't.

9 Q I'm sorry?

10 A I didn't.

11 Q You did not. Did other members of the Tough Money
12 Boys carry flags or bandanna's?

13 A Sometimes.

14 Q What colors were they?

15 A Red, green.

16 Q All right. Now, let's talk about -- well, before I
17 get into that. Do you know Brittany Irby?

18 A I've seen her around.

19 Q Do you know her to speak to her and to recognize her?
20 Were y'all friends?

21 A I just seen her around.

22 Q Do you know whether she's a part of the Tough Money
23 Boys?

24 A She's not.

25 Q She's not. Okay. Do you know whether she's a member

1 of the Hit Squad?

2 A Yes, ma'am.

3 Q Is she a member of the Hit Squad?

4 A Yes, ma'am.

5 Q What is your understanding of her role in the Hit
6 Squad?

7 A I don't know, because I never hung out with them.

8 MR. HAMILTON: Your Honor, I object to his testimony.

9 THE COURT: Based on what?

10 MR. HAMILTON: Hearsay.

11 THE COURT: Overruled.

12 Go ahead

13 BY MS. SALISBURY:

14 Q Mr. Spann, do you know Elijah Wilson?

15 A I've seen him around.

16 Q Do you know him by any nicknames?

17 A Like Scoot?

18 Q Yes, ma'am.

19 A That's it.

20 Q Do you know whether he's a part of the Tough Money
21 Boys?

22 A He's not.

23 Q Do you know whether he's a part of the Hit Squad?

24 A Yes, ma'am.

25 Q Do you know what his role is in the Hit Squad?

1 A No.

2 Q Okay. Now, getting to the night of April 20th of
3 2013, the night of this party. Were you at the party?

4 A Yes, ma'am.

5 Q Had you been downtown before the party, or did you go
6 straight there?

7 A I was downtown.

8 Q What were you doing?

9 A Hanging with the people -- hanging with Tough Money.

10 Q What were the people of Tough Money doing?

11 A We was just downtown like we always go.

12 Q Were you having a meeting?

13 A Yes, ma'am.

14 Q Was someone getting beat in that night?

15 MR. HAMILTON: Objection.

16 THE COURT: Based on what?

17 MR. HAMILTON: Leading.

18 THE COURT: Overruled.

19 Go ahead

20 BY MS. SALISBURY:

21 Q Was someone getting beat in that night?

22 A Yes, ma'am.

23 Q Were you there for that?

24 A Yes, ma'am.

25 Q Now, after this beat in, where -- what did you do?

1 A I went walking around with everybody.

2 Q And where did you go?

3 A Up under the bridge where I threw a couple chairs.

4 Q I'm sorry?

5 A I threw a couple chairs.

6 Q You threw a couple chairs?

7 A Yeah.

8 Q For what purpose? What does that mean?

9 A I just threw them.

10 Q Over the bridge? Under the bridge? I don't --

11 A Under the bridge. I was just throwing them at the

12 wall under the bridge.

13 Q Why?

14 A I just did it.

15 Q Okay. After whatever that was, did you end up at

16 this party over at the West End Community Center?

17 A Yes, ma'am.

18 Q And with whom did you arrive?

19 A Huh?

20 Q Who came with you?

21 A Oh, it was me, Ronald Brown, Samson Groves, and

22 Ianteves Rogers.

23 Q Now, you mentioned Ronald Brown. Did you know him by

24 any nicknames?

25 A Lil Ru.

1 Q Was Ronald Brown a part of the Tough Money Boys?

2 A Some people say he was then. I hear he's not.

3 Q Did you know whether he was a member of the Hit
4 Squad?

5 A Yes.

6 Q What -- do you think you know? Was he a member of
7 Hit Squad?

8 A (Witness nodded.)

9 Q But he was with you that night?

10 A Yes.

11 Q All right. And once you got to the party, what
12 happened?

13 A We went in the party. They had music on. Everybody
14 was hanging. We was there having fun, eating, drinking
15 with everybody else.

16 Then I see Elijah Wilson come in. And then I see him
17 shake hands with Ronald. That's when I leave out and I go
18 call my momma and asked her where she was at. But she
19 said that she was on her way.

20 So I went back in the party. And the lights was on.
21 And they said, If your name is Ronald Brown --

22 MR. KORNFELD: Objection. Hearsay, Your Honor.

23 THE COURT: It's --

24 MR. KORNFELD: I'll withdraw it, Your Honor.

25 THE COURT: Okay.

1 THE WITNESS: If your name is Ronald Brown, get out
2 of the party. And he said if you're with Ronald Brown,
3 get out of the party. But we never left. So we stayed at
4 the party.

5 And when the lights went back out, Ronald hit the
6 girl. And the fight went outside. And when the fight was
7 going on outside, I seen some people hop in cars and
8 leave. I seen Elijah standing over there to the side.
9 And that's when the victim went down there and tried to
10 break up the fight.

11 BY MS. SALISBURY:

12 Q Was this still up at the community center at this
13 point?

14 A Up at the community center.

15 Q Was it underneath that awning out front?

16 A Like?

17 Q Like just outside the front door.

18 A Yeah.

19 Q Or was it somewhere else?

20 A It was outside the front door at the time.

21 So Ronald -- so when the victim went down there to
22 try to break up the fight, Ronald said that he had him.
23 That's when the victim grabbed one of my Co-Defendants.

24 Q Who?

25 A He grabbed Treveion Anderson.

1 Q And what did you see happen?

2 A When he grabbed him, he pushed him. And that's when
3 he started running. And when he started running,
4 everybody started chasing him. So we all was chasing him.

5 And I stopped in the middle of the street. Like when
6 we chased him, we chased him around the building. And I
7 stopped in the middle of the street. And I went back up
8 to the party. I didn't have a chance to go back there to
9 the parking lot.

10 Q Now, before the victim -- this person who tried to
11 break up the fight ran, did you see him fighting with
12 anybody right outside those front doors underneath that
13 awning?

14 A Ronald?

15 Q No.

16 A He was right there with Ronald trying to break up the
17 fight fighting with Ronald.

18 Q Was anyone else participating in that fight right
19 there?

20 A The girls.

21 Q Was anyone of your Tough Money Boys or Hit Squad
22 associates?

23 A Not that I recall.

24 Q Okay. And once -- you testified that once you saw
25 the victim get up and run, you chased him?