

ORIGINAL

VOLUME I OF II

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM RICHLAND COUNTY

John C. Hayes, III, Circuit Court Judge

RECEIVED

FEB 18 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DEMETRICE ROOSEVELT. JAMES,

APPELLANT

APPELLATE CASE NO. 2014-002125

RECORD ON APPEAL

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

**STATE'S EXHIBIT NO. 8 (PHOTOGRAPHIC LINE-UP);
STATE'S EXHIBIT NO. 12 (PHOTOGRAPHIC LINE-UP);
STATE'S EXHIBIT NO. 229 (PHOTOGRAPHIC LINE-UP)**

State of South Carolina

Court of General Sessions

County of Richland

2013-GS-40-01432

2013-GS-40-01433

2013-GS-40-01434

2013-GS-40-01448

2013-GS-40-01480

The State of South Carolina :

:

-VS-

:

TRANSCRIPT OF RECORD

:

Demetrice R. James :

:

September 29 - October 3, 2014
Columbia, South Carolina

B E F O R E:

The Honorable John C. Hayes, III, Judge, and
jury.

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Circuit Court Reporter

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(Court reporter's note: If an exhibit number is not indicated in the exhibit indexing for the State, this means the exhibit does not exist because an item was never marked with that particular exhibit number, per the way in which the State's counsel had the exhibits marked.)

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<u>No.</u>	<u>Description</u>	<u>ID.</u>	<u>EV.</u>
S-1			
S-2			
S-3	photographic line-up		521
S-4	photographic line-up		521
S-5	offender research - Jonathan Sterling		521
S-6			
S-7			
S-8	photographic line-up		522
S-9			
S-10	photographic line-up	387	390
S-11	photographic line-up	387	389
S-12	photographic line-up	393	394
S-13	photographic line-up	391	392
S-14	swabs		626
S-15	fired cartridges and projectiles		503
S-16	latent prints		626

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<u>No.</u>	<u>Description</u>	<u>ID.</u>	<u>EV.</u>
S-17	cigarette butts		626
S-18	bullet fragment		626
S-19	fired .45 cartridge casing		503
S-20	swabs	291	
S-21	beer can	291	434
S-22	buccal swab		432
S-23	buccal swab		433
S-24	buccal swabs	430	
S-25	buccal swab		432
S-26	buccal swab		431
S-27	sixty-three cents	292	626
S-28	hair from gray pullover		626
S-29	buccal swab		434
S-30	Brandon Jones' fingernail scrapings, head and pubic hair		417
S-31	GSR kit - Brandon Jones		416
S-32	buccal swab - Jones		417
S-33	postmortem prints		417
S-34			
S-35	swab		430

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<u>No.</u>	<u>Description</u>	<u>ID.</u>	<u>EV.</u>
S-36	ball cap, shirt, gloves		
S-37	box of clothes		654
S-38	cell phone		449
S-39	glove		435
S-40	glove		435
S-41	glove		435
S-42	glove		435
S-43	photographic line-up		
S-44	aerial map		197
S-45			
S-46			
S-47			
S-48			
S-49			
S-50			
S-51			
S-52			
S-53			
S-54	photograph	241	
S-55	photograph	241	

E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>ID.</u>	<u>EV.</u>
S-56	photograph	241	
S-57	photograph	241	
S-58	photograph	241	
S-59	photograph	241	
S-60	photograph	241	
S-61	photograph	241	
S-62	photograph	241	267
S-63	photograph	241	267
S-64	photograph	241	267
S-65	photograph	241	267
S-66	photograph	241	267
S-67	photograph	241	267
S-68	photograph	241	
S-69	photograph.	241	
S-70	photograph	241	
S-71	photograph	241	266
S-72	photograph	241	266
S-73	photograph	241	266
S-74	photograph	241	274
S-75	photograph	241	

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<u>No.</u>	<u>Description</u>	<u>ID.</u>	<u>EV.</u>
S-76	photograph	241	
S-77	photograph	241	
S-78	photograph	241	
S-79	photograph	241	
S-80	photograph	241	
S-81	photograph	241	
S-82	photograph	241	
S-83	photograph	241	
S-84	photograph	241	
S-85	photograph	241	
S-86	photograph	241	
S-87	photograph	241	
S-88	photograph	241	
S-89	photograph	241	
S-90	photograph	241	
S-91	photograph	241	
S-92	photograph	241	
S-93	photograph	241	
S-94	photograph	241	
S-95	photograph	241	278

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S-96	photograph	241	
S-97	photograph	241	278
S-98	photograph	241	273
S-99	photograph	241	273
S-100	photograph	241	273
S-101	photograph	241	273
S-102	photograph	241	273
S-103	photograph	241	273
S-104	photograph	241	273
S-105	photograph	241	273
S-106	photograph	241	273
S-107	photograph	241	273
S-108	photograph	241	
S-109	photograph	241	
S-110	photograph	241	
S-111	photograph	241	
S-112	photograph	241	
S-113	photograph	241	
S-114	photograph	241	

E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>ID.</u>	<u>EV.</u>
S-115	photograph	241	
S-116	photograph	241	
S-117	photograph	241	
S-118	photograph	241	
S-119	photograph	241	
S-120	photograph	241	
S-121	photograph	241	
S-122	photograph	241	
S-123	photograph		263
S-124	photograph		263
S-125	photograph	241	263
S-126	photograph	241	263
S-127	photograph	241	263
S-128	photograph	241	263
S-129	photograph	241	263
S-130	photograph	241	263
S-131	photograph	241	271
S-132	photograph	241	271
S-133	photograph	241	271
S-134	photograph	241	271

E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>ID.</u>	<u>EV.</u>
S-135	photograph	241	271
S-136	photograph	241	271
S-137	photograph	241	271
S-138	photograph		261
S-139	photograph		261
S-140	photograph		261
S-141	photograph	241	265
S-142	photograph	241	265
S-143	photograph	241	265
S-144	photograph	241	265
S-145	photograph	241	261
S-146	photograph	241	268
S-147	photograph	241	
S-148			
S-149			
S-150			
S-151			
S-152			
S-153	photograph	241	270
S-154	photograph	241	270

E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>ID.</u>	<u>EV.</u>
S-155	photograph	238	
S-156	photograph	238	
S-157	photograph	241	269
S-158	photograph	241	269
S-159	photograph	241	269
S-160	photograph	241	269
S-161	photograph	241	269
S-162	photograph	241	
S-163	photograph	241	
S-164	photograph	285	301
S-165	photograph	285	301
S-166	photograph	285	301
S-167	photograph	285	301
S-168	photograph	285	301
S-169	photograph	285	303
S-170	photograph	285	303
S-171	photograph	285	303
S-172	photograph	285	303
S-173	photograph	285	303
S-174	photograph	285	303

E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>ID.</u>	<u>EV.</u>
S-175	photograph	285	305
S-176	photograph	285	305
S-177	photograph	285	305
S-178	photograph	285	305
S-179	photograph	285	305
S-180	photograph	285	305
S-181	photograph	285	305
S-182	photograph	285	305
S-183	photograph	285	305
S-184	photograph	285	305
S-185	photograph	285	305
S-186	photograph	285	305
S-187	photograph	285	305
S-188	photograph	285	305
S-189	photograph	285	305
S-190			
S-191			
S-192	photograph	241	275
S-193	photograph	241	275
S-194	photograph	241	275

E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>ID.</u>	<u>EV.</u>
S-195	photograph	241	275
S-196	photograph	241	275
S-197	clothing		626
S-198			
S-199	aerial photograph		657
S-200			
S-201			
S-202			
S-203			
S-204			
S-205	swabs		431
S-206	autopsy chart	206	566
S-207	camouflage jacket		637
S-208	photograph		586
S-209	photograph		586
S-210	photograph		586
S-211	photograph		586
S-212	photograph		586
S-213	photograph		586
S-214	photograph		586

E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>ID.</u>	<u>EV.</u>
S-215	photograph		586
S-216	photograph		586
S-217	photograph		586
S-218	photograph		586
S-219	photograph		586
S-220	photograph		586
S-221	photograph		586
S-222	photograph		586
S-223	clothing		655
S-224	fingerprint card		626
S-225	fingerprint card		626
S-226	fingerprint card		626
S-227	fingerprint card		626
S-228	photographic line-up	74	
S-229	photographic line-up	74	465
S-230	statement of Demetrice James	95	765
S-231	statement of Demetrice James	95	769
S-232	statement of Demetrice James	95	774
S-233	statement of Demetrice James	95	778

E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>ID.</u>	<u>EV.</u>
S-234	cell phone records	280	281
S-235	photograph	407	419
S-236	photograph	407	419
D-1	photographic line-up	221	
C-1	juror note	625	
C-2	jury note	868	
C-3	jury note	871	
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1 **The Court:** Thank you. You may take your seats. Good
2 afternoon. Solicitor?

3 **Ms. Simpson:** Your Honor, can we approach?

4 **The Court:** Yes.

5 (Whereupon, a bench conference was held.)

6 **The Court:** All right. Ready to proceed in State versus
7 Demetrice James. We've got -- I've got a request for voir
8 dire. We're going to have the jury coming in at 10 in the
9 morning, so I'll look at that. I've got a list of
10 defendant's motions.

11 Mr. James is charged with burglary first degree,
12 attempted murder two counts, attempted armed robbery and a
13 murder, and the defendant, as I understand it, Counsel, plead
14 -- pleads not guilty to these charges. Is that correct?

15 **Ms. Anastasia Walker:** Yes, Your Honor.

16 **The Court:** All right. State ready to proceed?

17 **Ms. Simpson:** The State's ready, Your Honor.

18 **The Court:** Defense?

19 **Ms. Anastasia Walker:** Yes, Your Honor.

20 **The Court:** All right. The first motion, the renewal of
21 the Rule 5 motion for discovery. Has the State complied with
22 the rules?

23 **Ms. Simpson:** I apologize, Your Honor.

24 **The Court:** Has the State complied with discovery?

25 **Ms. Simpson:** Yes, Your Honor. We have turned over

1 everything pursuant to Brady, Rule 5, and Riddle, and I don't
2 believe we have anything additional outstanding at this
3 point.

4 **The Court:** All right. Next is the records of the
5 State's witnesses. Have you---

6 **Ms. Simpson:** Your Honor, they had criminal records that
7 I indicated to them.

8 **Ms. Anastasia Walker:** Your Honor, I would go back just
9 to my Rule 5 and add Riddle in there. There is a little
10 concern regarding Riddle. I know that they transported
11 Vincent Nelson over to the courthouse last Friday. I don't
12 know if he provided any new or conflicting information last
13 Friday.

14 Also, there is a co-defendant that was tried in February
15 of this year. He did not testify at his own trial. I would
16 imagine if they called him at this trial that his information
17 would be different than his own statement. So any
18 information that he gives could possibly be Riddle
19 information. I'm not sure if the State has spoken with him.

20 So I just would -- I have prepared a written Riddle
21 motion, Your Honor. I just would put that on the record that
22 any new or conflicting information that the State receives -
23 particularly of concern are from those witnesses - I would
24 like to put that on the record.

25 **The Court:** All right. Is the State aware of any I

1 guess changes or alterations of testimony in the form of
2 statements or testimony?

3 **Ms. Simpson:** No, Your Honor. And with respect to
4 Vincent Nelson, we did have him transported. His attorney
5 from trial where he was prior to -- I believe he pled guilty,
6 but his trial counsel essentially was present. She went down
7 and spoke with him. Our investigator merely served him with
8 a subpoena and did not speak to him regarding any substantive
9 issues or matters involving testimony or anything about the
10 case. He was merely served with a subpoena at that time.

11 With respect to Maurice Roberts, we've had no contact
12 with him directly. He is being transported, and should
13 anything come about with respect to his testimony, we will
14 turn it over pursuant to our discovery obligations.

15 **The Court:** All right.

16 **Ms. Anastasia Walker:** Thank you, Your Honor.

17 **The Court:** Records? You were about to tell me about
18 that.

19 **Ms. Simpson:** Yes, Your Honor. With respect to that, we
20 should have records for the witnesses, updated records. They
21 already have criminal records from the last trial, I believe,
22 but we'll provide them with updated ones by the end of the
23 day and certainly prior to the witnesses testifying. I did,
24 however, in my e-mail -- we have not received a witness list
25 from the defense either, request that if they have witnesses

1 that we be given their dates of birth so that we can pull
2 their criminal records as well.

3 **Ms. Anastasia Walker:** Your Honor, particularly my
4 concern was Jwaun Duckett. I believe that he has pled to new
5 charges since the last trial. Also, our only witness at this
6 point is the defendant, Mr. Demetrice James, who I believe
7 only has no prior record---

8 **Court Reporter:** I'm sorry. Has a what?

9 **Ms. Anastasia Walker:** Has no prior record that I'm
10 aware of.

11 **Ms. Simpson:** And, Your Honor, prior to these witnesses
12 testifying, we'll certainly have it -- I believe we can
13 settle it then. I'll provide them with Mr. Duckett's record
14 by the end of the day at the very latest.

15 **The Court:** All right. Admissibility of potential
16 witnesses' criminal records, its impeachment value or -- what
17 can the State's evidence -- what can the State's -- what
18 record can be used against any State witness?

19 **Ms. Simpson:** Your Honor, it's the State's position with
20 respect to this motion, once we have turned over the updated
21 records, we'll address what would potentially come in for
22 impeachment purposes at that time.

23 **The Court:** All right. How about -- you've already
24 indicated that Mr. James has no record, so there's nothing
25 for impeachment on him?

1 **Ms. Simpson:** Not that I'm aware of, but we would
2 certainly double-check. He doesn't have a prior record,
3 adult record, that I'm aware of.

4 **The Court:** All right. The defense has asked to
5 sequester the witnesses, and I'll grant that reciprocally
6 although with Mr. James as supposedly the only witness for
7 the defense and he's obviously not going anywhere.

8 **Ms. Simpson:** Your Honor, on that issue, we would ask
9 that our investigators -- they've provided investigative
10 reports. They also have testimony, some of them, from the
11 prior trial of the co-defendant, Maurice Roberts, in the form
12 of transcripts which the defense has been provided. We see
13 no reason to sequester them. However, with respect to the
14 lay witnesses in this case or any other -- or we -- we would
15 agree to that with the exception of the actual victims in
16 this case which it would be our position that they are
17 entitled to be in the courtroom.

18 **The Court:** The victims are entitled and at least one
19 case agent, somebody -- the lead agent on behalf of the
20 prosecu -- of the agency.

21 **Ms. Simpson:** Okay. We actually have two lead
22 investigators that we would request, and---

23 **The Court:** Any objection to it?

24 **Ms. Simpson:** ---that would be Investigator Boland and
25 Investigator Tanner.

1 **Ms. Anastasia Walker:** And investigator who?

2 **Ms. Simpson:** Tanner.

3 **Ms. Anastasia Walker:** No objection, Your Honor.

4 **The Court:** Is that it? Because you've got a crew
5 sitting behind you.

6 **Ms. Anastasia Walker:** They certainly do.

7 **Ms. Simpson:** We would love to have them all but...

8 **Ms. Anastasia Walker:** But I have no objection to
9 Investigator Boland and Investigator Tanner.

10 **The Court:** Okay. Now motions in limine and Neil versus
11 Biggers.

12 **Ms. Anastasia Walker:** We can do some of the shorter
13 ones if you want to do those first and then---

14 **The Court:** Okay.

15 **Ms. Anastasia Walker:** Before we go to Biggers.

16 **The Court:** All right. Which one do you want to do? We
17 can start at the bottom then because that Number C. -- E.
18 looks like it will be fairly easy to deal with.

19 **Ms. Anastasia Walker:** Certainly, Your Honor. I will
20 request attorney-conducted voir dire as many other
21 jurisdictions will -- I venture to guess all of the
22 jurisdictions, although I'm not quite sure about that, do
23 attorney-led voir dire. I think that it does allow us to
24 pick a fair and impartial jury. However, I have no basis in
25 South Carolina for that. That is just merely a request that

1 I make of the Court.

2 **The Court:** That will be denied. I think the voir dire,
3 at least in our state, seeks jurors who are fair and
4 impartial and, of course, the Court conducts that and -- as
5 opposed to profiling or -- which we don't do.

6 **Ms. Anastasia Walker:** Certainly, Your Honor.

7 **The Court:** And I'm not sure -- I hate to say that all
8 examination of potential jurors is profiling, but there might
9 be no reason to do it. But we don't allow it. It can be
10 allowed. I could -- I think I have the discretion to allow
11 it, but I generally don't and not in this case.

12 **Ms. Anastasia Walker:** Certainly, Your Honor.

13 **The Court:** All right.

14 **Ms. Anastasia Walker:** And I believe that we handed up
15 -- didn't we hand up...

16 **The Court:** I've got the voir dire.

17 **Ms. Anastasia Walker:** Our proposed voir dire? Thank
18 you, Your Honor.

19 **The Court:** All right. D., motion to exclude the State
20 from referencing statements made by McClary, Nelson, and
21 Roberts during opening statements.

22 **Ms. Anastasia Walker:** Your Honor, in reading and
23 attending the last trial, all the co-defendants testified
24 against Mr. Roberts. In opening they referred to the
25 statements that they would be giving.

1 In this trial, however, we have been given sort of an
2 amorphous notice as to who -- which co-defendants would be
3 testifying, that they may or may not be testifying. So in
4 that interest, I think that there are some Crawford Sixth
5 Amendment issues that if they don't testify for them to be
6 bringing that up in opening or prior to them testifying, if
7 they are actually not going to be called as witnesses,
8 particularly Mr. McClary who currently is unrepresented and
9 they are unable to communicate with him as to if he's going
10 to testify or not.

11 So I think that bringing up anything they say in opening
12 or through other witnesses would be Crawford and Sixth
13 Amendment violations and would go ahead and ask that the
14 Court exclude any mention of that unless they intend and know
15 that those witnesses are going to be called.

16 **The Court:** Counsel?

17 **Ms. Meghan Walker:** Your Honor, I think what I notified
18 Ms. Walker of yesterday was that she should anticipate all of
19 the co-defendants testifying against her client.

20 **The Court:** Well, that's not what she's asking. She's
21 saying that she's anticipating it.

22 **Ms. Meghan Walker:** Right.

23 **The Court:** But unless you plan on calling them, don't
24 talk about them.

25 **Ms. Meghan Walker:** And if -- our intention at this

1 point -- and I want to get back to Mr. McClary in a moment,
2 the one who just had his attorney relieved. If our
3 anticipation -- we anticipate on calling all these witnesses.
4 If we -- if something happens and we make promises to the
5 jury that we don't keep, then that is definitely something
6 that they can go into on closing arguments about---

7 **The Court:** Or on a motion for a mistrial.

8 **Ms. Meghan Walker:** Yes. Yes, sir. But our
9 intention---

10 **The Court:** You don't want that.

11 **Ms. Meghan Walker:** No. No, no, no. Our intention is
12 not to say that we're going to do anything that we have no
13 intention of doing.

14 **The Court:** Well, it's a slippery slope, I mean, to...
15 The bottom line is: Be cautious and if you start talking
16 about what you expect and who you expect to testify and what
17 you expect them to say and they don't do it, then it's your
18 problem and not mine or the defense's.

19 **Ms. Meghan Walker:** I understand, Your Honor. Secondly,
20 with respect to Deshawn McClary, the clerk of court informed
21 me that they have to -- in order to appoint a new attorney
22 for him, that has to go through the public defender's office.
23 I don't -- and I'm not suggesting that they would
24 intentionally delay appointing a new attorney so that we
25 can't talk to him this week in order to provide some

1 additional protection for this defendant, but if an order of
2 the Court directing the public defender to appoint an
3 attorney to represent Mr. McClary---

4 **The Court:** Well, we're on the record right now. Can
5 you speak to the public defender's office?

6 **Ms. Pinnock:** No, sir. All---

7 **The Court:** Can you get the public defender in here who
8 can speak or somebody who has authority to speak and tell us
9 whether you have a conflict or not?

10 **Ms. Pinnock:** We can ask Mr. Strickler to come up. He's
11 in charge of---

12 **The Court:** Let's get Mr. Strickler or somebody up here
13 so we can put it on the record and move this forward. I
14 mean, that's -- I don't think it's intentionally sandbagged,
15 so to speak, but I mean, we can move it quick.

16 **Ms. Meghan Walker:** Thank you, Your Honor. That was my
17 only request.

18 **Ms. Anastasia Walker:** Certainly I have no intention---

19 **The Court:** I understand.

20 **Ms. Anastasia Walker:** ---of that, Your Honor, and Mr.
21 Strickler certainly knows his procedures far more than me or
22 Ms. Pinnock.

23 **The Court:** All right. All right. Then C., testimony,
24 improper bolstering and pitting witnesses. That's one of
25 those I really can't in limine issue, and that's the rule.

1 That's the law. So if they have improper bolstering or
2 pitting one witness against another, the proper method to
3 call that to the Court's attention is by objecting at that
4 time because I can't go through and anticipate.

5 All I can do at this time is say the rules don't allow
6 bolstering or pitting witnesses against each other. I'm kind
7 of granting your motion, but I don't know how to do it with
8 more specificity than say that you're right.

9 **Ms. Pinnock:** Yes, sir, Your Honor. And the reason we
10 added that on to our list is there is -- very often there is
11 an exchange between the solicitor and a co-defendant case
12 about, you know, coming in and testifying and telling the
13 truth. We would just put it on the record that we're asking
14 Your Honor to put them on notice not to ask those types of
15 questions to the testifying co-defendants in this case.

16 **The Court:** They can ask them if you understand you're
17 under oath and you understand you're sworn to tell the truth.

18 **Ms. Pinnock:** Well, Your Honor, I would just -- if I can
19 hand up -- it's State v. Kelly. It's a South Carolina
20 Supreme Court case that discusses that type of testimony
21 being elicited, and that is seen as an improper bolstering of
22 the witness's testimony which is why we want to go ahead and
23 put that on the record prior to testimony actually starting.

24 **Ms. Simpson:** And, Your Honor, if we could just actually
25 have the case that we just received notice of their motions

1 today.

2 **Ms. Pinnock:** It's 343 S.C. 350.

3 **The Court:** I can take a look at this later.

4 **Ms. Pinnock:** And we will make necessary objections
5 during the motion.

6 **The Court:** All right. Well, we've looked at two. I
7 was just glancing at it. Looks like it's fairly narrow.
8 Seems -- and this is just from a quick glance. Mr.
9 Strickler, how are you?

10 **Mr. Strickler:** Your Honor, how are you?

11 **The Court:** Fine. We've got a - I don't want to call it
12 a dilemma - but a situation.

13 **Mr. Strickler:** Yes, sir.

14 **The Court:** We have an attorney who was precontract-
15 appointed to represent Mr. McClary?

16 **Ms. Meghan Walker:** McClary.

17 **The Court:** McClary.

18 **Mr. Strickler:** Yes, sir.

19 **The Court:** In this case he was... He's been conflicted
20 out.

21 **Mr. Strickler:** Yes, sir.

22 **The Court:** I thought I had directed the clerk to
23 appoint the next contract person.

24 **Mr. Strickler:** Yes, sir.

25 **The Court:** As opposed to going back to 608.

1 **Mr. Strickler:** Yes, sir.

2 **The Court:** No question about that. The clerk says they
3 can't do that until it goes through your office and you tell
4 us that you have a conflict.

5 **Mr. Strickler:** Yes, sir. We still have a conflict.

6 **The Court:** Okay.

7 **Mr. Strickler:** No question.

8 **The Court:** All right. So---

9 **Mr. Strickler:** And if I may, Your Honor, the clerk
10 doesn't have a thing to do with it. If it helps you out,
11 I'll have it in the hands of a contract attorney this
12 afternoon.

13 **The Court:** All right. Thank you. I appreciate it.
14 That's---

15 **Mr. Strickler:** I don't know what I'll be able to get
16 them as far as discovery goes in this case because I don't
17 know what we have in our file at this point, but I'll have an
18 attorney on it this afternoon.

19 **The Court:** All right. I appreciate you coming down and
20 doing it.

21 **Mr. Strickler:** Yes, sir.

22 **The Court:** Thank you.

23 **Mr. Strickler:** Thank you.

24 **The Court:** Good to see you. All right. So I'll --
25 I'll take a further look at this case, but just be on notice.

1 In this case it looks like it wasn't so much that he said are
2 -- are you telling the truth? It says did I tell you -- did
3 I tell you to tell the truth? That might be a difference
4 without a distinction. So we'll look at it, but if you put
5 up good witnesses, you shouldn't have to bolster them. All
6 right. So we'll take a look at that. All right. Now, phone
7 calls.

8 **Ms. Anastasia Walker:** Yes, Your Honor, and I think this
9 has been taken care of actually. There were a number of
10 phone calls turned over by the State prior to Maurice
11 Roberts' trial, hundreds of phone calls. The State indicated
12 that they planned on using some of those phone calls. We had
13 asked for notice of which phone calls they intended to use
14 should there need to be redactions or other issues with those
15 phone calls that we needed to make motions on.

16 Ms. Walker provided us with three phone calls that she
17 said that she may or may not use. So we have those three
18 phone calls and will be prepared to make any necessary
19 motions tomorrow should there need to be any motions if she
20 -- I think three is a fair number that we could be prepared
21 for. So I think that issue has been taken care of.

22 **Ms. Meghan Walker:** Yes, Your Honor. And just for
23 clarification, those are the phone calls that we basically
24 made in our case in chief. Should this defendant though
25 testify and there be something contradictory to one of those

1 other phone calls that I did not narrow down for them but
2 that they've had for months now, I think we would be able to
3 ask him about that. We're not -- we're not saying we're not
4 going to possibly use them for cross-examination or something
5 of that nature, but those are the three phone calls we intend
6 to put in possibly in our case in chief.

7 **The Court:** Well, will cross-examination apply would be
8 two different things in that particular... It doesn't
9 necessarily say notice regarding defendant recorded phone
10 calls plan to be used during the case in chief, but I think
11 it's restricted.

12 **Ms. Anastasia Walker:** Certainly, Your Honor.

13 **Ms. Meghan Walker:** Okay. I just wanted to make sure
14 that I wasn't being misleading.

15 **Ms. Anastasia Walker:** Yes. If that's -- if that's
16 restricted to her case in chief, those three phone calls, I
17 think that's -- that's very fair and I can be prepared for
18 those three phone calls.

19 **The Court:** Okay. All right. Now, out-of-court
20 identification. How many individuals do you have making
21 that?

22 **Ms. Simpson:** Your Honor, we have a total of one, two,
23 three, four -- four - I'm sorry - five investigators who will
24 be testifying on the issue as well as the victims in this
25 case, Trenton Scott, Troy Scott, and Joshua Williams.

1 **The Court:** All right. That's really what I wanted to
2 know is how many actual witnesses there were but not
3 witnesses testifying but eyewitness witnesses. But, anyway,
4 you've answered my question.

5 **Ms. Simpson:** Okay. Thank you.

6 **The Court:** Anything before I allow the State to call
7 the first witness?

8 **Ms. Anastasia Walker:** No, Your Honor.

9 **The Court:** All right. You may proceed.

10 **Ms. Meghan Walker:** Your Honor, the State calls Troy
11 Scott.

12 Troy Scott, after being duly sworn, testified as
13 follows in camera:

14 **The Clerk:** Please have a seat. State your full name
15 for the record.

16 **The Witness:** Troy Scott.

17 **Ms. Meghan Walker:** May it please the Court, Your Honor?

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

19 Direct Examination

20 By Ms. Meghan Walker:

21 Q. Good afternoon, Mr. Scott.

22 A. Good afternoon.

23 Q. I want to take your attention back to this incident
24 date. Can you tell me where you were living at that time?

25 A. 4610

1 Q. Is that where you still live?

2 A. Yes, ma'am.

3 Q. On that day in time were you at home?

4 A. Yes, sir.

5 Q. What were you doing there?

6 A. Just relaxing really with some friends.

7 Q. And who were those friends?

8 A. Joshua. My brother, Trent, was there. I had a
9 girlfriend at the time named Cari. Brandon was there. And
10 that's about it.

11 Q. Okay. At some point in time did a Vincent Nelson show
12 up?

13 A. Yes, ma'am.

14 Q. And how do you know Vincent Nelson?

15 A. I met him through a friend of mine, Teedo.

16 **Court Reporter:** I'm sorry. What's your friend's name?

17 **The Witness:** Teedo.

18 **Ms. Meghan Walker:** Tia.

19 **Court Reporter:** Tia.

20 **The Witness:** Teedo.

21 **Ms. Meghan Walker:** Oh, I'm sorry. Teeto.

22 **The Witness:** Teedo.

23 **Court Reporter:** Will you spell it?

24 **The Witness:** T-E-E-D-O.

25 **Court Reporter:** T-E-E-D-O.

1 **The Witness:** Yeah.

2 By Ms. Meghan Walker:

3 Q. When Vincent -- tell me what happened after Vincent
4 Nelson showed up.

5 A. After Vincent showed up, we were basically all in the
6 computer room just talking and we was just basically just
7 getting there trying to get Brandon outside. And me and Cari
8 was in the other room, and my brother was somewhere else.

9 Q. At some point in time were more people -- did more
10 people come to your home?

11 A. That day?

12 Q. That night.

13 A. No. Yes. Well, yeah.

14 Q. Not that they were invited, but did other people come?

15 A. Yes. Yes. Yes. Yes.

16 Q. Okay. Describe for the judge what happened next
17 after -- after the other two went outside.

18 A. Basically Vincent was making a few phone calls; we
19 didn't know who. And I was in the room and I just heard this
20 loud bang in the sports room, and I went into the sports room
21 and it was my brother and some other guy brawling on the
22 ground.

23 Q. And did you know the other guy?

24 A. No, I didn't.

25 Q. Did you get a good look at him?

1 A. Yes.

2 Q. And talk about the lighting in that room. Was the light
3 on or off?

4 A. It was on.

5 Q. It was on? So did you get a clear view of his face?

6 A. Yes, ma'am.

7 Q. And how many people were in your home that were
8 uninvited at that point?

9 A. Two.

10 Q. And did you get a good look at both of them?

11 A. Yes, ma'am.

12 Q. And was the light on both times---

13 A. Yes, ma'am.

14 Q. ---when you -- when you could see them?

15 A. Yes, ma'am.

16 Q. Was there anything blocking your view?

17 A. No, ma'am.

18 Q. And how close did you actually get to these people who
19 were in your home uninvited?

20 A. We were fighting, so we were real close.

21 Q. So like this close?

22 A. Yes.

23 Q. And at some point in time were you able to get those
24 people out of your home?

25 A. Yes, ma'am.

1 Q. What happened though before you were actually able to
2 push them out of the home?

3 A. Before? When Trent was brawling the other guy, there
4 was another guy that came in, and me and him, we was fighting
5 and it got -- it led to the shot, and then he pulled a gun
6 out on me. Then he pointed it at me. And then we proceeded
7 to try to shut the shop door, and the guy was trying to
8 squeeze in there to try to squeeze into the section -- second
9 section of the house. So it was basically, you know, a
10 do-or-die moment. So we just basically just had to fight it
11 out from the shop to the sports room to the outside.

12 Q. And the -- when the shot -- you said there was a gun.
13 Was that gun ever fired?

14 A. Yes.

15 Q. And could you see who actually fired the gun?

16 A. Yes.

17 Q. And did you get a good look at that person?

18 A. Yes.

19 Q. Again, were the lights on then?

20 A. Yes.

21 Q. And was there anything blocking your view of the person
22 that actually fired the gun inside of the home that night?

23 A. No, ma'am.

24 Q. At some point did you talk to police about what you saw?

25 A. Yes, ma'am.

1 Q. And did they show you I guess what's called a photo
2 line-up to ask you if you recognized anybody?

3 A. Yes, ma'am.

4 Q. I want to show you State's Exhibit 8 and ask you if you
5 recognize this.

6 A. (Witness nodded head up and down.)

7 Q. Do you recognize this?

8 A. Yes, ma'am.

9 Q. What is this?

10 A. That's the photo line-up.

11 Q. And are these your initials?

12 A. Yes, ma'am.

13 Q. And did you circle this?

14 A. Yes, ma'am.

15 Q. Prior to initialing and circling that document, did the
16 police tell you who to pick?

17 A. No, ma'am.

18 Q. Did they suggest to you who to pick?

19 A. No, ma'am.

20 Q. Did they pressure you to any one of those pictures in
21 any way?

22 A. No, ma'am.

23 Q. Why did you circle that picture?

24 A. Because I seen him before.

25 Q. Where did you see him?

1 A. Just out and about and that night.

2 Q. You saw him that night?

3 A. Yeah.

4 Q. And what was he doing that night when you saw him?

5 A. That was the one -- the second one that ran in the house
6 and shot my brother in the arm.

7 Q. He shot your brother in the arm?

8 A. Yes.

9 **Ms. Meghan Walker:** Beg the Court's indulgence, Your
10 Honor.

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

12 By Ms. Meghan Walker:

13 Q. And in addition to that photo line-up that I just showed
14 you, were there other photo line-ups that were shown to you
15 that night by the officers?

16 A. Yes, ma'am.

17 Q. Let me show you State's Exhibits 6, 3, 4, and 5,
18 Exhibits 3 through 6, and ask you if you recognize these.

19 A. (Witness nodded head up and down.)

20 Q. Do you recognize these?

21 A. Yes, ma'am.

22 Q. Were these shown to you that night?

23 A. Yes, ma'am.

24 Q. Did you pick anyone out of these photo line-ups?

25 A. No, ma'am.

1 Q. Did they -- did the police suggest to you who to pick or
2 who not to pick?

3 A. No, ma'am.

4 Q. And why didn't you circle or pick anyone out of these
5 photo line-ups?

6 A. Because they didn't look familiar.

7 **Ms. Meghan Walker:** Thank you, sir. I don't have any
8 further questions of this witness at this time.

9 **The Court:** Cross.

10 **Ms. Anastasia Walker:** Beg the Court's indulgence.

11 Cross-Examination

12 By Ms. Anastasia Walker:

13 Q. Bear with me, Troy. How are you doing today?

14 A. I'm pretty good.

15 Q. All right. I'm just going to ask you a few questions.

16 Okay. You said that night you were just relaxing with some
17 friends, and then actually when the incident happened you
18 were in another room when you heard a bang.

19 A. (Witness nodded head up and down.)

20 Q. And you were in another---

21 **The Court:** He didn't answer.

22 By Ms. Anastasia Walker:

23 Q. I'm sorry. You have to answer out loud so that she can
24 take down everything you're saying.

25 A. Uh-huh.

- 1 Q. You have to say yes or no.
- 2 A. Okay.
- 3 Q. Okay? Okay. So you were in another room?
- 4 A. Yes.
- 5 Q. And you were in another room with Cari.
- 6 A. Yes, ma'am.
- 7 Q. That was your girlfriend at the time?
- 8 A. Yes, ma'am.
- 9 Q. And you heard a loud bang.
- 10 A. Yes, ma'am.
- 11 Q. So you exited the room.
- 12 A. Yes, ma'am.
- 13 Q. And you went to go see what the bang was about?
- 14 A. Yes, ma'am.
- 15 Q. And you saw your brother, Trent; right?
- 16 A. Yes, ma'am.
- 17 Q. And Trent is in a fight.
- 18 A. Yes, ma'am.
- 19 Q. And normally that's not something you'd see.
- 20 A. No, ma'am.
- 21 Q. Not in your home.
- 22 A. No, ma'am.
- 23 Q. This is at night.
- 24 A. It's at night.
- 25 Q. Around 11:00 you'd say?

1 A. 11-ish.

2 Q. Okay. And your house is two stories; right?

3 A. Yes, ma'am.

4 Q. And this is the basement of the house?

5 A. Yes, ma'am.

6 Q. And your bedroom is down there?

7 A. Yes, ma'am.

8 Q. That's where -- kind of where you and your brother stay?

9 A. Yes, ma'am.

10 Q. So this is at night, and you see a fight. And you see
11 your brother fighting on the ground with a guy, and you don't
12 know this guy.

13 A. Yes, ma'am.

14 Q. Okay. And then after that you see another person enter
15 the room.

16 A. Yes, ma'am.

17 Q. And at this point both of you end up fighting.

18 A. Yes, ma'am.

19 Q. And you said your adrenaline is pumping.

20 A. Yes, ma'am.

21 Q. And I think at one point you even said it was a do-or-
22 die moment.

23 A. Yes, ma'am.

24 Q. And this incident, it doesn't take very long, does it?

25 A. No, ma'am.

1 Q. And so you end up fighting with them, but eventually
2 you're able to get them out of house; right?

3 A. Yes, ma'am.

4 Q. Okay. And then Ms. Walker -- she showed you this
5 line-up. Sergeant Isenhoward showed you this line-up? Is
6 that right? Do you recall who showed it to you?

7 A. I don't remember which one.

8 Q. That's okay. That's okay. But this is the line-up that
9 was showed to you. Do you recognize this line-up exactly?

10 A. Yes, ma'am.

11 Q. This looks like the same exact line-up that was showed
12 to you; right?

13 A. Yes, ma'am.

14 Q. And you picked the picture that is the bottom right.

15 A. Yes, ma'am.

16 Q. I'm going to call it just picture number six, just the
17 -- it's the sixth picture, so bottom right. And that
18 picture, it has six numbers under it; right?

19 A. Yes, ma'am.

20 Q. And you'd agree with me that all the other pictures have
21 five numbers under it; right?

22 A. Uh-huh.

23 **Ms. Anastasia Walker:** Thank you. No further questions.

24 **The Court:** Redirect?

25 **Ms. Meghan Walker:** No, Your Honor.

1 **The Court:** You can go back and have your seat up there
2 in that area.

3 **Ms. Simpson:** The State calls Sergeant Kevin Isenhoward.
4 Your Honor, he's outside.

5 Kevin S. Isenhoward, after being duly sworn,
6 testified as follows in camera:

7 **The Clerk:** Please have a seat. State your full name
8 for the record.

9 **The Witness:** Kevin Scott Isenhoward.

10 Direct Examination

11 By Ms. Simpson:

12 Q. Sergeant Isenhoward, where are you employed?

13 A. I work for the Richland County Sheriff's Department.

14 Q. And how long have you been with the sheriff's
15 department?

16 A. Seventeen years.

17 Q. And what is your current position there?

18 A. I'm a sergeant in the Major Crimes Unit.

19 Q. And as a sergeant in the Major Crimes Unit, do you
20 actively participate in the investigation of cases?

21 A. I do.

22 Q. And did you have occasion to become involved in this
23 case involving the death of Brandon Jones?

24 A. I was. I was enlisted to assist the primary
25 investigators in the investigation.

1 Q. And I want to direct your attention to your role with
2 respect to this defendant, Demetrice James. Did you have
3 occasion to come in contact with him?

4 A. I did.

5 Q. Can you tell us about that?

6 A. We had been to his home the day before and spoke with a
7 neighbor that had seen him there. The next day I received a
8 call from his father who told us that his son was there and
9 they would wait on us to come and see what the problem was
10 because the neighbor had actually hold him we were looking
11 for him. So myself and several investigators responded to
12 the home where we came into contact with him. At that point
13 in time we had a warrant for his arrest.

14 Q. So the course of your investigation had led you to
15 develop Demetrice James as a suspect in the murder and
16 attempted armed robbery---

17 A. Yes.

18 Q. ---of this case. And were there additional co-
19 defendants identified or other subjects as well?

20 A. There were.

21 Q. And the victims in this case, did you have contact with
22 specifically Troy Scott?

23 A. I did.

24 Q. Can you tell us when and where you made contact with
25 him?

1 A. We went to the incident location, and I don't have that
2 with me right now, but I believe it was the incident location
3 where we showed line-ups to several people, several of the
4 victims. It was myself and Captain McDonald, and I showed
5 Troy Scott a line-up which had -- a six-pack line-up which
6 also included a picture of Demetrice James.

7 Q. And you said that there were several people in the home.
8 Were these line-ups shown to them separately or all together?
9 How did that occur?

10 A. They were shown separately. Obviously they weren't
11 around the other witnesses; as well as each individual
12 line-up was shown to that witness independently.

13 Q. Okay. I'm going to show you what's been marked for
14 identification purposes as State's Exhibit Number 8. Do you
15 recognize this?

16 A. I do.

17 Q. And what is that?

18 A. It's -- the front form is our photo line-up affidavit
19 form which explains what we're showing and is signed by the
20 witness and identifies what they've picked. The second form
21 is the actual six-pack line-up which was shown which also
22 includes their pick, the date, and initials.

23 Q. Okay. And tell us your procedure or the process that
24 you used when showing Mr. Scott this line-up.

25 A. In general, I tell them I'm going to show them a group

1 of pictures and I tell them that there's nothing I can say to
2 help them along the way, that I just have to show it to them,
3 and if they recognize somebody, then point them out and
4 explain to me how they recognize them. Where do they
5 recognize them from? And if they are able to, they identify
6 the pic by circling it and putting their initials and the
7 date and then, of course, filling out the affidavit form.

8 Q. And in State's Exhibit Number 8, who -- who did you
9 present this line-up to?

10 A. This was Troy Scott.

11 Q. And it contained what individual in the line-up?

12 A. It's a picture of Demetrice James.

13 Q. Okay. And was Mr. Scott able to identify anyone?

14 A. He was.

15 Q. And who did he pick?

16 A. Mr. James.

17 Q. And how did he indicate that on the line-up?

18 A. As instructed, by circling the picture that he chose and
19 initialing it with the date. Each picture when I -- when we
20 put the line-up together has its own number, identifying
21 number, and that's included on the affidavit form.

22 Q. Okay. And did you suggest to him in any way that he had
23 to pick someone?

24 A. No.

25 Q. Did you tell him who to pick?

1 A. No.

2 Q. Did you indicate that that person would absolutely be
3 located in this line-up?

4 A. No, I just showed him the group of photos and asked if
5 he recognized anybody, if, that he identify them and explain
6 to me where he recognized them from.

7 Q. Okay. And with respect to where he recognized him from,
8 do you recall where Mr. Scott recognized him from?

9 A. From the incident time and location as one of the
10 perpetrators.

11 Q. As being involved in the murder and armed robbery---

12 A. Yes.

13 Q. ---back on January 25th of 2013.

14 A. That's correct.

15 **Ms. Simpson:** Your Honor, briefly, and defense counsel.
16 This witness on the Biggers issue, the State's completed its
17 testimony, but on the Jackson v. Denno issue Sergeant
18 Isenhoward also verbally advised the defendant of his rights
19 when he was taken into custody at his home. So I don't know
20 if we want to do that in a separate and re-call Sergeant
21 Isenhoward or go ahead and handle that issue now.

22 **The Court:** Why don't we stick with the line-up at this
23 point? Why don't we stick with Biggers right now?

24 **Ms. Anastasia Walker:** I would agree, Your Honor.

25 **Ms. Simpson:** Thank you. No further questions.

Cross-Examination

By Ms. Anastasia Walker:

Q. Good afternoon, Investigator.

A. Hello.

Q. This is the exact line-up you showed Troy Scott;
correct?

A. It is.

Q. And I'll come up there. And he circled the picture --
the bottom right picture.

A. He did.

Q. And it has six digits underneath it.

A. It does.

Q. And these line-ups, are they generated from -- how are
these line-ups generated?

A. From a law enforcement database.

Q. Okay. And these numbers underneath, are they offender
I.D.'s?

A. They're specific to the individual---

Q. Okay.

A. ---in the photograph.

Q. And these photographs, they're actually mug shots,
aren't they?

A. They are.

Q. They are. And you said before that this was the exact
line-up that you showed Troy Scott; right?

1 A. That's correct.

2 Q. And at the bottom here this is actually the web site to
3 the Richland County jail. Is that correct?

4 A. It is.

5 Q. Okay. And you would also agree that all the other
6 photographs depicted have five digits underneath them. Is
7 that correct?

8 A. It does. The way -- if you're asking me how you put one
9 together, you do a search based on the descriptive
10 identifiers of the individual you suspect: Basic height,
11 weight, age. Now, there are lots of people in the jail
12 system. So as they're booked in, the numbers get higher.

13 Q. Right.

14 A. So when we go through it, obviously we would find people
15 who we think closely resemble I guess at least as far as the
16 age, weight, and skin color and tone... So I can't control
17 the numbers they have with them I guess is what I'm saying to
18 you, but that number -- that particular photo does have more
19 numbers than the other.

20 Q. It does. The actual -- the other five photographs
21 actually only have five digits underneath.

22 A. They do.

23 **Ms. Anastasia Walker:** Okay. Thank you. No further
24 questions.

25 **Ms. Simpson:** Just one brief question, Your Honor.

Redirect Examination

By Ms. Simpson:

Q. Sergeant Isenhoward, when Troy Scott made his pick identifying number six, Mr. James, with the six numbers, did he hesitate in any way?

A. No.

Ms. Simpson: Nothing further.

The Court: Recross?

Ms. Anastasia Walker: No, Your Honor.

The Court: You can step down.. Thank you.

The Witness: Thank you.

Ms. Meghan Walker: Your Honor, the State would next call Captain Scott McDonald.

Scott McDonald, after being duly sworn, testified as follows in camera:

The Clerk: Please have a seat and state your full name.

The Witness: Scott McDonald.

Ms. Meghan Walker: May it please the Court, Your Honor?

The Court: Yes, ma'am.

Direct Examination

By Ms. Meghan Walker:

Q. Captain McDonald, where are you currently employed?

A. Richland County Sheriff's Department.

Q. And how long have you been with the sheriff's department?

1 A. Twenty-six years.

2 Q. I want to turn your attention to this case, the incident
3 that occurred at

4 A. Yes, ma'am.

5 Q. And did you become involved in the investigation of this
6 case?

7 A. Yes, I did.

8 Q. And how did you become involved?

9 A. I'm a supervisor in the Major Crimes Unit, and I get
10 involved in all the homicides. I believe I got involved with
11 this one initially the morning after it happened on Saturday
12 morning. I came in to help follow up on some things.

13 Q. Okay. And was part of your involvement -- did part of
14 your involvement involve showing photo line-ups to witnesses
15 who were present at the home?

16 A. It did, yes.

17 Q. Including Trenton Scott?

18 A. Yes.

19 Q. I want to show you what's been marked as State's Exhibit
20 Number 12 and ask you if you recognize this.

21 A. Yes. This is the photo line-up I presented to Mr. Scott
22 on 1/29 of '13.

23 Q. And when you presented this photo line-up to him, did
24 you suggest to him who he should pick?

25 A. No.

1 Q. Did you tell him who to pick?

2 A. No.

3 Q. Did you indicate that the person involved in this home
4 invasion was definitely in this photo line-up?

5 A. No. I just asked him to look at the line-up to see if
6 he recognized anyone that was involved in this home invasion
7 or this shooting.

8 Q. And where were you when this took place?

9 A. I was in the living room of the residence at
10 Williamsburg.

11 Q. Were the other witnesses involved in this conversation
12 that you were having with Mr. Scott?

13 A. No, just me and Trenton.

14 Q. At any point did he hesitate or say he was uncertain as
15 to his pick?

16 A. No, he was not.

17 **Ms. Meghan Walker:** Thank you, sir. I don't have any
18 further questions for you on this issue.

19 Cross-Examination

20 By Ms. Anastasia Walker:

21 Q. Good afternoon, Captain McDonald.

22 A. Good afternoon.

23 Q. Let's see. Number 12 is the line-up that you showed
24 Trenton Scott; right?

25 A. May I see it?

1 Q. Yeah, I'm getting there.

2 A. Yes, ma'am.

3 Q. Okay. And in this line-up he circled the picture in the
4 bottom right. That's correct?

5 A. That is correct.

6 Q. And that picture, again, it has six digits underneath
7 it; correct?

8 A. Uh-huh. Yes, ma'am.

9 Q. And the other photographs, they only have five digits
10 underneath them. Is that correct?

11 A. That's correct.

12 Q. And this photo line-up, it's generated from the jail web
13 site.

14 A. Yes.

15 Q. Is that correct?

16 A. Yes, it is.

17 Q. And actually the jail web site is down here. It's
18 indicated here at the bottom of this line-up that you showed
19 Mr. Scott. Is that correct?

20 A. That's correct.

21 Q. And these photos are actually mugshots; that's correct.

22 A. Yes.

23 Q. And these numbers, they're offender I.D.'s that are
24 assigned to inmates. Is that correct?

25 A. That's correct.

1 **Ms. Anastasia Walker:** Thank you. No further questions.

2 **Ms. Meghan Walker:** Briefly, Your Honor?

3 Redirect Examination

4 By Ms. Meghan Walker:

5 Q. Do you choose -- do you go in and manually choose where
6 each photo goes?

7 A. Not on the jail web site, no. It's assigned by the
8 computer.

9 **Ms. Meghan Walker:** Okay. Thank you. I have no further
10 questions.

11 **The Court:** Recross?

12 Recross Examination

13 By Ms. Anastasia Walker:

14 Q. When you show a photo line-up, those numbers, you could
15 white those numbers out, "couldn't you?"

16 A. We could, yes.

17 Q. You could change those numbers to one, two, three, four,
18 five, six and identify them that way. Correct?

19 A. No, I -- no, we can't do that, but when you pick those
20 pictures, the computer assembles them, I think, in ascending
21 order by their booking number.

22 Q. Uh-huh.

23 A. And that's there. I can't go in and change the numbers
24 down there.

25 Q. No, but you can manually white them out yourself and

1 change it if you---

2 A. I could -- I could white them out and write a number
3 over them, I suppose, but---

4 Q. Right.

5 A. ---it would get a little messy.

6 Q. Okay. And if you really wanted to, you could reverse
7 the order of those pictures, even if you had to cut them out,
8 glue them together like an old school project.

9 A. If I cut them out, yeah, I could rearrange them any way
10 I wanted if I went through all that.

11 **Ms. Anastasia Walker:** Okay. Thank you. No further
12 questions.

13 **The Court:** You can step down. Thank you.

14 **Ms. Simpson:** The State calls Trenton Scott.

15 Trenton Scott, after being duly sworn, testified as
16 follows in camera:

17 **The Clerk:** Please have a seat. State your full name
18 for the record.

19 **The Witness:** Trenton Scott.

20 Direct Examination

21 By Ms. Simpson:

22 Q. Mr. Scott, how old are you?

23 A. Twenty-four.

24 Q. And where do you live?

25 A.

1 Q. And back on January 25th of 2013, where were you living?

2 A. Same address,

3 Q. Slow down just a little bit. You're a little nervous
4 here today?

5 A. Yes.

6 Q. Who all lived at the home with you?

7 A. My mom, my dad, and my brother.

8 Q. Okay. And who are your mom and dad? What are their
9 names?

10 A. It's Chandler Davis and Sugar Davis.

11 Q. And who is your brother?

12 A. Troy Scott.

13 Q. And back on January 25th of 2013 -- do you recall that
14 day?

15 A. Yes, ma'am.

16 Q. Can you tell us how you remember that day?

17 A. Well, I was hanging around the house with my brother and
18 Joshua and -- and my brother's girlfriend at the time and
19 Brandon.

20 Q. And who is Joshua? How do you know him?

21 A. I actually met him through my brother.

22 Q. Okay. So y'all were hanging out. What kind of things
23 were y'all doing?

24 A. They was recording music.

25 Q. And who else -- did you mention that Brandon was there

1 as well?

2 A. Yes, ma'am.

3 Q. What do you remember happening later in the evening?

4 A. Well, later on in the evening I went to go take a friend
5 home that stayed right up the river, and Brandon -- Brandon,
6 he was riding with me. So we made a stop to the store. I
7 went and got -- I went and got something to drink. He
8 grabbed a pack of cigarettes and I think either a Bud Light
9 or a -- or a King Cobra or something, and we headed back to
10 the house.

11 Q. Okay. And when you got back to the house, how long was
12 it before someone you know as Vincent Nelson -- how long was
13 it before he arrived?

14 A. Well, we was there for a few minutes and then he
15 arrived.

16 Q. And who is Vincent Nelson to you? How do you know him?

17 A. Well, I met him through my brother and my brother's
18 friend.

19 Q. And did he have nicknames?

20 A. Yes.

21 Q. What did he go by?

22 A. Jay-School.

23 Q. Jay-School? And had you seen Jay-School in awhile?

24 A. No, I hadn't.

25 Q. Okay. And when he came to your house, what do you

1 remember and what do you recall happening next?

2 A. Well, when I turned around, he was just standing there,
3 and he was -- he was pacing back and forth. He kept
4 receiving phone calls on the phone.

5 Q. Okay. And did this strike you as odd at all?

6 A. Yes, ma'am.

7 Q. But you're still kind of all in separate parts of the
8 home; correct?

9 A. Yes, ma'am.

10 Q. What happened next?

11 A. Well, I was in the -- I was in the music room, the same
12 room as Brandon, and Brandon, he was sitting at the computer.
13 And after -- after Jay-School started receiving these phone
14 calls back and forth, he kept pressuring Brandon to come
15 outside for a cigarette.

16 Q. Okay. And what happened next?

17 A. And so Brandon finally gave in and said, "All right,
18 man," and so he got up. He went outside with Jay-School, and
19 Joshua followed them outside.

20 Q. Okay. So Joshua, Brandon, and Jay-School are outside.
21 Where are you at this point?

22 A. Well, I'm still in the -- in the music room.

23 Q. Okay. In the music room? And did you go somewhere else
24 after that?

25 A. Yes, ma'am.

1 Q. What did you do?

2 A. Well, I had bought a camera earlier that day, so I had
3 it all spread out on the top of the -- on the top of the
4 chair, so I packaged that up. I brung it to my room. So I
5 had all these hangers that was just sitting on my bed for
6 awhile, so I grabbed these hangers and proceeded downstairs
7 in the sports room with them.

8 Q. Okay. And once you went down to the sports room, what
9 happened next?

10 A. That's when -- that's when one guy bust in.

11 Q. Okay. And did you know this gentleman?

12 A. No, ma'am.

13 Q. And what happened when he busted in?

14 A. Well, he just ran in with a gun straight out, and then
15 he pistol-whipped me upside the head. I stumbled back. I
16 drew back and punched him in the face. He landed on the
17 glass table.

18 Q. Okay. And all this happened almost immediately---

19 A. Yes, ma'am.

20 Q. ---as soon as you came downstairs.

21 A. Right.

22 Q. And while y'all are, I guess, struggling and this is
23 after he's pistol-whipped you, what happens next?

24 A. Well, I punched him. He fell back on the glass table.
25 And so we was struggling on the ground, and I'm scrambling to

1 get to the gun and -- out of the corner of my eye I see
2 another person walk in.

3 Q. Okay. And did you know that second person who came in
4 the door?

5 A. No, ma'am.

6 Q. Okay. And what happened when he came in? What did he
7 do?

8 A. Well, he proceeded over to the first guy who I was
9 fighting and so he -- so he ended up getting more leverage to
10 the gun, and he passed it off to the second guy that came in.

11 Q. Okay. And at that point you didn't know their names,
12 but now you've subsequently---

13 A. Yes, ma'am.

14 Q. ---learned their names.

15 A. Right.

16 Q. And how close were you when you were fighting the first
17 guy that came in?

18 A. Very close.

19 Q. And were you ultimately able to identify him as being
20 Maurice Roberts?

21 A. Yes, ma'am.

22 Q. And when the second guy came in, how close were you all?

23 A. We was very close.

24 Q. Very close? Were you actively engaged in a fight with
25 him?

1 A. Yes, ma'am.

2 Q. And were the lights on?

3 A. Yes, ma'am.

4 Q. At some point do you get some assistance?

5 A. Yes, ma'am.

6 Q. Tell us about that.

7 A. We was scrambling on the ground for the gun and all, and
8 I heard my brother come up behind me. He was pretty clueless
9 like he didn't know what was going on. All he just saw was
10 just me and him fighting. And so I didn't have any time to
11 turn over and look at him to tell him what was going on or
12 anything, so I just got off the ground and I just started
13 fighting the guy who had the gun now.

14 Q. Okay. So at this point your focus actively turns to the
15 second guy who came in---

16 A. Yes, ma'am.

17 Q. ---and now has the gun. And were you able to see his
18 face clearly?

19 A. Yes, ma'am.

20 Q. And do you recall the description of him at that time
21 he...

22 A. Yes, ma'am.

23 Q. And specifically what did you note about his hair?

24 A. He had dreads at the time.

25 Q. And the first gentleman who came in, did he have any

1 dreads?

2 A. No, ma'am.

3 Q. So you were able to get a good look at the second guy.

4 A. Yes, ma'am.

5 Q. What happened next after you began fighting him and he
6 has the gun pointed at you?

7 A. Well, I didn't brawl on him too much because, you know,
8 he had a gun. I didn't want to -- him to pull the trigger
9 and, you know, he let off the shots at my chest or anything.
10 So -- so Maurice Roberts tried to proceed more forward into
11 the house. So I ran---

12 Q. Let me -- let me stop you.

13 A. Yes, ma'am.

14 Q. Your mother and father, are they actually home---

15 A. Yes, ma'am.

16 Q. ---at this time? And where were they in the home?

17 A. They were upstairs in their room.

18 Q. So by Maurice proceeding forward into the house, he was
19 getting closer to go upstairs potentially.

20 A. Well, he was -- he was in the shop.

21 Q. In the shop? The salon?

22 A. Yes, ma'am.

23 Q. Okay. And what happened as he kind of goes back towards
24 that direction?

25 A. So I ended up -- I ended up catching him. I slammed him

1 to the floor, and then Demetrice was standing in the doorway
2 with the gun pointed out saying, "I'm about to shoot. I'm
3 about to shoot." And so I picked Maurice Roberts up in a
4 Full Nelson so just in case if he did shoot, then he was
5 going to hit him.

6 Q. Okay. So you were actively trying to protect yourself.

7 A. Yes, ma'am.

8 Q. And your focus was still on -- you said Demetrice. Did
9 you know his name at the time?

10 A. No, ma'am.

11 Q. The guy with the gun. What happened next?

12 A. And so as I had Maurice in a Full Nelson, I pulled him
13 toward Demetrice, and me and my brother, we just slammed the
14 salon door, trying to barricade them from proceeding forward
15 into the house.

16 Q. Okay. And eventually -- the struggle ensues, but they
17 get out of the house; correct?

18 A. Correct.

19 Q. But prior to that, were you injured in some way?

20 A. Prior to...

21 Q. Or a variety -- prior to them fleeing.

22 A. Right.

23 Q. During the altercation.

24 A. Yeah.

25 Q. And who injured you or what do you recall about being

1 injured?

2 A. I was shot.

3 Q. Okay. And do you know who shot you?

4 A. Yes, ma'am.

5 Q. And was it the first or second gentleman who came?

6 A. The second gentleman.

7 Q. All right. I'm going to show you what's been marked --
8 and, again, you didn't know this person at the time; right?

9 A. No, ma'am.

10 Q. But you got a clear look at him.

11 A. Yes, ma'am.

12 Q. And knew you'd be able to identify him if you ever saw
13 him again.

14 A. Yes, ma'am.

15 Q. After being treated for your injuries and things of that
16 nature, did police contact you?

17 A. Yes, ma'am.

18 Q. And did you tell them about what happened that night?

19 A. Yes, ma'am.

20 Q. And did you tell them that you would be able to
21 identify---

22 A. Yes, ma'am.

23 Q. ---the person that shot you and the people that invaded
24 your home?

25 A. Yes, ma'am.

1 Q. Okay. And on January 29th, a short time after this
2 incident, did they actually come to you with a photo line-up?

3 A. Yes, ma'am.

4 Q. I want to show you what's been marked as State's
5 Exhibit 12 for identification purposes. Do you recognize
6 that?

7 A. Yes, ma'am.

8 Q. And what is that?

9 A. That's my initials and the date.

10 Q. Okay. So this is the line-up that was shown to you?

11 A. Yes, ma'am.

12 Q. And you actually were able to pick someone.

13 A. Yes, ma'am.

14 Q. And how did you note your pick on this?

15 A. That's the gentleman that I identified.

16 Q. Okay. And so you circled it and then initialed it?

17 A. Yes, ma'am.

18 Q. And who is this guy to you? What did he do? What was
19 his role during this incident?

20 A. Well, he was the same guy that came in.

21 Q. And the guy that shot you.

22 A. Yes, ma'am.

23 Q. And is there any doubt in your mind that that's who you
24 picked?

25 A. Correct.

1 **Ms. Simpson:** Nothing further, Your Honor.

2 **Ms. Anastasia Walker:** Beg the Court's indulgence.

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

4 Cross-Examination

5 By Ms. Anastasia Walker:

6 Q. How are you doing, Trenton?

7 A. Fine.

8 Q. You go by Trent; right? Is it okay if I call you that?

9 A. Yes, ma'am.

10 Q. Okay. And, Trenton, Captain McDonald is the one that
11 showed you the photo I.D.; is that correct?

12 A. Yes, ma'am.

13 Q. And you said that you were -- before the incident
14 happened, you had gone upstairs.

15 A. Yes, ma'am.

16 Q. Your bedroom is not in the basement. It's actually
17 upstairs?

18 A. I have two rooms, one upstairs---

19 Q. You have two bedrooms.

20 A. Yes.

21 Q. Okay. So you went to your bedroom upstairs, and you
22 actually had an armful of hangers.

23 A. Yes, ma'am.

24 Q. And you're coming downstairs.

25 A. Yes, ma'am.

1 Q. With this armful of hangers. And then you see a guy
2 come in.

3 A. Yes, ma'am.

4 Q. And he pistol-whipped you in the head?

5 A. Yes, ma'am.

6 Q. He takes a gun and he hits you in your head.

7 A. Yes, ma'am. He already had the gun in his hands.

8 Q. Okay. He had the gun in his hand and he hit you in your
9 head.

10 A. Yes, ma'am.

11 Q. Okay. And at that point you start to engage in a fight.

12 A. Yes, ma'am.

13 Q. You guys are in a physical fight and said -- then you
14 said you're able to see out of the corner of your eye; you
15 see a second person.

16 A. Yes, ma'am.

17 Q. And then you're able to get some assistance from your
18 brother.

19 A. Yes, ma'am.

20 Q. Okay. So at this point there's a -- there's a fight
21 downstairs in your basement.

22 A. Yes, ma'am.

23 Q. And this is at night.

24 A. Right.

25 Q. Okay. And your basement -- you said you have a sports

1 room and there's a salon down there.

2 A. Yes, ma'am.

3 Q. So you have some furniture and various equipment, things
4 like that down there?

5 A. Yes, ma'am.

6 Q. And this fight is happening all in the middle of this.

7 A. Right.

8 Q. And this altercation happens and these people are able
9 to leave.

10 A. Correct.

11 Q. And this happens all in a pretty short time.

12 A. Yes, ma'am.

13 Q. Okay. And during this, your adrenaline is running.

14 A. Yes, ma'am.

15 Q. Obvious -- fights don't happen at your house every day.

16 A. No.

17 Q. You don't come downstairs and get pistol-whipped in the
18 head every day.

19 A. No, ma'am.

20 Q. So that was a surprise to you.

21 A. Correct.

22 Q. And, again, you said that you went through a photo line-
23 up with Captain McDonald; I think he was lieutenant at that
24 time. And this is the line-up he showed you?

25 A. Yes, ma'am.

1 Q. And you picked the picture in the bottom right?

2 A. Yes, ma'am.

3 Q. And circled it and put your initials?

4 A. Yes, ma'am.

5 Q. And this you think -- you're pretty sure this is the
6 exact line-up that he showed you.

7 A. Uh-huh. Yes, ma'am.

8 Q. Okay. And do you remember at any point -- actually beg
9 the Court's indulgence. Thank you. No further questions,
10 Judge.

11 **The Court:** Redirect?

12 **Ms. Simpson:** No, Your Honor.

13 **The Court:** You may step down. Take a seat with the
14 spectators. Call your next witness.

15 **Ms. Meghan Walker:** Your Honor, the State calls
16 Investigator Boland.

17 James Boland, after being duly sworn, testified as
18 follows in camera:

19 **The Clerk:** Please have a seat and state your full name.

20 **Court Reporter:** Would you spell your last name?

21 **The Witness:** B-O-L-A-N-D.

22 **Court Reporter:** What's your first name?

23 **The Witness:** James Boland.
24
25

Direct Examination

By Ms. Meghan Walker:

Q. Good afternoon, sir.

A. Hello.

Q. Where are you currently employed?

A. Richland County Sheriff's Department.

Q. And how long have you been with the sheriff's department?

A. Eighteen years.

Q. I want to take your attention back to January of last year and ask you if you became involved in the case that we're here for this week.

A. Yes, I'm familiar with it. I was working that evening.

Q. And how did you become involved?

A. I was working the evening shift.

Q. And as part of your involvement, did you show a number of photo line-ups?

A. During the course of this investigation?

Q. Yes.

A. Yes, ma'am, I did.

Q. Okay. I want -- I need to get these marked. These haven't been marked yet.

(State's Exhibits 228 and 229 were marked for identification only.)

By Ms. Meghan Walker:

1 Q. Investigator Boland, how many defendants were actually
2 charged in this case?

3 A. Four.

4 Q. And did you interview some of those defendants?

5 A. I did.

6 Q. And was part of that interview showing them photo line-
7 ups?

8 A. Yes.

9 Q. I want to show you what's been marked as State's
10 Exhibits Number 228 and 229 and ask you if you recognize
11 those.

12 A. Yes, I'm familiar with them.

13 Q. And did you -- were these the photo line-ups that you,
14 in fact, showed to the co-defendants in this case?

15 A. Yes.

16 Q. And which co-defendants were those?

17 A. 228 was to Maurice Roberts. 229 was to Vincent Nelson,
18 Jr.

19 Q. And when you were showing these co-defendants these
20 photo line-ups, did you suggest to them who to pick?

21 A. No.

22 Q. Did you indicate that the person was definitely in the
23 photo line-up?

24 A. No.

25 Q. Did you flat out tell them who to pick?

1 A. No.

2 Q. Beg the Court's indulgence. And as a part of the
3 investigation at the point in which you actually showed the
4 defendants these photo line-ups, were you aware of whether or
5 not they actually knew each other at that point, all of the
6 co-defendants?

7 A. No, not at that time. No.

8 Q. You didn't know that. You didn't know if they knew each
9 other or not.

10 A. I don't know what level they knew each other. I mean,
11 obviously as the investigation progressed, we learned how
12 they may have been acquainted.

13 Q. But at no point did you suggest to the co-defendants who
14 they should pick.

15 A. No.

16 **Ms. Meghan Walker:** I don't have any further questions.

17 Cross-Examination

18 By Ms. Anastasia Walker:

19 Q. Good afternoon, Investigator Boland.

20 A. Good afternoon.

21 Q. Basically you all use the -- for each defendant you use
22 the same line-ups with each person you showed them to. Is
23 that correct? Each investigator? You wouldn't regenerate a
24 new line-up?

25 A. Are you talking about with the same defendant?

1 Q. Right.

2 A. Is that your question? No. Typically we show the same
3 photo line-up.

4 Q. Okay. And so, again, in this line-up---

5 A. Uh-huh.

6 Q. ---bottom right---

7 A. Right.

8 Q. ---six numbers---

9 A. Correct.

10 Q. ---as opposed to the other defendants that have five.

11 A. Right.

12 Q. And at the bottom it clearly indicates that it's the
13 jail web site.

14 A. Correct.

15 Q. And these are mug shots.

16 A. Yes.

17 Q. And that goes for the same -- and that was the one that
18 was shown to Mr. Roberts, and that goes for the same -- that
19 was shown to Mr. Nelson. Correct?

20 A. Correct.

21 **The Court:** Do you want to give us the numbers?

22 **Ms. Anastasia Walker:** The exhibit numbers? I
23 apologize, Your Honor. The one that was shown to Maurice
24 Numbers (verbatim), that's State's Exhibit 228. And the one
25 that was shown to Mr. Vincent Nelson, Jr., that's State's

Exhibit 229. And I have no further questions, Your Honor.

The Court: Redirect?

Ms. Meghan Walker: No, Your Honor.

The Court: All right. You can step down. Thank you.

Ms. Simpson: The State calls Investigator Tanner.

Flynn L. Tanner, after being duly sworn, testified as follows in camera:

The Clerk: Please have a seat and state your full name for the record.

The Witness: Flynn Leeds Tanner.

Court Reporter: Will you spell it?

The Witness: F-L-Y-N-N.

Direct Examination

By Ms. Simpson:

Q. Investigator Tanner, where are you employed?

A. Richland County Sheriff's Department.

Q. And how long have you been with the sheriff's department?

A. Going on 18 years.

Q. Okay. And as an investigator did you actually become involved in this case?

A. On the 28th I was contacted by my supervisor to respond to headquarters to assist -- to assist on the investigation, and I was asked to assist Investigator Boland.

Q. Okay. And in assisting him, through the course of your

1 investigation did you all develop a suspect by the name of
2 Demetrice James?

3 A. We did.

4 Q. And was Demetrice James placed in a photo line-up -- his
5 picture in a photo line-up?

6 A. He was.

7 Q. And there were three other subjects identified as well,
8 as possible defendants or perpetrators in this case, too;
9 correct?

10 A. Correct.

11 Q. Who were those individuals?

12 A. It was Vincent Nelson, Jr., Maurice Roberts, Jr., and a
13 Deshawn McClary.

14 Q. And they were actually developed as subjects prior to
15 Mr. James; correct?

16 A. Prior to Mr. James?

17 Q. Being identified.

18 A. Correct.

19 Q. And you actually -- they gave statements in this case
20 regarding their involvement; correct?

21 A. Correct.

22 Q. And in those statements they referenced Mr. James by a
23 nickname essentially or someone by the name of Metro, Metree
24 (phonetic).

25 A. Correct.

1 Q. Things of that nature. Subsequent to that, did you
2 actually go down along with Investigator Boland and present
3 photo line-ups to both Maurice Roberts -- we'll start with
4 Maurice Roberts. I'm going to show you State's 228.

5 A. Okay.

6 Q. And where were these line-ups actually presented to
7 them?

8 A. At the Alvin S. Glenn Detention Center, county detention
9 center.

10 Q. And when these were shown to them, did you all suggest
11 to them in any way that they had to pick someone?

12 A. No, ma'am.

13 Q. Or that any person involved in the incident was in the
14 line-up?

15 A. No, ma'am.

16 Q. And did they, in fact, identify someone, specifically
17 Maurice Roberts?

18 A. Yes, ma'am. He did identify Demetrice James.

19 Q. And how did he acknowledge that identification?

20 A. He circled the photo and initialed it.

21 Q. With his initials?

22 A. Yes, ma'am.

23 Q. And was there any hesitation on the fact of who he was
24 identifying on his part?

25 A. No, not of who he was identifying. No.

1 Q. And who is identified in that photo line-up?

2 A. Who did he identify in the photo line-up?

3 Q. Yes.

4 A. Demetrice James.

5 Q. And did he identify Demetrice James as being an active
6 participant in the crime along with him?

7 A. He did.

8 Q. I'm going to show you what's marked as 229. Did you
9 also show Vincent Nelson, another co-defendant in this case,
10 a photo line-up?

11 A. Yes, ma'am, I did.

12 Q. And where did that take place?

13 A. There at the Alvin S. Glenn Detention Center as well.

14 Q. Okay. And these were done separately; correct?

15 A. They were. Yes, they weren't -- they weren't even in
16 the same dorm.

17 Q. And both you and Investigator Boland were present during
18 this line-up being shown.

19 A. Correct.

20 Q. And when this line-up was shown, did you suggest to Mr.
21 Nelson in any way that he had to make a pick?

22 A. No, ma'am.

23 Q. That the person he knew to be Metro or Metree was in
24 that line-up?

25 A. No, ma'am.

1 Q. Did you indicate that? And did he identify someone in
2 there as being someone he knew?

3 A. Yes, ma'am, he did.

4 Q. And how did he acknowledge that identification?

5 A. He circled the photo and initialed it with his initials.

6 Q. Okay. And who did he identify?

7 A. Demetrice James.

8 Q. And did he identify Demetrice James as also being an
9 active participant in the crime?

10 A. Yes, ma'am, he did.

11 Q. And did you suggest to him in any way that he had to
12 pick someone?

13 A. No, ma'am.

14 **Ms. Simpson:** Thank you.

15 Cross-Examination

16 By Ms. Anastasia Walker:

17 Q. All right. Good afternoon, Investigator Tanner.

18 A. Good afternoon.

19 Q. We'll go over 228 first. That was the one that was
20 shown to Maurice Roberts. And prior to showing Mr. Roberts
21 this line-up, he had already given you a statement; correct?

22 A. I believe that he had given a statement.

23 Q. In that statement he alleged that Mr. James was involved
24 in this case. Is that correct?

25 A. I believe so. Again, I didn't take the statement.

1 Q. Okay. So at that point he had already indicated he knew
2 Mr. James to some extent.

3 A. Yes.

4 Q. Okay. And one more time, this is the line-up with Mr.
5 James. He picked the picture in the bottom right. Is that
6 right?

7 A. I'm sorry. This is the line-up for what?

8 Q. This is the line-up that you showed Mr. Roberts---

9 A. Correct. Okay.

10 Q. ---in order to -- I apologize.

11 A. All right.

12 **The Court:** What number?

13 **Ms. Anastasia Walker:** Exhibit 228.

14 By Ms. Anastasia Walker:

15 Q. Is that right?

16 A. Yes.

17 Q. And he picked the bottom right picture?

18 A. Correct.

19 Q. With the six digits underneath the picture?

20 A. Correct.

21 Q. As opposed to the five digits underneath the other
22 pictures?

23 A. Yes.

24 Q. And the jail web site is clearly marked right there at
25 the bottom of the page?

1 A. It is.

2 Q. Okay. And then we'll move on to State's Exhibit 229,
3 and that was the one that was shown to Vincent Nelson, Jr.?

4 A. Okay.

5 Q. Is that right?

6 A. Yes.

7 Q. Okay. And at that time Mr. Nelson had also given a
8 statement? Is that right?

9 A. I believe so.

10 Q. Indicating that he knew Mr. James or are you unaware?
11 If you don't know, that's fine.

12 A. I believe so.

13 Q. Okay. And, again, he picked this -- the picture in the
14 bottom right.

15 A. Correct.

16 Q. Six digits under the picture as opposed to five.

17 A. There are six digits under the picture.

18 Q. And the other ones have five?

19 A. That's correct.

20 Q. And the jail web site is indicated at the bottom?

21 A. That's correct.

22 Q. Okay. Thank you very much. No -- no further questions.

23 A. Uh-huh.

24 **The Court:** Redirect?

25 **Ms. Simpson:** No, Your Honor.

1 **The Court:** You can step down. Thank you.

2 **Ms. Simpson:** The State calls Sergeant Scott Faust.

3 S. Scott Faust, after being duly sworn, testified
4 as follows in camera:

5 **The Clerk:** Please have a seat. State your full name
6 for the record.

7 **The Witness:** Steven Scott Faust. F-A-U-S-T.

8 Direct Examination

9 By Ms. Simpson:

10 Q. Sergeant Faust, where you are employed?

11 A. The Richland County Sheriff's Department.

12 Q. And what is your position there?

13 A. I'm currently a supervisor over the Special Victims Unit
14 and Investigations.

15 Q. And how long have you been with the sheriff's
16 department?

17 A. About this time 1995.

18 Q. And turning your attention to January 25th of 2013, the
19 day of this incident, subsequent to that did you become
20 involved in this case?

21 A. I did.

22 Q. Can you tell us how you became involved?

23 A. Periodically it changes, but approximately every seven
24 to eight weeks we're on call. And on this particular day,
25 January 25th, 2013, I was the on-call supervisor and I

1 received a call at approximately 11:30 that we had a -- what
2 was considered a home invasion and a shooting incident where
3 somebody had received injuries that could be critical.

4 Q. Okay. And you actually participated throughout the
5 course of this investigation; correct?

6 A. That's correct.

7 Q. And I'm going to narrow it down in the interest of time.
8 But did you ultimately make contact with a young man by the
9 name of Troy Scott?

10 A. I did.

11 Q. And who is Troy Scott?

12 A. Troy Scott was one of the victims that was robbed and
13 assaulted.

14 Q. Okay. And did you actually show him several line-ups in
15 this case?

16 A. I did.

17 Q. I want to show you what's first been marked - and take
18 your time - as State's Exhibits 3, 4, and 5. Do you
19 recognize these?

20 A. I do, with my handwriting.

21 Q. Okay. And were those line-ups shown to Mr. Scott?

22 A. They were at 1:20 a.m., which is State's Exhibit Number
23 3, and that was based off of a traffic stop. This would have
24 been right about the approximate same time. This was shown
25 to Troy again. This was based off of a traffic stop

1 practically at the time of the incident. As deputies were
2 responding, they stopped a vehicle. And then this third
3 one -- the second one I just mentioned was State's Exhibit 4,
4 and State's Exhibit 5 is going to be somebody we asked Troy
5 -- I showed him a picture.

6 Q. Okay. So most of those were developed as a result of
7 subjects identified in a traffic stop near the incident
8 location near the time that this occurred.

9 A. Absolutely.

10 Q. And when you showed these line-ups to Mr. Scott, did you
11 suggest to him in any way who these individuals were?

12 A. No. I have always stated that the person may or may not
13 be in the photo line-up, that they shouldn't feel any
14 pressure to pick anybody, that if they see anybody involved
15 in the crime that they were a victim of to please let me
16 know.

17 Q. Okay. And so you specifically asked whether these
18 individuals were one of the ones who participated in the
19 crime.

20 A. That's correct. And after what he mentioned to me, then
21 I put some notes on there. The notes were not on there
22 before I showed him. So these were just notes that I put on
23 there after he verbalized what he said to me.

24 Q. Okay. So in State's Exhibit 5, did he make a pick?

25 A. No, he -- no.

1 Q. And State's Exhibit 4, did he make a pick?

2 A. No pick.

3 Q. And State's Exhibit 3, was he able to identify anyone?

4 A. He stated no one in this -- in any of these pictures
5 were involved in the incident that had just happened.

6 Q. And was he certain that none of these people were
7 involved?

8 A. Absolutely.

9 Q. Okay. I'm also going to show you what's been marked as
10 State's Exhibit 6. Take a moment. Do you recognize that?

11 A. Yes. This is my handwriting. Yes. Yes. I showed it
12 on the 26th at 4:47 and put some notes on here.

13 Q. Okay. And the individual contained in this line-up, was
14 he also developed as a possible person of interest?

15 A. That is correct. A friend that was not at the incident
16 location, based off of some things he heard, he developed a
17 suspect based off of the information, nothing that he had
18 firsthand knowledge on because he was not there. Based off
19 of what he said, we decided to put a guy by the name of
20 Linard in the photo line-up, and Troy would end up saying
21 that it looked like Linard but was not the guy that was
22 involved in the home invasion.

23 Q. Okay. So he identified him as looking kind of like
24 Linard Gaston or the person he knew to be Linard Gaston but
25 that he was not involved at all---

1 A. This was not the person that was involved.

2 Q. All right. So he did not make any identification.

3 **The Court:** What exhibit number?

4 **The Witness:** Number 6, sir.

5 **The Court:** Thank you.

6 **Ms. Simpson:** All right. Thank you. Nothing further.

7 **Ms. Anastasia Walker:** Beg the Court's indulgence.

8 Cross-Examination

9 By Ms. Anastasia Walker:

10 Q. She didn't leave them up there. Just checking. And you
11 said State's Exhibits 3, 4 and 5, those are -- those are
12 actually the ones regarding, you said, an unrelated traffic
13 stop. Is that correct?

14 A. Well, it was a related traffic stop in the sense of they
15 stopped the car based on it being near the scene and for
16 whatever reasons that they stopped it, but it was stopped
17 based on the shooting.

18 Q. But it ended up being unrelated.

19 A. Absolutely.

20 Q. Okay. And one of these actually isn't even a line-up;
21 right?

22 A. That's correct.

23 Q. It's just a printout from the jail web site.

24 A. It was just for elimination purposes. There was no
25 reason that I thought this person was involved. I wanted to

1 fully rule them out.

2 Q. Okay. Thank you. No further questions.

3 A. Yes, ma'am.

4 **The Court:** Redirect?

5 **Ms. Simpson:** No redirect, Your Honor, and I believe
6 that is all that we have at this time as far as testimony
7 with respect to any Neil v. Biggers issue on the State's
8 side.

9 **The Court:** All right. Any -- any witnesses on behalf
10 of the defense?

11 **Ms. Anastasia Walker:** Your Honor, we have no witnesses
12 on that issue.

13 **The Court:** Did you say you had?

14 **Ms. Anastasia Walker:** We don't, Your Honor. I
15 apologize.

16 **The Court:** All right. Can I see what we're talking
17 about? It's kind of hard to make...

18 **Ms. Simpson:** Yes.

19 **The Court:** It's kind of hard to make a decision on it
20 without seeing what we're talking about. While she's
21 bringing them up, of course, the burden is on the defense to
22 show that the line-ups were impermissibly suggestive. So
23 I'll be glad to hear...

24 **Ms. Anastasia Walker:** Thank you, Your Honor. May it
25 please the Court? Your Honor, we would argue that the

1 photographs are unduly suggestive. These are clearly mug
2 shots. They have offenders I.D.'s underneath each
3 photograph.

4 As you can see in each photograph that's identified, my
5 client is in the bottom right. In those photographs he's
6 identified with six digits as opposed to five digits. I
7 understand that they say that that just has to do with the
8 order that people are arrested. However, that's something
9 that could have easily been remedied by the officers
10 conducting the line-ups.

11 Also, clearly on the bottom of each page there's the web
12 site for the Alvin S. Glenn Detention Center, that these
13 photographs were taken from the jail. I think that's unduly
14 suggestive. That's another thing that's easily remedied by
15 White Out. I think that those are things that are
16 suggestive, and that process makes those identifications
17 unduly suggestive in each of those identifications.

18 **The Court:** All right. Let me hear from the State.

19 **Ms. Meghan Walker:** Your Honor, the State's position --
20 excuse me. The State's position, Your Honor, is that all the
21 witnesses testified that they were not -- that they were not
22 shown or they were not advised who to pick, that they picked
23 those people or this defendant specifically because he was
24 the one who came in the house that night and shot someone.

25 Your Honor, the numbers -- there's a distinction between

1 a booking photo and a mug shot. Your Honor, the mug shot --
2 it's simply not a mug shot. He doesn't have -- he's not
3 holding the thing with the height and the weight that's
4 indicative of him being---

5 **The Court:** Your witnesses testified they were.

6 **Ms. Meghan Walker:** I understand what he said, Your
7 Honor, but according to -- but, Your Honor, it doesn't have
8 anything that's suggestive to---

9 **The Court:** I can see -- I can see -- I can see that.

10 **Ms. Meghan Walker:** ---to a lay witness.

11 **The Court:** I'm just interested because you said they
12 weren't mug shots; all your witnesses testified they were.

13 **Ms. Meghan Walker:** Your Honor, that was---

14 **The Court:** That's the opposite of bolstering, I guess.

15 **Ms. Meghan Walker:** That would be suggestive to a lay
16 person that this was a mug shot specifically of this
17 defendant, Your Honor. If she -- in terms of showing this to
18 the jury, what we did at the last trial, Your Honor, I think
19 is we did a White Out on the bottom that has the web site
20 information on it.

21 **The Court:** That's too late. I mean, if they're right
22 about that, it's a question of what they were relying on, not
23 when the jury sees it. It's when the person who made the
24 identification saw it that counts.

25 **Ms. Meghan Walker:** Your Honor, I understand that. At

1 that -- at that point though I don't think it's unduly --
2 it's suggestive of their defendant as opposed to any of the
3 other pictures on the web site. It's not under that -- that
4 marker is not under his picture; it's under the page as a
5 whole. So I don't think it's suggestive as to them picking
6 him out.

7 In terms of the sequence of the pictures, Your Honor,
8 the investigators said that they couldn't -- they didn't pick
9 the numbers nor did they pick the sequence in which they were
10 -- in which the pictures appear. Furthermore, Your Honor, if
11 the suggestions that they're unduly suggestive because it's
12 in the bottom right-hand corner -- his picture is in the
13 bottom right-hand corner on the photo line-ups that were
14 presented to the witnesses, there are also other ones where
15 there are people who are in the bottom right-hand corner and
16 they are not identified as being people that were involved in
17 this case, Your Honor.

18 There's nothing that any witness has said to suggest
19 that they were told who to pick, that they -- that they were
20 pressured or coerced or even suggested as to who to pick.
21 And absent -- absent that, Your Honor, I don't know what
22 about these would be unduly -- what about these photo
23 line-ups would be unduly suggestive.

24 **The Court:** Anything further?

25 **Ms. Anastasia Walker:** And, Your Honor, I don't think

1 that the officers in this case did verbally suggest or coerce
2 any of the witnesses as to who to pick. I think that those
3 photos as they exist are suggestive, that how the numbers
4 exist and especially with the jail web site at the bottom --
5 they're obviously not driver's license photos. I think that
6 a lay witness could surmise that those are mug shots.

7 I understand that we're calling them booking photos, but
8 I mean, I guess here at Alvin S. Glenn we don't hold the
9 placard, but other than that, that's essentially what they
10 are. And I do think that that alone is unduly suggestive and
11 I think any difference makes it suggestive even if it's
12 something as simple as six digits versus five digits, and
13 those things could have been easily cured.

14 I think that it's something that -- I understand that
15 they just type something into a database. However, I think
16 it's something that could have easily been remedied.

17 **The Court:** Well, I find that the defense has not shown
18 by a preponderance of the evidence that the process itself
19 was impermissibly suggestive. I also find that the
20 photographs and the line-ups themselves are not impermissibly
21 suggestive or unduly suggestive.

22 I find that these are six African Americans about the
23 same age. The complexions are similar. There's some that
24 are a little darker and some that are a little lighter. The
25 order they're in is of no importance. I can imagine what

1 argument would be made by the defense if the suspect had been
2 number one. The fact that the bottom left-hand side has the
3 jailhouse -- the address, I guess, that's -- I find that
4 that's not suggestive of the folks in the photographs.

5 I find that the numerical or the numbers set forth under
6 the photographs are not suggestive of who anyone should pick.
7 Again, the photographs are of similar individuals with
8 similar hairstyles, some difference in their skin tones but
9 not significant, similar age, and I find that they are not
10 unduly suggestive.

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

12 **Ms. Meghan Walker:** Thank you, Your Honor.

13 **The Court:** All right. Do we want to take a break
14 before we do the Jackson versus Denno?

15 **Ms. Meghan Walker:** That's fine.

16 **The Court:** We'll take a short break, and then we will
17 do the Jackson versus Denno. Let me just go ahead before we
18 -- before we break, that -- my ruling was as to 229, 228, 8,
19 and 12 exhibits, State's Exhibits. All right. We'll take
20 about a 10-minute break.

21 (Whereupon, a short break was taken. State's Exhibits
22 230 through 233 were marked for identification only.)

23 **The Court:** Thank you. Keep your seats. Is the State
24 ready?

25 **Ms. Simpson:** The State's ready, Your Honor.

1 **The Court:** Defense ready?

2 **Ms. Anastasia Walker:** Yes, Your Honor.

3 **The Court:** All right. We'll move to the Jackson versus
4 Denno matter.

5 **Ms. Simpson:** The State calls Sergeant Kevin Isenhoward.

6 Kevin S. Isenhoward, having been previously sworn
7 and remaining under oath, testified as follows in camera:

8 **The Witness:** Hello again.

9 **Ms. Simpson:** Hi, Sergeant Isenhoward. And, Your Honor,
10 if we can just incorporate some of the---

11 **The Court:** He's still under oath.

12 **Ms. Simpson:** Okay.

13 **The Court:** Yeah, and we'll -- I mean, I remember his
14 testimony. It hasn't been that long ago, so we don't need to
15 go through it again.

16 **Ms. Simpson:** All right. Thank you, Your Honor.

17 Direct Examination

18 By Ms. Simpson:

19 Q. Sergeant Isenhoward, I want to direct your attention to
20 the day of the arrest of Demetrice James, the defendant in
21 this case.

22 A. Yes, ma'am.

23 Q. Can you tell us about that?

24 A. Like I said before, we received a call from his father
25 that he was at the house, that -- we had warrants on him. We

1 responded to the home, and it was near River Drive. Went in
2 the house and located him. They were cooperative. I called
3 the case officers. They weren't present at the time; I
4 wanted them to respond. We also wanted a search warrant for
5 the home. So they were going to secure that and come out
6 there.

7 I advised Mr. James of his rights; this is all verbal
8 advisement. Spoke to him briefly about the situation, why we
9 were there, what was going on, and that he'd been -- his name
10 had been provided to us by co-defendants. At that point he
11 didn't provide any sort of incriminating statements. He just
12 denied any involvement at that point.

13 Again, soon after that, investigators -- the case
14 investigators - I believe Investigator Boland - responded to
15 the scene and took custody of Mr. James. I then took the
16 search warrant and executed the search warrant with some -- I
17 believe Captain McDonald and Investigator Gainey.

18 Q. And when you say you verbally advised him of his rights,
19 what rights are you referring to?

20 A. His Miranda rights.

21 Q. And did he indicate he understood those rights?

22 A. He did and that he would speak with us.

23 Q. Okay. And at that point you stated he just -- you
24 actually told him why you were there, served him with the
25 warrants, and he said: I have nothing to do with this.

1 A. Right.

2 Q. He denied any involvement.

3 A. Correct, and it wasn't an extensive, you know,
4 interrogation or anything. We were explaining to his father
5 why we were there, sort of making -- they were cooperative
6 with us, so we wanted to make sure they knew what was going
7 on. And we did advise him of what, you know, we had been
8 told the situation is, why he was being charged, and again he
9 just denied any involvement in it at that point in time.

10 Q. And you said he was cooperative as far as his father had
11 called you all there. He was ready to be taken into custody.

12 A. Yes.

13 Q. And then he was placed into the custody -- from your
14 custody into the custody of the investigators in this case.

15 A. Yeah. We actually took him out of the house prior to
16 the other investigators arriving, I believe. I believe we
17 put him in my car briefly, but then they got there and we --
18 they took custody of him.

19 Q. Okay. And was that the extent of your interaction with
20 respect to any interviews with the defendant?

21 A. It was.

22 Q. All right. Thank you.

23 A. Uh-huh.

24 **The Court:** Cross?

25 **Ms. Pinnock:** Briefly, Your Honor. May it please the

1 Court?

2 Cross-Examination

3 By Ms. Pinnock:

4 Q. Investigator Isenhoward, you said -- who else was there
5 when you were talking to Mr. James?

6 A. I believe -- I know Captain McDonald was there. At some
7 point in time Investigator Gamen (phonetic) arrived, I
8 believe Bolding -- Bolden, excuse me, came there again later
9 and took custody.

10 Q. During your conversations with him, who was there?

11 A. I know Captain McDonald was there.

12 Q. Okay. And you said -- where did this conversation take
13 place? In the living room? Kitchen? In the car?

14 A. Which part?

15 Q. When you spoke to Mr. James after you said he---

16 A. Both. Outside -- in the house and outside.

17 Q. Where was he when you advised him of those rights?

18 A. I believe that we were inside the home at that point in
19 time.

20 Q. Do you remember where in the house?

21 A. There was -- it was a small home; it was a duplex.
22 There's a front room and a -- sort of -- the front room all
23 leads into like a kitchen table. I remember his father being
24 at the kitchen table, and that's where we came in and took
25 custody of him.

1 Q. Okay. When you were speaking to him at his house, was
2 he cuffed at any point?

3 A. Yeah, at some point.

4 Q. When you got there before you spoke to him or after you
5 spoke to him?

6 A. I mean, he was cuffed when we made contact with him. We
7 had a warrant. We placed him under arrest and advised him of
8 his rights.

9 Q. Okay. And you said his father called you?

10 A. He did.

11 Q. And said Demetrice is here; y'all can come over here.
12 We're going to wait for you.

13 A. Yes.

14 Q. And when you got there, you said he sat down and there
15 were no problems; right?

16 A. No. Everyone was pretty cooperative.

17 Q. And the only other person who witnessed your
18 conversation with him you said was McDonald?

19 A. I know McDonald was there, and I believe Investigator
20 Gamen -- he may have -- if you're asking if he heard the
21 advice of rights, he may have. I don't -- I don't recall. I
22 know he was there at one point in time.

23 Q. Okay. And after the other investigators showed up, that
24 was the last interaction you had with Mr. James.

25 A. Yeah. I mean, I didn't interview him. I believe I saw

1 him back at the sheriff's office when I returned, but I
2 didn't have any sort of involvement in questioning him.

3 **Ms. Pinnock:** Beg the Court's indulgence. No further
4 questions. Thank you.

5 **Ms. Simpson:** No redirect, Your Honor.

6 **The Court:** All right. You can step down. Thank you.

7 **The Witness:** Thank you.

8 **Ms. Meghan Walker:** May we call our next witness?

9 **The Court:** Yes.

10 **Ms. Meghan Walker:** Your Honor, the State calls Captain
11 Scott McDonald.

12 Scott McDonald, having been previously sworn and
13 remaining under oath, testified as follows in camera?

14 **The Court:** You're still under oath.

15 **The Witness:** Yes, sir.

16 Direct Examination

17 By Ms. Meghan Walker:

18 Q. Captain McDonald, I want to turn your attention back to
19 the arrest of this particular defendant. Do you remember how
20 that came about?

21 A. Yes, ma'am. Bear with me just a second.

22 Q. Yes, sir.

23 A. On January 30th Sergeant Isenhoward, I believe, was
24 notified by one of the C.I.D. secretaries that his father had
25 called, stating he wanted to turn him in. Isenhoward

1 notified me, and he and I would drive over there and secure
2 him and place him under arrest at that point, followed up
3 quickly by Boland and Tanner who were coming with a search
4 warrant.

5 Q. And when you guys made contact with this -- with this
6 defendant, where was he?

7 A. I believe he was in the living room area of his
8 residence.

9 Q. And at that point was he placed under arrest?

10 A. He was.

11 Q. And was he Mirandized as a part of being placed under
12 arrest?

13 A. Yeah. We walked him outside to our vehicles, and
14 Sergeant Isenhoward verbally advised him of his Miranda
15 rights. We asked him if he understood them. He indicated he
16 did and he was willing to talk to us about this.

17 Q. And what, if any, statements did he make after he was
18 being Mirandized and waived those rights?

19 A. He just initially denied any involvement in this
20 incident. You know, we told him we had multiple co-
21 defendants and witnesses implicating him in this particular
22 crime. You know, he continued to deny his involvement, and
23 about that time Investigators Boland and Tanner arrived, and
24 we turned him over to them to take him to the office to talk
25 to him further.

1 Q. And do you -- was that the extent of your interaction
2 with this defendant?

3 A. It was.

4 **Ms. Meghan Walker:** Beg the Court's indulgence, Your
5 Honor. Your Honor, I don't have any further questions for
6 this witness at this time.

7 **The Court:** Cross?

8 **Ms. Pinnock:** May it please the Court?

9 Cross-Examination

10 By Ms. Pinnock:

11 Q. You spoke to Mr. James when he was in Investigator
12 Isenhoward's car?

13 A. We came out -- I think we were -- we were either around
14 the vehicle. I don't know if we were in the vehicle. I
15 think we were just standing outside the vehicle, and he was
16 handcuffed and, you know, we placed him under arrest in the
17 living room area, I believe. Came outside and Sergeant
18 Isenhoward gave him his verbal Miranda rights and went over
19 those with him and made sure he understood them.

20 Q. You stood there and you witnessed---

21 A. Yes.

22 Q. ---him advising him and you witnessed the waiver.

23 A. Right.

24 Q. And you said that Demetrice denied any involvement?

25 A. That's correct.

1 Q. And the search warrant was executed that day?

2 A. Yes. I remained there along with Isenhoward, and a
3 couple of other investigators assisted us in searching the
4 residence.

5 **Ms. Pinnock:** Nothing further. Thank you, Your Honor.

6 **The Court:** Redirect?

7 **Ms. Meghan Walker:** No, Your Honor.

8 **The Court:** All right. You can step down. I appreciate
9 your time. Thank you.

10 **Ms. Meghan Walker:** Your Honor, the State calls
11 Investigator Boland.

12 **The Court:** You're still under oath.

13 James Boland, having been previously sworn and
14 remaining under oath, testified as follows in camera:

15 Direct Examination

16 By Ms. Meghan Walker:

17 Q. Investigator Boland, I want to turn your attention now
18 back to making contact with this particular defendant. At
19 some point did you have occasion to interview him about the
20 crimes for which we are here this week?

21 A. I did.

22 Q. And where did this interview take place?

23 A. The sheriff's department headquarters on Two Notch Road.

24 Q. And where at the sheriff's department's headquarters?

25 A. I believe it was in Captain McDonald's office.

1 Q. Can you describe that office for me?

2 A. It's approximately seven by ten foot.

3 Q. Desks? Chairs?

4 A. Desks, chairs, door.

5 Q. And at that point in time was this defendant under
6 arrest when you made contact with him?

7 A. Yes.

8 Q. And before actually speaking to him, did you Mirandize
9 him?

10 A. I did.

11 Q. In a written form?

12 A. In a written form.

13 Q. I want to show you what's been marked as State's Exhibit
14 number 230 and ask you if you recognize this.

15 A. Yes.

16 Q. And how do you recognize that?

17 A. It is a standard interrogation advice of rights form
18 that we would use. It's got Mr. James' name at the top, my
19 name and Mr. Tanner's name, the date, 1/30/13. The time is
20 09:32 hours, signed by Mr. Demetrice James. Each of the
21 rights are checked off as I read them to Mr. James, along
22 with my signature. At the bottom are three questions I asked
23 him, to which he answered no alcohol, no drugs, twelfth
24 grade, meaning the last grade he finished.

25 Q. A twelfth grade education?

1 A. Correct.

2 Q. And you said he said no alcohol or no drugs. Did he
3 appear at that point when you were talking to him to be under
4 influence of either of those things?

5 A. No.

6 Q. Did he appear to understand what you were saying?

7 A. Yes.

8 Q. Did he understand the words that were on this form?

9 A. Yes.

10 Q. Did you let him know that if he didn't understand those
11 words you would explain them to him?

12 A. Yes.

13 Q. Before talking to him -- may I approach and hand this up
14 to Your Honor?

15 **The Court:** Yes.

16 By Ms. Meghan Walker:

17 Q. Before -- before actually taking the statement from him,
18 did you threaten him to get him to talk to you in any way?

19 A. No.

20 Q. Did you use intimidation or coercive tactics in order to
21 get him to talk to you?

22 A. No.

23 Q. Was he deprived of any creature comforts such as food or
24 something to drink or the ability to use the bathroom at that
25 point?

1 A. No.

2 Q. Okay. And did he indicate that he wanted to speak with
3 you about the crimes that you were investigating?

4 A. After he was Mirandized, he was willing to give a
5 statement.

6 Q. How many statements did he give about that crime?

7 A. Three.

8 Q. They were all on January 30th?

9 A. Correct.

10 Q. I want to show you State's Exhibits 231, 232, and 233
11 and ask you if you recognize them.

12 A. Yes, I recognize them.

13 Q. Were these the statements that Demetrice James gave?

14 A. Yes.

15 Q. And did he, in fact, sign those statements?

16 A. He did.

17 **Ms. Meghan Walker:** Your Honor, can I hand up to you
18 State's Exhibits 231 through 233?

19 **The Court:** Yeah. Kind of, for the record -- I don't
20 know if we're putting all these in as Court's exhibits, but
21 they need to be in the evidence, even going back to the
22 line-ups. I'm not sure -- we keep marking them, but I'm not
23 sure that they've actually been admitted in as Court's
24 exhibits for the purpose of the hearing.

25 **Ms. Meghan Walker:** Yes, Your Honor. Can -- I would

1 like to have them marked as Court's exhibits or identified
2 for the purpose of this hearing.

3 **The Court:** Okay. I think we need to do that. Numbers
4 8, 12, 3, 4, 5, 6, 228 and 229 are Court's exhibits. Any
5 objection?

6 **Ms. Anastasia Walker:** No objection, Your Honor.

7 **The Court:** And now number 230 is a Court's exhibit, and
8 now you're asking to put in 231, 232, and 233 as Court's
9 exhibits?

10 **Ms. Meghan Walker:** Yes, Your Honor.

11 **The Court:** Any objection?

12 **Ms. Pinnock:** No, Your Honor.

13 **The Court:** All right.

14 By Ms. Meghan Walker:

15 Q. Before actually taking these -- before actually taking
16 these written statements, did you have a conversation with
17 the defendant about what happened?

18 A. Yes. After he was Mirandized and it was reduced to
19 writing, we talked about it.

20 Q. I'm sorry. What did you say?

21 A. I said before -- after he was Mirandized and after we
22 reduced it to writing to statements, yes, we discussed the
23 incident.

24 Q. And as a -- as apart of actually -- actually reducing it
25 to writing, is that something that he types up or do you type

1 it? How does that work?

2 A. I type it.

3 Q. And what do you type?

4 A. I type what he tells me.

5 Q. And is this -- are you typing contemporaneously to him
6 speaking to you?

7 A. Trying to keep up and/or I stop and if I don't
8 understand it, I make sure I put it in there. Sometimes I
9 read it back to him, just so as we go there's not something
10 excessively inaccurate at the end of the statement that I
11 have to change.

12 Q. But the words that are in the statement are his words.

13 A. Yes.

14 Q. And at any point did you tell him what to say in that
15 statement?

16 A. No.

17 Q. There are three different statements?

18 A. Yes.

19 Q. Can you tell me why there are three different
20 statements?

21 A. Initially Mr. James gave a statement to where he -- to
22 start off with his day, where he had been, how he came to be
23 in the area of After obviously
24 speaking to the witnesses and other co-defendants, we believe
25 that Mr. James had more information than what he alluded to

1 initially. So after he signed the first statement, again he
2 was interviewed, hence giving a second statement with more
3 information and ultimately the same -- was re-interviewed
4 again to get further information, producing the third
5 statement.

6 Q. Okay. And all of those were on January 30th---

7 A. Correct.

8 Q. ---I believe? And this was all after Miranda.

9 A. All after?

10 Q. Miranda?

11 A. Yes.

12 Q. The Miranda rights were read to him? And before he
13 signed the statement, did you allow him to read the
14 statement?

15 A. Absolutely.

16 Q. If -- did he have any changes he wanted to make to the
17 statement?

18 A. If there were changes, we changed them, and ultimately
19 what he signed was what he agreed to.

20 Q. That's the final version and what he agreed to after
21 reading it?

22 A. Yes.

23 **Ms. Meghan Walker:** I don't have any further questions.

24 **Ms. Pinnock:** May it please the Court?

25

Cross-Examination

1
2 By Ms. Pinnock:

3 Q. Investigator, what time did Mr. James get to
4 headquarters?

5 A. I don't know the specific time, but I know he was
6 Mirandized at 09:32.

7 Q. Okay. And you said after you went through his rights --
8 did you have to explain any of the words to him?

9 A. As is customary, we circle the word "coercion"---

10 Q. Okay.

11 A. ---and I use the word "force" meaning I'm not forcing
12 you to talk to me.

13 Q. Okay. Do you usually give an example of what force
14 means or do you just use the word "force"?

15 A. I just use the word "force." Normally they'll
16 acknowledge that they understand it.

17 Q. You said that was at 9:32. How long did it take you to
18 go through the rights to the point of him signing?

19 A. Just a matter of minutes.

20 Q. Okay. And the first statement, the time was 10:30 --
21 10:16.

22 A. 10:16.

23 Q. And you had a conversation with him before you started
24 writing that statement?

25 A. Yes.

1 Q. You didn't just start typing the second you sat down?

2 A. No.

3 Q. So a couple of minutes passed between you finishing the
4 advice of rights, him waiving his rights, and him starting
5 the first statement.

6 A. Uh-huh.

7 Q. The second statement, what's the time on that one?

8 A. The second statement?

9 Q. Uh-huh.

10 A. 12:02.

11 Q. What time did you get finished with the first statement?

12 A. I don't recall.

13 Q. What time did you talk to the co-defendants before
14 coming back to speak to Mr. James?

15 A. I don't know that there were any other co-defendants in
16 the office at the time that Mr. James was in there.

17 Q. Okay. But you came back to talk to him again, you said,
18 at 12:02.

19 A. Right.

20 Q. And how long did you talk to him before starting to type
21 on the second statement?

22 A. I have no idea.

23 Q. Did you have a discussion with him before you started
24 typing or did you just come in and start typing?

25 A. No. I would have asked him more additional questions,

1 thus produced the second statement.

2 Q. Okay. But you started typing at 12:02.

3 A. Yeah.

4 Q. What time did you finish that one?

5 A. I don't know.

6 Q. Were you talking with him for half an hour, 45 minutes,
7 an hour?

8 A. I don't know.

9 Q. Okay. What time is the third statement?

10 A. The time on the third statement is 15:25.

11 Q. Can you translate that for me?

12 A. 3:25 p.m.

13 Q. Okay. So at this point he's been at headquarters since
14 9:30; right?

15 A. Yep.

16 Q. Where was he sitting for the six hours that he was at
17 headquarters?

18 A. The investigation or the interviews were conducted in
19 Captain McDonald's office.

20 Q. Was he in Captain McDonald's office for six hours?

21 A. Not straight.

22 Q. Okay. Where did he go -- when he finished the first
23 statement, where did you take him?

24 A. I didn't take him anywhere. I mean, I---

25 Q. Where did you move him to?

1 A. He could have gone to the rest room. He could have gone
2 to the detention cell that we have.

3 Q. Okay.

4 A. I don't -- I don't recall the actual tracks that he made
5 in the building.

6 Q. Okay. And at some point he came back to---

7 A. Yes.

8 Q. ---Lieutenant McDonald? Is it lieutenant?

9 A. It's lieutenant then and captain now.

10 Q. Okay. So at 12:02 when he comes back, where does he go
11 when he finishes the second statement?

12 A. I know that all of the statements were taken in Captain
13 McDonald's office.

14 Q. You don't know where he was between those times.

15 A. No.

16 Q. Was he cuffed the whole time?

17 A. I do not recall. If he was, he may have been handcuffed
18 in front.

19 Q. Okay. Was he supervised by a deputy the whole time?

20 A. Oh, yeah.

21 Q. But you don't know if he was in a holding cell or if he
22 was sitting in the hallway. You don't know where he was.

23 A. He was either detained in our detention cell, okay, or
24 he was visually watched by another officer.

25 Q. Okay. And the only advice of rights we have is the time

1 for 9:32?

2 A. Right.

3 Q. So at 3:25 you didn't advise him of his rights again?

4 A. No.

5 Q. Who did you speak to between 12:02 and 3:25? Which co-
6 defendants did you talk to?

7 A. I don't recall talking to any co-defendants.

8 Q. Okay. Beg the Court's indulgence. Do you recall if Mr.
9 James ate anything---

10 A. Yes.

11 Q. ---in the six hours?

12 A. Yes.

13 Q. Did you buy it for him?

14 A. I did.

15 Q. You did? Do you remember if he went to the rest room at
16 all?

17 A. If he needed to go to the rest room, I'd have let him go
18 to the rest room.

19 Q. Okay. So were you sitting with him for the whole time?

20 A. No.

21 **Ms. Pinnock:** Nothing further. Thank you.

22 **The Court:** Redirect?

23 Redirect Examination

24 By Ms. Meghan Walker:

25 Q. At any point over that period of time, did the defendant

1 indicate that he didn't want to talk to you?

2 A. No.

3 Q. And at the top of the statements, is Miranda at the top
4 of those statements as well?

5 A. It is.

6 Q. And that was before each different conversation you had
7 with him -- is at the top of those statements.

8 A. Yes.

9 **Ms. Meghan Walker:** I don't have any further statements.

10 **The Court:** Any recross?

11 **Ms. Pinnock:** No, sir.

12 **The Court:** Okay. You can step down. Thank you.

13 **Ms. Simpson:** The State re-calls Investigator Tanner.

14 Flynn Tanner, having been previously sworn and
15 remaining under oath, testified as follows in camera:

16 Direct Examination

17 By Ms. Simpson:

18 Q. Investigator Tanner, turning your attention to the day
19 of arrest of Demetrice James, the defendant, did you have
20 occasion to assist or speak with the defendant?

21 A. I did.

22 Q. Can you tell us about that?

23 A. I went with Sergeant Isenhoward and Lieutenant McDonald
24 to Demetrice James' residence where he had been arrested. I
25 don't know that I went with them, but I responded there.

1 Investigator Boland and I transported Demetrice James to
2 headquarters where he was advised of his rights and signed an
3 advisement of rights form, a waiver agreeing to speak with
4 us, and gave us several statements.

5 Q. And backing up, when you arrived on the scene he was
6 actually in the custody of Sergeant Isenhoward and Captain
7 McDonald? Correct?

8 A. Yes.

9 Q. And were you made aware that he'd already been verbally
10 Mirandized?

11 A. I do not recall if I was made aware at that time. I may
12 have inquired, but we didn't ask any questions.

13 Q. So during transport he wasn't asked any questions.

14 A. Correct; he was not.

15 Q. And then when you arrived at headquarters, at that point
16 was Investigator Boland the one advising him of his rights?

17 A. He was.

18 Q. And were you present and did you witness the advisement
19 of those rights?

20 A. I was present and I did witness.

21 Q. And during the advisement of the rights, did the
22 defendant appear to understand his rights?

23 A. He did.

24 Q. Did he seem to be under the influence of anything, be it
25 drugs or alcohol?

1 A. He did not.

2 Q. Did you all threaten him in any way?

3 A. No, ma'am.

4 Q. Coerce him?

5 A. No, ma'am.

6 Q. Physically harm him in some way?

7 A. Absolutely not.

8 Q. Did you make him any promises whatsoever?

9 A. No, ma'am.

10 Q. And did you deprive him of any creature comforts such as
11 going to the rest room or food, water, things of that nature?

12 A. No.

13 Q. And after being advised of his rights and indicating
14 that he understand -- or understood those rights, did he, in
15 fact, waive those rights?

16 A. He did.

17 Q. Agreeing to speak with you all.

18 A. He did.

19 Q. And were you present during I guess the verbal
20 conversation prior to that statement being reduced to
21 writing?

22 A. I was.

23 Q. Okay. And did you actually question the defendant or
24 was that Investigator Boland?

25 A. Investigator Boland was taking the statement, and he was

1 asking him most of the questions. If I -- if I asked him a
2 question, it might have been -- I might have interjected and
3 noticed something and then asked him and -- but Investigator
4 Boland would have taken the questions down.

5 Q. And at any point did the defendant indicate he wished to
6 speak with an attorney?

7 A. No.

8 Q. At any point did he indicate whether he wanted to stop
9 speaking with you all?

10 A. No.

11 Q. At all times did he seem to you to give these statements
12 freely and voluntarily?

13 A. Yes.

14 **Ms. Simpson:** Nothing further.

15 **Ms. Pinnock:** Your Honor, no questions. Thank you.

16 **The Court:** Okay. You can step down. Thank you.

17 Anything further from the State?

18 **Ms. Simpson:** No, Your Honor. That would be it on the
19 issue of Jackson v. Denno.

20 **The Court:** Does the defense have any witnesses?

21 **Ms. Pinnock:** No, Your Honor, no witnesses and no
22 motion.

23 **The Court:** Any brief statement by the defense?

24 **Ms. Pinnock:** No, Your Honor.

25 **The Court:** All right. Well, I find that the

1 statements, all three, were given by Mr. James on the 30th of
2 January of 2013, were given freely, voluntarily, knowingly,
3 and intelligently. I find that by a preponderance of the
4 evidence. I find that he was given his rights, advised of
5 his rights under the Fifth and Sixth Amendments to the
6 Constitution of the United States.

7 He was advised that before -- he was advised that he had
8 the right to remain silent, that anything he said could be
9 used against him in court, that he had the right to talk to
10 an attorney for advice before he was asked any questions and
11 to have an attorney with him during questioning, and if he
12 could not afford an attorney, one would be appointed to him
13 before any questioning, and if he decided to answer questions
14 without a lawyer present, he had the right to stop answering
15 those at any time, and he had the right to stop answering at
16 any time until he talked to an attorney. It was signed by
17 Mr. James and witnessed.

18 I did note earlier that the word -- the words "or
19 coerce" have been circled and the word "force" written in.
20 I'm glad that question was asked because I had some questions
21 about that myself, but that was answered by the witness as to
22 why it was done.

23 Mr. James checked and signed, indicating he was waiving
24 his rights, having his rights -- that he had read the
25 statement of his rights and he understood his rights and he

1 was willing to answer questions and he understood and knew
2 what he was doing and that no promises were made to him. He
3 was under no pressure, and no force or coercion had been used
4 against him.

5 I find that there's no indication that he was affected
6 by drugs or alcohol. I find that there is no evidence of any
7 coercion or force used by the interrogating officers against
8 Mr. James. I find that his educational level was sufficient.
9 I haven't read the -- all the statements, but I do -- one
10 does indicate that he was a student, in fact, at Benedict
11 College about -- well, on the date of January 25th of 2013.

12 So it will be up to the jury to decide beyond a
13 reasonable doubt as to whether or not he made the statement
14 and whether or not he did make the statement whether it was
15 made freely, voluntarily, knowingly and intelligently, but
16 I'm going to allow it into evidence -- them into evidence,
17 all three. And I may have already indicated this, but all
18 three do have very -- the second paragraph of each page a
19 recitation of the Miranda rights, if not verbatim, to what
20 was on the initial advisement of rights that were given at
21 9:32.

22 If they're not verbatim, they at least cover the same
23 grounds, and on each of those he has signed indicating again
24 that the statements were freely and voluntarily made without
25 fear, threat, promise of reward or hope of reward. They're

1 all in evidence. Anything else to do today?

2 **Ms. Simpson:** No, Your Honor, unless you briefly wanted
3 to address the voir dire. We have had a chance to look at
4 the defense, and I believe they've had an opportunity to
5 review ours. I believe we only have an issue with Number 11
6 and Number 12 that could be taken up fairly quickly.

7 **The Court:** All right.

8 **Ms. Simpson:** As to Number 11 which states, "Has any
9 member of the jury panel discussed this case or heard anyone
10 else discuss this case or a similar case today or prior to
11 today?" our only issue with that question would be "or a
12 similar case today."

13 **The Court:** Yeah. I have a standard question that
14 covers the first part of that before you get to the "or." I
15 don't believe that I should ask whether or not they have
16 discussed a similar case. They haven't heard the facts, so I
17 don't know how they would address that -- how they would
18 answer that, and with the proliferation of crime shows on
19 television I would be shocked if somebody hadn't -- maybe not
20 discussed it but been exposed to some type case that could
21 bear some similarity. So I ask Number 11 in my standard
22 question without that tagged to it. What about 12?

23 **Ms. Simpson:** Number 12 with respect to the sale or use
24 of marijuana, just as far as the relevance of that question
25 in jury selection if the defense could just expand. That's

1 not a huge issue in this case.

2 **The Court:** Yeah. Let me hear what the defense says. I
3 usually -- if there's some drug relation to the crime,
4 particularly in a drug case, I ask a question involving
5 something to this effect: How would it come into play here?

6 **Ms. Pinnock:** Your Honor---

7 **The Court:** I know in the statement Mr. James talks
8 about getting a blunt or getting weed and going with crack
9 head and all these things. Is that...

10 **Ms. Pinnock:** Yes, sir. That's the only reason we
11 wanted to include it, because his statement does talk about
12 going to purchase marijuana for Mr. Roberts and that's the
13 only reason. We're not planning on -- I think because of his
14 statement I think the question is relevant to ask the jury if
15 they do have any bias against use or sale of marijuana.

16 **The Court:** Well, I'll ask something along those lines;
17 I might phrase it differently. I don't want to get into
18 prolific discussions about any bias or prejudice. We might
19 end up here two days having a roundtable discussion on
20 marijuana and medical marijuana and all those things. I'll
21 ask the question about -- to address this, but it may be
22 different from the way you've got it posed.

23 **Ms. Pinnock:** Yes, sir.

24 **Ms. Simpson:** And actually, Your Honor, one more issue.
25 Number six, I think it's sufficient just to say the Fifth

1 Circuit Solicitor's Office or any prosecuting agency versus
2 is anyone employed by the Attorney General? There's no need
3 to associate the Attorney General specifically or reference
4 them as they are not involved or associated with this case in
5 any way.

6 **The Court:** Well, I usually ask that question this way.
7 I usually just ask if anyone is related by blood or marriage
8 or a close personal friend or acquaintance with anyone
9 involved in law enforcement at any level or in the
10 prosecution of cases at any level, and then I usually string
11 out a few examples such as sheriff, police, M.P., U.S.
12 Attorney, air marshal. I sometimes string out a few
13 examples, but I cover that in even more general than -- than
14 this to find out if any...

15 Well, really, this is more -- well, if they stand, of
16 course, I ask them if that will affect their ability to be
17 fair and impartial. It's almost more for information sake
18 for the parties than it is... Occasionally I get someone who
19 says that because of that relationship they cannot be fair
20 and impartial, but generally they opine that they could be
21 fair and impartial..

22 So I'll ask something along those lines, but I
23 understand your concern. I'll ask something about the
24 connection to law enforcement and prosecution.

25 **Ms. Simpson:** Thank you, Your Honor.

1 **The Court:** Anything further?

2 **Ms. Simpson:** I believe that's all from the State
3 because of the defense's references to certain groups and
4 contributions to those groups. The reciprocal is indicated
5 in our voir dire, so...

6 **The Court:** I haven't seen y'all's voir dire.

7 **Ms. Simpson:** Oh, my apologies.

8 **The Court:** I don't think. All right. Well, we'll get
9 back together let's say about 9:30. The jury is coming in at
10 10, and we'll see if anything needs to be discussed before
11 the jury gets in.

12 Has the defense had an opportunity to look at the
13 State's voir dire?

14 **Ms. Anastasia Walker:** Yes, Your Honor.

15 **The Court:** Any objections?

16 **Ms. Anastasia Walker:** No objections, Your Honor.

17 **The Court:** Okay. All right. We'll be at ease until
18 10. At 9:30 if you would come up to chambers and we'll see
19 if there are any issues we need to cover.

20 **Ms. Simpson:** Thank you, Your Honor.

21 **The Court:** I appreciate everybody's courtesies.

22 (Whereupon, the trial concluded for the day at 5:15 p.m.
23 and resumed the following day, September 30, 2014, as
24 follows.)

25 **The Court:** Thank you. You may take your seats. Good

1 morning.

2 **Ms. Simpson:** Good morning. May I approach, Your Honor?

3 **The Court:** Yes, ma'am. We're back on the record in
4 Demetrice James, State versus, and I understand before we get
5 the jury up there's a matter dealing with the search warrant?

6 **Ms. Pinnock:** Yes, Your Honor. May it please the Court?

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

8 **Ms. Pinnock:** Your Honor, yesterday during the
9 testimony -- and it is mentioned in the investigator's
10 report. There was mention of a search warrant that was
11 executed on Mr. James' house. We have not been provided with
12 that. We met with the solicitor about two weeks ago; we went
13 through her file with her. At that point we had everything,
14 minus a couple of things that we made a list and Ms. Walker
15 provided it to us after the fact. But as of yesterday when
16 it was certified that discovery was complete, we still don't
17 have a copy of the search warrant.

18 It's my understanding it's on the way, but that just
19 tells us that the solicitor's office didn't have a copy of it
20 either. So we're actually asking Your Honor to exclude any
21 testimony about the search warrant, any of the items taken
22 from the search warrant, based on a violation of Rule 5
23 because we've now started the trial. We've done pretrial.
24 They certified that it was complete, and the search warrant
25 and the return still have not been provided.

1 **The Court:** All right.

2 **Ms. Meghan Walker:** Your Honor, we're not -- we're not
3 bringing it up in opening. We don't anticipate the contents
4 of what was found at the home to be an issue or something
5 that we -- that we bring up during... So we don't intend on
6 going into that.

7 **The Court:** Well, there was some testimony yesterday by
8 one of the officers about going into Mr. James' home and
9 making the arrest and other officers were coming later with
10 the search warrant. Do you object to any of that?

11 **Ms. Pinnock:** Yes, sir.

12 **Ms. Meghan Walker:** Well, Your Honor, the fact that it
13 was searched and actually what was in the -- what was found
14 in the search was provided to them. They've had that for a
15 year. What they don't have is the actual search warrant, and
16 I understand that. I don't have it either.

17 They're looking -- our investigator is on his way to the
18 magistrate's office to pick it up. We never had a copy of
19 it, and that's my fault. But what was found and the fact
20 that there was a search warrant executed is in an
21 investigative report that they've had for well over a year.

22 So I think the fact that something that they -- that
23 happened, I don't know why that would not be something that
24 we can go into as long as we don't introduce the physical
25 evidence since we didn't give them a copy of the search

1 warrant.

2 **Ms. Pinnock:** Beg the Court's indulgence. Well, if the
3 solicitor is -- if the solicitor is saying that they're not
4 going to be discussing the physical evidence that was found
5 and they're not going to be introducing it into evidence, I
6 don't think it's appropriate either to have them testify as
7 to anything that was taken out of the home.

8 **The Court:** Well, I don't think there was any testimony
9 yesterday about that. I think the only testimony was that
10 while Mr. James was being Mirandized -- and I can't remember
11 all the officers' names. Maybe it was Isenhoward who had him
12 and was waiting for Tanner and someone else, I believe, who
13 were coming with the search warrant, and that's all I
14 remember there being about a search warrant. And I don't --
15 I don't see any problem with that testimony if it doesn't go
16 any further than that.

17 **Ms. Pinnock:** Yes, sir. I would agree. If that's as
18 far as they're going to go with that, then I'm fine with
19 that.

20 **Ms. Meghan Walker:** That's our intention, Your Honor,
21 but we will advise our witnesses not to talk about what was
22 found at the house during the execution of the search
23 warrant.

24 **The Court:** All right. Thank you.

25 **Ms. Pinnock:** Thank you.

1 **Ms. Meghan Walker:** Unless, of course, they somehow---

2 **The Court:** If they open the door---

3 **Ms. Meghan Walker:** Yes, Your Honor.

4 **Ms. Pinnock:** And we won't. And, Judge, just for
5 housekeeping, with the introduction to the jury with Mr.
6 James, we -- he's leg-shackled. We've practiced with him a
7 couple of times standing up and turning around. You can't
8 see them, but you can hear it. Is there---

9 **The Court:** Would there be any objection to letting him
10 be seated facing that way before the -- let him sit at the
11 end of the table for this part? He wouldn't even have to
12 stand. I mean, if that's...

13 **Ms. Pinnock:** As long as the jury wouldn't be able to
14 see his legs when they come around, that would...

15 **Ms. Meghan Walker:** You can't see anything from back
16 there.

17 **Ms. Anastasia Walker:** If you walk around, you can see
18 them.

19 **Ms. Pinnock:** Well, if we could have them walk that way.

20 **Ms. Anastasia Walker:** Yeah. If the jurors walk that
21 way...

22 **Ms. Meghan Walker:** You can't see -- you can't see
23 anything from here.

24 (An off-the-record discussion takes place between the
25 clerk and the attorneys.)

1 **Ms. Pinnock:** And I understand, you know, the security
2 issues and concerns. If we could just have him unshackled
3 throughout the jury selection and if the court personnel puts
4 them back on afterwards...

5 **The Court:** Well, I'm not going to change the security
6 practices of the Richland County courthouse security. I
7 guess -- does security have any options?

8 **Police Officer:** We'll do whatever you ask us to do,
9 Judge.

10 **The Court:** Would there be any problems, since you've
11 got two officers sitting there right behind him, if we
12 unshackle him while we're doing the jury?

13 **Police Officer:** If that's what you want, that's what
14 we---

15 **The Court:** We'll do it that way then. The first time
16 the jury goes out we will re-shackle him.

17 **Ms. Pinnock:** Yes, sir. Thank you.

18 (Whereupon, the Mr. James is unshackled.)

19 **The Court:** Is the State ready for the jury?

20 **Ms. Meghan Walker:** Yes, Your Honor.

21 **The Court:** Defense?

22 **Ms. Pinnock:** Yes, Your Honor.

23 **The Court:** If you will bring the jury up.

24 (Pause in proceedings.)

25 **The Court:** We're going to wait about ten minutes for a

1 juror to show up. If they don't show up by then, we'll --
2 we'll go ahead and go with what we've got.

3 **Ms. Meghan Walker:** Your Honor, may I be excused while
4 we wait?

5 **The Court:** Yes.

6 **Ms. Meghan Walker:** Thank you.

7 (Whereupon, a short break was taken.)

8 **The Court:** We're going to go ahead and bring the jury
9 up.

10 (Whereupon, the jury was brought into open court at
11 10:21 a.m.)

12 **The Court:** Members of the jury panel, I'm John Hayes
13 from Rock Hill. I've been a circuit court judge for several
14 years. I've held court here in Richland County quite often
15 in the past, and I'm glad to be here. This is my law clerk,
16 John Alfaras (phonetic), who is with me today.

17 We're starting the trial of Demetrice James. Mr. James,
18 I'm going to ask you to please stand and let the jury see who
19 you are. This is Mr. Demetrice James, and he is represented
20 by Ms. Anastasia Walker and Tracy Pinnock, and I'm going to
21 ask Ms. Walker to introduce anyone else that is with them at
22 their table.

23 **Ms. Anastasia Walker:** Good morning. Myself and Ms.
24 Tracy Pinnock and these are our law clerks: Tracy Osteen and
25 Jonathan Commidge (phonetic).

1 **The Court:** All right. You may be seated. Thank you.
2 The State is represented by Nicole Simpson and Meghan Walker.
3 I'm going to ask them to identify themselves and then
4 introduce anyone they have with them at their table.

5 **Ms. Simpson:** Good morning. I'm Nicole Simpson. I'm an
6 assistant solicitor with the Fifth Circuit Solicitor's
7 Office. My co-counsel here is Meghan Walker, also an
8 assistant solicitor. Investigator Todd Boland with the
9 Richland County Sheriff's Department. Investigator Flynn
10 Tanner also with the Richland County Sheriff's Department,
11 and one of our law clerks, Lamont Fider (phonetic).

12 **The Court:** Thank you. You may be seated. Mr. James is
13 charged in several indictments, several charges. These
14 indictments are just charges; they're not evidence of
15 anything. But these charges are murder, burglary in the
16 first degree, two counts of attempted murder - that is, two
17 indictments for attempted murder - and an attempted armed
18 robbery.

19 To these charges, Mr. James has entered pleas of not
20 guilty. These pleas of not guilty place him in the situation
21 where -- or place the case in the posture such that the State
22 must prove his guilt beyond a reasonable doubt. He is
23 presumed innocent. He does not have to prove his innocence.
24 The State is required to prove his guilt beyond a reasonable
25 doubt before he could be convicted.

1 This allegedly occurred on January 25th, 2013, here in
2 Richland County, and the area -- what's the name of the area?

3 **Ms. Simpson:** This occurred on
4 located around the River Drive/Broad River Road area.

5 **The Court:** Okay. First, are any of you related by
6 blood or marriage or are you a close personal friend or
7 acquaintance of any of the individuals who I've just
8 introduced to you? If so, please stand. No one stands.

9 Have any of you heard anything about this case, know
10 about it from any source whatsoever or have any of you formed
11 or expressed an opinion about matters or issues involved in
12 this case? If so, please stand. No one stands.

13 Were any of you members of the grand jury which passed
14 on these indictments at an earlier time? If so, please
15 stand. No one stands.

16 Are any of you or a member of your immediate family
17 members of organizations such as a Students Against Drunk
18 Drivers, Mothers Against Drunk Drivers, Troopers Association,
19 Sheriff's Association, Fraternal Order of Police or Citizens
20 Against Violence which is sometimes referred to as CAVE. All
21 right. Yes, ma'am, your name and number.

22 **Juror 249:** Laura Socha, 249. Is that like Mothers
23 Against Drunk Drivers where you give the money? .

24 **The Court:** If you -- if you contributed to that, yes,
25 ma'am.

1 **Juror 249:** Okay. Laura Socha. My niece was killed by
2 a drunk driver.

3 **The Court:** All right. Your name and number.

4 **Juror 249:** Laura Socha, 249.

5 **The Court:** All right. Would that affect your ability
6 to be fair and impartial in the trial of this case?

7 **Juror 249:** Yes.

8 **The Court:** Okay. Well, I'll excuse you from serving.
9 If you'll have a seat. I appreciate you sharing that and
10 sorry about your loss. Yes, ma'am, your name and number.

11 **Juror 285:** I work -- Christina Williams, 285. I work
12 for a police department. My husband is a lieutenant with a
13 police department.

14 **The Court:** Which jurisdiction?

15 **Juror 285:** C.P.D. Columbia Police Department.

16 **The Court:** Columbia Police Department? This is not a
17 Columbia Police Department case; it's a Richland County case.
18 Would that affect your ability to be -- do you actually work
19 for the police?

20 **Juror 285:** (Nodded head up and down.)

21 **The Court:** All right. I'll excuse you from serving.

22 **Juror 285:** Thank you.

23 **The Court:** Just thank you. Did you get her name and
24 number?

25 **The Clerk:** Yes, Your Honor.

1 **The Court:** Okay. Thank both of you for sharing that
2 with me. Have any of you or a member of your immediate
3 family been represented by either the Fifth Circuit
4 Solicitor's Office or the Fifth Circuit Public Defender's
5 Office, particularly by any of these attorneys? But if
6 anybody in either one of those offices have represented you
7 or have you been a witness for either of those offices or any
8 of these attorneys or have you worked as a volunteer with any
9 of these attorneys or organizations, if so, please stand.

10 Yes, ma'am, your name and number.

11 **Juror 2:** Vernet Abraham, 2.

12 **The Court:** All right. And what relation do you have?

13 **Juror 2:** I've had a son that was represented by the
14 office of Richland -- Richland County.

15 **The Court:** Richland County solicitors?

16 **Juror 2:** (Nodded head up and down.)

17 **The Court:** She is nodding her head in the affirmative.
18 Would that affect your ability to be fair and impartial in
19 the trial of this case?

20 **Juror 2:** Yes, sir.

21 **The Court:** All right. I'll excuse you also from
22 serving. Just have a seat. Some of you have already stood
23 -- two of you have already stood to sort of address this, but
24 has anybody else had a personal experience or a family member
25 having experience with something that you would consider to

1 be a violent crime? Of course, murder or armed robbery or
2 things such as that. If so, please stand. I'm not going to
3 ask you to go into a lot of detail about that because it's
4 very personal.

5 What I'm going to ask each of you to do is just give me
6 your name and number. You don't need to tell me what
7 happened in your life. Just the fact that you're standing
8 tells me enough, but I do need to have your name and number.
9 Remain standing, and then I'll ask you all about whether you
10 could be fair and impartial. Yes, ma'am.

11 **Juror 250:** Katrina Spigner, 250.

12 **Juror 18:** Teirra Bell, 18.

13 **Juror 88:** Lucretia Glover, 88.

14 **Juror 107:** Matthew Hasik, 107.

15 **Juror 289:** Ralph Williams, 289.

16 **Juror 241:** Jimmy Sims, 241.

17 **Juror 63:** Gail Perry, 63.

18 **The Court:** All right. If this experience would prevent
19 you from being fair and impartial in the trial of Mr. James,
20 please raise your right hand. None do. Thank you. You may
21 be seated.

22 I've already -- I don't believe I've asked this exactly
23 like I'm going to ask it now. The lady I've excused has
24 already stood. Were any of you or a member of your immediate
25 family involved in the prosecution of criminal cases at any

1 level or in any jurisdiction or are any of you related by
2 blood or marriage to anyone involved in any law enforcement
3 in any jurisdiction, anything like military police, judge
4 advocate general air marshal, magistrate or anything -- not
5 magistrate. I'm sorry. But anyone in a prosecutorial or a
6 law enforcement role? If so, please stand.

7 All right. Again, what I'd like is your name and
8 number. This time, if you would tell me what sort of
9 relationship. Uncle Joe is a sheriff's deputy or whatever it
10 is.

11 **Juror 224:** My name is Melissa Rolin; I'm 224. My dad,
12 granddad, and uncle are all agents. My mom works at
13 S.L.E.D., and my brother is a police officer at Columbia
14 College Police Department.

15 **The Court:** Just remain standing. Yes.

16 **Juror 158:** Harvey Lewis, number 158. My sister works
17 for S.L.E.D.

18 **The Court:** All right. Yes, ma'am, and your -- I know
19 you just stood, but we have to make a record of this.

20 **Juror 63:** Gail Perry, number 63. I have a brother who
21 is with the Richland Sheriff's Department.

22 **The Court:** Brother?

23 **Juror 63:** Yes.

24 **The Court:** All right. Well, I'm going to excuse you.
25 This is a Richland County case worked by that department, so

1 I'm going to excuse you from serving on this particular jury.
2 So you can go ahead and have a seat.

3 **Juror 63:** Thank you.

4 **The Court:** Yes, sir.

5 **Juror 59:** My name is Megan Curenton, number 59. My
6 aunt did 30 years at Kirkland, S.C.D.C. My mom did 16 years
7 at the same institution until last year when she died.

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

9 **Juror 195:** Melinda O'Leary, 195. My father-in-law is
10 John O'Leary, an defense attorney who practices criminal law.

11 **The Court:** I know him well. The four of you, if this
12 relation would prevent any of you from being fair and
13 impartial, raise your right hand. All right. Your name and
14 number again?

15 **Juror 158:** Harvey Lewis, 158.

16 **The Court:** All right. The other three do not. Mr.
17 Lewis will be excused. Okay. Have a seat. Thank you.
18 There may be some testimony in this case involving the use of
19 an illegal substance, marijuana. Would the fact that --
20 would that -- the fact that there is some evidence of some
21 marijuana somehow coming up in this trial, would that -- if
22 that would cause you to be unable to be fair and impartial,
23 please stand. No one stands. Thank you. All right. Yes,
24 ma'am, your name and number.

25 **Juror 254:** Yolanda Sterling-Quinn, 254.

1 **The Court:** All right. Would that -- would you be able
2 to be -- could you still be fair and impartial in this trial?

3 **Juror 254:** I won't be.

4 **The Court:** All right. I'll excuse you, sir (sic). You
5 can just have a seat. Thank you. The following are possible
6 witnesses; it's long. I don't know that all these will
7 testify. I'm pretty sure only a few will. However, even if
8 they don't testify, their names may come up during the trial.
9 So I'm going to ask if any of you are related by blood or
10 marriage or if you're a close personal friend or acquaintance
11 with any of these individuals, please -- please stand. And,
12 again, it is fairly long, so I'm going to go slow.

13 Joshua Williams, Troy Scott, Trenton Scott, Cari
14 Pearson, Jwaun Duckett, Vanessa Roberts, Maurice Roberts,
15 Jr., Maurice Roberts, Sr., Deshawn McClary, Chandler Davis,
16 Vincent Nelson, Dr. Amy Durso, D-U-R-S-O, a custodian of
17 records unnamed with ClearTalk Wireless, Sergeant Robert
18 Waters, Captain Washva Moye, another custodian of 9-1-1
19 records, Officer Christopher Eunice.

20 Dr. Joseph Myslenski, M-Y-S-L-E-N-S-K-I, Palmetto
21 Health. Mike Devonish, David Burns, Christine Benton,
22 Cinnamon Wright, Mary Ellen Swain, Matthew Wacht, Corey
23 Starnes, Deputy William Kirkland, William Cobia, Randy James,
24 Deputy Kevin Wrigley, Deputy Reginald Grant, Corporal Norman
25 Fisher, James Abraham, Investigators Joseph Bass and Hal

1 Boland, Sergeant Scott Faust, Investigator Flynn Tanner,
2 Major Stan Smith, sergeant Kevin Isenhoward, Captain Scott
3 McDonald, Investigator Kevin Hinson, Sergeant Chris Lindler,
4 Chief David Wilson, Deputy Gavin Walmsley, Shawn Schroder,
5 Kristen Polis, Michael Beeler, Sergeant Stan Richards,
6 Timothy Lee, F. Rainsford, Yvonne Woods, Terri Gleason, John
7 Barron, Bernadette Atencio, Trish Odom, Diane Bodie, Ashleigh
8 Dixon, Christine Barrickman, Melody Dixon, Melody Galinski,
9 Dayle Blackmon, Shanna Sorrels, Doris Yarbrough. No one
10 stands. Okay. Yes, we do have two people standing. Yes,
11 sir.

12 **Juror 304:** Shawn Charles, number 304. Mike Devonish, I
13 know him.

14 **The Court:** All right. He's not charged with anything.
15 He's just a possible witness in this case. Would that affect
16 your ability to be fair and impartial in this trial?

17 **Juror 304:** No.

18 **The Court:** Okay. And your name and number again?

19 **Juror 304:** Juror 304, Shawn Charles.

20 **The Court:** All right. You can have a seat. Thank you.
21 Next gentleman.

22 **Juror 284:** Investigator Shawn Schroder. I work with
23 him at the South Carolina Air National Guard.

24 **The Court:** All right. Would that affect your ability
25 to be fair and impartial in the trial of this case?

1 **Juror 284:** It could, yes.

2 **The Court:** All right. I'll excuse you then. Just have
3 a seat. Your name and number again?

4 **Juror 284:** 284, John Wilcox.

5 **The Court:** Okay. Okay. Anything further from the
6 State other than what was handed up, of course?

7 **Ms. Simpson:** Nothing with respect to the witness list,
8 but may we approach?

9 **The Court:** Yes.

10 (Whereupon, a bench conference was held.)

11 **The Court:** All right. I've been asked to clarify by
12 both sides the -- one of you who stood saying you had some
13 violent crime in your experiences. I ask that you not go
14 into the details. I've been asked and I'm going to ask those
15 of you who stood to stand again and tell me whether or not
16 you were -- the reason you stood, whether or not you or a
17 family member were the victim or whether you or a family
18 member were accused of a violent offense.

19 So if those of you who stood will stand again and we'll
20 go through, and I've already excused you, so you can sit back
21 down. Just tell me your name and number, and all you have to
22 say is the relation: A victim or accused.

23 **Juror 250:** Katrina Spigner, 250, victim.

24 **Juror 18:** Teirra Bell, 18, victim.

25 **Juror 88:** Lucretia Glover, 88, victim.

1 **Juror 107:** Matthew Hasik, 107, victim.

2 **Juror 289:** Ralph Williams, 289, victim.

3 **Juror 45:** I'm Johnny Campbell. I didn't stand earlier.

4 I didn't hear that -- what you call that? I was a victim.

5 **The Court:** All right. Would that affect your ability
6 to be fair and impartial in this trial?

7 **Juror 45:** It's so similar, sir; yes, sir.

8 **The Court:** All right. Well, I'll excuse you from
9 serving. If you'll just have seat. Then we've got one more
10 gentleman back here.

11 **Juror 241:** Jimmy Sims, 241. A relative was convicted.

12 **The Court:** Okay. All right. Thank you. You can be
13 seated. All right. Finally, do any of you have any -- know
14 of any reason whatsoever why you could not or should not
15 serve as a fair and impartial juror in the trial of Mr.
16 James? If so, please stand. No one stands.

17 Now, we're going to go through and your names will be
18 called. Each side has a right to excuse - we call it strike
19 - but it's really just excuse a certain number. The State
20 can excuse up to five jurors; the defense can excuse up to
21 ten.

22 What I'm going to ask you to do is if you hear your name
23 and number called, simply stand where you are. I'm not going
24 to ask you to come forward. It just works a little better
25 and a little smoother, particularly those who sit in the

1 middle, instead of having to work their way all the way to
2 the side and come down. I have found that we can do it just
3 as efficiently, in fact more efficiently, by just having
4 you...

5 If you hear your name and number, just please stand. If
6 the State says, "Excuse the juror," you can go ahead and sit
7 down. If the State says, "Present the juror," then the
8 defense attorneys -- one of them will say either, "Excuse the
9 juror" - again, that means you may sit down or they will say,
10 "Swear the juror." If you hear the words, "Swear the juror,"
11 then please work your way to the hall -- to the alleyway
12 there, the way -- open space, and come down and the jury
13 will -- the bailiff will show you where to have a seat in the
14 jury box. And we'll draw two alternates. Strikes on the
15 alternates will be one for the State and two for the defense.
16 All right. State ready?

17 **Ms. Simpson:** Yes, Your Honor. The State's ready, Your
18 Honor.

19 **The Court:** Defense ready?

20 **Ms. Anastasia Walker:** Yes, Your Honor.

21 **The Court:** All right. If you hear your name called,
22 please stand and just follow those instructions I gave.

23 **The Clerk:** Number 279, Melissa Watford (white female).
24 What says the State?

25 **Ms. Simpson:** Please present this juror.

1 **The Clerk:** What says the defense?

2 **Ms. Anastasia Walker:** Please seat the juror, Your
3 Honor.

4 **The Clerk:** Please have a seat in the jury box. Number
5 209, Paula Rawls (white female). What says the State?

6 **Ms. Meghan Walker:** I'm sorry. What number?

7 **The Clerk:** 209. What says the State?

8 **Ms. Meghan Walker:** Please present the juror.

9 **The Clerk:** What says the defense?

10 **Ms. Anastasia Walker:** Please excuse the juror, Your
11 Honor.

12 **The Clerk:** Please just have a seat. Number 68, Laura
13 Easterbrooks (white female). What says the state?

14 **Ms. Meghan Walker:** Please present the juror.

15 **The Clerk:** What says the defense?

16 **Ms. Anastasia Walker:** Please seat the juror.

17 **The Clerk:** Please have a seat in the jury box. Number
18 55, Gloria Coples (black female). What says the State?

19 **Ms. Meghan Walker:** Please present the juror.

20 **The Clerk:** What says the defense?

21 **Ms. Anastasia Walker:** Please seat the juror.

22 **The Clerk:** Please have a seat in the jury box. Number
23 88, Lucretia Glover (black female). What says the State?

24 **Ms. Meghan Walker:** Please present the juror.

25 **The Clerk:** What says the defense?

1 **Ms. Anastasia Walker:** Please excuse the juror.

2 **The Clerk:** Please just have a seat. Number 77, Joy
3 Foley (white female). What says the State?

4 **Ms. Meghan Walker:** Please present the juror.

5 **The Clerk:** What says the defense?

6 **Ms. Anastasia Walker:** Please excuse the juror.

7 **The Clerk:** Please have a seat. Number 58, Stephen
8 Crowell (white male).

9 **Ms. Pinnock:** I'm sorry. What was the number?

10 **The Clerk:** Number 58, Stephen Crowell. What says the
11 State?

12 **Ms. Meghan Walker:** Please present the juror.

13 **The Clerk:** What says the defense?

14 **Ms. Anastasia Walker:** Please seat the juror.

15 **The Clerk:** Please have a seat in the jury box. Number
16 296, Jason Wing (white male). What says the State?

17 **Ms. Meghan Walker:** Please present the juror.

18 **The Clerk:** What says the defense?

19 **Ms. Anastasia Walker:** Please seat the juror.

20 **The Clerk:** Please have a seat in the jury box. Number
21 268, Ivory Tucker (black male). What says the State?

22 **Ms. Meghan Walker:** Please excuse the juror.

23 **The Clerk:** Please have a seat. Number 107, Matthew
24 Hasik (white male). What says the State?

25 **Ms. Meghan Walker:** Please present the juror.

1 **The Clerk:** What says the defense?

2 **Ms. Anastasia Walker:** Please excuse the juror.

3 **The Clerk:** Please have a seat. Number 304, Shawn

4 Charles (black male). What says the State?

5 **Ms. Meghan Walker:** Please present the juror.

6 **The Clerk:** What says the defense?

7 **Ms. Anastasia Walker:** Please seat the juror.

8 **The Clerk:** Please have a seat in the jury box. Number

9 126, Celestine Jackson (black female). What says the State?

10 **Ms. Meghan Walker:** Please present the juror.

11 **The Clerk:** What says the defense?

12 **Ms. Anastasia Walker:** Please seat the juror.

13 **The Clerk:** Please have a seat in the jury box. Number

14 155, Robert Lee (white male). What says the State?

15 **Ms. Meghan Walker:** Please present the juror.

16 **The Clerk:** What says the defense?

17 **Ms. Anastasia Walker:** Please excuse the juror.

18 **The Clerk:** Please have a seat. Number 214, Cynthia

19 Rhames (white female). What says the State?

20 **Ms. Meghan Walker:** Please present the juror.

21 **The Clerk:** What says the defense?

22 **Ms. Anastasia Walker:** Please seat the juror.

23 **The Clerk:** Please have a seat in the jury box. Number

24 84, Jennifer Gillespie (white female). What says the State?

25 **Ms. Meghan Walker:** Please present the juror.

1 **The Clerk:** What says the defense?

2 **Ms. Anastasia Walker:** Please excuse the juror.

3 **The Clerk:** Please have a seat. Number 242, Frankie
4 Singletary (black female). What says the State?

5 **Ms. Meghan Walker:** Please present the juror.

6 **The Clerk:** What says the defense?

7 **Ms. Anastasia Walker:** Please seat the juror.

8 **The Clerk:** Please have a seat in the jury box. Number
9 224, Melissa Rolin (white female). What says the state?

10 **Ms. Meghan Walker:** Please present the juror.

11 **The Clerk:** What says the defense?

12 **Ms. Anastasia Walker:** Please excuse the juror.

13 **The Clerk:** Please have a seat. Number 123, Karen
14 Hutchinson (black female). What says the State?

15 **Ms. Meghan Walker:** Please present the juror.

16 **The Clerk:** What says the defense?

17 **Ms. Anastasia Walker:** Please seat the juror.

18 **The Clerk:** Please have a seat in the jury box. Number
19 193, Cara Nicklin (white female). What says the State?

20 **Ms. Meghan Walker:** Please present the juror.

21 **The Clerk:** What says the defense?

22 **Ms. Anastasia Walker:** Please seat the juror.

23 **The Clerk:** Please have a seat in the jury box. Number
24 289, Ralph Williams (white male). What says the State?

25 **Ms. Meghan Walker:** Please present the juror.

1 **The Clerk:** What says the defense?

2 **Ms. Anastasia Walker:** Please excuse the juror.

3 **The Clerk:** Please have a seat. Number 18, Teirra Bell
4 (black female). What says the State?

5 **Ms. Meghan Walker:** Please excuse the juror.

6 **The Clerk:** Please have a seat. Number 173, Scott
7 McAbee (white male). What says the State?

8 **Ms. Meghan Walker:** Please present the juror.

9 **The Clerk:** What says the defense?

10 **Ms. Anastasia Walker:** Please seat the juror.

11 **The Clerk:** Please have a seat in the jury box. Please
12 proceed to strike an alternate. Number 251, Marvin Starkes
13 (black male). What says the State?

14 **Ms. Meghan Walker:** Please present the juror.

15 **The Clerk:** What says the defense?

16 **Ms. Anastasia Walker:** Please present the juror.

17 **The Clerk:** Please have a seat in the jury box.

18 **The Court:** We've got one more alternate..

19 **The Clerk:** I'm sorry?

20 **The Court:** One more alternate.

21 **The Clerk:** Yes, sir. Number 103, Hugh Harmon (black
22 male). What says the State?

23 **Ms. Meghan Walker:** Please present the juror.

24 **The Clerk:** What says the defense?

25 **Ms. Anastasia Walker:** Please seat the juror.

1 **The Clerk:** Please have a seat in the jury box.

2 **The Court:** Anything from the State involving the
3 striking of the panel?

4 **Ms. Meghan Walker:** Nothing from the State, Your Honor.

5 **The Court:** Anything from the defense involving the
6 striking of the panel?

7 **Ms. Anastasia Walker:** No, Your Honor.

8 **The Court:** All right. Madam clerk, what do the -- do
9 they go back downstairs?

10 **The Clerk:** Yes, sir.

11 (Whereupon, the jury was impaneled at 11:05 a.m., and
12 the remaining jurors not impaneled were excused from the
13 courtroom.)

14 **The Court:** Those of you who were chosen, I'm going to
15 ask you to stand and raise your right hand, and the clerk is
16 going to administer the oath.

17 (Whereupon, the jury was sworn at 11:06 a.m.)

18 **The Court:** All right. Mr. Crowell -- is it Crowell or
19 Crowell (different pronunciation)?

20 **Juror Crowell:** Crowell.

21 **The Court:** Crowell? I'm going to ask you to be the
22 foreman of the jury. Don't move yet, but for the rest of the
23 trial you'll be sitting in this first seat up here. The two
24 alternates, Mr. Starkes and Mr. Harmon, will always sit in
25 those two back seats. The rest of you have no assigned seat.

1 I'm going to chat with you for just a minute, and then
2 we're going to take a short break. And as soon as you come
3 back from the break, the attorneys will have a chance to make
4 opening statements.

5 Now, these opening statements by the attorneys are not
6 arguments. They will have an opportunity at a later point in
7 the trial to come before you and present their case, their
8 argument, as to why your verdict should be a certain verdict.
9 That's not what they're doing at this time. They're simply
10 outlining and blueprinting the trial for you, telling you
11 more about what they understand the trial to -- what will
12 come forward in the trial than I have told you because I
13 haven't told you very much, and they have a right to do this
14 but no duty. Keep in mind throughout this trial that Mr.
15 James is presumed innocent of the charge against him, need
16 not prove his innocence. The State must prove his guilt
17 beyond a reasonable doubt.

18 I have three primary jobs in a trial. One is I'm the
19 logistics person. I make sure we take breaks, that one
20 person talks at a time. I try to make sure that the jury can
21 hear those things you need to hear, and along those lines if
22 you can't hear, cup your hear or give me a voice-raising
23 gesture or if somebody is blocking your view or something is
24 blocking your view, give me a nudging gesture and I'll try to
25 correct that.

1 My second job in here is that I rule on questions of
2 evidence. If one side believes certain evidence ought to
3 come before you for your consideration and the other based on
4 some legal principle believes that that evidence is
5 inadmissible, it is up to me to rule on that.

6 My third job is that I'm the sole judge of the law in
7 this case. You must take, accept, and apply the law as I
8 charge it even if you think I charged the law in error or
9 even if you think the law should be different. I'm giving
10 you some legal principles now. During the trial I may give
11 you some, and at the end of the trial I will give you a
12 concise and comprehensive charge on the law which you will
13 apply to the facts as you determine them to be.

14 You're not to infer from anything I say or do at any
15 time during the trial as being an indication of an opinion of
16 mine on the facts. The trial judge is not allowed to
17 formulate or express to a jury an opinion on the facts. It's
18 solely your job as the trial jury in this case -- it's solely
19 up to you to examine the evidence, give to the evidence the
20 effect, the value, the weight, and the truth you believe it
21 should have.

22 In doing this, you may believe one witness as opposed to
23 several, several witnesses as opposed to one. You may
24 believe all, part, or none of a witness's testimony. Use
25 your common sense, your sense of logic, your sense of reason,

1 and your experiences in life in analyzing the evidence. As
2 judges of the facts, you must judge the credibility, that is,
3 the believability of the witnesses who testify. In assessing
4 believability, use the things I've just talked about and use
5 those things that you find in your day-to-day life as,
6 indicating truthfulness in an individual.

7 You can also use certain evaluators like witnesses'
8 demeanor, how they act on the stand. Are they hesitant or
9 straightforward? Do they have any bias or prejudice? That
10 is, do they have any reason to help or hurt one side or the
11 other? Consider the opportunity a witness had to know those
12 things to which the witness testified. Look and examine
13 whether a witness's testimony is consistent or inconsistent.
14 All these things you consider. Arrive at the true facts,
15 apply the law, and your verdict will speak the truth.

16 Do not -- you do not need to take notes during this
17 trial. While you're on the jury, do not discuss the case
18 among yourself or try to make up your own mind until I
19 instruct you to jointly deliberate and return a unanimous
20 verdict. Prior to that time, you don't have all the tools
21 you need to make a fair and reasoned decision. Do not
22 discuss the case. Do not try to make up your own mind until
23 I tell you to jointly deliberate and return a unanimous
24 verdict.

25 Don't let anyone discuss the case with you outside the

1 courtroom. Don't initiate a conversation with anyone about
2 the case, and don't let anyone start a conversation about the
3 case. If anyone tries to discuss this case with you, report
4 that back to me. Of course, tell them you cannot. Report
5 back to me, hopefully giving me the identity of anyone who
6 has tried to talk to you about this case.

7 I do not know that this case will receive any news
8 coverage, but if it does, don't let yourself be exposed to
9 it. Don't read, watch, or listen to anything that could
10 remotely deal with this case. Do not do any independent
11 research on the case. There's no need for you to be going to
12 the locale where this took place, so I ask that you not do
13 that.

14 I instruct you not to use any electronic devices to
15 obtain information about the trial or communicate with anyone
16 about the trial. That is, as I've said several times now,
17 your verdict must be based on what you hear in the courtroom.
18 So do not do any -- go on Google or any of these -- any of
19 these means of electronic access to information. That would
20 be improper and unfair.

21 Don't even go on Facebook or Instagram or anything like
22 that and tell those who you communicate with: "Hey, I'm
23 sitting on a jury this week." They may e-mail, text, or send
24 something back that would not be healthy as for your sitting
25 as a juror. So just don't use any of those means to

1 communicate or receive information over the next few days
2 until you're excused from this jury trial.

3 We take breaks about every hour and a half. I find
4 that's a good time for breaks, but if you need to break at
5 any time, just simply raise your right hand and no questions
6 asked. We'll take a break. We want to move the case along,
7 but we're not in such a hurry that we won't honor someone's
8 need for a break, and I extend that to the attorneys and to
9 Mr. James. Again, we'll take a break if we need to.

10 Now, when you go to the jury room, get comfortable.
11 We'll take about a 10 -- a little bit longer than 10 --
12 between a 10 and 15-minute break so you can get refreshed.
13 And when you come back in, the foreman, Mr. Crowell, will sit
14 where I indicated. The bailiff will help with that. And the
15 attorneys will make before you their opening statements.

16 So I'm going to let you now go to the jury room, and
17 we'll send for you in just a few minutes.

18 (Whereupon, the jury was excused from open court at
19 11:13 a.m.)

20 **The Court:** The jury is dismissed. Anything from the
21 State at this point?

22 **Ms. Simpson:** Nothing from the State, Your Honor.

23 **The Court:** Defense?

24 **Ms. Pinnock:** Your Honor, just as a courtesy to Ms.
25 Simpson, part of my pretrial motions yesterday were about not

1 mentioning the co-defendant testimony in opening. For the
2 record, as a courtesy, if you go into it I will be objecting.
3 I don't like objecting during opening, but for record
4 purposes I'm going to be required to do that.

5 **Ms. Simpson:** Your Honor, with respect to your ruling
6 yesterday, I think hopefully I have it covered. We'll see.

7 **The Court:** All right. All right. We'll take a break,
8 about a 10-minute break.

9 (Whereupon, a short break was taken.)

10 **The Court:** Thank you. Take your seats. State ready?

11 **Ms. Simpson:** The State's ready.

12 **The Court:** Defense ready?

13 **Ms. Anastasia Walker:** Yes, Your Honor.

14 **The Court:** All right. Bring in the jury.

15 (Whereupon, the jury was brought into open court at
16 11:30 a.m.)

17 **The Court:** Madam Solicitor?

18 **Ms. Simpson:** Thank you, Your Honor. May it please the
19 Court?

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

21 **Ms. Simpson:** What is the value of human life? The
22 answer to that question is why we are here today because the
23 sad, unfortunate reality is that these days human life, which
24 was once deemed priceless and still should be, has little to
25 no value for many. And to the defendant, Demetrice James,

1 and his co-defendants - Maurice Roberts, Vincent Nelson, and
2 Deshawn McClary - Brandon Jones' life meant absolutely
3 nothing. His life was worthless to Demetrice James and his
4 friends.

5 And let's be clear - make no mistake about it - that as
6 you hear the evidence in this case, Brandon Jones did not
7 have to die as he lay on his friend's driveway, unarmed,
8 pistol-whipped, beaten, injured, begging for his life as
9 Maurice Roberts stood over him with a pistol and shot him
10 five times, brutally murdering him. And but for Maurice
11 Roberts, Demetrice James, Vincent Nelson, and Deshawn
12 McClary's actions that day, Brandon Jones would still be with
13 us.

14 Now, on January 25th of 2013, the defendant, Demetrice
15 James, and his co-defendants had a plan, and in executing
16 that plan their actions forever changed the lives of not one,
17 not two, not three, but four individuals. The first life:
18 Brandon Jones. His life changed in the most eternal way,
19 ended far too soon at the young age of 22, leaving his sister
20 without a brother, his mother and father without a son, left
21 only with the emptiness that can come with the loss of a
22 child. And you're going to hear how he was shot five times
23 as he lay on the ground. Shots exiting through his chest
24 would prove to be fatal.

25 The second life forever changed, that of one of the

1 victims in this case, Joshua Williams. Brandon Jones was one
2 of his best, closest friends, like brothers. His life
3 forever changed when he was pistol-whipped, beaten, and
4 suffered a gunshot wound to the abdomen. Luckily for him,
5 his physical injuries didn't prove to be fatal, but the
6 mental, emotional pain and suffering that he will carry with
7 him from hearing the crying, the begging, the screams of his
8 best friend as he begged for his life, that he will carry
9 with him forever.

10 The third and fourth lives forever changed, that of two
11 brothers in this case, Trenton Scott fondly referred to by
12 his friends and family as Trey and Troy Scott. This incident
13 actually occurred at their home where they lived with their
14 mother and stepfather. And Trey that Friday night, as he
15 came down the stairs, encountered the co-defendant first,
16 Maurice Roberts, gun out, pointed at him, rushing through the
17 door, immediately pistol-whips him in the head. He falls to
18 the ground, survival mode, because his family is there. His
19 life is at stake. And he's able to fight back.

20 He punches Maurice. The gun falls to the ground and a
21 struggle ensues, and this is all happening very quickly, but
22 who comes to Maurice's aid because of that plan that they had
23 in place? Demetrice James. And you're going to hear how
24 when he came into the house, Trey began to fight both of
25 them, Maurice gaining the upper hand and Demetrice James

1 getting the gun, a gun which he would pull out during the
2 struggle and have pointed out, "I'm about to shoot.. I'm
3 about to shoot."

4 Well, Trey's brother is in the room nearby with his
5 girlfriend, hears the commotion and comes out to see his
6 brother struggling with two individuals he doesn't know, one
7 armed with a pistol. He jumps in, again survival mode.

8 The fight ensues. Demetrice has the gun. Maurice
9 pushes his way back farther into the house, and at this point
10 the boys are just fighting to get them out, and eventually
11 they're able to but not before this defendant fires a shot
12 striking Trey in his arm. Luckily, they were able to defend
13 themselves. Unfortunately, not only did they lose their
14 close friend. Their home was violated, the home where they
15 still live, that place once deemed safe, that sense of
16 security stolen from them forever because of this defendant
17 and his friends.

18 And to make matters worse, the victims not only have to
19 live with the fact that there were people involved that they
20 didn't know, but the one person they knew who is a co-
21 defendant in this case, Vincent Nelson, betrayed them. He
22 was a friend, a person they trusted, a person they had
23 allowed into their home. Ms. Davis had clothed him, fed him,
24 tried to get him in off the streets to help him. This person
25 would be the person who set them up, who led Demetrice James,

1 Maurice Roberts, and Deshawn McClary to their house that day.
2 Four lives forever changed.

3 So what exactly happened on January 25th of 2013? Well,
4 as you heard earlier, this incident occurred at
5 in Richland County. That is the home of
6 the Scott brothers where they lived with their mother and
7 stepfather, but it was more than just a home because Ms.
8 Davis actually operated a salon out of the home and her boys
9 had a recording studio where they recorded music with their
10 friends and family and a sports room where they hung out,
11 played video games, things of that nature.

12 And, again, as I said, Ms. Davis, she often took in
13 people, young people, off the streets to try to help them get
14 on their feet, people like Vincent Nelson. And this day
15 started out like any other Friday. They were going to hang
16 out with their friends. Brandon Jones, the murder victim in
17 this case, happened to be in town along with his friend,
18 Joshua, and they were all hanging out, maybe record some
19 music, play some games, what they always did.

20 But unfortunately the defendant and his co-defendants
21 had other plans for them because prior to that evening on
22 January 25th, they decided that they wanted something. As
23 they were planning another party, hanging out, they decided:
24 We'd like to have some studio equipment, recording equipment.
25 But rather than work for it or get a job and pay for it, they

1 decided that they were going to take it, and Vincent Nelson
2 knew the perfect victims.

3 And I submit that they were perfect because he knew the
4 family. They came from a good family, a nice home. They had
5 nice things, the equipment they needed, and they would be
6 unarmed, unsuspecting, perfect victims. And so the plan was
7 set. Vincent Nelson would be involved, Demetrice James,
8 Deshawn McClary, and Maurice Roberts, all four of them acting
9 together to commit this robbery.

10 Of course, Vincent Nelson, he had his role. He's the
11 inside man, the one they know. He's the one that's going to
12 help them get into the house.

13 So in order to communicate with his friends, he gets
14 Maurice Roberts' phone - and you'll have some text messages
15 before you in this case - and he goes to the Davises' house,
16 and Mr. Davis actually lets him in. It's a little late in
17 the evening, but he knows Vincent, even though Vincent hasn't
18 really been around for a couple of months.

19 Vincent Nelson goes downstairs and encounters Joshua,
20 Troy, Trey, and they're kind of like: What are you doing
21 here? And he's like, "Well, you know, your dad let me in."
22 Still, they know he's a friend; they trust him. But he was
23 acting rather odd that night.

24 First, he never had a cell phone, and he was pacing back
25 and forth on that phone, not really interacting, but still

1 he's a friend, trusted, and Vincent would eventually, I
2 submit in helping to further this plan, go to Brandon Jones
3 and ask him for a cigarette, harassed him. He needs to get
4 him outside because that's part of the signal. Get him
5 outside, get him away so his friends can get in the house.

6 So he's kind of harassing Brandon: "Come on, man.
7 Let's go smoke. Let's have a cigarette." Finally Brandon
8 agrees and they go outside, and Joshua Williams comes along,
9 too, and Joshua goes to the top of the driveway, Brandon and
10 Nelson at the bottom. And it's at this point, a very short
11 period of time, that the defendant along with Maurice
12 Roberts, Deshawn McClary come down the street because the
13 time is right. Vincent Nelson has let them know the time is
14 right.

15 And so Maurice rushes down the driveway first, shortly
16 in front -- barely in front of Demetrice James and Deshawn
17 McClary. He hits Joshua in the head. Joshua falls to the
18 ground in pain. He gets beaten, and then Deshawn McClary
19 stands guard over him while Maurice Roberts has made his way
20 to Brandon Jones who is standing beside Vincent Nelson. And
21 at that point he pistol-whips him in the head, causing
22 Brandon to fall to the ground and began crying, breaking his
23 nose, bleeding about the face. What do you have? Who is
24 inside? Things are happening fast. Brandon is on the
25 ground, Vincent Nelson doing nothing.

1 Maurice Roberts goes to the house where he immediately
2 encounters Trey who is coming down the stairs with hangers,
3 surprised that this person comes in, gun out pointed at him,
4 immediately rushes him, causing him to fall to the ground
5 after hitting him, and they engage in the struggle. And as I
6 said earlier, Demetrice James comes in to help his friend.
7 He's Maurice's back-up. He's the other one who is going
8 inside the house.

9 That was part of the plan, but I submit what wasn't part
10 of the plan was that the victims in this case would actually
11 put up a fight and they did. And during that struggle, as I
12 said, Demetrice James gets the gun, and while Trenton and
13 Troy are able to get them out of the house, he fires a shot,
14 striking Trey. And they begin to flee without the recording
15 studio equipment, but we're not done there.

16 The robbery is over essentially. They got nothing. But
17 Maurice Roberts, who ends up getting the gun back, goes to
18 the victim, Brandon Jones, who's still on the ground, stands
19 over him. Brandon Jones: "Please don't shoot. Please don't
20 shoot. Please don't kill me." And shoots him five times.
21 At that point everyone flees.

22 And what do they do after they flee? Discard evidence,
23 which you'll hear about, dispose of the gun which was never
24 located, clean themselves up and go about business as usual
25 while Brandon lie dying, his death not immediate. He

1 suffered because he would later die in surgery. And Trenton
2 and Joshua shot and injured.

3 Now, you're going to hear about the course of this
4 investigation and what led the investigators to identify
5 first and foremost Vincent Nelson who is known and you'll
6 hear referred to as Jay-School or Junior, and Maurice Roberts
7 as well as Demetrice James, this defendant, who is often
8 referred to as Young or Metro or Metree or D. Roosevelt,
9 numerous nicknames, as well as Deshawn McClary. And you're
10 going to hear about the interviews, photo line-ups, things of
11 that nature confirming that this defendant was an active
12 participant in this crime, that they had a plan, that he knew
13 about it, and that he was the person there. Trey says, "He
14 shot me." Troy says, "He shot me."

15 That's what you're going to learn during this case.
16 Now, I misspoke earlier when I said that four lives were
17 forever changed because, in fact, it's eight because not only
18 did the victims' lives change that day, but so did the
19 defendants: Maurice Roberts, Demetrice James, Deshawn
20 McClary, and Vincent Nelson.

21 But I ask that you remember the one very key distinct
22 difference and that is that unlike the victims in this case,
23 the defendants had a choice. Demetrice James had a choice.
24 They chose to hang out together. They chose to plan a
25 robbery. They chose to act on that plan by going to what

1 they thought would be the perfect plan, the perfect victims,
2 the perfect target, the perfect prey. And while they may not
3 have anticipated that that perfect plan would go awry, in
4 those moments each of them became responsible for the actions
5 of the other. The hand of one is the hand of all.

6 Demetrice James: Responsible for the actions of Maurice
7 Roberts who murdered Brandon Jones. Demetrice James:
8 Responsible for the actions of Deshawn McClary, responsible
9 for the actions of Vincent Nelson. And Vincent Nelson,
10 Maurice Roberts, and Deshawn McClary became responsible for
11 Demetrice James' actions when he came into that house,
12 participated in that struggle in the attempt to rob and shot
13 and fired that gun. The hand of one is the hand of all. And
14 the victims never saw it coming, never had it coming, and
15 Brandon Jones certainly didn't deserve to die this way.

16 Good morning, almost afternoon, members of the jury. My
17 name is Nicole Simpson, and I, along with my co-counsel
18 Meghan Walker, together we represent the State of South
19 Carolina, the citizens of Richland County, and the victims in
20 this case. And as solicitors it is our job to prosecute all
21 crimes that occur here in Richland County.

22 And as I stated before, the defendant is charged with
23 murder, one count, two counts of attempted murder, one count
24 of burglary in the first degree, and one count of attempted
25 armed robbery, as are his co-defendants. But before you is

1 Demetrice James, because each one is entitled to their day in
2 court. And so we're going to get to his charges and discuss
3 those in a moment.

4 But, first, because this is my one and only opportunity
5 to address you directly, I want to thank you for your time,
6 your patience, and your service in this case. Now, it is
7 often said that jury service is perhaps the greatest service
8 that a man or woman can render his or her country during
9 times of peace. Well, that couldn't be more true than it is
10 here today, and I'm sure that when you got your jury summons
11 in the mail you had a million other things that you'd rather
12 do, things that you needed to do, but you showed up here and
13 you are serving your duty as citizens.

14 And after extensive questioning and careful
15 consideration, you were selected by both the State and the
16 defense to sit as competent, qualified jurors and decide this
17 case, and this is an important case. It is important to the
18 State of South Carolina. It's important to the defendant.
19 It is important to the victims and their families. And while
20 our system of justice could do without the lawyers and it
21 could do without the judges, it cannot do without you. So
22 thank you.

23 Now, in every criminal case the defendant is presumed
24 innocent until proven guilty, and that is as it should be
25 because, as the State, we bear the burden of proof, and what

1 that means is that we must prove to you each element of the
2 crime beyond a reasonable doubt because no person accused of
3 a crime should ever have to come in here and prove himself
4 innocent. But I remind you that we bear the burden of proof
5 in this case just as we do in the prosecution of every
6 criminal case, and every criminal defendant who is ever
7 convicted by a jury started his or her trial presumed
8 innocent. So while our burden is high, as it should be, it
9 is not insurmountable, and I submit and I can tell you that
10 we welcome that burden with these facts and in this case.

11 Now, I want to talk to you a bit -- and there are five -
12 let sure make sure my math is right - separate and distinct
13 indictments in this case. And I'm going to talk to you about
14 each of those charges briefly, and then at the end of the
15 case the judge will instruct you further.

16 First, I want to talk about burglary in the first
17 degree. A person is guilty of burglary in the first degree
18 if he enters the dwelling of another without consent and with
19 the intent to commit a crime therein, and there must be
20 something we call aggravating factors present: Either that
21 entering or remaining occurred during the nighttime hours or
22 the defendant or an accomplice was armed or became armed
23 during the course of that entry.

24 When Maurice Roberts went into that home armed with a
25 pistol, he didn't have consent. That was burglary. When

1 Demetrice James rushed in, he didn't have consent. When he
2 became armed, that's burglary. And this happened during the
3 nighttime and, again, even if he didn't become armed, he's
4 still responsible for Maurice Roberts' actions in this case.
5 So that's burglary in the first degree.

6 Now, attempted armed robbery. Armed robbery is
7 essentially the taking or carrying away of the personal
8 property of another while armed with a deadly weapon or the
9 representation of a deadly weapon. In this case we have an
10 attempted armed robbery. They didn't get the recording
11 studio equipment that they came for, so it's an attempt. But
12 they clearly came for something that wasn't theirs with the
13 intent to deprive the Scott brothers of those items.

14 Now, the last two charges, three indictments, I'm going
15 to talk about kind of together because they go together.
16 First of all, murder, which is perhaps one of the most
17 serious, severe offenses that we have in this state, has
18 probably the shortest definition. A person is guilty of
19 murder if he kills another with malice aforethought, either
20 express or implied or inferred. Now, attempted murder is
21 when a person attempts to kill another with malice
22 aforethought, either express or implied.

23 Now, those terms have very specific definitions. I'm
24 going to talk briefly about those. Malice. Well, I can tell
25 you, members of the jury, this case reeks of malice. Malice

1 is essentially defined as a hatred or ill will or hostility
2 towards another, often termed as a depraved and malignant
3 heart, bent on mischief with evil intent. It's where there's
4 a course of actions showing a complete and total disregard
5 for human life.

6 Now, the key point about malice is you can infer it from
7 the circumstances surrounding the events. I submit that
8 malice may be inferred when someone goes over there to commit
9 an armed robbery or a burglary, when someone is armed with a
10 deadly weapon.

11 **Ms. Pinnock:** Objection, Your Honor. Can we approach?

12 (Whereupon, a bench conference was held.)

13 **The Court:** Let me let the jury go to the jury room just
14 for a minute while I take up a legal matter.

15 (Whereupon, the jury was excused from open court at
16 11:56 a.m.)

17 **The Court:** Ms. Pinnock? Ms. Pinnock?

18 **Ms. Pinnock:** Yes. Thank you, Your Honor. Your Honor,
19 I believe there has been a violation of -- it's the holding
20 in Belcher. I don't have the cite. Our clerk is going to
21 get the cite. But Ms. Simpson just related to the jury that
22 malice can be inferred from the use of a deadly weapon, and I
23 think that is a direct contradiction to the holding where the
24 Court said that you cannot do that.

25 **The Court:** Well, I don't remember whether it was the

1 Belcher case or not, but the inference goes out the window if
2 there are mitigating factors such as the defense of self-
3 defense or something like that. Let's look at the case, but
4 my understanding of the case is that that's still an
5 inference unless there's something that mitigates, unless
6 there's some type of mitigation. Let me look at the case.

7 **Ms. Simpson:** And additionally, Your Honor, it would
8 just be the State's position that Belcher and its progeny --
9 basically what has come down to be the case law now is that
10 the State -- the malice may not be implied from the use of a
11 deadly weapon or presumed from the use of a deadly weapon but
12 can be, I guess, inferred based on the circumstances. So
13 it's the implication, not the inference, that was addressed
14 in Belcher.

15 **The Court:** Let me look at Belcher.

16 **Ms. Pinnock:** Do you have the cite, Ms. Simpson?

17 **Ms. Simpson:** Maybe. I apologize; I don't.

18 **Ms. Pinnock:** Our clerk went to grab it, Your Honor. I
19 apologize. I didn't have it on me.

20 **Ms. Simpson:** Here we go: 385 S.C. 597.

21 **The Court:** Belcher says what I thought it said. Looks
22 like - I'm not used to this format - that the jury charge
23 instructing malice -- and, again, this is talking about the
24 jury charge. Construction -- that malice may be inferred
25 from the use of a deadly weapon is no longer good law in

1 South Carolina where evidence is presented that would reduce,
2 mitigate, excuse, or justify a homicide. I thought it said
3 it. The use of a deadly weapon, implied malice instruction
4 has no place in a murder prosecution where evidence was
5 presented that would reduce, mitigate, excuse, or justify the
6 killing or the alleged assault and battery with intent to
7 kill.

8 So, number one, this has to do with the -- with the
9 charge, and I know that if it's not good for the charge, it's
10 not good from the argumentative standpoint, too. But I don't
11 know that -- what relief are you seeking?

12 **Ms. Pinnock:** Your Honor, the only relief -- wow.
13 Excuse me. The only relief that I think would be appropriate
14 would be a mistrial. It's early on; we could always pick
15 another jury. But I think that would be the only appropriate
16 remedy from her argument to the jury.

17 **The Court:** And your whole argument is based on Belcher.

18 **Ms. Pinnock:** Yes, sir.

19 **The Court:** All right. Well, I'm going to deny the
20 motion for a mistrial. I don't find there's any manifest
21 necessity. I've already told the jury that they're going to
22 have to follow the law as I charge it. I can certainly tell
23 them that any misstatements of the law, if there are any -
24 I'm not saying there are any - are to be disregarded. So --
25 so I'm going to deny the motion for a mistrial.

1 **Ms. Simpson:** Thank you, Your Honor.

2 **The Court:** Bring the jury back.

3 **Ms. Simpson:** And just so I'm aware, I can go ahead and
4 pick up where I started, prior to any instruction, since
5 there wasn't actually a misstatement of the law.

6 **The Court:** Well, no, I'm not going to tell the jury at
7 this time. When I charge them -- I've already -- I just
8 talked to them a minute ago, and I told them they're going to
9 have to follow the law as I charge it whether they like it or
10 not, and I'm going to tell them that when I charge them at
11 the end that they can only apply the law as charged.

12 So I'm not going to give what would amount to a sort of
13 curative instruction at this time because I'm not sure it
14 needs to be cured, and I've already told them they're going
15 to have to follow the law as I charge it. So I find that no
16 manifest necessity for granting a mistrial would proceed.
17 Bring the jury.

18 **Ms. Pinnock:** Yes, Your Honor. If I could just get a
19 ruling for the record on the objection.

20 **The Court:** On the objection?

21 **Ms. Pinnock:** Yes, sir.

22 **The Court:** Well, you object to her arguing---

23 **Ms. Pinnock:** Yes, sir.

24 **The Court:** ---that? Well, it's kind of hard to wrestle
25 with right now because I don't know if there's going to be

1 any evidence presented that made Belcher -- that would
2 reduce, mitigate... So my ruling is that that was not an
3 improper argument based on what I know of this case and I'm
4 still not -- you objected and asked for a mistrial, and I
5 granted that. So now you're just -- you're just seeking a
6 ruling as to why I haven't granted the mistrial?

7 **Ms. Pinnock:** No, sir, just for record purposes. If
8 it's overruled, it's overruled.

9 **The Court:** I overrule your objection and I didn't --
10 your request for relief was a little tangled up in my mind,
11 but your objection is overruled.

12 **Ms. Pinnock:** Thank you, Your Honor.

13 **Ms. Simpson:** Thank you, Your Honor.

14 **The Court:** And it's based on what I've already said
15 regarding the Belcher case and my belief that the argument
16 was not an improper argument at this stage.

17 **Ms. Pinnock:** Thank you.

18 **The Court:** Bring in the jury.

19 (Whereupon, the jury was brought into open court at
20 12:03 p.m.)

21 **The Court:** You may proceed.

22 **Ms. Simpson:** Thank you, Your Honor. We were discussing
23 murder and attempted murder, the killing of another with
24 malice aforethought, either express or implied or inferred.
25 And as I stated, malice is essentially action showing a total

1 reckless disregard for human life, a depraved and malignant
2 heart bent on mischief.

3 I submit that malice is going there to commit that armed
4 robbery, getting into a struggle, firing shots, and then when
5 the robbery is over, standing over an unarmed man who you
6 have pistol-whipped and beaten and shooting him five times?
7 That's malice.

8 Now, malice aforethought, that term "aforethought" is
9 not premeditation. Aforethought simply means that malice
10 must exist in the mind of the actor at the time the fatal
11 blow is struck. So we don't need premeditation showing that
12 they planned to go there and kill Brandon Jones or attempted
13 to kill the other victims, Trey and Joshua. That malice need
14 exist only at the time the moment that trigger is pulled.
15 Aforethought. We do not have to prove premeditation.

16 Also, we don't have to prove motive, although here we
17 clearly have a motive for the armed robbery. The unfortunate
18 foreseeable circumstances though is that in the attempt to
19 commit that, Brandon Jones lost his life. So murder and
20 attempted murder, those are the elements, and the judge will
21 instruct you more in depth and more in detail at the end of
22 this case.

23 Now, as I said, there's a theory, a principle of law,
24 that we use in South Carolina and it's the hand of one is the
25 hand of all, and I can't emphasize it enough in this case.

1 Demetrice James is responsible for the actions, his own
2 actions, which were enough as well as Maurice Roberts,
3 Vincent Nelson, and Deshawn McClary because the hand of one
4 is the hand of all essentially states that when two or more
5 persons combine together to commit an illegal act or crime
6 that any -- either -- each, however you want to put it, their
7 actions, they become responsible for the others during the
8 course or commission of that crime.

9 One of the examples that's frequently used is that three
10 people go into -- go to rob a liquor store. One's acting as
11 the lookout in the car. There's one gun, but two go in the
12 store. One triggerman. The store clerk gets shot, and they
13 all flee. Each one of them is guilty of murder even though
14 there was only one gun, say one bullet. The hand of one is
15 the hand of all.

16 Now, as I said, we must prove to you each of these
17 elements beyond a reasonable doubt, but what exactly is proof
18 beyond a reasonable doubt? Well, it's proof that leaves you
19 firmly convinced of the defendant's guilt. There are very
20 few things that we know in this world with absolute
21 certainty, and the law does not require the State to produce
22 proof that overcomes all doubt or every possible doubt but
23 only that doubt which is reasonable.

24 Now, the roles in this courtroom are very defined, and
25 the judge addressed that to you briefly earlier. As the

1 State, we serve as ministers of justice, and it is our job to
2 bring forth to you the relevant, credible evidence deemed
3 admissible to prove our case. Defense counsel's job is to
4 ensure their client's rights to a fair trial and represent
5 him to the best of their ability.

6 And the Honorable Judge Hayes, as he told you, he is the
7 sole judge of the law in this case. And if ever there is a
8 discrepancy between what His Honor says and what any of the
9 attorneys in this case say, you are to follow his
10 instructions and his rulings to you.

11 Now, with that said, no one is going to get up here and
12 question that you have the most important job in this
13 courtroom in this case because while Judge Hayes is the sole
14 judge of the law, you all, each of you, are the sole judges
15 of facts, and what that means is that each of you here today
16 is wearing a black robe, and individually and collectively
17 you must decide and only you can decide if the defendant is
18 guilty of these crimes.

19 So how will you do that? Well, you must base your
20 verdict on the evidence presented to you in this case. Some
21 of that evidence will be physical evidence, evidence that you
22 can see, touch, things of that nature, photographs, evidence
23 collected from the scene. However, most of the evidence, the
24 majority of the evidence, is going to come from right here on
25 this witness stand. And you're going to hear from a number

1 of witnesses, including the surviving victims in this case,
2 additional witnesses to actions that occurred after the
3 events.

4 You're going to hear from law enforcement, the
5 investigators who investigated this case, that led to the
6 arrest of the defendants as well as the crime scene
7 investigators who processed the crime scenes. You're going
8 to hear about the execution of search warrants, things of
9 that nature. You're also going to hear from some experts to
10 include a D.N.A. analyst as well as firearms experts, and
11 you're going to have a number of other witnesses before you.

12 Now, it's up to you to judge the credibility of each and
13 every witness that takes this stand. That determination --
14 whether they're credible, that is your sole job, and you can
15 believe some of what a witness says, all of what a witness
16 says or nothing that a witness says. That's up to you, but
17 we do ask that you judge several things: What was that
18 witness's demeanor on the stand? Was that witness hesitant
19 or forthright when testifying? Was the testimony of that
20 witness consistent within itself or is it corroborated by
21 other evidence in the case? And, importantly, did that
22 witness have any reason to be biased or prejudiced? Those
23 are the things that you must consider or can consider.

24 Now, there are two very important witnesses not
25 testifying and Judge Hayes mentioned them earlier, and that's

1 common sense and human nature. And when you decide this
2 case, we ask that you use your common sense and what you know
3 about human nature to decide what happened, and when you do,
4 your verdict will become clear.

5 Now, the law is a pledge that citizens will do justice
6 to one another, and the precepts of the law are said to be
7 these: To live honorably, to injure no other man, and to
8 render each man his due. Truth is the mother of justice, and
9 it is your job, your duty here in this case, to find the
10 truth and to seek justice. And I submit that after you've
11 heard all the evidence, there will be only one just verdict,
12 a verdict that the evidence will support and that justice
13 demands. And at the end of this case my co-counsel, Ms.
14 Walker, is going to come before you and she is going to ask
15 you for a verdict holding Demetrice James accountable for he
16 and his co-defendants' actions and finding him guilty for the
17 murder of Brandon Jones, guilty for the attempted murder of
18 Joshua Williams and Trey Scott, guilty of burglary in the
19 first degree, and guilty of attempted armed robbery. Thank
20 you.

21 **The Court:** Ms. Pinnock?

22 **Ms. Pinnock:** May it please the Court? Good morning.
23 I'm not going to take up too much of you guys' time. Nobody
24 in this courtroom is saying that January 25th, 2013, was not
25 a horrible day for the Scott brothers, for the Davis family,

1 for the Jones family. It was a horrible day. One of the few
2 things that we're going to agree with the State on: Brandon
3 Jones did not have to die. We agree that he laid there and
4 he begged not to be shot, and we agree that Maurice Roberts
5 killed him in cold blood.

6 There's no doubt about that. We're not disputing it.
7 And Maurice Roberts has been convicted of murder. He's been
8 convicted of burglary in the first degree. He's been
9 convicted of two counts of attempted murder, and he's been
10 convicted of murder. That's happened, not in this courtroom.
11 Either next door or upstairs. The same solicitors
12 prosecuting Maurice Roberts. They convicted him of murder of
13 Brandon Jones.

14 Your situation here today is a little bit different than
15 most juries that come into this courtroom, and it's different
16 because almost every witness that's going to testify today
17 has already testified. It's not a surprise. There's not
18 going to be any new information. They've all been in here
19 before and they told the story of what happened on
20 January 25th, 2013, at Mr. and Mrs. Davis' house.

21 You know what's even more interesting? Demetrice sat on
22 that witness stand, too, and he told them on that day -- in
23 February of this year he sat on the stand and he told the
24 State and he told another jury just like you what he saw at
25 the Davis house, and yet we're still sitting here.

1 Now, when we were -- when he was in trial testifying,
2 you're going to hear that it wasn't the first time that he'd
3 been questioned. You're going to hear that when he and his
4 dad were told that law enforcement were looking for him
5 because his name is brought into this that they called law
6 enforcement and they said, "We're at our house. If y'all
7 need to talk about something, we'll be here waiting on you."

8 You will hear that law enforcement went to his house.
9 They spoke to him. They took statements from them, and he
10 told them the same thing on January 30th, 2013, as he
11 testified to in Maurice Roberts' trial, that he had nothing
12 to do with a burglary.

13 You're going to hear that he told them for the past year
14 and a half: I've had nothing to do with the murder; I had
15 nothing to do with an attempted murder. He told them what he
16 saw, but every time anybody has asked him if he had something
17 to do with it, he said no. He told them that. He told their
18 investigators that. He told Richland County that, and he
19 told a jury that. "I have nothing to do with this."

20 Maurice Roberts has been convicted. Demetrice James is
21 an innocent man. He's been saying that since they told him
22 they needed to talk to him, and he's still saying it today.

23 Ms. Simpson was going through the law. I'm not going to
24 go through that with you. The judge is going to tell you
25 what the law is, but one of the most important parts of our

1 criminal system is the burden that the State carries when
2 trying to convict somebody of any criminal offense. It
3 doesn't have to be a serious offense; it could be possession
4 of marijuana. They still hold the burden of proving guilt
5 beyond a reasonable doubt.

6 There's a lot of different interpretations for it.
7 There's long explanations for it, but what it boils down to
8 -- when you're back in the jury room after you've heard all
9 the testimony and you've seen all the evidence in this case,
10 what it boils down to is when you put your pencil to that
11 piece of paper for your initial vote on whether or not they
12 have met their burden, if you hesitate, that is reasonable
13 doubt. A split-second hesitation is reasonable doubt.
14 That's the simplest way that I can get it. That's how I
15 explain it to anybody who asks me is a split-second
16 hesitation.

17 There's also a theory and the only reason that Demetrice
18 is sitting in this courtroom today is because of this theory:
19 Hand of one, hand of all. The judge, again he'll tell you
20 what that means. He'll tell you what law you have to apply
21 in this case. But hand of one, hand of all requires,
22 requires, that the State prove that Demetrice was involved
23 with planning this burglary, that they prove that he went
24 over there with the intent to rob this house, to rob the
25 Scott brothers, and there is a problem with them telling you

1 that they're going to prove it because they can't.

2 Relevant, credible evidence, that's what you've been
3 promised. Relevant, credible evidence. They made that
4 promise. Hold them to it.

5 Demetrice James had nothing to do with this. We're not
6 saying that he was not there. You're going to hear that he
7 was there. You're going to hear what he told law enforcement
8 on January 30th, 2013. You're going to hear what he
9 testified about when they called him as a witness to testify
10 against somebody else. He had nothing to do with this.

11 He came into this courtroom today an innocent man. He
12 sits there at that table with Ms. Walker an innocent man, and
13 at the end of this trial he will still be an innocent man.
14 Thank you.

15 **The Court:** Members of the jury panel, we're going to
16 break for lunch now 'til 1:45. The bailiffs will show you
17 how to get in and out while you're serving as a juror. Keep
18 in mind those admonitions I gave you about not discussing the
19 case and not letting anyone discuss the case with you and
20 those other things I talked to you about earlier.

21 So have a pleasant lunch, and be back in the jury room
22 at quarter 'til 2. We'll hopefully start promptly at that
23 time. Have a pleasant lunch.

24 (Whereupon, the jury was excused from open court to go
25 to lunch at 12:21 p.m.)

1 **The Court:** Anything from the State before we break for
2 lunch?

3 **Ms. Simpson:** Nothing from the State, Your Honor.

4 **The Court:** Defense? Defense?

5 **Ms. Anastasia Walker:** No, Your Honor.

6 **The Court:** We'll see you back at quarter 'til 2.

7 (Whereupon, a lunch break was taken.)

8 **The Court:** Thank you. You may take your seats. Is the
9 State ready?

10 **Ms. Simpson:** Yes, sir.

11 **The Court:** State ready?

12 **Ms. Simpson:** The State's ready, Your Honor.

13 **The Court:** Defense?

14 **Ms. Anastasia Walker:** Yes, Your Honor.

15 **The Court:** All right. Bring in the jury.

16 (Whereupon, the jury was brought into open court at
17 1:51 p.m.)

18 **The Court:** Call your first witness.

19 **Ms. Meghan Walker:** Thank you, Your Honor. The State
20 calls Joshua Williams.

21 Joshua Williams, after being duly sworn, testified
22 as follows:

23 **The Clerk:** Please have a seat in the witness stand, and
24 state your full name for the record.

25 **The Witness:** My name is Joshua Williams.

1 **Court Reporter:** Will you back up just a little bit?

2 **The Witness:** My name is Joshua williams.

3 Direct Examination

4 By Ms. Meghan Walker:

5 Q. Okay. Make sure you speak loudly enough so that
6 everybody in here can hear you. Okay?

7 A. Yes, ma'am, my fault. My name is Joshua Williams.

8 Q. I think that's perfect; okay?

9 A. Yes, ma'am.

10 Q. Do you go by Josh?

11 A. Yes, ma'am.

12 Q. You go by Josh? Okay. Josh, I want to ask you about
13 some people.

14 A. Yes, ma'am.

15 Q. Do you know Troy and Trenton Scott?

16 A. Yes, I do.

17 Q. How do you know them?

18 A. I met Troy musically like six years ago and I met Trent
19 afterwards.

20 Q. And did you -- do you know their parents?

21 A. Yes, I do.

22 Q. What are their parents' names?

23 A. Sugar Davis and Chandler Davis.

24 Q. Sugar?

25 A. Yes, ma'am.

1 Q. And Chandler. What about Vincent Nelson, Jr.? Did you
2 know him?

3 A. For a little bit. He was off and on coming over there.

4 Q. When you say coming over there, where are you referring
5 to?

6 A.

7 Q. And who lives there?

8 A. Troy and Trenton Scott, Chandler Davis and Sugar Davis.

9 Q. Did you spend a good bit of time over there?

10 A. You might as well say I practically lived there
11 sometimes because there would be some days I don't want to go
12 home, and they let me stay there. So I'm kind of partially
13 like the honorable brother or something.

14 Q. Okay. Did you -- were the Davises kind of like that?
15 They'd let kids come in and hang out or...

16 A. Yes. It's per se more of once they get to know you and
17 they get the vibe that you're a good person, they let you in.
18 And once you're there, you get treated like -- like -- that's
19 like my second mom and pop. Like my father is passed away,
20 so I look at Chandler like as my present father that is here.

21 Q. And when you were hanging out at the Davis home, what
22 kind of things would y'all do over there?

23 A. Plenty of things. We got the sports room. You could
24 watch football games. You got the video game area where me
25 and -- the majority of the time that's where I'm at if I'm

1 not recording music in the studio area.

2 Q. Lastly, I want to ask you about Brandon. Did you know
3 Brandon?

4 A. Of course I did. That was my best friend. And he -- we
5 did everything together. If he was leaving, I was leaving.
6 If he was going to the store, I was going with him. That's
7 -- it's like two peas in a pod.

8 Q. How long had you known Brandon before he was murdered?

9 A. A year and a half.

10 Q. And would Brandon hang out over there at the Davis
11 house, too?

12 A. Brandon was more over there like -- Brandon was like me.
13 We'd go over there and we'd get -- we'd parlay, get the
14 business done, and then we'd go about our business. But when
15 we don't have times -- when we're not doing -- it's more of a
16 kick-back, and then once we're done, that'd be chuck up and
17 we'd part our ways.

18 Q. All right. You said some things -- you used some
19 phrases there that I'm going to ask you to explain. Okay?

20 A. Okay.

21 Q. When you say it's a kick-back, what does that mean?

22 A. It's like a friendly get-together like you come over
23 there, you know, and you---

24 Q. Hang out?

25 A. Yeah, like Sunday -- Sunday dinners minus the big

1 (unintelligible words spoken). You know, drink soda, video
2 games, music.

3 Q. And when you say y'all would get the business done, what
4 type of things did y'all do over at the house?

5 A. What I -- what I meant by get the business done:
6 Brandon, he taught me a lot of things like -- I'm still
7 young; I'm 22 years old. So there's a lot I didn't know.
8 But musically Brandon would sit in the studio. Brandon was
9 like me. You can't sleep in here; you got to learn
10 something. He's like, "Man, wake up. You can't do this."
11 And then Brandon -- me and Brandon, we were -- it was like a
12 brother thing. We would poke fun at each other and it was
13 cool.

14 Q. All right. Make sure you talk slowly so that she can
15 type down everything that you're saying; okay?

16 A. Okay.

17 Q. Are you nervous?

18 A. No.

19 Q. Okay. Just take a deep breath and talk slowly; okay?

20 A. Okay.

21 Q. So y'all would do music at the Chandler house -- at the
22 Davis house; I'm sorry.

23 A. Yes, ma'am.

24 Q. And was there a studio in the house?

25 A. Yes, ma'am. It was in between where the game area is.

1 It's actually the downstairs little room or the den. That's
2 what some people called it, but the studio, it's like right
3 there, like you can get up off the couch and it's like right
4 there in the door.

5 Q. And that's the type of business y'all would get done
6 over there.

7 A. Yeah, musically. No playing around.

8 Q. And I want to take your attention back to January 25th
9 of last year.

10 A. Yes, ma'am.

11 Q. Were you at the Davis house that day?

12 A. Yes, ma'am.

13 Q. What were y'all doing?

14 A. Regular day. Brandon had just came around about 9,
15 9-ish back from the store, and we was talking. We was
16 laughing it up, and then all of a sudden there's a doorbell
17 ring around about 10-ish. And it's odd because once -- you
18 know, the Davises, they're in the house. After 10 p.m. no
19 one goes to the front door, not at all. You either call
20 whoever in the house to come open the door. You don't ring
21 the doorbell. And two minutes later I hear steps, you know,
22 movement on the steps, and there's Vincent Nelson, Jr. I
23 looked at him and I was like -- I was like, "Yo, how did you
24 get in the house?" He was like, oh, I---

25 **Ms. Pinnock:** Objection to hearsay.

1 **The Court:** Don't go into what Mr. Nelson told you.

2 **The Witness:** Oh, okay. My apologies.

3 **The Court:** That's fine.

4 By Ms. Meghan Walker:

5 Q. Don't say what he said, but slow down. Let me -- let me
6 ask you a couple of things.

7 A. Okay.

8 Q. You said it was Vincent Nelson, Jr.

9 A. (Witness nodded head up and down.)

10 Q. Did he have any other nicknames that he went by?

11 A. Yeah. It was Jay-School, Cali June, and Cali Gii.

12 Q. Jay-School, Cali Gii and---

13 A. And Cali June.

14 Q. And Cali June?

15 A. (Witness nodded head up and down.)

16 Q. Okay. So Jay-School comes down. Have you seen him in
17 awhile?

18 A. No.

19 Q. Were you surprised to see him that night?

20 A. Yes.

21 Q. And you can't tell me what he said, but did y'all have a
22 conversation?

23 A. It was like a 30-second conversation.

24 Q. Okay. And after you first saw him, what happened?

25 A. Pacing back and forth.

1 Q. Who is pacing back and forth?

2 A. Vincent Nelson, Jr. And once he started pacing back and
3 forth, I knew it was -- it was just -- like you know how you
4 can catch a vibe when something is not right? I'm hearing
5 phones ringing. I'm hearing -- I'm seeing him looking at a
6 phone. And he just looked back at me and just made a blank
7 stare like he had no life in him. And then two -- you know,
8 two minutes later, he was like, "Hey, Brandon. Let me get a
9 cigarette. Let me get a cigarette."

10 Q. When you said that he was on the phone, could you hear
11 what he was saying?

12 A. Yes, ma'am.

13 Q. What was he saying?

14 **Ms. Pinnock:** Objection, Your Honor. That's hearsay.

15 **Ms. Meghan Walker:** Your Honor, this would be a
16 statement by a co-conspirator in furtherance of the
17 conspiracy.

18 **The Court:** Well, let me see y'all just a minute.

19 (Whereupon, a bench conference was held.)

20 **The Court:** Let me let the jury go to the jury room for
21 just a minute.

22 (Whereupon, the jury was excused from open court at
23 2:00 p.m.)

24 **The Court:** The State is relying on statements by
25 co-conspirators, and I asked or pointed out that I did not

1 see where there's any conspiracy charged, and I've just gone
2 through the indictment and it doesn't appear to use the word
3 "conspiracy." Ms. Walker told me it doesn't have to be a
4 conspiracy; it's just planning to do something bad. I'm not
5 sure that's the law, so I---

6 **Ms. Meghan Walker:** I'm trying to find it now, Your
7 Honor.

8 **The Court:** Okay. I certainly want to hear from the
9 defense on it also.

10 **Ms. Pinnock:** Your Honor, I'm not aware that you don't
11 have to be charged with conspiracy. I'm trying to find if
12 the law says that also. I don't think it does. I think
13 it's---

14 **The Court:** See what you can find. I'm going to look
15 and see...

16 **Ms. Meghan Walker:** May I proceed, Your Honor?

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

18 **Ms. Meghan Walker:** Your Honor, I've looked in the -- in
19 Jack Swerling's book as well as our desk book. It states
20 here that under the Rule 801(d)(2)(e) a statement of a
21 co-conspirator made during the course---

22 **Court Reporter:** Whoa. Wait. Could you slow down?

23 **Ms. Meghan Walker:** I'm sorry.

24 **Court Reporter:** That's okay.

25 **The Court:** 801 what, ma'am?

1 **Ms. Meghan Walker:** (d)(2)(e).

2 **The Court:** A statement by a co-conspirator to a party
3 during the course in furtherance of the conspiracy... Well,
4 they used the word conspiracy. That's -- I don't know how to
5 interpret that as anything but conspiracy.

6 **Ms. Meghan Walker:** Yeah. I understand that, Your
7 Honor. Under the State's theory as well as to what defense
8 counsel alluded to in their opening statements, it's a hand
9 of one/hand of all case. The State's presenting evidence
10 talking about connecting the hand of one/hand of all. I'm
11 not certain of any case that states in order for there to
12 be -- in order for there to be a conspiracy among people to
13 commit a crime under multiple -- when multiple defendants are
14 alleged to have joined together to commit a crime that they
15 also must be charged with conspiracy in order to -- in order
16 to allow the statements to come in.

17 Furthermore, Your Honor, the testimony that we're going
18 to elicit from the defendant (sic) or, I'm sorry, from the
19 witness at this point alleged to have been made by one of the
20 co-defendants in this case is not being offered for the truth
21 of the matter asserted---

22 **The Court:** Well, my thought about that is -- but I'd
23 like to -- I'll let you go over the question again because
24 that was my first thought when you said you were trying to
25 get it in as part of a conspiracy. What was the question and

1 answer again?

2 **Ms. Meghan Walker:** I was asking you about the --
3 whatever Vincent Nelson was saying on the telephone. Could
4 you hear what he was saying?

5 **The Witness:** Yes, ma'am.

6 **Ms. Meghan Walker:** And what did he say?

7 **The Witness:** He kept saying, "I'm in the house. I'm in
8 the house. I'll be outside in a minute."

9 **The Court:** Well, as I understand the theory is that's
10 part of the plan to -- as a signal. So why does that not go
11 to the truth of the matter asserted? The matter asserted is
12 that they were planning to set up these people.

13 **Ms. Meghan Walker:** Your Honor, the -- I think the
14 assertion at that point would be that he was actually doing
15 what he said he was doing which I think is not accurate, if
16 we've gone down this path. The assertion is that he says,
17 "I'm getting" -- let me get the transcript.

18 **The Court:** Well, it seems to me the truth of the matter
19 asserted is -- the matter asserted is that he did this -- if
20 I'm wrong, maybe it shouldn't be relevant, but my
21 understanding is the reason that this is offered or the
22 matter asserted is basically a bunch of people getting
23 together to invade this house, and this certainly would go to
24 the truth of the matter asserted. This would be a -- I think
25 Ms. Simpson argued it to the jury earlier that this is part

1 of the fabric that weaves together this matter.

2 **Ms. Meghan Walker:** I'm sorry, Your Honor?

3 **The Court:** This would be part of the fabric that weaved
4 everything together, that is, the signal.

5 **Ms. Meghan Walker:** So then it would be in furtherance
6 of their plot. But the Court is ruling that they have to be
7 charged with conspiracy in order to get that in?

8 **The Court:** Well, we're talking about two different
9 things now. I was looking at the truth of the matter
10 asserted.

11 **Ms. Meghan Walker:** Yes, Your Honor.

12 **The Court:** And based on what you've said, you just
13 confirmed what I thought: That the matter asserted is that
14 he's lining up the co-defendants to -- that this is some sort
15 of signal. That's what y'all have already arg -- as I
16 understand it, it was part of the argument, not argument,
17 presentation to the jury. So I don't think I can find that
18 it doesn't go to the truth of the matter asserted. The other
19 position would be that it comes in as part of a conspiracy.

20 All right. Well, this U.S. versus Jackson, 757 Federal
21 Second 1486 or 66 -- I don't have my glasses on. Is this a
22 South Carolina case? It's the Fourth Circuit dealing with a
23 North Carolina case and -- but it also is dealing with
24 801(d)(2)(e) which is the one that was stated by the
25 Honorable Swerling and by counsel as being the grounds for

1 allowing this. But it says Jackson -- find no abuse in
2 denial of the motion. This has got to -- this hasn't got to
3 do with the evidence particularly; it's got to do with the
4 bill of particulars. I'm not reading the whole case right
5 now. I'm just cherry picking.

6 **Ms. Meghan Walker:** Yes, sir.

7 **The Court:** Because this is what -- Jackson was not
8 entitled to exclusion of an out-of-court statement. A
9 co-conspirator is not specifically charged as, or alleged to
10 be co-conspirators, because rule -- let's see -- does not
11 require that a formal charge of conspiracy exist. So that
12 reads in favor of the State.

13 **Ms. Meghan Walker:** Yes, Your Honor. I'd like to go
14 with that one.

15 **The Court:** Do you want to go with that one?

16 **Ms. Meghan Walker:** Yes, Your Honor.

17 **The Court:** Do y'all have anything that y'all want to go
18 with?

19 **Ms. Pinnock:** Your Honor, I would just, for the record,
20 put up there that it's my belief that there has to be a prima
21 facie proof of a conspiracy and that the testimony presented
22 through the witness of a co-conspirator would have to be in
23 furtherance of proving that particular charge. So I don't
24 believe it falls under the exception to hearsay. I would
25 still argue that it is -- they are eliciting hearsay.

1 testimony.

2 **The Court:** Well, I find that it is admissible under
3 Rule 801(d)(2)(e), and I'm relying on the Federal Fourth
4 Circuit case and the language I read. It's a 1985, I
5 believe, case. It's an old case but... So I'll allow it.
6 Bring in the jury.

7 **Ms. Meghan Walker:** Thank you, Your Honor.

8 **The Court:** While the jury is coming in, we might as
9 well go ahead and state -- and, Ms. Pinnock, you can
10 certainly object any time you want to protect the record, but
11 my ruling, of course, basically now is that these type
12 statements are admissible under that -- under Rule
13 801(d)(2)(e).

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

15 **The Court:** But you protect the record however you want
16 as we go along.

17 **Ms. Pinnock:** Yes, sir. Thank you.

18 **The Court:** I won't be offended.

19 (Whereupon, the jury was brought into open court at
20 2:14 p.m.)

21 **The Court:** You may proceed.

22 **Ms. Meghan Walker:** Thank you, Your Honor.

23 By Ms. Meghan Walker:

24 Q. Josh, when Vincent Nelson, Jr., or Jay-School was on the
25 phone, what was he saying?

1 A. He was saying, "I'm outside. I'll be out there in a
2 minute."

3 Q. "I'm outside. I'll be out there in a minute"?

4 A. No, he was -- whoever he was speaking to on the phone, I
5 don't know but he---

6 Q. Slow down.

7 A. Whoever he was speaking to on the phone, he kept saying,
8 "I'm inside. I'm going to be outside in a minute."

9 Q. Okay. And at that point did you know who he was talking
10 to?

11 A. No.

12 Q. Did he usually have a cell phone with him?

13 A. No.

14 Q. And what happened next?

15 A. Me, Brandon, Troy and Trey and Cari was in the other
16 room, so we was in the studio area. And he kept pressuring
17 Brandon for a cigarette, and I just kept getting this weird
18 vibe like something is not right about this. And when he --
19 Brandon finally gave in saying, "Here, bro. I'll give it to
20 you." So I immediately asked for -- I said, "Hey, Brandon,
21 can I get a cigarette?" He just slid it to me. We went
22 outside, and I kept feeling this weird vibe like something is
23 not right.

24 Q. Okay. And who all went outside?

25 A. Me, Brandon, and Vincent.

1 Q. Let me show you what's been marked as State's Exhibit
2 Number 44, Josh.

3 A. Uh-huh.

4 Q. Excuse me. I'm sorry. And ask you if you recognize
5 this.

6 A. Yes, ma'am, I do.

7 Q. And does this fairly and accurately depict the address
8 at

9 A. Very accurate.

10 **Ms. Meghan Walker:** Your Honor, at this point the State
11 seeks to admit Exhibit 44 into evidence.

12 **The Court:** Any objection?

13 **Ms. Pinnock:** No objection.

14 **The Court:** In without objection.

15 (State's Exhibit 44 was received in evidence.)

16 **Ms. Meghan Walker:** Your Honor, may the witness step
17 down?

18 **The Court:** Yes.

19 **Court Reporter:** Ms. Walker, will you have him...

20 **Ms. Meghan Walker:** I will.

21 By Ms. Meghan Walker:

22 Q. Will you stand on this side of me and speak back towards
23 the court reporter so she can take down what you're saying?
24 Okay?

25 A. Uh-huh.

1 Q. All right. Come up here. Right up here. All right.
2 Stand over here so that the jury can see the picture. Okay?
3 Now, where is this?

4 A. This is the Davises' home,

5 **Ms. Meghan Walker:** Can you hear?

6 **Court Reporter:** Not really.

7 **The Witness:**

8 **Ms. Meghan Walker:** Speak up.

9 **The Witness:**

10 **The Court:** Lift your voice up. Lift your voice up a
11 little bit.

12 **The Witness:** Columbia, South
13 Carolina. That is the home of the Davises.

14 By Ms. Meghan Walker:

15 Q. Now, when you say that y'all went outside, can you show
16 me on that picture where everybody was standing?

17 A. Okay. The shaded area right here, it's like, you know,
18 kind of like a the carport, so it's kind of dark right there.

19 This is was where Brandon was standing right here, and in
20 this area where the cinderblock is at, Vincent was standing
21 right there. So if someone was to come down there, the first
22 person they would see is Brandon over here in this area.

23 Vincent was concealed.

24 I myself, when I was smoking a cigarette, I don't like
25 to disrespect their home, so I go to the top of the hill. I

1 was right here in this lighted area.

2 Q. Once y'all all got out there, what happened next?

3 A. Well, I seen one individual walk by and I'm standing,
4 and, again, something doesn't feel right. The guy walked
5 past me and he giggles, so I acknowledged him. I was like,
6 "Wassup?" Slang term.

7 He walked down the street. The next thing you know
8 three guys like in an interval of 30 seconds walk by in
9 formation, and they followed him down into the end of the
10 street. I turn my back, proceeded back down after I flicked
11 the cigarette into the street. Again, bad vibe comes up. I
12 turn back around. I see the same first individual that
13 walked by and giggled, and I acknowledged him again. I was
14 like, "Wassup?"

15 He walked past the car. There was a car -- a car right
16 here. At the time this was a Chevy -- Chevy Lumina. He
17 walks past it halfway to middle-way, and he makes a U-turn
18 coming at me, and he was like, "Don't move. Get down on the
19 ground if you want to live."

20 Now, a person of my stature, I was always told: You
21 never let a man put fear in your heart. But when he
22 presented that gun in my face, he was like, "Get down on the
23 ground." So I slowly put my hands up and I looked at him in
24 his eyes, and in blunt force he hit me in the head and I
25 ended up tumbling down to this area, and in this area I am --

1 my vision is still good, but my hearing is off.

2 Brandon is right here, again in this shaded area.

3 Vincent is concealed in that area. So, like I said, the
4 first person there -- when the intruder comes down the hill,
5 he's going to see Brandon. He's not going to see Vincent.

6 Q. Okay. Once you tumbled down -- and where did you stop?

7 A. I stopped right here in this area.

8 Q. What do you remember happening next?

9 A. Once -- once after that, everything was going fast. All
10 I'm hearing is, "Get down. Lay down. Get down. Lay down."
11 My best friend at the time, Brandon Jones, is begging for his
12 life: "Don't shoot me. Don't shoot me." And I hear, "Get
13 down. Lay on the ground. If you want to live, get down.
14 Lay on the ground."

15 So I'm trying to move, and then 30 seconds later those
16 same three individuals that I mentioned before, one proceeds
17 down the hill. And all I'm hearing is, "Get that big nigger
18 on the hill." Excuse my language.

19 Q. These are not your words. This is what they were
20 saying.

21 A. Yes.

22 Q. Okay.

23 A. Excuse my language. Once that was said, Brandon is
24 still down there begging for his life.

25 Q. And what were you doing?

1 A. I was laying down on the ground getting beat on, and
2 once Brandon kept saying -- they kept going at him. All I'm
3 hearing is scuffling, and I can tell that it was -- it was a
4 heavy scuffle because in that dark shaded area there lies a
5 weight bench and a small table. Brandon is defending
6 himself.

7 **Ms. Pinnock:** Objection. Speculating.

8 **Ms. Meghan Walker:** Your Honor -- did you see this?
9 Could you see what was going on or---

10 **The Court:** Just tell us what Brandon did. Don't couch
11 it with defending---

12 **The Witness:** Brandon was basically fighting for his
13 life. He was fighting for his life, and they kept saying,
14 "Get down. Get down. Get down. Don't shoot me. Don't
15 shoot me." And all I could do was just lay on the ground and
16 get beat on. And the next thing, you know, I'm hearing the
17 door bust open. Stuff was going on. I'm hearing glass
18 breaking, and, again, Brandon is just outside begging for his
19 life.

20 By Ms. Meghan Walker:

21 Q. And did you ever get up again once you fell down the
22 hill?

23 A. I couldn't. I couldn't get back up. I didn't want
24 to -- that was a moment where if I move, I could die.

25 Q. So you stayed on the ground like you were told?

1 A. Yes. But the moment I stayed on the ground, I had my
2 arm like this to play dead so they can't see my face. After
3 the sounds and everything that's going on in the house, I
4 hear doors slamming, and the next thing, you know, I'm
5 hearing, "Six hundred, don't do it. Don't do it." Pow, pow,
6 pow, pow, pow, pow, pow.

7 Q. When you say that, "Pow, pow, pow, pow, pow, pow," what
8 was that? What sound was that?

9 A. That was the sound of a gun going off.

10 Q. At that point---

11 A. At that point I felt a jolt of pain hit my side. I
12 didn't hear Brandon no more, and all I could see is shoes
13 running up the hill. And after that the only thing -- the
14 only way I could felt is -- and I'm going to use this; right?
15 I felt like Cuba Gooding, Jr., when Ricky got killed in "Boyz
16 In The Hood."

17 **Court Reporter:** I'm sorry. Could you repeat that?

18 **The Witness:** I felt -- I felt like Cuba Gooding, Jr.,
19 when Ricky got killed in "Boyz In The Hood." And what I --
20 what I mean by that is that was his best friend.. That's what
21 I'm symbolizing.

22 By Ms. Meghan Walker:

23 Q. Right.

24 A. It hurt me to my heart that somebody I'd known for a
25 little bit of time, you invite them in your place to stay,

1 that loyalty is thrown up. Trust is thrown up. Sometimes I
2 don't even like to go outside with my friends no more.

3 Q. Hold on. Let's stop. You've got to stay focused just
4 on what happened that night; okay? I know you're emotional,
5 but just answer my questions. Okay?

6 A. Uh-huh.

7 Q. Once the feet ran by you, what did you do next?

8 A. I got up and I looked around. I couldn't see Brandon.
9 All I could see was darkness. Once I got up, I ran past Mr.
10 Davis's truck, and I ran to the side of the house because,
11 before then, I knew that door that was shut was locked. They
12 wasn't going to let nobody back in, so I ran to the side of
13 the house because on the side of the house there's a salon
14 door. And I know, being my size, I can get in. So I nudged
15 my shoulders into the door, and I could hear someone walking
16 into the salon area. And once -- I kept saying, "Hey, I've
17 been -- hey, I've been shot. I've been shot." And the door
18 opens and Mr. Davis, he kept saying, "Where is Brandon?" I
19 said, "I don't know."

20 Q. You said you'd been shot?

21 A. Yeah. I was like, "I've been shot on my side." I was
22 like -- he said, "Where is Brandon?"

23 Q. Where had you been shot?

24 A. In the side right here. There's a little abrasion to
25 the side right here.

1 Q. On your...

2 A. It's kind of -- it's kind of right there like...

3 Q. You got grazed right there?

4 A. Yes.

5 Q. And you were asked where Brandon was. Did you know
6 where Brandon was?

7 A. At the moment I was scared for my life; I'm going to
8 tell you the truth. But I -- I thought he -- I hoped and
9 prayed that he got away, but once I got in the house, the
10 (unintelligible words spoken) called and I go back outside.
11 I see officers outside with flashlights, and I see my best
12 friend saying, "Help me. Help me." They wouldn't allow
13 nobody to get close to him, and it's sad because you have to
14 watch your friend be rolled away on a stretcher like that.

15 Q. Will you get back on the stand for me? You said you
16 watched him get rolled away?

17 A. Yes, ma'am.

18 Q. Do you need some water?

19 A. (Witness shook head from side to side.)

20 Q. That night, other than Jay-School, were you able to see
21 anybody's face?

22 A. The only person I saw was the person standing over my
23 best friend. That's it.

24 Q. Did you go to the hospital that night?

25 A. Yes, I did.

1 Q. At that point did you know that Brandon had died?

2 A. No. The whole time I was -- I was in shock. I had to
3 have drugs administrated to my body because I was -- I was
4 out of it. I kept saying, "Where is my brother at? Where is
5 my friend at?" And the only thing I can remember saying --
6 this lady telling me it's going to be all right. And how I
7 found out by my best friend, Patsy, was when my mother came
8 in the room and she stared at me and I said, "What's wrong?"
9 And she looked at me and I said, "You've got to tell me
10 what's wrong." And she said, "I'm sorry, but your friend is
11 dead."

12 Q. Beg the Court's indulgence, Your Honor. Did you -- did
13 you talk to police about this?

14 A. The only person I spoke to that night was Investigator
15 Odom.

16 Q. You talked to an investigator about what happened?

17 A. Yes.

18 Q. Did they later show you I guess what are called photo
19 line-ups?

20 A. Yes.

21 Q. To see if you could pick anybody out?

22 A. Yes.

23 Q. But after being hit in the face with a gun that night,
24 were you able to pick anyone out?

25 A. No, ma'am.

1 Q. Thank you, Josh. I don't have any further questions for
2 you. The defense attorneys are going to ask you some
3 questions. Please answer theirs; okay?

4 A. Yes, ma'am.

5 **Ms. Meghan Walker:** Thank you.

6 **Ms. Pinnock:** May it please the Court?

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

8 Cross-Examination

9 By Ms. Pinnock:

10 Q. Mr. Williams, I just have a couple of questions for you.
11 The driveway at the house, do you remember a light being
12 there? Was that on?

13 A. No.

14 Q. No? Okay. But that would have been---

15 A. Yeah, there's a pole right there.

16 Q. ---kind of down towards the end?

17 A. Yeah.

18 Q. Okay. But it wasn't working that night?

19 A. No, ma'am.

20 Q. And you didn't see what happened inside the house;
21 correct?

22 A. No, ma'am.

23 Q. You just said you didn't -- you weren't able to pick
24 anybody out of a line-up at any point, right, because you
25 were -- I understand you were hit in the head.

1 A. I'm hit -- I'm hit in the head, so the only person I can
2 -- the only person that was in my eye -- and I'm telling you
3 the truth. The only person that I could remember that I saw
4 out of my eye was Vincent Nelson.

5 Q. And you testified in February at the trial of Maurice
6 Roberts; right?

7 A. Yes.

8 **Ms. Pinnock:** Thank you.

9 **The Court:** Redirect?

10 **Ms. Meghan Walker:** Nothing, Your Honor.

11 **The Court:** All right. You can step down. Have a seat,
12 and you will be excused if you wish. Thank you for your
13 time. Call your next witness.

14 **Ms. Meghan Walker:** The State calls Cari Pearson.

15 Cari Pearson, after being duly sworn, testified as
16 follows:

17 **The Clerk:** Please have a seat in the witness stand, and
18 state your full name for the record and please spell your
19 first and your last name.

20 **The Witness:** Cari Pearson. Cari, C-A-R-I. Pearson,
21 P-E-A-R-S-O-N.

22 Direct Examination

23 By Ms. Meghan Walker:

24 Q. May it please the Court, Your Honor? Cari?

25 A. Yes.

1 Q. Hey. Where do you currently live?

2 A. On---

3 Q. You don't have to give me your address. Just tell me---

4 A. Decker Boulevard.

5 Q. On Decker? Off Decker?

6 A. Yes.

7 Q. How long -- have you always lived here in Columbia?

8 A. Yes, ma'am.

9 Q. How old are you?

10 A. Twenty-two.

11 Q. Twenty-two?

12 A. Uh-huh.

13 Q. And do you work?

14 A. Yes, ma'am.

15 Q. Where do you work?

16 A. At the Old Nicks, but we changed the name now to
17 Feelgoodez (phonetic).

18 Q. It's a restaurant?

19 A. Yes, ma'am.

20 Q. And I want to ask you about certain people. You tell me
21 if you know them or not. Okay?

22 A. Okay.

23 Q. Did you know Joshua Williams?

24 A. Yes.

25 Q. How did you know Josh?

1 A. From Keenan.

2 Q. Keenan High School?

3 A. Uh-huh.

4 Q. Is that where you went to high school?

5 A. My last year, yes.

6 Q. Your senior year?

7 A. Uh-huh.

8 Q. And what about Troy and Trent Scott? Did you know them?

9 A. Yes.

10 Q. And how did you know them?

11 A. Troy was my ex-boyfriend, and Trent is his brother.

12 Q. And Sugar and Chandler Davis?

13 A. Their parents.

14 Q. And you knew them?

15 A. Yes, ma'am.

16 Q. Vincent Nelson, Jr., did you know him? Jay-School?

17 A. Oh, yes.

18 Q. Did you know him as Jay-School?

19 A. As School, yes.

20 Q. And finally Brandon Jones, did you know Brandon?

21 A. Yes, I did.

22 Q. How long had you known Brandon before he was murdered?

23 A. A year? About a year.

24 Q. And I want to talk to you about the address at

25 the Davis home?

1 A. Uh-huh.

2 Q. Did you spend a lot of time over there?

3 A. Yes, ma'am.

4 Q. And what type of things would y'all do over at the Davis
5 home?

6 A. Watch T.V., go play video games, record music, hang out,
7 stuff like that.

8 Q. When you say record music, can you tell me kind of how
9 that was set up in the home?

10 A. They had a studio room and they would just record.

11 Q. And was -- was Jay-School -- did he record music over
12 there sometimes, too, or hang out while y'all were...

13 A. He -- Yes. He would stay overnight there, and he'd
14 record by himself.

15 Q. Okay. I want to turn your attention back to January of
16 last year, the night that Brandon was murdered. Were you at
17 the home?

18 A. Yes, I was.

19 Q. What were you doing there?

20 A. Well, at first everyone was in the studio. They were
21 recording a song. I was the only girl there, so I would
22 usually go in my ex-boyfriend's room and just sit in there
23 and be on the phone or whatever. So I watched them make
24 music for a little while. Then I went in the room by myself
25 and stayed in there.

1 Q. And at some point who all was -- who all was there,
2 first?

3 A. At first it was me, Josh, Brandon, Trent, Troy, and
4 Seagull. She left. They took her home, and then it was me,
5 Brandon, Troy, Josh, and Trent.

6 Q. At some point did you see School that night?

7 A. I did not see him. I was in a room; the door was
8 cracked. I heard him on the phone.

9 Q. You could hear him.

10 A. Yes.

11 Q. Could you hear what he was saying?

12 A. He was on the phone and he was talking to someone, and
13 he was just saying he was in the house. I didn't know it was
14 him at first. I thought it was our other friend, Tremaine,
15 because I've never known School to have a phone. So I heard
16 him on the phone, but I didn't see him physically.

17 Q. You couldn't see him.

18 A. Uh-huh.

19 Q. At any point that night did something happen that caught
20 your attention that caused you to come out of the room?

21 A. Yes, the glass breaking.

22 Q. Okay. Start from the time -- the beginning of that and
23 tell me what happened once you heard the glass breaking.

24 A. I was in a room, and School was asking for a cigarette.
25 He was begging to get, you know, Brandon outside to smoke a

1 cigarette. When we'd take a smoke break, usually everybody
2 would go outside. So Brandon and Josh followed, and Troy
3 came in the room with me, and we were sitting there talking
4 and playing with my make-up. I was putting eye shadow on,
5 and the next thing you know we heard glass breaking. So we
6 got up, ran around there.

7 It was two unfamiliar people and Trent and they were
8 fighting, and there was glass broken everywhere. And Troy
9 went to help get them off of Trent, and they all started
10 fighting.

11 Q. At that point could you see the faces of the two
12 unfamiliar people?

13 A. I wasn't looking at faces. I was scared.

14 Q. Right.

15 A. I was looking at clothes, and I didn't know what was
16 going on. It just happened unexpectedly, so...

17 Q. Was everything moving kind of fast at that point?

18 A. Very, very fast.

19 Q. When you say you were looking at clothing, do you
20 remember what they were wearing?

21 A. I remember particularly the camouflage jacket that -- I
22 think a black hoodie.

23 Q. Okay.

24 A. Something like that.

25 Q. And once the fight -- they start fighting, what did you

1 see next?

2 A. When they started fighting, the guy -- obviously one of
3 them got mad because they were getting beat up by Trent and
4 Troy. So he said he was about to pull a gun out. When he
5 said, "I'm about to pull a gun out," Troy said, "No, please
6 don't do it." So he helped Trent up, and they got on the
7 other side of the door and barricaded the door, and that's
8 when one of the guys stuck the gun through the door and they
9 was trying to get in through it, but they couldn't get
10 through.

11 I was pacing because I was like, "Oh, my God. What do I
12 do? Do I hide? Are they going to kill all of us?" I ran --
13 I remember running in the room, closing the door. I was
14 scared because I thought they might find me here, so I came
15 back out and I went back in, and I heard a gunshot and I came
16 out because I was scared, so I came---

17 Q. Okay. Just slow down just a little bit; okay?

18 A. Okay.

19 Q. Once you -- once you heard the gunshot, you went back
20 outside?

21 A. No. Yeah, I went back out of Troy's room where...

22 Q. Yeah, not outside but outside of the bedroom.

23 A. Yes.

24 Q. Once you got back outside of the bedroom, what did you
25 see?

1 A. When I came back out, that's when Trent was coming
2 towards me and he was bleeding. He had got shot in the arm.
3 And we went upstairs to wake his mother and father up, and
4 when we got to the stairs I heard gunshots. I did not know
5 at the time where Troy was. I didn't know where Josh or
6 Brandon was. I didn't know what was going on at the time.

7 So I freaked out. I thought Troy had got shot or
8 something. So I went upstairs, banged on his mom and dad's
9 door, told them -- I said, you know, somebody invaded the
10 house; they had guns. And they got dressed, came out, and
11 Mr. Chandler went downstairs to see what was going on and
12 find everybody.

13 Q. Did you -- what did you do while people were looking for
14 the other kids that were in the house?

15 A. I stayed upstairs and was talking to Ms. Sugar. She was
16 helping fix Trent's arm because he was dripping blood
17 everywhere through the house.

18 Q. At some point did you figure out where Josh and Brandon
19 and Troy were?

20 A. Troy came in; Josh came in. Brandon did not come in at
21 all.

22 Q. And after that, after they entered the home again, what
23 happened?

24 A. When we -- well, when we got upstairs, they called the
25 police and let them know what was going on, the ambulance,

1 and by that time the police had gotten there, and we went out
2 the front door and they were looking for Brandon still around
3 the house. I thought maybe Brandon would have ran or
4 something, and they found him outside in the driveway on the
5 ground wheezing. I came through the front door, and I
6 immediately called my brother -- well, my friend and I call
7 him my brother, but I called him and I let him know what was
8 going on because him -- originally he was on the way over
9 there. So I had thought that the person on the phone was
10 Tremaine, but it wasn't him.

11 So I told him what was going on. The ambulance is
12 there. And then that's when they had found Brandon on the
13 ground like right when the police got there, I think, like a
14 little before or whatnot.

15 Q. And at some point did Brandon and Josh go to the
16 hospital?

17 A. Yes, and Trent.

18 Q. And Trent. All three of them went to the hospital?

19 A. Yes, ma'am.

20 Q. What did you do while they were at the hospital?

21 A. We -- they immediately took us to the investigator's
22 office, and we sat down there for maybe two and a half hours
23 answering questions and trying to figure out, you know, what
24 was going on, who are these guys, why were they there and
25 stuff like that.

1 Q. And did you speak to investigators just that night or
2 did you speak to them on more than that night?

3 A. On more than one occasion.

4 Q. And at some point did they show you pictures, photo
5 line-ups?

6 A. Yes, ma'am.

7 Q. And were you able to identify anybody in those pictures?

8 A. School. The other guys, I did not want to point
9 fingers. I did not see their faces, so I told them I was not
10 sure.

11 Q. But you were able to identify Vincent Nelson, Jr.

12 A. Yes.

13 Q. You had been around him before?

14 A. Yes.

15 Q. You knew him by name and sight?

16 A. School, yes, not his...

17 Q. Not his -- not his real name but---

18 A. No.

19 Q. But his nickname. Thank you. I don't have any further
20 questions at this time.

21 A. Okay.

22 Q. If you'll ask any -- answer any questions that defense
23 counsel asks, please.

24 A. Okay.

25 **Ms. Meghan Walker:** Thank you.

1 **Ms. Pinnock:** May it please the Court?

2 **The Court:** Yes.

3 Cross-Examination

4 By Ms. Pinnock:

5 Q. How are you doing, Ms. Pearson?

6 A. Hi. How are you doing?

7 Q. I'm doing good. You just said when you heard -- you
8 heard glass breaking.

9 A. Uh-huh.

10 Q. So by the time you got out of the room, there was
11 already a fight happening.

12 A. It was already -- yes, there was already a fight.

13 Q. So you didn't see who came in the house first.

14 A. No.

15 Q. You didn't see how that person came into the house.

16 A. No. Huh-uh.

17 Q. All you know is when you got around that corner, you see
18 Trey in the middle of the floor.

19 A. Uh-huh.

20 Q. And at that point you said you were scared?

21 A. Very.

22 Q. Your adrenaline spiked?

23 A. Yeah.

24 Q. You didn't know what to do?

25 A. Well, I wasn't scared when the fight was happening, just

1 when the gun came out.

2 Q. But when you saw the fight, did you start getting the
3 sense that "I don't know what to do"?

4 A. Yeah.

5 Q. And you said that everything started happening really,
6 really fast.

7 A. Yes, ma'am.

8 Q. And you were pacing back and forward during the fight?

9 A. Yes, ma'am.

10 Q. And you---

11 A. No, no, not during the fight. When they pulled the
12 gun---

13 Q. Okay.

14 A. ---and they was trying to get in with the gun.

15 Q. Okay. And then you ran away to the -- to the back room.

16 A. Troy's room.

17 Q. Shut the door, opened it, stepped back out, thought
18 about it again, went back in, and that's when you heard the
19 shot?

20 A. Yes, ma'am.

21 Q. And then after you heard the shot, you said you came out
22 and you saw Trey coming through the doorway?

23 A. Uh-huh.

24 Q. And he was bleeding at that point.

25 A. He was very -- yes, ma'am.

1 Q. But you didn't see him get shot.

2 A. No.

3 Q. And you did -- you did give a statement to law
4 enforcement on that night or early morning; right?

5 A. Yes, ma'am.

6 Q. They took you to headquarters?

7 A. Yes, ma'am.

8 Q. And you told them everything you could.

9 A. Everything I could.

10 Q. Because you were trying to help.

11 A. I was, but like I told them, I didn't see faces, so I
12 didn't want to point fingers or...

13 Q. Did you actually see Vincent Nelson in the house or did
14 you just hear him?

15 A. I heard him.

16 Q. Uh-huh.

17 A. And at the point when they were fighting...

18 Q. Uh-huh.

19 A. They were fighting in the sports room first which is by
20 the back door.

21 Q. Okay.

22 A. I thought I saw him standing like looking in because I
23 know there was two guys in the house. I thought I saw him
24 standing on the outside of the door with just a peek because
25 I know how his face looks. But that's why I told them he had

1 something to do with it or whatnot but...

2 Q. And that's the reason you picked him out of the line-up.

3 A. Yes, ma'am.

4 Q. Because you knew who that was.

5 A. Yes.

6 Q. That was School?

7 A. And he was on the phone, and then the guy who I thought

8 was on the phone was not there. So there was no point of me

9 saying -- telling someone he was in someone's house like,

10 "I'm here. I'm here." We don't know these people.

11 Q. Okay. But you knew him as School.

12 A. Uh-huh.

13 Q. You didn't know his real name at the time.

14 A. No.

15 Q. But you did recognize him when they showed you the

16 pictures.

17 A. Uh-huh.

18 Q. You went back to the sheriff's department the next day;

19 right?

20 A. Uh-huh.

21 Q. And that was a little later on in the afternoon---

22 **The Court:** Try and say yes or no.

23 **The Witness:** Yes.

24 By Ms. Pinnock:

25 Q. It was a little later on in the afternoon?.

1 A. Yes.

2 Q. Everybody had gone home and gotten some rest, you know,
3 tried to get their thoughts together. Then you went back to
4 speak to law enforcement again.

5 A. Yes.

6 Q. And at that point do you recall who you spoke to? Was
7 it Lieutenant McDonald? Do you remember?

8 A. Yes. They did the line-up I think then.

9 Q. They did a line-up when you came back?

10 A. Yes, ma'am.

11 Q. And you actually picked somebody out of that line-up.

12 A. I think Vincent.

13 Q. Did you do one or two line-ups?

14 A. I think one because I couldn't pick the other guys.

15 **Ms. Pinnock:** Your Honor, if I may?

16 (Defendant's Exhibit 1 was marked for identification
17 only.)

18 By Ms. Pinnock:

19 Q. All right. Ms. Pearson, I'm going to show you what I've
20 marked for Defense Exhibit 1 just for I.D. purposes. Do you
21 recognize that? Two pages?

22 A. Uh-huh.

23 Q. Is that your name at the bottom?

24 A. Uh-huh.

25 **The Court:** Remember we need to say yes---

1 **The Witness:** Yes. Yes, sir. I'm sorry.

2 By Ms. Pinnock:

3 Q. Do you recognize the second page?

4 A. Yes.

5 Q. Those are your initials?

6 A. Uh-huh.

7 Q. Okay. So you actually looked at two line-ups?

8 A. Yes, I did do two.

9 Q. Okay. And when you went back the second time---

10 **Ms. Meghan Walker:** May I see, Your Honor, whatever it
11 is that she's showing the witness?

12 **Ms. Pinnock:** Oh, I'm sorry.

13 **Ms. Meghan Walker:** Thank you.

14 By Ms. Pinnock:

15 Q. And when you looked at the second line-up, this is again
16 after a very, very stressful night at the Davis house; right?

17 A. Uh-huh. Yes, ma'am.

18 Q. Again, you said everything leading up to that --
19 everything was happening really fast. I'm sure you were
20 tired emotionally?

21 A. Yes.

22 Q. Y'all had been through a lot that evening.

23 A. Yes.

24 Q. And when you went back, you did pick somebody else out
25 of the line-up other than Vincent Nelson; right?

1 A. Yes.

2 Q. All right. That person wasn't there. Correct?

3 A. I don't know. They didn't really say.

4 Q. They never told you if he was there or not?

5 A. No, ma'am.

6 **Ms. Pinnock:** Okay. Beg the Court's indulgence.

7 **The Court:** Redirect?

8 **Ms. Pinnock:** One second.

9 **The Court:** Oh, I'm sorry.

10 **Ms. Pinnock:** Thank you, Your Honor. Nothing further.

11 **The Court:** Redirect?

12 Redirect Examination

13 By Ms. Meghan Walker:

14 Q. Ms. Pinnock showed you this State's Exhibit or Defense
15 Exhibit Number 1 that has -- it has been moved into evidence?

16 **Ms. Pinnock:** No.

17 By Ms. Meghan Walker:

18 Q. Defense Exhibit Number 1. When you circled that
19 picture---

20 A. Uh-huh.

21 Q. ---were you saying that was definitely the person that
22 was at the house---

23 A. No.

24 Q. ---or that looked like the person---

25 A. It looked like.

1 Q. And were you clear with the investigators that you
2 couldn't tell for certain?

3 A. Yes, ma'am, I was very clear.

4 **Ms. Meghan Walker:** Your Honor, at this point the State
5 would move Defense Exhibit 1 into evidence.

6 **The Court:** Any objection?

7 **Ms. Pinnock:** No, sir.

8 **The Court:** In without objection.

9 **Ms. Meghan Walker:** Thank you, Your Honor.

10 (Defendant's Exhibit 1 was received in evidence.)

11 By Ms. Meghan Walker:

12 Q. And this looked like the person you saw.

13 A. Looked like.

14 Q. And you made that clear to law enforcement.

15 A. I made it very clear.

16 **Ms. Meghan Walker:** Thank you. I don't have any further
17 questions..

18 **The Court:** Recross?

19 **Ms. Pinnock:** Nothing, Your Honor.

20 **The Court:** You can step down to be excused. We
21 appreciate your time.

22 **The Witness:** Thank you.

23 **The Court:** All right. Call your next witness. Call
24 your next witness.

25 **Ms. Meghan Walker:** Your Honor, the State calls---

1 **Ms. Simpson:** May we approach?

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

3 (Whereupon, a bench conference was held.)

4 **Ms. Simpson:** The State calls Chandler Davis.

5 Chandler Davis, after being duly sworn, testified
6 as follows:

7 **The Clerk:** Please have a seat in the witness stand, and
8 state your full name for the record.

9 **The Witness:** Chandler Davis.

10 Direct Examination

11 By Ms. Simpson:

12 Q. Good afternoon, Mr. Davis.

13 A. Good afternoon.

14 Q. How old are you?

15 A. I'm 54.

16 Q. Fifty-four? And where do you live?

17 A.

18 Q. Who all lives there with you?

19 A. My wife, my sons -- two sons.

20 Q. You may have to sit a little bit closer to the mic and
21 speak up.

22 A. My wife, my two sons.

23 Q. Okay. And tell us a little bit about your home. How
24 long have you been living there?

25 A. We had the home at least -- we bought it about ten years

1 ago or a little longer.

2 Q. A little longer than ten years ago?

3 A. Yeah.

4 Q. And who are your sons?

5 A. Troy and Trenton Scott.

6 Q. And you're actually their stepfather---

7 A. Yes, ma'am.

8 Q. ---but you've been in their life for a number of years.

9 A. Yes, ma'am.

10 Q. And with respect to some of their friends in this case,
11 do you know Joshua Williams?

12 A. Yes, ma'am, I do.

13 Q. And how long have you known Joshua?

14 A. Quite a few years now.

15 Q. A few years? Would he be over at the house---

16 A. Yes, ma'am, he be over at the house.

17 Q. And what about Brandon Jones? Did you know him?

18 A. I know him for awhile, too.

19 Q. Okay. And your home -- your wife -- did she actually
20 operate a business out of the home?

21 A. Yes, ma'am. She had a salon business.

22 Q. Okay. And so she had clients in the neighborhood
23 throughout---

24 A. Yes, ma'am.

25 Q. ---that would come to the salon? Tell us a little bit

1 about the layout of your house.

2 A. Okay.

3 Q. Is it one story? Two stories?

4 A. It's two stories, two stories. I have my sports room
5 which they've got their little -- they've got their little --
6 little -- what you call it? A little game room or recording
7 studio and stuff like that. They've got their own rooms
8 downstairs and upstairs.

9 Q. Okay. So they primarily had like the little recording
10 room and sports room---

11 A. Yeah.

12 Q. ---is where Troy and Trenton -- did he go by Trey, too;
13 sometimes?

14 A. He goes by Trey.

15 Q. Trey. And that's where they would hang out with their
16 friends.

17 A. Yes, ma'am.

18 Q. Were there times that Ms. Davis and you would help other
19 children out or young people in the neighborhood?

20 A. Yes, we would.

21 Q. Can you tell the jury what would -- what you did?

22 A. Okay. A lot of times like kids, you know, are less
23 fortunate. Sometimes they, you know, need a place to stay or
24 something like that or need, you know, a little certain help
25 along the way. We try to help them out with anything we

1 could do for them.

2 Q. And so if they needed a place to sleep, you offered
3 your---

4 A. Yeah. Yeah, we would offer...

5 Q. Or clothing or food---

6 A. Yeah.

7 Q. ---and tried to help out.

8 A. Yeah.

9 Q. Did you know Vincent Nelson?

10 A. Yes, ma'am, I know him through my sons.

11 Q. Okay. And did he actually live there or stay with you
12 all for a period of time?

13 A. He stayed with us for a period of time, and then he
14 disappeared. Then one night he came back.

15 Q. Okay. So he just disappeared for awhile.

16 A. Yes, ma'am.

17 Q. Meaning he wasn't coming around the home, hanging out
18 with your boys any longer.

19 A. No, ma'am.

20 Q. I want to turn your attention to January 25th of 2013.

21 A. Yes, ma'am.

22 Q. Do you recall that day?

23 A. Yes, ma'am, very well.

24 Q. Tell us about who was at your house and what you were
25 doing.

1 A. Actually there was my two sons there. There was
2 Brandon. There was Joshua and Cari; she was there. I know
3 there was Seagull. She was there, but they took her home or
4 something.

5 Q. Okay. So at one point you've got your two sons.

6 A. Yes, ma'am.

7 Q. Joshua. Brandon was there, too, and then Cari for a
8 period of time---

9 A. Yes, ma'am.

10 Q. ---that you remember. Now, when they're all I guess
11 downstairs hanging out, where are you and your wife in the
12 home?

13 A. We're upstairs in the bedroom, watching television or
14 something like that, laying down.

15 Q. And at some point in this evening did you hear the
16 doorbell?

17 A. Yes, ma'am. Probably around about -- probably about
18 11:00, somewhere a little after 11, the doorbell rang, so I
19 got up to go to the door. It was Jay-School.

20 Q. Okay. So you actually knew him by Jay-School.

21 A. Yeah.

22 Q. I know everybody is calling him Vincent Nelson, but he
23 went by a nickname generally.

24 A. Yes, ma'am.

25 Q. And was it unusual for someone to come to your house

1 that late?

2 A. Yes, ma'am, it were unusual for someone to come. He was
3 at the door, so -- obviously I know him. I asked him where
4 he had been. He said, "Well, I've been out sick or
5 whatever," sick and stuff like that. He asked where the boys
6 was. I said, "Downstairs." I told him to go ahead on down.

7 Q. Okay. So when he came to the door, just so I'm clear,
8 you kind of asked him, "Where have you been?"

9 A. Yes, ma'am.

10 Q. And he said, "I've just been out sick."

11 A. Yes, ma'am.

12 Q. But you knew him, had taken him into your home.

13 A. Yes, ma'am, I knew him. I had taken him in.

14 Q. And just told him to go on downstairs.

15 A. Just told him to go on downstairs, yes, ma'am.

16 Q. What happened next that you remember?

17 A. It wasn't long after -- I was laying down, listening to
18 television. All of a sudden I heard this glass break; right?
19 Glass-breaking sound. And I said, "That was the boys
20 breaking down," you know, so I didn't really pay it no
21 attention.

22 Q. So you just thought---

23 A. Yeah.

24 Q. ---some glass breaking -- that they messed up something.

25 A. Yeah. So a few minutes later, I heard a whole

1 commotion, some running upstairs. The boys are running
2 upstairs, coming upstairs; right? And by the time they got
3 upstairs, like I heard a -- I heard a shot before then, so I
4 just thought it was -- and all of a sudden I heard bang,
5 bang, bang, bang, you know, where they come upstairs.

6 And so I jumped up. I saw Trenton with a hole in his
7 arm; it was bleeding. And I just got some clothes on and ran
8 downstairs. I started looking for all my boys.

9 Okay. I didn't see Jackie (phonetic), so I panicked. I
10 went to look around, and I heard the knock on the side door.
11 That was Joshua. That was Joshua. I let him inside. I
12 asked him, "Where is Brandon? Where is Brandon?" I went
13 around -- so I went out and went around looking for Brandon.
14 Got by the back door. There was Brandon laying down
15 bleeding.

16 Q. Were you the first one to find him---

17 A. Yes, ma'am.

18 Q. ---after he had been shot?

19 A. Yes, ma'am.

20 Q. Take your time. Tell us what happened when you came
21 upon Brandon and saw him shot.

22 A. Brandon was laying down at my back door. He was saying,
23 "Help me."

24 Q. And when he was saying, "Help me"---

25 A. He was laying down bleeding and saying, "Help me." I

1 tried to, but there was nothing I could do.

2 Q. So he's laying there and you're trying to help him.

3 A. Yeah.

4 Q. But he's been shot. The blood---

5 A. He had been shot. He was bleeding.

6 Q. And was -- there was a lot of blood.

7 A. Yeah.

8 Q. And there was nothing you could do.

9 A. That's right.

10 Q. Do you know whether or not somebody had already called

11 9-1-1?

12 A. Well, I was calling them, too, but I think my wife had

13 called them.

14 Q. And a lot of stuff was happening---

15 A. Yes, ma'am.

16 Q. ---because you'd just found out that Trey and Joshua had
17 been shot as well?

18 A. Yes, ma'am.

19 Q. Were you able -- were you there when EMS arrived?

20 A. Yes, ma'am.

21 Q. So you were down there with him the whole time.

22 A. Yes, ma'am.

23 Q. And after EMS arrived, what did you do?

24 A. They told me to move over. They got him. They got

25 Brandon and they got him and they started working on him and

1 stuff like that, and an officer came and got me.

2 Q. Okay. And did you at some point go to the hospital?

3 A. Yes, ma'am. Yes, ma'am. They kept me at the house for
4 awhile. Then I went to the hospital. Then I went there
5 after awhile, you know.

6 Q. You didn't actually see the fight or---

7 A. No.

8 Q. ---what went on outside with Brandon.

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

10 Q. And you stated that you heard one shot; correct?

11 A. Yes, ma'am.

12 Q. Were you sure -- was it gunshot or you just heard a lot
13 of noise?

14 A. At first I wasn't sure it was gunshot until my son got
15 up there, and before I could get downstairs I heard at least
16 five or six more.

17 Q. In succession.

18 A. Yes.

19 Q. And all this happened pretty quickly?

20 A. It was real -- it was real quickly.

21 **Ms. Simpson:** Thank you, Mr. Davis.

22 **Ms. Pinnock:** I have no questions, Judge.

23 **The Court:** Mr. Davis, you can step down. Thank you.

24 **The Witness:** Thank you.

25 **The Court:** Call the next witness.

1 **Ms. Simpson:** The State calls Investigator Beeler to the
2 stand.

3 Michael Beeler, after being duly sworn, testified
4 as follows:

5 **The Clerk:** Please have a seat in the witness stand, and
6 state your full name for the record, and please spell your
7 last name.

8 **The Witness:** Investigator Michael Beeler. B-E-E-L-E-R.

9 Direct Examination

10 By Ms. Simpson:

11 Q. Investigator Beeler, where are you employed?

12 A. With the Richland County Sheriff's Department in the
13 Crime Scene Division.

14 Q. Okay. And how long have you been with the sheriff's
15 department?

16 A. I've been with the sheriff's department for 14 years.

17 Q. And how long have you actually been with the Crime Scene
18 Unit?

19 A. Approximately six and a half years.

20 Q. And prior to coming to the Crime Scene Unit, I guess
21 what type of work were you doing at the sheriff's department?

22 A. I was a patrol deputy, responding to calls, patrolling,
23 investigating small scenes.

24 Q. Okay. So you have involvement in a number of different
25 types of cases prior to coming to the Crime Scene Unit.

1 **The Court:** Let me let the jury go to the jury room for
2 just a minute.

3 (Whereupon, the jury was excused from open court at
4 10:19 a.m.)

5 **The Court:** Mr. Duckett, you have been called as a
6 witness for the State in this case against Mr. Demetrice
7 James, and let me clarify where we are. You said you didn't
8 want to do it. Does that mean you don't want to take the
9 oath or you don't want to testify?

10 **Mr. Duckett:** I ain't -- I ain't testify.

11 **The Court:** All right. Do you have an attorney?

12 **Mr. Duckett:** No.

13 **The Court:** All right. State, tell me the position
14 we're in.

15 **Ms. Simpson:** Your Honor, Mr. Duckett is currently
16 incarcerated for purse-snatching for which he received a
17 youthful offender sentence back on January 9th of 2014. It's
18 the State's position at this point that he has no
19 constitutional rights to invoke his Fifth Amendment right to
20 silence. He did, in fact, testify at the last trial. He has
21 given a statement to police. So should he choose to not
22 cooperate or answer my questions, we will impeach him with
23 the appropriate method.

24 **The Court:** Okay. All right. Well, I'm going to ask
25 you to take the stand. Come up here and have a seat.

1 **Mr. Duckett:** I got a question.

2 **The Court:** Yes, sir.

3 **Mr. Duckett:** How are you going to make me do something
4 that I don't want to do?

5 **The Court:** Well, I'm not going to get technical with
6 you. We have several policemen around here. They're not
7 going to wrestle you to the ground - that's for sure - or you
8 can just stand right there. But I'm going to allow the State
9 to ask you questions. You don't want to -- I can't make you
10 answer them at this time, but I thought it would be more
11 comfortable and make a better picture for the presentation if
12 you sat up there as opposed to just standing where you are.
13 Your choice. You can just stand there while---

14 **Mr. Duckett:** Stand here and ask questions? Is that
15 what you're saying?

16 **The Court:** Yeah. Well, they're going to ask you some
17 questions. They've got a right to ask you questions. You
18 don't have to answer them, although technically you're not
19 protected in regard to answering questions regarding Mr.
20 James in this offense because I haven't heard through -- he's
21 not charged in this.

22 **Ms. Simpson:** No, Your Honor, he was not charged in any
23 way with any type of offense related to this incident.

24 **The Court:** So you don't have any Fifth Amendment rights
25 to be protected. If you remain silent as to this -- so there

1 are avenues I could take if you do not choose to testify, but
2 being quite -- quite frankly, it appears you're serving time
3 anyway. For me to put you in jail until you determine that
4 you wanted to answer questions would not seem to be making
5 any progress, but the State does have a right to ask you
6 questions and you can -- you don't have to answer them or you
7 can tell -- you can tell the State when they ask questions,
8 "I'm not going to respond. I'm not going to answer."

9 And I was just going to suggest that it would be more
10 comfortable if you sat down - this probably won't take very
11 long - if you sat down while this took place as opposed to
12 your standing there.

13 **Ms. Anastasia Walker:** Your Honor?

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

15 **Ms. Anastasia Walker:** If I may weigh in on this a
16 little?

17 **The Court:** Yes, ma'am, please.

18 **Ms. Anastasia Walker:** Thank you, Your Honor. May it
19 please the Court? Your Honor, according to State v. Anderson
20 when there is a witness that's -- at this juncture it seems
21 that he is refusing to testify. So at this point he's being
22 put up solely for impeachment purposes, considering that he's
23 refusing to testify for the State, as he has indicated, that
24 the State has to establish at this point -- one, they have to
25 establish that, one, that they are surprised that Mr. Duckett

1 is refusing to testify and, number two, that they are
2 suffering some sort of material harm. I have a---

3 **The Court:** Let me have a copy of---

4 **Ms. Anastasia Walker:** I believe I have a copy of that
5 case for Your Honor and the State.

6 **The Court:** Counsel?

7 **Ms. Simpson:** And, Your Honor, if I may: First of all,
8 as I stated before, Mr. Duckett, just to give you a little
9 bit of background about his involvement with this case, was
10 present at the planning of this robbery, specifically Maurice
11 Rob -- he was at the home with Maurice Roberts along with
12 Demetrice James, this defendant, as well as several other
13 individuals including Deshawn McClary. At that time Maurice
14 Roberts received a call from Vincent Nelson. Subsequent to
15 that call, there was a conversation had about robbing a
16 studio for equipment, a lick essentially.

17 This witness indicated that he was not going to
18 participate in that, as well as his cousin. However,
19 Demetrice James, D. Roosevelt, Deshawn McClary, and Maurice
20 Roberts were going to participate in it. As I said, it was
21 his birthday, I believe the 26th, several days later.

22 **The Court:** Whose birthday?

23 **Mr. Duckett:** Mine.

24 **Ms. Simpson:** His. They were actually at his house
25 planning. He did not participate in the robbery in any way.

1 However, he did receive a call, that's fairly important to
2 us, from Maurice Roberts subsequent to the actual incident
3 occurring, the time frame being 12:30 the morning of the 26th
4 shortly after the incident occurred on the 25th. Then,
5 additionally, he had contact with Maurice Roberts on Sunday.

6 The primary concern as far as materiality goes is when
7 officers were looking for Vincent Nelson, they went to the
8 home of Maurice Roberts. This defendant was found hiding in
9 a closet with the cell phone in his possession belonging to
10 Maurice Roberts. Those records have been introduced which
11 contain text messages regarding the conspiracy in this case,
12 of course, the planning and directly tying Mr. James to it as
13 well.

14 Subsequent to being found, he was advised verbally. At
15 that point he immediately indicated he knew about the
16 robbery. He knew who was involved, to include this
17 defendant. He went to headquarters. He was again advised in
18 written form and then gave a written statement supporting
19 that.

20 After that, he agreed to take police officers to the
21 actual home or location where he knew Demetrice James to
22 live. That proved to be accurate, essentially the area, and
23 he also knew that Mr. James was in I guess a G.E.D. program
24 at Benedict College. So he is the key witness for us
25 establishing the conspiracy, the knowledge, the planning of

1 the armed robbery in this case which defense counsel
2 mentioned was our main goal and what we had to prove in her
3 own opening.

4 **Ms. Anastasia Walker:** And, Your Honor, I would still
5 feel that here at this juncture while she may feel that this
6 witness is material, she's failed to in any way show
7 surprise, just the fact that---

8 **The Court:** Well, this is a 1989 case that you're
9 showing me, and the old rule used to be for hostile witnesses
10 -- and Rule 607, which is effective 1995 and postdates
11 Anderson, states, "The credibility of a witness may be
12 attacked by any party, including the party calling the
13 witness. It's contrary to the former law in this state that
14 a party must vouch for its own witness and may not impeach a
15 witness unless the witness is declared hostile upon a showing
16 of actual surprise and harm," and they cite the Anderson
17 case, the old law.

18 **Ms. Anastasia Walker:** Certainly, Your Honor.

19 **The Court:** So I think under Rule 607 she can impeach
20 this witness.

21 **Ms. Anastasia Walker:** Minus the showing of surprise and
22 harm.

23 **The Court:** I find that the surprise and harm of
24 Anderson is negated by Rule 607.

25 **Ms. Anastasia Walker:** Beg the Court's indulgence.

1 **The Court:** My law clerk was showing me a case of State
2 versus Brown, also Byra---

3 **Ms. Anastasia Walker:** I'm sorry. State versus Brown,
4 Your Honor?

5 **The Court:** Byram. I'm sorry. 326 S.C. 107. This is a
6 negative treatment from Anderson; let's see what it says. It
7 is not -- it does not appear to address the issue before us.
8 It has to do with other issues at the conclusion of some
9 evidence, jury instruction, impact evidence, television
10 cameras. So, no, it doesn't. You can look at the case, but
11 I don't believe it has any -- it does not seem to address the
12 impeachment issue but other issues.

13 **Ms. Anastasia Walker:** Certainly, Your Honor. Is it --
14 is it possible to have a short recess just to see if we can
15 come up with any -- just a 10-minute recess just to see if
16 there's any...

17 **The Court:** All right. We'll take a short break.

18 **Ms. Anastasia Walker:** Thank you. Certainly, Your
19 Honor. I appreciate that.

20 **The Court:** Let's take a 10 -- is it all right if he
21 stays in here with the officers---

22 **Officer:** I'll stand here.

23 **The Court:** ---instead of taking him in and out? I hate
24 to inconvenience you too much, but we're going to take a
25 break for just a minute. Do you need any water or anything?

1 **Mr. Duckett:** No, I don't need no water, man.

2 **The Court:** Just trying to be nice.

3 (Whereupon, a short break was taken.)

4 **The Court:** Take your seats. State ready?

5 **Ms. Simpson:** The State's ready.

6 **The Court:** Defense ready?

7 **Ms. Anastasia Walker:** Yes, Your Honor.

8 **The Court:** Anything else?

9 **Ms. Anastasia Walker:** No, Your Honor, not on that issue
10 specifically, but I do have a number of other issues.

11 **Ms. Simpson:** Oh. Briefly, Your Honor, may we approach?

12 **The Court:** Yes.

13 (Whereupon, a bench conference was held.)

14 **The Court:** Tiara James? Are you Tiara James? Hello?
15 Do we have a Tiara James in here?

16 **Man in the courtroom:** No, she's...

17 **Ms. Anastasia Walker:** That's not your sister?

18 **Demetrice James:** No.

19 **Ms. Anastasia Walker:** Oh, I thought that was your
20 sister.

21 (An off-the-record discussion takes place between Ms.
22 Anastasia Walker and Demetrice James.)

23 **Ms. Anastasia Walker:** May we approach?

24 (Whereupon, a bench conference was held.)

25 **The Court:** Courtrooms are open to the public and people

1 -- we don't have gag orders and usually don't exclude
2 individuals from being present, but where in the interest of
3 justice it appears that it is necessary, I feel I have the
4 authority to do that. So while this witness is on the stand,
5 I'm going to ask Mr. Middleton and Ms. Brown to wait outside.

6 (Mr. Middleton and Ms. Brown leave the courtroom.)

7 **The Court:** Any other issues before the jury comes back?

8 **Ms. Anastasia Walker:** Your Honor, I'd just like to be
9 heard. I would put an objection on the record for any
10 special treatment for this witness. I don't think anything
11 has been established for any reason for these witnesses to
12 have to leave the courtroom as it is a public hearing. I
13 believe that this is a sensitive trial, that there are a
14 number of witnesses that would not like for a number of
15 people to be in this courtroom. And should we give special
16 treatment to this witness, we should be giving the option to
17 every witness.

18 **The Court:** Well, if circumstances warrant, I probably
19 would.

20 **Ms. Anastasia Walker:** Certainly, Your Honor, and I
21 think without any showing other than this defendant has -- or
22 this witness has indicated he just doesn't want them in here,
23 I think that is insufficient to just giving him special
24 treatment in order to testify.

25 **The Court:** Are you citing any particular constitutional

1 right that was violated by doing this? It doesn't violate
2 your client's right to confront witnesses because the witness
3 is on the stand.

4 **Ms. Anastasia Walker:** No, it doesn't violate any Sixth
5 Amendment right that I'm aware of, Your Honor, just that I
6 just -- I believe it is giving this gentleman special
7 treatment that I don't see any basis for.

8 **The Court:** All right. Well, the bases were related to
9 the Court and it is confident that -- well, we'll find out
10 more maybe in a minute that there was some issue about these
11 two individuals being present while this witness testifies.
12 All right.

13 **Ms. Anastasia Walker:** Thank you, Your Honor.

14 **The Court:** Does this change your attitude toward
15 testifying?

16 **Mr. Duckett:** Whatever question, man, if I feel like
17 I'll answer, I'll answer basically.

18 **The Court:** Are you ready -- are you going to answer?

19 **Mr. Duckett:** Whatever question that pertains to me.

20 **The Court:** All right. Well, do you swear that the
21 testimony you do give in this case -- swear or affirm that
22 the testimony you give will be the truth, the whole truth,
23 and nothing but the truth?

24 **Mr. Duckett:** Yeah. Yeah. Yeah.

25 **The Court:** Okay. All right. Bring in the jury.

1 (Whereupon, the jury was brought into open court at
2 10:48 a.m.)

3 **The Court:** Members of the jury panel, while you were
4 out, I administered the oath to Mr. Duckett. He affirmed
5 that he would tell the truth and nothing but the truth, so
6 help him God. He swore or affirmed to that, so he is under
7 oath. You may proceed.

8 Direct Examination

9 By Ms. Simpson:

10 Q. Mr. Duckett, how old are you?

11 A. I'm 19.

12 Q. Are you from Columbia?

13 A. Uh-huh.

14 Q. You've got to say yes or no for the court reporter.

15 A. Yeah, I'm from Columbia.

16 Q. Did you graduate from high school?

17 A. Yeah.

18 Q. And which high school did you graduate from?

19 A. Lower Richland High School.

20 Q. Lower Richland? I'm going to ask you some questions
21 about who you know. Do you know Maurice Roberts?

22 A. Uh-huh. Yes. Yeah.

23 Q. How do you know Maurice?

24 A. We grew up around the hood -- around the hood.

25 **Court Reporter:** I'm sorry. Doing that, I can't

1 understand him.

2 **The Witness:** Around the way. Around the way.

3 By Ms. Simpson:

4 Q. Around the way. Around the hood.

5 A. Yeah.

6 Q. And how long did you know Maurice Roberts?

7 A. Like a couple of years.

8 Q. A couple of years?

9 A. Yeah.

10 Q. And did you know Demetrice James?

11 A. Yeah.

12 Q. And how did you know Demetrice James?

13 A. Same way.

14 Q. Same way? Around the hood? Around the way?

15 A. Yeah.

16 Q. And you actually knew him by a nickname, too. D.

17 Roosevelt; right?

18 A. No.

19 Q. What did you call him?

20 A. I called him "Meet."

21 Q. Or "Meet."

22 A. Yeah.

23 Q. Okay. And you also knew Deshawn McClary?

24 A. (Witness nodded head up and down.)

25 Q. And you called him what?

1 A. Deshawn.

2 Q. Deshawn? And Vincent Nelson, you knew him as well.

3 A. (Witness nodded head up and down.)

4 Q. You've got to say yes or no.

5 A. Yeah.

6 Q. And how did you know -- did you know all these
7 individuals through the hood, around the way?

8 A. They be around the way chilling.

9 Q. Chilling? And you all actually had a record together;
10 correct?

11 A. Right.

12 Q. What was the name of that group?

13 A. 600 Squad.

14 Q. 600 Squad? And who was a part of that group?

15 A. All of us.

16 Q. All of you? To include Maurice Roberts, Demetrice
17 James, Deshawn McClary---

18 **Ms. Anastasia Walker:** Objection, Your Honor.

19 **Ms. Simpson:** ---and Vincent Nelson?

20 **The Court:** That's leading.

21 By Ms. Simpson:

22 Q. Okay. Who do you mean by all of you?

23 A. The guys you just named, yeah. Yeah.

24 Q. I want to turn your attention to Thursday.. Your
25 birthday is actually -- when is your birthday?

1 A. January .

2 Q. January ? And turning your attention to 2013, a
3 year ago, were you actually planning a birthday party?

4 A. Yeah, I did.

5 Q. Tell us about the Thursday before your birthday party.
6 Who was at your house?

7 A. It wasn't nobody at my house.

8 Q. Were you at someone's else house?

9 A. Yeah, I was at Maurice house.

10 Q. At Maurice's house?

11 A. Uh-huh.

12 Q. Who was at Maurice's house with you?

13 A. What do you mean? That Thursday?

14 Q. That Thursday, planning your birthday party on the 24th.
15 I know it's been awhile.

16 A. Man, there be a lot of people over there. I don't even
17 know... There be a lot of people over there.

18 Q. Do you remember if Maurice -- you said Maurice was
19 there; right?

20 A. Yeah.

21 **Ms. Anastasia Walker:** Objection. Leading, Your Honor.

22 **Ms. Simpson:** Okay. I'll rephrase.

23 By Ms. Simpson:

24 Q. Was Demetrice James there, too?

25 A. Yeah, he came through.

1 Q. Was Deshawn McClary there?

2 A. Yeah, he came over there, too.

3 Q. Okay. And your cousin was there.

4 A. After the fact, yeah.

5 Q. And during the planning of your birthday party, did
6 Maurice receive a call?

7 A. Yeah, from somebody. Yeah, he got a phone call. Yeah.

8 Q. And after that phone call, did he ask you to participate
9 in something or talk to you about a lick?

10 **Ms. Anastasia Walker:** Objection. Leading.

11 By Ms. Simpson:

12 Q. Did he ask you to participate in anything?

13 A. Yeah. The man be talking about -- the man be talking
14 about robbing somebody down there.

15 Q. Robbing somebody?

16 A. Yeah.

17 Q. And what specifically do you recall that they were going
18 to rob?

19 A. They supposed to rob somebody that I knew, that I went
20 to school with, for some studio equipment. Yeah.

21 Q. For studio equipment?

22 A. Uh-huh.

23 Q. You said you knew the person they were going to rob.

24 A. Yeah.

25 Q. Who did you think they were going to robbery?

1 A. Rob Brandon.

2 Q. Okay. And you were present for this discussion.

3 A. No, I wasn't present. See, what it was: Them boys was
4 talking about the situation. You know what I'm saying? I
5 had to go -- during the time, I'm doing something I had no
6 business doing, so I had left. But when he got the phone
7 call, I was there, but when they were discussing it, I had
8 left because I had to go take care of my business.

9 Q. Okay. And you actually -- you gave a statement to
10 police; correct?

11 A. Uh-huh.

12 Q. After they advised you of your rights.

13 A. Yeah.

14 Q. And your memory would have been a little better back on
15 January 28th of 2013; correct?

16 A. Correct.

17 Q. Than it is now. And in that statement do you remember
18 telling the police officers that---

19 **Ms. Anastasia Walker:** Objection, Your Honor.

20 **Ms. Simpson:** ---that Demetrice James---

21 **Ms. Anastasia Walker:** Counsel is leading.

22 **The Court:** Well, I think you can use the statement if
23 you use it right.

24 **Ms. Anastasia Walker:** And, Your Honor, the witness
25 hasn't indicated that he hasn't -- that he didn't remember

1 anything at this point.

2 **The Court:** Well, that's noted I guess.

3 **Ms. Anastasia Walker:** Thank you, Your Honor.

4 By Ms. Simpson:

5 Q. I'm going to show you a copy of your statement, and I've
6 actually highlighted a portion. Do you want to take a look
7 at it? Would that help you refresh your memory?

8 A. I see it.

9 **Ms. Anastasia Walker:** He hasn't indicated that he
10 needed his memory refreshed, Your Honor.

11 **Ms. Simpson:** Your Honor, I just specifically asked him
12 about the robbery and the participation and who---

13 **The Court:** Well, I thought she asked if that would help
14 refresh his memory. I overrule your objection.

15 By Ms. Simpson:

16 Q. Do you need to review a copy of your statement?

17 A. No.

18 Q. Do you think you can remember okay?

19 A. Uh-huh.

20 Q. And do you remember telling the police that -- who was
21 going to participate in this robbery?

22 A. The police asked me who was there when they got the
23 phone call or whatever. I gave them the names of who was
24 there. He asked me to describe some phone call or whatever
25 and what they was talking about doing. That's what the

1 police asked me.

2 Q. State that last part again.

3 A. He said describe what they was going to do.

4 Q. Describe what they were going to do. And by "they," who
5 did you indicate to police was there?

6 A. I said -- well, the people that I put on the paper that
7 I remember that was talking during the time -- I was like
8 Maurice. I was like Meet, and during the time Little D. and
9 Little Hardrock was over there.

10 Q. Okay. Meet being Demetrice James.

11 A. Right.

12 Q. And -- but you walked off or did you leave the
13 conversation?

14 A. Yeah. I know I left. I went home. I left.

15 Q. Okay. So you left and went home, and they were still
16 talking about it.

17 A. Yeah. I don't know what they were talking about after I
18 left, but I know I left.

19 Q. You left.

20 A. Yeah.

21 Q. And at some point - let me back up - did you receive a
22 call from Maurice Roberts I guess the evening hours around
23 midnight or 12:30, Friday/Saturday morning before your
24 birthday?

25 A. Yeah.

1 Q. Tell us about that call.

2 **Ms. Anastasia Walker:** Objection, Your Honor. The
3 question calls for hearsay.

4 **The Court:** Ask him -- I think you need to qualify -- go
5 ahead and you can answer. He can answer whether he received
6 a call or not, and then we'll see where we go from there.

7 By Ms. Simpson:

8 Q. Okay. Did you receive a call from Maurice Roberts?

9 A. I did.

10 Q. And as a result of that call, did you actually go down
11 to his apartment?

12 A. I did.

13 Q. Are you certain about that?

14 A. Are you talking about after the call? After he called
15 me?

16 Q. Yes.

17 A. He told me to come down there. I was like, "For what?"
18 He was like---

19 **Ms. Anastasia Walker:** Objection, Your Honor. Hearsay.

20 **The Court:** Well, based on my consideration of the issue
21 we talked about yesterday - I'm not going to state it on the
22 record at this time; I will later - I'm going to allow the
23 question.

24 By Ms. Simpson:

25 Q. Okay. So you get a call. Let me back up just a little

1 bit, too. Where were you when you received this call on the
2 25th?

3 A. I was laying up with somebody.

4 Q. You were---

5 A. I was laying up with somebody.

6 Q. Laying up with somebody?

7 A. Yeah.

8 Q. And that was in -- where were you laying up with them?

9 What apartment complex?

10 A. Hammond Village.

11 Q. Hammond Village. And who else lives in Hammond Village?

12 A. Maurice.

13 Q. Maurice. So you get this call from Maurice. What was
14 he -- did he wish you a happy birthday?

15 A. Basically that's what the phone call was about.

16 Q. And you indicated something about going down to his
17 apartment; correct?

18 A. Right.

19 Q. And he actually stated something to you to where you
20 didn't go down there; right?

21 A. Uh-huh.

22 Q. Do you remember what he told you?

23 **Ms. Anastasia Walker:** Objection, Your Honor. Hearsay.

24 **The Court:** I overrule your objection.

25 **Ms. Anastasia Walker:** Thank you, Your Honor.

1 **The Witness:** I don't remember word for word what he
2 told me, but it was like -- it was about basically, you know
3 what I'm saying, they're about to go do whatever. You know
4 what I'm saying? They were about to go do...

5 By Ms. Simpson:

6 Q. Okay. So you got one call, and, again, you gave a
7 statement to police; right? And would it assist you if I
8 showed you the portion that I was referring to on your
9 statement where you talked about this call?

10 A. Yes, ma'am.

11 **Ms. Simpson:** Permission to approach?

12 **The Court:** Would it assist you if she showed it to you?

13 **The Witness:** Yeah.

14 By Ms. Simpson:

15 Q. I've highlighted the portion here where I asked him what
16 had they -- what they had going on down there at his place.
17 What was his response?

18 A. Well, in the paper he said -- he's saying, "Man, you
19 don't want to come." He was like, "Man, you don't want to
20 come down here, man. We got too much going on." I was like,
21 "All right, bro."

22 Q. Okay. So he basically told you: Don't come down; we
23 got too much going on. Right?

24 A. Right.

25 Q. And this was about 12:30 that Saturday morning after

1 midnight.

2 A. Basically, yeah.

3 Q. Around midnight. Then on that -- did you see Maurice
4 again that weekend?

5 A. Not 'til I went to his house that Saturday -- I mean
6 that Sunday.

7 Q. Okay. You saw him on Sunday?

8 A. Uh-huh.

9 Q. And on Sunday what happened when you saw him?

10 A. He had a little cookout basically.

11 Q. You went to his place?

12 A. Yeah.

13 Q. And he had a cookout?

14 A. Uh-huh.

15 Q. And what did y'all do? Did y'all look at any articles
16 or anything of that nature?

17 A. See, during the time I ain't -- them boys -- them boys
18 was looking up on the phones trying to see what was going on
19 or whatever because the word was going around that, you know
20 what I'm saying, my little homeboy had gotten killed. So
21 during the time, you know what I'm saying, them boys, they
22 had a little phone, so they was looking up News 19 or
23 whatever on the phone, trying to see what was going on.

24 Q. Okay. And you said - let me back you up - that your
25 homeboy had gotten killed. Who are you referring to?

1 A. Brandon.

2 Q. Brandon? And did Maurice say anything at that point?

3 A. No.

4 Q. More about the robbery or what happened?

5 A. Huh-uh.

6 Q. Okay. I want to turn your attention to January the
7 28th, that Monday morning. Where were you?

8 A. Talking about Monday?

9 Q. Yes.

10 A. That's when the police came and had came to Maurice
11 door.

12 Q. Okay.

13 **Court Reporter:** I didn't hear; I'm sorry..

14 **The Witness:** I think that's the day where the police
15 came to Maurice house.

16 By Ms. Simpson:

17 Q. Okay. The police came to Maurice's house. Who was
18 there that you remember?

19 A. Me, Maurice, and Vincent.

20 Q. And Vincent Nelson?

21 A. Yeah.

22 Q. What do you remember -- what were y'all doing at the
23 time? Just hanging out?

24 A. No, I just came to the door. I just came to the door.

25 I wasn't even there like two or three minutes 'til the police

1 came and knocked on the door.

2 Q. Okay. And when the police came and knocked on the door,
3 tell me what happened.

4 A. He went to go get his daddy. Maurice went to go get his
5 daddy.

6 Q. Maurice went to go get his daddy.

7 A. Yeah.

8 Q. And was anybody yelling anything? Did you know who was
9 at the door?

10 A. No. The police hadn't really say nothing. The only
11 thing I know is Maurice was like, "Well, the police are at
12 the door." So when he said that, I ran upstairs and I hid in
13 the closet.

14 Q. Okay. And why did you hide in the closet?

15 A. I don't want to answer that.

16 Q. Okay. Were you afraid of something?

17 A. No. I don't want to answer that.

18 Q. Okay. But you hid in the closet; correct?

19 A. Right.

20 Q. And prior to hiding in the closet, did Maurice actually
21 give you something or toss you something?

22 A. Yeah. He threw me the phone.

23 Q. He threw you the phone?

24 A. Uh-huh.

25 Q. Did he say anything to you when he threw it or he just

1 threw it?

2 A. He threw it to me. He was like, "Bro, flush it."

3 Q. "Bro, flush it."

4 A. Uh-huh.

5 Q. Meaning what?

6 A. Flush the phone. Flush it down the toilet.

7 Q. Flush it down the toilet. Did you, in fact, flush it
8 down the toilet?

9 A. No, I threw it in the bathroom.

10 Q. Threw it in the bathroom?

11 A. Yeah.

12 Q. But you were hiding in the closet.

13 A. Right.

14 Q. What do you remember when the police came in? Did they
15 find you?

16 A. Yeah, they find me in the closet.

17 Q. And when they found you, did you come out of the closet?

18 A. Yeah, I came out of the closet, you know. I didn't have
19 no choice.

20 Q. Okay. Because the police were there. And did they at
21 that point advise you of some rights?

22 A. After the fact that they claimed they found some coke on
23 me.

24 Q. Okay. Advised you of some rights though.

25 A. Uh-huh.

1 Q. And you indicated that you knew something about the
2 robbery they were asking about.

3 A. Nah. See, when they put me in the car, they were trying
4 to tell me that I was about to go to jail for murder and all
5 this, this and that, and the third, he was like: If I know
6 something, I better tell them now. I was like, "I don't
7 really know nothing." So he was like, "When I get you down
8 to the station and I break down to you what I need to know
9 and you tell me what I know, then I can save you or
10 something." This was the third...

11 Q. So you're telling me now today that the police actually
12 -- they didn't advise you of your rights.

13 A. Yeah, they advised me of my rights.

14 Q. And you didn't hand them a phone that you actually had
15 on your person.

16 A. No, they took the phone out of my pocket. They said,
17 "Whose phone is it?" I'm like, "It's Maurice phone."

18 Q. Okay. So you told them it was Maurice's phone.

19 A. Uh-huh.

20 Q. And it was in your pocket.

21 A. It wasn't -- basically it wasn't in my pocket. I had
22 two phones on me. One of them was his and one I threw in the
23 bathroom.

24 Q. Okay. So you threw your own phone in the bathroom, and
25 Maurice's phone is in your pocket.

1 A. No.

2 Q. But you told them it was Maurice's phone.

3 A. Yeah.

4 Q. And Maurice's phone number -- we're not even going to
5 get to that. So at that point you said the police asked you
6 about the robbery.

7 A. Uh-huh.

8 Q. And you told them you didn't know anything about it. Is
9 that what you're saying now today?

10 A. Uh-huh.

11 Q. And, again, you gave a statement in this case. You
12 talked to them verbally about it, right, before they took you
13 to headquarters?

14 A. No. When the man said, "Did you know anything
15 suspicious going on?" I was like, "No, I don't really know."
16 He was like, "Well, I'm going to take you down for
17 questioning." I was like, "For what?" He was like, "Is you
18 going to answer my questions?" I was like, "Yeah." So he
19 was like, "Okay. I'm going to take you down for
20 questioning."

21 Q. Okay. And he was questioning you about a robbery and a
22 murder.

23 A. Yeah, that's what it came out to be.

24 Q. And you said you knew who did the robbery.

25 A. I said the way how they talk to me, I know who did the

1 robbery.

2 **Court Reporter:** I'm sorry. Can you repeat that and
3 take your hand away from your mouth?

4 **The Witness:** I said -- I said the way they was talking,
5 yeah. Yeah, basically. Yeah. Yeah.

6 By Ms. Simpson:

7 Q. And when you told them you knew about the robbery and
8 knew who did it, you weren't saying that you were there;
9 right?

10 A. Right.

11 Q. But you knew who planned that robbery.

12 A. Off the phone call basically, yeah. Right.

13 Q. Okay. So let's go back to the phone call. This is the
14 phone call where Maurice Roberts, Demetrice James, Vincent
15 Nelson, and Deshawn McClary agree that they were going to rob
16 a studio.

17 A. Right.

18 Q. Right? Your homeboy's studio.

19 A. Right.

20 Q. Brandon Jones.

21 A. Right.

22 Q. And so you told police about those individuals.

23 A. Yeah, I told them about the individuals.

24 Q. And you told them what you knew about the phone call.

25 A. Right.

1 Q. And then you gave a written statement, too, telling them
2 that.

3 A. No, I didn't write the statement. He was typing the---

4 Q. Typed-up statement.

5 A. Yeah.

6 Q. But that -- then subsequent to that, you weren't
7 arrested at that point; right?

8 A. No.

9 Q. No. You actually agreed to take them and show them
10 where Meet lived or hung out; right?

11 A. Right.

12 Q. And did you, in fact, ride with them and show them?

13 **Ms. Anastasia Walker:** Objection, Your Honor. Counsel
14 is leading.

15 **The Court:** Yeah. Rephrase your question.

16 By Ms. Simpson:

17 Q. Where did you go with the police?

18 A. You just said it. I mean, you -- yeah, I took them to
19 Browns (phonetic) and showed them where Bro stayed at.

20 Q. Okay. And you pointed it out. And did you also know
21 where he went to school?

22 A. Yeah. Yeah.

23 Q. Where did he go to school?

24 A. He was going to Benedict in some program or something
25 like that.

1 Q. And after you pointed out the house, what did police do?
2 Where did they take you?

3 A. They dropped me off. They was like: That's all they
4 need to know. They dropped me off.

5 Q. Okay. So -- and, again, you were advised of your rights
6 and you waived those rights and talked to them freely and
7 voluntarily.

8 A. Right.

9 Q. And you told them what you knew.

10 A. Right.

11 Q. And you told them about the people involved.

12 A. Right.

13 Q. And 600, again, that group is your rap group? You were
14 part of it at one time?

15 A. I was part of it.

16 Q. And so being in that rap group -- Maurice Roberts, is he
17 your friend or was your friend?

18 A. Was, yeah. You're right.

19 Q. Deshawn McClary, were y'all friends?

20 A. Uh-huh.

21 Q. And Vincent Nelson, were y'all friends?

22 A. Right.

23 Q. And then Demetrice James, were y'all friends?

24 A. Right.

25 Q. And Demetrice James, he actually had a different hair --

1 hairstyle back then.

2 **Ms. Anastasia Walker:** Objection, Your Honor. Counsel
3 is leading.

4 **The Court:** That's leading.

5 By Ms. Simpson:

6 Q. Did he have a different hairstyles?

7 A. Right.

8 Q. What did he have?

9 A. He had dreads. He had dreads.

10 Q. He had dreadlocks?

11 A. Uh-huh.

12 Q. And the person that you know to be Demetrice James, do
13 you see him here in the courtroom?

14 A. I do.

15 Q. Okay. Can you point him out for the jury?

16 A. He's over there, man.

17 Q. Can you tell them what he's wearing?

18 A. He got blue on.

19 Q. He's got blue? Is he sitting between his attorneys?

20 A. Right.

21 **Ms. Simpson:** All right. And let the record reflect
22 that he's identified the defendant, Your Honor. Okay. Thank
23 you.

24 **The Court:** Okay.

25 By Ms. Simpson:

1 Q. And you're actually doing some time right now; correct?

2 A. Right..

3 Q. For purse snatching.

4 A. Common law robbery, right.

5 Q. All right. And it was -- but you pled guilty to purse
6 snatching.

7 A. (Witness nodded head up and down.)

8 **Ms. Simpson:** All right. Beg the Court's indulgence.

9 Thank you, Mr. Duckett.

10 **Ms. Anastasia Walker:** May it please the Court, Your
11 Honor?

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

13 **Ms. Anastasia Walker:** Give me just one second.

14 Cross-Examination

15 By Ms. Anastasia Walker:

16 Q. How are you doing today, Mr. Duckett?

17 A. I'm all right.

18 Q. You're all right. Do you mind if I call you Jwaun or do
19 you prefer Mr. Duckett?

20 A. Don't really matter.

21 Q. Jwaun is all right? So your testimony is that on
22 January 25th, 2013, you were at Maurice Roberts' house.

23 A. I don't know what day it was. It's been like a year ago
24 and some change.

25 Q. It was like the Thursday before your birthday.

1 A. I know I been at his house before my birthday. I don't
2 know what exact day; I just know I been at his house.

3 Q. Okay. Actually we're going to go -- we're going to go
4 past that. We're going to talk about when the police showed
5 up.

6 A. Uh-huh.

7 Q. Okay? They were knocking on the door. You were at his
8 house when the police showed up; right?

9 A. Right.

10 Q. You testified to that earlier.

11 A. Uh-huh.

12 Q. And they were knocking on the door?

13 A. Yeah, they were knocking on the door.

14 Q. You said you'd only been there two or three minutes.

15 A. Right.

16 Q. And you ran upstairs.

17 A. Uh-huh.

18 Q. Maurice tossed you a phone.

19 A. Right.

20 Q. Told you to flush it.

21 A. Right.

22 Q. You hid in the closet?

23 A. Right.

24 Q. Said you were scared.

25 A. You said what?

1 Q. You said you were scared.

2 A. No.

3 Q. You told Ms. Simpson you were scared?

4 A. No, I just hid in the closet. I mean, who ain't fixing
5 to run from the police?

6 Q. Who isn't fixing to run from the police?

7 A. Yeah.

8 Q. Is that what you said?

9 A. Yeah.

10 Q. Okay. And when the police came, you didn't come out of
11 the closet until the police found you there; right?

12 A. Right.

13 Q. And you told the police you were scared, didn't you?

14 A. No.

15 Q. You didn't tell the police that. And you told the
16 police that you were scared that you'd be arrested for drugs.

17 A. No, I ain't tell the police nothing like that.

18 Q. You didn't tell the police anything like that.

19 A. No.

20 Q. You didn't just testify that they were threatening to
21 arrest you for some coke they found on you.

22 A. Yeah. They thought it was coke, but it wasn't no coke.
23 You're right. They said they was going to lock me up for
24 coke and charge me with that.

25 Q. Okay. They said -- you said that they did threaten to

1 do that.

2 A. They was going to charge me with it; right.

3 Q. And that was immediately after they found you in the
4 closet?

5 A. Yeah, when they found it on me.

6 Q. So when they found you in the closet, they took you
7 immediately downstairs and outside?

8 A. Right.

9 Q. And they started talking about the drugs? The drugs?

10 A. Yeah.

11 Q. Okay. And then they immediately started asking you
12 about this robbery?

13 A. They said -- it was like -- basically they said that I
14 could have possibly have been with somebody when they did a
15 robbery and somebody had passed away during the time or
16 whatever. That's how the police said it to me or whatever.

17 Q. I'm sorry. Could you repeat that?

18 A. He said -- he was like possibly I could have been with
19 somebody who, you know what I'm saying, that did a robbery
20 and somebody died during the robbery.

21 Q. And they threatened they could take you down for murder,
22 too?

23 A. Yeah.

24 Q. If you didn't talk to them?

25 A. Right.

1 Q. Right.

2 A. Right.

3 Q. And so you immediately agreed to talk to them.

4 A. I told them -- I was like, "I'll tell you what I know."

5 He said, "What you know?" I'm like, "Man:..."

6 Q. Because you were scared.

7 A. No. Scared? What am I scared for? I ain't got nothing
8 to do with it. I ain't -- it ain't me.

9 Q. You weren't scared.

10 A. No.

11 Q. Not at all.

12 A. No.

13 Q. All right. All right. So you told police that you were
14 at Maurice's prior to your birthday.

15 A. Yes.

16 Q. I want to talk about now that -- now that you've talked
17 to the police, we're going to talk about what you told them.
18 All right? And that you were over there planning your
19 birthday party.

20 A. Trying to (unintelligible words spoken).

21 **Court Reporter:** I didn't hear him.

22 By Ms. Anastasia Walker:

23 Q. I'm sorry. Can you talk up just a -- she's got to write
24 down what you. All right?

25 A. Yeah.

1 Q. All right. And you said there were a lot of -- you told
2 Ms. Simpson there were a lot of people over there; right?

3 A. Yeah, there was a lot of people over there.

4 Q. Maurice?

5 A. Maurice was there.

6 Q. Because you were at Maurice's house; right?

7 A. Yeah.

8 Q. And Meet was over there.

9 A. Yeah.

10 Q. That's what you call Demetrice.

11 A. Uh-huh.

12 Q. And Derrick was over there?

13 A. Who is Derrick?

14 Q. That's what you actually called Deshawn. Do you recall
15 that?

16 A. Nah, but---

17 Q. You don't recall calling him Derrick?

18 A. I don't call him nothing---

19 Q. Do you recall calling Vincent "Junior"?

20 A. (Witness shook head from side to side.)

21 Q. Nope?

22 A. (Witness shook head from side to side.)

23 Q. Don't recall that either.

24 A. (Witness shook head from side to side.)

25 Q. Do you recall your cousin being over there?

1 **The Court:** You need to answer with words.

2 **The Witness:** You said do I recall my cousin being over
3 there?

4 By Ms. Anastasia Walker:

5 Q. I'm sorry. Let's go back so we can get -- we need to
6 get a yes or a no out of you so that the court reporter can
7 take it down. Do you recall Junior being over there?

8 A. (Witness nodded head up and down.)

9 Q. Or do you know who Junior is?

10 A. Who are you talking about? Hardrock?

11 Q. I don't know who Hardrock is.

12 A. I don't know.

13 Q. Vincent.

14 A. Yeah, he been there.

15 Q. Okay. And your cousin, Kyree (phonetic) Gold, do you
16 recall him being there?

17 A. He came and picked me up.

18 Q. And you said Maurice got a phone call.

19 A. Right.

20 Q. You don't know where that phone call came from.

21 A. I don't know who called him, man. The only thing I just
22 know what the man is talking about.

23 Q. Okay. And you didn't hear what was on the other end of
24 that phone call.

25 A. No.

1 Q. Okay.

2 A. Meet, he -- I don't know. I don't know, man. You ask
3 too many questions, man. All these questions are like...

4 Q. All right. Well, I've got some more questions. All
5 right? And you're trying to say that Maurice got a lick from
6 this phone call. Is that what you said in your statement?

7 A. Yeah.

8 Q. A lick. And a lick -- can you tell me what a lick is?

9 A. Basically going to rob somebody.

10 Q. You're going to rob somebody. And he asked you if you
11 wanted to do this lick.

12 A. Yeah, he asked me did I want to go do the lick.

13 Q. You said no.

14 A. I told him I don't do licks.

15 Q. You don't do licks.

16 A. Yeah.

17 Q. But you're in prison right now.

18 A. Right.

19 Q. You're in prison for purse snatching; right?

20 A. See, that ain't got nothing to do with this right here.

21 Q. All right. All right. I'm just checking. But you say
22 that everybody else wanted to do the lick, everybody but you.

23 A. Everybody, yeah.

24 Q. All right. All right. And when you say everybody, you
25 mean everybody in this group, 600.

- 1 A. No, not technically.
- 2 Q. Not technically? There's more people in 600?
- 3 A. No.
- 4 Q. But not everybody wanted to be -- not all of 600 wanted
- 5 to do this lick.
- 6 A. No, because I didn't go. I didn't---
- 7 Q. Okay. I see what you're saying. I see what you're
- 8 saying. All right. And you say this is a rap group:
- 9 A. Yeah.
- 10 Q. Y'all made music.
- 11 A. Yeah.
- 12 Q. Could you tell me where I could find any recordings or
- 13 anything like that?
- 14 A. Where I had the studio. It's on -- it should be on the
- 15 computer.
- 16 Q. All right. All right. So you're sure that 600 refers
- 17 to a rap group.
- 18 A. Yeah.
- 19 Q. It doesn't refer to a location or anything like that.
- 20 A. No.
- 21 Q. Just a rap group..
- 22 A. Yeah.
- 23 Q. All right. Then you left with your cousin after that.
- 24 Is that a yes or a no?
- 25 A. Yeah.

1 Q. All right. So you've known Maurice for awhile, you said
2 coming up?

3 A. I've been knowing Maurice about a couple of years, man.

4 Q. A couple of years?

5 A. Yeah.

6 Q. Since y'all were kids? Teenagers? What?

7 A. No, just a couple of years.

8 Q. Couple of years. Did you know Maurice had a gun?

9 A. Yeah.

10 Q. You did know Maurice had a gun.

11 A. Yeah.

12 Q. That's what you told police; right?

13 A. Yeah.

14 Q. You told Maurice (verbatim) you knew he had a 30/30 with
15 a scope; right?

16 A. Right.

17 Q. And you told them you knew he had a handgun, too.

18 A. Right.

19 Q. Right? And that you thought it was a 40?

20 A. Right.

21 Q. And that you even told the police that you had seen that
22 handgun about a prior -- a week prior to the incident.

23 A. Right.

24 Q. All right. And you said you'd known Maurice well enough
25 to go over there -- you even went over there at one point and

1 had his dad cook you some food; right?

2 A. Right.

3 Q. And I think he cooked you like macaroni and cheese or
4 something like that? Is that right?

5 A. I don't recall.

6 Q. You don't recall? No big deal. But you told police
7 you'd only known Deshawn like a month.

8 A. Right.

9 Q. You hadn't known him long. And you'd only seen him like
10 four or five times.

11 A. Right.

12 Q. But he's part of this group, 600, this rap group.

13 A. Right.

14 Q. And, in fact, you even told him he's the leader of the
15 group.

16 A. Who said that?

17 Q. You did.

18 A. I don't recall that.

19 Q. You don't recall that.

20 A. No.

21 Q. Beg the Court's indulgence. If I showed you your
22 statement, would that refresh your memory? Jwaun?

23 A. Uh-huh.

24 Q. All right. Give me a second to get up here. This is
25 the statement you gave police; right? Is this right? It's

1 three pages?

2 A. Right.

3 Q. All right. And then here on the second page of the --
4 pardon me. That's the third page. Here on the second page
5 your answer to, "What is 600?" "That's what they call
6 themselves," is your answer. "Derrick or Deshawn, he's kind
7 of the leader of 600." That's what you said; right?

8 A. That's on the paper, man.

9 Q. Okay. So that's what you said; right?

10 A. That's what's on the paper.

11 Q. And you signed that paper?

12 A. Yeah.

13 Q. You signed that paper as your statement; right?

14 A. Right.

15 Q. The statement that you gave police? And you're part of
16 this rap group.

17 A. Right.

18 Q. Okay. And in your statement -- did you go over your
19 statement before coming in here today?

20 A. No.

21 Q. Nope? Would you agree with me that you only mentioned
22 Demetrice briefly in your statement?

23 A. Like I say, man, it's been a year ago, a year and a
24 half. So I don't really know. That ain't my main focus to
25 know what the statement said.

1 Q. Okay. But he was there when Maurice got this phone
2 call.

3 A. Yeah, he was there.

4 Q. Okay. Now, you recall in February of this year you
5 actually came to trial.

6 A. Yeah, about the Maurice situation. Yeah.

7 Q. You testified against Maurice Roberts.

8 A. Yeah.

9 Q. Okay. And at trial you testified that Junior is the one
10 that told them that they had a lick. Do you recall that?

11 A. Man, let me put it like this: You're trying to play off
12 with mind games. Listen, all these questions, I ain't with
13 all these questions. I said what I said. Them boys when
14 they -- them boys planned that. Do you feel me? Them boys
15 -- them boys when they -- you know what I'm saying? Maurice
16 got the phone call. Junior is the one who set all that stuff
17 up. Do you feel what I'm saying? For my little people to
18 get killed or whatever like that, so you know what I'm
19 saying, he's the one---

20 Q. Junior set it up.

21 A. Yeah. He's the one who set all that up. Do you see
22 what I'm saying? Them boys went to go through that. I ain't
23 got nothing to do with it. All these questions and all that,
24 just get to the point so I can go back and finish doing my
25 biz. Man, I ain't got time for all this here.

1 Q. All right. Well, I've got to ask these questions. I
2 won't try to hold you up much longer. All right? And you
3 actually testified at trial that -- that Maurice didn't have
4 a gun; he was just holding it for someone. Do you recall
5 that?

6 A. Yeah, that's what Maurice told me.

7 Q. All right. All right. And then you testified at trial
8 that Maurice isn't a part of 600.

9 A. He's not.

10 Q. Okay. But you told police that he was a part of 600.

11 A. No. It might be in the statement, but Maurice is not a
12 part of 600.

13 Q. Okay. Do you recall your birthday party that year?

14 A. Yeah.

15 Q. Do you recall having a birthday at Ms. Priscilla's
16 house?

17 A. Yeah.

18 Q. Maurice came to that birthday party?

19 A. Yeah, he came.

20 Q. Deshawn came to that birthday party?

21 A. All the boys came.

22 Q. Do you remember Demetrice coming to that birthday party?

23 A. As a matter of fact, I don't even know. I don't even
24 know---

25 Q. You're not sure.

1 A. No.

2 Q. You don't ask them what happened.

3 A. Who?

4 Q. Them boys.

5 A. I was like, "Yeah. What y'all got going on?" Yeah.

6 Q. So y'all talked about what happened?

7 A. No, we didn't talk about what happened. He was just
8 like, "Man," but don't worry about it basically.

9 Q. Did you talk to my investigator last week?

10 A. Your investigator last week? Yeah, he came down there
11 to -- yeah.

12 Q. His name is Eric DeVan. You spoke to him?

13 A. I don't remember his name, but I know somebody came down
14 there and...

15 Q. Did you tell him you felt intimidated by the police?

16 A. No. I told him -- I said -- he tried to come down there
17 and ask me questions. I told him straight like this. I
18 said, "I ain't -- I ain't -- I ain't answering no questions,
19 none of that." So that was that.

20 Q. So you're telling -- you're telling this jury that you
21 did not answer any questions that my investigator asked you.

22 A. No, I did not answer no questions.

23 Q. You didn't speak to him, not a word.

24 A. Basically I spoke to him. He asked me how did I know
25 him, what do I know him---

1 Q. Right.

2 A. ---what are you doing.

3 Q. Right.

4 A. He just tried to get into the case and all that. I
5 said, "No, I ain't fixing to incriminate myself." This is
6 like the third -- I was like, "I wrote a statement, gave a
7 statement. It's in the statement," basically like that.

8 Q. Right.

9 A. I told him I didn't have nothing else to say.

10 Q. You didn't write a statement, but you spoke to him.

11 A. Right.

12 Q. And you told him you felt intimidated by the police.

13 A. No.

14 Q. Okay. And you told him that you didn't witness
15 anything.

16 A. He ain't asked me no questions for me to say nothing
17 like that.

18 Q. All right. Do you recall writing a letter while you
19 were down in the detention center in October of 2013?

20 A. Writing a letter?

21 Q. Writing a letter saying that Demetrice wasn't involved
22 in a lick?

23 A. No.

24 **Ms. Anastasia Walker:** May I approach the witness, Your
25 Honor?

1 **The Court:** You may.

2 **Ms. Simpson:** Your Honor, if I could see what she's
3 handing... We've not been provided a copy of this.

4 **Ms. Anastasia Walker:** And, Your Honor, this is just for
5 impeachment purposes.

6 **Ms. Simpson:** We still have never seen it. No
7 objection, Your Honor.

8 By Ms. Anastasia Walker:

9 Q. Do you recognize this letter at all?

10 A. (Witness looks at the letter.) No.

11 Q. You don't recognize that letter.

12 A. No.

13 Q. So that letter -- that signature down at the bottom is
14 not yours.

15 A. No, that ain't -- that's not how I sign my name.

16 Q. That's not how you sign your name.

17 A. No.

18 Q. So that notarized letter is not yours.

19 A. No.

20 Q. Okay. So you did not write a letter indicating
21 Demetrice was not involved.

22 A. No.

23 **Ms. Anastasia Walker:** All right, Mr. Duckett. That's
24 all I have for you. Oh, beg the Court's indulgence actually.
25 Thank you, Your Honor. I have no further questions at this

1 time.

2 **Ms. Simpson:** Brief redirect, Your Honor, and if I may
3 see the letter.

4 Redirect Examination

5 By Ms. Simpson:

6 Q. I want to go back to this letter. I believe it's
7 stamped by a notary. That handwriting, does it kind of look
8 like Demetrice's handwriting?

9 **Ms. Anastasia Walker:** Objection, Your Honor.

10 **The Court:** I sustain the objection. You can lay a
11 better foundation, but I sustain it.

12 By Ms. Simpson:

13 Q. Is that your handwriting in this letter?

14 A. No.

15 Q. Not your handwriting.

16 A. No.

17 Q. Have you seen Demetrice's handwriting before?

18 A. No.

19 Q. Not that you recall? But you're sure this isn't your
20 handwriting.

21 A. Yeah, I know that ain't me. That ain't my handwriting.

22 Q. But that statement that you gave police is what you
23 knew.

24 A. Yeah, that's basically what I knew. Right.

25 Q. And the person you know as Demetrice James who planned

1 to participate in this robbery, do the lick like you told
2 defense counsel---

3 A. Uh-huh.

4 Q. ---he's -- is he in the courtroom?

5 A. Yeah, he's right there.

6 **Ms. Simpson:** Let the record reflect he's identified the
7 defendant.

8 **Ms. Anastasia Walker:** I have no recross, Your Honor.

9 **The Court:** Okay. He can be excused. Thank you. We
10 appreciate your cooperation.

11 (Mr. Duckett was taken out of the courtroom.)

12 **The Court:** Call your next witness.

13 **Ms. Simpson:** The State calls Trenton Scott.

14 **The Court:** Do you think it might be good to take a
15 short break? This is going to be a fairly long witness, I
16 believe.

17 **Ms. Simpson:** It is.

18 **The Court:** This witness is going to take awhile. So
19 we'll take a real short refresher break. So go to the jury
20 room, and this won't be a long break, I hope.

21 (Whereupon, the jury was excused from open court at
22 11:27 a.m.)

23 **The Court:** We'll take a break. Before we do that, let
24 me just comment because I know it's going to come up again.
25 Ms. Simpson, when you ask that something be reflected on the

1 record and you look at me to respond, I don't say anything
2 because if I say, "Okay," I think I have commented on the
3 evidence.

4 **Ms. Simpson:** Okay, Your Honor. Thank you.

5 **The Court:** And confirmed that the witness has
6 identified somebody. That's not my job. So if you want to
7 put -- say for the -- "let the record reflect," that's fine.
8 That's between you and the record, but don't expect me -- and
9 I know it will come up again and I know lawyers expect the
10 judge to comment, but I don't because I think that's a
11 comment on the evidence, so...

12 **Ms. Simpson:** Thank you, Your Honor.

13 **The Court:** I wasn't being -- singling you out for any
14 reason. That's just the way I operate.

15 **Ms. Simpson:** Thank you.

16 **The Court:** All right. Let's take a short break.

17 (Whereupon, a short break was taken.)

18 **The Court:** Is the State ready? Hello? Is the State
19 ready?

20 **Ms. Meghan Walker:** Yes.

21 **Ms. Simpson:** The State's ready.

22 **The Court:** Defense ready?

23 **Ms. Anastasia Walker:** Yes, Your Honor.

24 **The Court:** All right. Bring in the jury.

25 (Whereupon, the jury was brought into open court at

1 11:40 a.m.)

2 **The Court:** Call your next witness.

3 **Ms. Simpson:** The State calls Trenton Scott.

4 Trenton Scott, after being duly sworn, testified as
5 follows:

6 **The Clerk:** Please have a seat in the witness stand, and
7 state your full name for the record.

8 **The Witness:** Trenton Scott.

9 Direct Examination

10 By Ms. Simpson:

11 Q. Trenton, how old are you?

12 A. Twenty-four.

13 Q. Twenty-four? And where do you live?

14 A.

15 Q. Are you from Columbia?

16 A. Yes, ma'am.

17 Q. Born and raised?

18 A. Yes, ma'am.

19 Q. Did you grow up here? Like where did you go to high
20 school?

21 A. Columbia High School for two years.

22 Q. Okay. And how long were you living at
23

24 A. Well over ten years.

25 Q. Okay. And do you still live there?

1 A. Yes, ma'am.

2 Q. Who all lives there with you?

3 A. My stepdad, Chandler Davis, and my mom, Sugar Davis, and
4 my brother, Troy Scott.

5 Q. Troy Scott. And who is the younger of the two?

6 A. I am.

7 Q. You're the youngest? Are you currently working
8 anywhere?

9 A. Yes, ma'am.

10 Q. What type of work do you do?

11 A. I'm a caregiver for a lawyer, Arthur Camden Lewis, and
12 Judge Mary Geiger Lewis.

13 Q. And as a caregiver, how long have you been doing that?

14 A. For two years now.

15 Q. And tell the jury - I want to talk about some of the
16 people involved in this case - how you know Joshua Williams.

17 A. I actually met him through my brother, Troy.

18 Q. And how long did you know Joshua?

19 A. I knew him for seven years now.

20 Q. Several years now? So before this incident happened you
21 knew him---

22 A. Yes, ma'am.

23 Q. ---for awhile. And describe your relationship with
24 Joshua. Did y'all become pretty good friends?

25 A. Yes, ma'am.

1 Q. Can you tell us about that, like what types of things
2 y'all would do?

3 A. We'd just hang around the house or play video games.

4 Q. And play video games?

5 A. Yes, ma'am.

6 Q. And do you also know Brandon or did know Brandon Jones?

7 A. Yes, ma'am.

8 Q. Tell the jury how you knew Brandon.

9 A. He was my cousin.

10 Q. He's your cousin?

11 A. Yes, ma'am.

12 Q. So did y'all grow up together?

13 A. Yes, ma'am.

14 Q. And did you, Brandon, and Josh hang out?

15 A. Yes, ma'am.

16 Q. Okay. Would you -- were you close with Brandon?

17 A. Yes, ma'am.

18 Q. I want to talk a little bit about your home at

19 Does your mom -- what all do y'all have
20 in the home?

21 A. Well -- well, we have a salon where she runs her
22 business through, and we also have our own personal studio in
23 there.

24 Q. Okay. And who all is at the studio? Like what do y'all
25 do at the studio?

1 A. Well, I sit around and I watch them record music.

2 Q. So you -- do you participate in the actual I guess
3 making of music or what do you do?

4 A. I was just basically like a -- like an A. and R., like I
5 either bring in talent or, you know, tell them what's going
6 on, you know, with the music and tell them how I honestly
7 feel about it.

8 Q. Okay. And Brandon and Josh, they participate in that as
9 well.

10 A. In the music, yes, ma'am.

11 Q. The music. And is there kind of a downstairs area? Is
12 that where you all would hang out?

13 A. Yes, ma'am.

14 Q. All right. With the game room?

15 A. Yes, ma'am.

16 Q. I also want to talk to you about the defendant and his
17 co-defendants. Do you know Vincent Nelson?

18 A. Yes, I do.

19 Q. Tell the jury how you know Vincent.

20 A. I've met Vincent through my brother and his friend,
21 Teedo.

22 Q. Teedo? And did Vincent have any nicknames that he went
23 by?

24 A. Jay-School.

25 Q. Jay-School? So that's primarily what y'all called him?

1 A. Yes, ma'am.

2 Q. How long before this incident occurred had you known
3 Jay-School?

4 A. For about two years.

5 Q. Two years?

6 A. (Witness nodded head up and down.)

7 Q. And did he actually stay with you for a period of time?

8 A. Yes, ma'am.

9 Q. Can you tell the jury about that time period and why he
10 was staying with you all?

11 A. He was less fortunate and he was going through some
12 things, and we gave him a place to stay. We gave him food to
13 eat and just as well as clothes.

14 Q. Did y'all kind of become friends? Did he hang out with
15 y'all and...

16 A. Yes, ma'am.

17 Q. Was he involved in the music---

18 A. Yes, ma'am.

19 Q. ---aspect of anything?

20 A. He was.

21 Q. And was it uncommon for your mom to kind of help people
22 out?

23 A. It was very common that she would help people out.

24 Q. Tell us about that. What kind of things would she do?

25 A. Well, she would slip them money for doing chores around

1 the house and go out and buy them clothes, I mean, give them
2 some of our hand-me-downs and things of that nature.

3 Q. And so Vincent you'd known for a period of time. Did
4 you also know Maurice Roberts?

5 A. No.

6 Q. So you'd never met Maurice Roberts---

7 A. Huh-uh.

8 Q. ---at all.

9 A. No, ma'am.

10 Q. And what about Deshawn McClary? Do you even know him?

11 A. Don't know him.

12 Q. And Demetrice James, do you know him?

13 A. No, don't know him.

14 Q. Don't know him?

15 A. No.

16 Q. Had you ever seen him before?

17 A. I seen him around twice.

18 Q. Around twice. But you didn't interact with him or know
19 him very well.

20 A. No.

21 Q. Y'all weren't considered friends.

22 A. No.

23 Q. I want to turn your attention to January 25th of 2013.

24 Tell the jury about what you were doing earlier in the day.

25 A. Well, earlier that day I was -- I was hanging around in

1 the studio. The client that I was working for at the time,
2 she didn't -- she didn't want me to come over and help her.
3 So I went to go take a friend home by the name of Saconiah
4 (phonetic) that stayed on Broad River, so... And Brandon
5 rode with me to take her home.

6 Q. Brandon was in town hanging out with you that day?

7 A. Yes, ma'am.

8 Q. Brandon was in town hanging out? All right.

9 A. And so me, Brandon, and Seco (phonetic) left to take
10 Saconiah home. I stopped to get something to eat. We
11 stopped at a store, and Brandon bought an Icehouse and a pack
12 of cigarettes and we came back to the house and then they
13 began doing music.

14 Q. Okay. And so when y'all two get back to the house, who
15 all is at the home?

16 A. Well, when we get back to the house, Joshua was there.
17 Cari and my brother, Troy, was there.

18 Q. Is Cari your brother's girlfriend at the time?

19 A. At the time, yes, ma'am.

20 Q. And were your parents home?

21 A. Yes, ma'am.

22 Q. And once y'all got back to the house, what do you do?

23 A. Well, I kind of -- Brandon, he was at the -- he was
24 sitting at the computer in the studio room. I was in the
25 room standing up eating, and Joshua was in there, too.

1 Q. So everybody is just kind of hanging out.

2 A. Hanging out.

3 Q. Is this what y'all -- do you remember what day of the
4 week this was?

5 A. It was a Friday.

6 Q. Friday? So was this pretty typical on weekends that
7 y'all---

8 A. Pretty typical.

9 Q. ---would just hang out?

10 A. Yes, ma'am.

11 Q. At some point did Vincent Nelson come by your home?

12 A. Yes, ma'am.

13 Q. Tell the jury about that.

14 A. Okay. I was standing up eating and I just -- I just
15 heard somebody coming downstairs, so I just turned around and
16 there was -- Jay-School was standing there. And he kept
17 receiving these phone calls back and forth, and he kept
18 pacing back and forth and saying, "All right, man. All
19 right, man," and he would hang up the phone. And then he
20 would -- then somebody else kept calling and he was saying,
21 "Yeah, I'm in the house," and you know...

22 Q. Let me stop you just for a moment. When he came down
23 and you saw him, how long had it been since he'd been around
24 the house?

25 A. I haven't seen him around for about three months.

1 Q. And what time of the day was this?

2 A. He came in around 11.

3 Q. Around 11:00 p.m.?

4 A. Yes, ma'am.

5 Q. Was that odd for him to come in so late?

6 A. Yes, ma'am.

7 Q. Why was that strange?

8 A. Because we really don't allow people over -- to come
9 over, you know, around that time of night.

10 Q. Had he called?

11 A. He didn't even call, no.

12 Q. So did -- did anyone there, to your knowledge, know that
13 he was coming?

14 A. No.

15 Q. When he got there, you said he started pacing on his
16 phone. Did you actually speak with him at all?

17 A. All I said was, "Hey. What's up, man?" And that's
18 about it.

19 Q. Okay. So he wasn't interacting with you, having a
20 conversation with you.

21 A. No.

22 Q. And what happened next after he's on and off the phone?
23 What did you observe?

24 A. He kept -- he kept pressuring Brandon to come outside
25 for a cigarette.

1 Q. And when you say pressuring, kind of describe for the
2 jury what you mean.

3 A. He was just like, "Come on, man. Let me get a
4 cigarette. Let me get a cigarette." And Brandon just
5 finally gave in and said, "All right, man." And so he got up
6 and proceeded out the back door with Jay-School, and then
7 Joshua came right behind them.

8 Q. Okay. And where, while this is happening, is everyone
9 kind of located? Are y'all in the studio room? The salon?
10 What area of the house?

11 A. Well, as that went on, I was in the -- we was in the
12 studio room, and he was standing on the outside of the studio
13 room right in front of the door.

14 Q. And so he's pressuring Brandon for a cigarette.

15 A. Uh-huh.

16 Q. I know you probably don't recall exactly, but how long
17 after he had arrived at your home was it that he was asking
18 for a cigarette and wanting to go outside?

19 A. I don't know exactly how long, but it was right after
20 the phone calls stopped.

21 Q. Okay. So pretty quickly?

22 A. Yes.

23 Q. I mean, not a matter of hours or anything of that
24 nature.

25 A. No.

1 Q. It's just a matter of minutes.

2 A. Yes, ma'am.

3 Q. Ten minutes, something like that.

4 A. Yeah.

5 Q. And when they go outside, what do you do?

6 A. Well, I had just bought a camera earlier that day, a
7 GoPro camera, so I had it all spread out on the -- on the top
8 of the couch. So I gathered up my pieces of the camera. I
9 put it back in the box and went to go take it -- to take it
10 to my room upstairs.

11 Q. So your room is on the upstairs level?

12 A. Yes, ma'am.

13 Q. And what happened next?

14 A. And as I was taking it into my room upstairs, I had a
15 bunch of hangers that was sitting on my bed for awhile. So I
16 wanted to get them out of the way, so I grabbed those group
17 of hangers to take them downstairs into the sports room which
18 is the orange room.

19 Q. Okay. And what -- so you took them downstairs?

20 A. Yes, ma'am.

21 Q. And where were -- or do you know at all where Troy and
22 Cari were?

23 A. They were in a room downstairs.

24 Q. Okay. So they weren't outside with them.

25 A. No, ma'am.

1 Q. Okay. All right. When you took the hangers downstairs,
2 what happened next?

3 A. Okay. As I was taking the hangers into the orange room
4 downstairs, I wasn't even in there for, you know, more than
5 six seconds and then Maurice came in with a gun pointed
6 straight forward.

7 Q. And you're saying Maurice. At the time did you know who
8 it was?

9 A. No, ma'am.

10 Q. And you've actually -- we've been in court before on
11 this.

12 A. Yes, ma'am.

13 Q. He came in with the gun on you.

14 A. Yes, ma'am.

15 Q. Describe for the jury how the gun was on you, what you
16 mean by that.

17 A. He came in with the gun pointed straight forward.

18 Q. Pointed straight forward?

19 A. Yes, ma'am.

20 Q. At your head?

21 A. Yes, ma'am.

22 Q. What happened next? Did he say anything to you?

23 A. No, he said nothing.

24 Q. And what happened after that?

25 A. And after he ran in, I dropped -- I dropped the hangers.

1 He pistol-whipped me upside the head. I drew back and I hit
2 him in his face, and he fell on the glass table.

3 Q. Okay. So y'all are struggling. And let me be clear:
4 He's come in the door at this point?

5 A. Yes, ma'am. Uh-huh.

6 Q. So y'all are fighting. I guess he knocks you to the
7 ground.

8 A. Yeah.

9 Q. Are y'all on the inside of the house doing this?

10 A. Yes, ma'am.

11 Q. Tell the jury about that struggle and what you remember.

12 A. Okay. Well, after I punched him in the face and he
13 landed on the glass table, we -- we was struggling to -- then
14 the gun dropped, so we were struggling to get to the gun on
15 the floor. And so while we were struggling to get to the gun
16 on the floor, that's when he came in.

17 Q. And when you say he, who are you referring to?

18 A. Demetrice.

19 Q. Demetrice. And at the time did you know his name?

20 A. No, ma'am.

21 Q. But were you able to see -- let me back up. The
22 lighting in the room, was it on or off?

23 A. It was on.

24 Q. It was on? Could you see the faces of the people who
25 came into that room?

1 A. Yes, ma'am.

2 Q. And the first one, Maurice's face, he didn't have
3 anything covering his face?

4 A. No, ma'am.

5 Q. And he had the gun.

6 A. He had the gun.

7 Q. And then after that y'all are fighting.

8 A. Uh-huh.

9 Q. At that point Demetrice comes in.

10 A. That's right.

11 Q. What happens when he -- does he come through the door?

12 A. Yes, ma'am.

13 Q. Tell us about what happened once he gets in.

14 A. Okay. And so Maurice, he ended up getting more leverage
15 to the gun than me. He passes it off to Demetrice. I heard
16 him say -- I heard him say, "Here," like that.

17 Q. So are you struggling still with Maurice at this point?

18 A. Yes, ma'am.

19 Q. As best you can remember?

20 A. Yes, ma'am.

21 Q. And is all this -- how quickly is this happening?

22 A. This is happening -- this is all happening real fast.
23 It felt like hours, but, you know, it happened just that
24 fast.

25 Q. Okay. And so you and Maurice were struggling alone only

1 for a matter of seconds before---

2 A. Right.

3 Q. ---Demetrice came in. And once Demetrice gets the gun,
4 what do you -- what do you do and what do you observe them
5 do?

6 A. Well, I hop off the floor and then I started fighting
7 him, but I didn't brawl on him because, you know, he had the
8 gun. I didn't want him to shoot it or let one off on my
9 chest. So Maurice, he tried to make a further break back
10 into the house. So -- so I ended up catching him in the
11 salon. I slammed him on the floor. Demetrice was standing
12 in -- standing in between the orange room and the shop
13 doorway with the gun pointed out saying, "I'm about to shoot.
14 I'm about to shoot." And then my brother, he was standing
15 off to the side. So I picked Maurice up into a Full Nelson
16 so just in case if he did shoot, he was going to hit Maurice.

17 Q. Okay. So you have Maurice in a Full Nelson.

18 A. Yes, ma'am.

19 Q. Where are you in the home?

20 A. We were in the salon.

21 Q. In the salon at this point?

22 A. Yes, ma'am.

23 Q. And why are you back -- the salon is farther into the
24 home---

25 A. Yes, ma'am.

1 Q. ---than the orange room. And who actually tries to get
2 farther into the home first?

3 A. Maurice.

4 Q. Okay. And at this point Demetrice has the gun.

5 A. Right.

6 Q. And you have Maurice.

7 A. Right.

8 Q. What happens next?

9 A. And after -- after I have Maurice into a Full Nelson, I
10 actually end up dragging him more toward him.

11 Q. Okay. So you're kind of pushing -- like trying to get
12 him out.

13 A. Yes, ma'am, trying to get him out.

14 Q. And a Full Nelson -- we're doing this. I don't exactly
15 know what that is.

16 A. Yes.

17 Q. How are you holding Maurice?

18 A. More like when his hands is up in the air and I have
19 both of my arms up under him with my arms -- with both my
20 hands behind his head.

21 **Ms. Simpson:** And, Your Honor, permission for the
22 witness to step down?

23 **The Court:** Granted.

24 By Ms. Simpson:

25 Q. Just kind of show the jury how you had him in a

1 defensive position.

2 A. Okay. Well, I pretty much had him just like this, you
3 know.

4 Q. And you're dragging him backwards or pushing him
5 forwards?

6 A. I'm pushing him forwards.

7 Q. Okay. And Demetrice is on the other side of the door.

8 A. Yes, ma'am. He's right in the doorway with the gun
9 pointed out.

10 Q. Okay. Did he have the gun out the whole time while this
11 is going on?

12 A. Yes, ma'am.

13 Q. I'm going to show you a picture that's already been
14 entered into evidence as State's Exhibit 130. Do you
15 recognize that?

16 A. Yes, ma'am.

17 Q. What part of the home are we looking at here?

18 A. Okay. Well, this is the -- this is the doorway between
19 the orange sports room looking toward the shop room.

20 Q. Okay. That's towards the salon shop. Is that where
21 y'all were at this point? Is this the door that you came in?

22 A. Yes, ma'am.

23 Q. Okay. And so y'all are in the salon at that point. Are
24 you able -- what happens next?

25 A. What happens after the Full Nelson?

1 Q. Yes.

2 A. Okay. I end up -- I end up throwing Maurice straight
3 into Demetrice and so -- and so Maurice turns around and says
4 like, "Oh, I'm going to beat that," you know, N. word, "right
5 there."

6 Q. Okay.

7 A. And so me -- so me and my brother slammed the shop door.
8 We barricaded it back, and Demetrice had his arms through the
9 crack of the door, you know. The gun was even pointed at my
10 head a few times and -- and I basically had got tired of the
11 struggle. I eventually end up hitting Demetrice in the face
12 through the crack of the door. I flew the door open and I
13 proceeded to fight some more. After -- and after they was
14 fleeing toward the back door, I tried to grab Demetrice by
15 his dreads. I was real close up to him, you know, and he
16 fired off a shot.

17 Q. Okay. And let's be clear. Were you armed with any type
18 of weapon?

19 A. No, ma'am.

20 Q. So did you have a gun?

21 A. No, ma'am.

22 Q. A knife?

23 A. No, ma'am.

24 Q. And you say you got tired of the struggle.

25 A. Yes, ma'am.

1 Q. So at that point you're just kind of going out there
2 full...

3 A. Yes, ma'am.

4 Q. What's your goal in this? To get them out? Get them
5 away? Protect? What are you thinking?

6 A. Well, everything you just said, you know.. I know my mom
7 was upstairs. I have to protect my mom. My brother was
8 there. I tried to pretty much save everybody but...

9 Q. And your brother is in a struggle, too, at this point.

10 A. Yes, ma'am.

11 Q. I want to show you State's Exhibit 143 first and then
12 144. First, 143, describe for the jury what area of the home
13 this is.

14 A. Okay. That is the orange room which is the sports room.
15 We also play video games in there as well.

16 Q. Okay. And the direction we're looking from this
17 picture, are we looking to the outside or towards the salon?

18 A. Toward -- towards the outside.

19 Q. Okay. And the hangers on the floor, are those the
20 hangers that you had?

21 A. Those are the hangers that I had.

22 Q. And they're dropped -- that's pretty much at the point
23 where you saw---

24 A. Yes, ma'am.

25 Q. ---Maurice Roberts first.

1 A. Right.

2 Q. And then in State's 144 I want to direct your attention
3 to the table in that picture. Is that the table you're
4 referring to?

5 A. Yes, ma'am.

6 Q. And that's where y'all first struggled.

7 A. Yes, ma'am.

8 Q. And that's the area in the house where you all were
9 before the second guy came in.

10 A. Yes, ma'am.

11 Q. Let me show you State's -- while I have you up here,
12 State's -- State's 141. Is that a close-up of the table?

13 A. Yes, ma'am.

14 Q. All right. And what do we see there? He actually --
15 with respect to the glass...

16 A. Yes, ma'am.

17 Q. Do you remember the glass breaking on the table---

18 A. Yes, ma'am.

19 Q. ---as y'all were fighting?

20 A. Yes, ma'am.

21 Q. And then this area that I'm showing you is State's 192.
22 What area is that?

23 A. Let me see it again. That's toward the outside door.

24 Q. Okay. The outside door. When you say the outside door,
25 where does the outside door lead?

1 A. It leads to the -- to the our steep driveway---

2 Q. Okay.

3 A. ---outside.

4 Q. And were you ever outside during this struggle?

5 A. No, ma'am.

6 Q. Okay. So you were inside the house the whole time.

7 A. Yes, ma'am.

8 Q. And you were able to get them out.

9 A. Yes, ma'am.

10 Q. But not before -- you said he fired a shot. Where did
11 he hit you?

12 A. My left arm.

13 Q. Your left arm?

14 A. Yes, ma'am.

15 Q. Okay. You can sit down.

16 A. Up here?

17 Q. Yeah.

18 A. On the stand?

19 Q. Back on the stand. After you get them out of the house,
20 what do you do?

21 A. Well, after -- after the shot was fired off, my whole
22 body went into shock, but I didn't -- but I didn't know that
23 I was hit at the moment because my adrenaline was high. So
24 I -- so I -- so I ran from the orange room through the shop
25 toward the steps. And Cari, she was standing by the steps

1 hysterical. She was screaming. So I ran all the way up the
2 stairs, down the hallway, and we was both banging on my
3 parents' -- on my parents' door. I told her I had been shot;
4 somebody take me to the hospital.

5 Q. Okay. So you actually -- your parents' room, where is
6 it in the house?

7 A. Upstairs.

8 Q. Upstairs? I'm going to show you what's already been
9 entered as State's Exhibit 107. What area is that in the
10 home?

11 A. That's upstairs in the hallway.

12 Q. In the hallway? And you're actually bleeding at this
13 point, too.

14 A. Yes, ma'am.

15 Q. And then in State's 104, is that that same hallway?

16 A. Same hallway.

17 Q. Same hallway?

18 A. Yes, ma'am.

19 Q. And then the area -- let me go to State's Exhibit 98.
20 Is that upstairs as well?

21 A. Yes, ma'am.

22 Q. Where exactly is that in the home?

23 A. That's more like the living room. As soon as you come
24 upstairs, that's the first room you'll see.

25 Q. And is that near your parents' room or were you just

1 trying to get to them?

2 A. I was trying to get to them.

3 Q. Were you eventually able to get to them?

4 A. Yes, ma'am.

5 Q. What happened next?

6 A. Okay. And so then my stepdad and my mom came out. And
7 so I ran -- I went right back down the hallway into the
8 living room, and I sat on the couch. I had a gray hoodie on.

9 I wanted to see where I was hit, so I wanted -- so I had a
10 gray hoodie on. I took that off. I threw it next to the
11 couch to see where I was hit, and I was -- I was -- first I
12 was calling for my brother, Troy, to find out where he was.
13 And so he finally came upstairs. He ran into the bathroom to
14 get me a towel to put pressure on my wound and then -- and
15 then Joshua came upstairs. And once I kind of knew that
16 everybody was pretty much accounted for, that's when I
17 started calling for Brandon. I wanted to know where Brandon
18 was.

19 Q. And backing up, you're kind of in shock after you're
20 shot and you're getting help. Did you actually hear any more
21 shots being fired?

22 A. Yes, ma'am.

23 Q. Tell the jury about that.

24 A. Okay. After I -- after I -- after I -- after I pretty
25 much stood up in the kitchen and my mom -- she was standing

1 by my side and trying to comfort me, and then I heard five
2 more shots going off, but I thought those were pretty much
3 shots of one of them trying to fire at somebody who was
4 running.

5 Q. Okay. And you -- did you ever see what was going on
6 outside?

7 A. No, ma'am, because I'm upstairs in the house.

8 Q. And eventually you said you were asking for Brandon---

9 A. Yes, ma'am.

10 Q. Where is Brandon? What do you remember happening next?

11 A. Well, there was my brother, me, and Cari. I believe we
12 -- we all went out the front door and we stood -- we
13 basically stood in front of the house yelling for Brandon
14 because we thought that he had ran or jumped in the woods or
15 something, and I didn't know that -- I didn't know that...

16 Q. You didn't know what had happened to him.

17 A. No.

18 Q. Did you actually see Brandon before EMS arrived?

19 A. Yes, I did.

20 Q. Tell the jury about what you saw.

21 A. Well, I didn't know that Brandon was still down there
22 until I heard my mom scream. And so I tried to run down to
23 the -- to the end of the hill and I seen -- that was pretty
24 much the last time I seen Brandon, on the ground suffering.

25 Q. And then when EMS arrives, are you actually taken to the

1 hospital?

2 A. Yes, ma'am.

3 Q. And when you get to the hospital, do they treat you for
4 your injuries?

5 A. Yes, ma'am.

6 Q. And do police come and talk to you?

7 A. Yes, ma'am.

8 Q. Tell the jury what you remember about them coming to
9 talk to you.

10 A. There was -- well, they was asking me who was involved,
11 and the only person I could pretty much name was Jay-School
12 because that was the only one I knew because I never seen the
13 other two guys before. Well, I never knew the two guys
14 before.

15 Q. Were you able to give them a description---

16 A. Yes, ma'am.

17 Q. ---of the men who came into your home?

18 A. Yes, ma'am.

19 Q. And did you indicate to officers whether you would know
20 if you saw them again?

21 A. Yes, ma'am.

22 Q. And what did you tell them?

23 A. As far as describing what they had on?

24 Q. Yes, if you remember. I know it's been awhile.

25 A. I know Maurice had on a -- more like a dark blue buckle

1 coat, black pants, black skully, and I remember Demetrice had
2 on these army fatigue pants with a bright tannish hoodie.

3 Q. And with respect to their hair-set (verbatim), did
4 Demetrice and Maurice look anything alike?

5 A. No, ma'am.

6 Q. And Demetrice, his hairstyle is a little different now.
7 What did it look like back then?

8 A. He had dreads.

9 Q. He had dreads? Were they short dreads or long dreads?

10 A. Short.

11 Q. Short dreads? So you were able to give the police a
12 description of their clothing?

13 A. Yes, ma'am.

14 Q. Did you also give them a description with respect to
15 their physical appearance?

16 A. Yes, ma'am.

17 Q. And, in fact, did the police come and show you at the
18 hospital---

19 A. Uh-huh.

20 Q. And beg the Court's indulgence for one moment.

21 (State's Exhibits 10 and 11 marked for identification
22 only.)

23 By Ms. Simpson:

24 Q. I'm going to show you what's been marked as State's
25 Exhibit 10 and 11. Did the officers actually show you some

1 pictures while you were at the hospital?

2 A. Yes, ma'am.

3 Q. Take a look at those for a second. And are those the
4 pictures they showed you?

5 A. Yes, ma'am.

6 Q. And in State's Exhibit 11, who did you identify that you
7 knew, if anyone?

8 A. Vincent Nelson.

9 Q. Okay. And how did you acknowledge that you knew him or
10 indicate this on the line-up?

11 A. I beg your pardon?

12 Q. How did you note that it was Vincent Nelson on the
13 line-up? Did you initial it?

14 A. Yes, ma'am, I did.

15 Q. And circle it?

16 A. Yes, ma'am.

17 Q. And date it?

18 A. Yes, ma'am.

19 Q. All right. And Vincent Nelson, you picked him out why?

20 A. Because he's the main suspect that I knew.

21 Q. And going to Vincent, when you -- when everybody's
22 looking for Brandon and everybody's together, was Vincent
23 still at the house?

24 A. No, ma'am.

25 Q. Did you ever see him again after this?

1 A. No, ma'am.

2 **Ms. Simpson:** Your Honor, at this time I would offer
3 State's 11 into evidence.

4 **Ms. Pinnock:** Without objection.

5 **The Court:** In without objection.

6 (State's Exhibit 11 was received in evidence.)

7 By Ms. Simpson:

8 Q. All right. So the person you identified in State's 11
9 is Vincent Nelson. Right?

10 A. Yes, ma'am.

11 Q. I'm also going to show you -- in State's 10 they showed
12 you another group of pictures.

13 A. Uh-huh.

14 Q. Do you remember that?

15 A. Yes, ma'am.

16 Q. And were you actually able to pick anyone out of this?

17 A. Well, I couldn't really make anyone out to be him.

18 Q. Okay. So none of these---

19 A. No, ma'am.

20 Q. ---were the guys that came in the room.

21 A. No, ma'am.

22 Q. And you didn't make a pick.

23 A. No, ma'am.

24 **Ms. Simpson:** Your Honor, at this time the State would
25 offer State's 10 into evidence.

1 **Ms. Pinnock:** Without objection.

2 **The Court:** In without objection.

3 (State's Exhibit 10 was received in evidence.)

4 By Ms. Simpson:

5 Q. After -- and while you were at the hospital, they
6 treated you for an injury to your arm?

7 A. Yes, ma'am.

8 Q. What exactly happened to your arm?

9 A. The bullet went straight through.

10 Q. Went straight through?

11 A. Yes, ma'am.

12 Q. Do you still have a scar from that?

13 A. Yes, ma'am.

14 Q. Can you stand up and show the jury?

15 A. This is where it...

16 Q. So that's where the bullet hit you?

17 A. Yes, ma'am. There's an exit wound here.

18 Q. Okay. So the bullet went through and through.

19 A. Yes, ma'am.

20 Q. All right. After you get out of the hospital, do you
21 speak with police again?

22 A. Yes, ma'am.

23 Q. And where did that conversation take place?

24 A. There was another photo line-up. It took place at my
25 home. They came to my home.

1 Q. And you actually -- during this, did you speak with the
2 police on several different occasions or did they come to you
3 several different times?

4 A. They came to me several different times.

5 Q. I'm going to show you what has been marked as State's 7
6 - my apologies - what has been marked as State's 13. My
7 apologies. All right.

8 (State's Exhibit 13 was marked for identification only.)

9 By Ms. Simpson:

10 Q. I'm going to show you first State's Number 40 -- or 13.
11 Do you recognize that?

12 A. Yes, ma'am.

13 Q. And what is that?

14 A. I beg your pardon?

15 Q. What is that?

16 A. It's Maurice Roberts.

17 Q. And is that a line-up that police showed to you?

18 A. Yes, ma'am.

19 Q. And did they suggest to you who you had to pick?

20 A. No, ma'am.

21 Q. Did they tell you that the person was definitely in
22 there?

23 A. No, ma'am.

24 Q. Did they tell you they were just showing you some
25 pictures?

1 A. No, ma'am.

2 Q. What did they say?

3 A. Said we -- well, they just told me they had a photo
4 line-up here.

5 Q. And were you able to identify someone?

6 A. Yes, ma'am.

7 Q. And who did you identify?

8 A. Maurice Roberts.

9 Q. And how -- why did you identify him?

10 A. Because he's the first one that ran in.

11 Q. And you were able to get a good look at his face.

12 A. Yes, ma'am. Yes, ma'am.

13 Q. And is there any doubt in your mind that that's the
14 person who first came in with the gun?

15 A. No doubt in my mind.

16 **Ms. Simpson:** Your Honor, at this time the State would
17 offer State's 13 into evidence.

18 **Ms. Pinnock:** Without objection.

19 **The Court:** In without objection.

20 (State's Exhibit 13 was received in evidence.)

21 By Ms. Simpson:

22 Q. So Maurice Roberts was another individual involved in
23 this.

24 A. Yes, ma'am.

25 Q. And you didn't know him prior to this.

1 A. No, ma'am.

2 Q. I'm going to show you State's -- I apologize; I just had
3 it. State's 43. Well, we'll get back to that in just a
4 moment. Here it is. My apologies. Do you recognize this
5 set of photos?

6 A. No, I don't.

7 Q. Okay. Do you remember whether the police showed you a
8 set of photos where you couldn't pick someone?

9 A. No, I don't remember this photo.

10 Q. You don't remember that line-up?

11 A. No.

12 Q. But nothing is indicated as being circled on that one.

13 A. Nothing.

14 Q. And as far as the people who were outside, you never saw
15 any of the individuals who were outside.

16 A. No.

17 Q. And, finally, did they show you another line-up as well?

18 A. Yes, ma'am.

19 (State's Exhibit 12 was marked for identification only.)

20 By Ms. Simpson:

21 Q. I show you what's been marked as State's 12. And this
22 -- the police came to you on the 29th and showed you a group
23 of photos.

24 A. Yes, ma'am.

25 Q. Did you recognize anybody in that group?

1 A. Yes, ma'am.

2 Q. And how did you indicate that on the paper?

3 **Ms. Pinnock:** Your Honor, at this time I would actually
4 renew our pretrial motion.

5 **The Court:** All right. That motion is overruled,
6 subject to earlier rulings.

7 **Ms. Simpson:** Okay. And, Your Honor, I would go ahead
8 and offer State's 12 into evidence, I believe. Yes.

9 **The Court:** Over objection. Correct?

10 **Ms. Pinnock:** Yes, Your Honor.

11 **The Court:** It is in over objection.

12 **Ms. Simpson:** Thank you, Your Honor.

13 (State's Exhibit 12 was received in evidence.)

14 By Ms. Simpson:

15 Q. Okay. Who did you identify in that line-up?

16 A. Demetrice.

17 Q. And at the time did you know his name?

18 A. No, ma'am.

19 Q. How were you able to identify him?

20 A. Circled him.

21 Q. And who was he to you?

22 A. He was the one that shot me.

23 Q. He's the one that shot you? So he's the second guy that
24 came into the house?

25 A. Yes, ma'am.

1 Q. And did you hesitate at all when you made---

2 A. No, ma'am.

3 Q. ---this pick? And did police tell you you had to pick
4 someone?

5 A. No, ma'am.

6 Q. Did they suggest to you in any way that that person was
7 in the line-up?

8 A. No, ma'am.

9 Q. And you picked this person why?

10 A. Because he was the one that shot me.

11 Q. And the person who shot you that came into your home, do
12 you see him in the courtroom today?

13 A. Yes, ma'am.

14 Q. And can you please point him out for the jury?

15 A. Blue shirt.

16 Q. Let the record reflect he's identified the defendant.
17 Beg the Court's indulgence. And with respect to your
18 clothing descriptions, you gave a written statement to the
19 police; right?

20 A. Yes, ma'am.

21 Q. And your memory would have been a little more clear
22 about any clothing two years ago than it is now.

23 A. Correct.

24 Q. So the second guy you indicated had on army fatigue
25 pants?

1 A. Yes, ma'am.

2 Q. Would it assist you if I showed you your statement about
3 his description?

4 A. Yes, ma'am.

5 Q. Please tell the jury how you described the second guy.

6 A. Okay.

7 Q. Demetrice James.

8 A. I said this guy was wearing army fatigue pants on... He
9 had on a hoodie and I don't remember the color.

10 Q. Okay.

11 A. At the time I didn't remember the color.

12 Q. And did you also give general descriptions with respect
13 to height and weight?

14 A. Yes, ma'am.

15 Q. Okay. Thank you. Thank you, Mr. Scott.

16 A. You're welcome.

17 **The Court:** Cross?

18 **Ms. Pinnock:** May it please the Court?

19 Cross-Examination

20 By Ms. Pinnock:

21 Q. How are you doing, Mr. Scott?

22 A. How are you doing?

23 Q. All right. January 25th last year, that was pretty much
24 a crazy night in your house; right?

25 A. Yes, ma'am.

1 Q. And you said it had been a couple of months since
2 Vincent -- since Jay-School had been around?

3 A. Yes, ma'am.

4 Q. And when you noticed him, you were kind of surprised to
5 see him?

6 A. Yes, ma'am.

7 Q. He wasn't acting right? That was one of the first
8 things you noticed?

9 A. No, ma'am, he wasn't.

10 Q. One of the first things you noticed is that he had a
11 phone, and that was weird?

12 A. Very weird.

13 Q. Because he usually didn't have a phone?

14 A. No, ma'am.

15 Q. And after Jay-School, Brandon, and Josh go outside, you
16 said you went upstairs to get some -- to put your camera
17 away. You came back downstairs with some hangers.

18 A. Right.

19 Q. And when you went into the orange room, you said you'd
20 been standing there for a couple of seconds before you turned
21 around and Maurice was coming in.

22 A. Yes, ma'am.

23 Q. When he came in with you -- towards you, he had the gun
24 pointed at you?

25 A. Yes, ma'am.

1 Q. When you look up and see this, you're immediately:
2 What's going on in my house? Right?

3 A. Yes, ma'am.

4 Q. Who is this person coming in my house?

5 A. Right.

6 Q. And what do they want?

7 A. Yeah.

8 Q. And you said your adrenaline just peaked; it spiked.

9 A. Yes, ma'am.

10 Q. You were ready to defend yourself.

11 A. Yes, ma'am.

12 Q. You were ready to defend your house.

13 A. Uh-huh.

14 Q. And that's what you did.

15 A. Yes, ma'am.

16 Q. You said that when Maurice came in, he -- he hit you
17 with the gun first.

18 A. Correct.

19 Q. Did you fall or no?

20 A. Yes, ma'am, I fell.

21 Q. You fell? Okay. But when you got up, you punched him.

22 A. Yes, ma'am.

23 Q. And that's when he fell through the glass table?

24 A. Yes, ma'am.

25 Q. And when he falls into the glass table, you said that

1 the gun hits the floor at that point?

2 A. Yes, ma'am.

3 Q. Okay. And then you're involved with this fight with
4 this person that you have no idea who they are.

5 A. That's right.

6 Q. On the floor.

7 A. Yes, ma'am.

8 Q. Fighting for this gun.

9 A. Uh-huh.

10 Q. The only thing going through your mind at this point is:
11 I've got to get this gun.

12 A. Right.

13 Q. And then you say out of the corner of your eye you saw
14 somebody else walk in the house?

15 A. Yes, ma'am.

16 Q. And when you saw that, you didn't ask anybody any
17 questions; right?

18 A. No.

19 Q. There was no -- there was no, "What are you doing here?
20 What do you want?" It was -- there was a fight that broke
21 out.

22 A. Yes, ma'am.

23 Q. And you said the second person came in and at some point
24 got possession of the gun.

25 A. Yes, ma'am.

1 Q. But you're still actively fighting Maurice Roberts at
2 this point.

3 A. Yes, ma'am.

4 Q. And then you say you get into a fight with the second
5 person.

6 A. Yes, ma'am.

7 Q. And you didn't even see your brother come in,
8 originally. You didn't see him---

9 A. No, originally I didn't see him because it was just, you
10 know, these two guys here and that was closer.

11 Q. Right. And you -- I mean, you were involved with this
12 fight with them.

13 A. Right.

14 Q. So at some point Troy does show up to help.

15 A. Yes, ma'am.

16 Q. And then the two of you are fighting these two unknown
17 people in your house.

18 A. Correct.

19 Q. And this wasn't -- this whole fight that happened in the
20 house, it didn't take 10 minutes, 20 minutes. It was very
21 quick; right?

22 A. Right.

23 Q. And your concerns were your parents were upstairs.

24 A. Yes, ma'am.

25 Q. You knew that Troy was around the corner.

1 A. Uh-huh.

2 Q. He was involved in this fight. You knew that Cari was
3 in the house.

4 A. Yes, ma'am.

5 Q. You knew you had friends outside. You didn't know what
6 was going on outside.

7 A. Right.

8 Q. And these two people came into your house.

9 A. Yes, ma'am.

10 Q. Maurice came in with a gun.

11 A. Yes, ma'am.

12 Q. He had the nerve to point a gun at you in your house.

13 A. That's right.

14 Q. You said that the -- that Maurice kind of broke towards
15 further inside the house at some point?

16 A. Yes, ma'am.

17 Q. And you ended up grabbing him in a Full Nelson.

18 A. Yes, ma'am.

19 Q. You had him locked up pretty good.

20 A. Right.

21 Q. You said you were forcing him out.

22 A. Uh-huh.

23 Q. And you just described -- when the gun went off in the
24 house, you said that there was a kind of running out at that
25 point?

1 A. Yes, ma'am.

2 Q. You said that you were close enough that you tried to
3 grab the person with the gun.

4 A. Yes, ma'am.

5 Q. And at some point as the people were running, the gun
6 goes off.

7 A. Yes, ma'am.

8 Q. You also described that before there was running out of
9 the house that y'all were -- you and Troy were trying to push
10 the door shut?

11 A. Right. Yes, ma'am.

12 Q. And that somebody's arm got stuck in the door when y'all
13 were trying to push it closed?

14 A. Uh-huh. Right.

15 Q. Okay. And after the gun went off and you got hit, you
16 said you went upstairs.

17 A. Yes, ma'am.

18 Q. You gave a statement after letting the investigators
19 know everything you could.

20 A. Yes, ma'am.

21 Q. You did your best to give them every piece of
22 information that you could.

23 A. Yes, ma'am.

24 Q. And that was -- again, the 25th was a really, really
25 stressful night at your house.

1 A. Yes, ma'am.

2 Q. Beg the Court's indulgence. Thank you, Your Honor.

3 Thank you, Mr. Scott. I have nothing else.

4 A. All right.

5 **Ms. Simpson:** Brief redirect.

6 Redirect Examination

7 By Ms. Simpson:

8 Q. Defense counsel indicated Maurice pointed a gun at you
9 when he came in the house. Who else pointed a gun at you?

10 A. Demetrice.

11 Q. And who actually had the gun during the duration of the
12 fight in the house for the most time?

13 A. Demetrice.

14 Q. And when he had the gun pointed out---

15 **Ms. Pinnock:** Objection. She's leading.

16 By Ms. Simpson:

17 Q. What did he do when he had the gun pointed out? How was
18 it out, I guess?

19 A. He just had it pointed out. He was waving it just like
20 that.

21 Q. And what was he saying?

22 A. "I'm about to shoot. I'm about to shoot."

23 Q. And going back to your ability to kind of see the people
24 that came in, it was nighttime, but was the lighting good?

25 A. Yes, ma'am.

1 Q. And when you all were fighting, were you -- how far away
2 were you?

3 A. Close enough for me to punch him in the face.

4 Q. Okay. So y'all were well within range.

5 A. Yes, ma'am.

6 Q. And you could see him clearly?

7 A. Yes, ma'am.

8 Q. Is there any doubt in your mind that the person who came
9 in and shot you is the defendant, Demetrice James?

10 A. Yes, ma'am.

11 Q. Is there any doubt?

12 A. There's no doubt in my mind.

13 **Ms. Simpson:** Thank you.

14 **Ms. Pinnock:** No recross, Your Honor.

15 **The Court:** You can step down.. Thank you. I appreciate
16 your time. This is a good time to break for lunch. We'll
17 break for lunch 'til 1:45. Let's make it 2:00. We'll break
18 'til 2:00. Have a pleasant lunch, and we'll see you back at
19 2:00. Thank you.

20 (Whereupon, the jury was excused from open court to go
21 to lunch at 12:30 p.m.)

22 **The Court:** Any -- anything before we break for lunch?

23 **Ms. Simpson:** One issue, Your Honor. The juror I
24 believe that may have been an issue earlier regarding kind of
25 sleeping or whether she was paying attention well, I've noted

1 **The Court:** You can step down. Thank you. I appreciate
2 your time. Call your next witness.

3 **Ms. Meghan Walker:** Your Honor, the State calls Vincent
4 Nelson, Jr.

5 Vincent Nelson, Jr., after being duly sworn,
6 testified as follows:

7 **The Clerk:** Please have a seat in the witness stand, and
8 state your full name for the record. State your full name.

9 **The Witness:** Vincent Nelson, Jr.

10 Direct Examination

11 By Ms. Meghan Walker:

12 Q. Mr. Nelson, where are you currently living?

13 A. In prison.

14 Q. You've been convicted for some crimes relating to why
15 we're here this week?

16 A. Yes, ma'am.

17 Q. You -- actually you pled guilty.

18 A. Yes, ma'am.

19 Q. To burglary in the first degree?

20 A. Yes, ma'am.

21 Q. Two counts of attempted murder?

22 A. Yes, ma'am.

23 Q. And instead of pleading guilty to murder, you pled
24 guilty to voluntary manslaughter.

25 A. Yes, ma'am.

1 Q. And attempted armed robbery.

2 A. Yes, ma'am.

3 Q. And for that, what sentence did you receive?

4 A. Thirty years.

5 Q. I want to ask you about some people, and you tell me if
6 you know them. Okay?

7 A. Yes, ma'am.

8 Q. Do you know Troy and Trent Scott?

9 A. Yes, ma'am.

10 Q. What about their parents, Chandler and Sugar Davis?

11 A. Yes, ma'am.

12 Q. Did you know Joshua Williams? You called him Armani, I
13 think?

14 A. Yes, ma'am.

15 Q. And what about Brandon Jones? Did you know Brandon?

16 A. Yes, ma'am.

17 Q. Before Brandon died, how long had you known him?

18 A. About a year.

19 Q. Were y'all good friends?

20 A. We just started hanging out.

21 Q. Were you pretty close with Troy and Trent?

22 A. Yes, ma'am.

23 Q. And their parents?

24 A. Yes, ma'am.

25 Q. Would they -- would you stay at their house on occasion?

1 A. Yes, ma'am.

2 Q. And how long have you known them?

3 A. Probably close to two years.

4 Q. Do you know Deshawn McClary?

5 A. Yes, ma'am.

6 Q. Do you know Maurice Roberts?

7 A. Yes, ma'am.

8 Q. Jwaun Duckett?

9 A. Yes, ma'am.

10 Q. And what about the defendant, Demetrice James? Do you
11 know him?

12 A. Yes, ma'am.

13 Q. And how long had you known that group of individuals?

14 A. Since about 2010, 2009.

15 Q. And how did you know them?

16 A. Through a friend.

17 Q. Were you pretty close with them?

18 A. Yes, ma'am.

19 Q. Did y'all, in fact, have a rap group?

20 A. Yes, ma'am.

21 Q. What was the name of that group?

22 A. 600.

23 Q. Did 600 stand for anything in particular? How did y'all
24 come up with the name 600?

25 A. We just came up with it.

1 Q. That was just the name? And tell me who all was in 600.

2 A. Myself, Demetrice. There was other people in the group;

3 they didn't really rap. They was just...

4 Q. It was like kind of the name of your group of friends.

5 A. Yeah.

6 Q. I want to take your attention back to the night that

7 Brandon was murdered. Where were you, starting off that

8 night?

9 A. At Maurice house.

10 Q. Would you hang out over there a good bit?

11 A. Yes, ma'am.

12 Q. You and Maurice, were y'all pretty close?

13 A. Yes, ma'am.

14 Q. Who all was over at Maurice's house?

15 A. Myself, Demetrice, Deshawn, and Jwaun.

16 Q. Was Maurice there?

17 A. Yes, ma'am.

18 Q. At any point in that night did y'all's conversation turn

19 to studio equipment?

20 A. Yes, ma'am.

21 Q. Tell me about how that happened.

22 A. I was talking too much.

23 Q. You were talking too much? And whose studio equipment

24 were you talking about?

25 A. Troy's.

1 Q. Tell me what you said.

2 A. I was just telling them about a place where we record
3 at, and I was just telling them I go over to that place and
4 record and we kind of (unintelligible words spoken) and
5 stuff.

6 **Court Reporter:** I'm sorry. I didn't understand.

7 **The Witness:** I was---

8 By Ms. Meghan Walker:

9 Q. Just do -- do this for me. Speak loudly and slowly so
10 that she can take down everything that you're saying and so
11 that the jurors can understand you. Okay?

12 A. Yes, ma'am.

13 Q. All right. Repeat what you said, sir.

14 A. I was speaking on different places that we were -- we
15 could record at, and then I was just speaking on his place
16 because I go to his place sometimes and record, and I was
17 speaking on the type of equipment they have..

18 Q. At some point did y'all decide that y'all were going to
19 go over to the Scott house?

20 A. Yes, ma'am.

21 Q. And what was the purpose of y'all going over there?

22 A. To attempt to rob.

23 Q. What were y'all going to take from the house?

24 A. It was -- well, the group decision was on the studio
25 equipment alone, but as far as anything else...

1 Q. And when you said the group came to that decision, tell
2 me who was in the group that came to the decision to go rob
3 the house.

4 A. Myself, Demetrice, Deshawn, Maurice.

5 Q. Did y'all have a plan about how to go do that?

6 A. Not really a plan.

7 Q. So what were y'all going to do? How were y'all going to
8 get into the house?

9 A. They were going to use me to get into the house.

10 Q. Use you to get into the house?

11 A. Yes, ma'am.

12 Q. How could they use you to get into the house? Did you
13 know the family that lived there?

14 A. Yes, ma'am.

15 Q. So tell me what happened next after y'all come to the
16 decision to go take the studio equipment.

17 A. We passed out some gloves, but I took mine off because
18 there wasn't no point in having gloves on if I had to go
19 inside the house.

20 Q. What kind of gloves did you pass out?

21 A. Latex gloves.

22 Q. What about cell phones or anything of that nature?

23 A. I had Maurice's cell phone.

24 Q. Do you remember what it looked like?

25 A. Camouflage phone.

1 Q. And how far away did Maurice live from the Scotts'
2 house?

3 A. Probably not even over a five-minute walk.

4 Q. So you could walk back and forth?

5 A. Yes, ma'am.

6 Q. So what did you do after you I guess took off your latex
7 glove and took Maurice's cell phone?

8 A. We -- we started walking towards the house.

9 Q. Did y'all all walk out there together?

10 A. Yes, ma'am.

11 Q. When you say "we," who was walking towards the Scotts'
12 house from Maurice's house?

13 A. Myself, Maurice, Demetrice, and Deshawn.

14 Q. And did y'all eventually make it to the house?

15 A. Yes, ma'am.

16 Q. And what did y'all -- what did y'all do once y'all got
17 there?

18 A. They stood outside, and I went and rang the doorbell.

19 Q. Did anyone come to the door when you rang the doorbell?

20 A. Yes, ma'am.

21 Q. And who was that?

22 A. Troy's father.

23 Q. Did he let you in the house?

24 A. Yes, ma'am.

25 Q. What did you do once you got inside, Mr. Nelson?

1 A. I asked who all was home, and he said, "Me and everybody
2 else in the house." When he said, "They're downstairs," I
3 just went downstairs.

4 Q. When you went downstairs, who did you see?

5 A. Troy, Trey, Joshua, Brandon, and Cari.

6 Q. And you said you had Maurice's cell phone on you?

7 A. Yes, ma'am.

8 Q. Let me show you what's been previously marked as State's
9 Exhibit Number 38 and ask you if you recognize this.

10 A. (Witness nodded head up and down.)

11 Q. How do you recognize this?

12 A. That's Maurice's cell phone.

13 **Ms. Meghan Walker:** Your Honor, at this point the State
14 seeks to move Exhibit 38 into evidence.

15 **Ms. Anastasia Walker:** I'm sorry. No objection, Your
16 Honor.

17 **The Court:** In without objection.

18 (State's Exhibit 38 was received in evidence.)

19 By Ms. Meghan Walker:

20 Q. So you had this cell phone on you. What did you do once
21 you got downstairs?

22 A. I text the phone.

23 Q. You text? Is that what you said?

24 A. Yes, ma'am.

25 Q. And who were you trying to communicate with him?

1 A. Maurice and the others.

2 Q. When you say the others, are you talking about Demetrice
3 and Deshawn?

4 A. Yes, ma'am.

5 Q. Were you able to communicate with them?

6 A. Yes, ma'am.

7 Q. How long -- did you eventually go outside of the house?

8 A. Yes, ma'am.

9 Q. How long were you inside of the house during that period
10 of time?

11 A. I really can't say. It wasn't a long time.

12 Q. Okay. And why did you go outside?

13 A. To smoke a cigarette.

14 Q. Did you have cigarettes on you that night?

15 A. No, ma'am.

16 Q. Who did you get a cigarette from?

17 A. Brandon.

18 Q. Did Brandon go outside with you?

19 A. Yes, ma'am. He came behind me.

20 Q. Did anyone else go outside?

21 A. Joshua came behind him.

22 Q. I want to ask you a question about their sizes. Were
23 Josh and Brandon bigger than Troy and Trent?

24 A. Josh was.

25 Q. Josh was?

- 1 A. Yes, ma'am.
- 2 Q. What about Brandon?
- 3 A. He was -- he was short.
- 4 Q. Brandon was short?
- 5 A. (Witness nodded head up and down.)
- 6 Q. Once the three of you got outside, what did y'all do?
- 7 A. Started smoking and talking.
- 8 Q. At some point did other people come down on the
- 9 driveway?
- 10 A. Yes, ma'am.
- 11 Q. How long were y'all outside before those other people
- 12 came down the driveway?
- 13 A. A few seconds.
- 14 Q. Tell me -- once you're outside and people start coming
- 15 down the driveway, tell me what happened.
- 16 A. Well, Maurice came down the driveway and he had the gun
- 17 out. He had the gun out like pointing and he was running
- 18 towards me at first. Then he realized it was me, and he
- 19 pointed it at Brandon.
- 20 Q. Was Maurice the only one who came down the driveway?
- 21 A. No, ma'am.
- 22 Q. Who else came down the driveway?
- 23 A. Deshawn and Demetrice.
- 24 Q. Once the gun was pointed at you, what did you do?
- 25 A. I threw my hands up.

1 Q. Like this?

2 A. Yes, ma'am.

3 Q. Then the gun moves to Brandon?

4 A. Yes, ma'am.

5 Q. What did Brandon do once the gun was pointed at him?

6 A. The same thing I did.

7 Q. Was Maurice saying anything at that point?

8 A. No, ma'am.

9 Q. He was just pointing the gun around in silence?

10 A. Yeah. He hit him, too.

11 Q. He did what?

12 A. He hit Brandon.

13 Q. Where did he hit Brandon with the gun?

14 A. In the face.

15 Q. What part of the face, if you can remember?

16 A. In the nose. The nose.

17 Q. In the nose?

18 A. Yes, ma'am.

19 Q. What happened to Brandon once he got hit in the nose
20 with that gun?

21 A. He was laying there and Deshawn was standing over him,
22 and that's when the bottom door opened and then they
23 disappeared into the house.

24 Q. You said they disappeared into the house?

25 A. Yes, ma'am.

- 1 Q. Who disappeared into the Scotts' house?
- 2 A. Maurice and Demetrice.
- 3 Q. Where were you?
- 4 A. Outside.
- 5 Q. Could you see what was going on inside the house?
- 6 A. No, ma'am.
- 7 Q. Could you hear what was going on inside the house?
- 8 A. I heard a gunshot.
- 9 Q. You heard a gunshot go off while Demetrice and Maurice
- 10 were inside the house?
- 11 A. Yes, ma'am.
- 12 Q. What did you do when you heard the gunshot?
- 13 A. I started running.
- 14 Q. Where did you run to?
- 15 A. I started running back towards Maurice's house.
- 16 Q. While you were running back to Maurice's house, did you
- 17 see or hear anything that got your attention?
- 18 A. Several more gunshots.
- 19 Q. Did you make it back to Maurice's house?
- 20 A. Yes, ma'am.
- 21 Q. Who was there when you got back there?
- 22 A. Nobody when I got there.
- 23 Q. Did other people eventually come back to that house?
- 24 A. Yes, ma'am.
- 25 Q. Who came back there?

1 A. Everyone except Demetrice.

2 Q. Demetrice never went back to that house?

3 A. No, ma'am.

4 Q. At that point in time did you know that one of the Scott
5 brothers had been shot?

6 A. Yes, ma'am.

7 Q. When you got back to the house, you knew that?

8 A. Yes, ma'am.

9 Q. Did you know that Brandon had been shot?

10 A. No, ma'am.

11 Q. Tell me what happened once the others got back to the
12 house.

13 A. When everybody got back, Deshawn called somebody to get
14 a ride and he left, and me and Maurice stayed.

15 Q. Did you spend the night with Maurice?

16 A. Yes, ma'am.

17 Q. Was it uncommon for you to spend the night with Maurice?

18 A. No, ma'am.

19 Q. What was Maurice doing during this period of time?

20 A. He was changing his clothes and cleaning up.

21 Q. When did you realize that your friend had been murdered
22 during this home invasion?

23 A. It was on Facebook.

24 Q. What did it say on Facebook?

25 A. I can't remember the exact words.

1 Q. What did you do once realized Brandon was dead?

2 A. It was stupid.

3 Q. That next day are you still at Maurice's house?

4 A. Yes, ma'am.

5 Q. What were y'all doing over there?

6 A. Nothing.

7 Q. Did you -- did you see Deshawn again after that night?

8 A. No, ma'am.

9 Q. Did you see Demetrice again after that night?

10 A. At a party.

11 Q. Whose party?

12 A. Jwaun's birthday party.

13 Q. At that point did all of y'all know that someone had
14 been killed during this?

15 **Ms. Anastasia Walker:** Objection, Your Honor. That
16 calls for speculation.

17 **Ms. Meghan Walker:** If he knows.

18 **The Court:** Well, I don't know if he can answer for
19 other people, what they know, but you can ask him what he
20 knew.

21 **Ms. Meghan Walker:** Did y'all have a conversation about
22 Brandon having anything---

23 **The Court:** "Y'all" is pretty broad.

24 **Ms. Meghan Walker:** I'm sorry, Your Honor. I'll
25 rephrase that.

1 By Ms. Meghan Walker:

2 Q. Did you and Demetrice or Maurice or Deshawn have a
3 conversation about the fact that Brandon was dead?

4 A. No, ma'am.

5 Q. But you saw Demetrice again at a party the next day?

6 A. Yes, ma'am.

7 Q. Did you talk to him about what had happened then?

8 A. No, ma'am.

9 Q. Did y'all ever talk again about what happened?

10 A. No, ma'am.

11 Q. Did you and Maurice ever speak again about what
12 happened?

13 A. Not since the night it happened.

14 Q. And what about Deshawn?

15 A. No, ma'am.

16 Q. At some point in time did police officers come and speak
17 to you about this incident?

18 A. Yes, ma'am.

19 Q. Do you remember when that was?

20 A. January the 28th.

21 Q. So a few days later?

22 A. Yes, ma'am.

23 Q. Did they read you your rights?

24 A. Yes, ma'am.

25 Q. Did you talk to them about what happened?

1 A. Not at first.

2 Q. Did you eventually talk to them about what happened?

3 A. Yes, ma'am.

4 Q. After they read you your rights?

5 A. Yes, ma'am.

6 Q. And you waived those rights?

7 A. Yes, ma'am.

8 Q. Beg the Court's indulgence, Your Honor. At some point
9 did the investigators show you photo line-ups?

10 A. Yes, ma'am.

11 Q. And did they ask you to identify certain people from
12 those photo line-ups?

13 A. Yes, ma'am.

14 Q. I want to show you what's previously been marked as
15 State's Exhibit Number 229 and ask you if you recognize this.

16 A. Yes, ma'am.

17 Q. When the police showed you these photo line-ups, did
18 they tell you who to pick?

19 A. No, ma'am.

20 Q. Did you circle somebody in State's Exhibit Number 229?

21 A. Yes, ma'am.

22 **Ms. Meghan Walker:** Your Honor, at this point the State
23 seeks to admit Exhibit Number 229 into evidence.

24 **Ms. Anastasia Walker:** And, Your Honor, I would just
25 renew my previous objection regarding the pretrial hearing.

1 **The Court:** Let me let the jury go out just a minute.
2 We'll take a little short afternoon break.

3 (Whereupon, the jury was excused from open court at
4 3:27 p.m.)

5 **The Court:** I realize I'm getting a little old, but I
6 don't remember that we went over with this witness the
7 Biggers issues.

8 **Ms. Meghan Walker:** Ms. Simpson just pointed that out to
9 me because he was -- we did it with the investigators, the
10 Biggers issues with the investigators. So I can put that on
11 the record now, Your Honor.

12 **The Court:** I just know we hadn't -- hadn't -- I've not
13 been called upon to make any ruling as to the line-up and
14 whether it's suggestive or whether or not it's reliable. So
15 if she objects at this point as to him going into it any
16 further, I believe we would have to go through the Biggers
17 process first.

18 **Ms. Anastasia Walker:** I would agree, Your Honor.

19 **Ms. Meghan Walker:** This is a witness -- we can, Your
20 Honor. He did -- he did know him by name and sight, but I'll
21 go---

22 **The Court:** I know he did, but if they object to it,
23 I've still got to go through -- while it may almost seem pro
24 forma when you've got somebody who is a co-defendant, I still
25 think that that's -- I mean, I think you need to go through

1 it.

2 **Ms. Meghan Walker:** I understand, Your Honor. Can I put
3 that on the record now?

4 **The Court:** We'll do that, and then we'll take a short
5 break.

6 **Ms. Meghan Walker:** Okay.

7 Direct Examination (in camera)

8 By Ms. Meghan Walker:

9 Q. Mr. Nelson, did you -- you knew Demetrice James?

10 A. Yes, ma'am.

11 Q. And how long had you known him?

12 A. Since about 2010.

13 Q. So about three years when this happened?

14 A. Yes, ma'am.

15 Q. Did you know him by name and sight?

16 A. Yes, ma'am.

17 Q. Were you shown a photo line-up containing State's
18 Exhibit 229?

19 A. Yes, ma'am.

20 Q. Did you actually pick someone out of this photo line-up?

21 A. Yes, ma'am.

22 Q. Were you pressured to pick a person out?

23 A. No, ma'am.

24 Q. Were you told who to pick out?

25 A. No, ma'am.

1 Q. Was it suggested to you in any way who to pick out?

2 A. No, ma'am.

3 Q. Did you, in fact, circle picture number 609100?

4 A. Yes, ma'am.

5 Q. And why did you circle this picture?

6 A. That's Demetrice James.

7 Q. And at that -- at this point you'd known him for about
8 three years.

9 A. Yes, ma'am.

10 **Ms. Meghan Walker:** I don't have anything.

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

12 Cross-Examination (in camera)

13 By Ms. Anastasia Walker:

14 Q. How are you doing, Mr. Nelson?

15 A. Fine.

16 Q. This is the exact line up that was shown to you? Is
17 that right?

18 A. Yes, ma'am.

19 Q. Okay. And that's the picture you circled?

20 A. Yes, ma'am.

21 Q. And you'd agree that that's -- that this picture has six
22 digits underneath it?

23 A. Yes, ma'am.

24 Q. And it's in the bottom right; is that correct?

25 A. Yes, ma'am.

1 Q. And that the other pictures have five digits underneath
2 it; is that correct?

3 A. Yes, ma'am.

4 Q. And that underneath it here we have like a website; is
5 that correct?

6 A. Yes, sir.

7 Q. And that the website there is the jail website; is that
8 right?

9 A. Yes, ma'am.

10 **Ms. Anastasia Walker:** Thank you. No further questions.

11 **Ms. Meghan Walker:** I don't have any other ques---

12 **The Court:** I understand that this is not the defendant.

13 Is this -- is this -- whose picture is this?

14 **Ms. Meghan Walker:** This is Demetrice James.

15 **The Court:** Okay. Okay.

16 **Ms. Anastasia Walker:** It is Demetrice James and, Judge,
17 I would just -- I understand that this witness knew the
18 defendant. I understand this is somewhat of a different
19 circumstance, but just within the flow of my last argument of
20 the Biggers hearing that all of the line-ups regarding my
21 client are in that same vein. So that's how I would add into
22 my objection.

23 **The Court:** I need to see it.

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

25 **The Court:** I'm reviewing proposed State's Exhibit 229.

1 This is the same line-up I've seen several times regarding
2 the other witnesses or witness's -- I believe it was Troy
3 Scott?

4 **Ms. Meghan Walker:** Yes, Your Honor.

5 **The Court:** And I ruled at that time and continue to
6 rule that this line-up is not unduly suggestive. Of course,
7 the burden is on the defense to show by the preponderance of
8 the evidence that there -- that the line-up -- what will
9 ultimately be the identification -- in-court identification
10 that the line-up that is being presented is such that it
11 would lead to -- that it is -- that the line-up is
12 suggestive, unduly suggestive or impermissibly suggestive,
13 such that it would lead to a substantial likelihood of an
14 irreparable misidentification by the witness of Mr. James.
15 I'm going to allow the photo line-up in, the exhibit in.

16 Like I said the other day, these are all young men about
17 the same age, all with some type of what's referred to as
18 dreads. They're short dreads, if they're dreads, but I do
19 note, just as I did earlier, that there is a different
20 numbering -- six digits below Mr. James, five digits below
21 the others. I don't find that that's suggestive of anything
22 nor is the language on the bottom that references the website
23 for the Richland County jail.

24 So, over objection, I allow the introduction of the
25 line-up, and we'll go from there as far as any other

1 identification issues.

2 **Ms. Anastasia Walker:** Thank you, Your Honor.

3 **Ms. Meghan Walker:** Thank you, Your Honor.

4 **The Court:** Let's take about a 10-minute break.

5 **Ms. Meghan Walker:** Thank you, Your Honor.

6 **Ms. Tara Shurling:** Your Honor, may I speak with my
7 client?

8 **The Court:** Yes. Yes.

9 **Ms. Tara Shurling:** Thank you.

10 **The Court:** I figured that's why you were here. Well,
11 let me ask you this: Before you do that -- I might have
12 spoken too soon.

13 **Ms. Anastasia Walker:** Right.

14 **The Court:** I don't think you can talk to him while he's
15 on the stand.

16 **Ms. Tara Shurling:** Thank you. It wasn't concerning
17 this but...

18 **The Court:** Well, I... then just wait.

19 **Ms. Tara Shurling:** I understand. I knew they---

20 **The Court:** I misspoke, but, no, I think---

21 **Ms. Tara Shurling:** I certainly, Your Honor---

22 **The Court:** The attorney, Ms. Shurling, is present, but
23 since you're still on -- subject to examination by the State
24 and by cross-examination, I'm not going to allow her to talk
25 to you. Do you understand that?

1 **The Witness:** Yes, sir.

2 **The Court:** Thank you.

3 **Ms. Tara Shurling:** Thank you, Your Honor. I was clear
4 on the fact that the prosecution couldn't; I wasn't sure if I
5 could. Thank you.

6 (Whereupon, a short break was taken.)

7 **The Court:** Thank you. Take your seats. State ready?

8 **Ms. Simpson:** Yes, Your Honor.

9 **The Court:** Defense ready?

10 **Ms. Anastasia Walker:** Yes, sir, Your Honor.

11 **The Court:** Bring in the jury.

12 (Whereupon, the jury was brought into open court at
13 3:48 p.m.)

14 **The Court:** You may proceed.

15 **Ms. Meghan Walker:** Thank you, Your Honor.

16 Direct Examination (resumed)

17 By Ms. Meghan Walker:

18 Q. I was asking you before we took our break about a photo
19 line-up. It was State's Exhibit Number 229. Is this the
20 photo line-up that you were shown?

21 A. Yes, ma'am.

22 **Ms. Meghan Walker:** Your Honor, at this point the State
23 seeks to move Exhibit 229 into evidence.

24 **The Court:** Over objection, it's in.

25 **Ms. Anastasia Walker:** Yes, Your Honor.

1 (State's Exhibit 229 was received in evidence.)

2 By Ms. Meghan Walker:

3 Q. And who is this that you circled here?

4 A. Demetrice James.

5 Q. And does he look different there than he did -- than he
6 does now with this...

7 A. Other than the hair or whatever.

8 **Court Reporter:** I didn't understand him.

9 By Ms. Meghan Walker:

10 Q. You said his hair is different?

11 A. Yes, ma'am.

12 Q. You said something about latex gloves being passed out
13 that night?

14 A. Yes, ma'am.

15 Q. Who all got latex gloves?

16 A. Everybody.

17 Q. Give me their names, please.

18 A. Myself, Demetrice, Deshawn, and Maurice.

19 Q. But you took yours off.

20 A. Yes, ma'am.

21 Q. The person that you know as Demetrice who was involved
22 in the planning of this home invasion and ran into the house
23 at the Scotts residence, do you see him here in the
24 courtroom?

25 A. Yes, ma'am.

1 Q. Will you point him out for me?

2 A. (The witness points.)

3 Q. What's he wearing?

4 A. Blue shirt.

5 **Ms. Meghan Walker:** Please let the record reflect that
6 the witness has identified the defendant. I don't have any
7 other questions at this time, Your Honor.

8 **The Court:** Cross?

9 **Ms. Anastasia Walker:** May it please the Court, Your
10 Honor?

11 Cross-Examination

12 By Ms. Anastasia Walker:

13 Q. All right, Mr. Nelson. I've got a couple of questions
14 for you. Okay?

15 A. Yes, ma'am.

16 Q. My name is Anastasia Walker. And not to get confused,
17 I'm Anastasia and that's also Ms. Walker, so... Meghan
18 Walker went over with you that you were originally charged in
19 this case with murder.

20 A. Yes, ma'am.

21 Q. So before you pled, you were originally facing a minimum
22 of 30 years; right?

23 A. Yes, ma'am.

24 Q. But you ended up entering a guilty plea.

25 A. Yes, ma'am.

1 Q. In exchange for your testimony against Maurice Roberts.

2 A. Yes, ma'am.

3 Q. So you got a deal.

4 A. Yes, ma'am.

5 Q. For testifying against your friend, Maurice Roberts.

6 A. Yes, ma'am.

7 Q. So now you'll do a 30-year sentence but at 85 percent.

8 A. Yes, ma'am.

9 Q. You won't do a day-for-day sentence.

10 A. No, ma'am.

11 Q. And you're currently serving your time.

12 A. Yes, ma'am.

13 Q. And you're currently serving your time at a, what's
14 called, level three facility.

15 A. Yes, ma'am.

16 Q. And that's a -- that's a higher classified facility;
17 right?

18 A. Yes, ma'am.

19 Q. For more violent crimes.

20 A. Yes, ma'am.

21 Q. Okay. Now, you were good friends with Maurice, weren't
22 you?

23 A. Yes, ma'am.

24 Q. And you actually lived with Maurice for a period of
25 time.

1 A. Yes, ma'am.

2 Q. And that's how you know Troy and Trent Scott.

3 A. Yes, ma'am.

4 Q. You lived with them.

5 A. Yes, ma'am.

6 Q. Okay. And when you originally talked to police, you
7 actually gave two statements to police. Is that right?

8 A. Yes, ma'am.

9 Q. You gave one statement on January 28th? Is that right?

10 A. Yes, ma'am.

11 Q. And you gave one statement on January 31st.

12 A. Yes, ma'am.

13 Q. And then you testified at Maurice's trial.

14 A. Yes, ma'am.

15 Q. Okay. And then in your original statement to police you
16 told them the reason you knew the Scott brothers is because
17 you did some yard work.

18 A. Yes, ma'am.

19 Q. Okay. And you also told them that you only kind of knew
20 Demetrice and Deshawn. Is that right?

21 A. Yes, ma'am.

22 Q. That you weren't that close to them.

23 A. Yes, ma'am.

24 Q. And you also told them that you were a member of this
25 rap group called 600.

1 A. Yes, ma'am.

2 Q. And when you testified at Maurice's trial, you said that
3 this rap group includes Maurice?

4 A. Yes, ma'am.

5 Q. You?

6 A. Yes, ma'am.

7 Q. Demetrice?

8 A. Yes, ma'am.

9 Q. Deshawn?

10 A. Yes, ma'am.

11 Q. And then some other people you didn't want to talk
12 about.

13 A. Yes, ma'am.

14 Q. And then eventually you also tell them that Jwaun was
15 involved.

16 A. Yes, ma'am.

17 Q. And you also told them that you weren't friends with
18 Deshawn at trial.

19 A. Yes, ma'am.

20 Q. And you also said that you never did any songs with
21 Demetrice at trial.

22 A. Yes, ma'am.

23 Q. And Demetrice was supposedly in a rap group with you
24 though.

25 A. Yes, ma'am.

1 Q. But you didn't make any songs with Demetrice.

2 A. No, ma'am.

3 Q. Is it possible that 600 doesn't refer to a rap group?

4 A. No, ma'am.

5 Q. Okay. Now, as far as planning a lick, you said that
6 y'all basically wanted a studio.

7 A. Yes, ma'am.

8 Q. You said you talked too much.

9 A. Yes, ma'am.

10 Q. That you were just talking about how you had this place
11 that you normally recorded at.

12 A. Yes, ma'am.

13 Q. For this rap group that you were a part of.

14 A. Yes, ma'am.

15 Q. And as far as what you call the plan, the plan was: Go
16 get stuff from this house.

17 A. Yes, ma'am.

18 Q. And that was about it.

19 A. Yes, ma'am.

20 Q. Get stuff from house. Come back.

21 A. Yes, ma'am.

22 Q. Okay. And prior you said that -- I believe in one of
23 your statements you said you were the guinea pig of this
24 operation? Is that how you phrased it?

25 A. Yes, ma'am.

1 Q. Do you mean like you were the inside guy? Is that what
2 that means?

3 A. Yes, ma'am.

4 Q. And you're the one that told Maurice that the Scotts had
5 things in their house.

6 A. Yes, ma'am.

7 Q. And Maurice says, "Okay. Let's do a lick."

8 A. Yes, ma'am.

9 Q. And in your first statement you told the police that you
10 didn't really want to do it.

11 A. Yes, ma'am.

12 Q. But you ended up doing it.

13 A. Yes, ma'am.

14 Q. And that you used Maurice's phone.

15 A. Yes, ma'am.

16 Q. And that at some point you actually tried to stop the
17 plan, like you tried to abort it. You tried to walk out.

18 A. Yes, ma'am.

19 Q. But when you went outside to smoke, the other guys
20 thought that was -- that was the signal to come down.

21 A. Yes, ma'am.

22 Q. Okay. And in your first statement you said that Maurice
23 rushed the place.

24 A. Yes, ma'am.

25 Q. And that he knocked the tall dude out.

1 A. Yes, ma'am.

2 Q. Okay. And you don't give a name.

3 A. No, ma'am.

4 Q. Okay. And that must have been Josh.

5 A. Yes, ma'am.

6 Q. And then you say that Maurice breaks Brandon's nose.

7 A. Yes, ma'am.

8 Q. And then you say you see Maurice go inside.

9 A. Yes, ma'am.

10 Q. And then you say you see Deme -- Demetrice goes in after
11 him.

12 A. Yes, ma'am.

13 Q. And then you hear some fighting.

14 A. Yes, ma'am.

15 Q. And then you run.

16 A. Yes, ma'am.

17 Q. And that's what you told police.

18 A. Yes, ma'am.

19 Q. And then you told them you didn't know who shot anybody.

20 A. Yes, ma'am.

21 Q. And that you didn't see anybody the rest of the night,
22 that you went to a homegirl's house and that was it.

23 A. Yes, ma'am.

24 Q. Okay. But then you gave another statement.

25 A. Yes, ma'am.

1 Q. A couple of days later. And this time you admit to
2 texting them to telling the other guys that you were outside.

3 A. Yes, ma'am.

4 Q. And you tell them to come on.

5 A. Yes, ma'am.

6 Q. You see three guys coming.

7 A. Yes, ma'am.

8 Q. You see Maurice go in the house.

9 A. Yes, ma'am.

10 Q. But you tell -- you tell the police you never see
11 Demetrice go in the house---

12 A. Yes, ma'am.

13 Q. ---in your second statement. And in this statement you
14 say you hear two shots and then you take off running.

15 A. Yes, ma'am.

16 Q. Okay. You hear two shots and then you take off running,
17 and then you say you're already up the street when you hear
18 the second round of shots.

19 A. Yes, ma'am.

20 Q. And you tell the police that everybody is wearing latex
21 gloves except you.

22 A. Yes, ma'am.

23 Q. Is that right?

24 A. Yes, ma'am.

25 Q. Everybody but you.

1 A. Yes, ma'am.

2 Q. All right. And you even say that you saw Deshawn with a
3 knife.

4 A. Yes, ma'am.

5 Q. Deshawn had a knife on Josh.

6 A. Yes, ma'am.

7 Q. And originally you said you didn't really know Deshawn.

8 A. Yes, ma'am.

9 Q. Okay. And then you say that the police ask you if
10 Demetrice knew Maurice had a gun.

11 A. Yes, ma'am.

12 Q. The police asked you that, and you say that the reason
13 he knew was because he pistol-whipped Josh.

14 A. Yes, ma'am.

15 Q. Okay. But you knew that Maurice had a gun.

16 A. No, ma'am.

17 Q. You didn't know that Maurice had a gun. Is that what
18 you're saying?

19 A. Yes, ma'am.

20 Q. So in your second statement to police, you did not tell
21 them that you knew he had a gun?

22 A. No, ma'am.

23 Q. Beg the Court's indulgence. Did you give a description
24 of the gun you saw Maurice with that night?

25 A. Yes, ma'am.

1 Q. That it was a gray rusty semiautomatic.

2 A. Yes, ma'am.

3 Q. Okay. And that was the gun that he had that night.

4 A. Yes, ma'am.

5 Q. All right. So let's move on to when you testified at
6 Maurice's trial.

7 A. Yes, ma'am.

8 Q. And before you testified at Maurice's trial, you
9 actually met with an investigator from the solicitor's
10 office.

11 A. Yes, ma'am.

12 Q. Is that right? So you spoke with them, and after those
13 meetings you came here and you testified, much like you're
14 doing today.

15 A. Yes, ma'am.

16 Q. Okay. And this time you testify, you tell them that you
17 know the Scotts.

18 A. Yes, ma'am.

19 Q. You knew the Scott brothers; you knew the Davises.

20 A. Yes, ma'am.

21 Q. They took you in.

22 A. Yes, ma'am.

23 Q. You lived with them for a period of time.

24 A. Yes, ma'am.

25 Q. They gave you clothes.

1 A. Yes, ma'am.

2 Q. They fed you.

3 A. Yes, ma'am.

4 Q. They even gave you spending money?

5 A. Yes, ma'am.

6 Q. They took you to church.

7 A. Yes, ma'am.

8 Q. But yet you told Maurice all about these expensive
9 electronics they have.

10 A. Yes, ma'am.

11 Q. So Maurice can do his lick.

12 A. Yes, ma'am.

13 Q. And you say you were sent in the house first because,
14 number one, you knew that they would let you in.

15 A. Yes, ma'am.

16 Q. And, number two, you could report to Maurice and tell
17 him how many people were in the house.

18 A. Yes, ma'am.

19 Q. And you said that Maurice is the one that actually gave
20 you that camouflage phone.

21 A. Yes, ma'am.

22 Q. Because you didn't have a phone.

23 A. No, ma'am.

24 Q. So the boys come on down the hill, you said.

25 A. Yes, ma'am.

1 Q. And you just kind of stand there.

2 A. Yes, ma'am.

3 Q. Put your hands up.

4 A. Yes, ma'am.

5 Q. And Maurice is pistol-whipping your friends.

6 A. Yes, ma'am.

7 Q. He pistol-whips Brandon?

8 A. Yes, ma'am.

9 Q. Pistol-whips Josh.

10 A. Yes, ma'am.

11 Q. And you just stand there.

12 A. Yes, ma'am.

13 Q. And you see Maurice go in the house.

14 A. Yes, ma'am.

15 Q. And this time you say you see Maurice go in -- or you

16 see Demetrice go in the house second.

17 A. Yes, ma'am.

18 Q. Okay. You also say that you see Demetrice leave the

19 house, at trial.

20 A. I don't remember that.

21 Q. You don't remember that. Beg the Court's indulgence.

22 May I approach the witness?

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

24 By Ms. Anastasia Walker:

25 Q. You have to bear with me a little bit. So you agree

1 that you testified at trial; right?

2 A. Yes, ma'am.

3 Q. Okay. I'm going to show you the trial transcript.

4 **Ms. Meghan Walker:** Ms. Walker, what page are you on?

5 **Ms. Anastasia Walker:** I am on page 542 of the trial
6 transcript.

7 **Ms. Meghan Walker:** Thank you. I'm sorry to interrupt.

8 **Ms. Anastasia Walker:** I apologize.

9 By Ms. Anastasia Walker:

10 Q. And there's a question on line 22: "Did Demetrice and
11 Maurice make it in the house?" Is that right?

12 A. Yes, ma'am.

13 Q. And then your answer: "I seen Demetrice's arm get stuck
14 in the door." Right?

15 A. Yes, ma'am.

16 Q. "And where was Maurice at this point?" And your answer
17 is, "In the house."

18 A. Yes, ma'am.

19 Q. Is that right?

20 A. Yes, ma'am.

21 Q. Does that refresh your memory a little bit about what
22 happened at trial?

23 A. Yes, ma'am.

24 Q. So you saw Demetrice's arm get stuck in the door.

25 A. Yes, ma'am.

1 Q. Okay. While Maurice was still in the house.

2 A. Yes, ma'am.

3 Q. So Maurice is -- so Demetrice is coming out of the house
4 when his arm gets stuck in the door.

5 A. I didn't say he was coming out of the house right now.

6 Q. I'm sorry?

7 A. I never said he was coming in or out of the house.

8 Q. Okay. While Maurice is still in the house, you see
9 Demetrice's arm get stuck in the door.

10 A. Yes, ma'am.

11 Q. And then you hear shots go off.

12 A. No.

13 Q. That's not what you say. So on page 543 of the trial
14 transcript at the top, question: "Maurice was in the house.

15 So did he make it in the house?" Answer: "Yes, ma'am."

16 Question: "So after Maurice is in the house and Demetrice's
17 arm is stuck in the doorway, what happened?" "I ran."

18 Question: "You ran?" "Yes, ma'am."

19 "At this point was the robbery going the way y'all
20 planned it?" "No, ma'am." "What happened as you were
21 running?" "I heard two shots go off." Is that what -- is
22 that accurate, what's on the transcript?

23 A. Yes, ma'am.

24 Q. Okay. So after Demetrice's arm was stuck in the door,
25 you heard two shots go off.

1 A. No, I ran first.

2 Q. Right. And that's after Demetrice's arm was stuck in
3 the door; right?

4 A. Yes, ma'am.

5 Q. Okay. And you said after that, then you can hear
6 multiple shots, five or six shots, while you're still
7 running.

8 A. Yes, ma'am.

9 Q. Okay. So let's talk a little bit about what happens
10 after you run; okay? So you say you run back to Hammond
11 Village.

12 A. Yes, ma'am.

13 Q. Originally you told them you didn't see anybody the rest
14 of the night.

15 A. Yes, ma'am.

16 Q. And that you didn't even know Brandon was killed.

17 A. Yes, ma'am.

18 Q. And that when you saw Maurice and Deshawn again y'all
19 didn't even talk about it.

20 A. Yes, ma'am.

21 Q. Y'all just confirmed y'all were good, and that was it.

22 A. Yes, ma'am.

23 Q. But then later on you tell them you went back to
24 Maurice's.

25 A. Yes, ma'am.

- 1 Q. With Deshawn.
- 2 A. Yes, ma'am.
- 3 Q. And Maurice.
- 4 A. Yes, ma'am.
- 5 Q. But not Demetrice.
- 6 A. Yes, ma'am.
- 7 Q. Just y'all two -- I mean y'all three. Excuse me.
- 8 A. Yes, ma'am.
- 9 Q. And y'all cleaned yourselves up.
- 10 A. Yes, ma'am.
- 11 Q. You actually smelled some bleach; right?
- 12 A. Yes, ma'am.
- 13 Q. Maurice poured some bleach all over his clothes?
- 14 A. Yes, ma'am.
- 15 Q. And Maurice actually told y'all to keep your mouth shut;
- 16 right?
- 17 A. Yes, ma'am.
- 18 Q. And Deshawn even had an injury when y'all got back to
- 19 the house. Is that right?
- 20 A. Yes, ma'am.
- 21 Q. A bullet grazed his leg; right?
- 22 A. Yes, ma'am.
- 23 Q. And Maurice got injured that night, too.
- 24 A. Yes, ma'am.
- 25 Q. He had a swollen eye.

1 A. Yes, ma'am.

2 Q. And you got him some ice for his eye; right?

3 A. Yes, ma'am.

4 Q. Okay. Now, you recall testifying at Maurice's trial;
5 right?

6 A. Yes, ma'am.

7 Q. You didn't really want to testify at the trial, did you?

8 A. No, ma'am.

9 Q. Are you hoping for a better deal for testifying today?

10 A. No, ma'am.

11 Q. Not at all.

12 A. No, ma'am.

13 Q. Do you like being in prison?

14 A. No, ma'am.

15 Q. Not at all?

16 A. No, ma'am.

17 Q. You're in a cell; right?

18 A. Yes, ma'am.

19 Q. Tiny cell?

20 A. Yes, ma'am.

21 Q. Have you got a roommate?

22 A. Two.

23 Q. Two roommates. Do you sleep with your head near a
24 toilet?

25 A. No, ma'am.

1 Q. Does the room have a toilet?

2 A. Yes, ma'am.

3 Q. All three of you in a room with a toilet.

4 A. Yes, ma'am.

5 Q. Can't do anything you want to.

6 A. Not really.

7 Q. Not really. Not when you went to.

8 A. No, ma'am.

9 Q. So even if you could get just a little reduction in your
10 sentence, you wouldn't want it?

11 A. Wouldn't matter.

12 Q. Wouldn't matter to you. Thank you, Your Honor. No
13 further questions.

14 **The Court:** Redirect?

15 **Ms. Meghan Walker:** None, Your Honor.

16 **The Court:** All right. The witness can be excused. You
17 can step down. Thank you for your time. You may call your
18 next witness.

19 **Ms. Simpson:** The State calls Trisha Odom.

20 Trisha C. Odom, after being duly sworn, testified
21 as follows:

22 **The Clerk:** Please have a seat in the witness stand, and
23 state your full name for the record.

24 **The Witness:** My name is Trisha Collins Odom. The
25 spelling of my last name is O-D-O-M.

1 necessarily going to be able to lift a print from that item?

2 A. No.

3 **Ms. Simpson:** All right. Thank you.

4 **The Court:** Cross?

5 **Ms. Anastasia Walker:** I have no cross for this witness,
6 Your Honor.

7 **The Court:** You can step down and be excused. We
8 appreciate your time.

9 **The Witness:** Thank you, sir.

10 **The Court:** Call your next witness.

11 **Ms. Meghan Walker:** Your Honor, the State calls Cinnamon
12 Wright.

13 Cinnamon Wright, after being duly sworn, testified
14 as follows:

15 **The Clerk:** Please have a seat in the witness stand, and
16 state your full name for the record.

17 **The Witness:** My name is Cinnamon Wright.

18 Direct Examination

19 By Ms. Meghan Walker:

20 Q. Good afternoon, Ms. Wright. Where are you currently
21 employed?

22 A. Richland County EMS..

23 Q. Do you have another job as well?

24 A. I do.

25 Q. And what do you do at the other job? I'm sorry.

1 A. I'm a -- I'm a medical staff at the plasma center.

2 Q. Okay. With your job at EMS, how long have you been
3 there?

4 A. Seven years.

5 Q. What do you do at EMS?

6 A. I'm a paramedic.

7 Q. What are kind of the duties and responsibilities of a
8 paramedic?

9 A. To provide evidence, life-saving care, to sustain life
10 until we're able to get a patient to a higher level of care.

11 Q. And you said you've been doing that for seven years?

12 A. Yes.

13 Q. I want to turn your attention back to January of last
14 year, January 25th. Were you working that night?

15 A. Yes.

16 Q. And did you respond to a location at
17

18 A. I did.

19 Q. Do you have your run sheet with you?

20 A. I don't.

21 Q. Would it refresh your memory if I gave you a copy of it?

22 A. Absolutely.

23 Q. What was your purpose of responding to that location
24 that night?

25 A. We were called out for G.S.W. which is gunshot wound.

1 Q. And the person who you treated that night, what was that
2 person's name?

3 A. His name is Brandon.

4 Q. And when you got to Brandon that night, can you tell me
5 what kind of injuries he had?

6 A. At that time he had a wound to his left neck, two to his
7 upper back, one to his left buttock, one to the -- to the
8 back of the left thigh, and one to the right forearm. He
9 also had abrasions and contusion to the forehead and an
10 abrasion to the left thigh.

11 Q. And once you -- once you got to him that night, was he
12 still alive?

13 A. He was.

14 Q. Was he able to speak to you?

15 A. At the time when we arrived he was just kind of on the
16 laying on the ground. He was moaning.. The only thing he was
17 able to actually speak and say once we were inside of the
18 unit and en route to the hospital -- he was able to give me
19 his name, his first name.

20 Q. And were you with him from the time you got there 'til
21 he was taken to the hospital?

22 A. Yes.

23 Q. And were you providing aid to him at that point?

24 A. I was.

25 Q. What type of aid were you attempting to provide to

1 Brandon?

2 A. At that time life-saving care, start I.V. fluids because
3 at that time he had a significant amount of blood loss as
4 well as to just maintain his airway to keep it patent. That
5 way, you know, he's able to get to the hospital alive and...

6 Q. And were y'all able to transport him to the hospital
7 successfully that night?

8 A. Yes, we were.

9 Q. And once you got Brandon to the hospital, what did you
10 do?

11 A. Transferred care over to the emergency room doctors.

12 Q. Is that y'all's standard protocol?

13 A. Yes, it is.

14 Q. At the point in which you transferred care from your
15 care to the emergency room doctors, was that the extent of
16 your involvement with this patient?

17 A. Yes.

18 **Ms. Meghan Walker:** Thank you, ma'am. I don't have any
19 further questions for you.

20 **Ms. Anastasia Walker:** No questions for this witness,
21 Your Honor.

22 **The Court:** You may be excused. We appreciate your
23 time. Thank you. Call your next witness.

24 **Ms. Meghan Walker:** Your Honor, the State calls
25 Investigator Terri Gleason.

1 for you at this time. Thank you very much.

2 A. Sure.

3 **Ms. Pinnock:** No questions, Your Honor.

4 **The Court:** All right. Thank you. We appreciate your
5 time. You can be excused.

6 **The Witness:** Thank you.

7 **The Court:** Call your next witness.

8 **Ms. Meghan Walker:** Your Honor, at this time the State
9 calls Troy Scott.

10 Troy Scott, after being duly sworn, testified as
11 follows:

12 **The Clerk:** Please have a seat in the witness stand, and
13 state your full name for the record.

14 **The Witness:** Troy Scott.

15 **The Court:** Can I see counsel up here just one minute?

16 **Ms. Meghan Walker:** Yes, Your Honor.

17 (Whereupon, a bench conference was held.)

18 **The Court:** Just doing some logistics.

19 Direct Examination

20 By Ms. Meghan Walker:

21 Q. Good afternoon, sir.

22 A. Good afternoon.

23 Q. State your name again for me.

24 A. Troy Scott.

25 Q. Troy Scott? Mr. Scott, where -- how old are you?

1 A. Twenty-six.

2 Q. Where did you grow up?

3 A. In Columbia, South Carolina.

4 Q. Did you go to high school here?

5 A. Yes, ma'am.

6 Q. Where did you go to high school?

7 A. Columbia High.

8 Q. Where do you live?

9 A.

10 Q. Is this your house here on State's Exhibit Number 44?

11 A. Yes, ma'am.

12 Q. Who do you live there with?

13 A. My mother and my stepfather and my little brother.

14 Q. What's your little brother's name?

15 A. Trenton Scott.

16 Q. I want to ask you about some people; I want you to tell
17 me if you know them. Okay? Did you know Joshua Williams?

18 A. Yes, ma'am.

19 Q. What about Brandon Jones?

20 A. Yes, ma'am.

21 Q. Vincent Nelson, Jr.?

22 A. Yes, ma'am.

23 Q. Did you know Demetrice James?

24 A. I don't know him; I've seen him.

25 Q. I want to take your attention back to January 25th of

1 last year. Where were you that night?

2 A. I was at the house with Trenton, Josh, Cari, and
3 Brandon.

4 Q. And who's Cari?

5 A. That was my girlfriend at the time.

6 Q. She's not your girlfriend anymore?

7 A. No.

8 Q. What were y'all doing?

9 A. We was just at the house relaxing.

10 Q. Was that common for you guys to be over there?

11 A. Yes, ma'am.

12 Q. What type of things would y'all do while y'all were over
13 there?

14 A. Play music, watch T.V., play video games.

15 Q. Were those the type of things y'all were doing that
16 night?

17 A. Yes, ma'am.

18 Q. Were you there the entire night?

19 A. Yes, ma'am.

20 Q. At any point did someone else come over to the house?

21 A. Yes, ma'am.

22 Q. And who was that?

23 A. Vincent.

24 Q. Did you know him by any other names?

25 A. Jay-School.

1 Q. Jay-School?

2 A. Yes, ma'am.

3 Q. Did you know Jay-School was going to come over that
4 night?

5 A. No, ma'am.

6 Q. Did he used to hang out with y'all a lot?

7 A. On and off, yes, ma'am.

8 Q. And how did you meet him?

9 A. I met him through a friend of mine, Teedo.

10 Q. And would he sometimes spend the night at y'all's house?

11 A. Yes, ma'am.

12 Q. Eat dinner with y'all?

13 A. Yes, ma'am.

14 Q. Was he kind of like a trusted friend?

15 A. At one point, yes, ma'am.

16 Q. Before -- before all this happened?

17 A. Yes, ma'am.

18 Q. Tell me about when you saw Jay-School that night..

19 A. He came in through the upstairs. I hadn't seen him in
20 about three months, so it was more of a surprise. And no one
21 comes over that late, so that was odd also.

22 Q. And did you talk to him?

23 A. Yes, ma'am.

24 Q. And where did he come when he came to your house? What
25 part of the house was he in?

1 A. He came from upstairs and went downstairs.

2 Q. Were the rest of y'all hanging out downstairs?

3 A. Yes, ma'am.

4 Q. What did he do once he got there?

5 A. Basically just went straight to the studio and just
6 basically said hey to everybody.

7 Q. Was he acting the way that you normally saw him to act?

8 A. No, ma'am.

9 Q. Tell me what was different.

10 A. One, he had a phone on him. He was pacing back and
11 forth. Limited with his words. Just weird.

12 Q. And how long did he stay inside the house?

13 A. No longer than about three minutes.

14 Q. Then what happened?

15 A. I was in a room with my girlfriend at the time. He
16 convinced Brandon to go outside with him. Josh proceeded to
17 follow behind them, so they all went outside to smoke.

18 Q. Who was left in the house when those three individuals
19 went outside?

20 A. Me, Trenton, and Cari.

21 Q. Cari?

22 A. Yeah.

23 Q. What happened next?

24 A. We were just chilling on the bed, and I just heard a
25 loud glass break.

- 1 Q. Was that odd to you?
- 2 A. Yes, ma'am.
- 3 Q. When you heard that glass break, what did you do?
- 4 A. I immediately walked to where I heard the sound was.
- 5 Q. And where -- what area of the house was that sound
- 6 coming from?
- 7 A. That was in the sports room.
- 8 Q. What did you see once you got to the sports room?
- 9 A. Two people rolling on the ground fighting.
- 10 Q. Did you recognize those two people?
- 11 A. One was my brother and I didn't recognize the other one.
- 12 Q. So tell me what you did once you saw -- once you saw
- 13 that.
- 14 A. Really I was -- I walked over to basically kind of break
- 15 it up, and that's when I realized it was Trent and some
- 16 random dude, and a second person came through the door.
- 17 Q. You said the -- is this the area of the house that you
- 18 went over to to break up the fight?
- 19 A. Yes, ma'am.
- 20 Q. This is State's Exhibit Number 141 that I just showed
- 21 you. You said you heard glass shattering?
- 22 A. Yes, ma'am.
- 23 Q. So at the point in which -- you said the random guy. Do
- 24 you know -- do you now know his name?
- 25 A. Yes, ma'am.

1 Q. What's his name?

2 A. Demetrice.

3 Q. The one that was on the ground with your brother?

4 A. No, that was Maurice that was on the ground with my
5 brother.

6 Q. Okay. And then a second person came in.

7 A. Uh-huh.

8 Q. At that point when your brother and Maurice are on the
9 ground, what are you doing?

10 A. I immediately start fighting the second one that came
11 through the door.

12 Q. The second one that came through the door, do you
13 remember what he looked like?

14 A. Yes.

15 Q. What did he look like?

16 A. Dark skin with dreads, about 5'6".

17 Q. And these two people, had you seen them before that
18 night?

19 A. Just one of them.

20 Q. And which one was that?

21 A. Demetrice.

22 Q. Where had you seen him before?

23 A. Just around, like the corner store or something like
24 that.

25 Q. But did you know him?

1 A. No, I didn't know him.

2 Q. This may be a dumb question, but were these people
3 invited into your home that night?

4 A. No, ma'am.

5 Q. And as you're fighting the second guy, what's going on
6 with your brother and the first guy?

7 A. At the time I didn't know that they was scrambling for a
8 gun until I guess the dude had got leverage over the gun, and
9 that's when I first seen it.

10 Q. You first saw the gun---

11 A. Yes.

12 Q. ---when the other guy got the gun.

13 A. Yes.

14 Q. And where are you and the second guy at that point?

15 A. Basically we're just like at the beginning section of
16 the sports room by the shop door when I first realized the
17 gun...

18 Q. And who had the gun the first time you saw it?

19 A. Demetrice.

20 Q. What was he doing with the gun?

21 A. He was pointing it.

22 Q. Where was he pointing it? Like in the air?

23 A. At me.

24 Q. Pointing the gun at you.

25 A. Yeah.

1 Q. What did you do once that gun was pointed at you?

2 A. I just basically -- Trent was still on the ground, so I
3 basically just wanted to get my brother up and get him out of
4 the harm's way.

5 Q. This is your little brother?

6 A. Yes.

7 Q. Okay.

8 A. And we ended up -- we ended up in the shop trying to
9 barricade the shop door. So they was desperately trying to
10 squeeze in the shop, so we knew we had to make a decision
11 real fast. There wasn't time to be scared or anything, so...

12 Q. So did your brother eventually stand up?

13 A. Yes, ma'am.

14 Q. And where was the first guy when your brother got up?

15 A. He was squeezing in the door, in the shop door.

16 Q. Did they make it back in? Did those two guys that were
17 trying to come back in eventually come back into the house?

18 A. No.

19 Q. At any point did your brother and -- it's been termed a
20 Full Nelson?

21 A. Yes.

22 Q. Okay. How -- tell me how that came about. Actually,
23 could you step off the stand? Your Honor, may the witness
24 step down?

25 **The Court:** Yes.

1 By Ms. Meghan Walker:

2 Q. Tell me how close everybody is when this fight is
3 happening. And do this for me: Stand on this side and speak
4 up so the court reporter can hear you. Okay?

5 A. Well, this is the door right here, and we were basically
6 just kind of holding the door.

7 Q. You and?

8 A. My brother, Trent.

9 Q. And where are the other two people?

10 A. They're -- Demetrice is on the outside of the door.
11 Maurice is trying to squeeze in the door. The gun is being
12 waved inside.

13 Q. The door?

14 A. The crack, yes.

15 Q. Okay. And how does your brother end up getting Maurice
16 in a Full Nelson?

17 A. It happened so fast. It just kind of, you know -- it
18 was just a reversal thing because he let off in the house.

19 Q. All right. Well, use me and show me what happened.
20 Just don't hurt me.

21 A. All right.

22 Q. Okay?

23 A. Well, it was -- it was more like this.

24 Q. Uh-huh.

25 A. And when he was trying to squeeze in the door, my

1 brother got him like this.

2 Q. Okay. Well, let me ask you this. Do y'all have any
3 sort of specialized fighting/training, you and your brother?

4 A. I'm a first degree black belt in Tae Kwon Do.

5 Q. And your brother?

6 A. Yes.

7 Q. Y'all are both first degree black belts in Tae Kwon Do.

8 A. Yes, ma'am.

9 Q. Okay. So he has Maurice in a Full Nelson. Is the gun
10 still being waved in the door?

11 A. Yeah.

12 Q. Okay. And at that point what happens?

13 A. The adrenaline was real high, so we somehow was just
14 really just pushing them from the shop door through the whole
15 sports room to the outside.

16 Q. To get out of the house?

17 A. Yeah.

18 Q. And were y'all able to successfully get them out of the
19 house?

20 A. Yes, ma'am.

21 Q. Did any gunshots go off inside of the house?

22 A. Yes.

23 Q. You can get back on the stand. Thank you.

24 A. Oh.

25 Q. Okay. Tell me about the gunshot that went off inside

1 the house.

2 A. I guess bro tried to tag him one time, and he hit him in
3 the arm.

4 Q. When you say "bro," who are you talking about?

5 A. Trenton.

6 Q. Okay. Your brother tried to do what?

7 A. He tried to tag him on the face, hit him.

8 Q. Tag him and hit him?

9 A. Yeah.

10 Q. Okay.

11 A. Sorry.

12 Q. You've got to talk to me.

13 A. Sorry. Yeah.

14 Q. Okay. So he tried to hit him, and then the gunshot went
15 off.

16 A. Yes, ma'am.

17 Q. At that point did you know if anyone had been hit?

18 A. Well, my brother, he just stormed off real fast as soon
19 as he got hit, so I was just really just trying to get the
20 door locked.

21 Q. Were you able to do that?

22 A. I got my peoples (verbatim) upstairs.

23 Q. Were you able to get the door locked?

24 A. Yes, ma'am.

25 Q. You said you had people upstairs. Who was upstairs?

1 A. My mother and my stepfather.

2 Q. And once you got the door locked, I guess the intruders
3 are on the other side of the door?

4 A. Yes, ma'am.

5 Q. What did you do?

6 A. As soon as I successfully got the door locked, I -- as
7 soon as I was running halfway in the middle of the sports
8 room, I just heard five shots went off.

9 Q. At that point in which you heard the shots go off, did
10 you know where Jay-School was?

11 A. No, ma'am.

12 Q. Did you know where Josh was?

13 A. No, ma'am.

14 Q. Did you know where Brandon was?

15 A. No, ma'am. I just know they was outside.

16 Q. What did you do once -- when you heard those shots go
17 off?

18 A. I ran upstairs to attend to my brother's wound. I'm a
19 medical assistant, so the first thing I was supposed to do is
20 put pressure towards the wound.

21 Q. And were you able to do that?

22 A. Yes, ma'am.

23 Q. What happened next?

24 A. My stepfather was really just looking for everybody, and
25 me and him ran out the front door and he ended up finding

1 Brandon. And there was a cop car that drove past my house,
2 so I ran up the hill to kind of flag him down.

3 Q. At that point had someone called 9-1-1?

4 A. Yes, ma'am.

5 Q. Who called 9-1-1?

6 A. Me and my mom.

7 Q. Okay. And were you able to flag down the cop car?

8 A. Yes, ma'am.

9 Q. Did you take them back to your house?

10 A. Yes, ma'am.

11 Q. Did you see Josh that night?

12 A. Yes, ma'am.

13 Q. Where was Josh when you saw him?

14 A. As soon as I went upstairs, probably about 60 seconds,
15 he came from downstairs. His head was swollen. He was
16 asking where Brandon was. That was about it.

17 Q. Did you see Brandon that night?

18 A. Yes, ma'am.

19 Q. Where was Brandon?

20 A. On the ground.

21 Q. Were you able to talk to him at that point?

22 A. Yes, ma'am.

23 Q. Was he able to say anything to you?

24 A. He was just saying, "Help."

25 Q. Could you help him?

1 A. Not really.

2 Q. Did ambulances arrive?

3 A. Yes, ma'am.

4 Q. And once the ambulances got there, what happened?

5 A. They was on both sides of the street, and so we hopped
6 on -- me and Cari went to the closest cop car, and they took
7 us to Two Notch at the sheriff's office.

8 Q. And what about Josh and Brandon and your little brother?

9 A. They all went in the ambulance.

10 Q. To the hospital?

11 A. Yes, ma'am.

12 Q. When you got to the sheriff's department, what did you
13 do there?

14 A. They were just basically just asking us what happened
15 and doing swabs and stuff like that.

16 Q. And were you able to tell them what happened that night?

17 A. Yes, ma'am.

18 Q. And over the course of this investigation, were you
19 shown a series of photo line-ups?

20 A. Yes, ma'am.

21 Q. And on some of them I guess you were able to pick people
22 and some of them you weren't.

23 A. Yes, ma'am.

24 Q. I want to show you State's Exhibits 4, -- 3, 4, and 5
25 and ask you if you recognize -- if you recognize these

1 exhibits.

2 A. Yes, ma'am.

3 Q. And how do you recognize these?

4 A. I just remember being shown them.

5 Q. You were shown these photo line-ups?

6 A. Yeah.

7 **Ms. Meghan Walker:** Your Honor, at this point the State
8 seeks to move Exhibits 3, 4, and 5 into evidence.

9 **Ms. Pinnock:** No objection.

10 **The Court:** Entered without objection.

11 (State's Exhibits 3 through 5 were received in
12 evidence.)

13 By Ms. Meghan Walker:

14 Q. And on these photo line-ups were you able to pick
15 anybody out?

16 A. No, ma'am.

17 Q. Okay. Were you just randomly picking people out when
18 you were shown photo line-ups?

19 A. No, ma'am.

20 Q. What were you trying to do when the police showed you
21 photo line-ups?

22 A. Pick who I saw.

23 Q. And State's Exhibit Number 8, let me show this one to
24 you. I ask you if you recognize this. How do you recognize
25 this?

1 A. Yes, ma'am.

2 Q. How do you recognize that?

3 A. Yes, ma'am.

4 Q. Did you sign it?

5 A. And initialed and dated it.

6 **Ms. Meghan Walker:** Okay. Your Honor, at this point the
7 State seeks to move Exhibit Number 8 into evidence.

8 **Ms. Pinnock:** Your Honor, I'd renew our previous
9 objection.

10 **The Court:** This has already been ruled on, and over the
11 objection it's in.

12 **Ms. Meghan Walker:** Thank you, Your Honor.

13 **Ms. Pinnock:** Yes, Your Honor.

14 (State's Exhibit 8 was received in evidence.)

15 By Ms. Meghan Walker:

16 Q. State's Exhibit Number 8, were you able to pick anyone
17 out of this photo line-up?

18 A. Yes, ma'am.

19 Q. And who did you pick out?

20 A. The sixth, Demetrice.

21 Q. And when you were picking him out, did you know his name
22 at that time?

23 A. No, ma'am.

24 Q. And when you were picking him out, who were you
25 identifying him as?

1 A. Who I was identifying him as? Just the dude with the
2 dreads.

3 Q. And where had you seen him?

4 A. Where have I seen him?

5 Q. In relation to this case.

6 A. I seen him at my house.

7 Q. And is that why you circled his picture?

8 A. Yes, ma'am.

9 Q. At some point in time -- do you know a Linard?

10 A. No, ma'am..

11 Q. Did the name Linard come up in this investigation?

12 A. Yes, ma'am.

13 Q. Tell me how that came up.

14 A. It was just a friend of mine, William, just helping out
15 the situation really because we didn't know anyone (verbatim)
16 name, so...

17 Q. Were you told that a Linard was involved?

18 A. Yeah.

19 Q. And did you think at that point that Linard was the
20 person that shot your brother or did you not know?

21 A. No, ma'am. I did not know.

22 Q. But the person you circled in that photo line-up that I
23 just showed you, that's the person who shot your brother.

24 A. Yes, ma'am.

25 Q. The person who came into your home uninvited and the

1 person who shot your little brother, do you see him in here
2 in the courtroom today?

3 A. Uh-huh.

4 Q. Can you identify him for me?

5 A. In blue.

6 **Ms. Meghan Walker:** Your Honor, can the record reflect
7 that this witness has identified the defendant? Thank you.
8 Sir, I don't have any further questions.

9 **The Court:** We're going to -- since it's 5:00, we're
10 going to stop for the day and start back at 9:30 with cross-
11 examination by the counsel for the defense. Have a pleasant
12 evening, and we'll see you back at 9:30 in the morning.

13 (Whereupon, the jury was excused from open court for the
14 day at 5:00 p.m.)

15 **The Court:** Mr. Scott, since you're -- you can obviously
16 go home for the evening, but since you're up for cross-
17 examination, don't discuss your testimony with the solicitor
18 or the defense attorneys. Don't even discuss it with your
19 family or friends or anybody else because usually we go
20 straight from direct into cross-examination, but because of
21 the hour we're going to split it.

22 So it's only fair and legally appropriate that you be
23 postured, that is, be in the same basic situation tomorrow
24 when we start at 9:30 as you are today without obtaining any
25 further information or discussion about the case. Do you

1 understand that?

2 **The Witness:** Yes, sir.

3 **The Court:** Do you think you can do that?

4 **The Witness:** Yes, sir.

5 **The Court:** Okay. Is there anything -- anything the
6 State wants me to cover with the witness?

7 **Ms. Meghan Walker:** No, Your Honor.

8 **The Court:** Defense?

9 **Ms. Pinnock:** No, Your Honor.

10 **The Court:** All right. We'll see -- before you leave --
11 before we leave, anything else we can cover today? I tell
12 you: Go ahead and step down, and we'll meet with the
13 attorneys just up here at the bench.

14 (Whereupon, a bench conference was held.)

15 **The Court:** We'll be at ease until 9:30.

16 (Whereupon, the trial concluded for the day at 5:03 p.m.
17 and resumed the following day, October 2, 2014, as follows.
18 State's Exhibit 206 was marked for identification only.)

19 **The Court:** We'll come to order. We had -- it was
20 brought to my attention that there's been some possible
21 discussion, maybe not of the case itself, but at least of a
22 witness and I'm not really sure because I haven't -- I wasn't
23 really privy to it, but Mr. Tolbert, the bailiff, and Mr.
24 Truitt, the court coordinator - I guess that's his official
25 title - both overheard some conversations through the door.

1 Mr. Tolbert heard them and alerted Mr. Truitt that there was
2 some discussion regarding, if not the case, at least a
3 witness.

4 I have done some research, and based on The State versus
5 Aldret, A-L-D-R-E-T, 333 S.C. 307, it's my contention in just
6 a few minutes -- I'll get Mr. Tolbert and Mr. Truitt to tell
7 us what they have heard. Bring the jurors in one at a time
8 and query them about whether or not they could still be fair
9 and impartial, that is -- well, that's what I'm going to ask
10 them.

11 I'm not going to let the attorneys -- I don't believe
12 the procedure requires and I think it would be very awkward
13 and just not -- not right for the attorneys to make any
14 inquiry. Here is basically what I intend to ask: Will any
15 discussions that have already taken place affect your ability
16 to be fair and impartial? And, of course, if that's a yes,
17 then we've got a problem. If it's no, then I'll move on to
18 number two. Will you now be able to base your verdict on all
19 the evidence as it exists at the time of my instructions to
20 you to deliberate? If that's a no, we've got a problem. And
21 then I'm going to tell them not to further discuss the case
22 until I instruct them to do so. Any comments from the State
23 as to anything else that should be included?

24 **Ms. Meghan Walker:** Not at this time, Your Honor.

25 **The Court:** All right.

1 **Ms. Meghan Walker:** I don't -- I don't...

2 **The Court:** Any objection to that line of questioning?

3 **Ms. Meghan Walker:** No, Your Honor.

4 **The Court:** I'll ask the same for the defense. Anything
5 else you want to include?

6 **Ms. Anastasia Walker:** And, Your Honor, are you going to
7 ask the nature of the conversation?

8 **The Court:** I'm going to ask what was heard, and I'm not
9 going to go into great detail. Well, I will get the foreman
10 in and get him to give us some idea of what the conversation
11 was. As I understand it from the bailiff, it had to do with
12 the fact -- well, I better not speculate. But I'll find out
13 from the foreman what was the nature. But as to my
14 questioning, do you have any comments?

15 **Ms. Anastasia Walker:** No, Your Honor, but prior to the
16 hearing, may I be heard on the record on this matter?

17 **The Court:** Well, if you'd like, now would be a good
18 time.

19 **Ms. Anastasia Walker:** Thank you, Your Honor. I would
20 move for a mistrial prior to the hearing. I feel that --
21 although I have read the case that Your Honor provided, I
22 think that this case does seem to be the authority on this
23 matter. I do feel that any sort of jury deliberation prior
24 to -- especially where we are in this case, that we haven't
25 finished the prosecution's side of the case, that that

1 violates my client's rights to a fair trial, his right to due
2 process. I don't believe that any -- whatever the jurors'
3 response would be that a curative instruction would be
4 sufficient in order to cure this matter so that my client
5 could have a fair trial from here on out.

6 Your Honor, furthermore, I do have a couple of other
7 concerns that there have been other jurors sleeping,
8 particularly I believe a Mr. Starkes. There has been -- and
9 unfortunately I don't know their names. I can give you
10 descriptions. There's been a younger black gentleman that's
11 been sitting in the back that has dozed off a couple of times
12 as well as the older black lady that was wearing the pink
13 shirt yesterday that's dozed off a couple of times. That's
14 also the further concern for my mistrial motion, Your Honor.

15 **The Court:** Well, that's taking two different -- one has
16 to do with the preliminary discussions and the other has to
17 do with jurors who you think were not attentive.

18 **Ms. Anastasia Walker:** Yes, Your Honor.

19 **The Court:** All right. Well, as to the latter, unless
20 it's called to my attention when it's observed, which has
21 already happened one time---

22 **Ms. Anastasia Walker:** Yes, Your Honor.

23 **The Court:** ---and she was released. There's not much I
24 can do about it, and I certainly don't intend to make it
25 sound like the defense is sandbagging because I certainly

1 don't believe that, but to see something that needs to be
2 corrected and not ask to be corrected at that time puts the
3 Court in a position of not being able to address it later.

4 **Ms. Anastasia Walker:** I understand.

5 **The Court:** So I'll try to monitor that and ask that if
6 that continues that it be called to my attention so I can
7 cure it at the time, which we readily did when we had that
8 issue and it was called to my attention.

9 **Ms. Anastasia Walker:** Certainly, Your Honor.

10 **The Court:** So we know how to do it and we still have an
11 alternate. If two go down, then we're in trouble, but
12 hopefully we can -- hopefully the attorneys can make the case
13 such that the jurors will want to pay attention and will pay
14 attention. All right. Mr. Tolbert, I'm not going to swear
15 you in unless---

16 **Ms. Anastasia Walker:** Do you want rule on my original
17 mistrial motion, Your Honor?

18 **The Court:** Oh, I want to take that under consideration.

19 **Ms. Anastasia Walker:** Thank you, Your Honor.

20 **The Court:** I'm not going to rule. I don't find at this
21 time manifest necessity to rule on -- I apologize. This is
22 to number two. I don't believe at this time that there's a
23 manifest necessity to grant a mistrial, but I will take it
24 under consideration. And don't let me forget to address it
25 after and let you renew it after we've queried the jury.

1 **Ms. Anastasia Walker:** Yes, Your Honor.

2 **The Court:** Mr. Tolbert?

3 **Bailiff:** Yes, sir.

4 **The Court:** You, of course, are a bailiff and you're
5 monitoring and escorting the jury, and it came to my
6 attention through Mr. Truitt that you heard some jurors
7 talking about -- I'm going to let you tell me in a minute.
8 And so you called your supervisor, Mr. Truitt, and he lent an
9 ear and heard some discussions also. What did you hear being
10 discussed by the jury?

11 **Bailiff:** They were discussing the two prisoners that
12 came in.

13 **The Court:** Do you recall any specific thing they said
14 about them?

15 **Bailiff:** All they said was the prisoners came in, and I
16 couldn't hear the rest of the discussion. It's just they
17 mentioned the two prisoners came.

18 **The Court:** Okay. All right. Oh, Mr. Truitt, do you
19 want to come forward?

20 **Mr. Truitt:** Yes, sir.

21 **The Court:** All right. You were alerted and went and
22 did your job.

23 **Mr. Truitt:** Yes, sir.

24 **The Court:** And then reported to me.

25 **Mr. Truitt:** Yes, sir.

1 **The Court:** Yesterday afternoon. And the reason we
2 didn't address it yesterday afternoon is because it was after
3 everybody had flown the coop, so to speak. In fact, I think
4 my clerk had even gone. I was working on some personal --
5 not personal but something unrelated to this, so I was
6 staying a little bit longer. What did you hear, if anything?

7 **Mr. Truitt:** Your Honor, I did not hear anything
8 specifically. It just sounded like they were talking about
9 the case. I couldn't tell you who or what they were talking
10 about.

11 **The Court:** Okay. All right. Thank you.

12 **Mr. Truitt:** Yes, sir.

13 **The Court:** All right. Any follow-up from the State on
14 the two -- Mr. Truitt and Mr. Tolbert?

15 **Ms. Meghan Walker:** Nothing from the State, Your Honor.

16 **Ms. Anastasia Walker:** Nothing, Your Honor.

17 **The Court:** All right. Let's call in first the foreman,
18 Mr. Crowell.

19 (Whereupon, the foreman, Mr. Crowell, was brought into
20 open court at 10:01 a.m.)

21 **The Court:** Good morning. You can just stand -- you can
22 just stand right there. I hate to put you on the spot, but
23 one of your jobs is to be the liaison between the jury and
24 myself. It's been reported to me that some of the staff
25 that's been working with the jury overheard some of the

1 jurors discussing the case yesterday. Particularly, they
2 were discussing, it appears, something about some witnesses.
3 Did any discussions in the jury room take place regarding
4 this case?

5 **Foreman:** We're discussing the testimony that we've
6 heard so far.

7 **The Court:** All right. Well, you really weren't
8 supposed to do that.

9 **Foreman:** Okay.

10 **The Court:** I told you at the beginning of the case that
11 you were not to discuss the case among yourselves or make up
12 your own mind until we reached a point in the trial where I
13 instructed you to jointly deliberate and return a unanimous
14 verdict. With that being said, having this discussion, could
15 you still, you yourself - I'll ask all the other jurors this
16 - still -- would this prior discussion affect your ability to
17 be fair and impartial to Mr. James in regard to your ultimate
18 deliberation?

19 **Foreman:** Yes. I think we can be impartial or I can;
20 yes, sir.

21 **The Court:** Okay. And would you still be able to base
22 your decision solely on the law and the evidence that you
23 receive at the end of the trial, that is, on all the facts
24 from all the witnesses and the law as I give it to you at
25 that time?

1 **Foreman:** Yes, sir.

2 **The Court:** And do you understand -- again, you're the
3 liaison. Go ahead and instruct the jurors that I -- there
4 should be no further discussions, but I will -- I'm going to
5 call all of them in and ask them the same type things. And
6 -- but go ahead and tell them to stop if they're doing it
7 now.

8 **Foreman:** Okay. Yes, sir.

9 **The Court:** Okay. So the bottom line is: Do you, in
10 spite of the prior discussions, think you could disabuse your
11 mind of that and base your -- and still be fair and impartial
12 and not be prejudiced by the discussions to date?

13 **Foreman:** Yes, sir.

14 **The Court:** Okay. Thank you. I'm going to have the
15 jurors come in. Thank you. And I would ask the bailiff to
16 bring in Ms. Watford.

17 (Foreman Crowell is excused from open court.)

18 **Ms. Pinnock:** Your Honor, if we could before the next
19 juror---

20 **The Court:** I can't hear you.

21 **Ms. Pinnock:** If we could, before the next juror comes
22 in. If I may, based on what Mr. Crowell said that they've
23 been discussing the testimony that they've heard up to this
24 point, would Your Honor be willing to ask them what they were
25 talking about? Because there's been a lot of testimony from

1 a lot of different people.

2 **The Court:** Well, we could be here 'til 12 -- no, I'm
3 not going to ask that. We have 13 people and two, three days
4 almost of testimony, two full days. If they've been
5 discussing it, we can assume they've discussed a little bit
6 of all of it, and from my perspective I'm treating it as
7 though they've been discussing everything. So -- and I think
8 if we bring them in and ask each one what they've been
9 discussing, we'll be here 'til midnight tonight.

10 **Ms. Pinnock:** Yes, Your Honor.

11 **The Court:** So -- but you're on the record as to that.
12 Bring Ms. Watford.

13 (Juror Watford was brought into open court at 10:05
14 a.m.)

15 **The Court:** Ms. Watford, I had instructed the jury at
16 the beginning not to discuss the case until I instructed you
17 jointly to deliberate and return a unanimous verdict. I
18 understand that that admonition has not been fully complied
19 with, that there has been discussions in the jury room about
20 the testimony to this time. That was improper, but I'm not
21 here to fuss. I'm here to see if we can get a fair trial.
22 Would the discussions that have already taken place affect
23 your ability to be fair and impartial in this case?

24 **Juror Watford:** No.

25 **The Court:** Would you, in spite of the discussions, be

1 able to base your ultimate decision on all the evidence that
2 comes in and consider it only after the end of the case,
3 after I've instructed you and submitted the case for your
4 deliberation? That is, would you be able to disabuse and
5 forget all the current and former discussion and base your
6 decision solely on -- on the law and the facts as I instruct
7 you to do at the end of the trial?

8 **Juror Watford:** Yes, sir.

9 **The Court:** Would the fact that -- or would any of the
10 discussions to this time prejudice you against Mr. James in
11 any way whatsoever?

12 **Juror Watford:** No.

13 **The Court:** Okay. Thank you.

14 **Juror Watford:** Thank you.

15 **The Court:** All right.

16 (Juror Watford leaves the courtroom.)

17 **The Court:** Mr. -- I mean Ms. Easterbrooks.

18 (Juror Easterbrooks is brought into open court at 10:07
19 a.m.)

20 **The Court:** Good morning. You can just stand right
21 there.

22 **Juror Easterbrooks:** Here?

23 **The Court:** I understand that the jury has been
24 discussing this case even though I had asked the jury not to
25 do that when I made my opening instructions. So I now have

1 to ask each of you whether or not - and you particularly at
2 this time because you're the one in here - whether or not the
3 discussions that you've had at this time would affect your
4 ability to be fair and impartial to Mr. James.

5 **Juror Easterbrooks:** No.

6 **The Court:** Would it prejudice you in any way what you
7 discussed at this point? Would that prejudice you in any way
8 against Mr. James?

9 **Juror Easterbrooks:** No.

10 **The Court:** Would you still be able to base your verdict
11 solely on the law and the evidence as it exists when I
12 instruct you at the end of the case?

13 **Juror Easterbrooks:** Yes, sir.

14 **The Court:** All right. Thank you. You may...

15 (Juror Easterbrooks leaves the courtroom.)

16 **The Court:** All right. Ms. Coples.

17 (Juror Coples is brought into open court at 10:08 a.m.)

18 **The Court:** You can just stand right there, Ms. Coples.

19 I understand there has been -- y'all have been -- not
20 necessarily you, but some of the jurors have already been
21 discussing the case in spite of the fact that I had earlier
22 indicated that you were not to discuss the case, to try to
23 make up your own mind until we reach a certain point in the
24 trial where we instruct you to do that. Would the
25 discussions that have already taken place affect your ability

1 to be fair and impartial to Mr. James?

2 **Juror Coples:** No, it would not.

3 **The Court:** Would it prejudice you in any way against
4 Mr. James?

5 **Juror Coples:** No, it would not.

6 **The Court:** Would you still be able to at the end of the
7 trial to take all the evidence that exists at that time,
8 applying the law as I charge it and return a fair verdict?

9 **Juror Coples:** Yes, sir.

10 **The Court:** All right. Thank you.

11 (Juror Coples leaves the courtroom.)

12 **The Court:** All right. Mr. Wing.

13 (Juror Wing is brought into open court at 10:09 a.m.)

14 **The Court:** Good morning.

15 **Juror Wing:** Good morning.

16 **The Court:** In spite of my instructing the jury not to
17 discuss the case, I understand the jury has been discussing
18 the case and the testimony at this point which was not
19 proper, and I'm not going to do anything about that other
20 than we need to make sure or find out whether or not that's
21 going to affect your ability to be fair at the end of this
22 trial. So I ask you: With the discussion that's taken place
23 to this point, would that affect your ability to be fair and
24 impartial to Mr. James?

25 **Juror Wing:** No, sir. No.

1 **The Court:** Would it prejudice you against Mr. James in
2 any way whatsoever?

3 **Juror Wing:** No. No.

4 **The Court:** Would you be able, at the end of the trial,
5 to take all the evidence that's presented to that point and
6 apply the law as I charge it and return a fair and impartial
7 verdict?

8 **Juror Wing:** Yes, sir.

9 **The Court:** Okay. Thank you.

10 (Juror Wing leaves the courtroom.)

11 **The Court:** All right. Ms. Charles. Charles.

12 (Juror Charles is brought into open court at 10:11 a.m.)

13 **The Court:** Mr. Charles, you can just stand right there.

14 **Juror Charles:** Okay.

15 **The Court:** In spite of the fact that I had told the
16 jury not to discuss the case until we reached the end of the
17 trial, I understand there have been discussions of the
18 testimony that has taken place at this point. So I need to
19 ask whether or not that discussion would affect your ability
20 in any way to be fair and impartial to Mr. James.

21 **Juror Charles:** No, it wouldn't.

22 **The Court:** Would you -- did -- would you be prejudiced
23 against Mr. James to any degree based on the discussions that
24 the jury has already entered into?

25 **Juror Charles:** No, I would not.

1 **The Court:** Would you be able to, at the end of the
2 trial, take all the evidence that was presented up to that
3 point and apply the law and at that time be fair and
4 impartial and render a fair and impartial verdict?

5 **Juror Charles:** I would be.

6 **The Court:** Okay. Thank you.

7 **Juror Charles:** Uh-huh.

8 (Juror Charles leaves the courtroom.)

9 **The Court:** All right. Ms. Jackson.

10 (Juror Jackson is brought into open court at 10:12 a.m.)

11 **The Court:** You can just stand right there, Ms. Jackson.

12 **Juror Jackson:** Okay.

13 **The Court:** I understand the jury has been discussing
14 the testimony to this point. I had asked y'all not to do
15 that, but I can't erase that. But I do need to ask: Based
16 on the fact that y'all have already been discussing the case,
17 would the discussions that have already taken place affect
18 your ability to be fair and impartial to Mr. James in
19 returning a verdict?

20 **Juror Jackson:** I can be fair.

21 **The Court:** Could you -- would the fact -- would the
22 discussions that have already taken place -- taken place
23 prejudice you against Mr. James in any way whatsoever?

24 **Juror Jackson:** No. No.

25 **The Court:** Would you be able, at the end of the trial,

1 to take all the evidence and the law that I charge you at
2 that time and return a fair and impartial verdict?

3 **Juror Jackson:** Yes, sir.

4 **The Court:** Okay. Thank you.

5 **Juror Jackson:** Okay.

6 (Juror Jackson leaves the courtroom.)

7 **The Court:** All right. Rhames.

8 **Bailiff:** Your Honor, that's the one that's been
9 excused.

10 **The Court:** Oh, okay. Then we'll move on - I'm sorry -
11 to Singletary.

12 (Juror Singletary is brought into open court at
13 10:13 a.m.)

14 **The Court:** You can just stand right there, Ms.
15 Singletary.

16 **Juror Singletary:** Yes, sir.

17 **The Court:** I had instructed the jury not to discuss the
18 case until we reached the point in the trial when I tell you
19 to do that, but I understand the jury has been discussing the
20 testimony. So I need to ask you whether or not the
21 discussions that you've already had, would that affect your
22 ability to be fair and impartial to Mr. James at the end of
23 this trial?

24 **Juror Singletary:** No, sir.

25 **The Court:** Would you -- would that prejudice you in any

1 way against Mr. James at all?

2 **Juror Singletary:** No, sir.

3 **The Court:** Would you be able, at the end of the trial,
4 to take all the evidence that's been presented at that time,
5 apply the law and return a fair and just verdict?

6 **Juror Singletary:** Yes, sir.

7 **The Court:** Okay. Thank you.

8 **Juror Singletary:** Uh-huh.

9 (Juror Singletary leaves the courtroom.)

10 **The Court:** All right. Karen Hutchinson.

11 (Juror Hutchinson is brought into open court at
12 10:14 a.m.)

13 **The Court:** You can just stand right there. In spite of
14 my instructions to the jury not to discuss the case, I
15 understand that the jury has been discussing the case and
16 discussing the testimony of the witnesses to this point.
17 Would that discussion that's already taken place affect your
18 ability to be fair and impartial to Mr. James?

19 **Juror Hutchinson:** No, sir.

20 **The Court:** Would you be able to base your verdict on
21 the law and all the evidence that's presented during the
22 whole trial and the law as I charge it to -- when I do
23 instruct you to deliberate, would you be able to return a
24 fair and impartial verdict?

25 **Juror Hutchinson:** Yes, sir.

1 **The Court:** Has the discussion that's taken place
2 prejudiced you in any way against Mr. James?

3 **Juror Hutchinson:** No, sir.

4 **The Court:** Okay. Thank you.

5 **Juror Hutchinson:** Yes, sir.

6 (Juror Hutchinson leaves the courtroom.)

7 **The Court:** All right. Cara Nicklin.

8 (Juror Nicklin is brought into open court at 10:16 a.m.)

9 **The Court:** Good morning. You can just stand right
10 there.

11 **Juror Nicklin:** Okay.

12 **The Court:** Ms. Nicklin, even though I had instructed
13 the jury not to deliberate or discuss the case or make up
14 their own mind until you were instructed to do that at the
15 end of the trial, I understand discussions of the testimony
16 has taken place. So I need to ask whether or not the
17 discussions that have taken place at this point, would that
18 affect in any way your ability to be fair and impartial to
19 Mr. James?

20 **Juror Nicklin:** No, sir.

21 **The Court:** Would you be prejudiced against Mr. James in
22 any way whatsoever based on the discussions that have taken
23 place to this point?

24 **Juror Nicklin:** No.

25 **The Court:** Would you be able, at the end of the trial,

1 to take the evidence that exists at that time, all of the
2 evidence, apply the law as I charge it and return a fair and
3 impartial verdict?

4 **Juror Nicklin:** I will.

5 **The Court:** Okay. Thank you. I appreciate it.

6 (Juror Nicklin leaves the courtroom.)

7 **The Court:** All right. McAbee.

8 (Juror McAbee is brought into open court at 10:17 a.m.)

9 **The Court:** Good morning. You can just stand right
10 there.

11 **Juror McAbee:** Okay.

12 **The Court:** I had asked the jury not to discuss the case
13 or enter into any deliberation or factor it into their own
14 mind to try to make up any decision until we reach the end of
15 the trial, but I understand the jury has been discussing the
16 case. So I need to ask whether or not the discussions that
17 have already taken place, would that affect your ability to
18 ultimately be fair and impartial to Mr. James?

19 **Juror McAbee:** Would it affect my ability?

20 **The Court:** Yes.

21 **Juror McAbee:** No, sir, it would not.

22 **The Court:** All right. Would you be prejudiced in any
23 way against Mr. James based on the discussions that have
24 already taken place?

25 **Juror McAbee:** No, sir, I would not.

1 **The Court:** Would you be able, at the end of the trial,
2 to take the evidence that exists at that time and apply the
3 law that I charge at that time and return a fair and
4 impartial verdict?

5 **Juror McAbee:** Yes, sir, I would.

6 **The Court:** Okay. Thank you.

7 **Juror McAbee:** Thank you.

8 (Juror McAbee leaves the courtroom.)

9 **The Court:** All right. Mr. Harmon. No, Mr. Starkes
10 first.

11 (Juror Starkes is brought into open court at 10:18 a.m.)

12 **The Court:** All right. Mr. Starkes, you can just stand
13 right there. I had instructed the jury not to deliberate or
14 not to discuss the case until we reach the point in the trial
15 where I told you to do that and return a unanimous verdict,
16 but I understand there have been discussions regarding the
17 case to this point. So I need to ask you: Would the
18 discussions that you've had in the jury room or heard in the
19 jury room - I'm not saying you were a part of it - would that
20 in any way affect your ability to ultimately be fair and
21 impartial to Mr. James?

22 **Juror Starkes:** No, it wouldn't. I would give a fair --
23 a fair answer.

24 **The Court:** All right. Would what you've heard
25 prejudice you in any way against Mr. James?

1 **Juror Starkes:** No. No, sir, it wouldn't.

2 **The Court:** Okay. Would you be able, at the end of the
3 trial, to take all the evidence that's been presented and the
4 law that I charge to you and at that time consider the case
5 and return a fair and unanimous -- a fair verdict?

6 **Juror Starkes:** Yes, I can. I would.

7 **The Court:** Okay. Thank you. You can go back.

8 **Juror Starkes:** Okay.

9 (Juror Starkes leaves the courtroom.)

10 **The Court:** All right. Mr. Harmon.

11 (Juror Harmon is brought into open court at 10:20 a.m.)

12 **The Court:** Mr. Harmon, I understand the jury has been
13 discussing the case even though I had instructed you not to
14 do so until we reached the point in the trial where I
15 instruct you to jointly deliberate and return a unanimous
16 verdict. You're only the alternate, but in the event - and
17 I'm not saying only the alternate - but you are the
18 alternate, so you're not on the 12-person jury at this time.
19 But were you to end up being involved in the deliberation,
20 would the discussions that have taken place to this point
21 affect your ability to be fair and impartial to Mr. James?

22 **Juror Harmon:** No, sir.

23 **The Court:** Would it prejudice you against Mr. James in
24 any way whatsoever?

25 **Juror Harmon:** No, sir.

1 **The Court:** Would you be able to take, at the end of the
2 trial, all the facts that are existing at that time, apply
3 the law as I charge it, and return a fair and just verdict?

4 **Juror Harmon:** Yes, sir.

5 **The Court:** All right. Thank you.

6 (Juror Harmon leaves the courtroom.)

7 **The Court:** All right. Thank you. All right. Any
8 further comments we've got from the State?

9 **Ms. Meghan Walker:** I think we'll defer to them, if
10 that's okay with Your Honor.

11 **The Court:** Okay. So I take it you have no position.

12 **Ms. Meghan Walker:** Not...

13 **The Court:** Well, I mean, you do or you don't.

14 **Ms. Meghan Walker:** Well, my issue, Your Honor, is---

15 **The Court:** Not your issue. Your position. Do you have
16 a position or not?

17 **Ms. Simpson:** Beg the Court's indulgence one moment.

18 **Ms. Meghan Walker:** Your Honor, at this point we don't
19 have -- we don't have a position.

20 **The Court:** Okay. That's fine. Thank you. All right.
21 Yes, ma'am, Ms. Walker.

22 **Ms. Anastasia Walker:** Thank you, Your Honor. May it
23 please the Court? Your Honor, I think there are serious
24 concerns with this jury's ability to follow instructions.
25 They have already blatantly disregarded the order of the

1 Court to not discuss this case and not deliberate. They have
2 already been discussing this case without being instructed on
3 the law.

4 The foreman came forward and said they have been
5 discussing, as we can assume, all the testimony that they've
6 heard thus far. We are now on the fourth day of trial. I
7 understand testimony only started on Tuesday, so we can
8 assume that what's been going on to this point has already
9 been a two-day conversation.

10 Your Honor, that bell has already been rung. I don't
11 think that the jury has the ability to forget that
12 conversation and move on from here. I think that they have
13 already violated the order of the Court and their oath. I
14 have serious concerns with them being able to follow further
15 orders from this Court, especially following instructions on
16 the law at the end of this trial, and I think that it further
17 violates my client's right to a fair trial and his due
18 process rights. I have serious concerns about this jury's
19 ability to follow instructions and to give my client a fair
20 trial.

21 **The Court:** And so you're moving for a mistrial?

22 **Ms. Anastasia Walker:** I am, Your Honor.

23 **The Court:** All right. I deny the motion. I find that
24 there's not any manifest necessity. I don't believe -- the
25 case law, the Aldret case, says it is up to the party

1 alleging the premature deliberation to establish prejudice.
2 We're not alleging premature deliberation; we know there was
3 premature deliberation. But I think the prejudice factor is
4 still one that the Court must consider and the courts have
5 set forth the procedure and -- to voir dire the jurors, as I
6 have, and it says, "If practicable, tailor a cautionary
7 instruction to correct the ascertained damage."

8 When the jury reconvenes, I will have a short -- I'm not
9 going to offer a curative instruction, but I'm going to have
10 an admonition. So I determine that the deliberation was not
11 prejudicial. I have to admit I've been doing this 20 years;
12 I'm not sure I've ever knowingly had this happen. It may
13 happen 90 percent of the time, 10 percent of the time or this
14 may be the first time in history other than this case, the
15 Aldret case, that it's happened. But I feel that the goal of
16 a trial is to see that the defendant receives a fair and
17 impartial verdict by a fair and impartial jury.

18 This jury was fair and impartial, vetted, when we
19 started the trial. They did fall off the precipice to some
20 degree in not following my instructions; but they have all
21 indicated to me that that would not -- that that
22 transgression would not affect their ability to be fair and
23 impartial nor would it prejudice them against Mr. James. So
24 I deny the motion.

25 **Ms. Anastasia Walker:** And, Your Honor, may I respond

1 briefly?

2 **The Court:** Well, I'm not going to debate, but you can
3 respond. You can put whatever you want on the record.

4 **Ms. Anastasia Walker:** Thank you, Your Honor. I
5 apologize and I'll be brief. Just without further
6 information about what they were discussing, especially with
7 Mr. -- with the bailiff indicating that specifically what he
8 heard was the two prisoners, that they were discussing that
9 testimony in particular which were basically the two factual
10 witnesses that have come in against my client, I believe that
11 the concern is without more information that I can only
12 assume that they've formed opinions at this point.

13 **The Court:** Well, I approached it -- I think I said
14 this, but I approached it from the standpoint that they
15 discussed everything.

16 **Ms. Anastasia Walker:** Certainly, Your Honor.

17 **The Court:** And that would include what Mr. Tolbert
18 heard, and so I've approached it from that standpoint that
19 they discussed it inside and out and up and down and right
20 and left. So, again, I know you aren't debating me and I---

21 **Ms. Anastasia Walker:** Certainly, Your Honor.

22 **The Court:** And I always -- this goes to both sides. I
23 always want everybody to put everything they want on the
24 record.

25 **Ms. Anastasia Walker:** And I appreciate that, Your

1 Honor.

2 **The Court:** I think that's the only fair way to handle a
3 trial, so don't...

4 **Ms. Anastasia Walker:** Thank you.

5 **The Court:** All right. Let's take a short -- yes,
6 ma'am, Ms. Walker?

7 **Ms. Meghan Walker:** Your Honor, our other -- there are a
8 series of instructions that Your Honor gave them before we
9 started: Not discussing the case and also not doing any
10 outside research into the case or discussing the case with
11 anyone else. So with their failure to comply with Your
12 Honor's ruling regarding not prematurely discussing the case,
13 I'm not sure we can believe that they haven't done any
14 outside research at this point, if they have just disregarded
15 all of Your Honor's rulings regarding what they are or are
16 not allowed to do before they receive the case after Your
17 Honor charges them.

18 Further, Your Honor, the other issue that Your Honor has
19 touched on that -- they deliberated amongst themselves and
20 they deliberated with the alternate, and I know that should
21 the alternate be in a deliberation room for a brief period of
22 time, then he can be removed and they can -- then they can
23 continue on, Your Honor, but it sounds like he's been in --
24 and that's---

25 **The Court:** What relief are you requesting?

1 **Ms. Meghan Walker:** Your Honor, my concern is---

2 **The Court:** No, not the concern. I can only grant
3 relief. I can't make you feel good and, of course, you know
4 what happens if the State requests a mistrial. So I'm -- I'm
5 -- be careful what---

6 **Ms. Meghan Walker:** Your Honor, I---

7 **The Court:** Be careful what you ask for; you may get it.

8 **Ms. Meghan Walker:** No, I understand that, Your Honor.

9 **The Court:** But you can't just get up -- I'm not being
10 critical, but you can't just get up -- I mean, if you're
11 asking me to make some further inquiry, if I do---

12 **Ms. Meghan Walker:** Yes, Your Honor. That's what I'm
13 asking.

14 **The Court:** Okay. Well, what relief do you want or do
15 you want to wait and see what happens?

16 **Ms. Meghan Walker:** I would like to see what they say
17 about whether or not they've done any independent research
18 into this case or discussed this case with people outside of
19 the jury.

20 **The Court:** Well, I'm not going to do any further
21 inquiry. I'm dealing with what we know to exist and...
22 Well, it might be when they come back in I'll ask them -- a
23 broad question to all of them as we bring them back in and
24 voir dire them again because nobody asked me to do this when
25 I was bringing them in individually, so I'm not going to go

1 through that exercise again. I could have done it earlier if
2 that was a concern earlier. But I'll do cautionary remarks
3 when the jury comes in. Anything further?

4 **Ms. Meghan Walker:** Nothing from the State, Your Honor.

5 **The Court:** Anything further?

6 **Ms. Anastasia Walker:** Just very briefly, Your Honor,
7 just for record purposes, of course, that I would like to put
8 on the record that we've asked Your Honor to further inquire
9 exactly what the discussions were and I know that Your Honor
10 said that you just assumed that it was everything. I just
11 would like to put on the record that you denied that we
12 inquire further on that issue specifically.

13 **The Court:** Well, okay.

14 **Ms. Anastasia Walker:** And what was the other -- one
15 more thing. I can't remember the other issue, Your Honor.

16 **The Court:** All right. Well, we're going to take about
17 a 10-minute break because we've been at it for awhile. I'm
18 going to give the jury what I call a two-minute warning so
19 they can get refreshed so we can come in and get started. Do
20 you have the witnesses ready to go?

21 **Ms. Meghan Walker:** Yes, Your Honor. There's a witness
22 that's on the stand that's being cross-examined.

23 **The Court:** That's right. Okay. I got sidetracked. So
24 we'll get Mr. Scott back on the stand as soon as we get in
25 here. So let's take about a 10-minute break, and I'll tell

1 the jury they've got time to get refreshed.

2 (Whereupon, a short break was taken.)

3 **The Court:** For participants' planning purposes, we are
4 ordering lunch for the jury in case y'all want to have
5 y'all's office order something. I guess my mind is that
6 we're not going to have a real long lunch so we can...

7 (Pause in proceedings.)

8 **The Court:** We can get Mr. Trenton Scott to come on up
9 and be seated.

10 **Ms. Simpson:** Troy.

11 **The Court:** Okay.

12 **The Clerk:** They're ready, Your Honor.

13 **The Court:** Is the State ready?

14 **Ms. Simpson:** The State's ready.

15 **The Court:** Defense ready?

16 **Ms. Anastasia Walker:** Yes, Your Honor.

17 **The Court:** Bring in the jury.

18 (Whereupon, the jury was brought into open court at
19 10:44 a.m.)

20 **The Court:** Members of the jury panel, I'm just going to
21 remind you what I've told each of you individually and I told
22 you at the first of the trial: That there will be no further
23 discussions of the case until I instruct you to jointly
24 deliberate and return a unanimous verdict. And I instruct
25 you now to disabuse your mind of all of the discussions

1 you've had to this point.

2 I can't say we're starting on a new slate because we've
3 got testimony in the record, but as far as your discussions,
4 that's a new slate. So you're not to discuss the case
5 further and you're to just disabuse your mind of any
6 discussions that you've already had and not let that come
7 into your deliberations in any way whatsoever.

8 I also instructed you not to discuss the case with
9 anyone outside the courtroom. Don't see if there's any news
10 coverage or use any devices to receive information about the
11 trial. Has anybody had any problem with that? That is, has
12 anybody discussed the case outside the courtroom with anyone,
13 accessed any information regarding the case through any
14 electronic devices or has anyone - I don't know that there
15 was any news coverage - been exposed to any news coverage?
16 If so, I need you to raise your hand. No one raises their
17 hand.

18 All right. Mr. Troy Scott is on the stand. He's still
19 under oath, and he's subject to cross-examination by counsel
20 for Mr. James.

21 **Ms. Pinnock:** May it please the Court, Your Honor?

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

23 Cross-Examination

24 By Ms. Pinnock:

25 Q. Good morning, Mr. Scott.

- 1 A. Good morning.
- 2 Q. You said you're Trenton's older brother; right?
- 3 A. Yes, ma'am.
- 4 Q. And on the 25th it's safe to say that there was a whole
5 lot going on at your house that day.
- 6 A. Yes, ma'am.
- 7 Q. And I just want to start with when you said you heard a
8 noise and you walked around the corner and you saw your
9 brother in a fight.
- 10 A. Uh-huh.
- 11 Q. And at that point you said he was on the ground with one
12 other person; right?
- 13 A. Yes, ma'am.
- 14 Q. And Ms. Pearson was standing beside you or in front of
15 you slightly.
- 16 A. No.
- 17 Q. No? She was standing somewhere with you?
- 18 A. She was in the room still.
- 19 Q. She was in the room?
- 20 A. Yeah.
- 21 Q. Okay. When you initially came out.
- 22 A. Yes, ma'am.
- 23 Q. And there's no question: You love your brother.
- 24 A. Yes, ma'am.
- 25 Q. Y'all are fairly close, I'm guessing?

1 A. Yes, ma'am.

2 Q. And when you see him on the floor fighting, your first
3 thought is to get whoever he's fighting with off of him.

4 A. Yes, ma'am.

5 Q. And you said that it was a split-second decision and you
6 were in there.

7 A. Yes, ma'am.

8 Q. And you were trying to pull Trenton away.

9 A. Yes, ma'am.

10 Q. And he's tangled up with somebody on the ground.

11 A. Yes, ma'am.

12 Q. And you didn't ask any questions before you went down
13 there.

14 A. No, ma'am.

15 Q. You just saw what was going on. Your adrenaline you
16 said had spiked?

17 A. Yes, ma'am.

18 Q. And you were at them; right?

19 A. Yes, ma'am.

20 Q. And when you got involved, again you were trying to pull
21 him back.

22 A. Yes, ma'am.

23 Q. Right? Because that was the right thing to do.

24 A. Yeah.

25 Q. And these people were fighting inside your house.

1 A. Yes, ma'am.

2 Q. You didn't know who Maurice Roberts was.

3 A. No, ma'am.

4 Q. You just saw him tangled up on the floor with your
5 brother, so you acted.

6 A. Yes, ma'am.

7 Q. No hesitation; right?

8 A. No hesitation.

9 Q. And the way you described when the shot was fired, you
10 said that you had gotten the two people at this point who
11 were in your house to the back door; right?

12 A. Yes, ma'am.

13 Q. And at some point something went wrong and the gun went
14 off; right?

15 A. Yes, ma'am.

16 Q. Okay. And that was at the back door---

17 A. The back door, yes, ma'am.

18 Q. ---that went outside. And at some point - I believe you
19 testified to it yesterday also - somebody's arm got stuck in
20 the door when you were trying to push it closed?

21 A. Yes, ma'am.

22 Q. Okay. Now, you did give a statement to law enforcement
23 on the 25th; right?

24 A. Yes, ma'am.

25 Q. Where did they talk to you? Was that at headquarters?

1 A. Yes, ma'am.

2 Q. And when you talked to them, you wanted to give them
3 every piece of information that you could.

4 A. Yes, ma'am.

5 Q. Because you're just trying to help.

6 A. Yes, ma'am.

7 Q. Right? They're trying to figure out what happened, who
8 these people were, and you tried to give them every piece of
9 information that you possibly could.

10 A. Exactly.

11 Q. And you did.

12 A. Yes, ma'am.

13 Q. And at the end of the day you signed a statement?

14 A. Yes, ma'am.

15 Q. Telling them everything you possibly could.

16 A. Yes, ma'am.

17 Q. Describing what you observed that night.

18 A. Yes, ma'am.

19 Q. And you went back on the 26th and gave another
20 statement; right?

21 A. Yes, ma'am.

22 Q. That was with a gentleman - Mr. Williams?

23 A. Mr. Williams? I'm not sure.

24 Q. Your friend---

25 A. Oh---

1 Q. I'm sorry. William Liberty.

2 A. Yes.

3 Q. Yes, Mr. Liberty. You went back with him because you
4 had been talking to him about what happened that night.

5 A. Yes, ma'am.

6 Q. And you described to him that night the people that you
7 observed in your house.

8 A. Yes, ma'am.

9 Q. So did you call the -- did you call the investigators to
10 meet back up with them?

11 A. Yes, ma'am.

12 Q. Okay. And you told them that you and Mr. Liberty wanted
13 to come in and give some more information.

14 A. Yes, ma'am.

15 Q. And, still, you were trying to help.

16 A. Yes, ma'am.

17 Q. You were trying to locate people that you were
18 describing in your house.

19 A. Yes, ma'am.

20 Q. And on that day they showed you a photo line-up, and you
21 were asked about that yesterday.

22 A. Yes, ma'am.

23 Q. And you didn't pick anybody out of that line-up; right?

24 A. It depends. Which line-up was it?

25 Q. With a Linard Gaston?

1 A. Yeah.

2 Q. You didn't pick him out.

3 A. I didn't pick him out.

4 Q. But you also gave a statement before you did that line-
5 up; right?

6 A. Yes, sir.

7 Q. And you told Investigator Faust that Linard Gaston was
8 the one at your house because that's what you believed at the
9 time.

10 A. That's what...

11 Q. That's what you believed at the time?

12 A. Yeah.

13 Q. And that's what you told them: This is the man that was
14 in my house.

15 A. Well, I didn't tell them that was them, but I did say,
16 you know, possibly.

17 Q. Your Honor, may I approach? Do you recognize this? Do
18 you recognize this? It's two pages. It's got your signature
19 at the bottom. It's a statement you gave to Investigator
20 Faust on the 26th?

21 A. (Witness nodded head up and down.) Yeah, that looks
22 familiar.

23 Q. Okay. Just read this for me, the highlighted portion.

24 A. This part right here?

25 Q. Yes, this highlighted portion right here and then---

1 A. Are you saying---

2 Q. Read it to yourself.

3 A. Oh, okay. (The witness complies.)

4 Q. Okay. And, Mr. Scott, I'm not trying to say that you
5 were accusing somebody else, but at the time you gave this
6 statement, that's what you believed, that Linard Gaston was
7 the one in your house.

8 A. Yeah, that's the name I was told.

9 Q. Okay. Again, you were trying to help law enforcement.

10 A. Yes.

11 Q. And that night at your house, everything happened really
12 quickly?

13 A. Yes, ma'am.

14 Q. You didn't ask any questions before you tried to help
15 your brother.

16 A. Yeah. No.

17 Q. You just got in there and you tried to pull him out of
18 that fight.

19 A. Yes, ma'am.

20 **Ms. Pinnock:** Begging the Court's indulgence. Thank
21 you, Mr. Scott. I have nothing further, Your Honor.

22 **The Court:** Redirect?

23 Redirect Examination

24 By Ms. Meghan Walker:

25 Q. The name -- was it Linard? What's the name?

1 A. I'm not sure.

2 Q. The person that you talk about, this Linard person,
3 where did you get that name from?

4 A. It was the name that my friend William gave me.

5 Q. And once you saw a picture of Linard, was he the person
6 who came into your house?

7 A. No, ma'am.

8 Q. Who came into your house that night?

9 A. That Maurice and Demetrice.

10 Q. And who was the person who shot your little brother?

11 A. In the blue right there.

12 **Ms. Meghan Walker:** Thank you, sir. I don't have any
13 further questions.

14 **The Court:** Recross?

15 **Ms. Pinnock:** No, sir, Your Honor.

16 **The Court:** You can step down. We appreciate your time.
17 Thank you. Call your next witness.

18 **Ms. Meghan Walker:** The State calls Dr. Amy Durso.

19 Dr. Amy Durso, after being duly sworn, testified as
20 follows:

21 **The Clerk:** Please have a seat there, ma'am. State your
22 full name for the record and please spell your last.

23 **The Witness:** My name is Amy Durso. D-U-R-S-O.
24
25

Direct Examination

By Ms. Meghan Walker:

Q. Good morning, Dr. Durso.

A. Good morning.

Q. Can you tell me where you're currently employed?

A. I'm employed at Professional Pathology Services.

Q. What is it that you do over at Professional Pathology Services?

A. My primary goal is as a forensic pathologist.

Q. And can you tell this jury what exactly a forensic pathologist is?

A. So a forensic pathologist is a medical doctor with training specifically in the field of forensic pathology which basically includes examinations of bodies after death.

Q. And how long have you been a forensic pathologist?

A. I finished my training a little over four years ago.

Q. And the training that you just spoke of, can you tell me a little bit about your education and background in forensic pathology?

A. So I received a Bachelor's Degree in Psychology at Emory University. After college, I went to the University of North Carolina in Chapel Hill School of Medicine where I got my four-year M.D. degree. After completing medical school, I went to Wake Forest University where I completed four years of training in general pathology, and then I stayed there for

1 an additional year of training specifically in the field of
2 forensic pathology.

3 Q. And have you testified as an expert before in the field
4 of forensic pathology?

5 A. Yes.

6 Q. How many times?

7 A. I think around nine or ten times now.

8 **Ms. Meghan Walker:** Your Honor, at this point the State
9 offers Dr. Durso as an expert in the field of forensic
10 pathology.

11 **Ms. Pinnock:** No objection, Your Honor.

12 **The Court:** All right. I find she's qualified.

13 By Ms. Meghan Walker:

14 Q. When you, I guess, first examine the people that are
15 brought to you, can you please tell the jury a little bit
16 about that process?

17 A. Sure. So first we make sure we have the right body. We
18 look for the identifying marks on the bags that usually is
19 put there by the coroner's office. After opening the bag,
20 usually the coroner or whoever, the investigating officers,
21 will take some pictures and then we'll start what we call our
22 external examination. So that includes looking at anything
23 from hair color, eye color, body length, body weight, looking
24 at any identifying marks, scars, and also looking for any
25 external signs of injuries or disease.

1 Q. And once you do the external examination, what do you do
2 after that?

3 A. So then we start our internal examination. So the first
4 thing we do is we make some large incisions over the body.
5 It starts at the shoulders and comes all the way down to the
6 sternum and then it goes straight down, so it's kind of a
7 Y-shaped incision. We can pull the skin and muscle back
8 here. Then we can remove the front of the rib cage, and at
9 that point we can basically see all of the major organs in
10 the body. These are removed, and one by one we'll weigh
11 them, examine them, and we also do the same thing for the
12 brain. We're able to remove the top of the skull and remove
13 the brain to examine that as well.

14 Q. And this process that you've just described, is it the
15 process that you use in all the cases that come before you?

16 A. Yes.

17 Q. I want to turn your attention back to January of last
18 year and ask you if you had the occasion to examine a Brandon
19 Jones.

20 A. Yes, I did that autopsy on January 26th of 2013.

21 Q. 26th?

22 A. Was the date of the autopsy I have.

23 Q. And where was that autopsy performed?

24 A. At Palmetto Health Richland Hospital in the morgue
25 there.

1 Q. When you were first presented with the body of Mr.
2 Jones, can you tell me what you saw or what you observed at
3 that point?

4 A. Right. He had multiple gunshot wounds that were obvious
5 from the external examination. He had also undergone some
6 emergency medical intervention with some large incisions that
7 were made by surgeons in an attempt to save his life.

8 Q. And how old was Mr. Jones at the time of his death?

9 A. He was 22 years old.

10 Q. Did you document the injuries that you saw?

11 A. I did.

12 Q. Let me show you, Dr. Durso, what has been marked as
13 State's Exhibit Number 206 and ask you if you recognize this.

14 A. I do.

15 Q. And how do you recognize this?

16 A. This is the -- the diagram that I made at the time of
17 the autopsy.

18 **Ms. Meghan Walker:** Your Honor, at this point the State
19 seeks to admit Exhibit Number 206.

20 **Ms. Pinnock:** Without objection, Your Honor.

21 **The Court:** In without objection.

22 (State's Exhibit 206 was received in evidence.)

23 **Ms. Meghan Walker:** Your Honor, may the witness step
24 down?

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

1 By Ms. Meghan Walker:

2 Q. If you'll stand on this side and speak back towards the
3 court reporter. Okay, Dr. Durso?

4 A. Okay.

5 Q. Okay. Now, you said you documented the injuries on this
6 diagram?

7 A. Yes.

8 Q. Can you explain these to the jury, please?

9 A. Yes. So I have each of my gunshot wounds listed. There
10 are a total of five entrance wounds and five exit wounds so
11 for a total of five exiting gunshot wounds that I noted.
12 I'll just go through them in the order that I documented them
13 in. I don't -- this isn't necessarily the order that they
14 occurred in, but it's the order that I documented them in.

15 So the first -- the entrance wound is here on the right
16 back. I have it labeled as Gunshot Wound H. So this entered
17 the back up here. It went through the ribcage, and then it
18 went through the right lower lobe of the lung. So it came in
19 back here along the right side, goes through the ribcage, the
20 right lung---

21 Q. Kind of like this?

22 A. Uh-huh. And then it actually exits through what is
23 labeled Gunshot Wound B. which is over here almost kind of in
24 the armpit area as you can see there. So it's going from
25 left to right is, back to front, and slightly downwards.

1 Q. Okay. So you were able to distinguish the entrance
2 wound to the back with the exit wound to the front.

3 A. Yes.

4 Q. Can you tell the jury the difference between an entrance
5 wound and an exit wound and how you are going to be able to
6 determine which is which?

7 A. All right. So when a bullet enters the body, it usually
8 comes out of the barrel of the gun. It's going to be
9 spinning. And as it comes in through the skin - it doesn't
10 matter where it is - it kind of pushes the skin just for a
11 split second before going in, and it causes a little abrasion
12 on the skin around the entrance wound, what we call an
13 abrasion collar. So that's kind of the hallmark of an
14 entrance wound.

15 Now, once the bullet enters the body and starts hitting
16 things, it doesn't necessarily keep going nose first. It
17 might start tumbling. And when it comes out, it actually
18 pushes the skin outward so we're not going to have that
19 abrasion collar typically, and typically it's not as nice and
20 round as an entrance wound, so we can tell the difference.
21 And there are some occasions where the exit wound might have
22 a little bit of an abrasion if the skin around the exit wound
23 is up against a hard object or another part of the body and
24 we call this a shored exit wound. But typically by following
25 the projectile path and looking at the entrance and exit,

1 it's usually very easy to distinguish which is the entrance
2 wound and which is the exit wound.

3 Q. And how are you able to follow the path of the
4 projectile?

5 A. So we document all of the wounds on the outside of the
6 body first, and then when we open up the body, before we
7 remove the organs we actually have plastic probes, these long
8 plastic sticks basically, and we start with the entrance
9 wound and work our way through and trace until we get to the
10 exit wound, documenting everything that the bullet passes
11 through.

12 Q. And so there is one gunshot wound to the back there.

13 A. Yes, to the back that goes through the ribcage through
14 the right lung and exits here on this side.

15 Q. Okay. Continue, Dr. Durso, please.

16 A. Okay. So the second gunshot wound I have documented is
17 here to the left back. I have labeled it as Gunshot Wound G.

18 Q. Okay.

19 A. And so this is on the left back, and then this goes
20 again through the ribcage and it goes through the left lower
21 lobe of the lung, so the other lung on the opposite side. It
22 then actually goes through the liver which is up here in the
23 right side of the body, so it's crossed the midline now, and
24 it also goes through the stomach which is sitting right kind
25 of in front of the liver and then it exits through what I

1 have labeled Gunshot Wound I.

2 Q. So kind of an entrance here and an exit here?

3 A. Right, on the opposite side of the body. So, again,
4 this one is also going left to right. It's also going back
5 to front and it's also going downwards like the last one was.

6 Q. Does the position -- does the fact that the pathway is
7 downwards, does that indicate anything to you?

8 A. Well, it means that either the shooter was above him or
9 he was bending downwards---

10 Q. Okay.

11 A. ---from the shooter.

12 Q. So the gun was above the victim.

13 A. Right, or the victim was, you know, bending in a way...
14 You know, once people get shot the way my diagram---

15 Q. Right.

16 A. So I'm not -- it's hard to tell exactly which position
17 the victim was in.

18 Q. Let me ask you this, Dr. Durso. The positioning of the
19 pathway of the projectiles, is that consistent with someone
20 on the ground and a shooter standing over them?

21 A. Yes.

22 Q. Okay. Continue.

23 A. Let's see. The third gunshot wound I'm going to
24 describe is -- I have Gunshot Wound C. as the entrance wound.
25 It's over here on the left hip, and it really just passes

1 through soft tissue before coming out the back of the left
2 upper leg kind of towards the midline here in what is labeled
3 Gunshot Wound F.

4 Q. Okay.

5 A. So this one is going again from left to right slightly
6 downward, and this one is actually going a little bit from
7 front to back.

8 Q. And the next gunshot wound.

9 A. The next gunshot wound I have labeled here as Gunshot
10 Wound A., and this is a very superficial wound. It really
11 only went through the neck soft tissue. So it kind of
12 entered. It was at such an angle that it basically just
13 exited right away. So it didn't hit any vital structures
14 meaning it didn't hit any major blood vessels. It really
15 didn't go much below the skin surface before it exits again.

16 And the last gunshot wound I have documented is here on
17 the right arm. The entrance wound is labeled Gunshot Wound
18 E., and that is on the back of the right lower arm and it
19 actually exits through what I have labeled as Gunshot Wound
20 D. which is here on the front of the arm kind of near the
21 midline, so right around here.

22 Q. Okay.

23 A. So it goes in down here and it comes out up here, and
24 the only major structure it really hit other than the
25 musculature there: It actually hit and fractured one of

1 these arm bones, this arm bone here called the ulna.

2 Q. Let me ask you about that gunshot wound. If a person --
3 let's say they're down on the ground and they're doing
4 something like that. Is that gunshot wound consistent
5 with---

6 A. It would have to be like that.

7 Q. Like this?

8 A. Uh-huh.

9 Q. Okay. And are those all the gunshot wounds that you
10 were able to---

11 A. Yes.

12 Q. ---detect on this -- on this victim?

13 A. And there were other superficial injuries here on the
14 forehead here where these red abrasions -- here on the
15 forehead and here just below the knee that are consistent
16 with someone maybe falling around the time of death and
17 striking their head and knee, but there were no underlying
18 injuries, no fractures or anything to the brain or to the leg
19 here.

20 Q. And what does N.G. on State's Exhibit 206 indicate?

21 A. So these are some of the medical interventions that he
22 underwent. So he has a nasogastric tube which is a nose -- a
23 tube running from the nose down to the stomach to kind of
24 suction any fluid out of the stomach while they were doing
25 the emergency surgery so he didn't vomit and aspirate.

1 There is also an endotracheal tube going down his
2 throat, trying to breathe for him. There is a very large
3 incision. It's called a thoracotomy and it went all the way
4 across the chest. The surgeons basically cut from here all
5 the way around in an effort to stop some of the bleeding, and
6 they also opened up his abdomen. As you can see here, it was
7 still open at the time of autopsy, this kind of elliptical-
8 looking incision here. And, again, they were going in trying
9 to see where the bleeding was coming from -- coming from and
10 trying to stop the bleeding.

11 Q. Okay. You can have a seat, Dr. Durso. Thank you. With
12 the type of injuries that you just described, how long could
13 someone survive those injuries?

14 A. With the lung and liver injuries, maybe 10, 20 minutes,
15 but they would be in significant distress.

16 Q. And with the autopsy that you performed, were you able
17 to come to a cause of death for Brandon Jones?

18 A. Yes. I gave the cause of death as multiple gunshot
19 wounds to the torso and extremities.

20 Q. And is that to a reasonable degree of medical certainty?

21 A. Yes.

22 **Ms. Meghan Walker:** Thank you, Dr. Durso. I don't have
23 any further questions for you.

24 **Ms. Pinnock:** Your Honor, I don't have any questions for
25 Dr. Durso.

1 **The Court:** Thank you. You can be excused.

2 **The Witness:** Thank you.

3 **The Court:** We appreciate your time. Thank you. Call
4 your next time.

5 **Ms. Simpson:** The State calls Sergeant Scott Faust.

6 .. S. Scott Faust, after being duly sworn, testified
7 as follows?

8 **The Clerk:** Please have a seat there, sir. State your
9 full name for the record and please spell your last.

10 **The Witness:** Steven Scott Faust. F-A-U-S-T.

11 Direct Examination

12 By Ms. Simpson:

13 Q. Sergeant Faust, where are you employed?

14 A. The Richland County Sheriff's Department.

15 Q. And how long have you been with the sheriff's
16 department?

17 A. Nineteen years September.

18 Q. And what is your position there?

19 A. I'm currently a supervisor over the Special Victims Unit
20 and investigations.

21 Q. And as a supervisor over the Special Victims Unit, tell
22 the jury a little bit about some of your duties and what that
23 entails.

24 A. I currently work what is criminal sexual conduct, also
25 known as rape. It involves adults, children. I deal with

1 incorrigible children, runaways, and missing persons. I'm
2 also -- sometimes it's every six weeks, seven weeks, eight
3 weeks -- currently right now it's eight weeks where I'm on
4 call as a supervisor. We have a team that handles from 3:30
5 in the afternoon 'til approximately 7:30 in the morning and
6 the weekends from 3:30 Friday in the afternoon until Monday
7 morning about 7. We have a team, sometimes three, four, five
8 investigators, to handle calls after hours.

9 Q. So even though you primarily work in a very specialized
10 unit as a supervisor, you have experience and actively
11 participate in other type of violent crime---

12 A. That's correct.

13 Q. Turning your attention to January of 2013, did you
14 become involved in this case?

15 A. I did.

16 Q. Can you tell the jury how that occurred?

17 A. At approximately 11:30 on January 25th, 2013, I was
18 called by our desk sergeant where the calls filter through
19 and was notified that we had a situation of what's commonly
20 referred to as a home invasion at in
21 which some shots were fired and some people were hit, one
22 possibly critically injured.

23 Q. Okay. And when you received that call as a supervisor,
24 what was your primary role with respect to other
25 investigators and assignments?

1 A. At that point I'm the supervisor. I basically start
2 figuring out where we need to staff people. In this
3 situation I had investigators that were actually in the area
4 and I had a couple that were in the building with me at
5 headquarters at 5623 Two Notch Road. And as information
6 comes in, witnesses, suspects, victims, I start assigning
7 people to go out and handle what needs to be handled such as
8 taking statements, interviewing people, and following up on
9 leads.

10 Q. And you had some information that the victim -- there
11 were multiple victims critically injured, possibly critically
12 injured; correct?

13 A. That's correct.

14 Q. As a result of that information, what did you do?

15 A. I had Investigator Bass near the scene helping out some
16 deputies on an unrelated matter, and they actually heard some
17 of the shots fired in this situation. I had -- Investigator
18 Boland started to head to the scene, and Investigator Hinson,
19 I sent him to the hospital to assess any of the victims that
20 were shot, their situation, and to get feedback on their
21 status.

22 Q. Okay. And without telling me all the information that
23 you obtained and what was said, did you gain some information
24 about this case with respect to what happened from one of the
25 victims?

1 A. Yes.

2 Q. Can you tell the jury about that?

3 A. At approximately -- I want to -- I have the time -- 2:15
4 on the 26th which is a few hours later, I was informed that
5 one of the victims, Brandon Jones, that was shot was
6 pronounced dead.

7 Q. Okay. And did you also learn some information from some
8 of the witnesses who were not injured and still present at
9 the scene?

10 A. That's correct. We had two witnesses, Troy Scott and
11 Cari Pearson, and they agreed to come speak to us in a
12 controlled environment where we can take a typed statement
13 from them, away from the scene, and it's a little bit more
14 comfortable and they agreed to come up to headquarters. So
15 we took statements from them.

16 Q. And after speaking with them, did you all develop a
17 potential subject that may be involved in this case---

18 A. It---

19 Q. ---known to them?

20 A. Yes, a person by the name of Jonathan, also known as
21 Jay-School.

22 Q. And those were -- were those the only identifying
23 factors that you had at that point?

24 A. At that particular time, as the night went on, we were
25 able to gather some other information.

1 Q. And were you ultimately able to determine the actual
2 identity of Jonathan or Jay-School?

3 A. We were, based off of Ms. Pearson. She was friends with
4 him on Facebook. She was -- I initially thought that he may
5 have de-friended her but found him under the name of Cali
6 Gii. It was spelled C-A-L-I. The second word was G-I-I. And
7 based off of that, one of our intel investigators, Linda
8 Houke (phonetic), was able to get a date of birth that was on
9 his Facebook page and positively identify him as Vincent
10 Phillip Nelson, Jr.

11 Q. Okay. And once he was developed as a suspect, what was
12 done?

13 A. We put him in photo line-ups to be identified.

14 Q. Okay. And were those photo line-ups actually shown to
15 several different individuals?

16 A. Yes.

17 Q. Who were those shown to?

18 A. I know I initially showed one to Troy and participated
19 in Ms. Pearson's. I was not there for her statement but I
20 was for the photo line-up.

21 Q. And did they, in fact, pick someone out of that photo
22 line-up?

23 A. They did. Mr. Nelson.

24 Q. And did they identify him as being someone that they
25 knew by name and sight?

1 A. Yes, that Troy had stated he had known him for
2 approximately a year and a half, had him over to his house,
3 actually gave him shelter, food and -- when he was in times
4 of need. So they had intimate knowledge of him.

5 Q. Okay. And Mr. Nelson was one of the few people you had
6 the identity of that was actually present at the scene;
7 correct?

8 A. He was the only person currently that we had positively
9 identified.

10 Q. Did you also receive some information -- and backing up
11 just a bit. As the supervisor, do you receive pretty much
12 every call that comes in about this case or a number of calls
13 regarding tips or stops, things of that nature?

14 A. I did. We -- typically in a situation like this, a
15 major event, we have people that will call in information,
16 sometimes commonly known or they will go through
17 Crimestoppers, but in this situation they were calling the
18 sheriff's department directly and -- but the -- are you
19 talking about the traffic stop?

20 Q. Yes.

21 A. In this situation the deputies out on the scene, when
22 they heard the shots, saw a car speeding away. So
23 immediately, you know, at that time of night, gunshots, car
24 speeding away, it was brought to their attention that, you
25 know, they wanted to stop this vehicle to see what was going

1 on. And Investigator, canine unit -- he's a former
2 investigator but Abraham stopped the vehicle and in this
3 vehicle there were some people that semi matched the possible
4 clothing. Also, again, when we early -- earlier in the
5 investigation we found that a guy named Jonathan may have
6 been involved, Jay-School. One person in this car was named
7 Jonathan.

8 So there was some things there that we felt that needed
9 to be looked into to either see if these people were involved
10 or could be ruled out, but there was also a weapon found in
11 the vehicle which is something else that when you -- you
12 know, we just had shooting and there's a weapon in the
13 vehicle, so we looked into this matter.

14 Q. And when looking into this matter, you actually -- did
15 you confirm the identity of all three individuals?

16 A. We did.

17 Q. And were they placed in line-ups as well?

18 A. We did. Two out of three I put in photo line-ups, and
19 then the person I believe that was going by Jonathan or that
20 was named Jonathan, I wanted to rule him out. I just showed
21 a direct picture of him, but there were reasons why I did
22 that versus a photo line-up.

23 Q. And I'm going to show you what's been marked as State's
24 Exhibit 3, 4, and 5 that's already into evidence. Are those
25 the line-ups that were shown to Mr. Scott?

1 A. These are the originals with my handwriting on them.

2 Q. And with respect to Jay-School and Jonathan, you said
3 you showed him an individual picture; correct?

4 A. This one on -- this person's name is Jonathan Sterling.

5 Q. And Mr. Scott indicated that he knew the person he was
6 referring to as Jonathan.

7 A. That is correct.

8 Q. And did he identify anybody out of those line-ups?

9 A. No. This person, Jonathan Sterling, he said was not
10 Jay-School, the person that he knew that was -- had been to
11 his house, that he had fed, let sleep in his house and was
12 not the person that was at his house on January the 25th of
13 2013. Neither were the other two people in the vehicle that
14 was stopped.

15 Q. Out of an abundance of caution, did a crime scene
16 investigator also respond to that traffic stop?

17 A. They did.

18 Q. And what did they do?

19 A. If I'm not mistaken, they did what's called G.P.R., gun
20 powder residue, where they check hands for -- if you shoot a
21 gun, some guns will flick gun powder -- will kick back gun
22 powder, and I believe all three of them voluntarily -- I was
23 not present, but they volunteered and submitted to this test.

24 Q. And a weapon was actually located in that car as well;
25 correct?

1 A. That's correct, a .380.

2 Q. And what about the caliber of that weapon became
3 significant in your investigation with respect to the murder?

4 A. Knowing that this gun was a .380, I asked some of the
5 lab units and our personnel that was on the scene if they
6 located any shell casings. In this case they did. I asked,
7 you know, without touching it, if they could get down and
8 look at the shell casing, and they discovered that it was a
9 .45 caliber shell casing. Obviously a .45 shell casing would
10 not come out of a .380, so we ruled this .380 out as being
11 involved with the shell casings at the scene.

12 Q. Okay. And so were you actually able to eliminate these
13 three individuals as being involved in the incident at
14

15 A. We eliminated them as suspects.

16 Q. In an additional investigation, did that corroborate
17 their elimination as well?

18 A. That is correct.

19 Q. After identifying Vincent Nelson to be one of the
20 possible subjects, with respect to figuring out who else may
21 have been involved, what did you all do?

22 A. As the investigation continued on Saturday, the day
23 after that we had a person come forward that was not a
24 witness or a victim -- come forward with some information
25 after speaking to some of the parties that were involved, and

1 they gave us a name of somebody they believe could possibly
2 be one of the other three suspects, not named Jonathan or
3 Jay-School or Mr. Nelson.

4 Q. And what was the name of the individual that contacted
5 you with the information?

6 A. Mr. William Liberty.

7 Q. And did he, in fact, come and speak with you?

8 A. He did. He supplied us a statement and gave us some
9 information, verbal information.

10 Q. And did you, in fact, learn that William Liberty was a
11 friend of Troy Scott?

12 A. That is correct.

13 Q. And was he actually present at the scene when this
14 incident occurred?

15 A. Mr. Liberty was not present. He was not at the
16 Williamsburg address the night of the shooting.

17 Q. But he did give you the name of an individual he
18 believed might be one of the suspects, based on the physical
19 description that you had.

20 A. He did.

21 Q. And what name did he give you?

22 A. Linard Gaston. And there was some confusion on the
23 spelling of Linard. We would later learn that it's actually
24 L-I-N-A-R-D versus Leonard.

25 Q. Okay. And once you had developed the identity of Linard

1 Gaston, what did you do with that information?

2 A. We put him in a photo line-up. We learned a little bit
3 about him and based off the totality of William's confidence
4 that this guy may have been involved, based off what he
5 had been told, we put him in a photo line-up and showed it to
6 Troy.

7 Q. Okay. And prior to that, had you also -- prior to
8 showing Mr. Scott the line-up, had he also given a statement
9 regarding Mr. Gaston?

10 A. I believe William -- I don't -- I didn't take the
11 statement from Mr. Liberty, but we -- I know with Troy, I
12 showed Troy a photo line-up before I took a statement from
13 him, but I do believe we did show William a photo line-up,
14 too.

15 Q. Okay. And actually, as noted in your report, I believe
16 you took the statement before showing him the line-up.

17 A. On Mr. Liberty.

18 Q. On Mr. Scott.

19 A. I believe the times -- Mr. Scott was after that.

20 Q. Okay. And did Mr. Scott actually identify Mr. Gaston as
21 being the person?

22 A. Mr. Gaston (verbatim) identified a person in the photo
23 line-up as being Linard Gaston or somebody that looked like
24 Linard.

25 Q. So backing up, you just said Mr. Gaston identified. So

1 Mr. Scott identified Mr. Gaston as what?

2 A. Troy Scott identified a photo line-up that had Linard
3 Gaston in it as being Linard or looking like Linard.

4 Q. Okay. But -- and then did he actually say whether or
5 not Linard was the person involved in the shooting?

6 A. And my question to him was: Was this the person at
7 on January 25th, 2013, that shot you or
8 shot at you or shot your brother or shot anybody there? Was
9 he there that night? And he stated, no, this is definitely
10 not the person that was -- he was fighting with nor did he
11 see this individual at his residence on the 25th of January.

12 Q. Okay. And then did you have further involvement with
13 respect to a non - I apologize for my pronunciation - an
14 anonymous tip that was received?

15 A. I did.

16 Q. Tell the jury about that.

17 A. The -- on the 28th of January, if I'm not mistaken, this
18 was a Monday, I received a call from one of our
19 investigators, Ty Jordan. He stated that he had received
20 some information from the Housing Authority, an officer named
21 Investigator Crews, and asked me to call him, that he may
22 have some information in reference to this case. So I did,
23 and he stated that he had received a tip from an individual
24 that there may be some evidence at Marlboro Street, the
25 apartment complex known as Hammond Village, and he stated

1 that somebody said a person by the name of J.G. and Maurice
2 Roberts put a shirt and some items behind Building 8 and that
3 they and the City of Columbia Police Department were out
4 there holding evidence for us to come look at and determine
5 whether or not it may have been involved.

6 Q. And did you actually respond to that scene, along with a
7 crime scene investigator as well?

8 A. I initially responded, and based off of what I found, I
9 felt that our lab needed to come out and respond and collect
10 it.

11 Q. I'm going to show you what's been marked as State's 208,
12 209, 210, 211 through 222.

13 **Ms. Anastasia Walker:** Without objection, Your Honor.

14 **The Court:** In without objection.

15 (State's Exhibits 208 through 222 were received in
16 evidence.)

17 By Ms. Simpson:

18 Q. All right. I'm going to show you what's in evidence as
19 State's 208 through 222. Can you take a look at those and
20 tell me was that what you observed when you arrived at the
21 apartments or after the crime scene investigator had
22 processed...

23 A. Yes, I actually arrived during the day when it was light
24 out, but this appears to be about right after dusk, not when
25 I recall when him taking the pictures, but these are accurate

1 of what I saw.

2 Q. And the location of this, the Hammond Village, is that
3 an apartment complex?

4 A. It is.

5 Q. I'm going to direct your attention to State's 209.

6 A. Yes.

7 Q. What is the building here?

8 A. That's the Building 8.

9 Q. Building 8?

10 A. And if you go to the side of that building, straight
11 back and to the left, maybe 20, 30 feet, that's where the
12 items were found.

13 Q. And I guess this is in State's 210, the back?

14 A. That's correct.

15 Q. That's the pathway you're referring to?

16 A. On the right of that picture where it looks like an A.C.
17 unit. It might be something to do with SCE&G. That's --
18 that's the location where we found the majority of the items.

19 Q. And I'm going to try to gather a picture... In State's
20 217, there's kind of a fence area. Can you describe for the
21 jury what that is?

22 A. It's just basically a wall I guess for erosion, and
23 that's the little electricity box that I was referring to.
24 That is actually -- that wooded area is three or four feet
25 behind that electrical box.

1 Q. Okay. And these items were kind of I guess just
2 discarded and strewn behind. I'm going to direct your
3 attention to 215 and State's 219.

4 A. That's correct.

5 Q. And exactly what were those items that were located?

6 A. There were multiple gray-in-color rubber gloves. There
7 was a blue-in-color baseball cap with a New York Yankees
8 emblem, and a black-in-color shirt.

9 Q. I'm going to show you what's been marked as State's
10 Exhibit 36. Are these the items that were collected by
11 Investigator Schroder? I believe the gloves have already
12 been---

13 A. Yes.

14 Q. ---separately...

15 A. This looks like the black shirt and the hat.

16 Q. And once collected, those items would have been properly
17 sealed and packaged by Investigator Schroder and placed into
18 evidence.

19 A. That's correct. That's one of the reasons why I called
20 him. They've got the equipment, the little markers, the
21 photography and... To eliminate the chain of custody, we
22 just allow him to collect them.

23 Q. And in addition to going out there and finding the
24 gloves and the hat, did you develop another possible known
25 associate of Mr. Nelson besides Maurice Roberts, without

1 going into what was said to you?

2 A. I did.

3 Q. Who was that?

4 A. Demetrice Roosevelt.

5 Q. All right. And was that actually the extent of your
6 involvement with respect to the investigation?

7 A. At this point. Again, when I -- when we take -- when we
8 start on the weekend, we usually start with a murder
9 investigation or any type of major event and we run with it
10 up until Monday when the 8-to-5 investigators come in and
11 then they pick up and run with it. So basically from the
12 start, 11:30 Friday night, there's somebody working that
13 case. You're going through Saturday, Saturday night, Sunday,
14 Sunday night, and then Monday morning when they come in and
15 they pick it up and run with it.

16 Monday evening when I got that call, that was the extent
17 of my involvement because I continued on evening shift. So
18 they already assigned investigators, and one was off on my
19 shift. They pulled him off since he started with it and then
20 assigned another investigator, and they have a team and they
21 just go work it from there while I continue on with the
22 evening shift duties.

23 Q. And all the information that you gathered during your
24 investigation, that's provided to the new investigators on
25 the case.

1 A. That is correct.

2 **Ms. Simpson:** Thank you.

3 **Ms. Anastasia Walker:** May it please the Court, Your
4 Honor?

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

6 Cross-Examination

7 By Ms. Anastasia Walker:

8 Q. Good morning, Sergeant Faust.

9 A. Good morning.

10 Q. Just briefly, you indicated that you spoke with Troy
11 Scott on the 26th; right?

12 A. The -- I don't believe he got there before midnight, but
13 I spoke to him late Friday night, technically probably early
14 Saturday morning, and then later on that afternoon Saturday.

15 Q. When he---

16 **The Court:** We've got a little hum coming through, if
17 anybody can... All right. Just go ahead. I don't know how
18 -- there's a little hum. Go ahead.

19 **The Witness:** I've heard it.

20 By Ms. Anastasia Walker:

21 Q. I'm talking about the second incident when Mr. Liberty
22 came with Mr. Scott.

23 A. That's correct. I did speak to him Saturday afternoon.

24 Q. Okay. And in that -- in that occasion you said that you
25 showed him the photo line-up with Linard Gaston in it first

1 before you took the statement from him.

2 A. With Troy, that's correct.

3 Q. Yes. And in that photo line-up he -- he didn't pick
4 anybody.

5 A. He identified the person that was being described as
6 Linard.

7 **The Court:** Let's see if we can stop and figure that
8 out.

9 **The Clerk:** Let me get Mr. Truitt. He's our sound tech.

10 **The Witness:** I can speak up louder, if necessary. I
11 can speak up louder and stay away from it.

12 **Ms. Anastasia Walker:** Are you talking about the echo?

13 **The Court:** Yes.

14 **Ms. Anastasia Walker:** I hear it.

15 **The Witness:** I did speak to him on Saturday.

16 By Ms. Anastasia Walker:

17 Q. And when he looked at the photo line-up, you said that's
18 -- he said that's Linard Gaston but not the person that was
19 at my house.

20 A. That is correct.

21 Q. But then he gave a statement subsequent to that.

22 A. That is correct.

23 Q. And in that statement he said, "Linard Gaston shot my
24 brother."

25 A. That is correct.

1 **Ms. Anastasia Walker:** Okay. Beg the Court's
2 indulgence. Thank you, Your Honor. I have no further
3 questions you.

4 **Ms. Simpson:** Brief redirect.

5 Redirect Examination

6 By Ms. Simpson:

7 Q. Linard Gaston -- you just stated -- I believe counsel
8 ended on a question of: He stated that Linard Gaston was the
9 person who shot his brother, but earlier you stated that when
10 the line-up -- he confirmed that it was not the person that
11 shot his brother.

12 A. That is correct. What -- what had -- what appeared to
13 happen is Liberty or, yeah, William Liberty had supplied a
14 name, and it appeared to me that Troy Scott had got that name
15 as the person who did the shooting. However, when he looked
16 at the photo line-up of Linard Gaston, he clearly said, "This
17 is not the guy who shot my brother that we were fighting
18 with." It was my opinion that he got this name in his mind
19 that that was the shooter and that's why he said that Linard
20 Gaston is the name. I believe that was supplied to him by
21 William Liberty, but it clearly shown when he looked at the
22 photo line-up that that's William (verbatim) Gaston, but
23 that's not the person that shot me. He went on to supply a
24 statement that that was it. I believe it was confusion on
25 his part, and that was influenced by William Liberty. But it.

1 was later -- our investigation revealed that Linard Gaston
2 was clearly not involved.

3 **Ms. Simpson:** Okay. Thank you, Sergeant Faust.

4 **Ms. Anastasia Walker:** Your Honor, brief recross?

5 Recross Examination

6 By Ms. Anastasia Walker:

7 Q. Linard Gaston turned out not to be involved; correct?

8 A. That is correct.

9 **Ms. Anastasia Walker:** Thank you, Your Honor.

10 **The Court:** Thank you. You can step down and be
11 excused. We appreciate your time.

12 **The Witness:** Sure.

13 **The Court:** Call your next witness.

14 **Ms. Meghan Walker:** Your Honor, the State calls Sergeant
15 Kevin Isenhoward.

16 **Ms. Simpson:** Oh, briefly, Your Honor, may we approach?

17 (Whereupon, a bench conference was held.)

18 **The Court:** We're going to take care of a procedural
19 matter, so we'll let you go and have a short refresher break
20 in the jury room.

21 (Whereupon, the jury was excused from open court at
22 11:36 a.m.)

23 **The Court:** Ms. Simpson, what's the issue?

24 **Ms. Simpson:** Thank you, Your Honor. May it please the
25 Court? At this time the State -- we'd like to make a motion

1 out of an abundance of caution, too, and address several
2 issues that may come up through the course of the remaining
3 witnesses' testimony, specifically with respect to the
4 defendant's statements made to law enforcement. And I
5 believe during pretrial we learned that there were several
6 statements through the Denno hearing to include initial
7 denials as well as three written statements by the defendant.

8 We have no intention of going into those statements, as
9 they are self-serving as well, and we would ask that or make
10 a motion that the defense be precluded from going into or
11 presenting any information from his statements or that he
12 even gave statements to law enforcement because those
13 statements are, in fact, both self-serving. And,
14 additionally, Your Honor, that together with -- based on
15 counsel's opening statement, defense would essentially be
16 attempting to back-door in self-serving hearsay without
17 placing the client on the stand and making him subject to
18 cross-examination.

19 **The Court:** What's the defense position?

20 **Ms. Pinnock:** Your Honor, I don't know if it would be
21 proper to preclude us from asking the investigators if they
22 took a statement from our client. Their decision not to
23 introduce his statements into evidence, that's a strategy
24 that they have, and we have a right to present our defense.
25 We would obviously not be asking for hearsay testimony.

1 If our client decides to take the stand, he will take
2 the stand, but I think it would be improper to say we could
3 not ask the investigators if they took a statement from our
4 client as part of their investigation in this case because
5 they did. They took multiple statements from him. I don't
6 think it would be proper to bar us from asking those
7 questions.

8 As far as the meat of the statement, we obviously
9 wouldn't be eliciting -- trying to elicit hearsay testimony.

10 **The Court:** All right. What about that -- what about
11 that part of the equation?

12 **Ms. Simpson:** Your Honor -- and I would direct Your
13 Honor's attention to State versus Terry which is 339---

14 **The Court:** May I have a copy?

15 **Ms. Simpson:** Oh, yes.

16 **Ms. Pinnock:** Your Honor, if I could get a copy.

17 **Ms. Simpson:** 339, 352.

18 **The Court:** Remember: Whenever you have a case you want
19 us to look at, you need to have one for the Court and one for
20 the other side.

21 **Ms. Simpson:** Yes, Your Honor. With respect to what
22 defense counsel is attempting to do, even the questioning of
23 the officers about taking the statement or the fact that he
24 gave a statement essentially draws the inference, especially
25 based on their opening statement, that he cooperated with law

1 enforcement in giving these statements, and the jury is left
2 with an inaccurate and incomplete view of the testimony
3 and/or the defense's statements that were actually given.

4 It's improper because it leaves them thinking, like I
5 said, that he cooperated when, in fact, he gave statements
6 that were minimizing his own role in the incident in multiple
7 statements, after she has said he gave the same statement to
8 law enforcement at every venture. And then I'll address the
9 trial testimony as well in a moment.

10 **The Court:** Have you got anything to counter the holding
11 in Terry which is that the State is correct, the exclusion of
12 the fact that Mr. James gave the police a statement is
13 irrelevant to any issue in the trial and that it's,
14 therefore, inadmissible?

15 **Ms. Pinnock:** Your Honor, if you could give me one
16 moment so I could finish looking -- we had to pull it up.

17 **The Court:** All right. Why don't we take a brief --
18 this would probably be a good time to take a quick break
19 anyway and let them have an opportunity. Before we do that,
20 you said there were some other issues?

21 **Ms. Simpson:** Yes, and I actually want to go ahead and
22 put those issues up since we're taking a break.

23 **The Court:** That's why I was...

24 **Ms. Simpson:** In addition to that, with respect to the
25 trial testimony or the fact that Mr. James testified in the

1 previous trial, that information is improper to bring out
2 through these investigators as well. I don't know any
3 hearsay exception that it will qualify for or what relevance
4 it has to this case since we're not putting up any statements
5 or anything about the prior trial with respect to Maurice
6 Roberts and specifically Demetrice James.

7 **The Court:** I think kind of by extension, Terry covers
8 -- doesn't really cover that, but I think it makes it clear
9 even in that case where Terry wanted to indicate to the jury
10 or convey to the jury that he had cooperated -- and that
11 would be the purpose of saying, well, he testified in one
12 trial, so he cooperated. So it looks like under an extension
13 of Terry that that would be inadmissible also. We will get
14 back in a minute after the defense has had time to research
15 it.

16 **Ms. Simpson:** And then I have one additional matter with
17 respect to the co-defendants' statements that were made in
18 this case. Prior to trial, I know we had a hearing and the
19 defense requested that the State be limited and not make any
20 mention of any statements by non-testifying co-defendants or
21 co-defendants, period, as well as -- or I think that's the
22 extent of it. I did not do that and we -- I also know no
23 basis for them to be allowed to go into co-defendants'
24 statements through these investigators. They might can ask
25 did they give a statement, but as far as the details of those

1 statements, none of that I believe is proper.

2 We won't be eliciting it from our investigators and,
3 again, I go back to the statements themselves as far as each
4 defendant in this case, while admitting some culpability,
5 some guilt, minimizes their role - there's no doubt - and
6 gives multiple statements. So we would just ask up front
7 that they be precluded from going into the substance of any
8 co-defendants' statements.

9 **The Court:** Does the defense contend that they can get
10 that hearsay in?

11 **Ms. Anastasia Walker:** Your Honor, I don't believe we
12 have any intention of going into that. We asked them not to.
13 I certainly believe the reciprocal applies.

14 **The Court:** Okay. All right. Well, take a look at the
15 two issues that I think directly are addressed in Terry or
16 how the case is addressed in Terry, and we'll take a real
17 short break and we'll give the defense a chance to do some
18 research.

19 **Ms. Simpson:** Thank you, Your Honor..

20 **Ms. Meghan Walker:** Thank you, Your Honor..

21 **The Court:** And time for a refreshing break.

22 (Whereupon, a short break was taken.)

23 **The Court:** Take your seats. All right. We're back on
24 the record. We were discussing State versus Terry and its
25 application to the issue of I think the concession by the

1 defense that they can't go into the substance of the
2 statements, but we were looking at whether or not the fact
3 that he gave statements is admissible evidence. Did you find
4 anything else other than Terry that might address that?

5 **Ms. Pinnock:** Your Honor, that addresses that issue, no.
6 I do believe that there is a slight difference in Terry. I
7 understand what the holding says. I have reviewed it and a
8 few other cases that were cited in it and that distinguish
9 themselves from it. But I believe in Terry -- initially,
10 yes, he could go into the substance of the statement. We
11 have said we're not trying to do that. The Court did address
12 whether or not they could talk about, you know, a confession
13 that he gave or anything along those lines.

14 But I think that, Your Honor, if you were to allow us to
15 ask the investigators "Did you speak with Mr. James?" that
16 that's not suggesting any sort of truth or untruthful
17 statement. It's: Did you speak to him as a part of your
18 investigation?

19 The only argument that I have and it's not a small
20 argument: We have a right to put on a complete and full
21 defense. We do have a theory that we are working on, and the
22 process of the investigation does go to our theory of
23 defense. So I believe denying us the opportunity to even ask
24 an investigator if they spoke to Mr. James when he was
25 arrested would be violating our right to present a complete

1 and full defense for Mr. James at this point.

2 Again, we would not be going into the substance of the
3 statement. We would not be going into if it was a confession
4 or a denial or anything along those lines, just did they
5 speak to him.

6 **The Court:** All right. But you'll ask: Did you speak
7 to Mr. James? And if they say "yes," then that ends it.

8 **Ms. Pinnock:** Yes, sir.

9 **The Court:** All right.

10 **Ms. Simpson:** Your Honor, we would actually object to
11 that, too, and based on Terry I don't think that's the proper
12 method as well. Here, in this trial on these facts, we
13 absolutely have the indication and inference and implication
14 by the defense that the defendant was cooperative with
15 police. He spoke with police, and throughout this, from day
16 one, he has given the same story over and over, not only to
17 police but to the solicitor's office, my office, my
18 investigators as well as at the trial of Maurice Roberts.

19 So here any indication that he made a statement and that
20 he was advised of his rights or even that he was interviewed
21 and for the State to not put that evidence in because it is
22 self-serving leaves the defense with a very self-serving
23 interested inference and implication in place without having
24 the complete statements.

25 Now, once they do put up their defense and go with their

1 theory that's developing, we'll have, I believe, a different
2 ball game at that point. But at this point I don't think
3 they can back-door any type of thing or make any improper,
4 you know -- or leave impressions for the jury.

5 **The Court:** I sustain the objection. I don't believe
6 that you can even go into that. Maybe I'm reading Terry too
7 broadly, but the admission of the fact that Terry cooperated
8 with the police -- and I know you're not really asking that.
9 You're just saying: Did you talk to him?

10 **Ms. Pinnock:** Yes, sir.

11 **The Court:** "Without giving the substance of the
12 statement would, in our opinion, have been confusing and
13 misleading to the jury." So I think, following that, it's
14 just sort of dislogical (verbatim) or maybe you might contend
15 illogical conclusion is that the -- the fact that your client
16 talked to the police or -- that's conveying to the jury just
17 what Terry says is not -- not relevant and that is
18 cooperation. So I'm not going to allow you to go into that.
19 You can make a proffer with any of these witnesses that you
20 wish when we get to that point.

21 **Ms. Pinnock:** Yes, Your Honor. And to go along with
22 that, if we are not going to be able to ask the investigators
23 if they even talked to Mr. James, we would like you to
24 instruct the solicitor's office that they're not allowed to
25 go into the fact that he was advised of his rights, that he

1 did a six-person---

2 **The Court:** If they open that door up... If they open
3 the door...

4 **Ms. Simpson:** I can say, Your Honor, that we have
5 advised our investigators in our questions -- and we may lead
6 a little bit based on this ruling. It's just going to be
7 simply: Was he arrested? And that's it. We're not going
8 into whether he was advised---

9 **The Court:** I think that's at the time, but I can tell
10 you: If they open the door, then you know how to handle it.

11 **Ms. Pinnock:** Yes, Your Honor. Thank you.

12 **Ms. Simpson:** But the mere fact -- just so I'm clear,
13 the mere fact that we ask, "Was he arrested?" doesn't open
14 any doors.

15 **The Court:** I don't think that -- I don't think the fact
16 that he was arrested... It's pretty obvious he was arrested.

17 **Ms. Simpson:** Okay. Good. I'm just clarifying, Your
18 Honor.

19 **The Court:** Yeah.

20 **Ms. Simpson:** Thank you.

21 **The Court:** Bring in the jury.

22 (Whereupon, the jury was brought into open court at
23 11:58 a.m.)

24 **The Court:** Call your next witness.

25 **Ms. Meghan Walker:** Your Honor, at this time the State

1 calls Sergeant Kevin Isenhoward.

2 Kevin S. Isenhoward, after being duly sworn,
3 testified as follows:

4 **The Clerk:** Please have a seat in the witness stand, and
5 state your full name for the record.

6 **The Witness:** Kevin Scott Isenhoward.

7 Direct Examination

8 By Ms. Meghan Walker:

9 Q. Is it Sergeant Isenhoward?

10 A. It is.

11 Q. Sergeant Isenhoward, can you tell me where you're
12 currently employed?

13 A. I work for the Richland County Sheriff's Department.

14 Q. And how long have you been at the sheriff's department?

15 A. I've been with the sheriff's department for 17 years in
16 various roles.

17 Q. And what role are you serving in at this point?

18 A. I'm a supervisor in the Major Crimes Unit. Primarily we
19 handle assaults, robberies, shootings and murders and
20 suspicious deaths.

21 Q. In your role as a supervisor in that unit, what sort of
22 things do you do?

23 A. Well, it's my job to -- every day new cases come in. I
24 evaluate them, assign them to a particular detective or
25 investigator to look into. I also investigate cases myself

1 (Whereupon, the jury was brought into open court at
2 1:26 p.m.)

3 **Ms. Anastasia Walker:** Your Honor, may we approach?

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

5 **Ms. Anastasia Walker:** I apologize.

6 (Whereupon, a bench conference was held.)

7 **The Court:** All right. Call your next witness.

8 **Ms. Simpson:** The State calls Investigator Tanner.

9 Flynn Tanner, after being duly sworn, testified as
10 follows:

11 **The Clerk:** Please have a seat in the witness stand, and
12 state your full name for the record.

13 **The Witness:** Flynn Tanner.

14 Direct Examination

15 By Ms. Simpson:

16 Q. Investigator Tanner, where are you employed?

17 A. Richland County Sheriff's Department.

18 Q. And how long have you been with the sheriff's
19 department?

20 A. About 17 years now.

21 Q. And tell the jury about your position and what some of
22 your duties and responsibilities are.

23 A. I'm an investigator in Major Assaults. I'm assigned
24 cases on a daily basis. I investigate, like I said, major
25 assaults. Might be shooting, stabbing, aggravated assault.

1 Q. And do you also work as an on-call investigator, too?

2 A. Yes, ma'am, I do.

3 Q. And do you assist other investigators with
4 investigations?

5 A. Yes, I do.

6 Q. Back in January of 2013, did you become involved in this
7 case?

8 A. I did.

9 Q. Tell us how you became involved. Who notified you?

10 A. The morning of January 28th at approximately 8:45, I was
11 contacted by my supervisor, Sergeant Lindler, to respond to
12 headquarters to assist Investigator Boland with a homicide
13 case.

14 Q. Okay. And when you arrived, did you learn about -- or
15 the identity of an individual who may be involved in the
16 case?

17 A. Yes, I did.

18 Q. And who was that individual?

19 A. The individual at that particular time was an individual
20 by the name of Vincent Nelson, Jr.

21 Q. And upon identifying him, did you all actually establish
22 possible locations where he could be found?

23 A. Yes, ma'am, we did.

24 Q. And once you had that information, what did you do?

25 A. I went with Sergeant Lindler to to

1 identify the house and obtain a description for a search
2 warrant.

3 Q. You said that was ?

4 A. Yes, ma'am. Yes, ma'am.

5 Q. And did you actually respond to that location?

6 A. We did; yes, ma'am. Shortly thereafter, I went with
7 Lieutenant McDonald, Sergeant Lindler, Investigator Boland,
8 and Sergeant Isenhoward to serve a search warrant.

9 Q. And was Vincent Nelson present at that location?

10 A. No, ma'am, he was not.

11 Q. But did you speak with some family members?

12 A. We did.

13 Q. And after that, did you all proceed to another location?

14 A. Yes, ma'am, we did.

15 Q. Where did you go?

16 A. After that we went to Broad River Terrace. I believe it
17 was Apartment .

18 Q. And was Vincent Nelson located at that residence?

19 A. No, ma'am, he was not.

20 Q. Did you actually make contact with someone in that
21 residence?

22 A. Yes, ma'am.

23 Q. And did you speak with her?

24 A. Yes, ma'am, I did.

25 Q. And did she give you verbal consent to actually look

1 through the house?

2 A. Yes, ma'am, she did not -- I mean she did. He was not
3 there.

4 Q. And then did y'all proceed to a third location?

5 A. We did. We proceeded to Hammond Village, Apartment
6

7 Q. Okay. When you arrived -- and you said you're with
8 multiple investigators at this point?

9 A. Yes, ma'am.

10 Q. Okay. When you arrived, where did you go?

11 A. I went to the rear of the apartment to cover the back
12 door with Investigator Boland.

13 Q. Okay. And this is an apartment complex, so there are
14 front entries and rear entries.

15 A. Yes, ma'am.

16 Q. And you were with Investigator Boland?

17 A. Yes, ma'am.

18 Q. Were several individuals actually located at the home?

19 A. Yes, ma'am, they were.

20 Q. Who all was located in the home?

21 A. The individual that we had the warrant for, Vincent
22 Nelson, Jr., was located there. There was also another
23 individual there by the name of Maurice Roberts, Jr., and
24 there was another individual there by the name of Jwaun
25 Duckett.

1 Q. And was Maurice Roberts, Jr.'s, father also present?

2 A. He was.

3 Q. When y'all -- and you were at the rear entry; correct?

4 A. To begin with, yes, ma'am.

5 Q. Okay. Did you learn that other investigators had
6 actually encountered someone at the front of the residence?

7 A. Yes, ma'am.

8 Q. Tell the jury about that.

9 A. When we first arrived at that particular apartment
10 complex, of course, you have to cover the front and -- and
11 rear of the residence. Investigator Boland and I went to
12 cover the rear of the residence. Sergeant McDonald and
13 Sergeant Isenhoward were at the front of the residence, and
14 it's a rather small apartment. I mean, you could hear what
15 was going on in the front or at least, you know, you could
16 hear a commotion and it was obvious there was raised voices
17 and commands and so forth, that someone was in there, and
18 once -- once the situation was under control, Investigator
19 Boland and I came around and we could see that -- we could
20 see that Vincent Nelson, Jr., was in custody, and we were
21 speaking with at that particular time Maurice Roberts, Jr.
22 and Maurice Roberts, Sr.

23 Q. And did Maurice Roberts, Sr., actually give you all
24 consent to search the residence?

25 A. Yes, ma'am, he did.

1 Q. Upon gaining that consent, what did you do and who were
2 you with?

3 A. I was with Sergeant Isenhoward, and we went upstairs to
4 just do a protective sweep to make sure that, you know -- I
5 mean, obviously we were on a -- we were on a murder case with
6 -- you know, there's obviously a weapon still out there and
7 so forth. It could be a dangerous situation, so we did a
8 protective sweep to ensure that nobody came out on us as we
9 were in the apartment.

10 Q. Okay. And did you actually locate an individual during
11 the sweep?

12 A. Yes, ma'am.

13 Q. Who was that?

14 A.. One of the upstairs bedrooms in one of the closets, an
15 individual by the name of Jwaun Duckett was hiding there.

16 Q. Okay. And without telling me what you said to him, did
17 you all actually obtain a certain item from his person?

18 A. Yes, ma'am, we did.

19 Q. And what was that?

20 A. It was a cell phone.

21 Q. A cell phone? I believe this is the same cell phone
22 that Sergeant Isenhoward spoke about earlier?

23 A. Yes, ma'am.

24 Q. And through the course of your investigation, did you
25 actually learn who that cell phone belonged to?

1 A. I learned that it belonged to Maurice Roberts, Jr.

2 Q. And without telling me what was said, did you all learn
3 how Jwaun Duckett came into possession of that phone?

4 A. Yes, ma'am.

5 Q. After identifying or finding Mr. Duckett in the closet,
6 what did you do?

7 A. Jwaun Duckett joined me in my vehicle.

8 Q. And was he ultimately transported to headquarters?

9 A. Yes, ma'am, he was.

10 Q. And then subsequent to that -- was he actually placed
11 under arrest at all for this incident?

12 A. He was placed under investigative detention at the time.
13 Obviously it can be a dangerous situation; we're out there
14 looking for suspects in a homicide. We know that one of the
15 individuals there at that location has known associates who
16 may be involved in this homicide. So we take the appropriate
17 precaution.

18 In a particular situation like this where certain things
19 were found in the house, we place them under investigative
20 detention. He was informed of such.

21 Q. Okay. And after being placed in investigative detention
22 for a period -- and like I said, y'all are interviewing
23 potential witnesses, anybody who might have any information;
24 correct?

25 A. Correct.

1 Q. Did you all transport him somewhere?

2 A. Yes, ma'am. He was transported to the Richland County
3 Sheriff's Department headquarters on Two Notch Road.

4 Q. And after that did you all actually go somewhere else
5 based on some information that you had?

6 A. Yes. After that I -- Jwaun Duckett rode with me, and en
7 route to taking him home he took me by a residence.

8 Q. And what was the address for that residence?

9 A. If you would bear with me just a moment. It was -- it
10 was and . It's a duplex at that
11 particular location.

12 Q. Okay. And through the course of your investigation, did
13 you actually learn about an individual who lived at that
14 location?

15 A. Yes, I did.

16 Q. Who was that?

17 A. The individual who lived at that location was Demetrice
18 James.

19 Q. Okay. And subsequent to this, as things go along, did
20 you actually develop Mr. James as a possible suspect?

21 A. Yes, ma'am.

22 Q. On -- moving to January 29th of 2013, at this point Mr.
23 Roberts and Vincent Nelson, were they in custody?

24 A. Yes, ma'am.

25 Q. And I want to turn your attention to January 30th of

1 2013. Were you tasked with another portion of this
2 investigation?

3 A. Yes, ma'am.

4 Q. What was that?

5 A. On January 30th I went with Sergeant Isenhoward and
6 Sergeant McDonald to Demetrice James' residence where he had
7 been arrested, and Investigator Boland and I transported
8 Demetrice James to headquarters.

9 Q. Okay. So at that point when y'all proceeded there, you
10 all had arrest warrants for the charges of murder?

11 A. Yes, ma'am.

12 Q. And attempted armed robbery?

13 A. Yes, ma'am.

14 Q. And burglary first?

15 A. Yes, ma'am.

16 Q. As well as attempted murder.

17 A. I'm sorry?

18 Q. As well as attempted murder.

19 A. Yes, ma'am.

20 Q. And he was arrested.

21 A. Yes, ma'am.

22 Q. On -- turning your attention to February 1st of 2013,
23 did you continue to search a location?

24 A. Yes, ma'am. On February 1st I met with Investigator
25 Boland, and before going to Hammond Village we met up at a

1 location and then went to Hammond Village. Investigator
2 Boland and I went there and continued to search.

3 Q. And at this point were all four individuals in custody
4 or at least identified by the 1st?

5 A. Identified, yes, ma'am.

6 Q. And what did y'all do at Hammond Village? And just to
7 be clear, this location is actually where Vincent Nelson was
8 located?

9 A. Yes, ma'am.

10 Q. And Maurice Roberts lived at this location.

11 A. That's correct.

12 Q. What did y'all do on the 1st?

13 A. We actually went back to the location there on Marlboro
14 Street or that apartment in Hammond Village. Investigator
15 Boland and I observed a large rollback trash can dumpster at
16 that location, and Investigator Boland and I looked in that
17 dumpster.

18 Q. And what did you all find in that dumpster that you
19 thought might be significant to your investigation?

20 A. Investigator Boland found an Army-type B.D.U. camouflage
21 shirt slash jacket in that rollback.

22 Q. I'm going to show you what's been marked as State's
23 Exhibit 207. Tell me if you recognize that, and you can pull
24 it out.

25 A. I do. That looks like the jacket.

1 Q. Okay. That's the jacket y'all recovered from the
2 dumpster?

3 A. Investigator Boland recovered from the dumpster, yes,
4 ma'am.

5 **Ms. Simpson:** Your Honor, at this time I would offer
6 State's 207 into evidence.

7 **Ms. Anastasia Walker:** Without objection, Your Honor.

8 **The Court:** In without objection.

9 (State's Exhibit 207 was received in evidence.)

10 By Ms. Simpson:

11 Q. In addition to searching the dumpster, were you all --
12 let me back up. Were you all still trying to locate a weapon
13 as well?

14 A. Yes, ma'am.

15 Q. And in those efforts, what did you do in this area?

16 A. We were trying to locate the weapon. We were looking in
17 grills in the back of apartments or in the front of
18 apartments, wherever a grill might be located.

19 Q. You actually spoke with the owners of the grill and
20 would---

21 A. Yes, ma'am, would knock on the door and ask them if they
22 would mind if we looked in their grill and so forth.

23 Q. And were y'all able to find anything?

24 A. No, ma'am.

25 Q. Then also on the 1st, was Deshawn McClary actually taken

1 into custody?

2 A. He was. We had received word that he was located in
3 Orangeburg, South Carolina, by S.L.E.D. He was taken into
4 custody and brought to Richland County Sheriff's Department
5 headquarters.

6 Q. And then finally, without going into detail, did you
7 respond back to Maurice Roberts' apartment on February 7th of
8 2013?

9 A. Yes, ma'am, we did.

10 Q. And was that the extent of your involvement with the
11 investigation?

12 A. More or less, yes, ma'am.

13 Q. And the person that you all ultimately arrested and took
14 into custody, do you see him in the courtroom today?

15 A. Yes, ma'am.

16 Q. Who is that?

17 A. Demetrice James.

18 Q. And he was again arrested because of your investigation
19 and what you knew about his planning and participation in the
20 robbery and home invasion?

21 A. Yes, ma'am.

22 Q. On January 25th?

23 A. Yes, ma'am.

24 **Ms. Simpson:** And let the record reflect he identified
25 the defendant. Thank you, Investigator Tanner.

1 **Ms. Anastasia Walker:** Your Honor, I have no cross for
2 this witness.

3 **The Court:** All right. You can step down. Thank you.
4 Call your next witness.

5 **Ms. Simpson:** The State calls Investigator Boland.

6 James Boland, after being duly sworn, testified as
7 follows:

8 **The Clerk:** Please have a seat in the witness stand, and
9 state your full name for the record.

10 **The Witness:** James Boland.

11 Direct Examination

12 By Ms. Simpson:

13 Q. Investigator Boland, where are you employed?

14 A. Richland County Sheriff's Department.

15 Q. And what is your position there?

16 A. I'm an investigator assigned to the Major Crimes Unit.

17 Q. How long have you been with Richland County?

18 A. Eighteen years.

19 Q. Eighteen years?

20 A. That's correct.

21 Q. As an investigator - and we've heard from several - tell
22 the jury what you do.

23 A. Much like Investigator Tanner spoke to you earlier, we
24 work together in the Major Crimes Unit. We're assigned
25 reports that need additional follow-up. Again, I work major

1 assaults, domestic assaults, anything in major crimes that
2 need following up on.

3 **Court Reporter:** I'm sorry. You're going to have to
4 speak up.

5 **The Witness:** Okay.

6 By Ms. Simpson:

7 Q. Say that last part one more time. You work major
8 assaults, major---

9 A. Major assaults, anything that needs additional follow-up
10 that's not handled by the line units as they respond.

11 Q. Okay. And on January 25th of 2013, did you become
12 involved in this murder investigation?

13 A. I did.

14 Q. And were you actually assigned to be the lead?

15 A. I was.

16 Q. And tell us how you were notified.

17 A. I was working the evening shift with Sergeant Faust that
18 you heard from earlier. One of my duties was to handle any
19 homicides that may occur while we're working the evening
20 shift. We had that shooting incident which unfortunately led
21 to Mr. Jones' death. So from the time I responded to the
22 scene 'til the final co-defendant was arrested, I have been
23 involved in this case.

24 Q. And once you were notified to respond, did you actually
25 head towards the incident location---

1 A. I did.

2 Q. ---in this case? And where was that location?

3 A. here in Richland County.

4 Q. And while en route to the incident location, did you
5 actually receive further information?

6 A. Yeah. It's not uncommon whenever people are going to
7 the hospital or to the scene or wherever their respective
8 duties will take them that you get additional information as
9 you're traveling there. I had gotten information that other
10 Richland County units were in the River Drive area conducting
11 an unrelated matter. Okay? For a local business in the
12 area. So they had units in the area at the time.

13 When this call went out, those units then moved, that
14 were just a block or two away, to the scene. It's whenever
15 the units were going towards that a
16 vehicle was spotted leaving the area and subsequently stopped
17 by Canine Abraham.

18 Q. Okay. And with respect to that traffic stop, did you
19 actually go to the location?

20 A. I did.

21 Q. Where was that?

22 A. It was at the intersection of Williamsburg and McCray
23 right in front of E.E. Taylor School.

24 Q. And tell us a little bit about the individuals that were
25 located in that car and what was done while you were on the

1 scene.

2 A. Again, I was getting information while I was headed to
3 the scene; I was being updated. I understood that there had
4 been a car stopped with three individuals in it. I was given
5 a description of the individuals in the car, and I compared
6 that to the description of the individuals that I also
7 learned had fled from Williamsburg, the shooting
8 incident.

9 Whenever I arrived there, they had three individuals
10 outside of the vehicle. I met with the officers at the
11 traffic stop. Obviously I could visually see the
12 descriptions of the three individuals. I learned that one of
13 them's name was Jonathan. While en route there, I had
14 learned that we were looking for a Jay-School that was
15 connected to the shooting incident at Williamsburg. So I
16 spent some time out there making sure that these people were
17 or were not involved in this shooting incident.

18 Q. And did -- once you identified -- were those individuals
19 actually placed into photo line-ups that we've heard some
20 about this week?

21 A. Yes. Their information was -- I communicated back to
22 Sergeant Faust who was at headquarters, and then as I
23 understand it, obviously you heard Sergeant Faust then
24 presented that information to the witnesses there at
25 headquarters.

1 Q. And none of the witnesses actually identified them as
2 being involved.

3 A. None.

4 Q. In addition to that, with respect to the weapon that was
5 found in the car---

6 A. Right.

7 Q. ---can you tell us about that?

8 A. The caliber of the gun that was found in the car was a
9 .380. I was just a couple of houses from the scene, having
10 spoken with Crime Scene who was actually on the scene as I
11 arrived. It was a different caliber of weapon that was used
12 than the shooting at Williamsburg.

13 Q. You don't actually process the scene; that is for the
14 crime scene investigators.

15 A. When Crime Scene is on the scene, it's their scene.

16 Okay? I don't -- that's -- I don't go into the scene unless
17 it's absolutely positively necessary for me to do so.

18 Q. And once you left the traffic stop location, where did
19 you go?

20 A. I then traveled back to -- are you talking about after I
21 left the scene or the traffic stop?

22 Q. Oh, I'm sorry. After you left McCray Street, where did
23 you respond to?

24 A. I then went down to the incident location at

25 Q. And you said you made contact with the investigators who

1 were already there?

2 A. A couple of deputies were on the scene conducting the
3 crime scene log, and obviously Investigator Woods and Beeler
4 were processing at the time. I spoke with Mr. Davis who was
5 there as well.

6 Q. And as a result of responding to the scene, did you
7 gather additional information about this case?

8 A. Yeah. I had learned that the witnesses that had been
9 transported back up to headquarters were giving information
10 in reference to the Jay-School and that that individual was
11 subsequently identified.

12 Q. Okay. And none of the victims were actually present at
13 the scene when you arrived; correct?

14 A. The -- none -- no, the three victims that were there had
15 already been transported.

16 Q. But there were several witnesses at the location.

17 A. By the time I got done with that traffic stop?

18 Q. They were already transported?

19 A. Mr. Scott and Ms. Pearson had already been transported
20 to headquarters.

21 Q. After you had the information about Jay-School,
22 identifying him -- or were you able to confirm the actual
23 identity?

24 A. Yes.

25 Q. Who was it?

1 A. Vincent Nelson, Jr.

2 Q. And what did you do with that information?

3 A. I subsequently obtained arrest warrants.

4 Q. And then turning your attention -- this is pretty late
5 in the evening hours?

6 A. On which date, ma'am?

7 Q. I'm sorry. The 25th of 2013.

8 A. I worked all night the 25th into the 26th, but the
9 shooting incident, yes, that occurred approximately -- I
10 think dispatch time was 23:17 hours.

11 Q. So 11:17 in the---

12 A. 11:17 p.m. is the -- is what the dispatch log would say.

13 Q. So that's when 9-1-1 is called and you all actually
14 respond to the scene.

15 A. Correct.

16 Q. And then after finishing or working through the morning
17 hours of the 26th, did you actually go home for a period of
18 time?

19 A. Yes. I went home approximately 6, 6:30 the morning of
20 the 26th to return that afternoon about 1:30 in the
21 afternoon.

22 Q. And what did you do when you returned?

23 A. I went to headquarters, located Captain McDonald. He
24 was there searching several databases to try to garner more
25 information regarding the case.

1 Q. And did you make contact with the family of the deceased
2 victim, Brandon Jones?

3 A. Yes.. I got a message to phone a Mr. Praylow (phonetic)
4 who is Mr. Jones' paternal grandfather, and he was just --
5 basically through that conversation and such I had learned
6 that Mr. Jones was brought to Columbia just a day or two
7 earlier to visit with the Scott brothers.

8 Q. Okay. And also on the 26th did you receive some
9 additional information from Sergeant Faust?

10 A. Yes. He indicated that there was an individual that
11 possibly -- that would like to speak to us and that -- about
12 trying to give us more information regarding the case. So we
13 met with Troy Scott and Mr. Liberty there at headquarters.

14 Q. Okay. And we've heard this - we've been here all week -
15 but they identified essentially a person, Linard Gaston---

16 A. Right.

17 Q. ---as a possible individual?

18 A. Right.

19 Q. And was he ultimately eliminated---

20 A. Yes.

21 Q. ---as being involved? Who else did you make contact
22 with on the 26th?

23 A. I spoke with Cari Pearson and Troy Scott.

24 Q. And what was your purpose of going to speak with them
25 again?

1 A. Obviously I had not had the opportunity to speak with
2 Ms. Pearson or Mr. Scott yet; obviously they were witnesses.
3 Me being the investigator on the case, I needed to speak with
4 them and get their information firsthand.

5 Q. And did you, in fact, speak with them?

6 A. I did.

7 Q. And then later in the day, did you actually make contact
8 with another victim in this case, Joshua Williams?

9 A. Yes. I spoke with Mr. Williams and Mr. Scott
10 approximately 10:00 the night of the 26th there at
11 headquarters on Two Notch Road.

12 Q. And they told you and gave you information about what
13 happened?

14 A. Right.

15 Q. And did they give you additional information regarding
16 individuals that might be involved?

17 A. Mr. Williams, who obviously was a victim that was there
18 in the middle of the driveway, he was privy to some of the
19 sights and sounds that he heard while in the driveway, and he
20 described what he had heard from the co-defendants and some
21 of the clothing description.

22 Q. Okay. And then moving to the 27th, did you actually go
23 back to the incident location with Sergeant Faust?

24 A. Right. Obviously if you remember all the pictures that
25 you've seen throughout this case, it's -- to try to describe

1 it and not be there is rather difficult. So to eliminate any
2 confusion to any other investigator that may be assisting me,
3 I thought it might be necessary that we go back to the scene
4 so we could do a walk-through. So I took Sergeant Faust back
5 to the home so he could understand better as we explained to
6 him the different rooms that were involved in this case.

7 Q. And this home actually had a lot of different rooms.

8 A. Yes.

9 Q. Correct? In the upstairs, down, I guess, level in the
10 driveway area..

11 A. Right.

12 Q. So you wanted to get a better perspective---

13 A. That is correct.

14 Q. ---of what happened. Then on the 28th did you respond
15 back to headquarters?

16 A. Yes. The morning of the 28th was a Monday. Much like
17 Sergeant Faust remarked earlier, we run with this all weekend
18 until additional personnel come in on Monday. I met with
19 supervisors. I met with other lab units, briefed them -
20 forensics, firearms - and just to kind of give them a basic
21 overview of what had happened over the course of the weekend,
22 and that's when we determined obviously that arrest warrants
23 would be obtained for Mr. Nelson.

24 Q. So in addition -- so the arrest warrants - and I
25 apologize; I think my question was worded awkwardly earlier -

1 weren't actually obtained for Vincent Nelson until the 28th.

2 Correct?

3 A. Correct.

4 Q. And did you also obtain a search warrant for a specific
5 location?

6 A. Yes.

7 Q. What location was that?

8 A. Over the course of the weekend obviously, doing research
9 on Jay-School, ultimately Mr. Nelson, Jr., we had been
10 directed to the Broad River Road area, particularly off of
11 Stuccawa Drive. So we got a search warrant for

12 . It's the known address of Mr. Nelson.

13 Q. And he wasn't actually located at that residence?

14 A. He was not.

15 Q. And Investigator Tanner was assisting you during this
16 process as well.

17 A. Yes.

18 Q. In addition to other investigators.

19 A. Right.

20 Q. So y'all went to another location.

21 A. Yes.

22 Q. And then finally you all ended up at Hammond Village.

23 Tell us what you observed when you arrived and what you did.

24 A. It's a small apartment complex there off Marlboro

25 Street. Again, Investigator Tanner and I went to the rear of

1 the residence because there was a back door to the apartment.
2 Captain McDonald and a couple of sergeants went to the front
3 door. Again, we could hear that they had made entry into the
4 home. We heard -- I could hear voices inside, and then by
5 the time I made it back around to the front of the building,
6 Mr. Nelson was being escorted out of the apartment
7 handcuffed.

8 Q. All right. And was another individual located in the
9 home?

10 A. Yeah. Whenever Mr. Nelson came out and I realized I
11 could recognize him from the pictures we had, he was
12 immediately escorted to my car. There I stayed with Mr.
13 Nelson, and then I understood -- I saw two other individuals,
14 one of them get into Captain McDonald's vehicle and the other
15 one into Investigator Tanner's vehicle. At that time I did
16 not know who they were.

17 Q. Okay. Did you subsequently learn who those individuals
18 were?

19 A. Yes. Ultimately I would learn that they were Maurice
20 Roberts, Jr., and Jwaun Duckett.

21 Q. And were all three individuals transported to
22 headquarters?

23 A. Yes.

24 Q. Moving to the 29th of 2013, did you participate in
25 additional investigation in this case?

1 A. Yes.

2 Q. Without going into details to what was said.

3 A. Sure. Investigator Tanner and I -- obviously by the
4 29th, Mr. Roberts, Jr., and Mr. Nelson, Jr., were under
5 arrest. They had been transported to the jail, and
6 Investigator Tanner and I traveled down to the jail to make
7 contact with both the individuals.

8 Q. And also on the 29th did you actually obtain some
9 additional warrants?

10 A. I did.

11 Q. For I guess individuals involved in this case?

12 A. That's correct.

13 Q. Who did you obtain the warrants for?

14 A. Up until that point, the investigation revealed that
15 warrants would be obtained for Deshawn McClary and Demetrice
16 James.

17 Q. And did you learn the location where Demetrice James
18 might be found?

19 A. Yes.

20 Q. What was that?

21 A.

22 Q. And were efforts made to locate him at that residence?

23 A. Yes, we went there; no one was home.

24 Q. Okay. And what happened after no one was home? What
25 did y'all do?

1 A. That's when we obtained a search warrant for the
2 residence.

3 Q. And then later on that day, did you actually learn that
4 the defendant's father had called you all?

5 A. Yes.

6 Q. And did you all respond back to his home?

7 A. Yes.

8 Q. And at that point who did you take into custody?

9 A. Investigator Tanner and I transported Mr. James back to
10 headquarters on Two Notch Road.

11 Q. And was he arrested?

12 A. He was.

13 Q. And then on the 31st, did you actually serve additional
14 warrants on Vincent Nelson?

15 A. Yes.

16 Q. Then moving to February 1st of 2013, what did you do?

17 A. Investigator Tanner and I traveled back over to Marlboro
18 Street which would be the residence of Maurice Roberts, Jr.,
19 to conduct further search.

20 Q. Of the location?

21 A. Yes.

22 Q. And can you tell us about that?

23 A. Yeah. We were looking for clothing that may have been
24 worn that could produce more evidence in the case. We hadn't
25 located the gun yet. So in an abundance of caution, we

1 wanted to try to search the residence for the weapon and/or
2 any clothing that might be associated with it.

3 Q. I'm going to show you what's been marked as State's
4 Exhibit 37. Tell me if you recognize that.

5 A. Yes.

6 Q. And what is contained in that?

7 A. That's clothing that was taken from Maurice Roberts',
8 Junior's, home.

9 Q. Okay. And you actually took that clothing?

10 A. I did.

11 Q. What's contained in this package or do you need scissors
12 to open it?

13 A. No. Do you want me to take it out?

14 Q. Yes.

15 **Ms. Pinnock:** Your Honor, I would object to this.

16 **Ms. Simpson:** Oh.

17 **Ms. Pinnock:** It's not been introduced into evidence.

18 **Ms. Simpson:** I apologize. Your Honor, at this time I
19 would offer State's 37 into evidence.

20 **Ms. Pinnock:** Is that the only thing in there?

21 **Ms. Simpson:** The jacket, the hoodie and---

22 **The Witness:** Pants.

23 **Ms. Simpson:** Pants.

24 **The Witness:** Camo pants.

25 **Ms. Simpson:** Camo pants.