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NO DEF. BRIEF

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY

Maite Murphy, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JAMES L. SINGLETON,

APPELLANT

APPELLATE CASE NO. 2015-001152

RECORD ON APPEAL

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7 VS.)

8) MAY 12-14, 2015
9 JAMES LAMONT SINGLETON, JR.) ST. GEORGE, SC

10 B E F O R E:

11 HONORABLE MAITÉ MURPHY, JUDGE, AND A JURY.
12

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1 (State's Exhibits 1-5 premarked for identification for
2 pretrial hearing.)

3 MR. SORENSON: May it please the Court, Your Honor.

4 THE COURT: Yes, sir.

5 MR. SORENSON: We're here for the purposes of the State
6 versus James Lamont Singleton, Jr. he is present with his
7 lawyer, Mr. John Loy. I think we've got a little bit of
8 pretrial that we can handle this morning before the jury
9 comes in this afternoon.

10 THE COURT: All right, sir.

11 MR. SORENSON: There are two written statements that Mr.
12 Singleton gives, so we're prepared at this point in time to
13 do a Jackson v. Denno hearing.

14 THE COURT: You may call your first witness.

15 MR. SORENSON: State calls Lieutenant Sandy Williams.

16 THE COURT: Before we get started, Solicitor, I just
17 want to place on the record, I think when I was in private
18 practice I may have done something for Ms. Williams as a
19 private attorney, but it's been years ago, but I just wanted
20 to disclose that to both parties to ensure that nobody has a
21 problem with it, or if there's a conflict you may want to
22 discuss that with, Mr. Loy, with your client.

23 MR. LOY: Thank you, Your Honor, just briefly.

24 (Defendant and attorney confer.)

25 MR. LOY: Your Honor, I discussed that scenario with Mr.

1 Singleton. Thank you for the Court's indulgence. Mr.
2 Singleton tells me he doesn't believe this creates an issue,
3 and I've advised him I do not believe it creates an issue.
4 We're ready to go.

5 THE COURT: Thank you, Mr. Loy. Is that correct, Mr.
6 Singleton?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Anything from the State?

9 MR. SORENSON: No, Your Honor.

10 THE COURT: You may proceed.

11 MR. SORENSON: Thank you, Your Honor.

12 CASSANDRA WILLIAMS,
13 being first duly sworn, testified as follows:

14 DIRECT EXAMINATION BY MR. SORENSON:

15 Q. Tell the Court where it is that you're employed.

16 A. I'm employed by the Town of Summerville Police
17 Department.

18 Q. And how long have you been employed with the Town of
19 Summerville Police Department?

20 A. For 15 and a half years.

21 Q. What are your current duties and responsibilities there?

22 A. I am the lieutenant commander of investigations.

23 Q. And back in May of 2013, so two years ago, in what
24 capacity were you employed at that time?

25 A. I was the sergeant of criminal investigations.

1 Q. I want to turn your attention if I could to the early
2 morning hours of May the 23rd of 2013. Did you have occasion
3 that morning to come into contact with this defendant, James
4 Singleton?

5 A. Yes, I did.

6 Q. And tell the Court where it was that that occurred at.

7 A. It occurred at the Summerville Police Department during
8 the early morning hours in our holding area.

9 Q. Okay. And did you, had you been assigned at that point
10 in time to investigate an incident that had occurred in
11 Gadsden Acres several hours prior to that?

12 A. Yes, I was.

13 Q. Were you aware at that point in time that Mr. Singleton
14 had been arrested out there in that vicinity by patrol
15 officers with the police department?

16 A. Yes, I was.

17 Q. So that morning when you came into contact with Mr.
18 Singleton, was he under arrest at that time?

19 A. Yes, he was.

20 Q. Did you then have an opportunity that morning to talk to
21 him and attempt to take a statement from Mr. Singleton?

22 A. Yes, I did.

23 Q. I want to show you State's Exhibit No. 1 and 2 just for
24 ID purposes at this time. Do you recognize those documents?

25 A. Yes, I do.

1 Q. And tell the Court, when you first came into contact
2 then with Mr. Singleton that morning, what did you do when
3 you first came into contact with him in the early morning
4 hours of May the 23rd of 2013?

5 A. I made contact with Mr. Singleton in our holding area.
6 I introduced myself and explained my reason for meeting with
7 him. I then secured him in leg irons and then escorted him
8 to our detective bay where I sat down with him, chatted about
9 personal information as far as where he went to school, so
10 forth, and then I Mirandized him.

11 Q. In that initial kind of chatting with him, that initial
12 part, did you talk to him at all about what allegedly
13 happened that night?

14 A. No, sir, I did not.

15 Q. During that initial chatting with him were you able to
16 determine whether he appeared to be under the influence of
17 anything?

18 A. Yes.

19 Q. And did he appear to be under the influence of anything
20 when you talked to him that morning?

21 A. No, he did not.

22 Q. Did he indicate to you whether he could read and write?

23 A. Yes.

24 Q. Indicate to you what level of education he had achieved?

25 A. Yes.

1 Q. And what was that?

2 A. High school, the 12th grade, high school.

3 Q. And ultimately, so you said after kind of ascertaining
4 that stuff, did you then at that point in time go over his
5 Miranda Warnings with him?

6 A. Yes.

7 Q. Tell the Court, how did you go about advising him of his
8 Miranda Warnings?

9 A. The advisement of rights, the top portion of our
10 advisement of rights has particular information, personal
11 information as far as his name, address, date of birth,
12 Social Security number, where he was employed, whether or not
13 he was under the influence of any alcohol, drugs or
14 medication. I asked those questions, and then I also
15 provided the information -- wrote down the information that
16 he provided. After obtaining his personal information I then
17 read the form verbatim as far as I introduced myself again
18 and advised him that I'm a member of Summerville Police
19 Department and of his advisements of rights. For those I
20 read each one, and then I ask for him to initial next to the
21 number if he understood each right that I read to him.

22 Q. Okay. And what's marked up there as State's Exhibit No.
23 1, is that the advisement of rights form that you went over
24 with Mr. Singleton that morning on May the 23rd of 2013?

25 A. Yes, it is.

1 Q. And if you would kind of go over that for the Court, how
2 that form -- how you went over it with Mr. Singleton that
3 morning and the information that he provided.

4 A. As I explained a few moments ago, I asked him his name,
5 his address, employment, Social Security number, his birth
6 date, and whether or not he was under the influence of any
7 alcohol, drugs or medication. I then stated this, "Sergeant
8 Williams has advised me that he is a member of Summerville
9 Police Department," and corrected it by saying she, "and has
10 further advised me that I have the absolute right to remain
11 silent and do not have to answer any questions or give a
12 statement and this fact cannot be used against me." I then
13 turned to Mr. Singleton and asked him if he understood that.

14 Q. Okay. Did he indicate he did?

15 A. Yes.

16 Q. And what if anything did you get him to do to kind of
17 document that?

18 A. He wrote his initials next to the number.

19 Q. Is there a line off to the side of each of those rights?

20 A. Yes.

21 Q. All right. And then did you -- what did you do after he
22 initialed beside No. 1?

23 A. I continued to No. 2, which reads, "if I do answer any
24 questions or give a statement, anything I say can and will be
25 used against me in a court of law." And I then follow that

1 by asking whether or not he understood that.

2 Q. And did he initial next to that right?

3 A. Yes.

4 Q. And did you move on to No. 3?

5 A. Yes.

6 Q. Okay.

7 A. I then read, "I have the right to consult with a lawyer
8 of my choice before answering any questions or give a
9 statement and also to have them present while being
10 questioned," followed by, "do you understand?".

11 Q. Did he initial next to that right?

12 A. Yes.

13 Q. And you go on to No. 4?

14 A. "If I wish to talk to a lawyer or have them present but
15 am unable to afford to hire a lawyer, one will be appointed
16 to represent me free of charge. Do you understand?"

17 Q. And did he initial next to that right?

18 A. Yes.

19 Q. Then did you move on to the last one, No. 5?

20 A. "If I decide to answer any questions or give a statement
21 without having a lawyer present representing me, I have the
22 absolute right during this interview to stop answering
23 questions and to remain silent. Do you understand?"

24 Q. Did Mr. Singleton sign or initial next to that right?

25 A. Yes.

1 Q. And the person that initialed next to those five rights
2 that you were advising that morning, is he in the courtroom?

3 A. Yes, he is.

4 Q. Can you point him out for the Court?

5 A. (Indicating.)

6 Q. The defendant, Mr. Singleton?

7 A. Yes.

8 Q. After kind of going over those five rights, what's the
9 next -- what comes right after that on that advisement of
10 rights form?

11 A. I read, "I fully understand each of these rights which
12 I've been advised of," and I turned to Mr. Singleton and
13 said, "if that is true, please sign the single line to the
14 right."

15 Q. And did he -- did Mr. Singleton sign that line?

16 A. Yes.

17 Q. And who, if anybody, witnessed him signing that line?

18 A. I did as well as Officer Barrineau.

19 Q. All right. And then is there a further part of that
20 advice of rights form at the bottom that deals with him
21 waiving those rights?

22 A. Yes.

23 Q. Did you go over that with him that morning?

24 A. Yes.

25 Q. If you would go over that for the Court.

1 A. The waiver of rights, it states, "I fully understand
2 each of these rights which I've been advised of, and having
3 those rights in mind, I wish to waive these rights and answer
4 questions. No threats, force or promises of any kind have
5 been made to me by anyone to induce or cause me to waive
6 these rights and answer questions."

7 Q. And did Mr. Singleton indicate to you at that point in
8 time that he wished to waive those rights and talk to you?

9 A. Yes, he did.

10 Q. What if anything did you get him to do to kind of
11 document that?

12 A. Signed the single line to the right at the bottom.

13 Q. And he signed that, and did you and Officer Barrineau
14 both yet again witness his signing that waiver of rights
15 form?

16 A. Yes, we did.

17 Q. So at that point in time then, Lieutenant Williams, did
18 you, after he indicated that he wished to waive his rights,
19 did you then begin to talk with Mr. Singleton about what had
20 happened earlier that morning?

21 A. Yes, I did.

22 Q. Let me ask you, at that point in time to get him to
23 waive those rights did you threaten him in any way?

24 A. No, sir.

25 Q. Make him any promises?

1 A. No, sir.

2 Q. Deny any bodily comforts --

3 A. No, sir.

4 Q. -- such as a rest room or something to drink?

5 A. No, sir.

6 Q. And did he at any point in time then ask -- tell you
7 that he did not wish to talk to you?

8 A. No, sir.

9 Q. Ever say that he wished to have a lawyer before he
10 talked to you?

11 A. No, sir.

12 Q. Ultimately, then, what information -- did you ultimately
13 take a written statement from Mr. Singleton that morning?

14 A. Yes, I did.

15 Q. Did you talk to him at all prior to -- about what had
16 happened prior to that written statement?

17 A. Yes.

18 Q. What information did he give you kind of prior to giving
19 you a written statement?

20 A. He provided that he received a telephone call from an
21 undisclosed person asking whether or not he wanted to do a
22 look -- a lick, I'm sorry, of Molly and weed. He agreed to
23 this, and this person picked him up, and then they went over
24 to the Gadsden Acres -- he didn't know the name of the
25 location, but he went over to the area of the incident

1 location where he was dropped off at the Dollar General
2 store. While approaching the residence, he observed a
3 vehicle backing out of the driveway and assumed that the
4 homeowner left. He then approached the residence while armed
5 with a handgun and kicked -- knocked on the door a few times.
6 His knocks were unanswered. After the third or fourth knock,
7 I can't remember how many, he heard footsteps. He then
8 kicked the door open, at which time he saw a faint shadow
9 went over to the right. He then pursued the shadow and saw a
10 female -- white female standing in the bedroom. At that
11 point he asked the female where the weed and/or her boyfriend
12 was. At that time she directed or stated to him that they
13 were inside the backyard. He then grabbed the female, at
14 which time he -- I'm sorry, the back door. He then escorted
15 the female to the back door.

16 MR. LOY: Your Honor, I apologize. May I approach
17 counsel for a moment?

18 THE COURT: You may.

19 (Attorneys confer.)

20 MR. LOY: Thank you, Your Honor.

21 THE COURT: All right.

22 Q. Let me kind of cut you off as far as going into the meat
23 of this at this point in time. So he gave you further kind
24 of information about what had happened that morning?

25 A. Yes.

1 Q. And did you ultimately then get him -- get Mr. Singleton
2 to give a written statement about those events that he was
3 telling you about?

4 A. Yes, I did.

5 Q. Tell the Court how you went about then getting him to
6 give a written statement.

7 A. After speaking with him, I then asked him if he wanted
8 to provide a written statement about what transpired, and he
9 agreed to do so.

10 Q. Is there a Summerville Police Department statement form
11 that was used?

12 A. Yes.

13 Q. Do you have that up there before you? Is that State's
14 Exhibit No. 2?

15 A. Yes, it is.

16 Q. And if you would just kind of go over for the Court then
17 how you went about -- how Mr. Singleton went about giving
18 that statement that morning of May the 23rd.

19 A. After the interview, I then asked him whether or not he
20 would like to provide a written statement. He agreed to do
21 so. He completed his -- well, he wrote his name, address,
22 employment, his race, birth date, education, Social Security
23 number, as well as his phone number on the top portion of the
24 statement. After completing that, he then provided an
25 account of what transpired which is a page long. It was

1 actually the first page. On the second page of the statement
2 the top portion was completed by me with his name as well as
3 indicating it's a continuation from the first page. On the
4 second page there are also questions that were asked by me
5 and responded by him as well as written -- written by him.
6 At the -- there were six pages of the statement that was
7 obtained from him, each page, after -- upon completion of the
8 statement at 5:01 a.m. they were reviewed by Mr. Singleton,
9 signed by myself as well as Officer Barrineau.

10 Q. So just so I understand, I can hand that up to the Court
11 in a moment, but page 1 of that statement is a kind of a full
12 page that's a narrative that's written out?

13 A. Yes.

14 Q. And whose handwriting is that narrative?

15 A. Mr. Singleton's.

16 Q. And then pages 2 through 6 are a kind of a question and
17 answer -- a series of questions and answers?

18 A. Yes.

19 Q. And the questions are -- have a Q before them; is that
20 correct?

21 A. Yes.

22 Q. Whose handwriting are the questions?

23 A. Mine.

24 Q. And then the A are the answers. Whose handwriting are
25 the answers on those five pages?

1 A. Mr. Singleton's.

2 Q. Let me ask you, what time did you kind of begin
3 questioning and advising Mr. Singleton of his rights that
4 morning?

5 A. I began -- I advised him of his rights at 3:18 a.m. The
6 statement followed after the interview.

7 Q. And then ultimately do you document on page -- the
8 bottom of page 6 what time you ultimately finish up that
9 interview with him that morning?

10 A. The statement portion, yes.

11 Q. What time is that that you finished up with him that
12 morning?

13 A. 5:01 a.m.

14 Q. And you had indicated a moment ago that each of those
15 six pages Mr. Singleton signs at the bottom?

16 A. Yes.

17 Q. Indicating that he has either read or had them read to
18 him and they were made freely and voluntarily and they are
19 true and accurate to the best of his knowledge?

20 A. That is correct.

21 Q. That's on the bottom of each of those six pages?

22 A. Yes.

23 Q. And that was witnessed by who?

24 A. Myself -- I'm sorry, Officer Barrineau and I.

25 Q. And then there's another line also that he has signed at

1 the bottom. What is the purpose of that bottom right-hand
2 line?

3 A. To acknowledge that he received a copy of each --

4 Q. So he was --

5 A. -- page.

6 Q. -- given a copy of the six page statement when he was
7 left -- left the detective bay that morning?

8 A. Yes, he was.

9 Q. And at any point in time then from, you know, 3:18 in
10 the morning to 5:01, when you finished up, did you threaten
11 Mr. Singleton to get him to talk to you?

12 A. No, sir, I didn't.

13 Q. Make him any promises?

14 A. No, sir.

15 Q. Coerce him in any way?

16 A. No, sir.

17 Q. Did he in your experience appear to be freely and
18 voluntarily talking to you about the incidents of that
19 morning?

20 A. Yes.

21 Q. At any point in time did he indicate to you that he
22 wished to stop talking?

23 A. No, sir.

24 Q. At any point in time did he indicate to you that he
25 wished to consult a lawyer before he continued talking?

1 A. No, sir.

2 Q. He was ultimately -- I asked you at the outset, he was
3 under arrest at that point in time?

4 A. Yes.

5 Q. Was he taken off to jail at that point in time when you
6 finished with him at 5:00 in the morning?

7 A. Yes.

8 Q. Now, during -- let me ask you this, during the course of
9 that interview, and you kind of made reference to this
10 briefly earlier; did he provide some information that
11 suggested to you there was another person that was involved
12 in either planning this and/or bringing him over to that area
13 that morning?

14 A. Yes.

15 Q. And that morning of May the 23rd did he ever provide you
16 with the name of who that other person was?

17 A. No, he didn't.

18 Q. Now, during your investigation over the next day or so,
19 specifically a search warrant that was executed on Mr.
20 Singleton's phone, did you learn some information about who
21 that other person may have been?

22 A. Yes.

23 Q. And was that somebody you were familiar with?

24 A. Yes.

25 Q. Several days later then on the morning of May the 29th

1 of 2013 did you have an opportunity then to bring Mr.
2 Singleton back over to the Summerville Police Department and
3 attempt to question him further about this other person's
4 involvement?

5 A. Yes.

6 Q. And let me show you State's Exhibit No. 3. Do you
7 recognize that document?

8 A. Yes, I do.

9 Q. What's State's Exhibit No. 3?

10 A. That's the advisements of rights that was completed on
11 May the 29th, 2013.

12 Q. And is that the same type of form that was gone over
13 with him back on May the 23rd?

14 A. Yes.

15 Q. And that morning then, I think it says about 10:34 in
16 the morning; is that correct?

17 A. Yes.

18 Q. Did you then have an opportunity, just as you had done
19 on the 23rd, to go back over that advice of rights form with
20 him again?

21 A. Yes.

22 Q. Did you fill out the top portion?

23 A. Yes.

24 Q. Let me ask you, in that interim from May the 23rd to the
25 29th had he been at the Dorchester County Jail that whole

1 time?

2 A. Yes.

3 Q. So he was still in custody at that time; is that
4 correct?

5 A. That is correct.

6 Q. And did you ultimately then go over those five advice of
7 rights with him again?

8 A. Yes.

9 Q. And did he -- I'm not going to -- I mean, is it the
10 exact same five rights that you read on the morning of the
11 23rd?

12 A. Yes, they are.

13 Q. And did Mr. Singleton initial yet again beside each of
14 those five rights?

15 A. Yes.

16 Q. Did Mr. Singleton ultimately then sign that form
17 indicating that he understood those rights that he had been
18 advised of?

19 A. Yes.

20 Q. Who witnessed that occurring that morning on the 29th?

21 A. Officer Desmond Drayton.

22 Q. And yourself?

23 A. Yes.

24 Q. And is that reflected by your and his signatures on that
25 form?

1 A. That is correct.

2 Q. And then did you go over yet again with Mr. Singleton
3 that morning that waiver of rights form?

4 A. Yes.

5 Q. And did Mr. Singleton sign that, yet again indicating
6 that he wished to waive his rights and talk to you?

7 A. Yes.

8 Q. And so as a result then did you have an opportunity to
9 kind of question him a little more about this other person's
10 involvement?

11 A. Yes.

12 Q. And did he ultimately give you another written statement
13 then about 11:00 that morning about the other person
14 involved?

15 A. Yes.

16 Q. Showing you State's Exhibit No. 4, do you recognize that
17 document?

18 A. Yes.

19 Q. What is State's Exhibit No. 4?

20 A. That's the written statement I received from Mr.
21 Singleton that was followed after the Miranda Warnings.

22 Q. And does that basically kind of deal with who the other
23 person was involved and so forth?

24 A. Yes.

25 Q. And let me ask you, prior to getting him to give that

1 statement, just like I asked you about the 23rd, did you
2 threaten him in any way?

3 A. No, sir.

4 Q. Make him any promises?

5 A. No.

6 Q. Hold out any hope of a reward to get him to talk to you?

7 A. No, sir.

8 Q. Did he yet again appear to be freely and voluntarily
9 talking with you?

10 A. Yes, sir.

11 Q. Appear to be under the influence of anything?

12 A. No, sir.

13 Q. At any point in time indicate to you that he did not
14 wish to talk?

15 A. No, sir.

16 Q. At any point in time indicate to you that he wanted to
17 consult a lawyer?

18 A. No, sir.

19 Q. In fact, prior to that statement had he been given the
20 opportunity to actually talk to one of his family members at
21 the police department?

22 A. Yes.

23 Q. And let me ask you, you had indicated earlier that you
24 were familiar with the person that you felt might be involved
25 in this.

1 A. Yes.

2 Q. Did you ultimately have an opportunity to show Mr.
3 Singleton a picture of that individual?

4 A. Yes.

5 Q. And showing you State's Exhibit No. 5, do you recognize
6 that document?

7 A. Yes.

8 Q. And what is that document?

9 A. That is a single photo of Albert Bell.

10 Q. And what nickname was Albert Bell -- were you familiar
11 with Mr. Bell as going by?

12 A. Big Meech.

13 Q. What, if anything, did Mr. Singleton do with regards to
14 State's Exhibit No. 5?

15 A. He wrote the name "Big Meech" above the photograph, as
16 well as he -- he dated it and provided his initials.

17 Q. And is that the date, is that May the 29th of 2013?

18 A. Yes, it is.

19 Q. And then you had indicated you took, State's Exhibit No.
20 4 is I believe a three page statement; is that correct?

21 A. Yes, it is.

22 Q. And page 1, tell the Court what page 1 is of that
23 statement.

24 A. Page 1 is actually a -- where Mr. Singleton provided his
25 name, address, race, sex, birth date, telephone number,

1 education, Social Security number. He then had provided a
2 written account of information regarding to his codefendant.

3 Q. So that -- it's not quite the entire page, but all but
4 the bottom six lines or so, whose handwriting is that?

5 A. Above the -- half of the statement was -- the statement
6 itself was provided by him, written by him. After his
7 statement is one question that was asked by me and answered
8 by him.

9 Q. And then pages 2 and 3, just like the statement from May
10 the 23rd, is that yet again a kind of a question and answer
11 portion of the statement?

12 A. Yes, it is.

13 Q. And just like on the 23rd, whose handwriting are the
14 questions?

15 A. It's my handwriting.

16 Q. And then the answers, whose handwriting are the answers?

17 A. Mr. Singleton's.

18 Q. And did you at any point in time tell Mr. Singleton,
19 either the night of the -- early morning hours of the 23rd or
20 on May the 23rd did you ever tell him what to tell you?

21 A. No, sir.

22 Q. Whose words were those that were reflected in not only
23 the oral statement on the 23rd but then these two written
24 statements; whose words were they?

25 A. His words.

1 Q. And that ultimately concludes that second statement on
2 May 29th. What time does that conclude?

3 A. At 11:53 a.m.

4 Q. And just like on the 23rd, did Mr. Singleton sign each
5 of those three pages indicating that he had read them and
6 that they were freely and voluntarily made and true and
7 accurate to the best of his knowledge?

8 A. Yes, he did.

9 Q. And was he given a copy of that three-page statement?

10 A. Yes, he was.

11 Q. And he signed that indicating that also?

12 A. Yes.

13 Q. And yet again, the person that gave you that statement
14 on the early morning hours of May the 23rd and then the
15 second statement on May the 29th, that's the defendant, James
16 Singleton?

17 A. Yes.

18 MR. SORENSON: Beg the Court's indulgence.

19 That would be all I'd have, Lieutenant.

20 Do you want to look at those now or wait until cross?

21 THE COURT: I'll wait until Mr. Loy's done. Thank you.

22 Mr. Loy.

23 MR. LOY: Thank you, Your Honor.

24 CROSS-EXAMINATION BY MR. LOY:

25 Q. So initially you met with -- well, you didn't know Mr.

1 Singleton before your involvement in this case, is that
2 right?

3 A. I did not, no, sir.

4 Q. So initially you made contact with him or met him on the
5 night of the 23rd of May back in 2013; is that right?

6 A. The morning of, yes.

7 Q. Okay. I'm sorry. 3:00 in the morning May the 23rd, is
8 that right?

9 A. Yes, sir.

10 Q. And at that point he was in custody at the Summerville
11 Police Department?

12 A. Yes, sir.

13 Q. In a holding area, in a cell, so to speak, is that
14 right?

15 A. Yes, sir.

16 Q. Case has been assigned to you, and you were going to
17 take the opportunity to at least attempt to interview him, is
18 that right?

19 A. Yes.

20 Q. And you said that you went to his cell or where he was
21 being held. Did anyone accompany you there, or did you go
22 alone?

23 A. Someone accompanied me.

24 Q. Do you recall who that was?

25 A. Yes.

1 Q. Who was that?

2 A. Officer Barrineau.

3 Q. Officer Barrineau. And is Officer Barrineau a patrol
4 officer?

5 A. Yes.

6 Q. He was uniformed?

7 A. Yes.

8 Q. Wearing a gun, whatever, Taser, all the equipment that
9 they wear, do they wear those in the secure area?

10 A. No, sir.

11 Q. So he wasn't wearing the weapons, that sort of thing, is
12 that right?

13 A. That is correct.

14 Q. Were you?

15 A. No, sir.

16 Q. And you stated that Mr. Singleton was placed in leg
17 irons; is that correct?

18 A. Yes, sir, that is correct.

19 Q. And is that a standard procedure within the department?

20 A. That is, yes, sir.

21 Q. Coming out of the cell for an interview, I mean.

22 A. It's what I do when someone's being implicated for such
23 charges, yes..

24 Q. Was he handcuffed also?

25 A. No, sir.

1 Q. Okay. And where was he taken? Where did you all go?

2 A. To the detective bay in an interview room.

3 Q. When you say the detective bay, what do you mean?

4 A. An area where -- designated for detectives where we
5 interview.

6 Q. Is it like an open area with tables and desks or is
7 it --

8 A. It's actually a -- a room with a table and three chairs.

9 Q. Okay. And are there rooms attached? You say an
10 interview room. Did you go into a separate room, or did you
11 conduct your interview there in the large bay area?

12 A. Actually, it was in the separate room, walk through the
13 detective bay into the separate room.

14 Q. And is it essentially an interview room, a room for
15 those purposes or for meetings or whatever?

16 A. Yes, sir.

17 Q. And can you describe that room for me, please?

18 A. It's -- it has a table and three chairs.

19 Q. Big room, small room?

20 A. It's maybe 15 by 15.

21 Q. Okay. It's got a table and three chairs.

22 A. Yes, sir.

23 Q. And did Officer Barrineau accompany you and Mr.
24 Singleton into the interview room?

25 A. Yes, he did.

1 Q. And was he present for the advisement of rights that
2 you've talked about?

3 A. Yes, he was.

4 Q. And was he present for the -- I guess the initial
5 interview where you say that you gathered information about
6 how far did you go in school and can you read and write,
7 what's your phone number, that sort of thing, was Officer
8 Barrineau present for those questions and all also?

9 A. Yes, sir, he was.

10 Q. And did that, the gathering of information, did that
11 commence at 3:18, or was that what time the interview
12 itself --

13 A. That -- that was before 3:18.

14 Q. Okay. So you all talked, you gathered the information,
15 and then at the time that Mr. Singleton began to present his
16 statement, that was 3:18?

17 A. That's when I Mirandized him.

18 Q. Okay. And by Mirandized him you mean you went through
19 this sheet, I guess State's Exhibit No. 1, and said do you
20 understand you right to remain silent if you choose, and he
21 initialed the sheets, etc., is that right?

22 A. That is correct.

23 Q. How old was Mr. Singleton at that point if you know? Or
24 would you agree he was 17 at that point in time?

25 A. Let's see, yes.

1 Q. Okay. And did you, before you interviewed him, did you
2 determine whether or not he had a criminal history?

3 A. No, sir.

4 Q. I'm sorry, you did not determine that, or he did not
5 have one?

6 A. I did not determine whether or not he did.

7 Q. Since that point in time have you become aware as to
8 whether or not he had a criminal history?

9 A. I can't even recall at this moment whether or not he
10 did.

11 Q. Well you don't have to go look for it. Somebody can
12 pull it up. But if I told you a rap sheet doesn't show a
13 criminal history, you wouldn't dispute it at this point.

14 A. No, sir, I wouldn't.

15 Q. And it was about 3:00 in the morning. Mr. Singleton
16 had, by various accounts, been involved in a rather harrowing
17 circumstance; is that correct?

18 A. Yes, sir.

19 Q. Was he emotional? Did he appear upset?

20 A. No, no, sir.

21 Q. Sometime later, I believe in the second statement
22 that -- or when describing the second statement that you took
23 from Mr. Singleton, you describe him as emotional and crying
24 and saying these things were not fair, etc.; is that correct?
25 Do you recall that?

1 A. Yes, sir, I do.

2 Q. The first night that you met him, however, that did not
3 appear to be the case?

4 A. No, sir.

5 Q. And he told you he was not under the influence of
6 alcohol or any medication. Did you ask whether or not he was
7 under the influence of any illegal drugs? I see the sheet.
8 It just says alcohol or medication. Did you ask whether or
9 not he'd used any illegal drugs?

10 A. No, sir, I didn't.

11 Q. And he told you he had a high school diploma, is that
12 right, or that he was in the 12th grade?

13 A. A high school diploma.

14 Q. At the point in time that you sat down and talked with
15 him this first time, what was the information you had going
16 into the interview?

17 A. I had --

18 Q. And, I'm sorry, I hate to ask the question and cut you
19 off, but you can summarize it.

20 A. Yes. Okay. That there was an incident, a home
21 invasion, so to speak, in Gadsden Acres. The homeowner was
22 shot in the leg. Witnesses gave an account of someone firing
23 in the yard and someone fleeing as well as Mr. Singleton
24 being apprehended a short distance away.

25 Q. With a firearm?

1 A. With a firearm, yes.

2 Q. Nearby at least. Okay.

3 MR. LOY: Thank you. Just one moment, Your Honor.

4 (Brief pause.)

5 MR. LOY: I have no more questions, Your Honor.

6 THE COURT: Thank you. Anything further, Mr. Sorenson?

7 MR. SORENSON: Just to clarify briefly one thing.

8 REDIRECT EXAMINATION BY MR. SORENSON:

9 Q. I think Mr. Loy had indicated that Mr. Singleton was 17
10 years of age at the time.

11 A. He was actually 18.

12 Q. His date of birth was August 17th of '94, right? So
13 he'd be couple months --

14 A. Yes, sir.

15 Q. -- three months shy of his 19th birthday; is that
16 correct?

17 A. That is correct.

18 MR. SORENSON: That would be all I'd have.

19 THE COURT: You may step down, ma'am. Thank you.

20 Any other witnesses?

21 MR. SORENSON: Not on this matter, Your Honor. Thank
22 you.

23 THE COURT: Anything from the defense?

24 MR. LOY: May I have a moment.

25 THE COURT: Sure.

1 (Brief pause.)

2 MR. LOY: Yes, Your Honor, we will be offering
3 testimony.

4 THE COURT: All right, sir. You may call your first
5 witness.

6 MR. LOY: Mr. Singleton, come around, please.

7 JAMES SINGLETON,
8 being first duly sworn, testified as follows:

9 THE COURT: Mr. Loy, will you need these (indicating).

10 MR. LOY: I don't know, if I may retrieve them. Thank
11 you.

12 DIRECT EXAMINATION BY MR. LOY:

13 Q. You are Mr. James Singleton?

14 A. Yes, sir.

15 Q. Mr. Singleton, how old are you, sir?

16 A. 20 years old.

17 Q. We need you to speak up, okay?

18 A. 20 years old.

19 Q. Where is your home, sir, where are you from?

20 A. 5724 Chapman's Landing Road.

21 Q. Mr. Singleton, you're the defendant in this case, the
22 person whose been charged with this crime, is that right?

23 A. Yes, sir.

24 Q. You listened to Detective Williams earlier describe the
25 manner in which you were arrested and the manner -- well,

1 describe the fact that you were arrested and the manner in
2 which she said she interrogated you at the Police Department;
3 is that correct?

4 A. Yes, sir.

5 Q. Okay. And can you tell us, talking first about the
6 initial interview, the one that took place about 3:18 in the
7 morning, 5/23/13 describe for us your experience, that is,
8 how it differed from what Ms. Williams just described..

9 A. Well, I was waiting in the holding cell. She did come
10 get me. We walked into the interview room, the interrogation
11 room. She walked away for a minute, though. She left me
12 alone with Officer Barrineau, I believe she said. We waited
13 there for like five minutes, me and him, just talking. She
14 came back, and then she started asking me stuff like my
15 personal information, Social Security number, phone number
16 all that.

17 Q. You've been waiting a long time to get it out, so talk
18 slow and speak clearly so everybody can hear everything that
19 you've got to say, okay?

20 A. Yes, sir.

21 Q. Go ahead.

22 A. At that time she asked all my personal information.
23 Then she asked me, you know, what happened, you know, what
24 happened tonight. I thought about it for a second, and I
25 didn't -- I didn't give a immediate answer, you know. Then

1 she said that she already -- her officers already informed
2 her what happened that night. She said it would just look
3 better on my behalf if I simply would cooperate with her, you
4 know.

5 Q. Did she tell you what had happened at that point or just
6 that she knew what had happened and that you should
7 cooperate?

8 A. Yes, at that point that's it, she knew what happened and
9 that I should cooperate, it would look better on my behalf.

10 Q. Okay.

11 A. She said that it would look better on my behalf if I
12 cooperated. That question struck me, like how much better
13 would it look, how much trouble am I already in, so I asked
14 her, and she said I was looking at 30 to life. I had the
15 question, I was like, hold on, 30 to life, how did I get 30
16 to life and they shot at me first, you know. She said that
17 it didn't even matter. She said that if I go and kick in
18 someone's door in the middle of the night with a weapon in my
19 hand, than that gives them the legal right to kill me. Well,
20 I mean, when she said that, I was trying to process where did
21 she get, you know, this version of the events from. I tried
22 to explain to her the drug deal, you know. I tried to
23 explain to her what happened really that night.

24 Q. Was it something different than is reflected in your
25 statement?

1 A. Yes, sir.

2 Q. When you tried to explain what had happened before --
3 this was before or after your statement was written?

4 A. This was before. This is all before.

5 Q. And when you tried to explain what had happened before
6 writing your statement, that is, what had actually
7 occurred --

8 A. Yes, sir.

9 Q. -- tell us what happened next.

10 A. After I told her -- after I attempted to tell her about
11 what really happened, she cut me off really. I didn't really
12 get the whole thing out. She cut me off. She told me that I
13 needed to stop lying. She like give me this quizzical look,
14 like looking at me, like do you really expect someone to
15 believe that these people kicked in their own door, and she
16 told me to start over and try again. So I paused -- I paused
17 for a minute. I wasn't really sure what to say next. And
18 she said -- pretty much she said that her -- pretty much this
19 is what I think happened tonight, and she ran through a whole
20 list of like a sequence of events, like I kicked in the door,
21 I waved the gun in her face, she wouldn't tell me where it
22 was, whatever I was looking for, she wouldn't tell me where
23 it was.

24 Q. Was she describing for you what ended up being written
25 in the statement that's been attributed to you?

1 A. Yes, sir, yes, sir.

2 Q. Do you understand that question?

3 A. Yes, sir.

4 Q. Is that what was going on?

5 A. Yes, sir.

6 Q. Please continue. You don't have to tell us necessarily
7 every fact that's contained in your statement, but describe
8 the manner of the interview, where these statements came
9 from, etc., if you need to. And I'm not cutting you off. Go
10 ahead.

11 A. After she ran through that whole sequence, she said that
12 if I would deny the truth again, that she would see to it
13 herself that I received a life sentence. At that point I
14 was -- I was at a loss of words. It was like, what could I
15 say? I tried to tell the truth. She doesn't believe me.

16 Q. And how old were you at this point in time?

17 A. 18 years old.

18 Q. Had you been arrested before?

19 A. No, sir, never been in a pair of handcuffs.

20 Q. Were you wearing ankle bracelets at this point?

21 A. Yes, sir, yes, I was.

22 Q. Had been locked up for a while.

23 A. A few hours, I think. I mean, I'm not sure.

24 Q. And was this a new experience for you?

25 A. Yes, sir.

1 Q. And were you afraid?

2 A. Yes, sir. Yes, sir.

3 Q. And what was the feeling or the -- that Ms. Williams was
4 giving you or Detective Williams was giving you at this
5 point?

6 A. A little shocked. I really didn't really feel -- I
7 didn't -- I wasn't comfortable anymore sitting there talking
8 to her because, I mean, I was confused, just really confused.
9 I wasn't sure what to say anymore at that point.

10 Q. So what happened next?

11 A. After she said that, I started going through my head and
12 everything, and I figured, you know --

13 Q. I'm sorry, after she said what?

14 A. The sequence of events and the thing about the life
15 sentence.

16 Q. About you receiving a life sentence?

17 A. Yes, sir. I was sitting there, and I was thinking, I
18 mean, maybe she's not -- you know, maybe she's not pulling my
19 leg here, you know. Maybe this is -- you know, maybe this is
20 how it works because I have heard of people, or one person
21 that got a ten-month YOA for robbery, so I figured, you know,
22 why not run with it. So pretty much I tried to switch it up
23 at first but it -- it didn't --

24 Q. I don't know what you mean by tried to switch it up.

25 A. I tried to go her way with it pretty much.

1 Q. I understand.

2 A. I tried to tell her what she was trying to lead me on.
3 It didn't -- it didn't make any sense at first. I was
4 stuttering and fumbling and didn't -- didn't come out even
5 comprehensible really. She stood up. She said, you know
6 what, you appear to have a little, you know, a little trouble
7 getting your thoughts together, so I'm going to go ahead and
8 give you a minute to dot your i's and cross your t's, that's
9 what she said, and when I come back, just be ready, you know.
10 So she left for about 20 minutes, 20, 30 minutes.

11 Q. Did Officer Barrineau remain in the room with you during
12 this time?

13 A. Yes, sir. I mean, while she was gone, I was just trying
14 to piece together everything she said, and since she didn't
15 want to hear anything about a drug deal, I just decided to go
16 ahead and skip all that altogether.

17 Q. By a drug deal you mean an alternate version you were
18 attempting to tell her what really occurred?

19 A. Yes, sir, yes, sir.

20 Q. Please continue. And she didn't want to hear that?

21 A. No, no, sir.

22 Q. Please continue.

23 A. I pretty much just pieced together what she told me and
24 some of what actually happened and just kind of just wrapped
25 it up as quick as I could like. I still felt uncomfortable.

1 She came back 20, 30 minutes later. She sat down, looked at
2 me for a second, and she took out the paper and she placed it
3 in front of me, and she said, now think real hard and write
4 down what happened tonight. And so I gave the version of
5 events that she -- you know, she was looking to hear. After
6 I did so, she stood another piece of paper in front of me and
7 she told me to place my initials here, here, here, here, like
8 five or six lines, and she told me place my signature on a
9 few lines on the other side too. Afterwards --

10 Q. Hold on. Let me show you what's State's Exhibit No. 1
11 and ask you, is this the sheet that you're referring to?

12 A. Yes, sir. Yes, sir, that's it.

13 Q. And when you say that she asked you to put your initials
14 on the lines, did you all discuss what it is it says next to
15 those lines?

16 A. No, sir.

17 Q. Looking at State's Exhibit No. 1, I see JS next to the
18 line marked No. 1. Did you in fact write JS there?

19 A. Yes, sir.

20 Q. And was that at the direction of Detective Williams?

21 A. Yes, sir.

22 Q. The part next to it, "I have the absolute right to
23 remain silent, do not have to answer any questions or give a
24 statement, and this fact cannot be used against me," are you
25 telling us today or telling the Court here today that no one

1 read this to you, you didn't read it, you didn't go over it?

2 A. No, sir.

3 Q. Why would you just put your initials on a slot where
4 somebody told you to if you didn't know anything about what
5 it was?

6 A. I never had any experience with nothing like this
7 before. I mean, I figured it was part of the whole process,
8 you know, like, I mean --

9 Q. All right. Go ahead and tell us what happened next.
10 I'm sorry. Just so I'm clear, was this after you had written
11 your statement?

12 A. Yes, sir, that was afterwards.

13 Q. All right. Go ahead.

14 A. After I had given all my initials and signed all the
15 signatures, she said, I'll talk to you another time, things
16 like that, and walked up and left.

17 Q. That concluded your interview on that day?

18 A. Yes, sir.

19 Q. Did there come another time that you met with Detective
20 Williams?

21 A. Yes, like five, six days later.

22 Q. And I've got a sheet marked State's Exhibit No. 2 which
23 would appear to show that as having been May the 29th of
24 2013. Would that be correct?

25 A. Yes, sir.

1 Q. And was this sheet prepared at the time of your second
2 meeting with Detective Williams?

3 A. Yes, sir.

4 Q. Okay. And in between had you had any dealings with
5 Detective Williams?

6 A. No, sir.

7 Q. Had you had any dealings with any other law enforcement
8 folks or people at the jail who had threatened you or told
9 you you needed to get in line or do the things that you were
10 supposed to be doing or anything of that stripe?

11 A. No, sir.

12 Q. On this occasion when you met with Detective Williams
13 can you tell me what occurred?

14 A. I walked in there, and my grandfather, he was already
15 waiting there for me, and I was happy -- I was happy to see
16 him.

17 Q. You walked in -- was it conducted at the same room as
18 the initial interview or the same place?

19 A. Yes, it appeared to be the same room. Yes, I walked in,
20 and we sat down, talked for a minute, you know, said hey. He
21 was telling me how he was disappointed and how he never
22 thought he would see me in a position like this and things
23 like that. Then a tear actually started -- started running
24 down his face. He asked me if I really did it, you know; and
25 I told him -- I told him, no, I didn't do it, but she refused

1 to believe me, and she told me that I could receive five
2 years if I --

3 Q. All right. If I may, the issue here is whether or not
4 law enforcement, the State or somebody on their behalf
5 coerced you into making the statement or pulled a statement
6 out of you without advising you of your rights, etc. They
7 may ask you something about your granddaddy, since you've
8 opened it, but Granddaddy couldn't have made you do it, and
9 Granddaddy can't get your statement -- that conversation I
10 don't think is really going to help us here, okay?. So when
11 you've met with the detective, when the police officers came
12 in --

13 A. Right, she came in, sat down. She went through her file
14 for a second, took out a couple pieces of paper. And she
15 spread them out, and she asked me who was the -- who was the
16 guy that drove you there that night, everything, you know,
17 during the incident. And I didn't -- I didn't answer her at
18 first because I still -- I still didn't feel comfortable
19 talking back with her yet because how things went down the
20 last interview. She asked me was it one in your phone log,
21 Big Meech, and I still didn't give any type of answer.

22 Q. Just sat silent.

23 A. Yes, I just sat there silent. Then she said -- she
24 said, look, it's only your life on the line here, you know.
25 If you want to help yourself, you need to go ahead and tell

1 me something. It will look better for you if you just simply
2 go with us. And that's when I told her, I said, he has a
3 family, you know. I mean, he has to be there with them.
4 What good would it do to drag him into the situation away
5 from his family and everything. And she said, who, who, Mr.
6 Bell? He doesn't have a family, and he certainly doesn't
7 care about taking you from yours. And at that moment I
8 did -- I did start -- I did start crying. I told her how,
9 you know, everything was supposed to be so simple. That, you
10 know, everything just switched up so fast and how, you know,
11 they almost -- they almost killed me. After I sat there and
12 cried and vented out for a second, I actually got a -- I got
13 a little angry at my friend Albert Bell for leaving me there,
14 dragging me into his mess and then leaving me there with them
15 shooting at me, you know. I got angry, and once I got angry,
16 I just I said it, Big Meech, I just went ahead with it.

17 Q. Can you describe how the rest of that interview went?

18 A. That's when she placed the second piece of paper down in
19 front of me, told me go ahead and write his version of
20 events -- I mean his name and the new version of events. So
21 I went ahead, put down the story that I made up last time.
22 After I gave that story, she asked me some questions. Then
23 she placed the photo in front of me, the one photo in front
24 of me; said, is this him? I said, yes, ma'am. And she told
25 me go ahead and write his name, I wrote what I knew him by,

1 put my initials, dated it, things like that. I mean, that
2 was it. That was the end of the interview right there after
3 she had that -- no, then she put down the other piece of
4 paper, the one that you just showed me.

5 Q. The one that's marked State's Exhibit No. 3 like the one
6 you looked at before?

7 A. Right, yes, yes, sir.

8 Q. The one that says Summerville Police Department
9 Advisement of Rights and has your information at the top and
10 initials on the side?

11 A. Yes.

12 Q. Tell me about that.

13 A. She told me to place my initials here, here, here,
14 pretty much the same procedure as last time. I did exactly
15 what she asked. She took everything up, put it in the file,
16 walked on out. That's it.

17 Q. Okay. And as far as taking any statements from you or
18 gathering information from you, is that the full extent of
19 your involvement with Detective Williams?

20 A. Yes, sir.

21 MR. LOY: Thank you. Please answer any questions the
22 solicitor may have.

23 THE COURT: Mr. Sorenson.

24 MR. SORENSON: Thank you. Very briefly, Your Honor.

25 May I approach the witness, Your Honor.

1 THE COURT: You may.

2 CROSS-EXAMINATION BY MR. SORENSON:

3 Q. Mr. Singleton, State's Exhibit No. 1, no question about
4 it, those are -- the black ink over here with the initials,
5 and then the signatures here and here, that's your
6 handwriting; is that correct?

7 A. Yes, sir.

8 Q. But it's your testimony that Lieutenant Williams never
9 went over this with you?

10 A. No, sir.

11 Q. Never went over your rights with you at all either time?

12 A. No, sir.

13 Q. State's Exhibit No. 2, this 6-page statement, your
14 handwriting, correct?

15 A. Yes, sir.

16 Q. Questions and answers on pages 2 through 6, the answers
17 are all your handwriting; is that correct?

18 A. Correct.

19 Q. It's your testimony now that is all what Lieutenant
20 Williams just told you to say?

21 A. No. She gave me the basic sequence. I put in the
22 details.

23 Q. So it's your testimony you just made up the details?

24 A. No, I didn't make up the details.

25 Q. So the details are what really happened?

1 A. Not all of them.

2 Q. All right. And then she brings you back on the 29th,
3 and yet again the black initials on the right-hand side and
4 the two signatures on the left-hand side are your initials,
5 your signatures; is that correct?

6 A. Yes, sir.

7 Q. But it's your testimony that yet again she never went
8 over this form with you?

9 A. Yes, sir.

10 Q. All right. And then State's Exhibit No. 4, yet again,
11 the blue handwriting, that's all your handwriting; is that
12 correct?

13 A. Yes, sir.

14 Q. Nobody forced you to write that; I mean, that's your --
15 you were writing that freely and voluntarily, right?

16 A. No, she said I could get -- I could get five years if I
17 did, right.

18 Q. Yet again, that's your signature at the top and you're
19 dating that; is that correct (indicating)?

20 A. Yes, sir.

21 MR. SORENSON: Beg the Court's indulgence one second,
22 Your Honor.

23 Q. And you were 18 at this time, is that correct, Mr.
24 Singleton?

25 A. Yes, sir.

1 Q. Had graduated from high school?

2 A. Yes, sir.

3 Q. And I guess according to that stuff on that form you
4 were working at that time?

5 A. Yes, sir.

6 Q. And you were not under the influence of anything at the
7 time you gave either of those statements; is that correct?

8 A. No, sir.

9 Q. Weren't under the influence of drugs, alcohol or any
10 medication?

11 A. No, sir.

12 Q. And prior to that second statement on the 29th, you were
13 given the opportunity to talk to your grandfather prior to
14 you giving that second statement; is that correct?

15 A. Yes, sir.

16 Q. In fact, he was still at the police department when you
17 gave that second statement; is that correct to your
18 knowledge?

19 A. He wasn't in the room. I'm not sure if he was in the
20 police department.

21 Q. He had just left you when you sat down and gave that
22 second statement; is that correct?

23 A. No, when Detective Williams sat down and started
24 questioning me.

25 Q. Right? Your grandfather had just -- he basically left

1 the room and then Detective Williams sat down and took that
2 second statement from you; is that correct?

3 A. Yes, sir.

4 Q. The fact of the matter is you never at any point in time
5 told Lieutenant Williams that you wanted to stop talking to
6 her; is that correct?

7 A. No, sir, I didn't.

8 Q. Never asked her for a lawyer.

9 A. No, sir.

10 MR. SORENSON: That would be all I'd have on this issue,
11 Your Honor.

12 THE COURT: Anything further?

13 MR. LOY: Nothing, Your Honor. Thank you.

14 THE COURT: You may step down, Mr. Singleton. Thank
15 you.

16 Anything further, Mr. Loy?

17 MR. LOY: No, Your Honor, not by way of testimony.

18 THE COURT: Any arguments of counsel?

19 MR. SORENSON: It would be the State's position, Your
20 Honor, that the standard at this point in time is by a
21 preponderance of the evidence, and I think the State has
22 carried that weight that Mr. Singleton was -- he was
23 obviously in custody, so that's not an issue, but that he was
24 advised of his Miranda Warnings before each of these
25 statements and he freely and voluntarily -- I mean, these

1 aren't oral statements that are documented in the detective's
2 notes. For the most part these are his handwritten
3 statements, so it would be our position that by a
4 preponderance of the evidence that they are -- that he was
5 advised of his Miranda Warnings, freely and voluntarily
6 waived them, and gave those two written statements along with
7 kind of the brief oral statement that Detective Williams
8 testified about before the first statement.

9 THE COURT: Mr. Loy?

10 MR. LOY: Your Honor, although Mr. Singleton would feel
11 like the promise of a five-year sentence is coercive, I don't
12 think that would be coercion. I would set the statement
13 aside. He does present an alternate version of what took
14 place in the interview room, and that is that he was not
15 Mirandized, he was not advised of his rights, that he's not
16 been arrested before, that he didn't have experience with the
17 judicial system or with extensive experience with law
18 enforcement, that he was taken in and essentially told, put
19 your initials here, put your initials here, put your initials
20 here, subsequent to the interview itself. At that point,
21 should the Court choose to accept that version of events,
22 then I think that that is a statement taken obviously in
23 violation of Miranda and without advisement of his
24 constitutional rights. Obviously the statements are
25 incriminating or the State wouldn't be anxious to put them

1 in. The State's own witness testified that there was another
2 officer present during the entire course of events, and I
3 think that that person perhaps could add some clarity or
4 clear up the cross hairs. They've chosen not to present that
5 person or that officer for reasons of their own. I
6 understand credibility of the witnesses at this point is for
7 the Court. I'd ask you to consider testimony from both sides
8 and whether or not in fact Mr. Singleton's version makes more
9 sense under the circumstances and if so to exclude those
10 statements.

11 THE COURT: Thank you, Mr. Loy. Based upon the evidence
12 as presented so far, as the parties are aware, it is based
13 upon a preponderance of the evidence standard that the
14 defendant was Mirandized and that the statements were
15 voluntary. The Court has reviewed all the exhibits, and the
16 defendant's own testimony basically state's that he did sign
17 and initial by each of the advisements of rights forms as
18 well as the waiver of rights where he signed underneath that,
19 so the Court at this point finds that the statements are
20 voluntary after his Miranda rights were given to him, so they
21 will be admissible.

22 MR. LOY: Thank you very much, Your Honor.

23 THE COURT: Thank you. Anything further at this time?

24 (Attorneys confer.)

25 MR. LOY: Your Honor, I don't think it's anything we

1 need to put on the record. If we do it will be brief.

2 THE COURT: I do have the State's potential witness
3 list. Mr. Loy, did you have anything other --

4 MR. LOY: No, Your Honor.

5 THE COURT: Any special voir dire or anything unusual?

6 MR. SORENSON: I don't think so.

7 THE COURT: If you all think of anything just let me
8 know. We'll be at ease. I think the jury comes in at 1:30.

9 MR. SORENSON: Yes, ma'am.

10 (State's Exhibits 1-57 premarked for identification.)

11 (State's Exhibits 58-61 premarked for identification.)

12 (State's Exhibits 62-63 premarked for identification.)

13 (Recess held.)

14 THE COURT: Thank you ladies and gentlemen, the jury
15 panel is now qualified.

16 Solicitor, you may call your first case.

17 MR. SORENSON: Thank you may it please the Court, Your
18 Honor.

19 THE COURT: Yes, sir.

20 MR. SORENSON: At this time the State calls the case of
21 the State versus James Lamont Singleton, Jr., five
22 indictments, Your Honor, 2013-GS-18-1086 through 1090,
23 charging Mr. Singleton with one count of burglary in the
24 first degree, one count of possession of a weapon during the
25 commission of a violent crime, one count of kidnapping and

1 two counts of attempted murder.

2 THE COURT: Ladies and gentlemen, before we begin the
3 jury selection of this case I'm going to ask you certain
4 questions. The solicitor has just called this case to trial,
5 and the defendant, Mr. Singleton, is charged with several
6 indictments which I will read to you so that you can hear
7 some of the factual allegations of this case to see if you
8 have any prior information or any knowledge of this case
9 which I will ask you about. The first indictment is for
10 burglary which states that in Dorchester County, South
11 Carolina, on or about May 23rd, 2013, the defendant, James
12 Lamont Singleton, Jr., did willfully and unlawfully enter the
13 dwelling of James Gage and/or Melinda Yates without consent
14 and with the intent to commit a crime therein and the
15 defendant was armed with a deadly weapon and/or did cause
16 physical injury to nonparticipant and/or did enter during the
17 hours of darkness. This offense is in violation of the South
18 Carolina Code of Laws.

19 The next indictment is for kidnapping. This indictment
20 states that in Dorchester County, South Carolina, on or about
21 May 23rd, 2013, the defendant, James Lamont Singleton, Jr.,
22 unlawfully did seize, confine, inveigle, decoy, kidnap,
23 abduct or carry away the victim, Melinda Yates, without the
24 authority of law. This offense is in violation of the South
25 Carolina Code of Laws.

1 The next indictment is for attempted murder.. This
2 indictment states that the defendant, James Lamont Singleton,
3 Jr., did, in Dorchester County, on or about May 23rd, 2013,
4 with the intent to kill attempt to kill one Melinda Yates
5 with malice aforethought by firing a handgun at the victim.
6 This offense is in violation of the South Carolina Code of
7 Laws.

8 The next indictment is also for attempted murder, and
9 this indictment states that the defendant, James Lamont
10 Singleton, Jr., did, in Dorchester County, on or about May
11 23rd, 2013, with the intent to kill attempt to kill one James
12 Gage with malice aforethought by firing a handgun at the
13 victim. This offense is again in violation of the South
14 Carolina Code of Laws..

15 The last indictment is possession of a weapon during the
16 commission of a violent crime. This indictment states that
17 in Dorchester County, on or about May 23rd, 2013, the
18 defendant, James Lamont Singleton, Jr., did visibly display
19 or have in his possession a handgun during the commission of
20 a violent crime. This offense is in violation of the South
21 Carolina Code of Laws.

22 Ladies and gentlemen, I will now ask you certain
23 questions to see if you have any knowledge regarding this
24 case. Ladies and gentlemen, first I'm going to ask the
25 solicitor to introduce himself and the members of his staff,

1 and I'm going to ask you if you are related by blood or
2 marriage or have a close personal or social relationship with
3 any members of the solicitor's office or have ever been
4 represented by anyone in the solicitor's office.

5 Solicitor.

6 MR. SORENSON: Thank you. May it please the Court, Your
7 Honor.

8 THE COURT: Yes, sir.

9 MR. SORENSON: My name is Don Sorenson. I'm the senior
10 assistant solicitor here in Dorchester County. Our elected
11 solicitor is David Pascoe. Helping me in this case is Ms.
12 Sheila Mims, who's an assistant solicitor here; Ms. Carrie
13 Huff, who's one of my administrative assistants. The other
14 assistant solicitors in Dorchester County are Vergil Deas,
15 Glenn Justis, Philip Giese, Kyle Ward and Claire -- what's
16 Claire's last name -- Claire Matthews, I believe it is, and
17 Anna Welch, I'm sorry.

18 THE COURT: Any member of the jury panel related by
19 blood or marriage or have a close personal or social
20 relationship with any of the people just listed or has ever
21 been represented by any of them, if so please stand.

22 I find that there is no one standing.

23 Mr. Loy, I'll allow you to introduce yourself and the
24 members of your office as well.

25 MR. LOY: Thank you, Your Honor. Good afternoon. My

1 name is John Loy. I work with the public defender's office
2 here in Dorchester County. I represent Mr. James Singleton
3 today. Other attorneys in our office include Pierce Wehman,
4 who's seated at the table to my right, Mr. Ash Chisholm,
5 Michelle Suggs, Ms. Mary Lematty, and our chief public
6 defender in this circuit is Mr. Mark Leiendecker. Thank you.

7 THE COURT: Thank you, Mr. Loy.

8 Ladies and gentlemen of the jury panel, anyone related
9 by blood or marriage or have a close social or personal
10 relationship with any of the attorneys or members of their
11 staff that was listed or has ever been represented by them,
12 if so please stand.

13 I find that there is no one standing.

14 Ladies and gentlemen, is anyone related by blood or
15 marriage or a close personal friend of Mr. Singleton?

16 Mr. Singleton, if you'd please stand and face the jury.

17 (Defendant complies.)

18 THE COURT: Anyone related by blood or marriage or have
19 a close personal or social relationship with Mr. James Lamont
20 Singleton, Jr., if so please stand.

21 I find that there is no one standing.

22 Ladies and gentlemen, the following is a list of
23 potential witnesses in this case. After I read the names
24 that are listed as potential witnesses in this case, I will
25 ask you the same question, if you're related by blood or

1 marriage or have a close personal or social relationship with
2 any of the following people. And if they're in the
3 courtroom, if they'd please stand for the jury to see.

4 Lieutenant Sandy Williams, Corporal Ken Driscoll, James
5 McClellan, Robert Barrineau, Jennifer Carpenter, Sergeant
6 Randy Olsen, Detective Nick Santanna, Lieutenant Richard
7 Peeples, Sergeant Rick Gebhardt, Agent Chad Smith, Melinda
8 Yates, James Gage -- Ms. Yates is back there in the back of
9 the courtroom -- James Gage, Ryan Yates, Greg Gischia,
10 Officer Bridget Hinkebein, and Lieutenant Layne Thompson.
11 Anybody related by blood or marriage or have a close social
12 or personal relationship with any of the potential witnesses
13 in this case, if so please stand.

14 I find that there is no one standing.

15 Has any member of the jury panel formed or expressed an
16 opinion about any issue or matter involved in this case, if
17 so please stand.

18 I find that there is no one standing.

19 Is there any member of the jury panel aware of any bias
20 or prejudice towards either the State or to the defense in
21 this case, if so please stand.

22 I find that there is no one standing.

23 Is there any member of the jury panel that was a member
24 of the grand jury that issued the indictments in this case,
25 if so please stand.

1 I find that there is no one standing.

2 Is there any member of the jury panel who is a member of
3 or contributor to any group which has its primary concern the
4 promotion of law enforcement or victims' rights, these groups
5 would include but are certainly not limited to MADD, SADD or
6 Citizens Against Violent Crime, if so please stand.

7 I find that there is no one standing.

8 Does any member of the jury panel know of any reason
9 whatsoever why he or she should not serve as a juror in this
10 case with a particular emphasis being placed on your ability
11 to be fair and impartial to both the State and to the defense.
12 in this case.

13 Yes, sir, would you like to come forward?

14 JUROR: Sure.

15 COURT OFFICER: Juror No. 7.

16 THE COURT: Mr. Ante.

17 JUROR: Yes. I worked 18 years with the fire
18 department, and I think I've dealt with him before
19 (indicating).

20 THE COURT: Who, with the defendant?

21 JUROR: Yes, he looks very familiar.

22 THE COURT: But you don't know him personally?

23 JUROR: No.

24 THE COURT: Just having seen him before, can you set
25 that aside and listen to the evidence as it comes from the

1 witness stand?

2 JUROR: Sure.

3 THE COURT: And will you be fair and impartial to both
4 the State and to the Defense?

5 JUROR: Sure.

6 THE COURT: Will you follow the law as I give it to you?

7 JUROR: Right.

8 MR. LOY: Did he know me or the defendant?

9 THE COURT: He thought he recognized the defendant.

10 JUROR: You look familiar too.

11 THE COURT: Any additional questions from either the
12 State or the Defense?

13 MR. LOY: No, Your Honor. Thank you.

14 MR. SORENSON: No, Your Honor.

15 THE COURT: Ladies and gentlemen of the jury panel,
16 we'll now begin the jury selection process for this trial.
17 If your name is actually called, if you would come forward
18 and face the back of the courtroom, then the State and the
19 Defense will have the opportunity to either seat you on the
20 jury or strike you. Again, please don't take any offense to
21 either decision, as it's done for many different reasons.
22 But if your name is called, when you come forward, if you
23 would please bring all of your personal belonging because if
24 you are seated on the jury, we'll go ahead and seat you in
25 the jury box.

1 CLERK OF COURT: As I call your name, please come
2 forward. Juror No. 125, Alvin Overall, Jr.

3 (White male approaches the podium.)

4 CLERK OF COURT: What saith the State?

5 MR. SORENSON: Please present Mr. Overall.

6 CLERK OF COURT: The Defense?

7 MR. LOY: Swear the juror, please.

8 CLERK OF COURT: Have a seat in our jury box to your
9 left.

10 Juror No. 168, Louise Williams.

11 (Black female approaches the podium.)

12 CLERK OF COURT: What saith the State?

13 MR. SORENSON: Please present Ms. Williams.

14 CLERK OF COURT: The Defense?

15 MR. LOY: Swear Ms. Williams, please.

16 CLERK OF COURT: Have a seat in our jury box.

17 Juror 108, Odetta Middleton.

18 (Black female approaches the podium.)

19 CLERK OF COURT: What saith the State?

20 MR. SORENSON: Please present Ms. Middleton.

21 CLERK OF COURT: The Defense?

22 MR. LOY: Swear the juror, please.

23 CLERK OF COURT: Have a seat in the jury box.

24 Juror 137, Brenda Rickenbaker.

25 (White female approaches the podium.)

1 CLERK OF COURT: What saith the State?

2 MR. SORENSON: Please present Ms. Rickenbaker.

3 CLERK OF COURT: The Defense?

4 MR. LOY: Excuse Ms. Rickenbaker from this trial,
5 please.

6 CLERK OF COURT: You can have a seat back in the
7 audience.

8 Juror No. 33, Kimberly Charles.

9 (White female approaches the podium.)

10 CLERK OF COURT: What saith the State?

11 MR. SORENSON: Please excuse Ms. Charles.

12 CLERK OF COURT: Have a seat back in the audience.

13 Juror No. 34, Kelsey Cherol.

14 (White female approaches the podium.)

15 CLERK OF COURT: What saith the State?

16 MR. SORENSON: Please present Ms. Cherol.

17 CLERK OF COURT: The Defense?

18 MR. LOY: Swear the juror, please.

19 CLERK OF COURT: Have a seat in our jury box.

20 Juror 134, Kamaldai Ramdial.

21 (Asian female comes to the front of the courtroom.)

22 CLERK OF COURT: What saith the State?

23 MR. SORENSON: Please present Ms. Ramdial.

24 THE COURT: The Defense?

25 MR. LOY: Swear the juror, please.

1 CLERK OF COURT: Have a seat in the jury box.

2 Juror No. 39, Matthew Curry.

3 (White male approaches the podium.)

4 CLERK OF COURT: What saith the State?

5 MR. SORENSON: Please present Mr. Curry.

6 THE COURT: The Defense?

7 MR. LOY: Swear Mr. Curry, please.

8 CLERK OF COURT: Have a seat in the jury box.

9 Juror No. 72, Cheryl Hicks.

10 (White female approaches the podium.)

11 CLERK OF COURT: What saith the State?

12 MR. SORENSON: Please present Ms. Hicks.

13 CLERK OF COURT: The Defense?

14 MR. LOY: Swear the juror, please.

15 CLERK OF COURT: Have a seat in the jury box.

16 Juror number 98, Thomas Marks.

17 (White male approaches the podium.)

18 CLERK OF COURT: What saith the State?

19 MR. SORENSON: Please present Mr. Marks.

20 CLERK OF COURT: The Defense?

21 MR. LOY: Swear Mr. Marks, please.

22 CLERK OF COURT: Have a seat in the jury box.

23 Juror No. 145, Heather Schaffer.

24 (White female approaches the podium.)

25 CLERK OF COURT: What saith the State?

1 MR. SORENSON: Please excuse Ms. Schaffer.

2 CLERK OF COURT: Have a seat back in the audience.

3 Juror No. 21, Sherry Brooks.

4 (White female approaches the podium.)

5 CLERK OF COURT: What saith the State?

6 MR. SORENSON: Please present Ms. Brooks.

7 CLERK OF COURT: The Defense?

8 MR. LOY: Swear Ms. Brooks, please.

9 CLERK OF COURT: Have a seat in our jury box.

10 Juror No. 46, Derrick Deas.

11 (Black male approaches the podium.)

12 CLERK OF COURT: What saith the State?

13 MR. SORENSON: Please present Mr. Deas.

14 CLERK OF COURT: The Defense?

15 MR. LOY: Swear Mr. Deas, please.

16 CLERK OF COURT: Have a seat in our jury box.

17 Juror 153, Jefferson Studley.

18 (White male approaches the podium.)

19 CLERK OF COURT: What saith the State?

20 MR. SORENSON: Please present Mr. Studley.

21 CLERK OF COURT: The Defense?

22 MR. LOY: Please excuse the juror for this trial.

23 CLERK OF COURT: Have a seat back in the audience.

24 Juror No. 4, Alan Michael Amado.

25 (Asian male approaches the podium.)

1 CLERK OF COURT: What saith the State?

2 MR. SORENSON: Please excuse the juror.

3 CLERK OF COURT: Have a seat back in the audience.

4 Juror 104, Shawn McMicking.

5 (White male approaches the podium.)

6 CLERK OF COURT: What saith the State?

7 MR. SORENSON: Please present Mr. McMicking.

8 CLERK OF COURT: The Defense?

9 MR. LOY: Please excuse the juror from this case.

10 CLERK OF COURT: Have a seat back in the audience.

11 Juror No. 135, Anthony Richardson.

12 (White male approaches the podium.)

13 CLERK OF COURT: What saith the State?

14 MR. SORENSON: Please present Mr. Richardson.

15 CLERK OF COURT: The defense.

16 MR. LOY: Swear Mr. Richardson, please.

17 CLERK OF COURT: Have a seat in the jury box.

18 Juror No. 7, James Ante.

19 (White male approaches the podium.)

20 CLERK OF COURT: What saith the State?

21 MR. SORENSON: Please present Mr. Ante.

22 CLERK OF COURT: The Defense?

23 MR. LOY: Swear the juror, please.

24 CLERK OF COURT: Have a seat in the jury box.

25 Juror No. 121, Nicholas Norman.

1 (White male approaches the podium.)

2 CLERK OF COURT: What saith the State?

3 MR. SORENSON: Please present Mr. Norman.

4 CLERK OF COURT: The Defense?

5 MR. LOY: Swear the juror.

6 CLERK OF COURT: Have a seat in the jury box.

7 Juror 111, Michael Moore.

8 (White male approaches the podium.)

9 CLERK OF COURT: What saith the State?

10 MR. SORENSON: Please present Mr. Moore.

11 CLERK OF COURT: The Defense?

12 MR. LOY: Excuse Mr. Moore, please.

13 CLERK OF COURT: Have a seat back in the audience.

14 Juror No. 22, Lauren Bruner.

15 (White female approaches the podium.)

16 CLERK OF COURT: What saith the State?

17 MR. SORENSON: Please present Ms. Bruner.

18 CLERK OF COURT: The Defense?

19 MR. LOY: Please excuse the juror.

20 CLERK OF COURT: Juror No. 10, Taffy Baker.

21 (White female approaches the podium.)

22 CLERK OF COURT: What saith the State?

23 MR. SORENSON: Please present Ms. Baker.

24 CLERK OF COURT: The Defense?

25 MR. LOY: Please swear the juror. --

1 CLERK OF COURT: Have a seat in the jury box.

2 Thank you, Judge.

3 THE COURT: Any exceptions or exemptions from the
4 selection of this jury from either the State or the Defense?

5 MR. SORENSON: Nothing from the State.

6 MR. LOY: No, Your Honor. Thank you.

7 THE COURT: Solicitor, this is the only jury trial for
8 this week; is that correct?

9 MS. MIMS: Yes, ma'am.

10 THE COURT: Ladies and gentlemen that were not selected
11 for the trial of this particular case, it's your lucky day.
12 You have not been selected for this case that will require a
13 jury for this week, so you are free to go. If you need
14 anything for work or an excuse, please go downstairs to the
15 clerk's office. They will get that for you.

16 (Remaining jury panel exits the courtroom at 3:31 p.m.)

17 THE COURT: Ladies and gentlemen of the jury that was
18 selected for the trial of this case, we will actually begin
19 the trial of this case tomorrow morning. If you would report
20 to your jury room, and the bailiffs will show you where your
21 jury room will be, at 9:30, that way we can get everyone
22 together and start the trial by 9:45 once we have everyone in
23 place. You have not heard any of the testimony or any of the
24 witnesses in this case, so it's very important that you not
25 discuss this case with anyone or allow anyone to discuss this

1 case with you. Also do not do any independent research about
2 the case or look for any outside source of information. It
3 is imperative that you make your decision solely based on the
4 evidence that is properly introduced at trial and on the law
5 once you're instructed on it. If you see any of the parties
6 that are involved in the case or any of the attorneys and
7 they do not speak to you, they're not being unfriendly,
8 they're just following the Court's instructions because
9 they're not allowed to have any contact with you. So, again,
10 I will see you in the morning, have a good night, and they
11 will show you where your jury room is.

12 (The jury retires to the jury room at 3:32 p.m.)

13 THE COURT: Anything further from either the State or
14 the Defense at this time?

15 MR. SORENSON: No, Your Honor.

16 MR. LOY: No, thank you.

17 THE COURT: Mr. Singleton, he's been in custody?

18 MR. LOY: He has been in custody and remains in custody.

19 THE COURT: All right. We'll see everyone in the
20 morning.

21 (Trial of the case adjourned for the day at 3:35 p.m.)

22 - - -

23 (Trial of the case resumed on May 13, 2015 at 10:15
24 a.m.)

25 (State's Exhibit 64 premarked for identification.)

1 THE COURT: Everybody ready to proceed?

2 MR. SORENSON: Yes, Your Honor.

3 MR. LOY: Your Honor, prior to bringing the jury in I'd
4 make a motion to sequester the witnesses and understand it
5 would apply as to both sides.

6 THE COURT: Certainly, other than the victims in the
7 case and the case officer.

8 MR. SORENSON: Okay.

9 (Witnesses sequestered.)

10 THE COURT: Anything further?

11 MR. LOY: Thank you, Your Honor. No.

12 THE COURT: Let's have our jury, please.

13 (The jury enters the courtroom at 10:19 a.m.)

14 THE COURT: Good morning, ladies and gentlemen of the
15 jury. Welcome back.

16 Madam Clerk, if you would please swear our jury in.

17 (Jury duly sworn.)

18 THE COURT: Good morning ladies and gentlemen of the
19 jury. Thank you for your patience this morning. I want to
20 first thank you for accepting the important responsibility of
21 jury service and for your contribution today for our system
22 of justice. What I will now say to you is intended to serve
23 as an introduction to the trial of this case. These remarks
24 are not a charge on the law in this case. I will instruct
25 you on the law applicable to the case at the end of the trial

1 before you retire to consider your verdict. This is merely
2 an explanation of the procedure that we will follow so that
3 you can better understand what is happening here today. You
4 may not take notes during the trial of this case.

5 The defendant is charged with several indictments as we
6 went through the jury qualification process. The indictments
7 are for possession of a weapon during the commission of a
8 violent crime, two indictments for attempted murder, one
9 indictment for kidnapping and one indictment for burglary.
10 The elements of each of these indictments will be explained
11 to you at a later time.

12 The indictments are merely the charge by which the case
13 is brought into Court, and it is not in any sense evidence of
14 any of the allegations that they contain. The defendant has
15 pled not guilty to these indictments, and the State therefore
16 has the burden of proving each of the elements of the
17 indictments beyond a reasonable doubt. It will be your duty,
18 ladies and gentlemen, to decide whether the State has met
19 that burden.

20 Your purpose as jurors is to find and determine the
21 facts. You are the sole judge of the facts. If at any time
22 I make any comment regarding the facts, you must disregard
23 them.

24 You are to determine the facts from the testimony you
25 hear and the other evidence that is introduced in Court. It

1 is up to you to determine the inferences which you may feel
2 are properly drawn from the facts and from the evidence.

3 It is especially important that you perform your duty in
4 determining the facts diligently and conscientiously because
5 ordinarily there is no way to correct an erroneous
6 determination of the facts by a jury.

7 On the other hand and with equal emphasis, the same law
8 that makes you the judge of the facts makes me the judge of
9 the law. The law as given by the Court is the only law that
10 you may consider. You must accept it and follow it even
11 though you may disagree with it. I cannot tell you what the
12 facts are, and you cannot disagree with me about what the law
13 is or what the law should be. Your job is to take the law as
14 I give it to you and apply it to the facts as you find them
15 from the testimony of the witnesses and any other evidence
16 that is properly introduced. After doing that, you will
17 render your verdict, a true and just verdict under the solemn
18 oath that you just took as jurors.

19 Until I advise you to begin your deliberations you must
20 not discuss this case with anyone including your fellow
21 jurors, family members and anyone involved in the case. This
22 includes any face to face discussions, those by telephone,
23 email, text, blogs or any other method of communication. You
24 may not use a computer, cell phone or other electronic device
25 with communication capabilities at any time while in the

1 courtroom or during your deliberations. During your breaks
2 for meals or overnight, if necessary, you may use these
3 devices; however, you may not at any time use these devices
4 to get or send information about the case. This includes any
5 information about a party, witness, an attorney or a court
6 officer, any news accounts about the case, research on any
7 topics that may be raised or any topics that you may think
8 will be helpful in deciding the case or any testimony that's
9 presented by a witness.

10 During the trial do not read, listen to or watch any
11 news reports about the case. This includes anything that
12 would be in the newspapers, on the Internet, radio or
13 television. You must not consider anything that you have
14 read or heard about the case outside of this courtroom,
15 whether before or during the trial. After the case is
16 submitted to you, you must discuss it only in the jury room
17 with your fellow jurors. The attorneys and the parties in
18 this case have been advised that they are not to speak to
19 you, so if you do see them coming in and out of the
20 Courthouse during this week and they don't speak to you,
21 they're not being rude. They're just following the Court's
22 instructions.

23 It is important that you keep an open mind and not
24 decide any issue in the case until all of the evidence has
25 been presented, the parties have made the closing arguments,

1 and I have instructed you on the law of the case.

2 It is your solemn responsibility to determine the guilt
3 or the innocence of the defendant, and your verdict must be
4 based solely on the evidence that is presented to you in this
5 trial and on the law as I instruct it to you at the close of
6 the trial.

7 In just a moment the solicitor will make what is called
8 an opening statement in which the solicitor will explain to
9 you what the issues are in the case, or at least what the
10 solicitor thinks the issues in the case are. The attorney
11 for the defendant may also make an opening statement,
12 although he's not required to do so. What the attorneys tell
13 you during their opening statements is not evidence in this
14 case. It is only their contention as to what the issues are
15 in the case.

16 The evidence in this case will be presented to you by
17 the testimony of the sworn witnesses and from any exhibits
18 that are properly introduced during the trial of the case.

19 From time to time during the trial you may hear one of
20 the lawyers say something like, Your Honor, I have a point of
21 law, or may we approach the bench, or sometimes I myself
22 might find it necessary to excuse you from the courtroom for
23 a short while so the attorneys and I can discuss a matter of
24 law. The reason for this is because you are the judges of
25 the facts in this case, and sometimes while I'm discussing

1 matters of law with the attorneys, it may be necessary for me
2 to make some comment on the facts of the case in connection
3 with ruling whether or not a particular law applies to those
4 facts. I'm not supposed to tell you what I think the facts
5 are, so I will excuse you from the courtroom while these
6 discussions take place so that in no way will you be
7 influenced by what I might say or do in connection with
8 ruling on the facts and the law in the case.

9 In determining what the true facts are in this case you
10 must decide whether or not the testimony of a witness is
11 believable. It will be my responsibility to rule as a matter
12 of law as to whether certain testimony is admissible or not,
13 but once the testimony is admitted, whether or not you
14 believe it is solely up for you to determine.

15 In deciding whether you believe a witness, you have the
16 right to consider the interest of any witness, the bias of
17 any witness, the prejudice of any witness, the opportunity
18 for the witness to have seen the matters and things about
19 which the witness may testify and the way the witness acts on
20 the witness stand.

21 You have the right to consider anything that is on the
22 record that will help you evaluate the testimony of the
23 witnesses. That means that it is your duty to pay close
24 attention to these witnesses, to observe the witnesses, to
25 listen to the attorneys and pay attention to the Court.

1 Don't let your thoughts wander, and please give strict
2 attention to the testimony in this case so that at the end of
3 the testimony, after the arguments of counsel and you're
4 instructed on the law in this case, you will then be in a
5 position to determine what the true facts are and render a
6 true and just verdict in this case.

7 It will be the added duty of the foreperson, which I
8 will appoint at a later time, to be the liaison to the Court.
9 The foreperson can ask questions from the jury to the Court
10 if you need anything or if you have any questions down the
11 road. The foreperson does not have a greater weight. It's
12 merely the person that's the liaison to the Court.

13 Any objections from the opening remarks either from the
14 State or the Defense?

15 MR. SORENSON: No, Your Honor.

16 MR. LOY: No, Your Honor. Thank you.

17 THE COURT: Solicitor, you may proceed.

18 MS. MIMS: Thank you, Your Honor, may it please the
19 Court.

20 Good morning. On May the 23rd of 2013 Melinda Yates
21 lived in the Gadsden Acres subdivision in Summerville. She
22 lived there with her husband, James Gage, and she lived there
23 with her 17-year-old nephew, Ryan Yates. They lived in a
24 smaller duplex right downtown Summerville. Approximately
25 1:45 that morning they were getting ready for bed. Ryan was

1 in the living room. James Gage was in the bathroom. Melinda
2 was in her bedroom. She was folding clothes, trying to clear
3 off the bed to go to sleep. It was a quiet night. It was a
4 quiet night until James Singleton showed up at the front
5 door, and when he got to the front door, he didn't knock.
6 Instead, he started kicking the door in.

7 While Melinda's in her bedroom, she hears, bam, bam,
8 bam. She has no idea what that is. She comes out of her
9 bedroom. She walks around to the front door, and she sees
10 the door actually shaking. She realizes somebody's trying to
11 break in the house. She happens to catch her nephew's eye,
12 who's right across in the living room. They both look at
13 each other and they both run. She runs back to her bedroom,
14 and she immediately hears the door bust open. In comes James
15 Singleton. She runs to her room, and she hears the words,
16 "freeze or I will shoot you." She puts up her hands. He
17 grabs her around the waist, he puts a gun to her forehead,
18 and he says, "where is it at? Where is your man?"

19 The only thing she can think of or think to do is that
20 her husband has probably gone out the front door. She saw
21 him run past to see what was going on when she was running to
22 her bedroom. So all she can think is, he's out back, Ryan
23 probably went out back too, they can help me. So she says,
24 "he's in the backyard." He turns her around, they start
25 walking to the back door. He's still got her around the

1 waist, confined, still has the gun to her head. They walk to
2 the back door. He pushes her head out the door and says,
3 "call him." She does two times, "James, James," and all of a
4 sudden she hears her husband's voice behind her in the house.
5 He says, "let her go and get out of my house."

6 James Singleton immediately spins Melinda around, uses
7 her as a human shield, and points the gun at her husband.
8 She knocks the gun away. They fall to the floor. While
9 they're on the floor, she attempts to grab the gun, and
10 there's a struggle. During this struggle shots are fired.
11 She's shot in the hip. She's pistol-whipped in the face.
12 She starts crawling, crawling out the back door, which is
13 right here at her (indicating). She gets into the backyard,
14 and she can see her husband at the fence, who had to have run
15 out the front door and around. But she sees he's still
16 looking at the back door and he's still yelling, "get out of
17 my house." She turns around, and James Singleton is still
18 there. She's petrified. She keeps crawling to get to the
19 fence to get to her husband, even though she's been shot.

20 James Singleton we now know was standing at the back
21 door, and he goes back in the house, subsequently runs out
22 the front door, turns to the right and runs to some woods
23 that are by the side of the duplex. Thankfully a K-9 is
24 nearby and some other police officers, and he's apprehended
25 very quickly. When they do apprehend him, lying 5 feet away

1 is the gun, his wallet which has his Social Security card in
2 it and his phone. He's arrested. He's taken back to the
3 Summerville Police Department, where he meets Lieutenant
4 Sandy Williams. This is very important. This entire event
5 began around 1:45 in the morning. By 3:15 in the morning, an
6 hour and a half later, he is giving a statement to Lieutenant
7 Sandy Williams. That is important.

8 Lieutenant Williams will tell you she has not met the
9 victim; she has not talked to the victim. The victim's at
10 the hospital. The victim has not given a written statement.
11 James Singleton has. He is talking to Sandy Williams, and
12 he's telling her exactly what happened that night. That is
13 very important.

14 He is subsequently charged: Burglary first degree, two
15 counts of attempted murder for when he tried to murder James
16 Gage and Melinda Yates. He's also charged with kidnapping
17 and he's charged with possession of a weapon during the
18 commission of a violent crime. I'd like to take a minute to
19 go over the charges with you. As the Judge just said, she's
20 going to go over everything in detail at the end of the
21 trial, but while you're sitting here and while you're hearing
22 testimony, it's important that you know some of the elements
23 that go along with these offenses.

24 Burglary in the first degree is defined by our laws as a
25 person who enters the dwelling of another without consent and

1 with the intent to commit a crime therein and is either armed
2 with a deadly weapon or explosive, causes physical injury to
3 a person who is not a participant in that crime, uses or
4 threatens to use a dangerous instrument such as a gun, or
5 displays what appears to be a knife, a pistol, a revolver, a
6 rifle, a shotgun, a machine gun, or they enter the house
7 during nighttime, during a period of darkness. In this case
8 James Singleton came to the house with a weapon, he used a
9 weapon; and it was 1:45 in the morning, it was nighttime.

10 He's also been charged with attempted murder, and that's
11 defined by our laws as a person who with the intent to kill
12 attempts to kill another person with malice aforethought,
13 either express or implied. And kidnapping, whoever shall
14 unlawfully seize, confine, inveigle, decoy, kidnap, abduct or
15 carry away any other person by any means whatsoever without
16 the authority of law.

17 And, finally, possession of a firearm during the
18 commission of a violent crime. If a person is in possession
19 of a firearm or visibly displays what appears to be a firearm
20 during the commission of a violent crime and is convicted of
21 committing or attempting to commit that violent crime, they
22 can be found guilty of this offense.

23 My name is Sheila Mims. I'm an assistant solicitor here
24 in Dorchester County, and myself, along with Senior Assistant
25 Solicitor Don Sorenson, are here representing the State today

1 in the case against Mr. James Singleton. It is our duty to
2 prove to you beyond a reasonable doubt that he is guilty of
3 these offenses I've just read to you. And how we're going to
4 prove our case today, we're going to do it through testimony.
5 We're going to have witnesses come up here. They're going to
6 talk to you about what they observed and what they saw that
7 night. We're also going to present our evidence in the form
8 of photographs -- photographs of the crime scene, photographs
9 of injuries to the victim. But, most importantly, we're
10 going to prove our case to you with the defendant's own
11 words, the statement that he gave that very morning to
12 Lieutenant Sandy Williams. You'll get to hear that as well.
13 So please pay close attention to the evidence that you see
14 and that you hear, and I think it will show you that Mr.
15 Singleton is guilty of these offenses. Thank you.

16 THE COURT: Counsel.

17 MR. LOY: Thank you, Your Honor.

18 Wow. That was a pretty strong story that got related to
19 you about what all you're going to hear about here. And if
20 in fact that's what the evidence is going to show, then we'd
21 run the white flag up now, just go ahead and concede, and
22 send all of you all home. But despite the power of that
23 delivery and the narrative that you just heard, in fact,
24 that's not what the evidence is going to show, and that's not
25 what you're going to find at the end of this trial. I'd ask

1 you to keep in mind what the Judge told you a few moments
2 ago, that the opening statements, myself as well as that of
3 Ms. Mims, are not evidence. They're not presented as such.
4 They're for us to tell you what we believe the issues in the
5 case basically will be.

6 So I will tell you this: Every criminal trial starts at
7 the same spot, and that is a presumption of innocence. They
8 don't have a criminal trial until there is an argument or a
9 dispute between a citizen, in this case Mr. Singleton, and
10 the State. And when there is that argument or that dispute,
11 and we can't resolve it; it's the citizen's right to bring
12 that to 12 of his fellow citizens and say, put it to the bar.
13 You say I've done these terrible things. Prove it to a jury
14 of my peers. And that's where we are now. So understand, we
15 start out with a presumption of innocence, and it's not just
16 the name of a book, and I think a movie too, or anything like
17 that. It's an actual real and important legal concept that
18 you have taken an oath to apply here today. So clear your
19 mind of any prejudices, predispositions you may have gotten
20 so far this morning, and start with a presumption of
21 innocence.

22 What that does, as I believe Her Honor has told you and
23 as I know she will tell you, is put the burden of proof here
24 on this table. That is, you are to look at the defendant,
25 presume him innocent of any wrongdoing. Not, I don't know,

1 maybe, we'll see; but, no, there sits an innocent person.
2 And then turn to this table and say, okay, State, it's your
3 burden of proof. Prove beyond every reasonable doubt to me
4 and to us that things happened the way that you say that they
5 did. And in this case the evidence fails completely because
6 that's not what happened.

7 What the evidence will show you at the end of this
8 trial, when you have heard from all of the witnesses, is that
9 on this particular occasion Mr. Singleton was at that home.
10 Mr. Singleton was there at that home to engage in the
11 business that was engaged in that home; that is, he was there
12 to buy drugs. The thing about drug transactions is they
13 don't do that card slide thing, you know, and they don't take
14 a check. People who deal in drugs, who buy drugs, who sell
15 drugs, etc., they deal solely in cash. And those folks also
16 don't generally have recourse to law enforcement or to the
17 courts to settle any contract disputes that they may have.
18 And on this case Mr. Singleton was there, the deal went
19 south. Guns came out. Mr. Singleton fled the scene,
20 basically at a hail of gunfire behind him, and was hiding
21 nearby before he was picked up.

22 Now, the solicitor has told you, Ms. Mims, that there
23 were three people in this house, that is, Ms. Yates, her
24 nephew, Mr. Yates, her husband, Mr. Gage. She has alluded to
25 Detective Williams being assigned this case and conducting an

1 investigation. I believe Ms. Williams will tell you they
2 were able to locate two outside eye witnesses to what had
3 occurred who gave statements to the police as far as what had
4 occurred on that occasion and that there was a crime scene
5 investigation done within the home itself to try to determine
6 what had happened. What all of these -- the witnesses that
7 they'll call, eye witnesses that they have, the crime scene
8 investigation -- will do is prove to you that any of the
9 people they call to testify during the course of this trial
10 as to what happened in that house, that is, Ms. Yates, Mr.
11 Yates, Mr. Gage, etc., they've all lied, they've all
12 misrepresented what occurred, and they've all had their own
13 axe to grind and their reasons for doing so.

14 Those are the people they're going to rely on to prove
15 this case, and those people are inherently and undeniably
16 unreliable. With that testimony set aside there's simply not
17 anything to support one contention versus another as to what
18 happened in the house that night. So what I'd ask you to do
19 now is go back to that square one, presumption of innocence,
20 place the burden of proof at that table, and we'll call our
21 first witness. Thank you.

22 THE COURT: Would counsel please approach for one
23 second.

24 (The following was held at the bench out of the hearing
25 of the jury.)

1 THE COURT: I have a note one of the jurors has to take
2 a sick kid to the hospital.

3 MR. LOY: Your Honor, I have no problem if somebody's
4 got a child -- I have no objection to falling back to the
5 first alternate and just release them. I don't need a
6 hearing or a record or anything on that.

7 MR. SORENSON: Yes.

8 (Judge and attorneys confer.)

9 (The following was held in open court.)

10 THE COURT: Before we call our first witness, ladies and
11 gentlemen of the jury, I understand that -- I have a note
12 from one of the members of the jury regarding a sick child
13 going to the doctor. Do you mind telling me which juror it
14 is?

15 Yes, ma'am, and your name.

16 JUROR: Kamaldai Ramdial.

17 THE COURT: Ma'am, I don't mean to put you on the spot
18 or anything, but I want to make sure that your child is well
19 taken care of. Is this an emergent situation where you need
20 to go?

21 JUROR: He's got a high fever. I don't know if like
22 tomorrow, if we're still here, if I have to take him, what
23 the procedure would be.

24 THE COURT: Keep me posted. If you think it's something
25 that you need to go, if it's an emergent situation that you

1 need to take care of your child, we'll take care of it.
2 That's why we have alternates. Just keep me posted. I
3 wanted to make sure that you're okay with your child and you
4 can stay focused on the trial. But if you have any questions
5 or concerns or need anybody to contact you during the day, of
6 course the clerk can get your contact information and they
7 can let us know immediately. But are you okay to stay?

8 JUROR: Yes, I am.

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

10 All right. You may call your first witness.

11 MS. MIMS: Thank you, Your Honor, may it please the
12 Court, the State would call Melinda Yates.

13 MELINDA YATES,

14 being first duly sworn, testified as follows:

15 THE COURT: Your witness.

16 MS. MIMS: Thank you, Your Honor.

17 DIRECT EXAMINATION BY MS. MIMS:

18 Q. Good morning Ms. Yates.

19 A. Good morning.

20 Q. Could you please tell the jury, how old are you?

21 A. I'm 31.

22 Q. And what do you do for a living?

23 A. I work as a compliance coordinator with a medical
24 equipment company.

25 Q. How long have you been in that position?

1 A. Three months.

2 Q. What did you do before that?

3 A. Before that I was unemployed because I was going back
4 and forth from the doctors.

5 Q. Okay. I understand. Where are you currently living
6 now? You don't have to give an address. What town do you
7 live in now?

8 A. North Charleston.

9 Q. Where did you live before North Charleston?

10 A. In Gadsden Acres.

11 Q. Can you give me an exact address of that?

12 A. It was [REDACTED] in Summerville.

13 Q. Is that in Dorchester County?

14 A. Yes.

15 Q. And were you living there on May 23rd of 2013?

16 A. Yes.

17 Q. Okay. First of all, let me ask you a question, do you
18 have a prior record?

19 A. Yes.

20 Q. Okay. What is it?

21 A. It was for breach of trust.

22 Q. When was that?

23 A. It was -- I was convicted in 2015. It occurred in 2010.

24 Q. Is that your only prior record?

25 A. Yes.

1 Q. Are you a drug dealer?

2 A. No.

3 Q. Is your husband a drug dealer?

4 A. No.

5 Q. Is your nephew a drug dealer?

6 A. No, ma'am.

7 Q. Okay. Going back to May 23rd of 2013, who was living
8 with you at that time?

9 A. Myself, James Gage, and my nephew Ryan Yates.

10 Q. Do you have any children of your own?

11 A. Yes.

12 Q. And how old were they in 2013?

13 A. My oldest son was eight and my youngest son was six.

14 Q. Were they with you on that date, May 23rd?

15 A. Not at that time, but they would have been later on that
16 evening.

17 Q. Did you share custody with their father?

18 A. Yes.

19 Q. Okay. What were you -- tell me a little bit about what
20 you were doing the day before on May 22nd, that afternoon.

21 A. On May 22nd it's my little sister's birthday, so I was
22 actually at my parents' house all day celebrating it with her
23 and my family, so I didn't get home -- I think I left my
24 parents' house around 9:00 that night, and me and James, my
25 husband, or soon to be husband, we went to Walmart, got

1 groceries, came home, cooked dinner. And myself, James and
2 Ryan were sitting at our dining room table watching TV, while
3 we ate; and then after we ate, of course, we were all getting
4 ready to go to bed.

5 Q. And approximately 1:45; where was everyone at that time?

6 A. My husband was actually on the toilet. I was in the
7 bedroom folding clothes so that I can go to sleep, and then
8 my nephew Ryan was still in the living room.

9 Q. Was this a typical night?

10 A. Yes.

11 Q. And can you please tell the jury what happened next?

12 A. Well, as I was folding clothes, I heard this loud noise;
13 and I thought my nephew might have broken something, so I
14 went to walk out of my room. And I got right out of my
15 bedroom door in the foyer, and I heard this loud noise again;
16 and whenever I turned, I noticed that my front door was
17 shaking. So once that happened, I looked straight across
18 into my living room, where my nephew was standing; and he
19 looked at me, and I looked at him. And he went one way, and
20 I turned; screaming, running back into my bedroom, to my
21 husband that somebody was kicking in our door.

22 Q. Let me stop you there. So you -- did you feel that
23 someone was kicking in the door?

24 A. Yes. I looked at the door and it was shaking.

25 Q. Okay. I'm sorry. Go ahead.

1 A. So as I was running back into my bedroom, my husband
2 almost actually knocked me over coming out of the bedroom; so
3 once he ran past me, I kind of was -- I was in shock. I
4 didn't know what to do, if I should run or stay still; so I
5 went to go back out of my bedroom, and that's whenever my
6 front door flew open. When my front door flew open, I turned
7 around immediately ran back into my room; and that's when I
8 heard somebody say, "stop right there or I'll shoot you," so
9 immediately I just froze.

10 Q. And what happened next?

11 A. After that James Singleton came into my room, grabbed me
12 by my waist and put a gun to my head and was asking me where
13 my cell phone was.

14 Q. Did he grab you from behind or in front?

15 A. He grabbed me from the front, and then he walked himself
16 behind me because I was facing him when he came in the room.

17 Q. So you saw his face when he walked in the room?

18 A. Yes.

19 Q. So he grabbed you from the front, initially, and then
20 moved his way to the back?

21 A. Yes.

22 Q. Did he put the gun to your head at that point?

23 A. Yes.

24 Q. Okay. Go ahead. I'm sorry.

25 A. After that, after he asked me where my cell phone was, I

1 pointed to my nightstand because I had my nightstand -- my
2 phone on the charger. So he walked me over to the
3 nightstand, and he told me to pick up my cell phone; so I
4 did, and my hands were still in the air after I grabbed my
5 cell phone, and he kept asking me, "where is it?" And I
6 didn't know what he was talking about. I said, "where's
7 what? What are you talking about?" And he said, "don't play
8 with me, bitch, or I'll pistol-whip you in the face." So
9 after he asked me again, I told him it was outside because in
10 my mind that's the last place I seen my husband go was
11 towards the living room which goes out to our sliding doors
12 to the back door. So I thought if I got him outside, that's
13 where my husband and my nephew were. So he then walked me
14 from the bedroom all the way through my living room to the
15 back sliding glass doors, and he said, "call him." So I was
16 calling my husband. I called him maybe two, three times; and
17 then my dogs were actually outside in the backyard because we
18 had just let them out before we want to bed, so my two pit
19 bulls, they come running up to the back door once they see a
20 stranger holding me. And he told me that if I don't back my
21 dogs up, he's going to shoot them; so I told Mama and Joker,
22 I said, "back up. Go away." So at that point I hear my
23 husband behind me telling him, "let my wife go and get out my
24 house."

25 Q. When you say behind you, is he in the house behind you?

1 A. Yes.

2 Q. Okay.

3 A. My husband, I guess whenever he ran outside, he ran
4 around the front. That's the only way that you can get in
5 and out of our house, so I heard his voice behind me; and as
6 soon as we heard him, James Singleton -- I don't even know
7 how he did it. Somehow he spun us both around at the same
8 time using me as a shield, and as soon as I seen my husband's
9 head, because we had our big screen TV pulled out
10 catty-corner that night because we were watching TV while we
11 were eating dinner, all I seen was James Gage, my husband's
12 head on top of the TV; and he was saying, "let her go."
13 Well, at that time out my side view I could see his hand come
14 down with the gun, and that's whenever I grabbed his hand and
15 pushed it up to the wall.

16 Q. Was his hand pointed at your husband's face?

17 A. Yes. If I wouldn't have moved his hand, he most likely
18 would have shot my husband in the head.

19 Q. Okay. So what happens next?

20 A. After that we fall to the floor. We're fighting over
21 the gun. He's still trying to fire the gun. And he's
22 screaming, "let my gun go," and all I can think was, "don't
23 let it go. So finally he ended up getting it away from me,
24 and then I heard this loud pop in my left ear, and I couldn't
25 hear for a minute; and after that he threw me off of him, and

1 whenever I fell to the floor, I turned to look up, and that's

2 whenever he pistol-whipped me in the face with the gun.

3 Q. Was he standing up?

4 A. Yes.

5 Q. Were you on the ground?

6 A. Yes.

7 Q. Okay. And did he come down from this direction

8 (indicating)?

9 A. Yes.

10 Q. All right. Let me go to -- go ahead. Tell me what

11 happens after this.

12 A. After that, I didn't pay any attention of where Mr.

13 Singleton was. I just started crawling out the back door

14 because I didn't want to get up in case he was right behind

15 me. So I crawled out my back door to the right to our

16 privacy fence, and whenever -- I could hear my husband

17 screaming behind me, so whenever I turned around, my husband

18 was in the neighbor's fence on the other side of the yard,

19 and he was screaming, "get out of my house. Get out of my

20 house." As soon as I turned around, I looked at the sliding

21 glass door, and Mr. Singleton had stuck his head out the back

22 door again.

23 Q. So he was still there?

24 A. Yes.

25 Q. Okay. And what happens next? What did you do from

1 there?

2 A. After that my husband was screaming to me, "come to me,
3 come to me." So I got up, and I started running; and then
4 when I got in the middle of the yard, I fell down. And when
5 I went to get back up again, that's when I felt the warmth of
6 the blood rush down my leg; and that's when I started
7 screaming, "he shot me." And then my husband was trying to
8 get me to get up and come to him, so at that point I got up
9 and was trying to get to my husband; and he had to meet me at
10 the gate to open the gate because the latch on our gate,
11 whenever he built it, it got bent, the metal part did. So he
12 was trying to help me get out of the gate, so once he
13 actually got the gate open, he picked me up, and me, my
14 husband, and my nephew Ryan Yates -- he put me in the back
15 seat, told Ryan to apply pressure to my leg, and we went to
16 Summerville Hospital.

17 Q. Okay. Let me take you back to the beginning a little
18 bit. I want the jury to be able to understand the layout of
19 your house.

20 May I approach the witness, Your Honor?

21 THE COURT: You may.

22 Q. I'd like to show you a picture that's been marked
23 State's Exhibit No. 1. Do you recognize that picture?

24 A. Yes, that is my front door.

25 Q. Is that what your front door looked like on May 23rd of

1 2013?

2 A. Not when I went inside and closed the door.

3 Q. Okay. Is that what it looked like after?

4 A. I don't know. I never seen it.

5 Q. Okay. What does that look like? Do you recognize that
6 picture?

7 A. That is the front of my house.

8 Q. This is State's Exhibit No. 2?

9 A. Yes.

10 Q. And is this what your house looked like in 2013, May of
11 2013?

12 A. Yes.

13 Q. Let me show you what's --

14 MR. LOY: Your Honor, if these are intended to be
15 introduced, may I look at them.

16 MS. MIMS: I'm so sorry, yes.

17 Q. Let me show you what's been identified as State's No. 3.
18 Do you recognize that picture?

19 A. Yes.

20 Q. Okay. What is this a picture of?

21 A. That is a picture of my door leading -- the front door
22 leading into my house and the screen door.

23 Q. Is this what your house looked like in May of 2013?

24 A. Yes.

25 Q. And if I'm looking straight in your front door, where is

1 this in your -- where does this go in your house?

2 A. As soon as you walk in my front door, there's like a
3 little foyer, and then you walk straight into my kitchen.

4 Q. Okay. And I'd like to show you what's been identified
5 as State's 15. Do you recognize that picture?

6 A. Yes.

7 Q. And what is that a picture of?

8 A. That is a picture, if you're standing in my kitchen,
9 that is the view from my kitchen out the front door.

10 Q. Okay. So can you tell the jury a little bit about the
11 layout of your house, like when you come in the front door,
12 where do you go to go towards the bedroom where you were?

13 A. As soon as you come in the front door, as I stated,
14 there's like a little foyer. If you go to the left, and that
15 is the hallway. Once you go to the left, you have to take
16 another left to go into my bedroom. There's a bathroom in
17 the middle of that hallway. There's a closet for towels and
18 things. And then if you go straight down the hallway, it's
19 my nephew's room.

20 Q. Okay. So this is looking straight into the front door
21 which sort of divides the house.

22 A. Correct.

23 Q. Is that correct?

24 A. Mm-hmm.

25 MS. MIMS: Your Honor, at this time I'd ask to introduce

1 Exhibits 2 and 3 into evidence..

2 THE COURT: Any objection?

3 MR. LOY: There's not.

4 THE COURT: All right.

5 (State's Exhibits 2-3 admitted into evidence.)

6 MS. MIMS: May I publish, Your Honor?

7 THE COURT: You may.

8 Q. So this is the view just inside the front door leading
9 straight in?

10 A. Correct.

11 Q. Okay. And I'd like to show you what's been marked as
12 State's Exhibit No. 4. Do you recognize this picture?

13 A. It's upside-down.

14 That, as soon as you walk in my house, there was a shoe
15 closet right here to the right, so that would be the door
16 frame of my front door.

17 Q. Okay. Is there anything unusual about the door frame of
18 your door in this picture?

19 A. Yes.

20 Q. Was your door frame -- did it look like this before the
21 events that happened on May 23rd of 2013?

22 A. No.

23 Q. Okay. Do you know what caused this, the broken clamp on
24 your door?

25 A. Him kicking it in.

1 MS. MIMS: Your Honor, I'd ask to introduce State's
2 Exhibit No. 4.

3 THE COURT: Any objection?

4 MR. LOY: Your Honor, I don't have an objection to the
5 introduction of the photographs that are being presented to
6 the witness.

7 THE COURT: All right. Thank you.

8 (State's Exhibit 4 admitted into evidence.)

9 Q. I'd like to show you State's Exhibit No. 11. Do you
10 recognize that picture?

11 A. Yes. This is my living room. Once you come into the
12 front door, if you were to take a right, it shows you the
13 chair, my couch and the foosball table that was in my living
14 room.

15 Q. And State's Exhibit No. 13, do you recognize that
16 picture?

17 A. That is the picture, once you're in my living room, if
18 you're standing against the living room window, that would be
19 my couch and the dining room table with the sliding glass
20 doors going into the backyard.

21 MS. MIMS: Permission to publish, Your Honor.

22 THE COURT: Are you moving for admission of 11, 13?

23 Ms MIMS: Yes, ma'am.

24 THE COURT: Without objection?

25 MR. LOY: No objection. I believe they're in, Your

1 Honor, or coming in.

2 (State's Exhibits 11 and 13 admitted into evidence.)

3 MS. MIMS: Permission to publish, Your Honor.

4 THE COURT: You may.

5 Q. So if I'm looking into the living room that you just
6 identified in State's Exhibit No. 13, is this where the
7 incident happened with the gun, with -- when your husband was
8 standing there, is this -- and the guns -- the shots were
9 fired.

10 A. Right.

11 Q. Is this where the incident took place?

12 A. Yes.

13 Q. Is this in the living room?

14 A. Yes.

15 Q. And is it sort of a living room/dining room?

16 A. Yes, they were both combined.

17 Q. Okay. This door that I'm looking at, is this the back
18 door?

19 A. Yes, those are the sliding glass doors. That's the only
20 way to go to my backyard.

21 Q. Was there only one front door and one back door?

22 A. Yes.

23 Q. And then off to the side, this room off to the side,
24 what is this room?

25 A. That's another entryway to the kitchen, so you can get

1 to the front of the living room, or if you walk straight in
2 to my kitchen.

3 Q. So everything, once you were taken to the living room
4 area and the back door area, that's where the -- the incident
5 took place when you were shot; is that correct?

6 A. Correct.

7 Q. Okay. Now, after this incident happens and you crawl
8 out the back door and you find your husband, where do you go
9 from there?

10 A. From there he picked me up and put me in the back of my
11 SUV, and then him and my nephew drove me to Summerville
12 Medical.

13 Q. What happened when you got to Summerville Medical?

14 A. When I was in Summerville Medical -- my husband carried
15 me inside, of course. They put me on a stretcher and took me
16 back to a room. From there basically the doctors were trying
17 to see where the blood was coming from, so they took my
18 clothes off. By that time there was a white female
19 detective -- I don't remember her last name. She came into
20 the room and was sitting with me the whole time until I was
21 transported to MUSC, but while I was at Summerville Medical,
22 of course they took the x-rays and things like that.

23 Q. Okay. So when the officer came in and talked to you in
24 Summerville, did you at that point give her a description of
25 the person who had come into your house that night?

1 A. I did.

2 Q. Okay. And did she write that down, do you know?

3 A. I don't remember. I think she radioed it over the --

4 Q. Okay. Who else was at the hospital with you that night?

5 A. My husband, my nephew, my mom, my father, and then
6 the -- some of the police were there.

7 Q. Okay. And did your husband and your nephew, they ride
8 with you to the hospital?

9 A. Yes.

10 Q. And they both stayed there?

11 A. Yes.

12 Q. Okay.

13 A. Well, at one point after my x-rays, they requested that
14 my husband come back to the house and let them in, so he
15 went -- the police came and picked him up and took him back
16 to the house, where he let them come in and search the house
17 and take pictures.

18 Q. So they came in and did do a search of your house?

19 A. Yes.

20 Q. Tell me a little bit about the injuries that happened to
21 you. Tell me, what happened when you got to the Medical
22 University of South Carolina?

23 A. Summerville Hospital had to transfer me down to MUSC
24 because they said the way the bullet went into my hip bone,
25 they didn't want to mess with it because they believed that

1 it had went in and shattered some of the -- I guess the
2 bullet in the bone, I'm not sure, so they didn't want to
3 touch it. So they transported me to MUSC, where they took
4 their own x-rays and then advised me that I had to go in to
5 surgery. So I want in to surgery, and I wasn't aware until
6 after I got out of surgery that the bullet had injured my leg
7 so bad --

8 MR. LOY: Objection, Your Honor. "I wasn't aware until
9 I got out and someone told me" is just hearsay.

10 THE COURT: Sustained.

11 Q. Ms. Yates, did you understand that -- after you got out
12 of surgery, was a bullet eventually taken out of your leg?

13 A. Yes, and the doctor said that they had to put in a rod
14 and three screws.

15 MS. MIMS: Okay. Beg the Court's indulgence, Your
16 Honor.

17 Your Honor, may I approach the witness?

18 THE COURT: You may.

19 Q. Ms. Yates I'm going to show you what's been marked as
20 State's Exhibit No. 21. Do you recognize that photo?

21 A. I do.

22 Q. What is this -- who is in this picture?

23 A. That is a picture of my ear.

24 Q. When was this picture taken?

25 A. At MUSC.

1 Q. Who took it?

2 A. I did.

3 Q. What date did you take this?

4 A. May 24th.

5 Q. May 24th. Okay. And what is this picture showing?

6 A. That is showing that there is dried up blood in my ear.

7 Q. And does this picture accurately reflect what your ear
8 looked like on May 24th of 2013?

9 A. Yes.

10 MS. MIMS: At this time, Your Honor, I'd move to
11 introduce State's Exhibit No. 21 into evidence.

12 THE COURT: Any objection?

13 MR. LOY: None, Your Honor.

14 (State's Exhibit 21 admitted into evidence.)

15 MS. MIMS: Permission to publish, Your Honor.

16 THE COURT: You may.

17 Q. What caused this injury to your ear, Ms. Yates?

18 A. When I got hit in the face with the gun.

19 Q. I'd also like to show you what has been marked as
20 State's Exhibit No. 23. Do you recognize this picture?

21 A. I do.

22 Q. What is it?

23 A. That's a picture of my face.

24 Q. Okay. And is there anything unusual on your face?

25 A. Yes, I have a -- marks, red marks all over my face, from

1 my -- basically my nose down to my neck.

2 Q. And is this what your face looked like on May 24th of
3 2013?

4 A. Yes.

5 Q. Who took this picture?

6 A. I did.

7 Q. And what is the red mark from?

8 A. From being hit in the face with the gun.

9 MS. MIMS: Your Honor, I'd ask to introduce State's
10 Exhibit 23 into evidence.

11 THE COURT: Any objection?

12 MR. LOY: Your Honor, I don't have an objection to the
13 exhibits that the solicitor has in her hand at bar at this
14 point.

15 (State's Exhibit 23 admitted into evidence.)

16 MS. MIMS: Permission to publish, Your Honor.

17 THE COURT: You may.

18 Q. How did you get this injury?

19 A. Whenever James Singleton threw me off of him and I
20 turned around he -- that's whenever he hit me in the face
21 with the gun.

22 Q. Okay. And I'd like to show you State's Exhibit No. 20.
23 Do you recognize that picture?

24 A. I do.

25 Q. Who took that picture?

1 A. I did.

2 Q. When did you take it?

3 A. I took it at MUSC when I was still in the hospital.

4 Q. What is this a picture of?

5 A. It's a picture of my shoulder. It has the bruising on
6 it and red marks.

7 Q. Does this accurately reflect what your shoulder looked
8 like on May 24th of 2013?

9 A. Yes.

10 Q. And what is this showing?

11 A. It's showing the -- some of my face, where I was hit,
12 and then my shoulder.

13 Q. Okay.

14 A. That it's bruised.

15 MS. MIMS: Your Honor, I'd ask to introduce State's
16 Exhibit 20.

17 THE COURT: That's without objection.

18 (State's Exhibit 20 admitted into evidence.)

19 Q. And what was this injury caused by?

20 A. From being struck in the face with the gun by James
21 Singleton.

22 Q. Were all of these injuries on your left side?

23 A. Yes.

24 Q. And was that from one blow?

25 A. Yes.

1 Q. And you said that the pistol -- did it come from up
2 high, down low?

3 A. Mm-hmm, yes.

4 Q. I'd like to show you what's been marked as State's
5 Exhibit No. 19. Do you recognize that photo?

6 A. Yes, ma'am.

7 Q. And who took that photo?

8 A. I did.

9 Q. What is that a picture of?

10 A. That is a picture of the bullet hole in my left hip.

11 Q. And is this what your hip looked like on May 24th of
12 2014 (sic)?

13 A. Yes.

14 Q. I'd also like to show you State's Exhibit 18. Do you
15 recognize that photo?

16 A. I do.

17 Q. And what is that photo of?

18 A. That is a picture of my left hip and my leg. The top
19 circle is where the bullet was extracted, and the bottom part
20 is where they had to cut my leg open to put in the rod and
21 three screws and staple it.

22 Q. And why did they have to put the rod in again?

23 A. Because the bullet damaged my leg.

24 Q. Okay. And does this accurately reflect what your leg
25 looked like on May 24th 2014 -- 2013?

1 A. Yes.

2 MS. MIMS: I'd ask to introduce State's Exhibit 18 and
3 19, Your Honor.

4 THE COURT: Without objection.

5 (State's Exhibits 18-19 admitted into evidence.)

6 Q. How long were you in the hospital, Ms. Yates?

7 A. I was in the hospital for three days.

8 Q. And can you tell me what your recovery was like after
9 recovering from this wound?

10 A. After returning home from the hospital, I was ordered to
11 do physical therapy, I believe it was two times a day -- two
12 times a week. Therapist would come --

13 MR. LOY: Your Honor, I object at this point as to
14 relevance. I think it's just inflammatory to proceed with
15 the whole recovery period. She's testified to the injuries
16 she received, even some hearsay information she received from
17 the doctor that she was shot in the hip, transferred to MUSC,
18 etc. I don't think of this is relevant at this point.

19 THE COURT: Solicitor?

20 MS. MIMS: Your Honor, I think it goes to the injuries
21 that she sustained from this violent attack. I think it is
22 relevant for the jury to hear.

23 THE COURT: Overruled.

24 MS. MIMS: Thank you, Your Honor.

25 Q. You may proceed.

1 A. As I was stating, once I returned home, I had to go
2 through physical therapy two to three times a week. They
3 would actually have to come out to my mother-in-law's house,
4 and then we would do the physical therapy there. During that
5 period I was put on bed rest for 12 weeks, and I was told
6 that I could not walk for the first month. After that month,
7 they gave me a walker, and then I was moved to a cane.

8 Q. Okay. And this incident happened almost two years ago.
9 Do you still have any other -- do you still have issues from
10 this --

11 A. Yes, ma'am.

12 Q. -- injury?

13 A. I have to go to a pain specialist, and they have given
14 me a TENS unit as well to use.

15 Q. Okay. Backing up a little bit, I want to show you
16 what's been marked as State's Exhibit No. 60. Do you
17 recognize this?

18 A. I do.

19 Q. Does this look like the weapon that Mr. James Singleton
20 used when he came into your house?

21 A. Yes.

22 Q. Was this the weapon that was pointed at your head?

23 A. Yes.

24 Q. Do you see the man who caused these injuries to you in
25 the courtroom today?

1 A. I do.

2 Q. Could you point to him, please?

3 A. He's over there (indicating).

4 MS. MIMS: Your Honor, could the record please reflect
5 that the victim has identified Mr. Singleton as the person
6 who committed this offense?

7 THE COURT: It shall reflect that.

8 MS. MIMS: I have no further questions. Please answer
9 any questions Mr. Loy has.

10 MR. LOY: Your Honor, I have a matter of law I need to
11 address with the Court before examination.

12 THE COURT: You may approach.

13 (The following was held at the bench out of the hearing
14 of the jury.)

15 MR. LOY: Your Honor, I probably need to go on the
16 record.

17 THE COURT: You're actually on the record.

18 MR. LOY: Okay. One of the first questions that Ms.
19 Mims asked this witness was, "is your husband a drug dealer?"
20 And the answer she gave was, "no." I wanted to ask her about
21 her knowledge as to that because her husband is a drug
22 dealer, has been convicted of trafficking in cocaine,
23 manufacture, distribution of drugs, and I believe something
24 else related on his record, and I think that they've opened
25 the door to that. I'm entitled to explore her knowledge with

1 this witness.

2 THE COURT: When were the convictions?

3 MR. LOY: One is within the ten-year parameter. The
4 other is not, but I'm not impeaching a witness with it at
5 this point because he's not testified. I'm impeaching her
6 knowledge basis on what she makes that allegation or
7 assertion to the Court and these people that her husband's
8 not a drug dealer. I think it's a different issue. One is
9 within the ten years, and one may be; that is, it's a
10 conviction in '04, I believe, with a five -- not to exceed
11 five years, so I don't think he would have been released
12 within the last ten years at any rate. I think that they've
13 kicked the door wide open with, "is he a drug dealer" and the
14 answer is "no".

15 THE COURT: What's your position?

16 MS. MIMS: Your Honor, I don't think we have opened the
17 door on this. We've just asked her knowledge of him being a
18 drug dealer, that's all. She didn't testify that she knows
19 his prior record. We asked one question. I don't think
20 we've opened the door.

21 THE COURT: I'm going to send the jury out to the jury
22 room.

23 (The following was held in open court.)

24 THE COURT: Ladies and gentlemen of the jury, we're
25 going to take our brief morning recess. If you would please

1 go to your jury room. Again, please remember my previous
2 instruction not to discuss this case with anyone or allow
3 anyone to discuss the case with you. We will be right with
4 you.

5 (The jury retires to the jury room at 11:10 a.m.)

6 THE COURT: Mr. Loy?

7 MR. LOY: If I could, just one moment, Your Honor. May
8 I have one moment, Your Honor?

9 THE COURT: You may.

10 MR. LOY: Your Honor, could I have the court reporter
11 read back one of the first questions that was asked of this
12 witness by the solicitor so I can get the wording exact? It
13 was something along the lines of, is your husband a drug
14 dealer or does your husband deal drugs, etc.

15 THE COURT: Yes sir.

16 (Record read as follows:)

17 "Question, are you a drug dealer?

18 "Answer, no.

19 "Question, is your husband a drug dealer.

20 "Answer, no."

21 MR. LOY: Your Honor, in that area, I'd make the Court
22 aware that Ms. Yates' husband was apparently arrested in
23 2004, charged with distributing, selling crack cocaine within
24 the proximity of a school, that he was convicted apparently
25 in 2004, charged with manufacturing controlled substances as

1 well as two counts of distribution of cocaine first and a
2 possession of a controlled substance charge also. That
3 charge, Your Honor, I know that was in 2004. The sentence,
4 however, was not to exceed five years so I can't imagine the
5 scenario in which he would have been released from
6 incarceration more than ten years ago. Subsequent to that,
7 in 2006 his rap sheet shows he was convicted of trafficking
8 cocaine more than ten grams; and it also looks like in 2007,
9 and I might need a moment to clarify this, but the record
10 appears to show two more convictions, it would be two counts,
11 where he was convicted for another drug charge and sentenced
12 to 15 years suspended to something with probation to follow.
13 I think I'm entitled to impeach this witness's testimony with
14 her clearly erroneous or misleading statement to the
15 solicitor, "no, my husband is not a drug dealer," when as a
16 matter of law, he is or has been.

17 THE COURT: Solicitor, what's your position on that?

18 MS. MIMS: Your Honor, the State's position would be
19 that he's assuming she knows he had a criminal record. She
20 answered what she knew. I don't think that she should be
21 impeached -- the question is is he a drug dealer, not was he
22 a drug dealer. Is he a drug dealer; we're talking about
23 2013, is your husband a drug dealer? She answers no.

24 THE COURT: I think you opened the door to some extent.
25 I think he's allowed to impeach her as to what do you know

1 about his past.

2 MS. MIMS: Yes, ma'am.

3 THE COURT: And if she knows, you know, then otherwise
4 there may be -- we'll have to cross that bridge, but the
5 witness's -- under 609 it would be the witness's prior
6 convictions, not another witness's prior convictions, but you
7 opened the door to ask her what her knowledge is about her
8 husband's past.

9 MS. MIMS: But not necessarily the criminal history.

10 THE COURT: Well, it depends.

11 MR. LOY: I didn't touch on the robbery charge, the
12 other ones, all I'm addressing is are you aware of his
13 convictions.

14 THE COURT: All right.

15 MS. MIMS: So he's allowed to go into his record in
16 terms of the criminal convictions?

17 THE COURT: I think, you know, it's her husband, are you
18 aware that he has prior criminal convictions for whatever
19 they are, regarding just the drug specific ones. If she's
20 not -- you know, I think he can ask her that because you
21 opened the door to that. But just limit it to that, Mr. Loy.

22 MR. LOY: I will, Your Honor. Just for purposes of our
23 record and for clarification, there are other drug charges on
24 there that don't have convictions, and I'm not going to ask
25 about those; and there are also possession charges, etc. I'm

1 asking about the distribution charges or the possessions with
2 intents or the manufacturings.

3 THE COURT: That would go into more the dealing aspect
4 rather than the possession aspect.

5 MR. LOY: And I'm not touching the possessions, Your
6 Honor.

7 THE COURT: No charges, just convictions --

8 MR. LOY: Yes, ma'am.

9 THE COURT: -- within that ten-year period --

10 MR. LOY: Your Honor, as well --

11 THE COURT: -- as it relates to the one --

12 MR. LOY: Yes, Your Honor. The ones that I've just
13 published on the grounds that I've just published.

14 THE COURT: Correct.

15 MS. MIMS: Your Honor, I mean, honestly, he said in his
16 opening statement that they're drug dealers. I really didn't
17 go any further than Mr. Loy did in opening statements.

18 THE COURT: Well you shouldn't have asked the question.

19 MS. MIMS: Yes, ma'am, okay.

20 THE COURT: Let's move on.

21 MR. LOY: Your Honor, that's it at this point in time.

22 THE COURT: Okay. Let's have our jury back, please.

23 (The jury enters the courtroom at 11:17 a.m.)

24 CROSS-EXAMINATION BY MR. LOY:

25 Q. Ms. Yates, a moment ago in answering the solicitor's

1 questions she asked you one question, "is your husband a drug
2 dealer." Do you recall receiving that question?

3 A. I do.

4 Q. And do you recall what your answer was?

5 A. No.

6 Q. Your answer was no?

7 A. The answer was no.

8 Q. Thank you. Are you aware that in -- are you aware or
9 were you aware before today that in 2004 your husband was
10 convicted of manufacturing, distribution of cocaine, first
11 offense, were you aware of that?

12 A. I was.

13 Q. Were you aware that in 2006 your husband was convicted
14 of trafficking in more than ten grams of cocaine?

15 A. I was.

16 Q. Were you aware that in 2007 your husband was convicted
17 of another cocaine charge, that is, a distribution?

18 A. Yes.

19 Q. So at the time you made that statement to the Court you
20 were aware of all those convictions?

21 A. I was. But she asked me is he a drug dealer, not was
22 he. There's a difference.

23 Q. I understand. Thank you. Now, the night in question
24 you were home, and you state your home was just invaded.
25 Were there any drugs in your home on that night?

1 A. No.

2 Q. Would you have been aware of them if there were?

3 A. I would have been.

4 Q. Were there any firearms in your home that night?

5 A. No.

6 Q. As a matter of fact, people in your home are not allowed
7 to possess a firearm; is that right?

8 A. Correct.

9 Q. So you're aware of that, based on earlier convictions,
10 cannot have a firearm; is that right?

11 A. Yes, sir.

12 Q. You were still in your marriage, that is, married to Mr.
13 Yates? I'm asking. It's a question. Sorry, Mr. Gage.

14 A. We haven't officially gotten married, but we do have our
15 marriage license.

16 Q. Well, when I ask about your husband, I'm referring to
17 the same person the solicitor was asking about your husband
18 and the one you identified as your husband earlier.

19 A. Right, James Gage.

20 Q. Are you still involved in a relationship with this
21 person with whom you have a marriage license?

22 A. I am.

23 Q. Okay. And you're aware he's not allowed to possess a
24 firearm?

25 A. Yes, sir.

1 Q. And would that in any way shade your testimony here
2 today; that is, had he been in possession of a firearm, would
3 you be willing to come to Court and tell the Court, the
4 Judge, the prosecutors, that yes, he was in there with a gun
5 that night violating the law?

6 A. Yes.

7 Q. But that's not what happened.

8 A. No.

9 Q. Were there bullets in your home?

10 A. There were.

11 Q. Do you know how many bullets there were in your home?

12 A. I'm not sure. I know that there was at least -- I know
13 there was a case of bullets in my bedroom drawer.

14 Q. So there was at least one case of bullets --

15 A. Yes.

16 Q. -- in your home?

17 A. Mm-hmm.

18 Q. And perhaps other loose bullets around that you know of?

19 A. It's possible, yes.

20 Q. So your practice was to keep, you and -- Mr. Gage lived
21 in the house with you at this point in time, did he not?

22 A. He did.

23 Q. And your practice was to keep bullets in the home, a
24 case of bullets, as well as various other bullets and -- but
25 not a firearm; is that correct?

1 A. Correct.

2 Q. Now, you further testified that Mr. Singleton was in
3 your home -- or a person you identified as Mr. Singleton was
4 in your home and that he had a firearm; is that right?

5 A. Yes.

6 Q. And you saw no other firearms that night?

7 A. No.

8 Q. And how many times did this firearm discharge, if you
9 recall?

10 A. Honestly, I know the one that he shot towards my
11 husband, and that's whenever I pushed the gun into the wall.
12 After that I want to say it fired two or three more times.

13 Q. Okay. And all of those times that it fired were in
14 close proximity to each other, as you all were wrestling or
15 fighting for this gun?

16 I'm sorry, do you understand my question?

17 A. I don't understand.

18 Q. If I ask a question and you don't understand it, you're
19 not required to answer it. It's probably poorly phrased.
20 From the time the first shot was fired until the time the
21 last shot was fired approximately how much time passed, if
22 you can?

23 A. I -- I would not be able to tell you because we were
24 fighting over the gun. I know it was firing as we were
25 fighting over the gun.

1 Q. Would it be fair to say it was a matter of seconds, or
2 did you fight much longer than that?

3 A. It was probably a matter of seconds.

4 Q. And at that point in time where were you?

5 A. I was in -- on the floor wrestling with Mr. Singleton
6 over the gun, in the dining room floor.

7 Q. Is that dining room -- the dining room is in close
8 proximity or near to the back door that you described
9 earlier; is that right?

10 A. Yes.

11 Q. Okay. So you all were on the floor, wrestling for the
12 gun, and the gun discharged two or three times.

13 A. Yes.

14 Q. Thank you. And there were no other firearms, and nobody
15 else fired a gun that night?

16 A. No, not to my knowledge.

17 Q. In all likelihood, and I understand it's dramatic
18 moment, but all likelihood if you'd seen somebody else with a
19 gun or somebody else shooting one, you'd recall it, would you
20 not?

21 A. I would.

22 Q. Thank you. Now, you're not here today by any means
23 attempting to protect Mr. Gage or to act on his behalf, are
24 you?

25 A. No, sir.

1 Q. You are aware, in fact, that in relation to this
2 instance, what you've described, what you've testified about
3 here today, your fiance has been arrested by Detective
4 Williams, charged with obstruction of justice, are you not?

5 A. I am aware of that.

6 Q. Okay. And that charge is still pending, it's still out
7 there hanging over his head so to speak; is that your
8 understanding?

9 A. Yes, sir.

10 MR. LOY: One moment if I could, Your Honor.

11 THE COURT: Yes, sir.

12 Q. And your husband, if you're aware, was charged with
13 obstruction of justice because, according to the warrant that
14 was sworn to by Ms. Williams, he was seen by eye witnesses
15 firing a gun with another black male firing a gun as one
16 black male fled and then picking up the shell casings; is
17 that correct?

18 A. That's what the warrant states.

19 Q. And it further says, "physical evidence reveals that
20 gunfire was in fact exchanged," is that correct?

21 A. I haven't read the physical evidence.

22 Q. But you've read the warrant, and that's what he's
23 accused of having done.

24 A. Right, there was an eyewitness who said that they seen
25 someone describing my husband shooting as -- at Mr.

1 Singleton.

2 Q. In the front yard?

3 A. Right.

4 Q. Along with another black male in the front yard.

5 A. Right.

6 Q. Okay. And apparently he's accused of having picked up
7 the shell casings and lied about this whole encounter or
8 confrontation.

9 A. That's what he's being accused of, yes.

10 Q. Thank you. Now, you've had the opportunity to discuss
11 this case with law enforcement as well as with a victim's
12 advocate on several occasions; is that right?

13 A. No. I've never discussed my case, other than when I was
14 first in Summerville Hospital, with law enforcement.

15 Q. That wasn't my question. My question is you've had the
16 opportunity to do that, haven't you?

17 A. Not really, no.

18 Q. Okay.

19 A. No one ever took my formal statement.

20 Q. I'm aware of that. If they didn't give you the
21 opportunity, I understand that. Give me just one moment,
22 I'll have another question for you.

23 Do you deny that on, looks like -- well, do you deny
24 that Ms. Williams contacted you and Mr. James Gage by
25 telephone in attempt to discuss this case with you at one

1 point; do you recall that call?

2 A. She did.

3 Q. Okay. And do you recall telling her, "I've provided my
4 statement; I don't have anything else to say to you"?

5 A. No. My husband said that to her. She requested that I
6 come down to Summerville Police Department three days after I
7 got out of the hospital, and there was no way possible that I
8 could have done that; so we invited her to my mother-in-law's
9 home, and she did not want to do that.

10 Q. Okay. My question is do you deny on 5/27 of 2013
11 Detective Sandy Williams, Cassandra Williams, called you, and
12 you returned the call along with James Gage, that you stated
13 she did not come to the hospital on 5/24/13 and that you have
14 provided your statement, that you handed the phone to Mr.
15 Gage, and Mr. Gage hung up on Detective Williams; is that
16 your recollection or not your recollection?

17 A. That was not my statement. That was my husband's
18 statement because he wrote his statement the night that he
19 let the police go in and search our house. I never spoke
20 with her. I spoke with her on the phone and let her know
21 that I could not physically get out of bed to come down to
22 the police station. If she would like my statement, she can
23 come to my mother-in-law's house to get it because she did
24 not come to the hospital, as she stated she was going to, to
25 get my statement. I couldn't physically go give her my

1 statement.

2 Q. I understand. You spoke with her on the phone.

3 A. Mm-hmm.

4 Q. You didn't give her a statement at that point?

5 A. No, she didn't want it over the phone.

6 Q. You complained that she hadn't visited you when she said
7 she would.

8 A. Right.

9 Q. You gave the phone to your husband.

10 A. Mm-hmm.

11 Q. He exchanged words.

12 A. Yes.

13 Q. Raised his voice; he was angry.

14 A. He was angry.

15 Q. He hung up on the police officer.

16 A. He did.

17 MR. LOY: Thank you, Your Honor. Just one moment.

18 No more questions, Your Honor. Thank you very much.

19 THE COURT: Any redirect?

20 MS. MIMS: Yes, Your Honor, just briefly.

21 REDIRECT EXAMINATION BY MS. MIMS:

22 Q. Ms. Yates when did you first meet your husband?

23 A. I met my husband in the summer of 2012.

24 Q. Did he ever tell you about his prior drug record that
25 Mr. Loy just read to you in Court?

1 A. Yes. When I met my husband, he came to my house within
2 the first week that we were together and gave me an envelope;
3 and said, I want you to know everything about me. And
4 whenever I opened the envelope, he said, read it and I will
5 be back; and it was his entire rap sheet, so I knew
6 everything about James Gage.

7 Q. And you met him in 2012; is that right?

8 A. Yes.

9 Q. And as you spoke with Mr. Loy, I think he mentioned his
10 last conviction was 2007?

11 A. Yes.

12 Q. Okay. And why were there -- why were there bullets in
13 your home?

14 A. We have bullets in our home today still because the
15 bullets were his grandfather's.

16 Q. Okay.

17 A. Anything of his grandfather's that was his he keeps.

18 Q. Okay. And let me ask you this, have you always been
19 cooperative with the police?

20 A. I have, whenever they contacted me I was; but like I
21 stated on that particular time that she called, I could not
22 physically get up and go there.

23 Q. Okay. Was that your frustration, that you couldn't get
24 up and move?

25 MR. LOY: Objection, leading, Your Honor..

1 MS. MIMS: I'll rephrase.

2 Q. Were you frustrated by your physical limitations at that
3 time?

4 A. I was.

5 Q. Was this only three days after your last surgery?

6 A. Yes.

7 MS. MIMS: Okay. Beg the Court's indulgence, Your
8 Honor.

9 I have nothing further, Your Honor.

10 THE COURT: You may step down, ma'am. Thank you.

11 You may call your next witness.

12 MS. MIMS: State would call Detective Santanna.

13 NICHOLAS SANTANNA,

14 being first duly sworn, testified as follows:

15 DIRECT EXAMINATION BY MS. MIMS:

16 Q. Can you tell the jury where you're employed?

17 A. The Summerville Police Department.

18 Q. And how long have you been employed with Summerville
19 Police Department?

20 A. August will be eight years.

21 Q. Were you working for Summerville then in 2013?

22 A. I was.

23 Q. And can you tell a little bit -- tell them a little bit
24 about your job description, what you do with the Summerville
25 Police Department?

1 A. I currently work in general investigations division
2 within the Summerville Police Department. We're assigned an
3 assortment of cases to investigate. Once the patrol officers
4 complete initial report, we then do all the follow-ups.

5 Q. Okay. Are you ever in the habit of handling evidence as
6 a police officer?

7 A. I am.

8 Q. And, in general, when you gather evidence at a scene,
9 what do you do with that evidence?

10 A. Once evidence is gathered, you complete a chain of
11 custody, place it into evidence, and sometimes you would
12 indicate on our chain of custody, what would you like to do
13 with the evidence, does it need to be processed, held for
14 court, things like that.

15 Q. Is it important to handle evidence correctly in your
16 line of work?

17 A. Yes, very important.

18 Q. Were you working on May the 28th of 2013?

19 A. Yes, ma'am, I was.

20 Q. And did you happen to pick up any evidence that day
21 having to do with this case?

22 A. I did.

23 Q. And where did you pick up this evidence?

24 A. At the public safety building for MUSC. It's on Doughty
25 Street in downtown Charleston.

1 Q. Is your department in the habit of sometimes picking up
2 evidence from hospitals and bringing it to the police
3 department?

4 A. Yes, quite often.

5 Q. Can you tell me a little bit about that or why that
6 happens?

7 A. Yes. When -- when evidence is gathered by like a
8 medical professional at MUSC, they then transfer that
9 evidence to the public safety department, and they have an
10 evidence facility, and I usually go down -- I mean, we would
11 go down there -- somebody from the department would go down
12 there to gather that evidence to bring it back to our police
13 department and place it into our evidence.

14 Q. Okay. So on May the 28th did you stop by the Medical
15 University of South Carolina?

16 A. I did.

17 MS. MIMS: Your Honor, may I approach the witness?

18 THE COURT: You may.

19 Q. I'd like to show you what's been marked as State's
20 Exhibit 58. Do you recognize this bag?

21 A. I do.

22 Q. And can you tell me what's on the outside of this bag,
23 what this label is?

24 A. Yes. It's a label marked "evidence" and it's the chain
25 of custody of the item inside that bag.

1 Q. And what exactly do you mean by "chain of custody"?

2 A. So the chain of custody is just the events that
3 occurred, so it was taken -- this is where it was taken from,
4 by who, given to who, given to who. It's just a list of
5 individuals that have come in contact with that evidence.

6 Q. Okay. And is your name on this form?

7 A. It is.

8 Q. And can you show me where it's at?

9 A. On the bottom (indicating).

10 Q. And what does your name there represent?

11 A. Detective Santanna, that I'm taking the evidence.

12 Q. And what exactly, if I can show you this, is in this
13 bag, do you know?

14 A. It was a bullet fragment.

15 Q. Okay. And where was that bullet fragment taken from?

16 A. I believe the victim, Ms. Yates.

17 MS. MIMS: Okay. Your Honor, at this time I'd ask to
18 introduce State's No. 58 into evidence.

19 THE COURT: Any objection?

20 MR. LOY: No, Your Honor.

21 THE COURT: It's in.

22 (State's Exhibit 58 admitted into evidence.)

23 MS. MIMS: Thank you, Your Honor.

24 Q. And once you took this bag containing this bullet, where
25 did you take it to?

1 A. To the Summerville Police Department, and our evidence,
2 we have a secure evidence like lockers; and I placed it in
3 locker 19, and it's secured by a key.

4 Q. And when you handled this bag, when you picked up this
5 bag, was this bag sealed?

6 A. Correct, it was sealed.

7 Q. Did you open this bag?

8 A. No, ma'am.

9 Q. And when you put it in the locker at Summerville Police
10 Department, was it still sealed?

11 A. Yes, ma'am.

12 MS. MIMS: Beg the Court's indulgence, Your Honor.

13 I have no further questions, Your Honor.

14 Please answer any questions Mr. Loy has.

15 THE COURT: Mr. Loy?

16 MR. LOY: I don't have any questions for Detective
17 Santanna.

18 THE COURT: You may step down, Detective. Thank you.

19 You may call your next witness.

20 MR. SORENSON: State calls Officer James McClellan.

21 JAMES MCCLELLAN, III,

22 being first duly sworn, testified as follows:

23 DIRECT EXAMINATION BY MR. SORENSON:

24 Q. Officer McClellan, if you would, tell us please where it
25 is that you're employed.

1 A. The Town of Summerville Police Department, sir.

2 Q. And how long have you been with the Town of Summerville?

3 A. Approximately five years, sir.

4 Q. And what are your current duties and responsibilities
5 there?

6 A. I'm a field training officer in the K-9 unit, sir.

7 Q. And how long have you been employed in that capacity?

8 A. Three years now, sir.

9 Q. Do you currently have a K-9 that's assigned to you?

10 A. Yes, sir.

11 Q. Tell the jury, what's that K-9's name?

12 A. My K-9 is named Luke. He is an almost four-year-old
13 Belgium Malinois.

14 Q. How long has Luke been assigned to you at the
15 Summerville Police Department?

16 A. Me and K-9 Luke have been partners since January 2013.

17 Q. Back in May of 2013 he was working with you at that
18 time?

19 A. Yes, sir.

20 Q. If you would tell the jury a little bit about -- you
21 said that Luke is a Belgium Malinois. Tell the jury a little
22 bit about his training.

23 A. Myself and K-9 Luke both went through training in North
24 Carolina at Bullocks Kennels. The K-9 that I have is
25 actually -- they're trained before we get them. They're

1 imprinted on everything that we use them for. The things
2 that Summerville Police Department uses the K-9's for are a
3 utility dog, which they do narcotics, they do tracking, area
4 search, building search, apprehension, things of those
5 nature. Once you go up there, it can take anywhere from four
6 weeks to eight weeks to train. You guys have to start
7 learning to work together when you get up there. Then after
8 the master trainer feels that you guys have started to have a
9 bond, then you can certify and go back to your agency.

10 It took me -- I first went up there with a secondary
11 dog, and that dog had some medical issues, so I started
12 training with K-9 Luke approximately a week later. It took
13 us six weeks, and then we certified; and we got to come back
14 home, and I've had him ever since.

15 Q. What is Luke trained to do or certified to do?

16 A. K-9 Luke is certified as a patrol utility dog, which is
17 narcotics searches, tracking, apprehension work, building
18 searches, area searches, evidence recovery, and I believe --
19 without having a long list in front of me, I believe
20 that's -- in that general area.

21 Q. Turning specifically back now to the early morning hours
22 of May the 23rd of 2013, were you working that morning?

23 A. Yes, sir. I'm the K-9 handler that's assigned to that
24 rotation.

25 Q. Did you have an occasion then to respond out to 114-A

1 Pintail Drive in the Gadsden Acres subdivision that morning?

2 A. Yes, sir..

3 Q. And was Luke with you?

4 A. Yes, sir.

5 Q. What was the purpose of you responding there that
6 morning with Luke?

7 A. As a K-9 officer our responsibility is to assist patrol
8 division, any patrolman -- any major event that happens
9 anywhere where a K-9 could possibly be used, it is my
10 responsibility to show up. Anytime that you have a shooting,
11 anything that's a violent crime, that is one of our must dos,
12 you have to go to it, and that's -- you know, where I was at
13 in the area, I was actually close, I wasn't too far away, so
14 it's kind of one of those things that you definitely respond
15 to help.

16 Q. Okay. And ultimately were you asked then that morning
17 to attempt to track a suspect that morning?

18 A. Sir, I mean, that's kind of one of the things you really
19 don't have to be asked. Once you find out a suspect's fled
20 on foot, a perimeter's set up; and it's, you know, my job to
21 go try to find them.

22 Q. Describe for the jury then in this case, when you got
23 there that morning, what information were you provided that
24 assisted you in attempting to figure out where to begin
25 looking for a track?

1 A. When I arrived on scene, Officer Driscoll had advised me
2 that a suspect had taken off running down Drake Court, and
3 that was his last known location. In the K-9 world we
4 normally don't get a lot of information about a lot of the
5 particulars. At that point it's to try to get the dog on the
6 ground as fast as possible because it is a time sensitive
7 thing, especially when you have -- you know, being a K-9, you
8 have what's called a hot track and a cold track. A hot track
9 is generally anywhere from five to fifteen minutes of getting
10 on scene. The odor's real strong. The likelihood of
11 catching a suspect is really high. So if you can get in that
12 time, that is it the ideal timeframe that you want to be in.
13 Anything after that can be done, but you have to expand the
14 perimeter a lot further; and then you have to start figuring
15 how long is the dog going to be able to work, how long are
16 you going to stay on the ground. When you only have one dog
17 available, it's kind of hard to say that I can keep my dog on
18 the ground an hour because you don't know how -- what terrain
19 we're going to go through. So with this being a hot track,
20 as we call it, where the odor is going to be fresh, it hasn't
21 had a lot of time to settle, you want to get the dog on the
22 ground as fast as possible. So when I arrived on scene,
23 Officer Driscoll told me that he had been told that a black
24 male had taken off running down Drake Court, seen last known
25 direction was on the pavement, and they had lost sight of

1 him. Generally that's about as much information as we will
2 get. If it's a shooting, it's automatically presumed that
3 the suspect is going to be armed with a shooting, but the
4 reality is in what we do, someone has to go look for the
5 suspect. There's an armed -- possible suspect out, you know,
6 in the community, so it's our job to go find them. So some
7 of the other officers will sit -- they will start designing a
8 perimeter. And generally the way a track will work is you'll
9 have your officers on a perimeter in an area, and then with
10 the track, a lot of times you're going to push that person to
11 a unit on the perimeter because I can't be very stealthy. I
12 have a dog that's panting. I'm talking on the radio. I'm
13 not a track athlete, so with all this gear on, running
14 through the woods and running for a while, my breath's going
15 to start getting heavy. You have flashlights, so we're not
16 very stealthy; so the person's going to know we're coming.
17 It's not like what you see in some of the movies with the
18 tactical stuff. It just doesn't work like that.

19 Q. And ultimately did you have an opportunity with Luke to
20 pick up a potential track that morning?

21 A. Yes, sir. When I arrived on scene, I put Luke down for
22 his track. What will happen when a dog tracks, the best way
23 to explain how dogs track is if you've ever seen a football
24 field in the morning before somebody's walked across it with
25 the dew on the ground, and when someone walks across it, you

1 can see those footprints. Well, when that happens, the grass
2 breaks it, the odor falls. When a violent crime happens and
3 someone could possibly be thinking they could go to jail,
4 there's what's called fear odor. Fear odor will drop from
5 the body. Your skin follicles, all that stuff will hit the
6 ground. That's a very fresh sent that a dog picks up on that
7 scent, and that's what the dog tracks. That's what they're
8 trained to track. That's why, dealing with utility police
9 K-9's, our tracks -- you can do it past an hour, but
10 generally after an hour of the scent being on the ground it's
11 hard to a regular police K-9. If you had a bloodhound, it's
12 a different story, but we don't operate with those.

13 With Luke his head goes to the ground, he starts going
14 back and forth. If it's a hot track, he's not -- his nose is
15 not going to be 100 percent to the ground because the odor's
16 still fresh. It's easier for him to smell. It's just like,
17 when you walk in, you can smell fresh cooking. It's easy.
18 You don't have to really search for it. But if it's been
19 there a little while, you might have to search for it a
20 little bit to start. With a hot track his nose will be up a
21 little bit higher, and he will pull in that direction. And
22 that just comes with time and learning how to read the dog,
23 and being certified with that dog, I can tell when he's on
24 track or not. At that point in time we started tracking down
25 Drake Court which is on pavement, which is actually really

1 hard for a dog unless it's something you do every day because
2 pavement doesn't hold a lot of odor from a track. It doesn't
3 have the odor like grass or dirt or something like that
4 would, but with being a fresh track it's easy to hold that
5 odor because the odor's still there and hasn't had time,
6 there's not been a lot of vehicles to do odor displacement or
7 anything like that, so his nose started tracking down Drake
8 Court.

9 Q. Let me stop you there if I could. Let me show you
10 State's Exhibit No. 63. Is that a map that kind of shows the
11 area of where Luke took you that morning?

12 A. Yes, sir.

13 Q. And will that help assist you with the jury kind of
14 showing them where he tracked?

15 A. Yes, sir.

16 MR. SORENSON: At this time we'd offer State's 63 into
17 evidence.

18 THE COURT: Any objection?

19 MR. LOY: I'm sorry, there's not, Your Honor.

20 THE COURT: It's in.

21 (State's Exhibit 63 admitted into evidence.)

22 Q. If you would, Officer McClellan, kind of point out for
23 the jury, and if you need to also, if you need to make any
24 marks on there, you can touch your screen, and it will
25 actually put a mark on there also.

1 A: Okay.

2 Q. But kind of explain to the jury, just kind of get them
3 oriented to where we're talking about there, what the main
4 road is, where the --

5 A. This is Central Avenue, which is one of the main roads
6 in Summerville on that side of town. As you're coming up
7 Central Avenue, this neighborhood right here is called
8 Gadsden Acres. As you come in you have your first street
9 here, Woodduck Drive. The incident actually happened right
10 here at Drake Court and Pintail Drive. So when we come in,
11 that's going to be your actual area of where we start. The
12 last known point of origin of a possible suspect was going
13 down Drake Court into the unknown at that time. It's dark
14 outside. There's not a lot of light. You have street lights
15 here or there. Really it's not something you can really base
16 it on, so it's pretty much just going into the dark. K-9
17 Luke started his track right in this area within the first
18 three houses because you're going to have a little bit of
19 odor displacement, people getting on scene, your initial
20 officers are going to step out, so even if they say this is
21 the last corner, more than likely, 90 percent of the time,
22 you're not going to pick up a track until you get two or
23 three houses down because you've got to give the dog a little
24 bit of area to locate it because it's not, like when we
25 practice our tracks, it's right here at this pinpoint, it's

1 kind of a generalized area that we're given.

2 So once K-9 Luke alerts and starts pulling me in the
3 right direction and I can tell that he's on the track, we go
4 down Drake Court. The end of Drake Court it opens up into a
5 cul-de-sac, and then right in this little grassy area here,
6 that is actually a little swamp creek area. It's about 10 to
7 15 feet across. I can't jump that. I'm glad he didn't go
8 that way. But K-9 Luke actually put his nose down through
9 the yard of this house on the corner, and we went back here
10 to this wood line. Right in this wood line is where the
11 creek kind of goes to. There's a little trail that some of
12 the kids will use to walk back and forth during the
13 day-to-day because they try to stay off the main roads.
14 There's trails back through there. We entered the wood line
15 here, and once we entered the wood line, this wood line is
16 not too thick, but it's not very -- it's not light. It's not
17 like the trees that you'll see on the side of the road where
18 you can see all the way through them.

19 And the thing, when you go through a wooded area like
20 that, the fear odor, the odor from your body, all that
21 stuff's falling, it's collecting on these different branches,
22 the logs, stuff that you're running over, so that's creating
23 odors itself when you go in the woods. So, actually, when a
24 dog hits a wooded area, it's a lot easier for them to track
25 than it is if you're on pavement because there's a lot more

1 stuff to hold the odor. The odor doesn't get disbursed as
2 much because you have the trees and you have the forest
3 that's kind of holding the odor down. So the wooded areas,
4 as much as we hate to go through them, it's actually the best
5 area for us to do a K-9 track. So we start tracking in this
6 wood line. You can see, as you're running with the
7 flashlight and as you're scanning the area, you can see where
8 it had been freshly disturbed, where someone had ran through
9 it, and it's -- it's easy, if you look at a set of woods, and
10 someone runs through it, you can see where stuff gets
11 disturbed.

12 Well, as we're doing our track, we come back through
13 this wooded area. We've crossed some logs, some thick
14 patches of, you know, condensed area. Every once in a while
15 through that stop, you know, Luke is going to stop to
16 readjust himself because you have turns. And when a dog's on
17 a track, it can go past the turn; but generally what will
18 happen is, when the dog goes past the turn, you can tell a
19 difference when you're holding onto the leash. He'll stop.
20 He'll start looking around. He's got to reorient himself
21 because he's trying to get to that person as fast as he can.
22 That's the way that the dogs do it because at the end of the
23 track, for a dog when we train them, they get a toy. So he
24 knows he's going for a toy at the end. He thinks his little
25 red Kong's going to pop up, and life's going to be great. He

1 doesn't at this point know that he's actually doing real
2 work. To them it's still training.

3 So as we're coming through the woods, they'll reorient
4 themselves. We track through the woods. When we come out,
5 there's rows of cars right here that are all broke down; and
6 as you come out, you have that grass that's got the dew on
7 it, and you can see footprints through it. You can see where
8 some of the grass has been broken by a car which, again, as a
9 suspect running through the woods, they can hear us coming,
10 so they know we're coming. I can't be stealthy about it. I
11 have a radio going. I have hard hearing, so of course my
12 radio is really loud. You have the officer's adrenaline
13 going just as much as the dog and everyone out there, so some
14 of the things that happen when your adrenaline dumps is your
15 sound. Hearing becomes a problem sometimes. You have to
16 focus yourself a little bit more.

17 But as we come through here, there's an actual -- this
18 little grass patch, we start seeing the footprints. K-9 Luke
19 is staying right on those footprints which appear to be fresh
20 footprints in the grass. He's staying on them. His nose is
21 right on those footprints, and we're still tracking. As we
22 track up, there's a fence right here, which we have to cross
23 the fence. He does it a lot easier than me. We cross this
24 fence area. We continue to track back through here. When
25 you come up to these two barns, they're what's called the

1 unknown for us because towards the end of a track what will
2 happen is the dog will start doing what's called wind scent.
3 Instead of actually keeping their nose on the ground they'll
4 lift head up because they're getting closer, that odor's
5 getting a lot closer to them; so the easiest way to say it,
6 it's kind of cheating, they kind of like try to cheat to see
7 if they can get there really quickly instead of keeping their
8 nose on the ground.

9 So what happens is, as he's got his nose on the ground,
10 we come up to this area. He starts wind-scenting a little
11 bit. Well, with wind, we're no longer in the woods, so the
12 wind's going to displace that odor a little bit around. So
13 we actually have to clear both of these barns as we're going
14 through to make sure the person's not lying in wait on us.
15 Because unfortunately at night, when we're running, I have a
16 flashlight, a radio, a dog that's panting; suspect doesn't
17 have to carry all the same gear I do, so we have to do, for
18 safety for us and for the public, we just don't want to leave
19 somebody in this area.

20 So as we come back through here, we clear this. As we
21 come back around, there's a parking lot here in this wooded
22 area. He's showing a big interest in this area, and we're
23 still tracking. As we start coming up to this wooded area
24 right here, at that point in time off in the distance I can
25 see a suspect start to flee on foot; a black male wearing

1 dark clothing fleeing on foot. I'm not close enough that I
2 can identify a face, but I can see him running because of the
3 ambient light in the area. At that point in time normally
4 what happened in a violent crime situation like that, he
5 would be given commands and a K-9 apprehension would be
6 authorized. However, because of where we're at, the safety
7 of myself, my partner and everyone else, I couldn't just let
8 my partner go across a main road and travel by himself.
9 That's just not safe for him.

10 At that point in time the suspect runs over from --
11 through here, crosses this ditch line, which we're in pursuit
12 behind him, giving commands. He stops in this wooded area
13 right here as Officer Barrineau pulls up on scene; puts his
14 hands up. We give the suspect commands at that point in time
15 to show us his hands, don't make any movements, and I advised
16 him I was officer with the K-9 unit, and I explained to the
17 suspect that I would send my K-9 for an apprehension if he
18 failed to do so.

19 So after the suspect has been apprehended and detained,
20 I have to do what's called an article search or an evidence
21 recovery. If someone runs from the police or someone runs
22 from us, they throw an article down, whether it be a phone, a
23 lighter, chap stick, anything that they may throw, it has an
24 odor, and that odor is going to be different than anything
25 else out here because wherever you're at has an odor. Just

1 like when you all go home, your house has an odor to it that
2 you all know. It's comfortable. Same thing, when you're out
3 in the field, it has an odor. When something else is
4 introduced to that, now it has a different odor. That's what
5 the K-9's going to alert to. The way our K-9's are trained
6 to alert to those is by laying down beside and looking at me.
7 Basically he's looking for his toy again. Dad, I found it.
8 It's time to pay me. I've done what I was told.

9 He alerts beside what appears to be a silver revolver.
10 At that point in time I don't collect it because I have a
11 K-9. I bring Officer Barrineau into the wood line, and he
12 stays with it. We go back, and I secure my K-9 in the
13 vehicle because we no longer need him on scene. He's done
14 everything he's supposed to. We try not to leave them out if
15 we don't have to. There's no reason to just have them out
16 with the public, especially after an event like this because
17 he's worked up. He's excited. He's happy. So I take him
18 back to our patrol car, which is back around through here,
19 and from there I stay at the crime scene until other officers
20 arrive on scene.

21 Q. Let me just, before you sit down Officer McClellan,
22 across the street from kind of where you indicated the
23 individual was apprehended, what is that business right
24 across the street there?

25 A. This is a church, right here, this is a very thin wood

1 line, and by thin wood line I mean it may be about as wide as
2 this area here. You can see through it. However, at night
3 with it being dark and there being no actual bright lights on
4 it, it is an area of cover and concealment, which is this
5 area right in here (indicating).

6 Q. Okay. You can sit down.

7 MR. SORENSON: Beg the Court's indulgence one second.

8 (State's Exhibits 65-68 marked for identification.)

9 Q. Officer, let me show you what's been marked as State's
10 Exhibits 65 through 68 and ask you if you recognize those
11 photographs.

12 A. Yes, sir, I do recognize the pack of cigarettes and the
13 wallet, and I do recognize the firearm in the wood line. The
14 only one I do not recognize is the cell phone. I do not
15 recognize that one, sir.

16 Q. Okay. I won't ask you about that one then, so but
17 State's Exhibit 65 through 67, do those photographs all
18 accurately depict the items that you observed and that K-9
19 Luke found in that wooded area?

20 A. K-9 Luke, the only item that K-9 Luke found in the
21 wooded area was the actual firearm. The cigarettes and the
22 wallet were right there in plain view, and the cell phone,
23 from the way I understood it would have --

24 MR. LOY: Objection, Your Honor, that would be hearsay.

25 THE COURT: Sustained.

1 Q. I've got other officers that can speak to that. But
2 those fairly and accurately represent the wallet and the
3 cigarettes that were found where Mr. Singleton was
4 apprehended?

5 A. Yes, sir.

6 Q. And then the firearm that K-9 Luke located in the wooded
7 area?

8 A. Yes, sir.

9 MR. SORENSON: At this time we'd offer State's 65
10 through 67.

11 THE COURT: Any objection?

12 MR. LOY: Those are the ones he ID'ed?

13 MR. SORENSON: Yes, those are the three.

14 MR. LOY: No objection, Your Honor.

15 (State's Exhibits 65-67 admitted into evidence.)

16 Q. State's Exhibit No. 65, Officer McClellan, explain to
17 the jury what that is.

18 A. That right there is the same area where the defendant
19 was taken into custody or apprehended by the Summerville
20 Police Department where the cigarettes and the wallet were
21 located right by the wood line.

22 Q. And that's right across Central Avenue, basically, from
23 the church that you had pointed out; is that correct?

24 A. Yes, sir.

25 Q. All right. And State's Exhibit 66, that's just kind of

1 a close-up of those two items on the ground there; is that
2 correct?

3 A. Yes, sir.

4 Q. So that's just outside of that wood line --

5 A. Yes, sir.

6 Q. -- was found.

7 And then State's Exhibit No. 67, tell the jury what that
8 item is.

9 A. That is the firearm that K-9 Luke located by doing an
10 evidence recovery search by laying down and alerting to it
11 being in the area.

12 Q. And I believe your testimony was that you did not
13 physically pick that item up at that point in time.

14 A. No, sir.

15 Q. You left Officer Barrineau with it?

16 A. Yes, sir.

17 Q. And at that point in time you went back to the incident
18 location?

19 A. Yes, sir.

20 Q. Okay. Are you aware of whether an officer from the
21 incident location then went over to that area and actually
22 collected the items that were found out there?

23 A. I relieved Officer Driscoll at the incident location.

24 Q. It was Officer Driscoll, then, that your understanding
25 went over and collected --

1 A. He left from my location.

2 Q. When you went back over to [REDACTED] was that
3 scene secured when you went back over there?

4 A. Due to the man-powering issues we had, I relieved
5 Officer Driscoll, and I actually walked the perimeter until
6 the crime scene sergeant was able to arrive on scene to
7 ensure that the residence would be secure.

8 MR. SORENSON: Beg the Court's indulgence.

9 Thank you, Officer McClellan. Please answer any
10 questions Mr. Loy has.

11 THE COURT: Cross-examination.

12 CROSS-EXAMINATION BY MR. LOY:

13 Q. When you arrived on scene, Officer Driscoll was present
14 at that point in time?

15 A. Yes, sir.

16 Q. Was anyone else present at that point in time, either
17 law enforcement or otherwise?

18 A. I know Officer Mays ran the K-9 track with me, but as
19 far as -- no, sir I couldn't honestly give you a correct
20 answer at this point in time.

21 Q. And when you returned to the, to the scene, Pintail, the
22 address that you've described, was anyone else present other
23 than Officer Driscoll?

24 A. I honestly could not answer that question at this time,
25 sir, it's been so long.

1 Q. I understand. And you were not involved in the
2 investigation in any other manner other than the way in which
3 you pretty thoroughly described so far; is that right?

4 A. The only other thing that I did, sir, is at the end I
5 did a protective sweep of the residence with Officer Driscoll
6 and Sergeant Olsen to ensure there was no one else lying in
7 wait in the house. That's the only other thing I did, sir.

8 Q. When you say a protective sweep of the residence, you
9 say Officer Olsen, is he your crime scene investigator?

10 A. Yes, sir.

11 Q. So he arrived on the scene to do the things that he
12 does, and Officer Driscoll was present or another officer was
13 present also?

14 A. According to my statement it says Officer Driscoll's
15 here, but again, sir, this has been so long, I couldn't -- I
16 can only go off based on what my report says.

17 Q. Your recollection is that you returned to the scene and
18 Officer Driscoll was relieved.

19 A. I relieved him at that point, yes, sir.

20 Q. And that you basically secured the place, watched the
21 front, watched the back, made sure no one came and went.

22 A. Yes, sir.

23 Q. And it looks like, according to your notes, Officer
24 Driscoll returned or someone returned with officer --
25 Sergeant Olsen?

1 A. Yes, sir.

2 Q. Sergeant Olsen. And at that point you said we did a
3 protective sweep. Does your dog -- your dog's had a pretty
4 full night. Do you turn him loose to run through the house?

5 A. No, sir. He stays in the car.

6 Q. So you all walk into the house, and the protective
7 sweep, you essentially look to see if there are people there.

8 A. Yes, sir, that's it.

9 Q. Closets and under the beds and that sort of thing.

10 A. Yes, sir.

11 Q. Then you got out of the way and let crime scene do what
12 crime scene does.

13 A. Yes, sir.

14 MR. LOY: Thank you very much for coming. I don't have
15 any more questions.

16 THE COURT: You may step down, sir. Thank you.

17 THE WITNESS: Thank you, Your Honor.

18 THE COURT: Counsel, please approach.

19 (Judge and attorneys confer.)

20 THE COURT: Ladies and gentlemen, before we call our
21 next witness, it is noon, so we will go ahead and take our
22 lunch break. If you would please be back in the jury room,
23 it takes a little while to get around and get in and out of
24 the courthouse, so if you can be back in the jury room at
25 1:15, that should give you plenty of time. If you need

1 suggestions, of course our bailiffs will be happy to tell you
2 where the local restaurants are if you're not too familiar
3 with St. George. Please have a nice lunch. Again, please
4 remember my previous instruction not to discuss this case
5 with anyone. Have a nice lunch.

6 (The jury retires to the jury room at 12:02 p.m.)

7 THE COURT: Anything further at this time from the State
8 or the Defense?

9 MR. SORENSON: No, Your Honor.

10 MR. LOY: I'm sorry. No, thank you, Your Honor.

11 THE COURT: And I'm going to mark the juror's note as a
12 Court's Exhibit.

13 (The Court's Exhibit 1 marked for identification.)

14 (Lunch recess held.)

15 THE COURT: Parties ready to proceed?

16 MR. SORENSON: Yes, Your Honor.

17 THE COURT: Mr. Loy, are you ready?

18 MR. LOY: Yes, ma'am, I'm sorry.

19 THE COURT: Let's have our jury, please.

20 (The jury enters the courtroom at 1:29 p.m.)

21 THE COURT: Welcome back, ladies and gentlemen of the
22 jury. I hope that you had a nice lunch. We're now ready to
23 proceed with the trial of this case. You may call your next
24 witness.

25 MR. SORENSON: Thank you, Your Honor. State calls

1 Corporal Ken Driscoll.

2 KENNETH DRISCOLL,

3 being first duly sworn, testified as follows:

4 DIRECT EXAMINATION BY MR. SORENSON:

5 Q. If you would, please tell the jury where it is that
6 you're employed.

7 A. With the Town of Summerville, Summerville Police
8 Department, sir.

9 Q. Currently what are your duties and responsibilities with
10 the Town of Summerville?

11 A. Current duties I'm a corporal with the detective
12 division.

13 Q. And how long, Corporal, have you been employed with the
14 Town of Summerville Police Department?

15 A. Since November of 2007, sir.

16 Q. And how long have you been employed in the capacity that
17 you are now?

18 A. As far as a detective?

19 Q. Yes, sir.

20 A. Just little bit over a year.

21 Q. So back in May of 2013 in what capacity were you
22 employed at that time?

23 A. I was a field training officer PFC, patrolman first
24 class.

25 Q. So you would be one of the officers that were basically

1 patrolling the streets of Summerville?

2 A. Yes, sir.

3 Q. Specifically, I want to turn your attention to the early
4 morning hours of May 23rd, 2013. Were you working that
5 morning?

6 A. Yes, sir.

7 Q. Did you have occasion to respond to an incident that
8 occurred at [REDACTED]

9 A. Yes, sir.

10 Q. If you would tell the jury, what was the nature of that
11 call that you were dispatched to that morning.

12 A. At approximately 1:45 in the morning on May 23rd, 2013,
13 I was dispatched to the Gadsden Acres area in reference to
14 shots fired. While en route, the dispatch advised that a
15 young black male possibly fled the area in a vehicle.
16 Dispatch also advised that the victim, Ms. Yates, was being
17 transported to the hospital. I was dispatched to the
18 residence.

19 Q. Okay. And Gadsden Acres, that's located in Dorchester
20 County?

21 A. Yes, sir.

22 Q. And about what time were you dispatched there?

23 A. Approximately 1:45 in the morning.

24 Q. And about what time did you arrive?

25 A. Looks like my arrival time was 01:51.

1 Q. So within --

2 A. I'm sorry, I was dispatched at 1:50. Looks like I
3 arrived a minute later.

4 Q. So you were in the vicinity pretty much of the incident?

5 A. Yes, sir.

6 Q. And describe, when you arrived at the scene, describe,
7 were any residents of that residence at [REDACTED] were
8 any of them at the residence?

9 A. No, sir. The residence was secured, and it appeared
10 like there was nobody on scene at [REDACTED].

11 Q. At some point in time did you come into contact with
12 some of the neighbors out there?

13 A. Yes, sir.

14 Q. And did you ultimately learn whether -- whether a
15 suspect had possibly fled on foot from that area?

16 A. Yes, sir. One of the witnesses stated that --

17 Q. You can't actually say what they say, but did you learn
18 that information that somebody had fled on foot?

19 A. Yes, sir.

20 Q. And let me ask you, during the course of when you
21 initially arrived there, you had indicated that you had
22 learned that one of the victims was on the way to the
23 hospital; is that correct?

24 A. Yes, sir, that's what dispatch advised.

25 Q. And are you aware of who that person was? Did you get

1 her name at some point in time for your report?

2 A. Later on for the report, yes.

3 Q. Is that Melinda Yates?

4 A. Yes, sir.

5 Q. Did you learn that she had actually been shot?

6 A. I believe so, yes, sir, shot in the leg, I believe.

7 Q. And where -- did you know at that point in time or did
8 you learn shortly after that where she was taken to, what
9 hospital?

10 A. Summerville Medical Center.

11 Q. And did someone from your agency respond over there to
12 her at Summerville Medical Center?

13 A. I believe so.

14 Q. Do you know who that was?

15 A. I think it was PFC Carpenter.

16 Q. That's a female, right, Officer Carpenter?

17 A. Yes.

18 Q. Tell the jury then kind of what you did. Were you one
19 of the first officers there at the scene at Pintail?

20 A. Yes, sir.

21 Q. Describe for the jury then, you said that the house
22 appeared to be secured; is that correct?

23 A. Yes, sir.

24 Q. And if you would describe for the jury, are these single
25 residence houses or --

1 A. It's a -- it's a brick structure, and it has it's like
2 two houses in one, and they're joined; they're connected.

3 You have A and B.

4 Q. So duplexes, I guess?

5 A. Yes, sir.

6 Q. And so what then did you do or what did other officers
7 do at that point in time?

8 A. As initial responding officer, I attempted to talk to
9 one of the witnesses that an individual had fled from the
10 area. One of my primary roles is to set up a perimeter
11 around the surrounding area to attempt to locate anybody
12 fleeing from the area.

13 Q. Other officers respond to assist you then in securing
14 that kind of area around there?

15 A. Yes. My main focus is on the residence at that time,
16 finding out any witnesses on scene. Over the radio I try to
17 dispatch people to different locations to try to set up like
18 a square block or a square box around the immediate vicinity.

19 Q. Now, the jury has heard from Officer McClellan. Did he
20 respond out there with his K-9 unit there that morning?

21 A. Yes, sir.

22 Q. Did you become aware at some point in time that an
23 individual was apprehended as a result of that track by
24 Officer McClellan and Luke?

25 A. Yes. Patrolman Barrineau stated on the radio that he

1 observed a black male wearing a white shirt crossing over
2 Central Avenue.

3 Q. All right. And at some point in time then -- tell the
4 jury, now, where were you at when you learned that
5 information that an individual had been apprehended?

6 A. I was outside the residence securing that perimeter
7 area, interviewing witnesses.

8 Q. And at some point in time did you have an occasion then
9 to go over to where that individual had been apprehended?

10 A. Yes.

11 Q. And tell the jury how that came about and why that
12 happened.

13 A. I was advised that some evidence was located on the
14 scene. Being the primary officer for the incident as far as
15 for the initial report, I'd left the scene, went over to meet
16 with Officer Barrineau. He advised me that a gun, a --
17 sorry, to refer here, a wallet, cell phone and a pack of
18 cigarettes was located in the vicinity of the subject.

19 Q. When you left the scene to go over there, did someone
20 kind of take your place then, kind of securing --

21 A. I believe so. I know I wouldn't leave the scene
22 unsecured, but I couldn't tell you to this day. I didn't
23 note there on my report who I left there on the scene.

24 Q. If Officer McClellan had testified earlier that he
25 came --

1 MR. LOY: Objection, Your Honor. If he's going to be
2 confronted with the testimony of a witness for which he
3 wasn't actually present he's going to be pitting the
4 witnesses.

5 MR. SORENSON: I'm not sure how that's pitting the
6 witnesses.

7 THE COURT: Can you repeat your question?

8 Q. I was asking if Officer McClellan had testified that he
9 had come and relieved you to go over there would that --

10 MR. LOY: He testified he doesn't recall. I don't think
11 he can rely on Officer McClellan's testimony.

12 MR. SORENSON: I can move on. It's not that big of a
13 deal.

14 Q. Your testimony is you didn't leave the scene unsecured;
15 is that correct?

16 A. Correct.

17 Q. And you testified that you went over to where Officer
18 Barrineau was?

19 A. Yes, sir.

20 Q. Tell the jury where that was.

21 A. It was like a parking lot area, couldn't give you the
22 exact address to be honest with you, and it was on Central
23 Avenue. It was a wooded area and it looked like a parking
24 lot area right next to it.

25 Q. Did you have an opportunity at that point in time to

1 observe those items that you had learned had been found?

2 A. Yes, sir.

3 Q. And showing you State's Exhibit 65 through 68, ask you
4 if you recognize those photographs.

5 A. Yes, sir.

6 Q. Do those accurately reflect those items that were -- had
7 been found that you then collected over there from that
8 scene?

9 A. These are items I did collect from the scene, yes, sir.

10 MR. SORENSON: Your Honor, at this time we'd offer -- I
11 think 65, 66 and 67 are in evidence, but I'd offer 68 into
12 evidence also.

13 MR. LOY: Without objection, Your Honor.

14 (State's Exhibit 68 admitted into evidence.)

15 Q. I'll show you, State's Exhibit No. 66 is the photograph
16 that's got it the wallet and the pack of cigarettes. Those
17 two items were recovered?

18 A. Yes, sir.

19 Q. Did you have an opportunity to go through the wallet and
20 see if there's any identification in that wallet?

21 A. I did open the wallet and was able to locate a Social
22 Security card inside the wallet.

23 Q. Who did that Social Security card belong to?

24 A. Yes, sir, it beared number [REDACTED] bearing the name
25 James Lamont Singleton.

1 Q. And was -- let me ask you, the individual that was
2 apprehended, was he still there on the scene when you went
3 over there also in a patrol car?

4 A. I believe so.

5 Q. Did you learn who that was that they had -- was that Mr.
6 Singleton that had been caught there, the same --

7 A. I couldn't be for sure. I just remember collecting the
8 evidence a long time ago, sir, to be honest with you.

9 Q. All right. Now to move on, State's Exhibit No. 67, what
10 is that item depicted in State's 67?

11 A. It's the pistol.

12 Q. Did you collect that item?

13 A. Yes, sir, I did.

14 Q. Showing you State's Exhibit No. 59 and 60.

15 May I approach the witness, Your Honor?

16 THE COURT: You may.

17 Q. Do you recognize State's Exhibit No. 59 and 60?

18 A. Yes, sir.

19 Q. Is that the item you collected --

20 A. Yes, sir.

21 Q. -- and ultimately what was in that item?

22 A. Yes, sir.

23 MR. SORENSON: At this time we'd offer State's 59 and 60
24 into evidence.

25 MR. LOY: No objection, Your Honor.

1 THE COURT: 59 and 60 are in evidence.

2 (State's Exhibits 59-60 admitted into evidence.)

3 Q. Describe for the jury, what condition was State's
4 Exhibit No. 60 in when you collected it out there in that
5 wooded area?

6 A. The revolver chamber was closed. I opened the revolver
7 chamber to secure the weapon to safe it and observed that two
8 rounds were spent, two rounds were not in the chamber, and
9 two rounds were live.

10 Q. And by the revolver chamber, that's what you're
11 referring to right there (indicating)?

12 A. Yes, sir.

13 Q. This is a gun that holds potentially six rounds; is that
14 correct?

15 A. Yes, sir.

16 Q. So you indicated it had two live rounds in it so that
17 they could still be fired?

18 A. Yes, sir.

19 Q. Two spent casings?

20 A. Yes, sir. Two of the cylinders were empty.

21 Q. And then two of them were empty.

22 A. Yes, sir.

23 Q. And are those items what are in State's Exhibit 59?

24 A. I believe so, yes, sir. I didn't open the bag.

25 Q. I'll let you double check.

1 A. May I open it?

2 THE COURT: You may.

3 MR. SORENSON: Yes.

4 THE WITNESS: Yes, sir.

5 Q. And was that weapon then secured and turned over to the
6 evidence room at the Summerville Police Department?

7 A. Yes, sir, I did log it in as evidence and place it in
8 the evidence locker.

9 Q. And then lastly, State's Exhibit No. 68, what is that
10 item?

11 A. Cell phone.

12 Q. And that was found -- where is that found in vicinity to
13 the --

14 A. In the proximity of the weapon.

15 Q. And showing you State's Exhibit No. 61, is that the cell
16 phone then that was collected out there to the best of your
17 knowledge?

18 A. Best of my knowledge, yes, sir.

19 MR. SORENSON: At this time we'd offer State's 61 into
20 evidence.

21 THE COURT: Any objection?

22 MR. LOY: No, Your Honor, there's no objection.

23 (State's Exhibit 61 admitted into evidence.)

24 Q. And that phone also was secured and turned into evidence
25 at the Summerville Police Department?

1 A. All property on scene was turned in -- all property
2 recovered was turned in I should say.

3 Q. Yes, sir. Now, at some point in time after kind of
4 securing those items out there, what did you do then after
5 those items were secured over there off of Central Avenue?

6 A. Went back to the crime scene.

7 Q. And let me ask you this, at some point in time, Corporal
8 Driscoll, did you all give consent and actually go in and
9 have someone from crime scene go in and actually search and
10 process the inside of that residence on Pintail?

11 A. Sergeant Olsen.

12 Q. Did you assist him with that, do you remember?

13 A. I'm pretty sure I went into the residence initially just
14 to see -- make sure the room was secure, but I went outside
15 because, to establish the perimeter around the residence, and
16 I don't know if the witnesses had come back at that time, so
17 I couldn't tell you what time they came back.

18 MR. SORENSON: Gotcha.

19 I think that's all I'd have from Corporal Driscoll.
20 Thank you.

21 THE COURT: Cross-examination.

22 CROSS-EXAMINATION BY MR. LOY:

23 Q. Officer Driscoll, you were dispatched and you were
24 roughly across the street, practically. I mean, you were
25 there within a minute or so from the time you received the

1 call on the radio there had been a problem; is that right?

2 A. Yes, sir.

3 Q. And when you arrived, you were the first police officer
4 on the scene; is that right?

5 A. I believe so, yes, sir.

6 Q. And I see you're wearing a coat and tie today. You were
7 a uniformed officer at this point in time?

8 A. Yes, sir.

9 Q. So you pulled up with blue lights flashing and --

10 A. I don't know if the blue lights were flashing or not,
11 but I did pull up on scene, yes, sir, at the intersection of
12 Drake.

13 Q. Do you recall if you activated the lights while you were
14 there?

15 A. Couldn't even -- I couldn't tell you that, sir. I'd
16 have to review the in-car video whether or not I did that.

17 Q. Well, when you arrived, you were either the first
18 officer or certainly one of the first officers; is that
19 right?

20 A. Yes, sir.

21 Q. The home was secure; I'm asking, was the home secure?

22 A. Yes, sir.

23 Q. You checked the knobs or whatever and it seemed secure,
24 is that what you mean?

25 A. I believe so, yes, sir.

1 Q. There was -- as far as you could tell, the residents of
2 the home were not present on scene; is that right?

3 A. Correct.

4 Q. If someone had been there and had been hurt or shot or
5 in any way injured, the first thing you would have done was
6 try to render aid or help that person; is that right?

7 A. That would be our responsibility, yes, sir, render aid,
8 assist, interview people that's there at the residence.

9 Q. I'm sorry?

10 A. Or interview people that would be on scene.

11 Q. Okay. Since no one was injured, that would be the next
12 thing, interview people who were on scene; is that right?

13 A. Correct.

14 Q. And there were people there, or at least they approached
15 you when they saw your car, or they were already there and
16 you had a chance to talk with them; is that right?

17 A. Yes, sir.

18 Q. As a matter of fact, you were able to locate a couple of
19 people who were eyewitness or appeared to be, were you not?

20 A. Yes, sir.

21 Q. And at least a couple of those separate individuals told
22 you things that you thought were important enough that you
23 noted them in your report and said, this is what Mr.
24 So-and-So says and this is what Mr. So-and-So says and put
25 those things down; is that right?

1 A. Yes, sir.

2 Q. And you provided a copy of that report, or you at least
3 filed or turned in a copy of that report once you had
4 completed it; is that right?

5 A. Yes, sir.

6 Q. Now, within the department, the machinations of the
7 department, of your department, when you file that report, do
8 you understand where it would go; if this case has been
9 assigned to a detective, typically would Detective Williams
10 have received a copy of your report as the first responder?

11 A. It would have went to my immediate supervisor who then
12 forwards it up the chain of command. In this case it looks
13 like it went to the detective division.

14 Q. Okay. So you were first on scene, located a couple of
15 eyewitness. You didn't get them to write out statements, but
16 you wrote down what they told you, the things that they said,
17 and included them in your report; is that correct?

18 A. I did obtain a statement from a couple witnesses on
19 scene.

20 Q. And those were both from neighbors.

21 A. Yes, sir.

22 Q. And those also were filed with your report and sent
23 along to the detectives department.

24 A. Yes, sir.

25 Q. And you responded and took control of this evidence,

1 eventually returned it to the evidence locker as you've
2 described. Prior to doing that you returned to the scene,
3 and if Sergeant Olsen wanted aid or help in what he was
4 doing, you helped him; is that correct?

5 A. I would have, yes, sir, if he needed it.

6 Q. But it wasn't anything that was dramatic or anything
7 that stands out in your mind. You were present, went in with
8 it, things looked good, you essentially got out of the way
9 and let Sergeant Olsen do what he does; is that right?

10 A. Correct.

11 MR. LOY: I have no more questions. Thank you.

12 THE COURT: Any redirect?

13 MR. SORENSON: No, Your Honor.

14 THE COURT: You may step down, sir. Thank you.

15 You may call your next witness.

16 MR. SORENSON: State calls Officer Robert Barrineau.

17 May he be excused, Your Honor?

18 THE COURT: Yes, sir. Any objection, Mr. Loy?

19 MR. LOY: No. Thank you, Your Honor.

20 ROBERT W. BARRINEAU,

21 being first duly sworn, testified as follows:

22 DIRECT EXAMINATION BY MR. SORENSON:

23 Q. Officer Barrineau, if you would please tell us where it
24 is that you're employed.

25 A. Summerville Police Department.

1 Q. And how long have you been with the Summerville Police
2 Department?

3 A. Little over three years.

4 Q. And what are your current duties there?

5 A. Patrolman.

6 Q. And back in May of 2013 were you employed as a patrol
7 officer at that time?

8 A. Yes, sir.

9 Q. And let me ask you, did you have an opportunity to
10 respond in the early morning hours of May 23rd, 2013, out to
11 kind of the vicinity around 114 Pintail Drive in Gadsden
12 Acres?

13 A. Yes, sir.

14 Q. Tell the jury, what was your role that night in
15 responding out there?

16 A. After we got the call, we set up a perimeter because the
17 K-9 was on the ground picking up the track. I was on Central
18 Avenue and just holding perimeter right there just in case
19 someone came out.

20 Q. At some point in time did something happen that caught
21 your attention that morning out there?

22 A. Yes, sir.

23 Q. Tell the jury what that was.

24 A. I noticed a male coming from the neighborhood out of the
25 wood line, running across the street from Central Avenue. He

1 ran into a -- I believe it was a vacant home at the time, 821
2 Central Avenue. I was able to catch up to him with my
3 vehicle, observed him run into the yard, then jump into a
4 bush.

5 Q. Did you have an opportunity to come out, between you and
6 Officer McClellan with his K-9, to get that person out of the
7 wood line and into custody?

8 A. Yes, sir, we linked up at that point calling him out.

9 Q. Did he come out at that time?

10 A. He did, sir.

11 Q. Taken into custody?

12 A. Yes, sir.

13 Q. Who was that that was apprehended?

14 A. It was the defendant.

15 Q. Is that Mr. Singleton?

16 A. Yes, sir, I apologize, it is.

17 Q. And at that point in time let me ask you, were you
18 present when Officer McClellan had his K-9 kind of go in that
19 wooded area and look for any items in that wooded area?

20 A. I was in the area. I didn't go directly with the
21 officer.

22 Q. Did you have an opportunity, though, after some of
23 those -- after the gun specifically was found, and then I
24 believe the cell phone, to actually do something with those
25 items out there?

1 A. Yes, sir, I photographed them.

2 Q. Photographed them. So the jury's seen State's Exhibits
3 65 through 68. Are these photographs --

4 May I approach, Your Honor?

5 THE COURT: You may.

6 Q. -- those photographs that you took out there that
7 morning?

8 A. They are.

9 Q. Were you present when those items were collected by
10 Corporal Driscoll?

11 A. I was.

12 Q. As far as the defendant, Mr. Singleton, what was then
13 done with him when he was -- after he was taken into custody
14 out there?

15 A. Since my vehicle was on scene, he was placed in the
16 back, and I transported him to the PD.

17 Q. Transported him to the Summerville Police Department?

18 A. Yes, sir.

19 Q. Let me ask you, was he, later on that morning, little
20 after 3:00 that morning, are you aware whether he was
21 interviewed by Lieutenant Williams with the detective
22 division?

23 A. He was:

24 Q. Were you present for that?

25 A. I was.

1 Q. Were you present when she advised him of his rights?

2 A. I was.

3 Q. In fact, did you -- is there a form that you actually
4 signed and --

5 A. Yes, advisements of rights form, yes, sir.

6 Q. To the best of your recollection, did Mr. Singleton
7 appear to understand those rights when they were went over?

8 A. He did, yes.

9 Q. Did he sign indicating that he wished to waive those
10 rights and talk to Lieutenant Williams?

11 A. Yes, yes, sir.

12 Q. And you witnessed that and signed that you witnessed
13 that?

14 A. Yes, sir.

15 Q. Were you present when he then gave a written statement
16 to Lieutenant Williams that morning?

17 A. I was.

18 Q. And did you also witness then that statement and him
19 signing that statement?

20 A. I did, sir.

21 Q. Okay. At anytime did you see Lieutenant Williams
22 threaten him in any way?

23 A. No, sir.

24 Q. See her promise or hear her promise him anything to get
25 him to talk?

1 A. No, sir.

2 Q. Coerce him in any way to give a statement?

3 A. No, sir.

4 Q. Was he cooperative with you all, cooperative with you
5 out at the scene?

6 A. Yes, he -- he was very cooperative.

7 Q. Cooperative back at the police station?

8 A. Yes, sir.

9 Q. Beg the Court's indulgence.

10 Did you hear at any point in time Lieutenant Williams
11 tell Mr. Singleton what she wanted him to tell her?

12 A. No, sir.

13 MR. SORENSON: Thank you, Officer Barrineau.

14 THE COURT: Cross-examination.

15 MR. LOY: No, Your Honor. Thank you.

16 THE COURT: You may step down, sir. Thank you.

17 You may call your next witness.

18 MS. MIMS: State would call Sergeant Randy Olsen.

19 MR. SORENSON: May he be excused, Your Honor?

20 THE COURT: Any objection?

21 MR. LOY: I have no objection.

22 THE COURT: You may be excused.

23 RANDALL OLSEN,

24 being first duly sworn, testified as follows:

25 DIRECT EXAMINATION BY MS. MIMS:

1 Q. Sergeant Olsen, how are you?

2 A. Okay.

3 Q. Can you please tell the jury where you're employed?

4 A. The Town of Summerville Police Department.

5 Q. And how long have you been with the Summerville Police
6 Department?

7 A. 23 years.

8 Q. And what is your job with the Police Department in
9 Summerville?

10 A. I'm the crime scene investigator and evidence custodian.

11 Q. Can you tell the jury what a crime scene investigator
12 does?

13 A. They call us, most of us, they call us out on the major
14 crimes, shootings, homicides, suicides, bank robberies, and
15 we process the scene, collect evidence, like you see on TV
16 just about.

17 Q. Okay. Does your job entail taking photographs?

18 A. Yes, it does.

19 Q. And why do you take photographs at the scene?

20 A. To document the way the scene was when you got there and
21 to help document where any evidence may have been. We also
22 have the scene so you can go back and look at it later on
23 after it's been cleaned up so you can look back at what was
24 there when you first went in.

25 Q. You also mentioned that you have involvement with the

1 lab as a crime scene investigator.

2 A. Yes.

3 Q. Can you tell me about that job?

4 A. Anything that wants to be taken to the lab for
5 processing and testing, we don't do a lot of it -- we do
6 fingerprint processing and marijuana testing in our lab at
7 Summerville Police Department. Anything other than that has
8 to go to the state lab up in Columbia, SLED; and what happens
9 is we transport it, me or one of the other people that work
10 with me, transport it up to SLED. They process it in their
11 lab, and when it's done we pick it up and bring it back to
12 our evidence room.

13 Q. Is it common for officers who are on the scene if you're
14 not there to collect evidence themselves?

15 A. Yes. Lot of times they'll collect the evidence before
16 we even get there, depending on what it might have been.

17 Q. Does that evidence then get turned over to you?

18 A. They turn it into one of the evidence lockers. They
19 have lockers that have double doors on them. The outside has
20 a key. The officer puts the evidence that he collects into
21 that box with the report, and he has to log it in in the
22 computer that he put it in there; and then usually the next
23 day we come in afterwards and we have a standard key for all
24 the inside doors, and we open up the inside door and take it
25 out that way.

1 Q. And then do you process what you can process at that
2 point?

3 A. We process it if they want us to process something, or
4 we log it in, make sure whatever it is, we log in the
5 evidence, make sure to package it up and keep it safe.

6 Q. And were you working as a crime scene investigator on
7 May 23rd, 2013?

8 A. Yes, I was.

9 Q. And did you respond to a call at [REDACTED] in
10 Summerville?

11 A. Yes, I did.

12 Q. And is that in Dorchester County?

13 A. Yes, ma'am.

14 Q. Approximately what time did you get to the scene?

15 A. I don't remember off the top of my head what time I got
16 there. I'd have to see the crime scene log to tell you what
17 time I got there.

18 Q. Let me ask you this: When you got there, were other
19 officers already on the scene?

20 A. Yes, they were, and the scene had been taped off and
21 secured when I got there.

22 Q. So you arrived a little bit later, I would assume.

23 A. Yes.

24 MS. MIMS: May I approach the witness, Your Honor.

25 THE COURT: You may.

1 Q. I'd ask you to look through what's been marked as
2 State's Exhibit No. 24 through No. 49. Could you look
3 through those and let me know if you recognize those
4 photographs?

5 A. Yes. These are all copies of photographs that I had
6 taken at the scene that night.

7 Q. You took the photographs --

8 A. Yes. Those are the ones I took.

9 Q. -- on May 23rd of 2013?

10 A. Yes.

11 Q. Do they accurately represent what the house looked like
12 on that date?

13 A. Yes, ma'am.

14 MS. MIMS: Your Honor, at this time I'd ask to introduce
15 State's Exhibits 25 through 49 into evidence, please.

16 THE COURT: Any objection?

17 MR. LOY: None, Your Honor.

18 THE COURT: They're in.

19 (State's Exhibits 25-49 admitted into evidence.)

20 Q. So as a crime scene investigator, when you first walk up
21 to a scene, are you immediately working, or do you kind of
22 wait until you get into a house and start at a particular
23 point?

24 A. I wait until we -- when I get there, I'll ask the
25 officer that's on scene as to what happened, why -- why I'm

1 there, and what's going on. Rather than just walking in,
2 trying to figure out what the heck happened myself, I ask him
3 what's going on. They usually give me a brief synopsis,
4 shooting, whatever it may have been. When I got here to this
5 one, when I got there, one of the residents had asked to have
6 his cell phone; and before I actually did my normal start
7 through, I walked in, made sure I didn't disturb anything,
8 and he said his cell phone was in the bathroom on the sink.
9 And there's a picture in there that shows the cell phone on
10 the sink. I grabbed the cell phone, brought that back out,
11 gave it to him, and then I started my normal walk through
12 from there.

13 Q. I'll show you what's been marked as State's Exhibit 31.
14 Is that the picture of the cell phone in the bathroom?

15 A. Yes, it is.

16 Q. So when you first walked up to the front door, did you
17 immediately begin taking pictures?

18 A. What I do is you'll have the one picture that shows the
19 address, 114. That would be the first picture I took. I
20 always show the address of where I'm at, just the house
21 number or something wherever it might be, and that's the
22 address for the, it's like a duplex type house. That's the
23 address there, and I'll start from there and then walk
24 through the house taking pictures whatever might be important
25 as I walk through, document the way the house is set up.

1 Q. Let me show you State's Exhibit No. 24. Do you
2 recognize this picture or can you tell us what this is a
3 picture of?

4 A. That's as you get closer into the doorway, the front
5 doorway is open.

6 Q. And as you walked in, if you walk into the front door
7 there, can you tell the jury, does this hallway just kind of
8 go straight to the back of the house?

9 A. The hallway right here just goes in, goes straight into
10 the kitchen.

11 Q. And where would the bedrooms be off of this hallway?

12 A. To the left you'll see the wall right there, and to the
13 left is the bedrooms, and to the right which you can't see
14 the other part of the wall goes into the living room.

15 Q. When you arrived at the scene, was it your understanding
16 that there had been a forced entry?

17 A. Yes. I was told somebody had kicked the door open.

18 Q. I'm going to show you what's State's Exhibit No. 26.
19 What is this a picture of?

20 A. That's the front door, as I walked up little bit closer
21 to it, and you can see, if you go to the bottom right-hand
22 corner, the third tile up, is part of the plate for the front
23 door where it had been kicked out of the wood or knocked out
24 of the wood and was laying on the ground.

25 Q. Let me show you State's Exhibit No. 29, little bit more

1 closer up -- close-up shot of that. Is that the plate?

2 A. That's another picture of the plate, and you can see the
3 wall to the right there. That's where the -- the other part
4 of the wall that goes over towards the living room.

5 Q. Here's a close up of that. And is this, when we talk
6 about the plate, that would be in the door jam, right?

7 A. Yes, that's the -- I guess you'd call it the face plate
8 where the latch goes in to lock the door. And you can see
9 there's still a -- one of the screws is still in there.

10 Q. Right. Okay. And that would have come essentially from
11 State's Exhibit No. 28, is this the door jam of the front
12 door?

13 A. Yes. That would be the door jam, and you can actually
14 see there's more than one -- there's several face plates
15 there, so exactly where it came from I'm not sure, but
16 there's -- you can see the other one's also partially broken.
17 You can see a crack in the wood.

18 Q. In your experience would this be something that you
19 would say if there had been forced entry in a door like this?

20 A. Yes.

21 Q. Did you end up going into the family room?

22 A. Yes.

23 Q. The dining room/living room area?

24 A. Yes.

25 Q. I'd like to show you State's Exhibit No. --

1 I'm sorry. Actually, these are two I haven't introduced
2 yet. May I approach the witness, Your Honor?

3 THE COURT: Yes, ma'am.

4 Q. State's Exhibit No. 14 and 15, do you recognize those
5 photos?

6 A. One's the kitchen, and the other one's the living room
7 where the TV's at. You can actually see part of the kitchen
8 from there too.

9 Q. Did you also take those pictures?

10 A. Yes.

11 Q. And do those accurately reflect what the house looked
12 like on May 23rd --

13 A. Yes.

14 Q. -- 2013?

15 MS. MIMS: Your Honor, I'd like to introduce these into
16 evidence at this time.

17 THE COURT: Any objection?

18 MR. LOY: No objection, Your Honor.

19 (State's Exhibits 14-15 admitted into evidence.)

20 Q. State's Exhibit No. 14, can you tell me what this is a
21 picture of?

22 A. That's going to be a picture of the TV into the doorway
23 into the kitchen and will be standing over where the dining
24 room table was at.

25 Q. In this picture is that TV -- it's not flush against the

1 wall, or is it flush against the wall?

2 A. No, it was set at an angle away from the wall.

3 Q. Was it pulled out?

4 A. Yes, at an angle. That had been where it was sitting.

5 Q. Okay. Do you see anything in the wall in the back?

6 A. If I can show, right here and right here would be two
7 bullet holes (indicating).

8 Q. Can you circle that on your screen in front of you where
9 those bullet holes are?

10 A. Oh, okay, right there and right there (indicating).

11 Q. So two bullet holes?

12 A. Would be two bullet holes.

13 Q. Okay. Show you a closer up -- closer-up picture of this
14 Exhibit No. 33. Is that the lower --

15 A. That's the lower bullet hole, and you can see, just a
16 little bit on the -- right underneath there on the wood you
17 can see part of the -- where part of the bullet hit the wood
18 before it went through the wall.

19 Q. And this is a close-up version of the top bullet hole,
20 State's Exhibit No. 34. Anything extraordinary about that
21 one?

22 A. You can see that -- you can see also this is where the
23 bullet went into the wall.

24 Q. Now, this is an interesting photo. Tell the jury about
25 this one. This is State's Exhibit No. 38. We just saw the

1 wall with the bullet holes, but now there's something new
2 there.

3 A. What I did is I placed rods into the holes, and the rods
4 actually go through the wall in towards the kitchen; so they
5 stay in that position, the angle that they're in. You can
6 see they go a down angle towards the direction of where the
7 dining room floor area is. What happens is they actually go
8 through the wall to keep it where the trajectory of the
9 bullets went all the way through the wall. One went through.
10 One didn't go all the way through. The lower one didn't
11 actually penetrate the wall. It hit a piece of tile on the
12 other side of the wall and dropped down inside the wall
13 someplace.

14 Q. Okay. So were you able to get that bullet?

15 A. No, I was not. I couldn't.

16 Q. Couldn't retrieve it from inside?

17 A. Try to dig the whole wall out and figure out where it
18 was at, I didn't, no.

19 Q. Okay. What about the top bullet?

20 A. The top bullet went through the wall and into another
21 wall behind that. There's a -- where the refrigerator was,
22 it goes behind the refrigerator and up into another section
23 of the wall, and it's a fake wall. It's part of the kitchen
24 area there. There's a hot water heater or something behind
25 it there.

1 Q. This is State's Exhibit No. 46. Is the wall behind the
2 refrigerator where the bullet may have come out?

3 A. Let me see. Okay. There we go (indicating).

4 Q. Yes, it's sideways.

5 A. Yes, it goes through, the bottom down here where the
6 tile is, that's the lower bullet there; and the other one, I
7 can't really tell for sure where it comes through. I think
8 it's in the dark up there.

9 Q. I've got another picture I can show you as well, this is
10 State's Exhibit No. 49.

11 A. Okay. Yes, you can see, you couldn't see the other one
12 on the other picture because the bullets came through the
13 wall all the way up into this area here behind here. When
14 the rod comes through, when I put the rod through, it goes
15 straight over there, down here to this area here, but the
16 bullet continued actually all the way through to here
17 (indicating). I don't know if you have a bigger picture of
18 that or not, but by this time the bullet had gone flat. It
19 was traveling sideways instead of straight because it's
20 already hit a couple things inside that wall, and you can
21 actually see the shape of the bullet itself, and it went
22 sideways through the wall.

23 Q. So that bullet was actually also stuck in the wall?

24 A. Yes. It was stuck behind that wall where the
25 refrigerator was.

1 Q. Were you able to retrieve that bullet?

2 A. No, I was not.

3 Q. Okay. And going back briefly to the poles, I want to
4 show you another view. This is State's No. 41. You
5 mentioned that it shows -- these poles show the trajectory of
6 the bullets; is that right?

7 A. Yes, ma'am.

8 Q. So can you tell the jury from what direction those shots
9 are coming from?

10 A. They would have had to come from down here, up in that
11 direction; the same way this way here, up in that direction
12 from down (indicating). Somebody was on the ground, either
13 laying on the ground or kneeling on the ground. It was in an
14 upward -- shot in an upward direction.

15 Q. This is State's No. 42. This is another view.

16 A. And what I did with that one is to try to show where
17 they came from and see, I'm looking down, and somewhere over
18 in this area here. It's not quite as accurate to say exactly
19 where it is. I can't get exactly behind the rod, but to give
20 you an idea, the shot would have to come from someplace in
21 this area here, the position someone would have to have been
22 to shoot it to go up in that direction (indicating).

23 Q. The area that you've actually got circled, is there
24 anything significant about that area? Can you tell what's on
25 the floor?

1 A. There appears to be blood right down here on the floor.

2 Q. Show you what's been marked as State's Exhibit No. 43.

3 Can you tell the jury what this is?

4 A. That's a close-up picture of the blood that was on the
5 floor.

6 Q. And that is coming from the -- it's in the area, as you
7 mentioned where the poles are shooting straight down.

8 A. Yes.

9 Q. Okay. Did you go into any of the other areas of the
10 house?

11 A. I took pictures of all the rest of the house, all the
12 rooms in the house, just to document the way the house was --
13 the condition of the house when we got there.

14 Q. Okay. Did you find any other weapons in the house?

15 A. No, I did not find any weapons.

16 Q. Okay. Did you collect any other evidence at the scene?

17 A. No, I didn't collect anything at the scene other than --
18 oh, I did swab the blood. I'm sorry. I did swab the blood,
19 but we didn't do anything with it. We swabbed it just in
20 case we needed to DNA test it, but nothing was requested; so
21 it's still at the police station in the refrigerator. That's
22 the only thing I actually collected from the scene was the
23 blood.

24 Q. And you mentioned earlier that also as your job working
25 in the lab you also get evidence collected by other officers

1 on the scene that will be turned over to the lab; is that
2 right?

3 A. Yes.

4 Q. In this case did you also collect this gun?

5 A. Yes. That was placed into one of the evidence lockers.

6 Q. What type of gun is this?

7 A. It' a .357 Magnum. I can't remember the -- Smith &
8 Wesson .357 Magnum.

9 Q. Did you process this gun? I guess meaning did you run
10 tests on this gun to see if certain bullets had come out
11 or --

12 A. The gun was sent to SLED for tests. First it was sent
13 to IBIS for firing, test firing, was sent to IBIS in
14 Charleston County, where they test fire, put it into the,
15 like fingerprint system, but IBIS is the inter -- Integrated
16 Ballistic Identification System. What they do is they --

17 MR. LOY: Your Honor, I don't think he's been qualified
18 to present this testimony.

19 MS. MIMS: That's fine. We can stop it here, Your
20 Honor. That's fine.

21 Q. Okay. But you sent it off to SLED?

22 A. Well, this was Charleston County to be test fired, yes.

23 Q. Okay. I'm looking at State's Exhibit No. 59. Were
24 bullets that were taken out of that gun also given into the
25 lab?

1 A. Yes. They eventually went to SLED itself.

2 Q. Okay. And the same thing, did you send these off with
3 the gun?

4 A. Yes.

5 Q. Did you find any shell casings in the house?

6 A. No, I did not.

7 Q. So everything pretty much -- the gun, the bullets, these
8 things were sent to other agencies for processing?

9 A. Yes.

10 MS. MIMS: Beg the Court's indulgence, Your Honor.

11 Q. Just to be clear, Sergeant Olsen, when you were going
12 through the house, the only -- where were the only places
13 that you did find bullet holes?

14 A. The only place I found any holes were right there in
15 the -- in that wall. I looked and I didn't find any holes
16 anywhere else.

17 Q. In those two spots where the poles were sticking out, is
18 that the only place that you found bullet holes?

19 A. Yes, that's the only place I found any bullet holes.

20 MS. MIMS: I have no further questions. Please answer
21 any questions of Mr. Loy.

22 THE COURT: Cross-examination.

23 MR. LOY: Thank you, Your Honor.

24 CROSS-EXAMINATION BY MR. LOY:

25 Q. Good afternoon, Sergeant.

1 A. Good afternoon.

2 Q. How long have you been working as a crime scene
3 investigator, sir?

4 A. 14 years.

5 Q. And prior to that you were in law enforcement as a
6 patrol officer?

7 A. Yes.

8 Q. And to become an investigator, as far as a crime scene
9 investigator, it required a substantial amount of training,
10 and your training has been ongoing; is that correct?

11 A. Yes, sir.

12 Q. And you've processed and worked on many crime scenes --

13 A. Yes.

14 Q. -- in those 14 years.

15 A. Yes.

16 Q. And some of those you and I have had opportunity to
17 discuss.

18 A. Yes, we have.

19 Q. Do you have a -- like a class A investigation or a B
20 step down, I mean, how thorough or how in depth you go; or
21 when you show up, you just process the scene all the way
22 through every time?

23 A. I just process the scene all the way through every time.

24 Q. Do you have a copy of your -- of a written report in
25 this case?

1 A. No, I do not.

2 Q. There are times in the past where you investigate a
3 crime scene and you take notes and prepare a report.

4 A. Yes. I have -- I know I typed a report, but when we
5 went on to this to call this up, I looked on my computer,
6 I've had two new computers since then, and I have also had a
7 virus that got into my computer. I opened a public safety --
8 mandatory public safety training, and I got one of the
9 viruses from China where, when I was working on some type of
10 document, it started replicating itself until my 500 gigabyte
11 computer had completely filled itself up with one incident
12 report.

13 Q. Certainly one of the reasons that you process the crime
14 scene, you show up as a crime scene investigator, is to
15 gather evidence or to document the circumstances that you
16 find so that you can aid the actual investigators' office in
17 their investigation; that is, they can take the things that
18 you find, the reports that you make, and factor them into the
19 rest of the world that they've got, and if that takes them on
20 further as their investigation goes, go down. That's an
21 incredibly inartfully constructed question, but do you
22 understand what I'm asking you?

23 A. Yes.

24 Q. And that's correct, is it not?

25 A. Yes.

1 Q. So you would have typed this up, this report, and given
2 it to Detective Williams or had it transferred to Detective
3 Williams, whether via email or hard copy or something like
4 that, so she would have a copy and could use it in her
5 investigation; is that correct?

6 A. What happened at that time, I don't know if I had given
7 it to her or not. I can't say two years ago. When I went
8 back to look for it, I know I saved all my reports, I saved
9 it to my own file on the computer; and now it's saved onto
10 the cloud, whatever they do with it with the new system, and
11 it's -- I could not find it, and there was not one in the
12 case file. So I don't know if I had not made a copy of it
13 and given it to her or what happened. I'm not really sure.

14 Q. Your ordinary course of business would have been to
15 print the copy shortly thereafter or at least to make sure
16 she had a copy of it --

17 A. Yes.

18 Q. -- separate and apart from your computer.

19 A. Yes.

20 Q. In this case when we got ready to come in here and talk
21 about this today, we don't have that for the reasons you've
22 described.

23 A. Yes.

24 Q. Or at least we don't have the -- you're not able to
25 print a copy.

1 A. Unfortunately, no.

2 Q. So to some degree we've got your recollection today and
3 the photographs that you took --

4 A. Yes.

5 Q. -- is that correct?

6 You state, I was unable to recover the bullets that were
7 in the -- penetrated the sheet rock or that were in the wall.

8 A. Yes.

9 Q. She's going to get mad at us if we talk or I talk while
10 you're talking, so we need to wait.

11 By that you mean you chose not to. You have the
12 equipment or you have the equipment available to saw off a
13 piece of sheet rock or pull one down and look and see what's
14 behind it.

15 A. I would have to tear the entire wall out, yes.

16 Q. Well, is it not correct that maybe you would; or if you
17 looked and thought it had dropped down, perhaps you could
18 tear a piece of it out and find what you were looking for.

19 A. Most of your walls have two by four's down there
20 somewhere. In there between there it would be down there
21 still. Rather than tear the entire wall out in the victim's
22 residence, I couldn't recover the round.

23 Q. You didn't. You could have if you'd chosen.

24 A. Yes.

25 Q. Do you recall speaking with Detective Williams about

1 this case ever?

2 A. I may have, yes.

3 Q. Do you recall, and take a moment if you need to, try to
4 reflect your notes or reconstruct them if you can, do you
5 recall telling her that you have located evidence that shots
6 were fired into the dining room and out of the dining room
7 and that Melinda Yates may have been shot by whomever was
8 attempting to shoot J. Singleton?

9 A. Yes.

10 THE COURT: We'll take a brief recess. Ladies and
11 gentlemen, we'll take a brief recess if you want to run to
12 the rest room real quick. Just let us know when you're
13 ready.

14 (The jury retires to the jury room at 2:19 p.m.)

15 (Recess held.)

16 MS. MIMS: At this time the State would move Exhibit 24
17 into evidence.

18 MR. LOY: No objection.

19 (State's Exhibit 24 admitted into evidence.)

20 (The jury enters the courtroom at 2:26 p.m.)

21 THE COURT: You may proceed.

22 MR. LOY: Thank you, Your Honor, please the Court.

23 Q. Sergeant Olsen, before we broke, I had asked you whether
24 or not you recalled conversing with Detective Williams about
25 the case or your findings and indicating to her that you had

1 located evidence that revealed that shots were fired into the
2 dining room as well as from the dining room and that Melissa
3 (sic) Yates may have been shot by whomever was attempting to
4 shoot J. Singleton?

5 A. Yes.

6 Q. It didn't come up in your conversation with the
7 solicitor. Can you explain to me what that was about?

8 A. I don't understand didn't come up.

9 Q. What evidence was it you found that indicated to you
10 there may have been an exchange of gunfire in the house?

11 A. Well, the fact that they had recovered the gun. There
12 was two spent rounds in the gun, two empty cylinders that did
13 not have any rounds in them and two unspent rounds. I've got
14 two rounds coming from the dining room into the wall.

15 Q. Yes, sir.

16 A. And I have got somehow or another a round coming into
17 the leg of Ms. Yates, I believe it is.

18 Q. Right. So this gun appeared to have been fired twice
19 (indicating).

20 A. Yes.

21 Q. It had two spent rounds in it.

22 A. Yes.

23 Q. And those two bullets, if you believe the stories that
24 were presented or you've come to later, appeared to have come
25 from this gun, the ones in the wall.

1 A. Yes.

2 Q. Now, you oftentimes recover bullets both from a person,
3 as you did in this case --

4 A. Yes.

5 Q. -- as well as from a crime scene, whether it be in a
6 tree or a car door or a house. I mean, all those things
7 you've seen happen, have you not?

8 A. Sometimes, yes.

9 Q. Why is it -- is it important to try to recover those?

10 A. If you can, yes.

11 Q. Why is it important?

12 A. To try to match them up to a gun, an individual gun.

13 Q. Separate and apart from just matching it up to an
14 individual gun, has it been your experience that, if they're
15 set off for examination, a firearms examiner can say whether
16 I can say it came from this gun or that gun, or that gun; I
17 can say what caliber it is.

18 A. Yes, that's what the -- would be matching it up to a gun
19 would be if you sent it off to a lab, yes.

20 Q. Sometimes they can match it up to a specific gun, yes?

21 A. Yes.

22 Q. If you don't know, I think we may have someone here
23 later. Are you aware of whether or not law enforcement, they
24 can recover a bullet --

25 A. Yes, they can match it up. Yes.

1 Q. And that's one of the reasons that they look at it.

2 A. Yes.

3 Q. Ideally, you can recover the bullet and say it came from
4 this gun because that tells you the most information. That's
5 the most you could ask for, the gun and this bullet.

6 A. Yes.

7 Q. And if you can't say this gun came from this bullet,
8 perhaps you can at least say this bullet came from either
9 this gun or one a lot like it; is that right?

10 A. Yes.

11 Q. Or you can say, this bullet did not come from this gun.

12 A. Yes.

13 Q. Okay. And for all those reasons it's often important to
14 recover the projectiles.

15 A. Yes.

16 Q. And you've recovered them from automobiles.

17 A. Yes.

18 Q. Buildings where they were shot from the exterior to
19 interior?

20 A. No.

21 Q. You've not been --

22 A. I haven't, no. Exterior to -- from interior to
23 exterior, no, I have not.

24 Q. No, I'm saying when someone outside has shot a home or
25 shot a building, whether it's a barn or a house, have you not

1 recovered bullets or dug bullets out of those walls?

2 A. I'm trying to think if I have or not. I don't think I
3 have.

4 Q. Okay. In this case the reason that you're not able to
5 make the comparison or get the bullets out of the wall was
6 because you didn't want to damage the sheetrock that already
7 had a bullet hole in it to recover the evidence that could in
8 fact include or exclude this gun.

9 A. I would have had to -- where the one was at, the lower
10 one, I would have had to take the cabinet out and then dig
11 into the wall; and the other one I would have had to dig into
12 probably about five and a half foot of wall to try to figure
13 out where it was at.

14 Q. It was too much trouble.

15 A. So we opted not to do it rather than destroy the walls.

16 Q. By destroy the wall you mean pull the sheetrock out.

17 A. Yes, destroy the walls.

18 Q. Now, you took photographs within the home, is that
19 right?

20 A. Yes.

21 MR. LOY: One moment, please, Your Honor.

22 (Defendant's Exhibit 1 marked for identification.)

23 Q. Showing you what's been marked Defendant's Exhibit No.
24 1, can you can you tell me if you know what these are?

25 A. That's pictures of the dresser drawers inside the master

1 bedroom of the residence.

2 Q. All right. My copy has them on both sides. Can you
3 reverse that?

4 A. Okay. The dresser drawer, again, close-up of the
5 bullets in the dresser drawer, and then there's a trash can
6 with a bunch of Phillies Blunt material emptied into the
7 trash can or empty box used as a trash can by a stand in the
8 bedroom.

9 Q. I'm sorry. I bunch of Phillies Blunt material?

10 A. Phillies cigarettes or cigars where they empty the
11 tobacco out and replace them with marijuana.

12 Q. And Defendant's Exhibit No. 1 as it shows bullets
13 appears to show two boxes of bullets in one drawer. I'm
14 sorry. It appears to show two boxes of bullets in one
15 drawer.

16 A. Yes.

17 Q. And then just a scattered loose handful --

18 A. Loose bullets in another drawer.

19 Q. And that's the way it was when you got there; is that
20 right?

21 A. No, the drawers were closed.

22 Q. But as far as the bullets themselves.

23 A. Yes.

24 Q. You didn't dump them out.

25 A. No, that's the way they were, just like that in the

1 drawer.

2 Q. And that is two separate drawers.

3 A. Yes. The two top drawers of the dresser next to each
4 other.

5 (Defendant's Exhibit 2 marked for identification.)

6 MR. LOY: Your Honor, if I didn't move No. 1 into
7 evidence, I'd like to move it into evidence at this time.

8 THE COURT: Any objection?

9 MS. MIMS: No objection, Your Honor.

10 THE COURT: All right.

11 (Defendant's Exhibit 1 admitted into evidence.)

12 Q. Showing you what's been marked Defendant's Exhibit No.
13 2, are these also photographs that you took on the scene that
14 night?

15 A. Yes, that's photographs, additional photographs in the
16 master bedroom and also showing the bathroom, the master
17 bedroom in the hall, back out towards the hallway, shows the
18 closet door in the master bedroom.

19 Q. In the corner of this one where it's got the Defendant's
20 Exhibit sticker on it, can you tell me what this is there and
21 why you photographed this?

22 A. That's a grinder that's used to grind marijuana up so it
23 can be smoked smoother, no seeds in it.

24 Q. Was that in proximity to the waste box you described
25 earlier or do you recall?

1 A. Let me see where that is. Yes, that would be right
2 above where the waste box was. That's a stand, like a
3 computer stand.

4 MR. LOY: Thank you. Your Honor, I'd move Defendant's
5 Exhibit 2 into evidence at this time.

6 THE COURT: Any objection?

7 MS. MIMS: No objection, Your Honor.

8 (Defendant's Exhibit 2 admitted into evidence.)

9 MR. LOY: I don't have any more questions. Thank you.

10 THE COURT: Any redirect?

11 MS. MIMS: Just very briefly, Your Honor.

12 REDIRECT EXAMINATION BY MS. MIMS:

13 Q. Very briefly, Sergeant Olsen, you mentioned earlier
14 taking so many pictures. Can you tell the jury again why you
15 take so many pictures?

16 A. Sure. We recreate what the scene is so you can see what
17 the scene was that night, that way you can go back and look
18 at the scene and see what it was like that night.

19 Q. Does it help you if you're in a moment like this in a
20 jury trial if you need to go back a couple of years and
21 remember a certain case?

22 A. Yes.

23 Q. Does it help?

24 A. In the age of digital cameras you can take more pictures
25 than you know what to do with, and it makes it a lot easier

1 to figure out what you'd done. Like I said, it's been two
2 years.

3 Q. So looking at the pictures, does that help remind you of
4 what happened that night and what you did that night?

5 A. Yes.

6 MS. MIMS: May I approach the witness, Your Honor?

7 THE COURT: You may.

8 Q. Sergeant Olsen, I'm going to show you State's Exhibit
9 No. 60 again. What type of gun is this?

10 A. Smith & Wesson .357.

11 Q. And how many rounds does this hold?

12 A. Six.

13 Q. And how many bullets were turned over to you in
14 evidence?

15 A. Four.

16 Q. So four rounds were found in this weapon --

17 A. Yes.

18 Q. -- after Mr. Singleton had been spotted in the woods,
19 right?

20 A. Yes.

21 Q. After he had been arrested?

22 A. Yes.

23 Q. So only recovered four shells but could Mr. Singleton
24 have possibly pulled other shells out as he was --

25 A. I don't know.

1 Q. Okay. But isn't it possible that there's no --

2 MR. LOY: Objection, Your Honor. It's answered and it
3 calls for speculation anyway.

4 THE COURT: She hadn't finished asking the question.

5 MS. MIMS: Thank you, Your Honor.

6 Q. So actually you just don't have -- do you have any way
7 of knowing if there were six rounds in this gun?

8 A. No.

9 Q. You only know that there were four in there --

10 MR. LOY: Objection, leading.

11 THE COURT: Sustained.

12 MS. MIMS: I'll rephrase, Your Honor.

13 Q. Do you know how many rounds were in there when it came
14 to you?

15 A. Yes, there were four.

16 Q. Okay. Do you have any way of knowing in the beginning
17 how many rounds Mr. Singleton had in this weapon?

18 MR. LOY: Objection, asked and answered.

19 THE COURT: Sustained.

20 MS. MIMS: Nothing further.

21 MR. LOY: Your Honor, may I briefly recross?

22 THE COURT: You may.

23 RECROSS-EXAMINATION BY MR. LOY:

24 Q. You're a police officer trained in the use of firearms,
25 are you not?

1 A. Yes.

2 Q. You're proficient with a revolver as well as
3 semiautomatic, are you not?

4 A. Yes.

5 Q. You've been trained with a revolver.

6 A. Yes.

7 Q. You shoot your rounds, one, two, three, four, five, six,
8 and you're going to reload. Show us how you go about
9 emptying that gun.

10 A. You'd have to hit the lever here, and it's going to kick
11 everything out that you have in there.

12 Q. You hit that lever and everything drops out.

13 A. Yes.

14 MR. LOY: Thank you. No more questions.

15 THE COURT: You may step down, Sergeant. Thank you.
16 You may call your next witness.

17 MS. MIMS: State would call Officer Jennifer (sic)
18 Carpenter.

19 JESSICA CARPENTER,
20 being first duly sworn, testified as follows:

21 DIRECT EXAMINATION BY MS. MIMS:

22 Q. Good afternoon, Officer Carpenter.

23 A. How are you?

24 Q. How are you? Where are you employed?

25 A. Summerville Police Department.

1 Q. And how long have you been with Summerville?

2 A. A little over three years.

3 Q. What is your job with the Summerville Police Department?

4 A. I'm on patrol team one.

5 Q. And just tell the jury briefly what are some of your --
6 what's your job description?

7 A. I am dispatched to various calls, go meet with victims,
8 complainants, suspects, do reports.

9 Q. Okay. Were you working on May the 23rd of 2013?

10 A. I was.

11 Q. And did you get a call regarding a shooting at [REDACTED]
12 [REDACTED] in Summerville?

13 A. Yes, ma'am.

14 Q. Did you respond to that address?

15 A. I responded to Summerville Medical Center.

16 Q. Why did you respond to Summerville Medical Center?

17 A. Because the victim was taken there via car, so I was
18 sent there to meet with her rather than go to the scene.

19 Q. When you got to the hospital, who did you see there?

20 A. I saw Ms. Yates and Mr. Yates.

21 Q. Okay. Were those two the only ones there when you
22 arrived?

23 A. I believe some family came a little afterwards, but I
24 don't remember specifically whom.

25 Q. Do you remember what time you may have gotten to

1 Summerville Medical Center?

2 A. I believe it was right after dusk, so maybe around 7:30,
3 8:30 p.m.

4 Q. Okay. So when she arrived at the -- when you arrived at
5 the scene, had she been through any surgical procedures or
6 anything like that happen?

7 A. No, ma'am.

8 Q. When you arrived at the scene, can you tell the jury
9 what her demeanor was?

10 A. She was pretty calm. She was still bleeding from her
11 thigh because the bullet was still lodged in her. We were
12 just -- she was waiting. I believe a little bit of shock
13 maybe.

14 Q. Okay. And what were her -- what did you understand her
15 injuries to be?

16 A. Just a single bullet to her -- I believe it was her
17 right thigh, and then she had scratches on her face. She got
18 bit by a dog in her face.

19 Q. She had been bit by a dog in her face?

20 A. Mm-hmm.

21 Q. Did you understand how that had happened?

22 MR. LOY: Your Honor, I'm having a hard time hearing the
23 examination.

24 MS. MIMS: Actually, I'll withdraw that question.

25 Q. Did you actually end up getting a statement from the

1 victim that night or that morning?

2 A. No, ma'am, I did not.

3 Q. Why weren't you able to get a statement from her?

4 A. Because she was being transported to MUSC, and she had
5 been given drugs in her system for pain.

6 Q. Okay. Were you able to get an oral statement from her?

7 A. I did. I did speak with her about the incident, yes,
8 ma'am.

9 Q. Was she able to give you a description of the person who
10 had come into her house that night?

11 A. Yes, ma'am.

12 Q. And without telling me what she said, were you able to
13 pass that description along to other people in your office?

14 A. I was, yes, ma'am.

15 Q. Okay. Did you take any pictures of her?

16 A. No, ma'am, I did not.

17 MS. MIMS: Beg the Court's indulgence, Your Honor.

18 Your Honor, may I approach the witness?

19 THE COURT: You may.

20 Q. I'm going to show you an incident report involving the
21 incident that happened on this. Do you recognize that piece
22 of paper?

23 A. Yes, ma'am.

24 Q. Is that traditionally used by Summerville Police
25 Department?

1 A. Not currently, it's our old report form; but yes, ma'am.

2 Q. Would that have been used in 2013?

3 A. Yes, ma'am.

4 Q. I want to use that to refresh your memory a little bit.

5 Can you tell me what the dispatch time is on this call?

6 A. It says 01:45, so it would have been later.

7 Q. 01:45?

8 A. Mm-hmm.

9 Q. And tell me the address that the incident report is
10 involving.

11 A. [REDACTED] in Gadsden Acres.

12 Q. What's the date?

13 A. That is going to be May 23rd, 2013.

14 Q. And who is the victim on that form?

15 A. That's going to be Melinda Yates.

16 Q. Okay. Now, the dispatch time was 1:45. What was the
17 arrival time of the officer?

18 A. 01:51.

19 Q. Do you think it's more probable that that you may have
20 seen her earlier than 7 in the morning or dusk in the morning
21 in Summerville?

22 A. Yes, ma'am.

23 Q. Did you write your own incident report?

24 A. I did. I did a supplemental report.

25 Q. Do you have a time that you arrived?

1 A. I do not, ma'am.

2 Q. Okay. But you think it is possible that you may have
3 arrived actually --

4 MR. LOY: Your Honor, I can't hear the examination. I
5 may have to move forward.

6 MS. MIMS: I'll stand right here.

7 Q. Do you think it's possible that you could have arrived
8 earlier than what you initially testified to with the jury?

9 A. Yes, ma'am.

10 MS. MIMS: Okay. I have nothing further. Thank you,
11 Your Honor.

12 THE COURT: Cross-examination.

13 CROSS-EXAMINATION BY MR. LOY:

14 Q. So you stated Ms. Yates was relatively calm when you got
15 there and you spoke with her; is that right?

16 A. Yes, sir.

17 Q. And you were able to speak with her.

18 A. Yes, sir.

19 Q. You got a description of the person that she said had
20 come into her home; is that right?

21 A. Yes, sir.

22 Q. And you got a description from her of the facts that she
23 said had happened; she told you, here's what happened,
24 basically, and you had that information.

25 A. Yes, sir.

1 Q. So you were able to put that information out on the
2 radio to your department for use in aiding their
3 investigation as soon as you received it; is that right?

4 A. Yes, sir. A lot of this information came through
5 dispatch once the call came out as well.

6 Q. I understand, but the information you received you put
7 out there also.

8 A. Yes, sir.

9 Q. Do you recall Ms. Yates telling you she heard the gun
10 fire four or five times in the house?

11 A. Yes, it's in the -- I have it notated in the report.
12 It's been quite some time. I don't honestly remember exactly
13 what she said.

14 Q. You wouldn't have had any reason to falsify that.

15 A. No, sir.

16 Q. If you wrote it down she said they fired four or five
17 times, that must be what you thought at the time she was
18 telling you, right?

19 A. Yes, sir.

20 MR. LOY: Thank you I don't have any more questions.

21 THE COURT: You may step down, ma'am. Thank you. You
22 may call your next witness.

23 MR. SORENSON: State calls Sergeant Rick Gebhardt.

24 MS. MIMS: Your Honor, may the officer be excused?

25 THE COURT: Any objection, Mr. Loy?

1 MR. LOY: No, Your Honor.

2 THE COURT: You're excused, ma'am.

3 RICHARD GEBHARDT,

4 being first duly sworn, testified as follows:

5 THE COURT: Your witness.

6 MR. SORENSON: Beg the court's indulgence.

7 (Counsel confer.)

8 DIRECT EXAMINATION BY MR. SORENSON:

9 Q. Sergeant Gebhardt, if you would tell the jury where it
10 is that you're employed.

11 A. I'm employed with the Summerville Police Department.

12 Q. And how long have you been with the Summerville Police
13 Department?

14 A. Almost eight years.

15 Q. What are your current duties there?

16 A. My current duties are patrol sergeant. I oversee the
17 day-to-day staffing and operations of one of the night
18 shifts.

19 Q. And how long have you been employed in that capacity?

20 A. That capacity, about seven months.

21 Q. And let me ask you, as part of your other duties do you
22 typically get involved in, when electronic devices are seized
23 by your agency, in processing those and potentially serving
24 search warrants and --

25 A. Yes, sir, that was something I did -- started in the

1 criminal investigations division when I was assigned to that
2 unit.

3 Q. And as part of the that do you sometimes, if cell phones
4 are recovered and law enforcement has gotten a search warrant
5 to basically process that cell phone, are you the person then
6 that would handle that?

7 A. Yes, sir.

8 Q. And in this case did you have an occasion to do that to,
9 after a search warrant was obtained, to attempt to see what
10 was on a cell phone that was recovered?

11 A. Yes, sir.

12 Q. And showing you State's Exhibit No. 61 --

13 May I approach?

14 THE COURT: You may.

15 Q. Do you recognize that cell phone?

16 A. Yes, sir, I do.

17 Q. Did you have an opportunity on May the 24th of 2013, so
18 the following day after this incident, to execute a search
19 warrant and basically do kind of a download of the items that
20 were on that cell phone?

21 A. Yes, sir, I did.

22 Q. And I've just got a couple items that I want to ask you
23 about, were you able to find, were there photographs on that
24 cell phone?

25 A. Yes, sir.

1 Q. And were you able to find any photographs, in going
2 through them, through the photographs on the phone, that
3 depicted the defendant in this case, James Singleton, with
4 State's Exhibit No. 60?

5 A. Yes, sir, I did.

6 Q. Do you remember about how many photos of him and that
7 gun were on there?

8 A. Right offhand, I know there was three or -- three or
9 more at least.

10 Q. Showing you State's Exhibit No. 64, is that one of the
11 photographs that depicts him with that gun?

12 A. Yes, sir, it is.

13 MR. SORENSON: Your Honor, at this time we'd offer
14 State's 64 into evidence.

15 THE COURT: Any objection?

16 MR. LOY: No, Your Honor. Thank you.

17 (State's Exhibit 64 admitted into evidence.)

18 MR. SORENSON: May I publish to the jury, Your Honor?

19 THE COURT: You may.

20 Q. You indicated there were several other photographs also
21 that depicted him with that gun?

22 A. Yes, sir.

23 Q. Then also were you able to -- was there a -- were you
24 able to download basically a call log off of that cell phone
25 also?

1 A. Yes, sir.

2 Q. And were you able to download the call log kind of
3 starting from the evening of May the 22nd into the early
4 morning hours of May 23rd, 2013?

5 A. Yes, sir.

6 Q. And showing you State's Exhibit No. 62, does that
7 reflect that call log for that time period?

8 A. Yes, sir, it does.

9 Q. And that came directly off of that cell phone?

10 A. Yes, sir.

11 MR. SORENSON: Your Honor, at this time we'd offer
12 State's 62, I believe, into evidence.

13 THE COURT: Any objection?

14 MR. LOY: No, Your Honor. Thank you.

15 (State's Exhibit 62 admitted into evidence.)

16 Q. And this would then reflect any received outgoing,
17 ingoing, missed calls?

18 A. Correct, sir, yes.

19 MR. SORENSON: I believe that's all I'd have, Your
20 Honor. Thank you.

21 THE COURT: Cross-examination.

22 MR. LOY: Thank you for coming, Sergeant. I have no
23 questions.

24 THE COURT: You may step down, sir. Thank you. You may
25 call your next witness.

1 MR. SORENSON: Thank you. State calls Chad Smith.

2 CHAD SMITH,

3 being first duly sworn, testified as follows:

4 DIRECT EXAMINATION BY MR. SORENSON - VOIR DIRE:

5 Q. Agent Smith, if you would, tell us where you're
6 employed.

7 A. I work at the South Carolina Law Enforcement Division
8 which is also known as SLED. Specifically, I work at SLED's
9 forensic services laboratory in Columbia.

10 Q. What department do you work in out at SLED?

11 A. I work in the firearms department.

12 Q. And how long have you been employed as a firearms
13 analyst for SLED?

14 A. Six and a half years.

15 Q. If you would just kind of briefly tell the jury a little
16 bit about your educational background.

17 A. I attended Clemson University where I earned a Bachelor
18 of Science degree in biological sciences. I came on board at
19 SLED in November of 2008 and entered the training program at
20 the firearms department to become a firearms examiner. This
21 program lasts between three to five years. It's supervised
22 by the court qualified examiners of the firearms department.
23 It involves extensive reading, studying, that sort of thing.
24 I attended various classes and seminars, and I also had the
25 opportunity to help prepare other casework for the other

1 examiners. At the end of my training period I was given a
2 comprehensive multipart examination which I successfully
3 passed, and then I began to receive my own casework.

4 Q. And so you've been -- how long have you been kind of on
5 your own then analyzing cases and preparing reports and
6 potentially testifying in court as a firearms analyst?

7 A. Since July of 2012 I received my own casework.

8 Q. And have you had an opportunity then, Agent Smith, to
9 come testify before about your findings?

10 A. Yes, I have, 11 times.

11 Q. Been qualified on those prior 11 times as an expert in
12 the field of firearms analysis?

13 A. Yes, sir.

14 MR. SORENSON: At this time, Your Honor, we'd offer
15 Agent Smith as an expert in the field of firearm analysis.

16 THE COURT: Any voir dire?

17 MR. LOY: I think he's an expert, Your Honor.

18 THE COURT: He's so qualified. Ladies and gentlemen of
19 the jury, normally a person cannot give opinion testimony.
20 Normally when a person testifies, they must testify as to
21 what they either saw, heard or sensed by smell or something
22 of that nature. However, there is an exception, when someone
23 is qualified as an expert because of their education or their
24 experience, they're permitted to give their opinion in
25 certain areas that the Court qualifies them in that way. Mr.

1 Smith is qualified in the field of firearms analysis, and he
2 may give opinion testimony in that area. This does not mean
3 that you must accept the opinion, but it is evidence for you
4 to use in any way that you see fit and give it the weight and
5 the credibility that you see is appropriate.

6 You may proceed.

7 MR. SORENSON: Thank you, Your Honor.

8 DIRECT EXAMINATION BY MR. SORENSON:

9 Q. Agent Smith, if you would just briefly tell the jury,
10 what do you do in the firearms department, what are your
11 capabilities and what typically on a day-to-day basis is
12 submitted to you for your analysis?

13 A. Our main responsibilities are the examination of
14 firearms, ammunition and ammunition components. This is a
15 field of firearms or field of forensics called firearms
16 identification. Typically what we're trying to do is examine
17 a fire ammunition component such as a bullet or cartridge
18 case and try to match it back to the firearm that fired it.

19 Q. Okay. And did you have an opportunity in this case to
20 have a couple items submitted to you at SLED to see if you
21 could in fact do that?

22 A. Yes, I did. I was submitted a fired bullet and a
23 revolver.

24 MR. SORENSON: May I approach the witness, Your Honor?

25 THE COURT: You may.

1 Q. Showing you, sir, State's Exhibit No. 58, I'm going to
2 ask you if you recognize that item.

3 A. Yes, I do. This is the bullet that was submitted to me,
4 and how I can tell that is on the bullet itself we write the
5 SLED lab number, my initials and the SLED lab item number;
6 and also on the packaging itself I write the same
7 information, and I can tell that it has not been opened by my
8 seal date and my initials. The seal is still intact.

9 Q. Showing you State's Exhibit No. 60.

10 A. Yes, this is revolver that was submitted, and again here
11 I wrote the lab case number, the item number and my initials
12 (indicating).

13 Q. Okay. If you would tell the jury how, so like in this
14 case where you receive a firearm and then a bullet that was
15 in this case recovered during surgery from the victim, how do
16 you go about then attempting to determine whether that
17 firearm fired that bullet?

18 A. What I do is first examine the firearm, make sure that
19 it's in proper working order, there's no damage or obvious
20 defects that would cause it to not function; and then we
21 actually test fire the firearm itself, and the way we do that
22 in our laboratory is we have a -- it's a water tank, and it's
23 two stories long, and it's filled with water up towards the
24 top, and we shoot down into the tank. The reason we shoot
25 down into water is because water doesn't add or take away any

1 of the markings on the bullet, what we're looking for. So
2 then what I would do is actually compare microscopically
3 the -- my test fires together and then my test fires with the
4 submitted evidence, and the way we do that is I have a
5 expensive piece of equipment called a comparison microscope.
6 It's basically two microscopes that are joined by an optical
7 bridge, so I can compare two specimens simultaneously and
8 look for the markings on those bullets or cartridge cases to
9 determine possibly if they were fired by the same firearm or
10 not.

11 Q. As to State's Exhibit No. 60, the gun, first of all,
12 tell the jury what kind of firearm is that?

13 A. This is a double-action revolver. It's manufactured by
14 Smith & Wesson. Caliber is .357 Magnum, and the serial
15 number is AWL2762. When I say it's a double-action revolver,
16 that means that, when I pull the trigger with the hammer just
17 in this position here, what's going to happen is it's going
18 to -- the first part of the trigger pull is going to pull the
19 hammer back, and then the last part's going to release the
20 hammer so it fires the cartridge. It also has single action
21 capability which means that I can cock the hammer manually
22 with my thumb and then just pull the trigger and it will
23 fire, so it has single-action and double-action capability.

24 Q. And you said it was a .357, so what kind of bullets can
25 a .357 revolver fire?

1 A. A .357 magnum caliber can shoot .357 magnum caliber
2 cartridges as well as 38 Special. Basically .357 Magnum is
3 just a more powerful version of 38 Special, so it can fire
4 either of those two cartridges safely.

5 Q. And State's Exhibit No. 60, when you examined it and
6 then -- out at SLED, was it in proper working order?

7 A. Yes, it did, it functioned normally.

8 Q. And describe for the jury it's -- is it a fairly heavy
9 gun?

10 A. Right. This particular revolver, like I said, it's made
11 by Smith & Wesson, but it has some additional features that
12 were added after it left the factory. This particular
13 revolver has an added barrel weight which also functions as a
14 compensator, so basically what happens is, when you're firing
15 this gun, the added weight at the muzzle and this compensator
16 helps to reduce the recoil, and it also helps to reduce the
17 muzzle rise during firing. It also has this fairly fancy
18 sighting system here, so basically this gun is made for
19 competition shooting. It's not your typical revolver that
20 you would get from the factory. Like I said, it has several
21 features that make it more geared towards competition
22 shooting.

23 Q. Okay. I believe I asked you this, but it was in working
24 order?

25 A. Yes, sir.

1 Q. So you were able to test fire and get some test-fired
2 bullets to attempt to compare to State's Exhibit, I believe
3 it was 58?

4 A. Yes, sir.

5 Q. Let me ask you, you had said that typically when you do
6 that, when you fire into the water tank, I guess, do you fire
7 multiple times to get multiple bullets?

8 A. Right. Depending on how well -- we shoot at least two
9 test fires, but normally we shoot three or four; just depends
10 on how well a particular test or marking -- how the gun is
11 marking the test. But we have to shoot at least two to make
12 sure that markings are being consistent through the different
13 test fires.

14 Q. And then did you have an opportunity then to attempt to
15 compare then those test-fired specimens to State's Exhibit
16 No. 58?

17 A. Yes, sir.

18 Q. And I guess initially, before I get into your results of
19 that, describe for the jury what you could tell us about
20 State's Exhibit No. 58 kind of prior to you actually doing
21 that comparison.

22 A. What I do is, when I get a bullet submitted to me, I
23 would look at it, try to determine what sort of caliber it
24 could be. I weigh it. I try to get a diameter at the base,
25 that's how I determine the actual caliber part; and just

1 basically look at the characteristics to see if I could
2 possibly determine what sort of manufacturer, what particular
3 make or brand the bullet was. In this instance I could tell
4 that it was most consistent with being a jacketed hollow
5 point type bullet which is designed to expand upon impact
6 with a target. And the caliber is most likely or most
7 consistent with being 38 Special or .357 Magnum based on its
8 characteristics.

9 Q. So I guess in your initial kind of -- I mean, that is
10 therefore something that could have been fired by State's
11 Exhibit No. 60 in just your initial looking at it?

12 A. Yes, sir.

13 Q. Wasn't something you could rule out just right off the
14 get-go.

15 A. Right.

16 Q. Did you then have an opportunity to do that microscopic
17 comparison between those test-fired specimens and State's
18 Exhibit 58?

19 A. Yes, sir, I did.

20 Q. Tell the jury what the results of that comparison were.

21 A. Basically, there weren't enough marks on the bullet due
22 to damage or what have you that I could tell conclusively if
23 that was fired by that particular gun; so it could have been
24 fired by the revolver but also could have been fired by
25 another firearm with similar characteristics of this

1 revolver. Basically, there just weren't enough of those
2 marks of value that I'm looking for that I could tell.

3 Q. And, ultimately, the markings on State's Exhibit No. 58,
4 do you think you'd ever be able to -- let's say another
5 firearm was submitted. I mean, do you think you would be
6 able to ever come to any other conclusion than that kind of
7 it could or could have been -- could or could not have been?

8 A. Right, based on the limited marks that are on there, it
9 may or may not be suitable for identification with a specific
10 firearm; so it's possible that, say if it did come from that
11 firearm, I would have to shoot like say 1,000 tests and
12 possibly get a test that would -- that I can match it with,
13 but just on the limited marks, it's just, may or may not be
14 able to tell, match it to a specific firearm.

15 Q. But ultimately nothing that allowed you to say it
16 definitely wasn't fired by State's Exhibit No. 60.

17 A. Right, I could not negate it from being fired by the
18 firearm.

19 Q. Let me ask you, on State's Exhibit No. 60, did it --
20 when it was submitted out to you at SLED, did it have
21 anything in it?

22 A. No. It was received with the cylinder closed and
23 nothing was inside of it.

24 Q. Let me show you State's Exhibit No. 59. I don't believe
25 you've probably ever seen this, but the testimony is that

1 these are the items that were removed from State's Exhibit
2 No. 60 when they were recovered. Are you able to look at
3 those, what's inside there, and just kind of tell the jury
4 what those are?

5 A. There are two unfired cartridges, one 38 Special and
6 one .357 Magnum caliber, and then there are two fired
7 cartridge cases, one 38 Special caliber and one .357 Magnum
8 caliber.

9 Q. So the two fired, spent shell casings are both of the
10 same caliber that that bullet, State's Exhibit No. 58, could
11 have come from either one of those?

12 A. Right.

13 Q. I probably should have asked you this at the outset just
14 for some of us that may not be as familiar with firearms, and
15 you talked a little bit about a revolver being a double
16 action. When you fire that revolver, what happens to that
17 spent shell casing then? So like looking at these, this is a
18 casing that has been fired so the bullet is no longer in it;
19 is that correct?

20 A. Correct.

21 Q. What happens to this casing after you pull the trigger
22 and that bullet comes out and it's fired?

23 A. In this particular firearm, this revolver, the cartridge
24 case stays inside the cylinder. In difference to like a
25 semiautomatic pistol, which is designed to eject and -- or

1 extract and eject the fired cartridge case away from the
2 firearm, in a revolver typically it's going to stay in the
3 revolver until it's manually removed by the shooter or
4 whoever.

5 Q. And how do you -- let me just ask you how, this is kind
6 of my ignorance also, but how do you then remove those
7 casings from that revolver?

8 A. When the cylinder's shut, there's a little latch right
9 here that can be depressed by your finger; and what happens
10 is it allows the cylinder to swing open, and then you eject
11 the cartridge cases using the ejector rod right here. So
12 until it's removed it's going to stay in there.

13 Q. Is there a way they can fall out, I mean, if you eject
14 that cylinder out but don't hit that ejection rod?

15 A. Right. That can happen as well. If it's open and you
16 tilt it out without actually ejecting it, it's possible it
17 could fall out as well.

18 Q. So it would be possible, if it was partially opened and
19 tilted, that a casing could fall out; is that correct?

20 A. Correct, mm-hmm.

21 MR. SORENSON: I think that's all I'd have. Thank you,
22 Agent Smith.

23 THE COURT: Cross-examination.

24 MR. LOY: Yes, ma'am. Thank you.

25 CROSS-EXAMINATION BY MR. LOY:

1 Q. For practical purposes you don't see any reason why the
2 cylinder would fall open. You said this gun was in working
3 condition; is that right?

4 A. Correct, yes, sir.

5 Q. And if you were going to take shells out of this, you
6 would pop it as you've described, tilt it upward, and push
7 the lever?

8 A. Normally, yes. To open the cylinder away from the frame
9 you would have to push the thumb latch here, and then the
10 cylinder would swing open using pressure from your hand, and
11 then you can either -- sometimes it would fall out, or the
12 ejector rod is to help you to extract and remove them from
13 the cylinder if it does not fall out on its own.

14 Q. Thank you. Now, you were unable to look at this bullet
15 and say it came from this gun or it did not come from this
16 gun.

17 A. Right. It could have been fired by the firearm but it
18 may not have been. It could have come from a similarly
19 specified firearm with similar rifling specifications.

20 Q. But you were able to look at it to try to make the
21 comparison, so tell me if I understand correctly, there's
22 rifling on the inside of the barrel; is that right?

23 A. Right, that's correct.

24 Q. And the rifling imparts stripes or marks, a signature to
25 the bullet as it is propelled through the barrel.

1 A. Right, it's -- the rifling in the barrel is put there by
2 a manufacturer to impart a spin on the bullet as it's
3 traveling down the barrel, so what happens is that rifling is
4 going to put impressions on that bullet; and it's those
5 rifling impressions that are what we're looking for under the
6 microscope. We're looking for fine marks or striations,
7 basically they're just scratches, that can be individual to a
8 particular firearm.

9 Q. And this firearm or any other firearm with rifling, the
10 scratches, are essentially a signature. They are unique to
11 that firearm; is that right?

12 A. They can be, correct.

13 Q. Are they? I'm not correcting you. I just want to know.
14 I thought they were.

15 A. There's different levels of the markings. The
16 individual markings of course are individual to the firearm,
17 but like the rifling specifications of this firearm, it has
18 five lands and grooves with a left twist -- or, excuse me,
19 five lands and grooves with a right twist. There are many
20 firearms out there with that same five lands and grooves and
21 a right twist. Those would be class characteristics, but
22 it's the individual characteristics that are what we're
23 looking for; and most of the time, depending on how the
24 firearm marks the actual bullet, there are individual
25 characteristics imparted onto the bullet.

1 Q. And I may be getting a little far afield here. What I
2 wanted to ask you is there are marks on the bullet. There's
3 something there for you to examine. It didn't come in and
4 you said, well, I can't test this.

5 A. Right. We have various conclusions in our department:
6 We have a positive, which would be a match, identification
7 for a particular firearm to fire a specific bullet or
8 cartridge case; we have a negative which we can say it was
9 not fired by that particular firearm; we have inconclusive,
10 which is what we have here; and then we also have unsuitable,
11 so an unsuitable would mean there are no marks of value on
12 that bullet, whether it be due to damage or the firearm just
13 isn't marking as well as some other firearms. But so we have
14 the inconclusive conclusion in this report, so there were
15 marks of value on that bullet, but they were so limited that
16 I could not actually definitively say that it was fired,
17 compared to my test, by that firearm.

18 Q. And I understand that. You can't say. You were
19 inconclusive. My question is there is information, however,
20 to be gleaned from the bullet.

21 A. Correct, yes, sir.

22 Q. And in this case it didn't happen, but if in fact you
23 had been presented with a couple of other bullets -- say just
24 the projectile bullet.

25 A. Right.

1 Q. If you had been presented with a couple of other bullets
2 that had been fired, it's quite possible you could compare
3 this bullet to those --

4 A. Right.

5 Q. -- and either say these were fired from the same gun or
6 these were not fired from the same gun.

7 A. Right. It would just depend on a case-by-case basis.

8 Q. If you had received any other bullets in this file,
9 would you have made that comparison?

10 A. Definitely make a comparison, yes, as long as it has
11 the -- the same five-right rifling because you can't fire a
12 five-right -- a five-right bullet cannot come from say a gun
13 that has six lands and grooves, left-hand twist; so we can
14 negate some things on the outset, but if it has the same
15 general rifling characteristics then definitely would have
16 made a microscopic comparison.

17 Q. Certainly on occasion a bullet such as can be fired from
18 guns such as like this can penetrate sheetrock and still
19 leave enough marks so that you can make a meaningful
20 examination in the lab; is that correct?

21 A. Correct, many times damaged bullets do have -- still
22 contain marks of value.

23 Q. In this case, just so I'm clear, the only spent -- you
24 had two spent shells, but the only bullet, the only
25 projectile that you recovered, was the one that you've

1 testified about; is that --

2 A. Right. The only evidence, firearms evidence that was
3 submitted to me for examination was the actual firearm
4 revolver and the fired bullet.

5 Q. Thank you. And I didn't mean to say that you had
6 recovered. I understand.

7 A. Right, yes.

8 Q. I'm going to --

9 May I approach the witness, Your Honor?

10 THE COURT: You may.

11 Q. -- show you what's been marked as Defendant's Exhibit
12 No. 1. Would you take a look at this, please?

13 A. Yes.

14 Q. You probably know I'm going to ask you about the
15 bullets. Can you tell me anything about those?

16 A. Without actually seeing them in person, there appears to
17 be a drawer full of unfired cartridges here and some, looks
18 like ammunition boxes, which may or may not have any items in
19 them; and on this page, this is a close-up of the ammunition
20 boxes itself (indicating).

21 Q. And I don't know. I'm obviously not a firearms person.
22 Can you tell us anything else about those, the bullets
23 themselves?

24 A. Just looking at the pictures of the unfired cartridges,
25 they don't appear to be -- well, I do see one jacketed hollow

1 point cartridge in there, bullet in there, but -- but have no
2 way of knowing for sure what caliber they are without looking
3 at the head stamp on the bottom of the cartridges themselves.
4 Now the unfired -- or the ammunition boxes, this one is
5 marked 38 Special +P, so if in fact there were 38 Special
6 cartridges inside here, they certainly could have been fired
7 from this revolver.

8 Q. Or they could have been fired from another revolver
9 capable of doing it.

10 A. Yes, sir.

11 Q. A revolver that fires -- I'm sorry. I didn't mean to
12 cut you off but --

13 A. No, that's quite right. Any firearm chamber for 38
14 Special or .357 Magnum caliber could fire those projectiles.

15 Q. Just so I'm clear on this, the long and the short of it,
16 what I'm trying to ask you is, as far as you can tell, if
17 this box contains what it says it contained when it was
18 bought new, there's no reason to think this bullet didn't
19 come out of it -- excuse me, this bullet (indicating).

20 A. Correct, yes.

21 MR. LOY: Thank you. I don't have any more --

22 I'm sorry. I'll take that back from you.

23 I don't have any more questions.

24 THE COURT: Any redirect?

25 MR. SORENSON: No, Your Honor.

1 THE COURT: You may step down, sir. Thank you.

2 (Judge and attorneys confer.)

3 THE COURT: Ladies and gentlemen, this is a good
4 opportunity for us to take our afternoon break. We'll take
5 about 15 minutes. That allows everyone to take a minute.
6 Let us know when you're ready in about 15 minutes, and we'll
7 get started back with the trial.

8 (The jury retires to the jury room at 3:18 p.m.)

9 (Recess held.)

10 (State's Exhibits 69-73 marked for identification.)

11 (The jury enters the courtroom at 3:36 p.m.)

12 THE COURT: Welcome back ladies and gentlemen of the
13 jury.

14 You may call your next witness, Solicitor.

15 MR. SORENSON: Thank you. State calls Lieutenant Sandy
16 Williams.

17 CASSANDRA WILLIAMS,
18 being first duly sworn, testified as follows:

19 DIRECT EXAMINATION BY MR. SORENSON:

20 Q. Lieutenant Williams, if you would, please tell us where
21 you're employed.

22 A. I'm employed at the Summerville Police Department.

23 Q. And what are your current duties with the Summerville
24 Police Department?

25 A. I'm the lieutenant of criminal investigations.

1 Q. And how long have you been employed in that capacity?

2 A. I've been the lieutenant of investigations for nearly a
3 year.

4 Q. And prior to that what was your role with the police
5 department?

6 A. I was a lieutenant of a patrol division for a year.

7 Q. And back in May of 2013 what was your position at that
8 time?

9 A. I was the sergeant of investigations.

10 Q. And how long overall have you worked with the
11 Summerville Police Department?

12 A. 15 years.

13 Q. And I want to turn your attention, if I could,
14 Lieutenant, back to May of 2013. Did you become involved in
15 the investigation into a burglary and a shooting that
16 occurred at [REDACTED] here in Summerville?

17 A. Yes, I did.

18 Q. And tell the jury kind of how you became involved.

19 A. I was the on call detective that week. I received a
20 call from Lieutenant Peeples, explaining that there was a
21 shooting/home invasion in the Gadsden Acres subdivision. My
22 presence was requested to aid in the investigation regarding
23 to the male that had been arrested as well as a crime scene.

24 Q. Okay. And where -- were you actually at work when you
25 received that call or --

1 A. No, sir, I wasn't.

2 Q. Okay. Did you ultimately respond, I guess, from your
3 home that morning?

4 A. Yes, I did.

5 Q. And did you -- where is the first place that you ended
6 up going that morning with regards to this case?

7 A. I first went to the crime scene. I actually had to
8 drive past it to get to the police department, so I stopped
9 there first.

10 Q. And do you recall who -- or what was going on there on
11 Pintail when you swung by that residence on the way to the
12 Police Department?

13 A. Yes.

14 Q. Tell the jury what was going on there.

15 A. I arrived on scene. The scene was marked with crime
16 scene tape. I met with Detective Driscoll and received a
17 synopsis of what transpired.

18 Q. Were you aware at that point in time that the defendant
19 in this case, Mr. Singleton, had been apprehended out in the
20 vicinity of that crime scene?

21 A. Yes.

22 Q. And was he on the scene at that time?

23 A. No, sir, he wasn't.

24 Q. Where was he at when you --

25 A. He was at the Summerville Police Department in the

1 holding area.

2 Q. And how about, was Ms. Yates at the scene?

3 A. No, sir, she wasn't.

4 Q. How about her husband, Mr. James Gage, was Mr. Gage
5 there?

6 A. No.

7 Q. Were there any of the residents from that -- that lived
8 there at the scene when you swung by there?

9 A. No.

10 Q. Do you have an opportunity then to speak with any of
11 them prior to going to the Summerville Police Department?

12 A. No, sir, I did not.

13 Q. And what information, if you would, when you -- did you
14 ultimately then head to the Summerville Police Department?

15 A. Yes.

16 Q. Tell the jury, when you went to the Summerville Police
17 Department and got prepared to attempt to talk to Mr.
18 Singleton, what information did you have about what had
19 happened out there when you went to sit down with him?

20 A. The information I had was that the door of the residence
21 was kicked in. During the incident the homeowner was shot in
22 the leg. She was transported to Summerville Medical Center
23 for evaluation. The homeowner as well as all the occupants
24 of the residence were not at the residence at that time. It
25 was also known that there were K-9s, I'm sorry, dogs inside

1 the residence. I also learned that Mr. Singleton was
2 detained or had been arrested a short distance away from the
3 crime scene -- crime scene, and also found in the vicinity of
4 where he was was a wallet as well as a handgun.

5 Q. Let me ask you this, had you also been provided some
6 information that someone had been observed possibly firing
7 some shots in the driveway?

8 A. Oh, yes, sir.

9 Q. So that information was kind of the gist of what you
10 knew about what had happened when you responded to the
11 Summerville Police Department?

12 A. That is correct.

13 Q. So hadn't spoken to Ms. Yates about the specifics about
14 what she said had happened inside.

15 A. No, sir.

16 Q. Tell the jury then, when you got to the Summerville
17 Police Department, what did you do?

18 A. I met with Officer Barrineau. He was the officer that
19 transported Mr. Singleton to the police department. Mr.
20 Singleton was confined in a holding area. I then met with
21 him, introduced myself, and explained my reason for meeting
22 with him. From that point on he was secured in leg irons
23 only and escorted to our detective bay area or interview room
24 for me to speak with him.

25 Q. Did you have an opportunity to initially kind of get a

1 little background information about Mr. Singleton --

2 A. Yes.

3 Q. -- as far as his educational level and things of that
4 nature?

5 A. Yes.

6 Q. And did he appear to be -- to understand you and be able
7 to communicate with you?

8 A. Yes, he did.

9 Q. Did he appear at that point in time, when you began
10 talking with him, to be under the influence of anything?

11 A. No, he did not.

12 Q. And did you ultimately then attempt to question him
13 about this incident?

14 A. Yes.

15 Q. Tell the jury what you did -- what you did at that point
16 in time with regards to attempting to question him about this
17 incident?

18 A. Immediately after we sat down in the interview room, as
19 he just mentioned, I had small talk with him regarding to
20 personal information, where he went to school, his family, so
21 forth. I did not ask any questions regarding to the incident
22 or the crime that he's being accused of. Before I did that,
23 I presented the advisements of rights form, and that form
24 actually -- I completed it, the top portion of it, and then
25 we went to complete the form by me asking if he understood

1 the series of questions that were listed on that form.

2 Q. And let me show you what's now been marked as State's
3 Exhibit No. 69.

4 Just for the record, Your Honor, this was State's
5 Exhibit No. 1 in the pretrial hearing we had.

6 Do you recognize that document?

7 A. Yes, I do.

8 Q. What is State's Exhibit No. 69?

9 A. That is Summerville Police Department's advisement of
10 rights form.

11 Q. And is that the form that you used and went over with
12 Mr. Singleton that morning?

13 A. Yes, it is.

14 Q. And did you go over that form with him prior to
15 questioning him or after questioning him?

16 A. Prior to questioning him.

17 MR. SORENSON: Okay. Your Honor, at this time we'd
18 offer State's 69 into evidence.

19 THE COURT: Any objection?

20 MR. LOY: No, Your Honor.

21 THE COURT: It's in.

22 (State's Exhibit 69 admitted into evidence.)

23 Q. Lieutenant Williams, State's Exhibit No. 69, is that a
24 standard form that's used at the Summerville Police
25 Department?

1 A. Yes, it is.

2 Q. And describe for the jury kind of what that top portion
3 of that form is.

4 A. That top portion is where Mr. -- or the defendant or
5 accused personal information goes. The first question is,
6 can you read and write; and I asked these questions to Mr.
7 Singleton, and then I then noted his response to each.

8 Q. So I guess if you could kind of go through that form
9 with the jury kind of how you went through it with Mr.
10 Singleton that morning.

11 A. Okay. Can you read and write? He noted -- responded
12 yes.

13 Q. Whose handwriting -- I'm sorry. I didn't mean to
14 interrupt you. That top section there with the advisement of
15 rights where it's a bunch of questions that are filled in in
16 the blue writing, whose handwriting is all of that?

17 A. That is my writing.

18 Q. Okay. But where is that information that you're putting
19 in there coming from?

20 A. Mr. Singleton.

21 Q. And that's the defendant, James Singleton?

22 A. Yes.

23 Q. I'm sorry. Go ahead, Lieutenant.

24 A. I then asked for his highest level of education. He
25 responded 12th grade, high school diploma. I noted the case

1 number, which is no knowledge of his, the date and the time.

2 I then asked for his full name.

3 Q. What time is it that you began going over these rights
4 with him then?

5 A. Noted is 03:18, and that's 3:00 in the morning, 3:18 in
6 the morning.

7 Q. Okay.

8 A. I then asked for his name, his address, which he
9 provided and I wrote, his mobile number, where he's employed,
10 which was the Waffle House, North Main Street, specifically,
11 his Social Security number, his race, sex, date of birth. I
12 then asked him whether or not he was under the influence of
13 alcohol or medication, and he responded no and that was noted
14 so. Below that I then wrote my name and stated -- and read
15 the following: "Sergeant Williams, C., has advised me that
16 he," and I corrected and said she, "is a member of the
17 Summerville Police Department and has further advised me
18 that," and I then explained to him that I'm going to read a
19 series of his Miranda warnings, and if he understands it or
20 not, let me know.

21 I then proceeded -- he acknowledged that he understood
22 that. I then proceeded to No. 1 and stated, "I have the
23 absolute right to remain silent and do not have to answer any
24 questions or give a statement, and this fact cannot be used
25 against me." After reading that I then asked do you

1 understand. He acknowledged that he did and wrote his
2 initials to acknowledge so. I then proceeded to No. 2, "If I
3 do answer questions or give a statement, anything I say can
4 and will be used against me in a court of law. Do you
5 understand?" He responded yes and wrote his initials to
6 acknowledge so. Then moved to No. 3, "I have the right to
7 consult with a lawyer of my choice before I answer questions
8 or give a statement and also to have him present while I'm
9 being questioned. Do you understand?" The response was yes,
10 and he wrote his initials to acknowledge so. No. 4, "If I
11 wish to talk to a lawyer or have him present but am unable to
12 afford to hire a lawyer, one will be appointed to represent
13 me free of charge. Do you understand?" The response was
14 yes. He wrote his initials to acknowledge so. Then to No.
15 5, "If I decide to answer any questions or give a statement
16 without having a lawyer present representing me, I have the
17 absolute right during this interview to stop answering
18 questions and to remain silent," followed by, "do you
19 understand?" He responded yes and wrote his initials to
20 acknowledge so. I then read on to, "I fully understand each
21 of these rights which I've been advised of," and I asked him,
22 "do you understand these 1 through 5?" He responded yes, and
23 I then directed him to sign the single line to the right.
24 That was then witnessed by myself, which is the blue
25 signature, and then followed by Officer Barrineau, who was

1 also in that room or present during this period.

2 After that, I proceeded to the waiver of rights. I
3 read, "I fully understand each of these rights which I've
4 been advised of, and having those rights in mind, I wish to
5 waive these rights and answer questions. No threats, force
6 or promise of any kind have been made to me by anyone to
7 induce or cause me to waive these rights and answer
8 questions." I then asked, "is this true," he responded yes,
9 and I asked him to sign to acknowledge so at the bottom
10 right. That again was also witnessed by Officer Barrineau
11 and myself.

12 Q. Okay. So at that point in time was it your
13 understanding that Mr. Singleton wished to waive those rights
14 and talk to you about what he was accused of?

15 A. Yes.

16 Q. And let me ask you this, Lieutenant Williams, did you at
17 any point in time promise him anything to get him to waive
18 those rights and talk to you?

19 A. No, sir.

20 Q. Did you threaten him in any way?

21 A. No, sir.

22 Q. Coerce him in any way?

23 A. No, sir.

24 Q. And was Officer Barrineau, was he in the room with you
25 the entire time that you were going over all of this with Mr.

1 Singleton?

2 A. Yes, he was.

3 Q. And ultimately as a result of that did you talk with Mr.
4 Singleton about what had happened?

5 A. Yes.

6 Q. Let me ask you this, did he give you initially kind of
7 an oral statement about the events that evening?

8 A. Yes, he did.

9 Q. And then ultimately did he end up giving you a written
10 statement after that about what had happened that evening?

11 A. Yes, he did.

12 Q. I want to show you what's been marked as --

13 May I approach the witness, Your Honor?

14 THE COURT: You may.

15 Q. -- State's Exhibit No. 70, which would have been No. 2
16 from the pretrial hearing. Do you recognize State's Exhibit
17 No. 70?

18 A. Yes, I do.

19 Q. What is State's Exhibit No. 70, Lieutenant?

20 A. Exhibit No. 70 is six pages of a written statement that
21 was provided by Mr. James Singleton. It was actually a full
22 page -- the first page is a full-page statement that he
23 provided; and then page 2 through 6 are question and answers
24 that was asked by me and responded by Mr. Singleton in a
25 question-and-answer format.

1 Q. And so page 1 you said is a full, just written out
2 statement; is that correct?

3 A. Yes, it is.

4 Q. And whose handwriting is page 1, that written statement,
5 in?

6 A. Mr. Singleton's.

7 Q. And was that, that statement, that six-page statement
8 contained in State's Exhibit No. 70, was that also ultimately
9 signed by Mr. Singleton?

10 A. Yes, it was.

11 Q. And was it witnessed also by you?

12 A. Yes, it was.

13 Q. And by anybody else?

14 A. Yes.

15 Q. Who?

16 A. Officer Barrineau.

17 MR. SORENSON: Your Honor, at this time we'd offer
18 State's 70 into evidence.

19 THE COURT: Any objection?

20 MR. LOY: There's not, Your Honor.

21 (State's Exhibit 70 admitted into evidence.)

22 Q. Now, Detective Williams, before I move on to State's
23 Exhibit No. 70, you indicated that you had an opportunity,
24 before Mr. Singleton gave that statement, to talk to him kind
25 of briefly about the events of that evening?

1 A. Yes.

2 Q. And did he ultimately give you a lot of the details that
3 are ultimately contained in that handwritten statement that
4 he provided?

5 A. Yes, he did.

6 MR. SORENSON: Your Honor, at this time if I could
7 publish State's Exhibit No. 70.

8 THE COURT: You may do so.

9 Q. Is this also a kind of standard statement form used by
10 the Summerville Police Department?

11 A. Yes, it is.

12 Q. And tell the jury kind of -- I guess initially let's
13 just deal with kind of the top portion of that. Is any of
14 that your handwriting at the top of that form?

15 A. Yes. The page -- the page is noted. Page 01 of 06 is
16 my handwriting. The OCA, which is the case number, that was
17 written by me, the date, as well as the time, and I also
18 noted in the upper right that I was -- the statement form is
19 that of the accused.

20 Q. And I guess those page numbers, was that something that
21 was put in, I mean, after he was done to know how many --
22 because obviously you would have had to know how many pages
23 it was before it was put in.

24 A. Yes.

25 Q. Is that something you went back at the end and kind of

1 filled in those top couple lines?

2 A. Yes.

3 Q. And 3:18, that was noted also on the advice of rights
4 form. Is that kind of when the questioning, the advisement
5 of rights and all again, 3:18?

6 A. The advisement of rights -- the advisement of rights
7 began at 3:18.

8 Q. And we're going to get ultimately to the end, but does
9 it ultimately indicate on page 6 what time the whole process
10 was concluded?

11 A. Yes.

12 Q. We'll get to that in a minute. All right. That top
13 portion there, name, address, employment, phone, date of
14 birth and all that, whose handwriting is all that on page 1
15 of 6 of Exhibit 70?

16 A. That is Mr. Singleton's.

17 Q. And then where it begins, I was just getting -- whose
18 handwriting is that kind of all the way down the rest of page
19 1 of that document?

20 A. Mr. Singleton's.

21 MR. SORENSON: Your Honor, at this time if I could get
22 her just for the record just kind of publish, to read the
23 statement.

24 THE COURT: Yes, sir.

25 Q. If you would read for the jury the statement that Mr.

1 Singleton wrote out and gave to you on the morning of May the
2 23rd of 2013.

3 A. Yes. "I was just getting back from a walk and I got a
4 call saying that there was weed inside the house, so I said
5 okay. He came and got me, told me where to go and dropped me
6 off. I walked through the woods and found the house. As I
7 came out, a car --"

8 Can we minimize it a little bit, please? Thank you.

9 I'll start over. "I was just getting back from a walk, and I
10 got a call saying that the there was weed inside the house,
11 so I said, okay. He came out and got me, told me where to go
12 and dropped me off. I walked through the woods and found the
13 house. As I came out -- came out, a car left the driveway,
14 so I though" -- he has -- "the house was empty. I went up to
15 the front door and attempted to kick it in. It didn't open.
16 I heard footsteps by the door, so I kicked it in again and it
17 opened. I saw one shadow running to the first room and a
18 blur run into the kitchen. I ran into the first room, asked
19 the girl, 'where's the weed at?' She said, 'out back.' Then
20 I said, 'where's the boyfriend?' She said, 'out back.' So I
21 grabbed her hair and put her in front of me and poked her
22 head out back first and instructed her to call his name. She
23 yelled it, and I heard another door open from out towards the
24 side. I closed the back door and turned around. Then her
25 boyfriend poked his head out and fired two shots at me. I

1 dropped to the ground for cover. I shot around back, and his
2 girlfriend grabbed the gun. I hit her with the gun and tried
3 to fire again. The next two rounds never went off, but he
4 ran anyway. I hit her with the pistol again and ran after
5 but instead for the first -- sorry, but instead for the fact
6 my gun was jammed I ran out front. As I crossed the street,
7 he fired two shots at me. I made it further down the street,
8 and he fired three more shots at me. I ran towards a ditch.
9 Heard him coming, so I kept moving and ran through the dark
10 woods. I was disoriented, so I tried to find the General
11 Dollar. As I came out of the -- I'm sorry, I came out by the
12 Cornerstone Church, I heard twigs snapping behind me. I
13 didn't pay attention for a few moments -- pay attention. A
14 few moments later I heard a whispering behind me, so I took
15 off across the street. As I crossed the street, I saw
16 headlights, so I ran into the woods but got snagged on some
17 bushes. I dropped the gun and yelled, 'I'm down.' Officer
18 said, 'come out of the woods, hands first.' I dove out hands
19 first, crawled out, and they arrested me."

20 Q. All right. And that, ultimately, and I don't know --
21 the signatures at the bottom, did he sign that then or kind
22 of after the whole statement was done did you go back and
23 have him sign kind of all the pages?

24 A. After all the statement was done.

25 Q. Okay. All right. So we'll kind of go through it all,

1 and then I'll go back and ask you about that. Turning onto
2 page 2, so you'd indicated, starting on page 2 was more of a
3 question-and-answer portion of the statement; is that
4 correct?

5 A. Yes.

6 Q. Tell the jury, is part of that then your handwriting?

7 A. Yes.

8 Q. What part is your handwriting, Lieutenant?

9 A. On the second page the date, the time noted, Mr.
10 Singleton's name and a notation that it was a continuation
11 from the first page. Then the note where it says, "the
12 following questions were asked by Sergeant Williams," the Q&A
13 are questions that were asked by me. The questions were
14 written by me, and the A I noted after writing that question
15 for Mr. Singleton to write his response next to it.

16 Q. So like the first one, where it says, "what time did you
17 receive the phone call," that part is your handwriting; is
18 that correct?

19 A. Yes.

20 Q. And then the A is your handwriting?

21 A. Yes.

22 Q. But then the 9:30 p.m., whose handwriting is that?

23 A. Mr. Singleton's.

24 Q. And is that how all the questions and answers are on
25 these next five pages, in that same format?

1 A. Yes.

2 Q. If you would go through that for us, if you would,
3 Lieutenant.

4 A. What time did the male dial -- what number did the male
5 dial to reach you?

6 And he wrote, [REDACTED]

7 The next question: Where were you when you received the
8 phone call?

9 His response: [REDACTED].

10 Following question: What time did you plan to leave to
11 go get the weed?

12 No planned time, his response.

13 Next question: Where were you picked up from and at
14 what time?

15 His response: [REDACTED].

16 Question: Who picked you up?

17 He noted at first friend, scribbled through it and wrote
18 next to it, no name, and initialed.

19 Next question: How many people were in the vehicle when
20 you got to the house where the weed was.

21 His response: Me and driver.

22 Q. All right. And then on to page 3, that yet again at the
23 top is you filling in page number, date, time, case number
24 and all that; is that correct?

25 A. Yes.

1 Question: Describe the vehicle that you were in.

2 Camper, separate colors, is his response.

3 Next question -- well, the next question was: Draw the
4 truck below to your best ability, and that was the vehicle
5 that he was in, and he drew a truck and noted where the
6 changes of the colors were on the exterior.

7 Next question: How many doors does the truck have,
8 year, model?

9 He wrote -- his response was: Two doors, Chevy, older
10 model.

11 Next question: Where were you dropped off and where
12 were you going to be picked up.

13 His response was: Dollar General.

14 Next question: How many times have you been to this
15 residence for weed prior to today.

16 His response: Never.

17 Following question: What exactly were you told about
18 that residence.

19 His response: They had three pounds of weed, a little
20 Molly, white boy and his girlfriend. He had no gun.

21 Q. We'll move on to page 4.

22 A. What is Molly?

23 His response, party drug, mild ecstasy.

24 Question: How does your friend know about this
25 residence.

1 His response: Don't know.

2 Following question: What was the girl doing in the
3 first room.

4 His response: Just standing.

5 Question: What did you see in the first room, what kind
6 of room did it appear.

7 His response: Bedroom, bright colors.

8 Following question: What name did the girl call.

9 His response: Can't recall.

10 Following question: Where was your gun when you were
11 kicking the door.

12 His response: In my hand.

13 Where did you hit the female with the gun?

14 His response: Across her eye.

15 Next question: After you struck the female with the
16 gun, in which direction did you try to fire the next two
17 rounds.

18 His response: Upward towards him.

19 Question: What kind of gun did you have during this
20 incident.

21 His response: .357 Magnum.

22 Where did you get the gun?

23 Bought it, was his response.

24 Question: From who or where -- should say from whom or
25 where did you purchase the gun.

1 His response: No name, no location.

2 Question: How long have you had the gun?

3 One month was his response.

4 Question: How much did you purchase the gun for.

5 \$150.

6 How do you know the people that were inside the

7 residence?

8 His response: I don't know them.

9 Question: Who do you reside with.

10 A friend and his family, no name, is what he responded.

11 Last question on this page: How long have you been

12 living with your friend and his family.

13 His response was eight months.

14 Page 6: How many people were inside the residence that
15 you broke into?

16 Two people.

17 Describe any other robberies, shootings that you have
18 done.

19 His response: None other.

20 Question: Why did your friend choose you to do the
21 robbery.

22 His response: I don't know.

23 Q. Did that ultimately conclude the statement that you took
24 from him that morning on May the 23rd?

25 A. Yes.

1 Q. Did you have an opportunity then after kind of finishing
2 up those six pages to give Mr. Singleton a chance to kind of
3 review that statement before signing it?

4 A. Yes.

5 Q. Did he do that?

6 A. Yes.

7 Q. Did Mr. Singleton ultimately sign the bottom of each of
8 those six pages?

9 A. Yes, he did.

10 Q. We see like on the bottom of page 6 there there's a
11 signature line to the bottom right. Whose signature is that?

12 A. Mr. Singleton's.

13 Q. That's who put it there (indicating)?

14 A. Yes.

15 Q. And what is written right above each of those -- at the
16 bottom of each of those six pages where Mr. Singleton
17 ultimately signed?

18 A. Not only it's written, I've also read this disclaimer to
19 him. It says, "I have read or had read to me the foregoing
20 statement which I have made freely and voluntarily."

21 Can you -- thank you.

22 "The facts contained therein are true and correct to the
23 best of my knowledge.

24 Q. As I asked you a moment ago, Mr. Singleton then
25 ultimately signed the bottom of all six of those pages?

1 A. Yes, he did.

2 Q. Who witnessed him signing those six pages?

3 A. Officer Barrineau and I did.

4 Q. Both of you all have documented that by signing under
5 the witness section on the bottom left of each of those six
6 pages?

7 A. Yes, we did.

8 Q. And then is there another spot where Mr. Singleton has
9 signed below that signature also of his?

10 A. Yes.

11 Q. What is the purpose of that line?

12 A. That is -- that line is to acknowledge that he received
13 a copy of it.

14 Q. And did you ultimately, once you had kind of filled in
15 the page numbers at the top and the date and all, get him to
16 sign the bottom there in that and then provide him with a
17 copy of this six-page statement?

18 A. Yes, I did.

19 Q. Now, Lieutenant Williams, during the course of taking
20 this statement from him that morning, again, did you ever
21 promise him anything to get him to talk to you?

22 A. No, sir, I didn't.

23 Q. Ever threaten him to get him to talk to you?

24 A. No, sir.

25 Q. Did he appear to be freely and voluntarily talking to

1 you?

2 A. Yes, he did.

3 Q. Was he fairly cooperative with you that morning?

4 A. Very.

5 Q. Did he at any point in time indicate to you that he
6 wanted a lawyer?

7 A. No, sir.

8 Q. At any point in time indicate to you that he wanted to
9 stop questioning --

10 A. No, sir.

11 Q. -- stop this questioning?

12 A. I'm sorry. No, sir, he didn't.

13 Q. And ultimately then after completing that statement form
14 was he taken back to jail at that point in time?

15 A. Yes.

16 Q. Now, during the course of this statement that you took
17 from him it's obvious that there's a reference to somebody
18 else potentially being involved who he wouldn't name; is that
19 correct?

20 A. That is correct.

21 Q. Did you have an opportunity kind of in the day that
22 followed to get the results of the search that Sergeant
23 Gebhardt did on Mr. Singleton's phone?

24 A. Yes, I did.

25 Q. As a result of that do you all ultimately learn who that

1 may have potentially been that he had been in contact with by
2 phone kind of leading up to this incident?

3 A. Yes.

4 Q. And shortly afterwards also?

5 A. Yes.

6 Q. And who was that that you had learned from those phone
7 records could potentially be the other person that was
8 involved in this?

9 A. In Mr. Singleton's phone records in his contacts he had
10 the name Big Meech noted, but through my experience and
11 involvement with a Big Meech he is known to me as Albert
12 Bell.

13 Q. So you were familiar with that nickname and who that
14 might potentially be?

15 A. Not only the nickname, but I was quite familiar with the
16 number immediately when I saw it.

17 Q. That's related to an unrelated matter that you had
18 handled involving Big Meech, Albert Bell?

19 A. It was an ongoing investigation at the same time.

20 Q. And as a result of that then did you have an opportunity
21 then a couple days later on May the 29th, the morning of May
22 the 29th, to have Mr. Singleton brought back over to further
23 question him about that other person?

24 A. Yes.

25 Q. And did you have an opportunity before doing that to

1 basically go through the same advice of rights with him --

2 A. Yes.

3 Q. -- that you want through on the 23rd?

4 A. Yes.

5 Q. And showing you State's Exhibit No. 71, which would have
6 been 3 for the pretrial hearing, do you recognize State's
7 Exhibit 71?

8 A. Yes, I do.

9 Q. And what is that, State's Exhibit No. 71?

10 A. That is Summerville Police Department's advisement of
11 rights form that was completed by me on May the 29th, 2013,
12 prior to my interview with Mr. Singleton.

13 Q. What time was that that you began going over his rights
14 with him that morning Lieutenant?

15 A. At 10:34 a.m.

16 MR. SORENSON: Your Honor, at this time we offer State's
17 71 into evidence.

18 THE COURT: Any objection?

19 MR. LOY: No, Your Honor.

20 (State's Exhibit 71 admitted into evidence.)

21 Q. Lieutenant Williams, is this basically the same -- the
22 same department issued form that you had used several days
23 before with Mr. Singleton?

24 A. Yes, it is.

25 Q. But did you, needless to say, five days later, six days

1 later, go back over those rights with him all again?

2 A. I did.

3 Q. And that top portion is that yet again your handwriting
4 filling in that information?

5 A. Yes, it is.

6 Q. Did you get that from Mr. Singleton that morning or get
7 it from the prior documentation, do you remember?

8 A. I may have gotten it from the prior documentation.

9 Q. Okay. But let me just ask you this, did you ask him or
10 attempt to ascertain to make sure that he wasn't under the
11 influence of anything before you began questioning him that
12 morning on February -- I'm sorry, on May the 29th of 2013?

13 A. I did.

14 Q. And did he appear to understand you and be able to
15 communicate with you that morning?

16 A. He did.

17 Q. Did you ultimately then go over those same five rights
18 that we talked about on State's Exhibit 69 with him yet again
19 that morning on May the 29th?

20 A. I did.

21 Q. And did he initial --

22 Slide that up a little bit so we can see all five of
23 them.

24 Whose initials are those besides those numbers 1 through
25 5?

1 A. Mr. Singleton's.

2 Q. Did he yet again indicate that he understood those
3 rights?

4 A. He did.

5 Q. And did he sign that document indicating that also?

6 A. He did.

7 Q. And you witnessed that?

8 A. I did.

9 Q. Was there another officer in there with you that
10 observed you advising Mr. Singleton of his rights and also
11 witnessed him signing that?

12 A. Yes, there was.

13 Q. And who was that?

14 A. Officer Dezmon Drayton.

15 Q. And then did you go over that same advice -- that waiver
16 of rights portion at the bottom with Mr. Singleton yet again?

17 A. I did.

18 Q. Did he yet again sign that indicating that he understood
19 those rights and wished to waive them and talk to you?

20 A. He did.

21 Q. And did you witness that along with that same Officer
22 Drayton?

23 A. Yes, we did.

24 Q. As a result of that did you then have an opportunity to
25 take a second statement from Mr. Singleton that morning

1 focusing more on who that other person was that he wouldn't
2 name several days earlier?

3 A. Yes.

4 Q. And showing you --

5 May I approach, Your Honor?

6 THE COURT: You may.

7 Q. Showing you State's Exhibit No. 72, do you recognize
8 that document?

9 A. I do.

10 Q. And what is that document?

11 A. That is the -- a three-page written statement that was
12 completed on May the 29th, 2013. That's the second
13 interview. The first page -- half of -- more than half of
14 the first page was the statement part that Mr. Singleton
15 provided and followed that were questions that were asked by
16 me.

17 MR. SORENSON: Your Honor, at this time we'd offer
18 State's 72 into evidence.

19 THE COURT: Any objection?

20 MR. LOY: No, Your Honor.

21 (State's Exhibit 72 admitted into evidence.)

22 Q. This portion right here, this top part that's kind of in
23 blue writing, whose handwriting is that portion of this
24 statement?

25 A. Mr. Singleton's.

1 Q. And this also contains, just like that other statement
2 that we want through, a question-and-answer portion?

3 A. Yes.

4 Q. Was that done the same way with you writing out the
5 question and Mr. Singleton writing the answer?

6 A. Yes.

7 MR. SORENSON: Your Honor, permission to publish this
8 now.

9 THE COURT: You may do so.

10 MR. SORENSON: Thank you.

11 Q. All right. And, yet again, I guess the very top part,
12 the page numbers, the case number, date and time, whose
13 handwriting is that portion of the statement?

14 A. Mine.

15 Q. And so beginning I guess with the name, that's Mr.
16 Singleton's handwriting?

17 A. Yes, it is.

18 Q. Name, Social Security number, address, phone number,
19 race, sex, date of birth, education, that's all his filling
20 that stuff in?

21 A. Yes, it is.

22 Q. And if you could kind of publish for us what he then
23 wrote on that statement form that morning.

24 A. "On the night of the crime in question I received a call
25 from Big Meech. He told me of a house where I could get some

1 quick money. All I had to do was rob them. I agreed to do
2 so, and a few hours later he came to pick me up. He pointed
3 me towards the house and dropped me off and told me to call
4 him after it was done. So I attempted to do so. Shots were
5 fired. I fired back and retreated. I tried to call Big
6 Meech back to come and get me, but he said 'you better hide
7 because the police are coming around right now, and I'll come
8 and get you in 20 minutes.' I said, 'I don't have 20
9 minutes, and they have K-9 units driving around.' That was
10 the last conversation with him I had before I was arrested.
11 The reason why I didn't state this before was because I
12 heard -- heard he had a child, a boy. I didn't want to
13 separate him from his family, but now I see the same --"

14 Can you move it up some, please?

15 " -- I see at the same time he could separate me from
16 mine without hesitation. I still didn't want to say his name
17 even now. All I can think of, his child, which I'm now
18 finding out may not even exist. The other people I tried to
19 call were not involved in the least bit. I was trying
20 desperately to call someone to get me out of the area was
21 all. To the family whose door I invaded, I apologize, I
22 mean, sincerely apologize for everything from kicking the
23 door to the gunshot wounds. I never actually planned on
24 hurting anyone. I needed the money because I was about to be
25 homeless once again. I know that this doesn't make up for

1 anything, and if I could I would say sorry in person. I
2 wasn't brought up like this. It's just the fact that I was
3 running out of options. Once again, I apologize to both
4 victims, and I wish them many years of happiness."

5 Q. So that portion right there, whose handwriting and whose
6 statement is that?

7 A. That was Mr. Singleton's.

8 Q. The defendant?

9 A. Yes.

10 Q. And then kind of the question-and-answer part then begin
11 at the bottom of that page 1?

12 A. Yes.

13 Q. If you would go through that with us, please.

14 A. The vehicle description you provided in your first
15 statement; is that correct?

16 Mr. Singleton noted, yes.

17 Question: Where was Big Meech when you entered the
18 residence to do the robbery?

19 I don't know. He told me around the corner.

20 Following question: Where was he when you exited the
21 residence.

22 His response: He said, I'll get you in 20 minutes, so I
23 guess he left me.

24 Question: Tell me everything you know about Big Meech.

25 He doesn't have a job. He may have a kid. He has a

1 missing brother, and he is under 20 years of age.

2 Question: How long have you known Big Meech.

3 His response: About eight months.

4 Question: Is Big Meech white or black.

5 His response: Black.

6 Question: Describe to me what you know about his
7 missing brother.

8 His response: He may have been kidnapped, but those are
9 just rumors.

10 Question: What is Big Meech's brother's name.

11 His response: Larry.

12 Following question: Who is the person, black male,
13 shown to you in a picture wearing a dark colored shirt and
14 has dreads.

15 His response: Big Meech.

16 Q. Let me stop you right there before we go on to the next
17 page. Was there ultimately a picture that you had shown him?

18 A. Yes.

19 Q. And who was that a picture of that you had shown him?

20 A. Albert Bell, also known as Big Meech.

21 Q. Showing you State's Exhibit No. 73, do you recognize
22 State's Exhibit 73?

23 A. Yes, I do.

24 Q. And what is that?

25 A. That is the single photo that I showed Mr. Singleton,

1 and I asked him if he identifies -- if he could identify that
2 person, write that person's name that he knows, date it, and
3 also provide his initials, and he did so.

4 Q. What name did he write at the top?

5 A. Big Meech.

6 Q. What's the date on that?

7 A. May 29, 2013.

8 Q. And he initialed that?

9 A. Yes, he did.

10 Q. Your Honor, at this time I'd offer State's 73 into
11 evidence?

12 THE COURT: Any objection?

13 MR. LOY: No, Your Honor.

14 (State's Exhibit 73 admitted into evidence.)

15 Q. And that would be the photograph that he identified as
16 being Big Meech who you were familiar with as being Albert
17 Bell; is that correct?

18 A. Yes.

19 Q. Then go on just to the end of page 3. I think there's a
20 little more up there.

21 A. What is Big Meech's phone number?

22 Mr. Singleton noted, I don't know.

23 How long is Big Meech's number -- how is Big Meech's
24 number stored in your phone?

25 Under Big Meech.

1 Question: Describe the shooter who was shooting at you
2 inside the residence.

3 His response: White, brown hair, short beard -- beard,
4 black male, 6 feet, 250 pounds.

5 Q. Say that again. Doesn't say black male, does it?

6 A. White.

7 Q. It just says male, right, short beard, male?

8 A. Yes.

9 Q. So white, brown hair, short beard, male, 6 foot, 250
10 pounds?

11 A. Yes.

12 Q. All right.

13 A. At what point did you see a black male during the
14 incident?

15 His response: At no point.

16 Question: Describe the vehicle you saw backing out of
17 the driveway as you were approaching the residence.

18 His response: Small, orange, Mini Coop.

19 Q. And ultimately what time did that statement then
20 conclude with Mr. Singleton that morning?

21 A. At 11:53 a.m.

22 Q. And just like you did with the statement six days
23 earlier, did you have an opportunity to kind of read that
24 bottom portion and make sure he had an opportunity to go back
25 over the statement before he signed it?

1 A. Yes.

2 Q. And ultimately did Mr. Singleton sign the bottom of all
3 three of those pages?

4 A. Yes, he did.

5 Q. And did you witness that along with Officer Drayton?

6 A. Yes.

7 Q. And let me ask you this: That morning of May the 29th
8 of 2013 did you at any point in time threaten Mr. Singleton
9 to get him to talk to you and give you that three-page
10 statement?

11 A. No, sir.

12 Q. Promise him anything?

13 A. No.

14 Q. Coerce him in any way?

15 A. No.

16 Q. At any point in time did he indicate to you that he
17 didn't want to talk when you brought him over that morning?

18 A. No.

19 Q. Or that he wanted to consult with a lawyer before he
20 talked to you?

21 A. No.

22 Q. Was he freely and voluntarily talking to you that
23 morning?

24 A. Yes.

25 Q. Let me ask you this: Had he been given the opportunity

1 prior to meeting with you that morning to talk to any of his
2 family members?

3 A. Yes.

4 Q. And who was that that he was given an opportunity to
5 talk to just prior to giving this statement to you?

6 A. His grandfather.

7 Q. And that was out at the Summerville Police Department?

8 A. Yes.

9 Q. And just like with the prior statement, was he
10 ultimately -- did he sign indicating that he received and
11 then was given a copy of this three-page statement?

12 A. Yes.

13 Q. Now, based on those statements that he gave and him
14 subsequently identifying Albert Bell in this photograph as
15 being the person that kind of recruited him to do this,
16 picked him up, dropped him off over there, told him what to
17 do, have you attempted to find Mr. Bell?

18 A. Yes.

19 Q. And, in fact, are there warrants currently outstanding
20 right now for Mr. Bell stemming out of this incident?

21 A. That is correct.

22 Q. And over the last two years have you been able to locate
23 Mr. Bell?

24 A. No, sir.

25 Q. And ultimately, let me ask you, not only as far as Mr.

1 Bell but -- and the jury's heard this earlier from some of
2 the questioning, but did you ultimately also get a warrant
3 for Mr. Gage in this case for obstruction of justice?

4 A. Yes.

5 Q. Is that based on some of the kind of contradictory
6 statements as far as about whether he may have had a gun and
7 may have been actually firing a gun out there and picking up
8 some shell casings in the driveway after the fact?

9 A. That is correct.

10 Q. And to your knowledge that obstruction of justice
11 warrant, that's still pending on him to our knowledge; is
12 that correct?

13 A. That is -- no, sir, he's been served that warrant.

14 Q. Right, it's still pending.

15 A. The charge, yes.

16 Q. He's still charged with that; is that correct?

17 A. Yes.

18 MR. SORENSON: Beg the Court's indulgence.

19 Thank you, Lieutenant, that would be all I'd have,
20 please answer any questions of Mr. Loy.

21 MR. LOY: May we approach, Your Honor?

22 THE COURT: You may.

23 (Judge and attorneys confer.)

24 THE COURT: Ladies and gentlemen of the jury, before we
25 go into cross-examination, I know some of you need to get

1 back to Summerville, and during jury selection I promised you
2 that I would let you go on time so you could pick up your
3 children, so we're going to go ahead and break for the
4 afternoon. That way we don't run into your time. If you
5 would please be back in the jury room at 9:30 again in the
6 morning so that we can proceed with the trial of this case.
7 Again, please remember my previous instruction not to discuss
8 this case with anyone or allow anyone to discuss the case
9 with you or do any independent research or look at any
10 information about the case. Thank you and have a good
11 evening.

12 (The jury retires to the jury room at 4:27 p.m.)

13 THE COURT: Thank you. We'll be at ease until 9:30 in
14 the morning.

15 Lieutenant, you're aware of course you're not allowed to
16 discuss your testimony with anyone at this time.

17 THE WITNESS: Yes, Your Honor.

18 THE COURT: Thank you.

19 (Trial of the case adjourned on 5/13/2015 at 4:30 p.m.)

20 - - -

21 (Trial of the case resumed on May 14, 2015 at 10:21
22 a.m.)

23 THE COURT: Are we ready to proceed with the trial?

24 MR. SORENSON: Yes, Your Honor.

25 MR. LOY: Yes, ma'am.

1 THE COURT: Let's have our jury, please.

2 (The jury enters the courtroom at 10:23 a.m.)

3 THE COURT: Good morning ladies and gentlemen of the
4 jury. Welcome back. Thank you again for your patience this
5 morning. We'll now proceed with the cross-examination of
6 Lieutenant Williams. You may proceed, Mr. Loy.

7 MR. LOY: Thank you, Your Honor.

8 CROSS-EXAMINATION BY MR. LOY:

9 Q. Good morning, Lieutenant.

10 A. Good morning.

11 Q. Within the police department where you work, Summerville
12 Police Department, when a -- a major crime occurs, that is,
13 something that's going to need ongoing investigation or may,
14 tell me how the cases are assigned to a detective or an
15 investigating officer?

16 A. On major crimes what we -- well, first of all in the
17 detectives division we have an on-call detective. On major
18 crimes most detectives arrive on scene to investigate that --
19 that incident.. That detective that's on call will be the
20 case agent, and in this particular incident I was the case
21 agent.

22 Q. When you say a case agent, would that be similar to what
23 I would say a chief investigating officer, that being the
24 person who is in charge of that investigation?

25 A. That is correct.

1 Q. And as a chief investigating officer, when a case is
2 assigned to you, briefly, what are your duties?

3 A. My duties is to -- my duties are to ensure that I've
4 identified all parties involved, speak with witnesses, make
5 sure the evidence gathered, documented, obtain any and all
6 information regarding to possible suspects, witnesses,
7 identify guilty parties or innocent parties as where -- you
8 know, wherever they may exist.

9 Q. And to do this to the extent necessary you can call on
10 the cooperation or aid of various people within your
11 department; is that right?

12 A. That is correct.

13 Q. Okay. Now, I asked you about a moment ago what the
14 duties were. I think the first one that you said when you
15 were describing the duties, or one of the first ones, was to
16 speak with the witnesses; is that correct?

17 A. Yes.

18 Q. In this case you were aware pretty early on that this
19 was going to be your case to investigate, were you not?

20 A. Yes.

21 Q. Were you on call that night, is that how it works, do
22 you have a detective who is just on call and if something
23 comes up that would require an investigator detective, they
24 respond to the scene?

25 A. Yes and yes.

1 Q. So when the call came out and you happened to be nearby,
2 you already knew this was going to be your case to
3 investigate --

4 A. Yes.

5 Q. -- in all likelihood; yes?

6 A. Yes.

7 Q. And you responded to the scene briefly; yes?

8 A. Yes.

9 Q. And then you went on to the Police Department; is that
10 right?

11 A. Yes.

12 Q. Okay. Now, at one point in time fairly quickly you
13 became aware that the initial responding officer had
14 indicated that there were objective people, and by that I
15 mean uninvolved, that there were eyewitnesses who were not in
16 the house, neighbors who said they'd seen things; is that
17 correct?

18 A. Yes.

19 Q. And I think one was Cobb and one was Parker, and they
20 were separate and apart, not together, but two people who at
21 least first blush appeared to be witnesses; is that right?

22 A. I didn't know their names at the time, but I knew that
23 there were witnesses, yes.

24 Q. Subsequently you've learned that the people who were on
25 scene and gave statements to Officer Driscoll, I believe it

1 was, McClellan and Driscoll, were Parker and Cobb, correct?

2 A. Yes.

3 Q. Now, he apparently on the scene thought that their input
4 was important enough that he had them write up a brief
5 written statement about what they had seen and what had
6 occurred; is that correct?

7 A. I can't speak for him, but yes, I would -- yes.

8 Q. Did you not get a brief written statement from --

9 A. I did.

10 Q. And was it not your understanding that the officer was
11 the one those were provided to, the officer on the scene?

12 A. Yes.

13 Q. Okay. And you reviewed those and you had those at your
14 disposal; yes?

15 A. Yes.

16 Q. And as a matter of fact, one of those formed at least
17 part of the reason -- that witness statement -- formed at
18 least part of the reason that Mr. Gage, a resident of 114
19 Pintail was subsequently or sometime down the road arrested;
20 isn't that correct?

21 A. Yes.

22 Q. And that was a witness who said that he saw Mr. Gage as
23 well as an unidentified black male in the yard shooting
24 pistols at a person presumed to be Mr. Singleton running down
25 the street; isn't that right?

1 A. Yes.

2 Q. Now what that report then did, at least partially, was
3 put two more guns on the scene that were as of yet
4 unaccounted for; isn't that right?

5 A. Yes.

6 Q. As well as another party who was either in the house or
7 appeared to be acting in concert with people in the house,
8 that is, this black male; is that right?

9 A. That came from my interview with Mr. Singleton, yes.

10 Q. Did not either Mr. Cobb or Mr. Parker tell the initial
11 law enforcement officer that he saw Mr. Gage?

12 MR. SORENSON: Your Honor, at this point I'm going to
13 object as to specifics about what -- I think to some degree
14 it's to explain but now the specifics I think would be
15 hearsay.

16 THE COURT: Rephrase it, Mr. Loy.

17 MR. LOY: Could I have one moment, Your Honor?

18 THE COURT: Sure.

19 (Defendant's Exhibit 3 marked for identification.)

20 MR. LOY: Approach the witness, Your Honor?

21 THE COURT: You may.

22 Q. Showing you Defense Exhibit No. 3, do you know what that
23 document is?

24 A. Yes, I do.

25 Q. And have you seen this document before?

1 A. Yes, I have.

2 Q. Is this document in your file, part of your file?

3 A. Yes, it is.

4 Q. And in the course of your investigation did you become
5 aware of an allegation that an unidentified black --

6 MR. SORENSON: Objection, hearsay. It's still hearsay.

7 THE COURT: He hasn't finished the question.

8 MR. SORENSON: Okay.

9 Q. In the course of your investigation did you become aware
10 that an unidentified black male had apparently been seen
11 firing off a pistol in the yard?

12 And it's not offered for hearsay purpose. I just want
13 to know whether or not she went and talked to the witnesses.
14 She said this is one of her primary duties as responding
15 officer.

16 THE COURT: Solicitor?

17 MR. SORENSON: May we approach?

18 THE COURT: You may.

19 (The following was held at the bench out of the hearing
20 of the jury.)

21 MR. SORENSON: How's that not just a way to just
22 circumvent the hearsay rule if he can just ask her every
23 question, did you become aware that so-and-so said this, did
24 you become aware that so-and-so said this, it's a way of
25 basically circumventing and getting her to testify about what

1 every witness told her or told even somebody else, not even
2 her.

3 MR. LOY: I'm just trying to show that there wasn't an
4 investigation done. She is a police officer. She says, I am
5 investigating, this is my job. What are your duties? First
6 one is to talk to the witness. Here's a guy who says he saw
7 people shooting off guns in the yard. My next question is,
8 when did you go talk to him.

9 MR. SORENSON: I don't think he has to get into
10 specifics of what that witness said to be able to follow up
11 and basically show that she didn't go follow up and talk to
12 him.

13 THE COURT: You can ask it that way, did you receive
14 information, not what anybody told her.

15 MR. SORENSON: That's what he's trying to get into,
16 though, is exactly what they were told.

17 MR. LOY: It's already been introduced in the case
18 earlier, essentially the body of the warrant.

19 MR. SORENSON: That's why I said, I think a little bit
20 of that is okay, but then you're basically now trying to get
21 into exactly what this witness said.

22 MR. LOY: She's denying it. The body of the affidavit,
23 where Mr. Gage was arrested, charged with obstruction, says
24 "Seen firing a gun in the yard and picking up shells
25 afterwards." She's sworn to that, and the jury's already

1 heard it. I'm not going anywhere new. I'm just asking, did
2 you get this information, so I can then say, when did you go
3 talk to these people.

4 THE COURT: I think that's fair game.

5 (The following was held in open court.)

6 BY MR. LOY:

7 Q. So you did have the statement of the eyewitnesses?

8 A. Yes.

9 Q. And that was for purposes of furthering your
10 investigation; is that right?

11 A. Yes.

12 Q. And the eyewitnesses did apparently identify some other
13 people who had not been earlier identified; is that right?

14 A. That is correct.

15 Q. And it did appear that there were two guns or at least a
16 need for you to investigate the possibility there were two
17 other guns on the scene having been discharged in the yard;
18 is that correct?

19 A. That is correct.

20 Q. And the person who you would most likely go to to
21 discuss that with would have been Christopher Cobb; is that
22 right?

23 A. Yes.

24 Q. And you have his name, his address, his statement in
25 your file, etc.; yes?

1 A. Yes.

2 Q. When did you first go and talk to Christopher Cobb about
3 this?

4 A. I did not make contact with Mr. Cobb.

5 Q. Showing you again -- I'm sorry, do you have a copy of
6 Defense Exhibit No. 3 in your file?

7 A. Yes.

8 Q. Would you look at it with me for a moment, please?

9 A. Sure.

10 Q. Would you agree with me that this statement of --
11 voluntary statement form of Mr. Cobb has a name and then an
12 address underneath it where he could be contacted?

13 A. Yes.

14 Q. And would you agree there's a phone number next to it?

15 A. Yes.

16 Q. Appear to be his phone number?

17 A. Yes.

18 Q. Did it concern you, the possibility here that an
19 objective or uninvolved witness had indicated there were two
20 other guns involved that you had not yet recovered, was this
21 something that caused you concern in the course of your
22 investigation?

23 A. Yes.

24 Q. What did you do to follow up on that?

25 A. I attempted to make contact with Mr. Parker as well as

1 Mr. Cobb.

2 Q. Well, it's got Mr. Cobb's address. Did you go to his
3 house? Is that reflected in your file?

4 A. Yes, I did go to his house.

5 Q. I have I believe a complete copy of your file. Does
6 your report or your narrative, which runs five or six pages
7 or more, does it contain information as to when you attempted
8 to contact Mr. Cobb?

9 A. No, sir. My notes -- it's not noted there, but I do
10 know what I did.

11 Q. Or Mr. Parker, there's nothing in your file that I've
12 gotten, your reports, etc., that indicates you attempted to
13 contact them; is that right?

14 A. Yes, sir, that is correct.

15 Q. And yet those reports constituted at least part of your,
16 the body of the affidavit that you swore to where you went
17 and arrested Mr. Gage sometime down the road; is that
18 correct?

19 A. That is correct.

20 Q. There was -- how many times did you attempt to figure
21 out who -- or how did you go about attempting to figure out
22 who this other unidentified person in the yard may have been?

23 A. I attempt -- well, I read the statements provided by the
24 witnesses. I then attempted to make contact with other
25 neighbors in the -- in the area. I had personal knowledge of

1 what the description of Mr. Gage is as well as the account
2 that the defendant -- I'm sorry, Mr. Singleton provided. I
3 also knew, according to Mr. Gage's statement, that he was
4 also on scene; and considering the nature of the incident and
5 the witnesses' account of what transpired, the physical
6 description as well as the officer's account, I was able to
7 make a determination that Mr. Gage was on scene and to
8 include his nephew, and I was able to make a determination
9 that he was in fact involved.

10 Q. Okay. Mr. Cobb or Mr. Parker, your objective witnesses,
11 do you recall, separate and apart from your notes, your
12 report, where it's not reflected or it's not documented, how
13 many times you tried to get ahold of them?

14 A. At least three times. I know Mr. Cobb -- I'm sorry, Mr.
15 Parker, he -- he was ill at the time, he was extremely ill,
16 and I wasn't able to make contact with him.

17 Q. Has he -- it's been two years. You never really just
18 closed the file prior to us getting to trial; is that right?
19 If more information had come in, you certainly would have
20 documented or added it to your file; is that right?

21 A. Yes.

22 Q. But pretty quickly you just decided that wasn't going to
23 pan out, you weren't going to get to these people, and let
24 that go; is that correct?

25 A. No, sir, that is not.

1 Q. Regardless, we didn't recover any other guns.

2 A. That is correct.

3 Q. We didn't recover any other shell casings; is that
4 correct?

5 A. That is correct.

6 Q. We didn't identify anybody else who may or may not have
7 been present on the yard; is that right?

8 A. Other than Mr. Gage.

9 Q. I mean anybody else other than the people who have been
10 named in the courtroom by name.

11 A. That is correct.

12 Q. You were -- arrested Mr. Gage for obstruction of justice
13 in this case; yes?

14 A. Yes.

15 Q. Swore to an affidavit saying that he had done those
16 things; is that right?

17 A. Yes.

18 Q. That was at least partially based on a representation
19 there were more guns on the scene; is that correct?

20 A. That is correct.

21 Q. And you heard Ms. Yates testify to the same thing, that
22 there was only one gun on the scene; is that right?

23 A. Yes.

24 Q. That's what she has maintained all along; is that right?

25 A. Yes.

1 Q. If you're positive Mr. Gage -- sure enough that Mr. Gage
2 was lying to you to have him arrested and prosecuted for
3 obstruction of justice, and she's telling the same story, why
4 did you not draw a warrant for her?

5 A. Because, you know, she can only give an account of what
6 she saw, and if she didn't see him, she didn't see him.

7 Q. Well, you received information from your crime scene
8 investigator that there was evidence that indicated an
9 exchange of gunfire had taken place in the house; is that
10 right?

11 A. Yes.

12 Q. You received information that the physical evidence
13 would support the contention or tend to show that Ms. Yates
14 was actually injured by someone returning fire at Mr.
15 Singleton, that is, from another room; is that right?

16 A. Yes.

17 Q. She was shot basically in an area where she would be in
18 a chance to see what was going on. She described what was
19 going on; is that right?

20 A. She said she heard four shots, but there's no telling
21 where her eyes were. She was struggling with a handgun.

22 Q. Okay. And you were aware earlier on that Mr. Gage was
23 not allowed to possess a firearm; is that right?

24 A. Yes.

25 Q. And you were also aware very quickly that there were

1 bullets in the house; yes?

2 A. Yes.

3 Q. You also are aware that the same law applies to bullets
4 as well as firearms; right?

5 A. Yes.

6 Q. So they're there illegally also at this point in time;
7 yes?

8 A. Yes.

9 Q. And the only explanation for this that was given at that
10 point in time was, we hang on to those bullets for
11 sentimental value because they belonged to somebody's
12 granddaddy; is that right?

13 A. That was just -- I just heard that today -- well, not
14 today, I'm sorry, this week.

15 Q. Did you inquire earlier as to why this was going on when
16 you knew this was in clear violation of the law?

17 A. I did not have the opportunity to speak with Mr. Gage or
18 have a proper interview with Ms. Yates.

19 Q. Do you recall the date that this occurred?

20 A. Yes.

21 Q. And what was the date?

22 A. May the 23rd, 2013.

23 Q. And I'm not sure, but it's close to May the 23rd now.
24 It's been almost two years; yes?

25 A. Yes.

1 Q. And in two years you haven't had the opportunity to
2 interview Ms. Yates?

3 A. I did; however, she refused to speak with me.

4 Q. She refused to speak with you; is that right?

5 A. That is correct.

6 Q. Mr. Gage refused to speak with you; is that right?

7 A. That is correct.

8 Q. Mr. Gage actually -- you called Ms. Yates, you got her
9 on the phone, and she rebuffed your attempt, said, "You
10 weren't there when you said you would. You've heard what
11 I've got to say. That's all I've got to say." Is that
12 right?

13 A. That is correct.

14 Q. Mr. Gage got on the phone, he was loud, he was rude, and
15 hung up on you; is that right?

16 A. Yes, and referred me to his attorney.

17 Q. And later you got calls, "Stop harassing us." Is that
18 correct?

19 A. That is correct.

20 Q. You found or your investigating officers found evidence
21 of drug use within the home; yes?

22 A. A grinder to paraphernalia -- drug paraphernalia.

23 Q. Evidence of use of drugs in the home; is that correct?

24 A. It can be.

25 Q. All right, fine. You found bullets that you knew the

1 resident was not allowed to own; is that right?

2 A. One of the residents, yes.

3 Q. Right. There were allegations that other guns were
4 involved. You recovered none of those; is that right?

5 A. That is correct..

6 Q. The people who live in the home -- Ryan Yates also, he
7 was uncooperative also; is that correct?

8 A. That is correct.

9 Q. None of the three folks who live in the home were
10 willing to give you a statement as to what had occurred.
11 They were all, "Leave us alone." Is that right?

12 A. That is correct.

13 Q. You did not contact, were not successful in contacting
14 the other two people who claimed to have been eyewitnesses,
15 that is, neighbors who said they saw what happened; is that
16 right?

17 A. That is right. One witness has actually died.

18 Q. Since then.

19 A. Yes.

20 Q. It wasn't the next day or the day after, though, was it?

21 A. No, no, sir.

22 Q. And the other one you've still been unsuccessful in
23 contacting right up to this day; is that right?

24 A. That is correct.

25 Q. Did it occur to you, either before Sergeant Olsen told

1 you that there appeared to have been an exchange of gunfire
2 as opposed to just one person shooting the gun, did it occur
3 to you, either before or after that information, it might be
4 helpful to get the bullets out of the wall?

5 A. Before I received that information I -- I only went by
6 the defendant's account of what transpired, so --

7 Q. Before -- I'm sorry, please complete your answer if you
8 haven't.

9 A. Yes, yes, and so to recover any and all evidence will be
10 important.

11 Q. And certainly we can agree -- I'm sorry, to recover any
12 and all evidence is important, we agree on this, yes?

13 A. Yes.

14 Q. And certainly we can agree that bullets fired, either in
15 the commission of a crime or during the defense of a crime,
16 bullets fired in circumstance such as invokes your
17 investigation, those are evidence; yes?

18 A. Yes.

19 Q. As a matter of fact, they're pretty important, right?

20 A. Yes.

21 Q. And as an investigating officer you've often been
22 involved in circumstances and situations where we go out and
23 look for those; is that right?

24 A. Yes.

25 Q. Whether they're in walls or in trees or in car panels,

1 they end up in the trunk, it's important to recover them;
2 isn't that right?

3 A. Yes.

4 Q. Now, you have access, do you not, to a municipal judge
5 who has the authority to sign a search warrant for you; is
6 that correct?

7 A. Yes.

8 Q. And just pretty much somebody on call, you have access
9 to that 24 hours a day, do you not?

10 A. Yes.

11 Q. And in the past when you have believed there was
12 evidence, either in a home or in an automobile or in
13 someone's yard, you've gone to that municipal judge, whether
14 it's the middle of the night or the middle of the day, with a
15 search warrant and said, "I need to search for important
16 evidence, and here's why I believe it's there," have you not?

17 A. Yes.

18 Q. And what you do then is you ask that judge, "Will you
19 sign this document for me so I can go and attempt to gather
20 this evidence?"; is that right?

21 A. Yes.

22 Q. We agree that the bullets are important, yes?

23 A. Yes.

24 Q. We agree that there are bullet holes in the wall and it
25 appears to be some sort of fracas has occurred; is that

1 right?

2 A. Yes.

3 Q. And we agree that you've got the authority to go to a
4 judge and ask to have a search warrant issued so that you can
5 go and gather these important pieces of evidence to further
6 your investigation; yes?

7 A. Yes.

8 Q. When did you do that?

9 A. I did not.

10 Q. Did you ask Officer Olsen, "Go cut a piece of the
11 sheetrock and bring me these bullets, I want to make a
12 comparison with one that we found, I want to match them to a
13 gun if I can or exclude them from a gun if I can, I want to
14 send everything we've got to this guy in SLED we heard from
15 so he can tell us everything we can find out." Did you ask
16 Officer Olsen that?

17 A. No, sir, I did not.

18 Q. Were you, like him, just concerned about damaging the
19 sheetrock in this home?

20 A. It was more than damaging the sheetrock within the home.
21 We have to consider that the victim's -- what they're capable
22 of doing, doing repairs, it's just -- it's beyond just
23 damaging the sheetrock. It's restitution and the cost of
24 them having repairs done to their homes or how much damage
25 it's going to take. It's more than just that.

1 Q. Well, it may have been or it may not, you really don't
2 know until you pull the sheetrock off and there the bullets
3 lay or there they were on the other side; isn't that right?

4 A. No, sir. As Sergeant Olsen testified, he would have to
5 move cabinets and take them off the wall in order to recover.

6 Q. Well you would agree with me that the bullet holes
7 appear to be in plaster from one side, not from the side
8 where the cupboards are; is that correct? You saw the
9 pictures.

10 A. I saw -- yes, I saw the pictures.

11 Q. And the bullet holes appear to be entering into plaster,
12 not shot through kitchen cabinets or anything along those
13 lines; is that right?

14 A. Well, it went through some walls. I don't know...

15 Q. Showing you what's been marked as State's Exhibit No.
16 39, photograph purportedly taken by Sergeant Olsen, I'd ask
17 you if you recall this and whether or not this photograph was
18 available to you during the course of your investigation.

19 A. Yes.

20 Q. And does this appear to show a bullet hole or what's
21 purported to be a bullet hole at an upward angle in the
22 sheetrock and another one in the sheetrock slightly beneath
23 it?

24 A. Yes, and on the other side there are cabinets.

25 Q. Right. And we didn't get any photographs showing exit

1 points or anything else on the cabinet side; is that right?

2 A. That is correct.

3 Q. As far as you know, the bullet went through the
4 sheetrock and remains somewhere in here; is that right?

5 A. It could have been, yes.

6 Q. And you were concerned about the dollar value of
7 repairing whatever was done to the home in investigating an
8 attempted murder, two attempted murders, a burglary,
9 whatever, kidnapping. How much is the Town of Summerville
10 willing to spend before they just decide oh, it's not worth
11 it?

12 A. That's not -- I can't speak to that. I can't respond to
13 that, I don't know.

14 Q. Well, if in fact the real reason we didn't get those
15 bullets out of the wall was because we were concerned about
16 doing damage and it might cost too much, you would have got
17 them if they were free; if they were laying on the floor, you
18 would have said, "Officer Olsen, please pick up those bullets
19 so that we can tag them and send them for analysis."
20 Wouldn't you?

21 A. I would have, but we've also recovered bullets before
22 that were lodged in different places, so --

23 Q. Right. So sometimes you do and sometimes you don't,
24 right?

25 A. Yes.

1 Q. In investigating this attempted murder, times two, this
2 kidnapping, all this stuff that you've alleged and signed
3 warrants for, how was it more important to not damage the
4 sheetrock than to gather the evidence to present to the jury
5 here at trial?

6 A. It was just as important.

7 Q. It was just a mistake, I mean, it's just an error, an
8 omission if -- I'm sorry. I strike that. That wasn't a
9 question. I apologize.

10 You are now a lieutenant, yes?

11 A. Yes.

12 Q. You supervise other police officers within the
13 department; is that correct?

14 A. Yes.

15 Q. If, in fact, a shooting took place this evening
16 somewhere in Summerville and someone under your supervision
17 responded to the scene and said, "There's bullet holes in the
18 walls, but we don't really want to tear this place up, we're
19 not going to dig them out." Would you not instruct that
20 officer, "get the bullets"?

21 A. I would actually instruct the officer to advise the
22 victim or complainant, let them know what we're facing and
23 what to expect; but, yes, our main goal is to recover any and
24 all evidence.

25 Q. And it should have been done in this case, right?

1 A. It could have been done in this case, in this situation.

2 Q. My point is it should have been done; yes?

3 A. It could have been done; yes.

4 Q. You're familiar with something in your trade referred to
5 as a GSR test; is that correct?

6 A. Yes.

7 Q. And what does that stand for?

8 A. Gunshot residue.

9 Q. And what is a GSR, if you know -- have you ever
10 conducted one of those, gathered one of those?

11 A. Yes.

12 Q. What is the purpose of that, and how do you do that
13 gathering, or how do you run that test?

14 A. The purpose of the GSR is to determine whether or not
15 that person who you choose to swab had in possession or fired
16 a firearm recently, and basically what you do is you get a --
17 you swab their skin for gunshot residue in a controlled area,
18 which is the hands, and then an uncontrolled area, which is
19 the feet or a leg, where they haven't touched anything.

20 Q. Okay. And it operates basically on the theory that,
21 when a gun is discharged, it's not just a bullet that comes
22 out. It's a cloud of lead particles, burnt gunpowder or
23 carbide whatever it is that propels out, and it settles on a
24 person's hands or on their body, whether you can see it or
25 not; is that right?

1 A. Right.

2 Q. And then a wet swab, sterile, is taken and swabbed that
3 hand, sealed up, and it's sent to another place, a lab or
4 someone to test and see whether or not those residues are
5 present; isn't that correct?

6 A. Correct.

7 Q. And this is not some sort of cutting edge technology
8 that we've just come out with. I mean, the GSR's been around
9 a long time, right?

10 A. Correct.

11 Q. You're familiar with it; you've used it in the past,
12 yes?

13 A. Yes.

14 Q. In this case Mr. Gage, apparently shortly after all this
15 occurred, was at the hospital with his wife, fiancée,
16 whatever, and there was a police officer there who testified
17 earlier that she was there with him; is that right?

18 A. Yes.

19 Q. Did you get on the phone and say, "Do a swab, do a GSR
20 on these people while we're here, and let's see whether or
21 not these people have been shooting guns."?

22 A. No, sir, I didn't.

23 MR. LOY: Your Honor, may I have one moment?

24 THE COURT: Yes, sir.

25 MR. LOY: Your Honor, I don't have any more questions

1 for this witness. Thank you.

2 THE COURT: Any redirect?

3 MR. SORENSON: Just real briefly.

4 REDIRECT EXAMINATION BY MR. SORENSON:

5 Q. Lieutenant Williams, the two witnesses that Mr. Loy
6 asked you about officers initially receiving statements from
7 them, Mr. Parker and Mr. Cobb; is that correct?

8 A. Yes.

9 Q. You'd indicated earlier that one of them has passed away
10 since then?

11 A. Yes.

12 Q. That's Mr. Parker; is that correct?

13 A. Yes.

14 Q. And those statements, though, dealt with them seeing or
15 not seeing anything happen outside; is that correct? Not
16 anything to do with what happened inside the residence; is
17 that correct?

18 A. That is correct.

19 Q. And ultimately that night they both gave statements to
20 law enforcement, to your agency; is that correct?

21 A. That is correct.

22 Q. Mr. Gage and Ryan Yates also gave statements that night
23 to law enforcement; is that correct?

24 A. That is correct.

25 Q. And Ms. Yates, while she didn't give a written

1 statement, did talk to the officer at the hospital and give
2 kind of an oral statement to the officer at the hospital
3 about what had happened; is that correct?

4 A. That is correct.

5 MR. SORENSON: Beg the Court's indulgence.

6 That would be all I'd have. Thank you, Your Honor.

7 THE COURT: You may step down Lieutenant. Thank you.

8 You may call your next witness.

9 MR. SORENSON: Your Honor, at this time the State would
10 rest.

11 THE COURT: All right. Ladies and gentlemen of the
12 jury, the State has rested its case. This is an opportunity
13 for us to take a brief recess. We must take up some matters
14 outside of your presence. It will only take a couple
15 minutes, probably about ten minutes, give you an opportunity
16 to have a morning recess. So if you would please go to your
17 jury room. Although the State has rested, of course, the
18 case is not over. You haven't been instructed on the law, or
19 if the defense intends on introducing anything, of course
20 they are not required to do that, but you haven't heard any
21 of that as well, so please do not discuss the case at all at
22 this juncture. We'll be right with you.

23 (The jury retires to the jury room at 10:57 a.m.)

24 THE COURT: Any motions?

25 MR. LOY: Your Honor, I make a motion on behalf of Mr.

1 Singleton for a directed verdict on the grounds that the
2 evidence fails as a matter of law and he is entitled to the
3 Court's entry of an order of acquittal at this time.

4 THE COURT: Solicitor, do you care to be heard?

5 MR. SORENSON: Your Honor, I think just looking at it in
6 the light most favorable to the State, which is the standard
7 at this point in time, just looking at the defendant's
8 statement, just disregard everything else, I think that gets
9 it to a jury. But, obviously, when you look at, you know,
10 Ms. Yates' testimony and everything else, I think that
11 clearly supports at this point in time sending all five of
12 the indictments to the jury.

13 THE COURT: Based on what is required obviously is the
14 existence or nonexistence of evidence, and the Court does
15 find that there has been evidence presented on each of the
16 elements of each of the offenses, and I'll respectfully deny
17 your motion.

18 MR. LOY: Thank you, Your Honor.

19 THE COURT: Have you discussed with your client whether
20 or not he wishes to testify?

21 MR. LOY: I have, Your Honor.

22 THE COURT: Is he ready to be placed under oath?

23 MR. LOY: I believe that he is, Your Honor.

24 JAMES LAMONT SINGLETON, JR.,
25 being first duly sworn, testified as follows:

1 THE COURT: Mr. Singleton, if you'd please stand, at
2 this time, I'm going to explain to you certain of your
3 rights. If you don't understand anything that I say, please
4 let me know. If at any time you want me to explain something
5 in any more detail, also please let me know. We have now
6 reached the stage of the trial where you may present your
7 defense. You have the right to claim the protections given
8 to you by the Fifth Amendment of the constitution of the
9 United States. This amendment states in part that no person
10 shall be compelled in any criminal case to be a witness
11 against himself. This means that you cannot be required to
12 testify in this case. You have the right to testify on your
13 own behalf; however, no one can make you testify. This is a
14 personal right. No one can waive this right except for you.
15 If you decide to testify, you will be subject to the same
16 rules that govern other witnesses, and you may be examined
17 and cross-examined on any relevant issue in this case. In
18 addition, if you have any convictions involving dishonesty or
19 false statement or for crimes punishable by imprisonment for
20 more than one year and the Court determines that the
21 probative value of admitting this evidence outweighs any
22 prejudicial effect to you, the solicitor will be able to
23 introduce your record to attack your credibility. If you
24 decide to testify, this decision on your part must be made
25 freely, voluntarily and intelligently with the knowledge of

1 the protections given to you by the Fifth Amendment and the
2 consequences of your decision to testify. If you decide not
3 to testify, I will instruct the jurors that they cannot give
4 the fact that you did not testify any consideration
5 whatsoever and that there's absolutely no prejudice to you
6 because you did not testify. It is left entirely up to you
7 as to whether or not you wish to testify. You may talk with
8 your attorney, you may talk with your friends, your family,
9 but the final decision is left entirely up to you. Do you
10 understand what I've just explained to you?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: Have you discussed this with your attorney?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: And what is your decision as to whether or
15 not you wish to testify?

16 THE DEFENDANT: I do wish to testify.

17 THE COURT: All right, sir. Thank you. Are we ready to
18 proceed, Mr. Loy?

19 MR. LOY: Could we have just one more moment.

20 MR. SORENSON: Could we take five minutes, Your Honor?

21 THE COURT: Sure. You all just let me know when you're
22 ready.

23 (Recess held.)

24 THE COURT: Before we get started on the trial of the
25 case, is the reporter from the Journal Scene present in the

1 courtroom? Would you please come forward, ma'am. You can
2 stand right there at the bar, ma'am. And your name?

3 MS. HARRISON: Jenna Harrison.

4 THE COURT: Ms. Harrison, I'm not sure if you recognize
5 this or not, but however, when you came to the Court and
6 requested a court order allowing you to publish pictures and
7 so forth, it specifically stated in handwriting that the jury
8 is not to be photographed or on the camera in any way, shape
9 or form. Do you understand that?

10 MS. HARRISON: You're right. I apologize.

11 THE COURT: It's apparently on the Internet right now, a
12 picture of the jury. You need to take that down immediately.

13 MS. HARRISON: Okay. Will do. I apologize.

14 THE COURT: Thank you.

15 MS. HARRISON: Thank you, ma'am.

16 THE COURT: Are we ready for the jury?

17 MR. LOY: Yes, ma'am.

18 MR. SORENSON: Yes, ma'am.

19 THE COURT: All right. Let's have our jury, please.

20 MR. LOY: Your Honor, can we just hold one second?

21 THE COURT: Sure. Hold on.

22 MR. LOY: Your Honor, Mr. Singleton is in the leg braces
23 or whatever.

24 THE COURT: Oh, we need to bring him up first.

25 MR. LOY: Yes, ma'am, if I could. And also, when we're

1 done, if he could come down out of the presence of the jury
2 also, just so it's not obvious he's restrained.

3 THE COURT: Absolutely. Thank you, Mr. Loy.

4 (Defendant takes the stand.)

5 THE COURT: Mr. Loy, just for logistics purposes, are
6 you planning on resting after the defendant testifies, or are
7 you planning to call any other witnesses?

8 MR. LOY: Your Honor, absent some highly unlikely
9 unforeseen circumstance, it's my intention to rest after the
10 examination of the defendant.

11 THE COURT: Okay. What I'll do then is I'll allow you
12 to rest in front of the jury, and then we'll bring Mr.
13 Singleton down.

14 MR. LOY: Thank you, Your Honor.

15 THE COURT: Mr. Singleton, when you're asked to be sworn
16 in, we're not going to ask you to stand, okay, so just make
17 sure you grab that Bible there and place your left hand on it
18 and raise your right hand.

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: Can we bring our jury in, please.

21 (The jury enters the courtroom at 11:14 a.m.)

22 THE COURT: Welcome back, ladies and gentlemen of the
23 jury. We're now ready to proceed. Mr. Loy.

24 MR. LOY: Your Honor, we call the defendant, he's on the
25 stand now, to the stand.

1 JAMES LAMONT SINGLETON, JR.,

2 being first duly sworn, testified as follows:

3 THE COURT: You may proceed.

4 MR. LOY: Thank you, Your Honor.

5 DIRECT EXAMINATION BY MR. LOY:

6 Q. Mr. Singleton, how old are you, sir?

7 A. 20 years old.

8 Q. And where are you from?

9 A. I'm from Hollywood, South Carolina.

10 Q. And have you resided in Dorchester County or in
11 Summerville area in the past?

12 A. Yes, sir, at 719 Mason Street in Lincolnville.

13 Q. And were you residing in Lincolnville at the time of
14 your arrest?

15 A. Yes, sir.

16 Q. And at the time of your arrest, sir, how old were you?

17 A. 18 years old.

18 Q. 18. What was your educational background?

19 A. I had just graduated from high school.

20 Q. What high school did you graduate from, sir?

21 A. West Ashley High School.

22 Q. Were you employed?

23 A. Yes, sir.

24 Q. And what was your job?

25 A. I was a grill op at Waffle House.

1 Q. When you say a grill op, you mean you were the guy
2 cooking up front?

3 A. Yes.

4 Q. And how long had you been doing that?

5 A. Probably about five months.

6 Q. Are you or were you married?

7 A. No, sir.

8 Q. Do you have children?

9 A. No, sir.

10 Q. At the time of your arrest you say you were living in
11 Ladson; is that correct?

12 A. Lincolnville.

13 Q. In Lincolnville, I'm sorry, you were living in
14 Lincolnville?

15 A. Yes, sir.

16 Q. Okay. And on the day that you -- leading up to the
17 evening that you were arrested was there a time that you were
18 in fact over there at 114 Pintail?

19 A. No, no, no, sir, I wasn't there beforehand.

20 Q. I understand. Have you ever been there.

21 A. Yes, sir.

22 Q. Describe for me the circumstances that landed you there.
23 How was it you ended up going to that house on the evening
24 we've all been here talking about or the early morning that
25 we've all been here talking about?

1 A. All right. I was getting back from Waffle House --

2 Q. I'm sorry, you were getting back, does that mean you
3 were coming home from work?

4 A. No, I wasn't working that day. I was just talking to
5 Pops, eating chocolate chip waffles, drinking water, talking
6 about the Boston Marathon bombing, how we thought the
7 government might have been behind it, you know, a conspiracy.
8 Came back from that walk. I was -- on the way back I was
9 thinking about this party that was in Myrtle Beach the
10 following week, that was in Myrtle Beach the following week,
11 and you know, it was supposed to be a real big party, lots of
12 girls, you know, big party. I decided to call Meech because
13 me and five other people, it was Little Joe, Troy, Tone and
14 Baby, those are nicknames -- and DJ -- those are nicknames I
15 know them by, we all put in to buy some marijuana so we could
16 smoke at -- at the party in Myrtle Beach. Supposed to be a
17 whole week, so we were trying to get a lot of it.

18 Q. All right. Let me ask you then, are you telling me that
19 you had collected money from your friends, you all went in to
20 purchase marijuana; is that right?

21 A. Yes, sir.

22 Q. And you said you were going to call Meech or you did
23 call Meech. Why did you call Meech?

24 A. Because, see, none of us knew anybody who had that much
25 marijuana to sell; so Meech said he did know somebody or he

1 could find somebody, so I put him on that. He did -- I did
2 call him. He did say he found someone to sell us the weed,
3 and he said they were also selling Molly.

4 Q. They were also selling Molly, okay.

5 A. Molly, it's -- I had tried it once before. It's -- I
6 mean, it's all right. I mean, you know, it was a big party,
7 screw it, might as well go ahead and go for some of that too.

8 Q. And what is this, what is this you're talking about?

9 A. It's a party drug like ecstasy.

10 Q. Okay.

11 A. Mild though.

12 Q. All right. You said milder?

13 A. It's mild, not extreme like ecstasy, but it's somewhat
14 like it. Yes, he asked me if I wanted to buy some of the
15 that. I said, "Yes, go ahead, hook that up too." I told him
16 to come pick me up, you know, come get the money whenever
17 he's ready. He said, "No, I'm going go ahead take you over
18 there so you can meet him." I'm like, "All right, fine, if
19 he wants to introduce me, fine, I'll go over there and meet
20 him." After I got off the phone with him, went inside the
21 house, got a cup of Kool-Aid, watched Boston Marathon -- I
22 mean, not Boston, Texas Chainsaw Massacre with Kiera and Ms.
23 Bonita Johnson. We sat there and watched the movie. When it
24 was almost over, I decided to check back in see, you know,
25 where he was at; and when I called him, he just happened to

1 turn in right by Ashley Gardens.

2 Q. Is that near where you were?

3 A. Yes, sir. Yes, sir. I told him, cool, I'll be out
4 front. So I went inside the room, went inside the mattress.

5 I got the extra \$500. I had \$700 left in there because I
6 already had the 500 for my portion of the weed already with

7 everybody else's money. I went and got the extra 500 for

8 Molly too. I had 700 inside the mattress. But I thought

9 about it, I probably shouldn't have messed with it because

10 Ms. Bonita been telling me for a little while now that I need

11 to start saving my money. I need to start, you know,

12 becoming an adult, save my money, stop spending my money like

13 this.

14 Q. Ms. Bonita is the person you were staying with?

15 A. Yes, sir.

16 Q. Please continue.

17 A. She been telling me repeatedly to save my money, save my

18 money, but I decided, you know, she's not gonna throw me out

19 tomorrow. In my head, I had it made, you know, so took the

20 money. Then I -- I started recalling how I had been robbed

21 twice before by this dude named Link. That's what everybody

22 calls him. The first time was Norma's house on Bell Street.

23 She's a lady around Lincolnville on Bell Street. Pretty

24 much, Link and his friend, I don't know who this other guy

25 was, they both, they -- they beat me up, and they took \$200

1 from me and a half ounce of weed. That was like the
2 umpteenth time I've been robbed around that area. I was,
3 frankly, tired of it. So the following week, I believe, I
4 asked Little Joe to see if he could find me a gun, a big gun.

5 Q. By the following week do you mean the previous week, the
6 week before?

7 A. No, the the last time I had been robbed before this
8 incident was a whole month before -- a month and some change
9 before.

10 Q. I understand.

11 A. And the next week.

12 Q. After being robbed, I understand.

13 A. Mm-hmm. I went -- Little Joe did find me the biggest
14 pistol he could find. He didn't even have no bullets for it.
15 I didn't want the bullets. I just wanted the size so that
16 way, somebody sees it, you know, they run for the hills, you
17 know. Bought it for \$150 after I had got off work one day at
18 the Walmart in the Walmart parking lot, met him in his car.
19 Gave me the pistol, I gave him the money.

20 Q. (Indicating.)

21 A. Yes, sir, that's the same one. Yes, I didn't have any
22 bullets for it, but I saw Link again when I was walking
23 through Gahagan Park. There's like a cut-way through Gahagan
24 Park that leads up to -- I don't know what the name of that
25 road is off from Gahagan Park. I was trying to get to that

1 road. He caught me in the back cut but on the wooded area on
2 the dirt road. He started asking for my money and things
3 like that, and that's when I drew the pistol out; and he
4 called my bluff. He said, "You're not gonna shoot anyway."
5 If I had bullets, I would have shot next to him or, you know,
6 tried give him a warning shot like, you know, like back off;
7 but I didn't have any bullets, so he ended up approaching me,
8 taking the gun from me, saw that there was no bullets. He
9 laughed at me, tossed my gun in the ditch, took my money, and
10 I recovered the gun. And a couple days later I went back to
11 Norma's house. There's a dude living with Norma named Gagey.
12 I bought the bullets from him. He said that 38s could shoot
13 in the .357, so I bought just four bullets. You know, he
14 didn't have the whole six; so, yes, that's how I came to have
15 that pistol.

16 Q. So you were worried about being robbed on the evening
17 that you went to Pintail, is that the long and short of it?

18 A. Yes, sir, because I had \$3500 in my pocket, I'd been
19 robbed for a lot less than that, and I don't know who this
20 guy is.

21 Q. I understand. So tell me what happened.

22 A. So I went up on West Pine. I was waiting there for him.
23 Meech, he came up. I got in his car. I didn't get a chance
24 to see what type of vehicle it was. I knew it was a Chevy
25 because on the steering wheel, the logo. We drove over

1 there. On the way over there he told me, you know, dude's
2 name, because I asked him, he told me he was Bubba. He said
3 he was cool people, you know; he'd been messing with him for
4 a little while. The gun, I had it on my hip. I took it out
5 of my lap and I put it on my -- I mean I took it off my hip
6 and put it in my lap, excuse me, and he asked me why the heck
7 did I bring that. And I told him, "You know, listen, I don't
8 know this guy from a can of paint. I don't know what's the
9 deal with him." That's when he tells me, you know, he's cool
10 people, you know. I mean, he said him -- he said him and his
11 brother got in a little disagreement with him a little while
12 back because his brother ended up robbing Bubba for like a
13 pound and \$1,000.

14 Q. Let's try to stay on track here with this evening, okay?

15 A. Yes.

16 Q. So you had the gun. He asked you about the gun. You
17 told him you didn't want to get robbed, is that basically it?

18 A. Yes, and he told me that there's no need to worry about
19 it because he has no guns, you don't even need it; but I
20 asked him if he trusts him. He said -- it was the way he
21 hesitated. I was like, no, I'm gone go ahead and keep it
22 with me.

23 So anyway, we ride over there, stop for some gas,
24 continue over there. We get there, and he tells me,
25 listen -- he turns down the music. He says, "Listen, when we

1 get there, right, all you got to do is go up there there,
2 knock on the door, mention his name, tell him that Meech sent
3 you." And I asked him, I said, "You're not gonna come in the
4 house with me," you know, just as a formal introduction, you
5 know, better way to do that. And he cocked this attitude
6 like, "Listen, do you want this weed or not. If you don't
7 want to go in there, you don't have to go in there, just give
8 me my gas money. I can take you back home." I really wanted
9 to go to the party in Myrtle Beach. I didn't want to be out
10 there with no -- I mean --

11 Q. I understand.

12 A. Yeah, so I went through with it. He pulled into the
13 neighborhood and out front of the house he said, "That's the
14 house right there." Did a U-turn and parked on the shoulder
15 opposite the neighbor's house. Before I had gotten out the
16 car, a car did leave the driveway, drove right past us. Like
17 I said, I think it was a Mini Coop. I'm not -- I'm not
18 entirely sure. I asked him if that was them. He said I
19 don't know. So I got out of the car, walked across the
20 street, went up to the front door, and I knocked. Well, at
21 first I didn't hear anything. I didn't hear anything at all,
22 not a peep or nothing. I turned around at Meech and
23 shrugged, and just as I went to go step off the porch, I
24 heard the door open and footsteps, someone walked past the
25 door, down towards the back. And I turned around and I

1 knocked again. That's when the footsteps came back, and Ms.
2 Yates, she opened the door. Well, first she said, "Who is
3 it?". I said Bubba, then she opened the door, and I said,
4 "Tell Bubba that Meech sent me." She looked at me for a
5 second. Then she opened the door, she waved me inside, and
6 she walked into the bedroom.

7 Q. Where were you at that point in time?

8 A. I stepped just inside the doorway, and I stood there.
9 As I was waiting there, I was peeking around everything. I
10 didn't see anybody else in there at the time.

11 Q. You need to speak up loudly. You've been waiting a long
12 time for your day in Court. You need to speak loudly.

13 A. Yes, sir. I didn't see anybody else in there. In the
14 next room I could hear her and Bubba, like they was arguing,
15 but they was like whispering at the same time, kind of like a
16 grumblin' type argument. Finally I heard what sounded like
17 Ms. Yates say fine. She went and walked towards the back of
18 the house, and Bubba, he came out.

19 Q. Can you describe him?

20 A. He was a big white dude, gray T-shirt, blue shorts I
21 believe he had on, brown hair, short -- short beard.

22 Q. You said big guy, was he your height, tall?

23 A. No, he was like 6, 6 foot 2 maybe. I don't know. He
24 was big. Probably 240, 250. He asked me, "Where's Meech?".
25 I said, "Meech is outside in the truck. He said all I had to

1 do was mention his name and you'd be cool with it." And he
2 looked at me like -- he gave me this look like, "You're the
3 one buying the three P's and the Molly?". That's what he
4 said. That's three pounds, three P's and the Molly. I said,
5 "Yes." He said, "You got all 35?". I said, "Yes, sir." So
6 I took it out, and I fanned it out for him, and I gave him
7 the money. And as he's counting through it, he goes through,
8 he says, "You know Meech owes me like \$2,000, right?". I
9 said, "No." He said, "Well, I'm going to go ahead and take
10 that out of what you gave me right here." And I was like,
11 "Hold, hold, hold, hold, that's not Meech's money. That's my
12 money, you know. I don't got nothing to do with whatever
13 transaction you all got going on, got nothing do with that."
14 He said, "Well, somebody owes me something, so you need to go
15 tell Meech to come pay his dues." And we argued back and
16 forth because he kept on insisting that he was going to take
17 the money out of the money I just gave him. And I was like,
18 after a while, like, "Just give back my money so I can go. I
19 don't even want to be here anymore." I had asked him for my
20 money two times already, and his phone rang. That's when he
21 answered his phone, and he said, "Yeah." Then I could hear
22 the little -- the voice on the phone and everything, and he
23 said, "All right, hold up." He put the phone to his chest,
24 he was like --

25 Is it necessary for me to curse?

1 Q. I'm sorry?

2 A. Is it necessary for me to curse?

3 THE COURT: No, do not curse in this courtroom.

4 THE WITNESS: Well, he said, "I'm gone get you your
5 stuff for you, so you can just chill, all right." He went,
6 got back on the phone. He said, "Yes, everything's good; the
7 front door's open," as he's walking towards the back of the
8 house. So I'm just sitting there waiting, you know. I
9 figured, you know, wherever it's at, he's going to go get it
10 right now. Standing there, standing there, standing there,
11 moment goes by, and I hear someone behind me say, "Hey, Bro."
12 And I go and I look over my shoulder, and I see this black
13 dude with a white shirt, black hat, black shoes, cargo
14 shorts, with a white -- and he's sitting at the bottom of the
15 porch steps with a pistol aimed at me. Well, my first
16 reaction like right after -- right after seeing this was to
17 close the door, go tell Bubba what's going on because I don't
18 know who this guy is. I don't know what's going on. So I
19 do, I go attempt to close the door, and as I go to close the
20 door, the guy comes running up the stairs and jams his foot
21 inside the doorway; so I go and stomp my foot behind the
22 door, and we kind of pushing the door back and forth and
23 everything, and I managed to work my pistol off my hip, and I
24 put it in between the doorway. Well, right after I did that,
25 dude jumped back out of the doorway, and I snapped it and I

1 locked it; and he's twisting the knob and yelling something.
2 I can't really understand what he's saying, but I turn
3 around, and that's when I saw the blur go into the bedroom.

4 I walked in the bedroom, and Ms. Yates was just standing
5 there looking frightened at first, and I went and asked her,
6 I said, "Who was that?". She said, "I don't know." I said,
7 "Well, where's your boyfriend at?" She said, "In the
8 backyard." I said, "Well, where's your back door?" And I
9 stepped aside so she could show me where the back door was,
10 and she walked past me, walked down the hallway, and she
11 stopped right at the end of the hallway, and she motioned
12 towards the back doorway; and as I turned around the corner,
13 I'm looking out through the back door. Back door's wide
14 open.

15 There's a big, big, big dog coming towards the back
16 door, and so I tell her, I said, "Your dog, your dog, what
17 about your dog?". And she's looking at me like I'm speaking
18 Spanish or something. So I go, I take my gun, and I aim at
19 the dog. I mean, I wasn't gone shoot it automatically. Some
20 dogs are just friendly, I don't know, because I like dogs,
21 but that was a big -- it was a big dog. Anyway, as I go to
22 aim my pistol at the dog, Ms. Yates, she pushes me; and I'm
23 looking at her like, what are you doing. And she pushes me
24 again, almost knocks me over. That's when I came back and I
25 hit her. She fell to the ground. Right after she fell to

1 the ground, the dog came shooting through the doorway, and I
2 started to turn around and run towards the bedroom, but the
3 dog actually ended up jumping onto her, and it started like
4 nibbling at the back of her head, side and all that. And I
5 thought about helping her at first, but she just tried to
6 push me. I don't know what that was about, so I'm gone go
7 ahead and run through the kitchen to get out the back door
8 because I had saw a way through there when I walked past.
9 But as I went to go step back, she lunged out and grabbed my
10 leg. And I told her, "Let go my leg, let go my leg." She
11 wouldn't let go. I tried to pry her hands off everything at
12 the same time. Told her to let go. She wouldn't let go.

13 Now, when I was at Wando before I went to West Ashley,
14 the wrestling coach said, if you control the head, you can
15 control the body. Well, that's when I got the idea to grab
16 her hair, so I went ahead and grabbed her hair. Sure enough,
17 not only did she let go my leg, but she came up with me, so I
18 went and I pushed her off me; and I told her, "Please, get
19 your dog, get your dog. I don't like dogs." And she
20 stopped. She didn't push against me. She didn't do anything
21 else. She said -- I can't remember if the dog's name Toby,
22 Tommy, whatever the dog's name was, she told the dog, "No,
23 stop, get, go on," and the dog, it -- it stopped, looked at
24 her, then ran out the back door.

25 I followed behind as she walked up to the back door and

1 everything, I walked up behind. I said, "Where's your
2 boyfriend? I don't see him right now." Then she went and
3 said "Baby" or, I mean, whatever she said. I believe she
4 said, "Baby, where are you?". Right after she said that,
5 probably about five or six seconds later, that's when I heard
6 a loud boom from the front of the house and it was another
7 boom, and right after the second boom I went and I pushed her
8 out of the way, and when I pushed her out of the way, the dog
9 was coming back towards the back door. I went and aimed my
10 gun at the dog. I guess she loved the dog or whatever
11 because she grabbed my gun and tried to take it from me.

12 When she went to go take it from me, I turned and
13 reached my left hand over my right, and I go to close the
14 door, the back door, as much as I can get it closed; and when
15 I did so, that's when the front door finally came open after
16 I heard a bunch -- several -- I heard a lot of definite
17 kicks. The door came open, and I heard what I assumed is
18 Bubba, "Get out of my house." Ms. Yates said, "He's got a
19 gun." And so right after she said that, I went and I
20 mushed -- I mushed her head this way, I mushed her head this
21 way (indicating) and she went and she had the gun in both
22 hands at first. When I mushed her head, her left hand came
23 off the gun. She -- she spun around and tried to catch her
24 balance. Her right leg come over her left leg. She tried to
25 catch her balance like that, and I continued to push all the

1 way through like that (indicating). And I twisted the gun to
2 my right, and she finally game off my gun.

3 And after she caught her balance in front of me, by this
4 point we're no longer by the front door. She's facing this
5 direction now toward the television, the corner of the
6 hallway that we just came off of. I went and I pushed her
7 head; whereas, I went to go push her head, that's when Bubba
8 came out and fired two shots. So right after I heard the two
9 shots and I see her -- like I just start to see her come
10 down. It was a split-second decision. I just swept my legs
11 out from underneath me just to keep behind her. She's
12 hitting the ground. Why not hit the ground too. So I hit
13 the ground. She lands on top of me. I went and I started to
14 aim right at him, but I didn't aim at him, I aimed to my
15 left -- well, aimed to my right, his left, aimed to the left
16 little bit, and right as I went to go pull the trigger, she
17 grabbed my arm, and boom.

18 Right after that shot I'm sitting there, I'm trying to
19 pull my -- trying to pull my gun out of her hand and
20 everything, and my ear start ringing because I heard a shot,
21 and my ear started ringing, all right. At that moment this
22 guy's not playing. Like he's really about to kill me right
23 now. So I go, and I finally work the pistol out of her hand,
24 and I went and I go to aim again; but I'm looking in his
25 eyes, and he's staring at me, like he's just like staring at

1 me. He's not really doing nothing. He's just kind of like
2 sitting there, so I went to go aim again at the side; but
3 this time, when I went to go pull, it was just click.
4 Nothing happened. And I'm sitting there like, my gun is
5 jammed, so I'm sitting there just looking at him like, you
6 know, what now. But he goes and jumps off the corner, runs
7 back down the hallway the other way.

8 I went to go get up. She grabbed my gun again, and I
9 did, I hit her again, with my other hand. Not with the
10 pistol, with my other hand. I was about to go out the back
11 door, but I didn't have anything for the dog because my gun's
12 jammed and, I mean, not really sure why. I mean, now that I
13 think about it, probably should have gone out the back door.
14 I'm not sure; but anyway, I went out the front door because I
15 didn't hear anything in the house. I didn't see him in the
16 hallway he just ran down, so I ran down the hallway after
17 him. I looked out the front door. Didn't see him. Stepped
18 out onto the porch. Still didn't see him. Jumped off the
19 porch, and that's when I came to the bushes to my right.

20 Well, I go -- I go aim my gun, and I shoot down around
21 inside them; but my gun, it clicked, you know. I took off
22 across the grass, and he said, "Where you going, N-word,
23 negro." And as I jumped the ditch and started across the
24 streets, I heard two shots, pow, pow. And as I'm running
25 down the street, I heard a lot more shots, pow, pow, pow,

1 pow, pow, pow, pow, repeatedly, just keep going, going,
2 going. And as I'm running down the street, I have this --
3 this peaceful feeling sweeping over me like one of these
4 shots is going to land in my back and I'm about to die right
5 here.

6 Q. But it didn't.

7 A. No, no, luckily it didn't. I made it to the end of the
8 street. I got down in this trench type thing, and I pressed
9 up against the side. Had my head against a tree, and I was
10 in the dirt on the side of the trench. And that's when Bubba
11 came down -- whoever. I don't know who footsteps it was, but
12 they came down, stopped, and ran back towards the house. So
13 I go and I call Meech, and I asked him, I say -- I say, "Why
14 did you send me in there without, you know, telling me what
15 was going on, you know, they almost killed me, you know, they
16 just took my money, and they almost killed me." And he
17 apologized. He said that he didn't know things was gonna go
18 down like that. He said that "The police are coming. I'll
19 come back and get you in 20 minutes." And I'm -- I'm not
20 sure why he -- he left me there. He dragged me into this
21 mess, whatever he started with Bubba. I don't know why he
22 dragged me into this mess and just left me there, but he did.
23 He hung up the phone, and I didn't get to say anything else
24 to him.

25 Q. Have you seen him since?

1 A. No, sir.

2 Q. All right. Go ahead.

3 A. Yes, so pretty much I was just dead in the water. Only
4 thing I could recall is that the Dollar General on Central
5 Avenue, we'd stopped there before. I recall just maybe if I
6 can get there, maybe I can call him from there. Maybe he can
7 come back and get me from there. Maybe he doesn't want to
8 come back to the neighborhood. I'll meet him there. He'll
9 pick me up. So I go on GPS on my phone and punched in Dollar
10 General. If you look on my phone, that's my last known
11 location I pressed in.

12 Q. On your phone (indicating)?

13 A. Yes, sir. I went, I followed through the woods and
14 everything, and I came out by Cornerstone Baptist Church. I
15 ran across the grass field all the way down the side, and I
16 stopped in this small section of trees on the side of the
17 parking lot. I stopped there, and I'm trying to call Meech,
18 trying to call Meech, trying to call Meech. He's not
19 answering, he's not answering. I'm trying to press his
20 number, I'm pressing other numbers because at this point I'm
21 real fidgety, can't really keep still too much. I think I
22 did start to get someone to answer, but an officer had
23 actually pulled into the parking lot and had the trees
24 shining exactly where I was laying at, but I was against the
25 tree, so I held the phone to my chest and I waited for the

1 officer to leave. The officer didn't see me. Luckily the
2 officer left, and I decided just to go ahead and wait there
3 and try and catch my breath.

4 And while I'm waiting there, I hear twigs snapping the
5 way I had just came from. I didn't pay it no mind at first.
6 Then that's when I heard an officer say -- well, I'm assuming
7 that it was an officer say, he went this way; and I went and
8 looked back, and there's flashlights, I see flashlights on
9 the ground right where I just came from. So I went and I
10 took off across the street, yes, across the street; and a
11 branch had wrapped its way around my waist so like a big flag
12 behind me. I'm running across the street, and patrol cars
13 catch me -- one of the patrol cars, they caught me in the
14 headlights. His engine rev up (indicating). And I went,
15 continued across the street, got into the woods across the
16 street. I went to go jump through some bushes, but the
17 bushes caught my ankle. I went and I tripped up, and at that
18 point I could hear the officers, "Come out with your hands
19 up."

20 So I went, threw the phone and the gun. I said, "All
21 right, I'm coming out, I'm coming out, I'm coming out, I'm
22 coming out," because the officer sounded really -- like
23 really scared -- like not scared, but he sounded like
24 intense. So I went, I come out hands first, like praying
25 that he doesn't shoot me, you know. So I went and I dove --

1 I just dove straight into the grass, dove my head into the
2 grass, didn't even look up or anything. The officers came
3 around me. I hear one officer say, "Do not move or my K-9
4 will bite. Do not move or my K-9 will bite." They're
5 searching me and everything, and they're putting handcuffs on
6 me. Before they put handcuffs on me, dude did ask me,
7 "Where's the gun?". I said, "It's in the woods." I said, "I
8 think my phone's in the woods too." He put the handcuffs on
9 me then put me in the back of the cop car.

10 Q. Were you then transported to the Summerville Police
11 Department?

12 A. Yes, sir.

13 Q. Held in a cell?

14 A. Yes, sir.

15 Q. Have you had a prior experience like that?

16 A. No, no, sir, at all, no.

17 Q. Anything in your first 18 years life prepare you for
18 this situation you were in at this point?

19 A. No. No, sir, not at all.

20 Q. Who was the next person you saw when you were in the
21 cell?

22 A. After I was in the cell -- I don't know how long I was
23 in there. I had fallen asleep for I don't know how long.

24 Ms. Williams came and got me, put the leg shackles on me,
25 walked to the detective room or the interrogation room,

1 whatever you want to call it. We walked in there, sat down,
2 and she walked away, and I was waiting there. And she came
3 back, sat down, opened up a file, took out some papers,
4 started asking me about personal information. Asked me where
5 I lived, my parents, things like that shall. Then she
6 started asking Social Security, stuff like that. She's
7 taking notes the whole time.

8 After she did all that, then she asked me, you know,
9 what happened tonight; and I didn't answer immediately
10 because I wasn't -- you know, wasn't exactly sure where to
11 start with everything because, I mean, it's not like I wasn't
12 doing anything wrong. I was going to go buy drugs and came
13 out in a shootout. It's not like I wasn't doing nothing --
14 I'm not completely innocent here.

15 Q. I understand.

16 A. Yes, I didn't answer at first. Then she said, "Look,
17 James, I already know what happened. It would just look
18 better on your behalf if you would simply cooperate with me."
19 And so since she said it would look better on my behalf, I
20 decided to ask her, "You know, like, better, how much better,
21 how much time am I looking at?" And she said, "30 to life."
22 And I was like, "Hold on, hold on, how am I going to get 30
23 to life if they shot at me first?" And she told me that it
24 doesn't even matter, she said that when I kick in someone's
25 door in the middle of the night with a weapon in the hand,

1 then that gives them the legal right to kill me. She said if
2 I would cooperate, I could get five years. So I'm thinking
3 in my head, where did she get that from; but as I'm starting
4 to connect the dots, the door opened, shoot out, they don't
5 know about the drugs, you know, I mean, just connecting
6 little dots, obvious dots.

7 So I tried to tell her about the drug deal. I tried to
8 explain what really happened. I didn't really get too far
9 into the story before she stopped me short, and she said, "Do
10 you expect me to really believe this," you know, she said,
11 "Do you expect me to believe that these people kicked in
12 their own door?". And she told me to start over and try it
13 again. And so at that point I'm a little bit -- I'm at a
14 loss for words because I'm trying to figure out, how do I
15 explain this drug deal in a way that she could understand it,
16 that she could understand that this is seriously what
17 happened. She spoke up again, she said, "Here's what
18 happened," and basically she ran through a plot of events
19 that happened, everything from, "you kicked the door" to "you
20 waved the gun" to -- she went through the whole series of
21 events, and she said that if I act like this wasn't the truth
22 or if I denied the truth again, that she would see to it
23 herself that I would get a life sentence.

24 I mean, I took her seriously because from what I've
25 heard about jail before, I know one person that has gotten a

1 ten-month YOA for a burglary -- not burglary for a robbery, I
2 mean; and I have also heard that ecstasy is ten years a pill.
3 A old school told me that. I understood that Molly is like
4 ecstasy, so like I could believe that, you know. And then
5 the shootout, I mean, there's no telling what could come
6 behind that, you know. They usually on the news and things
7 like that, that's high profile stuff, so maybe she's not
8 bluffing. So I go and I tried to go her way. I was
9 stuttering and fumbling and didn't really make much sense at
10 first. She stood up. She said, "I'm gonna give you a moment
11 to gather your thoughts to," she said, "to dot your i's and
12 cross your t's," and she walked out of the room.

13 The other officer was sitting there. He didn't say
14 anything to me. I'm sitting there. I'm trying to piece
15 together, what do I say, what do I say. I figured, just skip
16 everything having to do with the drug deal altogether, just
17 stick with the shootout because they're gonna know there was
18 a shootout there, stick with the shootout. She didn't
19 mention anything about seeing any type of dog or anything, so
20 I didn't mention anything about the dog or anything. I just
21 pretty much pieced together everything but just, instead of
22 starting off with the drug deal, started off with a robbery,
23 you know, me kicking the door. She came back like --
24 Q. The story that you ended up writing on the sheet -- and
25 do you deny that that's your handwriting; I mean, you wrote

1 the statement?

2 A. No, no, no, I did.

3 Q. Is that your signature?

4 A. Yes, sir.

5 Q. And your initials there?

6 A. Yes, sir.

7 Q. All that stuff.

8 A. Mm-hmm.

9 Q. Okay.

10 A. She came in. She put the paper down in front of me.

11 She said, "Think real hard and write down what happened," so

12 I wrote down what happened. Took me like 30, 45 minutes to

13 get through the whole thing.

14 Q. What you wrote down, was that what you had experienced
15 or what she had just told you?

16 A. What she just told me and some of what I experienced.

17 Afterwards, she read through it. She's like, "Okay, now

18 we're getting somewhere." She put that off to the side, and

19 she started to ask me questions about everything and answered

20 the questions best as I could, you know, try to make it line

21 up with it. Afterwards, she went and she put another piece

22 of paper in front of me. She told me to put my initials down

23 each line on the side and to sign two signatures at the

24 bottom; so, I mean, I did it because, I mean, the way I was

25 raised I wasn't -- I mean, I wasn't raised to distrust.

1 police. You know, police are actually there to help us, you
2 know, so, I mean, I wouldn't expect for the detective to have
3 done what she --

4 Q. Just tell us what happened.

5 A. Yes, after I had signed it, then she did ask me little
6 bit about my codefendant, who was the guy driving, things
7 like that but I didn't -- I didn't, I stopped talking at that
8 point because, I mean, my first initial thought was he would
9 complicate things. So they go take me to the jail and
10 everything, sit there for about five or six days. Then they
11 call me back. This time my grandfather's waiting there. We
12 say hey to each other.

13 Q. I'm sorry, your grandfather was there when they took you
14 to the interrogation room?

15 A. Yes, sir. Yes, we said hey to each other, things like
16 that, start telling me how he was disappointed in me, he
17 never thought he would see me on the news, you know, basic
18 grandfather stuff. Tears started streaming down his face,
19 and he asked me if I'd really done it; and I told him, no,
20 but she refused to believe me. She said that I could, if I
21 just told her whatever she wanted me to say, then I could
22 get -- I could get the five years, you know. And he said,
23 "At this point just tell her whatever you need to tell her,
24 so that way you can get some type of leniency in a situation
25 like this because in a situation like this, it's easy to get

1 into trouble, but it's really hard to get out of." So I told
2 him I didn't really want to talk to her no more, but I'd do
3 it for him, because he was crying. I'd never seen him cry
4 before. I sat there -- after he walked out, I sat there for
5 a minute.

6 Then she came in with the other dude, the black
7 detective. I don't know what his name was. He came, he sat
8 down and just didn't say anything. She went and immediately
9 started just jump right off into asking me about who was the
10 guy driving. She proceeded with the same questions she had
11 asked me last time. I didn't say anything initially. I
12 still was wondering whether or not that would complicate the
13 story. If I would put that out, they would go and get him;
14 and he might not come out with the same thing, and I don't
15 want to be wrapped up in this drug deal that just happened.

16 Anyway, she says, "Look, it's your life on the line
17 here. You don't have to say anything if you don't want to,
18 but I'm telling you you're going to make things way worse for
19 you if you don't fully cooperate," and so I -- I didn't -- I
20 didn't want to say anything still, but she -- she said, "Is
21 it the one on your phone, Big Meech?". And I said, "He has a
22 family. He has to be there for them, all right." He -- he
23 was taking care of a little -- of a little boy. Detective
24 Williams told me he doesn't even have a family, but I know
25 I've seen his little boy with him, riding with him, things

1 like that. It might not be his, you know, come to think
2 about it. It might not be his, but he's still taking care of
3 the child, regardless of the fact. I didn't want to separate
4 that. He loves the little boy; little boy loves him. But
5 after she said that, He doesn't have a family and he surely
6 doesn't care about separating you from yours," that -- it
7 struck a nerve with me because I thought back to it, the
8 betrayal of how he just dragged me into the situation and
9 left me, how he just left me behind. He hears gunshots and
10 everything, he just leaves me. That's just...

11 Q. So you gave them his name.

12 A. Yes. Yes, sir. She went and gave me piece of paper,
13 told me to write down his involvement in the situation. I
14 did. I just connected it to whatever I said last time, threw
15 his name in there and everything like that.

16 Q. And is that the last time that you talked to the police
17 about what had occurred?

18 A. Yes. Yes, sir. But as I was writing it, she said that
19 you should probably explain why you did the robbery, and I
20 did that. Then she said, If you want to, you could apologize
21 to the victim, you know, it probably would look better on
22 your behalf," what did she say, "it would make you look more
23 compassionate." So that's what I did, I did that too. I
24 mean, that was it. She told me to sign some signatures,
25 asked me questions, sign some signatures, put the other piece

1 of paper in front of me, told me to initial, initial,
2 initial, initial, initial, initial, initial, signature,
3 signature (indicating). That was it. Have a nice day. She
4 walked out. That was that.

5 Q. And subsequent to that you've been waiting for your
6 trial ever since.

7 A. Yes, sir.

8 MR. LOY: Thank you. Please answer any questions the
9 solicitor may have for you.

10 THE COURT: Cross-examination.

11 MR. SORENSON: Please the Court, Your Honor.

12 THE COURT: Yes, sir.

13 CROSS-EXAMINATION BY MR. SORENSON:

14 Q. Mr. Singleton, the story that you told the jury this
15 morning, isn't it a fact that you kind of created this story
16 and wrote it down on a four-page document back in October of
17 2014, a year and a half after this incident?

18 A. No, I didn't create the story.

19 Q. You did in fact, though, document that in a four-page
20 document that you then filed with the Clerk of Court's Office
21 back in October of 2014, 16, 17 months after the fact; is
22 that correct?

23 A. Yes, sir.

24 Q. And the fact of the matter is what you have told the
25 jury today is almost word for word what is on that four-page

1 document; is that correct?

2 A. Yes, sir.

3 Q. How many times have you sat and studied that since
4 October of last year to know what to tell the jury here?

5 A. I haven't -- I mean, I haven't studied it. Only reason
6 I -- well, never mind, go ahead.

7 Q. Literally, your testimony, I sat and followed it almost
8 word for word.

9 A. Right.

10 Q. Would you agree with that?

11 A. I mean, it might come out word for word.

12 Q. And you would agree with me that the first time you
13 documented that or told anybody that was when you wrote it
14 and filed it in the clerk's office in October of 2014; is
15 that correct?

16 A. Yes, sir.

17 Q. Because you didn't tell law enforcement that back in May
18 of 2013; is that correct?

19 A. I attempted to.

20 Q. But you didn't.

21 A. Yes, sir.

22 Q. That was my question, you didn't; is that correct? I'm
23 going to get to what you did tell them in a minute. All
24 right. Now, you were living back in, back in May of 2013 in
25 Lincolnville; is that correct?

1 A. Yes, sir.

2 Q. Okay. And for those of us that may not be familiar with
3 Lincolnville, that's -- is it maybe a ten or fifteen-minute
4 drive from where this happened over off of Central Avenue; is
5 that about right, do you think?

6 A. No, hm-mm.

7 Q. Closer or a little further?

8 A. Further.

9 Q. How far would it take you to get from your home in
10 Lincolnville -- how long did it take you that night?

11 A. An hour and some change, maybe not even -- yes, like an
12 hour and some change because we stopped for gas and we
13 stopped at Dollar General. We didn't go straight there.

14 Q. Let me ask you this, what time were you picked up that
15 night?

16 A. Roughly, it was after 12:00, that's all I know, because
17 I had gotten up from the movie, from the Texas Chain Saw
18 movie. It was on the -- on the DVR thing, the time was like
19 11:45 or something like that.

20 Q. Let me ask you this, and the jury will have your phone
21 records back in the jury room, but you had had some
22 conversation with Big Meech earlier that evening, right; is
23 that correct?

24 A. Yes, sir.

25 Q. So if your phone records reflect multiple calls between

1 the two of you all between 10:20 and 10:40 in the evening or
2 10:47 in the evening, that would be when you initially talked
3 to him about what you are now telling the jury is about
4 trying to get you some drugs?

5 A. Yes, sir.

6 Q. And of course that would be what you told Lieutenant
7 Williams about is when you all talked about planning this
8 robbery; is that correct?

9 A. Repeat the question.

10 Q. Of course you told Lieutenant Williams back -- or
11 Sergeant at the time -- back in May that it would have been
12 during those conversations that you all talked about planning
13 this robbery, is that correct, over the phone?

14 A. Oh, yes, yes, that's -- yes.

15 Q. And then your phone shows an outgoing call to Big Meech
16 at 12:45 in the morning, a little under two minutes long.
17 Would you agree with me that that would be consistent then
18 with the couple hours later you calling him basically about
19 around the time where he came and picked you up then?

20 A. Did you say 10:45 in the morning?

21 Q. 12:45 in the morning.

22 A. 12:45 in the morning, oh, yes, sir.

23 Q. A.m.

24 A. Yes, sir.

25 Q. So you would agree with me that would be consistent with

1 around about the time that you were picked up?

2 A. Yes, sir.

3 Q. Okay. And then it would have taken you from 12:45, it's
4 your testimony, until the time that you went in the house,
5 for whatever reason, about an hour that took place in
6 between; is that correct?

7 A. Yes, sir, the ride.

8 Q. And that would be consistent with the testimony you've
9 heard about this incident happening somewhere around 1:45 in
10 the morning; is that right?

11 A. Yes, sir.

12 Q. Okay. So it's your testimony then, from the time that
13 you were picked up somewhere shortly after 12:45 up until you
14 go in the house either to buy drugs or to rob these people,
15 that you were in Big Meech's company that whole time; is that
16 correct?

17 A. Yes, sir.

18 Q. In the car with him.

19 A. Mm-hmm.

20 Q. Stopped and got gas, I think you said. Where did you
21 all get gas?

22 A. It was the Kangaroo, I think. I'm not -- I'm not
23 entirely sure. I wasn't paying too much attention. I wasn't
24 driving.

25 Q. Then your testimony is you stopped at the Dollar

1 General?

2 A. Yes.

3 Q. And that was for what purpose?

4 A. I think he said he wanted to get cigars or whatever, or
5 whatever he said he was gonna need. I'm not sure.

6 Q. So the Dollar General is open at 1:30 in the morning?

7 A. No, no, I'm not sure when it's opened, but he stopped
8 there.

9 Q. What time did you all stop there?

10 A. I'm not sure. I wasn't paying attention. I didn't look
11 at my phone or anything again after I got in the car.

12 Q. We just established that you got picked up somewhere in
13 the vicinity of 12:45 in the morning; is that correct?

14 A. Yes, sir.

15 Q. And the incident happened at about 1:45. You got
16 arrested somewhere a little after 2:00 in the morning, so the
17 question is when did you stop at the Dollar General for Big
18 Meech to go get cigars?

19 A. On the way over.

20 Q. Okay. So it's your testimony then that the Dollar
21 General was open after midnight on May the 23rd of 2013.

22 A. Yes, I guess, I mean...

23 Q. Okay. I'm just following you.

24 A. He was driving. I'm not -- I don't pay attention to
25 where I'm at when I'm not driving.

1 Q. You said he went into the Dollar General, right?

2 A. Yes, we stopped there. He parked and he got out the
3 car, and then he said he was going to be right back. That's
4 where he went.

5 Q. He went in the store?

6 A. I believe so, yes.

7 Q. Beg the Court's indulgence.

8 And where -- tell me, where is that Dollar General
9 located at?

10 A. I believe on Central Avenue.

11 Q. In fact it's -- if you turn -- if you go past the
12 entrance to turn into the victim's neighborhood, it's just
13 right past it on the left-hand side; is that correct?

14 A. Yes.

15 Q. And let me ask you, you never lived over in that area;
16 is that correct?

17 A. No, sir, know nothing about the area.

18 Q. So you were not familiar -- prior to that night were not
19 familiar with any of the businesses over there or anything of
20 that nature; is that correct?

21 A. No, sir.

22 Q. And the fact of the matter is that when you talked to
23 Lieutenant Williams after this happened, you told her at, you
24 know, 3:30 that morning that you were dropped off and then
25 you also were going to be picked up from the Dollar General;

1 is that correct, that's what you told her in that statement?

2 A. Yes, sir.

3 Q. It's your testimony now that that's not the truth.

4 A. Yes, sir.

5 Q. That you just made that up.

6 A. Mm-hmm.

7 Q. Did she tell you to say that?

8 A. No, she didn't tell me to say that. I did that myself.

9 Q. All right. And so then to kind of go back to your
10 phone, so we've established that from the time, you know,
11 around -- for that hour prior to this happening, from
12 somewhere around 12:45 to somewhere around 1:45 in the
13 morning the two of you all were together; is that correct?

14 A. Yes.

15 Q. And then he pulls in and parks basically across the
16 street from the victim's house?

17 A. Yes, on the -- not across the street from the victim's
18 house but the neighbor's house over, sort of across the
19 street.

20 Q. If you're facing Ms. Yates' house, which neighbor are
21 you talking about, house on the right or the house on the
22 left if you're facing her house?

23 A. Yes, left-hand, left-hand.

24 Q. And that's a dead end, right? That road dead ends right
25 there.

1 A. No. To the right there's a dead end. To the left --
2 oh, you said if I'm facing, I'm sorry, I'm sorry, if you're
3 facing, yes, it would be to the right.

4 Q. To the right. So he had turned around and was parked
5 basically right there, so where he's -- if he looks over to
6 his left, he can see the victim's house basically, right,
7 he's got to just look over (indicating)?

8 A. Right, yes, sir.

9 Q. And that's where he was, it's your testimony now, when
10 you went into the house; is that correct?

11 A. Yes.

12 Q. And how long -- tell the jury, how long were you inside?

13 A. Probably ten minutes at the most.

14 Q. Ten minutes at the most. All right. And then
15 ultimately, when you come out after whatever happens and take
16 off running, you at some point in time then start making
17 phone calls -- making and receiving phone calls from Big
18 Meech; is that correct?

19 A. Yes, sir.

20 Q. And you also attempt to call a couple other people,
21 somebody named Kook?

22 A. No that was accidental. I was just flipping through the
23 phone. I didn't really have much, you know...

24 Q. But you did make a call, place a call, at 1:48 in the
25 morning to Kook; is that correct?

1 A. Yes, yes, by accident, but yes.

2 Q. And then at 1:49 you placed a call to somebody named
3 Terrence?

4 A. Yes, sir, by accident.

5 Q. Is that correct?

6 A. By accident.

7 Q. Those are by accident?

8 A. Yes, sir.

9 Q. It's not because you're frantic, looking for somebody to
10 come pick you up because you know the cops are chasing you,
11 right?

12 A. Yes, no, sir, no, sir.

13 Q. That's not the reason?

14 A. Those are all accidental.

15 Q. So then it's accidental again at 2:06 when you
16 accidentally place a call to Kook?

17 A. Yes. I mean, I did call back again after -- after that
18 initial time that was accidental, but then I did call back,
19 and I think I got an answer from him, but that's when the
20 officer came by, I think, I believe. I'm not sure.

21 Q. And the fact of the matter is from that 1:47 in the
22 morning until 2:06 in the morning, so we're talking a, you
23 know, 19-minute period there, there are 13 calls either
24 incoming or outgoing from your phone. That is all while you
25 are running and hiding; is that correct?

1 A. Yes, sir, for the most part.

2 Q. And then looking at it, starting at 2:10, there's a
3 whole bunch of missed calls coming into your phone, and I
4 expect by that point in time you were probably in custody; is
5 that correct?

6 A. Probably.

7 Q. All right. And it's your testimony now that you go in
8 that night, in this story that you documented back in October
9 of 2014, that you go in and that you've got \$3500 with you;
10 is that correct?

11 A. Yes, sir.

12 Q. To buy drugs; is that correct?

13 A. Yes, sir.

14 Q. And you have this gun (indicating) that you had bought
15 sometime, I don't know, a month or so prior for \$150; is that
16 correct?

17 A. Yes, sir.

18 Q. It's your testimony that you bought four bullets for it;
19 is that correct?

20 A. No, I didn't buy the bullets. He gave me the bullets.

21 Q. They gave you the bullets?

22 A. Yes.

23 Q. All right. And that \$3500, if I'm understanding this
24 right, you're saying 700 of it was yours, and then there were
25 four other people that had each put in \$700 also?

1 A. No, no, sir.

2 Q. Okay. That's where I was lost a little bit because I
3 thought you gave a name of five people and you gave a bunch
4 of nicknames about people that were supposedly going in to
5 buy all these drugs for some party up in Myrtle Beach; is
6 that correct?

7 A. Yes, sir.

8 Q. So the \$3500 was all your money?

9 A. No, sir. It was in my possession, but it was not all my
10 money.

11 Q. How much of it was your money?

12 A. 1,000 of it.

13 Q. 1,000 of it, okay. I thought you had said 700 earlier
14 but 1,000 of it. Okay. And who did the other \$2500 belong
15 to?

16 A. The other five.

17 Q. And who were they?

18 A. D.J., Little Joe, Troy, Tony and Baby.

19 Q. Okay. And where are they now?

20 A. I couldn't tell you.

21 Q. Do you have the ability to get ahold of them and tell
22 them to come talk to law enforcement about, you know, the
23 fact that they gave you some money, and obviously they don't
24 have it, right; they didn't get it back, did they?

25 A. No, no, sir.

1 Q. All right. Then let me just make sure I understand
2 this. I had a chance to kind of follow along when you were
3 testifying, but so you go in, and you're having some
4 conversation with Mr. Gage, and you knew -- had been told
5 apparently his nickname was Bubba; is that correct?

6 A. Yes, sir.

7 Q. At some point in time show him that you have the money.

8 A. Mm-hmm.

9 Q. He then takes a phone call on his phone?

10 A. No, he didn't take a phone call. His phone started
11 ringing.

12 Q. So he took a phone call, that's what I meant; he
13 received a phone call.

14 A. Yes.

15 Q. Bad choice of words on my part.

16 And so he is talking on his phone, whispering or
17 something, and then he puts his phone to the chest?

18 A. No, he just said, "yes," and then the phone, like you
19 hear a voice on the phone talking.

20 Q. Okay. And at that point in time where are you when that
21 is going on?

22 A. Standing directly in front of him.

23 Q. Where, though, where in the house?

24 A. Just inside the doorway of the house.

25 Q. So right inside the front door?

1 A. Yes, sir.

2 Q. Showing you State's Exhibit No. 24 --

3 May I approach, Your Honor?

4 THE COURT: You may.

5 Q. So you are right inside -- right inside that front door?

6 A. Yes.

7 Q. So standing basically right where my finger is right
8 there; is that correct?

9 A. Yes, about right there.

10 Q. And who else is standing in the doorway with you right
11 there?

12 A. No one else is standing in the doorway. He is standing
13 in front of me.

14 Q. And the door, I guess, from what you've told the jury is
15 open; is that correct?

16 A. Yes, sir.

17 Q. And tell the jury again what happens then. So he is --
18 his phone rings, he goes, "yes," you hear something; what
19 happens after that?

20 A. He goes ahead and tell me that he's gonna go and get the
21 stuff for me so I can go ahead and chill. He goes -- he
22 said, "Yeah, everything good, front door's open," as he's
23 walking towards back of the house. Then that's when the
24 black dude with the white shirt, black hat, came behind me
25 with his pistol, said "Hey, Bro." That's when I looked back

1 and we fought over the door.

2 Q. Okay. So when Mr. Gage at that point in time, you said
3 he walked off to the back of the house, so that's back
4 towards the back door area?

5 A. Yes, yes, sir.

6 Q. So that would be towards -- because it's my
7 understanding, if I'm kind of -- kind of following how this
8 house is laid out, when you come in the front door, if you go
9 straight, you come into the kitchen; is that correct?

10 A. Yes, sir.

11 Q. There's maybe a short hallway, but then there's a
12 kitchen.

13 A. Mm-hmm.

14 Q. If you go to the left, turn left, and then there's a
15 hallway that's got two bedrooms and a bathroom?

16 A. Yes, yes, sir, yes, sir.

17 Q. To the left, right?

18 A. Yes, to my left, coming in.

19 Q. If you go -- come in the front door and go to the right,
20 there's a living area?

21 A. Yes.

22 Q. That's basically a living room/dining room kind of
23 combination; is that correct?

24 A. Yes, sir.

25 Q. And that would be, showing you State's Exhibit No. 32,

1 that would be that room right there; is that correct?

2 A. Yes, sir.

3 Q. Okay. So that would be, it's your testimony, that's the
4 direction that Mr. Gage went at that point in time?

5 A. Yes, sir.

6 Q. Now, did he go through the kitchen to get there, or did
7 he go around the hallway to the right into the living area?

8 A. Yes, he walked down the hallway.

9 Q. To the right, so he goes to the right from the front
10 door, if you were coming in the front door into the room?

11 A. Yes, he walks to my right.

12 Q. Did you see where he went at that point in time?

13 A. No, sir.

14 Q. So now you're dealing with this black male at the door,
15 trying to get the door shut. You've pulled out your gun at
16 that point in time; is that correct?

17 A. Yes, sir.

18 Q. Tell the jury, what were you wearing that night?

19 A. Black T-shirt, blue jeans, black shoes.

20 Q. Were you wearing a belt?

21 A. Yes, yes, sir.

22 Q. And so this gun, you were walking around with this just
23 tucked in your waistband, I guess?

24 A. Yes, sir.

25 Q. Just kind of like that, I guess; is that right

1 (indicating)?

2 A. No, no, it was -- the handle was the other way.

3 Q. That way (indicating)?

4 A. Yes.

5 Q. Right side, left side?

6 A. Right side.

7 Q. So you've got the gun tucked in, walking around like
8 that (indicating)?

9 A. No, it was under my T-shirt; but, yes, basically that.

10 Q. So it had the T-shirt covering it.

11 A. Yes.

12 Q. All right. Now, so you get the door closed; and it's my
13 understanding at that point in time Ms. Yates had gone into
14 her bedroom?

15 A. Yes, sir.

16 Q. And you went into the bedroom and got her out of the
17 bedroom; is that correct?

18 A. No, sir, I didn't get her out of the bedroom. I asked
19 her where the back door was, and she walked out of the
20 bedroom.

21 Q. It's your testimony that she then walked you out of that
22 bedroom, out into the living area; is that correct?

23 A. Out at the end of the hallway, yes, right at the living
24 room area.

25 Q. And it's your testimony that the back door was opened at

1 that point in time?

2 A. Straight open.

3 Q. Were the blinds closed or they open?

4 A. No all that was open.

5 Q. So all those blinds were open (indicating).

6 A. No, the one on the right was closed, but the one on the
7 left was wide open.

8 Q. Okay. And ultimately -- and I want to jump forward a
9 little bit, but ultimately then you get over -- do you
10 actually make it over to that door?

11 A. Yes, after the whole thing with the dog.

12 Q. So after the dog gets back outside, that is when your
13 testimony is that you make it over basically to -- over to
14 that doorway area, is that correct, where my finger is right
15 there (indicating)?

16 A. Yes, sir.

17 Q. And that is your testimony now where you are hearing the
18 banging at the front door that you testified about and put in
19 your thing back in October --

20 A. Mm-hmm.

21 Q. -- that I assume you're saying now that's the door
22 getting kicked in?

23 A. Yes, sir.

24 Q. And as a result of that you hear James Gage tell you to
25 get out of my house.

- 1 A. Yes, sir.
- 2 Q. Something to that effect; is that correct?
- 3 A. Yes, sir.
- 4 Q. And he has come up kind of -- kind of behind over where
- 5 the television is here in that area (indicating)?
- 6 A. Yes, sir, standing there right -- all I could see was
- 7 from here on up (indicating).
- 8 Q. So he's facing kind of the back doors, correct, where
- 9 you are?
- 10 A. Yes, sir.
- 11 Q. And you, when you turn, then are facing back towards the
- 12 TV, the wall, kitchen area, that area, right?
- 13 A. Yes, sir.
- 14 Q. In here (indicating)?
- 15 A. Yes, sir.
- 16 Q. And tell the jury now how many -- because this is where
- 17 I'm a little -- got a little lost. How many shots does he
- 18 fire at you in the house?
- 19 A. Two.
- 20 Q. Two?
- 21 A. He jumped out and fired two.
- 22 Q. He jumped out from kind of behind that television area?
- 23 A. No from behind the corner behind the television, shot
- 24 two (indicating).
- 25 Q. Behind where?

1 A. From around the corner, he's still behind the
2 television, then he shot two.

3 Q. He comes out from behind the television or behind the
4 wall?

5 A. No the corner, yes, the wall.

6 Q. Bear with me one second. Now, that would be the wall
7 kind of going back near the front door or the wall going into
8 the kitchen?

9 A. The wall going back to the front door, the room with the
10 hallway, not through the kitchen.

11 Q. Showing you State's Exhibit No. 14, so that would be --
12 that shows the television, correct?

13 A. Yes, he was standing right --

14 Q. Point kind of --

15 A. Right, right there (indicating).

16 Q. So right kind of back in that vicinity where my finger
17 is right there; is that correct (indicating)?

18 A. Yes, sir.

19 Q. So he is sort of behind the television but over near
20 kind of the hallway, basically near the front door, according
21 to your testimony; is that correct?

22 A. Yes, sir.

23 Q. It's your testimony that he fires two shots in your
24 direction?

25 A. Yes, sir.

1 Q. And you are over near the door at this point in time; is
2 that correct?

3 A. Yes, sir.

4 Q. And you don't get shot, right?

5 A. No, no, sir.

6 Q. Do you think -- do you know whether Ms. Yates got hit at
7 that point in time?

8 A. No, I did not know at that time.

9 Q. All right. And as a result of those two shots being
10 fired at you, you end up firing a shot, I think it's your
11 testimony now, how many shots back?

12 A. At first I fired my first initial shot, then she went --
13 as I went to go fire my first shot, she grabbed my arm, shot;
14 and as I was pulling my gun out of her hand, that's when I
15 heard another boom, and then my ear started ringing.

16 Q. Okay. And is that you shooting or somebody else
17 shooting?

18 A. I'm not entirely sure because I don't remember shooting
19 the second round, but they said that the second round came
20 out, so I'm not entirely sure if that was my gun or his.

21 Q. The fact of the matter is that these two -- and you've
22 seen these pictures with the two rods going into the wall --

23 A. Yes.

24 Q. -- in State's Exhibit No. 38. That would be consistent
25 with the direction that you were aiming when you fired; is

1 that correct?

2 A. I didn't -- the second one, if it was my gun on that
3 second one, I didn't -- I know I was trying not to hit
4 anybody, so I was pulling like this (indicating) so it could
5 have been easily, yes, my gun that shot.

6 Q. Both of those holes or just one of them then?

7 A. Both them.

8 Q. So that could have been your gun, and that's the
9 direction, though, that you would be facing; is that correct?

10 A. Yes, sir.

11 Q. Now, isn't it true in this little statement that you
12 gave that you wrote out in October that you actually said in
13 that that you end up firing -- "ended up shooting between our
14 legs," is that correct?

15 A. Yes, sir, after she grabbed my hand, that's where I
16 ended up shooting (indicating).

17 Q. So that round is not going to be a round going upward.
18 That's going to be a round going downward, is that correct,
19 if she's knocking you and you're shooting down between you're
20 legs?

21 A. No, no, no, no, we're on the ground at this point now,
22 laying flat on the ground, so it could have been upwards
23 (indicating).

24 Q. But that wouldn't necessarily be "between our legs,"
25 isn't that correct?

1 A. Yes, it was still between our legs, but we was on the
2 ground.

3 Q. All right. It's your testimony that that couldn't have
4 been the shot that hit her in the hip.

5 A. No, sir, no, definitely not.

6 Q. Definitely not. Even though the fact that you did
7 say -- and I don't recall hearing you testify to this on
8 direct, but you did say in this statement you provided that
9 "I ended up shooting between our legs," that's accurate,
10 right?

11 A. Yes, sir.

12 Q. All right. And any other shots fired inside -- we'll
13 talk about outside in a minute -- inside the residence?

14 A. Not that I can recall.

15 Q. So it's your testimony that you recall two shots being
16 shot at you?

17 A. Yes, sir.

18 Q. And then two shots after that, one that you know you
19 fired, the other one you don't know if you fired or not; you
20 just heard a loud boom.

21 A. Yes.

22 Q. No other shooting going on inside the house?

23 A. No, sir.

24 Q. And ultimately at that point in time the back door is
25 closed, right?

1 A. Yes.

2 Q. She has put the dog out and closed the back door; is
3 that correct?

4 A. No, no, she didn't -- well, she put the dog out, but I
5 closed the back door.

6 Q. Okay. You closed the back door. So when all this
7 shooting is taking place inside this residence, the back door
8 was closed; don't know about the front door but the back door
9 is closed --

10 A. Yes.

11 Q. -- is that correct?

12 A. As far as I could get it when she tried to take my gun
13 from me.

14 Q. Okay. And it's your testimony that you ultimately then
15 at that point in time don't see anybody else besides you and
16 Ms. Yates inside the residence; is that correct?

17 A. And that dude that was at the front door -- I mean, me,
18 Ms. Yates, him, and that dude that was at the front door,
19 those were the only people I could see.

20 Q. You could still see them once this -- I thought you
21 testified once the shooting took place you don't know where
22 anybody else went.

23 A. No, I don't know where that other dude was, but I did
24 see Mr. Gage and Ms. Yates.

25 Q. Ms. Yates at that point in time, when you fired your one

1 or two shots, she is on the ground also?

2 A. Yes, sir.

3 Q. Now, did you at any point in time see whether she had
4 been shot?

5 A. No, sir.

6 Q. You did, in fact, hit her in the head multiple times
7 with your gun, though; is that correct?

8 A. No, I only hit her one time with the gun; other time was
9 with my hand.

10 Q. Where did you hit her, let's start with the gun, where
11 did you hit Ms. Yates with the gun?

12 A. When she pushed me, I came across -- yes, I came across
13 her left side (indicating).

14 Q. That's with this gun (indicating) across the left side
15 of her face then; is that correct?

16 A. Yes, yes, sir.

17 Q. And then you said that the second time you used your
18 hand?

19 A. Yes, sir. As I was standing up, I hit her on this side
20 of the face because she wouldn't let go my gun again
21 (indicating).

22 Q. And then ultimately you go out the front door?

23 A. Yes, sir.

24 Q. And you testified at that point in time that you noticed
25 somebody in the bushes, and they are shooting at you as you

1 are running down the street that kind of runs perpendicular
2 to their street; is that correct?

3 A. Yes.

4 Q. And we kind of touched on this a little while ago, but
5 ultimately it's no more than 25 minutes, probably, before
6 you're caught by the police; does that sound about right,
7 somewhere in that range?

8 A. Maybe, I mean, I don't know. Checking time, I didn't
9 have -- I wasn't keeping time.

10 Q. It wasn't some super-long length of time; is that
11 correct?

12 A. No, no, sir.

13 Q. And it's your testimony that the reason why you were
14 then looking at trying to find the Dollar General was just
15 because you knew you had stopped there earlier that night, so
16 you knew where that was that there was a Dollar General out
17 on the street?

18 A. Yes, sir.

19 Q. But that wasn't because of any prearranged plan to meet
20 Big Meech there after this robbery, though?

21 A. No, sir.

22 Q. But you get arrested, and obviously when you -- this is
23 your phone; is that correct?

24 A. Yes, sir.

25 Q. And that was the gun that you had on you that's found in

1 the woods; is that correct?

2 A. Yes, sir.

3 Q. Now, did you mess with that gun because you put in some
4 of these statements that that gun had either not clicked or
5 had clicked and not fired or had jammed at some point in
6 time, so do you attempt to figure out what was wrong with
7 that when you were hiding from everybody?

8 A. No, I was not even thinking about the gun at that point.

9 Q. And when you were running through the woods, where is
10 the gun?

11 A. It was in my hand whole time. I don't know why I kept
12 it with me.

13 Q. All right. So you get to -- get over to the Summerville
14 Police Department, and you would agree with me that about
15 3:18 that morning, so less than, you know, an hour and a half
16 after this, Lieutenant Williams is coming and getting you out
17 of a cell to get you to come --

18 A. Yes, sir.

19 Q. -- to speak to her; is that correct?

20 A. Yes, sir.

21 Q. And she asked you, you know, a bunch of personal
22 information about yourself; how old you were, you know,
23 educational level, where you lived --

24 A. Yes, sir.

25 Q. -- date of birth, Social Security number, all that kind

1 of stuff initially; is that correct?

2 A. No, at first she asked me about like my background, like
3 where I was living, my family, things like that. Then she
4 asked all that other information.

5 Q. So initially it was just background and personal
6 information; is that correct?

7 A. Yes, sir.

8 Q. Basically trying to figure out if you -- I mean, did she
9 ask you if you were under the influence of anything?

10 A. No, sir, no.

11 Q. She never asked you that?

12 A. No, sir.

13 Q. And then she ultimately gets you to go over State's
14 Exhibit -- goes over State's Exhibit --

15 May I approach the witness, Your Honor?

16 THE COURT: You may.

17 Q. -- State's Exhibit No. 69 with you; is that correct?

18 A. No, sir.

19 Q. She doesn't go over this with you?

20 A. No.

21 Q. Never does?

22 A. At the end she placed it in front of me and told me to
23 put initials down. She never read it.

24 Q. That's what I was wondering if that's what you were
25 talking about, so it's your testimony that this State's

1 Exhibit No. 69, Lieutenant Williams never read this --

2 A. No, sir.

3 Q. -- with you?

4 A. No, sir.

5 Q. Never went over these five rights with you?

6 A. No, sir.

7 Q. That she just told you just to place your initials on
8 those lines at the very end --

9 A. Yes, sir.

10 Q. -- that's your testimony?

11 A. Yes, sir.

12 Q. And then it's your testimony that she -- then basically
13 you attempted to tell her what really happened, and she
14 didn't want to have anything to hear about that; is that
15 correct?

16 A. Yes, sir.

17 Q. And instead she -- she told you what she wanted to hear;
18 is that correct?

19 A. Basically.

20 Q. Tell the jury what exactly -- what did she tell you to
21 say?

22 A. She gave me the sequence of events. She said, "Let me
23 give you a hint: You kicked in the door, you waved your gun,
24 you asked the girl for whatever it was you was looking for,
25 you scooped her up, she wouldn't fully cooperate, you shoot

1 her and attempt to kill her in that altercation."

2 Q. So that's what she told you?

3 A. Yes, sir.

4 Q. Okay. And then she left you to think about that for a
5 few minutes, and you somehow, out of that, create this
6 (indicating); is that correct?

7 A. Yes, sir.

8 Q. State's Exhibit No. 70.

9 A. Yes, sir.

10 Q. As Mr. Loy asked you, no question about it, page 1 is
11 your handwriting.

12 A. Yes, that's all my handwriting.

13 Q. Page 2 through 6, the questions are her handwriting, the
14 answers are your handwriting?

15 A. Yes, sir.

16 Q. And there's another police officer in the room the
17 entire time; is that correct?

18 A. Yes, sir.

19 Q. Okay. In fact, he's the officer that actually took you
20 into custody and then drove you from Central Avenue where you
21 were caught --

22 A. Yes.

23 Q. -- back to the police station, right?

24 A. Yes, sir.

25 Q. And it's your testimony that all of this is just stuff

1 that you made up trying to appease Lieutenant Williams; is
2 that correct?

3 A. Yes, sir.

4 Q. And then you're taken to jail at that point in time,
5 right?

6 A. Yes, sir.

7 Q. And five or six days later you're still sitting in jail;
8 is that right?

9 A. Yes, sir.

10 Q. And she brings you back over and at that point in time
11 let's you talk to your grandfather --

12 A. Yes, sir.

13 Q. -- is that correct?

14 And then brings you in, and she tells you right from the
15 get-go that the reason is that she knows there's somebody
16 else involved. I mean, you'd talked about somebody else six
17 days earlier but wouldn't give their name; is that correct?

18 A. Yes, sir.

19 Q. And it's your testimony that you thought that that would
20 confuse things if you got him involved?

21 A. Yes, sir.

22 Q. Because he might not tell the same story as you or
23 something like that?

24 A. Yes, sir.

25 Q. And let me ask you this, have you got any idea where Big

1 Meech is now?

2 A. Someone else actually did get locked up, and he said
3 that he had gone to Florida. I'm not sure how true that is.

4 Q. You hadn't seen or talked to him since probably your
5 last phone call --

6 MR. LOY: Your Honor, can we approach just a moment?

7 THE COURT: Sure.

8 (The following was held at the bench out of the hearing
9 of the jury.)

10 MR. LOY: All of the, "you haven't talked to, you
11 haven't talked to, do you know where Meech is," all this
12 stuff is approaching a pretty direct comment on him having
13 just been locked up and incarcerated for the past two years.
14 He's at a certain disadvantage. He's on the witness stand
15 when they came in, and we're going to excuse the jurors
16 before he comes down from the witness stand to basically put
17 that around him. Obviously he doesn't have a computer. He's
18 not in touch with the guy at this point.

19 MR. SORENSON: They have the ability. People make more
20 phone calls from that jail than I do. They're on the phone
21 more than I am at the jail. Don't tell me they don't have
22 the ability to get ahold of their friends.

23 MR. LOY: It seems to me like it's approaching a comment
24 on the fact that he's incarcerated.

25 MR. SORENSON: I'm just commenting on the fact that I

1 think he's making up these five other nicknames and the fact
2 that I know Big Meech is on the run. I'm not going to ask
3 him any more questions about it.

4 (The following was held in open court.)

5 Q. Now, it's your understanding -- let me ask you this, I
6 mean, the reason she brought you back over on the 29th was to
7 ask you about who this other person was; is that correct?

8 A. Yes.

9 Q. All right. And I assume this is true about what you
10 just said, so State's Exhibit No. 71, is it your testimony
11 that she never went over this form with you?

12 A. No, sir.

13 Q. Just got you after the fact to initial?

14 A. Yes, initials and signatures.

15 Q. Told you just initial here, initial here, initial here,
16 initial here, sign here, sign here (indicating).

17 A. Yes, sir.

18 Q. All right. And you didn't ever read what you were
19 initialing?

20 A. I mean, I didn't feel a need. If it was important, I
21 felt she would have, you know, placed more emphasis on it.
22 She didn't place any type of emphasis on it.

23 Q. No emphasis on it. Let me ask you this: Back on the
24 23rd, when you ultimately left the Police Department and were
25 taken to jail that night or that morning, did she send you

1 along with a copy of this stuff?

2 A. Yes, sir.

3 Q. Okay.

4 A. She did give me a copy.

5 Q. So for those six days sitting over in the jail, if you
6 wanted to, you had access to the statement you had written --

7 A. Yes, sir.

8 Q. -- and also the page with the five lines that you had
9 initialed and signed; is that correct?

10 A. Yes.

11 Q. Did you look at that stuff at all in jail?

12 A. Actually, I was barely eating. I was doing a lot of
13 laying around. I wasn't feeling too good.

14 Q. So you didn't look at that stuff is your answer, I
15 imagine?

16 A. Yes, sir.

17 Q. Okay. So it's your testimony that she gets you back
18 over now let me ask you, yet again, she basically tells you
19 what she wants you to write?

20 A. She -- she, yes, yes, sir, yes, sir.

21 Q. So she tells you -- and that's what you -- that's what
22 you put, yet again, page 1 is all your handwriting, is that
23 correct, on State's Exhibit 72?

24 A. Yes.

25 Q. And same thing, questions and answers, questions are her

1 handwriting, answers are yours; is that correct?

2 A. Yes, sir.

3 Q. So she tells you what to write again; is that correct?

4 A. Yes, sir.

5 Q. And you yet again, just to appease her, you know, admit
6 again to going over to rob these people and apologize to them
7 and all that, and that's just because she told you to do
8 that.

9 A. Yes, she said it would look compassionate.

10 Q. And then, yet again, State's Exhibit No. 71, which is --
11 you know, you would agree with me is the exact same form, I
12 mean, as State's Exhibit 69, right?

13 A. Yes, sir.

14 Q. She gets you to just initial those things also?

15 A. Yes, sir.

16 Q. Tells you to sign here and then gives you a copy of all
17 this stuff and sends you on your merry way; is that correct?

18 A. Yes, sir.

19 Q. I think it's your testimony now that the reason why you,
20 six days later when you were questioned again by law -- when
21 they brought you back over, the reason why you told her what
22 she wanted to hear was because your grandfather told you to?

23 A. No. I mean, it wasn't really because my grandfather
24 told me to. I still wasn't going to do it until she hit that
25 nerve with the fact that he didn't care about separating me

1 from my family. He just left me there, you know. That's
2 really when I was like, you know, I just threw everything out
3 the window, just gave her the name.

4 Q. Well, you said on direct that the reason was because
5 your grandfather was crying and told you just to go in there
6 and just tell her whatever she wants to hear.

7 A. Yes, sir, that's what I told him. I told him I didn't
8 want to but I would do it for him.

9 Q. And, yet again, the story you told the jury this
10 morning, you did document that back in October of 2014; is
11 that correct?

12 A. Yes, sir, because I thought it was going to trial, so I
13 sent it in because I thought that was required.

14 Q. But you had never told anybody that prior to that; is
15 that correct --

16 A. No.

17 Q. -- that story that you testified to today?

18 A. No, sir.

19 Q. And did you review what you filed with the Court since
20 then? Have you gone back over that?

21 A. No, sir.

22 Q. You hadn't looked at it?

23 A. I mean, I did read back over it but, you know...

24 MR. SORENSON: Beg the Court's indulgence.

25 That would be all I'd have, Your Honor. Thank you.

1 THE COURT: Any redirect, Mr. Loy?

2 MR. LOY: There's not any redirect, Your Honor, and we
3 would rest.

4 THE COURT: Thank you. Ladies and gentlemen of the
5 jury, it's about 12:30, so it's a good time for us to take
6 our lunch recess. Although both parties have rested their
7 case, you've not heard the arguments of counsel and the
8 instruction on the law; so, again, I'm going to instruct you
9 not to discuss this case with anyone or allow anyone to
10 discuss the case with you. If you would be back in your jury
11 room at about 1:45, then we'll proceed with the closing
12 arguments and instructions on the law. Have a nice lunch.

13 (The jury retires to the jury room at 12:36 p.m.)

14 THE COURT: You may step down, Mr. Singleton.

15 THE DEFENDANT: Thank you.

16 THE COURT: Do you have reply testimony, Mr. Sorenson?

17 MR. SORENSON: That's what we're talking about, whether
18 he would be willing to stipulate to something or whether I
19 need to get -- I mean, that's something that just kind of
20 popped up in the middle of his testimony I wasn't expecting.

21 THE COURT: About the Dollar General timeframe?

22 MR. SORENSON: Closes at 10 p.m. If we can come to
23 agreement or allow me to put up Lieutenant Williams and say
24 that she verified that, I mean, otherwise, I may need --

25 (Attorneys confer off the record.)

1 THE COURT: So you'll put her up briefly in reply?

2 MR. SORENSON: I need to talk to her. I know she drives
3 by there on a frequent basis, so I need to see if she's been
4 out at that time, you know, works at that time of night and
5 would know --

6 MR. LOY: In 2013.

7 MR. SORENSON: -- right, that they are not open or were
8 not open at that time.

9 MR. LOY: Also, Your Honor, I think at this point that,
10 based on the testimony that's been presented, we'd be
11 entitled to a charge of self-defense as relates to the charge
12 of attempted murder as well as assault against Mr. Gage. I
13 don't know that I've got a self-defense against Ms. Yates
14 where he is alleged to have shot her, but there is at least
15 some testimony that Mr. Gage attempted to rob my client, that
16 Mr. Gage produced a firearm and shot in the direction of my
17 client, and as well as the implication that he was being set
18 up by the person who was at the front door, this other
19 unidentified black person, before he ever returned a shot.
20 So I do think he is entitled to a self-defense charge as
21 relates to Mr. Gage.

22 THE COURT: Mr. Sorenson, what's your position on that?

23 MR. SORENSON: I'm not really too sure I care one way or
24 the other, to be honest with you. I think if the jury finds
25 that believable, then, oh, well, I've got bigger problems.

1 But, I mean, to be honest with you, when Mr. Gage allegedly
2 pulls a gun and fires shots, I mean, he has got a gun out,
3 holding his wife. I mean, so I'm not too sure at that point
4 in time that, I mean, even based under his version, that Mr.
5 Gage wouldn't have been justified in shooting him at that
6 point in time; but, I mean...

7 THE COURT: I think that's something that you can argue
8 to the jury.

9 MR. SORENSON: As I said, in the grand scheme of things,
10 I mean, I don't...

11 THE COURT: Out of an abundance of caution, I think it
12 would be appropriate.

13 MR. LOY: Thank you, Your Honor.

14 THE COURT: We'll have the charges ready before we come
15 back if you all want to look at them just to make sure.

16 MR. LOY: Thank you, Your Honor.

17 (Lunch recess held.)

18 THE COURT: It's my understanding that the State is
19 going to put up some reply testimony; is that correct?

20 MR. SORENSON: Yes, ma'am. We're waiting on the
21 defendant.

22 THE COURT: I'm sorry.

23 (Defendant present.)

24 THE COURT: It's the Court's understanding that the
25 State does wish to present some reply testimony; is that

1 correct?

2 MR. SORENSON: Yes, Your Honor. We would just have some
3 very brief reply.

4 THE COURT: Are we ready for our jury?

5 MR. LOY: Yes, Your Honor.

6 THE COURT: Let's have our jury, please.

7 (The jury enters the courtroom at 2:16 p.m.)

8 THE COURT: Welcome back, ladies and gentlemen of the
9 jury. I hope that you had a nice lunch. Before we proceed
10 at this stage, gentleman right there in the golf shirt right
11 there, I'm going to appoint you as your foreman. What is
12 your name, sir.

13 JUROR: Jim Ante.

14 THE COURT: Mr. Ante, you'll be our foreman. I had
15 neglected to previously appoint a foreman, so you will be the
16 spokesperson for the jury. The rules of evidence -- I know
17 that both parties have rested, but the rules of evidence do
18 allow for reply testimony if the State so wishes to present
19 some; and it is my understanding the State does intend to
20 call a reply witness. You may call your first witness.

21 MR. SORENSON: Thank you, Your Honor. The State
22 calls -- recalls Lieutenant Sandy Williams.

23 THE COURT: Lieutenant Williams, you're still under
24 oath, ma'am.

25 THE WITNESS: Yes, Your Honor.

1 THE COURT: Thank you. You may proceed.

2 MR. SORENSON: Thank you, Judge.

3 CASSANDRA WILLIAMS,

4 being previously duly sworn, testified as follows:

5 DIRECT EXAMINATION BY MR. SORENSON - REBUTTAL:

6 Q. Lieutenant Williams, through the course of your duties
7 you indicated that the night this incident occurred you were
8 basically on call that night and actually had an opportunity,
9 coming into the police department to actually go by -- to
10 have to drive by Gadsden Acres on the way in to Summerville
11 Police Department; is that correct?

12 A. Yes, it is.

13 Q. And as part of kind of your duties back specifically
14 during May of 2013 did you have an occasion to drive that
15 area of Central Avenue kind of during this time period fairly
16 frequently?

17 A. Yes.

18 Q. And tell the jury, back in May of 2013 was there a
19 Dollar General that was in the vicinity of Gadsden Acres
20 subdivision?

21 A. Yes.

22 Q. And where is that located at in relation to that
23 subdivision?

24 A. The Dollar General is actually located across the street
25 from the entrance of Gadsden Acres.

1 Q. Showing you State's Exhibit No. 63, can you point out on
2 there where that Dollar General was located at if it's
3 depicted on that?

4 A. This is the Dollar General right here (indicating).

5 Q. Where that line ended, the line went all the way across
6 Central?

7 A. I'm sorry, right here (indicating).

8 MR. SORENSON: Can you clear that real quick, Tanda.
9 Thank you.

10 Q. Okay. And that's almost across the street from the
11 entrance to Gadsden Acres; is that correct?

12 A. Yes, it is.

13 Q. And back in May of 2013 are you aware of whether that
14 Dollar General was open after 10:00 in the evening?

15 A. Yes.

16 Q. Was it open after 10:00 in the evening?

17 A. No, it was not.

18 MR. SORENSON: That would be all I'd have, Your Honor.

19 THE COURT: Cross-examination?

20 MR. LOY: None. Thank you.

21 THE COURT: All right. Lieutenant, you may step down.

22 THE WITNESS: Thank you.

23 MR. SORENSON: That would be all we'd have, Your Honor.

24 THE COURT: Ladies and gentlemen of the jury, I hate to
25 do this to you. I know it's kind of up and down a little

1 bit, but if you would please go to your jury room one more
2 time. Again, please don't discuss this case with anyone or
3 allow anyone to discuss the case with you. We'll be right
4 back with you.

5 (The jury retires to the jury room at 2:20 p.m.)

6 THE COURT: Mr. Loy, do you intend on calling your
7 client to respond to the reply testimony?

8 MR. LOY: I do, Your Honor.

9 THE COURT: All right. Mr. Singleton, if you would come
10 on up.

11 (Defendant takes the stand.)

12 THE COURT: And of course the testimony will be limited
13 just to that time in question since that was all that was
14 brought up on reply.

15 MR. LOY: Yes. Your Honor, as we discussed in chambers,
16 and there's no surprise at the solicitor's table or my own,
17 my question to him is whether or not it was in fact closed;
18 and, further, if it was closed why did you say it wasn't.

19 THE COURT: Okay.

20 MR. LOY: And that's the extent of my -- my direct, my
21 reply, my rebuttal this turn.

22 THE COURT: All right, sir. Thank you. All right.
23 Let's have our jury back, please.

24 (The jury enters the courtroom at 2:21 p.m.)

25 THE COURT: Mr. Loy.

1 MR. LOY: Thank you.

2 JAMES SINGLETON,

3 being previously duly sworn, testified as follows:

4 DIRECT EXAMINATION BY MR. LOY - REBUTTAL:

5 Q. Mr. Singleton did you in fact stop at the Dollar General
6 that night in question?

7 A. Yes.

8 Q. And was the store open or closed?

9 A. It was closed.

10 Q. Mr. Singleton, if the store was closed, why did you in
11 your earlier testimony say that the store was open?

12 A. Could I ask my grandfather to step out of the room?

13 THE COURT: No, sir. You're under oath. You're not
14 asking questions.

15 Q. Mr. Singleton, you can come down or you can answer the
16 question that's before you.

17 A. We stopped in the parking lot. I'm bisexual. We
18 stopped in the parking lot. I gave him oral sex, he gave me
19 oral sex.

20 MR. LOY: Thank you very much. Please answer any
21 questions that the solicitor may have.

22 CROSS-EXAMINATION BY MR. SORENSON - REBUTTAL:

23 Q. Just real briefly, first of, all Mr. Singleton, what
24 time did this occur?

25 A. I'm not sure about times, I mean...

1 Q. After the 12:45 we talked about him picking you up?

2 A. Yes, sir.

3 Q. Prior to the 1:45 that you say that he -- that you were
4 dropped off at the incident location; is that correct?

5 A. Yes, sir.

6 Q. All right. And the fact of the matter, I guess from
7 what you've just told this jury, is that you lied to them two
8 hours ago; is that correct?

9 A. I mean, yes.

10 MR. SORENSON: Thank you.

11 THE COURT: Does that conclude all the reply testimony?

12 MR. LOY: Your Honor, it does on our behalf, yes, ma'am.

13 THE COURT: Ladies and gentlemen of the jury, that
14 concludes all of the testimony in this case. It's going to
15 take us just a couple minutes to get ready for closing
16 arguments and getting the jury instructions together, but I
17 promise you this will be your last routine exercise getting
18 up and down, so I hate to do that to you, but we will be with
19 you in about two minutes.

20 (The jury retires to the jury room at 2:24 p.m.)

21 THE COURT: All right. Mr. Singleton, you may step
22 down.

23 Anything further before we proceed to closings?

24 MR. SORENSON: I believe the State's ready, Your Honor.

25 MR. LOY: No, Your Honor. Nothing further.

1 THE COURT: All right. Let's have our jury back.

2 MR. SORENSON: Your Honor, Ms. Mims is going to open on
3 the law.

4 THE COURT: Okay.

5 (The jury enters the courtroom at 2:25 p.m.)

6 THE COURT: Once again, welcome back. I told you it was
7 going to be a quick break. Everyone's actually very
8 efficient and ready to roll here this afternoon. Ladies and
9 gentlemen, please pay close attention as first the solicitor,
10 Ms. Mims, is going to open on the law in this case and the
11 defense will have an opportunity to give their closing
12 argument followed by the state.

13 Ms. Mims.

14 MS. MIMS: Thank you, Your Honor. May it please the
15 Court.

16 Good afternoon, ladies and gentlemen. We have arrived
17 almost at the end of our case. The evidence has been
18 presented, the testimony is all in, and very shortly the case
19 is going to come to you. I first want to just thank you for
20 your service. This has been a short trial, but we have given
21 you a lot of information. You've been a very patient and
22 attentive jury and we're very appreciative of that. It's a
23 very important case for the State of South Carolina. It's
24 also a very important case for Mr. James Singleton, so thank
25 you for your attention. If I could, I'd like just to take a

1 minute to go over the charges that are pending against Mr.
2 Singleton and some of the elements of those offenses very
3 briefly before we do hand this case over to you or before we
4 begin closing arguments.

5 We have a little PowerPoint here, and once again, Mr.
6 Singleton has been charged with burglary in the first degree.
7 He's been charged with kidnapping, two counts of attempted
8 murder, one count, again, one -- the first victim in the
9 attempted murder would be Melinda Yates. The second victim.
10 would be James Gage. He's also been charged with possession
11 of a weapon during the commission of a violent crime.

12 The first charge we'd go over is the burglary in the
13 first degree. Now, burglary in the first degree has some
14 different elements to it, so I want to take a minute and go
15 through those kind of slowly. A person is actually guilty of
16 burglary in the first degree if they enter a dwelling without
17 consent and they are there to commit a crime -- they enter
18 the dwelling without consent and with the intent to commit a
19 crime therein and while in the dwelling they are either armed
20 with a deadly weapon or they cause physical injury to a
21 person who is not involved in that crime or they use or
22 threaten to use a dangerous instrument or they display what
23 appears to be a knife or a firearm. So if you have someone
24 entering the dwelling at night with an intent -- entering the
25 dwelling with the intent to commit a crime therein and one of

1 these four -- not all of them but one, you find him guilty of
2 one of those, then you have met the elements required for
3 burglary in the first degree. The second way that you can
4 also find someone guilty for burglary in the first degree is
5 if they have entered the dwelling with the intent to commit a
6 crime therein and it is within the hours of darkness, if it
7 happens at nighttime.

8 Okay. The second charge I'd like to go over with you is
9 kidnapping. Whoever shall unlawfully seize, confine,
10 inveigle, decoy, kidnap, abduct or carry away any other
11 person by any means whatsoever and without the authority of
12 law. It has also been defined by our courts, the crime of
13 kidnapping is complete when the kidnapper unlawfully deprives
14 the kidnapped person of his freedom, unlawfully deprives them
15 of their freedom.

16 Attempted murder. Mr. Singleton is facing two counts of
17 attempted murder. Attempted murder is when a person who,
18 with the intent to kill, attempts to kill another person with
19 malice aforethought, either express or implied. Malice
20 aforethought is defined for you here as the premeditated and
21 deliberate commission of a criminal act with knowledge of its
22 harmfulness or recklessness indifference -- or indifference
23 to its harmfulness or recklessness without justification or
24 excuse.

25 Now, in this case the Judge is going to instruct you,

1 when she does her charges at the end of the trial, if you
2 find that the elements don't necessarily -- if the facts of
3 this case don't necessarily meet the elements of attempted
4 murder, in the case of Melinda Yates you may also consider
5 what we call a lesser included offense, and in her case that
6 would be assault and battery of a high and aggravated nature.
7 A person is guilty of this offense if they unlawfully injure
8 another person and great bodily injury to another person
9 results or if the act is accomplished by means likely to
10 produce death or great bodily injury. Great bodily injury
11 definition for you here means bodily injury which causes a
12 substantial risk of death or which causes serious, permanent
13 disfigurement or protracted loss or impairment of the
14 function of a bodily member or organ.

15 Okay. The next one, please. With Mr. James Gage, you
16 know, that Mr. Singleton has also been charged with attempted
17 murder in that case as well. If you again find that the
18 elements do not meet attempted murder, you have the option of
19 a lesser included offense of assault and battery in the first
20 degree. Here you could be guilty of this offense if you
21 offer or attempt to offer to injure another person with the
22 present ability to do so and the act is either accomplished
23 by means likely to produce death or great bodily injury or
24 occurred during the commission of a robbery, a burglary, a
25 kidnapping or a theft.

1 And, finally, possession of a firearm during the
2 commission of or attempt to commit a violent crime. When a
3 person is in possession of a firearm or visibly displays what
4 appears to be a firearm during the commission of a violent
5 crime and is convicted of committing or attempting to commit
6 a violent crime, they can be found guilty of possession of a
7 firearm during the commission of a violent crime. I showed
8 you here violent crimes do indeed include the other charges
9 Mr. Singleton has been charged with: Burglary in the first
10 degree, kidnapping and attempted murder. If you find that
11 Mr. Singleton is guilty of one of those offenses and that he
12 did indeed have a dangerous weapon, you can find him guilty
13 of possession of a firearm during the commission of a crime
14 of violence.

15 Now, you as the jury, and the Judge will tell you and
16 has told you already, you are the trier of the facts, you're
17 the judges of the facts in the case, and as such you get to
18 determine the truthfulness and accuracy of the testimony that
19 you've heard. You've heard from a lot of witnesses up here.
20 You get to decide whether that witness told the truth and
21 whether what they told you was accurate and honest. And some
22 of the things that you can consider, some of the factors you
23 get to consider, you can look at demeanor of the witness.
24 How were they acting on the witness stand? Did they seem
25 like they were telling you the truth? Were they forthright

1 or were they hesitant in their testimony? Were they
2 consistent? Opportunity to know the facts that they're
3 testifying to. Were they there? Do they have knowledge of
4 what they're talking about? Do they have bias? And then
5 corroboration, and corroboration can be in the form of maybe
6 what they're testifying to, does it match the evidence, does
7 it match the pictures, does it corroborate with other
8 testimony.

9 And, finally, beyond a reasonable doubt. You're going
10 to be instructed on reasonable doubt at the end of the trial,
11 but before closing, when I talked to you earlier in opening
12 arguments, I told you that it is the State's burden to prove
13 to you beyond a reasonable doubt that Mr. Singleton is guilty
14 of these offenses. If you are firmly convinced that he has
15 committed these offenses, then you must find him guilty. It
16 does not mean proof beyond all doubt. As I put here, people
17 may doubt the earth revolves around the sun, but is that
18 really reasonable? Not necessarily. Doesn't mean all doubt.
19 But if you are firmly convinced that he committed these
20 offenses, then you must find him guilty.

21 You are now going -- we're now going to start with
22 closing arguments, and you're first going to hear from Mr.
23 Loy, and then you'll hear from Mr. Sorenson. I ask that you
24 just continue to be a good, attentive jury. I ask that you
25 keep an open mind and listen to all the evidence and thank

1 you again for your service.

2 THE COURT: Mr. Loy.

3 MR. LOY: Thank you, Your Honor.

4 I just speak once. I kind of get sandwiched between
5 them. Good afternoon, ladies and gentlemen. I told you at
6 the outset of this trial that it's a fundamental principle
7 within our system, anybody accused of a crime is presumed
8 innocent. And if they then ask for a trial, that is, they
9 come forward and say, I want the State to prove what they've
10 accused me of, that places the burden of proof on this table
11 to prove every element of the offenses charged beyond any
12 reasonable doubt.

13 It's not a complicated scenario or it's not a
14 complicated definition. The Judge will tell you in a little
15 bit that a reasonable doubt is the kind of doubt that would
16 cause a person to hesitate to act. You've got a choice to
17 make one way or the other, you're not sure which road to go
18 down, you hesitate, you think, you study, and you have a
19 reasonable doubt about what the best course would be, and
20 that's a reasonable doubt under the law.

21 In this case, when they have the burden of proof and
22 they call that case to trial, what they do, the State, is
23 they get before you at the outset and essentially make a
24 promise: We are going to prove to you what happened. We're
25 going to prove to you the factual scenario that occurred, and

1 as they said in their opening statement, they're going to do
2 it by calling witnesses to the stand, by presenting evidence,
3 testimony, expert testimony, all of that stuff in an effort
4 to prove their case. It's absolutely fundamental to keep in
5 mind at all times, as Her Honor will instruct you shortly,
6 that the defense is never required to prove anything. We
7 don't call the case. The State calls the case -- Mr.
8 Solicitor, call your next case. Call the case of James
9 Singleton. That's the one we're ready for today. That's the
10 one we've got the witnesses lined up in the hallway for.
11 That's the one we've got the evidence ready to go, and we'll
12 prove that case today.

13 Consider what you've heard during the course of this
14 trial. You've heard that there were three potential
15 witnesses within this home, presumably with interests similar
16 to Ms. Yates, that is, her husband or the man she has a
17 marriage license with, that he was there. That she was
18 there. You've heard that their nephew, Ryan Yates, was
19 there. You've heard that Ms. Williams, Lieutenant Williams'
20 investigation revealed two other eyewitness who were outside
21 and appeared to have seen what had happened and reported
22 things that they saw occurring. And the State chose to call
23 one -- one of those lay people. By that I mean not a
24 professional person, not a police officer, just one person
25 who happened to be on the scene. And so they put all their

1 eggs, so to speak, in that basket, as far as their case goes,
2 for their lay witnesses, their eyewitness, their people who
3 are going to come convince you that they're so compelling,
4 you can take their word and the things that they say, you can
5 accept them as proof beyond a reasonable doubt. It's fair
6 for you to presume or to decide that more likely than not
7 they called their best witness and that they had reasons not
8 to call the others.

9 Now, the witness they did call, consider the things that
10 she told you in considering her credibility or her
11 believability or whether or not you'd bet your life or your
12 automobile on things that she told you. One, she came in
13 here, and when the solicitor got up and rather indignantly
14 asked her, "Is your husband a drug dealer?" "No, ma'am."
15 And then she told you, "Well, I did know about the
16 trafficking in cocaine conviction. Well, I did know about
17 that distribution charge." And whatever the rest of the
18 record was, you heard it, I mean, and then she wanted to play
19 semantic games, "I never said he wasn't ever a drug dealer.
20 I just said he's not one now."

21 What else did she tell you? "Oh, yes, we have bullets
22 in the house." And then the farcical comment, "We keep them
23 for sentimental reasons because somebody's granddaddy owned
24 them so we just keep the bullets. Yes, it's illegal for my
25 husband, Mr. Yates, to have a gun. We wouldn't have one

1 there at all." You heard from Ms. Williams the bullets are
2 just as illegal, but somebody forgot to take them with them
3 when they left that morning.

4 You also heard from Ms. Yates there was only one gun
5 that night and Mr. Singleton had it. You heard from the
6 police officer who came out and did a relatively skeletal
7 sort of investigation, looks to me like there was an exchange
8 of gunfire, and she got shot by somebody in the gunfight
9 shooting at Mr. Singleton. She also describes no one else as
10 having been on the scene, and yet you've heard an
11 uninterested, unbiased witness say, no, there was a tall
12 black guy in the yard shooting rounds at a guy running down
13 the street along with Mr. Gage.

14 The simple fact is her testimony, in and of itself, it's
15 within your province to decide is pretty much worthless.
16 It's inconsistent. It's obviously lies. The police
17 themselves have arrested her husband for telling a story that
18 apparently is pretty much the same story she's telling. They
19 can't really have it both ways. When Mr. Gage says these
20 things -- he didn't have a gun, nobody else was there -- he
21 gets arrested and charged. When Ms. Yates gets on it and
22 tells that same story, this is so impressive, so believable,
23 so credible, that we're not calling anyone else from the
24 scene that night. Her word will be enough for you.

25 As Ms. Mims told you, one thing she and I could agree on

1 is credibility or believability of the witnesses is for you
2 all, so consider them individually. Take Ms. Yates'
3 testimony for what you think it's worth. Do you think she
4 had something to hide? Do you think she's got something to
5 hide today? Is she covering for anybody or is she not?
6 Consider these things and reach the conclusions you
7 individually and collectively consider logical.

8 Now, I'm realistic most of the time, if nothing else,
9 and I will tell you that Mr. Singleton isn't much more
10 compelling than Ms. Yates. He's told two or three different
11 stories, and they overlap, and they pretty much are the same
12 some places, and some places they're pretty much not.
13 Certainly he's got interest in trying to -- he wasn't at the
14 parking lot. He was at the parking lot. He went there to
15 buy drugs, but he didn't want people to know it. He's got a
16 dog in the fight too. You all can listen to that and decide
17 whether or not, if he made a statement to Lieutenant
18 Williams, whether or not you find him to be so credible, so
19 compelling and so believable that despite the inconsistencies
20 and the different stories, in the absence of anything else,
21 he must be candid at that moment. It really doesn't hold up.
22 He's no more compelling than her.

23 Which brings you then to the other evidence that you've
24 heard, and that's law enforcement. Now, those are the folks
25 who had a chance to tie this case up in a package sometime

1 over the last two years and bring it in here and present it
2 to you. And what did you hear from them? Well, the State
3 acknowledges we have the burden of proof. Police are the
4 State. They're all one and the same. We're not going to
5 call this case until we're done, until we've gathered the
6 evidence, and we're prepared to prove our case and go
7 forward. In the past two years I've never had a chance to
8 talk to the two eyewitnesses that were out there.
9 Unfortunately, in the past two years one of them died. I
10 couldn't get ahold of him now. When that happened or how
11 much time had elapsed prior to this unfortunate occurrence, I
12 don't know. The other one's still out there. No, I've never
13 spoken to him, eyewitness though that he apparently was.
14 Yes, we have that gunshot residue test. We're perfectly
15 capable of performing that, and it might have been
16 interesting to know whether or not Mr. Gage was, in fact,
17 firing a gun out there if there was an exchange; but, no, we
18 didn't do that. After interviewing the witnesses, which they
19 didn't do, it's critical that we gather the evidence, the
20 physical evidence in this case so that we can put it before a
21 jury. They're entitled to have all the evidence we can
22 gather.

23 But there's two more bullets laying out there that
24 arguably could either be shown to have been fired from this
25 gun (indicating), or fired from a different gun, or which the

1 expert that the State did call -- well prepared fellow. I
2 mean, he certainly seemed to know his stuff. What he said
3 was, oh, yes, there's enough here on this bullet. If you
4 pull those bullets out of the wall, I might still be able to
5 make the comparison to say they came from the same gun or to
6 say they definitely did not come from the same gun. And for
7 the crime scene investigator as well as Detective Williams
8 then to come in here and tell you, "we didn't get those
9 bullets out of the wall, investigating the attempted murder,
10 the attempted murder, kidnapping, burglary, we didn't get
11 them because we were afraid of damaging the sheetrock," is an
12 insult to your intelligence as jurors. Clearly that's not
13 the reason they didn't go get them. They didn't go get them
14 because it was a slack investigation. They didn't do the
15 things they should have done, and Detective Williams pretty
16 much acknowledged that from the stand. They have the burden
17 of proof. They called the case. We're ready, we'll present
18 the evidence, except for what it just would have been too
19 much trouble to gather and put together at that point.

20 You heard at least some of these folks in this house
21 apparently do have something to hide because when law
22 enforcement contacts them and says, "We heard there was a
23 burglary and home invasion and a bad situation at your house,
24 we'd really like to talk to you about it," they were told,
25 "Stop harassing us," click (indicating). Now, they may come

1 in here today and talk about the victims did this and the
2 victim -- these people didn't feel like victims. These
3 people were afraid they were about to be victimized by law
4 enforcement. That's why they haven't cooperated. They
5 didn't cooperate that night. They didn't cooperate in the
6 weeks that followed. And two years later Detective Williams
7 says, "I'm still unable to get a statement from them."

8 The bottom line is something happened. There's drugs.
9 There's money. There's two, three guns. There's an unknown
10 guy in the yard who's only been described in Mr. Singleton's
11 testimony as a black gentleman who tried to kick in the door
12 while he was there. That corroborates or is in sync with the
13 information Ms. Williams gathered separate and apart.
14 Remember that part -- seen in the yard shooting at a
15 gentleman running down the road. Ms. Yates didn't say it.
16 Mr. Gage it didn't say it because he doesn't say anything.
17 This other Ryan Yates, he don't say anything. They say,
18 "Leave us alone." If this guy isn't the one Mr. Singleton
19 described, who is he? And if they're not out there
20 attempting to hide or cover up what in fact actually did
21 happen, why are they picking up the shells and leaving and
22 avoiding law enforcement contact completely? And if in fact
23 there's two bullets in the wall they say came from Mr.
24 Singleton, there's only one other gun, where did the bullet
25 in Ms. Yates leg come from? And for the solicitor then to

1 get up here and argue, "Well, isn't it a fact that he could
2 have opened one up and one fallen out and two popped back
3 in," etc., and the answer being, "Well, it's possible, but if
4 you empty this gun, what you do is open it up, push the
5 lever, the shells all fall out," nor is there any reason to
6 believe otherwise in this case that there were four rounds,
7 two got fired, and two were still in the gun.

8 The simple fact is, they made a promise to you at the
9 outset of this case: We'll prove to you beyond every
10 reasonable doubt what happened; you'll know what happened at
11 the close of this case. And instead what they did was take
12 it for granted, which is exactly what Detective Williams did.
13 She took a statement. She got it written out. And
14 understand this: Police officer testified, I was at the
15 hospital with Ms. Yates when she arrived or shortly after she
16 arrived. I gathered information from Ms. Yates. She was
17 pretty relaxed, she had been sedated, but she told me what
18 had happened, she described their side of the story, Mr. Gage
19 was with her, Mr. Yates I believe was there with her, and
20 then she said, I put that out on the radio. Whatever that
21 story they told initially before they all just clammed up
22 completely was already disseminated amongst law enforcement.
23 It was on the radio. They were talking. It was all out
24 there.

25 What they've actually done is prove to you that this was

1 a circus. I mean, this was a bad situation. Thank goodness
2 nobody was killed, but so far there ain't no way in the world
3 to know what actually happened. That's proof beyond a
4 reasonable doubt, and that's where this case leaves you.
5 Thank you.

6 THE COURT: Solicitor.

7 MR. SORENSON: Please the Court, Your Honor.

8 THE COURT: Yes, sir.

9 MR. SORENSON: Mr. Foreman, ladies and gentlemen of the
10 jury, every single one of us has the right to feel safe and
11 secure within the walls of our own home; to feel safe and
12 secure that, when we go to bed at night, we lock our doors,
13 we're going to be free from armed men coming in and
14 terrorizing us. I submit to you two years ago on May 23rd of
15 2013 that man right there, James Lamont Singleton, Jr., took
16 that away from Melinda Yates; stripped that away when he
17 kicked his way into her house, went into her bedroom, grabbed
18 her, put this gun to her head (indicating), forced her, using
19 her as a shield out into her family room of her home,
20 pistol-whipped her with this gun (indicating) and ultimately
21 left her crawling, shot in her left hip, into her backyard.
22 It's those actions, ladies and gentlemen, that I submit to
23 you prove beyond any doubt, not a reasonable doubt, beyond
24 any doubt that man's guilt (indicating).

25 Mr. Loy got up here during his opening and told you that

1 the State's evidence -- the evidence you were going to hear
2 in this case was going to fail completely -- going to fail
3 completely. Ladies and gentlemen, I agree with him, if you
4 believe, if you believe that story that you heard this
5 morning, find him not guilty. If you believe what he got up
6 here and told you happened back on May the 23rd of 2013 is
7 what happened, find him not guilty because he is.

8 To do that, ladies and gentlemen, though you've got to
9 do a few things, and I want to talk a little bit about that.
10 First of all, you've got to believe Melinda Yates got up here
11 and lied to you. Maybe she's got some bias to do that or
12 some reason that she's protecting, and we'll talk a little
13 bit about what corroborates and supports what she told you
14 though in a few minutes. But, more importantly, you've got
15 to believe that that detective, Lieutenant Sandy Williams,
16 over 15 years with the Summerville Police Department, lied to
17 you, back in May of 2013 she falsified reports, she violated
18 his rights, basically framed him for this, and came in here
19 the other day, put her hand on that Bible and lied to you.
20 There's no other way to get around it.

21 But not only did she do that, then Officer Barrineau,
22 officer that arrested him and transported him to the
23 Summerville Police Department, did the same thing. Because,
24 remember, he testified to his signatures, and then Lieutenant
25 Williams testified the same way. You know, that's his

1 signature on here (indicating), that she advised him of his
2 rights and that he understood them, that he was in the room
3 the entire time, in the room the entire time this statement
4 was given that he also witnessed.

5 To find him not guilty, though, you have to believe
6 those two officers for some reason decided that they had,
7 back on May the 23rd, 2013, that they were going to get James
8 Lamont Singleton; that they were going to jeopardize their
9 careers to get him. Does that make any sense at all?

10 It's not just there. You know, you don't have to just
11 believe that. You also have to disregard a bunch of other
12 evidence. You have to disregard the crime scene. I'm going
13 to talk about that in a few minutes. You have to disregard
14 his phone records, and I'm going to talk about that in a
15 little bit because I submit to you it's something that is
16 going to prove to you beyond any doubt his guilt.

17 And, lastly, you have to totally disregard these nine
18 pages of statements that he gave to law enforcement on May
19 the 23rd and May the 29th of 2013. If you do all that,
20 believe that story that he gave you this morning, then I
21 apologize for wasting your time this week. I apologize. But
22 if you would just humor me for a few minutes it, let me talk
23 to you a little bit about the evidence in this case that I
24 submit to you, as I told you a few moments ago, not only
25 proves his guilt, but I submit to you proves his guilt beyond

1 any and all doubt.

2 I want to talk to you just briefly about James Gage.

3 You know, from what I've heard, what I know, I submit to you
4 there isn't a question about it, back in 2004, 2005, 2006,
5 2007, James Gage was a drug dealer. You heard his prior
6 record when his wife was asked about it. No question about
7 it. In May of 2013 maybe he still was. I don't know. I
8 don't know. We'll tell you there is some reason why they
9 picked this house to go to that night, so I suspect there's
10 probably a pretty good chance he was still up to something he
11 wasn't supposed to be. James Singleton's telling them that
12 night the reason they went over there is because they knew
13 that he was selling marijuana out of there.

14 And ultimately that led -- some of those facts led to
15 James Gage being charged with obstruction of justice; charged
16 with obstruction of justice because of witnesses that put him
17 shooting out in the driveway -- not in the house, out in the
18 driveway and picking up shell casings, not telling the truth
19 about that. That led to him being charged with obstruction
20 of justice, and unfortunately it put me in a position at this
21 point in time where, yes, we could call him as a witness. I
22 could force him to testify. He could potentially assert his
23 Fifth Amendment right to remain silent because of those
24 charges. But kind of put us in a bind where, I mean, to be
25 honest with you, the evidence suggests that he was shooting

1 out in that driveway. There was a neighbor that you've heard
2 about that said they saw James Gage firing at an individual
3 running away from his home. Not really any reason for
4 anybody to make that up or lie about that. So he's either
5 going to not tell the truth about that -- and I'm not going
6 to call a witness that I think is going to perjure
7 themselves.

8 But Melinda Yates, I'm going to talk about her testimony
9 in a few minutes, though, because remember what she sees.
10 She doesn't see what happens in the driveway. She's in the
11 backyard. If somebody's shooting out in the driveway, it's
12 not something that she sees.

13 Ultimately, ladies and gentlemen, I submit to you, you
14 know, when you're looking at the issue that you have before
15 you, which is his guilt or not, I submit to you whether they
16 were selling drugs out of that house in 2013 is irrelevant;
17 submit to you, quite frankly, if it was happening, it's
18 probably the motive for this crime, but that doesn't play
19 into whether it happened or not. I submit to you whether
20 somebody shot at James Singleton when he was running down
21 Drake Court is irrelevant to his guilt as to what he did in
22 the moments leading up to that happening.

23 Ultimately, ladies and gentlemen, whether you believe
24 Melinda Yates, whether you believe what James Singleton told
25 law enforcement an hour and a half after this incident, or if

1 the truth lies in some kind of combination of the two of
2 them, all of that proves his guilt for burglary, kidnapping,
3 these assaults and possessing that weapon (indicating).

4 Let's look at the evidence, the evidence I submit proves
5 his guilt. First of all want to start with Melinda Yates and
6 some of the things -- talk about a few of the things that she
7 testified and told us that happened, things that I submit to
8 you, when you look at the photographs that were taken after
9 the fact, corroborate that. The first thing, and some of
10 these are just minor details, but they say sometimes that the
11 devil is in the details. I mean, there are things that, when
12 you can look back, though, and find those things that
13 corroborate what a person says, it shows they're telling the
14 truth; and there's cases, I would point out, where there's
15 stuff where you look back and things don't corroborate what a
16 person says, usually tells you they're not telling the truth.

17 What does she tell us? The first thing is kind of where
18 she and her husband were when this all happened. Do you
19 remember she said she was in the bedroom, folding clothes,
20 and her husband was in the bathroom on the toilet. When she
21 initially heard the banging at the door, she initially kind
22 of went out to see what -- thought maybe it was her nephew
23 that had dropped something and then realized it was somebody
24 trying to come in their front door. And that she goes back
25 into her bedroom.

1 And just little things, just the fact that, you know,
2 you look at here, there's folded clothes all over the bed,
3 exactly what she says that she was doing. But more
4 importantly -- you know, that's just, as I said, a minor
5 detail, but a little more significant detail is the fact
6 that, you know, she says her husband was in the bathroom when
7 the door gets kicked in, and during that banging he ends up
8 taking off and running down the hallway and through the
9 kitchen. And if you remember, Mr. Singleton -- and you're
10 going to have his statement back there -- says that he sees,
11 you know, when he kicks the door in, a blur goes through the
12 kitchen. And I submit to you that's James Gage running out
13 and out the back door.

14 But you know what kind of corroborates her saying that
15 he was sitting in the bathroom? You know, law enforcement,
16 they get there, and the scene is secured, and nobody's
17 allowed in there. Ultimately, remember Sergeant Olsen said,
18 you know, usually, when I process a scene, I kind of go,
19 start at the outside, go through, kind of work myself
20 through. In this case I did it a little different. I
21 initially had to go in because the homeowner wanted to get
22 his phone back, his phone that's sitting on the bathroom --
23 the bathroom counter, right where it would be if you were
24 sitting in there sitting on the toilet before you go to bed.

25 And that's just a little minor detail, but it's a detail

1 that I submit to you corroborates what she told you. But if
2 you think about what he told you this morning, it's a detail
3 that totally contradicts what he tried to tell you. Because,
4 remember, his version of the story is that when he comes in
5 there, he's in having this -- the exchange and talking with
6 James Gage about the money, showing him the money, yes, I got
7 it. Then he gets into telling him that Meech owes me \$2000.
8 Then he got a phone call, and he answered it, then put his
9 hand to his chest, and then he goes out the back at that
10 point in time. Didn't go to the bathroom. So James Gage
11 should have his phone with him. Shouldn't be sitting on the
12 bathroom counter. That's something there's no way for her to
13 know that, to know that that's where it is, but little
14 details.

15 And, you know, she testified about the door being kicked
16 in, and you know, we've got -- and you'll see there's
17 evidence, you know, corroborating that, that there's damage
18 to the door, one of those little strike plates sitting on the
19 floor from where it's been kicked in. Of course, he's got
20 another version for that now. That's one of the things that
21 doesn't make any sense. If I just went over there to buy
22 drugs, how does the door get kicked in. We'll talk about
23 that in a few minutes about how he's got to come up with, in
24 the months that he's sitting, waiting, has got to come up
25 with some explanation for that door being kicked in.

1 Then Ms. Yates said, you know, he forces her at gunpoint
2 to the back door, turns her around, gets her to try to
3 open -- to call out to her husband out in the backyard, and
4 he spins her around, and at that point in time, it's because
5 her husband has come up behind them, behind the big screen
6 television in the living room. And at that point in time she
7 sees -- tells you sees his arm start to go up with the gun,
8 start to come up with this gun (indicating), pointing at her
9 husband's head. What does she tell you she does? She knocks
10 it to the right. I submit to you at that point in time that
11 gun goes off two times as the two of them are going to the
12 ground. She said it's also at that point in time they
13 started falling down. That's going to lead to these two
14 gunshots into this wall to the right of the television. He
15 basically corroborated that in his story today that he fired
16 those two shots, okay. Yet again, the photos corroborate
17 that.

18 She tells us that he ultimately ended up hitting her in
19 the face with the gun; got a cut to her ear, damage to her
20 face (indicating). And then says, as they go to the ground,
21 she hears a loud pop, gun goes off near her ear, and realizes
22 afterwards, when she goes to go out in the backyard, that
23 feels warmth from the blood going down her leg, through her
24 clothing and realizes she's been shot in the leg. I submit
25 to you, and we'll talk about the gun in a minute, but I

1 submit to you that's not her husband shooting her.

2 Sergeant Olsen came in here and, I mean, you know, hate
3 to disagree with him but that's something that's
4 unfortunately I think an assumption that he jumped to that
5 ended up kind of sticking to some degree after the fact but I
6 submit to you there is nothing that corroborates anybody else
7 shooting her other than him. He says that even in his own
8 story that he now gives where he's talking about when they're
9 down on the ground, the gun going off between their legs,
10 he's trying to say no that's one of the shots going up in the
11 wall. How does that make any sense? They both talk about
12 hearing that loud pop by their ear. That's not somebody
13 shooting at them from across the room. I submit to you
14 that's that gun going off when the two of them are falling
15 and tussling on the ground, hitting her in the hip.

16 As I said, you know, and just talking about Sergeant
17 Olsen, because, you know, he ends up telling Lieutenant
18 Williams that there's evidence of a gun battle in the room,
19 and the only basis of that is the fact that there's two shots
20 going this way, and then she is shot also. And then the fact
21 that the gun was recovered, has the two spent casings. I'm
22 going to talk about that, as I said, in a second. But
23 there's really nothing else that supports a gun battle going
24 on in the room. As I said, there is evidence that there is
25 some shooting going on outside after the fact; but as she

1 testified, she never went out the front door. She went out
2 the back. She's not going to have the opportunity to have
3 seen that.

4 Ultimately, when you look at inside the house, there's
5 no -- we know there are no more than three shots fired.
6 That's important when you look at his kind of story he gave.
7 We know there are no more than three shots because there are
8 no other bullet holes anywhere. The sliding glass door is
9 closed by everybody's account at the time the gunfire goes
10 on. There's two holes in the wall, one in her left hip. You
11 can't fire a fourth bullet and have it not hit something.

12 Let's talk about this gun. He gets caught -- and, you
13 know, he wants you to kind of to make believe that he's
14 basically kind of the victim in all this. They attempted to
15 rob him. They shot at him. They chased him. But the fact
16 of the matter is if that K-9, if Luke hadn't caught him that
17 morning, he wasn't going to the police. I mean, if he's a
18 victim, he had the opportunity, when he's making a dozen
19 phone calls, to call 911; say, look, I've just been shot at,
20 these people are, you know, trying to rob me. But, no, he
21 doesn't do that.

22 Let's talk about the gun. All right. There's no doubt,
23 first of all, that this gun is his. No question about that,
24 none at all. It's found ten feet away from him in the woods.
25 He's got all kinds of photographs all over his phone, which

1 is found right by him, with him posing with his gun. You're
2 going to have it back there. It's about as intimidating a
3 handgun as I've ever seen. Probably weighs five, six pounds.

4 This gun that he wants you to believe he's toting around
5 because he seems to be just a magnet for getting robbed --
6 which I think would be an indication maybe you need to
7 change, kind of, your behavior -- but that he's a magnet for
8 getting robbed, so he had to buy this gun, and he's just kind
9 of got it tucked in his waistband, kind of going around like
10 we're living in the Wild West, when he goes to buy marijuana
11 that night. The same gun that you heard from Agent Smith,
12 who unfortunately couldn't say one way or the other whether
13 it fired, but could have fired this bullet that hit Ms.
14 Yates, could have fired it. I guess if there is somebody
15 else firing a gun in that room, they happened to just be
16 using the same caliber gun. I guess it's possible. But
17 still could have fired it.

18 What was the other thing that Agent Smith said, that it
19 would not -- obviously, if you want to take all of them out,
20 you know, the easy way to do it is to open it up, hit that,
21 and that's going to eject all of them (indicating). But you
22 don't have to do it that way. You know, if you opened it up
23 and it was tilted this way, whatever open hole, if there's
24 something there, it's going to fall out also (indicating).

25 I submit to you, remember what he talked about, and he

1 did this in the statements that he gave to Lieutenant
2 Williams but also in his testimony today, that he had some
3 issue with the gun. Talked about, I believe at one point in
4 the statements to Lieutenant Williams, about the gun jamming
5 when he was trying to fire it; and then talking about, when
6 he testified today, about pulling the trigger and having it
7 click. Remember, this is a gun that he, by his own
8 testimony, he hadn't had very long and he bought or was given
9 four bullets that he put in there. Is it beyond the realm of
10 reason that at some point in time, when he's running and
11 hiding, thinks people are chasing him, that he's going to
12 stop in the dark at some point in time and try to figure out
13 and tinker with his gun that he hasn't had for that long.
14 Obviously he hasn't been test firing it because he only had
15 four bullets for it, and all four of those rounds are
16 basically still in there. And that a shell casing could have
17 fallen out in the dark. I submit to you that's not beyond
18 the realm of reason that that could have happened.

19 But what else is he caught with? He's caught with the
20 gun. What else is he caught with? This is important, and
21 you're going to have -- he's caught with this phone. As I
22 said, we've got pictures of the gun off of it. But more
23 importantly, I submit -- and you're going to have these back
24 there. I'm going to go over them with you just kind of real
25 briefly because I asked him about a little bit of them, but I

1 didn't ask about them all. His phone they were able to pull
2 the phone records off of, and those records, and you'll have
3 them back there, they show, you know, the date, the time,
4 whether it was a missed call, in other words, whether
5 somebody called you and it didn't get connected, whether it
6 was an outgoing call, so whether you made the call, or an
7 incoming call, shows how long it was for, how long the call
8 was for, and then the name that's attached to that number in
9 his phone. In this case the vast majority of these belonging
10 to Big Meech.

11 Those records show that he missed a call from Big Meech
12 at 11:01 -- I'm sorry, at 10:01 p.m., 10:01 p.m. That's the
13 first contact after probably 5:00 or so in the evening, 5:30,
14 and then the next contact on there is at 10:01, misses a call
15 from Big Meech. He calls him back at 10:22. Between 10:22
16 and 10:47 there are three calls between the two of them, only
17 calls on his phone, couple -- I think it's two incoming, one
18 outgoing or the other way around. I submit to you that's
19 when, he tells Lieutenant Williams, you know, that's the
20 calls, the conversations that he's having with Big Meech
21 about, I got this person that you can go rob.

22 At 12:45 is the next contact, so it was about a 2-hour
23 period, which is consistent with what he tells Lieutenant
24 Williams, it was a couple hours later when he came and got
25 me. At 12:45 there's a little over a minute call from him to

1 Big Meech. He testified that I called him to find out where
2 he was and that he came and picked me up around that time,
3 which I submit to you is fairly consistent with the times
4 that he gave. Obviously nobody's looking at their watches,
5 when he says that he was picked up about 12:25 I believe is
6 what he says, all right, in his first statement. So he's off
7 by, you know, 20 to 30 minutes.

8 All right. Now, he says it took about an hour from
9 there, from the time he got picked up until he ultimately
10 went in to go attempt to buy these drugs that he testified
11 about this morning, and I submit to you that would be about
12 right. If he's picked up right around that 12:45 a.m. phone
13 call, and then we know our incident happened about 1:45. I
14 submit to you what happens is they go by, maybe they went and
15 got gas in the interim, I don't know about that, but they go
16 by Dollar General for the reason that -- well, maybe it was
17 for the reason we heard a little while ago also, I don't
18 know, but for the reason that he puts on page 3 of this
19 statement at 3:30 in the morning: "Where were you dropped
20 off and where were you going to be picked up? The Dollar
21 General."

22 And remember his testimony, and I asked him this a few
23 times, just to make sure we were clear on this, that from
24 12:45 in the morning until 1:45, when he goes to go into that
25 house for whatever purpose, that he is with Big Meech. I

1 asked him that probably two or three times just to make sure
2 there wasn't a question about that. The thing he has no
3 answer for then is, when you look at these phone records, as
4 I said, there's a call at 12:45, there's a call at 1:11,
5 incoming call for 30 seconds from Big Meech, an outgoing call
6 at 1:17 in the morning, 41 seconds, from his phone to Big
7 Meech, an outgoing call at 1:31 from his phone to Big Meech,
8 then ultimately a 1:45 in the morning a missed call from Big
9 Meech.

10 I submit to you that totally contradicts what that man
11 got on the stand and testified to you about today. I submit
12 to you what it doesn't contradict, though, is the fact that
13 he dropped him off at Dollar General. Doesn't take an hour
14 to get from Lincolnville to Central Avenue. That he dropped
15 him off at that Dollar General. I don't know what they did
16 there before he got out of the car. But the plan was that
17 was where he was going to drop him off and wait for him.
18 That he walked through the woods -- you'll have the map back
19 there. We're only talking four or five blocks. That he
20 walked there and that they were in contact by their phones,
21 updating each other on his progress; and ultimately at 1:45,
22 when Big Meech called his phone, he didn't answer because he
23 was in the process of kicking in the door, holding the gun to
24 that young lady's head (indicating).

25 Those are those little details that, when he comes and

1 spins this story for you, that when he sits down 15 months
2 later and has to figure out, how am I going to get myself out
3 of this mess I've gotten myself in, when he realized exactly
4 how serious this is and he tries to come up and make up this
5 story, those are the little details that, you know, it's hard
6 to keep up with. Maybe he hadn't looked at his phone records
7 and he didn't know -- didn't know that.

8 Then when you look at it afterwards, you know, as I said
9 1:45, a missed call from Big Meech. Then, starting from 1:47
10 to 2:01 in the morning, there are seven calls in that
11 14-minute time period between him and Big Meech's phone, back
12 and forth, multiple other calls to Kook and Terrence, to Kook
13 and Terrence, and he tried to tell you today those must have
14 been misdialed numbers. We know what those are. Those are
15 other people that he was trying to get when he found out that
16 Big Meech had left him, wasn't at the Dollar General anymore,
17 because there are police now in the area circulating.

18 Remember, he says -- talks about that in that second
19 statement. "The other people I tried to call were not
20 involved in the least bit. I was trying desperately to call
21 someone to get me out of the area was all." He can't even
22 admit to that today. Those were just -- I just accidentally
23 called those. Those were misdialed numbers. I submit to you
24 by 2:10 or so in the morning, when you've got a handful of
25 missed calls at that point in time from Meech and Kook, one

1 of the other numbers he called, he's in custody.

2 And the last thing it kind of boils down to ladies and
3 gentlemen is these statements (indicating). I submit to you
4 if you believe State's Exhibits No. 70 and 72, if you believe
5 he freely, voluntarily gave these, he's guilty. There's not
6 a doubt about it if you believe these statements. If you
7 believe Lieutenant Williams, as he's alleging, coerced him,
8 threatened him, told him what to write, that she somehow had
9 it out to get James Singleton that morning when she came into
10 work, was called into work, she told him all this stuff to
11 write and that he somehow then was able to regurgitate it
12 all.

13 You heard her testimony that she didn't know all this
14 information at that point in time. Why on earth -- I mean,
15 this has happened an hour ago and that she has suddenly got
16 all this detail that she's suddenly making him somehow put
17 down on this piece of paper? Does that make sense?

18 But then not only that, if you believe that after that,
19 I mean, that she then decided also, you know, I'm going to
20 violate his constitutional rights while I'm at it. I'm not
21 going to advise him -- he's under arrest at that point in
22 time. I'm not going to advise him of his rights. I don't
23 want him to stop talking to me. I don't want him to know
24 that he has that right. I'm just going to hold off and just
25 get him to kind of -- just put these initials here at the

1 very end and we'll get you out of here. If you believe that,
2 as I said, find him not guilty. It just totally doesn't
3 appeal to common sense. If some reason she's having that bad
4 a day that morning that she's going to come in and just
5 jeopardize her entire career over James Singleton.

6 As I said, don't forget, there's another officer in
7 there with her. It's not like she's doing this -- just
8 taking him off in some quiet little corner to do this.
9 There's another officer that's sitting there the entire time.
10 So it's two of them now that have to basically conspire that
11 morning, without knowing all the facts and everything that's
12 happened, that we are going to get James Lamont Singleton.
13 We don't care what he's got to say. He's going to tell us
14 what we want him to say.

15 And you not only do it once but, you know, we're going
16 to bring him back six days later and we're going to do it
17 again. You know, don't forget, he had a copy of all this
18 stuff that he left with the first time; so if he had some
19 question about what all this stuff was, it's sitting with him
20 at the jail for six days.

21 Let's talk just briefly -- and I'm almost done, ladies
22 and gentlemen. I appreciate your patience with me. Let's
23 talk just very briefly about some of the timelines. I think
24 that's important. Remember the police department was
25 dispatched at 1:50 in the morning. They were there within a

1 minute. He gets caught within 20 to 30 minutes later, little
2 after 2:00. Looking at his phone record, he's no longer
3 making or placing calls at 2:10 in the morning.

4 Lieutenant Williams at that point in time, she is called
5 in from home. She is the on-call investigator. Gets a call,
6 we have a home invasion, need you to respond in. She swings
7 by the scene, then goes by Summerville Police Department to
8 go talk to James Singleton. As I said, he's in custody by
9 this point in time. What does she tell you she knows at this
10 point in time: Have a home invasion, know the victim got
11 shot, she's at Summerville Medical Center, we've got another
12 officer going over there to see if they can talk to her.
13 There's a witness on the scene that apparently is saying that
14 there may have been some shots fired actually out in the
15 driveway, and James Singleton is caught not too far away with
16 a gun. At 3:18 in the morning, when she sits down with Mr.
17 Singleton that's what she knows.

18 And he then gives, 30, 45 minutes after that, this
19 story, this statement (indicating), that just so happens,
20 when you look at it, ends up matching up an awful lot with
21 what Melinda Yates ultimately ends up telling us. Things
22 that she doesn't know. So how does she know to tell him to
23 put that stuff in there? The little details like the fact
24 that she ran into the bedroom, what he puts in here. The
25 fact that James Gage ran through the kitchen. You know, he

1 puts seeing -- as he's kicking in the door, it comes open,
2 seeing a blur go through the kitchen. The fact that he used
3 her as a shield and took her from the bedroom to the back
4 door to get her to yell out the back door for her husband.
5 Yet again, these are not details that she knew at 3:30 that
6 morning; details that Melinda Yates ultimately testifies
7 about, tells law enforcement about; details that he puts in
8 his statement. That he turned her around because James Gage
9 had basically come up behind him. Yet again, the same set of
10 facts that she's providing and that he's providing. That she
11 ended up grabbing the gun and that he struck her about the
12 head with it. Remember, all she knows is we've got a victim
13 at the hospital that's been shot in the leg, not that she's
14 been beat about the head with the gun.

15 Six pages. His own handwriting. If you look at it, if
16 you count where it looks like he basically signed his
17 signature on the first page, 15 times he signs these two
18 documents. He's given a copy, sent to jail. And, as I said,
19 he's brought back six days later. You heard; remember,
20 Lieutenant Williams, the reason for bringing him back six
21 days later is because they knew somebody else was involved.
22 He had alluded to that but had refused -- and you'll see,
23 looking on there, basically just wouldn't give the person's
24 name. They had figured out, from looking at his phone
25 records, who that was and wanted to question him about it.

1 So they get him back in; allow him to talk to his
2 grandfather. Now, if this is somebody that they're playing
3 games with, are they going to let him talk to a family member
4 right before they do it? Let him talk to his grandfather,
5 and ultimately he gives Big Meech's name. But it's not just
6 that. He's still, yet again, given the opportunity to write
7 another statement about kind of the -- kind of Big Meech and
8 his involvement, and what's he putting in there? That Big
9 Meech told him all I had -- you know, "found somebody where I
10 could get some quick money and all I had to do was rob them."
11 We're supposed to believe, yet again, she's told him that's
12 what I want you to put in that statement? Does that make
13 sense?

14 He's apologizing to the family. "To the family whose
15 door I invaded, I apologize. I sincerely apologize for
16 everything from kicking in the door to the gunshot wound. I
17 needed money because I was about to be homeless." Does this
18 appeal to your common sense that, yet again, they brought him
19 back -- I mean, he's had six days now to sit and stew about
20 this. To bring him back, allow him to talk to his
21 grandfather, immediately question him, and yet again they're
22 able to somehow trick him into thinking this is going to work
23 out good for you -- just tell me what I want to hear and
24 that, yet again, he's able to sit down with another, a
25 different officer now, so now we have a third officer that

1 must be involved in this grand conspiracy to get James
2 Singleton and now provide another statement. And yet again,
3 you know, they had me, just after the fact, you know, just
4 kind of told me to put my initials next to these lines. I
5 don't know what that was. I don't know anything about my
6 rights.

7 That, ladies and gentlemen, is the evidence that Mr. Loy
8 told you in his opening was going to completely fail. Ladies
9 and gentlemen, I submit that's the evidence that proves his
10 guilt beyond any and all doubt.

11 We've got one more thing to talk about. He had an
12 opportunity to sit and think about this for the last two
13 years. Sit and think about, you know, probably wasn't a real
14 good idea telling them all that stuff I did because I'm in
15 some trouble. Because basically those estimates convict him
16 of burglary, kidnapping, attempted murder, attempted murder,
17 possessing this gun during the commission of those crimes
18 (indicating). So I got to come up with something else.
19 That's what we heard today. That's what we heard today.
20 That story that he told you that, you know, the first time he
21 told anybody about that or documented it in some paperwork
22 was in October of 2014. He put it in a little four-page
23 thing that he sent to the clerk of court's office and I
24 submit to you got up here and regurgitated for you today. 15
25 months later, first time that he's telling anybody that.

1 But what are a couple of the things that -- a couple
2 little things I want to pick out of what he told you today
3 that I submit to you are not supported by the evidence. He
4 talks about -- and I may have missed this, but what I recall
5 hearing is him saying, when he came in, he had \$3500. He
6 shows it to Mr. Gage, fans it out I think he says. I don't
7 recall him ever saying anything else about that money. Mr.
8 Gage gets a telephone phone call, is talking on there. And
9 the next thing you know you've got this black guy coming up
10 behind him with a gun and then all this breaks out. Where
11 did the \$3500 go? He didn't have it on him when he gets
12 arrested. He wasn't willing to get rid of his cell phone or
13 gun before then. I'm pretty sure he didn't throw \$3500 off
14 in the woods sometime when he was running. I submit to you
15 there was never \$3500. That's why there's no \$3500 around.

16 He says James Gage shot at him two times -- shot at him
17 two times. I submit to you, when you look at it, as we
18 talked about earlier, that's impossible, impossible for him
19 to have shot at him two times inside that home. We've got
20 him basically from where he is located at -- because he is
21 over, falling on the floor -- falling on the floor near the
22 sliding glass doors. He fires two times, which are going to
23 be the two holes in the wall. So as I said, there's only one
24 other bullet that could have been fired in that home. That's
25 the bullet that hit Melinda Yates in the leg. There's no

1 other bullet holes anywhere, so it can't be true.

2 And then the last thing is the Dollar General, and I
3 kind of touched on this before; but, as I said, that was kind
4 of one of these things that he kind of got himself kind of
5 boxed in, you know, trying to talk about, you know -- because
6 he's trying to make -- well, explain, you know, an hour's
7 kind of a long time so, you know, we stopped here, and then
8 we stopped at the Dollar General for Big Meech to go in and
9 get a cigar. And it's just common sense. The Dollar
10 General's not open at 1:40 in the morning, 1:30 in the
11 morning. Had to put somebody up to actually corroborate
12 that.

13 You notice he kind of realized, oops, oops, that's kind
14 of a big deal. I submit to you, the reason, as I said --
15 when you look back at the phone records it explains it -- he
16 got dropped off at that Dollar General and walked from there,
17 just like he told them on May the 23rd. Then he's got to
18 come in here with another story, which basically just amounts
19 to the fact that he comes in here and has to admit to you
20 that, I lied to the 12 of you all two hours ago, oops, sorry,
21 my fault; but please believe me and everything else I've told
22 you. I submit to you, when you're looking at his
23 credibility, it just doesn't work that way.

24 As I said, back on May the 23rd, 2013, James Lamont
25 Singleton came into the home of Melinda Yates, kicked in her

1 door, armed with this gun (indicating), I submit to you took
2 away that sense of safety and security that everyone of us
3 should have within our own home.

4 MR. LOY: Your Honor, object to this line of argument?
5 I just think it's inflammatory and is outside the evidence
6 and is designed to insight the passions of the jury.

7 THE COURT: Overruled.

8 MR. SORENSON: I submit to you he held her at gunpoint,
9 forced her against her will, this gun pointed at her head,
10 ultimately beat her in the head with it, and I submit to you
11 shot her in the hip.

12 You've had to sit here for the last several days. I've
13 never had the opportunity to be on jury duty. I know it at
14 times must be kind of a difficult thing to do because you
15 have to sit there and basically you're not allowed to talk,
16 not allowed to ask questions. You've been told every time
17 you leave you're not allowed to talk about it amongst
18 yourselves yet, and that's got to be kind of difficult. But
19 in a few minutes that's all going to change. In a few
20 minutes Her Honor's going to briefly charge you on the law in
21 this case. Then you're going to have the opportunity, the 12
22 of you, to go back into the jury room to deliberate. You're
23 going to have a chance at that point in time to start
24 talking, and I submit to you ultimately at the end of this
25 you're going to have the loudest voice in this courtroom.

1 And I submit to you with that voice you have the opportunity
2 to hold -- to hold that man accountable, hold him responsible
3 for his actions.

4 I respectfully ask you on behalf of the citizens of
5 Dorchester County that you find James Lamont Singleton, Jr.,
6 guilty of breaking into Melinda Yates' house; find him guilty
7 of holding her against her will, pointing that gun at her
8 head and dragging her out of her bedroom; find him guilty for
9 assaulting her; find him guilty for shooting at her husband;
10 and find him guilty for possessing that .357 revolver while
11 doing those crimes. Thank you.

12 THE COURT: Ladies and gentlemen of the jury, it's now
13 time for me to instruct you on the law in this case. The
14 indictments in this case allege six different offenses
15 against the defendant. The charges are burglary in the first
16 degree, two charges for attempted murder, kidnapping and
17 possession of a weapon during a violent crime. Each
18 indictment charges a separate and distinct offense. You must
19 decide each indictment separately on the evidence and on the
20 law applicable to it, uninfluenced by your decision as to any
21 other indictment. The defendant may be convicted or
22 acquitted on any or all of the offenses charging. You will
23 be asked to write a separate verdict of guilty or not guilty
24 on each indictment.

25 The defendant has pled not guilty to these indictments,

1 and the plea of not guilty puts the burden on the State to
2 prove the defendant guilty of each indictment before he can
3 be convicted of that indictment. A person charged with
4 committing a criminal offense in South Carolina is never
5 required to prove himself innocent. I charge you that it is
6 an important rule of the law that the defendant in a criminal
7 trial, no matter what the seriousness of the charge may be,
8 will always be presumed innocent of the crime for which the
9 indictment was issued unless guilt has been proven by
10 evidence satisfying you of that guilt beyond a reasonable
11 doubt.

12 The presumption of innocence does not end when you begin
13 your deliberations but it accompanies the defendant
14 throughout the trial until each of you -- until you reach a
15 verdict of guilt based on evidence satisfying you of that
16 guilt beyond a reasonable doubt. The presumption of
17 innocence is like a robe of righteousness placed about the
18 shoulders of the defendant which remains with the defendant
19 until it has been stripped from the defendant by the evidence
20 satisfying you of the defendant's guilt beyond a reasonable
21 doubt. The presumption of innocence is not a mere legal
22 theory. It is not just a mere legal phrase. It's a
23 substantial right to which every defendant is entitled to
24 unless you, the jury, are satisfied from the evidence of the
25 defendant's guilt beyond a reasonable doubt.

1 What is a reasonable doubt in the law? A reasonable
2 doubt is the kind of doubt that would cause a reasonable
3 person to hesitate to act. The State has the burden of
4 proving the defendant guilty beyond a reasonable doubt. Some
5 of you may have served as jurors in civil cases where you
6 were told that it is only necessary to prove that a fact is
7 more likely true than not true, such as by the greater weight
8 or the preponderance of the evidence. In criminal cases the
9 proof must be more powerful than that. It must be beyond a
10 reasonable doubt.

11 Proof beyond a reasonable doubt is proof that leaves you
12 firmly convinced of the defendant's guilt. There are very
13 few things in this world that we know with absolute
14 certainty, and in criminal cases the law does not require
15 proof that overcomes every possible doubt. If, based upon
16 your consideration of the evidence, you are firmly convinced
17 the defendant is guilty of the crimes charged, you must find
18 the defendant guilty. If, on the other hand, you think there
19 is a real possibility the defendant is not guilty, you must
20 give the defendant the benefit of the doubt and find him not
21 guilty.

22 I remind you that during this trial you and I have
23 certain duties to perform. As a trial judge it's my
24 responsibility to preside over the trial of the case, and I
25 also have the duty to rule on the admissibility of the

1 evidence offered during the trial. You are to consider only
2 the competent evidence before you. If there was any
3 testimony ordered stricken from the record in this case
4 during this trial, you must disregard that testimony. You
5 are to consider only the testimony which has been presented
6 from the witness stand, any exhibits which have been made
7 part of the record in this case, and any stipulations of
8 counsel.

9 In addition, I have the duty to charge you to the law
10 that's applicable to the case. As the presiding judge, I'm
11 the sole judge of the law of this case, and it is your duty
12 as jurors to accept and apply the law as I now state it to
13 you. If you already have any ideas as to what the law is or
14 what the law ought to be and it does not agree with what I
15 now tell you the law is, you must abandon the idea because
16 you are sworn to accept the law and apply it exactly as I
17 state it to you now.

18 In every case tried in this court before a jury the jury
19 becomes the sole and exclusive judge of the facts in the
20 case. A trial judge cannot intimate, state, comment on or
21 make any statement to a trial jury about the facts in the
22 case. Since you, the jury, are the sole judges of the facts
23 in the case, you're not to infer from anything I've said
24 during the progress of this trial, in ruling upon the
25 admissibility of evidence or otherwise or anything that I say

1 now during the course of these instructions to you, that I
2 have any opinion about the facts in this case. The law does
3 not allow me to have an opinion about the facts in this case.
4 It is a matter solely for you the jury to determine. As
5 jurors, it is your duty to determine the effect, value,
6 weight and truth of the evidence presented during this trial.

7 There are two types of evidence which are generally
8 presented during a trial, direct evidence and circumstantial
9 evidence. Direct evidence is the testimony of a person who
10 claims to have actual knowledge of a fact such as an
11 eyewitness. It is evidence which immediately establishes the
12 main fact to be proved. Circumstantial evidence is proof of
13 the chain of facts and circumstances indicating the existence
14 of a fact. It is evidence which immediately establishes
15 collateral facts from which the main fact may be inferred.
16 Circumstantial evidence is based on inference and not on
17 personal knowledge or observation. The law makes absolutely
18 no distinction between the weight or value to be given either
19 to direct or circumstantial evidence. Nor is there a greater
20 degree of certainty required for circumstantial evidence than
21 of direct evidence. You should weigh all the evidence in
22 this case. After weighing all the evidence, if you're not
23 convinced of the guilt of the defendant beyond a reasonable
24 doubt, you must find the defendant not guilty.

25 In order to establish criminal liability criminal intent

1 is required. For example, the mental state required to be
2 proven by the State for a particular crime might be purpose,
3 intent, knowledge, recklessness or criminal negligence.
4 Criminal intent must be proven by the state beyond a
5 reasonable doubt. Criminal intent is always a matter that
6 must be determined by the jury from the circumstances
7 surrounding the situation. There is no way to prove intent
8 to a mathematical certainty. There is no way medical science
9 can dissect a person's brain and determine what the person
10 had in mind. So the law says a criminal intent may be
11 inferred from the circumstances shown to have existed.

12 This is how you make a determination of whether or not
13 the element requiring intent was present. It is not
14 necessary to establish intent by direct and positive
15 evidence, but intent may be established by inference in the
16 same way as any other fact by taking into consideration the
17 acts of the parties and all of the facts and circumstances of
18 the case. Criminal intent is a mental state, a conscious
19 wrong doing. It is up to you to determine what the defendant
20 intended to do, based upon the circumstances shown to have
21 existed. Criminal intent can arise from action or failure to
22 act. It may arise from negligence, recklessness or
23 indifference to duty or to consequences that is considered by
24 the law to be the equivalent of criminal intent.

25 Necessarily you must determine the credibility of

1 witnesses who have testified in this case. Credibility
2 simply means believability. It becomes your duty as jurors
3 to analyze and to evaluate the evidence and determine which
4 evidence convinces you of its truth. In determining the
5 believability of witnesses who have testified in this case
6 you may believe one witness over several witnesses or several
7 witnesses over one witness. You may believe a part of the
8 testimony of the witness and reject the remaining part of the
9 testimony of that same witness. You may believe the
10 testimony of a witness in its entirety or reject the
11 testimony of a witness in its entirety. You may consider
12 whether any witness has exhibited to you any interest, bias,
13 prejudice or other motive in this case. You may also
14 consider the appearance and the manner of a witness while on
15 the witness stand.

16 There has been evidence presented that witnesses have
17 made prior statements which are not consistent with a
18 witness's present testimony. You may use this evidence to
19 decide whether or not to believe the witness. You may also
20 use evidence of the earlier contradictory statements to
21 determine the truth of those statements. It is up to you to
22 decide whether to believe the earlier statements or the
23 testimony given at trial. If a witness is shown to have
24 knowingly testified untruthfully concerning any material
25 matter, you may consider this in determining whether to trust

1 the witness's testimony as to other matters. You may reject
2 all the testimony of that witness or give all or part of the
3 testimony the weight that you think it deserves.

4 A statement alleged to have been made by the defendant
5 has been admitted into evidence in this case. While the
6 Court has determined that the statement is admissible, I
7 instruct you that you make the ultimate decision of whether
8 or not the defendant made the statement. If the defendant
9 did make the statement, you must determine whether the
10 statement was made by the defendant voluntarily and of his
11 own free will. This means that the statement was not caused
12 by pressure, force, fear, threats, coercion or intimidation
13 or by hope of a promise of leniency or reward of any kind.
14 In determining whether the statement was voluntary you should
15 consider both the characteristics of the defendant and the
16 details of the questioning.

17 Some of the factors that you must consider are the age
18 of the defendant, the defendant's education or lack of
19 education, the defendant's mental ability or capacity, the
20 defendant's IQ or intelligence, the defendant's background or
21 environment, the place and the length of the detention, the
22 nature of the questioning and the advice or lack thereof to
23 the defendant of his constitutional rights, including but not
24 limited to the right to remain silent, that any statement
25 could be used against him in a Court of law, the right to

1 have a lawyer present, that if he could not afford a lawyer,
2 a lawyer would be appointed to represent him without any
3 cost, and that he could stop making a statement at any time.
4 You must carefully consider all of the surrounding
5 circumstances before you give any weight to the alleged
6 statement.

7 The State has the burden of proving beyond a reasonable
8 doubt that the alleged statement was voluntary. If you
9 determine that it was, you may give the statement any further
10 consideration that you deem proper. You must decide what
11 weight, if any, should be given to the alleged statement. If
12 you determine that the alleged statement was not the free and
13 voluntary statement of the defendant, you should not consider
14 the statement at all.

15 The rules of evidence ordinarily do not permit witnesses
16 to testify to opinions or conclusions. An exception to this
17 rule exists for witnesses we call expert witnesses. A
18 witness who by education and experience has become an expert
19 in some art, science, profession, or calling may state an
20 opinion as to a relevant and material matter which the
21 witness claims to be an expert and may also state the reasons
22 for that opinion. You should consider any expert opinion
23 received in evidence in this case like any other evidence,
24 give it the weight that you think it deserves. If you decide
25 that the opinion of an expert witness is not based on

1 sufficient education and experience, or if you conclude that
2 the reasons given in support of the opinion are not sound or
3 that the opinion is outweighed by other evidence, you may
4 disregard the opinion entirely. An expert witness's
5 testimony is to be given no greater weight than that of the
6 other witnesses simply because the witness is an expert.
7 Further, you're not required to accept an expert's opinion
8 even though it's not contradicted.

9 The defendant is charged with first degree burglary. I
10 will read to you the law on that. The State must first prove
11 beyond a reasonable doubt that the defendant entered a
12 dwelling without consent. A dwelling is any building or
13 portion of a building in which a person ordinarily sleeps. A
14 building constructed as a dwelling that has never been
15 occupied cannot be considered a dwelling for purposes of
16 burglary, but a building is a dwelling even if the residents
17 are temporarily absent from the building.

18 In order to prove the defendant entered the dwelling,
19 the State does not have to show that the defendant's entire
20 body entered the dwelling. The smallest entry is sufficient.
21 It may be any part of the body such as a hand or a foot or
22 even an instrument such as a hook or other instrument. In
23 addition, the State does not have to prove that force was
24 used to gain entry. If a person enters a building by using
25 deception, artifice, tricks or misrepresentation to consent

1 to enter, this is an entry without consent.

2 Next the state must prove beyond a reasonable doubt that
3 the defendant intended to commit a crime, either a felony or
4 a misdemeanor, at the time of the entry. The mere entry into
5 a dwelling without consent is not a burglary. If the intent
6 to commit a crime is formed after the entry, it's not a
7 burglary. On the other hand, if the defendant intended to
8 commit a crime at the time of the entry, it is a burglary
9 even if the intent was abandoned after the entry. It does
10 not matter that the intended crime was not completed. Intent
11 may be shown by acts and conduct of the defendant and other
12 circumstances from which you may naturally and reasonably
13 infer intent.

14 Finally, the State must prove beyond a reasonable doubt
15 that when entering while in the building or while fleeing the
16 defendant or an accomplice was armed with a deadly weapon or
17 explosive. A deadly weapon is any article or instrument or
18 substance which is likely to cause death or great bodily
19 harm. Whether an instrument has been used as a deadly weapon
20 depends on the facts and circumstances of each case. The
21 following are examples of instruments which may be deadly
22 weapons: A pistol, a shotgun, a rifle, a dirk, a dagger, a
23 knife, a slingshot, metal knuckles, a razor, gasoline, a fire
24 bomb or Molotov cocktail or lighter fluid. A gun may be a
25 deadly weapon even if it is not operating.

1 When entering, while in the dwelling or while fleeing,
2 the defendant or accomplice caused physical injury to anyone
3 not participating in the crime; or when entering, while in
4 the dwelling or while fleeing, the defendant or an accomplice
5 used or threatened to use a dangerous object; or when
6 entering, while in the dwelling or when fleeing, the
7 defendant or an accomplice displayed what was or appeared to
8 be a knife, pistol, revolver, rifle, shotgun, machine gun or
9 other firearm; or the defendant entered or remained in the
10 dwelling in the nighttime. Nighttime is a period between
11 sunset and sunrise during which there is not enough daylight
12 to recognize a person's face except by artificial light or
13 moonlight.

14 Attempted murder. The defendant is charged with two
15 counts of attempted murder. In order to prove this crime the
16 State must prove the defendant attempted to kill another
17 person with malice aforethought, either express or implied.
18 Malice is hatred, ill will, or hostility towards another
19 person. It is an intentional doing of a wrongful act without
20 just cause or excuse and with the intent to inflict an injury
21 under circumstances that the law will infer evil intent.
22 Malice aforethought does not require that malice exists for
23 any particular time before the act is committed, but malice
24 must exist in the mind of the defendant just before and at
25 the time the act was committed; therefore, there must be a

1 combination of the previous evil intent and the act. Malice
2 aforethought may be express or inferred. These terms,
3 express or inferred, do not mean different kinds of malice
4 but merely the manner in which malice may have been shown to
5 have existed, and that is either by direct evidence or by
6 inference from the facts and circumstances which are proved.

7 Express malice is shown when a person speaks words which
8 express hatred or ill will for another or when a person
9 prepared beforehand to do the act which was later
10 accomplished. For example, lying in wait for a person or any
11 other acts of preparation going to show that the deed was
12 within the defendant's mind would be express malice. Malice
13 may be inferred from conduct showing a total disregard for
14 human life.

15 Inferred malice may also arise when the deed is done
16 with a deadly weapon. A deadly weapon is any article,
17 instrument or substance which is likely to cause death or
18 great bodily harm. Whether an instrument has been used as a
19 deadly weapon depends on the facts and circumstances of each
20 case. The following are again examples of instruments which
21 may be deadly weapons, a pistol, a shotgun, a rifle, a dirk,
22 a dagger, a knife, a slingshot, metal knuckles, a razor,
23 gasoline, a fire bomb or Molotov cocktail and lighter fluid.
24 A gun may be a deadly weapon even if it's not operating.

25 If facts are proved beyond a reasonable doubt sufficient

1 to raise an inference of malice to your satisfaction, this
2 inference would be simply an evidentiary fact to be
3 considered by you, the jury, along with the other evidence in
4 this case, and you may give it the weight that you decide it
5 should receive. A specific intent to kill is not an element
6 of attempted murder. But there must be a general intent to
7 commit serious bodily injury. Intent means intending the
8 result which actually occurs, not accidentally or
9 involuntarily. Intent may be shown by acts and conduct of
10 the defendant and other circumstances from which you may
11 naturally and reasonably infer intent. Evidence of the
12 character of the act, the character of the instrument used,
13 the manner in which it was used, the purpose to be
14 accomplished and the resulting wounds or injuries may be
15 considered in determining the intent with which the act was
16 committed. Intent may also be inferred when it is
17 demonstrated that the defendant voluntarily and willfully
18 commits an act the natural tendency of which is to destroy
19 another life.

20 If you find that the State has failed to prove the
21 defendant is guilty of attempted murder of Melinda Yates, you
22 must then decide whether the State has proved the defendant
23 is guilty of assault and battery of a high and aggravated
24 nature against Melinda Yates. A person commits the offense
25 of assault and battery of a high and aggravated nature if the

1 person unlawfully injures another person and great bodily
2 injury to another person results or the act is accomplished
3 by means likely to produce death or great bodily injury.
4 Great bodily injury means bodily injury which causes a
5 substantial risk of death or which causes serious permanent
6 disfigurement or protracted loss or impairment of the
7 function of a bodily member or organ.

8 If you find that the defendant has failed to prove the
9 defendant's guilty of attempted murder of James Gage, you
10 must then decide whether the state has proved that the
11 defendant is guilty of assault and battery in the first
12 degree. A person commits the offense of assault and battery
13 in the first degree if the person unlawfully injures another
14 person and the act either involves nonconsensual touching of
15 the private parts of an adult, either under or above clothing
16 with lewd and lascivious intent, or occurred during the
17 commission of a robbery, burglary, kidnapping or theft.
18 Private parts means a general area or buttocks of a male or
19 female or the breasts of a female. Any person may also
20 commit the offense of assault and battery in the first degree
21 if the person unlawfully offers or attempts to injure another
22 person with the present ability to do so, the act either is
23 accomplished by means likely to produce death or great bodily
24 injury, or occurred during the commission of a robbery,
25 burglary, kidnapping or theft. Great bodily injury means

1 bodily injury which causes a substantial risk of death or
2 which causes serious, permanent disfigurement or protracted
3 loss or impairment of the function of a bodily member or
4 organ.

5 The defendant is charged with kidnapping. The state
6 must prove beyond a reasonable doubt the defendant knowingly
7 and unlawfully seized, confined, inveigled, decoyed,
8 kidnapped, abducted or carried away the other person without
9 the authority of law. To do a thing unlawfully is to do it
10 willfully against the law. Knowingly means with knowledge,
11 consciously, not accidentally. Seize means to take hold of
12 suddenly or forcibly. Confine means to limit, restrict, or
13 enclose within the bounds, imprison, or shut or keep in.
14 Inveigle means to lure, entice or lead astray by false
15 representations, promises or other deceitful means. Decoy
16 means to lure by or as if by decoy. Decoy means to entice a
17 person into a trap. Kidnap is to remove a person against his
18 will by unlawful force or fraud. Abduct means to carry away
19 secretly or by force for an illegal purpose. Carry away
20 means to remove. The state does not have to prove the
21 defendant did all of these things. Instead, if you find
22 beyond a reasonable doubt the defendant did any of these
23 things, you may find the defendant guilty of kidnapping.
24 Something done without the authority of the law is something
25 which the law does not sanction, permit, allow, condemn or

1 provide justification for. The kidnapping does not have to
2 be for any personal or monetary gain for any illegal purpose,
3 but it may be for any reason whatsoever.

4 The defendant is charged with possession of a weapon
5 during the commission of or attempt to commit a violent
6 crime. The State must prove beyond a reasonable doubt that
7 the defendant was in possession of a firearm or visibly
8 displayed what appeared to be a firearm during the commission
9 of a violent crime. A firearm means any machine gun,
10 automatic rifle, revolver, pistol or any weapon which will,
11 is designed to, or may be readily converted to expel a
12 projectile. A knife is an instrument or tool with a sharp
13 cutting blade, whether or not fastened to a handle, which can
14 be used to inflict a cut, slash or wound.

15 In order to find the defendant guilty of possession of a
16 weapon during the commission of a violent crime you must
17 first find the defendant guilty of either committing a
18 violent crime or attempting the commission of a violent
19 crime. Burglary in the first degree, attempted murder,
20 assault and battery of a high and aggravated nature, and
21 kidnapping are all considered violent crimes under our law.
22 Assault and battery in the first degree is not defined by our
23 law as a violent crime. The State must prove beyond a
24 reasonable doubt that the weapon furthered, advanced or
25 helped in the commission of the crime.

1 The defendant has raised the defense of self-defense as
2 to the charge of attempted murder on James Gage.
3 Self-defense is a complete defense, and if it is established,
4 you must find the defendant not guilty. The State has the
5 burden of disproving self-defense by proof beyond a
6 reasonable doubt. If you have a reasonable doubt of the
7 defendant's guilt after considering all of the evidence,
8 including the evidence of self-defense, then you must find
9 the defendant not guilty. On the other hand, if you have no
10 reasonable doubt of the defendant's guilt, after considering
11 all of the evidence, including the evidence of self-defense,
12 then you must find the defendant not guilty.

13 The following elements are required to establish
14 self-defense. First, a defendant must be without fault in
15 bringing on the difficulty. If the defendant's conduct was
16 the type which was reasonably calculated to and did provoke a
17 deadly assault, the defendant would be at fault in bringing
18 the difficulty, and he would not be entitled an acquittal
19 based on self-defense.

20 The second element of self-defense is that the defendant
21 was actually in imminent danger of death or serious bodily
22 injury, or that the defendant actually believed he was in
23 imminent danger of death or serious bodily injury. If the
24 defendant was actually in imminent danger, it must be shown
25 that the circumstances would have warranted a person of

1 ordinary firmness and courage to strike the fatal blow to
2 prevent death or serious bodily injury. If the defendant
3 believed that he was in imminent danger of death or serious
4 bodily injury, it must be shown that a reasonably prudent
5 person of ordinary firmness and courage would have had the
6 same belief.

7 In deciding whether the defendant actually was or
8 believed he was in imminent danger of death or serious bodily
9 injury, you should consider all of the facts and
10 circumstances surrounding the crime, including the physical
11 condition and characteristics of the defendant and the
12 victim. The defendant does not have to show that he was
13 actually in danger. It is enough if the defendant believed
14 he was in imminent danger and a reasonably prudent person of
15 ordinary firmness and courage would have had the same belief.
16 The defendant has the right to act on appearances even though
17 the defendant's beliefs may have been mistaken. It is for
18 you to decide whether the defendant's fear of imminent danger
19 of death or serious bodily injury was reasonable and would
20 have been felt by an ordinary person in the same situation.
21 Words accompanied by hostile acts may, depending on the
22 circumstance, establish self-defense. The relative sizes,
23 ages, and weights of the defendant and the victim may be
24 considered in deciding the apparent or actual need for force
25 and self-defense and the amount of force that's needed.

1 The final element of self-defense is that the defendant
2 had no other probable way to avoid the danger of death or
3 serious bodily injury than to act as the defendant did in
4 this particular instance. The defendant had no duty to
5 retreat if by doing so the danger of being killed or
6 suffering serious bodily injury would increase. A lawful
7 guest in another's home has no duty to retreat before using
8 deadly force in self-defense against an intruder. A lawful
9 guest is a person who enters the premises of another by
10 either express or implied invitation; however, a guest has
11 the duty to retreat, where possible, if the attacker is the
12 owner or occupier of the property.

13 A person cannot be required to make an exact calculation
14 as to degree or the amount of force which may be needed to
15 avoid the death or serious bodily harm. Therefore, in
16 self-defense the defendant has the right to use the force
17 needed to avoid death or serious bodily harm. The force used
18 in self-defense does not have to be limited to the degree or
19 amount of force used by the victim. The defendant has a
20 right to use so much force as appeared to be necessary for
21 complete self protection and which a person of ordinary
22 reason and firmness would have believed to have needed to
23 prevent death or serious bodily harm. If the defendant is
24 justified in defending himself or others and in firing the
25 first shot, then the defendant is also justified in

1 continuing to shoot until it is apparent that the danger of
2 death or serious bodily injury has completely ended.

3 Ladies and gentlemen, there are several possible
4 verdicts which you may find in this case. Your verdict must
5 be a unanimous verdict, and, Mr. Foreman, I'm going to ask
6 you to go through the verdict form. You'll actually sign the
7 verdict form and the indictments. The verdict form is rather
8 self-explanatory, goes to each charge. It says, as to the
9 charge of burglary in the first degree we, the jury,
10 unanimously find the defendant, and you circle what your
11 verdict is, either guilty or not guilty. When you get to --
12 as to the charge of kidnapping, that's the next one -- the
13 charge of attempted murder on Melinda Yates, as we discussed
14 during the jury instructions, there's a lesser included
15 offense. So the jury unanimously finds the defendant either
16 guilty or not guilty. If it's not guilty of attempted
17 murder, you then consider the second verdict as to the
18 assault and battery of high and aggravated nature on Melinda
19 Yates. As to the attempted murder of James Gage, the same
20 thing applies. If you find not guilty on that, then you
21 consider this one. If you find guilty, you don't consider
22 that one. Then the last one of course is the possession of a
23 weapon during the commission of the violent crime.

24 You then sign it as the foreperson here. You will also
25 have the indictments back in the jury room with you. Mr.

1 Foreman, on the front of the indictment where it says
2 verdict, if you would write down what the verdict is and sign
3 your name and date it; and, again, on the back of each
4 indictment is the alleged charge for each one.

5 Now, ladies and gentlemen, one last time I'm going to
6 ask you to go to your jury room. For the last time I'm going
7 to ask you not to discuss this case quite yet because I'm
8 going to give the attorneys an opportunity to object, or if I
9 left anything out of the jury instructions, to let me know if
10 they think I left anything out of the jury instructions.
11 Please don't begin deliberating until you receive the verdict
12 form, the indictments, and all the exhibits that have been
13 submitted in this case. Once you receive those, you may
14 begin your deliberations. Once you reach a verdict, then of
15 course knock on the door and we'll receive your verdict.

16 The two alternates, I'm going to release you in just a
17 minute, so they'll put you in a separate room for now. All
18 right. You may go to your jury room.

19 (The jury retires to the jury room at 3:58 p.m.)

20 THE COURT: Any exceptions or objections to the jury
21 charge from the State or the Defense?

22 MR. SORENSON: Nothing from the State, Your Honor.

23 MR. LOY: Your Honor, it's my recollection that in a
24 brief charge conference in chambers yesterday that I had
25 inquired as to whether or not the Court's intention or

1 practice was to use a dual definition of beyond a reasonable
2 doubt; that is, the firmly convinced charge as well as the
3 hesitate to act charge. And my recollection was that you
4 said that you would include that and that that has been Your
5 Honor's habit in the past. And I may have missed it, but I
6 don't think that was included in the charge to the jury.

7 THE COURT: I thought I did put that in there. Let me
8 double-check here.

9 THE COURT: You know what, Mr. Loy, I think you're
10 right. I don't think I did do that.

11 MR. LOY: I think it's particularly important in this
12 circumstance. I relied on it in my close, as well as due to
13 the fact that in this particular case the same burden -- the
14 burden applies as to overall guilt or innocence but also as
15 to the statements that were made, and as to the burden on the
16 state to disprove self-defense beyond a reasonable doubt, so
17 I would ask you to bring them back out and give them that
18 additional charge.

19 THE COURT: Let me print that out real quick. Hold on
20 one second. Let me just double-check.

21 (Brief pause.)

22 THE COURT: You're right. I left that out. Do you want
23 to print that out, William.

24 MR. LOY: Your Honor, separate and apart from that, and
25 this is not on the charge, just a housekeeping matter, I

1 think the State and I are in agreement that if we want to
2 withhold the live ammunition.

3 THE COURT: That would be my practice. I wouldn't send
4 the live ammo back with the gun.

5 MR. SORENSON: Since we're going to have to bring them
6 back out anyway, if you can just instruct them what you're
7 doing in that regard, and if they want to see State's Exhibit
8 whatever it is, that we'll switch out that and the gun.

9 THE COURT: Sure, that's not a problem. Do you have --
10 were there pictures introduced of the bullets? I could just
11 tell them they could look at the pictures if they actually
12 wanted to look at them.

13 MR. SORENSON: No, they're just in here, so that's
14 State's 59 is that and the gun is 60.

15 MR. LOY: Thank you, Your Honor.

16 THE COURT: No problem. I did tell them that a
17 reasonable doubt is a reasonable person would hesitate to
18 act, but I didn't read the whole thing. Do you want the
19 whole thing?

20 MR. SORENSON: A bunch of people were saying they
21 thought they heard that. I didn't recall one way or another.

22 THE COURT: Right. That was in the first sentence. I
23 didn't read the whole hesitate to act portion, but I did say,
24 "What is a reasonable doubt in the law? A reasonable doubt
25 is the kind of doubt that would cause a reasonable person to

1 hesitate to act."

2 MR. LOY: Your Honor, that was the instruction. If in
3 fact, you read it as it was, if that is what was read, that
4 is what I wanted read.

5 THE COURT: Okay.

6 MR. LOY: I don't need anything over and above that if
7 that is in fact the case.

8 THE COURT: There is a longer version of it, but that is
9 the first sentence, actually, of what was read to the jury.

10 MR. LOY: When I said I was relying on it, that's what I
11 was relying on. If they were given that, then I'm satisfied.

12 THE COURT: All right. So then we're fine with that.

13 MR. LOY: Thank you.

14 THE COURT: I'll just let the bailiffs know to let them
15 know that the bullets will not be -- unless you want me to
16 bring them back out to tell them that.

17 MR. SORENSON: I was just thinking we were bringing them
18 out anyway, but I guess she can just tell them that when she
19 brings the evidence back to them, I guess.

20 THE COURT: Ms. Irene, when you take the evidence back,
21 just let them know the bullets are not included with the
22 evidence, it's just the Court's protocol.

23 Ms. Harrison, with the Journal Scene, would you come
24 forward, please?

25 MS. HARRISON: Yes, ma'am.

1 THE COURT: Ms. Harrison, previously I'd asked you to
2 take down the picture of the jurors that's online. I've just
3 been informed that it's still online. Is there a reason for
4 that?

5 MS. HARRISON: I told my editor to take it down she said
6 it was done, so I'll double-check again with her.

7 THE COURT: We need to have that done immediately or
8 your newspaper's going to be looking at contempt of court
9 charges.

10 MS. HARRISON: Okay. Yes, ma'am.

11 (Exhibits, verdict form and indictments delivered to the
12 jury at 4:08 p.m.)

13 (Recess held.)

14 THE COURT: Back on the record in Mr. Singleton's case.
15 We have received a question from the jury. The question is
16 as follows: It says, definition of assault and battery,
17 first degree. I'll mark this as a Court's Exhibit. The
18 Court obviously would then bring the jury out and read them
19 just that portion of the charge, the definition of assault
20 and battery in the first degree. Is that okay with the State
21 and the Defense?

22 MR. SORENSON: Yes, Your Honor.

23 MR. LOY: Yes.

24 THE COURT: All right. Let's have our jury in, please.

25 (The Court's Exhibit 2 marked for identification.)

1 (The jury enters the courtroom at 5:24 p.m.)

2 THE COURT: Ladies and gentlemen of the jury, I've
3 received your note requesting to be reinstructed on the law
4 as to what assault and battery in the first degree is. As
5 the previous instruction stated to you, that is a lesser
6 included offense on the attempted murder charge regarding the
7 victim James Gage. Assault and battery in the first degree
8 is as follows: A person commits the offense of assault and
9 battery in the first degree if the person unlawfully injures
10 another person and the act either involves nonconsensual
11 touching of the private parts of an adult either under or
12 above clothing with lewd and lascivious intent or occurred
13 during the commission of a robbery, burglary, kidnapping or
14 theft. Private parts means the genital area or buttocks of a
15 male or female or the breasts of a female. A person may also
16 commit the offense of assault and battery in the first degree
17 if the person unlawfully offers or attempts to injure another
18 person with the present ability to do so and the act either
19 is accomplished by means likely to produce death or great
20 bodily injury or occurred during the commission of a robbery,
21 burglary, kidnapping or theft. Great bodily injury means
22 bodily injury which causes a substantial risk of death or
23 which causes serious permanent disfigurement or protracted
24 loss or impairment of the function of a bodily member or
25 organ.

1 Ladies and gentlemen, that is the definition of assault
2 and battery in the first degree. Does that answer your
3 question?

4 MR. FOREMAN: Yes, ma'am.

5 (The jury retires to the jury room at 5:26 p.m.)

6 THE COURT: Any exceptions or objections to the
7 instruction from either the State or the Defense?

8 MR. SORENSON: Nothing from the State.

9 MR. LOY: No, Your Honor. Thank you.

10 THE COURT: All right. We'll be at ease.

11 (Recess held.)

12 THE COURT: Let's have our jury, please.

13 (The jury enters the courtroom at 5:43 p.m.)

14 THE COURT: Mr. Foreman, has the jury reached a verdict?

15 MR. FOREMAN: Yes, Your Honor.

16 THE COURT: Would you please hand it to the bailiff.

17 Everything appears in order. Madam Clerk, if you would
18 publish the verdict, please.

19 CLERK OF COURT: Yes, ma'am. In the matter of State of
20 South Carolina, County of Dorchester, State versus James
21 Singleton, Jr., Indictment Nos. 2013-GS-18-1086, 1087, 1088,
22 1089 and 1090, as to the charge of burglary, first degree,
23 we, the jury, unanimously find the defendant guilty. As to
24 the charge of kidnapping Melinda Yates, we, the jury,
25 unanimously find the defendant not guilty. As to the charge

1 of attempted murder of Melinda Yates, we, the jury,
2 unanimously find the defendant not guilty. As to the charge
3 of assault and battery of a high and aggravated nature, we,
4 the jury, unanimously find the defendant guilty. As to the
5 charge of attempted murder of James Gage, we, the jury,
6 unanimously find the defendant not guilty. As to the charge
7 of assault and battery, first degree, we, the jury,
8 unanimously find the defendant guilty. As to the charge of
9 possession of a weapon during the commission of a violent
10 crime, we, the jury, unanimously find the defendant guilty.
11 Dated May 14th, 2015, signed by foreperson, that is James
12 Ante.

13 THE COURT: Madam Clerk, would you please pole the jury.

14 CLERK OF COURT: Yes, ma'am.

15 As I call your juror number and name if you'll please
16 stand. Juror No. 125, Alvin Overall, was this your verdict
17 in the jury room?

18 JUROR: Yes, ma'am.

19 CLERK OF COURT: Is this still your verdict?

20 JUROR: Yes, ma'am.

21 CLERK OF COURT: Thank you. Juror No. 168, Louise
22 Williams, was this your verdict in the jury room?

23 JUROR: Yes, ma'am.

24 CLERK OF COURT: Is this still your verdict?

25 JUROR: Yes, ma'am.

1 CLERK OF COURT: Thank you. No. 108, Odetta Middleton,
2 was this your verdict in the jury room?

3 JUROR: Yes.

4 CLERK OF COURT: Is this still your verdict?

5 JUROR: Yes.

6 CLERK OF COURT: Thank you. No. 34 Kelsey Cherol, was
7 this your verdict in the jury room?

8 JUROR: Yes, ma'am.

9 CLERK OF COURT: Is this the still your verdict?

10 JUROR: Yes, ma'am.

11 CLERK OF COURT: No. 134, Kamaldai Ramdial, was this
12 your verdict in the jury room?

13 JUROR: Yes, ma'am.

14 CLERK OF COURT: Is this still your verdict?

15 JUROR: Yes, ma'am.

16 CLERK OF COURT: Thank you. No. 39, Matthew Curry, was
17 this your verdict in the jury room?

18 JUROR: Yes, ma'am.

19 CLERK OF COURT: Is this still your verdict?

20 JUROR: Yes, ma'am.

21 CLERK OF COURT: Thank you. No. 72, Cheryl Hicks, was
22 this your verdict in the jury room?

23 JUROR: Yes, ma'am.

24 CLERK OF COURT: Is this still your verdict?

25 JUROR: Yes, ma'am.

1 CLERK OF COURT: Thank you. No. 98, Thomas Marks, was
2 this your verdict in the jury room?

3 JUROR: Yes, ma'am.

4 CLERK OF COURT: Is this still your verdict?

5 JUROR: Yes, ma'am.

6 CLERK OF COURT: Thank you. No. 21, Sherry Brooks, was
7 this your verdict in the jury room?

8 JUROR: Yes, ma'am.

9 CLERK OF COURT: Is this still your verdict?

10 JUROR: Yes, ma'am.

11 CLERK OF COURT: Thank you. No. 46, Derrick Deas, was
12 this your verdict in the jury room?

13 JUROR: Yes, ma'am.

14 CLERK OF COURT: Is this still your verdict?

15 JUROR: Yes, ma'am.

16 CLERK OF COURT: No. 135, Anthony Richardson, was this
17 your verdict in the jury room?

18 JUROR: Yes, ma'am.

19 CLERK OF COURT: Is this still your verdict?

20 JUROR: Yes, ma'am..

21 CLERK OF COURT: Thank you. No. 7, James Ante, was this
22 your verdict in the jury room?

23 JUROR: Yes, ma'am.

24 CLERK OF COURT: Is this still your verdict?

25 JUROR: Yes, ma'am.

1 CLERK OF COURT: Thank you.

2 THE COURT: Thank you, ladies and gentlemen of the jury.
3 If you would please return to your jury room one last time,
4 I'll be in there to release you in just a moment.

5 (The jury retires to the jury room at 5:47 p.m.)

6 THE COURT: Anything further from the State or the
7 Defense at this time?

8 MR. SORENSON: Not from the State at this time, Your
9 Honor.

10 MR. LOY: No, Your Honor.

11 THE COURT: If you would, Solicitor, please prepare the
12 sentencing sheet, I'm going to go release the jury real
13 quick.

14 MR. SORENSON: Yes, ma'am.

15 (Recess held.)

16 THE COURT: The jury did want to be present for
17 sentencing, so I'm going to go ahead and allow them to come
18 inside. You may bring them in.

19 (The jury enters the courtroom at 6:05 p.m.)

20 THE COURT: Parties ready to proceed for sentencing?

21 MR. SORENSON: Yes, Your Honor.

22 MR. LOY: Yes, Your Honor. Your Honor, Mr. Singleton
23 does have his grandfather who is here in court with him and
24 has been here in court with him throughout the proceedings.
25 I'd ask Your Honor to hear from him at the appropriate time.

1 If he could stand behind these folks, doesn't need to be up
2 with these folks, but if you could be up here with his
3 grandson, I think he would appreciate it.

4 THE COURT: Certainly. I'll be happy to hear from him.

5 MR. LOY: Thank you, Your Honor...

6 THE COURT: Yes, sir.. Sir, did you wish to address the
7 Court?

8 MR. GOODWINE: My name is Zacheus Goodwine, Jr. I'm the
9 grandfather of James Lamont Singleton, Jr. To the family
10 he's know as Jay, and for some of the things that I've heard
11 in the trial, as far as a characteristic, the only thing that
12 I heard that I know Jay was when he apologized to the family
13 for what happened. Other than that, not only myself but the
14 entire family is so disappointed of what happened. I could
15 probably stand here and say to all of you all, he's my oldest
16 grandson, and he's the only one in the family have ever been
17 caught up in this type of predicament. Those days that we
18 set on the tailgate of my truck and I counseled this young
19 man, I think I'm more shocked than anybody else in the family
20 of what have taken place. All I could ask you for now is let
21 it be on the mercy of the Court. Thank you.

22 THE COURT: Thank you Mr. Goodwine.

23 MR. LOY: Thank you, sir.

24 THE COURT: Anything further from the defense?

25 MR. LOY: Your Honor, on behalf of Mr. Singleton, you

1 had the opportunity to meet him during the course of the
2 trial and hear something of his history. You know he's 20
3 years of age. He was arrested and locked up at 18, and he's
4 been incarcerated continuously ever since; has no criminal
5 history other than these charges now, so the whole thing's
6 been a brand new experience for him. Came out at 18 and has
7 put himself in a situation he lost control of obviously.
8 He's been continuously incarcerated and understands he's
9 going to have a term of incarceration ahead of him also.

10 Your Honor, I don't believe, whatever happened, that Mr.
11 Singleton went to the home that night with the intention of
12 hurting people, of shooting people, of doing any of those
13 things. I think at worst there was a theft planned and that
14 he lost control of the situation and left basically in a hail
15 of bullets and a certain circumstance that he had no control
16 over. To some degree I think, arguably, and I may have
17 pointed this out to the Court, I think to some degree he's a
18 victim of the media, of the culture we have in the United
19 States, where the glorification of violence, whether it's on
20 music videos or on the movies or on the TV shows that people
21 watch and the presentment of a gangster life-style and these
22 guns and, etc., is presented as something other than what it
23 is. I mean, I think he felt like he could control a
24 situation that he had no right to be in and certainly no
25 ability to control.

1 I know Your Honor's going to pass sentence on him in
2 just a moment, and I'd like to point out to the Court that,
3 although he does stand convicted of pretty serious crimes, in
4 the final analysis his defenses were certainly not offered
5 frivolously, nor were they fruitless. I mean, he had no
6 choices. There was never an offer made to him. He could
7 have come in and plead guilty to every charge that he was
8 presented with. The State had indicated they would make no
9 recommendation. There was no offer to drop a charge or run
10 anything consecutive, no incentive was given to him prior to
11 the case being called other than that. There was never
12 any -- and I broached that topic a couple of times and was
13 just told, basically, there's nothing else there.

14 By going to trial and the circumstance, although he
15 certainly stands convicted, there's a pretty good argument
16 that he made the right decision. If he didn't go to trial,
17 he would now be convicted, because his only choice was to
18 plead to everything, to a couple of attempted murders that he
19 is not convicted of and a kidnapping. So by proceeding as he
20 did, he certainly improved his circumstance and situation;
21 and at least from, you know, from that perspective, from our
22 perspective, it means it was the right call. By proceeding
23 to trial, he has arguably placed himself in a much better
24 situation than he would have been, had he just pled to all of
25 these charges.

1 I know that folks refer to a trial tax and that sort of
2 thing, Your Honor. I don't think Your Honor is going to
3 impose anything along those lines, but I would emphasize to
4 the Court that I don't think this is a case where he's come
5 in and wasted anyone's time. And I understand it's not a
6 waste of time to ask for a trial, it's his right, and every
7 person accused of a crime has that right, and I know we here
8 all the time accept that, but there's also sometimes it's
9 just the writing is on the wall. In this case, by proceeding
10 as he did, by making the choices as he did, I think he
11 improved his situation and circumstance considerably.

12 I'd like you to consider these things on his behalf as
13 well as his absolute lack of a criminal history as well as
14 the fact that he was a kid out of high school. He's put
15 himself in a terrible situation and is going to pay a
16 terrible price, and I hope Your Honor leaves him some
17 reasonable light, something he can work toward in the future.

18 THE COURT: Thank you, Mr. Loy. Anything further?

19 MR. LOY: Mr. Singleton, do you want to address the
20 Court?

21 THE DEFENDANT: I don't know what to say.

22 MR. LOY: Your Honor, he does not. He's not been in
23 General Sessions Court before, Your Honor.

24 THE COURT: Solicitor, anything the State would like to
25 add or the victims?

1 MR. SORENSON: Ms. Yates would like to address the
2 Court, Your Honor, if you would hear from her.

3 THE COURT: Certainly, Ms. Yates. Yes, ma'am.

4 MS. YATES: I'm not here to ruin James Singleton's life.
5 I just want justice to be served because, whether he admits
6 it or not, he did come in my home, violate me, hold me at
7 gunpoint to my head. My kids could have been there. And
8 ever since May 23rd, 2013, my whole life has changed. I've
9 had to fight for my children. Basically, my kids laugh
10 because they say, Mommy, come catch me, and I can't run as
11 fast as I used to, so they think that's funny. I had to sit
12 down and explain to my children why I was in the hospital,
13 why I had to use the walker. Sometimes they even ask me, are
14 they coming back. So I just want to thank you and the jury
15 that today justice was served and that somebody finally did
16 hear me.

17 THE COURT: Thank you, Ms. Yates.

18 Anything further from anyone?

19 MR. SORENSON: No, Your Honor.

20 MR. LOY: No, Your Honor.

21 THE COURT: Mr. Singleton, certainly I think going to
22 trial certainly is not something that the Court ever holds
23 against anyone. It's certainly your right. You're entitled
24 to that, and obviously it was of a benefit to you,
25 considering the fact that there were no offers made. The

1 Court does consider, though, acceptance of responsibility too
2 as a factor. I think it means a lot to victims if you accept
3 responsibility at some point. I understand why you went to
4 trial, and I think certainly it was a wise choice, and the
5 Court certainly is in no way, shape or form thinks that it
6 was a waste of the Court's time. That's what we're here for.
7 That's what we do.

8 Obviously it's difficult for your family. You obviously
9 have a nice family. Your grandfather was there for you. And
10 media or whatnot, there's no excuse to go to anybody's home,
11 armed with a weapon like that. I don't know honestly quite
12 the reason why you went there, whether it was to buy drugs,
13 or to rob, or whatever it was, you went there armed with a
14 weapon, and because of that decision your future is
15 ultimately changed as well as the future of these victims.
16 No one should be in their house, whether they have drugs in
17 there or not, think that they're going to come in and be
18 robbed and victimized and shot at. And that's something
19 certainly our community cannot tolerate. It's something very
20 serious. I understand that you have no prior criminal
21 record, but by your own testimony, you were out there doing
22 drugs, wanting more drugs, obtaining weapons, and that
23 life-style leads to where it landed you here today.

24 On Indictment 2013-GS-18-1090 for assault and battery of
25 a high and aggravated nature, you're hereby committed to the

1 State Department of Corrections for a period of 20 years. On
2 Indictment 2013-GS-18-1089 for assault and battery in the
3 first degree, you're hereby committed to the State Department
4 of Corrections for a period of 10 years. On indictment
5 2013-GS-18-1087, possession of a weapon during the commission
6 of a violent crime, you're hereby committed to the State
7 Department of Corrections for a period of 5 years. On
8 indictment 2013-GS-18-1086 for burglary in the first degree,
9 you're hereby committed to the State Department of
10 Corrections for a period of 40 years. These indictments will
11 all run concurrently.

12 MR. LOY: Thank you, Your Honor.

13 ---. END OF TRANSCRIPT OF RECORD ---
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1 CERTIFICATE OF REPORTER

2 STATE OF SOUTH CAROLINA .

3 COUNTY OF DORCHESTER

4
5 I, the undersigned Ruth L. Mott, Official Court Reporter
6 for the State of South Carolina, do hereby certify that the
7 foregoing is a true, accurate and complete transcript of
8 record of all the proceedings had and evidence introduced in
9 the matter of the above-captioned case, relative to appeal,
10 in the 1st Judicial Circuit Court for Dorchester County,
11 South Carolina, the 12th through the 14th of May, 2015.

12 I further certify that I am neither related to nor
13 counsel for any party to the cause pending or interested in
14 the events thereof.

15 September 10, 2015

16
17 *Ruth L. Mott*

18 Official Court Reporter
19
20
21
22
23
24
25

WITNESSES

Sandy Williams

Summerville Police Department

13-038024

ARREST WARRANT NUMBER

2013A1820500360

Arrested: May 24, 2013

ACTION OF GRAND JURY**TRUE BILL**

Foreperson of Grand Jury

Date: April 3, 2014

VERDICT

Guilty

Foreperson of Petit Jury

Date: 7/14/15

DOCKET NO. 2013GS18-1087

The State of South Carolina

County of DORCHESTER

COURT OF GENERAL SESSIONS

April 7, 2014 TERM

THE STATE

vs.

James Lamont Singleton Jr

Indictment for**POSS. WEAPON DURING
COMMISSION OF VIOLENT CRIME**

SC Code: 16-23-490

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I
hereby appear in my own proper person
and plead guilty to the within indictment
or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

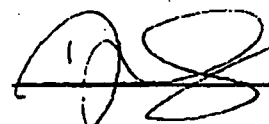
INDICTMENT
2013GS18-1087

At a Court of General Sessions, convened on April 7, 2014 the Grand Jurors of
Dorchester County present upon their oath:

POSS. WEAPON DURING COMMISSION OF VIOLENT CRIME

That in Dorchester County on or about May 23, 2013, the defendant, James
Lamont Singleton Jr did visibly display or have in his possession, a handgun
during the commission of a violent crime. This offense in violation of Section 16-
23-490, of the South Carolina Code of Laws, as amended.

Against the peace and dignity of the State, and contrary to the statute in
such case made and provided.



Donald N. Sorenson, Solicitor

WITNESSES

Sandy Williams

Summerville Police Department
13-038024**ARREST WARRANT NUMBER**
2013A1820500359

Arrested: May 24, 2013

ACTION OF GRAND JURY**TRUE BILL**Foreperson of Grand Jury
Date: April 30, 2015**VERDICT**

Guilty

Foreperson of Petit Jury
Date: 5/1/15**DOCKET NO. 2013GS18-1086
AMENDED****The State of South Carolina
County of DORCHESTER****COURT OF GENERAL SESSIONS****May 4, 2015 TERM****THE STATE
vs.**

James Lamont Singleton Jr

**Indictment for
Burglary - First Degree**

SC Code: 16-11-311

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

2015 APR 30 PM 2:30
CLERK OF COURT
DORCHESTER COUNTY
2015 APR 30 PM 2:43

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

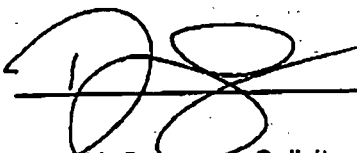
INDICTMENT
2013GS18-1086
AMENDED

As a Court of General Sessions, convened on April 30, 2015 the Grand Jurors of DORCHESTER County present upon their oath:

BURGLARY - FIRST DEGREE

That in Dorchester County, South Carolina, on or about May 23, 2013, the Defendant, James Lamont Singleton Jr, did willfully and unlawfully enter the dwelling of James Gage and/or Melinda Yates, without consent and with the intent to commit a crime therein and the defendant was armed with a deadly weapon and/or did cause physical injury to a non participant and/or did enter during the hours of darkness. This offense being a violation of Section 16-11-311 of the South Carolina Code of Laws, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


Donald N. Sorenson, Solicitor

WITNESSES

Sandy Williams

Summerville Police Department
13-038024ARREST WARRANT NUMBER
2013A1820500362

Arrested: May 24, 2013

ACTION OF GRAND JURY

TRUE BILL

Dominic J. Kelly
Foreperson of Grand Jury
Date: April 30, 2015

VERDICT

Not Guilty

[Signature]
Foreperson of Petit Jury
Date: 5/14/15DOCKET NO. 2013GS18-1089
AMENDEDThe State of South Carolina
County of DORCHESTER

COURT OF GENERAL SESSIONS

May 4, 2015 TERM

THE STATE
vs.

James Lamont Singleton Jr

Indictment for
Attempted Murder

SC Code: 16-3-29

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

2015 APR 30 PM 2:30
CLERK OF COURT
DORCHESTER COUNTY
2015 APR 30 PM 2:43

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

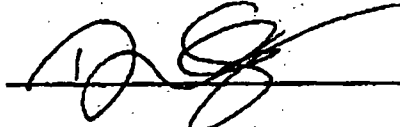
INDICTMENT
2013GS18-1089
AMENDED

As a Court of General Sessions, convened on April 30, 2015 the Grand Jurors of DORCHESTER County present upon their oath:

ATTEMPTED MURDER

In that the defendant, James Lamont Singleton Jr, did in Dorchester County on or about May 23, 2013 did with the intent to kill, attempt to kill one James Gage with malice aforethought by firing a handgun at the victim . This offense being in violation of Section 16-3-29 of the South Carolina Code of Laws, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


Donald N. Sorenson, Solicitor

WITNESSES

Sandy Williams

Summerville Police Department
13-038024ARREST WARRANT NUMBER
2013A1820500363

Arrested: May 24, 2013

ACTION OF GRAND JURY

TRUE BILL

Damon L. Kelly
Foreperson of Grand Jury
Date: April 30, 2015

VERDICT

Not Guilty

Foreperson of Petit Jury
Date: 14/15DOCKET NO. 2013GS18-1090
AMENDEDThe State of South Carolina
County of DORCHESTER

COURT OF GENERAL SESSIONS

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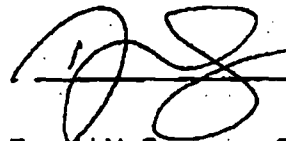
INDICTMENT
2013GS18-1090
AMENDED

As a Court of General Sessions, convened on April 30, 2015 the Grand Jurors of DORCHESTER County present upon their oath:

ATTEMPTED MURDER

In that the defendant, James Lamont Singleton Jr, did in Dorchester County on or about May 23, 2013 did with the Intent to kill, attempt to kill one Melinda Yates with malice aforethought by firing a handgun at the victim. This offense being in violation of Section 16-3-29 of the South Carolina Code of Laws, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Donald N. Sorenson, Solicitor

RECEIVED

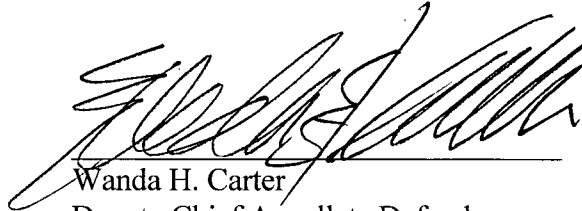
JAN 12 2016

CERTIFICATE OF COUNSEL FOR APPELLANT

SC Court of Appeals

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

This 12th day of January, 2016



Wanda H. Carter
Deputy Chief Appellate Defender

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

ATTORNEY FOR APPELLANT