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VOLUME II OF II

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Richland County

L. Casey Manning, Circuit Court Judge

Case Nos. 08-GS-40-03948; 08-GS-40-01626; 1627, 1629, 1631, 1632

THE STATE,

RESPONDENT,

v.

JOHNNIE WALKER GASKINS,

APPELLANT.

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SC Court of Appeals

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State's Exhibits 22-46 (Photographs) are part of the Record on Appeal and Counsel for Appellant has been requested a Transportation Order to have these photographs transported to the Court of Appeals for viewing.

\* Court's Exhibit 6 is indexed in the original Trial Transcript as Statement of Roger Glover. Counsel for Respondent requested Court's Exhibit 6 in its Designation of the Matter. The document marked as Court's Exhibit 6 at trial however, is that of Lindburgh Porterfield, III.

\*\* Exhibits numbers can be read with cross-reference to State's Exhibit 5, which is a detailed list of State's photo exhibits, for more detail concerning subject matter of each individual photograph.

1 THE COURT: Mr. Crumpton, you may invite them to  
2 come back in, sir.

3 THE BAILIFF: All right, sir.

4 (The jury returned to the courtroom at  
5 approximately 2:18 p.m.)

6 THE BAILIFF: The jury's present, Your Honor.

7 THE COURT: Thank you, sir.

8 Welcome back once again, Madam Forelady and  
9 members of the jury.

10 Mr. Meadors, you may call your next witness,  
11 sir.

12 MR. MEADORS: The State would now call  
13 Investigator Kevin Isenhoward.

14 (KEVIN ISENHOWARD, having first been duly sworn,  
15 testified as follows:)

16 THE CLERK: Thank you. Please have a seat in  
17 the witness stand and state your full name for the  
18 record.

19 THE WITNESS: My name Kevin Isenhoward.

20 DIRECT EXAMINATION

21 BY MR. MEADORS:

22 Q Are you an investigator with the Richland County  
23 Sheriff's Department?

24 A Yes, sir, I am.

25 Q Investigator, please tell the ladies and gentlemen

1 of this jury where you were born, where you were  
2 raised, your background, your education and in  
3 particular your education that led you to law  
4 enforcement and your experience in law enforcement,  
5 please.

6 A I was born and raised here in Richland County. I  
7 went to Spring Valley High School and I graduated  
8 from Spring Valley High School. I went to  
9 Spartanburg Methodist College in Spartanburg,  
10 University of South Carolina. I have a degree in  
11 criminal justice.

12 After college I went to the Criminal Justice  
13 Academy, started working for the Richland County  
14 Sheriff's Department and that's been 12 years now.  
15 And started off as a officer here in the courtrooms  
16 and moved my way up. Now I'm in the Major Crimes  
17 Unit at the Sheriff's office. I'm a sergeant. I  
18 supervise investigators who primarily handle robbery  
19 and homicide investigations.

20 Q And how long have you been doing that?

21 A Which part?

22 Q The last part, in Major Crimes?

23 A About two and a half years.

24 Q Okay. And last year ---

25 A Supervising.

1 Q Last year you won an award?

2 A Yes, sir, I did.

3 Q What was that?

4 A In 2008 I won the International Investigator of the  
5 Year Award.

6 Q Now, explain to the ladies and gentlemen of the jury  
7 how a case -- who becomes the chief investigating  
8 officer of a case?

9 A Well, it would -- a couple of ways. You can respond  
10 out to the scene of the crime and take over the  
11 investigation from the initial incident. Or a  
12 supervisor could assign you the case to investigate  
13 once the report comes in.

14 Q Now on February 4th of 2007, you were at the  
15 Sheriff's Department in this same capacity?

16 A Actually, at this point I was just an investigator.  
17 I was still assigned to the Major Crimes Unit but I  
18 was an investigator, not a supervisor. On February  
19 -- on February the 5th, I was working the evenings  
20 and I was the on-call investigator.

21 Q What was the evening shift?

22 A The evening shift is for seven days straight we work  
23 nights basically. Primarily we work during the day  
24 but for that week you work nights through the  
25 weekend. You maybe come in at around 3:00 in the

1 afternoon and work 8 and a half hours or until you  
2 finish with whatever is going on.

3 Q You said you were on-call, so if anything happened  
4 during that time period, you're called?

5 A Yes. And especially if you're the on-call homicide  
6 investigator, when you're off you're still on-call.  
7 They'll call you at home and tell you if there's  
8 something that's happened that requires you to  
9 respond and you'll respond from your home.

10 Q Now, in the early morning hours of February 5th,  
11 2007 -- 2007, I'm sorry, were you called to Club 360  
12 on I-26 and Bush River?

13 A Yes, sir, I was.

14 Q Tell the ladies and gentlemen, do you know what time  
15 that was?

16 A It was around 1:00 in the morning I think. I was  
17 actually on Broad River Road just a few miles away  
18 at an unrelated crime, working that.

19 Q And you left that scene to come here?

20 A Yes.

21 Q Describe for the ladies and gentlemen of the jury  
22 your observations as you first came to 360.

23 A When I first arrived I was actually one of the first  
24 units on the scene because I was just right down the  
25 road. I heard the call dispatched so I decided to

1 respond to it. When we got there, I think -- there  
2 were hundreds of people running and trying to get  
3 out of the parking lot. They were scared. It was  
4 chaotic.

5 I came in, was able to make my way through the  
6 parking lot up to the front door. There were other  
7 deputies there initially. I will just state what I  
8 saw. There was what appeared to be a security guard  
9 lying on the -- near the front door. He was later  
10 identified as John Adams. He had a gunshot wound  
11 which I could see in his abdomen. I continued to --  
12 at this point, I'm -- I wasn't sure whether or not  
13 the person was still there, the shooter. So I'm  
14 obviously, you know, very guarded. I'm moving my  
15 way into the club itself to do what we call clearing  
16 the building with other deputies.

17 When I move inside the front, I see a female  
18 lying on the ground. She had a wound to the head.  
19 She's bleeding profusely. Again, we have deputies  
20 who are trying to render aid and I'm moving back  
21 just investigating the scene.

22 I continue to move back. I can see a trail of  
23 blood which to me appeared to be either someone  
24 bleeding as they walked or being carried or drug  
25 back to the restroom area of the club. There's a

1 pool table nearby that had a pool of blood on it.

2 And when I get probably back to the end of where the  
3 trail of blood was, there's another female there  
4 with a head wound bleeding.

5 Q What -- what if anything did you and/or the folks,  
6 your folks let's just say, do, if anything, to  
7 determine who was a patron or who was an employee?

8 A Well, when -- once we feel like we have the scene  
9 safe, we need to identify who's there. Identify --  
10 and in this case I instructed the officers to  
11 separate those people who work at the business from  
12 those who are there recreationally and try and  
13 determine what -- what they saw, if anything, and  
14 make sure we document names.

15 So in this case we had some physical evidence we  
16 had to secure, make sure nobody disturbed that,  
17 remove them from the scene. I had the officers take  
18 the -- the employees to a back area in the club,  
19 separate them and then we would -- obviously I  
20 called for other investigators to help and then we  
21 were going to talk to them individually.

22 Q And you mentioned earlier evidence, was there  
23 anything that appeared to you to be of an  
24 evidentiary value outside the club?

25 A Yeah. I forgot to mention. When I -- as I was

1 moving in, I'm looking at the ground and, again, we  
2 have shattered glass, blood. I did observe shell  
3 casings that were visible in the parking lot. I  
4 instructed the officers to protect those and make  
5 sure they weren't disturbed as I moved in.

6 Q Now you had mentioned earlier one of the security  
7 guards appeared to have a gunshot wound to his  
8 abdomen, I think?

9 A Yes, he did.

10 Q Did you -- was that person -- was Mr. Adams able to  
11 talk when you were there?

12 A Yeah. We were actually communicating with him.  
13 Deputy Fisher was telling him, you know, to hang in  
14 there that we were going to get some help there.  
15 And though injured, you know, he was -- he was  
16 communicating with us. He seemed okay at that  
17 point. But obviously gunshot wounds are very  
18 dangerous.

19 Q Now, at this point did you have an occasion to come  
20 in contact with a Lamont Davis?

21 A Yes. Once we, you know, kind of calmed things down  
22 a bit, I went out and I'm trying to identify  
23 witnesses and I located Mr. Davis, another security  
24 guard there at the club and spoke with him about  
25 what had -- what happened at the scene.

1 Q As a result of your investigation with Mr. Lamont  
2 Davis, did you have a name?

3 A Yeah. Mr. -- I learned that earlier in the evening  
4 there was an altercation with an intoxicated or  
5 unruly patron which security had escorted out.  
6 During that he said -- I learned they had identified  
7 him by checking his driver's license or identity, ID  
8 card. And that once out in the parking lot they  
9 released him. He was escorted to a blue Chevrolet  
10 Impala, got into the Impala and drove up to the  
11 front door where shots had occurred and the shots  
12 had come from the Impala.

13 Q Now, were you at some point after this able to talk  
14 or did you talk to another person who was working  
15 there named Quinten Harris?

16 A I did. I believe he was another bouncer or security  
17 guard, I believe bouncer.

18 Q And as a result of that, did you learn about a  
19 fellow names Sydney Williams?

20 A Yeah, I learned that ---

21 MR. MCCULLOCH: Your Honor, I am going to object  
22 to this witness detailing what he learned in terms of ---

23 THE COURT: Y'all approach, no run-on objection.  
24 That's all right.

25 (WHEREUPON, a bench conference was held off

1 the record, in the presence of the jury, but out  
2 of the hearing of the jury.)

3 MR. MCCULLOCH: Thank you, Your Honor.

4 MR. MEADORS: Thank you.

5 Q Did you end up identifying someone named Sydney  
6 Williams?

7 A Yes, I did. He was actually being detained at the  
8 scene when I got there.

9 Q And who had detained him?

10 A One of the security officers, Epsil Palmer. And by  
11 that point he had been turned over from security to  
12 one of our deputies.

13 Q So Sydney Williams was now with someone with the  
14 Sheriff's Department?

15 A Yes, he was.

16 Q And did you meet Mr. Porterfield?

17 A I did. He was identified as the owner and  
18 proprietor of the business.

19 Q And he -- had he identified anybody in the -- his  
20 establishment like that night that he knew by name  
21 and sight?

22 A He did. He told me that the person who was -- I  
23 learned that the person who was removed from the  
24 club and identified by the security guards as being  
25 escorted to the car and driving that car was a man

1 named John.

2 Q Now, did you have an occasion to interview one Erin  
3 Hellman, without saying what she said?

4 A Yes.

5 Q And you mentioned a fellow named Sydney Williams.  
6 Did you have an occasion to talk to Mr. Williams,  
7 and if so, when?

8 A Immediately after things calmed down, I was able to  
9 determine, you know, get a basic idea of what was  
10 going on there. I took Sydney Williams to the  
11 Richland County Sheriff's Department.

12 Q And did you have an occasion to take a statement  
13 from him?

14 A I did.

15 Q And as a result of that, during the course of this  
16 investigation, acquire the name of the shooter?

17 A I did.

18 Q And who was that?

19 A Johnnie Walker Gaskins.

20 Q And at this point -- had you gained prior to this  
21 any information about a vehicle the person may have  
22 used?

23 A Yes, we had both a description and a video. The  
24 description was a dark colored or blue Chevy Impala.

25 Q And after talking to Mr. Sydney Williams, did you

1 have a vehicle that you believed was involved?

2 A Yes. He provided basically the same description.

3 Q So at this point in your investigation you had a  
4 name, a first name?

5 A I did.

6 Q A last name?

7 A Yes.

8 Q A car?

9 A Yes.

10 Q And that's based on interviewing several witnesses?

11 A That's correct.

12 Q And looking at a video?

13 A That's right.

14 Q Do you -- did you know Johnnie Walker Gaskins at  
15 that time?

16 A No, sir, I'd never met him or heard of him.

17 Q After you had acquired this information, what did  
18 you do then?

19 A Once we had the information and we had him  
20 identified, we placed a warrant on him and I did  
21 some research, attempted to identify a possible  
22 location for him and I did obtain a -- an address  
23 for him in the Irmo area in Lexington County.

24 Q And that address was what?

25 A It was -- bear with me.

1 (Pause.)

2 A 425 Lyndhurst Drive, again in Lexington County.

3 Q Now, when you were talking to Mr. Williams, were you  
4 able to establish or was there a relationship --

5 I'll slow down. I apologize. Was there a  
6 relationship that you became aware of between Mr.  
7 Williams and the Defendant Johnnie Gaskins?

8 A Yes. I learned that the two were friends. That they  
9 knew each other and obviously that he had intervened  
10 in his detainment there at the club.

11 Q Were you able to check on -- and all this is just  
12 kind of happening, isn't it?

13 A Yes.

14 Q I mean, you're responding and now you're  
15 investigating?

16 A Yes, sir. There's a lot of activity, especially  
17 early on in investigations, one thing after another,  
18 and I have a procedure that we try and follow to  
19 identify.

20 Q All right. When you got through talking with Mr.  
21 Williams it was what time? Or when you talked to  
22 him again, I'm sorry. When did you talk to him?

23 A I talked to him right after we left the club. I  
24 would say it was around 2:30, 3:00 in the morning  
25 maybe. I don't have the exact time with me.

1 Q And did Mr. Williams go back -- or get back to 360?

2 A Yes, we took him back.

3 Q Are you -- did you check on the victims?

4 A Yes, we did. We checked on their status. I learned  
5 that Mr. Adams had passed away and that Shannavia  
6 was in dire straits, basically was on life support.

7 Q And were you able to retrieve or did you retrieve a  
8 gun from Lamont Davis from 360 or did one of your  
9 people do it?

10 A We did learn about a security guard firing a weapon  
11 and that the weapon was secured in the trunk of a  
12 vehicle, there. Obviously I had contact with other  
13 officers who were at the scene still. We advised  
14 them and they recovered the firearm from the trunk  
15 of this vehicle.

16 Q And what if anything happened to that firearm?

17 A The firearm was obviously taken into our custody and  
18 placed in the evidence for future testing.

19 Q Now, the shell casings that were at the 360, what  
20 happened to them?

21 A All of those while I was there were photographed,  
22 documented and collected and placed into evidence.

23 Q And projectiles also collected?

24 A Yes.

25 Q Now, did you yourself go inside and also look at the

1 inside of 360? Obviously you did.

2 A Yes, sir, I did.

3 Q And this has already been entered. I thought it had  
4 not been but State's 13 has. Do you recognize  
5 State's 13?

6 A Yes, sir, that's an exterior photograph of the club  
7 that night.

8 Q Now, when you were looking through, you yourself,  
9 Kevin Isenhoward, with your own eyes, I was going to  
10 ask you if you recognize State's 106 and were you  
11 involved in picking up a potential piece of evidence  
12 out of 106?

13 A Yes, sir, I located a woman's wallet at the scene.

14 Q And will you identify the wallet there, State's 106?

15 A Yes, sir. That's the wallet we collected. Inside  
16 was an ID from the victim, I believe Ms. Shannavia  
17 (sic).

18 MR. MCCULLOCH: No objection.

19 MR. MEADORS: 139 without objection.

20 THE COURT: What is 139?

21 MR. MEADORS: It's the wallet of Shannavia  
22 Williams.

23 (Whereupon, State's Exhibit Number 139, Victim's  
24 Wallet, was admitted into evidence.)

25 Q Is that her wallet you found in there?

1 A Yes, sir, it is.

2 Q Does it have her name on there?

3 A Yes, sir.

4 Q And in what proximity was it to her body, if you  
5 know?

6 A It was right near the front or I guess just inside  
7 the front entrance, just a few feet away.

8 Q Tom Amaro has been with y'all a long time, correct?

9 A Yes, sir, as long as I've been there.

10 Q And did you meet with him with a Verizon phone  
11 turned over from Amaro to you and put into evidence?

12 A Yes, sir, it was.

13 Q Now, at some appoint was Lamont Davis released from  
14 the hospital? And, if so, did you have occasion to  
15 talk to him?

16 A I did we -- I actually went to the hospital and  
17 picked him up and it was him and his girlfriend, I  
18 believe, or wife. Brought them back to the  
19 Sheriff's office. It had been a long night. We  
20 actually bought them something to eat along the way  
21 and took them back to the Sheriff's office where I  
22 interviewed him.

23 Q And you interviewed Lamont Davis at what time  
24 approximately?

25 A Let's see. At -- the statements -- the time of his

1 actual statement is 8:10 a.m.

2 Q February 5th?

3 A Yes, sir.

4 Q That's seven hours or so after you got there?

5 A Yes, sir.

6 Q And did Mr. Lamont Davis give you a statement?

7 A Yes, he did.

8 Q Tell you what he observed?

9 A Yes, he did.

10 Q Did you have an occasion to show him a photo lineup,  
11 Investigator?

12 A I did.

13 Q And I'm going to show you what I think has already  
14 been entered as State's 10 and tell me do you  
15 recognize that?

16 A Yes, sir, I do.

17 Q Tell these folks, what -- when you're putting  
18 together a photo lineup, what are trying to do? How  
19 do you put together a photo lineup. What are  
20 looking for and ---

21 A The way we construct a photographic lineup, you have  
22 six pictures. Obviously you're going to have a  
23 target individual, a person who you believe may have  
24 had something to do with the crime in question. You  
25 need to find five other photographs that are similar

1 in nature. By similar I mean, basically the person,  
2 it's the same race or has the same skin tone, has  
3 roughly the same kind of hair or length hair. If  
4 there's facial hair, they need to all have facial  
5 hair, eyeglasses, anything like that. You want the  
6 lineup to be fair, basically, and not suggestive.

7 Q And again, you're at the Sheriff's Department?

8 A Yes, sir, I am.

9 Q Did Mr. Lamont Davis look at this photo lineup which  
10 is marked State's 10?

11 A He did.

12 Q And did he pick out anybody?

13 A Yes, he did.

14 Q Did he have any trouble picking out anybody?

15 A No, he didn't, none at all.

16 Q Did you suggest to him who to pick out?

17 A No, sir.

18 Q Did you say, Lamont, pick out number so and so?

19 A No, sir, I didn't say anything to him.

20 Q What number did Lamont Davis pick out?

21 A He identified photograph number 1 which is that of  
22 Johnnie Walker Gaskins.

23 Q Did he indicate in any way that he picked him out?

24 A Yes, he circled the photograph, put his initials  
25 inside the circle and then filled out basically an

1 affidavit portion where he signs it and I notarize  
2 it.

3 Q And he picked out Johnnie Walker Gaskins as what?

4 A He identified him as the person who was shooting at  
5 the club.

6 Q As the person who was shooting at the club?

7 A Yes.

8 Q Now, are we still on the morning hours of  
9 February 5th?

10 A Yes, sir, we are.

11 Q And at this point, I believe you testified, you had  
12 the -- the Defendant identified as the shooter by at  
13 least two folks?

14 A Yes.

15 Q And were there other folks that worked in the club  
16 that knew him by name and sight and saw him in the  
17 club?

18 A Yes.

19 Q What did you do next, if anything?

20 A Well, we had to obviously go out and see if we could  
21 locate Mr. Gaskins. And like I said, we had a  
22 possible address. We did some procedural things,  
23 contacted the Lexington County Sheriff's Department  
24 and obtained a search warrant for the location  
25 there.

1 Q And that's just because the house was in Lexington?

2 A Yes, sir.

3 Q And if you go to another county you've got to get  
4 with that Sheriff's Department?

5 A That's right.

6 Q And were you able to locate Mr. Gaskins at that  
7 point?

8 A No, I wasn't.

9 Q At this point in the investigation, did you receive  
10 information from another source of that vehicle at a  
11 residence? And if so, what was it?

12 A Yes, once we had completed the search at that first  
13 residence, we were leaving, we received information  
14 that the vehicle and person involved in the shooting  
15 there was at 52 Riverview Court.

16 Q 52?

17 A In Richland County.

18 Q And where is that?

19 A It's sort of near River Drive, that area.

20 Q Armed with this information, what did you or what  
21 did any of the folks that were working with you on  
22 this case do, if anything?

23 A Well, I first contacted some of our uniformed  
24 officers who would have been closer than I was. I  
25 asked them to -- I provided them with the

1 description of the suspect vehicle and asked them to  
2 check the area, which they did, and they contacted  
3 me and I learned that they had in fact located a  
4 blue Chevy Impala at 52 Riverview Court.

5 Q What did you do then?

6 A We responded there and made contact with some  
7 persons who were in the home.

8 Q At 52 Riverview Court?

9 A Yes.

10 Q And as a result of that, did -- were you given  
11 permission to look in 51 Riverview Court, initially?

12 A Yes, I spoke with a lady named Andreana Peak and we  
13 did receive consent to search. Obviously, I told  
14 her what was going on, why I was there, and that I  
15 was looking for Mr. Gaskins. Initially she, you  
16 know, didn't know.

17 We began to search the house on consent. Once I  
18 entered, I almost immediately noticed this black  
19 jacket with a fur collar which was laying just like  
20 somebody had thrown it on the couch. And I  
21 connected that with the information I received at  
22 the scene. It was as described by -- being worn by  
23 the suspect.

24 Q And we've looked previously at State's 18, I think.  
25 Let me make sure. State's 18, you've seen this

1 before?

2 A Yes.

3 Q What is this? What does that appear to you to be?

4 A That's the black jacket with the fur collar, the  
5 jacket I collected from 52 Riverview Court.

6 Q What did you do next? What happened next?

7 A Of course, we're searching the house so we're moving  
8 from front to back. And we noticed that the  
9 exterior of the home had video surveillance. There  
10 was a monitor inside this house. So basically you  
11 could see anybody coming up to the house. We then  
12 turned and could see that the attic, the ladder  
13 leading to the attic was open. I asked Ms. Peak,  
14 you know, was there somebody -- it concerned us --  
15 obviously we were concerned for our safety at this  
16 point if somebody knew we were coming and could  
17 hide, it would be a very dangerous thing. I asked  
18 her if there was anyone inside and she kind of just  
19 all of a sudden ---

20 MR. MCCULLOCH: Your Honor, I'm going to object  
21 to this. This is hearsay. This person can be brought  
22 here to testify ---

23 THE COURT: No run-on objections, hearsay.

24 MR. MCCULLOCH: Hearsay.

25 THE COURT: I think he said, told. We had a

1 sidebar about that earlier.

2 MR. MCCULLOCH: Your Honor, this witness ---

3 THE COURT: Members of the jury, go to the jury  
4 room. Don't talk about this case.

5 (The jury retires from the courtroom at  
6 approximately 2:47 p.m.)

7 THE COURT: Sorry, I wanted to stop you from  
8 run-on objection because you might say something I might  
9 have to caution the jury about. That's the only reason.  
10 You know the rules, you've got to say hearsay but go  
11 ahead now.

12 MR. MCCULLOCH: All right.

13 THE COURT: Make your point.

14 MR. MCCULLOCH: The objection is hearsay. The  
15 previous objection that I made based on hearsay you  
16 overruled because those people about whom the  
17 investigator was recounting their testimony ---

18 THE COURT: I thought he testified they told --  
19 okay, go ahead.

20 MR. MCCULLOCH: This witness that he is now  
21 talking with and talking about what they -- and  
22 presumably he's about to say what they told him, has  
23 never testified at this trial.

24 THE COURT: So you -- this is preemptive  
25 objection because he's yet to state something that would

1 be objectionable? I'm not trying to ---

2 MR. MCCULLOCH: Doesn't do me any good to let  
3 the cat out of the bag.

4 THE COURT: I understand. So your objection is  
5 he's fixing to say something that would be objectionable?

6 MR. MCCULLOCH: He is fixing to, Your Honor,  
7 that's correct.

8 THE COURT: All right. Mr. Meadors.

9 MR. MEADORS: Your Honor, we're at the point  
10 where they're waiting on the search warrant. All he's --  
11 I don't know what he's going to say except that he had to  
12 stop because the consent was taken away and they went and  
13 got a search warrant. I don't know how else you can say  
14 that -- it's not being offered as to the truth of the  
15 matter. Well, what did you do next? Well, we had to  
16 stop because we were told don't, stop and then we had to  
17 go get a search warrant. That's what they did in the  
18 course of the investigation. So I don't know how else to  
19 get it out.

20 MR. MCCULLOCH: Well, Your Honor, my question  
21 was to the question leading to an answer about the  
22 witness who has never testified about to tell him -- or I  
23 presume he was about to say ---

24 THE COURT: I went and we began a search and we  
25 had to abruptly stop. Then we went to get a search

1 warrant.

2 All right. Let's take a break. That's how you  
3 answer the question without it being objectionable, it  
4 seems to me.

5 MR. MCCULLOCH: That's fine.

6 THE COURT: All right, good.

7 MR. MCCULLOCH: That wasn't the answer I was  
8 afraid of.

9 THE COURT: But that was the answer that you  
10 were trying to solicit.

11 MR. MEADORS: Yes, sir ---

12 THE COURT: All right.

13 MR. MEADORS: --- and they went to get a search  
14 warrant.

15 MR. MCCULLOCH: That's easy enough.

16 THE COURT: We -- we're into a search and we had  
17 to stop. We left and came back with a search warrant.

18 Thank you, take a break. I've got to give them  
19 a chance to go refresh themselves.

20 (The Court was in recess.)

21 THE COURT: I got a note from a juror. I'm  
22 having her copy it for both sides. I will share it with  
23 y'all simultaneously, that means at the same time.

24 (Pause.)

25 THE COURT: Y'all approach.

1 (WHEREUPON, a bench conference was held off  
2 the record.)

3 (Whereupon, Court's Exhibit Number 9, Juror  
4 Note, was marked for identification.)

5 THE COURT: At the first sidebar, I think he  
6 objected, I think properly so, he told me. As a result of  
7 the conversation, I did that, okay. So it's semantics  
8 but still we've got to follow the rules.

9 We're good then? All right, all right.

10 (Pause.)

11 THE COURT: All right, is everybody ready?

12 MR. MEADORS: Ready.

13 MR. MCCULLOCH: Yes, sir.

14 THE COURT: You can go get the jury.

15 (The jury returned to the courtroom at  
16 approximately 3:05 p.m.)

17 THE BAILIFF: The jury's present, Your Honor.

18 THE COURT: All right. Welcome back, Madam  
19 Forelady and members of the jury. I shared this note  
20 with you all in the jury room and I told you I'd share it  
21 with the lawyers. I've got to share it on the record.

22 And the question is: What did Mr. Gaskins say  
23 to Mr. Sydney Williams? In his testimony Mr. Williams  
24 stated that Mr. Gaskins had said he would do this and  
25 this when they were standing by the car. I would like to

1 know what is this and this, Juror Number 21.

2           And I explained to the jury, I told the lawyers  
3 and I'll tell y'all for the record, on the way you wonder  
4 and then you'll know. Wait until all the testimony is  
5 in. Don't worry about any questions. Wait until you  
6 hear the State argue, Mr. McCulloch argue, I tell you  
7 what the law is and together, collectively, y'all will be  
8 able to make a fair and just decision. But don't get  
9 ahead of yourselves. On the way we'll wonder and then  
10 we'll know. Wait until the end and then if you have any  
11 questions, I'm here to receive it or help you out in any  
12 way.

13           But with that in mind -- but I appreciate this  
14 in that y'all are paying strict and close attention which  
15 is what everybody wants in this case. We all want a fair  
16 and just verdict. And obviously y'all were paying  
17 attention, so I thank you for that.

18           With that in mind, unless there's any exceptions  
19 to the words I just gave to the jury, I will invite Mr.  
20 Meadors to continue with his direct examination of  
21 Investigator Isenhoward.

22           MR. MEADORS: May it please the Court.

23           THE COURT: Yes, sir.

24                           DIRECT EXAMINATION CONTINUES

25 BY MR. MEADORS:

1 Q After initially getting consent to search 52  
2 Riverview Court, was that consent taken away and you  
3 got a search warrant?

4 A Yes, sir, we got a search warrant.

5 Q And what relationship, if any, did your  
6 investigation reveal between Ms. Peak and Ms. Sykes?

7 A I know that Ms. Sykes is the, I guess, primary  
8 homeowner or resident of the location and that the  
9 blue Impala is hers basically, owned by her mother  
10 but she drives it.

11 Q Okay. And y'all got a search warrant for the 52  
12 Riverview Court?

13 A Yes.

14 Q Okay. Y'all, Richland County Sheriff's office.  
15 What about the Impala? Was a search warrant  
16 obtained for the Chevrolet Impala?

17 A We obtained a search warrant to take the Chevrolet  
18 Impala, yes.

19 Q And take us out there, if you would, at 52 Riverview  
20 Court while all this was going on, Investigator.  
21 Once y'all arrived, what if anything was done with  
22 the Impala?

23 A The only thing we did was we secured it. We didn't  
24 enter it. We secured the home. In the interim  
25 between removing ourselves from the home and getting

1 the search warrant, we secured the house, the  
2 vehicle. In other words, nothing left or got into  
3 either one.

4 When we got the search warrant, we searched the  
5 home and the vehicle was actually towed from the  
6 location to the Sheriff's office.

7 Q And showing you what's marked State's 150, appears  
8 to be a document in the back of the seat. Was there  
9 documentation found from the search warrant of the  
10 vehicle that had some correspondence from Mr.  
11 Gaskins in it?

12 A Yes, sir.

13 Q And was that located in this envelope?

14 A Yes.

15 MR. MEADORS: Your Honor, State's 150, I believe  
16 without objection.

17 (Whereupon, State's Exhibit Number 150,  
18 Photograph of Documentation in Blue Chevy  
19 Impala, was admitted into evidence.)

20 Q In addition to that, I'm going to show you what's  
21 marked State's 149. Do you recognize that?

22 A Yes, I do.

23 Q Is that also documentation with Mr. Johnnie Gaskins'  
24 name on it that was in the Chevrolet Impala?

25 A On the driver's side.

1 MR. MEADORS: And that's State's 149, I believe  
2 without objection.

3 (Whereupon, State's Exhibit Number 149, South  
4 Carolina Department of Motor Vehicles Report,  
5 was admitted into evidence.)

6 Q Where did the Impala go after it left 52 Riverview  
7 Court, if anywhere?

8 A It was towed on a roll back and escorted to the  
9 Richland County Sheriff's Department forensic garage  
10 where it was maintained and searched later.

11 Q Who would have had access to -- access to it prior  
12 to the forensic team looking at it?

13 A Just the forensic supervisors and the head of the  
14 criminal investigative division.

15 Q So is that's a place where -- it's a secured a  
16 facility?

17 A Yes. I don't have access to it.

18 Q You say you do not?

19 A No, sir.

20 Q What relationship if any did your investigation of  
21 52 Riverview Court reveal about Ms. Sykes and the  
22 Defendant, if anything?

23 A They were romantically involved.

24 Q And finally, before we move from there, what results  
25 if any did your investigation reveal about a Ausha

1 Allen?

2 A Ms. Allen was a neighbor to 52 Riverview Court. We  
3 spoke with her asking her, you know, whether or not  
4 she had seen Mr. Gaskins there. She did know that  
5 he, I guess, came to the house.

6 Q Let me ask you this. Did she have access to the  
7 Impala?

8 A Yes, she did.

9 Q And as a result of that, what if anything request of  
10 her?

11 A We checked her fingerprints.

12 Q How -- did you -- did you ever get the keys to the  
13 Impala?

14 A Yes, we did.

15 Q Where did you get them from?

16 A We got them from Ms. Peak who was at the house when  
17 we got there. I believe she's the niece of Ms.  
18 Sykes.

19 Q Was all of this still on February 5th?

20 A Yes, sir.

21 Q And -- and what time was the search warrant executed  
22 on the 5th, just for timeline purposes?

23 A Let's see here.

24 (Pause.)

25 A It would have been around noon I believe. I don't

1 have that -- let's see, yeah, 1 -- 1:15.

2 Q Now, moving on to the 6th, were you still looking  
3 for the Defendant? And if so, what did you do to  
4 try to find him?

5 A I was still -- yes, I was still looking for him. I  
6 went back to 425 Lyndhurst to try and make contact  
7 with either him or family members. And ---

8 Q Were you able to find him on the 6th?

9 A No.

10 Q What if anything did the investigation reveal about  
11 Ms. Houston, one of the victims here?

12 A That she, despite the initial indication, she was  
13 actually recovering from her wounds.

14 Q On to the 7th, Investigator, what if anything did  
15 you do that day?

16 A Again, I went back to Lyndhurst. I left another  
17 card and I then went and met with Quinten Harris,  
18 one of the other victims.

19 Q And did Mr. Harris give a statement?

20 A He did.

21 Q And sometime that day, did you talk with the  
22 Defendant and/or his parents as far as turning  
23 himself in?

24 A Yes. Mr. Gaskins' parents called me. Like I said,  
25 I had left my card and we arranged for ---

1 Q Strike that. I said on the -- did you call them on  
2 the 7th?

3 A Yes.

4 Q Moving ahead to the 9th, did you receive a call from  
5 the parents? I apologize.

6 A Yes, I did. They indicated -- we arranged for Mr.  
7 Gaskins to come in.

8 Q On February 9th?

9 A Yes.

10 Q And up to the 9th, I think there's been some  
11 testimony about it, there was a BOLO -- what's a  
12 BOLO?

13 A Be on the lookout for.

14 Q Was information put out that Mr. Gaskins was wanted,  
15 the Defendant?

16 A Yes, both internally, law enforcement, you know,  
17 within law enforcement and media releases to the  
18 general public.

19 Q Now, I believe on the 12th you got information about  
20 Mr. Lyles?

21 A Yes, I learned that the second person who had been  
22 escorted out by security just prior to the shooting,  
23 was actually in handcuffs, was a man named  
24 Christopher Lyles and that later after the shooting  
25 Mr. Lyles had been involved in a traffic accident in

1           Fairfield County. During that law enforcement  
2           response, a firearm had been recovered in the  
3           vehicle that Mr. Lyles was driving.

4   Q       I skipped over my notes. But back to the 7th,  
5           February 7th, did you have occasion to speak with  
6           Ms. Sykes?

7   A       Yes, sir. I went back to Riverview Court and met  
8           Ms. Sykes.

9   Q       As a result of that, were you able to determine  
10          whether or not Ms. Sykes was even in town on  
11          February 4th of 2007?

12   A       She was in Miami, Florida.

13   Q       Now, there's been testimony from a fellow named  
14          Epsil Palmer?

15   A       Yes, sir.

16   Q       Did you have an occasion to speak to Mr. Palmer and  
17          show him a photo lineup?

18   A       Yes, sir. On February the 13th, I met with Mr.  
19          Palmer.

20   Q       All right. And where was that?

21   A       I believe at the Richland County Sheriff's  
22          Department.

23   Q       And can you tell the ladies and gentlemen of the  
24          jury, what if anything did you tell Epsil Palmer  
25          prior to showing him the lineup?

1 A Nothing.

2 Q And did you try to -- did you cheat and try to tell  
3 him to pick out somebody?

4 A No, sir.

5 Q Did you indicated in any form or fashion who he  
6 should pick out?

7 A No.

8 Q And did he look at what's marked State's 9?

9 MR. MEADORS: If I could approach. I apologize,  
10 Judge.

11 THE COURT: Yes, sir.

12 Q Did he look at State's 9?

13 A Yes, he did.

14 Q And what is State's 9?

15 A It's a photographic lineup. It's a little different  
16 from some of the others. Just out of an abundance  
17 of caution, we changed it up a little bit and I  
18 showed him this set of photographs.

19 Q Was he able to pick out anybody?

20 A Yes, he was.

21 Q Who did he pick out?

22 A A picture of Mr. Gaskins.

23 Q And did he indicate that he had picked that out?

24 A Yes, he did.

25 Q How?

1 A He circled it, put his initials in it and then  
2 signed a affidavit portion which is notarized.

3 Q And what date was that?

4 A That was on the 13th of February.

5 Q And Epsil Palmer, Investigator Isenhoward, picked  
6 out -- got John Gaskins as what?

7 A He identified him as the man who was escorted out of  
8 the club, who was escorted to a blue Impala and that  
9 was the only man in the Impala when shots came from  
10 the vehicle and the vehicle drove off.

11 MR. MEADORS: Your Honor, State's 9. It's  
12 already in.

13 Q Did you get the gun that Mr. Christopher Lyles had  
14 submitted for...

15 A Yes, sir.

16 Q To be looked at?

17 A I got that from the Fairfield County Sheriff's  
18 office where it was being stored and took it to the  
19 Richland County Sheriff's office.

20 Q And I believe there was also some other information  
21 that came up through the investigation about another  
22 gun?

23 A Yes, sir.

24 Q And did you submit that?

25 A Yes, sir, I did.

1 Q And was that from the Perry Police Department?

2 A Yes, sir. We received it from the Perry Police  
3 Department which was in Aiken County, South  
4 Carolina.

5 Q Did you receive some other common information from a  
6 fellow named Pickney?

7 A We received some information that we needed to --  
8 that said that Mr. Pickney was ---

9 MR. MCCULLOCH: Your Honor, I'm going to object  
10 to hearsay, hearsay objection.

11 Q As a result of your investigation, did Mr. Pickney  
12 give you any other information that he was involved  
13 in this whatsoever?

14 A Yes.

15 Q That he was involved in this whatsoever?

16 A No, we didn't have anything else that confirmed  
17 that.

18 Q As a matter of fact, as a result of your  
19 investigation, where was Mr. Pickney when this  
20 happened?

21 A Atlanta, Georgia.

22 Q Atlanta.

23 MR. MEADORS: Beg the Court's indulgence.

24 THE COURT: Yes, sir.

25 (Pause.)

1 Q Was there any information during the course of your  
2 investigation that that 40 caliber from the Perry  
3 Police Department was even at the club that night?

4 A No.

5 Q Now, did you ever find the weapon that -- or find a  
6 weapon that would have fired the projectile that  
7 matched the casings that you did find? Did we ever  
8 find the murder weapon?

9 A No. No, we did not.

10 Q And looking at State's 137, did you take what's  
11 called a buccal or buccal swab from the Defendant?

12 A Yes, I did.

13 Q So it later could be tested against other potential  
14 evidence?

15 A Yes, I did.

16 MR. MEADORS: 137, I believe without objection,  
17 Your Honor.

18 (Whereupon, State's Exhibit Number 137, Two  
19 Buccal Swabs from the Defendant, was admitted  
20 into evidence.)

21 Q And is the Defendant next to Mr. McCulloch  
22 (indicating) the man whose parents called and said  
23 they were turning him in on February 9th, 2007,  
24 Johnnie Gaskins?

25 A Yes, he is.

1 MR. MEADORS: That's all we have, thank you.

2 THE COURT: Mr. McCulloch.

3 MR. MCCULLOCH: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. MCCULLOCH:

6 Q Investigator Isenhoward, on the night that you got  
7 this call about 1 in the morning, did you know where  
8 the 360 Club was?

9 A Did I know where it was?

10 Q Yeah.

11 A Yes.

12 Q I mean, you know of the club?

13 A I mean, I had never been there before on any kind of  
14 calls but I knew about where it was at, yes.

15 Q Did you know that they had people who pat you down  
16 at the front door to check for guns?

17 A I didn't know. I don't know that.

18 Q Well, when you got there, the scene for the jury was  
19 what, a lot of confusion?

20 A Yes, sir. There was a number of people moving  
21 about.

22 Q Cars and people going every direction?

23 A Yes, emergency vehicles filing in.

24 Q And you were not the first officer. There were  
25 several other police officers there from your

1 department?

2 A Yes and others.

3 Q E M S you said. The parking lot, would you say, is  
4 not very well lit?

5 A There's light in the parking lot.

6 Q Okay. Is it well lit then, in your opinion?

7 A I mean, it's not daylight but, I mean, there's  
8 lighting in the parking lot, yes.

9 Q Were there still cars parked in the parking lot?

10 A Yes.

11 Q Rows of cars?

12 A Yes, it -- there were cars in the parking lot. I  
13 don't recall how many.

14 Q So as you got out of your vehicle, you, I think you  
15 testified, made your way in to this club, not sure  
16 whether maybe the shooter was still there?

17 A Yeah, I wasn't sure in a -- you get information  
18 while you're in route but you're not positive about  
19 the reliability so you take all the precautions you  
20 need to.

21 Q Part of the information was shots fired inside?

22 A At that club.

23 Q Now, even with all OF that confusion, you were able  
24 to notice shell casings in the parking lot as you  
25 walked in with your gun drawn and -- is that right?

1 A Yes, sir.

2 Q And so you got inside and walked the perimeter or  
3 walked the interior and the first people you talked  
4 to upon arriving were who?

5 A Other officers, other deputies.

6 Q And somebody directed you to Mr. Williams, is that  
7 right, Sydney Williams?

8 A Yes. Yes.

9 Q Where was he when you got there, when you were, you  
10 know, taken to him or he was brought to you?

11 A He was brought to me. It was in -- I believe that  
12 Deputy Owens had him.

13 Q And he was still in handcuffs?

14 A I don't recall.

15 Q And you learned from Deputy Owens that he had been  
16 seized and cuffed by the security guard?

17 A Yes.

18 Q Mr. Williams seemed frightened?

19 A Yeah, I mean, there had just been a shooting at the  
20 club.

21 Q And he was handcuffed?

22 A I don't recall if he was handcuffed at that time.  
23 He had been handcuffed by security.

24 Q You know whether security was angry when they cuffed  
25 him?

1 A I'm not sure.

2 Q You know whether they threatened him?

3 A I didn't get -- I didn't receive any information  
4 that he had been threatened.

5 Q But you did receive information from him that he  
6 identified for you the person who he said had been  
7 the shooter?

8 A Yes.

9 Q As Mr. Gaskins?

10 A Yes.

11 Q And he told that Mr. Gaskins was a good friend of  
12 his?

13 A Well, I don't know if he used those words. They  
14 were that he knew him and he was friends with him.

15 Q Okay. I'm sorry, I apologize. I thought those were  
16 your words earlier, but friend with him. So  
17 certainly at that point you -- you took the cuffs  
18 off of him, right? Or were the cuffs on or off at  
19 this point, that you were talking ---

20 A Like I said, he came to the Sheriff's office with  
21 me. He wasn't in handcuffs when I had him.

22 Q So from your conversation there, you put him in the  
23 car and took him to the Sheriff's Department?

24 A Yes.

25 Q All right. Well, on the way did you say, how about

1 show me where Johnnie Gaskins stays?

2 A No, sir.

3 Q Well, why not, they're friends, maybe good friends?

4 A Yes, sir. Well, first and foremost, I have to talk  
5 to him. I have to determine the reliability of what  
6 he's telling me, you know. If it doesn't match up  
7 with everything that we learned from the rest of the  
8 scene, with the rest of the witnesses, before I go  
9 out and approach someone based on information. Now  
10 once I did talk to him once he was at the Sheriff's  
11 office and he gave me a sworn statement, and that  
12 statement matched the same thing the other witnesses  
13 were saying, then I go out and I approach somebody  
14 and confront them.

15 Q Now, the other witnesses were the employees that you  
16 had put in a segregated area in the back of the  
17 club?

18 A Some of those, some of them were.

19 Q Well, so you got to the Sheriff's Department, I  
20 mean, apprehending the suspect that at that point  
21 had been identified, was not like the most important  
22 thing to do at that point?

23 A Well, in order to apprehend him, you have to have  
24 probable cause. So I'm trying to establish that.

25 Q All right. And as soon as you compared Sydney's

1 version of events with whatever else you compared it  
2 with, is that when you threw him in the car -- put  
3 him in the car and drove right to where he would  
4 have known -- presumably would have known Mr.  
5 Gaskins lived or stayed?

6 A No, sir. I -- I had information based upon my own  
7 records where he stayed.

8 Q Where you checked the driver's license info and got  
9 an address?

10 A Among other things, yes.

11 Q Did -- you talked with several other people at the  
12 club that night?

13 A Yes, sir, I did.

14 Q The -- Mr. Davis, Lamont Davis, I think in the  
15 information provided to us, he told you that the  
16 person who had done the shooting had a goatee?

17 A He may have, I don't recall every detail of the  
18 statement but I can ---

19 Q Well, if you could take my word for it. The --  
20 there was another witness who told you that the  
21 shooter had braids or cornrows, do you remember  
22 that?

23 A It's possible, rolls of some sort.

24 Q I mean, you've been in the courtroom the entire  
25 trial?

1 A Yes, sir.

2 Q The -- you did obtain a driver's license photograph  
3 of Mr. Gaskins, that night or the next morning,  
4 didn't you?

5 A Yes.

6 Q And that was the same driver's license that -- based  
7 on the records, this record, 149, State's Exhibit  
8 149, that document established that Mr. Gaskins had  
9 gotten a new license on January 24th, is that right?

10 A January 24th, yes.

11 Q 24th?

12 A Yes, sir.

13 Q So about, well, 24 to February 5th. I'm not very  
14 good at math, that's why I'm a lawyer. But how many  
15 days is that roughly?

16 A A couple of weeks.

17 Q And that photograph of him, the one you got, showed  
18 him to have hair about like your hair, didn't it?

19 A It did. I'm not -- I'm not sure when that  
20 photograph was taken, if they renewed the photograph  
21 on that picture.

22 Q You don't know whether when you have your new  
23 license done that they retake the photo?

24 A Well, you don't have to have your photo taken.

25 Q Well, when arrangements were made for Mr. Gaskins to

- 1           come and see you ---
- 2   A       Yes, sir.
- 3   Q       --- to be charged, he looked more like you than he
- 4           does today, didn't he, hair-wise?
- 5   A       His hair certainly wasn't as long as it is now.
- 6   Q       Didn't have cornrows, didn't have braids, did it?
- 7   A       I don't think so.
- 8   Q       But all the lineups are of braided individuals,
- 9           right, State's 20?
- 10  A       Yes, sir.
- 11  Q       State's Exhibit 5?
- 12  A       Yes, sir.
- 13  Q       State's Exhibit 17?
- 14  A       Yes, sir.
- 15  Q       State's Exhibit 21?
- 16  A       Yes, sir.
- 17  Q       Six?
- 18  A       Yes.
- 19  Q       Eight?
- 20  A       Yes.
- 21  Q       10?
- 22  A       Yes.
- 23  Q       You were not aware of Mr. Christopher Lyles that
- 24           night of your investigation, were you, the night of
- 25           the 5th?

1 A No, I wasn't sure who he was.

2 Q And you learned after the 5th that he in fact had  
3 been in the bar and been thrown out of the bar?

4 A Yes, sir.

5 Q And you learned that he was found later on the 5th  
6 after the shooting with a handcuff on one arm and a  
7 gun in his car?

8 A Yes, sir.

9 Q And did you -- you talked with Mr. Lyles?

10 A Yes, sir, I did.

11 Q Did you determine whether -- determine whether he  
12 owned any other guns? When I say other, I mean  
13 other than the pistol, one of these, which is either  
14 47 or 50, I'm sorry.

15 A The one in your right hand.

16 Q 50?

17 A Yes.

18 Q Did you determine whether he owned any other guns?

19 A No, sir, we did not.

20 Q Was Mr. Lyles, since he was apprehended early  
21 morning hours of February 5th after the shooting,  
22 was he G S R, gunshot residue tested?

23 A No, sir. Again, I didn't know who he was at that  
24 point in time. I believe his arrest was for D U I so  
25 it's not standard procedure.

1 Q Was he ever put in one of these other photo lineups?

2 A It was -- it was clear from all the witnesses that  
3 he was not the person involved in the shooting based  
4 on their statements.

5 Q Well, it was clear to you. Your investigation  
6 focused on one person, right?

7 A My investigation focused on the crime and anybody  
8 who could have committed it and the information that  
9 we received pointing towards Mr. Gaskins.

10 Q The -- in securing the scene, did you -- did you ask  
11 your officers to make certain that they had  
12 collected all the firearms from all the security  
13 guards?

14 A No, sir. Obviously, during the investigation we  
15 learned that one of the security guards had fired  
16 his weapon. We did collect that firearm. None of  
17 the witnesses, no one else there present at the  
18 scene indicated that any of the other officers had  
19 fired their gun. So there was no reason for me to  
20 collect their firearms.

21 Q So you just took the off -- the security officer's  
22 word for it?

23 A No. There were civilian witnesses there.

24 Q Did you determine how many security guards had guns?

25 A I believe -- I don't recall an exact number to give

1           you right now.

2   Q       Mr. Palmer, I think he told you or told an officer

3

4   A       Yes.

5   Q       --- that he had a gun?

6   A       Yes, sir, he did.

7   Q       Nobody tested that?

8   A       I did not test it.

9   Q       Now, at some point after this, you were provided  
10           with the information that Mr. Meadors asked you  
11           about a moment ago about the Perry -- where is  
12           Perry?

13   A       Apparently it's in Aiken County. I've never been  
14           there.

15   Q       Perry Police Department called your department to  
16           report that they had two fellows named Dixon and  
17           Vancito Watkins who had a 40 caliber Fabrique  
18           Nationale gun that they had gotten from their cousin  
19           at 360?

20   A       Bear with me, let me review my notes specifically.

21   Q       I think that's on page eight of nine on your  
22           investigative report, 2/16/07.

23   A       Okay. Yes, sir.

24   Q       All right. Did you ever go see Mr. Dixon and Mr.  
25           Watkins to talk to them about it?

1 A Again, based on the investigation, there were no  
2 witnesses or no indications that either one of these  
3 men were present at Club 360 during the shooting.  
4 The firearm itself was collected, tested, proved not  
5 to be involved with the shooting. So, no, we didn't  
6 go any further with that.

7 Q But you never -- but, I mean, the answer to my  
8 question is, no, I didn't talk to Ryan Dixon or Mr.  
9 Watkins, the two people in possession of this gun?

10 A I just answered your question, sir.

11 Q You did not talk to them?

12 A No.

13 Q You didn't talk with the cousin that they told the  
14 Perry Police they got the gun from?

15 A No.

16 Q And you were here when Mr. Collins testified that he  
17 really couldn't eliminate that weapon as having  
18 fired some of these bullets?

19 A That's not what I took from the testimony.

20 Q Now, you were also present at the -- well, let's  
21 see, first, you -- you learned from someone, not Mr.  
22 Williams, to go to Lyndhurst Drive where Mr. Gaskins  
23 lived with his parents?

24 A Yes, sir.

25 Q And then from there you went to 53 (sic) Riverview

1 Court as I think you testified?

2 A Yes, sir.

3 Q And ---

4 A I believe it's 52.

5 Q I'm sorry?

6 A 52.

7 Q Is it 52? I apologize. And when you got there, you  
8 found, I think you testified, Ms. Peak had the keys  
9 to the car?

10 A Yes.

11 Q Officers were all ready at the scene when you  
12 arrived?

13 A They were not -- they had not made contact with  
14 anyone. They were nearby watching the vehicle so  
15 that it didn't leave.

16 Q The automobile once -- once it was seized and  
17 searched, you found or your technicians, your crime  
18 scene experts, found evidence of blood in the  
19 interior of the vehicle, is that right?

20 A I don't know. I didn't conduct any test on any of  
21 the stains. I know that there was a napkin of some  
22 sort that appeared to have some blood in it.

23 Q Well, like night follows the day, blood usually  
24 means somebody had an injury, doesn't it?

25 A Not necessarily.

1 Q Well, when Mr. Gaskins came to see you to speak with  
2 you about this, he didn't have any injury, did he?

3 A No, I didn't observe any injuries to him.

4 Q And these -- any idea why the bloody tissue was not  
5 sent for D N A analysis for matching to whoever it  
6 might belong to?

7 A What I observed did not appear to be as a result of  
8 some kind of traumatic injury. It was -- looked  
9 like a tissue with a little spot of blood on it. It  
10 wasn't consistent with any kind of violent wounds or  
11 anything like that.

12 Q And again, would it be consistent with perhaps a  
13 ricochet or something? You're certainly not a  
14 doctor, I know ---

15 A No, sir, I am not.

16 Q The -- in and about the car -- the vehicle itself,  
17 you would agree that the windows all the way around  
18 are tinted?

19 A They are tinted.

20 Q Did you determine whether they are tinted to a legal  
21 extent or to an illegal extent?

22 A I did not conduct any test to determine that.

23 Q Well you would agree with me that standing outside  
24 and trying to look in through those windows is  
25 pretty darn hard, isn't it?

1 A If they're up.

2 Q Even in the daytime?

3 A If the windows are up, yes.

4 Q Do you know whether the back windows go all the way  
5 down or do they only go half way down?

6 A I'm not sure. I'm not sure, sir.

7 Q Several witnesses told you that the best opportunity  
8 to see who was shooting from the automobile was  
9 obscured in part by windows in the back of that  
10 automobile?

11 A (Affirmative response.)

12 Q Now, you testified that the murder weapon was never  
13 found?

14 A Yes, sir.

15 Q Well, is it possible you had the murder weapon and  
16 in the 40 caliber FN and returned it?

17 A Based on our ---

18 Q To the Perry Police Department -- I'm sorry.

19 A Based on our tests, it was not consistent with the  
20 evidence we had at the scene.

21 Q All right.

22 MR. MCCULLOCH: That's all I have, thank you.

23 THE COURT: Anything on redirect?

24 MR. MEADORS: Just briefly.

25 REDIRECT EXAMINATION

1 BY MR. MEADORS:

2 Q Mr. McCulloch asked you about when you arrived,  
3 about some markings or shell casings. When you  
4 arrived, were they already marked?

5 A They were there. I'm not sure if they were marked  
6 but, you know, part of my job is to pay attention  
7 and look for things like that.

8 Q And did you acquire during the course of your  
9 investigation how long the Impala had been at 52  
10 Riverview?

11 A It had made it there sometime in the morning.

12 MR. MEADORS: Can we approach?

13 THE COURT: Yes, sir.

14 (WHEREUPON, a bench conference was held off  
15 the record, in the presence of the jury, but out  
16 of the hearing of the jury.)

17 Q Do you have in your file with the Defendant's  
18 driver's license photo?

19 MR. MEADORS: Beg the Court's indulgence.

20 THE COURT: No, take your time.

21 (Pause.)

22 A It looks like the driver's license photo from  
23 Mr. Gaskins was here. I have a portion of it, I  
24 don't have the photograph.

25 MR. MEADORS: Your Honor, it's coming. Beg the

1 Court's indulgence.

2 THE COURT: Yes, sir.

3 (Pause.)

4 MR. MEADORS: Should be here momentarily. I  
5 apologize.

6 THE COURT: What does that mean, momentarily?

7 MR. MEADORS: Sir?

8 THE COURT: What does that mean?

9 THE COURT: What does that mean?

10 (Pause.)

11 THE COURT: We're waiting on something to arrive  
12 momentarily, members of the jury. Is that five minutes,  
13 10 minutes?

14 MR. MEADORS: Should be here any second.

15 THE COURT: I get my watch back today.

16 (Pause.)

17 MR. MEADORS: The State's ready. Thank you.

18 THE COURT: You showed it to Mr. McCulloch?

19 MR. MEADORS: Sure, Your Honor.

20 (Pause.)

21 MR. MEADORS: Subject to some redactions.

22 THE COURT: Why don't we introduce it and you  
23 can redact it later.

24 MR. MEADORS: There's some redaction that needs  
25 to be done and ---

1 THE COURT: Introduce it and we'll redact it.  
2 Don't publish it.

3 REDIRECT EXAMINATION

4 CONTINUES BY MR. MEADORS:

5 Q Now, Mr. McCulloch was asking you about the photo  
6 lineup. When the photo lineup was put together, you  
7 didn't have a picture of the South Carolina driver's  
8 license photo, did you?

9 A No, sir.

10 Q So you weren't able to use that then, were you?

11 A That's right.

12 Q Now I'm showing you what's marked State's 152 and  
13 State's 151. Do you recognize these?

14 A Yes, I do.

15 Q You recognize both of them?

16 A Yes, sir.

17 Q And what is that?

18 A Additional photographs of Mr. Gaskins.

19 Q And is this 152, subject to redaction, a picture of  
20 -- can you tell when that was taken, if you will?

21 A I can't say specifically when the photograph was  
22 taken. I can just say that the license was issued  
23 -- and again, it just depends on how it happens at  
24 the D M V.

25 Q And 151, can you -- when was that taken?

1 A I have no idea.

2 Q Would that be consistent with his booking picture,  
3 or do you know?

4 A It could be, yes.

5 MR. MEADORS: State's 151 and 152, I believe  
6 without objection.

7 THE COURT: Subject to ---

8 MR. MCCULLOCH: Subject to.

9 (Whereupon, State's Exhibit Number 151, Booking  
10 Photograph of the Defendant, was admitted into  
11 evidence.)

12 (Whereupon, State's Exhibit Number 152, Driving  
13 Record of the Defendant, was admitted into  
14 evidence.)

15 THE COURT: Anything on recross?

16 RECCROSS-EXAMINATION

17 BY MR. MCCULLOCH:

18 Q The two photographs of Mr. Gaskins that you've just  
19 seen, State's 152 which is a 10 year driving record.

20 A Yes, sir.

21 Q That's the way he looked when he came to the  
22 Sheriff's Department to talk to you about this -- to  
23 turn himself in about this incident?

24 A His hair was longer than that. It's not saying it  
25 was in rolls or anything but a little longer than

1 that.

2 Q So if it was longer than that ---

3 A A little bit, yes.

4 Q And yet State's 151 is the way he looked when he  
5 walked into the Sheriff's Department?

6 A Yes, sir.

7 Q And to you there's a difference?

8 A Yes, sir.

9 Q Okay.

10 MR. MCCULLOCH: That's it, Your Honor, thanks.

11 THE COURT: Anything further.

12 MR. MEADORS: That will do it.

13 THE COURT: You may step down, sir.

14 (The witness leaves the witness stand.)

15 MR. MEADORS: Beg the Court's indulgence.

16 THE COURT: Yes, sir.

17 (Pause.)

18 MS. MCDUFFIE: Your Honor, at this time the  
19 State of South Carolina rests.

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

21 Members of the jury, we've come to the point in  
22 this trial where I need to take up a matter of law with  
23 the attorneys involved. And once again, the only way  
24 that I can do that is in your absence.

25 I'm going to send you to the jury room briefly.

1 May bring you out, may send you home, I haven't decided  
2 yet. Just don't talk about the case. I'll let you know  
3 momentarily.

4 (The jury retires from the courtroom at  
5 approximately 3:50 p.m.)

6 THE COURT: Y'all sure, anything further at all?

7 MS. MCDUFFIE: Yes, Your Honor.

8 THE COURT: You sure, yes or no? Yes, there is  
9 nothing further?

10 MS. MCDUFFIE: There is nothing further, Your  
11 Honor.

12 THE COURT: All right, thank you. You want to  
13 make your motions now, Mr. McCulloch?

14 MR. MCCULLOCH: Yes, Your Honor.

15 THE COURT: All right, go ahead.

16 MR. MCCULLOCH: Your Honor, I would renew the  
17 previous motions including the motion for a mistrial  
18 which was denied. I respect the determination of the  
19 Court to strike the testimony and to instruct them.

20 I would move for a directed verdict on the basis  
21 of the insufficiency of the evidence. I will not recount  
22 it. The Court has heard it and I would respect your  
23 ruling.

24 THE COURT: All right. Well, I think enough  
25 evidence is in to make it a jury question. And I think

1 12 people from Richland County should resolve this  
2 matter.

3 Anything further?

4 (No response.)

5 THE COURT: And as to all previous motions,  
6 they're renewed with the same ruling, just in case we  
7 missed something.

8 Does the -- Mr. Gaskins intend to present any  
9 evidence?

10 MR. MCCULLOCH: Your Honor, at this time I think  
11 it would be appropriate for you to have that ---

12 THE COURT: Okay.

13 MR. MCCULLOCH: --- colloquy with him. It is my  
14 understanding that Mr. Gaskins does not intend ---

15 THE COURT: Okay, that's fine. Yeah, stand up  
16 Mr. Gaskins. Would you raise your right hand.

17 (The Defendant was first duly sworn.)

18 THE COURT: Now, I'm going to read you -- we'll  
19 it's about a page and a half of questions and  
20 explanations. I ask that you listen carefully, okay. At  
21 any time, I'll repeat it for you but I think even what  
22 I'm going to read to you says I'll repeat it to you.

23 So you're Johnnie Gaskins. Now, Mr. Gaskins, at  
24 this time I'm going to explain to you certain of your  
25 rights. If you do not understand anything I say, please

1 tinted. And one person testified that the person was  
2 reclining in the chair of the seat with the seat back as  
3 far back as it would go. And this is one of the  
4 photographs you'll have, Exhibit 115 (indicating), which  
5 shows a seat back, way back. Now I don't think anybody  
6 testified that this was the position of the seating when  
7 the vehicle was located by police, you have only a  
8 photograph.

9           These witnesses had a fleeting opportunity under  
10 the worst circumstances, night, occupied with a struggle  
11 apparently, from the ground or in the midst of falling to  
12 the ground, scant seconds to make an identification, yet  
13 they have no difficulty in making an identification of  
14 Johnnie Gaskins.

15           And what is most interesting, if you pause to  
16 reflect about these identifications, is the fact that one  
17 of the witnesses said the person had a goatee. Another  
18 witness said, I think, and I stand to be corrected by  
19 your collective memory, that the shooter had braids or  
20 cornrows or certainly hair that was not what could be  
21 called, I guess, tight.

22           You do have in the record the testimony and two  
23 exhibits, 152 and 151, which is the driver license  
24 photograph of Mr. Gaskins which I think the witness, Mr.  
25 Isenhoward, testified that he looked like that.

1 Certainly, the other photograph of Mr. Gaskins when he  
2 came to the police department and learned he was as  
3 suspect.

4           Now, this is the person that Mr. Gaskins was on  
5 February the 5th. Yet, what was shown to all of these  
6 folks were these lineup photographs of the fellow with, I  
7 guess you call them braids. I guess if they were longer  
8 they'd be dreadlocks. But I haven't had hair long enough  
9 to do this since college. But this is the identification  
10 platform, the identification vehicle that you're asked to  
11 rely upon.

12           You heard the testimony of Mr. Christopher Lyles  
13 that was arrested later that night, I think the testimony  
14 was, for drunk driving and was found to have at least one  
15 of these two guns on him, with him, and I think the  
16 testimony was he had handcuffs on him from the problem he  
17 had at 360 earlier.

18           Now, Mr. Lyles, as you may recall looked  
19 remarkably like he should have been in that lineup, only  
20 Mr. Lyles was never put in a lineup. Mr. Lyles, even  
21 though he was apprehended that night had a connection to  
22 these events, was never asked to submit to a gunshot  
23 residue test. You can't know whether Mr. Lyles' vehicle  
24 was searched because we don't know anything about the  
25 circumstances of that other than what was testified to

1 here. So we can't know what other guns he owns or  
2 whether there were other weapons in his vehicle,  
3 whoever's vehicle he was in when he was apprehended later  
4 that evening. We only know that the investigation really  
5 did not pursue him or even include him among the range of  
6 suspects. We do know that Mr. Lyles conveniently has  
7 amnesia. He couldn't tell you what he was up to, where  
8 he was or what he did. No memory whatsoever of that  
9 evening, but he was there and something happened.

10           You know, we talk among lawyers about  
11 investigative tunnel vision. It is something that occurs  
12 when you make up your mind or have a predisposition when  
13 things begin to work out in a specific direction. And  
14 that's why you are here. Mr. Lyles could have been put  
15 in one of these lineups. Heck, he could have been used  
16 just because he certainly resembled the other five  
17 photographs that he would have been in there with. That  
18 wasn't done.

19           There are other things that you heard in  
20 testimony that are somewhat confusing. You heard one  
21 witness say there were two sets of gunfire. You heard a  
22 lot of expert testimony and we're going to work our way  
23 through that. The science, all the king's horses and all  
24 the king's men stuff, that's what our dollars are used  
25 for, to equip law enforcement with the best tools that

1 money can buy, the best tools that science can invent and  
2 envision so that you can be sure beyond a reasonable  
3 doubt.

4           You know, you saw a diagram fleetingly. This  
5 nice diagram, I think it was testified that this was  
6 created by Mr. Tabor who is sitting over there, works for  
7 the Solicitor's Office, who was not at the scene of the  
8 crime. He just happens to have been excelled in high  
9 school in mechanical drawing.

10           The diagram done by the police that night by the  
11 crime reconstruction team you don't have. You saw it  
12 fleetingly. You've got other scientific evidence.  
13 You've got these labs. You would wonder -- I think the  
14 question was asked, why not put this photograph  
15 (indicating) of Mr. Gaskins, this Exhibit 152, the  
16 driver's license photo, why not put that in there, if  
17 you're trying to get the guy that was at the club that  
18 did the shooting. I think the testimony was, we couldn't  
19 get that photograph, from the investigating officer.  
20 Well, what do you think, can the police get a photograph?  
21 And why not? Other than the fact that the shooter --  
22 that a witness had said the shooter had braids so we went  
23 with the braids (indicating).

24           The video. Again, we can put a man on the moon  
25 but what you're given is a three minute video, incomplete

1 MS. MCDUFFIE: They just need to keep it plugged  
2 up because the battery's not great.

3 THE COURT: Well, she can tell them that. Mr.  
4 Bowen is out there, the Bailiff. And we have told  
5 somebody to go stand there to make sure nothing happens.

6 (Pause.)

7 THE COURT: Mr. McCulloch, you need to renew all  
8 your motions?

9 MR. MCCULLOCH: Yes, sir.

10 THE COURT: What ---

11 MR. MCCULLOCH: The same motion that we made at  
12 the conclusion of the State's case, we would now renew at  
13 the conclusion of the Defense case when we rested. I  
14 outlined those before, Your Honor. I will not outline  
15 them again.

16 THE COURT: That's fine. I think you're  
17 protected, after their case, I think you've done it  
18 twice. If you haven't, let the record reflect he made  
19 all the appropriate motions at the appropriate time and  
20 the same decisions apply that I've made earlier, that is  
21 the rulings.

22 And now we need to revisit your three  
23 objections, I do believe.

24 Go ahead.

25 MR. MCCULLOCH: With some ---

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WITNESSES

(S) Isenhoward - RCSD ✓

ARREST WARRANT NUMBER,

J555981

ACTION OF GRAND JURY

TRUE BILL

*R. H. [Signature]* SEP 16 2009  
Foreperson of Grand Jury  
Date:

VERDICT

Foreperson of Petit Jury  
Date:

AMENDED  
DOCKET NO. 2008-GS-40-1632

The State of South Carolina  
County of Richland

COURT OF GENERAL SESSIONS

July TERM 2008

52

THE STATE  
vs.

Johnnie Gaskins

Indictment for  
ASSAULT AND BATTERY  
WITH INTENT TO KILL

SC Code: 16-3-620  
CDR Code: 0014  
Class FEL-C(V)

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 RICHLAND        )


INDICTMENT

At a Court of General Sessions, convened on July 16, 2008, the Grand Jurors of Richland County present upon their oath:

**ASSAULT AND BATTERY WITH INTENT TO KILL**

That Johnnie Gaskins did in Richland County on or about February 5, 2007, with malice aforethought commit an assault and battery upon one Deirda Houston, with intent to kill the said victim. All in violation of §16-03-620 of the Code of Laws of South Carolina, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
\_\_\_\_\_  
Warren B. Giese, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland  
STATE

INDICTMENT/CASE#: 08 -GS- 40 - 1632

Johnnie Gaskins

AW#: J555981

AKA: \_\_\_\_\_  
Race: B Sex: M Age: \_\_\_\_\_

Date of Offense: February 5, 2007

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

S.C. Code §: 16-3-620

Address: \_\_\_\_\_

CDR Code #: 0014

City, State, Zip: \_\_\_\_\_

SENTENCE SHEET

DL# \_\_\_\_\_ SID# \_\_\_\_\_

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: ABNWK

in violation of § 16-3-620 of the S.C. Code of Laws, bearing CDR Code # 0014

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  §17-25-45  
(CSC w/minor 1<sup>st</sup> or Lewd Act)

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. \_\_\_\_\_ (defendant initial)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:

Donna McDuffie T1063  
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
for a determinate term of 20 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment  
of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_  
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,  
which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on: 2008-GS-40-1629, 1631, 1627, 3948, 1626

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State  
Department of Corrections.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered PTUP \_\_\_\_\_

Total: \$ \_\_\_\_\_ plus 20% fee: \_\_\_\_\_ \$ \_\_\_\_\_ days/hours Public Service Employment

Payment Terms: \_\_\_\_\_

Obtain GED

set by SCDPPPS \_\_\_\_\_

Attend Voc. Rehab. or Job Corp. \_\_\_\_\_

Recipient: \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling

*Fine:	\$	_____
§14-1-206 (Assessments 107.5%)	\$	_____
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ _____
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$ _____
§56-5-2995 (DUI Assessment)	\$12	\$ _____
§56-1-289 (DUI Breath Test)	\$500	\$ _____
§35.13 (Public Def/Prob)	\$25	\$ _____
§73.3, 1B TP (Law Enforce. Funding)	\$25	\$ _____
§33.7, 1B TP (Drug Court Surcharge)	\$100	\$ _____
§50-21-114(BUI Breath Test Fee)	\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
3% to County (if paid in installments)	\$	\$ _____
§90.11 TP (SCCJA Surcharge)	\$5	\$ _____
TOTAL	\$	\$ _____

Random Drug/Alcohol Testing

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_  
\$ \_\_\_\_\_ paid to Public Defender Fund

Other: \_\_\_\_\_ \$25 \$ \_\_\_\_\_

Appointed PD or appointed other counsel, §35.13 TP  
 Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE: [Signature]  
Judge Code: 2061  
Sentence Date: 10-27-09

Jeanette W. McBride Clerk of Court/ Deputy Clerk  
Court Reporter: [Signature]

WITNESSES

KEVIN ISENHOWARD, RCSD

ARREST WARRANT NUMBER

J555980

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

JUL 18 2008

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2008-GS-40-1631

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

JULY TERM 2008

52

THE STATE

vs.

JOHNNIE GASKINS

Indictment for

ASSAULT AND BATTERY  
WITH INTENT TO KILL

SC Code: 16-3-620

CDR Code: 014

Class FEL-C(V)

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 RICHLAND )

INDICTMENT

At a Court of General Sessions, convened on July 16, 2008 the Grand Jurors of Richland County present upon their oath:

**ASSAULT AND BATTERY WITH INTENT TO KILL**

That Johnnie Gaskins did in Richland County on or about February 5, 2007, with malice aforethought commit an assault and battery upon one Lamont Davis, with intent to kill the said victim. All in violation of §16-03-620, *Code of Laws of South Carolina*, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

*W. Bang*

\_\_\_\_\_  
Warren B. Giese, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland  
STATE

INDICTMENT/CASE#: 08 -GS- 40-1631

Johnnie Gaskins

AW#: J555980

AKA:

Date of Offense: 2-5-07

Race: B Sex: M Age: \_\_\_\_\_

S.C. Code §: 16-3-620

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

CDR Code #: 2014

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

DL# \_\_\_\_\_ SID# \_\_\_\_\_

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: ABWIK

in violation of § 16-3-620 of the S.C. Code of Laws, bearing CDR Code # 0014

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  \$17-25-45  
(CSC w/minor 1<sup>st</sup> or Lewd Act)

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. \_\_\_\_\_ (defendant initial)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:

Anna McDuffie 77063  
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
for a determinate term of 20 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment  
of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_  
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,  
which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on: 2008-GS-40-1627, 3948, 1626, 1632, 1629

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State  
Department of Corrections.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered PTUP \_\_\_\_\_

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_ days/hours Public Service Employment

Payment Terms: \_\_\_\_\_ Obtain GED

set by SCDPPPS \_\_\_\_\_ Attend Voc. Rehab. or Job Corp. \_\_\_\_\_

Recipient: \_\_\_\_\_ May serve W/E beginning \_\_\_\_\_  
Substance Abuse Counseling

\*Fine: \$ \_\_\_\_\_ Random Drug/Alcohol Testing   
§14-1-206 (Assessments 107.5%) \$ \_\_\_\_\_ Fine may be pd. in equal, consecutive weekly/monthly  
§14-1-211(A)(1) (Conv. Surcharge) \$100 \$ \_\_\_\_\_ pmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_  
§14-1-211(A)(2) (DUI Surcharge) \$100 \$ \_\_\_\_\_ \$ \_\_\_\_\_ paid to Public Defender Fund  
§56-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_ Other: \_\_\_\_\_  
§56-1-289 (DUI Breath Test) \$500 \$ \_\_\_\_\_ \$25 \$ \_\_\_\_\_  
§35.13 (Public Def/Prob) \$25 \$ \_\_\_\_\_  
§73.3, 1B TP (Law Enforce. Funding) \$25 \$ \_\_\_\_\_  
§33.7, 1B TP (Drug Court Surcharge) \$100 \$ \_\_\_\_\_  
§50-21-114(BUI Breath Test Fee) \$50 \$ \_\_\_\_\_  
§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ \_\_\_\_\_  
3% to County (if paid in installments) \$ \_\_\_\_\_  
§90.11 TP (SCCJA Surcharge) \$5 \$ \_\_\_\_\_  
TOTAL \$ \_\_\_\_\_

Appointed PD or appointed other counsel, §35.13 TP  
 Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE \_\_\_\_\_  
Judge Code: 2061  
Sentence Date: 10-27-09

Jeanette W. McBride  
Clerk of Court/Deputy Clerk  
Court Reporter: C. Holmer

WITNESSES

✓ KEVIN ISENHOWARD, RCSD

ARREST WARRANT NUMBER

J555979

ACTION OF GRAND JURY

**TRUE BILL**

Foreperson of Grand Jury  
Date:

**JUL 18 2008**

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO: 2008-GS-40-1629

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

JULY TERM 2008

52

THE STATE  
vs.

JOHNNIE GASKINS

Indictment for

**ASSAULT AND BATTERY  
WITH INTENT TO KILL**

SC Code: 16-3-620  
CDR Code: 014  
Class FEL-C(V)

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 RICHLAND )

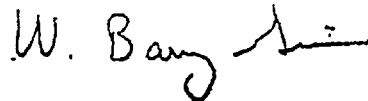
INDICTMENT

At a Court of General Sessions, convened on July 16, 2008 the Grand Jurors of Richland County present upon their oath:

**ASSAULT AND BATTERY WITH INTENT TO KILL**

That Johnnie Gaskins did in Richland County on or about February 5, 2007, with malice aforethought commit an assault and battery upon one Quinton Harris, with intent to kill the said victim. All in violation of §16-03-620, *Code of Laws of South Carolina*, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



\_\_\_\_\_  
Warren B. Giese, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland  
STATE

INDICTMENT/CASE#: 08 -GS- 40-1629

Johnnie Gaskins vs.

A/W#: J555979

AKA: \_\_\_\_\_  
Race: B Sex: M Age: \_\_\_\_\_

Date of Offense: 12-5-07

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

S.C. Code §: 16-3-620

Address: \_\_\_\_\_

CDR Code #: 0014

City, State, Zip: \_\_\_\_\_

SENTENCE SHEET

DL# \_\_\_\_\_ SID# \_\_\_\_\_

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: AB WITH

in violation of § 16-3-620 of the S.C. Code of Laws, bearing CDR Code # 0014

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  §17-25-45  
(CSC w/minor 1<sup>st</sup> or Lewd Act)

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. \_\_\_\_\_ (defendant initial)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:

Joanna McDuffie 77063  
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
for a determinate term of 20 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment  
of \$ \_\_\_\_\_; plus costs and assessments as applicable; the balance is suspended with probation for \_\_\_\_\_  
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,  
which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on: 2008-65-40-1631, 1627, 3948, 1626, 1632,

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State  
Department of Corrections.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered PTUP \_\_\_\_\_

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_ days/hours Public Service Employment

Payment Terms: \_\_\_\_\_ Obtain GED

set by SCDPPPS \_\_\_\_\_ Attend Voc. Rehab. or Job Corp. \_\_\_\_\_

Recipient: \_\_\_\_\_ May serve WE beginning \_\_\_\_\_  
Substance Abuse Counseling

\*Fine: \$ \_\_\_\_\_  
§14-1-206 (Assessments 107.5%) \$ \_\_\_\_\_  
§14-1-211(A)(1) (Conv. Surcharge) \$100 \$ \_\_\_\_\_  
§14-1-211(A)(2) (DUI Surcharge) \$100 \$ \_\_\_\_\_  
§56-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_  
§56-1-289 (DUI Breath Test) \$500 \$ \_\_\_\_\_  
§35.13 (Public Def/Prob) \$25 \$ \_\_\_\_\_  
§73.3, 1B TP (Law Enforce. Funding) \$25 \$ \_\_\_\_\_  
§33.7, 1B TP (Drug Court Surcharge) \$100 \$ \_\_\_\_\_  
§50-21-114(BUI Breath Test Fee) \$50 \$ \_\_\_\_\_  
§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ \_\_\_\_\_  
3% to County (if paid in installments) \$ \_\_\_\_\_  
§90.11 TP (SCJA Surcharge) \$5 \$ \_\_\_\_\_  
TOTAL \$ \_\_\_\_\_

Random Drug/Alcohol Testing   
Fine may be pd. in equal, consecutive weekly/monthly  
pmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_  
\$ \_\_\_\_\_ paid to Public Defender Fund  
Other: \_\_\_\_\_ \$25 \$ \_\_\_\_\_

Appointed PD or appointed other counsel, §35.13 TP  
 Requires \$500 be paid to Clerk during probation

PRESIDING JUDGE: [Signature]  
Judge Code: 2061  
Sentence Date: 10-27-09

Janette W. McBridge  
Clerk of Court Deputy Clerk  
Court Reporter: C. Holmes

WITNESSES

(S) INV KEVIN ISENHOWARD RCSD

ARREST WARRANT NUMBER

J555978

ACTION OF GRAND JURY

TRUE BILL

BW AUG 13 2009  
Foreperson of Grand Jury  
Date:

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO. 2008-GS-40-1627 - AMENDED

The State of South Carolina  
County of Richland

AMENDED

COURT OF GENERAL SESSIONS

JULY TERM 2008

52

THE STATE  
vs.

JOHN WALKER GASKINS AKA  
JOHNNJE WALKER GASKINS

Indictment for

Use of Firearm During Commission of  
a Violent Crime  
SC Code: 16-23-490  
CDR Code: 0549  
Class F FELONY

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 RICHLAND )

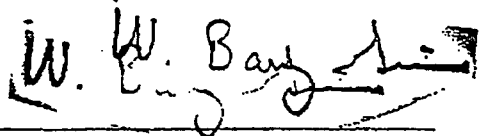
INDICTMENT

At a Court of General Sessions, convened on July 16, 2008 the Grand Jurors of Richland County present upon their oath:

Use of Firearm During Commission of a Violent Crime

That JOHN WALKER GASKINS AKA JOHNNIE WALKER GASKINS did in Richland County on or about February 5, 2007, possess or visibly display a firearm during the commission or attempted commission of a violent crime, to wit: Murder and/or Assault and Battery with Intent to Kill. All in violation of §16-23-490, Code of Laws of South Carolina, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



WARREN B. GIESE, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland  
STATE

INDICTMENT/CASE# 08 -GS- 40-1127

Johndie Gaskins vs

AW# J555978

AKA: \_\_\_\_\_  
Race: B Sex: M Age: \_\_\_\_\_

Date of Offense: 2-5-07

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

S.C. Code §: 16-23-490

Address: \_\_\_\_\_

CDR Code #: 0549

City, State, Zip: \_\_\_\_\_

SENTENCE SHEET

DL# \_\_\_\_\_ SID# \_\_\_\_\_

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS TO: Use of a firearm during commission of a Violent Crime

in violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 0549

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  §17-25-45  
(CSC w/minor 1<sup>st</sup> or Lewd Act)

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. \_\_\_\_\_ (defendant initial)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:

Janna McDuffie 77063  
Solicitor SC Bar # \_\_\_\_\_ Defendant Attorney for Defendant SC Bar # \_\_\_\_\_

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of 5 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on: 08640-3948, 1126, 1132, 1129, 1131

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered PTUP \_\_\_\_\_

Total: \$ \_\_\_\_\_ plus 20% fee: \_\_\_\_\_ \$ \_\_\_\_\_ days/hours Public Service Employment

Payment Terms: \_\_\_\_\_

Obtain GED

set by SCDPPPS \_\_\_\_\_

Attend Voc. Rehab. or Job Corp. \_\_\_\_\_

Recipient: \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling

*Fine:	\$	_____
§14-1-206 (Assessments 107.5%)	\$	_____
§14-1-211(A)(1) (Conv. Surcharge)	\$100	_____
§14-1-211(A)(2) (DUI Surcharge)	\$100	_____
§56-5-2995 (DUI Assessment)	\$12	_____
§56-1-289 (DUI Breath Test)	\$500	_____
§35.13 (Public Def/Prob)	\$25	_____
§73.3, 1B TP (Law Enforce. Funding)	\$25	_____
§33.7, 1B TP (Drug Court Surcharge)	\$100	_____
§50-21-114(BUI Breath Test Fee)	\$50	_____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	_____
3% to County (if paid in installments)	\$	_____
§90.11 TP (SCJA Surcharge)	\$5	_____
TOTAL	\$	_____

Random Drug/Alcohol Testing

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_  
\$ \_\_\_\_\_ paid to Public Defender Fund

Other: \_\_\_\_\_ \$25 \$ \_\_\_\_\_

Appointed PD or appointed other counsel, §35.13 TP

Requires \$500 be paid to Clerk during probation

PRESIDING JUDGE [Signature]

Jeanette W. McBride  
Clerk of Court/Deputy Clerk  
Court Reporter: C. Holmes

Judge Code: 2061  
Sentence Date: 10-27-09

575

WITNESSES

✓ KEVIN ISENHOWARD, RCSD

ARREST WARRANT NUMBER

J555977

ACTION OF GRAND JURY

**TRUE BILL**

Foreperson of Grand Jury

Date:

JUL 18 2008

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2008-GS-40-1626

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

JULY TERM 2008

52

THE STATE

vs.

JOHNNIE GASKINS

Indictment for

MURDER

SC Code: 16-3-10

CDR Code:0116

Class FEL/EXM(V)

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 RICHLAND )

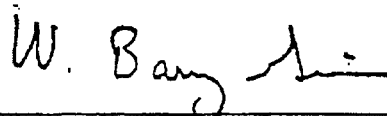
INDICTMENT

At a Court of General Sessions, convened on July 16, 2008, the Grand Jurors of Richland County present upon their oath:

**MURDER**

That JOHNNIE GASKINS did in Richland County on or about February 5, 2007, feloniously, willfully and with malice aforethought, kill one Shannavia Williams by means of a firearm and that the said victim died as a proximate result thereof. All in violation of SC Code of Laws § 16-3-10.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



---

Warren B. Giese, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland  
STATE

INDICTMENT/CASE#: 08 -GS- 40-1626

AKA: Johnnie Gaskins

A/W#: J555977

Race: B Sex: M Age: \_\_\_\_\_

Date of Offense: 2-5-07

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

S.C. Code §: 16-3-10

Address: \_\_\_\_\_

CDR Code #: 0116

City, State, Zip: \_\_\_\_\_

DL# \_\_\_\_\_ SID# \_\_\_\_\_

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: Murder

in violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 0116

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  §17-25-45  
(CSC w/minor 1<sup>st</sup> or Lewd Act)

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. \_\_\_\_\_ (defendant initial)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST: J. Meador Solicitor SC Bar # 10429 Defendant Attorney for Defendant SC Bar # \_\_\_\_\_

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of Life days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on: 2008-GS-40-3948 ~~1028, 1631, 1628, 3948~~  
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.  
 The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered PTUP \_\_\_\_\_

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_ days/hours Public Service Employment

Payment Terms: \_\_\_\_\_ Obtain GED

set by SCDPPPS \_\_\_\_\_ Attend Voc. Rehab. or Job Corp. \_\_\_\_\_

Recipient: \_\_\_\_\_ May serve W/E beginning \_\_\_\_\_ Substance Abuse Counseling

\*Fine: \$ \_\_\_\_\_ Random Drug/Alcohol Testing   
\$14-1-206 (Assessments 107.5%) \$ \_\_\_\_\_ Fine may be pd. in equal, consecutive weekly/monthly  
\$14-1-211(A)(1) (Conv. Surcharge) \$100 \$ \_\_\_\_\_ pmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_  
\$14-1-211(A)(2) (DUI Surcharge) \$100 \$ \_\_\_\_\_ \$ \_\_\_\_\_ paid to Public Defender Fund  
\$56-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_ Other: \_\_\_\_\_  
\$56-1-289 (DUI Breath Test) \$500 \$ \_\_\_\_\_ \$25 \$ \_\_\_\_\_  
\$35.13 (Public Det/Prob) \$25 \$ \_\_\_\_\_  
\$73.3, 1B TP (Law Enforce. Funding) \$25 \$ \_\_\_\_\_  
\$33.7, 1B TP (Drug Court Surcharge) \$100 \$ \_\_\_\_\_  
\$50-21-114(BUI Breath Test Fee) \$50 \$ \_\_\_\_\_  
\$56-5-2942(J) (Vehicle Assessment) \$40/ea \$ \_\_\_\_\_  
3% to County (if paid in installments) \$ \_\_\_\_\_  
\$90.11 TP (SCJA Surcharge) \$5 \$ \_\_\_\_\_  
TOTAL \$ \_\_\_\_\_

Appointed PD or appointed other counsel, \$35.13 TP  
 Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE: [Signature]  
Judge Code: 2061  
Sentence Date: 10-27-09

Court Reporter: Jeanette W. McBride Clerk of Court / Deputy Clerk  
C. Holmes

WITNESSES

✓ KEVIN ISENHOWARD, RCSD

ARREST WARRANT NUMBER

J555933

ACTION OF GRAND JURY

**TRUE BILL**

Foreperson of Grand Jury  
Date:

JUL 18 2008

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO. 2008-GS-40-3948

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

JULY TERM 2008

52

THE STATE  
vs.

JOHNNIE GASKINS

Indictment for

MURDER

SC Code: 16-3-10  
CDR Code: 0116  
Class FEL/EXM(V)

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 RICHLAND )

INDICTMENT

At a Court of General Sessions, convened on July 16, 2008, the Grand Jurors of Richland County present upon their oath:

MURDER

That JOHNNIE GASKINS did in Richland County on or about February 5, 2007, feloniously, willfully and with malice aforethought, kill one John Adams by means of a firearm and that the said victim died as a proximate result thereof. All in violation of SC Code of Laws § 16-3-10.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

*W. Bang*

Warren B. Giese, SOLICITOR

STATE OF SOUTH CAROLINA )  
 COUNTY OF Richland )  
 STATE )  
Johnnie Gaskins )  
 AKA: )  
 Race: B Sex: M Age: )  
 DOB: ) SS#: )  
 Address: )  
 City, State, Zip: )  
 DL# ) SID# )

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 08 -GS- 40-3948  
 A/W#: J555933  
 Date of Offense: 2-5-07  
 S.C. Code §: 16-3-10  
 CDR Code #: 0116

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS TO: Murder

in violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 0116  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  §17-25-45  
 (CSC w/minor 1<sup>st</sup> or Lewd Act)

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. \_\_\_\_\_ (defendant initial)  
 The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST: J. Meadows 10429 \_\_\_\_\_  
 Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
 for a determinate term of Life days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
 and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment  
 of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_  
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,  
 which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on: 2008-GS-40-3948 1626

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.  
 The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered PTUP \_\_\_\_\_

Total: \$ \_\_\_\_\_ plus 20% fee: \_\_\_\_\_ \$ \_\_\_\_\_ days/hours Public Service Employment

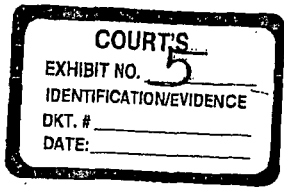
Payment Terms: \_\_\_\_\_ Obtain GED   
 set by SCDPPPS \_\_\_\_\_ Attend Voc. Rehab. or Job Corp. \_\_\_\_\_

Recipient: \_\_\_\_\_ May serve W/E beginning \_\_\_\_\_  
 Substance Abuse Counseling   
 Random Drug/Alcohol Testing   
 Fine may be pd. in equal, consecutive weekly/monthly  
 pmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_  
 \$ \_\_\_\_\_ paid to Public Defender Fund  
 Other: \_\_\_\_\_ \$25 \$ \_\_\_\_\_

*Fine:		\$	_____
§14-1-206 (Assessments 107.5%)		\$	_____
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$	_____
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$	_____
§56-5-2995 (DUI Assessment)	\$12	\$	_____
§56-1-289 (DUI Breath Test)	\$500	\$	_____
§35.13 (Public Def/Prob)	\$25	\$	_____
§73.3, 1B TP (Law Enforce. Funding)	\$25	\$	_____
§33.7, 1B TP (Drug Court Surcharge)	\$100	\$	_____
§50-21-114(BUI Breath Test Fee)	\$50	\$	_____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	_____
3% to County (if paid in installments)		\$	_____
§90.11 TP (SCCJA Surcharge)	\$5	\$	_____
TOTAL		\$	_____

Jeanette W. McBrider  
 Clerk of Court Deputy Clerk  
 Court Reporter: C. Holmes

Appointed PD or appointed other counsel, §35.13 TP  
 Requires \$500 be paid to Clerk during probation.  
 PRESIDING JUDGE: [Signature]  
 Judge Code: 2061  
 Sentence Date: 10-27-09



State's Photo Exhibit List

- I 22 Close up
- I 23 Far shot showing where location (probative to location)
  
- 44 Ladies room
  
- S 43 Blood on bathroom floor
- S 42 Close up of blood on bathroom floor
  
- R\* 41 Close up rear of pool table
- R\* 40 Far shot est. location same blood
  
- Q\* 39 Essentially same shot of area
- Q\* 38 From slightly different angles
  
- P\* 37 Far shot blood drops behind pool table
- P\* 36 Close up of blood drops behind pool table
  
- O 35 Blood on pool table
  
- N 34 Blood and pool cue - just closer
- N 33 Shot of same view/angle
  
- 32 Blood splatters/different side of pool table
- 31 Close up blood splatters (shows N and O)
  
- M 30 Close up of blood to rear of pool table - can't see where on photo
  
- L 29 Close up blood smears/can't tell where except from Richards report - separation wall to rear pool table
  
- KLM 28 Shows blood smears and splatters
  
- K 27 Pool cue and blood- different angle of K
  
- K 26 Close up of blood drops (can't tell where)
  
- J&K 25 Far shot blood by pool table
  
- J 24 Close up
  
- G 45 Blood on pavement (outside front entrance)
  
- H 46 Blood on front door handle

\* As per Richards, this is the same area

STATE OF SOUTH CAROLINA )  
 ) S.S.  
COUNTY OF RICHLAND

DATE: 02/05/07  
TIME: 0215 **582**

Personally appeared before me, this date, an officer duly and legally authorized to administer oaths in the above-named county and state foresaid, comes one Lindburgh Peterfield III

1533 Hazel St Cayce, SC 29033

(Phone Day) 351-5088 (Phone Night)

Who makes the following statement under oath to wit:

I was around 12:25 AM Feb. 5th 2007, & I was at my club Sports Grill 360 826 Bush River Rd Columbia, SC in Richland County

One of my bar managers - ~~Tom~~ Erine, was working the bar & heard my security guard - by the name of New York, who's around 31 or 32 years, asked a patron a Black male, around 5'06", 5'07", & weighed about 170-175 lbs and was wearing a Bombers jacket & fur-lined around the hood to leave. A second Security who also started tonight - I don't know his name at this time, along with my staff member by the name of the name of "Wolf" escorted the patron out of the club, to the parking lot.

This statement was made in the presence of S/SGT Tom Arnold of the Richland County Sheriff's Department.

I make this statement of my own free will and accord, without reward or intimidation. All of the above is the truth, the whole truth, and nothing but the truth, so help me God.

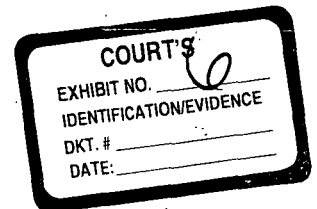
SWORN TO AND SUBSCRIBED BEFORE ME  
THIS \_\_\_ DAY OF \_\_\_ 20\_\_.

SIGNED: *Lindburgh Peterfield III*

WITNESS: \_\_\_\_\_

WITNESS: \_\_\_\_\_

NOTARY PUBLIC FOR SOUTH CAROLINA  
MY COMMISSION EXPIRES \_\_\_\_\_.



DATE: 02/05/07

TIME: 0215

583

I followed them to the front door & I saw them escorted the patron to his car. I walked back into the ~~club~~ Sports grill.

About twenty minutes later & I heard some gunshot & people were running everywhere. I ran to the front door & tried to assist a girl who lying on the floor by the pool table & two other girls trying to help the girl, along with a second girl who had been shot.

My staff member 'wolf' was on the ground in front of the door & he had been shot on his left side. The security Guard 'New York' had also been shot & he was walking around.

I also had found a Verizon phone (803) 807-8368 around a hour before the shooting in the parking lot. I gave it to the DJ - Gitlow who held it for about 45 minutes. The guy never come & get it according to the DJ.

This statement was made in the presence of S/SGT Tam Amaro of the Richland County Sheriff's Department.

I make this statement of my own free will and accord, without reward or intimidation. All of the above is the truth, the whole truth, and nothing but the truth, so help me God.

SWORN TO AND SUBSCRIBED BEFORE ME  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_.

SIGNED: Lindburgh Poterfield #1

WITNESS: \_\_\_\_\_

WITNESS: \_\_\_\_\_

NOTARY PUBLIC FOR SOUTH CAROLINA  
MY COMMISSION EXPIRES \_\_\_\_\_.

DATE: 02/05/07 TIME: 0215

584

I was going to put the Verizon <sup>phone</sup> into my office & return it to the owner.

I kept receiving phone calls on the Verizon cell phone from woman asking for Black & was <sup>he</sup> at the place where you shooting at 360? TIF (864) 948-7461

I got a call from a guy who asked could he come and get the phone? Dosey 518-1266 <sup>came up on the phone</sup>

I also received a call from another woman - asking me where I was. Her name on the Verizon phone came up - Kim G (803) 727-9272.

I pretended to be "Black" in order to get information from the callers -

This statement was made in the presence of S/SGT Tom Anderson of the Richland County Sheriff's Department.

I make this statement of my own free will and accord, without reward or intimidation. All of the above is the truth, the whole truth, and nothing but the truth, so help me God.

SWORN TO AND SUBSCRIBED BEFORE ME  
THIS \_\_\_ DAY OF \_\_\_ 20\_\_.

SIGNED: *[Signature]*

WITNESS: \_\_\_\_\_

WITNESS: \_\_\_\_\_

NOTARY PUBLIC FOR SOUTH CAROLINA  
MY COMMISSION EXPIRES \_\_\_\_\_.

CSDI-12

COURT'S  
EXHIBIT NO. 7  
IDENTIFICATION/EVIDENCE  
DKT. # \_\_\_\_\_  
DATE: \_\_\_\_\_

Request for Instruction

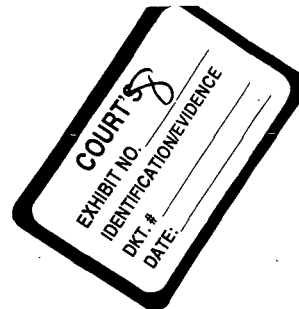
Graded

o  
Instruct you to disregard that portion of Mr. Porterfield's testimony that made reference to any thing attributed to Mr. Adams, a victim.

o  
Instruct you further to disregard the testimony of Mr. Porterfield that made reference to a statement made by an unknown person on ~~the~~ a telephone call received on the phone in evidence

Statement

586



State of South Carolina )  
County of Richland ) S.S.

Personally appeared before me this 5th day of February, 2007, at 0230 hours, an officer duly and legally authorized to administer oaths in the above named county and state aforesaid, comes one Sidney Patrell Williams of 25 Salvia Ct. Irmo, SC 29063. Daytime telephone number 781-9191. Nighttime telephone number.

Who makes the following statement under oath to wit:

Q: K. Isenhoward  
R: Sidney Williams

Q: What happened at 826 Bush River Road tonight?

R: I went to club 360 with my girlfriend, Kimberly Jeter. We go there just after the Super Bowl ended. We had a couple of drinks. We saw Johnny Gaskins "Black". We spoke to him a while and went on talking to other people. A while later, I saw Johnny arguing with this guy. The security guards threw the guy he was arguing with out of the club. Me and my girl continued on enjoying ourselves. A little while later, it was about 12:45, I saw three security guards taking Johnny out of the club. They were by the door. It looked like it was getting physical they were arguing. Johnny was talking shit. I walked over to them and asked them what was going on. The security guard was telling him that he was about to lock him up for disorderly conduct. I pleaded with them not to lock him up. I told them that he was just drunk. I kept asking them not to lock him up. I heard one of the security guards tell someone to get Richland County out there. A girl named Diane came outside and told Johnny to shut up. Johnny was telling the security guard, "Ya'll gangsta". Just talking noise. The security guard said that he already gave him a chance and that he was going to jail. I saw that Johnny was in handcuffs. The guard told Johnny to sit down beside the black car. Johnny said, "Come on why you doing me like this, you know me". The officer said, "because you talking to me like I'm from your hood, I'm not from your hood, your being disrespectful". Johnny told him that he was sorry. The officer said, "O.K., I'm going to let you go. You are to get in your car and go home right now". I told the officer that I appreciated that. The officer said, "Make sure he goes straight to his car, don't turn around and just go home". They took him out of handcuffs and watched him as he stumbled through the parking lot. I was trying to get him to his car. He couldn't find his car because he was so drunk. He found the car but was putting the wrong set of keys in the car. He went to a car beside it and went back to his car. He drives a blue Impala and the car parked next to it was a black one. He went back to his car and found the right set of keys. He got in his car. I started walking back toward the club. Johnny pulled out fast stopped in front of the door to the club and started shooting from inside the car. He shot several times and drove off. I was walking back and the security guard started shooting back. I hit the ground. After they stopped shooting, I got up and starting walking back in the club. That's when one of the security guards who was dealing with us started

This statement was made in the presence of Inv. Kevin Isenhoward of the Richland County Sheriff's Department.

I make this statement of my own free will and accord, without reward or intimidation. All of the above is the truth, the whole truth and nothing but the truth.

Sworn to and subscribed before me this 5th day of February, 2007.

Signed: [Signature]

Witness: \_\_\_\_\_

Witness: \_\_\_\_\_

[Signature]  
Notary Public for South Carolina  
My commission expires 10/08/2014.

State of South Carolina)  
  ) S.S.  
County of Richland            )

questioning me and put me in handcuffs. He told me that I better tell his name because he knew that I know him. That was that. I went inside and waited with them. I saw Malik the owner and explained it to him. Malik told me to tell that guys name and that I would be ok.

Q: Did you come to the club with Johnny Gaskins?  
R: No just my girl Kim. We just saw him there.

Q: How long have you known Johnny Gaskins?  
R: For about a year or so. My girlfriend knew him first and I kind of met him through her. He lives out there where she does.

Q: Have you had anything to drink tonight?  
R: No, I don't drink or do drugs. I have seizures.

Q: Do you know anyone else by name that was outside the club and may have witnessed the shooting?  
R: No. There wasn't anyone outside but me, Johnny, and the security guards. The girl that was out there left and went home before the shooting.

Q: Did anyone threaten or do anything to Johnny Gaskins to warrant him shooting at them?  
R: No. They were doing their jobs.

Q: Did the security guards have Johnny in handcuffs at one time and then let him out and allow him to leave?  
R: Yes.

Q: Have you ever seen Johnny with a gun before?  
R: Yes. It was a while ago. He got arrested for having it.

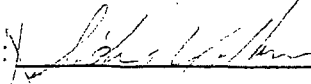
Q: Did you see him with one tonight?  
R: No, not until he started shooting.

Q: Describe the car that Johnny was driving.  
R: It was like a 2001-2002 Chevy Impala. It was blue I think it may have been black. It was one of the newer small Impalas.

This statement was made in the presence of Inv. Kevin Isenhoward of the Richland County Sheriff's Department.

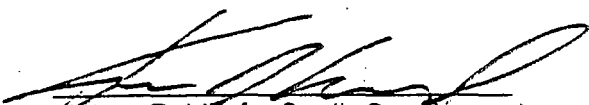
I make this statement of my own free will and accord, without reward or intimidation. All of the above is the truth, the whole truth and nothing but the truth.

Sworn to and subscribed before me  
this 5th day of February, 2007.

Signed:  \_\_\_\_\_

Witness: \_\_\_\_\_

Witness: \_\_\_\_\_

  
Notary Public for South Carolina  
My commission expires 10/08/2014.



589

BOOK 226 PAGE 831

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF GENERAL SESSIONS

The State of South Carolina )  
-v- )  
Johnnie Gaskins, )  
Defendant. )

ORDER

WARRANT # - J555977, 78, 79, 80, & 81  
J555933

JEANETTE W. McBRIDE  
C.C.P. & G.S.

2010 JAN 26 AM 9:52

RICHLAND COUNTY  
FILED

On October 27, 2009, the Defendant was convicted of Murder (2 counts), ABWIK (3 counts), and Use of a Firearm During the Commission of a Violent Crime at the completion of a six day jury trial. The Defendant was sentenced to two Life sentences to run concurrently on the each Murder charge, Twenty (20) years on each ABWIK charge and Five (5) years on Use of a Firearm during the Commission of a Violent Crime each to run consecutive to the life sentence; resulting in a sentence of Life plus sixty-five years.

On October 29, 2009, the Defendant through his attorneys Joseph McCulloch and Kathy Schillaci, moved before this Court for a New Trial and Preservation of Evidence on the above listed charges.

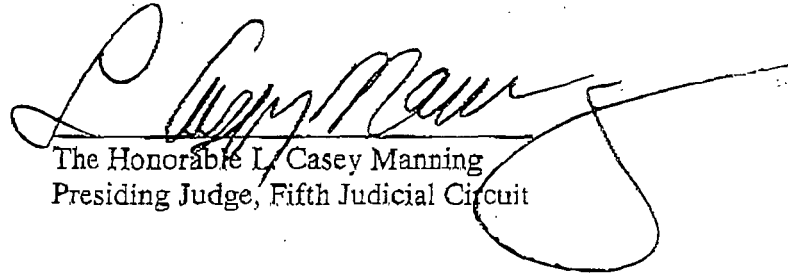
After careful review of Defendants motions and the evidence presented in the trial of this case the Court declines to grant a New Trial in this matter based on the overwhelming evidence presented by the State and for the reasons stated on the record during the trial. The Court does find that Preservation of Evidence is appropriate in this case.

NOW THEREFORE, IT IS ORDERED that Defendant's motion for a New Trial is hereby DENIED and Defendant's Motion for Preservation of Evidence is GRANTED.

590

BOOK 226 PAGE 832

AND IT IS SO ORDERED.



The Honorable L. Casey Manning  
Presiding Judge, Fifth Judicial Circuit

Columbia, South Carolina  
January 26, 2010

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Richland County

L. Casey Manning, Circuit Court Judge

Case Nos. 08-GS-40-03948; 08-GS-40-01626; 1627, 1629, 1631, 1632

THE STATE,

RESPONDENT,


v.

JOHNNIE WALKER GASKINS,

APPELLANT.

CERTIFICATE OF COUNSEL

The undersigned hereby 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 is in compliance with the August 13, 2007 Order of the Supreme Court of South Carolina relating to the inclusion of personal data identifiers and other sensitive information in documents.



TARA DAWN SHURLING  
Attorney and Counselor at Law

3614 Landmark Drive, Suite A  
Columbia, SC 29204  
(803) 738-8622  
(803) 738-1600 FAX

ATTORNEY FOR APPELLANT.

This 2<sup>nd</sup> day of May, 2012

LAW OFFICE OF



**TARA DAWN SHURLING, PA**

Attorney and Counselor at Law

3614 Landmark Drive

Suite A

Columbia, South Carolina 29204

(803) 738-8622

(Fax) (803) 738-1600

E-Mail: [tdslaw@shurlinglaw.com](mailto:tdslaw@shurlinglaw.com)

May 23, 2012

**VIA HAND DELIVERY**

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

**RECEIVED**

MAY 23 2012

Re: State of South Carolina v. Johnnie W. Gaskins;

2008-GS-40-3948, 1626,1627,1629, 1631,1632

**SC Court of Appeals**

Dear Ms. Kitchings:

Enclosed please find for filing the original and 14 copies of the Final Brief of Appellant and the original and 14 copies of the Record on Appeal, as well as the Certificate of Service serving the Final Brief on opposing counsel, Donald J. Zelenka, Assistant Deputy Attorney General. The Record on Appeal was served on opposing counsel on May 3, 2012 and a Certificate of Service was mailed to the Court on that date. We would appreciate your clocking and returning the extra copies of the brief and the Record on Appeal to our courier. With my best regards, I remain,

Sincerely yours,

A handwritten signature in black ink that reads "Tara Dawn Shurling". The signature is written in a cursive, flowing style with a large initial 'T' and 'S'.

Tara Dawn Shurling  
Attorney and Counselor at Law

TDS/sm

Enclosures

cc: Donald J. Zelenka, Assistant Deputy Attorney General (w/enclosures)

Johnnie W. Gaskins 313590 (w/enclosures)

Deloris and Johnnie W. Gaskins (w/out enclosures)

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM RICHLAND COUNTY  
Court of General Sessions  
L. Casey Manning, Circuit Court Judge

---

Case No. 2008-GS-40-3948, 1626,1627,1629, 1631,1632

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STATE OF SOUTH CAROLINA,

RESPONDENT,

-v-

JOHNNIE WALKER GASKINS,

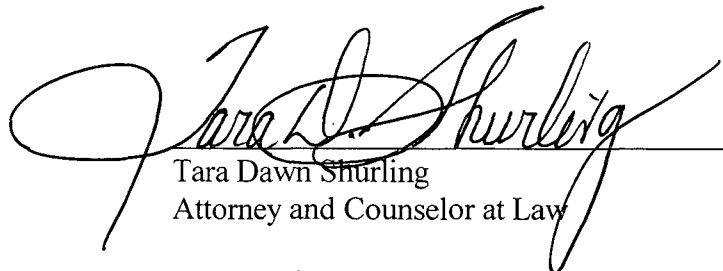
APPELLANT.

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CERTIFICATE OF SERVICE

---

The undersigned hereby attorney certifies that a true copy of the Record on Appeal in the above matter has been served on opposing counsel, Donald J. Zelenka, Assistant Deputy Attorney General, by mailing one (1) copy in an envelope properly addressed with postage prepaid this 3<sup>rd</sup> day of May, 2012.



Tara Dawn Shurling  
Attorney and Counselor at Law

Attorney for Appellant

SWORN TO BEFORE me this 3<sup>rd</sup> day  
of May, 2012.

Sharon H. McCallister  
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires Jan. 16, 2017.

**RECEIVED**  
MAY 07 2012  
SC Court of Appeals