

22351

VOLUME I OF II

STATE OF SOUTH CAROLINA

In The Court of Appeals

ORIGINAL

APPEAL FROM CHARLESTON COUNTY

G. Thomas Cooper, Circuit Court Judge

THE STATE,

v.

REGINALD L. GORDON,

RECEIVED

RESPONDENT
DEC 09 2015

SC Court of Appeals

APPELLANT

APPELLATE CASE NO. 2014-002555

RECORD ON APPEAL

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**THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:
STATE’S EXHIBIT #58 (DVD)**

STATE OF SOUTH CAROLINA)

COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON)

DOCKET NO. 2013-GS-10-5815

STATE OF SOUTH CAROLINA)

vs.)

REGINALD L. GORDON)

Defendant)

TRANSCRIPT OF RECORD

July 18, 2014

Charleston, S. Carolina

B E F O R E:

THE HONORABLE ROGER M. YOUNG, JUDGE

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

BRUCE DURANT, ESQ.
Attorney for the State

MICHAEL DETREVILLE, ESQ.
Attorney for the Defendant

JOYCE C. RUEGER, CVR-M
Circuit Court Reporter

State v Reginald Gordon
Status Conference
July 18, 2014

PROCEEDINGS

THE COURT: You're Reginald Gordon?

MR. GORDON: Yes.

THE COURT: You are first up for trial on the week of the 28th of this month. You are charged with murder. Mr. DeTreville are you ready to go to trial?

MR. DETREVILLE: Judge, we filed a motion in this case to have the case continued.

THE COURT: Why?

MR. DETREVILLE: Long story Judge; this is a case that involves Detective Lawrence and some of the problems that the Solicitor's office and the Sheriff's Department are encountering with him presently. Co-defendant Brown was -- his as the court may be aware his mother was involved was involved in a sexual relationship with Detective Lawrence and is my client's co-defendant.

Detective Lawrence has been involved in the investigation of this case. This is something that was disclosed to us recently and we believe that the conflict of interest involved in that case or involved in that situation requires additional time to get the details essentially of what went on with Detective Lawrence's involvement in the investigation. And we're asking that we be continued indefinitely so that we can ---

THE COURT: --- well I don't know anything about

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Status Conference
July 18, 2014

1 that other than what I read in the paper this morning.

2 What's the State's position on this?

3 MR. DURANT: The State's position is there is
4 absolutely no basis to continue this for that reason.
5 The only thing that Mr. -- that Detective Lawrence did of
6 note in this case was to conduct the interview of Mr.
7 DeTreville's client, Reginald Gordon, on February the
8 15th of 2013; all of which is audio and videotaped, Your
9 Honor.

10 This incident or this relationship regarding
11 Detective Lawrence was brought to the attention of my
12 office by Mr. Gordon's mother on June the 23rd of this
13 year. That same day I notified both defense counsel by
14 email and the matter was turned over to the Sheriff's
15 Office for an internal affairs investigation. On July
16 the 10th I was notified by the Charleston County
17 Sheriff's Office that Detective Lawrence had been
18 terminated as a result of this incident and there was
19 also indication that there was some deception involved by
20 him in the internal affairs investigation.

21 That same day I got a copy of their investigation
22 and turned it over to defense counsel. I also got a copy
23 of his past instances and turned that over to defense
24 counsel as well. I'm not here to defend Detective
25 Lawrence's conduct. I'm here to represent to the court

State v Reginald Gordon
Status Conference
July 18, 2014

1 that the only thing that he did in this case of any note
2 is on videotape. They have been provided with ---

3 THE COURT: --- is that all you intend to
4 introduce?

5 MR. DURANT: That's all I intend to introduce
6 through him. I have to put him up you know for the
7 Jackson v Denno and to put the tape in. But it is
8 completely on videotape. And he has been provided with
9 all the impeachment material that he needs to impeach
10 Detective Lawrence's creditability. So it's no different
11 than any other situation where one of my witnesses is
12 subject to being impeached. I mean just about all of my
13 witnesses are subject to being impeached.

14 MR. DETREVILLE: For the record if I may, Your
15 Honor, I do agree that Mr. Durant handled this matter
16 appropriately and turned over all the materials to us in
17 a timely fashion. But the problem being is that we don't
18 know that that's the only thing that Detective Lawrence
19 did in this case. And that's why we're asking for a
20 continuance is to ascertain that. Judge, this is ---

21 THE COURT: --- well they are under an obligation
22 to not only give you that information, but to represent
23 to the court that that is so and that is what he just did
24 as an officer of the court. Now if you find out there is
25 something different well then that's a whole different

State v Reginald Gordon
Status Conference
July 18, 2014

1 set of problems. I don't see any reason to continue it
2 based on that. If you come up with something between now
3 and the 28th you can take it up with the trial judge that
4 morning but my inclination is if that's his only role in
5 this case I don't see any reason to continue it.

6 MR. DETREVILLE: Judge, there were in the Rule 5
7 materials that we've received there is additional things
8 that Detective Lawrence did in this case including
9 searching the crime scene, being involved in the initial
10 investigation. I have to disagree, respectfully disagree
11 with Mr. Durant in that the only that Detective Lawrence
12 did in this case was to take a statement from my client.

13 We're not asking for -- and with all due respect to
14 the court as well, Your Honor I don't think we're asking
15 for anything extraordinary. This is a pretty substantial
16 conflict of interest and there are a lot of cases that
17 the Solicitor's office can try during that particular
18 week. There doesn't seem to be any particular need to
19 rush this particular case to trial given the present set
20 of circumstances. A continuance would be in the best
21 interest of justice and that's our position today, Judge.

22 MR. DURANT: Your Honor, there is no proof of any
23 conflict of interest in this case. I mean that term has
24 been bandied about but the fact of the matter is that
25 they cannot point to one thing that Detective Lawrence

State v Reginald Gordon
Status Conference
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1 did that -- as a matter of fact Detective Lawrence's
2 interview of this defendant was the direct reason that
3 the co-defendant, Derrick Brown, was arrested in this
4 case to begin with. Everything that Detective Lawrence
5 did in this case he assisted in the interview of other
6 witnesses but he's not going to be testifying as to that
7 Your Honor because the witnesses are going to be
8 testifying and those things are also on videotape.

9 Every witness that was questioned in this case, just
10 about I think with the exception of one or two, was on
11 videotape. So it's just not there. I mean the
12 relationship is there and as I said I'm not trying to
13 justify his relationship but there is no way that the
14 defendant can show prejudice in this case from that
15 relationship.

16 MR. DETREVILLE: To be clear, Your Honor, Detective
17 Lawrence was having a sexual relationship with my co-
18 defendant's mother. If there is not a conflict of
19 interest I'm not certain what conflict of interest means.
20 That fairly well defines that term. And we simply -- we
21 need to get to ---

22 THE COURT: --- again, all I knew about this case I
23 opened the paper this morning and read it. As we're
24 talking here was not aware that that Mr. Brown is the guy
25 that they were talking about in the paper. These are co-

State v Reginald Gordon
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1 defendants. I can see a scenario in which there is you
2 know he might be helping out Brown at the detriment of
3 Gordon. Under the circumstances you get a little time to
4 explore it. I'll continue it for 30 days.

5 MR. DETREVILLE: Thank you, Your Honor.

6 MR. DURANT: Thank you, Your Honor.

7 *****END OF TRANSCRIPT OF RECORD*****
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STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF CHARLESTON	)	
State of South Carolina	)	
	)	
v.	)	Case No. 13-CP-10-5815
	)	
Reginald Lanar Gordon,	)	
	)	
Defendant.	)	

TRANSCRIPT OF JURY TRIAL

The within JURY TRIAL in the above-captioned matter was held on November 17-20, 2014, before The Honorable Thomas Cooper in Courtroom 4B of the Charleston County Courthouse, 100 Meeting Street, Charleston, South Carolina; attended by counsel as follows:

APPEARANCES:

Bruce Durant, Deputy Solicitor
 9TH CIRCUIT SOLICITOR'S OFFICE
 101 Meeting Street, 4th Floor
 Charleston, South Carolina 29401
 Appearing for State of South Carolina

Michael Detreville, Esq.
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State of South Carolina v Reginald Lanar Gordon

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Case No. 13-CP-08-5815

Jury Trial of November 17-20, 2014 - Jury Qualification

Before The Honorable Thomas Cooper

1 I mentioned, but I don't think that one got
2 on.

3 THE COURT: Didn't get.

4 MR. DETREVILLE: We didn't reach
5 him.

6 THE COURT: All right.

7 MR. DETREVILLE: Those were my two,
8 I think.

9 THE COURT: I think you're right.

10 MR. DETREVILLE: So we withdraw the
11 objection regarding 109.

12 THE COURT: All right. Well,
13 thank you very much.

14 (OFF RECORD BENCH CONFERENCE)

15 THE COURT: We'll stand at-ease
16 until 3:00.

17 (LUNCH RECESS)

18 (DEFENDANT PRESENT)

19 THE COURT: Are you ready to
20 proceed, Solicitor?

21 SOLICITOR DURANT: Yes, Your Honor.

22 THE COURT: Is the Defense ready
23 to proceed?

24 MR. DETREVILLE: (No response).

25 THE COURT: Mr. Detreville, is the

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1 Defense ready to proceed?

2 MR. DETREVILLE: I'm sorry. Yes,
3 sir.

4 THE COURT: All right. It's my
5 understanding that the Defense objects to or
6 wishes to prove the voluntariness of the
7 Defendant's statement; is that correct?

8 MR. DETREVILLE: That is correct,
9 Your Honor.

10 THE COURT: All right. All right.
11 Solicitor, call your first witness.

12 SOLICITOR DURANT: Thank you, Your
13 Honor. The State would call Mitch Wilson.

14 THE COURT: Now, are we at the
15 point that we need the earplugs?

16 SOLICITOR DURANT: It's going to be
17 probably about ten minutes.

18 THE COURT: All right.

19 SOLICITOR DURANT: We have some
20 right there for you.

21 THE COURT: All right. Good.

22 (WITNESS TAKES STAND)

23 MITCH WILSON, having been duly sworn to
24 tell the truth, and nothing but the truth,
25 testified as follows:

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1 DIRECT EXAMINATION

2 BY SOLICITOR DURANT:

3 Q. Good afternoon. Could you tell the
4 Judge where you're employed, sir?

5 A. Charleston County Sheriff's Office.

6 Q. And how long have you been with the
7 Sheriff's Office?

8 A. Seven years.

9 Q. And as a matter of fact, you are the
10 case agent and you're a detective; correct?

11 A. That's correct.

12 Q. And you are the case agent in the
13 case of the State versus Reginald Gordon?

14 A. I am.

15 Q. In that capacity, did you have
16 occasion to attempt to question the
17 Defendant, Reginald Gordon, on September the
18 1st of 2012?

19 A. I did.

20 Q. How did you happen to come into
21 contact with the defendant on that occasion?

22 A. He was arrested by Charleston City
23 Police on an assault charge. I was notified
24 that he was in custody, at which time I went
25 to the Charleston County Detention Center,

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1 got Mr. Gordon from the jail, brought him
2 back to the detectives office, where I
3 advised him of his rights and attempted to
4 interview him.

5 Q. Okay. And he had not been charged
6 with murder in this case at that time?

7 A. At that time, no.

8 THE COURT: Can you give me the
9 date of that meeting?

10 SOLICITOR DURANT: This is on
11 September the 1st of 2012.

12 THE COURT: Thank you.

13 DIRECT EXAMINATION CONTINUED

14 BY SOLICITOR DURANT:

15 Q. And did you use a form to advise him
16 of his rights?

17 A. I did.

18 Q. I hand you what's previously been
19 marked as State's Exhibit Number 59 for
20 identification. And ask if you recognize
21 that document?

22 A. I do.

23 Q. And what is that, sir?

24 A. It's a Charleston County Sheriff's
25 Office form we use for advisement of rights.

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1 Q. And how do you know?

2 A. Because it says it on the top there
3 and I've used it several times.

4 Q. You signed it; right?

5 A. That's correct.

6 Q. Did the Defendant sign it?

7 A. Yes.

8 Q. You were there when it happened;
9 correct?

10 A. Correct.

11 Q. And did you advise the Defendant of
12 his rights as they are set forth on State's
13 Exhibit Number 59?

14 A. I did.

15 Q. How did you go advising him of his
16 rights?

17 A. I filled out the top information,
18 which is his name, address, date of birth,
19 his biographical information. At which time
20 I did -- I read each right to him, I had him
21 initial next to each one to where he knows
22 that I did read it to him and he understood
23 it.

24 After I read all of his rights to
25 him, I asked if he fully understand each of

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1 his rights, which was read to him. He
2 advised me he did understand his rights,
3 which he signed denoting that.

4 Q. Okay. And did he indicate any
5 confusion about what you were talking about?

6 A. No, sir.

7 Q. What did he do when you asked him if
8 he wanted to waive his rights and discuss
9 this matter with you?

10 A. Well, after I asked if he wanted to
11 waive his rights, he said he had nothing to
12 say and he refused to sign the waiver, at
13 which time, the interview was concluded.

14 Q. Okay. And you honored his right to
15 remain silent?

16 A. Yes.

17 Q. And what was done with him at that
18 point?

19 A. I got my paperwork and took him back
20 to the detention center and logged him back
21 in.

22 Q. Okay. Now, moving ahead to November
23 the 10th of 2012, did you have an occasion to
24 attempt to talk to him again?

25 A. I did.

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1 Q. And could you tell us where that
2 was?

3 A. That was at the detective's office
4 on Pinehaven Drive.

5 Q. And how did he happen to be at the
6 detective's office on Pinehaven Drive on that
7 occasion?

8 A. During that occasion, there was a
9 family member of his, I believe it was Nate
10 Gordon, who was a victim of a homicide. And
11 Mr. Gordon was there as a witness and being
12 questioned by other detectives in that case.

13 Q. Okay. And what did you sign since
14 he was down there at the sheriff's office?

15 A. Well, he was there and my supervisor
16 said, hey, 'See if you can talk to him again.
17 See if he'll talk to you.'

18 Q. Okay. So he was not in custody on
19 that case; is that correct?

20 A. No.

21 Q. What did you do?

22 A. I then re-advised him of his rights
23 with the same form that we used before. I
24 explained his rights to him, which he
25 acknowledged and signed he understood.

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1 Q. Okay. And I'm handing you what's
2 been marked as State's Exhibit Number 60.
3 Do you recognize that document?

4 A. Yes, I do.

5 Q. And what does that say?

6 A. That's also an advisement of rights
7 form.

8 Q. And once again, did you advise him
9 of his rights directly as they are set forth
10 on that form?

11 A. That's correct. I did.

12 Q. Did he understand what you were
13 telling him?

14 A. He did.

15 Q. And what did he do when you asked
16 him once again if he wanted to talk to you
17 about this matter?

18 A. He said he had nothing to say and
19 refused any further interaction.

20 Q. Okay. And at that point, what did
21 you do?

22 A. He wasn't, like he wasn't in custody
23 so when the other detectives were done with
24 whatever they were interviewing him about, he
25 was allowed to leave.

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Jackson v Denno Hearing
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1 Q. So he was still not arrested for
2 murder in either of those cases?

3 A. That's correct.

4 Q. Okay. Moving ahead to February the
5 13th of 2013. He was arrested for murder on
6 that occasion?

7 A. He was.

8 Q. And did you make any effort to talk
9 to him on February the 13th of 2013 when he
10 was arrested?

11 A. No, I didn't.

12 Q. And did somebody talk to him on
13 February 15th of 2013?

14 A. Yes.

15 Q. Who was that?

16 A. Detective Lawrence.

17 Q. And how did that come about?

18 A. I believe his sister came ---

19 Q. Whose sister?

20 A. Mr. Gordon's sister.

21 Q. Okay.

22 A. Came forward and said that she
23 believed that Mr. Gordon knew something, knew
24 more than what he was, you know, -- wasn't
25 providing at the time. That he hadn't come

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1 forward and talked. At which time Detective
2 Lawrence went and got him from the Detention
3 Center at one of his sister's request, let
4 those two talk for a time, and then ---

5 Q. Which two?

6 A. Gordon and his sister.

7 Q. Okay. And then after Gordon and his
8 sister talked, what happened then?

9 A. After they talked for a little bit,
10 Detective Lawrence went in and advised him of
11 his rights, at which time he waived his
12 rights and provided Detective Lawrence with a
13 statement.

14 Q. Okay. But you did not take part in
15 that?

16 A. No I didn't.

17 Q. Correct?

18 A. That's correct.

19 Q. Thank you. Could you please answer
20 any questions that Defense counsel may have
21 for you?

22 MR. DETREVILLE: I have no
23 questions for this witness, Your Honor.

24 THE COURT: All right. You may
25 come down.

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1 (WITNESS STEPS DOWN)

2 SOLICITOR DURANT: The State would
3 call Charles Lawrence.

4 (WITNESS TAKES STAND)

5 CHARLES LAWRENCE, JR., having been
6 duly sworn to tell the truth, and nothing but
7 the truth, testified as follows:

8 DIRECT EXAMINATION

9 BY SOLICITOR DURANT:

10 Q. Mr. Lawrence, you were previously
11 employed by the Charleston County Sheriff's
12 Office as a detective; is that correct?

13 A. That's correct.

14 Q. And how long had you been with the
15 sheriff's office?

16 A. Eleven years.

17 Q. And were you so employed with the
18 sheriff's office in February of 2013?

19 A. Yes, sir.

20 Q. In what capacity?

21 A. I was a detective.

22 Q. And in that capacity did you have
23 occasion to meet with the Defendant, Reginald
24 Gordon, here on February the 15th of 2013?

25 A. Yes, I did.

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1 Q. And could you tell us how that came
2 about, sir?

3 A. Yes. Prior to speaking to Mr.
4 Gordon, I was contacted by his mother, who
5 advised that she wanted me to speak with her
6 son.

7 Q. This was after he was arrested on
8 February the 13th?

9 A. Yes, ma'am (sic). And I spoke with
10 his sister as well who came in, and she
11 wanted -- she said that her brother knew more
12 about the information than what he was
13 saying. At which time I notified my
14 supervisor and went to pick him up, going up
15 to get him from the detention center, and
16 brought him back to the Charleston County
17 Sheriff's Office.

18 I allowed him and his sister to
19 speak. The camera was on but no audio was,
20 you know, it was not recorded or anything.
21 And she talked to her brother for about ten
22 minutes, at which point in time she said he
23 was ready to talk to me.

24 Q. Okay. This was on February the 15th
25 of 2013; is that correct?

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1 A. That's correct.

2 Q. His sister's name was Denise Butler?

3 A. Yes. Denise.

4 Q. Did you know the family?

5 A. Yes, sir.

6 Q. Now, after Miss Butler came out
7 talking to the Defendant and said that he
8 wanted to talk to you, what did you do?

9 A. At that point in time I went in and
10 advised Mr. Gordon of his *Miranda* warning and
11 waiving the same. He provided a statement,
12 which was recorded, audio and video.

13 Q. Okay. I hand you what's been marked
14 as State's Exhibit Number 57 for
15 identification and ask if you can recognize
16 that document?

17 A. (Upon review), I do.

18 Q. What is that, sir?

19 A. It's a Charleston County Sheriff's
20 Office advisement of rights form, a standard
21 form for it.

22 Q. Okay. And whose signature -- did
23 you advise him of his rights exactly as it
24 appears on that form?

25 A. Yes, sir, that's correct.

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1 Q. And did Mr. Gordon signed the form
2 indicating he understood his rights?

3 A. He did.

4 Q. After he did that, did he indicate
5 that he wanted to waive his rights and talk
6 to you?

7 A. That's correct.

8 Q. And did he sign the waiver of rights
9 on that form as well?

10 A. That's correct.

11 Q. During the time that you were talk-
12 ing to him, did he appear to understand what
13 was going on?

14 A. He did.

15 Q. Did he exhibit any confusion?

16 A. No, sir.

17 Q. Did he respond appropriately to your
18 questions?

19 A. He did.

20 Q. Did he appear to be under the
21 influence of alcohol or any other
22 intoxicants?

23 A. No, sir.

24 Q. And you said this procedure was
25 audio and video recorded; is that correct?

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1 A. Yes, sir, that's correct.

2 Q. And that was downloaded to a CD?

3 A. Yes, sir.

4 Q. During the time that your interview
5 was going on, did you promise him anything?

6 A. No, sir.

7 Q. Did you threaten him in any way?

8 A. No, sir.

9 Q. Did you offer him leniency?

10 A. No, sir.

11 Q. Did you threaten him or his family,
12 his loved ones?

13 A. No, sir.

14 Q. Did you offer him any reward or
15 inducement in order for him to talk to you?

16 A. No, sir.

17 Q. At any time during the interview,
18 did he ask for an attorney?

19 A. No, sir.

20 Q. At any time did he, once again,
21 invoke his right to remain silent?

22 A. No, sir.

23 SOLICITOR DURANT: Your Honor, at
24 this time we would want to play State's
25 Exhibit 58.

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1 THE COURT: All right.

2 SOLICITOR DURANT: Which is the
3 video of the interview -- (video playing).

4 Judge, there's about a five-minute period
5 here where he's alone. I can either play it
6 or if you want me to jump forward I can.
7 It's up to y'all.

8 MR. DETREVILLE: Whichever Your
9 Honor's preference is, I've watched it many
10 times. It's five minutes of boring silence.

11 SOLICITOR DURANT: This is you,
12 Detective Lawrence and the video?

13 WITNESS: Yes.

14 SOLICITOR DURANT: (Video resumed) --
15 may I jump ahead again, Your Honor. It's
16 about another five minutes.

17 THE COURT: Any objection?

18 MR. DETREVILLE: No objection,
19 Judge.

20 (VIDEO RESUMED)

21 DIRECT EXAMINATION CONTINUED

22 BY SOLICITOR DURANT:

23 Q. And that was the interview you
24 conducted with the Defendant in this case;
25 is that correct?

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1 A. That's correct.

2 SOLICITOR DURANT: Thank you, sir.
3 Could you please answer any questions Defense
4 counsel may have?

5 THE COURT: Mr. Detreville.

6 MR. DETREVILLE: Thank you. If it
7 pleases the Court.

8 THE COURT: Yes, sir.

9 CROSS-EXAMINATION

10 BY MR. DETREVILLE:

11 Q. Mr. Lawrence, are you still employed
12 by the Charleston County Sheriff's Depart-
13 ment?

14 A. No, sir.

15 Q. There were numerous references to an
16 individual who goes by the name of "Scrappy"
17 during the course of that statement that we
18 just viewed. Are you familiar with Scrappy?

19 A. I am.

20 Q. Okay. Do you know what Scrappy's
21 real name is?

22 A. Yes.

23 Q. And that is?

24 A. Derrick Brown.

25 Q. Okay. Derrick Brown has also been

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1 indicted and charged with the same crimes in
2 this case. He's Mr. Gordon's co-defendant in
3 this case; is that a correct statement?

4 A. That's correct.

5 Q. Are you also familiar with Scrappy
6 or Derrick Brown's family?

7 A. Yes.

8 Q. Now, are the -- is your familiarity
9 with Scrappy's family and your departure from
10 the Charleston County Sheriff's Department,
11 are those two things related?

12 A. That's correct.

13 Q. Okay. Isn't it true, Mr. Lawrence,
14 that you were investigated by the Charleston
15 County Sheriff's Department for engaging in a
16 sexual relationship with Scrappy's mother,
17 Sonya Magwood?

18 A. That's correct.

19 Q. As a result of that investigation by
20 the Charleston County Sheriff's Department,
21 it was determined that you lied repeatedly to
22 your supervisors about your relationship with
23 Sonya Magwood; is that correct?

24 A. I don't know about repeated, but I
25 did lie. I admit that. Yes, sir.

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1 Q. Okay. But you did finally at the
2 conclusion of that investigation, you did
3 actually admit the truth about your relation-
4 ship with Sonya Magwood?

5 A. That is correct, yes.

6 Q. Who again is -- this is Mr. Gordon's
7 co-defendant's mother?

8 A. Correct.

9 Q. And the Sheriff's Department made a
10 finding in their report regarding their
11 investigation of you that you began having a
12 sexual relationship with Sonya Magwood in
13 October of 2012; is that correct?

14 A. I'm not sure if it was -- I don't
15 know when it started. I don't know when it
16 started, no. If it was in October, I'm not
17 sure.

18 Q. You don't know when your relation-
19 ship with Sonya Magwood started?

20 A. Yes.

21 Q. Isn't it true then that you
22 initially told the sheriff's department that
23 your relationship with Sonya Magwood began in
24 2009 or 2010?

25 A. That's correct.

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1 Q. Okay. You later admitted to them
2 that that was a false statement?

3 A. I did; that's correct.

4 Q. Okay. And that is when it was
5 determined that your relationship with her
6 began when you arrested Scrappy for an armed
7 robbery in October 2012?

8 A. He was arrested in October 2012.
9 There was no relationship at that time.

10 Q. And it was also determined as a
11 result of that investigation that you
12 colluded with Sonya Magwood to create a false
13 timeline as to y'all's relationship with
14 regard to -- at least with regard to 2009 and
15 2010; is that correct?

16 A. That is correct.

17 Q. At the time that you took a
18 statement, the statement that we just watched
19 on video, at the time of the statement, it
20 would be a truthful statement then to say
21 that you were involved in a sexual relation-
22 ship with Sonya Magwood?

23 A. That's -- that was in 2013 and it
24 was sometime in 2013, but when it started --
25 that's what I'm saying. I do not recall. It

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1 wasn't like a relationship that you -- what
2 you would call a relationship.

3 Q. It was of a sexual nature only,
4 though, -- essentially?

5 A. That's correct.

6 Q. Are you familiar with the findings
7 of the Charleston County Sheriff's Department
8 as a result of their investigation into your
9 activities?

10 A. Yes.

11 Q. Okay. So you are aware that the
12 Charleston County Sheriff's Department made a
13 specific finding that you began your sexual
14 relationship with Sonya Magwood in October of
15 2012?

16 A. I wasn't aware of that.

17 Q. Okay. Do you dispute that? I can
18 share that with you if ---

19 A. Yeah. I would like to see that if
20 you do have it, yes.

21 Q. Certainly. If you could review this
22 letter and perhaps it would refresh your
23 recollection to read the first three
24 sentences of the report.

25 A. (Upon review), okay.

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1 Q. Aloud for the benefit of the Court,
2 if you could, please?

3 A. Well, -- you put it in the media
4 enough, I'm certain.

5 Q. I'm sorry. I didn't understand you?

6 A. I said this was media enough. It --
7 wasn't. It doesn't say October on here,
8 either.

9 Q. It simply refers to when you
10 arrested Scrappy for armed robbery?

11 A. Correct. But you keep alluding that
12 it was in October.

13 Q. Is it not a fact that you arrested
14 Scrappy for an armed robbery in October of
15 2012?

16 A. That's correct. But what you're
17 saying to me is that this relationship
18 started in October.

19 Q. Okay. Could you read the first
20 three sentences for the Court ---

21 A. Sure.

22 Q. --- for the benefit of the Court?

23 A. Okay, (reading): "On July 3, 2014,
24 the Office of Professional Standards
25 completed an investigation in reference to a

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1 sexual relationship you were having with a
2 suspect's mother.. As a result of this
3 investigation, it was found that you had a
4 relationship with a mother of a suspect after
5 you had arrested her son for armed robbery."

6 Q. Thank you, sir. So having read
7 that, do you still take the position that you
8 were not involved in a sexual relationship
9 with Sonya Magwood at the time this statement
10 was given?

11 A. Again, it was in 2013 but when in
12 2013, I'm not sure.

13 Q. Let's assume that the facts as they
14 are reported in the finding of the sheriff's
15 department is true, that you began your
16 sexual relationship with Sonya Magwood after
17 having arrested her son, would it not be a
18 conflict of interest for you to conduct an
19 interrogation of Reginald Gordon under those
20 circumstances?

21 A. Yes, -- with an explanation.

22 Q. I'm sorry?

23 A. Yes, with an explanation. I was
24 contacted by Ms. Shaneeka, his mother, the
25 defendant's mother. And she advised, she

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1 asked or requested, asked that I might
2 interview her son; because she advised that
3 she knows me, she trusts me, and said that a
4 detective from the sheriff's office said that
5 he was going to "lock his ass up" for the
6 rest of his life. And that's the reason why
7 I interviewed Mr. Gordon.

8 Q. Okay. So you're saying that
9 Reginald Gordon's mother knew you and trusted
10 you.

11 A. (Affirmative nod).

12 Q. Was she aware at the time of your
13 relationship with Sonya Magwood?

14 A. No, sir.

15 Q. And it was, in fact, Reginald
16 Gordon's mother, Ms. Gordon, you referenced
17 who actually initially reported your sexual
18 relationship with Sonya Magwood, having found
19 out about that later -- to the Solicitor's
20 Office?

21 A. Yes, sir, that's correct.

22 Q. Okay. So Ms. Gordon, then was not
23 aware of all of the facts regarding your
24 potential conflict of interest at the time of
25 the interview?

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1 A. Correct.

2 Q. Would it be safe to say that nobody,
3 except you and Sonya Magwood, were aware of
4 that relationship at the time?

5 A. Yes.

6 Q. Okay. So I'm -- I'm not sure that I
7 got it straight. In response to my question
8 about this being a conflict of interest, you
9 said, yes, but with an explanation?

10 A. Yes, sir.

11 Q. Okay. So knowing that you had a
12 conflict of interest in taking this
13 particular statement and essentially
14 investigating this case whatsoever, that
15 essentially would be the reason why you were
16 dishonest about it at a later time when
17 presented with those facts?

18 A. No, the reason why is because I was
19 asked by my captain, in the presence of my
20 peers why I would -- at that point in time I
21 panicked and I told a lie. Had they called
22 me in the office, it would have been
23 different. But since I had started a lie, I
24 had to finish that lie.

25 Q. So that's why you colluded with

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1 Sonya Magwood about the false timeline and
2 everything of that nature?

3 A. That is correct.

4 Q. Okay. But that was -- when you
5 colluded with her, that wasn't in front of
6 your peers or anything of that nature. You
7 actually had time to consider that, get
8 together and come up with that falsehood?

9 A. No. That was like right away, after
10 I was hit with that, which was totally off
11 guard. And it was an internal affairs
12 investigation going on at that time, which I
13 had no recollection (sic) of. And this was
14 asked by someone who knew about it, that it
15 was an investigation going on, but he asked
16 me outside of the investigation, which is a
17 no no.

18 Q. So your initial response to being
19 questioned about this affair with Sonya
20 Magwood was, 'no, I'm not engaged in a
21 relationship with her?'

22 A. Correct.

23 Q. Then you colluded with her regarding
24 a time line on that relationship and then
25 came back to your superiors and said, 'yes, I

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1 did engage in a relationship with her but it
2 was in 2009 or 2010'?

3 A. Correct.

4 Q. Then the investigators interviewed
5 Ms. Magwood as well, and noted the
6 similarities between your two stories and
7 that's when they confronted you and basically
8 accused you of continuing the lie at that
9 point?

10 A. Correct.

11 Q. Okay. And that's when you told the
12 truth about the relationship?

13 A. That is correct.

14 Q. Okay. And so you were terminated
15 from the Charleston County Sheriff's
16 Department for multiple violations, including
17 dishonesty and conduct unbecoming an officer;
18 is that correct?

19 A. Yes.

20 Q. Now, is it true that Scrappy or
21 Derrick Brown turned Reginald Gordon in on
22 this case?

23 A. I'm not the case agent. I'm not
24 certain.

25 Q. Okay. At the time that this

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1 statement was taken, was Reginald Gordon
2 aware of your conflict of interest in the
3 case?

4 A. I'm not sure. He never indicated.

5 Q. Did you tell him about it?

6 A. No, sir.

7 Q. Okay. Had you told anybody else
8 about it?

9 A. No, sir.

10 Q. Okay. So it's a pretty safe bet
11 that Reginald Gordon didn't know about it?

12 A. I don't know. It was not said that
13 -- he did not mention it to me at that inter-
14 view.

15 Q. Okay. And you didn't mention it to
16 him?

17 A. That's correct.

18 Q. Okay. Do you believe that Reginald
19 Gordon would have given you a statement had
20 he known that you were having sex with his
21 co-defendant's mother?

22 A. He's pretty much the only one who
23 would talk to me in the detective division.
24 You know, -- obviously you don't know the
25 history, but there's no need to go into that.

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1 That's my area that I patrolled. I go out of
2 the way to make it right for everyone in that
3 area, okay? Because number one, it's mostly
4 blacks. That has to be out front, okay? And
5 I have to bend the rules a lot of time to try
6 to make it right for the people that a lot of
7 time they feel they're getting unfair
8 treatment. And that's all I've ever did.
9 And this came back to bite me.

10 Q. So as I understand your response
11 then, and I don't want to put words into your
12 mouth ---

13 A. Uh-huh.

14 Q. --- you don't think Reginald Gordon
15 would have given you a statement had he known
16 about your relationship with Sonya Magwood.

17 A. That, I don't know. I interviewed
18 Mr. Gordon per the request of his mother and
19 I spoke to his sister, prior -- I allowed him
20 and his sister to speak to each other. And
21 after him, Ms. Gordon and Denise talking, he
22 was then ready to give me a statement.

23 Q. Okay. So we've established that
24 Geneva Gordon, the mother and Reginald Gordon
25 the Defendant both had no knowledge of your

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1 relationship with Sonya Magwood. We've
2 established that?

3 A. I would, I would, yes.

4 Q. The other player that's been
5 mentioned is Denise Butler. Do you have any
6 reason to think that she knew of your
7 relationship with Sonya Magwood

8 A. I did not know her as good as I knew
9 Ms. Geneva and Reggie.

10 Q. Got you. Okay. So without that
11 critical information regarding what could be
12 called a grotesque conflict of interest, do
13 you feel that it's possible that Reginald
14 Gordon could have knowingly and intelligently
15 waived his Constitutional rights, given his
16 statement?

17 A. Well, we just watched that whole
18 video.

19 Q. Well, we saw him waive his rights.

20 A. Correct.

21 Q. But we saw him waive his rights
22 without the information or the totality of
23 the circumstances, essentially. Do you think
24 he would have done that had he known?

25 A. I have no idea.

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1 SOLICITOR DURANT: Your Honor, this
2 is pure speculation.

3 THE COURT: I understand that. I
4 haven't heard any objections.

5 SOLICITOR DURANT: I'm objecting
6 now, Your Honor.

7 THE COURT: Okay. Mr. Detreville,
8 I understand your questioning the credibility
9 of witness and that is certainly fair game,
10 but I think you're wearing it out.

11 MR. DETREVILLE: I have -- I really
12 have but maybe one question left, Your Honor.

13 THE COURT: The issue here is
14 relevancy. I mean voluntariness of the
15 statement.

16 MR. DETREVILLE: Correct.

17 THE COURT: And that's what I'm
18 focusing on.

19 MR. DETREVILLE: That's correct,
20 Your Honor. I think I'm winding it down.
21 I'm trying to zero in on the voluntariness
22 aspect of it, Your Honor.

23 THE COURT: Please do.

24 CROSS EXAMINATION CONTINUED

25 BY MR. DETREVILLE:

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1 Q. Could Reginald Gordon have freely
2 and voluntarily given you a statement without
3 knowing all the relevant facts in this case?

4 SOLICITOR DURANT: Once again, Your
5 Honor, it calls for speculation.

6 THE COURT: I sustain.

7 MR. DETREVILLE: I have no other
8 questions for this witness, Your Honor.

9 THE COURT: All right, sir. Any
10 redirect?

11 REDIRECT EXAMINATION

12 BY SOLICITOR DURANT:

13 Q. Derrick Brown was charged with this
14 murder solely from the interview you took
15 from Reginald Gordon; is that correct?

16 A. Yes, sir, that's correct.

17 Q. That is the reason he was arrested.
18 That was the reason he was indicted, that's
19 the reason why murder charges are pending
20 against Derrick Brown; is that correct?

21 A. Yes, sir, that's correct.

22 Q. And isn't this statement that was
23 such a conflict of interest that Mr. Gordon
24 gave you it's pretty much a self-serving
25 statement; isn't it?

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1 A. Yes, sir, that's correct.

2 Q. He was caught five miles away
3 fifteen minutes later with the murder weapon?

4 MR. DETREVILLE: I'd object, Your
5 Honor. I don't think any of that goes
6 towards the voluntariness of the statement.

7 THE COURT: Overruled.

8 REDIRECT EXAMINATION CONTINUED

9 BY SOLICITOR DURANT:

10 Q. True?

11 A. Correct.

12 Q. It was just in his best interest to
13 talk to you, was it not?

14 A. Yes, sir, that's correct.

15 Q. And it was in his best interest to
16 blame someone else because he had the murder
17 weapon fifteen minutes after the shooting?

18 A. That's correct.

19 Q. Thank you.

20 THE COURT: Any Recross?

21 MR. DETREVILLE: Nothing, Your
22 Honor.

23 THE COURT: All right. You may
24 come down.

25 WITNESS: Thank you, sir.

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1 (WITNESS STEPS DOWN)

2 THE COURT: Next witness?

3 SOLICITOR DURANT: I have nothing
4 else on the statement, Your Honor.

5 THE COURT: Does the Defense have
6 any witnesses?

7 MR. DETREVILLE: If I may have a
8 moment, Your Honor.

9 THE COURT: Yes, sir.

10 MR. DETREVILLE: I call Reginald
11 Gordon to the stand, Your Honor.

12 THE COURT: Come around, sir.

13 (WITNESS TAKES STAND)

14 REGINALD GORDON, having been duly sworn
15 to tell the truth, and nothing but the truth,
16 testified as follows:

17 DIRECT EXAMINATION

18 BY MR. DETREVILLE:

19 Q. Mr. Gordon, were you aware at the
20 time that you gave this statement, at the
21 time that you signed a waiver of your rights,
22 of a sexual relationship between Detective
23 Lawrence and Sonya Magwood, who is your co-
24 defendant's mother?

25 A. Naw.

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1 Q. Okay.

2 THE COURT: I'm sorry. I didn't
3 hear you.

4 WITNESS: Naw.

5 THE COURT: Okay.

6 DIRECT EXAMINATION CONTINUED

7 BY MR. DETREVILLE:

8 Q. Mr. Gordon, had you had that
9 information ---

10 A. Naw.

11 Q. Let me finish the question. Had you
12 had that information, would you have given
13 away your rights and given a statement to
14 Detective Lawrence?

15 A. Naw.

16 MR. DETREVILLE: No other questions.
17 for this witness, Your Honor.

18 THE COURT: Cross-examination.

19 SOLICITOR DURANT: Just a couple.

20 CROSS-EXAMINATION

21 BY SOLICITOR DURANT:

22 Q. So you were at Frazier's; correct?

23 A. Right.

24 Q. Your cousin, Darnell -- well, let's
25 start over. At Purple Mirage, your cousin,

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1 Darnell, got a gun; correct?

2 A. Right.

3 Q. Is that true?

4 A. Yes, sir.

5 THE COURT: Speak up. Speak up.

6 WITNESS: Yes, sir. Yes, sir.

7 THE COURT: You've got to answer.

8 WITNESS: Right. Yes, sir.

9 CROSS-EXAMINATION CONTINUED

10 BY SOLICITOR DURANT:

11 Q. And, according to your, according to
12 your statement, he got ganged by people from
13 West Ashley?

14 A. Yes, sir.

15 Q. And after that fight, y'all went to
16 Frazier's?

17 A. Hold up. I ain't putting it, I
18 ain't saying ---

19 Q. Huh?

20 A. --- I was ---

21 Q. After the fight, you were at
22 Frazier's?

23 A. Right, right.

24 Q. Okay. I know you said you weren't
25 at the fight.

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1 A. Okay.

2 Q. Okay. But you were at Frazier's
3 after the Purple Mirage; correct?

4 A. Right.

5 Q. You knew about your cousin getting
6 ganged?

7 A. I knew once he did it; yeah.

8 MR. DETREVILLE: Your Honor, if I
9 could object. We're going towards the
10 voluntariness of the statement. It seems
11 that counsel is putting on his case in chief
12 through Mr. Gordon.

13 THE COURT: Well, there's no jury.

14 MR. DETREVILLE: I'm sorry?

15 THE COURT: There's no jury here.

16 SOLICITOR DURANT: What I'm
17 basically trying to establish here is he had
18 a reason to talk to Detective Lawrence.

19 THE COURT: All right. Go ahead.

20 SOLICITOR DURANT: Okay.

21 CROSS-EXAMINATION CONTINUED

22 BY SOLICITOR DURANT:

23 Q. So your cousin was ganged at the
24 Purple Mirage.

25 A. Yes, sir.

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1 Q. And you knew about it?

2 A. (Affirmative nod).

3 COURT REPORTER: Your answer, sir?

4 WITNESS: Yeah. Yeah.

5 CROSS-EXAMINATION CONTINUED

6 BY SOLICITOR DURANT:

7 Q. Okay. Your friend, Scrappy, comes
8 up to you at Frazier's; correct?

9 A. Right.

10 Q. Says that the guys that ganged your
11 cousin were there and he needs your gun?

12 A. Right.

13 Q. And you said, 'Sure. It's in my
14 car.'

15 A. Right.

16 Q. And he went and got your car -- the
17 gun from your car and killed the girl?

18 A. Right.

19 Q. And then apparently took the time
20 afterwards to stop at your car and put it
21 back in there?

22 A. Right.

23 Q. And then you go to the Kangaroo;
24 correct?

25 A. Right.

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1 Q. And fight a bunch of girls; right?

2 A. Naw. I mean, we get in a fight but
3 you -- you make it sound like I just jump the
4 girls for no reason, you know what I'm
5 saying?

6 Q. Okay.

7 A. You making it seem like I just
8 jumping the girls for no reason.

9 Q. And you went there alone; correct?

10 A. Right.

11 Q. In the white Buick?

12 A. Right.

13 Q. And in that white Buick was a Glock
14 23, a .40 caliber pistol?

15 A. Right.

16 Q. That belonged to you?

17 A. Right.

18 Q. That you lent Scrappy to use?

19 A. Right.

20 Q. To shoot the girl?

21 A. Right.

22 Q. Fifteen minutes after the shooting,
23 you're at the Kangaroo, in that car, with
24 that gun; correct?

25 A. Right.

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1 Q. And the police knew that; correct?

2 A. Right.

3 Q. And the police knew that that gun
4 was used in the girl?

5 A. They ain't know nothing about no --
6 what you talking about? You talking like I
7 knew the gun was in the car -- if I knew the
8 gun was in the car, I could have throwed it
9 out, out of the car.

10 Q. I'm just saying it was in your best
11 interest, was it not, to talk -- you get
12 caught fifteen minutes after the shooting
13 with the murder weapon and all you do in that
14 statement is blame somebody else?

15 A. But, you know, if I knew the gun was
16 in the car -- that's crazy.

17 Q. That's not my question.

18 A. That's crazy. I could have throwed
19 it out of the car, if I knew it was in the
20 car.

21 Q. That's not the answer to my
22 question.

23 A. I don't know nothing about the gun.

24 Q. Answer the question.

25 A. What's question now?

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1 Q. I said it was in your best interest
2 to blame that shooting on somebody else given
3 the circumstances you were in?

4 A. I don't -- naw, it's not -- naw.

5 Q. Correct?

6 A. No, it's not. No.

7 Q. So it wasn't in your best interest
8 to blame this on Scrappy?

9 A. No. I mean, I'm telling the truth.

10 Q. Okay.

11 SOLICITOR DURANT: I have no
12 further questions.

13 MR. DETREVILLE: One question.

14 REDIRECT EXAMINATION

15 BY MR. DETREVILLE:

16 Q. Mr. Gordon, is it in your best
17 interest to tell the truth ---

18 A. Right.

19 Q. --- to police officers?

20 A. Yes, sir.

21 MR. DETREVILLE: Thank you. No
22 other questions, Your Honor.

23 THE COURT: All right. All right.
24 You may come down.

25 (WITNESS STEPS DOWN)

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1 THE COURT: Anything further from
2 the Defendant?

3 MR. DETREVILLE: Nothing, Your
4 Honor.

5 THE COURT: Do you wish to make
6 any argument?

7 MR. DETREVILLE: I do, Your Honor.

8 THE COURT: All right. You may
9 proceed.

10 MR. DETREVILLE: The requirements
11 of *Jackson v. Denno* are obviously well
12 established, Your Honor. We ask that this
13 Court suppress this particular statement
14 under a totality of the circumstances
15 analysis under *Jackson v. Denno*.

16 We would submit to the Court that
17 the failure to disclose a conflict of
18 interest by the interrogating officer is
19 tantamount to a misrepresentation by that
20 police officer; by not saying that 'I'm
21 telling you that I don't have a conflict of
22 interest.'

23 Police misrepresentations are
24 certainly one of the areas, so to speak,
25 under *Jackson v. Denno* that can cause a

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1 statement to be suppressed. To make a
2 finding that the statement was not given
3 freely and voluntarily or that the Defendant
4 did not intelligently, knowingly and
5 intelligently waive his rights.

6 Given the totality of the
7 circumstances, there was essentially active
8 misrepresentation going on from the outset of
9 this interrogation, that the ---

10 THE COURT: Active?

11 MR. DETREVILLE: I would say that
12 going into this interrogation knowing that
13 you have the conflict of interest and not
14 disclosing that conflict of interest is an
15 active misrepresentation, Your Honor.

16 That the detective knew before he
17 even entered the room -- he didn't even have
18 to hear Derrick Brown's name come out of my
19 client's mouth to know that he had a conflict
20 of interest. The conflict was ongoing by the
21 time the interrogation started.

22 Under the totality of circumstances,
23 Your Honor, we would submit that the
24 Defendant was deprived of the ability to make
25 a knowing and intelligent decision regarding

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1 waiver of his rights. And that he was not
2 able -- essentially that his will was
3 overcome under the language of *Jackson v.*
4 *Denno* and its progeny, that he was not able
5 to freely and voluntarily give a statement to
6 Detective Lawrence; that he would not have
7 done so had he been aware of all the facts
8 and circumstances existing at the time, Your
9 Honor. And that's the basis for our petition
10 to suppress the statement.

11 THE COURT: The State's position?

12 SOLICITOR DURANT: Your Honor,
13 strictly on the *Jackson v. Denno* it was clear
14 that he was advised of his rights. It's
15 clear that he understood his rights. The
16 fact of the matter is he'd been advised of
17 his rights on two other occasions and did
18 exercise his rights. So he certainly
19 understands his right and he certainly has
20 the ability to exercise his rights.

21 You saw the statement. There's
22 nothing in there. He was not coerced, not
23 threatened, there was nothing in there but
24 him falling all over himself trying to give
25 somebody else up for this murder. And I

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1 think under *Jackson v. Denno* analysis it's
2 clear that he was aware of his rights. It's
3 clear that he understood his rights. It's
4 clear that he voluntarily waived his rights
5 when he gave that statement.

6 THE COURT: Well, what about the
7 Defendant's position there's a misrepresenta-
8 tion by silence of ---

9 SOLICITOR DURANT: I don't think it
10 was a misrepresentation at all, Your Honor.
11 And I don't -- and I'm having a harder time
12 seeing this conflict of interest because the
13 fact of the matter is, it was this -- it was
14 this interview that lead to the arrest of
15 Derrick Brown, a/k/a Scrappy, and his
16 subsequent indictment.

17 THE COURT: He had not been
18 arrested at that time?

19 SOLICITOR DURANT: He had not been
20 arrested at that time, Your Honor. And then
21 it was solely through the efforts of
22 Detective Lawrence's statement that he has
23 been arrested and he has been indicted and he
24 is facing trial now.

25 THE COURT: Which would tend in my

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1 mind to negate Defendant's argument of
2 accusing -- if the witness here had not
3 accused him, Detective Lawrence's friend,
4 resulting in the indictment of her son, I
5 don't see the conflict.

6 SOLICITOR DURANT: Well, that's
7 why I was having difficulty ---

8 THE COURT: And if the so-called
9 affair was with this Defendant's mother, then
10 I think he's got ---

11 SOLICITOR DURANT: I would agree.
12 It would be a much different case.

13 THE COURT: A much different case.
14 But when the other Defendant was not arrested
15 at the time and it only comes out as a result
16 of this interview, it's almost as though he's
17 -- it's backfiring, which resulted in his
18 friend's son's arrest, which complicates
19 things even more.

20 Yes, Mr. Detreville?

21 MR. DETREVILLE: If I may briefly,
22 Judge, even under that theory, from the
23 moment that Scrappy is mentioned in this
24 statement, so to speak, would have been an
25 appropriate time for Detective Lawrence to

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1 disclose to Mr. Gordon that ---

2 THE COURT: Or stop the interview.

3 MR. DETREVILLE: Or stop the
4 interview, (affirmative nod). Exactly.

5 There are -- I don't know how many
6 detectives there are in the Charleston County
7 Sheriff's Department. I bet there's a bunch.
8 And I know that Mr. Lawrence is not the only
9 detective who worked this case. By my count
10 there was maybe ten detectives that worked
11 this case. Detective Lawrence would have had
12 ample opportunity to say, you know, 'Let's
13 stop. I'm probably not the person to handle
14 this. Let me go get one of my fellow
15 detectives from right on the other side of
16 this door. And then you can waive your
17 rights to that person and give a free and
18 voluntary statement to that person. I
19 shouldn't be the person that does that.'
20 That would be another part of our argument,
21 Your Honor.

22 THE COURT: I think that would
23 have been good judgment on Detective
24 Lawrence's part. But I don't see that it
25 affects the voluntariness of this Defendant's

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1 statement. Now, he obviously suffered
2 consequences of whatever bad behavior he
3 engaged in, but I see that as something
4 separate from this.

5 I've considered the evidence that's
6 been offered by the State. And remember my
7 standard is only by a preponderance of the
8 evidence. But I find that before the alleged
9 statement was obtained, the Defendant was
10 fully advised of his rights under the Fifth
11 and Sixth Amendments of the Constitution of
12 the United States. And that the Defendant
13 was advised of the Constitutional safeguards
14 required by *Miranda v. Arizona*. In fact, he
15 was advised of those rights on three separate
16 occasions, those being September 1st, 2012;
17 November 10th, 2012; and, again on February
18 15th, 2013. I find that he was advised prior
19 to any of those interrogations that he had a
20 right to remain silent, that he was advised
21 prior to those interrogations if he made a
22 statement that such a statement could and
23 would be used against him in the court of
24 law. He was advised prior to those
25 interrogations that he had a right to employ

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1 or select an attorney of his own choice. And
2 that if he did not have the money or funds,
3 the resources to employ an attorney, the
4 court would appoint and provide an attorney
5 for him if he so desired, without cost or
6 expenses to him. That he had the right to
7 have his attorney present with him at all
8 times during all interviews or
9 interrogations. And he was advised prior to
10 any interrogation he had the right to consult
11 with his attorney. Before interrogation, he
12 was advised prior to interrogation he had a
13 right to interrupt or terminate the
14 interrogation at any time. That he had a
15 right to stop answering questions at any time
16 during interrogation. And that Defendant was
17 advised prior to the interrogation that if
18 during the interrogation he desired an
19 attorney, the interrogation would cease until
20 an attorney was provided for him and he would
21 be given the opportunity to consult with his
22 attorney prior to further investigation
23 [sic].

24 I find that the Defendant knowingly
25 and intelligently waived his rights under the

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1 Fifth and Sixth Amendments to the
2 Constitution of the United States and the
3 Constitutional safeguards required by *Miranda*
4 *v. Arizona*, as evidenced by the fact that on
5 two occasions he refused to answer any
6 questions after being advised of his rights.

7 And that the alleged statement
8 obtained from the Defendant was freely and
9 voluntarily given without duress, without
10 coercion, without undue influence, without
11 reward, without promise or hope of reward,
12 without promise of leniency, without threat
13 of injury. The alleged statement was
14 voluntarily proffer from an unrestrained
15 defendant. And I saw that in my own mind in
16 the video that we just watched. He didn't
17 seem to be restrained in any way or
18 constrained in any way to not speak with the
19 officer and give a detail account of the
20 night -- or on the day in question the
21 alleged murder took place. And I didn't see
22 anything in that statement that made me think
23 that he was under any compulsion or
24 misrepresentation or anything else. He sat
25 there in a very colloquial manner and -- I

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1 frankly didn't understand all of the facts
2 that he did divulge, but he certainly didn't
3 look like he was under any pressure or threat
4 or misrepresentation by the officer.

5 I find all these conclusions by a
6 preponderance of the evidence. Therefore, I
7 find the statement is admissible into
8 evidence. Anything further?

9 SOLICITOR DURANT: Nothing from the
10 State, Your Honor.

11 THE COURT: From the Defendant?

12 MR. DETREVILLE: Nothing, Your
13 Honor.

14 THE COURT: All right. Very good.
15 Opening at 9:00 in the morning.

16 SOLICITOR DURANT: That will be
17 fine, Your Honor.

18 THE COURT: We will stand at-ease
19 until 9:00. Thank you. Have a good evening.

20 (COURT IN RECESS)

21 (TRANSCRIPT CONTINUED NEXT PAGE)

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23
24
25

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1 THE COURT: --- talk about the
2 weather.

3 FOREMAN: Okay.

4 THE COURT: Or the latest --
5 whatever.

6 FOREMAN: Yes, sir.

7 THE COURT: Now, I told you also
8 that I'm going to allow you to take notes.
9 But I want you to hear the opening remarks of
10 the attorneys before. And then if anybody
11 wishes notes, pen, pencil and paper, we'll
12 distribute them at that time.

13 FOREMAN: Yes, sir.

14 THE COURT: All right. Thank you
15 very much.

16 FOREMAN: You're welcome.

17 THE COURT: Solicitor?

18 SOLICITOR DURANT: Thank you, Your
19 Honor. Good morning, Mister Foreman, ladies
20 and gentlemen of the jury.

21 Domonique Grant was twenty-five
22 years old. She was the mother of two young
23 children, a boy and a girl. On Friday
24 evening, August the 17th, 2012, she decided
25 she was going to go out with a couple of

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1 friends of hers and her little sister. She
2 would never make it home alive because at
3 about 4:00 o'clock in the morning, at a
4 little club out in Ravenel, South Carolina,
5 called Frazier's Club, 3971 Cross County
6 Road, she was sitting in her friend's car, in
7 the driver's seat and the car was approached
8 by a man who shot her six times, killed her.

9 And to this day, it doesn't make any
10 sense. And to this day, we don't really know
11 why it happened. We think it was probably an
12 accident. The wrong people got shot.

13 But we do know this. If it weren't
14 for him (indicating defendant), she would be
15 alive today.

16 Although her life came to an end at
17 Frazier's Club, her story really begins a
18 little earlier that Friday night, at another
19 nightclub located west of the Ashley called
20 the Purple Mirage. It's no longer in
21 business. It's been closed down, but that
22 night it was located out on Highway 61, west
23 of the Ashley.

24 That night, Domonique Grant and her
25 sister Ebonique and two of her friends,

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1 Alicia Matthews and Barbara Barrett -- who
2 goes by "Etta", I think the name is decided
3 'it's Saturday night, and we're going to go
4 to the Purple Mirage.' There were a number
5 of girls that were having a joint birthday
6 party there that night. And two of those
7 girls were Domonique Grant's cousins.

8 Also performing at the Purple Mirage
9 that night was a rap group named Crazy Wop.
10 I don't know what "Crazy Wop" is but that's
11 their name. And this rap group was from the
12 Ravenel area of South Carolina.

13 I know y'all are from Charleston
14 County. Ravenel is located down on the south
15 side of the county, going towards the
16 Savannah. It's referred to by most people in
17 Charleston as being out in the country.

18 Crazy Wop was from the Ravenel area
19 and because of that, a lot of people at the
20 Purple Mirage that night were from the
21 Ravenel area, including this Defendant,
22 Reginald Gordon, and his friend, Derrick
23 Brown, who goes by the name of "Scrappy."

24 Crazy Wop had hired a videographer
25 that night to film them. The videographer

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1 did, he filmed their performance. When the
2 Purple Mirage closed at about 2:00 in the
3 morning, the videographer kind of followed
4 the performers out, with their entourage,
5 which was, you know, included Reginald Gordon
6 and his friend Derrick Brown, a/k/a Scrappy.

7 They were out in the parking lot
8 kind of hamming it up for the cameras. He
9 was filming it. And in the midst of this, a
10 guy from the Ardmore subdivision, west of the
11 Ashley, a rapper, jumps in front of the
12 camera and starts bragging how he's "West
13 Cash", that they're from Ardmore and they're
14 bad. And this ends up starting a huge fight
15 out in the parking lot.

16 During this fight, his cousin,
17 Darnell Chaplin ends up being ganged by a
18 couple of folks from West Ashley.

19 After the fight is over with, most
20 of the people that were there from the
21 Ravenel area were going to an after party.
22 And I think the birthday party plays in that
23 too. But they were going to an after party
24 at this little place called Frazier's Club
25 that's located on County Line Road out in

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1 Ravenel. This place is out in the middle of
2 nowhere. And one thing it's got going for it
3 is that it pretty much stays open. And
4 that's generally where everybody goes after
5 the clubs in Charleston close at 2:00. They
6 end up at Frazier's because it stays open
7 until like 4:00 in the morning or so.

8 So most of the people from the
9 Ravenel area that were at the Purple Mirage
10 end up at Frazier's.

11 But there was at least one person
12 that was there that wasn't from the Ravenel
13 area. He was from Ardmore, west of the
14 Ashley, and the same neighborhood as the
15 fellow that had jumped in front of the camera
16 and started the fight. His name was Lionel
17 Blair and he goes by the nickname of
18 "Tootie."

19 Lionel Blair knew one of the
20 performers in Crazy Wop and that performer
21 had invited him to the after club, the after
22 party at Frazier's and that's why he was
23 there.

24 So Tootie ends up going to the
25 Purple Mirage and he's hanging out with

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1 Domonique Grant and Domonique Grant's
2 friends, because he used to go to school,
3 high school with some of them. And I think
4 he was also flirting a little bit with
5 Domonique Grant, too.

6 Well at one point during the night
7 in Frazier's, he goes to the bar to get the
8 girls something to drink and he's confronted
9 by Reginald Gordon and about seven or eight
10 of Reginald and his friends, who apparently
11 recognized him, number one, as not being from
12 Ravenel. And, number two, as being from
13 Ardmore, and number three as being at the
14 Purple Mirage. He's not happy about him
15 being there and he tries to start a fight
16 with him in Frazier's Club.

17 Well, luckily, the rapper that
18 invited Tootie to the club intervenes, kind
19 of vouches for him, things seem to calm down.

20 The club ends up closing at about
21 4:00 in the morning. The four girls --
22 Domonique and her sister, Ebonique, and two
23 friends -- had all gone to the club together.
24 While they were at the club, they ran into
25 another friend of theirs, named Caprese

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1 Crosby.

2 Caprese Crosby had asked Domonique
3 to drive her car because Caprese had had too
4 much to drink. Domonique agreed, so the plan
5 was they were all going to go to Alicia
6 Matthews house. Barbara and Alicia going to
7 be in one car. Domonique, Ebonique and
8 Caprese were going to leave in Caprese
9 Crosby's car.

10 So as you come out of Frazier's
11 Club, all the way over to the right, backed
12 up against the tree line is where Caprese
13 Crosby had parked. As the three girls were
14 walking over to Caprese's car, they were
15 joined by "Tootie"/Lionel Blair who, once
16 again, I think, was trying to get with
17 Domonique and he was walking the girls to
18 their car.

19 When they get to the car, the little
20 sister, Ebonique gets in the back seat;
21 Caprese Crosby gets in the front passenger
22 seat; and Domonique, after talking briefly
23 with Tootie/Lionel Blair, gets into the
24 driver's seat and shuts the door.

25 At about this time, somebody

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1 approaches this car from the driver's side,
2 from behind Lionel Blair who is still facing
3 the car, and opens fire. Domonique Grant
4 ends up getting hit six times being shot
5 through the driver's side window.

6 Don't know if those were intended
7 for her or don't know if they were trying to
8 shoot Tootie. Don't know if they thought
9 somebody else was in the car, but she gets
10 shot six times through the driver's side
11 window.

12 Tootie hits the dirt, crawls around
13 to the back of the car, meets Caprese on the
14 other side. When he gets over there, they
15 look in the car, they realize that Domonique
16 Grant's been hit and that she's been mortally
17 wounded.

18 And the security guards come, and
19 the police are called and EMS are called, but
20 before they can get to the location, Dominique
21 Grant is dead at twenty-five years old;
22 having done nothing to deserve it, she's
23 gone.

24 An autopsy is performed, some
25 projectiles were recovered from her body

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1 which are consistent with .40 caliber, a .40
2 caliber weapon having been used to kill her.

3 About fifteen minutes after this
4 shooting and about five miles away, Reginald
5 Gordon shows up at the Kangaroo convenience
6 store located at the intersection of Main
7 Road and Savannah Highway, driving a white
8 Buick Century that's owned by a crack head
9 named Christopher Caddell.

10 He gets out of the car, goes inside
11 to use the bathroom. He finds out that some
12 girls that were there are using both the
13 men's and the women's bathrooms. He's not
14 happy about that and ends up getting into a
15 fistfight with the girls at the Kangaroo.

16 The police are called because of
17 that fight. He's out there fighting with the
18 girls, hears the sirens and he runs off
19 leaving the white Buick at the Kangaroo.

20 The police arrive. They talk to the
21 girls who were involved in the fight. During
22 the time the police officer is there, he
23 looks into the white Buick and sees,
24 protruding out of a white plastic bag and
25 partially under the front passenger seat, he

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1 recognizes an extended magazine to a pistol
2 that he recognizes belonging to a Glock and
3 sees the butt of the pistol.

4 After the girls leave, that officer
5 rides around looking for the Defendant and
6 decides that he's going to post up across the
7 highway, across Savannah Highway from the
8 Kangaroo to see if the guy shows back up.

9 Sure enough, after a few minutes,
10 Reginald Gordon shows up. He sees him
11 looking in the car, sees him go inside the
12 Kangaroo, the cop takes off across Savannah
13 Highway and intercepts Reginald Gordon as he
14 comes out of the Kangaroo. Reginald Gordon
15 gives him a fake name, 'Kenneth Clyde Young.'
16 Reginald Gordon says, 'I don't know anything
17 about that white Buick.'

18 After he's questioned that night, he
19 is allowed to go. He leaves. The car stays.
20 The car is impounded by the Charleston Police
21 Department, the gun is impounded by the
22 Charleston Police Department. The gun is a
23 Glock 23, a .40 caliber pistol. The same
24 caliber as the weapon used to kill Domonique
25 Grant.

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1 Now, two and two was not put
2 together immediately primarily because the
3 shooting occurred in Charleston County
4 Sheriff's Office jurisdiction, and the fight
5 was in Charleston Police Department's
6 jurisdiction.

7 But Mitch Wilson, who's seated at
8 the table there with me, he's assigned to the
9 murder case and he pretty shortly learns of
10 this incident at the Kangaroo. He makes
11 arrangements to have the Glock pistol
12 retrieved from the Charleston Police
13 Department.

14 He knows that .40 caliber weapons
15 very rarely, or almost always rather, are
16 semi-automatic. And I don't know if y'all
17 know anything about guns or not, but a semi-
18 automatic pistol is one where you shoot it,
19 it ejects a spent shell casing, as opposed to
20 a revolver, that has a cylinder on it, like
21 the Old Wild West ones, where you shoot and
22 it retains its brass. They do not eject the
23 shell casings.

24 But the night of the shooting of
25 Domonique Graham they didn't locate any shell

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1 casings so they kind of assumed that it was a
2 revolver being used -- until they get their
3 autopsy results and it's a .40 caliber and
4 they find out about this pistol.

5 So Detective Wilson sends the pistol
6 -- so not having found any shell casings,
7 they go back out to Frazier's Club on August
8 the 20th and do another search. And during
9 that search, they do locate a single shell
10 casing, a .40 caliber shell casing.

11 They send that shell casing or
12 Detective Wilson sends that shell casing, the
13 pistol that came from the Buick that was
14 being driven by the Defendant, and the
15 projectiles retrieved from the victim's body
16 at the autopsy to SLED for analysis. And,
17 'lo and behold, the shell casing that was
18 located at Frazier's club was fired by that
19 weapon. They couldn't make any conclusion on
20 the projectiles themselves; may have been
21 fired by the Glock, may not have.
22 Apparently, that's not unusual with Glock
23 pistols for reasons that the firearms
24 examiner will tell you later.

25 The bottom line is Mr. Gordon ends

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1 up in possession of the murder weapon fifteen
2 minutes after the shooting.

3 He's eventually arrested on February
4 the 13th, of 2013. And he is questioned on
5 February the 15th of 2013. After being
6 advised of his rights under *Miranda*, he
7 provides a statement to the police, that is
8 audio and video recorded, and that you will
9 see later.

10 He admits to being at the Purple
11 Mirage.

12 He admits to being at Frazier's.

13 He admits to being the driver of the
14 white Buick Century.

15 He admits to owning the gun we found
16 in the white Buick Century.

17 He admits to driving the white Buick
18 Century to the Kangaroo after the shooting.

19 He admits to fighting with the girls
20 at the Kangaroo.

21 And he admits that the gun found in
22 his car was the gun that was used to kill
23 Domonique Grant.

24 But when it comes to being the
25 shooter, 'oh, that was not me, it was Derrick

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1 Brown, Scrappy.'

2 He claims that after, when Frazier's
3 was closing, that his friend Derrick Brown
4 came to him and said that the guys that were
5 responsible for ganging his cousin, Darnell
6 Chaplin, were there and he needed Reginald's
7 gun to take care of business. Reginald said,
8 'Sure, the gun's in the car.'

9 Scrappy goes and gets the gun, walks
10 up to Caprese Crosby's car, with a shirt over
11 his head, and opens fire; killing Domonique
12 Grant..

13 And that unbeknownst to him, Derrick
14 Brown, must have put the Glock gun back in
15 his car.

16 Well, based upon that, Derrick
17 Brown, a/k/a Scrappy, was arrested as well
18 and indicted as well, and charges are pending
19 against him. But you are not here to
20 determine his guilt or innocence. His trial
21 will come at a later time. You are here to
22 resolve Reginald Gordon's responsibility.

23 I don't know whether what he
24 (indicating Defendant) says is true or not,
25 maybe he was the shooter, maybe he was not.

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1 Maybe Derrick Brown was the shooter. It
2 doesn't make any difference, not one bit.
3 The Judge is going to charge you on the law
4 in this case. And you have taken an oath to
5 apply that law to the facts of this case.
6 And one of the things that he is going to
7 charge you about is the doctrine called "the
8 hand of one is the hand of all." The act of
9 one is the act of all.

10 When two or more people act together
11 in the commission of a criminal act, the act
12 of one becomes the act of all. Therefore, it
13 is totally possible in a murder case for
14 three, four, five people to be guilty of
15 murder when only one person had a gun and
16 only one person pulled the trigger, which is
17 exactly what you have in this case.

18 For example, if Mitch and I pull up
19 to a 7/11 and Mitch says, 'I'm a little low
20 on cash. I'm going to go do a lick on this
21 place, can I hold your gun.'

22 'Sure man, I'm not down on doing a
23 lick but here's my gun.'

24 He goes in and he robs the 7/11.
25 During the robbery the clerk makes a play for

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1 his gun, Mitch shoots the clerk and kills
2 the clerk. Guess what? I am just as guilty
3 of murder as he is. That is the law. That
4 is the law that you have taken an oath, the
5 oath. I know that you'll apply in this case.
6 You can't say 'Oops, didn't know that was
7 going to happen.'

8 So assuming everything he says is
9 true, he's still guilty of murder. It
10 doesn't make any difference if he's the
11 trigger man or not. Brown comes to him,
12 tells him that the people responsible for
13 ganging his cousin are there, 'I need your
14 gun.' Gordon provides the gun, Derrick Brown
15 uses the gun for precisely what a gun is
16 designed to do. As a result, Domonique Grant
17 is dead. He (indicating Defendant) was
18 present. He aided and abetted by providing
19 the weapon. Derrick Brown's act became his
20 act. Derrick Brown is guilty of murder and
21 Reginald Gordon is guilty of murder.

22 THE COURT: Mr. Detreville.

23 MR. DETREVILLE: Thank you, Your
24 Honor. Good morning, ladies and gentlemen.
25 I'll try to be brief because I know that jury

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1 service is not the most favorite thing and
2 I'll try to take up as little of your time as
3 possible.

4 My name is Michael Detreville. I'm
5 an attorney. I represent Mr. Reginald
6 Gordon, who's seated in the blue shirt at my
7 table, just over there. Uh, Mr. Gordon -- on
8 Mr. Gordon's behalf, I thank you for your
9 service, your dedication to this case. I
10 know that jury service creates difficulties
11 and conflicts and problems for everybody
12 that's involved. Please know that your
13 service is appreciated, and we thank you.

14 The task with which you are
15 performing for us today is most important in
16 our society. It's a Constitutional task.

17 My client comes to you an innocent
18 man. The Constitution of the United States
19 says that he's an innocent man until he's
20 proven guilty beyond a reasonable doubt of
21 all the crimes that he's charged with. He
22 comes to you, ladies and gentlemen of the
23 jury, asking to have his innocence preserved.

24 As you already know, my client is
25 innocent until he's proven guilty beyond a

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1 reasonable doubt. Now, what does that mean
2 to you, "proven guilty beyond a reasonable
3 doubt"? It means the prosecution must prove
4 beyond a reasonable each and every element of
5 every crime with which Mr. Reginald Gordon is
6 charged.

7 Please keep fresh in your mind,
8 ladies and gentlemen of the jury, those four
9 little words as we proceed through this
10 trial, "beyond a reasonable doubt."

11 We've heard from the Solicitor's
12 office already, what they think the evidence
13 in this case is going to tend to prove to
14 you. They'd have you believe that that's the
15 only story and that's the only story that you
16 should believe, but it isn't.

17 You, as jurors in this case, have
18 indicated that you are willing to keep an
19 open mind until all the facts are in in this
20 case, that you're willing to consider all of
21 the evidence before rendering a decision in
22 this case. And that you're willing and open
23 to hearing both sides of this story.

24 Keep in mind those words again,
25 "beyond a reasonable doubt." Keep those

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1 words fresh in your mind as the prosecution
2 presents its case and while we cross-examine
3 their witnesses. With each statement, with
4 each piece of evidence that's presented to
5 you at trial in this case, ask yourself, 'is
6 everything here as it seems?' Because rest
7 assured, ladies and gentlemen of the jury,
8 that those presented to you at trial of this
9 case is not going to be exactly what it
10 seems. There will be evidence presented to
11 you that's going to cast serious doubts in
12 your minds.

13 I'm convinced such that you'll have
14 a hard time believing much of the evidence
15 that's presented here, if not all of the
16 evidence that's presented here by the State
17 in this case. I ask you to pay close
18 attention to the testimony of every witness,
19 to every piece of tangible evidence that's
20 presented to you, and ask yourself two very
21 serious questions as it's being presented to
22 you:

23 'Can I believe what this witness is
24 telling me?'

25 And, 'If I can't believe what this

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1 witness is telling me, can I find beyond a
2 reasonable doubt that Reginald Gordon is
3 guilty of the crimes that he's charged with?'

4 I firmly believe that your ultimate
5 verdict in this case is going to depend on
6 your answers to those questions. And I
7 believe that the evidence in this case will
8 lead you to conclude that the answer to both
9 of those questions is going to be a
10 resounding "No."

11 Ladies and gentlemen, my client, Mr.
12 Gordon, and myself, we have confidence and
13 faith in our jury system. We have confidence
14 and faith that you'll remain faithful to the
15 oath that you've taken this morning as jurors
16 in this case, that you'll view all the
17 evidence that's presented to you with a
18 critical eye, and that you'll keep a keen ear
19 out for creditability of the witnesses that
20 present that evidence to you, not just for
21 the credibility but for any contradictions in
22 the evidence. If you pay attention to that
23 little meter that we're all born with, the
24 one that's in the back of our heads, the one
25 that tells us whether something is

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1 trustworthy or not. If you'll apply your
2 commonsense to the facts in this case, you're
3 not expected to leave your commonsense at the
4 front door when you walk into this
5 courthouse. At the end of the trial we're
6 confident that after your deliberations
7 you'll return a verdict of not guilty on all
8 counts.

9 And once again, ladies and gentlemen
10 of the jury, we thank you for your time. We
11 thank you for your patience. We thank you
12 for your service.

13 THE COURT: Any member of the jury
14 want to take notes? The clerk's coming
15 around with pens/pencils and notepads.

16 (CLERK DISTRIBUTES PADS AND PENS)

17 THE COURT: All right. Solicitor,
18 call your first witness.

19 SOLICITOR DURANT: The State would
20 call William White.

21 (WITNESS TAKES STAND)

22 WILLIAM WHITE, having been duly sworn to
23 tell the truth, and nothing but the truth,
24 testified as follows:

25 DIRECT EXAMINATION

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1 BY SOLICITOR DURANT:

2 Q. Good morning, Deputy White?

3 A. Good morning.

4 Q. Would you tell our jury where you're
5 employed?

6 A. I'm employed with Charleston County
7 Sheriff's Office.

8 Q. And how long have you been at the
9 Sheriff's Office?

10 A. I've been with them approximately
11 four years.

12 Q. Okay. And is that all of your law
13 enforcement experience or did you have any
14 previous law enforcement?

15 A. I have previous experience. I've
16 been in law enforcement since 1998.

17 Q. Okay. Where you working as a deputy
18 in August of 2013?

19 A. Yes, I was.

20 Q. In what part of the county?

21 A. We call it district eight, which is
22 the south district.

23 Q. Oka. And within that south
24 district, is 4971 County Line Road included
25 within that district?

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1 A. That's correct. That's Charleston
2 County.

3 Q. And did you have an occasion to be
4 dispatched to that location on Saturday
5 morning of August the 18th, 2012?

6 A. I was.

7 Q. In reference to what?

8 A. A shooting.

9 Q. And could you kind of orient our
10 jury as to where that location is? How do
11 you get to it from Charleston.

12 A. If you're coming from Charleston,
13 you're going to come over the Rantowles
14 Bridge and make a right onto Davison Road.
15 Davison Road eventually turns into County
16 Line Road and approximately maybe a mile and
17 a half, on the left-hand side, is going to be
18 that particular address.

19 Q. Okay. What is located at that
20 particular address?

21 A. It's going to be the business of
22 Frazier's.

23 Q. And what is Frazier's?

24 A. That is a nightclub.

25 Q. And what county is Frazier's located

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1 in?

2 A. It's located in Charleston County.

3 Q. And have you had an opportunity to
4 examine the computerized dispatch records or
5 the CAD report for the call out to that
6 location that night?

7 A. Yes, I have.

8 Q. And what time did the call come in?

9 A. I believe the call came in like
10 around 4:03 A.M.

11 Q. And what time did the first unit
12 from the Charleston County Sheriff's Office
13 actually arrive at the, at Frazier's Club?

14 A. I believe I arrived on scene at
15 approximately 4:14 A.M.

16 Q. So a little over ten minutes after
17 receiving the call; is that correct?

18 A. That's correct.

19 Q. And who were the first deputies to
20 arrive?

21 A. Myself and Deputy Faison.

22 Q. Was it still dark at that time?

23 A. Yes, it was.

24 Q. And what did you observe upon
25 arriving at Frazier's Club?

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1 A. Upon my arrival, I observed a large
2 crowd standing in the parking lot and also
3 the wooded area. I observed a dark-in-color
4 vehicle backed up against the wood line,
5 surrounded by security officers. And there
6 was an unresponsive black female sitting in
7 the driver's seat. It was obvious she
8 suffered gunshot wounds.

9 Q. Do you recall the make and model of
10 the vehicle involved that she was in?

11 A. I believe it was a gray colored 2007
12 Ford, a Fusion possibly.

13 Q. And where was the car parked in the
14 parking lot?

15 A. If you're facing Frazier's from the
16 roadway, it was parked -- it was backed into
17 the wood line, to your left-hand side of the
18 club.

19 Q. Okay.

20 SOLICITOR DURANT: Your Honor, at
21 this time the State would offer State's
22 Exhibit Number 49 into evidence, I believe
23 without objection?

24 THE COURT: Any objection?

25 MR. DETREVILLE: No objection.

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1 THE COURT: Without objection.

2 (SO ENTERED AS STATE'S EXHIBIT 49)

3 DIRECT EXAMINATION CONTINUED

4 BY SOLICITOR DURANT:

5 Q. Could you stand?

6 SOLICITOR DURANT: Could the
7 witness stand for a second, just come around.
8 We just want him to kind of orient the jury
9 as to a couple of things.

10 THE COURT: Yes, sir.

11 (WITNESS STEPS DOWN)

12 DIRECT EXAMINATION CONTINUED

13 BY SOLICITOR DURANT:

14 Q. Deputy White, if you would kind of
15 stand behind, beside me and ---

16 THE COURT: The other side.

17 SOLICITOR DURANT: The other side.

18 THE COURT: That's right. So the
19 court reporter can hear what he says.

20 SOLICITOR DURANT: Okay. And so
21 the jury can see.

22 DIRECT EXAMINATION CONTINUED

23 BY SOLICITOR DURANT:

24 Q. Could you tell the jury where
25 Frazier's Club is located?

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1 A. This is going to be Frazier's right
2 here.

3 Q. All right. So I'm going to turn it
4 like this. I thought it was ---

5 A. Yes, sir, that is correct. This is
6 going to be Frazier's right here.

7 Q. Okay. And could you tell them where
8 County Line Road is?

9 A. This is County Line Road.

10 Q. Okay. And which way is back toward
11 Charleston?

12 A. That way.

13 Q. Okay. And that's where it turns
14 into Davison Road and then ends up running
15 into where?

16 A. TO Savannah Highway.

17 Q. Okay. And where does County Line
18 Road go back that way?

19 A. If you go this way, it's going to
20 run you into Parker's Ferry Road.

21 Q. Okay. And you said that the gray
22 Ford was parked over to the -- if we're
23 standing on County Line Road, to the left.
24 Could you just indicate the general area
25 where the car was parked?

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1 A. It was parked in this general, right
2 over here.

3 Q. Okay. Was it headed into the wood
4 line or backed into the wood line?

5 A. Backed into the wood line.

6 Q. Okay. And this area here, is this
7 paved or grass?

8 A. This is all grass.

9 Q. Okay. Thank you, sir. You can
10 resume your seat.

11 A. (Resumes witness stand).

12 Q. The victim that was in that car was
13 later identified as Domonique Grant; correct?

14 A. To my knowledge that's correct.

15 Q. And how old was she?

16 A. Twenty-five (25), I believe.

17 Q. She was still in the car when you
18 arrived on the scene?

19 A. She was still in the car when I
20 arrived on scene.

21 Q. Did she appear to still be alive at
22 that point?

23 A. She was unresponsive.

24 Q. Okay. Had EMS arrived yet?

25 A. No, not yet. We had to secure the

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1 scene first before EMS would come up.

2 Q. And what happened after EMS did
3 arrive?

4 A. They arrived on scene and pretty
5 much pronounced her deceased.

6 Q. And what did you do at the scene at
7 that time?

8 A. After that, I notified my super-
9 visors. And this is after EMS is already
10 but there, but I pretty much notified my
11 supervisors of the situation.

12 Q. Okay. Did anyone at the scene admit
13 to having seen the shooting?

14 A. No.

15 Q. Were detectives -- did detectives
16 respond to the scene?

17 A. They did.

18 Q. How about your technical services
19 unit or crime scene unit?

20 A. They did.

21 Q. Are you familiar with the Kangaroo
22 gas station that is located at Savannah
23 Highway and Main Road?

24 A. I am.

25 Q. And could you tell our jury how you

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1 get there from Frazier's Club?

2 A. If you're entering the roadway of
3 County Line Road from Davison Drive, in front
4 of Frazier's Night Club, you make a right
5 going to County Line Road, which turns into
6 Davison, which T-bones into Savannah Highway,
7 make a left. And it's going to be your first
8 traffic light on the right-hand side is where
9 the Kangaroo gas station's going to be
10 located.

11 Q. Okay. And do you know how long,
12 about how long it takes to drive that
13 distance?

14 A. That time of day with little or no
15 traffic on the road, approximately five
16 minutes.

17 SOLICITOR DURANT: Could you please
18 answer any questions that Defense counsel may
19 have for you?

20 WITNESS: Yes, sir.

21 THE COURT: Cross-examination

22 CROSS-EXAMINATION

23 BY MR. DETREVILLE:

24 Q. Good morning, Deputy White?

25 A. Good morning.

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1 Q. If I could refer you again to this
2 map. If you wouldn't mind joining me
3 briefly?

4 A. (Steps down from witness stand).

5 Q. All right, sir. You identified this
6 as being Frazier's Night Club; is that
7 correct?

8 A. That's correct.

9 Q. Okay. And this as being the general
10 vicinity of where the car in question was
11 located; is that correct?

12 A. That's correct.

13 Q. Okay. This particular lot adjacent
14 to Frazier's appears to be wooded?

15 A. That is correct.

16 Q. That is correct, okay. And there's
17 a tree line along the back of Frazier's
18 nightclub. Are you familiar with that? Can
19 you see it in the picture as well.

20 A. I am familiar with it.

21 Q. Okay. Now, this picture stops, I
22 guess, it looks like about one lot away from
23 Frazier's Night Club. Are you familiar with
24 what is beyond this picture?

25 A. I am.

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1 Q. And is there some sort of business
2 that operates in this vicinity, right over
3 here?

4 A. There is. But I'm unsure of the
5 actual business that operates on that
6 property.

7 THE COURT: Can you hear him?

8 COURT REPORTER: Yes, sir.

9 THE COURT: Speak up just a little
10 bit so the court reporter can hear you, and
11 the jury.

12 WITNESS: Okay.

13 CROSS-EXAMINATION CONTINUED

14 BY MR. DETREVILLE:

15 Q. So you're not sure what the business
16 is but you know that there is some sort of
17 business entity that operates right over
18 here?

19 A. That's correct.

20 Q. Okay. And if you continue down
21 County Line Road here, I believe if you
22 extended this picture out, there's another
23 long, deep lot, similar to this one, located
24 right here?

25 A. I don't know.

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1 Q. Okay. Okay. Well, that's fine.
2 That's fine. But the next road, the next
3 place where you can turn off of County Line
4 Road, are you familiar with what road that
5 is?

6 A. The name of it doesn't come to mind,
7 (affirmative nod); but, yes, there is another
8 road you can make a left-hand turn on it.

9 Q. Okay if I told you that that was
10 Moberry Road, would that ring a bell to you?

11 A. Yes, that's it.

12 Q. Okay. So Moberry Road is your next
13 turn off, and it's approximately right about
14 where I'm indicating with my finger?

15 A. That's correct.

16 Q. Okay. Thank you, sir.

17 A. (Witness resumes seat on witness
18 stand).

19 Q. Now you -- at the scene of the
20 crime, Deputy White, you indicated that you
21 were unable to procure any statements from
22 anybody about who the shooter was?

23 A. That is correct. There was a large
24 crowd out there and after the scene was
25 secured and EMS pretty much pronounced.

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1 Domonique deceased, my next order of business
2 was trying to determine the witnesses. And
3 to answer your question, no.

4 Q. How many folks did you talk to?

5 A. The only people I talked to
6 Domonique -- I'm sorry. Not Domonique --
7 Domonique's sister and the person that was
8 actually in the vehicle with her at the time.

9 Q. And Domonique's sister didn't see a
10 shooter or provide a description in any way?

11 A. No, she did not.

12 Q. But she was seated in the same car
13 as the victim at the time of the shooting?

14 A. That is correct.

15 Q. Okay. When you say that you secured
16 the scene, what exactly does that mean?

17 A. Securing the scene is pretty much
18 combing the area, making sure there's still
19 not an active shooter present -- one, for my
20 safety and, two, anybody else's safety that's
21 left in that vicinity.

22 Q. Okay. Does that involve roping off
23 the scene, anything of that nature? Or is
24 that something that's ---

25 A. That's part of the process.

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1 Q. Okay. So you were involved in sort
2 of roping off the scene, also?

3 A. That is correct.

4 Q. Okay. How much of the area did you
5 rope off?

6 A. It was a good bit of the area. I
7 would say from the roadway, right in front of
8 the club, all the way back to the wood line,
9 to the left-hand side, up to the building.
10 So almost like a square area.

11 Q. That first sort of quadrant, so to
12 speak?

13 A. That is correct.

14 Q. Okay. And did you perform -- while
15 you were on the scene, did you perform any
16 sort of search at that time?

17 A. Search of?

18 Q. I think you testified previously
19 that you did a sweep of the area?

20 A. That's correct.

21 Q. Okay. And was that specifically in
22 order to determine that there wasn't still a
23 shooter at the scene ---

24 A. Yes, sir.

25 Q. --- or were you looking for any --

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1 were you going to try and find evidence,
2 anything of that nature?

3 A. No. I was looking for a shooter at
4 the time. That's why I was securing the
5 scene.

6 Q. So you were focused just on the
7 shooter and not on evidence at the time?

8 A. That is correct.

9 MR. DETREVILLE: I have no other
10 questions for this witness, Your Honor.

11 THE COURT: Any redirect.

12 SOLICITOR DURANT: Just a couple.

13 REDIRECT EXAMINATION:

14 BY SOLICITOR DURANT:

15 Q. It took y'all a little over eleven
16 minutes to get there; is that correct?

17 A. That's correct.

18 Q. And you said when you got there,
19 there was a large crowd. Where was that
20 large crowd located?

21 A. That large crowd was located all --
22 some in the grassy area, some in the roped-
23 off area.

24 Q. Okay.

25 A. At time of the morning that club was

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1 just letting out so it was a good number of
2 people out there when I got on scene.

3 Q. A lot of them out there around the
4 car where the shooting took place?

5 A. Yes, sir.

6 Q. Okay.

7 SOLICITOR DURANT: I have nothing
8 further.

9 THE COURT: Any Recross?

10 MR. DETREVILLE: Nothing, Your
11 Honor.

12 THE COURT: Thank you very much.
13 You may step down.

14 (WITNESS STEPS DOWN)

15 THE COURT: May this witness be
16 excused?

17 SOLICITOR DURANT: I would ask that
18 he be so excused, Your Honor.

19 THE COURT: Without objection?

20 MR. DETREVILLE: No objection, Your
21 Honor.

22 THE COURT: You're free to go,
23 sir. Thank you very much.

24 WITNESS: Thank you.

25 SOLICITOR DURANT: The State would

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1 call Ebonique Priester.

2 (WITNESS TAKES STAND)

3 EBONIQUE PRIESTER, having been
4 sworn to tell the truth, and nothing but the
5 truth, testified as follows:

6 DIRECT EXAMINATION

7 BY SOLICITOR DURANT:

8 Q. Ebonique, would you tell our jury
9 how old you are?

10 A. I'm nineteen.

11 Q. How far did you go in school?

12 A. I finished high school and I'm
13 starting college.

14 Q Pardon me?

15 A. I finished high school and I'm
16 starting college in January.

17 Q. Where did you graduate high school
18 from?

19 A. West Ashley High.

20 Q. Are you currently working?

21 A. No, sir.

22 Q. You said you're starting college
23 when?

24 A. In January.

25 Q. Where are you going to college?

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1 A. Trident.

2 Q. Domonique Grant was what relation to
3 you?

4 A. My sister.

5 Q. Do you have any other brothers or
6 sisters?

7 A. Yes, sir. I have a sister sitting
8 out there, and my brothers.

9 Q. I am going to have to ask you to
10 speak up because these ladies and gentlemen
11 over here, and the judge, need to hear
12 everything that you have to say. Okay?

13 A. Okay.

14 Q. So please make sure you are talking
15 into the microphone, if you don't mind.

16 A. (Affirmative nod).

17 Q. How old was Domonique Grant?

18 A. She was twenty-five.

19 Q. Did she have any children?

20 A. Yes, sir.

21 Q. How many?

22 A. Two.

23 Q. What are their names and ages?

24 A. Daytone is eight and Diamond is
25 twelve.

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1 Q. I want to talk to you a little bit
2 about the night your sister was killed. Were
3 you with her that night?

4 A. Yes, sir.

5 Q. Who else was with y'all?

6 A. Her friends: Anita, Caprese and
7 Alicia.

8 Q. Okay. Now, did you go out with your
9 sister and her friends that night?

10 A. Yes, sir.

11 Q. Where did y'all go to start with?

12 A. The Purple Mirage.

13 Q. And who was with you when you went
14 to Purple Mirage. You've mentioned your
15 sister and ---

16 A. Alice and 'Nita.

17 Q. Caprese didn't go with y'all to the
18 Purple Mirage; is that correct?

19 A. No, sir.

20 A. Why were y'all going to the Purple
21 Mirage?

22 A. To a birthday party.

23 Q. Whose party was it?

24 A. My cousin's, Patricia's, Santressa
25 and Caprese -- no, not Caprese. Ebony.

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1 Q. Were you and your sister related to
2 any of those folks?

3 A. Patricia.

4 Q. What was your relationship with
5 Patricia?

6 A. She's a cousin.

7 Q. So the four of you went together to
8 Purple Mirage; is that correct?

9 A. (Affirmative nod), and Anita.

10 Q. That would be Barbara Barrett?

11 A. (Affirmative nod).

12 Q. That's her real name, is that
13 correct?

14 A. Yes, sir.

15 Q. She goes by 'Nita, Anita, just so
16 that we are clear. Is that correct?

17 A. Yes, sir.

18 Q. What is the Purple Mirage?

19 A. A nightclub.

20 Q. Were you old enough to go to night-
21 clubs at the time?

22 A. No, sir.

23 Q. Do you remember how old you were
24 back in August of 2012?

25 A. No, sir.

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1 Q. But you weren't eighteen, were you?

2 A. No, sir.

3 Q. How did you get into the Purple
4 Mirage?

5 A. I used my cousin's ID.

6 Q. Did you drink anything at the Purple
7 Mirage?

8 A. No, sir.

9 Q. Why not?

10 A. I wasn't old enough.

11 Q. So they checked your -- you had your
12 cousin's ID but your cousin wasn't 21; is
13 that correct

14 A. Yes, sir.

15 Q. And did the four of you stay at the
16 Purple Mirage until it closed?

17 A. No, sir.

18 Q. Where did you go afterwards?

19 A. We stopped at a gas station and then
20 went to Frazier's.

21 Q. Why did you go to Frazier's?

22 A. For the after party.

23 Q. Where is Frazier's?

24 A. I don't know. I don't know. It's
25 on the way to Hollywood.

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1 Q. You don't know the address or
2 anything?

3 A. (Negative gesture).

4 Q. Do you know what county it is in?

5 A. I don't know.

6 Q. Who rode with you -- who did you go
7 to Frazier's with?

8 A. Anita, Alicia and Domonique.

9 Q. The same girls?

10 A. (Affirmative nod).

11 Q. Same car?

12 A. (Affirmative nod).

13 COURT REPORTER: Is that a "yes"?"

14 WITNESS Yes.

15 DIRECT EXAMINATION CONTINUED

16 BY SOLICITOR DURANT:

17 Q. Now, when you got to Frazier's, --
18 do you remember what time Purple Mirage
19 closed?

20 A. No, sir, I don't remember.

21 Q. But y'all left before it actually
22 closed; correct?

23 A. Yes, sir.

24 Q. Were you drinking when you got to
25 Frazier's?

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1 A. Yes, sir.

2 Q. What were you drinking when you got
3 to Frazier's?

4 A. MD22.

5 Q. That's what? Wine?

6 A. Yeah, I guess.

7 Q. Did you become intoxicated?

8 A. Yes, sir.

9 Q. Who is Caprese Crosby?

10 A. She is Domonique's friend.

11 Q. Did y'all run into Caprese Crosby at
12 Frazier's?

13 A. Yes.

14 Q. Now, why did y'all end up leaving
15 Frazier's that night?

16 A. Someone said that there was going to
17 be a shooting, so we left.

18 Q. Somebody said that there was going
19 to be a what?

20 A. That there was going to be fight or
21 a shooting.

22 Q. Okay. Who wanted to leave?

23 A. Alicia and Domonique.

24 Q. Where were y'all going to go?

25 A. To Alicia's house.

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1 Q. How were y'all going to get to
2 Alicia's house?

3 A. The same way that we came.

4 Q How did Domonique end up driving
5 Caprese's car?

6 A. Caprese asked Domonique to drive
7 because she was too intoxicated.

8 Q. Okay and what -- Did Domonique agree
9 to drive?

10 A. Yes, sir.

11 Q. Okay, who was going to leave in
12 Caprese's car?

13 A. Who was going to leave in Alicia's
14 car?

15 Q. Who was going to leave in Alicia's
16 car?

17 A. Alicia and Anita.

18 Q. And who was going to leave in
19 Caprese's car?

20 A. Me, Domonique and Caprese.

21 Q. So as the three of you were walking
22 to Caprese's car, did someone join you as you
23 walked to the car?

24 A. Yes. Tootie parked and was walking
25 with us to the car.

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1 Q. Who was that?

2 A. Tootie.

3 Q. Did you know Tootie's real name?

4 A. No.

5 Q. Is that the first time you'd ever
6 met Tootie?

7 A. Yes, sir.

8 Q. What did Tootie do, did he walk with
9 y'all?

10 A. (Affirmative nod), to the car.

11 Q. Who was he talking to?

12 A. Domonique.

13 Q. Why was he talking to Domonique?

14 A. I think he was trying to talk with
15 her to get with her.

16 Q. Kinda flirting with her?

17 A. Yes, sir.

18 Q. When you got to Caprese's car, did
19 you get in the car?

20 A. Yes, sir, Domonique put me inside
21 the car.

22 Q. Where?

23 A. Behind the driver's seat.

24 Q. In the back seat, behind the driver?

25 A. (Affirmative nod).

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1 Q. Where was Caprese in the car?

2 A. She was in the passenger seat.

3 Q. Where was Domonique?

4 A. In the front, in the driver's seat.

5 Q. What happened after Domonique got in
6 the car and shut the door?

7 A. Gunshots started to go off.

8 Q. How long after Domonique closed the
9 door did these gunshots start?

10 A. Like two to three minutes after she
11 closed the door.

12 Q. Could you tell what direction they
13 were coming from?

14 A. (No verbal response).

15 Q. Were they coming from your side of
16 the car or the other side of the car?

17 A. From our side of the car.

18 Q. Could you hear the bullets hitting
19 the car that you were in?

20 A. Yes, sir.

21 Q. Did you see who was shooting the
22 gun?

23 A. No, sir.

24 Q. Did you even see the muzzle flash or
25 anything like that? Fire coming out of the

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1 gun?

2 A. No, sir.

3 Q. When did you realize your sister had
4 been shot?

5 A. I really didn't know she was shot, I
6 just know she was dead.

7 Q. How soon did you know that she had
8 been hit?

9 A. As soon as the bullets stopped,
10 totally stopped.

11 Q. Was she still alive then?

12 A. Yes, sir.

13 Q. Did you try to talk to her?

14 A. She was saying something but I
15 didn't know what she was saying.

16 Q. But she appeared to be in a bad way?

17 A. Yes, sir.

18 Q. Did you see anybody -- anyone else
19 running away or anything?

20 A. Yes, someone in black, all black
21 running towards the back of the club.

22 Q. I'm sorry, I didn't hear that.

23 A. I said someone in all black running
24 to the woods at the back of the club, in all
25 black.

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1 Q. But you didn't know who that person
2 was?

3 A. No, sir.

4 Q. And you never saw that person's face

5 A. No, sir.

6 Q. What happened next?

7 A. They just told me that I couldn't
8 come back by the car until she ---

9 Q. Who told you that?

10 A. Security guards at the club.

11 Q. So there were security guards at
12 Frazier's?

13 A. Yes, sir.

14 Q. And they came up and told you what?

15 A. Told me that -- I was trying to get
16 back to the car and they told me that I
17 couldn't go back.

18 Q. Anita was where?

19 A. By the car.

20 Q. So Anita and Alicia were still
21 there?

22 A. Yes, sir.

23 Q. Were you able to contact your mother
24 while you were there?

25 A. Yes.

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1 Q. How did you call her?

2 A. I used Anita's cell phone.

3 Q. Did you tell your mother what had
4 happened?

5 A. Yes, sir.

6 Q. How did you find out that -- when
7 and how did you find out that your sister was
8 dead?

9 A. Anita told me -- because they wanted
10 us back over there and then they told me that
11 she passed.

12 Q. Answer any questions that defense
13 may have for you.

14 CROSS EXAMINATION

15 BY MICHAEL DETREVILLE:

16 Q. Good morning. First, let me
17 say I am sorry for your loss. What kind of
18 car were you, Domonique, 'Nita and Alicia
19 driving initially?

20 A. A white Tahoe.

21 Q. Was that Tahoe still at the scene at
22 the time of the shooting?

23 A. It was driving off.

24 Q. Who was driving off in it?

25 A. Alicia (phonetic).

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1 Q. And you testified previously that
2 you had been drinking at Frazier's? Is that
3 correct?

4 A. Yes, sir.

5 Q. You referred to MD2020, that's Mad
6 Dog?

7 A. Yes, sir.

8 Q. You also testified that you did not
9 know Tootie or had never met him before; is
10 that correct?

11 A. Yes, sir.

12 Q. I believe that you also testified
13 that you were anxious to leave because
14 somebody said there was going to be fight or
15 a shooting, something of that nature?

16 A. Yes, sir.

17 Q. Who said that?

18 A. Somebody came up to Alicia and said
19 that. I don't know who it was.

20 Q. You don't know who said that?

21 A. No. Someone she knew.

22 Q. Pardon?

23 A. Someone that Alicia knew.

24 Q. But not somebody that you know?

25 A. No, sir.

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1 Q. You testified also previously, Miss
2 Priester, -- did you testify that Tootie was
3 speaking with Domonique at the car ---

4 A. Yes, sir.

5 Q. After everybody had left?

6 A. Yes, sir.

7 Q. And that he had stopped talking to
8 Domonique at some point and walked away?

9 A. Yes, after she'd shut the door.

10 Q. So she closed the door and then
11 Tootie walked away?

12 A. Yes, sir.

13 Q. Okay. Was Domonique not having it?

14 A. No, she just was ready to go.

15 Q. Now, you testified that following
16 the door being shut that you believe that the
17 shots were fired two to three minutes later?

18 A. Yes, sir.

19 Q. Do you recall giving a statement to
20 the Charleston County Sheriff's Office in
21 August of 2012?

22 A. Yes, sir.

23 Q. Approximately ten days after the
24 incident?

25 A. Yes, sir.

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1 Q. And you were sixteen at the time, is
2 that correct?

3 A. Seventeen ---

4 Q. Seventeen?

5 A. I was sixteen. Sorry.

6 Q. Your mother was present at the time
7 that you gave a statement to the Charleston
8 County Sheriff's Office in 2012. Is that
9 correct also?

10 A. Yes, sir.

11 Q. Do you recall testifying -- I'm
12 sorry, not testifying. But do you recall
13 telling the sheriffs, the detectives, that
14 the shots were fired between five to eight
15 seconds after the door was shut?

16 A. I don't remember.

17 Q. If I were to play the statement,
18 would that refresh your memory?

19 A. You can.

20 Q. For clarification purpose before we
21 play the statement, Miss Priester, do you
22 deny telling the sheriff's or the detectives
23 that the shots were fired five to eight
24 seconds after the door was shut.

25 A. No, sir.

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1 Q. So you don't deny it?

2 A. (Negative gesture).

3 Q. But your testimony today is that it
4 was two to three minutes later?

5 A. (No verbal response).

6 Q. Okay. Do you know the defendant
7 present here today, Reginald Gordon?

8 A. No, sir.

9 Q. You'd never met him before that day?

10 A. No, sir.

11 Q. Do you recall in 2012 telling the
12 detectives that you did in fact know Reginald
13 Gordon?

14 A. No, sir.

15 Q. You don't recall that?

16 A. No, sir.

17 Q. Do you deny making that statement?

18 A. Yes, sir.

19 Q. Do you know Derrick Brown?

20 A. Yes, sir.

21 Q. Do you know that his nickname is
22 "Scrappy"?

23 A. Yes, sir.

24 Q. So you don't recall discussing
25 knowing Reginald Gordon or discussing -- do

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1 you recall discussing him at all in your
2 statement to the detectives in 2012?

3 A. No, sir.

4 Q. So you deny discussing Reginald
5 Gordon?

6 A. Yes, sir.

7 Q. (Sidebar with Mr. DuRant).

8 (BENCH CONFERENCE)

9 (JURY OUT @ 11:05 A.M.)

10 (RECESS)

11 THE COURT: State ready to proceed?

12 SOLICITOR DURANT: State is ready. I am
13 not sure if they have found the location on
14 the tape of her admitting knowing Reginald
15 Gordon

16 THE COURT: Bring the witness in and
17 put her back on the stand.

18 (WITNESS RETURNS TO WITNESS STAND)

19 THE COURT: Where are we?

20 MICHAEL DETREVILLE: Honing in on
21 it.

22 PARALEGAL: Trying to get the time
23 stamp.

24 THE COURT: I understand. That's
25 what you do before trial.

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1 (JURY IN @ 11:25 A.M.)

2 THE COURT: Mr. Detreville, you may
3 continue.

4 DIRECT EXAMINATION CONTINUED

5 BY MICHAEL DETREVILLE:

6 Q. Did you see Mr. Gordon at Frazier's
7 Club that night?

8 A. I don't remember.

9 Q. You don't remember?

10 A. (Negative gesture).

11 Q. But you did testifying seeing
12 someone wearing all black running away from
13 the scene of the shooting?

14 A. Yes.

15 Q. And that person ran around to the
16 back of the building?

17 A. Towards the woods.

18 Q. Towards the woods?

19 A. (Affirmative nod).

20 Q. And the woods are sort of off to the
21 left and continue on to the right a little
22 bit. Did you see whether that person ran to
23 the left or to the right when they ran to the
24 back of that building?

25 A. No, sir.

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1 Q. Okay. And you don't know who it was
2 that was wearing all black?

3 A. No, sir.

4 Q. Thank you.

5 THE COURT: Redirect?

6 SOLICITOR DURANT: No, sir.

7 THE COURT: You may step down.

8 (WITNESS STEPS DOWN)

9 THE COURT: Call your next
10 witness, Solicitor.

11 SOLICITOR WILLIAMS: The State
12 calls Caprese Crobsy, Your Honor.

13 (WITNESS TAKES STAND)

14 CAPRESE PORCHAE CROSBY, having been
15 sworn to tell the truth, and nothing but the
16 truth, testified as follows:

17 DIRECT EXAMINATION

18 BY SOLICITOR DURANT:

19 Q. Good afternoon, Ms. Crosby. Could
20 you tell jury how old you are?

21 A. Twenty-six (26) years old.

22 Q. How far did you go in school?

23 A Tenth grade.

24 Q. Where did you go to school when you
25 were in school?

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1 A. West Ashley High.

2 Q. And you're not currently employed,
3 is that correct?

4 A. Yes.

5 Q. You just had a child, didn't you --
6 last week?

7 A. Monday.

8 Q. Congratulations.

9 A. Thank you.

10 Q. Boy or girl.

11 A. Boy.

12 Q. Now, you knew the victim in this
13 case, Domonique Grant?

14 A. Yes, sir.

15 Q. What was your relationship with
16 Domonique?

17 A. We were friends in high school.

18 Q. You went to West Ashley high school
19 together?

20 A. Yes, sir.

21 Q. And had been friends since then?

22 A. Yes, sir.

23 Q. Did you also know Alicia Matthews?

24 A. Yes.

25 Q. Barbara Barrett.

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1 A. Yes.

2 Q. What is Barbara's nickname?

3 A. 'Nita

4 Q. All these girls are friends too?

5 A. Yes, sir.

6 Q. Did they all go to West Ashley high
7 school?

8 A. Yes, sir

9 Q. Now, I want to I talk a little bit
10 about the night Domonique was killed. Okay?

11 A. Okay.

12 Q. Had you made plans to go out with
13 friends that night?

14 A. Yes, sir.

15 Q. And where had you planned to go?

16 A. We was going to Purple Mirage.

17 Q. And Purple Mirage is what type of
18 establishment?

19 A. A club.

20 Q. And why were you going to Purple
21 Mirage?

22 A. Because my friends birthday party --
23 Ebony.

24 Q. Were there like several girls having
25 a joint birthday party?

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1 A. Like three girls.

2 Q. Any entertainment going on that
3 night?

4 A. No, sir.

5 Q. That you remember?

6 A. (Negative gesture).

7 Q. Now, did you go to the club with
8 Domonique and Alicia and Barbara?

9 A. No, sir.

10 Q. How did you get to the club?

11 A. Me and my two sisters came, I drove.

12 Q. Whose car did you drive?

13 A. My mom's.

14 Q. Do you remember the make and model.

15 A. Fusion, 2007, gray.

16 SOLICITOR DURANT: Your Honor, at
17 this time I would offer State's Exhibit 4, I
18 believe without objection.

19 MR. DETREVILLE: No objection.

20 THE COURT: State's Exhibit 4 is
21 admitted.

22 (SO ENTERED AS STATE'S EXHIBIT 4)

23 DIRECT EXAMINATION CONTINUED

24 BY SOLICITOR DURANT:

25 Q. (Displaying Exhibit 4 on screen), I

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1 refer you to State's Exhibit 4, do you
2 recognize that auto?

3 A. Yes, sir.

4 Q. And whose car is that?

5 A. My mother's.

6 Q. I need you to really speak into that
7 microphone. You're talking pretty low.

8 A. Okay.

9 Q. Is that where your car was parked
10 that night?

11 A. Yes, sir.

12 Q. What is that building back behind on
13 the other side of your car?

14 A. That's the club.

15 Q. That is Fraizer's Club?

16 A. Yes, sir.

17 Q. That is the car you drove to Purple
18 Mirage, is that correct

19 A. Yes, sir.

20 Q. Did you stay at Purple Mirage until
21 it closed?

22 A. No, sir, I left.

23 Q. Who did you leave with?

24 A. My two sisters.

25 Q. Where you go when you left with your

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1 two sisters?

2 A. I went to North Charleston to drop
3 them off, one on Wando and one on Cambridge.

4 Q. Where did you go after you dropped
5 off your two sisters?

6 A. Back towards West Ashley.

7 Q. Where were you going in West Ashley?

8 A. Headed towards Frazier's.

9 Q. Why were you going to Frazier's
10 Club?

11 A. Because I told my friend Barbara
12 that I would be to the club after I dropped
13 my sisters off.

14 Q. All right. Had you made arrange-
15 ments to do that even before you went to
16 Purple Mirage or did y'all just agree to go
17 to Frazier's ---

18 A. We agreed at the club.

19 Q. So you were at Purple Mirage and you
20 agreed you'd go to Frazier's?

21 A. Right.

22 Q. And when you got to Frazier's Club,
23 where did you park -- after you dropped off
24 your sisters, was there anybody with you when
25 you got to Frazier's?

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1 A. No, I was by myself.

2 Q. Where did you park your car?

3 A. I backed it up at the side.

4 Q. Where it is shown in that photograph

5 -- State's Exhibit 4; correct?

6 A. Yes, sir.

7 Q. Who did you hang out with at

8 Frazier's?

9 A. Barbara, Domonique, Alicia.

10 Q. Was Domonique's little sister there,

11 too?

12 A. Yes. She was there.

13 Q. Was she hanging with y'all or was

14 she kinda running with her own crowd?

15 A. She was with her own crowd but she

16 was kinda back and forth.

17 Q. Do you know a fellow named Lionel

18 Blair, that goes by the name of "Tootie"?

19 A. Yes, sir.

20 Q. How do you know Tootie?

21 A. From school.

22 Q. From what school?

23 A. West Ashley High.

24 Q. Was Tootie there that night?

25 A. Yes, sir.

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1 Q. Was Toootie hanging out with y'all?

2 A. No, sir.

3 Q. Did he hang out with you some?

4 A. He was kinda just back and forth but
5 he wasn't like with us.

6 Q. He wasn't with you but he talked to
7 you, off and on, as the night went on?

8 A. Yes, sir.

9 Q. Okay. Did he talk to Domonique?

10 A. Yes, sir.

11 Q. Did he appear to be interested in
12 anyone in your group?

13 A. Domonique.

14 Q. And was he flirting with her?

15 A. Yes, sir.

16 Q. Now, at some point did you notice
17 Lionel Blair, "Tootie", arguing with anybody
18 in the club?

19 A. I didn't see him arguing but there
20 was something going on between him and
21 someone in the club.

22 MICHAEL DETREVILLE: I would object,
23 Your Honor.

24 THE COURT: Overruled.

25 DIRECT EXAMINATION CONTINUED

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1 BY SOLICITOR DURANT:

2 Q. You didn't know who he was in a
3 problem with, correct?

4 A. No, sir.

5 Q. Did you see him do anything like
6 take off his shirt?

7 A. Yes, sir.

8 Q. I am talking about Tootie now.

9 A. Yes, sir.

10 Q. After he took off his shirt, did
11 things continue to escalate or calm down?

12 A. Calm down.

13 Q. How much longer did y'all end up
14 staying at Frazier's that night?

15 A. Almost until the club was closing
16 up.

17 Q. What time was that?

18 A. Almost 4:00 o'clock.

19 Q. Y'all left the club when it was
20 closing?

21 A. Yes, sir.

22 Q. What girls were leaving in which
23 car?

24 A. Barbara and Alicia was leaving in
25 Barbara's car. Me, Domonique and her sister

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1 was going in car I came in.

2 Q. Why were Domonique and Ebony going
3 in your car?

4 A. Because Domonique was going to drive
5 for me because I was drinking and we were
6 going to Alicia's house, and she wanted her
7 sister to go with her.

8 Q. So the five of y'all were going to
9 leave in two different cars; correct?

10 A. (Affirmative nod).

11 Q. Now as y'all -- the three of you,
12 Domonique and Ebony were walking to car, were
13 you joined by anyone?

14 A. Tootie.

15 Q. That would be Lionel Blair?

16 A. Yes, sir.

17 Q. What was Lionel Blair doing?

18 A. He parked his car -- as we went out
19 to the car, he'd parked his car in the front
20 and he got out and he walked with Domonique
21 to my car.

22 Q. He was talking to Domonique?

23 A. Yes, sir.

24 Q. Still flirting with Domonique?

25 A. Yes, sir.

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1 Q. So tell us what happened when you
2 got to your car.

3 A. When I got to my car, I got in the
4 passenger seat.

5 Q. Were you in the front or the back?

6 A. Front. Domonique and him walked to
7 the driver's seat. She opened the door for
8 her sister to get in the back seat.

9 I sat down in passenger seat.

10 He was standing at door, with his arm
11 like, talking to her at the driver's door.

12 Q. Tootie was standing?

13 A. Right. I bend down to take my shoes
14 off and I just hear the gunshots. I didn't
15 know whether she got a chance to sit down, I
16 just downed my head to take my shoes off and
17 the gunshots went off.

18 Q. What did you do when the gunshots
19 went off?

20 A. I get down. Well, I already was
21 down. I opened my car door, opened the
22 passenger door, to crawl out. And Tootie, he
23 meet me on the same side and he told me to
24 get back in the car because they were on that
25 side.

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1 Q. Where did you see Tootie coming
2 around the car?

3 A. From the back.

4 Q. Was he standing up?

5 A. No.

6 Q. He was what?

7 A. He was like coming around the car,
8 he was down.

9 Q. Was he like crawling on his hands
10 and knees?

11 A. Right.

12 Q. Did you ever see who shot at the
13 car?

14 A. No, sir.

15 Q. Did you know that your car had been
16 shot, that Domonique had been shot?

17 A. Not until I got back up. I feel the
18 heat, so I had to look at my clothes -- it
19 was too close. And I look over and I see her
20 and I'm like 'oh, she get shoot.'

21 Q. Was she still alive?

22 A. (Affirmative nod).

23 Q. Did Tootie stay?

24 A. Yes.

25 Q. What was Tootie telling you to do?

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1 A. To talk to her.

2 Q. Why did he want you to talk to her,
3 if you know?

4 A. I don't know, he just saying, 'Keep
5 talking to her.'

6 Q. When did you realize that Domonique
7 had actually passed away?

8 A. When the people took her out of the
9 car and they bring the thing to cover her up.

10 Q. You knew when they covered her up
11 that she wasn't alive anymore?

12 A. Yes, sir.

13 Q. How did you end up getting home that
14 evening?

15 A. I had to call someone to come get
16 me.

17 Q. Are you aware of any enemies that
18 Domonique had?

19 A. No.

20 Q. Did she leave with anyone at the
21 club that night?

22 A. No, sir.

23 Q. Do you know of any reason why
24 someone would want to shoot Domonique?

25 A. No, sir.

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1 Q. I am going to refer you to State's
2 Exhibit 49, which is already in evidence, I
3 think, have you seen this aerial photograph
4 before -- or something similar?

5 A. Yes, sir.

6 Q. That's County Line Road to the top
7 and the building in the middle is Frazier's
8 Club. Could you show the jury roughly where
9 your car was parked that night?

10 A. Like right here, (indicating).

11 Q. Backed up to the woods?

12 A. Yes, sir.

13 Q. Where did Barbara park her car, if
14 you know?

15 A. She was in front of the club.

16 Q. Thank you, Miss Crosby. Would you
17 please answer any questions that Mr.
18 Detreville would have for you?

19 A. Yes, sir.

20 CROSS EXAMINATION

21 MICHAEL DETREVILLE:

22 Q. Good morning, Miss Crosby.
23 Congratulations again. I wasn't a hundred
24 percent clear. Did you testify that Tootie
25 got into an altercation with somebody that

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1 evening?

2 A. Um-humm.

3 Q. Did you witness that altercation?

4 A. No, sir.

5 Q Did you see him take his shirt off?

6 A. Yes, sir.

7 Q. You did see him taking his shirt
8 off?

9 A. (Affirmative nod).

10 Q. And taking one's shirt off is sort
11 of a call to fight, basically?

12 A. Yes.

13 Q. Did you -- do you know who he was
14 fighting with?

15 A. No, sir.

16 Q. Did you hear him threaten to shoot
17 the place up at any time?

18 A. Uh -- yes, sir.

19 Q. You did hear Tootie threaten to
20 shoot the place up?

21 A. Um-humm.

22 Q. Do you recall making a statement to
23 detectives on September 19th, 2012?

24 A. Yes, sir.

25 Q. Did you tell sheriff's detectives

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1 that you saw somebody running from the scene
2 of the shooting wearing a black shirt?

3 A. No, sir.

4 Q. So you did not see somebody wearing
5 a black shirt running from the scene?

6 A. I didn't see anybody. My head was
7 down.

8 Q. Now, you testified that Tootie was
9 talking to Domonique near the driver's side
10 of the door ---

11 A. Yes.

12 Q. --- side of the car, excuse me.

13 A. (No verbal response).

14 Q. After the shots, Tootie was then
15 nearby you?

16 A. Yes, sir.

17 Q. Do you know how he got to be nearby
18 you?

19 A. Come around the car, from the back
20 to get on my side.

21 Q. Crawling?

22 A. Maybe so.

23 Q. Tootie was not standing behind the
24 Ford Fusion talking to you at the time of the
25 shooting then?

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1 A. (Negative gesture).

2 Q. Is that correct?

3 A. No, sir.

4 Q. You've heard that Tootie claims
5 that?

6 A. I heard that.

7 Q. But you deny that to be the truth?

8 A. Yes, sir.

9 Q. Are you friends with Tootie?

10 A. I guess.

11 Q. Would you have -- you testified that
12 you weren't aware of any enemies that
13 Domonique might have had.

14 A. No, sir.

15 Q. Are you aware of any enemies that
16 Tootie might have, that would want to hurt
17 him?

18 A. No, sir.

19 Q. Do you have any enemies that might
20 want to hurt you?

21 A. No, sir.

22 Q. Any boyfriends, ex-boyfriends,
23 fathers of your children, that might have
24 enemies that would want to harm ---

25 A. If they do, I wouldn't know.

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1 Q. Do you know the defendant, Reginald
2 Gordon?

3 A. No, sir.

4 Q. Had you ever seen him before?

5 A. No, sir.

6 Q. Do you recall seeing him that night?

7 A. No, sir.

8 Q. Do you know Derrick Brown ---

9 A. Yes, sir.

10 Q. --- who goes by the name "Scrappy"?

11 A. (Affirmative nod).

12 Q. Do you recall seeing him at the
13 scene?

14 Q. You saw Scrappy at the scene?

15 A. Yes.

16 Q. Do you recall what Scrappy was
17 wearing?

18 A. No, sir.

19 MICHAEL DETREVILLE: No other
20 questions for this witness.

21 SOLICITOR DURANT: Just one question.

22 REDIRECT EXAMINATION

23 BY SOLICITOR DURANT:

24 Q. There's no question that Tootie
25 didn't shoot Domonique, right?

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1 A. No, sir.

2 Q. Tootie was trying to get with
3 Domonique?

4 A. Yes, sir.

5 SOLICITOR DURANT: Nothing else.

6 THE COURT: You may step down.

7 (WITNESS STEPS DOWN)

8 THE COURT: Do you want this witness be
9 excused?

10 SOLICITOR DURANT: We would ask that she
11 be so excused, Your Honor.

12 MR. DETREVILLE: No objection.

13 THE COURT: You're free to go, ma'am.
14 Thank you very much. Call your next witness,
15 Solicitor.

16 SOLICITOR DURANT: The call would
17 call Darnell Chaplain.

18 (WITNESS TAKES STAND)

19 DARNELL RASHAD CHAPLIN, having been
20 sworn to tell the truth, and nothing but the
21 truth, testified as follows:

22 DIRECT EXAMINATION

23 BY SOLICITOR DURANT:

24 Q. Good morning, Mr. Chaplin.

25 A. Good morning.

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1 Q. Would you tell jury how old you are?

2 A. Twenty-four (24).

3 Q. How far did you go in school?

4 A. One year at Denmark Tech.

5 Q. So you finished high school; is that
6 correct?

7 A. Got my GED, sir.

8 Q. Okay. So you got your GED at
9 Denmark Tech.

10 A. Yes, sir.

11 Q. You have had some previous involve-
12 ment with the law, is that correct?

13 A. Yes, sir.

14 Q. I believe that you were convicted as
15 a juvenile of burglary in 2004?

16 A. Yes, sir.

17 Q. And you had a marijuana charge, a
18 PWID marijuana charge from 2012?

19 A. Yes, sir.

20 Q. Do you know -- can you see who is at
21 this table, the guy in the blue shirt?

22 A. Yes, sir.

23 Q. Who is that?

24 A. Reginald Gordon, my cousin.

25 Q. Is he like a distant cousin or a

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1 first cousin?

2 A. First cousin.

3 Q. So his father and your mother, is
4 that correct, brother and sister?

5 A. Yes, sir.

6 Q. Did you go to school with him, too?

7 A. Yes, sir.

8 Q. Know him pretty well?

9 A. Yes, sir.

10 Q. How about a fellow named Derrick
11 Brown, do you know him?

12 A. Yes, sir.

13 Q. What is his nickname?

14 A. "Scrappy."

15 Q. Are you related to him?

16 A. No, sir.

17 Q. Do you live in the Ravenel area now?

18 A. No, sir.

19 Q. Did you used to live in the Ravenel
20 area?

21 A. When I was young man, yes, sir.

22 Q. When did you move from the Ravenel
23 area?

24 A. 2004, to be exact.

25 Q. Do you recall how old you were at

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1 the time?

2 A. Like fourteen.

3 Q. Where did your family move to?

4 A. Summerville.

5 Q. Would you consider your relationship
6 with your cousin close?

7 A. Yes, sir.

8 Q. Have you maintained your relation-
9 ship with your cousin Reginald since moving
10 from Ravenel?

11 A. Yes, sir.

12 Q. Do you know Reginald's relationship
13 with Derrick Brown?

14 A. They're friends, is all I knew.

15 Q. Do you recall going to the Purple
16 Mirage -- you know the night that the girl
17 got shot at Frazier's Club?

18 A. Yes, sir.

19 Q. Did you know that girl?

20 A. No, sir.

21 Q. But you know what night I am talking
22 about?

23 A. Yes, sir.

24 Q. Prior to Frazier's Club where had
25 you been?

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1 A. Purple Mirage.

2 Q. And the Purple Mirage, we've already
3 found out, is a nightclub. Is that correct?

4 A. Yes, sir.

5 Q. Now, who did you go to Purple Mirage
6 with?

7 A. Me and three females.

8 Q. Who were those three females?

9 A. My cousin Tisha, my cousin Tiffany
10 and her -- my cousin Tisha's homegirl Ally.

11 Q. I believe that Ally was visiting
12 from where?

13 A. College.

14 Q. Whose car did y'all go in?

15 A. In Ally's.

16 Q. What was going on at Purple Mirage?

17 A. During the club, it wasn't nothing;
18 but after the club they had a little
19 incident, a fight.

20 Q. Okay, we're going to talk about that
21 in just a second. But was there any kind of
22 event going on at the Purple Mirage that
23 night?

24 A. You mean like the birthday party?

25 Q. Yes.

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1 A. Yeah, they had like a little
2 birthday party going on.

3 Q. Matter of fact, several girls were
4 having a joint birthday party?

5 A. Yes.

6 Q. One of those girls was, who?

7 A. Santrece Gilliam (phonetic).

8 Q. That is your sister, right?

9 A. Yeah.

10 Q. Does Santressa live in Ravenel?

11 A. Right now?

12 Q. Then -- did she then or do you know?

13 A. Uhhh, --

14 Q. If you know. If you don't know,
15 that's fine.

16 A. I don't know for sure.

17 Q. How about Reginald, did he live in
18 Ravenel at the time?

19 A. I don't know for sure.

20 Q. Were there a lot of people from
21 Ravenel at the Purple Mirage?

22 A. Yes, sir.

23 Q. Why is that?

24 A. Because it was like a little
25 neighborhood place where they hang out and

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1 have a good time.

2 Q. A lot of people from Ravenel go
3 there?

4 A. Yes, sir.

5 Q. Do you know who owned the club at
6 the time?

7 A. I know my cousin, Spencer Chaplin,
8 had part ownership in it but ---

9 Q. He's from Ravenel?

10 A. Yes, sir.

11 Q. Do you remember was there any
12 entertainment there that night?

13 A. Not that I can remember.

14 Q. May have been, may not have been?
15 You just don't know?

16 A. Yes, sir.

17 Q. Did you end up staying at Purple
18 Mirage until closing?

19 A. Yes.

20 Q. What happened after closing of the
21 club? You told us about some argument that
22 occurred at the club. Can you tell us about
23 that?

24 A. Got into a little scuffle with some
25 males from downtown.

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1 Q. You didn't know who they were?

2 A. No, sir.

3 Q. Could you tell us how that came
4 about?

5 A. This came about over one of my
6 cousins. We was just getting ready to go and
7 he was kinda pulling on her one way and I was
8 pulling on her the other way, telling her
9 'Let's go.' He reached around and slam on me
10 and we just started fighting.

11 Q. Was this a cousin that had gone to
12 the Purple Mirage with you or was this a
13 cousin that you ran into at the Purple Mirage

14 A. We ran into them, but she was
15 leaving with us.

16 Q. Do you remember what her name is?
17 Your cousin's name?

18 A. Tiffany Goings (phonetic).

19 Q. How was Tiffany going to get home?

20 A. Sir?

21 Q. How as Tiffany going to leave?

22 A. With Me, 'Tisha and Ally

23 Q. She had asked y'all for a ride, is
24 that correct?

25 A. Yes, sir.

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1 Q. Where were you planning on going?

2 A. To Frazier's.

3 Q. Tell us what happened when you went
4 to get Tiffany to go, who was she talking to?

5 A. She was talking to that dude from
6 downtown.

7 Q. And you told her, you said what to
8 her?

9 A. I told her to come on, 'Let's go,
10 we're ready to go.'

11 Q. Did the fellow she was talking to
12 take kindly to that?

13 A. No, sir.

14 Q. What happened?

15 A. That is when he swung at me.

16 Q. A fight ensued, correct?

17 A. Yes, sir.

18 Q. Were you injured in the fight?

19 A. Yes, I kinda scuffed my right knee
20 but that was it.

21 Q. After the fight was over, how did
22 you end up getting to Frazier's?

23 A. By the same two or three girls, same
24 girls.

25 Q. With the female cousin you met at

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1 Purple Mirage?

2 A. Yes.

3 Q. Now, when you got to Frazier's, was
4 here any talk of what had happened at Purple
5 Mirage?

6 A. There was a little chitter chatter,
7 but the music was loud and I was on the verge
8 of wanting to go home.

9 Q. Reggie knew what happened to you,
10 right?

11 A. Yes, he was asking questions of what
12 happened at the Purple Mirage.

13 Q. Was Reginald Gordon at the Purple
14 Mirage?

15 A. Yes, sir.

16 Q And he was at Frazier's, as well?

17 A. Yes, sir.

18 Q. And he knew what had happened to you
19 at Purple Mirage because he had been there,
20 correct?

21 A. Yes, sir.

22 Q. Tell us what happened when Frazier's
23 Club closed for the evening.

24 A. I really wasn't there at the end,
25 the very end.

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1 Q. When the shooting took place?

2 A. Yes, sir.

3 Q. Tell us what you did observe when
4 you were leaving.

5 A. When I walked out of Frazier's, to
6 my right was a little confrontation, a little
7 arguing or maybe just a little loud talking
8 but -- I ain't really saw nothing out of the
9 ordinary.

10 Q. Now as you come out of Frazier's,
11 the front door, would you have parked your
12 car to left or right?

13 A. To the left.

14 Q. Where did you hear this argument
15 going on?

16 A. Front right side.

17 Q. But just some arguing, nothing out
18 of the ordinary?

19 A. Yes.

20 Q. What did you do?

21 A. I just got in my car with my
22 females, left, went back to West Ashley.

23 Q. What was the mood out in the parking
24 lot?

25 A. It wasn't like an argument, -- just

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1 a regular club mood, everybody getting on
2 liquor -- get a little hyped up but just
3 regular to me.

4 Q. Where were you, were you actually
5 there when Domonique Grant was shot?

6 A. No, sir.

7 Q. Did you hear Domonique Grant got
8 shot?

9 A. I heard from the police and I
10 thought I heard gunshots when I was on
11 Davison but I'm not sure.

12 Q. In any event, you left before any
13 gunshots there?

14 A. Yes, sir.

15 Q. Where did you go after leaving
16 Frazier's?

17 A. West Ashley.

18 SOLICITOR DURANT: Thank you. Please
19 answer any questions that defense counsel may
20 have for you.

21 CROSS EXAMINATION

22 MICHAEL DETREVILLE:

23 Q. Good afternoon, sir.

24 A. How you doing.

25 Q. Very well. Yourself?

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1 A. I'm alright.

2 Q. The fight you got into at the Purple
3 Mirage, would you characterize that as a
4 scuffle

5 A. Yes, sir, didn't last long --
6 probably was like fifteen, twenty second,
7 didn't last long. Police already out there,
8 gotta go.

9 Q. You got hit once, fell somehow and
10 -- maybe not even related to the punch and
11 scraped your knee up?

12 A. Yes, sir.

13 Q. And you don't know the fellows who
14 you were fighting with?

15 A. No, sir.

16 Q. Somebody basically sucker punched
17 you?

18 A. Yes, sir.

19 Q. When you got to Frazier's people
20 were talking about fight at Purple Mirage
21 already?

22 A. Yes, sir.

23 Q. Did Derrick Brown approach you and
24 specifically ask what happened at the Purple
25 Mirage?

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1 A. I can't tell you for sure, it was a
2 group of people, say eight or ten people at
3 one time.

4 Q. And you don't know whether Scrappy
5 was one of those people or not?

6 A. No, sir.

7 Q. Do you know where Reginald Gordon
8 parked his car that night?

9 A. No, sir.

10 Q. Do you remember -- do you know where
11 Scrappy parked his car that night?

12 A. No, sir.

13 Q. Do you recall what Scrappy was
14 wearing that night?

15 A. No, sir.

16 Q. Do you recall what Reggie was
17 wearing?

18 A. I know he had on bright colors, like
19 yellow or beige or khaki, something light;
20 but to be exact, I don't know.

21 Q. He wasn't wearing black?

22 A. No, sir.

23 Q. When folks were approaching you and
24 asking you about fight at Purple Mirage, you
25 were trying to kind of downplay it?

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1 A. Yes, sir.

2 Q. You don't seem like the fighting
3 type?

4 A. Hummmmm.

5 Q. Would that be an accurate statement?

6 A. I mean, I can turn the other cheek
7 or I can -- it could go either way.

8 Q. Fighting was not your thing.

9 A. No, sir.

10 Q. When you left the club to go home,
11 did you run into Santressa and Scrappy right
12 outside the door of the club?

13 A. No, sir.

14 Q. And you never heard anybody talking
15 about a gun ---

16 A. (Negative gesture).

17 Q. --- or anything of that nature, is
18 that correct?

19 A. No, sir.

20 Q. Did you see Reggie outside the club
21 when you were leaving?

22 A. No, sir.

23 Q. Okay. Did you ever identify anybody
24 at Frazier's for the benefit of Scrappy, for
25 the benefit of Reggie, for the benefit of

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1 anybody, did you ever identify anybody at
2 that party as being one of the people being
3 involved in the fight at the Purple Mirage?

4 A. No, sir.

5 Q. Did anybody ever ask you to identify
6 anybody as one of the ones who jumped you at
7 the Purple Mirage?

8 A. No, sir.

9 MR. DETREVILLE: No other
10 questions.

11 THE COURT: Redirect?

12 SOLICITOR DURANT: No, sir, Your
13 Honor.

14 THE COURT: You may step down.

15 (WITNESS STEPS DOWN)

16 THE COURT: Do you want this
17 witness to be excused?

18 SOLICITOR DURANT: We would ask that
19 witness be excused, Your Honor.

20 THE COURT: Without objection?

21 MR. DETREVILLE: No objection, Your
22 Honor.

23 THE COURT: Thank you very much.

24 SOLICITOR DURANT: The State would
25 call Jarrett Cochran.

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1 (WITNESS TAKES STAND)

2 JARRETT COCHRAN, having been sworn to
3 tell the truth, and nothing but the truth,
4 testified as follows:

5 DIRECT EXAMINATION

6 BY SOLICITOR DURANT:

7 Q. How old are you, Mr. Cochran?

8 A. Twenty-five (25).

9 Q. Where do you live?

10 A. In Ravenel.

11 Q. How long have you been a resident of
12 the Ravenel area?

13 A. Twenty-some years.

14 Q. Pretty much your whole life.

15 A. (Affirmative nod).

16 Q. How far did you go in school?

17 A. Got associate's degree in college?

18 Q. What is your associates degree in?

19 A. In Radio/Television Broadcasting.

20 Q. Are you working in that field now?

21 A. Yes, sir.

22 Q. For whom?

23 A. Channel 5.

24 Q. What is your position with Channel

25 5?

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1 Q. I am a production specialist.

2 Q. In addition to your job at Channel 5
3 as a production specialist, do you sometimes
4 moonlight?

5 A. Yes.

6 Q. Doing what?

7 A. Shooting videos, live events.

8 Q. Were you hired to shoot some video
9 the night of August 17 into 18th, 2012?

10 A. Yes.

11 Q. And by whom were you hired?

12 A. By a rap group called Crazy Wop.

13 Q. The rap group is named Crazy Wop?

14 A. Yes.

15 Q. Do you know the members of Crazy
16 Wop?

17 A. Yes.

18 Q. How many performers are in Crazy
19 Wop?

20 A. Three or four.

21 Q. And do you know a fellow named
22 Chavis Heyward?

23 A. Yes.

24 Q. Does he have any connection with the
25 group Crazy Wop?

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1 A. Yes, he is one of the rappers.

2 Q. Where is Crazy Wop from?

3 A. Hollywood.

4 Q. Just out of curiosity, does the name
5 Crazy Wop have any kind of significance?

6 A. A "whole lot of money".

7 Q. That's what it means?

8 A. (Affirmative nod).

9 Q. Where were you shooting video that
10 night?

11 A. At the Purple Mirage.

12 Q. Where is the Purple Mirage located?

13 A. West Ashley, on Highway 61.

14 Q. And sometime after the fact, were
15 you contacted by the sheriff's office to
16 obtain copies of video that you shot that
17 night?

18 A. Yes, sir.

19 Q. And did you provide them with a
20 copy?

21 A. Yes, sir.

22 Q. Was it an exact copy of the video
23 you shot that night?

24 A. Yes, sir.

25 Q. Did you edit it any way?

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1 A. No, sir.

2 Q. I hand you State's Exhibit 50 and
3 ask if you can recognize that?

4 A. Yes, sir.

5 Q. How do you know that?

6 A. It's got my initials on it.

7 Q. That is a copy of the video that --
8 a portion of the video that you shot at the
9 Purple Mirage on August 17th?

10 A. Yes, sir.

11 SOLICITOR DURANT: Your Honor, at
12 this time, we would offer State's Exhibit 50
13 into evidence.

14 MICHAEL DETREVILLE: No objection.

15 (SO ENTERED AS STATE'S EXHIBIT 50)

16 DIRECT EXAMINATION CONTINUED

17 BY SOLICITOR DURANT:

18 Q. Permission to publish State's
19 Exhibit 50 to the jury. (Video playing) --
20 do you know this fellow in the blue shirt?

21 A. Yes.

22 Q. What is his name?

23 A. Reginald.

24 Q. Do you know Derrick Brown?

25 A. No, sir.

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1 Q. Do you know a fellow that goes by
2 the name of Scrappy?

3 A. Yes, sir.

4 Q. Is this part of the video that you
5 shot -- (video playing).

6 A. Yes, sir.

7 Q. (Video playing) -- what part of the
8 club is that?

9 A. The stage.

10 Q. (Video playing) -- what is happening
11 now, Mr. Cochran?

12 A. Everybody is leaving the club.

13 Q. When the club was closing that
14 night?

15 A. Yes, sir.

16 Q. (Video playing) -- who is that
17 fellow on the left?

18 A. Scrappy.

19 Q. Who is that?

20 A. C.J.

21 Q. Is that Chavis Heyward?

22 A. Yes, sir.

23 Q. (Video playing) -- who is that girl
24 with Chavis Heyward?

25 A. I think that's his girlfriend.

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1 Q. (Video playing) -- who is that in
2 the yellow shirt?

3 A. Reginald.

4 Q. Is that how he looked at the time,
5 he had a beard at the time?

6 A. Yeah.

7 Q. (Video playing) -- who is that right
8 there beside him, middle of the screen?

9 A. Scrappy.

10 Q (Video playing) -- who is that that
11 jumped in front of the camera?

12 A. Reginald.

13 Q. Before that?

14 A. Rapper from West Ashley that goes by
15 "C".

16 Q. How did Mr.. Gordon react to him
17 jumping in front of the camera?

18 A. I don't know -- it seemed like
19 everybody in the background kinda reacted.

20 Q. What happened after that?

21 A. I think a scuffle broke out in the
22 back. I don't know. After that, I put the
23 camera down and ran away.

24 Q. It was a big enough fight that you
25 got the heck out of there?

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1 A. Yes.

2 Q. There was a fight going on behind
3 you?

4 A. I don't know if it was a fight, but
5 it was an argument.

6 Q. Why were you getting out of there?

7 A. Afraid of what might happen.

8 Q. Because it was tense enough out
9 there after that little incident that you got
10 the heck out of Dodge; correct?

11 A. Yes, sir.

12 Q. Now, all those folks that you were
13 filming out there, where are they from?

14 A. Hollywood.

15 A. "C", where is he from?

16 A. I am guessing West Ashley.

17 MICHAEL DETREVILLE: Your Honor, I
18 would object to that response. It's
19 guessing.

20 THE COURT: Sustained.

21 DIRECT EXAMINATION CONTINUED

22 BY SOLICITOR DURANT:

23 Q. Where did he say he was from in the
24 video?

25 A. West Ashley.

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1 Q. Where in West Ashley?

2 A. He didn't say.

3 Q. Let's play it again, then. I've got
4 a copy.

5 MICHAEL DETREVILLE: I withdraw the
6 objection.

7 SOLICITOR DURANT: I know but I'm
8 going to paly the video again.

9 THE COURT: What is the question?

10 SOLICITOR DURANT: The question was
11 regarding where Little C was from? I believe
12 that he stated in the video where he was
13 from.

14 DIRECT EXAMINATION CONTINUED

15 BY SOLICITOR DURANT:

16 Q. (Video replaying) -- where did he
17 say he was from?

18 A. Ardmore.

19 Q. What is Ardmore?

20 A. A neighborhood.

21 Q. A neighborhood in West Ashley,
22 right?

23 A. (Affirmative nod).

24 Q. What is West Cash?

25 A. I think that's a group. I am not

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1 sure exactly what it is.

2 SOLICITOR DURANT: Okay. Court's
3 indulgence for a moment -- would you please
4 answer any questions that Mr. Detreville
5 might have for you?

6 THE COURT: Cross-examine?

7 CROSS EXAMINATION

8 BY MICHAEL DETREVILLE:

9 Q. For clarification purpose, Reginald
10 Gordon is clearly visible in that video
11 wearing a yellow shirt?

12 A. Yes, sir.

13 Q. You characterized the incident that
14 took place before you -- I think the term was
15 -- "got the heck out of there" -- you
16 characterize that as not a fight but an
17 argument?

18 A. Yes.

19 Q. A tense argument?

20 A. Yes.

21 Q. So you turned and began walking away
22 back towards the club?

23 A. I think I walked over to the side
24 because my car was parked near to the side.

25 Q. So you turned your back on the

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1 incident and you didn't see what happened
2 after that?

3 A. Right. No, sir.

4 Q. You didn't see who was involved in
5 it?

6 A. No, sir.

7 Q. You didn't see if there were blows
8 thrown?

9 A. No, sir.

10 Q. Didn't see anybody walk away from
11 the whole thing?

12 A. No, sir.

13 Q. You just saw what transpired on that
14 video?

15 A. Right.

16 MICHAEL DETREVILLE: No further
17 questions.

18 SOLICITOR DURANT: No redirect, Your
19 Honor.

20 THE COURT: You may step down.

21 (WITNESS STEPS DOWN)

22 SOLICITOR DURANT: I would ask that Mr.
23 Cochran be excused, Your Honor.

24 THE COURT: Do you wish for this
25 witness to be excused?

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1 MR. DETREVILLE: No objection, Your
2 Honor.

3 THE COURT: You are excused. Call your
4 next witness.

5 SOLICITOR DURANT: Yes, sir. The State
6 calls Lionel Blair.

7 (WITNESS TAKES STAND)

8 LIONEL BLAIR, having been sworn to tell
9 the truth, and nothing but the truth,
10 testified as follows:

11 DIRECT EXAMINATION

12 BY SOLICITOR DURANT:

13 Q. Good afternoon, Mr. Blair, how you
14 doing?

15 A. All right.

16 Q. Could you tell this jury what your
17 nickname is?

18 A. My nickname is Tootie.

19 Q. How long has that been your
20 nickname?

21 A. Since I was a baby.

22 Q. Who used to call you Tootie?

23 A. My mother.

24 Q. Now everybody calls you Tootie,
25 right?

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1 A. Yes.

2 Q. How old are you?

3 A. I'm twenty-nine (29).

4 Q. How far did you go in school?

5 A. I finished high school.

6 Q. Where did you finish high school at?

7 A. West Ashley high school.

8 Q. When did you finish, what year?

9 A. 2003.

10 Q. What part of Charleston are you
11 from?

12 A. West Ashley.

13 Q. What part of West Ashley?

14 A. The Ardmore area.

15 Q. How long have you been a resident of
16 Ardmore?

17 A. Since elementary school.

18 Q. Pretty much -- a lot of years,
19 correct?

20 A. Right.

21 Q. And you've also had scuffles with
22 the law, is that correct?

23 A. Right.

24 Q. I believe you had a drug conviction
25 in 2007?

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1 A. (Affirmative nod).

2 Q. And false information to police in
3 2012, correct?

4 A. Right.

5 Q. You recently actually did some time
6 for being a bad driver and resisting arrest?

7 A. Yes, sir.

8 Q. Is all of that true?

9 A. It is. Correct.

10 Q. I want to talk to you a little bit
11 about Friday, August 17th, going into
12 Saturday, August 18th of 2012. Where did you
13 go that Friday night?

14 A. I went to two different clubs.

15 Q. Which club did you go to first?

16 A. Purple Mirage.

17 Q. And who did you go to -- who went
18 with you to Purple Mirage?

19 A. I went by myself to the Purple
20 Mirage?

21 Q. What were you driving?

22 A. A white Explorer.

23 Q. A white Explorer which, based on
24 your recent conviction, you probably
25 shouldn't have been driving that; should've

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1 you?

2 A. Right.

3 Q. What was going on at the Purple
4 Mirage that night?

5 A. Just a party, album release party.

6 Q What kind of party?

7 A. An album release party.

8 Q. Okay. You said "album release"?

9 A. Yes.

10 Q. Were any kind of girls having a
11 party there, as well?

12 A. Yeah, one of my friends was.

13 Q. What friend was that?

14 A. Ebony.

15 Q. Who was having the album release
16 party?

17 A. I didn't really go there for the
18 album release part, I ---

19 Q. You went because Ebony was having
20 her party?

21 A. No, I just went.

22 Q. You didn't go to any specific party,
23 you were just going out?

24 A. (Affirmative nod).

25 Q. Okay. Do you remember if there was

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1 any kind of live performance there that
2 night?

3 A. Yeah, there was a lot of live
4 performance.

5 Q. Did you end up staying until
6 closing?

7 A. Yeah.

8 Q. Where were you going after Purple
9 Mirage club?

10 A. I was going to another club,
11 Frazier's?

12 Q. Why were you going to Frazier's?

13 A. Because I didn't want my night to
14 end.

15 Q Had you been invited by anybody?

16 A. I heard some of the people saying
17 that they was going there.

18 Q. Do you know a fellow named Chavis
19 Heyward?

20 A. Yeah.

21 Q. What does Chavis Heyward do?

22 A. Can you repeat that?

23 Q. What does he do?

24 A. Oh, He's a rapper.

25 Q. Was he rapping at the club that

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1 night?

2 A. Yeah.

3 Q. Was there anytime that Chavis
4 invited you to the club?

5 A. Yeah, he recommended it.

6 Q. Do you remember what rap group
7 Chavis Heyward was in?

8 A. (Negative gesture).

9 Q. Remember the name?

10 A. (Negative gesture).

11 Q. Did anybody ride with you to
12 Frazier's?

13 A. Yes, my friend Anthony.

14 Q. Anthony Dease?

15 A. Yes.

16 Q. Who was Anthony Dease and how did
17 you hook up with him?

18 A. I know him from the neighborhood.

19 Q. He is from the Ardmore area, as
20 well?

21 A. (Affirmative nod).

22 Q. As y'all were leaving, was anything
23 going on in the parking lot at the Purple
24 Mirage?

25 A. Yeah, there was a big fight in the

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1 parking lot.

2 Q. How big?

3 A. Real big, covered the parking lot.

4 Q. It covered the parking lot?

5 A. (Affirmative nod).

6 Q. Do you know who the fight was
7 between?

8 A. No.

9 Q. Did you participate in the fight?

10 A. No.

11 Q. Do you know if there were any people
12 there from the country? What y'all refer to
13 as "the country".

14 A. Yeah, there were some people there
15 from the country.

16 Q. Ravenel area specifically?

17 A. Most likely.

18 Q. Were there people there from West
19 Ashley?

20 A. Um-humm, (affirmative nod).

21 Q. Were there people there from
22 downtown?

23 A. Um-humm.

24 Q. But you don't know what groups were
25 fighting out in the parking lot?

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1 A. I have no idea.

2 Q. How did you and Deas get out to
3 Frazier's?

4 A. I drove the white Explorer to
5 Frazier's.

6 Q. Had you ever been to Frazier's Club
7 before?

8 A. No.

9 Q. So you are not a regular there?

10 A. No.

11 Q. Had you ever been there before in
12 your life, as far as you know?

13 A. I might have been there before,
14 like a long time ago.

15 Q. Now, are you from -- you're
16 obviously not from Ravenel area, is that
17 correct?

18 A. No.

19 Q. When you got to Frazier's Club were
20 there some girls there that you knew?

21 A. Yes, my same friends from prior
22 club.

23 Q. So you'd talked to these girls from
24 Purple Mirage, too?

25 A. Yes, sir. Yes, the same people I

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1 saw at the Purple Mirage.

2 Q. Who were some of those girls?

3 A. Ebony, ---

4 Q. Was Domonique Grant one of them?

5 A. Yes, sir.

6 Q. How about Alicia Matthews?

7 A. Yes.

8 Q. Barbara Barrett, 'Anita'

9 A. Yes.

10 Q. How about Caprese Crosby?

11 A. Yes

12 Q. And you know all of these girls?

13 A. Yes, I went to school with them.

14 Q. At West Ashley High School?

15 A. Right.

16 Q. Do you remember if whether or not

17 Domonique's little sister, Ebonique, was

18 there that night?

19 A. I can't remember.

20 Q. Obviously your friend Ebony was

21 there that night?

22 A. Yes.

23 Q. Did she go to Frazier's as well?

24 A. Yes. I don't know. I can't

25 remember.

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1 Q. Now, did you end up getting into
2 some kind of altercation at Frazier's?

3 A. At Frazier's Club, yeah. 'I was at
4 ---

5 Q. Tell us about that.

6 A. All right. While I was at Frazier's
7 Club, I was just going to have a good time,
8 whatever. I went to the bar, I was there
9 five or ten minutes when some fellows
10 approached me and asked me 'weren't you at
11 the last club?' Said, 'yeah, what happened?'

12 Q. Do you see this fellow in the blue
13 shirt?

14 A. (Affirmative nod), I see him.

15 Q. What do you mean "that's him"?

16 A. I said I see him.

17 Q. Was he one of the ones that
18 approached you in the bar?

19 A. Yes.

20 Q. Was he one of the ones that was
21 asking you those questions?

22 A. Yes. He was the one that asked me
23 if I was at the last club. I said 'yeah.'
24 Then it kinda got verbal, like a verbal
25 argument.

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1 Q. How many people were there?

2 A. There was a lot of people.

3 Q. How many were there in relation to
4 you?

5 A. They surrounded me.

6 Q. How many people were with you?

7 A. One.

8 Q. And he asked you if you had been at
9 the Purple Mirage?

10 A. (Affirmative nod).

11 Q Tell us, how did it progress from
12 there?

13 A. Just a bunch of back and forth and
14 arguing and it all broke up when one fellow
15 came; Chavis, told them that he had invited
16 me and I was not one of the other guys that
17 they were looking for.

18 Q. Chavis Heyward got in the middle of
19 it?

20 A. Yeah.

21 Q. And vouched for you?

22 A. Yes.

23 Q. Did things calm down?

24 A. Calmed all the way down. Went back
25 to having a good night. I had a good night

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1 until what happened after that.

2 Q. Now, were you there when Frazier's
3 closed for the night?

4 A. Yes.

5 Q. And you'd been talking to Domonique
6 throughout the night, at both clubs?

7 A. Yes.

8 Q. You talked to her at Frazier's Club?

9 A. Yes.

10 Q. Were you trying to get with her or
11 something?

12 A. We was just having a conversation.

13 Q. Were you flirting with her?

14 A. Probably not, just having a
15 conversation.

16 Q. Were you interested in her, at all?

17 A. I was interested in getting
18 intoxicated.

19 Q. In any event, when Frazier's closed,
20 what happened?

21 A. Well, ---

22 Q. Did you see these girls after
23 Frazier's closed?

24 A. Yes, we were all having
25 conversation, walking to cars, getting ready

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1 to leave?

2 Q. Who were you walking with?

3 A. The girls I had been in school with
4 and my friend Deas.

5 Q. Did that include Domonique Grant?

6 A. Yes.

7 Q. Did that include Caprese Crosby?

8 A. Yes.

9 Q Where did you walk to -- walk them
10 to?

11 A. As the crowd separated -- where I
12 parked, I was just making sure that everyone
13 was getting to their cars. And Domonique,
14 they was the closest to the path that I had
15 to go.

16 Q. Where was their car parked?

17 A. At the left side.

18 Q. Looking at the club, it was over to
19 the left side?

20 A. Yes.

21 Q. Do you know whose car they were in?

22 A. I believe that it Caprese's car.

23 Q. Where was Caprese's car?

24 A. That is the car that I was talking
25 about being parked to the left.

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1 Q. Did you talk to Domonique on the way
2 to the car?

3 A. Yes.

4 Q. What happened when you got to
5 Caprese's car?

6 A. We talked for a second, then
7 Domonique got inside the car. Once she got
8 inside the car, I was still talking to her.

9 Q. Where was Caprese?

10 A. She was on the other side of the
11 car.

12 Q. Was she in the front seat or back
13 seat?

14 A. I never could remember -- but I
15 believe that she was in the front.

16 Q. Do you remember Domonique's little
17 sister being there?

18 A. No.

19 Q. Tell us what happened after you
20 talked to Domonique?

21 A After I talked to Domonique, I
22 started to have a conversation with Caprese
23 also and then fire -- shots just rang out.

24 Q. Which -- from which direction?
25 Where were you standing when the shots rang

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1 out?

2 A. I was standing facing the side of
3 the car.

4 Q. The driver's side?

5 A. Yes.

6 Q. If this is the driver's side of the
7 car and you were standing this way, where
8 would be the driver side window be -- to left
9 or right?

10 A. To my left.

11 Q. You were standing up looking over
12 towards the passenger side of the car?

13 A. Yes.

14 Q. And that is the position you were in
15 when these shots started?

16 A. Correct.

17 Q. They were coming from behind you?

18 A. Either behind me or catty-corned to
19 the left.

20 Q. Could you hear bullets striking the
21 car?

22 A. No.

23 Q. You didn't hear the glass break?

24 A. (Negative gesture), I was trying to
25 get out of there.

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1 Q. Who did you think was being shot at?

2 A. I thought I was being shot at.

3 MICHAEL DETREVILLE: Objection,
4 calls for speculation.

5 SOLICITOR DURANT: It is his own
6 speculation.

7 THE COURT: Overruled.

8 DIRECT EXAMINATION CONTINUED

9 BY SOLICITOR DURANT:

10 Q. Why did you think that?

11 A. Because of the prior run-in I had
12 inside the club. I figured that someone just
13 did it.

14 Q. What did you do, sir, when these
15 shots rang out?

16 A. When I first heard the shots, I dove
17 to the ground.

18 Q. Where did you go?

19 A. I crawled to the back, to where the
20 grass was.

21 Q. Which side of the car, the front or
22 the back?

23 A. The back.

24 Q. What did you see when you got to the
25 other side of the car?

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1 A. I got around to the other side and
2 that's where I met up with Caprese.

3 Q. Where was Caprese?

4 A. She was on the ground also.

5 Q. When did you realize that Domonique
6 had been shot?

7 A. After we got up and looked around.

8 Q. After the shooting stopped?

9 A. I saw the shots on the window and I
10 saw that Domonique was shot.

11 Q. Was she still alive at the time?

12 A. Yes.

13 Q. What did you do?

14 A. I jumped in the car and tried to
15 help her, I tried to get her to move over so
16 that I could drive the car to the hospital.
17 But the bouncers came out and pointed their
18 guns at me and told me to get away from the
19 car.

20 Q. Were you able to get her out of the
21 driver's seat?

22 A. No.

23 Q. Was she slumped over at the time?

24 A. Yes, she was slumped over and I
25 leaned her back up.

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1 Q. Was she still alive?

2 A. (Affirmative nod).

3 Q. Did you talk to her?

4 A. Yes, she was talking to me for a
5 second.

6 Q. Then what happened?

7 A. After the bouncers came and pointed
8 their guns at me, I kind of panicked. I had
9 warrants at the time also, so I jumped in my
10 truck and took off.

11 Q. Now where did you go after you left
12 the club?

13 A. I went to the gas station.

14 Q. I guess -- before I ask you that,
15 did you ever see who was shooting?

16 A. No.

17 Q. Would it be safe to say you were
18 more interesting in self preservation at the
19 time?

20 A. Yes, I was trying to leave.

21 Q. So you went to the gas station?

22 A. Yes.

23 Q. Was Deas still with you?

24 A. Yes.

25 Q. Where did you drop Deas off at?

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1 A. I took him home.

2 Q. Then what did you do?

3 A. I went home.

4 Q. What did you do when you got home?

5 A. I called the police because I knew
6 that they was already coming for me.

7 Q. What did you do after you called the
8 police?

9 A. I told them where I was and I told
10 them that I was probably been accused of
11 being involved in a shooting. So I told them
12 that if they wanted to come and get me, to
13 come on and get me now.

14 Q. That is what they did?

15 A. Yes, sir.

16 Q. You talked with the police that
17 morning?

18 A. Right.

19 Q. Mr. Blair, I want to play you
20 State's Exhibit 50 and ask you if you can
21 identify yourself -- (video playing), who
22 is that in the South Carolina hat?

23 A. Me right here.

24 Q. That is still in the club?

25 A. Yes.

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1 Q. (Video playing)-- do you recognize
2 that fellow in the middle there?

3 A. Yes.

4 Q. Who is that?

5 A. In the middle, that's Chavis.

6 Q. That is the guy that invited you out
7 to Frazier's Club?

8 A. Right.

9 Q. (Video playing) -- who is that
10 fellow with the black tee shirt on the right
11 side there?

12 A. (Negative gesture).

13 Q. Do you remember seeing him at
14 Frazier's or at Purple Mirage?

15 A. No.

16 Q. (Video playing) -- who is that doing
17 the fake gun?

18 A. I am sure we already know who that
19 is.

20 Q. Who is that?

21 A. That is that fellow right there
22 (indicating defendant).

23 Q. Same fellow that tried to start a
24 fight with you in Frazier's Club?

25 A. Yes.

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1 Q. (Video playing) -- do you know that
2 guy?

3 A. Yes.

4 Q. Who is he?

5 A. He's a friend of mine.

6 Q. What is his name?

7 A. Shawn.

8 Q. Does he have a rap name, too?

9 A. Yes.

10 Q. Stage name?

11 A. (Affirmative nod). I can't remember
12 it right now.

13 Q. Where is he from?

14 A. He's from the West Ashley area.

15 Q. What part of West Ashley?

16 A. Ardmore.

17 Q. What is "West Cash"?

18 A. West Cash?

19 Q. West Cash, do you know what West
20 Cash is?

21 A. I don't really know what it stands
22 for.

23 SOLICITOR DURANT: Please answer any
24 questions that Mr. Detreville may have for
25 you.

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1 THE COURT: You may cross.

2 CROSS EXAMINATION

3 BY MICHAEL DETREVILLE:

4 Q. Good afternoon, sir. After you
5 called the police on the evening in question,
6 were you either picked up by the police or
7 did you go to the police station shortly
8 thereafter?

9 A. They picked me up.

10 Q. And you gave a lengthy statement to
11 the detectives that evening, really into the
12 next morning, is that correct?

13 A. Yes, sir.

14 Q. At any time during that lengthy
15 statement that you gave to detectives that
16 evening, did you identify Reginald Gordon as
17 somebody that you had gotten into a fight
18 with that night?

19 Q. No.

20 Q. But two and a half years have passed
21 and now you are ready to identify Reginald
22 Gordon as somebody that you got into a fight
23 with that night?

24 A. Right.

25 Q. Does Mr. Gordon look the same as he

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1 looked in August 2012?

2 A. We didn't get in a fight that night
3 either. He had a beard then.

4 Q. Did you mention him at all or ---

5 A. No.

6 Q. --- identify him at all to the
7 detectives in August of 2012?

8 A. No.

9 Q. But on today's date you are certain
10 that he was someone that was trying to start
11 something?

12 A. Well, I've have had plenty of visits
13 -- I just got out of prison. I've had plenty
14 of visits form the investigators, they been
15 coming a lot. I identified him as being one
16 that I had a problem with at the club but to
17 that to this day I cannot identify the
18 shooter.

19 Q. So you have since identified him to
20 investigators?

21 A. Correct.

22 Q. Why didn't you just identify him
23 that night?

24 A. I told them that 'when I see that
25 face again, then I know him.' I ran into him

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1 when I was in County.

2 Q. And you didn't have anything to do
3 with the fight in the Purple Mirage parking
4 lot; is that correct?

5 A. That's correct.

6 Q. Had you fought with anybody at all
7 that evening?

8 A. No, sir.

9 Q. Would anybody have any reason to
10 think you'd fought with anybody that evening?

11 A. No.

12 Q. So why do you think that people
13 identified you at Frazier's Club as somebody
14 that had been in a fight at the Purple
15 Mirage?

16 A. I have a past of getting into a lot
17 of fights and stuff, but that night right
18 there I did not get in one fight.

19 Q. So you didn't at any point while at
20 Fraizer's get into an altercation with
21 anybody?

22 A. I was just approached. I didn't get
23 in any physicals.

24 Q. Did you at any time while you were
25 at Frazier's Club take your shirt off?

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1 A. No.

2 Q. Did you at any time while at
3 Frazier's Club threaten to shoot the place
4 up?

5 A. No.

6 Q. Do you recall identifying for the
7 sheriff's detectives in August 2012 that the
8 person that you had the main problem with was
9 wearing a white shirt and black shorts?

10 A. No.

11 Q. Do you deny making that statement?

12 A. I don't remember making it.

13 Q. And you testified earlier that at
14 the time of the shooting that you were
15 standing by the driver's side door, is that
16 correct?

17 A. Yes.

18 Q. Do you recall telling detectives in
19 August 12 that you were standing on the
20 opposite side of the car, talking to Caprese
21 Crosby at the time of the shooting?

22 A. I would never say that.

23 Q. You would never say that?

24 A. I know where I was.

25 Q. Do you recall getting so agitated

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1 when the police questioned you if you were
2 standing next to Caprese Crosby at the time
3 of the shooting that they had to handcuff you
4 to the chair, do you recall that?

5 A. I don't recall that.

6 Q. You don't recall being handcuffed
7 when you were giving a statement?

8 A. I was intoxicated. What you want me
9 to do?

10 Q. So you were intoxicated, would you
11 say that you were severely inebriated that
12 evening?

13 A. Yes.

14 Q. Possible you don't actually recall
15 where you were standing at the time shots
16 were fired?

17 A. That's what I am telling you.

18 Q. You testified earlier that you were
19 standing by the driver's side door and now
20 your testimony is that it was possible that
21 you were standing somewhere else, because you
22 were inebriated?

23 A. You're confusing me. I don't
24 understand what you're saying right now.

25 Q. Let me rephrase. When Mr. Durant

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1 was questioning you, you informed him that
2 you were standing by the driver's side door
3 of the car when the shots were fired.

4 A. That's right.

5 Q. I asked you if you recall telling
6 the detectives that you were standing on the
7 opposite side of the car.

8 A. I don't recall that.

9 Q. And then I asked you if you were
10 intoxicated.

11 A. Yes, I was.

12 Q. And I asked you if it is possible
13 that you just don't recall?

14 A. No, intoxicated or not, I know where
15 I was when I was being shot at.

16 Q. So you think you were being shot at?

17 A. I was under the impression they were
18 shooting at me.

19 Q. How many shots were fired?

20 A. I can't recall that right there.

21 Q. But you weren't hit, injured in any
22 sort of -- anything?

23 A. (Negative gesture).

24 Q. You were talking to Domonique that
25 night, off and on?

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1 A. (Affirmative nod).

2 Q. Did you know her prior to ---

3 A. Yes.

4 Q. How did you know her?

5 A. I went to school with her.

6 Q. So if you told detectives that you'd
7 never met her before ---

8 A. I found that out after the fact.

9 Q. So you acknowledge that you told
10 detectives that you'd never met her before?

11 A. I found that out after the fact.

12 Q. So you realized after the incident
13 took place that you actually knew her ahead
14 of that time?

15 A. Yes.

16 Q. Did you see the shooter?

17 A. No.

18 Q. Did you see anybody running away
19 from the scene?

20 A. I was on the ground.

21 Q. And you don't know how many shots
22 were fired?

23 A. (Negative gesture).

24 Q. Would there have been a pretty good
25 likelihood that you would have been killed if

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1 you were the target?

2 A. Yes, unless they was just a very bad
3 shooter.

4 Q. You stated, I think, in your
5 testimony previously that the defendant,
6 Reginald Gordon; -- that you identified him
7 as the person who started a fight with you?

8 A. Arguing.

9 Q You testified earlier that it was a
10 fight?

11 A. I never said that it was a fight,
12 just an argument.

13 Q. Just an argument?

14 A. Yes, sir.

15 THE COURT: Recross (sic)?

16 SOLICITOR DURANT: Just a
17 couple.

18 REDIRECT EXAMINATION

19 BY SOLICITOR DURANT:

20 Q. Is it fair to say, sir, that before
21 him approaching you in Frazier's that you'd
22 never laid eyes on him before?

23 A. Never knew him.

24 Q. You didn't know him to identify him
25 at that time, correct?

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1 A. That's why I couldn't identify him,
2 I didn't know him.

3 Q. But you ran into him afterwards, as
4 I understand?

5 A. Yes.

6 Q. Where was that?

7 A. In the county jail.

8 Q. When you saw him at the county jail,
9 what did you realize?

10 A. That that was the same person.

11 Q. That's all.

12 THE COURT: Recross?

13 RECROSS EXAMINATION

14 BY MICHAEL DETREVILLE:

15 Q. But you did state for the benefit of
16 the detectives and that person that you had
17 the main problem with that night at Frazier's
18 Club was wearing a white shirt and black
19 shorts?

20 A. I don't recall that.

21 Q. Do you recall what Reginald was
22 wearing at Frazier's Club on that particular
23 evening?

24 A. Right now, (affirmative nod), we
25 just had footage. It was a yellow shirt.

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1 Q. Do you have an independent
2 recollection of that other than seeing him on
3 the video here? A month ago, would you have
4 remembered that?

5 A. I've been thinking on it, yes.

6 MR. DETREVILLE: Thank you, sir.

7 THE COURT: May the witness be
8 excused?

9 SOLICITOR DURANT: I would ask that
10 he be so excused. Yes, sir.

11 THE COURT: Any objection?

12 MR. DETREVILLE: No objection.

13 THE COURT: All right, you may be
14 excused. You're free to go, you may come
15 down.

16 (WITNESS STEPS DOWN)

17 SOLICITOR DDURANT: May we
18 approach, Your Honor?

19 THE COURT: Sure.

20 (OFF RECORD BENCH CONFERENCE)

21 THE COURT: All right, ladies and
22 gentlemen. We are going to take our lunch
23 break at this time. I would ask that you be
24 back at 2:30

25 Again, don't discuss the case with

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1 THE COURT: We're ready for the jury?

2 MR. DETREVILLE: Yes, Your Honor.

3 (JURY IN @ 2:35 P.M.)

4 THE COURT: Ladies and gentlemen, we
5 are ready to continue with the trial. You
6 may call your next witness, Solicitor.

7 SOLICITOR DURANT: The State would call
8 Shanta Butler.

9 (WITNESS TAKES STAND)

10 SHANTA BUTLER, having been sworn to
11 tell the truth, and nothing but the truth,
12 testified as follows:

13 DIRECT EXAMINATION

14 BY SOLICITOR DURANT:

15 Q. Good afternoon, Miss Butler.

16 A. Good afternoon.

17 Q. Would you please tell the jury how
18 old you are?

19 A. Forty-one.

20 Q. Where do you work?

21 A. At The Pantry.

22 Q. Okay. Before you worked at The
23 Panty, you used to work at another
24 convenience store; is that correct?

25 A. Yes, sir.

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1 Q. What convenience store was that?

2 A. It was The Pantry, different store.

3 Same company.

4 Q. Did you ever work at Kangaroo on
5 Main Road at Highway 17?

6 A. Yes, sir.

7 Q. And did you work at that location in
8 August of 2012?

9 A. Yes, sir.

10 Q. What was your position at The
11 Kangaroo at that time?

12 A. Assistant Manager.

13 Q. Do you know this fellow over here in
14 the blue shirt?

15 A. That's Reginald, (affirmative nod).

16 Q. Reginald who? What's his last name?

17 A. Gordon.

18 Q. How do you know Reginald Gordon?

19 A. Well, I knew his mother. I used to
20 work with her years back.

21 Q. Okay.

22 A. And that's how I knew him, knowing
23 his mother.

24 Q. Are you from the Ravenel area?

25 A. Yes. Hollywood.

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1 Q. Hollywood?

2 A. (Affirmative nod).

3 Q. And so how long have you known
4 Reginald Gordon?

5 A. Probably since he was a baby.

6 Q. Okay. Now, at the time that you
7 worked at the Kangaroo in August of 2012, did
8 the Kangaroo have a video surveillance
9 system?

10 A. Yes, sir.

11 Q. And do you recall how many cameras
12 that they had at the time?

13 A. I think like three.

14 Q. Were they all inside or were ---

15 A. Inside.

16 Q. And do you recall one camera being
17 kind of across from the front door, viewing
18 the front door of the Kangaroo?

19 A. Yes, sir.

20 Q. And how were the images from that
21 video system stored?

22 A. On a DVR.

23 Q. Okay. And that was maintained in
24 the store; is that correct?

25 A. Yes, sir.

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1 Q. And does the Kangaroo maintain those
2 images in the normal course of its business?

3 A. Yes, sir.

4 Q. Are the images on that DVR altered
5 or tampered with in any way by the employees
6 of the Kangaroo?

7 A. No, sir.

8 Q. As the custodian, assistant manger
9 of that store, were you one of the custodians
10 of the DVR system at the Kangaroo convenience
11 store?

12 A. Yes, sir.

13 Q. Okay. Now, you weren't working at
14 the Kangaroo the early morning of August 18th,
15 2012, were you?

16 A. No, sir.

17 Q. Sometime after that date, do you
18 recall the Sheriff's Office contacting you
19 regarding getting a copy of the surveillance
20 video ---

21 A. Yes, sir.

22 Q. --- of an incidence that have
23 occurred in the early morning hours of August
24 18th?

25 A. Yes, sir.

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1 Q. And what kind of incident was that?

2 A. It was a fight.

3 Q. Okay. And did you assist the
4 Sheriff's Office in obtaining a copy of your
5 surveillance tape?

6 A. Yes.

7 Q. Was the copy of the surveillance
8 tape an exact copy of what was stored on the
9 DVR at the Kangaroo gas station?

10 A. Yes, sir.

11 Q. (Tendering), I am handing you what
12 has previously been marked as State's Exhibit
13 51, and ask if you recognize that item?

14 A. Yes, sir.

15 Q. And what is that?

16 A. It's the DVR off the DVR from the
17 store for that date.

18 Q. How do you know that you've seen
19 that DVR before -- the CD/DVD before?

20 A. Because I burned it.

21 Q. It's got your initials on it,
22 doesn't it?

23 A. It does.

24 Q. And you viewed it in my office when?

25 A. On the 5th, 8/5th.

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1 Q. Of this year?

2 A. Yes, sir.

3 Q. 2014. Is that correct?

4 A. Yes, sir.

5 Q. I notice there are some initials on
6 there, "SB 8/5/414". Are those your
7 initials?

8 A. Yes, sir.

9 Q. Is that a true copy of the images
10 that the Charleston County Sheriff's Office
11 received?

12 A. Yes, sir.

13 Q. Do you remember after that occasion
14 meeting with a detective from the City of
15 Charleston Police Department?

16 A. Yes, sir.

17 Q. And watching this surveillance video
18 with him on August 22nd?

19 A. Yes, sir.

20 Q. Is that true?

21 A. True, (affirmative nod).

22 Q. There was a male subject on this
23 video that was involved in the fight; is that
24 correct?

25 A. I wasn't there when the fight took

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1 place.

2 Q. I am talking about from you viewing
3 this video. On this video was there a video
4 of a fight involving a male subject?

5 A. Yes.

6 Q. And who did you tell the detective
7 that subject was?

8 A. I told him that it appeared to be
9 Reggie.

10 Q. This defendant, Reggie Gordon?

11 A. Yes, sir.

12 Q. And you'd actually seen him some-
13 where else that night; correct?

14 A. Yes, sir.

15 Q. Where did you see him?

16 A. At the club.

17 Q. Which club?

18 A. The Purple Mirage.

19 Q. Okay. Did you see him at another
20 club after that?

21 A. Yes, sir.

22 Q. Which club was that?

23 A. Frazier's.

24 Q. Were you at Frazier's the night --
25 you obviously were at Frazier's then, the

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1 night that the girl was killed?

2 A. Yes, sir.

3 Q. Where were you when the girl got
4 killed?

5 A. Inside.

6 Q. So you were not outside when she was
7 actually shot?

8 A. No, sir.

9 Q. Did you know the girl who got shot?

10 A. From around. I knew her mother. I
11 don't know her.

12 Q. Okay. Could you please answer any
13 questions that Mr. Detreville might have for
14 you?

15 A. (Affirmative nod).

16 THE COURT: Cross examination?

17 MR. DETREVILLE: I don't have any
18 questions for this witness, Your Honor.

19 THE COURT: You may come down.
20 Thank you very much. You are free to go,
21 ma'am.

22 (WITNESS STEPS DOWN)

23 THE COURT: Call your next witness.

24 SOLICITOR DURANT: The State would call
25 Kathy Kjellman.

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1 (WITNESS TAKES STAND)

2 KATHY KJELLMAN, having been duly sworn to
3 tell the truth, and nothing but the truth,
4 testified as follows:

5 DIRECT EXAMINATION

6 BY SOLICITOR DURANT:

7 Q. Ms. Kjellman, could you tell our
8 jury where you're employed?

9 A. I'm employed at the Charleston
10 County Sheriff's Office.

11 Q. And how long have you been with the
12 Charleston County Sheriff's Office?

13 A. Fifteen years.

14 Q. And what are your current duties at
15 the Charleston County Sheriff's Office?

16 A. I'm a crime scene investigator.

17 Q. And how long have you been a crime
18 scene investigator for the sheriff's office?

19 A. Nine years.

20 Q. And were you so employed on August
21 the 20th of 2012?

22 A. Yes, I was.

23 Q. In that capacity, did you have the
24 occasion to respond to a Kangaroo convenience
25 store at 106 Main Road?

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1 A. Yes, I did.

2 Q. This at Main Road and Highway 17?

3 A. Yeah.

4 Q. For what purpose?

5 A. I responded there to collect the
6 video of an incident that happened.

7 Q. Okay. And do you recall when that
8 video of that incident occurred?

9 A. I believe it was the night before.

10 Q. Or it was the 18th; is that correct?

11 A. The 18th, okay.

12 Q. Where were the videos from the
13 surveillance system stored?

14 A. It was stored on a DVR inside the
15 store.

16 Q. And do you recall meeting with an
17 employee of the store named Shanta Butler?

18 A. Yes, I do.

19 Q. And did she assist you in providing
20 you access to the video clip?

21 A. Yes.

22 Q. And what did you do?

23 A. I downloaded a copy of the incident
24 onto a CD.

25 Q. Other than copying the images to the

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1 CD, did you alter or tamper with the images
2 in any way?

3 A. No, I did not.

4 Q. And what did you do with the CD
5 after you made it?

6 A. I took it back to my office and
7 entered it into evidence.

8 Q. Okay. Now, moving ahead to July the
9 9th of this year, and at the request of my
10 office, did you make another version of that
11 original surveillance video?

12 A. Yes, I did.

13 Q. What were you asked to do
14 specifically?

15 A. I was asked to convert it into a
16 Windows Media Player format.

17 Q. Okay. And so did the original
18 surveillance video that you obtained, would
19 it play on Windows Media Player?

20 A. The original video, no.

21 Q. Now, were you able to do that?

22 A. Able to convert it, yes, I was.

23 Q. Okay. And what did you use to
24 convert it into Windows Media Player format?

25 A. It's a computer system, a software

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1 called Star Witness.

2 Q. And what file format did you convert
3 it to?

4 A. It's a WMD Format.

5 Q. Now, other than converting the file
6 from one format to another, did you alter or
7 tamper with the images in any way?

8 A. No, I did not.

9 Q. And are the images contained on the
10 new CD you made exactly the same as on the
11 old CD?

12 A. Yes.

13 Q. What did you do after converting it
14 to the original video to a WMD one?

15 A. I entered the new one in the WMD
16 format into evidence and I provided a copy to
17 your office.

18 Q. Okay. I hand you what's previously
19 been marked as State's Exhibit Number 51 and
20 ask if you recognize that CD or DVD?

21 A. Yes, I do.

22 Q. And what is that?

23 A. It's a surveillance video from the
24 Kangaroo.

25 Q. Okay. And it's the one you

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1 converted into the WMD format?

2 A. Yes.

3 Q. And it is an exact copy of the
4 original that you obtained from the Kangaroo?

5 A. Yes, it is.

6 SOLICITOR DURANT: Your Honor, at
7 this time we would offer State's Exhibit
8 Number 51 into evidence.

9 MR. DETREVILLE: Without objection,
10 Your Honor.

11 THE COURT: Without objection.

12 (SO ENTERED AS STATE'S EXHIBIT 51)

13 MR. DETREVILLE: I have no more
14 questions. Would you please answer anything
15 that Mr. Detreville may have for you?

16 WITNESS: Yes.

17 THE COURT: Cross-examination?

18 CROSS-EXAMINATION

19 BY MR. DETREVILLE:

20 Q. Deputy Kjellman. Is it Kjellman?
21 I'm sorry.

22 A. Kjellman, yes. The K-J is
23 pronounced like a C-H.

24 Q. Got you. Thank you. Did you have
25 any additional role in the investigation of

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1 this case?

2 A. Other than downloading the video,
3 no.

4 Q. Okay. Did you do any DNA analysis
5 of certain items that were found on the
6 scene, the crime scene?

7 A. Not that I recall.

8 MR. DETREVILLE: If I might have a
9 moment, Your Honor. Excuse me.

10 CROSS-EXAMINATION CONTINUED

11 BY MR. DETREVILLE:

12 Q. Were you in charge of sending DNA
13 samples to SLED for analysis?

14 A. I may have pre-logged some evidence
15 to go to SLED.

16 Q. Okay.

17 MR. DETREVILLE: I withdraw the
18 question. Nothing further, Your Honor.

19 THE COURT: All right. Anything
20 further?

21 SOLICITOR DURANT: No, sir, Your
22 Honor. I'd ask that the witness be excused.

23 THE COURT: Without objection.

24 You may come down.

25 (WITNESS STEPS DOWN)

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1

2

THE COURT: Thank you very much.

3

You're free to go.

4

5

SOLICITOR DURANT: The State would
call Juwan Smalls.

6

(WITNESS TAKES STAND)

7

8

9

JUWAN SMALLS, having been duly sworn to
tell the truth, and nothing but the truth,
testified as follows:

10

DIRECT EXAMINATION

11

BY SOLICITOR DURANT:

12

13

Q. Could you tell our jury how old you
are, sir?

14

A. Twenty-two.

15

Q. And do you have a nickname?

16

A. Rambo.

17

18

Q. Rambo? Is that what most people
call you?

19

A. Yeah.

20

21

Q. How far did you go in school, Mr.
Smalls?

22

A. Eleventh grade.

23

Q. And where did you go to high school?

24

A. Baptist Hill.

25

Q. Are you currently employed?

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1

A. Yes, sir.

2

Q. Where do you work?

3

A. Ready Set Movers.

4

Q. Pardon me?

5

A. A moving company.

6

Q. A moving company?

7

A. Yes, sir.

8

Q. Who is this in the blue shirt?

9

A. Reginald Gordon.

10

Q. And how do you know Reginald Gordon?

11

A. From the country.

12

Q. And when you say "the country," what

13

do you mean?

14

A. Hollywood, Ravenel.

15

Q. The Hollywood/Ravenel area. Did you

16

used to live in the country?

17

A. Yes, sir.

18

Q. Who did you used to live with, out

19

in the country?

20

A. My grandmother.

21

Q. And what age were you when you lived

22

with your grandmother out in the country?

23

A. I was sixteen, late into sixteen.

24

Q. And is that when you got to know the

25

Defendant, Reginald Gordon?

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1 A. Yes, sir.

2 Q. Where have you been living since you
3 were sixteen?

4 A. West Ashley, North Charleston.

5 Q. You also know a fellow named Derrick
6 Brown that goes by the name of Scrappy?

7 A. Yes, sir.

8 Q. And how do you know him?

9 A. From the country.

10 Q. Okay. Are he and Mr. Gordon
11 associates?

12 A. They all is.

13 Q. Pardon me?

14 A. I said all of us, (affirmative nod).

15 Q. Okay. I want to talk to you about
16 Friday, August the 17th of 2012. Did you have
17 an occasion to go to the Citadel Mall?

18 A. Yes, sir.

19 Q. And who did you go with?

20 A. Caddell.

21 Q. Who is Caddell?

22 A. A crack head.

23 Q. He's a what?

24 A. Crack head.

25 Q. Okay. Is he a white guy or a black

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1 guy?

2 A. White guy.

3 Q. And whose car did you go in?

4 A. Caddell's.

5 Q. And do you recall what kind of car
6 he had?

7 A. White Buick.

8 SOLICITOR DURANT: If I could
9 offer State's Exhibit 21 and 22 into
10 evidence, Your Honor, I believe without
11 objection.

12 MR. DETREVILLE: No objection.

13 (SO ENTERED AS STATE'S EXHIBIT 21)

14 (SO ENTERED AS STATE'S EXHIBIT 22)

15 DIRECT EXAMINATION CONTINUED

16 BY SOLICITOR DURANT:

17 Q. This would be State's Exhibit Number
18 21 and followed by State's Exhibit Number 22.
19 Do you recognize that automobile?

20 A. Yes, sir.

21 Q. And whose automobile is that?

22 A. Caddell's.

23 Q. Now, what was your arrangement with
24 Mr. Caddell regarding the use of his car?

25 A. A piece of crack for him.

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1 Q. Pardon me?

2 A. A piece of crack for him.

3 Q. So he basically rented out his car
4 for crack?

5 A. Yeah.

6 Q. And did you have to give him some
7 crack to get him to take you out to the mall
8 on August the 17th?

9 A. Yes, sir.

10 Q. What did you do out at the mall?

11 A. You say what did I do out at the
12 mall?

13 Q. Yeah. What did you do out at the
14 mall? What did you go to the mall for?

15 A. I was looking for a pair of shoes.

16 Q. Bought some clothes and stuff?

17 A. Yes, sir.

18 Q. Do you recall whether or not you
19 bought a pair of socks?

20 A. Yes, sir.

21 Q. Now, after you and Caddell went to
22 the mall, where did you go?

23 A. Back to North Charleston.

24 Q. And Mr. Caddell took you back to
25 North Charleston?

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1 A. Yes, sir.

2 Q. And where did he drop you off in
3 North Charleston?

4 A. By the basketball court.

5 Q. And where are the basketball courts?

6 A. West Montague.

7 Q. And when you got dropped off at the
8 basketball courts on West Montague, did you
9 have an occasion to run into the Defendant,
10 Reginald Gordon?

11 A. Yes, sir.

12 Q. And where was Mr. Gordon?

13 A. At the basketball court.

14 Q. And what were y'all doing, were
15 y'all playing basketball?

16 A. Yeah. Me and my cousin.

17 Q. And what did Mr. Gordon want you to
18 do for him?

19 A. Get the car so we can go out.

20 Q. Pardon me?

21 A. Get the car so we can go out.

22 Q. Okay. So he wanted you to get a
23 car? And where were y'all going to go out
24 to?

25 A. Purple Mirage.

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1 Q. Did you agree to get him a car?

2 A. Yes, sir.

3 Q. And from whom?

4 A. Caddell.

5 Q. So how did you get in touch with Mr.
6 Caddell?

7 A. Called him on the phone.

8 Q. And what was the business arrange-
9 ment you had with Mr. Caddell to obtain
10 possession of his car?

11 A. To rent his car?

12 Q. Yeah?

13 A. Piece of crack.

14 Q. Yeah, what was your arrangement with
15 him to rent his car?

16 A. A piece of crack.

17 Q. Do you know how much crack you gave
18 him for the use of his car?

19 A. About a forty.

20 Q. That's forty dollars (\$40) worth?

21 A. Yes, sir.

22 Q. And was the car you rented the same
23 car that you went to the mall in that's
24 previously been identified by you as State's
25 Exhibits 21 and 22?

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1 A. Yes, sir.

2 Q. Where did you pick up the car from?

3 A. North Charleston.

4 Q. Did you go to his house or did he
5 bring the car to you? Tell us about that?

6 A. We went to a friend house, a
7 friend's house.

8 Q. So he met you at a friend's house?

9 A. Yes, sir.

10 Q. And what happened at the friend's
11 house?

12 A. We got the car.

13 Q. And what did you give him?

14 A. A piece of crack.

15 Q. And were you by yourself then?

16 A. Yes, sir.

17 Q. Where did you go after you picked up
18 the car from Mr. Caddell?

19 A. To pick up my cousin and Reginald.

20 Q. And who is your cousin?

21 A. John Short.

22 Q. And when you say Reginald, you mean
23 the Defendant, Reginald Gordon?

24 A. Yes, sir.

25 Q. And where did you pick them up from?

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1 A. At West Montague.

2 Q. And do you know whether or not the
3 Defendant, Reginald Gordon, had a gun on him
4 that night?

5 A. Yes, sir.

6 Q. And where did you see the gun?

7 A. On the seat.

8 Q. On the seat of what?

9 A. The car.

10 Q. What color was it?

11 A. Black.

12 Q. After y'all picked up Reginald,
13 where did y'all go -- and John Short, where
14 did y'all go?

15 A. Purple Mirage.

16 Q. And what happened at the Purple
17 Mirage?

18 A. A fight broke out.

19 Q. And do you know whether Mr. Gordon's
20 cousin, Darnell Chaplin, was involved in that
21 fight?

22 A. No, not really.

23 Q. Do you know if Mr. Gordon was
24 involved in the fight?

25 A. Yes, sir.

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1 Q. Okay. Now, after you -- you do know
2 Darnell Chaplain, by the way?

3 A. Yes, sir.

4 Q. Do you know him to be Mr. Gordon's
5 cousin?

6 A. Yes, sir.

7 Q. Now, when the Purple Mirage closed,
8 where did you go?

9 A. North Charleston.

10 Q. And who did you go to North
11 Charleston with?

12 A. Mack.

13 Q. Who is Mack?

14 A. Someone from the country.

15 Q. Pardon?

16 A. Somebody from the country.

17 Q. Okay. And how did you get to where
18 Mack lived from the Purple Mirage?

19 A. He drives a burgundy Roadmaster.

20 Q. So he was at the Purple Mirage?

21 A. Yes, sir.

22 Q. So you went there in the white
23 vehicle; right?

24 A. Yes, sir.

25 Q. With Reginald Gordon and John Short?

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1 A. Yes, sir.

2 Q. And you left with Mack in his ---

3 A. Roadmaster.

4 Q. And why didn't you leave with the
5 same guys you went with?

6 A. Well, I stay in North Charleston so
7 me and Mack ride back together.

8 Q. Now, where did y'all go in North
9 Charleston?

10 A. Evanston Estates.

11 Q. And after you went to Evanston's
12 Estates, did you go somewhere else?

13 A. We went to Frazier's.

14 Q. And where is Frazier's?

15 A. Davison Road.

16 Q. Okay. That's out in the Ravenel
17 area?

18 A. Yes, sir.

19 Q. What you refer to as being in the
20 country?

21 A. Yes, sir.

22 Q. What did you do at Frazier's that
23 night?

24 A. Clubbing.

25 Q. Was it crowded?

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1 A. Yes, sir.

2 Q. Where were most of the people that
3 were there from?

4 A. All over.

5 Q. Okay. But mostly from the country?

6 A. Yes, sir.

7 Q. Is that kind of a hot spot for
8 people out in that area after hours?

9 A. Yes, sir.

10 Q. Now, you're aware, of course, that a
11 girl got shot out there that night; correct?

12 A. Yes, sir.

13 Q. And where were you when the girl was
14 shot?

15 A. Inside.

16 Q. And how did you find out about the
17 shooting?

18 A. My cousin, John Short, told me a
19 girl got shot outside.

20 Q. And what did you do when you found
21 out from your cousin that the girl, a girl
22 got shot outside?

23 A. Go on outside.

24 Q. And did y'all stay there or did you
25 leave?

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1 A. Yes. We left. Me, John and Mack.

2 Q. You, John, and Mack left in ---

3 A. The Roadmaster.

4 Q. Mack's Roadmaster. And how would
5 Mr. Gordon have gotten -- Mr. Gordon was at
6 Frazier's that night; correct?

7 A. Yes, sir.

8 Q. And how would he have gotten out to
9 Frazier's that night?

10 A. Sir?

11 Q. How had he gotten to Frazier's?

12 A. With me, John Short and Mack -- me
13 and John Short.

14 Q. Did he go to Frazier's with y'all or
15 ---

16 A. No, not with me. Him and John were
17 together.

18 Q. In what?

19 A. The Roadmaster -- I mean, the Buick.

20 Q. Okay. So he and John went in the
21 Buick, you and Mack ended up going to the
22 same place in the Roadmaster?

23 A. Yeah, after we left North
24 Charleston.

25 Q. Now, after sometime later that

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1 night, did you have an occasion to go by the
2 Kangaroo that's located at the corner of Main
3 Road and Savannah Highway?

4 A. Yes, sir.

5 Q. And what did you see at the
6 Kangaroo?

7 A. The white Buick.

8 Q. What white Buick?

9 A. Caddell's white Buick.

10 Q. And where was it when you saw it?

11 A. Parked in front of the store.

12 Q. And what else was going on at the
13 time?

14 A. Nothing. Just the police was
15 sitting on the side, the corner.

16 Q. Okay. And did you actually stop at
17 the Kangaroo?

18 A. Yes, sir.

19 Q. What was the condition of the car?
20 Was it in a different condition than it was
21 when you'd last seen it?

22 A. The front windshield was broke.

23 Q. Did you see anything there that
24 belonged to Gordon?

25 A. A shirt.

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1 Q. What color shirt?

2 A. A yellow shirt.

3 Q. And where was the shirt?

4 A. On top of the hood.

5 Q. Moving ahead a couple of days after
6 the shooting, did you hear from Reginald
7 Gordon again?

8 A. Yes, sir.

9 Q. And how did he get in touch with
10 you?

11 A. Phone.

12 Q. Pardon?

13 A. Phone.

14 Q. And what did he want?

15 A. To call Caddell.

16 Q. Why did he want you to call Caddell?

17 A. See about something in the car.

18 Q. And did you make arrangements? Did
19 you call Caddell?

20 A. Yes, sir.

21 Q. And did Mr. Gordon go with you to
22 look at the car?

23 A. Yes, sir.

24 Q. Did he ever tell you what he was
25 looking for?

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1 A. No, sir.

2 Q. Did he find what he was looking for?

3 A. No, sir.

4 Q. Would you please any questions that
5 Mr. Detreville may have for you?

6 THE COURT: Cross-examination.

7 CROSS EXAMINATION

8 BY MR. DETREVILLE:

9 Q. Good afternoon, sir?

10 A. Good afternoon.

11 Q. You testified that you went to
12 Frazier's on the night in question; is that
13 correct?

14 A. Yes, sir.

15 Q. Do you recall giving a pervious
16 statement that said that you did not go to
17 Frazier's that night? That you went to an
18 establishment called Charlie O's?

19 A. Yes, sir.

20 Q. Okay. Were you being dishonest when
21 you said that you went to Charlie O's that
22 night and did not go to Frazier's?

23 A. Yes, sir.

24 Q. All right. You also said that Mr.
25 Gordon got in touch with you regarding going

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1 to find something related to this white Buick
2 at a later date; is that correct?

3 A. Yes, sir.

4 Q. Okay. But you don't know what it
5 was he was looking for?

6 A. No, sir.

7 Q. Okay. Did you know -- were you
8 aware of him having lost the keys to the car
9 at some point that evening?

10 A. Who losing the keys?

11 Q. That Mr. Gordon had lost the keys to
12 that car, to the car at the Kangaroo station
13 that evening?

14 A. No, sir.

15 Q. Okay. So is it possible that Mr.
16 Gordon wanted to go find the keys so that he
17 could retrieve the car?

18 A. Yes, sir.

19 Q. Okay. You said that your statement
20 today was that you actually were at Frazier's
21 and that you were inside of Frazier's when
22 the shots were fired; is that correct?

23 A. Yes.

24 Q. Were the lights on inside? Were the
25 lights off, anything of that nature?

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1 A. In the club?

2 Q. In the club?

3 A. Yes, I was getting something to eat.

4 Q. The lights were on?

5 A. Yeah.

6 Q. Okay. Did you have an opportunity
7 -- were you inside the club at Frazier's for
8 a substantial period of time that evening?
9 Did you spend most of your time inside,
10 outside?

11 A. Inside.

12 Q. Most of the time inside, okay. Did
13 you at any time that evening observe any
14 fights, arguments, things of that nature
15 inside ---

16 A. No, sir.

17 Q. --- Frazier's Club?

18 A. No, sir.

19 Q. Did you observe Reginald Gordon
20 getting in a fight with anybody inside
21 Frazier's Club that evening?

22 A. No, sir.

23 Q. Did you observe him getting into
24 a verbal altercation with anybody inside
25 Frazier's Club that evening?

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1 A. No, sir.

2 Q. Did you observe Reginald Gordon
3 and a group of other gentlemen ganging up
4 on somebody inside of Frazier's Club that
5 evening?

6 A. No, sir.

7 Q. And you testified previously that
8 you were inside Frazier's Club for most of
9 the evening; is that correct?

10 A. Yes, sir.

11 Q. Do you recall approximately the
12 times that you would have been there?

13 A. Inside Frazier's?

14 Q. Well, at Frazier's, inside
15 Frazier's, whatever times you can recall?

16 A. No, not really. I was inside most
17 of the time.

18 Q. Okay. So you feel like based on the
19 fact that you were inside the club most of
20 the time, had there been some sort of
21 fistfight, had there been some sort of
22 altercation, had there been some sort of
23 argument, had there been some sort of --
24 anything of that nature ---

25 A. No, sir.

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1 Q. --- you would have seen it?

2 A. Yes, sir.

3 Q. Do you know a gentleman by the name
4 of Tootie? Who goes by the name of Tootie?

5 A. No, sir.

6 Q. Okay. Somebody by the name of
7 Lionel Blair?

8 A. No, sir.

9 MR. DETREVILLE: No other
10 questions, Your Honor.

11 THE COURT: Any redirect?

12 SOLICITOR DURANT: Just a couple.

13 REDIRECT EXAMINATION

14 BY SOLICITOR DURANT:

15 Q. Where were you inside of Frazier's?

16 A. At the end.

17 Q. Where were you -- when you said you
18 were in Frazier's most of the time, where
19 were you in the bar area, dance ---

20 A. Around. Around.

21 Q. And the dance floor area?

22 A. Around, (affirmative nod).

23 Q. Okay. The bar area and the dance
24 floor area are kind of separated; right?

25 A. No, not really but -- yeah.

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1 Q. You go in the door, the bar's on the
2 left side and then you go through a little
3 opening, and then there's the dance floor, a
4 big dance floor to the right; correct?

5 A. Yes, sir. And the pool table.

6 Q. And the pool table.

7 A. (Affirmative nod).

8 Q. And most of the people are basically
9 in the dance floor side dancing and shooting
10 pool and things of that nature; correct?

11 A. Yes, sir.

12 Q. So it was quite possible that there
13 could have been an altercation at the bar
14 area and you would not have known about if
15 you were in the other part of the club;
16 correct?

17 A. Yes, sir.

18 SOLICITOR DURANT: I have nothing
19 further.

20 MR. DETREVILLE: If I might have a
21 moment, Your Honor, briefly. Bear with me,
22 Your Honor.

23 RECROSS EXAMINATION

24 BY MR. DETREVILLE:

25 Q. You testified that it would be

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1 possible that you would have overlooked an
2 altercation inside Frazier's Club based on
3 you being in some different part of the club,
4 opposite the end of the club from where the
5 altercation took place; is that correct?

6 A. The only altercation I see that
7 night was at Purple Mirage. I never seen no
8 altercation at Frazier's.

9 Q. Okay. But in response to Mr.
10 Durant's recent question, you have stated
11 that it was possible that you could have
12 overlooked ---

13 A. Yes, sir.

14 Q. Is it likely that that would have
15 happened?

16 A. Yes, sir.

17 Q. I'm sorry. Is it likely that you
18 would have overlooked an altercation if you
19 were inside Frazier's?

20 A. Oh. No, sir.

21 Q. Okay. Thank you.

22 MR. DETREVILLE: Nothing further.

23 THE COURT: All right. You may
24 come down. You're free to go. Thank you
25 very much.

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1 (WITNESS STEPS DOWN)

2 SOLICITOR DURANT: The State would
3 call Matt Jahngen.

4 (WITNESS TAKES STAND)

5 MATTHEW JAHNGEN, having been duly sworn
6 to tell the truth, and nothing but the truth,
7 testified as follows:

8 DIRECT EXAMINATION

9 BY SOLICITOR DURANT:

10 Q. Mr. Jahngen, could you tell our jury
11 where you're employed?

12 A. Yes, sir. The City of Charleston
13 Police Department.

14 Q. And what team are you on?

15 A. Team four.

16 Q. And were you on team four in August
17 of 2012, as well?

18 A. Yes, sir.

19 Q. Does team four include the area of
20 106 Main Road, which is the Kangaroo?

21 A. Yes, sir.

22 Q. Now, directing your attention to
23 August the 18th of 2012, did you have the
24 occasion to be dispatched to the Kangaroo at
25 106 Main?

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1 A. Yes, sir.

2 Q. In reference to what?

3 A. An assault in progress.

4 Q. And what time did you arrive at that
5 location?

6 A. 4:20 in the morning.

7 Q. And were you alone or were you
8 riding with someone?

9 A. I was riding with a trainee.

10 Q. Do you recall who that was?

11 A. Chrystal Sweat.

12 Q. And when you arrived at the Kangaroo
13 at about 4:20, what did you observe?

14 A. There was a group of females on
15 scene and they were visibly upset.

16 Q. And what was the nature of their
17 complaint?

18 A. They said they had been assaulted by
19 a black male.

20 Q. Did you have an occasion to talk to
21 a lady named Kayrine Linen?

22 A. Yes.

23 Q. And how about a lady named Amber
24 Sease?

25 A. Yes.

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1 Q. They were present there when you
2 arrived at the scene?

3 A. Yes.

4 Q. Was the suspect that they were
5 involved with the scene as well?

6 A. No.

7 Q. And based upon your investigation
8 were you able to determine how this suspect
9 had arrived at that location?

10 A. Yes. In white Buick Century.

11 Q. And where was that Buick Century
12 parked?

13 A. It was still parked in front of the
14 store.

15 Q. And was that vehicle present when
16 you arrived?

17 A. Yes.

18 Q. But the person that had driven it
19 was not?

20 A. No.

21 Q. Did you look inside the vehicle?

22 A. Yes, I did.

23 Q. What did you observe?

24 A. I saw a pistol.

25 Q. Where did you see the pistol?

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1 A. It was front passenger, floorboard,
2 partially underneath the seat.

3 Q. And what exactly did you see?

4 A. I saw the bottom portion of the
5 pistol along with a extended magazine coming
6 out from it and immediately recognized it as
7 a Glock.

8 Q. And how did you immediately
9 recognize it as a Glock?

10 A. Just based upon the bottom portion
11 of the handle, the magazine itself, and
12 having -- owning and using Glocks for a
13 number of years.

14 Q. Was the weapon you observed inside
15 the vehicle?

16 A. (Affirmative nod). It was partially
17 inside of a white plastic bag.

18 Q. I hand you what's been marked as
19 State's Exhibit 25. And ask if you see
20 anything that looks like the bag which you
21 saw the gun inside of?

22 A. Yes.

23 THE COURT: Is this in evidence?

24 SOLICITOR DURANT: We would offer
25 it into evidence if there's no objection?

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1 MR. DETREVILLE: No objection,
2 Your Honor.

3 THE COURT: All right. It's in.
4 (SO ENTERED AS STATE'S EXHIBIT 25)

5 DIRECT EXAMINATION CONTINUED

6 BY SOLICITOR DURANT:

7 Q. Referring to State's Exhibit Number
8 25, what did you observe in that photograph
9 that looks like a bag that you saw the car
10 [sic] in?

11 A. The white plastic bag underneath
12 that passenger seat in the foreground of the
13 photo.

14 Q. Okay. You took it immediately after
15 whatever that yellow thing is?

16 A. Yes.

17 Q. Okay. Did you seize the weapon at
18 that time?

19 A. No.

20 Q. What happened?

21 A. At this time we were not completely
22 sure of the legal authority to do so. And I
23 was unable to contact my sergeant at the
24 time.

25 Q. Now, what did you end up doing at

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1 the Kangaroo upon your initial response
2 there?

3 A. I spoke to the female complainants
4 regarding their complaint, asked them if they
5 wanted to proceed any further with the police
6 department. They advised they did not, that
7 they would handle things themselves and were
8 sent on their way.

9 Q. Now, what did you do then after the
10 females left the scene?

11 A. That moment in time, Officer Sloan
12 and I began to patrol the area around that
13 Kangaroo and the neighboring businesses to
14 see if we could locate the male suspect that
15 had driven up in the vehicle.

16 Q. And did you have a general
17 description of what the suspect would be
18 wearing?

19 A. Yes. We were informed he was a
20 black male with no shirt.

21 Q. And why was he not wearing a shirt?

22 A. The females had advised us that he
23 had -- that his shirt had been taken off
24 during the course of the fight. And we were
25 also able to observe that shirt on a vehicle

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1 next to the white Buick, still laying on the
2 hood.

3 Q. Now, at some point, a little later
4 on, did you observe somebody matching that
5 general description?

6 A. Yes.

7 Q. Where were you at the time?

8 A. I was at the neighboring gas
9 station, across Highway 17 from him, the
10 original location.

11 Q. And what were you doing at that
12 location?

13 A. Continuing to patrol and see if we
14 could locate the subject.

15 Q. And were you thinking they might
16 show back up?

17 A. Yes.

18 Q. And did someone show up?

19 A. Yes.

20 Q. What did you observe this person
21 doing?

22 A. We saw a black male come from behind
23 the Kangaroo at 106 Main Road.

24 Q. Was he wearing a shirt?

25 A. Was not wearing a shirt.

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1 Q. And what did he do when he came from
2 behind the Kangaroo?

3 A. He approached the white Buick,
4 looked inside it and walked around it,
5 looking inside of it again, and then
6 proceeded to go inside the store.

7 Q. And what did you and your partner
8 do when he proceeded to go inside the store?

9 A. Well, immediately upon seeing him
10 come from behind the Kangaroo, I began to
11 make my way back over to the location. And
12 then once back at the location, I was waiting
13 at the store front for him to exit.

14 Q. And when the subject came out of the
15 store, what did you do?

16 A. We stopped and interviewed regarding
17 the physical altercation.

18 Q. How did he identify himself?

19 A. He provided me with a name, a date
20 of birth, a valid license number and Social
21 Security Number and claimed he didn't have a
22 identification with him at the time.

23 Q. So he didn't have an identification
24 card on him?

25 A. No.

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1 Q. What was the name he provided you?

2 A. He gave me the name of Kenneth Clyde
3 Young, Jr.

4 Q. Some time after that, did you learn
5 that that was not the subject's real name?

6 A. Yes.

7 Q. How did you learn that?

8 A. A few days later, Investigator
9 Slizewski with the Charleston City Police
10 Department showed me a DMV photograph of
11 Kenneth Clyde Young, Jr., and that was very
12 obviously not the party that I had
13 encountered.

14 Q. And you were shown that picture on
15 August the 23rd, I believe?

16 A. Yes, sir.

17 Q. Is the person you talked to in the
18 courtroom?

19 A. Yes, sir.

20 Q. And where is he?

21 A. He's sitting right there (indicating
22 Defendant).

23 Q. Wearing what?

24 A. Wearing a blue shirt.

25 Q. Now, when you talked to this fellow

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1 that morning, did he acknowledge knowing
2 anything about vehicle?

3 A. No. No, he claimed to have never
4 seen it before and did not know anything
5 about it.

6 Q. Did you run the tag on the car?

7 A. I did.

8 Q. And who did the tag come back to?

9 A. It came back to a Christopher
10 Caddell.

11 Q. Now, at some point while you were
12 there talking to the Defendant, did the girls
13 that you had talked to earlier show back up?

14 A. They did.

15 Q. And who did they show up with?

16 A. They showed up with a group of
17 males.

18 Q. And why did they show back up?

19 A. They were very agitated about the
20 previous encounter and seemed to have come to
21 try and settle the score with the subject.

22 Q. And what did you do when the girls
23 and their friends showed up?

24 A. First, the subject, I immediately
25 escorted him to my patrol car, placed him in

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1 the back seat for his own safety. And then I
2 called for backup.

3 Q. And what happened when backup
4 arrived?

5 A. We were able to successfully
6 disburse the crowd with the exception of the
7 female complainants and the subject.

8 Q. Did you end up arresting Mr. Gordon?

9 A. No.

10 Q. Why not?

11 A. With regards to the assault, too
12 much time had passed. We can only make a
13 warrantless ---

14 Q. What does that have to do with
15 anything?

16 A. We can only make a warrantless
17 arrest on a misdemeanor if the crime is
18 committed in our presence or freshly
19 committed, so too much time had passed.

20 And since he did not claim any
21 involvement with the white Buick, I couldn't
22 arrest him there.

23 Q. So what did you advise the females
24 of?

25 A. Because originally they didn't want

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1 to proceed any further, they were advised of
2 our courtesy summons procedures. And they
3 were informed that we would take a report and
4 complete those courtesy summons procedures.

5 Q. Now, what did you end up doing with
6 the white Buick and the weapon you found
7 inside?

8 A. By this time, we were able to
9 contact our command lieutenant who advised
10 us to seize both the Buick and the weapon
11 inside.

12 Q. And did you seize the weapon
13 yourself?

14 A. I did.

15 Q. What was the make and model of the
16 weapon you seized?

17 A. It was a Glock, Model 23.

18 Q. What caliber?

19 A. It was a .40 caliber Smith and
20 Wesson.

21 Q. And what was the serial number?

22 A. KPB402.

23 THE COURT: Does it have a trigger
24 lock?

25 SOLICITOR DURANT: Yes, Your Honor.

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1 THE COURT: Yes, sir.

2 DIRECT EXAMINATION CONTINUED

3 BY SOLICITOR DURANT:

4 Q. I hand you what's previously been
5 marked as State's Exhibit Number, I believe
6 is ---

7 SOLICITOR DURANT: What's the number
8 on that?

9 COURT REPORTER: 46.

10 DIRECT EXAMINATION CONTINUED

11 BY SOLICITOR DURANT:

12 Q. State's Exhibit 46. I believe it's
13 in two pieces now. And ask if you recognize
14 that item?

15 A. Yes, I do.

16 Q. And how do you recognize it?

17 A. By the serial number.

18 Q. And does it appear to be in
19 substantially the same condition now as when
20 you recovered it on the early morning of
21 August the 18th of 2012?

22 A. Yes, sir.

23 Q. Was the magazine in the gun at that
24 time?

25 A. Yes, it was.

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1 Q. Okay. And were there any rounds in
2 the magazine, if you can recall?

3 A. There were five rounds inside the
4 magazine.

5 SOLICITOR DURANT: Your Honor, at
6 this time we would offer State's Exhibit 46.
7 Is that right?

8 COURT REPORTER: Yes, sir.

9 SOLICITOR DURANT: We move State's
10 Exhibit 46 into evidence.

11 THE COURT: Any objection?

12 MR. DETREVILLE: No objection, Your
13 Honor.

14 THE COURT: Without objection.

15 (SO ENTERED AS STATE'S EXHIBIT 46)

16 DIRECT EXAMINATION CONTINUED

17 BY SOLICITOR DURANT:

18 Q. What did you do with the weapon
19 after you seized it?

20 A. I ensured that there was not a round
21 in the chamber, removed the magazine, counted
22 five rounds inside, and then logged it in to
23 CPD evidence.

24 Q. What did you do with the car?

25 A. The car was towed.

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1 Q. Now, while all of this was going on,
2 were you aware that a murder had been
3 committed out at Frazier's Club shortly
4 beforehand?

5 A. No.

6 Q. Do you know whether or not Frazier's
7 Club is in the jurisdiction of the Charleston
8 Police Department?

9 A. It is not within the jurisdiction of
10 the City Police Department.

11 Q. Did you know something was going on
12 out that way?

13 A. I knew that the Charleston County
14 Sheriff's Office had some activity. There
15 was a large presence of cruisers and other
16 vehicles with blue lights racing in that
17 direction while I was at 106 Main Road.

18 Q. Okay. But you're a different law
19 enforcement agency?

20 A. That's right.

21 Q. Are y'all on the same radio
22 frequency?

23 A. We are not.

24 SOLICITOR DURANT: Your Honor, at
25 this time, I would like to publish a portion

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1 of State's Exhibit Number 51.

2 THE COURT: Which is what?

3 SOLICITOR DURANT: That is the DVD
4 that was admitted through Kjellman, Kathy
5 Kjellman.

6 THE COURT: Okay.

7 DIRECT EXAMINATION CONTINUED

8 BY SOLICITOR DURANT:

9 Q. I'm going to start out at about five
10 minutes and twenty-nine seconds into the
11 video, -- (video playing): Did you see that
12 car pull in front of the building?

13 A. Yes, sir.

14 Q. What kind of car is that?

15 A. That's the white Buick.

16 Q. (Video playing) -- that fellow who
17 just walked in the door, do you recognize
18 him?

19 A. Yes, sir.

20 Q. Is that the person you talked to
21 that night?

22 A. Yes, sir.

23 Q. (Video playing) -- what happened to
24 that individual's shirt?

25 A. It was taken off during the fight

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1 and it can be seen right now laying on
2 top of the car, just outside the front doors.

3 Q. (Video playing) -- who is that
4 coming through the front door now?

5 A. That's me.

6 (VIDEO ENDED)

7 SOLICITOR DURANT: Would you please
8 answer any questions Defense counsel may have
9 for your.

10 CROSS EXAMINATION

11 BY MR. DETREVILLE:

12 Q. Good afternoon, sir?

13 A. Good afternoon.

14 Q. How are you today?

15 A. How are you?

16 Q. I'm sorry, pronounce your last name?

17 A. Jahngen.

18 Q. Officer Jahngen, as a result of your
19 involvement in this particular incident, did
20 you have occasion to write and issue a police
21 report associated with that?

22 A. Yes, sir.

23 Q. Now, as part of your training as a
24 police officer, and I believe you testified
25 that you'd been a police officer for

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1 approximately a decade. Is that
2 approximately?

3 A. Approximately; yes, sir.

4 Q. As part of your training as a police
5 officer, you are required to include all the
6 details, as many details as possible into a
7 police report that you issue as result of
8 contact such as this?

9 A. Correct.

10 Q. Okay. Are you familiar with the
11 police report that you wrote on this
12 particular incident?

13 A. Yes, sir.

14 Q. Okay. I'm looking, in particular,
15 with regard to where you refer to being able
16 to see a gun in plain view in the floorboard
17 of the car?

18 A. Yes, sir.

19 Q. All right. And I believe that was
20 your testimony previously, it was in plain
21 view on the floorboard of the car?

22 A. Yes, sir.

23 Q. What appears to be absent from the
24 police report, Officer Jahngen, is any
25 mention of the gun being in a plastic bag,

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1 okay? Would that not be the type of detail
2 that should be included in a police report?

3 A. It can be.

4 Q. So your testimony today is that the
5 gun was found in a white plastic bag, but
6 that particular detail is omitted from your
7 report. That's a correct statement?

8 A. Yes, sir.

9 Q. Okay. Follow-up question to that is
10 if the gun was in a white plastic bag, how
11 would it have been in plain view?

12 You state in your report that you saw
13 something that was easily recognizable as the
14 handle and magazine of a pistol. We've seen
15 the photograph up on the big screen, and I'm
16 looking at it right now. If the firearm was
17 in a white plastic bag, how was it easily
18 recognizable as a firearm?

19 A. It was not fully in the plastic bag.
20 It was protruding out of the plastic bag. It
21 was only partially inside of the bag. And
22 the bag was open on the end.

23 Q. Okay. Officer Jahngen, where were
24 you standing in relation to the car when you
25 saw the firearm in plain view?

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1 A. I was just in front of the
2 passenger, apex of the door, as it was
3 closed. So, if you will, in front of the
4 mirror -- and I don't know if there's a
5 rearview mirror there -- looking into/down
6 from the windshield to the floorboard.

7 Q. Okay. So this was not precisely the
8 viewpoint that you had when you say that you
9 saw ---

10 A. No, my view was downward. It was
11 down, from the front.

12 Q. Okay. Where was -- you identified
13 the white thing, sort of below what looks
14 like a McDonald's cup and next to the yellow
15 thing there ---

16 A. Yes, sir.

17 Q. --- as being the plastic bag that
18 you observed?

19 A. I think that's fair.

20 Q. Okay. What part of the firearm was
21 plainly visible from a different perspective,
22 because it doesn't appear that you can see it
23 at all in this photograph?

24 A. It was -- the part that was visible
25 was the bottom portion of the grip on the

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1 pistol, as well as the extended magazine
2 coming out from the bag.

3 Q. Okay.

4 A. And those were not underneath the
5 seat at the time.

6 Q. Was the vehicle locked when you
7 encountered it?

8 A. It was not.

9 Q. It was not? Windows down?

10 A. I do not recall.

11 Q. Okay. So the car wasn't locked.
12 Did you, when you retrieved the gun, did you
13 go through the passenger's side door, having
14 gotten in to retrieve the gun?

15 A. Yes, sir.

16 Q. We observed an altercation in the
17 video. We observed an altercation at the gas
18 station on the video previously. How long
19 from the time that everything was going on
20 until the time you arrived at the scene?

21 A. I was on scene at around 4:20. We
22 received the call probably -- it was around
23 ten, thirteen minutes after 4:00. A good
24 seven, eight minutes after our dispatchers
25 received the call, I arrived on scene.

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1 And from the video we can see that it
2 was just a couple minutes prior to our
3 dispatchers receiving the call, the alter-
4 cation began.

5 Q. Okay. So ten, fifteen minutes?

6 A. So, looking at around maybe ten,
7 fifteen minutes.

8 Q. Ten or fifteen minutes
9 approximately. And I hate to jump around,
10 but if I may go back to the report briefly.
11 I also note on your report, you testified
12 that you did not wish to immediately recover
13 the firearm or the gun due to some questions
14 regarding your legal right to do so?

15 A. Correct. Yes, sir.

16 Q. If the firearm was in plain view,
17 don't you have clear legal authority to seize
18 that weapon?

19 A. And that's what I wanted to make
20 sure of prior to doing so.

21 Q. Is that not something that you've
22 learned very early on in law enforcement
23 training?

24 A. It's not something that I encounter
25 very often. And, of course, being a firearm

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1 in an illegal part of the car, I wanted to
2 certainly if it had ended, you know, say
3 having been stolen or involved in something,
4 I wanted to make sure that we did not
5 jeopardize any seizure, any potential
6 evidence. So I wanted to clear it with a
7 supervisor prior to doing so.

8 Q. Okay. Now, you don't note in your
9 report contacting your supervisor to request
10 permission to seize this firearm or this
11 vehicle; is that correct?

12 A. No.

13 Q. Okay. Would contact with a superior
14 officer be something that you would normally
15 include in a police report?

16 A. Not in every case, no.

17 Q. Okay. Would contact with a superior
18 officer for the purposes of establishing the
19 legality of a seizure be something that would
20 ordinarily be included in a report?

21 A. From my experience, not in every
22 case.

23 Q. Okay. But you don't often seize
24 firearms -- you've stated previously;
25 correct?

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1 A. Not as often as other activities.

2 Q. Have there been other occasions in
3 which you've seized, found firearms in plain
4 view in an abandoned vehicle and waited for
5 supervisory authority to seize those weapons?

6 A. Well, this would be the only case in
7 my experience in my career where I have a
8 firearm in plain view and in an abandoned
9 vehicle.

10 Q. Okay. So this is a unique set of
11 circumstances.

12 A. This is a unique circumstances for
13 me, yes, sir.

14 Q. What was it about this case that
15 made it a unique set of circumstances?

16 A. The vehicle was, as you mentioned
17 abandoned. And it was on private property.
18 I did not know who was responsible for the
19 vehicle, who had driven it up at that
20 particular time.

21 Q. But irregardless of that, a plain
22 view doctrine allows you to seize a firearm
23 in plain view, doesn't it? Correct?

24 A. I don't know how to answer to that.

25 Q. All right. Thank you. We watched

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1 the video also, going back to the video. And,
2 again, I apologize for skipping around. You
3 weren't present for the beginning of this
4 altercation that's in the video obviously?

5 A. No.

6 Q We see you coming in. And actually,
7 it appears that the fight starts off camera;
8 is that a fair statement?

9 A. Yes, sir.

10 Q. Do you feel that it's -- so we don't
11 know how the fight started. We don't know
12 anything about that?

13 A. Not from camera, only from testimony
14 of the females.

15 Q. From talking to some of the females?

16 A. Yes, sir.

17 Q. All right. Watching the video also,
18 would it be a fair statement to say that
19 Reginald Gordon is actually fairly well
20 getting his behind beat by a large, angry mob
21 of women?

22 A. I believe it would be fair to say
23 that he was outnumbered.

24 Q. Okay. And the women, particularly
25 the women here appear to be somewhat enraged,

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1 shall we say?

2 A. Yes.

3 Q. Okay. So we don't know who the
4 aggressor in this fight was? It could have
5 been either one?

6 A. No, we were not able to determine
7 that.

8 Q. Okay. And there were no charges
9 that were filed as a result of it, anything
10 of that nature?

11 A. No.

12 Q. Okay. Now, so that leads I think
13 fairly to the conclusion and I'll ask you to
14 confirm this, that the fight that took place
15 in that video is not really indicative of any
16 sort of criminal behavior by Mr. Gordon or
17 sort of -- anything, other than the fact that
18 he was present at the Kangaroo Station?

19 A. It was, he was -- yes, he was
20 present.

21 Q. Okay. Okay. In watching the video
22 again, and I'm certain that you've probably
23 watched that video a few times, as have I.

24 A. (Affirmative nod).

25 Q. Where the white Buick is parked on

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1 that video, I can't help but notice that you
2 can see neither the area -- the view of the
3 driver's side is ---

4 A. Uh-huh.

5 Q. Actually, and your view of the
6 driver's side of the car is blocked by sort
7 of window support or something along those
8 lines, too; is that correct?

9 A. Correct, yes, sir.

10 Q. So from the time Mr. Gordon
11 apparently arrived at the Kangaroo Station
12 until your arrival, let's say -- he's there a
13 few minutes before any of this broke out --
14 twenty minutes, would that be a fair estimate
15 of the time from his arrival on scene until
16 your arrival on scene?

17 A. Close.

18 Q. Okay. Give or take.

19 A. Give or take, yes.

20 Q. How many people walked by that car
21 during that period of time? Were you able to
22 count?

23 A. I have not counted them, no.

24 Q. Okay. It was a lot. Would that be
25 a fair statement?

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1 A. At least a handful.

2 Q. Okay. And you testified previously
3 that the car was unlocked?

4 A. That's correct.

5 Q. So not being able to see anything on
6 the passenger side of the car or on the
7 driver's side of the car, and with numerous
8 unidentified individuals walking past the
9 car, anybody could have had access to that
10 vehicle during that period of time; fair
11 statement?

12 A. Fair statement. They would have
13 that access, yes.

14 Q. Okay. And quite a bit of the people
15 who had access to that vehicle during that
16 particular period of time, didn't really care
17 for Reginald Gordon very much. I think
18 that's a safe statement, also?

19 A. If you say so.

20 Q. And it wasn't just the women who
21 were involved in the fight who were present
22 in that video either, there were actually
23 several unidentified males who walked into
24 the store, and leave the store and who had an
25 access to the white Buick as well?

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1 A. Yes, sir, yes.

2 Q. Did you ever identify any of those
3 males on the video?

4 A. No.

5 Q. No. Okay. But some of them are
6 actually very clearly seen walking directly
7 by the white Buick, and disappearing out of
8 view immediately on the passenger's side of
9 the white Buick?

10 A. Yeah, they pass in front of it.

11 Q. Okay.

12 MR. DETREVILLE: One moment, Your
13 Honor, if I may.

14 CROSS EXAMINATION CONTINUED

15 BY MR. DETREVILLE:

16 Q. When you had the car towed, were the
17 keys to the car present at the time?

18 A. No. I didn't have keys for the car,
19 no.

20 Q. Okay. They weren't in the ignition,
21 they weren't in any of the doors, anything of
22 that nature?

23 A. No.

24 Q. You never recovered the keys to the
25 car?

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1 A. No, I did not.

2 Q. Do you know what Mr. Gordon was
3 looking for when he returned to the Kangaroo?

4 A. Yes, sir.

5 Q. And what was that?

6 A. He was looking for keys.

7 Q. He was looking for the car keys,
8 okay. You're aware that this car was
9 essentially rented for crack from the
10 individual in whose name it was registered;
11 is that correct?

12 A. I'm not aware of that.

13 Q. Okay. I apologize. I withdraw the
14 statement. You're aware that the vehicle was
15 not registered to Mr. Gordon; correct?

16 A. Correct.

17 Q. Okay. And that for that reason Mr.
18 Gordon might have wanted to retrieve the
19 vehicle to return it to its owner; fair
20 statement?

21 A. Fair.

22 Q. Okay. You stated that when Mr.
23 Gordon arrived back on the scene he appeared
24 to look around the car, peered in the
25 windows, things of that nature, and then

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1 walked inside the store?

2 A. Yes, sir.

3 Q. Okay. Would that appear to be
4 consistent behavior with somebody who's
5 looking for car keys?

6 A. Yes, sir.

7 Q. Okay. That may have been lost in a
8 altercation with a dozen women a few minutes
9 before?

10 A. Correct.

11 Q. In your experience as a police
12 officer, have people given you fake names
13 before in your encounters with them?

14 A. Yes.

15 Q. Okay. I would I imagine that the
16 reasons for people giving you fake names run
17 the gamut?

18 A. Yes, sir.

19 Q. Okay. So it's perhaps somebody has
20 warrants outstanding for them?

21 A. Could be.

22 Q. Perhaps somebody just has a general
23 fear of law enforcement, etcetera. There
24 could have been any number of reasons why Mr.
25 Gordon would have given you fake identifica-

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1 tion?

2 A. Correct.

3 Q. You testified previously that Mr.
4 Gordon' shirt was laying on one of the
5 adjacent vehicles at some point?

6 A. Yes.

7 Q. Okay. Do you know what happened to
8 that shirt?

9 A. I do not.

10 Q. Okay. It wasn't recovered or ---

11 A. I did not recover it.

12 Q. --- anything of that nature? I'm
13 sorry?

14 A. I did not recover it.

15 Q. Okay. In your contact with the
16 Charleston County Sheriff's Department, did
17 they ever inquire about where his shirt might
18 be or did they try to recover it, to the best
19 of your knowledge?

20 A. I have actually have not had any
21 contact with the sheriff's office regarding
22 the incident from that point on, other than
23 advising them that the firearm I had
24 recovered was in our evidence locker and I
25 contacted the sheriff's office. No more.

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1 Q. Very good. Very good. Okay. Were
2 you ever able to positively ID Reginald
3 Gordon's name in person at the scene or was
4 that identification one by women that he was
5 fighting with?

6 A. That identification was done by
7 others.

8 Q. I'm sorry. I couldn't hear you?

9 A. I'm sorry. It was done by others.

10 Q. It was done by others, okay. So you
11 were never presented with any sort of photo
12 lineup or anything like that?

13 A. I have not had that opportunity.

14 Q. Okay. Fair enough.

15 MR. DETREVILLE: I have no other
16 questions.

17 THE COURT: Redirect?

18 SOLICITOR DURANT: Just a couple.

19 REDIRECT EXAMINATION

20 BY SOLICITOR DURANT:

21 Q. With regard to the video, Officer
22 Jahngen, you never saw that video the night
23 of the incident; correct?

24 A. No, did not.

25 Q. You saw that at some -- probably a

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1 couple years -- well, at least, several days
2 afterwards?

3 A. Several days later, yes, sir.

4 Q. Okay. So you didn't have the
5 benefit of that video when you were there;
6 correct?

7 A. No, I did not.

8 Q. And, also, he had referred to
9 State's Exhibit 25, I believe.

10 A. Yes.

11 Q. The photo of the car. Do you know
12 when that was taken?

13 A. That particular photo, I do not
14 know.

15 Q. It wasn't taken that night?

16 A. No, it was not taken that night?

17 Q. As a matter of fact, the crime scene
18 never came out?

19 A. Our crime scene was not on scene,
20 no.

21 Q. And never took any photographs;
22 correct?

23 A. Never took any photographs.

24 Q. But that appears to be the same type
25 of bag that you observed ---

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1 A. Yes, sir.

2 Q. --- the pistol in?

3 A. Yes, sir.

4 Q. And referring back to State's
5 Exhibit Number 46, that was in there like
6 that when you saw the gun in the car;
7 correct?

8 A. That's correct.

9 Q. And when you saw, you said you saw
10 part of this protruding out of the bag?

11 A. Yes.

12 Q. Tell the jury what part you saw
13 protruding out of the bag?

14 A. From around this last finger grip,
15 down from underneath the seat. The white
16 plastic bag was around it was open, so this
17 end down to here (indicating) was visible.

18 Q. Okay. And with regard to State's
19 Exhibit 51, the surveillance video, does that
20 appear to you to be in real time?

21 A. Yes.

22 Q. Okay. And that car arrives at about
23 five thirty, five minutes and thirty seconds
24 into the video; correct?

25 A. Correct.

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1 Q. And you arrive at about nineteen
2 minutes into the video; correct?

3 A. Correct.

4 Q. So whoever must have, would have
5 planted that gun in the car would have had to
6 have done it during that period of time;
7 correct?

8 A. Correct.

9 Q. Because that gun was in the car when
10 you got there?

11 A. Correct, sir.

12 Q. You saw it when you got there?

13 A. Yes, sir.

14 Q. And nobody planted it in the car
15 after you got there, did they?

16 A. No.

17 Q. Thank you, sir.

18 SOLICITOR DURANT: I have nothing
19 else.

20 THE COURT: Anything further?

21 MR. DETREVILLE: Nothing further,
22 Your Honor.

23 THE COURT: You may come down.

24 (WITNESS STEPS DOWN)

25 THE COURT: May this witness be

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1 THE COURT: Thank you very much.

2 All right. Solicitor, call your
3 next witness.

4 SOLICITOR DURANT: The State would
5 Kayrine Linen.

6 (WITNESS TAKES STAND)

7 KAYRINE LINEN, having been duly sworn to
8 tell the truth, and nothing but the truth,
9 testified as follows:

10 DIRECT EXAMINATION

11 BY SOLICITOR DURANT:

12 Q. Good afternoon, Ms. Linen?

13 A. How you doing?

14 Q. Could you please tell our jury how
15 old you are?

16 A. Twenty-five.

17 Q. And how far did you go in school?

18 A. I stopped in school in the tenth
19 grade, and then I went to Job Corps.

20 Q. Okay. And if you would, I'm going
21 to ask you to speak into that microphone so
22 that everybody can hear what you've got to
23 say, all right?

24 A. Uh-huh.

25 Q. And keep your voice up. Are you

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1 currently employed?

2 A. I am.

3 Q. What kind of work are you doing?

4 A. I work at Marble Slab Creamery on
5 Kiawah Island.

6 Q. You work where on Kiawah?

7 A. Marble Slab Creamery on Kiawah
8 Island.

9 Q. Okay. Marble Slab?

10 A. Uh-huh.

11 Q. Okay. That's like the ice cream
12 place or something?

13 A. Uh-huh.

14 Q. Now, I want to talk to you about
15 Saturday morning, August the 18th of 2012?

16 A. Uh-huh.

17 Q. Do you remember that morning?

18 A. Yes, sir.

19 Q. Who were you with that night going
20 into that event?

21 A. My cousins and some family of --
22 some friends of family.

23 Q. Okay. Your cousins and friends?

24 A. Uh-huh.

25 Q. And, once again, please, I know

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1 you're kind of soft spoken, but we need to
2 hear you, okay?

3 A. Yes.

4 Q. And if you can bend over and talk
5 into that microphone that will help.

6 A. Okay.

7 Q. Pull it over. I don't think will
8 pull. It's affixed to the desk. And who is
9 Amber Sease?

10 A. Amber Sease is my cousin.

11 Q. And was she one of the people you
12 were with that night?

13 A. She is.

14 Q. And how many friends and cousins
15 were you with?

16 A. I'd say about ten, nine or ten
17 people.

18 Q. And where had y'all been that night?

19 A. We went to Spanky's nightclub?

20 Q. Spanky's?

21 A. Uh-huh.

22 Q. What is Spanky's?

23 A. A nightclub.

24 Q. Where is Spanky's?

25 A. (Inaudible).

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1 COURT REPORTER: Where?

2 WITNESS: Ravenel.

3 DIRECT EXAMINATION CONTINUED

4 BY SOLICITOR DURANT:

5 Q. Okay. And when y'all were finished
6 at Spanky's or Spanky's closed for the night,
7 where did y'all go?

8 A. We went to the Kangaroo gas station.

9 Q. And where is the Kangaroo gas
10 station located?

11 A. Main and Savannah Highway.

12 Q. Why did y'all stop at the Kangaroo?

13 A. Everyone had to go to the restroom.

14 Q. How many cars were you in?

15 A. Three.

16 Q. Now, while you were at the Kangaroo
17 that morning, did you see this fellow
18 (indicating Defendant)?

19 A. Yes, sir.

20 Q. And when I say "this fellow", I'm
21 talking about the guy in the blue shirt. Did
22 you see him?

23 A. Yes, sir.

24 Q. How did you get to the Kangaroo?

25 A. I rode with my sister.

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1 Q. Okay. Were you driving or was your
2 sister driving?

3 A. My sister was.

4 Q. And do you remember how he got to
5 the Kangaroo that night?

6 A. He was riding in a white Buick.

7 Q. And how many people were in the
8 white Buick with him?

9 A. Just him.

10 Q. There was nobody else in the car?

11 A. No.

12 Q. You had a good opportunity to see
13 the car?

14 A. Yes.

15 Q. And you were sure that there was
16 nobody else in there?

17 A. Uh-huh.

18 Q. Where did he park?

19 A. In front of the store.

20 Q. So y'all were already there when he
21 arrived in the Buick?

22 A. Uh-huh.

23 COURT REPORTER: Is that a "yes"?

24 WITNESS: Yes.

25 DIRECT EXAMINATION CONTINUED

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1 BY SOLICITOR DURANT:

2 Q. Okay. Did you know him?

3 A. No.

4 Q. Had you ever seen him before?

5 A. I have.

6 Q. Do you remember where you had seen
7 him before?

8 A. I've seen him all over.

9 Q. Okay. So you'd seen him before but
10 you didn't know who he was?

11 A. Uh-huh.

12 Q. Did you know his name?

13 A. No, sir.

14 Q. Had you ever met him?

15 A. No, sir.

16 Q. Now, once you and your friends
17 arrived at the Kangaroo, where did y'all go
18 in the Kangaroo?

19 A. To the restrooms.

20 Q. And which restrooms did you use?

21 A. Both.

22 Q. Both of what?

23 A. Females and males.

24 Q. Okay. Y'all were the only folks in
25 the store at that point?

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1 A. Yes, sir.

2 Q. And so y'all started using both
3 bathrooms?

4 A. Yes, sir.

5 Q. So tell us what happened while y'all
6 were back there using the bathrooms?

7 A. Well, we was -- I was standing at
8 the door. It was two girls already in the
9 female's bathroom and there was two in the
10 male's bathroom, and he came in. He said he
11 had to use the restroom, and I told him he
12 had to wait.

13 Q. Now, when you say "he", who are you
14 talking about?

15 A. Reginald, I guess, is his name.

16 Q. This fellow here?

17 A. Uh-huh.

18 Q. Okay. And you told him he had to
19 wait. What did he say?

20 A. He said, "F me" then he punched me
21 in the face.

22 Q. Did he punch you in the face because
23 you punched him first?

24 A. No.

25 Q. Did you have any reason to punch

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1 him?

2 A. No.

3 Q. Now, what happened after he punched
4 you in the face?

5 A. The first female that was in the
6 male bathroom walk out, and he punch her.

7 Q. Oaky. He punched -- do you remember
8 who it was that was coming out of the men's
9 bathroom?

10 A. I'm not sure.

11 Q. But it was one of the girls you came
12 with?

13 A. Uh-huh.

14 Q. And what did he do after he punched
15 you and he punched the girl coming out of the
16 men's bathroom?

17 A. He went in the restroom and then he
18 came back out.

19 Q. Went into which restroom?

20 A. The men's restroom.

21 Q. And how long was he in the male's
22 restroom?

23 A. Not long.

24 Q. Was he in there long enough to use
25 the restroom?

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1 A. No.

2 Q. And when he came back out of the
3 restroom, what did you notice?

4 A. That he did wash his hands, but I
5 don't think he used the restroom.

6 Q. And why do you think he washed his
7 hands?

8 A. Because his hands were dripping
9 water.

10 MR. DETREVILLE: Objection, Your
11 Honor.

12 THE COURT: That's speculation.

13 DIRECT EXAMINATION CONTINUED

14 BY SOLICITOR DURANT:

15 Q. What did you observe that made you
16 think he'd washed his hands?

17 A. The water on his hands and arms.

18 Q. Okay. So what happened after he
19 came out of the men's bathroom?

20 A. That's when all the ladies started
21 fighting him.

22 Q. And when you said "all the ladies,"
23 you're talking about all the ladies that ---

24 A. I was with.

25 Q. --- you came with?

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- 1 A. (Affirmative nod).
- 2 Q. And so where did this fight start?
- 3 A. At the bathroom, by the restroom.
- 4 Q. And did it -- it started in there or
- 5 did it move somewhere else?
- 6 A. It moved outside in front of the
- 7 door.
- 8 Q. So it moved to the counter?
- 9 A. Uh-huh.
- 10 Q. And then moved outside; correct?
- 11 A. Yes, sir.
- 12 Q. And you were fighting him quite a
- 13 while; correct?
- 14 A. Yes, sir.
- 15 Q. Did he appear to be under the
- 16 influence of anything?
- 17 A. He said he was on Molly.
- 18 Q. What did he say specifically?
- 19 A. "Y'all can't knock me down."
- 20 Q. Now, this fight went on for a while;
- 21 correct?
- 22 A. Yes, sir.
- 23 Q. Where did he go?
- 24 A. Down Old Charleston Road.
- 25 Q. Did he leave in the car that he

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1 arrived in?

2 A. No, sir.

3 Q. So he left on foot?

4 A. Yes, sir.

5 Q. Was he fully clothed when he left?

6 A. No, he left his shirt.

7 Q. And why did he not have his shirt
8 on?

9 A. He took it off for some reason.

10 Q. Did you sustain any injuries in the
11 assault?

12 A. I had a black eye and broken
13 glasses.

14 Q. Now, the police were called by
15 someone that night; is that correct?

16 A. My sister.

17 Q. And were you there when the police
18 arrived?

19 A. I was.

20 Q. Was Mr. Gordon still there when the
21 police arrived?

22 A. He wasn't.

23 Q. And what did y'all do after the
24 police officer got there?

25 A. They told us to leave and they'll

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1 call us back once they brought him back.

2 Q. Okay. Now, I want to play you a
3 portion of State's Exhibit Number 51. And
4 I'm going to ask you some questions as it's
5 going on.

6 You've had the opportunity to see State's
7 Exhibit 51, which is the surveillance video
8 taken at the Kangaroo convenience store that
9 night; correct?

10 A. Yes, sir.

11 Q. I'm going to start -- this is at
12 4:54, (video playing). Who is that coming
13 through the door?

14 A. Uh, ---

15 Q. Do you recognize that? Her?

16 A. Looking at my sister.

17 Q. By the way, is this showing up on
18 the monitor in front of you, too?

19 A. Yes, but not clear.

20 Q. Okay. (Video playing), can you see
21 that car pulling up, up front right now?

22 A. Yes, sir.

23 Q. And who was in that car?

24 A. And he was in that car alone, you
25 said?

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1 A. Yes, sir.

2 Q. (Video playing), -- who is that
3 walking through the door right there?

4 A. Me.

5 Q. Okay. (Video playing) -- and that
6 is -- this fellow right behind you is the
7 fellow that got out of that white Buick?

8 A. Yes, sir.

9 Q. (Video playing) -- then he appears
10 to walk away; correct?

11 A. Yes, sir.

12 Q. Did you see that person get back in
13 that car?

14 A. Yes, sir.

15 Q. (Video playing) -- who are these
16 folks out here? Are these girls that you
17 came with?

18 A. Yes, sir.

19 Q. (Video playing) -- and then this is
20 Mr. Gordon coming back in; correct?

21 A. Yes, sir.

22 Q. (Video playing) -- do you recognize
23 the lady over here at the ATM machine?

24 A. My cousin, Amber Sease.

25 Q. That's Amber Sease?

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1 A. Yes, sir.

2 Q. But all these girls coming in and
3 out of the store, these are all girls that
4 came with y'all?

5 A. Yes, sir.

6 Q. (Video playing) -- what are those
7 girls doing in the back there?

8 A. That's when the fight started.

9 Q. Pardon me?

10 A. The fight was going on.

11 Q. (Video playing) -- who is that that
12 Mr. Gordon is punching right there?

13 A. Me..

14 Q. You were punching back too, right?

15 A. Yes, sir.

16 Q. (Video playing) -- what is that that
17 was just thrown on the hood of that car
18 outside the door, this car there?

19 A. One of the cases of water from the
20 store.

21 Q. (Video playing) -- is that -- he
22 doesn't appear to have a shirt on now?

23 A. Uh-uh.

24 Q. Is that the shirt?

25 A. I don't know. He threw it on top

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1 of the car.

2 Q. (Video playing) -- who is that he
3 just punched?

4 A. Amber.

5 Q. And is this fight still going on out
6 there at this time?

7 A. Yes, sir.

8 Q. (Video playing) -- and what was that
9 that was throwed at the windshield?

10 A. The case of water.

11 Q. Do you know who threw that case of
12 water?

13 A. I'm not sure.

14 Q. Okay, (video playing). Okay. This
15 seemed to have calmed down a little bit at
16 this point; is that correct?

17 A. Yes, sir.

18 Q. Let's just stop it right there --
19 (video stopped).

20 Q. Now, you said the police officer got
21 there and y'all talked to him. Did you stay
22 there?

23 A. No, sir.

24 Q. Where did y'all go?

25 A. We left and went to our cousins,

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1 down the street, on Main Road.

2 Q. Okay. And did you hear anything
3 from the police later?

4 A. He called us back and told us to
5 come back because he had Reginald.

6 Q. Because he had what?

7 A. He had Reginald.

8 Q. I still didn't understand you?

9 A. Because he had him.

10 Q. Oh, he had somebody?

11 A. Yes, sir.

12 Q. Okay. So did y'all go back?

13 A. Yes, sir.

14 Q. Who all went back?

15 A. Everybody and more.

16 Q. Okay. Y'all picked up some
17 reinforcements; correct?

18 A. Yes, sir.

19 Q. And y'all were going back -- you
20 went back to the Kangaroo; right?

21 A. Yes, sir.

22 Q. And what were y'all going to go back
23 to the Kangaroo and do?

24 A. Fight.

25 Q. You were going to take care of

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1 business yourself?

2 A. Uh-huh.

3 Q. Now, when y'all got back to the
4 Kangaroo, where was he?

5 A. Standing talking to the police
6 officer.

7 Q. And did you tell the police officer
8 that was the guy that y'all had been fighting
9 with earlier?

10 A. Yes, sir.

11 Q. Did he end up getting arrested that
12 night?

13 A. No.

14 Q. Okay. I want to move ahead a couple
15 of days to -- this happened on the morning of
16 August 18th. I want to move ahead to August
17 the 22nd.

18 A. Uh-huh.

19 Q. Did you have an occasion to go to
20 the Charleston Police Department?

21 A. I did.

22 Q. Sorry? You did?

23 A. Yes, I did.

24 Q. Okay. And why did you go to the
25 police department?

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1 A. To make a report.

2 Q. Okay. And did they obtain a
3 statement from you at that time?

4 A. They did.

5 Q. Okay. It was video recorded,
6 correct?

7 A. Uh-huh.

8 Q. And do you remember that during
9 that, them showing you some photographs?

10 A. Yes, sir.

11 Q. I'm going to hand you what's
12 previously been marked as State's Exhibit
13 Number 52.

14 SOLICITOR DURANT: I've offered, I
15 believe, without objection, Your Honor.

16 MR. DETREVILLE: That's correct,
17 Your Honor.

18 THE COURT: Without objection.

19 (SO ENTERED AS STATE'S EXHIBIT 52)

20 DIRECT EXAMINATION CONTINUED

21 BY SOLICITOR DURANT:

22 Q. Let's see if you recognize that
23 document?

24 A. (Review).

25 Q. Do you recognize it?

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1 A. Yes, sir.

2 Q. And what is that?

3 A. This is where I pointed out a
4 picture. It's a photograph.

5 Q. Okay. Those are the photographs the
6 police officer showed you that day?

7 A. Yes, sir.

8 Q. And how do you know that?

9 A. Because I looked.

10 Q. I mean, is that your signature on
11 there?

12 A. That is.

13 Q. Okay. And one of those pictures on
14 the back page of that thing is circled. Who
15 circled that picture?

16 A. I did.

17 Q. Okay. And after you circled that
18 picture, you wrote something on the comments
19 section; is that correct?

20 A. Yes, sir.

21 Q. And what did you write?

22 A. "This is the exact man who did the
23 assault on 8/18/2012."

24 Q. Okay. And the picture you circled
25 was picture number ---

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1 A. Picture number three.

2 Q. Okay. Did -- there were several
3 officers there when these pictures were
4 showed to you; correct?

5 A. Yes, sir.

6 Q. Did they coach you in any way who to
7 pick out?

8 A. No, sir.

9 Q. Did they tell you who to pick out?

10 A. No, sir.

11 Q. Did they even tell you that the guy
12 that was involved in the assault would even
13 be in this photograph?

14 A. No, sir.

15 Q. So they read you that admonition on
16 the front of the page there before they
17 showed you the pictures; correct?

18 A. Yes, sir.

19 Q. And you looked at the pictures. You
20 picked out number three. Are you certain?

21 A. Yes, sir.

22 Q. Were you certain then?

23 A. Yes, sir.

24 Q. Are you certain now?

25 A. Yes, sir.

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1 Q. And that picture you picked out is a
2 picture of Defendant, Reginald Gordon?

3 A. Yes, sir.

4 Q. Now, at any time during the incident
5 when this incident was going on, up to the
6 time that the police officer got there, did
7 you observe anybody going into or out of that
8 white Buick other than Reginald Gordon?

9 A. No, sir.

10 Q. Would you please answer any
11 questions that Mr. Detreville may have?

12 A. Yes, sir.

13 THE COURT: Cross-examination.

14 MR. DETREVILLE: Thank you, Your
15 Honor. If it pleases the Court.

16 CROSS EXAMINATION

17 BY MR. DETREVILLE:

18 Q. Good afternoon, ma'am.

19 A. Good afternoon.

20 Q. Setting aside this whole fight thing
21 that y'all had got into, I'm interested about
22 -- and you testified that Mr. Gordon
23 essentially summarily punched you in the face
24 without any warning, off-camera; correct?

25 A. Uh-huh.

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1 Q. All right.

2 COURT REPORTER: Is that a "yes"?

3 WITNESS: Yes, sir (sic).

4 CROSS EXAMINATION CONTINUED

5 BY MR. DETREVILLE:

6 Q. And then somebody came out of the
7 men's room. He didn't say a thing, no
8 warnings, punched them in the face?

9 A. Yes, sir.

10 Q. And then walked into the men's room
11 and disappeared; fair?

12 A. Yes, sir.

13 Q. And this was a punch that broke your
14 glasses apparently also; is that correct?

15 A. Uh-huh.

16 Q. Okay. So you just now have received
17 a black eye, then punched in the face without
18 warning and have your glasses broken, but you
19 were able to observe that Mr. Gordon wasn't
20 in the men's room long enough to urinate,
21 that he was only in there long enough to wash
22 his hands?

23 A. I sure was.

24 Q. Okay. And the first thing that you
25 observed when Mr. Gordon walked out of the

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1 men's room is that I think he just washed his
2 hands because there's still a little bit of
3 water on them?

4 A. Yes, sir.

5 Q. Okay. You got punched a couple of
6 times it looks like?

7 A. Uh-huh.

8 Q. You said you got a black eye. Did
9 you ever seek any medical attention or
10 anything like that?

11 A. (Negative gesture).

12 Q. No?

13 A. No.

14 Q. Of course, at the beginning of that
15 video you testified you saw Mr. Gordon was
16 walking into the convenience store at
17 approximately the same time as you. And then
18 you observed him walking around?

19 A. Uh-huh.

20 Q. Is that right?

21 A. Yes, sir.

22 Q. Okay. So Mr. Gordon needed to wash
23 his hands so badly that he started to go in
24 the store, left, came back, and that's when
25 he decided he needed to wash his hands so

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1 badly that he was going to sucker punch two
2 women to get into the bathroom; is that
3 right?

4 A. Yes, sir.

5 Q. Okay. I notice that you think some
6 of this stuff is humorous. You talked about
7 bringing reinforcements back to the Kangaroo
8 to fight some more. And I noticed that you
9 had a laugh about that, also. Was it
10 humorous at the time? Is it humorous now or
11 what is it?

12 A. At the time.

13 Q. Okay. Okay. But you're laughing
14 now?

15 A. Yes.

16 Q. Was that you in the white tank top?

17 A. Yes.

18 Q. This was about 4:30 in the morning;
19 is that right?

20 A. It sure was.

21 Q. And you'd been at Spanky's for how
22 long?

23 A. Probably three hours, two hours.

24 Q. Okay. So is that an afterhours bar
25 or something?

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1 A. It actually closed at 2:00. We was
2 headed back home. We left from down there at
3 like 2:35.

4 Q. Okay. And you weren't driving?

5 A. I sure wasn't.

6 Q. Okay. So would it be a fair
7 assumption on my part that you'd had a few
8 during the course of the evening?

9 A. Say it again?

10 Q. That you'd had a few?

11 A. Yes.

12 Q. Perhaps intoxicated?

13 A. No, I wasn't.

14 Q. No, okay. But all of the
15 gesticulation and all of the, you know,
16 swinging the arms around ---

17 A. Uh-huh.

18 Q. --- that went on for long after Mr.
19 Gordon was gone, that's non-intoxicated
20 behavior for you?

21 A. I was actually upset.

22 Q. Okay. You were upset?

23 A. Uh-huh.

24 Q. You state, you testified that you
25 didn't observe anybody going in and out of

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1 the white Buick after -- I guess after Mr.
2 Gordon had left; is that right?

3 A. Yes, sir.

4 Q. Okay. But you're clearly seen in
5 that video not being at a vantage point to
6 see the white Buick at all times after Mr.
7 Gordon left? You go back towards the
8 restrooms in that area, that sort of stuff?

9 A. No.

10 Q. Would it be fair to say that that
11 white Buick Century or whatever it is, left
12 your line of vision for some period of time?

13 A. No.

14 Q. You kept eagle eyes on that white
15 Buick ---

16 A. I sure did.

17 Q. --- through that whole time?

18 A. I sure did.

19 Q. Okay. All right. Very good. Was
20 part of your observation of it while you were
21 -- I mean, did you keep an eye on it while
22 you were vandalizing it? Is that how that
23 worked or was it just you decided for
24 whatever reason -- you know, 'I've got to
25 watch this car for the rest of the night

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1 until the police get here.'

2 A. I just was watching the car.

3 Q. All right. Thank you very much.

4 MR. DETREVILLE: No other questions
5 for this witness.

6 REDIRECT EXAMINATION

7 BY SOLICITOR DURANT:

8 Q. Would it be fair to say that you
9 were in view of the car at times, other than
10 when you were back there to go to the
11 bathroom?

12 A. Yes, sir.

13 Q. Okay. You obviously can't see the
14 car from the bathrooms; correct?

15 A. Uh-uh.

16 Q. Okay.

17 SOLICITOR DURANT: Nothing further.

18 THE COURT: Anything further?

19 MR. DETREVILLE: Nothing, Your
20 Honor.

21 THE COURT: You may come down,
22 ma'am.

23 (WITNESS STEPS DOWN)

24 THE COURT: Thank you very much.
25 You are free to go. May the witness be

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1 excused?

2 SOLICITOR DURANT: I would ask that
3 she be so excused, Your Honor.

4 THE COURT: Without objection.

5 SOLICITOR DURANT: The State would
6 call Amber Sease, Your Honor.

7 (WITNESS TAKES STAND)

8 AMBER SEASE, having been duly sworn to
9 tell the truth, and nothing but the truth,
10 testified as follows:

11 DIRECT EXAMINATION

12 BY SOLICITOR DURANT:

13 Q. Good afternoon, Ms. Sease. Could
14 you tell our jury your age?

15 A. Twenty-seven.

16 Q. And what area of the county do you
17 live in?

18 A. John's Island.

19 Q. And what is your education?

20 A. I have a Master's in HR Management.

21 Q. Okay. And are you employed?

22 A. Yes.

23 Q. Okay. Do you mind telling us where
24 you work?

25 A. At the Boeing Company.

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1 Q. Okay. Now, do you know Kayrine
2 Linen?

3 A. Yes.

4 Q. And how do you know Kayrine Linen?

5 A. She's my cousin.

6 Q. And were you with Kayrine Linen on
7 the morning of August the 18th of 2012?

8 A. Yes.

9 Q. Who else were y'all with that day,
10 that night?

11 A. A couple of my cousins and some of
12 their friends.

13 Q. Okay. And where did y'all go that
14 night?

15 A. We went to Spanky's Lounge in
16 Hollywood.

17 Q. Okay. Which was just kind of a
18 girls' night out, so to speak?

19 A. Right.

20 Q. And after you went to the Spanky's,
21 did you have an occasion to go by the
22 Kangaroo that's located at Main Road and
23 Savannah Highway?

24 A. Yes.

25 Q. Do you remember how many girls you

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1 were with that night?

2 A. Probably about ten.

3 Q. Okay. And how many cars were you
4 in?

5 A. Three.

6 Q. Were you driving or were you with
7 somebody else?

8 A. I was driving.

9 Q. Okay. And when you got to the
10 Kangaroo, did all the cars stop that y'all
11 were in?

12 A. Yes.

13 Q. Okay. And what did you do when you
14 got to the Kangaroo?

15 A. I got out. I told my cousin to pump
16 some gas in my car, and then I went inside to
17 go to the ATM.

18 Q. Okay. What were the other girls
19 doing while this was going on?

20 A. They were going to the bathroom.

21 Q. Now, and that ATM that's -- where's
22 that located as you go in the front door?

23 A. Right at the door.

24 Q. And if you go in the front door, it
25 will be over to your left; correct?

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1 A. Right.

2 Q. Left, right or?

3 A. Oh, yes, the left.

4 Q. Okay. Okay. Now, what happened
5 while you were using the ATM machine?

6 A. I heard an argument. Then a few
7 minutes later, I heard some scuffling by the
8 bathroom.

9 Q. And did you go back there to see
10 what was going on?

11 A. Yes.

12 Q. And what did you see?

13 A. Reginald fighting with Kayrine.

14 Q. Okay. When you say "Reginald" who
15 are you talking about?

16 A. Reginald, right there, (indicating
17 Defendant).

18 Q. Okay. The one in the blue shirt?

19 A. Right.

20 Q. Okay. Now, to be clear, you didn't
21 know his name that night?

22 A. No, I didn't know his name.

23 Q. You found out his name after the
24 fact?

25 A. Right.

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1 Q. Did you know who he was that night?

2 A. No.

3 Q. Had you ever met him that night to
4 your knowledge?

5 A. No.

6 Q. So what did you do when you saw him
7 fighting with Kayrine?

8 A. I went over there to try to stop it
9 but we got into a scuffle.

10 Q. Okay. What was his demeanor? I
11 mean, how was he acting?

12 A. He was -- he appeared to be high and
13 drunk.

14 Q. Did the fight stay right where the
15 bathrooms were?

16 A. No, it went towards the door.

17 Q. Okay. And during this fight, did
18 you end up being struck by Reginald?

19 A. Yes.

20 Q. Do you remember or recall how many
21 times?

22 A. I want to say a few, twice maybe.

23 Q. Okay. Did you sustain any injuries?

24 A. Yes. I had a bruise on my left eye
25 and my eyes were swollen. And my eye was

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1 bloodshot red.

2 Q. Any cuts?

3 A. Yeah. A cut right here (indicating
4 eyebrow).

5 Q. Do you remember how he got to the
6 Kangaroo?

7 A. He was driving a white Buick.

8 Q. And how many people were in the
9 Buick with him?

10 A. I think it was just him.

11 Q. You don't remember seeing anybody
12 else with him that night?

13 A. No.

14 Q. Now, the police officer, we know
15 were called and the police arrived. Were you
16 there when the police arrived?

17 A. I believe so.

18 Q. Okay. Was he there when the police
19 arrived?

20 A. No, he ran when the sirens came,
21 when he heard the sirens.

22 Q. Did he run off in the Buick he came
23 in or how did he leave?

24 A. On feet.

25 Q. Now, what happened after the police

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1 got there?

2 A. We told them what happened and I
3 believe we left.

4 Q. Okay. And did you go back later?

5 A. Yes. I think they called one of my
6 cousins. I'm not sure if they told us to
7 come back or not, but we went back.

8 Q. But you were called by the police
9 and y'all ended up going back; correct?

10 A. Right.

11 Q. With some other folks too; correct?

12 A. Correct.

13 Q. Now, were the police there when you
14 got back to the Kangaroo?

15 A. Yes.

16 Q. And who were the police talking to?

17 A. Reginald.

18 Q. And that was -- did you tell the
19 police that was the same guy that y'all had
20 been fighting with earlier?

21 A. Yes, I did.

22 Q. Now, I know the jury's going to get
23 sick of this, but I want to direct your
24 attention to State's Exhibit 51. I'm just
25 going to ask a few questions as it pertains

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1 to you.

2 Q. We'll start at about six minutes and
3 seventeen seconds in -- (video playing), who
4 is that that just came through the door?

5 A. That's me.

6 Q. Okay. (Video playing) -- that would
7 be you on the left? You've got kind of your
8 face hidden right now?

9 A. Yes.

10 Q. (Video playing) -- and that was Mr.
11 Gordon who came in behind you; correct?

12 A. Yes.

13 Q. (Video playing) -- who is that at
14 the ATM machine?

15 A. That's me.

16 Q. (Video playing) -- who's that you're
17 hugging right there?

18 A. That's a friend of mine from
19 college.

20 Q. (Video playing) -- now, why are you
21 running over there?

22 A. That's when I heard the scuffling.

23 Q. (Video playing) -- who is that the
24 Defendant's punching there?

25 A. Kayrine.

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1 Q. (Video playing) -- who's that at the
2 door?

3 A. Me.

4 Q. (Video playing) -- who's that he
5 just punched?

6 A. That's me.

7 Q. It would be safe to say you were
8 pretty angry about that point; correct?

9 A. Correct.

10 Q. (Video playing) -- is that you going
11 outside now?

12 A. Yes.

13 Q. (Video playing) -- who is that he's
14 punching in front of that white car?

15 A. Me.

16 Q. (Video playing) -- something was
17 thrown at the front of that, the glass in
18 that car. Who threw that?

19 A. Me.

20 Q. What was it?

21 A. A case of water.

22 Q. Okay. I don't have anything else I
23 want to show you in that - (video ended).

24 Now, you also ended up going to the
25 Charleston Police Department; correct?

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1 A. Correct.

2 Q. You didn't go down there the same
3 day that Kayrine did; did you?

4 A. I don't think so.

5 Q. You didn't go with her or anything;
6 correct?

7 A. No.

8 Q. And why did you go to the police
9 department.

10 A. To report what had happened to me.

11 Q. Okay. And did they obtain a
12 statement from you?

13 A. Yes.

14 Q. And while you were down there, did
15 they have an opportunity to show you a
16 photographic lineup?

17 A. Yes.

18 SOLICITOR DURANT: Your Honor, we
19 would offer State's 53. I believe without
20 objection.

21 THE COURT: Without objection.

22 (SO ENTERED AS STATE'S EXHIBIT 53)

23 DIRECT EXAMINATION CONTINUED

24 BY SOLICITOR DURANT:

25 Q. I'm going to hand you what's been

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1 marked as State's Exhibit 53 and ask if you
2 recognize that document?

3 A. Yes.

4 Q. Okay. And what is it?

5 A. A photo lineup.

6 Q. And was that photo lineup ever shown
7 to you?

8 A. Yes.

9 Q. And how do you know, ma'am?

10 A. I recognize the face and my initials
11 on here.

12 Q. Okay. And the police officer read
13 you the stuff on the front of that before he
14 showed you the pictures; correct?

15 A. Yes.

16 Q. Did any of the police officers tell
17 you who to pick out or that the guy that was
18 involved in this assault would even be in
19 there?

20 A. No.

21 Q. Okay. Did they coach you in any
22 way?

23 A. No.

24 Q. And when you looked at the pictures,
25 what picture did you pick out?

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1 A. Number three.

2 Q. Okay. Did you pick out number three
3 because you had talked to Kayrine Linen and
4 she said, 'I picked out number three so you
5 pick out number three'?

6 A. No.

7 Q. And when you picked out number
8 three, were you certain that that was the
9 person that had assaulted you?

10 A. Yes.

11 Q. And who is that person?

12 A. Reginald Gordon.

13 Q. Okay. This fellow sitting right
14 here in the courtroom?

15 A. Yes.

16 Q. And what did you write on the
17 comments section of the admonition?

18 A. I have, (reading): "Punched me in
19 my face several times, left a gash above my
20 eyes, swole my eyes, scratches on my face."

21 Q. Okay. And let me ask you, looking
22 at that video it appears that, except for the
23 time you ran over there briefly when this
24 fight had started, you were pretty much right
25 there at the ATM, the ATM machine, you're at

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1 the front door or out in the parking lot;
2 is that correct?

3 A. Right.

4 Q. At any time did you see anybody else
5 go into that white Buick?

6 A. No.

7 Q. Other than the Defendant?

8 A. No.

9 Q. Could you please answer any
10 questions that Mr. Detreville might have for
11 you.

12 CROSS EXAMINATION

13 BY MR. DETREVILLE:

14 Q. Good afternoon, Ma'am?

15 A. Good afternoon.

16 Q. Just a couple of questions. I know
17 you probably don't realize this, but we've
18 been over this video quite a few times
19 already, so I won't belabor the point.

20 You noticed -- what was it about Reginald
21 Gordon driving a white Buick that made you
22 stop and take notice of the fact that it was
23 indeed Reginald Gordon driving a white Buick?

24 A. That's the car he drove. I think he
25 pulled up right in front of the door.

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1 Q. Okay. But what -- you remember that
2 detail from two and a half years ago. What
3 was it that was so remarkable that made you
4 recall Reginald Gordon drove up in a white
5 Buick and didn't have anybody else in the car
6 with him?

7 A. Well, after the fight ended, he did
8 go into the car, in the backseat on the
9 driver's side. And it was like he was
10 reaching for something.

11 Q. He went into the back seat of the
12 car reaching for something?

13 A. Right. Like on the floor.

14 Q. And you were able to, as I
15 understand it you were able to observe the
16 white Buick the entire time between the time
17 Reginald Gordon left the scene and the police
18 came, you had a vantage point on that car the
19 entire time?

20 A. Correct.

21 Q. You didn't take your eyes off of it
22 at all?

23 A. It was right in front of the store.

24 Q. Okay. But you didn't turn your head
25 in one direction or do anything of that

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1 nature at all for -- how long did it take the
2 cops to get there?

3 A. Not long.

4 Q. Five minutes?

5 A. Five minutes, maybe.

6 Q. So you had the Buick in your vantage
7 point for five to ten minutes; would that be
8 correct?

9 A. Correct.

10 Q. Okay. Thank you.

11 MR. DETREVILLE: No other
12 questions, Your Honor.

13 THE COURT: Any redirect?

14 SOLICITOR DURANT: No, sir.

15 THE COURT: All right. You may
16 come down, ma'am.

17 (WITNESS STEPS DOWN)

18 THE COURT: Thank you very much.
19 May this witness be excused?

20 SOLICITOR DURANT: I would ask that
21 she be excused, Your Honor.

22 THE COURT: Without objection.
23 You're free to go, ma'am. Thank you very
24 much.

25 (OFF RECORD BENCH CONFERENCE)

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1 THE COURT: Call your next
2 witness. This will be our last witness,
3 ladies and gentlemen, for today.

4 SOLICITOR DURANT: The State would
5 call Jerome Kidd, Your Honor.

6 (WITNESS TAKES STAND)

7 JEROME KIDD, having been duly sworn to
8 tell the truth, and nothing but the truth,
9 testified as follows:

10 DIRECT EXAMINATION

11 BY SOLICITOR DURANT:

12 Q. Good afternoon, Mr. Kidd. How old
13 are you, sir?

14 A. Sixty-three.

15 Q. All right. And to get right to the
16 point, you were the clerk at the Kangaroo in
17 the early morning of August the 18th of 2012?

18 A. Yes, sir.

19 Q. Is that correct?

20 A. Uh-huh.

21 Q. And we've seen you on video several
22 times now. Were you present -- were you
23 present when a fight started that morning?

24 A. Yes, I was.

25 Q. And do you who caused the fight?

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1 A. A gentlemen jumped in front of a few
2 women to use the bathroom because the men's
3 room wasn't working.

4 Q. Okay. And do you recognize that
5 fellow in the courtroom?

6 A. Yeah. He's the one in the blue
7 shirt.

8 Q. The one in the blue shirt here.
9 Now, where did the fight start?

10 A. By the women's bathroom.

11 Q. Okay. And where did the fight end
12 up?

13 A. Out the front door.

14 Q. And did the fight continue out the
15 front door for some period of time?

16 A. Yeah.

17 Q. Who ended up calling the police?

18 A. I did.

19 Q. Now, if you know and I don't know if
20 you know or not, do you know how he got to
21 the Kangaroo that night?

22 A. I wasn't paying attention to cars
23 pulling up, but I assume that he came by car.

24 Q. So you didn't actually pay attention
25 to him when him when he got there. Was he

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1 there when the police arrived?

2 A. No.

3 Q. So the police arrived and he was not
4 there and the police left; correct?

5 A. Well, they waited for a while and
6 then they left.

7 Q. Okay. And who showed back up later?

8 A. Yeah.

9 Q. Who did? Who showed up later?

10 A. The one in the blue shirt.

11 Q. Okay. He showed back up at the
12 Kangaroo?

13 A. Uh-huh.

14 Q. What did he want?

15 A. He was looking for car keys.

16 Q. Looking for car keys to what car?

17 A. There was only one car out there at
18 the time besides mine, so I assume that was
19 the car.

20 Q. Okay. And that was a white Buick?

21 A. Yeah.

22 Q. Did you recognize him as being the
23 guy that had been involved in this fight?

24 A. Yeah.

25 Q. And what happened after he came in

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1 the store asking you if you'd seen the keys?

2 A. Well, they had made a mess and they
3 had stolen water and everything, so I was
4 cleaning it up. And I told him there was no
5 keys on the floor. So at that time, the
6 police came back in.

7 Q. Okay. But in any event, you were
8 the one who called the police that night;
9 correct?

10 A. Yes.

11 Q. And after the Defendant ran away but
12 before the police got there, what were you
13 doing?

14 A. Trying to clean up the mess they
15 made.

16 Q. And where were you cleaning up the
17 mess at?

18 A. Well, it was this pallet of water
19 outside. They'd busted up a few of those
20 cases. And then there was water inside.

21 Q. Okay. So you were outside cleaning
22 up in the parking lot; correct?

23 A. Uh-huh. Well, on the sidewalk.

24 Q. You have a long sidewalk?

25 A. Yeah.

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1 Q. And either there or inside the store
2 when the police arrived; is that correct?

3 A. Correct. Right.

4 Q. Do you remember that white Buick
5 being out there while you were cleaning up?

6 A. Yeah.

7 Q. At any time, did you see anybody go
8 into that white Buick while you were out
9 there?

10 A. No.

11 Q. Now, do you remember meeting with
12 the police officers on September the 4th of
13 2012?

14 A. I'm not familiar with the date,
15 September the 12th.

16 Q. Do you remember -- let me hand you
17 what's been marked as State's Exhibit Number
18 54.

19 SOLICITOR DURANT: I believe I would
20 offer it without objection, Your Honor.

21 THE COURT: Without objection.

22 (SO ENTERED AS STATE'S EXHIBIT 54)

23 DIRECT EXAMINATION CONTINUED

24 BY SOLICITOR DURANT:

25 Q. You can look at this, (tendering

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1 State's Exhibit 54).

2 A. Oh, okay.

3 Q. Do you recognize that, sir?

4 A. Yes, sir.

5 Q. What is that?

6 A. That is a police statement.

7 Q. Is it a statement? What's attached
8 to the back of that?

9 A. A few peoples' faces.

10 Q. Okay. Did you pick out one of those
11 peoples' faces?

12 A. Yeah.

13 Q. Which one?

14 A. The one, number two.

15 Q. Okay. Is that a picture of this
16 Defendant, Reginald Gordon?

17 A. Yes.

18 Q. Did the police officers at any time
19 tell you who to pick out?

20 A. Did they tell me?

21 Q. Yeah?

22 A. No.

23 Q. Did they say, you know, here's a
24 lineup, Mr. Kidd. Pick out number four
25 [sic]?

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1 A. No, no. No.

2 Q. Okay. Why did you pick out number
3 four [sic]?

4 A. Why did I pick out -- I picked out
5 number two.

6 Q. All right. Why did you pick out
7 number two? Excuse me.

8 A. Because that's the one that was in
9 the store.

10 Q. Okay. And that's the one you saw
11 fighting with the girls?

12 A. Right.

13 Q. And that's the one that's sitting in
14 the courtroom?

15 A. Right.

16 Q. Okay. And I'm going to play just a
17 short portion of State's Exhibit Number 51.
18 This is ten minutes and fifty-two seconds
19 into the video, (video playing). Who is that
20 on the video in the dark shirt?

21 A. That's me.

22 Q. And, (video playing) -- is this when
23 you made the call to the police?

24 A. Yeah.

25 Q. Okay. And I'm not going to show

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1 this to the jury again - (video paused),
2 but the fight's still going on at that point;
3 correct?

4 A. Yeah, outside.

5 Q. Okay. And after the Defendant runs
6 off, you go outside and you start cleaning
7 up?

8 A. Uh-huh.

9 Q. And you're there until the police
10 arrive?

11 A. Right.

12 Q. And you never see anybody enter this
13 white Buick, which is located right here?

14 A. No.

15 Q. Okay. Thank you, sir. Could you
16 please answer any questions Defense counsel
17 may have for you?

18 THE COURT: Cross-examination.

19 MR. DETREVILLE: Thank you, Judge.
20 I'll be brief.

21 CROSS-EXAMINATION

22 BY MR. DETREVILLE:

23 Q. Good afternoon, Mr. Kidd?

24 A. How you doing?

25 Q. Very well. Thank you, sir. Your

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1 first statement in testifying was that you --
2 that the fight started because a guy jumped
3 in front of the women, to get into the
4 women's bathroom.

5 A. Right.

6 Q. Because the men's room was out of
7 order?

8 A. Right.

9 Q. Did you see that happen?

10 A. No, the bathrooms are around the
11 corner from where the counter is. But I know
12 the women was standing by the bathroom when
13 he walked in, so ---

14 Q. So you just put two and two
15 together?

16 A. Well, there was one woman already
17 using the bathroom. When she came out, he
18 jumped in, in front of the three women that
19 was waiting.

20 Q. All right. But you're certain that
21 the men's room was out of order?

22 A. Oh, yeah. I know it was.

23 Q. There was only one restroom? Do you
24 remember what Mr. Gordon was wearing on the
25 night in question?

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1 A. A yellow shirt, I think it was.

2 Q. A yellow shirt, okay. Do you happen
3 to know what happened to that shirt?

4 A. I know it landed on the hood of my
5 car.

6 Q. I'm sorry?

7 A. It had landed on the hood of my car.

8 Q. It had landed on the hood of your
9 car.

10 A. He took it off and threw it on the
11 car there.

12 Q. Okay. Did it end up in the trash
13 can or something later on when you were
14 cleaning up?

15 A. I don't know. I don't know what
16 happened to the shirt after that.

17 Q. Okay. And I'm sorry, I'm not --
18 this isn't a trick question. I'm just going
19 to ask you to repeat one of your answers
20 because I didn't hear it earlier. You said
21 that Mr. Gordon came back to the store asking
22 for keys?

23 A. Yeah, car keys.

24 Q. And then I actually didn't hear what
25 you said after that. Did you say that y'all

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1 found the car keys on the floor?

2 A. No. I said I didn't see any car
3 keys because I was in there cleaning up.

4 Q. Okay. Very good. I didn't catch
5 your answer then. That was for my own
6 clarification. You stated that you didn't
7 see anybody going in and out of the Buick; is
8 that correct?

9 A. No, I didn't.

10 Q. Okay. Did you watch the Buick the
11 whole time, from the time it pulled up until
12 the ---

13 A. I didn't pay attention to the cars
14 outside.

15 Q. Okay. So you didn't -- your
16 observation that you didn't observe anybody
17 by the car is limited to a certain time
18 period, and would have been when you were
19 outside.

20 A. Well, I don't know who was in what
21 cars. All I know is that I watch people as
22 they come inside the establishment.

23 Q. I got you. So you weren't really
24 paying attention to the cars, so to speak?

25 A. No.

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1 Q. Okay. Thank you.

2 MR. DETREVILLE: No other questions
3 for this witness. Thank you.

4 THE COURT: You may come down,
5 sir.

6 (WITNESS STEPS DOWN)

7 THE COURT: May this witness be
8 excused?

9 WITNESS: You finished with me?

10 THE COURT: Yes, sir. Any
11 objection? Without objection the witness is
12 excused.

13 SOLICITOR DURANT: Thank you, Your
14 Honor.

15 THE COURT: All right. Ladies and
16 gentlemen of the jury, I was told this
17 morning that I summoned you in here a little
18 too early, that maybe the traffic was better
19 if I suggested we come at 9:30 in the
20 morning. So I'm going to ask you to be back
21 in the jury room at 9:30 in the morning, at
22 which time, we will continue with the trial.

23 Again, I would ask you not to discuss
24 this case with friends or family overnight or
25 among yourselves when you return to the jury

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1 THE COURT: Is the Defense ready
2 to proceed?

3 MR. DETREVILLE: Yes, Your Honor.

4 THE COURT: Bring the jury please?

5 (JURY IN @ 9:52 A.M.)

6 BAILIFF: All jurors are present,
7 Your Honor.

8 THE COURT: Thank you. Good
9 morning, ladies and gentlemen.

10 JURORS: Good morning.

11 THE COURT: We're ready to
12 continue with the trial.

13 Solicitor, call your next witness.

14 SOLICITOR DURANT: Thank you, Your
15 Honor. The State would call Adam Slizewski

16 (WITNESS TAKES STAND)

17 ADAM SLIZEWSKI, having been duly sworn
18 to tell the truth, and nothing but the truth,
19 testified as follows:

20 DIRECT EXAMINATION

21 BY SOLICITOR DURANT:

22 Q. Good morning, sir.

23 A. Good morning.

24 Q. Could you tell our jury where you're
25 employed?

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1 A. State Law Enforcement Division,
2 SLED.

3 Q. And how long have you been with
4 SLED?

5 A. Just a little over a year.

6 Q. And what did you do before -- what
7 are you doing at SLED?

8 A. I'm assigned to the fugitive unit.

9 Q. And before you went to SLED, where
10 did you work?

11 A. The Charleston Police Department for
12 four years.

13 Q. In what capacity were you employed
14 at the Charleston Police Department?

15 A. For about two years, I was in
16 uniform patrol. And for the last two years
17 I was the investigator in West Ashley.

18 Q. Okay. And were you an investigator
19 in West Ashley in August of 2012?

20 A. Yes.

21 Q. In that capacity did you have an
22 occasion to investigate an assault which
23 occurred at the Kangaroo gas station at 106
24 Main Road on August the 18th of 2012?

25 A. Yes.

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1 Q. When did you become involved in the
2 investigation?

3 A. August 22nd.

4 Q. And did you have an opportunity to
5 look into the dispatch records relative to
6 this incident?

7 A. Yes.

8 Q. And what time did CPD receive a call
9 about the fight at the Kangaroo?

10 A. It was approximately 04:13 hours.

11 Q. Okay. And what time did Officer
12 Jahngen actually get to the Kangaroo?

13 A. Approximately 04:20 hours.

14 Q. Okay, so about six or seven minutes?

15 A. Yes.

16 Q. And you are, of course, with
17 Charleston Police Department or where at the
18 time, and not the Sheriff's Office. Correct?

19 A. Yes.

20 Q. Do you know whether or not y'all
21 were operating under the same dispatch at
22 that time?

23 A. I don't believe so.

24 Q. Okay. They, I believe, were under
25 consolidated dispatch and y'all were -- had

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1 your own dispatch; correct?

2 A. Yes.

3 Q. So you don't know if your times jive
4 with the County's time?

5 A. No, I don't know.

6 Q. Okay. And did you review the report
7 of Officer Jahngen when you became involved
8 in the investigation?

9 A. Yes.

10 Q. And were you aware that a suspect
11 had been identified by the name of Kenneth
12 Clyde Young?

13 A. Yes.

14 Q. Now, on August the 22nd you met with
15 Kayrine Linen; is that correct?

16 A. Yes.

17 Q. And Ms. Linen was shown State's
18 Exhibit Number 52; is that correct?

19 A. Yes.

20 Q. And who is the individual she picked
21 out of that lineup as having been involved in
22 the assault?

23 A. Reginald Gordon.

24 Q. Did you -- and you were with
25 Detective Wilson when that occurred; is that

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1 correct?

2 A. Yes.

3 Q. And did either one of you tell her
4 who to pick out of that lineup?

5 A. No.

6 Q. Moving on to the next day, August
7 the 23rd, did you have an occasion to meet
8 with Amber Sease?

9 A. Yes.

10 Q. Was she also shown a photographic
11 lineup?

12 A. Yes, she was.

13 Q. And that would be State's Number 53;
14 is that correct?

15 A. Yes, sir.

16 Q. And who did Ms. Sease pick out of
17 the lineup as having assaulted her?

18 A. Reginald Gordon.

19 Q. That same date that you showed Ms.
20 Sease that lineup, did you have an
21 opportunity to meet with Officer Jahngen?

22 A. Yes.

23 Q. For what purpose?

24 A. To show him a photograph of Kenneth
25 Clyde Young to see if that was the person he

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1 had talked to that evening at ---

2 Q. Where did you obtain a picture of
3 Kenneth Clyde Young?

4 A. DMV.

5 Q. Okay. And you showed that to him?

6 A. Yes.

7 Q. To Officer Jahngen, that is?

8 A. Right.

9 Q. Was he able to identify that photo-
10 graph as the person he had spoken to the
11 night of the incident?

12 A. No. He said that was not the person
13 that he had spoken to the night of that
14 incident.

15 Q. Okay. Finally, on September the 4th,
16 did you have an opportunity to meet with
17 Jerome Kidd, the clerk, at the Kangaroo?

18 A. Yes.

19 Q. And on that occasion was he
20 presented with State's Exhibit Number 54,
21 photographic lineup?

22 A. Yes.

23 Q. And who did he pick out of the
24 lineup?

25 A. Reginald Gordon.

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1 Q. And once again, during any of these
2 lineups did you or Officer Wilson do anything
3 to prompt the witness to identify Reginald
4 Gordon?

5 A. No.

6 Q. Were all of them certain in their
7 identification?

8 A. Yes.

9 Q. Thank you very much. Will you
10 please answer any questions that Mr.
11 Detreville may have for you?

12 A. Yes.

13 MR. DETREVILLE: I have no
14 questions for this witness, Your Honor.

15 THE COURT: Okay. Thank you. You
16 may come down.

17 (WITNESS STEPS DOWN)

18 THE COURT: Is the witness free to
19 be excused? Without objection. Thank you
20 very much.

21 SOLICITOR DURANT: The State would
22 call James Milz.

23 (WITNESS TAKES STAND)

24 JAMES MILZ, having been duly sworn to
25 tell the truth, and nothing but the truth,

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1 testified as follows:

2 DIRECT EXAMINATION

3 BY SOLICITOR DURANT:

4 Q. Good morning?

5 A. Good morning, sir.

6 Q. Could you please tell our jury where
7 you're employed?

8 A. I'm employed as a Charleston County
9 Sheriff's Officer.

10 Q. And how long have you been with the
11 sheriff's office, sir?

12 A. Fifteen years now, sir.

13 Q. What do you do for them now?

14 A. I'm currently a narcotics detective
15 with the sheriff's department, sir.

16 Q. Okay. And before you were a
17 narcotics detective, what did you do with the
18 sheriff's office?

19 A. I was a crime scene investigator,
20 sir.

21 Q. And how long were you a crime scene
22 investigator with the sheriff's office?

23 A. Almost six years, sir.

24 Q. And were you employed as a crime
25 scene investigator in August of 2012?

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1 A. I was.

2 Q. And were you involved in the case
3 involving the murder of Domonique Grant?

4 A. I was, sir.

5 Q. At the Frazier's Club on August the
6 18th?

7 A. Yes, sir.

8 Q. Did you have an occasion to respond
9 to Frazier's on the morning of August the 18th
10 of 2012?

11 A. I did, sir.

12 Q. And do you recall when you were
13 notified?

14 A. 04:19 in the morning, sir.

15 Q. And when did you actually arrive on
16 the scene?

17 A. The time of arrival was 05:03.

18 Q. So roughly an hour or so after the
19 shooting; is that correct?

20 A. Yes, sir.

21 Q. Who was assisting you?

22 A. My supervisor, Sergeant Paul
23 McManigault - Manigault.

24 Q. Okay. And what did you observe upon
25 arriving at the scene?

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1 A. The actual crime scene itself, the
2 scene itself, was actually taped off with a
3 yellow crime scene barrier tape. And I
4 observed a deceased black female beside a
5 vehicle in the parking lot.

6 Q. Okay. And do you recall what make
7 and model of that vehicle was?

8 A. It was a 2007 Ford Fusion, sir,
9 consulting my notes.

10 Q. And based upon the briefing you
11 obtained upon arriving at the scene, where
12 would the victim have been at the time of the
13 shooting?

14 A. I was briefed that the victim had
15 been sitting in the driver's side, driver's
16 seat, sir. And had been taken out of the
17 vehicle for treatment.

18 Q. Okay. Now, what was the victim's
19 condition when you arrived there?

20 A. Deceased. Multiple gunshot wounds,
21 predominately to the left side of the body.

22 Q. And what was the condition of the
23 2007 Ford Fusion?

24 A. Numerous bullet holes, sir, through
25 the driver's side window.

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1 MR. DETREVILLE: Your Honor, I'm
2 going to have an objection to the intro-
3 duction of photographs that are being
4 introduced. It's a matter of law.

5 THE COURT: All right. Ladies and
6 gentlemen of the jury, I have a matter of law
7 to take up with the attorneys and I need to
8 discuss it with them on the record, so I'm
9 going to ask you to retire to your jury room
10 for just a few minutes and then I'll call you
11 right back. Thank you very much.

12 (JURY OUT @ 10:09 A.M.)

13 SOLICITOR DURANT: May we approach,
14 Your Honor?

15 THE COURT: Yes, sir.

16 SOLICITOR DURANT: He's objecting
17 to these two photos (State's Exhibit 6 and
18 7).

19 THE COURT: You're offering ---

20 SOLICITOR DURANT: He's not
21 objecting to these.

22 COURT REPORTER: And "these" are?

23 SOLICITOR DURANT: These are 1
24 through 8, excluding number 4 that's already
25 in, already in evidence.

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1 COURT REPORTER: His objection is
2 to which one?

3 SOLICITOR DURANT: His objection is
4 to 6 and 7.

5 COURT REPORTER: Thank you.

6 THE COURT: You want to state your
7 objection for the record?

8 MR. DETREVILLE: Certainly, Your
9 Honor, if I could. That the witness has
10 testified already that he observed a deceased
11 black female at the scene who had perished of
12 multiple gunshot wounds.

13 I think the photographs of the actual
14 body, Your Honor, would be unfairly
15 prejudicial. And the only purpose would be
16 to inflame the jury emotionally, for
17 emotional purposes rather than evidentiary
18 purposes.

19 THE COURT: State's Exhibit number
20 6 depicts a vehicle and the shroud, some sort
21 of covering that covers, what apparently is,
22 a body. And the officer testified that that
23 is a black female body.

24 State's Exhibit 7 depicts the car
25 seat with the door open and the shattered

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1 driver's seat window, which would indicate
2 there may have been bullet holes, caused by
3 bullet holes to -- holes through the glass.
4 And at the base of the photograph are two
5 feet, apparently of the deceased.

6 Now, I've seen much worse.

7 SOLICITOR DURANT: So have I.

8 MR. DETREVILLE: Certainly.

9 THE COURT: Generally, I don't
10 allow photographs unless they -- of dead
11 bodies unless they tie into the cause of
12 death, which is coming from the medical
13 examiner or something like that.

14 I don't see these as unduly
15 prejudicial. State's Exhibit 7 depicts
16 something, I think an active part of the
17 crime scene

18 MR. DETREVILLE: There are other
19 photographs which show the same thing, Your
20 Honor, that we don't have an objection to.

21 SOLICITOR DURANT: And my response
22 is that I have the right to prove my crime
23 scene. Those are the two least offensive
24 photographs I could find. Those are two
25 photographs where the body is just laying on

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1 the ground. I had plenty of them where the
2 body was laying out on the ground without a
3 shroud. It's certainly not intended to
4 inflame the jury. There's nothing gory about
5 those photographs at all. It's a body. This
6 is a murder case.

7 THE COURT: All right. Thank you.
8 Overrule the objection. Anything else before
9 we bring the jury?

10 SOLICITOR DURANT: No, sir.

11 MR. DETREVILLE: Thank you, Your
12 Honor.

13 THE COURT: All right bring the
14 jury.

15 SOLICITOR DURANT: I'll go ahead
16 and offer them through the witness, Your
17 Honor.

18 THE COURT: Sir?

19 SOLICITOR DURANT: I will go ahead
20 and offer them through the witness.

21 (JURY IN @ 10:14 A.M.)

22 BAILIFF: All jurors present, Your
23 Honor.

24 THE COURT: All right. All right.
25 Solicitor, you may continue.

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1 SOLICITOR DURANT: Thank you, Your
2 Honor.

3 DIRECT EXAMINATION CONTINUED

4 BY SOLICITOR DURANT:

5 Q. The morning that you were out there
6 at the crime scene at Frazier's, did you take
7 some photographs, sir?

8 A. I did, sir.

9 Q. I'm going to hand you what's been
10 marked as State's Exhibits 1, 2, 3, 5, 6, 7,
11 8 and ask if those are amongst the photos
12 that you took out there that morning?

13 A. Yes, sir.

14 Q. And do those photographs fairly and
15 accurately depict the crime scene as you
16 found it that morning of August the 18th of
17 2012?

18 A. They do, sir.

19 SOLICITOR DURANT: Your Honor, at
20 this State would offer State's Exhibits 1
21 through 3 and 5 through 8.

22 THE COURT: Over the objection of
23 the Defense, they're admitted.

24 (SO ENTERED AS STATE'S EXHIBIT 1)

25 (SO ENTERED AS STATE'S EXHIBIT 2)

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1 (SO ENTERED AS STATE'S EXHIBIT 3)

2 (SO ENTERED AS STATE'S EXHIBIT 5)

3 (SO ENTERED AS STATE'S EXHIBIT 6)

4 (SO ENTERED AS STATE'S EXHIBIT 7)

5 (SO ENTERED AS STATE'S EXHIBIT 8)

6 DIRECT EXAMINATION CONTINUED

7 BY SOLICITOR DURANT:

8 Q. Okay. And I also hand you State's
9 Exhibit Number 4, which is already in
10 evidence. You took that photograph as well,
11 too; is that correct?

12 A. I did, sir.

13 Q. And that was also taken the morning
14 of the shooting?

15 A. Correct, sir.

16 Q. Okay. I just want to show these
17 briefly to the jury. I may have some
18 questions. If you'll just explain to them
19 what they depict as we go through them. And
20 first is State's Exhibit Number 1. What does
21 this depict, sir?

22 A. Sir, that is the actual front of the
23 nightclub, sir.

24 Q. Okay. And so the part right in the
25 middle is the actual nightclub?

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1 A. Yes, sir, the tan building.

2 Q. Okay. And extending to the right;
3 is that correct?

4 A. Yes, sir.

5 Q. Did you go inside the club?

6 A. I did, sir.

7 Q. How many different rooms are in --
8 associated with the club? Isn't there right
9 kind of a dance floor off to the right?

10 A. A dance floor, yes, sir, a DJs area,
11 restrooms, things of that effect.

12 Q. Okay. What's the part of the club
13 of the club over there to the left of that
14 second white car, that white car on the left?

15 A. Yes, sir, it was just mainly used as
16 a storage shed kind of area.

17 Q. So that's not actually a part of the
18 club itself?

19 A. No, sir.

20 Q. Okay. State's Exhibit Number 2?

21 A. Looking from the front of the
22 nightclub that we were at, this is looking
23 toward the property line, to the side of the
24 club, where the victim's car was parked, sir.

25 Q. Okay. And the victim's car would be

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1 that gray car in the middle there; is that
2 correct?

3 A. Yes, sir, close to the tree line,
4 yes, sir.

5 Q. Moving on to State's Exhibit Number
6 3?

7 A. I'm starting to walk toward the
8 vehicle itself, sir, taking pictures from
9 different angles as I do my approach.

10 Q. Okay. State's Exhibit 4?

11 A. Also the same, sir. Different
12 angles, different approach to the vehicle.

13 Q. Okay. And that just kind of shows
14 you where it was in relation to the club?

15 A. Yes, sir. And you can see Frazier's
16 Club there in the background.

17 Q. State's Exhibit 5?

18 A. Getting a little bit closer to the
19 vehicle, sir, starting to take interior
20 shots.

21 Q. State's Exhibit 6?

22 A. A different angle, sir, in relation
23 to where the victim was laying on the ground,
24 to the driver's side door.

25 Q. Okay. And that is -- we see would

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1 be the victim covered up with a sheet there?

2 A. Correct, sir.

3 Q. Okay. And State's Exhibit Number 7?

4 A. A little bit closer, showing also
5 the damage to the window.

6 Q. And State's Exhibit Number 8?

7 A. A close up of what we assume to be a
8 gunshot -- projectile holes through the
9 window itself.

10 Q. Now, did y'all make any efforts to
11 locate any shell casings that night?

12 A. Yes, sir, we did.

13 Q. And did you find any?

14 A. No, sir, we did not.

15 Q. What kind of efforts did you make,
16 just a visual inspection or ---

17 A. A visual search, yes, sir.

18 Q. Didn't use a metal detector or
19 anything like that; is that correct?

20 A. That is correct, sir, not that
21 night.

22 Q. And y'all didn't locate any on your
23 initial search; correct?

24 A. We did not, sir. No.

25 Q. Now, did you and Sergeant Manigault

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1 take any measurements out there?

2 A. We did, sir.

3 Q. For what purpose?

4 A. To accurately, to the best of our
5 abilities, show in relationship the -- where
6 items were found, the car, the road in front,
7 County Line Road, the building itself.

8 Q. What do y'all use to do that with?

9 A. It's an instrument called a Total
10 Station.

11 Q. Okay. Is that like a computer
12 program?

13 A. It is, sir.

14 Q. Okay. And were those measurements
15 used to generate a crime scene diagram using
16 the Total Station?

17 A. It does, sir. Yes, sir.

18 SOLICITOR DURANT: Your Honor, at
19 this time we would offer State's 55. I
20 believe without objection.

21 MR. DETREVILLE: May I see that?

22 SOLICITOR DURANT: Sure.

23 THE COURT: Without objection.

24 (SO ENTERED AS STATE'S EXHIBIT 55)

25 DIRECT EXAMINATION CONTINUED

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1 BY SOLICITOR DURANT:

2 Q. And referring to State's Exhibit
3 Number 55, is a crime scene or a blowup of
4 the crime scene diagram which y'all prepared?

5 A. Yes, sir.

6 Q. I just want to ask you a couple of
7 questions, if I could. You might need to
8 step down so you can see this.

9 A. Okay.

10 Q. This is a laser pointer. If you'll
11 just stand where the jury can see. Now,
12 first of all, could you point out where
13 Frazier's Club is?

14 A. This is Frazier's right here.

15 Q. Okay. That's the end of Frazier's?

16 A. Yes, sir.

17 Q. That's kind of the non-business end;
18 is that correct?

19 A. Correct.

20 Q. Where they have the storage. It's
21 not really where the club bar; is that
22 correct?

23 A. Correct.

24 Q. And could you show us where the tree
25 line is?

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1 A. This would be the tree line right
2 here, at the bottom here.

3 Q. Okay. And extending all the way
4 around to the back; is that correct?

5 A. Yes, sir.

6 Q. Okay. And all around (indicating)?

7 A. Yes, sir.

8 Q. Where's the County Line Road?

9 A. This, where it says roadway right
10 here, that is County Line Road.

11 Q. Okay. And obviously to the bottom
12 of this diagram would be toward Charleston;
13 is that correct?

14 A. Yes, sir. This -- when you go down
15 in this direction, you would actually go into
16 Savannah Highway.

17 Q. And what is that y'all have marked
18 as being the ---

19 A. That would be the yellow barrier
20 tape that I described earlier that was used
21 to rope off to the crime scene.

22 Q. Okay. And could you show us where
23 the Ford Fusion that the victim, the car the
24 victim was adjacent to is located?

25 A. Right there.

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1 Q. I notice you have a "Car 2" and a
2 "Car 3".

3 A. Yes, sir.

4 Q. Was it ever determined whether those
5 had anything to do with this case or not?

6 A. They had no relevance to the case,
7 sir.

8 Q. They just happened to get caught in
9 the ---

10 A. Caught in the zone after the barrier
11 tape was put up.

12 Q. Okay. Thank you, sir. You can
13 resume your seat.

14 A. (Complies).

15 Q. What was done with the Ford Fusion?

16 A. Sir, it was towed back to the
17 Charleston County Sheriff's Office evidence
18 compound.

19 Q. And what did you do with the Ford
20 Fusion on Monday, August the 20th?

21 A. After I was -- after I was given a
22 search warrant, I processed the vehicle for
23 any kind of evidentiary items.

24 Q. And did you locate any projectiles
25 while processing the vehicle?

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1 A. I did, sir.

2 Q. And where were those projectiles
3 located?

4 A. One spent projectile from the
5 driver's side floorboard, and a projectile
6 metal -- it was a metal jacket from the
7 driver's seat of the Ford Fusion, sir.

8 Q. Okay. I hand you what's been marked
9 as State's Exhibits Number 47 and 48 for
10 identification. I ask if you recognize those
11 items?

12 A. The metal projectile from the
13 driver's side floorboard, projectile metal
14 jacket driver's side seat, sir.

15 Q. Okay. Those would be the two
16 projectiles you recovered from the victim's
17 car?

18 A. Correct, sir.

19 SOLICITOR DURANT: Do you have any
20 objection to these?

21 MR. DETREVILLE: No objection.

22 SOLICITOR DURANT: Your Honor, we
23 would offer 47 and 48. I believe, without
24 objection.

25 THE COURT: Without objection.

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1 (SO ENTERED AS STATE'S EXHIBIT 47)

2 (SO ENTERED AS STATE'S EXHIBIT 48)

3 DIRECT EXAMINATION CONTINUED

4 BY SOLICITOR DURANT:

5 Q. Did you take any photographs while
6 you were processing the vehicle?

7 A. I did, sir.

8 Q. I hand you what's been marked as
9 State's Exhibits Number 9 through 15, and ask
10 if you recognize those photos?

11 A. I do recognize them, sir.

12 Q. And those are the photos you took
13 from processing the vehicle on August the
14 20th; is that correct?

15 A. Correct, sir.

16 SOLICITOR DURANT: Your Honor, we
17 would offer 9 through 15. I believe, without
18 objection.

19 THE COURT: Without objection.

20 (SO ENTERED AS STATE'S EXHIBIT 9)

21 (SO ENTERED AS STATE'S EXHIBIT 10)

22 (SO ENTERED AS STATE'S EXHIBIT 11)

23 (SO ENTERED AS STATE'S EXHIBIT 12)

24 (SO ENTERED AS STATE'S EXHIBIT 13)

25 (SO ENTERED AS STATE'S EXHIBIT 14)

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1 (SO ENTERED AS STATE'S EXHIBIT 15)

2 DIRECT EXAMINATION CONTINUED

3 BY SOLICITOR DURANT:

4 Q. Okay. This is State's Exhibit
5 Number 9. What does this depict?

6 A. The driver's side floorboard, sir.

7 Q. Okay. Front seat driver's side, is
8 that correct?

9 A. Correct, sir. Yes, sir.

10 Q. And I know it's kind of hard to see,
11 but do you recognize the projectile that you
12 see in this photograph?

13 A. (Reviewing).

14 Q. Maybe we'll go to photograph Number
15 10, the next one. State's Exhibit Number 10

16 A. A piece of copper metal jacket, sir,
17 that was found on the floorboard, between the
18 two shoes.

19 Q. Okay. And that is basically a
20 picture of where you found State's Exhibit
21 47; is that correct?

22 A. Correct, sir.

23 Q. Moving on to State's Exhibit Number
24 11, what does that depict?

25 A. That is the projectile that was

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1 found on the driver's seat, sir.

2 Q. And to Number 12?

3 A. A little bit closer up picture, sir.

4 Q. Okay. And that is the projectile
5 that you have recovered that has been
6 introduced as State's Exhibit Number 48; is
7 that correct?

8 A. Correct, sir.

9 Q. Moving on to State's Exhibit Number
10 13, what does that depict?

11 A. That was a driver's license, sir,
12 that I located inside of the vehicle.

13 Q. And do you recall who that driver's
14 license belonged to?

15 A. A Ms. Caprese Crosby.

16 Q. State's Exhibit 14, what is that?

17 A. Sir, that white rod is what we call
18 a trajectory rod.

19 Q. And why do you have it sticking out
20 of that particular hole.

21 A. As you can see where it's located
22 at, that was a hole that was found when I
23 towed the car back that depicts the
24 trajectory, the path of a round going through
25 that location on the vehicle right there.

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1 Q. That's the only place you really had
2 an entrance and an exit hole to stick it
3 through; right?

4 A. Correct, sir.

5 Q. So it went through the window?

6 A. I could not do anything with the
7 driver's -- the window itself because of the,
8 just the large hole right there. I could
9 not, of course, place trajectory rods.

10 Q. And, of course, most of these
11 projectiles ended up in the victim; right?

12 A. Correct, sir.

13 Q. And State's Exhibit Number 15?

14 A. That's the other end of the
15 trajectory rod as it goes through the vehicle
16 sir, entrance and exit.

17 Q. Okay. So it's obviously coming from
18 the driver's side of the car; correct?

19 A. Correct.

20 Q. Correct?

21 A. Correct.

22 Q. Okay. Let's move on. A little bit
23 later that same day, we're still into August
24 20th, okay?

25 A. Yes, sir.

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1 Q. Did y'all conduct a second search at
2 Frazier's?

3 A. We did, sir.

4 Q. Why?

5 A. There was word through autopsy, sir,
6 that the victim had possibly been shot with a
7 weapon that fired a .40 caliber Smith and
8 Wesson projectile.

9 Yet that night, as stated before, no
10 shell casings had been found during the
11 initial search of that night.

12 Q. So what did y'all do?

13 A. We returned to the actual location
14 to try and see if we could locate any kind of
15 shell casings, a secondary search.

16 Q. Okay. And was a shell casing
17 located?

18 A. It was, sir.

19 Q. And what caliber shell casing was
20 located?

21 A. It was a .40 caliber Smith and
22 Wesson shell casing, sir.

23 Q. Were y'all operating under the
24 assumption the night of the shooting, that
25 a revolver had been used?

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1 A. We had, sir, because of the absence
2 of shell casings. We assumed possibly it
3 might have been a revolver that had been
4 used.

5 Q. Okay. And revolvers, of course,
6 don't eject their rounds?

7 A. They do not, sir, upon firing.

8 Q. What did you do once the shell
9 casing was located?

10 A. I put a placard beside it, which is
11 just a -- shows me and in photograph where
12 the item was located. It was photographed in
13 place and then collected.

14 Q. Okay. I hand you what has been
15 marked as State's Exhibit Number 45 and ask
16 if you recognize this item; sir?

17 A. Yes, sir.

18 Q. And what is it?

19 A. It appears to be, sir, the shell
20 casing that I found during the secondary
21 search at Frazier's.

22 Q. Okay. And once you took that into
23 custody, what did you do with it?

24 A. It was placed in my vehicle, of
25 course, and I transported it back to the

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1 Charleston County Sheriff's Office Forensic
2 Unit.

3 Q. Okay. Who did you turn it over to
4 when you got to the, back to the Charleston
5 County Sheriff's Office Forensic Unit?

6 A. Mr. Brian Sommerfeldt, sir.

7 Q. And who is Brian Sommerfeldt?

8 A. He is our IBIS -- IBIS stands for
9 Integrated Ballistic Identification System.

10 Q. Okay. Does that cartridge appear to
11 be in substantially the same condition now as
12 when you recovered it, sir?

13 A. It does, sir.

14 Q. Did you alter or tamper with it in
15 any manner while it was in your possession?

16 A. No, sir.

17 Q. I hand you what's been marked as
18 State's Exhibit's 16 through 20, and ask if
19 you recognize those items, sir?

20 A. I do recognize them, sir.

21 Q. What are they?

22 A. Sir, these are photos of Frazier's
23 Club, the parking lot, where the victim's car
24 and victim had been.

25 Q. These were taken on the 20th when

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1 y'all were looking for the shell casing;
2 correct?

3 A. Yes, sir, they were.

4 SOLICITOR DURANT: Your Honor, we
5 would offer 16 through 20. I believe,
6 without objection.

7 MR. DETREVILLE: No objection, Your
8 Honor.

9 THE COURT: Without objection.

10 (SO ENTERED AS STATE'S EXHIBIT 16)

11 (SO ENTERED AS STATE'S EXHIBIT 17)

12 (SO ENTERED AS STATE'S EXHIBIT 18)

13 (SO ENTERED AS STATE'S EXHIBIT 19)

14 (SO ENTERED AS STATE'S EXHIBIT 20)

15 DIRECT EXAMINATION CONTINUED

16 BY SOLICITOR DURANT:

17 Q. Let's show State's Exhibit 16 first.
18 And what does that depict, sir?

19 A. Sir, that's looking from Frazier's
20 toward the tree line where the victim's
21 vehicle had been parked.

22 Q. Okay. And State's Exhibit 17?

23 A. Just from another angle, sir. But
24 you can see to the far right of the picture
25 -- if you look to the far right, you can see

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1 a placard number one (#1). That was the
2 placard that I mentioned earlier.

3 Q. Okay. So that's the first picture
4 or State's Exhibit -- the first picture we
5 showed State's Exhibit 16, was looking toward
6 the car. And that's just taken a little bit
7 to the right?

8 A. A little bit with a different angle,
9 yes, sir.

10 Q. Okay. State's Exhibit 18?

11 A. Just another angle, sir. And
12 getting a little bit more of placard number
13 one into the relationship of where the shell
14 casing was.

15 Q. Okay. State's Exhibit 19?

16 A. Another different shot, but with a
17 relation of the shell casing to Frazier's
18 Club itself.

19 Q. Okay. And State's Exhibit 20?

20 A. A close-up photograph of the shell
21 casing that was found, sir.

22 Q. Okay. And that is the same shell
23 casing you previously identified in State's
24 Exhibit Number 45; is that correct?

25 A. That is correct, sir.

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1 MR. DETREVILLE: Your Honor, may I
2 approach the bench?

3 THE COURT: Certainly.

4 (OFF RECORD BENCH CONFERENCE)

5 DIRECT EXAMINATION CONTINUED

6 BY SOLICITOR DURANT:

7 Q. When the shell casing was found, was
8 that also put on the crime scene diagram,
9 sir?

10 A. Yes, sir.

11 Q. Okay.

12 A. Let me take a look at that, please?

13 Q. And if you would, show the jury
14 where the shell casing was located?

15 A. Number one, sir.

16 Q. So that shows the relationship of
17 the shell casing to car one, which was the
18 victim's car; is that correct?

19 A. That is correct.

20 Q. Let's move on to the next day,
21 August the 21st of 2012. What were you tasked
22 to do at Charleston Police Department that
23 day?

24 A. I was to go and retrieve a weapon
25 that was retrieved by the Charleston Police

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1 Department.

2 Q. And did you do so?

3 A. I did, sir.

4 Q. And what was the make and model of
5 the pistol that you recovered?

6 A. The make was -- the manufacturer was
7 a Glock, Model 23.

8 Q. And what is the caliber of that
9 weapon?

10 A. It was a .40 Smith & Wesson (sic),
11 sir.

12 Q. Okay. And I hand you what's already
13 been offered into evidence as State's Number
14 46, I believe. Yes, sir, 46. Is that the
15 weapon you retrieved from the Charleston
16 Police Department?

17 A. It's a Glock, Model 23, and .40
18 caliber Smith & Wesson, yes, sir.

19 Q. Okay. Now, moving on to the next
20 day -- excuse me. Later on that same day, I
21 believe it was, did you have an occasion to
22 respond -- and this is August the 21st still,
23 did you have an occasion to respond to [REDACTED]

24 [REDACTED], North Charleston?

25 A. Yes, sir, I did.

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1 Q. For what purpose?

2 A. To retrieve a vehicle that
3 Charleston County Police -- excuse me, City
4 Police Department, that retrieved the -- that
5 was holding the Glock, to -- it was released
6 later and we went to Kirshstein Drive to
7 retrieve the vehicle for evidentiary
8 purposes.

9 Q. The Glock had been found in a
10 vehicle?

11 A. Yes, sir. Thank you.

12 Q. The vehicle had been impounded by
13 whom?

14 A. (No verbal response)

15 Q. Who recovered the vehicle initially,
16 if you know?

17 A. (No verbal response).

18 Q. If you know?

19 A. The city police department, I
20 believe, sir. Yeah.

21 Q. And then what did they do with the
22 vehicle?

23 A. Let me consult my notes, please?

24 Q. You didn't recover the vehicle from
25 the ---

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1 A. No, sir, I did not recover the
2 vehicle from the scene.

3 Q. Where did you recover the vehicle?

4 A. Kirshstein Street, sir.

5 Q. Okay. So they returned the vehicle
6 back to the owner?

7 A. Yes, sir, they did.

8 Q. Okay. That's what I'm trying to get
9 at.

10 A. Sorry about that.

11 Q. So you went to Kirshstein Street to
12 pick up the white Buick?

13 A. I did, sir.

14 Q. Okay. And for what purpose did you
15 do that?

16 A. To process the vehicle to see if I
17 could get any kind of evidentiary value items
18 out of that vehicle itself.

19 Q. Okay. And what was the make and
20 model of the car, if you recall?

21 A. It was a white, in color, 2000 Buick
22 Century.

23 Q. And do you know the tag number?

24 A. It was South Carolina HUM 368.

25 Q. And who is the registered owner of

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1 that vehicle?

2 A. A Mr. Christopher A. Caddell.

3 Q. Now, were you able -- did you make
4 any effort to recover some fingerprints from
5 that car?

6 A. I did, sir.

7 Q. From some items in the car, I should
8 say. Were you able to recover any finger-
9 prints from any items in the car?

10 A. I did, sir.

11 Q. And from what items?

12 A. From a pair of socks, not the socks
13 themselves but from the cardboard tag that
14 held the socks, maybe on a display rack. And
15 also a piece of paper that surrounded the
16 sock themselves.

17 Q. Okay. And what method did you use
18 to lift those prints? Your regular dust with
19 power or ---

20 A. I dusted with powder, but first they
21 were subjected to superglue fumes to enhance
22 the print themselves, and then dusted with
23 black latent powder.

24 Q. Okay. And you said you were able to
25 recover some prints from those two items?

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1 A. Yes, sir.

2 Q. Were they sent to the identification
3 section ---

4 A. Yes, sir.

5 Q. --- of the Charleston Police
6 Department?

7 A. The Charleston City Police
8 Department, yes, sir.

9 Q. And what were the results of the
10 examination?

11 A. They came back to a -- they came
12 back to a Mr. Juwan J. Smalls.

13 Q. Okay. But you didn't find any
14 fingerprints from Reginald Gordon?

15 A. No, sir.

16 Q. I hand you what's been marked as
17 State's Exhibits Number 23, 24 and 26, and
18 ask if you recognize those items?

19 A. Yes, sir, I do recognize them.

20 Q. And what are those photographs of?

21 A. That is a photograph, sir, of the
22 white Buick.

23 Q. That you processed on the -- what
24 was it on the 21st or the 22nd?

25 A. The 21st, sir. No. Excuse me. The

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1 22nd, sir.

2 Q. Okay.

3 SOLICITOR DURANT: And, Your Honor,
4 we would offer 23, 24, 26. I believe without
5 objection.

6 MR. DETREVILLE: I'm sorry. A
7 picture ---

8 SOLICITOR DURANT: We'd offer 21, 23,
9 -- excuse me -- 23, 24, and 26. I believe,
10 without objection.

11 MR. DETREVILLE: That's correct.

12 SOLICITOR DURANT: Okay.

13 THE COURT: Without objection.

14 (SO ENTERED AS STATE'S EXHIBIT 23)

15 (SO ENTERED AS STATE'S EXHIBIT 24)

16 (SO ENTERED AS STATE'S EXHIBIT 26)

17 DIRECT EXAMINATION CONTINUED

18 BY SOLICITOR DURANT:

19 Q. And I show you what's previously
20 been introduced as Exhibits 21, 22, and 25.
21 Those are in evidence. Do you recognize
22 those photographs, sir?

23 A. That is the 2000 Buick, yes, sir.

24 Q. Okay. And those were all taken on
25 the same day; is that correct?

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1 A. Yes, sir.

2 Q. Okay. Let's take a look at State's
3 Exhibit Number 21. What does that depict?

4 A. That is the 2000 Buick Century, sir.

5 Q. And that is after it's been towed
6 back to y'all's crime scene unit?

7 A. Yes, sir. That's actually one of my
8 -- it's parked inside of one of our
9 processing bays.

10 Q. Okay. And this is after the car had
11 already been returned to the owner; is that
12 correct?

13 A. Correct, sir.

14 Q. State's Exhibit 22?

15 A. A different angle, sir, of the
16 vehicle as I took pictures.

17 Q. And what was the condition of that
18 -- what was the condition of the windshield?

19 A. The windshield was shattered, sir.

20 Q. Which I believe is more clearly
21 shown in State's Exhibit 23?

22 A. A closer shot of the damage to the
23 windshield, sir.

24 Q. Okay. Moving on to State's Exhibit
25 Number 24?

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1 A. That is a picture of the driver's
2 side rear floorboard seat area.

3 Q. And what is this item right here?

4 A. That blue tag is the -- that blue
5 piece of paper is the tag that I previously
6 mentioned before of the socks.

7 Q. That you were able to recover Juwan
8 Smalls' fingerprints from?

9 A. Yes, sir?

10 Q. And State's Exhibit 25?

11 A. That passenger side front seat, on
12 the seat itself that is the cardboard ---

13 Q. This right here?

14 A. Yes, sir. The cardboard ---

15 Q. From around the socks?

16 A. Yes, sir.

17 Q. What is that?

18 A. The cardboard tag you saw from the
19 socks I mentioned before, sir.

20 Q. Okay. And do you know what this
21 item is right here?

22 A. A plastic bag, if I -- yeah. A
23 plastic bag, sir.

24 Q. A white plastic bag?

25 A. Yes, sir.

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1 Q. That was still in the car when you
2 obtained it from Kirshstein; is that correct?

3 A. Correct, sir.

4 Q. And this was on August the 22nd that
5 these photos were taken; correct?

6 A. Yes, sir.

7 Q. And lastly, State's 26?

8 A. A photograph, sir, of the registered
9 owner of the vehicle.

10 Q. And that would be who again?

11 A. Mr. Christopher Allen Caddell.

12 Q. And his address is [REDACTED]

[REDACTED]?

14 A. Correct, sir.

15 Q. Thank you.

16 A. Yes, sir.

17 Q. Going back to State's 46, that Glock
18 pistol, did you make any efforts to locate
19 any prints on that?

20 A. Yes, sir, I did.

21 Q. And did you have any luck?

22 A. A partial, sir was, I believe,
23 located on the barrel itself of the pistol.

24 Q. Okay. And that's the barrel as
25 opposed to the actual trigger or the ---

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1 A. Correct, sir. The barrel itself,
2 right here.

3 Q. Okay. Was that print sent for
4 identification?

5 A. Correct, sir.

6 Q. And what were the results?

7 A. Insufficient for identification.

8 Q. In other words, it wasn't a good
9 enough print to be able to identify it?

10 A. Correct, sir.

11 Q. Did the Glock have the magazine with
12 it when you recovered it?

13 A. Yes, sir.

14 Q. And what kind of magazine?

15 A. This is a Glock magazine, itself.
16 But this is what we would call an extended
17 magazine.

18 Q. How many rounds would a magazine
19 like that hold?

20 A. Thirty, sir.

21 Q. And were there any, were there any
22 rounds in it when you recovered it or with
23 the gun when you recovered it?

24 A. I believe it was five rounds, sir.

25 Q. And all the same kind?

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1 A. Yes, sir. .40 caliber, yes, sir.

2 Q. Okay. I believe one was a hollow
3 point, correct? And four of were jacketed?

4 A. Correct, sir.

5 Q. And who was the manufacturer of the
6 ammo?

7 A. Winchester, sir.

8 Q. And that was the same caliber as the
9 shell casing you located at Frazier's;
10 correct?

11 A. Caliber, yes, sir. .40 Smith and
12 Wesson.

13 Q. Did you make any effort to obtain
14 DNA from the weapon?

15 A. Yes, sir. It was swabbed for DNA.

16 Q. And tell us about that? How do you
17 go about that?

18 A. A swab that is pretty much just like
19 a Q-Tip. Water's put on it. The area is
20 swabbed for DNA, and then it's submitted to a
21 lab for analysis.

22 Q. Okay. And did you do that with this
23 gun?

24 A. I did, sir.

25 Q. And with what areas of the gun?

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1 A. One was taken -- a swab was taken
2 from the Winchester hollow point, one of the
3 Winchester hollow point rounds of the five
4 rounds. One from the trigger, one from the
5 magazine, and then one from the area of the
6 slide.

7 Q. And one from the grip as well; is
8 that correct?

9 A. Correct.

10 Q. There were five altogether?

11 A. Yes, sir.

12 Q. What were done with those swabs?

13 A. They were sent to South Carolina
14 Enforcement Division for comparisons.

15 Q. And what were the results of the DNA
16 analysis?

17 A. Negative, sir.

18 Q. They were unable to identify a DNA
19 profile on any of those swabs; correct?

20 A. Correct, sir.

21 Q. Is that unusual for touch DNA, sir?

22 A. Not at all, sir.

23 Q. So real-life is not like C.S.I.?

24 A. I wish it was, sir.

25 SOLICITOR DURANT: Court's

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1 indulgence.

2 THE COURT: Yes, sir.

3 SOLICITOR DURANT: Could you
4 please answer any questions Defense counsel
5 may have for you?

6 WITNESS: Yes, sir.

7 CROSS EXAMINATION

8 BY MR. DETREVILLE:

9 Q. Good morning, sir?

10 A. Good morning, sir.

11 Q. I'd like to refer to you by your
12 proper title. Are you Detective Milz? Is it
13 ---

14 A. I am Detective.

15 Q. Detective Milz. Thank you, sir.
16 Detective Milz, are you are you -- excuse me.

17 A. Yes, sir.

18 Q. I'm interested, and I believe the
19 jury is probably interested as well in sort
20 of the nuts and bolts of how a crime scene is
21 processed. Initially, at the time of the
22 crime or shortly after the crime is actually
23 committed.

24 A. Yes, sir.

25 Q. Now, you stated that you got to the

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1 scene at approximately 5:03 in the morning;
2 is that correct?

3 A. Time arrived, 05:03, yes, sir.

4 Q. Okay. And the area had already been
5 cordoned off, so to speak? There was a
6 perimeter with yellow tape?

7 A. Yes, sir.

8 Q. By the time you arrived?

9 A. Correct, sir.

10 Q. So your first step when you begin
11 process a scene would be what?

12 A. My very first step after arrival is
13 I'm going to talk to the first responders,
14 first on scene. I'm going to question them:

15 'What do I have here?

16 What am I looking at?'

17 Just get a brief lay of the land. Okay,
18 after that, I'm going to start taking
19 photographs or video. In this case, it was
20 photographs.

21 Q. Okay. When does the search for
22 physical evidence begin in your process of
23 processing the scene?

24 A. Predominately, usually right after
25 photographs.

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1 Q. Okay. And is that what took place
2 on the evening -- I say evening -- morning in
3 question at that point?

4 A. Yes, sir, it did.

5 Q. Okay. Describe for me, is there a
6 particular methodology to how you search the
7 particular crime scene for physical evidence.
8 Is there a particular place where you prefer
9 to start? How does that work?

10 A. In particular, I started going
11 through the building. What I'm going to do
12 is, I'm going to do a three hundred and sixty
13 degree approach. From my determination, it
14 looked like where most of the action, I could
15 say, occurred was at that vehicle. I'm doing
16 a three hundred and sixty degree approach
17 taking photos, and I'm slowly coming into the
18 item. This item in particular was the car.
19 Just coming in closer, closer, taking
20 photographs until I'm actually up to the car
21 and the victim itself.

22 Q. Okay. So you don't start at what we
23 would kind of refer to as ground zero, so to
24 speak, and work your way out. You actually
25 work your way out and come full circle to

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1 ground zero ultimately? That's your
2 methodology?

3 A. Correct, sir.

4 Q. Okay. There was a -- are you
5 familiar with the area in question, the
6 geography of the area, so to speak? Are you
7 familiar with Cross County Road, Frazier's,
8 et cetera?

9 A. Yes, sir.

10 MR. DETREVILLE: May I approach the
11 witness, Your Honor?

12 THE COURT: Yes, sir.

13 COURT REPORTER: Defendant's Exhibit
14 Number 2 for identification.

15 (SO MARKED AS DEFENDANT'S EXHIBIT 2)

16 CROSS EXAMINATION CONTINUED

17 BY MR. DETREVILLE:

18 Q. Now, Detective Mills, I'm showing
19 you a document, really a map. Do you
20 recognize the geographical area where this
21 map comes from?

22 A. County Line Road, MoBerry Road, yes,
23 sir.

24 Q. Okay. Does it appear to be an
25 accurate representation of that particular

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1 geographic area?

2 A. Yes, sir. Are you determining, sir,
3 where the location on this photograph of
4 where Frazier's is in this photograph?

5 Q. I'm just asking you if it appears to
6 be a truthful representation of the
7 particular geographic area in question?

8 A. Yes, sir.

9 Q. Okay. Thank you.

10 MR. DETREVILLE: I'd offer this
11 into evidence as Defendant's Exhibit 2.

12 SOLICITOR DURANT: Without
13 objection, Your Honor.

14 THE COURT: Without objection.

15 (SO ENTERED AS DEFENDANT'S EXHIBIT 2)

16 MR. DETREVILLE: Publish to the
17 jury, Your Honor?

18 (DEFENDANT'S EXHIBIT 2 PUBLISHED TO JURY)

19 CROSS-EXAMINATION CONTINUED

20 BY MR. DETREVILLE:

21 Q. Now, Detective Milz, you've
22 identified this as being the area in
23 question. Can you identify on this map
24 Frazier's Club?

25 A. I believe where it says County Line

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1 Road, I believe that would be Frazier's Club
2 underneath where it says RB.

3 Q. Yes, sir.

4 A. I believe that would be Frazier's,
5 sir.

6 Q. Okay. That's Frazier's in question.
7 And can you identify the next intersection as
8 you drive past -- let's say you're driving
9 past Frazier's on your left. The next
10 intersection that's -- would that be
11 accurately described as Moberry Road?

12 A. Yes, sir.

13 Q. Okay. And can you describe some of
14 the physical characteristics of the geography
15 in question, particularly the lot to the
16 right on this map, to the right of Frazier's
17 Club?

18 A. This large area right here?

19 Q. No, sir. I'm sorry. To our right,
20 the wooded lot. Is that a wooded lot to our
21 right of Frazier's Club?

22 A. Yes, sir.

23 Q. And the area that you circled, do
24 you know what that is?

25 A. No, sir.

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1 Q. Okay. You identified for the State
2 a series of photographs, one of which showed
3 the shattered driver's side window of the
4 vehicle that you identified as a Ford Fusion;
5 is that correct?

6 A. Yes, sir.

7 Q. Okay. And you also testified that
8 you were unable -- you describe the
9 trajectory rod and all that sort of stuff,
10 but that you were unable to do that with the
11 window because there was a shattered window?

12 A. Correct, sir.

13 Q. Okay. Were you able to determine
14 from the, from your analysis, the driver's
15 side of the car, in total, how many shots hit
16 that car?

17 A. No, sir.

18 Q. Okay. The photograph in question
19 that you identified that showed the sort of
20 shattered driver's side window, did it appear
21 that several of the shots had sort of gone
22 into the same spot in the window?

23 A. (Affirmative nod).

24 Q. It appeared that there was sort of a
25 large hole in the window. Did it appear that

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1 multiple shots may have hit the window in the
2 same general vicinity?

3 A. That is a possibility.

4 Q. That's a possibility, okay. From
5 your analysis of the way that the shots hit
6 the car, did it appear that somebody was
7 randomly shooting or started shooting in one
8 direction, and then started shooting in
9 another direction, anything of that nature?

10 A. That would be an assumption, sir.
11 But from the general location, it looked like
12 someone -- this is just an assumption -- that
13 someone is aiming at that general area.

14 Q. Okay.

15 A. It's not like I found projectile
16 holes in that window and then all the way
17 back into the trunk area.

18 Q. I think that's what I was going for.

19 A. Yes, sir.

20 Q. There's not holes in the back of the
21 car or anything like that. As nearly as you
22 can tell, all the holes were in that driver's
23 side door and the window?

24 A. Correct, sir.

25 Q. Okay. Now, when' you're looking,

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1 when you're doing your search for physical
2 evidence at the scene, what kind of stuff
3 usually are you looking for?

4 A. Anything, sir. I'm looking for
5 anything that I think might help me, and help
6 the actual detectives for this investigation,
7 be it a weapon, discarded trash, anything
8 sir.

9 Q. Okay.

10 A. We'll look at it. We'll determine
11 whether it has evidentiary value or not.

12 Q. Okay. And when you initially
13 processed the scene and did your search, your
14 evidence search, did you have any assistants
15 with you when you were doing that or were you
16 doing that by yourself?

17 A. No, sir. My supervisor was with me,
18 Sergeant Paul Meeh. We were processing the
19 machine pretty much hand in hand.

20 Q. Okay. Very good. Now, I believe
21 you testified that when you were processing
22 the scene on the morning of August 18t, I
23 believe it was -- and that would be your
24 initial processing of the scene

25 A. Correct.

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1 Q. What physical evidence did you
2 locate at that time?

3 A. The car itself, sir.

4 Q. So your focus was on the car?

5 A. Yes, sir.

6 Q. And I believe you testified you
7 didn't find any shell casings during your
8 initial processing of the scene; correct?

9 A. That is correct.

10 Q. Okay. You've identified what you
11 believe to be the murder weapon, the Glock
12 that's been entered into evidence already.
13 You testified that that is the sort of gun
14 that drops the shell casings; correct?

15 A. Yes, sir.

16 Q. All right. And you assumed at the
17 time that you were processing the scene that
18 the crime had been committed with a revolver
19 because they don't discharge shell casings?

20 A. That is correct, sir.

21 Q. Is it possible that the shooter
22 could have picked up the shell casings? I
23 mean, is that -- what other explanation is
24 there for there not being any -- if somebody
25 fired five, six, seven shots, and you didn't

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1 find any shell casings at the scene, is there
2 any other explanation for those shell casings
3 not being there, but that somebody picked
4 them up?

5 A. Is that one of the possibilities?
6 That is a possibility. I can venture another
7 guess, but is that a possibility that it was
8 picked up? Yes.

9 Q. Okay. Thank you. And you
10 testified, I believe, at this particular
11 point you weren't using a metal detector to
12 try to find shell casings or anything of that
13 nature. This is a visual search?

14 A. It was a visual search, sir.

15 Q. Okay. You stated that you found a
16 copper metal jacket, I believe, inside the
17 car; is that correct?

18 A. Yes, sir.

19 Q. That was introduced into evidence.
20 Are you able to positively identify that as
21 being associated with the Glock .40 in
22 question?

23 A. No, sir.

24 Q. And the other item of contraband, so
25 to speak, that was introduced into evidence,

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1 were you able to identify that as being
2 connected to a .40 Glock?

3 A. No, sir.

4 Q. Okay. Are you, as a crime scene
5 analyst, is that a fair ---

6 A. Investigator.

7 Q. Investigator. Are you familiar with
8 different types of guns and how they behave,
9 so to speak?

10 A. Yes, sir.

11 Q. Okay. Isn't it true that when a .40
12 Glock is fired, similar to the weapon in
13 question ---

14 A. Yes, sir.

15 Q. --- that the shell casings that
16 eject from that, eject to the right. They
17 come out to the right?

18 A. Yes, sir.

19 Q. I'm going to refer you again to
20 what's been entered as a State's Exhibit.
21 And I'll hold this up or you can come down if
22 you'd like to.

23 A. (Witness steps off witness stand).

24 Q. You identified this as being the
25 Ford Fusion when the victim was found; is

3 Q. Okay. And you identified this as
4 being where the ---

5 THE COURT: Move so the jury can
6 see you, please.

7 MR. DETREVILLE: I'm sorry. I'm
8 sorry. Can everybody see now?

10 MR. DETREVILLE: Okay.

12 BY MR. DETREVILLE:

13 Q. You identified this as being the car
14 where the victim was found, the Ford Fusion?

16 Q. You identified (placard) number one
17 as being where the shell casing was found; is
18 that correct?

20 Q. So if you're firing a Glock .40 and
21 the shell casings eject to the right of the
22 weapon, is the location of this shell casing
23 consistent with somebody standing in this
24 particular area, firing at this car?

25 A. Is that a possibility? Yes, sir.

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1 Q. You're saying it's a possibility
2 that that could have ---

3 A. It is a possibility.

4 Q. Okay. But you can't say for sure
5 that that's an area where a shell casing
6 would normally be found under those
7 circumstances?

8 A. I cannot say that.

9 Q. Okay. Thank you, sir.

10 A. (Resumes witness stand).

11 Q. You previously testified under
12 direct questioning from the Solicitor, that
13 you returned to the scene, I believe, two
14 days later to do another search of the area;
15 is that correct?

16 A. Let me consult my notes, please,
17 sir, just to make sure that I give you the
18 proper answer.

19 Q. By all means.

20 A. Yes, sir, -- (upon review), the 20th.

21 Q. On the 20th?

22 A. Yes, sir.

23 Q. Thank you, sir. And who was present
24 at the time that you did that second search?
25 Who went with you?

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1 A. Detective Wilson, Detective Lawrence
2 and my Sergeant, Sergeant Meeh.

3 Q. Okay. So there was a total of four
4 of you present searching at the time?

5 A. Correct, sir.

6 Q. Now, I may have misunderstood
7 earlier, so I want to clarify. Did you
8 testify that you were the one who found the
9 shell casing at the scene on the 20th?

10 A. I did not find the shell casing;
11 no, sir.

12 Q. Okay. Can you tell me who did find
13 the shell casing on August the 20th?

14 A. Detective Lawrence did, sir.

15 Q. Okay. Now, can you describe what
16 the process was on August the 20th, how y'all
17 went about searching the crime scene for
18 additional physical evidence?

19 A. We started with a, what we would
20 call, a line search. A line search is pretty
21 much that we're going to line-up, pretty much
22 arms outstretched or closer, and we're just
23 going to do a very slow, visual, walk. We're
24 walking together trying to see whether we can
25 find any more evidentiary -- any kind of

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1 evidence, okay? The first search was
2 fruitless. Then I ---

3 Q. I'm sorry. When you say "the first
4 search," you mean on the evening of the
5 incident?

6 A. Yes, sir. Now, I'm going back.

7 Q. August 18th is when you're saying
8 "first search," correct? I just want to
9 clarify.

10 A. Exactly. We did not find any shell
11 casings.

12 Q. Yes, sir.

13 A. That's when we started making the
14 assumption that it was a revolver.

15 Q. Yes, sir.

16 A. On the 20th, we did another line
17 search. The first line search that we did,
18 no evidence. Then I retrieved a metal
19 detector. The other three gentlemen started
20 a line search again by themselves. And at
21 that time, Detective Lawrence located a shell
22 casing.

23 Q. Okay. And, again, he found that
24 shell casing on what's identified on this
25 particular map that you made, and that's

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1 (placard) number one?

2 A. Correct, sir.

3 Q. Okay. In between August 18th, -- and
4 I believe this is consistent with your prior
5 testimony. In between August the 18th and
6 August the 20th, so in between your first
7 search and your second search, I believe you
8 testified previously that you got some word
9 that it might have been a .40 Glock that was
10 used in the, that was used in the shooting?

11 A. Correct, sir.

12 Q. Is that correct, okay. So prior to
13 August the 20th, you were apprised of what was
14 believed to be the murder weapon?

15 A. Yes, sir.

16 Q. Okay. Now, Detective Milz, you
17 testified regarding the retrieval of the
18 white Buick Century from its lawful owner,
19 essentially, at his residence; is that
20 correct?

21 A. Yes, sir.

22 Q. Okay. And you were in charge of
23 that retrieval?

24 A. (No verbal response).

25 Q. That was something that you did

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1 yourself?

2 A. No, sir.

3 Q. Okay.

4 A. I believe there were several other
5 people with me when we went to retrieve the
6 Buick from Kirshstein Street.

7 Q. Okay. But you were present?

8 A. Yes, sir, I was present.

9 Q. You were involved in that?

10 A. Yes, sir, I was involved. I
11 escorted it back to the evidence compound,
12 yes, sir.

13 Q. Okay. And y'all towed it, would
14 that be correct?

15 A. That is correct.

16 Q. And it had previously been impounded
17 by Charleston, the City of Charleston Police
18 Department and released back to the owner?

19 A. Yes.

20 Q. Let me rephrase the question, sir.
21 The vehicle was at the owner's residence when
22 you retrieved it?

23 A. Correct, sir.

24 Q. So, obviously, it had been released
25 to the owner?

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1 A. Yes, it had been released.

2 Q. Okay. And ---

3 A. The tow company information, I don't
4 know about that, sir.

5 Q. Certainly. And this was three days
6 after the shooting at Frazier's Club? This
7 was on August 21st; is that correct?

8 A. The incident occurred on the 18th and
9 I retrieved the Buick on the 20th.

10 Q. The 20th?

11 A. Let me just check, make sure I'm not
12 giving you an improper answer. (Review) --
13 Yes, sir. 21st.

14 Q. The 21st?

15 A. Uh-huh. The 21st.

16 Q. So the 20th was the day you returned
17 to the scene?

18 A. Yes, sir.

19 Q. And then the next day you went and
20 retrieved the vehicle, okay. So do you know
21 how long that car had been back in Mr.
22 Caddell's possession before you retrieved it?

23 A. I do not.

24 Q. Okay. But is it safe to say that
25 that car was not in police custody for some

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1 period of time?

2 A. (No verbal response).

3 Q. It was in Mr. Caddell's custody?

4 A. Okay.

5 Q. Okay. Do you feel like that -- is
6 that a normal way that you like to go about
7 handling evidence in a case? I mean, is
8 there such a thing of sort of pollution of
9 evidence or something along those lines
10 wherein law enforcement doesn't have custody
11 of something for some period of time, so you
12 can't speak to what happens to that thing
13 during that time; would that be fair?

14 A. Sure. If I could control that, but
15 this is the hand that I was dealt.

16 Q. Sure.

17 A. It was released back to him, so I
18 had to go that way.

19 Q. Sure. Okay. So, in summarizing
20 some of your testimony, you didn't find any
21 fingerprints belonging to Reginald Gordon on
22 that vehicle?

23 A. No, sir.

24 Q. Okay. And you didn't find any
25 fingerprints belonging to Reginald Gordon

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1 on the alleged murder weapon?

2 A. Correct.

3 Q. You didn't find any DNA belonging to
4 Mr. Gordon in the car or on the weapon?

5 A. Correct.

6 MR. DETREVILLE: May I approach the
7 evidence table, Your Honor?

8 THE COURT: Yes.

9 CROSS EXAMINATION CONTINUED

10 BY MR. DETREVILLE:

11 Q. Now, Detective Milz, this was the
12 condition of the vehicle after you retrieved
13 it from Mr. Caddell; is that correct?

14 A. Correct, sir.

15 Q. Okay. And this is located, this car
16 at this particular time is located in some
17 sort of garage that y'all may have at the
18 sheriff's department; is that correct?

19 A. That is correct, sir.

20 Q. Okay. This isn't at a scene?

21 A. No, sir, that is actually in one of
22 our garages/bays that we have to process
23 evidence at; yes, sir.

24 Q. Not at the Kangaroo Station?

25 A. No, sir.

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1 Q I want to reiterate.

2 A. Correct, sir.

3 COURT REPORTER: May I have the
4 exhibit number, counselor?

5 MR. DETREVILLE: I'm sorry?

6 COURT REPORTER: Exhibit Number?

7 MR. DETREVILLE: I'm sorry.

8 CROSS-EXAMINATION CONTINUED

9 BY MR. DETREVILLE:

10 Q. Detective Milz, I'm showing you
11 State's Exhibit 25 for the record.

12 A. Yes, sir.

13 Q. Now, when asked by the Solicitor's
14 office about certain of the items that were
15 found in this vehicle, he asked you to
16 identify, and if you'll circle on the screen
17 for me what appears to be a white bag of some
18 sort on the passenger's side floorboard?

19 A. (Complies).

20 Q. That item right there. Your
21 response to questioning on that was that it
22 was just that, a white plastic bag of some
23 sort?

24 A. Yes, sir, I believe so.

25 Q. Okay. Do you have any idea if that

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1 bag was in this car on August the 18th?

2 A. No, sir.

3 Q. Okay. Do you have any idea who that
4 bag belongs to?

5 A. No, sir.

6 Q. Do you have any idea what -- who any
7 of this stuff in this car belongs to? It
8 looks like a McDonald's cup. It looks like a
9 yellow thing. Maybe it's kind of like a
10 Bojangles wrapper or something. I can't
11 tell. But do you know who any of this stuff
12 belongs to?

13 A. No, sir.

14 Q. Okay. And the reason why you don't
15 know that is because this vehicle was not in
16 police custody for some period of time?

17 A. Correct, sir.

18 Q. So all of these items found in this
19 car could belong to the registered owner,
20 Christopher Caddell; is that correct?

21 A. It's a possibility; yes, sir.

22 Q. Okay.

23 MR. DETREVILLE: If I might have a
24 moment, Your Honor. No other questions for
25 this witness, Your Honor.

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1 THE COURT: Redirect?

2 SOLICITOR DURANT: Just a couple,
3 Your Honor.

4 REDIRECT EXAMINATION

5 BY SOLICITOR DURANT:

6 Q. You got there basically an hour
7 after the shooting; correct?

8 A. Yes, sir.

9 Q. And there was some period of time
10 before the police even got there after being
11 notified of this thing; is that correct?

12 A. Yes, sir.

13 Q. I know you probably don't know
14 whether or not ---

15 A. No, sir.

16 Q. --- somebody tampered with the crime
17 scene; correct?

18 A. Yes, sir.

19 Q. You had more bullets that you had
20 shell -- I mean, bullet holes than you had
21 shell casings; correct?

22 A. Correct, sir.

23 Q. And what are the possibilities?

24 A. Sir?

25 Q. What are the possibilities?

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1 A. Good, sir.

2 Q. What are the possibilities of what
3 happened to the shell casings?

4 A. That they were probably tampered
5 with or moved, sir.

6 Q. Okay. Or somebody could have had a
7 bag over their hand, or there are reasons why
8 it did happen?

9 A. That's a possibility; yes, sir.

10 Q. And you were asked questions about
11 whether you were able to match the projectile
12 to the gun. Just to be clear, you made no
13 effort to match any of the projectiles in the
14 car that you found to State's Exhibit 46, the
15 Glock; is that correct?

16 A. No, sir.

17 Q. Because that was done at SLED?

18 A. Correct, sir.

19 Q. Okay. And have you ever fired a
20 Glock?

21 A. Oh, yes, sir.

22 Q. A lot of times?

23 A. Yes, sir.

24 Q. Shell casings always go to the
25 right?

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1 A. Predominately.

2 Q. Predominately to the right -- but
3 not always; right?

4 A. Up and to the right. Not always,
5 certainly.

6 Q. Sometimes straight up?

7 A. Sometimes straight up.

8 Q. Sometimes kick or fly back; true?

9 A. That is true, sir.

10 Q. And shell casings get kicked around?

11 A. Yes, sir.

12 Q. And one last question, you didn't
13 find Mr. Gordon's DNA on the Glock; is that
14 correct?

15 A. I did not.

16 Q. No DNA from Mr. Gordon?

17 A. No, sir, I did not. No, sir.

18 Q. No DNA from anybody?

19 A. Correct, sir.

20 Q. Mr. Gordon or anybody else?

21 A. No, sir, I did not.

22 Q. Okay.

23 SOLICITOR DURANT: I have nothing
24 further.

25 MR. DETREVILLE: Just briefly, Your

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1 Honor.

2 RECROSS EXAMINATION

3 BY MR. DETREVILLE:

4 Q. Regarding the testimony that you
5 just gave about the shell casings and firing
6 the Glocks, you said that occasionally a
7 round will go behind you, has a mind of its
8 own, I guess, so to speak?

9 A. Fair statement.

10 Q. But you said predominately these
11 shell casings, when ejected from a fired .40
12 Glock, are going to go up and to the right?

13 A. The majority.

14 Q. The majority. When you say -- your
15 testimony previously was predominately?

16 A. The majority, predominately.

17 Q. Okay. What -- how many of these
18 shell casings that have a mind of their own,
19 I mean, how many in a -- if I fire six shots,
20 let's say for example, from a Glock .40, how
21 many of those are going to have a mind of
22 their own and go flying off somewhere other
23 than up and to the right?

24 A. I don't even want to venture to
25 answer that, sir.

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1 Q. Okay. But predominately, they're
2 going to go up and to the right.

3 A. Fair statement.

4 Q. Okay. Thank you.

5 MR. DETREVILLE: No other
6 questions, Your Honor.

7 THE COURT: You may come down.

8 (WITNESS STEPS DOWN)

9 THE COURT: May this witness be
10 excused? Without objection.

11 MR. DETREVILLE: Your Honor, May I
12 approach the bench?

13 THE COURT: You may.

14 (OFF RECORD BENCH CONFERENCE)

15 THE COURT: Yes, sir. You're free
16 to go. Thank you very much.

17 WITNESS: Thank you, sir.

18 THE COURT: If counsel will
19 approach?

20 (OFF RECORD BENCH CONFERENCE)

21 THE COURT: All right. Ladies and
22 gentlemen, let's take a short break, about
23 ten minutes. Just go to your jury room,
24 relax and please don't discuss the case among
25 yourselves. We'll call you in just a few

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1 Your Honor.

2 THE COURT: Yes, sir.

3 SOLICITOR DURANT: Thank you. This
4 is an affidavit of Eowyn Corcrain. She says
5 that is her name. She was formerly a
6 Forensic Pathologist Assistant at the Medical
7 University of South Carolina. On August 18,
8 she assisted Dr. Ellen Riener in an autopsy
9 performed upon the victim, Domonique Grant.
10 That during the course of the autopsy the
11 projectiles I previously identified, State's
12 Exhibits 39 through 44, were removed from the
13 body of the deceased by Dr. Riener, that Ms.
14 Corcrain, separately packaged and labeled
15 each of the projectiles after their removal,
16 that on August 20th of 2012 at 11:55 A.M. she
17 transferred possession of those items to
18 Jason Riley of the Charleston County
19 Sheriff's Office, and that she did not tamper
20 with the items in any manner while they were
21 in her possession, and that they were in
22 substantially the same condition when turned
23 over to Mr. Riley as when she received them.

24 The State would Call Brian
25 Sommerfeldt.

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1 (WITNESS TAKES STAND)

2 BRIAN SOMMERFELDT, having been duly
3 sworn to tell the truth, and nothing but the
4 truth, testified as follows:

5 DIRECT EXAMINATION

6 BY SOLICITOR DURANT:

7 Q. Where are you employed, Mr.
8 Sommerfeldt?

9 A. I work at the Charleston County
10 Sheriff's Office in the Forensic Services
11 Unit.

12 Q. How long have you been with the
13 sheriff's office?

14 A. Just over eleven years.

15 Q. And what is your area of employment
16 in the forensic services unit?

17 A. I'm the Integrated Ballistics
18 Identification Systems specialist, which is
19 also known as IBIS.

20 Q. Okay. And tell us what is the
21 Integrated Ballistics Identification System?

22 A. Well, basically it's a system to
23 where you can take fired shell casings from
24 scenes or you can also take shell casings
25 from test-fired guns that I test fire, you

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1 put them into the system that takes digital
2 images of the base of the bullet, the base of
3 the shell casing, and it tries to match it up
4 with other shell casings. And it spits out a
5 result.

6 Q. And that database is maintained by
7 both SLED and the sheriff's office; is that
8 correct?

9 A. It's maintained by ATF in Atlanta.

10 Q. Okay. And what is it exactly that
11 you enter into the IBIS system?

12 A. Well,, whenever you fire a firearm,
13 you have your bullet or your round and
14 everyone knows when you pull the trigger,
15 well the bullet comes out this way. Well
16 what happens on the backend is the shell
17 casing tries to come out the back of the gun.
18 Obviously, it's not going to do that. So
19 what's happening is that shell casing making
20 imprints of the back of that firearm. And
21 each -- since metal is not perfect, it makes
22 its own image. It makes its own mark up
23 against there, and that's what we're taking
24 pictures of is that mark that the firearm
25 made.

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1 Q. So when shell casings are typically
2 located at a crime scene, do they come to
3 you?

4 A. Yes, they do.

5 Q. And for purposes of photographing
6 them and entering them?

7 A. Yes, correct.

8 Q. Is that correct?

9 A. Yes, sir.

10 Q. And I hand you what's been marked as
11 State's Exhibit Number 45 for identification.
12 It's described, I believe, as a .40 caliber
13 Winchester shell casing located at Frazier's
14 Club and ask if you can identify that item?

15 A. Yes. It's a shell casing .40 Smith
16 & Wesson Winchester.

17 Q. Okay. And that came into your
18 possession on August 21 of 2012; is that
19 correct?

20 A. Yes, sir.

21 Q. And who did you receive it from?

22 A. From Investigator Milz.

23 Q. Okay. And what did you do with the
24 shell casing?

25 A. I put the shell casing into the IBIS

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1 System, I allowed it -- it took its picture,
2 digital images, and it sent it into the
3 program to see if there was any likely
4 matches.

5 Q. Okay. And the next day, August the
6 22nd, what did you have to do with that item?

7 A. (No verbal response).

8 Q. Or did you -- what did you do with
9 that item, I should say, after you put the
10 photos into IBIS?

11 A. Oh, once I put it into the system, I
12 make these labels that each shell casing gets
13 that I put in and I put those into the
14 computer, the evidence computer, so it is
15 logged in there. And then I keep these in an
16 area that is secured, that I have for all the
17 shell casings.

18 Q. Okay. And so it was entered into
19 evidence?

20 A. Correct, Yes, sir.

21 Q. And that's what you did with State's
22 Exhibit Number 45?

23 A. Yes.

24 Q. Other than photograph it and enter
25 it into IBIS, did you alter or tamper with it

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1 in any way?

2 A. No.

3 Q. Thank you. Could you please answer
4 any questions that Defense counsel may have
5 for you?

6 MR. DETREVILLE: Thank you.

7 CROSS EXAMINATION

8 BY MR. DETREVILLE:

9 Q. Is it Detective Sommerfeldt?

10 A. Not at all, I'm a civilian.

11 Q. Okay. Mr. Sommerfeldt, then. Good
12 afternoon, sir. I guess, good morning, sir.
13 Briefly, you did an analysis on this shell
14 casing in question that the Prosecutor was
15 referring to?

16 A. No, sir, I don't do analysis. I
17 just take digital images.

18 Q. I'm sorry. You entered it into the
19 IBIS System?

20 A. Yes, sir.

21 Q. Did the digital images, et cetera.
22 The computer does the analysis?

23 A. Yes.

24 Q. Okay. I just -- I apologize. Were
25 you given any other ballistics materials?

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1 Were you given anything else, other than
2 that single shell casing to put into the IBIS
3 System?

4 A. I was given a Glock 23, a handgun.

5 Q. The gun, the shell casing in
6 question. Anything else?

7 A. Not that I recall, no.

8 Q. Okay.

9 MR. DETREVILLE: No further
10 questions for this witness, Your Honor.

11 THE COURT: Redirect?

12 SOLICITOR DURANT: No, sir, Your
13 Honor.

14 THE COURT: All right. You may
15 come down.

16 (WITNESS STEPS DOWN)

17 THE COURT: Thank you very much.
18 The witness may be excused, without
19 objection.

20 SOLICITOR DURANT: The State would
21 call Jason Riley.

22 (WITNESS TAKES STAND)

23 JASON RILEY, having been duly sworn to
24 tell the truth, and nothing but the truth,
25 testified as follows:

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1 DIRECT EXAMINATION

2 BY SOLICITOR DURANT:

3 Q. Where are you employed, sir?

4 A. With the Charleston County Sheriff's
5 Office.

6 Q. In what capacity?

7 A. I work in the forensic service unit.

8 Q. And were you so employed on August
9 the 20th of 2012?

10 A. I was.

11 Q. And in that regard, did you have an
12 occasion to respond to Medical University of
13 South Carolina on August the 20th of 2012?

14 A. I did.

15 Q. For what purpose?

16 A. I went to meet with the forensics
17 pathology department there and collect
18 evidence from a case.

19 Q. And from the items that you
20 collected from the evidence, I'm going to
21 hand you what's previously been marked as
22 State's Exhibits 39 through 44 and ask if you
23 recognize those items?

24 A. I do recognize them.

25 Q. And what are those, sir?

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1 A. They are bullets, and bullet
2 fragments or bullet jackets that I collected
3 at the autopsy.

4 Q. Okay. And do you recall who you
5 collected those from?

6 A. Eowyn Corcrain.

7 Q. She's the pathology assistant at the
8 Medical U?

9 A. Yes, sir, she is.

10 Q. Were these projectiles properly
11 sealed and labeled at the time they came in
12 your possession?

13 A. Yes, sir.

14 Q. Did you alter or tamper with them in
15 any way while they were in your possession?

16 A. I did not.

17 Q. Are they in the same condition and
18 what did you do with them after obtaining
19 them from Ms. Corcrain?

20 A. When I obtained them from her, I
21 transferred them back to my evidence
22 facility, entered them into our evidence, and
23 then they're packaged away until they get to
24 be taken somewhere if need be or they stay in
25 the box.

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1 Q. Okay. So you basically -- and
2 that's a secured facility; correct?

3 A. Yes, sir.

4 Q. Were they in the same condition when
5 you placed them into evidence as when you
6 picked them up in this courtroom?

7 A. Yes, sir.

8 Q. Now, moving ahead to August the 22nd,
9 did you have the occasion to transport some
10 items of evidence to the State Law
11 Enforcement Division?

12 A. I did, yes, sir.

13 Q. And included amongst those items
14 were State's 39 through 44 included in those
15 items?

16 A. Yes, sir.

17 Q. In addition to the projectiles, as
18 previously identified as 39 through 44, did
19 you take State's Exhibit 45, described as a
20 fired Winchester .40 Smith and Wesson shell
21 casing?

22 A. I believe -- it's been ---

23 Q. Identified as State's 45?

24 A. Yes, sir, I did.

25 Q. How about State's 46, a Glock 23

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1 handgun?

2 A. Yes, sir.

3 Q. Okay. Which would be this item?

4 And lastly, 47 and 48, described as a -- 47
5 being a projectile jacket from the driver's
6 side floorboard of a Ford Fusion, and 48
7 being another projectile metal jacket,
8 driver's seat Ford Fusion?

9 A. Yes, sir, those as well.

10 Q. Okay. From where did you obtain
11 possession of all of these items?

12 A. These were obtained at the -- the
13 first one's we've already discussed, the
14 Medical University. The latter ones were
15 obtained at the evidence compound.

16 Q. Okay. And were they properly sealed
17 and labeled when you checked them out of
18 evidence ---

19 A. Yes, sir.

20 Q. --- on the 22nd of August?

21 A. Yes, sir, they were.

22 Q. And where did you transport them to?

23 A. To the State Law Enforcement
24 Division, Columbia.

25 Q. And what did you do with them after

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1 taking to the laboratory, State Law
2 Enforcement Division Laboratory in Columbia?

3 A. They were transferred to their
4 evidence techs.

5 Q. And do you recall who the evidence
6 technician was that you transferred them to?

7 A. Dodie Yarborough.

8 Q. Okay. Doris Yarbrough?

9 A. Yes, sir.

10 Q. Did you alter or tamper with them in
11 any manner while they were your possession?

12 A. No, sir, I did not.

13 Q. Were they in the same condition when
14 you turned them over to Ms. Yarborough as
15 when you removed them from evidence?

16 A. Yes, sir.

17 Q. Thank you, sir. Please answer any
18 questions Defense counsel may have.

19 MR. DETREVILLE: No questions of
20 this witness, Your Honor.

21 THE COURT: You may come down,
22 sir.

23 WITNESS: Thank you, sir.

24 (WITNESS STEPS DOWN)

25 THE COURT: May he be excused?

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1 Without objection.

2 SOLICITOR DURANT: Your Honor, at
3 this time we would offer, I believe, without
4 objection, an affidavit of Doris Yarbrough,
5 marked as State's Exhibit Number 62. I
6 believe without objection from the Defense.
7 An affidavit, she's a chain of custody
8 witness. She's the forensic technician at
9 SLED that received these items of evidence
10 from Mr. Riley.

11 THE COURT: Without objection.

12 MR. DETREVILLE: Without objection.
13 (SO ENTERED AS STATE'S EXHIBIT 62)

14 SOLICITOR DURANT: Permission to
15 briefly publish, Your Honor?

16 THE COURT: Yes, sir.

17 SOLICITOR DURANT: This is the
18 affidavit of Doris Yarbrough. She is
19 currently a Forensic Technician at the South
20 Carolina Law Enforcement Division Forensic
21 Services Laboratory in Columbia, South
22 Carolina.

23 On August 22 at approximately 10:30
24 at SLED Forensic Services Laboratory in
25 Columbia, she obtained custody of State's

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1 Exhibit 39, 40, 41, 42, 43, 44, 45, 46,
2 47 and 48, described as the bullets from the
3 autopsy, the fired Smith and Wesson cartridge
4 case from the -- found at Frazier's, a Glock,
5 Model 23 pistol, and two fired projectiles
6 recovered from the Ford Fusion. That all
7 items were logged into Forensic Services
8 Laboratory under SLED Lab Number L12-10193,
9 and securely stored in Firearms Evidence
10 Intake Storage; that the items were properly
11 sealed and labeled when delivered -- received
12 from Jason Riley with the sheriff's office.

13 That on August the 23rd at approximately
14 4:52 she transferred possession of those
15 items to Suzann Cromer, a Forensic Scientist
16 with the Firearms Department of SLED
17 Laboratory; that she did not tamper with the
18 items and they were in the same condition
19 when turned over to Ms. Cromer as when she
20 received them.

21 And the State would call Suzann Cromer.

22 (WITNESS TAKES STAND)

23 SUZANN CROMER, having been duly sworn to
24 tell the truth, and nothing but the truth,
25 testified as follows:

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1

DIRECT EXAMINATION

2

BY SOLICITOR DURANT:

3

Q. Good afternoon, Ms. Cromer?

4

A. Good afternoon.

5

Q. Could you tell our jury what you do
for a living?

6

7

A. I am a firearm and toolmark examiner
employed by the South Carolina Law
Enforcement Division, commonly referred to as
SLED.

10

11

Q. And how long have you been with
SLED?

12

13

A. It will be sixteen years next month.

14

Q. And how long have you been a
firearms and toolmark examiner?

15

16

A. I started in a training program in
February of 2000. I completed the program in
2004.

17

18

19

Q. Okay. And so you have been a
certified examiner since 2004; correct?

20

21

A. That's correct.

22

Q. About ten years and running?

23

A. Yes, sir.

24

Q. Okay. What does the field of fire-
arms identification consists of?

25

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1 A. Firearms identification is a
2 discipline of forensic science where we look
3 at ammunition components, bullets, cartridge
4 cases, shotgun shells, rods, unfired
5 cartridges to determine whether they were
6 fired by or loaded into and extracted or
7 ejected from a specific firearm.

8 Q. And what is your educational
9 background?

10 A. I have a bachelor's degree from
11 Clemson University. I did some graduate work
12 at the University of South Carolina..

13 I completed SLED's in-house training
14 program, which is a three- to five-year
15 intense study program. It's more of an
16 apprenticeship, if you will, where we take
17 written tests, oral tests, practical
18 exercises. We actually prepare cases for
19 other court-qualified firearms examiners.

20 Upon completion of all courses of
21 instruction, we are given a comprehensive
22 final exam that is graded on by your training
23 officer and your lieutenant.

24 I've taken classes with the Association
25 of Firearm and Toolmark Examiners, which is

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1 an international organization for our
2 profession. They get together once a year
3 for a week-long seminar and offer extra
4 workshops.

5 And I've attended numerous of those
6 week-long seminars and taken extra workshops
7 such as barrel making, machine gun
8 conversion, high point firearm
9 familiarization.

10 I've also taken classes with the
11 South Carolina Chapter of the International
12 Association of Identification, the most
13 pertinent being a three-day shooting scene
14 reconstruction workshop.

15 I've taken classes with the Bureau
16 of Alcohol, Tobacco and Firearms, commonly
17 referred to as the ATF on serial number
18 restoration and the Integrated Ballistics
19 Identification System.

20 I am the State Coordinator for our
21 Integrated Ballistics Identification System,
22 which we call IBIS. I have also represented
23 North and South Carolina several times in a
24 ATF-sponsored User's Congress to discuss
25 issues with IBIS.

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1 I have also been a certified Glock
2 armorer, which means I am certified to order
3 parts and work on the Glock firearms since
4 2003.

5 Q. Okay. Have you ever been qualified
6 as an expert witness in the area of firearms
7 identification toolmark identification?

8 A. Yes, sir, I have.

9 Q. On how many occasions?

10 A. Approximately eighty.

11 Q. And in what courts?

12 A. Federal Courts, State Court, Family
13 Court and coroner inquests.

14 SOLICITOR DURANT: Your Honor, at
15 this time we would offer Ms. Cromer as an
16 expert in the field of firearms and toolmark
17 identification.

18 THE COURT: Any *voir dire* or
19 objection?

20 MR. DETREVILLE: I have no
21 objection.

22 THE COURT: All right. She's so
23 admitted.

24 DIRECT EXAMINATION CONTINUED

25 BY SOLICITOR DURANT:

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1 Q Ms.. Cromer, could you just explain
2 to our jurors how you go about determining
3 whether a particular shell casing or a bullet
4 was fired by a particular weapon?

5 A. What I do is mostly a microscopic
6 examination. When I receive a case with a
7 firearm and fired evidence, what I do is I
8 look at my fired evidence first. I take
9 notes on it. I write up about its caliber,
10 what it's made of. I measure it, weigh it.

11 Then I move on to my firearm. I take two
12 pages of notes for that firearm. I test to
13 see if it's working, if it's functional. And
14 then I test fire that firearm.

15 When I get those test fires, I will
16 microscopically compare them to each other.
17 And what I'm looking for is what we call
18 individual identifying characteristics.
19 Microscopically, it looks like scratches, but
20 they are caused by defects during the
21 manufacturing process or wear and tear on the
22 firearm that makes it unique to that specific
23 firearm.

24 I will first examine microscopically my
25 test specimens to each other. It just gives

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1 me a feel for how this firearm marked. And
2 then I will examine my evidence to those test
3 specimens. I render my conclusions and
4 that's what I'm looking for.

5 Q. Okay. And with regard to this
6 particular case, I believe your lab number
7 was L12-10193. Did you have the occasion to
8 receive some evidence from the Charleston
9 County Sheriff's Office?

10 A. Yes, sir, I did.

11 Q. And do you recall when you received
12 those items?

13 A. Yes, sir. I received them from our
14 evidence control department August 23rd, 2012
15 at approximately 4:52 in the afternoon.

16 Q. Okay. And before you you have a
17 number of items, State's Exhibits 39, 40, 41,
18 42, 43, and 44, all of which appear to be --
19 are described as projectiles obtained from an
20 autopsy.

21 You have State's Exhibit 45 described as
22 a fired Winchester Smith & Wesson shell
23 casing found in the parking lot at 4971
24 County Line Road.

25 State's Exhibit Number 46, described as a

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1 projectile and metal jacket driver's seat
2 from a 2012 Ford Fusion, and -- excuse me --
3 is that 48?

4 A. Yes, sir.

5 Q. Okay. That's 48. And 47 being a
6 metal projectile jacket from the driver's
7 side floorboard of the 2007 Ford Fusion.
8 Would you look at those items and tell us if
9 those were amongst the items you received on
10 August the 23rd?

11 A. (Reviewing) -- what I'm looking for
12 is on every piece of item that's large enough
13 to be scribed on, I scribe on that evidence
14 with my lab number, my item number, and my
15 initials.

16 State's Exhibit 39 was my item number
17 three, a fired bullet. And you can see it's
18 still in a sealed container with my initials
19 and seal date.

20 State's Exhibit 40 was my item number
21 four. Again, another fired bullet with my --
22 it's still sealed in a container with my
23 initials and seal date.

24 State's Exhibit 41 was my item five,
25 another fired bullet in a sealed container

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1 with my initials and seal date.

2 State's Exhibit 46 was my item six.

3 It is a lead core and it's in a container
4 sealed with my initials and seal date.

5 Q. What is the item again? I think you
6 said 46. Is that not 42?

7 A. I'm sorry. It's State's Exhibit 42,
8 which was my item number six.

9 Q. Okay.

10 A. State's Exhibit 43 was my item
11 number seven. It is a fired bullet jacket.
12 Again, in a sealed container with my initials
13 and seal date.

14 State's Exhibit 44 was my item eight. It
15 also contains my item numbered eight-point-
16 one (8.1). Again, in a sealed container with
17 my initials and seal date.

18 State's Exhibit 45 was my item number
19 nine. It is a fired .40 S&W caliber
20 cartridge case. Again, in a sealed container
21 with my initials and seal date.

22 Q. And that's the one that was
23 recovered from 4971 County Line Road?

24 A. That's what's indicated on the
25 packaging. State's Exhibit 47 was my item

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1 eleven. It's one fired bullet jacket
2 fragment. Again, in a sealed container with
3 my initials and seal date.

4 Q. That was from the Ford Fusion; is
5 that correct?

6 A. Yes, sir, that's what ---

7 Q. Was that the one found or recovered
8 from the driver's side floorboard?

9 A. Yes, sir. It was labeled projectile
10 jacket from driver's side floorboard of the
11 2007 Ford Fusion.

12 Q. Okay.

13 A. State's Exhibit 48 was my item
14 twelve. It is one fired bullet jacket
15 fragment and one lead bullet core. And it's
16 also in a sealed container, with my initials
17 and seal date.

18 Q. And that was described as coming
19 from the driver's seat in the Ford Fusion;
20 correct?

21 A. That's correct.

22 Q. So those are all the items you
23 examined. I'm going to hand you what's also
24 been marked as State's Exhibit 46 and that's
25 -- do you recognize that?

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1 A. Again, I'm looking where I scribed
2 on the firearm with my initials, my item
3 number and the lab case number. We mark a
4 semi-automatic pistol like this in three
5 different locations. Again, this is what I
6 examined. This was my item ten. And this is
7 State's Exhibit ---

8 Q. It's on the red tag on the gun, on
9 the actual weapon itself?

10 A. Oh, sorry. State's Exhibit 46.

11 Q. Okay. And you know all those are
12 the items you examined because you marked
13 them?

14 A. Yes, sir.

15 Q. Specifically, correct?

16 A. That is correct.

17 Q. Let's start with the spent shell
18 casing you examined, State's exhibit number
19 45, described being found at 4971 County Line
20 Road. I believe you said it was your item
21 nine?

22 A. Yes, sir.

23 Q. Who was the manufacturer of that
24 round?

25 A. This is a Winchester brand cartridge

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1 case.

2 Q. And what is the caliber?

3 A. .40 S&W.

4 Q. And what does S&W stand for?

5 A. S&W stands for Smith and Wesson who
6 designed the .40 caliber round.

7 Q. So they didn't really manufacture
8 it. It's just called a S&W because they
9 designed the round?

10 A. That's correct.

11 Q. Okay. Is that caliber generally
12 designed for a semi-automatic weapon or a
13 revolver?

14 A. Semi-automatic weapon.

15 Q. And what is the difference between a
16 semi-automatic weapon and a revolver?

17 A. Semi-automatic weapon, if I may --
18 like this has a slide that one pull of the
19 trigger will fire a cartridge, push the
20 bullet down the barrel. But while that
21 bullet is being pushed down the barrel, that
22 cartridge case is being pushed back into the
23 breach space of the slide, which is moving
24 the slide back. When it hits it's rear-most
25 point, because the slide is under spring

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1 tension, it'll eject that empty cartridge
2 case and then push, as long as there are more
3 cartridges inside the magazine, which goes in
4 the magazine well, it'll push another round
5 in the chamber. So with one pull of the
6 trigger, it'll fire, eject and chamber
7 another round.

8 A revolver has, what we call, a cylinder.
9 If you've seen any cowboy movies or Clint
10 Eastwood movies, you've seen a revolver in
11 there. It has the cylinder and the cylinder
12 contains many holes in it, which we call
13 chambers that can hold an individual
14 cartridge. That cylinder will rotate around
15 one firing mechanism. And then once you have
16 fired all the rounds in that cylinder, then
17 you have to manually empty the cylinder.

18 Q. Okay. Now, let's talk about State's
19 Exhibit 46, the pistol you examined. Who is
20 the manufacturer of that weapon and what is
21 the model number?

22 A. This is a Glock Model 23.

23 Q. And what is the serial number of
24 that weapon?

25 A. The serial number is KPB402.

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1 Q. And what is the caliber of that
2 weapon?

3 A. The caliber of this firearm is .40
4 Smith and Wesson.

5 Q. Okay. So the same caliber as
6 State's Exhibit 45?

7 A. That's correct.

8 Q. As part of your analysis, did you
9 test fire State's Exhibit 46, the Glock?

10 A. Yes, sir. I test fired this firearm
11 four times into our bullet recovery system.

12 Q. And were the shell casings from the
13 test firing compared to the shell casings
14 submitted to you identified as State's
15 Exhibit 45, your item number nine?

16 A. Yes, sir, they were.

17 Q. And what conclusion did you reach,
18 ma'am?

19 A. I concluded that there was enough
20 matching individual identifying
21 characteristics on the breach face and firing
22 pin here on this cartridge case to determine
23 that this cartridge case was fired by this
24 firearm.

25 Q. No question about that?

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1 A. No, sir.

2 Q. When did you do your actual
3 examination, if you recall? Do your notes
4 reflect when you did your actual examination?

5 A. Let me refer to my notes. For this
6 piece of evidence, I started my examination
7 on August the 24th of 2012. And it was micro-
8 verified on August the 24th, 2012.

9 Q. And you reached that conclusion.

10 A. Yes, sir.

11 Q. How did you reach that conclusion,
12 by what kind of margin?

13 A. Based on the breach face markings
14 and the firing pin sheer.

15 Q. And what is breach face marking?

16 A. First, to understand what a breach
17 marking is, you have to know what the breach
18 face of the firearm is. The breach face of
19 the firearm is the part of the firearm that
20 holds the head of the cartridge case during
21 the firing process. The head is the part of
22 the cartridge case that has the stamped
23 information on it. And it rests up against
24 the breach case. There is typically a hole,
25 which we call a firing pin aperture in the

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1 breach face, where the firing pin will come
2 through, hit the primer of the cartridge
3 case, that primer will ignite, send sparks
4 through the flash hold, which ignites the
5 gunpowder, which when built up pressure is
6 present it'll push the bullet back.

7 But as I said before, it'll push this
8 cartridge case back into the breach case
9 because of all of that pressure building up.
10 So any imperfection that's left when the
11 manufacturer made this part of the firearm
12 can be imprinted on the head or the primer of
13 the breach face -- of the cartridge case.

14 Q. And what is firing pin shear?

15 A. The firing pin shear, for a Glock
16 firearm such as this, the firing pin aperture
17 is rectangular. So a lot of times when we
18 have a Glock type firing pin, it'll look like
19 it has a rectangle on it. How that happens
20 is when this cartridge case is pressed up
21 against the breach face, a little bit of that
22 primer can actually go into the firing pin
23 aperture. And when this slide comes all the
24 way back, that barrel's going to drop, so any
25 of that primer material that's up against or

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1 inside of that firing pin aperture will be
2 marked by shearing it downwards.

3 Q. Okay. And there was sufficient
4 identifying marks obviously on the test fires
5 and the State's Exhibit 45 that you were able
6 to determine that, correct?

7 A. That's correct.

8 Q. Okay. Let's move on to State's 39
9 through 44. Those are the projectiles that
10 were recovered from the victim in this case
11 at her autopsy.

12 And, also State's Exhibits 47 and 48, the
13 projectiles, two projectiles that were
14 recovered from the Ford Fusion.

15 Were those projectiles consistent with
16 any particular caliber?

17 A. They were most consistent with
18 either .40 S&W caliber or .10 millimeter
19 auto.

20 Q. Okay. And they are consistent with
21 a .04 caliber Smith and Wesson round;
22 correct?

23 A. That is correct. The reason we
24 can't tell a difference is because a .40 S&W
25 and a ten millimeter auto can have the same

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1 bullet loaded into those cartridge cases.
2 It's just the actual cartridge cases that are
3 different.

4 Q. Okay. And were the projectiles you
5 received -- 39, 44, and 47, 48 -- were they
6 compared to each other and to the bullets
7 that you test fired with the Glock 23,
8 State's Exhibit 46?

9 A. Yes, sir, they were.

10 Q. And what conclusion did you reach
11 with regard to the projectiles that were
12 submitted to you?

13 A. The results of my conclusion, my
14 microscopic comparisons was inconclusive,
15 meaning that I did not have enough of those
16 individual markings that I'm looking for to
17 say, 'yes, this could have fired it' or, no,
18 this wasn't the firearm that fired it.

19 Q. Okay. I don't understand that. On
20 TV it always works. They can tell you
21 exactly which bullet came from which gun. Is
22 there anything about this specific weapon
23 that could tell you ---

24 A. Glock Firearms ---

25 Q. For this specific manufacturer, I

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1 should say?

2 A. Yes. Glock Firearms use a different
3 type of rifling. Rifling is what's put
4 inside the gun barrel to put rotary motion on
5 the bullet, similar to a quarterback who
6 throws the football. He wants it to go into
7 a tight spiral so it'll go more accurately to
8 his receiver. Same premise behind rifling in
9 the gun barrel. It's going to put it into a
10 tight spiral so it'll go more accurately
11 towards its target.

12 There's two types of rifling. There's
13 conventional rifling and then there's
14 poligonal rifling or polygonal rifling.
15 Conventional rifling is put into the barrel
16 and it has right angles in it. It is a
17 series of kind of rectangular looking -- we
18 call them lands and groves, raised and
19 depressed areas. So those right angles are
20 going to mark nicely or could mark nicely on
21 that bullet that comes down the barrel.

22 Glock has the other type of rifling, the
23 polygonal rifling. It's more of a rounded
24 rifling instead of those hard right angles.
25 So it's not going to cut into the bullet as

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1 much. The premise is because it's not
2 cutting into the bullet, it's not slowing it
3 down as much as conventional rifling is.

4 Q. So basically that Glock could have
5 fired those projectiles or another weapon of
6 similar characteristics could have fired
7 those projectiles?

8 A. That's correct. When I talk about
9 rifling, we have to start -- it's like a
10 stepladder. First off, when we're looking at
11 a bullet versus a gun, we have to say first,
12 is it a caliber that could have been fired in
13 this firearm? Then we have to say, what is
14 the rifling? Is it, you know, like this
15 firearm, six lands and grooves, six scalloped
16 areas or is it not, is it eight? So if it's
17 the same lands and grooves, then we can go to
18 the next step on the ladder. Which way is it
19 forcing that bullet to spin? Is it forcing
20 it to go to the left? Is it forcing it to go
21 to the right? This firearm goes to the
22 right. So we know that it had six lands and
23 grooves, right twists, and it had the same
24 type of rifling, so I could not rule this
25 firearm out.

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1 Q. Okay. So everything about the
2 projectiles are consistent with having been
3 fired from that weapon? There's just not
4 enough detail, I guess you would say, or
5 minutia that you could say for absolutely
6 certainty this is the weapon that fired it?

7 A. That's correct.

8 Q. Okay. Is that typical of Glock
9 firearm?

10 A. Yes, it is.

11 Q. And who uses this polygonal rifling
12 motion?

13 A. Glock uses it; H&K or Heckler and
14 Koch, I believe it is; IMI, Israeli Military
15 Industries. I looked at what we can do --
16 also before I finish that list, is I can put
17 these specifications and this caliber into a
18 database and get what is called a GRC list, a
19 general rifling characteristic list of
20 firearms that could have potentially fired
21 this gun (sic). Glock, H&K, IMI, Kahr, and
22 Vektor were the other firearms on the list
23 that also had six right polygonal rifling.

24 Q. Okay. Those are mostly European or
25 foreign manufacturers; correct?

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1 A. Yes, sir.

2 Q. All of them?

3 A. Well, no. H&K is German; IMI is
4 Israeli; Kahr is actually the only American;
5 Vektor is South African.

6 Q. Okay. Now as part of the procedure
7 in doing this analysis, is your work checked
8 by somebody?

9 A. Yes. Our lab is accredited and
10 through that accreditation process we have
11 deemed that we will have a hundred percent
12 micro verification.

13 When we render a conclusion, our four
14 conclusions that we render are:

15 Positive. Yes, it was fired by this
16 gun.

17 Negative. No, it was fired by this
18 firearm.

19 Inconclusive. Not enough detail to
20 tell. Or,

21 Unsuitable for identification.

22 When we render one of those conclusions,
23 our work has to be agreed upon by another
24 firearms examiner completely independent from
25 me. So every result that comes out of our

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1 lab has to have two examiners look at it.

2 Q. And that was done in this case?

3 A. Yes, sir.

4 Q. Who examined your work?

5 A. Actually I had two different
6 examiners look at it, only because of time
7 constraints. I had Dave DeFreese and Chad
8 Smith.

9 Q. And did they agree with your
10 conclusions?

11 A. Yes, sir, they did.

12 SOLICITOR DURANT: Your Honor, at
13 this time we would offer State's 39, 40, 41,
14 42, 43, 44, and 45 into evidence

15 THE COURT: Any objection?

16 MR. DETREVILLE: No objection, Your
17 Honor.

18 (SO ENTERED AS STATE'S EXHIBIT 39)

19 (SO ENTERED AS STATE'S EXHIBIT 40)

20 (SO ENTERED AS STATE'S EXHIBIT 41)

21 (SO ENTERED AS STATE'S EXHIBIT 42)

22 (SO ENTERED AS STATE'S EXHIBIT 43)

23 (SO ENTERED AS STATE'S EXHIBIT 44)

24 (SO ENTERED AS STATE'S EXHIBIT 45)

25 SOLICITOR DURANT: Could you please

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1 answer questions Defense counsel may have
2 for you?

3 WITNESS. Yes, sir.

4 THE COURT: Cross?

5 CROSS EXAMINATION

6 BY MR. DETREVILLE:

7 Q. Good afternoon, ma'am?

8 A. Good afternoon.

9 Q. My understanding of your testimony,
10 and admittedly, I'm a lay person and not much
11 of a gun guy, but my understanding of your
12 testimony is that you received a total of
13 nine pieces of physical evidence for
14 analysis; is that correct? Did I count that
15 right?

16 A. I believe I had ten, altogether,
17 separate items.

18 Q. Okay.

19 A. I had four fired bullets, three
20 fired bullet jackets, two bullet cores, and
21 one cartridge case, and a firearm.

22 Q. Okay. I may have miscounted.
23 Okay. So ten pieces of physical evidence
24 for your analysis; is that correct?

25 A. That's correct.

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1 Q. Out of those ten pieces of physical
2 evidence that were presented to you for
3 analysis, would it be an accurate statement
4 to say that the only one of those ten that
5 you could conclusively say was fired by the
6 weapon, that's placed to your left, was the
7 shell casing that was found at the scene of
8 the crime?

9 A. That's correct.

10 Q. Okay. There was a lot of testimony,
11 and I admit that I didn't follow some of it.
12 A lot of testimony about polygonal rifling
13 and all that sort of stuff, but ultimately
14 the result of all that testimony is that the
15 other nine pieces of physical evidence that's
16 inconclusive, you can't say that it came from
17 that gun?

18 A. That's correct.

19 Q. Okay. And you testified that your
20 -- and that's your conclusion; correct?

21 A. That is correct.

22 Q. You testified that that was also
23 verified by two other independent experts.
24 So those two other independent experts also
25 concluded that the only piece of -- the only

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1 one of those ten pieces of evidence that
2 could be conclusively linked to that firearm
3 was that whole shell casing that I believe
4 you referred to as your item number nine?

5 A. That is correct. Actually I had one
6 examiner look at the cartridge case and
7 another examiner look at the projectiles from
8 the autopsy. So one examiner agreed with me
9 on the cartridge case, and another examiner
10 agreed with me on the projectiles.

11 Q. Okay. So one agreed with you that
12 that cartridge, your item nine, is
13 conclusively linked to that firearm?

14 A. Right.

15 A. The other one agreed with you that
16 the rest of them were inconclusive and could
17 not be linked to that particular firearm?

18 A. Yes.

19 MR. DETREVILLE: I have no other
20 questions for this witness, Your Honor.

21 SOLICITOR DURANT: I would ask that
22 Ms. Cromer be excused if there's no
23 objection, Your Honor.

24 MR. DETREVILLE: No objection.

25 THE COURT: Thank you. You may be

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1 channel. All the news channels had a
2 little something on, just a brief mention or
3 what was going on at the courthouse. I
4 changed the channel.

5 THE COURT: Thank you very much.

6 All right. Solicitor, call your
7 next witness.

8 SOLICITOR DURANT: Thank you, Your
9 Honor. The State would call Mitch Wilson.

10 (WITNESS TAKES STAND)

11 MITCH WILSON, having been duly sworn to
12 tell the truth, and nothing but the truth,
13 testified as follows:

14 DIRECT EXAMINATION

15 BY SOLICITOR DURANT:

16 Q. Detective Wilson, please tell our
17 jury where you're employed?

18 A. Currently employed with Charleston
19 County Sheriff's Office.

20 Q. And how long have you been with the
21 sheriff's office?

22 A. A little over seven years.

23 Q. And you are currently a detective;
24 is that correct?

25 A. That's correct.

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1 Q. How long have you been in the
2 detectives division?

3 A. I would say probably about five
4 years.

5 Q. Okay. And what were your duties in
6 August of 2012?

7 A. I was assigned to the major violent
8 crimes unit as a detective.

9 Q. And in that capacity, did you have
10 an occasion to participate in the
11 investigation of the murder of Domonique
12 Grant at Frazier's Club on August 18th of
13 2012?

14 A. I did.

15 Q. What was your role in the investiga-
16 tion, sir?

17 A. Once all detectives arrived on the
18 scene, it was established that I would be the
19 case agent.

20 Q. And what is a case agent?

21 A. A case agent in a homicide
22 investigation is a lead investigator. We're
23 basically tasked as a manager for that case.
24 We make sure that as leads come in, detectives
25 go out and investigate, follow up with

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1 witnesses, secure search warrants, and things
2 of that nature.

3 Q. Okay. And did you actually respond
4 to Frazier's the morning of the shooting?

5 A. I did.

6 Q. Was there any, were there any people
7 there when you got there that were present at
8 the time of the shooting?

9 A. Yes, there was.

10 Q. Were any of them able to identify
11 the shooter?

12 A. Nobody was able to identify a
13 shooter. Myself and several of the
14 detectives were there. We interviewed
15 witnesses that are on scene and the friends
16 of the victim, and the people that were in
17 that vehicle. And at that time, nobody was
18 able to positively identify the shooter.

19 Q. Based upon your initial interviews,
20 who did y'all -- and when I'm saying "y'all,"
21 the sheriff's office -- believe the target of
22 the shooting was?

23 A. Upon initial interviews, the name
24 Tootie/Lionel Blair, came up as hanging out
25 with the females. And he was possibly at the

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1 vehicle when the shooting occurred. So at
2 that time our efforts were attempt to locate
3 Mr. Lionel Blair and find out what his story
4 was.

5 Q. Okay. And, I mean, you're aware that Mr.
6 Blair testified earlier. He's from the
7 Ardmore subdivision; is that correct?

8 A. Yes, sir.

9 Q. And why did y'all think that he may
10 have been the target of this shooting?

11 A. Well, during the course of the
12 interviews with several witnesses, we started
13 getting information that he was at Purple
14 Mirage earlier that evening, got in some sort
15 of altercation there. And he did, as well,
16 go to Frazier's. And while he was in
17 Frazier's, he was approached by some
18 gentlemen. So putting those together, him
19 being close by the victim at the time of the
20 shooting, which figured that there might be a
21 possibility he was probably the target of the
22 shooting.

23 Q. Okay. And based upon that, was Mr.
24 Blair located and interviewed?

25 A. Yes. I guess he might have started

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1 receiving some phone calls that we were
2 looking for him. So he actually called the
3 sheriff's office and, you know, gave himself
4 -- said, I'm ready to come in and talk.

5 And the detectives went and picked him up
6 from his residence and brought him back to
7 the sheriff's office for an interview.

8 Q. Okay. And y'all interviewed him.

9 Q. Do you know whether a GSR sample was
10 obtained from him that morning?

11 A. Yes, sir.

12 Q. What is a GSR sample?

13 A. A GSR is an acronym for a gunshot
14 residue kit. Anytime we investigate a
15 shooting or a homicide, anything involving a
16 firearm, we always get a gunshot residue kit.

17 And what that does is you just -- it
18 picks up metals and particulates that if
19 somebody fired a weapon, they'll be able to
20 test at SLED and determine if he had any of
21 those particles on his hand at the time.

22 Q. And what were the results of that
23 gunshot residue test?

24 A. They were negative.

25 Q. Moving on to Monday, August the 20th

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1 -- August 18th was a Saturday; correct?

2 A. Correct.

3 Q. Moving on to Monday, August the 20th,
4 did y'all return to Frazier's Club?

5 A. We did.

6 Q. For what purpose?

7 A. Monday morning we started getting
8 information in, with the autopsy and that
9 nature, and a preliminary look at the
10 vehicle, that it might have been a .40
11 caliber semi-automatic weapon used.

12 At the time of the incident, we didn't
13 find any shell casings. We assumed it might
14 have been a revolver used.

15 But after confirmation that there was
16 possibly a .40 caliber used, we went back out
17 there with a second search warrant to conduct
18 a more thorough search of the area.

19 Q. And that was based upon projectiles
20 that had been recovered from the autopsy?

21 A. From autopsy and inside the vehicle,
22 (affirmative nod).

23 Q. And were any shell casings located
24 when you returned on the 20th?

25 A. Yes. We were able, after we do a

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1 line search and spot the area, we were able
2 to locate one shell casing, .40 caliber and
3 it was kind of in, underneath the grassy
4 area.

5 Q. Now, later on that same day, did you
6 become aware of an incident which had
7 occurred at the Kangaroo, the Kangaroo
8 Convenience Store at 106 Main Road?

9 A. Yes, we did.

10 Q. And whose jurisdiction is that in?

11 A. That part of the area is Charleston
12 City. It's like a, what we call a doughnut
13 hole. There's a couple of businesses there
14 that are in the city's jurisdiction, but the
15 surrounding area is Charleston County
16 Sheriff's Office.

17 Q. Okay. And how did you become, if
18 you remember, how did you become aware of
19 that incident since it was in a different
20 police agency?

21 A. Well, whenever we have a crime like
22 this, a homicide or a major investigation, we
23 always like to look at what other agencies
24 have happening around that same time. So
25 Monday we started looking through the daily

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1 reports, and we noticed that there was an
2 altercation at that, the said address, where
3 an individual was involved in an altercation
4 with several females. And what piqued our
5 interest was that there was a gun found in
6 the vehicle. And the close proximity of our
7 homicide, we thought we might take a better
8 look at that and see if it had any relation
9 to our homicide.

10 Q. Okay. And what did you do upon
11 obtaining this information?

12 A. I started gathering the reports from
13 the Charleston City, then I tasked out the
14 different investigators, Detective Milz, to
15 go and retrieve the firearm from the
16 Charleston City Police Department so we can
17 make sure if there was any, if it was linked
18 to our homicide that we had the weapon and it
19 was the proper chain of custody.

20 Q. And when was the weapon recovered
21 from the Charleston Police Department?

22 A. The 21st, August 21st.

23 Q. So that would have been the Tuesday?

24 A. Tuesday, (affirmative nod). Yes,
25 sir.

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1 Q. And you also had ---

2 A. Investigator Jahngen ---

3 Q. --- Jahngen reviewed the
4 surveillance video.

5 A. The surveillance video; yes, sir.

6 Q. That's the same surveillance that
7 the jury saw earlier; is that correct?

8 A. That the jury saw. Yes, that's the
9 correct.

10 Q. Now, how do you get to the Kangaroo
11 from Frazier's?

12 A. If you're at Frazier's parking lot
13 and you're pulling out of the parking lot,
14 you would make a right-hand turn, you follow
15 -- that's County Line Road.

16 You would follow County Line Road down a
17 little ways, maybe a mile and a half or so
18 and that road makes a sweeping, ninety degree
19 right turn, which turns into Davison Road.

20 You follow Davison Road out a couple more
21 miles and you come to an intersection, which
22 is Savannah Highway, Highway 17.

23 Once you're at that intersection, you
24 would take a left and Main Road is a mile and
25 half at the most down on the right-hand side.

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1 Q. I hand you what's been marked as
2 State's Exhibit Number 56.

3 SOLICITOR DURANT: And I believe
4 the State would offer that without objection,
5 Your Honor.

6 MR. DETREVILLE: That's correct,
7 Your Honor.

8 THE COURT: Without objection.

9 (SO ENTERED AS STTE'S EXHIBIT 56)

10 DIRECT EXAMINATION CONTINUED

11 BY SOLICITOR DURANT:

12 Q. And what is State's Exhibit 56, sir?

13 A. It's a Google Map printout of the
14 direction, of the map I would take to get
15 from 4971 County Line Road to 106 Main Road.

16 Q. Okay. And where's that? It's got
17 two locations mark. What is the location on
18 the left?

19 A. On the left, that's 4971 County Line
20 Road, which is Frazier's Night Club.

21 Q. And as we found, you can like
22 actually mark on that thing (indicating
23 screen in front of witness) if you want to?

24 A. That's Frazier's.

25 Q. That's where Frazier's is located?

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1 A. That's correct.

2 Q. And the road to the right is County
3 Line Road; correct?

4 A. County Line Road.

5 Q. And then when it makes that bend it
6 turns into what?

7 A. Right about this is where it turns
8 into Davison Road.

9 Q. Okay. And then where you go down to
10 make a left, what is that the intersection
11 of?

12 A. That's 17, Savannah Highway.

13 Q. And then you turn left going towards
14 Charleston, and the Kangaroo is the first
15 right?

16 A. The Kangaroo is right here. If you
17 turn to the light on the right-hand, the
18 right is the Kangaroo.

19 Q. And how far is that, sir?

20 A. Five-point-two (5.2) miles.

21 Q. And as part of your investigation
22 did you have an occasion to examine the
23 Charleston County Sheriff's Office dispatch
24 records per the call y'all received regarding
25 the shooting at Frazier's?

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1 A. I did.

2 Q. And what time did the Sheriff's
3 Office receive the call?

4 A. The first 9-1-1 call we received was
5 at 4:03 A.M.

6 Q. And did you also examine the
7 dispatch records for the Charleston Police
8 Department regarding the calls at Kangaroo
9 that morning?

10 A. I did.

11 Q. And when did they receive, when did
12 they receive their call?

13 A. It was at 4:13 and something
14 seconds. I think it was fifty-something
15 seconds.

16 Q. Okay. So a little over ten, almost
17 eleven minutes; is that correct?

18 A. That's correct.

19 Q. Do you know if y'all were on the
20 same clock at that time?

21 A. At that time, Charleston County was
22 in a consolidated dispatch where some
23 agencies are involved in a multi-agency
24 dispatch center. At that time, Charleston
25 City was not with our dispatch section. So

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1 they were on their own separate dispatch log.

2 Q. Okay. You can't say your time is
3 correct with their time?

4 A. Oh, yeah. I don't know if their
5 clock is accurately synced to ours.

6 Q. Okay. Moving on to Tuesday, the
7 next day, August the 21st, 2012. You said
8 you'd learned the previous day that the Glock
9 pistol -- a pistol had been recovered by CPD.
10 Was that pistol recovered on that day, August
11 the 21st?

12 A. Yes. Investigator Milz, I tasked
13 him with responding to the city police
14 department and obtaining that firearm.

15 Q. And were you aware of where that
16 weapon had been found?

17 A. That weapon was reportedly found in
18 a white 2000 Century Buick.

19 Q. And what had Charleston Police
20 Department done with the vehicle?

21 A. They had the vehicle towed to
22 Jennings Towing.

23 Q. And did they maintain possession of
24 it?

25 A. No, they didn't.

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1 Q. What did they do with the vehicle?

2 A. They released it to Jennings Towing
3 who towed it to the impound yard.

4 Q. And then later released to whom?

5 A. Yeah, sometime later that day or
6 later the next day, Mr. Caddell arrived there
7 and obtained his vehicle from that private
8 tow yard.

9 Q. Okay. So what did you do regarding
10 that car on August the 21st, that Tuesday?

11 A. You know, after I discovered that a
12 vehicle was already released from impound, I
13 obtained a search warrant from one of our
14 local magistrates to go and seize and obtain
15 that vehicle and bring it back to our
16 evidence compound for processing.

17 Q. And by this time on Tuesday, had you
18 had an opportunity to review the surveillance
19 video that had been obtained from the
20 Kangaroo?

21 A. I did.

22 Q. Was any subject identified at that
23 time as the person that had, the black male
24 depicted in that video that had gotten into
25 the fight?

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1 A. Not at that time.

2 Q. Okay. Moving on to the next, which
3 would be Wednesday, August the 22nd, 2012,
4 what did you have done with the Glock pistol,
5 which had been retrieved from the Charleston
6 Police Department?

7 A. We had that pistol, any evidence
8 related to that, you know, the homicide, the
9 projectiles, any spent shell casing, they
10 were collected and sent to SLED.

11 Q. That would include the Glock pistol;
12 is that correct?

13 A. Yes, sir. The pistol ---

14 Q. How about the projectiles from the
15 victim's autopsy?

16 A. Projectiles from the autopsy,
17 projectiles found in the vehicle at the time
18 of the execution of the search warrant, and
19 the spent shell casing located at the scene.

20 Q. Okay. They were all sent to SLED?

21 A. Yes, sir.

22 Q. And Detective Milz testified
23 previously -- after that car was processed,
24 did y'all come up with a possible suspect
25 regarding the fingerprints that they found in

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1 that car?

2 A. When the vehicle was processed, they
3 found some items inside. They fingerprinted
4 everything and we established the name of a
5 Juwan Smalls, as his fingerprints being
6 located in some papers or wrappers inside
7 that vehicle.

8 Q. Okay. Now, also on that same day,
9 Wednesday, did you have an occasion to assist
10 in the interview of Kayrine Lenin?

11 A. I did. I assisted -- well, I was
12 with the City Police Officer, Detective
13 Slizewski when he interviewed Ms. Lenin at
14 their headquarters.

15 Q. And on that occasion did she
16 identify someone that had been involved in
17 the assault with her at the Kangaroo on the
18 morning of August 18th?

19 A. She did.

20 Q. That would be the person she
21 identified in State's Exhibit Number 52; is
22 that correct?

23 A. Correct.

24 Q. And that person was whom?

25 A. Reginald Gordon.

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1 Q. Ms. Linen testified yesterday and
2 she mentioned the Defendant saying something
3 about being on Molly. Do you know what Molly
4 is?

5 A. Molly is like a rare, a pure form of
6 Ecstasy. It's like -- it's a street name for
7 Ecstasy.

8 Q. Okay. Moving on to the next day,
9 Thursday, August the 23rd, did you have an
10 opportunity to assist in the interview of
11 Amber Sease?

12 A. I did.

13 Q. And was she also able to identify
14 someone as having been involved in the
15 assault that occurred at the Kangaroo on
16 August the 18th of 2012?

17 A. She did. Ms. Sease, as well,
18 identified Reginald Gordon as the one who
19 assaulted her.

20 Q. And that's State's Exhibit Number
21 53; is that correct?

22 A. That's correct.

23 Q. On Friday, August 24th, did you have
24 an occasion to interview the owner of the
25 white Buick?

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1 A. I did.

2 Q. And the owner was who?

3 A. Christopher Caddell.

4 Q. And what race is Christopher
5 Caddell?

6 A. He's a white male.

7 Q. Okay. And that was the owner of the
8 vehicle that had been seized at the Kangaroo;
9 correct?

10 A. That's correct.

11 Q. And whoever had driven that vehicle
12 there was definitely not a white male;
13 correct?

14 A. That's correct.

15 Q. Now, on August the 29th of 2012, this
16 would be about ten days after the shooting or
17 so, what did you learn from the State Law
18 Enforcement Division regarding the shell
19 casings which y'all had found on the 20th of
20 August?

21 A. We discovered that the shell casing
22 found at the crime scene did match test-fired
23 shell casings that belonged to the weapon
24 that was found in Mr. Caddell's vehicle,
25 which was located at 106 Main Road.

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1 Q. Now, you interviewed -- you had
2 fingerprints on Juwan Smalls. Did you ever
3 interview him during your investigation?

4 A. Yes, I did. It took me a little
5 time to find him and actually locate him, but
6 we did eventually, were able to find him and
7 bring him into the office and interview him.

8 Q. And you interviewed him on a couple
9 separate occasions, didn't you?

10 A. Yes, sir.

11 Q. Is that correct?

12 A. Yes, sir.

13 Q. And he testified yesterday
14 concerning who he acquired that vehicle from
15 and who he had lent that vehicle to. Was his
16 interview with you consistent?

17 A. It was consistent that how he, who
18 he got it from. But it was a little
19 inconsistent of where he got it from.

20 Q. Okay. How about who he gave it to?

21 A. He was consistent with that.

22 Q. Okay. Now, the Defendant, Reginald
23 Gordon, was arrested on February the 13th; is
24 that correct?

25 A. That's correct.

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1 Q. And when was he interviewed?

2 A. February the 15th?

3 Q. And by whom was he interviewed?

4 A. He was interviewed by Detective
5 Lawrence.

6 Q. And why did y'all determine to speak
7 with him that day?

8 A. On the 15th?

9 Q. Yes?

10 A. On the 15th, Detective Lawrence had
11 got a phone call from somebody from Mr.
12 Gordon's family. I'm assuming it was his
13 sister because she's the one that arrived at
14 the sheriff's office that -- on the 15th. She
15 showed some concern that Reginald wasn't
16 telling everything and that he needed to
17 talk. At that time, we brought Reginald back
18 from the jail to the sheriff's office where
19 he spoke with his sister for some time. And
20 then he agreed to be interviewed by Detective
21 Lawrence.

22 Q. And you did not participate in that
23 interview, is that correct?

24 A. No, I did not participate in that
25 interview.

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1 Q. Based upon the information obtained
2 in that interview, what did you do?

3 A. Based on the information that Mr.
4 Gordon provided in his interview, he provided
5 the statements that ---

6 Q. What did you do? I'm not asking you
7 what he said. What did you do?

8 A. Oh, I obtained arrest warrants for
9 Derrick Brown for murder and possession of a
10 weapon during the commission of a violent
11 crime.

12 Q. And Derrick Brown goes by what
13 nickname?

14 A. Derrick Brown goes by the a/k/a of
15 Scrappy.

16 Q. Okay. And so both of them, both Mr.
17 Gordon and Mr. Brown were arrested for murder
18 and possession of a weapon; correct?

19 A. That's correct.

20 Q. And were those warrants served on
21 Mr. Brown?

22 A. They were.

23 Q. And are those charges still pending
24 against Mr. Brown?

25 A. They are.

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1 Q. And I believe you also interviewed
2 Darnell Chaplin; is that correct?

3 A. Yes.

4 Q. And that was on April the 4th? What
5 is his relationship to the Defendant?

6 A. They're cousins. Yes, I interviewed
7 Carnell Chaplin on the 4th

8 Q. Okay. Let's see. And I believe
9 Officer Milz testified previously that
10 efforts were made to recover DNA from that
11 pistol; is that correct?

12 A. That's correct.

13 Q. And what were the results of that
14 attempt?

15 A. They weren't able to identify any
16 DNA on there, on the weapon.

17 Q. So no DNA profile was ---

18 A. No profiles were obtained.

19 Q. And also during the course of your
20 investigation was the sheriff's office able
21 to obtain possession of some video which had
22 been taken at the Purple Mirage that night?

23 A. Yes.

24 Q. Do you remember who took the video?

25 A. Mr. Cochran.

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1 Q. And why it had been taken?

2 A. There was a performance of Crazy Wop
3 and he was hired to film the event.

4 Q. And that is also the video that the
5 jury watched yesterday; is that correct?

6 A. Yes, the same video we watched
7 yesterday.

8 Q. I don't think I have any other
9 questions. Would you please answer anything
10 that Defense counsel may have?

11 A. Yes, sir.

12 THE COURT: Cross examination.

13 CROSS EXAMINATION

14 BY MR. DETREVILLE:

15 Q. Good afternoon, Detective Wilson?

16 A. Good afternoon, sir.

17 Q. You testified that you're the lead
18 investigator in this case; is that correct?

19 A. That's correct.

20 Q. So you're familiar with the job of
21 the lead investigator is to familiarize
22 yourself with all the evidence, all the
23 reports; etcetera in the case?

24 A. Yes.

25 Q. And you were present for all the

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1 interviews that were conducted in this case,
2 witness interviews that were conducted in
3 this case, except for the interview with Mr.
4 Gordon; would that be a factual statement?

5 A. That's incorrect.

6 Q. Okay. Which ones were you not
7 present for?

8 A. I wasn't present for Lionel Blair.
9 I was on scene while the detectives were
10 interviewing him back at the office.

11 There was a couple of witnesses that
12 other detectives interviewed that I wasn't
13 a part of.

14 Q. Okay. You came into the interview
15 with Lionel Blair while it was ongoing
16 though, did you not?

17 A. Once -- he was there almost, for
18 several hours. And once we cleared up from
19 the scene, I did come and speak to him. But
20 initially, I wasn't the originating detective
21 that started the interview with him.

22 Q. I understand. Okay. But you're
23 aware of essentially every step that's been
24 taken in this investigation so far, fair
25 statement?

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1 A. Yes, sir.

2 Q. How many assistant detectives did
3 you have working on this case for you, give
4 or take?

5 A. Five.

6 Q. I believe you testified previously
7 that you began working the case from the
8 evening in question. You arrived at the
9 scene shortly after a call went out ---

10 A. That's correct.

11 Q. --- and began immediately?

12 A. (Affirmative nod).

13 Q. Was Detective Milz at the scene
14 already or were you there prior to Detective
15 Milz?

16 A. I think he might have already been
17 on scene when I got there.

18 Q. Okay. Okay. Do you know who
19 cordoned off the scene or anything ---

20 A. Yeah, the patrol officers that
21 arrived on the scene.

22 Q. The patrol officers would have done
23 that. And I think you testified previously
24 that it was decided actually at the scene
25 that that's when you would become the lead --

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1 the case agent, I believe you refer to it?

2 A. Yes.

3 Q. The lead investigator, that was
4 decided sort of on the spot?

5 A. Yeah.

6 Q. So you were involved in processing
7 the crime scene from the beginning; would
8 that be a correct statement?

9 A. I didn't process the crime scene.
10 That is the task bestowed upon our forensic
11 investigators. Investigator Milz and
12 Sergeant Manigault, they're the crime scene
13 people that processed the crime scene.

14 Q. Okay. And I'm a lay person so
15 forgive me. I would include interviewing
16 witnesses as being part of processing the
17 scene. You began interviewing witness; is
18 that correct?

19 A. Yes. I began interviewing witnesses
20 on the scene.

21 Q. Okay. Very good. Ebonique Priester
22 was one of the witnesses that you interviewed
23 at scene; is that correct?

24 A. I believe Detective Bowen interview-
25 ed Ebonique Priester.

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1 Q. Okay. Very good. Were you able to
2 get a description of the shooter from anybody
3 at the scene?

4 A. At the scene?

5 Q. At the time?

6 A. At the scene, we were hearing about
7 somebody dressed all in black. That's all
8 they were hearing.

9 Q. Okay. Somebody in black. Did
10 whomever it was that told you that the
11 shooter was wearing black, did they also
12 describe for you ---

13 SOLICITOR DURANT: Your Honor, I have
14 a matter of law.

15 THE COURT: Approach the bench.

16 (OFF RECORD BENCH CONFERENCE)

17 CROSS-EXAMINATION CONTINUED

18 BY MR. DETREVILLE:

19 Q. As part of your role as the lead
20 investigator in this case, do you also
21 provide updates and information to your
22 superior officers, things of that nature?
23 Do you have people to whom you report?

24 A. Oh, yes.

25 Q. Who would be, who would be some of

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1 the folks that you would report to?

2 A. During that time it was Sergeant
3 Boyd was the Sergeant was the Sergeant in
4 charge of the violent crime unit and
5 Lieutenant Antonio, Roger Antonio.

6 Q. Okay. Very good. You've been
7 present in the courtroom for the duration
8 of this trial so far; is that correct, sir?

9 A. Correct.

10 Q. Okay. So you heard Ebonique
11 Priester's testimony previously. I believe
12 she was the first witness called that the
13 shooter was wearing all black?

14 A. Yes.

15 Q. And that the shooter went, after the
16 shooting went towards, around towards the
17 back of the building and around the back of
18 the building; is that correct?

19 A. Correct.

20 Q. Okay. As part of -- and again, I
21 hesitate to use the word, processing the
22 scene, because I think that's a technical
23 term to you. But as part of the
24 investigation of the scene was a K-9 unit
25 called out to assist with you?

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1 A. Yeah. Before we arrived. When
2 Patrol arrived, K-9 came shortly thereafter
3 and they did do a sweep of the area.

4 Q. Okay. And so being the lead
5 investigator and being familiar with all
6 aspects of the case, what information were
7 y'all able to glean from the K-9 officers who
8 responded to the scene?

9 A. They conducted a search with the
10 canines and located no suspects.

11 Q. Okay. Did they catch a scent?

12 A. I'm not aware of that.

13 Q. Okay. Do you know who Major Brady
14 is?

15 A. Yes.

16 Q. And who is Major Brady?

17 A. He does not now work for the
18 sheriff's office, but at that time he was the
19 public information officer.

20 Q. Okay. So he would have been the
21 person who was sort of the liaison between
22 the sheriff's department and the media, so
23 to speak?

24 A. Yes.

25 Q. Who would Major Brady have gotten

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1 his information regarding this case from?

2 Would that come directly from you?

3 A. Not necessarily.

4 Q. Okay. Are you aware that Major
5 Brady reported that ---

6 SOLICITOR DURANT: Objection, Your
7 Honor. This calls for hearsay. No Major
8 Brady has testified ---

9 THE COURT: He hasn't?

10 SOLICITOR DURANT: No Major Brady
11 has testified in this case.

12 THE COURT: He has?

13 SOLICITOR DURANT: Has not.

14 THE COURT: Right.

15 SOLICITOR DURANT: There's been no
16 testimony from Major Brady and he can't put
17 hearsay in in the form of a question.

18 THE COURT: Overruled. Let me
19 hear the question.

20 MR. DETREVILLE: I'm sorry, Your
21 Honor, I've forgotten of how I phrased the
22 question.

23 COURT REPORTER: "Are you aware..."

24 ---

25 MR. DETREVILLE: Madam Court

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1 Reporter, could you ---

2 COURT REPORTER: "Are you aware
3 that Major Brady reported..." ---

4 MR. DETREVILLE: Okay.

5 CROSS-EXAMINATION CONTINUED

6 BY MR. DETREVILLE:

7 Q. Are you aware that Major Brady
8 reported that the K-9 units did, in fact,
9 catch a scent of somebody who they believed
10 to be the shooter at the scene?

11 A. No.

12 Q. Do you deny that Major Brady made
13 such a statement?

14 A. I don't deny it. It's possible.

15 Q. Okay. Are you also aware that Major
16 Brady reported that the K-9 units were able
17 to follow that scent all the way around the
18 back of the Frazier's property and all the
19 way to Moberry Road where the scent
20 disappeared?

21 SOLICITOR DURANT: Your Honor, I
22 object.

23 THE COURT: I sustain. You can
24 call him as a witness.

25 SOLICITOR DURANT: Call him as a

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1 witness if you want.

2 CROSS-EXAMINATION CONTINUED

3 BY MR. DETREVILLE:

4 Q. Do you know where Reginald Gordon's
5 car, the white Buick Century was parked at
6 Frazier's Club on the night in question?

7 A. No, I don't.

8 Q. Did Reginald Gordon tell you where
9 his car was parked?

10 A. Did he tell me? No, he didn't.

11 Q. He didn't tell you in an interview?
12 I'm sorry. I withdraw the question. Were
13 you ever able to definitively determine what
14 motive the shooter would have had for killing
15 Domonique Grant?

16 A. No.

17 Q. You weren't able to connect a fight
18 at the Purple Mirage, maybe a fight Frazier's
19 anything of that nature to the actual
20 shooting of Domonique Grant; would that be a
21 fair statement?

22 A. Only to the relevance of Lionel
23 Blair/Tootie, who was at Purple Mirage, got
24 into an altercation. Was at Frazier's, got
25 into a verbal argument as he testified to,

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1 and him being near the victim at the time of
2 the shooting.

3 Q. Now, you interviewed Lionel Blair.
4 We established that earlier. At some point
5 you came in during the interview with Lionel
6 Blair previously?

7 A. At some point I did speak to him.

8 Q. And Lionel Blair, shall we say,
9 vociferously denied being by the door of the
10 car when the shooting took place; is that
11 correct?

12 A. That's correct.

13 Q. In fact, he so vociferously denied
14 that that he ended up being handcuffed to the
15 chair in the interview room; is that correct?

16 A. Yeah. He became irate at one time.

17 Q. Okay. His contention in the
18 interview was that he was standing at the
19 rear of the car with Caprese Crosby; is that
20 correct?

21 A. Yeah. During his interview he told
22 us that he was talking to Caprese Crosby on
23 the passenger's side of the vehicle.

24 Q. Okay. And, again, you've been
25 present for -- you were present for Mr.

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1 Blair's testimony previously. That directly
2 contradicts what he testified to at trial; is
3 that correct?

4 A. Correct.

5 Q. Okay. So if he were standing at the
6 rear of the vehicle, we don't know --
7 frankly, we don't know where he was standing;
8 would that be an accurate statement?

9 A. (No verbal response).

10 Q. He's testified both ways?

11 A. Correct.

12 Q. Okay. So if he were standing at the
13 rear of the vehicle that would remove any
14 sort of motive regarding Mr. Blair and any
15 kind of fighting or whatever it was that was
16 going on that evening?

17 A. That's up for assumption, that they
18 may have saw him at that vehicle. If they
19 were trying to scare him, they would shoot at
20 it. That's just an assumption. There's a
21 million reasons.

22 Q. Sure. When you were initially at
23 the scene, did you take part in any sort of
24 search for physical evidence at the time?

25 A. No, that was the crime scene unit.

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1 that had that aspect of the investigation.

2 Q. Okay. But you went back -- you
3 testified previously you went back two days
4 later to conduct another search for physical
5 evidence; is that correct?

6 A. Correct.

7 Q. Who was present at the second
8 search?

9 A. Myself, Detective Lawrence,
10 Detective Milz, Sergeant Manigault, and
11 that's it.

12 Q. Okay. And I'm sorry. I lost track.
13 Is that five people or four people?

14 A. Myself, Lawrence, Milz, and
15 Manigault; was four.

16 Q. Four people, okay. And at the time
17 that you went back and searched the crime
18 scene for the second time, y'all were able to
19 actually locate the shell casing in question;
20 is that correct?

21 A. Correct.

22 Q. Okay. And who was it that actually
23 found the shell casing?

24 A. Detective Lawrence.

25 Q. Okay. And you've heard the

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1 testimony previously from Milz regarding
2 where the shell casing was found, etcetera;
3 correct?

4 A. Correct.

5 Q. And does that fit your recollection
6 of how that transpired as well?

7 A. Yes.

8 Q. Did you see Detective Lawrence find
9 the shell casing? I mean, were you looking
10 in his direction at the time?

11 A. I didn't see him find it. We were
12 like on a, kind of a little line search in
13 close proximity. You know, kind of looking
14 and tamping with our feet to see if we could
15 feel anything out of the ordinary. And he
16 said, 'I think I found it.'

17 Detective Milz and Sergeant Manigault
18 went over there and they did, they located
19 the shell casing.

20 Q. Okay. How far apart was everybody
21 while y'all were doing this search? I see
22 you're holding your hands out like this?

23 A. No, it's maybe -- some of us were
24 probably closer than others. I would say
25 between five and ten feet.

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1 Q. Okay. Is that how far away you were
2 from Detective Lawrence when he said he'd
3 located something?

4 A. Probably about ten, twelve feet.

5 Q. Ten, twelve feet, but you didn't
6 actually see him discover it?

7 A. No, just heard him call out that he
8 had located something.

9 Q. Now, do you have any definitive --
10 do you know how many shots were fired that
11 night?

12 A. No.

13 Q. Do you have an idea as to how many
14 approximately were shot in her car?

15 A. I have an idea. It's six to seven.

16 Q. Six to seven shots were fired. And
17 y'all found one shell casing. Do you have
18 any explanation for where the other five to
19 six shell casings might have gone?

20 A. Explanation, no. But anybody that
21 watches the *First 48*, they -- I think there
22 was an episode of where an individual put a
23 bag on his hand -- he'd committed a homicide.
24 There's speculation that maybe he had a bag
25 or had his hands stuffed in his sleeve when

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1 he shot, so as to collect the shell casings.
2 And maybe that shell casing dropped out when
3 he was running away. There's a million
4 explanations of how that may have occurred.

5 Q. Okay. So really any explanation of
6 how those shell casings weren't at the scene
7 involves some manner of the shooter
8 collecting those shell casings? Would that
9 be an accurate statement?

10 A. Either the shooter collecting or
11 catching them as they were shooting them from
12 some kind of apparatus or cloth, shirt or
13 whatever.

14 Q. So it's likely that following the
15 shooting the actual shooter would have been
16 in possession of those shell casings?

17 A. Not -- unless there was somebody
18 there that helped him.

19 Q. During your investigation of this
20 case, have you received -- have you had any
21 witnesses come across any evidence, anything
22 of that nature to suggest that that Reginald
23 Gordon was the shooter in this case?

24 A. Well, during the investigation, we
25 get numerous phone calls, people calling to

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1 the sheriff's office, people calling to Crime
2 Stoppers. And during those phone calls we
3 were hearing three names: Reggie Gordon,
4 Derrick Brown and Santressa Gordon. Those
5 were the three names we were getting on Crime
6 Stopper tips and anonymous calls into the
7 sheriff's office. So we knew that we had
8 Reggie Gordon and Derrick Brown as possibly
9 being involved.

10 Q. That makes them possible witnesses.

11 A. Possible witnesses.

12 Q. Or possible witness or possible
13 suspects, whatever. I think my question then
14 was did you have any witnesses or evidence
15 that identify Reginald Gordon as the shooter
16 in this case?

17 A. No.

18 Q. Did you have any witnesses or
19 evidence that told you where Scrappy, where
20 Derrick Brown was at the time of the shooting
21 in this case?

22 A. He was -- well, witnesses testified
23 that both Reggie Gordon and Derrick Brown
24 were at the Frazier's Club at the time of the
25 shooting.

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1 Q. All right. Do you know what Derrick
2 Brown was wearing on the evening in question?

3 A. All black.

4 Q. And do you know what Reginald Gordon
5 was wearing on the evening in question?

6 A. Like a high-vision green/yellow
7 shirt and some, looked like blue jean shorts
8 or something.

9 Q. Okay. Would you concede that a
10 yellow shirt is very different than a black
11 shirt?

12 A. Yeah. Correct.

13 Q. You worked very closely with
14 Detective Lawrence in this case; is that
15 correct?

16 A. I wouldn't say very closely. I
17 mean, he was one of my investigators that
18 would bring information to me and go out and
19 follow up on leads.

20 Q. Certainly. He was present for a
21 majority of the witness interviews that you
22 conducted in this case, if not all of them?

23 A. A handful of them, yes.

24 Q. Okay. The shell casing, going back
25 to that, the shell casing that Detective

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1 Lawrence located at the crime scene, we
2 discussed this with a previous witness. But
3 if you could confirm for me, that's the only
4 physical link in this case between the
5 shooting at the scene and the gun that's
6 sitting on the evidence table right now;
7 would that be correct?

8 A. The only -- yes.

9 Q. Okay. When you retrieved the white
10 Buick Century from Christopher Caddell, how
11 much time had passed since it had been out of
12 law enforcement custody?

13 A. It was a couple of days.

14 Q. A couple of days, okay. Were you
15 able to review any of the reports associated
16 with discovery of the firearm in the white
17 Buick Century?

18 A. During the beginning of the
19 investigation I read the Charleston City's
20 report they filed on that.

21 Q. Okay. And do you recall any mention
22 of the firearm being encased in a plastic bag
23 or anything in that report?

24 A. I don't remember ever seeing that.

25 Q. Okay. Do you know if the -- you

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1 recall the particular photo that I'm
2 referring to, that inside of the white Buick
3 Century, I believe, it's Prosecution, Number
4 (State's Exhibit) 25.

5 A. Okay.

6 Q. It shows the inside of the car?

7 A. Correct.

8 Q. That plastic bag that's sitting
9 there, could that bag have been placed there
10 at any time while the car was not in police
11 custody?

12 SOLICITOR DURANT: Calls for
13 speculation, Your Honor.

14 THE COURT: Overruled.

15 WITNESS: It's possible.

16 CROSS EXAMINATION CONTINUED

17 BY MR. DETREVILLE:

18 Q. Okay. Is it, in your experience, as
19 a police officer, I believe you said you'd
20 been doing this for almost a decade; is that
21 correct? Seven years?

22 A. About twelve years.

23 Q. Twelve years, I'm sorry. In your
24 experience in law enforcement, would it be
25 ordinary police procedure to -- or move a

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1 firearm from a vehicle that's located inside
2 of a plastic bag but leave the plastic bag
3 sitting where it was or ---

4 A. Well, that depends on the situation.
5 If that officer was just there and he was
6 dealing with an abandoned vehicle and he saw
7 a gun, his job is to secure that gun; you
8 know, check the serial numbers make sure it's
9 not stolen and so forth.

10 But if the City would have known that
11 there was a homicide, an active investigation
12 and that gun had any link to our case, they
13 would have handled that evidence differently.

14 MR. DETREVILLE: If I might have a
15 moment, Your Honor, excuse me.

16 CROSS EXAMINATION CONTINUED

17 BY MR. DETREVILLE:

18 Q. Did you interview another witness in
19 this case who described the shooter as ---

20 SOLICITOR DURANT: I don't know what
21 -- once again, I object. That calls for
22 hearsay.

23 THE COURT: I don't think so.
24 'Did you interview a witness?' That doesn't
25 call for hearsay. Overruled.

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1 SOLICITOR DURANT: Your Honor, he's
2 not ---.

3 THE COURT: Overruled.

4 SOLICITOR DURANT: Yes, sir.

5 CROSS-EXAMINATION CONTINUED

6 BY MR. DETREVILLE:

7 Q. Did you interview another witness
8 who described the shooter as wearing all
9 black and having dreads?

10 A. I did.

11 Q. Okay. And I believe that the -- was
12 the description that the shooter had long
13 dreads, also?

14 A. I think so, yes.

15 Q. That sort of hung back on his face,
16 I think the description was?

17 A. I don't know if he said hanging in
18 his face. I remember talking to an
19 individual that says that he saw somebody
20 running away, wearing all black, with dreads.

21 Q. Okay. Very good.

22 MR. DETREVILLE: Begging your
23 pardon, Your Honor.

24 THE COURT: All right.

25 MR. DETREVILLE: I have no further

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1 questions for this witness, Your Honor.

2 THE COURT: Redirect.

3 REDIRECT EXAMINATION

4 BY SOLICITOR DURANT:

5 Q. I believe you kind of clarified that
6 when he was asking you -- when Mr. Detreville
7 was asking you about if the shooter had
8 collected the shell casings, he would have
9 had the shell casings on him, but you said,
10 'well, there could have been a friend or
11 acquaintance' or something like that.

12 A. Yeah. We just don't know.

13 Q. Okay. And I'm not going to ask you
14 this question because he's asking you about
15 what another witness said. So I have nothing
16 further, thank you.

17 THE COURT: All right. Anything
18 further?

19 MR. DETREVILLE: Nothing, Your
20 Honor.

21 THE COURT: You may come down.

22 (WITNESS STEPS DOWN)

23 THE COURT: Thank you very much.

24 SOLICITOR DURANT: May we approach,
25 please, Your Honor.

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1 THE COURT: Certainly.

2 (OFF RECORD BENCH CONFERENCE)

3 THE COURT: Next witness.

4 SOLICITOR DURANT: The State would
5 call Charles Lawrence.

6 (WITNESS TAKES STAND)

7 CHARLES LAWRENCE, having been duly sworn
8 to tell the truth, and nothing but the truth,
9 testified as follows:

10 DIRECT EXAMINATION

11 BY SOLICITOR DURANT:

12 Q. Good afternoon, Mr. Lawrence?

13 A. Good afternoon, sir.

14 Q. You were formerly employed by the
15 Charleston County Sheriff's Office?

16 A. Yes, sir, that's correct.

17 Q. And how long were you with the
18 sheriff's office?

19 A. Eleven years.

20 Q. Were you employed by the sheriff's
21 office in February of 2013?

22 A. Yes, sir, that's correct.

23 Q. In what capacity?

24 A. Detective.

25 Q. Okay. And do you remember going out

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1 to Frazier's Club on August the 20th of 2012
2 with Detective Wilson and Investigator Milz
3 and Investigator Manigault to look for shell
4 casings?

5 A. Yes, sir.

6 Q. Okay. And who found the shell
7 casing?

8 A. I did.

9 Q. And how did you find the shell
10 casing?

11 A. I actually stumbled across it. I
12 stepped on it.

13 Q. You stepped on it?

14 A. Yes, sir.

15 Q. And did you plant that shell casing
16 there?

17 A. No, sir.

18 Q. Did you have a shell casing with you
19 when you went?

20 A. No, sir.

21 Q. Did you, even at that time, have any
22 indication that Reggie Gordon may be a
23 suspect in this case?

24 A. No, sir.

25 Q. Did you collect the shell casing?

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1 A. I did not.

2 Q. And that was done by Investigator
3 Milz; is that correct?

4 A. Yes, sir.

5 Q. Now, also related to this
6 investigation, did you have an occasion to
7 interview the Defendant, Reginald Gordon, on
8 February the 13th -- excuse me -- February the
9 15th of 2013?

10 A. That's correct.

11 Q. And how did it come about that you
12 talked to the Defendant on that day?

13 A. I was contacted by his mother, Ms.
14 Geneva, and she informed me -- she requested
15 that I interview her son, Reginald Gordon,
16 due to a detective informing him that he was
17 going to lock his -- lock him up all of his
18 life.

19 Q. And you knew the family at the time;
20 is that correct?

21 A. Yes, sir, that's correct.

22 Q. Now, on February 15th of 2013, how
23 did it come about that you actually went and
24 got Mr. Gordon and brought him to the
25 interview?

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1 A. His sister, Ms. Denise Butler -- it
2 was either -- I'm not sure if it's Butler or
3 Gordon -- came in and advised that her
4 brother knew more than what he was saying.
5 And at which point in time, she asked if she
6 could speak to him prior to him talking to
7 me?

8 And which I went and gathered him from
9 the Sheriff Al Cannon Detention Center,
10 escorted him back over to the Charleston
11 County Sheriff's Office, Criminal Investiga-
12 tions Division, located at 3505 Pine Needle
13 Drive, at which time I allowed Mr. Gordon and
14 his sister to speak in the interview room.
15 The camera was on. However, it was not
16 recorded. Their conversation was not
17 recorded.

18 Q. And after she had an opportunity to
19 speak with her brother, what did you do?

20 A. Upon completion of her speaking to
21 her brother, she said, 'I think he's ready to
22 talk.'

23 At which point in time I entered the
24 interview room, advised him of his *Miranda*
25 warnings. He advised -- and he waived his

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1 rights and provided me with a recorded
2 statement.

3 Q. Okay. I hand you what's previously
4 been marked as State's Exhibit Number 57 for
5 identification and ask if you recognize that
6 document?

7 A. I do.

8 Q. And what is that?

9 A. This is a Charleston County
10 Sheriff's Office Advisement of Rights form.

11 Q. And is that the advisement of rights
12 form you used to interview Mr. Gordon of his
13 rights?

14 A. Yes, sir.

15 Q. That's correct?

16 A. That's correct.

17 Q. And how do you know that, sir?

18 A. Because his signature is there along
19 with mine and the date, sir.

20 Q. He signed and you witnessed his
21 signature?

22 A. That's correct.

23 Q. And when did your interview begin?

24 A. 12:58 P.M.

25 Q. And when did it end?

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1 A. 13:48 P.M., which is 1:48 for non-
2 military numbers.

3 Q. Okay. And during the time that you
4 advised him of his rights, did he appear to
5 understand what you were saying?

6 A. He did.

7 Q. Did he appear to be confused at all?

8 A. No, not at all.

9 Q. Did he respond appropriately to your
10 questions?

11 A. He did.

12 Q. Did he appear to be under the
13 influence of alcohol or drugs or anything of
14 that nature at the time?

15 A. No, sir.

16 Q. And did he sign the State's Exhibit
17 Number 57 acknowledging that he understood
18 his rights?

19 A. Yes, sir. That's correct.

20 Q. After you advised him of his rights,
21 did he indicate that he was willing to waive
22 his rights and talk to you?

23 A. That's correct.

24 Q. And, also, on the top of State's 57,
25 did he sign a written waiver of his rights?

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1 A. He did.

2 Q. Was this entire process audio and
3 video recorded?

4 A. Yes, sir, both.

5 SOLICITOR DURANT: Your Honor, we
6 would offer State's 57 into evidence if
7 there's no objection.

8 THE COURT: This is 57?

9 WITNESS: Yes, sir. Advisement of
10 Rights.

11 THE COURT: His advisement of
12 rights.

13 MR. DETREVILLE: I'm sorry, I'm
14 sorry, please ---

15 SOLICITOR DURANT: I offered State's
16 57 the Advisement of Rights into evidence.

17 THE COURT: Advisement of Rights.

18 MR. DETREVILLE: No objection.

19 (SO ENTERED AS STATE'S EXHIBIT 57)

20 DIRECT EXAMINATION CONTINUED

21 BY SOLICITOR DURANT:

22 Q. I hand you what's been marked as
23 State's Exhibit Number 58. It appears to be
24 a DVD or a CD asks if you recognize that
25 item?

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1 A. Yes, sir, I do.

2 Q. What is that?

3 A. This is a DVD that was burned of the
4 interview of myself and Mr. Gordon.

5 Q. Okay. And how do you know that?

6 A. It has my initials on it and date,
7 as well as the case number.

8 Q. Okay. You watched it in my office
9 when you made that, when you initialed it; is
10 that correct?

11 A. That is correct.

12 Q. And does State's Exhibit Number 58
13 an exact copy of the interview you had with
14 Mr. Gordon on the 15th of February, 2013?

15 A. That's correct.

16 Q. Now, at any time during this inter-
17 view did you promise him anything?

18 A. No, sir.

19 Q. Did you threaten him in any way?

20 A. No, sir.

21 Q. Did you offer him leniency when you
22 talked to him?

23 A. No, sir.

24 Q. Did you threaten his family or his
25 loved ones?

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1 A. No, sir.

2 Q. Did you offer him any kind of reward
3 or inducements?

4 A. No, sir.

5 Q. At any time during the interview did
6 he ask for an attorney?

7 A. No, sir.

8 Q. Did he exercise his right to remain
9 silent?

10 A. No, sir.

11 SOLICITOR DURANT: Your Honor at this
12 time we would offer State's Exhibit Number 58
13 into evidence.

14 THE COURT: Over the Defendant's
15 objection, it's admitted.

16 (SO ENTERED AS STATE'S EXHIBIT 58)

17 DIRECT EXAMINATION CONTINUED

18 BY SOLICITOR DURANT:

19 Q. And we're going to play this in just
20 a second, but I wanted to ask you a couple of
21 other questions before we did.

22 A. Okay.

23 Q. You have since been terminated by
24 the Sheriff's Office; correct?

25 A. That is correct.

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1 Q. And you were terminated by the
2 sheriff's office because you had been
3 involved -- you had gotten yourself involved
4 in a sexual relationship; correct?

5 A. Yes, sir, that's correct.

6 Q. With Derrick Brown's mother?

7 A. Correct.

8 Q. Sonya Magwood.

9 A. Yes, sir.

10 Q. Correct?

11 A. That is correct.

12 Q. And when that was brought to your
13 attention, you lied about it?

14 A. Yes, sir.

15 Q. And you got terminated because of
16 that?

17 A. That is correct.

18 Q. Okay. Now, I'm sure Mr. Detreville
19 will go into that in great depth in a little
20 bit, but that was basically the reason that
21 you got terminated?

22 A. Yes, sir, that is correct. That is
23 the reason, yes, sir.

24 Q. Is it true that in this interview
25 that Mr. Gordon accused Mr. Brown of being

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1 the trigger man?

2 A. That is correct.

3 Q. Did you try to hide that
4 information?

5 A.. Never. No, sir.

6 Q. Did you try to bury State's Exhibit
7 58?

8 A. No, sir.

9 Q. You're aware that basically Mr.
10 Brown was arrested because of the information
11 contained this State's Exhibit 58?

12 A. That is correct.

13 Q. Did you do anything to prevent Mr.
14 Brown from being arrested?

15 A. No, sir, I did not.

16 Q. And you are aware that the charges
17 are still pending against him?

18 A. Yes, sir, I'm aware.

19 SOLICITOR DURANT: Your Honor,
20 permission to -- and this is where we're
21 going to have to have the jury wear the ear
22 plugs, I think, Your Honor.

23 THE COURT: All right. Ladies and
24 gentlemen, I have reviewed this -- let me ask
25 you first -- this is going to take ---

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1 SOLICITOR DURANT: About an hour.

2 THE COURT: --- about an hour.

3 Does anybody need a break before we start it?

4 JUROR: Yes, please.

5 THE COURT: Okay. Well, let's
6 take a restroom break. And be short because
7 we want to get this in this afternoon. And
8 so go to your jury room, just for like, just
9 a few minutes and I'm going to ask the
10 bailiff to notify me when everybody gets
11 comfortable.

12 (JURY OUT @ 3:16 P.M.)

13 THE COURT: All right. Stand at-
14 ease, ten minutes.

15 SOLICITOR DURANT: We're going to
16 take a few minutes to test this stuff, Your
17 Honor.

18 (BRIEF RECESS)

19 (DEFENDANT PRESENT)

20 (WITNESS RESUMES STAND)

21 THE COURT: Is the State ready to
22 proceed?

23 SOLICITOR DURANT: Yes, sir, Your
24 Honor.

25 THE COURT: Is the Defense ready

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1 to proceed?

2 MR. DETREVILLE: Yes, Your Honor.

3 CLERK: Your Honor, are you going
4 to instruct them in the use of these
5 (earphones) or should I?

6 THE COURT: I need to tell them
7 about it first.

8 SOLICITOR DURANT: Okay.

9 THE COURT: Bring the jury,
10 please? All right. Come to order, please?

11 (JURY IN @ 3:26 P.M.)

12 BAILIFF: All jurors are present,
13 Your Honor.

14 THE COURT: All right. Thank you.
15 All right. Ladies and gentlemen, you have in
16 front a listening device. Now, I have
17 previewed this tape and because of the
18 location of the microphone you see up on the
19 screen, the video, I'm not sure where the
20 microphone is located, but sometimes it's a
21 little bit difficult to hear. So the clerk
22 is going to instruct you on how to use these
23 (earbuds). Don't put them on yet. And
24 everybody's got to have one.

25 (EARBUDS AND POWER PACKS GIVEN TO JURORS)

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1 (INSTRUCTION ON USE BY CLERK)

2 THE COURT: Everybody ready? All
3 right, Solicitor.

4 SOLICITOR DURANT: Thank you, Your
5 Honor. Can I approach just one tiny second,
6 with Defense counsel?

7 (OFF RECORD BENCH CONFERENCE)

8 SOLICITOR DURANT: Permission to play
9 State's Exhibit 58, Your Honor.

10 THE COURT: Yes, sir. You may
11 proceed.

12 SOLICITOR DURANT: (Video playing) --
13 what is that background noise, Solicitor?

14 SOLICITOR DURANT: That's from the
15 sheriff's office unfortunately.

16 THE COURT: Somewhere else in that
17 office?

18 SOLICITOR DURANT: Yes, sir --
19 (video playing). Your Honor, if there's no
20 objection, there's about a five-minute period
21 where he's alone. And I'll fast forward
22 through that if it's okay with everybody.

23 THE COURT: Yes, sir, let's do
24 that. There's a blank spot here where the
25 Defendant's just sitting there. And they're

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1 going to fast forward to the next
2 conversation.

3 (VIDEO FAST FORWARDED/RESUMED/PAUSED)

4 SOLICITOR DURANT: Any objection if I
5 move to the next section?

6 THE COURT: Please.

7 (VIDEO FAST FORWARDED/RESUMED/ENDED)

8 DIRECT EXAMINATION CONTINUED

9 BY SOLICITOR DURANT:

10 Q. Detective Lawrence, would you please
11 answer questions that Mr. Detreville may have
12 for you?

13 A. Yes, sir.

14 CROSS-EXAMINATION

15 BY MR. DETREVILLE:

16 Q. Good afternoon, Detective Lawrence.

17 A. Good afternoon, sir.

18 Q. I'm sure you've seen that video as
19 many times as I have, but for the benefit of
20 the jury who's just seen now for the first
21 time, you referred to an individual by the
22 name of "Scrappy" in that video. Do you know
23 who Scrappy is?

24 A. Yes, sir.

25 Q. And who is Scrappy?

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1 A. Scrappy is a co-defendant and --
2 you're saying who is Scrappy, by his name?

3 Q. Yeah. What's his name?

4 A. Derrick Brown.

5 Q. Derrick Brown, okay. Do you know
6 where the nickname Scrappy comes from?

7 A. That's an alias he's had since I've
8 known him.

9 Q. Okay. How long have you known him?

10 A. Maybe since 2004 or 2005.

11 Q. How long have you known Scrappy's
12 family?

13 A. Maybe 2004, 2005 also maybe, since
14 then.

15 Q. Okay. And his family, which family
16 members of his are you familiar with?

17 A. Pretty much the whole family.

18 Q. Who all is that? Is it a big -- are
19 we talking about a big extended family or are
20 we talking smaller family or ---

21 A. Well, the smaller -- it's a smaller,
22 a small family. A lot of people are kin to
23 each other in the Hollywood area.

24 Q. Of course. Of course. We'll cut
25 right to the chase, Detective Lawrence.

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1 A. Sure.

2 Q. You were involved, and I think you
3 testified to this earlier, you were involved
4 in a sexual relationship with Derrick Brown's
5 mother; correct?

6 A. That's correct.

7 Q. Okay. And you told, when confronted
8 about that statement by your superiors at the
9 sheriff's department, you initially denied
10 that; correct?

11 A. That is correct.

12 Q. Okay. But you're not denying that
13 today?

14 A. No, sir, not at all.

15 Q. Okay. So it's a truthful statement
16 that you were involved in a sexual relation-
17 ship with Sonya Magwood?

18 A. Yeah, that's correct.

19 Q. You initially told investigators at
20 the Charleston County Sheriff's Department
21 that your sexual relationship with Sonya
22 Magwood started in 2009 or 2010; is that
23 correct?

24 A. Yes, sir, that's correct.

25 Q. So would it be a truthful statement

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1 that while you were investigating this case,
2 particularly investigating Reginald Gordon
3 for the things that he's charged with today,
4 and investigating Derrick Brown for the
5 things that he's charged with, that during
6 that time, you were engaging in a sexual
7 relationship with my client's co-defendant's
8 mother?

9 A. That came in 2013. Yeah, 2013, not
10 during the time of the arrest of Mr. Gordon
11 or Mr. Brown.

12 Q. Okay. So you allege today that the
13 sexual relationship did not start in 2009 or
14 2010, that it actually started in 2013?

15 A. Yes. That is correct.

16 Q. As part of the Charleston County
17 Sheriff's Department's investigation of you,
18 did they find that you violated their
19 policies on truthfulness and on conduct
20 unbecoming an officer?

21 A. That is correct.

22 Q. Okay. And you were terminated from
23 the sheriff's department specifically for
24 that reason; is that correct?

25 A. That is correct.

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1 Q. Okay. And you told the sheriff's
2 department that you began a sexual relation-
3 ship with Sonya Magwood -- and, again, Sonya
4 Magwood is Derrick Brown's mother?

5 A. Yes, sir.

6 Q. That you began a sexual relationship
7 with her in 2009 or 2010. The sheriff's
8 department internal investigation found that
9 you also colluded with Sonya Magwood to
10 create that time line; is that correct?

11 A. Yes, sir, that is correct.

12 Q. The two of you got together and made
13 sure that your stories matched up with one
14 another?

15 A. Yes, sir.

16 Q. Okay. If your relationship with
17 Sonya Magwood didn't start until 2013, when,
18 you know, it seems like maybe there was less
19 wrongdoing there, that certainly it would
20 wrong and highly inappropriate, why collude
21 with her to create a false time line?

22 A. Well, when I was initially asked, I
23 was asked by my Captain, Don Martin, who, I
24 guess, he got an email from the solicitor's
25 office or from the public defender's office,

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1 and he asked me out loud amongst my
2 colleagues. And at that point, I immediately
3 panicked and I said 'no.' At which point in
4 time, I contacted her and we came up with a
5 time line. And because I had already started
6 a lie, I had to continue the lie.

7 Q. Okay. Oh, the tangled webs we weave
8 when we first endeavor to deceive?

9 A. That's correct.

10 Q. So essentially this became -- I
11 don't know any other way to put it Detective
12 Lawrence, or Mr. Lawrence, this became lie
13 after lie after lie after lie, essentially?

14 A. Not so much. Initially, I panicked
15 and I came up with a date. Okay. And when I
16 came up with that, that's what I told my
17 Sergeant. I mean, I'm sorry, my Captain, at
18 which point in time an internal affairs
19 investigation was going on.

20 When I spoke with internal affairs, I
21 gave them, I gave internal affairs the
22 correct date. And based on the corroboration
23 from the Captain, with me initially lying to
24 him, and the dates, that's how they came up
25 with the -- that's how we got to the lie

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1 after lie.

2 Q. Okay.

3 A. Okay.

4 Q. Given the fact that you admit that
5 you have lied so many times about this, how
6 would we know for certain when your
7 relationship with Sonya Magwood actually
8 started? Are we to believe what you're
9 telling us today? Is that what you're
10 telling us?

11 A. Yes, sir.

12 Q. Okay. Now, as part of the sheriff's
13 department internal investigation into your
14 activities, did they make a finding that your
15 relationship with Sonya Magwood began when
16 you arrested Derrick Brown for robbery in
17 2012?

18 A. Not to my knowledge, no, sir. It
19 didn't begin until 2013. He was arrested in
20 October of 2012.

21 Q. October of 2012?

22 A. Yes, sir, that's where the October
23 2012 come in, Derrick Brown was arrested.

24 Q. Do you recall being presented with a
25 letter of termination on July the 9th, 2014?

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1 A. Yes, sir.

2 Q. Okay.

3 MR. DETREVILLE: May I approach the
4 witness, Your Honor?

5 THE COURT: Yes, sir.

6 COURT REPORTER: Defendant's
7 Exhibit Number 3 for identification.

8 (SO MARKED DEFENDANT'S EXHIBIT 3)

9 CROSS-EXAMINATION CONTINUED

10 BY MR. DETREVILLE:

11 Q. Mr. Lawrence, I'm showing you what's
12 been previously marked as Defendant's Exhibit
13 3. Do you recognize this document?

14 A. Yes, sir, I do.

15 Q. Is that the letter of termination
16 from July the 9th of 2014?

17 A. It is.

18 Q. Okay. Does this appear from your
19 review of the document to be a truthful and
20 accurate representation of that letter of
21 termination from July the 9th, 2014?

22 A. Yes, sir, it appears to be.

23 Q. Okay.

24 MR. DETREVILLE: Your Honor, I'd
25 move this into evidence as Defense 3?

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1 SOLICITOR DURANT: May I see it? I
2 haven't seen it, Your Honor.

3 MR. DETREVILLE: (Tenders copy to
4 Solicitor).

5 SOLICITOR DURANT: (Upon review),
6 thank you. No objection.

7 MR. DETREVILLE: I'm sorry?

8 SOLICITOR DURANT: No objection.

9 THE COURT: No objection. Without
10 objection.

11 (SO ENTERED AS DEFENDANT'S EXHIBIT 3)

12 CROSS-EXAMINATION CONTINUED

13 BY MR. DETREVILLE:

14 Q. Now, you testified that your
15 relationship with Sonya Magwood started in
16 2013. Would you read for the benefit of the
17 jury the first four sentences of this letter
18 of termination?

19 A. Yes, sir. Are you ready?

20 Q. Oh, certainly. Whenever you're
21 ready, sir.

22 A. Okay, (reading): "On July 3rd,
23 2014, the Office of Professional Standards
24 completed an investigation in reference to a
25 sexual relationship you were having with a

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1 *suspect's mother. As a result of this*
2 *investigation, it was found that you had an*
3 *intimate relationship with the mother of a*
4 *suspect after you had arrested her son for*
5 *armed robbery."*

6 Q. Thank you, sir. Now, when did you
7 arrest Derrick Brown for armed robbery?

8 A. October of 2012.

9 Q. Okay. That was previous to the time
10 when you interviewed Reginald Gordon; is that
11 correct?

12 A. Yes, sir.

13 Q. October 2012?

14 A. Yes, sir.

15 Q. That was after October of 2012?

16 A. Correct.

17 Q. Do you feel like you were being
18 dishonest with Mr. Gordon in not disclosing
19 that relationship with Sonya Magwood at the
20 time of your interview with him?

21 A. The only reason I interviewed Mr.
22 Gordon was per the request of his mother.

23 Q. Okay. And was Ms. Gordon aware of
24 your relationship with Sonya Magwood at the
25 time?

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1 A. It's undetermined. That, I do not
2 know.

3 Q. Probably not. What do you think?

4 A. I'm not sure.

5 Q. Would you describe this relationship
6 with Ms. Magwood as being on the DL, so to
7 speak?

8 A. Not so much as on the DL. It wasn't
9 so much even as a relationship.

10 Q. Well, you're a married man, Mr.
11 Lawrence; is that correct?

12 A. That is correct.

13 Q. So this wouldn't be something that
14 you'd be advertising to everybody?

15 A. Oh, no.

16 Q. Safe to say?

17 A. Right.

18 Q. All right. So you think that Ms.
19 Gordon would have approached you about taking
20 a statement from her son had she known that
21 you were sleeping with his co-defendant's
22 mother?

23 A. Again, that, I do not know. It was
24 undetermined if she even knew at that time.

25 SOLICITOR DURANT: I would object

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1 on the speculation. He's asking what the
2 mother might have known, okay?

3 THE COURT: Sustained.

4 MR. DETREVILLE: I withdraw that
5 question, Your Honor.

6 THE COURT: Strike from the
7 record.

8 CROSS-EXAMINATION CONTINUED

9 BY MR. DETREVILLE:

10 Q. If your relationship with Sonya
11 Magwood was not inappropriate, why did you
12 lie about it?

13 A. The way that I was asked about it.
14 Instead of being called into the office and
15 closing the door. And it was just -- it was
16 blurted from my Captain's desk, which is
17 eight to ten feet away from me. All the
18 detectives on the person's side worked
19 together. So when this was said, it was said
20 from his computer looking at it. And it was
21 just an outburst how he asked me. And it put
22 me in a situation where I couldn't say yes,
23 at that point in time. So my immediate
24 reaction was just to panic and lie, which I
25 did.