

22561

STATE OF SOUTH CAROLINA

In The Court of Appeals

ANDERS

APPEAL FROM CALHOUN COUNTY

NO DEF. BRIEF

Maite Murphy, Circuit Court Judge

No Respondent's Brief Filed

THE STATE,

v.

BRYANT MCKNIGHT,

RESPONDENT,

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SC Court of Appeals

APPELLANT

APPELLATE CASE NO. 2015-000569

RECORD ON APPEAL

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COURT OF GENERAL SESSIONS

COUNTY OF CALHOUN

2014-GS-09-0059

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STATE OF SOUTH CAROLINA

TRANSCRIPT OF RECORD

VS.

BRYANT MCKNIGHT AND JERRY
MCKNIGHT, SR.

MARCH 2-6, 2015
ST. MATTHEWS, SC

B E F O R E:

THE HONORABLE MAITÉ MURPHY, JUDGE, AND A JURY.

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Official Court Reporter

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1 THE COURT: Solicitor, it's my understanding that we
2 have a matter that must be taken up with the Court with the
3 public defender's office that must be done outside of the
4 presence of the State and anyone else and so based upon that
5 I'm going to ask the Courtroom to be cleared other than the
6 public defender, the security, of course, and the defendant
7 at this time.

8 MR. SORENSON: Okay.

9 MR. LEIENDECKER: Ready, Your Honor, to bring the
10 defendant in.

11 THE COURT: Yes, sir.

12 MR. SORENSON: Your Honor, we've got Mr. Ward is kind of
13 going through the evidence sorting out what's going to get
14 marked and what's not so we're going to leave it all there.

15 THE COURT: That's fine. We shouldn't be very long.

16 MR. SORENSON: Okay.

17 (Courtroom cleared as requested by the Court.)

18 CLERK OF COURT: Please place your left-hand on the
19 Bible as best you can. Raise your right hand as best you
20 can.

21 JERRY MCKNIGHT,
22 being first duly sworn, was examined and testified *in camera*
23 as follows:

24 CLERK OF COURT: Can you please state your full name for
25 the record.

1 MR. JERRY MCKNIGHT: Jerry McKnight.

2 CLERK OF COURT: Thank you.

3 THE COURT: Mr. McKnight, I'm Judge Murphy. I'm
4 presiding over the trial of your case here this week, and I
5 understand that you have a question regarding having sent a
6 letter to the Supreme Court regarding your attorney, Mr.
7 Leiendecker; is that correct?

8 MR. JERRY MCKNIGHT: Yes, ma'am.

9 THE COURT: Can you tell me about that?

10 MR. JERRY MCKNIGHT: I feel like I'm not being
11 represented right by him and that I would like to have him
12 dismissed.

13 THE COURT: You want Mr. Leiendecker dismissed? Tell
14 me, when you say you feel like you're not being represented,
15 not being represented how?

16 MR. JERRY MCKNIGHT: He just got appointed to me on May
17 20th, and you know what I'm saying, due to lack of, you know
18 what I'm saying, communication and contact with him on what
19 time I've, you know what I'm saying, been locked up, I hardly
20 seen him like a few times and haven't, you know what I'm
21 saying, understand anything that's really going on with my
22 case for me to be prepared to go to trial.

23 THE COURT: Well, let me share this with you, Mr.
24 McKnight, I've known Mr. Leiendecker, gosh, I'm aging myself
25 here, probably for 20-something years and have seen him try

1 multiple cases. I've seen him prepare multiple cases. I've
2 seen him, being in the public defender's office for four
3 years, he does an excellent job, and I'm sure that, as an
4 officer of the Court, he would tell me if he was not ready to
5 try this case because, being appointed in May until now
6 certainly is more than sufficient enough time for him to be
7 properly prepared. I'm very confident of that. And I'm
8 certain that, despite him not being with you every day, I'm
9 certain that he would have made every attempt to meet with
10 you as much as he felt necessary to properly prepare this
11 case.

12 And, Mr. Leiendecker, have you met with your client
13 sufficiently, in your opinion, to properly prepare?

14 MR. LEIENDECKER: Your Honor, if it please the Court, I
15 understand where Jerry's coming from. I certainly understand
16 his nervousness concerning the severity of the case and what
17 we're doing. He and I have met. The appointment didn't come
18 until May, and Claudia and I have talked about that. There
19 was certainly a snafu during the transition time concerning
20 appointments, and we're still working to bridge -- to plug
21 that gap at the detention center. Some of our defendants in
22 Calhoun County are not getting assigned attorneys on a speedy
23 basis. But he's right, it wasn't until May. We didn't meet
24 until a while after that. We've probably met half a dozen
25 times at the most, but we -- at all times when we've met I've

1 gone through all of the evidence. I go, I sit down with
2 Jerry, I take a block of something I have a question about,
3 and he helps me with direction. I've tried to explain to him
4 that the bulk of my work isn't sitting with him in
5 preparation for the case. It's working with my investigator
6 who's been in the field. Mr. Harrell has been working for
7 us. It's reviewing witness statements. It's having the
8 investigator speak with those witnesses, which has happened.
9 It's looking at the physical evidence that's there and
10 analyzing that. It's now, most recently, he and I have been
11 working on phone records, including distillation of those
12 phone records that didn't even come to Mr. Banks or I until
13 last week and getting with him regarding that. Now, we've
14 met a lot more recently. We've met at least three times in
15 the last two weeks, and he met with my investigator as well
16 one time, and I was present for that. I understand where he
17 is. I understand his nervousness concerning this. The
18 reality of it is this is really Jerry's first trial. All the
19 other matters he's had have ultimately been resolved through
20 plea, and he filed this letter or sent this letter to the
21 Supreme Court asking them to have me relieved. The Clerk,
22 Mr. Shearhouse, sent me a copy of that as well as one back to
23 Jerry with check marked that this was a matter that needed to
24 be presented before the presiding judge, and that's why I let
25 the Court know about it and made you aware so that he could

1 have his opportunity to speak to you. He certainly has a
2 right to think that, you know, I haven't been there enough
3 for him, and he's -- and he's stressed about it.

4 THE COURT: Mr. McKnight, I can certainly understand
5 what a stressful position that you are in, considering the
6 circumstances, and you've listened to what Mr. Leiendecker
7 has stated. So obviously a lot of the preparation and the
8 trial work preparation happens outside of your presence; you
9 understand that?

10 MR. JERRY MCKNIGHT: I understand that, ma'am, but at
11 the same time, I feel like in this case it's a lot of stuff
12 that I don't understand in it, you know what I'm saying, I
13 feel like I'm going from beginning to end in this motion of
14 mine, to be fully prepared, to understand what is what for me
15 to be facing, you know, and at the same time I haven't went
16 up for a bond arrangement, just as well as, you know, what
17 else.

18 MR. LEIENDECKER: We have not filed any motion for
19 reconsideration of bond, you know.

20 MR. JERRY MCKNIGHT: The last time I was supposed to
21 have been up here for court and I had mentioned to him about
22 trying get me a bond, and he said, you know what I'm saying,
23 next time he was coming he was gonna try, but all my co --
24 just with the other witnesses had went up for bonds, and you
25 know what I'm saying, they got out on bond on the street and

1 all that, and I feel like that's not right.

2 THE COURT: Let me ask you this, Mr. McKnight, obviously
3 your case is being called to trial today. You have a trial
4 today. Trial's not going to be continued. Tell me, have you
5 had any legal training or do you know the rules of evidence
6 at all?

7 MR. JERRY MCKNIGHT: No, ma'am.

8 THE COURT: You haven't had any legal training; is that
9 correct?

10 MR. JERRY MCKNIGHT: No, ma'am, just what I hear from
11 guys that been through stuff like this from doing time on
12 drug charges up the road.

13 THE COURT: Sure, and understandably they may be
14 somewhat familiar with the system, but they didn't go to law
15 school. They didn't take the bar exam. They didn't have a
16 successful law practice and become the head public defender
17 like your attorney here has. Your attorney's very well
18 versed in the law and is extremely competent, and frankly
19 you're lucky that you got him to be appointed to your case
20 because he's an excellent trial attorney. I can tell you
21 that I don't see him telling the Court that he would be
22 prepared for trial if he wasn't. I think he certainly would
23 have your best interest at heart. I don't want you to go
24 forward with this trial here today without being represented.
25 You're telling me that you're not trained in the law. You

1 know, you haven't gone to law school and those types of
2 things, so you need somebody to stand in for you and
3 represent you and someone that's capable and well trained and
4 diligent in their efforts in doing that, and without an
5 attorney, I'm certain that it would not be a good thing for
6 you to proceed without an attorney. It's too late in the
7 game for me to change and ask another attorney to represent
8 you because your case is being called for trial today.
9 Having been appointed in May, that's nine months since his
10 appointment to your case; and, frankly, I think that's
11 sufficient time for him to have to be adequately prepared.
12 I'm certain that if he was not adequately prepared, he would
13 tell the Court and ask for a continuance, and that's
14 certainly not the case here, so I'm going to deny your
15 request to remove him from your case.

16 (Defendant and attorney confer.)

17 THE COURT: Mr. McKnight, it's 11:30. The jury panel
18 doesn't come in until 1:00. You certainly are welcome to sit
19 with Mr. Leiendecker between now and then and talk to him and
20 ask him any questions that you have to further make yourself
21 feel comfortable that you understand the proceedings against
22 you and that you understand what's going on. I understand
23 your nervousness, considering the charge and what you're
24 looking at; but like I said, Mr. Leiendecker is an excellent
25 attorney, you're in good hands, and I'm going to deny your

1 request. But you do have some time between now and then to
2 talk to him, and during the trial if things come up where you
3 have a question and need to talk to him, just you all let me
4 know and I will grant you that request, okay?

5 MR. JERRY MCKNIGHT: All right.

6 THE COURT: All right. Thank you.

7 MR. LEIENDECKER: Thank you, Judge.

8 (The Court's Exhibit 1A marked for identification.)

9 (Recess held.)

10 (The following was held in open court.)

11 (State's Exhibits 1-10, 16-21, 30-32, premarked for
12 identification.)

13 (Jury panel duly qualified.)

14 THE COURT: Solicitor, you may call your case.

15 MR. PASCOE: May it please the Court, Your Honor.

16 THE COURT: Yes, sir.

17 MR. PASCOE: At this time, Your Honor, the State of
18 South Carolina calls the case of the State versus Bryant
19 McKnight for one count of murder, Indictment No.
20 2014-GS-09-0059; one count of kidnapping, 2014-GS-09-0060.
21 We also call the case of the State versus Jerry McKnight,
22 Your Honor, for one count of murder, 2014-GS-09-0057; one
23 count of kidnapping, 2014-GS-09-0054; and one count of
24 possession of a firearm by a person convicted of a violent
25 crime, 2014-GS-09-0056. Those are the charges, Your Honor.

1 Thank you.

2 THE COURT: Thank you, Solicitor. May I have the
3 indictments, please?

4 MR. PASCOE: Yes, ma'am (indicating).

5 THE COURT: Ladies and gentlemen of the jury panel, we
6 are about to begin the trial of the case against Bryant
7 McKnight and Jerry McKnight, Sr. Before we select the jury
8 I'm going to read the back of the indictments to you just so
9 that you have some basis of what the allegations in this case
10 are, as we will be asking you questions regarding your
11 potential -- if you have any knowledge regarding this
12 particular case. The indictment 2014-GS-09-0059 states that
13 in Calhoun County on or about February 13, 2014, with malice
14 aforethought the Defendant Bryant McKnight did kill one
15 Kymmara Randolph by means of shooting the victim. The victim
16 did die as a proximate result thereof. This offense being in
17 violation of the Common Law and Section 16-3-10 of the South
18 Carolina Code of Laws as amended.

19 The next indictment states that in Calhoun County, South
20 Carolina, on or about February 13, 2014, the Defendant Bryant
21 McKnight unlawfully did seize, confine, inveigle, decoy,
22 kidnap, abduct or carry away the victim, Kymmara Randolph,
23 without the authority of law. This offense also being in
24 violation of the South Carolina Code of Laws as amended.

25 The next indictment states that in Calhoun County, on or

1 about February 13, 2014, with malice aforethought the
2 Defendant Jerry McKnight, Sr., did kill one Kymmara Randolph
3 by means of shooting the victim. The victim did die as a
4 proximate result thereof. This offense being in violation of
5 the Common Law and the Code of Laws of South Carolina as
6 amended.

7 The subsequent indictment states that in Calhoun County,
8 South Carolina, on or about February 13, 2014, the Defendant
9 Jerry McKnight, Sr., unlawfully did seize, confine, inveigle,
10 decoy, kidnap, abduct or carry away the victim, Kymmara
11 Randolph, without the authority of law. This offense also
12 being in violation of the laws of South Carolina.

13 And the final indictment states that in Calhoun County,
14 South Carolina, on or about February 13, 2014, the Defendant
15 Jerry McKnight, Sr., did have in his possession a firearm
16 described as a 22-caliber pistol after having been convicted
17 of a violent crime. This offense is also in violation of the
18 South Carolina Code of Laws as amended.

19 Ladies and gentlemen, before we begin the jury selection
20 on these cases, I will ask you certain questions. The first
21 question is is anyone related by blood or marriage or have a
22 close personal or social relationship with either Bryant
23 McKnight or with Mr. Jerry McKnight, Sr., if so please stand.

24 I find that there is no one standing.

25 Ladies and gentlemen, the following list is a list of

1 potential witnesses in this case. I will ask you, after I
2 read the entire list, if anyone is related by blood or
3 marriage to or have any close personal or social relationship
4 with any of the following people, the list is as follows:
5 Captain Matthew Trentham, Lieutenant Stanley Graham, Captain
6 Pat Regalis, Investigator John Stokes, Investigator Evan
7 Carson, Henry Dukes, Sheriff Thomas Summers, Sergeant David
8 Martin, Deputy Larry Venicek, Deputy Patrick Mangum,
9 Investigator Kendra Williams, Officer Scott Werre, Captain
10 Bill Cartwright, Chief Michael Smalls, Sergeant T. Brown,
11 Agent Justin Whetstone, Agent Kendall Chavez, Deputy Desi
12 McQueen, Detective Lori Garrison, Captain Rhonda Bamberg,
13 Kimberly Livingston, Tameka Williams, Lacariah Parham, James
14 Keller, Jamaal Pearce, Stephon Green, Derrick Sumter,
15 Jonathan McKnight, Sandra Hughes, Mark Carson, Norris Shuler,
16 Talley Keller, Bob McFadden, Jessica Barnes, Agent James
17 Green, Agent Dan DeFreese, Agent Brianne Holmes, Agent
18 Michael Moskal, Agent Kukila Stanley Wallace, Agent Jennifer
19 Brown, Agent Brittany Burke, Captain Scott McDonald, Vernetha
20 Glenn, Andrea Paz Alltel, Joseph Sierra -- I'm sorry, the
21 previous one was somebody that worked for Alltel, the name is
22 actually Andrea Paz -- and the record custodian for Verizon,
23 which is George Floyd, Dr. Janice Ross, Chief Deputy Walter
24 Heckle, Bryant McKnight, Bridget McKnight, Teresa McKnight,
25 Johnnie Mae Matthews, Donald Sharperson, Officer Carson from

1 Orangeburg County, Caroline McKnight, Jasmond Jones and
2 Melissa Robinson. Is anyone in the jury panel related by
3 blood or marriage or a friend or acquaintance of any of the
4 folks that I just listed, or do you have a close social or
5 personal relationship with any of the witnesses that have
6 been listed, if so please stand.

7 Yes, sir, please come forward.

8 MR. LEIENDECKER: Your Honor, could we do this from the
9 bench out loud?

10 THE COURT: If you all could come over here.

11 (The following was held out of the hearing of the jury
12 panel.)

13 THE COURT: Your number, sir?

14 JUROR NO. 142: 142, Dwayne Pauling.

15 THE COURT: Yes, sir, who do you know?

16 JUROR NO. 142: Derrick Sumter, that's my nephew.

17 THE COURT: And I'm not sure what Mr. Sumter involvement
18 was in this case.

19 JUROR NO. 142: I think he's a witness or something.

20 THE COURT: He's a potential witness.

21 JUROR NO. 142: Okay.

22 THE COURT: My question to you is, you said he's your
23 nephew.

24 JUROR NO. 142: Nephew, right.

25 THE COURT: Do you visit in each others' homes?

1 JUROR NO. 142: Right, we do.

2 THE COURT: Have you talked about this case?

3 JUROR NO. 142: No.

4 THE COURT: Based upon the fact that he's your nephew,
5 can you set that aside and listen to the evidence that's
6 presented?

7 JUROR NO. 142: Yes.

8 THE COURT: Will you be fair and impartial both to the
9 State and to the Defense?

10 JUROR NO. 142: Yes, I can.

11 THE COURT: Will you apply the law as I give it to you?

12 JUROR NO. 142: Yes, ma'am.

13 THE COURT: You'll stay with us.

14 MR. LEIENDECKER: I don't know if it is appropriate,
15 he's not just a witness, he's a codefendant in the case, Mr.
16 Sumter is one of the charged codefendants in the case,
17 accessory after the fact to the murder.

18 THE COURT: We'll see if he's selected.

19 All right, sir, your number, please?

20 JUROR NO. 5: 5.

21 THE COURT: 5. All right, Mr. Allen. Come on up so the
22 court reporter can hear you.

23 JUROR NO. 5: I know Sheriff Thomas Summers, I know his
24 whole family, grew up in the same town, don't know if it
25 would make any difference or not.

1 THE COURT: That's the thing about a small town,
2 everybody knows the sheriff, right, that's why he's the
3 sheriff.

4 JUROR NO. 5: But I know his family, so I just wanted to
5 make you all aware of that. It's not something that would
6 affect my judgment at all.

7 THE COURT: That's my next question for you, can you set
8 that aside and listen to the evidence as it comes from the
9 witness stand?

10 JUROR NO. 5: Yes.

11 THE COURT: Will you be fair and impartial both to the
12 State and to the Defense?

13 JUROR NO. 5: Yes.

14 THE COURT: Will you follow the instructions as given by
15 the Court?

16 JUROR NO. 5: Yes.

17 THE COURT: All right, sir, stay with us. Thank you.
18 Your number, please.

19 CLERK OF COURT: 40.

20 JUROR NO. 40: There you go, 40.

21 THE COURT: Yes, Mr. Culclasure.

22 JUROR NO. 40: I know Officer Justin Whetstone. We used
23 to go to church together, and I go to church with his father,
24 and I think we are distantly related also by marriage.

25 THE COURT: Mr. Whetstone obviously was listed as a

1 potential witness in this case. Has he talked to you about
2 the case?

3 JUROR NO. 40: No, ma'am.

4 THE COURT: Do you know anything about the case at all?

5 JUROR NO. 40: I think I read a little about it in the
6 paper when it happened.

7 THE COURT: Anything about that, can you set that aside
8 and listen to the evidence as it comes from the witness stand
9 and render a fair and impartial decision based on the
10 evidence that comes from the witness stand?

11 JUROR NO. 40: Sure.

12 THE COURT: Will you be fair and impartial to both the
13 State and to the Defense?

14 JUROR NO. 40: Yes.

15 THE COURT: Can you set your relationship aside with Mr.
16 Whetstone and the fact that you go to church with him and
17 listen to the evidence as it comes from the witness stand?

18 JUROR NO. 40: Yes, ma'am.

19 THE COURT: Will you be fair and impartial to both the
20 State and to the Defense?

21 JUROR NO. 40: Yes.

22 THE COURT: And will you listen to the instructions of
23 the Court and follow the law?

24 JUROR NO. 40: Yes.

25 THE COURT: All right, sir, thank you.

1 JUROR: Thank you.

2 CLERK OF COURT: 74.

3 JUROR NO. 74: No. 74.

4 THE COURT: Mr. Hair.

5 JUROR NO. 74: Yes, ma'am.

6 THE COURT: Yes, sir, come on up so the court reporter
7 can hear what you're saying. Who do you know?

8 JUROR NO. 74: David Martin, Sergeant Martin, he's
9 married to my first cousin.

10 THE COURT: He's married to your first cousin?

11 JUROR NO. 74: Yes, ma'am.

12 THE COURT: Okay. And having that relationship with
13 him, can you set that aside and listen to the evidence from
14 the witness stand?

15 JUROR NO. 74: I really don't deal with him a whole lot.
16 I just need to let you all know that he was married to her.

17 THE COURT: You don't visit in each others' home on a
18 regular basis and have dinner every Sunday.

19 JUROR NO. 74: No.

20 THE COURT: And you haven't discussed this case with
21 him?

22 JUROR NO. 74: No. First time I've heard of this one.

23 THE COURT: Based on that relationship, you can set that
24 information aside and be fair and impartial to both the State
25 and to the Defense?

1 JUROR NO. 74: Yes, ma'am.

2 THE COURT: And follow the law as I give it to you?

3 JUROR NO. 74: Yes, ma'am.

4 CLERK OF COURT: 32 coming up.

5 JUROR NO. 32: Hi, I think I'm No. 32, Monty Cochran.
6 Mark Carson is my first cousin.

7 THE COURT: You're Ms. Cochran, right?

8 JUROR NO. 32: Mm-hmm, and all of the McKnights were
9 clients of mine at DSS.

10 THE COURT: So let's tackle one of those at a time.
11 Mark Carson was what?

12 JUROR NO. 32: He's my first cousin.

13 THE COURT: He's your first cousin, and he is a
14 potential witness in this case. Have you discussed this case
15 at all with him?

16 JUROR NO. 32: No.

17 THE COURT: So you don't know anything about the case?

18 JUROR NO. 32: No, other than what I've read in the
19 newspaper.

20 THE COURT: Whatever you read in the newspaper, can you
21 set that aside?

22 JUROR NO. 32: Sure.

23 THE COURT: And listen to the evidence from the witness
24 stand and render a fair and impartial verdict to both the
25 State and to the Defendants?

1 JUROR NO. 32: Yes.

2 THE COURT: So the fact that you're related to Mr.
3 Carson, can you set that aside?

4 JUROR NO. 32: Sure.

5 THE COURT: And listen to the evidence and render a fair
6 and impartial verdict based solely on the evidence in the
7 courtroom and be fair and impartial to both the State and to
8 the Defense?

9 JUROR NO. 32: Yes.

10 THE COURT: And will you follow the law as I give it to
11 you?

12 JUROR NO. 32: Yes.

13 THE COURT: The issue with DSS, working with the
14 McKnights, what was the experience?

15 JUROR NO. 32: DSS caseworker.

16 THE COURT: Having had that past experience with the
17 family, can you set that aside and listen to the evidence as
18 it comes from the witness stand and be fair and impartial to
19 both the State and to the Defense?

20 JUROR NO. 32: Sure, the two I do not know them, I don't
21 remember them, but the mother I do remember but --

22 THE COURT: So you actually don't remember the two
23 defendants in this case?

24 JUROR NO. 32: No.

25 THE COURT: But the mother.

1 JUROR NO. 32: Mm-hmm.

2 THE COURT: And I have no idea if the mother's
3 testifying or not, but even if you remember the mother, can
4 you set that aside?

5 JUROR NO. 32: Sure.

6 THE COURT: And listen to the evidence as it comes from
7 the witness stand?

8 JUROR NO. 32: Yes.

9 THE COURT: And be fair and impartial to both sides?

10 JUROR NO. 32: Yes, ma'am.

11 THE COURT: Thank you, ma'am. Stay with us.

12 JUROR NO. 32: Thank you.

13 CLERK OF COURT: 173.

14 JUROR NO. 173: Renita Shuler. You mentioned Norris
15 Shuler.

16 MR. WARD: He's on our witness list.

17 JUROR NO. 173: We're not kin, but we are good friends,
18 and we go to the same place of worship, so I don't know if
19 that makes a difference.

20 THE COURT: You're not related but you worship at the
21 same church.

22 JUROR NO. 173: Right.

23 THE COURT: Can you set that relationship aside and
24 listen to the evidence as it comes from the witness stand and
25 render a fair and impartial verdict to both the State and to

1 the Defense?

2 JUROR NO. 173: I guess I could, I just -- it's just
3 going to -- I personally don't want to be on a murder case,
4 you know, that's just my biggest thing.

5 THE COURT: Tell me your reason for that.

6 JUROR NO. 173: Consciously I wouldn't want to put
7 somebody, I mean, to the point where a person can be put to
8 death or for what they did or something like that, you know,
9 the death penalty or something like that, I just --

10 THE COURT: This isn't a death penalty case. The
11 defendants are charged with murder; however, it is not a
12 death penalty case. Also, it's not up to the jury to decide
13 the sentence; so basically the jury's job would be listen to
14 the evidence and decide the verdict based upon the evidence
15 presented and be fair and impartial to both sides, and that
16 would be your duties, to listen to both sides and render a
17 true and honest verdict.

18 JUROR NO. 173: Yes, okay.

19 THE COURT: Can you do that?

20 JUROR NO. 173: I'll do my best. I mean, you know, do I
21 want to do it, no, but you know --

22 THE COURT: Would you feel more comfortable serving on a
23 civil term?

24 JUROR NO. 173: I would rather that. I really don't
25 desire to do a criminal term.

1 THE COURT: Okay. Why don't we transfer you then to a
2 civil term.

3 JUROR NO. 173: Okay. I'd rather that.

4 THE COURT: And your number again, I'm sorry.

5 JUROR NO. 173: 173.

6 THE COURT: Okay. Ms. Shuler, we'll transfer you to
7 another term of court.

8 JUROR NO. 173: Thank you.

9 JUROR NO. 4: Beaufort Addison. I don't know the
10 number.

11 THE COURT: We'll find you on here.

12 CLERK OF COURT: No. 4.

13 THE COURT: Mr. Addison.

14 JUROR NO. 4: I know Michael Smalls. He and I grew up
15 together.

16 MR. LEIENDECKER: I'm sorry, who was that?

17 THE COURT: Mr. Smalls.

18 Knowing Mr. Smalls, can you set that relationship that
19 you have with him aside and listen to the testimony as it
20 comes from the witness stand and the evidence that comes out
21 in this trial and render a fair and impartial verdict to both
22 the State and to the Defense?

23 JUROR NO. 4: I think so, yes.

24 THE COURT: Can you do that?

25 JUROR NO. 4: Yes.

1 THE COURT: And will you follow the law as I give it to
2 you?

3 JUROR NO. 4: Yes.

4 THE COURT: All right, sir. Stay with us.

5 (The following was held in open court.)

6 THE COURT: Is any member of the jury panel related by
7 blood or marriage to or a friend or acquaintance or a member
8 of any local, state or federal law enforcement agency or has
9 been employed by a law enforcement agency, if so please
10 stand.

11 Yes, ma'am, would you like to come forward.

12 (The following was held out of the hearing of the jury
13 panel.)

14 THE COURT: Yes, ma'am, your name, please.

15 JUROR NO. 1: My name's Gloria Adams, Juror No. 1.

16 THE COURT: Yes, ma'am.

17 JUROR NO. 1: I took criminal justice as a major, most
18 of the state troopers, most of the county employees, I know
19 them. I stay in the public all day long, so I have access to
20 knowing just about all of them, when they're in and out.

21 THE COURT: So having taken those courses and knowing
22 the people involved in the criminal justice system, did you
23 know any of the actual witnesses that I listed?

24 JUROR NO. 1: No, ma'am.

25 THE COURT: So you didn't know any of the witnesses.

1 JUROR NO. 1: No.

2 THE COURT: Having had those courses, can you set that
3 experience aside and listen to the evidence as it comes from
4 the witness stand and apply the law as I give it to you and
5 be fair and impartial to both the State and to the Defense?

6 JUROR NO. 1: Yes, I can.

7 THE COURT: And will you follow the law as I give it to
8 you?

9 JUROR NO. 1: Yes.

10 THE COURT: Okay. Thank you, ma'am.

11 (The following was held in open court.)

12 THE COURT: Solicitor, at this time I'll allow you to
13 introduce yourself and the members of your office that will
14 help you prosecute this case if you'd introduce yourself
15 along with the members of your staff and your support staff.

16 MR. PASCOE: Thank you, Your Honor. Good afternoon,
17 ladies and gentlemen, my name's David Pascoe. I'm Solicitor
18 for Calhoun County. I'm going to be prosecuting this case
19 this week with my First Assistant Don Sorenson, Assistant
20 Solicitor Kyle Ward. My victim advocate is in the back of
21 the courtroom, Tammy Craven; my investigator's Greg
22 Whetstone, he's back here; and my Calhoun County prosecutor's
23 Ted Lupton. Thank you, Your Honor.

24 THE COURT: Thank you, Solicitor.

25 Any member of the jury panel related by blood or

1 marriage or close personal or social relationship with any of
2 the people that the Solicitor just listed or has anyone in
3 the past ever been represented by any of the attorneys in the
4 Solicitor's Office, if so please stand.

5 Yes, sir, would you like to come forward.

6 (The following was held at the bench out of the hearing
7 of the jury.)

8 CLERK OF COURT: 40.

9 THE COURT: I understand you know Mr. Whetstone; is that
10 correct?

11 JUROR NO. 40: Yes, ma'am.

12 THE COURT: So is your answer the same, can you set that
13 relationship aside?

14 JUROR NO. 40: Yes, ma'am.

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

17 JUROR NO. 40: Yes, ma'am.

18 THE COURT: And will you apply the law as I give it to
19 you?

20 JUROR NO. 40: Yes.

21 THE COURT: All right, sir, thank you.

22 CLERK OF COURT: 73.

23 JUROR NO. 73: I'm Greg's brother-in-law, Greg
24 Whetstone.

25 THE COURT: He's your brother-in-law?

1 JUROR NO. 73: Mm-hmm.

2 THE COURT: Do you visit in each others' homes on a
3 frequent basis?

4 JUROR NO. 73: Yes, and he come in my shop a lot too.

5 THE COURT: Has he talked to you any about this case?

6 JUROR NO. 73: No, no.

7 THE COURT: You don't know anything about this case?

8 JUROR NO. 73: No.

9 THE COURT: Can you set your relationship aside and be
10 fair and impartial?

11 JUROR NO. 73: Oh, yes.

12 THE COURT: And listen to the evidence as it comes from
13 the witness stand and render a verdict based upon what you
14 hear in this courtroom only?

15 JUROR NO. 73: Oh, yes.

16 THE COURT: And be fair and impartial to both sides?

17 JUROR NO. 73: Oh, yes.

18 THE COURT: And apply the law as I give it to you?

19 JUROR NO. 73: Oh, yes.

20 THE COURT: All right, sir, thank you.

21 (Judge and attorneys confer.)

22 (The following was held in open court.)

23 THE COURT: Would Juror No. 167, Ms. Salisbury, please
24 come forward.

25 (The following was held out of the hearing of the jury

1 panel.)

2 THE COURT: Ms. Salisbury, are you related to Ms.
3 Craven?

4 JUROR NO. 167: Yes. Yes, I am. We're cousins.

5 THE COURT: Is there a particular reason you didn't come
6 forward?

7 JUROR NO. 167: No, because I didn't even think with her
8 name -- with you calling out the name Craven.

9 THE COURT: You're not close --

10 JUROR NO. 167: No, ma'am.

11 THE COURT: -- although you're cousins?

12 JUROR NO. 167: We're not.

13 THE COURT: You don't visit in each others' homes?

14 JUROR NO. 167: No, ma'am.

15 THE COURT: And she hasn't talked to you about this
16 particular case?

17 JUROR NO. 167: No, ma'am.

18 THE COURT: Do you know anything about this case?

19 JUROR NO. 167: Just what I had read in the papers
20 whenever it was initially going on.

21 THE COURT: All right. And based on what you read in
22 the papers, can you set that aside and render a decision
23 based upon what you hear in this courtroom only?

24 JUROR NO. 167: I feel I can.

25 THE COURT: Will you be fair and impartial to both the

1 State and to the Defense?

2 JUROR NO. 167: Yes.

3 THE COURT: Can you set your relationship with Ms.
4 Craven aside and render a decision based upon what you hear
5 in this courtroom only and be fair and impartial to both the
6 State and to the Defense?

7 JUROR NO. 167: Yes, ma'am.

8 THE COURT: And will you follow the law as I give it to
9 you?

10 JUROR NO. 167: Yes, ma'am.

11 THE COURT: Thank you.

12 JUROR NO. 167: Thank you.

13 (The following was held in open court.)

14 THE COURT: As many of you know, the Solicitor's Office
15 is an elected position. I'll ask if there's any member of
16 the jury panel that has contributed financially to Solicitor
17 Pascoe's campaigns in the past, if so please stand.

18 I find that there is no one standing.

19 Mr. Leiendecker, now I'll allow you an opportunity to
20 introduce yourself and the members of your staff that will be
21 helping you in the presentation of your case.

22 MR. LEIENDECKER: Thank you, Your Honor, may it please
23 the Court. My name is Mark Leiendecker. I am the First
24 Circuit Public Defender, responsible for public defense
25 throughout the First Circuit. Mr. Martin Banks is also here

1 with my office today, representing the other codefendant, Mr.
2 McKnight, in this case. Martin is actually the public
3 defender in charge of representing Calhoun County.
4 Throughout the course of the week we may or may not see other
5 members of my staff including Mr. Mark Wise, who works in my
6 Orangeburg office and/or Mr. Breen Stevens, who works in my
7 Orangeburg office, or Ms. Mary Lematty, who works in my
8 Dorchester office.

9 THE COURT: Thank you, Mr. Leiendecker.

10 MR. BANKS: And may see a member of my staff here and
11 there, Barbara Heidler. Thank you.

12 THE COURT: Thank you, gentlemen.

13 Any member of the jury panel related by blood or
14 marriage or have a close personal or social relationship with
15 any of these attorneys or members of their staff or ever been
16 represented by any of these attorneys, if so please stand.

17 Yes, ma'am, would you come forward, please.

18 (The following was held out of the hearing of the jury
19 panel.)

20 THE COURT: Your Juror number, ma'am?

21 JUROR NO. 52: 52.

22 THE COURT: 52. Ms. Dykes, yes, ma'am, what's your
23 relationship?

24 JUROR NO. 52: Martin Banks was my attorney.

25 THE COURT: Okay. And how long ago was that?

1 JUROR NO. 52: '98, 2000.

2 THE COURT: So it's been a while.

3 JUROR NO. 52: Yes, ma'am.

4 THE COURT: And can you tell me what type of case it
5 was?

6 JUROR NO. 52: Divorce.

7 THE COURT: So it had nothing to do with the criminal
8 system or anything.

9 JUROR NO. 52: No, ma'am.

10 THE COURT: The fact that he was your attorney back in
11 '98, can you set that relationship aside and will you listen
12 to the evidence as it comes from the witness stand and be
13 fair and impartial to both the State and to the Defense?

14 JUROR NO. 52: Yes, ma'am.

15 THE COURT: And will you follow the law as I give it to
16 you?

17 JUROR NO. 52: Yes, ma'am.

18 THE COURT: All right, thank you, ma'am.

19 (The following was held in open court.)

20 THE COURT: Have you or any member of your family or
21 close personal friend ever been the victim of a violent
22 crime, if so please stand.

23 Yes, sir, would you come forward, please.

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

1 THE COURT: Yes, sir, your number.

2 JUROR NO. 114: 114.

3 THE COURT: 114. Mr. Mack.

4 JUROR NO. 114: Yes, ma'am. My mother-in-law was shot
5 and killed in a home robbery about 12 years ago.

6 THE COURT: Your mother-in-law.

7 JUROR NO. 114: Yes, ma'am.

8 THE COURT: I'm sorry to hear that. Having had that
9 past experience in your family, obviously a very close
10 situation, do you think you can set that aside and listen to
11 the evidence as it comes from the witness stand?

12 JUROR NO. 114: No, ma'am, not because of the suspects
13 in the case I cannot.

14 THE COURT: Do you know the suspects?

15 JUROR NO. 114: No, but all three suspects were colored.

16 THE COURT: Mr. Mack, what I'm going to do is I'm going
17 to transfer you to a civil term of court.

18 JUROR NO. 114: Okay.

19 THE COURT: Have a good day.

20 JUROR NO. 114: Thank you.

21 THE COURT: Yes, ma'am, your number, please.

22 JUROR NO. 51: I'm Karla Dyches.

23 THE COURT: Ms. Dyches.

24 JUROR NO. 51: Yes, ma'am.

25 THE COURT: All right. 51. Yes, ma'am.

1 JUROR NO. 51: About 12 years ago, 15 years ago my
2 brother was shot about six times. He was a manager at
3 Winn-Dixie. But he lived, he survived so --

4 THE COURT: Having had that obviously very difficult
5 experience in your family, do you think you can set that
6 aside and listen to the evidence in this case as it comes
7 from the witness stand?

8 JUROR NO. 51: Yes, ma'am.

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

11 JUROR NO. 51: Oh, yes.

12 THE COURT: And will you follow the law as I give it to
13 you?

14 JUROR NO. 51: Yes, ma'am.

15 THE COURT: All right.

16 Yes, ma'am, your number again.

17 CLERK OF COURT: 167.

18 JUROR NO. 167: I'll remember now. My aunt was attacked
19 several years ago, about five years ago, six years ago now,
20 and they never caught the person that did it. That's my only
21 connection with a violent crime.

22 THE COURT: Having had that experience in your family,
23 can you set that aside and in this case listen to the
24 evidence as it comes from the witness stand?

25 JUROR NO. 167: Yes, ma'am.

1 THE COURT: And will you follow the law as I give it to
2 you?

3 JUROR NO. 167: Yes, ma'am.

4 THE COURT: Will you be fair and impartial to both the
5 State and to the Defense?

6 JUROR NO. 167: Yes, ma'am.

7 THE COURT: Thank you.

8 (The following was held in open court.)

9 THE COURT: Has any member of the jury panel read or
10 heard anything about this case either today or before today,
11 if so please stand.

12 A JUROR: Does that include newspapers?

13 THE COURT: That includes the newspapers, any Media, any
14 type of information about this case, regardless of where it
15 came from, if you could come forward, please.

16 (The following was held out of the hearing of the jury
17 panel.)

18 CLERK OF COURT: 47.

19 THE COURT: Ms. Droscha.

20 JUROR NO. 47: Mm-hmm.

21 THE COURT: Yes, ma'am.

22 JUROR NO. 47: I've read.

23 THE COURT: You've read the articles?

24 JUROR NO. 47: Yes, the whole week. I knew exactly what
25 this was.

1 THE COURT: You understand though that although
2 newspaper articles may not have all the full information,
3 obviously they're not privy to the evidence.

4 JUROR NO. 47: I understand.

5 THE COURT: Can you set aside what you've read in the
6 newspaper, listen to the testimony and the evidence as it
7 comes from the witness stand and render a fair and impartial
8 verdict based on the evidence that you hear in the courtroom?

9 JUROR NO. 47: Well, okay, say that again.

10 THE COURT: Can you set aside what you've read and
11 listen to the evidence in this courtroom because you will be
12 called upon to make a decision, if you're selected, to render
13 a verdict based on the evidence that you hear in this
14 courtroom, not to be influenced by any outside sources.

15 JUROR NO. 47: Yes.

16 THE COURT: You can do that?

17 JUROR NO. 47: I can.

18 THE COURT: You can set it aside, and will you be fair
19 and impartial to both the State and to the Defense?

20 JUROR NO. 47: Yes.

21 THE COURT: And will you follow the law as I give it to
22 you?

23 JUROR NO. 47: Mm-hmm.

24 THE COURT: Okay.

25 CLERK OF COURT: 167.

1 JUROR NO. 167: I think I told you earlier that I had
2 read in the newspapers.

3 THE COURT: You did, and I'd asked you then if you could
4 set that aside and be fair and impartial.

5 JUROR NO. 167: Yes, ma'am.

6 THE COURT: Is your answer still the same?

7 JUROR NO. 167: Yes, ma'am.

8 THE COURT: All right. Thank you.

9 Yes, ma'am, your number again.

10 JUROR NO. 71: No. 71, Henriette Haigler.

11 THE COURT: 71.

12 JUROR NO. 71: Yes, ma'am.

13 THE COURT: All right, Ms. Haigler.

14 JUROR NO. 71: I heard about the incident in the
15 newspaper.

16 THE COURT: In the newspaper, okay, and you understand
17 that sometimes the newspaper doesn't have all the
18 information. Would you be able to set what you've read aside
19 and render a decision based upon what's presented in the
20 courtroom and the evidence that you hear that is presented in
21 the courtroom?

22 JUROR NO. 71: That's only fair.

23 THE COURT: Can you set that aside and be fair and
24 impartial to both the State and to the Defense?

25 JUROR NO. 71: Yes.

1 THE COURT: Because you'll be called upon to make a
2 decision, if you're selected, to render a verdict from the
3 evidence that you hear and not from the news or anything
4 else.

5 JUROR NO. 71: Okay.

6 THE COURT: And you can do that?

7 JUROR NO. 71: Yes.

8 THE COURT: And will you follow the law as I give it to
9 you?

10 JUROR NO. 71: Yes.

11 THE COURT: Thank you.

12 CLERK OF COURT: No. 5.

13 THE COURT: Mr. Allen.

14 JUROR NO. 5: Yes.

15 THE COURT: All right, sir, you've already told me that
16 you've heard about this in the newspaper, correct, you read
17 about it.

18 JUROR NO. 5: I read about it, yes, I hadn't mentioned
19 it.

20 THE COURT: You told me that you knew the sheriff.

21 JUROR NO. 5: Knew him and his family, but I did read
22 about it in the newspaper. I didn't really remember what it
23 was about but until you mentioned it I didn't really remember
24 what the article was about.

25 THE COURT: You understand that reading something in the

1 paper, obviously they don't have all the information in the
2 news.

3 JUROR NO. 5: Right.

4 THE COURT: Can you set aside, what you read in the
5 paper, and listen to the evidence as it comes from the
6 witness stand and render a fair and impartial verdict for
7 both the State and the Defense?

8 JUROR NO. 5: Yes.

9 THE COURT: And will you follow the law as I give it to
10 you?

11 JUROR NO. 5: Yes.

12 THE COURT: All right, sir. Thank you.

13 Good afternoon, sir.

14 JUROR NO. 163: Good afternoon. George Rogers, 163.

15 THE COURT: Mr. Rogers, tell me, did you read about it
16 in the newspaper?

17 JUROR NO. 163: Read the article in the newspaper, and I
18 don't remember anything more than what you said up there.

19 THE COURT: Okay. Having read that article, can you set
20 that aside and listen to the evidence as it comes from the
21 witness stand and what you hear in the courtroom?

22 JUROR NO. 163: I don't remember what was in the
23 article. I just remember it was there. I read about it. I
24 remember nothing more than what you said.

25 THE COURT: Okay. So you'll be able to be fair and

1 impartial?

2 JUROR NO. 163: Absolutely yes.

3 THE COURT: Both to the State and to the defense?

4 JUROR NO. 163: Yes.

5 THE COURT: And will you follow the law as I give it to
6 you?

7 JUROR NO. 163: Yes.

8 THE COURT: Thank you.

9 Good afternoon, sir.

10 JUROR NO. 13: How are you all doing?

11 THE COURT: Doing good.

12 JUROR NO. 13: I do remember reading about it in the
13 paper. It kind of came back to me, the names kind of came
14 back to me.

15 THE COURT: Sure. Tell me your name again, sir.

16 JUROR NO. 13: Donny Bell.

17 THE COURT: Mr. Bell. All right. You're Juror No. 13.

18 JUROR NO. 13: Right.

19 THE COURT: The fact that you read something in the
20 paper, can you set that aside and listen to the evidence as
21 is comes from the witness stand and render a fair and
22 impartial verdict to both the State and to the Defense based
23 upon what you hear in this courtroom, not influenced by what
24 you may have read?

25 JUROR NO. 13: Right, yes, I can do that.

1 THE COURT: And will you follow the law as I give it to
2 you?

3 JUROR NO. 13: Yes.

4 THE COURT: All right, sir. Thank you.

5 (The following was held in open court.)

6 THE COURT: Is there any member of the jury panel who is
7 a member of or contributor to a group which has its primary
8 concern the promotion of law enforcement or victim's rights?
9 These groups would include but certainly are not limited to
10 MADD, SADD or Citizens Against Violent Crime. If so please
11 stand.

12 I find that there is no one standing.

13 Is any member of the jury panel aware of any bias or
14 prejudice towards either the State or the Defense in this
15 case, if so please stand.

16 I find that there is no one standing.

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

20 I find that there is no one standing.

21 Is there any member of the jury panel that was a member
22 of the grand jury which issued the indictment in this case,
23 if so please stand.

24 I find that there is no one standing.

25 Ladies and gentlemen, that concludes the list of

1 questions that we have prior to your selection of this
2 particular jury. I know it's been a little while since you
3 had your last recess. We need just a few minutes for the
4 Clerk to pull up the names before we actually gets the names
5 from which you will be called upon, so I'm going to give you
6 a brief recess if you would please exit the courtroom for
7 about 10 or 15 minutes, and then we'll let you back in.

8 (Recess held.)

9 THE COURT: Ladies and gentlemen of the jury panel, we
10 are now going to begin the actual jury selection for this
11 trial. If your name is called, if you would please come
12 forward and turn around and face the back, that way the
13 attorneys will have the opportunity to either seat you on the
14 jury or excuse you from serving on this particular jury. If
15 your name is called, please also bring with you all of your
16 personal belongings because if you are selected to serve on
17 this jury, we'll go ahead and sit you here in the jury box so
18 that you know where to go and be seated in the morning.

19 Madam Clerk, are you ready to proceeds?

20 CLERK OF COURT: Yes, ma'am. Juror No. 52, Julie D.
21 Dykes.

22 (White female approaches the podium.)

23 CLERK OF COURT: What says the State?

24 MR. PASCOE: Please excuse Ms. Dykes.

25 CLERK OF COURT: Juror No. 22, Sylvester Brown.

1 (Black male approaches the podium.)

2 CLERK OF COURT: What says the State?

3 MR. PASCOE: Please excuse Mr. Brown.

4 CLERK OF COURT: Juror No. 167, Elizabeth Salisbury.

5 (White female approaches the podium.)

6 CLERK OF COURT: What says the State?

7 MR. PASCOE: Please present Ms. Salisbury.

8 MR. BANKS: Please excuse Ms. Salisbury.

9 CLERK OF COURT: Juror No. 199, William Wolfe.

10 (White male approaches the podium.)

11 CLERK OF COURT: What says the State?

12 MR. PASCOE: Please present Mr. Wolfe.

13 CLERK OF COURT: What says the Defense?

14 MR. BANKS: Please excuse the juror.

15 CLERK OF COURT: Juror No. 128, Denora Milhouse.

16 (Black female approaches the podium.)

17 CLERK OF COURT: What says the State?

18 MR. PASCOE: Please present Ms. Milhouse.

19 CLERK OF COURT: What says the Defense?

20 MR. BANKS: Please swear Ms. Milhouse.

21 CLERK OF COURT: Take a seat in the jury box.

22 Juror No. 25, Stephney Buckman.

23 (Black male approaches the podium.)

24 CLERK OF COURT: What says the State?

25 MR. PASCOE: Please excuse Mr. Buckman.

1 CLERK OF COURT: You're excused.

2 Juror No. 142, Dwayne Pauling.

3 (Black male approaches the podium.)

4 CLERK OF COURT: What says the State?

5 MR. PASCOE: Please present Mr. Pauling.

6 MR. BANKS: Please excuse Mr. Pauling.

7 CLERK OF COURT: You're excused.

8 Juror No. 40, Thomas Culclasure.

9 (White male approaches the podium.)

10 CLERK OF COURT: What says the State?

11 MR. PASCOE: Please present Mr. Culclasure.

12 CLERK OF COURT: What says the Defense?

13 MR. BANKS: Please excuse Mr. Culclasure.

14 CLERK OF COURT: Juror No. 79, Kerry Heath.

15 (White male approaches the podium.)

16 CLERK OF COURT: What says the State?

17 MR. PASCOE: Please present Mr. Heath.

18 CLERK OF COURT: What says the Defense?

19 MR. BANKS: Please seat Mr. Heath.

20 CLERK OF COURT: Have a seat in the jury box, please.

21 Juror No. 178, Richard Smith.

22 (White male approaches the podium.)

23 CLERK OF COURT: What says the State?

24 MR. PASCOE: Please present Mr. Smith.

25 CLERK OF COURT: What says the Defense?

1 MR. BANKS: Please seat this juror.

2 CLERK OF COURT: Okay. Juror No. 5, Harry Allen.

3 (White male approaches the podium.)

4 CLERK OF COURT: What says the State?

5 MR. PASCOE: Please present Mr. Allen.

6 MR. BANKS: Please excuse Mr. Allen.

7 CLERK OF COURT: Juror No. 66, Tiffany Goodwin.

8 (Black female approaches the podium.)

9 CLERK OF COURT: What says the State?

10 MR. PASCOE: Please present Ms. Goodwin.

11 MR. BANKS: Please seat Ms. Goodwin.

12 CLERK OF COURT: Go to the jury box.

13 Juror No. 38, Jake Cowan.

14 (White male approaches the podium.)

15 CLERK OF COURT: What says the State?

16 MR. PASCOE: Please present Mr. Cowan.

17 MR. BANKS: Please swear Mr. Cowan.

18 CLERK OF COURT: Go to the jury box.

19 Juror No. 13, Donnie Bell.

20 (White male approaches the podium.)

21 THE COURT: Madam clerk, did you say 13 or 14?

22 CLERK OF COURT: 13.

23 THE COURT: 13, okay.

24 MR. PASCOE: Please present Mr. Bell.

25 CLERK OF COURT: What says the Defense?

1 MR. BANKS: Please excuse this juror.

2 CLERK OF COURT: Have a seat.

3 Juror No. 32, Monty Delane Cochran.

4 (White female approaches the podium.)

5 CLERK OF COURT: What says the State?

6 MR. PASCOE: Please present Ms. Cochran.

7 MR. BANKS: Please excuse this juror.

8 CLERK OF COURT: Okay. You're excused.

9 Juror No. 4, Beaufort Addison.

10 (Black male approaches the podium.)

11 CLERK OF COURT: What says the State?

12 MR. PASCOE: Please present Mr. Addison.

13 CLERK OF COURT: What says the Defense?

14 MR. BANKS: Please excuse this juror.

15 CLERK OF COURT: You're excused.

16 Juror No. 164, Douglas Rosinski.

17 (White male approaches the podium.)

18 CLERK OF COURT: What says the State?

19 MR. PASCOE: Please present Mr. Rosinski.

20 MR. BANKS: Please excuse this juror.

21 CLERK OF COURT: Juror No. 140, Forrest Palmieri.

22 (White female approaches the podium.)

23 CLERK OF COURT: What says the State?

24 MR. PASCOE: Please present Ms. Palmieri.

25 CLERK OF COURT: What says the Defense?

1 MR. BANKS: Please seat this juror.

2 CLERK OF COURT: Juror 74, William Hair.

3 (White male approaches the podium.)

4 CLERK OF COURT: What says the State?

5 MR. PASCOE: Please excuse Mr. Hair.

6 CLERK OF COURT: Juror No. 47, Julie Droscha.

7 (White female approaches the podium.)

8 CLERK OF COURT: What says the State?

9 MR. PASCOE: Please present Ms. Droscha.

10 CLERK OF COURT: What says the Defense?

11 MR. BANKS: Please excuse this juror.

12 CLERK OF COURT: Juror No. 132, Eddie Mills.

13 (Black male approaches the podium.)

14 CLERK OF COURT: What says the State?

15 MR. PASCOE: Please present Mr. Mills.

16 CLERK OF COURT: What says the Defense?

17 MR. BANKS: Please swear the juror.

18 CLERK OF COURT: Juror No. 163, George Rogers.

19 (White male approaches the podium.)

20 CLERK OF COURT: What says the State?

21 MR. PASCOE: Please present Mr. Rogers.

22 CLERK OF COURT: What says the Defense?

23 MR. BANKS: Please excuse this juror.

24 CLERK OF COURT: Juror No. 50, Caroline Dunning.

25 (Black female approaches the podium.)

1 CLERK OF COURT: What says the State?

2 MR. PASCOE: Please present Ms. Dunning.

3 CLERK OF COURT: What says the Defense?

4 MR. BANKS: Please swear the juror.

5 CLERK OF COURT: Juror No. 76, Rowland Harley.

6 (Black male approaches the podium.)

7 CLERK OF COURT: What says the State?

8 MR. PASCOE: Please present Mr. Harley.

9 CLERK OF COURT: What says the Defense?

10 MR. BANKS: Please excuse this juror.

11 CLERK OF COURT: Juror No. 116, Roberta Mack.

12 (Black female approaches the podium.)

13 CLERK OF COURT: What says the State?

14 MR. PASCOE: Please present Ms. Mack.

15 CLERK OF COURT: What says the Defense?

16 MR. BANKS: Please swear Ms. Mack.

17 CLERK OF COURT: Juror No. 186, Cassandra Sturkie.

18 (White female approaches the podium.)

19 CLERK OF COURT: What says the State?

20 MR. PASCOE: Please present Ms. Sturkie.

21 CLERK OF COURT: What says the Defense?

22 MR. BANKS: Please swear the juror.

23 CLERK OF COURT: Juror No. 100, Cynthia Keller.

24 (Black female approaches the podium.)

25 CLERK OF COURT: What says the State?

1 MR. PASCOE: Please excuse Ms. Keller.

2 CLERK OF COURT: Juror No. 90, Melanie Inman.

3 (White female approaches the podium.)

4 CLERK OF COURT: What says the State?

5 MR. PASCOE: Please present Ms. Inman.

6 MR. BANKS: Please excuse Ms. Inman.

7 CLERK OF COURT: Juror No. 59, Clifton Foster.

8 (White male approaches the podium.)

9 CLERK OF COURT: What says the State?

10 MR. PASCOE: Please present Mr. Foster.

11 CLERK OF COURT: What says the Defense?

12 MR. BANKS: Please swear Mr. Foster.

13 CLERK OF COURT: Juror No. 185, Christopher Stoudemire.

14 (White male approaches the podium.)

15 CLERK OF COURT: What says the State?

16 MR. PASCOE: Please present Mr. Stoudemire.

17 CLERK OF COURT: What says the Defense?

18 MR. BANKS: Please swear the juror.

19 CLERK OF COURT: Juror No. 188, Jenny Troutman.

20 MR. LEIENDECKER: Your Honor, is that 12?

21 CLERK OF COURT: Yes, that's 12. This is for the
22 alternate.

23 MR. LEIENDECKER: How many alternates do we intend to
24 select?

25 THE COURT: We'll select two.

1 CLERK OF COURT: 188.

2 (White female approaches the podium.)

3 MR. PASCOE: Please present Ms. Troutman.

4 MR. BANKS: Please swear the juror.

5 CLERK OF COURT: Juror No. 119, Melinda McCloskey.

6 (White female approaches the podium.)

7 CLERK OF COURT: What says the State?

8 MR. PASCOE: Please present Ms. McCloskey.

9 CLERK OF COURT: What says the Defense?

10 MR. BANKS: Please swear the juror.

11 THE COURT: Any exceptions or objections from the
12 selection of the jury from either the State or the Defense?

13 MR. PASCOE: None from the State, Your Honor.

14 MR. BANKS: None from the defense, Your Honor.

15 THE COURT: Ladies and gentlemen of the jury panel that
16 was not selected in the trial of this particular case, you
17 have now fulfilled your jury service for this week, so it's
18 your lucky day, so I'm going to excuse the members of the
19 jury panel that were not selected. You may leave the
20 courtroom. The other members in the courtroom that are here
21 for the trial, whether you're witnesses or family members or
22 whatnot, if you would please remain in the courtroom at this
23 time, otherwise the jurors are excused.

24 (Jury panel exits the courtroom.)

25 THE COURT: Ladies and gentlemen of the jury that was

1 seated in this case, I'm going to excuse you for the day; but
2 before you leave I'm going to ask you that you go with our
3 bailiff here so that he will show you where you are to report
4 in the morning, that way you'll know where your jury room is.
5 I'm going to ask you to please report to your jury room
6 somewhere around 9:15, we'll start the trial promptly at
7 9:30, so that way we can make sure we have everyone present.
8 Before you go please remember that you are not allowed to
9 talk to anyone about this case. You're not allowed to read
10 any newspaper accounts, television accounts, do any
11 independent research about this case, and that would include
12 anything on Facebook or blogs or Twitter or anything of that
13 nature because when you are called upon to render a verdict
14 at the end of this case, you must do so without being
15 influenced by anything outside of this courtroom. So if you
16 see any of the parties involved in this case, any of the
17 witnesses, any of the attorneys, anyone whatsoever and they
18 don't speak to you, that's because they're following the
19 Court's orders. They're not allowed to speak to you. So
20 please don't think that they're being rude. They're just
21 following the Court's instructions. So I hope you each have
22 a good night, and we will see you in the morning.

23 (The jury retires to the jury room at 4:17 p.m.)

24 THE COURT: For the remaining parties in the courtroom
25 as well as the members of the gallery that are present in the

1 courtroom, I understand that this is a very sensitive issue
2 for all involved, if you're family members or either the
3 defendants' or the victim's family, and it can be sensitive
4 and traumatic and very difficult to deal with. I understand
5 that. However, this Court will not tolerate any conduct
6 which seems to be either intimidating or any contact between
7 the parties that is improper, so there's not to be any
8 contact or any miscommunication between the parties so that
9 all parties feel comfortable. You're welcome to be in the
10 courtroom. This is an open courtroom, and certainly we'd
11 welcome you here, but you can't have any bad interactions
12 between the parties. Is that understood by everybody?

13 (All indicate in the affirmative.)

14 THE COURT: All right. Thank you. You all have a good
15 evening.

16 MR. PASCOE: Thank you, Your Honor.

17 THE COURT: We'll be in recess until 9:30.

18 (The Court's Exhibit 1 marked for identification.)

19 (Trial of the case adjourned on 3/2/2015 at 4:20 p.m.)

20 - - -

21 (Trial of the case resumed on 3/3/2015 at 9:45 a.m.)

22 THE COURT: Before we bring our jury out, Mr. Banks, I
23 understand that your client wishes to address the Court.

24 MR. BANKS: Yes, Your Honor, I believe he has some form
25 of a motion.

1 THE COURT: All right, Mr. McKnight.

2 MR. BRYANT MCKNIGHT: Your Honor, I would like to know
3 about the indictment, like, it was only true billed on
4 January the 5th, 2015. I just want to know, why do I got to
5 receive the indictment yesterday, when I just picked for
6 the -- for the grand jury -- I mean for the grand jury and
7 why not I didn't receive my indictment for the charge, like,
8 earlier when they had been filed.

9 THE COURT: You're saying you didn't receive a copy of
10 your indictment; is that what you're trying to tell the
11 Court?

12 MR. BRYANT MCKNIGHT: Yes, I didn't know I was indicted
13 until yesterday when I picked for the grand jury. I did ask
14 my attorney about it. He said -- I guess he was telling me,
15 no, that I wasn't indicted at the time, so I guess I didn't
16 know that it wasn't indicted until he had given it to me
17 yesterday when we had picked our grand jury.

18 THE COURT: Yes, sir. Well, you understand that the
19 actual true bill of the indictment is a procedural matter
20 when it goes to the grand jury. What your attorney does
21 prior to that in prepping for trial is separate and apart
22 from that. You were told what your charges were at your
23 initial bond hearing when the magistrate -- when you had your
24 initial bond setting.

25 And before those indictments were prepared by the

1 solicitor, you were charged at that point with what your
2 charges that you are facing, so you had plenty of notice of
3 what you were charged with and the potential consequences of
4 those charges.

5 MR. BRYANT MCKNIGHT: I would like to ask, when you fill
6 out -- like, I had filled out my preliminary hearing, like,
7 the third or fourth day, but I didn't got no notice back or
8 nothing off that. What that supposed to mean?

9 THE COURT: Well, Mr. McKnight, unfortunately the Court
10 cannot give you legal advice. If you have a motion before
11 the Court, I can hear it; however, you're represented by
12 counsel, Mr. Banks, and he can certainly explain the
13 procedural aspects of the whole case and how it proceeds and
14 whatnot. So I can't give you legal advice.

15 I can hear motions and rule on those motions. However,
16 if you have questions regarding procedures, you need to talk
17 to your attorney about that. Do you need a second to talk to
18 your attorney?

19 MR. BRYANT MCKNIGHT: Yes.

20 THE COURT: All right, sir.

21 (Defendant and attorney confer.)

22 MR. BANKS: Your Honor.

23 THE COURT: Yes, sir.

24 MR. BANKS: I think he's crystallized in his mind what
25 he'd like to ask you.

1 THE COURT: All right, Mr. McKnight.

2 MR. BRYANT MCKNIGHT: I would like to ask for a
3 continuance.

4 THE COURT: And based on what grounds, Mr. McKnight?

5 MR. BRYANT MCKNIGHT: Being that I didn't, like, went
6 over about discussing with my attorney about prepare for this
7 trial or whatnot, so I really, like --

8 THE COURT: You're requesting for this matter to be
9 continued; is that what you're saying?

10 Mr. Banks, when were you appointed to represent
11 Mr. McKnight?

12 MR. BANKS: I've been appointed for --

13 CLERK OF COURT: April.

14 MR. BANKS: Probably over nine months.

15 CLERK OF COURT: April of 2014.

16 THE COURT: So almost not quite a year, but --

17 MR. BANKS: Yes, getting toward a year.

18 THE COURT: -- pushing a year.

19 And, Mr. Banks, have you had an opportunity to
20 adequately prepare for trial?

21 MR. BANKS: Yes, I have, Your Honor.

22 THE COURT: And have you met with your client
23 sufficiently and gone over the evidence with him?

24 MR. BANKS: Yes, I have, Your Honor.

25 THE COURT: All right, sir.

1 Mr. McKnight, let me share this with you: I've known
2 Mr. Banks for years and years. I've watched him try multiple
3 cases. I've seen him prepare his cases. I've tried cases
4 against him when I was in private practice, and I know that
5 he is an excellent attorney.

6 And as an officer of the court, when he tells me that
7 he's ready to go, that he's reviewed the evidence, that he's
8 had sufficient time to talk to you and he's prepared to go to
9 trial, he's ready to go to trial. So your motion is
10 respectfully denied. You may have a seat.

11 All right. Anything further before we bring our jury
12 out?

13 MR. PASCOE: No, Your Honor, nothing from the State.

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

15 (The jury enters the courtroom at 9:57 a.m.)

16 THE COURT: Good morning, ladies and gentlemen of the
17 jury. Welcome back.

18 Mr. Hasty, if you'd please swear in our jury.

19 (Jury duly sworn.)

20 THE COURT: Ladies and gentlemen of the jury, thank you
21 for accepting the important responsibility of jury service
22 and for your contribution today to our justice system. What
23 I will now say to you is intended to serve as an introduction
24 to the trial of the case.

25 I will instruct you on the law applicable to the case

1 and at the end of the trial before you retire to consider
2 your verdict. It is merely an explanation of the procedure
3 that we will follow in the trial of this case so that you may
4 better understand what is happening.

5 You may not take notes during this trial. The
6 defendants are charged by several indictments, which the
7 Court read to you during jury selection. There is an
8 indictment of possession of a firearm by a person convicted
9 of a violent crime, an indictment for kidnapping, an
10 indictment for murder, another indictment for kidnapping and
11 a subsequent indictment for murder.

12 You have two defendants. Each of these indictments, the
13 elements of which will be explained to you later when I
14 charge you on the law, the indictments are simply the charge
15 by which the case is brought into court, and it is not in any
16 sense evidence of the allegations that they contain.

17 The defendants have pled not guilty to these indictments
18 and the State therefore has the burden of proving each of the
19 elements of the indictments beyond a reasonable doubt. And
20 it will be your duty, ladies and gentlemen, to decide whether
21 or not the State has met that burden.

22 Your purpose as jurors is to find and determine the
23 facts. You are the sole judges of the facts. And if at any
24 time I make any comment regarding the facts, you must
25 disregard it. You are to determine the facts from the

1 testimony you hear and from other evidence that is introduced
2 in court.

3 It is up to you to determine the inferences which you
4 feel are properly drawn from the evidence. It is especially
5 important that you perform your duty of determining the facts
6 diligently and conscientiously, because normally there's no
7 way to correct an erroneous determination of the facts by a
8 jury.

9 On the other hand and with equal emphasis, the same law
10 that makes you the judges of the facts makes me the judge of
11 the law. The law as given by the Court is the only law that
12 you may consider. You must accept it and follow it even
13 though you may disagree with it.

14 I cannot tell you what the facts are and you cannot
15 disagree with me about what the law is or what it should be.
16 Your job is to take the law as I give it to you and apply it
17 to the facts as you find them from the testimony of the
18 witnesses and any other evidence that is introduced.

19 After doing that, you will render your verdict, a true
20 and just verdict under the solemn oath that you just took as
21 jurors.

22 Until I advise you to begin your deliberations, you must
23 not discuss this case with anyone, including your fellow
24 jurors, friends, family members and anyone involved in this
25 case. This includes discussions, face to face and those by

1 telephone, email, text, blogs or any other method of
2 communication.

3 You may not use a computer, cell phone or other
4 electronic device with communication capabilities at any time
5 while in the courtroom or during your deliberations. During
6 your breaks or meals or overnight, if necessary, you may use
7 these devices; however, you may not at any time use these
8 devices to get or send information about the case.

9 This includes information about a party, a witness, an
10 attorney, a court officer, any news accounts about the case,
11 research on any topics that are raised, any topics you may
12 think would be helpful in deciding the case or any testimony
13 that is presented by a witness.

14 During the trial do not listen to, read or watch any
15 news reports about the case. This includes anything that may
16 be in the newspapers, on the Internet, radio or television.
17 You must not consider anything that you may have read or
18 heard about the case outside of this courtroom, whether
19 before or during the trial.

20 After the case is submitted to you, you must discuss it
21 only in the jury room with your fellow jurors. The attorneys
22 and the parties in this case have been advised that they are
23 not to talk to you at all, so if you do see them out during
24 lunch breaks or overnight or whatever in the community, if
25 they do not speak to you, they're merely following the

1 Court's instructions.

2 It is important that you keep an open mind and not
3 decide any issue in the case until all of the evidence has
4 been presented, the parties have made their closing arguments
5 and I have instructed you on the law in this case.

6 It is your solemn responsibility to determine the guilt
7 or innocence of the defendant -- the defendants, and your
8 verdict must be based solely on the evidence that is
9 presented to you in this trial and on the law as I instruct
10 it at the close of the trial.

11 In just a moment the solicitor will make what is called
12 an opening statement in which the solicitor will explain to
13 you what the issues in the case are or at least what he
14 thinks the issues in the case are. The attorney for the
15 defendants may also make an opening statement, but they are
16 not required to do so.

17 What the attorneys tell you during their opening
18 statements is not evidence in the case; it is only their
19 contention as to what the issues are. The evidence in this
20 case will be presented to you by the testimony of the sworn
21 witnesses from the witness stand and/or by any exhibits that
22 may be introduced into evidence.

23 From time to time during the trial, you may hear one of
24 the lawyers say something like, "Your Honor, I have a
25 question of law or a matter of law to discuss with you," or

1 "May we approach the bench," or sometimes I myself may find
2 it necessary to excuse you from the courtroom for a short
3 while so the attorneys and I can discuss a matter of law.

4 The reason for this is because you are the judges of the
5 facts in this case, and sometimes when I am discussing
6 matters of law with the attorneys, it may be necessary for me
7 to make some comment as to the facts in connection with
8 ruling as to whether or not a particular law applies.

9 I'm not supposed to tell you what I think the facts are,
10 so I will excuse you from the courtroom while these
11 discussions take place so that you in no way will be
12 influenced by anything that I might say or do in connection
13 with the facts.

14 In determining what the true facts are in this case, you
15 must decide whether or not the testimony of the witness is
16 believable. It is my responsibility to rule as a matter of
17 law as to whether certain testimony is admissible or not, but
18 once the testimony is admitted, whether or not you believe it
19 is solely for you to determine.

20 In deciding whether to believe a witness, you have the
21 right to consider the interest of any witness, the bias of
22 any witness, the prejudice of any witness, the opportunity
23 for the witness to have seen the matters and the things about
24 which the witness may testify and the way the witness acts on
25 the witness stand.

1 You have a right to consider anything that is in the
2 record that will help you evaluate the testimony of the
3 witnesses. That means it is your duty to pay close attention
4 to these witnesses, to observe the witnesses, to listen to
5 the witnesses and to pay close attention to the attorneys and
6 to the Court.

7 Don't let your thoughts wander, but give strict
8 attention to the testimony in this case so that at the end of
9 all the testimony, after the arguments of counsel and the
10 charge on the law by the Court, you will then be in a
11 position to determine what the true facts are and to apply
12 the facts to the law and render a true and justice verdict.

13 It will be the added duty of the foreperson, which I
14 will appoint at a later time, to preside over the jury room.
15 That does not mean that this foreperson has any greater
16 authority or weight to their vote. The foreperson is merely
17 the liaison to the Court to let us know if you need anything.

18 Any objections to the opening charge from either the
19 State or from the defense?

20 MR. PASCOE: No, Your Honor.

21 MR. BANKS: No, Your Honor.

22 THE COURT: Solicitor, you may proceed.

23 MR. PASCOE: Thank you, Your Honor. May it please the
24 Court.

25 THE COURT: Yes, sir.

1 MR. PASCOE: On February the 13th of last year,
2 Kim Livingston received a phone call she hoped she was going
3 to get for several months. Her 17-year-old daughter,
4 Kymmara, wanted to come back home.

5 Kymmara had some issues. She had some poor judgment,
6 like a lot of 17-year-olds, including, unfortunately, some of
7 the people she hung out with.

8 But Kymmara had at least two things going for her.
9 First, she had a mother who cared for her, wanted what was
10 best for her. And second, she was only 17 years old. She
11 had her entire life ahead of her. A bright young girl with
12 her entire life ahead of her until it was taken away by those
13 two men right there, Jerry and Bryant McKnight.

14 It was taken away from her when they took her down a
15 road not far from here in St. Matthews, right down Highway 6,
16 and they executed her. They executed her out of malice.
17 They executed her because they didn't think anybody cared
18 about Kymmara. They executed her because they thought they
19 could get away with it.

20 And what we're asking of you this week, ladies and
21 gentlemen, is that you prove them wrong. You let them know
22 that they're not going to get away with this brutal, violent
23 and cowardly act in Calhoun County.

24 Ladies and gentlemen, good morning. As you know, my
25 name's David Pascoe, and I'm your solicitor, and I'm going to

1 be prosecuting the case on behalf of the State of South
2 Carolina. Also prosecuting this case with me are the two
3 prosecutors I assigned to this case: My first assistant,
4 Don Sorenson, and assistant solicitor, Kyle Ward.

5 And sitting with us this week is going to be one of the
6 lead investigators in this case, Stanley Graham from the
7 Calhoun County Sheriff's Department. And seated behind the
8 State's table on the first row are Ms. Kim Livingston and
9 some of the family members and friends of Kymmara Randolph.

10 And on behalf of both the State of South Carolina and
11 Kymmara's family, I want to thank each and every one of you
12 for your service. It's often said that jury duty is the most
13 important duty you can perform for your country, and I
14 certainly concur with that.

15 And as I go forward, let me ask you to do one thing,
16 which is please forgive me for this allergy I've been
17 fighting for the past week and a half and bear with me. But
18 the other thing I'm going to do is I'm going to very briefly
19 go over the law with you with regards to these charges
20 against the defendants.

21 I promise to be brief because you're going to have a
22 number of opportunities to hear about the law. The most
23 important time's going to come when Judge Murphy charges you
24 on the law before you're asked to render your verdicts, so
25 I'll be very brief.

1 The first charge that we're talking about is the charge
2 of murder. And while murder's the most heinous crime a
3 person can commit, it has probably the shortest and simplest
4 definition of any crime in our books. Murder is defined as
5 the unlawful killing of another with malice aforethought,
6 either express or implied. That's it. The unlawful killing
7 of another with malice aforethought.

8 Premeditation. Even though I submit we will prove we
9 have it in this case, premeditation is not an element of
10 murder. All you have to have is malice aforethought.

11 And malice has a number of definitions. It's a person
12 devoid of social responsibility. It's an intentional act of
13 violence. Simply put, if you put 12 bullets in a human
14 being, six in the head, six in the body and they die, that's
15 murder.

16 Next the defendants are charged with kidnapping.
17 Kidnapping is nothing more than the unlawful seizure of a
18 person. It's the unlawful carrying away of a person. If you
19 trick a person into getting in a car with you to go for a
20 ride only to end up killing them, that's kidnapping. If you
21 physically grab a person out of the back seat of a car and
22 drag them to the back of the car, that's a kidnapping.

23 Now, with regards to both the murder and the kidnapping
24 indictments in this case, with those charges, in South
25 Carolina, the hand of one is the hand of all, meaning if two

1 or more people set out to commit a crime together, each is
2 guilty of that crime no matter what roles they play. That's
3 why two people, 20 people, can be guilty of murder even
4 though only one person pulls the trigger and only one bullet
5 kills the victim.

6 Now, the last charge in this case, it just applies to
7 Jerry McKnight, is possession of a firearm by a person
8 convicted of a violent crime. We're going to prove that back
9 in February of 2014, the defendant was not even allowed to
10 possess a firearm, Jerry McKnight, because he has a violent
11 crime conviction for trafficking crack cocaine.

12 Now, the standard of proof which the State must prove
13 the defendants guilt, as you all know, is proof beyond a
14 reasonable doubt. And this phrase means exactly as it
15 sounds. It's not proof beyond any doubt. It's not proof
16 beyond any possible doubt. It's proof beyond a reasonable
17 doubt.

18 The simple fact of the matter is we have doubts about
19 everything in this world. Some may doubt whether the earth
20 revolves around the sun, but you have to ask yourself, is it
21 reasonable.

22 And in essence, what proof beyond a reasonable doubt
23 means is after you've looked at all the evidence, not just a
24 piece of the evidence, one part, but after you've looked at
25 all of the evidence, if you're firmly convinced, just firmly

1 convinced of the defendants' guilt, you must find them
2 guilty. And I submit the evidence will leave you much, much
3 more than firmly convinced.

4 You're going to hear that Kymmara Randolph was 17 years
5 old. She already had her GED and was already enrolled at
6 OC Tech. Sometime around Thanksgiving of 2013, she decided
7 she wanted to move out of the house. She moved in with a
8 friend not far from here in Orangeburg County.

9 Ms. Livingston's going to tell you she stayed in
10 constant contact with her daughter. Loved her, still was
11 trying to look out for her, hoping she would come back home.
12 Unfortunately, one of the people that Kymmara hung out with
13 back in January/February of 2014 was Bryant McKnight.

14 You're going to hear that these two defendants are
15 brothers, and that back on February the 2nd of 2014, there
16 was a burglary at their family home, a suspicious burglary.
17 I submit suspicious because you're going to hear there was
18 very little help with law enforcement to try to solve the
19 burglary. There was very little cooperation in who committed
20 it or who was involved or what items were taken.

21 But one thing that did come out of this was that Bryant
22 McKnight and Jerry McKnight were looking for whoever they
23 thought might be involved in that home invasion, that
24 burglary. And for whatever reason, even though there's
25 absolutely no evidence whatsoever that Kymmara had anything

1 to do with it, the McKnights thought she did.

2 On that Thursday, February the 13th, which was maybe you
3 all remember last year was around the time of the ice storm,
4 Kymmara called her mother and said she wanted to come back
5 home. They were supposed to hook back up later that
6 afternoon or certainly in the evening, but they never did,
7 because earlier that Thursday afternoon, Bryant McKnight,
8 along with two of his friends, Jamaal Pearce and
9 James Keller, picked Kymmara up in Orangeburg, brought her
10 back to St. Matthews to James Keller's house right down the
11 street from this courthouse, less than two miles from the
12 courthouse, and the four of them did drugs together.
13 Bryant McKnight and the victim stayed there for about an hour
14 until about 6:00 that night and then they left on foot.

15 You're then going to hear that Bryant McKnight called a
16 cousin of his by the name of Jonathan McKnight, a younger
17 cousin, and Jonathan came about a half hour later and picked
18 up Bryant McKnight and the victim and drove them to another
19 house here in town where Jerry McKnight was.

20 Bryant McKnight got out of the car, went into it the
21 house to get Jerry, his brother. Jonathan and the victim
22 stayed in the car for about five minutes. The defendants
23 then came out of the house carrying a bag and got in
24 Jonathan McKnight's car. Jerry McKnight got in the front
25 passenger seat and Bryant McKnight got in the back seat with

1 the victim.

2 They said that they were going to drive to
3 Jerry McKnight's girlfriend's house, and Jerry started giving
4 Jonathan directions on where to drive. He had him drive down
5 Highway 6 and towards Elloree, towards Creston, actually.
6 And somewhere in between St. Matthews and Creston is a road
7 called Stiffmire Road. It's a very dark road. There are no
8 lights. There's no houses. And he had Jonathan turn and go
9 down Stiffmire.

10 He eventually told Jonathan to pull over because he
11 needed to go to the bathroom. Jonathan McKnight pulled the
12 car over. Jerry McKnight got out of the car, opened the back
13 door and told Kymmara to get out. She refused.
14 Bryant McKnight then got out of the car and told Kymmara to
15 get out, and she still said "no."

16 You're going to hear at one point Jerry McKnight reached
17 into that car, grabbed her, drug her out of that car, drug
18 her to the back of the car, and they shot her 12 times.
19 17-year-old Kymmara Randolph executed, left on that road that
20 Thursday night.

21 They drag her off the road. They get back in
22 Jonathan McKnight's car, and they have Jonathan take Jerry
23 home and drop Bryant off at the pantry. You can almost see
24 it from the Courthouse, right down the street. And you're
25 also going to hear that Bryant McKnight has already called a

1 friend by the name of Stephon Green, and he's had
2 Stephon Green meet him at the pantry right here downtown.
3 And he has Stephon Green drive him to Jamaal Pearce's house.

4 Jamaal Pearce is one of the people that was with the
5 victim and the defendant earlier that evening or afternoon.
6 And you're going to hear that the defendant Bryant McKnight
7 told Jamaal Pearce in his own words that he killed that girl
8 he was with that night.

9 He then had Stephon Green drive him to Orangeburg to
10 hook up with another one of his best friends by the name of
11 Derrick Sumter, and he gives Derrick Sumter a bag of items,
12 which included the murder gun, the murder weapon, the
13 defendant Bryant McKnight's jacket, the victim's purse and
14 other items and he tells Derrick Sumter, "Get rid of this."

15 Stephon Green drives Bryant McKnight to Williston to get
16 him out of town. Derrick Sumter goes and gets rid of the
17 items. He throws the gun in the river, Congaree, off of 601,
18 and he throws the rest of the items off of Highway 48,
19 Bluff Road in Richland County.

20 Derrick Sumter then goes and picks up Jerry McKnight,
21 and Jerry McKnight, that same Thursday night, takes
22 Derrick Sumter to where the victim Kymmara Randolph's body is
23 off of Stiffmire. Jerry takes the body, throws it in the
24 trunk, has Derrick drive him to Four Hole Swamp, and
25 Jerry McKnight dumps her lifeless body in that swamp that

1 night.

2 On the night of February 13th last year, Jerry and
3 Bryant McKnight, with the help of their friends, thought they
4 got away with murder. They didn't think anybody cared about
5 Kymmara Randolph, and they were wrong. You're going to hear
6 how three agencies came together, the Orangeburg County
7 Sheriff's Office, the St. Matthews Police Department and the
8 Calhoun County Sheriff's Office, and they solved this case.

9 But most important of all, you're going to hear how that
10 woman right there in the pink, Kim Livingston, helped solve
11 this case to find out who killed and executed her daughter.

12 As I told you, I'm going to use this calendar here to
13 show you the timeline of how they solved the case and who
14 they talked to.

15 Kymmara was supposed to return home on Thursday, the
16 13th. Well, when Kim Livingston never heard from her
17 daughter, she continued to try to call her and call her, went
18 to her house, knocked on the door and started talking to as
19 many people as she could to find out where her daughter was
20 that Thursday, that Friday, that Saturday the 15th.

21 Finally, on Saturday the 15th, Kim Livingston, working
22 to find out where her daughter was, got word that her
23 daughter was last seen with somebody from St. Matthews.

24 Because of that information, and you all know this is a
25 small town, but because of that information, her husband

1 immediately comes to St. Matthews and talks to anyone who
2 will talk to him and shows them fliers of their daughter,
3 asking, "Have you seen this girl? Who has she been with?
4 When have you seen her? Where have you seen her?" They put
5 word out all over town that they were looking for Kymmara.

6 By that Sunday, the 16th, Sunday the 16th,
7 Kim Livingston got a disturbing call that the word in
8 St. Matthews was that her daughter was already murdered. She
9 immediately calls the Orangeburg County Sheriff's Office that
10 morning, files a missing persons report, gives them all the
11 information she's gotten.

12 The next day, on Monday the 17th, Kim Livingston, again,
13 talking to people in St. Matthews, finds out that law
14 enforcement needs to talk to two people. James Keller and
15 Jamaal Pearce evidently have information about her daughter's
16 disappearance.

17 She gives law enforcement that information later that
18 afternoon, and that very next morning, on Tuesday, the 18th,
19 ladies and gentlemen, that's when the dominos start to set
20 up. That's when all the evidence starts to lead to the
21 defendants' guilt.

22 By Tuesday the 18th, thanks to Ms. Livingston's work and
23 thanks to the law enforcement coordinating together, they
24 immediately that morning pick up James Keller. And
25 James Keller tells law enforcement, "Oh, yes, Bryant McKnight

1 was with that girl at my house. Yes, I admit it, we were
2 doing drugs. And, by the way, Jamaal Pearce was there too,
3 and he has more information and you need to talk to
4 Jamaal Pearce."

5 Minutes later, St. Matthews police, Calhoun County
6 Sheriff's Office pick up Jamaal Pearce, who lives right here
7 in town, right down the street from the courthouse, and he
8 immediately tells them the truth, "Absolutely, we were
9 together that Thursday night. That victim is Bryant's girl.
10 And, by the way, Bryant McKnight came to my house that very
11 night and told me that he smoked that girl," that in his own
12 words, he killed her.

13 And then he says, "By the way, you need to go talk to
14 somebody named Stephon Green, because Stephon Green brought
15 the defendant Bryant McKnight to my house." And then that
16 very night law enforcement, not wasting any time, they go out
17 and look and find Stephon Green.

18 And you're going to hear that the rest of these
19 witnesses have all been charged with either accessory after
20 the fact of murder or obstruction of justice because they
21 didn't want to tell the truth right away. They wanted to
22 give half truths in their statements at first to law
23 enforcement.

24 But even in their half truths, law enforcement was able
25 to put this case together, and Stephon Green told law

1 enforcement about, "Yes, I was the one who picked up Bryant
2 McKnight at the pantry. Yes, I took him to Derrick Sumter.
3 Yes, I took him to Jamaal Pearce."

4 He led them to Jonathan McKnight, who also gave a
5 statement to law enforcement and told them about his
6 involvement. And he led them to Derrick Sumter, who told law
7 enforcement about his involvement in this case.

8 Now, that's just some of the evidence that you're going
9 to hear about, because you're also going to hear about that
10 very day that they picked up Derrick Sumter, which was Friday
11 the 21st of February.

12 He immediately told law enforcement what he did. He
13 immediately took law enforcement to where Jerry McKnight
14 dumped the victim's body at Four Hole Swamp so they could
15 recover it. He immediately showed law enforcement where he
16 threw those items off of Bluff Road, which includes the
17 defendant Bryant McKnight's jacket, which has gunshot residue
18 on it.

19 You're going to hear about how Jerry McKnight was
20 threatening witnesses not to talk about this case, how
21 Jerry McKnight, just days before this murder or a week or so
22 before this murder, bought the same type of .22 caliber
23 bullets used to murder, execute, Kymmara Randolph. And
24 you're also going to hear about telephone records in this
25 case, which prove the defendants' guilt and much, much more.

1 In closing, I want to again thank you for your service.
2 It's absolutely crucial to our community and to our State, so
3 thank you.

4 And if I could, I want to throw one last thing out at
5 you, which is that while there are no classes on how to be a
6 good juror, I submit each and every one of you have been
7 training for this job your entire life. Some of you have
8 been training as educators, as managers, as parents, and it's
9 this diversity of experience you're asked to bring together.
10 Use your common sense and render a verdict.

11 Verdict comes from the Latin word veredicto. It means
12 to speak the truth. All I'm asking you to do this week is
13 tell us what the truth is about February the 13th, 2014. And
14 I submit if you do that, the only truthful verdicts you will
15 render is that these defendants are guilty. Thank you.

16 THE COURT: Counsel.

17 MR. BANKS: Thank you, Your Honor. Please the Court.

18 Ladies and gentlemen of the jury, I'm Martin Banks. I
19 represent Bryant McKnight. He's my client. This is
20 Mark Leiendecker and his client, Jerry McKnight. They are
21 brothers, and they've been accused of a terrible series of
22 events.

23 My client, Jerry McKnight -- I mean Bryant McKnight, is
24 innocent. He sits there innocent. And all of the names
25 you've heard over the last several minutes, Derrick and

1 Stephon, we will hear in much more detail later, Jonathan,
2 all those names are people that definitely put themselves as
3 participants in this crime.

4 My client never admitted to any of this. Doesn't know
5 any of it. Those folks are definitely involved because they
6 said they were involved. You have to believe them and take a
7 leap of faith based on their credibility, as you'll see when
8 they testify. You'll have to believe their credibility to
9 make the leap of faith that my clients were even there.

10 Those young men, you know, I think some people call them
11 half truths. I call them lies. There's one -- the fellow
12 who was at the scene, who put himself at the scene and
13 supposedly was only the driver, he gave four different
14 statements.

15 And how are you going to decide which one to believe of
16 those four statements? He repeatedly lied in those
17 statements. He lied a number of times, sometimes repeatedly,
18 about the same thing over and over again. And how does a
19 lie -- how do you start lying and then start molding
20 something into something that you stop with this -- it's
21 Statement No. 4? How do you do that?

22 Well, there may be promises that were made. There may
23 be pressure placed on these young men. Or they're just liars
24 and they lie and that's what liars do.

25 My client sits there innocent. He's denied everything.

1 He's not -- he said he's not involved, and I believe him.
2 And we're going to establish today that a lot of these lies
3 that you will be hearing, and you will hear them over and
4 over again, one place they can stop is with the three or four
5 gentlemen who definitely put themselves there.

6 And I'll say this: At the end of this trial, I think
7 that you'll find that there's a little here and a little
8 there that you may hang your hat on but not enough to
9 convict.

10 And we hope that you would be patient, because in my
11 line of work, the defense goes last. And so you'll hear all
12 of the prosecution's evidence first, and we ask you to wait
13 to make up any of your minds. We ask you to wait because
14 they'll tell their side of the story the best way they can
15 tell it, just like that opening's very well done. But our
16 side comes last, and you have to wait to make that decision
17 to help make a reasoned, well-reasoned decision.

18 And that's why the judge tells you don't talk about it,
19 don't deliberate, don't -- wait until the end until the last
20 word has been spoken. And it may be a long wait. There's a
21 lot of witnesses you're going to hear.

22 And my client, more important than anything else, denies
23 that he even owns a cell phone. And I'll ask you some of the
24 rational questions that need to be asked: If Kymmara
25 believed that Bryant thought she was involved in some kind of

1 a robbery, why would she get in the car voluntarily with him?
2 If Bryant, my client, had killed someone, why would he put it
3 out there like that?

4 Those words were spoken from people who have repeatedly
5 lied in this case. That testimony will come from people that
6 have repeatedly lied in this case, and those lies
7 conveniently push the suspicion away from themselves. They
8 were definitely involved, but they pushed that suspicion away
9 from themselves and conveniently onto our clients.

10 So if you -- you're going to be in for a bumpy ride when
11 you hear one lie after another. You're going to have to
12 navigate those lies. And we hope, again, that you wait till
13 the end of this testimony to make up any conclusions. Thank
14 you.

15 THE COURT: Mr. Leiendecker.

16 MR. LEIENDECKER: Thank you, Your Honor. Please the
17 Court.

18 Ladies and gentlemen, facts are funny things. You can
19 put a fact out there and two people can see it a completely
20 different and opposite direction. They can understand or
21 interpret it in completely different and opposite
22 conclusions.

23 The second president of the United States, John Adams,
24 who was a fine criminal defense attorney himself who actually
25 defended one of the soldiers charged in the Boston massacre

1 to a successful defense in front of a jury in Boston,
2 Massachusetts, once said about facts that facts are stubborn
3 things, and whatever may be our wishes, our inclinations, or
4 even our dictates of our passion, they can't alter the state
5 of facts or the state of the evidence.

6 What the State has presented to you today through
7 Solicitor Pascoe is their interpretation of some facts. What
8 you have been charged by the judge as your responsibility is
9 that you are the determiners of that fact, all of that fact,
10 that the State can't tell you what the facts are, that from
11 my perspective, unfortunately I can't tell you what the facts
12 are, but you have to listen to the facts presented from this
13 witness stand, and you have to make a decision that honestly
14 determines whether the State has met its burden of
15 responsibility, and that burden is to prove every element of
16 their case beyond a reasonable doubt, every element of their
17 case as it relates to my client, Jerry McKnight, beyond a
18 reasonable doubt.

19 Now, a reasonable doubt is more than just common sense.
20 A reasonable doubt is defined in the law as a doubt that
21 would make you hesitate to act. And we'll talk a lot about
22 that when this case is over about whether there is or isn't
23 reasonable doubt in this case.

24 What you are going to hear, the facts as presented
25 already by the State is that Jerry McKnight was not seen with

1 the victim with the exception of one witness who says he was
2 there when a murder took place.

3 No other witness puts Jerry McKnight with the victim.
4 He didn't go to Orangeburg with anybody to pick up the
5 victim. He didn't have an ongoing relationship with the
6 victim. He wasn't seen with the victim at a drug party here
7 in St. Matthews earlier that evening. Jerry McKnight was not
8 with the victim because Jerry McKnight doesn't know the
9 victim and Jerry McKnight was not there the evening that this
10 crime occurred.

11 What is a fact and what is a true fact is that a
12 17-year-old young lady was killed in Calhoun County. What
13 the State will have trouble proving to you is who committed
14 that murder. You're the jury. The 12 of you are charged
15 with determining the facts, and that's all you're charged
16 with.

17 Despite the passions of our solicitor, you are not
18 charged with solving the crime. That's the responsibility of
19 law enforcement. You're not charged with bringing peace or
20 vengeance or anything else regarding your outrage over this
21 crime. That is not your responsibility.

22 You are charged with determining the facts of this case.
23 You are charged with weighing the credibility of these
24 witnesses, and ultimately, you are charged with determining
25 some stubborn things, those facts.

1 And as president Adams says, you can't bend those facts
2 because the dictates of your passion want to bring relief to
3 a hurting family. You can't bend those facts to meet the
4 inclinations of the State to solve this crime. You can't
5 bend those facts to fit the pattern of one witness, one
6 witness who has so much knowledge about this crime that
7 you're going to wonder how he got all that knowledge about
8 this crime if he didn't do it to convict my client,
9 Jerry McKnight, who wasn't there and who isn't responsible.
10 Thank you.

11 THE COURT: Solicitor, you may call your first witness.

12 MR. PASCOE: Thank you, Your Honor. The State calls
13 Kim Livingston.

14 CLERK OF COURT: Place your left hand on the Bible,
15 raise your right hand.

16 KIM LIVINGSTON,
17 being first duly sworn, testified as follows:

18 CLERK OF COURT: Please state your full name for the
19 record.

20 THE WITNESS: Kimberly Livingston.

21 THE COURT: Your witness.

22 MR. PASCOE: Thank you, Your Honor.

23 DIRECT EXAMINATION BY MR. PASCOE:

24 Q. Good morning, Ms. Livingston.

25 A. Good morning.

- 1 Q. And, of course, you are Kymmara's mother?
- 2 A. Yes, I am.
- 3 Q. I'll just ask you some quick background questions, okay?
- 4 A. Okay.
- 5 Q. Where do you live, Ms. Livingston?
- 6 A. I live at 142 Waycross Street.
- 7 Q. Is that in Orangeburg?
- 8 A. Yes.
- 9 Q. How long have you lived in the Orangeburg community?
- 10 A. 20 years.
- 11 Q. Do you work?
- 12 A. Yes, I do.
- 13 Q. Where do you work?
- 14 A. I work for instant media marketing for
- 15 BlueCross/BlueShield.
- 16 Q. How long have you worked there?
- 17 A. Four years.
- 18 Q. So you were working there obviously back in February of
- 19 2014?
- 20 A. Yes, I was.
- 21 Q. And you're married?
- 22 A. Yes, I am.
- 23 Q. Who are you married to?
- 24 A. Dennis Livingston.
- 25 Q. How many children do you have, counting Kymmara?

1 A. Two.

2 Q. What are their ages?

3 A. 25 and 7.

4 Q. And, of course, Kymmara would be -- she's your third
5 child, she'd be in the middle?

6 A. Yes.

7 Q. Was she your only daughter?

8 A. Yes.

9 Q. And how old was she back in February 2014?

10 A. 17.

11 Q. How far did Kymmara go in school?

12 A. She graduated early by getting her GED, then enrolled
13 along with me to OC Tech for the radiology program.

14 Q. Radiology program?

15 A. Yes.

16 Q. She a pretty bright girl?

17 A. All through school.

18 Q. Tell a little bit, however, about her obstacles that she
19 had to overcome to get her GED and go to OC Tech by the time
20 she was 17.

21 A. Kymmara was diagnosed with PTSD. She still overcame
22 that, went and got her GED. Kymmara, as we discussed
23 earlier, had some problems as a result of the PTSD and turned
24 to drugs, but she came to me, telling me about the drug
25 problem on her own, requesting for -- she said she didn't

1 want outpatient treatment. She wanted inpatient treatment.

2 She went to inpatient treatment, and after she came out,
3 she got her GED, didn't have to take the classes, took the
4 pretest, was determined that she could just go ahead and get
5 the GED, and she went ahead and enrolled in OC Tech.

6 Q. Did you hope by the fall of 2013, winter, that she was
7 doing better?

8 A. Yes, she was.

9 Q. And you, like every parent, Ms. Livingston, have rules
10 that you want your children to abide by?

11 A. Yes, I do.

12 Q. Curfew?

13 A. Yes, I do.

14 Q. Did there come a time around Thanksgiving of 2013 when
15 Kymmara moved out of the house because she didn't want to
16 abide by those rules?

17 A. That is correct.

18 Q. When is Kymmara's birthday, by the way?

19 A. April 8, 1996.

20 Q. Was there anything you could do about it when she wanted
21 to move out when she was 17 years old?

22 A. No. I even sought with law enforcement to see if there
23 was something I could do, but I was told that she was 17 and
24 that if she wanted to make that determination that she could.

25 Q. Did you give up on her, though?

1 A. Never.

2 Q. Did you stop talking to her?

3 A. Spoke with her every day, and she still came to see me
4 and my mother.

5 Q. Tell the jury where Kymmara ended up living late in 2013
6 and early 2014?

7 A. In Eastwood Acres at her friend Tameka Williams' house.

8 Q. Whereabouts is that located?

9 A. Eastwood Acres is all the way down the Belleville Road,
10 once you pass the overpass of I26.

11 Q. Right in Orangeburg County?

12 A. Yes.

13 Q. Did you have any or did Kymmara have any other relatives
14 that lived around there?

15 A. My mother.

16 Q. Did that make you feel better that she was around there
17 as well, your mother?

18 A. Yes. Because it's walking distance. Tameka lived about
19 maybe ten houses down.

20 Q. Did you want Kymmara, though, to come back home in
21 January and February of 2014?

22 A. Yes, I did.

23 Q. Do you remember Thursday, February the 13th of 2014?

24 A. Yes, I do.

25 Q. How well and why do you remember that day?

1 A. Because that is the last time that I spoke with Kymmara.

2 Q. And approximately what time did you speak to Kymmara?

3 A. The first time I spoke to her was around 10 a.m. She
4 called me at work repeatedly. I got up from my phone, went
5 and answered it, spoke to her. She asked if she could come
6 back home. I was happy to hear that, but I was at work, so
7 we decided to meet when I got off at 4:30.

8 Spoke to her again because it was an ice storm and we
9 were trying to get supplies, food, water and all of that.
10 She said that she was at the store, and I was asking her did
11 she need anything from the store, and that was the last time
12 I spoke to her.

13 Q. Okay. And approximately when do you think that was,
14 just approximately?

15 A. About 6:00.

16 Q. Were you all supposed to get back together later that
17 evening?

18 A. Yes, we were.

19 Q. Did you attempt to call her again later that evening?

20 A. All night.

21 Q. Did you go by the house that Thursday or Friday?

22 A. I went by her -- Tameka's house Friday because Thursday
23 night we didn't have any electricity, so I went to a hotel.
24 Continued to call her all night, all that morning. Went by
25 her friend Tameka's house that Friday, but I didn't get a

1 response. No one was there.

2 Q. Did you give up then on Thursday and Friday or did you
3 continue to look for Kymmara?

4 A. I continued on.

5 Q. What did you do on Saturday, February the 15th?

6 A. On Saturday I went back to Tameka's house around 11:00,
7 and that's when I found out that Kymmara left with someone
8 named B.

9 Q. And what area?

10 A. St. Matthews.

11 Q. And after you found that out as a result of finding out
12 that she left with someone named B from St. Matthews on that
13 Thursday, what did you and your family do?

14 A. We went to Office -- not Office Depot, Office Max and
15 got fliers made. And we went to St. Matthews and Orangeburg
16 and handed out fliers.

17 Q. Did you all talk to as many people as you could in the
18 community?

19 A. Yes, we did.

20 Q. Trying to get information on the whereabouts of Kymmara?

21 A. All day, yes, we did.

22 Q. That's all day on Saturday?

23 A. Yes.

24 Q. Did you also post it on Facebook and other media outlets
25 or Internet outlets?

1 A. Yes, we did.

2 Q. Is that the main area you were then concentrating on is
3 St. Matthews because of that information you received?

4 A. Both of the -- well, that was the main area but
5 Orangeburg as well.

6 Q. And so were you also looking for someone named B?

7 A. Yes.

8 Q. Was that all the information you were able to get as of
9 that Saturday, February the 15th?

10 A. Yes.

11 Q. When was the next time you received some information
12 that was relevant to your investigation in this case trying
13 to find Kymmara?

14 A. From putting information on Facebook, I got a disturbing
15 call on Sunday from Lacariah Parham stating --

16 MR. BANKS: Your Honor, objection. Hearsay.

17 THE COURT: Sustained.

18 Q. Did you end up going to the Orangeburg County Sheriff's
19 Office?

20 A. I called them and they came out.

21 Q. Now tell the jury why you went, why you called the
22 Orangeburg County Sheriff's Office?

23 A. I called the Orangeburg County Sheriff's Department
24 because I received information that my daughter was killed,
25 she was dismembered and burned.

1 Q. And as a result of that, that's when you called the
2 sheriff's office?

3 A. Yes.

4 Q. About 10:00 that morning, Sunday?

5 A. Yes.

6 Q. And you filed a missing persons report?

7 A. Yes, I did.

8 Q. And did you tell them that information that you just
9 told the jury you heard about that this morning --

10 A. Yes.

11 Q. -- that she'd been killed?

12 Now, after filing that missing person's report and
13 calling the sheriff's office, did you continue to put up
14 fliers and look around St. Matthews on Sunday, Monday and
15 Tuesday?

16 A. Yes, I did.

17 MR. PASCOE: I'm sorry, Your Honor, beg the Court's
18 indulgence.

19 (Counsel confer.)

20 Q. Let me show you what's been marked as State's
21 Exhibit 21. Do you recognize that?

22 A. Yes, I do.

23 Q. Does that accurately depict one of the fliers that you
24 started putting out with your family on Monday and Tuesday of
25 that week?

1 A. Yes, it does.

2 MR. PASCOE: Your Honor, I believe they've told me
3 there's no objection. I'd ask that State's Exhibit 21 be
4 admitted into evidence without objection.

5 THE COURT: Is that correct?

6 MR. BANKS: No objection.

7 MR. LEIENDECKER: That's correct, Your Honor.

8 THE COURT: It's in.

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

10 Q. And you all had a bunch of different fliers made up,
11 correct?

12 A. That is correct.

13 Q. Now, did you also meet with the Orangeburg County
14 Sheriff's Office investigators, Orangeburg County at that
15 time, at your home on Monday, February the 17th at
16 approximately 2:59 that afternoon?

17 A. Yes, I did.

18 Q. And did you give them a more detailed written statement?

19 A. Yes, I did.

20 Q. Along with more information?

21 A. Yes, I did.

22 Q. And who did you tell them they needed to speak to?

23 A. Jamaal Pearce and James Keller.

24 Q. Again, that's because of information you were receiving
25 in your investigation in the St. Matthews area?

1 A. Yes, it is.

2 Q. And that was that Monday afternoon?

3 A. Yes.

4 Q. Did you know Jamaal Pearce?

5 A. No.

6 Q. Do you know James Keller?

7 A. No.

8 Q. And did you, Ms. Livingston, continue to work and meet
9 with the St. Matthews Police Department and the Calhoun
10 County Sheriff's Office in this case as well?

11 A. Yes, I did.

12 Q. And gave them the information that you had gotten?

13 A. Yes, I did.

14 Q. I'm going to show you some more pictures, Kim. Let me
15 show you what's been marked as State's Exhibit 32. Do you
16 recognize those items in that picture?

17 A. Yes, I do.

18 Q. What do you recognize those items to be?

19 A. Kymmara's purse, the type of maxi pad that she used, her
20 cell phone.

21 Q. A lot of items that she would even have in her purse?

22 A. Yes.

23 Q. Okay.

24 A. Her gel for her dreads, an ID and wallet.

25 MR. PASCOE: I'd ask that State's Exhibit 32 be admitted

1 into evidence.

2 THE COURT: Any objection?

3 MR. BANKS: No, Your Honor.

4 MR. LEIENDECKER: None.

5 THE COURT: It's in.

6 (State's Exhibit 32 admitted into evidence.)

7 Q. No doubt about it, that's Kymmara's purse in that
8 photograph?

9 A. Yes, it is.

10 MR. PASCOE: Beg the Court's indulgence one second, Your
11 Honor.

12 Q. And before I forget, back in last year, was your phone
13 number 803-747-8862?

14 A. Yes.

15 Q. And was Kymmara's phone number 803-596-6313?

16 A. Yes, it was.

17 Q. That was her cell phone number that she was using?

18 A. Yes.

19 Q. And I think you testified to this, you all talked even
20 more than just cell phone to cell phone; she would call you
21 at work sometimes too?

22 A. Yes.

23 (Counsel confer.)

24 Q. I'm going to show you what's been marked as State's
25 Exhibit 16, and actually I'll go ahead and show you what's

1 marked as State's Exhibit 2, and I'll wait before I put this
2 in too, okay, but do you recognize that right there?

3 A. Yes.

4 Q. What does that look like to you in State's Exhibit 2?

5 A. That's the back of Kymmara's cell phone..

6 Q. That looks like the back of Kymmara's cell phone?

7 A. Yes.

8 Q. Consistent with the type of backing for the phone she
9 was using on February 13, 2014?

10 A. Yes.

11 Q. And let you look at State's Exhibit 16, okay? Do you
12 recognize that?

13 A. Yes.

14 Q. What is that consistent with?

15 A. The picture and the back of her cell phone.

16 Q. So to you that's very consistent with the phone, the
17 back of the phone she had in February of last year?

18 A. Yes.

19 Q. Okay. Can you think of any reason why her phone would
20 be anywhere near Williston, South Carolina on February 13th?

21 A. No. We don't know anyone in that area.

22 Q. You don't know anybody in that area?

23 A. Neither one of us.

24 MR. LEIENDECKER: Objection, Your Honor, that calls for
25 speculation about who her daughter knew or didn't know.

1 Certainly no mother of a 17-year-old knows everybody her
2 daughter knows.

3 THE COURT: Sustained.

4 MR. LEIENDECKER: Move to strike that answer.

5 THE COURT: Ladies and gentlemen of the jury, you must
6 not consider that last answer regarding knowledge of the
7 victim knowing this particular person; however,
8 Ms. Livingston certainly can testify that she did not know
9 this particular person.

10 MR. PASCOE: Thank you, Your Honor.

11 Q. And how often did you ever know of your daughter going
12 to Williston?

13 A. Never.

14 Q. How often did she ever talk about knowing anybody in
15 Williston?

16 A. Never.

17 Q. And you had constant contact with her, correct?

18 A. Yes.

19 Q. Let me show you what's been marked as State's Exhibit 5.
20 Do you recognize anything in that picture, Ms. Livingston?

21 A. Yes, I do.

22 Q. What do you recognize that to be or what does it look
23 like to you?

24 A. Kymmara's earring.

25 MR. PASCOE: I would ask that State's Exhibit 5 be

1 admitted into evidence.

2 THE COURT: Any objection?

3 MR. BANKS: No objection, Your Honor.

4 THE COURT: It's in.

5 (State's Exhibit 5 admitted into evidence.)

6 MR. LEIENDECKER: Your Honor, I certainly don't have an
7 objection, and I think ultimately it comes in, but to be
8 identified at this point as Kymmara's earring I think is
9 objectionable. Mom can say it looks like a pair of earrings
10 that she wore, but there's no conclusive evidence that's been
11 presented at this time that that's what it is, so I have no
12 objection to the picture coming in as something that looks
13 like a pair of it earrings she had, but --

14 MR. PASCOE: Okay. I'm fine with that.

15 MR. LEIENDECKER: -- until there's facts established
16 otherwise, that's all it is.

17 THE COURT: Yes, sir.

18 MR. PASCOE: I'm good with that. So it's in evidence as
19 something consistent with the earrings she had, okay.

20 Q. Let me show you what's been marked as State's Exhibit 9,
21 do you recognize the woman in that picture?

22 A. It's my daughter Kymmara.

23 Q. Can you tell the jury what earrings she's wearing?

24 A. The same earrings that are in the first photo.

25 Q. Or at least that are consistent with the earrings,

1 correct, that are on her?

2 A. Exactly.

3 MR. PASCOE: I would ask that State's Exhibit 9 be
4 admitted into evidence.

5 THE COURT: Any objection?

6 MR. LEIENDECKER: No objection.

7 MR. BANKS: No objection.

8 THE COURT: It's in.

9 (State's Exhibit 9 admitted into evidence.)

10 MR. PASCOE: Beg the Court's indulgence, Your Honor.

11 Thank you, Ms. Livingston. Answer any questions defense
12 counsel has for you, okay?

13 THE WITNESS: Okay.

14 MR. PASCOE: Thank you.

15 THE COURT: Cross-examination.

16 MR. BANKS: Please the Court, Your Honor.

17 THE COURT: Yes, sir.

18 CROSS-EXAMINATION BY MR. BANKS:

19 Q. Ms. Livingston, do you know Bryant McKnight?

20 A. No.

21 Q. Have you ever seen him?

22 A. Not until this happened, no.

23 Q. Have you ever talked to him?

24 A. No.

25 Q. Ever texted him?

1 A. No.

2 Q. Do you know if your daughter had ever texted him?

3 A. Excuse me. You asked me a question about have I -- I
4 don't know Bryant McKnight. Have I ever seen him before?
5 Yes, I have seen him before.

6 Q. All right. Did you know him before February 2013?

7 A. Didn't know him but have seen him at Tameka Williams'
8 house.

9 Q. All right. Ms. Livingston, you said that when you came
10 to St. Matthews, you knew to look for two people,
11 Jamaal Pearce and James Keller; is that right?

12 A. No, that's not what I said.

13 Q. All right. Tell me what you said about Jamaal Pearce
14 and James Keller.

15 A. I said I had received information that law enforcement
16 should speak to Jamaal Pearce and James Keller.

17 Q. Okay. And do you have a son?

18 A. I have two sons.

19 Q. All right. And your oldest son is 25, I think you said?

20 A. Yes, he is.

21 Q. What's his name?

22 A. Rachawn McDaniel.

23 Q. Rachawn McDaniel. And what was he doing for a living in
24 2013?

25 A. My son had just came home from being institutionalized.

1 Q. For what?

2 MR. PASCOE: Objection, Your Honor, how is that
3 relevant?

4 THE COURT: Relevancy?

5 MR. BANKS: When you say "institutionalized," what do
6 you --

7 THE COURT: Hold on. Let me rule on the objection. How
8 is that relevant?

9 MR. PASCOE: Objection to the relevancy of the question,
10 going to her son.

11 THE COURT: How is that relevant, Mr. Banks?

12 MR. BANKS: Your Honor, her son --

13 MR. PASCOE: Can we approach?

14 MR. BANKS: Yes, we better approach.

15 (The following was held at the bench, out of the hearing
16 of the jury.)

17 MR. BANKS: Her son is a suspect in the robbery that
18 happened at Bryant McKnight's house two weeks prior.

19 MR. PASCOE: Okay. I don't have a problem with that.

20 (The following was held in open court.)

21 THE COURT: You may proceed, Mr. Banks.

22 Q. You said "institutionalized," Ms. Livingston. What do
23 you mean by that?

24 MR. PASCOE: I still would object to this question. I
25 thought he was going to go into what we just talked about up

1 there. That's not going into --

2 MR. BANKS: I think it's relevant.

3 (The following was held at the bench, out of the hearing
4 of the jury.)

5 MR. PASCOE: I thought he was going to ask, "Are you
6 aware that your son is a suspect in a robbery of" --

7 MR. BANKS: I was going into the background for it
8 because he's been in prison. He just got out of prison.

9 MR. PASCOE: But you're going to ask, "Are you aware
10 that your son is a suspect in the robbery of the house?"

11 MR. BANKS: I will. I will.

12 MR. PASCOE: It was a drug-related matter. Was he in
13 prison for drugs?

14 MR. BANKS: That's right.

15 MR. LEIENDECKER: Yes.

16 THE COURT: Well, then I think it's relevant.

17 MR. PASCOE: And especially if he asks that last
18 question.

19 MR. BANKS: I will. I will.

20 MR. PASCOE: Okay.

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

22 (The following was held in open court.)

23 THE COURT: You may proceed.

24 MR. BANKS: Thank you, Your Honor.

25 Q. Ms. Livingston, you said "institutionalized." What do

1 you mean by "institutionalized"?

2 A. He was incarcerated.

3 Q. Where?

4 A. At Turbeville Correction Institution.

5 Q. And for what reason?

6 A. For -- he was defending himself and got in some trouble.

7 Q. Okay. And what was he convicted of?

8 A. I'm not exactly sure. He's here. You can ask him.

9 Q. Okay. You heard that there had been a -- basically a
10 home invasion at Bryant Randolph's [sic] mother's house, at
11 Bryant's mother's house?

12 A. Yes.

13 Q. Is that right?

14 A. Yes.

15 Q. Two weeks prior to the 13th, approximately two weeks
16 prior to the 13th?

17 A. Are you asking me did I hear about it prior?

18 Q. Did you hear -- yes, did you know that?

19 A. No, I did not hear about it prior to that.

20 Q. No, not that you heard about it prior.

21 A. Oh.

22 Q. It was about two weeks prior to the day your daughter
23 went missing; is that right?

24 A. I'm sorry?

25 Q. You don't know when the invasion was, the home invasion?

1 A. I didn't know any -- I mean, I want to make sure I'm
2 understanding what you're asking me.

3 Q. Right.

4 A. I didn't learn of the home invasion until after what
5 happened to my daughter.

6 Q. Correct.

7 A. But yes, I did hear of it.

8 Q. And when you heard of it, did you hear that it was
9 approximately two weeks prior to your daughter being missing?

10 A. Yes.

11 Q. Okay. And when you heard of it, did you also hear that
12 your son was a suspect in that?

13 A. I've heard from police a statement that Ms. Williams
14 made about my son having some involvement in that, but that's
15 the only time that I've ever heard that.

16 Q. Now, do you believe that?

17 A. No, I believe that's hearsay.

18 Q. I mean, you don't believe your son was involved?

19 A. No.

20 Q. In fact, you don't believe your daughter was involved?

21 A. No.

22 Q. And if they did, would they have told you?

23 A. Yes. I'm very close with my children. They come and
24 they tell me everything.

25 MR. BANKS: One moment, Your Honor.

1 No further questions, Your Honor.

2 THE COURT: Mr. Leiendecker.

3 MR. LEIENDECKER: Thank you, Your Honor.

4 CROSS-EXAMINATION BY MR. LEIENDECKER:

5 Q. Ms. Livingston, I'm Mark Leiendecker. I represent
6 Mr. Jerry McKnight and I have some very, very few questions
7 for you.

8 You began looking for your daughter the night of the
9 13th when she didn't return phone calls, correct?

10 A. Yes.

11 Q. And you testified the last time you spoke to her was
12 around 6 p.m., correct?

13 A. Correct.

14 Q. And did she tell you where she was and what she was
15 doing at that time?

16 A. Yes, she did.

17 Q. What did she tell you?

18 A. She told me she was at the store with Tameka Williams.

19 Q. Okay. And when your investigation got underway, the one
20 that you and your husband began by passing out fliers and
21 stuff like that, you told the State you came to information
22 that Kymmara had left on the 13th with someone from
23 St. Matthews, correct?

24 A. That is correct.

25 Q. And what was that person's name?

1 A. B.

2 Q. And never at any time in any of your investigation did
3 anybody say the name Jerry McKnight in connection with your
4 daughter, did they?

5 A. Once coming to St. Matthews and handing out fliers.

6 Q. Somebody said Jerry McKnight?

7 A. Bryant McKnight.

8 Q. I said Jerry McKnight.

9 A. No.

10 Q. No one said that name, correct?

11 A. No.

12 Q. And you didn't know anything about Jerry McKnight until
13 the investigation by the police concluded and he was
14 arrested, correct?

15 A. Correct.

16 Q. None of your investigation ever pointed to
17 Jerry McKnight having any involvement with your daughter,
18 correct?

19 A. Correct.

20 MR. LEIENDECKER: I have no further questions. Thank
21 you.

22 THE COURT: Any redirect?

23 MR. PASCOE: Yes, Your Honor. Thank you.

24 REDIRECT EXAMINATION BY MR. PASCOE:

25 Q. Ms. Livingston, as we learned today, the word on the

1 street back in February of 2014 was that your son may have
2 been involved in a burglary at the defendants' house?

3 A. Yes.

4 MR. PASCOE: That's all I have.

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

6 MR. LEIENDECKER: Your Honor, I'm sorry. I'd just ask
7 for clarification on the record that when he says the
8 "defendant's house," he's talking about Bryant McKnight.

9 MR. PASCOE: The family home, the -- Bryant's family
10 home.

11 MR. LEIENDECKER: Because my client didn't live there.

12 MR. BANKS: And my client didn't live there as well. It
13 was at Bryant's mother's house and Jerry's mother's house.

14 THE COURT: I think that's been clarified. You may step
15 down, ma'am. Thank you.

16 THE WITNESS: Thank you.

17 THE COURT: You may call your next witness.

18 MR. PASCOE: Thank you, Your Honor.

19 MR. WARD: The State calls Tameka Williams.

20 CLERK OF COURT: Place your left-hand on the Bible,
21 raise your right hand.

22 TAMEKA WILLIAMS,
23 being first duly sworn, testified as follows:

24 CLERK OF COURT: State your full name for the record,
25 please.

1 THE WITNESS: Tameka Williams.

2 DIRECT EXAMINATION BY MR. WARD:

3 Q. Good morning, Ms. Williams.

4 A. Good morning.

5 Q. Are you from around here originally?

6 A. Yes, Orangeburg.

7 Q. Orangeburg?

8 A. Mm-hmm.

9 Q. And are you still living here in Orangeburg?

10 A. No.

11 Q. Where do you live?

12 A. In Charlotte, North Carolina.

13 Q. And how long have you been living in Charlotte?

14 A. Since August.

15 Q. And are you working up there in Charlotte?

16 A. Yes.

17 Q. And what do you do?

18 A. I work with a plastics company. I make plastic cups,
19 forks, spoons, plates.

20 Q. And before you moved to Charlotte, where were you
21 living?

22 A. In Orangeburg.

23 Q. And what was your address?

24 A. 326 Eastwood Acres.

25 Q. And back last February, is that where you were living as

1 well?

2 A. Yes.

3 Q. And who were you living with at the time? Who was
4 living in that house with you?

5 A. Me, Nathaniel Mack and Kymmara Randolph.

6 Q. And how long had Ms. Randolph been living with you?

7 A. Since Thanksgiving.

8 Q. And how long had you known Ms. Randolph?

9 A. Maybe like two weeks, three weeks before that.

10 Q. Before she moved in?

11 A. Yes, before Thanksgiving.

12 Q. How did you all meet?

13 A. Through a mutual friend, Boobie, yes.

14 Q. And was he friends with your boyfriend?

15 A. Yes.

16 Q. And then back in around February of last year, did you
17 guys have the same group of friends, you and Ms. Randolph?

18 A. No. Well, just Boobie, our mutual friend, but me and
19 her, same friends, no.

20 Q. Did you guys hang out a lot besides being roommates?

21 A. That was just it, roommates. She would go places, we
22 would go places together, yes.

23 Q. Okay. Then on February 13th of last year, what do you
24 remember kind of from the beginning of your day? Start from
25 when you woke up then.

1 A. Well, that morning we got up, got dressed, we went to
2 Orangeburg, went to the city, and we went to, well, Dollar
3 General and a Jamaican restaurant, and then we came back
4 home.

5 Q. And when you say "we," who are you referring to?

6 A. Well, me and her and the person that took us.

7 Q. And her is Ms. Randolph?

8 A. Yes, Ms. Randolph.

9 Q. And then after you ran those errands, about what time
10 was that when you got home?

11 A. I'd say around 12 maybe, 1.

12 Q. And then what did you all do once you got home?

13 A. We was just in the house and just talking,
14 conversating [sic], relaxing.

15 Q. And did you go anywhere after that?

16 A. I did, yes.

17 Q. And where did you go?

18 A. I went to -- at the time I was working at the Piggly
19 Wiggly On Russell Street, and I went to go pick up my check
20 that day.

21 Q. And while you were at home, did you see Ms. Randolph
22 using her phone?

23 A. Yes, she was on the phone, mm-hmm.

24 Q. Do you know who she was talking with?

25 A. No.

1 Q. About what time did you leave to go pick up your
2 paycheck?

3 A. Around 4.

4 Q. Around 4?

5 A. Mm-hmm.

6 Q. And before you left, did you tell Ms. Randolph where you
7 were going?

8 A. Yes.

9 Q. Did she tell you if she was going to be home?

10 A. Well, no. She told me she was waiting on B to come and
11 pick her up.

12 Q. And who do you know B to be?

13 A. Say?

14 Q. Sorry. I know that was confusing.

15 When she said "B," who was she referring to?

16 A. I guess Bryant (indicating), the guy right here.

17 MR. LEIENDECKER: I'm sorry, Your Honor. I didn't see
18 completely. I'm having a hard time. Can she speak up so we
19 can hear the testimony?

20 THE COURT: Ms. Williams, would you mind please speaking
21 up? I know it's a big courtroom, and everyone needs to hear
22 you.

23 Q. One more time. You said she was referring to
24 Bryant McKnight?

25 A. Yes.

1 Q. Would you be able to point him out?

2 A. Right here (indicating) in the sweater.

3 Q. What shirt is he wearing?

4 A. The sweater.

5 Q. Thank you.

6 MR. LEIENDECKER: Please let the record reflect she
7 pointed out the defendant Bryant McKnight.

8 THE COURT: It so reflects.

9 Q. So as he left, she said she was planning on going to see
10 Bryant McKnight?

11 A. Mm-hmm. She was waiting for him --

12 Q. Waiting --

13 A. -- to come pick her up, mm-hmm.

14 Q. And after you picked up your paycheck, what did you do?

15 A. I came back home.

16 Q. About what time was that?

17 A. Around 5, 5:30.

18 Q. Was Ms. Randolph at the house when you returned home?

19 A. No.

20 Q. Did you try contacting her that evening?

21 A. Not that -- not Thursday, she told me she was going with
22 Bryant, so, you know, I figured they were together doing
23 whatever. But I did try to contact her on Friday once, you
24 know, she hadn't returned home or anything.

25 Q. Was it out of the ordinary for her not to call or --

- 1 A. Yes.
- 2 Q. -- return home the next morning?
- 3 A. Yes.
- 4 Q. And did you try calling her more than once that morning?
- 5 A. Yes.
- 6 Q. Did her phone ring or --
- 7 A. It went straight to voice mail.
- 8 Q. When you were calling her, do you remember what your
- 9 phone number was back then?
- 10 A. 860-4392.
- 11 Q. Showing you what's been marked as State's 32, do you see
- 12 a cell phone in that picture?
- 13 A. Yes.
- 14 Q. Do you recognize this purse?
- 15 A. Yes.
- 16 Q. Whose purse was that?
- 17 A. Kymmara's.
- 18 Q. Okay. And was this cell phone the cell phone you would
- 19 have called her on that you see in this picture?
- 20 A. Not to my knowledge, no.
- 21 Q. Okay. Do you know what phone she was using at the time?
- 22 A. Actually, my mother gave me a flip phone, a Verizon flip
- 23 phone, but her phone was acting up, and she asked me could
- 24 she use it, and I told her yes.
- 25 Q. So on Friday you tried contacting her, phone went

1 straight to voice mail?

2 A. Yes.

3 Q. What is your mother's name?

4 A. Yvette Williams.

5 Q. So after Friday, what kind of happened after that? Did
6 you continue to try calling her? What happened?

7 A. Well, that Friday I continued, you know, calling, trying
8 to get in contact with her, but I didn't receive an answer.

9 On Saturday that's when her mom came over, Ms.
10 Livingston, and, you know, was asking questions or whatever.
11 I told her who she left with or who she was supposed to leave
12 with. And then she returned that Sunday and told me she
13 received a phone call that something had happened. And then
14 after then we -- you know, she called the police.

15 Q. So she was at your house on Eastwood, and you all -- she
16 called the police?

17 A. Yes.

18 Q. And did police come to your residence?

19 A. Yes, at 326, mm-hmm.

20 Q. And were you there when she filed the missing persons
21 report?

22 A. Yes.

23 Q. And when police were there, did you speak with them?

24 A. Yes.

25 Q. Did you give a statement at that time?

1 A. No, I didn't give a statement until Monday.

2 Q. Until Monday, okay.

3 A. Yes, the 17th.

4 Q. So after the missing persons report was filed on Sunday
5 the 16th, they left. And then on Monday the 17th, did you go
6 to the sheriff's office or did they come speak with you
7 again?

8 A. Well, they -- actually, I was at work that Monday, and
9 they came to my job and picked me up, and I went back to the
10 sheriff's office with them.

11 Q. And you gave them a statement at that time?

12 A. Yes.

13 Q. And in your statement, did they ask you anything about a
14 burglary that had happened at the McKnights' mother's house a
15 few weeks prior?

16 A. No.

17 Q. Before February 13th, did you and Ms. Randolph recently
18 have a conversation about Bryant McKnight?

19 A. Yes. That Wednesday, she told me that he had accused
20 her --

21 MR. BANKS: Your Honor, objection. Hearsay.

22 THE COURT: Your position?

23 MR. WARD: It would be then-existing state of mind, Your
24 Honor. Just receiving -- can I work up to it?

25 THE COURT: Try to rephrase.

1 MR. WARD: Okay.

2 Q. That Wednesday when you were speaking with Ms. Randolph,
3 was she -- did you see her on her phone?

4 A. Yes.

5 Q. Did she say she had just spoken with Bryant McKnight?

6 A. Yes.

7 Q. And from that conversation, how long was it she started
8 speaking to you about Mr. McKnight?

9 A. Like right after she started telling me.

10 MR. WARD: Your Honor, I think -- may we approach?

11 (The following was held at the bench out of the hearing
12 of the jury.)

13 THE COURT: You may.

14 MR. WARD: I think the present-tense impression would
15 allow hearsay of what Ms. Randolph told Ms. Livingston. She
16 was just on the phone with her and Bryant McKnight told her
17 somehow he thought she was involved in the burglary and it
18 happened just recently, which would be basically
19 contemporaneously present-tense impressions allowed hearsay.

20 THE COURT: Present-tense impression that he told her
21 something. Have you established that she was excited, she
22 was upset, she was crying. That's still hearsay. That's not
23 present-tense impression. You have to work a different angle
24 because that's still hearsay.

25 MR. WARD: Okay. Beg the Court's indulgence, Your

1 Honor.

2 THE COURT: Yes, sir.

3 (The following was held in open court.)

4 Q. When you gave a statement to law enforcement on Monday
5 the 17th, do you remember in that statement saying anything
6 about a burglary?

7 MR. BANKS: Wait, Your Honor.

8 I thought you were going to show her the statement.

9 THE COURT: You may proceed.

10 Q. In that statement do you remember providing any
11 information about a burglary that had happened?

12 A. From what Kymmara had told me, yes, on that Wednesday.

13 MR. WARD: Okay. No further questions. Please answer
14 any the defense may have.

15 THE COURT: Cross-examination.

16 CROSS-EXAMINATION BY MR. BANKS:

17 Q. Ms. Williams, how many times do you think you've lied in
18 this case, not today, but before?

19 A. None.

20 Q. None?

21 A. No.

22 Q. So you never lied to Kymmara's mother?

23 A. No.

24 Q. Not throughout this whole case?

25 A. No.

1 Q. Okay. Then let me ask you this: Do you remember the
2 list of phone numbers that her mother found in Kymmara's
3 things at your place?

4 A. No.

5 Q. You don't remember anything about a list of phone
6 numbers?

7 A. Well, she said that she found a list of phone numbers.

8 Q. Right.

9 A. I didn't go through Kymmara's stuff.

10 Q. Well, how did that list disappear? You never took that
11 list?

12 A. No.

13 Q. Never took possession of that list?

14 A. No.

15 Q. On the day that Kymmara left she, on February 13th last
16 year, on the day she left your house, did you actually see
17 Bryant McKnight come get her?

18 A. No, because I wasn't there.

19 Q. Okay. She was expecting B or Bryant?

20 A. B.

21 Q. Okay. B. All right. So is B Bryant?

22 A. Yes.

23 Q. I mean, is that a guess?

24 A. No.

25 Q. Or do you know that?

1 A. I've seen him come to the house --

2 Q. Has she called him B? Go ahead.

3 A. I've seen him, you know, come to my house five or ten
4 minutes.

5 Q. And that's Bryant?

6 A. Yes.

7 Q. And earlier you identified him as Bryant?

8 A. Well, his nickname is B, yes.

9 Q. And you know that? You've seen somebody call him B?

10 A. That's what Kymmara called him. That's what our mutual
11 friend called him.

12 Q. Okay. So she told you she was leaving with B that day?

13 A. Yes.

14 Q. And you never saw B show up?

15 A. I wasn't there, so --

16 Q. Right. You weren't there.

17 A. Yes.

18 Q. Did she say who else was going to pick her up?

19 A. No.

20 Q. Okay. Do you know that B doesn't have a car?

21 A. Yes, I guess.

22 Q. Has he ever driven up to your place?

23 A. No, he's always been with someone.

24 Q. Okay. And before she left, you're saying Kymmara said
25 that -- told you that she was a suspect, that Bryant

1 suspected her of setting up a robbery at his mother's house;
2 is that right?

3 A. Yes.

4 Q. Okay. All right. Did she say who else was suspected in
5 that robbery?

6 A. Yes, she did.

7 Q. Who?

8 A. Boobie and her brother.

9 Q. And who is Boobie?

10 A. That's our mutual friend. I don't --

11 Q. Okay.

12 A. I always know him by Boobie.

13 Q. Okay. Now, the big question is, if she believed that to
14 be true, do you think she believed that to be true or did she
15 think it was amusing that he would think something so
16 ludicrous?

17 A. I think she -- she thought it was true.

18 Q. Okay.

19 A. I'm not sure.

20 Q. All right. And if she thought it was true, did she seem
21 fearful when she was telling you this?

22 A. No.

23 Q. Now, let me ask you, if she thought it was true that
24 Bryant expected her to have some involvement in the robbery
25 at his mother's house, why would she voluntarily get in the

1 car with him that day?

2 A. Sir --

3 Q. Why?

4 A. I still don't understand it right now, why she would
5 even leave with him.

6 Q. And you said you actually heard like a con -- part of a
7 conversation setting up him coming to see her; is that right?

8 A. Well, she told me that, you know, he was going to come
9 pick her up that Thursday.

10 Q. You didn't overhear the conversation?

11 A. No, I didn't overhear a conversation.

12 Q. Did she seem fearful when she got off the phone with
13 whom she said was Bryant McKnight?

14 A. No.

15 Q. So did she seem hesitant to go with Bryant McKnight?

16 A. No.

17 Q. Does that make sense to you?

18 A. No, it doesn't.

19 Q. Then I'll ask you again, do you think she really
20 believed that Bryant believed that she had set up that
21 robbery?

22 A. I guess she didn't believe it.

23 Q. Would you have gotten in the car with him if you thought
24 that?

25 A. No.

1 Q. You said you last saw Kym when you went off to pick your
2 paycheck up?

3 A. Yes.

4 Q. Do you call her Kym or Kymmara?

5 A. I call her Kym?

6 Q. And that was sometime around 4 or something that day?

7 A. Yes.

8 Q. And then you said you tried to contact her later in the
9 day?

10 A. No, I tried to contact her Friday morning after she
11 didn't return home.

12 Q. The morning?

13 A. Mm-hmm.

14 Q. Okay. And how often did you try to contact --
15 approximately how many times did you try to contact her on
16 Friday?

17 A. I called her constantly from home, when I was still at
18 home. After I got to work --

19 Q. Okay.

20 A. -- I still tried calling her.

21 Q. And did you -- why were you trying to contact her so
22 much on Friday? Was it unusual for her to stay out?

23 A. It was unusual for her phone to be off. It was unusual
24 for her to --

25 THE COURT: Let her answer the question Mr. Banks.

1 THE WITNESS: It was unusual for her to leave and not
2 come back and not say that she wasn't coming back, yes.

3 Q. Okay. All right. And so you didn't think to call her
4 mother on Friday?

5 A. No.

6 Q. Okay. And when did you next see her mother?

7 A. That Saturday.

8 Q. Okay. And what did you -- were you fearful then?

9 A. Fearful?

10 Q. For Kymmara?

11 A. Yes.

12 Q. You were worried then?

13 A. Yes, I was.

14 MR. BANKS: Beg your indulgence, Your Honor.

15 No further questions, Your Honor.

16 THE COURT: Mr. Leiendecker.

17 CROSS-EXAMINATION BY MR. LEIENDECKER:

18 Q. Ms. Williams, very few questions.

19 You left a second time on the 13th from your house to go
20 shopping with your mother; is that correct?

21 A. Yes. Well, I didn't go shopping. I just went to pick
22 up my paycheck.

23 Q. Oh, okay. I thought I read in your statement you had
24 also gone to Dollar General?

25 A. That was earlier that day.

1 Q. Yes, ma'am. My misunderstanding obviously.

2 A. That's okay.

3 Q. So you went to the Piggly Wiggly to pick up your
4 paycheck in Orangeburg?

5 A. Yes.

6 Q. And then you came back, and you got home between 5 and
7 5:30, correct?

8 A. Yes.

9 Q. And sometime between 4:00 and 5 or 5:30, Kymmara left
10 the apartment and was gone when you came back?

11 A. Yes.

12 Q. So you were not with her at 6:00 or 6:30 that evening?

13 A. No.

14 Q. And she was leaving with someone named B, correct?

15 A. Yes.

16 Q. The name Jerry never came up, did it?

17 A. No.

18 MR. LEIENDECKER: No further questions.

19 THE WITNESS: Thank you.

20 MR. LEIENDECKER: Thank you.

21 THE COURT: Any redirect?

22 MR. WARD: Briefly, Your Honor.

23 REDIRECT EXAMINATION BY MR. WARD:

24 Q. Ms. Williams, you spoke with law enforcement how many
25 times last year?

1 A. Well, that Sunday when they came over and we called the
2 police, when they came over, and that Monday after they came
3 and picked me up from my job, so twice.

4 Q. And is what you told us here today the same as what you
5 told them back then?

6 A. Yes.

7 MR. WARD: Thank you. No further questions.

8 THE COURT: You may step down, ma'am. Thank you.
9 You may call your next witness.

10 MR. WARD: Deputy McQueen.

11 CLERK OF COURT: Yes, sir. Would you place your
12 left-hand on the Bible and raise your right hand.

13 DESI MCQUEEN,

14 being first duly sworn, testified as follows:

15 CLERK OF COURT: Please state your full name for the
16 record.

17 THE DEFENDANT: Desi McQueen.

18 CLERK OF COURT: Thank you, sir.

19 THE COURT: Your witness.

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

21 THE COURT: Yes, sir.

22 DIRECT EXAMINATION BY MR. WARD:

23 Q. Deputy McQueen, where are you employed?

24 A. Orangeburg County Sheriff's Office.

25 Q. How long have you been employed there?

1 A. 2002.

2 Q. What is your job title?

3 A. It's deputy.

4 Q. And as a deputy, what are some of your duties?

5 A. Enforce the laws.

6 Q. How did you become involved in this case here?

7 A. I responded -- I was dispatched to 326 Eastwood Circle
8 in Orangeburg on February 16, 2014, in reference to a missing
9 person.

10 Q. And when you responded to that address, who did you come
11 in contact with?

12 A. I spoke to the complainant, Ms. Livingston, who was the
13 mother to the victim, Ms. Randolph.

14 Q. Was anyone else at the home at the time?

15 A. Ms. Williams, that's the roommate to the victim.

16 Q. And what information do you generally take when
17 someone's filing missing person's report?

18 A. Name, date of birth, age, height, weight, clothing
19 description.

20 Q. Did you get all of this information from Ms. Livingston
21 and Ms. Williams at that time?

22 A. Yes.

23 Q. After you spoke with them, what did you do?

24 A. Well, the complainant advised me that she had heard
25 rumors that her daughter was killed. So upon getting all

1 that information, I spoke to the on-call investigator for the
2 Orangeburg County Sheriff's Office, Investigator
3 Marty Carrigg and advised him what I had.

4 And then I completed an incident report and entered
5 Ms. Randolph in the NCIC as a missing person at this time.

6 Q. And after you spoke with investigators and told them the
7 information you had received, did you have any other
8 involvement in this case?

9 A. No.

10 MR. WARD: Thank you. No further questions.

11 THE COURT: Any cross?

12 MR. BANKS: No, Your Honor.

13 THE COURT: Cross?

14 MR. LEIENDECKER: Nothing. Thank you.

15 THE COURT: You may step down, sir. Thank you.

16 You may call your next witness.

17 MR. SORENSON: State calls Chief Mike Smalls.

18 CLERK OF COURT: Yes, sir. If you'd place your
19 left-hand on the Bible and raise your right hand.

20 MICHAEL SMALLS, JR.,

21 being first duly sworn, testified as follows:

22 CLERK OF COURT: Please.

23 THE WITNESS: Michael Smalls, Jr.

24 THE COURT: Your witness.

25 MR. SORENSON: Thank you, Your Honor.

1 DIRECT EXAMINATION BY MR. SORENSON:

2 Q. Good morning, Chief Smalls.

3 A. Good morning, sir.

4 Q. If you would, please tell the jury where it is that
5 you're employed.

6 A. St. Matthews Police Department.

7 Q. And what are your current duties with the St. Matthews
8 Police Department?

9 A. I'm the chief of police there.

10 Q. How long have you been employed as the chief of the
11 St. Matthews Police Department?

12 A. About three and a half years now.

13 Q. And prior to that, tell the jury what your law
14 enforcement experience was prior to becoming the chief here
15 in St. Matthews.

16 A. I worked with Orangeburg Department of Public Safety as
17 a narcotics investigator, also worked with the DEA task force
18 and became a criminal investigator right before I took the
19 job here as the chief.

20 Q. And I want to turn your attention, if I could, Chief,
21 back to February of last year, specifically, February 17th.
22 And if I show you the calendar, so that would be Monday,
23 February 17th?

24 A. Yes, sir.

25 Q. Were you contacted by somebody that day, on Monday,

1 February 17th, with regards to Kymmara Randolph?

2 A. Yes, sir. I was contacted by Captain Rhonda Bamberg of
3 the Orangeburg County Sheriff's Office.

4 Q. And for what purpose did Captain Bamberg contact you on
5 that Monday the 17th?

6 A. Captain Bamberg advised me that she had a missing
7 person, a young lady by the name of Ms. Kymmara Randolph,
8 that she was believed to be seen -- the last place seen was
9 on Agnes Street, and she was seen with a subject by the name
10 of Bryant McKnight at a family member's residence.

11 Q. Were you familiar with that address of Agnes Street and
12 also with the defendant Bryant McKnight? Were you familiar
13 with that address and Mr. McKnight?

14 A. Yes, sir.

15 Q. And tell the jury where is Agnes Street located at?

16 A. Well, Agnes Street is probably about a half a mile this
17 way (indicating) from the courthouse. It is over there by
18 the old John Ford Middle School.

19 Q. And is that actually where your office is now?

20 A. That's correct.

21 Q. Pretty much across the street --

22 A. Yes, sir.

23 Q. -- from your office?

24 A. Yes, sir.

25 Q. And did you make some attempts then on that Monday,

1 February 17th to attempt to locate Bryant McKnight for the
2 Orangeburg County Sheriff's Office?

3 A. Yes, sir. What I did, once I received that call, I
4 contacted the Calhoun County Sheriff's Office and asked for
5 some assistance. Shortly after doing that, Sheriff Summers
6 and several other deputies arrived at the Police Department.
7 I advised them of what we had, and then we walked across the
8 street to Ms. Carolyn McKnight's residence, which is 403
9 Agnes Street.

10 Q. Did you make contact with Ms. Carolyn McKnight?

11 A. Yes, sir, I did.

12 Q. And how is Ms. Carolyn McKnight related to the
13 defendants, Bryant McKnight and Jerry McKnight?

14 A. That is their aunt.

15 Q. All right. And was Bryant McKnight there on that
16 February 17th, that Monday afternoon?

17 A. No, sir, he wasn't.

18 Q. Did you have an opportunity to speak to any of his other
19 family members and kind of get the word out that you all were
20 looking for him?

21 A. Well, while at the residence, I spoke to his aunt
22 Carolyn and asked her did she know how to get in contact with
23 Bryant. She advised me that she did not, but her sister,
24 Ms. Johnnie Mae, would know how to contact him.

25 Q. Ms. Johnnie Mae is -- what is her relationship to Bryant

1 and Jerry McKnight?

2 A. That is the defendants' mother.

3 Q. Did you have an opportunity then to talk to

4 Ms. Johnnie Mae that day, Monday the 17th?

5 A. Yes. Ms. Carolyn used her cell phone, dialed

6 Ms. Johnnie Mae up and gave me the cell phone, and I spoke to

7 Ms. Johnnie Mae McKnight at that time.

8 Q. Now I want to turn your attention then to the following

9 day, so that would be Tuesday, February 18th. Did anybody

10 come over to your office that Tuesday morning, that following

11 morning, with regards to this case?

12 A. Yes. Excuse me one second.

13 Investigator Carson and Stokes from the Orangeburg

14 County Sheriff's Office came, and we sat down and started

15 talking about the case, and they advised me that they

16 received some further information that they needed to get in

17 contact with a Mr. James Keller.

18 Q. And did you know James Keller?

19 A. Yes.

20 Q. Where did -- back in February of last year, where did

21 James Keller live?

22 A. 1018 Liberty Street.

23 Q. Where is Liberty Street located at?

24 A. About a half a mile that way (indicating).

25 Q. And did you have an opportunity then to go see if you

1 could find Mr. Keller for them that morning?

2 A. Yes, sir, I did. Me and Officer Willy Britt.

3 Q. And was Mr. Keller at his house on Liberty Street?

4 A. Yes, sir, he was.

5 Q. Did he come back to the sheriff's office with you, or to
6 the St. Matthews Police Department with you?

7 A. Yes, sir, he did.

8 Q. And did he come willingly?

9 A. Yes, sir, he did.

10 Q. Let me ask you, while this was going on, did you contact
11 anybody -- you said the day before you had contacted the
12 sheriff's office here, the Calhoun County Sheriff's Office.
13 Did you make contact with them also the morning of Tuesday,
14 February 18th?

15 A. Yes. Once I found out that this -- a lot of people
16 involved in the incident and this stuff was occurring outside
17 the city limits, I called the sheriff, Mr. Thomas Summers.

18 Q. Technically your jurisdiction is just within the city
19 limits of St. Matthews?

20 A. City limits, yes, sir.

21 Q. And ultimately did anybody from the Calhoun County
22 Sheriff's Office ultimately then respond over to your office
23 that morning?

24 A. Yes. Lieutenant Graham, Captain Regalis and -- hold on
25 one second. I want to say -- I don't know what his rank is.

1 I think he's Henry Dukes. I don't know his full rank.

2 Q. Former investigation with the sheriff's office?

3 A. Right, right.

4 Q. Is that Lieutenant Graham right here seated at the
5 State's table; is that correct?

6 A. Yes, sir, it is.

7 Q. Now, you indicated that Mr. Keller voluntarily came to
8 the St. Matthews Police Department?

9 A. Yes, sir, he did.

10 Q. And did he ultimately give a statement to the
11 investigators that morning?

12 A. Yes, sir, he did give a statement to investigators.

13 Q. And kind of as a result of that, was there then somebody
14 else that you -- a name that came up that you all wanted to
15 go find and attempt to talk to that morning?

16 A. Yes, it was a Mr. Pearce.

17 Q. Is that Jamaal Pearce?

18 A. Yes, sir.

19 Q. And where -- did officers then that same morning,
20 Tuesday, February the 18th, did officers then go get
21 Mr. Jamaal Pearce?

22 A. Yes.

23 Q. Okay. And where did Mr. Pearce live and where was he at
24 that morning?

25 A. I think officers said that they got him from Little John

1 Court.

2 Q. Was that his residence, where he lives?

3 A. Yes.

4 Q. Where is Little John Court located at?

5 A. That is at the county.

6 Q. Is that in proximity to that Liberty Street address?

7 A. Yes. That is close to where Mr. Keller lives.

8 Q. And did Mr. Pearce then come in that morning to the
9 St. Matthews Police Department?

10 A. Yes, sir, he did.

11 Q. And did he give a statement?

12 A. He gave a statement to investigators.

13 Q. And ultimately from his talking to him that morning, was
14 there some other person then that you were asked about
15 attempting to locate for the investigators that day on
16 February -- Tuesday, February the 18th?

17 A. Yes, sir. Mr. Green.

18 Q. Is that Stephon Green?

19 A. Yes, sir, it is.

20 Q. Are you familiar with Stephon Green? Did you know him?

21 A. Yes, sir, vaguely, I've spoken with him, but I've had no
22 other real contact with him other than seeing him.

23 Q. Did you know back during that time period whether
24 Mr. Green was living here in February of last year, whether
25 he was living here in Calhoun County?

1 A. No, sir. We knew he was living somewhere in Orangeburg
2 County, but we didn't know exactly where.

3 Q. He had family members that still lived here in the
4 Calhoun County area?

5 A. Yes, sir.

6 Q. And tell the jury then how did you go about attempting
7 to find Mr. Green then on February the 18th, that Tuesday
8 afternoon?

9 A. Officer Austin Arant, who's employed by the St. Matthews
10 Police Department, went to school with that individual and
11 some family members, and so he went and found a family member
12 and just advised him to tell Mr. Green that law enforcement
13 needed to speak to him.

14 Q. And did Mr. Green, as a result of kind of getting the
15 word out to his family members, did he ultimately come in to,
16 I believe, the sheriff's office that afternoon?

17 A. That is correct.

18 Q. About 5:00 or so?

19 A. That is correct.

20 Q. And did he give a statement then that afternoon?

21 A. He did give a statement to investigators.

22 Q. Let me ask you, that afternoon of February the 18th,
23 that Tuesday afternoon, did the name Derrick Sumter ever come
24 up that afternoon when talking to Mr. Green?

25 A. Yes.

1 Q. The first time, the first time you talked to him?

2 A. The first time we spoke to Mr. Green, no.

3 Q. So that would be on February the 18th, the name

4 Derrick Sumter is not mentioned.

5 A. Right.

6 Q. Is that correct?

7 A. That's correct.

8 Q. However, did the name Jonathan McKnight come up in

9 talking to Mr. Green that first time in the afternoon of

10 February the 18th?

11 A. It does. Investigators advised me that Mr. Green met

12 with Jonathan here at the gas station right across the street

13 here, and that's where he picked up Bryant.

14 Q. And as a result of that, was Mr. Jonathan McKnight

15 brought in and questioned later on that evening of Tuesday,

16 February the 18th?

17 A. Yes.

18 Q. And are you aware of what relationship Jonathan McKnight

19 has to Jerry McKnight and Bryant McKnight?

20 A. I believe they're first cousins.

21 Q. Now, let me ask you, Chief Smalls, who ultimately ended

22 up being the kind of lead investigative agency on this case?

23 A. The sheriff's department, Calhoun County Sheriff's

24 Department.

25 Q. And what was your role then kind of on that February the

1 18th and into the following days?

2 A. Just to assist them on anything that I can help them
3 with.

4 Q. Did you spend an awful lot of time kind of going around
5 with Lieutenant Graham over the next February 18th, 19th,
6 20th, 21st?

7 A. I did.

8 Q. And specifically then on Thursday, February 20th, did
9 you have an opportunity to be present when Stephon Green came
10 in and gave a second statement to law enforcement that night
11 of February the 20th?

12 A. I was there, but I did not witness his statement.

13 Q. But you were aware that he did?

14 A. Yes.

15 Q. And as a result of that, was there somebody then the
16 following morning that you and Lieutenant Graham then went
17 out to attempt to locate the morning of February the 21st?

18 A. Yes, that would be Mr. Sumter.

19 Q. And that's Derrick Sumter?

20 A. That is correct.

21 Q. Tell the jury, were you all able to locate
22 Derrick Sumter on the morning of February 21st?

23 A. At 30 Oglesby Drive, which is in the county of Calhoun.

24 Q. Do you know whose residence that was?

25 A. His mother's residence.

1 Q. And did he voluntarily come into the sheriff's office to
2 talk to you all then that morning?

3 A. Yes, he did.

4 Q. And as a result, did he end up giving you some
5 information about where some things had occurred in this
6 case?

7 A. Yes. After he was Mirandized by Lieutenant Graham, he
8 gave a statement and he advised us that he knew something
9 about the murder of Ms. Randolph. He led us to several
10 different locations.

11 Q. Did he take you to an area on Stiffmire Road?

12 A. Yes, sir, he did.

13 Q. And where is Stiffmire Road located at?

14 A. It is off Highway 6, out this way (indicating).

15 Q. Is that located in Calhoun County?

16 A. Yes, sir, it is.

17 Q. And did he ultimately take you to an area where he had
18 indicated that he was aware that Ms. Randolph's body had been
19 disposed of?

20 A. Yes, sir. That was in the Four Holes area.

21 Q. Describe what the Four Holes area is. Where is that
22 located at?

23 A. If you go out this way, and I'm not familiar with all
24 the county. That was probably the second time I passed that
25 road. It's off, I think, 176, and it is a swampy area with

1 some, you know, little small bridges like you can fish off
2 of. That's the best way for me to describe it.

3 Q. Is that still kind of right at the Calhoun
4 County/Orangeburg County line?

5 A. Yes, sir.

6 Q. And a result of that information, did you all contact
7 other people to attempt to come out and search that area?

8 A. Yes, Lieutenant Graham did.

9 Q. And let me ask you, did you also ultimately learn later
10 on that day that Ms. Randolph's body was found in that
11 location that Mr. Sumter had taken you to?

12 A. Yes, sir.

13 Q. And did Mr. Sumter ultimately, after taking you all, you
14 and Lieutenant Graham to that Four Hole swamp area, did he
15 take you anywhere else after that?

16 A. Yes. He took us down to Highway 41, excuse me,
17 Highway 601 to the bridge before you get over there before
18 Richland County, and he said that is where he disposed of the
19 murder weapon. And then we went on further to Highway 48,
20 which is in Richland County, to a wooded area, and that's
21 where we recovered several items and a black plastic bag.

22 Q. And those items, were they recovered by
23 Lieutenant Graham?

24 A. Yes, sir, they were.

25 Q. And Highway 601, that runs right through town here?

1 A. Yes.

2 Q. And ultimately, if you head into Richland County?

3 A. Yes, sir.

4 Q. And then, Chief, let me ask you, as far as you had
5 indicated earlier that ultimately the sheriff's office was in
6 charge as the lead investigative agency; is that correct?

7 A. That's absolutely right.

8 Q. So any charging decisions, who made those decisions?

9 A. That would be the sheriff's department, sir.

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

11 THE COURT: Cross-examination.

12 CROSS-EXAMINATION BY MR. BANKS:

13 Q. Chief Smalls, can you recall which statement you
14 actually either took or witnessed of the names you gave
15 today?

16 A. I did not take any statements.

17 Q. All right.

18 A. The sheriff's department was the lead on that.

19 Q. So you didn't take any statement?

20 A. No.

21 Q. Were you present during any of the statements?

22 A. I was present during part of statements. You've got to
23 understand, I was just a support personnel.

24 Q. Sure.

25 A. So the actual investigators were there through the whole

1 statement. I could have ducked in and caught bits and
2 pieces.

3 Q. Okay.

4 A. Or if an investigator would say, "Hey, Chief, come in
5 for a second. We got a name. See if you can locate this
6 individual."

7 Q. So James Keller, you made first contact, out of all law
8 enforcement, you made first contact with James Keller; is
9 that correct?

10 A. That's correct.

11 Q. Did you take a statement?

12 A. No, sir, I did not.

13 Q. Did you give him Miranda?

14 A. No, sir. Because I didn't ask him any questions.

15 Q. All right. So what did you do with James Keller?

16 A. I simply transported him to the police department, where
17 investigators were waiting for him.

18 Q. Okay. Did you sit in on that interview?

19 A. No.

20 Q. Did you pop in on that interview?

21 A. Yes, sir, I did.

22 Q. Who was at that interview?

23 A. That one was the investigators from Orangeburg.

24 Q. Okay.

25 A. They were taking that interview. That was before I

1 called Lieutenant Graham and Captain Regalis and the sheriff.

2 Q. So the Orangeburg guys were on that?

3 A. Yes.

4 Q. And do you know who they were?

5 A. Detective Carson and Stokes.

6 Q. And that was at the sheriff's department you said?

7 A. No, that investigation --

8 Q. It was at your place?

9 A. Yes, at the police department.

10 Q. Do you have video capabilities?

11 A. No, sir.

12 Q. Audio capabilities on a statement like that?

13 A. They would bring their own. I mean, we don't have
14 that --

15 Q. But you all don't provide that?

16 A. No, sir, we don't.

17 Q. And you don't have access to that, or do you?

18 A. No, sir, we didn't at that time.

19 Q. Okay. And was that at the old police station or the new
20 police station?

21 A. That was at the new police department.

22 Q. New?

23 A. Yes. We had just moved in.

24 Q. And did you participate in any way or witness in any way
25 Jamaal Pearce's statement?

1 A. No.

2 Q. All right. So you didn't pop in or anything?

3 A. I mean, unless somebody called me and asked me to go
4 find somebody else, but I didn't sit there through an entire
5 interview, no.

6 Q. But did you pop in on that one?

7 A. It's very well possible I did. I popped in on a lot of
8 them, but like I said, I didn't stay. It was basically if
9 somebody requested me to come in and look for somebody else.

10 Q. Jamaal Pearce was at the sheriff's department; is that
11 where his was?

12 A. No.

13 Q. Okay.

14 A. That was at the city police department.

15 Q. Okay. And do you know who took those -- that statement
16 and witnessed that statement?

17 A. I believe it was Lieutenant Graham and Captain --

18 Q. Regalis?

19 A. Regalis, yes.

20 Q. Stephon Green, did you participate in any way in that
21 statement?

22 A. I didn't stay for the whole thing. I was out doing
23 other stuff.

24 Q. Okay. Did you ever pop in on that?

25 A. Yes, I did.

1 Q. Did you witness -- was that at the police station or the
2 sheriff's department?

3 A. Stephon Green was at the sheriff's department.

4 Q. Okay. And did you -- did you witness any part of it?
5 You said you popped in on it maybe?

6 A. Yes.

7 Q. Okay. Do you know who witnessed and/or conducted that
8 statement?

9 A. I'm not exactly sure, so I don't want to say.

10 Q. Okay. Now, that's the first of these statements that
11 was at the sheriff's department, correct?

12 A. From Green?

13 Q. From any of the witnesses that I've gone over so far.

14 A. Well, no. Some statements was taken at the city police
15 department, but some -- all right. Let me slow you down for
16 a minute. Okay. Excuse me one second.

17 Mr. Keller was at the police department, okay?

18 Q. Yes.

19 A. His statement. Jamaal Pearce was at the police
20 department.

21 Q. Yes.

22 A. His statement. I don't know how many statements they
23 gave, just the initial one.

24 Q. Sure.

25 A. Okay. Stephon Green and Mr. Jonathan McKnight were at

1 the sheriff's office.

2 Q. I believe that's what you testified to. Do you know who
3 administered that -- they have video and audio capability at
4 the sheriff's department, do they not?

5 A. I don't conduct business over there like that. I
6 couldn't tell you.

7 Q. Okay. Stephon Green, do you know who witnessed or
8 administered that first interview?

9 A. I'm not sure.

10 Q. All right. Jonathan, do you know who administered or
11 witnessed that statement?

12 A. I think Lieutenant Graham and -- I think
13 Lieutenant Graham may have been involved in that. You've got
14 to understand, my role was basically --

15 Q. I understand.

16 A. -- supportive and not to do the interviews.

17 Q. Who lives at Agnes Street, that address you were talking
18 about earlier? Bryant McKnight doesn't live there, does he?

19 A. No. No, sir.

20 Q. Okay. And you didn't find him there either?

21 A. No, sir, I did not.

22 Q. Okay. Have you ever seen Bryant driving a vehicle?

23 A. No.

24 Q. Okay. And why were they -- when you were looking for
25 Bryant, why didn't you just call him on his cell phone?

1 A. Me and Bryant ain't friends. I don't know his cell
2 phone number.

3 Q. I mean, you had his family there. You had his family
4 there, right?

5 A. They didn't know his cell phone number. It's in the
6 statement.

7 Q. Do you know why they didn't know his cell phone number?

8 A. I have no idea.

9 Q. Could it be that he doesn't have a cell phone?

10 A. He may not. I couldn't testify to that.

11 MR. BANKS: No furthers questions, Your Honor.

12 THE COURT: Mr. Leiendecker.

13 MR. LEIENDECKER: I have no questions for Chief Smalls.
14 Thank you.

15 THE COURT: Any redirect?

16 MR. SORENSON: No, Your Honor.

17 THE COURT: You may step down, chief. Thank you.

18 Ladies and gentlemen of the jury, do you need a quick
19 restroom break?

20 Why don't we take a quick restroom break before we go to
21 our next witness, and right after that witness, we'll take
22 our lunch break. We'll be at ease. Again, please don't
23 discuss this case with anyone.

24 (The jury retires to the jury room at 11:47 a.m.)

25 (Recess held.)

1 THE COURT: Are the parties ready to proceed?

2 MR. PASCOE: Yes, Your Honor.

3 MR. LEIENDECKER: Yes.

4 MR. BANKS: Yes, Your Honor.

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

6 (The jury enters the courtroom at 12:06 p.m.)

7 THE COURT: Solicitor, you may call your next witness.

8 MR. PASCOE: Thank you, Your Honor. State calls

9 Jamaal Pearce.

10 CLERK OF COURT: Place your left-hand on the Bible and
11 raise your right hand.

12 JAMAAL PEARCE,
13 being first duly sworn, testified as follows:

14 CLERK OF COURT: Please state your full name for the
15 record.

16 THE WITNESS: Jamaal Pearce.

17 THE COURT: Your witness.

18 MR. PASCOE: Thank you, Your Honor.

19 DIRECT EXAMINATION BY MR. PASCOE:

20 Q. Good afternoon, Jamaal.

21 A. How you doing?

22 Q. You need to speak up. The acoustics are really bad in
23 here, okay?

24 A. All right.

25 Q. I want to thank you for coming this afternoon. You have

1 a job interview today?

2 A. Yes, sir.

3 Q. We're going to get you out of here, okay? Appreciate
4 you coming.

5 How old are you, Jamaal?

6 A. 30 years of age.

7 Q. And where did you live?

8 A. 110 Little John Court.

9 Q. Is that where you were living back in February of last
10 year?

11 A. Yes, sir.

12 Q. And that's in St. Matthews?

13 A. Yes, sir.

14 Q. How far and in relation to this courthouse is Little
15 John Court?

16 A. Maybe a mile.

17 Q. A mile?

18 A. Not a full mile.

19 Q. Down that way (indicating)?

20 A. This way behind (indicating).

21 Q. Okay. That way. All right.

22 Who do you live with at 110 Little John Court?

23 A. My girlfriend and her two kids.

24 Q. And let me ask you, do you know the defendant
25 Bryant McKnight in the sweater (indicating)?

- 1 A. Yes, sir.
- 2 Q. How long have you known Bryant McKnight?
- 3 A. Basically all my life.
- 4 Q. Was he close friends with you back in February of 2014?
- 5 A. Yes, sir.
- 6 Q. Did you all hang out together every now and then?
- 7 A. Yes, sir.
- 8 Q. What did he go by back then?
- 9 A. B.
- 10 Q. Okay. Do you know the defendant Jerry McKnight in the
- 11 yellow shirt?
- 12 A. Yes, sir.
- 13 Q. Are he and Bryant McKnight related?
- 14 A. Yes, sir.
- 15 Q. How are they related?
- 16 A. Brothers.
- 17 Q. Which is older of the two?
- 18 A. Jerry.
- 19 Q. Were you close friends with Jerry McKnight back in
- 20 February of 2014?
- 21 A. No, sir.
- 22 Q. Did you hang out with Jerry McKnight a lot back then?
- 23 A. No, sir.
- 24 Q. Let me ask you about some -- let me ask you this: Had
- 25 you had times in the past where you would see Bryant and

1 Jerry McKnight interact?

2 A. Yes, sir.

3 Q. And who was the leader among those two when they
4 interact?

5 A. Jerry.

6 MR. LEIENDECKER: Objection, Your Honor. Calls for
7 speculation.

8 THE COURT: If he knows, based upon his observation.
9 Overruled.

10 MR. LEIENDECKER: Well, certainly no foundation of that
11 has been laid.

12 MR. PASCOE: I asked if they -- Your Honor, he'd seen
13 them interact before, and he said "yes." And I asked him who
14 was the leader in those situations, and he said "Jerry."

15 THE COURT: Based upon his observations, you'll be free
16 to cross-examine him.

17 MR. PASCOE: Thank you, Your Honor.

18 Q. Let me ask you about some other people as well, okay,
19 Jamaal? Do you know James Keller?

20 A. Yes, sir.

21 Q. And how well do you know him?

22 A. I know him pretty well.

23 Q. He's a close friend of yours?

24 A. Yes, sir.

25 Q. Where does he live in relation to you, how far?

1 A. Right across the street.

2 Q. And was he somebody you would hang out with back in
3 2014?

4 A. Yes, sir.

5 Q. And today, you hang out with James Keller today?

6 A. Yes, sir.

7 Q. Did you know Stephon Green back in February of 2014?

8 A. Yes, sir.

9 Q. How long have you known him?

10 A. Basically all my life.

11 Q. Is he a close friend of yours?

12 A. Yes, you could say that.

13 Q. Did you hang out with him as much as you do
14 James Keller?

15 A. No, sir.

16 Q. Would you ever call him on the phone back in 2014?

17 A. No, sir.

18 Q. Would you hang out with him as much as you did with
19 Bryant McKnight back in 2014?

20 A. No, sir.

21 Q. Do you know somebody by the name of Jonathan McKnight?

22 A. Yes, sir.

23 Q. Is he a good bit younger than you?

24 A. Yes, he's younger.

25 Q. Is he somebody that you know really well?

1 A. Yes, I know him, but I don't hang with him or nothing
2 like that.

3 Q. Is Jonathan McKnight a friend of yours?

4 A. Yes, you could say he's a friend, yes.

5 Q. Would you call him on the telephone?

6 A. No, sir.

7 Q. Did you even have him in your contacts in your
8 telephone?

9 A. No, sir.

10 Q. Did you know somebody by the name of Derrick Sumter back
11 in February of 2014?

12 A. Yes, sir.

13 Q. Was he a close friend of yours?

14 A. He's a friend, not a close friend.

15 Q. Okay.

16 A. I know of him. I've seen him. I've hanged with him a
17 few times, not, like, lately. I mean, it's been a while. I
18 usually don't hang with him, though, anyway like that.

19 Q. Was he somebody, Derrick Sumter somebody that you would
20 call and talk to on the telephone in January or February of
21 2014?

22 A. No, sir.

23 Q. So out of all the people I asked you about, other than
24 James Keller but out of the people I asked you about,
25 Bryant McKnight, Stephon Green, Derrick Sumter and

1 Jonathan McKnight, the only person you were close with was
2 who?

3 A. Bryant McKnight.

4 Q. And was he someone who you had his contact in your
5 telephone?

6 A. Yes, sir.

7 Q. And let me ask you this -- let me just go ahead and jump
8 ahead: Did Bryant McKnight use a cell phone back then?

9 A. Yes, sir.

10 Q. And his cell phone number was 803-347 --

11 MR. BANKS: Your Honor, leading. Leading.

12 THE COURT: Can you rephrase, please.

13 MR. PASCOE: I sure can.

14 Q. And didn't you give law enforcement Bryant McKnight's
15 telephone number --

16 A. Yes, sir.

17 Q. -- back in February of 2014?

18 A. Yes, sir.

19 Q. And I'll show you your statement that you gave to law
20 enforcement on February the 18th, 2014 just to refresh your
21 memory if you need it.

22 A. All right.

23 Q. And what did you tell law enforcement Bryant McKnight's
24 phone number was?

25 A. 347-9423.

1 Q. You don't even have to look at it, do you? You know
2 what his phone number was?

3 A. Yes, sir.

4 Q. And you put it in your statement for law enforcement.
5 You wrote it at the top, correct?

6 A. Yes, sir.

7 Q. So to say that Bryant McKnight did not have a cell phone
8 in February 14, 2014, would that be dishonest?

9 A. Yes, sir.

10 Q. I'm going to ask you some questions now, Jamaal, about
11 Thursday, February 13th of last year, okay? Do you remember
12 that day?

13 A. Yes, sir.

14 Q. Is that around the time of the ice storm?

15 A. Yes, sir.

16 Q. Who were you hanging out with that afternoon between,
17 say, 3 and 4:00?

18 A. Me, Bryant McKnight, James Keller.

19 Q. Just the three of you at that time?

20 A. Yes, sir.

21 Q. And where were you all hanging out?

22 A. At James Keller's house.

23 Q. And where is that house again?

24 A. It's right across the street from mine on Liberty
25 Street. I think it's 1018 Liberty Street.

1 Q. On Liberty Street, right across the street from where
2 you were?

3 A. Right.

4 Q. And whose house is that, actually?

5 A. That's James Keller's father.

6 Q. Okay.

7 A. His house.

8 Q. And was Mr. Keller there at that time?

9 A. No, he wasn't there.

10 Q. And when I say "Mr. Keller," I mean his dad.

11 A. Right.

12 Q. Okay. What were you, James Keller and Bryant McKnight
13 doing between 3 and 4:00 that afternoon?

14 A. Smoking.

15 Q. What were you all smoking?

16 A. Marijuana with a little cocaine on it.

17 Q. And all three of you -- you admit that all three of you
18 were doing it? You too?

19 A. Yes, sir.

20 Q. Would you all have been allowed to do that if Mr. Talley
21 [sic], the father, was there that afternoon?

22 A. No, sir.

23 Q. Now tell the jury what you, Bryant McKnight and
24 James Keller ended up doing around 4:30 that afternoon.

25 Where did you all end up going?

1 A. We ended up going to Orangeburg to pick up the victim.

2 Q. Okay. And why did you go to Orangeburg to pick up the
3 victim?

4 A. Bryant McKnight was like he was -- he had a girl that
5 was like down for whatever, whatever, so he said, "Let's go
6 pick her up."

7 Q. And where exactly did you all go to pick up her? Do you
8 remember?

9 A. I know it's off of Old Belleville Road.

10 Q. Who drove?

11 A. I drove.

12 Q. And tell the jury now, who were the people that went to
13 pick up Kymmara?

14 A. Me, Bryant McKnight and James Keller.

15 Q. Just the three of you?

16 A. Yes, sir.

17 Q. Who told you how to get to the victim's house?

18 A. Bryant McKnight.

19 Q. How long approximately do you think it took you to get
20 there?

21 A. 15, 20 minutes.

22 Q. Now, after you picked up the victim that afternoon,
23 where did the four of you then go after you picked her up?

24 A. Went back to James Keller house.

25 Q. And approximately how long do you think it took you to

1 get back to James Keller's house?

2 A. 15, 20 minutes.

3 Q. And do you recognize the girl in State's Exhibit 9?

4 A. Yes, sir.

5 Q. And who do you recognize that to be?

6 A. That is the victim.

7 Q. Is that the girl you picked up that afternoon?

8 A. Yes, sir.

9 Q. And you brought her back to James Keller's house?

10 A. Yes, sir.

11 Q. Okay. So according to your timeline, and I know it's
12 not perfect, but the amount of time it took to get there,
13 pick her up, you all were at James Keller's house sometime
14 around 5:00 or after 5:00 --

15 A. Yes.

16 Q. -- that afternoon?

17 A. 5:00, 5:30, yes, sir.

18 Q. Had you ever met the victim before that day?

19 A. Never seen her a day in my life.

20 Q. And what did the four of you do at James Keller's house
21 that afternoon?

22 A. We went back there. We stayed in the house for maybe
23 about another 30 minutes. We smoked -- all of us had smoked
24 a blunt together. And then I ended up leaving and going back
25 to my girlfriend house, just to check on her, then I came

1 back.

2 Q. Okay. Did the victim interact with you at all while you
3 were at James Keller's house?

4 A. She like she didn't want to say nothing to us. She
5 didn't want to interact, say nothing to us. Like she was
6 just quiet, like in her own little world. You understand
7 what I'm saying?

8 Q. And there was nobody else at the Keller's house other
9 than the four of you between 5 and 6:00 that evening?

10 A. No, sir.

11 Q. Do you know approximately how long you stayed there at
12 Liberty Street before you left?

13 A. About 30 minutes maybe.

14 Q. Why did you end up leaving?

15 A. I went to my girl house just to check on her. I usually
16 walk in and out just to check on her, because she stays in
17 the back by herself.

18 Q. Did you come back?

19 A. Came back, yes, sir.

20 Q. Did anybody else come to the house that evening?

21 A. Mr. Talley Keller, James Keller father.

22 Q. Say that one more time?

23 A. James Keller father, Mr. Talley Keller.

24 Q. And after Mr. Keller came to the house, when he came,
25 who else left the Keller's house?

1 A. Who left the house? Bryant McKnight and the victim.

2 Q. You saw them leaving?

3 A. Yes, sir.

4 Q. Did they leave on foot or by car, when you saw them?

5 A. Foot.

6 Q. Do you know what direction they were walking in?

7 A. They walked towards town. That's Ellis Street, I
8 believe.

9 Q. Okay. And point exactly when you say "towards town,"
10 which part --

11 A. We were from this way, so they was coming towards this
12 way (indicating).

13 Q. Going that way?

14 A. Yes.

15 Q. Okay. Did you have any more interaction that early
16 evening or late afternoon with the defendant or the victim at
17 all?

18 A. No.

19 Q. At that time?

20 A. No.

21 Q. Okay. What did you do after you saw Bryant McKnight and
22 the victim walking towards Ellis Street, towards town? What
23 did you end up doing?

24 A. Talked to James for a little bit, five, ten minutes, and
25 then I left and went back home in the back with my

1 girlfriend.

2 Q. Did you have power that day? Because this was the time
3 of the ice storm.

4 A. Yes, we had power then.

5 Q. Okay. And what did you do at the house that night?

6 A. Watch TV, just chill.

7 Q. Did you ever see or hear from the victim,
8 Kymmara Randolph, ever again after that day?

9 A. No, sir.

10 Q. And you said that's the first time you had ever seen her
11 was that day?

12 A. Yes, sir.

13 Q. Did you ever see or hear from the defendant
14 Bryant McKnight again that night, on Thursday, February the
15 13th?

16 A. Yes, sir.

17 Q. And Jamaal, you've already testified the defendant's
18 phone number is 803-347-9423. When I say "defendant,"
19 Bryant McKnight, correct? Whose phone number back then was
20 664-6336 with an area code of 803?

21 A. My number.

22 Q. So did you receive a call from the defendant
23 Bryant McKnight around 8:22 p.m.?

24 A. Yes, sir.

25 Q. Okay. And were you also receiving texts from him that

1 night?

2 A. Yes, sir.

3 Q. And did he come to your house about that time, 8:22
4 p.m.?

5 A. Yes, sir.

6 Q. Tell the jury why Bryant McKnight came to your house and
7 what he told you.

8 A. He came to my house. I actually thought he was coming,
9 like, to get a ride back home or something, but I don't have
10 no license. So he texted me and said he was outside. So I
11 looked outside and I seen a car in the yard. So I walked out
12 and I stepped out. Then he stepped out of the passenger side
13 and he walked up to me.

14 And he walked up to me, and he walked up to me and was
15 like, "Who are you in the house with?"

16 I'm like, "I'm in the house with my girl and her kids."

17 So he's like, "Step down for a minute."

18 And so I stepped down and I shut the door. I'm like,
19 "What's up?"

20 "Ain't nobody but you, James, Talley, and all them done
21 seen me."

22 I'm like, "What are you talking about?"

23 He's like, "I had to smoke that girl."

24 "You smoked that girl?" I'm like, "What are you talking
25 about?"

1 Q. Slow down. Slow down. What did he say?

2 A. He said, "I smoked the girl. I smoked her."

3 I was like, "Smoked?"

4 He's like, "Yes, I smoked her."

5 I was like, "All right, okay." Honestly, I didn't
6 believe him. You know what I'm saying?

7 Q. What does that mean, "smoked that girl"?

8 A. That means shoot, like he shot somebody or something.

9 Yes, that's what he said. That's the street slang. That's
10 shooting somebody or something like that, kill them or
11 whatever. You smoked them. You did something to her.

12 Q. Okay. What, if anything, else did he say and what did
13 you do after he told you he smoked that girl?

14 A. I just said, "Okay." Then I was like, "If you did that,
15 like, where's she at if you did."

16 He was just like, "Somewhere up 6, going towards
17 Elloree."

18 I was like, "All right, okay, boom."

19 So I went back in the house. I went to sleep. I didn't
20 pay no more mind about that, honestly, I didn't thought it
21 was true. You know what I mean? I really just thought he
22 was telling me because he's the type that he will talk, but I
23 really don't pay no attention to things he says --

24 Q. So even that Thursday night, you didn't believe him?

25 A. No, I didn't believe him.

1 Q. But he told you even where he smoked that girl? What
2 was the location where he said --

3 A. He didn't say nothing -- he say -- he just say he smoked
4 her. He just said the girl was up 6, going towards Elloree.

5 Q. Okay. She was up 6, going towards Elloree. Okay.

6 Now, did you see how Bryant McKnight got to your house
7 at about 8:22, 8:30 that night?

8 A. Yes, sir. It was a vehicle.

9 Q. Okay. Who brought him to your house?

10 A. Stephon Green.

11 Q. And you saw Stephon Green?

12 A. Yes, sir.

13 Q. But was Stephon Green with you when Bryant McKnight told
14 you he smoked that girl?

15 A. Yes, he was in the car, though. Yes, sir.

16 Q. But he was in the car?

17 A. Yes, he was in the car.

18 Q. But not standing on the stoop with you when the
19 defendant told you that?

20 A. No, sir, no.

21 Q. And he didn't give you any more details about what he
22 did to the girl that night?

23 A. No, sir.

24 Q. How long do you think you stayed with Bryant McKnight
25 outside that stoop of your house that night?

1 A. Five minutes, no more than five minutes.

2 Q. No more than five?

3 A. Five, yes.

4 Q. When the defendant walked away from your stoop and you
5 went inside, where did the defendant end up going to?

6 A. I have no idea.

7 Q. But his ride that night to your house was who?

8 A. Stephon Green.

9 Q. Do you know whose car it was? Do you know who? You
10 don't even know?

11 A. No, sir.

12 Q. Did you see anyone else with Stephon Green and
13 Bryant McKnight that night when they came to your house?

14 A. No, sir.

15 Q. Did the defendant Bryant McKnight even tell you where he
16 was going when he left that night?

17 A. No, sir.

18 Q. Did you have any more interaction or conversations with
19 Bryant McKnight that night?

20 A. No, sir.

21 Q. Did you tell anyone what Bryant McKnight had told you,
22 though, the next day?

23 A. Yes, sir.

24 Q. And who did you tell?

25 A. James Keller.

1 Q. And, in fact, what did you do around 10:43 the next
2 morning on Friday, February the 14th?

3 A. I called the defendant.

4 Q. And when you say "the defendant," Bryant McKnight?

5 A. Bryant, yes, sir.

6 Q. And who was with you when you called Bryant McKnight?

7 A. James Keller. I had him on speakerphone.

8 Q. Why did you want Bryant McKnight on speakerphone for
9 James Keller to hear?

10 A. Because I wanted him to hear what he told me the night
11 before about the female.

12 Q. And were you able to talk to the defendant that morning
13 at 10:43 a.m.?

14 A. He picked up the phone, but it was nothing but mumble
15 and jumble, because he never said nothing really to me, but I
16 was asking him about what was going on.

17 Q. But he never really said what was going on?

18 A. No, he mumbled. He said nothing to me.

19 Q. Do you even know where he was at that time at 10:43 a.m.
20 on February 14th? Did you know where he was?

21 A. No, sir.

22 Q. Now, let me go back a minute, back to Thursday,
23 February the 13th, okay? That's when you all picked up
24 Kymmara, the victim?

25 A. Right.

1 Q. Did Bryant McKnight have anything on him that night?

2 A. Yes. He had a revolver.

3 Q. Do you know what type of revolver it was?

4 A. No, sir.

5 Q. How do you know that he had a revolver on him? Tell the
6 jury about that.

7 A. He pulled it out and showed it to me.

8 Q. When did he do that?

9 A. When we was in the car going to pick up the victim.

10 Q. Did he say anything about it?

11 A. No. He was just like, "I got a little new gun."

12 I was like, "Put that up, because I don't need -- I
13 don't play with nothing like that," because I was driving. I
14 had no license. We were riding dirty. "You got a pistol.
15 Put that up -- put it up."

16 Q. All right. And I want to get some things clear for the
17 jury because you've got to educate me. You said you were
18 uptight about the gun because you were the one actually
19 driving, right?

20 A. Right.

21 Q. And when you said you all were driving dirty, what does
22 that mean?

23 A. I'm riding with no license, and he's riding with a
24 pistol.

25 Q. Now, did you hang out with the defendant Bryant McKnight

1 again on Friday, February 14th?

2 A. No, sir.

3 Q. On Saturday?

4 A. No, sir.

5 Q. Sunday?

6 A. No, sir.

7 Q. Monday?

8 A. No, sir.

9 Q. And quite frankly, did you want to hang out with him on
10 Sunday, Monday or Tuesday?

11 A. No, sir.

12 Q. When and how did you learn that the defendant must have
13 been telling the truth about smoking the victim? When did
14 you find out about her disappearance or that people were
15 looking for her?

16 A. When I start seeing, like, the fliers on Facebook and I
17 seen it hit the news, and I really know when the police came
18 to my house and picked me up.

19 Q. And were people in St. Matthews talking about the victim
20 being missing?

21 A. Yes. Yes, sir.

22 Q. Let me show you what's been marked as State's
23 Exhibit 18.

24 I'm going to go ahead and pull that out, see if he
25 recognizes it.

1 Do you recognize State's Exhibit 18?

2 A. Yes, sir.

3 Q. What do you recognize it to be?

4 A. Bryant McKnight hoodie.

5 Q. That's Bryant McKnight's hoodie?

6 A. Yes, sir.

7 Q. Looks just like the one he was wearing back in February
8 of 2014?

9 A. Yes, sir.

10 Q. Is that the one he had on that day, on February 13th?

11 A. Yes, sir.

12 Q. Did he wear this a lot when it was cold?

13 A. Yes, sir.

14 Q. And, Jamaal, you already kind of mentioned this, you
15 alluded to it, but on Tuesday, February the 18th at
16 approximately -- before probably around 11:00 in the morning
17 or earlier, who came to talk to you?

18 A. The police.

19 Q. Okay. And people with the Calhoun County Sheriff's
20 Office and other law enforcement agencies?

21 A. Yes, sir.

22 Q. And did you voluntarily go with them and give them a
23 statement?

24 A. Yes, sir.

25 Q. Were you under arrest that day?

1 A. No, sir.

2 Q. But they read you your advice and rights?

3 A. Yes, sir.

4 Q. And you voluntarily waived all your rights?

5 A. Yes, sir.

6 Q. And did you truthfully and accurately give them
7 information the best you could remember that day?

8 A. Yes, sir.

9 Q. Did you tell them what you told this jury today
10 basically?

11 A. Yes, sir.

12 Q. You fully cooperated with them that morning, correct?

13 A. Yes, sir.

14 Q. Were you involved in the murder of Kymmara Randolph?

15 A. No, sir.

16 Q. Were you involved at all in helping the defendants,
17 Bryant or Jerry McKnight, try to cover up this murder?

18 A. No, sir.

19 Q. Were you involved at all in then trying to dispose of
20 the body?

21 A. No, sir.

22 Q. Of getting rid of any of the evidence?

23 A. No, sir.

24 Q. Did you help Stephon Green or Derrick Sumter get rid of
25 any of the evidence in this case?

1 A. No, sir.

2 Q. Where was Bryant McKnight living back in 2014?

3 A. Deer Meadow, Deer Forest, Deer Meadow.

4 Q. Where his mother lives?

5 A. Yes, sir.

6 MR. BANKS: Your Honor, lack of foundation on the
7 address that he just gave.

8 THE COURT: If he knows.

9 MR. BANKS: I object to lack of foundation.

10 THE COURT: He asked him if he knows where he lives, and
11 he answered yes, he did.

12 MR. BANKS: He asked him directly.

13 THE COURT: Can you repeat the question, please?

14 MR. PASCOE: Do you want me to rephrase it?

15 THE COURT: Yes, please.

16 Q. You mentioned Deer Meadow. Who else lived in that
17 house?

18 A. His mother.

19 MR. PASCOE: How's that? Is that good?

20 Q. And were you aware back in February of 2014 about a
21 burglary at that house?

22 A. Yes, sir.

23 Q. Were a lot of people in St. Matthews aware about it?

24 A. St. Matthews, yes, sir.

25 Q. And did Bryant and/or Jerry McKnight ever talk to you

1 about that home invasion or burglary?

2 A. Yes, sir.

3 Q. What did they say?

4 A. They was like they really didn't know who did it. It
5 was just so many people told them so many different names
6 about whoever and such and such, but they really didn't know
7 who did it is what he told me.

8 Q. They were looking for who did it?

9 A. I'm not sure. He really never said, because he didn't
10 know who to look for. You know what I mean?

11 MR. PASCOE: Beg the Court's indulgence one second, Your
12 Honor.

13 Q. The person who came to your house on the night of
14 February 13th and told you he smoked that girl, the girl in
15 State's Exhibit 9, do you see him in the courtroom today?

16 A. Yes, sir.

17 Q. If you could, point him out for the jury.

18 A. (Indicating).

19 Q. Is it the defendant Bryant McKnight in that sweater?

20 A. Yes, sir.

21 MR. PASCOE: Answer any questions defense counsel has
22 for you. Thank you, Jamaal.

23 THE COURT: Cross-examination.

24 MR. BANKS: Please the Court, thank you, Your Honor.

25 CROSS-EXAMINATION BY MR. BANKS:

1 Q. Mr. Pearce, is there anything about this coat that is
2 specific to Bryant McKnight? I mean, how do you know that's
3 not some other coat?

4 A. I know that LIG, the name on it.

5 Q. You know what?

6 A. The name of it.

7 Q. I'm sorry?

8 A. The name of the hoodie, I know the name of the hoodie.

9 Q. They don't make other hoodies like this?

10 A. I mean, maybe they do, but that's the only one I ever
11 seen. Nobody else in this town had one. I know what I seen.
12 I know what --

13 Q. You've seen people in Orangeburg wearing this?

14 A. No.

15 Q. Could it be anybody -- I mean, just because it's got
16 this model and this brand, you're saying it's Bryant's?

17 A. That's the only person I've seen with one like that.

18 Q. And you said you saw it that night?

19 A. Yes, sir. That day, not that night, that day.

20 Q. That day?

21 A. Yes.

22 Q. Mr. Pearce, do you regularly go around breaking the law?

23 A. No, sir.

24 Q. So you said you were driving dirty?

25 A. Riding, driving with no license.

1 Q. Yes. And is that not breaking the law?

2 A. Yes, sir.

3 Q. How often do you do that?

4 A. I don't do it anymore.

5 Q. And in February and January and March of 2014, were you
6 doing it pretty often?

7 A. Yes. I guess so, yes, sir.

8 Q. So you don't have a license; is that right?

9 A. No.

10 Q. Do you have one now?

11 A. No, sir.

12 Q. In February of 2013 [sic], whose car were you using?

13 A. My girlfriend's.

14 Q. Your girlfriend's car?

15 A. Yes, sir.

16 Q. And you live with her?

17 A. Yes, sir.

18 Q. Okay. So she allowed you to drive -- she let you drive?

19 A. She really wasn't too fond of it, but I guess I'm the
20 man.

21 Q. Now, you said you gave a statement. Who witnessed that
22 statement?

23 A. Who witnessed that at the police department?

24 Q. Yes. Do you know who it was?

25 A. I think Pat and the chief, I believe.. It was like four

1 or five different --

2 Q. Chief of police?

3 A. Yes, sir.

4 Q. Officer Smalls?

5 A. I believe that he was in there. It was like five or six
6 people in there. It been a long time. I can't remember
7 everyone that was in there.

8 Q. Where was your statement given?

9 A. At the police department.

10 Q. Okay. And you said five or six. Do you recognize any
11 of the rest of them?

12 A. Not at the time, no, sir.

13 Q. Okay.

14 A. Had a lot going through my mind at the time. I really
15 wasn't looking around who was in the room.

16 Q. In the first part of your statement, you said "And it
17 was me, James, Brian, the girl, and Rick Ben." Who is that?

18 A. That was a dude -- like, a lot of people be outside, out
19 in the neighborhood. He was one of the dudes out in the
20 neighborhood too.

21 Q. What is his name?

22 A. Rick -- Richard Ben.

23 Q. Richard Ben?

24 A. Mm-hmm.

25 Q. And then Talley -- you said Talley was there?

- 1 A. Talley was there?
- 2 Q. That's what you said --
- 3 A. No, he came there. He wasn't there all the time. He
- 4 came there.
- 5 Q. You said you walked back to James's house?
- 6 A. Mm-hmm, yes. That's when Talley was there, when I
- 7 walked back to James house. After I came from my house and I
- 8 walked to my house, which I said, I left them and came back
- 9 and checked on my girl.
- 10 Q. So you all weren't smoking in front of Talley you said?
- 11 A. No, sir.
- 12 Q. And you all were smoking marijuana with cocaine?
- 13 A. Cocaine laced on it.
- 14 Q. Cocaine laced on it?
- 15 A. Right.
- 16 Q. And is that something you regularly do?
- 17 A. Then at the time, yes, sir.
- 18 Q. All right. And how much did you do that night?
- 19 A. That day?
- 20 Q. How much did you smoke?
- 21 A. That day?
- 22 Q. That afternoon, yes.
- 23 A. Smoked two.
- 24 Q. Two what?
- 25 A. Two blunts.

1 Q. Two blunts. How much cocaine do you put on a blunt?

2 A. A little bit, not much.

3 Q. Okay. And so were you high?

4 A. Not really, no.

5 Q. How big was the blunt?

6 A. It's small. It's not that big. About this long

7 (indicating).

8 Q. Okay. And so a blunt -- two of those, that size?

9 A. Right.

10 Q. Both sprinkled with cocaine?

11 A. Right.

12 Q. And you weren't high?

13 A. No. Because I was doing it on the regular at the time.

14 It wasn't nothing to me.

15 Q. Does cocaine or marijuana tend to impair your judgment?

16 A. Not mine, sir. No, sir.

17 Q. Are you proud of that fact?

18 A. No, I'm not proud of it, but I'm just stating the fact.

19 Q. And was there also alcohol there?

20 A. I had a beer.

21 Q. One beer?

22 A. Yes.

23 Q. What size?

24 A. One beer, 16 ounce.

25 Q. 16 ounce?

1 A. Yes.

2 Q. And this is over what period of time, 30 minutes?

3 A. This is over two hours.

4 Q. Two hours?

5 A. Yes. I hold one beer for two hours. That's nothing.

6 Q. And two blunts were over the same two hours?

7 A. Right.

8 Q. All right. When my client arrived to this house, when
9 you got there, when he got there, did she ever seem fearful
10 of Bryant?

11 A. No, she never, no, sir. No, sir, never.

12 Q. Did Bryant ever have to sort of manhandle her or grab
13 her by the arm and pull her around or anything like that?

14 A. No, sir.

15 Q. She was voluntarily with Bryant?

16 A. Yes, with Bryant.

17 Q. And voluntarily went wherever he went?

18 A. Right.

19 Q. And didn't express any fear of Bryant?

20 A. No, sir. She didn't express too much at all to me.

21 Like I said, she barely even talked to us.

22 Q. She barely even talked?

23 A. She maybe said two words to me that whole time.

24 Q. How much did she have to smoke or whatever?

25 A. She only smoked one blunt, and I don't even -- she

1 didn't even smoke that whole blunt.

2 Q. Sprinkled with cocaine?

3 A. Yes, sir.

4 Q. Okay. Who's sprinkling the cocaine that day?

5 A. Me and James Keller.

6 Q. Okay. And it was James' daddy's house where James
7 lives?

8 A. Yes, sir.

9 Q. Okay. You said on the way, he flashed this gun; is that
10 right?

11 A. Right.

12 Q. Did he tell you what he was going to do with that gun?

13 A. No, sir. He didn't say he was going to do nothing with
14 it.

15 Q. Did he --

16 A. He just had it.

17 Q. I'm sorry. What was that?

18 A. He didn't say he was going to do anything really with
19 it, just that he had it.

20 Q. He just likes to carry it?

21 A. I guess it was for protection.

22 Q. He didn't say he was planning on doing anything to the
23 victim with it?

24 A. No, he never said that.

25 Q. Okay. Did he talk to you about the home invasion, the

1 burglary or whatever --

2 A. Right.

3 Q. -- at his mother's house?

4 A. Right.

5 Q. Okay. And by the way, how certain are you that he lived
6 there? Do you see him that often? Did you see him that
7 often then?

8 A. Right.

9 Q. And you said he lives there?

10 A. Right.

11 Q. Did you ever pick him up from there?

12 A. Right.

13 Q. You picked him up from 75 Deer Meadow?

14 A. Right.

15 Q. Did you ever see him change clothes there?

16 A. Right.

17 Q. You've seen him change clothes at Deer Meadow in
18 February of last year?

19 A. Yes, sir.

20 Q. So you hang out with him at Deer Meadow?

21 A. Every once in a while, yes, sir.

22 Q. Did he have a girlfriend at the time, in February of
23 last year?

24 A. A girlfriend, he had a friend. I don't know if it was
25 his girlfriend or what.

1 Q. What was her name?

2 A. I don't know her name.

3 Q. Do you know where she lived?

4 A. Now that I know she stayed in Williston.

5 Q. You know that now?

6 A. Now, yes.

7 Q. So you don't know her name?

8 A. No.

9 Q. And I thought you said you knew Bryant really well?

10 A. He didn't never talk about her like that.

11 Q. He didn't talk about her?

12 A. No.

13 Q. So he didn't call her on the phone and --

14 A. He talked to her on the phone. I never heard him call
15 her name. I didn't know her name. I never asked her her
16 name either.

17 Q. You said -- did you say you talked to Jon-Jon or he
18 was -- 1

19 A. I've talked to Jon-Jon.

20 Q. How well do you know Jon-Jon?

21 A. I know him. I know most of his family. I know all of
22 them --

23 Q. John --

24 THE COURT: Mr. Banks, please let him finish his answer
25 before we go to the next question.

1 MR. BANKS: I'm sorry, Your Honor.

2 Q. Jon-Jon is Jonathan McKnight; is that correct?

3 A. Yes, sir.

4 Q. You said you got some texts that night?

5 A. Yes, sir.

6 Q. From the phone number that you think Bryant McKnight
7 owned; is that right?

8 A. Yes, sir.

9 Q. Okay. How do you spell Bryant's first name?

10 A. B-R-Y-A-N-T, I guess.

11 Q. Then if you know him so well, how come you spelled his
12 name throughout your statement or you misspelled his name
13 throughout your statement?

14 A. Because you can spell Bryant different type of ways. I
15 never know the exact way to spell it.

16 Q. And you don't know him well enough to spell his name
17 right?

18 A. I never seen his name on a paper like that. That's
19 not -- that wasn't nothing we did. If I'm with him, we're
20 smoking something. We're not looking over paperwork.

21 Q. So these texts, are they still on your phone?

22 A. I don't even have that phone no more, sir.

23 Q. So you didn't save these texts that are so damning to my
24 client? You didn't save them?

25 A. At the time I didn't know it was damning. Like I said,

1 I didn't know anything was going on at the time. I didn't
2 know that it was that serious. Of course if I knew that now,
3 I would have saved them.

4 THE COURT: Mr. Banks, let him finish.

5 MR. BANKS: I apologize, Your Honor.

6 Q. So a guy tells you he smoked somebody --

7 A. Mm-hmm.

8 Q. -- and you delete the text that's associated with that,
9 not that specific words, but the ones that are leading up to
10 that?

11 A. I didn't so much delete them. Like I said, I can't
12 recall -- I don't even know where the phone at -- I don't
13 know where the phone at. I couldn't even find the phone.
14 When the attorney asked me to -- you know what I'm saying --
15 find the phone, I couldn't even find it. I didn't know where
16 it's at.

17 MR. BANKS: One moment, Your Honor.

18 No further questions, Your Honor.

19 THE COURT: Mr. Leiendecker, any cross-examination?

20 MR. LEIENDECKER: Just very briefly.

21 CROSS-EXAMINATION BY MR. LEIENDECKER:

22 Q. Mr. Pearce, you testified that you know a lot of the
23 people involved in this case?

24 A. Yes, sir.

25 Q. Correct? You further testified that a number of those

1 people you know involved with this case, you just sort of
2 know who they are, but you don't spend time or hang out with
3 them a whole lot; correct?

4 A. Right.

5 Q. And if I understood you, the guys that you hang out with
6 would be Bryant McKnight and James Keller?

7 A. Yes, sir.

8 Q. Correct?

9 A. Mm-hmm.

10 Q. The other people that were talked about were people you
11 knew of but didn't spend a lot of time with: Stephon Green,
12 Derrick Sumter and Jonathan McKnight; is that correct?

13 A. Right.

14 Q. They weren't part of your close circle of friends?

15 A. No, sir.

16 Q. Isn't it fair to say that Jerry McKnight wasn't even in
17 a sphere of friends; he was just someone you know who he is?

18 A. Yes, sir.

19 Q. And isn't it also fair and true to say that you didn't
20 really speak with Jerry McKnight at this time in question
21 back in February of 2014?

22 A. I didn't speak with him at all.

23 Q. You didn't have any contact with him at all?

24 A. No, sir.

25 Q. You never saw him with Kymmara. He wasn't at the Keller

1 house, correct?

2 A. Yes, sir.

3 Q. And anything that you had and any contact you had
4 regarding Kymmara was through Bryant McKnight, correct?

5 A. Yes, sir.

6 Q. And on that fateful night in question, the 13th of
7 February, a Thursday night after the ice storms, when
8 Bryant McKnight stopped at your house, he said to you, "I
9 smoked her," correct?

10 A. Yes, sir.

11 Q. And you meant that -- you understood that to mean, "I
12 killed her," correct?

13 A. Yes.

14 MR. LEIENDECKER: I have no further questions.

15 THE COURT: Any redirect?

16 MR. PASCOE: Just one question, Your Honor.

17 REDIRECT EXAMINATION BY MR. PASCOE:

18 Q. Jamaal, is Jerry McKnight someone that you ever wanted
19 to have contact with?

20 A. No, sir.

21 MR. PASCOE: Okay. Thank you.

22 THE COURT: You may step down, sir. Thank you.

23 Is your next witness a short witness or longer one?

24 MR. PASCOE: Probably going to be close to the same
25 length as Mr. Pearce.

1 THE COURT: Why don't we go ahead and take our lunch
2 break.

3 MR. PASCOE: Sure.

4 THE COURT: It's about 12:40. Ladies and gentlemen --
5 pardon me?

6 Ladies and gentlemen, we'll take our lunch break. It
7 will be an hour. It should give you sufficient time to get
8 back into your jury room, and we'll start the trial right
9 back after that.

10 Again, please don't discuss this case with anyone or
11 allow anyone to discuss this case with you. Have a nice
12 lunch.

13 (The jury retires to the jury room at 12:43 p.m.)

14 (Recess held.)

15 (State's Exhibit 33 marked for identification.)

16 THE COURT: Parties ready to proceed.

17 MR. PASCOE: Yes, Your Honor.

18 MR. BANKS: Yes, Your Honor.

19 MR. LEIENDECKER: Yes.

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

21 (The jury enters the courtroom at 1:56 p.m.)

22 THE COURT: Welcome back, ladies and gentlemen, of the
23 jury. We'll now proceed with the testimony in the case.

24 You may call your next witness, Solicitor.

25 MR. PASCOE: Thank you, Your Honor. James Keller.

1 CLERK OF COURT: Would you place your left hand on the
2 Bible and raise your right hand.

3 JAMES KELLER,
4 being first duly sworn, testified as follows:

5 CLERK OF COURT: Please state your full name for the
6 record.

7 THE WITNESS: James Keller.

8 CLERK OF COURT: Thank you, sir, have a seat.

9 THE COURT: Your witness.

10 MR. PASCOE: Thank you, Your Honor.

11 DIRECT EXAMINATION BY MR. PASCOE:

12 Q. Good afternoon, James.

13 A. Good afternoon.

14 Q. How old are you?

15 A. 28.

16 Q. And are you from St. Matthews?

17 A. Yes, sir.

18 Q. Been here basically your whole life?

19 A. Yes, sir.

20 Q. Where do you live?

21 A. 1018 Liberty Street, St. Matthews.

22 Q. And that's the street right out there, isn't it?

23 A. Right there (indicating).

24 Q. My direction's all backwards, isn't it? It's over
25 there?

- 1 A. Yes, sir.
- 2 Q. Okay. How far is that from the courthouse?
- 3 A. About a mile.
- 4 Q. Okay. Who do you live with?
- 5 A. My father, mom, baby mom and my son.
- 6 Q. Are you friends with the defendant Bryant McKnight?
- 7 A. No, sir.
- 8 Q. Do you know the defendant Bryant McKnight, however?
- 9 A. Yes, sir.
- 10 Q. And how long have you known him?
- 11 A. All my life.
- 12 Q. Are you friends with his brother, Jerry McKnight?
- 13 A. No, sir.
- 14 Q. Do you know Jerry McKnight, however?
- 15 A. Yes, sir.
- 16 Q. And how long have you known him?
- 17 A. All my life.
- 18 Q. So let me ask you this: Are you close friends or hang
19 out with anybody by the name of Jonathan McKnight?
- 20 A. No, sir.
- 21 Q. Do you know him at all?
- 22 A. Yes, sir.
- 23 Q. How long have you known him?
- 24 A. All my life.
- 25 Q. Stephon Green, are you close friends with him?

1 A. No, sir.

2 Q. How long -- do you know Stephon Green?

3 A. Yes, sir.

4 Q. How long have you known him?

5 A. All my life.

6 Q. Are you close friends with Derrick Sumter?

7 A. No, sir.

8 Q. But do you know Derrick Sumter?

9 A. Yes, sir.

10 Q. How long have you known him?

11 A. All my life.

12 Q. And when you say know them, you just know of them?

13 A. Yes, sir.

14 Q. Are they people that you hang out with a lot?

15 A. No, sir.

16 Q. Are you close friends, however, with Jamaal Pearce?

17 A. Yes, sir.

18 Q. And how long have you known Jamaal?

19 A. All my life.

20 Q. And you all have been pretty good friends for a long
21 time?

22 A. Yes, sir.

23 Q. How many years do you think you and Jamaal have been
24 friends?

25 A. I'd probably say about 14 years.

1 Q. 14 years.

2 Now, who were you hanging out with on the afternoon
3 around the time of the ice storm on Thursday, February the
4 13th of last year?

5 A. Me, Jamaal and Bryant.

6 Q. Just the three of you?

7 A. Yes, sir.

8 Q. When you say "Bryant," the defendant Bryant McKnight?

9 A. Yes, sir.

10 Q. Okay. And where were the three of you hanging out that
11 afternoon between, say, 3 and 4:00?

12 A. At my house.

13 Q. Where was your father?

14 A. At my aunt house.

15 Q. Where does she live?

16 A. On Gilford Street in St. Matthews.

17 Q. In fact, were you there earlier that day?

18 A. Yes, sir.

19 Q. And who came and picked you up?

20 A. Jamaal and Bryant.

21 Q. And that's when you all went to your house, to your
22 dad's house?

23 A. Yes, sir.

24 Q. And what did you, the defendant and Jamaal Pearce do
25 when you all got to your house on Liberty?

1 A. Smoked.

2 Q. Does your father approve of that?

3 A. No, sir.

4 Q. Now, tell the jury where you, Jamaal Pearce and
5 Bryant McKnight went later that night between 4:30 and 5:00?

6 A. We went to pick the victim up from her house in
7 Orangeburg.

8 Q. And she's a female?

9 A. Yes, sir.

10 Q. Had you ever met her before February the 13th?

11 A. No, sir.

12 Q. Who drove?

13 A. Jamaal.

14 Q. Were you carrying a weapon that day?

15 A. No, sir.

16 Q. Was Jamaal Pearce carrying a weapon that day?

17 A. No, sir.

18 Q. Was anybody carrying one that day?

19 A. Yes, sir.

20 Q. And who was that?

21 A. Bryant.

22 Q. The defendant Bryant McKnight?

23 A. Yes, sir.

24 Q. Tell the jury about that and when you saw it.

25 A. He pulled it out and showed us the gun in the car.

1 Jamaal told him to put it up.

2 Q. Can you describe the gun for the jury? Did you get a
3 look at it?

4 A. Yes. It was black and white. It looked like a .38.

5 Q. Why do you say that?

6 A. Because it -- I knew a revolver, but I can't actually
7 tell you what kind of gun it was, but it looked like a .38.

8 Q. You know, though, however, it was a revolver?

9 A. Yes, sir.

10 Q. And what color was it again?

11 A. Black and white.

12 Q. So the defendant Bryant McKnight, he was carrying a gun
13 when you went to go pick up the victim that day?

14 A. Yes, sir.

15 Q. And do you recognize the girl in State's Exhibit 9?

16 A. Yes, sir.

17 Q. Who do you recognize that to be?

18 A. The victim.

19 Q. Is that the girl you all picked up that afternoon?

20 A. Yes, sir.

21 Q. Where exactly did you all pick her up at?

22 A. At her house in Orangeburg.

23 Q. And after you picked her up, where did the four of you
24 go after you had her --

25 A. Back to my house.

1 Q. And who was sitting where in the car when you drove
2 back?

3 A. Jamaal was driving; Bryant was in the passenger side; I
4 was behind Bryant; and the girl was behind Jamaal.

5 Q. Did you interact much with the victim that afternoon?

6 A. We -- we talked, but she wouldn't say much. All she
7 kept saying she was Bryant girl.

8 Q. And when the four of you got to the house, what did the
9 four of you do?

10 A. We smoke.

11 Q. All four of you did?

12 A. Yes, sir.

13 Q. And how long did Jamaal, Bryant McKnight and the victim,
14 how long did they stay at the house?

15 A. Probably about 30 to 45 minutes.

16 Q. And why did they have to leave?

17 A. Because before we came in, I told them that I got --
18 excuse me, my baby mama, she was pregnant at the time, and I
19 told her I wasn't looking for no drama, and everybody know
20 how a pregnant woman is.

21 Q. Anybody else coming home that night?

22 A. My father.

23 Q. And did he return home that night?

24 A. Yes, he did.

25 Q. And as your father was pulling in the driveway, who

1 left?

2 A. Bryant and the victim, they went out my back door.

3 Q. Did you see where they walked to?

4 A. All I saw them walk down the road. After they walked
5 out, I couldn't see really where they went to.

6 Q. Did you ever see the defendant Bryant McKnight again
7 after that afternoon?

8 A. No, sir.

9 Q. Did you ever see the victim, Kymmara Randolph, again
10 after that afternoon?

11 A. No, sir.

12 Q. Did you ever even have a conversation with
13 Bryant McKnight again?

14 A. No, sir.

15 Q. But let me ask you this: Did you ever have any more
16 contact or hear him talk again?

17 A. Yes. When Jamaal came to my house the next morning, he
18 called Bryant on the phone, and he sounded like he was
19 mumbling on the phone, couldn't hear nothing he said.

20 Q. Why did you all call Bryant McKnight that morning?

21 A. Jamaal came and say that Bryant say that he smoked the
22 girl, and I wanted to hear for myself.

23 Q. And that was on the next morning of the 14th, February
24 14th?

25 A. Yes, sir.

1 Q. Where did you all call -- where did you call
2 Bryant McKnight from?

3 A. Off of Jamaal's cell phone.

4 Q. Okay. And was he at your house or at Jamaal's house?

5 A. We was at my house.

6 Q. And you said the defendant was just mumbling?

7 A. Yes, sir.

8 Q. When did you learn that the victim in State's Exhibit 9,
9 Kymmara, was missing and that people were looking for her?

10 A. Pictures was on Facebook, and I most definitely found
11 out when the police came, picked me up from my house.

12 Q. Let me ask you about that. Now, you've actually been in
13 trouble before, right?

14 A. Yes, sir.

15 Q. I think you were convicted of forgery in 2008?

16 A. Yes, sir.

17 Q. And a burglary third conviction in 2011, right?

18 A. Yes, sir.

19 Q. And despite that or maybe because of that, did you
20 cooperate with law enforcement when they came and picked you
21 up?

22 A. Yes, I did. And I asked them to put me in handcuffs,
23 because I knew with my record, I didn't want nobody look at
24 me sideways.

25 Q. They actually came to your house?

1 A. Yes, sir.

2 Q. And you asked them to put you in handcuffs before they
3 took you?

4 A. Yes, sir.

5 Q. But were you under arrest?

6 A. No, sir.

7 Q. And was that on Tuesday, February the 18th at about
8 10:00 in the morning?

9 A. Yes, sir.

10 Q. And did you voluntarily give them a statement at
11 10:05 a.m.?

12 A. Yes, sir.

13 Q. Did they read you your rights?

14 A. Yes, sir.

15 Q. And did you waive your rights and give them a statement?

16 A. Yes, sir.

17 Q. And at approximately 10:05 that morning, did you tell
18 the police everything that basically what you told the jury
19 today?

20 A. Yes, sir.

21 Q. James, did you participate or help Bryant or
22 Jerry McKnight in any way to murder Kymmara Randolph?

23 A. No, sir.

24 Q. Did you help them in any way to hide any of the evidence
25 in this case?

1 A. No, sir.

2 Q. Did you lie for them in this case?

3 A. No, sir.

4 Q. And who was the last person that you ever saw with
5 Kymmara Randolph when she was alive?

6 A. Bryant.

7 Q. The defendant Bryant McKnight?

8 A. Yes, sir.

9 Q. And what did Bryant McKnight have on him that day?

10 A. He had a black coat on.

11 Q. Did he have a weapon as well?

12 A. Yes, sir.

13 MR. PASCOE: Beg the Court's indulgence.

14 Q. And the last person you saw with Kymmara Randolph, do
15 you see him in the courtroom today?

16 A. Yes, sir.

17 Q. Could you point him out for the jury?

18 A. Right there (indicating).

19 Q. Bryant McKnight with the sweater on?

20 A. Yes, sir.

21 MR. PASCOE: Thank you. Answer any questions either Mr.
22 Banks or Mr. Leiendecker have for you.

23 THE WITNESS: Yes, sir.

24 MR. PASCOE: Thank you.

25 THE COURT: Mr. Banks.

1 MR. BANKS: Thank you, Your Honor. May it please the
2 Court.

3 CROSS-EXAMINATION BY MR. BANKS:

4 Q. Hi, James. How are you?

5 A. How you doing?

6 Q. Good.

7 You said you all were over there. How long were you all
8 over there smoking?

9 A. Approximately about -- probably about two hours before
10 we went to pick the victim up.

11 Q. So Jamaal was smoking and you were smoking and then
12 Bryant comes over?

13 A. No, sir.

14 Q. He was there smoking too?

15 A. Yes, sir. Him and Jamaal came and picked me up --

16 Q. Okay.

17 A. -- from my aunt house.

18 Q. And you said on the way to Kymmara's, he flashed a gun
19 at you. Did you get the -- how long did you get to see that
20 gun?

21 A. It was about a minute or two he showed us the gun.

22 Q. And you said it looked like a .38 caliber?

23 A. Yes, sir.

24 Q. Have you ever held a .38 caliber?

25 A. No, sir.

1 Q. But you've seen .38 calibers?

2 A. Yes, sir.

3 Q. Okay. And have you seen .22 caliber pistols?

4 A. No, sir.

5 Q. You've never seen one?

6 A. No, sir.

7 Q. And this looked like a .38 caliber to you?

8 A. To me?

9 Q. Yes, sir.

10 A. Yes, sir.

11 Q. Now, you said Jamaal called the next -- later on, Jamaal
12 called Bryant; is that right?

13 A. That was the next day.

14 Q. Next day. Did you see him dial the phone?

15 A. Yes. Because I was standing right by Jamaal.

16 Q. And I believe -- was he on speakerphone?

17 A. Yes, he was.

18 Q. Okay. You said that the fellow on the other end was
19 mumbling; is that right?

20 A. Yes, sir.

21 Q. If he was mumbling, how do you know that voice was
22 actually Bryant?

23 A. Because when Jamaal called, he said, "What's up, B," and
24 I know --

25 Q. He said that?

1 A. Yes, he did. And I knew Bryant as B.

2 Q. Yes, right. But how do you know it was actually B
3 speaking on the phone if he was mumbling?

4 A. I knew -- I know his voice.

5 Q. And even through a mumble, you've heard him mumble
6 before?

7 A. No, sir.

8 Q. So you said you know his voice but you didn't recognize
9 that mumble as his voice?

10 A. No, sir.

11 MR. BANKS: No further questions.

12 THE COURT: Mr. Leiendecker, any cross-examination?

13 MR. LEIENDECKER: Very briefly, Your Honor. Thank you.

14 CROSS-EXAMINATION BY MR. LEIENDECKER:

15 Q. Mr. Keller, I understand your testimony here today is
16 that on February 13th, you saw Jamaal Pearce, Bryant McKnight
17 and Kymmara Randolph; is that correct?

18 A. Yes, sir.

19 Q. You never saw Jerry --

20 A. No, sir.

21 Q. -- McKnight that day?

22 A. No, sir.

23 Q. You never spoke to Jerry McKnight that day or after?

24 A. No, sir.

25 Q. And you never heard anyone talk about Jerry McKnight in

1 connection with this case that day or after?

2 A. No, sir.

3 MR. LEIENDECKER: Thank you.

4 THE COURT: Any redirect?

5 MR. PASCOE: Just very briefly, Your Honor.

6 REDIRECT EXAMINATION BY MR. PASCOE:

7 Q. James, you're not an expert on types of guns, are you.

8 I take it?

9 A. No, sir.

10 Q. In fact, you testified you've never even seen a .22
11 caliber before?

12 A. Yes, sir.

13 Q. So you wouldn't know whether a .22 would look like a .38
14 or not, would you?

15 A. No, sir.

16 Q. But are you certain that what you saw was a revolver
17 that night?

18 A. Yes, sir.

19 MR. PASCOE: Okay. That's all I'd have.

20 THE COURT: You may step down, sir. Thank you.

21 MR. PASCOE: State calls Talley Keller, Your Honor.

22 CLERK OF COURT: Would you place your left hand on the
23 Bible and raise your right hand, please.

24 TALLEY KELLER,

25 being first duly sworn, testified as follows:

1 CLERK OF COURT: State your full name for the record.

2 THE WITNESS: Talley Keller, Jr.

3 CLERK OF COURT: Thank you, sir.

4 THE COURT: Your witness.

5 MR. PASCOE: Thank you.

6 DIRECT EXAMINATION BY MR. PASCOE:

7 Q. Good afternoon, Mr. Keller.

8 A. Good afternoon.

9 Q. Speak up as loudly as you can so that --

10 A. Good afternoon.

11 Q. Thank you, sir.

12 Do you live at 1018 Liberty Street, sir?

13 A. Yes, I do.

14 Q. And how long have you lived there?

15 A. I was born there. Been there all my life.

16 Q. Basically all your life?

17 A. Yes.

18 Q. You're from St. Matthews?

19 A. Yes.

20 Q. Now, was there a time that you lived outside of South
21 Carolina, though?

22 A. 25 years, state of New York.

23 Q. Okay. And did you work for the City of New York, sir?

24 A. I was a mechanic.

25 Q. And are you retired from the City of New York?

1 A. Retired.

2 Q. And did you move back here in 1988?

3 A. Got back in 1988.

4 Q. And who else lives with you at 1018 Liberty Street?

5 A. James, my grandson and his -- future daughter-in-law I'm
6 saying.

7 Q. Your future daughter-in-law? Okay.

8 Do you recall what you were doing during the late
9 afternoon of Thursday, February 13th last year, during the
10 ice storm?

11 A. Oh, yes.

12 Q. What were you doing?

13 A. I went to Piggly Wiggly and got some food to eat and
14 cook, and I went to my sister house so we could cook because
15 my lights was out. And when I finished eating, we went back
16 to my house, and that's when -- when James and Bryant coming
17 from the back of the house. I asked, "Who's that," because
18 I'd never seen the young lady before.

19 Q. So and this was around 6:00 that night you get home?

20 A. It's about 6.

21 Q. And you see Bryant McKnight leaving with a girl?

22 A. Just walking. They were coming around the back side of
23 the house.

24 Q. And which direction were they walking in? Do you
25 remember?

1 A. Towards Ellis Street.

2 Q. Towards Ellis Street?

3 A. Ellis Street.

4 Q. Okay. Have you ever seen that girl before?

5 A. Never did.

6 Q. But you knew of Bryant McKnight back then, though,
7 right?

8 A. I knew him, but I don't really know him.

9 Q. Do you recognize the girl in State's Exhibit 9?

10 A. Yes.

11 Q. Who's that girl?

12 A. I don't know her name.

13 Q. But have you ever seen her before?

14 A. I saw her the night.

15 Q. That night?

16 A. Yes.

17 Q. That's the girl that was walking with Bryant McKnight?

18 A. That's what made me concerned who she was. I wanted to
19 find out who she was.

20 Q. Yes, sir.

21 And, sir, did you meet with the St. Matthews police on
22 Tuesday, February the 18th, that morning?

23 A. Yes, I did.

24 Q. And you voluntarily gave them a statement at 10:29 in
25 the morning, didn't you?

1 A. Right.

2 Q. And you told them about how the girl was leaving your
3 house with Bryant McKnight?

4 A. Yes, I did.

5 MR. PASCOE: Beg the Court's indulgence.

6 Thank you. Answer any questions Mr. Banks has for you,
7 okay? Thank you, Mr. Keller.

8 THE COURT: Cross-examination.

9 MR. BANKS: Thank you, Your Honor. May it please the
10 Court.

11 CROSS-EXAMINATION BY MR. BANKS:

12 Q. Mr. Keller.

13 A. Yes, sir.

14 Q. You said you didn't know her name. Just now, you didn't
15 know her name?

16 A. I didn't know her name.

17 Q. You didn't know her name. Then why in your statement
18 that you gave police, you wrote her name?

19 A. I wrote her name?

20 Q. Yes.

21 A. I don't recall it.

22 MR. BANKS: Your Honor, may I approach?

23 THE COURT: You may.

24 Q. Is this a copy of your statement?

25 A. Yes. I said "young lady."

1 Q. And then what's the next word?

2 A. I did not know her name. I didn't.

3 Q. Well, why'd you write her name on your statement?

4 A. Well, when I was sitting in the brief room, the name
5 came up, and that that's when I put that down.

6 Q. And they told you what to write?

7 A. No, they didn't tell me what to write.

8 Q. Then how did you come to write her name, Kymmara?

9 A. When they said the name in the brief room.

10 Q. So you just wrote what they told you?

11 A. Just wrote the name.

12 Q. Did you know that drugs were being done at your house
13 that day?

14 A. Did I know that drugs was being done?

15 Q. Yes.

16 A. No. Because I was not at home that day.

17 Q. When you came home, did you not smell marijuana all
18 through the house?

19 A. I didn't get in the house.

20 Q. I'm sorry?

21 A. I didn't get into the house when I saw them.

22 Q. You never went back in your house?

23 A. I didn't get into the house when I saw them. The
24 drugs -- if they did drugs, they did it earlier before I got
25 there. The scent had been gone.

1 Q. So there wasn't the smell of marijuana in your house?

2 A. No, there was not.

3 Q. You said you know Bryant McKnight, right?

4 A. I know of him.

5 Q. You know of him?

6 A. Yes.

7 Q. So did you actually see his face when he was leaving?

8 A. I saw Bryant face. I know of him. I don't know him
9 personally, but --

10 Q. So when you saw his face --

11 THE COURT: Mr. Banks, let him answer the question,
12 please, before you --

13 THE WITNESS: I don't know him personally, but I know of
14 him.

15 Q. So when you saw his face, did you recognize that to be
16 Bryant McKnight?

17 A. I know Bryant when I see him.

18 Q. I didn't understand that.

19 A. I know Bryant when I see him. There's a difference
20 knowing him. I don't know of him, but I know him because I
21 see him around St. Matthews. You don't get the point? Do
22 you understand what I'm saying?

23 Q. No, I don't understand.

24 A. I know him streetwise, for seeing him, but I don't know
25 him personally.

1 Q. Okay. So when he left your house, was he in -- where
2 was he when you first saw him at your house that day?

3 A. I wasn't home that day. I saw him that afternoon.

4 Q. On the 13th?

5 A. On the 13th, that's when I saw him in the afternoon,
6 yes.

7 Q. Where was he when you first saw him that afternoon?

8 A. Coming out from the back side of the house.

9 Q. And you were --

10 A. From the back door.

11 Q. And where were you?

12 A. I pulled up in my truck.

13 Q. So was he walking towards you or away from you?

14 A. Exactly. Towards me.

15 Q. Okay.

16 A. That's the only way he can get to Ellis Street is to
17 walk towards me to go to Ellis Street.

18 Q. And how far was he from you?

19 A. Exactly as far as you.

20 Q. That far?

21 A. Just that far.

22 Q. Exactly?

23 A. Exactly.

24 Q. Okay. And when he was walking, did he have a hold of
25 that girl?

1 A. No, I didn't see that.

2 Q. Okay. She was voluntarily walking along?

3 A. It was a -- a couple.

4 Q. Okay.

5 A. Two people walking together, like me and you walk
6 together.

7 Q. Okay. Just like anybody?

8 A. That's it.

9 Q. Did she appear fearful of him?

10 A. Not at all. Didn't see it.

11 Q. About what time of day was that?

12 A. I got home about quarter to 6, 6:00. The lights had
13 just come back on.

14 Q. In the house you mean?

15 A. Yes, in the house --

16 Q. Okay. So is it lit out in your yard?

17 A. Big lights. Big street lights.

18 Q. And that light, did --

19 A. Can shine on him, yes, it can. The light can shine on
20 him from the back of my field to the street.

21 Q. That light shines your entire yard?

22 A. On the right side of my house, it shines from the back
23 field to the street.

24 Q. Is it just one of those security lights?

25 A. Big street light. Security light, yes.

1 Q. Like a street light?

2 A. Yes.

3 Q. And that lights the entire strip of the side of your
4 yard?

5 A. Side of my house. You and I could shoot horseshoe at
6 night, we could play basketball, anything you want.

7 Q. Mr. Keller, what I'm concerned with here is you come
8 here today and you say that you don't know Kymmara by name,
9 right?

10 A. I didn't. I did not know her by name.

11 Q. But you wrote her name on this statement?

12 A. Yes, I did.

13 Q. And you got that information from the police officers,
14 right?

15 A. We got it in the brief room where we was at.

16 Q. Yes, in the briefing room, right.

17 And what I'm concerned with is that your testimony here
18 today is that you saw Bryant because the police officers said
19 you should say that you saw Bryant.

20 A. Police didn't have to tell me. I didn't see nothing I
21 didn't know about.

22 Q. But don't you see --

23 A. No officers told me that, that that was Bryant. So
24 you're not even going to go that way.

25 Q. Well, which officer told you Kymmara's name for you to

1 write it that day?

2 A. I didn't say "officer." I said it was in the brief
3 room. My son and I was in the brief room.

4 Q. So your son told you that her name was Kymmara?

5 A. Police didn't say nothing about that child's name. So
6 when he said the name, that's what I wrote down.

7 Q. Okay. And did he also tell you that that was Bryant
8 walking away?

9 A. No, he didn't have to tell me that was Bryant walking.
10 You can't confuse me. I know Bryant when I see him.

11 Q. Yes, but you might not have seen him that day, just like
12 you didn't know her name.

13 A. You have to know I got a big field light, street light
14 right here. I can see.

15 Q. Is the light in the front yard or the back yard?

16 A. It's in the back --

17 Q. And you said you were in the front yard.

18 A. Right. The light shines from the back to the front.

19 Q. You're telling me a security light that looks like a
20 street light can shine in that direction instead of down?

21 A. It shine down, but it's straight out. I can see, man.

22 Q. You were in the front yard, and Bryant walks from the
23 back to the front, so the light was in the backyard, right?

24 A. It's on the side of the house. Okay. The house is in
25 the middle of the field. It's more than enough light to see.

1 Q. But if the light is behind Bryant, wouldn't his face be
2 in a shadow?

3 A. No.

4 Q. It wouldn't?

5 A. No.

6 Q. Okay.

7 A. Because it's got enough light to see.

8 Q. That's your testimony.

9 A. That's my testimony.

10 MR. BANKS: No further questions, Your Honor.

11 THE COURT: Any cross-examination, Mr. Leiendecker?

12 MR. LEIENDECKER: No, Your Honor.

13 THE COURT: Any redirect?

14 MR. PASCOE: Just very briefly, Your Honor.

15 REDIRECT EXAMINATION BY MR. PASCOE:

16 Q. You did not know Kymmara Randolph.

17 A. I did not know the girl.

18 Q. Never met her in your life, right?

19 A. Never met her in my life.

20 Q. In fact, let me go ahead and do what Mr. Banks didn't
21 do, but let me ask you this: These fliers were all over
22 St. Matthews that weekend, right?

23 A. Yes.

24 Q. And it has her name, Kymmara Randolph, doesn't it?

25 A. Yes.

1 Q. But you didn't know her, correct?

2 A. I do not know her.

3 Q. And if I could, is this what you told law enforcement,
4 which proves you did not know Kymmara Randolph? "I saw
5 Bryant walking from the back of the house and young lady,
6 Kymmara Randolph. I asked James who was the girl. Then they
7 left, went down the street. That was the last time I saw
8 them."

9 A. That was it.

10 Q. So if you knew who she was, why would you have to ask
11 your son who was that girl was who left?

12 A. I didn't know who she was.

13 Q. All right. And there's no doubt about it in your mind,
14 because you knew Bryant McKnight, that's who was with her?

15 A. I never seen that young lady in my life.

16 Q. And that's who she was with that night?

17 A. That's who she was with.

18 MR. PASCOE: That's all I have. Thank you.

19 THE COURT: You may step down, Mr. Keller. Thank you.

20 MR. PASCOE: Thank you.

21 THE WITNESS: You're welcome.

22 THE COURT: You may call your next witness.

23 MR. PASCOE: Thank you, Your Honor. Jonathan McKnight,
24 State calls Jonathan McKnight.

25 CLERK OF COURT: Place your left hand on the Bible,

1 raise your right hand.

2 JONATHAN MCKNIGHT,

3 being first duly sworn, testified as follows:

4 CLERK OF COURT: State your full name for the record,
5 please.

6 THE WITNESS: Jonathan McKnight.

7 THE COURT: Your witness.

8 MR. PASCOE: Thank you, Your Honor.

9 DIRECT EXAMINATION BY MR. PASCOE:

10 Q. Good afternoon, Jonathan.

11 A. Good afternoon.

12 Q. How old are you, Jonathan?

13 A. 21.

14 Q. Where do you live?

15 A. 115 Oriole Circle.

16 Q. Is that here in town, St. Matthews?

17 A. Yes, sir.

18 Q. And who do you live with?

19 A. Me and my girlfriend, my mother-in-law.

20 Q. And what's your girlfriend's name?

21 A. Jessica Barnes.

22 Q. How long have you and Jessica lived together?

23 A. Maybe a year and a half now.

24 Q. Do you have any children?

25 A. Yes, sir, one little boy.

1 Q. And how old is he?

2 A. Eight months.

3 Q. And that's both you and Jessica? That's Jessica's baby
4 with you?

5 A. Yes, sir.

6 Q. What type of work are you doing right now, Jonathan?

7 A. Well, I butcher deers and hogs for 601 Processors.

8 Q. What type of work did you do before that?

9 A. I used to work for Mr. Webb Carroll, grooming horses.

10 Q. How long did you do that, grooming horses?

11 A. Two years.

12 Q. Is that what you love doing, grooming horses?

13 A. Yes, sir.

14 Q. And back in January and February of last year, is that
15 what you were doing?

16 A. Yes, sir.

17 Q. How many days a week would you work back in February of
18 2014?

19 A. Seven days a week, every other weekend off.

20 Q. And tell the jury, what hours would you work during that
21 seven days a week?

22 A. Maybe 7 to 5 or sometimes later.

23 Q. How far did you go in school, Jonathan?

24 A. To 11th grade.

25 Q. Are you currently trying to get your GED?

1 A. Yes, sir.

2 Q. Now, how are you related to the defendant Jerry McKnight
3 in the yellow shirt there?

4 A. It's my first cousin.

5 Q. Did you used to hang out with him a lot back in 2013,
6 2014?

7 A. He used to be in my house. Him and my uncle were close
8 friends. He used to stay with me back then.

9 Q. Is he a good bit older than you?

10 A. Yes, sir.

11 Q. Do you know how old he is?

12 A. No, sir.

13 Q. And how are you related to the defendant
14 Bryant McKnight?

15 A. My first cousin.

16 Q. Okay. Jerry McKnight's brother, right?

17 A. Yes, sir.

18 Q. And what did he go by?

19 A. B.

20 Q. How often would you hang out with Bryant McKnight back
21 then?

22 A. Not often.

23 Q. Are you close to Bryant McKnight?

24 A. No, sir.

25 Q. Let me ask you, do you know Stephon Green?

1 A. Yes, sir.

2 Q. Are you close friends with him?

3 A. No, sir.

4 Q. Is he somebody who you'd have in your contacts in your
5 telephone back in 2014?

6 A. No, sir.

7 Q. Jamaal Pearce, are you close with him?

8 A. No, sir.

9 Q. Would you ever talk to him on the telephone or hang out
10 with him?

11 A. No, sir.

12 Q. James Keller, are you close with him?

13 A. No, sir.

14 Q. Would you ever hang out with him back in 2014 or call
15 him on the phone?

16 A. No, sir.

17 Q. Derrick Sumter, are you close friends with
18 Derrick Sumter?

19 A. No, sir.

20 Q. Ever call him on the phone, talk to him, hang out with
21 him?

22 A. No, sir.

23 Q. And they're all a good bit older than you, right?

24 A. Yes, sir.

25 Q. Any of them that you would consider your close friends

1 at all?

2 A. No, sir.

3 Q. And back in February of 2014, your cell number was
4 803-387-2948?

5 A. Yes, sir.

6 Q. And of all the people that would call you, of all those
7 people I just asked you about, was there one that would call
8 you on the cell phone sometimes?

9 A. Yes, sir.

10 Q. And who's that?

11 A. Bryant.

12 Q. Bryant McKnight?

13 A. Yes, sir.

14 Q. Your first cousin, right?

15 A. Yes, sir.

16 Q. Tell the jury what you were doing that afternoon of
17 Thursday, February 13th, last year.

18 A. I had just got home from work, was home, relaxing.

19 Q. Approximately what time, just approximately, do you
20 think you got home from work?

21 A. Maybe 5:30-ish.

22 Q. Okay. And did you receive a phone call at exactly
23 6 p.m. that day?

24 A. Yes, sir.

25 Q. And who was that phone call from?

1 A. Bryant.

2 Q. Bryant McKnight?

3 A. Yes, sir..

4 Q. And why did he call you?

5 A. He said he was walking. It was cold. He needed a ride
6 home.

7 Q. And what did you do?

8 A. I went and picked him up.

9 Q. How long approximately do you think it took for you to
10 get ready and get in the car and go pick him up?

11 A. Maybe ten or 15 minutes.

12 Q. And where exactly did you pick the defendant
13 Bryant McKnight and that girl up at? Do you know?

14 A. I guess that was -- I think that was Liberty Street,
15 behind the church.

16 Q. And was it just those two that you picked up?

17 A. Yes, sir.

18 Q. Had you ever seen that girl before?

19 A. No.

20 Q. And the girl in State's Exhibit 9, is that the girl you
21 picked up with Bryant McKnight?

22 A. Yes, sir.

23 Q. Where did you -- and so was there anybody else in the
24 car at this time other than you, Bryant McKnight and the
25 young girl?

1 A. No.

2 Q. Okay. Where did you take the defendant and the victim
3 that night?

4 A. To my grandmother's house.

5 Q. And tell the jury, where does your grandmother live?
6 Where is that house?

7 A. Across from the new police station, I guess. I don't
8 know the name of the street, but it's over there by the new
9 police station.

10 Q. Is that the old John Ford School?

11 A. The old John Ford Middle School.

12 Q. Right here in town?

13 A. Yes, sir.

14 Q. And why did you go to your grandmother's house?

15 A. Bryant said he needed to go pick something up before we
16 took him home.

17 Q. And when you got to your grandmother's house, what
18 happened?

19 A. When I got there, Bryant got out. Me and the victim was
20 still in the car. Maybe about ten minutes later, Bryant came
21 out with a bag and Jerry also.

22 Q. Did you know you were picking Jerry up?

23 A. No, sir.

24 Q. And you said that Bryant had a bag. What kind of bag
25 did he have?

1 A. Like a book bag.

2 Q. Did you and the victim talk much in the car during that
3 ten-minute wait?

4 A. No, sir.

5 Q. Where was she sitting?

6 A. Back seat, in the middle.

7 Q. And of course you were in the driver's side?

8 A. Yes, sir.

9 Q. And of course you have no idea what the defendants were
10 talking about for ten minutes?

11 A. No, sir.

12 Q. Do you know whether or not the defendant Bryant McKnight
13 would have had a weapon that night?

14 A. Yes, sir. He always keep a pistol on him.

15 Q. What kind of pistol?

16 A. I guess it was a .22 revolver.

17 Q. .22 revolver? Can you describe it?

18 A. Black and white with a pearl handle.

19 Q. Now, when Jerry and Bryant McKnight got in the vehicle,
20 where did they sit?

21 A. Well, Jerry had opened my passenger door, asking me to
22 give a ride to his girlfriend's house, and Jerry got in the
23 passenger seat. Bryant got back in the back.

24 Q. So you're under the impression that you're going to
25 drive to Jerry's girlfriend's house?

- 1 A. Yes, sir.
- 2 Q. Did you know where the girlfriend's house was?
- 3 A. No, sir.
- 4 Q. Who gave you directions on where to drive?
- 5 A. Jerry.
- 6 Q. And where did you end up going? If you could tell the
7 jury, where did you end up going?
- 8 A. Down Highway 6. But first we stopped at a gas station,
9 got gas, then we headed down Highway 6.
- 10 Q. Okay. What gas station did you all stop at to get some
11 gas?
- 12 A. The pantry.
- 13 Q. Is that the one right over there (indicating)?
- 14 A. Yes, sir.
- 15 Q. Who paid for the gas?
- 16 A. Me.
- 17 Q. And after you got gas and you left the pantry, you got
18 on Highway 6?
- 19 A. Yes, sir.
- 20 Q. Tell the jury where you went on Highway 6.
- 21 A. Well, I was going on Highway 6. When I got down to the
22 first hill, I made the right on Stiffmire.
- 23 Q. And is that going towards Elloree on Highway 6?
- 24 A. Yes, sir.
- 25 Q. And who told you to take the right on Stiffmire?

1 A. Jerry.

2 Q. And tell the jury what happened next when you took the
3 right on Stiffmire.

4 A. Was driving along the road. I got maybe halfway down
5 the road. Jerry told me stop. He had take a piss.

6 Q. And those were his exact words?

7 A. Yes, sir.

8 Q. And let me ask you this: If you could describe the road
9 for us. Are there a lot of houses on that road?

10 A. No, sir.

11 Q. Any lights on that road?

12 A. No, sir.

13 Q. And after Jerry told you to pull over, what did you do?

14 A. I pulled over.

15 Q. And then what happened?

16 A. Jerry got out of the car. He went to my back passenger
17 door. He opened the back passenger door. He asked the
18 victim to get out. She told him "no" several time. Then he
19 looked at Bryant. They both gave eye contact. Then they
20 both got out, went back to the back side of my car, had a
21 conversation.

22 They both came back. They was on my driver's side on my
23 back door. They opened that door. They both stand in that
24 door. Bryant asked the victim to get out. She continued to
25 say "no." That's when Jerry snatched her out and pulled her

1 to the back of my car and opened fire.

2 Q. Are you watching all this? Did you see what's going on?

3 A. Yes, sir. I never got out, but my door was open. I
4 still could see.

5 Q. And could you see how Jerry McKnight snatched the victim
6 out of the back seat?

7 A. No, sir.

8 Q. How did she get out?

9 A. She was snatched, but I didn't see how she was snatched.

10 Q. What happened next after he snatched her?

11 A. After he snatched her, he drug her to the back taillight
12 of my car and opened fire.

13 Q. And then what happened?

14 A. Then after he -- I guess he emptied the whole -- the
15 whole revolver clip, and then he handed the gun to Bryant.
16 Bryant unloaded and reloaded again and shot a couple more
17 times.

18 Q. You weren't sitting there counting shots, though,
19 correct?

20 A. No, sir.

21 Q. Have you ever seen anything like that before?

22 A. No, sir.

23 Q. Have you ever even been in trouble before?

24 A. No, sir.

25 Q. Did you know that that's what they were going to do to

1 that girl?

2 A. No, sir. If I knew, I would have never went.

3 Q. After they finished shooting the victim, what did you
4 all do?

5 A. Well, I watched, because my doors were still open in my
6 car. I watched Jerry drag her alongside of the road.

7 Q. And then what did they do after that?

8 A. They got in the car.

9 Q. What did you do?

10 A. The whole time I was sitting there panicking. I never
11 been in nothing like that.

12 Q. Did they tell you anything when they got in the car?

13 A. Yes, sir. They said -- well, Jerry told me, this goes
14 for anybody, they was not playing.

15 Q. That he's not playing?

16 A. Yes, sir.

17 Q. Where did you go next when they got in the car?

18 A. We drove. I drove Bryant, because he said he had to --
19 he was going meet Wu, which was Stephon, at the pantry.

20 Q. And at whose instructions did you drive them to the
21 pantry?

22 A. Say that again?

23 Q. Who instructed you to go to the pantry, to drive to the
24 pantry?

25 A. Bryant.

1 Q. Were you scared after this that night?

2 A. Of course.

3 Q. Why were you scared?

4 A. I never seen nothing like this before, and I also was
5 threatened.

6 Q. How were you threatened?

7 A. They told me if they feel I was out here telling or I'm
8 going tell, they will do me too.

9 Q. So you went to the pantry?

10 A. Yes, sir.

11 Q. And what did Bryant McKnight do?

12 A. He got out of the car with a black trash bag where he
13 put all her belongings in, and he put it in Wu back seat car
14 about the time I was actually driving off to drop Jerry off.

15 Q. Where did you drop Jerry off at?

16 A. My grandmother's house.

17 Q. Let me go back. You said that Bryant McKnight had a
18 trash bag. What belongings did he put in there?

19 A. Well, I guess like her purse, cell phone, other things
20 like that.

21 Q. Was that stuff still in the back of the car?

22 A. Yes, sir.

23 Q. Jonathan, did you have any more contact or involvement
24 with either of the defendants that night?

25 A. Well, Jerry came to my house every day after that.

1 Q. Let me ask you just about that night first, okay? Did
2 you have any more contact with them that night?

3 A. No, sir.

4 Q. And if Bryant McKnight was trying to call you, were you
5 ignoring his calls?

6 A. Yes, sir.

7 Q. Why is that?

8 A. I didn't want no more interaction with them.

9 Q. In fact, did you want to have -- you said you didn't
10 want any contact with Bryant. Did you want to have contact
11 with Jerry McKnight?

12 A. No, sir.

13 Q. Did you tell anybody that night what happened?

14 A. No, sir.

15 Q. Why didn't you go to the police?

16 A. I was scared.

17 Q. Now let me ask you this: Did you help either of the
18 defendants hide any of the evidence that night?

19 A. No, sir.

20 Q. Did you help them get rid of the body that night?

21 A. No, sir.

22 Q. And you've already testified that you did have contact
23 with Jerry McKnight after that night on other days?

24 A. Yes, sir.

25 Q. Tell the jury about that.

1 A. Every day I got off work after that, he would be there
2 at my house waiting on me, waiting to talk with me.

3 Q. So like on Friday?

4 A. Yes, sir. Friday, Saturday, Sunday, Monday.

5 Q. Tuesday?

6 A. Tuesday. Till I was picked up from the police.

7 Q. And we'll get to that.

8 Now, when he would meet with you every day, Friday
9 through Tuesday at your house after you got off work, why did
10 he come? What was the point of Jerry McKnight coming to your
11 house?

12 A. I guess to make sure that -- see if I was telling or see
13 if anybody knew anything already.

14 Q. What did he say to you during those days?

15 A. You know, "Cuz, don't be out here telling. Keep your
16 mouth shut. Don't be out here saying nothing to nobody or
17 nothing," he said because, "My family know it, but I figure I
18 got tell you too, I will do you too."

19 Q. Did Jerry McKnight specifically complain about certain
20 people talking?

21 A. Yes, sir.

22 Q. Who did he complain about to you?

23 A. He said he heard JP and JK and them was already telling.

24 Q. And who is JP?

25 A. Jamaal Pearce.

1 Q. And who's JK?

2 A. James Keller.

3 Q. And did he say what he would do to them?

4 A. Said he would kill them also.

5 Q. And that's the defendant Jerry McKnight in the yellow
6 shirt?

7 A. Yes, sir.

8 Q. Did Jerry scare you?

9 A. Yes, sir.

10 Q. Does he still scare you?

11 A. Yes, sir.

12 Q. In fact, let me ask you about this: You said the police
13 came and picked you up I believe it was on Tuesday, February
14 the 18th?

15 A. Yes, sir.

16 Q. When they came and picked you up, tell the jury who was
17 at your house talking to you.

18 A. Jerry.

19 Q. Were you scared when Jerry saw you go off with the
20 police that night?

21 A. Yes, sir.

22 Q. When did you start hearing about other people in the
23 community talking about the disappearance of the victim in
24 this case? When did you start hearing about that?

25 A. Well, there was a bunch of fliers and stuff all over at

1 the gas stations and stuff, and a whole lot of people in the
2 community was talking about it.

3 Q. Why didn't you come forward then?

4 A. Because they didn't even knew -- I was scared. I got a
5 family and all, and they only knew one suspect. They didn't
6 know the other one. The other one was still out roaming
7 around.

8 Q. And do you know why they killed that girl that night?

9 A. Yes, sir. They tried to say she had something to do
10 with my aunt's house getting break into.

11 Q. Something to do with your aunt's house --

12 A. House getting break into.

13 Q. And of course your aunt is their mother, correct?

14 A. Yes, sir.

15 Q. And you're aware of that burglary at Deer Meadow Lane
16 back on February 2nd? You knew about it?

17 A. Yes, sir.

18 Q. Let me ask you this: Just yes or no, do you know what
19 was stolen?

20 A. No, sir.

21 Q. Did Bryant and Jerry McKnight tell you what they would
22 do if they caught the person involved in that burglary?

23 A. They was gone kill them.

24 Q. Both of them told you that?

25 A. Yes, sir.

1 Q. At different times after February 2nd?

2 A. Yes, sir.

3 Q. In fact, let me ask you this: Was that much of a secret
4 in the St. Matthews community that that's what they were
5 going to do?

6 A. No, sir.

7 Q. And I just want to make sure we've covered this. I'm
8 pretty sure you said when you dropped Bryant McKnight off at
9 the pantry -- are you okay? Are you all right?

10 When you dropped Bryant McKnight off at the pantry, who
11 picked Bryant McKnight up?

12 A. Stephon Green.

13 Q. And who had the plastic bag?

14 A. Bryant.

15 Q. Jonathan, do you recognize State's Exhibit 18?

16 A. Yes, sir.

17 Q. Whose jacket, whose hoodie is that?

18 A. Bryant's.

19 Q. And you've seen him wear it before, correct?

20 A. Yes, sir.

21 Q. And as you testified to, the police came and got you on
22 February the 18th, that Tuesday night?

23 A. Yes, sir.

24 Q. And you gave them a voluntary statement?

25 A. Yes, sir.

1 Q. And you weren't under arrest that night, were you?

2 A. No.

3 Q. Did you tell them the whole truth that night?

4 A. No, sir.

5 Q. Why not?

6 A. Because they only knew about Bryant. Jerry was still
7 out there, and I got a family.

8 Q. In fact, Jerry was where that night?

9 A. He was at my house waiting on me to come back.

10 Q. So the person you made sure not to tell law enforcement
11 about was Jerry McKnight, right?

12 A. Yes, sir.

13 Q. Ever been in trouble before that night?

14 A. No, sir.

15 Q. In fact, however, now you're charged with obstruction of
16 justice and accessory after the fact, aren't you?

17 A. Yes, sir.

18 Q. Because you didn't tell law enforcement the truth,
19 right?

20 A. Yes, sir.

21 Q. You admit that?

22 A. Yes, sir.

23 Q. And you have a lawyer?

24 A. Yes, sir.

25 Q. Byron Gibson, he was in the courtroom earlier, but he's

1 your lawyer?

2 A. Yes, sir.

3 Q. And there have been no deals for your testimony, have
4 there?

5 A. No, sir.

6 Q. We haven't even talked about your charges, have we?

7 A. No, sir.

8 Q. Did you voluntarily come back, though, and give law
9 enforcement another statement the very next day on
10 February the 19th, that Wednesday?

11 A. Yes, sir.

12 Q. And even though you weren't telling the truth, the
13 complete truth -- I mean the police the complete truth on
14 Tuesday and still everything on Wednesday, did you let them
15 search your house if they wanted to search your house?

16 A. Yes, sir. And my car too.

17 Q. And your car?

18 A. Yes, sir.

19 Q. No search warrant or anything, you let them do it?

20 A. Yes, sir.

21 Q. And did you tell them, though, however, on Wednesday the
22 19th about Jerry McKnight being involved as well?

23 A. Yes, sir.

24 Q. And then you gave -- law enforcement asked you for
25 another statement. That first statement on February 19th was

1 about 8:24 p.m. Did you give another one at 10:16 p.m. that
2 same day?

3 A. I believe so, yes, sir.

4 Q. And did you tell them in those statements that you saw
5 both defendants shoot the victim?

6 A. Yes, sir.

7 Q. That they were both involved in the murder of the
8 victim?

9 A. Yes, sir.

10 Q. And you told them about dropping Bryant off at the
11 pantry on the 19th?

12 A. Yes, sir.

13 Q. And did you tell them about Jerry intimidating you?

14 A. Yes, sir.

15 Q. Well, why didn't you tell them that night, on the 19th,
16 one thing that you admit you didn't tell them was the
17 location of the murder?

18 A. Yes, sir.

19 Q. Why didn't you tell them the truth about that on the
20 19th?

21 A. Just being an idiot, just being dumb, but I was also
22 scared at the same time. I never been in that situation
23 before.

24 Q. But did you clarify that with Investigator
25 Stanley Graham on the 24th, that Monday?

1 A. Yes, sir.

2 Q. And did you show him exactly where they murdered

3 Kymmara Randolph?

4 A. Yes, sir.

5 Q. In fact, do you recognize State's Exhibit 33?

6 A. Yes, sir.

7 Q. What do you recognize -- who do you recognize that to

8 be?

9 A. That's me, Lieutenant Graham and I guess his other name
10 is Pat.

11 Q. Pat Regalis?

12 A. Yes, sir.

13 Q. And is that you showing them where the murder took
14 place?

15 A. Yes, sir.

16 Q. On the 24th?

17 A. Yes, sir.

18 MR. PASCOE: I'd ask that State's Exhibit 33 be admitted
19 into evidence, Your Honor.

20 THE COURT: Any objection?

21 MR. BANKS: No, Your Honor.

22 MR. LEIENDECKER: No.

23 THE COURT: It's in.

24 (State's Exhibit 33 admitted into evidence.)

25 MR. PASCOE: Thank you.

1 Q. You took them down to Stiffmire Road where the murder
2 took place?

3 A. Yes, sir.

4 MR. PASCOE: Beg the Court's indulgence.

5 Q. The person who came to your house every single day after
6 this murder and told you to keep your mouth shut, do you see
7 him here in the courtroom today?

8 A. Yes, sir.

9 Q. Could you point him out for the jury?

10 A. (Indicating).

11 Q. Is he wearing the yellow shirt, Jerry McKnight?

12 A. Yes, sir.

13 Q. You saw him murder Kymmara Randolph?

14 A. Yes, sir.

15 Q. And the other person that you saw murder
16 Kymmara Randolph, is he in the courtroom today?

17 A. Yes, sir.

18 Q. Point him out for the jury, please.

19 A. (Indicating).

20 Q. Is he wearing the sweater?

21 A. Yes, sir.

22 Q. Bryant McKnight?

23 A. Yes, sir.

24 MR. PASCOE: Thank you, Jonathan. Answer any questions
25 defense counsel has for you, please.

1 THE COURT: Mr. Leiendecker.

2 MR. LEIENDECKER: Thank you, Your Honor.

3 CROSS-EXAMINATION BY MR. LEIENDECKER:

4 Q. Jonathan, if I understand your testimony, on the 13th of
5 February, you got a call from Bryant McKnight to come pick
6 you and a young lady up that was Kymmara Randolph; is that
7 correct?

8 A. Yes, sir.

9 Q. And this is one of the people that you testified to that
10 you knew but you weren't very close with, correct?

11 A. Yes, sir.

12 Q. So out of the blue, Bryant McKnight, who you're not
13 close with, calls you to come pick him up and leave the home
14 where you're comfortably with your girlfriend, and you do it?

15 A. It's my first cousin. Why wouldn't I?

16 Q. That's what I'm asking: Why would you?

17 A. I mean, that's my cousin.

18 Q. Okay. So you go and pick him up. And your testimony is
19 that he asks you to go to your grandmother's house,
20 Carolyn McKnight; is that correct?

21 A. Yes.

22 Q. And where's Carolyn McKnight live?

23 A. Across the street from the old John Ford School.

24 Q. On Agnes Street?

25 A. Yes.

1 Q. And she lives in an apartment there, right?

2 A. Yes.

3 Q. And that apartment's surrounded by chain link fence out
4 front, and they're nice apartments, right?

5 A. Yes.

6 Q. And so where did you park?

7 A. On the side of the road where everybody else parks.

8 Q. In front of the apartments?

9 A. Yes, on the side. It's not in front.

10 Q. On the side of Agnes Street or on one of the side
11 streets?

12 A. No, on the side of the fence. You know where the fence
13 is at, right?

14 Q. Yes, sir.

15 A. I parked along the side of the fence where everybody
16 else parks at.

17 Q. Okay. So just off the road beside the fence?

18 A. Yes.

19 Q. All right. And it's your testimony that Bryant McKnight
20 got out on February 13th and went into the house?

21 A. Yes.

22 Q. And then Bryant McKnight was in there for a period of
23 time, not just a couple minutes, right?

24 A. Yes.

25 Q. And when he came back out, he came out with a book bag

1 and Jerry McKnight, correct?

2 A. Correct.

3 Q. Now, your defense to your lies to the police today are
4 that you were afraid, right?

5 A. Yes. It's not a lie; it was a fact.

6 Q. It's not a lie. That's not a lie. What you told the
7 police was a lie?

8 A. Yes, the location.

9 Q. Well, let's start with what you told them on the 18th.
10 You didn't say anything about Jerry McKnight, right?

11 A. Yes. I didn't.

12 Q. You told them that you picked up Bryant McKnight and the
13 young lady, right?

14 A. Yes, sir. I didn't say nothing about Jerry.

15 Q. And you didn't say anything about Bryant McKnight
16 shooting anybody on the 18th, right?

17 A. No, sir.

18 Q. In fact, at that point you said you could have said
19 something about Bryant McKnight because he was the one that
20 they already had. That's what you said. You were worried
21 about the guy they didn't have, right?

22 A. Yes.

23 Q. So why didn't you tell them about Bryant McKnight on the
24 18th?

25 A. Because they already had him. Maybe they already got

1 what they needed from him.

2 Q. So you didn't need to tell them the truth then?

3 A. They didn't ask me.

4 Q. They didn't ask you what happened on the 13th?

5 A. Yes, they did.

6 Q. Come on, Mr. McKnight.

7 A. You come on.

8 Q. What -- why didn't you tell them what happened on the
9 13th?

10 A. I don't know. I was scared. Have you ever been in the
11 situation? Would you come out and tell?

12 THE COURT: Mr. McKnight, you're not allowed to ask
13 questions. You can answer the question and then explain,
14 okay.

15 THE WITNESS: Yes, ma'am.

16 Q. Never been in trouble before. You're in trouble now,
17 aren't you?

18 A. Yes, sir.

19 Q. You've got a lawyer, don't you?

20 A. Yes, sir.

21 Q. All right. These aren't hard questions. If I ask
22 compound questions you don't understand, please let me know
23 and I'll rephrase them, all right?

24 So on February 18th, you went to the police station and
25 you told them that you picked up --

1 A. Bryant.

2 Q. -- your cousin Bryant McKnight and the girl?

3 A. Yes, sir.

4 Q. And that you took them and dropped them off and that's
5 the last you saw of them, correct?

6 A. Yes, sir.

7 Q. Then you later told them on the next day, the 19th, that
8 you picked them up and that you went and got Jerry. But
9 where did you tell them you got Jerry?

10 A. At my grandmother's house.

11 Q. No. Didn't you tell them at Deer Meadow?

12 A. On my second statement?

13 Q. Yes. Told them you went to their mama's house out on
14 Deer Meadow, right?

15 A. Yes, sir.

16 Q. Johnnie Mae?

17 A. Yes, sir.

18 Q. That's a lie. At least you're saying now that's a lie,
19 right?

20 A. Yes, sir.

21 Q. And at some point you told the police, while they still
22 suspect you about being involved, that the murder took place
23 at Deer Meadow, right?

24 A. Yes, sir.

25 Q. Did you show them where the murder took place out there?

1 A. No, sir.

2 Q. Did they get a search warrant, do you know, to search
3 Deer Meadow?

4 A. I don't know.

5 Q. Okay. Then you go back to the police in your third
6 statement, and you tell them you picked up Bryant and you
7 picked up the girl and you went to your grandma's house. In
8 a third and fourth statement, that's where you went, right?

9 A. Yes.

10 Q. Okay. Story's still evolving, isn't it?

11 A. Yes.

12 Q. And at this point, they don't believe you regarding Deer
13 Meadow anymore, do they?

14 A. No, sir.

15 Q. And they told you they didn't believe you?

16 A. Yes, sir.

17 Q. They told you you were lying to them?

18 A. Yes, sir.

19 Q. They told you they had searched there and there was
20 nothing there?

21 A. Yes, sir.

22 Q. And so now you're back further into a corner. You've
23 told at least three statements that are lies to them, right?

24 A. Yes, sir.

25 Q. And so now they've got you pinned, and all you can do at

1 this point is tell them that you picked up Jerry with Bryant
2 at your grandma's house, Carolyn McKnight, and that the
3 murder took place on Stiffmire Road, right?

4 A. Yes.

5 Q. And so finally on the 24th, almost a week later after
6 you first started talking to them, you're honest with them
7 about where the murder took place?

8 A. Yes, sir.

9 Q. You knew the murder took place there because you were
10 there, right?

11 A. Yes.

12 Q. You knew the murder took place there because you knew
13 all the details about it, right?

14 A. No, sir.

15 Q. You were able to walk them right to where the body was,
16 right?

17 A. Yes, sir.

18 Q. Where it had been, right?

19 A. Yes, sir.

20 Q. Yet in your statements, you said you didn't really know.
21 You just saw them, the guys that were with you, drag the body
22 off.

23 A. Well, it was right there. How could I not see?

24 Q. I don't know. You didn't tell the police that.

25 And then you tell them that you drove back to the

1 pantry; is that right?

2 A. Yes.

3 Q. Who rode back to the pantry with you?

4 A. Bryant and Jerry.

5 Q. Okay. And what happened when you got to the pantry?

6 A. I dropped Bryant off.

7 Q. And? What happened to Jerry?

8 A. He stayed in the car. I dropped him off at my grandma's
9 house.

10 Q. So your testimony is you picked him up at your grandma's
11 house and you dropped him off at your grandma's house; is
12 that right?

13 A. Yes, sir.

14 MR. LEIENDECKER: I don't have any further questions.
15 Thank you.

16 THE COURT: Mr. Banks?

17 MR. BANKS: Thank you, Your Honor. Please the Court.

18 CROSS-EXAMINATION BY MR. BANKS:

19 Q. Jonathan, you go by Jon-Jon sometimes?

20 A. Yes, sir.

21 Q. Just in the street or does anybody call you that --

22 A. That's what everybody call me. That's my nickname.

23 Q. I want to pick up about where Mr. Leiendecker left off.

24 You took -- finally, finally, after all these visits with the
25 police, you took the police finally to the spot, to the very

1 spot that Kymmara died; is that right?

2 A. Right.

3 Q. And then you took them to the very spot where she was
4 dragged to; is that right?

5 A. Yes.

6 Q. But the body wasn't there anymore at that point, right?

7 A. No.

8 Q. So -- and I believe the night of February 13th, 2014, it
9 was very icy outside, wasn't it?

10 A. Yes, sir.

11 Q. And I know ice and all that seems to change the
12 landscape, doesn't it? Doesn't it look a lot different?

13 A. Yes.

14 Q. And I believe Stiffmire Road, there isn't a light --
15 there's no light?

16 A. No, sir.

17 Q. None. No houses, no street lights, nothing; is that
18 right?

19 A. Yes.

20 Q. And on Stiffmire at this spot, I believe that evening
21 was even overcast. Do you remember seeing any moon
22 whatsoever or any stars?

23 A. No, sir.

24 Q. Because it was that ice storm, right?

25 A. Yes, sir.

- 1 Q. So it was very dark on Stiffmire Road; am I correct?
- 2 A. Yes, sir.
- 3 Q. All right. Then how could you -- you sat in the car
- 4 seat the entire time, right, in the driver's seat?
- 5 A. Yes, sir.
- 6 Q. And were all the doors shut when --
- 7 A. No, sir. Only door was shut was the passenger door.
- 8 Q. So there was a dome light. Was there a dome light?
- 9 Inside the car was there a light on?
- 10 A. Yes, sir.
- 11 Q. Okay. Was your foot on the brake?
- 12 A. No.
- 13 Q. So there wasn't any brake lights illuminating what was
- 14 going on behind the car?
- 15 A. No.
- 16 Q. Okay.
- 17 A. My lights was on on my car, though.
- 18 Q. The lights were on. So there might have been running
- 19 lights or whatever on the back?
- 20 A. Yes, sir.
- 21 Q. Okay. Little red lights or whatever?
- 22 A. Yes, sir.
- 23 Q. So you said, I believe, that you saw Jerry McKnight drag
- 24 the body by himself out into the woods somewhere?
- 25 A. Yes, sir.

1 Q. If Jerry did that, how could you take the police
2 straight to the spot that it was drug?

3 A. I know right where it was at, my back door was open.

4 Q. But it's dark out there.

5 A. I still can remember it. How can you not remember
6 somewhere you been?

7 Q. It was icy out there.

8 A. Like I said, how can you not remember somewhere you
9 been?

10 Q. How far from the car was the body drug?

11 A. Maybe a foot.

12 Q. A foot? Not where the body was -- not where she was
13 killed. Where was it drug to?

14 A. After she was killed?

15 Q. Yes.

16 A. Maybe a foot, I don't know. I'm not a tape measure.

17 Q. A foot?

18 A. I don't know. It wasn't far.

19 Q. This is the picture, I believe -- is this the photograph
20 that you identified yourself in?

21 A. Yes, sir.

22 Q. All right. And where was the car parked in that
23 photograph?

24 A. My car?

25 Q. Yes.

1 A. Maybe on just the -- on the road.

2 Q. Well, I thought you said the body was drug about a foot.

3 A. I don't know. Maybe that's what I said. Maybe it was a
4 foot. I don't know the exact measure.

5 Q. Do you see any sign of the road, of Stiffmire Road in
6 this photograph?

7 A. No. Because the picture's taken from the road.

8 Q. But you said the body was drug a foot. I don't mean
9 where she was killed. You said Jerry drug her away from the
10 car after she was killed.

11 A. Yes.

12 Q. Does that look a foot away from the car? How did you
13 know it was out there in the dark where this spot was?

14 A. I seen it happen.

15 Q. Did you drag her into the woods?

16 A. No.

17 Q. Then how did you know where this spot was?

18 A. Because I seen it.

19 Q. In the dark, in the ice?

20 A. Yes, sir.

21 Q. Away from all lights.

22 Now, you said after you all got to the grandmother's
23 house and Jerry came into the car, from that moment on, from
24 the time that Jerry came on the scene, got in the car, who
25 was in charge? Who appeared to be in charge, Jerry or

1 Bryant?

2 A. Jerry, because I was taking him to his girlfriend house.

3 I didn't know where I was going. He had to direct me.

4 Q. Yes, he directed you, right?

5 A. Yes.

6 Q. He told you where to go. Did Bryant say anything?

7 A. No, sir.

8 Q. Did Bryant indicate -- give you any instructions at all?

9 A. No, sir.

10 Q. Did Bryant talk to you?

11 A. No, sir.

12 Q. Then I believe you said Jerry was the first one to get
13 out of the car when you all stopped out there on Stiffmire?

14 A. Yes, sir.

15 Q. Did Jerry say anything to you?

16 A. Say he had take a piss.

17 Q. Okay. And when he got out, he opened the back door; is
18 that correct?

19 A. Yes, right.

20 Q. And then he -- he just asked her to get out or he told
21 her to get out. What did he say? Do you remember?

22 A. "Can you get out? Can I speak to you for a minute?"

23 Q. Okay. So he asked her to get out?

24 A. Yes.

25 Q. And she said "no"?

1 A. Yes.

2 Q. Is that the first moment she looked afraid?

3 A. Yes.

4 Q. Or did she look afraid?

5 A. Yes.

6 Q. She did?

7 A. Yes.

8 Q. And so before that, before Jerry said those words, she
9 didn't appear to be fearful of anybody or anything?

10 A. No, sir.

11 Q. Okay. And she refused -- so you allowed -- I mean, so
12 Bryant got out of the car; is that right?

13 A. Yes.

14 Q. And he spoke to her?

15 A. Yes.

16 Q. And he asked or told her to get out of the car?

17 A. He was like, "Kym, so you're not going get out?"

18 Q. He what?

19 A. He said, "Kym, so you're not going to get out?"

20 Q. So he just reflected that she said she wasn't getting
21 out, and he acknowledged that; is that right?

22 A. Yes, sir.

23 Q. And then I think you said the next thing was that the
24 two kind of looked at each other and they went around to the
25 back of the car?

1 A. That was before.

2 Q. Okay. Tell me about that. Did it appear Jerry directed
3 Bryant to the back of the car or Bryant directed Jerry to the
4 back of the car?

5 A. I don't know.

6 Q. You don't know. Could you hear what they were talking
7 about?

8 A. No, sir.

9 Q. Did it appear that Bryant was reluctant to participate
10 in what was about to occur?

11 A. Say that again.

12 Q. Did it appear that Bryant was reluctant to
13 participate --

14 A. What's reluctant?

15 Q. -- with Jerry's --

16 A. Can you tell me --

17 Q. -- direction?

18 A. Can you tell me, like, what's reluctant mean?

19 Q. I'm sorry. You said Jerry was in charge; is that right?
20 He appeared to be in charge?

21 A. Yes. Because he was directing me to his girlfriend's
22 house.

23 Q. Right.

24 A. Yes.

25 Q. And at some point when they first talked outside the

1 car, it was outside the car they first kind of talked; is
2 that right?

3 A. Yes.

4 Q. When they talked, did it appear from your -- whatever
5 you could hear and see, did it appear that Jerry was forcing
6 Bryant to do something or Bryant was arguing to do something
7 to make Jerry do something? What could you tell -- what
8 could you tell from that conversation?

9 A. Couldn't tell nothing.

10 Q. So who was doing most of the talking?

11 A. Jerry.

12 Q. Jerry was. And who had the more forceful voice? Who
13 was -- was there any difference in the tone or the loudness
14 of their voice?

15 A. No.

16 Q. Okay. So Jerry did most of the talking?

17 A. Yes.

18 Q. Did Bryant say anything?

19 A. Only thing he asked her was she gone get out.

20 Q. No, I mean to Jerry, when they were talking.

21 A. I didn't hear them when they went back to the car.

22 Q. But could you hear that he -- not what he said, that he
23 said anything?

24 A. No, sir.

25 Q. Okay. But you heard Jerry talking?

1 A. Yes.

2 Q. And then at that point after they had that discussion,
3 the next thing you said was that basically Jerry snatched her
4 out of the car?

5 A. Yes, they came back after her, snatched her.

6 Q. Okay. What was Bryant doing at that point?

7 A. They both were standing in my back passenger door.. They
8 both standing in the doorway.

9 Q. Okay. In which doorway?

10 A. The back, back driver doorway (indicating).

11 Q. Back driver's doorway? They were both on that side?

12 A. Yes, sir.

13 Q. And I believe Jerry -- well, if he snatched her out, he
14 must have been in the doorway itself?

15 A. Yes, sir.

16 Q. Where was Bryant then?

17 A. A little bit behind him.

18 Q. He was behind him?

19 A. Yes, sir.

20 Q. Was he doing anything, pointing a gun or anything?

21 A. I didn't see him do anything.

22 Q. Okay. Did you see a gun on Bryant that night?

23 A. Did I see it on him?

24 Q. Yes.

25 A. No, sir.

1 Q. You didn't see a gun on Bryant that night?

2 A. No, sir.

3 Q. And did you see the gun at this point?

4 A. No, sir.

5 Q. So you hadn't seen any guns?

6 A. No, sir.

7 Q. Okay. So Bryant's behind Jerry. Was he touching Jerry,
8 trying to grab his collar or anything?

9 A. I don't know.

10 Q. You couldn't see it or you weren't looking?

11 A. I couldn't see.

12 Q. Okay.

13 A. How the doors open, I couldn't see.

14 Q. Okay.

15 A. If my door was open, his back door was open, couldn't
16 see.

17 Q. It was kind of blocked by the door?

18 A. Yes, sir.

19 Q. Gotcha.

20 So when Jerry -- you said Jerry drug her out the car.
21 Was she kicking and screaming and all that?

22 A. No, sir. I guess she was shell shocked because he
23 snatched her so fast.

24 Q. And did he snatch her onto the ground or did he lift her
25 up? What happened?

1 A. Guess he snatched her onto the ground.

2 Q. And then that's when he drug her around to the back of
3 the car?

4 A. Yes, sir.

5 Q. What did Bryant do? He had to get out of Jerry's way to
6 do that; is that right?

7 A. Yes, sir. Just standing there.

8 Q. So he was sort of in that -- almost that same spot?

9 A. Yes, sir.

10 Q. And so Jerry drug the girl around behind the car?

11 A. It wasn't behind, directly behind it.

12 Q. Okay.

13 A. It was behind the car but still on the side.

14 Q. Yes, not right behind the lights of the car?

15 A. No, sir.

16 Q. Not behind the trunk of the car?

17 A. No, sir. I couldn't see then. I wouldn't know who shot
18 her then.

19 Q. So it was off to the side?

20 A. Yes.

21 Q. And behind the last edge of the car?

22 A. Yes, sir.

23 Q. Okay. And at that point, I believe you said that he --
24 I believe used the word -- did you say "unloaded" on her; is
25 that what you said?

1 A. Yes, sir.

2 Q. Is that the first point you saw any gun?

3 A. Yes, sir.

4 Q. Okay. So did you see what the gun looked like?

5 A. Yes, sir.

6 Q. And what did it look like?

7 A. It was a black and white revolver with a pearl handle.

8 Q. You said that Jerry unloaded. What does that mean? How
9 many shots is that?

10 A. I don't know how many took.

11 Q. I'm sorry?

12 A. However much the gun had hold.

13 Q. Well, how do you know whether he shot half the bullets
14 in the gun?

15 A. No, Bryant unloaded.

16 Q. Bryant unloaded the gun?

17 A. Yes, sir.

18 Q. Okay. Well, how did he get the gun?

19 A. Jerry handed it to him.

20 Q. Now, did they have any discussion after Jerry fired
21 those bullets?

22 A. Yes, sir. He was like, "You gone do this bitch too."

23 Q. Jerry told him, "You're gonna do this" --

24 A. "You're gone do this bitch too."

25 Q. Jerry told him that?

1 A. Yes, sir.

2 Q. Now, at that point, I believe in one of your statements
3 you said that you were freaking out?

4 A. I was.

5 Q. And didn't you -- you said something to somebody, to
6 Jerry, I think it was. What did you say?

7 A. I was like, you know, "What is you all doing? Why
8 didn't you all ain't tell me you all was coming to do this?"

9 Q. And that came after Jerry shot the girl?

10 A. Yes.

11 Q. Okay. So when you say "you all," you didn't say
12 "Jerry," you said "you all"?

13 A. Yes, sir.

14 Q. Okay. So you said, "You all didn't tell me you all were
15 gone do this."

16 And then who had the gun at that point?

17 A. Bryant.

18 Q. Bryant had the gun?

19 A. Because he had handed to him already.

20 Q. So he had already handed Bryant the gun?

21 A. Yes, sir.

22 Q. And when -- you know, I believe one of your statements
23 you said that Jerry pointed the gun at you?

24 A. Yes. I asked him -- I was saying, "What are you all
25 doing," because after I heard the shots, I started panicking.

1 Like I stuck my head out of the car, "What the hell is going
2 on? What are you all doing?"

3 He pointed the gun, "Get back in the car."

4 Q. So Jerry had the gun before he gave it to Bryant.

5 A. Yes, sir.

6 Q. And pointed it at you?

7 A. Yes, sir.

8 Q. All right. So let me get this straight. Jerry
9 essentially threatened Bryant that "You gone do this bitch
10 too"?

11 A. Yes.

12 Q. Is that right?

13 A. Yes, sir.

14 Q. But before he gave him the gun, Jerry pointed the gun at
15 you --

16 A. Yes, sir.

17 Q. -- because you were freaking out?

18 A. Yes, sir.

19 Q. I believe you threatened to leave; is that right?

20 A. Yes, sir.

21 Q. You threatened to leave them on the side of the road
22 there?

23 A. Yes, sir.

24 Q. He pointed the gun at you and said what?

25 A. "You ain't going nowhere. Get your ass back in the

1 car."

2 Q. Did you get out of the car?

3 A. No. My head was out of the car.

4 Q. Okay. So after he shot the girl, you say this stuff.

5 He points the gun at you. Then you say he threatens my

6 client and hands him the gun?

7 A. Yes, sir.

8 Q. Okay. Did he order him to unload the gun?

9 A. No, sir.

10 Q. He just told him, "You better shoot her too"?

11 A. Yes, sir.

12 Q. Could you tell from your vantage point if the girl was

13 shot in the chest or the head or anywhere?

14 A. I couldn't tell.

15 Q. Okay. I mean, Jerry could have been shooting the ground

16 for all you know?

17 A. Yes, sir.

18 Q. In fact, what direction was he pointing that gun?

19 A. Down (indicating).

20 Q. Down. So she was on the ground, okay. Do you know if

21 she was face up or face down?

22 A. No, sir.

23 Q. Okay. Jerry -- Bryant unloaded the gun, right?

24 A. I don't know how many times Bryant shot, but I know

25 Jerry unloaded.

1 Q. No, I don't mean unloaded the gun on her. You said
2 Bryant actually --

3 A. Yes, he unloaded the bullets --

4 Q. -- took the bullets out of the gun?

5 A. -- and put new bullets in.

6 Q. And where did those bullets go?

7 A. I don't know.

8 Q. Okay.

9 A. I guess he kept them.

10 Q. So then he had to load the gun?

11 A. Yes, sir.

12 Q. Are you sure Jerry didn't load the gun?

13 A. No, sir.

14 Q. Okay. Bryant loaded the gun. Where did he get those
15 bullets from?

16 A. Guess he already had them in his pocket. I don't know.

17 Q. In his pocket. So did you see him reaching in his
18 pocket to get those bullets?

19 A. No, sir. All I seen was reloading.

20 Q. You also never saw Bryant, like, hand Jerry a gun?

21 A. No, sir.

22 Q. So when Jerry got out of the car that first time there
23 on Stiffmire, he already had the gun; is that right?

24 A. I guess so.

25 Q. Because you never saw Bryant give him one.

1 A. No, sir.

2 Q. Did you ever see Bryant go in that bag that he had that
3 you were talking about?

4 A. No, sir.

5 Q. I think a book bag or whatever?

6 A. Yes, sir.

7 Q. Never saw him go in there?

8 A. No, sir.

9 Q. So you never saw him pull a gun out?

10 A. No, sir.

11 Q. Okay. So then Bryant shoots her about -- I think one
12 time you said three times, two times, you know, four,
13 whatever?

14 A. It was quite a few, but I didn't count.

15 Q. Okay.

16 A. I wasn't sitting there counting.

17 Q. And you don't know how many bullets that gun holds, do
18 you?

19 A. No.

20 Q. And you think Jerry shot her about six times I think you
21 said in one of your statements; is that correct?

22 A. Yes, sir.

23 Q. And I know it happened fast and all that, but now, so
24 did Jerry threaten you again with the gun or any other way
25 after Bryant shot -- well, actually, after Bryant shot, as

1 you say, what happened next?

2 A. Jerry drug her over the side of the road.

3 Q. He what? Oh, Jerry.

4 A. Yes, sir.

5 Q. What did Bryant do?

6 A. He was just standing there watching.

7 Q. He just watched. So he wasn't getting involved in that?

8 A. No, sir.

9 Q. Okay. And then Jerry, I guess, comes back to the car?

10 A. Yes, sir.

11 Q. And what's the next thing Jerry said to you?

12 A. "This goes for anybody."

13 Q. And what did you take that to mean?

14 A. It mean he will kill anybody if he knew.

15 Q. So did Bryant threaten you?

16 A. No, sir.

17 Q. Did Bryant back Jerry up on that comment or anything?

18 A. No, sir. No, sir.

19 Q. And what's the -- I think maybe the only thing Bryant
20 said to you after --

21 A. Was, "Take me to the pantry."

22 Q. That's right. He didn't -- he wanted out of there just
23 as much as you did; is that right?

24 A. Yes, sir.

25 MR. LEIENDECKER: Objection, Your Honor. That calls for

1 speculation about what someone else thought or wanted.

2 THE COURT: Sustained.

3 Q. Jonathan, I think you gave four statements; is that
4 right?

5 A. Yes, sir.

6 Q. And you kind of hung on that one lie. You lied a ton in
7 the first statement. I mean, would you agree with that?

8 A. Yes, sir.

9 Q. You lied all over the place, right? And then you lied a
10 little less in the next statement, according to you, right?
11 But you held onto that Deer Meadow thing. Why? Why did you
12 keep going back to that this all happened at Deer Meadow?

13 A. I don't have an answer for you.

14 Q. I think you said this black hoodie thing here, you said
15 that who was wearing that?

16 A. That's Bryant's.

17 Q. And how do you know that that was Bryant's?

18 A. I mean, he wore that jacket all the time. That's the
19 only jacket he wore.

20 Q. But how do you know -- I mean, there's other jackets
21 that look like that.

22 A. That's the one I saw. That's the one he had on.

23 Q. What's your favorite soda?

24 A. Coke.

25 Q. Coke? Do you drink Sprite?

- 1 A. No.
- 2 Q. Mellow Yellow?
- 3 A. No.
- 4 Q. Mountain Dew?
- 5 A. Yes.
- 6 Q. You do drink Mountain Dew? Do you have -- do you drink
- 7 Seagram's Extra Dry Gin?
- 8 A. No. I drink brown, not white.
- 9 Q. You're strong.
- 10 A. Yes, sir.
- 11 Q. Derrick ever ride in your car?
- 12 A. No, sir.
- 13 Q. You said you kind of know who he is, right?
- 14 A. Yes, sir.
- 15 Q. Stephon ever ride in your car?
- 16 A. No, sir.
- 17 Q. Jamaal?
- 18 A. No, sir.
- 19 Q. Is Bryant right-handed or left-handed?
- 20 A. I don't know.
- 21 Q. You don't know. You saw him holding the gun, right?
- 22 A. Yes, sir.
- 23 Q. Left hand or right hand?
- 24 A. I think it was the left.
- 25 Q. Left.

1 And you say he was holding the gun that night. Was he
2 at this angle to you? I mean, if you were turned around and
3 looking through the mirror, if you're looking through the
4 mirror and he's at the back of the car, is he like this or is
5 he like that (indicating)?

6 A. He's like this (indicating), because the revolver, you
7 got to turn the gun sideways to put bullets in. So his hand
8 was like this (indicating).

9 Q. All right. Where's Bryant live?

10 A. Deer Meadow.

11 Q. He lived at Deer Meadow then?

12 A. Yes, sir.

13 Q. How do you know that?

14 A. That's my aunt house. I've been there before.

15 Q. That's your house?

16 A. My aunt's house.

17 Q. Oh, your aunt's house?

18 A. Yes, sir.

19 Q. Now, how do you know? You saw him change clothes there?

20 A. Yes, sir.

21 Q. Or he just would hang out there?

22 A. Yes, sir.

23 Q. How do you know he didn't just hang out there?

24 A. I mean, he had his own room there.

25 Q. Back in February of 2013?

1 A. Yes, sir.

2 Q. Do you know Sandra Hughes?

3 A. No, sir.

4 Q. Let me ask you this: Did you ever see Bryant wipe the
5 car down, like to get rid of fingerprints or anything?

6 A. My car?

7 Q. Yes.

8 A. No.

9 Q. After the -- after the --

10 A. No, sir.

11 Q. All right. So he didn't wipe -- he didn't wipe any
12 fingerprints off or anything?

13 A. No, sir.

14 Q. Was Bryant wearing gloves that night?

15 A. I don't recall.

16 Q. What kind of pants was he wearing?

17 A. I don't remember.

18 Q. Now, you don't remember the pants. You don't remember
19 gloves, but you remember that black hoodie?

20 A. Yes, it's big.

21 Q. It's big?

22 A. I mean, the hoodie -- like I told you, that's the only
23 hoodie jacket he wore. How could I not remember?

24 Q. Did you look inside the bag that Bryant brought out of
25 the house?

1 A. No, sir.

2 Q. Did it appear to be anything inside the garbage bags?

3 A. No, sir.

4 Q. Did Bryant use a cell phone that night?

5 A. Not the time he was with me, no.

6 Q. So you didn't see a cell phone on him?

7 A. No, sir.

8 Q. Okay. So did Jerry have a cell phone?

9 A. No, sir.

10 Q. So, you know, when Bryant got out of the car at the
11 house before -- basically when Jerry arrived on the scene,
12 when Bryant got out of the car, the girl was by herself with
13 you in the car?

14 A. Yes, sir.

15 Q. Did she express any fear?

16 A. No. We didn't have a conversation at all.

17 Q. Did she express any -- did she appear by her appearance
18 to be afraid of anything?

19 A. No, sir.

20 Q. Did she just look like she was chilling?

21 A. Yes, sir.

22 Q. And I think you said the first time you saw fear on her
23 face was when Jerry confronted her?

24 A. To get out.

25 Q. Yes, to get out.

1 And I apologize for being graphic, and I know this is a
2 very graphic thing that you say you've been through. I guess
3 when Jerry shot six times, he unloaded on her. He did that
4 pretty quickly; is that right?

5 A. Yes, sir.

6 Q. I mean, about four seconds, five seconds, ten seconds?

7 A. Well, the second after he pull it out, I would say maybe
8 three seconds.

9 Q. And how long did it take to empty the gun do you think?

10 A. Not long.

11 Q. Okay. Seconds, right?

12 A. Yes.

13 Q. Did she scream?

14 A. No, sir.

15 Q. After he shot her, was she moving?

16 A. No, sir.

17 Q. How much time between when he began shooting her do you
18 think -- and remember, I think you said there was threats and
19 guns pointed and all that kind of thing and you saying, you
20 know, you were leaving or whatever. How much time do you
21 think between the time that Jerry started shooting her and
22 you say Bryant started shooting her? Because he had to load
23 that gun, right?

24 A. Yes, sir.

25 Q. He had to unload it and load it?

1 A. Maybe about a couple minutes.

2 Q. A couple of minutes, okay. Could it have been three or
3 four minutes?

4 A. Yes, sir. Not very long, though.

5 Q. Could have been five minutes?

6 A. Yes. It wasn't long, though. It was a couple minutes.

7 Q. Okay. While they were in the car together before the
8 girl was shot, did Bryant and Jerry have a conversation?

9 A. No, sir. Jerry was in the front seat with me.

10 Q. And all he did was direct you?

11 A. Yes, sir.

12 Q. What do you want to happen today?

13 A. What do you mean what do I want?

14 Q. If you could do this all over again -- and you're trying
15 to make amends right now; is that what you're trying to do?

16 A. Yes, sir.

17 Q. What do you want the result for you to be today?

18 A. Be free.

19 Q. You want these charges off you, don't you?

20 A. Yes, sir.

21 Q. In fact, you got two charges, right, obstruction of
22 justice?

23 A. And accessory.

24 Q. And accessory after the fact to murder?

25 A. Yes, sir.

1 Q. And you want that to go away if you could, right?

2 A. Yes, sir.

3 Q. And you were interviewed four different times. On the
4 first time, did they -- did the police officers promise you
5 anything, like, "We'll help you any way we can," that kind of
6 thing?

7 A. No, sir. No, sir.

8 Q. Because you weren't in custody at that time?

9 A. No, sir.

10 Q. Right?

11 And then the second time you come along and they start
12 questioning you, who was that the second time? Do you
13 remember that?

14 A. Every time it was Lieutenant Graham. He never offered
15 me anything.

16 Q. He never offered you a thing?

17 A. No, sir.

18 Q. He didn't say, "I'll help you in any way"?

19 A. No, sir.

20 Q. He didn't offer you -- he didn't say, "I know you're
21 lying. We'll make it bad for you"? He didn't put any
22 pressure that way?

23 A. No, sir.

24 Q. And then I think was it the third statement, did your
25 attorney actually request a statement for you to give another

1 statement?

2 A. I didn't have an attorney until I got out of jail.

3 Q. Okay. All right. Do you know if they audio or
4 videotaped any of your statements?

5 A. No, sir, they didn't.

6 Q. They didn't or you don't know?

7 A. They didn't.

8 Q. How do you know that? They said it?

9 A. I mean, there wasn't no video recorder or nothing there.

10 MR. BANKS: One moment, Your Honor.

11 No further questions, Your Honor.

12 THE COURT: Any redirect?

13 MR. PASCOE: Just very briefly, Your Honor. Thank you.

14 REDIRECT EXAMINATION BY MR. PASCOE:

15 Q. Jonathan, you already testified that Jerry McKnight came
16 to see you just about every day after the murder, right?

17 A. Yes, sir.

18 Q. Okay. You were asked questions and specifically I'm
19 going to ask you about your second statement that you gave on
20 Wednesday, February the 19th.

21 A. Yes, sir.

22 Q. And that was the statement where you finally told the
23 police about Jerry McKnight's involvement, correct?

24 A. Correct.

25 Q. And did you also tell them other truthful information,

1 such as things that Jerry informed you of after the murder?

2 A. Yes, sir.

3 Q. And specifically did you tell the police on Wednesday
4 the 19th at 6:00, Investigator Graham, what Jerry McKnight
5 told you he did with the body?

6 A. Yes, sir.

7 Q. Let me show you this to refresh your memory. What did
8 you tell police that Jerry told you he did with the body on
9 the 19th?

10 A. He had Derrick Sumter take him to the Four Holes.

11 Q. He didn't give you the name, though, did he?

12 A. No, sir.

13 Q. Okay. Read exactly what you told police that day.

14 A. Two days after, Jerry told me that Bryant got somebody
15 to take him back to the body and take the body and drop it in
16 the swamp in the Four Hole area.

17 Q. That's actually two days before, and you don't even know
18 this, but before they picked up Derrick Sumter?

19 A. Yes, sir.

20 Q. And did you also tell law enforcement on the 19th about
21 Jerry threatening you and others?

22 A. Yes, sir.

23 Q. As you've already testified about?

24 A. Yes, sir.

25 MR. PASCOE: That's all I have. Thank you, Your Honor.

1 THE COURT: You may step down, sir. Thank you.

2 Ladies and gentlemen of the jury, this might be a good
3 time to take our afternoon break. Let's take about a
4 15-minute recess and let us know when you're ready.

5 (The jury retires to the jury room at 3:23 p.m.)

6 (Recess held.)

7 THE COURT: Parties ready to proceed?

8 MR. PASCOE: Yes, ma'am.

9 MR. BANKS: Yes, ma'am.

10 THE COURT: All right. Let's have our jury, please.

11 (The jury enters the courtroom at 3:44 p.m.)

12 THE COURT: You may call your next witness.

13 MR. PASCOE: Thank you, Your Honor. Jessica Barnes.

14 CLERK OF COURT: Place your left hand on the Bible and
15 raise your right hand for me, please.

16 JESSICA BARNES,
17 being first duly sworn, testified as follows:

18 CLERK OF COURT: Please state your full name for the
19 record, please.

20 THE WITNESS: Jessica Barnes.

21 CLERK OF COURT: Have a seat. Pull the mike close to
22 you.

23 THE COURT: Your witness.

24 MR. PASCOE: Thank you, Your Honor.

25 DIRECT EXAMINATION BY MR. PASCOE:

1 Q. Good afternoon, Jessica.

2 A. Hey.

3 Q. How old are you?

4 A. I'm fine.

5 Q. How are you? You're fine?

6 A. Yes.

7 Q. Okay. How old are you, Jessica?

8 A. 21.

9 Q. When you get a little older, I'll stop asking that
10 question.

11 All right. How far did you go in school?

12 A. I graduated.

13 Q. From Calhoun County High?

14 A. Yes, sir.

15 Q. And where do you currently work?

16 A. The Easy Shop on Columbia Road.

17 Q. How long have you been there?

18 A. Since November.

19 Q. And where did you work before that?

20 A. The BI-LO in St. Matthews.

21 Q. And where do you live?

22 A. 115 Oriole Circle.

23 Q. And where is Oriole Circle in relation to the
24 courthouse?

25 A. Down the street (indicating).

1 Q. Okay. About less than a mile, about a mile?

2 A. Like a mile.

3 Q. Okay. Pretty close?

4 And who do you live with?

5 A. Jonathan, my son and my mom.

6 Q. When you say "Jonathan," Jonathan McKnight?

7 A. Yes.

8 Q. How long have you and Jonathan been together?

9 A. Almost four years now.

10 Q. How long have you actually lived together?

11 A. Like a year and a half, close to two.

12 Q. And do you have any children?

13 A. Yes.

14 Q. And how old is your child?

15 A. Eight months, about to be nine months.

16 Q. What's his name?

17 A. Jonathan McKnight.

18 Q. Do you know the defendants, Bryant and Jerry McKnight?

19 A. Yes, sir.

20 Q. And how well do you know them?

21 A. No, not well.

22 Q. Would they hang out at your house a lot before

23 February of 2014?

24 A. No, sir.

25 Q. Does Jonathan hang -- was he hanging out with them a lot

1 back then?

2 A. No, sir.

3 Q. At all really?

4 A. No, sir.

5 Q. Do you know Jamaal Pearce?

6 A. Know of him.

7 Q. Was Jonathan or did you hang out with Jamaal Pearce back
8 then?

9 A. No, just know the name.

10 Q. James Keller, do you know him?

11 A. I know of him.

12 Q. Is that somebody that would hang out at you all's house?

13 A. No, sir.

14 Q. Do you even know Stephon Green?

15 A. No, sir.

16 Q. Do you even know Derrick Sumter?

17 A. No, sir.

18 Q. None of those people would hang out at your house?

19 A. No, sir.

20 Q. Where was Jonathan working back in February of last
21 year?

22 A. Webb Carroll Training Center.

23 Q. Okay. Working with the horses there?

24 A. Yes, sir.

25 Q. And how often would he work?

1 A. Seven days a week.

2 Q. When would he get home usually?

3 A. The normal time was 5:00, but if Webb Carroll wanted
4 them to work longer, they would work longer, sometimes until
5 7:00.

6 Q. So it wasn't unusual for him to get home even after
7 7:00?

8 A. No, sir.

9 Q. Back in February of last year, were you pregnant?

10 A. Yes, sir.

11 Q. Let me ask you this now: Did anyone start coming to
12 your house around Friday, February 15th; Saturday; Sunday;
13 Monday; Tuesday?

14 A. Yes, sir.

15 Q. And who was that?

16 A. Jerry.

17 Q. When you say "Jerry," the defendant Jerry McKnight?

18 A. Jerry McKnight.

19 Q. Tell the jury a little bit about that. And was that
20 unusual for him to come at that time?

21 A. It was unusual for him to come every day at 5:00.

22 Q. Tell the jury about what he would do when he would come.

23 A. He would just come promptly at 5:00 and just knock on
24 the door ask was Jonathan home or did he get off of work yet,
25 and I'd say "no." And he'll just be like, "Okay. Well, I'm

1 just going to wait out here for him," so he'll just go sit on
2 his car.

3 Q. Is that what he did; he waited for Jonathan?

4 A. Yes, sir.

5 Q. And then when Jonathan got home every day those days,
6 what would they do?

7 A. He wouldn't let him in the house. He would keep him
8 outside and talk to him around the back.

9 Q. And that was every day that week?

10 A. Every day, yes, sir.

11 Q. How did that make you feel with Jerry McKnight coming to
12 the house every day?

13 A. A little nervous. I was just really wondering why he
14 came every day at 5:00 just to talk to John.

15 Q. And when you were home the first day that Jonathan went
16 with law enforcement to give a statement on February the
17 18th?

18 A. Was I home?

19 Q. Were you home then?

20 A. Yes, sir.

21 Q. And who else was there that day?

22 A. Jerry was outside waiting on John to get home.

23 Q. The defendant Jerry McKnight in the yellow shirt?

24 A. Yes, sir.

25 MR. PASCOE: Beg the Court's indulgence, Your Honor.

1 Q. You didn't hear any of the conversations between
2 Jonathan or Jerry McKnight, did you?

3 A. No, sir.

4 MR. PASCOE: Answer any questions defense counsel has
5 for you, okay?

6 THE WITNESS: Okay.

7 THE COURT: Cross-examination.

8 CROSS-EXAMINATION BY MR. LEIENDECKER:

9 Q. Ms. Barnes, the house on Oriole Circle, back in 2014,
10 back in February, Peter Smith lived there as well, right?

11 A. Yes.

12 Q. And Peter Smith is who?

13 A. Jonathan's uncle.

14 Q. Jonathan's uncle. And he and Jerry are closer in age,
15 right?

16 A. Yes. Well, he's older than Jerry.

17 Q. Right.

18 A. But yes. Yes, sir.

19 Q. Jonathan and Jerry are not close in age.

20 And all those times that you were living there, you
21 never saw Jerry come over and visit with Peter?

22 A. He did. But the question Mr. Pascoe asked me was it
23 unusual him to come every day at 5:00.

24 Q. I understand that. But when we started the testimony,
25 you said he wasn't at your house very often, but that's not

1 really true. He used to come over and he and Peter would
2 hang out?

3 A. Yes, sir, but it wasn't every day.

4 Q. No, but they'd do things like smoke dope together,
5 right?

6 A. Yes, sir.

7 Q. And they'd do that at Oriole Circle, correct?

8 A. Yes, sir. Outside.

9 Q. Okay. Do you remember giving a statement to the police?

10 A. Yes, sir.

11 Q. Okay. I'm looking through your three-page statement,
12 and I don't see anywhere in that statement that you told the
13 police that Jerry came to your house at 5:00 every night.

14 A. They just told me to write what I knew about what
15 happened. They didn't ask about all that. They just said --

16 Q. And when was the first time somebody approached you and
17 said, "We'd like you to tell the jury that Jerry came to your
18 house at 5:00"?

19 A. Excuse me?

20 Q. When's the first time somebody approached you and said,
21 "We'd like you to tell the jury that Jerry came to your house
22 at 5:00"?

23 A. I don't remember.

24 Q. Who was it that approached you about that?

25 A. Mr. Pascoe.

1 Q. Mr. Pascoe came to you and said, "We need you to help
2 corroborate that Jerry came to your house at 5:00." But when
3 you were asked by the police back on the 4th of March when
4 you gave a statement last year and you were asked to tell
5 what happened and you told all kinds of things about what
6 happened then, right?

7 A. Yes, sir. Just what I knew about the situation.

8 Q. And you never said anything about Jerry coming over to
9 your house?

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

11 MR. LEIENDECKER: I don't have any further questions?

12 THE COURT: Mr. Banks, any cross-examination?

13 MR. BANKS: No, Your Honor.

14 THE COURT: Any redirect?

15 MR. PASCOE: Yes, Your Honor, thank you.

16 REDIRECT EXAMINATION BY MR. PASCOE:

17 Q. Jessica, when the defendant Jerry McKnight was coming to
18 your house on February 14, 15, 16, 17, 18, was he coming to
19 see Peter or Jonathan?

20 A. He was coming to see Jonathan.

21 Q. And who told me that the defendant was there every day
22 at 5:00 or later?

23 A. Jonathan at first.

24 MR. LEIENDECKER: Objection.

25 MR. PASCOE: She was there.

1 MR. LEIENDECKER: Well, she couldn't have that knowledge
2 but for hearsay as to who told you.

3 THE COURT: Please rephrase the question, Solicitor.

4 Q. Did I tell you that the defendant was at your house at
5 5:00 every day?

6 A. No, sir.

7 Q. That was information you gave me, correct?

8 A. Yes, sir.

9 Q. Thank you. And is that truthful information?

10 A. It's true.

11 MR. PASCOE: Thank you. That's all I have.

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

13 You may call your next witness.

14 MR. SORENSON: State calls Stephon Green.

15 CLERK OF COURT: Place your left hand on the Bible and
16 raise your right hand.

17 STEPHON GREEN,
18 being first duly sworn, testified as follows:

19 CLERK OF COURT: Please state your full name for the
20 record.

21 THE WITNESS: Stephon Green.

22 DIRECT EXAMINATION BY MR. SORENSON:

23 Q. Good afternoon, Mr. Green.

24 A. All right.

25 Q. If you would, tell the jury how old you are.

1 A. 29.

2 Q. And where did you grow up?

3 A. St. Matthews, South Carolina.

4 Q. And did you go to Calhoun County High School?

5 A. Yes, sir.

6 Q. And did you graduate from Calhoun County?

7 A. No, sir.

8 Q. Did you get your GED?

9 A. Yes, sir.

10 Q. What year was that?

11 A. That was 2002.

12 Q. And let me ask you this, Stephon: Do you have a
13 nickname that you go by?

14 A. Yes, sir.

15 Q. What's your nickname?

16 A. Wu.

17 Q. Wu?

18 A. Mm-hmm.

19 Q. And are you married?

20 A. Yes, sir.

21 Q. And what's your wife's name?

22 A. Vesha Green, V-E-S-H-A.

23 Q. Do you have any children?

24 A. Yes, sir.

25 Q. How many children do you have?

1 A. We got five together but one on the way.

2 Q. And how old? What are the ages of your children?

3 A. The youngest is 3; the oldest is 8.

4 Q. And you said your wife's pregnant at this time?

5 A. Yes.

6 Q. Back in February of last year, of 2014, where were you
7 living at that time?

8 A. 2561 Russell Street.

9 Q. Okay. And where is that located at?

10 A. In Orangeburg.

11 Q. In Orangeburg? And were you living with your wife there
12 and your children there?

13 A. Yes.

14 Q. And do you remember, Mr. Green, back in February of last
15 year what the cell phone number was that you had?

16 A. It's 803-664-8344.

17 Q. And whose name was that cell phone, that 664-8344, whose
18 name was that in?

19 A. My wife.

20 Q. Okay. And was it Vesha Green or is it in her --

21 A. Vesha Miller.

22 Q. Vesha Miller, that's her maiden name?

23 A. Yes, sir.

24 Q. All right. Now, let me ask you, back -- let me back up.

25 Do you know the defendant Bryant McKnight?

1 A. Yes, sir.

2 Q. And tell the jury how you know Bryant McKnight.

3 A. Grew up together.

4 Q. Go to high school with him?

5 A. Yes, sir.

6 Q. And how long do you think you've known Bryant McKnight?

7 A. All my life.

8 Q. And what -- does he have a nickname that he goes by?

9 A. B.

10 Q. How about the other defendant, Jerry McKnight; do you
11 know Jerry McKnight?

12 A. I know of him.

13 Q. Okay. And do you know what his relationship is to
14 Bryant?

15 A. Brother.

16 Q. And were you friends with Jerry McKnight?

17 A. No, sir.

18 Q. Hang around with him?

19 A. No, sir.

20 Q. How about Bryant McKnight? Back in February of last
21 year of 2014, were you friends or did you hang around with
22 Bryant McKnight?

23 A. Every now and then.

24 Q. Did you all consider yourself to be friends back at that
25 time?

1 A. Yes, sir.

2 Q. And let me ask you, Jerry McKnight, is he younger or
3 older than you and Bryant?

4 A. Older.

5 Q. Now, how about an individual by the name of
6 Derrick Sumter; do you know Derrick Sumter?

7 A. Yes, sir.

8 Q. And tell the jury how you know Mr. Sumter.

9 A. Went to school together.

10 Q. Is he about your age also?

11 A. Yes, sir.

12 Q. Does Mr. Sumter have a nickname that he goes by?

13 A. We call him Sumt-Diddie.

14 Q. And was Mr. Sumter somebody that you hung around back in
15 February of last year?

16 A. Yes, sir.

17 Q. How about a Jamaal Pearce; do you know Jamaal Pearce?

18 A. Yes.

19 Q. Okay. And how about him; was he somebody you hung
20 around with back in February of last year?

21 A. No, sir.

22 Q. How did you know Mr. Pearce?

23 A. We went to school together.

24 Q. And what about James Keller?

25 A. I didn't know him. I mean, I know of him, but I didn't

1 hang around with him.

2 Q. But he wasn't somebody you -- you know Mr. Sumter,
3 Mr. Pearce and Bryant McKnight better than you knew
4 Mr. Keller?

5 A. Yes, sir.

6 Q. And lastly I want to ask you, how about
7 Jonathan McKnight; do you know Jonathan McKnight?

8 A. Yes, sir.

9 Q. How do you know Jonathan McKnight?

10 A. He's a little bit -- I know of him, but I don't hang
11 around him.

12 Q. Is he seven or eight years younger than you?

13 A. Yes, he younger than us.

14 Q. Are you aware of what his relationship is to Bryant and
15 Jerry McKnight?

16 A. Yes, sir.

17 Q. What is that?

18 A. Cousins.

19 Q. So back in February of last year, out of the kind of
20 list of people that I've just read off to you and went over
21 with you, Bryant McKnight, Jerry McKnight, Derrick Sumter,
22 Jamaal Pearce, James Keller, Jonathan McKnight, who out of
23 those six were you hanging around at least occasionally back
24 in February of last year?

25 A. Bryant.

1 Q. Let me ask you, do you know the victim in this case,
2 Kymmara Randolph?

3 A. No, sir. I didn't know her that good.

4 Q. Okay.

5 A. I probably met her like once or twice.

6 Q. And let me show you State's Exhibit No. 9. Is that the
7 young lady that we're referring to?

8 A. Yes, sir.

9 Q. And tell the jury how -- where had you met her those one
10 or two times?

11 A. I was getting a tattoo done. At the house where I was
12 getting it done at, she came over.

13 Q. Was she with anybody when she came over there?

14 A. No, sir.

15 Q. Was anybody else with you at that time when she came
16 over there?

17 A. Me and Bryant.

18 Q. So Bryant McKnight?

19 A. Yes, sir.

20 Q. And did the two of them appear to know each other?

21 A. Yes, sir.

22 Q. Let me ask you this: Do you know a lady by the name of
23 Sandra Hughes?

24 A. I didn't know her that good either. I just knew her and
25 Bryant was acquainted.

1 Q. Okay. Let me ask, so back in February of 2014, were you
2 aware of another female friend of Mr. McKnight's?

3 A. Yes, sir.

4 Q. What did he refer to her as?

5 A. His old lady.

6 Q. And have you since, through kind of all this happening,
7 learned that her name was Sandra Hughes?

8 A. Yes, sir.

9 Q. Ms. Hughes, have you met her before?

10 A. Once probably.

11 Q. Is she younger or older than Mr. McKnight?

12 A. Older.

13 Q. And were you aware back in February of 2014 where she
14 was living?

15 A. Yes, sir.

16 Q. And where is that?

17 A. Williston, South Carolina.

18 Q. Where -- do you know what county or where Williston is
19 located at?

20 A. I think it's somewhere past Denmark or somewhere like
21 that.

22 Q. And about how far is that from Orangeburg?

23 A. About a good 45 minutes, 40 minutes.

24 Q. Let me ask you this, Mr. Green: Back after the first
25 part of February of 2014, were you aware of a burglary

1 occurring at Bryant and Jerry McKnight's mother's house on
2 Deer Meadow?

3 A. Yes, sir.

4 Q. And tell the jury when you first heard about that
5 incident happening?

6 A. I was getting another tattoo done and his mother called
7 and said somebody was knocking on the door and then the phone
8 hang up. So somebody else called and said that the house was
9 getting robbed and we need to go see what going on.

10 Q. Who did they call?

11 A. They called Bryant.

12 Q. How were you aware of that?

13 A. I was sitting right next to him.

14 Q. So he was with you when he got the call about that
15 incident happening?

16 A. Yes, sir.

17 Q. Okay. Now, did he -- did you ultimately after that talk
18 to him about what had happened at that house?

19 A. Yes, sir.

20 Q. Did he tell you what was taken during that robbery at
21 his house?

22 A. Money and drugs.

23 Q. And in the weeks after that incident, did you have an
24 opportunity to have some conversation and hear Mr. -- hear
25 Bryant McKnight talking about that incident?

1 A. Yes, sir.

2 Q. And did he ever make any statements about what he was
3 going to do if he found out who was involved?

4 A. Yes. He said any name they heard, they was gone kill
5 them.

6 Q. And during the course of that conversation or those
7 conversations with him, did he ever -- did he ever mention
8 the victim in this case, Kymmara Randolph, possibly being
9 involved?

10 A. Yes, sir.

11 Q. And did he tell you -- did Bryant McKnight tell you why
12 he thought she possibly could have been involved?

13 A. Because she stayed there a couple nights and she
14 probably knew where everything was at.

15 Q. She knew where the drugs and the money that were stolen
16 were located?

17 A. Yes, sir.

18 Q. Mr. Green, I want to turn your attention now, if I
19 could, to February 13th of last year, that Thursday. Do you
20 remember that day?

21 A. Yes, sir.

22 Q. Tell the jury what kind of -- during the -- during that
23 afternoon into the early evening what you were doing that
24 day.

25 A. Basically me and my wife just was laying down, trying to

1 stay warm, watching a movie.

2 Q. Had something happened weather-wise right around that

3 time period?

4 A. Yes, it was a big ice storm.

5 Q. Had you all lost power?

6 A. Yes, sir.

7 Q. And where was that that you were at with your wife?

8 A. We was home.

9 Q. So in Orangeburg?

10 A. Yes, sir.

11 Q. And at some point in time did -- let me ask you, do you

12 have family that still lives here in St. Matthews?

13 A. Yes, sir.

14 Q. Who is it that lives here in St. Matthews?

15 A. My mother and my brother.

16 Q. Where does your mother live?

17 A. Fair Street.

18 Q. And Fair Street is located where?

19 A. Back this way here (indicating).

20 Q. Is it kind of down off of Highway 6?

21 A. Yes, sir.

22 Q. That way (indicating)?

23 A. That way (indicating).

24 Q. So down over near the Short Stop on Highway 6; is that

25 correct?

1 A. Yes, sir.

2 Q. And so who was your mom living there with back in last
3 February?

4 A. Her husband, Bob.

5 Q. Bob McFadden; is that right?

6 A. Yes, sir.

7 Q. And at some point in time did you hear from your mom
8 that late afternoon or so?

9 A. Yes, yes, sir. She called me and said her power was out
10 and she needed me to bring -- take her to go get some
11 kerosene and bring her something to eat.

12 Q. And do you remember what her number was back then?

13 A. 803-874-1866.

14 Q. Is that her home number?

15 A. Yes, sir.

16 Q. Her landline? All right.

17 And let me ask you, that afternoon, just kind of during
18 that time period, was there a time when you heard from
19 Bryant McKnight?

20 A. Yes, sir.

21 Q. Okay. And was that before -- let me ask you this and
22 I'll kind of fast forward in a second, but did you ultimately
23 come over and help your mom get some kerosene?

24 A. Yes, sir.

25 Q. When you first heard from Bryant McKnight that late

1 afternoon, early evening, where were you at?

2 A. I was home.

3 Q. So still in Orangeburg?

4 A. Yes, sir.

5 Q. And tell the jury, when you first heard from him that
6 day, that late afternoon, early evening, was that a phone
7 call or a text message?

8 A. A text message.

9 Q. Tell the jury what that text message -- well, first of
10 all, do you know about what time that would have been?

11 A. About 7.

12 Q. About 7 p.m.?

13 A. Mm-hmm.

14 Q. Tell the jury what that first text message you got from
15 him that evening was.

16 A. Well, basically he just asked me what I was doing, and
17 he told me he had a girl. Him and a girl was just chilling,
18 and he was thinking about killing her.

19 Q. He said he had the girl. They were just chilling. He
20 was thinking about killing her?

21 A. Right.

22 Q. That's the text message you got from Bryant McKnight?

23 A. Yes, sir.

24 Q. What was your response to that text message?

25 A. I was like -- I laughed out of loud. "You tripping."

1 Just don't do nothing like that."

2 Q. Let me ask you this: That afternoon at 7:00 or that
3 evening, did you take him serious at that point in time --

4 A. No, sir.

5 Q. -- when he sent you that text?

6 A. No, sir.

7 Q. Now, at some point in time did you ultimately come over
8 to here to St. Matthews to your mother's?

9 A. Yes, sir.

10 Q. Tell the jury how -- about what time you think you got
11 here and how that went about.

12 A. When I left home, I went to McDonald's to get my mom
13 something to eat. I got here about 7:30, quarter to 8 maybe.

14 Q. Did you go to your mother's house?

15 A. Yes, sir.

16 Q. And did you ultimately take them -- go to get some
17 kerosene?

18 A. Yes, sir.

19 Q. And did you go immediately when you got to your mom's
20 house to do that?

21 A. No, sir.

22 Q. About how long do you think from the time you got there
23 till it was that you went to go get the kerosene?

24 A. I got there probably 7:30 quarter to 8. So I sit there
25 about 20, 30 minutes, just checking on her, making sure she

1 was all right.

2 Q. And did you go to get the kerosene by yourself?

3 A. No.

4 Q. Who went with you?

5 A. Me and my mama's husband, Bob McFadden.

6 Q. Where did you all go to get the kerosene?

7 A. The pantry.

8 Q. That's the pantry located out here on 601?

9 A. Yes, sir.

10 Q. And during that time period once you got over here in
11 St. Matthews, did you hear from Bryant McKnight any more?

12 A. Yes, sir.

13 Q. And what if anything was the substance of that contact?

14 A. Basically, he text me and said, where you at, what you
15 doing, I told him I was at the pantry getting some kerosene,
16 and he was like he needed a ride, so he said he was gone meet
17 me at the pantry, he can come to where we was at.

18 Q. So you get over to the panty, and when you got there,
19 what did you do when you got to the pantry?

20 A. Went, paid for the kerosene, and Bob went outside and
21 pumped it.

22 Q. And at some point in time did you see a vehicle pull up
23 in the pantry parking lot?

24 A. Yes, sir.

25 Q. Whose vehicle was that?

1 A. Jonathan McKnight.

2 Q. Now, when you came out of the pantry, was there anybody
3 out around your car that wasn't there when you went in?

4 A. Yes, sir.

5 Q. And who was that?

6 A. Bryant.

7 Q. That's the defendant Bryant McKnight?

8 A. Yes, sir.

9 Q. Did you talk to him at that time?

10 A. No, sir, when I came out the store, he was already in
11 the back seat of the car.

12 Q. Okay. What did you do then?

13 A. Just finished paying for the kerosene, jump in the front
14 seat and we left went take mama's boyfriend back home.

15 Q. So you took Mr. McFadden back to your mom's house?

16 A. Correct.

17 Q. When you got back to your mom's house, what did you do?

18 A. Just went in there, give her a hug, tell her I'm about
19 to go, and we left.

20 Q. And when you went in and gave her a hug and told her you
21 were getting ready to leave, did Bryant come in with you?

22 A. No, sir.

23 Q. Where was he at when you went inside?

24 A. He got out the back seat and got in the front seat.

25 Q. And when you came out, what, if anything, did

1 Bryant McKnight say to you at that time?

2 A. He just said he needed to go talk to JP, take him to JP
3 house, and he needed a ride home.

4 Q. And who is JP?

5 A. Jamaal Pearce.

6 Q. Where did Jamaal Pearce live in relation to your mom's
7 house?

8 A. Couple blocks away.

9 Q. Did you take him over to him?

10 A. Yes, sir.

11 Q. Let me just back up. On the way to your mom's house,
12 leaving the pantry, did you ever see the other defendant,
13 Jerry McKnight?

14 A. We saw him when we left the pantry. He was crossing
15 train tracks.

16 Q. What was he doing?

17 A. Just walking.

18 Q. And did you all -- did you stop?

19 A. No, sir. We was basically -- we left the pantry, and he
20 crossed the train tracks. So Bryant rolled the window down
21 and told Jerry he was just going home to his old lady's
22 house.

23 Q. Bryant rolled the window down and told Jerry that he was
24 going to his old lady's house?

25 A. Correct.

1 Q. Did Jerry McKnight respond at all to that?

2 A. No, sir.

3 Q. All right. And where -- okay. So you said that

4 Bryant McKnight asked you to take him by JP's house,

5 Mr. Pearce's house. Did you take him over there?

6 A. Yes, sir.

7 Q. Tell the jury what happened when you got there.

8 A. Bryant got out, went in, talked to Jamaal about three to

9 four minutes and came back. They said something to each

10 other. He just came back in the car.

11 Q. Where were you at?

12 A. Sitting in the driver's seat.

13 Q. So were you able to hear what they were talking about?

14 A. No, sir.

15 Q. What happened then when Bryant got back into the vehicle

16 with you?

17 A. He got back in the car. He was like take him to

18 Orangeburg, Derrick Sumter house. And basically he just was

19 telling me he messed up and that he shot the girl.

20 Q. Did he admit at that point in time, driving to

21 Derrick Sumter's house, that he was involved in

22 Kymmara Randolph's death?

23 A. Yes, sir.

24 Q. He said that he had messed up?

25 A. Yes, sir.

1 Q. Did he tell you a bunch of other details about what kind
2 of had happened?

3 A. Yes, sir.

4 Q. Where was Derrick Sumter staying at back in February of
5 last year?

6 A. Roosevelt Gardens.

7 Q. Where is Roosevelt Gardens located at?

8 A. It's next to Orangeburg-Wilkinson High School.

9 Q. If you take 601, if you come into Orangeburg off of 601?

10 A. Right.

11 Q. It's on your left-hand side?

12 A. Left-hand side.

13 Q. Okay. Let me ask you this: When you left
14 Jamaal Pearce's house down off of Liberty Street --

15 A. Okay.

16 Q. -- how did you head to the interstate?

17 A. We took one of them back roads. Like I don't know if
18 it's 176 or -- I think it's 176. Take the back way there to
19 Derrick Sumter house.

20 Q. Did you end up on the interstate at all?

21 A. Yes, close to it.

22 Q. And tell the jury, when you get to Derrick Sumter's --
23 and Roosevelt Gardens are apartments?

24 A. Yes, sir.

25 Q. Is that correct?

1 When you got to the apartment that he was staying at,
2 tell the jury what happened there.

3 A. He got out, talked to Derrick and they talked for little
4 while and Derrick came to the car and Bryant gave him a bag
5 out of the back seat.

6 Q. And by "bag," what kind of bag?

7 A. Black trash bag.

8 Q. Black trash bag. And let me ask you, did you know what
9 was in that black trash bag?

10 A. No, sir.

11 Q. Did you ever see a gun in the car when he was in the car
12 with you, Bryant McKnight was in the car with you?

13 A. No, sir.

14 Q. At some point in time, let me ask you this: Did you
15 ever see Bryant McKnight with a gun prior to that night?

16 A. Yes, sir.

17 Q. And describe to the jury what kind of gun you had seen
18 him with before.

19 A. It was a black and white revolver.

20 Q. And did he say anything to you that night about what gun
21 was used to kill Ms. Randolph?

22 A. Yes, sir.

23 Q. And what was that?

24 A. The black and white revolver.

25 Q. Now, ultimately do you know where Derrick Sumter went at

1 that point in time?

2 A. No, sir.

3 Q. Where did you and Bryant McKnight go when you left
4 Roosevelt Gardens?

5 A. After we left the Gardens, we went to the gas station,
6 got some gas. Then we proceeded on to Williston.

7 Q. On to Williston?

8 A. Yes, sir.

9 Q. And had you -- have you ever been to who you now know as
10 Sandra Hughes, had you ever been to her house beforehand?

11 A. One time.

12 Q. Why were you at her house one time before?

13 A. Giving him a ride.

14 Q. Giving who a ride?

15 A. Bryant.

16 Q. Back then, did Bryant have a car?

17 A. No, sir.

18 Q. So if he needed a ride, he had to find someone to give
19 him a ride?

20 A. Yes, sir.

21 Q. Let me ask you this: On the way to Williston, did
22 Bryant McKnight ask you to do something for him after you
23 dropped him off?

24 A. Yes, sir.

25 Q. What did you tell him, whether you would or would not?

1 A. I would not. He asked me to help dispose of the body.

2 Q. Okay. So he asked you about helping to get rid of the
3 body. And what was your response to that?

4 A. No, sir.

5 Q. And who did he -- are you aware of whether he called
6 anybody or got in touch with anybody after he had asked you
7 that?

8 A. He called Derrick Sumter.

9 Q. That was while you were on the way to Williston?

10 A. Yes, sir.

11 Q. Let me ask you, while you were driving there, were you
12 talking to anybody on your phone?

13 A. No, sir.

14 Q. On the way to Williston?

15 A. No, sir.

16 Q. Was Mr. McKnight, Bryant McKnight, talking to people on
17 his phone?

18 A. Yes, sir.

19 Q. And besides his phone, did he have any other phones with
20 him?

21 A. Yes, he had Kymmara phone.

22 Q. Do you remember what kind of phone or anything about
23 that phone?

24 A. No, sir.

25 Q. And how do you know that he had her phone with him?

1 A. Because somebody was texting it, asking where she at and
2 all that.

3 Q. Okay. And did he talk to you about that, about
4 responding back to that text?

5 A. Yes, sir.

6 Q. Did he send a text back to somebody?

7 A. Yes, sir.

8 Q. From her phone?

9 A. Yes, sir.

10 Q. Do you have any idea what happened to that phone?

11 A. No, sir.

12 Q. Now, after -- let me ask you this: Do you ultimately
13 get to Ms. Hughes's residence in Williston?

14 A. Yes, sir.

15 Q. And did you go in when you got there?

16 A. No, sir.

17 Q. What did you do after you dropped him off?

18 A. Just when he got out the car, just went straight home.

19 Q. And do you know about what time you got back to your
20 home in Orangeburg?

21 A. It was about 12, little after 12.

22 Q. And let me ask you, on the ride back from Williston to
23 Orangeburg, did you hear from Mr. McKnight, Bryant McKnight,
24 at all on the way back to Orangeburg?

25 A. Yes, sir.

1 Q. And how was that?

2 A. He just called me and asked me everything all right,
3 just don't say nothing, just keep my mouth shut.

4 Q. Now, let me ask you, Mr. Green, on Tuesday,
5 February 18th --

6 A. Yes, sir.

7 Q. -- were you working back then?

8 A. Yes, sir.

9 Q. Where were you working?

10 A. Hikari USA.

11 Q. And at some point in time that day, on Tuesday the 18th,
12 did you learn that the sheriff's office, the Calhoun County
13 Sheriff's Office was looking for you?

14 A. Yes, sir.

15 Q. How is that that you learned that?

16 A. My mom called me and told me they was at the door, came
17 to her house looking for me.

18 Q. And did you ultimately, when you got off work, go into
19 the sheriff's office that night --

20 A. Yes, sir.

21 Q. -- that Tuesday evening?

22 Did you give them a statement that night?

23 A. Yes, sir.

24 Q. Let me ask you, did you tell them everything you've told
25 the jury today that night, on that Tuesday night?

1 A. No, sir.

2 Q. Did you provide them with Jonathan McKnight's name as
3 being the person that dropped Bryant McKnight off at the
4 pantry?

5 A. Yes, sir.

6 Q. Did you tell them anything about going to
7 Derrick Sumter's apartment and Bryant McKnight giving him a
8 black trash bag that night?

9 A. No, sir.

10 Q. Did you even mention Derrick Sumter's name at all to the
11 police on the night of February the 18th, 2014?

12 A. No, sir.

13 Q. Tell them anything about Mr. McKnight asking you to go
14 help try to do something with Kymmara Randolph's body?

15 A. Basically he asked me would you help Jerry go move the
16 body.

17 Q. That wasn't what I was asking. Did you tell the police
18 anything about that on the night of the 18th?

19 A. No, sir.

20 Q. Now, on February 20th, so Thursday, February 20th, did
21 you -- ultimately come a time when the sheriff's office asked
22 you to come back in and talk to them again?

23 A. Yes, sir.

24 Q. And did you do that that night?

25 A. Yes, sir.

1 Q. And at that point in time, did you give them a more
2 detailed statement basically along the lines of what you've
3 told the jury here today?

4 A. Yes, sir.

5 MR. LEIENDECKER: I'm sorry, Your Honor. I have a
6 matter. Can we approach the bench?

7 THE COURT: Yes, sir.

8 (The following was held at the bench, out of the hearing
9 of the jury.)

10 MR. LEIENDECKER: I can't hear very well from where I
11 am, but did he just say in response to one of your questions
12 Jerry McKnight's name? He did, didn't he?

13 MR. SORENSON: He did. It was not a response to my
14 question.

15 MR. LEIENDECKER: I know. You asked a question and he
16 said about Jerry McKnight moved the body.

17 I mean, I want to enter an objection to it, and I think,
18 you know, I need you to instruct the jury that --

19 MR. SORENSON: I'm not sure they caught it. It
20 wasn't -- I mean, I know exactly what he's talking about. It
21 was not responsive, so I tiptoed around that when we went
22 through it earlier.

23 THE COURT: Right. You said, "That's not what I asked."

24 I mean, I'll leave that up to you. Obviously I will
25 order -- ask the jury to strike the answer that was

1 nonresponsive.

2 MR. LEIENDECKER: All right.

3 THE COURT: I can do --

4 MR. LEIENDECKER: I don't want to make any more
5 attention to it.

6 MR. SORENSON: I mean, no, he misunderstood the
7 question.

8 MR. LEIENDECKER: But I don't want to not create a
9 record either.

10 THE COURT: Sure.

11 MR. LEIENDECKER: If the state unintentionally did
12 something wrong, which I -- you know, they weren't trying.
13 He just answered the wrong question.

14 THE COURT: I'll give the instruction that there was a
15 nonresponsive answer.

16 MR. LEIENDECKER: I think I need to put an objection on
17 the record.

18 THE COURT: We're on the record.

19 MR. LEIENDECKER: Oh. How nice.

20 THE COURT: It's being recorded.

21 MR. LEIENDECKER: Yes, ma'am. Okay. Well, then I --
22 thank you.

23 THE COURT: Okay.

24 (The following was held in open court.)

25 THE COURT: Ladies and gentlemen of the jury, during the

1 direct examination there was one answer by Mr. Green that was
2 nonresponsive to the question. You're to strike that answer
3 and not consider that particular answer.

4 You may proceed, Solicitor.

5 MR. SORENSON: Thank you, Your Honor.

6 Q. I think where I was -- and I'm just about done,
7 Mr. Green. So on February 20th, the second time you come
8 into the sheriff's office, you provided them with a second
9 statement?

10 A. Yes, sir.

11 Q. And at that point in time tell them about Mr. Sumter?

12 A. Yes, sir.

13 Q. Tell them about Jonathan -- I'm sorry, Bryant McKnight
14 giving him a bag?

15 A. Yes, sir.

16 Q. And basically your involvement in taking him to
17 Williston to his girlfriend's house; is that correct?

18 A. Yes, sir.

19 Q. And ultimately, shortly after that, you're charged with
20 accessory after the fact; is that correct?

21 A. Yes, sir.

22 Q. That's basically for your involvement in taking him to
23 Jamaal Pearce's, Derrick Sumter's and ultimately to
24 Williston; is that correct?

25 A. Yes, sir.

1 Q. And you're aware that -- and you've been charged with
2 that? You have a lawyer at this point in time; is that
3 correct?

4 A. Yes, sir.

5 Q. And let me ask you, at any point in time when you were
6 being questioned by the sheriff's office back in February or
7 in your dealings with my office, since then has anybody ever
8 promised you anything to get you to come testify?

9 A. No, sir.

10 Q. Ever discussed your charges or any resolution of your
11 charges at all with you?

12 A. No, sir.

13 MR. SORENSON: Beg the Court's indulgence one moment.

14 Q. Mr. Green, tell the jury, did you have any involvement
15 in the death of Kymmara Randolph?

16 A. No, sir.

17 Q. Had you seen her at all on February 13th, 2014?

18 A. No, sir.

19 Q. Around her at all earlier that day or earlier that
20 evening?

21 A. No, sir.

22 Q. Were you involved at all in moving her body after she
23 was killed?

24 A. No, sir.

25 Q. Were you involved in disposing of any of the evidence,

1 throwing any of the evidence into the river or in the woods
2 or anything of that nature?

3 A. No, sir.

4 MR. SORENSON: That's all I have. Please answer any
5 questions the defense counsel has.

6 THE COURT: Cross-examination.

7 MR. BANKS: May it please the Court.

8 THE COURT: Yes, sir.

9 CROSS-EXAMINATION BY MR. BANKS:

10 Q. Mr. Green, you said you received text messages from
11 Bryant McKnight; is that correct?

12 A. Yes, sir.

13 Q. Now, I think it's more clear to say that you received
14 text messages from the phone of Bryant McKnight. You don't
15 know if Bryant was mashing the buttons, do you?

16 A. No, sir.

17 Q. Because you weren't there?

18 A. No, sir.

19 Q. So anybody could have been mashing those buttons?

20 A. Yes, sir.

21 Q. And texting you; is that right?

22 A. Yes, sir.

23 Q. So it could have been Jerry McKnight?

24 A. Yes, sir.

25 Q. Could have been Jon-Jon?

1 A. Yes, sir.

2 Q. But you say it came from his phone?

3 A. Yes, sir.

4 Q. And these text messages, are they on your phone?

5 A. Yes, sir.

6 Q. So you've got all this incriminating stuff on your phone
7 and you haven't produced it?

8 A. No, I don't have the phone no more.

9 Q. You don't have the phone anymore?

10 A. No.

11 Q. Did you get rid of it because of these text messages?

12 A. No. It wasn't my phone from the start.

13 Q. Oh, it was your wife's phone?

14 A. Right.

15 Q. So does she still have the phone?

16 A. No, sir.

17 Q. So you had these incriminating text messages that you --
18 did you even show them to the police officers?

19 A. No, sir.

20 Q. So did you destroy evidence?

21 A. No. I just don't have the phone no more.

22 Q. You gave your first statement and you weren't in
23 custody; is that right?

24 A. Yes, sir.

25 Q. And that statement had some lies in it; is that right?

1 A. No, sir. It just --

2 Q. Well, put it this way, you didn't tell the whole truth,
3 did you?

4 A. Correct.

5 Q. In fact, you avoided basically almost all the key things
6 that they really needed to know; is that right?

7 A. Yes, sir.

8 Q. And you gave a lot of inane details; is that right?

9 A. Say again?

10 Q. You gave a lot of details that had really nothing to do
11 with the impact of this case; is that right?

12 A. Correct.

13 Q. Your second statement, had they arrested -- did they
14 arrest you after your first statement?

15 A. No, sir.

16 Q. How long after -- did they arrest you after your second
17 statement?

18 A. No, sir, I don't think so.

19 Q. So you were arrested, weren't you?

20 A. Yes, sir.

21 Q. And, in fact, I think you said -- who was there at the
22 second statement? What police officers administered the
23 second statement?

24 A. Only name that I recall is Pat Regalis. I don't know
25 the rest of them name.

1 Q. He wrote his name on the thing, didn't he?

2 A. Yes, sir.

3 Q. Do you remember anybody else? Do you recognize this
4 fellow right here?

5 A. Yes, sir.

6 Q. Was he there?

7 A. Yes, sir.

8 Q. Okay. So that's Stanley Graham?

9 A. I guess.

10 Q. You don't know him?

11 A. I don't know him.

12 Q. But he was there?

13 A. Yes, sir.

14 Q. Was anybody else in the room at any time during that
15 second statement?

16 A. Maybe one or two more. I don't know their names.

17 Q. They kind of came in and out or they sat there?

18 A. They sat there.

19 Q. Okay. So maybe one or two more?

20 A. Right.

21 Q. Were they -- when you gave the statement, did any of
22 them speak to you before the statement?

23 A. No, sir.

24 Q. Okay. So they didn't say, "Hey, do you want to give a
25 statement?"

1 A. No, sir.

2 Q. They didn't ask you to sign a Miranda form?

3 A. Yes, sir.

4 Q. Okay. So they did speak to you?

5 A. Yes.

6 Q. And when they spoke to you, was it strictly about the
7 Miranda? You know what that is, right?

8 A. Yes.

9 Q. The thing you initial all down the thing?

10 A. Mm-hmm.

11 Q. Is that all they talked about was, "Here, initial here
12 and read this, initial there," is that all they talked about?

13 A. Yes.

14 Q. Okay. So they didn't promise you anything?

15 A. No, sir.

16 Q. Not any of them?

17 A. No, sir.

18 Q. They didn't give you any vague indication that they
19 might be able to help you if you help them?

20 A. No, sir.

21 Q. None, not Mr. Graham here?

22 A. No, sir.

23 Q. Not Mr. Regalis?

24 A. No, sir.

25 Q. Or the other two that you said were in the room?

1 A. No, sir.

2 Q. Did they audio or videotape your statement?

3 A. I didn't see no audio or video.

4 Q. Okay. So at some point you get arrested; is that right?

5 A. Yes, sir.

6 Q. And then you go to a bond hearing?

7 A. Yes, sir.

8 Q. And who appeared at that bond hearing from the law

9 enforcement side? Did this fellow right here (indicating)?

10 A. Yes, sir.

11 Q. Mr. Graham?

12 A. Yes, sir.

13 Q. Did Pat Regalis?

14 A. Yes, sir.

15 Q. And any others?

16 A. It was a whole courtroom full. I don't know.

17 Q. Of law enforcement?

18 A. Yes.

19 Q. Okay. So were the two guys that were in the room with

20 the statement, were they there too?

21 A. Yes, sir.

22 Q. And others you said?

23 A. Yes.

24 Q. And did they address the judge in opposition of your

25 bond?

1 A. No, sir. The judge been like I don't have no -- nothing
2 on my record, so --

3 Q. Right. But you're an accessory -- you were there to be
4 charged with an accessory after the fact of murder; is that
5 right?

6 A. Correct.

7 Q. And so they didn't oppose your bond?

8 A. No, sir.

9 Q. And they never discussed that with you?

10 A. No, sir.

11 Q. They never said, "Hey, you know, you help us, we'll help
12 you with your bond"?

13 A. No, sir.

14 Q. Do you know what your bond is?

15 A. Yes, sir.

16 Q. What is it?

17 A. 5,000 surety.

18 Q. 5,000 surety. So that's a pretty low bond, wouldn't you
19 think?

20 A. Yes, sir.

21 Q. You're happy to have it, aren't you?

22 A. Yes.

23 Q. And they didn't promise you that?

24 A. No.

25 Q. They didn't give you any vague promise that they might

1 help you here and not fight your bond?

2 A. No, sir.

3 Q. You said you'd been to Sandra Hughes's house before?

4 A. Yes, sir.

5 Q. Now, is that in a town limit of a particular town?

6 A. Williston.

7 Q. It's in Williston?

8 A. Yes.

9 Q. Okay. In your statement you said Eckels [sic], do you
10 remember that?

11 A. Eckels.

12 Q. Yes, you said Eckels in your statement.

13 A. I don't know.

14 Q. You wrote Eckels in your first statement. Do you need
15 to see it?

16 A. Yes, let me see it.

17 Q. Is that your statement?

18 A. I don't see Eckels nowhere.

19 Q. Right there (indicating).

20 A. Yes.

21 Q. Is that your handwriting?

22 A. That's where I thought it was at, Elko.

23 Q. Well, you said you'd been there before, right?

24 A. Yes.

25 Q. And it's not Eckels?

1 A. No, it's right there. Williston, Elko, almost the same
2 place.

3 Q. Are you sure one of the police officers didn't tell you
4 it was Williston?

5 A. No, sir.

6 Q. Now you're saying you don't know where it is?

7 A. I know it's in Williston.

8 Q. And now you know it's in Williston?

9 A. Right.

10 Q. Let's talk about that robbery. You said you heard about
11 the robbery?

12 A. Yes.

13 Q. You weren't part of that robbery?

14 A. No. I was with Bryant getting a tattoo. How could I be
15 a part?

16 Q. I'm sorry? I'm sorry?

17 A. I was with Bryant getting a tattoo. How could I be a
18 part of it?

19 Q. No, on the 2nd. You were with Bryant the day that that
20 robbery took place?

21 A. Yes.

22 Q. All right. Where were you?

23 A. At my house.

24 Q. At your house.

25 MR. BANKS: One moment, Your Honor.

1 No further questions, Your Honor.

2 THE COURT: Mr. Leiendecker, any cross-examination?

3 MR. LEIENDECKER: Very briefly.

4 CROSS-EXAMINATION BY MR. LEIENDECKER:

5 Q. Afternoon, Mr. Green.

6 A. Afternoon.

7 Q. On February 13th, the day that you came to St. Matthews
8 to help your mother and Mr. --

9 A. Bob.

10 Q. Bob McFadden; is that right?

11 A. Yes.

12 Q. You took Bob down to the pantry right over here?

13 A. Yes, sir.

14 Q. To get kerosene for their heater, right?

15 A. Yes, sir.

16 Q. And it was during that time I think you testified that
17 you got a call or text from Bryant?

18 A. Yes, sir.

19 Q. And you told him to meet you at the pantry?

20 A. No, I told him I was at the pantry.

21 Q. Okay. I'm sorry.

22 A. He said he was gone meet me at the pantry.

23 Q. Did you have to wait for him at the pantry?

24 A. No. By the time I finished paying for mom's kerosene
25 and pumping it, he was already there.

1 Q. And I wasn't 100 percent clear, but when he was already
2 there, you saw him pull up with Jonathan McKnight?

3 A. Yes, sir.

4 Q. Where were you when you saw that?

5 A. In line, paying for the kerosene.

6 Q. You were in line paying for the kerosene. And did you
7 see anyone else in the car?

8 A. No, sir.

9 Q. And when you came out, Jonathan had already gotten in
10 your car?

11 A. Bryant had already gotten in my car.

12 Q. I mean Bryant.

13 A. Yes.

14 Q. Jonathan drove away?

15 A. Yes.

16 Q. And your testimony was that you saw Jerry McKnight?

17 A. Yes.

18 Q. But he wasn't at the pantry. You saw him on one of the
19 bridges crossing over the railroad tracks, right?

20 A. Correct.

21 Q. And he was walking uptown?

22 A. Yes.

23 Q. And Bryant hollered at him?

24 A. Yes, sir.

25 Q. And told him he was going to his old lady's?

1 A. Yes.

2 Q. And that's the only time you saw Bryant and Jerry
3 together that night?

4 A. Correct.

5 Q. And they weren't actually together?

6 A. No.

7 MR. LEIENDECKER: All right. No further questions.

8 Thank you.

9 THE COURT: Any redirect?

10 MR. SORENSON: No, Your Honor.

11 THE COURT: Solicitor, how long do you anticipate the
12 next witness?

13 MR. PASCOE: That's what we were just talking about,
14 Your Honor. At least a half hour, so maybe 45 minutes, so it
15 will go past five.

16 THE COURT: It would be a good time for us to break for
17 the afternoon.

18 Ladies and gentlemen of the jury, we'll go ahead and
19 break testimony of this trial for this afternoon. Again,
20 please remember my instruction to you to not discuss this
21 case with anyone or allow anyone to discuss this case with
22 you. Also do not do any independent research or look online
23 or newspapers or TV or any type of independent research on
24 the case.

25 And we will reconvene same time tomorrow. If you could

1 be in your jury room at about 9:15 so we can get everybody
2 together and get started at 9:30. Have a good evening.

3 (The jury retires to the jury room at 4:32 p.m.).

4 THE COURT: We'll be at ease until 9:30 in the morning.

5 MR. SORENSON: Your Honor, I've discussed with
6 Mr. Leiendecker and I think we've got a stipulation that
7 we're going to enter into. If I can just read it for the
8 Court --

9 THE COURT: Sure.

10 MR. SORENSON: -- and then I don't know if you want me
11 to publish it ultimately in front of the jury or Your Honor
12 to, basically that the defendant Jerry McKnight, Sr., and the
13 State enter into the stipulation that the defendant
14 Jerry McKnight, Sr., has a 2003 conviction for trafficking
15 crack cocaine.

16 THE COURT: Okay.

17 MR. SORENSON: I don't know if you just want to mark
18 that as a Court's exhibit.

19 THE COURT: We'll mark that as a Court's exhibit, and I
20 can certainly instruct the jury as such first thing in the
21 morning.

22 MR. SORENSON: Thank you.

23 Is that right? I guess probably --

24 MR. LEIENDECKER: Your Honor, at this point I'm not
25 certain when we need to or --

1 MR. SORENSON: Just at some point in time before the end
2 of the trial, I guess.

3 MR. LEIENDECKER: Right. I mean, it's certainly
4 something --

5 THE COURT: We could do it prior to jury instructions.

6 MR. LEIENDECKER: Yes, part of your instructions. At
7 that point I think would be appropriate.

8 THE COURT: Well, it's also part of the element of the
9 offense, so the State has --

10 MR. LEIENDECKER: Part of the State's case.

11 THE COURT: Right, so prior to the State resting the
12 case. I would also instruct the jury at some point --

13 MR. LEIENDECKER: Yes.

14 THE COURT: -- so whenever you want me to, I'll be happy
15 to make that --

16 MR. SORENSON: We can do it first thing in the morning,
17 I guess.

18 THE COURT: Okay.

19 MR. SORENSON: I thought about saying something earlier.
20 We could have done it right at the end.

21 THE COURT: That's fine. We can take care of it in the
22 morning.

23 MR. SORENSON: Thank you.

24 (The Court's Exhibit 2 marked for identification.)

25 THE COURT: Anything further before we adjourn for the

1 day?

2 MR. SORENSON: No, ma'am.

3 THE COURT: We are adjourned.

4 (Trial of the case adjourned at 4:35 p.m.)

5 - - -

6 (Trial of the case resumed on 3/4/2015 at 9:50 a.m.)

7 (State's Exhibits 24, 24A, 25, 25A, 26, 26A, 27, 27A,
8 27B, 28, 28A, 29, 29A premarked for identification.)

9 THE COURT: Parties ready to proceed?

10 MR. BANKS: Your Honor, may we approach the bench?

11 THE COURT: Certainly.

12 (The following was held at the bench.)

13 MR. BANKS: Your Honor, last night or yesterday
14 afternoon our clients both were placed on suicide watch,
15 which meant they spent the night in the jail completely naked
16 with no bedding or anything. They froze half the night. It
17 was cold. They didn't sleep. Neither one of them slept one
18 wink.

19 We're going to ask you to make a ruling, and I'll give
20 you an order later today, proposed order, to make sure the
21 jail doesn't do that again. There's been no indication from
22 anybody to me, to him or anybody else I know that they've
23 expressed any --

24 MR. LEIENDECKER: It wasn't what they did when the trial
25 began. They started last night out of the blue.

1 MR. BANKS: And they haven't, as far as I know,
2 expressed any ideation like that at all.

3 THE COURT: Okay. David, do you know anything about it?

4 MR. PASCOE: Do we need to -- well, I'm just going to --
5 I'm thinking are we going to ask -- we need to get somebody
6 from the jail --

7 THE COURT: Right.

8 MR. PASCOE: -- so we can find out --

9 MR. BANKS: Well, I understand -- I asked the jail guys
10 that were here, and they said you need to talk to the
11 director.

12 MR. LEIENDECKER: They said they don't know anything
13 about it.

14 MR. BANKS: Yes.

15 MR. LEIENDECKER: We need to talk to the administration.
16 We'll see if we can make a call sometime, find out what's
17 going on.

18 THE COURT: Yes, maybe like -- I mean, are you all ready
19 to start and we can do it during our break or do you want
20 to --

21 MR. BANKS: We don't have to do it now.

22 MR. LEIENDECKER: We don't have to do it now.

23 MR. BANKS: No, no, I just didn't want it to be out in
24 the public that this was an issue, and I just wanted to be
25 make sure we addressed it before we did anything else.

1 THE COURT: Okay. We'll take care of it..

2 MR. BANKS: Thank you.

3 (The following was held in open court.)

4 THE COURT: Are we ready to proceed?

5 MR. PASCOE: Yes, Your Honor.

6 THE COURT: It is my understanding that the parties have
7 entered into a stipulation. Do you wish for me to go ahead
8 and publish that to the jury when they come in?

9 MR. SORENSON: Yes, Your Honor.

10 THE COURT: Any objections from defense counsel?

11 MR. BANKS: No, Your Honor.

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

13 (The jury enters the courtroom at 9:55 a.m.)

14 THE COURT: Good morning, ladies and gentlemen of the
15 jury panel. Welcome back this morning. Before we get
16 started, we've got a couple things. I wanted to appoint our
17 foreperson in this case. Ma'am, your name?

18 JUROR: My name? Roberta.

19 THE COURT: Roberta? And your last name?

20 JUROR: Mack.

21 THE COURT: Ms. Mack? Ms. Mack, you are hereby
22 appointed as the foreperson of the jury. You'll take that
23 seat right there and you will be the liaison to the Court and
24 I will give you further instructions at the end. And if the
25 jury needs anything during these proceedings, please let me

1 know.

2 JUROR: Okay. Thank you.

3 THE COURT: The next thing that we have on the agenda is
4 that the parties have entered into a stipulation. The
5 stipulation is that the defendant, Jerry McKnight, Sr., and
6 the State enter into the stipulation that the defendant
7 Jerry McKnight, Sr., has a 2003 conviction for trafficking in
8 crack cocaine.

9 Solicitor, are you ready to proceed with your next
10 witness?

11 MR. PASCOE: Yes, Your Honor. Thank you. State calls
12 Derrick Sumter.

13 CLERK OF COURT: Would you place your left hand on the
14 Bible and raise your right hand.

15 DERRICK SUMTER,
16 being first duly sworn, testified as follows:

17 CLERK OF COURT: Please state your full name for the
18 record.

19 THE WITNESS: Derrick Sumter, S-U-M-T-E-R.

20 DIRECT EXAMINATION BY MR. PASCOE:

21 Q. Good morning, Derrick.

22 A. Good morning.

23 Q. How old are you?

24 A. 28.

25 Q. And where do you live?

1 A. Live in St. Matthews on Oglesby Drive.

2 Q. And is there another place where you hang out a lot?

3 A. Yes.

4 Q. And where is that?

5 A. Roosevelt Gardens.

6 Q. And what county is that in?

7 A. Orangeburg County.

8 Q. Right off of 601?

9 A. Yes, sir.

10 Q. Why do you hang out at Roosevelt Gardens a lot?

11 A. My kids and my fiancé stay out there.

12 Q. How many children do you have?

13 A. Three.

14 Q. But you are from the St. Matthews area?

15 A. Yes, sir.

16 Q. And do you have your other family, your family's here?

17 A. Yes, sir.

18 Q. Parents?

19 Where did you go to school?

20 A. Calhoun County and Wil Lou Gray.

21 Q. Did you know the defendant Bryant McKnight back in

22 February of 2014?

23 A. Yes.

24 Q. How long did you know Mr. Bryant McKnight?

25 A. Since the sixth grade.

- 1 Q. And how close were you two back in 2014?
- 2 A. Real close.
- 3 Q. How long had you all been really close?
- 4 A. Since the sixth grade.
- 5 Q. And would you hang out with Bryant McKnight?
- 6 A. Yes.
- 7 Q. Did you know the defendant Jerry McKnight back in 2014?
- 8 A. Yes.
- 9 Q. And how long had you known Jerry McKnight?
- 10 A. Since I been knowing Bryant.
- 11 Q. How close were you with Jerry McKnight?
- 12 A. I wasn't close with him at all.
- 13 Q. Not close at all?
- 14 A. No.
- 15 Q. He, of course, and Bryant McKnight are brothers?
- 16 A. Yes.
- 17 Q. Is he a good bit older than Bryant McKnight?
- 18 A. Yes.
- 19 Q. Good bit older than you?
- 20 A. Yes.
- 21 Q. Do you know anybody by the name of Jamaal Pearce?
- 22 A. Yes.
- 23 Q. Are you close friends with him?
- 24 A. No, sir.
- 25 Q. Would you ever hang out with him or call him, talk to

1 him on the phone?

2 A. No.

3 Q. You just know him from being from St. Matthews?

4 A. Yes.

5 Q. Let me ask you, do you know James Keller from being in
6 St. Matthews?

7 A. Yes.

8 Q. Is he a close friend of yours?

9 A. No.

10 Q. Did you ever hang out with him or talk to him on the
11 phone?

12 A. No.

13 Q. What about Jonathan McKnight, was he a close friend of
14 yours?

15 A. No.

16 Q. Did you ever hang out with him or talk to him on the
17 phone?

18 A. No.

19 Q. But you knew him from being from St. Matthews?

20 A. Yes.

21 Q. Do you know Stephon Green?

22 A. Yes.

23 Q. How close were you with Stephon Green?

24 A. Not close.

25 Q. Did you ever hang out with him or talk to him on the

1 phone or anything like that?

2 A. No.

3 Q. So of all the people I just asked you about, the only
4 person you were close with was the defendant Bryant McKnight?

5 A. Yes.

6 Q. And would you talk to him on the telephone?

7 A. Yes.

8 Q. And would you characterize him as a best friend?

9 A. Yes. We were real close, real close.

10 Q. And what did he go by back then?

11 A. B.

12 Q. And was your phone number, back in February 2014, was it
13 803-614-6425?

14 A. Yes, sir.

15 Q. Did you know the girl in State's Exhibit No. 9,
16 Kymmara Randolph?

17 A. No, sir.

18 Q. Had you ever met her before?

19 A. No, sir.

20 Q. Had Bryant McKnight ever talked to you about that girl
21 back in February 2014?

22 A. Yes.

23 Q. And what did he say about her?

24 A. He said that he -- they had stuff going on and stuff
25 like that.

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

2 A. He said that they had talked. They had communicated.
3 They was talking.

4 Q. So they had talked and communicated?

5 A. Yes.

6 Q. Are you aware of a break-in at the defendants' family
7 house on Deer Meadow Lane?

8 A. Yes.

9 Q. That happened on about February 2nd, 2014?

10 A. Yes.

11 Q. Did the defendant Bryant McKnight ever talk to you about
12 that?

13 A. Yes.

14 Q. And what did he say about that?

15 A. He was saying that somebody broke in the house, and when
16 he find out who did it, he gone get at them.

17 Q. And when he said he was going to get at them, what did
18 that mean?

19 A. Do them some harm.

20 Q. Did Bryant McKnight ever carry a weapon after that
21 February 2nd break-in?

22 A. Yes.

23 Q. And what type of weapon did he carry?

24 A. It was a .22 revolver.

25 Q. .22 revolver?

1 A. Yes.

2 Q. What did it look like?

3 A. It was black with a white handle.

4 Q. And who gave him that gun after the break-in?

5 A. I did.

6 Q. How long after the break-in did you give him that gun?

7 A. The day after the break-in.

8 Q. Why did you give it to him?

9 A. Because he asked to buy the gun from me.

10 Q. I want to ask you about -- so you know it was a .22
11 caliber handgun?

12 A. Yes, sir.

13 Q. Let me ask you about Thursday, February 13th, 2014, that
14 Thursday. Where were you that night?

15 A. I was home with my wife and my kids.

16 Q. And when you say "home," which home were you at at that
17 time?

18 A. Roosevelt Gardens.

19 Q. The one at Roosevelt Gardens?

20 A. Yes, sir.

21 Q. And you were hanging out with your family.

22 Had you hung out with Bryant McKnight earlier that day
23 at all?

24 A. No.

25 Q. No?

1 A. No.

2 Q. Tell the jury what happened at approximately 9:00 that
3 night while you were at Roosevelt Gardens?

4 A. I got a knock at my door and it was Bryant McKnight. He
5 told me to come outside and talk to him.

6 Q. And did you go outside and talk to him at about that
7 time?

8 A. Yes, sir.

9 Q. How did he get to your place at Roosevelt Gardens?

10 A. He was riding with Stephon Green.

11 Q. And what happened when you went out and spoke with the
12 defendant Bryant McKnight?

13 A. I went and sit inside the car, and he told me to get rid
14 of bags for him.

15 Q. I'm sorry, I'm having a hard time -- say that again?

16 A. He told me he had a bag for me he wanted me to get rid
17 of.

18 Q. Now, who all was in the car when Bryant McKnight told
19 you he had a bag that he wanted you to get rid of?

20 A. Bryant and Stephon.

21 Q. So it's just the three of you?

22 A. Yes, sir.

23 Q. Okay. What kind of bag was it?

24 A. A trash bag. A black trash bag.

25 Q. And when he told you he had a bag that he wanted you to

1 get rid of, what did you say?

2 A. I was like, "Okay."

3 Q. Do me a favor, because I'm having a hard time hearing
4 you too, just speak up loudly, and maybe you don't even have
5 to put that too close. Speak up as loudly as you can, okay?
6 You've got three kids. I know you can yell, okay?

7 So you agreed? You told him, "Okay," you were going to
8 get rid of the bag?

9 A. Yes.

10 Q. And did he hand you the bag?

11 A. No, he didn't. At first he had the bag. Then he --
12 they put the gun inside the bag. That when they hand me the
13 bag.

14 Q. And you took the bag?

15 A. Yes.

16 Q. Did you look inside the bag at the time you were in the
17 car?

18 A. No.

19 Q. How long were you in the car after you got the bag?

20 A. Probably before -- after I got the bag, I left out the
21 car. Like okay, get part of the ways. They was in a rush.

22 Q. Who was in a rush?

23 A. They was in a rush.

24 Q. When you say "they," Stephon Green and Bryant McKnight?

25 A. Yes.

1 Q. Okay. Did you ask Bryant McKnight what was in the bag?

2 Other than you saw them put the gun in the bag -- you

3 testified to that -- did you ask them what was in the bag?

4 A. No, I didn't ask them what else was in the bag.

5 Q. Did you ask him why you needed to get rid of the bag?

6 A. Yes.

7 Q. And what did Bryant McKnight say?

8 A. He said to get rid of it. I'll tell you about

9 everything later.

10 Q. So at that time, did you know why you needed to get rid
11 of the bag?

12 A. No.

13 Q. And what did you do when you got out of the car?

14 A. I went back inside my house.

15 Q. What did you do when you went inside the house?

16 A. Grab my keys and left.

17 Q. And when you left, where did you go?

18 A. I went straight down 601 towards Congaree.

19 Q. So if you're leaving Roosevelt Gardens, which is right
20 off of 601?

21 A. Yes.

22 Q. You're just taking it right through St. Matthews?

23 A. Yes.

24 Q. And tell the jury, so you just kept on going through
25 St. Matthews?

1 A. Yes. I kept on straight down 601, straight down 601.

2 Q. And where did that take you?

3 A. To Congaree and 48.

4 Q. When you say "Congaree," the Congaree River?

5 A. Yes.

6 Q. Is there, like, a bridge there?

7 A. Yes, sir.

8 Q. What did you do when you got to the Congaree River where
9 the bridge is?

10 A. I had dumped the gun out.

11 Q. Dumped the gun in what there?

12 A. In the water.

13 Q. In the water?

14 A. Yes.

15 Q. Did you still have any other items with you?

16 A. Yes.

17 Q. What item was that?

18 A. It was in the bag. I didn't know what was in the bag.

19 It was the bag. I knew a jacket be in there.

20 Q. Now let me ask you that. Let me back up a minute. Did
21 you ever look in the bag to see what was in there other than
22 the gun?

23 A. No, sir.

24 Q. How did you know a jacket was in the bag?

25 A. Because when I looked in the bag, I just seen the jacket

1 and the gun was sitting on top of the jacket.

2 Q. All right. Did you see what was underneath the jacket?

3 A. No, sir.

4 Q. Do you know whose jacket that was?

5 A. Yes, sir.

6 Q. Whose jacket was it?

7 A. Bryant McKnight's.

8 Q. You've seen him wear that jacket before?

9 A. Yes, sir.

10 Q. But you couldn't see if there was anything else
11 underneath the jacket?

12 A. No, sir.

13 Q. Now, you've testified you got rid of the gun. You threw
14 it in the river. Then what did you do after you threw the
15 gun in the river?

16 A. I rode down about a couple miles down the road and hit
17 48 and went down a dirt road, and that where I got rid of the
18 rest of the bag.

19 Q. That would be Highway 48, I guess?

20 A. Yes, sir.

21 Q. And how did -- tell the jury how you got rid of the bag
22 when you went down that road off 48.

23 A. I got out the car and I just sling the bag. I just
24 throw it (indicating).

25 Q. You just slung it, threw it in some woods?

1 A. Yes, threw it in the woods.

2 Q. You literally got out of the car to sling it in the
3 woods?

4 A. Yes, sir.

5 Q. Now, you've gotten rid of the gun, threw it in the
6 river, and you've now thrown the rest of the bag, the bag in
7 some woods off of Highway 48. What did you do after you did
8 all that?

9 A. I went back home.

10 Q. Okay. And when you say you went back home, which home,
11 St. Matthews or Roosevelt Gardens?

12 A. Orangeburg, Roosevelt Gardens.

13 Q. Roosevelt Gardens. Okay.

14 Did you think you were done for the night?

15 A. Yes, sir.

16 Q. And at that time, did you know why you had to get rid of
17 these items?

18 A. No, sir.

19 Q. Did you receive a phone call at 9:59 p.m. from
20 Bryant McKnight?

21 A. Yes, sir.

22 Q. And what did Bryant McKnight talk to you about?

23 A. He told me to go to St. Matthews to talk to his brother.

24 Q. Okay. And what brother is that?

25 A. Jerry McKnight.

1 Q. And what did you do when he told you to do that?

2 A. I asked him why. He said, "I can't talk. I'm with my
3 old lady. So just go down there and he'll tell you
4 everything."

5 Q. He said he couldn't talk to you because he was with his
6 old lady?

7 A. Yes.

8 Q. But to go get Jerry and he'll tell you everything?

9 A. Yes.

10 Q. Did you know exactly where Bryant McKnight was? When he
11 said he was with his old lady, did you know where he was at
12 that time?

13 A. No. I guess he was at her house.

14 Q. Do you know where she lives?

15 A. No, sir.

16 Q. Where his old lady lives?

17 A. No.

18 Q. So did you leave and go to St. Matthews?

19 A. Yes.

20 Q. Where did you pick Jerry McKnight up at?

21 A. By the old John Ford.

22 Q. Okay. That's the old John Ford School?

23 A. Yes, sir.

24 Q. And what happened when you got to the house at
25 John Ford -- near John Ford School?

1 A. Jerry came out the door, and he jumped in the car. He
2 told me, "Let's cut a block."

3 Q. And when he said, "Let's cut a block," what does that
4 mean?

5 A. Let's go hit the road, you know.

6 Q. Okay. And then what happened?

7 A. He was giving me directions, you know what I'm saying,
8 to a location, and he told me to stop and pop the trunk.

9 Q. Did you know where you were going to?

10 A. No, sir.

11 Q. He didn't tell you what you were about to pick up?

12 A. No, sir.

13 Q. And where did he give you directions to?

14 A. In the country, going down Highway 6 off the little
15 lean-off on a country road.

16 Q. And did you have any idea where you were going?

17 A. No, sir.

18 Q. Who gave you directions the entire time on where to go?

19 A. Jerry McKnight.

20 Q. Did Jerry McKnight have any problems giving you
21 directions on where to go?

22 A. No.

23 Q. Did he have to make a phone call or talk to anyone about
24 where to go?

25 A. No.

1 Q. And whose car were you driving?

2 A. Mine.

3 Q. What type of car did you have back then?

4 A. A Chevy Lumina.

5 Q. Was anyone else with you and Jerry McKnight when you
6 were taking the directions from Jerry McKnight?

7 A. No, sir.

8 Q. And where did Jerry McKnight have you go?

9 A. He had me go to -- to the swamp.

10 Q. Well, let's back up. Where did he have you go first?

11 A. He had me go to the body. He took me on the back road
12 to pick up the body.

13 Q. The back road to pick up the body?

14 A. Yes.

15 Q. Did he have any problems getting you to that back road
16 to find the body?

17 A. No.

18 Q. Tell us about how when he got you on that road where the
19 body was what he -- his directions that he gave you.

20 A. He was like, "Make a left. Turn on this road. Go
21 down." He told me turn around again, and he said, "Pull over
22 the side of the road. Pop the trunk. I'll be right back."

23 Q. Okay. Did he have any problems finding out where to
24 stop?

25 A. No.

1 Q. Did he, again, at any time have to make a phone call to
2 figure out where to stop?

3 A. No.

4 Q. Did you know at that time what you all were about to do?

5 A. No.

6 Q. Did he have a flashlight on him to help him find
7 anything out there?

8 A. No.

9 Q. Did he have anything to assist him to help find a body
10 or anything?

11 A. No.

12 Q. Did he have any problems telling you about where exactly
13 to stop before he got out?

14 A. No.

15 Q. And when he got out of the vehicle, he told you to pop
16 the trunk?

17 A. Yes, sir.

18 Q. And how long was he gone for?

19 A. About a minute or two.

20 Q. And tell the jury what you saw and heard next when he
21 came back to the car.

22 A. When he came back to the car, I saw him with a body wrap
23 up in a blanket.

24 Q. And what did he do with the body wrapped up in a
25 blanket?

1 A. He put it in the trunk, and then he told me -- he jumped
2 back in the car and said -- he had his hand on his side,
3 pulled the butt out of the gun and said, "Keep it 100. You
4 know what time it is."

5 Q. He said "Keep it 100. You know what time it is." What
6 does that mean?

7 A. Stay true.

8 Q. Keep your mouth shut?

9 A. Keep your mouth shut. Don't say nothing.

10 Q. And what did he show you before he said that?

11 A. The butt of a gun.

12 Q. Could you tell what kind of gun Jerry McKnight had?

13 A. It had to be a 9 or a .40.

14 Q. A 9 or a .40?

15 A. Yes.

16 Q. Why do you think it was a 9 or a .40?

17 A. Because I could tell by the handle on it.

18 Q. And would that be a semiautomatic or revolver?

19 A. A semiautomatic.

20 Q. And then after he's put the gun in the trunk -- or the
21 body in the trunk and he said that to you in the car, what
22 did he have you do?

23 A. He gave me more directions.

24 Q. And tell the jury where he had you drive to.

25 A. He had me drive to the Four Holes.

1 Q. And when you got to the Four Holes, describe that area
2 for the jury. What area is that?

3 A. It's a wooded area. It was like a lot of woods and
4 ain't too many houses on it, like far down the road, but it's
5 like a wooded area, like a little swamp.

6 Q. And you're familiar with Calhoun County, born and raised
7 here?

8 A. Yes, sir.

9 Q. So you knew when you got to Four Holes where you were?

10 A. Yes.

11 Q. And what happened when you got to Four Holes?

12 A. When we got to Four Holes, he told me to stop, and I pop
13 the trunk. He jump out. That when he throw the body across
14 the bridge.

15 Q. He threw the body across the what?

16 A. The bridge.

17 Q. The bridge? And is that into the swamp?

18 A. Yes, sir.

19 Q. Did you help him with the body?

20 A. No, sir.

21 Q. Did you have any idea that that's what you were doing
22 that night?

23 A. No, sir.

24 Q. And after Jerry McKnight threw the body in the swamp,
25 where did you end up going?

1 A. He had -- I didn't know the way to get back to
2 Orangeburg that way, so he give me directions to get back on
3 601 so I could -- he took me get some gas.

4 Q. And when he got you to 601, what gas station did you go
5 to?

6 A. The BP right across from the Waffle House.

7 Q. Okay. Right at the intersection?

8 A. Yes, sir.

9 Q. Who paid for your gas?

10 A. Jerry.

11 Q. Did he say anything else to you as you were driving
12 around with him?

13 A. Yes. He was mumbling a lot of stuff, and he was saying,
14 "I hope my brother" --

15 Q. Let me ask you this -- I'm going to have to cut you off:
16 Did you take Jerry McKnight back to St. Matthews?

17 A. Yes.

18 Q. And after you dropped him off at St. Matthews, where did
19 you go?

20 A. I went back home.

21 Q. And when you say "back home," is that Roosevelt Gardens
22 of --

23 A. Yes, Roosevelt Gardens.

24 Q. Did anyone contact you that night? Did you have any
25 more contact with Bryant McKnight that night?

1 A. No. I believe he called, like, probably one time and
2 asked me did his brother get it right.

3 Q. Okay. And what did you say?

4 A. I was like, "I guess," you know, then I was like, "What
5 going on?"

6 Q. And you had no idea what was going on before it
7 happened?

8 A. No, sir.

9 Q. Would you have been able to find that body that night if
10 you went out there on your own to look for it?

11 A. No, sir.

12 Q. Even if somebody directed you how to get there?

13 A. No, sir. I wouldn't find it.

14 Q. That road that you went on to pick the body up, is it
15 well lit, lot of lights?

16 A. No lights.

17 Q. Any houses?

18 A. No houses.

19 Q. When, if ever, did you finally personally become -- that
20 you personally knew that the body that was picked up there
21 was Kymmara Randolph's?

22 A. The news and people talking.

23 Q. From the news and people talking?

24 A. Yes.

25 Q. Why didn't you go to the police right after you found

1 out about it?

2 A. I was scared.

3 Q. Why were you scared?

4 A. Because Jerry already told me keep 100, and I know what
5 he capable of doing.

6 Q. And you know what?

7 A. I know what he capable of doing.

8 Q. Okay.

9 MR. LEIENDECKER: Objection, Your Honor. Speculation,
10 no foundation laid for that last comment and move to strike.

11 THE COURT: Solicitor?

12 MR. PASCOE: Can I ask some questions, some follow-up
13 questions?

14 THE COURT: You may.

15 MR. PASCOE: Thank you.

16 Q. What did Jerry McKnight show you on the night of
17 February 13th?

18 A. A pistol.

19 Q. What do pistols do?

20 A. Kill people.

21 Q. Thank you.

22 MR. LEIENDECKER: I still object. I mean, the statement
23 didn't relate to that. We'd already had that word and he
24 said he had a pistol. He said, "I knew what he was capable
25 of doing." There's no foundation for that and it's

1 speculative.

2 THE COURT: Certainly the only foundation would be what
3 he personally witnessed that evening, nothing else.

4 MR. PASCOE: I would argue he's capable of doing
5 something with that gun, but I don't have a problem if you
6 want to strike it, Your Honor.

7 THE COURT: Ladies and gentlemen of the jury, you may
8 disregard -- you must disregard that last answer of what he
9 was capable of doing.

10 MR. PASCOE: Thank you, Your Honor.

11 Q. Did you ever see or talk to Jerry McKnight again after
12 that Thursday night?

13 A. Yes.

14 Q. Okay. And approximately when and where was that?

15 A. It was in St. Matthews by the BP gas station.

16 Q. The St. Matthews BP station?

17 A. Yes, sir.

18 Q. And that's in town or almost in town off of Highway 6?

19 A. Yes, the wreck store.

20 Q. Do you remember exactly when that was, what day?

21 A. No, I can't tell you exact day.

22 Q. And what did -- that was before you were ever picked up
23 by the police, though?

24 A. Yes, that was --

25 Q. And what did Jerry say to you that day at the BP?

1 A. He was telling me that Jamaal and James were running
2 their mouth and he had something for them.

3 Q. That Jamaal and James were running their mouth and he
4 had something for them?

5 A. Yes.

6 Q. And that was -- for clarification, that was Jerry
7 McKnight that told you that?

8 A. Yes.

9 Q. Derrick, did you participate in the murder and
10 kidnapping of Kymmara Randolph?

11 A. No.

12 Q. But you do admit that you helped both Bryant and
13 Jerry McKnight get rid of the evidence that Thursday night?

14 A. Yes.

15 Q. Whether you knew what you were doing or not, you admit
16 that you did that?

17 A. Yes.

18 Q. And you've been charged with accessory after the fact of
19 murder, right?

20 A. Yes.

21 Q. And you know that carries, I believe, up to 15 years in
22 prison?

23 A. Yes.

24 Q. You have an attorney, Mathias Chaplin, in the back of
25 the courtroom here today?

1 A. Yes.

2 Q. Have there been any deals for your testimony?

3 A. No.

4 Q. Whatsoever?

5 A. No.

6 Q. Any promises?

7 A. No.

8 Q. For you to testify.

9 And, Derrick, you have a burglary second conviction from
10 back in May 2012, don't you?

11 A. Yes.

12 Q. Now, were you picked up or interviewed on February the
13 21st, which is a Friday, I believe, 2014?

14 A. Yes.

15 Q. Okay. And you were interviewed at the Calhoun County
16 Sheriff's Office by Investigator Stanley Graham?

17 A. Yes.

18 Q. Is that the first time you ever met with police?

19 A. Yes.

20 Q. And you voluntarily gave them a statement?

21 A. Yes.

22 Q. I mean, at that time, were you even under arrest?

23 A. No.

24 Q. And I believe they read you your rights at 10:24 in the
25 morning; is that about right?

1 A. Yes.

2 Q. And did you voluntarily give them a statement?

3 A. Yes.

4 Q. And did you tell law enforcement in your first statement
5 with Investigator Graham and the Calhoun County Sheriff's
6 Office, did you tell them what you told this jury today?

7 A. Yes.

8 Q. Didn't make up any lies or anything?

9 A. No.

10 Q. Did you also that day, when you voluntarily gave them a
11 statement, show them where the body of Kymmara Randolph was
12 tossed?

13 A. Yes, sir.

14 Q. At Four Holes Swamp?

15 A. Yes, sir.

16 Q. Did you actually go with them and show them where it
17 was?

18 A. Yes, I went with them.

19 Q. You rode with them?

20 A. Yes.

21 Q. So the body was recovered because you showed them where
22 it was, correct?

23 A. Yes.

24 Q. Did you also show them the river that you threw the gun
25 in?

1 A. Yes.

2 Q. Did you also take them to where you tossed that bag of
3 items off of Highway 48?

4 A. Yes.

5 Q. I'm going to show you what's been marked as State's
6 Exhibit 4 and 6. Do you recognize what's in these
7 photographs right here, both 4 and 6?

8 A. Yes.

9 Q. And what do those photographs depict? What are they of?

10 A. Woods and a hoodie and just trees and leaves and stuff.

11 THE COURT: Sir, could you repeat that?

12 THE WITNESS: Trees and, like, a hoodie in the wooded
13 area.

14 Q. Is that the area where you threw the bag of items that
15 Thursday night on February 13th?

16 A. Yes, sir.

17 Q. The items that Bryant McKnight asked you to get rid of?

18 A. Yes, sir.

19 Q. And is that the area where you took the Calhoun County
20 Sheriff's Office on February 21st so they could recover those
21 items?

22 A. Yes, sir.

23 MR. PASCOE: I'd ask that State's Exhibits 4 and 6 be
24 admitted into evidence, Your Honor.

25 THE COURT: Any objection?

1 MR. LEIENDECKER: No, Your Honor.

2 MR. BANKS: No.

3 THE COURT: All right. They're in.

4 (State's Exhibits 4 and 6 admitted into evidence.)

5 Q. So they found these items because you took them there
6 that Friday, February 21st?

7 A. Yes.

8 Q. I'm going to show you what's been marked as State's
9 Exhibit 18. Do you recognize State's Exhibit 18?

10 A. Yes.

11 Q. And what do you recognize that to be?

12 A. Bryant McKnight hoodie.

13 Q. That's Bryant McKnight's hoodie?

14 A. Yes.

15 Q. No doubt about it?

16 A. No doubt about it.

17 Q. And he's one of your best friends back in February 2014?

18 A. Yes, sir.

19 Q. And is this the same hoodie that you threw in the woods
20 that was in that black bag?

21 A. Yes, sir.

22 MR. PASCOE: I'd ask that State's Exhibit 18 be admitted
23 into evidence, Your Honor.

24 THE COURT: Any objection?

25 MR. BANKS: Your Honor, I'd object. I'd still state

1 that there's a million hoodies made just like that every day
2 and I don't know how he can know that that individual hoodie
3 is the hoodie that my client wore that night, so I object to
4 it coming in.

5 THE COURT: Any objections, Mr. Leiendecker?

6 MR. LEIENDECKER: I don't have any objections.

7 THE COURT: Your objection is overruled, Mr. Banks.

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

9 MR. PASCOE: Thank you, Your Honor.

10 Beg the Court's indulgence, Your Honor, one second.

11 Q. The person you referred to as Jerry McKnight, who told
12 you -- directed you how to get the victim's body and that
13 threw Kymmara Randolph's body in Four Holes Swamp and told
14 you to "keep it 100," do you see him in the courtroom today?

15 A. Yes, sir.

16 Q. If you could, point him out for the jury.

17 A. Right there (indicating).

18 Q. Okay. Right there next to his lawyer, Mark Leiendecker?

19 A. Yes, sir.

20 Q. And the person that you referred to as Bryant McKnight,
21 one of your best friends who possessed the .22 caliber pistol
22 back in February 2014, do you see him in the courtroom today?

23 A. Yes, sir.

24 Q. If you could point him out for the jury.

25 A. Right there.

1 Q. In the blue?

2 A. Yes, sir.

3 MR. PASCOE: Okay. Thank you. Answer any questions
4 defense counsel has for you.

5 THE COURT: Cross-examination.

6 MR. LEIENDECKER: Yes, Your Honor. If I could just have
7 a moment to review some of the evidence, pictures, before I
8 begin.

9 THE COURT: Sure. Take your time.

10 MR. LEIENDECKER: And I apologize for taking time.

11 Your Honor, may we approach?

12 THE COURT: You may.

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

15 MR. LEIENDECKER: No way to try to delay it or anything,
16 but his testimony relates to where he went to get the body,
17 and the State doesn't have any pictures of that blown up,
18 although there are investigative pictures, but I need to be
19 able to go through the photos that I have to try to find the
20 one I'm talking about, and I don't want to, you know, wind up
21 having to spend 10, 15 minutes rummaging through them and
22 bore the jury while I'm sitting in my counsel table.

23 THE COURT: We'll take a brief recess and let them go to
24 the restroom.

25 MR. LEIENDECKER: Okay. Thank you.

1 (The following was held in open court.)

2 THE COURT: Ladies and gentlemen, we're going to take a
3 brief recess, and we'll be about 10 minutes or so. Just let
4 us know when you're ready.

5 You can step down. However, don't talk to anybody about
6 your testimony. Just wait until the jury goes out.

7 (The jury retires to the jury room at 10:26 a.m.)

8 (State's Exhibits 11-13 marked for identification.)

9 (Recess held.)

10 THE COURT: Are we ready to proceed?

11 MR. LEIENDECKER: I'm ready, Your Honor.

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

13 (The jury enters the courtroom at 10:41 a.m.)

14 THE COURT: You may proceed, Mr. Leiendecker.

15 MR. LEIENDECKER: Thank you, Your Honor.

16 CROSS-EXAMINATION BY MR. LEIENDECKER:

17 Q. Mr. Sumter, my name is Mark Leiendecker. I'm counsel
18 for Mr. Jerry McKnight. I have just a few questions for you,
19 sir.

20 A. All right.

21 Q. What I need you to do, because I was sitting way over
22 here and had difficulty at times, I need you to be sure that
23 you speak up so that we can all hear. But when you pull that
24 microphone real close, it doesn't get better, it actually
25 gets worse, okay?

1 A. All right. I understand.

2 Q. Very good. Thank you.

3 Your testimony regarding the night of February the 13th,
4 you became involved in this case when Bryant McKnight and
5 Stephon Green came to your family's place in Roosevelt
6 Gardens; is that correct?

7 A. Yes, sir.

8 Q. And at that time, you told the police in statements that
9 Bryant McKnight asked you to get rid of stuff in a black
10 garbage bag, correct?

11 A. Yes, sir.

12 Q. And I understood your testimony today to say you didn't
13 know what was in that garbage bag when he handed it to you;
14 is that correct?

15 A. Yes.

16 Q. However, isn't it accurate in your statement you told
17 the police that you knew there was a gun there because
18 Stephon Green --

19 A. Yes.

20 Q. -- put the gun in the bag?

21 A. That what I said. I said I saw him put the gun inside
22 the bag.

23 Q. Okay. And that was in the car?

24 A. Yes.

25 Q. Okay. And then your testimony is after you did all

1 that, you went and met my client, Jerry McKnight, later
2 because of a phone call from Bryant McKnight, correct?

3 A. Yes.

4 Q. And if I read your statement correctly, you stated that
5 your meet with Jerry McKnight took place at his aunt's
6 apartment on Agnes Street across from John Ford?

7 A. Yes.

8 Q. And you testified to that today too, right?

9 A. Yes.

10 Q. And is it your testimony you saw Jerry come out of that
11 apartment and come to the car to meet you?

12 A. Yes, I saw him walk out the apartment.

13 Q. Okay. Approximately what time was this?

14 A. I can't give you exact time on it right now.

15 Q. No, I don't want an exact time. Was it -- do you have
16 any idea what time it was?

17 A. It was pretty late.

18 Q. Pretty late?

19 A. Yes.

20 Q. And does pretty late mean midnight?

21 A. No, it wasn't that late. At least about, what, 11, 12,
22 I can't --

23 Q. Somewhere between 11 and 12?

24 A. I can't put an exact time on it. I don't know the exact
25 time.

1 Q. And after all this stuff that you say Jerry McKnight
2 directed you to do, you dropped him back in St. Matthews; is
3 that correct?

4 A. Yes.

5 Q. And where did you drop him in St. Matthews, at that same
6 apartment on Agnes Street?

7 A. Yes.

8 Q. And did he go in the apartment?

9 A. I don't know.

10 Q. You weren't -- you didn't see him?

11 A. He got out the car. As soon as he got out, I left.

12 Q. Okay. Isn't it a fact that you had no problem when the
13 police came to you taking them directly to the items that you
14 had disposed of for Bryant McKnight?

15 A. Yes.

16 Q. And isn't it true you had no problem taking them
17 directly to the body because you were involved and you were
18 there, correct?

19 A. Yes, well, what you -- restate that question again.

20 Q. You had no problem taking them to where the body was
21 because you were involved with the body being there and you
22 knew where it was.

23 A. No.

24 Q. You didn't drive the car there?

25 A. Yes, I drive my car there, but I didn't know what was

1 going on till I got there, until he showed me.

2 Q. Okay. It's your testimony that you picked someone up on
3 Agnes Street, that someone being Jerry McKnight, and that
4 from that point forward, Jerry McKnight was in charge of
5 everything, correct?

6 A. Yes.

7 Q. But you knew exactly where the body was; isn't that
8 correct?

9 A. Yes.

10 Q. Because you were a part of taking the body right where
11 it was, correct?

12 A. Yes.

13 Q. And you're certain you picked Jerry McKnight up on Agnes
14 Street and you dropped him off on Agnes Street?

15 A. Yes.

16 Q. And you're certain that he was in Carolyn McKnight's
17 apartment across from John Ford on Agnes Street, and that's
18 where he came from?

19 A. Yes.

20 MR. LEIENDECKER: I have no further questions.

21 THE COURT: Mr. Banks, any cross-examination?

22 MR. BANKS: Thank you, Your Honor. May it please the
23 Court.

24 CROSS-EXAMINATION BY MR. BANKS:

25 Q. Mr. Sumter, you said that that was your gun. The gun

1 you saw in the bag at one time was yours; is that what you
2 said?

3 A. Yes.

4 Q. And you conveniently sold it to my client, what, a
5 couple of weeks before this murder?

6 A. Yes. Right after the home break-in.

7 Q. Right after the break-in?

8 A. Yes.

9 Q. And at that point, you never saw that gun until that
10 night; is that what your testimony is?

11 A. Yes.

12 Q. How many rounds can you put in that -- it's a revolver,
13 right?

14 A. Yes.

15 Q. How many rounds could you put in there?

16 A. At least from nine to ten.

17 Q. Nine to ten?

18 A. Yes.

19 Q. Because the bullets are so small, they're .22s, right?

20 A. Yes.

21 Q. Nine to ten.

22 How long did you own that gun?

23 A. About six months to a year.

24 Q. And you fired it?

25 A. Yes.

1 Q. Had you ever unloaded that weapon on a can or any kind
2 of target or anything?

3 A. Yes.

4 Q. And you say it held -- do you remember if it was nine or
5 ten?

6 A. It was between one -- I know it's nine or ten.

7 Q. Okay. Now, you saw the black coat, and you said it's
8 Bryant's, but there's plenty of black coats that look like
9 that that are made, right?

10 A. Yes.

11 Q. How do you know that was Bryant's coat?

12 A. Because he had a hole in it.

13 Q. Where's the -- there's a hole in that coat?

14 A. Yes.

15 Q. Where?

16 A. I don't know. I remember there's a hole in it.

17 Q. If you knew there was a hole in it, you don't know where
18 the hole was?

19 A. Yes, I remember it was basically here (indicating).

20 There was a hole in his jacket. I knew it was his jacket.

21 It was a hole in the side his jacket.

22 Q. You said you and Bryant were very close friends at the
23 time back in 2000 -- February of 2013; is that right?

24 A. Yes, sir.

25 Q. Very close. See each other every day?

- 1 A. No.
- 2 Q. How often did you see each other during that time frame?
- 3 A. Probably on the weekends, sometime when I had a chance
- 4 to hang out.
- 5 Q. When you hang out, I mean, did you -- well, and you said
- 6 on the weekends, right?
- 7 A. Yes, sometime on the weekends.
- 8 Q. And at nighttime, daytime, hang out long periods of
- 9 time?
- 10 A. Sometime day, sometime nights.
- 11 Q. And who else would hang out with you all?
- 12 A. Sometimes just be me and him.
- 13 Q. And during that time, you never met this
- 14 Ms. Kymmara Randolph?
- 15 A. No.
- 16 Q. You never met her?
- 17 A. No, I never met her.
- 18 Q. He's only talked about her?
- 19 A. Yes, he talked about her.
- 20 Q. How often did he talk about her?
- 21 A. Not too often.
- 22 Q. Did he ever threaten to kill her?
- 23 A. Well, he found out she had something do with --
- 24 Q. Wait, wait. When he talked to you, did he threaten to
- 25 kill her?

1 A. He said he find out that she had something do with it,
2 he was gone kill her.

3 Q. He said if he found out she had something to do with it,
4 he would kill her.

5 A. Yes, sir.

6 Q. He said that to you?

7 A. Yes, sir.

8 Q. And who was with you when that was said?

9 A. Just me and him.

10 Q. And do you know if he ever found that out?

11 A. No.

12 Q. You said when Stephon and Bryant came up there to see
13 you that night of the 13th, you said Stephon and Bryant.
14 Stephon was in a hurry, I think you said; is that right?

15 A. Yes, they were rushing, both of them. They was in a
16 rush.

17 Q. Do you know why Stephon was in a hurry?

18 A. No, sir.

19 Q. Okay. You also claim that you didn't know that -- my
20 client asked you to get rid of a bag, a garbage bag, right?

21 A. Yes.

22 Q. And you didn't know why he wanted it disposed of?

23 A. Yes.

24 Q. And then you looked in that bag --

25 A. Yes.

1 Q. -- and saw a coat on top of everything.

2 A. Mm-hmm.

3 Q. And there was a gun in the bag.

4 A. Yes. I saw them put the gun --

5 Q. The gun that you recognized as yours?

6 A. Yes.

7 Q. And that gun was on top of the coat?

8 A. Yes.

9 Q. All right. And he said, "Get rid of the bag"?

10 A. Yes.

11 Q. And you ended up getting rid of the gun in a river. He

12 never asked you to do that, did he?

13 A. No.

14 Q. So you didn't know what you were doing. You didn't know

15 why it needed to get rid of, right?

16 A. No.

17 Q. But you especially took care of that gun?

18 A. Yes.

19 Q. You got rid of the gun in the river, right?

20 A. Yes, sir.

21 Q. He didn't ask you to do that.

22 A. He told me get rid of it.

23 Q. He told you to get rid of the bag.

24 A. The bag, that mean everything that was in the bag. He

25 wanted everything to be done. He didn't want me to throw

1 everything in one spot. I didn't do that.

2 Q. Did he say all that? He didn't say all that, did he?

3 A. Yes, he did. He told me that. He told me that.

4 Q. Then why did you throw the gun in the river?

5 A. Because I got rid of the gun.

6 Q. You knew that that gun was involved in something
7 serious, didn't you?

8 A. I had a possibility, yes.

9 Q. And you knew it because you were there.

10 A. I wasn't there.

11 Q. You just told Mr. Leiendecker that you were there, that
12 you knew where the body was because you took it there.

13 A. No.

14 Q. Yes, you did.

15 A. You must've misunderstand my question, because like I
16 told him earlier, you misheard it, because I was saying that
17 I know where the body was at because they showed me where the
18 body was at. Jerry showed me where the body was at, so
19 that's how I know how to get to the body.

20 Q. Did you see Bryant with a phone or use a phone that
21 night?

22 A. Yes, I saw him texting.

23 Q. Text who?

24 A. I don't know.

25 Q. What did the phone look like?

1 A. I don't know. I forgot.

2 Q. You saw him text, but you didn't see what the phone
3 looked like?

4 A. I saw the phone. It was like a regular touchscreen
5 phone, you know what I'm saying, regular phone.

6 Q. You live in Orangeburg?

7 A. Yes.

8 Q. And do you know where Bryant lived?

9 A. Yes.

10 Q. Did he live in St. Matthews?

11 A. Yes.

12 Q. If this gun and bag came from St. Matthews, why did you
13 drive back through St. Matthews to get rid of the gun from
14 Orangeburg? You lived in Orangeburg.

15 A. Yes.

16 Q. Why did you come this way?

17 A. Because I had to go through that way to get to where I
18 was going.

19 Q. And you also had to go back and get the body?

20 A. Yes.

21 Q. What was Bryant wearing that night?

22 A. A shirt.

23 Q. What color?

24 A. You know what I'm saying?

25 Q. Of course he'd be wearing a shirt. What color?

1 A. I don't -- I can't tell you what color the shirt was.

2 Q. So you can't identify what he was wearing except this
3 coat that you said was in the bag that was his?

4 A. Yes.

5 Q. Was he wearing the coat?

6 A. No.

7 Q. You gave four different statements to the police
8 officers. Do you even remember them all?

9 A. I did not give four different statements to the police.
10 That isn't -- that's not mine, okay? Wrong person, sir.

11 Q. Three statements. How many statements did you give the
12 police officers?

13 A. I gave them the first statement when I went there, and
14 the next day I gave them another statement.

15 Q. So just two statements?

16 A. Yes.

17 Q. Are you positive it wasn't three statements?

18 A. I'm not sure. I know there was a couple statements that
19 was made.

20 Q. Does that look like one of your statements (indicating)?

21 That look like another of your -- by the way, did you
22 answer that? Was that one of your statements?

23 A. Yes, sir.

24 Q. Is that another of your statements?

25 A. Yes, sir.

1 Q. And is that another of your statements?

2 A. Yes, sir.

3 Q. So you gave three statements; is that right?

4 A. Yes, sir, but all of them say the same thing.

5 Q. They're all the same?

6 A. Yes, sir.

7 Q. So this one that's two pages is the same as the one
8 that's five pages is the same as the one that's three pages;
9 is that what you're saying?

10 A. All them say the same thing. Look at it, sir, please.

11 Q. Well, you just had a look at it.

12 A. Yes.

13 Q. So the one that's three pages is the same as the one
14 that's two pages and the same as the one that's five pages?

15 A. All them say the same.

16 Q. Same thing. They all say the same thing.

17 Isn't it true that your statement got longer, more
18 detailed, like the third one is longer than the first one; is
19 that right?

20 A. Yes.

21 Q. And you had time between these statements to think about
22 what you'd done?

23 A. No. No.

24 Q. You had time between these statements to think about
25 what you'd said in the first statement?

1 A. No.

2 Q. You had no time?

3 A. Listen. Okay, let me break it down for you.

4 Q. Okay. I'll break it down.

5 A. Okay. The first statement I give, that when they first
6 came and get me. After I got arrested and released, I gave
7 another statement.

8 Q. Mm-hmm.

9 A. That's what I'm saying. So it was --

10 Q. And you didn't have any time between the first and the
11 second statements to think about what you'd said in the first
12 statement?

13 A. No. Because all them basically the same. Probably
14 write a little different, but everything is the same.

15 Q. Then why did you need to give another statement?

16 A. Because they asked me to put another statement. They
17 told me then because I had to get a lawyer. When they first
18 talked to me, I didn't have a lawyer --

19 Q. Who's your lawyer?

20 A. Mathias Chaplin.

21 Q. Okay. And so you consulted a lawyer?

22 A. Yes, sir.

23 Q. And they asked you or did your lawyer ask --

24 A. My lawyer told me to go and do another statement.

25 Q. Do another statement?

1 A. Yes.

2 Q. And the police wanted another statement from you, right?

3 A. Yes.

4 Q. And they wanted you to say a few more things that they
5 wanted to hear; is that right?

6 A. No. They just wanted the truth.

7 Q. They just wanted the truth.

8 Well, which statement is the truth? You gave three.

9 A. All of them is the truth, sir.

10 Q. All of them.

11 MR. BANKS: One moment, Your Honor.

12 Mr. Sumter, what's your cell number back in February of
13 2013?

14 A. 614-6425.

15 MR. LEIENDECKER: I'm sorry, Your Honor, I didn't hear
16 that.

17 THE COURT: Would you repeat that, please?

18 THE WITNESS: 614-6425.

19 MR. BANKS: No further questions, Your Honor.

20 THE COURT: Any redirect?

21 MR. PASCOE: Thank you, Your Honor.

22 REDIRECT EXAMINATION BY MR. PASCOE:

23 Q. Let's go straight to the statements that Mr. Banks was
24 asking you about, okay?

25 A. Yes, sir.

1 Q. When you met with law enforcement and gave your
2 statements, every one of those statements was truthful?

3 A. Yes, sir.

4 Q. You didn't lie to them at all, did you?

5 A. No, sir.

6 Q. And let's give an example of -- well, let me ask you
7 this: He asked you about, well, why was your first statement
8 on February 21st was only two pages long.

9 A. Yes, sir.

10 Q. In fact, let me ask you, did you even sign your first
11 statement on February the 21st?

12 A. No, sir.

13 Q. And when you were giving your statement on
14 February 21st, is that when Investigator Graham learned that
15 you could take him to the body?

16 A. Yes, sir.

17 Q. And what did he do?

18 A. He said, "Let's go."

19 Q. You stopped giving the statement?

20 A. Yes.

21 Q. And then you went riding with Lieutenant Graham, right?

22 A. Yes, sir.

23 Q. Or Investigator Graham. That's why you didn't complete
24 your statement that day, right?

25 A. Yes, sir.

1 Q. On the 21st, you took him to where the body was at Four
2 Holes?

3 A. Yes, sir.

4 Q. On the 21st, you took him to where that bag of items was
5 off of Bluff Road?

6 A. Yes, sir.

7 Q. Then as you testified to, because you told the truth,
8 what happened to you?

9 A. I got locked up.

10 Q. You were charged with accessory after the fact of murder
11 because you told the truth?

12 A. Yes, sir.

13 Q. Because you admitted to getting rid of items?

14 A. Yes, sir.

15 Q. After you were arrested, after you got a lawyer, you
16 voluntarily came in and gave another statement of the truth
17 like you were doing on the 21st?

18 A. Yes, sir.

19 Q. Now, just for clarification. You told -- who gave you
20 the directions on the night of the 13th on how to find the
21 body on that country road?

22 A. Jerry McKnight.

23 Q. And he was in the car with you the whole time?

24 A. Yes.

25 Q. Who gave you the directions on where to dump the body

1 off --

2 MR. LEIENDECKER: Objection, Your Honor. Beyond the
3 scope of cross.

4 MR. PASCOE: I'm clarifying what he brought up, which
5 was the --

6 THE COURT: That was your cross-examination,
7 Mr. Leiendecker.

8 MR. LEIENDECKER: Right. And it's beyond that scope.

9 THE COURT: I don't agree with that. I think it's
10 within the scope.

11 MR. PASCOE: Just trying to clarify.

12 Q. And who gave you the directions on how to take the body
13 to Four Holes Swamp?

14 A. Jerry McKnight.

15 Q. Would you have been able to find that body without
16 Jerry McKnight showing you where to go?

17 A. No, sir.

18 Q. And finally, Mr. Banks was asking you about or implying
19 that you never left St. Matthews on the 13th, correct? Or
20 he's asking you questions about why would you leave
21 Orangeburg to go all the way through St. Matthews to get rid
22 of these items. Do you remember that?

23 A. Yes.

24 Q. You gave law enforcement your phone number at some point
25 in time?

1 A. Yes.

2 Q. And do you even know that we can actually tell where you
3 were pinging from? Do you know this? Do you know that we
4 can tell where you were at what time during that night?

5 A. No, sir.

6 Q. So you don't even know that, do you?

7 A. No, sir.

8 MR. PASCOE: Okay. That's all I have.

9 THE COURT: You may step down, sir. Thank you.

10 You may call your next witness.

11 MR. WARD: Mark Carson.

12 CLERK OF COURT: Place your left hand on the Bible and
13 raise your right hand.

14 MARK K. CARSON,
15 being first duly sworn, testified as follows:

16 CLERK OF COURT: Please state your full name for the
17 record.

18 THE WITNESS: Mark K. Carson.

19 DIRECT EXAMINATION BY MR. WARD:

20 Q. Mr. Carson, where do you work?

21 A. Carson's Farm & Garden.

22 Q. Do you own that store?

23 A. Yes, sir.

24 Q. How long have you owned that?

25 A. Since 1987.

1 Q. And do you sell ammunition and firearms there?

2 A. Yes, sir.

3 Q. What licenses are required to do so?

4 A. Have to have a federal firearms license.

5 Q. I'm guessing you have -- you are licensed?

6 A. Yes, sir.

7 Q. Let's go back to February of 2014, last year. Do you
8 remember a person coming into your store and asking to
9 purchase .22 caliber bullets?

10 A. Yes.

11 Q. What did that person look like?

12 A. Older black male. Never really seen him before, just
13 probably first time I ever saw him.

14 Q. And what type of bullets were those?

15 A. Bought -- it's Armscor .22 caliber bullet.

16 Q. And how are you able to remember they are Armscor
17 bullets?

18 A. Because I'd never seen those bullets before. The first
19 time I'd ever had Armscor .22 bullets. I never knew that
20 they made them, and they just came in. And when you looked
21 at the bullets, they were copper-plated, and the copper was
22 so bright it looked like they were made of gold, and it just
23 caught my eye. And like I said, I'd never sold any before.

24 Q. Did that person ever come back in again?

25 A. Yes. He came in several days later, bought another box

1 of bullets.

2 Q. The same type of bullet?

3 A. Same bullets, yes.

4 Q. And did you see him after that?

5 A. Yes. He came back in and asked me about getting him a
6 gun. And I pulled out the catalog and I asked him whatever
7 gun, I don't remember exactly what kind of gun he wanted, and
8 I started flipping open the page, and I asked him if he could
9 pass the FBI background check.

10 And he said no, he couldn't, so I shut the book up and
11 said, "There isn't any reason for me to go any further
12 because I can't help you."

13 Q. And the timeline of this, you said -- when was the first
14 time you think he was into the store in February?

15 A. The first time probably somewhere right around the first
16 week.

17 Q. Okay. So sometime after Sunday the 2nd you think?

18 A. 2nd, probably sometime, yes, probably right around the
19 1st of February. And then he came back in probably the
20 following Monday or -- which would have been, you know, like
21 a week later and bought -- that's when he bought the bullets.
22 And either he left and came back that day and asked me about
23 the gun or either he came back the next day and asked me
24 about the gun.

25 Q. And did you give police this information?

1 A. Yes.

2 Q. Do you remember about what day you talked, spoke with
3 police?

4 A. It was about -- it was when they announced on TV that
5 they'd charged him, the sheriff had charged him with --
6 they'd arrested him for killing the girl, I called them that
7 day and told them everything that I knew.

8 MR. WARD: Thank you. No further questions. Please
9 answer the defense may have.

10 THE COURT: Cross-examination, Mr. Banks,
11 Mr. Leiendecker?

12 MR. BANKS: I don't have anything.

13 MR. LEIENDECKER: One moment, Your Honor.

14 THE COURT: Any cross?

15 MR. LEIENDECKER: Yes.

16 Can we approach, Your Honor?

17 THE COURT: Sure.

18 (The following was held at the bench out of the hearing
19 of the jury.)

20 MR. LEIENDECKER: I apologize, but it's become an
21 ongoing problem. Maybe I'm going to need to move. Is there
22 any way I can take a look at just what this guy testified to,
23 I heard him, but I couldn't understand.

24 THE COURT: I have it right here.

25 MR. LEIENDECKER: Okay. And I apologize.

1 (Counsel reviews the record on the Court's realtime
2 feed.)

3 MR. LEIENDECKER: Thank you.

4 (The following was held in open court.)

5 CROSS-EXAMINATION BY MR. LEIENDECKER:

6 Q. Mr. Carson?

7 A. Yes.

8 Q. Good morning. My name is Mark Leiendecker, one of the
9 defense attorneys in this case.

10 Do you remember giving the police a statement regarding
11 this matter?

12 A. Yes, sir.

13 Q. It's not a very long statement. Do you need it to
14 refresh your recollection what you told them back then?

15 A. No, I think I'm all right.

16 Q. Okay. There's absolutely no mention, no mention in the
17 statement you gave the police on the 25th of February 2014
18 regarding multiple visits by anybody to your shop to buy
19 bullets or look at guns; isn't that true?

20 A. No.

21 Q. Can I hand you your statement to refresh your
22 recollection now?

23 A. What you see in parentheses I got down here where he
24 bought the Armscor hollow point .22. That's what I was
25 telling -- he told me to write down the condensed addition of

1 what I thought happened, so that's why I have it written like
2 that.

3 Q. Show me on there anywhere on the statement that the
4 police asked you to give that day, and I assume they asked
5 you to write down honestly what happened, show me anywhere on
6 there that it says someone came to your store two or three
7 times.

8 A. It doesn't say that. It just says about the Armscor .22
9 bullets he had asked me about.

10 Q. Yes, sir. So that was nowhere until today from the
11 witness stand, correct?

12 A. Yes.

13 Q. Okay. That's first time you've put that in any kind of
14 statement or testified to it, correct?

15 A. Other than when I told the deputy that.

16 Q. Did you see the car the gentleman came from to come in
17 your store?

18 A. No, I did not.

19 Q. Did you see anyone else in the car?

20 A. No. I didn't see the car, so I couldn't see anybody
21 else.

22 MR. LEIENDECKER: Okay. I don't have any further
23 questions.

24 THE COURT: Mr. Banks, any cross-examination?

25 MR. BANKS: No, Your Honor.

1 THE COURT: Any redirect?

2 MR. WARD: Nothing, Your Honor.

3 THE COURT: You may step down, sir. Thank you.

4 You may call your next witness.

5 MR. WARD: Norris Shuler.

6 CLERK OF COURT: Place your left hand on the Bible and
7 raise your right hand.

8 NORRIS SHULER,
9 being first duly sworn, testified as follows:

10 CLERK OF COURT: Please state your full name for the
11 record.

12 THE WITNESS: Norris Shuler.

13 THE COURT: Your witness.

14 MR. WARD: Thank you, Your Honor.

15 DIRECT EXAMINATION BY MR. WARD:

16 Q. Mr. Shuler, where are you employed?

17 A. Carson's Farm & Garden.

18 Q. How long have you worked there?

19 A. About 13 years.

20 Q. Are you familiar with the defendant Jerry McKnight?

21 A. Know him all my life. He have three kids by my cousin.

22 Q. Would you be able to point Mr. Jerry McKnight out?

23 A. One with the red shirt on (indicating).

24 Q. Thank you.

25 Were you working -- was there a black male that came

1 into the store and purchased .22 caliber bullets back last
2 February?

3 A. Yes.

4 Q. Did you recognize that individual?

5 A. Yes, I did.

6 Q. Who was that?

7 A. Jerry McKnight.

8 Q. And what do you remember when he came into the store?

9 A. Well, I came through the back door. My boss have a
10 double back door, and I came through the back behind him, and
11 him and my boss was going through the book. He was asking
12 him about purchasing a gun, and before he left, he bought
13 .22 bullets.

14 MR. WARD: Okay. One second, Your Honor.

15 Thank you, Mr. Shuler. Nothing further. Please answer
16 anything the defense may have.

17 THE COURT: Cross-examination.

18 CROSS-EXAMINATION BY MR. LEIENDECKER:

19 Q. That's the one time you saw him in there, correct?

20 A. Correct.

21 Q. And he bought some bullets, correct?

22 A. Correct.

23 Q. And did you see how he came: By car, by foot, by bike?

24 A. I saw him left in a car.

25 Q. Okay. Was he driving?

1 A. No.

2 Q. In fact, other people were in the car, correct?

3 A. I saw one more person in the car with him.

4 MR. LEIENDECKER: Okay. No further questions. Thank
5 you.

6 THE COURT: Mr. Banks, any cross-examination?

7 MR. BANKS: No, Your Honor.

8 THE COURT: Any redirect?

9 MR. WARD: Nothing further, Your Honor.

10 THE COURT: You may step down, sir, thank you.

11 You may call your next witness.

12 MR. SORENSON: State calls Sandra Hughes.

13 CLERK OF COURT: Please place your left hand on the
14 Bible and raise your right hand.

15 SANDRA LOUISE HUGHES,

16 being first duly sworn, testified as follows:

17 CLERK OF COURT: Please state your full name for the
18 record.

19 THE WITNESS: Sandra Louise Hughes.

20 THE COURT: Your witness.

21 MR. SORENSON: Thank you, Your Honor.

22 DIRECT EXAMINATION BY MR. SORENSON:

23 Q. Good morning, Ms. Hughes. If you would, please tell us
24 where you were living back in February of 2014.

25 A. Williston.

1 Q. Where is Williston located at?

2 A. In Barnwell County.

3 Q. It's located in Barnwell County?

4 A. Yes.

5 Q. And about how far, Ms. Hughes, is that from here?

6 A. It's almost an hour drive.

7 Q. How about from Orangeburg to Williston?

8 A. Almost an hour drive.

9 Q. And Ms. Hughes, back in February of last year, do you
10 remember what your cell phone number was back during that
11 time period?

12 A. It's still the same number.

13 Q. Still the same? What is it? Would you tell the jury
14 what it is?

15 A. 803-671-0445.

16 Q. And let me ask you this: Do you know the defendant
17 Jerry McKnight -- I'm sorry, Bryant McKnight?

18 A. Yes.

19 Q. And tell the jury how you know Bryant McKnight.

20 A. We met on a chat line.

21 Q. And when was that that that occurred?

22 A. The first of October.

23 Q. October of?

24 A. '13.

25 Q. 2013?

1 And so you said you met him on a chat line?

2 A. Well, verbally, yes.

3 Q. Okay. And ultimately did the two of you then enter into
4 a relationship?

5 A. Yes.

6 Q. The two of you all?

7 And did that relationship kind of last from October of
8 2013 until February of 2014?

9 A. Yes.

10 Q. And tell the jury, you were living in Williston during
11 that time period?

12 A. Yes.

13 Q. And tell the jury how often during those several months
14 you would see Bryant McKnight.

15 A. Once a week.

16 Q. Initially during that several-month time period, where
17 would that occur that you were meeting him?

18 A. I would drive to Orangeburg.

19 Q. Was he staying in Orangeburg, or where would you stay
20 when you came to Orangeburg once a week?

21 A. Well, I didn't know where he was staying when we first
22 met, but I assumed it was in Orangeburg.

23 Q. Where -- when you would meet with him in Orangeburg,
24 where would you all -- where would you go?

25 A. A hotel.

1 Q. At some point in time, did -- at some point in time,
2 were there occasions when Mr. McKnight came to your home in
3 Williston?

4 A. Yes.

5 Q. Tell the jury how that would come about.

6 A. He wanted to see where I live.

7 Q. And did he drive to you in Williston or did you come get
8 him?

9 A. I would come and get him.

10 Q. Were you aware of whether Mr. McKnight had a vehicle
11 back during that time period?

12 A. He said just before we met he had a car, but it broke
13 down or something.

14 Q. So during that time period that you were with him from
15 October of 2013 to February of 2014, did you ever see him
16 driving a vehicle during that time period?

17 A. No.

18 Q. How about a cell phone; do you know whether he had a
19 cell phone during that time period?

20 A. Yes.

21 Q. And do you remember now -- do you remember what his cell
22 phone number is now a year later?

23 A. No.

24 Q. And during that time period that you were seeing him
25 once a week or so, what name did you know him by?

1 A. Brandon.

2 Q. Let me ask you about a couple other people while I'm
3 talking about people here. Do you know a young man by the
4 name of Stephon Green?

5 A. No.

6 Q. How about -- were you in the -- you were in the
7 courtroom this morning when the first young man testified?

8 A. Yes.

9 Q. Derrick Sumter? Do you know Mr. Sumter?

10 A. No, I don't know him.

11 Q. Ever seen him before this morning?

12 A. No.

13 Q. How about a young man by the name Jonathan Mack; do you
14 know Mr. Mack?

15 A. No.

16 Q. How about the other codefendant, Jerry McKnight; do you
17 know Jerry McKnight?

18 A. I saw him before.

19 Q. Where did you see him before?

20 A. At I guess it was his aunt's house.

21 Q. Okay. And who were you with when you saw
22 Jerry McKnight?

23 A. With Brandon.

24 Q. How about a young man by the name of Jamaal Pearce; do
25 you know that person?

1 A. No.

2 Q. Let me ask you this, Ms. Hughes: As a result of kind of
3 everything that happened back in February of last year, were
4 you ultimately charged with obstruction of justice here in
5 Calhoun County?

6 A. Yes.

7 Q. And also with, I believe, hindering a police officer in
8 Barnwell County; is that correct?

9 A. I was charged with it, yes.

10 Q. And you've ultimately -- you had to hire a lawyer; is
11 that correct? Did you get a lawyer?

12 A. Yes.

13 Q. And as far as specifically with the obstruction of
14 justice here in Calhoun County, why were you charged with
15 that here in Calhoun?

16 A. Because I mistakenly said what night he was with me, but
17 it wasn't the truth; but in my mind, I thought it was.

18 Q. We're going to get to that. Let me ask you this: On
19 February -- on Tuesday, February the 18th, Tuesday,
20 February the 18th, did you have occasion to come into the
21 Calhoun County Sheriff's Office and talk to them --

22 A. Yes.

23 Q. -- about that prior Thursday night?

24 A. Yes.

25 Q. Okay. And what did you tell the police on that Tuesday,

1 February 18th about how long and where Bryant McKnight was
2 that week before?

3 A. I said that he was with me from the 12th up until
4 present day.

5 Q. That he had been with you from Wednesday the 12th of
6 February up until when you all -- and was he actually with
7 you when you came into the sheriff's office on the 18th?

8 A. Yes. I brought him in.

9 Q. Now, tell this jury now, I mean, is that true? Was he
10 with you during that whole time period from Wednesday the
11 12th until Tuesday the 18th?

12 A. Well, at that time, in my mind, that's what I thought,
13 but it wasn't.

14 Q. It's not true?

15 A. No.

16 Q. And, in fact, tell the jury when it was that week prior
17 that Mr. Bryant McKnight got to your house in Williston?

18 A. It was Thursday night.

19 Q. And that would be Thursday the 13th then?

20 A. Yes.

21 Q. What time was it that Mr. McKnight got to your house
22 that Thursday night?

23 A. Between 10:30 and 11.

24 Q. And do you know how he got there that night?

25 A. Someone brought him.

1 Q. Do you know who it was that brought him?

2 A. No.

3 Q. Do you --

4 A. He said it was his cousin.

5 Q. Did you ever see the car or see the person or anything?

6 A. No. It was night, no.

7 Q. And let me ask you, prior to him showing up at your
8 house that Thursday night between 10:30 and 11, had you heard
9 from him prior that evening?

10 A. Yes.

11 Q. Tell the jury what was the purpose of him contacting you
12 earlier that evening.

13 A. He wanted me pick him up, come and get him.

14 Q. What did you tell him?

15 A. I'm not driving on the -- on ice. The roads was ice.

16 Q. And ultimately did you hear from him that night that he
17 had gotten a ride and that he was actually on his way to see
18 you?

19 A. Yes.

20 Q. And is that by -- was he calling your cell phone?

21 A. Yes.

22 Q. And I think you answered this already, but then so he
23 showed up at your house that Thursday night. Was he then
24 with you from that point on until you come in with him on
25 Tuesday --

1 A. Yes.

2 Q. -- the 18th to the sheriff's office here in
3 St. Matthews?

4 A. Yes.

5 Q. Now, during that time period that -- the then Thursday
6 night to the following Tuesday, had you and he learned at
7 some point in time that the law enforcement here was looking
8 for him?

9 A. Yes.

10 Q. How is that that you all learned that?

11 A. His mother called his cell phone.

12 Q. All right. And at some point in time did you learn that
13 they were wanting to ask him about a girl that was missing?

14 A. Yes. Well, she told him that there was a poster up
15 saying that the girl was missing and a number to call, and
16 they thought he had something to do with it.

17 Q. Did you ask him about that missing girl?

18 A. Yes.

19 Q. What did he say about her?

20 A. He said he didn't know her.

21 Q. Didn't know her?

22 Now, let me ask you, do you at some point in time, when
23 you came into the sheriff's office, do you get a chance to
24 actually see one of those missing persons flyers?

25 A. Yes. It was on the walls.

1 Q. And the girl on that flyer, did you recognize her?

2 A. No.

3 Q. Ever seen her before?

4 A. No.

5 Q. Did you know the name Kymmara Randolph prior to coming
6 into the sheriff's office on February 18th?

7 A. No.

8 Q. Now, you said that back during that time period, you
9 were pretty much -- saw Mr. Bryant McKnight about every week;
10 is that correct?

11 A. Yes. But back towards the end, it had been about two,
12 three weeks before I saw him.

13 Q. Okay. So it had been a couple weeks since you had last
14 seen him before he was at your house for four or five days?

15 A. Yes.

16 Q. And during that time period, did you have an opportunity
17 to see if he had a coat that he wore?

18 A. Yes.

19 Q. Okay. And can you describe what his coat was that he
20 was typically wearing back in December and January and early
21 parts of February?

22 A. From remembrance, no.

23 Q. Let me ask you, let me show you State's Exhibit No. 18.
24 Did you have a chance to see this jacket? Do you remember
25 that jacket?

1 A. Yes.

2 Q. Okay. And where have you -- whose jacket does that
3 appear to be?

4 A. Brandon.

5 Q. And by Brandon, you're referring to --

6 A. Yes.

7 Q. -- Bryant McKnight (indicating)?

8 A. (Nodding.)

9 Q. Let me ask you this: When he showed up at your house at
10 10:30 on the evening of March -- sorry, of February the 13th,
11 was he wearing that jacket when he showed up that night?

12 A. No.

13 Q. Did he have a jacket on when he got there?

14 A. Yes.

15 Q. Had you ever seen the jacket that he showed up that
16 night with?

17 A. No.

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

19 Thank you, Ms. Hughes.

20 THE COURT: Cross-examination.

21 CROSS-EXAMINATION BY MR. BANKS:

22 Q. Hi, Ms. Hughes, how are you?

23 A. Not good.

24 Q. You made a long pause before you identified that jacket.

25 A. I wanted to make sure.

1 Q. And how long does it take to make sure? I mean, is it
2 because there's a thousand of those jackets?

3 A. It's been a year ago.

4 Q. Ma'am?

5 A. It's been a year.

6 Q. True. And so do you think your memory was better back
7 in February of 2013 or February of 2014?

8 A. '13. I would remember it better in '13.

9 Q. Yes, yes. And you made a long pause because there's a
10 lot of black jackets in this world?

11 A. I would imagine.

12 Q. And you said -- how many times had you seen Bryant back
13 then, maybe between you said August and February?

14 A. October.

15 Q. I'm sorry, October. I actually misheard you then.
16 October and February? Not even once a week you said?

17 A. Once a week.

18 Q. Oh, it was once a week?

19 A. Yes. But towards the end, we had stopped. I had
20 stopped -- well, I got tired of coming to Orangeburg to pick
21 him up.

22 Q. Okay. All right. And so you say you might have seen
23 that jacket a handful of times?

24 A. Yes.

25 Q. A handful?

1 A. Yes.

2 Q. Less than ten?

3 A. I couldn't tell you.

4 Q. Okay. And you just can't be confident that that's the
5 exact same jacket as the one he had. How can you be
6 confident in that?

7 A. Well, it's been a while. It's been a while.

8 Q. So you're not confident?

9 A. That's the jacket.

10 Q. And how do you know that's the jacket?

11 A. Because I've seen it before.

12 Q. Well, I mean, I could wear -- Mr. Pascoe had a black and
13 white sort of striped suit, not striped, sort of a plaid
14 designed suit on Monday. I have the exact same suit.

15 MR. PASCOE: Objection. It was Tuesday, Your Honor.

16 MR. BANKS: You're right.

17 THE COURT: Sustained.

18 Q. I have the exact same suit. And he and I are about the
19 same size.

20 MR. PASCOE: Objection. I'm a lot taller, Your Honor.

21 THE COURT: Overruled.

22 Q. How can you say that I wouldn't -- you know, I would be
23 wearing somebody else's jacket? How can you say there's not
24 consistency there? How can you say that I wouldn't -- I
25 couldn't wear somebody else's jacket?

1 A. Well, anybody could wear anybody's jacket.

2 Q. But that jacket was found in a bag. He just pulled a
3 jacket out of a bag.

4 A. That's his jacket.

5 Q. How do you know? Do you know -- is it the right size?

6 A. I didn't look at the size of his jacket.

7 Q. Right. And so how do you know? That's one of the
8 things you'd know. If I was trying to wear Don's coat, it
9 would just be ridiculous. And you'd know it wasn't my coat,
10 right?

11 A. Okay.

12 Q. So you didn't even look at the size to tell -- I don't
13 mean the number on the back, but the size of the material
14 there. You weren't paying -- you're not noticing that.

15 A. I looked at it. That's why I hesitated, because I
16 wanted to make certain.

17 Q. All right. You actually brought Bryant to the police
18 station -- I mean to the sheriff's office; is that right?

19 A. Yes.

20 Q. Who else was with you?

21 A. Just me and him and his mother. We went by to pick up
22 his mother.

23 Q. So you three went to the sheriff's office?

24 A. Yes.

25 Q. And you -- now, that's the first time you talked to law

1 enforcement in person --

2 A. Yes.

3 Q. -- on this case?

4 A. Yes.

5 Q. And did they take you into a room separate from Bryant
6 and his mother?

7 A. Yes.

8 Q. And who did that?

9 A. I don't remember the officer.

10 Q. Okay. Is this the officer here (indicating)?

11 A. I -- I -- no. It was a white officer.

12 Q. He looks too much like a lawyer, doesn't he?

13 A. It was a white officer.

14 Q. White officer. Big, big, big guy?

15 A. I don't remember.

16 Q. All right.

17 A. I just remember the color.

18 Q. Okay. You don't remember.

19 And did he question you, that officer?

20 A. Well, I made a statement. I wrote a statement.

21 Q. And nobody put pressure on you to give that statement,
22 did they?

23 A. No.

24 Q. You gave it freely?

25 A. Yes.

1 Q. After careful thought, like you had careful thought over
2 this jacket; is that right?

3 A. Yes.

4 Q. You carefully thought about that statement.

5 And you wrote that my client had been there or you gave
6 the statement my client had been there on the 12th?

7 A. That's what I thought.

8 Q. That's what -- that's right.

9 A. But it was wrong.

10 Q. But you thought about it carefully, didn't you?

11 A. Well, we didn't even have to think about it, because in
12 my mind, that's what I thought.

13 Q. Yes. And that's because it was true?

14 A. No, it wasn't.

15 Q. I mean, you've changed your story now.

16 A. Yes.

17 Q. It was the 12th when your memory was fresh back in
18 February of 2013, right? Didn't you say your memory would be
19 much fresher then?

20 A. Yes. But I --

21 Q. And now it's a year later?

22 A. Because once I was released from jail, I got home and I
23 talked to my daughter and I was telling her what went on and
24 I told her that Brandon was at my house that Wednesday. She
25 said, "No, Ma, he" --

1 MR. BANKS: Objection, Your Honor.

2 THE COURT: You can't say what anybody else told you,
3 ma'am.

4 THE WITNESS: Okay.

5 Q. So they didn't audio or videotape your statement at the
6 sheriff's department?

7 A. I don't -- I don't think so.

8 Q. There was an ice storm that night; is that right?

9 A. No. The ice was melting away, but it was still on the
10 roads.

11 Q. On the 12th I mean.

12 A. It was still on the road. I don't know whether -- but I
13 know ice was on the road, because I wasn't driving.

14 Q. Are we talking about the 12th or the 13th? I'm talking
15 about the 12th.

16 A. Yes. It was an ice storm.

17 Q. Okay.

18 A. Because my lights was out for a day.

19 Q. Right. Because the ice storm, I think, came the day
20 before that, didn't it? Because that thing lasted about
21 three days, as I remember. I don't know if you remember. I
22 wasn't in the -- where do you live?

23 A. Williston.

24 Q. I don't remember -- I didn't go to Williston, so I don't
25 know what the conditions were in Williston. What were the

1 conditions in Williston on the 13th?

2 A. Ice was still on the road.

3 Q. All right. You said it was melting a minute ago, didn't
4 you?

5 A. Mm-hmm. Well, it was still on the road. It was
6 melting, but it was still on the road.

7 Q. And so that's the 13th, right, it was melting on the
8 13th?

9 A. Mm-hmm.

10 Q. And it was nighttime?

11 A. Yes.

12 Q. And I think you indicated a minute ago that -- under
13 direct examination you indicated that you didn't want to
14 drive to Orangeburg to pick Bryant up because the roads were
15 icy?

16 A. Yes.

17 Q. Now, that's where I'm getting at. The 12th it was more
18 ice than the 13th; am I right?

19 A. Yes, and I didn't drive at all that day.

20 Q. Because it was too icy to go to Orangeburg?

21 A. Yes.

22 Q. The 13th it had been melting; isn't that your testimony?

23 A. Yes. But it was still on the road.

24 Q. You said it was melting, though?

25 A. It was melting, but it was still on the road.

1 Q. There was more ice on the 12th than the 13th?

2 A. Probably. Probably.

3 Q. At some point you changed your story from the 12th to
4 the 13th, and you didn't -- did you return to the police
5 station to give a statement and write that down for them to
6 have?

7 A. I wasn't asked to.

8 Q. You weren't asked to.

9 MR. BANKS: One moment, Your Honor.

10 Q. Ms. Hughes, does your daughter live with you?

11 A. No.

12 Q. She does?

13 A. Not now.

14 Q. I'm sorry. Yes, good point. Back in February of
15 2013 --

16 A. Yes.

17 Q. -- did she live with you?

18 So she was there every night?

19 A. Excuse me?

20 Q. Was she there every -- she was there every night of the
21 week back in 2013?

22 A. No. She would hop back and forth from her boyfriend
23 house to my house.

24 Q. Uh-huh.

25 When Bryant got there that night, the night that he got

1 there, didn't he go heat water on the stove with you?

2 A. Do what?

3 Q. Like heat up some water for hot tea or anything?

4 A. I don't remember.

5 Q. You don't remember?

6 A. No.

7 Q. Did he talk to you?

8 A. Of course.

9 Q. All right. And what happened that evening? Anything
10 else of note? Did you all watch the news?

11 A. We watched TV.

12 Q. Watched TV.

13 MR. BANKS: Thank you for your indulgence, Your Honor.

14 Q. Ms. Hughes, did you lose power during the ice storm?

15 A. The day before he got there.

16 Q. The day before. The ice storm started, I believe, on
17 the -- was it the 11th then?

18 A. I don't recall. I know I went without electricity for
19 one day.

20 (Counsel confer.)

21 Q. Do you remember which day the weather -- the ice storm
22 hit in February of 2014?

23 A. No, I don't.

24 Q. You all watched the news that night, right?

25 A. We watched TV that night.

1 Q. Okay. Did you watch the news that night?

2 A. I don't usually watch the news. I don't remember what
3 we watched that night.

4 Q. So the power was on that night?

5 A. Yes.

6 Q. Okay. And you had lost power the day before he got
7 there?

8 A. I think it was the day before. I think.

9 Q. How long was your power out?

10 A. One day.

11 Q. One day.

12 MR. BANKS: No further questions, Your Honor.

13 THE COURT: Any cross, Mr. Leiendecker?

14 MR. LEIENDECKER: No, Your Honor.

15 THE COURT: Any redirect?

16 MR. SORENSON: No, Your Honor.

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

18 You may call your next witness.

19 MR. SORENSON: State calls Deputy Larry Vanicek.

20 CLERK OF COURT: Place your left hand on the Bible and
21 raise your right hand.

22 LARRY L. VANICEK II,
23 being first duly sworn, testified as follows:

24 CLERK OF COURT: Please state your full name for the
25 record.

1 THE WITNESS: Larry Lee Vanicek, II.

2 THE COURT: Your witness.

3 MR. SORENSON: Thank you, Your Honor.

4 DIRECT EXAMINATION BY MR. SORENSON:

5 Q. Deputy Vanicek, if you would, tell us where you're
6 employed.

7 A. I'm sorry, sir?

8 Q. Where are you employed?

9 A. Where I was born?

10 Q. Where are you employed?

11 A. Oh, where am I employed. I'm sorry. Calhoun County
12 Sheriff's Office, Calhoun County, South Carolina.

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

14 A. Approximately three, a little over three years, I
15 believe.

16 Q. If you would, tell the jury what your current duties and
17 responsibilities are there.

18 A. Currently I'm assigned to the highway interdiction team
19 as a interdiction officer, patrolling the interstates.

20 Q. And I want to turn your attention, if I could, back to
21 February of last year. Specifically on February 17th, were
22 you involved in assisting the St. Matthews Police Department
23 and other sheriff's office personnel in an attempt to locate
24 Bryant McKnight?

25 A. Yes, sir.

1 Q. And where -- on February -- so that would be --
2 February the 17th would be Monday?

3 A. Yes, sir.

4 Q. Where did you all look for him that Monday the 17th?

5 A. I believe we started over on Agnes Street, and there's a
6 little white house, abandoned white house we were told to go
7 to. We looked there, didn't find anything there. And I
8 believe we went to an address over on Deer Meadow I think is
9 what it is.

10 Q. The 75 Deer Meadow?

11 A. Yes, sir.

12 Q. And did you go to 403 Agnes Street?

13 A. Yes, sir.

14 Q. Let me ask you, was he found in St. Matthews on
15 February 17th?

16 A. No, sir, not at all.

17 Q. Let me ask you, over the next several days after that on
18 February 18th and then into the 19th, were you involved with
19 other officers with the Calhoun County Sheriff's Office in
20 basically searching the county in an attempt to find
21 Kymmara Randolph?

22 A. Yes, sir.

23 Q. And during those couple days, the 18th, the 19th, into
24 the 20th of February, are you aware of whether her body was
25 found during those couple days?

1 A. No, sir. From what I understand, we were still
2 believing -- looking for the body at that time.

3 Q. And ultimately now I want to turn you to February the
4 20th, so that would be a Thursday, Thursday, February the
5 20th. Did you have an occasion to go help assist searching
6 an area that day?

7 A. Yes, sir.

8 Q. Tell the jury where that was that you were helping
9 search that day.

10 A. That was a Four Holes Swamp location, right at the
11 Calhoun/Orangeburg County line.

12 Q. Had you all been provided some information by that point
13 in time that her body may have been dumped in the Four Holes
14 area?

15 A. Yes, sir.

16 Q. Describe for the jury where is that area that you were
17 searching?

18 A. If you head out of Cameron towards -- excuse me, head
19 towards Cameron, I believe it's Four Holes Road that comes on
20 the right off of old State Road, and it goes into Orangeburg
21 County.

22 Q. Is there a bridge right there at the county line?

23 A. Yes, sir.

24 Q. And tell the jury what -- that day then on
25 February 20th, what was -- kind of what was your involvement

1 that day in searching that area?

2 A. I believe SLED had a helicopter up in the area that was
3 also scouting the area. I patrolled that roadway and parked
4 on the bridge and started walking on the bridge. At that
5 time, looking out in the swamp, because of the greenery and
6 foliage, it was kind of hard to determine anything.

7 I retrieved a set of binoculars from my patrol vehicle
8 and started using binoculars, looking through the swamp to
9 identify anything. At that point, using the binoculars, I
10 did identify an item in the swamp that looked out of the
11 ordinary from everything else.

12 Q. Was that item ultimately retrieved?

13 A. Yes, sir.

14 Q. And did you have a chance to see it when it was
15 retrieved then also?

16 A. Yes, sir. It was brought up out of the swamp and it was
17 laid on the pavement and it was found to be a blanket.

18 Q. And showing you State's Exhibit 31, does that appear to
19 be the blanket that you located?

20 A. Yes, sir, that appears to be it.

21 MR. SORENSON: At this time we'd offer State's 31 into
22 evidence.

23 THE COURT: Any objection?

24 MR. BANKS: No, Your Honor.

25 MR. LEIENDECKER: None.

1 THE COURT: It's in.

2 (State's Exhibit 31 admitted into evidence.)

3 Q. Now, was Ms. Randolph's body found that day on
4 February 20th?

5 A. No, sir.

6 Q. Did you all continue to search that area that afternoon?

7 A. No, sir. We made a determination there was another area
8 of Calhoun County that's also known as the Four Holes area
9 over off Sweetwater, and we proceeded over to that location.

10 Q. And ultimately was anything found over in that location
11 that afternoon of any significance?

12 A. No, sir.

13 Q. Kind of fast-forward you a day now to Friday, February
14 the 21st. Did you work that day?

15 A. Yes, sir.

16 Q. Tell the jury what you were instructed to do.

17 A. That day I was instructed to retrieve a small jon boat
18 from another deputy's residence and proceed back to the Four
19 Holes area.

20 (Brief interruption.)

21 THE COURT: Sir, you must turn that off as not to
22 disturb the proceedings.

23 Q. Sorry. What were you instructed to do? I was just kind
24 of -- got a little distracted there.

25 A. To dress -- I'm sorry. To dress in order to possibly

1 get wet. I was instructed to proceed to another deputy's
2 residence. He had a small jon boat that we could use to get
3 into the swamp to actually paddle around and look.

4 We then arrived at the swamp location on Four Holes Road
5 and, with the assistance of DNR, began probing the water to
6 see if there was anything in the water at that time.

7 Q. By DNR is the Department of Natural Resources?

8 A. Yes.

9 Q. And let me ask you, that area that you went to then with
10 the jon boat on February the 21st, where was that in relation
11 to where you had found the blanket the day before?

12 A. Distance-wise, approximately 15 yards.

13 Q. Okay. So basically the same spot?

14 A. Same spot, yes, sir.

15 Q. That same bridge that's basically on Four Holes Road
16 going from Calhoun into Orangeburg County?

17 A. Yes, sir.

18 Q. And were you aware at that point in time that an
19 individual had taken other sheriff's office personnel and
20 indicated that's where her body had been placed?

21 A. I had been told that there was a person who they were
22 speaking to of interest that alleged that it was in that
23 location.

24 Q. And ultimately that day, was Kymmara Randolph's body
25 found?

- 1 A. Yes, sir.
- 2 Q. Were you there when that happened?
- 3 A. Yes, sir.
- 4 Q. Do you know about what time that was?
- 5 A. It was little after 4:00 in the afternoon.
- 6 Q. Where was her body found?
- 7 A. It was found just over the bridge embankment -- excuse
- 8 me, over the bridge railing, straight down in the water. The
- 9 blanket -- from the blanket's location, the blanket
- 10 apparently had washed down into the swamp further, probably
- 11 about, again, 15 yards from where the body was located.
- 12 Q. She was found submerged at that point in time?
- 13 A. Yes, sir.
- 14 Q. And was she brought up out of the water at that point in
- 15 time?
- 16 A. Yes, sir. The DNR, Department of Natural Resources,
- 17 divers retrieved her and brought her to the surface, and
- 18 myself and another agent assisted in pulling her into the
- 19 boat.
- 20 Q. And was her body ultimately turned over after being
- 21 photographed to the coroner's office to be taken for an
- 22 autopsy?
- 23 A. Yes, sir.
- 24 Q. Thank you, Deputy.
- 25 THE COURT: Any cross-examination?

1 MR. BANKS: None here, Your Honor.

2 MR. LEIENDECKER: Nothing.

3 THE COURT: You may step down, sir. Thank you.

4 You may call your next witness.

5 MR. SORENSON: May I approach?

6 THE COURT: Sure.

7 (The following was held at the bench out of the hearing
8 of the jury.)

9 MR. SORENSON: If I could have just about a five-minute
10 break to talk to my next witness. I haven't -- he got here
11 since we got started, since our last break. And then we
12 should have probably --

13 THE COURT: Who is your next witness?

14 MR. SORENSON: Henry. It's not real long. I mean, he's
15 not too long. And then I've got three reference custodian
16 people that are here too. It doesn't matter to me. We can
17 do them after lunch. We'll be ready to call them also after.

18 (Counsel confer.)

19 (The following was held in open court.)

20 THE COURT: All right. Ladies and gentlemen of the
21 jury, we're going to take a very brief restroom recess.
22 We'll take about five, ten minutes and we'll be right back
23 with you.

24 (The jury retires to the jury room at 11:46 a.m.)

25 (Recess held.)

1 (State's Exhibits 34-35 marked for identification.)

2 THE COURT: Ready to proceed?

3 MR. SORENSON: Yes, Your Honor.

4 THE COURT: Defense?

5 MR. LEIENDECKER: Yes.

6 MR. BANKS: Yes, Your Honor.

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

8 (The jury enters the courtroom at 12:02 p.m.)

9 THE COURT: Solicitor, you may call your next witness.

10 MR. SORENSON: Thank you. May it please the Court, Your
11 Honor.

12 THE COURT: Yes, sir.

13 MR. SORENSON: State calls Henry Dukes.

14 CLERK OF COURT: Place your left hand on the Bible and
15 raise your right hand.

16 HENRY O. DUKES, JR.,
17 being first duly sworn, testified as follows:

18 CLERK OF COURT: Thank you, sir, please state your full
19 name for the record.

20 THE WITNESS: Henry O. Dukes, Jr.

21 DIRECT EXAMINATION BY MR. SORENSON:

22 Q. Mr. Dukes, if you would, tell the jury where you're
23 currently employed.

24 A. I am currently employed with a private investigating
25 firm in Columbia, South Carolina.

1 Q. And prior to that, where did you previously work?

2 A. I was a lieutenant with Calhoun County Sheriff's Office
3 in investigation division.

4 Q. And did you retire from Calhoun County?

5 A. Yes, sir, I did.

6 Q. And when was that that you left Calhoun County?

7 A. I left in November. My actual last day was January.

8 Q. Okay. And how long had you been employed for the
9 Calhoun County Sheriff's Office?

10 A. Almost four years.

11 Q. And prior to that, where were you employed?

12 A. Lexington County Sheriff's Office.

13 Q. And let me ask you this: Were you involved back in
14 February of last year, 2014, in assisting in the
15 investigation regarding the -- initially the disappearance
16 but ultimately the murder of Kymmara Randolph?

17 A. Yes, sir, I was.

18 Q. Tell the jury what were your kind of main roles in that
19 investigation?

20 A. My roles were I was assisting Lieutenant Graham in the
21 investigation from the onset when the first missing person
22 report was supplied to us from Orangeburg. At that point, my
23 job was really just any tasks that Lieutenant Graham asked me
24 to perform and assist him with. I did everything from taking
25 photographs, collecting evidence, to taking, supplying some

1 phone numbers to other agencies in the state.

2 Q. Part of your kind of duties and your responsibility, was
3 it kind of collecting the cell phone information for the
4 various parties involved?

5 A. Yes, sir. My -- some of my experience through my years
6 of law enforcement had been dealing with cell phone, cell
7 phone records and also cell phone tracking. So that was kind
8 of the reason Lieutenant Graham tasked it upon me to kind of
9 collect the cell phone numbers as they were supplied, because
10 I had basically the knowledge of where they needed to go to
11 be able to give us the best information we could get.

12 Q. Okay. And ultimately were you involved then in getting
13 court orders for those cell phone records?

14 A. Yes, I was.

15 Q. For the various parties?

16 A. Yes.

17 Q. Let me ask you, kind of early on in the investigation
18 had you gotten the possible cell phone number for a cell
19 phone that Jerry McKnight had?

20 A. I did. During the course of the investigation, I was
21 supplied with a cell phone number that was believed to be
22 Jerry McKnight's telephone number.

23 Q. And ultimately that number -- were you aware that
24 Mr. McKnight was arrested in Orangeburg, I believe, on the
25 19th, the evening of February the 19th?

1 A. Yes, sir. I was present during the arrest.

2 Q. And that cell phone number that you had, did he
3 ultimately have that cell phone on him when he was arrested?

4 A. Yes, sir, it was on him.

5 Q. And are you aware of what that phone number is?

6 A. I do. I can refer to the paperwork. I have it wrote
7 down to be exact. The telephone number that I had been
8 supplied was 803-971-37 -- I mean 9375. I apologize.

9 Q. 971-9375?

10 A. Correct, yes, sir.

11 Q. And that phone was actually on him on February 19th?

12 A. Correct.

13 Q. Now, ultimately you did testify -- so you were involved
14 in then getting the cell phone records for that time period
15 around February 13th. Were you involved in getting those
16 numbers for Bryant McKnight's phone?

17 A. Yes, sir, I was.

18 Q. That number that you just indicated about
19 Jerry McKnight?

20 A. Yes, sir.

21 Q. Jonathan McKnight's cell phone records?

22 A. Yes, sir.

23 Q. Stephon Green's?

24 A. Yes, sir.

25 Q. Derrick Sumter's?

1 A. Yes, sir.

2 Q. Sandra Hughes's?

3 A. Yes, sir.

4 Q. Kymmara Randolph, the victim's?

5 A. Yes, sir.

6 Q. Jamaal Pearce's?

7 A. Yes, sir.

8 Q. All those cell phone records obtained by the Calhoun
9 County Sheriff's Office?

10 A. They were obtained through court orders supplied -- yes,
11 sir, supplied to the phone company. We ended up with the
12 phone records.

13 (Counsel confer.)

14 Q. Let me just ask you initially, Investigator Dukes, let
15 me show you what's been marked as State's Exhibit No. 34.
16 Does that diagram accurately reflect the cell phone numbers
17 that you had attained relating to each of those individuals
18 that I have just read off?

19 THE COURT: Do you need him to move closer?

20 Q. I can.

21 A. Yes, sir, it does.

22 Q. And then also it has some other witnesses who have
23 testified, some other relevant numbers that aren't cell phone
24 numbers; is that correct also?

25 A. Correct. Numbers that, yes, sir, I had.

1 Q. Ms. Livingston, Tameka Williams and Stephon Green's
2 mother, I believe?

3 A. Correct.

4 Q. As far as the list that I just read to you of cell phone
5 numbers, are those the numbers of the records that you
6 ultimately obtained?

7 A. Correct, yes, sir.

8 MR. SORENSON: Your Honor, at this time we'd offer
9 State's 34 into evidence.

10 MR. BANKS: Your Honor, I'd object to -- if he would
11 like to redact the name at the top line, I would not object,
12 but my client doesn't -- there's no cell phone registered in
13 my client's name. How do you assign his name to that number?

14 MR. SORENSON: I believe there's been testimony on the
15 record that this was the number that Bryant McKnight was
16 using back in February of 2014.

17 THE COURT: There was testimony to that effect,
18 Mr. Banks. I think basically that would be a matter for
19 cross-examination.

20 MR. BANKS: All right.

21 MR. LEIENDECKER: No objection.

22 THE COURT: All right. Thank you. It's in.

23 (State's Exhibit 34 admitted into evidence.)

24 MR. SORENSON: That's State's 34, Your Honor, and I'll
25 show the jury. So this is basically just a list, and this

1 basically helps keep the jury straight as far as when we
2 ultimately get talking about all these phone numbers, keep it
3 straight who they belong to; is that correct?

4 THE WITNESS: Oh, that's going to be a great help to
5 them.

6 MR. LEIENDECKER: Objection to his characterization of
7 what will be help or if it helps the individual jurors,
8 obviously.

9 THE COURT: Sustained.

10 Q. Investigator Dukes, ultimately those phone records of
11 those eight individuals who I read off to you earlier, were
12 all of those records, when they were obtained, were they
13 ultimately provided to somebody to go through and analyze
14 those?

15 A. The records came to me, and then from that point, they
16 were chosen, a person that was going to analyze them. And at
17 that point I forwarded them to the analysts that had been
18 picked to handle that task.

19 Q. And is that Captain Scott McDonald with the Richland
20 County Sheriff's Office?

21 A. It is.

22 Q. And have you had some dealings with him in the past as
23 far as him working with cell phone records?

24 A. We had been involved in other cases together, yes.

25 Q. And in addition to providing him with those records, did

1 you also provide him with the GPS coordinates for a couple
2 locations that were involved in this case?

3 A. I did.

4 Q. That was the location on Stiffmire Road?

5 A. Yes, sir.

6 Q. Where the incident allegedly occurred?

7 A. Correct.

8 Q. And also the location on Four Holes Swamp where
9 Kymmara's body was found?

10 A. Correct.

11 Q. Investigator Dukes, also in those records that you all
12 obtained for Kymmara's Randolph's phone, within those
13 records, were there also some GPS coordinates of where her
14 phone had last been pinging on the evening of February the
15 13th of 2014?

16 A. Yes, sir.

17 Q. And did you have an opportunity with that last, the last
18 indication that her phone had pinged, did you have an
19 opportunity then to do something with those GPS coordinates?

20 A. I did.

21 Q. And tell the jury what you did.

22 A. I actually took the GPS coordinates and put them into a
23 computer to find out where they were at, and then I traveled
24 to that location.

25 Q. And tell the jury where that -- where was that located

1 at?

2 A. It was Blackville, South Carolina.

3 Q. And if you're coming from here, where is Blackville?

4 A. It's a distance from Williston, South Carolina.

5 Basically you could go through Springfield, you know, up that
6 way to get there.

7 Q. Let me ask you, you're familiar with Sandra Hughes, the
8 lady that testified just a short while ago --

9 A. Yes, sir, I am.

10 Q. -- for the jury?

11 Did you have an opportunity throughout this
12 investigation to go -- actually to go to her house in
13 Williston at some point in time?

14 A. I did. Myself and Lieutenant Graham traveled to her
15 residence.

16 Q. And those GPS coordinates where Ms. Randolph's phone
17 last pinged, tell the jury, was that on the way to
18 Ms. Williston -- to Williston to Ms. Hughes's home or not
19 from Orangeburg?

20 A. The GPS location that was provided to me, when we
21 actually traveled to Ms. Hughes's residence, we went right
22 past that exact same GPS location. It was in a route toward
23 her residence.

24 Q. So when you took those -- so did you actually go out to
25 that area, that last spot that her phone pinged?

1 A. Yes, sir, I did.

2 Q. Tell the jury what you did when you went out there.

3 A. Because of that and then information that was provided
4 to me later during the course of the investigation, myself
5 and another deputy went with me and we went to that location
6 where the GPS numbers were provided and we searched that
7 area.

8 Q. Okay. And did you find anything searching that area?

9 A. We found -- we -- by searching the sides of the road,
10 there was also a cell phone tower that was a short distance
11 away from the exact location, and we searched both sides of
12 the road and were able to locate a back off of a cell phone.

13 Q. Let me show you State's Exhibit No. 2 and No. 16 and ask
14 you if you recognize those items.

15 A. I recognize both of these items, sir.

16 Q. Is that the item that you just told the jury that you
17 found?

18 A. Yes, sir.

19 Q. State's No. 16?

20 A. Right. Yes, sir, it is.

21 Q. And is State's No. 2 a photograph of that on the ground
22 out there before it was collected?

23 A. Correct.

24 MR. SORENSON: Your Honor, at this time we'd offer
25 State's 2 and 16 into evidence.

1 THE COURT: Any objection?

2 MR. BANKS: No, Your Honor.

3 MR. LEIENDECKER: No.

4 THE COURT: They're in.

5 (State's Exhibits 2 and 16 admitted into evidence.)

6 MR. SORENSON: May I publish them to the jury, Your
7 Honor?

8 THE COURT: You may.

9 Q. State's No. 2, that's with it on the ground before you
10 pick it up obviously with a marker next to it?

11 A. Yes, sir. That's a ruler that I carried with me that I
12 laid down beside everything.

13 Q. And that's basically --

14 A. That's --

15 Q. Does that appear to be the --

16 A. That appears to be --

17 Q. What does that appear to be?

18 A. The back --

19 Q. Does that appear to be the back --

20 A. Back of a cell phone.

21 Q. Did you have a chance then to look to see if you could
22 find the rest of the cell phone?

23 A. Stayed there for probably another two to three hours
24 searching. You know, it's a rural area. Traffic's heavy
25 with 18 wheelers. I had to keep constantly moving further

1 over off the road, right on the edge of the road, because the
2 trucks were coming by so fast.

3 So it's a heavily traveled area by trucks, so we
4 actually ventured over off into the edge of the woods as much
5 as possible. We searched as much as we could.

6 Q. Did you document on State's Exhibit No. 16 what day that
7 was that you did that, that you were out there doing that?

8 A. Yes, sir, I did.

9 Q. What day was that?

10 A. That was on February the 25th, 2014, at 11:30 a.m.

11 Q. So that would be some 12 days after Ms. Randolph's
12 homicide?

13 A. Yes, sir.

14 MR. SORENSON: Okay. Thank you. Thanks, Henry. That's
15 all I have.

16 THE COURT: Cross-examination.

17 MR. BANKS: Thank you, Your Honor.

18 CROSS-EXAMINATION BY MR. BANKS:

19 Q. Mr. Dukes, you've got this back of a cell phone. Is
20 there anything, like a serial number or anything on it, that
21 would identify the back of that cell phone with any account
22 or person?

23 A. No, sir.

24 MR. BANKS: No further questions, Your Honor.

25 THE COURT: Mr. Leiendecker, any cross?

1 MR. LEIENDECKER: Nothing.

2 THE COURT: You may step down, sir. Thank you.

3 THE WITNESS: Thank you.

4 THE COURT: You may call your next witness.

5 MR. SORENSON: State calls Andrea Paz.

6 CLERK OF COURT: If you will, place your left hand on
7 the Bible and raise your right hand.

8 ANDREA PAZ,
9 being first duly sworn, testified as follows:

10 CLERK OF COURT: Please state your full name for the
11 record.

12 THE WITNESS: Andrea Paz.

13 THE COURT: Your witness.

14 MR. SORENSON: Thank you, Your Honor. May it please the
15 Court.

16 THE COURT: Yes, sir.

17 DIRECT EXAMINATION BY MR. SORENSON:

18 Q. Ms. Paz, if you would, tell us where you're employed.

19 A. Excuse me?

20 Q. Tell us where you work, please.

21 A. New Star. We're the custodian of records for Alltel.

22 Q. So you're records custodian for Alltel, for the cell
23 phone company?

24 A. Yes.

25 Q. And how long have you been employed in that capacity?

1 A. Five years.

2 Q. Tell us what your kind of -- your duties and
3 responsibilities are there.

4 A. We review legal demands for cell phone records. We
5 format them and send them off to the requesting party.

6 Q. So the law enforcement agency sends a court order to New
7 Star for some Alltel cell phone records. You all would
8 process that and ultimately send those records out?

9 A. Yes.

10 Q. As part of that also, do you then come testify about the
11 authenticity of those records?

12 A. As needed, yes.

13 Q. And let me ask you, Ms. Paz, were you requested in this
14 case to do that for three sets of cell phone records?

15 A. Yes.

16 Q. And I want to show you -- bear with me one second.

17 (Counsel confer.)

18 Q. If I could hand you, ma'am, several items. We've got
19 State's Exhibits 24 and 24A, 28 and 28A and 26 and 26A. I'd
20 ask you if you recognize those, those items.

21 A. Yes.

22 Q. Have you had an opportunity this morning to actually
23 review those items before court to make sure that those are
24 accurate, true and accurate copies of the records that were
25 provided pursuant to court order for those three different

1 cell phone numbers?

2 A. Yes.

3 Q. And on those, the three -- there's three CDs in there.

4 Did you actually have an opportunity to initial those CDs
5 that those are the CDs that you reviewed?

6 A. Yes, mm-hmm.

7 Q. Now let me ask you, those -- if you could, what's the
8 number on the first, the first one on top?

9 A. 803-347-9423.

10 Q. And what's that State's exhibit number? What's the
11 sticker number?

12 A. 24A.

13 Q. And are those records that are contained in State's
14 Exhibit 24 and State's Exhibit 24A, are those records that
15 are kept in the regular course of business by New Star?

16 A. Yes.

17 Q. As a records custodian for Alltel?

18 A. Yes.

19 Q. Is the regular practice of New Star and Alltel, when
20 providing cellular service, to make and keep those records
21 such as those?

22 A. Yes.

23 Q. And ultimately, I guess, what is contained on State's
24 Exhibit No. 24, the actual disc that's in there?

25 A. That would contain a copy of the legal demand

1 declaration of authenticity, the call records and the
2 subscriber information page.

3 Q. And then the hard copy that's in that folder with it, is
4 that a copy -- 24A then, is that actually a hard copy of part
5 of what is actually contained in that disc, 24?

6 A. Yes.

7 MR. SORENSON: Your Honor, at this time we'd offer
8 State's 24 and 24A into evidence.

9 THE COURT: Any objection?

10 MR. BANKS: Your Honor, I don't know that she's seen the
11 contents of the disc.

12 MR. SORENSON: I asked her that.

13 THE COURT: She did testify to that.

14 MR. BANKS: No objection, Your Honor.

15 MR. LEIENDECKER: No objection.

16 THE COURT: 24 and 24A are in.

17 (State's Exhibits 24 and 24A admitted into evidence.)

18 Q. And just a couple questions about them, Ms. Paz. Who is
19 on -- so for that phone number, 347-9423, area code 803, who
20 is the subscriber on those records?

21 A. I don't have the hard copy for that. It would be on the
22 CD.

23 Q. Okay.

24 A. Which I would open up.

25 Q. Let me ask you if this is -- Teresa McKnight, does that

1 sound --

2 A. Yes.

3 Q. Did you look at those this morning? I'm sorry. I
4 didn't have that printed out.

5 So Teresa McKnight at 107 Church Street in St. Matthews,
6 South Carolina?

7 A. Yes.

8 Q. And what is the timeframe that is contained in those
9 records as far as phone calls?

10 A. January 10, 2014 through February 22nd, 2014.

11 Q. All right. And as far as on the hard copy, what is it
12 that's actually on that hard copy there that's printed out?

13 A. For the dates.

14 Q. Yes, what are those? I mean, it's got that date range,
15 but what information is contained in those records?

16 A. It contains the start date of calls made; the end dates
17 of the calls made; the outgoing number; the incoming number;
18 how long that call took; the first cell ID, which is the cell
19 tower that the call bounced off of; and the call direction,
20 whether it's an incoming call to the target number or an
21 outgoing call to the target number.

22 Q. And it's got the duration of the calls so could you
23 figure that?

24 A. Yes, minutes and seconds.

25 Q. And that information, let me ask you, so that is all --

1 everything that is on there just reflects telephone calls?

2 A. Yes.

3 Q. So either that number either placing a call or receiving
4 a call; is that correct?

5 A. Yes.

6 Q. Now, does Alltel and New Star, do you all maintain text
7 message content?

8 A. No.

9 Q. So that's not something that I could obtain to find out
10 what text messages this person received or sent?

11 A. No.

12 Q. All right. If I could turn you now to the next one.
13 I'll take that one from you. What's the next file you've got
14 there?

15 A. 28A.

16 Q. Okay. And what's the phone number on State's Exhibit
17 No. 28A?

18 A. 803-664-8344.

19 Q. And that was State's Exhibit No. 28?

20 A. Yes.

21 Q. Okay. And yet again, just like I asked you about
22 State's Exhibit No. 24, are those -- did you have an
23 opportunity to review that disc this morning before court?

24 A. Yes.

25 Q. And does that contain a true and accurate copy of the

1 cell phone records pertaining to that number for the period
2 of January 10th of 2014 through February -- I think that
3 one's the 21st of 2014?

4 A. Yes.

5 Q. And did you have an opportunity then to initial that
6 disc also that you had reviewed it?

7 A. Yes.

8 Q. And are those records also kept in the regular course of
9 business by New Star for Alltel?

10 A. Yes.

11 Q. And is also the regular practice to -- when providing
12 cellular service, to make and keep those records?

13 A. Yes.

14 MR. SORENSON: Your Honor, at this time we'd offer
15 State's 28 and 28A into evidence.

16 THE COURT: Any objection?

17 MR. LEIENDECKER: No, Your Honor.

18 MR. BANKS: No.

19 THE COURT: They're in.

20 (State's Exhibits 28 and 28A admitted into evidence.)

21 Q. Does State's 28, Ms. Paz, does that basically have, just
22 obviously the different cell phone number, but basically the
23 same type of information that was contained in State's
24 Exhibit No. 24?

25 A. Yes.

1 Q. Just for this number?

2 A. Mm-hmm.

3 Q. So it's got the same call, call log, cell site
4 information and all that on it?

5 A. The dates and times, yes.

6 Q. The dates and times?

7 And let me ask you, and I guess you don't have the
8 subscriber information printed out on that one, do you?

9 A. No.

10 Q. Do you recall that belonged to a Vesha Miller in
11 Orangeburg?

12 A. Yes, it did.

13 Q. And then lastly, if we go to -- what is that, State's
14 Exhibit No.?

15 A. This one's 26.

16 Q. Okay. And what is the phone number for those records in
17 State's Exhibit No. 26?

18 A. 803-614-6425.

19 Q. And yet again, just like the last two, did you have an
20 opportunity to review that disc this morning and those
21 records that are contained in that folder, and do they fairly
22 and accurately represent the records that were provided by
23 court order to law enforcement?

24 A. Yes.

25 Q. And are they also kept in the regular course of business

1 by New Star?

2 A. Yes.

3 Q. And do they also contain basically the same type of
4 information that was contained on State's Exhibit 24 and 28?

5 A. Yes.

6 MR. SORENSON: At this time we'd offer State's 26 and
7 26A into evidence.

8 THE COURT: Any objection?

9 MR. BANKS: No objection.

10 MR. LEIENDECKER: No.

11 THE COURT: They're in.

12 (State's Exhibits 26 and 26A admitted into evidence.)

13 Q. And the subscriber information on those records is
14 Derrick Sumter; does that sound familiar?

15 A. Yes, it does.

16 Q. And that was 30 Oglesby Drive as an address?

17 A. Yes.

18 Q. And the time frame on those records?

19 A. January 10, 2014 through February 27, 2014.

20 Q. Yet again, just like I asked you, I think, in dealing
21 with the first set, there's no way Alltel or New Star doesn't
22 maintain any of the text message content for any of those
23 records during that time period; is that correct?

24 A. No content.

25 MR. SORENSON: Thank you. Please answer any questions

1 defense counsel has.

2 THE COURT: Any cross?

3 MR. BANKS: No, Your Honor.

4 MR. LEIENDECKER: No.

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

6 Ladies and gentlemen, it's almost 12:30. It might be a
7 good time for us to take our lunch break. We will take our
8 break for about an hour. If you could be back in your jury
9 room at 1:30. Again, please remember my previous instruction
10 to not discuss this case with anyone or allow anyone to
11 discuss the case with you and don't do any independent
12 research or reading about the case from any source outside of
13 the courtroom. Thank you.

14 (The jury retires to the jury room at 12:27 p.m.)

15 (Lunch recess held.)

16 (State's Exhibit 36 marked for identification.)

17 THE COURT: Everyone ready to proceed?

18 MR. PASCOE: Yes, Your Honor.

19 MR. BANKS: Yes, Your Honor.

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

21 (The jury enters the courtroom at 1:36 p.m.)

22 THE COURT: Welcome back, ladies and gentlemen of the
23 jury. I hope you had a nice lunch. We will now proceed with
24 the testimony in this case.

25 You may call your next witness, Solicitor..

1 MR. SORENSON: Thank you, Your Honor. State calls
2 George Floyd.

3 CLERK OF COURT: Please place your left hand on the
4 Bible and raise your right hand.

5 GEORGE FLOYD,
6 being first duly sworn, testified as follows:

7 CLERK OF COURT: Please state your full name for the
8 record.

9 THE WITNESS: George Floyd.

10 THE COURT: Your witness.

11 MR. SORENSON: Thank you, Your Honor.

12 DIRECT EXAMINATION BY MR. SORENSON:

13 Q. Mr. Floyd, if you would, tell us where you work..

14 A. I work for Verizon Wireless.

15 Q. How long have you worked for Verizon Wireless?

16 A. Seven years.

17 Q. And what are your current duties and responsibilities
18 with them?

19 A. I'm a legal analyst for Verizon Wireless. I travel
20 throughout the United States and provide cell phone records
21 as a custodian of records, person of interest and/or expert
22 witness in criminal and civil trials.

23 Q. In this case, were there two sets of cell phone records
24 that are Verizon accounts that you've been asked to come
25 testify about here today?

1 A. Yes.

2 Q. Were those records that were previously provided
3 pursuant to a court order to law enforcement?

4 A. Yes.

5 Q. I want to show you first what's been marked as State's
6 Exhibit No. 27, and then there's some accompanying hard copy
7 of records, 27A and 27B, ask you if you recognize those
8 items.

9 A. Yes, I do.

10 Q. Did you have an opportunity this morning, Mr. Floyd, to
11 review that CD and those records to make sure that those are
12 accurate -- true and accurate copy of the records that were
13 provided by Verizon pursuant to that account.

14 A. Yes, I did.

15 Q. And did you, in fact, initial the CD indicating that you
16 had reviewed that disc?

17 A. Yes, I did.

18 Q. And what is that target telephone number on those
19 records?

20 A. The target number for these records is 803-596-6313.

21 Q. And those records contained on State's 27, the disc, and
22 then the hard copy, 27A and 27B, are those all records that
23 are kept in the ordinary course of business by Verizon
24 Wireless?

25 A. Yes, they are.

1 Q. And they refer to or pertain to, for a particular target
2 time, that number that you just read, 596-6313?

3 A. Yes.

4 MR. SORENSON: Your Honor, at this time we'd offer
5 State's 27, 27A and 27B into evidence.

6 THE COURT: Any objection?

7 MR. BANKS: No, Your Honor.

8 MR. LEIENDECKER: I don't have any objection, but could
9 we approach, Your Honor?

10 THE COURT: Sure.

11 (The following was held at the bench out of the hearing
12 of the jury.)

13 MR. LEIENDECKER: All these records that have been moved
14 in include the discs.

15 MR. SORENSON: Yes.

16 MR. LEIENDECKER: The jury is not going to have a
17 computer to read or review these discs, are they?

18 MR. SORENSON: We can give them if they wanted one.

19 MR. LEIENDECKER: No, no. The reason I ask is because
20 also contained on the discs are things like subpoenas,
21 document requests, responses and that kind of thing, which I
22 don't think are necessarily appropriate for the jury to be
23 reviewing.

24 I don't have a problem with the disc coming in and being
25 made part of the record, I just don't think that the jury

1 should have a computer to review the disc.

2 MR. SORENSON: I mean, to be honest with you, I don't
3 see any reason why they would want to -- would have need --

4 MR. LEIENDECKER: Everything's printed.

5 MR. SORENSON: Right.

6 MR. LEIENDECKER: The phone records are printed in hard
7 copy.

8 MR. SORENSON: Yes.

9 MR. LEIENDECKER: That's my only question --

10 THE COURT: If it comes up after, we'll deal with it.

11 MR. LEIENDECKER: Yes. Thank you.

12 (The following was held in open court.)

13 MR. LEIENDECKER: No objection.

14 THE COURT: Thank you.

15 (State's Exhibits 27, 27A and 27B admitted into
16 evidence.)

17 Q. Mr. Floyd, pursuant to State's Exhibit 27 and A and B,
18 that 596-6313, are you aware of what the subscriber
19 information -- the subscriber is on that? I'm not sure
20 there's a hard copy printed out, but do you recall reviewing
21 that this morning and it coming back to an Yvette Williams?

22 A. Yes, I do.

23 Q. Located in Williston, South Carolina?

24 A. Yes, I do.

25 Q. I'm sorry. That was not in Williston. To an

1 Yvette Williams; is that correct?

2 A. Correct.

3 Q. And what is -- tell the jury what is contained on that
4 disc in State's Exhibit No. 27.

5 A. On this disc, these are considered toll records. These
6 are all the call logs for the set dates for the target number
7 that we just read, including the numbers, times that the
8 calls are made and all of the information in regards to the
9 cell towers, where the calls are placed as well.

10 Q. Okay. When is that --

11 A. Duration time.

12 Q. I'm sorry.

13 A. The duration of the time of the calls.

14 Q. What is the time frame that is contained in those
15 records that that were requested and you provided?

16 A. These records are from January the 29th, 2014 through
17 February the 18th, 2014.

18 Q. Okay. All right. And those indicate -- so they've got
19 the incoming/outgoing call log?

20 A. Yes.

21 Q. The corresponding cell site information dealing with
22 those calls?

23 A. Yes.

24 Q. Then also in State's Exhibit 27B, is there another kind
25 of set of documents that are contained in those records also?

1 A. Yes. These are called real time tracking records. They
2 just are a little bit more specific. They provide the dates,
3 the times, the cell towers, longitude and latitude of where
4 the calls were approximately made as well.

5 Q. And that portion in State's Exhibit 27B, does that
6 contain that information for phone calls?

7 A. Phone calls, text messages and data usage as well.

8 Q. So anytime that I have my smartphone, if I make a phone
9 call, if you had those records, it would show the GPS
10 coordinates for where that call was made from?

11 A. Yes.

12 Q. If I texted somebody and received a text also?

13 A. Yes.

14 Q. Or if I had accessed an app or opened the Internet on my
15 phone?

16 A. Yes.

17 Q. And does that show that activity on that account on that
18 596-6313 number for February 13th of 2014?

19 A. Yes, it does.

20 Q. In fact, is that when that activity ends on that phone
21 is that evening?

22 A. Correct.

23 Q. Now, you had mentioned it shows text messages on there.
24 Does it show who the text messages came from or were sent to?

25 A. Yes. It shows the number. It just doesn't show the

1 actual content of the text.

2 Q. Okay. So there's no content of a text message, but it
3 would show --

4 A. The back and forth, how it was sent.

5 Q. That was going to be my next question as far as text
6 message content. Does Verizon keep text message, the content
7 of the text message?

8 A. We do keep the text content, but it's only kept for
9 three to five business days.

10 Q. So like in our case, this incident happened on the
11 evening of February 13th of 2014, any text messages
12 pertaining that were kept on that were made by a Verizon
13 phone, either sent or received, if those are not requested
14 within three to five days, they're gone forever?

15 A. They are lost in cyberspace, yes.

16 Q. Now, are you also here to testify about another set of
17 records on a different phone?

18 A. Yes, I am.

19 Q. Let me show you State's Exhibit 25 and 25A. What is the
20 target number on State's 25 and 25A?

21 A. The target number for this case -- this group of records
22 is 803-971-9375.

23 Q. Yet again, were those provided to law enforcement
24 pursuant to a court order back in February of this year?

25 A. Yes, they were.

1 Q. Of last year. I'm sorry.

2 And are those records kept in the regular course of
3 business also by Verizon?

4 A. Yes.

5 Q. Are they the same time period, for the most part? I
6 think those are, what, January 10th of 2014 through
7 February 20th or so?

8 A. Yes. Actually March the 1st.

9 Q. Through March the 1st.

10 A. Yes.

11 MR. SORENSON: Your Honor, at this time we'd offer
12 State's 25 and 25A into evidence.

13 THE COURT: Any objection?

14 MR. BANKS: No, Your Honor.

15 MR. LEIENDECKER: No, Your Honor, with the same --

16 THE COURT: Yes, sir.

17 MR. LEIENDECKER: -- caution.

18 (State's Exhibits 25 and 25A admitted into evidence.)

19 Q. Mr. Floyd, as to those, they came back the subscriber on
20 that was a budget prepay; is that correct?

21 A. Correct.

22 Q. And describe to the jury what that is. What is it?

23 A. For our prepaid numbers, because you can prepay the
24 account and not have a credit check and what have you, we
25 don't have a list of names. So it just comes back as a

1 prepaid name. It just says prepaid instead of a name and
2 address and anything of that nature.

3 Q. So you wouldn't be able to tell, looking at the records,
4 who had that phone or who was using it?

5 A. Correct. It would just say "prepaid" instead of a name.

6 Q. As far as on that disc, on 25 and then contained in
7 those records of 25A, does that show that the call log
8 history for that time period that you indicated a few moments
9 ago?

10 A. Yes, it does.

11 Q. With the cell site information?

12 A. Yes.

13 Q. Is there anything dealing with the real time stuff in
14 there or was that just on the other account?

15 A. These are just standard toll records, no real time
16 records.

17 MR. SORENSON: That would be all I have. Thank you,
18 Mr. Floyd.

19 THE COURT: Cross-examination?

20 MR. BANKS: Yes, Your Honor, thank you. May it please
21 the Court.

22 CROSS-EXAMINATION BY MR. BANKS:

23 Q. Mr. Floyd, you don't know where the cell towers
24 associated with those records are located, do you?

25 A. The second group or the first group?

1 Q. Do you know physically where they're located, any of
2 them?

3 A. No, not per se.

4 Q. And you can't -- you don't know who was using the phone
5 number associated with the phone when the call or text was
6 made?

7 A. No, I don't.

8 Q. And you said when a text is sent, and if they don't
9 request it after three to five days, you said it's lost in
10 cyberspace?

11 A. The contents of the text, the actual words.

12 Q. The contents are lost in -- now we all know that
13 nothing's lost in cyberspace. I mean, really? They
14 disappear?

15 A. It's deleted from our system due to the large amount of
16 text messages that come in on a monthly basis.

17 Q. So it's not lost; you all delete it?

18 A. Yes, we remove it.

19 Q. The -- do you have a website that a user can go to and
20 have their account pull up?

21 A. Yes, we do.

22 Q. And that website, they can pull up their texts?

23 A. No, they can't. They can only just see the number where
24 the text was sent to and the date and time.

25 Q. So they see something similar to this?

1 A. Yes, the toll records.

2 MR. BANKS: No further questions.

3 THE COURT: Any cross-examination, Mr. Leiendecker?

4 MR. LEIENDECKER: No, Your Honor.

5 THE COURT: Any redirect?

6 MR. SORENSON: No, Your Honor.

7 THE COURT: You may step down, sir. Thank you.

8 You may call your next witness.

9 MR. SORENSON: Joseph Sierra.

10 CLERK OF COURT: If you will, please place your left
11 hand on the Bible and raise your right hand.

12 JOSEPH SIERRA,
13 being first duly sworn, testified as follows:

14 CLERK OF COURT: Please state your full name for the
15 record.

16 THE WITNESS: Joseph Sierra, S-I-E-R-R-A.

17 DIRECT EXAMINATION BY MR. SORENSON:

18 Q. Good afternoon, Mr. Sierra.

19 A. Good afternoon, sir.

20 Q. If you would please tell the jury where you're employed.

21 A. T-Mobile USA.

22 Q. And how long have you been with T-Mobile?

23 A. Five and a half years.

24 Q. And what are your current duties and responsibilities
25 with them?

1 A. I am a compliance officer as well as a custodian of
2 records.

3 Q. As part of your duties then, do you come to court to
4 testify when T-Mobile cell phone records are attempted to be
5 introduced into evidence?

6 A. That is correct.

7 Q. And specifically have you -- was T-Mobile requested to
8 provide some cell phone records pursuant to a court order
9 pertaining to your account 803-387-2948?

10 A. That is correct.

11 Q. And let me show you what's been marked Exhibit 29 and
12 29A. I just ask you if you recognize those items.

13 A. Yes, I do.

14 Q. Okay. And did you have an opportunity to review those
15 items this morning before court?

16 A. Yes, I did.

17 Q. And did you -- on the disc in State's Exhibit No. 29,
18 did you initial that that that's a true and accurate copy of
19 the records that were provided by T-Mobile?

20 A. Yes, I did.

21 Q. And are those kept in the ordinary regular course of
22 business by T-Mobile?

23 A. Yes, they are.

24 MR. SORENSON: At this time we'd offer State's 29 and
25 29A into evidence.

1 THE COURT: Any objection?

2 MR. BANKS: No objection.

3 MR. LEIENDECKER: None.

4 THE COURT: They're in.

5 MR. SORENSON: Thank you, Your Honor.

6 (State's Exhibits 29 and 29A admitted into evidence.)

7 Q. Mr. Sierra, what time frame do those records pertain to?

8 A. January 10th, 2014 through February 21st, 2014.

9 Q. And the subscriber information on those says it belongs
10 to a Jonathan McKnight?

11 A. That is correct.

12 Q. And tell the jury what, just briefly, what is contained
13 in State's Exhibit No. 29A, the kind of hard copy there
14 that's printed out.

15 A. Yes. On the CD itself is actually a copy of the court
16 order, a subscriber printout from T-Mobile, as well as a copy
17 of call detail records.

18 On the call detail records, which is an Excel
19 spreadsheet, you'll see basically a list of columns. This is
20 going to be the actual detail of the call records, starting
21 from the left, going to the right.

22 There is the MSISDN, which is the technical term for a
23 phone number. This number is 803-387-2948. That number will
24 always be the target number, the number that was subpoenaed.

25 The next column is the IMSI, the international mobile

1 subscriber identifier. This is kind of like your Social
2 Security number for the T-Mobile network. It's a number that
3 allows you to be identified as a user on our network because
4 of the fact that within T-Mobile, since we have SIM cards,
5 you can change your SIM card, your phone number, the device,
6 the type of account, as well as the handset itself.

7 The IMEI is the international mobile equipment
8 identifier. That's the serial number for the handset.

9 The next column is the event type. This allows us to
10 know what type of transaction occurred. So an SMS, which is
11 a standard text message, an MMS, which is a picture or video
12 message, and a voice transaction, which is a regular
13 person-to-person phone call.

14 Start time is the time that the cell phone connected to
15 the tower to initiate the transaction. Then you have the
16 direction. This allows us to know whether the transaction is
17 an incoming or outgoing transaction. The connected-to column
18 allows us to know the number that they communicated with. So
19 basically the target number is in the MSISDN. The
20 connected-to column is the number that they had the
21 transaction with.

22 The TAC column just allows us to know what type of
23 handset was used. So the IMEI lets us know the serial
24 number. The TAC column lets us know whether it's an iPhone 6
25 or Galaxy 6.

1 Home roam, that just lets us know whether they utilized
2 the T-Mobile network or another cell phone agency to get a
3 signal. The market allows us to know what market they
4 utilized at the time of that phone call. So for all of
5 these, they're all Carolina market.

6 The MSC, that is the switch. That allows us to know
7 what call routing system they went through. In this case,
8 they're all CRMSS 328, which is the Carolina switch.

9 And then the duration, finally, is the length and time
10 rounded to the tenth.

11 Q. And on those records, does it actually show -- so it
12 will show the fact that that number either sent or received a
13 text message?

14 A. That is correct.

15 Q. Does it show the content of those text messages?

16 A. No, it does not.

17 Q. Is that something that T-Mobile saves?

18 A. No. T-Mobile has never retained text message content.

19 Q. And on those records where it shows a text message, it
20 would show that that 387-2948 either received or sent a text
21 message; is that correct?

22 A. Yes. In the direction column, it would signify the type
23 of direction the transaction took.

24 Q. I don't believe it shows who that text message was to or
25 from, though; is that correct?

1 A. It will show in the connected-to column --

2 Q. Okay.

3 A. -- the number they communicated with.

4 Q. Okay. But no content of what that text might be; is
5 that correct?

6 A. No, no content.

7 MR. SORENSON: Okay. That's all I'd have. Thank you,
8 Mr. Sierra.

9 THE COURT: Cross-examination?

10 MR. BANKS: Yes, Your Honor, thank you. Please the
11 Court.

12 CROSS-EXAMINATION BY MR. BANKS:

13 Q. Let's talk about that SIM card.

14 A. Yes, sir.

15 Q. You said that you use a SIM card in your phones?

16 A. That is correct.

17 Q. And this SIM card, describe -- physically don't describe
18 it. What can it do?

19 A. The SIM card itself is meant to connect the actual
20 handset to our network. As opposed to certain other
21 companies, like Sprint or Verizon, that utilize CDMA
22 technology, the chip is actually in the cell phone. For
23 T-Mobile, you can remove that chip, and that allows you --
24 our service, to utilize our service or our network.

25 Q. So could I take a SIM card from one cell phone and stick

1 it in another cell phone and you all now identify the new
2 cell phone with the old number?

3 A. If it's a T-Mobile cell phone or an unlocked cell phone,
4 yes, you should have no issues switching the SIM card from an
5 old cell phone to a new cell phone and have it register with
6 us automatically.

7 Q. Okay. So if there's a slot, I could basically switch
8 phones without switching phones just by switching the card?

9 A. Sorry. Terminology you're using.

10 Q. Well, if I have two phones and one has your SIM card and
11 one has another SIM card, I can switch those SIM cards as
12 long as they're unlocked, and now this phone would show up as
13 if it was this phone; is that right?

14 A. The concept is there, but you're explaining it
15 incorrectly.

16 Q. Okay. Help me out.

17 A. So the actual -- the actual device will register to the
18 phone number because the SIM card is what holds the phone
19 number. So it won't think that it's the opposite device
20 because the phone number is registered to the SIM card, not
21 to the handset itself.

22 So if you switch the SIM cards, it's not going to say
23 that you're operating on this person's account or operating
24 on this person's phone number. All it's going to say is that
25 555-555-5555 is now in an iPhone as opposed to a Samsung

1 phone. That's all it's going to say.

2 Q. So it won't misidentify the number?

3 A. No, it won't misidentify the number. The only thing
4 that would change -- so for example, if we use the call
5 detail records here, this will only change in one -- the
6 record will only have one change to it. In the TAC column,
7 it will show the new device.

8 Excuse me, two locations. It will have the IMEI number
9 and the TAC number or the TAC description on the record.
10 Those are the only changes. Everything else would remain the
11 same according to the record.

12 MR. BANKS: No further questions.

13 THE COURT: Any cross-examination?

14 MR. LEIENDECKER: Just very briefly.

15 CROSS-EXAMINATION BY MR. LEIENDECKER:

16 Q. And pardon me if I really don't understand what I'm
17 looking at. If I look at those phone records on that Excel
18 spreadsheet that you provided and it shows voice under the
19 column, that means that's -- I'm calling to talk to you?

20 A. That is correct.

21 Q. And if that message or that line is followed on across
22 and it's an incoming call to my T-Mobile phone and it shows
23 the length of that call two seconds, what does that mean to
24 you?

25 A. Well, that could mean a number of things. If it was an

1 incoming call and it was only two seconds to the target
2 number, depending on the type of record we're looking at, so
3 if we're looking at this kind of record (indicating), all
4 that really means is that someone tried to call your phone.

5 Now, it doesn't mean that you picked up. You could
6 have, could have not picked up, could have gone to voice
7 mail. They could have ignored the phone call or the device
8 could have been off. We have no real way of knowing.

9 If it showed up on a person's bill, then we know that
10 they had to pick up the transaction because of the fact that
11 we're not going to charge you when someone calls you and you
12 don't actually utilize your phone.

13 So if we look at the actual telephone bill and it shows
14 a two-second duration, that means you picked up. Whether you
15 said anything or not, we don't know. But for a tower pull,
16 which is what we have here, it will show all incoming and
17 outgoing transaction, whether it was picked up or not.

18 Q. So if I understand your answer, if it's a voice and it's
19 an incoming and it's two seconds, these records won't tell us
20 if it was even answered or received by the person being
21 called, the T-Mobile customer?

22 A. That is correct.

23 Q. Thank you.

24 A. You're welcome.

25 THE COURT: Any redirect?

1 MR. SORENSON: No, Your Honor.

2 THE COURT: You may step down, sir. Thank you.

3 THE WITNESS: Thank you.

4 THE COURT: You may call your next witness.

5 MR. WARD: State calls Dr. Janice Ross.

6 CLERK OF COURT: Place your left hand on the Bible,
7 raise your right hand.

8 JANICE EDWARDS ROSS,
9 being first duly sworn, testified as follows:

10 CLERK OF COURT: Please state your full name for the
11 record, ma'am.

12 THE WITNESS: Janice Edwards Ross.

13 THE COURT: Your witness.

14 MR. WARD: Thank you, Your Honor. May it please the
15 Court.

16 DIRECT EXAMINATION BY MR. WARD - VOIR DIRE:

17 Q. Good afternoon, Dr. Ross.

18 A. Good afternoon.

19 Q. Dr. Ross, where are you employed?

20 A. With Newberry Pathology Associates in Newberry, South
21 Carolina.

22 Q. And what is your profession?

23 A. I am a forensic pathologist.

24 Q. And how long have you been licensed as a pathologist?

25 A. 38 years.

1 Q. As a forensic pathologist, do you have any other
2 specialty areas of medicine you practice?

3 A. Just pathology, three areas of pathology.

4 Q. And what are the duties, what are some of your job
5 duties as a forensic pathologist?

6 A. Well, a pathologist is a doctor, so I've gone through --
7 went to the University of South Carolina for my undergraduate
8 degree and got an M.D. from Upstate Medical Center in
9 Syracuse.

10 MR. LEIENDECKER: I'm sorry, Your Honor, at this point
11 she's speaking well for about two seconds and I can't hear
12 her anymore.

13 THE COURT: Dr. Ross, the acoustics in this room are a
14 little difficult to hear. If you could please speak up.

15 THE WITNESS: Sure.

16 I received my M.D. from Upstate Medical Center in
17 Syracuse, New York, where I did further study in pathology.

18 Pathology is the part of medicine where we look at
19 tissue to identify cancers. We use the laboratory to
20 diagnose diseases and we learn how to do an autopsy to find a
21 cause of death. A forensic pathologist is further trained to
22 identify patterns of injury and to do a thorough forensic
23 autopsy to identify the cause of death and the manner of
24 death.

25 Q. And during your years of experience, have you had

1 occasion to observe or conduct many cases in which the cause
2 of death was a gunshot wound?

3 A. Yes.

4 Q. About how many?

5 A. Probably 2,000.

6 MR. WARD: At this time, Your Honor, State would move
7 for Dr. Janice Ross to be declared as an expert in forensic
8 pathology.

9 THE COURT: Any voir dire from the defense?

10 MR. BANKS: No, Your Honor.

11 MR. LEIENDECKER: No.

12 THE COURT: She's so qualified.

13 Ladies and gentlemen of the jury, normally a person
14 cannot give an opinion testimony. Normally when a person
15 testifies, they must testify as to what they either saw,
16 heard or sensed by smell or something of that nature.
17 However, there is an exception when someone is qualified
18 because of education or experience. They are permitted to
19 give their opinion in certain areas if the Court qualifies
20 them that way.

21 Dr. Ross will now be qualified in the area of forensic
22 pathology to give opinion testimony in that area. It does
23 not mean that you must accept the opinion, but it is evidence
24 for you to use in any way that you see fit and give it the
25 weight and credibility that you believe is appropriate.

1 You may proceed.

2 MR. WARD: Thank you, Your Honor.

3 DIRECT EXAMINATION BY MR. WARD:

4 Q. Dr. Ross, could you briefly explain the procedure you
5 follow when conducting an autopsy?

6 A. Yes. The body is brought to us in a body bag in
7 Newberry County Memorial Hospital morgue. We open the body
8 bag, take photographs and inventory of the clothing and
9 whatever personal effects the person has. We then take the
10 clothing off and look at the external part of the body.

11 In this case, there were obvious gunshot wounds, so we
12 did x-rays of the body to look for bullets. Then we do an
13 internal examination.

14 Q. And did you have an opportunity to perform an autopsy on
15 the victim in this case, Kymmara Randolph?

16 A. Yes.

17 Q. And during your -- after conducting the autopsy, what
18 were your findings?

19 A. We found six gunshot wounds to the head and six gunshot
20 wounds to the chest. So there was laceration of multiple
21 organs: The brain, the heart, the lungs, liver. And that
22 causes bleeding and it causes damage to the brain, which, in
23 itself, would cause death.

24 Q. And after conducting the autopsy, were you able to come
25 to a conclusion with any reasonable scientific certainty as

1 to the cause of death?

2 A. Yes.

3 Q. And what was that?

4 A. Laceration of multiple organs due to gunshot wounds of
5 the head and chest.

6 Q. And during the autopsy, did you collect any further
7 evidence in this case?

8 A. Yes. We collected multiple bullets and bullet
9 fragments.

10 Q. I'm showing you what's been marked as State's Exhibit 30
11 for identification purposes. Do you recognize that?

12 A. Yes. These are the bullets and the fragments that we
13 retrieved from the body of Kymmara Randolph. One bullet was
14 lying freely in the -- in the jacket.

15 Q. And how are able to identify them?

16 A. It has our labels with -- it's hard to --

17 MR. LEIENDECKER: Again, and I apologize, Your Honor. I
18 lost it when she said one bullet was lying, and I haven't
19 heard anything she said since then.

20 THE WITNESS: We found multiple bullets and bullet
21 fragments from the back and from the head, and one bullet was
22 lying freely in the jacket that she was wearing. These are
23 initialed by myself with the date and sealed in our plastic
24 bags.

25 Q. And after you sealed them, were they sent for any

1 further testing?

2 A. They were sent to SLED, yes.

3 Q. And as part of the autopsy, do you take any samples,
4 blood samples, for toxicology purposes?

5 A. Yes.

6 Q. And were toxicology samples taken from Ms. Randolph?

7 A. Yes.

8 Q. After you took them, where were they sent to?

9 A. They were sent to SLED also.

10 Q. Were you able to get the results back from those
11 toxicology samples?

12 A. Yes, I did.

13 Q. And what were the results?

14 A. There was a very small amount of alcohol, .017 percent.

15 There was a small amount of cocaine and a small amount of one
16 of the breakdown products of cocaine.

17 MR. WARD: Thank you very much. No further questions.
18 Please answer any defense may have.

19 THE COURT: Cross-examination.

20 MR. BANKS: Thank you, Your Honor, please the Court.

21 CROSS-EXAMINATION BY MR. BANKS:

22 Q. Dr. Ross, you examined the body thoroughly; is that
23 correct?

24 A. Yes.

25 Q. And you found 12 gunshot wounds; is that right?

1 A. Yes. Twelve entrances and three exits.

2 Q. Three of them had exited?

3 A. Yes.

4 Q. You said? Okay.

5 And I know you can't tell which came first and which
6 came second, third, fourth, last; you don't know what order?

7 A. Correct.

8 Q. But you do know the girl was shot 12 times?

9 A. Yes.

10 Q. And the two, I guess, general locations were the head
11 and this area of the chest (indicating); is that correct?

12 A. Correct.

13 Q. I believe the lowest might have been the liver. Would
14 that be about the lowest one?

15 A. That's correct.

16 Q. One of the wounds to the head actually never penetrated
17 the cranium; is that right?

18 A. That's correct.

19 Q. It actually went kind of under the skin, and I think it
20 was the left ear, if I'm thinking right, and it kind of
21 stayed under the skin somewhere near the left ear?

22 A. Yes.

23 Q. So you wouldn't consider that shot a fatal wound, would
24 you?

25 A. That's correct.

1 Q. That would do harm, but it wouldn't kill somebody?

2 A. Correct.

3 Q. Okay. Would any single one of the other shots kill
4 somebody? Knowing where you located them all, would any
5 single one of them have killed that girl?

6 A. Yes.

7 Q. So -- and would -- if there was only one -- and two
8 shots, would that have killed that girl? Certainly, I guess,
9 if one will, two will; is that right?

10 A. Correct.

11 Q. And if she was shot three times, that would be -- that
12 would kill her maybe even quicker; would you agree?

13 A. Correct.

14 Q. If she was shot four times, that would kill her even
15 quicker?

16 A. Could be correct.

17 Q. Presumably?

18 A. Yes.

19 Q. Five times?

20 A. Yes.

21 Q. Six times, seven times, eight times, nine times, ten
22 times, if she -- take the one from behind the ear out. She
23 was shot 11 times that could have killed her; is that right?

24 A. Correct.

25 Q. If she was shot nine times, pick any combination in your

1 mind, any combination of those shots, not counting the one
2 that we know wouldn't do extreme harm, can you render an
3 opinion as to how long it would take for the young lady to
4 pass away having been shot those many times?

5 A. Within minutes. There were minutes -- there were three
6 shots that actually went through the brain and the one
7 superficial one in the head and then the other two would
8 hit -- hit the brain, base of the brain and blood vessels in
9 that area.

10 The six in the chest hit the heart and lungs and a major
11 blood vessel and one hit the liver. If it was just the liver
12 shot itself, it would -- could still be fatal, but it would
13 take more minutes, several more minutes to die.

14 Q. One of those shots was the vena cava; is that correct?

15 A. Yes.

16 Q. And tell the jury what the vena cava is.

17 A. The vena cava is a large vein that carries blood back to
18 the heart. It's the superior vena cava that comes -- brings
19 blood back from the head area, and an inferior vena cava that
20 brings blood back up from the heart, from the tissue below
21 the heart.

22 Q. Would it be fair to say that that's maybe the second
23 largest vein in the body or the largest vein in the body?

24 A. Probably the largest.

25 Q. Okay. And the -- I think the one that people, the

1 largest artery in the body is the aorta; is that correct?

2 A. Correct.

3 Q. And that basically parallels -- does that parallel the
4 vena cava?

5 A. They run together, yes.

6 Q. And the aorta is the opposite; it carries blood to the
7 body?

8 A. Correct.

9 Q. So this vena cava, if it was penetrated by a bullet,
10 being the largest vein in the body, how long do you think it
11 would take someone to die just with that bullet alone?

12 A. It would still take minutes.

13 Q. Minutes?

14 A. Yes.

15 Q. Okay.

16 A. Three to five maybe.

17 Q. Okay. And the shot in the back of the head near the
18 base, the lowest, I guess, of the shots to the back of the
19 head -- and I am correct, they entered the back of the head?

20 A. No, they entered the front.

21 Q. I'm sorry. Yes, the front of the head?

22 A. Yes.

23 Q. It went through the back of the head; is that right?

24 A. Yes.

25 Q. And is that one that you did not find, one bullet that

1 you did not find?

2 A. There was one that was deep in the nasal cavity, in the
3 base of the brain.

4 Q. Okay.

5 A. Difficult --

6 Q. So the one that penetrated -- you said the lower, was it
7 the brain stem or the -- what portion of the brain?

8 A. Base of the brain, base of the skull.

9 Q. Okay. And did that penetrate the spinal cord at all, or
10 was it higher than that?

11 A. Yes. It went through the spinal cord, yes.

12 Q. Okay. Now, an impact with a bullet to the spinal cord,
13 that -- could that not kill you instantly?

14 A. If it goes through the brain stem, yes.

15 Q. Mm-hmm.

16 A. But the spinal cord, it would make that person collapse
17 immediately.

18 Q. You said three to five minutes earlier. Would it be
19 reasonable to say that someone with nine of those shots would
20 be dead reasonably within two minutes?

21 A. It could be.

22 Q. One minute?

23 A. Could be.

24 Q. Could they have died instantly?

25 A. No. Again, unless it went through the brain stem, I

1 would not say immediate.

2 Q. So a minute or less than a minute?

3 A. Yes.

4 MR. BANKS: No further questions, Your Honor.

5 THE COURT: Mr. Leiendecker, any cross-examination?

6 MR. LEIENDECKER: Very briefly.

7 CROSS-EXAMINATION BY MR. LEIENDECKER:

8 Q. Ma'am, you said that you extracted these bullet and
9 bullet fragments from the victim, correct?

10 A. Correct.

11 Q. Okay. Explain to me the process how they get to SLED.

12 A. The officer in the morgue takes -- takes the bullets and
13 the toxicology to SLED, and that's documented by an evidence
14 form.

15 Q. Okay. Who was the officer in this case?

16 A. I cannot read his name, but I can show it to you.

17 MR. LEIENDECKER: Okay. May I approach, Your Honor?

18 THE COURT: You may.

19 THE WITNESS: We usually try to have them print their
20 name as well as sign it and --

21 Q. This is the signature right here?

22 A. Correct.

23 Q. And this unreadable signature above is yours, correct?

24 A. Yes, yes.

25 Q. We all expect doctors to have bad handwriting.

1 A. Yes.

2 Q. You have no idea who the officer was?

3 A. No, sir.

4 Q. And do you see him in the courtroom?

5 A. I --

6 Q. You don't remember what he looks like?

7 A. I don't remember.

8 Q. Okay. And when you remove them, how do they get into
9 the plastic bag?

10 A. We remove them, photograph them, put them in the little
11 plastic sleeves and heat seal that, and I initial where the
12 heat seal is. And then it's -- all of them are put together
13 in that larger sealed envelope, sealed and then taken to
14 SLED.

15 Q. Okay. And you do all this yourself?

16 A. Yes. I have -- well, I have a person dissecting, and I
17 have a person typing in the computer, but I handle the
18 bullets.

19 Q. Okay. I'm just asking because you said "we."

20 So the bullets are removed and you're the one that does
21 all of this placing?

22 A. Correct.

23 Q. Okay. And then once you place them, you do what with
24 them? You give them to this unknown officer, correct?

25 A. Correct, yes.

1 Q. And that's the last you see of them until today when you
2 were shown them, correct?

3 A. Correct.

4 MR. LEIENDECKER: No further questions.

5 THE COURT: Any redirect?

6 MR. WARD: Nothing, Your Honor.

7 THE COURT: Thank you, Dr. Ross. You may step down.

8 You may call your next witness.

9 MR. WARD: State calls James Green.

10 CLERK OF COURT: Place your left hand on the Bible and
11 raise your right hand.

12 JAMES GREEN,
13 being first duly sworn, testified as follows:

14 CLERK OF COURT: Please state your full name for the
15 record.

16 THE WITNESS: James Green, G-R-E-E-N.

17 THE COURT: Your witness.

18 MR. WARD: Thank you, Your Honor.

19 DIRECT EXAMINATION BY MR. WARD - VOIR DIRE:

20 Q. Good afternoon, Mr. Green. How are you?

21 A. I'm doing well. How are you?

22 Q. Good, thanks.

23 Where are you currently employed?

24 A. By the South Carolina Law Enforcement Division, commonly
25 referred to as SLED.

1 Q. And how long have you worked there?

2 A. Since June of 2005.

3 Q. And what department do you work in?

4 A. I'm a firearms examiner in the forensic services
5 laboratory, firearms department.

6 Q. And how long have you been working there?

7 A. Since I started with SLED in 2005.

8 Q. What is your educational background?

9 A. I have a bachelor of arts degree from Charleston
10 Southern University and also have a master's of science
11 degree from Charleston Southern University.

12 And when I was hired at SLED, I began a SLED firearms
13 course instruction, which is approximately a three,
14 three-and-a-half-year course of instruction studying under
15 court-qualified firearms examiners in an apprentice-type
16 fashion, learning to do what I do now.

17 Q. What are some of your duties for your job?

18 A. As a firearms examiner, I examine firearms and
19 firearm-related evidence, fired bullets, fired cartridge
20 cases. And also firearms is part of tool marks, so we look
21 at tool marks and tools. Kind of like did the screwdriver
22 make this pry mark?

23 Q. And about how many cases would you say you've had the
24 opportunity to work on involving firearms and ballistics?

25 A. Probably in the 4- to 5,000 range.

1 Q. Have you ever been qualified as an expert in firearms
2 before?

3 A. Yes, sir.

4 Q. About how many times?

5 A. 38.

6 MR. WARD: At this time, Your Honor, the State would
7 move to qualify James Green as an expert in ballistics and
8 firearms.

9 THE COURT: Any voir dire?

10 MR. BANKS: No objection.

11 MR. LEIENDECKER: No.

12 THE COURT: He's so qualified.

13 MR. WARD: Thank you, Your Honor.

14 DIRECT EXAMINATION BY MR. WARD:

15 Q. Mr. Green, could you please explain for the jury what
16 happens to a bullet after it's fired from a gun?

17 A. When a bullet travels down the barrel of a rifled
18 firearm -- let me stop.

19 Rifling is imparted into certain firearms to cause the
20 firearm to spin. Think of a quarterback throwing a football
21 and like a spiral, that's what the rifling in the barrel is
22 intended to do. It makes the bullet more accurate and makes
23 it go straight.

24 In the absence of rifling, a bullet will yaw. It will
25 tumble and not be quite as accurate and will lose velocity.

1 When a firearm is rifled, the tools used to actually
2 impart the rifling into the barrel produce tiny microscopic
3 scratches or striations in the barrel that separates that
4 barrel from the one made after it, the one made after it and
5 the one made before it.

6 So we're able to look at bullets test fired from a gun.
7 And like we have five consecutively made firearms, so we can
8 look at the bullets and see which gun fired which bullet.

9 Q. Did you have an opportunity to examine any bullets in
10 this case?

11 A. Yes, sir.

12 Q. Showing you what's been marked as State's Exhibit 30, do
13 you recognize that?

14 A. Yes, sir. State's Exhibit 30 is SLED -- it's a
15 heat-sealed pouch with a lab number of L14-02327,
16 Container F, and it bears my initials and a seal date.

17 When evidence is submitted to SLED from whatever agency
18 submits evidence to us, it's given a lab number, and each
19 item is given its individual item number. Or each piece of
20 evidence, rather, is given its own individual item number so
21 we can report on them individually.

22 Q. When you received those items, were they sealed and
23 secured?

24 A. Yes, sir.

25 Q. And how would you be able to know that they were sealed?

1 A. I inspect the package visually. And then as I'm taking
2 or documenting the evidence as received, conducting an
3 inventory, I take photographs of the evidence as it's
4 received, showing the seals on the -- each individual item.

5 Q. And does that bag appear in the same condition as the
6 last time you had it?

7 A. Yes, sir. It's still sealed.

8 MR. WARD: At this time, Your Honor, State would move to
9 enter Exhibit 30 into evidence.

10 THE COURT: Any objection?

11 MR. BANKS: No objection.

12 MR. LEIENDECKER: Your Honor, at this point I think we
13 have a large gap in the chain. We have no record how this
14 got from the doctor's office to his lab and if these are, in
15 fact, the same pouches that were done at the autopsy and
16 sealed. We have two ends. We have no -- we have no chain.

17 THE COURT: Solicitor?

18 MR. WARD: Dr. Ross just testified that she was the one
19 that recovered the bullets from the autopsy. She herself
20 secured them and sealed them into the individual packages
21 that are inside that larger envelope and that she -- that
22 they were signed out from her office to be taken to SLED.

23 Mr. Green then testified that that bag was sealed and
24 secured when he received it, and he was able to identify
25 those items, and we're not -- it's not fungible evidence and

1 we're not required to show every and all person that has
2 touched the evidence.

3 THE COURT: Mr. Leiendecker, your objection?

4 MR. LEIENDECKER: Dr. Ross certainly testified what she
5 does. I don't remember on the record that she testified that
6 she put her mark on any of those. She didn't look at them.
7 She didn't identify that she put a mark on them. She didn't
8 identify that she put anything on the seal.

9 THE COURT: I believe she did, Mr. Leiendecker. She
10 testified that she sealed it and put her initials on it.

11 MR. LEIENDECKER: She might have said typically that's
12 what she does.

13 THE COURT: That's what she did. She said she
14 personally did that. We can take a look at the record, but
15 that is the recollection of the Court of her testimony.

16 Obviously it's not a fungible item, and the State is not
17 required to produce every person that may have handled the
18 item. I think that goes more to the weight of the evidence
19 and not the admissibility of it.

20 MR. LEIENDECKER: Thank you, Your Honor.

21 THE COURT: You may proceed.

22 MR. WARD: Thank you, Your Honor.

23 (State's Exhibit 30 admitted into evidence.)

24 Q. When you received those, what analysis were you able to
25 perform on those items?

1 A. The general tool we use, it's called a comparison
2 microscope. A comparison microscope is two microscopes
3 connected by an optical bridge that lets us look at two
4 objects simultaneously.

5 What we're looking for, as I said earlier, is those tiny
6 microscopic scratches. So what I did with the evidence in
7 this case and every case is I try to determine if the items
8 of evidence, the fired bullets, the fired cartridge casings,
9 were all fired by the same firearm or by different firearms.

10 Q. And were you able to come up with what caliber bullets
11 those were?

12 A. May I refer to my notes?

13 Q. Yes.

14 A. When I received the evidence, a lot of the bullets were
15 bullet fragments. There were some bullets, some bullet
16 fragments and some lead fragments. For those that I could
17 determine the caliber, SLED Item 22, for instance, was one
18 fired bullet. It's probably the best specimen that was
19 submitted to me. I was able to determine that it was most
20 consistent with being a bullet loaded into a .22 long rifle
21 caliber cartridge.

22 Some of the others I could not say if it was a .22 long
23 rifle specifically, but I could say it was consistent with
24 being a nominal .22 caliber bullet.

25 Q. And when you say "long rifle bullet," what does that

1 mean?

2 A. Long rifle in the name of the cartridge, it's just the
3 name of a cartridge. A .22 long rifle can be fired in some
4 handguns and some long guns.

5 Q. After you were able to come up with the caliber of the
6 bullet, were you able to identify if these bullets were all
7 fired from the same weapon?

8 A. No, sir, I was not. My answer for all of the fragments
9 was inconclusive. It's a fancy word for I don't know. As I
10 stated before, they were very heavily damaged. Most of them
11 had like a brass or a coppery lead -- excuse me, a plating on
12 them. And sometimes that plating is thin and removes the
13 markings. It actually takes the striations. And when the
14 flaking occurs with the plating, the markings go with it.

15 So to the extent that I could determine they were
16 consistent with being the same type of firearm, the
17 measurements on the lands and grooves were similar, but I was
18 not able to say if they were fired by the same firearm or by
19 separate firearms.

20 Q. And what would cause a bullet to be this damaged as you
21 were investigating these?

22 A. .22 long rifle caliber is -- the bullets are made of
23 lead. Lead's very soft, very malleable, very pliable. If it
24 hits a hard intervening object, it can easily be damaged and
25 fragmented, which is what we had in this case. Something

1 happened to these bullets and the fragments to make them
2 damaged, and I just got small pieces of quite a few of them.

3 Q. Could being submerged in water for almost over a week
4 cause damage to the bullets?

5 A. As far as the microscopic striations, and with the brass
6 or copper plating that was on the bullets, it could help
7 loosen the plating and thereby get rid of the markings.

8 Q. And with any of the bullets, were you able to identify
9 any possibilities of what type of make or model firearm or
10 would have shot these bullets?

11 A. Yes, sir. With SLED Item 22, it was -- like I said, it
12 was my -- basically our best specimen submitted to us. What
13 we do is we measure the lands and grooves in the rifling. We
14 count the number of lands and grooves along with the caliber.
15 We put that into a database provided to us by the FBI. It's
16 called the GRC database, like a general rifling
17 characteristics database.

18 And when we put in the number of lands and grooves, the
19 caliber, the direction of twist of the rifling, either right
20 or left, and the width of the lands and the grooves into the
21 program, it will give us a list of possible firearms that we
22 know of that could have fired the bullet in question.

23 Q. And was Armscor one of those possibilities?

24 A. Yes, sir, it was.

25 Q. And were you able to tell if the same firearm fired each

1 one of these bullets?

2 A. No, sir, I could not.

3 MR. WARD: No further questions. Please answer any
4 defense may have.

5 THE COURT: Cross-examination.

6 CROSS-EXAMINATION BY MR. LEIENDECKER:

7 Q. Mr. Green, it was Item 22, the first bullet you talked
8 about, that gave you an opportunity to try to determine what
9 kind of weapon fired the bullet; is that right?

10 A. Yes, sir.

11 Q. And in all truthfulness, that list is in triple columns,
12 correct?

13 A. Yes, sir. There are 93 different types.

14 Q. And there are 93 different potential weapons that could
15 have fired that, correct?

16 A. Yes, sir. The rifling specifications used on the
17 Item 22, SLED Item 22 bullet, is a very common rifling
18 characteristics.

19 Q. So you can't tell us; you can just tell us one of those
20 93 might have fired it?

21 A. Correct.

22 Q. You can't tell us which. You can't tell us anything
23 further. In fact, your testimony from your witness stand
24 today regarding whether these are even fired by the same gun
25 was a fancy word for I don't know, right?

1 A. Yes, sir.

2 MR. LEIENDECKER: Okay. I don't have any further
3 questions. Thank you.

4 THE COURT: Mr. Banks?

5 MR. BANKS: No, Your Honor.

6 THE COURT: Any redirect?

7 MR. PASCOE: Nothing further, Your Honor.

8 THE COURT: You may step down, sir. Thank you.
9 You may call your next witness.

10 MR. WARD: Michael Moskal.

11 CLERK OF COURT: Place your left hand on the Bible,
12 raise your right hand.

13 MICHAEL MOSKAL,
14 being first duly sworn, testified as follows:

15 CLERK OF COURT: Please state your full name for the
16 record.

17 THE WITNESS: Michael Moskal.

18 THE COURT: Your witness.

19 MR. WARD: Thank you, Your Honor. May it please the
20 Court.

21 DIRECT EXAMINATION BY MR. WARD - VOIR DIRE:

22 Q. Mr. Moskal, where are you employed?

23 A. I am currently employed by South Carolina Law
24 Enforcement Division, what is commonly known as SLED.

25 Q. And what is your position there?

1 A. I am assigned to the trace evidence department.

2 Q. What is trace evidence?

3 A. Trace evidence is oftentimes evidence that is too small
4 to be seen with the naked eyes, and so we have to utilize
5 instrumentation, such as microscopes and highly sophisticated
6 instrumentation, to analyze these types of materials.
7 They're going to include things such as gunshot residue,
8 glass from breaking and enterings, paint from hit and runs,
9 fire debris left after a building has been burnt down, and
10 sometimes it winds up being just general unknowns that we
11 have to identify or classify.

12 Q. And as a trace evidence examiner, what do you do?

13 A. I'm currently qualified to analyze all evidence that
14 comes into the trace evidence department, so it's going to
15 include gunshot residue, paint, fiber, glass, explosives,
16 bank dyes, general unknown identifications.

17 Q. And how long have you been a trace evidence examiner?

18 A. For eight and a half years.

19 Q. Do you keep records as to how many times you have done a
20 gunshot residue analysis?

21 A. SLED keeps records of those. I have not kept a record
22 of specifically how many GSR cases I have analyzed, but it
23 has to be up close to 8- or 900, I would say.

24 Q. And what is your education and training background?

25 A. I have a bachelor's of science in chemistry from the

1 College of Charleston. And then when I was employed by SLED,
2 I began a thorough in-house training for each one of those
3 disciplines that I had mentioned to you.

4 Each one of those training, you are assigned a training
5 officer where you work with them, analyzing the specific type
6 of evidence. So for gunshot residue, I worked with a
7 court-qualified gunshot residue expert. I analyzed their
8 cases with them, helped them write the reports, make the
9 conclusions, in addition, received training on the
10 instrumentations that would be used and just general
11 knowledge of gunshot residue.

12 At the end of that training period, which was about a
13 six- to eight-month period, I was given a mock case where I
14 received evidence, and I treated it just like a normal case
15 that would come into the agency. I received it. I analyzed
16 the evidence. I drew my conclusions, wrote a report and then
17 testified in a mock trial. And after a successful completion
18 of that, I was deemed by SLED capable of analyzing gunshot
19 residue.

20 Q. And have you ever been qualified as an expert in trace
21 evidence before?

22 A. Yes, sir.

23 Q. About how many times?

24 A. I've testified 25 times, state and federal levels.

25 MR. WARD: At this time, Your Honor, State would move to

1 have Mr. Moskal qualified as an expert in trace evidence
2 analysis.

3 THE COURT: Any voir dire?

4 MR. BANKS: No, Your Honor.

5 MR. LEIENDECKER: No.

6 THE COURT: He's so qualified.

7 MR. WARD: Thank you, Your Honor.

8 DIRECT EXAMINATION BY MR. WARD:

9 Q. Could you explain to the jury what gunshot residue is?

10 A. Yes, sir.

11 Gunshot residue, in its broad term, is anything that
12 comes out of a weapon when it's fired. It may include pieces
13 of the bullet fragment. It may include dirt, grime that's
14 left from prior firings, grease and oils from cleanings,
15 particles of partially or completely burnt gunpowder, but in
16 a narrower sense and what we specifically look for when we
17 classify something as gunshot residue are particles that come
18 out of the primer itself when it's fired.

19 We look for round or molten-shaped particles that
20 contain the elements lead, barium and antimony, and when we
21 find a molten-shaped particle with those three particular
22 elements in it, that is gunshot residue and simply comes from
23 a primer being fired and nothing else.

24 Q. And what happens if you find two of those elements?

25 A. When the primer ignites and it burns, again, ideally

1 what we look for is that three-component particle, but you
2 also get a mixture of other particles. You may get just a
3 single particle. It may be lead or it may be barium or it
4 may be antimony, or you may get a combination of two of them.

5 So you -- when you get gunshot residue, you wind up
6 getting a population of the multiple potential of those three
7 elements.

8 Q. And what are you able to determine from your results?

9 A. When we analyze a sample for gunshot residue and we find
10 those particles, what we're able to see is that if it was
11 from a person, the person either fired a weapon, handled a
12 weapon or were in the vicinity of a weapon when it was fired,
13 and if we find this on an inanimate object, that object was
14 either near a weapon when it was fired or had come into
15 contact with something that had gunshot residue on it.

16 Q. What are the most common places you'd find gunshot
17 residue?

18 A. When a weapon's fired, gunshot residue comes out of
19 whatever holes or openings may be on that particular weapon.
20 So with a semiautomatic weapon, your openings are going to be
21 the muzzle end and the ejector point. With a revolver, your
22 openings are going to be the muzzle end and the cylinder gap.

23 And so again, regardless, it's going to land in a
24 general proximity close to that weapon, and so the ideal
25 place to find it is on somebody's hands, but it's also going

1 to land on anything in the vicinity of that weapon.

2 Q. And how far can gunshot residue travel?

3 A. It's a tricky thing. You have environmental factors
4 that come into play. Whether it's windy, rainy, those types
5 of things are going to affect that cloud. It also depends on
6 the type of weapon and the caliber of weapon as well, but the
7 general trend is that it goes about six to ten feet.

8 Q. How long can gunshot residue remain, let's say, on a
9 person?

10 A. Yes, sir. On a living person, gunshot residue is a
11 fragile type of evidence. It's very tiny microscopic
12 particles that are on your hand. Our hands naturally absorb
13 those materials, for one thing. The other thing is the more
14 we move and we rub our hands, we -- hands go in pockets, we
15 scratch our head, all of those types of activities begin to
16 remove those materials. And so testing has shown that on a
17 living person, it does not remain on a person's hands longer
18 than a six-hour period.

19 Q. And what about -- how long can GSR, gunshot residue,
20 remain on a jacket or piece of clothing?

21 A. On an inanimate object, it's obviously not absorbing it
22 through the skin like we do ourselves, and it's going to stay
23 there until some outside force has removed it, whether it's
24 washing or some other fluid running, you know, rubbing across
25 the garment.

1 Q. And would being out in the rain or other outside
2 elements cause that to dissipate quicker from a jacket or
3 something like that?

4 A. Yes, sir. If a garment with gunshot residue were out in
5 the rain, that -- the rain certainly could remove gunshot
6 residue from that material.

7 Q. In this case here, were you able -- did you have the
8 occasion to analyze any evidence for gunshot residue?

9 A. I had a lab number, SLED Lab No. L14-02327, yes, sir.

10 Q. Do you remember the item that you attempted to collect
11 gunshot residue from?

12 A. May I refer to my notes for a second?

13 Q. Yes.

14 A. Yes, sir.

15 Q. What was that item?

16 A. Item No. 32, SLED Item No. 32 was one black hooded
17 jacket.

18 Q. Showing you State's Exhibit 18, do you recognize this
19 item? I'll show you the bag as well. You may be able to
20 identify from the bag that was in.

21 A. All right. I do. The bag and the papers inside the bag
22 both bear the lab number as well as the item number and my
23 initials on them.

24 Q. Just to be clear, this is the jacket you conducted
25 gunshot residue tests for or on?

1 A. Yes, sir.

2 Q. I'm showing you what's been marked as State's
3 Exhibit 36. Do you recognize that?

4 A. Yes, sir, I do.

5 Q. How are you able to recognize that?

6 A. I recognize this. Again, it has the SLED item numbers
7 and the lab number as well as my initials and dates where it
8 was sealed.

9 Q. And could you explain for the jury what is actually
10 inside that bag?

11 A. This item is SLED Item No. 32.1. So when a -- when an
12 article of clothing comes into the lab for gunshot residue
13 analysis, our attempt is to collect samples from an area that
14 would be closest to the weapon when it's fired.

15 So with a long-sleeve garment, the closest area to a
16 weapon when it's going to be fired in general is -- are the
17 cuffs and the forearms. So we will collect gunshot residue
18 samples from the front and the back cuff and the forearm of
19 both arms.

20 And that collection process involves taking a little
21 piece of aluminum with double-sided sticky tape on it, and we
22 take that double-sided sticky tape and dab it across that
23 garment until the tape loses stickiness. And those two items
24 are inside this envelope. Inside this bag are two containers
25 containing those sticky tabs where I collected gunshot

1 residue.

2 Q. And from your analysis, were you able to form an expert
3 opinion as to the results of your examination?

4 A. Yes, sir.

5 Q. And what were those results?

6 A. What I found on Item 32 were particles that are
7 associated with gunshot residue and one particle of gunshot
8 residue.

9 Q. And when you say there was one particle of gunshot
10 residue, does that mean there's no doubt that it had to be
11 fired from a gun?

12 A. That one -- that one particle of gunshot residue
13 definitely came from a weapon being fired, yes, sir.

14 Q. And the associated particles?

15 A. The associated particles, the ones I found here were
16 simply lead. You have the ability to get round lead out of a
17 weapon being fired, but you also have the potential to get
18 round lead particles from batteries or from fishing weights
19 or from working with lead pipes as well.

20 MR. WARD: Beg the Court's indulgence.

21 Q. After you take the samples, as you stated, that are
22 inside Exhibit 36, I believe?

23 A. 36 exhibit, yes, sir.

24 Q. How do you -- where do you put them afterwards? Do you
25 seal them? How are they secured?

1 A. Once I've completed my analysis, they go into these
2 little plastic holders, then I place them into the
3 heat-sealed pouch, seal it. It gets -- if I am completely
4 done with it at that point, I will take it downstairs to the
5 evidence custodians, and then they hold it until the agency
6 that submitted it comes back to retrieve it.

7 Q. And is that what you did with Exhibit 36?

8 A. Yes, sir.

9 MR. WARD: At this time, Your Honor, we'd ask for
10 State's Exhibit 36 to be admitted into evidence.

11 THE COURT: Any objection?

12 MR. BANKS: No, Your Honor.

13 MR. LEIENDECKER: No.

14 THE COURT: It's in.

15 (State's Exhibit 36 admitted into evidence.)

16 Q. The gunshot residue particle that you found, do you know
17 exactly where or which cuff that came from?

18 A. May I refer to my notes?

19 MR. LEIENDECKER: Objection, Your Honor. I mean, he can
20 ask the where, but the leading with which cuff, he can ask
21 where it came from, but I think it's leading to suggest where
22 it came from.

23 MR. WARD: I'll restate, Your Honor.

24 THE COURT: Please rephrase.

25 Q. Could you state specifically where the gunshot residue

1 particle came from?

2 A. Yes, sir. The particle gunshot residue was collected
3 from the left back cuff.

4 Q. And the particles that were found, where were they
5 located on the jacket?

6 A. The associated particles were on the right front cuff
7 and the right back cuff.

8 Q. And I believe you stated, just to be clear, the only
9 places you examined on the jacket were -- could you tell us
10 where you -- all the places were?

11 A. Yes, sir. We do the front and the back cuff and the
12 forearm from each arm. So from each long-sleeve garment, we
13 take -- we collect six samples.

14 MR. WARD: No further questions. Please answer any the
15 defense may have.

16 THE COURT: Mr. Banks?

17 MR. BANKS: Please the Court. Thank you, Your Honor.

18 CROSS-EXAMINATION BY MR. BANKS:

19 Q. Mr. Moskal, you document all this work that you do; is
20 that right?

21 A. Yes, sir.

22 Q. And when you document it, you have certain reports, and
23 I think you have one called a Gunshot Residue SEM Worksheet?

24 A. Yes, sir.

25 Q. All right. The date on that is March 25th, 2014, right?

1 A. Correct.

2 Q. And that would reflect the day and it has the results of
3 the different patches that you took from that jacket; is that
4 right?

5 A. Yes, sir.

6 Q. And that would reflect the date that you actually
7 submitted it to the examination and completed your
8 examination?

9 A. When we -- when we analyze these particle lists for
10 gunshot residue, it is an automated process that uses -- it's
11 called a scanning electron microscope. Big words.

12 And all it tells us is that it is a really high-powered
13 microscope that allows us to see particles that are in the
14 nanometer to micrometer size and allows us to identify the
15 elements that are composed in those particles. So we can
16 look at a particle and identify whether it contains lead,
17 barium antimony, copper, silver, gold, whatever elements are
18 in them.

19 It's an automated process, so the samples go onto the
20 instrument one day. Depending on how many samples we're
21 analyzing, that process may take two or three days. Then we
22 go back and we look at the particles that the instrument
23 found. We analyze them to make certain that it has the
24 elements the instruments said were in them.

25 Again, depending on how many samples were analyzed, that

1 may take a couple hours. It may take a portion of the day.
2 Factors may happen that it winds up being a two-day period to
3 look at it.

4 This sheet that you're referring to, the Gunshot Residue
5 SEM Sheet, is a sheet that once all of that has been
6 completed and I've had a chance to look at the data, I'm
7 going to finalize that worksheet. So it's not necessarily
8 the day it went on the instrument or the day it came off the
9 instrument, it's the day when I compiled my data.

10 Q. So when you finalized that worksheet, is that when you
11 fill out the results on the right-hand column?

12 A. Yes, sir.

13 Q. Okay. So do you type that in a computer or does it spit
14 that out automatically or what?

15 A. I type that in myself.

16 Q. So results, the first result was two associated
17 particles and on and so forth?

18 A. Yes, sir.

19 Q. And then you get down to 32.1, which you were referring
20 to earlier, and it says, "One characteristic." It said,
21 "One characteristic" on March 25th, 2014; is that right?

22 A. Yes, sir.

23 Q. And you said the results in your examination should take
24 just a few days, is that right, ultimately?

25 A. Ultimately, yes, sir.

1 Q. And then you chose to change that result from one
2 characteristic to GSR. I assume I know what GSR stands for.
3 Why did you change it over two months later?

4 A. When we write these things up -- can I refer to my notes
5 for just a second?

6 Q. Sure.

7 A. Okay.

8 There were a couple things that happened here. One,
9 there was other evidence to analyze, so my report was not
10 finalized immediately as soon as I finished the SEM, so I had
11 other work that had to be done in this case.

12 The other thing is we're not working with just a single
13 case. We have hundreds of cases on our desk at a time, and
14 so there are times when it may be finished with the
15 instrument, but it may take a couple weeks or so to actually
16 get a report written up.

17 So it was a combination of I had more to do in this
18 case, and it just took time to get the report written.

19 Q. You had other work to do in this case before you changed
20 the result?

21 A. Well, I didn't change -- the result did not get changed.
22 What got changed was how it was written down on a piece of
23 paper.

24 The particle is a molten particle that contains lead,
25 barium and antimony. The word "characteristic" was a term

1 that came out of a guiding principles that trace labs across
2 the country use called Scientific Working Group for Gunshot
3 Residue. They use two terms in there. They use a
4 "characteristic" and they use a "gunshot residue." And so I
5 had written "characteristic," but then to make my paperwork
6 in agreeance [sic] with what we call things in the lab, I
7 struck through the term "characteristic" and wrote "gunshot
8 residue" above it.

9 Again, it didn't change what the particle was, it just
10 changed what I had physically written down on my sheet of
11 paper.

12 Q. And when you're talking about a particle, you're talking
13 about something you and I can't see with the naked eye?

14 A. We can't see it with the naked eye.

15 Q. In fact, you can't see it with a normal microscope.

16 A. You can't see it with a microscope. To put it in
17 perspective, if you had two football fields, you would be
18 looking for a pea in the middle of those two football fields.

19 Q. But it's not the same size as a pea?

20 A. It's not the same size as a pea. That's just to put it
21 into perspective of something we can understand sizes for.

22 Q. In fact, does it have a -- does one of those typical
23 little round molten things you've been describing, does that
24 have a weight? Can you weigh it?

25 A. I cannot weigh it, no, sir.

1 Q. Is there anything that can weigh it?

2 A. It will have a mass, but we do not have the ability in
3 our lab to do that.

4 Q. In fact, the microscope that you use to see this tiny
5 little -- I can't even call it a speck because it's much,
6 much smaller than that. The microscope you use for that is
7 really expensive and really big and very high tech; is
8 that --

9 A. It is high tech, and again, it allows us to see things
10 in a nanometer range, and that's roughly .0000 something
11 inches.

12 Q. And this is the size of that; is that how big it is?

13 A. Yes, sir.

14 Q. So a nanometer?

15 A. Yes, sir.

16 Q. And there was just one particle on a sleeve or a cuff?
17 There was one particle?

18 A. One particle in the areas I collected from, yes, sir.

19 Q. Tell the jury what contamination is.

20 A. Contamination would be an outside source adding a
21 particle that you're looking for onto a sample that you're
22 analyzing.

23 Q. And so in this case, contamination could be rubbing up
24 against the spot where you found this tiny, tiny particle?

25 A. Could be whom rubbing up against it?

1 Q. I could rub up against somebody who fired a gun?

2 A. Yes, sir.

3 Q. In fact, can't you get the -- can you get the same
4 particle from welding?

5 A. No, sir.

6 Q. Okay. You can actually get the same particle without
7 even touching the other person's contaminated area; isn't
8 that true?

9 A. I'm not following that question.

10 Q. Well, didn't you say earlier that you could actually get
11 the gunshot residue on you by being in close proximity to
12 someone firing a gun?

13 A. Yes, sir. But you would have to be, again, within that,
14 you know, six to ten feet while that weapon was being fired.

15 Q. So you're telling me you were -- it came out one
16 characteristic on this sheet that we were talking about
17 earlier, and it took you over two months because you were
18 either too busy or had other stuff to analyze in this case?

19 A. This was not the only case I had to do last year, and so
20 there are times where we start a case and it may take a month
21 or two to finish that case and write it up for review.

22 Q. Can one characteristic mean something else?

23 A. No, sir, not in terms of gunshot residue.

24 MR. BANKS: One moment, Your Honor.

25 No further questions, Your Honor.

1 THE COURT: Mr. Leiendecker?

2 MR. LEIENDECKER: Very briefly.

3 CROSS-EXAMINATION BY MR. LEIENDECKER:

4 Q. Is this the only item of clothing that was brought to
5 you for analysis for GSR?

6 A. Yes, sir.

7 Q. And the other things you were analyzing were garbage
8 bags?

9 A. Correct.

10 MR. LEIENDECKER: Nothing further.

11 THE COURT: Any redirect?

12 MR. WARD: Nothing further, Your Honor..

13 THE COURT: You may step down, sir. Thank you.

14 You may call your next witness.

15 MR. PASCOE: With the Court's permission, could we have
16 a break, Your Honor? We actually have one more witness. We
17 can even talk about scheduling.

18 THE COURT: Ladies and gentlemen, we'll take our
19 afternoon recess. If you, again, please don't discuss the
20 case. We'll be with you in about 15 minutes.

21 (The jury retires to the jury room at 2:54 p.m.)

22 (Recess held.)

23 THE COURT: Are you ready to proceed?

24 MR. SORENSON: Yes, Your Honor.

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

1 (The jury enters the courtroom at 3:15 p.m.)

2 THE COURT: You may call your next witness.

3 MR. SORENSON: Thank you. The State calls

4 Lieutenant Stanley Graham.

5 CLERK OF COURT: Place your left hand on the Bible,
6 raise your right hand.

7 STANLEY ADAM GRAHAM,
8 being first duly sworn, testified as follows:

9 CLERK OF COURT: Please state your full name for the
10 record.

11 THE WITNESS: Stanley Adam Graham.

12 DIRECT EXAMINATION BY MR. SORENSON:

13 Q. Lieutenant Graham, if you would, tell us where you're
14 employed.

15 A. I am employed by the Calhoun County Sheriff's Office.

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

17 A. Almost ten years.

18 Q. And tell the jury, if you would, your current -- what's
19 your current rank with the sheriff's office?

20 A. I am a lieutenant in the investigative division.

21 Q. If you would, just briefly tell them what your duties
22 and responsibilities are as the lieutenant in the
23 investigation division.

24 A. I am responsible for processing and investigating
25 criminal incidents that take place in Calhoun County.

1 Q. And Lieutenant Graham, you heard testimony earlier this
2 week about a burglary that occurred at 75 Deer Meadow Lane in
3 the early morning hours of February 2nd of last year, 2014?

4 A. Yes, sir.

5 Q. Are you familiar with that incident report that was
6 filed with your office?

7 A. Yes, sir.

8 Q. And who is the victim in that case?

9 A. Johnnie Mae Matthews.

10 Q. What is Ms. Matthews' relationship to the defendants,
11 Jerry and Bryant McKnight?

12 A. She is their mother.

13 Q. And did you have an opportunity as the lieutenant over
14 the investigative division to kind of follow up on that
15 report back after it was filed in February of last year?

16 A. Yes, sir.

17 Q. And what were the allegations of what had allegedly
18 occurred at that residence on February 2nd of 2014?

19 A. There was a reported home invasion in which Ms. Matthews
20 was tied up, threatened, people demanded money, they actually
21 took \$60, according to the report, from her purse.

22 Q. And did they indicate they were looking for anybody when
23 they came there?

24 A. Excuse me for just a second. Let me look at this
25 report.

1 Yes, sir. They asked for her son, according to the
2 report.

3 Q. Are you aware of whether she cooperated with the
4 officers that responded that night?

5 A. I actually had an opportunity to speak to both the
6 investigator that responded that night and the responding
7 deputy, and both of them informed me that there was very
8 little to none cooperation from her or the other people on
9 the scene.

10 Q. Has she ever provided any information about what son it
11 was that they were -- these people were allegedly looking
12 for?

13 A. Not to my knowledge.

14 Q. And in the weeks that came after that, after -- let me
15 show you State's No. 35 and just ask you, is that kind of a
16 fair and accurate representation of the month of February of
17 2014?

18 A. Yes, sir, it is.

19 MR. SORENSON: Your Honor, at this time we'd offer
20 State's 35, the calendar, into evidence.

21 THE COURT: Any objection?

22 MR. BANKS: No, Your Honor.

23 MR. LEIENDECKER: No.

24 THE COURT: It's in.

25 (State's Exhibit 35 admitted into evidence.)

1 Q. That report was filed or that incident occurred early
2 morning hours of Sunday, February 2nd; is that correct?

3 A. Yes, sir.

4 Q. And in the two -- week and a half after that leading up
5 to Kymmara Randolph's death on Thursday the 13th, did
6 Ms. Matthews or any of her family members come forward to the
7 sheriff's office and provide you with any leads or any
8 information about suspects to follow up on in that case?

9 A. Not to my knowledge.

10 Q. Did you actually have an opportunity to attempt to go to
11 talk to Ms. Matthews yourself as a lieutenant?

12 A. Yes, I did.

13 Q. Did she provide you with any additional information?

14 A. After several attempts recently, up until about the 5th,
15 I had no other information to go on other than the incident
16 report.

17 Q. Fast-forward, if I could, Lieutenant, to Monday,
18 February 17th. Did you -- were you contacted that day by
19 Chief Smalls with the St. Matthews Police Department?

20 A. Yes, sir, I was.

21 Q. What was the purpose of Chief Smalls contacting you on
22 Monday, the 17th?

23 A. Chief Smalls informed me that there was a missing person
24 from the Orangeburg County Sheriff's Office and some people
25 from St. Matthews that were possibly involved.

1 Q. And did you assist at that point in time on the 17th
2 with an attempt to -- the attempts to find Bryant McKnight?

3 A. No, sir, I did not.

4 Q. Are you aware of the Calhoun County Sheriff's Office,
5 though, assisting in that that day?

6 A. Yes, sir. They assisted as far as the patrol division.

7 Q. All right. Now, the following day, on Tuesday the 18th,
8 did you have an occasion that day to respond to the
9 St. Matthews Police Department?

10 A. Yes, sir, I did.

11 Q. And tell the jury who was there and what was the purpose
12 of you going over there that morning.

13 A. We went over to meet with the investigators from the
14 Orangeburg County Sheriff's Office and the St. Matthews
15 police chief. They were actually in the process of
16 interviewing Mr. James Keller, and we walked in about the
17 time they got that interview started.

18 Q. And did you become aware after Mr. Keller was talked to
19 about another individual that needed to be interviewed that
20 morning?

21 A. Yes, sir, I was.

22 Q. And who was that?

23 A. That was Mr. Jamaal Pearce.

24 Q. And did you assist at all in those kind of initial
25 interviews?

1 A. Yes, sir, I did.

2 Q. And were you familiar with both Mr. Keller and
3 Mr. Pearce?

4 A. I was familiar with Mr. Keller but not Mr. Pearce.

5 Q. And so were you present when Jamaal Pearce was
6 interviewed?

7 A. Yes, sir, I was.

8 Q. And are you aware, was there another person whose name
9 came out of that interview with Jamaal Pearce on the morning
10 of February 18th of 2014?

11 A. Yes, sir. He gave us the name of one Mr. Stephon Green.

12 Q. Now, are you familiar with Mr. Green?

13 A. I was not at the time.

14 Q. Are there other officers in your agency that were --
15 that did know him and his family?

16 A. Yes, sir, Captain Pat Regalis.

17 Q. And ultimately did Steven Green come into the sheriff's
18 office later on that evening of February 18th?

19 A. Yes, sir.

20 Q. And give a statement?

21 A. Yes, sir, he did.

22 Q. And prior to that happening, were there other people
23 that came in that talked to you that day prior to
24 Stephon Green that evening?

25 Let me ask you this: Do you remember, did Sandra Hughes