

ORIGINAL
VOLUME I OF III

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable Kristi Lea Harrington, Circuit Court Judge

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OCT 17 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JEREMIAH FITZGERALD BELTON,

APPELLANT

APPELLATE CASE NO 2015-002423

RECORD ON APPEAL

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**THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:
TRIAL EXHIBIT: STATE'S #318 (CD)**

STATE OF SOUTH CAROLINA
VS.
JEREMIAH FITZGERALD BELTON and
KING CHEVAIS CONYERS,
DEFENDANT.

held before the Honorable Kristi L. Harrington
Mia Perron, Circuit Court Reporter, 9th Judicial Circuit
in the Charleston County Courthouse
Charleston, South Carolina
on Tuesday, October 27, 2015, Commencing at 10:59 a.m.

SUSAN "MIA" PERRON, CVR-CM-M
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October 27, 2015

MOTIONS

1
2 THE COURT: All right. What are we doing here
3 today, Ms. Shealy?

4 MS. SHEALY: This is Mr. Mlynarczyk's motion, Your
5 Honor.

6 THE COURT: Thank you.

7 MS. SHEALY: One issue regarding the search
8 warrant, and one issue regarding the severance request.

9 THE COURT: Mr. Mlynarczyk, I'll be happy to hear
10 you. Just tell me what we are doing.

11 MR. MLYNARCZYK: May it please the Court, Your
12 Honor.

13 I filed two pre-trial motions. The first one is
14 for a motion for a separate trial. The State plans
15 to --

16 I don't know if you have a preference of which you
17 would like to hear first.

18 THE COURT: Whatever you are ready for.

19 MR. MLYNARCZYK: The State plans on trying Jeremiah
20 Belton and King Conyers together starting on Monday,
21 and, as my motion lays out, a motion -- it's in the
22 discretion of the Court to separate the trials and
23 there's no real hard and fast guideline for that.

24 I think the recurring theme is is there -- is it
25 likely that there is even a viable verdict, and is there

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1 going to be difficulty following the case as it pertains
2 to each defendant. And in this particular case the only
3 testimony, direct testimony, or eyewitnesses -- there is
4 a tremendous amount of telephone records, and I believe
5 that the State is going to try to connect all these
6 people with at least five different phone numbers, only
7 two of which I believe can be confirmed with the
8 carrier. It belongs to an individual. And I think of
9 the five days, a lot of testimony is going to be about
10 these different phone numbers, the different times.

11 And the State also intends to, from what I've
12 received, to introduce cell-tower location information,
13 like a mapping. And there are differences between the
14 codefendant and my client's locations at the time of the
15 incident. And I have a real concern, Your Honor, that
16 the jury, with all of these different phone numbers and
17 the amount of phone records and information that's going
18 to be coming in, it's going to be impossible to
19 distinguish that circumstantial evidence between my
20 client and Mr. Cooper. I think there's a real chance.

21 And so I would ask that they be tried together
22 [sic]. I know that this is a lot of information --

23 THE COURT: Tried separately; right?

24 MR. MLYNARCZYK: Separately. Yes.

25 That's it, Your Honor, on that motion.

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1 THE COURT: And then you have a motion to exclude
2 prior bad act; is that correct?

3 MR. MLYNARCZYK: No.

4 The motion before Your Honor is a motion on the
5 search warrant for the phone records. I filed it under
6 a Franks hearing. There is -- and my reason for doing
7 that is that the original affidavit supported the search
8 warrant in September of 2013.

9 A little bit of background needs to be understood
10 on this case. The incident happened in 2010. There was
11 one arrest made, and that was Mr. Mason, who is a co --
12 who is a defendant, not being tried at this time, but he
13 is -- he remained silent for two years, giving one story
14 to the police initially, changing his story again, and
15 then two years later names another individual who
16 doesn't say anything until 2014. It wasn't until 2012,
17 after changing his story, that my client's name even
18 came up.

19 There was -- in 2013, there were -- there were two
20 statements, eventually. On the eve of trial, Mr. Mason
21 agrees to cooperate and gives a statement. There is a
22 recorded statement in April of 2013, and then there is a
23 -- I'm sorry, let me make sure that date is right -- in
24 April of 2012, April 24th, and then a second statement
25 in August of 2012. Now, at this point he is the only

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1 individual arrested. There is one victim that is dead
2 at the scene and one of the perpetrators is dead at the
3 scene.

4 The affidavit in 2013, from at the time, Detective
5 Lawrence lays out the factual basis for the records from
6 Sprint Corporation and the only indication in that
7 affidavit regarding the phone number for Mr. Belton, or
8 any connection, is the very last line -- second-to-last
9 line. And it says: Mason subsequently stated that the
10 aforementioned number, the number they're looking for,
11 belonged to codefendant Jeremiah Belton, who was present
12 and made several calls prior to and after the home
13 invasion occurred.

14 Now, I believe that Ms. Shealy will stipulate that
15 Troy Mason never made that statement, so I believe that
16 that brings us to the conclusion of my burden on the
17 affidavit. There's nothing else in the affidavit. All
18 it is is facts concerning about what happened that
19 night. It doesn't mention Mr. Belton, it doesn't
20 mention a phone number, it doesn't mention anything
21 else. The only supporting information in that affidavit
22 is that line which goes -- which was granted, which was
23 signed.

24 Now, along those lines, my burden is either it was
25 a -- it was falsified or it was a reckless disregard for

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1 the truth. It's either/or. And I'm asserting that it's
2 at least reckless disregard for the truth because, as
3 Ms. Shealy would stipulate, Troy never made that
4 statement and yet that is the only information in that
5 warrant which led to the granting by the magistrate.

6 Now, on those same lines, what's missing from the
7 warrant -- South Carolina law has stated that when
8 you're using hearsay in an affidavit, that the judge
9 who's making the decision, the magistrate, needs to have
10 the liability -- they had some information on the
11 reliability and voracity of the person making the
12 statement.

13 Now, the affidavit was filed in September of 2013.
14 In 2012, when the statements were made, Mr. Mason had
15 already changed his story at least twice and it doesn't
16 match the story that the other defendant gives in 2014.

17 So we're dealing with a particular time period in
18 2013 and at that time, there was absolutely no
19 supporting evidence that that phone number belonged to
20 my client, or that my client had that phone number, or
21 that this was subject to a warrant being granted.

22 And I think a combination of this -- especially the
23 fact, Your Honor, that the only fact in the warrant is
24 that that one line right there, which the prosecution
25 will -- or the solicitor will -- we never had it.

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1 The second part of that is in going back and forth
2 with your client and Your Honor and the solicitor. When
3 I gave them notice that a motion, a Franks -- that I was
4 going to request a Franks hearing based on this
5 affidavit, this faulty affidavit, the solicitor went to
6 Detective Goldstein, from the sheriff's office, and
7 issued a whole new warrant using information that was
8 gathered from this information and including information
9 that was available -- that was available not until 2014.

10 So here's my dilemma. My dilemma is -- what I'm
11 asking this Court to do is the affidavit that was
12 submitted in support of that original warrant was
13 faulty. Without that untrue or reckless disregard for
14 the truthful statement, the magistrate never would have
15 signed it because under Franks, if you agree with me,
16 Your Honor, and you eliminate that language from the
17 warrant, there is no sufficient information left in that
18 warrant that could support a finding of probable cause.
19 And if you take that out and then you look at the
20 affidavit again, could a magistrate have issued that
21 warrant based on the information contained without that
22 sentence? It's important because it doesn't mention a
23 phone number, it doesn't mentioned Mr. Belton.

24 So I think what -- now, my motion would also carry
25 into there is obviously a reckless disregard or a

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1 wrongdoing on behalf of law enforcement in getting this
2 initial information. And the law said at that time that
3 even if there were oral statements that are made, a bad
4 warrant cannot be rehabilitated by -- after the issue is
5 brought up, it cannot be rehabilitated with information
6 law enforcement knew at the time but did not tell the
7 magistrate. It can't be rehabilitated by that.

8 And what the solicitor is trying to do is
9 rehabilitate an entirely faulty warrant by, upon notice
10 from my office that one is going to be -- that the
11 original information that the entire case has been built
12 upon, besides the statement, they're trying to cure now
13 at the last minute, which was within the last ten days,
14 to cure that warrant.

15 So they have taken steps to cure -- if the
16 solicitor did not believe that the warrant was
17 sufficient, they would not have taken any steps to go
18 for a whole new warrant to correct it.

19 So I would ask, Your Honor, that based on the fact
20 that the information contained in the original warrant
21 was either a wilful addition of an incorrect fact, or a
22 reckless disregard for what did happen, I would ask that
23 Your Honor suppress those phone records and any
24 information they got from those records from Sprint and
25 not be able to refer to them now that -- in 2014 to

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1 issue a same warrant for the exact same records. Thank
2 you, Your Honor.

3 THE COURT: Ms. Shealy?

4 MS. SHEALY: Your Honor, Mr. Cooper is going to
5 address the --

6 May I go ahead and go forward with the search
7 warrant so we can get Ms. Proctor back to her office?

8 THE COURT: Certainly.

9 MS. SHEALY: Would that be okay?

10 THE COURT: Yes. How is Ms. Proctor involved?

11 MS. SHEALY: She was a participant in the first two
12 interviews with Troy Mason, which will give some
13 background to the statements that were put in the search
14 warrant.

15 Your Honor, for the record, I would like to mark as
16 Courts Exhibits both the search warrant in question and
17 also the new search warrant, with the Court's
18 permission.

19 [Whereupon, Court's Exhibit Number 1 is marked by
20 the court reporter]

21 [Whereupon, Court's Exhibit Number 2 is marked by
22 the court reporter]

23 MS. SHEALY: Your Honor, I'll hand these up to you.

24 THE COURT: Thank you.

25 MS. SHEALY: Your Honor, so that we can perhaps

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1 have our witnesses be able to be dismissed, I'll make my
2 argument later.

3 And if I may call my two witnesses?

4 THE COURT: You may.

5 MS. SHEALY: Charles Lawrence.

6 [Off the record momentarily]

7 [Whereupon, Mr. Lawrence comes forward]

8 THE CLERK OF COURT: Left hand here. Raise your
9 right.

10 [Whereupon, Mr. Lawrence is duly sworn by the clerk
11 of court as follows: do you swear or affirm the
12 testimony you will give the Court will be the truth, the
13 whole truth, and nothing but the truth, so help you God]

14 THE WITNESS: I do.

15 THE CLERK OF COURT: Thank you, sir. You may be
16 seated. Sir, once seated, if you could please state
17 your first and last name and then spell your last loudly
18 and clearly for the record.

19 THE WITNESS: Charles Lawrence. L-A-W-R-E-N-C-E.
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Charles Lawrence
Direct Examination by Ms. Shealy
October 27, 2015

CHARLES LAWRENCE,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MS. SHEALY:

Q. Mr. Lawrence, if you would, would you tell the Court, please, how long you've worked for Charleston County?

A. Yes, ma'am. Eleven years.

Q. And back in 2010, you had worked there for six years then, I guess, at that time?

A. Yes, ma'am.

I started in 2003. So about seven years.

Q. And had you had any previous law enforcement experience prior to that?

A. Yes, ma'am.

Q. Where was that?

A. I was with the Orangeburg County Sheriff's Office, and South Carolina University Police Department.

Q. Back in July of 2010, were you designated as the lead detective in a home invasion that occurred out in McClellanville at Melvin Simmons' house?

A. Yes, ma'am.

Q. And would you advise the Court who the first defendant that was arrested -- what was that person's name?

A. Troy Malane [phonetic] Mason.

Charles Lawrence
Direct Examination by Ms. Shealy
October 27, 2015

1 Q. Okay. And as part of the investigation did you
2 initially learn of someone else, that may have been involved
3 with this incident, that was related to Troy?

4 A. That's correct.

5 Q. And do you remember what that person's name was?

6 A. Mario Caldwell.

7 Q. And as a part of your investigation, did you in
8 fact gain the phone records for Mario Caldwell?

9 A. Yes.

10 Q. Upon review of those records, were there patterns
11 of other phone calls that had been made between Mr. Caldwell
12 and other individuals?

13 A. That's correct.

14 Q. And as part of your investigation, was there an
15 effort to find out who was making those phone calls?

16 A. Yes, ma'am.

17 Q. Tell the judge, if you would, please, based on the
18 evidence at the scene, did you initially or ever believe there
19 was just one intruder?

20 A. No, ma'am.

21 Based on the evidence, I knew it had to be more
22 than one person.

23 Q. Okay. And then are you aware that later ballistics
24 showed that there were several people with weapons?

25 A. That is correct.

Charles Lawrence
Direct Examination by Ms. Shealy
October 27, 2015

1 Q. Now, did you participate in the interview of Troy
2 Mason that took place at the solicitor's office?

3 A. In 2012?

4 Q. Well, focusing your attention initially to April
5 24th, 2012.

6 A. Yes, ma'am.

7 Q. Were you present at the solicitor's office for an
8 interview with Troy Mason?

9 A. I was.

10 Q. And were you also present on August 3rd, 2012?

11 A. Yes.

12 Q. Would you advise the Court as to whether or not at
13 that point anybody other than Troy Mason had been arrested?

14 A. In 2012, I believe it was only Troy Mason.

15 Q. And during the interview of Troy Mason, did he
16 indicate that someone named Finger had been involved with the
17 incident? Do you remember? Do you need to see a copy of the
18 statement?

19 A. Yes, I would need to see a copy of the statement
20 for that one.

21 Q. And this is dated August 3rd, 2012.

22 [Whereupon, the witness reviews documents]

23 A. Okay.

24 Q. [Ms. Shealy] Was the name Finger mentioned at that
25 point?

Charles Lawrence
Direct Examination by Ms. Shealy
October 27, 2015

1 A. Yes, ma'am.

2 Q. And what about the name Bez?

3 A. Yes, ma'am.

4 Q. Okay. At the time that Troy Mason used those two
5 nicknames, did we have any idea who those two individuals
6 were?

7 A. No, ma'am.

8 Q. And after his two interviews, one being April 24th
9 and one being August 3rd, we had phone records of Mario
10 Caldwell?

11 A. Yes, ma'am.

12 Q. Did we also have some understanding of phone
13 records from -- maybe not the records themselves, but numbers
14 called by Constance Manigault?

15 A. That's correct.

16 Q. And Shelena Jamison [phonetic]?

17 A. Yes, ma'am.

18 Q. And did I, in fact, ask you to prepare a search
19 warrant for the phone records of Jeremiah Belton?

20 A. Did you ask me that?

21 Q. Did I ask to you -- or I'm sorry. Did I ask you to
22 prepare a search warrant for the telephone number 843-642-
23 1025? Do you remember if I asked you, or if you did it on
24 your own?

25 A. I don't remember how it was brought to be, but I

Charles Lawrence
Direct Examination by Ms. Shealy
October 27, 2015

1 did --

2 I would need to see that search warrant for the
3 particular number. It's been years since that one.

4 A. And the last four of the number is?

5 Q. 1025.

6 [Whereupon, the witness reviews documents]

7 A. Yes, ma'am.

8 Q. [Ms. Shealy] When you drafted the affidavit --

9 A. Uh-huh.

10 Q. -- for the search warrant to get the phone records
11 from that number --

12 A. Yes, ma'am.

13 Q. -- did you believe, at the time that you wrote the
14 affidavit, that Troy Mason had given us the name Jeremiah
15 Belton?

16 A. Yes, ma'am. At that time it was my belief. Yes,
17 it was.

18 Q. Okay. I need you to tell Judge Harrington, please,
19 did you falsely know about this fault and put it in your
20 affidavit?

21 A. No, ma'am, Your Honor.

22 Q. And did you just recklessly put those two
23 statements in your affidavit?

24 A. Never. No, ma'am.

25 Q. When you were interviewing and I was interviewing

Charles Lawrence
Direct Examination by Ms. Shealy
October 27, 2015

1 Troy Mason on those two dates, April the 24th, 2012, and
2 August 3rd, 2012, was his attorney, Lori Proctor, present for
3 both of those interviews?

4 A. That's correct. Ms. Proctor was there.

5 MS. SHEALY: I have no further questions.

6 THE COURT: Mr. Mlynarczyk?

7 MR. MLYNARCZYK: Thank you, Judge.
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Charles Lawrence
Cross-Examination by Mr. Mlynarczyk
October 27, 2015

CROSS-EXAMINATION

BY MR. MLYNARCZYK:

Q. Mr. Lawrence, the affidavit that you signed, if you can review it, would you agree with my statement to the judge earlier that the only reference in the body of the affidavit to a phone number which you're seeking, or my client, is the second-to-last sentence?

A. One more time, sir.

Q. Sure.

When you reviewed the affidavit, would you agree with the statement that I made to the judge earlier that the only line in your affidavit that pertains to Mr. Belton or the phone records is the second-to-last line which reads Mason subsequently stated that the aforementioned number belonged to codefendant Jeremiah Belton, who was present and made several calls prior to and after the home invasion occurred?

A. That was my belief of the correlation, yes.

Q. Okay. So the interviews of Mr. Mason were held in 2012; correct?

A. Yes.

Q. Did you make notes of that meeting?

A. I did.

Q. Did you have access to recordings, and the statement that you reviewed earlier, at the time you asked for your -- for the search warrant?

Charles Lawrence
Cross-Examination by Mr. Mlynarczyk
October 27, 2015

1 A. I'm sure that I did.

2 Q. Did you review those before you gave your affidavit
3 to --

4 A. I'm sure I did, yes.

5 Q. Let me finish the question so we can have a clear
6 record.

7 So before you signed this affidavit, you reviewed
8 your notes, the interview the hand -- the interview which
9 resulted in the handwritten statement of Mr. Mason in April,
10 and you also reviewed your notes from the lengthy recorded
11 statement that was in August of 2012; correct?

12 A. When we -- whenever we have a serious nature such
13 as this right here, our supervisors are -- they go over it, as
14 well, okay, and this was cleared through our chain before it
15 was signed by me.

16 Q. I'm sorry. Say that again.

17 A. I said my supervisor was -- approved this before --
18 before we do a serious nature of a crime such as this right
19 here, a supervisor always goes over it to ensure that it is
20 intact.

21 Q. Okay. But are you saying that the supervisor is
22 the one who supplied the information? Or are you the one that
23 supplied the information?

24 A. I implied [phonetic] the information.

25 Q. Okay. So we're not talking about your supervisor,

Charles Lawrence
Cross-Examination by Mr. Mlynarczyk
October 27, 2015

1 then. We're talking about what you know?

2 A. Correct.

3 Q. What you knew.

4 You understand the purpose of the affidavit for the
5 warrant; right?

6 A. I do.

7 Q. I don't want to go through the whole -- that whole
8 issue. You were in law enforcement for a long time. I think
9 you know the process of what's necessary -- what's put in a
10 warrant in order to get it granted; correct?

11 A. That's correct.

12 Q. Know, from affirmation from you, that the
13 information contained in it is accurate and correct to the
14 best of your knowledge; correct?

15 A. To the best of my knowledge, yes.

16 Q. So my question comes down to that line. Now, I
17 cannot see any other information in here, besides the fact
18 that it happened, that refer to Mr. Belton or his phone
19 number, except for the one sentence that I read. Now, that
20 sentence that you put in there, and it's pretty specific, it
21 says -- and I want -- again: Mason subsequently stated. So
22 you're saying he said it -- that the aforementioned number
23 belonged to the codefendant Jeremiah Belton -- mentioned him
24 by name and associated with that phone number -- who was
25 present and made several calls prior to and after the home

Charles Lawrence
Cross-Examination by Mr. Mlynarczyk
October 27, 2015

1 invasion.

2 That's pretty detailed, isn't it?

3 A. That's correct.

4 Q. Okay. So in order to get that kind of detail in
5 September of 2013, you would have had to refer to your notes,
6 or the reporting, or the statement of Troy Mason back when it
7 was made in 2012; correct?

8 A. That's correct.

9 Q. Would you know -- knew this from your recollection?

10 A. Not from my recollection, no.

11 Q. Okay. So you're saying that you saw something,
12 then, that reaffirmed your belief that Troy Mason made that
13 statement?

14 A. Yeah.

15 Based on the evidence that we had, based on what
16 you are saying, it is my belief that it was said, yes.

17 MR. MLYNARCZYK: Your Honor, can I get on the --
18 can I get on the record from -- so doesn't have to prove
19 --

20 Can I get it on the record that we stipulate that
21 Troy Mason never made that statement in any -- in the
22 solicitor's presence?

23 MS. SHEALY: That's accurate, Your Honor.

24 I think you will hear a little bit more about the
25 nature of the interview process. But Troy Mason did not

Charles Lawrence
Cross-Examination by Mr. Mlynarczyk
October 27, 2015

1 know Jeremiah Belton's phone number. I will put that on
2 the record.

3 THE COURT: All right.

4 MS. SHEALY: But there are other matters that are
5 relevant to that issue, Your Honor.

6 Q. [Mr. Mlynarczyk] So you understand, Mr. Lawrence,
7 that when you write an affidavit to the Court, it should
8 contain all the information that you know it to be; correct?

9 A. Correct.

10 Q. All right. Can I ask you why out of this half of
11 single-spaced line on this warrant there's only one line, you
12 included one line, that supported your request for an
13 affidavit or of a warrant?

14 A. Yes. To answer your question, yes.

15 What you read prior to that is the meat and
16 potatoes as to what happened, or the facts that led up to it.
17 And the phone number that we got during the course of the
18 investigation is believed to belong to a defendant by the name
19 of -- to the defendant here. And at which point in time the
20 fact that we used to get to that. And what I recall -- and,
21 again, I don't have privy to all those stuff now. It's, what
22 2016, and this was 2010, 2012. What was in front of me at the
23 time. And in the course of the two different interviews with
24 Mr. Mason, it was my belief that which point in time that that
25 was the number that was -- yeah, it was -- yes, it was.

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1 Q. Do you believe --

2 A. I'm not --

3 Q. Do you believe your decision in that warrant was
4 based on other information besides what you stated right here?

5 A. No.

6 Q. So the only -- so we can keep it very simple for
7 the judge: the only information that you had connecting that
8 number to my client, or in support of your warrant, was a
9 statement that you said Troy made and that's what you told the
10 magistrate?

11 A. That's correct..

12 Q. You didn't tell the magistrate any other facts
13 besides that?

14 A. No.

15 Q. Okay. In your many years of law enforcement, are
16 you aware that when you provide a warrant to a magistrate,
17 that if you are using hearsay -- do you know what hearsay is?

18 A. I do.

19 Q. Okay. So if you're using hearsay, or informants,
20 that you need to tell the magistrate or give the magistrate
21 information that would ensure that the informant is reliable
22 and that the voracity of their statements is accurate? Did
23 you ever hear anything like that?

24 A. That is correct. That is a true statement.

25 Q. All right. Why did you not put in this affidavit

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1 that Mr. Mason had changed his story at least twice from the
2 time he was arrested until the time he made the statement in
3 2012?

4 A. Mr. Mason was initially arrested because his
5 attorney would not allow him to speak. Two years later, prior
6 to court, is when he came forth to speak to the -- with
7 counsel.

8 Q. Well, he gave a statement originally, when they
9 talked to him in the hospital, about why he -- how he was
10 shot; right?

11 A. I -- yeah. That is correct, yes.

12 Q. And do you remember how he said he was shot?

13 A. Yeah. Another detective took that, but, yeah.

14 He was allegedly robbed at some convenience store
15 off of Red Bank Road.

16 Q. So it was not what we're talking -- wasn't the
17 facts that were in your affidavit?

18 A. Correct.

19 Q. Okay. But you didn't tell the magistrate that,
20 that he had given a false statement prior?

21 A. Correct.

22 Q. Don't you feel it should have been your
23 responsibility to do that to the judge so that the judge could
24 have made an informed decision of whether to grant the warrant
25 or not?

Charles Lawrence
Cross-Examination by Mr. Mlynarczyk
October 27, 2015

1 A. Again, sir, the basis of getting this warrant --
2 the basis of getting the warrant signed was based on the facts
3 and information that I had. It was somewhere as something
4 that I had to -- something in the information that I had which
5 said that Troy Mason made the statement. I don't just make up
6 stuff voluntarily to get a warrant signed. Never did, never
7 will.

8 Q. Well, I'm not saying that you made it up. I'm
9 saying that --

10 A. Okay.

11 Q. -- it could have been a reckless disregard for the
12 truth.

13 Would you dispute the fact that the solicitor
14 agrees that Troy Mason never made that statement?

15 A. I would not dispute that.

16 Q. So then the information contained in this warrant,
17 based on the stipulation, is inaccurate; correct?

18 A. At this point in time I would have to say if it --
19 they're saying that it came from Troy Mason, I guess I would
20 have to say that, then.

21 Q. For the record's state, you don't work with
22 Charleston County anymore, do you?

23 A. No, sir.

24 Q. Why not?

25 A. I left there in July of 2010.

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1 Q. Why did you leave?

2 A. Because I -- it was a relationship that I had that
3 was involved in another case.

4 Q. Is that the reason that Charleston County gave you
5 for leaving?

6 A. I'm sure you have it in front of you. Yes, sir, it
7 is.

8 Q. I'm asking you a direct question.

9 Isn't it true that Charleston County let you go
10 because you lied to your superiors about that relationship?

11 A. Yes, sir.

12 Q. So it wasn't the relationship itself, it was the
13 fact that when you were confronted by the relationship --

14 A. Uh-huh.

15 Q. -- and it was -- they deemed it inappropriate;
16 correct?

17 A. That's correct.

18 Q. Then you lied to them about it; correct?

19 A. Correct.

20 Q. Didn't you talk to the person you were involved
21 with at that time to try and coincide your story?

22 A. That was correct.

23 Q. Okay. So for those reasons, it was dishonesty and
24 lying to your superiors is the reason why you left -- why you
25 were let go from Charleston County?

Charles Lawrence
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1 A. It was from the sheriff's office. Yes, sir.

2 MR. MLYNARCZYK: I have no further questions, Your
3 Honor.

4 MS. SHEALY: Your Honor, before I get started --
5 [Off the record momentarily]

6 MS. SHEALY: Are you ready for me to proceed?

7 THE COURT: Yes.
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Charles Lawrence
Redirect Examination by Ms. Shealy
October 27, 2015

REDIRECT EXAMINATION

BY MS. SHEALY:

Q. Mr. Lawrence, starting with the reason that you were terminated from the sheriff's office, did it have anything to do with ever falsifying an affidavit in front of a magistrate?

A. No, ma'am. No bearing.

Q. It dealt with your personal relationships and your truthfulness in dealing with your --

A. Yes, ma'am.

Q. -- superiors; correct?

A. That is correct.

Q. When did you learn that Troy Mason did not actually say that?

A. I don't recall.

Q. Well, when I called to tell you that we -- I needed to have you here --

A. Yes, ma'am.

Q. -- was that the first time that you had heard that Troy Mason didn't say that?

A. Yes, ma'am. That's the first time I heard it, yes, ma'am.

Q. Okay. And advise the Court, if you would, please, is there anything unusual about defendants who cooperate becoming more and more revealing as time goes on?

Charles Lawrence
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1 A. Yes, ma'am. Is there anything unusual about it?

2 Q. Right.

3 A. Not --

4 Q. Or do they give more and more detail as time goes
5 on?

6 A. A lot of times they tend to wait the case out and
7 not say anything. But when they see that it's basically
8 coming closer to the trial time and they see that it's not
9 going in their favor, they tend to divulge information to law
10 enforcement or give information that is going to, yeah, help
11 their case or -- I guess in so many words, lack of better
12 words.

13 But, yes. That's correct.

14 Q. And in this case, initially, when Mr. Mlynarczyk
15 was asking you about Troy lying when he went to the hospital
16 on the evening in question, is it true that he went from
17 saying he was not a participant to admitting that he was a
18 participant?

19 A. Yes. That's correct.

20 Q. Now, regarding the two dates that you participated
21 in an interview with Troy Mason at the solicitor's office, one
22 of those were recorded; is that correct? Or do you remember?

23 A. The best of my knowledge, one was recorded, yes,
24 ma'am.

25 Q. And the other one we have the statement of Troy

Charles Lawrence
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1 Mason that you have in front of you; is that correct?

2 A. Yes, ma'am.

3 Q. In describing the atmosphere of the second
4 interview, the one that you have before you, do you recall
5 that that was like a day-long process?

6 A. It was.

7 Q. And were there times during that process when you
8 and Ms. Proctor and maybe my investigator and I were talking
9 that didn't make its way into the statement itself?

10 A. Yes, ma'am. It was a lot. Yes, ma'am. Long day.
11 Lot of stuff.

12 Q. Could you tell the judge from the date of the last
13 statement, August 3rd, 2012, approximately how many interviews
14 of either suspects or cooperating codefendants you have
15 participated in?

16 MR. MLYNARCZYK: Your Honor, I'm going to object to
17 relevance.

18 I mean, we're talking about the time the warrant
19 was made, which was September of 2013. What happened
20 other than what's not in the warrant is not relevant.
21 We've established the fact --

22 THE COURT: I'm going to give her a little leeway.

23 MR. MLYNARCZYK: Sure.

24 THE COURT: Thank you, Mr. Mlynarczyk.

25 A. Numerous.

Charles Lawrence
Redirect Examination by Ms. Shealy
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1 How many, that I do not know, honestly. But it's
2 been a lot of them.

3 Q. [Ms. Shealy] And between the time of August 3rd,
4 2012, to the date of the affidavit there, being September,
5 2013, did you also participate in many interviews in between
6 those two dates?

7 A. Give me those dates again.

8 Q. Between the statement of Troy Mason --

9 A. Yes, ma'am.

10 Q. -- on August 3rd, 2012, and the date you signed
11 your affidavit, which would have been September 13th --

12 A. Got it.

13 Q. -- 2013. In a position with the Charleston County
14 Sheriff's Office, did you participate in many interviews in
15 the interim?

16 A. During that time frame, yes, ma'am.

17 Q. And I ask you again, did you lie on that affidavit?

18 A. No, ma'am.

19 Q. And did you just recklessly put something in here
20 that you did not know was true?

21 A. Never. No, ma'am.

22 MS. SHEALY: I have nothing further. Thank you.

23 MR. MLYNARCZYK: Briefly, Your Honor.

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Charles Lawrence
Recross-Examination by Mr. Mlynarczyk
October 27, 2015

CROSS-EXAMINATION

BY MR. MLYNARCZYK:

Q. To follow up with Ms. Shealy's questions to you, Mr. Lawrence, you stated that you had many interviews; right?

A. Yes. Correct.

Q. But none of those interviews were with Troy Mason?

A. Correct.

Q. The only two that you had were the two that we have on the record; correct?

A. Yes, sir.

Q. When you were -- you were an officer for many, many years; correct?

A. That is correct.

Q. Okay. Will you tell me and tell the judge what you believe reckless to mean, or reckless disregard?

A. Reckless --

MS. SHEALY: Your Honor, I would argue that this is argumentative.

THE COURT: I'm going to give him a little leeway. Thank you.

Q. [Mr. Mlynarczyk] What does reckless mean?

A. Reckless is intentionally to do harm in such a -- yeah, to intentionally to, knowing that it's not true but just to do it because I feel that I can do it, or something of that nature.

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1 Q. The only reason I'm asking you is because I want to
2 be clear on when Ms. Shealy was asking you questions
3 pertaining to did you lie and you said you didn't lie on the
4 affidavit.

5 A. Right.

6 Q. Then she said were you reckless, and you said no.

7 A. And you asked me my definition of reckless.

8 Q. Right. Okay.

9 A. And you cut -- you cut me off.

10 Q. Okay. So your definition of reckless -- so when
11 you're saying no when she asked you reckless, you're saying
12 that you didn't intend to put a false statement in the
13 affidavit?

14 A. That's correct.

15 Q. But we have established today that there is a false
16 statement in the affidavit; correct?

17 A. Yes.

18 Q. And that is the only statement that relates to
19 Mr. Belton or the phone number you were searching; correct?

20 A. That's correct.

21 MR. MLYNARCZYK: Nothing further, Your Honor.

22 THE COURT: Ms. Shealy?

23 MS. SHEALY: I have nothing further.

24 THE COURT: You may step down. And I believe you
25 are excused for the day.

Charles Lawrence
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1 THE WITNESS: Thank you, Your Honor.

2 [Whereupon, Mr. Lawrence is excused and exits the
3 witness stand]

4 MS. SHEALY: We would call Lori Proctor.

5 [Whereupon, Ms. Proctor comes forward]

6 THE CLERK OF COURT: Left hand here. Raise your
7 right.

8 [Whereupon, Ms. Proctor is duly sworn by the clerk
9 of court as follows: do you swear or affirm the
10 testimony you will give the Court will be the truth, the
11 whole truth, and nothing but the truth, so help you God]

12 THE WITNESS: I do.

13 THE CLERK OF COURT: You may be seated. Once
14 seated, if you could please state your first and last
15 name and then spell your last loudly for the record,
16 please.

17 THE WITNESS: Lorelle Proctor. P-R-O-C-T-O-R.

18 MR. MLYNARCZYK: Okay. First of all, Your Honor,
19 I'm going to object, as far as relevance, to what
20 Ms. Proctor can bring to it.

21 And, also, I don't know if there is an issue of
22 Mr. Mason I believe -- or whether there's an attorney-
23 client privilege that Mr. Mason needs to be present for
24 to assert. I don't know. I just wanted to get that on
25 the record.

Charles Lawrence
Recross-Examination by Mr. Mlynarczyk
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1 THE COURT: What are we --

2 MR. MLYNARCZYK: But I don't know where this is
3 going.

4 MS. SHEALY: I don't believe I'm going to ask her
5 anything about what she and Mr. Mason discussed.

6 THE COURT: Noted for the record.

7 MR. MLYNARCZYK: Thank you, Judge.

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Lorelle Proctor
Direct Examination by Ms. Shealy
October 27, 2015

LORELLE PROCTOR,

Having Been First Duly Sworn,

was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MS. SHEALY:

Q. Ms. Proctor, if you would please, just for the record, tell the -- tell the jury -- tell the Court how long you have worked in the public defender's office.

A. I have worked in the public defender's office, I think it was in May, thirty years.

Q. And in this situation, you were assigned to represent Troy Mason?

A. Correct.

Q. Prior to your representation, did he have private counsel?

A. Yes.

Q. And from the point in which you began representing him, you continue to represent him today; is that correct?

A. I do.

Q. Regarding your client: back on April 24th, 2012, and August 3rd, 2012, could you advise the Court whether or not you participated and were present for the interview of Mr. Mason in the solicitor's office?

A. I was.

Q. Do you recall who was present on each of those

Lorelle Proctor
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1 occasions?

2 A. I recall it was myself, Troy Mason, Detective
3 Lawrence, yourself, Keith Hair, I think he was at both of
4 them, and then maybe one of your -- it's been so long -- one
5 of your co-counsels. I don't know who it was at the time.
6 Maybe a law clerk. I can't remember who all was there.

7 Q. Okay. And what about your co-counsel? Who was
8 your co-counsel at the time?

9 A. My co-counsel at the time was Alicia Penn.

10 I don't believe -- I don't think she was in either
11 meeting. I don't think. I can't remember, but I don't think
12 she was there. But possibly in the second one, because it
13 lasted all day. She could have come in and out. But I just
14 -- I don't remember.

15 Q. And is it fair to say that, in that these things
16 took place over three years ago, some of your memory is a
17 little fuzzy about detail?

18 A. Yes. I've had quite a few cases since then.

19 Q. Okay. Now, do you recall that one of the
20 interviews was recorded and then one of the interviews there
21 was dialog between Mr. Mason and everyone present and then
22 there was a written statement?

23 A. Correct.

24 Q. Could you describe to the jury that latter
25 interview? Do you remember how long it lasted or anything

Lorelle Proctor
Direct Examination by Ms. Shealy
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1 about the nature of it?

2 A. I think it started around 9:00, and I know we went
3 through lunch. It probably ended around 5:00 or 5:30.

4 It was a long interview. A lot of talking, going
5 over some of the discovery. It was a long day, so a lot of
6 things were said that probably were not --

7 MR. MLYNARCZYK: Again, I'm going to --

8 A. -- wasn't in the statement.

9 MR. MLYNARCZYK: -- object to relevance, Your
10 Honor. I don't know where this is going.

11 THE COURT: I'm hoping she's going to move it
12 along.

13 MR. MLYNARCZYK: Thank you, Judge.

14 Q. [Ms. Shealy] Would you please tell the judge, if
15 you would, what your interest in the telephone numbers in the
16 case was as it was related to your client?

17 A. I was getting ready for trial, so for about two
18 years I was obsessed with the phone numbers.

19 They said there were numerous, numerous phone
20 numbers, probably pages and pages of listings of maybe fifty
21 phone numbers on a page and we had -- I might have had a
22 hundred pages.

23 And so to prepare for trial, I would go through
24 each person's phone, some of them I didn't even know who they
25 were, and try to find out which phone numbers around the

Lorelle Proctor
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1 three-day period appeared more often on somebody's phone. And
2 some of the numbers, it seemed like, kept appearing more and
3 more and more.

4 So at one point I remember giving some numbers to
5 my investigator, and I don't recall which investigator. I
6 just remember walking into the investigator's room and asking
7 them if they could do a reverse phone number. It wasn't as
8 easy as it is today because this is, like I said, three or
9 four years ago. And so they came back with a stack of numbers
10 and I then proceeded through them, reading who they belonged
11 to.

12 Q. And showing you what you actually provided to me
13 today from your file, is this the stack of the numbers?

14 MR. MLYNARCZYK: Your Honor, again, I'm going to
15 object to this document. I didn't see it before the
16 hearing. There's no date on it. There's no indication
17 who prepared it. I believe Ms. Proctor told --

18 THE COURT: I'm going to let her identify it.

19 MR. MLYNARCZYK: Okay.

20 THE COURT: And then we really need to move on.

21 MR. MLYNARCZYK: Sure.

22 THE COURT: Thank you.

23 A. Yes. This is the -- it's a Super Reverse lookup.
24 And I gave it to my investigator.

25 Now, I'll be honest, I don't know how they do it.

Lorelle Proctor
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1 And they just come up with a list of phone numbers that I
2 asked to investigate.

3 MS. SHEALY: Your Honor, I would like to have this
4 marked as a Court's Exhibit.

5 THE COURT: 3?

6 MR. MLYNARCZYK: I'm going to object to it.

7 MS. SHEALY: I'm going to need to staple this. I
8 apologize, Your Honor.

9 THE COURT: Thank you.

10 [Whereupon, Court's Exhibit Number 3 is marked by
11 the court reporter]

12 THE COURT: Counsel, we have twenty-three minutes.

13 MS. SHEALY: Okay. Well, let me just deal with
14 that, if I could.

15 Q. [Ms. Shealy] Ms. Proctor, if you would advise the
16 Court: during that lengthy meeting on April 3rd, 2012, did
17 you reveal to me, and to whoever else was in the room at the
18 time, what you learned about the telephone number of 843-642-
19 1025?

20 A. I don't --

21 Q. I have it right here.

22 A. I don't know whose number that is.

23 [Whereupon, the witness reviews documents]

24 A. That number was Jeremiah Belton.

25 Q. [Ms. Shealy] And do you remember revealing that

Lorelle Proctor
Direct Examination by Ms. Shealy
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1 during that meeting?

2 A. Yes.

3 Because I do recall talking to Detective Lawrence,
4 because we -- during the eight, five hours, eight hours we
5 were in there talking to him about the case, going over some
6 phone number I had, and I was telling him how this one number
7 seemed to keep coming up on Mario Caldwell, who --

8 Q. On Mario Caldwell's records?

9 A. Yes, on his phone records.

10 And that was all during the time of right before
11 the shooting, right after -- I think after the shooting or the
12 trip to Charlotte that they took. It was sometime -- I can't
13 remember when. It's been so long ago. But it was one of the
14 phone numbers that I had found.

15 Q. And if you would just advise the Court how you
16 brought this to my attention after talking to Mr. Mlynarczyk.

17 A. I knew this case was coming up for trial, and I
18 asked Ms. Shealy if there were any pretrial motions because I
19 didn't know whether I had to prepare or if Mr. Mason was going
20 to be needed for the pretrial motions. She said no.

21 And then I think the next day she said that since
22 counsel had filed some pretrial motions, one of them was a
23 Franks hearing, and she -- I said, oh, do you need Troy, or
24 some chitchat. And she said, no, it has to do with the
25 affidavit and Troy Mason making a phone call -- excuse me --

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1 Troy Mason saying that that was Jeremiah Belton's phone
2 number.

3 And so I left and I went to my office. And all of
4 a sudden I texted her, e-mailed her, and said, oh, my God, I
5 think I am the one who told Detective Lawrence that was
6 Jeremiah Belton's phone number in that meeting that day.
7 Because I've only talked to Detective Lawrence during those
8 meetings. I've never talked to him outside.

9 And I said it was -- I'm almost positive, because I
10 know that Troy didn't know, and I think I'm the one during that
11 lengthy meeting that was going over phone numbers and showing
12 him my list and my little investigation I had done -- because
13 I had spent so many hours on it -- that I said, I think it was
14 me. And this was just in the last four days, maybe. And I
15 said, I think I'm the one that -- who it was.

16 MS. SHEALY: Thank you. Please answer any
17 questions that Mr. Mlynarczyk may have.

18 MR. MLYNARCZYK: I don't have any questions, Your
19 Honor.

20 THE COURT: Thank you. You may step down. I
21 believe you are free to go.

22 THE WITNESS: Thank you.

23 [Whereupon, Ms. Proctor is excused and exits the
24 witness stand]

25 MR. MLYNARCZYK: I sustain my objection to

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1 relevance on that.

2 THE COURT: I'm hoping we'll tie it up,
3 Mr. Mlynarczyk.

4 Who is your next witness?

5 MS. SHEALY: Those are the only two witnesses I
6 have.

7 THE COURT: Okay.

8 MS. SHEALY: Your Honor, it would be our position
9 that there has been a lacking of a showing of false
10 statement knowingly and intentionally or with reckless
11 disregard to the truth. And I think that that is
12 evidence from Detective Lawrence's testimony.

13 And the relevance of Ms. Proctor's was in that
14 environment of an interview that took place -- let me
15 make sure I give you the date correctly -- approximately
16 a year before the affidavit on the search warrant, there
17 was discussion in the room about whose phone number, the
18 number in question, was and that Jeremiah Belton came
19 back as the subscriber.

20 And the reason I offered that is to show that
21 certainly Mr. Lawrence could have believed that that was
22 Troy's number, or mistakenly remembered that either way
23 it was certainly not delivered through fault, nor was it
24 reckless.

25 MR. MLYNARCZYK: Well, Your Honor, I disagree.

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1 I mean, what's the line? What's the line for
2 reckless? We have established, no doubt, that that
3 line, the only one pertaining to Mr. Belton's phone
4 records, is false. And they got into the affidavit. A
5 false statement can only get in the affidavit one of two
6 ways: either intentionally, which I'm not saying he
7 did, or recklessly.

8 If Mr. Mason had said during his interviews in
9 2012, April and August, that that was Mr. Belton's
10 number, they would have asked for the warrant in 2012.
11 But they didn't. They didn't ask for the warrant until
12 September of 2013. And when they asked for the warrant
13 in 2013, of course there had been multiple interviews
14 with witnesses and clients and all these things.

15 Ms. Proctor's testimony does not change the fact
16 that the only fact relevant to my client is false and it
17 was included and, in fact, is the only line that the
18 magistrate could have relied on to grant the warrant. I
19 would ask that it be suppressed.

20 And, also, that the subsequent motion on the
21 piggyback of this warrant, any documents from that, also
22 be suppressed, the rehabilitating.

23 THE COURT: Mr. Mlynarczyk, don't you have to show
24 that there was a deliberate falsehood?

25 MR. MLYNARCZYK: No. It's two -- under Franks,

Lorelle Proctor
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1 Your Honor --

2 THE COURT: -- or reckless disregard for --

3 MR. MLYNARCZYK: -- or reckless disregard.

4 Correct.

5 And to get -- the only way for -- how can it not
6 be reckless that he -- that Mr. Lawrence, which is in
7 Ms. Proctor's statement, was maybe, I must have, was the
8 fact that there's statements from Troy Mason, who was a
9 participant, and a statement from his lawyer in an off-
10 the-record conversation. There needs to be some kind of
11 accountability for the officer putting in the affidavit
12 a truthful statement or something he doesn't -- he can
13 reasonably rely on, a magistrate, he or she, could
14 reasonably rely on, to make a decision to grant a search
15 warrant. And that just doesn't exist here.

16 MS. SHEALY: Your Honor, defense counsel asserted
17 that it's either false, potentially false, or reckless.

18 There is a third way that it can be categorized.
19 It was a mistake. He gleaned information -- because it
20 was pivotal to us that day to learn that Jeremiah -- it
21 was pivotal to us that day to learn that Jeremiah Belton
22 was associated with that number. That is what began the
23 investigation into Jeremiah Belton.

24 And so I think that from the officer's testimony,
25 and when you combine it with Ms. Proctor's, it shows

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1 that it wasn't reckless disregard. He had those facts,
2 but they -- you know, he just did not recall them
3 completely accurately when he was putting it in the
4 affidavit.

5 Your Honor, I also want to supplement the record
6 with -- I have handed up, and it is marked -- the search
7 warrant that was provided by Detective Goldstein, who is
8 present in the courtroom. There is absolutely nothing
9 inappropriate with getting another search warrant when
10 you have a lingering legal issue in a case. That
11 affidavit is independent of the facts that were in the
12 search warrant in question. The return of the phone
13 records for the search warrant in question did not give
14 rise to the information that's in the affidavit. And,
15 thirdly, under the most recent case law, his expectation
16 of privacy in telephone records that are in the custody
17 of a third person is not the invasion of privacy that
18 they anticipated in most search warrants. The case law,
19 United States vs. Davis, United States vs. Miller, Smith
20 vs. Maryland, all examine phone records in a different
21 light. They are in the custody of a third party. They
22 are business records of a third party.

23 So initially I think our search warrant survives
24 the Franks analysis. Secondly, there is a good search
25 warrant that is completely appropriate in this case.

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1 And, thirdly, the invasion of privacy is a huge question
2 here when it is in the custody of a third party, that
3 being the telephone company's business records.

4 THE COURT: So what are you asking me to do,
5 Mr. Mlynarczyk?

6 MR. MLYNARCZYK: I'm asking you to declare that
7 there was no probable cause, that -- on the Franks
8 portion of my test, that I have proved by statements
9 from everybody present, that has not been refuted, that
10 there is an absolute false statement in the affidavit.
11 It is the only statement that pertains to Mr. Belton and
12 his records.

13 So if that's -- under the Franks test, if Your
14 Honor agrees with me, that language can be removed and
15 the warrant be reviewed to see if sufficient probable
16 cause still exists, which it cannot because there is not
17 another fact about Mr. Belton or the phone number in the
18 past.

19 So I would ask that Your Honor find that the
20 warrant was faulty and that the information gathered
21 therefrom, which are the records, be suppressed for the
22 trial, and that they cannot now -- you cannot
23 rehabilitate a warrant with information that you had at
24 the time but didn't include in the warrant.

25 How can they now rehabilitate the warrant with

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1 information they've had for another year and a half,
2 including in that warrant, which they've now submitted
3 to a magistrate, uses records that they gained from the
4 first warrant?

5 THE COURT: All right. Based upon what has been
6 presented here today, my reading of the warrants and the
7 two --

8 And nothing your exception and objection to Ms.
9 Proctor testifying.

10 -- I do not find that there were allegations of
11 deliberate falsehood or of reckless disregard for the
12 truth.

13 As I have indicated in several other cases dealing
14 with the issue of the search warrant, in my reading of
15 the way that search warrants must be crafted and should
16 be crafted, our Court of Appeals does not require that
17 they be perfect and -- or the Supreme Court never has
18 said that they need to be perfect. There just has to be
19 a finding of probable cause. And as our courts have
20 noted, the officers that are writing these warrants are
21 not legal technicians. They're reasonably, hopefully
22 prudent men and errors can be made.

23 What I must look at is the totality of the
24 circumstance, and I do find that there was probable
25 cause and that there was no deliberate or reckless

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1 disregard for the truth.

2 Your motion is denied. Note your exception to my
3 ruling, Mr. Mlynarczyk.

4 I have a motion to exclude testimony of prior bad
5 acts. Is that before us today or --

6 MR. MLYNARCZYK: I believe I sent an e-mail about
7 that. But I'll wait until trial whenever it --

8 THE COURT: Whenever it becomes appropriate?

9 MR. MLYNARCZYK: When it becomes appropriate, yes.

10 THE COURT: All right. And then the motion for
11 severance.

12 MR. COOPER: Yes, Judge. Thank you, Your Honor.

13 As you heard this morning, Judge, the testimony in
14 the hearing, this is a complicated case.

15 Our State Supreme Court in State v. Harris is how
16 the charges and defendants can be tried together if the
17 following circumstances are met: if the incident arises
18 out of a single chain of circumstances, it can be proved
19 by the same evidence; if they're of the same general
20 nature; and if no real right of the defendant has been
21 prejudiced.

22 Judge, this trial stems from an incident that
23 occurred five years ago in McClellanville. A number of
24 individuals were involved in a home invasion. Those
25 individuals include Troy Mason and Mario Caldwell, who

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1 have been arrested and cooperative with the State.

2 Those individuals also include Mr. Belton, who is here
3 today, and Mr. Conyers, who is not here today.

4 The State, Judge, regardless of whether this case
5 is tried separately or jointly, will produce -- may
6 produce the two defendants, Mr. Mason and Mr. Caldwell,
7 who can testify that Mr. Belton and Mr. Conyers were
8 at the scene and were involved with the home invasion
9 prior to getting to the scene that led to the murder of
10 Mr. Melvin Simmons.

11 As part of the State's case, there will also be
12 phone records linking Mr. Belton and Mr. Conyers with
13 all the other individuals in the case that show --
14 that the State would use to prove that Mr. Belton and
15 Mr. Conyers were involved together in the planning and
16 in the crime itself. The State would submit that
17 evidence, regardless of whether they are tried jointly
18 or separately. So there's no prejudice in that regard
19 to Mr. Belton being tried with Mr. Conyers.

20 The United Supreme Court, Judge, in Savora
21 [phonetic] v. United States, held that severance should
22 only be granted if there is a serious risk that a joint
23 trial would compromise the specific trial right of one
24 of the defendants, or prevent the jury from making a
25 reliable judgment about guilt or innocence.

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1 And it's the State's position that, one, we've met
2 the requirements that we can jointly try this case, and,
3 two, that Mr. Mlynarczyk and Mr. Belton have not shown
4 that there is any risk that a joint trial would
5 compromise any specific right of his.

6 And just for the Court's edification, in
7 Mr. Mlynarczyk's motion, the main three South Carolina
8 cases that he pointed out, State v. Dennis, State vs.
9 Harris, and State v. Holcomb, all were cases where the
10 defendant's motion to sever was denied, and those Courts
11 confirmed that denial of severance.

12 THE COURT: Mr. Mlynarczyk?

13 MR. MLYNARCZYK: Your Honor, the second part of
14 that test, which was not mentioned, was -- or to prevent
15 the jury from making a reliable judgment about the
16 codefendant's guilt.

17 Here we have a very complex case that's five years
18 old, with thousands of pages of documents. You saw we
19 got 500 documents today. Ms. Proctor testified on the
20 stand that she made herself solely responsible just for
21 the phone records in the abundance of them. And it has
22 been difficult I think for counsel, and for all the
23 defendants, to keep these things straight.

24 It is also my understanding that Mr. Murphy was
25 going to present an alibi defense for his client and

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1 that he may testify.

2 I think all of those things together are going to
3 prejudice my client's ability to get a reliable verdict
4 from a jury. I don't see how after four -- a minimum
5 of four days of trial, they're going to be able to walk
6 back into the jury room and say, oh, yeah, 1025 was
7 Mr. Belton's, oh, yeah, 9614 was Mr. Conyers, yeah --

8 And then we have the added effect, Your Honor, that
9 some of these phone numbers don't even belong to the
10 individuals. They're either relatives or friends of the
11 individuals. So those records are going to have to come
12 in, as well.

13 I don't see any way a jury can keep it straight.

14 THE COURT: Well, hold on one second.

15 MR. MLYNARCZYK: Yes.

16 THE COURT: Anything further?

17 MR. MLYNARCZYK: Nothing further, Your Honor.

18 THE COURT: Are you ready either way?

19 MR. MLYNARCZYK: Either way. I'm ready either way.
20 Yes, Your Honor.

21 MR. COOPER: In response, Judge, it seems like
22 Mr. Mlynarczyk's argument is more that it is a
23 complicated case. The State agrees it's a very
24 complicated case. But the case the State would present
25 would be the same, regardless of Mr. Belton's trial with

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1 Mr. Conyers or if Mr. Belton is tried separately.

2 So there's no prejudice by how complicated the case
3 is because he's going to get the same prosecution either
4 way. So there's no specific trial right that is --

5 THE COURT: That's not entirely accurate, Mr.
6 Cooper, is it?

7 MR. COOPER: Well, the evidence the State would
8 seek to submit, Judge --

9 THE COURT: Because you'll be able --

10 MR. COOPER: -- would be the same.

11 THE COURT: You'll be introducing evidence that
12 perhaps may or may not be admissible against the
13 codefendant, just in and of itself, against Mr. Belton.

14 MR. COOPER: I'm sorry. Could you repeat that one
15 more time for me, Judge?

16 THE COURT: You're trying two defendants. There is
17 going to be some evidence that perhaps will come in that
18 necessarily would not come in if you were just trying
19 one or the other.

20 MR. COOPER: The State believes we could get it in,
21 Judge, but there would be a chance of that, yes.

22 But the evidence that the State is building a case
23 around is the testimony of two defendants who will
24 testify that Mr. Belton was there and that Mr. Conyers
25 were there, as well as the phone records of Mr. Belton

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1 that connects to other individuals involved with the
2 case.

3 And then, again, the defense hasn't asserted a
4 specific trial right that would be at risk if they are
5 tried jointly.

6 THE COURT: Other than just trying two similarly,
7 as you indicate, what other prejudice would there be?
8 What other benefit would there be to trying them
9 together?

10 MR. COOPER: Well, judicial economy, Judge, for not
11 having two trials.

12 THE COURT: That's what I just said.

13 Other than judicial economy, what's the benefit?

14 MR. COOPER: It allows the jury, Judge -- because
15 this case involves a number of defendants, some who are
16 testifying for the State and some with Mr. Belton and
17 Mr. Conyers. It allows the jury to see the full picture
18 of what happened that night, because there was more than
19 just what happened at the scene.

20 There were incidents that led in the hours before
21 the crime that if Mr. Belton and Mr. Conyers are here
22 together, that evidence may make more sense with the two
23 of them tried together and the jury would actually have
24 a better chance of fully understanding the case, the
25 evidence, the testimony, because it is one trial. And

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1 that would be easier for the jury --

2 And, actually, in the language of Zavar v. United
3 States, it would make -- allow the jury to make a more
4 reliable judgment, about guilt or innocence, with all
5 the evidence and all the parties involved in one
6 courtroom at one time.

7 THE COURT: Anything else, Mr. Cooper?

8 MR. COOPER: Not from the State, Judge.

9 THE COURT: Did you provide me with all those
10 cases?

11 MR. COOPER: I have them here. I have copies I can
12 pass up to Your Honor.

13 THE COURT: Please do.

14 MR. MLYNARCZYK: Very briefly, Your Honor.

15 The fact is that it's not entirely accurate that
16 it's all about one incident. The fact that he -- that
17 Mr. Cooper has brought to your attention is that there
18 were various incidences throughout the night where there
19 is -- they're completely different places.

20 So the jury is going to have to distinguish between
21 locations and where who was and what time, including the
22 actual event itself, of which there is different
23 evidence for Mr. Conyers being present and Mr. Belton
24 being present.

25 THE COURT: And so, Mr. Cooper, if I grant Mr.

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1 Mlynarczyk's motion to sever, are you prepared to go
2 forward on one or the other?

3 MR. COOPER: Yes, Judge. We're ready to go
4 forward, jointly or separately.

5 THE COURT: And do you know which one you would go
6 forward on at this point?

7 MR. COOPER: I would defer to Ms. Shealy on that,
8 Judge. But we would be ready on either case either way.

9 THE COURT: Are there any other -- I'm just trying
10 to get all my motions in so that I can hear any other
11 arguments. Are there any other matters, or is this the
12 last one?

13 MR. MLYNARCZYK: I think it's the last one, Your
14 Honor, yes.

15 MS. SHEALY: Your Honor, would it be helpful --
16 would it be helpful if I gave you a thumbnail version of
17 the facts? Because --

18 THE COURT: I think that is appropriate. I believe
19 that based upon the motions and the testimony today, I
20 have a better understanding of the facts. What I will
21 allow you to do is -- I'm going to take -- I'm going to
22 take it under advisement anyway. If you will give me
23 just a short, concise statement of the facts and agree
24 to them to the best -- and e-mail those, and then attach
25 the cases. Or if you have them, you can pass them up

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1 now. I'll issue my ruling by Friday.

2 MR. MLYNARCZYK: If we were to do that, Your Honor,
3 could we stipulate that not become a part -- I don't
4 want to stipulate to any facts for purposes of your
5 decision. My difficulty there is that they need to
6 prove all the facts and if I stipulate to the facts
7 prior to trial --

8 THE COURT: How about this. Ms. Shealy, you send
9 me a brief, non-argumentative statement of the facts.

10 Mr. Mlynarczyk, the only thing that you need to say
11 to me is, I think that Ms. Shealy has shown a reckless
12 disregard for the recitation of the facts, if that
13 should be. And -- which I do not think. But if there
14 is something major she omitted or put in that she should
15 not have that you think would play in. What I don't
16 want -- and while I -- why I wanted you to agree: what
17 I don't want is multiple e-mails nitpicking about times
18 or -- I just need what I need to know to --

19 MS. SHEALY: What I'll do --

20 THE COURT: -- to issue this ruling.

21 MS. SHEALY: -- is I'll draft it, send it to Alan,
22 just to see if there's something glaring, so that
23 hopefully we could work a little bit of that out before
24 I send it to you, if that's okay.

25 THE COURT: Just glaring, Mr. Mlynarczyk. Just

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1 glaring. All right?

2 MR. MLYNARCZYK: Thank you, Judge.

3 THE COURT: And there was no -- there has been no
4 offer made?

5 MS. SHEALY: That's correct.

6 THE COURT: Mr. Belton, please stand.

7 [Whereupon, Mr. Belton complies]

8 THE COURT: Please swear Mr. Belton.

9 THE CLERK OF COURT: Please raise your right hand
10 as to the best of your ability.

11 [Whereupon, Mr. Belton is duly sworn by the clerk
12 of court as follows: do you swear or affirm the
13 testimony you give the Court will be the truth, the
14 whole truth, and nothing but the truth, so help you God]

15 MR. BELTON: I do.

16 THE COURT: Mr. Belton, we have been talking around
17 you. You understand that you are set for trial to begin
18 on Monday?

19 MR. BELTON: Yes, ma'am.

20 THE COURT: And so we were here for some pretrial
21 motions. I'm going to take at least one of them under
22 advisement. There may be some other motions or matters
23 that we'll address Friday afternoon or on into Monday.
24 So I'm going to take some matters under advisement.

25 Do you understand that there has been no offer made

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1 to you?

2 MR. BELTON: Yes, ma'am.

3 THE COURT: And so what are the charges?

4 MS. SHEALY: Murder --

5 MR. MLYNARCZYK: Murder --

6 MS. SHEALY: -- attempted murder, attempted armed
7 robbery, burglary --

8 MR. MLYNARCZYK: Possession of a weapon --

9 MS. SHEALY: -- possession of a weapon during a
10 crime of violence. I think I've included all of them.

11 MR. MLYNARCZYK: Yes. Uh-huh.

12 THE COURT: So on the murder, which would be the
13 one that would carry the most significant punishment,
14 you understand you are facing a minimum of thirty years?

15 MR. BELTON: Yes, ma'am.

16 THE COURT: Up to life?

17 MR. BELTON: Yes, ma'am.

18 MS. SHEALY: And, Your Honor, we've actually served
19 him with an LWOP notice.

20 THE COURT: And so you understand that if you are
21 found guilty --

22 Have you served -- have you served the defendant?

23 MR. MLYNARCZYK: I don't think -- I don't think you
24 served him with LWOP. You served Mario Caldwell with
25 LWOP. No, you didn't serve him with LWOP. It was Mario

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1 Caldwell you served with an LWOP.

2 Y'all check on it. I don't believe y'all --

3 MS. SHEALY: Have you -- I may be -- I may be
4 incorrect.

5 MR. MLYNARCZYK: Yeah.

6 THE COURT: Well, because we're -- if you haven't,
7 then we are running some time issues.

8 MR. MLYNARCZYK: Yeah.

9 THE COURT: Well, Mr. Belton, what I was trying to
10 advise you of is that you were facing a minimum
11 mandatory of thirty years. At this point -- there may
12 be a life without the possibility of parole notice. But
13 at this point, Mr. Mlynarczyk is indicating that he has
14 not been served.

15 MR. MLYNARCZYK: I have not.

16 THE COURT: And do you know if you've been served
17 of an LWOP?

18 MR. MLYNARCZYK: Do you remember getting an LWOP?

19 [Whereupon, Mr. Mlynarczyk and Mr. Belton confer]

20 MR. MLYNARCZYK: You got a life without parole?

21 THE COURT: Well, there's a difference between life
22 without parole and the possibility of life.

23 MR. BELTON: Excuse me?

24 THE COURT: There's a difference between life
25 without parole and the possibility of being sentenced to

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1 life.

2 Do you remember coming in front of a judge, similar
3 to this, and somebody handing you some paperwork?

4 MR. BELTON: No, Judge.

5 MS. SHEALY: I think that my investigator probably
6 took it to him in the jail and served him. I'll go
7 through my paperwork when I get back. But I'm pretty --

8 THE COURT: We had a conversation last week and I
9 said was there a potential of a plea and it was --

10 MR. MLYNARCZYK: No.

11 THE COURT: -- is that there was none, and I don't
12 remember hearing about an LWOP.

13 Mr. Belton, regardless, you understand what the
14 potential sentence you are facing?

15 MR. BELTON: Yes, ma'am.

16 THE COURT: And so Mr. Mlynarczyk will be
17 presenting some more information, in order for me to
18 issue my ruling, basically on the motion to sever. So
19 if you have any questions, Mr. Mlynarczyk will be here
20 to speak with you, kind of give you an update of what
21 happened today. Otherwise, I will see you definitely
22 Monday morning. Good luck to you, sir.

23 [HEARING ADJOURNS AT 12:02 P.M.]
24
25

State vs. Belton and Conyers

C E R T I F I C A T E

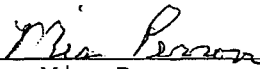
STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

I, the undersigned Mia Perron, Circuit Court Reporter for the 9th Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of the motions hearing held before the Honorable Kristi L. Harrington, on Tuesday, October 27, 2015.

I do further certify that I am neither kin nor counsel to any of the parties and have no interest in the outcome of this action.

Dated this 8th day of April, 2016.



Mia Perron, CVR-CM-M
Circuit Court Reporter
9th Judicial Circuit

MIA PERRON, CVR-CM-M

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Exhibit 1

P. 1

* * * Communication Result Report (Sep. 16. 2013 2:54PM) * * *

1}

Date/Time: Sep. 16. 2013 2:52PM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
0333	Memory TX	18166003111	P. 3	OK	

Reason for error
 [1] Hang up or line fail
 [2] No answer
 [3] Exceeded max. E-mail size
 [4] Busy
 [5] No facsimile connection
 [6] Destination does not support IP-Fax

CHARLESTON COUNTY SHERIFF'S OFFICE
 Criminal Investigations Division

THE FAX --- JUST THE FAX



ORIGINAL

DATE September 16, 2013

PAGE(S) SENT 3

(including attachments)

TO: Spirit Corporation Software Compliance, Attn: Custodian of Records, 6460
 Spirit Parkway, Orlando Park MO 66231, Fax: 1-816-480-3111

ATTN: Custodian of Records

FROM: Det. C. Lawrence (813) 302-7319

Charleston County Sheriff's Office Phone (843) 656-2473
 Criminal Investigations Division
 3305 Fifth Avenue Drive Staff (843) 207-4700
 Charleston, MO 64605 FAX (843) 656-2704

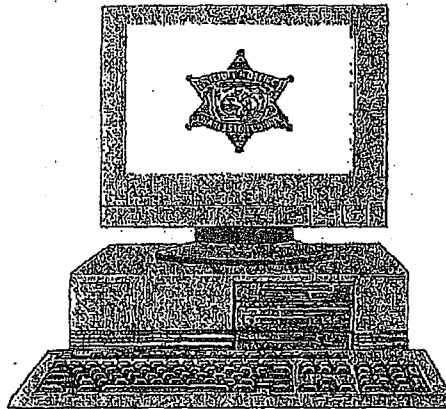
Comments: This case is of urgent circumstances, I would appreciate it very much if we can
 get this back as soon as possible. Thanks



RULE 5 JKS 4121

CHARLESTON COUNTY SHERIFF'S OFFICE
Criminal Investigations Division

THE FAX ---- JUST THE FAX



ORIGINAL

DATE September 16, 2013

PAGE(S) SENT 3

(including cover sheet)

TO: Sprint Corporation Subpoena Compliance, Att: Custodian of Records, 6480
Sprint Parkway, Overland Park KS 66251, Fax: 1-816-600-3111

ATTN: Custodian of Records

FAX # (816) 600-3111

FROM: Det. C. Lawrence (843) 308-7319

Charleston County Sheriff's Office	Phone	(843) 554-2473
Criminal Investigations Division		
3505 Pinchaven Drive	24 Hour	(843) 202-1700
Charleston Heights, SC 29405	FAX	(843) 554-9744

Comments: This case is of exigent circumstances, I would appreciate it very much if we can get this back as soon as possible. Thanks

RULE 5 JKS 4122

ORIGINAL

STATE OF SOUTH CAROLINA

AFFIDAVIT

COUNTY OF CHARLESTON

2010-011213-B

Personally appeared before me, one Detective C. Lawrence who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

Any and all information in reference to telephone number (843) 642-1025 to include but not limited to current subscriber information, any secondary subscriber information, all incoming calls and all outgoing calls with cell phone tower information made or received between the dates of July 08 to July 11, 2010. To include any blocked or restricted telephone numbers and 911 calls. Compliance to this search warrant may be made by furnishing the information requested by Fax to Det. C. Lawrence of the Charleston County Sheriff's Office, 3505 Pinehaven Drive, North Charleston SC 29405, Fax # (843) 554-9744, or electronic mail at clawrence@charlestoncounty.org.

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED

Sprint Corporate Security @ (913) 315-0736 Phone 800-877-7330. 6400 Sprint Parkway, Overland Park, KS 66251.

REASON FOR AFFIANT'S BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

That on July 10, 2010, at about 4:27 a.m., members of Charleston County Sheriff's Office responded to 10406 Old Georgetown Rd., McClellanville, SC in reference to a home invasion and shooting. Upon arrival, deputies discovered the victim, Melvin Simmons, inside the house with a gunshot wound and a suspect, Curtis Delaney, lying on the ground outside the residence with a gunshot wound. EMS pronounced both Simmons and Delaney deceased at the scene. The complainant, Shemikea Stokes, reported that she heard a loud boom from the front entrance door, and then she heard a man shout, "FBI" then her step-daughter began screaming. Stokes reported as she got to the kitchen area she saw two men wearing ski-masks with guns. Stokes stated that she dropped to the floor, the suspects ran into the master bedroom and gunshots rang out. Stokes stated that Simmons fired back and the suspects backed out of the master bedroom. Stokes stated that she retrieved the handgun from Simmons after he was shot and she fired down the hallway at the suspects, after the shooting stopped she observed two of the suspects in the front yard and one was carrying the other. Stokes described the suspects as black men wearing ski-masks, slim build, and standing about 5'7" to 5'9" in height. Stokes also stated that one of the suspects had long dreads sticking out of the back of the mask. Subsequent investigation revealed that Troy Lawayne Mason, was treated for two gunshot wounds at Trident Hospital approximately one hour after the incident was reported. Injuries sustained by Mason as well as his physical description matched Stokes description of the suspect with long dreads. Mason reported that he was shot at the aforementioned incident location and that he was transported by his cousin Mario Caldwell who took him to his mother's residence and she took him to Trident Hospital. Codis hit confirmed that the blood collected from the scene matched the blood from Troy Masons clothing that were taken from Trident Hospital. Mason subsequently stated that the aforementioned number belonged to co-defendant Jeremiah Belton who was present and made several calls prior to and after the home invasion occurred. Evidence being sought will be compared with evidence already obtained in the investigation.

Sworn to and Subscribed before me
This 13 day of SEPTEMBER 2013

[Signature]
Signature of Judge

[Signature]
Detective C. Lawrence
Charleston County Sheriff's Office
3505 Pinehaven Drive
North Charleston, S.C.
(843) 554-2475

RULE 5 JKS 4123

ORIGINAL

STATE OF SOUTH CAROLINA

SEARCH WARRANT

COUNTY OF CHARLESTONTO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY
OR OF THE MUNICIPALITY OF CHARLESTON COUNTY

It appears from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

**DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED**

See attached affidavit

Now, therefore, you are hereby authorized to search the subject premises for the property described below and to seize such property if found:

DESCRIPTION OF PROPERTY

See attached affidavit

This Search Warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to

Issuing Magistrate

Within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of the Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place in such premises.

North Charleston, SC
13 September, 2013

Jinda J. Lombard L.S.
Signature of Judge

RULE 5 JKS 4124



**CHARLESTON COUNTY SHERIFF'S OFFICE
CRIMINAL INVESTIGATIONS DIVISION
3691 LEEDS AVENUE
NORTH CHARLESTON, SC 29405-7437**

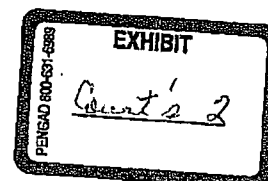
FACSIMILE COVER SHEET

TO	Sprint Corporation Subpeona Compliance Center
FAX NUMBER	(816)-600-3111
AGENCY	Charleston County Sheriff's Office
FROM	Detective Barry N. Goldstein
DATE	10/10/15
MESSAGE	Thank you for your assistance. Enclosed is a copy of the records ,original search warrant and the new search warrant
	My email is bgoldstein@charlestoncounty.org for the records to be sent.

FAX 843/554-9744 - ORI #SC0100000 - HQ (24 HRS) 843/202-1700 - CID DIV 843/554-2475

THIS TRANSMISSION CONSISTS OF () PAGES INCLUDING COVER SHEET

NOTE: ALL INFORMATION TRANSMITTED HEREBY IS INTENDED ONLY FOR THE ADDRESSEE(S) NAMED ABOVE. IF THIS COMMUNICATION IS RECEIVED IN ERROR, PLEASE NOTIFY CRIMINAL INVESTIGATIONS DIVISION, CHARLESTON COUNTY SHERIFF'S OFFICE IMMEDIATELY BY CALLING THE ABOVE LISTED NUMBER AND RETURNING THE ORIGINAL MESSAGE TO THE ABOVE ADDRESS VIA U. S. MAIL.



P. 1

* * * Communication Result Report (Oct. 12. 2015 3:39PM) * * *

2}

Date/Time: Oct. 12. 2015 3:33PM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
0786 Memory TX	198166003111	P. 24	E-3)3)	P. 1-24

Reason for error

E. 1) Hang up or line fall
E. 3) No answer
E. 5) Exceeded max. E-mail size

E. 2) Busy
E. 4) No facsimile connection
E. 6) Destination does not support IP-Fax



CHARLESTON COUNTY SHERIFF'S OFFICE
CRIMINAL INVESTIGATIONS DIVISION
3691 LEEDS AVENUE
NORTH CHARLESTON, SC 29405-7437

FACSIMILE COVER SHEET

TO	Sprint Corporation Subpoena Compliance Center
FAX NUMBER	(816)-800-3111
AGENCY	Charleston County Sheriff's Office
FROM	Detective Barry M. Goldstein
DATE	10/16/15
MESSAGE	Thank you for your assistance. Enclosed is a copy of the records, original search warrant and the new search warrant.
	My email is bmgoldstein@charlestoncounty.net for the records to be sent.

FAX #41254-0746 - CDR #20612020 - HQ #41255 212/204-1700 - STD 01/6125512178

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Office of the Sheriff



County of Charleston

Sheriff J. Al Cannon, Jr.

10/10/15

Dear Sir,

On October 13, 2013 the Charleston County Sheriff's Office, Charleston S.C. sent your company a search warrant regarding (843)642-1025. There was a legal technicality involved with it, and I am sending you another one attached to this letter. I will also send you a copy of the records just in case they are no longer available. I just need your company to certify these records as the true copy, that they are yours under this search warrant. I may be reached by cellphone 843-670-1183 or office number 843-554-2241.

Thank you for your assistance.

Yours Truly,

Det. Barry N. Goldstein

A stylized, handwritten signature in dark ink, appearing to be "B. Goldstein".

Administrative Office

3691 Leeds Avenue
N. Charleston, SC 29405
~ Sheriff ~
Voice (843) 554-2230
Fax (843) 554-2243

Law Enforcement Division

3691 Leeds Avenue
N. Charleston, SC 29405
~ Patrol ~
Voice (843) 202-1700
Fax (843) 554-2234

Al Cannon Detention Center

3841 Leeds Avenue
N. Charleston, SC 29405
Voice (843) 529-7300
Fax (843) 529-7406

Judicial Center

100 Broad Street, Suite 381
Charleston, SC 29401
Voice (843) 958-2100
Fax (843) 958-2128

STATE OF SOUTH CAROLINA

County of Charleston

SEARCH WARRANT

Det. Barry N. Goldstein

SCCA 513

(3-1978)

STATE OF SOUTH CAROLINA)

SEARCH WARRANT

Form Approved by

COUNTY OF CHARLESTON)

SC Attorney General

Section 19-13-160

March 15, 1978

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE
MUNICIPALITY OF CHARLESTON:

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON OR THING)
TO BE SEARCHED

Sprint Corporate Security @ (913)315-0736 Phone 800-877-7330 ,6400 Sprint Parkway, Overland Park ,KS
66251

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY

Any and all information in reference to telephone number (843) 642-1025 to include but not limited to current subscriber information, any secondary subscriber information, all incoming calls and all outgoing calls with cell phone tower information made or received between the dates of July 08 to July 11, 2010. To include any blocked or restricted telephone numbers and 911 calls. Compliance to this search warrant may be made by furnishing the information requested by electronic mail to Det. Barry N. Goldstein at bgoldstein@charlestoncounty.org

This Search Warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to the issuing magistrate within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

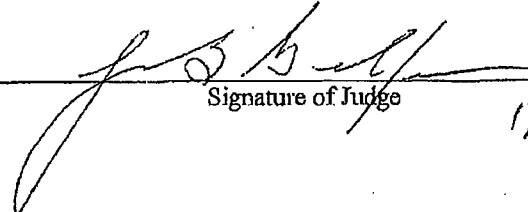
Charles Lee, South Carolina

SCCA 513

(3-1978)

142

Dated: 9 October 2015


Signature of Judge

1740

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

)

)

)

AFFIDAVIT

Personally appeared before me, one Det. B. Goldstein, who being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of S.C. Code Ann. § 17-13-140, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

Any and all information in reference to telephone number (843) 642-1025 to include but not limited to current subscriber information, any secondary subscriber information, all incoming calls and all outgoing calls with cell phone tower information made or received between the dates of July 08 to July 11, 2010. To include any blocked or restricted telephone numbers and 911 calls. Compliance to this search warrant may be made by furnishing the information requested by electronic mail to Det. Barry N. Goldstein at bgoldstein@charlestoncounty.org.

DESCRIPTION OF PREMISES (PERSON OR THING)
TO BE SEARCHED

Sprint Corporate Security @ (913) 315-0736 Phone 800-877-7330, 6400 Sprint Parkway, Overland Park, KS 66251.

REASON FOR AFFIANT'S BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

That on July 10, 2010 at approximately 4:27 A.M. members of the CCSO responded to the address of 10406 Old Georgetown Rd. McClellanville S.C. in reference to a home invasion and shooting. The victims in this incident were Melvin Simmons an occupant of the residence, and a suspect identified as Curtis Delaney who both died at the scene. Subsequent to the investigation a second suspect was identified as Troy LaWayne Mason who was treated at the Trident Hospital approximately one hour after the incident was reported. A witness at the scene of the incident who was in the residence at the time of the home invasion is identified as Shemikea Stokes who gave investigators a physical description of one of the perpetrators that escaped that matched the physical description of Troy LaWayne Mason. An interview with Troy LaWayne Mason revealed that he was shot at the above location and was transported by his cousin Mario Caldwell, who took him to his mother's house, who later took him to Trident Hospital for treatment. A Codis hit confirmed that the blood collected from the scene matched the blood on Troy LaWayne Mason's clothing that were taken from Trident Hospital. With sufficient probable cause investigators with the CCSO applied for an arrest warrant for the charge of violation of State Code 16-3-10 Murder.

After Troy Mason was charged with Murder he gave a written statement on Friday, August 3, 2012. Mason stated that Mario indicated to him that he needed to pick up Belton (aka

SCCA 513
(3-1978)

Finger) from Charlotte. Caldwell rented a car which was burned within 2 days of the incident. Mason stated that he, Jeremiah Belton, Mario Caldwell, King Conyers, and Curtis Delaney (unknown to Mason at the time) approached the home, all with guns, and that he and Mario Caldwell and possibly another participant fled the scene in the vehicle rented by Caldwell. A second vehicle was at the scene that the other intruders fled in. Mason was ultimately left at his mother's home by Mario and a second individual believed to be King Conyers and was taken to the hospital for treatment by his mother.

The telephone number 843-642-1025 has subscriber information of Jeremiah Belton, a resident at the time in Charlotte, NC. Phone records from Caldwell, Conyers, and Delaney's mother's phone number (used by Delaney) reflect phone calls between Belton, Caldwell, Delaney, and Conyers the evening of July 9, 2010 and between Caldwell, Belton, and Conyers the following morning. The incident occurred in the morning hours between 4:00 and 4:26 on the 10th of July. At 4:00 am, Conyers placed a call from Highway 45, which is adjacent to Old Georgetown Road in McClellanville, SC. None of the intruders lived in that area.

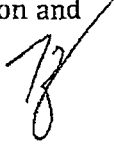
Mario Caldwell's cell tower information indicates that he traveled on the 9th of July from Charleston, SC where he lived to Charlotte, NC, (where Delaney and Belton were) then back through Columbia where King Conyers was residing; (Caldwell's path was not limited to Interstate 77 in Columbia). He then returned to Charleston.

Constance Manigault, Delaney's girlfriend at the time, indicated that Delaney got a ride that evening back to Charleston from Charlotte and that he was calling her from King Conyers' phone. She spoke with Delaney at 2:09 am when Delaney indicated that "they" were exiting at Cosgrove. Manigault indicated that when she returned home from work the next morning, it was obvious that Delaney and friends came by her house because of drinks and smoked cigarettes that were left behind and that were not there when she left for work.

Belton's records are necessary for the prosecution of Troy Mason and Mario Caldwell. The cell tower information from Belton's records will assist the State in showing the whereabouts of Belton during the evening of the 9th continuing into the morning hours of the incident itself. That Mario Caldwell when interviewed indicated he had known Jeremiah Belton for years, that he was communicating with Belton before the home invasion and murder by telephone, that he picked up Jeremiah Belton the evening of the home invasion and murder by telephone, that he picked up Jeremiah Belton the evening of the home invasion and

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(3-1978)



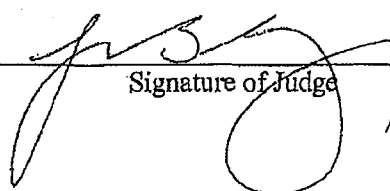
murder, and participated with him and other co-defendants. Caldwell also indicated that 843-642-1025 was one of two numbers he used in communicating with Jeremiah Belton.

That the Charleston County Sheriff's Office researched the telephone number 843-642-1025 to determine to whom that phone number was assigned. Jeremiah Belton's name came back as being associated with that number.

That phone records of Mario Caldwell show numerous phone calls between Caldwell's number and Belton's number during the evening hours of July 9, 2010 and during the early morning hours of July 10, 2010.

Sworn to and Subscribed before me

9 day of October, 2015


Signature of Judge

1742

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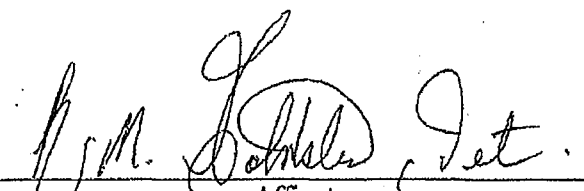
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Affiant

Address

3691 Leeds Ave.
North Charleston, S.C.
843-554-2241

Phone

Your Current Reference ID: LDP

1 result found for phones for people or businesses in the United States with Phone Number (843) 452-1413

(843) 452-1413 - No Listing Found - Carrier Details

NO CHARGE

PHONE NUMBER NOT FOUND - Following is Carrier Information

Based on Area Code and Exchange

Phone: (843) 452-1413

Listing Type: Unknown

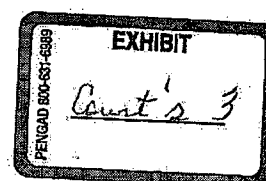
Time Zone: ET

Carrier: SUNCOM DBA T-MOBILE USA (T-MOBILE)

Carrier Type: WIRELESS

City: CHARLESTON

State: SC



Your Current Reference ID: LDP

1 result found for people in the United States with Phone Number (843) 452-1413.

VIDEO
E-TRAINING**SABRINA DELANEY****SABRINA DELANEY** (08/28/2011)
DOB: UnknownPossible Relatives
None foundCities
None foundCounties
None foundDate at Searched Location:
(08/28/2011)Indicators
Bankruptcies: None Found
Liens: None Found
Judgments: None FoundPossible Other Phones
(843) 452-1413 (ET) (76%)Possible Email Addresses
None foundAddress History (1 of 1) [Show Carriers]

CHARLESTON, SC 29492 (Berkeley COUNTY) (08/28/2011)

6 results found for people with Phone Number (843) 642-1025.

Subject 1 of 6 :

(843) 642-1025 - Belton, Jeremiah (North Carolina)

JEREMIAH BELTON
Phone: (843) 642-1025 - Belton, Jeremiah
Listing Type: Unknown
Carrier: Cricket
Carrier Type: WIRELESS

Address: 6250 Balsam Fir DR, Charlotte, NC 28212-4504
(Mecklenburg COUNTY)

Subject 2 of 6 :

(843) 642-1025 - HAVEL CHARLES

CHARLES HAVEL
Phone: (843) 642-1025 - HAVEL CHARLES
Listing Type: Unknown
Carrier: Cricket
Carrier Type: WIRELESS

Subject 3 of 6 :

(843) 642-1025 - BELTON, JERIMIAH F (North Carolina)

JERIMIAH F BELTON
Phone: (843) 642-1025 - BELTON, JERIMIAH F
Listing Type: Unknown
Carrier: Cricket
Carrier Type: WIRELESS

Address: 6250 Balsam Fir Dr, CHARLOTTE, NC 28212-4504
(Mecklenburg COUNTY)

Subject 4 of 6 :

(843) 642-1025 - BELTON, JERIMIAH F (North Carolina)

JERIMIAH F BELTON
Phone: (843) 642-1025 - BELTON, JERIMIAH F
Listing Type: Unknown
Carrier: Cricket
Carrier Type: WIRELESS

Address: 2832 Bancroft St, CHARLOTTE, NC 28206-3526
(Mecklenburg COUNTY)

Subject 5 of 6 :

(843) 642-1025 - BELTON, JERIMIAH F (South Carolina)

JERIMIAH F BELTON
Phone: (843) 642-1025 - BELTON, JERIMIAH F
Listing Type: Unknown
Carrier: Cricket
Carrier Type: WIRELESS

Address: 8907 Deerwood Dr, NORTH CHARLESTON, SC 29406-8023 (Charleston COUNTY)

Subject 6 of 6 :

(843) 642-1025 - BELTON, JERIMIAH F (North Carolina)

JERIMIAH F BELTON
Phone: (843) 642-1025 - BELTON, JERIMIAH F
Listing Type: Unknown
Carrier: Cricket
Carrier Type: WIRELESS

Address: 7109 Village Green Dr, CHARLOTTE, NC 28215-5525
(Mecklenburg COUNTY)

8 results found for people with Phone Number (843) 851-0260.

Subject 1 of 8 :

(843) 851-0260 - AMERICAN HOME P

HOME P AMERICAN Phone: (843) 851-0260 - AMERICAN HOME P Listing Type: Unknown Carrier: Bellsouth Telecomm Inc dba Southern Bell Carrier Type: LANDLINE	

Subject 2 of 8 :

(843) 851-0260 - Riley, Steffanie H (South Carolina)

STEFFANIE H RILEY Phone: (843) 851-0260 - Riley, Steffanie H Listing Type: Unknown Carrier: Bellsouth Telecomm Inc dba Southern Bell Carrier Type: LANDLINE	Address: 9894 Levenshall DR, Ladson, SC 29456-3821 (Berkeley COUNTY)

Subject 3 of 8 :

(843) 851-0260 - RILEY, SAM (South Carolina)

SAM RILEY Phone: (843) 851-0260 - RILEY, SAM Listing Type: Unknown Carrier: Bellsouth Telecomm Inc dba Southern Bell Carrier Type: LANDLINE	Address: 9894 Levenshall Dr, LADSON, SC 29456-3821 (Berkeley COUNTY)

Subject 4 of 8 :

(843) 851-0260 - BELZ, STEFFANIE H (South Carolina)

STEFFANIE H BELZ Phone: (843) 851-0260 - BELZ, STEFFANIE H Listing Type: Unknown Carrier: Bellsouth Telecomm Inc dba Southern Bell Carrier Type: LANDLINE	Address: 9894 Levenshall Dr, LADSON, SC 29456-3821 (Berkeley COUNTY)

Subject 5 of 8 :

(843) 851-0260 - RILEY, STEFFANIE H (South Carolina)

STEFFANIE H RILEY Phone: (843) 851-0260 - RILEY, STEFFANIE H Listing Type: Unknown Carrier: Bellsouth Telecomm Inc dba Southern Bell Carrier Type: LANDLINE	Address: 9894 Levenshall Dr, LADSON, SC 29456-3821 (Berkeley COUNTY)

Subject 6 of 8 :

(843) 851-0260 - RILEY, STEFFANIE H (Connecticut)

STEFFANIE H RILEY Phone: (843) 851-0260 - RILEY, STEFFANIE H Listing Type: Unknown Carrier: Bellsouth Telecomm Inc dba Southern Bell Carrier Type: LANDLINE	Address: 94 Quiet Woods Rd, EAST HAMPTON, CT 06424-1811 (Middlesex COUNTY)

Subject 7 of 8 :**(843) 851-0260 - RILEY, STEFFANIE H (South Carolina)**

STEFFANIE H RILEY Phone: (843) 851-0260 - RILEY, STEFFANIE H Listing Type: Unknown Carrier: Bellsouth Telecomm Inc dba Southern Bell Carrier Type: LANDLINE	Address: 453 Dunmeyer Rd, SUMMERVILLE, SC 29485 (Dorchester COUNTY)

Subject 8 of 8 :**(843) 851-0260 - CURTIS, D (South Carolina)**

D CURTIS Phone: (843) 851-0260 - CURTIS, D Listing Type: Unknown Carrier: Bellsouth Telecomm Inc dba Southern Bell Carrier Type: LANDLINE	Address: 418 INDIAN DR, SUMMERVILLE, SC 29483-1935 (Dorchester COUNTY)

Your Current Reference ID: LDP

1 result found for people with Phone Number (843) 801-8088:

(843) 801-8088 - IVR ACTIVATION

ACTIVATION IVR

Phone: (843) 801-8088 - IVR ACTIVATION

Listing Type: Unknown

Carrier: Cricket

Carrier Type: WIRELESS

TLO.cm

Your Current Reference ID: LDP

3 results found for people in the United States with Phone Number (843) 801-8088



BRITTANY J RICHARDSON, 22 Years Old (Charleston, SC, North Charleston, SC)

1 of 3 results scroll down to next
blue line

BRITTANY J RICHARDSON
(12/01/2004 to 02/01/2012)

Relationship Diagram
Possible Relatives
Avis Burns 09/05/1979 Age: 32
Katrina S Johnson 09/21/1973 Age: 38

Cities
Charleston, SC (11/17/2009 to 10/2010)
North Charleston, SC (11/2004 to 02/2012)

Counties
Charleston County, SC (11/2004 to 02/2012)

Possible Email Addresses
Check Social Networks for All
muzblack06@yahoo.com

SSN: 247-79-XXXX
Issued: SOUTH CAROLINA 1989-1990

Indicators
Bankruptcies: None Found
Liens: None Found
Judgments: None Found

Possible Other Phones
(843) 566-9866 (ET) (83%)
(843) 554-5771 (ET) (M) (81%)
(843) 740-7214 (ET) (L) (74%)
(843) 801-8088 (ET) (M) (49%)

Other People who have used this SSN.
This does not usually indicate fraud.
ISAO OCHIYAMA [View Person Record]
BLAIR M SMITH [View Person Record]

Date of Birth
DOB: XX/XX/XXXX
Age: 22

Run Super Phone Report **Newer Numbers / Addresses / Employers and MORE**

Address History (3 of 3) [Show Carriers]
1816 SUMNER AVE, NORTH CHARLESTON, SC 29406-3758 (CHARLESTON COUNTY) (11/2004 to 02/2012)
Building Name: STARCATTLE APTS
Address contains: 24 apartments
4 Current Private Phones
Current Private Phones at address
(843) 737-5589 (ET) - F, L
(843) 737-4887 (ET) - HARRIS, JOAN
(843) 783-1221 (ET) - HORLBACK, HENRY
(843) 744-3109 (ET) - ROMERO, JUAN
5648 DOBSON ST APT 1, NORTH CHARLESTON, SC 29406-6267 (CHARLESTON COUNTY) (01/20/2009 to 01/2012)
Subdivision Name: CHARLES TOWNE ESTATES
Address contains: 6 apartments
2181 DUNLAP ST APT 12H, CHARLESTON, SC 29406-4164 (CHARLESTON COUNTY) (11/17/2009 to 10/2010)
Subdivision Name: SANDERS
Address contains: 216 apartments
1 Current Commercial Phone
43 Current Private Phones
Current Commercial Phone at address
(843) 553-7750 (ET) - CLUBHOUSE SUMMITT PLACE

B RICHARDSON

2 of 3 results scroll down to next
blue line

B RICHARDSON 01/01/2011
DOB: Unknown

Possible Relatives
None found

Indicators
Bankruptcies: None Found
Liens: None Found
Judgments: None Found

Cities
None found

Counties
None found

Possible Email Addresses
None found

Possible Other Phones
(843) 801-8088 (ET) (M) (70%)

Date at Searched Location:
(01/01/2011)

Address History (1 of 1) [Show Carriers]
CHARLESTON, SC 29401 (Charleston COUNTY) (01/01/2011)

B RICHARDSON

3 of 3 results

B RICHARDSON 03/08/2011
DOB: Unknown

Possible Relatives
None found

Indicators
Bankruptcies: None Found
Liens: None Found
Judgments: None Found

Cities
None found

Counties
None found

Possible Email Addresses
None found

Possible Other Phones
(843) 801-8088 (ET) (M) (70%)

Date at Searched Location:
(03/06/2011)

Address History (1 of 1) [Show Carriers]
5761 NELSON ST APT 2, NORTH CHARLESTON, SC 29418 (Charleston COUNTY) (03/08/2011)

STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
) NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON) CASE NO.: 2014-GS-10-06481
) 2014-GS-10-06482
) 2014-GS-10-06483
) 2014-GS-10-06484
) 2014-GS-10-06485
) 2014-GS-10-06486

STATE OF SOUTH CAROLINA)
)
)
VS.)
)
)
JEREMIAH FITZGERALD BELTON and)
KING CHEVAIS CONYERS,)
)
DEFENDANT.)
)

JURY TRIAL

VOLUME 1 OF 5

held before the Honorable Kristi L. Harrington
Mia Perron, Circuit Court Reporter, 9th Judicial Circuit
in the Charleston County Courthouse
Charleston, South Carolina
on Monday, November 2, 2015, Commencing at a.m.

SUSAN "MIA" PERRON, CVR-CM-M
Circuit Court Reporter - 9th Judicial Circuit
Post Office Box 31865
Charleston, South Carolina 29417-1865
1-706-231-6028

APPEARANCES OF COUNSEL

FOR THE STATE:

Jennifer K. Shealy, Esquire
Daniel Cooper, Esquire
9th Circuit Solicitor's Office
101 Meeting Street, Suite 400
Charleston, South Carolina 29402

FOR THE DEFENDANT BELTON:

Adam Mlynarczyk, Esquire
Koontz Mlynarczyk
1058 East Montague Avenue
North Charleston, South Carolina 29405

FOR THE DEFENDANT CONYERS:

Christopher L. Murphy, Esquire
Attorney at Law
Post Office Box 2008
Mount Pleasant, South Carolina 29465

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EXHIBITS

[Exhibits pre-marked by the State unless otherwise noted]

MARKED/ADMITTED

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EXHIBITS, continued

[Exhibits pre-marked by the State unless otherwise noted]

MARKED/ADMITTED

State's Exhibit Number 15 [Photograph]	/ 136
State's Exhibit Number 16 [Photograph]	/ 136
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[Exhibits pre-marked by the State unless otherwise noted]

MARKED/ADMITTED

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COURT'S

Court's Exhibit Number 1
[Note From Jury]

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PROCEEDINGS

THE COURT: Ms. Shealy, are we ready?

MS. SHEALY: Yes, Your Honor.

There are a couple of matters I would want to put on the record, if I may.

THE COURT: Do we need the defendant?

MS. SHEALY: Yes, Your Honor.

THE COURT: Thank you.

[Off the record momentarily]

[Whereupon, the defendants enter the courtroom]

MS. SHEALY: Your Honor, I do have a couple of things I would like to put on the record.

THE COURT: All right. Is everybody here?

Counsel, if you would state your name for the record and the party you represent.

MS. SHEALY: Jennifer Shealy, and I represent the State.

MR. COOPER: Daniel Cooper, for the State.

MR. MLYNARCZYK: Adam Mlynarczyk, Your Honor, for Jeremiah Belton.

MR. MURPHY: Chris Murphy for --

THE COURT: And you are Jeremiah Belton?

MR. BELTON: Yes, ma'am.

THE COURT: And you are?

MR. ADAMS: I'm Delton Adams [phonetic] ,

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1 paralegal.

2 THE COURT: For Mr. Mlynarczyk?

3 MR. ADAMS: Yes. Yes.

4 THE COURT: And you will be at the table the entire
5 time?

6 MR. ADAMS: Yes, ma'am.

7 MR. MLYNARCZYK: Yes, Your Honor, he will be.

8 THE COURT: Thank you.

9 MR. MURPHY: Chris Murphy, representing King
10 Conyers.

11 THE COURT: Thank you.

12 MS. SHEALY: Your Honor, I just wanted to put on
13 the record that earlier this morning I gave or showed a
14 list to both Mr. Murphy and to Mr. Mlynarczyk of jurors
15 that people in my office knew. So they've had the
16 benefit of knowing that. One was Julia Branham, number
17 29; Emily Cox, number 69; Lonnie Dole, number 86; Eugene
18 Sapakoff, number 299; and Blake Wyatt, number 398.

19 After the jury qualification process, I also
20 noticed that I'm familiar with Elizabeth Moore, who is
21 number 233. She helped me with a house project probably
22 fifteen years ago. I'm not sure that she would remember
23 me, but I wanted to put that on the record in an
24 abundance of caution.

25 THE COURT: All right. And so the numbers that

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1 you've mentioned, what's the nature of the relationship
2 of the --

3 MS. SHEALY: Julia Brown is a family friend of
4 Richard Waring. That's juror 29.

5 Emily Cox, juror 69, Charles Patrick in our office
6 is friends with her but is not positive it's the same
7 Emily Cox, but a friend of -- he is a friend of an Emily
8 Cox.

9 Number 86, Lonnie Dole, Charles Patrick indicated
10 he was a formal oral surgeon.

11 Number 299, Eugene Sapakoff, Chip Cannon -- with
12 Post and Courier. He may have gotten excused.

13 And Blake Wyatt, Lauren Mulkey is a friend of -- he
14 is a friend of both hers and her fiancé.

15 THE COURT: Mr. Mlynarczyk, you were given that
16 list?

17 MR. MLYNARCZYK: I was given that list, Your Honor.

18 THE COURT: Anything that we need to do, regarding
19 that, prior to the jury coming in?

20 MR. MLYNARCZYK: I don't believe --

21 THE COURT: Mr. Murphy?

22 MR. MURPHY: The same, Your Honor. Nothing.

23 THE COURT: It doesn't appear that there is anyone
24 that would require a challenge for cause at this time,
25 like a relative or anything of that nature.

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1 Is that correct?

2 MS. SHEALY: I don't believe so, Your Honor.

3 MR. MLYNARCZYK: I think there would only possibly
4 be the fiancé of one of the solicitor's --

5 MS. SHEALY: It's the fiancé's friend.

6 THE COURT: It's a friend --

7 MR. MLYNARCZYK: Oh. Friend --

8 THE COURT: -- of a fiancé.

9 MR. MLYNARCZYK: -- of the fiancé. Okay.

10 THE COURT: It's a friend of Ms. Mulkey and her
11 fiancé.

12 MS. SHEALY: There is --

13 MR. MLYNARCZYK: There is nothing, Your Honor.

14 MS. SHEALY: I'm sorry, Judge.

15 There is one juror, who I'm not sure who -- I'm not
16 sure he'll be brought in our panel. I don't know if you
17 want to discuss him now or if you want to discuss him
18 later.

19 THE COURT: He will not be. He will not be,
20 according to my clerk. I don't even know who it is.
21 He's not going to be brought up.

22 MS. SHEALY: Are we all thinking of the same one?

23 THE COURT: The gentleman with the cane?

24 MS. SHEALY: Yes.

25 THE COURT: Yes. Based upon his comment --

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1 MS. SHEALY: Right.

2 THE COURT: -- I did not feel that it would be
3 appropriate even to bring him up for a criminal. We
4 have a civil, and so that does not require a finding of
5 guilt, so I thought that would be the most appropriate
6 since we have more than enough jurors for both. So he
7 will not be brought up here.

8 MS. SHEALY: Okay. Great. Thank you, Your Honor.

9 And then, also, there was one name we neglected to
10 put on the witness list and that is Andrew Coker, North
11 Charleston Police Department. I think his name was on a
12 previous list, but in the most-revised I noticed that he
13 was not there.

14 THE COURT: Andrew Coker?

15 MS. SHEALY: [No response]

16 THE COURT: Ms. Shealy, Andrew Coker?

17 MS. SHEALY: That's correct, Your Honor.

18 THE COURT: And where is he employed?

19 MS. SHEALY: I'm sorry, Judge, what?

20 THE COURT: Where is he employed?

21 MS. SHEALY: North Charleston Police Department.

22 And, Your Honor, I am being told right now that
23 number 284, Ms. Rhodan, R-H-O-D-A-N, apparently used to
24 work in our office. I don't know her. That must have
25 been before my time.

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1 THE COURT: Is she in our panel?

2 THE CLERK OF COURT: She is not.

3 THE COURT: She is not in our panel.

4 MS. SHEALY: Okay. I think that's everything, Your
5 Honor.

6 THE COURT: Any objection to Mr. Coker being placed
7 on the witness list? Mr. Mlynarczyk?

8 MR. MLYNARCZYK: No. No objection, Your Honor.

9 THE COURT: Mr. Murphy?

10 MR. MURPHY: No objection.

11 THE COURT: And any objection, and in no particular
12 order -- and I'll advise the jury of this, to continue
13 going in this order: Mr. Mlynarczyk and Mr. Murphy.

14 Any objection?

15 MR. MLYNARCZYK: No objection, Your Honor.

16 MR. MURPHY: No objection.

17 THE COURT: And I just want to make clear: the
18 State has ten strikes; is that correct?

19 MS. SHEALY: Yes, Your Honor.

20 THE COURT: Mr. Mlynarczyk, you have ten?

21 MR. MLYNARCZYK: Yes, Your Honor.

22 THE COURT: And you have ten?

23 MR. MURPHY: Thank you. Yes.

24 THE COURT: And we will do it in that order. So
25 the procedure will be we'll bring the jury, the State

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1 will make their announcement, and then Mr. Mlynarczyk
2 and then Mr. Murphy.

3 MR. MURPHY: Yes. Yes, Your Honor.

4 THE COURT: Mr. Mlynarczyk?

5 MR. MLYNARCZYK: Yes, Your Honor.

6 THE COURT: Any objection to doing it that way?

7 MS. SHEALY: Not at all.

8 THE COURT: Then when we reach the alternates,
9 State has one. Defendants as a whole have two, so you
10 can either work together or decide that each one is
11 going to get one strike.

12 Mr. Mlynarczyk?

13 MR. MLYNARCZYK: If we each get one, I think that
14 would be fine, Your Honor.

15 THE COURT: Because the statute provides State gets
16 one, defendants get two. It does not say an additional
17 two per defendant. The statute provides two strikes for
18 the defendant's side. So however you wish to do it.
19 Just make sure -- I will pick at least two alternates,
20 so please make sure that we're consistent in how we do
21 it.

22 MR. MURPHY: Together.

23 MR. MLYNARCZYK: Well, we'll do it together, Your
24 Honor.

25 THE COURT: All right. Great. Thank you.

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1 MS. SHEALY: Your Honor, regarding the number of
2 alternates, I frequently have a situation where
3 alternates are being used.

4 THE COURT: Correct.

5 MS. SHEALY: And in that this is such a complicated
6 case, that we've had set for so long, I would ask that
7 you consider three alternates.

8 THE COURT: Any objection?

9 MR. MLYNARCZYK: No objection.

10 MR. MURPHY: No objection.

11 THE COURT: Thank you.

12 MS. SHEALY: Thank you.

13 THE COURT: Do we have space in here for three
14 alternates, Mr. Causey?

15 THE CLERK OF COURT: Absolutely, Your Honor.

16 THE COURT: Thank you.

17 Anything before we bring in the jury? From the
18 State?

19 MS. SHEALY: No, Your Honor.

20 THE COURT: From the defendant?

21 MR. MLYNARCZYK: No, Your Honor.

22 MR. MURPHY: No, Your Honor.

23 THE COURT: Thank you.

24 [Off the record momentarily]

25 MS. SHEALY: Judge, we did, pursuant to your

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1 request -- as we always do, we had law enforcement check
2 the weapons in question to make sure that they were
3 properly locked or -- I don't know what the terminology
4 is.

5 THE COURT: Thank you.

6 MR. MLYNARCZYK: Your Honor, do you have an
7 objection to my moving my chair around --

8 THE COURT: I do not.

9 MR. MLYNARCZYK: -- to this side?

10 THE COURT: I do not.

11 Counsel, I am anticipating today going until at
12 least 6:00 or 6:30, so please plan your witnesses
13 accordingly. We are going to go heavy today and
14 tomorrow so that we are not here over the weekend. All
15 right?

16 MS. SHEALY: Okay. Thank you.

17 MR. MLYNARCZYK: Thank you, Judge.

18 MS. SHEALY: Your Honor, that's going to involve us
19 having somebody brought over from the jail, so I'm just
20 going -- okay.

21 THE COURT: Plenty of time. If you need anything,
22 let me know.

23 MS. SHEALY: Okay.

24 [Off the record momentarily]

25 MS. SHEALY: Judge?

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1 THE COURT: Yes, ma'am?

2 MS. SHEALY: I'm sorry.

3 I don't know if we ever got a ruling on something
4 Mr. Mlynarczyk requests for voir dire.

5 THE COURT: I'm going to do the voir dire that I
6 think is appropriate and then I will allow you, if there
7 is any additional voir dire that you request, we'll put
8 that on the record when I come down. We've got a lot of
9 people and a lot of questions and so what I will
10 probably do is just ask my general -- y'all introduced,
11 I'll do my general voir dire, take a moment, say let's
12 come forward and start weeding some jurors out, and then
13 if there are some additional questions we'll go from
14 there. So if I miss anything, it's not necessarily that
15 I missed it, it's just that I will ask it at a later
16 time. But please make sure that you make a note for me
17 to ask. So we may do this in kind of two rounds. Make
18 sense?

19 MR. MLYNARCZYK: Yes, Judge.

20 MR. MURPHY: Yes.

21 MS. SHEALY: Your Honor, when I call the case, do
22 you have me call it facing you, or do I face the jury?

23 THE COURT: You can face the jury.

24 MS. SHEALY: Okay. Thank you.

25 THE COURT: That will be nice. Thank you.

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JURY VOIR DIRE

[Whereupon, the panel enters the courtroom at
11:48 a.m.]

MS. SHEALY: May we approach briefly, Your Honor?

THE COURT: You may.

[Whereupon, an off-the-record bench conference is
held]

THE COURT: Good morning, for just a few more
moments, ladies and gentlemen.

Once again, I am Judge Kristi Harrington. I will
be presiding over the trial of the State versus Jeremiah
Fitzgerald Belton and the State versus King Chevais
Conyers.

Is that correct, Mr. Murphy?

MR. MURPHY: Chevais, Your Honor.

THE COURT: Chevais Conyers.

Ladies and gentlemen, does anybody know anything
about this trial, other than what I have just read to
you? If so, please stand.

[Whereupon, there is no response]

THE COURT: Thank you. There are none.

Ladies and gentlemen, I remind you that you are
still under the oath that you took downstairs to give me
your complete and truthful responses.

Just as I gave you the opportunity to come forward

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1 and meet with me at the end, I will do the same for you
2 after I have asked you a series of questions.

3 What we will do now is I'm going to introduce you
4 to the parties involved in this case, I will read the
5 indictments to you, and then we will begin the series
6 of questions.

7 Mr. Mlynarczyk, does your client waive formal
8 arraignment?

9 MR. MLYNARCZYK: We do, Your Honor.

10 THE COURT: Mr. Murphy, does your client waive
11 formal arraignment?

12 MR. MURPHY: Yes, Your Honor.

13 THE COURT: Any objection to the Court reading the
14 indictment? Mr. Mlynarczyk?

15 MR. MLYNARCZYK: No objection, Your Honor.

16 MR. MURPHY: No objection, Your Honor.

17 THE COURT: Ladies and gentlemen, there is no
18 particular way in the manner in which I read these
19 indictments. It's simply Mr. Belton -- I have selected
20 Mr. Belton to be the first defendant and Mr. Conyers to
21 be the second defendant. In no way does that indicate
22 anything, nor should you draw any inference. It's
23 simply that I have to read one person's indictments
24 first.

25 The State alleges in indictment 2014-GS-10-6481

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1 that Mr. Jeremiah Belton did in Charleston County on or
2 about July 10th, 2010, with malice aforethought, did
3 kill and murder Melvin Simmons by means of shooting the
4 victim and that Melvin Simmons did die in Charleston
5 County as a proximate result thereof on July 10th, 2010,
6 in violation of Section 16-3-10 of the South Carolina
7 Code of Laws, 1986 as amended. The State further
8 alleges in 2014-GS-10-6482 that Mr. Belton did in
9 Charleston County, South Carolina, on or about July
10 10th, 2010, enter the dwelling of Melvin Simmons located
11 at 1406 Old Georgetown Road, McClellanville, South
12 Carolina, without the intent and with the intent --
13 excuse me -- without consent and with the intent to
14 commit a crime therein; that, in addition, the entry
15 occurred at night and/or the defendant was armed and/or
16 the defendant caused injury to a victim, in violation of
17 Section 16-11-311 of the South Carolina Code of Laws,
18 1986 as amended. The State further alleges that Mr.
19 Belton did on or about, in Charleston County, South
20 Carolina, on July 10th, 2010, did possess a handgun
21 during the commission or attempted commission of murder
22 and/or burglary first degree violent crime. This is in
23 violation of Section 16-23-490 of the South Carolina
24 Code of Laws, 1976 as amended. Mr. Belton has pled not
25 guilty to each of the indictments. Ladies and

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1 gentlemen, the indictments are simply the pieces of
2 paper that bring us here to court today. They are not
3 in any sense evidence of the allegations it contains.

4 Does any member of the jury panel know anything
5 about what I just read to you concerning the three
6 indictments to you on Mr. Belton? If so, please stand.

7 [Whereupon, there is no response]

8 THE COURT: Thank you. There are none.

9 The State alleges in indictment 2014-GS-10-6484
10 that King Conyers did on or about, in Charleston County,
11 July 10th, 2010, with malice aforethought, did kill and
12 murder Melvin Simmons by means of shooting the victim
13 and that Melvin Simmons did die in Charleston County as
14 a proximate result thereof on July 10th, 2010, in
15 violation of Section 16-3-10 of the South Carolina Code
16 of Laws, 1976 as amended. The State further alleges in
17 indictment 2014-GS-10-6485 that in Charleston County on
18 or about July 10th, 2010, the defendant did enter the
19 dwelling of Melvin Simmons, located at [REDACTED]
20 [REDACTED], McClellanville, South Carolina, without
21 consent and with the intent to commit a crime therein.
22 That, in addition, the entry occurred at night and/or
23 the defendant was armed and/or the defendant caused
24 injury to a victim, in violation of Section 16-11-311 of
25 the South Carolina Code of Laws, 1976 as amended. The

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1 State further alleges in indictment 2014-GS-10-6486 that
2 the defendant, King Conyers, did in Charleston County,
3 South Carolina, on or about July 10th, 2010, did possess
4 a handgun during the commission or attempted commission
5 of murder and/or burglary first degree, violent crime.
6 This is in violation of Section 16-23-490 of the South
7 Carolina Code of Laws, 1976 as amended. Mr. Conyers has
8 pled not guilty to those three indictments.

9 Is there any member of the jury panel that knows
10 anything about those indictments, other than what I have
11 just read to you? If so, please stand.

12 [Whereupon, there is no response]

13 THE COURT: Thank you. There are none.

14 Mr. Mlynarczyk, if you would please stand and
15 introduce yourself, your client, and any persons who
16 will be assisting you throughout this trial.

17 MR. MLYNARCZYK: My name is Adam Mlynarczyk. I'm a
18 defense lawyer in Park Circle in North Charleston. This
19 is my client, Jeremiah Belton. He is the defendant in
20 one of these charges -- or in this case. And this is my
21 paralegal, Delton Adams [phonetic]. We'll be the three
22 people at the table for our case.

23 THE COURT: Is there any member of the jury panel
24 related by blood, marriage, close personal friend, ever
25 have any business, personal, professional dealings, or

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1 you know Mr. Belton in any way? If so, please stand.

2 [Whereupon, there is no response]

3 THE COURT: Thank you. There are none.

4 Any member of the jury panel related by blood,
5 marriage, close personal friend, ever have any business,
6 personal, professional dealings, or ever been
7 represented by Mr. Mlynarczyk or anyone in his firm? If
8 so, please stand.

9 [Whereupon, there is no response]

10 THE COURT: Thank you. There are none.

11 Mr. Murphy, if you would please stand, introduce
12 your client.

13 MR. MURPHY: Thank you, Your Honor. May it please
14 the Court.

15 Ladies and gentlemen of the jury, my name is
16 Christopher Murphy. I am a solo practitioner here in
17 Charleston County, and I represent Mr. King Conyers
18 right here.

19 THE COURT: Thank you.

20 Is there any member of the jury panel related by
21 blood, marriage, close personal friend, ever have any
22 business, personal, professional dealings, or you know
23 Mr. Conyers in any way? If so, please stand.

24 [Whereupon, there is no response]

25 THE COURT: Thank you. There are none.

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1 Any member of the jury panel related by blood,
2 marriage, close personal friend, ever have any business,
3 personal, professional dealings, or ever been
4 represented by Mr. Murphy? If so, please stand.

5 [Whereupon, there is no response]

6 THE COURT: Thank you. There are none.

7 Ms. Shealy, if you would please stand, introduce
8 yourself, any persons who will be assisting you
9 throughout this trial, as well as any persons who may be
10 -- we may see coming in and out assisting you. Tell us
11 a little bit about your office.

12 MS. SHEALY: Good morning. My name is Jennifer
13 Shealy. I'm the managing solicitor in the solicitor's
14 office here in Charleston. We are a part of the ninth
15 circuit. We have an office in Berkeley County, as well.
16 Daniel Cooper will be assisting me. He is an assistant
17 solicitor in the solicitor's office. And Shameka Smith
18 is a paralegal. You may see a man with chalky white
19 hair. He's my investigator. You may see him coming in
20 and out of court during trial.

21 THE COURT: Thank you.

22 Is there any member of the jury panel related by
23 blood, marriage, close personal friend, ever have any
24 business, personal, professional dealings, or ever have
25 any matters handled by the ninth solicitor's office --

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1 ninth circuit solicitor's office in Berkeley or
2 Charleston? If so, please stand.

3 [Whereupon, there is no response]

4 THE COURT: Thank you. There are none.

5 Any member of the jury panel related to Ms. Shealy
6 or Mr. Cooper? If so, please stand.

7 [Whereupon, there is no response]

8 THE COURT: Thank you. There are none.

9 Ladies and gentlemen, we did not go through a whole
10 list of everybody that is employed with the ninth
11 circuit solicitor's officer here in Charleston, which is
12 in this courthouse, or in Berkeley in Moncks Corner's
13 courthouse. If you are related by blood, marriage,
14 close personal friend, know any individual that has --
15 that is currently employed with an assistant solicitor
16 or support staff or an investigator, something of that
17 nature, or you were ever employed by the solicitor's
18 office, if so, please stand.

19 [Whereupon, there is no response]

20 THE COURT: Thank you. There are none.

21 Ladies and gentlemen, I am now going to call a list
22 of potential witnesses who may be called to testify in
23 this case. If you know these individuals in any
24 capacity, related by blood, marriage, close personal
25 friend, ever have any business, personal, professional

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1 dealings with any of these individuals, please stand as
2 I call their name. Lisa Branham, with the Charleston
3 County Sheriff's Office; Rob Colson, Charleston County
4 Sheriff's Office; Kathy Kjellman, Charleston County
5 Sheriff's Office;; Charles Lawrence; Paul McManigal,
6 with the Charleston County Sheriff's Office; Erin Meyer,
7 Charleston County Sheriff's Office; Brent Roy,
8 Charleston County Sheriff's Office; Willis Walker; Lisa
9 Kobisco, North Charleston Police Department; Adrienne
10 Riley-Hefney, with the South Carolina Law Enforcement
11 Division, otherwise known as SLED; Ila Simmons, formerly
12 with SLED; Suzanne Cromer, with SLED; Cynthia Schandl,
13 with the Medical University of South Carolina; Shamika
14 Stokes; Moett Simmons; Chilenia Jamison; Michelle
15 Williams; Linda Mason; Constance Manigault; Vincent
16 Simmons, Melvin Simmons, Sr.; Natash Brown; AT&T
17 custodian; Sprint custodian; Cricket Custodian; Troy
18 Mason; Mario Caldwell; Martha Brown; Darren Mills;
19 Lieutenant Dell Hardee, with the North Charleston Police
20 Department; Quiona Herrington; Charles [sic] Stinson,
21 City of Charleston Police Department; Wayne Shealy --
22 excuse me -- Wayne Sealey, Berkeley County Sheriff's
23 Office; Rolanda Brown; Keith Hair; Andrew Coker, North
24 Charleston Police Department.

25 If you are related by blood, marriage, close

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1 personal friend, know those individuals in any capacity,
2 please stand.

3 Thank you. There are none.

4 Is there any member --

5 Yes? Your juror number and name?

6 MS. WASHINGTON: Rose Mary Washington, 378.

7 THE COURT: Yes, ma'am.

8 MS. WASHINGTON: I know Melvin Simmons. I'm
9 from McClellanville. I live in North Charleston and --

10 THE COURT: All right. And you know Melvin
11 Simmons?

12 MS. WASHINGTON: Yes, ma'am.

13 THE COURT: And did you -- you used to live in
14 McClellanville?

15 MS. WASHINGTON: Yes, ma'am.

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

17 MS. WASHINGTON: No, I do not.

18 THE COURT: And how do you know Mr. Simmons?

19 MS. WASHINGTON: Well, because he's from -- I mean,
20 we out in the same area.

21 THE COURT: How long have you lived in North
22 Charleston?

23 MS. WASHINGTON: About ten years now.

24 THE COURT: Is there anything -- when is the last
25 time you've seen Mr. Simmons?

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1 MS. WASHINGTON: We all went to the same church.
2 It's been a long time.

3 THE COURT: Is there anything about you knowing
4 Mr. Simmons that would affect your ability to be fair
5 and impartial in this case?

6 MS. WASHINGTON: No, ma'am.

7 THE COURT: Will you be able to listen to the facts
8 from the witness stand, apply the law as I give it, and
9 render a verdict based only upon those things?

10 MS. WASHINGTON: Yes, ma'am.

11 THE COURT: And tell me your jury number.

12 MS. WASHINGTON: 378.

13 THE COURT: 378. Thank you.

14 Is there anyone else.

15 [Whereupon, there is no response]

16 THE COURT: Thank you. There are none.

17 MS. DELANEY: I'm juror number 78. I --

18 THE COURT: And your name?

19 MS. DELANEY: Nicole Delaney.

20 THE COURT: Yes, Ms. Delaney?

21 MS. DELANEY: My father was a Berkeley County
22 Sheriff's Officer.

23 THE COURT: And what was his name?

24 MS. DELANEY: Rodelpho Ardis.

25 THE COURT: And is he currently employed?

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1 MS. DELANEY: No. He passed away several months
2 ago.

3 THE COURT: I'm sorry to hear that.

4 MS. DELANEY: That's okay.

5 THE COURT: Is there -- there was one Berkeley
6 County Sheriff's Officer listed. Do you know Wayne
7 Sealey?

8 MS. DELANEY: No.

9 THE COURT: Is there anything about your father's
10 previous employment that would affect your ability to be
11 fair and impartial in this case?

12 MS. DELANEY: I don't believe so.

13 THE COURT: And I do that same thing, Ms. Delaney.
14 I say I hope so, I guess so. I need a yes or a no,
15 because both the State and the defendants, both of the
16 defendants, deserve a juror who is able to listen to the
17 facts from the witness stand, apply the law as the Court
18 gives it, and render a verdict based only upon those
19 things. Can you be that juror?

20 MS. DELANEY: I would say no.

21 THE COURT: All right. I am going to protect you
22 from the trial of this case, and what that means is you
23 do not have to answer anymore questions regarding this
24 matter.

25 What I need for you to do is stay with us so that

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1 you'll receive instructions with the entire panel. As
2 you are aware, your service is for the week.

3 MS. DELANEY: Okay.

4 THE COURT: All right? So please have a seat. And
5 your juror number, Ms. Delaney, was?

6 MS. DELANEY: 78.

7 THE COURT: 78. Thank you.

8 As I indicated to you downstairs, the attorneys
9 involved in this case are taking notes. As you've
10 become aware, if you are not already, some of you are
11 much better jurors in other cases and so they are --
12 each side is entitled to a certain number of what we
13 call strikes, and so that they're taking notes regarding
14 those matters. And so that's why I have you state your
15 juror number and your name, so that they will accurately
16 have that information.

17 Is there anyone else? Thank you -- yes?

18 MS. DUPRE: Your Honor, I'm juror number 90. My
19 name is Gay Dupre.

20 And I just would say that I am a paralegal in civil
21 litigation --

22 THE COURT: Yes, ma'am.

23 MS. DUPRE: -- at the Barnwell Whaley law firm --

24 THE COURT: Yes, ma'am.

25 MS. DUPRE: -- and the names do not really sound

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1 familiar to me at all. But I just wanted to make clear
2 what my background is.

3 THE COURT: All right. And there must have been
4 some reason you wanted to share that information with
5 us. Is there anything about your occupation that would
6 affect your ability to be fair and impartial in this
7 case?

8 MS. DUPRE: No, ma'am.

9 THE COURT: And tell me your jury number before you
10 sit down.

11 MS. DUPRE: Number 90.

12 THE COURT: Thank you. Thank you.

13 Is there any member of the jury panel who is
14 currently or formerly employed in any capacity with any
15 law enforcement agency? If so, please stand.

16 Yes, sir? Your jury number and name?

17 MR. PURVIS: My number is 276. Frank Purvis.

18 I was a reserve police officer back in the '80s,
19 1980s.

20 THE COURT: Here in Charleston County, or somewhere
21 else?

22 MR. PURVIS: No, ma'am. That was in Cherokee
23 County.

24 THE COURT: Is there anything about what you shared
25 with us that would affect your ability to be fair and

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1 impartial in this case?

2 MR. PURVIS: No, ma'am.

3 THE COURT: And your jury number?

4 MR. PURVIS: 276.

5 THE COURT: Thank you.

6 MS. HICKS: I'm Harriett Hicks, jury 152.

7 I work at Customs and Boarder Inspections.

8 THE COURT: Is there anything about your occupation
9 that would affect your ability to be fair and impartial
10 in this case?

11 MS. HICKS: No, ma'am.

12 THE COURT: And your jury number?

13 MS. HICKS: 152.

14 THE COURT: Thank you.

15 Is there anyone else?

16 [Whereupon, there is no response]

17 THE COURT: Thank you.

18 Ladies and gentlemen, is there any member of the
19 jury panel, a member of your immediate family, or a
20 close friend, that is currently or previously employed
21 with the Charleston County Sheriff's Office, the South
22 Carolina Law Enforcement Division, otherwise known as
23 SLED, the North Charleston Police Department, or the
24 City of Charleston Police Department, or the Berkeley
25 County Sheriff's Office? If so, please stand.

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1 Yes, ma'am. Your jury number and name?

2 MS. TULLA: 363. Sarah Tulla.

3 THE COURT: Yes?

4 MS. TULLA: My brother is a police officer in Mount
5 Pleasant.

6 THE COURT: And is that City of Charleston?

7 MS. TULLA: I'm not positive.

8 THE COURT: And is there anything about that that
9 would affect your ability to be fair and impartial in
10 this case?

11 MS. TULLA: No, ma'am.

12 THE COURT: And your jury number?

13 MS. TULLA: 363.

14 THE COURT: Ms. Trueluck?

15 MS. TULLA: Tulla.

16 THE COURT: Tulla. Thank you.

17 MR. CASBEER: Your Honor, Deron Casbeer.

18 I used to work with a Charleston County -- or a
19 City of Charleston police officer.

20 THE COURT: And you were a police officer with the
21 City of Charleston?

22 MR. CASBEER: Yes, he was.

23 THE COURT: And you were? I'm sorry.

24 MR. CASBEER: No. I worked with a guy that worked
25 with the City of Charleston Police Department.

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1 THE COURT: So he was your -- you worked with a
2 former or he was a --

3 MR. CASBEER: Well, he was a --

4 THE COURT: Help me out here.

5 MR. CASBEER: He was a constable. He's still a
6 constable, but he was retired from the City of
7 Charleston Police Department.

8 THE COURT: And what was his name?

9 MR. CASBEER: Michael Whitney.

10 THE COURT: Is there anything about that that would
11 affect your ability to be fair and impartial in this
12 case?

13 MR. CASBEER: No, ma'am.

14 THE COURT: And tell me your jury number.

15 MR. CASBEER: 52.

16 THE COURT: Thank you.

17 Yes, sir?

18 MR. LOADHOLT: Stephen Loadholt, juror number 195.

19 Family friend with Deputy Sheriff Hilbert Baldwin
20 [phonetic].

21 THE COURT: And is he in Charleston County?

22 MR. CASBEER: Yes.

23 THE COURT: And currently a deputy with Charleston
24 County?

25 MR. CASBEER: Yes.

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1 THE COURT: And when is the last time you've seen
2 him?

3 MR. CASBEER: Two weeks ago.

4 THE COURT: Is there anything about your friendship
5 with a Charleston County deputy that would affect your
6 ability to be fair and impartial in this case?

7 No, ma'am.

8 THE COURT: And tell me your jury number, sir.

9 MR. CASBEER: 195.

10 THE COURT: Yes, ma'am?

11 MS. RIVERS: Karen Rivers. Juror number 288.

12 I have a niece that works with Charleston County
13 Sheriff's Department.

14 THE COURT: What does she do there, Ms. Rivers?

15 MS. RIVERS: Now she's in accreditation, but she
16 used to be a correctional officer in the jail.

17 THE COURT: Is there anything about that that would
18 affect your ability to be fair and impartial in this
19 case?

20 MS. RIVERS: No, ma'am.

21 THE COURT: Did you know any of the officers that I
22 read their names?

23 MS. RIVERS: No, ma'am.

24 THE COURT: All right. Thank you, Ms. Rivers.
25 Is there anyone else?

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1 [Whereupon, there is no response]

2 THE COURT: Thank you. There are none.

3 Is there any member of the jury panel that has ever
4 been a witness in either a civil or a criminal case? If
5 so, please stand.

6 [Whereupon, there is no response]

7 THE COURT: Thank you. There are none.

8 Is there any member of the jury panel or you have a
9 close friend or a family member that resides in the area
10 of McClellanville? If so, please stand. Or you work in
11 that area?

12 Yes, ma'am. Your jury number and name?

13 MS. LELAND: 190. I'm Emily Leland.

14 My husband's whole family lives in McClellanville.

15 THE COURT: Your husband's --

16 MS. LELAND: My husband's -- my in-laws, my
17 husband's family, live in McClellanville.

18 THE COURT: And are you familiar with the area of
19 Georgetown Road? Old Georgetown Road?

20 MS. LELAND: No, ma'am.

21 THE COURT: Is there anything about this incident
22 happening in the area of McClellanville that would
23 affect your ability to be fair and impartial in this
24 case?

25 MS. LELAND: No.

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1 THE COURT: Will you be traveling to McClellanville
2 this week?

3 MS. LELAND: Probably, yes.

4 THE COURT: All right. And if I instructed you
5 that you could not go to the area where the events are
6 alleged to have taken place, would that be a difficulty
7 for you?

8 MS. LELAND: No.

9 THE COURT: All right. Tell me your jury number
10 and name.

11 MS. LELAND: 190. Emily Leland.

12 THE COURT: Thank you, Ms. Leland.

13 Yes, ma'am?

14 MS. RICHARDSON: I'm juror number 285.

15 I live in Awendaw, which is just a few miles down
16 the road.

17 THE COURT: All the same questions to you. Are you
18 familiar with Old Georgetown Road?

19 MS. RICHARDSON: I've heard of it, but I have no
20 idea where it is.

21 THE COURT: And you indicated you live in Awendaw?

22 MS. RICHARDSON: Yes, ma'am.

23 THE COURT: And if I indicate to you that you
24 cannot go to the scene where any of the events that are
25 alleged to have occurred in this case, will that be a

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1 difficulty for you?

2 MS. RICHARDSON: No.

3 THE COURT: And tell me your jury number and name.

4 MS. RICHARDSON: 285. Ashleigh Richardson.

5 THE COURT: Thank you. Ms. Richardson.

6 Is there anyone else?

7 Yes? Your jury number and name?

8 MS. DUPRE: Jury number 90. My name is Gay Dupre.

9 I'm -- my former husband's parents on both sides
10 were born and raised in McClellanville, an extended
11 family.

12 THE COURT: Same questions to you, Ms. Dupre. Do
13 you know the area of Old Georgetown Road?

14 MS. DUPRE: I did at one time. I really don't
15 remember.

16 THE COURT: And will you have a need to go to
17 McClellanville this week?

18 MS. DUPRE: No, Your Honor.

19 THE COURT: And if I instruct you not to go to the
20 area of McClellanville this week, will that be a
21 hardship upon you, Ms. Dupre?

22 MS. DUPRE: No, Your Honor.

23 THE COURT: And your jury number before you sit
24 down.

25 MS. DUPRE: 90.

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1 THE COURT: 90. Thank you.

2 Is there anyone else? Yes, ma'am?

3 MS. WASHINGTON: My family --

4 THE COURT: Tell me your jury number one more time.

5 MS. WASHINGTON: 378.

6 THE COURT: Ms. Washington; right?

7 MS. WASHINGTON: Yes, ma'am.

8 THE COURT: Yes?

9 MS. WASHINGTON: Well, my family is from
10 McClellanville.

11 THE COURT: And do you know Old Georgetown Road?

12 MS. WASHINGTON: Yes.

13 THE COURT: And same question to you. If I
14 instruct you not to go to that area, will that be a
15 hardship upon you this week?

16 MS. WASHINGTON: No, ma'am.

17 THE COURT: When is the last time you've been to
18 McClellanville?

19 MS. WASHINGTON: Sunday, I went to church.

20 THE COURT: And you go to church every Sunday in
21 McClellanville?

22 MS. WASHINGTON: Yes, ma'am.

23 THE COURT: And is there anything about that that
24 would affect your ability to be fair and impartial in
25 this case, Ms. Washington?

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1 MS. WASHINGTON: No, ma'am.

2 THE COURT: All right. Thank you.

3 Anyone else?

4 [Whereupon, there is no response]

5 THE COURT: Thank you. There are none.

6 Is there any member of the jury panel related to,
7 or a personal friend or acquaintance, of anyone employed
8 by the ninth circuit solicitor's office? If so, please
9 stand.

10 MS. RIESON: I'm Allison Rieson, and my husband was
11 formerly at the solicitor's office --

12 THE COURT: Right. And do you know Ms. Shealy or
13 Mr. Cooper?

14 MS. RIESON: I do not.

15 THE COURT: Is there anything about your husband's
16 former employment with the solicitor's officer that
17 would affect your ability to be fair and impartial in
18 this case?

19 MS. RIESON: No. No.

20 THE COURT: And your jury number, Ms. Rieson?

21 MS. RIESON: 286.

22 THE COURT: 286. Thank you.

23 Is there anyone else?

24 [Whereupon, there is no response]

25 THE COURT: Thank you. There are none.

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1 Is there any member of the jury panel, or a member
2 of your family, that is a member of a victim's rights or
3 a law enforcement organization such as Citizens Against
4 Violent Crime, People Against Rape, Sheriff's
5 Association, something of that nature? If so, please
6 stand.

7 [Whereupon, there is no response]

8 THE COURT: Thank you. There are none.

9 Is there any member of the jury panel who has
10 previously served on a jury before? If so, please
11 stand. If you've previously served on a jury.

12 So we'll start over here, sir. And if you will
13 just tell me when it was, what type of jury it was, and
14 if you were able to reach a verdict.

15 MR. PECK: It was over ten years ago. It was a --

16 THE COURT: Here in Charleston County?

17 MR. PECK: Yes.

18 THE COURT: And tell me your jury number and name.

19 MR. PECK: My name is Edward Peck. I'm juror 257.

20 THE CLERK OF COURT: Correct, Your Honor.

21 THE COURT: Mr. Causey, it is?

22 THE CLERK OF COURT: Correct.

23 THE COURT: Okay. Thank you.

24 And you served on a jury. Were you able to reach a
25 verdict?

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1 MR. PECK: Yes.

2 THE COURT: And was there anything about that that
3 would affect your ability to be fair and impartial in
4 this case?

5 MR. PECK: No.

6 THE COURT: Was it a criminal or a civil matter?

7 MR. PECK: Civil.

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

9 Yes, sir?

10 MR. HORTON: I'm Tom Horton, juror number 159.

11 I've served several times on civil cases, and we
12 did reach a verdict.

13 THE COURT: Anything about those experiences that
14 would affect your ability to be fair and impartial in
15 this case?

16 MR. HORTON: No, ma'am.

17 THE COURT: Thank you. Your jury number before you
18 sit down?

19 MR. HORTON: 159.

20 THE COURT: Thank you.

21 Yes, sir?

22 MR. JENKINS: Yes, ma'am. Kevin Jenkins, juror
23 number is 174.

24 I served on a jury, it was a criminal case, in
25 Charlotte in the mid-eighties. That's the only time

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1 I've had jury duty.

2 THE COURT: Anything about that that would affect
3 your ability to be fair and impartial in this case?

4 MR. JENKINS: No, ma'am.

5 THE COURT: All right. Thank you.

6 MS. RIVERS: Karen Rivers, juror number 288.

7 I served in 2005 in a criminal case.

8 THE COURT: Were you able to reach a verdict?

9 MS. RIVERS: Yes, ma'am.

10 THE COURT: Anything about that experience that
11 would affect your ability to fair and impartial in this
12 case?

13 MS. RIVERS: No, ma'am.

14 THE COURT: All right. Thank you, Ms. Rivers.
15 Anything else?

16 MS. RIVERS: No, ma'am.

17 THE COURT: All right. Thank you.

18 Yes, ma'am?

19 MS. DUPRE: Juror number 90.

20 Sometime between five and ten years ago, here in
21 Charleston County, I served on a criminal jury.

22 THE COURT: And were you able to reach a verdict?

23 MS. DUPRE: There was a plea agreement offered
24 before we reached --

25 THE COURT: So there was no need --

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1 MS. DUPRE: No, ma'am.

2 THE COURT: -- for you to reach a verdict?

3 Anything about that experience that would affect
4 your ability to be fair and impartial in this case?

5 MS. DUPRE: No, Your Honor.

6 THE COURT: I'm sorry?

7 MS. DUPRE: No, Your Honor.

8 THE COURT: All right. Tell me your jury number.

9 MS. DUPRE: Number 90.

10 THE COURT: Thank you.

11 MR. CASBEER: Deron Casbeer. Number 52.

12 I've served on both criminal and civil about twenty
13 years ago.

14 THE COURT: Here in Charleston County?

15 MR. CASBEER: Yes, ma'am.

16 THE COURT: Anything about those experiences that
17 would affect your ability to be fair and impartial in
18 this case?

19 MR. CASBEER: No, ma'am.

20 THE COURT: And your jury number?

21 MR. CASBEER: 52.

22 THE COURT: Thank you. Yes, ma'am?

23 MS. PELLE: Piper Pelley, juror 262.

24 Three years ago, I did a civil case in Charleston
25 County at this courthouse.

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1 THE COURT: Anything about that experience that
2 would affect your ability to be fair and impartial in
3 this case?

4 MS. PELLEY: No, ma'am.

5 THE COURT: And were you able to reach a verdict?

6 MS. PELLEY: Yes.

7 THE COURT: All right. Thank you.

8 Yes, ma'am?

9 MS. CHISOLM: Juror number 59.

10 Back in 1988 I --

11 THE COURT: All right. And was that a criminal or
12 a civil case?

13 MS. CHISOLM: Criminal.

14 THE COURT: And were you able to reach a verdict?

15 MS. CHISOLM: It was a hung jury.

16 THE COURT: Anything about that experience that
17 would affect your ability to be fair and impartial in
18 this case?

19 MS. CHISOLM: No.

20 THE COURT: And your jury number?

21 MS. CHISOLM: 59.

22 THE COURT: 59. Thank you.

23 Yes, sir?

24 MR. CLAYMAN: Danny Clayman, 52.

25 It was traffic court, and we did reach a verdict.

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1 THE COURT: Anything about that experience that
2 would affect your ability to be fair and impartial in
3 this case?

4 MR. CLAYMAN: No, ma'am.

5 THE COURT: All right. Thank you.

6 Yes, sir? Yes?

7 MR. HYDRICK: Larry Hydrick, 166.

8 It was a criminal case twenty years ago.

9 THE COURT: And were you able to reach a verdict?

10 MR. HYDRICK: Plea bargain.

11 THE COURT: Anything about that experience that
12 would affect your ability to be fair and impartial in
13 this case?

14 MR. HYDRICK: No, ma'am.

15 THE COURT: And your jury number, before you sit
16 down?

17 MR. HYDRICK: 166.

18 THE COURT: 166. Thank you.

19 Yes, ma'am?

20 MS. HUGER: Georgia Huger, 165.

21 Over ten years ago, two criminal cases. And
22 verdicts were reached in both.

23 THE COURT: Anything about those experiences that
24 would affect your ability to be fair and impartial in
25 this case?

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1 MS. HUGER: No, ma'am.

2 THE COURT: Thank you, Ms. Huger.

3 Yes, sir?

4 MR. JUDD: Juror 176 [sic], William Judd.

5 And I served about seven or eight years ago in the
6 state of Florida, and it was a criminal jury, and we did
7 reach a verdict.

8 THE COURT: Anything about that experience that
9 would affect your ability to be fair and impartial in
10 this case?

11 MR. JUDD: No, Your Honor.

12 THE COURT: And your jury number, before you sit
13 down, sir.

14 MR. JUDD: 176 [sic].

15 THE COURT: 176. Thank you.

16 Yes, ma'am?

17 MS. HARTLEY: Sharon Hartley, 144.

18 It's been a while. It was a criminal case, and we
19 did reach a verdict.

20 THE COURT: Anything about that that would affect
21 your ability to be fair and impartial in this case?

22 MS. HARTLEY: No, ma'am.

23 THE COURT: And your jury number?

24 MS. HARTLEY: 144.

25 THE COURT: Thank you.

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1 Yes, ma'am?

2 MS. LETOSTAK: Jury number 192, I believe. Laura
3 Letostak.

4 THE COURT: Hold on one second. We're just
5 confirming that's your number.

6 THE CLERK OF COURT: Correct, Your Honor.

7 MS. LETOSTAK: It wasn't down here. It was up
8 north. About fifteen years ago I was on two juries,
9 civil.

10 THE COURT: Anything about that experience that
11 would affect your ability to be fair and impartial in
12 this case?

13 MS. LETOSTAK: No, ma'am.

14 THE COURT: All right. And your jury number?

15 MS. LETOSTAK: 192.

16 THE COURT: 192. Thank you.

17 Yes, ma'am?

18 MS. LELAND: 190, Emily Leland.

19 And I Served on a civil case about two years
20 ago.

21 THE COURT: And were you able to reach a verdict?

22 MS. LELAND: Yes.

23 THE COURT: Anything about that that would affect
24 your ability to be fair and impartial in this case?

25 MS. LELAND: No.

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1 THE COURT: Thank you.

2 Yes, ma'am?

3 MS. DELANEY: Jury number 78. Nicole Delaney.

4 I served on a jury in 2012, civil.

5 THE COURT: I've already excused you from the trial
6 of this case, so don't answer anymore questions. But
7 thank you for giving the information. Just trying to
8 help you out. All right? So you don't have to answer
9 anymore questions in this particular case. All right?
10 Thank you.

11 Yes, ma'am? Your jury number and name?

12 MS. PATE: Hi. I'm sorry. I don't know my jury
13 number, but my name is Lisa Pate.

14 THE CLERK OF COURT: Juror 255, Your Honor.

15 THE COURT: 255.

16 MS. PATE: Okay. I've been on several jurors. I
17 think the last one was around 2010 or '11.

18 THE COURT: Was that a criminal or a civil? Do you
19 remember?

20 MS. PATE: I believe it was a criminal, and it was
21 here. That was my last one.

22 THE COURT: Anything about that experience that
23 would affect your ability to be fair and impartial in
24 this case?

25 MS. PATE: No.

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1 THE COURT: And your jury number?

2 MS. PATE: 255.

3 THE COURT: Thank you.

4 Is there anyone else?

5 [Whereupon, there is no response]

6 THE COURT: Thank you. There are none.

7 Is there any member of the jury panel, or a member
8 of your immediate family, that you're a member of a
9 group called Fully Informed Juror Organization? If so,
10 please stand.

11 [Whereupon, there is no response]

12 THE COURT: Thank you. There are none.

13 Ladies and gentlemen, I now have a series of
14 questions that I have determined that I would like for
15 you to come forward and answer, so please listen very
16 carefully. I have a series of questions and if you need
17 to answer these questions, then the bailiffs will assist
18 you with coming forward at the end of all of my
19 questions. So please listen carefully.

20 Have you or any of your close friends or relatives
21 ever been the victim of a violent crime? If you need to
22 answer that, please come forward at the appropriate
23 time.

24 Is there any member of the jury panel that has any
25 relatives or close friends currently in custody in a

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1 prison? If so, I would need you to come forward at the
2 appropriate time.

3 If you or a member of your family has ever had any
4 criminal charges adjudicated, handled by, the Charleston
5 County Solicitor's Office, I will need you to come
6 forward at the appropriate time.

7 If you've ever had an experience with a law
8 enforcement officer that would affect your ability to be
9 fair and impartial in this case, I will need you to come
10 forward at the appropriate time.

11 Ladies and gentlemen, if there is any reason
12 whatsoever, based upon what I have read in the
13 indictment or any of the previous questions that I've
14 asked you, that you feel that you would be unable to
15 listen to the facts from the witness stand, apply the
16 law as I give it to you, and render a verdict based only
17 upon those things free from any outside influences, any
18 personal, political, moral, or religious beliefs that
19 you may have -- if for whatever reason you feel this is
20 not the case that you could be a fair and impartial
21 juror, I will need to see you, as well.

22 So if you need to answer any of those previous
23 questions, if you just need to see me for any particular
24 reason --

25 Ladies and gentlemen, as I indicated to you, your

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1 service is for the week. I anticipate that we will
2 conclude this matter by close of business on Friday. So
3 there may have been some of you that had some conflicts.
4 Please remember, if for some reason, maybe on your way
5 up you remembered that you had some business trip or
6 some personal trip planned and you could not serve for
7 the remainder of the week, for whatever reason --

8 I need for you to come see me if you need to answer
9 any of those questions. Or if you have just some reason
10 that you could not serve this entire week, please make
11 your way to the outside and the bailiffs will assist
12 you. Does anyone need to see me? All right.

13 THE BAILIFF: Juror number 29.

14 [Whereupon, juror number 29 comes forward]

15 [Whereupon, the Court, juror number 29, and counsel
16 confer]

17 THE COURT: Juror 29 is excused from the trial of
18 this case.

19 Please stay with us. You don't have to answer any
20 further questions.

21 THE COURT: Do you have any additional questions?

22 MR. MLYNARCZYK: No, Judge.

23 MR. MURPHY: No, Your Honor.

24 THE COURT: Thank you.

25 THE BAILIFF: Juror number 174.

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1 [Whereupon, juror number 174 comes forward]

2 [Whereupon, the Court, juror number 174, and
3 counsel confer]

4 THE COURT: 174 is protected from the trial of this
5 case.

6 Do not answer any further questions, but stay with
7 us. Thank you.

8 THE BAILIFF: Juror number 122.

9 [Whereupon, juror number 122 comes forward]

10 [Whereupon, the Court, juror number 122, and
11 counsel confer]

12 THE COURT: 122 is protected from the trial of this
13 case.

14 I need you to stay with us. Don't answer any
15 further questions. Thank you.

16 THE BAILIFF: Jury number 165.

17 [Whereupon, juror number 165 comes forward]

18 [Whereupon, the Court, juror number 165, and
19 counsel confer]

20 THE COURT: Ms. Huger will remain.

21 THE BAILIFF: Juror number 211.

22 [Whereupon, juror number 211 comes forward]

23 [Whereupon, the Court, juror number 211, and
24 counsel confer]

25 THE CLERK OF COURT: 211, Your Honor?

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1 THE COURT: 211 --

2 THE CLERK OF COURT: Thank you.

3 THE COURT: -- excused from the trial of this case.

4 THE CLERK OF COURT: Thank you, Your Honor.

5 THE BAILIFF: Juror number 98.

6 [Whereupon, juror number 98 comes forward]

7 [Whereupon, the Court, juror number 98, and counsel
8 confer]

9 THE COURT: Juror 98 will remain.

10 THE BAILIFF: Juror 201.

11 [Whereupon, juror number 201 comes forward]

12 [Whereupon, the Court, juror number 201, and
13 counsel confer]

14 THE COURT: Juror 201 will remain.

15 THE BAILIFF: Juror number 189.

16 [Whereupon, juror number 189 comes forward]

17 [Whereupon, the Court, juror number 189, and
18 counsel confer]

19 THE COURT: 189 will remain. Thank you.

20 THE BAILIFF: Juror number 261.

21 [Whereupon, juror number 261 comes forward]

22 [Whereupon, the Court, juror number 261, and
23 counsel confer]

24 THE COURT: 261 will remain. Thank you, sir.

25 THE BAILIFF: Juror number 322.

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1 [Whereupon, juror number 322 comes forward]

2 [Whereupon, the Court, juror number 322, and
3 counsel confer]

4 THE COURT: 322 is excused from the trial of this
5 case. Thank you.

6 THE BAILIFF: Juror 278.

7 [Whereupon, juror number 278 comes forward]

8 [Whereupon, the Court, juror number 278, and
9 counsel confer]

10 THE COURT: 278 is excused from the trial of this
11 case.

12 THE BAILIFF: Juror 275.

13 [Whereupon, juror number 275 comes forward]

14 [Whereupon, the Court, juror number 275, and
15 counsel confer]

16 THE COURT: 275. All right. Thank you.

17 [Whereupon, the Court and counsel confer]

18 THE COURT: Excused for cause. 275 is excused from
19 the trial of this case.

20 THE BAILIFF: Juror number 96.

21 [Whereupon, juror number 96 comes forward]

22 [Whereupon, the Court, juror number 96, and counsel
23 confer]

24 THE COURT: 96 will remain. Thank you.

25 THE BAILIFF: Juror number 190.

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1 [Whereupon, juror number 190 comes forward]

2 [Whereupon, the Court, juror number 190 , and
3 counsel confer]

4 THE COURT: 192 [sic] is excused from the trial of
5 this case.

6 THE CLERK OF COURT: Your Honor, the last juror was
7 190?

8 THE COURT: 190. Yes.

9 THE CLERK OF COURT: Thank you.

10 THE BAILIFF: Juror number 272.

11 [Whereupon, juror number 272 comes forward]

12 [Whereupon, the Court, juror number 272, and
13 counsel confer]

14 THE COURT: 272 will remain. Thank you.

15 Is there anyone else?

16 [Whereupon, there is no response]

17 THE COURT: Ladies and gentlemen, I'm going to ask
18 this one more time. Is there any member of the jury
19 panel who, if you are selected here today, you would be
20 unable to serve the entire week? That means today
21 Monday, tomorrow Tuesday, Wednesday, Thursday, Friday?

22 I know you're thinking why is she asking this, but
23 it's important. Once you are selected, you must stay
24 with me until this trial is concluded. You don't get to
25 pick and choose what days you come or not come. So

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1 think for just a moment. This happens more often than
2 you think. Somebody will get placed in the box and
3 they'll say, Judge, I forgot to tell you I'm getting
4 married on Friday.

5 All right. We laugh. We laugh. But it's
6 important, because the State and the two defendants in
7 front of you today deserve a juror who is going to be
8 able to sit, starting today, and concentrate on the work
9 at hand and not be concerned about any other medical
10 appointments or anything of that nature.

11 So think just a moment. If there's anyone that
12 needs to see me, now is the time. Now is the time.

13 I've excused you from the trial of this case, I
14 believe; right? Tell me your jury number, sir.

15 JUROR NUMBER 189.

16 THE COURT: Please come forward. Please come
17 forward. Please come forward. 189.

18 THE BAILIFF: Juror number 189.

19 [Whereupon, juror number 189 comes forward]

20 [Whereupon, the Court, juror number 189, and
21 counsel confer]

22 THE COURT: Anyone else? Is there anyone else?

23 [Whereupon, there is no response]

24 THE COURT: I'm going to excuse juror number 189.

25 All right. Thank you.

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STRIKING OF THE JURY

THE COURT: Strikes are ten and twenty. We will be picking three alternates.

[Off the record momentarily]

THE CLERK OF COURT: If I may, Your Honor?

THE COURT: You may.

THE CLERK OF COURT: Ladies and gentlemen, whenever your name is called, please gather your belongings, make your way to the podium in the middle of the courtroom. Once you reach the podium, you will turn and face the back of the courtroom and the Court will instruct you from that point on.

Juror number 201.

THE COURT: If you'll just come to the podium and face that way.

[Whereupon, 201 comes forward]

THE CLERK OF COURT: Strikes are ten and twenty, with the State striking first.

What say ye for the State?

MS. SHEALY: Please seat the juror.

THE CLERK OF COURT: What say you as to Defendant Belton?

MR. MLYNARCZYK: Please seat this juror, Your Honor.

THE CLERK OF COURT: What say you as to Defendant

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1 Conyers?

2 MR. MURPHY: Please seat the juror.

3 THE CLERK OF COURT: Sir, if you will please take a
4 seat in the jury box. You've been selected as a juror
5 in the trial of this case.

6 [Whereupon, juror number 221 is seated in the jury
7 box as a juror]

8 THE CLERK OF COURT: Juror 272, Ms. Porter.

9 [Whereupon, 272 comes forward]

10 THE CLERK OF COURT: What say you for the State?

11 MS. SHEALY: Please seat the juror.

12 THE CLERK OF COURT: What say you as to Defendant
13 Belton?

14 MR. MLYNARCZYK: Your Honor, I would like to thank
15 the jury for -- the juror for being here so late today,
16 but we're going to excuse this juror.

17 THE CLERK OF COURT: Ma'am, if you would please
18 return to your seat. You've been excused from the trial
19 of this case.

20 [Whereupon, 272 returns to the audience]

21 THE CLERK OF COURT: Juror 357.

22 [Whereupon, juror number 357 comes forward]

23 THE CLERK OF COURT: What say ye for the State?

24 MS. SHEALY: Please seat the juror.

25 THE CLERK OF COURT: What say you as to Defendant

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1 Belton?

2 MR. MLYNARCZYK: Please seat this juror, Your
3 Honor.

4 THE CLERK OF COURT: What say you as to Defendant
5 Conyers

6 MR. MURPHY: Please seat the juror.

7 THE CLERK OF COURT: Sir, if you'll please take a
8 seat in the jury box. You've been selected as a juror
9 in this case.

10 [Whereupon, juror number 357 is seated in the jury
11 box as a juror]

12 THE CLERK OF COURT: Juror 310

13 [Whereupon, juror number 310 comes forward]

14 THE CLERK OF COURT: What say ye for the State?

15 MS. SHEALY: Please seat the juror.

16 THE CLERK OF COURT: What say you as to Defendant
17 Belton?

18 MR. MLYNARCZYK: I would like to thank the juror,
19 but we're going to excuse this juror.

20 THE CLERK OF COURT: Ma'am, if you would please
21 return to your seat. You've been excused from the trial
22 of this case.

23 [Whereupon, juror number 310 returns to the
24 audience]

25 THE CLERK OF COURT: Juror number 52.

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1 [Whereupon, juror number 52 comes forward]

2 THE CLERK OF COURT: What say ye for the State?

3 MS. SHEALY: Please seat the juror.

4 THE CLERK OF COURT: What say you as to Defendant
5 Belton?

6 MR. MLYNARCZYK: Please seat the juror.

7 THE CLERK OF COURT: What say you as to Defendant
8 Conyers

9 MR. MURPHY: Please excuse the juror.

10 THE CLERK OF COURT: Sir, if you would please
11 return to your seat. You've been excused from the trial
12 of this case.

13 [Whereupon, juror number 52 returns to the
14 audience]

15 THE CLERK OF COURT: Juror 129.

16 [Whereupon, juror number 129 comes forward]

17 THE CLERK OF COURT: Thank you, ma'am.
18 What say ye for the State?

19 MS. SHEALY: Please seat the juror.

20 THE CLERK OF COURT: What say you as to Defendant
21 Belton?

22 MR. MLYNARCZYK: Please seat this juror, Your
23 Honor.

24 THE CLERK OF COURT: What say you as to Defendant
25 Conyers?

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1 MR. MURPHY: Please seat the juror.

2 THE CLERK OF COURT: Ma'am, if you would please
3 take a seat in the jury box. You've been selected as a
4 juror in the trial of this case.

5 [Whereupon, juror number 129 is seated in the jury
6 box as a juror]

7 THE CLERK OF COURT: Juror number 90.

8 [Whereupon, juror number 90 comes forward]

9 THE CLERK OF COURT: What say ye for the State?

10 MS. SHEALY: Please excuse this juror.

11 THE CLERK OF COURT: Ma'am, if you would please
12 return to your seat. You've been excused from the trial
13 of this case.

14 [Whereupon, juror number 90 returns to the
15 audience]

16 THE CLERK OF COURT: Juror 96.

17 [Whereupon, juror number 96 comes forward]

18 THE CLERK OF COURT: What say ye for the State?

19 MS. SHEALY: Please excuse this juror.

20 THE CLERK OF COURT: Ma'am, if you will please
21 return to your seat. You've been excused from the trial
22 of this case.

23 [Whereupon, juror number 96 returns to the
24 audience]

25 THE CLERK OF COURT: Juror 308.

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1 [Whereupon, juror number 308 comes forward]

2 THE CLERK OF COURT: What say ye for the State?

3 MS. SHEALY: Please seat this juror.

4 THE CLERK OF COURT: What say you as to Defendant
5 Belton?

6 MR. MLYNARCZYK: Please excuse this juror.

7 THE CLERK OF COURT: Ma'am, if you would please
8 return to your seat. You've been excused from the trial
9 of this case.

10 [Whereupon, juror number 308 returns to the
11 audience]

12 THE CLERK OF COURT: Juror 261.

13 [Whereupon, juror number 261 comes forward]

14 THE CLERK OF COURT: What say ye for the State?

15 MS. SHEALY: Please seat the juror.

16 THE CLERK OF COURT: What say you as to Defendant
17 Belton?

18 MR. MLYNARCZYK: Please seat this juror.

19 THE CLERK OF COURT: What say you as to Defendant
20 Conyers

21 MR. MURPHY: Please excuse this juror.

22 THE CLERK OF COURT: Sir, if you will please return
23 to your seat. You've been excused from the trial of
24 this case.

25 [Whereupon, juror number 261 returns to the

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1. audience]

2. THE CLERK OF COURT: Juror 273.

3. [Whereupon, juror number 273 comes forward]

4. THE CLERK OF COURT: What say ye for the State?

5. MS. SHEALY: Please seat the juror.

6. THE CLERK OF COURT: What say you as to Defendant
7. Belton?

8. MR. MLYNARCZYK: Please seat this juror, Your
9. Honor.

10. THE CLERK OF COURT: What say you as to Defendant
11. Conyers?

12. MR. MURPHY: Please excuse the juror.

13. THE CLERK OF COURT: Sir, if you will please return
14. to your seat. You've been excused from the trial of
15. this case.

16. [Whereupon, juror number 273 returns to the
17. audience]

18. THE CLERK OF COURT: Juror 378.

19. [Whereupon, juror number 378 comes forward]

20. THE CLERK OF COURT: What say ye for the State?

21. MS. SHEALY: Please seat the juror.

22. THE CLERK OF COURT: What say you as to Defendant
23. Belton?

24. MR. MLYNARCZYK: I would like to thank this juror,
25. but please excuse the juror.

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1 THE CLERK OF COURT: Ma'am, if you would please
2 return to your seat. You've been excused from the trial
3 of this case.

4 [Whereupon, juror number 378 returns to the
5 audience]

6 THE CLERK OF COURT: Juror 21.

7 [Whereupon, juror number 21 comes forward]

8 THE CLERK OF COURT: What say ye for the State?

9 MS. SHEALY: Please excuse this juror.

10 THE CLERK OF COURT: Sir, if you will please return
11 to your seat. You've been excused from the trial of
12 this case.

13 [Whereupon, juror number 21 returns to the
14 audience]

15 THE CLERK OF COURT: Juror 398.

16 [Whereupon, juror number 398 comes forward]

17 THE CLERK OF COURT: What say ye for the State?

18 MS. SHEALY: Please seat the juror.

19 THE CLERK OF COURT: What say you as to Defendant
20 Belton?

21 MR. MLYNARCZYK: I would like to thank the juror,
22 but please excuse this juror.

23 THE CLERK OF COURT: Sir, if you will please return
24 to your seat. You've been excused from the trial of
25 this case.

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1 [Whereupon, Juror number 398 returns to the
2 audience]

3 THE CLERK OF COURT: Defendant Belton has five
4 strikes remaining.

5 Juror 192.

6 [Whereupon, juror number 192 comes forward]

7 THE CLERK OF COURT: What say ye for the State?

8 MS. SHEALY: Please seat the juror.

9 THE CLERK OF COURT: What say you as to Defendant
10 Belton?

11 MR. MLYNARCZYK: Please seat this juror, Your
12 Honor.

13 THE CLERK OF COURT: What say you as to Defendant
14 Conyers?

15 MR. MURPHY: Please seat the juror.

16 THE CLERK OF COURT: Ma'am, if you would please
17 take a seat in the jury box. You've been selected as a
18 juror in the trial of this case.

19 [Whereupon, juror number 192 is seated in the jury
20 box as a juror]

21 THE CLERK OF COURT: Juror 159.

22 [Whereupon, juror number 159 comes forward]

23 THE CLERK OF COURT: What say ye for the State?

24 MS. SHEALY: Please seat the juror.

25 THE CLERK OF COURT: What say you as to Defendant

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1 Belton?

2 MR. MLYNARCZYK: Please seat this juror, Your
3 Honor.

4 THE CLERK OF COURT: What say you as to Defendant
5 Conyers?

6 MR. MURPHY: Please seat the juror.

7 THE CLERK OF COURT: Sir, if you would please take
8 a seat in the jury box. You've been selected as a juror
9 in the trial of this case.

10 [Whereupon, juror number 159 is seated in the jury
11 box as a juror]

12 THE CLERK OF COURT: Court come to order, please.
13 Juror 97.

14 [Whereupon, juror number 97 comes forward]

15 THE CLERK OF COURT: What say ye for the State?

16 MS. SHEALY: Please seat the juror.

17 THE CLERK OF COURT: What say you as to Defendant
18 Belton?

19 MR. MLYNARCZYK: I would like to thank this juror,
20 but please excuse this juror, Your Honor.

21 THE CLERK OF COURT: Sir, if you would please
22 return to your seat. You've been excused from the trial
23 of this case.

24 [Whereupon, juror number 97 returns to the
25 audience]

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1 THE CLERK OF COURT: Juror 166.

2 [Whereupon, juror number 166 comes forward]

3 THE CLERK OF COURT: What say ye for the State?

4 MS. SHEALY: Please seat the juror.

5 THE CLERK OF COURT: What say you as to Defendant
6 Belton?

7 MR. MLYNARCZYK: Please seat this juror, Your
8 Honor.

9 THE CLERK OF COURT: What say you as to Defendant
10 Conyers?

11 MR. MURPHY: Please seat the juror.

12 THE CLERK OF COURT: Sir, if you would please take
13 a seat in the jury box. You've been selected as a juror
14 in the trial of this case.

15 [Whereupon, juror number 166 is seated in the jury
16 box as a juror]

17 THE CLERK OF COURT: Juror 123.

18 [Whereupon, juror number 123 comes forward]

19 THE CLERK OF COURT: Thank you, sir.

20 What say ye for the State?

21 MS. SHEALY: Please excuse this juror.

22 THE CLERK OF COURT: Sir, if you would please
23 return to your seat. You've been excused from the trial
24 of this case.

25 [Whereupon, juror number 123 returns to the

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1 audience]

2 THE CLERK OF COURT: Juror 325.

3 [Whereupon, juror number 325 comes forward]

4 THE CLERK OF COURT: What say ye for the State?

5 MS. SHEALY: Please seat this juror.

6 THE CLERK OF COURT: What say you as to Defendant
7 Belton?

8 MR. MLYNARCZYK: I would like to thank this juror,
9 but please excuse this juror, Your Honor.

10 THE CLERK OF COURT: Sir, if you will please return
11 to your seat. You've been excused from the trial of
12 this case.

13 [Whereupon, juror number 325 returns to the
14 audience]

15 THE CLERK OF COURT: Juror 257.

16 [Whereupon, juror number 257 comes forward]

17 THE CLERK OF COURT: What say ye for the State?

18 MS. SHEALY: Please excuse this juror.

19 THE CLERK OF COURT: Sir, if you will please return
20 to your seat. You've been excused from the trial of
21 this case.

22 The State has exhausted five of their ten strikes.

23 [Whereupon, juror number 257 returns to the
24 audience]

25 THE CLERK OF COURT: Juror 305.

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1 [Whereupon, juror number 305 comes forward]

2 THE CLERK OF COURT: What say ye for the State?

3 MS. SHEALY: Please seat this juror.

4 THE CLERK OF COURT: What say you as to Defendant
5 Belton?

6 MR. MLYNARCZYK: Please seat this juror, Your
7 Honor.

8 THE CLERK OF COURT: What say you as to Defendant
9 Conyers?

10 MR. MURPHY: Please seat the juror.

11 THE CLERK OF COURT: Ma'am, if you would please
12 take a seat in the jury box. You've been selected as a
13 juror in the trial of this case.

14 [Whereupon, juror number 305 is seated in the jury
15 box as a juror]

16 THE CLERK OF COURT: Juror 165.

17 [Whereupon, juror number 165 comes forward]

18 THE CLERK OF COURT: What say ye for the State?

19 MS. SHEALY: Please excuse this juror.

20 THE CLERK OF COURT: Ma'am, if you would please
21 return to your seat. You've been excused from the trial
22 of this case.

23 [Whereupon, juror number 165 returns to the
24 audience]

25 THE CLERK OF COURT: Juror 393.

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1 [Whereupon, juror number 393 comes forward]

2 THE CLERK OF COURT: What say ye for the State?

3 MS. SHEALY: Please seat this juror.

4 THE CLERK OF COURT: What say you as to Defendant
5 Belton?

6 MR. MLYNARCZYK: Please seat this juror, Your
7 Honor.

8 THE CLERK OF COURT: What say you as to Defendant
9 Conyers?

10 MR. MURPHY: Please strike this juror.

11 THE CLERK OF COURT: Sir, if you will please return
12 to your seat. You've been excused from the trial of
13 this case.

14 [Whereupon, juror number 393 returns to the
15 audience]

16 THE CLERK OF COURT: Juror 180.

17 [Whereupon, juror number 180 comes forward]

18 THE CLERK OF COURT: What say ye for the State?

19 MS. SHEALY: Please seat this juror.

20 THE CLERK OF COURT: What say you as to Defendant
21 Belton?

22 MR. MLYNARCZYK: Please seat this juror, Your
23 Honor.

24 THE CLERK OF COURT: What say you as to Defendant
25 Conyers?

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1 MR. MURPHY: Please seat the juror.

2 THE CLERK OF COURT: Sir, if you would please take
3 a seat in the jury box. You've been selected as a juror
4 in the trial of this case.

5 [Whereupon, juror number 180 is seated in the jury
6 box as a juror]

7 THE CLERK OF COURT: Juror number 98.

8 [Whereupon, juror number 98 comes forward]

9 THE CLERK OF COURT: What say ye for the State?

10 MS. SHEALY: Please seat the juror.

11 THE CLERK OF COURT: What say you as to Defendant
12 Belton?

13 MR. MLYNARCZYK: Please seat this juror, Your
14 Honor.

15 THE CLERK OF COURT: What say you as to Defendant
16 Conyers?

17 MR. MURPHY: Please excuse the juror.

18 THE CLERK OF COURT: Ma'am, if you would please
19 return to your seat. You've been excused from the trial
20 of this case.

21 [Whereupon, juror number 98 returns to the
22 audience]

23 THE CLERK OF COURT: Defendant Conyers has five
24 strikes remaining.

25 Juror number 128.

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1 [Whereupon, juror number 128 comes forward]

2 THE CLERK OF COURT: What say ye for the State?

3 MS. SHEALY: Please seat the juror.

4 THE CLERK OF COURT: What say you as to Defendant
5 Belton?

6 MR. MLYNARCZYK: Please seat this juror, Your
7 Honor.

8 THE CLERK OF COURT: What say you as to Defendant
9 Conyers?

10 MR. MURPHY: Please excuse the juror.

11 THE CLERK OF COURT: Ma'am, if you would please
12 return to your seat. You've been excused from the trial
13 of this case.

14 [Whereupon, juror number 128 returns to the
15 audience]

16 THE CLERK OF COURT: Juror 287.

17 [Whereupon, juror number 287 comes forward]

18 THE CLERK OF COURT: What say ye for the State?

19 MS. SHEALY: Please excuse this juror.

20 THE CLERK OF COURT: Ma'am, if you would please
21 return to your seat. You've been excused from the trial
22 of this case.

23 [Whereupon, juror number 287 returns to the
24 audience]

25 THE CLERK OF COURT: Juror 363.

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1 [Whereupon, juror number 363 comes forward]

2 THE CLERK OF COURT: What say ye for the State?

3 MS. SHEALY: Please seat the juror.

4 THE CLERK OF COURT: What say you as to Defendant
5 Belton?

6 MR. MLYNARCZYK: Please seat this juror, Your
7 Honor.

8 THE CLERK OF COURT: What say you as to Defendant
9 Conyers?

10 MR. MURPHY: Please excuse this juror.

11 THE CLERK OF COURT: Ma'am, if you would please
12 return to your seat. You've been excused from the trial
13 of this case.

14 [Whereupon, juror number 363 returns to the
15 audience]

16 THE CLERK OF COURT: Juror number 290.

17 [Whereupon, juror number 290 comes forward]

18 THE CLERK OF COURT: What say ye for the State?

19 MS. SHEALY: Please seat this juror.

20 THE CLERK OF COURT: What say you as to Defendant
21 Belton?

22 MR. MLYNARCZYK: Please seat this juror, Your
23 Honor.

24 THE CLERK OF COURT: What say you as to Defendant
25 Conyers?

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1 MR. MURPHY: Please seat the juror.

2 THE CLERK OF COURT: Sir, if you'll please take a
3 seat in the jury box. You've been selected as a juror
4 in the trial of this case.

5 [Whereupon, juror number 290 is seated in the jury
6 box as a juror]

7 THE CLERK OF COURT: Juror 77.

8 [Whereupon, juror number 77 comes forward]

9 THE CLERK OF COURT: What say ye for the State?

10 MS. SHEALY: Please excuse this juror.

11 THE CLERK OF COURT: Sir, if you'll please return
12 to your seat. You've been excused from the trial of
13 this case.

14 [Whereupon, juror number 77 returns to the
15 audience]

16 THE CLERK OF COURT: The State has two strikes
17 remaining.

18 Juror 62.

19 [Whereupon, juror number 62 comes forward]

20 THE CLERK OF COURT: What say ye for the State?

21 MS. SHEALY: Please seat the juror.

22 THE CLERK OF COURT: What say you as to Defendant
23 Belton?

24 MR. MLYNARCZYK: Please seat this juror, Your
25 Honor.

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1 THE CLERK OF COURT: What say you as to Defendant
2 Conyers?

3 MR. MURPHY: Please excuse the juror.

4 THE CLERK OF COURT: Sir, if you will please return
5 to your seat. You've been excused from the trial of
6 this case.

7 [Whereupon, juror number 62 returns to the
8 audience]

9 THE CLERK OF COURT: Defendant Conyers has two
10 strikes remaining.

11 Juror 144.

12 [Whereupon, juror number 144 comes forward]

13 THE CLERK OF COURT: What say ye for the State?

14 MS. SHEALY: Please seat the juror.

15 THE CLERK OF COURT: What say you as to Defendant
16 Belton?

17 MR. MLYNARCZYK: I would like to thank this juror,
18 but please excuse the juror, Your Honor.

19 THE CLERK OF COURT: Ma'am, if you would please
20 return to your seat. You've been excused from the trial
21 of this case.

22 [Whereupon, juror number 144 returns to the
23 audience]

24 THE CLERK OF COURT: Defendant Belton has two
25 strikes remaining.

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1 Juror 179.

2 [Whereupon, juror number 179 comes forward]

3 THE CLERK OF COURT: What say ye for the State?

4 MS. SHEALY: Please seat the juror.

5 THE CLERK OF COURT: What say you as to Defendant
6 Belton?

7 MR. MLYNARCZYK: Please seat this juror, Your
8 Honor.

9 THE CLERK OF COURT: What say you as to Defendant
10 Conyers?

11 MR. MURPHY: Please seat the juror.

12 THE CLERK OF COURT: Sir, if you'll please take a
13 seat in the jury box. You've been selected as a juror
14 in this case.

15 [Whereupon, juror number 179 is seated in the jury
16 box as a juror]

17 THE CLERK OF COURT: Juror 269.

18 [Whereupon, juror number 269 comes forward]

19 THE CLERK OF COURT: What say ye for the State?

20 MS. SHEALY: Please seat the juror.

21 THE CLERK OF COURT: What say you as to Defendant
22 Belton?

23 MR. MLYNARCZYK: I would like to thank this juror,
24 but please excuse this juror.

25 THE CLERK OF COURT: Ma'am, if you would please

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1 return to your seat. You've been excused from the trial
2 of this case.

3 [Whereupon, juror number 269 returns to the
4 audience]

5 THE CLERK OF COURT: Defendant Belton has one
6 strike remaining.

7 Juror 109.

8 [Whereupon, juror number 109 comes forward]

9 THE CLERK OF COURT: What say ye for the State?

10 MS. SHEALY: Please seat the juror.

11 THE CLERK OF COURT: What say you as to Defendant
12 Belton?

13 MR. MLYNARCZYK: Please seat this juror, Your
14 Honor.

15 THE CLERK OF COURT: What say you as to Defendant
16 Conyers?

17 MR. MURPHY: Please excuse the juror.

18 THE CLERK OF COURT: Sir, if you'll please return
19 to your seat. You've been excused from the trial of
20 this case.

21 [Whereupon, juror number 109 returns to the
22 audience]

23 THE CLERK OF COURT: Defendant Conyers has one
24 strike remaining.

25 Juror 321.

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1 [Whereupon, juror number 321 comes forward]

2 THE CLERK OF COURT: What say ye for the State?

3 MS. SHEALY: Please excuse this juror.

4 THE CLERK OF COURT: Sir, if you'll please return
5 to your seat. You've been excused from the trial of
6 this case.

7 [Whereupon, juror number 321 returns to the
8 audience]

9 THE CLERK OF COURT: The State has one strike
10 remaining.

11 Juror 255.

12 [Whereupon, juror number 255 comes forward]

13 THE CLERK OF COURT: What say ye for the State?

14 MS. SHEALY: Please seat the juror.

15 THE CLERK OF COURT: What say you as to Defendant
16 Belton?

17 MR. MLYNARCZYK: Please seat this juror, Your
18 Honor.

19 THE CLERK OF COURT: What say you as to Defendant
20 Conyers?

21 MR. MURPHY: Please seat the juror.

22 THE CLERK OF COURT: Ma'am, if you will please take
23 a seat in the jury box. You've been selected as a juror
24 in the trial of this case.

25 [Whereupon, juror number 255 is seated in the jury

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1 box as a juror]

2 THE CLERK OF COURT: Juror 178. Juror 178, Ms.
3 Judd -- I'm sorry -- Mr. Judd.

4 [Whereupon, juror number 178 comes forward]

5 THE CLERK OF COURT: What say ye for the State?

6 MS. SHEALY: Please seat the juror.

7 THE CLERK OF COURT: What say you as to Defendant
8 Belton?

9 MR. MLYNARCZYK: Please seat this juror, Your
10 Honor.

11 THE CLERK OF COURT: What say you as to Defendant
12 Conyers?

13 MR. MURPHY: Please seat the juror.

14 THE CLERK OF COURT: Sir, if you will please take a
15 seat in the jury box. You've been selected as a juror
16 in the trial of this case.

17 [Whereupon, juror number 178 is seated in the jury
18 box as a juror]

19 THE COURT: Counsel approach.

20 [Whereupon, an off-the-record bench conference is
21 held]

22 THE COURT: Please continue with the alternates.

23 THE CLERK OF COURT: Yes, ma'am, Your Honor.

24 Now striking for our first alternate. Juror number
25 152.

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1 Strikes are one for the State and, collectively,
2 two for the defendant.

3 [Whereupon, juror number 152 comes forward]

4 THE CLERK OF COURT: What say ye for the State?

5 MS. SHEALY: Please seat the juror.

6 THE CLERK OF COURT: What say you as to the
7 Defendant?

8 MR. MLYNARCZYK: I would like to thank this juror,
9 but please excuse this juror.

10 THE CLERK OF COURT: Ma'am, if you would please
11 return to your seat. You've been excused from the trial
12 of this case.

13 [Whereupon, juror number 152 returns to the
14 audience]

15 THE CLERK OF COURT: Collectively, the defendants
16 have one strike remaining for the first alternate.

17 Juror 262.

18 [Whereupon, juror number 262 comes forward]

19 THE CLERK OF COURT: What say ye for the State?

20 MS. SHEALY: Please seat the juror.

21 THE CLERK OF COURT: What say you as for the
22 defendants?

23 MR. MLYNARCZYK: Please seat this juror, Your
24 Honor.

25 MR. MURPHY: Please seat the juror.

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1 THE CLERK OF COURT: Ma'am, if you'll please take a
2 seat in the jury box. You've been selected as an
3 alternate in the trial of this case.

4 [Whereupon, juror number 262 is seated in the jury
5 box as an alternate juror]

6 THE CLERK OF COURT: Now striking for our second
7 alternate.

8 Juror 285.

9 [Whereupon, juror number 285 comes forward]

10 THE CLERK OF COURT: What say ye for the State?

11 MS. SHEALY: Please seat the juror.

12 THE CLERK OF COURT: What say ye for the
13 defendants?

14 MR. MLYNARCZYK: I'd like to thank this juror, but
15 please excuse this juror, Your Honor.

16 THE CLERK OF COURT: Ma'am, if you would please
17 return to your seat. You've been excused as an
18 alternate in the trial of the case.

19 [Whereupon, juror number 285 returns to the
20 audience]

21 THE CLERK OF COURT: The defendants collectively
22 have one strike remaining.

23 Juror 16.

24 [Whereupon, juror number 16 comes forward]

25 THE CLERK OF COURT: What say ye for the State?

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1 MS. SHEALY: Please seat the juror.

2 THE CLERK OF COURT: What say you as to the
3 defendant?

4 MR. MLYNARCZYK: I want to thank this juror, but
5 excuse this juror from serving.

6 THE CLERK OF COURT: ma'am, if you would please
7 return to your seat. You've been excused as an
8 alternate in the trial of this case.

9 [Whereupon, juror number 16 returns to the
10 audience]

11 THE CLERK OF COURT: The defendants have exhausted
12 both strikes for this alternate.

13 Juror 271.

14 [Whereupon, there is no response]

15 THE CLERK OF COURT: Juror 271.

16 [Whereupon, there is no response]

17 THE CLERK OF COURT: Juror 271, Ms. Poole.

18 [Whereupon, juror number 271 comes forward]

19 THE CLERK OF COURT: What say ye for the State?

20 MS. SHEALY: Please seat the juror.

21 THE CLERK OF COURT: Any challenge from the
22 defendants?

23 MR. MLYNARCZYK: No challenge, Your Honor.

24 THE CLERK OF COURT: Ma'am, if you would please
25 take a seat in the jury box. You've been selected as an

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1 alternate in the trial of this case.

2 [Whereupon, juror number 271 is seated in the jury
3 box as an alternate juror]

4 THE CLERK OF COURT: Now moving on to our third
5 alternate.

6 Juror number 30.

7 [Whereupon, juror number 30 comes forward]

8 THE CLERK OF COURT: What say ye for the State?

9 MS. SHEALY: Please seat the juror.

10 THE CLERK OF COURT: What say ye for the
11 defendants?

12 MR. MLYNARCZYK: I would like to thank this juror,
13 but please excuse this juror, Your Honor.

14 THE CLERK OF COURT: Ma'am, if you would please
15 return to your seat. You've been excused from the trial
16 -- as an alternate in the trial of this case.

17 [Whereupon, juror number 30 returns to the
18 audience]

19 THE CLERK OF COURT: Juror 59.

20 [Whereupon, juror number 59 comes forward]

21 THE CLERK OF COURT: Defendants have one strike
22 remaining.

23 What say ye for the State?

24 MS. SHEALY: Please excuse this juror.

25 THE CLERK OF COURT: Ma'am, if you would please

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1 return to your seat. You've been excused as an
2 alternate from the trial of this case.

3 [Whereupon, juror number 59 returns to the
4 audience]

5 THE CLERK OF COURT: Juror 345.

6 [Whereupon, juror number 345 comes forward]

7 THE CLERK OF COURT: Any challenge from the State?

8 MS. SHEALY: No. Please seat the juror.

9 THE CLERK OF COURT: What say you for the
10 defendants?

11 MR. MLYNARCZYK: No challenge. Please seat this
12 juror.

13 THE CLERK OF COURT: Ma'am, if you would please
14 take a seat in the jury box. You've been selected as an
15 alternate in the trial of this case.

16 [Whereupon, juror number 345 is seated in the jury
17 box as an alternate juror]

18 THE CLERK OF COURT: Thank you, Your Honor.

19 THE COURT: Thank you.

20 Any motions or matters pertaining to the jury as
21 selected? From the State?

22 MS. SHEALY: Not from the State.

23 THE COURT: From Defendant Belton?

24 MR. MLYNARCZYK: None, Your Honor.

25 THE COURT: From Defendant Conyers?

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1 MR. MURPHY: None, Your Honor.

2 THE COURT: Ladies and gentlemen, you have been
3 selected as the jury to try this case. Please be
4 escorted to the jury room and we will receive you back
5 in just a few moments.

6 [Whereupon, the jury exits the courtroom at
7 1:20 p.m.]

8 THE COURT: Outside the presence of the jury,
9 any motions or matters pertaining to the jury, as
10 selected --

11 MS. SHEALY: No, Your Honor.

12 THE COURT: -- Ms. Shealy? Mr. Mlynarczyk?

13 MR. MLYNARCZYK: No, Your Honor.

14 THE COURT: Mr. Murphy?

15 MR. MURPHY: No, Your Honor.

16 THE COURT: Thank you. Ms. Shealy?

17 MS. SHEALY: I was going to ask you one question
18 when we have an opportunity.

19 THE COURT: Pertaining to the jury?

20 MS. SHEALY: No.

21 THE COURT: Ladies and gentlemen, you were not
22 selected as the jury to try this case. As I have
23 indicated to you several times, your service is for the
24 week. We have implemented a callback system so that you
25 don't have to report back every day. Ladies and

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1 gentlemen, if you will please call the hotline number
2 after 6:00 p.m., you will receive your instructions. It
3 may be that you are released for the week, or you'll
4 need to call back, or to report. So please follow
5 whatever instructions are on the callback number.
6 Please call after 6:00 p.m. to get the most updated
7 information.

8 Again, I do not know if I will see you anymore this
9 week, so thank you for your service to Charleston County
10 and for your contribution to our justice system.

11 You are excused for the day. Thank you for your
12 patience.

13 [Whereupon, the jury panel exits the courtroom at
14 2:21 p.m.]

15 THE COURT: Ms. Shealy?

16 MS. SHEALY: I was just going to ask, Your Honor:
17 I know all the court staff has to get lunch and stuff.
18 If we could have about ten minutes before -- by the time
19 the door opens, before the jury comes back, so we can
20 get all our exhibits out, that might make things flow --

21 THE COURT: We're going to go ahead and break for
22 lunch.

23 MS. SHEALY: I understand that.

24 I was just saying if the doors can be opened and we
25 can have about ten minutes to get all our exhibits out?

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1 In other words, you're going to tell the jury to
2 come back at 2:40 but the courtroom would be opened at
3 2:30 so that we could get all our exhibits out so we
4 wouldn't -- it wouldn't be so cumbersome during the
5 presentation. I know they all need to have lunch and
6 stuff.

7 THE COURT: They take care of you. They --

8 MS. SHEALY: I mean, they're always very
9 accommodating.

10 THE COURT: Yes.

11 MS. SHEALY: I didn't want to rush anybody. But I
12 wanted us -- if we did that, it would make the witnesses
13 be a little bit smoother this afternoon.

14 THE COURT: Did you understand what she was asking?

15 [Off the record momentarily]

16 THE COURT: Other than that, anything before I --

17 Are they ready to come back in? I'm just going to
18 give them the admonition and then let them go until
19 2:30-ish.

20 [Off the record momentarily]

21 THE COURT: Please rise for the jury.

22 [Whereupon, the jury enters the courtroom at
23 1:24 p.m.]

24 THE BAILIFF: All are seated, Your Honor.

25 THE COURT: Thank you. Please be seated.

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1 Ladies and gentlemen, as I indicated to you, you
2 are the jury selected to try this case.

3 I appreciate your patience in accommodating us. We
4 have worked a little bit through the lunch hour, but I
5 wanted to go ahead and get the jury selected.

6 Ladies and gentlemen, we are going to break for
7 lunch at this time and then come back and we'll begin
8 the trial of this case.

9 Ladies and gentlemen, my general instructions to
10 you -- I will always call them please remember my
11 general instructions -- you may not discuss this case
12 with anyone. That includes your fellow jurors, your
13 friends, your family members, or anyone else. That
14 includes face-to-face discussions but it also includes
15 any discussions you may have on facebook, any other
16 social internet media sites, texting, blogging, anything
17 of that nature. Simply put, you may not discuss this
18 case with anyone, in any fashion, until I tell you
19 otherwise. You may not do any independent investigation
20 regarding this case, either together or individually.
21 Ladies and gentlemen, you may not read, watch, listen to
22 any news accounts regarding this case, should there be
23 any.

24 We will take a break for a little over an hour.
25 This will be the clock that we are using. Please report

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1 back at 2:35. The bailiffs will instruct you on how and
2 when to report so that you're able to be back together.

3 Please understand we are a larger group than
4 normal. I have three alternates. We cannot begin until
5 all fifteen of you are here, so please be mindful of
6 each others time.

7 Ladies and gentlemen, please remember all of my
8 admonitions throughout the lunch hour, and I'll see you
9 back and we'll begin promptly once all fifteen of you
10 are here.

11 Please rise for the jury. Rise for the jury.
12 Y'all are -- thank you.

13 [Whereupon, the jury exits the courtroom at
14 1:26 p.m.]

15 THE COURT: Thank you. Be seated.

16 Anything before we break for lunch?

17 MS. SHEALY: No, Your Honor.

18 MR. MLYNARCZYK: Nothing, Your Honor.

19 MR. MURPHY: Nothing, Your Honor.

20 THE COURT: All right. So when we come back there
21 are no motions or matters, we're rolling right into
22 trial.

23 MS. SHEALY: I have no issue.

24 MR. MLYNARCZYK: I don't believe so.

25 We brought an issue up with you during our pretrial

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1 conference in regard to limiting -- there's witnesses,
2 that the solicitor is putting on, that we believe a lot
3 of their statements are hearsay and that we would ask
4 for an instruction limiting that introduction to the
5 jury until Your Honor has a chance to rule on it.

6 There are three particular witnesses they're going
7 to mention statements, we believe -- that's why we
8 couldn't make a formal written motion -- about what the
9 deceased defendant said to somebody on the phone. And
10 those are the witnesses that they are presenting. So I
11 would ask that until you rule on it, Your Honor, that
12 the solicitor's office not be allowed to present those
13 statements to the jury.

14 THE COURT: Do you join?

15 MR. MURPHY: I would join, Your Honor.

16 THE COURT: Ms. Shealy?

17 MS. SHEALY: I indicated to your clerk on Friday
18 and I said -- make sure that my opening did not contain
19 those statements, and I have done so.

20 THE COURT: All right. Great.

21 MR. MLYNARCZYK: Thank you.

22 THE COURT: That makes it simple.

23 MR. MLYNARCZYK: Thank you.

24 THE COURT: Thank you. So please be back 1:33 --
25 or 2:33. Thank you.

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1 MR. MURPHY: Your Honor, just that nobody made a
2 motion to sequester the witnesses, which I think is
3 pretty standard.

4 THE COURT: Any objection?

5 MS. SHEALY: No, Your Honor.

6 I just want to make sure. There are two people,
7 Moett Simmons and Shamika Stokes, who were actually
8 victims of the burglary. I don't think either -- I
9 don't think Shamika Stokes is going to get here in time
10 to be sitting before she testifies. She testifies
11 second. But I think both of them are entitled to stay,
12 even though your sequestration order --

13 THE COURT: Any objection to those two witnesses?

14 MR. MURPHY: None, Your Honor.

15 MR. MLYNARCZYK: I do have an objection, Your
16 Honor.

17 The written statements, at least that they
18 provided, have different accounts of what happened that
19 night. So I would just ask that they be sequestered so
20 they don't feed on each others testimony.

21 THE COURT: I'm going to sequester them until they
22 testify. If you plan to call them later than first and
23 second, then we'll address it at that point. All right?

24 MS. SHEALY: Okay. And, secondly, Keith Hair, my
25 investigator, on just an abundance of caution, in case

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1 any conversation that was had in my office comes into
2 question. I will need him to enter or exit, but he
3 certainly would not be affected by what is said --

4 MR. MLYNARCZYK: I have no objection. No, no
5 objection.

6 MR. MURPHY: No objection.

7 THE COURT: One more time. This is what happens.
8 When I take the bench at 2:35, I am going straight into
9 charging the jury. Are there any other -- because now
10 we've had three issues that I've had to address. Are
11 there any other motions or matters that need to be ruled
12 on?

13 MS. SHEALY: No, Your Honor.

14 MR. MLYNARCZYK: No, Your Honor.

15 MR. MURPHY: No, Your Honor.

16 THE COURT: I'll see you at 2:33, and we'll begin
17 promptly at 2:35. Thank you.

18 MR. MLYNARCZYK: Thank you, Judge.

19 MR. MURPHY: Thank you.

20 [Whereupon, a recess is taken from 1:30 p.m. to
21 2:38 p.m.]

22 THE COURT: Anything before we bring in the jury?

23 MS. SHEALY: No, Your Honor.

24 MR. MLYNARCZYK: Yes. May we approach for one
25 second?

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1 THE COURT: Sure.

2 [Whereupon, an off-the-record bench conference is
3 held]

4 THE BAILIFF: We're still waiting on one.

5 THE COURT: Oh. I thought everybody was here.

6 THE BAILIFF: I'm sorry.

7 [Off the record momentarily]

8 THE COURT: All the jurors are now here. Anything
9 before we bring in the jury?

10 MS. SHEALY: Not from the State.

11 MR. MLYNARCZYK: Not from Mr. Belton, Your Honor.

12 MR. MURPHY: Not from Mr. Conyers.

13 THE COURT: All right. Thank you.

14 [Off the record momentarily]

15 THE COURT: Please rise for the jury.

16 [Whereupon, the jury enters the courtroom at
17 2:47 p.m.]

18 THE BAILIFF: All jurors are present, Your Honor.

19 THE COURT: Thank you. Please be seated.

20 Good afternoon, ladies and gentlemen. Did every
21 member of the jury panel comply with my instructions
22 over your lunch hour? If you did not, please stand.

23 [Whereupon, there is no response]

24 THE COURT: Thank you. All fifteen jurors complied
25 with my instructions over the lunch hour.

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1 Ladies and gentlemen, if you will now give me your
2 attention, we will now administer an oath for you to try
3 this case.

4 THE CLERK OF COURT: Both defendants please rise.

5 Madam Forelady and ladies and gentlemen of the
6 jury, if everyone would stand and raise their right hand
7 to be sworn.

8 [Whereupon, the jury is duly sworn by the clerk of
9 court]

10 THE CLERK OF COURT: Thank you. You may be seated.

11 If there is any juror that did not adhere to this
12 oath, if they would stand at this time.

13 [Whereupon, there is no response]

14 THE CLERK OF COURT: Please let the record reflect
15 that all jurors are sworn.

16 THE COURT: Thank you. Please be seated.

17 Ladies and gentlemen, I just wanted to take an
18 opportunity to explain to you the process that we'll be
19 following so that you'll be able to understand what is
20 happening before you.

21 Once again, I am Judge Kristi Harrington. I am the
22 presiding judge over this case. This is my law clerk.
23 She is researching the law and handling any matters
24 related to this case. You may see me and/or my clerk on
25 our laptops. Please do not think we're playing games or

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1 doing anything of that nature. We're actually
2 researching the law so that I can instruct you on the
3 law throughout this trial, and at the end before you
4 retire to consider your verdict.

5 This is my court reporter, Ms. Perron. She is --
6 as I indicated to you -- she was downstairs this
7 morning, and she has moved her equipment up and is again
8 with us. She is writing down everything that you say
9 and the attorneys and the parties involved, as well as
10 everything that I say. So you may see her pass me a
11 note, or do some things like that, and that is what she
12 is doing. She's making sure that we have a complete and
13 accurate record.

14 There are bailiffs seated next to you. Madam
15 Foreperson -- you have been selected, Ms. Gulick, as the
16 foreperson. What that means is you're the jury
17 spokesperson here in court.

18 If at any time any of you have any questions or
19 concerns, need any additional breaks or anything of that
20 nature, please let your foreperson know. She will alert
21 the bailiffs. There will always be one, if not two,
22 seated right where those two bailiffs are and they will
23 assist you in attending to that matter as soon as we
24 can.

25 You will also be responsible for writing the

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1 verdicts in this case, but I'll give you further
2 instructions when I instruct you on the law applicable
3 to this case.

4 Ladies and gentlemen, you met Mr. Causey coming
5 through. He is the clerk of court. He's employed by
6 the clerk of court, Julie Armstrong, and he will be
7 assisting and swearing the witnesses and any other
8 matters that need attending to.

9 So I just wanted to let you know who some of these
10 people are. A lot of times I have jurors ask at the
11 end, what were you doing on your laptop, and who are
12 those people sitting up next to you. So I just wanted
13 to answer those questions for you.

14 Ladies and gentlemen, I have provided note pads for
15 you and that means you may take notes throughout the
16 progress of this trial. I caution jurors some of us are
17 much better note-takers than others. One juror's notes
18 are no more correct or accurate than another juror's
19 notes. If when you are considering your verdict in the
20 jury room you need to hear any testimony, we'll just
21 bring you back in and play that testimony for you. So
22 don't feel like you have to write down word for word
23 what's happening in front of you.

24 The exhibits that will be entered into evidence
25 will go back with you during your deliberations. So,

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1 again, if you don't have the opportunity to view those
2 to your satisfaction, those will go back with you.

3 You may have noticed when you came in before lunch,
4 and this time, that the attorneys, the parties involved
5 in this case, the members of the audience, were
6 standing. This is out of respect for your new position
7 as judges of the facts. So please come in, take a seat,
8 because everyone will remain standing until all fifteen
9 of you are seated.

10 Ladies and gentlemen, the case that we are about to
11 try is the case of the State versus Jeremiah Belton and
12 the State versus King Conyers. Most of us don't have
13 the opportunity -- some of you have indicated to me that
14 you have served as jurors before, but most of us don't
15 have the opportunity to come to court as you're doing
16 now. And we think -- we get our ideas about what
17 happens in court from television or books or reading
18 novels.

19 Please remember that this trial is not for your
20 entertainment. It is a fundamental part of our
21 democracy. It is a search for the truth in an effort to
22 make sure that justice is done between the parties
23 before you. Sometimes that is slow, deliberate, and
24 repetitive, the opposite of what you may have seen in
25 movies or television or read in books. This courtroom

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1 is a place of honor. It is dedicated to the protection
2 and preservation of citizens' rights through what many
3 have called the greatest system -- justice system ever
4 created.

5 The attorneys that appear before you are advocates
6 for the parties they represent, but, first and foremost,
7 they are officers of this Court. They are sworn to
8 uphold the integrity and the fairness of our judicial
9 system. You should expect them to be professional,
10 competent, and ethical in the representation of their
11 clients' interest. Remember, you have just taken an
12 oath and you are also expected to be professional,
13 reasonable, and ethical.

14 Thank you again for accepting this most important
15 responsibility of jury service and for your contribution
16 today to our justice system.

17 Each defendant is charged in this courtroom with an
18 indictment. Mr. Jeremiah Belton has been charged with
19 the crime of murder, burglary in the first degree, and
20 possession of a firearm during the commission of a
21 violent crime. Mr. King Conyers has been charged with
22 murder, burglary in the first degree, and possession of
23 firearm during the commission of a violent crime.

24 You have heard during jury selection, and here now,
25 that there are two defendants in this case. Each is

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1 charged separately in separate indictments. You will be
2 instructed to consider each charge separately and you
3 must decide separately whether each defendant is guilty
4 or not guilty of each charge alleged by the indictment.
5 It is your duty to give such consideration to each
6 individual defendant on each separate charge alleged in
7 this indictment. You must consider, separately, the
8 evidence and the law for each individual defendant for
9 each charge.

10 Madam Foreperson, you will be instructed on how to
11 complete your verdict accordingly.

12 As I indicated to you, the indictment is simply the
13 charge by which this case is brought into court. It is
14 not in any sense evidence of the allegations it
15 contains. Each defendant has pled not guilty to each
16 indictment. The State has the burden of proving each of
17 the defendants on each indictment beyond a reasonable
18 doubt. It is your duty, ladies and gentlemen, to decide
19 whether the State has met that burden.

20 Your purpose as jurors is to find and determine the
21 facts. You are the sole judges of the facts in this
22 case. If at any time I make any comment regarding the
23 facts, you must disregard that comment. You are to
24 determine the facts from the testimony you hear and any
25 other evidence that is introduced into court. It is up

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1 to you to determine the inferences which you feel may be
2 properly drawn from the evidence. It is important that
3 you perform your duty of determining the facts
4 diligently and conscientiously, because ordinarily there
5 is no way to correct an erroneous determination of the
6 facts by the jury.

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

20 As I indicated before we broke for lunch, my
21 general admonition is you may not discuss this case with
22 anyone, including your fellow jurors, your friends, your
23 family members, or anyone else. You must not read,
24 watch, listen to any news accounts regarding this case.
25 You may not go to the scene where any of the alleged

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1 events are indicated to have taken place. Everything
2 that you know about this case must come from this
3 courtroom. If you become aware of another juror's
4 violations, you must report that to me immediately.

5 It is important that you keep an open mind and not
6 decide any issue in this case until all the evidence has
7 been presented, the parties have made their closing
8 arguments, and I have instructed you on the law
9 applicable to this case.

10 In just a moment, the solicitor will make what is
11 called an opening statement in which the solicitor will
12 explain to you the issues in this case, or at least what
13 the solicitor believes the issues to be. The attorney
14 for each defendant may also make an opening statement,
15 although they are not required to do so at this time.
16 Please remember what the attorneys tell you in their
17 opening statements, as well as in their closing
18 arguments, is not evidence. It is merely their
19 contention as to what the evidence will show you.

20 The evidence in this case will be presented to you
21 by the testimony of sworn witnesses from the witness
22 stand and by any exhibits that may be introduced into
23 evidence.

24 From time to time, you may hear one of the
25 attorneys object or I might find it necessary to have

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1 the attorneys approach or I might find it necessary to
2 excuse you from the courtroom for a short while. If I
3 have the attorneys approach, or if I excuse you from the
4 courtroom, please do not think that we are trying to
5 hide anything from you. The reason I do this is because
6 sometimes it is necessary for me to make a comment
7 regarding the facts in order to issue a ruling on the
8 law and so I may excuse you so that in no way anything
9 that I say or do throughout the progress of this trial
10 influences you as to your finding of the true facts.

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

17 In deciding whether to believe a witness, you have
18 the right to consider the interest of a witness, the
19 bias of a witness, the prejudice of a witness, the
20 opportunity for a witness to have seen and heard the
21 things about which the witness testifies, as well as the
22 way the witness acts on the witness stand while he or
23 she is testifying. You have a right to consider
24 anything in the record that will help you evaluate the
25 testimony of the witnesses. That means it's your duty

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1 to pay close attention. Please do not let your thoughts
2 wander, or close your eyes for even a moment. Please
3 give your strict attention so at the end of the
4 testimony, after you have heard closing arguments on
5 behalf of counsel and I have instructed you on the law
6 applicable to this case, you will be in a position to
7 determine what the true facts are, apply the law as I
8 give it to you, and render a verdict based upon those
9 things.

10 Please give your strict attention.

11 Ms. Shealy?

12 MS. SHEALY: May it please the Court, Mr.

13 Mlynarczyk, Mr. Murphy.
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Opening Statement by Ms. Shealy
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OPENING STATEMENT

MS. SHEALY: Good afternoon.

During the week of July 9th of 2010, Moett Simmons, who was thirteen years old, spent the week at her dad's house. He lived on a country road out in McClellanville. His friends called him, and his family called him, Kip. She stayed there and his girlfriend, Shamika Stokes, also was at Mr. Simmons' house that week. And a couple of her kids had stayed. It was the week following the Fourth of July.

Well, on Friday, the 9th, Shamika had a bunch of errands to run, and she took Moett with her, and returned her children to Shamika's own mother's house. They went shopping. They just ran some errands. She had to go out to Wadmalaw to tend to one of her daughters, and on the way back coming out to McClellanville -- coming back out to McClellanville, they stopped in Mount Pleasant at a place that used to be called NYPD Pizza, near Highway 41, and they grabbed some food and they went home. When they got home, Kip was there. They each ate their food from NYPD, and Moett went back to her bedroom to watch TV and to play on her computer. She went to sleep. Kip and Shamika, they went to sleep.

Well, on the other side of Charleston, in the

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1 afternoon period, late afternoon on July 9th, Mario
2 Caldwell, a convicted armed robber, and his cousin Troy
3 Mason, they began driving to Charlotte. Jeremiah
4 Belton, he goes by the name Finger, he lived in
5 Charlotte. He summons Mario. So Mario and Troy travel
6 to Charlotte to pick up Jeremiah Belton. He needed to
7 get back to Charleston.

8 After he picks up Belton, Finger, Belton indicated
9 he needed to pick up Curtis Delaney. That was also in
10 Charlotte. Now, Mario was driving a car that he rented
11 because he knew he was going to be the driver. An
12 untraceable car. And after picking up Belton, they went
13 and got Curtis Delaney, who goes by the nickname Crime.
14 Belton indicated one more stop. But at this point,
15 Belton's driving. He's calling the shots. And they go
16 to what's actually West Columbia, right up by downtown
17 Columbia, and they pick up King Conyers, Bez. Some
18 people say Dez. They get out of the car. King Conyers
19 gets in the vehicle.

20 These five guys then head straight to Charleston.
21 When they get into Charleston, they go over to one of
22 Crime, Curtis Delaney's, girlfriend's house. Her name
23 is Constance Manigault. She wasn't there. She was
24 working. And there they discussed the details of what
25 was going to go down that night. They wanted to rob,

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1 and they wanted to rob big. King Conyers: I know who
2 we're going to rob, I know who. Now, while they were at
3 Constance Manigault's, two other guys show up, Belton's
4 boys, and they're present for that conversation, too.
5 Sitting around talking about what they're going to do
6 that night.

7 They then drove to McClellanville in two vehicles.
8 Every one was armed with weapons, in the dark of night,
9 close to four o'clock in the morning. Belton's car gets
10 there first and parks outside Mr. Simmons' house, and
11 down a little bit, where some woods can hide their cars.

12 Troy Mason, Mario Caldwell, Crime and Bez -- Dez,
13 were all in the same vehicle. And they turned the road
14 and pulled in behind, headed out, ready to flee as quick
15 as they could. They get out of that car. They huddle.
16 Most put on masks. Some had on gloves. And King
17 Conyers is telling them which way to go when you get in
18 the house.

19 Well, Curtis Delaney, he was impatient. He goes up
20 to the door and kicks it. Had to kick it again. And
21 then bedlam. Everyone's trying to scurry inside. They
22 didn't know that Kip Simmons had a weapon that he kept
23 at his house. And I can't tell you who shot the first
24 shot, but I can tell you this: Kip shot, and Kip was
25 shot.

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1 Troy Mason gets nailed in the nose and in the
2 shoulder and, as you can imagine, is bleeding profusely.
3 He hightails it out of there, dripping blood as he goes.
4 Thank God. Dripping it inside, dripping it down the
5 dirt road.

6 Shamika, after seeing that Kip has been shot, grabs
7 the gun, tries to get the rest of them out of the house.
8 Guess who she hits. Curtis Delaney, Crime. Everyone is
9 fleeing but Crime. His comrades, they left him to die.

10 Jeremiah Belton and his boys get back in one car.
11 Mario Caldwell, Troy Mason, and King Conyers, they get
12 back in that rented car. They then head towards not
13 Roper, not MUSC, they head to Summerville, or close to
14 Summerville, where Trident is. Troy doesn't like this
15 idea, so, take me to my mother's, take me to my
16 mother's. So King Conyers and Mario Caldwell take him
17 over to Hallmark Drive to his mother's house and she
18 takes him to the hospital. When he goes to the
19 hospital, he makes up a preposterous story. Berkeley
20 County comes there to talk to him, and then Charleston
21 County comes to talk to him. It's a story he and Mario
22 made up. They didn't buy it, thank goodness.

23 Rob Colson, from the County, took Troy's clothes
24 while he was there, and took his phone.

25 Back at the scene, the evidence technicians are

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1 collecting bullets, shell casings, swabbing blood.
2 These shots pierced the wall from the inside, pierced
3 the windows from the outside, went through furniture,
4 scuffed the hardwood. It was crazy inside. Shots
5 everywhere.

6 The shirt for Troy Mason had blood on it. The
7 swabbing from the blood drops outside and inside were
8 all sent to SLED, which is the South Carolina Law
9 Enforcement Division. They matched it. The stuff from
10 the ground, the stuff from the house, is the same blood
11 from Troy Mason. Until then, there had been no arrests.
12 One person was arrested: Troy Mason. And that was back
13 in 2010.

14 What did Mario Caldwell do with that vehicle, the
15 vehicle that Troy bled into, the vehicle that he had
16 rented, he had gotten rid of? It was burned the next
17 night.

18 Ladies and gentlemen, you will hear that when Troy
19 Mason got close to trial, and never before, he thought
20 the better of it and decided to cooperate. He gave us
21 Mario Caldwell. He gave us the names Bez and Finger.
22 But I'm going to tell you, he sure as heck didn't tell
23 us all the truth. He denied a bunch: oh, I didn't go
24 to Charlotte; oh, I didn't go to Constance Manigault's;
25 I had a different kind of weapon; I never shot; I never

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1 even shot my gun. But Mario Caldwell was arrested. And
2 similarly, when he got close to trial, he thought the
3 better of it.

4 But when he came in, he gave details. He tells us
5 about talking to Finger before he goes and picks him up.
6 He gives us phone numbers. He tells us about what
7 happened at Constance Manigault's house. He tells us
8 what he did with the car or had done to the car. He
9 tells us how they drove out there. He told us he didn't
10 have a gun but on the way to McClellanville, they
11 stopped by his house so he could get a gun. He told us
12 about the lie he and Troy made us. He gave us details.

13 Now, you may be asking yourself, okay, great, we've
14 got one guy whose lied to you and we've got another guy
15 who's a convicted armed robber. As of this date, we
16 still don't know who Finger's boys were, those two guys
17 that show up at Constance Manigault's house. But for
18 these two men Mason and Caldwell cooperating, it would
19 just be Troy Mason and that family sitting out there
20 would know there were many others involved that night.

21 Troy Mason, frankly, waited until the very end to
22 finally come clean. And he told us, okay, I went to
23 Charlotte, we went to Constance Manigault's. He tells
24 us about the trip out to McClellanville. He always told
25 us he went in the house. But this time he says, I had a

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1 .9mm. It's a .9mm that killed Kip. It took a long time
2 for that young man to be able to admit that he's
3 probably the one who shot and killed Kip. But he will
4 tell you that.

5 And consider this. When they come in masked, guns
6 in their hands, Moett, who's inside, and Shamika, who's
7 inside, can't even see who they are. We have to have
8 other participants to tell us who went in that house
9 that night.

10 Ladies and gentlemen, the fact that Troy Mason may
11 be the one who shot Kip Simmons doesn't mean that this
12 man here, and that man there, aren't equally guilty.
13 There's a principle of law called the hand of one is the
14 hand of all. And this is the perfect case to illustrate
15 why that is the law. Each and every one of these guys
16 participated. They planned. They armed themselves.
17 Whatever each one -- whether everyone made their way all
18 the way into the house or not, they armed themselves,
19 they masked themselves. They were ready to go in there,
20 hoping they were going to hit the jackpot, with no
21 regard that there may be a thirteen-year-old little girl
22 in the house.

23 At the end of the case Your Honor will instruct you
24 as to what the law of the hand of one, hand of all is.
25 If a crime is committed by two or more people who are

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1 acting together in committing a crime, the act of one is
2 the act of all. A person who joins with another to
3 accomplish an illegal purpose is criminally responsible
4 for everything done by the other person which occurs as
5 a natural consequence of the act in carrying out the
6 common plan.

7 When you take loaded weapons into a man's house at
8 four o'clock in the morning, it is a natural consequence
9 that shooting may occur and that someone may die.

10 Otherwise, why all take -- why did they take the guns
11 in? For example, two people can be guilty of killing
12 another person when only one of the two had a gun, if
13 there was only one bullet, and only one of the two fired
14 the shot that caused the death. If two or more people
15 are together, acting together, assisting each other in
16 committing the offense, the act of one is the act of
17 all. As it is sometimes said, the hand of one is the
18 hand of all.

19 You will hear about the ballistics in the house,
20 how many bullet holes there were, and what type of
21 ammunition that comes from what types of guns were
22 found.

23 What also is going to be very significant in this
24 case are phone records. Phone records. You can get
25 phone records that show where a person was pinging from

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1 when they placed the phone call. And you will see the
2 path they took. It will be mapped out for you. You
3 will see that Mario and Troy traveled to Charlotte. You
4 will see that Jeremiah Belton and Mario then start
5 taking the same path to Columbia and back to Charleston.
6 And you will see that the phone that King Conyers was
7 using pings in McClellanville right at the crucial time.

8 I've got to ask something from you that I've never
9 had to ask from a jury before, and it's because of the
10 nature of this case. I need to ask you for patience in
11 hearing this case. This trial will show the evolution
12 of the investigation, how one person gave us information
13 that led to another person giving us information, which
14 allow us to corroborate what they were saying. You'll
15 see the maps. You'll hear the testimony. You'll see
16 the evidence.

17 This has been a lengthy journey. Troy Mason, who
18 you'll hear from, he's been in jail for five years.
19 This is a case that involves details and testimony from
20 important witnesses. Those guys who wore masks, Troy
21 Mason involved -- and Mario Caldwell, ripped those masks
22 off of them. They are who unmasked Belton and Conyers.

23 What I ask of you is to pay attention to the
24 details, to be true, to be patient, and to be diligent.
25 Thank you.

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1 THE COURT: Mr. Mlynarczyk?

2 MR. MLYNARCZYK: May it please the Court, Your
3 Honor.
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OPENING STATEMENT

MR. MLYNARCZYK: Ladies and gentlemen, my name is Adam Mlynarczyk. As you already know, I have been appointed to represent Mr. Jeremiah Belton.

There is no dispute that there was a break-in in McClellanville. There is no dispute that a man lost his life.

What I want to make clear is a few things right up front. First of all, like the judge instructed you, everything that was just said is not evidence, what they intend to prove to you, so what I'm asking you to do is to look at what they actually prove.

They're saying that a group of guys came down from Charlotte, then a group of guys went to McClellanville, and this horrible crime took place. It's really important to look at the details. And that's where Ms. Shealy ended her statement to you, is in the details. So the details are this --

The judge told you that she is going to tell you about the law. You determine the facts, you determine -- and one of the important words she used is credibility. It's going to be really important for you to understand where all the information Ms. Shealy gave you comes from.

Where does it come from? There are two people in

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1 this case that she said you are going to hear from, Troy
2 Mason and Mario Caldwell. They admit they were there.
3 They admit they shot, they shot the house, and you heard
4 Ms. Shealy say one of them will admit he probably killed
5 the victim. There's going to be zero, zero -- I don't
6 like to make -- I don't make promises in many cases,
7 but there is zero physical evidence that is going to put
8 Mr. Belton at that scene. Zero physical evidence. All
9 the physical evidence, including statements from the
10 witnesses that she mentioned, will say two or three
11 intruders. Not five, not seven, but two or three. All
12 the bullets and ballistics will point to two or three
13 intruders.

14 The important thing here is that what you all, as
15 jurors, have to understand is that the job with me and
16 the defendant -- there are two people being tried here
17 at the same time. They are completely separate. They
18 have to put the evidence on. You heard the judge tell
19 you they have to put the evidence on against Mr. Belton.
20 You convict him on that, that's your choice, or you
21 acquit him on that. The same thing with Mr. Conyers.
22 Well, what's important here to realize is that you-all
23 are going to make that determination after you hear from
24 everybody.

25 Who is credible? Okay? You heard the solicitor

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1 tell you about Troy Mason being arrested in 2010. She
2 told you that he lied to the police and it wasn't until
3 2012, when he was facing trial, that he changed his
4 story. Mr. Caldwell was arrested in 2012. The other
5 admitted participant is now arrested and he now changed
6 -- and two years later, before his trial, not only does
7 he change his story but he makes a deal.

8 The solicitor didn't tell you anything about a
9 deal, a plea agreement. He was served with a piece of
10 paper that says, Mr. Caldwell, if you are found guilty,
11 you are going to go to jail for life without parole.
12 And right before his trial he signed the plea agreement
13 where now, all of a sudden, life without parole was off
14 the table and he's got the minimum or maximum sentence.

15 And this is what comes down to credibility. This
16 is what you-all have to determine. The physical
17 evidence does not put Jeremiah Belton in McClellanville.
18 Zero. I'm just going to ask you to pay attention. It's
19 going to be a long week. Look at the facts. Look at
20 the details. Is there enough information, from the
21 people that it's coming from, for you to find beyond a
22 reasonable doubt that my client, Jeremiah Belton, drove
23 to McClellanville and was involved in this horrible
24 incident?

25 I'm confident, after you hear everything, it's

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Opening Statement by Mr. Mlynarczyk
November 2, 2015

1 going to be not guilty. Thank you for your attention.

2 THE COURT: Mr. Murphy?

3 MR. MURPHY: Thank you, Your Honor. May it please
4 the Court.

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State vs. Belton and Conyers
Opening Statement by Mr. Murphy
November 2, 2015

OPENING STATEMENT

MR. MURPHY: Madam Forelady, ladies and gentlemen of the jury, my name is Chris Murphy and I represent Mr. King Conyers, as you know.

And I can tell you that Winston Churchill said that jury duty is the greatest duty citizens can give this country in times of peace. Now, I know you folks are not -- probably feel not being -- or feel unlucky having been selected. And I know we all had rather be somewhere else. But you folks took an oath to follow the law as it's given to you, and that's a serous obligation.

Now, I don't know what is going to come out of that stand. But as you've heard, the stories have changed. People have lied. So we really don't know what's going to happen until they actually get up there and say something.

But I do think what you're going to see is lots of evidence. You're going to see lots of pictures, lots of testimony, and lots of evidence, that all put Troy Mason, Mario Caldwell, and Curtis Delaney at the scene. And, folks, nobody disputes that.

Now, when you hear talk about look at physical evidence, when it all comes down to it, the only people that are going to testify that King had anything to do

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1 with this are going to be Mario Caldwell and Troy Mason.
2 And, folks, those are the ones that either got a deal or
3 are hoping to get a deal. They would say anything they
4 could to save themselves and avoid that prison term.
5 This is self-preservation. The survival instinct is the
6 strongest instinct we have as humans. And I don't blame
7 them for trying to save themselves. Most folks would do
8 exactly what they're doing in this situation. Now,
9 that's why we're here, folks, because the State has
10 chose to believe the stories of two admitted killers.

11 And in this case, the judge is going to charge you
12 on the burden of proof. In a criminal case, we have the
13 highest standard of proof in order to convict somebody.
14 That is beyond a reasonable doubt. The State must prove
15 their case beyond a reasonable doubt in order for you
16 folks to find Mr. Conyers guilty.

17 And at the end of this case, when you look through
18 all the exhibits, and hear all the testimony, it's going
19 to come down to whether or not you believe the word of
20 two self-admitted killers who are trying to save
21 themselves. Folks, that's not enough to convict Mr.
22 Conyers in this case, and at the end of this trial I'm
23 going to ask you for a verdict of not guilty. Thank
24 you.

25 THE COURT: Call your first witness.

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1 MS. SHEALY: Thank you, Your Honor. Moett Simmons.

2 THE CLERK OF COURT: This way, ma'am.

3 [Whereupon, Miss Simmons comes forward]

4 THE CLERK OF COURT: Place your left hand here.

5 Raise your right.

6 [Whereupon, Miss Simmons is duly sworn by the clerk
7 of court as follows: do you swear or affirm the
8 testimony you give the Court and the jury in the trial
9 of this case will be the truth, the whole truth, and
10 nothing but the truth, so help you God]

11 THE WITNESS: I do.

12 THE CLERK OF COURT: You may be seated.

13 [Whereupon, Miss Simmons takes the witness stand]

14 THE CLERK OF COURT: Ma'am, once seated, if you
15 could please state your first and last name and then
16 spell your last loudly and clearly into the microphone
17 for the record. And your first name, if you would,
18 please.

19 THE WITNESS: Moett Simmons. S-I-M-M-O-N-S.

20 THE COURT: Ms. Shealy?

21 MS. SHEALY: Thank you, Your Honor.

22 Your Honor, at this time I would move State's
23 Exhibits 1 through 223 into evidence, the photographs, I
24 believe without objection.

25 THE COURT: 1 through what's the last number?

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1 MS. SHEALY: 223. And they've already been marked.

2 THE COURT: Any objection? Mr. Mlynarczyk?

3 MR. MLYNARCZYK: No objection, Your Honor.

4 MR. MURPHY: No objection, Your Honor.

5 THE COURT: State's 1 through 123 -- excuse me --

6 MS. SHEALY: 223.

7 THE COURT: -- excuse me -- 223 into evidence

8 without objection.

9 [Whereupon, State's Exhibit Numbers 1 through 223

10 are admitted into evidence by the Court]

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Moett Simmons
Direct Examination by Ms. Shealy
November 2, 2015

MOETT SIMMONS,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MS. SHEALY:

Q. Moett, if you would please tell the jury how old
you are.

A. Nineteen.

Q. And are you working somewhere right now?

A. Yes, ma'am. Walmart.

Q. Who are you living with right now?

A. My little sister mother, Alisha.

Q. Your little sister's mother, Alisha?

A. Uh-huh.

Q. And does she live closer to where you work?

A. Yes, ma'am.

MS. SHEALY: I need you to -- I know you're so
quiet, but can you speak up a little louder for us so
everybody in the jury can hear --

THE WITNESS: Uh-huh.

MS. SHEALY: -- so I can hear --

THE WITNESS: Uh-huh.

MS. SHEALY: -- and so the defendants can hear?

Q. [Ms. Shealy] Who is your mother?

A. Latisha.

Moett Simmons
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1 Q. And is she present with you today?

2 A. Yes, ma'am.

3 Q. Who was your father?

4 A. Melvin Simmons.

5 Q. And what did people call him?

6 A. Kip.

7 Q. I would like for you to focus your attention back
8 to July of 2010. Would you tell the jury how old you were
9 then?

10 A. Thirteen.

11 Q. And were you living with your mother at that point?

12 A. Yes, ma'am.

13 Q. Where did your mom live at that time?

14 A. Georgetown.

15 Q. How often would you see your father?

16 A. Twice a month.

17 Q. And were you close to his brother and your
18 grandparents as well?

19 A. Yes, ma'am.

20 Q. Where did they live in relationship to your father?

21 A. [No response]

22 Q. They lived in kind of the same area --

23 A. Uh-huh.

24 Q. -- as your father lived in?

25 A. Yes, ma'am.

Moett Simmons
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1 Q. On July 9th, that Friday, can you tell us what you
2 did? Do you remember?

3 A. Me and Shemeika went to North Charleston to get her
4 daughter.

5 Q. And who was Shemeika?

6 A. My father's girlfriend at the time.

7 Q. And had any of her children been staying at the
8 same house with you that week?

9 A. Yes, ma'am.

10 Q. What did you and Shemeika do in North Charleston?

11 A. Went to go pick up her daughter, and did a couple
12 of run around, and shopping.

13 Q. Where did you pick her daughter up from?

14 A. Wadmalaw Island.

15 Q. Okay. And you said y'all went shopping?

16 A. Yes, ma'am.

17 Q. When y'all were heading back to your father's
18 house, did y'all make a stop anywhere?

19 A. Yes, ma'am.

20 Q. Where did you stop?

21 A. To NYPD.

22 Q. Okay. And is that located where?

23 A. In Mount Pleasant.

24 Q. What did y'all pick up from there?

25 A. Some food.

Moett Simmons
Direct Examination by Ms. Shealy
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1 Q. And after picking it up, did you -- did y'all eat
2 it there, or y'all took it to go?

3 A. Take it to go.

4 Q. After you took it to go, where did y'all go?

5 A. Back to McClellanville.

6 Q. Now, kind of describe, if you would, your father's
7 -- where your father's house is located. How would you
8 describe that area?

9 A. All the way in the country.

10 Q. Okay. Was the road paved, or was the road dirt?

11 A. It was -- well, the road was paved to get there,
12 but the road that his house was on was dirt.

13 Q. Showing you what's been previously marked as
14 State's Exhibit 4. And you should be able to see this on that
15 monitor right where you are.

16 A. Uh-huh.

17 Q. Can you tell what that's a picture of?

18 A. Uh-huh.

19 Q. What is that a picture of?

20 A. My father's house.

21 Q. Can you take your finger and point to your father's
22 house?

23 A. [Witness complies]

24 MS. SHEALY: May I approach?

25 THE COURT: You may.

Moett Simmons
Direct Examination by Ms. Shealy
November 2, 2015

1 Q. [Ms. Shealy] Can you point to the house?

2 A. [Witness complies]

3 Q. So that dot that's showing up on there, is that
4 your dad's house?

5 A. Uh-huh.

6 THE COURT: Is that a yes? I need you --

7 THE WITNESS: Yes, ma'am.

8 THE COURT: -- to answer yes or no.

9 Q. [Ms. Shealy] And just beyond your father's house
10 there, are there -- is there a wooded area?

11 A. Not really.

12 Q. Well, if you were to walk out his front door and
13 turn right, see those trees?

14 A. Uh-huh.

15 Q. Can you point those out for me?

16 A. [Witness complies]

17 Q. Showing you State's Exhibit 5. Is that a picture
18 of the front of his house?

19 A. Yes, ma'am.

20 Q. And showing you State's Exhibit 6. Just another
21 angle. Same picture of your dad's house; right?

22 A. Yes, ma'am.

23 Q. Showing you 7. Is that a closeup --

24 A. Yes, ma'am.

25 Q. -- of the front-door area?

Moett Simmons
Direct Examination by Ms. Shealy
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1 A. Uh-huh.

2 Q. Showing you 33. Is that a closer -- that's the
3 door opened from the front door?

4 A. Yes, ma'am.

5 Q. And 13. And that's after you walk in the door?

6 A. Yes, ma'am.

7 Q. Now, that wood that's placed over the door, is that
8 after the event in question?

9 A. Yes, ma'am.

10 Q. That's after that night?

11 A. Yes, ma'am.

12 Q. Showing you 37. Is that the hall as you walk in
13 the door?

14 A. Yes, ma'am.

15 Q. And that chair that's toppled over and that stick,
16 are they typically where they're located?

17 A. The stick is usually behind the door, and the chair
18 was usually behind the computer desk.

19 Q. Okay. Showing you 38. That opening on your left
20 as you're walking down the hall, what does that lead to?

21 A. To my father's room and the kitchen.

22 Q. Okay. So showing you 39. If you were to turn left
23 there, is that the room that you're talking about?

24 A. No, ma'am.

25 Q. Let's go back one. If that's the hallway --

Moett Simmons
Direct Examination by Ms. Shealy
November 2, 2015

1 A. Uh-huh.

2 Q. -- and if you were to turn left there -- showing
3 you 39..

4 A. It would take me to the dining room.

5 Q. Okay. And the dining room -- let's see. The
6 dining room is before that room, is what you're saying?

7 A. Yes, ma'am.

8 MS. SHEALY: Beg the Court's indulgence just a
9 moment.

10 THE COURT: Take your time.

11 [Whereupon, Ms. Shealy reviews documents]

12 MS. SHEALY: Well, we'll come back to that.

13 Q. [Ms. Shealy] So from the -- is that not the dining
14 room just a little farther down?

15 A. Yes, ma'am.

16 Q. Okay. So where is the hall in relationship to
17 that, Moett?

18 A. The hall is going -- leading to the playroom, my
19 room and my father's room and the kitchen.

20 Q. Okay. Well, this is back toward the entranceway.

21 A. Uh-huh.

22 Q. So if you were to turn left where I showed you in
23 that hall, you would see that and then see the dining room; is
24 that right?

25 A. You would see the dining room and once you get in

Moett Simmons
Direct Examination by Ms. Shealy
November 2, 2015

1 the dining room, you could see the kitchen.

2 Q. Okay. Showing you 40, State's Exhibit 40. Is that
3 just another picture of that room that we were looking at?

4 A. Yes, ma'am.

5 Q. Now, going back into the entrance hall at 41.
6 If you were to walk in the front door and walk straight
7 forward --

8 A. Uh-huh.

9 Q. -- we are entering what room? What do you call
10 that room?

11 A. Just the den.

12 Q. And showing you State's Exhibit 43. Is that a
13 closer-up view of the den if you were -- if you were to
14 continue walking?

15 A. Yes, ma'am.

16 Q. Showing you State's 44. Is that to turn right?

17 A. Yes, ma'am.

18 Q. Now, can you show us which room was the room that
19 you would sleep in when you were there?

20 A. [Witness complies]

21 MS. SHEALY: And let me undo -- see the button that
22 says undo?

23 THE WITNESS: Huh-uh.

24 MS. SHEALY: Let's get rid of your -- some of those
25 dots.

Moett Simmons
Direct Examination by Ms. Shealy
November 2, 2015

1 Q. [Ms. Shealy] Okay. So show us again where your
2 room was.

3 A. [Witness complies]

4 Q. And that room that has the blue couch in the
5 doorway, what is that room?

6 A. It's a game room.

7 Q. Showing you 45. Is that the game room, if you're
8 looking into it?

9 A. Yes, ma'am.

10 Q. And then back to 46. This is your bedroom?

11 A. Yes, ma'am.

12 Q. And 49. That's a little closer, a little better
13 lighted --

14 A. Yes, ma'am.

15 Q. -- version of your room?

16 A. Uh-huh.

17 Q. And 50. Is that where your television was?

18 A. Yes, ma'am.

19 Q. And 51. All of this is in your room?

20 A. Yes, ma'am.

21 Q. Okay. Now showing you 55. Well, let's go to 54,
22 if we could. Is that looking from your doorway, through the
23 den, towards the kitchen?

24 A. Yes, ma'am.

25 Q. And State's Exhibit 55. What is that showing us?

Moett Simmons
Direct Examination by Ms. Shealy
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1 A. The den and the kitchen.

2 Q. Point to where the kitchen is.

3 A. [Witness complies]

4 Q. And 57. Is that looking at the other angle of the
5 den, back towards the front door a bit?

6 A. Yes, ma'am.

7 Q. Okay. And then looking at the kitchen, 64. Is
8 that the kitchen?

9 A. Yes, ma'am.

10 Q. Is that the pizza box on the stove from where y'all
11 had gotten food?

12 A. Yes, ma'am.

13 Q. 65. That red mat that's outside that door, what
14 does that door lead to?

15 A. The back door. The back yard.

16 Q. Okay. So show us where the back door is.

17 A. [Witness complies]

18 Q. And then the doorway that's inside the house across
19 from that, what does that lead to?

20 A. My father's room.

21 Q. Okay. And as you walk in that doorway, showing you
22 State's 73. Is that how it looks as you walk in the doorway?

23 A. Yes, ma'am.

24 Q. And 77. So there a sitting area before you
25 actually enter where your father's bed was?

Moett Simmons
Direct Examination by Ms. Shealy
November 2, 2015

1 A. Yes, ma'am.

2 Q. 82. That's your father's bedroom?

3 A. Yes, ma'am.

4 Q. Okay. So you've given us the layout of your house.

5 When y'all got home and you ate your food, did you
6 eat it in the kitchen, or did you eat it in your bedroom, or
7 where?

8 A. In my bedroom.

9 Q. And after you ate your food, what did you then do?

10 A. I watched TV and played on my computer.

11 MS. SHEALY: You're going to need to talk a little
12 bit louder for us.

13 A. Watch TV and play on my computer.

14 Q. [Ms. Shealy] Okay. And what kind of stuff did you
15 play on your computer?

16 A. Star Dawn [phonetic].

17 Q. Is that a game?

18 A. Yes, ma'am.

19 Q. After playing on your computer, did you then go to
20 sleep?

21 A. Yes, ma'am.

22 Q. Tell us what happened after you fell asleep.

23 A. I shortly fall asleep just a little bit, not -- I
24 wasn't deep in sleep, and I heard a loud boom and all of a
25 sudden I just heard a bunch of tussling. And then I started

Moett Simmons
Direct Examination by Ms. Shealy
November 2, 2015

1 hearing gunshots. I heard so much different things at the
2 time.

3 And then someone approached my room, but I heard my
4 father -- as the person was approaching my room, I heard my
5 father saying don't go in that room, don't go in that room.
6 And when the person came in the room, they hold me -- a gun to
7 my head telling me shut up and just lay down, shut up.

8 Q. Let me slow you down for just a little bit, if I
9 could.

10 When the person came into your room, you had heard
11 your father first say don't go into that room?

12 A. Yes, ma'am.

13 Q. Describe what that person looked like.

14 A. Tall, skinny, had on black clothes, a black ski
15 mask, and mittens.

16 Q. Did he have anything in his hand?

17 A. Yes, ma'am.

18 Q. And what did it look like?

19 A. A silver gun.

20 Q. Now, do you remember anything about his clothes?

21 A. Black. They were dark.

22 Q. And when you say that he put the gun to your head,
23 could you describe for the jury how he did that?

24 A. He hold it toward my forehead, just like that
25 [indicates].

Moett Simmons
Direct Examination by Ms. Shealy
November 2, 2015

1 Q. He held it towards your what?

2 A. He hold it toward my forehead like this.

3 Q. And you were where when that happened?

4 A. In my bed.

5 Q. And were you laying down? Or how were you
6 positioned?

7 A. Sitting up.

8 Q. In what way?

9 A. Like [indicates].

10 Q. Resting back on your arms?

11 A. Yes, ma'am.

12 Q. When that person put the gun to your forehead, what
13 did you then do?

14 A. I did what he asked me to do.

15 Q. And did you lay back down?

16 A. Yes, ma'am.

17 Q. What did that person say to you?

18 A. Just tell me to shut up, lay down and be calm, and
19 lay the cover over my head.

20 Q. He asked you to lay the cover? Or he laid the
21 cover?

22 A. He laid the cover down.

23 Q. Could you tell how long he was in the room?

24 A. No.

25 Q. And how are you feeling at this point?

Moett Simmons
Direct Examination by Ms. Shealy
November 2, 2015

1 A. Very afraid and frightened.

2 Q. What are you hearing at that time?

3 A. A bunch of tussling and gunshots.

4 Q. And can you describe for that jury: were there
5 just a couple of gunshots or were there a bunch of gunshots?

6 A. A lot of gunshots.

7 Q. At this time with all of that going on, were you
8 able to pay attention to every detail?

9 A. No.

10 Q. Does the house eventually get quiet again?

11 A. Soon.

12 Q. And could you tell whether or not -- who all ever
13 had come into the house, whether they were still there?

14 A. Not really.

15 Q. So what happened next?

16 A. Shemeika called out for my name and asked if I was
17 all right.

18 And she asked me to put a couple of things behind
19 the door and close the door.

20 Q. Close what door?

21 A. The front door.

22 Q. And do you know where she was when she asked you to
23 do that?

24 A. She was at the doorway of my father's room.

25 Q. So had you gotten out of the bed at that point?

Moett Simmons
Direct Examination by Ms. Shealy
November 2, 2015

1 A. Yes, ma'am.

2 Q. And could you hear whether Shemeika was saying
3 anything to your father at that point?

4 A. Yes.

5 Q. What was she saying?

6 A. She was like saying, come on, Kip; come on, Kip;
7 come on, Kip.

8 Q. When she asked you to put something behind the
9 front door, did you try to do that?

10 A. Yes, ma'am.

11 Q. And what did you try to move there?

12 A. I tried to move the blue couch in the game room. I
13 tried to move the wine cart from out the kitchen. And the
14 computer chair.

15 Q. So showing you State's Exhibit 45. Is that where
16 you left the couch?

17 A. Yes, ma'am.

18 Q. And why were you not able to move it behind the
19 front door?

20 A. Because it had to be turned a certain way to get
21 out the door.

22 Q. Okay. So you couldn't do that by yourself?

23 A. No.

24 Q. And then you indicated you also tried to move the
25 wine cart?

Moett Simmons
Direct Examination by Ms. Shealy
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1 A. Uh-huh.

2 Q. Showing you State's Exhibit 63. Is this the wine
3 cart?

4 A. Yes, ma'am.

5 Q. Would you tell the jury if that's where the wine
6 cart typically is?

7 A. No.

8 Q. Where is the wine cart usually?

9 A. By the back door.

10 Q. Showing you State's Exhibit 66. Can you show us on
11 that picture where the wine cart usually is?

12 A. [Witness complies]

13 Q. Draw a longer line, if you could.

14 A. [Witness complies]

15 Q. So you had moved it from there in the kitchen to
16 into the den but couldn't get it any farther?

17 A. Yes, ma'am.

18 Q. Why couldn't you get it any farther?

19 A. Because glass started to fall off the cart.

20 Q. And showing you State's Exhibit 68. Did a glass
21 break when you were trying to do it?

22 A. Yes, ma'am.

23 Q. Did you eventually put it in the trash can?

24 A. Yes, ma'am.

25 Q. Okay. And is that it in the trash can?

Moett Simmons
Direct Examination by Ms. Shealy
November 2, 2015

1 A. Yes, ma'am.

2 Q. So you were finally successful, you indicated, with
3 a computer chair?

4 A. Yes, ma'am.

5 Q. Showing you State's Exhibit 37. Could you point to
6 the computer chair?

7 A. [Witness complies]

8 Q. And where was the computer chair normally?

9 A. In this room.

10 Q. In which room?

11 A. The little side room right here down the hall.

12 Q. Now, that stick that's on the floor, you had
13 mentioned earlier that it's usually by the front door?

14 A. Yes, ma'am.

15 Q. And how would they use it near the front door?

16 A. They would put it under the doorknob.

17 Q. To kind of keep it reinforced?

18 A. Yes, ma'am.

19 Q. Now, did you knock that chair over?

20 A. I think I did.

21 Q. Okay. When you went to the front door, was it
22 already closed or did you have to close it?

23 A. No, ma'am. I had to close it when I first went to
24 the front door.

25 Q. And when you got there, could you tell the jury

Moett Simmons
Direct Examination by Ms. Shealy
November 2, 2015

1 whether or not you noticed anything outside?

2 A. No.

3 Q. Not at that point?

4 A. No, ma'am.

5 Q. When you came back in, what was going on --

6 A. When I came back in --

7 Q. Well, not came back in. But after you had put the
8 chair by the front door, what happened next?

9 A. Shemeika asked me to put a book bag in the back of
10 her truck behind her speakers, and I went outside and I put
11 the book bag behind her speakers in her truck.

12 Q. Okay. And when you picked up that book bag, how
13 did it feel?

14 A. Like metal. Like steel.

15 Q. What did it feel like to you?

16 A. Very heavy, like a gun.

17 Q. Okay. Showing you State's Exhibit 185 and 184. Is
18 that the vehicle that you put the book bag in?

19 A. Yes, ma'am.

20 Q. And showing you 185 again. Is that the book bag?

21 A. Yes, ma'am.

22 Q. But you did not look at what was inside?

23 A. No.

24 Q. But it felt like a gun?

25 A. Yes, ma'am.

Moett Simmons
Direct Examination by Ms. Shealy
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1 Q. Did you know that your father had guns in the
2 house?

3 A. Yes, ma'am.

4 Q. Okay. And where did he keep his guns?

5 A. In different places.

6 Q. Okay. Just different places in the house?

7 A. Yes.

8 Q. After you took the book bag outside, what happened
9 next?

10 A. I went back to go in the house. And after I got in
11 the house, Shemeika asked me to go and open the door for the
12 police officers:

13 Q. Well, when you went back in the house, can you tell
14 the jury: could you see what Shemeika was doing?

15 A. No, not at first when I went back in the house.

16 Q. Could you hear her at all?

17 A. No.

18 Q. Okay. And so did you go to the front door?

19 A. Yes, ma'am.

20 Q. And when you went to the front door, what happened?

21 A. I opened the door for the police officers and I saw
22 a dead body.

23 Q. And that was in your front yard?

24 A. Yes, ma'am.

25 Q. And the police were at your front door?

Moett Simmons
Direct Examination by Ms. Shealy
November 2, 2015

1 A. Yes, ma'am.

2 MS. SHEALY: Beg the Court's indulgence just a
3 moment.

4 THE COURT: Take your time.

5 [Whereupon, Ms. Shealy reviews documents]

6 Q. [Ms. Shealy] So when you opened the front door,
7 showing you State's Exhibit 29 and 30, is that what you saw in
8 your front yard?

9 A. Yes, ma'am.

10 Q. Had you ever seen a dead person before?

11 A. No, ma'am.

12 Q. And when the police came in, where did y'all go?

13 A. I led them to my father's room.

14 Q. And what was going on in your father's room --

15 MS. SHEALY: I'll take that.

16 Q. [Ms. Shealy] What was going on in your father's
17 room when you went back there?

18 A. Shemeika was doing CPR on him.

19 Q. And could you describe how Shemeika appeared?

20 A. She was kneeling down over him.

21 Q. How did she look?

22 A. Nervous.

23 Q. And was she crying?

24 A. No, not yet.

25 Q. Not yet?

Moett Simmons
Direct Examination by Ms. Shealy
November 2, 2015

1 A. Huh-uh.

2 Q. What was she saying?

3 A. She really wasn't saying anything. She just was
4 sitting -- like kneeling over her -- him.

5 Q. What did you do then?

6 A. She asked me to get out of the room, and I got out
7 of the room.

8 Q. After that, what's the next thing that happened
9 with you?

10 A. I was sitting in the room and Shemeika told me to
11 let's go. So we got in the truck and we were about to leave
12 but when we were leaving, the police officers tell us we
13 couldn't go anywhere.

14 Q. So when you went out of the room, Shemeika was in
15 the room with the police?

16 A. Yes, ma'am.

17 Q. And then she said come on, let's go?

18 A. Yes, ma'am.

19 Q. Now, did y'all -- showing you State's Exhibit 22.
20 Is that the vehicle that y'all left in?

21 A. Yes, ma'am.

22 Q. And at that point, were there other officers who
23 wanted to talk with y'all?

24 A. Yes, ma'am.

25 Q. So y'all left the vehicle there?

Moett Simmons
Direct Examination by Ms. Shealy
November 2, 2015

1 A. Yes, ma'am.

2 Q. What did the police then do?

3 A. The policemen really wanted to talk to me, and
4 Shemeika didn't want them to talk to me because I was a minor
5 at the time. So they separated us and put us in two different
6 rooms.

7 Q. And did you, in fact, talk to the officer?

8 A. Yes, ma'am.

9 Q. And did he get a written statement from you that
10 night?

11 A. Not at that moment.

12 Q. Not at that time. But you told him what had
13 happened?

14 A. No.

15 They just had wanted some information from me. I
16 told --

17 Q. Some background information?

18 A. Yes, ma'am.

19 Q. Okay. Well, what happened after that?

20 A. They put us in two different cars and we sat there
21 like -- in the cars for like two hours until a detective came
22 and got me.

23 Q. And what did you think was going on with your
24 father?

25 A. I thought he was okay.

Moett Simmons
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1 Q. Okay. When the detective came to get you, what
2 happened at that point?

3 A. He just wanted me to write down a statement what
4 happened.

5 Q. And where did that take place?

6 A. In his car.

7 Q. And so did you have to go from one police car to
8 another police car?

9 A. Yes, ma'am.

10 Q. While you did that, was the dead body in the front
11 yard still right out there?

12 A. Yes, ma'am.

13 Q. And was it getting light outside at that point?

14 A. Yes, ma'am.

15 Q. Did you, in fact, give a statement that night?

16 A. Yes, ma'am.

17 Q. Okay. And that would have been at 6:30 a.m.?

18 A. [No response]

19 Q. Do you need to take a look at your statement?

20 A. Yes, ma'am.

21 [Whereupon, the witness reviews documents]

22 A. Uh-huh.

23 Q. [Ms. Shealy] At 6:30?

24 A. Yes, ma'am.

25 Q. And did you try to answer the questions, as best as

Moett Simmons
Direct Examination by Ms. Shealy
November 2, 2015

1 you could, for the police officer that night?

2 A. Yes, ma'am.

3 Q. Did you later go back and give another statement?

4 A. Yes, ma'am.

5 Q. And at that point, where did you give your
6 statement?

7 A. At the sheriff's department.

8 MS. SHEALY: Miss Simmons, I don't think I have any
9 further questions for you right now. Please answer any
10 that the defense may have.

11 THE WITNESS: Okay.

12 MS. SHEALY: Okay? Thank you.

13 THE COURT: Mr. Mlynarczyk?

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

16 Afternoon, Moett.

17 THE WITNESS: Hi.

18 MR. MLYNARCZYK: I just want to go through some of
19 the things that you discussed with the solicitor to make
20 sure that the jury has all the facts regarding the
21 information you gave that night.

22 THE WITNESS: Okay.

23 - - -

24 - - -

25 - - -

Moett Simmons
Cross-Examination by Mr. Mlynarczyk
November 2, 2015

CROSS-EXAMINATION

BY MR. MLYNARCZYK:

Q. Okay. So during the -- one of the statements that the solicitor just showed you that was on July 10th, did the police ask you how many men had broken into the house?

A. Yes, sir.

Q. And how many -- at that time -- but if you remember, how many did you tell the police broke into the house?

A. Three.

Q. Okay. And why did you tell the police three?

A. I just gave him a number at the time.

Q. Okay. So let's go -- let's go back a little bit.

You said when -- one of the guys came in the house and jumped on the bed; right --

A. Uh-huh.

Q. -- came into your room?

Do you know -- and about how long was he in that room with you?

A. I don't know.

Q. Did he stay in the room after he had said anything to you?

A. No.

Q. So he jumped on the bed, said something to you, said be quiet, pulled the --

Moett Simmons
Cross-Examination by Mr. Mlynarczyk
November 2, 2015

1 A. Yes.

2 Q. -- blanket over your house [sic] and then got up
3 and left?

4 A. Uh-huh.

5 Q. So we're talking a matter of about maybe ten
6 seconds or so, something --

7 A. Yes.

8 Q. -- like that?

9 During that night -- it was 6:30 in the morning
10 when you gave your statement. You told the solicitor that
11 Shemeika Stokes, your dad's girlfriend, asked you to bring a
12 bag out to the truck --

13 A. Uh-huh.

14 Q. -- correct?

15 How long after the shooting had stopped did that
16 take place?

17 A. Probably a couple of minutes.

18 Q. So a couple of minutes?

19 A. Uh-huh.

20 Q. Do you remember ever seeing Shemeika Stokes fire a
21 weapon that night?

22 A. No.

23 Q. Did you go back to the room after the -- after the
24 -- so you testified that you left your room; right? That's
25 when you were moving the furniture around --

Moett Simmons
Cross-Examination by Mr. Mlynarczyk
November 2, 2015

1 A. Yes.

2 Q. -- to block the door?

3 So Shemeika Stokes asked you to go block the door;
4 correct?

5 A. Yes.

6 Q. Did she help you?

7 A. No.

8 Q. She was in the room with Mr. Simmons?

9 A. Yes.

10 Q. And then she came out and gave you the bag and said
11 go put this in the truck?

12 A. Yes.

13 Q. And was the truck -- the truck was in the back yard
14 at that point?

15 A. Yes.

16 Q. And you thought there was a gun in it?

17 A. Yes.

18 Q. So from the time -- the only time you remember
19 being in your room after you woke up is when the guy who broke
20 in was on top of you?

21 A. Uh-huh.

22 Q. About ten seconds later, you went out of the room
23 because after all the gunfire -- was gunfire still going on
24 when you left the room?

25 A. No.

Moett Simmons
Cross-Examination by Mr. Mlynarczyk
November 2, 2015

1 Q. So it kind of all started and died really, really
2 fast?

3 A. Yes.

4 Q. And you didn't see any other people in your house,
5 except for that one person that was on your bed?

6 A. Yes.

7 Q. Did you see anybody running out of the house?

8 A. No.

9 Q. Do you remember --

10 MR. MLYNARCZYK: Strike that, Your Honor.

11 Q. [Mr. Mlynarczyk] Do you remember telling the
12 detective at the time about seeing a white older Ford Explorer
13 at your dad's house?

14 A. Yes.

15 Q. And when was that?

16 A. That was like later on when we was coming back from
17 Mount Pleasant.

18 Q. So that night?

19 A. Yes.

20 Q. So was it parked near your dad's house?

21 A. It was driving down the dirt road.

22 Q. From your dad's house? To your dad's house?

23 A. Driving down the dirt road by his house.

24 Q. By his house?

25 A. Yes.

Moett Simmons
Cross-Examination by Mr. Mlynarczyk
November 2, 2015

1 Q. And you said that was like a white -- was it dark
2 out?

3 A. Yes, sir.

4 Q. But it was a -- like a light-color, older -- you
5 called it a Ford Explorer. But some kind of SUV vehicle?

6 A. Yes, sir.

7 Q. And how many people did you see in that car?

8 A. I just see -- I thought I saw three.

9 Q. You saw three?

10 A. Uh-huh.

11 Q. And when you -- when the officers asked you about
12 that, what ethnicity were they? What race were they?

13 A. Black.

14 Q. They were -- so you said you see three black men in
15 a older style SUV. Now, that road that you said you saw them
16 coming back, was that a public road? Like were you talking
17 about a highway, or a road in front of your dad's house, or --

18 A. No.

19 Q. No?

20 A. Dirt road.

21 Q. It's a private road?

22 A. Yes, 'sir.

23 Q. Your dad's road?

24 A. Yes, sir.

25 Q. And I can't remember if you said they were coming

Moett Simmons
Cross-Examination by Mr. Mlynarczyk
November 2, 2015

1 or they were -- they were leaving, or they were coming?

2 A. They were coming, like going down the road.

3 Q. So did you think they were coming from your dad's
4 house?

5 A. No.

6 Q. You think they were going towards your dad's house?

7 A. I thought they were.

8 Q. And what time, about, was that?

9 A. I don't remember.

10 Q. Now, the time is really important. You said you
11 were logging off your computer. Do you know about what time
12 the break-in took place?

13 A. No.

14 Q. In your statement -- but if you made a statement
15 about what the time was back in 2010 --

16 A. Uh-huh.

17 Q. -- that would be more -- pretty accurate, at the
18 time, than what you remember now; correct?

19 A. Uh-huh.

20 Q. Do you remember telling the officers that you
21 logged out of your computer at 3:58 a.m.?

22 A. Yes, sir.

23 Q. That's pretty specific; right?

24 A. Yes, sir.

25 Q. So and that was right after that --

Moett Simmons
Cross-Examination by Mr. Mlynarczyk
November 2, 2015

1 A. Yes.

2 Q. -- you told them that this break-in took place?

3 A. Yes, sir.

4 Q. So it's right, almost to the dot, four o'clock in
5 the morning?

6 A. Yes, sir.

7 Q. So I want to ask you. So how long -- I know it was
8 -- I know it was a hectic night. I know there was a lot going
9 on. But do you know who called the police?

10 A. Shemeika.

11 Q. And do you know when she called the police?

12 A. No.

13 Q. So you never called or talked to the police that
14 night?

15 A. No, sir.

16 Q. Did Shemeika Stokes ever tell you why, or give you
17 an indication of why, she asked you to take the bag out of the
18 house?

19 A. No, sir.

20 Q. You also told the police -- now, you went in for a
21 second interview after July 10th; right?

22 A. Yes, sir.

23 Q. You went with your mother?

24 A. Yes, sir.

25 Q. Do you remember telling the police in that

Moett Simmons
Cross-Examination by Mr. Mlynarczyk
November 2, 2015

1 statement -- that was on July 23rd. Does that sound about
2 right?

3 A. Uh-huh. Yes, sir.

4 Q. But it was a couple -- it was a couple of weeks
5 later?

6 A. Yes, sir.

7 Q. Do you remember telling them at that point that you
8 remember Shemeika Stokes being awake right before it happened?

9 A. Yes, sir.

10 Q. And why did you think that?

11 A. Because I heard her footsteps.

12 Q. And it was right before the break-in?

13 A. Yes, sir.

14 Q. Do you remember telling the police that when you
15 took the bag out back in the truck and you were coming back
16 in, that Shemeika Stokes had locked the door behind you? Do
17 you remember that?

18 A. Yes, sir.

19 Q. And how long were you locked out of the house?

20 A. Just a couple of seconds.

21 Q. So you had -- you knocked?

22 A. Yes, sir.

23 MR. MLYNARCZYK: One moment please, Your Honor.

24 THE COURT: Take your time.

25 [Whereupon, Mr. Mlynarczyk reviews documents]

Moett Simmons
Cross-Examination by Mr. Mlynarczyk
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1 MR. MLYNARCZYK: I have nothing further, Your
2 Honor.

3 THE COURT: Mr. Murphy?

4 MR. MURPHY: Thank you, Your Honor. May it please
5 the Court.

6 I'm sorry for your loss, ma'am. I just have a few
7 questions.

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Moett Simmons
Cross-Examination by Mr. Murphy
November 2, 2015

CROSS-EXAMINATION

BY MR. MURPHY:

Q. How was your father employed? Do you remember what he did for a living?

A. He had a landscaping business.

Q. He had a landscaping business? And you remember him as a good man?

A. Yes, sir.

Q. And the cops were never called out to this house before this night, were they?

A. No, sir.

Q. And the fellow that came into your room and held a gun to you, that you testified, was he taller than me?

A. Yes, sir.

MR. MURPHY: That's all I have. Thank you.

THE COURT: Redirect?

MS. SHEALY: Yes, Your Honor.

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- - -

Moett Simmons
Redirect Examination by Ms. Shealy
November 2, 2015

REDIRECT EXAMINATION

BY MS. SHEALY:

Q. Mr. Mlynarczyk asked you about your observation of that Ford Explorer when y'all were on the way back from the pizza place.

A. Yes, sir [sic].

Q. Were you trying to think back, trying to connect dots, when you thought about that?

A. Yes.

Q. Okay. So you saw it being pulled on your father's road as y'all were coming back from Pizza Hut --

A. Yes.

Q. -- and it drew your attention?

A. Yes.

Q. Okay. Now, when you gave the number of people you thought were involved, you said you just gave a number?

A. Yes.

Q. How many did you actually see?

A. I really couldn't see.

Q. And tell us about that. Why couldn't you see? What was the lighting like in your --

A. Because it was dark.

Q. But you know someone came into your room?

A. Yes.

Q. You told us earlier that you heard some scrambling

Moett Simmons
Redirect Examination by Ms. Shealy
November 2, 2015

1 around and tussling?

2 A. Yes.

3 Q. Could you tell the jury whether it sounded like the
4 only person who came in was the one who came to your room, or
5 if it sounded like there were other people there?

6 A. It sounded like it was other people.

7 Q. And did you know, at the time you gave your
8 statement, how many people Shemeika had seen?

9 A. No.

10 Q. Is it fair to say that your dad's bedroom and your
11 bedroom are on opposite ends of the house?

12 A. Yes.

13 Q. And looking at your statement from July 10th,
14 focusing your attention to that last paragraph, when you gave
15 that statement that night, what did you indicate you did after
16 the house quieted?

17 A. I called out to see if my father and Shemeika was
18 okay.

19 Q. Okay. And what else did you indicate?

20 A. And I heard her crying, saying my dad's name.

21 Q. And then what does it say about -- does it say
22 something about 911 on that part?

23 A. No, ma'am.

24 Q. Okay. But you know that Shemeika called 911?

25 A. Yes, ma'am.

Moett Simmons
Redirect Examination by Ms. Shealy
November 2, 2015

1 Q. And you know that she was performing CPR on your
2 dad?

3 A. Yes, ma'am.

4 MS. SHEALY: Thank you, Moett. I have no further
5 questions.

6 THE COURT: Mr. Mlynarczyk?

7 MR. MLYNARCZYK: I have no further questions, Your
8 Honor.

9 MR. MURPHY: Nothing, Your Honor.

10 THE COURT: You may step down. Thank you.

11 [Whereupon, Miss Simmons is excused and exits the
12 witness stand]

13 THE COURT: Ladies and gentlemen, it's an
14 appropriate time for us to take a comfort break. Please
15 remember all my admonitions. You may take your notepads
16 with you or leave them in your chair.

17 Please rise for the jury.

18 [Whereupon, the jury exits the courtroom at
19 4:03 p.m.]

20 THE COURT: Thank you. Be seated.

21 Anything before we break?

22 MS. SHEALY: Well, yes, Your Honor.

23 I'm getting information when I'm not questioning
24 witnesses. Apparently, our next witness has run into
25 some childcare difficulty and is not here yet. I think

Moett Simmons
Redirect Examination by Ms. Shealy
November 2, 2015

1 I can go forward with three witnesses. But if she's not
2 here by then, my next witness would be very much out of
3 order.

4 THE COURT: Let's hope it all works out.

5 MS. SHEALY: Okay.

6 THE COURT: Ten minutes. Thank you. We'll take
7 about ten minutes.

8 MS. SHEALY: Thank you.

9 MR. MURPHY: Thank you, Judge.

10 [Whereupon, a recess is taken from 4:04 p.m. to
11 4:17 p.m.]

12 THE COURT: Thank you. Be seated.

13 Anything before we bring in the jury? From the
14 State?

15 MS. SHEALY: May we approach just for a second?

16 THE COURT: Sure.

17 [Whereupon, an off-the-record bench conference is
18 held]

19 THE COURT: Let's bring in the jury.

20 [Off the record momentarily]

21 [Whereupon, the jury enters the courtroom at
22 4:20 p.m.]

23 THE BAILIFF: All jurors are present, Your Honor.

24 THE COURT: Thank you. Be seated.

25 Call your next witness, Ms. Shealy.

Moett Simmons
Redirect Examination by Ms. Shealy
November 2, 2015

1 MS. SHEALY: Thank you. Lisa Branham.

2 [Whereupon, Ms. Branham comes forward]

3 THE CLERK OF COURT: Left hand here. Raise your
4 right.

5 [Whereupon, Ms. Branham is duly sworn by the clerk
6 of court as follows: do you swear or affirm the
7 testimony you give the Court and the jury in the trial
8 of this case will be the truth, the whole truth, and
9 nothing but the truth, so help you God]

10 THE WITNESS: Yes, sir.

11 THE CLERK OF COURT: You may be seated.

12 Ma'am, once seated, if you could please state your
13 first and last name and then spell your last loudly and
14 clearly into the microphone for the record.

15 [Whereupon, Ms. Branham takes the witness stand]

16 THE WITNESS: Yes, sir.

17 Lisa Branham. Last name is B-R-A-N-H-A-M, as in
18 Mike.

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Lisa Branham
Direct Examination by Ms. Shealy
November 2, 2015

LISA BRANHAM,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MS. SHEALY:

Q. Officer Branham, if you would please tell the jury where you are employed.

A. Charleston County Sheriff's Office, ma'am.

Q. And how long have you worked there?

A. Since August of 2006.

Q. And in what capacity are you working there now?

A. I work narcotics with the DEA.

Q. And prior to that in July of 2010, in what capacity were you working for the sheriff's office?

A. Patrol.

Q. Were you assigned to a certain area of Charleston County?

A. Yes, ma'am.

The East Cooper area or east district, which consists of Mount Pleasant all the way to Georgetown.

Q. All the way to Georgetown?

A. Yes, ma'am.

Q. Would you tell the jury whether [REDACTED], is that in Charleston County?

A. It is, ma'am.

Lisa Branham
Direct Examination by Ms. Shealy
November 2, 2015

1 Q. On July 10th, early-morning hours of July 10th, did
2 you receive a call to report to that address?

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

4 Q. And do you recall what time you got there?

5 A. I do not recall.

6 But I know it was extremely late, early in the
7 morning.

8 Q. Okay. If I showed you your report, would that
9 refresh your memory?

10 A. Yes, ma'am, it would. I apologize. Thank you.

11 [Whereupon, the witness reviews documents]

12 A. Very early. It was at 4:37 in the morning.

13 Q. [Ms. Shealy] I'll just let you hang onto that.

14 A. Yes, ma'am.

15 Q. And when you reported there, had anyone else from
16 the sheriff's office already gotten there?

17 A. Yes, ma'am. Deputy Quinn.

18 Q. And where was Deputy Quinn when you arrived?

19 A. He was just shy -- I know it's hard to explain to
20 the people that aren't there. But if you are on Old
21 Georgetown at the incident location, and you are standing in
22 the middle of the road facing the residence, he was just shy
23 of where one of the deceased parties were on the lefthand
24 side.

25 Q. Okay. I'm showing you State's Exhibit 29 -- well,

Lisa Branham
Direct Examination by Ms. Shealy
November 2, 2015

1 28. Let's do 28. It's going to appear on that screen in just
2 a second.

3 A. Yes, ma'am.

4 Q. Is that the incident location?

5 A. It is, ma'am.

6 Q. And where was Deputy Quinn when you arrived?

7 A. To the left of the deceased.

8 Q. Could you -- if you use your finger on that screen,
9 it will make a marking.

10 A. Okay.

11 Q. Just kind of indicate where he was.

12 A. Yes, ma'am. It was in this general vicinity
13 [indicates].

14 Q. And would you describe that area to us?

15 A. As in the location as it being very dark? Is that
16 what you're looking for?

17 Q. That [indicates].

18 And just what that -- Old Georgetown Road; how
19 would you describe it?

20 A. Very rural.

21 I call it country living at its best. Anybody that
22 lives in a small community would know what that is.

23 It's a very desolate road. There's a few houses
24 intermittent. You've got national forest that runs in that
25 area, as well. Very dark, no street lamps, dirt road. I

Lisa Branham
Direct Examination by Ms. Shealy
November 2, 2015

1 mean, just very desolate.

2 Q. Okay. And Deputy Quinn had not yet gone into the
3 residence? Or had he?

4 A. No, ma'am, he had not.

5 Q. Was he waiting for you to arrive?

6 A. He was.

7 Q. What was the first thing that y'all did?

8 A. I know Deputy Quinn had advised that he was
9 assessing the deceased at the very beginning. It then came
10 across the radio that he had taken a pulse and that it
11 appeared as though we had had one ten-seven, which is
12 deceased.

13 When I got on scene, I had advised dispatch to
14 advise the homeowner to secure her weapon. At that time, I
15 was advised that there were no weapons. And obviously there
16 had to be a weapon involved. I mean, we have a deceased party
17 in the front yard. So --

18 Q. Let me interrupt you just for a second.

19 A. Yes, ma'am.

20 Q. When you say that you had asked that the homeowner
21 -- what did you say --

22 A. Secure her weapon.

23 Q. -- secure her weapon --

24 A. Yes, ma'am.

25 Q. -- who were you communicating with?

Lisa Branham
Direct Examination by Ms. Shealy
November 2, 2015

1 A. With Charleston County dispatch. Because --

2 Q. Was there a vehicle between you and Ms. Stokes, who
3 was inside the residence?

4 A. Yes, ma'am.

5 So it was almost per our walkie-talkies, because
6 they have an open line with the complainant at the moment, or
7 the victim, however you perceive it at the moment. We refer
8 to anyone who calls into the sheriff's office as a
9 complainant.

10 So I was advised in dispatch to tell the
11 complainant -- since they have an open line of communication,
12 instead of me trying to scream -- because, again, it's pretty
13 far right off the road, as opposed to screaming at the house
14 and making matters worse. It's easier for them to tell her on
15 the phone.

16 Q. Did y'all, in fact, gain entry into the home?

17 A. We did, ma'am.

18 Q. And how was that accomplished?

19 A. Once we advised her to secure her weapon -- we
20 normally don't just walk into a residence. If they can send
21 someone to the door to open it -- that way we don't get
22 ambushed or walk into a disaster ourselves.

23 I want to say the door may have been opened by one
24 of the children, if I'm not mistaken, ma'am.

25 Q. Okay. And you were indicating the front area. I'm

Lisa Branham
Direct Examination by Ms. Shealy
November 2, 2015

1 showing you State's Exhibit 33.

2 A. Yes, ma'am.

3 Q. Did you notice the plants, leading up to the
4 doorway, being broken --

5 A. Yes, ma'am, they were.

6 Q. -- on the front steps?

7 A. Yes, ma'am.

8 Q. Okay. And when you entered the house, what was the
9 lighting like inside?

10 A. Dim.

11 Q. Did y'all turn on lights on your way in?

12 A. Not initially, no, ma'am, we did not.

13 Q. Okay. Describe if you would, for the jury, how did
14 the house look when you went into it?

15 A. A disaster.

16 Q. In what way?

17 A. Almost -- if you are looking at the picture, you
18 can see a chair. I don't know if you can make it out, but
19 there's a white bar just to the right of the chair. That's
20 actually a bar that pushes against the door to keep -- for
21 security purposes. It's a -- it goes inside your residence
22 and nobody can force your door open.

23 Q. I'm showing you State's Exhibit 37. That might
24 give you a little bit better shot of what you're talking
25 about.

Lisa Branham
Direct Examination by Ms. Shealy
November 2, 2015

1 A. Yes, ma'am. Yes, ma'am, that would be the bar.

2 Q. Now, it was not lit like this as y'all entered the
3 home?

4 A. Oh. No, ma'am. No, it was not. This is far
5 after, I'm sure.

6 Q. So as you were walking through the house, were you
7 following the juvenile that opened the door?

8 A. Somewhat.

9 You know the juvenile is there, but your eyes are
10 constantly -- I mean, it's almost as if you're in a hyper-
11 vigilant state. You're walking into an unknown area. And we
12 believed at this point that the subjects or the suspects in
13 this case have left the residence but you're still unsure, I
14 mean, until you check for yourself.

15 Q. What is the protocol when members of the sheriff's
16 office enter a home? Is there any type of an announcement you
17 make?

18 A. Yes, ma'am.

19 In a situation like this we would announce
20 sheriff's office, because we don't want to be mistaken for
21 anyone else. We don't want to be mistaken for whoever was
22 there prior to us, or vice versa. Or normally we're screaming
23 sheriff's office as we're walking through.

24 Q. And in that you indicated that the lighting was
25 bad, were you using anything for assistance?

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1 A. Yes, ma'am. We carry handheld flashlights.

2 Q. What did y'all do once you were in the home?

3 A. We do what -- we secure the area.

4 It's almost like a perimeter check for us and for
5 everybody else. So, initially, it doesn't really matter whose
6 house it is. If we come into your residence, we will -- if
7 there's an open door, you enter the open door and you just
8 kind of do a quick bypass of everything, to make there's no
9 one in there, until you get to where you're actually going.

10 Q. As you were making that quick look at the house,
11 could you describe for the jury the nature of the house at
12 that point?

13 A. Items were destroyed.

14 I guess it depends on -- everybody's terminology is
15 different. Items did not appear to be where they had been
16 left. We don't really know how somebody lives. But,
17 obviously, somebody was in a hurry to get in and out. Stuff
18 was knocked over, stuff was moved. I mean, it was obvious
19 that some form of a struggle or incident had taken place.

20 Q. And did the little girl advise you of anything?

21 A. Yes, ma'am.

22 They were advising that she -- I recall her
23 attempting to lead us to -- once you go in in this location
24 and you go to the left, that will lead you to the master.
25 There's a couple of rooms to the right, once you pass this

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1 hallway. And I want to say that's probably the kids' rooms.

2 Q. Showing you State's Exhibit 43 and then 44. Are
3 those the areas to the right that you were talking about?

4 A. Yes, ma'am.

5 Q. Did you first check those areas out?

6 A. Yes, ma'am.

7 And if I'm not mistaken, the couch was for -- from
8 what I can recall -- like I said, it was, what 2010, two
9 thousand -- correct. I think they used the couch to barricade
10 -- I think they were attempting to barricade the door once the
11 incident began and transpired.

12 But, yes, ma'am, there's -- to the right where the
13 children's -- if I'm not mistaken.

14 Q. And so you told us that furniture appeared to be
15 moved and things were knocked over. Were you able, with your
16 flashlight, to detect any bullet holes?

17 A. Yes, ma'am.

18 But all that was far after. I mean, as you're
19 walking through, you can see different things. Like the
20 couple of slides prior to, you can see blood on the floor.

21 And, initially, we don't go in with just an open
22 beam. It's called a kill switch or a dead-man's switch.
23 Normally, most police flashlights have two buttons on them,
24 one on the top and one on the back, and that's so you can mash
25 it without clicking it all the way on. So it's almost just

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1 like a little spot check. And you spot check as you go, not
2 to give away your own location.

3 Q. So you're saying the bullet holes you saw later on
4 in the morning?

5 A. Somewhat later.

6 But it was almost -- I wasn't looking for the
7 bullet holes when we were initially going through. You're
8 just kind of looking for people, and then you're trying to get
9 to the actual incident itself. So you may pass something, you
10 know, in your vision every now and then that appears to be a
11 bullet hole. But until you go back to clarify later --

12 Q. Okay. After looking at this area, did you then go
13 over to where the master bedroom was?

14 A. Yes, ma'am, we did.

15 Q. And would you describe to the jury what was going
16 on in that bedroom when you arrived?

17 A. As in -- pretty much the same thing.

18 Everything was just chaotic. The scene itself was
19 chaotic. I remember, like I said, you know, having to walk
20 around items, move items.

21 And you can hear, you know, calling for help. You
22 can hear a female voice.

23 And there was something -- I can't recall if maybe
24 she just didn't want the daughter in the room, but she did not
25 want the daughter in the room.

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1 When you first walk into the room, it was almost
2 like a little seating area.

3 Q. Showing you State's Exhibit 77.

4 A. And it was like she was allowed to come that far.
5 But once you pass that seating area and then to the left,
6 that's where -- yes, ma'am.

7 Q. So the child was able to go about that far?

8 A. If you notice the blood stain right there in the
9 throughway, like when you walk through --

10 Q. Well, show me --

11 A. -- just to the right of the TV.

12 Q. Show me in State's Exhibit 81.

13 A. She was not allowed to come past that area because
14 that's where the victim was laying.

15 Q. And is that the victim?

16 A. It is.

17 Q. So at that point, the woman inside was telling her
18 to go back?

19 A. Yes, ma'am.

20 Q. What was the woman doing, if anything, towards the
21 victim who was laying on the floor?

22 A. She was administering CPR.

23 Q. And could you describe -- do you know that her name
24 is Shemeika Stokes?

25 A. Yes, ma'am.

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1 Q. Okay. Could you tell us how Ms. Stokes appeared?

2 A. Well, I'm sure, as if anybody would be in such a
3 situation, shaken, upset, confused, looking for anything, you
4 know, to cling to.

5 It was a very difficult situation. I mean, to see
6 people in that state, you know, it's -- she was administering
7 CPR. You know, of course, we check -- we attempt to check for
8 vitals. And by no means do we say we're EMS, you know, or
9 that portion of the medical emergency staff or anything. But
10 they had EMS on the way -- but to check for vitals.

11 The body was cold. I mean, there was -- it was
12 obvious that he had passed, that he was deceased. But she
13 couldn't let go of that. I mean, she -- it was not a thought
14 in her mind. She still had an open line with 911. They were
15 still attempting to do CPR. And knowing that we had EMS
16 staged and that they were coming in, you know, we continued --
17 it's hard to pull somebody off of something like that, you
18 know.

19 Q. Y'all let her continue, even though you knew he had
20 already passed?

21 A. In such a way, yes, ma'am.

22 Q. How was she dressed at that point? Do you
23 remember?

24 A. Sleeping attire. Maybe a tee-shirt. Like just
25 sleeping attire. Just like night clothes.

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1 Q. Did EMS, in fact, come in --

2 A. They did, ma'am.

3 Q. -- the house?

4 A. They did.

5 Q. What happened with you and the child and Ms. Stokes
6 once EMS took over?

7 A. Once EMS took over and confirmed that he was
8 deceased -- again, it's hard to pull somebody out of that
9 situation. Once it's confirmed that the incident has occurred
10 and that you have a deceased body, or just an incident in
11 itself, it becomes a crime scene, so everything in that
12 residence, everything on that property, anything in that
13 general vicinity, has to be marked off so nothing can be
14 contaminated with.

15 It's very difficult to walk up to somebody and say,
16 I'm sorry that -- you know, that they've passed, but I'm going
17 to have to get you to come out of your house. People don't
18 really understand that concept. So I asked her, you know, if
19 she needed any help with anything, could we get her some
20 clothes.

21 Because keep in mind, she's still in that frame to
22 -- you know, uncertain, unsure. She doesn't know what to do.
23 So we got her some clothes. You know, we tried to console her
24 just a little bit. But, again, I'm not family so it's a
25 little difficult. You know, you've got an outsider trying to

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1 help you.

2 So got her some clothes. And I want to say she had
3 asked -- I may have to go back and refer to my report. I
4 apologize.

5 Q. That's okay. Take your time.

6 A. I don't want to --

7 [Whereupon, the witness reviews documents]

8 A. Yeah.

9 Being in that current state -- and I apologize. I
10 probably should have just threw it in there. It's a little
11 difficult sometimes to go back to that moment.

12 She had mentioned while we were in there about
13 taking heart medicine. So --

14 Q. [Ms. Shealy] And based on that, what did she do?
15 What did you allow her to do?

16 A. Let her get her medication.

17 Normally, we just make sure that it's in their
18 name. You know, we don't get into the -- I guess the meat and
19 potatoes of it. I mean, if she says she takes heart medicine
20 and her name's on the bottle, I take it for what it's worth.

21 Q. Okay. And, in fact, was her name on the bottle?

22 A. It was, ma'am.

23 Q. So just to make sure we all understand. Because it
24 was now a crime scene, you did not want her walking around and
25 Moett walking around? They needed to leave the residence?

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1 A. Yes, ma'am.

2 They have to be with a deputy at all times and it's
3 easier for us, because we're pulled in different areas, just
4 to go ahead and remove them from the incident itself.

5 Q. Did you also see her gathering other items?

6 A. Yes, ma'am.

7 She was -- when she went into the night stand --
8 and, again, maybe she was a little frantic. You know, in the
9 heat of the moment, you would be surprised what you'll do.
10 But she kind of bounced from one night stand to the other.
11 And then I noticed what appeared maybe to be like she had
12 pulled out some money or something like that.

13 Q. Okay. So showing you State's Exhibit 82. Could
14 you point to the jury -- or point on your screen, point out
15 where it was that she was gathering things from?

16 A. Yes, ma'am.

17 I want to say if you notice, there's a couple of
18 pill bottles over in here. And if I'm not mistaken -- and,
19 again, let me make sure I didn't --

20 [Whereupon, the witness reviews documents]

21 A. And I apologize for this part. But I want to say
22 she got the cash possibly out of the one to the left. I'm
23 sorry. That one right in there [indicates].

24 Q. [Ms. Shealy] Did you ask her anything about the
25 cash when she was taking it?

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1 A. Yes, ma'am.

2 And again, you know, you try not to Q and A
3 somebody and -- right off the bat. You know, people kind of
4 take offense to it.

5 But she had mentioned that her husband, boyfriend,
6 companion, has a lawn-care business. And I've been working
7 east of the Cooper at this time for roughly four years, I
8 mean, and I know of his lawn-care business. I can't say I
9 spoke to him personally, but I do know from working on the
10 street that he does have a lawn-care business.

11 Q. Okay. And what happened after she was gathering
12 those items up?

13 A. I want to say we ended up escorting her out of the
14 residence at that time.

15 And, again, everything happens for a reason.
16 During that situation, you don't want to just throw somebody
17 in the back of your police car. Police cars are not the
18 friendliest place in the world. So to make her more
19 comfortable, we allowed her to sit in her vehicle, which was
20 outside.

21 Q. Okay. And did she, in fact, drive that vehicle to
22 the front of the residence?

23 A. She did, ma'am. That way we could maintain visual
24 of her.

25 Q. Now, were you still there when the crime scene

Lisa Branham
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November 2, 2015

1 technicians got there?

2 A. Yes, ma'am, I was.

3 Q. Let me just take a look at your report just for a
4 second and make sure I haven't missed anything.

5 [Whereupon, Ms. Shealy reviews documents]

6 MS. SHEALY: Okay. I have no further questions.
7 Please answer any that the --

8 THE WITNESS: Okay.

9 MS. SHEALY: -- defendants may have.

10 THE COURT: Mr. Mlynarczyk?

11 MR. MLYNARCZYK: May it please the Court, Your
12 Honor.

13 Is it Officer Branham?

14 THE WITNESS: It's detective.

15 MR. MLYNARCZYK: Detective. Want to make sure I
16 get the right title.

17 THE WITNESS: That's okay. I've been doing this
18 for almost fifteen years. I've been called a lot.

19 MR. MLYNARCZYK: I want to clear up -- I want to
20 clear up -- really, revisit some of the things that
21 Ms. Shealy talked to you about.

22 THE WITNESS: Yes, sir.

23 - - -

24 - - -

25 - - -

Lisa Branham
Cross-Examination by Mr. Mlynarczyk
November 2, 2015

CROSS-EXAMINATION

1
2 BY MR. MLYNARCZYK:

3 Q. She showed you your report. And your report showed
4 that you showed up at 4:37 a.m.; correct?

5 A. Yes, sir.

6 Q. And do you know what time the 911 call was
7 made?

8 A. Not right off the top of my head, sir.

9 Q. Did you ever -- did you ever create a summary or a
10 summary of notes about what happened when you arrived there,
11 or is that just all in your report?

12 A. It's in the report.

13 But dispatch also logs a lot of the information for
14 us.

15 Q. And you said earlier you were talking -- you
16 continually talked to dispatch; correct?

17 A. Yes, sir.

18 Q. And you started to say something and then you
19 stopped. Then you said that you were advised that there were
20 no weapons. Then you said -- then you stopped and you said,
21 well, there must have been a weapon because there was a person
22 outside on the lawn. You started to say that you were advised
23 there were no weapons; isn't that right?

24 A. Correct.

25 Q. And who advised you that there were no weapons?

Lisa Branham
Cross-Examination by Mr. Mlynarczyk
November 2, 2015

1 A. Dispatch, who was on the phone with the female, the
2 complainant.

3 Q. Okay. So if dispatch were telling you that there
4 were no weapons in the house --

5 A. Uh-huh.

6 Q. -- who would have told dispatch that there were no
7 weapons in the house?

8 A. It would have been the female at the time.

9 Q. Who was Shemeika Stokes?

10 A. Yes, sir.

11 Q. And the reason why the dispatch asked you if there
12 was a weapon in the house is for your safety, as well as the
13 safety of anybody else being present; right?

14 A. Correct.

15 Q. One of the other things you talked to Ms. Shealy
16 about is when you were looking at the pictures, you told the
17 jury that the house didn't look like that in the picture. You
18 said it was a disaster; right?

19 A. Yeah.

20 Q. How can it go from being a disaster, to being clean
21 like that, if the body is still in the bedroom?

22 A. Why would the body not be in the bedroom?

23 Q. What I'm asking you is you said that the picture
24 you were looking at, that they were showing to the jury --

25 A. Yes, sir.

Lisa Branham
Cross-Examination by Mr. Mlynarczyk
November 2, 2015

1 Q. -- that the house didn't look like that when you
2 arrived.

3 A. No. I think there was a misinterpretation.

4 Q. Okay.

5 A. The way you see the pictures is the way the
6 residence looked.

7 But when I say a disaster, I mean that the items
8 did not look as though that they -- maybe I'm just cleaner
9 than some people. But it did not appear that they just leave
10 them there in the middle of the floor on a daily basis.

11 Q. You were the first person on the scene?

12 A. Yes, sir.

13 Q. And you're telling the jury that those pictures,
14 one of them which includes the body which is still on the
15 scene --

16 A. Yes, sir.

17 Q. -- is not representative of what the scene looked
18 like when you arrived there? Is that what you're telling the
19 jury?

20 A. No, sir, that's not what I'm telling the jury.

21 Q. Okay. So the pictures that they've seen, that they
22 just put up there, that is what the house looked like when you
23 went in that night?

24 A. Most definitely.

25 Q. You were also telling Ms. Shealy how you secured --

Lisa Branham
Cross-Examination by Mr. Mlynarczyk
November 2, 2015

1 it's important to secure the area; right?

2 A. Yes, sir.

3 Q. Can you tell the jury why you write a police
4 report?

5 A. To document the incident.

6 Q. Okay. So it's to record what you see and what you
7 hear and what you talk about and your deductions from being
8 there that night; correct?

9 A. Yes, sir.

10 Q. And so the report that you created in this case
11 would be the most accurate of what you saw and found, and the
12 deductions you made from all of the evidence that existed at
13 the time you saw it; correct?

14 A. Yes, sir.

15 Q. When you were -- when Ms. Stokes -- you said that
16 she was -- when you first came in, she was administering CPR;
17 correct?

18 A. Uh-huh.

19 Q. Then at some point she moved over to the bed?

20 A. Yes, sir.

21 Q. Correct?

22 And you said that she had asked if she could get
23 some heart medicine off of the table?

24 A. Yes, sir.

25 Q. Which you let her go get. And you escorted her

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Cross-Examination by Mr. Mlynarczyk
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1 over there to get it?

2 A. Yes, sir. I watched her.

3 Q. And then you just brought her back to sit back down
4 on the bed?

5 A. Yes, sir.

6 Q. Okay. So then without asking you again, later she
7 got up and started putting other things in her purse?

8 A. No, sir.

9 This was more so during the entire time. I mean,
10 she -- we maintained contact the entire time.

11 Q. In the bedroom?

12 A. Yes, sir.

13 Q. Yeah, but she -- you said you noticed her taking
14 cash and things off of the night stand.

15 A. While she was getting -- she asked if she could get
16 a couple of things when I told her she was going to have to go
17 to her vehicle.

18 Q. Did you -- and you said you noticed her getting
19 cash?

20 A. Yes, sir.

21 Q. And when you asked her about that, she said it was
22 because he had a business and she -- and she was just putting
23 the money in her purse?

24 A. Yes, sir.

25 Q. Did that strike you strange in your experience as

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Cross-Examination by Mr. Mlynarczyk
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1 an officer?

2 A. After fifteen years, sir, it takes a lot.

3 Q. Isn't it -- you testified earlier to the
4 solicitor's office, though, that it's absolutely imperative
5 that you maintain the crime scene. And you said, I believe,
6 mark it off so it's not contaminated?

7 A. Yes, sir.

8 Q. So there's a -- there's a dead person -- a man in
9 this room. Wouldn't it be important to keep everything
10 exactly the way it is?

11 A. At the time in which we were in there and she was
12 removing the cash, I knew that she wasn't leaving. She was --
13 there was nowhere for her to go. We had numerous units out
14 there.

15 Q. I'm sorry. I didn't mean to interrupt you. You
16 can finish.

17 A. So when she asked -- I mean, in this case, I mean,
18 her residence is a crime scene. I told her that she cannot
19 come back until it's done. And under these circumstances,
20 sometimes that could take all day. If she was removing the
21 cash --

22 I mean, I could sit here and be hypothetical about
23 everything, but I try to look at it from both ends. You know,
24 if she felt better putting the money in her purse and having a
25 seat in the vehicle, I knew that if the money needed to go

Lisa Branham
Cross-Examination by Mr. Mlynarczyk
November 2, 2015

1 back in, I saw her take the money out. I mean, to me, that
2 wasn't that big of an issue, no, sir.

3 Q. Did she tell you that she had told her -- the
4 deceased's daughter to take a bag out to the vehicle before
5 you arrived?

6 A. I don't recall, sir. I apologize.

7 Q. Okay. But that would be in your report, though;
8 right? Do you have a copy?

9 A. I do have a copy, my supplemental, yes, sir.

10 [Whereupon, the witness reviews documents]

11 A. I apologize sir. Unless there was a -- and it
12 looks like there's only one of four pages that was on here. I
13 don't see that in here.

14 Q. [Mr. Mlynarczyk] I'm sorry. You said you're
15 missing a page?

16 A. No, sir.

17 I'm saying I don't -- if you're referring to
18 something I wrote in my supplemental, I don't see -- and I am
19 doing a quick glance at it so -- but I don't see what you're
20 speaking of at the moment.

21 Q. So I guess -- okay. So you see nothing in your
22 report -- and take time to read it if you need to. What I'm
23 saying is there's nothing in the report about Ms. Stokes
24 telling you that she had the teenager take a bag out of the
25 house before you arrived?

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Cross-Examination by Mr. Mlynarczyk
November 2, 2015

1 A. No, sir, I do not recall that at the moment.

2 Q. Did you become aware later that that had happened?

3 A. That's a possibility.

4 I mean, like I said, this has been -- this has been
5 a while and there was a lot going on that night.

6 Q. So you -- just a minute ago, too, you got -- you
7 were telling the jury about how important it is to maintain
8 the crime scene.

9 A. Yes, sir.

10 Q. But you allowed the victims to get in a vehicle
11 that was parked in the back of the house --

12 A. Uh-huh.

13 Q. -- and drive it to the front of the house with no
14 officers in the car with them; correct?

15 A. No, sir. I was outside of the vehicle. You're
16 correct.

17 Q. Were you aware at that time that a bullet hole was
18 found in that vehicle?

19 A. No, sir, I was not.

20 Q. So you were not aware at that time that that
21 vehicle was evidence --

22 A. No, sir.

23 Q. -- and the -- let me finish my question.

24 So you weren't aware at that time that that vehicle
25 was important evidence in this case?

Lisa Branham
Cross-Examination by Mr. Mlynarczyk
November 2, 2015

1 A. No, sir.

2 Q. You also told the jury, when Ms. Shealy was talking
3 to you, that a deputy needs to be with them at all times.
4 Isn't that what you just told Ms. Shealy?

5 A. [No response]

6 Q. You said when you have people at the scene, they're
7 either witnesses or they're victims and there has to be a
8 deputy with them at all times?

9 A. Correct.

10 Q. Well, why would you let them leave the house by
11 themselves and get in the car by themselves and move the car
12 to the front?

13 A. Because I was with them. I was with them, just not
14 physically in the vehicle with them.

15 I walked out the back door with her, watched her
16 get into her vehicle. I walked along the side, and right up
17 the driveway.

18 Q. Can you look at your report again, or if you
19 remember -- again, as we've already established, that the
20 report is what -- you reduce all of your analyses and what's
21 happened so far on that report. Can you look on your report
22 and tell me how many suspects you identified on that report
23 when you created it?

24 A. How many we identified that night?

25 Q. How many were on your report. How many suspects

Lisa Branham
Cross-Examination by Mr. Mlynarczyk
November 2, 2015

1 there were.

2 A. Just two, at the time, that we were aware of.

3 Q. Okay. And how would you have learned of that
4 information?

5 A. That -- when we asked her during the heat of the
6 moment, I mean, she advised that there were two.

7 Q. Okay. So when you asked the witness how many
8 people were in the house, she said two?

9 A. Yes, sir.

10 MR. MLYNARCZYK: I have nothing further, Your
11 Honor.

12 THE COURT: Mr. Murphy.

13 MR. MURPHY: Thank you, Your Honor. May it please
14 the Court.

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Lisa Branham
Cross-Examination by Mr. Murphy
November 2, 2015

CROSS-EXAMINATION

1
2 BY MR. MURPHY:

3 Q. Detective, was Charleston County in charge of
4 collecting all the evidence at the scene?

5 A. We were, sir.

6 Q. Okay. So you would have collected all the DNA at
7 the scene?

8 A. No, sir, I would not have done that.

9 Q. Okay. Would Charleston County be in charge of that,
10 or some other agency?

11 A. Charleston County.

12 Q. Okay. Do you know if that -- all that DNA was
13 collected?

14 A. I wasn't there at that time, sir.

15 Q. So you weren't in charge of any of that?

16 A. No, sir.

17 Q. We're talking about the money. How much money was
18 Ms. Stokes getting out of the chest?

19 A. I do not recall, sir. I mean, it was never
20 counted.

21 Q. Was it a small amount, a big amount? Do you have
22 any idea?

23 A. No, sir, I don't.

24 Q. That wasn't important to you at the time?

25 A. No, sir.

Lisa Branham
Cross-Examination by Mr. Murphy
November 2, 2015

1 Q. And there wasn't any question that that money was
2 generated from his lawn-care business?

3 A. No, sir.

4 Q. I mean, you didn't question that at all --

5 A. No, sir.

6 Q. -- correct?

7 Q. And you're familiar with McClellanville; correct?

8 A. Yes, sir.

9 Q. And are you from Charleston?

10 A. No, sir.

11 Q. McClellanville, you understand, is a real small
12 town; correct?

13 A. Correct.

14 Q. Would it be fair to say that most folks know
15 everyone growing up in McClellanville?

16 A. Here or there, yes, sir.

17 Q. And this was the first time you went to this
18 residence?

19 A. I believe so. I would have to look to see, but,
20 yes, sir.

21 MR. MURPHY: That's all I have. Thank you.

22 THE COURT: Redirect?

23 - - -

24 - - -

25 - - -

Lisa Branham
Redirect Examination by Ms. Shealy
November 2, 2015

REDIRECT EXAMINATION

BY MS. SHEALY:

Q. Detective Branham, I just want to make sure that the jury is clear, because I'm not sure I understood the question.

The photographs that we have, they show how the house appeared when you and Officer Quinn entered?

A. Yes, ma'am.

Q. When I asked you if the lighting was the same, it was not like that as y'all entered; is that correct?

A. No, ma'am.

Q. So showing you State's 7 -- we're just going to kind of go through these quickly.

A. Yes, ma'am.

Q. Those broken pots, was that something that drew your attention that night?

A. Yes, ma'am.

Q. State's 143. Oh. I'm sorry. State's 33. The chair knocked over and the stick in the hall, did that draw your attention?

A. Most definitely.

Q. And is that part of the plant being drug into the house?

A. Yes, ma'am.

Q. State's 34. The blood on the floor and the leaves

Lisa Branham
Redirect Examination by Ms. Shealy
November 2, 2015

1 on the floor, did that draw your attention?

2 A. Yes, ma'am.

3 Q. 45. The couch wedged in a doorframe, did that draw
4 your attention?

5 A. Most definitely.

6 Q. Did that seem out of order to you?

7 A. I would consider it out of order, yes, ma'am.

8 Q. State's 63. A wine cart in the middle of the
9 floor, did that seem out of place to you?

10 A. Yes, ma'am.

11 Q. And State's 81. A dead man in the -- on the floor
12 in his bedroom, did that seem out of order to you?

13 A. Most definitely.

14 Q. So you told us that when you and Officer Quinn get
15 there, it's after 4:00 in the morning. Tell them what it
16 looked like outside.

17 A. Dark.

18 Q. And you have a woman and a child in a house that
19 needs to leave a house; is that correct?

20 A. Yes, ma'am.

21 Q. When she indicated to you that she needed heart
22 pills, you saw a prescription bottle?

23 A. Yes, ma'am.

24 Q. Did you advise Ms. Stokes that both she and Moett,
25 the young girl, the juvenile, were going to have to leave the

Lisa Branham
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November 2, 2015

1 residence at 4:00-something in the morning?

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

3 Q. And when you told them to go outside to leave, and
4 to get in the car, you were outside when they did that?

5 A. Yes, ma'am.

6 Q. By that time, had other officers gotten there yet?

7 A. Yes, ma'am.

8 Q. Okay. And so as they went to the driveway, they
9 stopped at the end of the driveway?

10 A. Correct. There was numerous cars out there.

11 Q. Very good.

12 MS. SHEALY: I have no further questions. Thank
13 you.

14 THE WITNESS: Yes, ma'am.

15 THE COURT: Mr. Mlynarczyk?

16 MR. MLYNARCZYK: One moment, please, Your Honor.

17 THE COURT: Take your time.

18 MR. MLYNARCZYK: I have no further questions, Your
19 Honor.

20 THE COURT: Mr. Murphy?

21 MR. MURPHY: Nothing, Your Honor.

22 THE COURT: Detective, you may step down.

23 THE WITNESS: Yes, ma'am. Thank you.

24 THE COURT: Thank you.

25 [Whereupon, Ms. Branham is excused and exits the

Lisa Branham
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November 2, 2015

1 witness stand]

2 THE COURT: Call your next witness.

3 MS. SHEALY: Wayne Sealey.

4 [Whereupon, Mr. Sealey comes forward]

5 THE CLERK OF COURT: Sir, put your left hand here.
6 Raise your right.

7 [Whereupon, Mr. Sealey is duly sworn by the clerk
8 of court as follows: do you swear or affirm the
9 testimony you will give the Court and the jury in the
10 trial of this case will be the truth, the whole truth,
11 and nothing but the truth, so help you God]

12 THE WITNESS: I do.

13 THE CLERK OF COURT: Thank you, sir. You may be
14 seated.

15 Sir, once seated, if you could please state your
16 first and last name and then spell your last loudly and
17 clearly into the microphone for the record, please.

18 [Whereupon, Mr. Sealey takes the witness stand]

19 THE WITNESS: Shannon Wayne Sealey.

20 MS. SHEALY: Officer Sealey --

21 THE COURT: Please spell your last name.

22 MS. SHEALY: Oh. I'm sorry.

23 THE WITNESS: S-E-A-L-E-Y.

24 THE COURT: Thank you.

25 MS. SHEALY: I apologize.

Wayne Sealey
Direct Examination by Ms. Shealy
November 2, 2015

WAYNE SEALEY,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MS. SHEALY:

Q. Officer Sealey, would you tell the jury where
you're currently working?

A. Summerville Police Department.

Q. And how long have you been there?

A. I just started there last week.

Q. Okay. Back in July of 2010, where were you
employed?

A. Berkeley County Sheriff's Office.

Q. And how long had you worked there?

A. About nine years and two months.

Q. Okay. First of all, would you tell the jury
whether there's anything unusual about hospitals calling law
enforcement if someone comes in with a gunshot?

A. There's nothing unusual about that at all. We've
received several calls like that.

Q. Okay. And did you, in fact, answer a call on July
10th, 2010, at Trident Medical Center?

A. I did.

Q. Could you tell the jury what time you got there?

A. My arrival time was approximately 6:02 a.m.

Wayne Sealey
Direct Examination by Ms. Shealy
November 2, 2015

1 Q. And what time was the dispatch time?

2 A. I believe it was 5:52 a.m.

3 Q. When you got there at 6:02, could you tell the jury
4 who was there that had been shot?

5 A. Troy Mason.

6 Q. And were there family members of his that were
7 present?

8 A. I seem to recall there might have been a female
9 there. It's a little fuzzy.

10 Q. Do you need to take a look at your report?

11 A. Yes, ma'am. Thank you.

12 [Whereupon, the witness reviews documents]

13 A. According to this, I did speak to Troy's father.

14 Q. [Ms. Shealy] Troy's father?

15 A. Uh-huh.

16 Q. Do you recall whether his mother was also present?

17 A. I don't recall.

18 Q. Okay. And did you have the opportunity to speak to
19 Mr. Mason, the person who had been shot? Troy, Jr.

20 A. Yes, ma'am.

21 Q. Could you tell the jury whether or not he indicated
22 to you what had happened to him?

23 A. He did give me a story about being robbed, being
24 put in the back of a -- or getting voluntarily into the back
25 of a car and then two men robbing him, pulling guns out while

Wayne Sealey
Direct Examination by Ms. Shealy
November 2, 2015

1 he was seated in the back seat, and firing at him.

2 Q. Did that story appear to ring true to you?

3 A. No.

4 Q. And did he indicate anything about Mario Caldwell
5 or how he got picked up from the alleged place of the robbery?
6 Do you recall?

7 A. At the -- he said he was picked up at the -- can't
8 remember the gas station -- new at the time. But he was
9 trying to buy a pack of cigarettes, or some story like that,
10 and --

11 Q. Okay. Were you there until a sheriff's officer
12 from Charleston County got there, or did you take his
13 statement and leave?

14 A. I didn't get a statement from him because he said
15 he was under medication and he was too woozy to write one at
16 the time.

17 Q. Okay. Were you there when Robert Colson, from the
18 County, got there?

19 A. I don't think so.

20 I know we contacted my supervisor and the
21 detectives, and I think they took over from there.

22 Q. They took over from there?

23 A. Yes, ma'am.

24 Q. Very good. And you think you talked to his dad but
25 you're not -- you don't remember whether his mother was

Wayne Sealey
Direct Examination by Ms. Shealy
November 2, 2015

1 present?

2 A. Right.

3 Q. Okay. Very good.

4 MS. SHEALY: I'll just grab that report back from
5 you.

6 [Whereupon, the witness proffers documents to
7 Ms. Shealy]

8 MS. SHEALY: And answer any questions that the
9 defense may have.

10 THE WITNESS: Sure.

11 THE COURT: Mr. Mlynarczyk?

12 MR. MLYNARCZYK: May it please the Court:

13 Officer Zealey, is it like a Z? Zealey or --

14 THE WITNESS: Sealey.

15 MR. MLYNARCZYK: Sealey.

16 THE WITNESS: Like the mattress.

17 MR. MLYNARCZYK: I apologize.

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Wayne Sealey
Cross-Examination by Mr. Mlynarczyk
November 2, 2015

CROSS-EXAMINATION

BY MR. MLYNARCZYK:

Q. I actually want to pick up right where Ms. Shealy left off. I'm going to hand you a copy of your report again.

A. Thank you.

[Whereupon, Mr. Mlynarczyk proffers documents to the witness]

Q. [Mr. Mlynarczyk] In that report, who does it say you talked to about Troy meeting the parents at the house?

A. Excuse me? Say that again.

Q. So who tells you that when Troy got dropped off at his house with a gunshot --

A. Uh-huh.

Q. -- who tells you they met Troy at the door?

[Whereupon, the witness reviews documents]

A. My report indicates that it was his father.

Q. [Mr. Mlynarczyk] Okay. So it says complainant in the report. But when you look at the top, it says Mr. Mason is the one that told you that he went to the door?

A. Senior.

Q. Okay. And he is the one that met his son at the door with gunshot wounds?

A. Right.

Q. Does it indicate anywhere in your report that Ms. Mason, his mother, went to the door?

Wayne Sealey
Cross-Examination by Mr. Mlynarczyk
November 2, 2015

1 [Whereupon, the witness reviews documents]

2 A. No, it doesn't.

3 Q. [Mr. Mlynarczyk] And, again, like I asked the
4 detective when she was on the stand, your report is the most
5 accurate reflection of what happened when you interview and
6 talk to people and gather evidence; correct?

7 A. Yes.

8 Q. This was -- it was five years ago? This was a
9 little over five years ago. So as things happen -- I believe
10 the date of your report is 7/10/10. So you wrote that the day
11 you met Troy; correct?

12 A. Right. Correct.

13 Q. I have another -- let's look at your report again.
14 I want to get -- I want to get a little bit more detail. I
15 want you to -- I want the jury to understand what Troy's story
16 was. Can you fill them in on the details of what he said?
17 Not generalities.

18 A. Sure.

19 Q. From your report, I want the jury to --

20 A. Should I --

21 Q. -- understand the details. If you would like to
22 read it --

23 A. -- the report?

24 Q. -- just to be sure, that would be great.

25 [Whereupon, the witness reviews documents]

Wayne Sealey
Cross-Examination by Mr. Mlynarczyk
November 2, 2015

1 A. Okay. I'll pick up right where it's -- right where
2 he started telling me what his story was.

3 Q. [Mr. Mlynarczyk] That will be fine.

4 A. Victim, that would be Troy, stated he was outside
5 of the Exxon station at 1270 Red Bank Road when he observed
6 two black males pull up in a silver- or gray-in-color small,
7 four-door vehicle. The victim stated it may have been a Rio.
8 The victim stated he asked the men if they would buy a pack of
9 cigarettes for him because he did not have his ID on him and
10 he would not be able to purchase them without it. The victim
11 stated they told him to get into the car and they would drive
12 around the front of the store and go in. The victim stated
13 when he got into the rear driver's seat of the car, suspects
14 drove out onto Red Bank Road and pulled out guns and demanded
15 he give them his money. The victim stated one man had a small
16 revolver and the other had a semiautomatic pistol. The victim
17 stated he grabbed the point of the guns in an attempt to
18 escape the vehicle and a struggle ensued whereas he was shot
19 at least twice, once in the shoulder and once in the -- in his
20 face. The victim stated after he was shot, he jumped from the
21 vehicle near Sunrise Trailer Park and ran to his parents'
22 apartments, which was right -- almost right across the street.

23 And that was the -- that's the story he told me.

24 Q. That is an awful lot of detail, isn't it?

25 MR. MLYNARCZYK: I'll take the report back from

Wayne Sealey
Cross-Examination by Mr. Mlynarczyk
November 2, 2015

1 you.

2 THE WITNESS: Thank you.

3 [Whereupon, the witness proffers documents to
4 Mr. Mlynarczyk]

5 Q. [Mr. Mlynarczyk] That's an awful lot of detail,
6 isn't it?

7 A. Little bit.

8 Q. All right. And that's an awful lot of detail for
9 what you know didn't happen; right?

10 A. Uh-huh.

11 Q. Because you know that that's not what happened;
12 right?

13 A. It was a kind of funny story how he got in the back
14 of the car.

15 Q. Because you just told Ms. Shealy you didn't believe
16 it when you heard it; right?

17 A. It was fishy.

18 Q. But you also know when you went to the hospital
19 that there had been a shooting in McClellanville, right, and
20 that he may be a potential suspect?

21 A. No.

22 Q. Oh. So you didn't know that.

23 So even aside that, his story just sounded a little
24 fishy to you?

25 A. Right.

Wayne Sealey
Cross-Examination by Mr. Mlynarczyk
November 2, 2015

1 MR. MLYNARCZYK: I have nothing further.

2 THE COURT: Mr. Murphy?

3 MR. MURPHY: Thank you, Your Honor. May it please
4 the Court.

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Wayne Sealey
Cross-Examination by Mr. Murphy
November 2, 2015

CROSS-EXAMINATION

BY MR. MURPHY:

Q. Mr. Sealey, after you heard this story, you accurately pegged Troy Mason as a liar; correct? You knew he was lying. It didn't take you very long to figure that one out, did it?

A. [Indicates negatively]

MR. MURPHY: Now, if you could just please say no for --

A. No. It seemed like it was a little strange story.

MR. MURPHY: Thank you. That's all I have.

THE COURT: Redirect?

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Wayne Sealey
Redirect Examination by Ms. Shealy
November 2, 2015

REDIRECT EXAMINATION

BY MS. SHEALY:

Q. Officer Sealey, I'll hand you your report again.

[Whereupon, Ms. Shealy proffers documents to the witness]

Q. [Ms. Shealy] Mr. Mlynarczyk was asking you about Mr. Mason, Sr., saying that he went to the door?

A. Uh-huh.

Q. Could you tell the jury what you indicated that he told you, beginning with line 2 when you're mentioning what he told you? Starting there.

A. Spoke with complainant, which was Troy, Sr., who stated he and his wife were awakened from sleep at approximately 5:15 a.m. by a loud banging on their door. Troy, Sr., stated that when he answered the door, he found his son standing there bleeding from his face and shoulder, holding a cloth over his wounds.

Q. Okay. And when Troy, Jr., gave you his version of what happened, your knee-jerk reaction was that's baloney?

A. Yes, ma'am.

Q. Is that fair to say? Okay.

MS. SHEALY: I have no further questions.

THE COURT: Mr. Mlynarczyk?

MR. MLYNARCZYK: No redirect, Your Honor.

THE COURT: Mr. Murphy?

Wayne Sealey
Redirect Examination by Ms. Shealy
November 2, 2015

1. MR. MURPHY: Nothing, Your Honor.

2. THE COURT: You may step down. Thank you.

3. THE WITNESS: Thank you.

4. [Whereupon, Mr. Sealey is excused and exits the
5. witness stand]

6. THE COURT: Call your next witness.

7. MS. SHEALY: Rob Colson.

8. THE CLERK OF COURT: This way, sir.

9. [Whereupon, Mr. Colson comes forward]

10. THE CLERK OF COURT: Sir, put your left hand here.
11. Raise your right.

12. [Whereupon, Mr. Colson is duly sworn by the clerk
13. of court as follows: do you swear or affirm the
14. testimony you will give the Court and the jury in the
15. trial of this case will be the truth, the whole truth,
16. and nothing but the truth, so help you God]

17. THE WITNESS: I do.

18. THE CLERK OF COURT: Thank you, sir. You may be
19. seated.

20. Sir, once seated, if you could please state your
21. first and last name and then spell your last loudly and
22. clearly into the microphone for the record, please.

23. [Whereupon, Mr. Colson takes the witness stand]

24. THE WITNESS: My name is Robert Colson.

25. C-O-L-S-O-N.

Robert Colson
Direct Examination by Ms. Shealy
November 2, 2015

ROBERT COLSON,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MS. SHEALY:

Q. Detective Colson, could you tell the jury where you're currently employed?

A. I'm currently employed at Charleston County Sheriff's Office.

Q. And how long have you worked there?

A. Eleven, twelve years.

Q. How long have you been in law enforcement?

A. Since 1993.

Q. Okay. Focusing your attention back to July 10th of 2010, could you tell the jury in what capacity you worked with the Charleston County Sheriff's Office?

A. I was assigned to the criminal investigations division.

Q. And were you aware of an investigation regarding a shooting that took place on Old Georgetown Road in McClellanville?

A. Yes, I was.

Q. What was your involvement in the case?

A. I was contacted by my supervisor to go to the office and type up a search warrant for the said property out

Robert Colson
Direct Examination by Ms. Shealy
November 2, 2015

1 in McClellanville.

2 Q. A search warrant for the house at -- on Old
3 Georgetown?

4 A. That's correct.

5 Q. And then after that, were you asked to do something
6 further?

7 A. Yes.

8 After I typed up the search warrant, I was asked to
9 go to Trident Hospital to meet up with detectives from
10 Berkeley County.

11 Q. Just so the jury understands, can you explain
12 how -- what law enforcement does after a shooting, especially
13 if you believe that one of the participants was shot?

14 A. Usually if you go to someplace and you see a lot
15 of -- like maybe somebody is injured and you can't account for
16 certain people, we'll contact dispatch and have them call the
17 hospitals and notify the hospitals. And the hospitals will
18 also notify us if they have a victim in the -- an individual
19 in a hospital that looks like they might have been shot or
20 injured, and then they'll call us and we come and investigate.

21 Q. Do you happen to remember what it was about the
22 scene that made y'all believe that someone had escaped the
23 scene?

24 A. It was reported back to me that there were some
25 blood trails from the incident location at McClellanville and

Robert Colson
Direct Examination by Ms. Shealy
November 2, 2015

1 they couldn't account for the person who left the trials.

2 Q. And y'all were then contacted by Trident?

3 A. Yes.

4 I was contacted, through my supervisor, to go there
5 and meet up with Berkeley County Sheriff's Office.

6 Q. And did you, in fact, go there?

7 A. I did.

8 Q. Now, when you got there, what was going on at the
9 hospital?

10 A. I had first got there, I met up with the family
11 members of Mr. Troy Mason and they --

12 Q. And do you remember which family members were
13 present?

14 A. It was his mother, the first person I spoke to.

15 Q. Do you recall what her name is?

16 A. Ms. Wall, I believe.

17 [Whereupon, the witness reviews documents]

18 A. Ms. Wall. It was his girlfriend.

19 Q. [Ms. Shealy] Are you looking at your report?

20 A. Yes.

21 Q. Look at the second paragraph of your report..

22 A. Ms. Mason. Linda Mason.

23 Q. Okay. And could you tell the jury what Ms. Mason
24 indicated to you?

25 A. Ms. Mason had told me that she was -- got a knock

Robert Colson
Direct Examination by Ms. Shealy
November 2, 2015

1 on her door at her house in Goose Creek and that her son was
2 at the front door and was bleeding.

3 Q. Okay. Did she, at that point, indicate to you
4 whether anybody else was present?

5 A. At that time she said she didn't know. But then
6 she gave me a statement later that she was -- that he was --
7 that Troy was with his cousin Mario, and Mario had dropped him
8 off and had left the scene.

9 Q. Okay. Did you also speak to Troy?

10 A. I spoke to Troy once I got into the ER room and he
11 was in the ER.

12 Q. And tell us how Troy appeared.

13 A. He had a gunshot to the face, a lot of dried blood,
14 some trauma to the face, a small pellet hole directly in the
15 nose. And he still had the lump on his shoulder where there
16 was a round still in his upper shoulder under the skin.

17 Q. And you could see that?

18 A. [Indicates affirmatively]

19 Q. Did you ask him what happened?

20 A. I did.

21 He gave me a sequence of events that didn't really
22 add up to what had happened that night, that he had gotten
23 robbed and that he was shot by exiting the car at the Exxon on
24 Red Bank Road up in Goose Creek.

25 Q. What other details did he give you?

Robert Colson
Direct Examination by Ms. Shealy
November 2, 2015

1 A. He told me that he was -- first, that he had spent
2 the night with his girlfriend in Grand Oaks. Then he doesn't
3 remember when he left that location. He said he went to a
4 house up on Liberty Hill area of North Charleston, hung out at
5 his grandmother's house. Which I spoke to his mom he called
6 grandma, referring that she never really saw him that day at
7 the house. And then he said he met a guy -- he went to an
8 aunt's house on Ravens and met a guy named Steve. Steve gave
9 him a ride up to Red Bank Road and so on and so forth. It
10 didn't really kind of pan out. And then he got left there to
11 get some cigarettes at the Exxon and met some other guys at
12 the Exxon. They were going to drive him around to the front,
13 but they didn't, and he ended up being robbed and being shot
14 there. And then Mario happened to be driving down the street
15 at the same time, and picked him up and put him in the car and
16 took him back to mom's house, is kind of how it went.

17 Q. So this cousin just kind of appeared out of
18 nowhere?

19 A. Exactly.

20 Q. And his cousin's name was what?

21 A. Mario Caldwell.

22 Q. So did you buy that story?

23 A. No.

24 Q. While you were with him, did you perform a gunshot
25 residue kit on him?

Robert Colson
Direct Examination by Ms. Shealy
November 2, 2015

1 A. I did.

2 Q. Will you describe to the jury what is a gunshot
3 residue kit?

4 A. It's a simple kit we get. You open it up. And
5 then you just basically pat the hands, and you pat the back
6 and the side and collect residue. Nothing really spectacular
7 about it. It's pretty simple. And you just put it all in the
8 bag and send it off to the lab.

9 Q. Let me slow you down a little bit because you're
10 very familiar with it but everybody else may not be.

11 Is there some type of blotter that you use to --

12 A. It's a plastic cylinder can. You pop it off and
13 it's got like a sticky, the white sticky tape you hang stuff
14 on the doors with, you know, and you just pat it on the back
15 of the hands and the front of the hands, and you put the cap
16 back in and you seal it up in a bag, and then you send it off
17 to the lab.

18 Q. And once you had done that on Troy Mason, you then
19 turned it over to the evidence compound?

20 A. That's correct.

21 Q. And that was collected at Trident by you?

22 A. Yes, ma'am.

23 Q. This has several in it. But do you see the label
24 reflecting the one that you collected?

25 A. I do.

Robert Colson
Direct Examination by Ms. Shealy
November 2, 2015

1 Q. Okay. While you were there, did you also take any
2 other items from Troy? Do you recall a telephone?

3 A. All his personal belongings. His cell phone, his
4 bag.

5 You know, when you go to the hospital, you know,
6 they put everything in those little white bags or clear bags.
7 I collected all his clothing. And the only thing outside of
8 that was a shirt that wasn't -- he identified the shirt as
9 his. I took the shirt and left the -- and left the hospital.

10 Q. Okay. So showing you --

11 MS. SHEALY: Your Honor, I would move this in at
12 this point, I believe without objection, State's 301,
13 the phone.

14 MR. MLYNARCZYK: No objection, Your Honor.

15 MR. MURPHY: No objection.

16 THE COURT: State's 301 into evidence without
17 objection.

18 [Whereupon, State's Exhibit Number 301 is admitted
19 into evidence by the Court]

20 Q. [Ms. Shealy] If you can take a look inside 301 and
21 tell us whether that's the phone that you took from Mr. Mason.

22 A. The best I can recall, yes. My name is on the bag.
23 I collected it.

24 Q. Your name is on the bag? Is that what you said?

25 A. My name's on the bag and it's a phone, yes.

Robert Colson
Direct Examination by Ms. Shealy
November 2, 2015

1 Q. Okay. And you indicated you took a shirt that he
2 acknowledged was his; is that correct?

3 A. Yes, ma'am.

4 Q. Showing you --

5 MS. SHEALY: And, Your Honor, we also would move
6 this into evidence now, 299, without objection, the blue
7 tee-shirt.

8 MR. MLYNARCZYK: No objection, Your Honor.

9 MR. MURPHY: No objection, Your Honor.

10 THE COURT: State's 299 into evidence without
11 objection.

12 [Whereupon, State's Exhibit Number 299 is admitted
13 into evidence by the Court]

14 Q. [Ms. Shealy] Can you take a look at that and tell
15 me whether that's the shirt you collected?

16 A. That's correct.

17 MS. SHEALY: Your Honor, at this time --

18 A. Tee-shirt.

19 MS. SHEALY: -- I would request permission to show
20 it to the jury.

21 THE COURT: You may.

22 Q. [Ms. Shealy] And similarly, with the phone, was
23 this turned over to the evidence compound?

24 A. That's correct. It was.

25 Q. The wounds that you saw on Mr. Mason, were they

Robert Colson
Direct Examination by Ms. Shealy
November 2, 2015

1 actually removed from him when you saw him?

2 A. No. Everything was left in place.

3 Q. And are you aware of whether or not he was
4 discharged with the bullets still in him?

5 A. He was.

6 MS. SHEALY: I have no further questions. Please
7 answer any that the defense may have.

8 Thank you, Your Honor.

9 THE COURT: Mr. Mlynarczyk?

10 MR. MLYNARCZYK: May it please the Court, Your
11 Honor.

12 Sort of a couple quick follow-up questions for
13 you.

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Robert Colson
Cross-Examination by Mr. Mlynarczyk
November 2, 2015

CROSS-EXAMINATION

BY MR. MLYNARCZYK:

Q. In your report -- do you still have a copy of your report up there?

A. I'm missing one page, but I do have it. I'm missing 2, if you have it.

Q. Page 2?

A. Yes. Thank you, sir.

[Whereupon, the witness reviews documents]

Q. [Mr. Mlynarczyk] So in your report you stated that you -- Ms. Mason, Troy's mother, originally stated that she didn't see anybody else with Troy when she -- when he was dropped off at their house. Then you said later she changed her statement putting it in there?

A. Yes.

Q. Do you know how much later it was?

A. No, sir.

I think I believe -- if you look at the statement -- I took a statement at the scene, at the hospital, right then and there.

Q. And your report was written in August? August 2nd. That's what it says; right?

A. [Indicates affirmatively]

Q. So sometime between July 10th, at the hospital, and August -- was it that night at the hospital she changed her

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1 story and said Mario was with her?

2 A. I believe you've -- you've got the statement there.

3 Q. Well, I mean, I --

4 A. No, no. I mean, the statement will have the date
5 and time on it.

6 Q. Your statement doesn't have the time?

7 A. No. The lady's statement you're questioning me
8 about?

9 Q. No, no. No. I'm just asking about what your
10 report says.

11 A. Oh.

12 Q. That's all I want to know --

13 A. Okay. She says -- she says -- later in the
14 statement she changed it, yes.

15 Q. Oh. Okay. So first she said she didn't see him
16 and then --

17 A. That's correct.

18 Q. -- she said she saw Mario Caldwell?

19 A. That's correct.

20 Q. Ms. Mason -- in your report it says that Ms. Mason,
21 the mom, went to the door, not the father; correct?

22 A. [Indicates affirmatively]

23 MR. MLYNARCZYK: I have no further questions. I'll
24 take page 2 back, if you don't mind.

25 THE WITNESS: Thanks.

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THE COURT: Mr. Murphy?

MR. MURPHY: Thank you, Your Honor. May it please
the Court.

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Robert Colson
Cross-Examination by Mr. Murphy
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CROSS-EXAMINATION

BY MR. MURPHY:

Q. Sir, how long have you been in law enforcement?

A. Since '93.

Q. And you pegged Mr. Mason's story as being a lie as soon as you heard it, didn't you?

A. Yes, sir.

Q. And you wouldn't need twenty years to be in law enforcement to figure that one out?

A. No.

Q. And you talked about the phone that you got from Troy. Did you turn it on or do any investigation into it?

A. No.

Q. You just would have collected it and turned it over to the appropriate folks?

A. Yes, sir.

MR. MURPHY: That's all I have. Thank you.

THE COURT: Redirect?

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Robert Colson
Redirect Examination by Ms. Shealy
November 2, 2015

REDIRECT EXAMINATION

BY MS. SHEALY:

Q. Detective Colson, I'm going to show you Linda Mason's statement.

A. Yes, ma'am.

Q. Did you take any other statements from her, other than the one that night?

A. I believe I took that -- one that night.

Q. Okay. And so can you tell us whether in her written statement she indicates that Mario Caldwell brought Troy over there?

A. At 5:30 a.m., there was a beating at my door. When I answered --

Q. You don't have to read the whole statement, just because it's hearsay, but if you could just tell us --

A. My son and cousin, which is Mario Caldwell, were yelling.

Q. I'm sorry. What?

A. Yeah. She said that Mario Caldwell -- my cousin -- it was my son and my cousin, Mario Caldwell, were yelling through the door that my son was shot.

Q. Okay. And that was the night that you took the statement from her?

A. Yes. That's correct.

Q. So when you were telling us earlier that initially

Robert Colson
Redirect Examination by Ms. Shealy
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1 she didn't say that, when you took the statement from her she
2 did say that?

3 A. Yes.

4 Q. How did she appear that night?

5 A. Everybody seemed to be not bad, I guess.

6 Nobody was frantic or too loud. People were busy,
7 a lot going on, a lot of questions. A lot of family were
8 coming in. Phones -- everybody's on cell phones. Everybody's
9 phones ringing, pinging, texting. So it's a little bit
10 somewhat chaotic. But you've just got to wait for things to
11 calm down to kind of filter their way through.

12 MS. SHEALY: Very good. Thank you.

13 MR. MLYNARCZYK: Nothing further, Your Honor.

14 MR. MURPHY: Nothing, Your Honor.

15 THE COURT: You may step down. Thank you.

16 [Whereupon, Mr. Colson is excused and exits the
17 witness stand]

18 THE COURT: Call your next witness.

19 MS. SHEALY: May we approach, Your Honor?

20 THE COURT: You may.

21 [Whereupon, an off-the-record bench conference is
22 held]

23 THE COURT: Ladies and gentlemen, we're going to
24 take a short comfort break. Feel free to leave your
25 pads where they are, or take them with you.

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Redirect Examination by Ms. Shealy
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1 Please rise for the jury.

2 [Whereupon, the jury exits the courtroom at
3 5:19 p.m.]

4 THE COURT: Thank you. Be seated.

5 And so we'll need to get everyone situated. Have
6 you spoken with the deputies?

7 MS. SHEALY: I think I've asked them if they could
8 get him --

9 THE COURT: All right. Let me know when we're
10 ready to resume.

11 We're at ease.

12 [Whereupon, a recess is taken from 5:20 p.m. to
13 5:39 p.m.]

14 [Whereupon, Court's Exhibit Number 1 is marked by
15 the court reporter]

16 THE COURT: Counsel, we had a note from the juror,
17 juror 305, indicating that she knew somebody in the
18 audience and she felt uncomfortable and would not be
19 able to go forward.

20 We had an in-chambers conference in which all four
21 attorneys were present, and the clerk randomly selected
22 one of the alternates. Juror 271 has now been selected
23 and she will be part of the initial twelve.

24 Please make sure that she is -- when she is brought
25 in, she knows.

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1 All right. Anything before we bring in the jury?

2 MS. SHEALY: No, Your Honor.

3 MR. MLYNARCZYK: Nothing from Belton, Your Honor.

4 MR. MURPHY: Nothing, Your Honor.

5 MS. SHEALY: Does he have --

6 THE COURT: He's on his way. All right. Thank
7 you.

8 [Off the record momentarily]

9 [Whereupon, Mr. Mason takes the witness stand]

10 THE COURT: Sam, you'll swear him in when the jury
11 comes; correct?

12 THE CLERK OF COURT: I will, Your Honor.

13 THE COURT: Thank you.

14 All right. Let's go ahead and bring in the jury.
15 Thank you.

16 [Off the record momentarily]

17 MS. SHEALY: Judge, just for the record, Lori
18 Proctor, who represents Troy Mason, is present in the
19 courtroom.

20 THE COURT: Ms. Proctor, are you comfortable there?
21 Do you need to move closer?

22 MS. PROCTOR: No. I'm fine.

23 THE COURT: All right. Thank you.

24 Please rise for the jury.

25 [Whereupon, the jury enters the courtroom at

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1 5:43 a.m.]

2 THE BAILIFF: All jurors are here, Your Honor.

3 THE COURT: Thank you. Please be seated.

4 Call your next witness.

5 MS. SHEALY: The State would call Troy Mason.

6 THE CLERK OF COURT: Sir, put your left hand here.

7 Raise your right to the best of your ability.

8 [Whereupon, Mr. Mason is duly sworn by the clerk of

9 court as follows: do you swear or affirm the testimony

10 you will give the Court and the jury in the trial of

11 this case will be the truth, the whole truth, and

12 nothing but the truth, so help you God]

13 THE WITNESS: I do.

14 THE CLERK OF COURT: Thank you, sir. You may be
15 seated.

16 Sir, once seated if you could please state your
17 first and last name and then spell your last loudly and
18 clearly into the microphone for the record, please.

19 THE WITNESS: Troy Mason. M-A-S-O-N.

20 THE COURT: Ms. Shealy?

21 MS. SHEALY: Thank you, Your Honor. Just one
22 moment.

23 - - -

24 - - -

25 - - -

Troy Mason
Direct Examination by Ms. Shealy
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TROY MASON,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MS. SHEALY:

Q. Mr. Mason, if you would please tell the jury how old you are.

A. Twenty-seven.

Q. And how old were you in July of 2010?

A. Twenty-one.

Q. And where did you grow up?

A. North Charleston.

Q. What's your mom's name?

A. Linda Mason.

Q. And tell the jury who Mario Caldwell is to you.

A. He's my cousin -- I mean, Godbrother.

Q. How is it that y'all are related?

A. His mother was my grandmother's sister.

Q. And have y'all ever lived together?

A. For a little while.

Q. Do you remember when that was?

A. In June, July, 2010.

Q. Okay. So at the time that this event happened; is that correct?

A. Yes, ma'am.

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1 Q. How far did you go in school?

2 A. Tenth grade.

3 Q. And what school was that?

4 A. North Charleston High School.

5 Q. Would you tell the jury: back in July of 2010,
6 were you using drugs?

7 A. Yes.

8 Q. And what kind of drugs did you use?

9 A. Ecstasy and marijuana.

10 Q. And would you tell the jury how frequently you
11 would use them?

12 A. Every day.

13 Q. Were you also selling drugs?

14 A. Yes.

15 Q. And what kind of drugs would you sell?

16 A. Cocaine or crack.

17 Q. And did you and Mario become particularly close
18 when he got home from prison?

19 A. Yes, ma'am.

20 Q. Do you remember when he got home from prison?

21 A. No, ma'am.

22 Q. In the summer of 2010, did you have a job?

23 A. Yes, ma'am.

24 Q. Where were you working?

25 A. Car detailing shop, 360 Motor Sports, in Ladson.

Troy Mason
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1 Q. Okay. And was there a time period close to that
2 time period when the way you got your money was just selling
3 drugs?

4 A. Yes, ma'am.

5 Q. Where did your mother live in July of 2010?

6 A. Hallmark apartments, in Goose Creek, on Red Bank
7 Road.

8 Q. And let me ask you -- I need you to tell the jury:
9 you're currently indicted regarding what happened on July
10 10th; is that correct?

11 A. Yes, ma'am.

12 Q. You're indicted for murder?

13 A. Yes, ma'am.

14 Q. Tell the jury how much -- how many years murder can
15 carry.

16 A. Thirty to life.

17 Q. And you're indicted for assault and battery in the
18 first degree; is that correct?

19 A. Yes, ma'am.

20 Q. And you're indicted for attempted armed robbery; is
21 that correct?

22 A. Yes, ma'am.

23 Q. And for possession of a weapon during a crime of
24 violence?

25 A. Yes, ma'am.

Troy Mason
Direct Examination by Ms. Shealy
November 2, 2015

1 Q. And burglary first?

2 A. Yes, ma'am.

3 Q. So you were potentially looking at a heck of a lot
4 of time, including life; is that correct?

5 A. Yes, ma'am.

6 Q. Okay. And I want you to tell the jury whether you
7 have any kind of deal with the State.

8 A. No, I don't.

9 Q. Do you want something favorable to happen to you
10 for testifying?

11 A. If it's possible.

12 Q. Okay. And who's your attorney?

13 A. Lori Proctor.

14 Q. And is she seated in the courtroom?

15 A. Yes, ma'am.

16 Q. I want you to tell the jury, have I made you any
17 promise?

18 A. No, ma'am.

19 Q. Now, you have talked to the solicitor's office on a
20 number of occasions; is that correct?

21 A. Yes, ma'am.

22 Q. Tell the jury whether or not you were truthful
23 every time you talked to us.

24 A. No, not the first couple of times.

25 Q. And can you explain to the jury why you were not

Troy Mason
Direct Examination by Ms. Shealy
November 2, 2015

1 truthful?

2 A. A couple of different reasons.

3 First, I had a paid lawyer. He told me not to say
4 nothing.

5 Then I got in contact with my cousin. He tell me
6 he was going to turn hisself in and tell the truth about the
7 whole situation and --

8 Q. Your cousin Mario?

9 A. Yes, ma'am.

10 -- and then my most recent time, I told the truth.

11 Q. And when you say your most recent time, we're
12 talking about like last week --

13 A. Yes, ma'am.

14 Q. -- is that correct?

15 A. [Indicates affirmatively]

16 Q. So since 2010, you never came clean, completely
17 clean, until last week; is that correct?

18 A. Yes, ma'am.

19 Q. Do you recall meeting with the solicitor's office
20 on August 3rd, 2010, when you gave a written statement?

21 A. [No response]

22 Q. I'll show you your statement.

23 [Whereupon, the witness reviews documents]

24 Q. [Ms. Shealy] Do you remember giving that
25 statement?

Troy Mason
Direct Examination by Ms. Shealy
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1 A. Yes, ma'am.

2 MS. SHEALY: Okay. Well, let me give you a
3 different copy. Hold on.

4 Q. [Ms. Shealy] Are you able to use your hands?

5 A. [No response]

6 MS. SHEALY: Your Honor, I may need him to be able
7 to use his hands to turn the pages.

8 Q. [Ms. Shealy] Can you turn them without it?

9 MS. SHEALY: He can turn them without it. Thank
10 you.

11 Q. [Ms. Shealy] So when you first came in to
12 cooperate with the State, did you admit that you went out to
13 McClellanville that night?

14 A. Yes, ma'am.

15 Q. And can you tell the jury who you told the State
16 you went to McClellanville with?

17 A. My cousin, Mario Caldwell.

18 Q. Okay. And who else?

19 A. That's all I said I went with.

20 Q. You mean in the same car?

21 A. Yes, ma'am.

22 Q. Who else was at McClellanville when you got there,
23 according to your first statement?

24 A. Bez and Finger.

25 Q. Okay. So the first time that you cooperated August

Troy Mason
Direct Examination by Ms. Shealy
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1 3rd of 2012, you admitted that you were in McClellanville with
2 Mario, Bez, and Finger?

3 A. Yes, ma'am.

4 Q. Do you see Bez in the courtroom?

5 A. Yes, ma'am.

6 Q. Where is he seated?

7 A. Right there.

8 Q. With the light-blue shirt on?

9 A. Yes, ma'am.

10 Q. Do you see Finger?

11 A. Yes, ma'am.

12 Q. Where is he seated?

13 A. Sitting with the white shirt on.

14 Q. Okay. Did you know Finger before July, 2010?

15 A. Yes, ma'am.

16 Q. Do you know where he used to live?

17 A. In Charlotte, I think.

18 Q. Okay. And prior to that, do you know where he
19 lived?

20 A. On Liberty Hill.

21 Q. In Liberty Hill?

22 A. [No response]

23 Q. And that's in Charleston?

24 A. North Charleston.

25 Q. North Charleston.

Troy Mason
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1 When you came in to talk to the solicitor's office
2 in August of 2012, did you admit you fired a weapon?

3 A. No, ma'am.

4 Q. Did you fire a weapon?

5 A. Yes, ma'am.

6 Q. Did you admit that you had a .9mm?

7 A. No, ma'am.

8 Q. Did you have a .9mm?

9 A. Yes, ma'am.

10 Q. Did you admit that you went to Constance
11 Manigault's house, a house on Forseman off of Dorchester?

12 A. No, ma'am.

13 Q. Did you go to a house off on Forseman on
14 Dorchester?

15 A. Yes, ma'am.

16 Q. So it's fair to say you told us who you went -- who
17 was at McClellanville, but you didn't admit everything?

18 A. Yes, ma'am.

19 Q. In August of 2012, did you admit that you went with
20 Mario to Charlotte to get Finger?

21 A. No, ma'am.

22 Q. Did you go with Mario to Charlotte to get Finger?

23 A. Yes, ma'am.

24 Q. And after that date, you've met with the
25 solicitor's office a couple more times; is that correct?

Troy Mason
Direct Examination by Ms. Shealy
November 2, 2015

1 A. Yes.

2 Q. And before last week, you had never admitted going
3 to Charlotte; is that correct?

4 A. No.

5 Q. Having a .9mm?

6 A. No.

7 Q. Going to Forseman?

8 A. No.

9 Q. Okay. You understand that you have sworn to take
10 an oath today?

11 A. Yes, ma'am.

12 Q. Okay. So you need to tell the jury only the truth.

13 A. Yes, ma'am.

14 Q. Let's just focus in on July 9th. Did you see Mario
15 that day?

16 A. Yes, ma'am.

17 Q. And where were you when you first saw Mario?

18 A. When me and my girlfriend ran over to West Ashley.

19 Q. And your girlfriend was?

20 A. Kevona Wall [phonetic].

21 Q. Mario came over there?

22 A. Yes, ma'am.

23 Q. Had you stayed with Kevona the night before?

24 A. Yes, ma'am.

25 Q. And when Mario got to Grand Oaks, what kind of

Troy Mason
Direct Examination by Ms. Shealy
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1 vehicle was he in?

2 A. I don't remember.

3 Q. Okay. Do you remember you and Mario hanging out
4 that day?

5 A. Yes, ma'am.

6 Q. What kind of vehicle were y'all in at that time?

7 A. A Dodge Avenger.

8 Q. Did you get the Dodge Avenger at some other point?

9 A. It's possible.

10 Q. Okay. Well, I'm sorry. I didn't ask that question
11 very well.

12 You don't remember what kind of vehicle Mario had
13 when you were with Kavona?

14 A. Yes, ma'am.

15 Q. At some point that day, did y'all get into the
16 Dodge Avenger?

17 A. Yes, ma'am.

18 Q. Do you know where the Dodge Avenger came from?

19 A. A rental place.

20 Q. Was this the first time that you had been with
21 Mario in a rental car?

22 A. No, ma'am.

23 Q. Could you tell the jury what Mario would do with
24 rental cars?

25 A. Huh?

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1 Q. Had you been with Mario previously when he would
2 rent a car?

3 A. Yes, ma'am.

4 Q. Did he also have his own vehicle?

5 A. Yes, ma'am.

6 Q. When y'all got in the Dodge Avenger, did y'all
7 travel outside of Charleston?

8 A. Yes, ma'am.

9 Q. Tell the jury where you went.

10 A. Charleston and --

11 Q. Had you ever been --

12 A. -- Columbia.

13 Q. I'm sorry.

14 A. And to Columbia.

15 Q. Had y'all ever been to Charlotte before?

16 A. I ain't never been to Charlotte.

17 Q. And who drove from North Charleston to Charlotte?

18 A. Mario.

19 Q. Did Mario tell you why you were going to Charlotte?

20 A. No.

21 Q. Did you know who you were expecting to see when you
22 got to Charlotte?

23 A. Yeah.

24 Q. Who?

25 A. Finger.

Troy Mason
Direct Examination by Ms. Shealy
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1 Q. Jeremiah Belton?

2 A. Yes, ma'am.

3 Q. And did you, in fact, stop and pick up Jeremiah
4 Belton?

5 A. Yes, ma'am.

6 Q. Tell the jury: after getting Jeremiah Belton, what
7 did y'all do next?

8 A. I don't really remember all the details.

9 I know we went and pick up -- oh. We took him to
10 drop off some cleaning equipment, because I think he had a
11 cleaning business or something, and we went to pick up Curtis
12 Delaney.

13 Q. And when you picked up Curtis Delaney, did you know
14 him before that night?

15 A. No, ma'am.

16 Q. You know his name now?

17 A. Yes, ma'am.

18 Q. And when he was introduced to you, what was he
19 introduced as? What nickname?

20 A. Crime.

21 Q. Did Crime get in the vehicle with y'all?

22 A. Yes, ma'am.

23 Q. And can you tell the jury, if you remember, how
24 y'all were seated?

25 A. I don't remember.

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1 Q. Okay. You told us that you used ecstasy and
2 marijuana. Tell the jury whether on that day, July 9th, that
3 Friday, were you using any ecstasy?

4 A. Yes, ma'am.

5 Q. Were you using any marijuana?

6 A. Yes, ma'am.

7 Q. What does the ecstasy do to you? Why do you like
8 to use it?

9 A. Keep me up.

10 Q. Keep you up?

11 A. [Indicates affirmatively]

12 Q. And the marijuana, what does it do to you?

13 A. [No response]

14 Q. Why do you like it?

15 A. Keep me high.

16 Q. Keep you what?

17 A. High.

18 Q. One more time.

19 A. High.

20 Q. Keeps you high.

21 When you were driving to Charlotte or riding to
22 Charlotte, did you feel high?

23 A. Yeah.

24 Q. When Crime got in the vehicle, could you tell
25 whether or not he had a weapon?

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Direct Examination by Ms. Shealy
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1 A. No, ma'am.

2 Q. Could you tell whether or not Finger had a weapon
3 when he got in the car?

4 A. No, ma'am.

5 Q. After y'all left Crime -- and that was in
6 Charlotte?

7 A. [Indicates affirmatively]

8 Q. -- who was driving the rental car?

9 A. Jeremiah.

10 Q. And where did y'all go?

11 A. Somewhere in Columbia.

12 Q. Are you very familiar with Columbia?

13 A. Not that part of Columbia, but --

14 Q. Did Kavona live in Columbia at one point?

15 A. Yeah.

16 Q. Do you know the difference between Columbia and
17 West Columbia?

18 A. No.

19 Q. When you got to Columbia, what happened when y'all
20 stopped?

21 A. He wanted to get Bez.

22 Q. And when the vehicle stopped, did everybody stay in
23 the car and wait for him, or did people get out?

24 A. We got out of the car.

25 Q. How long were y'all out of the car before you got

Troy Mason
Direct Examination by Ms. Shealy
November 2, 2015

1 back in?

2 A. I don't even remember.

3 Q. Did you have a phone that night?

4 A. Yes.

5 Q. And were you using your phone?

6 A. No, ma'am.

7 Q. Why not?

8 A. The battery was dead. The phone was off.

9 Q. Do what?

10 A. The battery was dead. The phone was off.

11 Q. So you made no phone calls that night?

12 A. [Indicates negatively]

13 Q. Could you tell whether other people had phones?

14 A. Yeah.

15 Q. Did Bez have a phone?

16 A. Yeah.

17 Q. Do you know whether Curtis Delaney had a phone?

18 A. He didn't have a phone.

19 Q. Did you see Curtis Delaney use anybody else's
20 phone?

21 A. I seen him use a phone, but I don't know whose
22 phone he was using.

23 Q. He was using somebody else's?

24 A. [Indicates affirmatively]

25 Q. Okay. When y'all drove from -- excuse me -- from

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1 Columbia to Charleston, who drove? From Columbia to
2 Charleston.

3 A. Jeremiah.

4 Q. And when y'all got Jeremiah, what was the next
5 thing you remember doing?

6 A. Can you ask that question again?

7 Q. Did y'all stop anywhere when you got back to
8 Charleston?

9 A. I don't remember.

10 Q. Okay. Did you ever go to someone's house that
11 night before y'all went out to McClellanville?

12 A. Yes.

13 Q. Well, that's what I was asking you about.

14 A. We went to a house on Dorchester Road.

15 Q. Off of Dorchester?

16 A. [Indicates affirmatively]

17 Q. Do you know the name of the street?

18 A. Huh-uh.

19 Q. But it's off Dorchester?

20 A. [Indicates affirmatively]

21 Q. When y'all got there, could you describe to the
22 jury who all was present in that house?

23 A. Me, Mario, Jeremiah, Bez, Crime. And I think there
24 was two other people.

25 Q. Had you seen them before?

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1 A. Huh-uh.

2 MS. SHEALY: Okay. You've got to say yes or no for
3 the record.

4 A. No, ma'am.

5 Q. [Ms. Shealy] Do you know who they are now?

6 A. No, ma'am.

7 Q. Do you remember what they looked like?

8 A. I remember one of them had a bald head.

9 Q. One of them had a bald head.

10 Describe for the jury what was going on at that
11 house off of Dorchester.

12 A. People was talking, getting -- using some drugs.

13 Q. Say that again. I'm sorry.

14 Q. People was talking. Some people was using drugs.

15 Q. Well, what were people talking about?

16 A. I don't remember details of what they was talking
17 about.

18 Q. Was there any discussion about what y'all were
19 going to do next?

20 A. I think it was.

21 Q. All right. Well, what was that discussion? Who
22 was saying what?

23 A. I know Bez or -- he already -- he already dealt
24 with this person before --

25 Q. And what was --

Troy Mason
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1 A. -- but I don't know what became of --

2 Q. And what was the activity that y'all were going to
3 do next?

4 A. Oh. I guess a robbery.

5 Q. Okay. Was everybody talking about it?

6 A. Not everybody.

7 Q. Well, who was talking about it?

8 A. Bez.

9 Q. And what do you remember him saying?

10 A. He already dealt with this person before.

11 Q. So he knew him?

12 A. [Indicates affirmatively]

13 Q. Did y'all discuss, while you were at that house,
14 where y'all would be going?

15 A. No. No, ma'am.

16 Q. And before that discussion, did you already know
17 something was up?

18 A. I kind of figured something was up.

19 Q. Well, why did you figure something was up?

20 A. Because the time of night it is, and everybody
21 talking, what everybody talking on.

22 Q. Okay. And y'all picked up two extra guys?

23 A. Yes, ma'am.

24 Q. What happened after the meeting at -- off of
25 Dorchester? What happened?

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1 A. [No response]

2 Q. Where did y'all go?

3 A. Oh. McClellanville.

4 Q. I'm sorry. Say that again.

5 A. In McClellanville.

6 Q. Do you remember anything else that was specifically
7 said inside that house?

8 A. No, ma'am.

9 Q. When you were inside that house at that point,
10 could you tell whether everybody had a weapon?

11 A. Can't remember.

12 Q. Was there any discussion about what people needed
13 to have for their hands or their face --

14 A. No, ma'am.

15 Q. -- remember?

16 When you left the house on Forseman, which vehicle
17 did you go in?

18 A. The Avenger, with Mario.

19 Q. And who else was in the car?

20 A. I don't remember who else was in there.

21 Q. When you left Forseman?

22 A. [Indicates affirmatively]

23 Q. Okay. Who did you see get in the second car?

24 A. I didn't pay attention to nobody else getting in a
25 car.

Troy Mason
Direct Examination by Ms. Shealy
November 2, 2015

1 Q. Had you been to McClellanville before?

2 A. No, ma'am.

3 Q. Did y'all stop anywhere on the way to
4 McClellanville?

5 A. I don't think so.

6 Q. Did you stop by anywhere that Mario went inside?

7 A. I don't remember.

8 Q. Okay. And when you got to McClellanville, could
9 you describe to the jury where y'all stopped or if you
10 stopped?

11 A. We didn't stop nowhere until we get there.

12 Q. Troy, what I'm asking you is when you got to
13 McClellanville, do y'all stop near a house?

14 A. Yeah. We rode past the house and turned around.

15 Q. Rode past it and turned around?

16 A. [Indicates affirmatively]

17 Q. When you rode past it and turned around, was there
18 another vehicle already there?

19 A. Yes, ma'am.

20 Q. So what happens next?

21 A. We get out of the car.

22 Q. And what happened after y'all got out of the car?

23 A. We went and stand in the front yard.

24 Q. Do what?

25 A. We went and stand in the front yard.

Troy Mason
Direct Examination by Ms. Shealy
November 2, 2015

1 Q. And when you were standing in the front yard, could
2 you tell the jury, please, who all was in the front yard?

3 A. Me, Mario, Jeremiah, Crime, and Bez.

4 Q. All right. What about the other two guys that had
5 been at the house?

6 A. One of them was right there. I think one of them
7 was still by the car.

8 Q. And did y'all have any kind of discussion before
9 you went into the house?

10 A. I don't think so.

11 Q. At that point, did you see everybody's weapons?

12 A. Yes, ma'am.

13 Q. And, again, you told us that you had a .9mm?

14 A. Yes, ma'am.

15 Q. How do y'all get in the house?

16 A. Somebody kicked the door open.

17 Q. And do you even know who kicked the door?

18 A. No, ma'am.

19 Q. What happened once the door got kicked in?

20 A. I went in the house behind Mario.

21 Q. And what happened once you went in the house behind
22 Mario?

23 A. Somebody started shooting in the back of the house.

24 Q. In the back of the house?

25 A. [Indicates affirmatively]

Troy Mason
Direct Examination by Ms. Shealy
November 2, 2015

1 Q. Now, tell the jury, if you would, how well-lit was
2 that house?

3 A. Pretty dark.

4 Q. And had you ever been at that house before?

5 A. No, ma'am.

6 Q. From what you remember, what happened after you
7 were following Mario then?

8 A. Gunshots went off.

9 Mario proceeded to what was going on in the back of
10 the house.

11 Q. Well, where were you with Mario?

12 A. In his daughter -- in the victim's daughter room.

13 Q. And then you went where?

14 A. To the back of the house, towards Simmons' room.

15 Q. And why would you walk towards gunshots?

16 A. I figured it was somebody who when we came in the
17 house was doing the shooting.

18 Q. Okay. So you were going over there for
19 reinforcement?

20 A. I guess so.

21 Q. When you got in, how could you see your way? Do
22 you remember how you saw your way there?

23 A. It wasn't pitch black, but it wasn't too good of a
24 light.

25 Q. And when you got back there, did you ever make it

Troy Mason
Direct Examination by Ms. Shealy
November 2, 2015

1 into the bedroom?

2 A. No, ma'am.

3 Q. Did you make it into the entranceway of the
4 bedroom?

5 A. Yes, ma'am.

6 Q. Okay. Showing you State's Exhibit 65. First of
7 all, obviously it was not that well-lit that night; is that
8 right?

9 A. Yes, ma'am.

10 Q. Do you remember where the entrance to that bedroom
11 was? Can you tell from that picture?

12 A. Yes, ma'am.

13 Q. Where was it?

14 A. Where the front of the red carpet.

15 Q. Okay. And showing you State's 73. Is that the
16 area where the bedroom was?

17 A. Yes, ma'am.

18 Q. And did you make it in the entranceway of the
19 bedroom?

20 A. Yes, ma'am.

21 Q. Tell this jury, did you see Kip Simmons at that
22 point?

23 A. No, ma'am.

24 Q. Did you hear gunshots?

25 A. Yes, ma'am.

Troy Mason
Direct Examination by Ms. Shealy
November 2, 2015

1 Q. Did you shoot?

2 A. Yes, ma'am.

3 Q. Did you get shot?

4 A. Yes, ma'am.

5 Q. Can you describe for the jury how quickly all of
6 this happened?

7 A. As soon as I look around the corner, I feel
8 something hit me in my face. When I got hit in my face, I
9 started shooting and turned around and started running. In a
10 matter of seconds.

11 Q. I'm sorry?

12 A. In a matter of seconds.

13 Q. When you were running out, could you tell who was
14 still in the house?

15 A. No, ma'am.

16 Q. From your group.

17 A. Oh.

18 Q. If you couldn't -- if you could --

19 A. I can't -- I can't remember.

20 Q. When you ran -- when you were coming in, do you
21 know who all made their way in before the shooting?

22 A. I know Delaney went in first. I know Caldwell was
23 in there. I don't remember if Finger went inside. When I was
24 coming out, Bez was outside already.

25 Q. Okay. And so you don't know whether Bez made it

Troy Mason
Direct Examination by Ms. Shealy
November 2, 2015

1 inside or not?

2 A. No, ma'am.

3 Q. Where was Delaney when you went over to that side
4 of the house?

5 A. Crouched in the corner, by the door on the first
6 picture you had.

7 Q. So showing you 65 again. Where was Delaney? Can
8 you point on that screen? Can you move your arms that much?

9 A. Right along -- in the corner, where that door is.

10 Q. Which door?

11 A. Like where the wall at.

12 MS. SHEALY: May I have him --

13 THE COURT: Can we release one?

14 MS. SHEALY: Mr. Mason, when you touch the screen,
15 you can -- it'll do a red line.

16 [Off the record momentarily]

17 A. Right over here.

18 Q. [Ms. Shealy] Are you touching the screen

19 A. [No response]

20 Q. But that's where Delaney was?

21 A. Yes, ma'am.

22 Q. And so looking at that door, when you said you
23 walked -- tucked in, where did you tuck in compared to
24 Delaney?

25 A. I went like straight in the middle of the door.

Troy Mason
Direct Examination by Ms. Shealy
November 2, 2015

1 Q. Okay. After you were shot, you said you started
2 shooting?

3 A. Yes, ma'am.

4 Q. And did -- do you know at that point that you hit
5 Mr. Simmons?

6 A. No, ma'am.

7 Q. But you know you had a .9mm in that bedroom?

8 A. Yes, ma'am.

9 Q. Did you see Mr. Simmons fall?

10 A. No, ma'am.

11 Q. Did you see a female?

12 A. No, ma'am.

13 Q. After you were shot, which way did you run?

14 A. I don't remember.

15 Q. Were you going fast?

16 A. Yes, ma'am.

17 Q. And when you got outside, could you describe to the
18 jury what you saw going on outside?

19 A. It was Bez -- it was Bez shooting the side the
20 house. Like he was -- looked like he was shooting in the
21 direction of the house.

22 Q. Bez was shooting --

23 A. Yes, ma'am.

24 Q. -- at the house?

25 A. Yes, ma'am.

Troy Mason
Direct Examination by Ms. Shealy
November 2, 2015

1 Q. Did you see Finger at that point?

2 A. I don't remember.

3 Q. Okay. And what about the guy with the bald head?

4 Did you see him at that point?

5 A. I don't remember. I was just trying to get back in
6 the car.

7 Q. When you got out of the house, where did you head?

8 A. Back to the car.

9 Q. And where in the car did you get in?

10 A. Back seat.

11 Q. At that point, was Mario already in the car?

12 A. No, ma'am.

13 Q. Would you tell the jury whether or not anybody got
14 back in that vehicle with you?

15 A. Bez got in the back seat with me. Mario got in the
16 front seat.

17 Q. And what happened at that point?

18 A. I'm kind of blacking out.

19 Q. You were kind of blacking out?

20 A. Yeah.

21 Q. Can you describe to the jury how much you were
22 bleeding?

23 A. A lot.

24 Q. And when you left, was Curtis Delaney's body in the
25 front yard?

Troy Mason
Direct Examination by Ms. Shealy
November 2, 2015

1 A. No, ma'am.

2 Q. So did you even know at that point that he had been
3 shot?

4 A. No, ma'am.

5 Q. Where did y'all go?

6 A. First we went to Trident Hospital.

7 Q. And did you get out at Trident Hospital?

8 A. No, ma'am.

9 Q. Why?

10 A. I told him I wanted my mama to take me to the
11 hospital.

12 Q. So where did y'all go?

13 A. Hallmark apartments.

14 Q. And did you go up to your mother's apartment?

15 A. Yes, ma'am.

16 Q. Did anybody have to help you up to your mother's
17 apartment?

18 A. Yes, ma'am.

19 Q. Who helped you up?

20 A. Mario and Bez.

21 Q. Do you remember any of the conversation when y'all
22 were all in the vehicle together?

23 A. Mario was telling me pieces about telling the
24 police I got robbed on Red Bank Road so I wouldn't get
25 arrested that night.

Troy Mason
Direct Examination by Ms. Shealy
November 2, 2015

1 Q. So that you wouldn't get arrested that night?

2 A. Yes, ma'am.

3 Q. And you agreed to give that story?

4 A. Yes, ma'am.

5 Q. When you got to the hospital, did you, in fact,
6 tell that to the officer from Berkeley?

7 A. Yes, ma'am.

8 Q. Did you also tell it to the officer from the
9 County?

10 A. Yes, ma'am.

11 Q. When you got out of the hospital that night, did
12 you see Mario again before you got arrested?

13 A. Yes, ma'am.

14 Q. And how did that go?

15 A. I saw him a couple of different times.

16 The first time I saw him was on Buist apartments
17 where we was living at. I went to get some clothes out the
18 house. He already was there. He showed me his statement that
19 he give the police from picking me up on Red Bank. Nothing
20 happened. I lay up.

21 And I saw him again at a family reunion right -- he
22 was trying to talk to me, but I wouldn't talk to him because
23 somebody told me he was the one who had shot me.

24 Q. That he was the one who shot you?

25 A. Yeah.

Troy Mason
Direct Examination by Ms. Shealy
November 2, 2015

1 Q. Was there talk kind of in your community about what
2 had happened?

3 A. Yeah.

4 Q. And that led you to believe what?

5 A. That Mario shot me.

6 Q. So prior to that, you and Mario had been tight?

7 A. Yes, ma'am.

8 Q. And he was your cousin?

9 A. Yes, ma'am.

10 Q. And his mother was your Godmother and your mother
11 is his Godmother?

12 A. Yes, ma'am.

13 Q. But when people on the street were telling you that
14 Mario shot you, you started to wonder?

15 A. Yes, ma'am.

16 Q. Do you remember when you got arrested?

17 A. Turned myself in on August 11th, 2010.

18 Q. And have you been at the jail since then?

19 A. Yes, ma'am.

20 Q. When you were at the jail, did Mario come to visit
21 you?

22 A. Yes, ma'am.

23 Q. And did he put money in your canteen?

24 A. Sometimes.

25 Q. Did he do anything for your child?

Troy Mason
Direct Examination by Ms. Shealy
November 2, 2015

- 1 A. Sometimes.
- 2 Q. What was Mario telling you?
- 3 A. That he was going to turn himself in and tell on --
- 4 tell the police what happened.
- 5 Q. And you believed that?
- 6 A. Yes, ma'am.
- 7 Q. Did you get close to trial?
- 8 A. Yes, ma'am.
- 9 Q. And as you got close to trial, did you make a
- 10 decision to tell on Mario?
- 11 A. Yes, ma'am.
- 12 Q. Why were you willing to tell on your cousin at that
- 13 point?
- 14 A. Because I see he ain't going to come tell the
- 15 police what they need -- what needed to be told.
- 16 Q. So you gave up your cousin?
- 17 A. Yes, ma'am.
- 18 Q. And you gave up Finger and Bez?
- 19 A. Yes, ma'am.
- 20 Q. And that was back in August of 2012?
- 21 A. Yes, ma'am.
- 22 Q. Now, Troy, I need you to tell this jury: are you
- 23 saying what you're saying today just to try to please me?
- 24 A. No, ma'am.
- 25 Q. What you're remembering from that night is what you

Troy Mason
Direct Examination by Ms. Shealy
November 2, 2015

1 truly remember?

2 A. Yes, ma'am.

3 Q. Is it easy for you to come inside and look at
4 Finger and Bez and testify against them?

5 A. No, ma'am.

6 MS. SHEALY: I beg the Court's indulgence just a
7 moment.

8 THE COURT: Take your time.

9 [Whereupon, Ms. Shealy and Mr. Cooper confer]

10 MS. SHEALY: Mr. Mason, a couple of things.

11 Q. [Ms. Shealy] When you indicated that you were told
12 to go in the back of the house as the gunshots had started,
13 can you explain again what you -- who you thought was firing
14 the guns?

15 A. Someone who came in the house the same time I came
16 in the house.

17 Q. So you didn't know that it was the homeowners
18 firing at y'all?

19 A. No, ma'am.

20 Q. And when I asked you earlier about did Mario put
21 money in your canteen, what is the canteen at the jail?

22 A. Commissary.

23 Q. Okay. And when someone puts money in it, what do
24 you get to buy?

25 A. Items off the -- off the commissary.

Troy Mason
Direct Examination by Ms. Shealy
November 2, 2015

1 Q. Items what?

2 A. Food or items off the commissary.

3 Q. Well, tell the jury, is the food good at the jail?

4 A. No, ma'am.

5 Q. And with the canteen money, you could buy snacks?

6 A. Yes, ma'am.

7 Q. And that's the money that Mario was putting into
8 your account?

9 A. Yes, ma'am.

10 Q. And that's when you were sitting in jail and he was
11 out of jail?

12 A. Yes, ma'am.

13 Q. At one point, did you indicate that Mario came to
14 your house that night and said that he and Finger wanted to
15 buy some drugs and that he knew who y'all could buy some from?

16 A. Yes, ma'am.

17 Q. Was that true?

18 A. No, ma'am.

19 Q. Well, why did you say that?

20 A. I don't know.

21 Q. Were you trying to hurt Mario when you said that,
22 or help Mario?

23 A. Neither, really.

24 Q. Well, can you explain to this jury, Mr. Mason, what
25 your thought process has been? Because you've made up stories

Troy Mason
Direct Examination by Ms. Shealy
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1 pretty consistently. Why do you keep giving different
2 versions?

3 A. I really don't know.

4 Q. Well, what's the truth?

5 A. What I just testified to today.

6 Q. Did you go to Charlotte with Mario?

7 A. Yes, ma'am.

8 Q. Did y'all pick up Finger?

9 A. Yes, ma'am.

10 Q. Did you pick up Delaney?

11 A. Yes, ma'am.

12 Q. Did you pick up Conyers?

13 A. Yes, ma'am.

14 Q. Did y'all meet at a house off of Dorchester?

15 A. Yes, ma'am.

16 Q. Did you go to McClellanville?

17 A. Yes, ma'am.

18 Q. Did you shoot a .9mm in Mr. Simmons' house?

19 A. Yes, ma'am.

20 Q. Did Bez, Finger, Mario, and Delaney all have
21 weapons, too?

22 A. Yes, ma'am.

23 Q. Now, when you went to the hospital that night, they
24 left the bullets in you; is that correct?

25 A. Yes, ma'am.

Troy Mason
Direct Examination by Ms. Shealy
November 2, 2015

1 Q. And did you, at some point, have those bullets
2 removed?

3 A. One of them.

4 Q. Which one did they remove?

5 A. On my shoulder.

6 Q. And why were you curious about what was in your
7 shoulder?

8 A. I'd like to find out who shot me.

9 Q. Were you still thinking that one of these guys,
10 Bez, Belton, Mario, or Delaney may have shot you?

11 A. Yes, ma'am.

12 Q. Showing you State's Exhibit 203. Is that a picture
13 of you when you had your bullets removed --

14 A. Yes, ma'am.

15 Q. -- bullets removed?

16 A. Yes, ma'am.

17 Q. Did you have dreads that night?

18 A. Yes, ma'am.

19 Q. Have you talked to Bez since this happened?

20 A. No, ma'am.

21 Q. You didn't -- you had never talked to him before
22 that night and not since that night?

23 A. No, ma'am.

24 Q. What about Finger? Have you talked to him since
25 then?

Troy Mason
Direct Examination by Ms. Shealy
November 2, 2015

1 A. One time.

2 Q. Tell us about that.

3 A. It just was on the phone. He just asked me what's
4 going on with my kids.

5 Q. And where were you when you had that conversation?

6 A. In jail.

7 Q. And how did that conversation take place?

8 A. Through a three-way call in jail.

9 Q. Who was the guy that was helping with the three-
10 way?

11 A. Cumbee Grady [phonetic]

12 Q. Well, tell us how that played out. How did you
13 know that Finger wanted to talk to you?

14 A. He tell me Finger wanted to talk to you but --

15 Q. Did you get on the phone?

16 A. Yes, ma'am.

17 Q. And what did he ask you?

18 A. How everything was looking with my kids.

19 A. Okay. And what did that mean to you?

20 A. I just -- I assumed that it mean was I going to
21 tell on him.

22 Q. What did you tell him?

23 A. Everything was all right.

24 MS. SHEALY: Beg the Court's indulgence. Your
25 Honor, indulge me for just one moment.

Troy Mason
Direct Examination by Ms. Shealy
November 2, 2015

1 THE COURT: Take your time.

2 [Whereupon, Ms. Shealy and Mr. Cooper confer]

3 MS. SHEALY: Mr. Mason, I have no further questions
4 of you right now. If you'll answer any, please, that
5 the defense attorneys have.

6 Judge, I'll approach to get rid of that mark.
7 Can you do it from there?

8 THE COURT: All right. Did you need to see me,
9 Mr. Mlynarczyk?

10 MR. MLYNARCZYK: Yes. May we approach?

11 THE COURT: You may.

12 [Whereupon, an off-the-record bench conference is
13 held]

14 THE COURT: Ladies and gentlemen; we have reached
15 an appropriate time for us to break for the evening.
16 Tomorrow is election day, so I'm going to allow you a
17 later in. So please make sure that you take care of
18 that part of your civic duty before you come and
19 continue your civic duty of performing jury service.

20 Ladies and gentlemen, please report back tomorrow
21 and be ready to begin at 10:00 a.m. 10:00 a.m.

22 Ladies and gentlemen, please remember all of my
23 admonitions. Do not discuss this case with anyone.
24 That includes your fellow jurors, but it also includes
25 your friends, your family members, or whomever. It

Troy Mason
Direct Examination by Ms. Shealy
November 2, 2015

1 includes face-to-face discussions but it also includes
2 any posting on facebook or anything of that nature, any
3 emailing, blogging, texting, anything of that nature.

4 Please do not do any independent investigation. Do
5 not go to the scene where any of the events that you
6 have heard testimony concerning today.

7 Please take your notepads with you. We will lock
8 them up over the evening hour and return them to you in
9 the morning.

10 Please rise for the jury. Stay seated, Mr. Mason.

11 [Whereupon, the jury exits the courtroom at
12 6:32 p.m.]

13 THE COURT: Thank you. Be seated.

14 Sir, we are going to break for the evening. You'll
15 be back in the morning. Please do not discuss your
16 testimony with anyone. You are excused.

17 [Whereupon, Mr. Mason is excused and exits the
18 witness stand]

19 THE COURT: Anything before we break?

20 MS. SHEALY: Judge, the only thing -- I don't know
21 that our office asked that Mr. Mason be brought back
22 tomorrow. Do I need to --

23 OFFICER: You do.

24 MS. SHEALY: We need to do another transport list?
25 Okay. I didn't know if we could tell the gentlemen

Troy Mason
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1 that.

2 [Off the record momentarily]

3 THE COURT: We need paperwork.

4 MS. SHEALY: Well, we have a later start. Maybe
5 that will help.

6 THE COURT: Don't wait until --

7 MS. SHEALY: No. We'll do that right when we get
8 back. But -- I'll figure it out.

9 THE COURT: All right. Thank you. Anything else,
10 Ms. Shealy?

11 MS. SHEALY: No, Your Honor.

12 MR. MLYNARCZYK: Nothing, Your Honor.

13 MR. MURPHY: Nothing, Your Honor.

14 THE COURT: All right. Thank you. Please be back
15 9:45. I have other matters unrelated to this case
16 beginning at 9:00 a.m. All right? Thank you. We'll be
17 at ease.

18 [JURY TRIAL ADJOURNS AT 6:24 P.M.]

19

20

21

22

23

24

25

State vs. Belton and Conyers

C E R T I F I C A T E

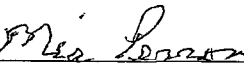
STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

I, the undersigned Mia Perron, Circuit Court Reporter for the 9th Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of the jury trial held before the Honorable Kristi L. Harrington on Monday, November 2, 2015.

I do further certify that I am neither kin nor counsel to any of the parties and have no interest in the outcome of this action.

Dated this 3rd day of April, 2015.



Mia Perron, CVR-CM-M
Circuit Court Reporter
9th Judicial Circuit

MIA PERRON, CVR-CM-M

-278-

STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
) NINTH JUDICIAL CIRCUIT
 COUNTY OF CHARLESTON) CASE NO.: 2014-GS-10-06481
 2014-GS-10-06482
 2014-GS-10-06483
 2014-GS-10-06484
 2014-GS-10-06485
 2014-GS-10-06486

STATE OF SOUTH CAROLINA)
)
)
 VS.)
)
)
 JEREMIAH FITZGERALD BELTON and)
 KING CHEVAIS CONYERS,)
)
 DEFENDANT.)

JURY TRIAL

VOLUME 2 OF 5

held before the Honorable Kristi L. Harrington
 Mia Perron, Circuit Court Reporter, 9th Judicial Circuit
 in the Charleston County Courthouse
 Charleston, South Carolina
 on Tuesday, November 3, 2015, Commencing at 10:00 a.m.

SUSAN "MIA" PERRON, CVR-CM-M
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MARKED/ADMITTED

COURT'S

Court's Exhibit Number 2	363 /
[Stipulation of Counsel]	

Court's Exhibit Number 3	537 /
[Note From The Jury]	

State vs. Belton and Conyers
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PROCEEDINGS

1
2 THE COURT: Ms. Shealy, anything? We're still
3 waiting on some jurors, but anything?

4 MS. SHEALY: I don't think so.

5 I was just sharing some information with
6 Mr. Mlynarczyk that may be a root of contention but --

7 MR. MLYNARCZYK: Nothing, Your Honor.

8 MR. MURPHY: Nothing, Your Honor.

9 [Off the record momentarily]

10 THE COURT: Counsel approach.

11 [Whereupon, an off-the-record bench conference is
12 held]

13 [Off the record momentarily]

14 THE COURT: Mr. Mlynarczyk, do you need to speak to
15 your client at all?

16 MR. MLYNARCZYK: I don't believe so, Your Honor.

17 THE COURT: Mr. Murphy?

18 MR. MURPHY: No, ma'am.

19 [Off the record momentarily]

20 THE COURT: Thank you. Be seated.

21 Anything before we bring in the jury? From the
22 State?

23 MS. SHEALY: No, Your Honor.

24 MR. MLYNARCZYK: No, Your Honor.

25 MR. MURPHY: No, Your Honor.

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1 [Off the record momentarily]

2 [Whereupon, the jury enters the courtroom at
3 10:22 a.m.]

4 THE BAILIFF: All jurors are present, Your Honor.

5 THE COURT: Thank you. Please be seated.

6 Did every member of the jury panel comply with the
7 Court's instructions over the evening hour? If you did,
8 please raise your right hand. If you complied, if you
9 followed my instructions, please raise your right hand.

10 [Whereupon, jurors comply]

11 THE COURT: Thank you. All fourteen jurors have
12 complied with the Court's instructions.

13 Ladies and gentlemen, please give your attention.

14 Mr. Mlynarczyk, your witness.

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

17 Good morning, Mr. Mason.

18 THE WITNESS: Good morning.

19 MR. MLYNARCZYK: So yesterday when we ended off,
20 Ms. Shealy was asking you some questions. I'm going to
21 follow up on some of those things that you talked about.
22

23 - - -

24 - - -

25 - - -

Troy Mason
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TROY MASON,

Having Been Previously Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. MLYNARCZYK:

Q. In 2010, July of 2010, you stated that you had gone to the hospital for gunshots; correct?

A. Yes.

Q. And do you remember meeting at least one officer at the hospital to get your statement?

A. Yes, sir.

Q. And do you remember what you told the officers at that time?

A. Yes, sir.

Q. And can you briefly tell the jury what you told them happened to you?

A. I was robbed on Red Bank Road in Goose Creek. Robbed and shot.

Q. And do you remember what officer you told that to?

A. I think Colson.

Q. Colson?

A. Deputy Colson.

Q. Do you remember an Officer Sealey, as well?

A. No, sir.

Q. You gave a lot of details in that story to the

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1 officer, didn't you?

2 A. Yes, sir.

3 Q. And where did you come up with that story?

4 A. With my cousin Mario.

5 Q. So you and your cousin Mario together came up with
6 the details of that story?

7 A. Not all of the details.

8 Q. Okay. So where did the rest of the details come
9 from?

10 A. Me.

11 Q. Okay. Do you know which details came from you and
12 which details came from Mario?

13 A. I was at a gas station. That came from me.

14 Q. That came from you?

15 A. Yeah.

16 Q. The rest came from Mario?

17 A. Just about.

18 Q. And do you remember where you were when you were
19 talking to Mario about coming up with that story?

20 A. On my way to Hallmark apartments off of Red Bank
21 Road.

22 Q. Was that -- that was before you went to the
23 hospital?

24 A. Yes, sir.

25 Q. So that was on the way to your parents' house?

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1 A. Yes, sir.

2 Q. So on the way to your parents' house, you and Mario
3 were discussing the story that you were going to tell the
4 police about how you were shot?

5 A. Yes, sir.

6 Q. You told the jury yesterday, as well -- Ms. Shealy
7 asked you, she said that there have been a few times that you
8 have not been honest in your previous statements; correct?

9 A. Yes, sir.

10 Q. The statement we just went over, that you gave to
11 the officers at the hospital, you're admitting -- you're
12 telling the jury now that nothing about that story was true;
13 correct?

14 A. Yes, sir.

15 Q. In April of -- on April 24th of 2012 -- do you
16 remember being with Ms. Shealy, about two years after you were
17 arrested, to give an oral statement?

18 A. Yes, sir.

19 Q. So you were in a room with a bunch of people, the
20 solicitor, some officers, and you gave a recorded statement;
21 correct?

22 A. Yes.

23 Q. And then again in August of 2012, this is, again,
24 two years after you were arrested, you made a written
25 statement?

Troy Mason
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1 A. Yes, sir.

2 Q. So yesterday when you were telling the jury that
3 you were not honest previously, you were not honest on July
4 10th, 2010, you were not completely honest on April 24th of
5 2012 --

6 A. [Indicates negatively]

7 MR. MLYNARCZYK: Can you give me a verbal response.

8 A. No.

9 Q. [Mr. Mlynarczyk] And you were not honest on your
10 August 3rd, 2012 statement?

11 A. No, sir.

12 Q. But last week when you met with the solicitor,
13 you're telling the jury you were honest?

14 A. Yes, sir.

15 Q. Were you arrested right away in July of 2010?

16 A. No, sir.

17 Q. Do you remember how long it was after this happened
18 that you were arrested?

19 A. About thirty days.

20 Q. So about a month. So in August sometime?

21 A. [Indicates affirmatively]

22 Q. You also mentioned to -- Ms. Shealy brought it up
23 to you briefly that you sold drugs at the time; right?

24 A. Yes, sir.

25 Q. Can you give the jury an idea of how much drugs you

Troy Mason
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1 were selling at the time?

2 A. A couple of ounces of cocaine.

3 Q. Do you remember telling the solicitor's office in
4 one of your statements that you sold \$500 to \$1500 a day?

5 A. Yes, sir.

6 Q. So that's -- is that -- and how much did you just
7 say a second ago?

8 A. A couple of ounces.

9 Q. Does that equal \$1500 a day?

10 A. No, sir.

11 Q. So it was more than -- it was more than that?

12 A. [Indicates affirmatively]

13 Q. So your statement about 500 to 1500 -- I believe
14 you said \$800 was a bad day; right?

15 A. Yes, sir.

16 Q. Ms. Shealy asked you about the details leading up
17 to going to Charlotte; right?

18 A. [Indicates affirmatively]

19 Q. Now, in your statement of July 10th, of course you
20 mention nothing about Charlotte or any other individuals?

21 A. [No response]

22 Q. Your statement on April 24th, 2012, what did you
23 say -- what did you say about going to Charlotte to the
24 solicitor? Do you remember?

25 A. Could you say the date again?

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1 Q. Yeah. The very first statement that you made to
2 them when you sat down with everybody, did you tell them that
3 you went to Charlotte?

4 A. No, sir.

5 Q. No? You said you didn't go to Charlotte?

6 A. Yes, sir.

7 Q. And in your written statement on August 3rd, 2012,
8 you also told them that you didn't go to Charlotte?

9 A. Yes, sir.

10 Q. But now last week you're telling the jury that you
11 said you did go?

12 A. Yes, sir.

13 Q. The solicitor also asked you if you knew Curtis
14 Delaney, and you said no. That's what you told her yesterday;
15 right?

16 A. Yes, sir.

17 Q. Do you remember making a statement, your recorded
18 statement, in April of -- April 24th of 2012 where you said
19 you did know him in passing?

20 A. I don't remember that.

21 MR. MLYNARCZYK: Your Honor, at this time I would
22 like to admit the CD of Mr. Mason's interview of that
23 day, as evidence, so I can play it for Mr. Mason.

24 THE COURT: What's the number?

25 MS. SHEALY: Your Honor, I think that he has --

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1 should have the opportunity to refresh his memory first
2 before he --

3 THE COURT: Well, first, let me -- what is the
4 exhibit number?

5 MR. MLYNARCZYK: This will be Defendant Exhibit 1.

6 THE COURT: All right. Please mark it.

7 [Whereupon, Defendant's Exhibit Number 1 is marked
8 by the court reporter]

9 MR. MLYNARCZYK: If we could arrange to have him
10 listen to it himself --

11 THE COURT: Would you let me follow the procedures?

12 MR. MLYNARCZYK: Oh. Yes.

13 THE COURT: Thank you.

14 MR. MLYNARCZYK: I'm sorry.

15 THE COURT: She can't mark and type at the same
16 time. Thank you.

17 All right. Counsel approach.

18 [Whereupon, an off-the-record bench conference is
19 held]

20 THE COURT: Ladies and gentlemen, there is a matter
21 of law that I must take up outside of your presence. Do
22 not begin your deliberations. Do not discuss this case
23 amongst yourselves.

24 Please rise for the jury.

25 [Whereupon, the jury exits the courtroom at

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1 10:31 a.m.]

2 THE COURT: Please be seated.

3 Mr. Mlynarczyk?

4 MR. MLYNARCZYK: Judge, I mean, there is -- again,
5 if he remembers, then there's not --

6 THE COURT: I have excused the jury.

7 MR. MLYNARCZYK: Sure.

8 THE COURT: Do what you need to do with this
9 witness and the CD, and then we'll bring the jury back
10 in.

11 MR. MLYNARCZYK: And the only thing we want to
12 bring to your attention, Your Honor, is that there are
13 going to be more plays that -- if he says he doesn't
14 remember, are we going to be able to remove the jury for
15 each one and bring them -- and let him listen and come
16 back? It depends on what he says. I don't know what
17 he's going to say.

18 THE COURT: Or if you get it admitted, then you can
19 just play the whole thing. All right?

20 MR. MLYNARCZYK: Okay. Sure. Can we play it out
21 loud for hear -- for him to hear it and see if he can
22 identify the -- with the jury out of the room?

23 THE COURT: Counsel approach.

24 [Whereupon, an off-the-record bench conference is
25 held]

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PROFFER

BY MR. MLYNARCZYK:

Q. Mr. Mason, you've already testified that you did give an oral statement on about April 24th, 2012, to Ms. Shealy and other officers; correct?

A. Yes, sir.

Q. Okay. And you were aware at that time that that interview was being recorded by Ms. Shealy; correct?

A. Yes, sir.

Q. Okay. And was the entire interview that you gave that day recorded?

A. Yes, sir.

Q. All right. And I have asked you a question now about something that happened during that interview that you do not remember; correct?

A. Yes, sir.

Q. And it would help you remember what was said during the interview if you were to hear that; correct?

A. Yes, sir.

MR. MLYNARCZYK: Your Honor, at this time I would like to move the interview -- CD interview into evidence.

MS. SHEALY: No. Your Honor, I would object at this time.

I think what he needs to do is allow Mr. Mason to

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1 hear the --

2 THE COURT: Counsel approach one more time.

3 [Whereupon, an off-the-record bench conference is
4 held]

5 THE COURT: Do you agree, Ms. Shealy?

6 MS. SHEALY: Yes, Your Honor.

7 MR. MLYNARCZYK: May I approach, Your Honor, the
8 witness with the --

9 Or do you have an objection to me playing it out
10 loud and letting him hear it?

11 THE COURT: That's why I had the --

12 MR. MLYNARCZYK: Okay.

13 THE COURT: That's why I had the jury --

14 MR. MLYNARCZYK: Play that.

15 THE COURT: So why don't we go ahead, Mr.

16 Mlynarczyk, and what you can do is ask him if he made
17 the statement.

18 MR. MLYNARCZYK: Okay.

19 THE COURT: And do it that way and just keep going
20 as much as we can today while the jury is out.

21 Q. [Mr. Mlynarczyk] So the question that I had asked
22 you is if -- you mentioned yesterday you did not know Curtis
23 Delaney; correct?

24 A. Yes, sir.

25 MR. MLYNARCZYK: All right. Can we play that part?

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1 [Whereupon, Defendant's Exhibit Number 1, CD of
2 interview, is played]

3 [Whereupon, Defendant's Exhibit Number 1 is not
4 transcribed by the court reporter]

5 MR. MLYNARCZYK: Okay. Stop it.

6 Q. [Mr. Mlynarczyk] So that is Ms. Shealy's voice on
7 the recorder; right?

8 A. Yes, sir.

9 Q. Okay. And that is your voice responding to the
10 question --

11 A. Yes, sir.

12 Q. -- to Ms. Shealy?

13 And that question was I just want to ask you if you
14 know Curtis Delaney. And you said during that statement that,
15 I knew him in passing?

16 A. Yes, sir.

17 MR. MLYNARCZYK: Your Honor, I --

18 MS. SHEALY: I'm sorry.

19 The question was do you know -- did you know Curtis
20 Delaney. No. His reply then was, I heard of him in
21 passing, not I knew him in passing.

22 So that's not the point that Mr. Mlynarczyk appears
23 to be trying to make.

24 MR. MLYNARCZYK: Your Honor, she asked him the
25 question -- she asked him if he knew him. He said no.

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1 I asked -- the recording says he knows him in passing.

2 MS. SHEALY: Could we play it again?

3 MR. MLYNARCZYK: Play it again. Sure.

4 THE COURT: Thank you.

5 [Whereupon, Defendant's Exhibit Number 1, CD of
6 interview, is played]

7 [Whereupon, Defendant's Exhibit Number 1 is not
8 transcribed by the court reporter]

9 MR. MLYNARCZYK: I can rephrase the question, Your
10 Honor.

11 THE COURT: All right. Thank you.

12 MR. MLYNARCZYK: Sure.

13 Q. [Mr. Mlynarczyk] So in your statement, you said
14 that you have heard -- you've heard of Delaney in passing?

15 A. Yes, sir.

16 MR. MLYNARCZYK: Okay. I have nothing further.

17 THE COURT: Okay. And so are there other
18 statements that we can go ahead and --

19 MR. MLYNARCZYK: I can run through those.

20 Q. [Mr. Mlynarczyk] Do you remember if --

21 MR. MLYNARCZYK: Your Honor, after the jury comes
22 back in, I'll go through them and see what he remembers
23 and what he doesn't. I'll just skip right to those
24 parts.

25 THE COURT: All right.

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1 MR. MLYNARCZYK: Okay.

2 Q. [Mr. Mlynarczyk] So do you know who Chilenia
3 Jamison [phonetic] is?

4 A. No, sir.

5 Q. In the recording statement -- in the recorded
6 statement that you gave on the same day, the same statement
7 that we're talking about, you don't remember being asked the
8 question if you know who Chilenia Jamison [phonetic] is and
9 you saying that you went to high school with her, you did know
10 her?

11 A. I went to high school with her, but I don't know
12 her.

13 Q. Okay. So you knew you went to high school with her
14 but you're saying you didn't know her?

15 A. Yeah.

16 Q. Do you remember -- strike that -- that's the
17 written statement. Not going to use that.

18 Do you remember saying in your written -- in your
19 oral statement, part of what we just listened to, that you
20 said you had a Glock .40?

21 A. Yes, sir.

22 Q. Do you remember in that statement telling them that
23 you -- that Mario had two guns?

24 A. [No response]

25 Q. When Ms. Shealy asked you about whether Mario owned

Troy Mason
Proffer by Mr. Mlynarczyk
November 3, 2015

1 any guns, during that statement you said that Mario had two
2 guns, big black ones, you don't know what they were. Do you
3 remember that?

4 A. No, sir.

5 MR. MLYNARCZYK: Okay. Play that part.

6 [Whereupon, Defendant's Exhibit Number 1, CD of
7 interview, is played]

8 [Whereupon, Defendant's Exhibit Number 1 is not
9 transcribed by the court reporter]

10 Q. [Mr. Mlynarczyk] So, Mr. Mason, you just heard
11 that statement; right?

12 A. Yes, sir.

13 Q. So during the interview with Ms. Shealy, the one we
14 were talking about back in April, you did say that Mario had
15 two guns?

16 A. Yes.

17 Q. That refreshes your memory?

18 A. Yes.

19 Q. Yesterday you were talking about coming out of the
20 house, the McClellanville house, and you had mentioned that
21 you saw Bez shooting inside the house; correct?

22 A. Yes, sir.

23 Q. Do you remember saying in your recorded statement
24 that Bez was standing inside the door and shooting at an odd
25 angle, like into the walls?

Troy Mason
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1 A. Yes.

2 Q. Do you remember saying that?

3 A. Yes, sir.

4 Q. And that's what you remember happening?

5 A. [No response]

6 MR. MLYNARCZYK: I think that's all, Your Honor.

7 THE COURT: Anything further before we bring back
8 in the jury? Ms. Shealy?

9 MS. SHEALY: No, Your Honor.

10 THE COURT: Mr. Murphy?

11 MR. MURPHY: No, Your Honor.

12 THE COURT: Let's bring in the jury.

13 Mr. Mason, just stay seated. I can't see the jury
14 when the witness is standing. That's why. Thank you.

15 [Whereupon, the jury enters the courtroom at
16 10:40 a.m.]

17 THE BAILIFF: All jurors present, Your Honor.

18 THE COURT: Thank you. Be seated.

19 MR. MLYNARCZYK: Mr. Mlynarczyk?

20 MR. MLYNARCZYK: Thank you, Your Honor.

21

22

23

24

25

- - -

- - -

- - -

Troy Mason
Continued Cross-Examination by Mr. Mlynarczyk
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CONTINUED CROSS-EXAMINATION

BY MR. MLYNARCZYK:

Q. Okay. So just to pick up where we left off.
Mr. Mason, you had stated to the jury that you didn't know
Mr. Delaney, correct, yesterday?

A. Yes, sir.

Q. But you did tell the solicitor that you have heard
of him in passing?

A. Yes, sir.

Q. And that was before this incident; right?

A. Yes, sir.

Q. Chilenia Jamison [phonetic]: do you know who
Chilenia Jamison is?

A. She went to the same high school, but I don't --

Q. Do you know if she's related to Curtis Delaney in
any way?

A. I didn't know that before.

Q. What do you -- what do you mean by that?

A. Before the case, I didn't know that.

Q. Okay. But now -- what do you know now on the case?

A. That was -- they were a couple at one point.

Q. So he -- she was his girlfriend?

A. Yeah.

Q. When you say you know that from the case, what do
you mean? Can you explain to the jury about what you mean?

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1 A. From reading through my motion, my Rule 5.

2 Q. And so a Rule 5 motion is when you get to look at
3 all the evidence that the solicitor has?

4 A. Yes, sir.

5 Q. So you have a copy of all that?

6 A. Yes, sir.

7 Q. So in your first -- just to repeat. In your first
8 three statements, you never mentioned going to Charlotte until
9 last week?

10 A. Yes, sir.

11 Q. And when the solicitor asked you about the details
12 of who was sitting where, you don't remember; right?

13 A. No, sir.

14 Q. You don't remember anything about the car ride
15 back?

16 A. I remember who was in the car, but I don't remember
17 where we was sitting at.

18 Q. Do you remember who was in the car with you?

19 A. Yes, sir.

20 Q. Who was in the car?

21 A. Mario, Finger, Bez, Crime, and myself.

22 Q. Okay. And you don't remember any other details
23 besides the people that were in the car?

24 A. No, sir.

25 Q. Do you remember what kind of car it was?

Troy Mason
Continued Cross-Examination by Mr. Mlynarczyk
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1 A. Dodge Avenger.

2 Q. And you also testified during that time you had no
3 indication that there were any weapons in the car; correct?

4 A. No, sir.

5 Q. So you didn't know if anybody had a gun?

6 A. Huh-uh.

7 Q. But you had a gun?

8 A. Yes, sir.

9 Q. And you knew that Mario had a gun?

10 A. Yes, sir.

11 Q. So when in your statements of two thousand -- in
12 July 10th of 2010, or April 24th of 2012, the oral statement,
13 or the August 3rd, 2012 statement, you never mentioned two
14 extra people that you mentioned yesterday, besides the five
15 that you just named; correct?

16 A. Yes, sir.

17 Q. So last week, when you met with the solicitor, you
18 suddenly remembered that now there's not five people, now
19 there's seven people; correct?

20 A. Say that again.

21 Q. So up until last week, you had never mentioned
22 anything other than the five people you just mentioned?

23 A. Yes, sir.

24 Q. Yet last week you now remember that there were two
25 additional people there?

Troy Mason
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 A. Yes, sir.

2 Q. What made you remember that?

3 A. I really always remember, I just never said nothing
4 about it.

5 Q. You always knew about it, you just never said
6 anything about it?

7 A. [No response]

8 Q. Ms. Shealy also asked you questions about Constance
9 Manigault. She said did you make a stop before you went to
10 McClellanville?

11 A. Yes, sir.

12 Q. And prior to this, in your written statement, you
13 don't remember stopping? You said you didn't stop anywhere;
14 right?

15 A. Yes, sir.

16 Q. But last week now you said you did stop at a house
17 off Dorchester Road?

18 A. Yes.

19 Q. And you believe they were talking about Constance
20 Manigault's house?

21 A. Yes.

22 Q. And that's when you say that there were seven
23 people there talking about what was going on; correct?

24 A. Yes, sir.

25 Q. And your testimony also is is that at that point,

Troy Mason
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 that's the first time of the night that somebody mentions
2 anything about a robbery or doing anything illegal; correct?

3 A. Yes, sir.

4 Q. But when Ms. Shealy asked you the question
5 yesterday and she said what kind of discussions were you
6 having at the house, and your exact response was I guess the
7 robbery. Isn't that what you said?

8 A. Yes, sir.

9 Q. I guess the robbery. So are you guessing?

10 A. You asked me just now about illegal activity. I
11 told her yesterday I heard Bez say he dealt with them before,
12 speaking about drugs. That's illegal.

13 Q. Okay. But that's not what I asked you.

14 What I asked you is your response exactly when she
15 said did you discuss the robbery, or when you discussed
16 anything, you said, I guess the robbery. That was your
17 response; right?

18 A. Yes, sir.

19 Q. Why are you guessing?

20 A. I don't know.

21 Q. Do you -- tell the jury, now, do you specifically
22 remember having any discussions at that house?

23 A. No, sir.

24 Q. So yesterday when the solicitor asked you if you
25 remembered having discussions at the house about the robbery,

Troy Mason
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 you were not being truthful when you said I guess the robbery?

2 A. I didn't have discussions.

3 I heard people speaking about stuff, but I wasn't
4 in the discussion.

5 Q. Okay. So when she asked you what discussions -- I
6 just went through this with you. I said, you said I guess the
7 robbery. And then I said are you guessing that you heard that
8 or did you actually hear it, and you're saying you're
9 guessing. Do you remember right here specifically hearing --

10 A. Yes.

11 Q. -- any discussions about a robbery?

12 A. Yes.

13 Q. But yesterday you said you guessed?

14 A. Yes.

15 Q. And then Ms. Shealy also asked you about leaving
16 Ms. Manigault's house. She said who was driving. What did
17 you say; do you remember?

18 A. Mario.

19 Q. You said I don't know. You said -- when you left
20 the house you said I don't know. Who drove. I don't know.
21 Do you remember that now?

22 A. No.

23 Q. Do you remember who had -- do you remember when she
24 asked you a question about were there any weapons in the
25 house?

Troy Mason
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 A. I don't remember.

2 Q. You don't -- you don't remember, or you don't
3 remember any weapons?

4 A. I don't remember her asking me that.

5 Q. Okay. Do you remember seeing any weapons in the
6 house?

7 A. I don't remember.

8 Q. So you are saying you don't remember -- you don't
9 remember if anybody had a weapon when you were at Constance
10 Manigault's?

11 A. Yes, sir.

12 Q. So in your written statement in August of -- August
13 3rd -- now, this is four months after you made --
14 approximately four months after you made the oral statement;
15 correct?

16 A. [No response]

17 Q. Can I show them to you and refresh your memory?

18 MR. MLYNARCZYK: Can I approach, Your Honor?

19 THE COURT: You may.

20 Q. [Mr. Mlynarczyk] I want you to look at that.

21 [Whereupon, the witness reviews documents]

22 Q. [Mr. Mlynarczyk] Okay. So this is the statement
23 that you gave in August, 3rd of 2012?

24 A. Yes, sir.

25 Q. So in your recorded statement on April, you said

Troy Mason
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 that you had a Glock .40; correct?

2 A. Yes, sir.

3 Q. In your written statement to the police, do you
4 remember what kind of gun you told them you had?

5 A. No, sir.

6 MS. SHEALY: May I approach, Your Honor?

7 THE COURT: You may. You have continuing
8 permission.

9 MR. MLYNARCZYK: Thank you, Judge.

10 Q. [Mr. Mlynarczyk] Right here at the bottom of page
11 5, can you read those last few lines? You don't need to read
12 them out loud. I want you to read them to yourself.

13 [Whereupon, the witness reviews documents]

14 Q. [Mr. Mlynarczyk] Okay. So in August -- on August
15 3rd, 2012, what kind of gun did you tell the police you had?

16 A. A .22.

17 Q. And so a .22 caliber?

18 A. A .22 caliber revolver.

19 Q. Revolver.

20 And do you remember telling the police what you did
21 with that revolver?

22 A. Yes, sir.

23 Q. What did you tell them?

24 A. I buried it in my yard.

25 Q. Buried it in your yard? Do you know if they went

Troy Mason
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 and looked for it?

2 A. Yes, sir.

3 Q. Did they find it?

4 A. No, sir.

5 Q. Were you telling the truth when you said that you
6 had a .22 caliber that night?

7 A. No, sir.

8 Q. Were you telling the truth when you told them you
9 buried it in your back yard that night?

10 A. Yes, sir.

11 Q. So you had a .22 caliber, but that's not -- now not
12 the weapon that you say you brought with you to
13 McClellanville?

14 A. Yes, sir.

15 Q. Do you remember in your recorded statement, in
16 April, telling the solicitor's office that Mario had two guns?

17 A. Yes, sir.

18 Q. And do you remember what types of guns they were?

19 A. No.

20 Q. All right. Now, I want to talk about -- I want to
21 skip forward and talk about the actual entry into the house.
22 Yesterday you testified that you, Delaney, and Mario were the
23 first ones in; correct?

24 A. Yes, sir.

25 Q. Could you tell us again what order that was and

Troy Mason
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 what happened?

2 A. [No response]

3 Q. You told the solicitor yesterday the order of how
4 people went in the house. Can you tell the jury again what
5 order people went in the house?

6 A. I don't remember who was behind me. But I know
7 Crime and Mario was in front of me and I followed Mario.

8 Q. So all three of you went right in the house
9 together?

10 A. Yes, sir.

11 Q. And at that point you have no details -- you've
12 given the jury no details about Mr. Belton or Mr. Conyers;
13 correct?

14 A. Yes, sir.

15 Q. That's correct; right?

16 A. Yeah.

17 Q. And you also said yesterday that when you went into
18 the house, that shots started immediately?

19 A. Yes, sir.

20 Q. Okay. So explain to the jury how -- who was
21 shooting first if it happened immediately? You guys break in
22 the door and shots start being fired. Do you know who was
23 shooting?

24 A. No, sir.

25 Q. So you don't know if your guys were shooting?

Troy Mason
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 A. I believe that it was somebody that went in the
2 house that was shooting, but I can't say for sure.

3 Q. Okay. But you said that you all went in -- you
4 went in immediately, right, all together?

5 A. Yeah.

6 Q. So if one of your guys were shooting, you would
7 have seen the shooting; right?

8 A. Yeah.

9 Q. But you're saying you didn't? You don't know who
10 was shooting?

11 A. I didn't go straight in the back. I went straight
12 in the room, and the shooting was in the back of the house.
13 So I said I can't say who was doing the shooting first. I
14 believe that it was somebody I came in the house with.

15 Q. But you're -- but what you told the solicitor
16 yesterday was the shooting started immediately as you guys
17 went inside; correct?

18 A. I don't remember that.

19 Q. You also testified yesterday that Mario told you,
20 when you were in the house, said, go see what's happening. Do
21 you remember that?

22 A. [Indicates affirmatively]

23 Q. Okay. So where exactly did that happen?

24 A. Inside the victim's daughter room.

25 Q. Okay. So now -- so what you're saying happened is

Troy Mason
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 you and Delaney and Mario go in and you go down the hallway,
2 the jury has seen pictures of it, you turn right and that's
3 Moett's room?

4 A. I don't remember all that. I don't remember the
5 details of the room --

6 Q. You don't remember those details?

7 A. No.

8 Q. Okay. But you remember that Mario was the one that
9 told you to go see what's happening?

10 A. Yeah.

11 Q. And that's in response to the shots --

12 A. Yes, sir.

13 Q. -- that's being fired? Do you know how many shots
14 were fired?

15 A. No, sir.

16 Q. And I want to be clear with this part. So what
17 you're -- so what you're telling the jury is that Mario
18 tells you -- there's gunfire erupting throughout the house,
19 correct --

20 A. Yes, sir.

21 Q. -- at this time?

22 Mario tells you -- you were twenty-one years old at
23 the time?

24 A. Yes, sir.

25 Q. Had you ever been in a gunfight before?

Troy Mason
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 A. Yes, sir.

2 Q. You had been in a gunfight before?

3 A. Yeah.

4 Q. And so did you actually get shot before?

5 A. No, sir.

6 Q. Ever been shot at before?

7 A. Yes, sir.

8 Q. Did you shoot at people before?

9 A. No, sir.

10 Q. Okay. So did you -- when somebody shoots at you,
11 what's your first instinct?

12 A. Run.

13 Q. Run. Okay.

14 But in this particular instance, what you're
15 telling the jury is they said go see what all the gunfire is
16 about and you leave Mario and you walk through a dark house
17 towards gunfire?

18 A. Yes, sir.

19 Q. And you told the jury that you believe that it was
20 your people that were firing?

21 A. Yes, sir.

22 Q. What lead you -- what led you to that conclusion?

23 A. I don't know.

24 Q. It could have just as easily been somebody else
25 firing; right?

Troy Mason
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 A. Yes, sir.

2 Q. But you're telling the jury under oath that it's
3 the truth that you went towards the gunfire?

4 A. Yes, sir.

5 Q. You also testified yesterday -- they saw a picture
6 of the bedroom -- that Mr. Delaney was crouched down, right,
7 and you walked up to him and he said, see where he's at;
8 right? See if you can see where Mr. Simmons is, the ultimate
9 victim -- the victim. Is that what Mr. Delaney told you?

10 A. I don't remember. I'm --

11 Q. How did you get shot in the shoulder?

12 A. Looking around the -- looking around the threshold
13 of the door.

14 Q. So you were standing in the doorway and you poked
15 your head around like this to look into the bedroom?

16 A. Yes, sir.

17 Q. And that's when you say you got shot?

18 A. Yes, sir.

19 Q. Is that when you fired your weapon?

20 A. Yes, sir.

21 Q. How did you fire your weapon?

22 A. I looked around and fired the weapon.

23 Q. How? Can you explain? So did you -- were you
24 standing up? When you were standing against the wall, and the
25 doorway is here, did you hold your gun around like this and go

Troy Mason
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 boom, boom, boom?

2 A. No.

3 I was standing straight in the doorway. Soon as I
4 got shot, I just looked at my arm and started blind-shooting
5 in the room.

6 Q. But you said you never -- you told the jury
7 yesterday you never went into the room; right? So you're
8 saying you're standing outside the door?

9 A. At the -- right where the door started.

10 Q. Okay. Did you see Mr. Simmons in there?

11 A. No, sir.

12 Q. So you were just firing blindly?

13 A. Yes, sir.

14 Q. And your testimony is -- I just want to make sure
15 it's sure [phonetic] -- that you never crossed the threshold
16 of the doorway into the bedroom; right?

17 A. No, sir.

18 Q. You were standing at the door and you were shooting
19 at an angle into the room?

20 A. Yes, sir.

21 Q. You're positive?

22 A. Yes, sir.

23 Q. Do you remember how many times you shot?

24 A. No, sir.

25 Q. Was it more than one?

Troy Mason
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 A. Probably.

2 Q. Was it more than five?

3 A. I can't really say. I know it was more than one.

4 Q. You also told the solicitor yesterday that you
5 don't remember leaving the house?

6 A. Yes, sir.

7 Q. Do you remember leaving the house?

8 A. No, sir.

9 Q. So you don't -- so from the time that you got shot
10 in the shoulder when you were peeking around -- and was the
11 peeking around --

12 Let me ask you this. When you were peeking around
13 and you say you got shot in the shoulder, was that before or
14 after you fired your weapon?

15 A. Soon as I turned in the door, I got shot.

16 Soon as I got shot, I started blind-shooting, then
17 I took off and ran.

18 Q. So it was after you got shot in the right shoulder
19 that you're saying you pulled up your weapon and you started
20 firing the gun?

21 A. Yes, sir.

22 Q. And then you testified yesterday that from that
23 point, the next thing you remember is running out the front
24 door?

25 A. Yes, sir.

Troy Mason
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 Q. And you also testified yesterday that you saw
2 Bez -- you say you saw King Conyers standing shooting into the
3 house --

4 A. Yes, sir.

5 Q. -- as you were running out?

6 A. Yes, sir.

7 Q. And your testimony -- so can you tell the jury
8 exactly what you saw, what you're saying Mr. Conyers did at
9 that point?

10 A. Shooting like at a strange angle into the house.

11 Q. Strange angle into the house.

12 So when you walk in the doorway of the house, was
13 he standing facing left or was he standing facing right at an
14 odd angle?

15 A. Kind of like straight into the door, close to the
16 doorway.

17 Q. There's only one doorway, the front door --

18 A. Yeah.

19 Q. -- right? You broke in the front door. You
20 remember going in. You're saying that he's standing inside
21 the door shooting at an odd angle. I need you to explain to
22 the jury what you mean by that. So it's either one or two
23 things: it's an odd -- he's not shooting straight down the
24 hallway; right?

25 A. No, sir.

Troy Mason
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 Q. So he's either shooting left or he's shooting
2 right.

3 A. I don't remember exactly which way he was shooting.

4 Q. So you don't remember which way he was shooting at
5 the odd angle, but he was shooting at an odd angle into the
6 wall?

7 A. I don't remember which way he was shooting, left or
8 right, but I remember he was shooting.

9 Q. But your testimony was it was an odd angle into the
10 house through a wall.

11 A. Yeah.

12 Q. But now you don't remember any details about that?

13 A. I don't remember whether it was left or right.

14 Q. When you were leaving the house, did you back out
15 at any time?

16 A. [No response]

17 Q. Do you remember backing up like this, or were you
18 running forward?

19 A. I don't remember. I was just trying to get out the
20 house.

21 Q. So after you got shot, you ran out -- when you're
22 running out the door, you're saying you remember seeing
23 somebody there shooting a gun.

24 A. [Indicates affirmatively]

25 Q. But you don't remember if you turned around and ran

Troy Mason
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 backwards?

2 A. No.

3 Q. Did you turn around and run backwards?

4 A. I don't remember if I ran backwards.

5 Q. Well, at that time I think you mentioned -- the
6 solicitor asked you if you had dreadlocks at the time?

7 A. Yes, sir.

8 Q. Were you the only one out of this group of people
9 you say were there that had dreadlocks?

10 A. Yes, sir.

11 Q. You already testified to the jury that you have
12 seen your discovery. You called it Rule 5; right?

13 A. Yes.

14 Q. You got that back in 2010, didn't you?

15 A. Or 2011.

16 Q. 2011. Was it a lot?

17 A. No, not at first.

18 Q. Not at first. You continually get updates on your
19 discovery?

20 A. Yes, sir.

21 Q. So you know exactly -- the case file that the
22 solicitor has, you see all that paperwork?

23 A. Not the newer stuff because they don't allow -- I
24 got too much legal paperwork, so the jail been turning it
25 around.

Troy Mason
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 Q. But you periodically get updates on all the -- on
2 all your discovery, the stuff you're entitled to look at?

3 A. Yes, sir.

4 Q. You also mentioned to the jury yesterday when
5 Ms. Shealy was talking about -- that you and Mr. Mason, after
6 your arrest, talked on the phone while you were in jail;
7 correct?

8 A. Me and Mr. Mason?

9 Q. I'm sorry. You and Mr. Caldwell.

10 A. Yes, sir.

11 Q. So you and Mr. Caldwell -- you and Mr. Caldwell, or
12 Mario is who we call him, would talk on the phone while you
13 were in jail?

14 A. Yes, sir.

15 Q. You two know that the phone calls from jail are
16 recorded; correct?

17 A. Yes, sir.

18 Q. How do you know that?

19 A. Because they tell you that when you make out -- a
20 phone call going out.

21 Q. It tells you every time you make a phone call;
22 right? It says your phone call is being recorded?

23 A. Yes, sir.

24 Q. What is it that you would have had to talk to Mario
25 Caldwell about, from 2012 to 2010, that you didn't want the

Troy Mason
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 authorities to hear?

2 A. [No response]

3 Q. The only reason -- this is exactly -- this is what
4 you're saying happened. You would use somebody else's pin
5 number; right?

6 A. Use my pin number, but call them off a three-way.

7 Q. Oh. So you would -- so that would -- that way,
8 they wouldn't know what you were saying?

9 A. They still can tell what you're saying.

10 Q. So you're saying now -- what you're saying is that
11 you never gave anybody money in the canteen, or convinced
12 anybody else in jail, to let you use their pin number so that
13 the authorities couldn't hear what you were talking about to
14 call Mario? Is that -- under oath, that's your story?

15 A. Yes, sir.

16 Q. But you did talk to Mario from 2010 to 2012;
17 correct?

18 A. Off and on.

19 Q. Off and on.

20 And you already admitted to the jury yesterday that
21 he was giving -- that he was putting money on your canteen --

22 A. Yes, sir.

23 Q. -- all that time.

24 And he was also -- and he was also giving money to
25 your baby mama? You said to your family?

Troy Mason
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 A. Yes, sir.

2 Q. How long did that go on?

3 A. Up until the time he got arrested.

4 Q. So from 2010 until 2012, he was supporting you and
5 your family?

6 A. Yes, sir.

7 Q. And why do you think he was doing that?

8 A. Guilty conscience maybe.

9 Q. Guilty conscience? Guilty about what?

10 A. Because he was telling me he was about to turn
11 hisself in and tell the police what happened.

12 Q. How would that help you?

13 A. I don't know.

14 Q. I really want you to think about this question.

15 Because you said earlier, you told the jury yesterday, you
16 said that you never came forward from 2010 to 2012 because you
17 believed Mario was going to come forward and tell the truth;
18 right?

19 A. Yes, sir.

20 Q. What truth did you think he was going to come
21 forward and tell?

22 A. The truth about what happened.

23 Q. What we're going through right now?

24 A. Yes, sir.

25 Q. So the story you came up with last week?

Troy Mason
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 A. It's not a story, but --

2 Q. The story that -- what you told the solicitor last
3 week?

4 A. Yes, sir.

5 Q. That's what you expected Mario to come forward and
6 say from 2010 to 2012?

7 A. Yes, sir.

8 Q. Well, if that's the case, then, Mr. Mason, why did
9 you not tell the police that story when you made your
10 statement in April 3rd, 2012?

11 A. I was worried about my family.

12 Q. I'm sorry?

13 A. I was worried about what the consequences of my
14 family might be for me telling on somebody.

15 Q. But you're already saying that you were expecting
16 -- Mario told you that he was going to come forward and tell
17 the truth; right?

18 A. Yes, sir.

19 Q. But you didn't tell the truth.

20 In 2012 -- so here's my -- here's my -- I guess my
21 question to you is this. If you -- what you're saying today
22 is the truth, and you were expecting that Mario comes forward
23 and tells the truth, how does that help you? Because he is
24 now testifying that he -- you and he went into a house, at
25 least, and killed a man. How does that help you with Mario

Troy Mason
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 coming forward?

2 A. I don't know.

3 Q. And when the solicitor asked you if that's the
4 reason, you said: that's the reason I didn't say anything.
5 So if that's the reason, in 2012, April, when you made your
6 recorded statement, why didn't you tell the story then if you
7 were -- if what you were saying is he's going to come forward
8 and tell the truth?

9 A. [No response]

10 Q. Because you didn't tell the truth; right?

11 A. No, sir.

12 Q. In August 3rd of 2012, you didn't tell the truth?

13 A. No, sir.

14 Q. You didn't tell what you're saying to the jury is
15 the truth until last week?

16 A. Yes, sir.

17 Q. Let's talk about that for a second.

18 Was it your idea to go to the solicitor's office
19 last week, or was it the solicitor's office for you to go by
20 last week?

21 A. My public defender came and asked me if I would be
22 willing to go.

23 Q. Well, I don't want to -- I don't want you to say
24 what you talked about with your lawyer, so you -- all you're
25 saying is you went with your lawyer there?

Troy Mason
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 A. Yes, sir.

2 Q. But you never asked to go there?

3 A. I agreed to go.

4 Q. You never asked to go there?

5 A. No, sir.

6 Q. So you never said last week, hey, I think I really
7 need to get this off my chest and be honest, now I'm going to
8 go -- let's go talk? You didn't do that?

9 A. No, sir.

10 Q. So your lawyer reached out to you, or Ms. Shealy's
11 office reached out to you, and then you went?

12 A. Yes, sir.

13 Q. So was that interview recorded; do you remember?

14 A. I don't believe so.

15 Q. So that's -- so the interview of this story last
16 week, which is different than every story you've told
17 previously, that one was not recorded; right?

18 A. No, sir.

19 Q. So during that interview -- I want to give the jury
20 an idea of what the process was like. So did you go in and
21 sit down and say, Ms. Shealy, I have to get this off my chest,
22 and you tell the story? You just -- uninterrupted? You just
23 sat down and went, I lied about going to Charlotte, I lied
24 about what kind of gun I had, I lied about what I did, I lied
25 about who was in the car, I lied about all these things? Did

Troy Mason
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 you do that, or were you responding to specific questions that
2 were asked?

3 A. Well, when I went down, first I spoke with my
4 lawyer and she just told me that at this point I needed to
5 just go ahead and tell the truth, I need to go ahead and be
6 honest.

7 Q. Sure.

8 A. I told her I was -- her, the solicitor, the
9 solicitor paralegal, and an investigator sat down and took
10 notes while she asked me questions.

11 Q. So you were responding to individual questions that
12 Ms. Shealy was asking?

13 A. After I told -- after I told the story, she went
14 back and asked me questions.

15 Q. After you told -- and what story did you say,
16 exactly?

17 A. The story I told yesterday.

18 Q. That you went to Charlotte?

19 A. Yes, sir.

20 Q. That there were seven people?

21 A. Five people in Charlotte.

22 Q. Well, there were five people -- in McClellanville
23 there were seven people?

24 A. Yes, sir.

25 Q. That you corrected the two different guns you said

Troy Mason
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 before. Now you've got a .9mm?

2 A. Yes, sir.

3 Q. Why did you tell the solicitor yesterday that you
4 think you -- you think -- are you for sure that you know that
5 you shot Mr. Simmons?

6 A. No, sir.

7 Q. Okay. Why do you say you think you did?

8 A. Because, again, in my motion it say the projectile
9 removed from him was a .9mm. And I have a .9mm.

10 Q. Yeah.

11 But you don't know -- you said yesterday you don't
12 know what kind of guns anybody else had; right?

13 A. I had a .9mm.

14 Q. I understand that.

15 But you testified yesterday that you didn't know
16 what kind of guns anybody else had; right?

17 A. Yes, sir.

18 Q. So somebody else could have had a .9mm, too?

19 A. Yes, sir.

20 Q. Do you remember seeing anybody else from the house
21 -- now, the only people you know -- you've mentioned in the
22 house that you actually know what they were doing was
23 yourself, Curtis Delaney, who ended up being shot, and Mario
24 Caldwell; correct?

25 A. [Indicates affirmatively]

Troy Mason
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 Q. Other than that, you give no details. You're
2 saying that Mr. Belton and Mr. Conyers were there. But you
3 have absolutely no detail about that; correct?

4 A. Yes, sir.

5 Q. Do you remember seeing -- seeing as we're only
6 dealing with the three of you, because that's the only people
7 you've seen -- Mr. Delaney, yourself, or Mario ever go into
8 the bedroom?

9 A. No, sir.

10 Q. Okay. So you're saying -- you testified that Mario
11 was behind you?

12 A. Yes, sir.

13 Q. So what you're telling the jury is nobody that you
14 saw -- this all happened fast; right?

15 A. [No response]

16 Q. Nobody that you saw actually broke the threshold
17 and went into the bedroom; correct?

18 A. No, sir.

19 Q. For sure?

20 A. No one I saw.

21 Q. And you were one of the first ones in the house?

22 A. Yes, sir.

23 Q. And you ran out?

24 A. Yes, sir.

25 Q. And during that, you didn't see anybody go in the

Troy Mason
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 bedroom?

2 A. No, sir.

3 MR. MLYNARCZYK: Could I have one minute, please,
4 Your Honor?

5 THE COURT: Take your time.

6 [Whereupon, Mr. Mlynarczyk reviews documents]

7 MR. MLYNARCZYK: I have one last question for you,
8 Mr. Mason.

9 Q. [Mr. Mlynarczyk] Why should the jury believe you
10 now?

11 A. Because nothing I said -- everything I said makes
12 me just as guilty.

13 Q. Everything you said in 2012 and 2014 makes you just
14 as guilty..

15 A. Now what I'm saying is I'm admitting that it's
16 possible that I was the one who fired the shot that killed
17 him.

18 Q. Yeah, but --

19 A. I'm not trying to save myself no more.

20 Q. You never said -- you never told the police --
21 except for the first time in July 10th, 2010, you never told
22 the police that you didn't go to McClellanville; right?

23 A. No, sir.

24 Q. So that part of the story remained the same?

25 A. Yes, sir.

Troy Mason
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 Q. But the jury is now to believe what you said last
2 week and not the previous untruths?

3 A. Yes, sir.

4 MR. MLYNARCZYK: I have nothing further, Your
5 Honor.

6 THE COURT: Mr. Murphy?

7 MR. MURPHY: Thank you, Your Honor. May it please
8 the Court.

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Troy Mason
Cross-Examination by Mr. Murphy
November 3, 2015

CROSS-EXAMINATION

BY MR. MURPHY:

Q. Sir, you testified you used ecstasy and marijuana every day?

A. Yes, sir.

Q. How many years were you using ecstasy and marijuana every day?

A. Since about 2002, 2003.

Q. So that would have been seven or eight years?

A. Yes, sir.

Q. So it would be pretty safe to say you were a drug addict at the time?

A. Yes, sir.

Q. And you sold crack and cocaine?

A. Yes, sir.

Q. Did you also smoke crack and cocaine?

A. No, sir.

Q. Never tried it?

A. Never.

Q. What about other drugs?

A. No, sir.

Q. You never did heroin or anything?

A. No, sir.

Q. Did you drink alcohol?

A. Not really.

Troy Mason
Cross-Examination by Mr. Murphy
November 3, 2015

1. Q. Not really? You just used those two drugs?
2. A. Yes, sir.
3. Q. Now, you met with the solicitor's office a number
- 4 of times; correct?
5. A. Yes, sir.
6. Q. And ten times?
7. A. I won't say ten times.
8. Q. Okay. How many would you say?
9. A. Maybe between three and five.
10. Q. Three and five? But you never met with me before,
- 11 have you?
12. A. No, sir.
13. Q. And you never met with Mr. Mlynarczyk before, have
- 14 you?
15. A. No, sir.
16. Q. And you're hoping to get a deal as a result of this
- 17 testimony, aren't you?
18. A. If possible.
19. Q. If possible? And one thing you want, I would
- 20 imagine, is your freedom more than anything. Is that true?
21. A. Yes, sir.
22. Q. And that's part of the reason why you've given so
- 23 many different versions of what happened; correct?
24. A. Yes, sir.
25. Q. You're trying to get your freedom?

Troy Mason
Cross-Examination by Mr. Murphy
November 3, 2015

1 A. Yes, sir.

2 Q. Now, you were on drugs on July 10th, weren't you?

3 A. Yes, sir.

4 Q. You were smoking marijuana?

5 A. Yes, sir.

6 Q. Using ecstasy?

7 A. Yes, sir.

8 Q. And that wasn't any different than any other day;
9 right?

10 A. [Indicates affirmatively]

11 Q. Now, on the way to Charlotte I think you testified
12 you didn't know that you were going to Charlotte; is that a
13 fair statement?

14 A. Yes, sir.

15 Q. And it didn't strike you as odd to ask where we're
16 going?

17 A. No, sir.

18 Q. And you were in the car -- it's a three and a half
19 hour ride to Charlotte; correct?

20 A. Yes, sir.

21 Q. And you didn't say anything about what's happening,
22 or what are we doing?

23 A. No, sir.

24 Q. Did you have any conversation at all over that
25 three and a half hours?

Troy Mason
Cross-Examination by Mr. Murphy
November 3, 2015

1 A. I don't even remember.

2 Q. You can't tell this jury one specific thing you
3 talked about in a three and a half hour ride to Charlotte, can
4 you?

5 A. No, sir.

6 Q. And you picked up some guys you didn't know in
7 Charlotte; correct?

8 A. Two of them that I didn't know.

9 Q. Okay. And then there was some guy you didn't know?

10 A. Yes, sir.

11 Q. And did you do anymore drugs when you were in
12 Charlotte?

13 A. Yes, sir.

14 Q. And what did you do there?

15 A. More ecstasy and marijuana.

16 Q. And from the time -- I think you said you drove
17 then from Charlotte to Columbia; correct?

18 A. Yes, sir.

19 Q. And you didn't -- what did you talk about then?

20 A. I don't remember.

21 Q. And you didn't find it odd that there were two guys
22 you didn't know in the car with you?

23 A. No, sir.

24 Q. And you can't tell this jury one specific thing you
25 talked about for the two-hour ride to Columbia, can you?

Troy Mason
Cross-Examination by Mr. Murphy
November 3, 2015

1 A. No, sir.

2 Q. Now, once you got to Columbia, you said you picked
3 up Mr. Conyers; correct?

4 A. Yes, sir.

5 Q. And you didn't know him before, did you?

6 A. No, sir.

7 Q. And you said your cell phone was dead that night;
8 correct?

9 A. Yes, sir.

10 Q. And in the ride from Charlotte -- or from Columbia
11 to Charleston is about two hours; correct?

12 A. From Columbia to Charleston?

13 Q. Yes.

14 A. About an hour.

15 Q. An hour?

16 A. Yes, sir.

17 Q. Okay. You were going pretty fast, then?

18 A. Most -- it was about an hour.

19 Q. Okay. You can't tell the jury what you talked
20 about then, did you?

21 A. No, sir.

22 Q. Did you ask why we're picking up Mr. Conyers?

23 A. No, sir.

24 Q. You said Bez. Was it Bez with a B, or Dez
25 with a D?

Troy Mason
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November 3, 2015

1 A. B.

2 Q. B? Okay.

3 And did you ask anybody their names or what's going
4 on?

5 A. No, sir.

6 Q. It was just normal that you were driving around
7 with folks you didn't know?

8 A. Not normal, but --

9 Q. Not strange enough to ask what's going on?

10 A. No, sir.

11 Q. And when you were in Charleston at Ms. I believe it
12 was Manigault's house, did you do more drugs at that time?

13 A. Yes, sir.

14 Q. Okay. And was it more ecstasy?

15 A. No. Just marijuana.

16 Q. Just marijuana.

17 Were you doing drugs in the car ride back and
18 forth?

19 A. Yes, sir.

20 Q. So all the way up to Charlotte you were using
21 drugs?

22 A. Yes, sir.

23 Q. Okay. And from Charlotte to Columbia you were
24 using drugs?

25 A. Yes.

Troy Mason
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November 3, 2015

1 Q. And from Columbia back down to Charleston?

2 A. Yes, sir.

3 Q. Okay. And in the car, you didn't see anybody have
4 any weapons at all, did you?

5 A. No, sir.

6 Q. And none of you talked about having any guns or any
7 weapons, did you?

8 A. No, sir.

9 Q. Now, Mr. Mlynarczyk asked you -- when you were at
10 Ms. Manigault's house, you said you guessed that you guys
11 talked about a robbery. What I'm trying to figure out is how
12 did you guys -- or how did the subject even come up about a
13 robbery?

14 A. I don't remember.

15 Q. And you said that it was Mr. Conyers' idea to rob
16 this place; correct?

17 A. I said I heard him say he already dealt with him
18 before.

19 Q. Okay. And did anybody ask Mr. Conyers how he knew
20 Mr. Simmons at all?

21 A. I don't remember.

22 Q. Did you tell you -- did Mr. Conyers tell you that
23 Mr. Simmons was a landscaper?

24 A. No, sir.

25 Q. Did he tell you that there was a lot of money in

Troy Mason
Cross-Examination by Mr. Murphy
November 3, 2015

1 the house?

2 A. Yes, sir.

3 Q. Okay. And did you find any money?

4 A. I didn't find money.

5 Q. Okay. And did you find it odd that if King Conyers
6 was from Columbia, he knew somebody from McClellanville?

7 A. It was a possibility that he was from down here and
8 just moved to Columbia.

9 Q. Okay. But, I mean, no one questioned and said, how
10 do you know this is a good spot?

11 A. No, sir.

12 Q. You just took his word for it and everyone said
13 this is a great idea, let's go rob this house in
14 McClellanville?

15 A. Yes, sir.

16 Q. And did you ever try to dump or get rid of all the
17 information on your cell phone?

18 A. No, sir. My phone was taken, it seem like.

19 Q. Pardon?

20 A. My phone was taken, it seem like.

21 Q. Okay. Did anybody try to get rid of it, that you
22 know of?

23 A. I don't know. Can't answer that question.

24 Q. Now, after this was all done, you said you talked
25 to Mario Caldwell a few times; correct?

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1 A. Yes, sir.

2 Q. And when you were talking to Caldwell, you never
3 asked him what happened to King Conyers that night, how did he
4 get back to Columbia, did you?

5 A. No, sir.

6 Q. You never asked him what happened to those guys
7 that came with us or anything?

8 A. [Indicates negatively]

9 Q. I think they were the Belton boys, is what the
10 solicitor said. You never asked about them?

11 A. [Indicates negatively]

12 Q. And that's really -- those Belton Boys, those
13 unknown folks is the carrot that you're holding on to right
14 now; isn't that correct?

15 A. Huh?

16 Q. Well, you've given so many versions. And your plan
17 is if the jury finds these folks not guilty, you can say, I
18 know the two other folks that were involved with us, and try
19 and avoid that life sentence; correct?

20 A. I don't know the other two guys.

21 Q. Well, that's what you're saying right now; correct?

22 A. Yes, sir.

23 MR. MURPHY: That's all I have. Thank you.

24 MS. SHEALY: May it please the Court?

25 THE COURT: Ms. Shealy.

Troy Mason
Redirect Examination by Ms. Shealy
November 3, 2015

REDIRECT EXAMINATION

BY MS. SHEALY:

Q. Troy, I need you to explain to the jury: everybody wasn't -- in this courtroom wasn't living the way you and Mario and Jeremiah Belton and King Conyers and Curtis Delaney were living. Okay?

When you were in that vehicle that night going to Charlotte, were you kind of up for whatever?

A. Yes, ma'am.

Q. And when you would get in a car, or walk down the street at night, would you have a gun with you?

A. Yes, ma'am.

Q. The people you hung around with, would they also usually have weapons with them?

A. Usually.

Q. Okay. So that's not unusual to you?

A. No, ma'am.

Q. And when you were in Charlotte and Jeremiah Belton first got Curtis Delaney and then you went to Columbia and got King Conyers, was it an atmosphere in that car to go, hey, guys, what are we doing? Would you have felt comfortable doing that?

A. Feel comfortable doing what?

Q. Asking what was going on.

A. No, ma'am.

Troy Mason
Redirect Examination by Ms. Shealy
November 3, 2015

1 Q. Okay. And but, again, you were kind of up for
2 whatever; right?

3 A. Yes, ma'am.

4 Q. And you were smoking pot and doing ecstasy during
5 all these hours?

6 A. Yes, ma'am.

7 Q. And you've indicated that you have been using
8 marijuana and ecstasy for a number of years; is that right?

9 A. Yes, ma'am.

10 Q. Let's talk for a second about your conversation
11 with the solicitor's office last week. Okay? When you first
12 got over to the solicitor's office, who did you speak with?

13 A. My public defender, Lori Proctor.

14 Q. And tell the jury what you told her.

15 A. That I was ready to tell the truth, and the reason
16 I was ready to tell -- the reason I didn't tell the truth was
17 I was scared for my family.

18 Q. When you said you were scared for your family: in
19 the world that you live in, lived in, is being a snitch a safe
20 thing to be?

21 A. No, ma'am.

22 Q. And so you held on to some of these facts for
23 years?

24 A. Yes, ma'am.

25 Q. Tell the jury how it felt to think you may have

Troy Mason
Redirect Examination by Ms. Shealy
November 3, 2015

1 been the one to kill Melvin Simmons.

2 A. Bad.

3 Q. Was that something easy to admit?

4 A. No, ma'am.

5 Q. And Ms. Proctor left the room after you and she had
6 spoken -- do you recall that -- and the rest of us came in?

7 A. Yes, ma'am.

8 Q. When the rest of us came in, was Mr. Cooper in the
9 room?

10 A. Yes, ma'am.

11 Q. Back in the back, was Keith Hair in the room?

12 A. Yes, ma'am.

13 Q. And was there a legal assistant in the room, as
14 well?

15 A. Yes, ma'am.

16 Q. And did you ask that everybody leave the room
17 except your lawyer, Mr. Hair, and me?

18 A. Yes, ma'am.

19 Q. Why did you only want to share this with us?

20 A. I really don't know.

21 Q. Were you uncomfortable?

22 A. Yes, ma'am.

23 Q. Are you telling the jury what you've told them on
24 the stand today because it's the truth, or for some other
25 reason?

Troy Mason
Redirect Examination by Ms. Shealy
November 3, 2015

1 A. Because it's the truth.

2 Q. Tell us how quickly all this happened when y'all
3 were inside the house.

4 A. In a matter of minutes.

5 Q. And before you walked into that house, tell the
6 jury, of Belton, Conyers, Delaney, Caldwell, yourself, the
7 bald guy, who had weapons?

8 A. Everybody.

9 Q. And you and Mario and Delaney are the first group
10 that go in?

11 A. Yes, ma'am.

12 Q. Before you heard any gunshots, were you already at
13 Moett's room?

14 A. Yes, ma'am.

15 Q. Okay. Now, I need to ask you this again just to
16 make sure we're clear. Why, when you heard gunshots, would
17 you go towards the sound of gunshots?

18 A. I believe somebody that I came in the house with
19 was the one doing the shooting.

20 Q. Someone who was in y'all's group?

21 A. Yes, ma'am.

22 Q. And when you indicated that you saw King Conyers
23 shooting at an odd angle into the house, that was as you were
24 running out?

25 A. Yes, ma'am.

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Redirect Examination by Ms. Shealy
November 3, 2015

1 Q. You have a .9mm?

2 A. Yes, ma'am.

3 Q. Do you know what happened inside the house once you
4 ran out?

5 A. No, ma'am.

6 Q. You were the first to run out --

7 A. Yes, ma'am.

8 Q. -- that you know?

9 A. I believe I was the first to run out.

10 Q. And as y'all were huddled in front of the front
11 door, was King Conyers there with a gun?

12 A. Yes, ma'am.

13 Q. Was Jeremiah Belton there with a gun?

14 A. Yes, ma'am.

15 Q. You had a gun?

16 A. Yes, ma'am.

17 Q. Delaney had a gun?

18 A. Yes.

19 Q. Caldwell had a gun?

20 A. Yes.

21 Q. And the bald guy had a gun?

22 A. Yes.

23 Q. When you were in that vehicle and a person and then
24 another person were added to the group, you didn't think y'all
25 were coming to Charleston to go to the movies, did you?

Troy Mason
Redirect Examination by Ms. Shealy
November 3, 2015

1 A. No, ma'am.

2 Q. You knew something was up?

3 A. Yes, ma'am.

4 Q. And when you told the police that you had buried a
5 gun at a piece of property on Jacobs Island, you had buried
6 one there?

7 A. Yes, ma'am.

8 Q. Were the police able to find it?

9 A. No, ma'am.

10 Q. Was it the .9mm?

11 A. No, ma'am.

12 Q. Where was the .9mm the last time you had it?

13 A. Inside the car, the Avenger car.

14 Q. Do you know what happened to the .9mm?

15 A. No, ma'am.

16 Q. And when Mr. Mlynarczyk asked you about whether you
17 knew Curtis Delaney, Crime, did you know him before that
18 night?

19 A. No, ma'am.

20 Q. Had you heard the name Crime in passing?

21 A. Yes, ma'am.

22 Q. And in what context had you heard the name crime?

23 A. It was like random street activity.

24 Q. So you heard the nickname Crime before?

25 A. Yes, ma'am.

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Redirect Examination by Ms. Shealy
November 3, 2015

1 Q. And you didn't know Mr. Belton and you didn't know
2 -- well, you had heard of Mr. Belton before; is that correct?

3 A. Yes, ma'am.

4 Q. Was he from the same area that you were?

5 A. Yes, ma'am.

6 Q. But he was a good bit older?

7 A. [Indicates affirmatively]

8 Q. Is he the same age as some other family members of
9 yours?

10 A. Probably around the same age.

11 Q. But did you and he have any kind of relationship
12 before that night?

13 A. No, ma'am.

14 Q. And you said he went by the name of Finger?

15 A. Yes, ma'am.

16 Q. And why was the name Finger? Did you know what was
17 significant about that?

18 A. Something -- he had a rod in his finger or
19 something.

20 Q. A rod in his finger?

21 A. [No response]

22 Q. On your phone that you had that night, would you
23 have had King Conyers' phone number in your contacts?

24 A. No, ma'am.

25 Q. Would you have had Jeremiah Belton?

Troy Mason
Redirect Examination by Ms. Shealy
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1 A. No, ma'am.

2 Q. Would you have had Curtis Delaney?

3 A. No, ma'am.

4 Q. They weren't your people?

5 A. No, ma'am.

6 Q. They were each other's people?

7 A. Yes, ma'am.

8 Q. You realize, Mr. Mason, do you not, that when this
9 is all over, you're going to prison?

10 A. Yes, ma'am.

11 MS. SHEALY: I have no further questions. Thank
12 you.

13 THE COURT: Mr. Mlynarczyk?

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

16 A few quick -- a few quick follow ups for you,
17 Mr. Mason.

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Troy Mason
Recross-Examination by Mr. Mlynarczyk
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RECROSS-EXAMINATION

BY MR. MLYNARCZYK:

Q. The solicitor just asked you if -- when you were riding in a car and said you knew something was up; correct?

A. Yeah.

Q. You also -- when Mr. Murphy was asking you questions, you said at that time you were addicted to drugs; correct?

A. Yes, sir.

Q. You were a drug addict?

A. Yes, sir.

Q. Were there times you would get together with other people and you would just party?

A. Yes, sir.

Q. Did you party with people you didn't know?

A. Sometimes.

Q. So it wouldn't be unusual for you to be in a group of people you didn't know --

A. No, sir.

Q. -- is that what you're saying?

So let me ask you this, too. Why did you say, then, you knew something was up? You already said you were doing drugs on the way down here; right?

A. Yes, sir.

Q. On the way up there?

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1 A. [No response]

2 Q. On the way up there, too?

3 A. Yes.

4 Q. But now you're saying that -- you just told the
5 solicitor that you knew something was up. What do you mean by
6 that, you knew something was up? What do you mean?

7 A. I knew he wasn't coming down here just to hang out.

8 Q. Why? How do you know that? Didn't you testify you
9 didn't know why you were going there?

10 A. Yes, sir.

11 Q. Well, now why are you saying you now know why you
12 were going there?

13 A. I know he ain't just coming all the way down here
14 just to hang out.

15 Q. How?

16 A. Just something you know.

17 Q. Just something you know? You didn't hear anyone
18 say that?

19 A. No.

20 Q. Didn't you know who Mr. Simmons was?

21 A. No.

22 Q. So you had never heard of Mr. Simmons before you --
23 you don't remember going -- a conversation with the
24 solicitor's office telling them that Mr. Simmons used to live
25 in the neighborhood near you a while back?

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1 A. Yes, sir.

2 Q. You remember that?

3 A. Yes, sir.

4 Q. So you knew who Melvin Simmons was?

5 A. No, sir.

6 Q. How would you remember that he used to live in the
7 neighborhood, if you don't know who he was?

8 A. I heard it.

9 Q. Okay. So you've heard of -- so then you've heard
10 of Mr. Simmons?

11 A. Yeah, but I didn't know him.

12 Q. But you also told -- do you know what he did for a
13 living?

14 A. I heard stuff of what he did for a living.

15 Q. What did you hear?

16 A. That he sold drugs and had a -- some kind of chop
17 shop or something.

18 Q. And that's what you told the solicitor in your
19 statement in April? You told her that you had heard that he
20 sold drugs?

21 A. Yes, sir.

22 Q. But you didn't know -- did you ever buy drugs from
23 Mr. Simmons?

24 A. No, sir.

25 Q. Do you know if Mario ever bought drugs from

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1 Mr. Simmons?

2 A. I don't know.

3 Q. And you and Mario used to sell drugs together;
4 correct?

5 A. Yes, sir.

6 Q. And you don't know if Mario ever bought drugs from
7 Mr. Simmons?

8 A. No, sir.

9 Q. But you knew that he did sell drugs?

10 A. Yes, sir.

11 Q. Even before the night of this incident?

12 A. Yes, sir.

13 Q. Are there certain types of people in your world, to
14 use -- Ms. Shealy said your world, that always had drugs for
15 sale?

16 A. Yes, sir.

17 Q. So you had that small group of people that you know
18 of that when you needed to buy drugs for resale or for use,
19 you would go to them?

20 A. Yes, sir.

21 Q. And you don't know if he was one of those people?

22 A. No, sir.

23 Q. But he could be one of those people for Mario, you
24 just wouldn't know it; right?

25 A. Yes, sir.

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1 Q. Ms. Shealy also said why didn't you come forward.
2 She said that being a snitch is dangerous; right?

3 A. Yes, sir.

4 Q. Okay. Well, regardless of what the story you were
5 saying in 2012 was, you were still snitching; right?

6 A. Yes, sir.

7 Q. So at that point, you're in danger?

8 A. Yes, sir.

9 Q. But you didn't feel it was important to tell the
10 truth at that point?

11 A. Huh-uh.

12 Q. Even though you're in no more danger saying what
13 you said last week than you were in 2012; correct?

14 A. Yes, sir.

15 Q. In your world.

16 And would it be the -- and you're incarcerated;
17 right?

18 A. Yes, sir.

19 Q. Is it bad to have a reputation as snitching on
20 people when you're incarcerated?

21 A. Yes, sir.

22 Q. But you didn't tell them that in 2010 when you were
23 arrested?

24 A. Huh-uh.

25 Q. And that didn't have an effect on you saying

Troy Mason
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1 anything in 2012?

2 A. Huh-uh.

3 Q. It didn't have an effect on you changing your story
4 in 2014?

5 A. No, sir.

6 Q. Or last week?

7 A. No, sir.

8 Q. The solicitor also just asked you that -- it was --
9 everything happened in the house quick; right?

10 A. [Indicates affirmatively]

11 Q. How long would you say you were in the house,
12 total?

13 A. Maybe five minutes at the most.

14 Q. Five minutes?

15 A. Uh-huh.

16 Q. So you went in the house -- you go in the house,
17 you go back towards the bedroom, Mario says go see what the
18 shooting in, you go over to the bedroom, you turn, you get
19 shot, you fire, and you run out of the house. Do you think
20 that took five minutes?

21 A. Possibly.

22 Q. Do you know who Shemeika Stokes is?

23 A. Another name I heard, but I don't know her.

24 Q. Okay. Did you read your Rule 5?

25 A. Yes, sir.

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1 Q. Okay. Who is she?

2 A. The victim's girlfriend.

3 MS. SHEALY: Your Honor, I would object.

4 He needs to testify from his own knowledge, not
5 from what he's read.

6 MR. MLYNARCZYK: Okay.

7 THE COURT: Rephrase your question.

8 MR. MLYNARCZYK: I'll rephrase it.

9 THE COURT: Thank you.

10 Q. [Mr. Mlynarczyk] Do you remember seeing an adult
11 female in the house that night?

12 A. No, sir.

13 Q. The only person -- did you ever see Moett?

14 A. Briefly.

15 Q. Okay. How did you see her?

16 A. In her bed.

17 Q. Did you go in the bedroom?

18 A. Yes, sir.

19 Q. So you went in her bedroom?

20 A. Yes, sir.

21 Q. Did you jump on her bed?

22 A. No, sir.

23 Q. Do you know who jumped on her bed?

24 A. No, sir.

25 Q. Did you see anybody jump on the bed?

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1 A. No, sir.

2 Q. You said you were -- you believed -- Ms. Shealy
3 just asked you a question. You said you believed you were the
4 first one to run out of the house; right?

5 A. Uh-huh.

6 Q. How do you know that?

7 A. Because I believe -- because when I got to the car
8 and nobody else was in the car.

9 Q. But there -- you've already testified that no one
10 else came in the car with you; right?

11 A. [No response]

12 Q. How did you get there? You said you don't
13 remember.

14 A. In the car with Mario.

15 Q. Just you and Mario?

16 A. That's what I remember.

17 Q. But before when you said you left -- now you're
18 saying that you remember it was you and Mario. But just a few
19 minutes ago when we were standing up here, I said how -- when
20 you left Constance Manigault's house, you went to
21 McClellanville; right?

22 A. Yeah.

23 Q. You said you didn't remember who was in the car?

24 A. Yes, sir.

25 Q. Now, you're saying you do remember?

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Recross-Examination by Mr. Mlynarczyk
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1 A. I know it was me and Mario. I don't remember if
2 somebody else was in the car.

3 Q. The solicitor just asked you what happened to your
4 .9mm gun. Didn't you -- don't you guys always have guns on
5 you?

6 A. Yes, sir.

7 Q. So you don't remember -- you remember the .22?

8 A. Yes, sir.

9 Q. The .22 you said you buried in the back yard. Did
10 you ever have any other guns?

11 A. Yes, sir.

12 Q. What kind of guns?

13 A. A .357 revolver.

14 Q. What happened to that gun?

15 A. I don't know what happened to that gun, either.

16 Q. Did you sell --

17 A. I left them in the house.

18 Q. I'm sorry?

19 A. I left it on -- in the house I was staying in on
20 Buist apartments.

21 Q. You left it behind?

22 A. Yeah.

23 Q. What other kind of guns?

24 A. I don't remember.

25 Q. You don't remember. But you remember the .9mm.

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1 A. Yeah.

2 Q. You remember what you did with the .22?

3 A. Yeah.

4 Q. You remember what you did with the --

5 A. .357.

6 Q. -- .357, but this gun you have no idea what
7 happened to it after this incident?

8 A. I left it in the car.

9 Q. So you left it in the car?

10 A. I left it in the Avenger when I got out.

11 Q. You left it in the what? I'm sorry.

12 A. The Dodge Avenger.

13 Q. You left it in Mario's car when you got out?

14 A. Yeah.

15 Q. So that's what happened to the gun?

16 A. Yeah.

17 Q. You don't know what happened to it after that?

18 A. No, sir.

19 MR. MLYNARCZYK: I have nothing further, Judge.

20 THE COURT: Mr. Murphy?

21 MR. MURPHY: Nothing, Your Honor.

22 THE COURT: Ladies and gentlemen, it's an
23 appropriate time for us to take a quick mid-morning
24 comfort break.

25 Do not begin your deliberations. Do not discuss

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1 this case amongst yourselves.

2 Please rise for the jury. Stay seated, Mr. Mason.

3 [Whereupon, the jury exits the courtroom at
4 11:29 a.m.]

5 THE COURT: Thank you. Be seated.

6 You're excused, Mr. Mason.

7 [Whereupon, Mr. Mason is excused and exits the
8 witness stand]

9 THE COURT: Anything before we take a short break?
10 From the State?

11 MS. SHEALY: No, Your Honor.

12 The next thing that we'll be introducing -- I'm not
13 sure what Your Honor's preference is -- is a stipulation
14 that both defense attorneys have signed, as have I, just
15 identifying the body of Curtis Delaney. We would like
16 to enter that stipulation to the jury before our
17 pathologist testifies. She knows --

18 THE COURT: Is that your next witness?

19 MS. SHEALY: Yes.

20 THE COURT: All right. So you'll just read it?

21 MS. SHEALY: Yes.

22 THE COURT: All right.

23 MS. SHEALY: Or maybe Mr. Cooper will.

24 THE COURT: Mr. Cooper, you'll read it. Any
25 objection to Mr. Cooper reading the stipulation?

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1 MR. MLYNARCZYK: No objection, Your Honor.

2 MR. MURPHY: No objection.

3 THE COURT: And then your next witness will be?

4 MR. COOPER: Dr. Cynthia Schandl, from MUSC.

5 THE COURT: And how long will she take?

6 MR. COOPER: I don't anticipate her taking more
7 than about twenty minutes or so for my testimony, Judge.

8 MR. MLYNARCZYK: I don't think I anticipate any
9 cross.

10 MR. MURPHY: Probably the same. One question,
11 maybe.

12 THE COURT: So you have at least two more
13 witnesses. We're going to go -- lunch isn't coming
14 until about 12:30, so make sure --

15 MS. SHEALY: I could either do a couple of quick
16 ones, or I can go ahead and do a longer one. Would you
17 like for me to maybe get the quick ones done before we
18 take a lunch break?

19 THE COURT: Whenever the lunch gets here, we'll
20 take a break. Sam says between 12:30 and 1:00, so just
21 plan accordingly.

22 Take about ten minutes. Thank you.

23 [Whereupon, a recess is taken from 11:31 a.m. to
24 11:41 a.m.]

25 MR. COOPER: Judge, if you want to, I could offer

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1 this for the exhibit now or read it to the jury. I
2 don't know how you like to handle stipulations, whether
3 you read a charge to the jury or --

4 THE COURT: Charge to the jury as to?

5 MR. COOPER: Stipulation.

6 MS. SHEALY: I've had other -- I don't think it's
7 necessary, but some judges have some little blurb about
8 both parties have entered into an agreement. But I'm
9 not requesting one. I just didn't know how you do it --

10 THE COURT: I mean, you're going to read it.

11 MS. SHEALY: We are.

12 MR. COOPER: Yes, ma'am. I just --

13 THE COURT: Right.

14 MR. COOPER: -- didn't know if you wanted it in
15 advance.

16 THE COURT: And it's not a State's Exhibit.

17 MR. COOPER: It will be State's Exhibit.

18 THE COURT: But it doesn't go in back to the -- it
19 doesn't go back to the jury.

20 MS. SHEALY: Well, it's -- well, if you say it
21 doesn't, it doesn't. But it is a piece of evidence so
22 that we're just not having to call the person in to --

23 THE COURT: Well, you don't put anybody else's
24 testimony back in evidence.

25 MS. SHEALY: Well, we'll probably need to change it

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1 to a Court's Exhibit, then.

2 THE COURT: Okay. That's fine.

3 Anything before we bring the jury in?

4 MR. MLYNARCZYK: No, Judge.

5 MR. MURPHY: No, Judge.

6 THE COURT: Thank you.

7 [Off the record momentarily]

8 [Whereupon, the jury enters the courtroom at
9 11:45 a.m.]

10 THE BAILIFF: All are seated, Your Honor.

11 THE COURT: Thank you. Please be seated.

12 Ladies and gentlemen, the State and the two
13 defendants have reached a stipulation. And a
14 stipulation is just really an agreement, and what that
15 does for us in trial is it does not -- it means that
16 they don't have to call a witness.

17 And I apologize. I am suffering from a horrible
18 sore throat and I know it's annoying to me to hear
19 myself talk. So I apologize. I'm trying to speak as
20 loudly as I can.

21 - - -

22 - - -

23 - - -

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STIPULATION OF COUNSEL

THE COURT: Mr. Cooper, if you could read that agreement between you, Defendant Belton, and Defendant Conyers into the record.

MR. COOPER: Yes, Your Honor.

The State and the defense agree that Felicia Guilt, a forensic latent print examiner, also known as a fingerprint comparison examiner, was provided with fingerprint strips from the deceased male found in the front yard of [REDACTED] and determined that the deceased male was Curtis Darnel Delaney, a black male with a date of birth of [REDACTED] [REDACTED].

[Whereupon, Court's Exhibit Number 2 is marked by the court reporter]

MR. COOPER: At this time, Your Honor, the State would call Dr. Cynthia Schandl.

THE COURT: Any objection to the stipulation as read? Mr. Mlynarczyk?

MR. MLYNARCZYK: No objection, Your Honor.

THE COURT: Mr. Murphy?

MR. MURPHY: No objection, Your Honor.

THE COURT: Dr. Schandl?

[Whereupon, Dr. Schandl comes forward]

THE COURT: Where is Sam?

Dr. Schandl, if you will place your left hand on

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1 the Bible and raise your right hand.

2 [Whereupon, Dr. Schandl is duly sworn by the court
3 as follows: do you swear or affirm that the testimony
4 you are about to give is the truth, the whole truth, and
5 nothing but the truth, so help you God]

6 THE WITNESS: Yes, I do.

7 THE COURT: If you'll please be seated.

8 [Whereupon, Dr. Schandl takes the witness stand]

9 THE COURT: State your full name for the record,
10 and please spell your last name. Thank you.

11 THE WITNESS: My name is Cynthia Anna Schandl.

12 S-C-H-A-N-D-L.

13 MR. COOPER: Good morning, Dr. Schandl.

14 THE WITNESS: Good morning.

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CYNTHIA SCHANDL, M.D.

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. COOPER:

Q. Can you tell the jury where you work?

A. Yes.

I'm employed at the Medical University of South Carolina here
in Charleston.

Q. And what is your position at MUSC?

A. I am an associate professor. I'm in the department
of pathology and laboratory medicine. I work in the medical
and forensic autopsy section, as well as the molecular
pathology section.

Q. Can you tell us what is meant by the term of
forensic pathology?

A. Sure.

So forensic pathology is a field of medicine
performed by doctors who are called forensic pathologists.
Forensic pathology is the study of disease, so pathology is
the study of disease, pathos. Ology for study, and pathos for
disease.

And then forensics is the study of disease as it
relates to the law. So those diseases or injuries where there
is an aspect of legal ramification with that injury or

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1 illness.

2 Q. Will you also elaborate for the jury on your
3 educational and professional background?

4 A. Yes, of course.

5 So I completed my bachelor's degree in 1990 at the
6 California State University System in San Bernardino. And
7 then I came to the Medical University of South Carolina in
8 1991 and completed both a medical degree and a doctoral
9 degree. My doctoral degree was in the field of pathology, as
10 well.

11 Following receiving my M.D. and Ph.D. degree, which
12 was in 1991, I continued my training in what they call a
13 residency program, also at the Medical University of South
14 Carolina, in the field of anatomic pathology and clinical
15 pathology.

16 And also during that time I took the residency
17 program. It's four years.

18 And also during that time, I took an additional
19 year to do what is called fellowship training, specialized
20 training in forensic pathology.

21 And following all of that training, there is board
22 certifications to be a doctor. So I have those. And then
23 there's -- there are board certifications to be a pathologist.
24 So I have three of those. Certified in anatomic pathology,
25 clinical pathology, and forensic pathology.

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1 And since that time when I completed all of that
2 training in 2004, since then I've been a faculty member at the
3 Medical University of South Carolina.

4 Q. Thank you, Doctor. How many autopsies have you
5 performed?

6 A. Over 2,000.

7 Q. And how many times have you testified as an expert?

8 A. Around a hundred.

9 MR. COOPER: Your Honor, at this time I would have
10 -- I would move to have her qualified as an expert in
11 the field of forensic pathology.

12 THE COURT: Any objection?

13 MR. MLYNARCZYK: No objection, Your Honor.

14 MR. MURPHY: No objection, Your Honor.

15 THE COURT: Ladies and gentlemen, normally a person
16 cannot give opinion testimony. Typically when a person
17 testifies, they must testify as to either what they've
18 heard or saw or sensed by smell or something of that
19 nature.

20 There is an exception when someone is qualified
21 because of their education and experience. They are
22 permitted to give their opinion in certain areas. This
23 witness will be qualified as an expert in the area of
24 forensic pathology to give her opinion in that area.
25 That does not mean that you must accept her opinion. It

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1 is simply evidence for you to use in any way that you
2 see fit.

3 Mr. Cooper?

4 MR. COOPER: Thank you, Your Honor.

5 Q. [Mr. Cooper] Now, focusing your attention on this
6 case, Doctor, did you have the opportunity to perform two
7 autopsies in this case?

8 A. Yes. Two autopsies is correct.

9 Q. Whose autopsy did you perform?

10 A. I performed autopsies on -- these are my case files
11 from the two autopsies -- on Mr. Melvin Simmons, as well as
12 Mr. Curtis Delaney.

13 Q. Okay. And how did the bodies arrive at MUSC?

14 A. I'm not entirely sure what you're asking me, but if
15 the -- I'll elaborate and answer it both ways.

16 So we, as forensic pathologists, receive cases by
17 referral from the different county coroners. So this was a
18 Charleston County -- these deaths occurred in Charleston
19 County and so the cases were referred to our office, as
20 forensic pathologists, from the Charleston County Coroner's
21 Office.

22 They undertake to transport the bodies to the
23 Medical University of South Carolina, and then the first I
24 will see of the bodies will be when they come up to the
25 autopsy suite for the postmortem examination.

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1 Q. And what condition were the bodies in when they
2 arrived at MUSC for your examination?

3 A. Condition?

4 Q. As far as -- let me make that a little more clear.
5 As far as clothing and any items on the body or around the
6 body, how did they come to you in that fashion?

7 A. Well, let's see. So what I'm going to do is just
8 refer to my pictures, because I take a set of pictures when I
9 first go into the autopsy suite to document how the person
10 comes to me.

11 So in the case of Mr. Melvin Simmons, he came
12 wearing some athletic shorts, and he also had his hands
13 bagged, which is something that I presumed, and do presume,
14 that law enforcement put in place at the scene of the crime,
15 not something that he would be walking around wearing. So he
16 had shorts on and his hands were in bags.

17 Q. When you see those bags, what is typically the
18 purpose for those bags being on their hands?

19 A. Typically, it's to protect evidence that might be
20 on the hands. Protect it from when the body is being moved,
21 things being shifted, anything getting washed. So if, for
22 example, there is gunshot residue on the hand, that would
23 potentially be protected. Other trace evidence might be
24 protected, also, by bagging the hands.

25 Q. Now, will you tell the jury what your typical

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1 procedures are when you receive a body at MUSC?

2 A. Yes.

3 So it's going to be case dependent. Both of these
4 cases, Mr. Delaney and Mr. Melvin Simmons, were told to me to
5 be cases of gunshot wounds. In cases of gunshot wounds where
6 we think that a crime may have been committed, and we're also
7 looking for evidence of the gunshot wounds and bullets, we
8 will first examine the body like we would anybody else,
9 looking at the outside of the body, looking at the clothing,
10 taking a set of pictures.

11 After that, we will take the clothing off of the
12 body, look at the clothing individually, see if it has
13 anything worth documenting. We take pictures of the clothing,
14 as well, separately. At least I do, in cases where there's
15 been a gunshot wound.

16 After doing that, we turn our attention back to the
17 body, looking again at all the skin surfaces now that there
18 are no clothes on. Looking for any identifying marks like
19 tattoos or scars, looking for any injuries. Of course,
20 looking for any evidence of the gunshot wound.

21 And also, before we go to what's considered usually
22 the autopsy, where we cut -- before we do any of that, we
23 also, in the case of a gunshot wound, take a series of x-rays.
24 So in that case what we're doing is looking for evidence in
25 the body of a bullet, for example. Something radiopaque,

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1 something that would be shown by an x-ray, so that we can find
2 that evidence in the body when we open the body. So that also
3 occurs before we actually do our internal examination.

4 Q. Regarding the autopsy of Mr. Simmons, can you tell
5 the jury what you found his manner of death to be?

6 A. So in this state we have just a few things to chose
7 from for manner of death. His manner of death is homicide.
8 And to me, that just means that somebody's life was taken by
9 another either from something that they did do or something
10 that they failed to do.

11 So our choices are accident, suicide, natural,
12 undetermined, and homicide. So those are my choices. So of
13 those, this case is a homicide.

14 Q. And as far as his cause of death, could you tell
15 the jury what your findings were?

16 A. Yes.

17 His cause of death -- and I'll just read it from
18 the report -- is heart, aorta, and lung perforations due to a
19 penetrating gunshot wound to the chest.

20 Q. As far as perforations, could you -- excuse me --
21 could you describe that to the jury, what exactly that means?

22 A. Yes.

23 So in the case of Mr. Simmons, he had a gunshot
24 wound, an entrance gunshot wound, to the right side of his
25 chest on the side. And when we opened his body to find where

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1 that bullet traveled, it traveled through his lung, through is
2 heart, through his aorta, which is his largest high-pressure
3 vessel in his body, and then embedded itself over on the left
4 chest.

5 So it went from here to here and went through lung
6 and heart and aorta. And there was a great deal of blood,
7 almost three liters of blood. And all of us have maybe about
8 five to six liters of blood all together. So he bled a great
9 deal from this injury.

10 Q. Showing you this diagram that's on the screen in
11 front of you as well, is that the diagram that you use to --
12 or could you explain what that diagram is to the jury?

13 A. Yes.

14 So as well as taking photographs while we're doing
15 our postmortem examination, we will frequently also draw
16 diagrams to show things such as injuries and scars and tattoos
17 on -- in a diagrammatic format. And this is the naked-man
18 diagram that we use.

19 Q. Regarding the autopsy of Mr. Simmons, can you --
20 and you can draw on the screen, Doctor. Can you designate on
21 the screen where the entrance wound on Mr. Simmons was?

22 A. Yes, I can.

23 So it -- again, it's sort of right on the side. So
24 whether I drew it here or here, it's going to be on the right-
25 hand side of his body. And then the way it traveled through

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1 his body is in sort of this sort of a way, and then ended up
2 over here.

3 And then we took the bullet out and that became
4 evidence.

5 MR. COOPER: Bear with me one moment, Doctor.

6 [Whereupon, Mr. Cooper reviews documents]

7 Q. [Mr. Cooper] Doctor, while I have this up, will
8 you also initial on -- just give the initials of Melvin
9 Simmons to show this is Mr. Simmons' diagram?

10 A. Sure [Witness complies]

11 And so in this case the bullet is traveling from
12 his right to his left and in an upward direction and a bit
13 forward. So here, forward on him, up towards the chest, and
14 to the left.

15 Q. Okay. And at this time, Doctor, you mentioned that
16 you had taken x-rays of Mr. Simmons. Showing you State's
17 Exhibit 221. Is this the x-ray that you took of Mr. Simmons?

18 A. Yes.

19 So this is one of the x-rays. You can see there --
20 well, you can't see. I can see, but you can't, that there --
21 on this side there's a little marker that says an upside L,
22 but that's the left side. So that's the left side of his body
23 from here over, is left side. Left.

24 All right. And so this here is on -- on the x-ray
25 that's going from front to back, that's his bullet that we got

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1 out for evidence.

2 Q. And now showing you State's Exhibit 222. Is this
3 the bullet that you recovered from Mr. Simmons?

4 A. Yes, that's it.

5 Q. Okay. And now showing you State's Exhibit 223. Is
6 this that same bullet, just at a different angle?

7 A. Yes. That's correct.

8 Q. Okay. And then would a gunshot wound like that
9 have incapacitated him immediately?

10 A. That's a very difficult question to answer because
11 everybody is different and we bleed faster and slower as
12 things shift in us.

13 Chances are, since his injury essentially led to a
14 great deal of blood loss, he may have been able to function
15 early on in that injury unless -- so later on his blood loss
16 continued.

17 But I can't tell you specifically for him how he
18 was functioning at any time. It's just sort of a
19 generalization. Since his mechanism of death was blood loss,
20 likely early on in that process he may have been much more
21 functional than as he lost more and more blood.

22 Q. Would it have been possible for him to be able to
23 talk after being shot?

24 A. Yes.

25 There's no indication that he wouldn't have been

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1 able to talk.

2 Q. Okay. And can you tell at all, from your findings,
3 about the position of the shooter?

4 A. No.

5 So I showed you on his body the way that the bullet
6 traveled through his body. But since people move around, and
7 they can bend and duck and do whatever they're going to do,
8 and the other person can do the same, I can't tell you where
9 the two people were situated in space just by knowing how it
10 went through him.

11 Q. Did you collect any evidence from the body of
12 Mr. Simmons?

13 A. Yes, sir.

14 Q. What do you typically collect from a body?

15 A. Well, essentially, anything that comes with the
16 body that is there.

17 So any clothing or -- we also do fingernail
18 clippings, in case there's trace evidence or DNA evidence
19 underneath the fingernails. We do a blood spot. We do a
20 number of different things that we consider evidence. And
21 each is going to be case dependent as to how that person came
22 in.

23 As for Mr. Simmons, I can read to you what was
24 transferred. We transferred evidence to Investigator Erin K.
25 Meyer. And what we transferred was red shorts, the bag from

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1 the right hand and the bag from the left hand, the right
2 fingernail clippings and the left fingernail clippings, pulled
3 scalp hair, and the bullet.

4 Q. Okay. And on that sheet where it lists what was
5 transferred, you said that Erin Meyer -- can you tell what
6 organization she was with?

7 A. Well, there are initials CCSO, FSU, which I think
8 probably means Charleston County Sheriff's Office, but I'm not
9 sure what FSU means.

10 Q. Okay. And then was a toxicology examination
11 performed on Mr. Simmons?

12 A. Yes, sir.

13 So, again, routinely, on all of the cases that we
14 do that are forensic autopsies, we do a toxicological
15 analysis. So we'll take preferentially a blood sample and
16 send it to a reference laboratory under chain of custody and
17 receive those results back. So that's -- everybody gets that.
18 It's a comprehensive toxicological analysis, about 300
19 different substances.

20 MR. COOPER: And, Judge, at this time I want to
21 show this diagram and printout of Dr. Schandl's diagram
22 that she drew. I would like to offer that into evidence
23 as State's Exhibit 336.

24 MR. MLYNARCZYK: No objection, Your Honor.

25 MR. MURPHY: No objection, Your Honor.

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1 THE COURT: State's 336 into evidence without
2 objection.

3 [Whereupon, State's Exhibit Number 336 is admitted
4 into evidence by the Court]

5 MR. COOPER: Thank you, Judge. Beg the Court's
6 indulgence.

7 Q. [Mr. Cooper] And now, Doctor, regarding the
8 autopsy of Mr. Curtis Delaney, could you tell the jury what
9 his manner of death was?

10 A. Yes, of course.

11 So, again, manner is that one where we have the
12 five choices. And his manner of death is also homicide.

13 Q. Okay. And could you describe for the jury his
14 cause of death?

15 A. His cause of death, as I read from the report, is
16 heart and lung perforations due to penetrating gunshot wound
17 to the chest.

18 And I contributed a perforating gunshot wound to
19 his upper left arm.

20 Q. Okay. And did you take x-rays of Mr. Delaney, as
21 well?

22 A. Yes, sir.

23 Q. Okay. I'm showing you State's Exhibit 216.

24 [Whereupon, the witness reviews documents]

25 Q. [Mr. Cooper] And is this the x-ray that you took

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1 of Mr. Delaney?

2 A. Yes.

3 So this is from front to back with Mr. Delaney.

4 And, again, on the screen you can't tell but this, again, has
5 our little marker for left. So this is his left side, meaning
6 this is his right side. And this is his bullet.

7 And in this case what you're seeing is sort of the
8 butt end of the bullet. That's why it's so nice and round.
9 Where the other one was like a nice bullet shape, this one is
10 just round because you're seeing actually the end of the
11 bullet, the round part of it in this case.

12 Q. Okay. And now showing you -- and did you recover
13 that bullet from his chest?

14 A. Yes, sir.

15 Q. Now, showing you State's Exhibit 219. Would this
16 be the bullet that you recovered from Mr. Delaney?

17 A. Yes, sir, this is the bullet.

18 Q. Okay. And showing you State's Exhibit 220. Is
19 that the same bullet, just a different angle?

20 A. That's the same bullet and a different angle.

21 And that's actually the angle that we see on the x-
22 ray, the round circle part.

23 Q. Okay. So you only recovered one bullet from him?

24 A. That's correct.

25 MR. COOPER: If you'll pull the diagram up for me,

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1 please, Shameka.

2 Q. [Mr. Cooper] And just like we did on the last one,
3 Dr. Schandl, if you will do it on the diagram like you did in
4 your report regarding the wounds on Mr. Delaney.

5 A. Yes, sir.

6 So Curtis Delaney, his injuries, interestingly
7 enough, were essentially very similar to Mr. Simmons'
8 injuries, only backwards.

9 So let me show you. This is C.D. for Curtis
10 Delaney. And so in this case what happened was he had a
11 through-and-through gunshot wound to his arm. So now we're
12 going from his left to his right and down, as opposed to the
13 other guy who we went basically the opposite way to the -- to
14 his left and up. And then after it went through his arm, it
15 looks like it then continued into his chest.

16 I can't prove that that's all the same bullet, but
17 it definitely looks that way. It's a sort of a straight line
18 right in, so I think that's the most likely is that it was a
19 single gunshot wound that went through his arm and into his
20 chest.

21 And then, very similar to Mr. Simmons, it went
22 through lung and went through heart and then ended up over
23 where we found it. And you saw on the x-ray. So -- and he
24 bled almost the same amount, almost three liters of blood.

25 So, again, very similar in mechanism of death and

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1 cause of death to Mr. Simmons with the bullets going the other
2 way. And it happened to go through his arm on the way to his
3 chest.

4 Q. And while I print that out, Doctor, would a wound
5 like that have incapacitated Mr. Simmons -- excuse me --
6 Mr. Delaney immediately?

7 A. Again, it's likely that he -- since, again, the
8 mechanism of death is blood loss, so he's likely to have
9 regained more function early on than later one when he -- as
10 he started to lose more blood. That's not to say that in his
11 particular case he didn't just drop, as it did hit part of his
12 heart. But either of those scenarios is possible. So he may
13 have been functional for some time, meaning seconds to
14 minutes, or he may not have.

15 Q. Okay. And can you tell about the position of the
16 shooter in this case?

17 A. No, sir.

18 So the same things apply. People move around in
19 space. They could be lying down, they could be jumping, they
20 could be doing all manner of things. And both people are
21 doing whatever it is they're doing.

22 So all I can tell is where it went into the body
23 and where I got the bullet out, but I can't tell where the
24 shooter was.

25 Q. Could you tell about the distance of the wound from

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1 the firearm that fired the bullet?

2 A. So in our field in forensic pathology we can
3 sometimes, and always do, look for evidence of range of fire.

4 So the range of fire is the distance from the
5 muzzle or the end of the gun to the target.

6 And so there are two things that we can look at
7 while we're doing the postmortem examination to help us with
8 that. And that is soot deposited on the skin, which is the --
9 would be right around the entrance wound. So if you're close
10 enough, very close -- so contact, or extremely close -- soot
11 may come out of the muzzle or the end of the gun and deposit
12 on the skin around the gunshot wound.

13 As you back up a little bit, you may end up with
14 stippling. So this is when particulates, or pieces of metal
15 and debris, leave the muzzle of the gun, come out and strike
16 the target and, in the case of skin, will cause scrapes or
17 abrasions. And that we call stippling.

18 And then as you move farther back, you lose the
19 stippling and you lose the soot and you see nothing.

20 So in the case of Mr. Delaney, as well as the case
21 of Mr. Simmons, I see no soot and I see no stippling. And so
22 that suggests one of two things. Either it was past the
23 distance where stippling or the scraping of the skin occurred,
24 or that there was something between the muzzle or the end of
25 the gun and the target for the victim that would catch that

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1 stippling or soot between the end of the gun and the target.

2 So from my point of view, with nothing to go on, no
3 soot and no stippling, I called range of fire indeterminate
4 because it may be that it's very close but there's something
5 between the muzzle of the gun and the person. Or it may be
6 that they're, you know, three blocks away, as well. So I
7 can't make that distinction.

8 Q. And was there anything unusual about the area
9 around the wound of Mr. Delaney's shoulder?

10 A. So Mr. Delaney -- I mean, it wasn't unusual but it
11 was interesting, I suppose.

12 So around the entrance wound and the exit wound and
13 around his chest, around the area of where he was shot, those
14 holes, there were a number of what looks like ant bites. So
15 after he died, there was insect activity, so little bites
16 around the wounds. But that isn't unusual, but it was around
17 the wounds.

18 Q. Okay. And did you collect any items from the
19 pockets of Mr. Delaney on autopsy?

20 A. Yes. He had some things in his pockets.

21 Q. Showing you State's 217. Would these have been the
22 items you collected from his pockets, Dr. Schandl?

23 A. Yes, that's correct.

24 So this is a photograph where he's still wearing
25 his shorts, and these are items that were taken from the

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1 pockets of his shorts.

2 Q. Could you elaborate on what those items were that
3 you took?

4 A. Sure.

5 So there are six bullets of some size here. This
6 is a beginner driver permit, some sort of a business card,
7 debit card, and a black garment of some variety.

8 Q. And showing you State's 218. Were these items that
9 you removed from the body of Mr. Delaney?

10 A. And so these are the clothes that he was wearing
11 when he came to us, yes, sir.

12 Q. And these items, if you would refer to your list:
13 these items, and the items in the last picture, did you have
14 those transferred to I believe it was Erin Meyer with the
15 sheriff's office?

16 A. Yes.

17 Those things and some other things. Should I read
18 the list of things that she received?

19 Q. Yes, ma'am. Please.

20 A. Okay. So the evidence that was transferred to
21 Investigator Erin Meyer from the Curtis Delaney case are two
22 athletic shoes, two black socks, blue-jean shorts, black belt
23 with an eagle buckle, blue boxer shorts, a black tee-shirt,
24 white sleeveless undershirt, a flashlight, a stocking, a
25 business card, a debit card, six .357 Magnum bullets, South

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1 Carolina beginner permit with the name of Delaney, Curtis
2 Darnel, hand bags from the left and the right, fingernail
3 clippings from the left and the right, pulled scalp hair,
4 bullet, meaning the bullet that we got from the body, and a
5 blood spot.

6 Q. And would you describe for the jury why you collect
7 a blood spot?

8 A. A blood spot is useful for different things,
9 depending on how --

10 So the reason that we keep one in our file is if
11 there's ever a question of identity. Sometimes there might be
12 a question of genetic inheritance or something. So those
13 sorts of questions we like to have one in our file.

14 Frequently when we provide a blood spot to law
15 enforcement, they are looking to match identity by DNA testing
16 to other samples or other locations or something. So they
17 want to know what his DNA is so they can compare it to other
18 samples and see if other samples are him or other samples are
19 not him.

20 Q. And all those items you described were turned over
21 to Investigator Erin Meyer?

22 A. That's correct.

23 Q. Okay. And then was a toxicology examination done
24 on Mr. Delaney?

25 A. Yes.

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1 Like I mentioned before, we do toxicological
2 examinations on everybody that comes in for a forensic
3 autopsy, if we have a sample.

4 Q. Would you read the results of that examination for
5 the jury, please?

6 A. Yes.

7 Curtis Delaney's toxicology was positive for delta-
8 9 tetrahydrocannabinol, which is THC. So that's the active
9 drug in marijuana, at a level of 5.9 nanograms per milliliter.

10 Also present was a breakdown product of THC, called
11 delta-9 -- or bioxy THC.

12 And then there was also something called
13 benzoylcholine, and that is an inactive metabolite or
14 breakdown product of cocaine -- not active, but inactive.

15 And then also present was nicotine and cotinine.
16 Cotinine, again, is a breakdown product or metabolite of
17 nicotine.

18 Q. You said the words active and inactive a couple of
19 times. Can you describe for the jury what is meant by that?

20 A. Sure.

21 So the body will take all manner of substances and
22 break it down into all manner of other substances. We've got
23 all kinds of enzymes that like to do that, and that's what
24 they do all day long.

25 And so in this case we've got some -- some drugs

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1 you actually take and they're inactive and your enzymes make
2 them active, meaning you take them and the form that they're
3 in when you take them wouldn't do anything to you one way or
4 the other. But then you change those drugs into something
5 that will, you know, make you better, or whatever the case the
6 drug might be.

7 In this case he's got an active drug on board,
8 which is the THC. So that's something that scientifically we
9 know affects the body. There are receptors that have -- that
10 THC combine to affect the body. Whereas, the breakdown body
11 that's inactive, the carboxyl, the delta-9 carboxy version, is
12 inactive. So the body has nothing to do with that. It
13 doesn't care about it. It just gets dumped out. It doesn't
14 have any activity in the body.

15 And that's the same thing with the benzoylecgonine.
16 It's not active. It's not having an effect on the body in
17 that form. Maybe it used to be when it used to be cocaine,
18 but that isn't now. That was before.

19 MR. COOPER: And then at this time, Your Honor,
20 I want to show defense attorneys the diagram that
21 Dr. Schandl drew for Curtis Delaney.

22 [Whereupon, Mr. Mlynarczyk and Mr. Murphy review
23 documents]

24 MR. MLYNARCZYK: No objection, Your Honor.

25 MR. MURPHY: No objection.

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1 MR. COOPER: I just going to have that asked to be
2 moved into evidence as State's 335.

3 THE COURT: State's 335 into evidence without
4 objection.

5 [Whereupon, State's Exhibit Number 335 is admitted
6 into evidence by the Court]

7 MR. COOPER: Thank you, Your Honor.

8 Q. [Mr. Cooper] And then, Dr. Schandl, one other
9 question I wanted to ask you.

10 Regarding Mr. Simmons' autopsy, could you elaborate
11 to the jury on the -- could you tell about the distance of the
12 wound in that case? The distance from the firearm.

13 A. No, sir.

14 That also did not have either soot or stippling.

15 MR. COOPER: Okay. Beg the Court's indulgence.

16 [Whereupon, Mr. Cooper and Ms. Shealy confer]

17 MR. COOPER: I have no further questions at this
18 time, Doctor. If you would answer any questions the
19 defendants may have for you.

20 THE WITNESS: Yes, sir.

21 THE COURT: Mr. Mlynarczyk?

22 MR. MLYNARCZYK: One moment, please, Your Honor.

23 THE COURT: Take your time.

24 [Whereupon, Mr. Mlynarczyk and Mr. Murphy confer]

25 MR. MLYNARCZYK: I don't have any questions, Your

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1 Honor.

2 MR. MURPHY: No questions, Your Honor.

3 THE COURT: You may step down, Dr. Schandl.

4 MR. COOPER: Can we just have this witness be
5 excused, Your Honor?

6 THE COURT: Any objection?

7 MR. MLYNARCZYK: No objection, Your Honor.

8 MR. MURPHY: No objection.

9 THE COURT: You are excused, but feel free to stay
10 with us.

11 [Whereupon, Dr. Schandl is excused and exits the
12 witness stand]

13 THE COURT: Call your next witness.

14 MS. SHEALY: Chris Stinson.

15 THE COURT: Ms. Shealy, just for planning purposes,
16 lunch will be about 1:00.

17 MS. SHEALY: Okay.

18 [Whereupon, Mr. Stinson comes forward]

19 THE CLERK OF COURT: Put your left hand here, sir,
20 and raise your right.

21 [Whereupon, Mr. Stinson is duly sworn by the clerk
22 of court as follows: do you swear or affirm the
23 testimony you give the Court and the jury in the trial
24 of this case will be the truth, the whole truth, and
25 nothing but the truth, so help you God]

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1 THE WITNESS: I do.

2 THE CLERK OF COURT: Thank you, sir. You may be
3 seated. Once seated, if you could please state your
4 first and last name, and spell your last loudly and
5 clearly into the microphone for the record]

6 THE WITNESS: Christopher Stinson. The last name,
7 Stinson, is S-T-I-N-S-O-N.

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Christopher Stinson
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CHRISTOPHER STINSON,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MS. SHEALY:

Q. Officer Stinson, would you tell the jury, please,
where you are employed?

A. I am a police officer with the City of Charleston
Police Department.

Q. How long have you worked there?

A. Around nine years.

Q. And in what capacity?

A. I've been a patrol officer, and I'm currently an
investigator.

Q. In 2010, what capacity were you working in?

A. I was a patrol officer.

Q. And what areas did you patrol? Did they divide
y'all up into certain areas of the city?

A. I was a team one patrol officer, which encompasses
Calhoun Street all the way up to North Charleston.

Q. Were you working there on July 11th, 2010?

A. I was.

Q. And did you receive a call to report to 2079 Austin
Avenue?

A. I did.

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1 Q. Where is that?

2 A. It's a marina up in the probably northern-most part
3 of team one. It's almost to North Charleston.

4 Q. And do you recall what time it was that you were
5 dispatched to go there?

6 A. I believe it was 12:50 a.m.

7 Q. And that, again, is on July 11th?

8 A. Correct.

9 Q. Can you tell the jury whether anybody else was with
10 you when you went to the area?

11 A. My trainee, Officer Rossburg, was with me at the
12 time.

13 Q. And what was the nature of the call itself?

14 A. We were responding to a vehicle fire.

15 Q. When you got out there, was the vehicle still on
16 fire?

17 A. Yes. It was fully engulfed.

18 Q. Was the fire department there?

19 A. I don't remember if they were there or if they
20 showed up afterwards, but they were there soon after.

21 Q. And is the area where this fire occurred, is that a
22 heavily populated area?

23 A. No.

24 I wouldn't say it's in the middle of nowhere. But
25 as far as downtown is concerned, it's one of our less

Christopher Stinson
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1 populated areas.

2 Q. When you arrived there, did you speak to the person
3 who had reported the fire?

4 A. Either myself or my trainee did.

5 The person that called it in was Larry Coltheart,
6 and he basically said that he saw a vehicle on fire on his way
7 back from the marina.

8 Q. And did you -- did you stay out there until they
9 put the fire out?

10 A. Yes.

11 Q. And were you able to -- what's the first thing you
12 want to do when a vehicle is on fire? What are you looking
13 for in the car?

14 A. Well, you know, our primarily responsibility is to
15 stay out of the fire department's way and make sure everyone
16 else stays out of the fire department's way.

17 And after they put the fire out, we're obviously
18 looking to make sure there's no one inside the vehicle. And
19 then after that, we check to make sure -- we see if it's
20 stolen or not.

21 Q. Okay. Could you tell us what type of vehicle it
22 was?

23 A. This was a white Dodge Avenger.

24 Q. And showing you State's Exhibit 212 -- it'll show
25 up on that screen right in front of you -- 213, 214, and 215.

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1 Do those accurately represent the way the vehicle looked after
2 the fire was put out?

3 A. Yes.

4 Q. Were you able to determine in any fashion who this
5 vehicle belonged to?

6 A. Yes.

7 We recovered a license plate and saw that it was
8 registered to Alamo Financing LP, which is a rental car
9 company.

10 Q. Okay. And what then happened to the vehicle once
11 you made your report?

12 A. Well, we first called to see if we could get in
13 touch with anyone at the rental car agency, and we weren't
14 able to do so, so then we had the vehicle towed by Jennings.

15 Q. Okay. And are you aware of the relationship
16 between Alamo Financing and Enterprise Rental?

17 A. Yes.

18 It's the same company. Alamo owns and operates
19 Enterprise.

20 MS. SHEALY: Very good. Thank you. I have no
21 further questions. Answer any the defense may have.

22 MR. MLYNARCZYK: I have no questions, Your Honor.

23 MR. MURPHY: No questions, Your Honor.

24 THE COURT: You may step down. Thank you.

25 THE WITNESS: Thank you.

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1 [Whereupon, Mr. Stinson is excused and exits the
2 witness stand]

3 THE COURT: Call your next witness.

4 You're free to go, Detective Stinson.

5 THE WITNESS: Thank you.

6 [Whereupon, Mr. Stinson is excused and exits the
7 witness stand]

8 MS. SHEALY: Shemeika Stokes.

9 [Whereupon, Ms. Stokes comes forward]

10 THE CLERK OF COURT: Put your left hand here, raise
11 your right.

12 [Whereupon, Ms. Stokes is duly sworn by the clerk
13 of court as follows: do you swear or affirm the
14 testimony you give the Court and the jury in the trial
15 of this case will be the truth, the whole truth, and
16 nothing but the truth, so help you God]

17 THE WITNESS: Yes.

18 THE CLERK OF COURT: You may be seated. Once
19 seated, if you could please state your first and last
20 name, and then spell both your first and last name
21 loudly and clearly into the microphone for the record]

22 THE WITNESS: Shemeika Stokes. S-H-E-M-E-I-K-A
23 S-T-O-K-E-S.
24 - - -
25 - - -

Shemeika Stokes
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1 SHEMEIKA STOKES,
2 Having Been First Duly Sworn,
3 was Examined and Testified as Follows:

4 DIRECT EXAMINATION

5 BY MS. SHEALY:

6 Q. Ms. Stokes, did you know Melvin Simmons?

7 A. Yes.

8 Q. And what did you call him?

9 A. Kip.

10 Q. How long had you known him before his death?

11 A. About twelve, thirteen years.

12 Q. And what was the nature of your relationship with
13 him in the summer of 2010?

14 A. We were engaged.

15 Q. Were you aware that at some point he was selling
16 drugs?

17 A. No.

18 Q. Okay. You never had heard that he had sold drugs?

19 A. Early on when we first started dating, but this was
20 like 1999, 2000. But not as of before he passed.

21 Q. And so during the summer of 2010, you were not
22 aware that there was any -- there were any drugs being sold?

23 A. No.

24 Q. Where were you working at the time?

25 A. Dr. Taylor's office.

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1 Q. Dr. Taylor's office?

2 A. Uh-huh.

3 Q. Did you do any other type of work?

4 A. I did cleaning at some houses across the highway
5 from us.

6 Q. Across the highway from you?

7 A. Uh-huh.

8 Q. And when you're saying --

9 THE COURT: Is that a yes? I need you to answer
10 yes or no. Thank you.

11 Q. [Ms. Shealy] When you say across the highway, are
12 you talking across --

13 A. Across Highway 17.

14 Q. Did you know Troy Mason?

15 A. No.

16 Q. Did you know Mario Caldwell?

17 A. No.

18 Q. Did you know Curtis Delaney?

19 A. No.

20 Q. Jeremiah Belton?

21 A. No.

22 Q. King Conyers?

23 A. No.

24 Q. Now, you have a prior record for a bad check in
25 2007 and an assault and battery of a high and aggravated

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1 nature in 2010?

2 A. Yes.

3 Q. In July of 2010, were you actually living with
4 Mr. Simmons?

5 A. Yes.

6 Q. And focusing your attention on the week of July
7 5th, leading into July 9th, were any of your children staying
8 out at the house with y'all?

9 A. Yes. That weekend.

10 Q. Excuse me?

11 A. Yes. That weekend.

12 Q. Okay. And were any of Kips' children staying out
13 there?

14 A. Yes.

15 Q. And who was that?

16 A. I want to say it was just Moett that day, I think.

17 Q. So your children go back into Charleston before the
18 night of July 9th?

19 A. Yes.

20 Q. Could you tell us what you did on that Friday?

21 Excuse me. Do you remember what you did that Friday, July
22 9th?

23 A. I had an interview at CV Clinic that morning, and
24 some other errands I had to run, but my son and daughter had a
25 game, a basketball game.

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- 1 Q. So where did you take them?
- 2 A. Back to my mom's house.
- 3 Q. And did Moett go with you?
- 4 A. Yes.
- 5 Q. And did you go to Wadmalaw for anything?
- 6 A. Yes.
- 7 Q. What was going on out there?
- 8 A. To drop my youngest daughter off.
- 9 Q. Where was Kip when y'all left the house that day?
- 10 A. He was in the yard that day.
- 11 Q. And when you and Moett come back towards
- 12 McClellanville, do y'all make a stop?
- 13 A. Yes.
- 14 Q. Where did y'all go?
- 15 A. A pizza spot on Highway 17.
- 16 Q. Were y'all bringing food home?
- 17 A. Yes.
- 18 Q. When you got home, would you tell the jury what
- 19 time, if you remember, that you and Kip went to sleep?
- 20 A. I don't remember what time it was.
- 21 Q. Y'all slept in the bedroom that's on one side of
- 22 the house, and Moett is on the other side of the house?
- 23 A. Yes.
- 24 Q. Is that correct?
- 25 When y'all go to bed at night, could you describe

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1 to the jury what type of lighting, if any, is in the house?

2 A. Mostly just in the kitchen. All the other lights
3 will be off.

4 Q. And what is it in the kitchen that lights up?

5 A. Fish tank.

6 Q. Showing you State's Exhibit 9. It's going to show
7 on that screen right in front of you. Can you point out the
8 fish tank for us?

9 A. [Witness complies]

10 Q. Okay. So you went to sleep. Do you know whether
11 Moett was asleep at the time, or was she just in her room?

12 A. I'm not sure, but I know she was in her room.

13 Q. Tell us what happens once you and Kip go to sleep.

14 Q. There was a boom at the door, like a loud crashing
15 at the door. Some guys were yelling FBI or Charleston County
16 Police or something. They were trying to sound like they were
17 the law.

18 Q. Where were you when that happened?

19 A. In the bed.

20 Q. And showing you State's 82. Is that the bedroom
21 that you and Kip shared?

22 A. Uh-huh.

23 Q. So once you heard that, what did you do?

24 A. I got up.

25 I heard Moett screaming like right after that, and

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1 I go up and started going toward her room where she was.

2 Q. Showing you State's 65. Would you have exited from
3 that bedroom door?

4 A. No, not fully.

5 Q. Okay. So how far did you get?

6 A. Just past the couch in the -- like there's a
7 sitting room right in front of the bedroom.

8 Q. So you didn't make it all of the way out of --

9 A. No.

10 Q. -- the bedroom?

11 A. No.

12 Q. Do you know what Kip was doing at the time?

13 A. He was behind the wall in the bedroom. Like not
14 behind the wall. But where the two rooms separate, he was
15 right at that wall.

16 Q. Show you State's Exhibit 77. Is the wall that
17 you're talking about shown on that picture?

18 A. Uh-huh.

19 Q. Could you show us where Kip was?

20 A. [Witness complies]

21 Q. Okay. And when you got to the doorway of your
22 bedroom, what did you see and what happened?

23 A. Some guys were there. I just saw their feet.

24 And they were like in the doorway, trying to come
25 into the room, but they had already started shooting by that

Shemeika Stokes
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1 time --

2 Q. So you already heard gunshots --

3 A. -- like they didn't make it fully in the room.

4 Q. I'm sorry.

5 A. They didn't make it all the way in the room.

6 Q. Where were you physically? Were you standing? Or
7 what were you doing?

8 A. I was on the floor.

9 Q. On the floor.

10 And at any point did your body make contact with
11 their body at all?

12 A. They stepped on me, trying to come in the room.

13 But there was a lot of shooting. They backed away
14 at some point.

15 Q. Could you tell how many people were near that
16 doorway?

17 A. All I could see was two at the time.

18 Q. And could you describe to the jury anything that
19 you noticed about the way they looked when they were in that
20 doorway?

21 A. One had hair coming out the bottom of the mask.

22 Q. Okay. And there was a ski mask?

23 A. Right.

24 Q. Once you -- the gunshots start, what do you do and
25 what do they do?

Shemeika Stokes
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1 A. I was on the floor until the gunshots start.

2 Q. You stayed on the floor?

3 A. Right.

4 Q. And could you tell whether or not Kip was also
5 shooting?

6 A. No.

7 Q. Not -- you couldn't tell?

8 A. Not at the time.

9 Q. After that burst of gunshots, what happened?

10 A. I got up.

11 Kip was on his knees on the floor. I got the gun
12 from him and I went running through the house after --

13 Q. You went and did what?

14 A. I went running through the house after the guys who
15 were in the house, for Moett because she was still screaming.

16 Q. When you saw Kip on his knees, could you tell at
17 that point that he had been shot?

18 A. Yes.

19 Q. And at that point did he look like he was okay, or
20 did he look like he was --

21 A. I thought he was --

22 Q. -- severely --

23 A. I thought he would be okay.

24 Q. So you took the gun from him?

25 A. Uh-huh.

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1 Q. And where did you go?

2 A. I went out of the room, towards the room where
3 Moett was, where I could hear the most noise coming from.

4 Q. And when you say most noise, what are you talking
5 about?

6 A. Screaming.

7 There was a lot of like running and a lot of
8 shuffling around.

9 Q. Okay. What are you doing with the gun at that
10 point?

11 A. Shooting the gun.

12 Q. And as you were shooting, could you tell whether
13 you were shooting towards people?

14 A. Yes.

15 Q. What else were you hearing at that point?

16 A. A loud beeping noise.

17 It was like a light was flashing. Maybe I think it
18 was from the smoke alarm or something. That's about it.

19 Q. Were there just a few gunshots, or were there many
20 gunshots?

21 A. There was a lot.

22 Q. Showing you State's Exhibit 65, and then 64. Is
23 that the area that you exited the bedroom to start following
24 them?

25 A. Yes.

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1 Q. Did you go down the main hall, or did you go
2 through the dining room and the other room, or do you
3 remember?

4 A. I don't remember exactly where I went. I know -- I
5 don't remember.

6 Q. Okay. Did you have to reload the gun?

7 A. No.

8 Q. Were you aware at that time that you had shot
9 someone?

10 A. Yes.

11 Q. And how did you know that you had?

12 A. He was stumbling up the -- up the hallway.

13 Q. Okay. And you're talking about the entrance
14 hallway?

15 A. Right.

16 Q. At that point, how many -- and I'm showing you
17 State's Exhibit 13. That's the entrance hallway.

18 A. Uh-huh.

19 Q. But at that time, those boards were not on the
20 door; is that correct?

21 A. No.

22 Q. Did you continue to pursue them down the hall?

23 A. Yes.

24 Q. And how many people did you see exit the house?

25 A. I'm not sure.

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1 I thought maybe it was maybe one or two. It could
2 have been one or two --

3 Q. At the time -- I'm sorry.

4 A. It could have been one or two, or could have been
5 more. At the time, I don't remember.

6 Q. Well, when you're back at your bedroom, you saw at
7 least two people?

8 A. Uh-huh.

9 Q. Were you aware at that time that someone was in the
10 bedroom with Moett?

11 A. No.

12 Q. And as they are leaving, where -- how far do you
13 go?

14 A. All the way to the front door.

15 Q. And at that point are you running, or how are you
16 getting there?

17 A. I'm assuming I was running. I don't know.

18 I know I got to the door and got them out and got
19 the door closed.

20 Q. When you looked outside, what did you see?

21 A. One was laying down the steps, and one was running
22 up the dirt road.

23 Q. Did you see anybody outside with a gun?

24 A. I know he was firing back. There was shots coming
25 back in the house at me.

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1 Q. And could you see where that person was?

2 A. No.

3 Q. So you saw one running down the road, one on the
4 steps, and someone was shooting at the house?

5 A. It could have been the person who was running, but
6 it was gunshots still coming at me when I closed the door.

7 Q. At any point, did you see someone try to give
8 assistance to the person that you shot?

9 A. Yes.

10 Q. And what were they doing to try to help?

11 A. Trying to lift him up off of the steps and get him
12 -- you know, I guess get him walking or something. I don't
13 know.

14 Q. And at that point, are you still watching what's
15 going on outside?

16 A. I'm still shooting at them.

17 Q. Okay. What, if anything, do you say to Moett once
18 all the guys got out of the house?

19 A. I told her to bring me something to put behind the
20 door so they can't get back in.

21 Q. And what did she ultimately bring you? Do you
22 remember?

23 A. No, I don't even remember.

24 Q. Excuse me?

25 A. I don't remember.

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1 And I was telling her to bring me something heavy,
2 a couch, a table or something, but I don't remember what she
3 brought me.

4 Q. What did you do after she brought something to you?
5 That was to brace the door?

6 A. Right.

7 Q. What did you do next?

8 A. I went back into the room with Kip because I didn't
9 see him and I didn't -- he didn't come out with me or
10 anything.

11 Q. And did that concern you?

12 A. Yes.

13 Q. When you got back into the room, what did you do?

14 A. I turned him over, and he spoke a little bit as the
15 breathing was short.

16 I got some bullets that were on the floor, a gun,
17 and put those in a bag because I was on probation at the time.

18 Q. And where did you gather -- were they bullets and
19 shell casings?

20 A. I don't remember.

21 Q. Do you remember what --

22 A. It was whatever was on the floor.

23 Q. I'm sorry?

24 A. It was whatever was on the floor.

25 Q. And you gathered those and put them in a book bag?

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1 A. Yeah, a bag.

2 Q. And that was because of what again?

3 A. I was on probation. And he wasn't supposed to be
4 around any guns or anything, either, so --

5 Q. So you were trying to hide them?

6 A. Yes.

7 Q. Did you gather, at that point, any other items from
8 the house?

9 A. No.

10 Q. Now, tell us what you did with Kip.

11 A. Turned him over, I already had 911 on the line, and
12 started doing CPR. His breathing was getting short.

13 Q. Let me ask you about a certain location real quick.
14 Showing you State's Exhibit 76. Can you tell the jury what is
15 that a picture of.

16 A. The floor inside the first room of the bedroom that
17 we were in.

18 Q. Showing you 77. It's the corner on the other side
19 of the couch --

20 A. Uh-huh.

21 Q. -- as we're looking at the picture?

22 A. Uh-huh.

23 Q. And do you call 911?

24 A. Yes.

25 Q. Now, when you put those items in the bag, what did

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1 you ask -- did you ask anybody to do something with them?

2 A. I told Moett to put it outside.

3 Q. You told her what?

4 A. To put them outside.

5 Q. Okay. And what door did she exit from?

6 A. Probably the back door. I think it was the back
7 door.

8 Q. And did that door get locked momentarily and you
9 had to let her back in, or do you remember that?

10 A. No, I don't -- no.

11 Q. How was Kip at this point?

12 A. There's a lot of blood, and not good.

13 Q. Was he still alive?

14 A. Yes.

15 Q. And what were you telling us about the shorts?

16 A. I got him dressed.

17 Q. Before you put the shorts on, was he naked?

18 A. Yes.

19 Q. So you put the red shorts on him?

20 A. Yes.

21 Q. Did you call 911?

22 A. Yes.

23 Q. And did they describe to you how to do CPR?

24 A. Yes.

25 Q. At first, he was on -- how was he positioned before

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1 you moved him?

2 A. Kind of like on his -- like on his stomach. But I
3 turned him over. He was kind of like bent up, because he was
4 on his knees at first.

5 Q. Showing you State's Exhibit 81 and 83. Is this
6 where Kip was when you were talking to 911?

7 A. Uh-huh.

8 MS. SHEALY: Your Honor, at this time I would offer
9 State's Exhibit 318 into evidence. It's the CD with the
10 911 call.

11 MR. MLYNARCZYK: No objection, Your Honor.

12 MR. MURPHY: No objection.

13 MS. SHEALY: I would ask to publish it.

14 THE COURT: You may.

15 State's 318 into evidence without objection.

16 [Whereupon, State's Exhibit Number 318 is admitted
17 into evidence by the Court]

18 [State's Exhibit Number 318, 911 call, is played
19 for the jury]

20 [State's Exhibit Number 318 is not transcribed by
21 the court reporter]

22 [Whereupon, State's Exhibit Number 318 concludes]

23 Q. [Ms. Shealy] Do you remember how you were dressed
24 at the point that the police came over?

25 A. I had a tee-shirt on and panties.

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1 Q. And do you remember dealing with a female officer?

2 A. Yes.

3 Q. Did EMS eventually come in?

4 A. Yes.

5 Q. And did you describe to the female officer what had
6 happened? Do you remember whether you did?

7 A. No.

8 Q. But you eventually change into some other clothes?

9 A. Yes.

10 I want to think she put a -- she put a pair of
11 pants on me, like some pajama pants or something. I don't
12 remember.

13 Q. Did she tell you that you and Moett would have to
14 leave the house?

15 A. Yes.

16 Q. And did you take any items with you when you left
17 the house?

18 A. Yes.

19 She just -- I grabbed a bunch of stuff off the
20 night stands, and we left and went outside.

21 Q. Showing you State's 82. The night stands and items
22 by the bed?

23 A. Uh-huh.

24 Q. Why were you grabbing stuff from there?

25 A. She told me grab my things, so I got my things.

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1 Q. Did you grab some money, as well?

2 A. Right.

3 Q. And did you tell her where the money had come from?

4 A. No.

5 Q. Where had the money come from?

6 A. Work.

7 I mean, just like I said, I clean buildings and I
8 work at the doctor's office, so --

9 Q. Did you ever pick up any money from Kip?

10 A. Probably so, since I got things off both night
11 stands.

12 Q. And do you remember where you put the money?

13 A. In my purse.

14 Q. And showing you State's Exhibit 192 and 193. Is
15 that your pocketbook?

16 A. Uh-huh.

17 THE COURT: Is that a yes?

18 A. Yes.

19 THE COURT: Thank you.

20 Q. [Ms. Shealy] Did you grab all that money from the
21 night stand?

22 A. Some of it was already in my purse that I already
23 had, and some of it I put in there off the night stand.

24 Q. Do you know what all you grabbed off the night
25 stands?

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1 A. No.

2 Q. Did you later learn that night that there were --
3 there was drugs in your pocketbook?

4 A. Yes.

5 Q. Did you learn they were in a pill bottle? Or did
6 you know what they were in?

7 A. It was in a white container. I wouldn't say it was
8 a pill bottle. It was a white container.

9 Q. And did you, in fact, get arrested for those drugs?

10 A. Yes.

11 Q. At some point, do you actually leave the house that
12 night?

13 A. No, not that night. After we came back, I never
14 left again.

15 Q. No. I'm sorry. When the officers were there, you
16 said she helped you get dressed. Did you and Moett leave from
17 the residence?

18 A. No. We sat in the driveway, in the front.

19 Q. Okay. But you left the house itself?

20 A. Yeah.

21 We were outside in the driveway, sitting in the
22 truck.

23 Q. And you pulled to like the end of the driveway.
24 Showing you State's 22.

25 A. Uh-huh.

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1 Q. And had that vehicle been in the back of the house
2 before that?

3 A. Yes.

4 Q. Do you remember where in the back of the house it
5 was?

6 A. Parked by two other cars, one or two other cars, in
7 the back.

8 Q. Okay. After y'all stopped there, did the police
9 approach you?

10 A. Yes.

11 Q. And did they want to get a statement from both you
12 and Moett?

13 A. Yes.

14 Q. Did you want them to get a statement from Moett?

15 A. I told them they needed to wait for her mother, or
16 somebody else, because she was under age.

17 Q. Okay. And were you asked that evening if Kip had
18 had a gun?

19 A. Yes.

20 Q. Did you tell the truth?

21 A. No.

22 Q. So did you tell them he had not had a gun?

23 A. Yes.

24 Q. Why did you tell them something that wasn't true?

25 A. I had planned on him still being here, and that

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1 kind of was -- he wasn't supposed to die, so the gun wasn't
2 supposed to be there.

3 Q. You didn't want him to get in trouble for having a
4 gun?

5 A. Me or him.

6 Q. And do you remember while y'all were outside, those
7 early-morning hours, giving a statement to the police?

8 A. No.

9 Q. Let me show you. Do you remember this statement?

10 [Whereupon, the witness reviews documents]

11 Q. [Ms. Shealy] You can take a minute and look at it.

12 A. I think it was one of the first ones I gave.

13 I -- but I believe I was already at the sheriff's
14 office when I wrote --

15 Q. I'm sorry. You're right.

16 A. -- I wasn't still at the house.

17 Q. So earlier, officers had asked you questions. But
18 this was the first written statement?

19 A. Right.

20 Q. And Detective Lawrence took it at the sheriff's
21 department?

22 A. Yes.

23 Q. But it was dated what date?

24 A. July the 10th.

25 Q. Okay. What was your phone number at the time? Do

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1 you see it on that statement?

2 A. 843-991-0536.

3 Q. And looking at page two of your statement that
4 starts with around 3:00 or 4:00 a.m., if you go one, two,
5 three four -- seven lines down, could you indicate to the jury
6 what you told the police that night about how many men you
7 saw?

8 A. I saw two men with ski masks on. One had dreads.
9 I dropped to the floor with my head covered when I saw the
10 gun.

11 Q. Go back and start that sentence and read it as it's
12 written on the document itself. I saw --

13 A. I saw two of them with ski masks on. One had --

14 Q. But you -- I'm sorry. You indicated two of them?

15 A. Right.

16 Q. You saw two of them?

17 A. Yes.

18 Q. Okay. And then you indicated that you dropped to
19 the floor?

20 A. Yes.

21 MS. SHEALY: Beg the Court's indulgence just a
22 moment.

23 [Whereupon, Ms. Shealy and Mr. Cooper confer]

24 Q. [Ms. Shealy] Ms. Stokes, were you familiar with
25 Kip's mother and father?