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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of General Sessions

The Honorable Thomas W. Cooper, Jr., Circuit Court Judge

Case No. 2015-002242

Henry Johnson, Jr. Appellant,

v.

State of South Carolina. Respondent.

RECORD ON APPEAL
VOLUME 1 of 2

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STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF LEXINGTON) ELEVENTH JUDICIAL CIRCUIT

2012-GS-32-01247; 01248

State of South Carolina,)
)
 Plaintiff,)
)
 v.) Transcript of Record
)
 Henry N. Johnson, Jr.,)
)
 Defendant,)
)
)

October 19, 2015 - October 22, 2015
Lexington, South Carolina

B E F O R E:

The Honorable Thomas W. Cooper, Jr., and a jury

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

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Circuit Court Reporter

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3 (Court in session October 19, 2015
4 at 9:22 a.m.)

5 (Court's Exhibit No. 1, proposed
6 voir dire was marked.)

7 THE COURT: Ladies and gentlemen, as I have been
8 introduced, my name is Tommy Cooper. I'm a circuit judge
9 from down in Manning, South Carolina. I am retired now from
10 full-time service, but for the last eight years I've been
11 what is called an active retired judge. That means I'm
12 active, in my case, one week a month and the other three
13 weeks I do other things. This happens to be my week to
14 work.

15 I'm delighted to be here in Lexington County. During
16 my 15 years of full-time service I had a chance to be here
17 on many occasions and tried a good many cases in the old
18 courthouse and this one as well. It's always a pleasure for
19 a judge to come to a county like this where the court
20 officials are efficient and pleasant to deal with and who
21 keep us busy. You folks are well served by the clerk's
22 staff here and by the lawyers who make up the bar in this
23 area, and it's always good to be back among these folks. It
24 gives me a chance to renew my acquaintances with some of
25 these folks I've known for many years and also a chance to

1 meet folks like who whom I would never have had the chance
2 to meet except for my continued service and except for you
3 having been summonsed to serve this week as potential jurors
4 in the Court of General Sessions. You and I commonly refer
5 to that as criminal court.

6 In this courtroom we will be conducting trials during
7 this week. Some of you will be selected, most of you will
8 not, but whether you get a chance to be selected or not your
9 presence here with us is important to the jury selection
10 process and so you serve a valuable service to the people of
11 Lexington County and to our system as a whole by being hee
12 today.

13 Ladies and gentlemen, in order to determine your
14 qualifications to serve as jurors I have to ask you certain
15 questions. The questions I'm about to ask you are required
16 by law to be asked of you. That means we're not asking
17 these questions just to be nosy or to pry into your business
18 or your private lives. I'm asking these questions because
19 I'm required by law to ask them. Each of these questions
20 has a direct bearing on whether or not you're qualified to
21 serve as jurors in these courts.

22 So it's very important that you listen to these
23 questions, that you pay attention to them and that you
24 answer them truthfully, honestly and completely. And for
25 that purpose, of course, you have been put under oath

1 earlier and that oath that you took a few minutes ago will
2 survive this qualification process and indeed will be with
3 you throughout the week that apply to any questions that are
4 put to you by the Court or by lawyers if they should ask you
5 questions concerning these qualifications.

6 (Voir Dire)

7 THE COURT: Folks, thank you for your cooperation
8 as we work through that process and I now welcome you as
9 jurors for this term of General Sessions court for Lexington
10 County.

11 I guess for most of you this is the first time you've
12 ever been asked to serve as jurors in our courts, in circuit
13 courts, at least, and most of you will never be asked to
14 serve again and I'm sure it will be okay with you if you
15 don't ever get a chance to serve again, but I'm glad you
16 have agreed to serve this week.

17 You will find that if you get a chance to serve on a
18 jury this week that you will have delegated to you certain
19 powers of decision on human affairs and indeed on human
20 liberties that are not given to everybody. It is a serve
21 which should, in fact, command your pride.

22 I have told you about our normal operating hours are
23 and, of course, if during the trial of the case, if those
24 times change any I'll let you know about that during the
25 week and during the process of the trial, but let me tell

1 you a little bit about what we expect of you as jurors. The
2 first and one of the most important things is we ask you to
3 be on time. If you are selected as a juror in the trial of
4 a case and you're not here we cannot start without you. So
5 please make sure that you're here promptly. I realize that
6 many of you around here, like in my home county of
7 Clarendon, can't drive the direct way that you used to be
8 able to drive before all the roads and bridges got wiped out
9 and so it takes you a little longer. Just make sure that
10 you allow for that so you can be here on time, and if you
11 have an emergency that keeps you from getting here on time
12 please call the clerk's office and let us know that so that
13 we can work around that.

14 We expect you, obviously, to pay attention to the trial
15 of the case if you are deliberating and hearing. We expect
16 you to be faithful to the oath that you will take. We
17 expect you to be considerate and tolerant of each other as
18 fellow jurors. We expect you to be silent and deliberate in
19 your evaluations. We expect you to be faithful to your
20 trust. And if you do those things, and I'm confident that
21 you will do those things, I trust that you will reap the
22 reward that is reserved like yourself who rise to the high
23 call of public service and a jury is certainly a high
24 calling of service. And we get some sense of satisfaction
25 after having carried out the responsibilities which we will

1 give you this week.

2 Folks, we're going to take a brief recess at this point
3 in time. Some of you have been out there for well over an
4 hour and a half. That is about the limit that we try to
5 impose upon you, but I want you to be back, please, in your
6 seats at 11:00 o'clock. That's about 15 minutes. We will
7 begin the jury qualification and selection process for our
8 first case for trial at 11:00 o'clock.

9 Thank you..

10 (Jury panel out for break at 10:47

11 a.m.)

12 (Jury panel in after break at 11:15

13 a.m.)

14 THE COURT: Mr. Graham, is the State ready to
15 proceed with jury selection?

16 MR. GRAHAM: The State's ready, Your Honor;

17 THE COURT: Thank you.

18 Mr. Screen, is the Defense ready?

19 MR. SCREEN: Yes, sir.

20 THE COURT: All right. Solicitor, you can call
21 your case.

22 MR. GRAHAM: Thank you, Your Honor.

23 The State calls indictment 2012-GS-32-1247, the State
24 versus Henry Norris Johnson, Jr., indicted for murder.

25 Indictment 2012-GS-32-1248, the State versus Henry Norris

1 Johnson, Jr., indictment for burglary in the first degree.

2 THE COURT: Ladies and gentlemen of the jury, as
3 you have heard the State has called the case of the State
4 versus Henry Norris Johnson, Jr. Mr. Norris [sic] has been
5 indicted by the Grand Jury of Lexington County and charged
6 in the first indictment with the crime of murder. That
7 indictment alleges that Henry Norris Johnson, Jr., along
8 with Patrick Larry and/or Justin Washington did in Lexington
9 County on or about February the 12th of 2012 willingly and
10 unlawfully killed one Matthew Millhouse with malice
11 aforethought either expressed or implied by shooting him in
12 the leg with a shotgun and he died as a result thereof.

13 Mr. Johnson is also indicted for burglary in the first
14 degree and that indictment says that Henry Norris Johnson,
15 Jr., along with Patrick Larry and/or Justin Washington did
16 in Lexington County, South Carolina on or about February the
17 12th, 2012 knowingly and willfully entered a dwelling,
18 specifically 498 Calhoun Road, deemed the dwelling of
19 Matthew Millhouse without his consent and with the intent to
20 commit a crime therein. And when in the dwelling he or
21 another participant in the crime was armed with a deadly
22 weapon and/or caused physical injury to a person, who was
23 not a participant in the crime. And/or threatened the use
24 of deadly instrument or displayed what appeared to be a
25 shotgun or firearm in violation of the law.

1 Ladies and gentlemen, the indictments, which I have
2 just read to you, are not evidence nor are they proof of the
3 charges they contain. They're simply charging documents,
4 legal documents that tell us, you or me or anybody else that
5 reads them what this case is all about. To the charges
6 contained in these indictments, Mr. Norris has entered pleas
7 of not guilty and has asked for a jury trial at your hands.

8 Mr. Johnson, would you please stand and face the behind
9 you?

10 (Defendant complies.)

11 THE COURT: Thank you. You can be seated.

12 (Defendant complies.)

13 THE COURT: Ladies and gentlemen, I need to know
14 if any of you all are related by blood or connected by
15 marriage, that is kin, to Mr. Henry Norris Johnson, Jr., or
16 if you're a friend of his or a business associate of his, a
17 casual acquaintance or a person who has any direct or
18 indirect contact with Mr. Johnson. If so, please stand?

19 (No one stands)

20 THE COURT: Thank you. The victim alleged in the
21 indictment is Matthew Millhouse. I need to know if any of
22 you all are related by blood or connected by marriage to
23 Matthew Millhouse or a friend of his, a business associate,
24 casual acquaintance or a person who has any direct or
25 indirect contact with Mr. Millhouse. If so, please stand?

1 (No one stands)

2 THE COURT: Thank you. Potential witnesses who
3 may testify at the trial of this case -- and ladies and
4 gentlemen, I'm going to read a list of witnesses who may
5 testify. And I'm going to ask you the same question about
6 these witnesses that I've asked you about Mr. Millhouse and
7 Mr. Johnson. That is, I'm going to want to know if you're
8 kin to them or if you're friends or business associates or
9 casual acquaintances or if you have any contact with them at
10 all.

11 Potential witnesses who may testify in the trial are
12 Brian Burrell, B-U-R-R-E-L-L; Melanie Clarkson; Joe
13 Chappell; Steve Collins; Beth Holliman; Cain Mayrant, M-A-Y-
14 R-A-N-T; Melissa Lyons; Frank Finch; Mike Phipps; Glenn
15 Ross; Robbie Lint; Cathy Etheredge; Sandy Black; Doug Novak;
16 Patricia Weed. I'll stop at that point and ask if any of
17 you are related by blood, connected by marriage to any of
18 those potential witnesses or if you're friends, casual
19 acquaintances or people who have any direct or indirect
20 contact with any of those potential witnesses would you
21 please stand?

22 All right. On the aisle. Sir, we'll start with you
23 first. Your name and number, please?

24 JUROR NO. 8: Juror 8, Edward Baker.

25 THE COURT: Mr. Baker, tell me who the contact or

1 the association is with, please, sir?

2 JUROR NO. 8: Robbie Lint.

3 THE COURT: And in what capacity do you know Mr.
4 Lint?

5 JUROR NO. 8: Friend.

6 THE COURT: Is it a close friendship, a casual
7 acquaintance?

8 JUROR NO. 8: Casual.

9 THE COURT: Casual?

10 JUROR NO. 8: He's good friends with my brother.

11 THE COURT: I see. Would that association make it
12 difficult for you to be fair and impartial in the trial of a
13 case in which he might testify?

14 JUROR NO. 8: Would not.

15 THE COURT: Would you be able to set aside that
16 association and decide this case based on the evidence
17 without regard to that association?

18 JUROR NO. 8: Yes.

19 THE COURT: Would you do that, please, sir?

20 JUROR NO. 8: Yes.

21 THE COURT: Thank you, Mr. Baker.

22 Yes, sir. Your name and number, please?

23 JUROR NO. 222: Juror 222, Marion Wooten.

24 THE COURT: Mr. Wooten tell me who your
25 association is with, sir?

1 JUROR NO. 222: Beth Holliman, she is with the
2 sheriff's department.

3 THE COURT: All right. That name again?

4 JUROR NO. 222: Beth Holliman.

5 THE COURT: I see, yeah. Thank you. And what is
6 your relationship?

7 JUROR NO. 222: A casual acquaintance.

8 THE COURT: Would that relationship make it
9 difficult for you to be fair and impartial as a juror in the
10 trial of a case in which she might testify?

11 JUROR NO. 222: No, sir.

12 THE COURT: Could you set aside that association
13 and decide this case based on the evidence without regard to
14 that association?

15 JUROR NO. 222: Yes, sir.

16 THE COURT: Would you do that, please, sir?

17 JUROR NO. 222: Yes, sir.

18 THE COURT: Thank you, sir.

19 Other potential witnesses who may testify are Terri
20 Gleason; Dayle Blackmon; Dr. Janice Ross; Will Herring;
21 Angela Perry; Karen Nettles; Melissa Carr; Patrick Larry;
22 Edward Edmunds; Mary Porter; Derrick Mobley; Justin
23 Washington; Bobby Washington; Ladovia Washington; Princeton
24 Wright; Tavaris Pough, P-O-U-G-H; Dominique Duckson, D-U-C-
25 K-S-O-N.

1 Are any of you related by blood or connected by
2 marriage to any of those particular witnesses or friends,
3 casual acquaintances or business associates of any of those
4 potential witnesses? If so, please stand?

5 (No one stands)

6 THE COURT: Thank you. Ladies and gentlemen, the
7 lawyers who will be involved in the trial of this case on
8 behalf of the State, the case will be presented by Assistant
9 Solicitors Shawn Graham and Gill Bell of the Eleventh
10 Judicial Circuit Solicitor's Officer here In Lexington
11 County.

12 (Mr. Graham and Mr. Bell stand)

13 THE COURT: Thank you, Gentlemen.

14 Mr. Johnson is represented by Mr. Jerry Screen of the
15 Richland and Lexington County Bar.

16 (Mr. Screen stands)

17 THE COURT: Thank you, Mr. Screen. I now need to
18 know ladies and gentlemen about any of your association with
19 any of these lawyers. Are you kin to them, related to them
20 by blood or by marriage or are you friends of theirs,
21 business associates of theirs, casual acquaintances of
22 theirs or have you ever been represented by any of them in
23 the past or sued by any of them in the past? If so, please
24 stand?

25 Yes, ma'am. Your name and number, please?

1 JUROR NO. 223: 223. 223. Leeann Wright.

2 THE COURT: Ms. Wright, tell me who the
3 association is with, please, ma'am?

4 JUROR NO. 223: Gill Bell.

5 THE COURT: And what's that association?

6 JUROR NO. 223: Friends casually.

7 THE COURT: All right. Would that friendship as
8 you have described it make it difficult for you to be fair
9 and impartial as a juror in a trial of a case in which he
10 represents one of the sides? Would you be able to set aside
11 that association and decide this case on the evidence
12 without regard to that association?

13 JUROR NO. 223: Yes, sir.

14 THE COURT: Will you do that, please, ma'am?

15 JUROR NO. 223: Yes, sir.

16 THE COURT: Thank you, Ms. Wright.

17 Ladies and gentlemen, a few moments ago I read through
18 the indictment in this case. As I've said, not because it's
19 proof of anything but it tells us what the case is all about
20 because I need to know if you know anything about this case.
21 If you have seen or heard or read anything about this case
22 or have any knowledge about this case from any source at
23 all, would you please stand?

24 Yes, your name please, ma'am?

25 JUROR NO. 42: 42, Patricia Dease.

1 THE COURT: All right. Would you come forward,
2 please, Ms. Dease.

3 (Juror No. 42 comes forward)

4 THE COURT: Yes, ma'am. Just tell me what you
5 know about the case?

6 JUROR NO. 42: I didn't live too far from where it
7 happened. And I didn't stand up, but I do know Mary Porter.
8 Just casual friends. I know she lives in the same area that
9 I live in.

10 THE COURT: Okay. You know of her?

11 JUROR NO. 42: I know who she is.

12 THE COURT: Okay. Let's take that person first
13 then, Ms. Dease. Would the fact that you know Mary Porter
14 and she's a potential witness in this case, would that make
15 it difficult for you to be fair and impartial if you were to
16 try the case in which she might testify?

17 JUROR NO. 42: Um --

18 THE COURT: Would you be able to decide this case
19 based on the evidence that you would hear in court without
20 regard to the knowledge of Ms. Porter?

21 JUROR NO. 42: Um --

22 THE COURT: The question I'm trying to find out
23 is, is the fact that you know Ms. Porter, have any bearing
24 on your ability to be fair and impartial as a juror?

25 JUROR NO. 42: I wouldn't want to be on the jury.

1 THE COURT: Is it Ms. Porter, or because of your
2 knowledge of the case or both?

3 JUROR NO. 42: Ms. Porter and her son.

4 THE COURT: All right. And who is her son?

5 JUROR NO. 42: The Larry guy. I think it is Larry.

6 THE COURT: All right. Does that cause you some
7 concern within yourself if you had to serve on the jury
8 because of that?

9 JUROR NO. 42: Yeah.

10 THE COURT: All right. Either of y'all require me
11 to make any further inquiry of her?

12 MR. SCREEN: She's from --

13 MS. DEASE: Yeah, I'm from that area. I know them.
14 I think I know the guy that's sitting there, too. Johnson.

15 THE COURT: Now, you didn't stand when I asked you
16 about him. Do you think you know him, too?

17 MS. DEASE: Yeah.

18 THE COURT: Ms. Dease, I'm going to excuse you as
19 a juror in the trial of this case, okay? You can stay here
20 with us, but we're going to take you out of the list as a
21 potential juror in this case?

22 JUROR NO. 42: Okay.

23 THE COURT: Don't leave us.

24 MS. DEASE: Okay.

25 THE COURT: Now, ladies and gentlemen, a few

1 moments ago I asked if you knew anything about this case and
2 you told me that you didn't. But you understand that this
3 is a case that involves charges or crimes, alleged crimes of
4 personal violence. Murder is obviously a crime of personal
5 violence. There are other crimes of personal violence:
6 assault and battery of any degree; criminal domestic
7 violence; criminal sexual conduct; armed robbery is a
8 personal violence, that is, crimes against a person. So
9 what I now need to know is there any of you or any members
10 of your immediate family have ever had any involvement with
11 a crime of personal violence. Now, first of all, I'm going
12 to get back to you. Don't forget, I won't forget. The
13 question applies not only to you. It applies to any members
14 of your immediate family, that is, members of your
15 household. It applies to not only the crime of murder but
16 any crimes of personal violence as I've just described that
17 to you. And, finally, it applies to a wide range of
18 possible involvement in that crime. You or your family
19 member could have been a victim of a crime, that is, a
20 person against whom a crime is committed. You or your
21 family member could have been the Defendant, that is a
22 person who is charged with a crime. You or your family
23 member could have been a witness of a crime.

24 So if that question applies to you in any of those
25 particulars, you or your family member have been involved in

1 a crime of personal violence, as a victim or a witness or
2 defendant, I want you to stand where you are right now and
3 let us get your name and number. And then we'll bring you
4 down here individually to talk about your situations
5 privately, please?

6 All right. We'll start right here. And your name?
7 Your number first of all, please, sir.

8 JUROR NO. 71: Juror Number 71, Dillon Gooding.

9 THE COURT: All right. Thank you, sir. If you'll
10 come down here and we'll form a line right in the center
11 aisle, please? And we'll start on the aisle and work back.

12 Your number, please, ma'am?

13 JUROR NO. 18: Juror number 18, Sara Bouknight.

14 THE COURT: You said 18?

15 JUROR NO. 18: 18.

16 THE COURT: Thank you.

17 JUROR NO. 18: Okay.

18 THE COURT: Working across, your name?

19 JUROR NO. 15: 15, Donna Black.

20 THE COURT: Did you say 15?

21 JUROR NO. 15: Yes, sir.

22 THE COURT: Thank you. Come on up. You can come
23 up in line.

24 And your number, please, ma'am?

25 JUROR NO. 152: 152, Elizabeth Porter.

1 THE COURT: Thank you, ma'am, if you'd get in
2 line.

3 Yes, ma'am.

4 JUROR NO. 188: 188, Terry Smoak.

5 THE COURT: All right. Thank you. I can't see
6 for the line but, you're next, against the wall. Your name
7 and number?

8 JUROR NO. 40: 40, Auburn Dahlgren.

9 THE COURT: Your number?

10 JUROR NO. 40: 40.

11 THE COURT: 40, thank you. Yes, ma'am.

12 JUROR NO. 38: Juror number 38, Timothy Crout.

13 THE COURT: Thank you, sir?

14 JUROR NO. 100: Juror number 100, Alvin Jeffcoat.

15 THE COURT: Thank you, sir.

16 JUROR NO. 143: Juror number 143, Richard Orred.

17 THE COURT: Thank you, sir.

18 JUROR NO. 123: 123, Heather McGillem.

19 THE COURT: Thank you, ma'am.

20 JUROR NO. 125: 125, Tamie Mckie.

21 THE COURT: 125? Okay. Thank you, ma'am.

22 JUROR NO. 43: No. 43, Mark Dillard.

23 THE COURT: Thank you, sir.

24 JUROR NO. 224: 224, Lisa Wrightenberry.

25 THE COURT: Yes, ma'am. You can go ahead and get

1 in line.

2 Okay. Counsel, y'all want to approach?

3 (Counsel approached the bar)

4 THE COURT: Mr. Gooding?

5 THE BAILIFF: 71.

6 THE COURT: Thank you. Mr. Gooding, we'll stand
7 here so she can hear?

8 JUROR NO. 71: Yes, sir.

9 THE COURT: Was it you or a family member?

10 JUROR NO. 71: Myself.

11 THE COURT: And what was the involvement?

12 JUROR NO. 71: I'm currently the Defendant in a
13 CDV case.

14 THE COURT: Okay. Is that a pending CDV case?

15 JUROR NO. 71: It is.

16 THE COURT: And is that pending in here in
17 Lexington County?

18 JUROR NO. 71: Yes, sir.

19 THE COURT: Okay. And is it a Magistrate's Court
20 CDV or Circuit Court CDV?

21 JUROR NO. 71: It's in Magistrate Court.

22 THE COURT: Okay. All right. Would the fact that
23 you are a Defendant in a case of that nature, Mr. Gooding,
24 make it difficult for you to be fair and impartial as a
25 juror in this trial?

1 JUROR NO. 71: No, sir, I do not believe it would.

2 THE COURT: Could you set aside that matter and
3 decide this case based on the evidence that you hear in
4 Court?

5 JUROR NO. 71: Yes, sir.

6 THE COURT: Would you do that?

7 JUROR NO. 71: Yes, sir.

8 THE COURT: Is that case being prosecuted by the
9 Solicitor's Office?

10 JUROR NO. 71: I do believe so.

11 THE COURT: Do you know the Solicitor's who's
12 prosecuting it?

13 JUROR NO. 71: No, sir, I do not.

14 THE COURT: Do you have a lawyer representing you?

15 JUROR NO. 71: I do.

16 THE COURT: And who's your lawyer?

17 JUROR NO. 71: Mr. Heath Taylor.

18 THE COURT: Okay. Thank you, sir. You can go
19 back and have a seat.

20 THE BAILIFF: Ms. Bouknight, Your Honor.

21 THE COURT: Thank you. Ms. Bouknight, was it you
22 or a family member?

23 JUROR NO. 18: A family member.

24 THE COURT: And what was the relation to you,
25 please?

1 JUROR NO. 18: My younger sister.

2 THE COURT: I'm sorry?

3 JUROR NO. 18: My younger sister.

4 THE COURT: Okay. And what was her involvement?

5 JUROR NO. 18: She was a victim of a sexual
6 molestation.

7 THE COURT: Was she a young --

8 JUROR NO. 18: Yes, sir. It was almost 20 years
9 ago.

10 THE COURT: I'm sorry?

11 JUROR NO. 18: It was almost 20 years ago.

12 THE COURT: Was anybody caught and convicted?

13 JUROR NO. 18: Yes, sir.

14 THE COURT: How old were you at the time it
15 happened?

16 JUROR NO. 18: I was 10.

17 THE COURT: Were y'all living together in the
18 house at that time?

19 JUROR NO. 18: Yes, sir.

20 THE COURT: Was a relative involved?

21 JUROR NO. 18: No, sir.

22 THE COURT: Okay. Was that here in Lexington
23 County?

24 JUROR NO. 18: Yes, sir.

25 THE COURT: And do you remember who prosecuted the

1 case for the state?

2 JUROR NO. 18: No, sir.

3 THE COURT: Would the fact that your sister was a
4 victim of a crime of violence, would it be difficult for you
5 to fair and impartial as a juror in this trial?

6 JUROR NO. 18: No, sir.

7 THE COURT: Could you set aside your own
8 association with that --

9 JUROR NO. 18: Yes, sir.

10 THE COURT: -- and decide this case based on what
11 you would hear in the courtroom?

12 JUROR NO. 18: Yes, sir.

13 THE COURT: Would you do that for me, please,
14 ma'am?

15 JUROR NO. 18: Yes.

16 THE COURT: Thank you, Ms. Bouknight. You can go
17 back and have a seat.

18 THE BAILIFF: 15, Your Honor.

19 THE COURT: Thank you. Ms. Black?

20 JUROR NO. 15: Yes, sir.

21 THE COURT: Please speak so that she can hear you.
22 Was it you or a family who was ---

23 JUROR NO. 15: Family member.

24 THE COURT: And what relation to you?

25 JUROR NO. 15: Daughter.

1 THE COURT: And what was her involvement?

2 JUROR NO. 15: She was a victim.

3 THE COURT: Of what sort of crime?

4 JUROR NO. 15: It was criminal domestic violence.

5 THE COURT: Okay. How long ago was that?

6 JUROR NO. 15: Sixteen years.

7 THE COURT: Sixteen years?

8 JUROR NO. 15: Yes, sir.

9 THE COURT: Was that here in Lexington County?

10 JUROR NO. 15: Yes, sir.

11 THE COURT: Was somebody convicted?

12 JUROR NO. 15: Yes, sir.

13 THE COURT: Was it prosecuted by the Solicitor's
14 office?

15 JUROR NO. 15: Yes, sir.

16 THE COURT: Do you remember who prosecuted it?

17 JUROR NO. 15: No, sir.

18 THE COURT: Okay. Would the fact that you are the
19 mother of a victim of a crime of personal violence, Ms.
20 Black, make it difficult for you to be fair and impartial as
21 a juror in this case?

22 JUROR NO. 15: No, sir.

23 THE COURT: Could you set aside that association
24 and decide this case based on the evidence you hear in
25 Court?

1 JUROR NO. 15: Yes, sir.

2 THE COURT: You could do that, please, ma'am?

3 JUROR NO. 15: Yes, sir.

4 THE COURT: All right. Ms. Black, you can go back
5 and have a seat.

6 THE BAILIFF: 152, Your Honor.

7 THE COURT: Thank you. Ms. Porter --

8 JUROR NO. 152: Yes, sir.

9 THE COURT: -- was it you or a family member who
10 was --

11 JUROR NO. 152: It was my sister.

12 THE COURT: Your sister. And what was her
13 involvement?

14 JUROR NO. 152: She was murdered?

15 THE COURT: When did that occur?

16 JUROR NO. 152: 1981. It was in West Columbia.

17 THE COURT: Okay. And was somebody convicted of
18 that?

19 JUROR NO. 152: Yes. I don't remember who the
20 solicitor was.

21 THE COURT: I see. 1981?

22 JUROR NO. 152: Yes, sir.

23 THE COURT: How old was your sister at the time?

24 JUROR NO. 152: She was 19. I was 17.

25 THE COURT: You were 17. Okay. Would that fact,

1 the fact that you are the sister of a victim of a murder, a
2 crime, make it difficult for you to be fair and impartial as
3 a juror in this trial?

4 JUROR NO. 152: No, sir.

5 THE COURT: Could you set aside that and decide
6 the case based on what you hear in Court?

7 JUROR NO. 152: Yes, sir.

8 THE COURT: Would it cause you some unease to have
9 to relive those moments in your own life?

10 JUROR NO. 152: Yes, sir.

11 THE COURT: Thank you. You can go back and have a
12 seat.

13 THE BAILIFF: 188, Your Honor.

14 THE COURT: Ms. Smoak.

15 JUROR NO. 188: Yes, sir.

16 THE COURT: Was it you or a family member who was -

17 --

18 JUROR NO. 188: Family member.

19 THE COURT: And what was the relation to you?

20 JUROR NO. 188: My son.

21 THE COURT: Your son. And what was his
22 involvement?

23 JUROR NO. 188: It was an auto accident.

24 THE COURT: An auto accident?

25 JUROR NO. 188: Yes, sir.

1 THE COURT: And what crime arose out of that?

2 JUROR NO. 188: The death of the other party.

3 THE COURT: Okay. Was he charged with driving
4 under the influence causing a death?

5 JUROR NO. 188: No, sir.

6 THE COURT: Was it reckless homicide?

7 JUROR NO. 188: I don't remember. It was back in
8 '05.

9 THE COURT: Okay. Was he convicted of that?

10 JUROR NO. 188: We settled out of court.

11 THE COURT: You settled out of a court?

12 JUROR NO. 188: Yes, sir.

13 THE COURT: Was that a criminal charge or a civil
14 matter, do you know?

15 JUROR NO. 188: It was civil.

16 THE COURT: It was civil? Okay. Would that event
17 as you've just described make it difficult for you to be
18 fair and impartial as a juror on this case?

19 JUROR NO. 188: I would be fair. Yes, sir.

20 THE COURT: Okay. You could set aside your own
21 experience through your son and decide this case based on
22 the evidence that you hear?

23 JUROR NO. 188: Yes, sir.

24 THE COURT: That would be good. Thank you, Ms.
25 Smoak. You can go back and have a seat.

1 THE BAILIFF: 40, Your Honor.

2 THE COURT: Ms. Dahlgren?

3 JUROR NO. 40: Uh-huh. (Affirmative response.)

4 THE COURT: Ms. Dahlgren, is it you or a family
5 member who was involved?

6 JUROR NO. 40: Family member.

7 THE COURT: And what was the relation to you?

8 JUROR NO. 40: Mom.

9 THE COURT: And what was her involvement?

10 JUROR NO. 40: Victim.

11 THE COURT: And what sort of crime?

12 JUROR NO. 40: A kidnapping and rape.

13 THE COURT: I'm sorry. How long ago did that
14 happen?

15 JUROR NO. 40: I don't know what year it was. I
16 think it was in the '80s.

17 THE COURT: In the '80s?

18 JUROR NO. 40: Early '80s.

19 THE COURT: Okay. Before you were born,
20 obviously?

21 JUROR NO. 40: Yes.

22 THE COURT: Okay. Do you know if anybody was
23 caught and convicted of that crime?

24 JUROR NO. 40: Yes.

25 THE COURT: All right. Where did that happen?

1 JUROR NO. 40: Lexington County.

2 THE COURT: Lexington County. Obviously, you had
3 to be told about it after you were born?

4 JUROR NO. 40: Right.

5 THE COURT: At the time when you grew up. Did
6 your mother still suffer consequences as a result of that?
7 You know, her psychological or physical, did she suffer any
8 consequences from that?

9 JUROR NO. 40: No.

10 THE COURT: Okay. Would the fact that your mother
11 was a victim in that regard, Ms. Dahlgren, make it difficult
12 for you to be fair and impartial as a juror in this trial?

13 JUROR NO. 40: No.

14 THE COURT: Could you set aside that experience
15 and decide this case based on what you would hear in court
16 in that regard?

17 JUROR NO. 40: Yes.

18 THE COURT: Could you do that?

19 JUROR NO. 40: Yes.

20 THE COURT: If it's going to cause you to relive
21 any moments that your mama's told you about?

22 JUROR NO. 40: No.

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

24 THE BAILIFF: 38, Your Honor.

25 THE COURT: Mr. Crout?

1 JUROR NO. 38: Yes, sir.

2 THE COURT: Was it you or a family member?

3 JUROR NO. 38: A family member.

4 THE COURT: And what was your relation to you?

5 JUROR NO. 38: My brother.

6 THE COURT: And what was his involvement?

7 JUROR NO. 38: He was charged with criminal sexual
8 conduct with a minor.

9 THE COURT: All right. Where was that?

10 JUROR NO. 38: Lexington County.

11 THE COURT: How long ago was that?

12 JUROR NO. 38: It was three or four years ago that
13 he was charged.

14 THE COURT: Have those charges been resolved yet?

15 JUROR NO. 38: Yes, sir.

16 THE COURT: And what -- how was that resolved;
17 what happened?

18 JUROR NO. 38: It was found that the state didn't
19 have enough evidence and so they dropped the charge to -- I
20 think it's a lesser charge. I can't remember exactly.

21 THE COURT: He pled guilty to a lesser charge?

22 JUROR NO. 38: Yes, sir.

23 THE COURT: Was he sentenced to jail time?

24 JUROR NO. 38: No, sir.

25 THE COURT: Do you know who was prosecuting that

1 case for the State?

2 JUROR NO. 38: I do not.

3 THE COURT: Would the fact that your brother was
4 charged with a crime and was prosecuted by the same
5 Solicitor's office that's going to be prosecuting this case,
6 would make it difficult for you to be fair and impartial as
7 a juror in this case?

8 JUROR NO. 38: Maybe. Just --

9 THE COURT: Maybe?

10 JUROR NO. 38: Yes, sir, to be honest.

11 THE COURT: Well, I appreciate that. All right.
12 I really appreciate your honesty in that regard, Mr. Crout.
13 We're going to stand you aside as a juror in this case,
14 okay? You can go back and have a seat. Don't leave us just
15 yet, though.

16 JUROR NO. 38: Yes, sir.

17 THE COURT: All right. Juror No. 38 will be set
18 aside.

19 THE BAILIFF: 100, Your Honor.

20 THE COURT: Mr. Jeffcoat?

21 JUROR NO. 100: Yes, sir.

22 THE COURT: Was it you or a family member who was
23 involved?

24 JUROR NO. 100: My wife was shot by her first
25 husband and spent six weeks in a coma in Charlotte Hospital

1 about thirty years ago..

2 THE COURT: I'm sorry. Was the person convicted as
3 a result of that?

4 JUROR NO. 100: She just divorced him.

5 THE COURT: Okay.

6 JUROR NO. 100: After she got her memory back.

7 THE COURT: I see. Did you know your wife at the
8 time that happened?

9 JUROR NO. 100: No, sir.

10 THE COURT: Okay. Would that experience of your
11 wife make it difficult for you to be fair and impartial as a
12 juror in this case?

13 JUROR NO. 100: No, sir.

14 THE COURT: Could you set aside that experience
15 and decide this case based on the evidence that you hear in
16 Court?

17 JUROR NO. 100: Yes, sir.

18 THE COURT: Will you do that, please, sir?

19 JUROR NO. 100: Yes, sir.

20 THE COURT: Thank you, Mr. Jeffcoat. You may have
21 a seat.

22 THE BAILIFF: 143, Your Honor.

23 THE COURT: Mr. Orred?

24 JUROR NO. 143: Yes, sir.

25 THE COURT: Mr. Orred, was you or a family member

1 who was involved?

2 JUROR NO. 143: A family member.

3 THE COURT: And what was the relation to you,
4 please?

5 JUROR NO. 143: My step-father.

6 THE COURT: And what was his involvement?

7 JUROR NO. 143: About seven years ago he was
8 traveling for business and was kidnaped and assaulted and
9 robbed and abandoned and left in his vehicle. Eventually he
10 escaped and went to the police.

11 THE COURT: Was anybody ever caught and convicted
12 of that?

13 JUROR NO. 143: Yes, sir.

14 THE COURT: They were?

15 JUROR NO. 143: Yes, sir.

16 THE COURT: Did your step-father recover from his
17 injuries?

18 JUROR NO. 143: Yes, sir.

19 THE COURT: Okay. Would that experience through
20 your step-father make it difficult for you to be fair and
21 impartial if you're on this jury?

22 JUROR NO. 143: No, sir.

23 THE COURT: Can you set aside that experience and
24 decide this case based on the evidence that you hear in
25 court?

1 JUROR NO. 143: Yes, sir.

2 THE COURT: Could you do that, please?

3 JUROR NO. 143: Yes, sir.

4 THE COURT: Thank you, sir. Go back and have a
5 seat.

6 THE BAILIFF: 123, Your Honor.

7 THE COURT: Ms. McGillem?

8 JUROR NO. 123: Heather McGillem. That's a
9 wonderful Irish name.

10 JUROR NO. 123: Yes.

11 THE COURT: Ms. McGillam, was it you or a family
12 member who was involved?

13 JUROR NO. 123: Myself.

14 THE COURT: And what was your involvement?

15 JUROR NO. 123: It was myself. Criminal domestic
16 violence.

17 THE COURT: How long ago was that?

18 JUROR NO. 123: 2012.

19 THE COURT: Was someone convicted?

20 JUROR NO. 123: My husband. He pled guilty.

21 THE COURT: Okay. Are you all still married?

22 JUROR NO. 123: Yes.

23 THE COURT: Okay. Would your experience in that
24 regard make it difficult for you to be fair and impartial

25 ???.

1 JUROR NO. 123: No.

2 THE COURT: Can you set aside that experience and
3 decide this case based on the evidence you hear?

4 JUROR NO. 123: Yes.

5 THE COURT: Can you do that for me, please, ma'am?

6 JUROR NO. 123: Yes.

7 THE COURT: Thank you, Ms. McGillem, you can go
8 back and have a seat.

9 THE BAILIFF: 125, Your Honor.

10 THE COURT: Is it Ms. Mackie or Mckie?

11 JUROR NO. 125: Mckie.

12 THE COURT: Was it you or a family member who was
13 involved?

14 JUROR NO. 123: Family member.

15 THE COURT: And what was their relation to you?

16 JUROR NO. 123: Well, she was my sister-in-law.

17 THE COURT: Sister-in-law?

18 JUROR NO. 123: Uh-huh. (Affirmative.)

19 THE COURT: And what was her involvement?

20 JUROR NO. 123: She was murdered.

21 THE COURT: Where did that happen?

22 JUROR NO. 123: Aiken.

23 THE COURT: When did that happen?

24 JUROR NO. 123: 2003.

25 THE COURT: 2003, in Lexington County?

1 JUROR NO. 123: Aiken County.

2 THE COURT: Was anybody caught and convicted?

3 JUROR NO. 123: Yes.

4 THE COURT: Okay. Was it a relative or an
5 acquaintance who killed her or was it a stranger?

6 JUROR NO. 123: Boyfriend. Yes.

7 THE COURT: Her boyfriend.

8 JUROR NO. 123: Yes.

9 THE COURT: Okay. Would that experience, being the
10 sister of a victim of a crime of murder make it difficult
11 for you to be fair and impartial as a juror in this case?

12 JUROR NO. 123: No.

13 THE COURT: Could you set aside your own
14 experience and decide this case on the evidence that you
15 hear?

16 JUROR NO. 123: Yes.

17 THE COURT: Would you do that, please, ma'am?

18 JUROR NO. 123: Yes.

19 THE COURT: Thank you, Ms. Mckie.

20 THE BAILIFF: 43, Your Honor.

21 THE COURT: Mr. Dillard. Mr. Dillard was it you
22 or family member?

23 JUROR NO. 43: My daughter.

24 THE COURT: And what was her involvement?

25 JUROR NO. 43: She was a victim of criminal

1 domestic violence.

2 THE COURT: Her husband or a boyfriend?

3 JUROR NO. 43: Husband.

4 THE COURT: Okay. Where did that happen?

5 JUROR NO. 43: It happened in Lexington County.

6 THE COURT: And how long ago?

7 JUROR NO. 43: Two years ago.

8 THE COURT: Was he prosecuted by the Solicitor's
9 office?

10 JUROR NO. 43: Yes.

11 THE COURT: And was convicted?

12 JUROR NO. 43: Yes.

13 THE COURT: Would the fact that your daughter was
14 a victim of a crime of personal violence and that it was
15 prosecuted by the same people who are prosecuting this case,
16 would that make it difficult for you to be fair and
17 impartial as a juror on this trial?

18 JUROR NO. 43: Well, it would have to --

19 THE COURT: Well, let me ask it a different way.
20 If you were asked to sit as a juror in the trial of this
21 case, would you be able to make your decision on this case
22 based solely on the evidence that you would hear in this
23 case? Or would the fact that your daughter has been a
24 victim of a crime play any role in your decision?

25 JUROR NO. 43: To be honest with you my heart is

1 telling me I might be a little sensitive about it.

2 THE COURT: We appreciate that. I think you've
3 answered my question. We don't want to put you through that
4 travail and we won't. We're going to stand you aside as
5 juror in this case. Don't leave. Stay with us. There
6 might be other cases. Thank you.

7 THE BAILIFF: 224, Your Honor.

8 THE COURT: Ms. Wrightenberry?

9 JUROR NO. 224: Yes, sir.

10 THE COURT: Was it you or family member who was
11 involved?

12 JUROR NO. 224: It was my husband.

13 THE COURT: And what was his involvement?

14 JUROR NO. 224: About eleven years ago he was
15 attacked in a restroom by three men who beat him with pipes
16 and he was unconscious and thrown into the alley next to the
17 restaurant and suffered concussion and a fractured
18 cheekbone.

19 THE COURT: Were you all married at the time?

20 JUROR NO. 224: We were.

21 THE COURT: Was anybody caught and convicted as a
22 result of it?

23 JUROR NO. 224: No, sir. And honestly, he was
24 drunk so he saw that there were two people but he could not
25 identify them.

1 THE COURT: All right. Did he suffer any
2 permanent injury as a result of it?

3 JUROR NO. 224: Not that we're aware of.

4 THE COURT: Okay. Would the fact that your
5 husband was a victim, would that make it difficult for you
6 to be fair and impartial in hearing this trial?

7 JUROR NO. 224: No, sir.

8 THE COURT: Would you set aside your husband's
9 experience and yours and decide this case based on the
10 evidence that you would hear in the Court without regard to
11 that experience?

12 JUROR NO. 224: Yes.

13 THE COURT: Would you do that, please, ma'am?

14 JUROR NO. 224: Yes.

15 THE COURT: Thank you. All right.

16 Ladies and gentlemen, are any of you supporters of,
17 members of or contributors to any law enforcement or
18 victims' rights or support organizations such as MADD, SADD,
19 CAV, CADRE, or the like? If so, please stand.

20 (No one stands)

21 THE COURT: Thank you. Have you or any members of
22 your immediate family, that is your household, now or in the
23 past been employed by any law enforcement agency, local,
24 state or federal. If so, please stand.

25 Yes, sir. Your name and number. On the front, please,

1 sir.

2 JUROR NO. 9: 9, Harold Baker.

3 THE COURT: Mr. Baker and what was the agency and
4 who was employed?

5 JUROR NO. 9: My father was a state trooper for
6 fourteen years and a county sheriff for nine years. And I
7 was in the military police for four and a half years.

8 THE COURT: All right. Thank you, Mr. Baker.

9 Yes, ma'am. On the front. Your name and number,
10 please, ma'am?

11 JUROR NO. 28: Number 28, Clerk of Court, Tom
12 Comerford.

13 THE COURT: Thank you, Ms. Carson.

14 Yes, sir.

15 JUROR NO. 222: 222, Marion Wooten.

16 THE COURT: Mrs. Wooten, tell me about the agency
17 and who was involved?

18 JUROR NO. 222: My father was a deputy for
19 Lexington County Sheriff's Department. My sister was a
20 deputy for Batesburg-Leesville Police Department.

21 THE COURT: Thank you. How long ago was your
22 father a deputy with Lexington County?

23 JUROR NO. 222: He retired in 1982.

24 THE COURT: Thank you, Mr. Wooten.

25 Yes, your name and number, please, sir?

1 JUROR NO. 8: Junor number 8, Edward Baker.

2 THE COURT: All right. Tell me about the
3 association, please, sir?

4 JUROR NO. 8: My brother is with the Richland
5 County Sheriff's Department.

6 THE COURT: All right. Thank you, sir. You may
7 be seated.

8 I can't see the depth, so whoever's closest to me.
9 Yes, sir.

10 JUROR NO. 55: Juror 55, Daniel Fabry. From
11 roughly 1984, the Federal Bureau of Investigation in
12 Washington, DC.

13 THE COURT: In what capacity?

14 JUROR NO. 55: Correspondence clerk.

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

16 Who's next?

17 JUROR NO. 188: My name is Terry Smoak.

18 THE COURT: Ms. Smoak. My niece was a Lexington
19 County Sheriff's -- Deputy.

20 THE COURT: And what's your niece's name?

21 JUROR NO. 188: Sir?

22 THE COURT: Her name?

23 JUROR NO. 188: Christa Leonard.

24 THE COURT: Thank you, ma'am. Yes, sir.

25 JUROR NO. 106: 106, Gene Jones. My son is with

1 the Highway Patrol.

2 THE COURT: And where is he with the Highway
3 Patrol, Mr. Jones?

4 JUROR NO. 106: Lexington County.

5 THE COURT: Lexington County?

6 JUROR NO. 106: Yes.

7 THE COURT: Thank you, sir.

8 JUROR NO. 106: You're welcome.

9 JUROR NO. 131: 131, Sally Miller. My sister was
10 a special agent with the Secret Service.

11 THE COURT: Does she still work in that capacity?

12 JUROR NO. 131: No, she's retired.

13 THE COURT: She retired? Thank you, ma'am. Who's
14 next?

15 JUROR NO. 74: Juror No. 74, Ricki Goodwin.
16 Department of Juvenile Justice.

17 THE COURT: I'm sorry.

18 JUROR NO. 74: Number 74.

19 THE COURT: Thank you, Ms. Goodwin. Tell me about
20 the association again?

21 JUROR NO. 74: Department of Juvenile Justice.

22 THE COURT: Okay. Thank you, ma'am. Yes, sir.

23 JUROR NO. 143: No. 143, Richard Orred.

24 THE COURT: And the agency and the involvement?

25 JUROR NO. 143: My brother was a Parole Agent for

1 Lexington County.

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

3 JUROR NO. 203: 203, Stephanie Toole. My dad was
4 a reserve officer for Lexington County.

5 THE COURT: Thank you, ma'am.

6 JUROR NO. 50: Number 50, Mary Edmonds. My father
7 is a retired law enforcement officer.

8 THE COURT: What's that number again, I'm sorry?

9 JUROR NO. 50: 50.

10 THE COURT: Ms. Edmonds. Thank you, ma'am. Yes,
11 sir.

12 JUROR NO. 171: Number 171, Ralph Rogers.
13 Starting in 1982 I worked for SCDC.

14 THE COURT: Thank you, sir.

15 Folks, those of you who have just stood and related to
16 me the connection that either you or a family member have
17 with law enforcement, I need to ask you if that involvement,
18 either current or past, would make it difficult for you to
19 be fair and impartial as a juror in the trial of the case.

20 THE CLERK: Your Honor, we still have one
21 standing.

22 THE COURT: Oh, I'm sorry. I apologize. I was
23 working through and looking down instead of looking up.
24 Yes, sir. Your name and number again, I'm sorry.

25 JUROR NO. 118: Juror 118, Dwayne Levermore.

1 THE COURT: Yes, sir. Tell me about the
2 association, please, sir?

3 JUROR NO. 118: It was more for clarification. I'm
4 a federal contractor for the executive office of the United
5 States Attorney.

6 THE COURT: All right.

7 JUROR NO. 118: I didn't know if that -- was law
8 enforcement or not.

9 THE COURT: Well, it's good for us to know that
10 and we can factor that in. Mr. Lattimore, is any of that
11 involved with law enforcement?

12 JUROR NO. 118: Yes, sir.

13 THE COURT: Okay. Thank you, sir.

14 Now, I need to know if the involvement that you have
15 just described to me, folks, would make it difficult for you
16 to be fair and impartial as a juror in the trial of this
17 case. If it would, would you please stand?

18 (No one stands)

19 THE COURT: Thank you. Ladies and gentlemen,
20 understanding what this case is all about, that is, what the
21 charges are about in this trial, the allegations that is, is
22 there anything in your own personal history, your wn
23 personal beliefs or in your own religious beliefs that would
24 make it difficult for you to serve fairly and impartially as
25 a juror in the trial of this case when the allegations are

1 murder and burglary in the first degree? If so, please
2 stand?

3 (No one stands)

4 THE COURT: Have any of you formed in your own
5 mind or expressed to anyone else any opinion as to the guilt
6 or the innocence of Mr. Johnson. If you have, will you
7 please stand?

8 (No one stands)

9 THE COURT: Are any of you aware of, that is to
10 say conscious, of any bias or prejudice that you might have
11 for or against the State or for or against the Defendant?
12 If you are so aware, would you please stand?

13 (No one stands)

14 THE COURT: Finally then, do any of you know of
15 any reason of any kind whatsoever that would keep you from
16 serving fairly and impartially, both for the State of South
17 Carolina and for Mr. Johnson? If you know of any such
18 reason, would you please stand?

19 (No one stands)

20 THE COURT: Mr. Graham, further questions from the
21 State?

22 MR. GRAHAM: Nothing from the State, Your Honor.

23 THE COURT: Mr. Screen, other than previously
24 noted, any additional questions from the Defense?

25 MR. SCREEN: Nothing else.

1 THE COURT: Thank you.

2 Madam Clerk, can you give us a jury?

3 (Jury Selection)

4 The strikes will be five and ten. We'll select two
5 alternates. The strikes will be one for the State and two
6 for the Defense as to each of the twelve.

7 Ladies and gentlemen, what's going on up here now the
8 clerks and her staff, all of your names, of course, are in a
9 computer. And they are taking out off of that list any who
10 have been excused or stood aside in this case so that the
11 list when printed out will contain the names of those of you
12 who have not been excused or set aside, obviously. And from
13 that list the jury, the final jury will be selected. It is
14 a random selection. Not all of your names will be on that
15 list. But they will generate a list of randomly selected
16 names.

17 In the old days, juries used to be selected by a blind
18 draw. All of your names were on slips of paper and they
19 were put in these little white capsules. And they were put
20 in a brass tumbler, circulated around. In my hometown in
21 Manning, they were put in a cigar box. But anyway, the
22 cigar box was shaken up vigorously, I can tell you. And the
23 law required in those days that the jury had to be drawn by
24 a child under the age of seven, I believe, or a blind person
25 to ensure complete anonymity in the selection process. Over

1 the years we got away from that blind person and seven-year-
2 old child as long as those slips of paper were hidden. And
3 now we've gone completely to this -- from that archaic and
4 very colorful way of selecting the jury to this sterile way
5 of selecting. You push a button and it spits out a list of
6 names.

7 As your names are called, ladies and gentlemen, if
8 you'll just stand in place right where you are, please,
9 until the clerk gives you further instruction.

10 Madam Clerk?

11 THE CLERK: Number 224, Lisa Wrightenberry.

12 What say you for the State?

13 MR. GRAHAM: Please present the jury?

14 THE CLERK: What say you for the Defense?

15 MR. SCREEN: Swear the juror.

16 THE CLERK: Come forward and have a seat in the
17 jury box, ma'am.

18 171, Ralph Rodgers.

19 What say you for the State?

20 MR. GRAHAM: Please present Mr. Rodgers.

21 THE CLERK: What say you for the Defense?

22 MR. SCREEN: Please excuse this witness [sic].

23 THE CLERK: Have a seat, sir.

24 74, Ricki Goodwin.

25 What say you for the State?

1 MR. GRAHAM: Please present Ms. Goodwin.

2 THE CLERK: What say you for the Defense?

3 MR. SCREEN: Please seat this juror.

4 THE CLERK: Come forward and have a seat in the
5 jury box, ma'am.

6 183, Phillip Schumpert.

7 What say you for the State?

8 MR. GRAHAM: Please present Mr. Schumpert.

9 THE CLERK: What say you for the Defense?

10 MR. SCREEN: Please seat this juror.

11 THE CLERK: Come -- and you said to seat him, sir?

12 MR. SCREEN: Yes.

13 THE CLERK: Please come forward and have a seat in
14 the jury box.

15 188, Terry Smoak.

16 What say you for the State?

17 MR. GRAHAM: Please present Ms. Smoak.

18 THE CLERK: What say you for the Defense?

19 MR. SCREEN: Please excuse this juror.

20 THE CLERK: Have a seat please, ma'am.

21 209, Jeffrey Walton.

22 What say you for the State?

23 MR. GRAHAM: Please excuse Mr. Walton.

24 THE CLERK: Have a seat please, sir.

25 53, Mitchell Evans.

1 MR. GRAHAM: What was the number, Madam Clerk?

2 THE CLERK: 53, 5-3. What say you for the State?

3 MR. GRAHAM: Please excuse Mr. Evans.

4 THE CLERK: Have a seat please, sir.

5 81, Joseph Harley.

6 What say you for the State?

7 MR. GRAHAM: Please present Mr. Harley.

8 THE CLERK: What say you for the Defense?

9 MR. SCREEN: Please seat Mr. Harley.

10 THE CLERK: Come forward and have a seat in the
11 jury box, sir.

12 100, Alvin Jeffcoat.

13 What say you for the State?

14 MR. GRAHAM: Please present Mr. Jeffcoat.

15 THE CLERK: What say you for the Defense?

16 MR. SCREEN: Please seat.

17 THE CLERK: Come forward and have a seat in the
18 jury box, sir.

19 203, Stephanie Toole.

20 What say you for the State?

21 MR. GRAHAM: Please present Ms. Toole.

22 THE CLERK: What say you for the Defense?

23 MR. SCREEN: Please excuse this juror.

24 THE CLERK: Have a seat please, ma'am.

25 Number 17, Cynthia Bordwine.

1 What say you for the State?

2 MR. GRAHAM: Please present Ms. Bordwine.

3 THE CLERK: What say you for the Defense?

4 MR. SCREEN: Please seat this juror.

5 THE CLERK: Come forward and have a seat in the
6 jury box, ma'am.

7 131, Sally Miller.

8 What say you for the State?

9 MR. GRAHAM: Please present Ms. Miller.

10 THE CLERK: What say you for the Defense?

11 MR. SCREEN: Please excuse this juror.

12 THE CLERK: Have a seat please, ma'am.

13 211, Amy Weaver.

14 What say you for the State?

15 MR. GRAHAM: Please present Ms. Weaver.

16 THE CLERK: What say you for the Defense?

17 MR. SCREEN: Please excuse this juror.

18 THE CLERK: Have a seat please, ma'am.

19 96, Chastity Houser.

20 What say you for the State?

21 MR. GRAHAM: Please present Ms. Houser.

22 THE CLERK: What say you for the Defense?

23 MR. SCREEN: Please seat this juror.

24 THE CLERK: Come forward and have a seat in the
25 jury box, ma'am.

1 Number 13, Carlo Berardo.

2 What say you for the State?

3 MR. GRAHAM: What number?

4 THE CLERK: 13.

5 MR. GRAHAM: Please present the juror.

6 THE CLERK: What say you for the Defense?

7 MR. SCREEN: Please seat the juror.

8 THE CLERK: Come forward and have a seat in the
9 jury box, sir.

10 37, Stephanie Couch.

11 What say you for the State?

12 MR. GRAHAM: Please excuse the juror.

13 THE CLERK: Have a seat please, ma'am.

14 223, Leeann Wright.

15 What say you for the State?

16 MR. GRAHAM: Please present the juror.

17 THE CLERK: What say you for the Defense?

18 MR. SCREEN: Please excuse this juror.

19 THE CLERK: Have a seat please, ma'am.

20 THE COURT: The State has exercised three strikes.

21 The Defense has exercised six strikes.

22 THE CLERK: 55, Daniel Fabry.

23 What say you for the State?

24 MR. GRAHAM: Please present Mr. Fabry.

25 THE CLERK: What say you for the Defense?

1 MR. SCREEN: Please seat the juror.

2 THE CLERK: Come forward and seat in the jury box,

3 sir.

4 Number 9, Harold Baker.

5 What say you for the State?

6 MR. GRAHAM: Please present Mr. Baker.

7 THE CLERK: What say you for the Defense?

8 MR. SCREEN: Please excuse Mr. Baker.

9 THE CLERK: Have a seat, sir.

10 179, David Schmidt.

11 What say you for the State?

12 MR. GRAHAM: Please present Mr. Schmidt.

13 THE CLERK: What say you for the Defense?

14 MR. SCREEN: Please excuse this juror.

15 THE CLERK: Have a seat, sir.

16 Number 40, Auburn Dahlgren.

17 What say you for the State?

18 MR. GRAHAM: Please present Ms. Dahlgren.

19 THE CLERK: What say you for the Defense?

20 MR. SCREEN: Please excuse this juror.

21 THE CLERK: Have a seat please, ma'am.

22 123, Heather McGillem.

23 What say you for the State?

24 MR. GRAHAM: Please present the juror.

25 THE CLERK: What say you for the Defense?

1 MR. SCREEN: Please seat the juror.

2 THE CLERK: Come forward and have a seat in the
3 jury box, ma'am.

4 106, Gene Jones.

5 What say you for the State?

6 MR. GRAHAM: Please present Mr. Jones.

7 THE CLERK: What say you for the Defense?

8 MR. SCREEN: Please seat Mr. Jones.

9 THE CLERK: Come forward and have a seat in the
10 jury box, sir.

11 196, Cody Sturkie.

12 What say you for the State?

13 MR. GRAHAM: Please excuse Mr. Sturkie.

14 THE CLERK: Have a seat, please, sir.

15 Number 194, Kristina Stills.

16 What say you for the State?

17 MR. GRAHAM: Please present Ms. Stills.

18 THE CLERK: What say you for the Defense?

19 MR. SCREEN: Please excuse this juror.

20 THE CLERK: Have a seat, please, ma'am.

21 Number 98, Jake Jacobs.

22 What say you for the State?

23 MR. GRAHAM: Please present Mr. Jacobs.

24 THE CLERK: What say you for the Defense?

25 MR. SCREEN: Please seat Mr. Jacobs.

1 THE CLERK: Come forward and have a seat in the
2 jury box, sir.

3 Proceed with alternates, Your Honor?

4 THE COURT: Please, ma'am. Strikes will be one
5 for the State, two for the Defense as to each of the
6 drawings.

7 THE CLERK: Yes, sir.

8 225, David Younce.

9 What say you for the State?

10 MR. GRAHAM: Please present Mr. Younce.

11 THE CLERK: What say you for the Defense?

12 MR. SCREEN: Please excuse Mr. Younce.

13 THE CLERK: Have a seat, sir.

14 109, Mark Jordan.

15 What say you for the State?

16 MR. GRAHAM: Please present Mr. Jordan.

17 THE CLERK: What say you for the Defense?

18 MR. SCREEN: Please seat the juror.

19 THE CLERK: Come forward and have a seat in the
20 jury box, sir.

21 That's the first alternate, Your Honor.

22 THE COURT: Thank you.

23 THE CLERK: Number 113, Kellie Kent.

24 What say you for the State?

25 MR. GRAHAM: Please present Ms. Kent.

1 THE CLERK: What say you for the Defense?

2 MR. SCREEN: Please seat the juror.

3 THE CLERK: Come forward and have a seat in the
4 jury box, ma'am.

5 That's alternate number two, Your Honor.

6 THE COURT: Are there any matters of law regarding
7 the jury selection process from the State, Mr. Graham?

8 MR. GRAHAM: Nothing from the State, Your Honor.

9 THE COURT: Thank you. From the Defense, Mr.
10 Screen?

11 MR. SCREEN: Nothing from the Defense, Your Honor.

12 THE COURT: Thank you.

13 Ladies and gentlemen, those of you who were not
14 selected as jurors for the trial of this case, thank you
15 very much for your cooperation and your patience with us
16 throughout the morning. I'm going to let you go now. I
17 want you to call that number that you got earlier today
18 after 6:00 this afternoon. You can start at 6:00 this
19 afternoon. In all probability the message is going to be
20 telling you to call back again tomorrow after 6:00 because
21 we fully anticipate getting this case started tomorrow
22 afternoon. But we never can tell when emergencies might
23 arise in the lives of anybody who are involved in these
24 trials. And so we always want to keep our options open. If
25 we need you back tomorrow, we want you to know about it. So

1 call that number after 6:00 this afternoon and get
2 instructions about what you'll need to do tomorrow.

3 Please remember as always ladies and gentlemen, to be
4 safe on the way home and always provide for extra time if
5 you have to get back here tomorrow in the unlikely event we
6 would need you. Thank you again for your service and your
7 patience with us today.

8 (Remaining jury panel out at 12:10
9 p.m.)

10 THE COURT: Now, ladies and gentlemen, you all
11 have been selected as jurors for the trial of this case.
12 And as I told you earlier today, we'll not begin the trial
13 of this case until tomorrow afternoon. And so I'm going to
14 ask you to be back in the jury room -- in just a moment
15 you'll leave here and go to the jury room so you'll know
16 where to come back -- at 3:00 tomorrow afternoon. I have a
17 commitment in the morning, a family funeral that I have to
18 attend, and so I'm sorry that I cannot be here any earlier
19 than that. And, also, some of the other court personnel are
20 involved in other matters tomorrow, which are going to delay
21 the trial until tomorrow afternoon.

22 When you get back tomorrow afternoon, when we bring you
23 out into the courtroom, and I will give you some
24 instructions at that time as to what you may and may not do
25 as jurors during the trial of this case, but to keep you

1 from to keep you from mistakenly and inadvertently and
2 innocently doing some of those things you're not supposed to
3 do between now and then, let me tell you during the trial of
4 this case you're not allowed to talk about this case with
5 anybody. You're not allowed to talk about it among
6 yourselves during the trial. Now, after the trial is over,
7 obviously, when you start deliberations you can talk about
8 it as long as you want to, but you can't do it until then
9 for reasons that I will explain to you in greater detail
10 tomorrow. And you also can't let anybody else talk with you
11 about this case overnight. And you can't try to find out
12 anything on your own about this case, Googling or whatever
13 you do to try to find out things. That's the only way I
14 know to try to find out things is to Google. I don't have
15 Facebook so I don't do any of that sort of stuff. But you
16 can't use any of those avenues to find out anything on your
17 own about this case. Obviously, all we've been doing today
18 since you got here in this whole process was designed to
19 insure that once we got 14 of you folks sitting in that jury
20 box we were going to have folks just like you, folks that
21 didn't know anything about this case, didn't have any
22 connection with the people involved with this case, neither
23 the victim nor the defendant or the witnesses or the
24 lawyers. Who didn't have anything in your own personal
25 background that would keep you from serving fairly and

1 impartially as a juror in the trial of this case. In other
2 words, who had nothing that would keep you from coming into
3 this courtroom with any bias or any prejudice that would
4 prevent you from being fair and impartial. We've got that
5 sort of jurors and you have cooperated with us in getting
6 that sort of jurors in that jury box.

7 If you start going out and trying to find out anything
8 on your own about this case or let anybody else talk to you
9 about this case then you will have undone everything we've
10 done today so far. I'm sure you won't do that, but I just
11 wanted to caution you about those things so you wouldn't
12 mistakenly do it. You've got an interest, you know what the
13 case is about, you know who the parties are. You might want
14 to go home and say, well, let me go see if I can't find out
15 a little bit more about this case and I'll be better
16 prepared as a juror. Well, no, you wouldn't. You would be
17 less prepared as a juror.

18 As a matter of fact, when it comes to trying this case,
19 ladies and gentlemen, all you need to know about this case
20 and, indeed, all that you are allowed to know about this
21 case in order to reach a verdict, you will learn from this
22 courtroom right here, primarily from this witness chair
23 right here where people will take an oath and sit there and
24 answer questions that are put to them along with the items
25 and documents that will come in to the trial of this case.

1 So just put this case out of your mind and go about your
2 business as usual for the rest of the day and for tomorrow
3 morning. Please be back in the jury room tomorrow at 3:00
4 o'clock.

5 Ladies and gentlemen, the bailiff will show you where
6 you are to come back and he will show you the back way to
7 come during the course of this trial.

8 Have a safe trip home and enjoy the rest of your day
9 today and tomorrow morning. I'll see you back here tomorrow
10 afternoon.

11 Thank you.

12 (Jury out for the day at 12:25
13 p.m.)

14 THE COURT: Mr. Graham, Mr. Bell, is the state
15 ready to proceed to the Jackson v. Denno issue?

16 MR. GRAHAM: I think we need a very quick break,
17 Your Honor.

18 THE COURT: That will be fine. I need one myself.
19 I was going to ask Ms. Jordan if she needed one. That's
20 really the most important person.

21 COURT REPORTER: Thank you, Judge.

22 THE COURT: All right. We'll come back and proceed
23 to that.

24 (Court in recess at 12:15 p.m.)

25 (Court in session at 12:50 p.m.)

THE COURT: All right, Mr. Graham, are you ready to proceed with the Jackson v. Denno now?

MR. GRAHAM: We are, Your Honor.

THE COURT: Okay. You can call your first witness.

MR. GRAHAM: Thank you, Your Honor. The State calls Sergeant Robby Lint to the stand.

THE COURT: Come forward Sergeant, please, and be sworn.

(WHEREUPON, Robby Lint was sworn to tell the truth.)

THE CLERK: Have a seat. Once you're seated state your full name, spelling your last for the record.

SERGEANT LINT: My name is Charles Robert Lint, Jr.
Lint is spelled, L-I-N-T.

ROBBY LINT - DIRECT EXAMINATION

BY MR. GRAHAM:

Q Mr. Lint, where are you employed?

A Lexington County Sheriff's Department.

Q And how long have you been at the sheriff's department?

A Since May of 2003.

Q In what capacity do you currently serve?

A I am a sergeant over investigations in the major crime unit.

Q Major crimes includes what kind of crimes?

1 A We classified them as people's crimes. They include
2 assaults, sexual assaults, robberies, and homicides.

3 Q Back in February of 2012, what was your job
4 responsibilities with the sheriff's department?

5 A I was a sergeant in the same unit, major crime unit.

6 Q Were you involved in the investigation of the home
7 invasion at 498 Calhoun Road in Swansea?

8 A Yes, sir.

9 Q And that would be involving the death of Matthew
10 Millhouse?

11 A Yes, sir.

12 Q The case we're here for today?

13 A Yes, sir.

14 Q Did you have an opportunity to have a conversation with
15 the Defendant, who's seated over there, Henry Johnson?

16 A Yes, sir.

17 Q Do you remember what date that occurred?

18 A That was on February 16 of 2012.

19 Q 2012. Can you tell me about the circumstances that
20 brought you together with Mr. Johnson?

21 A Yes, sir. I accompanied detective Steve Collins, he
22 was the lead investigator on the case. We traveled down 321
23 to Neeses in Orangeburg to meet with Mr. Johnson who
24 possibly had information involving a homicide that we were
25 investigating. We met him at the flea market across the

1 street from the Piggly Wiggly on 321.

2 Q Did you have a warrant for him at that time?

3 A No, sir.

4 Q Did he voluntarily come and speak with you?

5 A Yes, sir.

6 Q And can you tell me about that conversation?

7 A He drove up. I believe he was in a white car. He got
8 out of the passenger seat. I think there was a female
9 driver. I wasn't really sure. He met with myself and
10 Detective Collins outside the flea market to discuss what
11 information he may be -- he provided us with the homicide of
12 Mr. Millhouse.

13 Q Was he in custody when he was speaking with you?

14 A No, sir.

15 Q Was he free to leave?

16 A Yes, sir.

17 Q Did he appear to be under the influence of alcohol or
18 drugs?

19 A No, sir.

20 Q Did you advise him of his rights?

21 A No, sir.

22 Q Why not?

23 A He wasn't in custody. We were merely looking for
24 information.

25 Q And what specifically was he asked, along with his

1 answers?

2 A Did he have any information that could help us with the
3 investigation of who murdered Mr. Millhouse. Was he
4 involved in any way, shape, or form?

5 Q And what was Mr. Johnson's response?

6 A He says he didn't know Mr. Millhouse. He had been in a
7 basketball game. I believe he was playing basketball for
8 Voorhees College. They played at Allen University in
9 Columbia. He stated to us that Patrick Larry and a Justin
10 Washington was there with him at the game. When he got done
11 playing he left the game and went back to Denmark to his
12 house where he stayed all night playing video games.

13 Q Did he have any other information or any light that was
14 shed on the situation, other than that?

15 A No, sir. That was it.

16 Q After your conversation with him, did he leave?

17 A Yes, sir. He did.

18 Q Thank you, Sergeant. Please answer any questions Mr.
19 Screen has.

20 THE COURT: Mr. Screen, anything.

21 MR. SCREEN: Thank you, Your Honor.

22 ROBBY LINT - CROSS-EXAMINATION

23 BY MR. SCREEN:

24 Q Sergeant Lint, had you interviewed other people before
25 you decided to talk to Henry Johnson?

1 A Yes, sir.

2 Q And did those other people give you information that
3 ultimately lead you to go to Denmark to talk to him?

4 A Yes, sir.

5 Q And the nature of that information made you believe
6 that he might have been a suspect; didn't it?

7 A No. He may have had information about it. That's what
8 we were looking for.

9 Q And did Henry Johnson know you were coming to Denmark
10 to see him?

11 A Yes, sir.

12 Q And you made contact with him then, prior to the 16th?

13 A Had I, no, sir.

14 Q Well, someone had made contact with him prior to the
15 16th?

16 A I'm not aware of that, sir.

17 Q You're not aware of any contact of law enforcement,
18 particularly Lexington County, having been made with Henry
19 Johnson prior to the date that you say you went to Denmark,
20 which is February 16th?

21 A Yes, sir.

22 Q Well, did you just say you considered him a suspect and
23 you drove about sixty miles to see him?

24 A I never said he was a suspect, sir. I said he had
25 possible information that could help us with the

1 investigation of Mr. Millhouse's homicide.

2 Q Well, you had received information from some source
3 that he may have been involved. That's why you went to see
4 him; isn't that right?

5 A Yes, sir.

6 Q So he wasn't just somebody you picked out the air and
7 decided to go see. He was someone that you suspected might
8 have made some contact with this crime scene?

9 A Not necessarily the crime scene, just information he
10 could help in the investigation.

11 Q Bottom line is, you did not Mirandize him prior to
12 talking with him that day; did you?

13 A No, sir, I didn't.

14 Q Where did this conversation take place?

15 A There's a small little flea market across the road from
16 the Piggly Wiggly on 321 in Neeses.

17 Q And Detective Collins was there within ear-shot of that
18 conversation, I assume?

19 A Yes, sir.

20 Q Who else was there?

21 A Just Detective Collins and myself and Mr. Johnson and
22 whoever it was that brought him to the location;

23 Q How long did this conversation last?

24 A Fifteen minutes at most.

25 Q Did you ever tell this Defendant that you had

1 information suggesting that he was involved in this crime?

2 A Did I?

3 Q Yes, sir?

4 A No, sir.

5 Q But you had such information prior to traveling to
6 Denmark; did you not?

7 A Yes, sir.

8 MR. SCREEN: Thank you, Your Honor.

9 THE COURT: Thank you. Redirect, Mr. Graham?

10 MR. GRAHAM: Nothing else, Your Honor.

11 THE COURT: Thank you. Sergeant Lint, you can
12 step down. Thank you.

13 SERGEANT LINT: Thank you, sir.

14 THE COURT: Yes, sir.

15 MR. BELL: Thank you, Your Honor. At this time
16 the State would call Investigator Steve Collins to the
17 stand.

18 THE COURT: Investigator Collins forward, please,
19 and be sworn.

20 (WHEREUPON, Steve Collins was sworn
21 to tell the truth.)

22 THE CLERK: Have a seat. Once you're seated state
23 your full name, spelling your last for the record.

24 INVESTIGATOR COLLINS: Stephen, S-T-E-P-H-E-N
25 Collins, C-O-L-L-I-N-S.

1 STEPHEN COLLINS - DIRECT EXAMINATION

2 BY MR. BELL:

3 Q Thank you, Investigator. Briefly, could you tell us
4 what your current rank and title is?

5 A I've a detective with the Lexington County Sheriff's
6 Department.

7 Q Okay. And those duties are what?

8 A I am currently assigned to the FBI and their joint
9 terrorism task force.

10 Q Okay. Back in 2012, who were you working for?

11 A The Lexington County Sheriff's Department.

12 Q In what capacity?

13 A As a detective in our major crimes unit supervising the
14 unit up there known as the Ghost Team.

15 Q Okay. And major crimes are what kind of crimes?

16 A Significant crimes as far as armed robberies,
17 homicides, sexual assaults, child sexual abuse, cases along
18 those lines.

19 Q Did you take part in an investigation of the murder of
20 Matthew Millhouse?

21 A Yes, sir, I did.

22 Q Do you recall roughly when that investigation started?

23 A It started in the early morning hours of February 12th,
24 2012.

25 Q And through that investigation you were a part of, did

1 Henry Johnson become a suspect?

2 A Yes, he did.

3 Q Okay. Now, once he became a person of interest to you,
4 how did you go about reaching out to get in contact with
5 him?

6 A I made a phone call to him and asked if he would be
7 willing to meet with us and speak with us about any
8 information that he may have about the murder of Matthew
9 Milhouse.

10 Q When was that call made in relation to when you
11 actually met with him the first time?

12 A We met with him on the 16th. The call to set up the
13 appointment was made the evening prior, late in the day on
14 the 15th of February 2012.

15 Q Okay. Now, when you found out the name Henry Johnson,
16 did you look up his identity?

17 A Yes, sir.

18 Q Did you see what age he was at that time?

19 A I do not recall his exact age but he was in his early
20 20s. He was college age.

21 Q Is that in any type of concern when you hold an
22 interview?

23 A Not particularly, no, sir.

24 Q Are they considered an adult at that point?

25 A Yes, sir.

1 Q Now, where did you talk with him and decide that you
2 would meet with him?

3 A Oh, we agreed to meet in Neeses, South Carolina. I
4 believe that's still 321. When you come into an
5 intersection, driving down that road, there's a flea market.
6 It sits directly across the street from a Piggly Wiggly
7 where you can turn and head, I think, towards Orangeburg.
8 And a right and head further into Denmark, down towards
9 Bamberg County, I believe it is.

10 Q Where you met with him, does that have any relationship
11 with the Sheriff's Department?

12 A No. It has no relationship to the sheriff's
13 department.

14 Q Was that a neutral location?

15 A Yes, sir.

16 Q When you went to meet with him at that point, did you
17 have arrest warrants on hand for him?

18 A No, we did not.

19 Q Did you have planned at that time to have arrest
20 warrants for him?

21 A No, I did not.

22 Q Okay. Did you have any other evidence at that
23 particular time that would have amounted to PC to get an
24 arrest warrant on him?

25 A I do not believe at that point I had probable cause to

1 obtain an arrest warrant on Mr. Johnson?

2 Q Okay. Did he ultimately meet you at the location y'all
3 decided upon?

4 A Yes, sir, he did.

5 Q And that was on what day?

6 A He met us on the 16th of February, I believe around
7 10:30 that morning.

8 Q Did he come by himself?

9 A He came in a white vehicle. I don't have the
10 recollection of whether it was a male or female driver but I
11 remember it was a white vehicle.

12 Q Did y'all meet with him inside his car?

13 A No. He met with us. We sat inside of Detective Lint's
14 patrol car.

15 Q Where was he situated in the vehicle?

16 A The front passenger seat.

17 Q He wasn't in the rear of the vehicle?

18 A No. I sat in the rear. Detective Lint was in the
19 driver's seat.

20 Q Did y'all detain him at that point?

21 A No.

22 Q Was he threatened to be detained if he didn't
23 cooperate?

24 A No, he was not.

25 Q Okay. How long was he in that cruiser in that front

1 seat?

2 A Ten or fifteen minutes. We had talked outside of the
3 vehicle for a few minutes as well. I don't have a clear
4 recollection of that.

5 Q Did he ever ask to leave?

6 A No, he did not.

7 Q Would he have been free to leave if he tried?

8 A Yes.

9 Q Did y'all lock the doors on him?

10 A No, we did not.

11 Q Did you use any show of force while you had him in the
12 cruiser or leading up to getting in the cruiser?

13 A No, we did not.

14 Q Did you have your hand on your pistol?

15 A No, I did not.

16 Q On your taser?

17 A I don't carry a taser.

18 Q On your pepper spray or anything else?

19 A The only thing I have is a pistol and it did not even
20 cross my mind to touch it or do anything with it whatsoever.

21 Q Did y'all physically place him into the cruiser?

22 A No, we did not.

23 Q Did he get in on his own accord?

24 A Yes, he did.

25 Q Now, once he was in the vehicle, what did you inform

1 him?

2 A That we had -- well, initially what I asked him was did
3 he have any information that he would like to share with us
4 about the murder of Matthew Milhouse.

5 Q How did he respond?

6 A He said he did not know Matthew Milhouse and he had no
7 information about the murder of Matthew Milhouse.

8 Q Did you ask him any other questions?

9 A I made him aware at that point that I'd interviewed a
10 co-defendant in the case, Mr. Patrick Larry. And Patrick
11 Larry had provided information to us that Mr. Johnson may be
12 able to provide Mr. Larry an alibi to what we believed
13 theory of the crime was at that point.

14 Q How did Mr. Johnson respond to that?

15 A He said he did not know what Mr. Larry was talking
16 about. Why Mr. Larry would give us that information. He
17 stated that on the day in question, the 12th, when Mr.
18 Milhouse was murdered, that he had had a basketball game at
19 Allen University and that he had gone home after the game
20 and remained at home, I believe, playing video games for the
21 remainder of the evening.

22 Q Did he say if he saw anybody of note at that basketball
23 game he had?

24 A He said that he saw both J.R. Washington, another -- or
25 Justin Washington, another co-defendant in the case. And he

1 saw Mr. Patrick Larry, both of those gentlemen at the
2 basketball game.

3 Q Did he say if he had any contact with those people
4 after the basketball game?

5 A I don't recall him mentioning that he had any contact
6 with them after the basketball game.

7 Q Did you ask him why those individuals would bring his
8 name up?

9 A I did. I asked him -- Patrick Larry during his
10 interview had told me that he believed Justin Washington or
11 J.R., Henry Johnson will provide an alibi for him since he
12 was present when this incident took place. He also told me
13 that Henry Johnson was his cousin. And he believed that his
14 cousin would be honest and would not provide us any
15 statements that would not be considered an alibi for Mr.
16 Larry.

17 Q Ultimately, though, did Mr. Johnson say that he had any
18 idea why Patrick Larry would use his name?

19 A No. Mr. Johnson said that he had no idea why Patrick
20 Larry would bring his name up.

21 Q Now, once again, how long did this interview take
22 place?

23 A I would estimate ten or fifteen minutes. It wasn't a
24 particularly long or in depth interview.

25 Q Okay. He was or was not under arrest?

1 A He was not under arrest.

2 Q Okay. Ultimately, did he end up leaving this interview
3 the same way that he came?

4 A He did leave the interview the same way that he came;
5 yes, sir.

6 Q Okay. Did you have any other indication that he was
7 not giving this statement freely and voluntarily?

8 A No. I had no indication that he was not giving his
9 statement free and voluntary.

10 Q Did he ever ask for the interview to stop or for an
11 attorney to be present?

12 A No, he did not.

13 Q Okay. Investigator, I want to move on now. Did you
14 ultimately talk to Mr. Johnson again?

15 A Yes, sir.

16 Q When was that?

17 A That was earlier in the afternoon of February 24th,
18 2012.

19 Q Okay. Now, at that point had you gathered enough
20 evidence for arrest warrants?

21 A Yes, sir, I did. When we actually went and talked to
22 Mr. Johnson, at that interview we did have arrest warrants
23 and he was in NCIC as wanted for his involvement in this
24 case.

25 Q Okay. So just to be clear, what date did you get those

1 arrest warrants?

2 A I got those arrest warrants on February 24th, 2012.

3 Q Okay. Did you have to go hunt Mr. Johnson down at that
4 point?

5 A No. We were able to get -- Well, we received a phone
6 call from Mr. Screen informing me that he was representing
7 Mr. Johnson. And arrangements were made and Mr. Johnson was
8 brought to the Lexington County Sheriff's Department.

9 Q You were able to coordinate his surrender through his
10 attorney?

11 A Yes, sir.

12 Q Okay. Ultimately, when did Mr. Screen bring Mr.
13 Johnson to the sheriff's department?

14 A I was involved in a separate interview. I don't have a
15 clear recollection of that. I know it was -- Mr. Johnson
16 and Mr. Screen were both at the Lexington County Sheriff's
17 Department when I finished the other interview. And if I
18 had to put a time on it, I would probably say around 6:00 in
19 the afternoon of the 24th.

20 Q Investigator, to be clear, I'm not so concerned with
21 the time as to the date. Was he brought to the sheriff's
22 department on that day?

23 A Yes, sir, on the 24th.

24 Q Of February?

25 A Yes, sir.

1 Q And Mr. Screen, was he aware that you had arrest
2 warrants for his client?

3 A Yes, sir, he was.

4 Q Okay. He knew that upon bringing the Defendant to the
5 sheriff's department he was going to be arrested?

6 A Yes, sir. He knew that Mr. Johnson was going to be
7 arrested.

8 Q Okay. Now, who sat down for the interview at the
9 sheriff's department when he got there?

10 A I did it.

11 Q Who else was there?

12 A Mr. Screen and Mr. Johnson. The three of us were
13 present in the interview room at the sheriff's department.

14 Q Okay. At that point, was he free to leave?

15 A No, at that point he was not free to leave.

16 Q At that point had you already handcuffed him?

17 A He was not handcuffed at that point. It was still just
18 an interview. There was not the need to place him in
19 handcuffs in my opinion.

20 Q Was he in your custody at that point?

21 A I would have considered him in my custody. If Mr.
22 Johnson had tried to leave, he would have been forced to
23 stay. He would have went with us.

24 Q Did you Mirandize him?

25 A Yes. He was Mirandized.

1 Q Did you do a written form or an oral?

2 A Oral form.

3 Q Okay. Do you just do that from memory or do you have
4 something that you refer to?

5 A No, I have a card that has the Miranda warning on the
6 card.

7 Q And you read it directly from that card?

8 A Yes, I do.

9 Q Do you have that card with you today?

10 A I do.

11 Q Do you mind pulling it out for us?

12 A (Witness complies)

13 Q If you would, please read that into the record.

14 A It's a card entitled suspects rights, Miranda Warning.
15 Number one, you have the right to remain silent. Number
16 two, anything you say can and will be used against you in a
17 court of law. Number three, you have the right to talk to
18 an attorney and have him or her present with you when you're
19 being questioned. Number four, if you cannot afford to hire
20 an attorney, one will be appointed to represent you before
21 any questioning if you want. Number five, you can decide at
22 any time to exercise these rights and not answer any
23 questions or make statements. Number six is do you
24 understand the rights as I have explained them to you. And
25 number seven is asking have you -- having these rights in

1 mind, do you wish to talk to us now?

2 Q And those the same thing that you would have read to
3 Mr. Johnson on February 24th, 2012?

4 A Yes, sir. That stays in my ID badge which allows me
5 access the sheriff's department so I have it with me when I
6 am working.

7 Q Did Henry Johnson confer with his attorney at that
8 point or did he acknowledge what you told him?

9 A They acknowledged it. There was no separate confer --
10 We just moved on from the advisement of the rights into the
11 question and answer session.

12 Q They agreed to continue?

13 A Yes.

14 Q At that point, what did you inform Mr. Johnson?

15 A At that point, I laid out some of the additional
16 information that we had gathered, that Justin Washington,
17 who I had just finished interviewing had implicated Henry
18 Johnson in the homicide. That we had recovered the shotgun
19 that was used during the course of the homicide. And that
20 we had a ballistics match to that. And I brought up the
21 statements from Patrick Larry. Again, all telling me that
22 Henry Johnson had had an involvement in the case that
23 resulted in the death or the murder of Matthew Milhouse?

24 Q How did he respond to that information?

25 A Mr. Johnson still maintained his innocence. He

1 maintained his initial statements that he had made to
2 Detective Lint and myself at the initial interview.

3 Q And once again, what were those statements?

4 A Mr. Johnson said that he had no knowledge of what took
5 place and had no involvement in what took place would
6 summarize his statements.

7 Q Did you inform Mr. Johnson that his voice had been
8 heard had been heard on the incident date?

9 A Yes, sir. After I had one over that information I did
10 provide Mr. Johnson with additional information that had
11 come during the investigation, which his aunt, Patrick
12 Larry's mother, had made a statement to law enforcement that
13 she had heard Henry Johnson's voice present in the residence
14 the night that the murder of Matthew Milhouse took place.

15 Q How did he respond to that information?

16 A He said that he must have been on speaker phone.

17 Q Did he say anything else to you that day?

18 A No, at that point that essentially concluded our
19 interview.

20 Q Did he conclude it or did his attorney conclude it?

21 A Well, Mr. Screen asked for a minute to speak with his
22 client, Mr. Johnson. At that time, I stepped outside. Mr.
23 Screen talked with him for a few minutes, five minutes at
24 the very most, but I don't believe it was that long. And
25 Mr. Screen asked me to step back in and informed me that Mr.

1 Johnson was maintaining his innocence. And there were no
2 further questions asked and no further interview conducted.

3 Q How long did that interview take, roughly?

4 A From start to finish I would say not more than twenty
5 minutes.

6 Q Were you in an air conditioned room?

7 A Yes, sir.

8 Q Were you in an otherwise comfortable seating?

9 A Yes, sir.

10 Q Okay. Did he ask to use the restroom or anything of
11 that nature?

12 A No, he did not.

13 Q Did you make any promises to him in order for him to
14 cooperate and respond to you?

15 A No, I did not.

16 Q Did you offer any leniency on his charges?

17 A No, I did not.

18 Q Anything regarding plea agreements?

19 A No, I did not.

20 Q As far as you can tell, in the present of his attorney,
21 it was completely free and voluntary what he was speaking to
22 you about?

23 A Yes.

24 Q Please answer any questions the Defense may have for
25 you.

1 THE COURT: Mr. Screen, cross-examine.

2 MR. SCREEN: Thank you, Your Honor.

3 STEPHEN COLLINS - CROSS-EXAMINATION

4 BY MR. SCREEN:

5 Q Detective Collins, prior to February 16th --

6 A Yes, sir.

7 Q -- you had interviewed Patrick Larry?

8 A Yes, sir.

9 Q And when did that interview take place?

10 A The interview with Larry took place on February 15th,
11 2012.

12 Q And Patrick Larry had advised you that, according to
13 your testimony, that Henry Johnson would corroborate the
14 fact that he wasn't involved in this murder?

15 A No. What Patrick Larry advised me is that Henry
16 Johnson would corroborate that he was not the individual who
17 had had the shotgun and ultimately pulled the trigger and
18 shot and killed Matthew Milhouse. He did not say that he
19 would completely exonerate him from any involvement in the
20 matter.

21 Q Except to say that he's not the murderer?

22 A Yes.

23 Q The shooter?

24 A Yes.

25 Q So -- But reduced the interview that Larry gave you to

1 writing?

2 A It was in a written -- Mr. Patrick Larry provided a
3 written statement and it has ultimately been memorialized in
4 the incident report; yes, sir.

5 Q And you were armed with that statement prior to
6 traveling to Denmark?

7 A I'm not sure what you mean by armed. I had --

8 Q I mean, you were aware of it?

9 A Yes, I was aware that the statement existed. I do not
10 recall if I actually had it in my possession when we went to
11 Denmark. But I was very aware that it did exist; yes, sir.

12 Q So Henry Johnson was more than just a person of
13 interest, he was a suspect because you'd taken a statement
14 of man who admitted that he was involved. And told you that
15 he thought this other man, Henry Johnson, would corroborate
16 this matter. So Johnson was more than just a person of
17 interest, he was a suspect?

18 A I would disagree with that characterization. At that
19 point, from the interview with Patrick Larry, he did not
20 provide detail or an in depth statement as to Henry
21 Johnson's involvement. Henry Johnson was somebody that we
22 wanted to speak to about what he may or may not have seen at
23 the Calhoun Road address;

24 Q Well, let's find out exactly what he did tell you. I'm
25 talking about Patrick Larry?

1 A Yes, sir.

2 Q On that date, Patrick Larry gave you enough information
3 to make you think that Henry Johnson was involved in this
4 matter; did he not?

5 A He gave me enough information to make me think that
6 Henry Johnson was present during --

7 Q And would have been involved somehow?

8 A Yes.

9 Q And that's why you drove to Denmark to talk to him?

10 A We drove to Neeses to talk to him. Yes, sir.

11 Q Neeses. Yet, knowing all of that you still proceeded
12 to interview this Defendant without Mirandizing him; did you
13 not?

14 A That is correct.

15 Q Henry Johnson never admitted he shot and killed
16 anybody; did he?

17 A No, he did not.

18 Q Did you know of Patrick Larry prior to that day; did
19 y'all have any records or anything that you knew about him?

20 A Prior to which day are we talking about, sir?

21 Q Prior to the day you interviewed him about this murder?

22 A Yes. Yes. Patrick Larry was somebody that we knew
23 about prior to the date that he was interviewed.

24 Q In fact you knew he had been involved in some criminal
25 behavior in the past; didn't you?

1 A Yeah. I had a working knowledge that Patrick Larry had
2 a criminal history. But any specifics of his criminal
3 history, I don't have that.

4 MR. SCREEN: I have nothing further for him,
5 Judge.

6 THE COURT: Thank you. Mr. Bell, redirect?

7 STEPHEN COLLINS - REDIRECT EXAMINATION

8 BY MR. BELL:

9 Q Investigator, on February 16th did Mr. Johnson arrive
10 and leave on his own accord?

11 A Yes, sir, he did.

12 Q How many days after that first interview did you
13 actually or finally get arrest warrants?

14 A February the 24th. So what eight days, if my math is
15 correct.

16 Q Okay. So without an arrest warrant, were you able to
17 take him into custody during the first interview?

18 A No, I was not.

19 Q Is it fair to say that he was not in custody?

20 A It is very fair to say that he was not in custody.

21 MR. BELL: No further questions.

22 THE COURT: Thank you. Investigator, you can step
23 down.

24 Mr. Graham, Mr. Bell, any additional witnesses on this
25 issue?

1 MR. BELL: That's all the State has, Your Honor.

2 THE COURT: Thank you.

3 Mr. Screen, does the Defense wish to offer any evidence
4 or testimony regarding this matter?

5 MR. SCREEN: Not at this time, Your Honor.

6 THE COURT: All right. Thank you.

7 All right. I'll be glad to hear any argument from
8 either of you as to regarding the statements on the 16th or
9 the 24th? Mr. Screen?

10 MR. SCREEN: Your Honor, this was not an innocent
11 conversation between the police and a person of interest or
12 just somebody they want to talk to. This was a conversation
13 that was the result of an investigation that was already
14 afoot by the sheriff's department. And already interviewed
15 a person who admitted that he was somewhat involved in this.
16 And that the Defendant perhaps was involved somehow as well.
17 If they did not believe that they never would have driven
18 sixty miles to talk to just somebody whose name fell out of
19 a hat. They failed to Mirandize him when they got the
20 information. The statement they elicited from him should
21 have been prior Miranda. It was not. It should not be
22 admitted.

23 THE COURT: Thank you, Mr. Screen. Mr. Graham?

24 MR. GRAHAM: Your Honor, on the 2/16/12 the first
25 time they met with him, the testimony was that the officers

1 were in Neeses, South Carolina. It was outside Lexington
2 County. They didn't have any kind of arrest power over
3 there. There were no arrest warrants. He was not in
4 custody. Miranda did not need to be read. Miranda was a
5 requirement of custodial interrogation. He wasn't in
6 custody. On the 2/24 he was in custody. There were
7 warrants for him. He was Mirandized and the testimony is
8 that the statements that he made were free and voluntary.

9 THE COURT: All right. Thank you.

10 Any response, Mr. Screen?

11 MR. SCREEN: Well, anytime the police detain a
12 person, and you're detained when they walk up and identify
13 themselves. They've driven from Lexington to see him, there
14 are two police officers armed, talking to this young man.
15 He was effectively in custody until they decided they were
16 ready to stop talking to him. They talked to him. They did
17 not Mirandize him and they knew when they went there that
18 it's official information, that he might have been involved
19 in this crime. And they could have made this statement a
20 whole lot cleaner by simply Mirandizing him. Wouldn't have
21 cost him nothing. He's got the card in his pocket.

22 THE COURT: Right. Right. It would simply
23 things, of course, Mr. Screen, you're right. If it's given,
24 at least that takes that argument away as to whether it
25 should have been done. But what the law, of course,

1 requires that Miranda be given only when there's a custodial
2 interrogation underway. Quite often, of course, the folks
3 are the focus of some attention. Perhaps persons of
4 interest or whatever they want to call them. But the
5 criterion is not what the police might know about an
6 individual when they're in questioning. The focus is on
7 what is the perception of the person being questioned? Does
8 he believe himself to be in custody? Was he in custody?
9 Were there any indicia of custody there. The fact that he
10 came and went in the same manner, of course, in and of
11 itself, is indicative of the fact that he was not in
12 custody. Certainly, he revealed no information to them that
13 would have put them on notice of his involvement, other than
14 what they already had. But nonetheless, they did not have a
15 warrant, and had no reason to arrest. And, frankly, did not
16 have him in custody at that time. For that reason, Miranda
17 warnings are not required of the February 16th interview.
18 And those statements are admissible if there's some
19 relevance to them. Or if for some reason they become
20 relevant in the course of these things, they're not
21 inculpatory. So I'm not exactly sure how they might fit
22 into the scheme of things in the trial. Nonetheless, all
23 that being said, Miranda was not required. And there's
24 nothing about the interview itself or about the statements
25 that were made that would indicate that the statements were

1 not freely and voluntarily given. No threats of harm or
2 reward. No overbearing, no lengthy questioning, no
3 deprivation of personal comforts or anything like that.
4 None of those things that would normally attach themselves
5 to an involuntary statement made under these circumstances.
6 For all of those reasons, respectfully the Miranda warnings
7 are not required at that time.

8 All right. Do we have any other pretrial issues that
9 we need to take care of before we start with the jury in the
10 morning? I mean tomorrow afternoon.

11 MR. GRAHAM: I'm sorry. To clarify your ruling
12 before we move on, did you address the one where he was
13 Mirandized on February 24th?

14 THE COURT: At that point in time he was in
15 custody. He was Mirandized. Once again, there were no
16 threats given or promises according to the testimony of the
17 officers. He was in a police interview room, I guess, of
18 some sort. But he was properly Mirandized. Once again,
19 there's nothing about the statements that would indicate
20 that there was oppression or anything that would deprive
21 him of his right to make a voluntary statement. He clearly
22 was advised of his rights as to that time, as to the 24th.

23 MR. GRAHAM: Thank you, Your Honor.

24 THE COURT: All right. Thank you.

25 Anything else of a pretrial nature from the State's

1 perspective we need to deal with before we --

2 MR. GRAHAM: Your Honor, the only thing that I
3 believe is outstanding from the State is that it's my
4 understanding that the Defendant is out on bond, if he shows
5 up -- the bonding company is no longer under the requirement
6 to make sure that he's here. So effectively, Mr. Johnson
7 sits before you without bond. Some Judges place people into
8 custody at that point. Some people require a letter from
9 the bonding company that they will remain on the bond. And
10 some Judges, Your Honor, I believe, advise the Defendant
11 that if he fails to show, he will be tried in his absence.

12 THE COURT: That's right. And certainly that's a
13 part of my practice in any event. Has Mr. Johnson been a
14 problem in the two years now going on three?

15 MR. GRAHAM: He has not, Your Honor.

16 THE COURT: Okay. I see no reason to take him
17 into custody in view of the fact that he has consistently
18 shown up. I suppose that he showed up during that period of
19 time not because he was afraid about the bond being over
20 him, but because he realized he had a responsibility to do
21 it. And certainly his responsibility now is even greater.

22 Mr. Johnson, as you probably know, but let me remind
23 you, we're going to start this trial tomorrow afternoon at
24 3:00. If you're here we're going to start it. If you're
25 not here we're going to start it. I think Mr. Screen would

1 rather you be here. You might be some help to him during
2 the course of the trial if you're here. If you're not here,
3 you can't be any help to him. And in the event of an
4 adverse verdict in your absence, all that does is just
5 prolong the agony. And they'll find you one of these days
6 and bring you back. So just as long as you understand that
7 I'm not requiring you to be in custody overnight, but I
8 expect you back tomorrow. And if you're not here, we'll try
9 this case without you. Understand that?

10 MR. JOHNSON: Yes, sir.

11 THE COURT: Thank you.

12 All right. Mr. Screen, you have any thing from the
13 Defense perspective or a pretrial matter we need to take
14 care of before we start tomorrow?

15 MR. SCREEN: Nothing at this time, Your Honor.

16 THE COURT: Okay. All right. Then according to
17 the custom, the jury will be brought back tomorrow afternoon
18 at 3:00. I'll be here in advance of 3:00, I think. I hope
19 I'll be back around 2:30. If you all need me, I'll be in
20 chambers. The jury will be brought in and sworn. I will
21 appoint a foreperson. I'll make some introductory comments.
22 You all can make opening statements and we'll start the
23 trial tomorrow afternoon. I'll see you all.

24 We'll be in recess until 3:00. I'll be here before
25 the, okay?

MR. GRAHAM: Thank you, Your Honor.

(Court in recess October 19, 2012

at 1:26 p.m.)

1 (Court in session October 20,
2 2012 at 3:02 p.m.)

3 THE COURT: Thank you, ladies and gentlemen.
4 Please be seated. Good afternoon.

5 Mr. Graham, is the State ready for the jury?

6 MR. GRAHAM: The State's ready, Your Honor.

7 THE COURT: Mr. Screen, is the Defense ready for
8 the jury?

9 MR. SCREEN: Yes, sir.

10 THE COURT: Thank you.

11 Folks, the jury will be brought in and I will appoint a
12 foreperson and I'll make some brief introductory comments
13 from the Court. And Mr. Graham, will you open for the State
14 or who will open?

15 MR. GRAHAM: Mr. Bell will, Your Honor.

16 THE COURT: All right. Mr. Bell will open for the
17 State and then Mr. Screen will open and we'll start the
18 trial testimony, all right?

19 Bring us the jury, please?

20 (Jury in at 3:02 p.m.)

21 THE COURT: If you'd leave that front, that seat
22 right there open for the time being. Mr. Harley, move to
23 that seat, in that chair right there. I'm sorry. I'll tell
24 you why in just a moment.

25 Mr. Harley, I've had you occupy that chair, sir,

1 because I want you to serve as the foreperson of the jury.
2 All that means is that you'll be the jury's spokesman here
3 in th Court. When the trial is over, you'll be responsible
4 for writing the verdict of the jury. But I'll tell you more
5 about that before we have to do that. You're not to worry
6 about that right now. All you need to remember is you have
7 a reserved seat. You'll sit in that chair throughout the
8 trial of this case. Mr. Jordan and Ms. Kent, as the
9 alternate jurors, you will occupy those two chairs
10 throughout the trial of the case unless some time in the
11 trial I ask you to sit somewhere else. The rest of you
12 folks don't have reserved seats. You've just got general
13 admission tickets. You've got to do the best you can when
14 you come in here. It's always a good idea to do just what
15 you did then, is walk all the way down, don't leave an empty
16 seat beyond you. That's tight quarters up there. Somebody
17 would have to stumble across you to get to it.

18 Folks we're going to begin the trial of this case. And
19 the clerk is going to swear you in. And I want you to pay
20 particular attention to the oath you're about to take. It
21 is a time-honored and artfully worded oath and explains to
22 you very completely, but at the same time very concisely
23 what your responsibility as jurors are in this trial. I'm
24 going to be reminding you during this trial and after this
25 trial as to exactly what your responsibilities are. So

1 please now listen to the oath the clerk administers.

2 Madam Clerk.

3 (The jury was duly sworn.)

4 THE COURT: Ladies and gentlemen, let me take just
5 a few moments to tell you the procedure that we will follow
6 in the trial of this case and explain to you a little bit
7 more completely what your role as jurors will be in this
8 trial. In just a minute, when I finish talking to you, Mr.
9 Bell, on behalf of the State, is going to stand before you
10 and make a brief opening statement. And in that opening
11 statement he's going to outline for you something in a
12 preview fashion what the State intends -- what the State's
13 position is, I should say, in this trial. And he may even
14 indicate to you some of what the State intends to offer by
15 way of proof in support of the charges that are brought in
16 this indictment. And after Mr. Bell has opened on behalf of
17 the State, Mr. Screen, on behalf of Mr. Johnson, will have a
18 right to make an opening statement, but he is under no
19 obligation to do that and I'll tell you why in just a
20 minute.

21 After the opening statements have been made, then you
22 will actually begin to see and hear the presentation of
23 evidence in this case. For the most part, evidence will
24 take the form of testimony of witnesses who will take an
25 oath and sit right here in this chair and will answer

1 questions the lawyers from both sides will put to them.
2 Evidence might also take the form of documents or
3 photographs or items of that nature. I don't know what the
4 evidence is in this case because I have not seen it. But it
5 will not be unusual for those sorts of things to come into
6 evidence in a trial of this nature.

7 The State will present it's evidence and testimony
8 first. And after the State has completed putting in its
9 evidence and testimony, Mr. Johnson, once again, has a right
10 to offer evidence and testimony if he chooses to do, but he
11 does not have to do it. He's under no obligation to do
12 that. After all the evidence and testimony has been
13 presented, then the lawyers will come back before you and
14 make their closing arguments. And in those closing
15 arguments they're allowed to summarize or to submit to you
16 conclusions that they claim you ought to draw from the
17 evidence that you've heard. And after the final arguments
18 have been made, then I will instruct you as to what the law
19 is in this case. And then you'll go into your jury room and
20 finally begin to talk about this case among yourselves, to
21 deliberate and to reach a verdict.

22 I remind you again, as I told you yesterday, that
23 you're not allowed during the trial of this case to talk
24 about this case among yourselves. When the trial is over,
25 you can take as much time as you want to to talk about but

1 not until then. And that might seem a somewhat odd
2 instruction to give you because you might hear somebody talk
3 about something. We might have a recess and you go back
4 into your jury room and you want to talk about it while it's
5 still fresh in your mind. But the reason you can't talk
6 about it then is because you have to keep an open mind
7 throughout the trial of this case. And once you begin to
8 discuss the evidence among yourself or the testimony among
9 yourselves, you're going to start to draw conclusions about
10 that evidence, about that testimony. It might happen that
11 later in the trial you hear something that is decidedly
12 differently from that that you have already started to talk
13 about and make up your mind about. But if you have already
14 started to do that, you're not likely to believe that
15 evidence, that later testimony with an open mind. So,
16 please, don't talk about it among yourselves at any time
17 during the trial. And for the reasons that I mentioned
18 yesterday, don't talk about it to anybody else and don't let
19 anybody talk to you.

20 Ladies and gentlemen, the oath that you took said that
21 you willing to try this case and render a verdict according
22 to the evidence and the law, so help you God. Let me
23 explain to you a little bit better what is and what is not
24 evidence. I've already told you that the evidence, for the
25 most part, will be testimony and items of evidence, come

1 into the record of this case. The opening statements that
2 the lawyers make and the closing statements that they make
3 and the questions that they ask, none of those things are
4 evidence. Now, they are helpful to us all obviously, and we
5 could not have a very orderly trial without those things.
6 But they themselves are not evidence.

7 So I remind you that the evidence is not questions.
8 The evidence is the answer to the question. It comes from a
9 witness who's supposed to know the things that they're
10 talking about and who are under oath and who are answering
11 questions that both lawyers put to them. In other words,
12 testimony that meets the test of proof, that's what the
13 evidence is, along with those items or documents that might
14 come in in the course of this trial. Now, the reason that
15 it's real important that you understand the difference
16 between what is and what is not evidence is this. When it
17 comes to evidence, ladies and gentlemen, you are actually
18 the judges. Those badges that you're wearing say juror.
19 But to be accurate when it comes to the matter of evidence,
20 those badges could just as accurately say judge. Because
21 you have to determine the truth of what you hear. You have
22 to decide the weight that you will give to the evidence and
23 the testimony, which you receive during the trial of this
24 case. Now, you're well equipped to do that. Whether
25 you've ever set your foot in a courtroom before yesterday or

1 not, you're well equipped. Because in your life's
2 experiences, in raising a family if you have children; in
3 getting along in life; in performing the duties of your job;
4 and making everyday decisions, both important and
5 insignificant, you use the same qualities and the same
6 abilities outside of this courtroom that we ask you to use
7 inside this courtroom. That is, we ask you to use your
8 common sense, your sense of logic and reason. You apply
9 your experiences in life to what you hear. And you'll be
10 able to decide what the truth of the case is. And once you
11 have decided where the truth of this case lies, you will
12 apply the law of the case that I will give to that truth.
13 Those two things will come together that will result in a
14 verdict that will speak the truth in this case.

15 A few moments ago I told you that the Defendant, Mr.
16 Johnson, does not have to make an opening statement through
17 Mr. Screen. He does not have to offer evidence or testimony
18 in his own behalf. Because as you know, as I told you
19 yesterday, he has pled not guilty to the charges in these
20 indictments. Under our law when a person pleads not guilty
21 to the charges in a criminal indictment, that person is
22 presumed to be innocent. He is presumed to be not guilty.
23 When we say that somebody is presumed to be not guilty, that
24 means that they don't have to prove that they're not guilty.
25 They don't have to take the stand and try to convince you

1 that they did not do the things they're accused of doing.
2 They don't have to bring a parade of witnesses in here to
3 try to talk you out of believing they're guilty of these
4 charges. They're presumed to be not guilty of the charge.
5 And so the State has the burden proof. It is the obligation
6 of the State, not just in this case, but in every criminal
7 case of this sort, to convince a jury beyond a reasonable
8 doubt that the Defendant is guilty of the crime charged.

9 When the trial is over, I will tell you in greater
10 detail what we mean by proof beyond a reasonable doubt. But
11 right now for this preliminary instruction let me tell you
12 this. Proof beyond a reasonable doubt is proof that leaves
13 you firmly convinced of a defendant's guilty. And so after
14 hearing all the evidence in this case if you are firmly
15 convinced that the defendant is guilty of the crime charged,
16 the State has met its burden of proof and would be entitled
17 to a verdict of guilty at your hands. But after you've
18 heard all the evidence and testimony in the case, you think
19 there's still a real possibility the Defendant, Mr. Johnson,
20 is not guilty of the charges, then the State has not met its
21 burden. In that case, Mr. Johnson would be entitled to a
22 verdict of not guilty of the charges.

23 So, you're going to begin listening to the testimony in
24 just a few moments. And then when all is said and done and
25 you've heard all the testimony, all the arguments, and

1 instructions on the law, you will go back into your jury
2 room and you will begin to deliberate this case among
3 yourselves. And you will reach a conclusion in your
4 deliberations as to whether or not the State has met its
5 burden of proof. And you will express your conclusion by
6 writing a verdict that says we find the Defendant guilty or
7 we find the Defendant not guilty according to your view of
8 the evidence and the law that I will give you.

9 Thank you folks, for your attention to these remarks.
10 Now, please listen to the lawyers as they make their opening
11 statements.

12 Mr. Bell.

13 MR. BELL: Thank you, Your Honor.

14 Mr. Screen.

15 May it please the Court?

16 THE COURT: Yes, sir.

17 STATE'S OPENING STATEMENT

18 BY MR. BELL:

19 I never much had the ability to fight for myself, but
20 for my brothers, I killed.

21 Ladies and gentlemen, that is something my grandfather,
22 my mom's dad, told me when I was thirteen or fourteen years
23 old. My grandfather, much like many of our parents and
24 grandparents, served extensively in World War II. And in my
25 youthful ignorance I asked a question that embarrasses me to

1 think about to this day, but the answer stuck with me. You
2 see, my grandfather was one of the kindest, gentlest soul
3 that I'll probably ever have the honor of knowing in my
4 life. But to him it was a clear principle, that while he
5 may not be willing to hurt someone for himself, when it came
6 to his platoon mates, his squad mates, those people that he
7 felt so intensely loyal to that he thought of them as
8 brothers, that was an easy choice, he would kill.

9 Ladies and gentlemen, that intense loyalty to someone
10 that you perceive as a brother is largely what this case is
11 about. You see, in this case though, there is no brutal
12 war. There's no platoon or squad. There's three
13 individuals who know each other to varying degrees. But
14 make no mistake, between two of them there was a
15 brotherhood. We have Patrick Larry and the defendant Henry
16 Johnson, also known as J.R. Now, Patrick Larry and Henry
17 Johnson are closely related as cousins. They grew up
18 together over in Swansea only a few miles from each other.
19 They've known each other essentially their whole lives.
20 Then we have Justin Washington, also known as Jada. Now,
21 Justin Washington grew up in Denmark some forty miles away
22 from Patrick Larry and Henry Johnson. But Justin Washington
23 met Henry Johnson through school and playing basketball and
24 other team activity like that. And through that meeting
25 they quickly bonded. They became almost attached at the

1 hip. By all accounts they seemed as brothers. And Justin
2 Washington, Jada, although normally quite and introverted,
3 he would do anything for his brother J.R., Henry Johnson.
4 It wasn't until February 11th and February 12th of 2012 when
5 that loyalty was pushed to its limit. Because on those days
6 J.R. seized upon that loyalty for his own gain. You see,
7 around that date Henry Johnson found out that a concert was
8 going on and that a group of individuals who usually occupy
9 a drug house in that area, would be gone to that concert.
10 He started realizing this is an easy lick or an easy
11 robbery. He calls up Jada or Justin Washington and tell him
12 to get his daddy's shotgun for his brother. He doesn't
13 think twice. Justin Washington gets that shotgun and then
14 J.R. goes and picks him up in his own car, four-door, dark
15 colored, tinted windowed car. He drives Justin Washington
16 over to Patrick Larry's house in Swansea, right near where
17 he grew up. Right near the location of this drug house.

18 Once he gets over to Patrick Larry's, those three
19 individuals are sitting around in Patrick Larry's room. And
20 that's when J.R. starts to tell them more details about the
21 plan. He tells them he believed there was a hundred
22 thousand dollars in drug money in that house. That's
23 thirty-five thousand dollars a piece just about. Easy money
24 because they're gone to a concert.

25 At that point J.R. then begins to take the step of the

1 plan. He starts assigning roles to his friends. Patrick
2 Larry is to be the scout. He's to go to this drug house, go
3 inside, buy a quantity of marijuana, see how many people are
4 there. And then report back whether the bulk of the people
5 have left for the concert and whether or not it's a good
6 time to hit. J.R. drives Patrick Larry and Justin
7 Washington over to that house and Patrick Larry does just as
8 planned. He goes in, buys a small quantity of marijuana and
9 reports back there's a few people left in the house two of
10 which are women. Then J.R. assigns Justin Washington, his
11 brother, his task. And his task is to take that shotgun, to
12 go inside that drug house, stick it up. To demand the money
13 and demand the drugs. Conveniently, J.R.'s job in all of
14 this is to drive the car, wait outside to drive them away.
15 They all load up in J.R.'s car as planned. And J.R. drives
16 them to that drug house right near Patrick Larry's house.
17 They pull up front. Justin Washington parks the vehicle
18 right up front. Justin Washington, for his brother, doesn't
19 hesitate. He gets out of the vehicle as instructed. He had
20 the shotgun tucked inside of his coat and down the side of
21 his leg, just as J.R. instructed him to on the way over
22 there. He walks up to the front door. He marches forward
23 and knocks. Rilo. That's the name he announces, a name
24 that J.R. told him to use because he knew from having grown
25 up in that area it would be a trusted name at that house.

1 As J.R. planned, the door begins to open. At that point
2 Justin Washington pushes his way inside. It's all going
3 according to plan. What J.R. did not anticipate or expect
4 was for Matthew Milhouse, one of the occupants of that
5 house, to have a firearm on him. And he begins to draw. In
6 that moment, Justin Washington, armed with his shotgun
7 panics, raised his aim, pulled the trigger, and kills
8 Matthew Milhouse. For his brother, he could kill.

9 He darts back out of the house, jumps back in J.R.'s
10 vehicle and they leave. He told him, I think I shot him and
11 they take off. But for my brother, I can kill.

12 Now, J.W. sometime later confesses to his role. It's
13 actually not too long after this happens. He tells them
14 he's the shooter. They find out it was his shotgun, match
15 it back to him. And he confesses to pulling the trigger
16 that killed Matthew Milhouse. Now Patrick Larry also
17 confess his role as the scout. And one thing that they both
18 indicate, Patrick Larry and Justin Washington, was that
19 J.R., one of their -- Patrick Larry's cousin and Justin
20 Washington's best friend in the world, J.R. planned it. He
21 put them in that position.

22 You may be asking yourselves, if Justin Washington had
23 already confessed to murdering Matthew Milhouse with that
24 shotgun, why is Henry Johnson or J.R. here today on trial
25 for murder? Because ladies and gentlemen, the story does

1 not and should not stop with Justin Washington pulling the
2 trigger.

3 In South Carolina we have a principle of law called the
4 hand of one is the hand of all. Now, that's a very fancy
5 way of saying that if you take part in a plan any natural
6 consequence of that plan, you're responsible for it. For
7 instance, if you tell your friend to get a shotgun and then
8 tell them there's a drug house to go rob, it's a natural
9 consequence that someone could get hurt, someone could get
10 murdered. And the person who took part in planning is just
11 as guilty as the person who pulled the trigger.

12 You're also going to hear a lot about reasonable doubt.
13 You've already heard about it a few times. I guarantee
14 you'll hear it more. But what reasonable doubt does not
15 mean is just as important as what it does mean. What it
16 does not mean is beyond all doubt. You see, there are very
17 few things in this world you can be a hundred percent sure
18 of. And that's not the standard here today. But at the end
19 of this trial, after you've heard the evidence, you've seen
20 the exhibits, you're firmly convinced that if it wasn't for
21 Henry Johnson's plan, Matthew Milhouse would be alive today.
22 That's beyond a reasonable doubt.

23 While I'm talking about the evidence that you're going
24 to review, the Judge just told you that evidence isn't only
25 the physical exhibits that you're going to get to handle or

1 see. Evidence is every word of testimony that you're going
2 to hear from that witness stand. And as the triers of fact,
3 you get to determine what you believe or don't. But make no
4 mistake, every word you hear is evidence. It's for you to
5 consider. And I am firmly convinced, ladies and gentlemen,
6 that when you're done analyzing the evidence in this case,
7 when you're done analyzing the relationships between these
8 individuals that you'll be firmly convinced that for Henry
9 Johnson, Justin Washington would kill.

10 I pray that you return a verdict that speaks the truth,
11 the truth that Henry Johnson is guilty of murder. Thank
12 you.

13 THE COURT: Thank you, Mr. Bell.

14 Mr. Screen.

15 DEFENSE OPENING STATEMENT

16 BY MR. SCREEN:

17 Ladies and gentlemen, I am Jerry Screen. I'm a
18 Gamecock lawyer. I try cases like this. And you're getting
19 ready to go on a little journey. You're going to take a
20 trip. Because you know nothing about this case and so
21 you're going to go on a trip. And you're going to be
22 looking for the truth. And who has to give you the truth;
23 the Solicitor. Not their version of it, not their opinion,
24 but hard evidence that convinces you beyond a reasonable
25 doubt that the Defendant is guilty. Now, Henry Johnson was

1 twenty-three years old back in 2012. He was a junior at
2 Voorhees College. He was listed in the top twenty-five
3 scorers in the nation. He played ball overseas in Turkey,
4 in Istanbul. He was rapidly becoming a top athlete. You
5 ask yourself, people are attracted to fame. Even in that
6 small arena, everybody wanted to be close to Henry.

7 I thank you for coming here today. Everywhere we turn
8 on the television particularly, our system seems to be
9 stretched and pulled in every possible direction. And we
10 criticize the system. We don't like some things we see
11 about it. But let me tell you now it's the best thing
12 going. It is still the best system on the planet when it
13 comes to resolving differences between citizens.

14 We have a difference here. We have a major disconnect.
15 The Judge talked to you about reasonable doubt. Remember I
16 told you this. Inconsistencies are the mothers of
17 reasonable doubt.

18 You're going to hear story after story after story that
19 Jada Washington and Patrick Larry told these fine police
20 officers. They met with them, with their lawyers, they
21 talked to them. And every time they talked to them, they
22 seem to give a different story. Now, I don't know about you
23 but if you use your common sense, you ask me a question and
24 every time you ask me the same thing, I tell you another
25 story, you're subject to conclude that I'm not being honest

1 with you. You're going to find these police officers are
2 going to tell you that. You're going to find that Henry
3 Johnson in spite -- you talk about loyalty. In spite of the
4 story that Jada told because he was coached by an older guy.
5 The oldest one in this pack is Patrick Larry. He was
6 coached by him. Pull Henry in, get Henry in here. Pull him
7 in when he previously says that Henry wasn't even involved.

8 There is a presumption of innocence in this case. Our
9 Supreme Court has described the presumption of innocence
10 like a cloak around your body, around your shoulders, which
11 cannot be removed without clear and convincing evidence.
12 These inconsistencies, won't allow you to pull that cloak
13 off. You can't even pull a button off of it with what
14 they're going to give you. Not that maybe he was involved,
15 he could have been involved, have been proven that to you.
16 Somebody that'll tell you five or six different stories are
17 you willing to rely upon that?

18 Henry Johnson sits here. He trust you. We trust you.
19 The system trust you, the State trust you to gauge in that
20 search for the truth. Fundamental fairness. That's all we
21 want. Whatever your verdict is, let it speak the truth. Be
22 fair to the Solicitor. Be fair to this Defendant. Just
23 make sure that you listen carefully and you keep an open
24 mind. They have an opinion. Their opinion is my client's
25 guilty, but that's not evidence. The evidence is, the law

1 is, that he's presumed to be innocent. So regardless of
2 what the State's opinion is, unless they convince you beyond
3 a reasonable doubt, they may as well go fishing today.

4 Hold that burden, hold up to that burden. The burden
5 of proof is on the State. Make sure they carry it, not pick
6 it up and drop it. Make sure they carry that burden to your
7 satisfaction. If you fair, if you be careful about it,
8 we'll all leave here with a verdict that speaks the truth.
9 Thank you.

10 THE COURT: Thank you, Mr. Screen.

11 Mr. Graham, Mr. Bell?

12 MR. BELL: Thank you, Your Honor. At this time
13 the State would call Ms. Melissa Carr to the stand.

14 THE COURT: Melissa Carr, come forward please and
15 be sworn.

16 (WHEREUPON, Melissa Carr was sworn
17 to tell the truth.)

18 THE CLERK: Have a seat, please, ma'am. Once
19 you're seated speak up loud and clear, state your full name
20 spelling your last for the record, please.

21 MS. CARR: Melissa Carr, C-A-R-R.

22 MELISSA CARR - DIRECT EXAMINATION

23 BY MR. BELL:

24 Q How are you, Ms. Carr?

25 A I'm okay.

1 Q Ms. Carr, do you prefer to go by Lisa?

2 A Yes, sir.

3 Q Do you mind if I call you Lisa?

4 A That's fine.

5 Q Lisa, where are you from?

6 A I'm originally from Orangeburg County.

7 Q How did you end up moving here?

8 A Just friends, relationships, whatever. Boyfriends.

9 Q Okay. Where do you live now?

10 A In North, South Carolina.

11 Q Whereabouts in North?

12 A Off 178, Keegan Court.

13 Q Not back in 2012, do you recall where you living the
14 first part of that year?

15 A I was living in Neeses then.

16 Q Did you have a steady home then?

17 A Sort of.

18 Q Sort of. And you kind of moved from place to place?

19 A Yeah.

20 Q Okay. Why is that?

21 A Just couldn't get along with certain people over the
22 years.

23 Q Lisa, do you work?

24 A No.

25 Q Are you disabled?

1 A No.

2 Q Any reason you don't work?

3 A No.

4 Q Lisa, I'm going to ask you some questions and I don't
5 want to embarrass you, but have you ever done drugs?

6 A Yes.

7 Q Illegal drugs?

8 A Yes.

9 Q What kind of drugs do you do, Ms. Carr?

10 A Crack cocaine.

11 Q Is that it?

12 A I drink. That's the only drug.

13 Q Okay. Do you drink heavily at times?

14 A Yes.

15 Q Are you sober today?

16 A Yes.

17 Q When's the last time you used crack cocaine?

18 A About a week ago.

19 Q Okay. Do you feel pretty clearheaded?

20 A Yes.

21 Q How long you been using crack cocaine in all?

22 A For about twenty-two years.

23 Q So it's safe to say that in 2012 you were using?

24 A Yes.

25 Q Now, do you know a Matthew Milhouse?

1 A Yes, I do.

2 Q How do you know Matthew Milhouse?

3 A Going to buy stuff.

4 Q What kind of stuff?

5 A Crack.

6 Q Okay. And who were you buying it from?

7 A Sometimes from him.

8 Q Aside from him being your drug dealer, did you have any
9 other relationship with him?

10 A Yes, I did.

11 Q And what kind of relationship was that?

12 A It was not a girlfriend/boyfriend relationship, but I
13 cared about him and he cared about me.

14 Q Okay. Were you intimate with him?

15 A Yes.

16 Q How long had that relationship been going on?

17 A I would say it went on five or six years at the least.

18 Q Now, do you remember where he lived back in early 2012?

19 A Yes.

20 Q Do you remember the address?

21 A It's um --

22 Q And if you don't, that's okay.

23 A I can't think of the name of the road.

24 Q Do you remember what part South Carolina he lived?

25 A In Swansea.

1 Q Now, did he own the house that he stayed in over there?

2 A No.

3 Q Who owned it?

4 A Dominique.

5 Q Do you know his last name?

6 A No.

7 Q Do you know why Matthew was living there with Dominique?

8 A To help clean up for him and to -- when he was not
9 there to sell for him.

10 Q Okay. Were they friends?

11 A Yes.

12 Q Now, aside from drug dealing was there anything else
13 illegal going on in that house?

14 A Playing cards for money, gambling. A little gambling.

15 Q Okay. Did that occur regularly?

16 A Well, maybe once a week, I'll say.

17 Q Okay. Now, did you ever see money that was involved
18 with those games?

19 A Yes.

20 Q Do you remember how much they would bet?

21 A It would be a lot of money. I don't know the exact
22 amount.

23 Q At times was there a lot of cash in that house?

24 A Oh, yeah.

25 MR. BELL: Permission to approach the witness,

Your Honor.

THE COURT: Yes, sir.

MR. SCREEN: No objection, Your Honor.

THE COURT: Thank you.

BY MR. BELL:

Q Lisa, I'd like you to take a look at the first photo that I'm handing you. Do you recognize what that is a picture?

A Yes.

Q And what is that a picture of?

A The house, Dominique's house, Dominique and Matthew's house and the trailer across from them.

(State's Exhibit No. 1, photo, was marked for identification.)

(State's Exhibit No. 2, photo, was marked for identification.)

BY MR. BELL:

Q I'm going to hand you the same picture we just talked about, which is marked as State's 2 for identification. Once again, what is that a picture?

A Matthew and Dominique's house and the trailer across from them.

Q And is that an overhead shot?

A. Yes.

Q Does the area that that picture shows fairly and

1 accurately reflect the way it looked back in 2012?

2 A Yes.

3 Q Have there been no major changes?

4 A No.

5 MR. BELL: Your Honor, at this time the State
6 would move State's No. 2 into evidence.

7 THE COURT: Without objection, State's 2 is in
8 evidence.

9 (State's Exhibit No. 2, photo, was
10 entered.)

11 BY MR. BELL:

12 Q I'm going to hand you what's marked as State's 1 for
13 identification. What is that a picture of?

14 A It's a picture Dominique and Matthew's house.

15 Q Okay. Was that the house that they were staying at
16 together?

17 A Uh-huh. (Affirmative response)

18 Q What side of the house is that?

19 A The front of the house.

20 Q Okay. Is that the same as it look back in 2012?

21 A (Nods head affirmatively)

22 Q Okay.

23 MR. BELL: Your Honor, at this time --

24 A I mean yes.

25 Q Thank you.

1 MR. BELL: Your Honor, at this time the State
2 would move State's 1 into evidence.

3 THE COURT: State's 1 is also into evidence.

4 (State's Exhibit No. 1, photo, was
5 entered.)

6 Q Lisa, how many times have you been over to that house?

7 A Countless.

8 Q Was it always to buy drugs or was it also personal?

9 A It was both.

10 Q Did people ever go to that house just to hang out
11 sometimes?

12 A Sometimes.

13 Q Did a lot of different people come and go from that
14 house?

15 A Yes.

16 MR. BELL: Your Honor, permission to publish
17 State's No. 2.

18 THE COURT: Thank you. State's No. 2 is
19 published.

20 (State's Exhibit No. 2 was
21 published.)

22 BY MR. BELL:

23 Q Lisa, we just went over this. I'd like to be able to
24 show the jury. Which of these two buildings is Matthew's
25 house?

1 A On the right.

2 Q Over here?

3 A Yes.

4 Q This building?

5 A Yes.

6 Q Okay. Do you know who lives here?

7 A I just know a lady, there's a couple that lives there.
8 I know the lady's name. The same as mine, Lisa.

9 Q Okay. Were they friendly?

10 A They were real nice.

11 Q Okay. What I'm showing you now is what is entered as
12 State's No. 1. What is that a picture of again?

13 A The front of Dominique and Matthew's house.

14 Q Okay. Is that the front door?

15 A Yes.

16 Q Okay. Now, you can barely see it over here but there's
17 a railing, did that lead to a second door?

18 A Yes, it does.

19 Q Okay. Where does that lead to?

20 A The kitchen.

21 Q Okay. Lisa, do you remember being over at Matthew's
22 house on February 11th of 2012?

23 A Yes, I do.

24 Q How many times did you go to Matthew's house that day?

25 A Twice.

1 Q Let's talk about the first time, Lisa. Who went with
2 you?

3 A No one was with me.

4 Q And who was at the house when you got there?

5 A Matthew..

6 Q Was there anybody else at that time?

7 A No, sir.

8 Q Okay. And what were you doing over there the first
9 time you went to see him that day?

10 A I help him clean and he would get paid in dope and he
11 would share it with me.

12 Q Okay. So were y'all getting high?

13 A Yes.

14 Q Were you doing any drinking at that time?

15 A No.

16 Q Okay. And what were you getting high on?

17 A Crack cocaine.

18 Q How long were you over the first time you visited with
19 him?

20 A I'd say an hour or two.

21 Q Okay. Now, do you recall anything happening while you
22 were the first time that stands out to you?

23 A Yes, I do.

24 Q And what was that?

25 A We were not allowed to smoke in the house. It was

1 Dominique's house. Anyway, so I was outside smoking a
2 cigarette and a black car pulled into the driveway and
3 stopped. And then it -- well, it came in pretty fast. I
4 almost thought it was the law. Anyway, it dipped in, the
5 door popped open and then the doors closed, then it sped
6 off.

7 Q Okay. Now, you said it was a black car?

8 A Yes.

9 Q Okay. And how many doors did that car have?

10 A I'm pretty sure it was four.

11 Q Okay. Do you remember if it had non-tinted or tinted
12 windows?

13 A They were tinted.

14 Q Okay. Did you recognize that vehicle?

15 A No.

16 Q What did you think when you saw that vehicle pull in
17 and turn around?

18 A The didn't turn around. It just dipped into the
19 driveway real fast and doors opened and then it spun out.

20 Q Well, what did you think when you saw that?

21 A It made me think -- I don't know, it just kind of
22 scared me. You know. Like someone would get out if they
23 open the doors like that.

24 Q Okay. Were you suspicious?

25 A Yes.

1 Q Now, did you ultimately leave this house that day?

2 A Yes, I did.

3 Q Okay. Do you remember where you went after that?

4 A No, I don't really.

5 Q Did you ultimately end up getting a ride back to his
6 house later that evening?

7 A Yes, I did.

8 Q Okay. Who was with you that time?

9 A Pam Tyler was the one that gave us the ride and Karen
10 Nettles, known as Pocahontas was with us.

11 Q Okay. You said she goes by what?

12 A Pocahontas.

13 Q Okay. Is that a nickname?

14 A Yes.

15 Q Now, when you got to Matthew's house that evening, who
16 was there?

17 A I don't know the gentleman that was there.

18 Q Okay. What did he look like?

19 A A really, really tall guy, light skin, not fat but big.

20 Q Okay. So light skin. Was he white?

21 A No.

22 Q Okay. Was he black?

23 A Yes, but he had light skin.

24 Q Okay. Was he fat or was he skinny?

25 A I wouldn't say he was fat but he was big.

1 Q Okay. Did Matthew seem bothered by him being there?

2 A No.

3 Q Did he leave shortly after you arrived?

4 A Yes, he did.

5 Q So who all, after he left, the big guy, who was left in
6 the house that evening?

7 A Me, myself, Matthew and Karen, Pocahontas.

8 Q And what were you three up to?

9 A We were getting high.

10 Q Okay. Once again, were you smoking crack cocaine?

11 A Yes.

12 Q Were you also drinking?

13 A Yes.

14 Q Okay. Would you consider yourself high at that point?

15 A A little bit, yeah.

16 Q Okay. Now, do you recall another vehicle pulling up at
17 any point?

18 A Yes.

19 Q Can you tell us about that?

20 A It was the same little car that pulled up earlier.

21 Q And when you say the same little car, what did it look
22 like?

23 A The little black car.

24 Q Okay. Was it that same one that had four doors and
25 possibly tinted windows?

1 A Yes.

2 Q Okay. How did you feel about that?

3 A It really made me nervous.

4 Q Okay. What did you do in response to being nervous?

5 A I picked up the pistol.

6 Q Whose pistol?

7 A Matthew's.

8 Q Where did you get it from?

9 A Off the bed.

10 Q Where?

11 A Off the bed.

12 Q Okay. In whose bedroom?

13 A In Matthew's bedroom?

14 Q Did he know you had it?

15 A No.

16 Q Okay. What did you do with the pistol when you got it?

17 A I stuck it in my pants. I stuck it right here, in the
18 small of your back.

19 Q Did you keep it on you the rest of the night?

20 A No.

21 Q What happened to it?

22 A Matthew, when he walked by me, patted me on the butt
23 and he felt the gun and took it from me.

24 Q Okay. Did he typically like you carrying his gun?

25 A No.

1 Q Okay. And what did he do with it when he took it from
2 you?

3 A He put it in the holster, on his right side, over here.

4 Q What did y'all go back to doing at that point?

5 A Getting high.

6 Q Anybody else come over that evening?

7 A No.

8 Q Did anybody come over and possibly ask to buy weed?

9 A Oh, yeah. I'm sorry. There was a knock on the door
10 and Matthew went and got it. And I didn't know his name. I
11 just asked him I said -- I heard him talking. I said you
12 sound like Spider ---

13 Q Okay. Let me stop you there. Is that okay?

14 A Uh-huh. (Affirmative response)

15 Q We can't talk or say anything anybody else said to us,
16 okay?

17 A Okay.

18 Q So you saw a gentlemen. And he looked kind of familiar
19 to you?

20 A Yes.

21 Q Okay. Did you learn his name?

22 A He never said his name.

23 Q Now, what did he do when he got there?

24 A He wanted to buy some pot.

25 Q Okay. Did Matthew sell him some?

1 A He didn't have all the money so he said that he would
2 be --

3 Q Okay. I'm going to interrupt you. I'm sorry --

4 A I'm sorry.

5 Q No, you're fine. So Matthew sold him some marijuana?

6 A Yes.

7 Q Okay. Did he sell him all the marijuana he intended to
8 sell him at that time?

9 A No.

10 Q Okay. Did he save some so he could sell it later?

11 A Yes.

12 Q How long was that gentleman at the house?

13 A About probably about -- probably, I think, about five
14 minutes.

15 Q Okay. I want you to describe him a little bit better
16 for me. Was he tall or short?

17 A Tall.

18 Q Okay. Was he big or small?

19 A Sort of looked skinny.

20 Q Skinny. Okay. What color was he?

21 A He was black.

22 Q Okay. And did you say whether or not you recognized
23 him?

24 A I'd seen him before.

25 Q Okay. Did you know a lot of people in that area?

1 A Yes.

2 Q Okay. After he left, what did y'all go back to doing?

3 A Smoking.

4 Q Anything else happen that night?

5 A Yes..

6 Q Can you tell us about it?

7 A Well, someone knocked on the door..

8 Q How long was this after the first -- the gentleman who
9 bought the weed left?

10 A Probably about thirty minutes to an hour.

11 Q When you heard the knock on the door, did you hear any
12 voices or anything of that nature?

13 A No.

14 Q Did Matthew ask who it was?

15 A I really can't recall. I think he did.

16 Q Okay. And you don't recall somebody announcing
17 themselves on the outside of the door?

18 A No, sir, I don't.

19 Q Okay. Have you ever heard of the name of Rilo?

20 A Yes.

21 Q Where have you heard that name before?

22 A I've met Rilo.

23 Q Okay. Was Rilo the gentleman that came in to buy the
24 marijuana?

25 A No.

1 Q Okay. So you hear the knock on the door. What happens
2 next?

3 A Matthew opens the -- goes to open and twist the door
4 knob and the door comes open real fast. And he says, oh,
5 man. And I saw the gun and I dropped on the floor. My
6 girlfriend, she drops on the floor. And he said, give it
7 up. And Matthew said, Oh, man. And he went to pull his
8 pistol up and the guy with the shotgun shot him in the leg.

9 Q Now, you told us that when you saw the gun you dropped
10 down; is that right?

11 A Yes.

12 Q Okay. So were you looking up from the ground?

13 A Yes. Uh-huh. (Affirmative response)

14 Q Okay.

15 A I was saying please don't.

16 Q You were saying what?

17 A Please don't.

18 Q Okay. How long after that door opened did you hear
19 that loud noise?

20 A Sir?

21 Q How long after the person who entered the house did the
22 gunshot go off?

23 A Within seconds.

24 Q Okay. And did you see what kind of firearm it was?

25 A It was a long -- I didn't know if it was a rifle or a

1 shotgun.

2 Q Okay. It was long?

3 A Uh-huh. (Affirmative response)

4 Q Was he pointing it at just Matthew?

5 A Yes.

6 Q He never swung the barrel towards you and Pocahontas?

7 A Yes.

8 Q He was aiming at everybody?

9 A He shot Matthew and I kept screaming please no, no, no.
10 And I looked up and he did like that at me.

11 Q Okay. How long after you heard the shot did you
12 finally stand back up?

13 A I can't remember.

14 Q Was it shortly after --

15 A It wasn't a real long time.

16 Q Was it --

17 A I was on the floor, kept saying please and stop and I
18 would say a minute or two, I guess because when I looked up
19 there was no one there. They were gone.

20 Q How many shots did you hear?

21 A I heard one.

22 Q You never heard a second shot?

23 A Sir?

24 Q You never heard any other shots?

25 A No.

1 Q Okay. When you stood back up did you see the shooter
2 anywhere left in the house?

3 A No.

4 Q What did you see?

5 A Matthew, I went over to Matthew and he was bleeding.

6 Q Where was he?

7 A He was by the refrigerator.

8 Q Was he standing?

9 A No.

10 Q How was he positioned.

11 A He was sitting with his legs out.

12 Q Was he talking?

13 A No.

14 Q Was he breathing?

15 A Yes.

16 Q He was still alive?

17 A Yes.

18 Q Was he trying to say anything?

19 A No.

20 Q What did he seem to be doing?

21 A Kind of like mumbling.

22 Q Could you see blood?

23 A Yes.

24 Q What did you do when you saw Matthew like that?

25 A I was still scared. I was scared. I didn't know

1 whether they had -- he had actually left or he was in the
2 yard or -- I was scared. I took the pistol from Matthew.
3 Me and Pocahontas got in the closet.

4 Q Whose closet?

5 A Matthew's.

6 MR. BELL: I beg the Court's indulgence.

7 THE COURT: All right.

8 (Off the record bench conference with counsel and the
9 Court.)

10 THE COURT: On the State's next subject is there
11 any objection of Defense counsel?

12 (No response from Mr. Screen.)

13 THE COURT: Ladies and gentlemen, sometimes we
14 stand over there and whisper behind your back to keep from
15 having to send you out of the courtroom to rule on matters
16 of law. The things that we say over there really don't have
17 any bearing on your decision making process and that's the
18 reason we just leave you out of it. But if you're curious
19 about what we're saying, if you'll come to me after this
20 trial is over and ask me what we're whispering about over
21 there, if I can remember what we were whispering about, I'll
22 tell you.

23 Go ahead.

24 MR. BELL: Thank you, Judge. Permission to
25 approach the witness?

1 THE COURT: Yes, sir.

2 (State's Exhibit No. 3, photo, was
3 marked for identification.)

4 BY MR. BELL:

5 Q What I'm handing you is what's marked as State's 3 for
6 ID purposes. Can you take a look at that picture Lisa?

7 A (Witness complies)

8 Q Can you tell me what that's a picture of?

9 A My friend, Matthew.

10 Q Is that how you found him that night in February 2012?

11 A Yes.

12 Q Is that how you remember it?

13 A (Nods head affirmatively)

14 MR. BELL: Your Honor, at this time the State
15 would move State's 3 into evidence.

16 THE COURT: Over the objection of the Defense.
17 State's 3 into evidence.

18 MR. BELL: Thank you, Your Honor. I beg the
19 Court's indulgence.

20 (State's Exhibit No. 3, photo, was
21 entered.)

22 MR. BELL: Permission to publish, Your Honor.

23 THE COURT: All right.

24 (State's Exhibit No. 3, photo, was
25 published.)

1 BY MR. BELL:

2 Q Lisa, you said that you went and hid in a closet?

3 A Yes.

4 Q How long were you in there?

5 A Just a matter of seconds or maybe about a minute,
6 actually. Maybe about a minute.

7 Q And who else was in the closet with you?

8 A Pocahontas.

9 Q When you left the closet, what did you do?

10 A Someone pulled up and she left with them.

11 Q Who did?

12 A Karen, Pocahontas.

13 Q Okay. Do you know who it was that picked her up?

14 A I can't recall.

15 Q Okay. Do you know what kind of vehicle it was?

16 A It seemed like it was a little truck but I'm not sure.
17 I'm really not.

18 Q But you think it was a truck?

19 A Yes.

20 Q After she left what did you do in the house?

21 A I went to try to find that phone to begin with. I was
22 looking for it when I went into the room, I saw some money
23 there and some crack. Well, it was actually two or three
24 phones and I picked them all up because my phone didn't have
25 any minutes on it. And I put the stuff in my pocket. And I

1 tried all those phones and they wasn't working.

2 Q Did you end up finding a phone?

3 A No.

4 Q Did you end up calling 9-1-1?

5 A Yes, next door. Across the street.

6 Q Tell me about that?

7 A Well, I thought they had already called them because
8 they were so close together the house and the trailer. So
9 I, you know, wonder why they haven't already called. I
10 thought --

11 Q I'm sorry to interrupt. Why do you think they would
12 have already called?

13 A Because of the loudness of that gun. I thought they
14 had heard it.

15 Q So you went to the next door neighbors?

16 A Yes, sir.

17 Q Do you remember their names?

18 A Only the lady. Her name's Lisa, like me.

19 Q Did you tell her what happened?

20 A Yes.

21 Q Did they call 9-1-1?

22 A I think she dialed it for me but I ended up talking.

23 Q And you talked to dispatch?

24 A Yes.

25 Q Did you tell them what happened?

1 A Yes, I did.

2 Q Did you hang around and talk to law enforcement on that
3 particular time?

4 A No.

5 Q How long after did you end up talking to law
6 enforcement?

7 A The next morning. The next afternoon.

8 Q How did you get in touch with them?

9 A I was walking on the road, me and Pocahontas. And they
10 saw us. Someone -- they said someone had called it in that
11 we were walking.

12 Q Did you run from them or anything like that?

13 A No.

14 Q Did you tell them what you knew?

15 A Yes.

16 Q Do you remember telling them who you thought it looked
17 like that was the shooter?

18 A Yes, I do.

19 Q And who was that?

20 A Pat.

21 Q Pat; Do you know that full name?

22 A No.

23 Q Do you recall being shown a lineup?

24 A Yes.

25 Q And who showed you that, do you remember?

1 A The --

2 Q The police?

3 A Yeah. Where I had to write out a statement, the same
4 lady..

5 Q And do you recall picking a picture?

6 A Yes..

7 Q Do you recall the name Patrick Larry?

8 A Yes. That's it.

9 Q Is that the same name you know as Pat?

10 A Yes.

11 Q Do you know Pat from the past at all, prior to that
12 occasion?

13 A Yes. I had seen him over at another drug dealer's
14 house.

15 Q Had you ever seen him at Matthew's before?

16 A Maybe once or twice.

17 Q Have you ever heard the name, prior to this case, Henry
18 Johnson?

19 A No.

20 Q How about the name, J.R.?

21 A I'm going to take that back. I've heard the name, but
22 I don't know who the name belongs to.

23 Q Okay. Do you know whether a Henry Johnson or a J.R.
24 was ever at Matthews?

25 A I couldn't, I couldn't say.

1 Q How about a Justin Washington, do you know that name?

2 A I've heard the name but I couldn't put the face with a
3 name.

4 Q Had you heard it back then or just since this case has
5 been going on?

6 A I really don't know.

7 Q Okay. Now, I want to clarify something. When you
8 initially talked to law enforcement about who you thought
9 the person who shot Matthew looked like. You didn't tell
10 them Pat back then. Do you remember what name you told
11 them?

12 A No.

13 Q Do you recall mentioning that it looks like Spider's
14 cousin?

15 A Oh, yes. Yes.

16 Q Do you know who Spider's cousin is?

17 A No, I don't have the name.

18 Q Have you ever heard the name Shannon Johnson?

19 A Yes, I think I have.

20 Q Well, once again to clarify, did you tell police it
21 looked like Pat?

22 A I think so.

23 Q You do or do not remember saying it looked like
24 Spider's cousin?

25 A I do remember saying that.

1 Q Do you know whether Pat is Spider's cousin?

2 A I think he is, yes.

3 Q Now, that firearm that Matthew had, do you know what
4 happened to it?

5 A Yes. I took it with me and I threw it in the woods.

6 Q In the woods where?

7 A Behind the place that I ran to after I left running
8 from Matthew and Dominique's house.

9 Q Why did you throw it in the woods?

10 A Because I didn't need it any more. I only had it to
11 protect myself.

12 Q Did you end up telling law enforcement where you put
13 that gun?

14 A Yes, I told them.

15 Q Did you tell them when you met with the next day?

16 MR. SCREEN: Objection.

17 THE COURT: All right.

18 MR. SCREEN: Let her -- asking him, don't tell him
19 what you said.

20 THE COURT: Yes, sir.

21 THE COURT: Would you rephrase question.

22 BY MR. BELL:

23 Q Lisa, when did you tell them where you stored that
24 firearm?

25 A After my left from my -- when they picked me up, that's

1 when I told them.

2 Q And do you remember when that was in relation to when
3 the shooting occurred?

4 A The next day.

5 Q Okay.

6 MR. BELL: I beg the Court's indulgence.

7 BY MR. BELL:

8 Q Lisa, please answer any questions Mr. Screen has for
9 you.

10 A Okay.

11 THE COURT: Mr. Screen any cross-examine?

12 MR. SCREEN: Yes, sir.

13 THE COURT: Okay.

14 MELISSA CARR - CROSS-EXAMINATION

15 BY MR. SCREEN:

16 Q Ms. Carr?

17 A Yes, sir.

18 Q How many years have you been going over to the house
19 where Matt was?

20 A He hadn't been living there a long time. Probably been
21 there about two years, I guess, until about that time.

22 Q And for those ten years you've been buying cocaine?

23 A No. I said two.

24 Q Two?

25 A Two.

1 Q Two years?

2 A Yes, sir. I said --

3 Q You've been buying crack from him?

4 A The first, like six months they were over there, that I
5 didn't know they were over there. So it would have been
6 like a year and a half since I'd been buying coke from him,
7 them. Yes, sir.

8 Q Would it be safe to say that sometimes you would buy
9 the crack and sometime he'd give it to you as a favor, a
10 party favor?

11 A Some what favor, sir? I didn't understand what you
12 said?

13 Q Did Matt sometimes supply you with cocaine for favors?

14 A Yes.

15 Q And to cut through, you don't know Henry Johnson, do
16 you?

17 A I've seen him before.

18 Q Well, did you see him at that house?

19 A (Witness pauses)

20 Q Have you ever seen him at the house with Matt?

21 A I believe I have.

22 Q Well, when would that have been?

23 A I don't record things like that.

24 Q Well, would it have been weeks or months or days prior
25 to this shooting, which took place on the 11th of February

1 of 2012?

2 A I couldn't answer that.

3 Q You don't know when it was?

4 A Right.

5 Q So the truth of the matter, you don't even know him?

6 A Yes, I've seen him. Yes, I have.

7 Q Well, you've seen Patrick Larry?

8 A Yes, I've seen him before too.

9 Q In fact, you told the police you've seen him on the
10 street a lot for years?

11 A I've known him for years; yes. I haven't seen him a
12 lot, no.

13 Q And you've seen him for years. Did Patrick Larry come
14 to that house regularly?

15 A No.

16 Q Well, when was the last time he'd been there prior to
17 the 11th of February 2012?

18 A Sir, I do drugs. I can't remember things like that.

19 Q That's right. You can't remember things about people,
20 can you?

21 A I remember faces.

22 Q Well, you positively identified a photograph that was
23 shown to you as number 6 listed on the photograph. You
24 identified that positively; didn't you?

25 A Yes, I did.

1 Q And that was on the 14th of February, two days after
2 this thing?

3 A Yes.

4 Q Is that right?

5 A Yes.

6 Q And that person you positively identified was not Henry
7 Johnson; was it?

8 A No. I had been doing a lot of drinking and drugs prior
9 to them showing me that lineup also.

10 Q And you were very high the night of this, this thing
11 occurred; weren't you?

12 A Probably, yes.

13 Q How much crack did you smoke?

14 A Two twenties if you know what that is.

15 Q What size rock would you get for twenty dollars?

16 A About that big. (Indicating)

17 Q About as big as the tip of my finger?

18 A No.

19 Q Smaller than that?

20 A Oh, yeah. Way smaller than that.

21 Q And that got you high, and that boost you up?

22 A I've been smoking crack for years. It doesn't make me
23 go crazy. My body's sort of immune to it, I guess.

24 Q But Matthew was supplying that crack to you?

25 A No, I would buy it most of the time that I got it.

1 Q You bought it where it was available?

2 A Yes.

3 Q Whoever had it?

4 A Yes.

5 Q Yeah. Well, about what time was it you say you saw
6 this little car the Solicitor described, the dark car?

7 A It was still daylight. I would say -- I mean, this
8 would be a guess -- there are daylight how many hours of a
9 day. I would say about 3:00 or 4:00.

10 Q In the afternoon?

11 A Uh-huh. (Affirmative response)

12 Q Now you say you thought it was the same car that
13 reappeared at Matt's house later that evening?

14 A Yes, sir, it was. It was the same little car.

15 Q A similar car?

16 A Uh-huh. (Affirmative response)

17 Q You're not saying it was the same car?

18 A I can say it was the same car. It looked the same to
19 me.

20 Q Well, did you get the tag number off of it?

21 A No, I did not get the tag number.

22 Q You say it looked like it?

23 A It was too far away. I could not tell you. I couldn't
24 see the tag numbers.

25 Q Could you tell anything about the occupants of the car?

1 A No.

2 Q How many times did you talk to the police in this case?

3 A The police or the --

4 Q Lexington County Sheriff's Department?

5 A Once, twice. Twice.

6 Q So you signed a statement, did you not, on the 14th.

7 I'll let you look at it?

8 A Okay. If it's my handwriting I can tell you.

9 Q Look at that and see if you recognize it?

10 A Yes, that's my handwriting.

11 Q That's your signature?

12 A Uh-huh. (Affirmative response)

13 COURT REPORTER: That's a yes?

14 MS. CARR: Yes, I'm sorry.

15 BY MR. SCREEN:

16 Q And this is the statement in which you say you
17 positively identified somebody?

18 A Yes.

19 Q Do you remember that last photo you picked out?

20 A They tell me now it was Patrick.

21 Q It was Patrick Larry?

22 A Uh-huh. (Affirmative response)

23 Q That's who they told you you picked out?

24 A Yes.

25 Q But you really didn't know him but you thought it was

1 somebody else; didn't you?

2 A I don't know.

3 Q One thing is for sure you smoke as much crack as you
4 have, you don't remember a lot of things; do you?

5 A I can remember when I see someone get shot. And I did
6 see someone get shot.

7 Q But you didn't see this man shoot him did you?

8 A I couldn't say that I did.

9 Q Thank you.

10 THE COURT: Mr. Bell, redirect?

11 MR. BELL: Thank you, Your Honor.

12 MELISSA CARR - REDIRECT EXAMINATION

13 BY MR. BELL:

14 Q You testified earlier that you believe you know who
15 Henry Johnson is from your past?

16 A I know that name. That's all.

17 Q Did you testify to whether you knew Patrick Larry from
18 your past?

19 A Just the name.

20 Q How about Justin Washington?

21 A The same with him.

22 Q Did you ever run into Justin Washington on the street?

23 A I couldn't say I have. I don't --

24 Q Now, the individual that came and bought marijuana that
25 day, did you identify him to the police?

1 A Yes.

2 Q Did you identify him as being the same person who came
3 back later?

4 A Yes.

5 Q And did the shooting?

6 A Yes.

7 Q Now, the first time when that gentleman came to buy the
8 marijuana, did he have a hat or anything on?

9 A No.

10 Q The second time the gentleman comes in with a shotgun,
11 was he wearing a hat then?

12 A Yes.

13 Q What kind of hat?

14 A A stocking cap the one that has the bill on it. Like
15 stocking cap with the bill.

16 Q And you didn't see that hat the first time?

17 A No.

18 MR. BELL: No further questions, Your Honor.

19 THE COURT: Mr. Screen, any follow-up on those
20 narrow points?

21 MR. SCREEN: Yes, sir. Just a couple of
22 questions.

23 THE COURT: Okay.

24 MELISSA CARR - RECROSS-EXAMINATION

25 BY MR. SCREEN:

1 Q The statement I just showed you is dated 2/14/12. You
2 remember in that statement that you signed, that you ???
3 that the person had on a black stocking cap with a bill?

4 A A bill, yeah.

5 Q So these names that you say you've heard, you don't
6 know where you heard them from; do you?

7 A In the drug house.

8 Q You don't have no connection for this crime?

9 A Sir?

10 Q These names bear no connection to this crime as far as
11 you're concerned, because you don't know?

12 A Exactly. I don't know.

13 Q Yeah. Have you heard the name John Wayne?

14 A Of course I have.

15 Q Thank you.

16 THE COURT: Mr. Bell, you've got the last word?

17 MR. BELL: No further questions for this witness,
18 Your Honor.

19 THE COURT: Thank you, Ms. Carr. You can step
20 down.

21 Mr. Bell.

22 MR. BELL: Thank you, Your Honor. At this time
23 the State would call Investigator Brian Burrell to the
24 stand.

25 THE COURT: Come forward please investigator and

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State v Johnson Brian Burrell - direct 10/20/15

1 Q What did your duties entail in that job?

2 A Training new recruits, showing them what to do.

3 Q Now, back in February of 2012, did you have reason to
4 respond to 498 Calhoun Road?

5 A Yes, sir. We did.

6 Q And what area is that in?

7 A It's in the Swansea area of Lexington County.

8 Q And is that within the sheriff's department
9 jurisdiction?

10 A Yes, sir.

11 Q Do you recall what you were responding in reference to?

12 A A gunshot.

13 Q Do you remember what time you were dispatched?

14 A I'm not sure.

15 Q Do you recall if it was in the evening or in the
16 morning?

17 A It was in the evening.

18 MR. BELL: I beg the Court's indulgence.

19 BY MR. BELL:

20 Q Investigator, part of your duties back then in
21 responding to a scene, do you keep a crime scene log?

22 A Yes, sir, we do.

23 Q What are the purposes of that log?

24 A To notate who comes and goes from the crime scene.

State v Johnson Brian Burrell - direct 10/20/15

1 Q Did you keep one in this particular case?

2 A Yes, sir.

3 Q If I showed you your log from that evening, would it
4 refresh your memory as to what time you arrived?

5 A Yes, sir. It should.

6 MR. SCREEN: No objection, Your Honor.

7 THE COURT: Thank you, sir.

8 MR. BELL: Permission to approach, Your Honor.

9 THE COURT: Yes, sir.

10 BY MR. BELL:

11 Q Investigator, would you take a look at your log?

12 A Yes, sir.

13 Q Is that the log that you recorded?

14 A Yes, sir. It is.

15 Q Does it reflect what time you were dispatched to that
16 scene?

17 A It was the early morning hours; yes, sir.

18 Q And what time was that?

19 A It was 2:52 in the morning.

20 Q Does it say when you arrived?

21 A Yes, sir.

22 Q And what time was that?

23 A It was 2:52.

24 Q How long from being dispatched to arriving?

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1 A I believe it was ten minutes, I believe that's how long
2 it took us to get there.

3 Q So what time did you arrive in the morning?

4 A When we got on the scene, it was 2:52.

5 THE COURT: I'm sorry. Say that again?

6 INVESTIGATOR BURRELL: It was 2:52 in the morning.

7 THE COURT: Thank you.

8 BY MR. BELL:

9 Q And you arrived you said how many minutes after you
10 were initially alerted to this complaint?

11 A I believe it was about ten minutes or so.

12 Q Were you able to find the location that you were
13 dispatched to?

14 A Yes, sir, we were.

15 MR. BELL: Permission to publish State's 1 and 2,
16 Your Honor.

17 THE COURT: All right.

18 (State's Exhibit No. 1, photo, was
19 published.)

20 (State's Exhibit No. 2, photo, was
21 published.)

22 BY MR. BELL:

23 Q Investigator, do you know what that's a picture of?

24 A It's a picture of the incident location.

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1 Q Can you point out the address in question?

2 A It's the house to the right.

3 Q This house here?

4 A Yes, sir.

5 Q And once again, what is that address?

6 A 498 Calhoun Road.

7 Q When you pulled your vehicle up, where did you park
8 your vehicle? Was it on this street?

9 A We actually pulled right into the driveway.

10 Q Here?

11 A Just barely into the driveway, yes, sir.

12 Q Okay. What I'm showing you is what is marked State's
13 1. What is that a picture of?

14 A It's a picture of the incident location.

15 Q Okay. Is that the same house that you were dispatched
16 to?

17 A Yes, sir, it is.

18 Q Upon arrival, what happened?

19 A There were three subjects that were on scene. I
20 believe they were the neighbors. They directed us towards
21 that house.

22 Q Do you recall where you met those three individuals at?

23 A Outside.

24 Q Were they outside when you arrived or did you have to

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1 locate them?

2 A I believe they may have been standing outside when we
3 arrived.

4 Q Did they ultimately talk with you?

5 A Yes, sir.

6 Q Did they tell you what occurred?

7 A They told us that a lady by the name of Lisa had run
8 over to their house.

9 Q What did you become aware had happened?

10 A That a gentleman had been shot inside his residence.

11 Q Did you go into that residence to confirm their story?

12 A Yes, sir, I did.

13 Q Who was with you at that time?

14 A I believe at that time it was myself, Sergeant Blake,
15 our Master Deputy which was Snucker (sp), and another
16 deputy. I believe it was Tom Fine, I believe at that time.

17 Q So you weren't alone?

18 A No, sir. I wasn't alone.

19 Q When you entered the house, what were you doing when
20 you first entered?

21 A Clearing the residence, make sure that there's nobody
22 else armed or a suspect was still inside the residence.

23 Q Ultimate, what did you find?

24 A The victim, lying on the floor in the kitchen.

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1 Q Did you try to make contact with the victim?

2 A No, sir.

3 Q Did he appear responsive to you?

4 A No, sir, he did not.

5 Q Could you see any blood?

6 A Yes, sir, we did.

7 Q Did you see a gun on him at that time?

8 A No, sir, I did not.

9 MR. BELL: Permission to publish State's 3?

10 THE COURT: All right.

11 (State's Exhibit No. 3, photo, was
12 published.)

13 BY MR. BELL:

14 Q It's a little hard to see Investigator, but does that
15 fairly reflect what you encountered when you went in that
16 house that night?

17 A Yes, it is.

18 Q Had you moved him at all at that point?

19 A No, sir, we did not.

20 Q And was anybody left in the house when you got there?

21 A No, sir, there was not.

22 Q Did you canvas the kitchen area at all?

23 A I'm sure we checked the kitchen area, yes, sir.

24 Q Did anything stand out in your investigation of that

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1 area?

2 A I believe we observed a shell casing on the floor.

3 Q What exactly was the shell casing?

4 A It appeared to be a shotgun shell casing.

5 Q How many did you find?

6 A One.

7 MR. BELL: Permission to approach the witness?

8 THE COURT: All right..

9 BY MR. BELL:

10 Q Investigator, would you review this photograph?

11 A Yes, sir.

12 Q Does that fairly and accurately reflect the scene as
13 you saw it that night?

14 A Yes, sir, it does.

15 Q Is that the shotgun shell casing that you found?

16 A Yes, sir.

17 Q It was in that same position?

18 A Yes, sir, it was.

19 Q Did you manipulate it in any way?

20 A No, sir, we did not.

21 (State's Exhibit No. 4, photo, was
22 marked for identification.)

23 MR. SCREEN: No objection, Your Honor..

24 THE COURT: Thank you.

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1 A Yes, sir, we did.

2 Q Were there any problems with that?

3 A No, sir, there was not.

4 Q What did you do after securing the scene?

5 A Just secured the scene for major crime scene responses,
6 for our CSI unit to respond.

7 Q Did you make any further contact with those witnesses
8 who were outside initially?

9 A Yes, sir, I did.

10 Q And what kind of interaction was that?

11 A I spoke with them and actually received written
12 statements from them as to --

13 Q As a result of speaking with them, did you develop any
14 suspect names at that time?

15 A No, sir.

16 Q Were you given any names at all to go off of?

17 A The female name, Lisa.

18 Q And was Lisa still on site?

19 A No, sir, she was not.

20 Q Did EMS ever arrive?

21 A Yes, sir, they did.

22 Q How long after you were there?

23 A I'm not certain as to how long it took them to get
24 there. We secure the scene and then they come in.

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1 Q Once again, did you handle any handle evidence at all
2 from the scene?

3 A No, sir, I did not.

4 Q When EMS arrived, were you present?

5 A Yes, sir, I was.

6 Q Were you aware of whether they tried to resuscitate or
7 treat the victim?

8 A I don't believe they tried to -- I don't believe they
9 tried to actually perform CPR.

10 Q Do you know why?

11 A Because he appeared to be dead.

12 Q Please answer any questions Mr. Screen has for you?

13 A Yes, sir.

14 THE COURT: Mr. Screen.

15 MR. SCREEN: Thank you, Your Honor.

16 BRIAN BURRELL - CROSS-EXAMINATION

17 BY MR. SCREEN:

18 Q Investigator Burrell, your processing of the scene and
19 all did not develop any identification or possible
20 identification of the shooter or suspects in this case; is
21 that right?

22 A I was the initial responding deputy at the time. I was
23 not processing the scene in any way.

24 Q But you talked to, you talked to three people out

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1 there?

2 A That's correct, yes, sir.

3 Q Where did they live?

4 A I think two of them lived next door and one was close
5 by. I'm not sure exactly where he lived.

6 Q And did you get their names at all?

7 A We did, yes, sir.

8 Q Did any of them provide you any information regarding
9 the identity of the perpetrator?

10 A No, sir. They did not.

11 Q Did any of them provide you with anything about the
12 possible motor vehicles or cars or suspect vehicles that
13 might have been in the area?

14 A I don't recall.

15 Q Thank you.

16 THE COURT: Mr. Bell, redirect?

17 MR. BELL: The State has no further questions for
18 this witness.

19 THE COURT: Thank you.

20 Investigator, you can step down.

21 Yes, sir, Mr. Bell.

22 MR. GRAHAM The State calls Dr. Janice Ross.

23 THE COURT: Dr. Ross, come forward please and be
24 sworn.

(WHEREUPON, Janice Ross was sworn
to tell the truth.)

THE CLERK: Once you're seated, state your full name, spelling your last, please, Doctor.

DR. ROSS: Janice Edwards Ross, R-O-S-S.

JANICE ROSS - DIRECT EXAMINATION

BY MR. GRAHAM:

Q Dr. Ross; is that correct?

A Yes;

Q What you a doctor of?

A Of Pathology, forensic pathology:

Q Briefly, what is pathology and what is forensic pathology?

A Pathology is a discipline -- and so I've been through college, the University of South Carolina and the Medical University of South Carolina I got my degree, a doctor of medicine. And then I've done four years of training, four post years of training in pathology. Pathology is a discipline in medicine where we learn how to identify diseases by looking at tissue under the microscope and using the laboratory in the hospital, to diagnose anemias and different types of leukemias. We then -- we also learn how to do an autopsy to find the cause of death. A forensic pathologist further is trained in how to do a forensic autopsy, identify certain patterns of injury, and to

1 document items for the court of law as well as collect
2 specimens for toxicology and further documentation.

3 Q How long have you been a forensic pathologist?

4 A I was board certified in 1985.

5 Q And how many autopsies have you done?

6 A At least nine thousand.

7 Q And how many times have you been qualified in the State
8 courts --

9 MR. SCREEN: Your Honor, I would not object to her
10 being an expert.

11 THE COURT: Without objection. He has stipulated
12 as to her qualifications. Mr. Graham, do you need to go
13 beyond that?

14 MR. GRAHAM: No, that would be great. Thank you,
15 Your Honor.

16 THE COURT: Thank you. Dr. Ross is qualified as
17 an expert in forensic pathology. Thank you.

18 BY MR. GRAHAM:

19 Q Dr. Ross, did you have an opportunity to perform a
20 autopsy on a victim in this case, Matthew Milhouse?

21 A Yes.

22 Q Do you remember what day that was?

23 A That was February 13th, 2012.

24 Q And how old was Mr. Milhouse?

25 A I was given the age of forty-three.

1 Q Tell me, in general terms, how you do an autopsy. How
2 does it start?

3 A The body is brought to us in the morgue at Newberry
4 County Memorial Hospital, sealed in a body bag. We open the
5 body bag and identify the person, the patient. Identify the
6 clothing that he has on, he or she has on. Take
7 photographs. Then we take the clothing off and take
8 photographs. In this case, there was an obvious wound
9 present, a shotgun wound. So we did x-rays on the patient;

10 Q Where was -- this would be the external examination at
11 this point?

12 A Yes.

13 Q You said it was an obvious shotgun wound. Can you
14 describe why you say that on the grounds bodily wounds?

15 A It was on the upper anterior right thigh. And you
16 could see a large wound plus little abrasions around it
17 indicating where bird shot would have hit the body.

18 Q When you say anterior right thigh. What does that
19 mean?

20 A The upper right thigh, close to the groin.

21 Q About right here where my hand would be? That would be
22 anterior?

23 A Yes.

24 Q Did you notice anything else on your external
25 examination of Mr. Milhouse?

1 A A few scars, but nothing else.

2 Q Now, you said the next step was that you performed an
3 x-ray; is that correct?

4 A Yes.

5 Q What's the purpose of an x-ray and what did you find in
6 this case?

7 A The purpose of the x-ray is to see if there's any metal
8 still left in the body so that we can know where to retrieve
9 them, retrieve the metal.

10 Q And what did the x-ray of Mr. Milhouse's injury show?

11 A It showed a lot of bird shot. It also showed another
12 bullet that turned out to be a bullet from an old injury
13 that was underneath the skin of the right thigh, the right
14 upper leg.

15 Q Describing the wound itself, can you give the
16 measurements of the wound, how big the wound was?

17 A It was quite large, a little over three by one inches.
18 And, as I said, the edges were what we called scalloped.
19 And there was little abrasions around the wound where little
20 bird shot -- bird shot is about like BBs. When they hit the
21 skin, they leave an abrasion. But when they come out of the
22 gun, they're in a cluster very close by. So if they're very
23 close to where they go into the body, they form a round
24 hole. But as BBs, as bird shot go further, they spread out
25 a little bit. So this wound indicated that the bird shot

1 were starting to spread out a little it.

2 Q You talked about the wound entrance itself being
3 scalloped. What is that?

4 A The edge was scalloped like little circles. Again,
5 indicating the spread of the bird shot.

6 Q Once you begin after an external examination, what was
7 the next step of Mr. Milhouse's autopsy?

8 A Well, during the process of the autopsy we first
9 collect specimens for toxicology. We collect blood, fluid
10 from the eye, urine if there's any. Then we do an internal
11 examination to look at each organ of the body, to identify
12 any further injury or any natural disease of those organs.

13 Q Did you have any chance to track the path of the wound
14 that you noticed on the right anterior thigh of Mr.
15 Milhouse?

16 A Yes. It was basically going front to back, and
17 slightly up.

18 Q When you did the internal examination of Mr. Milhouse
19 and that bullet wound, what injuries did that cause in Mr.
20 Milhouse's body?

21 A It caused a laceration of the large artery, which
22 caused him to bleed-out.

23 Q Is that the femoral artery?

24 A It was a branch of the femoral artery.

25 Q So was there anything else remarkable that you noticed

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1 on the autopsy of Mr. Milhouse?

2 A No, sir.

3 Q So as an expert in the field of forensic pathology,
4 what is your professional opinion to a degree of reasonable
5 certainty as to what the cause of Mr. Milhouse's death was?

6 A It was what we call exsanguination, which means to
7 bleed-out due to the laceration of an artery, due to a
8 shotgun wound to the leg.

9 Q From the gunshot wound?

10 A Shotgun wound, yes.

11 Q Thank you, Doctor. Please answer any questions that
12 Mr. Screen has for you.

13 THE COURT: Mr. Screen?

14 MR. SCREEN: I have none. Thank you, Doctor.

15 THE COURT: Thank you. Doctor Ross, you can step
16 down. And you can be excused. Thank you, ma'am.

17 Have you got another witness we can squeeze in before
18 5:00 or a few minutes after.

19 MR. GRAHAM: My guess it would be about thirty
20 minutes probably.

21 THE COURT: All right. That'll be fine. Can you
22 folks stay with us until 5:15 to get another witness?

23 THE JURY: (Unanimous affirmative response)

24 THE COURT: Thank you. Okay. Let's try it.

MR. GRAHAM: You need a break or good to go?

THE COURT: Anybody need a break?

THE JURY: (Unanimous negative response)

THE COURT: Keep on going. This is a good jury.
They're ready to work.

MR. GRAHAM: The State calls Joe Chappell.

(WHEREUPON, Joe Chappell was sworn
to tell the truth.)

THE CLERK: Once you're seated, state your full name, spelling your last.

MR. CHAPPELL: Joseph Chappell, C-H-A-P-P-E-L-L.

JOE CHAPPELL - DIRECT EXAMINATION

BY MR. GRAHAM:

Q Mr. Chappell, what do you currently do for a living?
Where are you employed? Where do you live?

A I'm currently employed for Norris Incorporated out of Portland, Maine. I'm a service manager for fire alarm security and access control.

Q Prior to that, did you work for the Lexington County Sheriff's Department?

A I did. I worked for the Lexington County Sheriff's Department from 2008 until a year and a half ago.

Q In addition to your service with the Lexington County Sheriff's Department, did you have any other military or law enforcement experience?

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1 A I served nine years in the United States Air Force,
2 security forces, doing security and police. And when I left
3 Lexington County I went to Portland, Maine to work for the
4 City of Portland as a police officer.

5 Q February 2012, what was your role with the Lexington
6 County Sheriff's Department?

7 A It was a crime scene officer.

8 Q What does that mean? What did you do in that role?

9 A Called on scene to assist process from a range of crime
10 scenes, basically. Anywhere ranging from car break-ins,
11 burglaries, any kind of person on person crimes. It could
12 be assaults, sexual assaults or homicides or any kind of
13 questioned deaths.

14 Q Specifically, did you respond on February the 12th of
15 2012 to a homicide?

16 A I did.

17 Q What time did you respond and where did you go?

18 A I received the call at 3:00, around 3:00 or 4:00 in the
19 morning. I arrived on scene about 4:15 a.m. And this was
20 at 498 Calhoun Road, the Swansea area of Lexington County.

21 Q When you first got there, what was your understanding
22 of what happened and what did you do?

23 A I met with the investigator, and my partner crime
24 scene. A lot of the -- our policy for Lexington County or

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1 the policy at the time, two crime scene agents or two crime
2 scene investigators will respond to any kind of death scenes
3 to go out to the scene together, along with the
4 investigator. So when I arrived on the scene, I met with
5 Detective Collins. My partner, Investigator Ross for crime
6 scene, along with the deputy coroner of crimes. I was
7 advised that there was a gunshot wound victim in the house
8 that had died.

9 Q And once you have that information, what's the first
10 thing you do in processing the scene?

11 A Want to make sure we have search warrants to get in the
12 house and that was being worked by other investigators. So
13 until we had that search warrant, we stayed outside. And
14 the scene was just being held and secured by our responding
15 deputies and investigators.

16 Q Once a search warrant was obtained, what did you do?

17 A The first thing I do, once the search warrant's there,
18 you know, we review the search warrants and make sure that
19 everything's in there that was supposed to be in there. I
20 take pictures from outside in to show the scene, how it
21 looked when I arrived. And so we document everything from
22 outside to inside. And I focus on where the victim's body
23 was.

24 Q Once you do that, what happens next?

11 Q I'm going to show you this diagram and ask you if you
12 recognize that?

15 MR. SCREEN: No objection, Your Honor.

17 BY MR. GRAHAM:

19 A Yes, I do.

22 A Yes, it is.

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THE COURT: Without objection, State's 5 is in evidence.

(State's Exhibit No. 5, diagram,
was marked and entered.)

BY MR. GRAHAM:

Q What does that diagram show us, Mr. Chappell?

A It shows the layout of the house. The front, when you enter the door, which is right in the middle to the right of the kitchen there. You see the slanted line. That marks the front door.

THE COURT: Do you have a laser point that you might help him.

MR. GRAHAM: Here you go.

THE COURT: Good. Thank you. I didn't mean to interrupt.

MR. CHAPPELL: Thank you, Your Honor.

A The front door off the front porch would be right here. We've marked how the living room was laid out. When you move to the left from the front door, the kitchen and dining room area, the victim was here. This box signifies the refrigerator. And there's a side door that the victim was propped up in between the refrigerator and the side door here. And in the back, we marked how the bathroom and the two bedrooms in the back.

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1 So anyway, this points out the victim's body in
2 relation to where he was in the house. Along with that
3 number one, which was a spent shotgun shell casing.

4 BY MR. GRAHAM:

5 Q Let me show you some photographs and ask if you
6 recognize them? It's already into evidence as State's No.
7 4. Do you recognize that?

8 A Yes.

9 Q Go ahead. I'm sorry.

10 A The trash can right inside the dining area and a
11 shotgun shell casing that I'd marked as -- that's number
12 one.

13 Q There's a placard that already shows that that's the
14 shotgun shell that you're talking about and where you found
15 it?

16 A Yes, sir.

17 Q I'm going to hand you an envelope.

18 MR. GRAHAM: And I guess we should go ahead and
19 mark the outside of this Your Honor for ID at this time.

20 THE COURT: Okay. Thank you.

21 (State's Exhibit No. 6, envelope,
22 was marked for identification.)

23 BY MR. GRAHAM:

24 Q Looking at State's No. 6 for ID, do you recognize what

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1 that is?

2 A Yes, that was evidence that I collected on scene and
3 submitted to Richland County for processing.

4 Q Does it appear to be sealed and untampered with? I'll
5 let you take a look at it.

6 A Yes, it does.

7 Q Inside that clear plastic bag do you see other bags?

8 A Yes.

9 Q I'm going to ask you to open that bag. I'm handing you
10 a pair of scissors.

11 A (Witness complies.)

12 Q Taking one of the -- I believe there's three items.
13 How many items are inside there?

14 A It's three small brown paper bags.

15 Q Taking one of the items out, I'm going to hand it to
16 you and ask if you recognize it?

17 A Yes. The item that I marked as shotgun shell is in bag
18 seventeen or group seventeen, as it's put on here. Which
19 was from -- it was marked as number one on that drawing.

20 Q How do you recognize it?

21 A When I collect evidence on the search warrants and the
22 pictures that we see in this sketch, we mark each one so we
23 kind of keep better notes of what we're collecting. It
24 especially helps when you've get hundreds and hundreds of

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1 pieces of evidence. So we mark this as number one, which I
2 have marked on the bag in my handwriting and marked it on
3 the sketch as it's marked on my report as number one.

4 Q Okay. Let me have you open that and see what's inside
5 and ask if you recognize that as being the shotgun shell
6 that you collected?

7 A Yes. This is the shotgun shell that we collected.

8 Q Did that package that you just opened appear to be
9 properly sealed?

10 A Yes. It was sealed with tape and initialed.

11 Q Are you able to tell what caliber of a shotgun shell
12 that is and anything else about that shell?

13 A It's called a game shot. Two and three-quarters inch
14 and seventy millimeter, which is referring to the size in
15 side. A .20 gauge.

16 Q .20 Gauge.

17 MR. GRAHAM: Your Honor, I would move the bag and
18 the shotgun shell into evidence at this time.

19 THE COURT: Mr. Screen?

20 MR. SCREEN: Without objection, Your Honor.

21 THE COURT: Thank you. Without objection, State's
22 6 into evidence.

23 MR. GRAHAM: This would be -- I don't know, you
24 want that one for ID or ---

1 THE COURT: You got more in that bag?

2 MR. GRAHAM: It's the bag itself and there are two
3 other items. The bag the court reporter marked as 6, I
4 guess, under my direction.

5 THE COURT: Okay: Well, go ahead and mark the bag
6 that came out of that as either 6A or B or C. They're all
7 in that same bag.

8 COURT REPORTER: 6A.

9 MR. GRAHAM: 6A, Your Honor.

10 THE COURT: 6A, thank you.

11 (State's Exhibit No. 6, plastic bag
12 containing three bags, was marked and entered.)

13 (State's Exhibit No. 6A, shotgun
14 shell in brown paper bag, was marked and entered)

15 BY MR. GRAHAM:

16 Q Once you collected that shotgun shell, put it in the
17 bag and you said your handwriting is on here, what did you
18 do with this?

19 A Once all the evidence was collected, it was transported
20 back tot he sheriff's department, secured in the lab for
21 further processing or packaging. But it was secured in one
22 of the lockers, actually locker number six in our crime lab,
23 which is a secure lab, so we can take further photos and
24 package it to submit it to evidence.

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1 Q In processing the house will you tell me what other
2 things you found in the house?

3 A We found other parts of a shotgun full round, meaning
4 end caps and wadding. Found a crack pipe near the kitchen
5 floor, lighter. Some notebooks, playing cards. These are
6 different spots. Dining room table there were some playing
7 cards. I found some playing cards in the kitchen as well.
8 I found two different nylon holsters, a bag of green plant
9 material, which was in the den.

10 Q What did that plant material appear to be to you?

11 A It appeared to be marijuana, but without testing we
12 just note it as green plant material. Found another bag in
13 the bedroom of green plant material. Some more paying
14 cards, ammunition, which was in the bedroom. Some
15 cellphones on the refrigerator and in the kitchen cabinet
16 above the sink. And I think I've listed everything from the
17 house.

18 Q Did you find any evidence of anything that would
19 indicate the use of crack cocaine in the home?

20 A We located the pipe. There was a -- my apologies.

21 Q Item number three on your report. You said pipe. What
22 does that mean?

23 A It was a, just a small pipe with residue that was on
24 the kitchen floor, typically used to smoke crack cocaine.

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1 Q When you said that you note you called a part of the
2 shotgun shell with wadding. Do you know what wadding is and
3 how that relates to the shotgun shell?

4 A It's how the shotgun round is built up. I'm not expert
5 in how the makeup of a shotgun shell is but there is powder,
6 there is wadding. The pellets and then the caps is all
7 compressed together in the shotgun. So the wadding kind of
8 separates that powder from the pellets that are in there or
9 the slug.

10 Q You talked about a crack pipe when you talk about green
11 plant like materials. How about cards, about playing cards.

12 A There were loose playing cards on the dining room
13 table, playing cards in the kitchen and brand new stacks of
14 playing cards that were unwrapped that we found in a large
15 box in the kitchen.

16 Q Multiple decks of unwrapped playing card?

17 A Correct.

18 Q In addition to those, did you find any money?

19 A We found a box with a hundred and fifty dollars in one
20 dollar bills in one of the bedrooms.

21 Q Did you have any -- what, if any, information did you
22 have about in addition to the shotgun shells -- in addition
23 to a shotgun being fired, that another round or another gun
24 may have been fired. Did you have any indication regarding

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1 that?

2 A There was information that there was possibly another,
3 there was another bullet hole. I'll show you -- the victim
4 was over here. There was a bullet hole found on this wall,
5 which we saw. We have pictures and we photographed and
6 measured and then saw it from the outside and it looked like
7 it went through.

8 Q Were you able to recover any kind of projectile?

9 A We were not.

10 Q Any kind of shell casing or anything?

11 A No, sir.

12 Q Let me show you two photographs and ask if you
13 recognize this or these photos. Do those correctly and
14 accurately depict what you're describing inside and outside
15 the house.

16 A Yes.

17 MR. GRAHAM: Your Honor, the State would offer
18 those into evidence at this time.

19 THE COURT: All right.

20 MR. SCREEN: No objection, Your Honor.

21 THE COURT: Thank you. Without objection, State's

22 7 --

23 COURT REPORTER: And 8.

24 THE COURT: 7 and 8.

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1 Q Were you able to determine whether there was any kind
2 of angle on that from the inside to the outside?

3 A It appeared that it went more of a down than an up, but
4 it was kind of out. There wasn't a lot of angle but we
5 didn't measure it because we --

6 Q But it was lower on the inside or more from the inside
7 out, do we know?

8 A Slightly, but it wasn't enough to --

9 Q Was there anything about looking at what you
10 photographed in No. 8 that would indicate to you whether it
11 was a fresh break in the wood or whether it was a recent
12 break?

13 A It appeared that it had happened recently.

14 Q And why do you say that?

15 A With the color of the wood on this side right here,
16 it's more of a fresh, a fresh cut wood break or -- nothing
17 -- It's not weathered as much right here as it would have
18 been if it was exposed to weather a lot longer.

19 Q Once you've collected the evidence, including the
20 shotgun shell, that you previously testified to, what do you
21 do with it?

22 A Once I collect it from the house?

23 Q Yes, sir?

24 A Took it back to our sheriff's department and secured it

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1 in the lab.

2 Q Eventually, did you turn in from your lab to the
3 evidence storage unit or was there an individual worked for
4 the sheriff's department as the custodian of evidence?

5 A Yes, I did. I turned them over to our evidence
6 custodian.

7 Q Do you remember who that is?

8 A Beth Holliman.

9 Q Is she here in Court?

10 A She is.

11 Q Sitting back there in the gray sheriff's department
12 shirt?

13 A Yes, sir.

14 Q Did you attempt to look for fingerprints from that
15 house?

16 A We did. We used fingerprint powder. I dusted some of
17 the area around the kitchen. Focused a lot on points that
18 people would normally touch. Light switches, corners,
19 corners of walls but was unable to locate any fingerprints.

20 Q After that, the following day on the 13th of February
21 2012, did you also have another role in this case?

22 A (No response)

23 Q Specifically, did you attend Mr. Milhouse's autopsy?

24 A Yes, I did.

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1 Q Where was that at and what time and who performed the
2 autopsy?

3 A February 13th, 8:30 a.m. at Newberry County Hospital,
4 Newberry, South Carolina. Dr. Ross, who testified and Keene
5 Garvin completed the autopsy.

6 Q What was your role as a crime scene investigator, your
7 purpose for being at the autopsy?

8 A We attend all autopsies to take photographs for our
9 records and just to document -- document the autopsy and get
10 the evidence. In this case, there were shotgun pellets in
11 the leg and in his clothing, as well, that we collected.

12 Q Let me show you a photograph and ask if you recognize
13 taking this?

14 MR. SCREEN: Your Honor, may we approach?

15 THE COURT: Yes, sir.

16 (Off the record bench conference with counsel and the
17 Court.)

18 BY MR. GRAHAM:

19 Q You were present when Dr. Ross did the autopsy?

20 A That's correct.

21 Q And were you present when she x-rayed Mr. Milhouse?

22 A Yes, I was.

23 Q And what did you see on the x-ray?

24 A There were several spots on the x-ray that showed up as

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1 little metal balls on the right leg.

2 Q Do you remember how many there were?

3 A We didn't count, but there was numerous, a good number
4 of them.

5 Q In addition to -- were those items collected by
6 yourself?

7 A A large majority of the pellets were collected. She
8 didn't take out all of them from the leg.

9 Q In addition to the pellets was there something else
10 that was collected related to a shotgun shell, a shotgun
11 shell injury?

12 A Yeah. The wadding and the end cap were actually in the
13 wound. And so when she was examining the wound, she pulled
14 those out.

15 Q So are you found a wadding and the end cap Dr. Ross
16 discovered in Mr. Milhouse's thigh --

17 A Uh-huh. (Affirmative response.) Yes, sir.

18 Q Was there also a wadding and an end cap found at the
19 house?

20 A There was.

21 Q Did you collect that as well?

22 A Yes.

23 Q Was it one wadding or was two waddings --

24 MR. SCREEN: Objection, Judge.

1 THE COURT: I'll allow that.

2 MR. SCREEN: Let him tell him what he found.

3 THE COURT: That doesn't necessarily suggest what
4 the answer's going to be. The answer could be more or less.
5 I'm not sure. I'll overrule that objection. He can answer
6 if he knows.

7 A There was one wadding and an end cap located at the
8 residence on Calhoun. And there was one wadding and one end
9 cap in the wound of the victim that was collected.

10 MR. GRAHAM: Your Honor, that's all the questions
11 that I have for Mr. Chappell at this time. He will be
12 subject to recall at this time.

13 BY MR. GRAHAM:

14 Q Please answer any questions that Mr. Screen has.

15 THE COURT: Mr. Screen, cross-examine?

16 MR. SCREEN: Thank you, Judge.

17 JOE CHAPPELL - CROSS-EXAMINATION

18 BY MR. SCREEN:

19 Q I hand you this Exhibit, that's Exhibit 6 --

20 A Eight.

21 Q Eight. I don't have my glasses on. And you said you
22 thought that was a fresh place there, where a bullet may
23 have traveled. Fresh, what do you mean; two days, two
24 weeks, two months? How do you know when it might have
25 happened?

1 A No, sir. I didn't know exactly when. It appeared that
2 it was more recent than in the past.

3 Q But you're not telling this jury that that bullet hole
4 was made on the night this problem came up?

5 A No. I couldn't answer that question. No, sir.

6 Q Now, when you were processing this crime scene, and
7 y'all were doing fingerprints, did you dust that shell that
8 was on the floor there? Did you dust it for prints?

9 A No, sir. It was sent off to process so we didn't dust
10 it before.

11 Q All right. Well, are you now, today, sir, aware of
12 whether any identified prints were discovered on that shell?

13 A No, sir, I'm not aware.

14 Q Thank you, sir.

15 THE COURT: Redirect?

16 MR. GRAHAM: No, Your Honor. That's all for this
17 witness at this time.

18 THE COURT: Thank you, Mr. Chappell. You can step
19 down.

20 MR. CHAPPELL: Thank you.

21 THE COURT: Thank you, sir.

22 You said thirty-minutes, Mr. Graham and you only took
23 twenty-five. That's excellent time management.

24 It is a good timing, ladies and gentlemen. It's time
25 for us to break for the day obviously. The really bad news

1 is you've got to get there in the middle of that 5:00
2 o'clock traffic trying to get down those one lane roads to
3 get back home as best you can. I apologize for that. I'll
4 take blame for the time but not for the condition of the
5 roads.

6 Be back in your jury room tomorrow, please, at 9:30 and
7 we'll start the trial again in the morning at nine-thirty.
8 I remind you, as always not to discuss this case with
9 anybody else overnight or let anybody talk with you. And
10 don't talk about it among yourselves when you get back to
11 the jury room at 9:30 tomorrow morning.

12 Have a safe trip home and good evening. I'll see you
13 tomorrow. Thank you.

14 (Jury out for the evening at 5:10
15 p.m.)

16 THE COURT: Mr. Graham, Mr. Bell, anything further
17 from the State before we break for the day?

18 MR. BELL: No, Your Honor.

19 THE COURT: Thank you.

20 Mr. Screen, from Defense?

21 MR. SCREEN: Nothing, Your Honor.

22 THE COURT: 9:30 tomorrow. Thank you.

23 (Court in recess October 20, 2015
24 at 5:11 p.m.)
25

1 (Court in session October
2 21, 2015 at 9:39 a.m.)

3 THE COURT: Good morning, ladies and gentlemen.
4 Please be seated. Thank you.

5 I'm sorry I'm a few minutes late. I noticed the
6 traffic coming in for me this morning from 378 to I-77 to 26
7 was as bad as I've had it in some time. Thank goodness, the
8 recovery must be well underway with all the convoys that
9 were on the road. Anyway, I'm not going to hold you up
10 anymore.

11 Is the State ready for the jury?

12 MR. BELL: The State's ready, Your Honor.

13 THE COURT: Is the Defense is ready.

14 MR. SCREEN: The Defense is ready, yes, sir.

15 THE COURT: Thank you.

16 Bring us the jury, please, sir.

17 (Jury in at 9:41 a.m.)

18 THE COURT: Good morning, ladies and gentlemen.
19 Thank you for your prompt return this morning. I apologize
20 to you, as I did to the court personnel. We're starting ten
21 minutes late. I've had the heaviest traffic that I've had
22 in some time coming here this morning. All the way, 378 to
23 I-77 to 26. I guess it's a good sign the recovery's
24 underway from the looks of the vehicles and construction

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1 traffic, but we'll get started now that you're here. And
2 the State is continuing to offer evidence and testimony in
3 support of its charges that its brought in this case.

4 Mr. Graham, Mr. Bell.

5 MR. BELL: Thank you, Your Honor.

6 THE COURT: Mr. Bell.

7 MR. BELL: At this time, the State would call
8 Investigator Steve Collins.

9 THE COURT: Investigator Collins, come forward
10 please and be sworn.

11 (WHEREUPON, Steve Collins was sworn
12 to tell the truth.)

13 STEVE COLLINS - DIRECT EXAMINATION

14 BY MR. BELL:

15 Q Investigator, who are you currently employed by?

16 A The Lexington County Sheriff's Department.

17 Q How long have you been with them?

18 A I've been with them for fifteen years.

19 Q And what's your current rank and title?

20 A My current position is I am the task force officer
21 assigned to the FBI's Joint Terrorism Task Force.

22 Q Now, what kind of duties does that entail?

23 A It entails investigating issues of domestic terrorism
24 threats against the United States.

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1 Q Were you doing that back in 2012?

2 A No, sir, I was not.

3 Q What were you doing back then?

4 A I was a detective working in the major crimes unit at
5 Lexington County Sheriff's Department.

6 Q And what kind of crimes were you dealing with in the
7 major crimes unit?

8 A Crimes against persons, homicides, robberies,
9 burglaries, sexual assaults.

10 Q Did you take part back in 2012 in the investigation of
11 the murder of Matthew Milhouse?

12 A Yes, I did.

13 Q So you recall responding to 498 Calhoun?

14 A Yes, sir.

15 Q And where is that address located?

16 A 498 Calhoun Road is located in the Swansea area of
17 Lexington County.

18 Q Investigator, what I'm showing you is what has been
19 entered as State's 2. You have a laser pointer up there
20 with you. Would you circle the incident location?

21 A That house right there.

22 Q What is that road running along the side?

23 A That is Calhoun Road.

24 Q Okay. And is that a named road, the right one heading

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1 sort of in a northerly direction?

2 A No, that would be the driveway leading into the
3 residence.

4 Q Okay. Now, once again, where is that Calhoun Road
5 located?

6 A That's Swansea, South Carolina.

7 Q And that's in what county?

8 A The jurisdiction of the Lexington County Sheriff's
9 Department.

10 Q Now, were you aware of the nature of the complaint that
11 you were responding to?

12 A Yes. There had been a shooting that had resulted in
13 the death of an individual.

14 Q When you first arrived there, who did you make contact
15 with?

16 A Sergeant Kevin Blake who was the shift supervisor.

17 Q And were you made of the situation?

18 A Yes, sir.

19 Q Did you make any efforts to make your own observations
20 of the crime scene?

21 A Yes, sir, I did.

22 Q Did you ultimately go inside of that home that you
23 circled?

24 A Correct. Yes, sir, I did enter the residence.

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1 Q And what did you see when you went inside?

2 A That the body of the victim, Matthew Milhouse, was
3 still present at the incident location. There was a good
4 bit of blood. He was deceased on the floor of the kitchen
5 of the residence. There was a shotgun shell on the floor
6 and that the house, otherwise looked as you would expect it.

7 Q Investigator, I've shown you what's been entered as
8 State's 4. Could you circle anything of relevance in that
9 picture for us?

10 A I think that would be the shotgun shell that I referred
11 to.

12 Q Is that in the same position as you saw it that day?

13 A Yes, sir.

14 Q Had it been handled at all as far as you were told?

15 A As far as I was aware that it is in the exact same
16 position that it had been in since the incident took place.

17 Q And did you handle it at all?

18 A No, sir.

19 Q Are you aware of what gauge shotgun shell it was?

20 A It was a .20 gauge shotgun shell.

21 Q After you were finished canvassing the scene, what did
22 you do Investigator?

23 A I spoke with the neighbors who lived next door and
24 where the original 9-1-1 call had come into the sheriff's

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1 department from.

2 Q Now, through your conversation with those neighbors,
3 were you able to determine who the owner of the incident
4 house was?

5 A The residence belonged to an individual named Dominique
6 Duckson.

7 Q Were you able to reach out and make contact with that
8 individual?

9 A I was not able to make contact with him at that time,
10 no, sir.

11 Q Are you aware of whether anybody made contact with him
12 that day?

13 A. Yes. We were subsequently able to make contact with
14 him.

15 Q How long after you were on scene?

16 A Oh, I got on scene around 4:00 a.m. Mr. Duckson's
17 mother, Barbara Livingston, showed up on scene. Mr. Duckson
18 did call her. She had come by to see us. That's how we
19 were able to get in touch with her. I would estimate that
20 was probably between 7:00 and 8:00 in the morning.

21 Q Did Dominique seem evasive to y'all's attempts to
22 contact him?

23 A We had -- no. When I made contact with him, he was
24 forthcoming and we were able to set up a meeting with him.

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1 I did not find him evasive in any way.

2 Q Was he able to confirm that that was his house?

3 A Yes, he was.

4 Q Did he offer up an alibi for where he was that evening?

5 A Yes, sir. He was at a concert. I believe the group or
6 the band is Future.

7 Q Were you able to confirm that alibi?

8 A Yes. The concert did take place. And there were other
9 individuals that stated they were with him at that concert.

10 Q How about the neighbors, were they cleared as suspects?

11 A Yes. There was no indication of their involvement
12 whatsoever. Their statements were that they slept through
13 the entire incident and were awake when an individual from
14 that residence was knocking on their door.

15 Q Now, stepping back to Dominique. Through your
16 conversation with him, were you able to develop any other
17 leads?

18 A Well, once that Melissa Carr was identified as the
19 white female that had left the incident location.

20 Q Was Dominique able to tell you -- were you able to
21 determine from talking to Dominique any other names of
22 interest?

23 A Not at that time. There were not any at that time.

24 Q Did you ever hear the name Shannon that day?

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1 A Yes, sir, we did.

2 Q Can you tell me about that?

3 A When we eventually made contact with Melissa Carr and
4 then later Dominique Duckson also provide that name, was an
5 individual that looked like Spider who is an individual in
6 Lexington County know as Caesar Johnson. They said it
7 looked like his brother who is Shannon Johnson. That was
8 the individual that was initially identified as a person of
9 interest.

10 Q Now, after being able to identify Lisa as Melissa Carr,
11 did you reach out to make contact or try to track her down?

12 A Yes. When we were leaving the Calhoun Road initially
13 that morning, that was our focus was to locate Melissa Carr.
14 She was located by the Orangeburg County Sheriff's
15 Department in North, South Carolina several hours later on
16 that same day, the 12th.

17 Q Did she try to evade y'all when you went and talked to
18 her?

19 A She was taken into custody by the Orangeburg County
20 Sheriff's Department on unrelated charges. So there was no
21 evasion possible.

22 Q Did you end up having a conversation with Ms. Carr?

23 A Yes, sir. I had a brief conversation with her on the
24 12th.

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1 Q What sort of information did you get at that
2 conversation?

3 A I -- that the individual we needed to try to locate
4 that may have been involved. Like I said, it was the
5 individual Spider's brother was what she kept using to
6 describe him and that was Shannon Johnson.

7 Q And what involvement did she identify that person as
8 having that night?

9 A Well, as the individual that had come into the
10 residence that she believed was the individual with the
11 shotgun.

12 Q Did you ask her anything about a pistol?

13 A Yes, I did.

14 Q And was she able to tell you anything about it?

15 A Yes. She had removed the pistol from the crime scene
16 and subsequently threw it into the woods behind a residence
17 down the road on Calhoun Road.

18 Q Did she volunteer that information to you?

19 A Yes, sir, she did when asked.

20 Q Did that information check out?

21 A Yes. We were able to go behind the residence off
22 Calhoun Road and we did recover that pistol.

23 Q Did you follow-up on the name Shannon Johnson that we
24 talked about?

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1 A Yes, sir, we did.

2 Q How did that go?

3 A We had difficulty in trying to locate him. We were
4 given indication that he did not want to make contact with
5 us because he believed that he was going to be arrested.
6 And during that we also began hearing the name Patrick Larry
7 was an individual that we wanted to talk to.

8 Q And where did that name come from?

9 A An individuals on the street. We were canvassing the
10 area around the incident location and Saluda. As well we
11 were also in and around North where the victim and other
12 individuals, Mr. Duckson, and such were from. And people
13 would tell us -- Barbara Livingston had heard that name and
14 several others, that Patrick Larry may have been also
15 involved the incident.

16 Q Did the Shannon character also provide Patrick Larry's
17 name?

18 A Yes, sir. He eventually did.

19 Q Now, do you recall actually being able to sit down and
20 talk to Shannon?

21 A Yes, sir. We were able to have a conversation with
22 him.

23 Q And did he provide an alibi?

24 A Yes, sir, he did. He provided -- he stated that his

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1 girlfriend, Genesis Pierson would be able to provide him
2 with an alibi.

3 Q Did that check out?

4 A Yes, sir. We were able to go to talk to Genesis
5 Pierson. And she confirmed that Shannon Johnson was with
6 her during the time of this incident.

7 Q Is it during that conversation that you heard the name
8 Patrick Larry come out again?

9 A Yes. The name Patrick Larry came out during that
10 conversation.

11 Q With that information, what did you do with it?

12 A We were able to develop a photo lineup for Patrick
13 Larry and we showed that photo lineup to Melissa Carr.

14 Q And what did she indicate?

15 A She picked Patrick Larry out of the photo lineup that
16 we showed her.

17 Q Do you recall exactly what she said about that person's
18 involvement at that time?

19 A She stated that was the individual that she believed
20 had entered the residence with the shotgun and had
21 previously been at the residence and purchased marijuana
22 earlier in the day.

23 Q Based on that information, how did you proceed?

24 A With the information that we had, we decided that the

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1 next course of action was to obtain a search warrant for the
2 residence of Patrick Larry.

3 Q Do you recall the date of that search warrant?

4 A February 15th, 2012.

5 Q And how long would that have been after the incident
6 date?

7 A Three days.

8 Q Ultimately, did you obtain a search warrant?

9 A Yes, sir, we did.

10 Q Did you take part in the execution of that search
11 warrant?

12 A Yes, sir, I was present when that took place.

13 Q When you arrived at that house, who was there?

14 A The Defendant or the individual, Patrick Larry, was
15 present, his mother, Mary Porter -- I believe it's his step-
16 father. I do not recall his name -- and the mother of one
17 of his children, I believe her name is Ellen, something with
18 a B, Bronco, Branco.

19 Q Did you interview those individuals?

20 A Yes, sir. We interviewed those individuals.

21 Q Did you interview Patrick Larry?

22 A Yes, sir, we did.

23 Q Did he admit any involvement?

24 A No, sir. He claimed no knowledge of the incident at

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1 that time.

2 Q Did you also interview Patrick Larry's mother?

3 A Yes, sir, we did.

4 Q And what was her name?

5 A Mary Porter.

6 Q Did any of the information -- excuse me. Ultimately,
7 as you searched the house, did y'all locate anything of
8 note?

9 A Yes, Your Honor, we did. There was a pistol located
10 under the bed in Patrick Larry's room. And there was also
11 an amount of marijuana located within Patrick Larry's
12 bedroom.

13 Q Did you locate a phone?

14 A Yes, sir. We also located a cellphone that belonged to
15 Patrick Larry.

16 Q Were you able to confirm that that phone belonged to
17 Patrick Larry?

18 A Yes, sir. He advised us that that was his cellphone.

19 Q Do you recall him telling you the number connected to
20 that phone?

21 A Yeah. The number connected to that phone I do not
22 recall it off the top of my head.

23 Q At that time when you concluded the search and finished
24 interviewing, what did you do?

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1 A At that time -- the search warrant actually was in the
2 jurisdiction of the Calhoun County Sheriff's Department.
3 Calhoun County Sheriff's Department was going to handle the
4 simple possession of the marijuana charge with Mr. Larry.
5 So when Lexington County Sheriff's Department collected the
6 evidence that we had from the search warrant, we headed back
7 to Lexington County leaving Mr. Larry with the Calhoun
8 County Sheriff's Department to deal with the issue of the
9 marijuana.

10 Q Now, did Patrick Larry offer any further cooperation
11 that day?

12 A Yes, sir. After we had left and were heading back to
13 the sheriff's department to figure out what our next step
14 was, we received a call from Lieutenant Henry Dukes with the
15 Calhoun County Sheriff's Department. He indicated that
16 Patrick Larry had let them know that he did want to speak
17 further with the Lexington County Sheriff's Department about
18 his knowledge and involvement with the murder of Matthew
19 Milhouse.

20 Q Were you able to sit down and meet with Patrick Larry?

21 A Yes, sir. I was able to meet with him at Lexington
22 County Sheriff's Department.

23 Q At that point did he admit any further involvement?

24 A Yes, sir, he did.

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1 Q Per that conversation, did you develop any more persons
2 of interest?

3 A Yes, sir. After that conversation we developed a Henry
4 Johnson known as J.R., and Justin Washington.

5 MR. BELL: I beg the Court's indulgence.

6 THE COURT: Okay.

7 BY MR. BELL:

8 Q Upon hearing those names, did you do any background
9 checks on those identities?

10 A Yes, sir. We developed pictures, DMV photos of those
11 two individuals and showed them to Patrick Larry to confirm
12 that we identified the two men that we now wanted to talk to
13 further about any involvement in this incident.

14 Q And were you able to confirm those people existed?

15 A Yes, sir, we were.

16 Q Did you have addresses attached to those people?

17 A Yes, sir, we did.

18 MR. BELL: Permission to approach the witness,
19 Your Honor.

20 THE COURT: Yes, sir.

21 COURT REPORTER: 9, 10, and 11 for ID.

22 MR. BELL: Thank you.

23 (State's Exhibit No. 9, photo, was
24 marked for identification.)

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1 (State's Exhibit No. 10, photo, was
2 marked for identification.)

3 (State's Exhibit No. 11, photo, was
4 marked for identification.)

5 BY MR. BELL:

6 Q Investigator, would you take a look at that picture?

7 A Yes, sir.

8 Q Are you able to identify the individual in that
9 picture?

10 A Yes, sir. You've handed me a picture of Patrick Larry.

11 Q Okay. Is that the individual that you sat down to
12 interview at the sheriff's department?

13 A Yes, sir.

14 Q That was marked as State's 11 for ID purposes. Does
15 that picture fairly and accurately represent the way that
16 Patrick Larry looked?

17 A Yes, sir. It does.

18 Q Do you see Mr. Larry in the courtroom today?

19 A No, sir, I do not see Mr. Larry present in the
20 courtroom at this time.

21 Q Now, once again, what were the other two names that
22 became of interest to you?

23 A Henry Johnson and Justin Washington.

24 Q I'm handing you what's marked as State's 9 for ID.

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1 Would you take a look at that?

2 A Yes, sir. It's a picture of Justin Washington.

3 Q And you were able to confirm that, how?

4 A At the time we were to confirm that from his DMV photo.
5 We actually showed that to Patrick Larry. Patrick Larry
6 positively identified that as Justin Washington. At this
7 point, I have spoken with him several times and I know that
8 to be Justin Washington as well.

9 Q Is that individual in the courtroom today?

10 A No, no, sir. I do not see him in the courtroom either
11 at this time.

12 Q Handing you what's marked as State's 10 for ID?

13 A Yes, sir.

14 Q Who is that individual?

15 A That is Henry Johnson.

16 Q And did you confirm that picture through the same means
17 as you've already talked about?

18 A Correct. The same way, showing the DMV photo to
19 Patrick Larry.

20 Q Is that individual here today?

21 A Yes, sir. He's sitting at the defense table next to
22 his attorney, Mr. Screen.

23 MR. BELL: At this time, Your Honor, the State
24 would move 9, 10, and 11 into evidence.

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1 THE COURT: Mr. Screen?

2 MR. SCREEN: No objection, Judge.

3 THE COURT: Thank you. Without objection it's in
4 evidence. Thank you.

5 (State's Exhibit No. 9, photo, was
6 marked and entered.)

7 (State's Exhibit No. 10, photo, was
8 marked and entered.)

9 (State's Exhibit No. 11, photo, was
10 marked and entered.)

11 BY MR. BELL:

12 Q Briefly, investigator, in State's 9, who is that a
13 picture of?

14 A That is Justin Washington.

15 Q In State's 11?

16 A That is Patrick Larry.

17 Q In State's 10?

18 A That is Henry Johnson.

19 Q Did you pull up their addresses to see where these
20 individuals lived?

21 A Yes, sir. When you pull up somebody's driver's license
22 record it list the last address as being provided to the
23 State of South Carolina.

24 Q Did you analyze those addresses in relation to each

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1 other?

2 A Yes, sir. I did look at the relation to residences and
3 the crime scene.

4 Q Do you recall what area of the state Henry Johnson
5 lived in?

6 A He lived in Lexington County in the Swansea area of
7 Lexington County. His old address wasn't that residence.

8 Q And Patrick Larry?

9 A Patrick Larry would have been in Calhoun County, still
10 in the Swansea area of the State of South Carolina.

11 Q And Justin Washington?

12 A Justin Washington lived in Denmark, South Carolina.

13 MR. BELL: Permission to approach the witness,
14 Your Honor.

15 THE COURT: Yes, sir.

16 (State's Exhibit No. 12, map, was
17 marked for identification.)

18 (State's Exhibit No. 13, map, was
19 marked for identification.)

20 COURT REPORTER: 12 and 13 for ID.

21 MR. BELL: Thank you.

22 BY MR. BELL:

23 Q Investigator, please take a look at these images. Did
24 you take part in the preparation of those images?

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1 A Yes, sir, I did.

2 Q And what do those images reflect?

3 A The first one, I believe 12 indicates the incident
4 location. The residence of Patrick Larry and the residence
5 of Henry Johnson.

6 Q And the second one marked as State's 13 for ID?

7 A State's 13 also shows those three locations that I
8 talked about. But this one also includes the Denmark
9 residence of Justin Washington.

10 Q Through your knowledge as a Lexington County Deputy, do
11 these maps fairly and accurately represent the areas?

12 A Yes, sir, they do.

13 MR. BELL: Your Honor, at this time we would seek
14 to move 12 and 13 into evidence.

15 THE COURT: Mr. Screen?

16 MR. SCREEN: No objection, Your Honor.

17 THE COURT: Without objection.

18 (State's Exhibit No. 12, map, was
19 marked and entered.)

20 (State's Exhibit No. 13, map, was
21 marked and entered.)

22 MR. BELL: Permission to publish, Your Honor.

23 THE COURT: Yes, sir.

24 (State's Exhibit No. 12 was

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1 published.)

2 (State's Exhibit No 13 as

3 published.)

4 BY MR. BELL:

5 Q Investigator, what I'm showing you is State's 12. What
6 are we looking at?

7 A You're looking at a map that shows the 498 Calhoun
8 Road, which is the incident of the shooting at Matthew
9 Milhouse. You're looking at the address of 393 Calgon Road
10 in Swansea, which is the residence for Patrick Larry. And
11 you're looking at the address of 110 Washington Court in
12 Swansea, which is the residence listed on Henry Johnson's
13 driver's license as well.

14 Q Investigator, I believe you have a laser pointer
15 sitting up there with you?

16 A Yes, sir.

17 Q Since these dots are a bit faded, would you circle the
18 incident location?

19 A Right there. The Calhoun Road.

20 Q Okay. And would you circle Patrick Larry's residence?

21 A (Witness complies)

22 Q And Henry Johnson's?

23 A (Witness complies)

24 Q Did you have a chance to measure out those distances

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1 roughly?

2 A Yes, sir.

3 Q Do you know roughly how far those locations are
4 separated from each other?

5 A Henry Johnson's residence is probably about a four or
6 five minute drive from Patrick Larry's house, maybe a little
7 bit quicker. Patrick Larry's house is probably an eight to
8 ten minute drive from the Calhoun Road address. So all of
9 those three locations are relatively close in proximity.

10 Q I'm now showing you State's 13. Can you tell me what
11 this is a picture of?

12 A Yes, sir. The top, those are those three previous
13 addresses we have just discussed. And down at the bottom,
14 that is the address of Justin Washington, where he lives in
15 Denmark, South Carolina.

16 Q Were you able to find out how long Justin Washington
17 had been at that residence in Denmark?

18 A That is his parents residence. My knowledge is that
19 Justin Washington has essentially grown up and lived at that
20 residence most of his life.

21 Q Did he ever live in Swansea?

22 A I have no information that ever indicates Justin
23 Washington lived in Swansea.

24 Q Roughly, how far is that Denmark address from those

1 Swansea addresses?

2 A It's going to take you a good forty minutes. It's not
3 close at all.

4 Q Investigator, please answer any questions the Defense
5 may have for you.

6 A Yes, sir.

7 THE COURT: Mr. Screen, you may cross-examine.

8 MR. SCREEN: Thank you, Your Honor.

9 STEVE COLLINS - CROSS-EXAMINATION

10 BY MR. SCREEN:

11 Q Investigator Collins, from the time you went to the 498
12 Calhoun Road property in the early morning hours of February
13 12th, 2012. --

14 A Yes, sir.

15 Q -- and you say you arrived there about 4:00 o'clock?

16 A Yes, sir. The crime scene log shows me signing on to
17 the residence at 4:05. I was probably on scene for about
18 ten minutes prior to that. But it's safe to say around 4:00
19 a.m. I arrived at that location.

20 Q All right. And, of course, you've already indicated
21 you talked to the neighbors there and you were satisfied
22 that they were not involved in any way in this situation?

23 A Correct. I had no indication or nothing that I had
24 gather indicated that they had any involvement in it
25 whatsoever.

1 Q And you carefully looked around that crime scene?

2 A Yes, sir. I did a walk-through. I also was
3 accompanied by crime scene officers and they did a much more
4 thorough examination of the crime scene.

5 Q But nothing there on that crime scene, physical
6 evidence, pointed to the Defendant; did it?

7 A No, sir.

8 Q And after you went through your investigative
9 exercises, you determined you said that you needed to speak
10 with Shannon Johnson?

11 A That's correct. That was the first name after we got
12 Melissa Carr, that we wanted to speak to Shannon Johnson.

13 Q Thank you. Let's back up just a second on Melissa
14 Carr. Melissa Carr, it was determined that had been in that
15 house?

16 A Correct.

17 Q In fact, Melissa Carr picked out Shannon Johnson as the
18 person she thought was the shooter?

19 A She did not pick him out. She gave us the name,
20 Spider's brother. With our investigation and our research
21 we were able to determine that was Shannon Johnson.

22 Q All right. And then you later determined that you
23 needed to talk to Patrick Larry?

24 A Correct.

25 Q And that resulted from evidence you got from Lisa as

1 well?

2 A. Yes, sir.

3 Q And how did Lisa say she knew Patrick Larry?

4 A She said that she just knew Patrick Larry on the street
5 a lot of times, which basically means he's an acquaintance
6 of hers. He's somebody that she knew.

7 Q And on to that question, Lisa left the house supposedly
8 after the shooting?

9 A Correct. That is the information we got from the
10 neighbors.

11 Q And you later determined that she took with her a small
12 caliber pistol?

13 A Correct. The neighbors had advised us of that.

14 Q And she told you that too?

15 A Yes. She subsequently confirmed that information;
16 you're correct.

17 Q Did she also tell you that she stole the drugs that she
18 found in the house, too?

19 A Yes. She ultimately admitted that she did take some
20 money and some drugs from the crime scene.

21 Q I see. So you ultimately talked to Patrick Larry?

22 A Yes, sir, we did. We ultimately talked to Patrick
23 Larry.

24 Q Was Patrick Larry in custody when you talked to him?

25 A Yes. Well, Patrick Larry was not in custody when we

1 initially talked to him. We had his address on Calgon Road
2 the 393 when I sat down and conducted a further interview
3 with him, yes, he was in custody. So the answer to your
4 question is yes and no.

5 Q Yes, sir. And that would have been on the 12th?

6 A No, sir. That was on the 15th.

7 Q On the 15th. All right. And that would have been the
8 same day that Patrick Larry gave you a statement?

9 A Yes, that is correct. That is the same day that
10 Patrick Larry provided a written statement.

11 Q Yes, sir. And where was that statement taken?

12 A That was taken at the Lexington County Sheriff's
13 Department.

14 Q Do you recall what that's --

15 A Yes, sir. That is a copy of a written statement.

16 Q Are you familiar with that statement?

17 A Yes, sir. I am familiar with that statement.

18 Q And during the interview, when you obtained this
19 statement, Patrick Larry essentially denied knowing anything
20 about this pretty much; didn't he?

21 A Yes, sir. He essentially claimed what would be
22 considered -- being -- simply being present during the
23 course of the incident was his initial statement to us.

24 Q Did you know at that time -- you knew that a person had
25 been killed?

1 A Yes, sir.

2 Q Did you know what kind of weapon that person had died
3 from?

4 A Yes, sir. We were fairly certain that he was killed
5 with a shotgun and the model of the shotgun was a .20 gauge
6 shotgun.

7 Q So when Patrick Larry told you that he didn't know
8 anything about a shotgun and that he'd never been to that
9 house before, at 498 Calhoun Road he lied to you; didn't he?

10 A Well, Patrick Larry never made any statements that he'd
11 never been to that house at 498 Calhoun Road. He was
12 familiar with the address and had purchased drugs and had
13 gambled at the house. I think he has denied knowing the
14 shotgun was in the car when he went over to the house in his
15 initial statement. But I do not recall Patrick Larry ever
16 denying ever going to that house. Now, the night in
17 question he stated that he went there with Justin Washington
18 and Henry Johnson.

19 Q Well, Patrick - told you in that statement that he was
20 in the company of Justin Washington?

21 A As a matter of fact, Mr. Screen, in his statement
22 Patrick Larry indicates that when Justin asked him if he
23 knows a place where he could get drugs, his statement says,
24 Yes. And that's what looks like it indicates that they had
25 know the Calhoun Road address. So I would say that Patrick

1 Larry definitely had at least a working knowledge of what
2 took place at that residence.

3 Q Did Patrick Larry tell you whether or not he handled
4 that shotgun that night?

5 A No. Patrick Larry did not tell me that he had handled
6 that shotgun that evening.

7 Q Did he tell you whether he saw a shotgun that night?

8 A Yes, sir. I think later on in his statement --

9 MR. BELL: Objection, Your Honor.

10 THE COURT: Sir?

11 MR. BELL: Improper hearsay. There's no
12 foundation for that statement at this time.

13 THE COURT: I think --

14 MR. SCREEN: Judge, this is the investigator,
15 cross-examination, and familiar with all of this crime
16 scene.

17 THE COURT: Right.

18 MR. SCREEN: I think it's an appropriate question
19 to ask him.

20 THE COURT: Yeah. Eventually, though, Mr. Screen
21 if you're trying to get this statement in in this fashion,
22 of course, you can't do it that way entirely. To the extent
23 that some of these conversation make have developed
24 knowledge that lead to other evidence, then that's okay.
25 But I'm not going to let you just go through the whole

1 statement in this fashion without admitting it into
2 evidence, if it can be admitted at all.

3 I'll let you ask that question, because I don't think -
4 - the question, as I understand it was, whether or not Mr.
5 Larry acknowledged any information or knowledge about a
6 shotgun; is that it?

7 MR. SCREEN: Yes, sir.

8 THE COURT: I'll let you ask that.

9 BY MR. SCREEN:

10 Q How many statements did you take from Larry?

11 A I took the one written statement. There have been
12 subsequent oral statements from Patrick Larry. But the one
13 written statement, is the one from the February 15th.

14 Q Yes, sir. Were you satisfied in that statement that he
15 told you everything?

16 A I'm not exactly sure -- do you -- what you're asking me
17 counselor.

18 Q I'm asking you whether you thought he told you the
19 truth about everything?

20 A I think that Patrick Larry as being somewhat
21 forthcoming. I do not feel that in that initial statement
22 that Patrick Larry had revealed the full extent of his
23 involvement. I think that he gave me probably a little bit
24 of information I didn't have before talking to him. But I
25 think that he was not completely forthcoming in his overall

1 involvement in the incident when we finished with his
2 statement.

3 Q Yes, sir. And that would have been 2/15/12?

4 A You are correct; yes, sir.

5 Q All right. And what do your notes tell you about when
6 you talked to him next?

7 A When I talked to Patrick Larry next?

8 Q Yes, sir. After the 2/15/12 conversation?

9 A I had talked to him again on February the 16th.

10 Q And did he tell you the same thing he told you on the
11 12th -- on the 15th?

12 A We didn't talk on the 12th. We talked on the 15th and
13 then I talked to him again on the 16th. The nature of the
14 conversation on the 16th was different than the nature of
15 the conversation on the 15th. I was confronting him with
16 some information that he had told me that did not work out
17 the way that he thought it would.

18 Q Wouldn't it be fair to characterize that he lied to
19 you?

20 A Well, I don't think he lied to me. I think he thought
21 -- The individual that he told me to go talk to, I think he
22 believed was going to provide an alibi for him. When that
23 individual did not provide the alibi from him, I went and we
24 confronted him with the information. I do not believe that
25 he lied to me. I think that the individual he told me to go

1 talk to was not honest with me.

2 Q I see. Well, do you recall talking to him again on the
3 27th of June?

4 A Yes, sir, I do.

5 Q Was he forthcoming on the 27th?

6 A Yes, sir. In the subsequent interviews with Patrick
7 Larry at that point he is becoming more forthcoming and he
8 is cooperating. I would categorize his involvement as a
9 cooperating witness at that time, defendant.

10 Q Patrick Larry is still in custody at the Lexington jail
11 all of this time we're talking about?

12 A Yes. I believe he was still in custody as of June the
13 27th of 2012, which is the date that we were up to. He was
14 definitely in custody on the 15th and 16th.

15 Q When did you have contact with Patrick Larry again
16 after the June 27th?

17 A Well, the June 27th. We again spoke with him around
18 July 2nd, 2012.

19 Q And did Patrick Larry then indicate that he was
20 involved in this matter?

21 A Yes, sir, he did.

22 Q Is that the first time he's actually opened up and told
23 you he was personally involved?

24 A I think is the first time that we got a good accounting
25 from Patrick Larry as to his entire involvement with the

1 situation. It's not the first time that he's indicated that
2 he was involved, but I think this was the first time that he
3 was, what I would characterize as being, honest with us,
4 completely honest.

5 Q Well, the time prior to that when you talked to him, he
6 gave you the name of the person he thought was going to be
7 an alibi for him?

8 A You are correct.

9 Q And the second time you talked to him, he finally puts
10 himself in the loop, directly in?

11 A No, no. The first time I talked to him was February
12 15th?

13 Q Yes.

14 A Where he provided Henry Johnson as a person that he
15 believes is going to give him an alibi. The next time I
16 talk to him is February 16th when I confront him with the
17 fact that Henry Johnson denied any knowledge of the incident
18 and he gave me some additional information from that. We do
19 not, on 16th, have any more material discussion about his
20 involvement. The next time we sit down with him is June the
21 27th, 2012. That's when he begins to implicate himself and
22 everybody else in the planning and the incident that took
23 place at Calhoun Road.

24 Q Before I got any further, when you interviewed him on
25 the 2nd of July 2012 --

1 A Yes, sir.

2 Q -- did you have written statements from any other
3 persons that you thought were involved in this?

4 A Yes, sir. We would have had the written statement of
5 Justin Washington.

6 Q Isn't it a fact that you allowed Patrick Larry to read
7 that written statement? And, in fact, encouraged him to
8 conform his statement to that statement?

9 A No, sir. We met Patrick Larry here at the Solicitor's
10 office. His attorney was present during that interview as
11 well as the Solicitor's office. There was no encouragement
12 on my part, as a matter of fact, my role in that interview
13 was rather minor. I was simply there taking notes. I was
14 not running that interview. I was present in the interview
15 room. I never encouraged anybody to mirror anybody's
16 statements.

17 Q Was that statement available at that conference?

18 A Yes, that statement would have been available at that
19 conference.

20 Q And isn't it quite possible that Patrick Larry got a
21 chance to review that statement or read it or someone told
22 him what the contents was prior to -- during that
23 conference; isn't that right?

24 A Mr. Screen, anything is possible.

25 Q Well, I'm not talking about anything. I'm talking

1 about that conference. You were there. I'm asking you
2 whether that happened or not?

3 A Did somebody hand Patrick Larry the statement of Justin
4 Washington at that time? No, sir. I have no recollection
5 of that whatsoever.

6 Q How long did that conference last?

7 A Oh, I'm sure it took at least a good hour, maybe two.

8 Q So you mean to tell me an hour or two you sit there.
9 And you were in that room?

10 A Yes, sir.

11 Q You and the Solicitor?

12 A Correct.

13 Q The lawyer for Patrick Larry?

14 A Yes, sir.

15 Q Who else was in there?

16 A I believe Rhonda Patterson, the paralegal, and Rick
17 Hubbard might have been present. He is also another
18 Solicitor. If I can get to that I will tell you. Yes, sir.

19 Q So you -- in fact, you obviously received a statement
20 from Patrick Larry at the end of that conference?

21 A Well, Patrick Larry gave an oral statement. He talked
22 like we're doing here. It was no written statement.

23 Q But you took some notes from it?

24 A Yes, sir, I took notes.

25 Q And is that the conference where you still thought he

1 still wasn't -- was leaving bits and pieces out?

2 A No, sir, Mr. Screen, looking over my notes just briefly
3 that I believe that after that conference on July 2nd of
4 2012 that Patrick Larry was being forthcoming with us as to
5 his involvement in the incident that took place resulting in
6 the murder of Matthew Milhouse.

7 Q Yes, sir. But it was of the conference prior to that
8 on 6/27 --

9 A Yes, sir.

10 Q -- is when you concluded the conference believing he
11 was not being forthcoming?

12 A Yes, sir, on the July [sic] the 27th, I don't believe
13 that Mr. Larry was being completely forthcoming with us.
14 After that we ended that interview, conference, whatever you
15 want to call it.

16 THE COURT: Was that July the 27th or June the
17 27th, Mr. Investigator?

18 THE WITNESS: That would be June. I apologize if
19 I said July, Your Honor.

20 THE COURT: Okay.

21 BY MR. SCREEN:

22 Q So let me make sure we got the conferences right.

23 A Yes, sir.

24 Q February 15th, you had a conference with him?

25 A Yes, sir.

1 Q And that's when he signed the statement?

2 A Yes, he provided a written statement to the Lexington
3 County Sheriff's Department.

4 Q Then on the following day, the 16th you had a
5 conference with him again?

6 A Yes, sir, I interviewed him again. Yes, sir.

7 Q Then on 27 June of that same year, you had another
8 conference with him?

9 A Yes, sir, we did.

10 Q And again you talked with him on 7/2/2012?

11 A Yes, sir, we did.

12 Q I want to understand this because I think it's a good
13 point. When did he finally tell you -- he never admitted
14 that he killed this guy did he?

15 A No, I do not believe Patrick Larry killed Matthew
16 Milhouse and he has never admitted that he had killed
17 Matthew Milhouse. That has never, after the initial
18 investigation, been anything that I have ever though.

19 Q And he never told you that Henry Johnson shot and
20 killed him, did he?

21 A No, he never told me that Henry Johnson shot and killed
22 Matthew Milhouse.

23 Q Did he ever admit that the shotgun was his?

24 A No, he never admitted the shotgun was his and we have
25 no indication that it is.

1 Q And he did not tell you if the gun belonged to Henry
2 Johnson?

3 A No, he did not tell me that the gun belonged to Henry
4 Johnson.

5 Q How old was Patrick Larry at that time?

6 A I believe Patrick Larry may have been in his 30s. I
7 don't have his birth date. I know he was -- Justin and
8 Patrick were different in ages by several years, but I'd say
9 he may have been late 20s or early 30s.

10 Q And he would have been living at that property with his
11 mother?

12 A Yes, the 393 Calgon Road.

13 Q Did he tell you where he was working or anything about
14 him?

15 A I don't believe he was working at the time.

16 Q Do you know whether he was married or had any children?

17 A I know that he had at least one child. I know that
18 from serving the search warrant at his residence. The
19 mother of that child and the child both lived at that
20 address on Calgon Road as well.

21 Q When did he finally admit that he'd gone to the 498
22 Calhoun Road property on the night of the 12th? The late --
23 well, the 12th. Early morning hours of the 12th?

24 A Early morning hours of the 12th. He has admitted that
25 he had gone through that property from the very first

1 statement that he made to law enforcement. He has never
2 waived in the fact that he had gone to the Calhoun Road
3 property.

4 Q And he told you he'd been there numerous times prior to
5 that night; hadn't he?

6 A Correct. He was familiar with that residence and he'd
7 gone to there.

8 Q And he's always going to that residence to buy drugs;
9 isn't that right or to gamble?

10 A Yes. Those were the reasons that he had given for
11 going to that residence.

12 Q You determined that there was a relationship between
13 Henry Johnson and Patrick Larry; did you not? A blood
14 relationship?

15 A Yes, I believe they are cousins.

16 Q And what about Justin, what relationship did you
17 determine between Justin and Patrick?

18 A They knew each other, which is to say they knew each
19 other through, from what I've gathered through the
20 investigation, they knew each other through Henry Johnson.

21 Q What time did Patrick tell you on this fateful night
22 that he went to the 498 Calhoun Road property?

23 A What do you mean what time did he tell me?

24 Q What time did he say that he went to the Calhoun Road
25 property?

1 MR. BELL: Objection, Your Honor. Hearsay.

2 THE COURT: I think he's probably the whole
3 conversation we've been having about -- he's already said
4 that he told you he had been there, prior to this time. I
5 don't think, at this point --

6 A You're not asking me what time he personally told me,
7 you're asking what time he said he went to the residence;
8 correct?

9 BY MR. SCREEN:

10 Q Yes, sir?

11 A Okay. He told me that he went there initially late in
12 the evening probably sometime after 11:00 o'clock to, his
13 words, buy some marijuana. And eventually he got around to
14 telling us he went there to see who was at the residence.
15 Then he says that he subsequently goes back to the residence
16 again with Henry Johnson and Justin Washington. This second
17 time is some time after midnight, early morning hours, to
18 commit the robbery. He tried to rob the place.

19 Q Now, the starting part then would have been Patrick
20 Larry's house that night?

21 A Correct.

22 Q And you've interviewed Patrick Larry's mother?

23 A Correct. Patrick Larry's mother was interviewed. You
24 are correct, sir.

25 Q And did she tell you that someone came to her house to

1 see her son that night?

2 A Not when we initially interviewed her, she did not.

3 But that is probably more to the fact that we didn't know to
4 ask those questions during that initial interview rather
5 than her trying to conceal some information from us.

6 Q She eventually did tell you that she had a conversation
7 with a voice that she thought was Henry Johnson?

8 A You are correct; yes, sir.

9 Q And what time did she tell you that was?

10 A That was --

11 MR. BELL: Objection, Your Honor. Hearsay.

12 THE COURT: The timing of the conversation is not
13 hearsay. The content of the conversation is hearsay. I'll
14 let you ask that question. You need to kind of -- list
15 these folks as potential witnesses. I don't know if they're
16 going to testify or not, but once again, Mr. Screen, there's
17 a limit to how far you can go in inquiring from this witness
18 what the he said, under the hearsay ruling.

19 MR. SCREEN: Yes, sir.

20 THE COURT: The timing of the conversation is not
21 hearsay. He can answer that.

22 A I do not see an exact time. Ms. Porter says that that
23 conversation took place after she got home from church,
24 which she indicated was late in the evening, which would
25 have been probably the late-night hours of the 11th. I

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1 wouldn't imagine you're getting home from church in the
2 early-morning hours. But then, again, I can't speak to that
3 for certain.

4 Q How did Patrick get from his house to the 498 Calhoun
5 Road property?

6 A He told me that he rode in a vehicle driven by Henry
7 Johnson.

8 Q Other than what Patrick Larry says about Johnson's
9 driving that car and being present, do you have any other
10 independent evidence that puts him there?

11 A Well, we have Justin Washington's statements.

12 Q Other than those two?

13 A Other than the statements of those two individuals?

14 Q Yes, sir?

15 A No, sir.

16 Q And those two individuals are charged right along with
17 Henry Johnson?

18 A You are correct.

19 MR. SCREEN: I have nothing further at this time.
20 Your Honor.

21 THE COURT: Thank you.
22 Redirect, Mr. Bell?

23 MR. BELL: Thank you, Your Honor.

24 STEVE COLLINS - REDIRECT EXAMINATION

1 BY MR. BELL:

2 Q Investigator, how long did you say you've been in law
3 enforcement?

4 A I've been in law enforcement for twenty years.

5 Q How many interviews of potential suspects do you think
6 you've done?

7 A A thousand.

8 Q Is it uncommon for people to minimize their involvement
9 and their friends' involvement in the initial interviews?

10 A No, sir. It is not.

11 Q Do you believe that's what Patrick Larry initially did
12 here?

13 A Yes, sir. I do.

14 Q Now, you've established again multiple interviews with
15 Patrick Larry. Did you also have multiple interviews with
16 Justin Washington?

17 A Yes, sir, I did.

18 Q Is that typical in the course of an investigation?

19 A Yes, sir, it is. It's a typical occurrence.

20 Q How many times were Justin Washington and Patrick Larry
21 in the same room for an interview?

22 A One time.

23 Q Out of potentially or roughly how many interviews?

24 A At least five, maybe a handful more.

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1 Q Of each person?

2 A Yes, sir, each person.

3 Q You said that you weren't running that particular
4 meeting when they were together in the same room. Were you
5 present?

6 A Yes, sir, I was present.

7 Q Now, did you encourage anybody to conform one statement
8 to another?

9 A No, sir, I did not.

10 Q Did anybody else in that room where you were present
11 encourage them to conform statements?

12 A No, sir, they did not.

13 Q Is that something that you do during an investigation?

14 A No, sir. We would not do that.

15 Q At any point in time during your investigation, has
16 J.R. ever been accused of being the shooter?

17 A No, sir. J.R. has never been accused of being the
18 shooter.

19 Q Investigator, what is the first time you heard the name
20 Henry Johnson in relation to this investigation? The very
21 first time?

22 A The very first time that his name came up -- and to be
23 honest with you, it didn't really resonate with us at the
24 time -- would have been February 14th, 2012 when we were at

1 Shannon Johnson's girlfriend's house,)Genesis Miller, down
2 in North, South Carolina. And the name came from her
3 mother.

4 Q And what was the context of that name coming up?

5 A That he and Patrick Larry were individuals that -- and
6 again, using a term that we hear -- word on the street was
7 that they were --

8 MR. SCREEN: Objection.

9 THE COURT: I'll sustain that objection, yes.

10 BY MR. BELL:

11 Q So was this prior to you sitting down and interviewing
12 Patrick Larry?

13 A Yes, sir, it was.

14 Q Would it have -- to clarify, had you heard the name
15 Henry Johnson prior to meeting with Patrick Larry?

16 A Yes, sir, we had.

17 Q It was in relation to this investigation?

18 A Yes, sir, it was.

19 Q In this particular incident at 498 Calhoun?

20 A Yes, it was in relation to the murder of Matthew
21 Milhouse at 498 Calhoun Road.

22 Q Did you document the fact that you had heard that name
23 in your report?

24 A It was documented in Sergeant Robbie Lint's report. I

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1 was present with him. When it took place, it was document
2 in his report.

3 Q Before Mr. Screen sat down he asked you if all the
4 evidence you had on Henry Johnson was the testimony of the
5 other two individuals. What did you answer to that?

6 A No. I mean, yes. Yes. I indicated that the
7 information that we had on Henry Johnson's involvement was
8 the testimony of those two individuals.

9 Q And that was at the time of his arrest or when?

10 A Yes, at the time of his arrest.

11 Q Does that stand true today?

12 A (No response)

13 Q Have you assisted in the preparation of this case?

14 A Yes, sir, I have.

15 Q Is all the evidence you intend to put forth for this
16 jury, the testimony of those two witnesses?

17 A No, sir.

18 Q Are there other pieces of evidence this jury is going
19 to get to see today?

20 A Yes, sir.

21 Q Or during this trial?

22 A Yes, sir.

23 Q Please answer any further questions.

24 THE COURT: Mr. Screen, redirect -- recross, I'm

1 sorry.

2 STEVE COLLINS - RECROSS-EXAMINATION

3 BY MR. SCREEN:

4 Q Is there any direct evidence that's going to come
5 forward in this case, other than the testimony of Justin and
6 Patrick Larry, that point to Henry Johnson conclusively as
7 being involved in this case?

8 A Yes, sir, I believe so.

9 Q All right. We'll see.

10 THE COURT: Mr. Bell, you've got the last word?

11 MR. BELL: No further questions at this time, Your
12 Honor.

13 THE COURT: Okay.

14 MR. BELL: I would like the opportunity to recall
15 him later.

16 THE COURT: Mr. Collins, you can step down. Thank
17 you.

18 THE WITNESS: Thank you, sir.

19 MR. BELL: Your Honor?

20 THE COURT: Yes, sir.

21 MR. BELL: We do need to approach briefly before
22 our next witness.

23 THE COURT: Okay.

24 (Off the record bench conference with counsel and the
25 Court.)

1 THE COURT: Mr. Bell, you can call your next
2 witness.

3 MR. BELL: Thank you, Your Honor. At this time,
4 the State would call Patrick Larry to the stand.

5 THE COURT: Mr. Larry, come forth please and be
6 sworn.

7 (WHEREUPON, Patrick Larry was sworn
8 to tell the truth.)

9 PATRICK LARRY - DIRECT EXAMINATION

10 BY MR. BELL:

11 Q Patrick, where are you from?

12 A Swansea.

13 Q Do you still live there?

14 A Yes, sir.

15 Q And you've lived there your whole life?

16 A Yes, sir.

17 Q You know the area pretty well?

18 A Yes, sir.

19 Q What's your current address?

20 A 3118 Pine Plane Road.

21 Q In 2012 where were you living, Mr. Larry?

22 A 383 Calgon Road.

23 Q Who were you living there with?

24 A My mother and my step-father.

25 Q I'm showing you what's marked as State's 12. Which of

1 these addresses is yours?

2 A Calgon Road. The one in the middle.

3 Q Does that look like where your house was?

4 A Yes, sir.

5 Q Back in 2012?

6 A Yes.

7 Q Did you meet a lot of people from that area growing up?

8 A Yes.

9 Q Did you know most of the people when you walked by
10 them?

11 A Yes.

12 Q Is that a small town as some would call it?

13 A Yes.

14 Q Do you know a gentleman named Henry Johnson?

15 A Yes.

16 Q Does he go by any other name on the street?

17 A J.R.

18 Q Any idea what that J.R. means?

19 A Junior, he's a junior.

20 Q Has he been known by that as long as you've known him?

21 A Yes.

22 Q And how long have you known him?

23 A Ten, fifteen years.

24 Q How did you meet J.R.?

25 A Family members, through my father. My father and my

1 father's wife is related to his mother.

2 Q Are you cousins?

3 A Yes, sir.

4 Q How close are you with J.R.?

5 A We was pretty close.

6 Q Do you know where he grew up?

7 A Yes, sir.

8 Q Where is that?

9 A Right around the corner from where I stay at. Where I
10 was staying, I'm sorry.

11 Q In 2012 was that where he was?

12 A Yes, sir.

13 Q How far was that from your house?

14 A Time-wise maybe seven minutes.

15 Q Mr. Larry, there should be a blue laser pointer up
16 there with you. Do you see that?

17 A Yes, sir.

18 Q Once again, I'm showing you State's 12. Could you
19 circle Henry Johnson's address?

20 A (Witness complies)

21 Q In relation to where your address is on there, does
22 that correct to you?

23 A Yes, sir. This is his --

24 Q If you looked over to the right, there's a little
25 circle with a D. That's the actual address. Can you see

1 that?

2 A Right there?

3 Q Yes, sir. Does that appear to be where his house was
4 located?

5 A Washington Court. I think that his grandmother house.

6 Q Okay. Well, did he ever reside there?

7 A Not that I know of.

8 Q Where did he reside in relation to you in 2012?

9 A On Catalina.

10 Q Okay.

11 A Catalina Boulevard.

12 Q Okay. Where is that in relation to your address?

13 A Let's see. Down this way. Down this way.

14 Q Okay. How far from your house was he? How long would
15 it take you to get to his house?

16 A Like maybe six, seven minutes.

17 Q Would you consider that close?

18 A Yes, sir.

19 Q How about an individual named Justin Washington, do you
20 know him?

21 A Yes.

22 Q Okay. Do you know of any other name he went by?

23 A J-Dub;

24 Q How long have you known Justin Washington?

25 A Maybe -- before 2012, maybe a year.

1 Q And how did you meet him? Was he from Swansea?

2 A No, sir.

3 Q How did you meet him?

4 A Through Mr. Johnson.

5 Q Had you ever met Justin Washington prior to meeting him
6 through Henry Johnson?

7 A No, sir.

8 Q Had you ever seen him on the street?

9 A No.

10 Q Had you ever hung out with him or talked to him?

11 A No.

12 Q After you met Justin Washington, did y'all become best
13 friends?

14 A No.

15 Q Did y'all even become friends?

16 A No.

17 Q What would you consider y'all's relationship?

18 A I just hung out with him when he came down with J.R. on
19 the weekend.

20 Q Did you ever call him up and hang out with him on his
21 own?

22 A No..

23 Q How many times do you think you hung out with Justin
24 Washington?

25 A Maybe ten.

1 Q Do you have any idea how long J.R. knew J-Dub?

2 A Well, I knew he knew him from college. I mean, that's
3 where he met him at, in college.

4 Q Any idea how they met in college?

5 A J.R. was on the basketball team and Justin was the
6 manager for the basketball team.

7 Q Okay. Any idea how Justin got that job?

8 A No, sir.

9 Q I apologize, Patrick. How many times did you hang out
10 with Justin and J.R. together?

11 A I'd say maybe ten times.

12 Q What did their relationship seem to be like?

13 A It was pretty close.

14 Q Can you talk more about that?

15 A Well, they was close and Justin would pretty much
16 follow J.R. lead, pretty much.

17 Q So they seemed like good friends?

18 A Yeah.

19 Q If you ever saw J.R. and Justin together, how would
20 Justin be acting?

21 A Just laid back.

22 Q Was Justin fairly --

23 A Kind of quiet.

24 Q -- outgoing or reserved?

25 A I'd say for the most part reserved.

1 Q Did he talk a lot?

2 A Not a lot but he'd conversate with me.

3 Q Did you typically have to engage him for him to talk?

4 A Pretty much.

5 Q Did Justin ever take the lead and Henry Johnson follow?

6 A Not that I've ever seen.

7 Q Patrick, I want to talk about the main reason that
8 we're here today. On February 11th in 2012, do you recall
9 something happening that day?

10 A Yes.

11 Q When is the first time you had any contact with Henry
12 Johnson that day?

13 A After his basketball game.

14 Q What basketball game?

15 A They had a game in Denmark. I want to say Benedict. I
16 think it was Denmark -- was it Benedict or Allen, one of
17 them. I can't remember. It would be Benedict or Allen.

18 Q And what was Henry Johnson's connection with that game?

19 A He was playing.

20 Q Did you go to watch the game?

21 A Yeah.

22 Q Did you see Justin Washington at that game?

23 A Yes.

24 Q Did you talk to him while you were there?

25 A No.

1 Q did y'all hang out at all?

2 A No.

3 Q What was he there for?

4 A He was the team manager.

5 Q Did Justin ride to that game with you?

6 A No.

7 Q Which team was he managing?

8 A J.R.'s team.

9 Q Did you talk to J.R. at all at the game?

10 A No.

11 Q What did you do after the game ended?

12 A I went home.

13 Q And what address was that again?

14 A 383 Calgon Road.

15 Q Was that the address that we looked at on that map?

16 A Yes, sir.

17 Q Do you remember roughly what time you made it back to
18 your house that evening?

19 A I'm not really sure.

20 Q Was it in the morning or the afternoon or the evening?

21 A It was late afternoon.

22 Q Did you ever hear from Henry Johnson again that day?

23 A Later, later on that evening.

24 Q And how did you hear from him?

25 A A phone call.

1 Q What was the context of that phone call?

2 A I was just asking him was he still coming down.

3 Q And what did he indicate to you?

4 A Yes, he was.

5 Q Any indication who else was with him?

6 A He said him and Justin was coming.

7 Q Did they ultimately come over to your house as planned?

8 A Yes.

9 Q Do you remember what time they arrived?

10 A I want to say around 10:00, between 10:00 and 11:00.

11 Q When they first got to the house, what did y'all do?

12 A We was sitting around talking.

13 Q Where were you talking?

14 A In my room.

15 Q Who all was in the room at that time?

16 A Me, J.R., and Justin.

17 Q Anybody else in the house?

18 A My mother, my step-father, my baby mother and my son.

19 Q What's your mother's name?

20 A Mary Porter.

21 Q Was she there?

22 A Yes.

23 Q What were y'all talking about in the room at that time?

24 A The Future concert.

25 Q What's a Future concert?

1 A It was a rap artist. She was having a concert that
2 night in Columbia.

3 Q When was it taking place?

4 A When was the concert taking place?

5 Q Yes, sir?

6 A The same night as the basketball game.

7 Q After y'all talked about the concert, what did y'all
8 do?

9 A We left out that day, I went around the corner to buy
10 some marijuana.

11 Q Who went with you?

12 A Justin and J.R.

13 Q Who drive?

14 A J.R.

15 Q Whose vehicle were you in?

16 A J.R.'s.

17 Q Do you remember what kind of vehicle it was?

18 A It was a green Honda Accord.

19 Q What color green, you remember?

20 A Like a dark, dark green.

21 Q How many doors?

22 A Four doors.

23 Q Do you remember whether or not it had tinted windows?

24 A I think it did. I'm not sure. I think it had tinted
25 windows.

1 Q Where were you sitting in the car?

2 A On the passenger's side, in the front.

3 Q Where was Justin Washington?

4 A Behind me, in the back.

5 Q You said you wanted to go buy some marijuana. Did you
6 already know where you wanted to buy it from?

7 A Yes, sir.

8 Q And where was that?

9 A Around the corner where, to where Matt was residing.

10 Q When you say Matt, is that Matthew Milhouse?

11 A Yes, sir.

12 Q Had you bought marijuana from that house before?

13 A Yes, sir.

14 Q Had you ever been to that house for any other reason at
15 the time?

16 A I've gambled there a few times.

17 Q What kind of gambling?

18 A Playing cards.

19 Q Did y'all use cash?

20 A Yes, sir.

21 Q You don't happen to remember the address of that house;
22 do you?

23 A No, sir, I don't.

24 Q Do you know the Swansea area very well?

25 A Yes, sir.

1 Q I'm showing you what is marked as State's 12. In
2 relation to your house, does that plot point A -- would you
3 circle that with the laser pointer for me?

4 A (Witness complies)

5 Q Does that plot point A appear that it would be the
6 house that you would go to buy marijuana from?

7 A Yes.

8 Q And what address? Can you read that from off there?

9 A 498 Calhoun Road, Swansea.

10 Q How many times have you been to that house?

11 A Numerous of times. Maybe fifteen, twenty times.

12 Q Did you always go by yourself?

13 A Yes, sir.

14 Q Did you ever meet any friends over there?

15 A No, sir.

16 Q How about Justin Washington, did he ever go to that
17 house with you?

18 A No

19 Q How about Henry Johnson, was he ever at that house with
20 you?

21 A Yes, a few times with me.

22 Q Is it fair to say you had family that you went to that
23 house with?

24 A Yes.

25 Q How many times did you go to that house with Henry

1 Johnson?

2 A I believe twice.

3 Q Ultimately when you pulled up to buy that marijuana,
4 did you go inside?

5 A Yes.

6 Q Who did you talk to when you went inside?

7 A Matthew.

8 Q Did you end up buying marijuana?

9 A Yes.

10 Q Did you buy all the marijuana you intended to buy?

11 A No, because he didn't have all that I had talked about.

12 Q Did he tell you he would be able to get some?

13 A He said he should have some in a little bit.

14 Q Did you tell him you would come back later?

15 A I told him I would stop in, yes, sir.

16 Q Who else was in the house?

17 A Two white females and a guy known as Tim.

18 Q Did you know the white females?

19 A I knew of one of them. I didn't actually know them,
20 but I'd seen one of them before around town.

21 Q Did Tim live at that house?

22 A No.

23 Q Do you know if he was staying there or if he was just
24 stopping in?

25 A He was stopping in.

1 Q About how many people were in the house at that
2 particular time?

3 A Four.

4 Q After you bought the marijuana what did you do?

5 A I left back, we left back out and we went back to my
6 house.

7 Q Who drove you back to your house?

8 A J.R.

9 Q Where did y'all go when you got back to your house?

10 A Went back inside.

11 Q To where?

12 A To my room.

13 Q The same three of you?

14 A Yes, sir.

15 Q At that point in time, what came up in conversation?

16 A We just, Justin asked me who all was there.

17 Q And did you tell him?

18 A Yeah. Yes, sir.

19 Q And when you were inside buying marijuana, where was
20 Justin?

21 A In the car.

22 Q With who?

23 A J.R.

24 Q After y'all established who was at the house -- let me
25 back up. Do you know the individuals who typically live at

1 that house with Matthew?

2 A Well, one of the guys..

3 Q What's his name?

4 A It was Dominique.

5 Q Was he there when you were there buying marijuana?

6 A No.

7 Q Did that line up with the idea that he might have been
8 going to a Future concert?

9 A Yes.

10 Q After y'all discussed who was in the house, how did the
11 idea to go rob that house begin?

12 A J.R. was like it would be a easy lick for all them guys
13 going to the concert.

14 Q How did he know that they were going to the concert?

15 A Through a mutual friend.

16 Q Do you know who the mutual friend was?

17 A All I know is he go by Nice.

18 Q Did he specify to you what the target was that you were
19 going to do a lick on?

20 A (Witness pauses)

21 Q In other words, what house --

22 A Oh --

23 Q -- you were supposed to rob?

24 A Yes, sir.

25 Q And what house was that?

1 A Matthew's house.

2 Q Was that the same house that you were at earlier?

3 A Yes, sir.

4 Q Once again, why did he think it would be an easy lick?

5 A Because the only person that was there was Matt or that
6 was supposed to be there was Matt.

7 Q Were the others at the concert?

8 A Yes, sir.

9 Q What did J.R. say y'all would be able to get from that
10 house?

11 A Cash.

12 Q Did he say if it was a little or a lot?

13 A It was a lot.

14 Q And did you know from personal knowledge whether or not
15 there would be some cash there?

16 A Yes.

17 Q Did Justin Washington seem concerned about this plan?

18 A No.

19 Q Was he listening to what J.R. said?

20 A Yes.

21 Q When did you truly understand what the plan was?

22 A Once we got back. Once we got back from buying the
23 marijuana. When we got into my house from buying the
24 marijuana.

25 Q And what was the plan?

1 A To go in and rob Matthew.

2 Q Did Justin Washington volunteer himself to be the one
3 to go inside and rob the place?

4 A J.R. volunteered him.

5 Q Did Justin Washington agree with what J.R. had assigned
6 him?

7 A Yes.

8 Q Was that typical of their relationship?

9 A Yes.

10 Q Did you come to understand that a firearm was going to
11 be used in this lick?

12 A Yes.

13 Q What kind of firearm?

14 A A shotgun.

15 Q Whose shotgun was it?

16 A Justin's.

17 Q Does Justin typically carry a shotgun around with him?

18 A I've never seen him with one. That was my first time
19 of ever seeing him with one.

20 Q Do you know why he had it with him that night?

21 A Well, eventually I knew but not at the time.

22 Q When did you know?

23 A I think when we was discussing about the robbery, after
24 we got back in the car.

25 Q So who told him to get the shotgun?

- 1 A The shotgun was already in the car.
- 2 Q Did you find out who told Justin Washington to get it?
- 3 A J.R. told him to get it.
- 4 Q And where did y'all discuss that?
- 5 A In our room.
- 6 Q Did y'all ultimately get in a vehicle and head over
- 7 there?
- 8 A Yes.
- 9 Q And was it the same vehicle you left in earlier?
- 10 A Yes.
- 11 Q Was that J.R.'s vehicle?
- 12 A Yes.
- 13 Q Who drove you?
- 14 A J.R.
- 15 Q Were you sitting in the same seats?
- 16 A Yes.
- 17 Q Did J.R. give any other instructions on how this should
- 18 go down?
- 19 A Well, yeah. He was showing him how to conceal the
- 20 weapon.
- 21 Q On the way where?
- 22 A On the way over to the house, to Matthew's house.
- 23 Q Did y'all do that at your house?
- 24 A No, on the road. Stopped beside the road.
- 25 Q Who got out of the vehicle at that point?

1 A Justin got out of the back and J.R. got out.

2 Q Where did you go?

3 A I just sit in the car.

4 Q Were you able to see what they were doing?

5 A Yes.

6 Q Were you able to hear them?

7 A Yes.

8 Q And what appeared to be going on outside the vehicle?

9 A He was showing him how to conceal the weapon under his
10 coat.

11 Q Who was showing?

12 A J.R. was showing Justin how to conceal the weapon under
13 his coat.

14 Q And how was that?

15 A Just put it under his coat and hold it down by the side
16 of his leg.

17 MR. BELL: Your Honor, permission to ask the
18 witness to step down.

19 THE COURT: Okay.

20 A (Witness steps down)

21 BY MR. BELL:

22 Q If you could stand in that general area where the
23 jury's able to see you, would you demonstrate how J.R. was
24 instructing Justin to conceal that shotgun?

25 A Telling him to hold it like this.

1 Q And where would the barrel go?

2 A (Demonstrating)

3 Q So is a shotgun a long firearm?

4 A Yes, sir.

5 Q Would he be able to stick all of it under his coat?

6 A No.

7 Q So how was he to conceal it just under his coat?

8 A He just had the top under his coat and the barrel down
9 by the leg.

10 Q And what was the purpose of him showing him how to
11 conceal it like that?

12 A So nobody would see it -- so they wouldn't see it when
13 he's going through the door.

14 Q Mr. Larry you can take your seat now.

15 A (Witness complies)

16 Q Eventually, did they get back in the vehicle?

17 A Yeah.

18 Q Did Justin Washington understand what J.R. had told
19 him?

20 MR. SCREEN: Objection, Your Honor. What Justin
21 understood.

22 THE COURT: I sustain the objection as to what he
23 may have understood.

24 BY MR. BELL:

25 Q Did J.R. give any other instructions as to what Justin

1 should say when he got out of the vehicle that evening?

2 A He said use -- when you get out and go to the door and
3 say Rollo.

4 Q Do you have any idea what that meant?

5 A Just it was like -- it was like it would be a name that
6 Matthew would recognize.

7 Q Where did J.R. pull the vehicle up to at the house?

8 A To the front.

9 Q Patrick, I'm showing you what's marked as State's 10,
10 entered as State's 10. Use your laser pointer for me and
11 circle Matt's house?

12 A (Witness complies)

13 Q Where did he pull the vehicle up to?

14 A It was right here.

15 Q How far, roughly, was that from the front door?

16 A Maybe a couple yards. Maybe a couple of yards or so.

17 Q Upon parking the car, do you remember whether or not
18 they left it running?

19 A It was running.

20 Q Who left it running?

21 A J.R.

22 Q Did Justin hesitate at all in getting out of the car?

23 A No.

24 Q Well, what did he do when he got out?

25 A Went to the door.

1 Q Was he concealing that shotgun as J.R. told him to?

2 A Yes.

3 Q Did he end up going to the front door?

4 A Yes.

5 Q Do you recall anything being said as he approach that
6 front door?

7 A I just heard the name Rollo.

8 Q Was that the same name J.R. instructed him to use?

9 A Yes.

10 Q What happened next, Patrick?

11 A The door open and he goes in. I hear some female
12 screaming and a gunshot. Then he come running out.

13 Q You said you heard what screaming?

14 A Two -- I heard a female screaming and a loud shot.

15 Q How long was that after Justin went in?

16 A Seconds.

17 Q After the gunshot, how long was it before you saw
18 Justin again?

19 A Seconds.

20 Q And what was he doing when he came out?

21 A He was running.

22 Q Where did he go?

23 A He ran up the road.

24 Q What did J.R. do?

25 A Backed out the yard.

1 Q And he let Justin continue running?

2 A We stopped side the road and picked him up.

3 Q Ultimately, was Justin back in the car with you?

4 A Yes.

5 Q Did he come out of that house with anything in his
6 hand?

7 A The shotgun.

8 Q Anything else?

9 A No, sir.

10 Q Was it the same shotgun that he had when he went in?

11 A Yes, sir.

12 Q How did he act when he got back in the car?

13 A I mean, he was a little excited but quite. Kind of
14 jittery.

15 Q Did he seem frantic?

16 A In a way, yeah.

17 Q When he got back in the car, Patrick, did y'all ask him
18 what happened?

19 A Yes. I asked him what happened. He said I think I
20 shot him.

21 Q Did he indicate who him was?

22 A He just said I think I shot him.

23 Q Where did y'all head off to?

24 A Went back to my house.

25 Q Did they stay with you?

1 A No.

2 Q Where did they go?

3 A They left. And he said he was going to the gas station
4 to get some gas.

5 Q Patrick, when is the first time you made contact with
6 law enforcement regarding what happened?

7 A It was the next night.

8 Q Do you remember what month this was in?

9 A February.

10 Q Do you happen to remember the day?

11 A It should have been --

12 Q Was it mid-month?

13 A Yeah. Right around the 12th or 13th, something like
14 that.

15 Q How did you make contact with law enforcement?

16 A They came to my house.

17 Q How many officers?

18 A Two.

19 Q Did they arrest you at that time?

20 A No, sir.

21 Q What were they asking you?

22 A They was just asking me did I know anything about the
23 incident that happened.

24 Q Did you admit the involvement to them?

25 A No, sir.

1 Q Did you tell them anybody else was invovled?

2 A No, sir.

3 Q Did they ultimately come to your house with a search
4 warrant?

5 A It was the second time they came, yes, sir.

6 Q And when was that in relation to the first time you
7 talked to them?

8 A Like two, a couple days later.

9 Q Were they pretty close together in time?

10 A Yes, sir.

11 Q When they came, did you talk to them again?

12 A No, sir.

13 Q And did you admit to any involvement at that time?

14 A No, sir.

15 Q When they came to do the search warrant, you admitted
16 involvement?

17 A No, not when they came to do the search warrant. No,
18 sir, I didn't.

19 Q Did you say anybody else did it?

20 A No, sir.

21 Q Did they search your house?

22 A Yes, sir.

23 Q Was your mother there at the time?

24 A No, she wasn't there but she came -- she was at work
25 and she came home.

1 Q Do you recall them taking a cellphone from your house?

2 A Yes, sir.

3 Q Whose cellphone was it?

4 A It was mine.

5 MR. BELL: I beg the Court's indulgence.

6 THE COURT: Okay.

7 COURT REPORTER: State's 14 for ID.

8 (State's Exhibit No. 14, photo was
9 marked for identification.)

10 BY MR. BELL:

11 Q Patrick, I'm showing you what's been marked as State's
12 14 for ID. Would you take a look at that?

13 A Yes, sir.

14 Q What is that a picture of?

15 A My cellphone.

16 Q Do you recall the number that you had on that phone at
17 the time?

18 A 497-5208.

19 MR. BELL: Your Honor, at this time, the State
20 would move State's 14 into evidence.

21 THE COURT: Any objection? Any objection, Mr.
22 Screen?

23 MR. BELL: Oh, I'm sorry.

24 MR. SCREEN: (Shakes head negatively.)

25 THE COURT: Without objection, State's 14 into

evidence.

(State's Exhibit No. 14, photo, was marked and entered.)

BY MR. BELL:

Q Did they take you into custody that day?

A Yes, sir.

Q Was it because of this particular incident?

A They was taking me in on a marijuana charge.

Q Did they find some marijuana in your house?

A Yes, sir.

Q Was is much?

A No, sir.

Q Do you remember what they charged you with?

A Simple possession.

Q Did you ever change your mind about talking to law enforcement about that?

A Yes, sir.

Q And did you end up talking to them?

A Yes, sir.

Q Where did you meet with them?

A At the jail house in Lexington County.

Q Do you recall who you met with?

A Officer Collins.

Q Why did you change your mind about talking to them?

A Well, because the two females had already had picked me

1 out of the lineup as being the shooter.

2 Q Did you shoot Matthew Milhouse?

3 A No, sir.

4 Q Were you there when it happened?

5 A I was at the house. I wasn't in the house.

6 Q What did you end up telling law enforcement that day
7 when you met with them?

8 A I just told them that J.R. and Justin came and picked
9 me up and we went over to get some weed. And Justin went in
10 to rob him.

11 Q Did you tell law enforcement whether or not you knew
12 that's what was going to happen on that particular day?

13 A No, sir.

14 Q What did you tell them that your and J.R.'s involvement
15 was?

16 A I didn't tell them we had any involvement.

17 Q Did you tell them that y'all were there?

18 A Yes, sir.

19 Q Did you tell them or did you indicate what part J.R.
20 played?

21 A No, sir, I didn't.

22 Q Did you tell them J.R. shot the man?

23 A No, sir.

24 Q Ultimately, why did you bring up Henry Johnson's name
25 to law enforcement?

1 A Because I knew he was the only one that could give me,
2 that could verify my alibi.

3 Q And what would you want him to verify in particular?

4 A That I didn't shot Matthew.

5 Q Are you aware of whether or not he ended up confirming
6 your alibi?

7 A He didn't.

8 Q Did you provide Mr. Johnson's phone number to law
9 enforcement?

10 A Yes, sir.

11 Q You had his number in your phone?

12 A Yes, sir.

13 Q Did y'all make contact by phone fairly often?

14 A Yes, sir.

15 Q Patrick, did you end up meeting with law enforcement
16 again, a few months later, some time in late June?

17 A Yes, sir.

18 Q At that time, what did you tell them?

19 A I told them the truth.

20 Q Now, did you include every single detail at that time
21 when you talked to them?

22 A Yes, sir.

23 Q Did they end up rescheduling to talk to you again a few
24 days later?

25 A I'm not sure.

1 Q Patrick, ultimately what were you charged with in this
2 case?

3 A Murder, armed robbery and burglary first.

4 Q Are you guilty of those charges?

5 A Yeah.

6 Q Did you pull the trigger that killed Matthew Milhouse?

7 A No.

8 Q Did you coach anybody as to what story they should use?

9 A No.

10 Q Did you ever meet with Justin Washington after your
11 arrest?

12 A No. Well, at the -- with the -- my lawyer and the
13 solicitor and Justin and his lawyer, yes, that one time.

14 Q Was that because law enforcement requested that you
15 meet with them?

16 A Yes.

17 Q At any other time did you ever have any contact with
18 Justin Washington?

19 A No.

20 Q Did you ever write him letters?

21 A No.

22 Q Did you ever make phone calls to him?

23 A No.

24 Q Send text messages?

25 A No.

1 Q Visit him?

2 A No.

3 Q After the shooting occurred and J.R. left that evening,
4 did you have any further contact with him?

5 A Yeah, he called me back when they was on the way to the
6 store and said there's a bunch of police is heading our way.

7 Q And where is that way?

8 A Towards Matthew's house.

9 Q In the coming days, did you text with Henry Johnson?

10 A Yes.

11 Q Do you recall what y'all were texting about?

12 A Just basically wondering if anybody, if either one of
13 us has heard anything about what happened. What was people
14 saying.

15 MR. BELL: I beg the Court's indulgence.

16 Q Patrick, please answer any questions the Defense may
17 have for you.

18 THE COURT: Mr. Screen, do you have a problem if I
19 take a break at this time before cross-examination?

20 MR. SCREEN: Yes, sir.

21 THE COURT: Is that okay?

22 MR. SCREEN: No objection.

23 THE COURT: Ladies and gentlemen we normally try
24 not to separate direct examination from cross-examination.
25 But you've been in here for almost two hours. The cross-

1 examination could be somewhat lengthy. I don't want to
2 interrupt that in mid-stream either. So the best time to
3 stop it is right now, to interrupt this examination of this
4 witness. I'm going to send you to your jury room for the
5 morning recess. We'll get you out here in about fifteen,
6 well about twenty minutes, about quarter to the hour we'll
7 bring you back in and continue the trial. I remind you
8 again please not to discuss this case among yourself while
9 you're in the jury room.

10 (Jury out at 11:24 a.m.)

11 THE COURT: Mr. Larry, during the break, you can,
12 of course, step down from the stand. They'll take you back
13 to wherever they've been holding you. You're not allowed to
14 talk about your testimony with anybody. You can talk about
15 anything else you want to. If anybody talks with you, fine.
16 But you're not to discuss your testimony with anybody while
17 you're off the stand. Do you understand that?

18 MR. LARRY: Yes, sir.

19 THE COURT: All right. You can step down.

20 All right. We'll start back at quarter to the hour,
21 okay.

22 (Court in recess for short break.)

23 (Court in session after short
24 break.)

25 THE COURT: All right.

(Jury in at 11:51 a.m.)

THE COURT: Folks, we resume now with the cross-examination of Mr. Larry by Mr. Screen.

Mr. Screen.

MR. SCREEN: Thank you, Your Honor.

PATRICK LARRY - CROSS-EXAMINATION

BY MR. SCREEN:

Q Mr. Larry, how old were you on the 12th of February of 2012?

A Thirty-two.

Q Thirty-two? If you'd pick your voice up, I'd appreciate it?

A Thirty-two.

Q All right. And how far did you go in school?

A Twelfth grade, graduate.

Q Which school was that?

A Swansea High.

Q All right. Mr. Larry, you work anywhere?

A I'm working off and on right now.

Q Were you working anywhere back in 2012 at the time of this incident.

A I was doing construction work at that time.

Q Who were you working for?

A Doing brick mason work.

Q For who?

1 A Mciver, Mciver Brick Masonry.

2 Q And do you have any children?

3 A Yes, sir, one.

4 Q How old is that child?

5 A Seven.

6 Q And where were you living back February 12, 2012?

7 A With my mom.

8 Q And that's the address you pointed out on this screen?

9 A Yes, sir.

10 Q And you are still currently living with your mother;
11 isn't that right?

12 A Yes, sir.

13 Q Now, Mr. Larry, on the 11th of February 2012, did you
14 go to a basketball game in which the Defendant, Henry
15 Johnson, played in?

16 A Yes, sir.

17 Q And was that game in Columbia, South Carolina?

18 A Yes, sir.

19 Q And how did you get there?

20 A Me and my cousin rode together.

21 Q You and your cousin?

22 A Yes, sir.

23 Q Which cousin is that?

24 A (Inaudible)

25 Q And y'all drove to Columbia. What time did y'all get

1 back to Swansea?

2 A I'm not sure exactly what time we got back.

3 Q Did you see Justin Washington at that game?

4 A Yes, sir.

5 Q Did you have any conversations with him at that game?

6 A No, sir.

7 Q Did you have a conversation later with him that
8 afternoon?

9 A Not before he got to my house, no.

10 Q You never talked to Justin late in the evening on that
11 evening?

12 A Not before he got to my house, no, sir, I didn't.

13 Q All right. Now, when did you tell us you were first
14 contacted by law enforcement?

15 A It was the next night. They came to my house, I think,
16 that next night.

17 Q Which would have been the 13th?

18 A Yes, sir. That would be on the 12th, I think.

19 Q Well, this thing occurred in the early-morning hours of
20 the 12th.

21 A It'd be on the 13th. Yes, sir, you're right. The
22 13th.

23 Q Was it later in the evening of the 12th because that
24 was the early-morning hours. Was it later on that day, in
25 the evening or the next day?

1 A It was -- I'm really not sure. I know it was -- I
2 wouldn't be for sure. I'm really not sure. It was either
3 the 12th, the night of the 12th or the night of the 13th.
4 One of the two.

5 Q All right. And when they made contact with you, where
6 were you?

7 A At my home.

8 Q At your mother's house?

9 A Yes.

10 Q You gave them two different addresses. One on
11 Washington Court and then you say on Catalina. Where do you
12 live?

13 A Those are not my addresses I gave them. Those
14 addresses was Jocelyn address. I was staying on Calgon, 383
15 Calgon.

16 Q And that's been your address all the time?

17 A Yes.

18 Q All right. So how many police came to see you?

19 A Two.

20 Q And they talked with you about this case?

21 A Yes.

22 Q Yes?

23 A Yes, sir.

24 Q And did they arrest you at that point?

25 A No.

1 Q Did you tell them that you were involved at that point?

2 A No.

3 Q They ask you whether you knew anything about the
4 murder, theft, killing of Matthew Milhouse?

5 A Yes.

6 Q And you denied that?

7 A Yes.

8 Q Did they ask you whether Henry Johnson was involved in
9 that?

10 A No.

11 Q They did not?

12 A No.

13 Q Did they mention Justin Washington at that time?

14 A No.

15 Q Did they mention any other person, Shannon Johnson?

16 A No.

17 Q So you were the topic, the focus of their conversation?

18 A Yes.

19 Q Just you and you only?

20 A Yes.

21 Q And you denied knowing anything about it?

22 A Yes.

23 Q You didn't tell them that you'd been to that house that
24 night; did you?

25 A I told them I'd been to that house earlier that day?

1 Q Yes, sir. But did you tell them you went there that
2 night?

3 A No.

4 Q Now, Mr. Johnson, you use drugs; don't you?

5 A Mr. Larry. I'm Mr. Larry.

6 Q Well, you were using drugs back in 2012; were you not?

7 A Yes. Smoking marijuana.

8 Q Were you also ingesting, smoking cocaine as well?

9 A Never in my life, sir.

10 Q Never used cocaine?

11 A Never in my life.

12 Q But you were smoking marijuana?

13 A Yes.

14 Q Daily?

15 A Yes.

16 Q And were you buying a good bit of that marijuana from
17 the 498 Calhoun Road address?

18 A Yes.

19 Q How long did you know Matthew Milhouse?

20 A Not very long, maybe a year. A year or two.

21 Q And what about Dominique Duckson?

22 A Maybe three years.

23 Q And during the course of those three years, was
24 Dominique Duckson living at 498 Calhoun Road?

25 A Yes. Not the whole three years, but --

1 Q Yes, sir. And is it safe to say that you made numerous
2 trips to that house?

3 A Yes.

4 Q Sometimes you went to get marijuana, sometimes you went
5 gamble, and sometime you did a little bit of both of them?

6 A Yes.

7 Q And did you know who else lived in the house with
8 Duckson and Matthew?

9 A No. From my understanding it was only the two.

10 Q Would you go there at different times of day and night
11 to that location?

12 A Yes.

13 Q And if you were careful and you would stay there for
14 quite a while sometime gambling?

15 A Sometime.

16 Q Until you got broke?

17 A Sometime.

18 Q And what size of pots would y'all have on the table?
19 What was y'all playing?

20 A Skins.

21 Q Skins?

22 A Yes, sir.

23 Q And is skins the game where you pass out some cards and
24 everybody flip them up and see who got the high card and the
25 low card?

1 A No, sir.

2 Q Tell us about skins, about playing skins?

3 A Everybody would pick a card and you flip off the deck
4 and flip off the deck until yours come up.

5 Q And so you played hand after hand after hand?

6 A Yes, sir.

7 Q And y'all would bet? There are bets?

8 A Yes, sir.

9 Q What size bets normally would y'all have?

10 A All depends on what you wanted to bet. It's an
11 individual bet in gambling.

12 Q I see. Well, what kind of -- give me some idea of what
13 size pot would likely be like most times?

14 A Most bets would be forty, thirty, forty, fifty. All --
15 It all depends on how much you want to bet. Sometimes it
16 would go up to a hundred, sometime it would stay at twenty.

17 Q You would see large sums of money at that house while
18 you were there gambling sometimes?

19 A Yes, sir.

20 Q And who would have that money?

21 A I mean, everybody that was gambling.

22 Q That would just be a part of the pot?

23 A Yeah.

24 Q And was Duckson, being the houseman, was he getting the
25 houseman cut?

1 A Yeah.

2 Q What kind of cut would the houseman get?

3 A It was five for each hand.

4 Q I see. Would Matthew be in the gambling game too?

5 A No, sir.

6 Q What was Matthew's role in the house?

7 A The houseman basically. He'd take care of the house,
8 Answer the doors. Do the stuff Dominique didn't want to do,
9 pretty much.

10 Q And he sold marijuana sometime when Domonique wasn't
11 there. If Dominique told him to serve somebody, he'd do it?

12 A Yes.

13 Q Were you familiar with somebody coming around that
14 house named Ronald Meyers?

15 A I heard of him. I know the name, but I don't really
16 know him like that. But I know the name, yeah.

17 Q You know the name prior to that night too; didn't you?

18 A Yes. I knew his name, yeah.

19 Q Now, this is the middle of February 2012. Was it cold
20 that night?

21 A It was a little cold, yeah.

22 Q Well, did y'all have the windows up in the car or were
23 y'all riding with the windows down?

24 A The window was up. The window was up, I guess. Yeah,
25 the window was up.

1 Q It's the middle of the night. So likely your windows
2 were up?

3 A Yeah.

4 Q Well, you told us you've been scribing with drugs.
5 Ain't it a fact that you were charged and convicted on a
6 cocaine charge?

7 A Yes, sir.

8 Q And when was that?

9 A I think in '06, '07, something like that.

10 Q And what happened to you? What kind of sentence did
11 you get for that?

12 A Probation.

13 Q Got probation. That was a distribution of cocaine?

14 A It was possession.

15 Q Possession with intent to distribute?

16 A No, just possession.

17 Q Just possession. Was it reduced?

18 A No, just possession. That's all, the possession.

19 Q What court was it in?

20 A Calhoun County.

21 Q I see. Well, did you know Lisa -- Melissa Carr?

22 A I know of her. I don't really know her, but I know of
23 her, yeah.

24 Q Had you seen her at that house before when you went out
25 there to gamble in the back rooms?

1 A Yes.

2 Q And did you know a girl named Karen Metts (sp)?

3 A No.

4 Q You didn't know her?

5 A No.

6 Q You tell me that you been knowing the Defendant Henry
7 Washington for how many years?

8 A At least fifteen years.

9 Q Well, you older than Henry; You're a good bit older
10 than Henry; aren't you?

11 A Yes.

12 Q How is it that you end up running around with these
13 young boys?

14 A That's my family. We all family. I mean, like I say,
15 we all family, always staying together.

16 Q Now, you've established that you didn't tell law
17 enforcement on the 15th of February about your involvement.
18 You didn't tell them you were involved in this killing;
19 isn't that right?

20 A Yes, sir.

21 Q And they talked to you the following day or so again?

22 A Yes, sir.

23 Q Did you tell them then?

24 A Not at first, but I told them that same day. I told
25 them, yes.

1 Q Well, during, somewhere around close to that same time,
2 you were placed under arrest for some reefer, some
3 marijuana, wasn't you?

4 A Yes.

5 Q Well, were you still on probation?

6 A No.

7 Q You were off probation?

8 A Yes.

9 Q I see. Now, the next time, as I have seen -- you tell
10 me if I'm wrong -- you talked with law enforcement again,
11 you've had two times to tell them the truth, but you didn't.
12 So now you talk to them again on the 27th of June?

13 A Yes.

14 Q And that's when you begin to tell them about J.R. being
15 at your house?

16 A Yes. I told them, I told them about J.R. being at my
17 house on the day they locked me up.

18 Q Did you tell them about Justin too?

19 A Yes.

20 Q But you didn't tell them that you were involved in any
21 way?

22 A I told them that we all went over there together.

23 Q You didn't tell them y'all went over there with a
24 shotgun, did you?

25 A Yes.

1 Q You did?

2 A Yes.

3 Q You told them you shot that boy?

4 A No, I didn't because I didn't shoot him.

5 Q I see.

6 Q Well, you talked to law enforcement. You only signed
7 one statement; is that right?

8 A Sign who now?

9 Q Where you signed acknowledging that what you said was
10 the truth, made a statement that you signed, one statement
11 or two?

12 A Two, I think.

13 Q Well, you say that they got to your house what time
14 that night?

15 A I don't know, because I can't remember the exact time
16 but it was between around 10:00 and 11:00.

17 Q And you knew who Justin Washington was by then?

18 A Yes, sir.

19 Q What kind of relationship had you had with Justin?

20 A The only relationship I had with Justin was through
21 J.R.

22 Q Well, what kind of relationship you had with J.R., were
23 y'all close?

24 A Yes.

25 Q Were you jealous of the relationship between Justin and

1 J.R.?

2 A No.

3 Q You didn't have no problem with Justin about that?

4 A No.

5 Q And who wants marijuana?

6 A Me.

7 Q You?

8 A Yes.

9 Q Because Henry doesn't smoke marijuana; does he?

10 A No.

11 Q So you wanted some marijuana. Why you want to wait
12 until they get there to want some marijuana. You had all
13 day to get some?

14 A Because we was supposed to be going to the concert.
15 And I was going to get some on the way to the concert.

16 Q And that concert was a widely-known event; wasn't it?

17 A Yes.

18 Q It was on the radio; wasn't it?

19 A Yes.

20 Q People were talking about it even on Facebook; weren't
21 they?

22 A Yes.

23 Q So everybody knew a lot of people would be going to the
24 Future concert?

25 A Yes.

1 Q So at 11:00 you get the urge to smoke marijuana. And
2 y'all go over to 498 Calhoun Road property?

3 A Yes.

4 Q Did you get out the car?

5 A To go buy the marijuana; yes, sir..

6 Q First trip?

7 A Yes, sir.

8 Q You got out he car. You went there and bought a small
9 bag of marijuana?

10 A Yes, sir.

11 Q Had there been any discussion about the possibility of
12 robbing that place prior to going over there?

13 A No..

14 Q Were you aware of the presence of a shotgun in the car
15 or in the trunk or anything? Anybody made you aware of
16 that?

17 A No.

18 Q There was no conversation between you and anyone about
19 robbing Matthew house?

20 A No, not when we first left my house; no.

21 Q Well, you went in there and you bought a bag of
22 marijuana?

23 A Yes..

24 Q How long did you stay in there?

25 A Not long.. Just long enough to get the weed and come

1 back out.

2 Q Did you see a big guy in there, over three hundred
3 pound, Big Tim?

4 A Yes.

5 Q And you saw -- did you see any of those girls?

6 A I saw one of them. I didn't see the other one.

7 Q Which one of them did you see?

8 A The Lisa girl.

9 Q Where was she in the house?

10 A In the living room.

11 Q Sitting in the living room. And Matthew was in the
12 house?

13 A Yes, sir.

14 Q And Dominique was in the house?

15 A No, he wasn't in there.

16 Q He wasn't there?

17 A No.

18 Q What were they doing in there when you went in there?

19 A Sitting down talking.

20 Q Did you smoke any marijuana before you left out of the
21 house?

22 A No.

23 Q Were they smoking marijuana? Were they doing drugs
24 when you went in there?

25 A No. I ain't seen nobody doing drugs while I was in

1 there.

2 Q So you stayed in the house for a few minutes?

3 A I wouldn't say a few minutes. Maybe a minute at the
4 most. Just long enough to get what I had to get and leave.

5 Q How much money did you give?

6 A Ten dollars.

7 Q You can get a ten dollar bag of marijuana?

8 A You can get a five dollar bag of marijuana.

9 Q Well, how much did you get for ten dollars?

10 A Three grams.

11 Q Something like that?

12 A Something like that, yeah.

13 Q What do we generally call marijuana cigarettes, you
14 know the name.

15 A A blunt.

16 Q And what else?

17 A A joint.

18 Q All right. And so you don't get much out of that bag;
19 do you?

20 A Well, I get enough for me. I get enough to satisfy me
21 out of that bag.

22 Q I see. So you get the marijuana, you go back to your
23 house. Is that where you went to roll it?

24 A No, sir.

25 Q Or put it in the form that you can smoke it?

1 A Yeah.

2 Q What was it? Would you roll it up or you put in a --
3 made a blunt?

4 A I made a -- roll it up into the blunt, yes.

5 Q Okay. Tell these what a blunt is?

6 A A cigar.

7 Q You put the marijuana in a cigar?

8 A Yes.

9 Q Why do you put that?

10 A (No verbal response)

11 Q Why do you put the marijuana in a cigar instead of
12 rolling it up in paper and smoke it directly?

13 A I roll it up in the cigar and smoke it directly.

14 Q And isn't one of the reasons you do that is to
15 camouflage the odor of the marijuana?

16 A No, it's just what I prefer.

17 Q Okay. So you smoked the marijuana, didn't you? Did
18 Justin Smoke any?

19 A I don't think so, no.

20 Q Just you?

21 A Yes.

22 Q You often smoke marijuana in your mama's house?

23 A Yes.

24 Q Does she know you smoking in there?

25 A Yeah.

1 Q I see. So you smoke and you get a buzz. When did you
2 come up with the idea to rob that house?

3 A I didn't come up with the idea to rob the house.

4 Q Who came up with the idea?

5 A Mr. Johnson came up with the idea to rob the house.

6 Q Well, you knew they had money over there too; didn't
7 you?

8 A Yeah, but I didn't have the idea of robbing him.

9 Q But you were aware that money, that large amounts might
10 be in that house; were you not?

11 A Yes, I was. But that doesn't mean I came up with the
12 idea.

13 Q Well, you didn't have no job?

14 A That doesn't mean I'm going to rob just because I don't
15 have a job.

16 Q Well, you weren't working?

17 A That doesn't mean I'm going to rob because I didn't
18 have a job.

19 Q Well, what was your -- what was your take on it? If he
20 came up with it, what was your thought about it? You went
21 along?

22 A Yes, I did. Yes, I did.

23 Q Why? Because you're broke and you wanted money.

24 A No. I wasn't broke.

25 Q Well, you wanted money?

1 A (No verbal response)

2 Q And did you consider yourself passing as friends with
3 these people, Matt and Dominique and them because you go
4 there regularly?

5 A Yes.

6 Q But you going to rob your friends?

7 A I didn't rob. He came up with the idea to do the
8 robbery, not me.

9 Q You didn't tell him, let's don't do that; did you?

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

11 Q You didn't refuse to leave home and get in the car; did
12 you?

13 A No, I didn't.

14 Q Nobody put a gun to your head and told you you better
15 come on and go?

16 A No, they didn't.

17 Q You ever threaten Justin Washington?

18 A No, sir.

19 Q You own a pistol?

20 A No, sir.

21 Q You've never owned a pistol?

22 A No, sir.

23 Q So that pistol they found when they executed a search
24 warrant at your house wasn't yours?

25 A I didn't never see a pistol.

1 Q You don't know whether or not they took a gun out of
2 your house?

3 A I didn't -- like I say, I ain't never seen one.

4 Q So you deny ever owning a pistol?

5 A I'm a convicted felon so I can't own a firearm.

6 Q I understand you might know better. Did you ever own
7 it?

8 A No.

9 Q Well, you were in jail -- when did they lock you up?

10 A The day they came out to the search warrant.

11 Q All right. And they put you in the Lexington County
12 Jail then?

13 A Yes.

14 Q And so you were in jail with Justin Washington?

15 A Yes.

16 Q Do you deny that they assert that you had a fight in
17 jail with Justin Washington?

18 A No, I don't.

19 Q You do not or you do?

20 A I said no, I don't deny that. We did have a fight in
21 jail, with Justin. Yes, I did.

22 Q And what was that fight about?

23 A He was telling his roommate that he was part of the
24 basketball team and he played basketball. And the roommate,
25 his cell mate came and asked me about it. And I told him he

1 was the ball boy. And that's what he got mad about.

2 Q So y'all got in a fight about that?

3 A Yes, sir.

4 Q It wasn't about this problem?

5 A No.

6 Q Did y'all ever talk about this case?

7 A No.

8 Q You know who Ladovia Washington is?

9 A Yes.

10 Q After this thing happened you said -- what happened to
11 the shotgun?

12 A Justin took it back. They took it back with them.
13 When they dropped me off, they took it back with them.

14 Q Well you, in response to a question from law
15 enforcement, you had earlier said you didn't know nothing
16 about a shotgun; hadn't you?

17 A Not before the fact. No, I didn't.

18 Q You say you never seen the shotgun in that house?

19 A No.

20 Q Do you know personally how the shotgun got in the car
21 before they came to our house?

22 A It was Justin, so I'm assuming he put it in the car.

23 Q Did you encourage Justin to go in that house that
24 night?

25 A No..

1 Q Did you tell him don't do it?

2 A No, I didn't.

3 Q So you were waiting around to get whatever portion of
4 the bounty you could get your hands on?

5 A Pretty much, yes, sir.

6 Q Did you know Justin was going to shoot that man?

7 A No.

8 Q You ever go back to see if you could help him any kind
9 of way?

10 A No.

11 Q In fact, you went back to your house; didn't you?

12 A Yes.

13 Q And went to bed?

14 A Yes.

15 Q And you knew this man had been shot?

16 A I didn't knew for a fact. He said, because Justin came
17 out and said I think I shot him. So I didn't knew for a
18 fact that he'd been shot. No, I didn't know for a fact he'd
19 been shot.

20 Q Did you hear the gun go off?

21 A Yes, sir, I did.

22 Q And what kind of gun was it?

23 A It was the shotgun, I knew that. Because I knew he
24 took it in with him. All I heard was a gun. I couldn't
25 tell what, from the fire, from the sound, what type gun it

1 was if that was what you're asking.

2 Q Were the windows up and you were in the car?

3 A Yes.

4 Q So you were positioned to see the front door of the
5 house?

6 A Yes.

7 Q And you had your windows up?

8 A Yes.

9 Q Did that door ever close?

10 A No.

11 Q That door stayed open the whole time?

12 A Yes.

13 Q You see Justin follow him in the kitchen?

14 A Seen Justin went in, yes.

15 Q You knew the layout of the house; didn't you?

16 A I had been in there, yes.

17 Q You know -- which way would the kitchen from the front
18 door?

19 A I mean, it's only a two-bedroom house. There's a
20 kitchen here, the living room's here. There's only two
21 rooms back there.

22 Q So if you saw him turn in one direction, you knew
23 whether he went into the living room or the kitchen; didn't
24 you?

25 A Yeah.

1 Q So he went into the kitchen; is that right?

2 A I'm not sure. I know he went in and seconds later he
3 came right back out after the gunshot.

4 Q How long was he in there?

5 A Seconds.

6 Q And y'all got nothing?

7 A Nothing.

8 Q You got nothing but trouble?

9 A (No response)

10 Q Did you ever see the shotgun Justin had?

11 A Yes.

12 Q Well, you're familiar with a shotgun; aren't you?

13 A Yes.

14 Q You know that a shotgun throws a big wad of pellets
15 when it goes off; doesn't it?

16 A Yes.

17 Q So if a shotgun went off in a house as small as you
18 descried in a little room like that, there's better than an
19 even chance it hit somebody. So you had know Matt was shot?

20 A Like I said, I didn't know for sure.

21 Q And you say you never saw Dominique in the house when
22 you went in there?

23 A No.

24 Q Wasn't in there getting dressed nowhere?

25 A Say again?

1 Q He wasn't in the house getting dressed?

2 A No.

3 Q Well, tell me about this fellow, Nice, this -- you know
4 who that is?

5 A I just saw him. I don't know the name. I really know
6 him like that, but I heard the name before.

7 Q What about somebody named Luck?

8 A Yeah, I know him.

9 Q How you know him?

10 A We played basketball together.

11 Q They also had a gambling room too; didn't they?

12 A Yeah.

13 Q And you like to gamble?

14 A Yes.

15 Q Mr. Larry, when did you and Justin ever talk about --
16 did y'all talk about what you'd do if you got caught?

17 A No.

18 Q Did you ever talk about how you would respond to law
19 enforcement if they came upon you?

20 A No.

21 Q How you would answer?

22 A No.

23 Q Did Henry Johnson ever tell you ought to answer any
24 questions from law enforcement?

25 A No.

1 Q He ever send you any notes or anything?

2 A No.

3 Q Did you have any contact with him after this?

4 A Phone conversations.

5 Q And what were they like?

6 A Just normal conversations, and through texts. The
7 texts on a couple days later. He texted me and asked me had
8 I heard anything.

9 Q Asked you if you heard anything?

10 A Yeah.

11 Q Well, what was you thought he was referring to?

12 A The robbery, the shooting.

13 Q But he never suggested to you what you ought to say or
14 do?

15 A No.

16 Q Never told you to lie to the police; did he?

17 A No.

18 MR. SCREEN: I beg the Court's indulgence.

19 THE COURT: Yes, sir.

20 BY MR. SCREEN:

21 Q Patrick, there is no issue in who went in the house
22 that night?

23 A Yes.

24 Q And the police had you in custody for that?

25 A Yes.

1 Q So you ever heard of the term, misery loves company?

2 A Yes.

3 Q Your misery wanted some company and that's why you told
4 the story about Henry?

5 A No. I told the story about him because that was the
6 truth.

7 Q Wasn't that the truth that you told them you wasn't
8 involved initially?

9 A No, it wasn't.

10 Q Thank you.

11 THE COURT: Mr. Bell, redirect?

12 MR. BELL: Thank you, Your Honor.

13 Your Honor, may we briefly approach?

14 THE COURT: Okay.

15 (Off the record bench conference with counsel and the
16 Court.)

17 THE COURT: Ladies and gentlemen, during the
18 cross-examination, Mr. Larry, it was brought out that he has
19 a record, a conviction for a cocaine charge. Simple
20 possession of cocaine is a misdemeanor and the charge from
21 the conviction and the evidence of that conviction was
22 admitted for a limited purpose. And you can consider it
23 only for that limited purpose. And that is to say you can
24 take that evidence of that drug conviction into account,
25 only on the issue of the credibility, that is the

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1 believability, that you will give to the testimony offered
2 by Mr. Larry himself and for no other purpose at all.

3 That's another reason that the evidence of that prior drug
4 conviction is admissible under our rules. Solely for the
5 purpose of your determining and using that conviction, if
6 you choose to do so, in deciding whether or not you believe
7 the testimony offered Mr. Larry, in other words, on the
8 question of his credibility.

9 Mr. Bell, you may redirect.

10 MR. BELL: Thank you, Your Honor.

11 PATRICK LARRY - REDIRECT EXAMINATION

12 BY MR. BELL:

13 Q Mr. Larry, my ears perked up a little while ago. Did
14 you say you've known Justin Washington for fifteen years?

15 A No, Mr. Johnson.

16 Q How long when this all occurred had you known Justin
17 Washington?

18 A Maybe a year or so. Yeah, maybe a year or two.

19 Q There was mention that it wasn't until June when you
20 brought J.R.'s name up; is that true?

21 A No. Because like I said, I brought his name up on the
22 day I was arrested.

23 Q When you brought his name up, did you tell police he
24 was the one who shot Matthew Milhouse?

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1 A No, sir.

2 Q Did you tell the police he was the one who planned the
3 shooting of Matthew Milhouse?

4 A No, I didn't.

5 Q Did you implicate J.R. in any way, other than having
6 been present?

7 A No, that was the only -- yeah, that's the only reason.

8 Q Was that the same thing you told police about yourself?

9 A Yes, sir.

10 Q Who was the only person that you implicated having
11 committed a crime to the police at that time?

12 A Justin Washington.

13 Q By naming J.R. to the police at that time, were you
14 attempting to throw him under the bus?

15 A No, sir.

16 Q Did you have any intent of him getting in trouble at
17 the time?

18 A No, sir.

19 Q Are you older than Henry Johnson?

20 A Yes, sir.

21 Q Do you know how much older?

22 A No, sir, I'm not sure. I'm not sure how old he is.

23 Q What's your relationship, once again, with Henry
24 Johnson?

1 A We're close friends, friends and family members.

2 Q Are you distant cousins?

3 A Yeah, distant.

4 Q Otherwise, are you still close?

5 A Today?

6 Q Back then?

7 A Oh, yeah, still.

8 Q Do you want to disappoint close friends?

9 A No.

10 Q You typically try your best to make your friends happy?

11 A Yeah.

12 Q You mentioned the name Ladovia. Did you say whether
13 you knew her or not?

14 A Yes, I know her.

15 Q And how do you know her?

16 A She was J.R.'s girlfriend.

17 Q And do you know how long they were together?

18 A I can't say for sure, for about a year or so, I guess.

19 At least that..

20 Q Were they together at the time all of this was
21 happening?

22 A Yes.

23 Q Do you know if they stayed together for any period of
24 time afterwards?

25 A I'm not sure.

1 MR. BELL: No further questions;

2 THE COURT: Thank you.

3 Any follow-up on those narrow points, Mr. Screen?

4 MR. SCREEN: Just one, Judge.

5 PATRICK LARRY - RECROSS-EXAMINATION

6 BY MR. SCREEN:

7 Q The Solicitor asked you about typically telling a lie
8 and telling the honest truth. What do you -- I'd be
9 interested to know what is your nutshell definition of a
10 lie?

11 A (No response)

12 Q What does a lie mean to you?

13 A When it's not the truth.

14 Q When you don't tell the truth?

15 A Yeah.

16 Q Either because you know ought to be telling it or
17 somebody ask you something you tell them something
18 different, that you know is not right?

19 A Yeah.

20 Q That's a lie?

21 A Yeah.

22 Q And that equals liar doesn't it?

23 A Yes, sir.

24 Q Thank you.

25 THE COURT: Mr. Bell, you've got the last word.

1 MR. BELL: No further questions, Your Honor.

2 THE COURT: Mr. Larry, you can step down. Thank
3 you.

4 MR. GRAHAM: We'd call Mary Porter.

5 THE COURT: Come forward, please, be sworn.

6 (WHEREUPON, Mary Porter was sworn
7 to tell the truth.)

8 MARY PORTER - DIRECT EXAMINATION

9 BY MR. GRAHAM:

10 Q Is it okay if I call you Ms. Mary?

11 A Yes.

12 Q Ms. Mary, did you want to be here today?

13 A No, sir, I don't.

14 Q Why is that?

15 A Because I'm a mother, so there's -- mother don't need
16 to be sitting here.

17 Q Who's your baby?

18 A My baby is Terrell Larry. Patrick Larry is my oldest.

19 Q Back in February of 2012 where did you and Patrick
20 live?

21 A 393 Calgon Road.

22 Q Henry Johnson, J.R., do you know who I'm talking about?

23 A Yes, sir.

24 Q Is he in the courtroom?

25 A Yes, sir.

1 Q And where is he, ma'am.

2 A Right there.

3 Q Over at that table?

4 A Yes.

5 Q You also know him by Jay?

6 A Yes.

7 Q How long have you known J.R.?

8 A Years and years.

9 Q How many years?

10 A About fifteen, twenty.

11 Q How do you know him?

12 A Well, I know his parents. And then Jay came real close
13 with Patrick.

14 Q What was your relationship with him, Jay or J.R.?

15 A My relationship with Jay was great. Jay was like one
16 of my sons because he was always in the house with Patrick.

17 Q Do you remember when the police came looking for
18 Patrick back in February 2012 about him being involved in
19 this case?

20 A Well, one night the police was there and I didn't it
21 was police. I seen Patrick outside talking to someone. And
22 then when he came in, I asked him who it was. And he told
23 me it was just the police questioning him about what had
24 happened.

25 Q Well, did the police talk with you that day or later?

1 A No. No, sir.

2 Q Did the police talk with you later?

3 A No, sir. The only time I spoke to the police was when
4 they arrested Patrick and I came home. And he just told me
5 that, you know, they had a search warrant for the house and
6 for me to stand back.

7 Q Back on February 11 and February 12, you know what
8 we're here about Matthew Milhouse being killed that night.

9 A Yes, sir.

10 Q And the robbery of that house?

11 A Yes, sir.

12 Q Do you remember what you were doing that night, on the
13 night of the February 11th, 2012?

14 A I went to church that night because I had an
15 anniversary with my church. And I came home and I put my
16 pots on so I could cook dinner.

17 Q Let me ask you some questions. You said there was an
18 anniversary at the church. Why does that date stand out for
19 you? How do you know --

20 A Because I remember so good because we had our usher
21 anniversary and I'm an usher of the church.

22 Q What kind of anniversary?

23 A. It was a usher anniversary at the church.

24 Q And you were an usher then?

25 A Yes.

- 1 Q How big a gathering was it?
- 2 A It was a big gathering.
- 3 Q Do you remember what time it started?
- 4 A 7:00, I believe it were.
- 5 Q Do you remember what day of the week that was?
- 6 A A Saturday.
- 7 Q Now, were you working at that time?
- 8 A Yes, I was working.
- 9 Q Same job you've got now?
- 10 A Same job.
- 11 Q Where do you work and what do you do?
- 12 A I manage a cleaning contract in all UPSs in South
- 13 Carolina.
- 14 Q How many different facilities does that involve?
- 15 A I have twenty-two sites in South Carolina.
- 16 Q So what time -- after that anniversary celebration at
- 17 your church, what time was it when you got home?
- 18 A I would say a little until 11:00, around 11:00.
- 19 Q We're talking 11:00 --
- 20 A That night.
- 21 Q That night? 11:00 p.m.?
- 22 A Yes.
- 23 Q When you got home, you had started to talk about pots.
- 24 Tell me what you did when you got home?
- 25 A When I got home, I had started my Sunday dinner before

1 I left to go to church. So when I got home, I cut my pots
2 back on and started my dinner.

3 Q So it's Saturday night at 11-something, and you're
4 getting dinner ready for Sunday afternoon?

5 A Yes.

6 Q All right. When you got home were people awake, were
7 people asleep? Do you know what --

8 A My husband was in the bed. Patrick was woke. Patrick
9 baby mother was woke and the baby was woke.

10 Q How long do you think you stayed up after you got home
11 at 11:00, after you checked with your pots before you went
12 to bed?

13 A I didn't stayed up long because after I turned the pots
14 on, I went and laid down and doze off to sleep. Then my
15 husband woke me up and told me I need to go cut the pots
16 off, so --

17 Q Do you know what time that was when you woke up?

18 A No, sir, I don't.

19 Q But you had fallen asleep?

20 A Yes.

21 Q When you awoke, what did you do?

22 A I woke up, I went in the kitchen to turn the pots off
23 and I heard Patrick talking. And I said Patrick, are you
24 talking to yourself? And he said, no, I'm talking to Jay.

25 Q Let me stop you for just a second. Did you see Pat?

- 1 A Pat was in his room. No, I did not see him.
- 2 Q How close is his room to the kitchen where you were?
- 3 A Very close.
- 4 Q Were you able to determine what was being said?
- 5 A No, sir.
- 6 Q Once you said that and asked -- what was the next thing
- 7 that happened?
- 8 A When I asked him who he was talking to he said, Jay.
- 9 And I said what's up, Jay. He said what's up? I said I
- 10 haven't seen you in a long time. He said chillin, chillin,
- 11 chillin. And that was it.
- 12 Q So you had a conversation with Jay or J.R.?
- 13 A Yes.
- 14 Q The person that's sitting over at that table is who
- 15 we're talking about?
- 16 A Yes.
- 17 Q Any question that he was in Pat's room?
- 18 A No, sir.
- 19 Q Any question that was his voice?
- 20 A Well, it was him because he be around a lot. So I know
- 21 his voice, you know.
- 22 Q Any more to that conversation than what you just said?
- 23 A No, sir.
- 24 Q What did you do next?
- 25 A I turned the pots off and went and got back in the bed.

1 Q Now, do you all have a home phone?

2 A No, sir.

3 Q Everybody just have a cellphone?

4 A Cellphones, yes.

5 Q Justin Washington, do you know who I'm talking about?

6 A I know him by name.. I've really only seen Justin's
7 face maybe once. You know, I heard a lot by name. But, you
8 know, just to -- I don't know Justin that well at all.

9 Q To your knowledge was he a friend of Patrick's?

10 A He's a friend of Jay, J.R.?

11 Q He's a friend of J.R. Did Justin ever come to your
12 house?

13 A Yes.

14 Q How many times did you see him at your house?

15 A Maybe once inside.

16 Q Tell me about that, was he by himself or was he with
17 somebody else when he came to your house?

18 A When he come to my house, he always be with Jay.

19 Q All right. So the time that you saw him at your house
20 was with Jay. Tell me how that happened? Were you inside
21 or outside?

22 A We was inside playing cards and Jay was even standing
23 up to the table watching us. And Justin came in and asked
24 for something to drink. And Jay said, go ahead on and get
25 it. And I said, I didn't send him in my refrigerator. He

1 don't even live here, like that, right? I said I'll get him
2 something to drink. And so he got something to drink and
3 left out. And then I asked Jay -- Jay said, well, he'll
4 jump off a bridge if I ask him. So then I say, is he slow?
5 And everyone bust out and start laughing. So that was the
6 end of the conversation. We didn't get a response.

7 Q And that was the one and only time that Justin was at
8 your house?

9 A Yes, that I see him.

10 Q That you've seen him at your house?

11 A Yes.

12 Q Thank you, ma'am. Please answer any questions that Mr.
13 Screen has.

14 THE COURT: Mr. Screen, you can cross-examine.

15 MR. SCREEN: Thank you, Your Honor.

16 MARY PORTER - CROSS-EXAMINATION

17 BY MR. SCREEN:

18 Q Ms. Porter?

19 A Yes, sir.

20 Q What kind of church you go to down there?

21 A Provident AME Church.

22 Q AME?

23 A Yes.

24 Q Now, Ms. Porter, you came home that night from church?

25 A Yes, sir.

1 Q And you started cooking. You went to bed for a little
2 bit?

3 A Yes, sir.

4 Q And what time was it when you went to bed?

5 A That's a good question because I'm not even sure of
6 time. Let's see. I got home from church a little until
7 11:00, right at 11:00, turned the pots on. I didn't stayed
8 up awfully long because I just really wanted to lay down but
9 I did doze off to sleep when I laid down.

10 Q All right. And how did you get from church to your
11 house?

12 A I drove.

13 Q And what kind of car do you drive?

14 A At that time I had a Explorer. A 2099 [sic] Explorer.

15 Q Yes, ma'am.

16 Q Now, when you pulled into your driveway at home, did
17 you happen to see a car that's not usually at your house?

18 A Not at that time, no, sir.

19 Q Didn't see a car?

20 A No.

21 Q Didn't see a little Honda automobile?

22 A No car was there at that time when I got home.

23 Q And this was -- you think this was around 11:00?

24 A Yes, sir.

25 Q And then what time was it then when you say you heard

1 your son talking and voices in your house?

2 A I'm not sure exactly what time it was but I knew when I
3 woke up, woke up and checking pots. And when I got up and
4 went to the kitchen, that's when I heard the voices. Right
5 offhand, how long I laid down, how long the nap was, I
6 didn't look at the time.

7 Q But it was way after 11:00?

8 A Yes, sir.

9 Q So you don't know what time it was and you don't know
10 what time your son may have left the house, if he left the
11 house that night?

12 A No, sir. I do not.

13 Q And this voice that you say that you know was J.R.'s,
14 your son has a separate bedroom from yours and all; doesn't
15 he?

16 A Yes, sir.

17 Q And his bedroom on the same end of the hall as yours?

18 A No, sir.

19 Q He's on the opposite end of the house?

20 A Yes, sir.

21 Q So that if your son was there with J.R., whose voice
22 you say you definitely know?

23 A Uh-huh. (Affirmative response) Yes, sir.

24 Q But you don't know what time it was you heard that
25 voice?

1 A No, sir.

2 Q Was it after you got up from sleeping or before you put
3 your pots on or --

4 A It was after I woke up. My husband woke me up and tell
5 me, you go turn the pots off. Put the pots off.

6 Q You don't have no idea how long you been sleeping?

7 A No, sir. I do not.

8 Q What time you go to church that day?

9 A We had to be there at 6:00.

10 Q You had a long, pretty long anniversary program?

11 A Yes, sir, because we had to feed and clean up and
12 everything.

13 Q Preaching and all of that?

14 A They didn't preach. We just sung.

15 Q Okay. So if J.R. was there and that's the voice you
16 heard and you don't know what time it was you heard that
17 voice, if he happened to not leave the house with your son
18 and stayed in that bedroom, you wouldn't know that either,
19 would you?

20 A No, sir, I would know if he stayed in the bedroom. I
21 don't think my son would leave nobody in the house without
22 letting me know.

23 Q But you don't know that for a fact?

24 A No, sir. I do not.

25 Q You raised Larry?

1 A Yes.

2 Q And up through the years, what kind of kid was he?

3 A Patrick's a good son. Patrick's not a bad son. J.R.
4 is a good son. They both are good kids. I'm not going to
5 lie on them and I'm not going to lie for them. They both
6 are good kids.

7 Q You ever known J.R. to do anything violent, bad?

8 A No, sir, I haven't heard anything.

9 Q Have any trouble out of your son coming up?

10 A No, sir. I mean, you know, when he got older he got on
11 a little drugs. But, I mean, other than that, no.

12 Q Thank you, Ms. Porter.

13 THE COURT: Redirect, Mr. Graham.

14 MR. GRAHAM: No. Thank you, Ms. Porter.

15 THE COURT: Ms. Porter, you can step down. Thank
16 you, ma'am.

17 MS. PORTER: Thank you.

18 MR. GRAHAM: The State recalls Joe Chappell to the
19 stand.

20 THE COURT: How long is this going to take?

21 MR. GRAHAM: Short, Your Honor.

22 THE COURT: Okay. Mr. Chappell, please
23 understand, please, you're still under oath.

24 (WHEREUPON, the witness was
25 previously duly sworn.)

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1 THE COURT: Mr. Graham.

2 JOE CHAPPELL - RECALL DIRECT EXAMINATION

3 BY MR. GRAHAM:

4 Q Mr. Chappell, you're still under still under oath?

5 A Yes, sir.

6 Q And you were the crime scene investigator assigned to
7 this cse?

8 A Yes, sir.

9 Q Earlier we talked about processing the house on Calhoun
10 Road where the murder happened. We talked about you going
11 to the autopsy. Did you also participate in the search
12 warrant of 393 Calgon Road, which was in Swansea, Mr.
13 Patrick Larry's house?

14 A Yes, I participated in that along with Crime Scene
15 Investigator Ross on February 15th around 1:00 p.m.

16 Q And was a search warrant obtained for that?

17 A Yes, it was.

18 Q And did you participate in the search of that location?

19 A Yes. I took photos of the exterior and interior and
20 collected some evidence.

21 Q Let me show you State's 14 into evidence and ask if you
22 recognize that?

23 A Yes, that was a cellphone marked as item number four
24 found in one of the bedrooms.

3 A Yes, sir.

4 Q And this shows where it was in the house?

5 A. Correct.

6 Q Let me show you another item.

7 (State's Exhibit No. 15, cell
8 phone, was marked for identification.)

9. COURT REPORTER: That's 15 for ID.

10 BY MR. GRAHAM:

11 Q Let me show you another item and ask if you recognize
12 this? Currently, it's 15 for identification.

13 A It's the cellphone that was taken from the Calgon Road
14 residence..

15 Q That's the phone that's shown in the picture with
16 State's 14?

17 A Yes, the item marked number four in the other photo.

18 Q And that's the phone that you actually collected from
19 Patrick Larry's house?

20 A Yes, sir.

21 MR. GRAHAM: Your Honor, the State would move the
22 phone, which is currently 15 for identification into
23 evidence.

24 THE COURT: All right. Any objection, Mr. Screen?

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1 MR. SCREEN: None, Your Honor.

2 THE COURT: Thank you. 15 into evidence.

3 (State's Exhibit No. 15, cell
4 phone, was marked and entered.)

5 BY MR. GRAHAM:

6 Q After collecting that, did you eventually turn it into
7 the evidence custodian with the Lexington County Sheriff's
8 Department?

9 A Yes, I turned it to the evidence, Beth Holliman.

10 Q Beth Holliman?

11 A Yes.

12 Q Do you see her in Court?

13 A Yes. I think it's the second row, gray shirt.

14 Q That would be the same lady that you turned the shotgun
15 shells into, I believe?

16 A That's correct.

17 Q Thank you, Mr. Chappell. Please answer any questions
18 the Defense has..

19 THE COURT: Mr. Screen.

20 MR. SCREEN: I have nothing, Your Honor.

21 THE COURT: Thank you.

22 Mr. Chappell, you can step down.

23 THE WITNESS: Thank you, Your Honor..

24 THE COURT: Folks, this is a good time to stop for

1 the lunch break and so I'm going to send you out for lunch
2 and ask that you please be back in the jury room at 2:00. I
3 remind you as always not to discuss this case among
4 yourselves or with anybody else. Don't talk about it when
5 you get back into the jury room. We'll see you back at
6 2:00. Thank you.

7 (Jury out at 12:47 p.m.)

8 THE COURT: Mr. Graham, do we seem to be pretty
9 much on schedule?

10 MR. GRAHAM: Yes, Your Honor.

11 THE COURT: Good. All right. Thank you. All
12 right. Anything further from the State before we break for
13 lunch, Mr. Graham?

14 MR. GRAHAM: No, Your Honor.

15 THE COURT: Mr. Screen?

16 MR. SCREEN: Nothing, Your Honor.

17 THE COURT: All right. 2:00, folks. Thank you.

18 (Court in recess for lunch at 12:47
19 p.m.)

20 (Court in session after lunch at
21 2:04 p.m.)

22 THE COURT: Both sides ready for the jury?

23 MR. GRAHAM: The State's ready, Your Honor.

24 THE COURT: The Defense?

25 MR. SCREEN: Yes, sir.

1 THE COURT: Bring us the jury, please?

2 (Jury in at 2:04 p.m.)

3 THE COURT: Folks, we continue now with the
4 presentation of the case, the State's case in chief.

5 Mr. Bell, Mr. Graham, gentlemen?

6 MR. BELL: Thank you, Your Honor. At this time,
7 the State would recall Investigator Steve Collins to the
8 stand.

9 THE COURT: Investigator Collins, please return to
10 the stand. You're still under oath

11 (WHEREUPON, the witness was
12 previously duly sworn.)

13 STEVE COLLINS - RECALL DIRECT EXAMINATION

14 BY MR. BELL:

15 Q Investigator, when we left off last, we had just spoken
16 about Patrick Larry's search warrant at the house and his
17 arrest; is that what you recall?

18 A Yes, sir.

19 Q Now, briefly, before we go any further, was a phone
20 seized from that house?

21 A Yes, sir, there was.

22 Q Okay. And did you ever have any further contact with
23 that phone?

24 A Yes, sir, I did.

25 Q Do you recall what date that was?

1 A I recall that we obtained a search warrant for the
2 phone. I was looking for the paperwork. I know that it was
3 -- I believe around July of this year. We obtained a search
4 warrant but I did not see that particular search warrant. I
5 did not see a copy of it but I know it exists.

6 Q Investigator when you sign something in or out of
7 evidence, do you have to signature for it?

8 A Yes, sir, I do.

9 Q And what is the purpose for that?

10 A To maintain a chain of custody on the piece of
11 evidence.

12 Q If I showed you the log that you signed, would it
13 refresh your memory as to when you checked that item out?

14 A I am sure it would.

15 MR. BELL: Permission to approach the witness?

16 THE COURT: Yes, sir.

17 BY MR. BELL:

18 Q Does that appear to be your signature, Investigator?

19 A Yes, sir, it does.

20 Q And on what date did you have interaction with that
21 phone?

22 A The date and times stated are -- I'll go with February,
23 11, 2015. The 2 is a little difficult for me to read. I
24 may need new glasses.

25 Q Did you end up checking the phone back in after pulling

1 it out?

2 A Yes, sir, I did.

3 Q And what date was that?

4 A That would be the same date.

5 Q Any idea how many hours between those two?

6 A The first time noted is 13:52, which would be 1:52 in
7 the afternoon. The phone was signed back in at 15:18, I
8 believe -- that's a little smudged -- which would be 3:18 in
9 the afternoon, so two hours, ballpark.

10 Q And the purpose of pulling that phone out of evidence
11 at that time was what?

12 A Was to allow the crime scene officer in this case, Mike
13 Phipps, to execute a search warrant that we had obtained for
14 that cellphone.

15 Q Was the search warrant obtained?

16 A Yes, sir, it was.

17 Q And did you log that phone back into evidence when you
18 were done with it?

19 A Yes, when the extraction of the phone was complete it
20 was logged back into evidence.

21 Q Can you ever access that phone without signing a log?

22 A No. I would have no ability to get to the phone.

23 Q Were those the two only interactions you had with that
24 piece of evidence?

25 A Yes, sir.

1 Q Now, after that search warrant was executed and Patrick
2 Larry was arrested and interviewed at the sheriff's
3 department, what was the next step?

4 A After Patrick Larry was arrested and interviewed the
5 next step, he had provided the names Henry Johnson and
6 Justin Washington. We made the determination to talk to
7 Henry Johnson was our next step in the investigation.

8 Q And was the first time you heard Henry Johnson when you
9 spoke to Patrick Larry at the jail?

10 A No. The first time that we had heard he name Henry
11 Johnson was when we were speaking with Genesis Pearson and
12 her mother down at her house.

13 Q So who did you think to interview first between your
14 two new persons of interests?

15 A Oh, Henry Johnson was the person we wanted to interview
16 first.

17 Q Do you remember what date that was on?

18 A I believe it was the 16th. It would have been the next
19 day after we interviewed Patrick Larry. Yes, sir, on the
20 16th..

21 THE COURT: The 16th of what day and what month?

22 MR. COLLINS: February 2012.

23 THE COURT: Thank you, sir.

24 BY MR. BELL:

25 Q How did you get in touch with Henry Johnson?

1 A A telephone call.

2 Q Where did you get that phone number from?

3 A Patrick Larry provide us with a phone number for Henry
4 Johnson.

5 Q Where did he have that phone number stored?

6 A He had it stored in his cellphone.

7 Q Was that his personal cellphone?

8 A Yes, it was his personal cellphone.

9 Q Is that the phone that was seized?

10 A Yes, sir.

11 Q Was it stored as a contact in his phone?

12 A I believe so, yes, sir.

13 Q Who answered the phone when you called that number?

14 A I spoke with Henry Johnson. I don't recall whether he
15 answered the phone himself or somebody handed the phone to
16 him, but I did speak with Henry Johnson on the telephone
17 that day.

18 Q Were you able to set up a time to meet with him?

19 A Yes, sir, we did. We set up a meeting.

20 Q Do you recall when that was?

21 A We met with him at approximately 10:30 the morning --
22 at 10:30 a.m. the morning of February 16th, 2012.

23 Q Where did you meet with him?

24 A There is a flea market heading down towards Neeses,
25 coming out of Lexington County, right across from the Piggly

1 Wiggly at the intersection of 321 and a road that takes you
2 out to Denmark, down in Orangeburg County, we met him.

3 Q Do you have arrest power in Orangeburg County?

4 A No, sir.

5 Q Who did he arrive with?

6 A He rode in a white vehicle. A black female was the
7 driver of the car. At the time I did not know who that was
8 and we had no interaction with her.

9 Q Did you detain him or arrest him at that time?

10 A No, sir, we did not.

11 Q Did you threaten him in any way?

12 A No, sir, he was not.

13 Q What did you inform him of when you talked to him?

14 A Well, initially, we informed him that we were
15 conducting an investigation into the murder of Matthew
16 Milhouse and we asked if he had any information about that
17 incident.

18 Q And how did he respond?

19 A He said that he did not know what we were talking about
20 and had no information.

21 Q Did you convey to him how you came to know his name?

22 A Yes, sir, I did.

23 Q And how did he respond to that?

24 A Well, I informed him that Patrick Larry had provided us
25 his name and believed that Henry Johnson would provide an

1 alibi for him in the fact that Patrick Larry was not the man
2 who shot Matthew Milhouse. When confronted with that
3 information, he still maintained that he had no knowledge of
4 what took place at Calhoun Road nor any information on what
5 I was talking about.

6 Q Did he give you an alibi?

7 A He said that he had had a basketball game earlier that
8 day. And then had gone home after the basketball game to a
9 house that he lived at down in Denmark, near the college.
10 And has spent the rest of the evening, I believe, playing
11 video games and at that house.

12 Q Did you ask him whether he knew Patrick Larry and
13 Justin Washington?

14 A No, I don't recall asking him any information about
15 Justin Washington at that time.

16 Q Did you ask him if he saw anybody at the basketball
17 game?

18 A No, sir, did not.

19 Q Did he ultimately leave that interview?

20 A Yes, he did.

21 Q And how did he leave?

22 A In the same vehicle which he'd arrived in.

23 Q How long did that interview last?

24 A Ten maybe fifteen minutes. Not a particularly long
25 amount.

1 Q Were you able to follow-up and check with anybody as to
2 whether he was actually home playing video games?

3 A We did much later in the investigation but not at that
4 time.

5 Q Were you able to confirm that?

6 A No. When we followed-up with some individuals that we
7 were given information on later in the investigation, they
8 had no recollection of that date. It did not ring a bell to
9 them.

10 Q So at that time, did you receive anything useful from
11 that interview?

12 A I would say we did not, no.

13 Q So what was your next step?

14 A Well, the next step was we wanted to talk to Justin
15 Washington.

16 Q At any point in time, did you ever reconnect with
17 Patrick Larry?

18 A Yes, sir, I did.

19 Q When was that?

20 A That same day after I had interviewed Henry Johnson.

21 Q What was the purpose of speaking to him again?

22 A Patrick Larry had lead me to believe that Henry
23 Johnson, his cousin was going to provide an alibi for him,
24 that he was not the shooter. When I went back to speak with
25 Mr. Larry and confront him with the fact that that did not

1 take place, he gave me some additional information that we
2 acted upon.

3 Q What sort of additional information did you come from?

4 A Mr. Larry was asked if anyone else would have heard or
5 seen he and Henry Johnson or Justin Washington together that
6 could corroborate the information he was giving to me. He
7 stated well, they were at his residence prior to the
8 incident at the Calhoun Road. His mother had interacted
9 with Henry Johnson, had a conversation with him.

10 Q And who is his mother?

11 A Mary Porter.

12 Q Did you have an opportunity to speak with her at any
13 point?

14 A Yes. Mary Porter was interviewed in relation to that
15 statement and she did corroborate having a conversation with
16 the individual identified as Henry Johnson, at that
17 residence.

18 Q Following that interview, who was the next person you
19 needed to speak to?

20 A Justin Washington.

21 Q And did you?

22 A Yes, sir.

23 Q When?

24 A The following day on the 17th.

25 Q Do you recall where you met him?

1 A The same location that we met Henry Johnson, the flea
2 market in Neeses.

3 Q Did he admit any role at that time?

4 A No, he did not.

5 Q Did he give you any useful information?

6 A He provided an alibi. He stated that he had been at
7 his parents' house during the entire incident.

8 Q And where was the parents located?

9 A They live in Denmark in an address of 556 -- I'm
10 probably going to mispronounce the name -- Capernaum Road in
11 Denmark, South Carolina.

12 Q Was Justin living with his parents?

13 A Yes, sir.

14 MR. BELL: I beg the Court's indulgence.

15 THE COURT: That's fine.

16 BY MR. BELL:

17 Q Investigator, what I'm showing is marked Defense [sic]
18 13. There should be a laser pointer up there near you. If
19 you would use that and circle Washington?

20 A Yes, sir. Right there.

21 Q And what is that address?

22 A 5576 Cap -- I don't know. Whatever you --

23 Q Do you mind spelling that out for the record?

24 A C-A-P-E-R-N-A-U-M.

25 Q And who all was residing at that location?

1 A Mr. and Ms. Washington and their son, Justin, were the
2 individuals that I know for a fact were living there. If
3 additional individuals were living there, I am not aware of
4 those.

5 Q And how far is that location from the incident
6 location?

7 A I'd say at least forty miles.

8 Q Did you go out to that address?

9 A Yes, sir, we did.

10 Q Who did you meet with?

11 A We met with Mr. and Ms. Washington.

12 Q Do you recall what their names were?

13 A I think Bobby and Karen Washington.

14 Q Were either of them able to confirm Justin's
15 whereabouts?

16 A Neither one of them were willing to state that Justin
17 had been at the residence the entire day.

18 Q Did you end up telling them why you were there?

19 A Yes, sir, they were aware of the reason we were there.

20 Q And what did you tell them?

21 A That we were there investigating the murder of a man
22 named Matthew Milhouse, who had been shot and killed in
23 Lexington County.

24 Q Did any mention of a firearm come up?

25 A Yes, it did.

1 Q And how did that go?

2 A We informed them -- Mr. Washington was asked if he had
3 any knowledge of Justin Washington owning a .20 gauge
4 shotgun.

5 Q How did he respond?

6 A He said, no, Justin Washington did not own a .20 gauge
7 shotgun. But he informed us that he, in fact, owned a .20
8 gauge shotgun.

9 Q Did he turn it over to you?

10 A Yes, sir. He did turn it over to us.

11 Q Did he show any unwillingness to do so?

12 A No. It was actually at his suggestion. He stated
13 something to the effect that if the gun was used in a
14 murder, he did not want it.

15 Q Did you have a chance to examine that firearm?

16 A Yeah, I examined it by -- you know, I physically
17 examined that it was a .20 gauge Remington, pump-action
18 shotgun. I did not perform any kind of evidentiary
19 examination of it. But, yes, I know what it was.

20 Q Were there any defining markings on that firearm?

21 A There was a W etched in the stock of that firearm.

22 Q Ultimately, did you seize it?

23 A Yes, sir. We seized it. It was turned over to us and
24 we completed the paperwork to seize that weapon from Mr.
25 Washington.

1 Q Tell me a little bit about that. What did you do with
2 the firearm when you got it?

3 A We took it into our possession and we drove from the
4 residence in Denmark to the Lexington County Sheriff's
5 Department where the shotgun was logged into evidence.

6 MR. BELL: Your Honor, for the Court's
7 edification, this firearm has been checked by both the
8 sheriff's department and the courthouse security and it is
9 inoperable.

10 THE COURT: Thank you.

11 (State's Exhibit No. 16, shotgun,
12 was marked for identification.)

13 MR. BELL: Permission to approach the witness,
14 Your Honor.

15 THE COURT: Yes, sir.

16 COURT REPORTER: That's State's 16, Judge.

17 BY MR. BELL:

18 Q Investigator, what I'm handing you what is marked as
19 State's 16 for ID. If you would be gentle with where you
20 point that, could you examine that firearm?

21 A Yes. This firearm is the one that is the firearm that
22 we received from Mr. Washington on the (inaudible) of
23 February, 2012.

24 Q And once again, what gauge is that firearm?

25 A It is a .20 gauge Remington, pump-action shotgun.

MR. BELL: Your Honor, at this time, the State would move State's 16 into evidence.

THE COURT: Mr. Screen?

MR. SCREEN: No objection, Your Honor.

THE COURT: Thank you. 16 in evidence without objection..

(State's Exhibit No. 16, shotgun,
was marked and entered.)

BY MR. BELL:

Q Once again, what defining characteristic or marking did you notice on the firearm?

A In the stock of the firearm there appears to be the letter W carved into the stock of the weapon, although you could argue it's an M, depending on which way --

Q Are you referring to where I'm pointing?

A Yes, sir.

0 And any idea what that W represents?

A I didn't ask but I don't think it's a stretch of the imagination to say it represents Washington. W for Washington.

Q What is the purpose of a serial number?

A A serial number identifies a weapon.

Q Could you please find the serial number on that firearm and read it into the record?

A Alpha885783UF1.

1 Q Upon seizing the firearm, did you attempt to do or send
2 off for any testing of the shell located at the scene and
3 the firearm?

4 A Yes, we sent the shotgun and the shell seized at the
5 scene to Richland County's Firearm's Examination Unit. And
6 we were advised that the shotgun shell and the firearm came
7 back as a match, that the shell seized at the scene was
8 fired from the shotgun that was turned over to us from Mr.
9 Washington.

10 Q According to those results, was there any doubt that's
11 the same shotgun, that shell that was recovered for a match
12 to that shotgun?

13 A Yes. No, there were no doubt that that shotgun fired
14 the shell that was located at 498 Calhoun Road the incident
15 location and the murder of Matthew Milhouse.

16 Q Upon receiving that information, what did that lead you
17 to do?

18 A That lead us to obtain arrest warrants for Henry
19 Johnson and Justin Washington.

20 Q Were those obtained at the same time?

21 A They were retained [sic] later the same morning. We
22 got preliminary results back on February 23rd from Richland
23 County of a match, but it needed to be peer reviewed. On
24 the 24th of February we received the official results
25 indicating that the shotgun and the shell were a match. The

1 warrants for those two individuals were obtained later that
2 same day, after the results were present.

3 Q Were you able to arrest Justin Washington?

4 A Yes, Justin Washington was arrested.

5 Q Was there any problem with that arrest?

6 A No, there was no problem with that arrest.

7 Q Did you end up meeting with him after his arrest?

8 A Yes, sir, we did.

9 Q Did he agree to talk to y'all at that time?

10 A Yes, sir, he did.

11 Q Did he provide information to you at that time?

12 A Yes, sir, he did.

13 Q Did it appear to be a full story?

14 A Yes, sir, it did.

15 Q Was it given in a written or an oral fashion?

16 A It was a written confession. We did talk orally, too,
17 but he provided a written confession.

18 Q What did he himself admit to doing that night?

19 A Well, he admitted to his involvement in the incident up
20 to and including actually pulling the trigger of that
21 shotgun that resulted in the death of Matthew Milhouse.

22 Q Anybody else implicated at that time?

23 A Yeah. He implicated Patrick Larry and Henry Johnson in
24 the planning and execution of the plan to rob the residence
25 of 498 Calhoun Road.

1 Q Were you able to arrest Henry Johnson?

2 A Yes, Henry Johnson was also arrested on that same day.

3 Q Were you able to sit down and speak to him?

4 A Yes, sir. I was able to speak with Mr. Johnson.

5 Q At that time, did he give you any information?

6 A No. At that time we confronted Mr. Johnson with
7 additional information that had come to light. And Mr.
8 Johnson still maintained that he knew nothing of what I was
9 talking about. And had not been involved with this incident
10 whatsoever.

11 Q When you were speaking with him after the arrest, had
12 you done what's called Mirandizing?

13 A Yes. Mr. Johnson was Mirandized at that time, as was
14 Mr. Washington.

15 Q What exactly does that mean?

16 A That is advising them of their rights. When an
17 individual is taken into custody, they have certain rights.
18 you know, essentially they don't have to speak with law
19 enforcement.

20 Q As far as Mr. Washington is concerned, how long was he
21 in that interview room with you?

22 A Mr. Washington's interview, I would say, probably took
23 two hours or so.

24 Q Any reason it took that long?

25 A Mr. Washington was providing an in-depth conversation

1 and written statement detailing the planning and murder of
2 an individual. I don't consider that a particularly long
3 interview for the kind of stuff we were talking about.

4 Q At any time did he ask to stop the interview?

5 A No. And he was offered several times during the
6 interview for a chance to use the bathroom. We did provide
7 him with a drink and something to eat during the course of
8 his interview.

9 Q Did you do anything that would amount to making
10 promises to him?

11 A No. He was not promised anything.

12 Q Made uncomfortable in any way?

13 A No, I don't believe he was uncomfortable in any way.

14 Q Anything that would indicate that he wasn't voluntarily
15 giving you that information?

16 A No. He was cooperating in the interview.

17 Q Did you also Mirandize Mr. Johnson?

18 A Yes, Mr. Johnson was also read his Miranda rights.

19 Q Okay. Now, during that sit-down with Mr. Johnson,
20 what, if any, additional information did you confront him
21 with?

22 A Well, we confronted him with the information that
23 Justin Washington had provide had provided about his
24 information. He still maintained his innocence and that he
25 had had no involvement in the incident. And we confronted

1 him or I confronted him with the fact that Mary Porter, his
2 aunt, had stated that she had spoken with him at Patrick
3 Larry's house, the address on Calgon Road, to which Mr.
4 Johnson advised me that if that took place, it must have
5 been over speaker phone because he was not there that
6 evening.

7 Q After you arrest somebody Investigator, does the
8 investigation stop there?

9 A. No, it does not, not normally.

10 Q Do you continue to monitor defendants when they're in
11 custody?

12 A Yes, sir, we do.

13 Q Can you give me an example of what kind of methodology
14 you use?

15 A One way, and one of the more common ways is all jail
16 phone calls would be monitored in and out-going. And we
17 periodically check inmates' jail phone calls to see who
18 they're talking to, and if there's any information that may
19 be gleaned from listening to those jail phone calls.

20 Q Are they alerted that their phone calls in jail are
21 recorded?

22 A Yes, sir. I believe that's one of the if not the very
23 first thing that they are told when they make one of those
24 collect calls from the jail, that these calls are monitored
25 or may be monitored.

1 Q Do you listen to them in real time?

2 A No, sir. They are catalogued and can be accessed
3 through the system later, at a later date.

4 Q Are you able to sit down and listen to every jail call?

5 A It would not be feasible to do so. The number of jail
6 calls that an inmate makes is, you know, depending on how
7 long they're in there and how long they have access to the
8 phones. So, no, we do not listen to every phone call.

9 Q Did you sift through and listen to some of the calls of
10 any of the Defendant's in this case?

11 A Yes, sir, we did.

12 Q And whose jail calls were you listening to?

13 A To jail calls from Justin Washington.

14 Q Ultimately, were you able to find any jail calls that
15 you found to be relevant?

16 A There were two jail calls that we determined to be of
17 interest to us and possibly provide information and insight
18 into this case.

19 Q When you're listening to someone's jail calls, do you
20 have any idea what their account number is?

21 A Yes, there is a way to track that through the Securus
22 System.

23 Q Do you know what Justin Washington's account number
24 was?

25 A I don't have Justin Washington's account number written

1 down.

2 Q That's fine. Now, the two calls that you mentioned,
3 who did they originate from?

4 A They originated from Justin Washington.

5 Q And this is while he was where?

6 A In the Lexington County Detention Center.

7 Q What was the date of the first call in question?

8 A July 1st, 2015.

9 Q And what time was that call made?

10 A That call was made approximately 9:57 in the morning of
11 July 1st, 2015.

12 Q Are you able to see what number those calls are made
13 to?

14 A Yes, sir, you can see that information.

15 Q And that particular call, what was the number?

16 A The number was 447-5532.

17 Q Any idea how long that call lasted?

18 A That call lasted five hundred and fifty-seven seconds.

19 Q Any idea how many minutes that was up there?

20 A About ten minutes, give or take.

21 Q Do you know how long they're allowed to stay on the
22 phone for any one period of time?

23 A I believe they're allowed to stay on the phone for
24 fifteen minutes, but I've heard some times that is, but I
25 think the standard time you can stay on the phone is fifteen

1 minutes.

2 Q Now, for the second call, what was the date of that
3 one?

4 A That was July 8th, 2015..

5 Q And what was the time?

6 A That was at 8:43 p.m., 8:43 in the evening.

7 Q And what phone number was that call made to?

8 A The same phone number, the 447-5532.

9 Q And the duration of that call?

10 A Five hundred and seventy-two seconds, so right at about
11 ten minutes again.

12 Q Were you able to determine who that 5532 number
13 belonged to?

14 A We were ultimately able to request billing information
15 from Securus that indicated, I believe, that that phone
16 number came back to an individual at 120 Washington Court
17 down in the Swansea.

18 Q Were you able to locate that address?

19 A We went and tried to locate that address and we did not
20 find a 120 Washington Court. There were several numbers in
21 that area and we had previously identified 110 Washington
22 Court as the address of Henry Johnson's, we believed that at
23 the time, his parents.

24 Q Investigator, I'm showing you what is entered as
25 State's 12. Were you able to locate a 120 Washington Court?

1 A No. We went down to that location where you see the
2 110 and there is no 120 Washington Court. That address does
3 not exist down in that area of Calhoun County.

4 Q Were you able to confirm who actually resides at 110
5 Washington Court?

6 A Yes, we were. We had talked to an individual. I
7 believe she -- I don't have her name in front of me -- that
8 lived around the corner that identified herself as an aunt
9 of Henry Johnson and was related to Mr. & Ms. Johnson, who
10 live at the 110 Washington Court. So we knew that was an
11 address related to Henry Johnson.

12 Q Were you able to check tax maps to see if that was
13 accurate?

14 A We did not check tax maps to make sure that that was
15 the address registered to Mr. Johnson.

16 Q Did you assign anybody ultimately to actually pull down
17 and download those calls that you found relevant?

18 A Yes, sir.

19 Q Who did you assign to do that?

20 A Frank Finch the detective that works with me at the
21 Lexington County Sheriff's Department. I asked him to help
22 me out with that.

23 Q Is he present in the courtroom today?

24 A Yes, sir, he is.

25 Q Okay. Would you point in the general direction?

1 A The gentleman in the gray suit in the front row, far
2 and to my right.

3 Q Please answer any questions Mr. Screen may have for
4 you.

5 A Yes, sir.

6 THE COURT: Mr. Screen, cross-examine.

7 MR. SCREEN: Thank you, Your Honor.

8 STEVE COLLINS - RECALL CROSS-EXAMINATION

9 BY MR. SCREEN:

10 Q You first talked to Justin Washington on what date,
11 sir?

12 A February 17th, 2012 was the first time that I had a
13 conversation with Justin Washington face to face. We had a
14 conversation with him on the telephone to set up the meeting
15 the previous day. But I first met him face to face February
16 17th, 2012.

17 Q And was that at the 321 flea market?

18 A If that's the name of that flea market, yes, sir. But
19 it is the flea market there in Neeses?

20 Q On the side of the road?

21 A Correct, yes, sir.

22 Q And you tried to get him to talk to you about what he
23 knew about this situation?

24 A Yes. I would have liked for him to have talked to me
25 about this situation.

1 Q And he did not provide you with information that day?

2 A No, he did not on the 17th.

3 Q In fact, he told you that he'd been home that night;
4 did he not?

5 A Correct. He had told me that he had been home that
6 evening.

7 Q So you later found out that that was a lie?

8 A Yes, sir. I later found out that that was a lie.

9 Q And then on 2/24/12, I believe you spoke with him
10 again?

11 A Correct.

12 Q And at that point he provided a written statement to
13 you?

14 A Yes, sir, you are correct.

15 Q And he mentions that he was going to go to a concert to
16 somebody named Future?

17 A Somebody or a band but the concert was a Future --

18 Q A band or --

19 A Yes, sir. A concert with something called Future
20 involved.

21 Q Did he tell you that on the 11th of February of 2012
22 that he had traveled to Columbia to see a ball game?

23 A No. He said that he did not go to the basketball game.

24 Q He never showed up in Columbia?

25 A No, sir. Not that he has told me, he has never showed

1 up in Columbia.

2 Q All right. And so when did he tell you the next
3 contact with Henry Johnson?

4 A Later, I guess, early afternoon on the 11th he met back
5 up with Henry Johnson down in Denmark, South Carolina.

6 Q Did he tell you in one of his conversations with you
7 that he had had some contact with Patrick Larry?

8 A No, sir. He had not had any contact with Patrick
9 Larry.

10 Q Never related that he received a phone call from
11 Patrick Larry?

12 A No, sir. He never told me that he received a phone
13 call from Patrick Larry.

14 Q And he's never saw Patrick Larry after a ball game or
15 anything like that?

16 A No. He saw Patrick Larry later that evening when they
17 met at his house over on Calgon Road.

18 Q What about earlier that evening?

19 A No, sir. There was no mention of any meeting between
20 those two gentlemen earlier in the evening.

21 Q Well, when he provided this statement, I'm referring to
22 the one, the written statement on 2/24?

23 A Yes, sir.

24 Q (Pause) If --

25 THE COURT: You have a question about the

1 statement, Mr. Screen?

2 MR. SCREEN: Yes, sir.

3 BY MR. SCREEN:

4 Q That was the 2/24/12 statement?

5 A Yes, sir..

6 Q Of Justin Washington?

7 A Yes, sir.

8 Q Yes, sir. Why did he tell you he needed a gun that
9 night?

10 A He said in his statement --

11 MR. BELL: Objection, Your Honor. Hearsay, Judge.

12 THE COURT: Hearsay objection, Mr. Screen.

13 BY MR. SCREEN:

14 Q Did you ask him whether he had a gun?

15 A He provided the information that he told me that he got
16 a gun at the request of Henry Johnson..

17 Q And did he tell you what kind of gun he got?

18 A A shotgun.

19 Q From his father?

20 A Yes. From -- well, the shotgun, according to him, was
21 actually located in his uncle's truck. It is his father's
22 shotgun. He went to his uncle's residence and retrieved it
23 from that pickup truck. But, yes, sir, it is his father's
24 shotgun.

25 Q Did he tell you how -- or establish how long this

1 relationship between Henry Johnson and Justin Washington had
2 existed?

3 MR. BELL: Objection, Your Honor. It's hearsay,
4 Judge.

5 MR. SCREEN: They've put in much evidence about
6 the relationship between them, Judge.

7 THE COURT: All right.

8 MR. BELL: The objection, Your Honor, only goes to
9 any content of that statement. If he wants the statement
10 in, we certainly are fine with it going in. But until that
11 point --

12 THE COURT: The question was whether or not he
13 told them about the length of the relationship. The answer
14 to that question is not hearsay. He told him about it. As
15 I say, the existence of the conversation itself is not
16 hearsay. The content of the conversation is hearsay. So
17 certainly you're entitled to inquire if he told him, how
18 this long relationship lasted. We don't have to deal with
19 the hearsay objection until the next question. That is, how
20 long did he say. So let's cross those bridges one at a
21 time. Let's find out if he told him the information first
22 and then we'll go to the next step.

23 You understand, Mr. Collins.

24 MR. COLLINS: Yes, sir.

25 A To answer his question, he told me that they had had a

1 relationship, a friendship.

2 BY MR. SCREEN:

3 Q Did he tell you that he traveled to Swansea that night?

4 A Yes.

5 Q With Henry Johnson?

6 A Yes, with Henry Johnson.

7 Q In a car owned by Henry Johnson?

8 A Yes. A green Honda Accord if I'm not mistaken.

9 Q Did he tell you was Henry Johnson, whether Henry
10 Johnson was present when he stole the shotgun?

11 MR. BELL: Objection, Your Honor. Hearsay.

12 THE COURT: Mr. Screen?

13 MR. SCREEN: Judge, it goes to the heart of the
14 matter that the government has put in.

15 THE COURT: Well, there's certainly -- it seems to
16 be a point of somewhat interest. The testimony -- he's
17 already testified without objection from either side on that
18 particular question, that he got the gun at the Defendant's
19 request and went from the uncle's pickup truck. The gun
20 belonged to the father. It seems to me with that coming in
21 without objection, then the question which Mr. Screen has
22 asked would be necessary to set the time frame of that. And
23 I'll allow him to ask it.

24 BY MR. SCREEN:

25 Q We're talking about the evening of February 11, 2012?

1 A Correct.

2 Q That would have been the date this gun would have been
3 acquired?

4 A Correct.

5 Q And do you have any information that Henry Johnson knew
6 the gun was in his car?

7 A Yes.

8 Q And do you have information that Patrick Larry often
9 drove Henry Johnson's car?

10 A I had absolutely no information that Patrick Larry ever
11 drove Henry Johnson's car.

12 Q I don't mean -- I'm sorry. I mean Justin Washington?

13 A Yes, sir. I had been made aware that at some points
14 Justin Washington did drive Henry Johnson's car.

15 Q And you had no information that would lead you to
16 believe that Henry knew the gun was in the trunk of his car?

17 A Justin Washington told me that Henry Johnson knew the
18 gun was in his car. He got the gun at Henry Johnson's
19 request.

20 Q But this is the same guy that told you he wasn't
21 involved in it?

22 A Correct.

23 Q Did Justin ever tell you he'd been to the 498 Calhoun
24 Road property?

25 A No. Justin had never been, to my knowledge, and no one

1 has told me that he had ever been to the 498 Calhoun Road
2 property prior to the night of this incident.

3 Q Justin ever tell you that he'd written a letter to
4 Ladovia Washsington?

5 A Justin never told me but I am aware that he had written
6 a letter to Ladovia Washington.

7 Q And in that letter he denied that Henry was involved in
8 it?

9 A That is my understanding of that letter, yes, sir.

10 Q And that letter is dated very closely to the date of
11 this occurrence; isn't that right?

12 A I don't have the letter nor have I committed those
13 dates to memory. If you would like to point something out,
14 I may or may not be able to agree with that.

15 Q You wouldn't disagree that it could be before 4/15/12?

16 A I wouldn't disagree to any date you would ask me. I
17 don't know.

18 Q Well, I'll show you the letter.

19 A Thank you.

20 Q Let you see what date is on here.

21 A To answer your question, somebody has written the
22 number 4/15/12 at the top of the letter, yes, sir.

23 Q Yes. You recognize the handwriting? Are you familiar
24 with Justin's handwriting?

25 A No, I do not recognize the handwriting.

1 Q Thank you. Did you ever speak with Ladovia?

2 A Yes, sir, we did.

3 Q She ever tell you whether or not she got a letter?

4 MR. BELL: Objection, Your Honor. May we
5 approach.

6 THE COURT: Okay.

7 (Off the record bench conference with counsel and the
8 Court.)

9 THE COURT: Your objection is sustained.

10 BY MR. SCREEN:

11 Q I want you to tell me whether Justin was working or
12 employed anywhere?

13 A He was a trainer, I believe, was his title for the
14 Voorhees College Basketball Team.

15 Q But didn't have a job as such?

16 A I mean, what do you call a job. It was somewhere he
17 went and had responsibilities. I don't know.

18 Q I mean a job that pays money. Do you interpret he got
19 money from that job?

20 A I didn't asked. When I asked where somebody works and
21 they tell me, I assume that they get paid. But it is quite
22 possible he could have volunteered.

23 Q You had a number of interviews with Justin, did you
24 not?

25 A You are correct; yes, sir.

1 Q How many?

2 A There were seven interviews with Justin Washington
3 prior to the incident taking place?

4 THE COURT: Say that again?

5 A There were seven interviews with Justin Washington
6 prior to the incident, the incident at Calhoun Road. After
7 that interview, after that incident, we spoke with him a
8 total of seven times..

9 THE COURT: Okay.

10 BY MR. SCREEN:

11 Q You mean you talked to him seven times after the
12 shooting on --

13 A Correct. We did not talk to him before the shooting.
14 There were after the shooting.

15 Q That's right. I wanted to make sure.

16 A Yes, sir. Sorry, about that. I didn't realize --

17 Q So seven times you talked to the same defendant seven
18 times. And the reason you kept talking to him was because
19 you weren't satisfied that he was telling you the truth;
20 isn't that right?

21 A No. Actually, after the first interview I was very
22 satisfied that he told me the truth. And I believe that
23 statement is essentially factual. Then there was some
24 information in the letter that may indicate that he had
25 changed his story. That is why we re-interviewed him. But,

1 no, sir, I believe that he was factual in the first time I
2 interviewed Mr. Washington.

3 Q But he later gave different versions?

4 A He wrote a letter that gave a different version. When
5 we interviewed him he never gave me much of a different
6 version.

7 Q So you simply chose to believe the first statement and
8 not the second, what is the letter?

9 A Yes.

10 Q So he could have been changing from the truth to a lie
11 from a lie to a truth?

12 A I believe he told me the truth. But it depends on what
13 you believe the evidence says in the case.

14 Q Did you pick up any prints off the shotgun?

15 A No, sir.

16 Q No indication anyone handled that shotgun but Justin?

17 A No. There was no indication that anyone, other than
18 Justin handled that shotgun on that particular evening.

19 Q Thank you, sir.

20 A Thank you.

21 THE COURT: Redirect?

22 MR. BELL: Briefly, Your Honor.

23 STEVE COLLINS - RECALL REDIRECT EXAMINATION

24 BY MR. BELL:

25 Q There was mention made of some letter that changed the

1 story. Was that sent to law enforcement?

2 A No, sir.

3 Q Was it sent to a third party?

4 A Yes, sir.

5 Q Was that third party in any way in relation to law
6 enforcement?

7 A No, sir, they were not.

8 MR. BELL: No further questions, Your Honor.

9 THE COURT: Thank you.

10 Mr. Collins, you can step down.

11 MR. COLLINS: Thank you, Judge.

12 MR. GRAHAM: The State calls Cain Mayrant.

13 THE COURT: Mr. Mayrant, come forward, please and
14 be sworn.

15 (WHEREUPON, Cain Mayrant was sworn
16 to tell the truth.)

17 CAIN MAYRANT - DIRECT EXAMINATION

18 BY MR. GRAHAM:

19 Q It's Lieutenant Mayrant, is that correct?

20 A That's correct.

21 Q Where are you employed, sir?

22 A Lexington County Sheriff's Department.

23 Q And how long have you worked for the Lexington County
24 Sheriff's Department?

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1 A Fifteen years.

2 Q And now what is your job as a lieutenant with the
3 sheriff's department?

4 A I'm in booking and support for division manager and
5 custodian of the records for the detention center.

6 Q So explain to the jury what that means?

7 A That means I maintain the records for the facility.
8 When question needs arise about the records, then I can
9 answer those questions. And I manage the booking as far the
10 detention center.

11 Q Let me show you some documents and ask if you recognize
12 these documents? I'm handing you four separate documents?

13 A All right. Yes, I recognize these.

14 Q And are those documents that were created and
15 maintained by the Lexington County Sheriff's Department?

16 A Yes, sir.

17 Q And are those records that you are the custodian of?

18 A Yes.

19 Q And do they fairly and accurately depict the records
20 that were under your custody?

21 A Yes.

22 Q And do those documents relate to information related to
23 the three defendants in this case, Justin Washington,
24 Patrick Larry and Henry Johnson?

1 A Yes.

2 MR. GRAHAM: Your Honor, the State would offer
3 these four documents into evidence.

4 THE COURT: Mr. Screen?

5 MR. SCREEN: No objection, Your Honor.

6 THE COURT: Without objection.

7 (State's Exhibit No. 17, booking
8 documents, Justin Washington, was marked and entered.)

9 (State's Exhibit No. 18, booking
10 documents, Patrick Larry, was marked and entered.)

11 (State's Exhibit No. 19, booking
12 documents, Henry Johnson, was marked and entered.)

13 (State's Exhibit No. 20, booking
14 report, was marked and entered.)

15 COURT REPORTER: State's 17, 18, 19 and 20.

16 THE COURT: Thank you, ma'am.

17 BY MR. GRAHAM:

18 Q Lieutenant Mayrant, when somebody is arrested and
19 booked into the detention center, do you all collect
20 information from them at that time?

21 A Yes.

22 Q Looking at State's No. 18 on the overhead, can you see
23 that?

24 A Yes, I can.

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1 Q What does State's 18 show?

2 A That's showing you the booking sheet on Mr. Patrick
3 Larry.

4 Q Is there a laser pointer up there with you, Lieutenant?

5 A Yes.

6 Q So his name is where?

7 A Up here at the top.

8 Q And what date was he booked in?

9 A He was booked in on February the 15th, 2012.

10 Q And how old was Mr. Larry?

11 A Mr. Larry was thirty-five years old.

12 Q As far as a address, what address was given for him?

13 A The address as given was 393 Calgon Road, Swansea,
14 South Carolina, 29060.

15 Q Any phone numbers?

16 A Home phone given was 803-497-5208.

17 Q State's Exhibit Number 19, is that also booking
18 information as well?

19 A Yes, sir, it is.

20 Q And who is that on?

21 A This is Mr. Henry Johnson.

22 Q And his date of arrest would have been?

23 A 2/24/2012.

24 Q And what was an address that he gave to the booking

1 officer at the time of his arrest?

2 A 110 Washington Court, Swansea, South Carolina, 29160

3 Q How about any telephone numbers that was associated
4 with Mr. Johnson that he would have provided?

5 A His home number 803-247-5262. And then a work number
6 803-837-0329.

7 Q Finally, State's 17. Is that information on a
8 different individual?

9 A Yes.

10 Q And who is that individual?

11 A Justin Washington.

12 Q And how old was Mr. Washington at the time of his
13 arrest?

14 A He was twenty-four years of age.

15 Q And what time was he booked into the detention center?

16 A February 24th, 2012.

17 Q And what address did he provide on his arrest?

18 A 5576 Capernaum Road, Denmark, South Carolina.

19 Q And how about a telephone number?

20 A His home phone is 803-793-6270.

21 Q Looking at State's Exhibit No. 20, is this also an
22 additional page of information from the booking report of
23 Mr. Washington?

24 A Yes.

1 Q There is a name I.D. that is highlighted on the second
2 line there. Do you see that?

3 A Yes, sir, I do.

4 Q What is that number?

5 A That's the name I.D. that's used to relate to the
6 Securus System for his phone account.

7 Q And what is his account number, can you read it?

8 A 154813.

9 Q 154813?

10 A Yes, sir.

11 Q You said Securus. What is Securus?

12 A Securus is a contracted phone, a inmate phone provider.

13 Q And how does that work?

14 A Our jail management system generates a number which
15 coincides with Securus. And it assigns a number for a
16 inmate. And then they may use that number to log in to make
17 phone calls.

18 Q So Mr. Washington's account number with Securus, is
19 that that 154813 number?

20 A That's correct.

21 Q Thank you, Lieutenant. Please answer any questions Mr.
22 Screen has.

23 THE COURT: Mr. Screen, cross-examine?

24 CAIN MAYRANT - CROSS-EXAMINATION

25 BY MR. SCREEN:

1 Q That was an exchange and if inmates used another
2 inmates account number, it would still reflect that it came
3 from that inmate but it might not have been a call made by
4 that inmate; isn't that true?

5 A That's possible.

6 Q Thank you.

7 MR. GRAHAM: Nothing further, Your Honor.

8 THE COURT: Thank you.

9 Lieutenant Mayrant, you can step down. Thank you.

10 MR. BELL: The State calls Will Herring.

11 THE COURT: Mr. Herring, come forward, please, and
12 be sworn.

13 (WHEREUPON, Will Herring was sworn
14 to tell the truth.)

15 WILL HERRING - DIRECT EXAMINATION

16 BY MR. GRAHAM:

17 Q Mr. Herring, where are you employed, sir?

18 A Securus Technology.

19 Q What is Securus Technology?

20 A It is a call management company. We provide equipment
21 and monitor and maintain equipment for the detention
22 centers.

23 Q Can you pull the mic a little bit closer to you?

24 A Sorry.

25 Q You provide telephone access for inmates to people

1 outside the jail for detention centers?

2 A Yes, sir.

3 Q And is that something just in Lexington or is that
4 nationwide or what's the coverage for Securus?

5 A We are forty-eight states and two countries.

6 Q And what specifically do you do for Securus?

7 A I cover for the State of South Carolina.

8 Q As part of your job, are you also designated as the
9 records custodian for calls and some account information for
10 the Lexington County Sheriff's Department relating to its
11 contract with Securus?

12 A Yes, sir.

13 Q Were you asked to pull information related to specific
14 calls related to account 154813?

15 A Yes, sir.

16 Q Specifically, were you asked to pull calls on
17 particular date and times?

18 A Yes, sir. Two calls on the 7th -- July the 1st and 1
19 July the 8th.

20 Q Let me show you a document and ask if you recognize
21 that document?

22 A Yes, sir.

23 Q Now, that actually shows more than two calls, but the
24 two calls that you're referencing are contained on there; is
25 that correct?

1 A Yes, sir.

2 MR. GRAHAM: Your Honor, the State would offer
3 that into evidence at this time?

4 THE COURT: Mr. Screen, any objection?

5 MR. SCREEN: No objection, Your Honor.

6 THE COURT: Without objection, State's 21 is
7 admitted.

8 COURT REPORTER: Yes, sir.

9 THE COURT: Thank you.

10 (State's Exhibit No. 21, Securus
11 records, was marked and entered.)

12 COURT REPORTER: State's 21, Judge.

13 BY MR. GRAHAM:

14 Q Mr. Herring, looking at that document specifically what
15 four calls did you pull that were related to Justin
16 Washington's account?

17 A All four were related.

18 Q And what were the dates and times of those calls?

19 A The first one was July the 1st. The second one also
20 July the 1st, and the third, July the 1st. And then the
21 last one was July the 8th.

22 Q Did you, in fact, actually pull those calls?

23 A Yes, sir.

24 THE COURT: What year was that, please, Mr.
25 Herring?

1 MR. HERRING: 2015, sir.

2 THE COURT: Thank you.

3 BY MR. GRAHAM:

4 Q Mr. Herring, let me show you two disk and ask if you
5 recognize those disk?

6 A Yes, sir.

7 Q And how do you recognize them?

8 A It's the disk I downloaded and handed it to Mr. Finch.

9 Q And those are the disk related to those four calls?

10 A Yes, sir.

11 Q All right. Your handwriting is on there?

12 A Yes, sir.

13 Q And you said you handed them to Mr. Finch. When you
14 say Mr. Finch, who are we talking about?

15 A Mr. Finch, I presume --

16 Q Do you see him in the courtroom?

17 A Yes, sir.

18 Q That's the gray suit, front row back with the lapel
19 pin?

20 A Yes, sir.

21 Q And how do you -- do you recognize anything on there as
22 related to him receiving those from you?

23 A These are his signatures or his initials. Sorry.

24 MR. GRAHAM: All right. Your Honor, the State
25 would make these Court's Exhibits, I believe would be

1 appropriate.

2 THE COURT: Okay. Thank you.

3 COURT REPORTER: Court's Exhibits, Judge. It will
4 be 2 and 3.

5 (Court's Exhibit No. 2, disk, was
6 marked.)

7 (Court's Exhibit No. 3, disk, was
8 marked.)

9 THE COURT: Okay.

10 BY MR. GRAHAM:

11 Q So those two disk that I just showed you, those two
12 Court's Exhibits, the reason there's two -- Mr. Herring, the
13 reason there's two disk that are Court's Exhibits is that
14 because they're in different formats?

15 A Yes, sir. The first format is an OGG file, which if
16 it's tampered with or edited it will not play anymore.

17 Q So that's Court's Exhibit No. 3, is that correct?

18 A Correct.

19 Q So Court's Exhibit No. 3 is in a format that's a
20 secure. It's a proprietary format called OGG?

21 A Yes, sir.

22 Q And that can't be --

23 A Altered or --

24 Q -- altered or changed or anything. What it is is what
25 it is?

1 A Correct.

2 Q And that records from the time -- from what time of the
3 call?

4 A From the beginning to the end.

5 Q When you say the beginning, how does a call happen from
6 the jail?

7 A Basically a person will put in their PIN number, their
8 access, and then the call is called. Once the other person
9 picks up, it's tells them that all calls are recorded and
10 monitored to subjects. Then they start their conversation.

11 Q Court's Exhibit No. 2 contains the exact same
12 conversations and detail and you made you this as well. But
13 what's the difference between an OGG format and these
14 formats on Court's 2?

15 A On this format, they are used for short term because
16 OGG can last up to twenty minutes. For court purposes, we
17 set it up as a wav.file so they could edit it to make it a
18 shorter conversation so that we're not listening to a twenty
19 minute conversation.

20 Q And once the calls were identified and you pulled and
21 copied the calls, were you able to identify -- tell me how -
22 - can a person who's incarcerated in the jail, in this case,
23 Mr. Washington with that account number, can he just call
24 anybody?

25 A Yes, sir.

1 Q For those calls to be received though, does there have
2 to be an account created?

3 A Yes, sir.

4 Q How does that occur?

5 A Basically -- well, it's going to be a name billing,
6 name and address. And that tells us who he's been calling.

7 Q For the calls in question that you've pulled for those
8 dates that you described, related to Mr. Washington's
9 account at 154813, were you able to pull account information
10 from them?

11 A Yes, sir.

12 Q Let me show you a document and ask if that is also a
13 record that you are custodian of that you actually were able
14 to pull?

15 A Yes, sir.

16 Q And does that reflect the account information related
17 to the calls that occurred between the individual who had
18 the account information and Mr. Washington's account of
19 154813 for the times that you designated?

20 A Yes, sir.

21 MR. GRAHAM: Your Honor, at this time the State
22 would offer this into evidence.

23 THE COURT: Any objection?

24 MR. SCREEN: No objection, Judge.

25 THE COURT: State's 22?

1 COURT REPORTER: 22, Yes, sir.

2 (State's Exhibit No. 22, call

3 information, was marked and entered.)

4 BY MR. GRAHAM:

5 Q Now, Mr. Herring -- looking at State's 22, Mr. Herring,
6 the account information related to the four calls that you
7 pulled, what can you tell me about the name on the account,
8 the address on the account, and the phone number associated
9 with that?

10 A Well, the phone number associated, it's 803 --

11 THE COURT: I --

12 MR. HERRING: I'm sorry.

13 THE COURT: Your mouth is away from that
14 microphone, Mr. Herring.

15 MR. HERRING: I'm sorry, sir.

16 THE COURT: So if you'll just pull that microphone
17 around if you can so that you're talking into it. It would
18 be helpful.

19 MR. HERRING: Thank you, sir.

20 A The number showing would be 803-447-5532. It's
21 assigned to a 120 Washington Court in Swansea. The zip code
22 would be 29160.

23 Q And the name on the account?

24 A John John.

25 Q All right. So the four calls you pulled between Mr.

1 Washington's account of 154813 went to that phone number?

2 A Yes, sir.

3 Q And that phone number's account is registered to that
4 name of John John with the address of 120 Washington Court;
5 is that correct?

6 A Yes, sir.

7 Q Now, Securus keeps records for how long?

8 A One year.

9 Q Records of phone calls are kept for a rolling one year?

10 A Yes, sir.

11 Q Were you also asked to go back and see about contact
12 between Mr. Washington's account of 154813 and the phone
13 number belonging to 803-447-5532?

14 A Yes, sir.

15 Q And did you prepare a report to that effect?

16 A Yes, sir.

17 Q I'm going to show you a document ask if you recognize
18 that?

19 A Yes, sir.

20 Q Does that fairly and accurately depict what you were
21 able to determine regarding phone calls between those, that
22 account number and that telephone number within the last
23 year when you were asked to do it?

24 A Yes, sir.

25 MR. GRAHAM: Your Honor, the State would offer

1 that into evidence at this time.

2 THE COURT: Mr. Screen?

3 MR. SCREEN: No objection, Your Honor.

4 THE COURT: State's 23 without objection.

5 (State's Exhibit No. 23, Securus
6 call report, was marked and entered.)

7 BY MR. GRAHAM:

8 Q Looking at State's No. 23, Mr. Herring, what does it
9 show us regarding the number of telephone calls on Mr.
10 Washington's account and that telephone number designated
11 John John at 120 Washington Court?

12 A Between the time of 10/12/2014 to 10/12/2015 there's a
13 hundred and twenty-something phone calls?

14 Q Thank you, Mr. Herring. Please answer any questions
15 that Mr. Screen has for you.

16 THE COURT: Mr. Screen, cross-examination.

17 WILL HERRING - CROSS-EXAMINATION

18 BY MR. SCREEN:

19 Q Now, Mr. Herring, to set up an account, that's
20 generally done through computer, is it not?

21 A Yes, sir.

22 Q So a person never talks to a live individual. You feed
23 information into the computer?

24 A Yes, sir.

25 Q So if I had your information and fed that computer the

1 right information, I could set up an account; couldn't I?

2 A Yes, sir.

3 Q And you noticed on State's Exhibit here that you've --
4 Exhibit No. 23, a lot of calls?

5 A Yes, sir.

6 Q What happens with all these call are hangups? That the
7 call didn't go through.

8 A No, sir. That means the call is done. If you look at
9 the length of the call --

10 Q It doesn't mean it didn't go through. It just -- that
11 was the time it hung up?

12 A Yes, sir. That's when the person hung up. If you look
13 at the difference in the time, that's when the other party
14 hangs up on the call.

15 Q So this log records the PIN number of the person who's
16 making the call?

17 A Yes, sir.

18 Q And the telephone number of the receiver, the person
19 the call is directed is to, the number that the call is
20 directed to?

21 A Yes, sir.

22 Q It doesn't necessarily mean the computer knows who
23 actually picked up on that number. It just meant that
24 number, someone at that number picked up?

25 A That's correct.

1 Q Y'all ever have any trouble with a computer glitch
2 picking up the same number in error --

3 A Not to my knowledge.

4 Q -- on an account?

5 A No, sir. Not to my knowledge.

6 Q So each time the caller, the originating caller with
7 the PIN number makes a call, the number that the call goes
8 to someone has to approve that call?

9 A Yes, sir.

10 Q Before it will be connected?

11 A Not necessarily. The jail itself manages that, who's
12 on an approved list and who's not.

13 Q Well, I mean, if you're calling me, if I don't want the
14 call, even though it's sent through, I don't have to take
15 it?

16 A That is correct. There is an option on the system to
17 put it on a block list.

18 Q Do y'all have the capacity to record what the messages
19 are between the callers?

20 A Yes, sir.

21 Q And do you frequently record all of that?

22 A Yes, sir.

23 Q And you store all that information?

24 A Yes, sir.

25 Q The person who was approving the, accepting the call,

1 they know that Securus is going to maintain a body of
2 information on them?

3 A Probably not.

4 Q You going to put them on notice?

5 A It puts them on notice at the beginning of the phone
6 call before the connection is made, that all calls are
7 monitored and recorded.

8 Q But do they know it's going to be recorded and kept for
9 long periods of time?

10 A Probably not.

11 MR. SCREEN: I beg the Court's indulgence.

12 THE COURT: Yes, sir.

13 BY MR. SCREEN:

14 Q What happens when a call is transferred to customer
15 service?

16 A It's transferred to customer service.

17 Q What causes that, though, instead of going straight
18 through to the called number?

19 A When a person is trying to set up an account, that
20 would be the only reason they would be transferred to
21 customer service.

22 Q If it's a number that's been called frequently, it
23 generally won't have to do that?

24 A It shouldn't.

25 Q Thank you, sir.

1 THE COURT: Thank you.

2 Redirect, Mr. Graham?

3 MR. GRAHAM: Just a few questions.

4 WILL HERRING - REDIRECT EXAMINATION

5 BY MR. GRAHAM:

6 Q Mr. Herring, for the telephone number right here that
7 we're looking at, the 803-447-5532, for that person to
8 receive calls from Mr. Washington's account, they had to set
9 up this account. Is that correct, for Mr. Washington to be
10 able to call?

11 A No, sir. He can call him directly. I don't think they
12 can set up the account for him.

13 Q Okay. In this case, an account was set up by somebody
14 named John John from 120 Washington Court earlier to provide
15 that information?

16 A Yes, sir.

17 Q State's 23, there was a question about hang-ups. The
18 call where my finger is or was, right there. What is that
19 call?

20 A It's basically -- it's either the person hung up on the
21 conversation or it was a three-way party. This lets us know
22 that the call was disconnected at that point.

23 Q If I look at the next two columns over, start time.
24 What is that?

25 A Basically when the start time starts.

1 THE COURT: Does the start time start when the
2 thing is dialed or when somebody picks it up at the other
3 end.

4 MR. HERRING: Picks it up.

5 THE COURT: Okay. Thank you.

6 BY MR. GRAHAM:

7 Q So the start time is when somebody picks up the phone.
8 The end time is when somebody hangs up the phone?

9 A Correct.

10 Q And looking between those two, you can figure out how
11 long the call lasted?

12 A Yes, sir.

13 Q Thank you, Mr. Herring.

14 THE COURT: Sir, you can step down. Thank you,
15 sir.

16 MR. HERRING: Thank you.

17 THE COURT: And ladies and gentlemen, it occurs to
18 me that when one of the assistant solicitor's last name is
19 Graham and the other's last name is Bell, we should be
20 getting a whole lot of information about telephone calls
21 into the record.

22 You may call your next witness, Mr. Bell.

23 MR. BELL: Thank you, Your Honor. At this time
24 the State would call Investigator Frank Finch.

25 THE COURT: Mr. Finch, come forward and be sworn.

FRANK FINCH - DIRECT EXAMINATION

BY MR. BELL:

Q Sir, where are you employed?

A The Lexington County Sheriff's Department.

Q How long have you been in law enforcement now?

A Been in law enforcement over eighteen years.

Q What's your current title out there?

A I'm a detective in the narcotics enforcement unit.

Q Now, as a detective, did you take part in the actual investigation of this particular murder?

A I assisted in it, yes, sir.

Q At some point, were you asked to pull down some jail phone calls related to this case?

A I was.

Q Who asked you to do that?

A Detective Steve Collins.

Q Did you agree to do that?

A I agreed to do that.

Q How did you go about doing it?

A Well, several months ago I was given access to the Securus System because of my duties at the time, I'm on a federal task force. And part of that responsibility is anytime one of the federal agencies requests the jail calls, that we're the ones to do it so it wouldn't over burden the evidence techs at the sheriff's department. And so

1 Investigator Collins knew that and he reached out to me to
2 asked me to download the calls. So during the initial
3 training, we had a short block of training, a couple of
4 hours, they gave us a user name and PIN number so we could
5 access the Securus System.

6 Q Now, ultimately were you able to locate the calls in
7 question?

8 A Yes, I was.

9 Q And did you end up requesting an actual physical copy
10 of those calls?

11 A What happens with the jail calls is you go on and -- in
12 this case or cases you can enter an inmate's name and all
13 the calls -- I believe in this one I may have gone from time
14 A to time B dates, downloads them. When it comes up to
15 actually download them, there's a place, they have an email
16 address to have them sent to. Well, I always have them sent
17 to myself so I'll know that they got delivered correctly.
18 And then I'll forward them to, in this case, Detective
19 Collins. I'm not sure if I downloaded them right then or I
20 forwarded them to him. Because there are some agencies that
21 may be outside the Midlands and you can just forward the
22 calls to them so you don't actually have to download them
23 and waste the postage in sending them. So in this case, I'm
24 not sure I downloaded them on my computer on the CDs or had
25 them sent to Detective Collins.

1 Q Ultimately, did you make contact with someone from
2 Securus and then provide you with CDs in this case?

3 A Yes. Securus was reached out to and they, Mr. Will
4 Herring, provided us a copy of this.

5 Q Let me show you what's marked as Court's 2 and 3. Do
6 you recognize those?

7 A I do.

8 Q Are those the CDs that you were provided by Mr.
9 Herring?

10 A They are.

11 Q And how do you know that those are the same ones?

12 A It's got my initials at the bottom.

13 Q Once you had those CDs, what were you asked to do with
14 them?

15 A Well, we met with the IT person at the Solicitor's
16 office and using the wav.file, one of the ones you can
17 manipulate, went in and redacted everything that they
18 weren't going to present in trial, just a short version. So
19 that the stuff on either side, the stuff that was needed out
20 of this ten or fifteen minute call wasn't put on a disk.

21 Q Did you oversee the entire process of extracting those
22 particular portions?

23 A I was there the whole time; yes, sir.

24 Q And how many calls were you asked to do extractions on?

25 A There were two calls.

1 Q Do you happen to recall the timestamp information of
2 those calls?

3 A I would have to review the sheet.

4 Q Ultimately, did you put those redacted or extracted
5 version onto another CD?

6 A We did.

7 Q Do you have those with you today?

8 A Yes. Yes, I do.

9 (State's Exhibit No. 24, CD
10 prepared by Finch, was marked for identification.)

11 (State's Exhibit No. 25, CD
12 prepared by Finch, was marked for identification.)

13 COURT REPORTER: State's 24 and 25 for ID.

14 THE COURT: Thank you.

15 BY MR. BELL:

16 Q Detective, I'm handing you State's 24. Is that one of
17 the CDs you brought with you to Court today?

18 A It is.

19 Q Is that one of the CDs that you did an extraction and
20 prepared for this trial?

21 A It is.

22 Q How do you know that's the same one?

23 A It states redacted. It's got a PIN Number 15483 [sic].
24 The date, 7/1/15. The time 9:57:31, with my initials at the
25 top of it.

1 Q Now I'm handing you what is marked for ID as State's
2 25. How do you know that's also the same CD you created?

3 A It looks very similar. It has redacted written at the
4 top of it with the same Pin Number 154813. The date is
5 7/8/15. The time is 20:43:28, with my initials next to
6 that.

7 MR. BELL: Your Honor, at this time, the State
8 would move 24 and 25 into evidence.

9 THE COURT: Mr. Screen? Without objection?

10 MR. SCREEN: No objection, Your Honor.

11 THE COURT: Thank you.

12 Without objection, 24 and 25 are in evidence.

13 (State's Exhibit No. 24, CD
14 prepared by Finch, was marked and entered.)

15 (State's Exhibit No. 25, CD
16 prepared by Finch, was marked and entered.)

17 BY MR. BELL:

18 Q Please answer any questions the Defense may have for
19 you.

20 A Yes, sir.

21 THE COURT: Mr. Screen?

22 FRANK FINCH - CROSS-EXAMINATION

23 BY MR. SCREEN:

24 Q Where did you say you took those, extracted those two
25 phone calls from the log?

State v Johnson Frank Finch - Redirect 10/21/15

1 A The Solicitor's office has a tech person. And they
2 were done on his computer. So I didn't do the actual
3 redaction or the taking out what needs to be taken out. I
4 was standing over him or I was sitting next to him as he did
5 it, sir.

6 Q But you don't know what the content of the information
7 that was extracted?

8 A Yes, sir. The Solicitor's office provided us with a
9 beginning time and a ending time in minutes or seconds that
10 needs to be redacted. And also the verbiage that needed to
11 be redacted. So we knew we had the exact thing that they
12 wanted, that they needed, sir.

13 Q And those calls originated from the PIN Number and to
14 the phone number that we see up here?

15 A Yes, sir.

16 Q Thank you.

17 THE COURT: Any redirect?

18 MR. BELL: Very briefly.

19 FRANK FINCH - REDIRECT EXAMINATION

20 BY MR. BELL:

21 Q Detective, did you listen to the entirety of the
22 original copies and the CDs you were provided?

23 A Yes, sir, the redacted versions, I listened to the
24 entire -- they weren't very long so we listened to the

1 entire thing to make sure they were exactly what the
2 Solicitor's office wanted.

3 Q And did those, the redacted version versus the
4 original, did they match?

5 A They match except that it was much shorter than the
6 original one because the original one was fifteen to twenty
7 minutes long, however long they were.

8 Q And did you oversee the entire process of the
9 redaction?

10 A From the minute the original file, the CD was put in
11 there until the minute the copy was made of the redacted
12 one. The whole time, yes, sir.

13 Q At any point did you leave that tech by himself while
14 he was doing --

15 A No, sir. I was right there with him.

16 MR. BELL: No further questions, Your Honor.

17 THE COURT: Thank you.

18 Mr. Screen, any follow-up on that narrow --

19 MR. SCREEN: Nothing, Your Honor.

20 THE COURT: Thank you, sir. You can step down.

21 MR. FINCH: Thank you.

22 THE COURT: Thank you.

23 MR. BELL: Your Honor, can we take our afternoon
24 break at this time?

25 THE COURT: Sure.

1 Ladies and gentlemen, we'll take the afternoon recess
2 now and start back at the quarter to the hour. Please
3 remember not to discuss this case among yourselves while
4 you're in the jury room. We'll get you out here at quarter
5 to the hour and we'll take the afternoon break. Thank you.

6 (Jury out at 3:27 p.m.)

7 THE COURT: Okay. Folks, we'll start back at
8 quarter to the hour. Thank you.

9 (Court in recess for short break at
10 3:27 p.m.)

11 (Court in session after short break
12 at 4:10 p.m.)

13 THE COURT: Bring the jury in.

14 (Jury in at 4:10 p.m.)

15 THE COURT: Folks, I guess you all have been
16 sitting back there taking up a collection to buy me a new
17 watch. I told you 3:45. It's ten after four.

18 We've been discussing some scheduling matters, trying
19 to make the best use of time. So I've wasted twenty-five
20 minutes of your time while we're trying to make the best use
21 of your time. The next scheduled witness is going to be Mr.
22 Washington, as you've heard a great deal about, and that is
23 the most lengthy witness that is yet to testify. I think.

24 Is that fair to say?

State v Johnson Beth Holliman - Direct 10/21/15

1 MR. GRAHAM: Yes, Your Honor.

2 THE COURT: And it would take us well, well past
3 5:30 to do that. And so even if we started on time, it
4 would be well past 5:00. There are several other witnesses.
5 There's one relatively brief witness that we can work in
6 today, to try not to waste any more time. And then after
7 that witness has testified, we'll recess for the day,
8 somewhat early. Get you back at 9:30 tomorrow to put in the
9 testimony of Mr. Washington when you all are fresh and
10 everybody else is fresh at the same time.

11 So I apologize for that. Sometimes these things
12 happen, but I'm not going to waste any more of your time by
13 apologizing to you. We're going to put up one more witness
14 for today and then I'll let you go early. We'll start back
15 in the morning at 9:30.

16 Mr. Graham.

17 MR. GRAHAM: Thank you, Your Honor. The State
18 calls Beth Holliman.

19 THE COURT: Ms. Holliman, come forth please and be
20 sworn.

21 (WHEREUPON, Beth Holliman was sworn
22 to tell the truth.)

23 BETH HOLLIMAN - DIRECT EXAMINATION

24 BY MR. GRAHAM:

1 Q Ms. Holliman, where are you employed, ma'am?

2 A I'm employed with the Lexington County Sheriff's
3 Department.

4 Q And how long have you been employed with the sheriff's
5 department?

6 A I've been employed with the sheriff's department for
7 thirteen years.

8 Q And in your thirteen years with the sheriff's
9 department, what have you done there?

10 A The first two and a half years I was employed with the
11 sheriff's department, I was a 9-1-1 communications officer.
12 Then I transferred to the evidence room in January of 2005.

13 Q Since January of 2005 and being transferred to the
14 evidence room, what is your job responsibilities and duties?

15 A I'm an evidence control technician.

16 Q And what is an evidence control technician?

17 A We secure the property that is turned in by the
18 officers or investigators in the case. That property is
19 also known as evidence. We maintain care, custody and
20 control of those items and send them to labs to be processed
21 for testing.

22 Q As an evidence custodian, do you do anything to change
23 or manipulate any of the items that you're charged with
24 keeping?

State v Johnson Beth Holliman - Direct 10/21/15

1 A No, we do not. We receive sealed packages..

2 Q Let me show you what's been marked as State's No. 15
3 into evidence and ask if you recognize this?

4 A Yes, I do.

5 Q Is that an item of evidence that was introduced into
6 the custody of the evidence custodians of the sheriff's
7 department?

8 A It is.

9 Q One of which is you; correct?

10 A That is correct.

11 Q There is, on the outside of the package there is a
12 white bar code label. What is the purpose of that label?

13 A We bar code all of our property that comes into the
14 evidence room. We do it for several reasons. One is it
15 assigns a property ID number or control number. That number
16 is unique to each individual item. It allows us to properly
17 and correctly track each item as it moves throughout the
18 agency or any other agencies for testing.

19 Q What was the property control number for State's
20 Exhibit No. 15, which is a cellphone?

21 A It's property room number 62718.

22 Q Can you tell me when it was first received into
23 evidence, into evidence control, and who received it and who
24 turned it in?

1 A Property report number for 62718 was received by myself
2 on February 21, 2012 at 12:51 hours.

3 Q And who did you receive it from?

4 A Investigator Collins.

5 Q What's the next movement on that? Actually, let me --
6 turn back the page again.

7 A Oh, I apologize. The case officer was Investigator
8 Collins. The seizing officer is Joe Chappell. He was a
9 crime scene investigator at the time.

10 Q After Crime Scene Investigator Chappell turned that
11 phone into you. What happened to the phone?

12 A The phone was accepted by the evidence custodian, which
13 was myself. It is moved a couple of times after that. The
14 first time being my co-worker, Candy Kyzer, who's also an
15 evidence control technician, signed it out to Investigator
16 Steve Collins. He then returned it back to Candy Kyzer.
17 Then Candy Kyzer signed it out to Investigator Mike Phipps
18 to be sent to the crime lab. He's one of our crime scene
19 technicians. He specializes in phones and computers, most
20 electronic devices, tablets, and such. And then he returned
21 it and returned it back to me.

22 Q How long did Investigator, you said Investigator
23 Collins, the case officer in this case checked it out from
24 Candy Kyzer, who is also an evidence custodian... What was

State v Johnson Beth Holliman - Direct 10/21/15

1 the date and time that he received it from her?

2 A Investigator Collins got it on February the 11th, 2015
3 at 13:52 hours. That's 1:52 in the afternoon. He then
4 returned it back to Candy Kyzer at 15:18, which is 3:18 in
5 the afternoon.

6 Q And then what day did Mike Phipps take it out from -- I
7 believe that was from you?

8 A No. It was from Candy Kyzer.

9 Q Candy?

10 A He received it on February the 11th, 2015 at 15:21,
11 which is 3:21 in the afternoon. He then processed in his
12 lab and returned it back to the evidence on 3/3/2015 at
13 09:55, which is 9:55 in the morning and he returned it back
14 to me.

15 Q While it was in the care, custody and control of
16 yourself, Ms. Kyzer in the evidence room, would anybody have
17 done anything to change or manipulate or do anything to this
18 phone, other than keep track of where it goes?

19 A No, we would not.

20 Q Would y'all have broken the seal and gone inside of it?

21 A No, we would not.

22 Q Thank you, Ms. Holliman. Please answer any questions
23 Mr. Screen has for you.

24 MR. SCREEN: I have none, Your Honor.

1 THE COURT: Thank you.

2 Ms. Holliman, you can step down.

3 THE COURT: Mr. Graham, does that complete what we
4 can do today?

5 MR. GRAHAM: It does, Your Honor.

6 THE COURT: All right. Folks, I'm going to let
7 you go now, ahead of the 5:00 traffic today though. Please
8 be back in the jury room tomorrow morning at 9:30. We'll
9 continue the trial at that time. I remind you, you are not
10 to talk about this case among yourselves or anybody else.
11 Have a safe trip home and I'll see you tomorrow at 9:30.

12 (Jury out at 4:17 p.m.)

13 THE COURT: Mr. Graham.

14 MR. GRAHAM: Your Honor.

15 THE COURT: Yes, sir.

16 MR. GRAHAM: I did have -- if we are done with
17 matters before we adjourn for the day, I do have something I
18 wanted the Court to address.

19 THE COURT: That's fine. And that was the reason
20 I recognized you because you had indicated to me you had
21 something you wanted to make a record of.

22 MR. GRAHAM: Thank you, Your Honor. In light of
23 Mr. Screen approaching the State and saying that he was at
24 this point trying to work out a plea offer, I believe the
25 Defendant acknowledged that he's not innocent of these

1 charges. In fact, guilty of something. And I would ask
2 that the State -- I mean, on behalf of the State, Your
3 Honor, I would ask that he be put into custody at this time.

4 THE COURT: Mr. Screen?

5 MR. SCREEN: Judge, I believe negotiations are not
6 admissions and it doesn't change the conditions at all.
7 This young man has been here every morning. He'll be here
8 everyday.

9 THE COURT: Right.

10 MR. SCREEN: I see no need to put him in custody
11 at this time.

12 THE COURT: And you're right, Mr. Screen. Of
13 course, he still has the presumption of innocence. But he's
14 aware of the fact that discussions have been bandied back
15 and forth for a significant amount of jail time. And, of
16 course, he could still be found not guilty of these charges
17 and be a free person. If that's the case then the brief
18 time that he will have to spend in incarceration while his
19 trial is being completed, will be an inconvenience but not
20 much more than that. On the other hand, looking as he is,
21 based on discussions so far, that a significant amount of
22 jail time, twenty-two years, twenty-five years, whatever it
23 happens to be, frankly, if I saw that as a virtual
24 certainty, not an absolutely certainty but a virtual
25 certainty, given the circumstances of the case and things of

1 that nature and the discussions that are underway, which I
2 urge you all to continue, of course, after we break here
3 today, I'm not sure I'd come back tomorrow. I will revoke
4 the bond because of those reasons. And, as I said if the
5 jury finds that he is innocent of these charges then the
6 revocation will be very brief. On the other hand, if they
7 find him guilty, then he will have started a couple of days
8 earlier a sentence that he would receive anyway. I'll grant
9 the motion to revoke the bond for those reasons. Thank you.

10 Folks, we'll be in recess until 9:30 tomorrow morning.
11 I urge you all to continue your negotiations in the time
12 that we have left. And maybe you can make some use of that
13 time. We'll be in recess until 9:30. Thank you.

14 (Court in recess October 21, 2015
15 at 4:20 p.m.)
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1 (Court in session October 22, 2015
2 at 9:30 a.m.)

3 THE COURT: Thank you ladies and gentlemen, please
4 be seated. Good morning.

5 Madam Court Reporter, let me give you this report and
6 ask that you make it a Court's Exhibit, please, ma'am.

7 COURT REPORTER: That would be Court's Exhibit No.
8 4.

9 (Court's Exhibit No. 4, Report
10 Juror No. 96, was marked.)

11 THE COURT: Thank you.

12 COURT REPORTER: Court's 4, Judge.

13 THE COURT: Thank you.

14 Court's Exhibit No. 4 is an investigative reporter
15 generated by Investigator Jim Sullivan from the Solicitor's
16 office indicating some inadvertent connection with a juror,
17 Juror No. 96, Chastity Houser. That happens to be her
18 maiden name apparently. She is Chastity Evans now. And
19 because of that, the difference in name on the list and the
20 name that she is now known by, Investigator Sullivan was not
21 aware of the fact, until he saw her, that she was a neighbor
22 of his. And he was not on the witness list. And so she did
23 not have any way of recognizing his name either until I
24 think they saw each other and then they recognized that. My
25 understanding is that she had approached, that is, Ms. Evans

1 had approached Ms. Hope Frick this morning and indicated
2 that she thought she had a conflict. Is that right, Ms.
3 Frick?

4 THE CLERK: She told Mr. Dan, the bailiff, when
5 she came in.

6 THE COURT: Okay. And then this report indicates
7 Mr. Evans [sic] connection with her through the fact that
8 they live in the same neighborhood and that he has seen her
9 in her work on occasion. The lawyers are all aware of this,
10 of course. They've been aware of this before I was. So I'm
11 going to inquire of Ms. Houser and if she seems to think she
12 has a conflict, I will confirm that with her and we'll go
13 from there.

14 Will you ask Juror No. 96, Ms. Chastity Houser or Ms.
15 Evans to come in, please.

16 (Juror No. 96 enters the
17 courtroom.)

18 THE COURT: Good morning.

19 JUROR NO. 96: Morning, sir.

20 THE COURT: You can stand right there. Do you
21 prefer to be known by -- called by Ms. Houser or Ms. Evans?

22 JUROR NO. 96: Ms. Houser.

23 THE COURT: Houser. All right. We understand that
24 you recognize Mr. Sullivan as a neighbor of yours. He's not
25 on the witness list, of course, so you wouldn't have heard

1 his name because it wasn't called out. But he happens to be
2 a neighbor of yours. And he recognized you as well.
3 Apparently, he knows you as Ms. Evans; is that right?

4 JUROR NO. 96: That's my fiancé.

5 THE COURT: That's your fiance. I see. I
6 understand, okay. So that was the reason that he didn't
7 pick up your -- I have you already married. I'm sorry.
8 I'll put that name back.

9 JUROR NO. 96: Okay.

10 THE COURT: Now, that you are aware of at least
11 some connection with Mr. Sullivan, who is an investigator
12 with the Solicitor's office who has worked on this case,
13 would that involvement make it difficult for you to be fair
14 and impartial as a juror in this case from now on?

15 JUROR NO. 96: No, sir.

16 THE COURT: Would you be able to set aside that
17 association, continue to hear this case with an open mind,
18 fairly and impartial for both sides, the State and the
19 Defense?

20 JUROR NO. 96: Yes, sir.

21 THE COURT: And are you willing to set aside that
22 association and decide the case based on the evidence and
23 not on that association?

24 JUROR NO. 96: Yes, sir.

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

1 If you'll step outside for just a minute, stay in the
2 hall. And I'll get your right back in here.

3 (Juror No. 96 exits the
4 courtroom.)

5 THE COURT: All right. Mr. Screen, are there any
6 other questions that you would like for me to put to Ms.
7 Houser or is there any other inquiry that you would like for
8 me to make?

9 MR. SCREEN: Judge, I'm satisfied with the Court's
10 questions and querying of this witness. And I am satisfied
11 with her answers of such that she would be able to render
12 jury service in a fair and impartial fashion. I've
13 consulted with my client and he does not feel that this
14 matter rises to a level where she should be set aside.

15 THE COURT: All right.

16 Mr. Graham, what says the State?

17 MR. GRAHAM: Your Honor, the State has no
18 additional questions that we would ask.

19 THE COURT: All right.

20 MR. GRAHAM: We will leave it to Mr. Screen. If
21 he wants to strike her, it's his choice, Your Honor.

22 THE COURT: All right. I am convinced by my
23 questions and her response to my questions that she can
24 continue to be fair and impartial as she indicted from the
25 outset when all of these jurors were being initially voir

1 dired on this issue. She certainly appeared to be candid
2 and what appeared to be a conflict was not actually a
3 conflict as we would describe it. It's simply, it's contact
4 I think more correctly, than a conflict. I will allow her,
5 with Mr. Screen's concurrence and that of his client as
6 well, to continue to sit as a juror.

7 ✓ Ask her to step back in.

8 (Juror No. 96 enters the
9 courtroom.)

10 THE COURT: Ms. Houser, thank you for your candor
11 and we're going to send you back to the jury room and
12 continue to work, put you to work as a juror in this case;
13 Thank you. All right.

14 (Juror No. 96 exits the courtroom.)

15 THE COURT: All right. Now, both sides ready for
16 the jury?

17 MR. GRAHAM: The State's ready, Your Honor.

18 MR. SCREEN: The Defense is ready, Your Honor.

19 THE COURT: Thank you. You can bring the jury.

20 (Jury in at 9:44 a.m.)

21 THE COURT: Mr. Foreman, ladies and gentlemen.
22 Good morning.

23 THE JURY: Good morning.

24 THE COURT: Thank you once again for your
25 promptness and showing up on time. And we appreciate that.

1 As we now resume the trial of the case, the State is
2 continuing to offer evidence and testimony in its case.

3 Mr. Graham.

4 MR. GRAHAM: Thank you, Your Honor. The State
5 calls Justin Washington.

6 THE COURT: Justin Washington, please?

7 (Mr. Washington enters courtroom.)

8 THE COURT: Mr. Washington, come around. Please
9 be sworn.

10 (WHEREUPON, Justin Washington was
11 sworn to tell the truth.)

12 JUSTIN WASHINGTON - DIRECT EXAMINATION

13 BY MR. GRAHAM:

14 Q Mr. Washington, how old are you?

15 A I'm twenty-four years old.

16 Q And where were you born?

17 A February 3rd, 1991.

18 Q And where at?

19 A Orangeburg, South Carolina.

20 Q Where were you living on February 11 and 12 in 2012?

21 A In Denmark, South Carolina.

22 Q And what was your address?

23 A 5576 Capernaum Road.

24 Q Who did you live with?

25 A My mom and dad.

1 Q How long have you lived with your mom and dad?

2 A Twenty-four years. Well, twenty-one years until I was
3 incarcerated.

4 Q That was your whole life up until you got arrested on
5 this?

6 A Yes, sir.

7 Q How far did you go in school?

8 A I went up to ninth grade.

9 Q After you dropped out of school, at some point did you
10 try to get into the military?

11 A Yes, sir.

12 Q And what happened with that?

13 A When I joined the National Guard I got my GED. And my
14 recruiter, he was putting people in unlawful by frauding the
15 system. And given them fake information and having people
16 taking their ASVAB. Have a lot of people taking their ASVAB
17 and he got caught. And everybody that he'd recruited had to
18 come in and resign up.

19 Q He had somebody take the ASVAB test for you?

20 A Yes, sir.

21 Q February 2012, what were you doing with your life?
22 Were you working or what were you doing?

23 A February 2012, I was working as a trainer at Voorhees
24 College.

25 Q Were you going to school there?

1 A No, sir.

2 Q When you say you were working as a trainer, what does
3 that mean?

4 A I helped coaching the team and with injuries and stuff.

5 Q Were you getting paid for that?

6 A No, sir.

7 Q How did you get that job?

8 A Henry Johnson.

9 Q When you say Henry Johnson, do you see him in the
10 courtroom?

11 A Yes, sir.

12 Q Where is he?

13 A Right there in the white shirt.

14 Q Sitting over at the Defense table next to Mr. Screen,
15 the attorney?

16 A Yes, sir.

17 Q Did you call him Henry or did you call him something
18 else?

19 A I call him J.R.

20 Q J.R. He got you the job at Voorhees as a trainer?

21 A Yes, sir.

22 Q How did you meet J.R.?

23 A I met him in 2010 at Denmark Tech in Denmark.

24 Q Back in 2010, what were you doing at Denmark Tech.

25 A I was a student.

1 Q What kind of classes were you taking?

2 A I was taking building and construction and plumbing.

3 Q And how is it that you met Mr. Johnson?

4 A I was a trainer at Denmark Tech before Voorhees
5 College. And he was coming in from USC Salkehatchie as a
6 new recruit. And we met then and he started playing
7 basketball on the team.

8 Q Did you all become friends?

9 A Yes, sir.

10 Q How did that happen?

11 A He thought -- I guess I was a funny guy and with me
12 working with him and stuff like that, we became friends.

13 Q Was it a fast friendship or did it take time for y'all
14 to become friends?

15 A It was a fast friendship.

16 Q Tell the jury a little bit about the friendship you had
17 with him. What was it like being his friend?

18 A He takes me to his mom and dad house and we talk to his
19 mom. I talk to his mom and dad. And the dad, he talked to
20 me about doing better things in career-wise. And I met his
21 other family members and they treated me like family.

22 Q What was it that attracted you to him? Why did you
23 want to be his friend?

24 A Well, he was the first friend that I ever had that ever
25 told me he loved me and stuff like that.

1 Q How would you describe yourself? Would you describe
2 yourself as country boy or a city boy?

3 A A country boy.

4 Q And what does that mean?

5 A A country boy means you was raised in the country and a
6 lot of city guys, they don't really mess with the country
7 boys like they -- they think that they have to struggle like
8 they do, like living in the projects. And they think we had
9 it all good since we was raised out and had our own house
10 and stuff like that.

11 Q You said he was the best friend you ever had.. Did you
12 have a lot of friends growing up?

13 A No, sir.

14 Q What was it about him that made you say he was your
15 best friend ever?

16 A Just like I said, he told me that he loved me and stuff
17 like that. And what made me attracted to being in the
18 friendship was that he had a lot of women and partying and
19 stuff like that. That I was never exposed to that growing
20 up and going to school. Because my mama and daddy was
21 always strict on me. So I'd enjoyed it and had fun with it.

22 Q How much time did you all spend together as we're
23 leading up to February 12 of 2012. How many times a week
24 did you see him?

25 A Every day.

1 Q How much time did you spend with him?

2 A All day. I only be home probably about three hours out
3 the day. I would spend the night and I'm back real early in
4 the day. All day.

5 Q Did you have a car?

6 A No, sir.

7 Q Did you have a cellphone?

8 A No, sir, not during that time, during the time, during
9 the crime.

10 Q Did J.R. have a car?

11 A Yes, sir.

12 Q Did he have a cellphone?

13 A Yes, sir.

14 Q Did you have enough spending money?

15 A No, sir.

16 Q Did he?

17 A Yes, sir.

18 Q How about Patrick Larry, do you know him?

19 A Yes, sir.

20 Q How did you meet Patrick Larry?

21 A Through J.R.

22 Q How many times did you think you spent time with
23 Patrick Larry?

24 A About three or four times.

25 Q Did you ever hang out with Patrick Larry without J.R.?

1 A No, sir.

2 Q Why not?

3 A I would come around when J.R. was around him, when J.R.
4 take me to his house or whatever.

5 Q Did you ever call Patrick Larry on the phone?

6 A No, sir.

7 Q Did you ever do anything with Patrick Larry without
8 J.R. being involved?

9 A No, sir.

10 Q You've been convicted before, in the past, of giving
11 false information to the police; is that right?

12 A Yes, sir.

13 Q And also for receiving stolen goods?

14 A Yes, sir.

15 Q Let's go to February the 11th of 2012. And let's start
16 talking about going to Swansea with a shotgun. Tell me how
17 that started?

18 A Henry had a game at Allen University in Columbia. And
19 I was home all day because I was suspended, until I
20 eventually lost my job, for getting into it with a referee
21 during the middle of a game or whatever. And he was on his
22 way home and told me to walk to his house, which is the
23 house -- he stayed about a hundred yards away from me. He
24 rented it out from my uncle, and a couple of teammates he
25 rented the house out with. And --

1 Q Let me ask you a question. How did he get in touch
2 with you?

3 A He called my house phone.

4 Q Do you remember your house phone number?

5 A Yes, sir.

6 Q What is it?

7 A 803-793-6270.

8 Q Do you remember what his -- did he call you from the
9 home or a cell or do you know?

10 A His cellphone.

11 Q And do you know what that number was?

12 A Yes, sir.

13 Q What is it?

14 A 803-837-0329.

15 Q So when he called you on the phone, what did he tell
16 you?

17 A. He told me to come meet me at his house.

18 Q Did you do that?

19 A Yes, sir.

20 Q Tell me what happened when you got there?

21 A When I came in the house, he was playing a game with
22 two other teammates. And there were three teammates in the
23 house and he was a playing a game with two other teammates.
24 And he told me that he had a lick. A guy named Nice had
25 called him and told him that Matt had flashed a hundred

1 thousand dollars in his face.

2 Q You said he was playing games with some other people at
3 his house. What kind of games? Are we talking --

4 A X-Box 360. They were playing 2K11.

5 Q Did you know who Nice was? Had you heard that name
6 before?

7 A I seen him one time before this happened.

8 Q Do you know his real name?

9 A No, sir.

10 Q All right. So you were there and J.R., told you what?

11 A That Nice called him and told him that Matt was
12 flashing a hundred thousand dollars in his face and that we
13 was going to rob him.

14 Q You said Matt. Did you know who Matt was before this
15 night?

16 A No, sir.

17 Q Did he use the name Matt or did he say something else?

18 A He just said that he we was going to do the robbery, he
19 was going to hit a lick.

20 Q He said going to do a robbery, going to hit a lick.

21 And did he say Matt was flashing a hundred thousand or
22 somebody was flashing a hundred thousand?

23 A He just said somebody was flashing a hundred thousand.

24 Q Had you ever been to that house before?

25 A No, sir.

1 Q Had you ever heard J.R. talk about that house before?

2 A No, sir.

3 Q Did he ever tell you whether he'd been to that house
4 before?

5 A He told me he'd been there one time to gamble, but I
6 ain't seen him.

7 Q So after he told you about doing the lick and that
8 somebody was flashing a hundred thousand dollars, what did
9 you say?

10 A I agreed to go.

11 Q Why did you agree to go?

12 A Because I didn't have no job at the time and I needed
13 some money.

14 Q So what happened next? After he talks to you about
15 let's go do a lick, what happens next?

16 A He calls Patrick and while he's on the phone with
17 Patrick, he, J.R. asked me do I have a tool? And I told
18 him, no. The only thing I got is my dad's shotgun.

19 Q Let me stop you for a second. J.R. asked you for a
20 tool. What's a tool?

21 A It's a gun. Any weapon like a gun or a pistol.

22 Q You told him that you didn't have one, only your dad's
23 shotgun?

24 A Yes, sir.

25 Q And what happened after you told J.R. that, what did he

1 say?

2 A. After I told him that, I told him -- he told me to go
3 get it. And I told him that I probably won't be able to get
4 it because my dad, he keep it behind the back seat of his
5 truck. And he's going to know it's missing.

6 Q And what did J.R. say after you told him that?

7 A He told me, go get it. And I went in his car. He gave
8 me the keys to his car and I went to go get it.

9 Q Well, why did you go get it?

10 A Because I wanted to do a robbery.

11 Q And did you go get the shotgun?

12 A Yes, sir.

13 Q Let me show you State's 16 in evidence and ask if you
14 recognize that?

15 A Yes, sir, that's my dad's shotgun.

16 Q No question?

17 A No question.

18 Q So this is the gun that you went and got?

19 A Yes, sir.

20 Q Was it loaded when you got it?

21 A No, sir.

22 Q Did you get some shells?

23 A Yes, sir.

24 Q Where did you get the shells at?

25 A I got it out my dad's drawer.

1 Q How many shells did you get?

2 A About four.

3 Q Once you got the shotgun and shells from your dad, what
4 did you do next?

5 A I put the shells in the gun and put it in J.R.'s trunk
6 and went back to J.R.'s house.

7 Q When you got back to the house, what did you tell J.R.?

8 A That I'm ready and so him and the two teammates, they
9 got in the back seat. And I got in the front, J.R. drove.
10 He was going to drop them off, then we went on to Patrick's
11 house.

12 Q When you got to Patrick's house, what happened?

13 A When we get to Patrick house we get out the car. We
14 both get out the car and went in Patrick's room and discuss
15 how everything was going to go down. And that when I
16 knocked on the door say that my name was Rollo because
17 that's Matt's best friend. He'd answer the door for me. So
18 during that time when he was telling me that, Patrick mom
19 came in the house and she asked Patrick who he talking to?
20 And Patrick told his mom that I'm talking to J.R. So she
21 yelled from the kitchen, hey J.R., and J.R. spoke back, hey.
22 Q So you drive to Patrick's house. The two of you go in
23 the house. And you said there's a conversation about doing
24 this robbery?

25 A Yes, sir.

1 Q Who's leading that conversation?

2 A J.R.

3 Q Between you and him, who's the leader and who's the
4 follower?

5 A He was always the leader and I was always the follower.

6 Q So what's the plan that's going to happen.

7 A They tell me when I knock on the door and say it's
8 Rollo, because that's his friend and he'll answer the door
9 for me. And he said when I get in there, that I can contain
10 them with the shotgun and put their face down while him and
11 Patrick will come behind me and told me not to say who it is
12 and call no names. Don't say no names.

13 Q And who told you that?

14 A J.R.

15 Q Now, at some point you all leave and go over to the
16 house?

17 A Yes, sir.

18 Q Are you going over to the house at this time to rob him
19 or to do something else?

20 A We going to his house. It was decided that Patrick
21 would go in there and buy some marijuana from Matt to see
22 how things was looking before he send me in.

23 Q So when Pat goes in, he's going to buy marijuana, but
24 what's his real reason for going in?

25 A To check to see, to check to see before they send me

1 in.

2 Q Was there any conversation about who would be home?

3 A Yes, sir. While we was in Patrick's house in his room,
4 J.R. told me that Matt will be there by hisself. That the
5 other guys would be going to the Future concert.

6 Q Did he say how he knew that?

7 A No, sir.

8 Q So you left Patrick's house, the three of you. Whose
9 car are you in?

10 A We're in J.R.'s green Honda.

11 Q Who's driving?

12 A J.R.

13 Q And where is Patrick sitting?

14 A In the passenger seat?

15 Q In the front or back?

16 A In the front.

17 Q Where are you sitting?

18 A I'm sitting behind Patrick, in the back, behind the
19 passenger.

20 Q Where's the shotgun at?

21 A It's still in the trunk.

22 Q When you go over there the first time, what happens?

23 A J.R. give Patrick five dollars to go buy one blunt of
24 marijuana. And when he goes in the first time, a guy named
25 Tim is in the house. And he went in to buy the marijuana,

1 he came out and said a guy named Tim. So when Patrick got
2 in the car we drove and circled the block.

3 Q So Pat went inside, bought the five dollars worth of
4 marijuana and came back out and said Tim was in the house?

5 A Yes, sir. And he's supposed to be leaving in a little
6 while.

7 Q And he was supposed to leave in a litte while?

8 A Yes, sir.

9 Q. Did he say where there was anybody else in the house?

10 A No, sir.

11 Q Did you know who Tim was?

12 A No, sir.

13 Q Did Pat seem to know who Tim was?

14 A Yes, sir.

15 Q Did J.R. seem to know who Tim was?

16 A Yes, sir.

17 Q And so you drove where?

18 A We just drove around the block. And we circled the
19 block until Tim's car was gone and we pulled back in the
20 house, in the yard again. And Henry give Patrick another
21 five dollars to go in there and buy some more. And this
22 time, while Patrick in there, J.R. calls Patrick phone to
23 see if he ready for me to go in there. So when Patrick
24 comes out, Patrick tells us that two white girls are in the
25 house now. And that everything's still good.

1 Q Did you hear any conversation? You said that J.R.
2 called Patrick. How do you know that?

3 A I saw him dial the number. But I don't if there's any
4 conversation.

5 Q Did you hear a conversation?

6 A No, sir.

7 Q So Pat comes back into the car and he says there's --
8 what's inside, who's inside now?

9 A He said Matt and the two -- and two white girls.

10 Q Okay. After he got back in the car, what happened
11 next?

12 A We circled the block again. Patrick said that they
13 good and we still good to go in. So we circled the block
14 again and right before we pulled -- probably about fifty
15 yards before we pull in Matt's driveway, J.R. stops the car
16 in the middle of the road. And him and Patrick get out, I
17 get out. And while J.R. pops the trunk, I get the shotgun
18 out. And they're showing me how to walk to the house with
19 the shotgun down the side of my leg.

20 Q Who showed you that?

21 A J.R.

22 Q What was the purpose of that?

23 A To conceal the gun until I walked to the front porch.

24 Q Did anybody touch that shotgun except you?

25 A Yes, sir. No, sir. I'm the only person that touched

1 it;

2 Q So after J.R. and Patrick got out of the car and J.R.
3 showed you how to conceal the gun as you were walking, what
4 happened next?

5 A And he told me do I go it or whatever, and I told him,
6 yeah. So when we got back in the car and before we pulled
7 in the driveway they asked me was I ready. And I told them,
8 I really don't want to do this but we can go ahead or
9 whatever. And when we pulled up in Matt's driveway --

10 Q Let me ask a question. You said you really didn't want
11 to do this. Why were you changing your mind at that point?

12 A Because I was scared.

13 Q So did you tell that to Pat or did you tell it to J.R.
14 or did you tell it to both of them?

15 A I told it to both of them.

16 Q What did they say back to you when you told them you
17 were scared.

18 A They told me that I was getting thirty-five thousand
19 dollars of that. I could go buy a new car Monday morning.
20 And that sounded good and I mean, really good.

21 Q All right. So once they told you you were going to get
22 thirty-five thousand dollars, you said, I'm going to go get
23 it?

24 A Yes, sir.

25 Q What happened next?

1 A We pull in Matt's driveway and I walk to the, walking
2 up the porch with the gun on the side of my leg. And when I
3 knocked on the door, Matt comes to the door and I point the
4 shotgun at him and asked for his money. And he pushed the
5 door back on me and ran towards the kitchen. I pushed the
6 door back, pushed the door back open and ran in behind him
7 and shot him before he was -- while he was grabbing for his
8 gun.

9 Q Why did you shoot him?

10 A Because he was grabbing for his gun and I knew he was
11 going to shoot me.

12 Q After you shot him, what did you do?

13 A When I shot him, I hear screaming and I ran out of the
14 house. And when I was running out of the house, he shot two
15 times back at me. When I ran, I ran out the house and I ran
16 down the road and Henry picked me up on the side of the
17 road.

18 Q When you got in the car, were J.R. and Patrick both
19 still in the car?

20 A Yes, sir.

21 Q What did you tell them?

22 A They asked me did I get anything. I told them no, that
23 he shot -- I think I shot him.

24 Q Now, the plan you said was for them to follow you in
25 the house. Did that happen?

1 A No, sir.

2 Q After you told him, after you told J.R. and Patrick
3 that you shot him or you think you shot him, what happened
4 next?

5 A We go drop Patrick off. And after we drop Patrick off
6 we go to Swansea to the Little Cricket because I think it's
7 a twenty-four hour gas station because it was still open.
8 And we were getting gas and I was getting the money to get
9 the gas. When I going to start getting the gas, when I pump
10 the gas, I see the rescue squad coming past. And then when
11 I come out the store I see about twenty of these deputy cars
12 going down the road with their lights on. So we pulling
13 out, going back, taking the back road back to Denmark. And
14 we pull in the median for the other police to pass by us.
15 And he calls Patrick and tell him the police is coming.

16 Q Did you hear that conversation?

17 A No, sir.

18 Q What happened next?

19 A We take the back road back to Denmark. He drops me
20 back off at my house and I don't know where he went -- I put
21 the shotgun in the back of my dad's truck and went to bed.

22 Q Did you have any more conversations with Patrick Larry
23 prior to you being arrested after that night?

24 A No, sir.

25 Q How about with J.R.?

1 A Yes, sir.

2 Q What did you and J.R. talk about?

3 A He called me the next morning, that Sunday morning
4 about 10:00 and told me that Matt had died.

5 Q How did that make you feel?

6 A Made me feel bad.

7 Q Was that what you had planned on doing?

8 A No, sir.

9 Q How about after he told you that the man you shot had
10 died, did you have any more contact with him before your
11 arrest?

12 A Yes, sir.

13 Q And what was that?

14 A We was talking about how -- they had interviewed
15 Patrick or if they interviewed Patrick they were going to
16 interview him. And he told me that if I keep my mouth
17 closed we will get out because they don't know who did it.
18 They talking to everybody so they don't know who shot him.

19 Q So he told you to keep your mouth shut?

20 A Yes, sir.

21 Q At some point, did you find out that law enforcement
22 was looking for either Patrick or did you find out they were
23 looking for Patrick?

24 A Yes, sir.

25 Q How did you find that out?

1 A Through J.R.

2 Q What did he tell you?

3 A He told me they just interviewed Patrick and arrested
4 him. And then Patrick going to tell. And he told me that
5 if push come to shove, I need to take the murder rap because
6 he supposed to be going overseas to play basketball. And
7 that he'll take care of me and make sure I got a good lawyer
8 and make sure I got money on the books.

9 Q What did you think about that when he told you that?

10 A I was considering doing it.

11 Q Why?

12 A Because he was my best friend and I'd do anything for
13 my best friend.

14 Q Prior to -- did the police come and talk to you at some
15 point before your arrest?

16 A Yes, sir.

17 Q Did they talk to you first or J.R. first or do you
18 remember?

19 A They talked to J.R. first.

20 Q Did J.R. tell you about that?

21 A Yes, sir.

22 Q What did he tell you?

23 A He told me what questions they had asked him and stuff
24 like that. And they don't know nothing, and just tell them
25 I don't know nothing.

1 Q So after the police talked with J.R. He told you the
2 police don't know nothing, don't tell them anything. Did
3 the police contact you?

4 A Yes, sir.

5 Q What did you tell them?

6 A I denied everything and told them I didn't know
7 nothing, that I ain't never been to Swansea.

8 Q Where did you meet the police at?

9 A At the flea market in Neeses, South Carolina.

10 Q How did you get there?

11 A Through Ladovia Washington.

12 Q And who is Ladovia Washington at that time? How did
13 you know here?

14 A She was J.R.'s girlfriend.

15 Q So J.R.'s girlfriend drove you over there?

16 A Yes, sir.

17 Q Were you two the only people that went over to that
18 meeting?

19 A No, sir.

20 Q Who else was with you?

21 A J.R. was in the passenger's seat while Ladovia was
22 driving. I was behind, in the back seat behind the driver.

23 Q Did J.R. tell you why he was going with you?

24 A No, sir.

25 Q So you met with the police at the flea market. What

1 did you tell them?

2 A I told them I didn't know nothing.

3 Q After that, where did you go. When you got back in the
4 car, where did you guys go?

5 A We go down the Texaco in Denmark cause Ladovia drove
6 her mom's car. And we switched cars back to Ladovia's white
7 Chevy Impala. And after we switch, J.R. in the front seat,
8 in the passenger seat, Ladovia driving, I'm behind Ladovia.
9 And we drove back to the house.

10 Q Let me ask you a question. Do you know -- did J.R.
11 tell you why you were using two different cars?

12 A Yes, sir.

13 Q Why?

14 A So the detective won't recognize both cars because
15 Ladovia drove her Impala to go see Detective Collins the
16 previous day.

17 Q So after you switch cars, then you switch seats in the
18 cars; right?

19 A No, sir, we back in the same seat.

20 Q Where do you all go?

21 A They drop me back off at my house and as Ladovia
22 slowing down to pull in my driveway to drop me off,
23 Detective Collins in the front yard talking to my mama and
24 daddy. So I tell them to speed it up and we passed, went by
25 them and they dropped me off down the road. And I sat in

1 the woods until I saw Detective Collins and them leave.

2 Q When Detective Collins and the law enforcement left
3 your mom and dad's place, what did you do?

4 A Came into the house. And my mom asked me about what
5 happened and I denied it to her.

6 Q So who did you talk to next? Did you talk to the
7 police next or did you talk with J.R. next?

8 A I talked with J.R. next.

9 Q Tell me about that conversation?

10 A We was hanging out every day until our arrest. And he
11 was telling me, just go ahead and keep my mouth closed. And
12 if push through come to shove go ahead and tell them that it
13 was an accident, that the gun went off when the door was
14 closed. And y'all came into a tussle so I could get off on
15 an involuntary manslaughter, where I wouldn't have to do a
16 lot of time.

17 Q So he told you if push come to shove and the police
18 come back and you're caught, you're supposed to tell them
19 that it was an accident and that he had nothing to do with
20 it?

21 A Yes, sir.

22 Q At some point did the police arrest you?

23 A Yes, sir.

24 Q So when the police interview you and they give you your
25 rights and you talk to them, what do you tell them?

1 A I told them the truth. And then lied about me,
2 accidentally shooting him so I could get off on an
3 involuntary manslaughter or get charged with it --

4 Q When you first talked to them, did you lie to them and
5 tell them you didn't know anything?

6 A Yes, sir.

7 Q Then did you try to blame Pat?

8 A Yes, sir, because that was the plans we made on that.

9 Q Whose plan was that?

10 A Me and J.R.'s.

11 Q The police didn't buy that when you tried to blame Pat?

12 A No, sir.

13 Q So the next story you told them was that it was just
14 you or that it was you and Pat or it was you and Pat and
15 J.R.?

16 A It was just me and Pat out there. I told them a lie
17 about it.

18 Q I want to show you a document and ask you if you
19 recognize this.

20 A (Reviews document)

21 Q Do you recognize that?

22 A Yes, sir. That's my handwriting.

23 Q Is this the written statement that you gave to the
24 police when you were arrested?

25 A Yes, sir.

1 MR. GRAHAM: Your Honor, the State would offer
2 this into evidence.

3 MR. SCREEN: Without objection.

4 THE COURT: Without objection --

5 COURT REPORTER: State's 26, Judge.

6 THE COURT: -- 26, thank you.

7 (State's Exhibit No. 26, Washington
8 handwritten statement, was marked and entered.)

9 COURT REPORTER: State's 26 is four pages, Judge.

10 THE COURT: Four pages.

11 BY MR. BELL:

12 Q Mr. Washington this is the statement that you gave to
13 the police when you were arrested that you wrote?

14 A Yes, sir.

15 Q And the first part of the statement, you've read this
16 and reviewed it, probably numerous times; is that correct?

17 A Yes, sir.

18 Q The first part of the statement, that's where you're
19 blaming it on Pat?

20 A Yes, sir.

21 Q And then Detective Collins confronts you with some more
22 information telling you he doesn't believe that story; is
23 that right?

24 A Yes, sir.

25 Q And you write another part of it; right?

1 A Yes, sir.

2 Q Start reading there?

3 A Right here?

4 Q Yes, sir?

5 A I wrote the statement to tell the truth and the first
6 time me and Pat went to the house and bought some weed. And
7 a big guy by the name, Tim, came to the door. The second
8 time we went J.R. gave Pat another five dollars to go buy
9 some more weed. And a guy Matthew came to the door and Pat
10 bought another blunt. And we left. Then Pat and J.R. told
11 me, J-Dubs, you ready? So that meant, I said I didn't want
12 to do it. And so they made me by saying thirty-five
13 thousand dollars, J-Dub. You can buy a car Monday morning.
14 So I decided to go in. So when I knocked on the door, he
15 opened the door and snapped the gun in the door. And it
16 went off and shot him in the leg. And when I went in the
17 house he was laying on the floor, laying down, trying to
18 pull a pistol out and shoot me. So I ran out the house and
19 ran down the road and J.R. and Pat picked me up, went back
20 in the car. J.R. and Pat said what you got? And I said
21 nothing and that he tried to close the door and the gun got
22 caught in the door. And we left. And went back home. J.R.
23 dropped me back at the house. That when I put the shotgun
24 back in my dad truck and tried to go to sleep but couldn't
25 because I can't believe I shot somebody.

1 Q So the first time that you talk to the police after
2 you're arrested and you give a written statement, you first
3 try to blame Pat; correct?

4 A Yes, sir.

5 Q You second time you say all three of you are involved;
6 correct?

7 A Yes, sir.

8 Q But you also say it was an accident?

9 A Yes, sir.

10 Q Why did you lie about it being an accident?

11 A So that I could get off on manslaughter.

12 Q At some point later, after you were arrested, were you
13 contacted by J.R.?

14 A After I was arrested?

15 Q Yes, sir.

16 A No, sir. Well, I got a letter but not on the phone.

17 Q Not by phone but by letters?

18 A Yes, sir.

19 Q What were his letters about?

20 A Telling me to tell Detective Collins that he had
21 nothing to do with it. And if I do that, he promise that
22 when he get out, he going to try to go back over, he going
23 to try to go overseas and send me some money and buy me a
24 lawyer, that his lawyer would represent me in trial and
25 stuff.

1 Q So what, if anything, did J.R. want you to do?

2 A Sir?

3 Q What, if anything, did J.R. want you to do? In those
4 letters did he asked you to do anything?

5 A He told me that to stick to the story about that he had
6 nothing to do with it, that the gun went off on accident.
7 And to tell them, blame it on Patrick. That Patrick put a
8 gun to my head and made me do it.

9 Q So he said stick to the original story, that he had
10 nothing to do with it?

11 A Yes, sir.

12 Q That it was an accident?

13 A Yes, sir.

14 Q That you didn't shoot that man on purpose?

15 A Yes, sir.

16 Q And that Pat put a gun to your head?

17 A And made me do it.

18 Q Did he tell you to do anything? Did he tell you to
19 contact anybody?

20 A He told me to write the letter to Ladovia and Ladovia
21 give it to his lawyer.

22 Q Did you write that letter?

23 A Yes, sir.

24 Q Did you tell that story in that letter?

25 A Yes, sir.

1 Q Is that story true?

2 A No, sir.

3 Q What did you do with that letter, the letter that J.R.
4 wrote you, telling you what to do with the story?

5 A Well, he told me -- when he wrote me the letter he put
6 it -- he wrote on the bottom of the letter telling me that,
7 to flush it in the toilet after I get finished because we'll
8 get in trouble if we get caught communicating, and so I
9 flushed it.

10 Q Why did you write that letter?

11 A Because he was, just like I said he's my friend, my
12 best friend. And the only person ever told they loved me
13 and I believed him and trusted him, that he was going to do
14 all these things for me while I was incarcerated while he
15 was out.

16 Q Did you stay in contact with J.R. through the time that
17 you were incarcerated?

18 A Yes, sir.

19 Q In 2012 and 2013 and 2014 and even up until right
20 before this trial?

21 A Yes, sir.

22 Q Did he continue to write you?

23 A Yes, sir.

24 Q Let me show you some letters and ask if you recognize
25 those.

1 A Yes, sir.

2 Q (Shows document to witness)

3 A Yes, sir.

4 Q (Shows document to witness)

5 A Yes, sir.

6 Q (Shows document to witness)

7 A Yes, sir.

8 Q (Shows document to witness)

9 A Yes, sir.

10 Q (Shows document to witness)

11 A Yes, sir.

12 Q Are these all letters that J.R. wrote you while you
13 were incarcerated?

14 A Yes, sir.

15 Q Do you recognize his handwriting?

16 A Yes, sir.

17 MR. GRAHAM: Your Honor, the State would offer
18 these letters into evidence.

19 THE COURT: Mr. Screen?

20 MR. SCREEN: Without objection, Your Honor.

21 THE COURT: Without objection, State's next.

22 COURT REPORTER: State's 27 through 31.

23 THE COURT: 27 through 31.

24 COURT REPORTER: Letters.

25 (State's Exhibit No. 27, letter,

1 was marked and entered.)

2 (State's Exhibit No. 28, letter,
3 was marked and entered.)

4 (State's Exhibit No. 29, letter,
5 was marked and entered.)

6 (State's Exhibit No. 30, letter,
7 was marked and entered.)

8 (State's Exhibit No. 31, letter,
9 was marked and entered.)

10 BY MR. GRAHAM:

11 Q Do you know when these letters were written?

12 A No, sir.

13 Q Could they have been written back in 2012 or 2013, 2014
14 or 2015 or do you know?

15 A They started in 2012 all the way up to 2015.

16 Q Did you keep all of his letters to you?

17 A Most of them, yes, sir.

18 Q These aren't all of them though, are they?

19 A No, sir.

20 Q These are just some?

21 A Yes, sir.

22 Q State's 27, can you read that from there? If you
23 can't, I will hand it to you.

24 A It's a little, a little too light.

25 Q (Hands State's 27 to witness) If you'd just read that

1 out loud?

2 A Yo, what's good bro? Ain't nothing. They got me on
3 second floor. This shit is terrible over here. I want you
4 to stay strong and keep your head up. We are going to make
5 it through this, bro and that's real. How have you been
6 doing? I've be over at night laughing hard at all the fun
7 we used to have, like that night you jumped up and hit your
8 head and broke that light bulb was funny. And man how we
9 used to trip off of Rozelle. She used to be, she used to be
10 blown that straight line up in the room, laugh out loud. We
11 used to have man fun when we were together. I know you said
12 you are going to get me out of this. And I really do
13 appreciate that because I'm ready to leave here. And thanks
14 for being my nigger and staying one hundred through all this
15 but don't let nobody tell you different. I love you as if
16 you was little brother. We took care of each other from day
17 one when we first met. I wish I could see and talk to you
18 while I'm in here because you my right hand man. It's been
19 hard going this many days not hearing from you because I'm
20 used to calling you, waking you up early in the morning, and
21 we be together all day until late at night. Man, I really
22 do love you. I just wish we wasn't in this place, though.
23 I can't express how much I miss you J.W. because the shit is
24 crazy. Me and you became super tight even through our ups
25 and downs. You was always there for me no matter when I

1 called you. Was always lending a helping hand to help me.
2 I love you 'till the day we die. Like I said, I love you so
3 much bro. I hope we die together. (Inaudible) asked about
4 you constantly. I told her you are good. She said you can
5 write her. Everyone is praying for us to get out of here
6 soon but you know, I'm out and you in, I'm going to make
7 sure you good. We had a lot of fun times together. I can't
8 write about them all. I used to always have fun when we
9 used to go out and eat late-night. You remember dude had
10 them thick glasses and he asked what time it was. And I was
11 like, thick as your glasses are, you should be able to see
12 time. Laugh out loud, bro. We used to have good times.
13 But write me back for I love you from the heart and that's
14 real, brother. I know I told you I loved you a lot in this
15 letter. It's because I mean it. Write back. Love you,
16 bro.

17 Q In addition to him writing letters, were you also able
18 to call him?

19 A Yes, sir.

20 Q Let me show you State's 24 and 25, which are two disks
21 and ask if you recognize these?

22 A Yes, sir.

23 Q And have you listened to the contents of those disks?

24 A Yes, sir.

25 Q And do you recognize them? There's -- on the bottom of

1 each of these disks there's some writing. Do you recognize
2 that writing?

3 A Yes, sir.

4 Q Whose writing is that?

5 A That's my initials.

6 Q J.W.?

7 A Yes, sir.

8 Q Whose voices are on these disks?

9 A Me and Henry's, J.R.'s.

10 Q And do these fairly and accurately, both State's 24 and
11 25 accurately depict the conversations that you had with
12 him?

13 A Yes, sir.

14 MR. GRAHAM: Your Honor, the State would publish
15 these at this time.

16 THE COURT: All right. Mr. Screen?

17 MR. SCREEN: No objection, Judge.

18 THE COURT: Thank you.

19 (State's Exhibit No. 24 was
20 published.)

21 MR. GRAHAM: Can we stop for just a second,
22 please?

23 (Publication of State's Exhibit No.
24 24 paused.)

25 BY MR. GRAHAM:

1 Q The voices that we're hearing on there, whose voices
2 are those?

3 A Mines and J.R.'s.

4 Q The first voice that started that conversation, who was
5 that?

6 A J.R.'s.

7 Q And then the other voice is whose?

8 A Mines.

9 MR. GRAHAM: Go ahead.

10 (Publication of State's Exhibit No.
11 24 resumed.)

12 MR. GRAHAM: Stop please?

13 (Publication of State's Exhibit No.
14 24 paused.)

15 BY MR. GRAHAM:

16 Q What are you talking about right there. What's the
17 conversation about?

18 A I've got a cousin that's doing forty years in prison
19 and he looking him up for me so I can go to the yard where
20 he at.

21 MR. GRAHAM: All right.

22 (Publication of State's Exhibit No.
23 24 resumed)

24 MR. GRAHAM: Pause it please?

25 (Publication of State's Exhibit No.

1 24 paused)

2 Q Whose voice was that right there?

3 A That's J.R.'s.

4 Q And what did he say?

5 A That he had a -- we had a (inaudible) and (inaudible)
6 looked like shit.

7 Q What was he talking about?

8 A Patrick telling on us, telling on both of us to get us
9 incarcerated for the murder.

10 (Publication of State's Exhibit No.
11 24 resumed/ended.)

12 MR. GRAHAM: That was State's 24, Your Honor.

13 THE COURT: Okay.

14 MR. GRAHAM: Now, we're going to publish State's
15 25.

16 (State's Exhibit No. 25 was
17 published.)

18 (Publication of State's
19 Exhibit No. 25 ended.)

20 BY MR. GRAHAM:

21 Q Whose voice was that talking?

22 A It was Henry's and mines.

23 Q And who was the first voice?

24 A Henry's.

25 Q And what was he saying?

1 A That me and him we was -- me and him was going to play
2 out like this.

3 Q And what was he talking about?

4 A About getting caught.

5 MR. GRAHAM: Play it one more time.

6 (Publication of State's Exhibit No.
7 25 resumed/ended.)

8 BY MR. GRAHAM:

9 Q It says they couldn't -- he says they couldn't mess
10 with you -- I'm changing the words -- until you threw his
11 name in the mix. What's he talking about?

12 A About me putting his name in when I'm talking to
13 Detective Collins on the day I was incarcerated.

14 Q He also says, I'll still mess with you, though. What
15 is he saying when he said that?

16 A That he still love me and stuff like that. Still trust
17 me.

18 Q Did y'all talk on the phone a lot?

19 A Yes, sir.

20 Q And any time that you've talked with law enforcement or
21 myself, the Solicitor's office, the sheriff's department,
22 has anybody promised you anything?

23 A No, sir.

24 Q Anybody promise you that any deals were going to be cut
25 with you?

1 A No, sir.

2 Q Why are you testifying today?

3 A Just the freedom of my will. I feel like I should tell
4 the truth.

5 Q You're hoping to get help; is that right?

6 A Yes, sir.

7 Q Mr. Washington, are you guilty of burglary in the first
8 degree?

9 A Yes, sir.

10 Q And are you guilty of the murder of Matthew Milhouse?

11 A Yes, sir.

12 Q And have you told the truth today?

13 A Yes, sir.

14 Q Please answer any questions that Mr. Screen has.

15 THE COURT: Mr. Screen, cross-examine.

16 JUSTIN WASHINGTON - CROSS-EXAMINATION

17 BY MR. SCREEN:

18 Q Mr. Washington?

19 A Yes, sir.

20 THE COURT: Mr. Screen, you don't need to use it,
21 but that microphone's been twisted down to pick up that
22 recording. So if you could kind of move that microphone
23 back up. Thank you, sir.

24 MR. SCREEN: Yes, sir.

25 BY MR. SCREEN:

1 Q Mr. Washington?

2 A Yes, sir.

3 Q Now, you've already admitted that you're a liar?

4 A Yes, sir.

5 Q That you even cheated on an exam to try to get into the
6 service; right?

7 A Yes, sir.

8 Q And you lied to the police on a number of occasions,
9 did you not?

10 A Yes, sir.

11 Q Now, let's go back for a little bit in time. Did you
12 go to Columbia that day?

13 A No, sir.

14 Q And you didn't see Patrick Larry at a ball game in
15 Columbia?

16 A No, sir.

17 Q So if you said that Patrick, that you and Patrick Larry
18 had a conversation about this robbery and that he threatened
19 you, that would be a lie?

20 A Yes, sir.

21 Q You never said that?

22 A Yeah, I said it but it was a lie.

23 Q Sir?

24 A I said, yes, I said it but it was a lie.

25 Q You said that Patrick Larry put a gun to your head and

1 threatened you and that's why you wanted to go up there and
2 pull that robbery; didn't you?

3 A Yes, sir.

4 Q. But Patrick Larry wasn't in Denmark then; was he?

5 A No, sir.

6 Q Where was he?

7 A He was in Swansea at his house.

8 Q So this threat would have come over the telephone?

9 A Yes, sir.

10 Q Did he ever pull a gun on you?

11 A No, sir.

12 Q But you told the police he did?

13 A Yes, sir.

14 Q Did anybody pull a gun on you to make you go get that
15 shotgun, steal that shotgun?

16 A No, sir.

17 Q Was anybody with you when you stole that shotgun?

18 A No, sir.

19 Q Were you under any threat or anything at that time from
20 anyone to steal or go get that shotgun?

21 A No, sir.

22 Q You wanted to, on your own, do a robbery; didn't you?

23 A Yes, sir.

24 Q You wasn't working anywhere were you?

25 A No, sir.

1 Q And you talk about this relationship you had with Henry
2 Johnson. Henry allowed you to befriend him; didn't he?

3 A Yes, sir.

4 Q And he was good to you; wasn't he?

5 A Yes, sir.

6 Q He still tried to protect you even after this thing
7 occurred; didn't he?

8 A Yes, sir.

9 Q Because you were in jail about to lose your mind;
10 weren't you?

11 A Yes, sir.

12 Q You were talking one time in jail about committing
13 suicide?

14 A Yes, sir.

15 Q Yeah. And Henry wrote you letters, tried to encourage
16 you to keep your head up and not do something stupid?

17 A Well, actually, Henry was writing me to encourage about
18 getting him off.

19 Q Well, that would be a lie too; wouldn't it?

20 A (No response)

21 Q Sir?

22 A Sir? Would you repeat that again?

23 Q I said Henry was trying to get you to keep your head up
24 and keep you straight as best he could; wasn't he?

25 A He was trying to keep me to lie for him.

1 Q Well, you'd already told the police that he wasn't in
2 it earlier; didn't you?

3 A Yes, sir.

4 Q So he wasn't in the loop at that point. You'd already
5 told them that Henry wasn't involved in this at all?

6 A Well, I told them that -- well, in the second
7 statement. But then he encouraged me to write another
8 letter to his girlfriend stating that he ain't had nothing
9 to do --

10 Q Well, I'm going to get to that. Just let me -- don't
11 get ahead of me. You told them that Henry Johnson was not
12 involved in this killing. Didn't you tell the police that?

13 A I ain't told the police that. I told Ladovia that in a
14 letter.

15 Q All right. The same letter that the Solicitor had you
16 to read a portion of?

17 A Yes, sir.

18 MR. GRAHAM: I'm going to object, Your Honor.
19 That's not accurate.

20 THE COURT: I don't believe that was the letter.

21 MR. SCREEN: Well.

22 THE COURT: I don't believe we've seen the letter
23 yet that he wrote to Ladovia; is that right?

24 MR. GRAHAM: That's correct, Your Honor.

25 THE COURT: That's not in evidence yet. So that

1 hasn't been read to the jury at this point.

2 BY MR. SCREEN:

3 Q Did you write a letter to Ladovia?

4 A Yes, sir.

5 Q And you told her that Henry wasn't involved?

6 A Yes, sir.

7 Q And did you admit that you were involved when the
8 police first talked to you about this murder?

9 A Yes, sir.

10 Q You did?

11 A Yes, sir. I admitted I was involved.

12 Q You told Detective Collins you killed Matt?

13 A Yes, sir.

14 Q The first time?

15 A No. The first time I told him, no.

16 Q That's right?

17 A Yes, sir.

18 Q You lied to him?

19 A Yes, sir.

20 Q In fact, you told him that Pat went in that house and
21 shot that man?

22 A Yes, sir.

23 Q So after telling the police one lie after another,
24 isn't that right?

25 A Yes, sir.

1 Q In fact, you lied to you mama?

2 A Yes, sir.

3 Q And you were living at home with your mother; is that
4 right?

5 A Yes, sir.

6 Q She was feeding you, providing you housing, clothing
7 and everything?

8 A Yes, sir.

9 Q But you lied to her?

10 A Yes, sir.

11 Q When Patrick said he saw you at the game that day, he
12 lied?

13 A Yes, sir.

14 Q You weren't working anywhere?

15 A No, sir.

16 Q So whenever Henry invited you to go to a concert of a
17 group called Future was supposed to be performing at, you
18 told him you didn't have any money; didn't you?

19 A Yes, sir.

20 Q Then you turn right back around and tell the police
21 that you cashed a check from your income tax and you had
22 some money. Now, which is it?

23 A That was, that was -- when you're talking about the
24 Future concert, that was a lie. That day I was home all day
25 and I did cash my tax refund check from when I was working

1 at the City of Denmark. They sent me my W-2 forms in the
2 mail and I cashed it at the ABC Liquor Store in Denmark.

3 Q So when you told Henry you didn't have no money, you
4 were lied to your friend?

5 A Yes, sir.

6 Q And you lied to him so he could pay your way like he
7 always did?

8 A Yes, sir. But the truth is that we was never going to
9 the concert.

10 Q Well, you lied to him about whether you had any money
11 to go. That's what you wrote in the statement; isn't it?

12 A Yes, in the statement that's what I said.

13 Q Henry came to see you while you were in jail?

14 A No, sir.

15 Q Did not?

16 A No, sir.

17 Q When you were in jail, did anyone come to see you much?

18 A My mom come when she can. Probably about once every
19 two or three months or something like that.

20 Q And you were upset about that; weren't you?

21 A Yes, sir.

22 Q You thought that your family had abandoned you; didn't
23 you?

24 A Well, I knew they ain't but they said they would still
25 continue to send me money. They just couldn't, had a

1 reliable vehicle to travel this far to come see me.

2 Q Now, when you went to the house that night, to Patrick
3 Larry's house, where was the shotgun?

4 A It was in the trunk.

5 Q And you say -- did you see Ms. Porter?

6 A No, sir.

7 Q Never saw her?

8 A No, sir.

9 Q Never laid eyes on her that night?

10 A No, sir.

11 Q Well, why is it you spoke to her or something?

12 A I said that she was in the kitchen and she asked
13 Patrick who he talking to. And Patrick said, I'm talking to
14 J.R. And she spoke to J.R. and J.R. spoke back to her. I
15 ain't never spoke to her.

16 Q So she didn't even know whether you were there or not?

17 A No, sir. She didn't know -- well, if she talking to
18 somebody in her house, she got to know they there.

19 Q Well, I'm saying you. Did you talk to her?

20 A No, sir. She doesn't know me.

21 Q So she didn't even know you were in the house that
22 night?

23 A No, sir.

24 Q Now, you told the police that -- finally, after you
25 said Pat shot him. Then you said well, all right. I shot

1 him. We're talking about Matt Milhouse. And you told the
2 police that you went up on the porch with a shotgun?

3 A Yes, sir.

4 Q The first story you told them was that you tried to
5 stick the gun in the door and he slammed the door so hard
6 that the gun went off and you accidentally shot him?

7 A Yes, sir.

8 Q That was a lie?

9 A Yes, sir.

10 Q Then you turned around and you say that you chased him
11 into the house, into the kitchen?

12 A Yes, sir.

13 Q And you shot him there?

14 A Yes, sir.

15 Q How close were you to this man?

16 A Probably about from here to that --

17 Q I'll walk it up on you.

18 A About from here to about to there. About to that
19 podium right there where --

20 Q To this podium?

21 A Yes, sir.

22 Q With this shotgun?

23 A Yes, sir.

24 Q You took this shotgun from where you were standing.
25 And I think you say you put it on your shoulder?

- 1 A Yes, sir.
- 2 Q That's right?
- 3 A Yes, sir.
- 4 Q And you shot this man?
- 5 A Yes, sir.
- 6 Q You knew you hit him. You hit him. Did he holler?
- 7 A No, sir.
- 8 Q Sir?
- 9 A No, sir..
- 10 Q Did it knock him down?
- 11 A Sir?
- 12 Q Did the velocity from this bullet, this shotgun, knock
- 13 Matt down?
- 14 A Yes, sir. I saw him fall to the ground.
- 15 Q You didn't think he fell just because he wanted to
- 16 fall. He fell because you shot him?
- 17 A Yes, sir..
- 18 Q You gamble?
- 19 A Sir?
- 20 Q Do you gamble?
- 21 A Yes..
- 22 Q In cards?
- 23 A Yes, sir.
- 24 Q Did you ever talk to Pat before that day?
- 25 A I had met him, yes, sir. And talked to him, yes, sir.

1 Q And you knew he was a gambler?

2 A I don't know what he doing. I ain't never seen him
3 gamble.

4 Q Well, what did you know about him?

5 A I just know that he was J.R.'s cousin.

6 Q You'd never been to that house before that night?

7 A No, sir.

8 Q So you don't know whether or not -- you hadn't been
9 there with J.R.; had you?

10 A Yes, sir. That's how I went to the house that night
11 because of J.R.

12 Q But prior to that night, had you been to that house
13 with J.R.?

14 A No, sir.

15 Q Had you ever been there with Matt?

16 A No, sir. I don't know Matt.

17 Q Had you ever been there with Patrick?

18 A No, sir.

19 Q Had you ever been there with anybody?

20 A No, sir.

21 Q So you knew nothing about that house?

22 A Yes, sir.

23 Q Well, did J.R. vouch for you to help you get, being a
24 little trainer out there at Voorhees?

25 A Yes, sir.

1 Q In fact, you were the girl's basketball trainer;
2 weren't you?

3 A Yes, sir.

4 Q And you had little contract with the men; is that
5 right?

6 A With who?

7 Q You didn't have much contact with the men. You were
8 the girls trainer?

9 A Yes, sir.

10 Q You saw J.R. every day?

11 A Yes, sir.

12 Q And you admired being with him because he was popular?

13 A Yes, sir.

14 Q Now this call that you say with J.R. and Pat were on,
15 how did you know it was Pat that he called or that Pat
16 called him. How did you know who was on the phone?

17 A I don't know.

18 Q You don't know?

19 A Yes, sir.

20 Q You just guessing?

21 A I just going by what he says. What J.R. says. I don't
22 know I didn't hear the conversation so I'm just here to
23 testify about what I know.

24 Q Well, what you know is that you're a liar?

25 A I lied previous times; yes, sir.

1 Q A lot of times?

2 A (No response)

3 Q Now, what kind of deal since we're on lying. What kind
4 of deal did you cut with the Solicitor?

5 A We didn't cut no deal.

6 Q You didn't cut no deal. You sitting up here the
7 defense killer and you're not expecting no help from the
8 State, from the Solicitor?

9 A No, sir. Because I admitted to it on statements that
10 I'm guilty and the murder weapon came back to me, so I am
11 guilty. So all evidence comes to me as the shooter, but I
12 telling the truth.

13 Q And you're going to sit here and want us to believe
14 that you're not looking for no help?

15 A No, sir.

16 Q You don't care whether you go to jail from now on?

17 A As long as I tell the truth, that's all.

18 Q Well, I don't know when you're telling the truth,
19 though, since you say lied at so many different times?

20 MR. GRAHAM: Objection, Your Honor.

21 THE COURT: I sustain the objection. That's not a
22 question. Thank you.

23 MR. SCREEN: I'll withdraw it, sir. Judge.

24 THE COURT: Thank you.

25 BY MR. SCREEN:

1 Q What time did you get to Pat's house that night?

2 A Probably about 10:00. I'm not sure.

3 Q Okay. And just the two, you and J.R. in the car?

4 A Yes, sir.

5 Q How long were y'all there?

6 A We stayed at Patrick house probably about thirty-five,
7 thirty minutes, something like that. I'm not sure.

8 Q You smoke marijuana?

9 A Sir?

10 Q Do you smoke marijuana?

11 A No, sir.

12 Q Well, who was it that wanted the weed?

13 A Patrick.

14 Q So Patrick was the one wanted to go over to get some
15 weed?

16 A Yes, sir.

17 Q Didn't you tell the police that the reason you had that
18 gun was because y'all was going to a strange club?

19 A Yes, sir.

20 Q And you were carrying the gun in case somebody got out
21 of the way, you had to take care of them?

22 A Yes, sir.

23 Q But that was a lie too; wasn't it?

24 A Yes, sir.

25 Q Sir, you've been represented by counsel in this case;

1 haven't you?

2 A Yes, sir.

3 Q Who's your lawyer?

4 A Derrick Mobley.

5 Q Derrick Mobley. And he was present with you when
6 talked to the police sometime; wasn't he?

7 A Yes, sir.

8 Q Do you recall meeting with the Solicitor's office
9 representatives and law enforcement, along with Patrick in
10 their conference room?

11 A Yes, sir.

12 Q And do you recall having the opportunity to read what
13 Patrick Larry had said about this incident?

14 A Yes, sir.

15 Q And you were, in fact, told that you need to conform
16 your writings, your statement to what Patrick said. Were
17 you encouraged to do that?

18 A No, sir.

19 Q You were not?

20 A No, sir.

21 Q How long did that conference last?

22 A Probably about an hour and something.

23 Q And they were asking you questions back and forth about
24 your involvement and involvement of others in this case?

25 A Yes, sir.

1 Q And you lied to them in instances; didn't you?

2 A Well, I told the truth. I was telling the truth, not
3 to help J.R. no more and to help myself. I still continued
4 saying that it was, that the gun went off in accident.

5 Q Which was a lie?

6 A Yes.

7 Q Because you knew you chased that man down like a dog
8 and killed him?

9 A Yes, sir.

10 Q Isn't that right?

11 A Yes, sir.

12 MR. GRAHAM: Objection, Your Honor. He's
13 testifying again.

14 THE COURT: He asked a question then and he
15 answered the question.

16 BY MR. SCREEN:

17 Q You killed Matt Milhouse?

18 A (No response)

19 Q Sir?

20 A Yes, sir.

21 Q And you lied about it several times; did you not?

22 A Yes, sir.

23 Q Yet you're not looking for any help at all from the
24 State?

25 A No, sir.

1 Q You don't want any?

2 A If they don't give it to me they don't give it to me.

3 MR. SCREEN: Judge, I have nothing further.

4 THE COURT: Thank you.

5 Redirect, Mr. Graham?

6 MR. GRAHAM: No, Your Honor.

7 THE COURT: Thank you. Mr. Washington, you can
8 step down.

9 About how long will your next witness take, Mr.
10 Solicitor?

11 MR. GRAHAM: Just one moment, Your Honor.

12 THE COURT: I'm just trying to decide whether this
13 is a good time to break or whether we can get another
14 witness in before the break.

15 THE BAILIFF: Your Honor, they're in need of a
16 little break.

17 THE COURT: Okay. The question has already been
18 answered. It's time for a break.

19 Ladies and gentlemen, we'll take a morning recess now.
20 We'll get you back out in fifteen to twenty minutes to
21 continue the trial. Please don't discuss this case among
22 yourselves. Thank you.

23 (Jury out at 10:59 a.m.)

24 (Court in recess for a short break
25 at 10:59 a.m.)

1 THE COURT: All right. Folks, we'll be in recess
2 for about fifteen to twenty minutes.

3 (Court in session after short break
4 at 11:22 a.m.)

5 THE COURT: Are we ready for the jury, gentlemen?

6 MR. GRAHAM: The State's ready, Your Honor.

7 MR. SCREEN: Yes, sir.

8 THE COURT: Thank you, sir.

9 (Jury in at 11:22 a.m.)

10 THE COURT: Mr. Graham, you can call your next
11 witness.

12 MR. GRAHAM: Thank you, Your Honor. The State
13 calls Bobby Washington to the stand.

14 THE COURT: Mr. Washington. Come forward, please
15 sir, and be sworn.

16 (WHEREUPON, Bobby Washington was
17 sworn to tell the truth.)

18 BOBBY WASHINGTON - DIRECT EXAMINATION

19 BY MR. GRAHAM:

20 Q Mr. Washington, how old are you?

21 A Fifty-nine.

22 Q And where do you live?

23 A Denmark.

24 Q What's your address there, sir?

25 A 5576 Capernaum Road.

1 Q How long have you lived there?

2 A Thirty-three years.

3 Q Are you married?

4 A Yes, sir, I am.

5 Q How long have you been married?

6 A Thirty-three years.

7 Q Where are you employed?

8 A Crane in Williston, South Carolina.

9 Q Can you pull that microphone just a little closer to
10 you, sir, and speak up.

11 A Crane in Williston, South Carolina.

12 Q What is Crane?

13 A It's the name of a packing company that does Coca-
14 Cola's, Pepsi's and snack machines.

15 Q How long have you worked there?

16 A Five years.

17 Q What do you do there?

18 A I press or I fabricate, make all the material for the
19 machines.

20 Q You make parts for those machines to be assembled?

21 A Yes, sir.

22 Q How many children do you have?

23 A Well, in all I have eight.

24 Q Where does -- Justin is your son; isn't he?

25 A Yes, sir.

1 Q Where does he fall in that eight?

2 A Third.

3 Q Third from the top or third from the bottom?

4 A Well, third by my wife.

5 Q So he's in the middle of those five?

6 A Yes, sir.

7 Q How long has Justin lived with you?

8 A Twenty-one years.

9 Q What's your home number, sir, your telephone number?

10 A Right now it's 571-8132.

11 Q Does the number 803-793-6270 mean anything to you?

12 A Yes, sir. That used to be my land line.

13 Q Was that your land line on February of 2012?

14 A Yes, sir.

15 Q Mr. Washington, are you a wealthy man?

16 A No, sir.

17 Q Were you able to or did you provide a car for Justin
18 when he was going up?

19 A Yes, sir. We had a car.

20 Q Did he have his own car?

21 A No, sir.

22 Q Did you get him a cellphone?

23 A No, sir.

24 Q Back in February of 2012 did he have a car?

25 A No, sir.

1 Q Did he have a cellphone?

2 A Not to my knowledge, sir.

3 Q Tell me about your relationship with Justin growing up.
4 What kind of boy was he?

5 A Well, he was like my sidebar. If I go anywhere, do
6 anything, he was always there. So like when I wake up,
7 there was his eyes looking at me. We do all things
8 together.

9 Q And how long did that relationship continue like that?

10 A I'd say until around twenty, when he got around twenty
11 years old.

12 Q Patrick Larry, when I say that name, does that mean
13 anything to you?

14 A No, sir.

15 Q Do you know whether Patrick Larry was a friend to your
16 son?

17 A No, sir.

18 Q How about Henry Johnson or J.R., does that mean
19 anything to you?

20 A J.R.

21 Q J.R. does?

22 A Yes, sir.

23 Q What was J.R. to your son?

24 A That I don't know. I have seen them close kind of.

25 I've never really talk or seen J.R. But most of the time

1 they was together.

2 Q Did you relationship with your son change after he
3 became friends with J.R.?

4 A Yes, sir, it had.

5 Q What was different about your relationship?

6 A Many times Justin would always -- if I would tell him
7 that I needed something done, he would do it. And it got to
8 where that if I would ask Justin to do something it would
9 take three or four days. He and J.R. was always going
10 someplace. And that was mostly his excuse, him and J.R. had
11 something to do.

12 Q Would you describe your son as a leader or a follower?

13 A A follower.

14 Q Why do you say that?

15 A Mainly because -- the reason I say that is because if
16 he -- if someone ask Justin to do something, he will more
17 than likely will do it. Even if they were to ask him to cut
18 grass or go some place with him, he'd put down everything
19 that he has in front of him and do such a thing.

20 Q Was it in character or out of character for you son to
21 be involved with a home invasion, burglary and murder?

22 A That was way out of character.

23 Q Mr. Washington, looking at State's 16, do you recognize
24 this?

25 A Yes, sir.

1 Q How do you recognize it?

2 A By the W on the handle.

3 Q Is this your shotgun?

4 A Yes, sir.

5 Q When the police came over to your house, did they ask
6 you about whether Justin had access to a shotgun?

7 A Yes, sir, they did.

8 Q And what did you tell them?

9 A I asked them what kind of shotgun. And they --

10 Q What did they tell you?

11 A They said a .20 gauge. And I said I have one of those.

12 Q And what did they ask you next?

13 A They asked me could I get it.

14 Q Did you know that they were investigating a homicide, a
15 murder?

16 A I think they came a few days earlier and talked with my
17 wife. And I think it was that Saturday, two detectives
18 came. One was talking with my wife and one was standing by
19 his patrol car. And I was in the back yard. I went and
20 talked with the other one while one was talking with my
21 wife.

22 Q So did you have knowledge that the police were looking
23 for a .20 gauge shotgun when they came and asked you?

24 A They say the shotgun. And then I ask them what kind of
25 shotgun. And they say a .20 gauge. And I said I've got one

1 of those.

2 Q Did you then, of your own will, go get that gun and
3 give it to them?

4 A Yes, sir.

5 Q Why did you do that?

6 A That guy told me, then I said if my son is involved in
7 it -- I want to clear my gun. If my son isn't involved in
8 it, I would like for them to have it. I wanted to get the
9 right person who done it, if it happened.

10 Q Thank you, Mr. Washington. Please answer any questions
11 Mr. Screen has for you.

12 THE COURT: Mr. Screen, cross-examination.

13 BOBBY WASHINGTON - CROSS-EXAMINATION

14 BY MR. SCREEN:

15 Q So you have eight kids, eight children?

16 A Yes, sir.

17 Q What age ranges are we talking about back in 2012?

18 A Back in 2012 I had a nineteen-year-old, a seventeen-
19 year-old, sixteen-year-old, if I'm correct. And a
20 grandchild that was thirteen or fourteen.

21 Q Were they all living in your house?

22 A Yes, sir.

23 Q And you were working at night back in those times;
24 weren't you?

25 A Yes, sir.

1 Q So you don't know exactly what Justin might have been
2 into while you were at work at night; do you?

3 A To answer you, no, sir.

4 Q And did there ever come a time when you had to put
5 Justin out the house?

6 A Well, sometimes after he and J.R. would get back he's
7 sort of like angry with the world. Seem like he's angry
8 with the world or whatnot. I don't know what happened.

9 Q Did he ever think you were showing too much favor to
10 your other children rather than him, and that's what fueled
11 his anger?

12 A Sir, I don't have no favoritism.

13 Q But could he have thought that?

14 A No, sir. He shouldn't.

15 Q You say you don't know Patrick Larry?

16 A No, sir.

17 Q And, of course, you don't know most of his friends, do
18 you, Justin's friends?

19 A The ones that comes to the house, yes, sir. And comes
20 into the house, yes, sir.

21 Q All right, sir.

22 MR. SCREEN: That's it.

23 THE COURT: Thank you.

24 Redirect?

25 MR. GRAHAM: No, Your Honor. Thank you, Mr.

1 Washington.

2 THE COURT: Mr. Washington, you can step down.
3 Thank you, sir.

4 MR. GRAHAM: The State calls Edward Lee Edmonds.

5 THE COURT: Mr. Edmonds, come forward, please,
6 sir, be sworn.

7 (WHEREUPON, Edward Lee Edmonds was
8 sworn to tell the truth.)

9 EDWARD LEE EDMONDS - DIRECT EXAMINATION

10 BY MR. GRAHAM:

11 Q What's your name, Sir?

12 A Edward Edmonds.

13 Q Do you go by Lee?

14 A Yes, sir.

15 Q Mr. Edmonds, how old are you?

16 A Sixty.

17 Q Where are you employed?

18 A Zeus in the maintenance department.

19 Q And what do you do there?

20 A Maintenance helper.

21 Q And how long have you worked for Zeus?

22 A Almost twenty years.

23 Q Where do you live?

24 A Orangeburg County.

25 Q How long have you lived there?

1 A Almost about twenty years there too.

2 Q Patrick Larry is your son?

3 A Yes, sir.

4 Q Back in 2012 where was Patrick living?

5 A With his mother.

6 Q Did he come visit you?

7 A Yes, sir.

8 Q Henry Johnson, J.R., Jay, you know who I'm talking
9 about?

10 A Yes, sir.

11 Q Who is he to you?

12 A He's my cousin.

13 Q How long have you known him?

14 A Since he was born.

15 Q How close do you live to his mom and dad?

16 A Sir?

17 Q How close do you live to his mother and father?

18 A We were about a half of a block.

19 Q And how long have you and his parents been neighbors?

20 A About twenty years.

21 Q And are you related to Mr. Henry Johnson's dad or his
22 mom?

23 A His mother.

24 Q Are you close with them?

25 A Yes, sir.

1 Q Are you under subpoena to be here today?

2 A No, sir.

3 Q Are you under subpoena to be here?

4 A Oh, yes, sir.

5 Q Do you want to be here?

6 A No, sir.

7 Q Tell me about your relationship with J.R.? You said
8 you've known him since he was born. Tell me about -- how
9 would you describe your relationship to him?

10 A He's great with young. I treat him like my son. We
11 used to shoot basketball together and everything. He's a
12 great kid as far as I'm concerned.

13 Q How often did you see him growing up?

14 A Just about every day.

15 Q How much time did you spend with him?

16 A I spent lots of time with him.

17 Q Why did you spend so much time with him?

18 A I used to take him to the basketball game a lot with me
19 because his daddy drive a truck. And I load the kids up and
20 I take a lot of them with me.

21 Q Did J.R. come over and visit you when he would go visit
22 his mom and dad?

23 A Yes, sir.

24 Q So even back in 2011, 2012, how often would he come to
25 see you?

- 1 A Every time he home, he'd be by the house.
- 2 Q And even after he got arrested, he continued to come to
- 3 your house and visit?
- 4 A Yes, sir.
- 5 Q Did you stay in contact with him?
- 6 A Yes, sir.
- 7 Q Do you know what his cellphone number is?
- 8 A Not by heart.
- 9 Q Do you have your phone with you?
- 10 A Yes, sir.
- 11 Q Is it programmed in your phone?
- 12 A Yes, sir.
- 13 Q Would you look it up for me, please?
- 14 A 447-5532.
- 15 Q And it's an 803 area code?
- 16 A Yes, sir.
- 17 Q Would you say that you still love J.R. today?
- 18 A Yes, sir.
- 19 Q Just like you love your own son?
- 20 A Yes, sir.
- 21 Q If I said the name Justin or Justin Washington, does
- 22 that mean anything to you?
- 23 A No, sir.
- 24 Q How about Justin or J-Dub?
- 25 A I mean, I knew of him but I don't really know him.

1 Q Did he ever come to your house?

2 A He been there several times.

3 Q When he came over there, who was he with?

4 A He came with Jay.

5 Q You talking about J.R.?

6 A J.R.

7 Q The times that he came over, did he ever come over by
8 himself with Patrick?

9 A No, sir.

10 Q So the several times that he was over at your house
11 with J.R., what was your impression of Justin?

12 A Nothing, because he was like sitting there being very
13 quite like.

14 Q You and I have met once before; isn't that correct?

15 A Yes, sir.

16 Q And we had some redacted versions of some telephone
17 calls; do you remember listening to those?

18 A Yes, sir.

19 Q Were you able -- did you listen to those?

20 A Yes, sir.

21 Q Did you recognize any voices on there?

22 A Yes, sir.

23 Q Whose voice did you recognize on there?

24 A J.R.

25 MR. GRAHAM: Your Honor, at this time, I'd like to

1 publish State's 24 and 25 again for identification. They're
2 already in evidence.

3 THE COURT: I understand that they're already in
4 evidence.

5 MR. SCREEN: If, Your Honor, please.

6 THE COURT: Sir? Yes, sir.

7 (Off the record bench conference with counsel and the
8 Court.)

9 THE COURT: Yes, sir, you can publish portions of
10 it. My understanding is that the purpose of this is to
11 identify voices that are on there.

12 MR. GRAHAM: Your Honor, it's my understanding
13 that I can publish the short one?

14 THE COURT: That's fine. The jury's already heard
15 the whole of them and so they don't need to hear them again.
16 The witness just needs to hear enough to be able to identify
17 the voices that are on there. Or the voice or voices, as
18 the case may be.

19 MR. GRAHAM: This is State's 25. I believe that
20 it is the short one. I'm not a hundred percent. So I'll
21 guess we will start and we can stop if it's not.

22 THE COURT: Okay.

23 BY MR. GRAHAM:

24 Q If you would listen to this.

25 THE COURT: You might want to -- there you go.

1 Good.

2 (State's Exhibit No. 25 was
3 published.)

4 BY MR. GRAHAM:

5 Q Do you recognize that voice?

6 A Yes, sir.

7 Q Whose voice is that?

8 A That's Jay voice.

9 Q J.R.?

10 A Yes, sir.

11 MR. GRAHAM: That's State's 25, Your Honor.

12 THE COURT: Okay. Thank you.

13 BY MR. GRAHAM:

14 Q Thank you, Mr. Edmonds. Please answer any questions
15 Mr. Screen has.

16 THE COURT: Mr. Screen, cross-examine:

17 MR. SCREEN: Court's indulgence.

18 EDWARD LEE EDMONDS - CROSS-EXAMINATION

19 BY MR. SCREEN:

20 Q Mr. Washington [sic], J.R. grew up with you around?

21 A Yes, sir.

22 Q What kind of kid was he?

23 A He was a great kid.

24 Q Is this the kind of behavior that he's charged with be
25 out of character as far as you're concerned?

1 A Sir, I wouldn't know. I mean, in my presence he's a
2 great kid. I don't know what my kids or anybody else's kids
3 doing when they're out of our eyesight.

4 Q But as far as you know, that would not match him; would
5 it?

6 A I can't that, sir, because I don't know.

7 Q Thank you, Mr. Washington [sic].

8 THE COURT: Redirect Mr. Graham?

9 EDWARD LEE EDMONDS - REDIRECT EXAMINATION

10 BY MR. GRAHAM:

11 Q Just for clarification though, you recognize one voice
12 on both of those disks that I showed you; correct?

13 A Yes, sir.

14 Q Okay. And the only voice you recognize is J.R.?

15 A Yes, sir.

16 Q And that was the first voice you heard on State's 25?

17 A Yes, sir.

18 Q Thank you, sir.

19 THE COURT: Mr. Edmonds, you can step down. Thank
20 you.

21 MR. GRAHAM: Your Honor, I'd ask that Mr. Edmonds
22 be excused to go back to work.

23 THE COURT: Certainly, without objection Mr.
24 Edmonds, you're excused. You can go back to work. Thank
25 you for coming.

1 Mr. Bell, Mr. Graham, another one?

2 MR. GRAHAM: Just one second, Your Honor.

3 THE COURT: Sure.

4 MR. GRAHAM: The State calls Mike Phipps, Your
5 Honor.

6 THE COURT: All right. Thank you. Come forward,
7 please, Mr. Phipps, and be sworn.

8 (WHEREUPON, Mike Phipps was sworn
9 to tell the truth.)

10 MIKE PHIPPS - DIRECT EXAMINATION

11 BY MR. GRAHAM:

12 Q How long have you been in law enforcement, Mr. Phipps?

13 A Seventeen years.

14 Q And your seventeen years was where?

15 A Started out on the road like most deputies, became a
16 road supervisor, corporal. And then about eleven or twelve
17 years ago, I was promoted into the crime scene unit.

18 Q So for the last eleven or twelve years you've worked in
19 crime scene?

20 A Yes, sir.

21 Q At some point did you shift your focus from actually
22 going and processing the scenes to doing something else?

23 A Yes, sir. About four years ago we became involved with
24 a task force administered by the Secret Service. And it's
25 the South Carolina Electronic Crimes Task Force. And

1 participation with the task force has allowed me to attend
2 some training, receive some equipment, that allows me to do
3 forensic examinations on computers and cellphones.

4 Q So for the last four years, you've been doing forensic
5 examinations on cellphones and computers?

6 A Yes, sir.

7 Q What kind of training have you had to assist you in
8 that?

9 A There have been various courses, some of them taught
10 through the Secret Service's Computer Training Center in
11 Alabama. Previous to that, I also had some training
12 specific to cellphone usage by a company called Search. I
13 attended their training class. I believe it was a five-day
14 course.

15 Q In addition to your formal training, do you also read
16 up on subjects?

17 A Yes. I subscribe to various on-line resources, forms
18 that we receive, current events and notices on new
19 technology, new process for processing phones.

20 Q How many computers have you examined forensically?

21 A I don't have an exact number. There's quite a few more
22 cellphones. Obviously, we see a lot more mobile devices
23 these days than we do computers or laptops. The cellphone
24 examinations are in the hundreds, over four hundred;

25 Q When we talk about a forensic examination of a

1 cellphone, what is it you're looking for in your --

2 A We take the device and we try to use the most
3 forensically sound process for documenting what's on that
4 thing. Obviously, any time you power-on a device things
5 change, dates, times, certain files get changed. But we, of
6 course, try to isolate in the network so it doesn't see the
7 network. And then use forensic tools. The primary one we
8 use is by a company called Cellebrite. Then we hook the
9 device to the Cellebrite and we try to pull as much
10 information off of it as we can, to include contact lists,
11 call logs, photographs that may be on the device. That type
12 of thing.

13 MR. GRAHAM: Your Honor, at this time the State
14 would offer Mike Phipps as an expert in forensic examination
15 of cellphones.

16 THE COURT: Mr. Screen, any voir dire.

17 MR. SCREEN: No objection, Your Honor.

18 THE COURT: Thank you. Without objection, he's so
19 qualified.

20 BY MR. GRAHAM:

21 Q Did you perform a forensic examination of a cellphone
22 in this case?

23 A Yes, sir, I did.

24 Q Let me show you State's No. 15 and ask if you recognize
25 that?

1 A Yes, sir. This is the phone I examined. The seal has
2 my initials and the date on it.

3 Q So you would have gotten this from the evidence
4 custodians at the sheriff's department?

5 A Usually, what happens is the case officer draws up the
6 search warrant. When the search warrant's issued, they
7 bring it to me. We go over to our evidence unit; we serve
8 the search warrant; I sign out the evidence.

9 Q The fact that you say it's still sealed and it has your
10 initials, where are your initials at on here?

11 A The very far left.

12 Q The fact that it's still sealed today with your
13 initials on it, what does that say?

14 A It just shows that nobody else has gone back in since I
15 sealed it after completing my examination.

16 Q And you said pursuant to a search warrant, you did an
17 examination of that phone; is that correct?

18 A Yes, sir.

19 Q Tell me about that examination in general terms. What
20 does it mean?

21 A I'm sorry?

22 Q In general terms, what does it mean when you do the
23 forensic examination. What do you do in that process?

24 A That phone -- I examined that phone back in March 2nd
25 of this year. And that was what we call a logical

1 examination. There's usually three types of examinations we
2 can do on a phone. Each one consecutively is a little more
3 intrusive. A logical is basically what you see is what you
4 get. It's the type of thing that would show all the
5 artifacts as if you powered it up and went through it
6 manually. There's a file system, a file system digital --
7 are more like a computer examination. And usually they're
8 reserved for the more modern phones, the Androids, the Apple
9 phones. This being a more simple flip phone doesn't have
10 those complex features. So we just did a logical
11 examination.

12 Q When you do a logical examination, what does that mean?

13 A We hook it to the Cellebrite. The Cellebrite is a tool
14 that's designed to interface with the phone and pull
15 information off without altering that information on the
16 phone. It doesn't add anything back to it and it doesn't
17 remove anything from the phone. It takes those artifacts
18 and allows us to generate a report that shows those areas,
19 such as contact lists, photos, call logs, text messaging,
20 that type.

21 Q Is that process called an extraction when you pull it
22 from the phone?

23 A Either extraction or acquisition. Both are suitable
24 terms.

25 Q So did you perform -- were you successful in performing

1 an extraction or acquisition on that phone?

2 A Yes, sir.

3 Q Based on that, did you -- what kind of information did
4 it give you?

5 A Referring to my report --

6 Q Just in general as far as the full extraction?

7 A We have call logs, contacts, SMS, which are text
8 messaging that have an image associated with it. Then text
9 messaging. Some audio files and image files.

10 Q You said call log, what is a call log?

11 A Just a history of what phone numbers were dialed or
12 called into that phone.

13 Q There have been previous testimony that there's a home
14 number related to Justin Washington of 803-793-6270. Did
15 you have a chance, at my request, to review your full
16 extraction report and see whether there was any contact with
17 that number?

18 A That was 6270 number?

19 Q Yes, sir?

20 A That number does not appear at all associated with that
21 phone.

22 Q So nowhere on that phone, in contacts, or any calls or
23 any texts do you find that number?

24 A That's right.

25 Q Specifically, did I ask you to focus in on a certain

1 number and do a -- to select out of the full extraction and
2 focus on a specific number?

3 A Yes, sir, you did.

4 Q What number did I ask you to focus on?

5 A That was area code 803-837-0329.

6 Q Looking at that number, was there a contact associated
7 with that?

8 A Yes, there was one entry in the contact list for that
9 number that had two phone numbers associated with it, a
10 mobile number and a home number.

11 Q All right. So what was the mobile number?

12 A The mobile number was area code 803-837-0329.

13 Q And what was the home number listed as?

14 A 803-247-5262.

15 Q And what was the name of the contact for those two
16 numbers?

17 A The name programmed under that listing was J.R.

18 Q And did you have -- let me show you a document and ask
19 if you recognize this document?

20 A Yes, sir, I do.

21 Q Is that a copy of the report that you generated
22 regarding contact between that phone, being State's No. 15
23 and that contact, J.R.?

24 A Yes, sir, it is.

25 MR. GRAHAM: Your Honor, the State would offer

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1 Q What are the days of those calls?

2 A Starting on January 20th, there's one call.

3 Q Let me interrupt you. As you're doing that would you
4 say whether it's incoming to the phone or outgoing as well?

5 A Yes, sir. There is an incoming call from J.R. on the
6 20th. There is another call outgoing to J.R. on the 22nd
7 and the 25th and February 4th, there's two outgoing calls to
8 J.R. on February 4th.

9 Q When's the next contact on that phone?

10 A February 11th, and that's an incoming call from J.R.

11 Q And what time does that call have?

12 A 8:20 p.m.

13 Q February 11th, 2012 an incoming call at 8:20 p.m.

14 A February 11th.

15 Q I'm sorry. February the 11th?

16 A Yes, sir.

17 Q What is the next contact after that incoming call on
18 the night of February 11th?

19 A It would be another incoming call on February 12th at
20 11:07 in the morning.

21 Q. The next call after that?

22 A. Another incoming call on the 12th at 2:29 p.m.

23 Q The next call after that?

24 A And another incoming call on the 12th at 8:19 p.m.

25 Q The next call after that?

1 A It would be on the 13th, February 13th at 1:36 a.m.

2 Q Is that incoming or outgoing?

3 A That's an incoming.

4 Q The next call?

5 A Again on the 13th at 10:42 a.m. incoming from J.R.

6 Q Next call?

7 A Again on the 13th at 7:45 p.m., which is incoming from
8 J.R.

9 Q The next call?

10 A Again on the 13th at 9:03 p.m. from J.R.

11 Q The next one?

12 A And then on the 13th again the outgoing to J.R. at
13 11:02 p.m.

14 Q And the next one?

15 A Moving to the 14th, there is an incoming call from J.R.
16 at 12:11 a.m.

17 Q The next one?

18 A Again on the 14th, a call to J.R. at 12:12 a.m.

19 Q Any other calls on the 14th?

20 A Yes. A call to J.R. on the 14th at 6:22 p.m. And then
21 again at 7:07 p.m.

22 Q Is that all the calls on the 14th?

23 A There was one more incoming at 7:20 from J.R. And
24 that's all the calls on the 14th.

25 Q How about the 15th of February 2012?

1 A I'm sorry?

2 Q How about on February 15th?

3 A There's also an additional incoming at 7:28. There's
4 one at 7:20 and then again at 7:28. That's all the activity
5 on the 14th.

6 Q Moving on to the 15th?

7 A The 15th, from that point forward, the only activity
8 with the number associated with J.R. are text messages.

9 There's --

10 Q Let me put this on the overheard. Just one second.
11 State's 32. Is that SMS messages, is that what you're
12 getting ready to discuss?

13 A Yes, sir, the text messages. There are six texts.

14 Q I believe there's a laser pointer up there on the
15 stand. Are you able to read the overhead?

16 A Yes, sir.

17 Q Starting time-wise, chronologically, are you starting
18 from the top of the box labeled SMS messages or at the
19 bottom?

20 A It goes backwards in time. The top, entry number one
21 that's an incoming call from J.R. or an incoming text, is
22 the most recent. You have to go to the bottom of the list
23 if you want to go chronologically.

24 Q Let me hand you another laser pointer and see if that
25 would help.

1 A This would be the first text message for the 15th. And
2 that one is an incoming text from J.R. at 11:17 a.m. on the
3 16th.

4 Q And what is the content of that incoming text from
5 J.R.?

6 A What up.

7 Q What's next in time?

8 A The next one is at 11:45 a.m. and that's an outgoing
9 text sent to J.R.

10 Q And what is the content of that text?

11 A Ain't S-H-T. Just chillin.

12 Q And then the next text chronologically?

13 A Is another outgoing text to J.R. at 12:18 p.m.

14 Q And what's --

15 A It's, what good with you, with ya.

16 Q Chronologically, the next one?

17 A Would be an incoming from J.R. The timestamp is 12:20
18 p.m..

19 Q And what's the content of that message?

20 A Shit cooling, making sure everything straight for now.

21 Q And then the next one?

22 A It would be an outgoing call or -- excuse me -- an
23 outgoing text to J.R., 12:20 p.m. Contents, haven't heard
24 nothing yet.

25 Q I'm sorry. What is the content again?

1 A Haven't heard nothing yet.

2 Q And then the final text on there?

3 A The final one's an incoming from J.R. at 12:23 p.m.,
4 O-A-I-T-E neither.

5 Q All right. The content of that last text again?

6 A O-A-I-T-E, nee, neither.

7 Q The times on here, that's in the time category that I'm
8 point out on the overhead; is that correct?

9 A Yes, sir.

10 Q There's a time on there that says, for example, the top
11 one. It says 12:23:50 p.m. And then in parenthesis it says
12 UTC minus 5. What time is that and what does that indicate?

13 A It means that the time's corrected to universal
14 coordinated time minus 5. That's the time zone that we're
15 in or eastern time.

16 Q So in eastern time, what time was that last -- for
17 instance, what time was that top text actually received on
18 the phone?

19 A That should be showing the corrected time. If it was
20 uncorrected, it would show UTC-0. And it would be in UTC
21 time.

22 Q Thank you, Mr. Phipps. Please answer any questions Mr.
23 Screen has for you.

24 THE COURT: Mr. Screen, cross-examine.

25 MIKE PHIPPS - CROSS-EXAMINATION

1 BY MR. SCREEN:

2 Q Mr. Phipps, your log summary is calls to J.R. What
3 you're telling this jury is that they originated from a
4 number, from an account, that may have been owned by someone
5 named J.R.?

6 A The notation of J.R. was programmed by the owner of the
7 phone that we did the acquisition on. So they named they
8 person J.R.

9 Q Yes, sir?

10 A As an entry in their contact list. And then they
11 associated a home number and a cellphone number with who
12 they call J.R.; yes, sir.

13 Q Well, that's not foolproof. That doesn't mean that the
14 person, J.R. was the one that initiated the call, just used
15 that phone and that account?

16 A You're correct; yes, sir.

17 Q Thank you.

18 THE COURT: Thank you.

19 Redirect, Mr. Graham?

20 MR. GRAHAM: No, Your Honor.

21 THE COURT: Thank you. Mr. Phipps, you can step
22 down.

23 MR. GRAHAM: Your Honor, Mr. Washington, who
24 testified earlier, is still in Court and I didn't ask the
25 Court to release him. I don't know whether he wanted to

1 stay or leave. But I did want to ask the Court whether he
2 could be released from his subpoena and he can go back to
3 work.

4 THE COURT: All right. Any objection to -- that's
5 Mr. Bobby Washington? Without objection, Mr. Bobby
6 Washington is released from his subpoena.

7 MR. GRAHAM: Thank you.

8 THE COURT: Mr. Bell?

9 MR. BELL: Thank you, Your Honor. At this time
10 State would call Mr. Dominique Duckson to the stand.

11 THE COURT: Mr. Duckson, come forward, please, and
12 be sworn.

13 (WHEREUPON, Dominique Duckson was
14 sworn to tell the truth.)

15 DOMINIQUE DUCKSON - DIRECT EXAMINATION

16 BY MR. BELL:

17 Q Dominique, how old are you?

18 A Twenty-four.

19 Q And where are you from?

20 A Norris, South Carolina.

21 Q Is that where you grew up?

22 A Yes, sir.

23 Q Where do you reside now?

24 A Norris, South Carolina. I'm staying in the same place.

25 Q Now, in 2012 where were you living?

1 A I was -- I forgot the address.

2 Q Do you remember what part of the State it was in?

3 A Swansea.

4 Q Dominique, I'm going to show you what's marked as
5 State's 1. Whose house is that Domonique?

6 A It was mine in 2012.

7 Q That's where you stayed in Swansea?

8 A Yes, sir.

9 Q Does the address 498 Calhoun Road ring any bells?

10 A Yes, sir.

11 Q And what address was that?

12 A The house.

13 Q That's where you lived in 2012?

14 A Yes, sir.

15 Q Who owned that house? /

16 A My name was on the lease.

17 Q How long had you been staying there as of February
18 2012?

19 A Right at, about over a year.

20 Q Did you live by yourself?

21 A For a little portion of it.

22 Q Anybody ever move in with you?

23 A Yes, sir.

24 Q Who?

25 A Matthew.

1 Q Anybody else?

2 A Tavaris.

3 Q What was Matthew's last name?

4 A Milhouse.

5 Q How old was Matthew; do you know?

6 A No, sir.

7 Q Was he younger than you?

8 A He was old enough to be my daddy.

9 Q How did Matthew come about living with you?

10 A It was just one day I had to get some yard work done.
11 And I was riding through North and I saw him walking, and I
12 stopped and ask him did he want to do some work. And he had
13 seemed like he was down. And I asked him what was wrong
14 with him. And he was like, he life it -- so he got in the
15 car and I took him to the house and he started working and
16 he was just with me ever since then.

17 Q Prior to seeing him on the road that day, did you know
18 him?

19 A Knew of him.

20 Q How long had you known of him?

21 A My whole life. I always seen him around doing work for
22 other people.

23 Q Do you know where he typically lived?

24 A No, sir.

25 Q Do you know what area he was from?

1 A North area.

2 Q Was he in the area where you grew up?

3 A Yes, sir.

4 Q Is that how you knew him?

5 A Yes, sir.

6 Q What did he have with him when you saw him on the
7 street that day?

8 A He had a bag, he had a big bag. It was clothes.

9 Q It was his clothes?

10 A Yes, sir.

11 Q Did he tell you if he had a place to live?

12 A No, sir. He had the rest of his clothes at another
13 house because later on that day I took him back to North and
14 he went to another house and got the rest of his stuff.

15 Q Ultimately, did you offer to let him stay with you?

16 A Yes, sir.

17 Q And did he accept that offer?

18 A Yes, sir.

19 Q Did you ask for rent from him?

20 A No, sir.

21 Q How was he paying for his stay?

22 A I mean, Matthew was the type that I ain't had to ask
23 him to do nothing. Anytime my vehicle came back the yard
24 would be clean. It was so crazy. Like sometime, he used to
25 iron my clothes. Sometime wash the dishes. He even cooked

1 for me like the way my mama would cook.

2 Q Did he keep the house up?

3 A Yes, sir.

4 Q Did he seem to take pride in where he was living?

5 A Yes, sir.

6 Q Now, I want to talk a little bit more about your house.
7 What kind of things did you have going on in that house?

8 A Well, it's so much.

9 Q Dominique I'm going to stop you. In the past, do you
10 recall meeting with me?

11 A Yes, sir.

12 Q And are you aware that from that conversation you were
13 offered immunity for any sort of drug related things or
14 other illegal activities that were taking place at this
15 house on and around February 11, 2012?

16 A Yes, sir.

17 Q And what does that mean to you?

18 A What does it mean?

19 Q Do you understand that means you can't get in trouble
20 for telling us about what was happening in that house that
21 day?

22 A Man, I'm losing my mind.

23 Q And why is that?

24 A Because we're on trial for Matthew's murder.

25 Q What sort of illegal things were happening in your

1 house?

2 A Gambling and drugs.

3 Q And did you know about those things?

4 A .Yes, sir.

5 Q Back then, were you a drug dealer?

6 A Yes, sir.

7 Q What kind of drugs?

8 A Marijuana.

9 Q Anything else?

10 A Dope.

11 Q What is dope?

12 A I guess you could say that is crack cocaine.

13 Q Who was selling the weed and dope for you?

14 A Matthew.

15 Q Did you say gambling was taking place at the house?

16 A Yes, sir.

17 Q Can you tell us more about that? What kind of
18 gambling?

19 A Like sometime we'd play tonk. And then sometimes we'd
20 play a game called skin. And other days, we'd play a game
21 called poker.

22 Q Did people come from different places to play in those
23 gambling games?

24 A In the skin game.

25 Q Was it more than just you and Matthew playing cards?

1 A No, Matthew never played cards.

2 Q So people came over to the house to gamble?

3 A Yes, sir.

4 Q Was money involved in those games?

5 A Yes, sir.

6 Q I want to talk about the incident with Matthew here
7 today, Dominique. February 11, 2012, did you have any plans
8 for that evening?

9 A Yes, sir.

10 Q What were your plans that evening?

11 A We was going to the mall and then we was going to the
12 Future concert later on that night.

13 Q Who is we?

14 A A couple of my homeboys.

15 Q Now, do you remember what time that future concert was
16 supposed to be?

17 A It was in Columbia. And Columbia like forty-five
18 minutes away, so I guess -- I guess, I'd say around 10:00.

19 Q Did Matthew go with you or was he supposed to go with
20 you to that concert?

21 A No, sir.

22 Q What was he doing that night?

23 A It was just him. When I left the house he was dancing.

24 Q Now, ultimately, were you able to get into that Future
25 concert?

1 A No, sir.

2 Q Why not?

3 A It was over capacity and they wouldn't let no one else
4 in.

5 Q So what did you and your friends do at that point in
6 time?

7 A We stopped at IHOP and got something to eat and then we
8 went to the (inaudible) Club.

9 Q Now, was a man named Patrick Larry with you at the
10 club?

11 A No, sir.

12 Q A man named Justin Washington?

13 A No, sir.

14 Q Was Henry Johnson at the club with you?

15 A No, sir.

16 Q What happened while y'all were at the club?

17 A What happened? Well, we as in the club when my homeboy
18 that was with me, he came up to me and he said we had to go.
19 Somebody's just robbed Matthew and shot him.

20 Q Ultimately, did you talk to the police about the
21 shooting?

22 A Ultimately. Not that night, the next morning.

23 Q When was it?

24 A The next morning.

25 Q Did you make contact with them or they make contact

1 with you?

2 A They made contact with my mother.

3 Q Did you tell them what you knew about the house?

4 A Yes, sir.

5 Q Did you admit to living there?

6 A Yes, sir.

7 Q Did you tell them where you were?

8 A Yes, sir.

9 Q Did they check on all that information?

10 A I really don't know.

11 Q Do you know if anybody else was supposed to be at your
12 house that evening with Matthew?

13 A Supposed to be, no. But knowing Matthew, probably was.

14 Q Would Matthew conduct business while you were gone?

15 A Knowing Matthew, yeah.

16 Q I'm going to ask you about some individuals and tell me
17 what you know about them. Do you know a Patrick Larry?

18 A Yes, sir.

19 Q How do you know him?

20 A I just met him, I think. We used to shoot ball
21 together. He used to be at the gym or the basketball court.

22 Q Had Patrick Larry ever been to your house there on
23 Calhoun Road?

24 A Yes, sir, multiple times.

25 Q And what would he come over for?

1 A He used to come buy marijuana.

2 Q Would you consider Patrick Larry a friend?

3 A More or less associate.

4 Q What an individual named Justin Washington?

5 A I saw him a couple of times. He be in my presence a
6 couple times, once or twice.

7 Q He did what a couple times?

8 A He was in my presence once or twice.

9 Q Was that at your house?

10 A No, sir.

11 Q Do you know if Justin Washington goes by any other
12 names?

13 A No, sir.

14 Q You ever heard the name J-Dub?

15 A No, sir.

16 Q Has a Justin Washington or a J-Dub ever been to your
17 house as far as you know?

18 A No, sir.

19 Q What about Henry Johnson, you know him?

20 A Yes, sir.

21 Q Does he go by any other names?

22 A J.R.

23 Q And how do you know Henry Johnson or J.R.?

24 A I grew up with him. He was like right ahead of me.
25 Went to the same high school.

1 Q He was a year older than you?

2 A He was a grade ahead of me.

3 Q Had he ever been to your house before?

4 A Once.

5 Q How about a Ronald Myers, do you know that name?

6 A Yes, sir.

7 Q Who is that?

8 A That's my first cousin..

9 Q Does he go by any other name?

10 A Rollo.

11 Q Excuse me, sir?

12 A Rollo.

13 Q Is that a name that is trusted around your house?

14 A Yes, sir.

15 Q Is that a name that was known in that area of Swansea?

16 A Yes, sir. I don't know about Swansea.

17 Q Now, I want to back up a little bit. How many times
18 had you run into Justin Washington?

19 MR. SCREEN: Objection, he's already asked and
20 answered.

21 THE COURT: I'm not sure the answer is all that
22 clear. I'm going to allow him to ask it again. I have a
23 feeling he's going to use it to springboard into something
24 else. Go ahead.

25 MR. BELL: Thank you, Your Honor.

1 BY MR. BELL:

2 Q In general, not just at your house, but how many times
3 have you run into Justin Washington?

4 A Probably twice.

5 Q Did you have extensive interaction with him at those
6 times?

7 A No, sir.

8 Q What were those interactions like?

9 A I said, no.

10 Q Pardon?

11 A I said, no, sir.

12 Q What were those interactions like? Did you have a
13 conversation with him at all?

14 A No, sir.

15 Q Did you just see him in passing?

16 A I saw him in the club once and then the other time I
17 saw him, we all was at my homeboy pool hall. We was just
18 sitting there talking.

19 Q Did you ever get to know him?

20 A No.

21 Q How about Henry Johnson, you ever have a chance to get
22 to know him?

23 A Yes, sir.

24 Q In general, not just at your house, how many times had
25 you run into Henry Johnson?

1 A I couldn't say. I knew him my whole life. I've seen
2 him my whole life.

3 Q Did you have a chance to talk to Henry Johnson?

4 A Yes, sir.

5 Q Did you visit with him with y'all were going to school
6 together?

7 A What you mean by visit?

8 Q Hang out?

9 A Maybe a few times.

10 Q In your experiences with Henry Johnson, does he
11 typically keep to himself or is he outgoing?

12 A People person.

13 Q He's a what?

14 A People person.

15 Q As far as his intelligence, do you think he's dumb?

16 A No.

17 Q Do you think he's smart?

18 A Highly intelligent.

19 Q Why do you say that?

20 MR. SCREEN: Objection. They haven't qualified
21 him to be any kind of --

22 THE COURT: I'm wondering -- he can characterize
23 him in certain ways, characterize, call him highly
24 intelligent. You're going to have to give some background,
25 some basis for that, conclusion.

1 BY MR. BELL:

2 Q In your interactions with Henry Johnson --

3 MR. BELL: I withdraw that question, Your Honor.

4 BY MR. BELL:

5 Q Dominique let's move on. Let's talk about the
6 relationships of some of these people. Did you ever see
7 Patrick Larry and Justin Washington together?

8 A No, sir.

9 Q Did you ever see Patrick Larry and Henry Johnson
10 together?

11 A Yes, sir.

12 Q Do you know how many times you've seen them together?

13 A Every time we shot ball.

14 Q In observing them, what kind of relationship did they
15 have?

16 A They were family.

17 Q Do you know what kind of family they were?

18 A I don't know their relations, but I know they're
19 family.

20 Q What about Henry Johnson and Justin Washington, had you
21 seen them together?

22 A Yes, the two times --

23 MR. SCREEN: He's asked that and just answered.

24 THE COURT: Well, Patrick and Henry. And now he's
25 asking about Henry and Justin. I'll let him --

1 MR. SCREEN: He asked if he'd seen them, Your
2 Honor. He asked if he'd seen Justin. He said I'd seen him
3 twice. I seen him once in a club and some other time.

4 THE COURT: Right.

5 MR. SCREEN: It's already asked and answered.

6 MR. BELL: Now I'm asking about the pair of them
7 together, Your Honor.

8 THE COURT: Okay. He asked about individually.
9 He hadn't asked about seeing them together. Go ahead. You
10 can ask that.

11 BY MR. BELL:

12 Q Dominique, have you seen Henry Johnson and Justin
13 Washington together?

14 A Yes, sir, the two time that I seen Justin I seen him.
15 That's who he was with.

16 Q And what environment did you see them together?

17 A The first environment was at the club. The second time
18 I told you we was all together at my homeboy pool hall.

19 Q On those times where you saw them together, how was
20 Justin Washington acting?

21 A He didn't say anything. He was just --

22 Q Did he keep to himself or did he talk to a bunch of
23 people?

24 A Naw, he ain't talk to nobody.

25 Q On those same occasions did Henry Johnson keep to

1 himself?

2 A No..

3 Q Was he able to mingle?

4 A Yes, sir.

5 Q In observing their relationship, did they appear to
6 just be passing acquaintances?

7 A No.

8 Q What kind of relationship did they have?

9 A I guess they was tight..

10 Q Did they seem close?

11 A Yeah.

12 Q Did you ever talk to Henry Johnson about that
13 friendship with Justin Washington?

14 A We never, we never conversated about as far as like
15 their friendship.

16 Q Did Henry Johnson ever tell you anything about Justin
17 Washington?

18 A Did he ever -- he told me was trained to go.

19 Q He told you what?

20 A He was trained to go..

21 Q He was trained to go?

22 A (No response)

23 Q Did you talk to Matthew before leaving the house that
24 night on February 11, 2012?

25 A Yes, sir.

1 Q Did you say anything to him?

2 A About?

3 Q Anything at all?

4 A Yeah. I told him not to let anybody in the house.

5 Q Dominique, when Henry Johnson was telling you about
6 Justin Washington, what was the context for the surrounding
7 issue going on when he told you that he was trained to do or
8 whatever it was that you said earlier. What did that mean?

9 A I was going through something else. Like I got into it
10 with someone else. So by him telling me he was trained to
11 go, I guess to say if he told him to do something he was
12 going to go do it.

13 Q If who told who to do something?

14 A If J.R. told Justin to do something, he was going to go
15 do it.

16 Q Please answer any questions Mr. Screen may have for
17 you.

18 THE COURT: Mr. Screen, you may cross-examine.

19 MR. SCREEN: Thank you, Your Honor.

20 DOMINIQUE DUCKSON - CROSS-EXAMINATION

21 BY MR. SCREEN:

22 Q Dominique, How long have you been selling drugs?

23 A A couple months.

24 Q I'm talking about back in 2012 around February --

25 A A couple months.

1 Q Selling drugs for a couple of months. And you've been
2 selling them out of that house 498 Calhoun Road?

3 A Yes, sir.

4 Q You were selling cocaine and marijuana?

5 A No, sir. I was selling crack cocaine.

6 Q Okay. I'll accept that. And how do you make crack
7 from cocaine?

8 A I don't know how you make it.

9 Q You don't cook crack?

10 A No, sir.

11 Q But you sell it?

12 A Yes, sir.

13 Q You buy it already from someone else, I assume?

14 A Yes, sir.

15 Q And you sell it for a profit?

16 A Yes, sir.

17 Q And you let Matthew come to live there with you because
18 you used Matthew to sell drugs for you when you weren't in
19 the house; didn't you?

20 A No, sir.

21 Q He didn't ever sell drugs for you when you weren't
22 home?

23 A Yes, sir. When I picked Matt up, I wasn't selling
24 drugs then. I was just gambling.

25 Q But while Matt was there you began to sell drugs?

1 A A couple weeks after. I used the gambling money to buy
2 weed.

3 Q That's right. And you sold weed?

4 A Yes, sir.

5 Q And you sold crack?

6 A Yes, sir.

7 Q And he would sell for you sometime when you weren't
8 there?

9 A Yes, sir.

10 Q He'd have to keep your money and all straight. You
11 trusted him; didn't you?

12 A With all my heart.

13 Q Otherwise, you wouldn't have turned him loose with your
14 product and your money?

15 A I know I wouldn't have picked him up from the side of
16 the road.

17 Q You picked him up and used him. Now, let's talk about
18 this. The Solicitor, when they brought you in to talk with
19 you, you knew or you were afraid they might ask you about
20 some drug dealings, weren't you?

21 A (No response)

22 Q Sir?

23 A Can you repeat it again?

24 Q When the Solicitor brought you in to interview, were
25 you concerned or afraid that they might ask you about your

1 drug behavior?

2 A - No, sir, because they said the day after Matt got
3 killed they told me that they found drugs in the house. So
4 I knew.

5 Q It didn't bother you?

6 A Huh-uh. (Negative response) Didn't bother me.

7 Q Well, what's this story about immunity? Tell me about
8 that?

9 A About -- they told me whatever I testified, that y'all
10 couldn't use it against me about drugs.

11 Q That they wouldn't use it. I can't prosecute you for
12 it. He wouldn't use it. Is that right?

13 A Yes, sir.

14 Q So you're free to tell us whatever you know. And we're
15 going to look the other way about your drug behavior.
16 That's what you understood, isn't it?

17 A Yes, sir.

18 Q You ever have a hundred thousand dollars in that house
19 at one time?

20 A No, sir.

21 Q So if anybody say they saw y'all flashing a hundred
22 thousand or three hundred thousand in the house, that'd be a
23 lie; wouldn't it?

24 A Definitely a lie.

25 Q Yes, sir. And y'all ran a little card game, so you

1 never got up into, nowhere close to that kind of pot; did
2 you?

3 A No.

4 Q In fact, Dominique, you never were in the company of
5 Justin Washington and Henry Johnson long enough to form any
6 kind of opinion about them?

7 A I mean, that one time when we was in the pool hall.

8 Q But how long was that? How long were y'all around each
9 other?

10 A I'd say four or five hours, just talking.

11 Q Y'all were talking?

12 A If you mean about Justin, he wasn't talking, he didn't
13 say nothing. I was there talking to my homeboys and J.R.

14 Q Well, you're a people person too; aren't you?

15 A To a certain extent.

16 Q That's how you get your customers to come buy drugs
17 because they know you. They're coming to get the dope from
18 Dominique?

19 A No, sir.

20 Q You determined that Justin was a trainer for J.R. at
21 the college, at the team at Voorhees?

22 A He said he did.

23 Q Did you know that?

24 A No, sir.

25 Q So he could have been talking about being a trainer at

1 the college and not training him to do something?

2 A Training to go is a street term.

3 Q Like you trained to sell dope?

4 A No, sir.

5 Q Well, do you know Lisa Carr?

6 A I know of her.

7 Q Well, how do you know her?

8 A That was Matt girlfriend.

9 Q And what is your opinion of her? Since you know about
10 these other people, what's your opinion of Lisa?

11 A I mean, she -- I ain't -- I never got to know her as a
12 person. She was just there with Matt.

13 Q How long did you know her?

14 A I knew of her for a long time but I knew her like a
15 person, being in a house in my presence since I picked up
16 Matt.

17 Q And you sold her drugs too? Cocaine, crack cocaine,
18 and marijuana; didn't you?

19 A Matthew did.

20 Q Well, it was your dope; wasn't it?

21 A Matthew sold it.

22 Q But it was your dope?

23 A Matthew sold it to her.

24 Q But it was your drugs?

25 A Matthew sold it to her.

1 Q I didn't ask you who sold it. I asked you if it was
2 yours?

3 A Yes, sir.

4 Q You turned that young white girl out, you made a junkie
5 out of her; didn't you?

6 A As far as I knew, she was already a junkie.

7 Q And you didn't help her much, though, did you?

8 A I helped Matt.

9 Q It was your dope that she was using that night of the
10 12th; isn't that right?

11 MR. BELL: Objection, Your Honor. Relevance.

12 THE COURT: I'll allow that.

13 BY MR. SCREEN:

14 Q You come in here and tell us all that you sell drugs,
15 hard drugs to people, anybody who want them?

16 MR. BELL: Objection, Your Honor. That's not --

17 MR. SCREEN: Judge, he's admitted he's a drug
18 dealer; I'm asking if that's what he saying.

19 THE COURT: Right. Go ahead.

20 A I don't sell drugs. 2012 was a long time ago.

21 BY MR. SCREEN:

22 Q So you don't sell drugs anymore?

23 A No, sir.

24 Q But the ones that you did sell, you don't have to worry
25 about any trouble on it; do you?

1 A Can you say that again?

2 Q Tell us about the time you allege that Henry came to
3 your house? When was that?

4 A I don't recall.

5 Q You don't recall what year it was?

6 A 2012.

7 Q What month of the year?

8 A I think it was 2011. It was cold, so it would have had
9 to have been from October to December.

10 Q And he never bought or you never sold him any drugs;
11 did you?

12 A Never.

13 Q Whenever you go and see Henry and Justin, y'all would
14 be at a basketball court sometime; wouldn't you?

15 A No, sir.

16 Q Be at the pool room?

17 A We was at my homeboy pool hall.

18 Q Yes, sir. Did you talk to the Solicitor about your
19 testimony here today?

20 A What you mean by did I talk to him?

21 Q Did y'all talk about what you say here today?

22 A He asked me to tell him the truth and I told him the
23 truth.

24 Q I didn't ask you that. Listen to my question.

25 A I'm listening.